



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
MARCH 3, 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.

ZOOM INSTRUCTIONS

You are invited to a Zoom webinar.

When: Mar 2, 2022 08:30 AM Mountain Time (US and Canada)

Topic: 2022/03/03 Regular Council Work Session - AM

Please click the link below to join the webinar:

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Webinar ID: 870 5669 1487

International numbers available: <https://us02web.zoom.us/j/89618215945>

MORNING WORK SESSION

8:30	1. Agenda Review	Information/Discussion
8:45	2. Historic Water Planning and Water Model Results Discussion	Information/Discussion

ZOOM INSTRUCTIONS

You are invited to a Zoom webinar.

When: Mar 3, 2022 03:45 PM Mountain Time (US and Canada)

Topic: 2022/03/03 Regular Council Meeting

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WORK SESSION

3:45	3. Comprehensive Plan Update - Growth Analysis and Strategies	Information/Discussion
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REGULAR SESSION

5:15	4. Roll Call	
	5. Swearing in Marco Dehm for Ward 1 Council Seat	Presentation
5:30	6. An executive session pursuant to Colorado Revised Statute 24-6-402(4)(b) and (e)(I) for a conference with the City Attorney for the purposes of receiving legal advice on specific legal questions, determining positions relative to matters that may be subject to negotiations relating to the Mitchell Cooper Water System and the Downtown Overlay District.	Information/Discussion

6:15	7. Pledge of Allegiance	
	8. Agenda Changes & Conflicts	
	9. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes)	
6:25	10. Council Comments	
6:35	11. Consent Agenda	Discussion and/or Action
	A. February 17, 2022 City Council Minutes	
	B. February 25, 2022 Special City Council Minutes	
	C. Sustainable Strategies Agreement	
	D. City Hall HVAC System Upgrades	
	E. Request to Execute Colorado River District and the City of Glenwood Springs Community Funding Partnership Contract	
	F. Ordinance 2022-04, Code Amendments to Wireless Communication Facilities Standards Section 070.030.030(g), Second Reading	
	G. Affirmation of Resolution 2022-09 to apply for the Historical Coke Ovens Americans with Disabilities Act and Site Improvements Federal Mineral Lease District Grant	
	H. Adoption of Pedestrian and Bicycle Improvements Plan (MOVE Study)	

ACTIONS AND/OR PRESENTATIONS

6:40	12. Comprehensive Plan Update - Growth Analysis and Strategies	Discussion and/or Action
6:55	13. Airport Board Appointment	Discussion and/or Action
7:00	14. Ordinance 2022-06; Adoption of Updated Editions of Building Codes, Second Reading	Discussion and/or Action
7:10	15. Ordinance 2022-09 - Amending Title 070 to add Guidelines and Regulations for Matters of State Interest, Second Reading; Planning Item 02-22	Discussion and/or Action
7:20	16. Ordinance 2022-07; Changes to Title 070 and 90 related to Public Art Funding Planning Item 57-21	Discussion and/or Action
7:50	17. Ordinance 2022-12; Ward Redistricting	Discussion and/or Action
8:00	18. Community Broadband Fiber to the Home Project Update	Discussion and/or Action
8:10	19. Ordinance 11, Series of 2022 (One Reading) Amending the 2022 Budget for Broadband Expenditures	Discussion and/or Action
8:15	20. Electric Operations Center Request for Proposal 2021-28P Award to DM Neumann Construction Company	Discussion and/or Action
8:25	21. Report from City Administration	
	A. City Manager	
	B. City Attorney	
	C. Correspondence Incoming/Outgoing	
	22. Adjournment	

Work Session/Agenda Planning through April of 2023

City Council Meeting	Work Session Item	Agenda Item
March 3, 2022 (Starts at 8:30 AM)	Comp Plan Update (morning) Water Model Results (hour in the morning) Ex Session – Mitchel Cooper	Airport Tunnel Design Decision
March 17, 2022 (Purim ends in the evening of March 17)	River Commission Rural Fire Board (1 hour in the afternoon) Energy Improvements in City Buildings	Code Enforcement Philosophy BRT/local bus optimization (MOVE STUDY) Presentation Board and Commission Discussion
April 7, 2022 (Starts at 8:30 AM)	Electric Rates (1.5 hours in the morning) Franchise Management for Trash and Recycling (1.5 hours in the afternoon)	Emergency Evacuation Planning Update Affordable Housing Presentation BRT/local bus optimization (MOVE STUDY) decision
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)	Arts and Culture Board Fire Mitigation Strategies	Ad Hoc Committee for Affordable Housing Recommendation

	South Canyon RFP/Parks and Rec	Direction on Housing Commission/RFQ Results for Affordable Housing Project Buddy Program Presentation
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

Art Center/Performing Arts Center

Water Use Reduction Solutions/Incentives



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	Historic Water Planning and Water Model Results Discussion
Action Requested:	Discussion Purposes Only
Department:	Public Works
Presented By:	Matthew Langhorst
Strategic Goals:	Preserve and Improve Infrastructure
Background Info:	The background information for this topic is within the attached staff report.
Issues:	None at this time.
Fiscal Impact:	Water rates were increased to accommodate for the work necessary to bring the system back up to an acceptable level.
Legal Review:	Water Rights Discussion
Staff Recommendation:	The staff is recommending further discussion on the EQR calculations presented in the water model from SGM.

March 3rd, 2022

Water History and 2021 Water Report Data Staff Report

The City of Glenwood Springs has been compiling water reports since the early 60's that review the water system, water usage, track wells, and discuss supply options. The most pertinent reports that we will be focusing on during this work session are Wright Water Engineers (WWE) "Water Resource Options for the City of Glenwood Springs, 1985"; WWE "Supplemental Water Supply for the City of Glenwood Springs from Roaring Fork Alluvial Well Fields"; and SGM's "Water System Master Plan" 2021.

WWE's 1985 resource report identifies and analyzes the raw water supply options available to the City of Glenwood Springs, which these options are still pertinent to discuss in 2022. Summary questions the report focused on:

- Can No Name/Grizzly Creek raw water supply the system if it is the sole source available.
- Can a second water supply be developed economically to back up the No Name/Grizzly supply.
- Can a second supply alleviate the turbidity issues with the current supply.
- Will there be cost savings at the Red Mountain Water Treatment Plant (RMWTP) with a second source?
- Will the City's water quality be altered by adding a second source of water?
- What are the advantages, disadvantages, and probable costs for the proposed Grizzly Creek Reservoir?

This report discusses future demand and utilizes a 1978 Wright-McLaughlin Engineers population study to make assumptions where the city will be in 1997. The report predicted a population of 18,500 in the year 1997, including an estimate of a peak of 5,500 overnight tourists. With these two population predictions, the report estimates a 10.7 MGD demand. A second report completed by James M. Montgomery dated December 1981 estimate the 1997 demand to be between 12-15 MGD. Population projections numbers were not provided within the report. The Montgomery report used actual daily peak production numbers for their calculations, which were focused around a June peak day in 1980/1981 at 6.1 MGD and 6.6 MGD. Maximum day demand occurred in July of 1980 at 8.0 MGD and August of 1981 at 9.1 MGD. Both maximum day demands assumed 1 MGD of system leakage loss.

The WWE report assumed that the 9.1 MGD system demand along with the West Glenwood water needs would require 15 MGD by 1997 or 23.2 cfs. The City did not take over the West Glenwood water system until the late 1990's, thus the addition of the water demand of West Glenwood to the existing system demand. The City's existing senior water rights from No Name and Grizzly Creek total 20 cfs. The No Name/Grizzly 20 cfs is equal to 12.93 MGD for reference.

Existing Water Supply Data for Reference:

- The City paid for a USGS metering gage (09071300) to be placed on the Grizzly Creek outflow just below where the Grizzly Creek Reservoir condition water right exists today. The current water right reservoir was designed to store 3,879.8 acre-feet (1,264,238,385 gallons) of water for municipal use.
- The city utilized 2,394 acre-feet (780,040,000 gallons) of water in 2021, which is on the high end of water use over the last 5 years, or 61% storage capacity of the current reservoir design.
- The WWE report notes that the Grizzly basin produces 8,850 acre-ft on an average snow year and 4,190 acre-feet on a dry year, which is more than the city would require in whole even on a dry year based on current usage.
- If you take all of the flow data from the USGS gaging station and average those flows taken from 1976 to 1996, the gaging station was able to produce 9,362.49 acre-feet of water or 2.4 times more water than the City of Glenwood Springs currently uses.
- It should also be noted that none of the Grizzly data assumes No Name Creek supplying any water to the system, which is currently does reliably from September through June/July in most water years.
- Peak water day in 2019: 4.006 MGD
- Peak water day in 2020: 4.710 MGD
- Peak water day in 2021: 4.381 MGD

The WWE report discusses pros/cons of the No Name and Grizzly Creek supplies. We all know that wildfire can quickly alter water supply discussions. Having a reservoir that could help reduce turbidity levels within a burn area water shed would be beneficial to the supply. A reservoir would also be able to reduce turbidity within a normal supply condition by controlling the flow out of the basin and reducing the large flushing events that occur during peak runoff. Staff does understand that flushing events are good for the surface water system but being able to control the duration of those flushing events allows staff to plan when water is being pulled from the creek to only pull during low turbidity release times. Cons of a reservoir are overall construction and maintenance costs associated with the infrastructure.

Alternative Surface Water Sources:

Other surface water sources were looked at within the report, the main source of water available to the city and accessible to the existing water plant location are the Colorado River and Roaring Fork River. With the high organics and turbidity within the Colorado River most of the year, the Roaring Fork was noted as a much better water supply option. That continues to be the case even today, which is why the city constructed a 5 MGD pump station on the Roaring Fork at the 8th Street bridge. This pump station is piped directly to the No Name/Grizzly Creek gravity systems 24" DIP line. Both systems cannot currently function at the same time, thus only a single water source is still available for city use. The department currently has a contract to install a second 24" line from the Roaring Fork River pump station to the WTP. As part of this project a blending vault will be installed. This will allow the mixing of both sources of water to be combined and allow for redundancy on the existing 24" DIP line. The other sources of water, Mitchell Creek, Oasis Creek, Three Mile and Four Mile Creeks are too far from the existing plant to be useable, but they could be

used for small pumped raw water supply systems throughout the city to help remove irrigation water from domestic water use and help bring plant production rates down in the summer.

Optional Ground Water Sources:

Ground water potential, aka well systems, was also reviewed within the 1985 report, and was gone into depth in the 1987 report. The 1985 report reviews the 4 basic bedrock formations that the City of Glenwood Springs sits one, all of the layers are either low in water quality due to salts and silts, or low in volume yield due to their soil makeup and depth of layer. The best of the layers is the shallow alluvial fan soils, that run along the Roaring Fork and Colorado River, but this layer along the lower Roaring Fork River and Colorado River are inundated with hot springs sulfur water, thus making a downtown well field unlikely. The report notes that the most viable well location area near the city would be along the airport, Three Mile and Four Mile Creek stretch of the Roaring Fork River. The 1987 report shows 26 existing wells in the south end of town, and discussion in the report note that not one of the wells would provide water acceptable for domestic use. To make a well system viable it would need to accommodate for a minimum of 1,000 gallons a minute to provide up to 1.5 MGD. This would be a supplemental water supply, not one that would accommodate for all city water needs. Normally a well field would be put in place to collect high quality water that would keep treatment processing down, but even with wells located farther south the water would still need a high level of treatment and taste control processing to make it viable for domestic use. The reports notes that ground water quality is anticipated to be lower than the water quality from No Name and Grizzly Creek. The city has seen this firsthand with the failure of the Park East pumping station where the wet well along the river collected high levels of selenium during low water levels due to the leaching water from the riverbank. The test holes that were completed during the 1987 report were located on or just east of the Jackson Ranch. The holes on the Jackson Ranch were deemed unusable for domestic supply, they appear to be recharging with irrigation of the ranch not by natural recharge. This same situation occurred on the east side of Highway 82 with holes #3 and #4. These were more successful well tests, but they appeared to recharge faster with the Glenwood Ditch being in use, the ditch is no longer in use. This could cause issues with draw down and recharge rates of a field of wells in this location. To note: if the city wanted to maintain full city water capacity for domestic and irrigation supply needs, that would move the well field capacity up to 3,125gpm, which would most likely require north of 10 wells to accommodate.

Since the water demand model and population projections within all the reports noted were so overestimated, we are only using current demands and projections for our water supply planning.

Plant Operations and Capacity:

Completion of the Red Mountain Water Treatment plant upgrades to accommodate higher turbidity, TSS and capacity upgrades were completed in 2021. Currently the plant is permitted to produce 8.65 MGD of water, it could be re-permitted up to 10 MGD after the upgrades were completed. Water modelling of the 24" raw water supply line from the Canyon Tank to the RMWTP can supply ~ 9.9 MGD. This is reduced to 8.7 MGD after the three in line taps take their share of the raw water supply. This can be increased by approximately 0.5 MGD by having the pool provide their own water supply system and removal of their tap from the system. The City could possibly push

the extra 2.9 MGD available by water rights to the plant by pumping water at the pump station with a water transfer right.

Population Review:

In 2020 the US Government completed the latest round of population census data collection. The City of Glenwood Springs came in just under 10,000 people which did not move the mark from the 2010 census data. It is possible that due to COVID and political conditions that the number could have been swayed lower than anticipated, so staff is assuming the population is 11,000 to be conservative. Currently the City has 1,700 beds for tourists to use, along with 160 short term rentals available in town. Assuming 2.5 people per bed and 4 people per rental the tourist population at peak is assumed at 4,890 people. As you can see both numbers are below the 1985 report assumptions for 1997, in the year 2022.

2021 Water Model Report Summary

A hydraulic model is a computer simulation of a water distribution system. This simulation is used by water systems and engineers to run steady simulations, which is an instantaneous snapshot of the system; and extended period simulations, which tracks the behavior of the system over time quickly and accurately. These simulations can be used in a variety of ways, indication of pressures throughout the system, velocities in pipelines, fire flow availability, water age and much more. To ensure that the simulation is accurate it must be calibrated. This is done by gathering field data such as pressures, hydrant flows and tank levels.

In 2018, the city contracted with SGM to do focused simulations to evaluate the needs of staff known problem spots of town. These specific simulations guided staff to make decisions for planning and construction purposes, the 18" waterline upgrades which is part of the South Midland project and the second 500k gallon Cardiff Tank.

In 2021 The city once again enlisted SGM to do a comprehensive evaluation of the city's entire water distribution system. The objectives were to report on its condition, make recommended improvements to the system and evaluate future buildout scenarios. Overall, the city's water system is in good shape and functionally sound.

- Demand Analysis.
 - Provide historic meter and production data and recommend a new EQR calculation. Historically 350 gpd was used. The model recommended a reduction to 274 gpd, which closely reflects similar sized systems.
 - Future buildout scenarios using a planned development provided by staff.
- Hydraulic model calibration.
 - Field data collection was needed to finish calibration of the entire water model.
- Water system evaluation.
 - Simulations were performed under existing conditions and possible future buildout conditions.
 - Storage volumes were evaluated with a focus on emergency operations, fire protection and supply equalization.

- Fire flow availability was evaluated with the assistance of Greg Bak specific targets were identified in each pressure zone
- The entire distribution system was analyzed focusing on water line velocities, pressures, and water age.

The completed analysis shows that the distribution system is in overall good condition. Previous evaluations and recently finished projects were confirmed in the model. By the time the projects were completed in fall it was too late to really evaluate field conditions, but early indications have shown them to be working.



Some known and unknown system deficiencies were identified.

- The Glenwood Highlands/Cedar Crest zone historically has storage and pumping deficiencies during high demand months. Recommended improvements were to replace booster station #2 with upsized pumps to handle higher demand periods. A new storage tank was recommended to be added in the West Glenwood area. The department was planning a second tank next to the existing highlands tank but due to its location and terrain it was decided to move the new tank location further west nearer the Sunny Acres neighborhood.
- West Glenwood zone has had known water age issues which was confirmed in the model. An immediate no cost operations change was implemented to bring water age to a more acceptable duration. Other recommendations are to upgrade the Mel Rey and island vault control valves. The improvements will allow operators more flexibility to supply water in the West Glenwood zone.

- Replace 8" lines near booster station 1 to reduce line velocities
- Complete 18" pipe upsizing along the remainder of the midland corridor to 8th St.
- Loop the waterline running down Mitchell Creek Road back to the US-6 waterline.



Finally, we asked SGM to review the city's EQR calculation of 350 gallons per day (gpd). Using consumption and production data from 2018-2020, a reduction in EQR was recommended to 274 gpd. The value is comparable to other similarly sized systems. Existing conditions reflect the 274 gpd as a valid EQR using the same EQR it shows that the system will be able to handle future buildouts identified by staff.

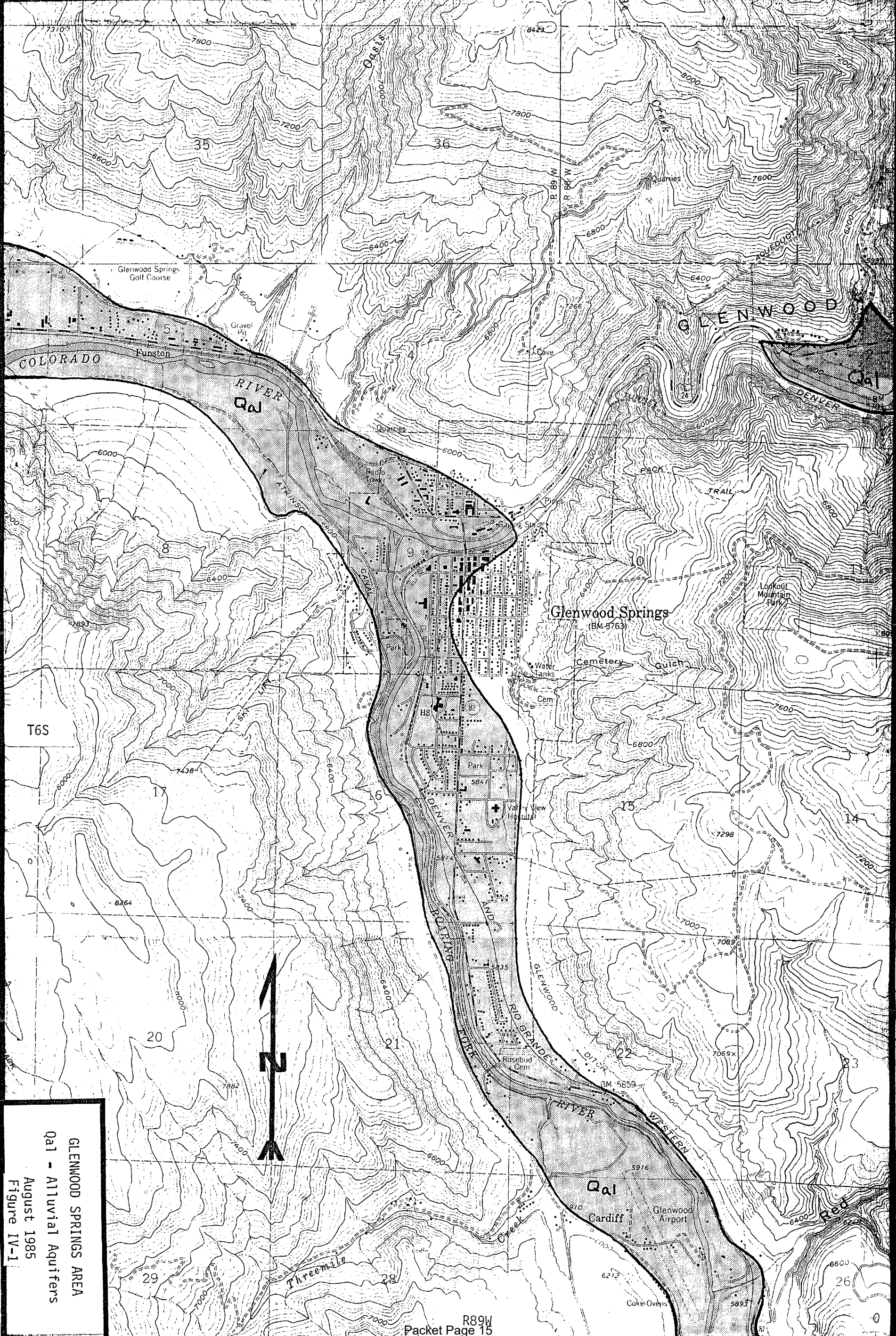
Planning Projects city staff are currently working on or have finished including:

- Staff is working with a consultant to determine if the raw water intake system located at Park East can be moved within the Roaring Fork River waters to allow for the raw water system to function again without having a high Selenium concentration in the fall that will kill the grass and clog up the sprinkler systems. The intake will also need to provide for large particle removal from the water, which was a problem with the original system design. A small storage/settling tank may be necessary to install in line to accommodate for some of the original issues and capacity. Planning is set for 2022, design and construction is anticipated for 2023.
- Staff is working with a consultant to re-review the possibility of a partial backup water well system along the Roaring Fork River that could pump water to the 8th Street pump station.

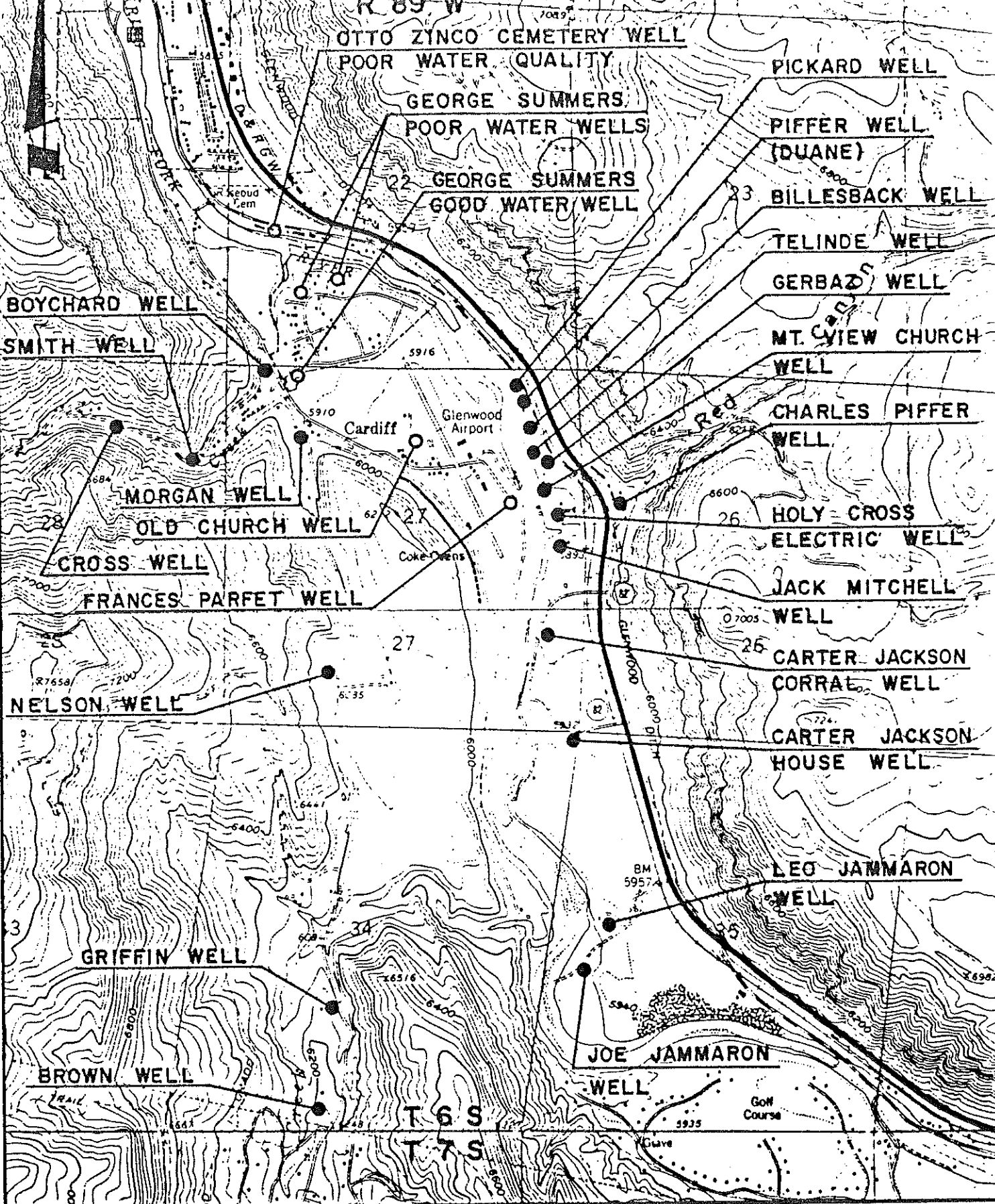
The 8th street station is already designed to lift water the 400 vertical feet to the plant, thus it would not make sense to create a secondary pumping system to lift water that high. Shallow wells and horizontal fields will be reviewed. Planning is set for 2022, any further work will be discussed prior to moving design forward if feasible.

- Staff is working on an RFP to redesign the No.2 Booster Station as the SGM water report has recommended. Planning and design are proposed as 2022 work and the construction of the pump station will fall into 2023 or 2024 depending on cost, material availability and staff time.
- Staff is starting a planning process to determine how best to use the City's water rights on the Reynold's and Cain ditch system. This is a reliable water supply from the Mitchell Creek water source and could be used for large irrigation systems in West Glenwood, reducing irrigation water production needs at the plant.
- Staff is working with a consultant on feasibility planning for the Grizzly Creek Reservoir. This work is beginning in 2022 with a desk top review of the pros/cons of the reservoir which will be brought together in one report and presented to Council and the United States Forest Service (USFS) for discussion.
- Staff is working on an RFP for a water storage tank to be located in West Glenwood Springs with an approximate size of 300,000 gallons to accommodate irrigation and fire flow demands. This is anticipated to be designed in 2022 and constructed in 2023 or 2024.
- Staff is working on an RFP for the Glenwood Meadows sewer lift station 11,000 to design a replacement station with approximately 2.5 times the peak capacity of the current station. The existing station is near peak capacity and is a pack plant versus a designed lift station. Design to be completed in 2022.





GLENWOOD SPRINGS AREA
qal - Alluvial Aquifers
August 1985
Figure IV-1



KEY

- EXISTING WELL
- WELL BACKFILLED AND/OR ABANDONED

FIGURE 2

APPROXIMATE LOCATIONS OF WELLS IN STUDY AREA

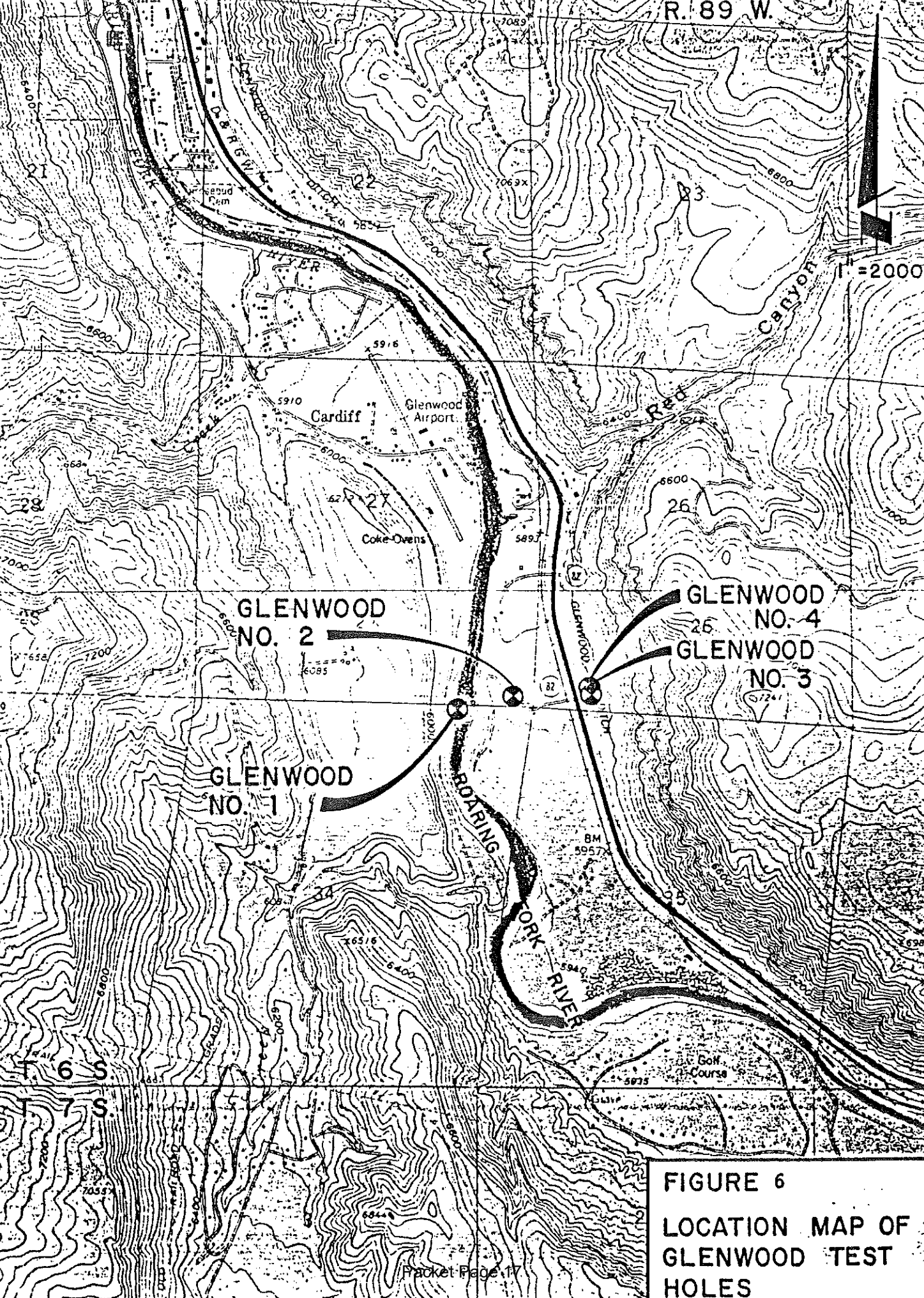


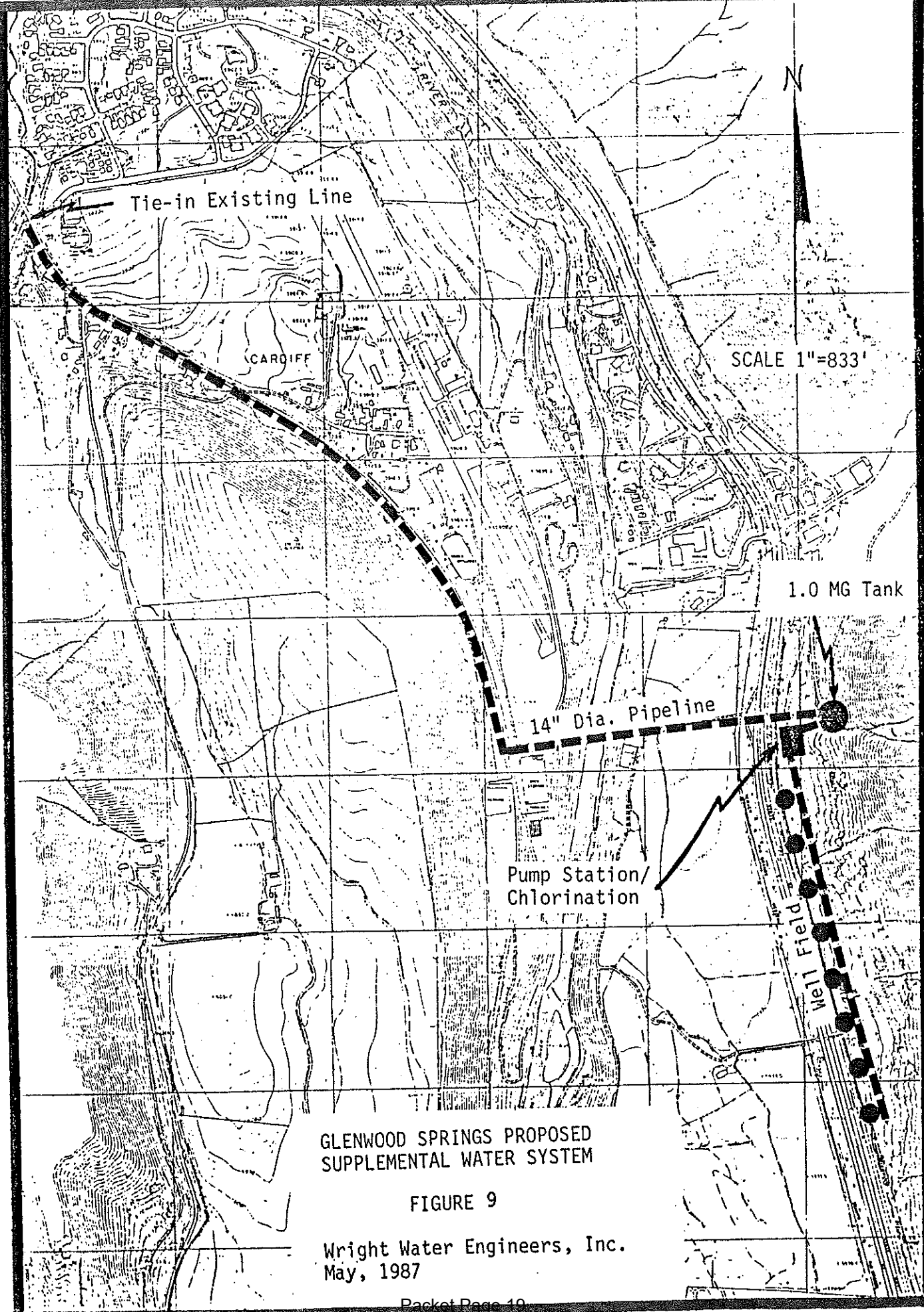
FIGURE 6

LOCATION MAP OF
GLENWOOD TEST
HOLES

TABLE 2

WATER QUALITY

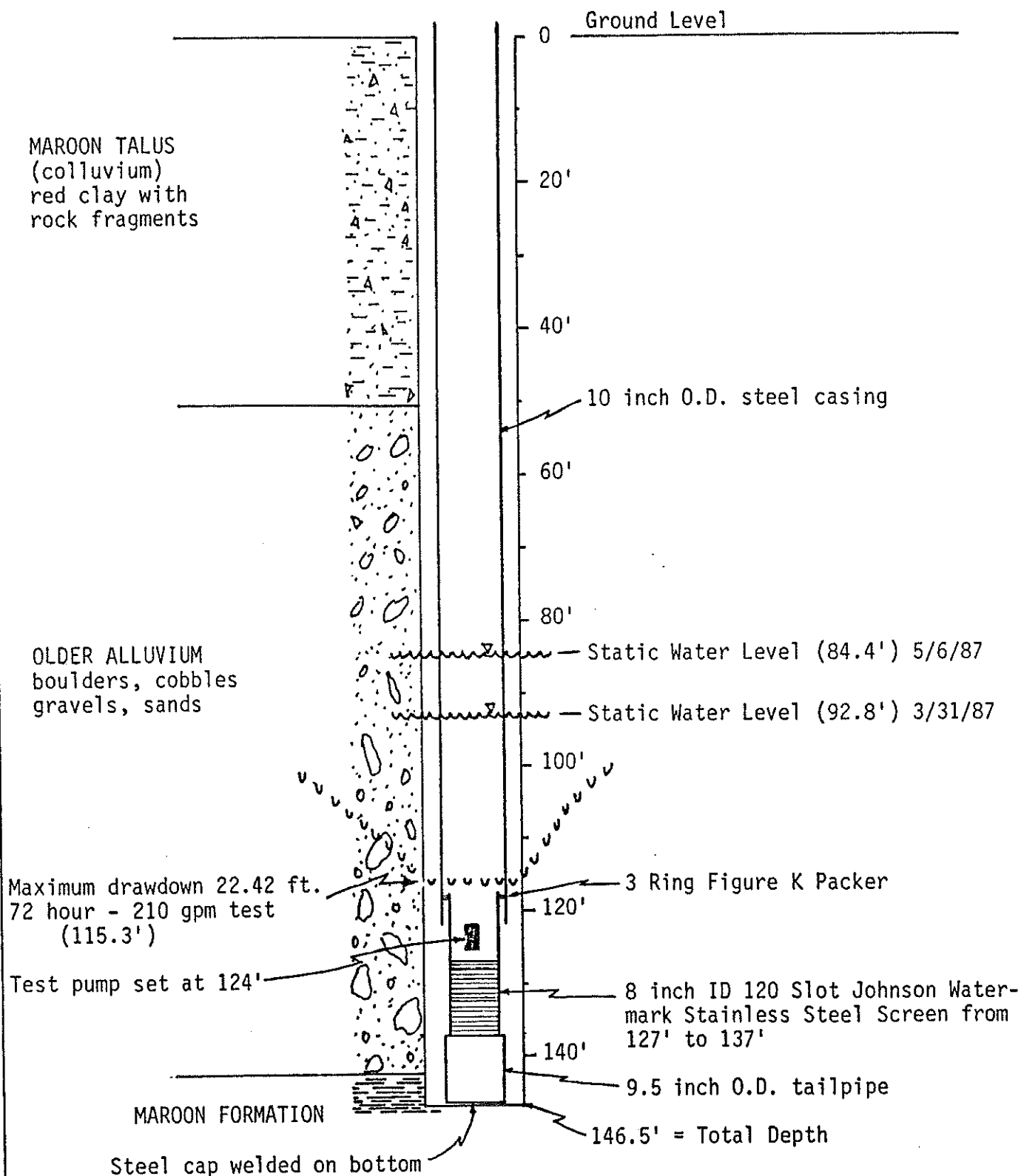
	State Recommended	State Limit	Well #3	Well #4
Calcium			130 mg/l	155
Magnesium			24 mg/l	30
Sodium			35 mg/l	43
Carbonate			ND<0.1 mg/l	ND
Bi-Carbonate			275 mg/l	280
Chloride	250 mg/l		24 mg/l	39
Sulfate	250 mg/l		230 mg/l	300
Phosphate vs Phosphorus			ND<0.1 mg/l	ND<0.1
Iron	0.3 mg/l		0.10 mg/l	.11
Alkalinity			230 mg/l	235
Hardness	150 mg/l		430 mg/l	515
Ammonia Nitrogen			0.3 mg/l	1.3
Boron			ND 0.1 mg/l	0.1
Color	15 Color Units		5.6 Pt. Co. Units	3.5
Copper	1 mg/l		0.02 mg/l	0.06
Dissolved Solids	500 mg/l		570 mg/l	680
Mangonese	0.05 mg/l		ND<.05	ND<.05
Turbidity		INTU's	1.8 NTU's	0.9
Arsenic		0.05 mg/l	0.02 mg/l	0.02
Barium		1.0 mg/l	0.03 mg/l	0.4
Cadmium		0.01 mg/l	ND<0.005 mg/l	ND
Chromium		0.05 mg/l	ND<0.005 mg/l	ND
Floride		2.4 mg/l	0.4 mg/l	0.2
Lead		0.05 mg/l	ND<.005 mg/l	ND<.005
Mercury		0.002 mg/l	0.0006 mg/l	ND.0005
Nitrate Nitrogen		10. mg/l	0.9 mg/l	1.3
Selenium		0.01 mg/l	0.03 mg/l	0.04
Silver		0.05 mg/l	0.003 mg/l	0.0003
Molybdenum			ND<0.1 mg/l	0.1
P. Alkalinity			NDz0.1 mg/l	ND<0.1
Specific Conductance			815 MM/cc	910
Zinc	5 mg/l	Packet Page 18	0.02 mg/l	0.06



GLENWOOD SPRINGS PROPOSED
SUPPLEMENTAL WATER SYSTEM

FIGURE 9

Wright Water Engineers, Inc.
May, 1987



SCHEMATIC OF WELL No. 4

FIGURE 7
WRIGHT WATER ENGINEERS, INC.



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	Comprehensive Plan Update - Growth Analysis and Strategies
Action Requested:	No action is requested at this time. City Council can provide direction to staff, as is necessary.
Department:	Economic and Community Development
Presented By:	Jenn Ooton
Strategic Goals:	Protect and Preserve our Quality of Life Ensure Public Safety Generate Sustainable Economic Development Provide Efficient and Responsive City Government Preserve and Improve Infrastructure
Background Info:	Comprehensive plan update (Vision Glenwood) consultants Cushing Terrell will go over the attached white paper regarding their review of other jurisdictions' growth management practices and the outcomes. This work was an additional service beyond the original scope of the Comprehensive Plan, and was asked for by Council in November.
Issues:	None are identified at this time.
Fiscal Impact:	This is a presentation only.
Legal Review:	N/A
Staff Recommendation:	This item is for discussion.

2022

Glenwood Springs Growth Strategies White Paper Report

DRAFT

REVISED

02.25.22



Contents

1: Introduction

Purpose

Growth Strategies and the Comprehensive Planning Update Process

2: Growth Management Case Studies

Case Study Summaries

Case Study Takeaways

3: Growth Strategies Summary

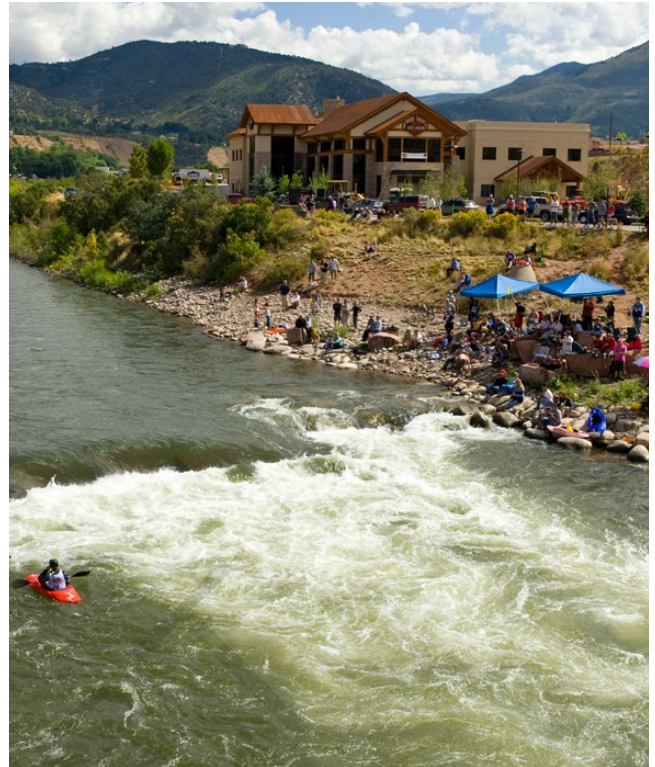
Summary Matrix

Growth Strategies Impacts and Takeaways

4: Population and Growth Trends

5: Growth and Capacity

6: Key Takeaways and Issues







1: INTRODUCTION

PURPOSE

This report offers a comprehensive review of growth management strategies using real-world case studies and applications specific to the City of Glenwood Springs.

As part of the 2022 Glenwood Springs Comprehensive Plan Update, the following report compiles information and offers key takeaways to provide guidance for the City to consider growth management strategies.

A growth strategy may be any tool, mechanism or policy that provides a means for the municipality to review and manage growth using the best available data, which are not limited to regulatory or code policies. Examples found in this report range from less-formal approaches using maps and land use planning tools (i.e. future land use plans) to initiatives that could be adopted into a zoning code or other part of the regulatory framework.

Intended to provide interim guidance for city staff, Planning & Zoning Commission or leadership, this report is a working document to be reviewed as input is received and as ideas are introduced to the community. It is an initial step in the comprehensive planning update process which will be completed in the coming months of 2022.

GROWTH STRATEGIES AND THE COMPREHENSIVE PLANNING UPDATE PROCESS

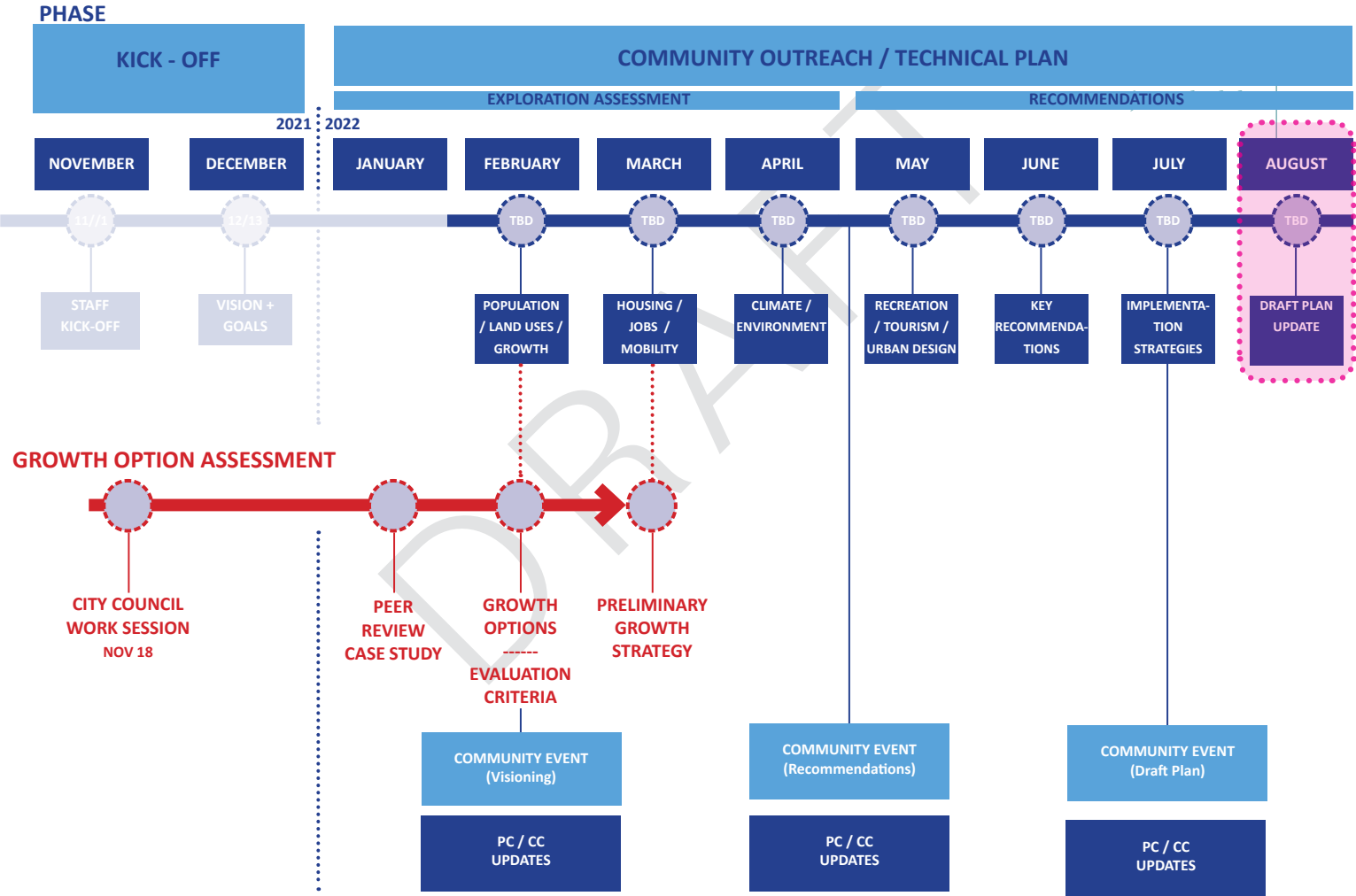
Assessing Growth Management Options and Long-Range Planning

The Growth Strategies Report is an initial step in the Comprehensive Plan Update process to assess and understand potential direction as the plan update is developed.

The diagram opposite illustrates how this study fits into the overall project schedule (see red timeline bar). With ongoing information-gathering as part of the community outreach and engagement phase, findings from the report will be built upon with community input from online and in-person engagement and will be presented along with monthly updates to the Project Steering Committee as well as other boards and commissions.

The findings from this report will be coupled with ongoing input received to build towards plan update recommendations and ultimately the plan document. Findings will also be confirmed with the public at series of community events and online surveys to ensure the community has the opportunity to provide feedback needed to form policy recommendations.

Comprehensive Plan Outreach and Technical Planning Timeline



2: GROWTH MANAGEMENT CASE STUDIES

What kind of outcomes are communities in Colorado experiencing based on their strategies for managing growth?

A selected group of communities were studied to further understand the history, impacts, and outcomes of growth management practices in Colorado. The communities outlined in the table below were analyzed:

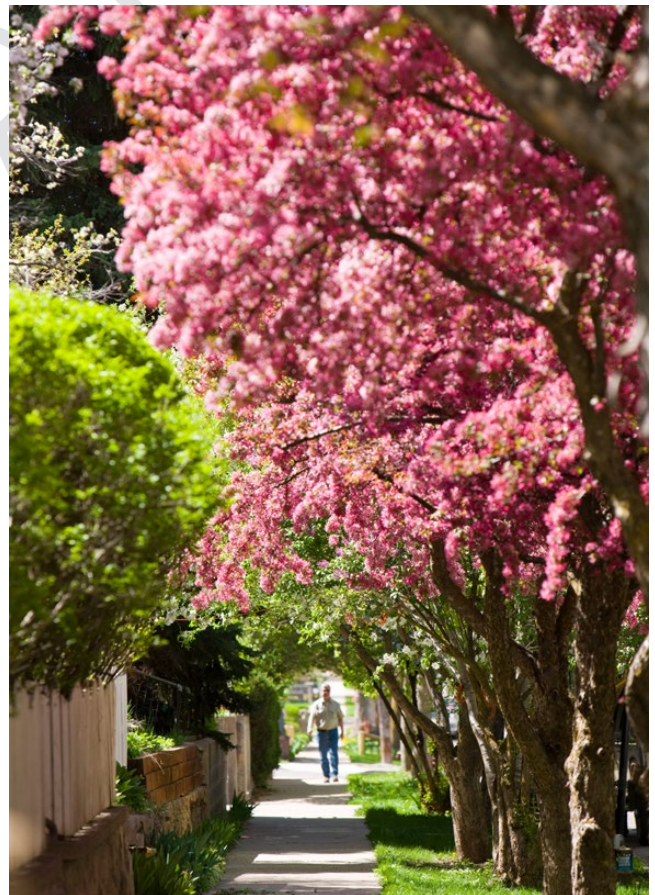
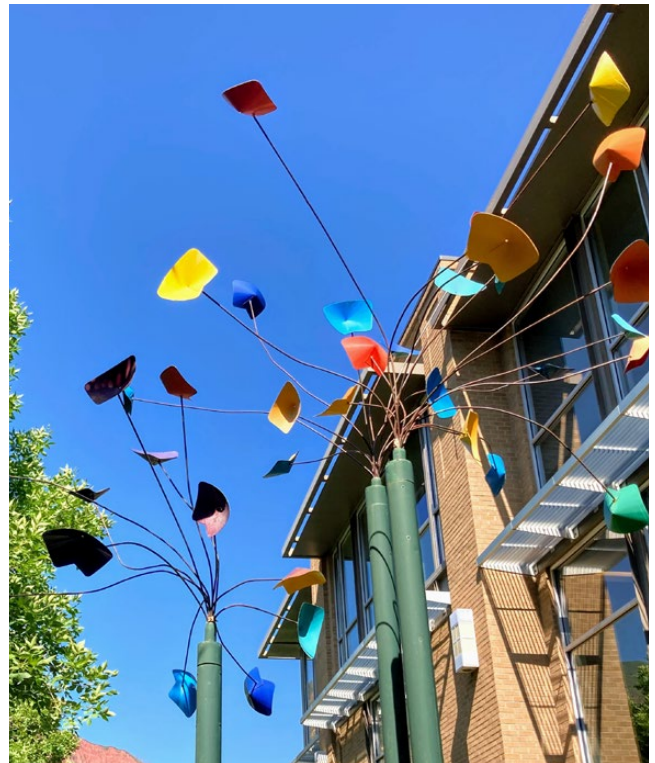
Available information was reviewed and follow-up phone interviews with department heads and staff from each of the case study Community Development Departments were interviewed. The review focuses on obtaining background information to clarify when and why the community growth policy was initiated and what caused the specific initiative to be considered.

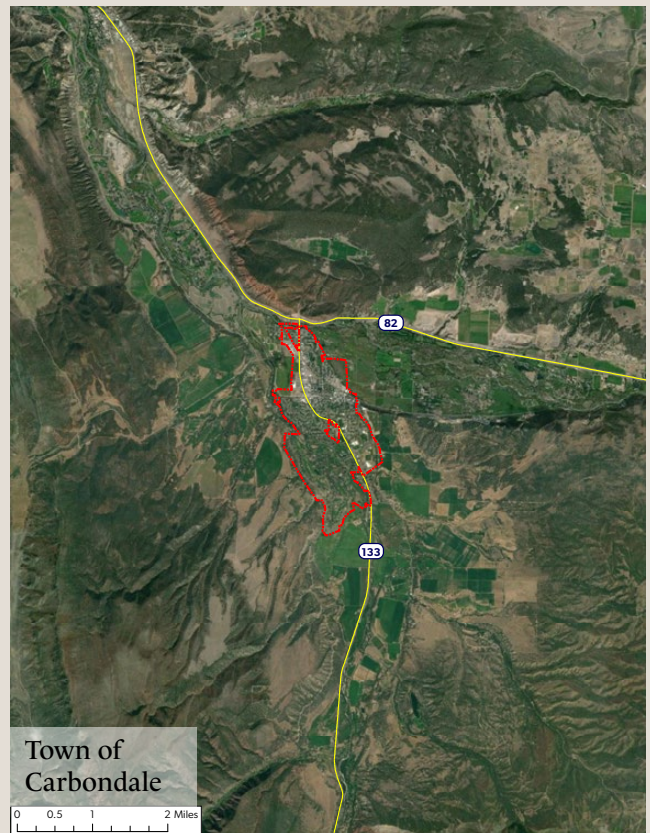
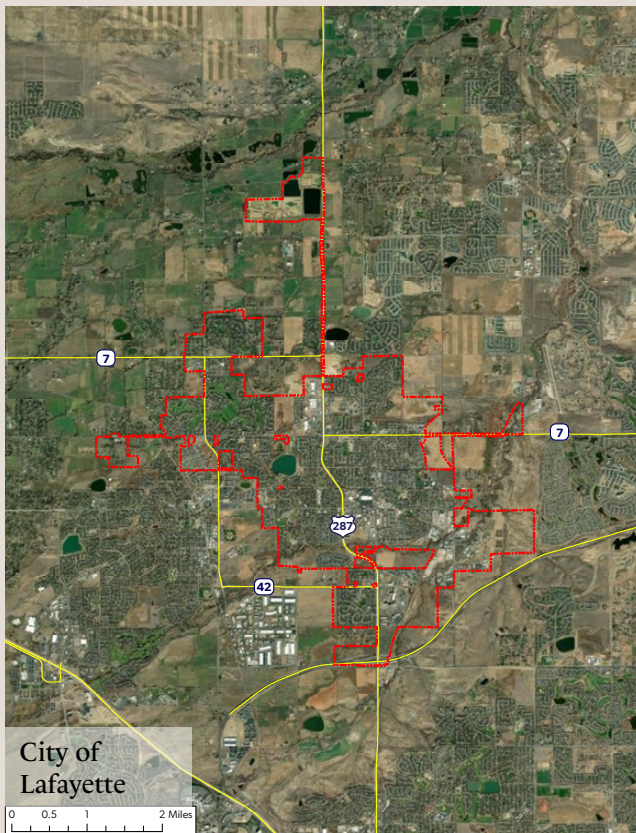
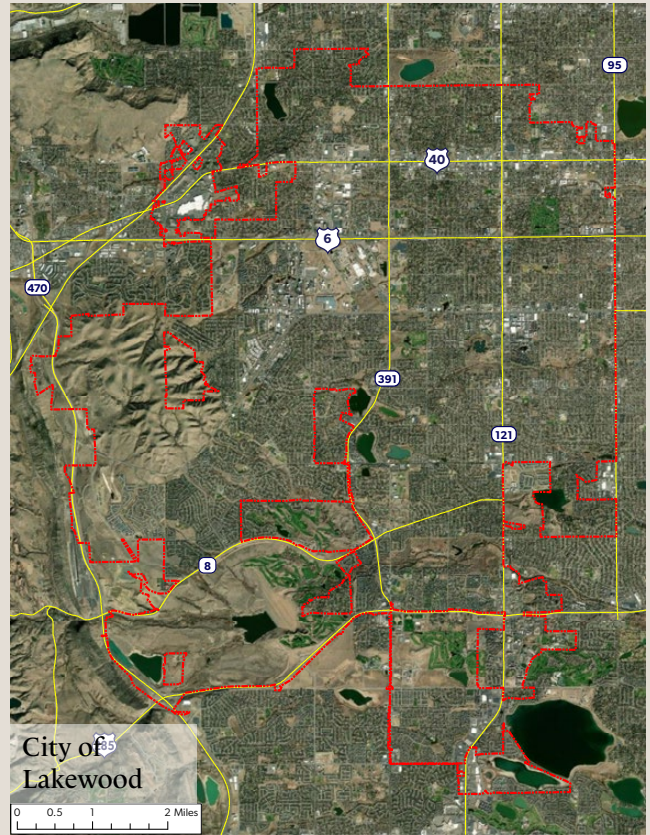
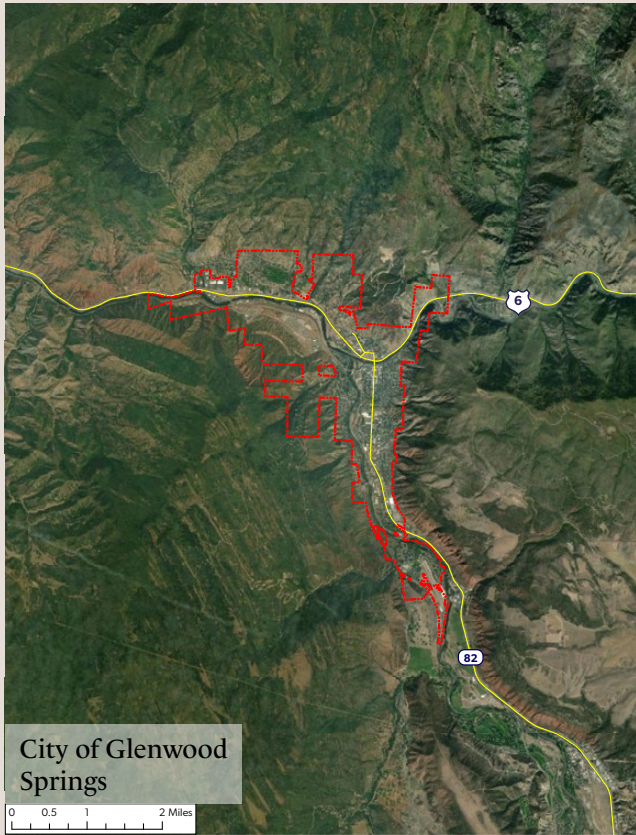
Place	2020 Population (US Census)	Sq. Miles	Pop. Density (Ppl/ Sq. Mile)	Strategy Type
Glenwood Springs	9,963	5.9	1,689	—
Carbondale	6,434	2.0	3,217	(No formal regulatory policy) Future Growth Mapping
Durango	19,071	13.8	1,382	(No formal regulatory policy) Design Guidelines, Future Growth Mapping
Golden	20,399	9.7	2,103	1% Cap
Lakewood	155,984	44.2	3,529	1% Cap
Lafayette	30,411	9.4	3,235	1% Cap

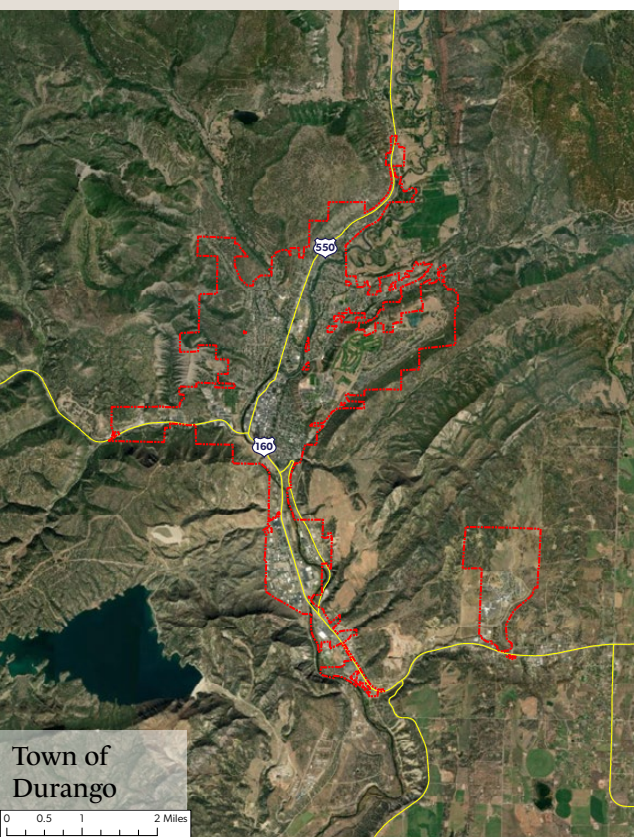
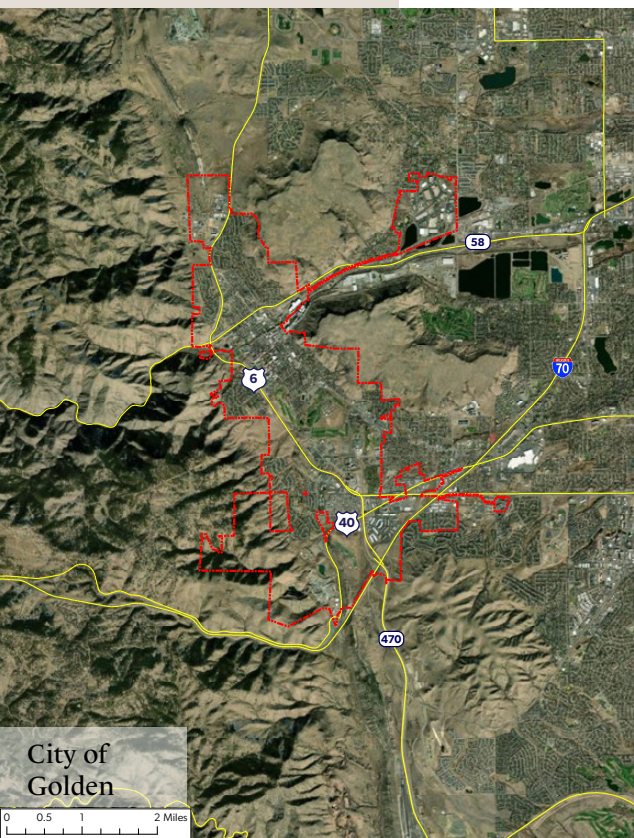
Outcomes to be addressed as part of the research process included:

- Key community concerns
- Policy / regulatory outcomes resulting from the process
- Lessons learned from each case study
- Anticipated and unforeseen consequences
- Effectiveness of the policy
- Key challenges and observations

City of Glenwood Springs staff informed the process to establish the key priorities and assumptions, to identify up to five peer cities/towns, and to confirm the findings. The team conducted a review of the community case studies to assess their growth management strategy policies based on staff direction. With many data formats available, qualitative or anecdotal, it was important to combine a scan of the growth/land use policies with interviews and a review of media sources to paint a clear picture of the outcomes and experience of each community.







CASE STUDY SUMMARIES

All maps are at the same scale

The following exhibits the geographic characteristics of each community reviewed.

Differences in the incorporated boundaries, mobility networks, and local geography are evident when examining the maps at left. State of Colorado statute regarding annexation and urban growth management helps in understanding how each community's growth strategy has resulted in the patterns illustrated in these maps.

County islands, protected open spaces, and "flagpole" annexations — where lengths of right-of-way or other property boundaries are used to incorporate lands — are all signs of different eras of growth.

Key geographic takeaways include:

- Land availability along with topographic restraints can pressurize the need for infill development.
- Limited accessibility for ingress/egress in case of an emergency or hazard event will be highly influential in growth/annexation patterns in Glenwood Springs.
- Open space and its preservation or control outside city boundaries influences a community's outcomes for directing inward and outward growth, and the coordination for joint planning in the three-mile area surrounding Glenwood Springs will be an important consideration.
- A municipality's ability to annex or control sprawl or any growth pattern is affected by the neighboring municipality's or jurisdiction's land use pattern and policies. The examples of Carbondale and Durango share the similarity that they are almost wholly surrounded by county jurisdictional authority while Golden, Lakewood, and Lafayette abut other municipalities and have different capacities to control lands outside their jurisdiction.

Carbondale



CASE STUDY SUMMARIES

Carbondale, CO

Carbondale employs a traditional case-by-case project evaluation to determine conformance with existing plans and their overall community cost and benefit.

Initial movements toward growth management began during a period of development in Garfield County decades ago. Increasing demand for new housing stock raised concerns from both the Carbondale and Glenwood Springs communities of eventually merging into one continuous town with open space and agricultural areas taken up by low density sprawl.

As a community Carbondale decided to accept a certain level and type of growth. Developers had plans for mixed use however the Town's plans or codes at the time were not compatible with this vision. Planners and the community opted to embrace the kind of growth they desired by adopting land use plans and updating the code to reestablish the vision of a compact, vibrant small town.

Durango



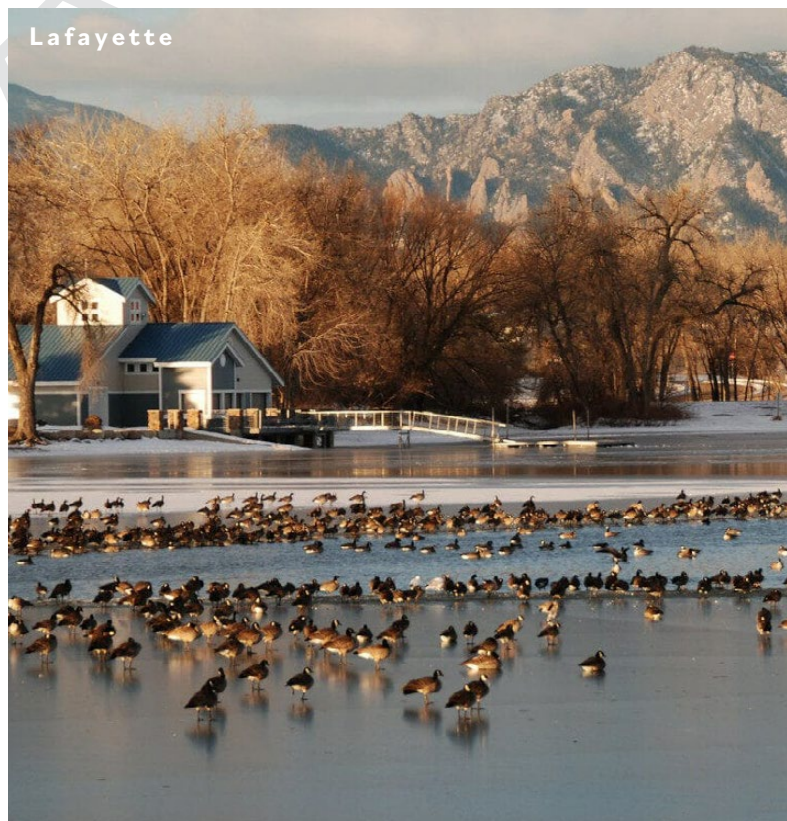
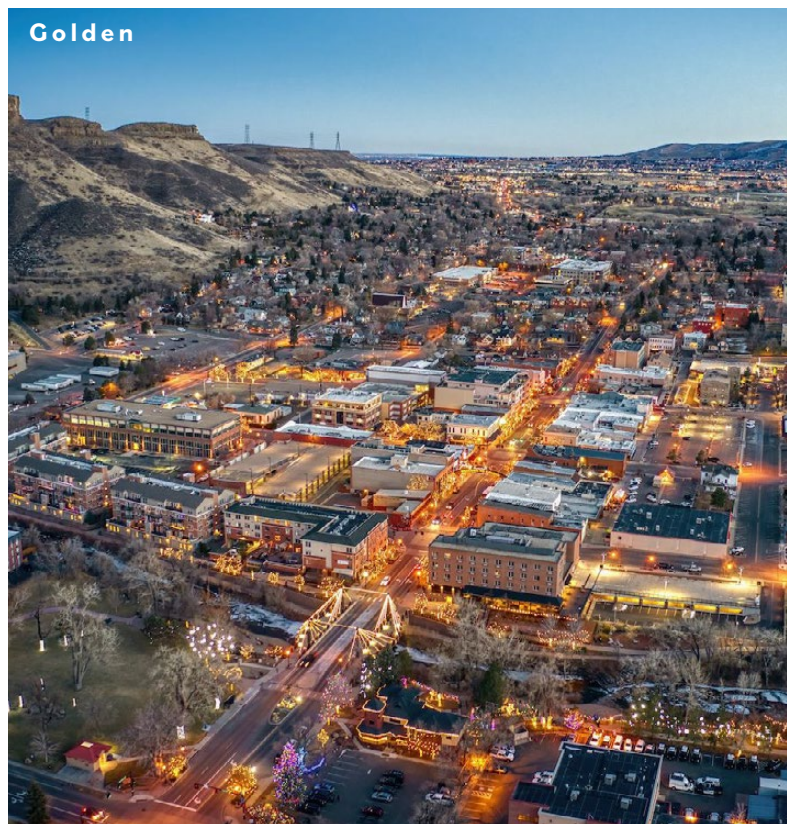
Carbondale employs conventional land use planning management tools including a future land use map that guides compatibility through zone amendments in the unified development code. A 2022 comprehensive plan update (in approval process as of 02/2022) revisited growth issues as a recent uptick in development resurfaced community concerns. Growth caps have been explored however a good working relationship between Garfield County and the Town has allowed a more ad hoc approach to be adequate, making the need for stronger regulations unnecessary at this time.

Durango, CO

Trusted relationships between the citizens, leadership, and the development community — along with open space management and strong design guidance — makes the case for a simpler form of managing growth.

Like Carbondale, Durango relies on a traditional approach using long-range plans and strong relationships. Historically the community has been highly desirable place to live and play and while it has seen growth, its pure remoteness and rugged surroundings removes some of the development pressure seen in other mountain communities. This also increases development costs which makes it more palatable for local developers with community knowledge to build relationships with town citizens and leaders to deliver projects.

Similar to Glenwood Springs, growth through annexation is limited by terrain and public lands. Surrounding open space preservation policy supported by La Plata County promotes infill growth rather than sprawl, and the community has moved toward using design guidelines for new infill development to ensure new growth is compatible with existing conditions. Because of these external conditions, the City has not seen significant growth like its peers. The vision established in a 2017 comprehensive plan update aims to encourage smart infill growth rather than create new policy that would restrict development. By installing new urban renewal areas and incentives, Durango aims to promote denser projects in town to boost housing supply and affordability, particularly for families.





Golden, CO

Utilizing a growth cap has allowed Golden to promote smart growth principles by promoting density in the core, but not without unintended results.

In response to local concerns over the loss of open space and hillside areas from rapid suburban development, the Golden community enacted a 1% annual residential unit cap beginning in 1996. Over the years the policy has been adjusted to reflect changing conditions. The city employs an allocation system for distributing permits every year which in turn creates challenges for the development community in project financing. A lack of smaller-scale projects, and a growth rate even lower than the 1% allowed is an outcome of the policy. Affordable housing project applications are infrequent, and single family units are very rare.

Challenges to administer the allocation system due to staff time and resources needed were notable. Many projects will save up allocations and distribute them throughout forthcoming years making project tracking rigorous. In Golden land availability is the main factor affecting the pace of growth and in communities like Glenwood Springs where land availability is already limited, such a policy would even further challenge the feasibility of projects without other policies that promote denser, infill development. Exceptions for allowing density, affordable housing, or housing for older adults are all valuable assets in Golden that have been affected by cap allocations. Such a policy should consider exempting these development types to ensure the future housing mix matches the community values and vision.

Lafayette, CO

Lafayette uses a growth cap with unit allocations that can be adjusted and revisited over time.

Initiated by regional planning initiatives that determined there was a collective need to provide matching affordable housing growth figures between city and county, the City of Lafayette enacted its first growth policy in 1995 as the voters responded to rapid growth. The management program rotates in six year cycles at which point the allocation formulas or other standards may be adjusted.

Increasing affordable housing supply was a key motivation for Lafayette's policy, which it appears to accomplish. One unintended consequence is affordable projects have become segregated into pockets throughout the community. Additionally the allocation motivates developers to purchase several years worth of allocations and not use them immediately. This causes difficulties with project planning and can require staff resources to be used all at once as projects come online.

Lafayette is nearly landlocked and the policy has served a purpose of ensuring they have more control over their available land. If an economic recession does occur, the permits already secured may never get built, creating a disruption in the market — another unintended consequence.

The City employs considerable exemptions to the allocations, with their two urban renewal areas largely the benefactors of infill development and multifamily/affordable projects.

Lakewood being “landlocked” has an effect on slowing growth but the City notes the policy may be an effective way to control the pace of development during any given year. Whether due to the complicated nature of the allocation system or external factors at play, the time and cost of development has increased, which planners say may be having a detrimental effect on project design and quality.

Lakewood, CO

Another community utilizing a cap system, Lakewood allows their City Council to determine the allocation.

Not without some controversy, Lakewood voters narrowly passed a residential growth restriction in 2019 in response to post-recession growth. The community is just starting to recognize the effects. Planning staff noted tracking is a challenge as they have a complicated pooling and banking systems for allocated permits.

One unintended outcome of their policy is that very large developments — topping several hundred units — will remain in the pipeline for an extended time.

Around the same year the policy was enacted several large multifamily infill projects were submitted, which is likely due to the light rail extension rather than policy. Effects on affordability are still being studied, but the policy may have a notable outcome of decreasing the number of permits received annually, with unit counts generally getting halved every year. Single family homes have particularly been seen in fewer numbers.



CASE STUDY TAKEAWAYS

Case Study Takeaways

- A direct regulation on the amount of permitted growth is not always necessary to achieve community goals — Carbondale and Durango manage growth based on working relationships with the development community while relying on sound growth policy. This comes in the form of future land use maps and overall goals and strategies administered by planning staff and employed in recommendations to the planning boards or commissions.
- Rapidly shifting conditions or increases in the pace of growth lead to a perception that usually results in establishing new policy. Backing up any perceptions with data becomes a meaningful communication tool between the community, developers, leadership, and staff.
- Availability of land and infrastructure capacity are often the most common motivators for growth policies.

- Growth regulations are generally favorable to most leadership and the community.
- Landowners, developers, and the real estate professional community are mixed with most parties adjusting easier to the municipalities that had clear and established policies clearly spelling out the process and requirements.
- Municipal planning staff and administration noted growing challenges with administering a capped allocation regulation, as already scarce resources were stretched thin. This is particularly evident in larger communities where there was an allocation window that resulted in a very resource-intensive review season as applications were delivered all at once.
- Municipalities that installed capped regulations have not shown the cap is being met, resulting in gaps between what is enabled with allocations and what is actually built.
- The affect on affordable housing supply is dependent on the community however exemptions for affordable projects improve feasibility.
- An affect where home values increase is correlated, but difficult to pinpoint in terms of the cause being directly policy-related.
- Creating exempt areas (i.e. urban renewal areas) or unit types are critical to ensure valuable assets are maintained.

3: GROWTH STRATEGIES SUMMARY

Five techniques communities may employ to manage growth

This section offers theoretical scenarios that are applied to Glenwood Springs to illustrate their potential effects on future growth.

The five general approaches to growth strategies are as follows:

- No Growth: Considers no future expansion of development.
- Carrying Capacity Threshold Growth Limitations: Imposing a limit or cap on units or other permits. Similar to policies found in Golden, Lakewood or Lafayette.
- Inward Facing (infill) Development Only: Policy that would promote development or redevelopment on areas within the urban growth boundary on existing parcels.
- Annexation: Considers areas up to or beyond the urban growth boundary for annexation and development.
- Balanced Inward and Outward: A policy that would provide both annexation and infill as outlets for new growth.

Summary Matrix

The summary matrix below compares the effects each policy may have based on the impact to the Glenwood Springs community's ability to create the services and meet the needs for its citizens. A Positive score generally means a policy will have an improving impact on quality of life or services, while Negative implies a detrimental effect.

Growth Scenarios	No Growth Option	Carrying Capacity, Growth Limitations	Inward Facing (Infill) Development	Annexation	Balanced Inward and Outward
Mobility					
Walkability/Proximity to Destinations	Low	Low	High	Low	Low
VMT	High	High	Low	High	Moderate
Traffic Safety (Region)	Less safe	Moderate	Most safe	Less safe	Moderate
Transit Ridership	Low	Low	High	Low	Moderate
Economics					
Cost of Housing	Negative	Negative	Neutral/mixed	Neutral/mixed	Positive
Mix/Diversity of Housing	Negative	Negative	Neutral/mixed	Neutral/mixed	Positive
Sales Tax Revenue	Negative	Neutral/mixed	Neutral/mixed	Positive	Positive
Jobs (Hiring, retention)	Negative	Negative	Neutral/mixed	Neutral/mixed	Positive
Jobs (Opportunity, wages)	Negative	Neutral/mixed	Neutral/mixed	Neutral/mixed	Positive
Land Use + Character					
Land Availability	Neutral/mixed	Negative	Negative	Positive	Positive
Design Quality and Character	Negative	Neutral/mixed	Positive	Negative	Positive
Infrastructure	Positive	Positive	Positive	Negative	Positive
Administration	Positive	Negative	Neutral/mixed	Negative	Negative
Sustainability/Resiliency	Positive	Positive	Positive	Negative	Neutral/mixed
Social Equity/Displacement	Negative	Negative	Positive	Neutral/mixed	Positive

* For preliminary discussion purposes

** Other variables (e.g. affordable housing policy, hazard plans) may apply

GROWTH STRATEGY IMPACTS AND TAKEAWAYS

Any scenarios to ultimately consider will fall along a spectrum that has growth limitations on one end and an infill focus on the other. The following offers a comparison of the outcomes and their potential impacts.

With Any Growth Limitations...

- Puts upward pressure on pricing and reduces housing affordability
- Drives negative consequences (unless you already happen to own residential property)
- Increases in-commuting to fill jobs which leads to more difficulty hiring/retaining workers
- Increasing traffic, increasing income inequality and lowering quality of life
- Opportunity to catch up (codes, policies, green infrastructure)

With an Infill Focus...

- Walkability: destinations are closer together
- Vehicle miles traveled (VMT): fewer people will need to drive long distances mitigating VMT growth
- Transit: ridership will increase more as denser development is easier to serve by transit
- Traffic Safety: more people will travel shorter distances at slower speeds decreasing the likelihood of severe crashes
- Shifts focus to infill design and character
- Emphasis on historic areas

Growth Strategies Key Takeaways

- Ultimately a combination will be required.
- Consider Glenwood Spring’s unique conditions, particularly the geographic constraints, hazards and resulting access challenges.
- Most strategies are intended to offer a higher level of control over the pace of growth.
- For Glenwood Springs and much of the Mountain West, 2021 was an ‘outlier’ year and is not likely to be repeated.

Growth Scenarios

Infill Only
Infill + Annexation
Growth Limitation (cap)
Annexation Only
No Growth

More walkable
Less vehicle miles traveled growth
Higher transit ridership
Less opportunity for severe crashes



Less walkable
More vehicle miles traveled growth
Lower transit ridership
More opportunity for severe crashes

Where Growth Occurs

Within neighborhoods
Some within neighborhoods
Mostly outside Glenwood
On edge of Glenwood
Outside Glenwood

Regional Mobility Impacts of
Growth Scenarios

4: POPULATION AND GROWTH TRENDS

Predicting Growth for Glenwood Springs

Any policies for managing growth should start with a solid understanding of historical population dynamics and a reasonable prediction of what future growth might look like without policy changes.

Colorado's State Demographer, part of the Division of Local Affairs (DOLA) produces long term population forecasts at the county level, but not for municipalities.

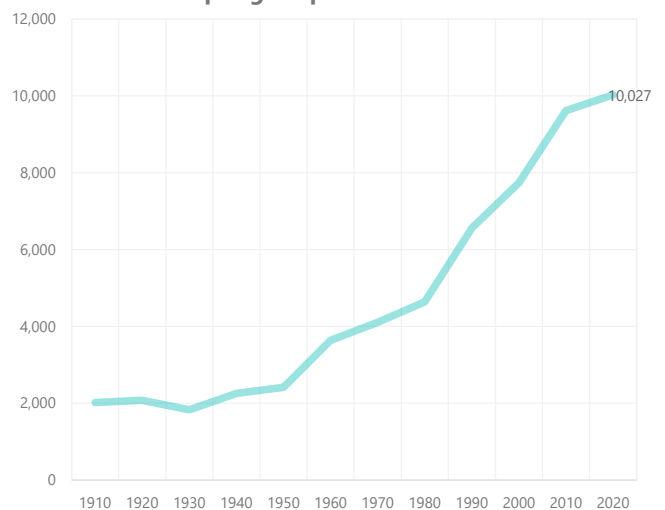
Because Garfield County is large, oddly shaped, and diverse in terms of its economic drivers, using a county-level forecast may not be the most accurate way to arrive at a good prediction for any one town.

The following slides explore available evidence about Glenwood Springs' growth trajectory and provide alternative approach to a DOLA-based forecast for the town.

Long View of Glenwood Springs Growth

Understanding the shape of your population trajectory helps inform the math behind an accurate forecast for future growth.

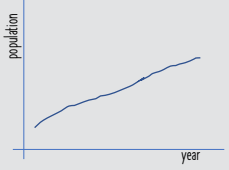
Glenwood Springs Population



Understanding the Shape of Growth

After weeding out the volatility year-to-year random events and major business cycles, population growth tends to take one a few basic shapes.

These are the most commonly used model shapes:

Shape	Also Called	Looks Like	Why
1. straight line	linear		"We build about 20 housing units each year"
2. upward swooping	exponential		"Our population grows by about 1.5% each year"

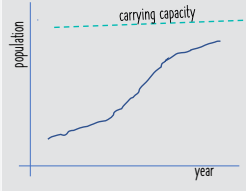
A Third Possible Growth Trajectory

The third type, a vaguely S-shaped curve, is often called "logistic" with a growth curve that seems to be flattening towards the top.

The math gets a little trickier, but the shape makes intuitive sense:

Populations (people, wildlife, bacteria, etc.) grow relatively freely until their resources (land, habitat, food, water, etc.) start to become more scarce.

Growth is then exponential for a while (x% per year), but starts to flatten out as population reaches some upper limit.

Shape	A.K.A.	Looks like	Why
3. slightly S-shaped	logistic (or constrained exponential)		"We used to grow around 2% per year, but we're running out of land & infrastructure"

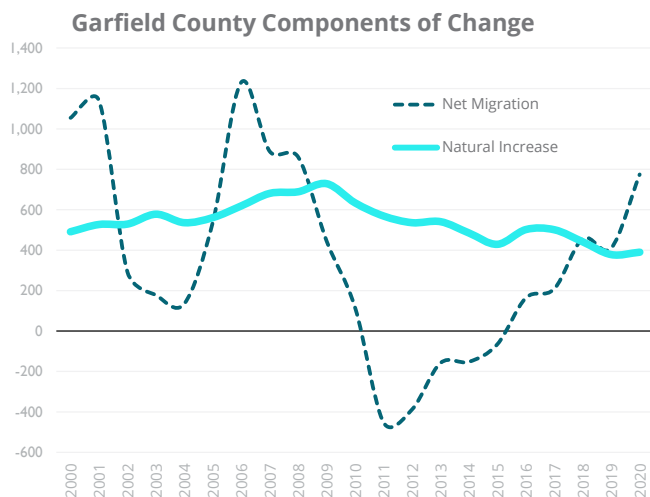
Components of Change

Towns grow for two basic reasons:

- Natural Increase (more births than deaths)
- Net migration (more people moving in than moving out)

Fertility rates and death rates (along with age structure of the population) are drivers of natural increase and tend to follow broad societal patterns that are slow to change.

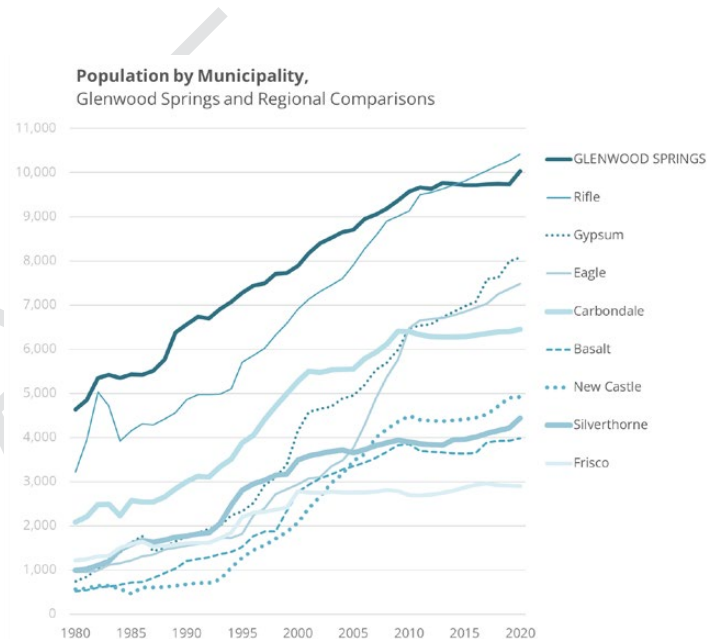
Migration is driven by lifestyle preferences and shifting employment opportunities (which are very sensitive to local economic conditions).



Glenwood Springs and Nearby Towns

Glenwood Springs has long been a regional hub among other municipalities along I-70 and the Roaring Fork Valley

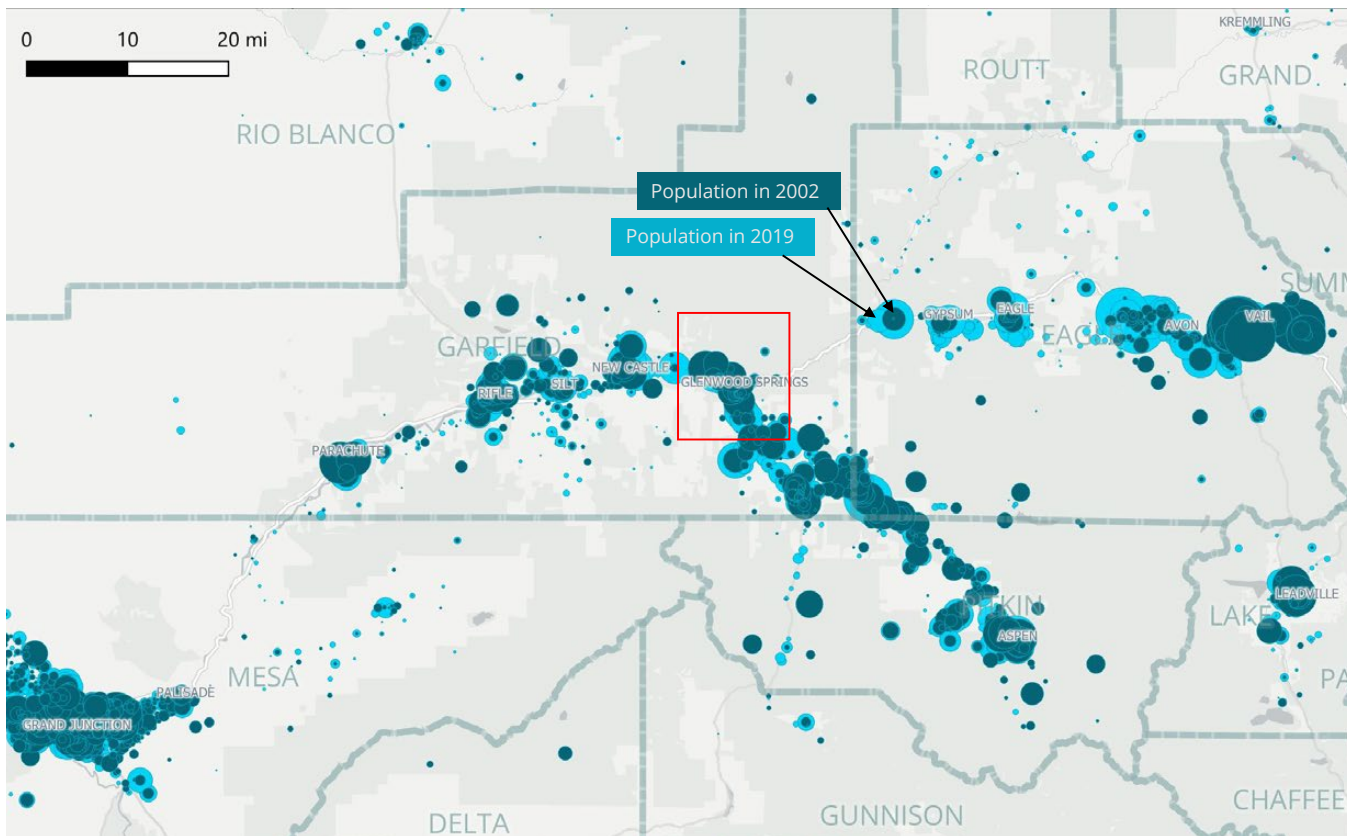
- Only recently matched by Rifle in terms of population.
- All growing steadily until the 2008-09 recession, with many surging over the past year or two.



Geography of Growth

This map shows where workers live across a swath of the western slope between 2002 and 2019.

The northern Roaring Fork Valley and western Eagle County have historically served as bedroom communities serving visitor hubs to the south and east.

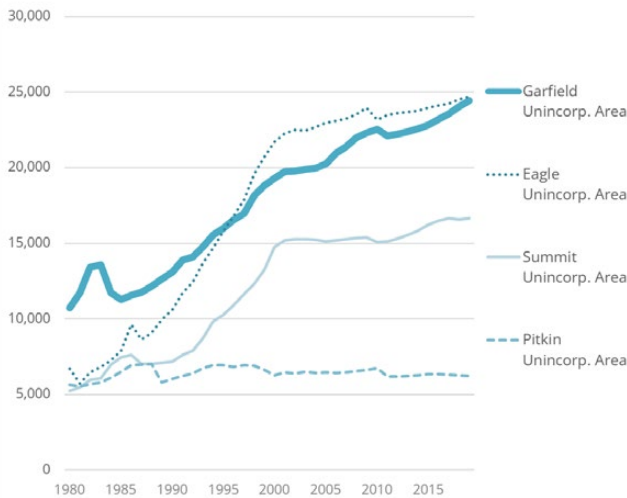


Unincorporated Growth

Population and growth is not limited to incorporated towns in the region.

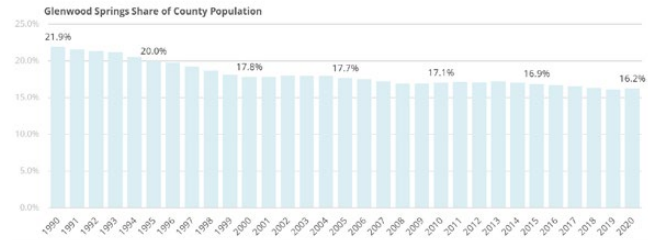
In fact, unincorporated portions Garfield and other nearby counties have very substantial populations and are accounting for much of recent growth.

Unincorporated Population by County



Glenwood's Share of County Population

Over the past 30 years, Glenwood Springs has declined from 22% of Garfield County population to around 16%



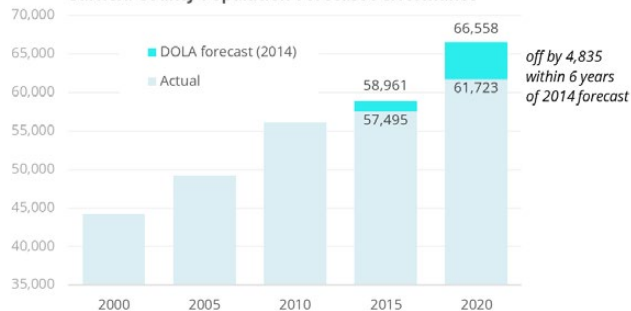
Current DOLA Forecasts for Garfield

DOLA is still projecting a fairly aggressive growth curve for Garfield, using a linear/exponential hybrid shape.

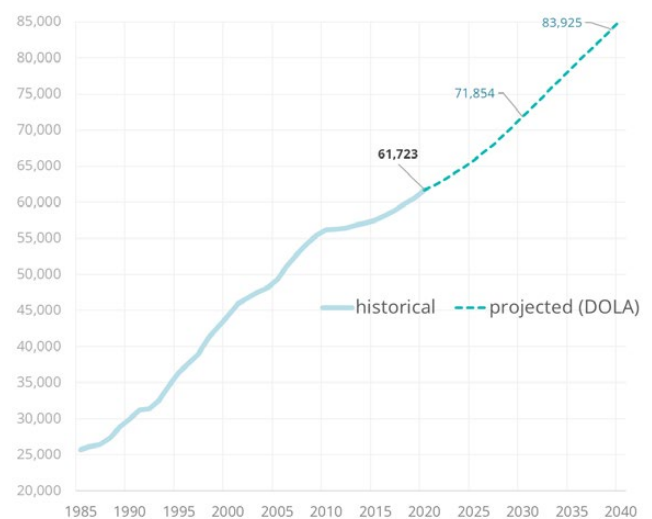
Past DOLA Forecasts for Garfield

Recent DOLA/State Demographer forecasts for Garfield have erred on the high side – in part because they tend to not consider carrying capacity factors.

Garfield County Population Forecast Performance

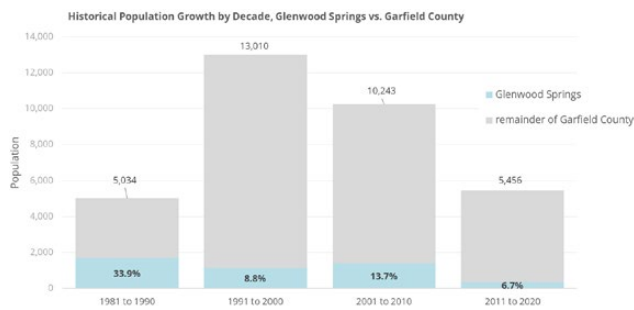


Garfield Co. Population, Historical and DOLA Forecast



Glenwood's Share of County Population

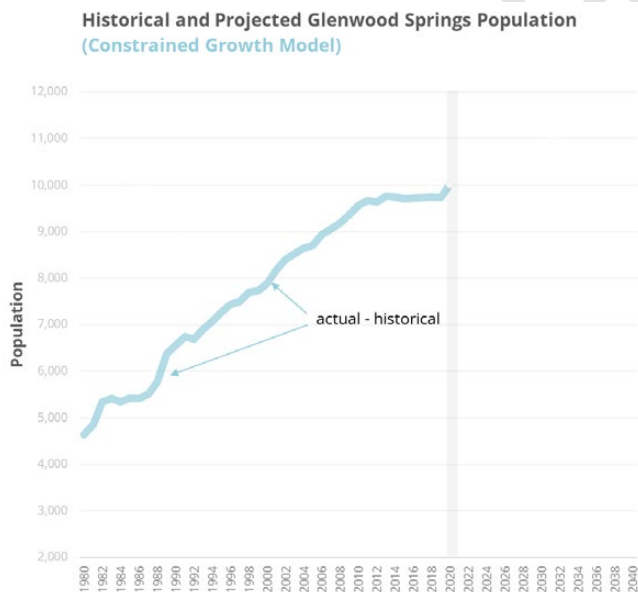
In the 1980s, Glenwood Springs accounted for more than 1/3 of county growth, but the share in recent decades has been substantially lower.



Predicting Growth for Glenwood Springs

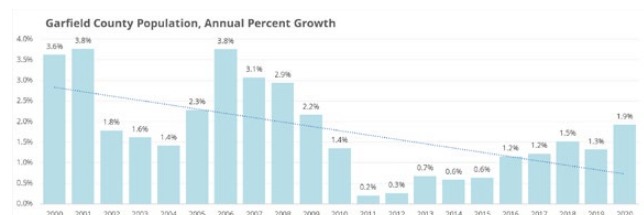
With a DOLA-based model, Glenwood Springs population would follow along with the county forecast, maintaining its recent share of growth.

Let's look at an alternative model, assuming the existing of some sort of carrying capacity.



Trends in Garfield County's Growth Rate

Although annual rates have been slowly rising since the 2008-09 recession, the longer-term trend has been towards slower growth in Garfield County.

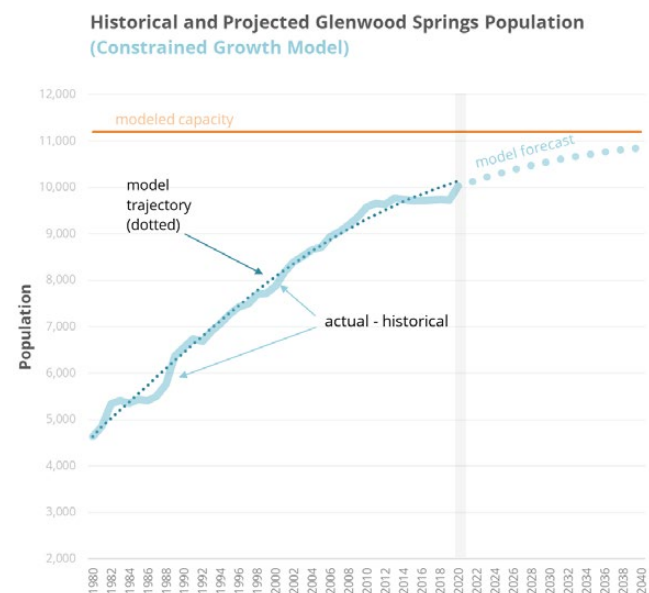


Capacity-Based Model for Glenwood Springs

Using just the past data that represents economic and market cycles seen in the ups and downs of the line through time, the future trend line that best fits the data is shown below.

Although this may illustrate an upper limit (orange horizontal line) this does not establish any future maximum -- it is simply a mathematical representation using past growth trends. The community should use this to understand if this theoretical path is appropriate and can utilize policy changes to modify an approach.

The model results in a future growth curve that gradually tapers over the coming decades.



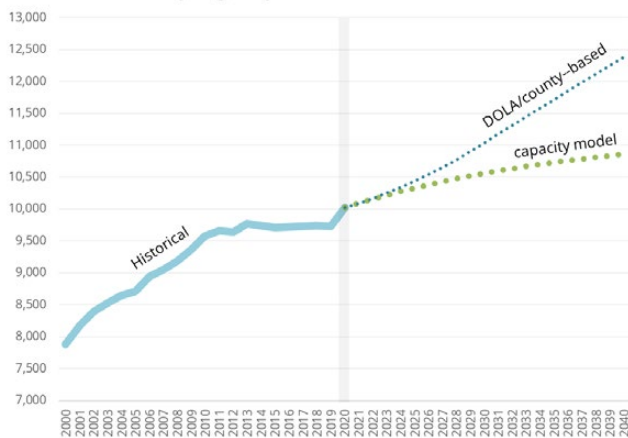
Low (DOLA-Based) vs. High (Capacity-Based)

This chart compares a low and high scenario based on the two approaches discussed.

The DOLA-based forecast assumes Glenwood Springs will continue to capture approximately 10% of projected county growth (slightly upward-curving)

The capacity-based model still grows, but tapers towards some future population limit.

Glenwood Springs Population Forecast Scenarios



Housing Unit Implications

This chart compares a low and high scenario based on the two approaches discussed.

The DOLA-based forecast assumes Glenwood Springs will continue to capture approximately 10% of projected county growth (slightly upward-curving).

The capacity-based model still grows, but tapers towards some future population limit. What affects this trend line and upper limit? The future is modeled after the past, which shows ups and downs resulting from economic cycles as people come and go based on housing and job opportunities. On one hand, the real estate and job markets of those cycles affect the future trend line, but on the other it does not account for approved/proposed development projects, Physical conditions in the past also affected that line in the past, including that land may have been more readily available develop projects where it is now more scarce.

Most importantly, changing growth policy can alter this trend's course. The five growth management strategies mentioned in sections 2 and 3 are all examples. Putting more resources toward supplying affordable housing, or incentivizing urban redevelopment areas are other examples.

This model is provided to simply forecast how many people and housing units may be added based on past cycles, while also priming the community to understand what policy or course change might be appropriate. It is a matter of asking the community:

- Does this model look like the right course? or if not,
- What strategy, if any, might help Glenwood Springs chart a course that's more in line with the community vision that comes out of this comprehensive plan update process?

	Population		New Housing Units Required*	
	projected (low)	projected (high)	projected (low)	projected (high)
Growth to 2030	533	1,013	202	384
2030 to 2040 growth	300	1,337	114	507
Total	832	2,350	316	892

*Based on average of 1 new unit for every 2.63 added residents since 2000. This accounts for second-home growth as well as household size.

Pros and Cons of Capacity-Based Forecasting

Should we assume a capacity-based growth curve for Glenwood Springs?

Pros:

- **Makes intuitive sense.** The town has far less land capacity than it used to and does not have major annexation plans.
- **Fits the data.** Approximately, at least, a subtle S-shaped curve passes the eye test better than a straight line or a continuous upward-swooping curve.
- **Acknowledges finite resources.** Glenwood Springs could annex more surrounding farms, but then there won't be surrounding farmland. Water in the West is spread thin; Town infrastructure has its limits; etc.

Cons:

- **Acknowledges finite resources.** This can be an unpopular sentiment for developers and land-owners.
- **Adds complications.** Inconsistent with DOLA methods and previous forecasts. The math is trickier. Ideally, you should quantify land capacity, which takes work.
- **Carrying capacity can be increased.** The model assumes a flat upper limit, but towns can actually add capacity, even without annexing (through new technology, creative density, infill, etc.).

Keep in mind, a capacity-based forecast **is again a simple model that helps us predict** what growth may occur based on past trends resulting from the likelihood someone moves to town (or leaves) which is affected by their ability to find a place to live or work, as examples.

Other Growth Metrics

So far we've been discussing population, but for comprehensive planning, there are other important growth metrics:

Housing Units

Knowing the resident population is good, but land use planners need to know residential acreage needs, which means also predicting household sizes, rent vs. ownership demand, density preferences, and non-resident buyer/renters.

Employment

Some population growth is natural (births minus deaths), and some is due to net migration – people moving into an area, usually in pursuit of jobs. Population and employment are definitely linked, but there are chickens and eggs involved.

Job growth requires adequate commercial acreage

Visitors

This is important, but notoriously hard to accurately quantify and track. Event attendance, intercept surveys, lodging revenue, license plate counting, etc. are all helpful but it's still easy to undercount when your visitor base is largely day-trippers in cars.

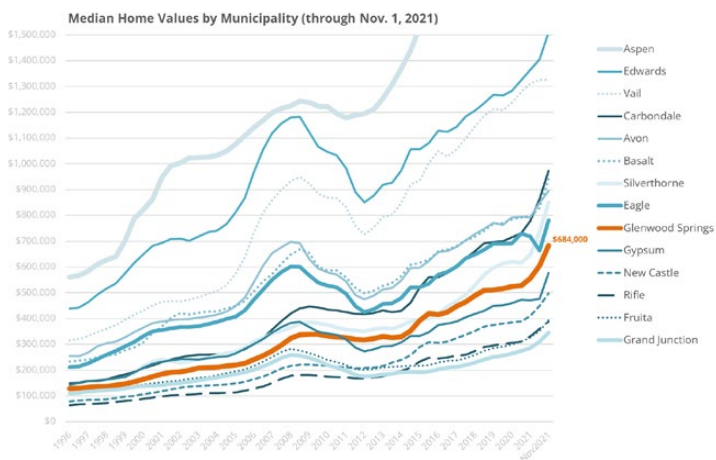
Next Steps in Understanding the City's Growth

Modeling offers an indirect yet simple way to predict growth, as changing housing and job markets inform future patterns. But in an uncertain future, the next step is to pose alternative growth scenarios by creating land use models that paint a more realistic picture of what will happen on the ground. This will help answer specific questions like "If the city focuses on job growth and housing ownership opportunities, what are a few options of where these homes and workplaces may go to achieve those goals?" This analysis is forthcoming in the Technical Planning phase of this update which will begin once additional input is received.

Limiting Growth Comes with Challenges

Limited supply in desirable locations inevitably leads to upwards pressure on prices and rents.

Affordability has reached crisis levels over much of the Mountain West, with potentially serious impacts on employee attraction and retention (and commuting traffic).



Glenwood Spring's Role in the Region

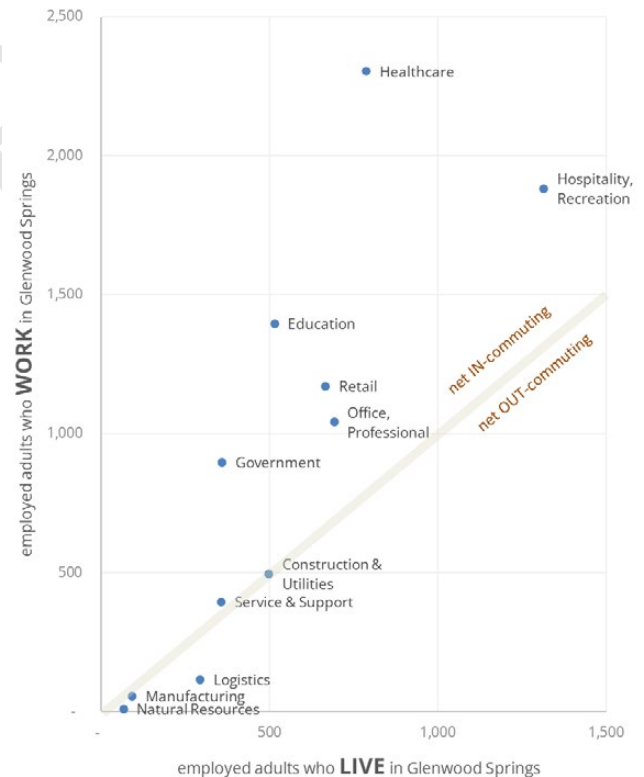
Glenwood Springs serves as a hub for the regional economy with many centrally-located resident and business services.

There are more people working in Glenwood Springs than there are employees living in Glenwood Springs.

This results in substantial in-commuting across all industry categories, especially in core sectors.

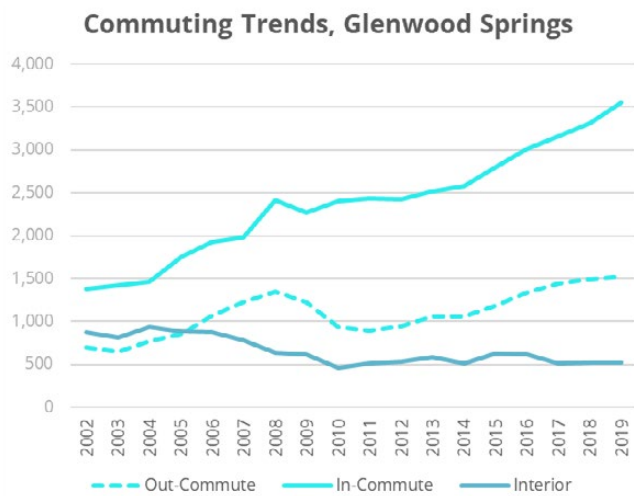
Glenwood Springs has a large visitor/hospitality sector but is more focused on resident-serving industries than more up-valley towns.

Industry Grouping by Workplace and Residence

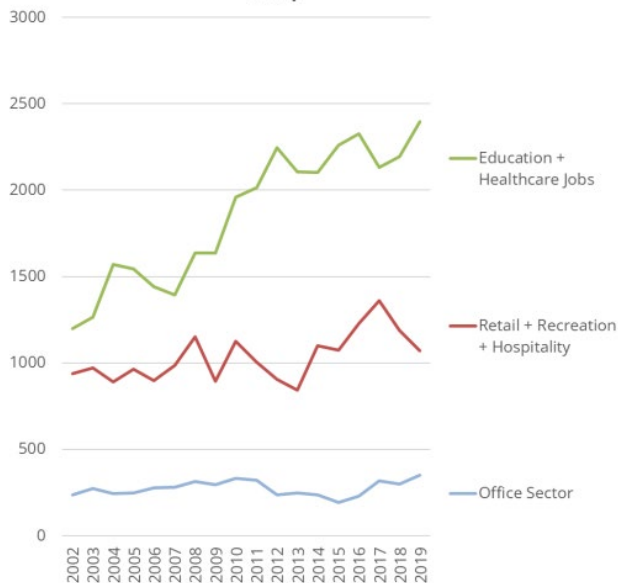


Increasing Need for In-Commuting

In-commuting levels are either stable or rising over recent years with more and more school employees and healthcare workers needing to live outside the town.

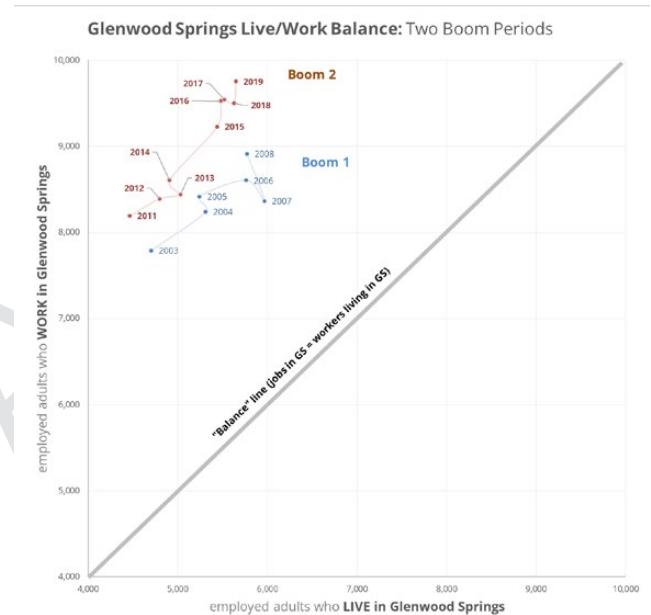


Glenwood Springs Net In-Commutes by Industry Group



Another Look at Live/Work Balance Over Time

During the two most recent boom periods, both local jobs and local employed residents have risen in tandem—leaving the relative balance unchanged (i.e. not moving any closer to the “balance” line).



5: GROWTH AND CAPACITY

Land Availability and Capacity

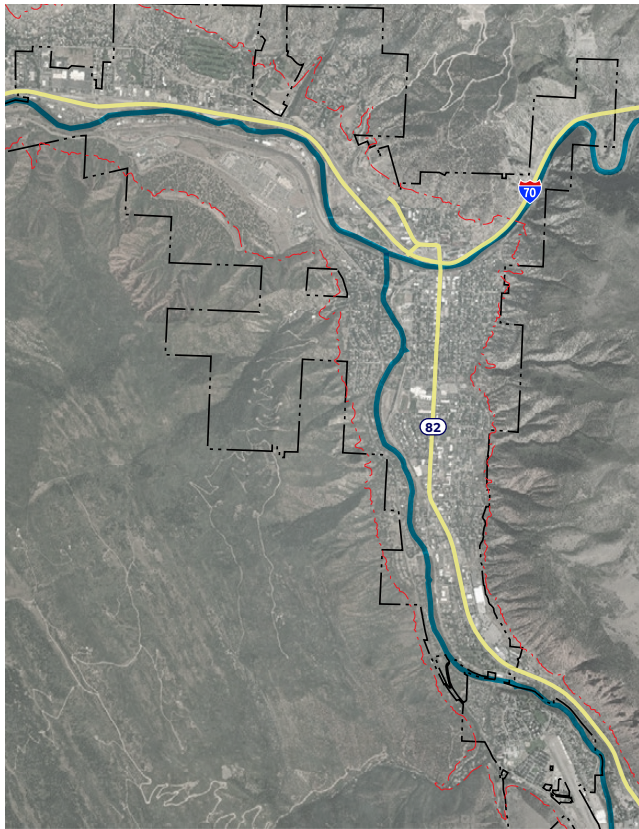
- **Based on projection models and projects in progress, how much can be accommodated with INFILL development?**
- Glenwood Springs can likely accommodate 10- and 20-year projected growth with current projects and on vacant/underutilized properties.

The following provides a baseline analysis of what land is available considering a number of factors to determine growth and capacity potential. This analysis focuses primarily on infill within the UGB.

Potential Infill Areas

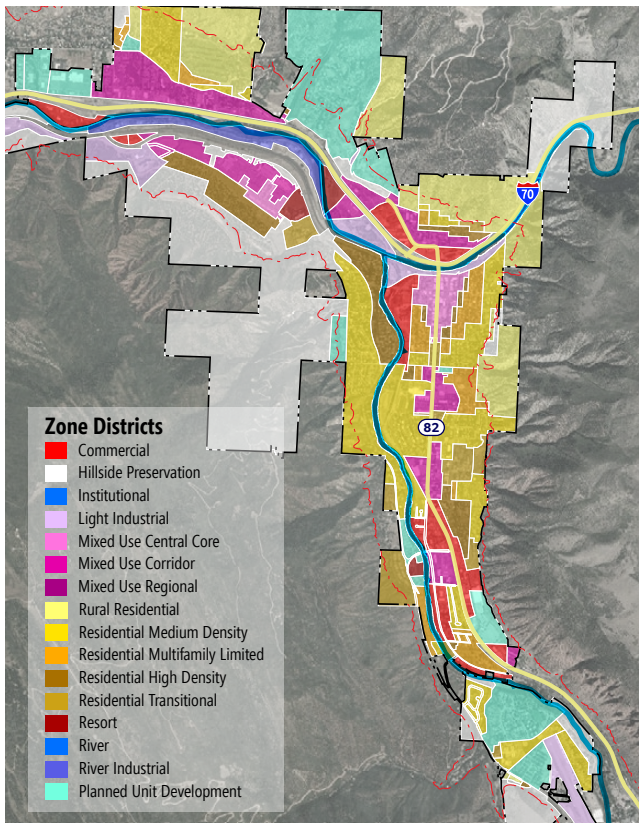
Factors to Consider When Analyzing Potential Infill

- Where are vacant/underutilized parcels located and what is their ownership?
- How does the existing zoning map affect growth potential and are there adjustments needed to meet community vision?
- Is there adequate infrastructure and which systems are the most impacted?
- How does Glenwood Springs natural ruggedness create physical limitations, including hazard areas, that change available land capacity?
- What areas of the existing planning framework need to be revisited (e.g. design guidelines)?
- How might the urban growth boundary (UGB) and three-mile planning area affect growth patterns and land use? Are there any opportunity locations beyond the UGB?



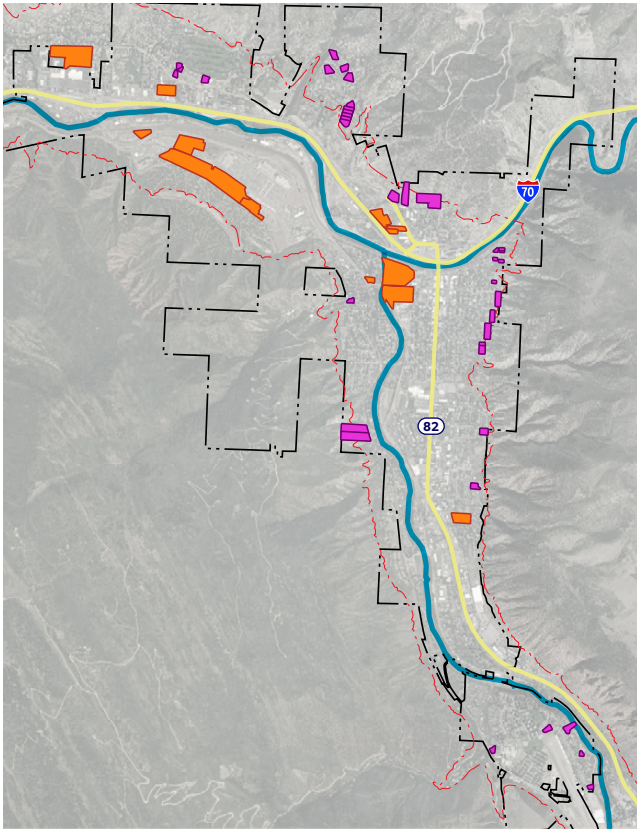
Municipal Boundary, Urban Growth Boundary and Three-Mile Planning Area

- Abundant opportunities exist within the urban growth boundary for future infill, however physical challenges and access means some would require property assembly, redevelopment or significant investment.
- Annexation opportunities within the three-mile planning area are limited, yet in 10 to 20 years, new opportunities may exist. Establishing growth plans for these areas could create opportunities to promote nodes of transit-oriented development based around RFTA stops or other amenities where services, jobs and housing can be concentrated.



Zoning Effects on Growth

- When analyzed, existing zone districts within the UGB (illustrated at left) provide opportunities for continued infill development. Potential for revised infill design guidelines similar to those employed in Durango can help the community identify and best achieve its vision of appropriate community character and scale.
- The location and standards in the Residential High Density and Residential Transitional districts offer particularly strong opportunities to increase housing supply and meet the diversity in ownership needs noted in initial community input.

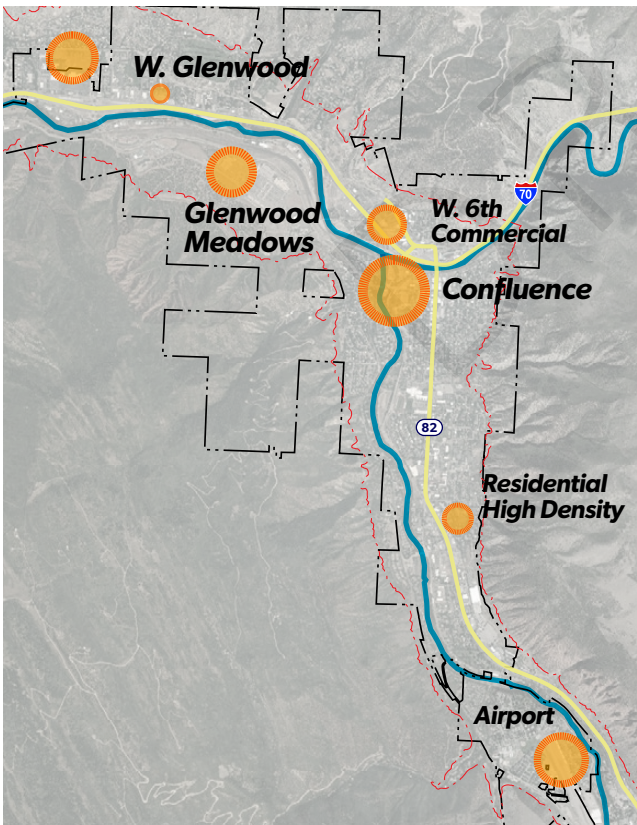


Residential and Commercial Opportunity Areas

- The maps at left illustrate infill opportunity areas based on the stated factors. These are public or private parcels that meet the physical criteria listed above and are theoretical in nature.
- Unit count potentials were derived by applying gross densities to opportunity areas.
- Potential for overall housing unit growth in the long term is quantified as follows:

Low Estimate (3 to 5 dwelling units per acre): 610 Units

High Estimate (6 to 24+ dwelling units per acre): 980 Units



*With Airport Land Use Scenarios

Low Estimate: 640 Units

High Estimate: 1,400 Units

	Low	High
• Projection model 10-Yr unit growth:	202	384
• Projection model 20-Yr unit growth:	316	892
• (These are reference figures from Section 5)		

*Considers land use scenario estimates provided in the Glenwood Springs Airport Scenario Planning Study. All estimates are for discussion purposes only and are subject to further analysis and change.

6: KEY TAKEAWAYS AND ISSUES

- A balance of strategies will be necessary to achieve diversity in residential and commercial projects. Infill in the short term with thought toward annexations in the long term should be presented and discussed with the community.
- Accommodating 10- or 20-year growth is possible within the urban growth boundary without annexation.
- Although Glenwood Springs may have capacity to accommodate several years of projected housing growth on vacant or underutilized parcels within the urban growth boundary, the long-range vision would likely need to promote denser infill to meet needs for affordable housing and amenities.
- Impacts to infrastructure (notably access/mobility networks and water resources) will play an influential role on capacity, and in particular the effect natural hazards may have on these systems.
- Phasing measures will be critical to any growth management policy — the timing of when projected growth may occur should be considered by any policy as much as the location.
- The number of infill opportunity sites should be considered and leveraged when establishing policy which should also consider urban design standards.
- Case study findings note that land availability may have an even more significant impact on the pace of growth than policies that implement unit limitations. Where land is running out, a cap may have a strong limiting factor on any new development.
- Potential for annexation should be carefully envisioned with the community in the comprehensive plan update to ensure consensus on where such opportunities may exist outside the UGB.



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item: Swearing in Marco Dehm for Ward 1 Council Seat

Action Requested: City Clerk Ryan Muse will swear in Marco Dehm to the City Council seat representing Ward 1.

Department: City Clerk

Presented By: Ryan Muse

Strategic Goals: Provide Efficient and Responsive City Government

Background Info: Marco Dehm was selected by a 6-0 vote to replace Steve Davis as City Councilor to represent Ward 1. He is appointed to serve the remainder of the scheduled Ward 1 Councilor term which comes up for reelection at the next regularly scheduled Municipal Election, April 4, 2023.

Issues: N/A

Fiscal Impact: Councillors are compensated \$1000 per month.

Legal Review: Marco Dehm was selected during a Special City Council Meeting on February 25, 2022. There are no legal issues.

Staff Recommendation: N/A



STATE OF COLORADO)
)ss.
COUNTY OF GARFIELD)

OATH OF OFFICE
CITY OF GLENWOOD SPRINGS,
CITY COUNCILOR, WARD 1

I, **Marco Dehm**, upon my oath, do solemnly swear that I will support the Constitutions of the United States of America, the State of Colorado, and the Charter and Ordinances of the City of Glenwood Springs, and will faithfully perform the duties of the Office of City Councilor representing Ward 1 upon which I am about to enter.

Marco Dehm, Councilor Representing Ward 1

By virtue of the powers vested in me by the Glenwood Springs Municipal Charter, I hereby certify that the foregoing Oath of Office was subscribed and sworn to before me this 3rd day of March 2022, by Marco Dehm, City Councilor representing Ward 1.

Witness my hand and the official seal of the City of Glenwood Springs.

Ryan Muse, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item: An executive session pursuant to Colorado Revised Statute 24-6-402(4)(b) and (e)(I) for a conference with the City Attorney for the purposes of receiving legal advice on specific legal questions, determining positions relative to matters that may be subject to negotiations relating to the Mitchell Cooper Water System and the Downtown Overlay District.

Action Requested: Discussion

Department: Public Works

Presented By: Matthew Langhorst, Karl Hanlon

Strategic Goals: Preserve and Improve Infrastructure

Background Info:

Issues: None at this time.

Fiscal Impact: None at this time.

Legal Review: NA

Staff Recommendation: NA



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item: February 17, 2022 City Council Minutes

Action Requested: February 17, 2022 City Council 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
REGULAR CITY COUNCIL MEETING
FEBRUARY 17, 2022
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

:01 Roll Call

Present: Mayor Godes, Mayor Pro-Tem Willman, Councilor Kaup, and Councilor Hershey. Also present were 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.

:01 Pledge of Allegiance

Mayor Godes led the Pledge.

:02 Agenda Changes or Conflicts

No agenda changes or conflicts.

:02 Citizens Appearing Before Council

No citizen comments were made.

Comments were made by Mayor Godes and Councilor Hershey.

:02 Council Comments

Comments were made by Councilor Hershey.

:03 Consent Agenda

:03 Mayor Pro-Tem Willman moved, seconded by Councilor Kaup, to approve the consent agenda.

Motion passed unanimously.

:04 Schedule Council Appointment

:04 Mayor Pro-Tem Willman moved, seconded by Mayor Godes, to meet on Friday, February 25th at noon, by Zoom only, and vote on the replacement for Mr. Davis.

Comments were made by Councilor Hershey and Mayor Godes.

Motion passed unanimously.

:04 Financial Advisory Board Appointments

:05 Mayor Pro-Tem Willman moved, seconded by Councilor Kaup, to reappoint Christian Henny to a second terms expiring February 2025, appoint Salvador Rico to the finance seat with the term to expire February 2023, and Asha John to the City seat with term to expire February 2025.

Comments were made by Councilor Hershey, Mayor Godes, City Clerk Ryan Muse and Mayor Pro-Tem Willman.

Motion passed unanimously.

:06 Transportation Commission Appointments

:07 Councilor Kaup moved, seconded by Mayor Godes, to appoint Ralph Trapani to a second term expiring March 2025, and Dean Kinkel to a regular seat with term expiring March 2025.

Motion passed unanimously.

Comments were made by Mayor Godes and Councilor Hershey.

:08 Historic Preservation Commission Appointments

Councilor Hershey, presented.

:08 Councilor Hershey moved, seconded by Councilor Kaup, to appoint James Larson to a regular seat with the term expiring April 2023 effective immediately, to appoint Marianna Ackerman to a regular seat with the term expiring April 2023 effective immediately, and Grant Stevens to a regular seat beginning April 2022 with the term expiring April 2025.

Comments were made by Mayor Pro-Tem Willman.

Motion passed unanimously.

:10 Parks and Recreation Commission Appointments

Councilor Wussow, presented.

:10 Mayor Pro-Tem Willman moved, seconded by Councilor Hershey, to reappoint Christina Pearson, Laura Speck and Tyler Benton to regular seats in the Parks and Rec Commission, with

terms beginning March 2022 and expiring March 2025. Christina and Laura are second term appointments and Tyler is a first term appointment.

Motion passed unanimously.

:11 South Midland Update

Project Resource Studio representative Meredith Carroll, presented.

Comments were made by Councilor Hershey, City Engineer Ryan Johnson, Mayor Godes, and Councilor Kaup.

:19 Housing Coalition Letter of Intent

Assistant City Manager Jenn Ooton, presented.

Comments were made by Councilor Kaup, Assistant City Manager Jenn Ooton, and Mayor Pro-Tem Willman.

:29 Mayor Godes opened for public comment.

No comments were made.

:29 Mayor Godes closed public comment.

Comments were made by Councilor Kaup.

:30 Councilor Kaup moved, seconded by Mayor Pro-Tem Willman, to approve the letter of intent and the expenditure of ten thousand dollars from the General Fund.

Comments were made by Mayor Pro-Tem Willman.

Ayes: Godes, Willman, Kaup

Nays: Hershey

Motion passed 3-1

:31 Ordinance 2022-09 - Amending Title 070 to add Guidelines and Regulations for Matters of State Interest; Planning Item 02-22

Assistant City Attorney Richard Peterson-Cremer, presented.

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

:40 Mayor Godes opened public comment.

No comments were made.

:40 Mayor Godes closed public comment.

:40 Mayor Pro-Tem Willman moved, seconded by Mayor Godes, to approve Ordinance 2022-09 with the suggested findings in the Staff report and include the area of Highway 82 from where it starts in Glenwood Springs to the south end of the city.

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

Motion passed unanimously.

:43 Ordinance 2022-06; adoption of the 2021 Editions of Building Codes

Assistant City Manager Jenn Ooton, presented.

Comments were made by Councilor Hershey, Assistant City Manager Jenn Ooton, Councilor Kaup, City Attorney Karl Hanlon, Mayor Godes, Mayor Pro-Tem Willman and Economic and Community Development Assistant Director Hannah Klausman.

1:02 Mayor Godes opened for public comment.

No comments were made.

1:02 Mayor Godes closed public comment.

1:02 Councilor Hershey moved, seconded by Councilor Kaup, to approve Ordinance 2022-06; adoption of the 2021 editions of Building Codes on first reading.

Motion passed unanimously.

1:03 Ordinance 2022-04, Code Amendments to Wireless Communication Facilities Standards Section 070.030.030(g)

Assistant City Manager Jenn Ooton, presented.

Comments were made by Councilor Hershey, and City Attorney Karl Hanlon,

1:06 Mayor Godes opened for public comment.

No comments were made.

1:06 Mayor Godes closed public comment.

1:07 Mayor Pro-Tem Willman moved, seconded by Mayor Godes, to approve Ordinance 2022-04, Code Amendments to Wireless Communication Facilities Standards Section 070.030.030(g) with the five findings in the Staff report.

Motion passed unanimously.

1:07 Ordinance 2022-07; Changes to Title 070 and 090 related to Public Art Funding Planning Item 57-21

Comments were made by Councilor Hershey, Assistant City Manager Jenn Ooton, Councilor Kaup, Mayor Godes and City Attorney Karl Hanlon.

1:09 Mayor Godes moved, seconded by Councilor Hershey, to continue item 21, f until the March 3rd Council meeting.

Motion passed unanimously.

1:10 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)

Chief Operating Officer Steve Boyd, presented.

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

1:13 Mayor Godes opened public comment.

No comments were made.

1:13 Mayor Godes closed public comment.

1:13 Mayor Pro-Tem Willman moved, seconded by Councilor Kaup, to approve 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 only.

Motion passed unanimously.

Comments were made by Mayor Godes and City Attorney Karl Hanlon.

1:15 Report from Administration

City Manager

Comments were made by Chief Operating Officer Steve Boyd.

City Attorney

Comments were made by City Attorney Karl Hanlon.

Correspondence Incoming/Outgoing

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

1:20 Mayor Pro-Tem Willman moved, seconded by Councilor Kaup, to approve the Mayor to send both letters as a formal motion of counsel.

Motion passed unanimously.

Comments were made by Councilor Hershey, Mayor Godes, Mayor Pro-Tem Willman, and City Clerk Ryan Muse.

1:23 Adjournment

1:23 Councilor Hershey moved, seconded by Mayor Pro-Tem Willman, to adjourn.

Ayes: Willman, Godes, Kaup

Nays: Hershey

Motion passed 3-1.



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item: February 25, 2022 Special City Council Minutes

Action Requested: February 25, 2022 Special City Council 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
REGULAR CITY COUNCIL MEETING
FEBRUARY 25, 2022
12:00 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

:01 Roll Call

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

:02 Pledge of Allegiance

Mayor Godes led the Pledge.

:02 Appointment of City Council Member

:03 Councilor Wussow moved, seconded by Mayor Pro-Tem Willman, to appoint Marco Dehm to fill the remainder of Steve Davis's term on City Council.

Motion passed unanimously.

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

:05 Adjournment

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

Motion passed unanimously.



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	Sustainable Strategies Agreement
Action Requested:	Approval of 2022 Contract
Department:	City Administration
Presented By:	Debra Figueroa
Strategic Goals:	Protect and Preserve our Quality of Life Preserve and Improve Infrastructure
Background Info:	Each year the City engages Sustainable Strategies for assistance with lobbying efforts and grant funding. There are no changes to this agreement from last year.
Issues:	The amount of the contract is over \$100,000 so it is included on a consent agenda.
Fiscal Impact:	This agreement stipulates a payment of \$8,500 per month (\$102,000) throughout the year and is paid for by several departments and funds. This agreement has been responsible for more than \$20,000,000 in grant funding secured by the City since 2019. <u>Costs include:</u> Street Tax; \$24,000 Water/Wastewater; \$30,000 Electric; \$15,000 A&I Fund; \$22,500 Fire and EMS Fund;\$9,000 Landfill; 9,000
Legal Review:	Subject to our standard agreement and purchase order
Staff Recommendation:	Staff recommends approval

AGREEMENT FOR PROFESSIONAL SERVICES

This AGREEMENT FOR PROFESSIONAL SERVICES is made this 4th day of March, 2022 between the CITY OF GLENWOOD SPRINGS, a home rule municipality under the laws of the State of Colorado ("City"), and SUSTAINABLE STRATEGIES DC.

WITNESSETH:

In consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. Scope of Agreement. Contractor agrees to provide the City with professional strategic funding services, as more fully described on **Exhibit A** attached hereto and incorporated herein.

2. Consideration. The City agrees to compensate Contractor for its fees and services in an amount not to exceed One Hundred Nine Thousand Dollars (\$109,000.00), as set forth on **Exhibit A**, plus expenses for travel, lodging, and meals necessary to complete the services identified in Section 1 of this Agreement. Contractor shall submit a bill for approval and payment on a monthly basis until completion of the services. Each bill shall contain a statement of the time that the Contractor's employees spent on the Project since the previous bill, a brief description of the services provided by each such employee, and an itemization of direct expenses actually incurred. Upon reasonable advance request, the City may inspect and copy Contractor's documentation of time and expenses.

3. Term. This Agreement shall be effective as of January 1, 2022 and shall continue until December 31, 2022, or unless earlier terminated due to completion of the services identified in Section 1 or pursuant to Section 15 of this Agreement. Contractor represents, covenants, and agrees that it will not undertake any obligations or make any commitments that will limit or prevent timely completion of this Agreement.

4. Agreement Subject to Appropriations. It is expressly understood and agreed that the City's performance of this Agreement is subject to appropriations being made by the City Council of the City of Glenwood Springs. In the event City Council fails to make or maintain sufficient appropriations to pay any costs incurred under this Agreement, the Agreement shall be terminated immediately.

5. Status. Contractor is an independent contractor and shall not be considered an employee or agent of the City for any purpose. Contractor is not entitled to workers' compensation benefits and is obligated to directly pay all federal and state income tax obligations on compensation earned under this Agreement.

6. Employees and Subcontractors. The providing of professional services required under Section 1 of this Agreement shall be the responsibility of the Contractor. Contractor may employ or subcontract with additional persons to assist in the performance of this Agreement.

Supervision and payment of any such persons shall be the sole and exclusive responsibility of Contractor.

7. Standard of Care. The standard of care applicable to Contractor's services will be the same degree of care, skill, and diligence employed by highly competent professionals performing the same or similar services. In case of any conflict between the interests of the City and any other entity, the Contractor shall fully and immediately disclose the issue to the City and shall take no action contrary to the City's interests.

8. Duty to Warn. Contractor agrees to call to the City's attention errors in any drawings, plans, sketches, instructions, information, requirements, procedures, and other data supplied to the Contractor by the City or any other party that it becomes aware of and believes may be unsuitable, improper or inaccurate in a material way. However, Contractor shall not independently verify the validity, completeness or accuracy of such information unless otherwise expressly engaged to do so by the City. Nothing shall detract from this obligation unless the Contractor advises the City in writing that such data may be unsuitable, improper or inaccurate and the City nevertheless confirms in writing that it wishes Contractor to proceed according to the data as originally given.

9. Documents. All work notes, reports, documents, computer programs (non-proprietary), computer input and output, analyses, tests, maps, surveys, or any other materials developed specifically for the Project are and shall remain the sole and exclusive property of the City. The Contractor, upon request by the City, agrees to provide documents or any other materials developed specifically for the Project in a fully accessible and electronically editable format. The Contractor shall not provide copies of any material prepared under this Agreement to any other party without the prior written consent of the City.

10. Indemnity. To the extent permitted by law, each party to this Agreement shall hold harmless and indemnify the other party, including the other party's employees, officers, agents, and assigns, from award of damages, to the extent such award of damages arises from the action or inaction of that party's own officers, employees and agents.

11. Patented Devices, Materials, and Processes. Contractor shall hold and save harmless the City from any and all claims for infringement by reason of the use of any patented design, device, material, process, or trademark or copyright and shall indemnify the City for any costs, expenses, and damages, including court costs and attorney fees, which it might be obligated to pay by reason of infringement at any time during the prosecution or after completion of its' services under this Agreement.

12. Responsibilities. Contractor shall be responsible for all damages to persons or property caused by the Contractor, its agents, employees or sub-contractors, to the extent caused by its negligent acts, errors and omissions hereunder, and shall indemnify and hold harmless the City from any claims or actions brought against by reason thereof. Contractor's obligation to indemnify the City as set forth in this Agreement shall survive the termination or expiration of this

Agreement. Contractor or its insurer(s) shall pay all claims and losses of any nature whatsoever in connection therewith, and shall defend all suits, in the name of the City when applicable, and shall pay all costs and judgments which may issue thereon.

13. Insurance. Contractor agrees to provide proof of professional liability insurance coverage of at least One Million Dollars (\$1,000,000.00) for each claim and aggregate limit. Contractor shall maintain this insurance for the term of this Agreement.

13.1 Insurance coverage requirements specified in this Agreement shall in no way lessen or limit the liability of the Contractor under the terms of Contractor's indemnification obligation. Contractor shall obtain, at its own expense, any additional insurance that it deems necessary for the City's protection.

13.2 It is understood and agreed, for the benefit of the City, that the following additional considerations shall apply to all coverage specified herein:

13.2.1 All coverage provided herein shall be primary and any insurance maintained by the City shall be considered excess.

13.2.2 The City shall have the right to verify or confirm, at any time, all coverage, information or representations contained herein, and the insured and its undersigned agent shall promptly and fully cooperate in any such audit the City may elect to undertake.

13.2.3 Advice of renewal is required.

13.3 It is understood and agreed that should any policy issued hereunder be cancelled or non-renewed before the expiration date thereof, or sustain a material change in coverage adverse to the City, the issuing company or its authorized agent shall give notice to the City in accordance with policy provisions.

14. Governmental Immunity. Nothing herein shall be interpreted as a waiver of governmental immunity, to which the City would otherwise be entitled under §24-10-101, et seq., C.R.S., as amended.

15. Termination. If at any time the City is dissatisfied with the services of Contractor for any reason whatsoever, the City may terminate this Agreement effective immediately upon the delivery of written notice to Contractor. In the event of any such termination, the City shall pay Contractor for services rendered to the date of termination. In the event of such termination, Contractor shall promptly deliver to the City all drawings, computer programs, computer input and output, plans, photographic images, analyses, tests, maps, surveys, and written materials of any kind generated in the performance of its services under this Agreement up to and including the date of termination.

23. Counterparts. This Agreement may be executed in counterparts, including any facsimile copies, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands this 4th day of March, 2022.

CITY OF GLENWOOD SPRINGS

ATTEST:

By: _____
Jonathan Godes, Mayor

Ryan Muse, City Clerk

SUSTAINABLE STRATEGIES, DC

By: _____
Andrew Seth, President



Sent via e-mail to dfigueroa@cogs.us

January 8, 2019

City Manager Debra Figueroa
City Hall
101 W 8th Street
Glenwood Springs, CO 81601

Re: Proposal for Resource Roadmap Services in Glenwood Springs, CO

Dear Debra:

On behalf of Sustainable Strategies DC (S²), I am pleased to provide this proposal for services to provide strategic funding consulting to Glenwood Springs, CO. S² has extensive experience helping communities secure the funding for community priorities, including federal transportation, brownfields, housing, green infrastructure, and economic development resources. Attached is a 2018 Year End Report detailing the \$7.9 million in new grant funding secured in 2018 (with \$450,000 still pending), in addition to \$2+ million in additional funding secured since S² began work with the City in the fall of 2016.

S² is currently underway with updating a "Resource Roadmap" identifies Glenwood Spring's priorities and the best opportunities to secure resources for these projects. Moving forward, we propose to provide comprehensive services to implement the roadmap, including strategic planning, grant-writing, and advocacy services. This retainer agreement defines a scope of work for the period of February 1, 2019 through January 1, 2020 (following the closure of our current contract). This agreement also proposes a compensation arrangement and provides background on our firm and our team.

GLENWOOD SPRINGS' PRIORITIES

As we discussed with various department heads and community leaders during our roadmap workshops, Glenwood Springs has a number of community revitalization priorities for which S² can help the City pursue funding and other support. Highlights included:

- **Transportation Infrastructure:** Glenwood Springs is underway with major transportation infrastructure improvements, including the South Midland Reconstruction and South Bridge Projects. Other projects include funding for running buses from the Hanging Lake Welcome Center, as well as a transit center and parking garage at the confluence.
- **Brownfields:** Glenwood Springs seeks federal funding to assess contamination at key sites identified in the Area-Wide Brownfields Plan for the Confluence Area supported by a U.S.

EPA Brownfields Area-Wide Planning grant. A U.S. EPA Brownfields Community-Wide Assessment grant would provide the City with a pot of funding to conduct Phase I and Phase II Brownfields assessments at properties with potential contamination that are ripe for cleanup and redevelopment.

- **Parks and Recreation:** Glenwood Springs seeks funding for a variety of local parks and trail projects, including the completion of the LOVA Trail, parks planning for South Canyon, and sports park upgrades (ice rink enclosure, soccer field “bubble”).
- **Arts and Culture:** Glenwood Springs seeks funding to support upgrades to the historic Hydroelectric Plant building that provides arts and cultural programming to the community.
- **Other:** Other projects for which the City needs funding include resources for expanding the municipal broadband network, clean energy and efficiency improvements, a ride hailing service, a new recycling center, and fire and police staff and equipment.

SCOPE OF WORK

Glenwood Springs’ success in obtaining resources will involve strategic thinking, clear grant writing and strong advocacy. S² proposes to work with Glenwood Springs to secure federal, state and other funding by:

- **Identifying Glenwood Springs’ Top Community Revitalization Priorities:** Working with the City to determine which local projects are most competitive and ready for grant resources;
- **Building Glenwood Springs’ Competitive Advantages:** Providing strategic advice to make Glenwood Springs more competitive for specific grant opportunities (*e.g.*, what types of projects does the federal agency really want to fund, how projects should be shaped to be most eligible and competitive, what types of partnerships would be most effective, what results does the federal agency hope to see, what’s the likelihood of success, what are the local matching or other resource requirements);
- **Grant-Writing:** Providing comprehensive analysis of grant opportunities, and preparing up to ten grant proposals during the year for Glenwood Springs’ highest priority projects;
- **Stakeholder Support:** Working with Glenwood Springs to identify and gather stakeholder support for funding projects from the right local, regional, state, and national stakeholders;
- **Advocacy:** Helping the City connect with appropriate federal and state officials to advocate for your community priorities; and
- **In-person Strategic Support:** Meeting directly with city officials and other key stakeholders in Glenwood Springs to implement and continually update the City’s funding strategy.

COMPENSATION ARRANGEMENT

We will provide inclusive services for a monthly retainer of \$8,500 per month the period of February 1, 2019 through January 31, 2020, plus out-of-pocket costs (which should be minimal and composed mostly of reasonable travel costs). This increases our currently monthly retainer of \$7,500 (10-12 grants per year) by \$1,000 per month to reflect our workload of 14-15 grant applications and major projects per year.

We suggest that this proposed scope of work and compensation arrangement will provide S² with an opportunity to fully understand your needs, apply our proven skills in helping community's secure significant resources and continue to position Glenwood Springs as a national leader in rural revitalization. Our firm is unique in these services because we combine 50+ years of solid focus on these issue areas, a devotion to representing local governments as opposed to private sector clients, a strong track record of securing funding for localities, substantial experience in Washington DC with congressional and agency officials and a full menu of funding and advocacy services.

INFO ON SUSTAINABLE STRATEGIES

S² is a government affairs and strategic consulting firm based in Washington, DC that helps clients secure resources for revitalization and tools for success in the green economy. We primarily represent local governments, green technology companies and non-profit organizations across the nation, with a focus on sustainable economic development, clean energy, brownfields revitalization and smart growth, community revitalization, clean air and clean water projects, and infrastructure improvements. We provide grants advocacy, congressional and agency advocacy, consulting on community revitalization, consulting on green technology deployment, project funding guidance, support for formation of public-private partnerships, and environmental legal counsel. We have helped communities across America succeed on innovative local projects, and secure hundreds of millions of dollars in resources for those projects. For more information, see www.StrategiesDC.com.

OUR TEAM

Matt Ward, CEO: Prior to the launch of S², Matt was a partner and Sustainable Communities practice group leader at The Ferguson Group (TFG). He joined TFG in 2005 after being a partner at the Washington, DC law firm Spiegel & McDiarmid, where he provided advocacy consulting on sustainability issues to communities for more than a decade. He is a co-founder of the National Brownfields Coalition and the Brownfield Communities Network, and he has served as national policy director to a number of organizations including the National Association of Local Government Environmental Professionals, the National Association of Towns and Townships, the Climate Communities coalition, the Mayors Automotive Coalition, the Manufacturing Alliance of Communities, and the American Waterfront Revitalization Coalition. Matt received his B.A., magna cum laude, from American University and his J.D. from the University of Virginia. Matt's published work as a co-author includes: *Unlocking Brownfields: Keys to Community Revitalization*; *the Roadmap for Auto Community Revitalization*; *Smart Growth is Smart Business*; *Smart Growth for Clean Water*; *Recycling America's Gas Stations: The Value and Promise of*

Revitalizing Petroleum Contaminated Properties; Profiles of Local Clean Air Innovation: Empowering Communities to Meet the Air Quality Challenges of the 21st Century; Revitalizing Mothballed Brownfields; Profiles of Business Leadership on Smart Growth: New Partnerships Demonstrate the Economic Benefits of Reducing Sprawl; HUD CDBG Brownfields Funding: A Building Block for Community Development; and Building a Brownfields Partnership from the Ground Up: Local Government Views on the Value and Promise of National Brownfields Initiatives. Matt served as a city councilman and planning commission member in his hometown of Charles Town, WV for more than a decade.

Andrew Seth, President: Prior to his role as the President of S², Andrew Seth was a partner and the Director of Coalitions at The Ferguson Group. He is the Executive Director of the Climate Communities coalition, and directed the American Waterfront Revitalization Coalition. He previously served as a project manager on environmental issues at the International City/County Management Association, where he directed the Local Government Environmental Assistance Network. Prior to joining ICMA, Andrew was a member of the government affairs team at Spiegel & McDiarmid. He began his environmental career at the conservation non-profit American Rivers. Andrew received his B.S., summa cum laude, from Salisbury State University and a M.S. in Resource Administration and Management from the University of New Hampshire. Andrew's published work as a co-author includes: *Smart Growth is Smart Business; Profiles of Local Clean Air Innovation: Empowering Communities to Meet the Air Quality Challenges of the 21st Century; Profiles of Business Leadership on Smart Growth: New Partnerships Demonstrate the Economic Benefits of Reducing Sprawl; Empowering Local Government Climate Action: A Blueprint for President Obama and the 111th Congress; and Empowering Local Clean Energy Action: Federal Policy Agenda for 2011.*

Ashley Badesch, Principal: Prior to joining S², Ashley worked at the Center for International Policy. Ashley received her Master of Public Policy with a focus in Environmental Policy from the University of Virginia Frank Batten School of Leadership & Public Policy. Ashley received a B.A. with Distinction in Spanish with a minor in philosophy at UVA, where she co-founded the Zero Waste Initiative, chaired the student sustainability organization, and served as the student representative on the Materials Task Force for the President's Committee on Sustainability. Ashley is currently a J.D. candidate in the part-time program at Georgetown University Law Center.

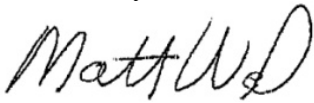
Matthew Popkin, Senior Associate: Prior to joining S², Matthew Popkin worked at the White House Council on Environmental Quality and Maryland Energy Administration. He received his M.P.P. from the Maryland School of Public Policy specializing in Energy and Environmental Policy, while helping to initiate the City of College Park's sustainability planning. Matthew also received his B.A. from the University of Maryland in Government and Politics, with minors in sustainability and Middle Eastern studies, and he chaired the University Sustainability Fund grant review committee and led the Student Government Association's Sustainability Committee, Ethics Committee, and Legislature. Matthew's published work as a co-author includes: *New Manufacturing on Old Brownfields and Sustainability Plan – College of Behavioral and Social Sciences.*

Sarah Marin, Client Services Manager: Sarah Marin manages client outreach and communications for S², including weekly client alerts containing upcoming grant opportunities and memos with key steps necessary for submission of proposals. Sarah is a recent graduate of the George Washington University where she received her bachelor's degree in International Affairs

with focuses in International Environmental Studies and Global Public Health and a minor in Sustainability. Prior to joining the team, she worked at Justice and Sustainability, LLC where she served in a Project Coordinator capacity.

Again, we are excited about the prospect of continuing to work with Glenwood Springs to help you obtain resources for your community priorities. We would be pleased to discuss our proposal with you further. In the meantime, please let us know if you have questions or want additional information.

Sincerely,

A handwritten signature in black ink that reads "Matt Ward". The signature is fluid and cursive, with the first name "Matt" being more prominent than the last name "Ward".

Matt Ward
CEO

A handwritten signature in blue ink that reads "Andrew Seth". The signature is cursive and stylized, with the first name "Andrew" being more prominent than the last name "Seth".

Andrew Seth
President

A handwritten signature in black ink that reads "Ashley Badesch". The signature is cursive and stylized, with the first name "Ashley" being more prominent than the last name "Badesch".

Ashley Badesch
Senior Associate & Project Director



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	City Hall HVAC System Upgrades
Action Requested:	Approval of RFP 2021-31P HVAC Upgrades
Department:	Facilities
Presented By:	Brian Smith
Strategic Goals:	Provide Efficient and Responsive City Government
Background Info:	RFP 2021-31P was issued on 12/7/2021 and closed on 1/21/2022 with two qualified responses to provide retrofit of 35 variable air valves and installation of a new building automation control system for City Hall's HVAC system. The staff selection committee interviewed both firms and asked for best and final offers. The low bidder is Northern Colorado Energy Solutions. The amount of the proposal, including commissioning, is \$111,743.50. The budget for the project is in the Capital Projects fund in the amount of \$123,100 and staff has confirmed the proposal meets our requirements.
Issues:	NA
Fiscal Impact:	Budgeted Expenditure in Capital Projects Fund of \$111,743.50.
Legal Review:	City's Standard Contract and Purchase Order.
Staff Recommendation:	Approval of award to Northern Colorado Energy Solutions



NOCO Commercial LLC.
3665 Canal Dr. Unit B, Fort Collins, CO 80524
Phone: (970) 310-6240



CONTROLS EXPERT

CONTROLS QUOTATION

TO: **City of Glenwood Springs**
SUBJECT: **RFP 2021-31P HVAC Automation & VAV Retrofit**
DATE: **01/21/2022**

DEAR VALUED CUSTOMER:

We propose to furnish the equipment listed below at prices stated and in accordance with the terms, price and conditions which are attached to and are a part of this quotation.

This quote proposes the following:

1. Retrofit 35 existing VAV controllers with Carrier Open VAV Zone II BACnet MS/TP Controllers
2. Add the boards needed for 3rd Party Bacnet Integration to the 2 Trane RTU's. Per Trane these boards include the PCB assembly, the Local Human Interface and the Ventilation Module. Also add 2 Carrier Open App controllers for 3rd party BACnet integration between the Carrier VAV's and the Trane air sources for proper VAV & RTU operation. (A Trane technician will be needed for proper installation & set-up of the BACnet integration Intellipak devices. This cost is covered by this proposal)
3. Install i-Vu Pro 8.0 750 device software on a City of Glenwood server (NOCO suggests a Virtual Machine). There will also be a Carrier XT-LB Router installed on-site that requires an ethernet connection to communicate between the i-Vu Pro server and the building HVAC devices. Please see attached manuals for installation procedures, OS requirements and best security practices.
4. Recalibration, Air Test & Balance of newly installed VAV's. Air Test & Balance to be VAV total only. NOCO assumes that proportional T & B is complete.

*Note: The City of Glenwood IT personnel shall be responsible for helping NOCO with the installation process of the iVu 8.0 software & the installation and/or mapping of a sufficient database engine per city requirements.

**Note: The i-Vu Pro Server only need reside on the City of Glenwood intranet and be able to communicate with the on-site XT-LB router. City IT personnel to decide best location for server/VM.

***Note: Any issues found outside of this scope, including Trane RTU mechanical problems, VAV damper/duct mechanical problems, will be addressed to the city and additional pricing/quotes will be given at that time.

TAG: CARRIER OPEN BAS & VAV CONTROLS SYSTEM – COMPLETE BUILDING CONTROLS UPGRADE

- 1) **Bacnet communications backbone:** Furnish the following:
 - a) New communications bus to all devices listed below BACnet MS/TP
 - b) Bacnet Repeater for high device count or max comm bus length
 - c) Bacnet End of Line Resistors
- 2) **(2) Rooftop units:** Furnish the following:
 - a) (2) Trane 3rd Party Integration Retrofit Kits
 - b) (2) Carrier Opn-App controllers
 - c) Labor

- 3) **(35) VAV Zones:** Furnish the following:
 - a) (35) VAV Retrofit Kits - Field Control Package including Controllers, Sensors, Actuators and Relays
 - b) (35) ZS-PRO R-Net space temperature sensor with LCD display, true setpoint adjust, and communication port
 - c) (35) Supply Air Temperature
 - d) Labor
 - e) Airside Test & Balance
- 4) **Graphical User Interface (GUI) Options:** Furnish the following:
 - a) i-Vu Pro 8.0 Software – 750 Device Limit
 - b) i-Vu Open XT-LB Router
 - c) Floor Plan Graphics (1st, 2nd)
 - d) Equipment Graphics
 - e) Trending Set-up
 - f) Alarming Set-up
 - g) Scheduling Set-up
 - h) Commissioning
- 5) **Engineering: Control Drawings, Wiring Diagrams, Cut Sheets, Installation and Operation Manuals**
- 6) **Labor**
- 7) **Programming: Start-Up and Commissioning**
- 8) **Up to (16) hours of owner training on the BAS controls system provided**
- 9) **(1) year warranty from the date of startup (existing equipment remaining in place excluded. Including but not limited to existing RTU's, ductwork, etc.)**
- 10) **Complementary first year remote technical support (must have external access to i-Vu server over secure VPN or other secure method provided by building tenant/owner)**

Add Options:

- 1) **3rd Party Commissioning**

Add Option Price: \$ 12,243.80

AMONG THE ITEMS NOT INCLUDED (unless specifically noted above):

Wiring, mounting, and installation

Disconnects, power transformers, starters, VFDs, smoke detectors, or installation/wiring/startup of such

Dedicated analog modem line and/or Ethernet/Internet connection shall supplied and maintained by owner

Pneumatic/poly tubing or installation of such

Interface to non-Carrier controllers/equipment, security system, life/safety system, or non-Carrier control system

Installation/startup of mechanical equipment or installation of accessories supplied with equipment

General Exclusions:

Dedicated analog modem line and/or Ethernet/Internet connection shall supplied and maintained by owner

Pipe, sheet metal, solenoids, louvers, dampers (back-draft, balancing, smoke/fire, etc.), or installation of such

Rigging, carting, painting, patching, test & balance, troubleshooting, repair, replacement, or demolition

Provision for working with existing asbestos

Labor overtime during construction or emergency service during warranty period

CONTROL NOTES:

1. Above price is firm and will remain in effect for 30 days from the date of this letter. Work in this proposal must proceed within 6 months of date of acceptance. Controls price is only valid with equipment specifically noted above.
2. This proposal must be signed, dated, and returned to the sender prior to submittal generation. A signed, written purchase order is also acceptable. All orders subject to credit approval and acceptance. Contact your sales representative for approximate lead-times on submittals, materials, or labor prior to acceptance of this proposal.
3. Purchaser shall provide to the above listed sales person, 2 copies of the complete plans and specifications on all installed controls projects, prior to controls submittals being completed and released. Any portion of plans or specs not provided will be excluded from the scope of work. We reserve the right to amend the quotation based on any new documents not submitted at bid time. An approved set of submittals must be returned to your assigned controls project manager prior to materials or labor being released.
4. Components are manufactured under the National Electrical Code and/or other applicable standards of care. Compliance to local codes is neither guaranteed nor implied.
5. Warranty begins immediately following the completion of owner training for the duration specified above. Any service calls received following the completion of the warranty period will be charged the standard street rate unless a signed service/maintenance contract specifies otherwise.

DESCRIPTION:	PRICE
A. Base:	\$ 99,500.00
B. Options:	\$ 12,243.80

Approval Signature _____ **Date:** _____

Desired PO/Project Name for Invoicing Statements: _____.

Sincerely,

Justin Howard
NOCO Commercial LLC

**TERMS, PRICE, POLICY AND CONDITIONS OF
NOCO Commercial LLC
(HEREINAFTER REFERRED TO AS "NOCO")**

1. Acceptance of this Quotation is limited to the terms hereof and no other terms or conditions appearing in any writing of the Buyer shall be binding upon Seller unless specifically agreed to in writing signed by an officer of NOCO.
2. Prices are subject to change without notice and do not include any applicable taxes or freight charges unless otherwise stated.
3. Unless otherwise specified on the reverse side hereof, payment shall be made net thirty days from date of invoice. Buyer agrees to make prompt payment of invoices. NOCO reserves the right to add to any account outstanding for more than 90 days a service charge of 2% of the principal amount due at the end of each month.
4. If your account is referred to a collection agency or attorney, you will be responsible for paying any costs and fees incurred by NOCO Commercial LLC. If any matter hereunder goes to litigation, Applicant agrees to the exclusive jurisdiction of the Circuit Court of Cook County.
5. All orders must be in writing and no order is binding until accepted by an authorized officer of NOCO. No sales representative has any authority to make any agreement, contract, warranty, term, promise, condition or understanding, expressed or implied, statutory or otherwise.
6. It is expressly agreed that title to all goods remains in NOCO until payment in full has been received. The Buyer agrees to perform all acts which may be necessary to protect and assure retention of unencumbered title to such goods in NOCO, except any security interest of NOCO.
7. Promises of delivery are based upon best information available from the manufacturing source and are made in good faith, but are not guaranteed. We are not liable for any delays in delivery or for any damage suffered by the Buyer or others by reason of any delay.
8. Cancellation of orders or portions thereof will not be accepted after material has been purchased or fabrication has been started.
9. Permission to return goods for credit plus shipping instructions and return tags must be secured from NOCO before returning any goods. All returned goods must be unused, in new condition, and in original crates. Goods returned without authorization will be refused and returned to shipper. Goods which are obsolete or made to special order are returnable only with prior written approval signed by an officer of NOCO and shall be conditioned upon Buyer paying a minimum restocking charge of not less than 10% of the original invoice price (not including freight and taxes).
10. All deductions from payments to NOCO Commercial LLC must include complete detail as to the reason behind the deduction. Failure to provide appropriate detail may subject your account to being placed on credit hold. No deduction older than six (6) months from last statement date will be accepted.

WARRANTY INFORMATION

1. (a) Unless otherwise provided herein, Seller warrants title and that all goods sold hereunder shall conform to this Quotation. NOCO extends only the warranties given by the Manufacturer upon goods manufactured by it as those warranties are expressed in the Standard Product Warranty issued with each individual model by year of manufacture. Except as otherwise expressly stated herein, SELLER MAKES NO REPRESENTATION OR WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, AS TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER MATTER WITH RESPECT TO THE GOODS.
2. (b) It is expressly agreed between Buyer and NOCO that NOCO SHALL NOT BE LIABLE FOR ANY SPECIAL, DIRECT, INCIDENTAL, OR CONSEQUENTIAL DAMAGES arising out of the failure of any of the products sold pursuant to the Quotation, including but not limited to the inability of Buyer to use any such product, equipment or material.
3. Buyer expressly agrees that NOCO DOES NOT REPRESENT OR WARRANTY that the equipment sold hereunder will comply with any applicable laws or ordinances of the governmental jurisdiction where the equipment is to be installed.
4. Under no circumstances will NOCO make or secure installations, replacements or be responsible for the costs thereof, or for any damages caused by faulty installations or repair by contractors or dealers or for improper or inadequate specifications.
5. Buyer agrees that its SOLE AND EXCLUSIVE REMEDY against NOCO in the event any product, equipment or materials sold to Buyer shall fail to conform to the terms and conditions of this Quotation or to any expressed or implied warranty set forth herein, and NOCO's sole and exclusive liability shall either be (1) to repair or (2) to replace such nonconforming part, equipment or material. NOCO shall not be responsible for labor charges for removal or reinstallation of such equipment or material or charges for transportation, handling and shipping or charges for refrigerant losses. IT IS AGREED THAT NOCO'S MAXIMUM LIABILITY SHALL NOT IN ANY CASE EXCEED THE CONTRACT PRICE FOR THE EQUIPMENT OR MATERIAL CLAIMED TO BE DEFECTIVE OR NONCONFORMING SUBJECT TO NOCO'S RIGHT OF REMOVAL AND RETURN OF SUCH EQUIPMENT OR MATERIAL. All of the foregoing shall constitute Buyer's sole and exclusive remedy and NOCO's sole and exclusive liability for supplying nonconforming or defective equipment or material.
6. No right or interest in this Agreement shall be assigned by either the Seller or Buyer without the written consent of the other.
7. Any action for breach of this Agreement, in whole or in part, not filed within two (2) years after the cause of action shall have first accrued, shall be barred.
8. Any cause of action whatsoever arising under or by virtue of this Quotation and any Agreement based therein shall be filed only in the Circuit Court of Larimer County, CO. It is the express agreement of the parties hereto that this Agreement is made and executed at the Seller's place of business; and the law of the State of CO shall govern all rights and duties of Buyer and Seller hereunder.



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	Request to Execute Colorado River District and the City of Glenwood Springs Community Funding Partnership Contract
Action Requested:	Council Approval for the City Manager to Sign the Community Funding Partnership Contract between the City of Glenwood Springs and the Colorado River District.
Department:	City Administration
Presented By:	Matthew Langhorst
Strategic Goals:	Preserve and Improve Infrastructure
Background Info:	The Colorado River District awarded the City of Glenwood Springs \$300,000 in Community Funding Partnership grant dollars for the Roaring Fork Pump Station Pipeline project in 2021. The documentation attached is the completion of the Community Funding Partnership grant award and needs to be signed by the City Manager.
Issues:	None
Fiscal Impact:	Contributes \$300,000 for assistance with this project.
Legal Review:	This has already been completed.
Staff Recommendation:	The staff is Recommending Council Approve the City Manager to Sign the Community Funding Partnership Contract between the City of Glenwood Springs and the Colorado River District.

Community Funding Partnership Contract

This Contract is made and entered into by and between the COLORADO RIVER WATER CONSERVATION DISTRICT (herein the "River District") and CITY OF GLENWOOD SPRINGS, COLORADO (herein "Awardee") effective as of the date of the River District's execution hereof.

RECITALS

- A. The River District is charged by its organic statute, C.R.S. § 37-46-101, *et seq.*, with securing and ensuring adequate water supplies, both present and future, for beneficial uses within the River District's boundaries.
- B. In 2020, the registered electorate of the River District approved Ballot Question 7.A. authorizing a mill levy increase to generate additional funding further enabling the River District to protect and safeguard western Colorado water.
- C. The River District has adopted the Community Funding Partnership Framework ("Framework") and the Community Funding Partnership Guidelines ("Guidelines") articulating its clear intent on how the additional funding would be used to assist its constituents such as the Awardee.
- D. To assist its constituents, including the Awardee, the River District has established its Community Funding Partnership ("CFP").
- E. Awardee proposes to complete the project described herein and has made application to the River District's CFP for financial assistance pursuant to and in compliance with the River District's Framework and Guidelines.
- F. The River District has reviewed the Awardee's project proposal pursuant to its Framework and Guidelines and desires to assist with the funding of the project subject to the terms and conditions of this Contract, and Awardee desires to receive such financial assistance from the River District as provided herein.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises agreed to herein, the parties agree as set forth below.

1. Awardee's Project Plan and Budget. The Awardee shall, in a satisfactory manner as determined by the River District, use the River District CFP funding consistent with the Project Plan and Budget ("Project") as described herein and attached as Exhibit A. The funding provided by the River District to Awardee shall be used only for the Project. In the event the Awardee needs or desires to make changes to the Project as described in Exhibit A, any expenditures of River District's CFP funds shall be contingent on the prior written approval of the change by River District.

- A. The period of performance for the Project is three (3) years.

Project Performance Start Date:	Friday, July 23, 2021
Project Performance Termination Date:	Tuesday, July 23, 2024

2. River District's Financial Assistance.

- A. River District agrees to provide financial assistance to the Awardee in an amount not to exceed \$300,000.00 (the "Total Award").
- B. After execution of the contract and within 90 days of project commencement, the Awardee will notify the River District of the intended date of project commencement. Within thirty (30) days following notification, the River District will forward to Awardee \$75,000.00, which constitutes twenty-five (25%) of the Total Award.
- C. Once the Contract has been fully executed by all parties, and all other required documentation has been received fifty percent (50%) of the Total Award will be paid through "progress payments" in no more than two twenty-five percent (25%) increments. The remaining twenty-five percent (25%) will be paid upon a determination that the Project is substantially complete and the District has received a completed "Request for Final Payment" form including all required documentation from the Awardee in accordance with Paragraph 4, below.
- D. Within thirty (30) days of River District staff approval of a completed "Request for Final Payment" form, in compliance with subparagraph 4.A below, the River District will forward to Awardee the remaining amount of the Total Award. If the total cost of the Project is less than originally estimated at the time of application, the River District may reduce the River District award proportionally at the discretion of the General Manager.
- E. If determined necessary by the River District, the River District will issue Awardee an IRS 1099 form and other applicable federal or state revenue reporting forms for each year in which funds are distributed pursuant to this Contract. Awardee is and shall be solely liable and responsible for any federal and state taxes applicable to this Contract and any financial assistance received hereunder. Awardee shall indemnify the River District for any liability resulting from non-payment of such taxes.

3. Awardee's Compliance with Applicable Local, State, and Federal Laws. The work performed pursuant to this Contract shall comply, at all times, with all applicable local, state, and federal laws and regulations. Awardee shall not discriminate against any person because of age, sex, race, national origin, ancestry, disability, religion, or other protected classification.

(1) Compliance with C.R.S. § 8-17.5-102:

- (a) Awardee shall not knowingly employ or contract with an illegal alien to perform the Work.
- (b) Awardee shall not enter into a contract with a subcontractor that fails to certify that the subcontractor shall not knowingly employ or contract with an illegal alien to perform the Work.
- (c) Awardee will participate in the e-verify program^[1] or department program^[2] in order to confirm the eligibility of all employees who are newly hired for employment to perform the Work.
- (d) Awardee shall not use the e-verify program or department program to undertake pre-employment screening of job applicants during the term of this Agreement.
- (e) Awardee obtains actual knowledge that a subcontractor performing the Work knowingly employs or contracts with an illegal alien, the Awardee shall:
 - i) Notify the subcontractor and the River District within three days that the Awardee has actual knowledge that the subcontractor is employing or contracting with illegal aliens; and
 - ii) Terminate the subcontract if the subcontractor does not stop employing or contracting with the illegal alien within three days of receiving such information. If the subcontractor provides information to establish that the subcontractor did not knowingly employ or contract with an illegal alien, then the Awardee shall not terminate the subcontract.
- (f) Awardee shall comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation of whether Awardee or a subcontractor has hired an illegal alien.
- (g) If Awardee violates any of the terms of this section D.(1), or otherwise fails to comply with C.R.S. § 8-17.5-102, the River District may terminate the Agreement for breach of contract and the

^[1]E-verify program means the electronic employment verification program created in Public Law 104-208, as amended, and expanded in Public Law 108-156, as amended and jointly administered by the United States department of homeland security and the social security administration, or its successor program.

^[2]Department program means the employment verification program established pursuant to C.R.S. §8-17.5-102(5)(c).

Awardee shall be liable for actual and consequential damages to the River District.

4. Final Payment and Repayment of River District Grant.

- A. Within sixty (60) days after completion of the Project, Awardee shall submit to the River District a completed "Request for Final Payment" form. Timely submission shall be required for final payment pursuant to subparagraph 2.D. above.
- B. If completion of the Project is interrupted or delayed beyond the contract termination date stated in subparagraph 1.A above, Awardee shall notify the River District on or before Friday, May 24, 2024, and request a Contract Amendment to extend the termination date.
- C. Awardee shall not be eligible for final payment if the River District does not receive a completed Request for Final Payment form on or before Monday, September 23, 2024.

5. Awardee's Additional Responsibilities and Liabilities.

- A. Awardee shall be responsible for making all contracts and assuring the acquisition of all interests in property or other rights and all permits or other governmental approvals needed to complete the Project.
- B. Awardee shall be responsible for the acts, errors and omissions of itself and its employees, consultants, agents, and any other persons employed or retained on behalf of Awardee in connection with the Project and for the acts, errors and omissions of the Project's owners and users. Awardee agrees to indemnify, hold harmless, and defend the River District and its directors, officers, employees, agents, and attorneys for the actions, errors and omissions of Awardee and Awardee's employees, consultants, agents, and any other persons employed or retained on behalf of Awardee in the performance of this Contract and for the acts, errors and omissions of the Project's owners and users. The parties recognize that the River District is a governmental entity subject to the provisions of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*
- C. At its sole cost Awardee or its contractor(s) shall purchase and maintain in effect through Project completion insurance which will protect it and the River District from claims which may arise out of, result from or be related to Awardee's performance of the work on the Project, whether such performance be by itself or by anyone directly or indirectly retained or employed by Awardee or by anyone for whose acts, errors, or omissions any of them may be liable. Such insurances required herein shall be written for limits of liability as follows:

- i. Commercial General Liability:
 - (1) Bodily Injury and Property Damage:
\$1,000,000 each occurrence/\$1,000,000 aggregate
 - (2) Personal Injury:
\$1,000,000 each occurrence/\$1,000,000 aggregate
 - ii. Commercial Automobile Liability:
 - (1) Bodily Injury & Property Damage:
\$1,000,000 any one accident or loss
 - iii. Workers' Compensation and Employer's Liability:
 - (1) Workers' Compensation: Statutory
 - (2) Employer's Liability:
 - \$100,000 each accident
 - \$100,000 disease - each employee
 - \$500,000 disease - policy limit
- D. The Commercial General Liability and Commercial Automobile Liability policies required hereunder shall include the River District named as additional insured. If Awardee's Contractor is providing the necessary insurance Awardee shall also be named an additional insured. Awardee shall supply the River District with a certificate of each insurance policy required herein prior to or along with the notice of project commencement in accordance with Paragraph 2.B. The certificates of insurance shall evidence that the premium has been paid and contain a valid provision or endorsement that the policies may not be canceled, terminated, changed or modified without thirty (30) days written notice to the River District. Each certificate of insurance **must** reference the contract number assigned to this Agreement (CFP2022-03).
- E. Awardee warrants performance of this Contract and the completion of all work required for the Project. Awardee and any persons working on its behalf shall at all times comply with all applicable local, state, and federal laws and regulations. Not by way of limitation of the foregoing, it is specifically agreed that neither Awardee nor any persons working on its behalf on the Project shall discriminate against any person because of age, race, sex, national origin, ancestry, disability, or religion.
- 6. Authorized Representatives.
 - A. The River District designates Amy Moyer, as its representative for primary contact for the River District in connection with this Contract. The address, telephone number and email address for notices and communications is: 201 Centennial Street, Suite 200, Glenwood Springs, Colorado 81601, phone: (970) 945-8522, amoyer@crwcd.org.

- B. Awardee designates Debra Figueroa as its representative to act for Awardee in connection with this Contract. The address, telephone number and email address for notices and communications is: City of Glenwood Springs, 101 W. 8th Street, Glenwood Springs, Colorado 81601, phone: (970) 309-2492, email: debra.figueroa@cogs.us

7. Miscellaneous.

- A. Assignment. This Contract involves the grant of public money. Consequently, this Contract shall not be assigned by Awardee without the River District's prior written approval, which may be withheld in the River District's sole discretion.
- B. Binding Effect. This Contract shall be immediately binding upon both parties and their respective successors, if any.
- C. No Partnership, Joint Venture or Third Party Beneficiaries. This Contract is not intended to and does not create any legal partnership, joint venture or similar relationship between the River District and Awardee or any other persons or entities. The enforcement of the terms and conditions of this Contract and all rights of action relating to such enforcement shall be strictly reserved to the River District and Awardee, and nothing contained in this Contract shall give or allow any claim or right of action whatsoever by any other third person or entity. It is the express intent of the parties to this Contract that any person or entity receiving services or benefits under this Contract shall be deemed an incidental beneficiary only.
- D. Additional Limitations on the River District's Responsibilities. The River District's involvement with the Project's construction and operation shall be limited to payment of the above sum to Awardee. The River District shall not be responsible for or in control of the Project's feasibility, implementation, operation, maintenance, repair, or replacement.
- E. Remedies. If Awardee is in breach or default of any obligation under this Contract, the River District may give Awardee written notice of such breach or default. Upon receipt of such notice, within thirty (30) days Awardee shall both cure such breach or default and provide the River District evidence of such cure. If Awardee fails to cure any such breach or default within thirty (30) days, the River District may terminate this Contract and Awardee shall be required to promptly repay to the River District the full amount of any grant funds received. In any action for breach or for enforcement of this Contract, the River District shall be entitled to recover its attorneys fees and litigation costs.
- F. Notices. All notices required or appropriate pursuant to this Contract shall be given in writing to the parties' designated representatives at the addresses stated in paragraph 7.

- G. Entire Agreement/Amendments. This Contract is the complete integrated understanding between the parties. No prior or contemporaneous addition, deletion, or other amendment to this Contract shall have any force or effect unless stated in writing approved and executed by both parties.

IN WITNESS WHEREOF, the Parties hereto have accepted, made and executed this Contract upon the terms, conditions and provisions stated herein.

**COLORADO RIVER WATER
CONSERVATION DISTRICT**

DATE: _____

By: _____
Andrew A. Mueller, Secretary/General Manager

ATTEST:

APPROVED AS TO FORM:

Audrey Turner, Chief of Operations

By: _____
Jason V. Turner, Senior Counsel

**CITY OF GLENWOOD SPRINGS,
COLORADO**

By: _____
Debra Figueroa

Title: _____



Exhibit A.1 Scope of Work

Date: 1-14-2022

Awardee: City of Glenwood Springs, Colorado

Project Name: Roaring Fork Pump Station and Pipeline Project

Project Summary: Construction of a new 24" ductile iron pipe from the existing Roaring Fork Pump station to a connection point at the Red Mountain water treatment plant, to include all valving, backflow vault at pump station, and mixing vault at the treatment plant so that the existing gravity flow water from No Name and Grizzly Creek can be mixed with Roaring Fork water in times of drought. The secondary 24" line will also allow the city to take the existing 45 year old line offline to inspect and repair the line and to be able to use the second line when a pipe failure occurs on one line or another to continue to move water to the plant at all times.

Project Success and Deliverable: The project design was brought back to the design engineer with some QC and VE information by the City and the selected contractor. The design engineer has now completed the updates to the design, still meeting all of the same criteria as was put forth to the CRD, with upsizing of the pipe from a 16" to a 24" pipe and finalizing the mixing vault location at the plant. The city and contractor are working through final change order discussions due to the pipeline size increase and we expect to be ordering materials in the next 30-45 days for the project to kick off construction in the Spring of 2022. The final QC/VE process was a success thanks to staff and the contractor's recommendations. Final plans and bid schedule are available for CRD review if needed. Final project deliverable will be completed construction and working operation of the 24" DIP line from the Roaring Fork Pump Station to the Red Mountain Treatment Plant.

Task 1 Description: Preparation for pipeline installation, including removal and replacement of existing green areas, concrete, curb and gutter and walking paths.

Task 2 Description: Installation of approximately 3,500 linear feet of 24" Class 52 Ductile Iron Pipe (CL52 DIP) Waterline from the Roaring Fork Pump Station to the Red Mountain Water Treatment Plant with valves, fittings, joint restraints, and tie-ins at pump station, water treatment plant and existing 24" pipeline.

Exhibit A.1 Scope of Work

Task 3 Description: Erosion and sedimentation controls.

Task 4 Description: Minor grading and drainage improvements.

Task 5 Description: Traffic control for roadway closure.

Task 6 Description: Upgrades to the pump station will include SCADA controls to the plant and new VFR pumps that can be ramped up to meet any flow needs up to 5MGD.



Exhibit A.2 Budget

Date: 1-14-2022

Project Name: Roaring Fork Pump Station

Awardee: City of Glenwood Springs

CRD Funding Award: \$300,000

Project Budget

Task No.*	Task Name	Units**	# of Units	Cost Per Unit	CRD Funds
1	Pipeline Surface Preparations	LS	1.00	\$ 172,316.00	\$ 35,000.00
2	Pipe Installation	LF	3500.00	\$ 1,699,808.00	\$ 220,000.00
3	Erosion and Sediment Control	LS	1.00	\$ 19,510.00	\$ 5,000.00
4	Grading and Drainage	LS	1.00	\$ 65,000.00	\$ 15,000.00
5	Traffic Control	LS	1.00	\$ 35,000.00	\$ 10,000.00
6	Pump Station Updates - SCADA and VRF Pumps	LS	1.00	\$ 68,000.00	\$ 15,000.00
CRD Funding Award					\$300,000

**Please document expenses at the task level (i.e. totalling all subtasks)*

***I.e. hours (HRS), cubic yards (CY), square feet (SQFT), lump sum (LS) etc.*

River District has the discretion to reallocate CRD funds between identified tasks not to exceed total funding award.

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ► _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-				-	
or									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ►	Date ►
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.SSA.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/Businesses and clicking on Employer Identification Number (EIN) under Starting a Business. Go to www.irs.gov/Forms to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to www.irs.gov/OrderForms to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.

You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor ²
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity ⁴
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

***Note:** The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at spam@uce.gov or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit www.irs.gov/IdentityTheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	Ordinance 2022-04, Code Amendments to Wireless Communication Facilities Standards Section 070.030.030(g), Second Reading
Action Requested:	Consideration of a Code Amendment to Section 070.030.030(g) Wireless Communication Facilities, Second Reading.
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 restrictive; 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 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.

0.i. 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
March 3, 2022

Agenda Item:	Affirmation of Resolution 2022-09 to apply for the Historical Coke Ovens Americans with Disabilities Act and Site Improvements Federal Mineral Lease District Grant
Action Requested:	Allow the Mayor to sign the resolution of support for the grant.
Department:	Engineering
Presented By:	Terri Partch
Strategic Goals:	Ensure Public Safety Preserve and Improve Infrastructure
Background Info:	The City in partnership with the Historical Society is applying for \$140,000 in Federal Mineral Lease District Funds to build an ADA path from the existing pull out area to the upper bench where the historical coke ovens are. In addition, the grant would harden the trail in front of the ovens to allow wheel chair access, as well as build a pad for the display of the historical artifacts associated with the coke ovens. The grant request will be matched by \$50,000 from the City as well as \$50,000 from the County. The Resolution of Support requires the agreement to match the grant with the proposed funds, the maintenance of the improvements over the life of the project and the Mayor's signature on the grant agreement. The City's South Bridge project will add a parking area, ADA ramp, multiuse path, lighting and water and electrical connections to the site to improve security, access and use when the South Bridge project is built.
Issues:	None at this time.
Fiscal Impact:	No additional impact. The City's grant match was previously authorized for a Save America's Treasures grant for the same work.
Legal Review:	NA
Staff Recommendation:	Staff supports approval.

RESOLUTION 2022-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AUTHORIZING AND SUPPORTING THE APPLICATION FOR A GRANT FROM THE GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT FOR IMPROVEMENTS TO THE COKE OVENS IN GLENWOOD SPRINGS TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT

WHEREAS, the City of Glenwood Springs (“City”) is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by the Garfield County Federal Mineral Lease District (“GCFMLD”); and

WHEREAS, the City desires to complete Americans with Disabilities Act (“ADA”) improvements at the Coke Ovens in Glenwood Springs; and

WHEREAS, the City will submit a Grant Application to undertake the construction of the ADA improvements , requesting a total award of \$140,000.00 with a \$50,000 match from both the City and Garfield County; and

WHEREAS, the City supports the completion of the project if a grant is awarded by the GCFMLD.

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

Section 1. The above recitals are hereby incorporated as findings by the City.

Section 2. The City strongly supports the Grant Application and has appropriated matching funds for a grant with Garfield County Federal Mineral Lease District.

Section 3. The City Council of the City of Glenwood Springs, will authorize the expenditure of funds necessary to meet the terms and obligations of any grant awarded pursuant to a Grant Agreement with the GCFMLD.

Section 4. If a grant is awarded, the City of Glenwood Springs hereby authorizes the Mayor or Mayor Pro Tem to sign a Grant Agreement with the GCFMLD.

INTRODUCED, READ, AND PASSED THIS 3RD DAY OF MARCH 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	Adoption of Pedestrian and Bicycle Improvements Plan (MOVE Study)
Action Requested:	Review and adoption (at the January 20th meeting) of the recommendations from the MOVE Study Pedestrian and Bicycle Improvements Plan.
Department:	Engineering
Presented By:	Terri Partch
Strategic Goals:	Protect and Preserve our Quality of Life Preserve and Improve Infrastructure
Background Info:	In June of 2021 the City in partnership with RFTA completed a large transportation study which included recommendations for new, and improvements to existing, pedestrian and bicycle infrastructure. They are planned in three phases based on cost and the implementation of a new BRT route, either on the Rio Grande trail, or on Grand Avenue. In summary those improvements include: Phase 1 (10k-50k): • Maintenance of trails on our existing system • Improved way finding • Added bicycle parking and storage • Sharrows and enhanced bicycle striping • Phase II (50k-1 M): • Improvements at the 27th and Midland roundabout and pedestrian connections on 27th leading to the new underpasses at 27th. • Improved east west bike/pedestrian connections on 8th, 12th and 14th • 27th Street Underpasses Phase III (With chosen BRT alignment- 1 M +): • Connect bicycle network to transit stops • Improve sidewalk widths on Grand • Improve the alignment of the trail and road at 23rd and Grand • Improve the Rio Grande Trail. Maximize width and separation if BRT goes in. Add trail amenities.
Issues:	None at this time. If this plan is approved, staff will begin adding projects to the capital projects list or maintenance lists at the time of budget development.
Fiscal Impact:	Approve and adopt the Bicycle and Pedestrian Improvements Plan from the MOVE study.
Legal Review:	NA

Staff Recommendation: Staff defers to Council



GLENWOOD SPRINGS MULTIMODAL OPTIONS FOR A VIBRANT ECONOMY (MOVE)

Pedestrian and Bicycle Improvements Plan

April 2021



A well-planned transit system takes into account how passengers can travel to and from transit by all modes. Making the first- and last-mile trips easy, safe, and comfortable for people walking and bicycling will likely enhance the success of the RFTA transit system through Glenwood Springs.

There are a number of recommended improvements that can be made to the walking and cycling network in Glenwood Springs, ranging in complexity, cost, and their dependency on a future BRT alignment. These recommendations are outlined below in three groupings or phases: Phase 1, which can be implemented easily, at low cost, and independent of any specific transit improvements; Phase 2, which are still independent of transit or BRT but more complex and require planning and funds; and, Phase 3, which are dependent on a selected BRT alignment.

Phase 1 Improvements: easy & quick implementation – Estimated improvement costs \$10k-\$50k

There are many improvements that can be made to the existing walking and bicycling network in Glenwood Springs to enhance the comfort and connectivity of the existing active transportation network. These improvements will enhance and facilitate walking and biking to, from, and between neighborhoods, existing transit stops, and local destinations.

- **Maintenance of existing sidewalks and trails**
Proper and timely maintenance, year-round, of the existing sidewalks, multi-use trails, and on-street bicycle routes is the key to encouraging active transportation in Glenwood Springs and traveling to and from transit via foot or bike and ensuring that the network is safe and comfortable. Priority should be given to routes connecting to transit and key destinations. This includes timely repair of surface damage; prompt removal of snow, ice, and debris; keeping sidewalks and trails clear of obstructions, including temporary construction signs and barricades when not in use; providing safe and clearly marked detour routes when construction does close bike and pedestrian routes; and maintaining pavement markings, wayfinding signs, and pedestrian ramps. This attention to maintenance should also be applied to any new or proposed multimodal improvements, and regular maintenance should be accounted for in annual budgeting.
- **Network Wayfinding**
Glenwood Springs has an existing wayfinding program along various pedestrian and bicycle routes. However, increasing the frequency and consistency of wayfinding signs and pavement markings will help people walking and biking feel informed and confident navigating to and from transit and destinations in between. Including information to major transit stops, long-term bicycle storage, key local destinations, and estimated travel time/distance will provide people with the information they're looking for in a consistent delivery they'll see and be able to understand. Improved wayfinding may also be used to communicate intended facilities and travel patterns meant for people walking and biking, i.e., if a cyclist should use the road or travel on a shared trail.
- **Added Bicycle Parking and Storage**

Providing safe, secure bicycle parking and storage at major transit stations and minor transit stops is important. The existing transit station at 27th Street currently experiences issues with the parking lot filling up and deterring people from traveling to the station. Increasing bicycle storage, both long- and short-term, will lessen the need for driving to the station if cyclists feel their bikes will be secure while traveling to and from their transit destinations. Additionally, adding more bike racks at minor stops and downtown will encourage people to travel by bike for their last-mile trips. Installing bike storage near lighting and shelter increases a sense of safety and may encourage use at night and year-round.



FIGURE 1. EXAMPLE OF BICYCLE STORAGE AT TABLE MESA PARK-N-RIDE, BOULDER

- Existing Network Connections

In the existing bicycle and pedestrian network, there are a handful of opportunities to improve connections between facilities and destinations. The Rio Grande Trail between downtown and 27th Street is a popular commuter and recreational route for people living and working in Glenwood Springs. However, getting on/off the trail at 8th Street, 12th Street/Riverside Drive, and 14th Street/Coach Miller Drive is not ideal for cyclists and pedestrians. These locations have confusing wayfinding, rail tracks to cross over, uneven grades, uneven pavement, or gravel and other debris that make these connections uncomfortable and potentially unsafe. Adding wayfinding signage and improving accessibility at these locations would enhance the existing network and improve connections so people riding or walking feel confident accessing and traveling along the Rio Grande Trail. The connection between the Rio Grande Trail, the Meadows Trail, and 8th Street/Downtown is a critical connection between two widely used trails and transit and business services in Downtown Glenwood Springs. However, continuity between the trails, or how to access downtown from either of the trails, is not intuitive or clearly indicated. This is a specific location where increased wayfinding and design improvements would greatly add comfort and safety to the pedestrian and cyclist experience along these corridors.

Glenwood Springs currently has two north-south on-street bicycle routes with bike lanes: Pitkin and Blake Avenues. However, there are no east-west bicycle routes to connect those cycling elsewhere in town to these routes or to the paved trail system. Improvements should be

considered on key east-west streets to improve bicycle connections and safety. On-street parking downtown is highly utilized and has frequent turnover, which presents conflict if bike lanes were added to these streets in the downtown core. However, Shared Lane Markings (“Sharrows”) could be placed on streets downtown to communicate to both cyclists and vehicles that cyclists are welcome on the roadway and should take the lane. Enhancing the Sharrows with green backgrounds or by enlarging the pavement marking and adding supplemental dashed markings to indicate intended positioning. Adding bicycle detection, bike boxes, and/or bicycle push buttons at intersections would shorten the wait time if a cyclist approaches an intersection without other vehicles.



FIGURE 2: "SUPER SHARROW" PAVEMENT MARKING IN ASPEN, CO INDICATES PRIORITY & POSITIONING FOR BICYCLISTS ON SHARED ROADWAY.



FIGURE 3. PROPOSED PHASE 1 IMPROVEMENTS

Phase 2 Improvements: independent of BRT alignment – Estimated improvement costs \$50k-\$500k

- **27th Street improvements**

27th Street serves as an important multimodal connection to the 27th Street RFTA station, the Rio Grande Trail, the Atkinson Trail, and many neighborhoods off of Midland Avenue and Grand Avenue. Improvements have been made in recent years to improve intersection and trail safety, with the new bike/pedestrian bridge and roundabout at 27th Street and S Grand Avenue. However, since 27th Street is such a critical link for all modes, there are additional recommended improvements to make traveling as safe and comfortable as possible for people walking and biking. These improvements will greatly improve the multimodal network and experience in Glenwood Springs and connections to the existing transit services, independent of a future BRT service.

Currently, there are 6-foot sidewalks on the north and south sides of 27th Street. The sidewalk on the south side, however, does not connect fully between S Grand Avenue and S Glen Avenue/SH 82; it ends west of the Roaring Fork School District parking lot. Both sidewalks should span the full length of 27th Street; the north sidewalk, as it connects to the bike/pedestrian bridge, should be widened to a 10-foot trail to accommodate both bicycles and pedestrians. Additionally, wayfinding signage should be installed directing trail users to the 27th Street RFTA station, the Rio Grande Trail, and the Atkinson Trail. Signage should identify the north sidewalk as the preferred facility for cyclists, and ramps at all intersections on the north side should be wide enough to accommodate a comfortable bicycle movement, at least 8 feet wide and 10 feet deep to allow for easy bike maneuvering to cross. Signs at intersections should warn vehicles to look for both pedestrians and cyclists crossing.

Additionally, the existing roundabout at 27th Street and Midland Avenue has approach grades that allow vehicles to travel comfortably through the roundabout at speeds close to the posted speed limit of 25 mph. While the design of this roundabout maintains vehicle flow, it is unsafe for pedestrians and cyclists crossing the legs of the roundabout, especially with the absence of RRFB crossing signs and lights like the ones installed at the new roundabout at 27th Street and S Grand Avenue. It is recommended to improve the grades of the roundabout approaches to slow vehicles as they approach and travel through the roundabout. This will likely improve visibility of and yielding to pedestrians and cyclists wishing to cross at the roundabout. Adding flashing beacons to the crossing signs will add to the benefit of improved grades. With the addition of the new multi-use sidepath along S Midland Avenue, wayfinding should be added ahead of and around the roundabout to guide pedestrians and cyclists as they maneuver around the roundabout to connect to the Atkinson or Rio Grande Trails, the 27th Street RFTA Station, or to continue along Midland Avenue. Since many cyclists will be approaching the roundabout from the new off-street sidepath on S Midland, adequate path width and maneuverability, in addition to

wayfinding, should be provided for comfortable and safe travel around the roundabout. Access between the roundabout at Midland and the 27th Street bike/ped bridge should be improved, by widening the existing sidewalk to a 10' shared-use sidepath, squaring up the intersection at Woodberry Drive and aligning the ramps for safe and visible crossings, and continuing increased wayfinding to guide pedestrians and cyclists along this route.

- **Off-Street Bicycle Facilities**

Glenwood Springs has many great paved trails for both cyclists and pedestrians to use. There are also many sidewalks in Glenwood Springs that are either designated as bicycle routes, or – due to a lack of comfortable and designated on-street bicycle facilities – many cyclists choose to ride on rather than the road to avoid conflicts with vehicles. If an existing sidewalk is to be used for both cyclists and pedestrians, either due to traffic volumes, grades, alignment, or otherwise, the sidewalk should be upgraded to a 10-foot sidepath (8-foot minimum) and designed and designated as such, following trail or sidepath design standards as laid out in the *FHWA Small Town and Rural Multimodal Networks Guide* and *AASHTO Guide for the Development of Bicycle Facilities*. Wayfinding and signs should be included to communicate the trail as designated for both bikes and pedestrians and proper etiquette (yield to peds, announce to pass, etc.). Road signs should communicate to vehicles to look for both pedestrians and cyclists when turning. Ramps on these facilities should be constructed to accommodate comfortable movement by cyclists. Improvements to these routes should especially be prioritized where connecting directly to transit stations and key destinations, for example the north sidewalk on 27th Street, the sidewalk on Midland Avenue, and the sidewalk on 8th Street connecting the Rio Grande Trail to Downtown Glenwood Springs.

- **Pedestrian Network**

Gaps in the sidewalk network make walking to/from transit and destinations uncomfortable and unsafe for pedestrians, and near impossible for people with mobility or vision impairments. These gaps should be identified and filled to ensure full connectivity for people walking. Existing sidewalks should be evaluated for maintenance needs, including out-of-date accessible ramps, cracks, uneven grades, etc.

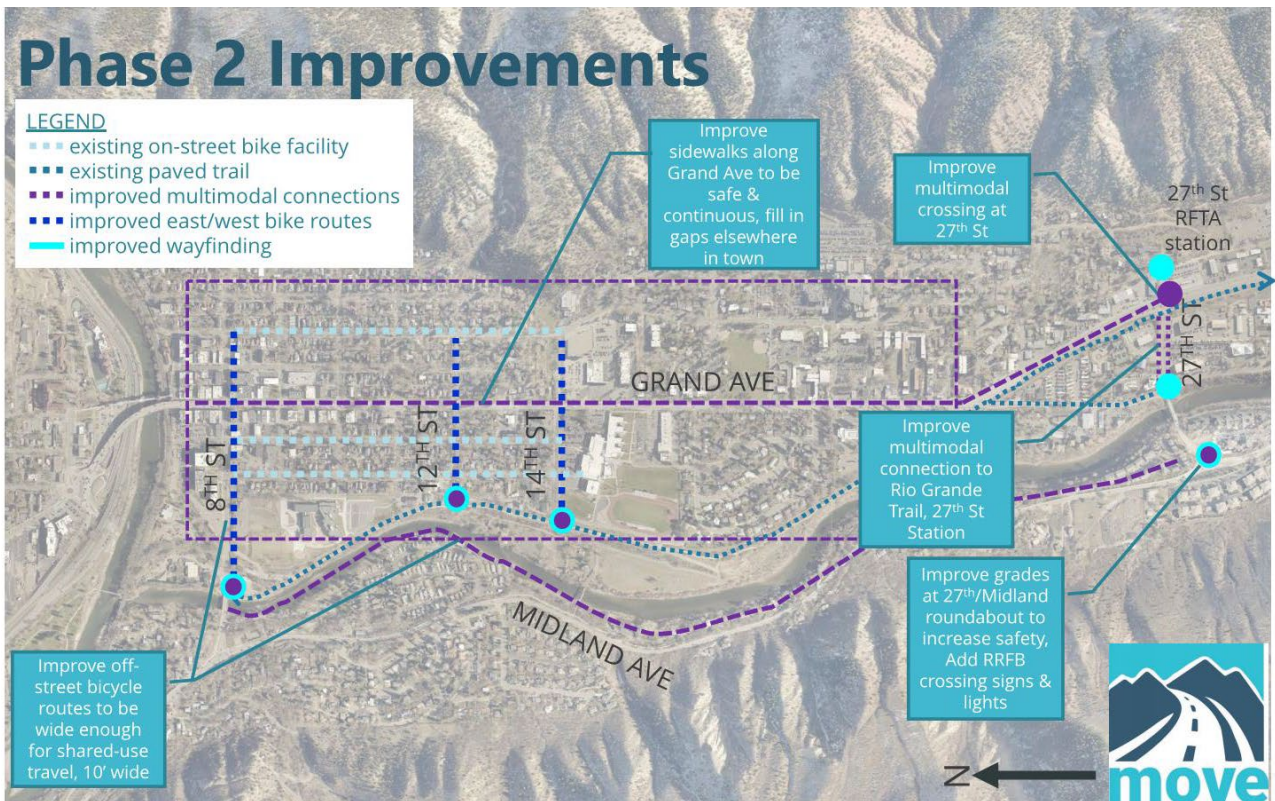


FIGURE 4. PROPOSED PHASE 2 IMPROVEMENTS

Phase 3 Improvements: Coincident with chosen BRT alignment – Estimated improvement costs \$500k+

Grand Ave BRT alignment

Walking or biking along or crossing Grand Avenue under current conditions is not a very comfortable experience. Traffic volumes on Grand Avenue are high, and projected to increase; between 27th Street and 14th Street, those walking or biking have to cross many large commercial parking lots – some spanning full blocks; sidewalk width and condition varies between 27th Street and Downtown; and separation from traffic by a paved or landscaped buffer or parked cars is minimal or nonexistent. There is no dedicated on-street bicycle facility on Grand Avenue, and as it is a 5-lane high-volume corridor, cycling on the road is not ideal. Of those who do bike along Grand Ave, most choose to ride on the sidewalks which are not wide enough to be comfortable shared bike-ped facilities.

The addition of a BRT alignment along Grand Avenue will provide opportunities for people to take the bus close to desired destinations or origins and travel easily by foot or bike to/from the bus. However, there are concerns with this BRT alignment related to bike and pedestrian comfort and safety that should be considered.

Currently, bus stops and bus travel along Grand Avenue are adjacent to the sidewalk, except from 13th Avenue to 8th Avenue, where a parking lane creates separation. Removing the parking lane and replacing it with a Bus Only lane will eliminate this buffer from bus traffic for an additional 5-6 blocks. To minimize conflicts and increase pedestrian comfort, a buffer should be added between the sidewalk and the roadway, where possible, in the form of a landscaped tree zone or paved furnishing zone. This buffer may be used for bus stops and provides a place for snow storage in the winter, in addition to creating a better and safer pedestrian space. This buffer should be a minimum of 3' wide. Sidewalks should be a minimum of 6' wide; if the sidewalk is intended to serve as a multi-use facility for pedestrians and cyclists, it should be a minimum of 8' wide and designated and maintained as a trail facility.

To accommodate and encourage people traveling by bike to and from bus service, it will be critical to evaluate bicycle routes that parallel the BRT alignment and navigate to bus stops and destinations. As mentioned in the Phase 1 recommendations, additional routes in Glenwood Springs should be evaluated to create a connected network of comfortable bicycle routes. These routes, along with a complete and consistent wayfinding program, will help those biking to and from BRT service find their way to bus stops, destinations, and to connecting bike routes to continue their first- and last-mile trips. Bike storage should be provided at all transit stops, with secure racks and adequate lighting.

Rio Grande Corridor BRT alignment

The Rio Grande Trail (RGT) is a highly utilized and valued recreational and commuter corridor for people walking and biking in Glenwood Springs. For this reason, the addition of a BRT alignment along the Rio Grande Corridor must take into great consideration the comfort and safety of those who use the trail.

One of the greatest qualities of the RGT is its separation from vehicular traffic. As much as possible, physical and perceived separation between the trail and BRT alignment should be maintained. Where space allows within the corridor, the trail or BRT alignment should be laid out to provide the greatest amount of horizontal separation. Where right-of-way is constrained, creating a sense of separation with landscaping, fencing, and/or by raising the BRT alignment slightly above the trail corridor will help trail users feel their facility is still separate from the BRT route. These elements of separation will also mitigate added noise from the BRT service from disrupting the natural river trail environment.

Because of its separation from vehicular traffic, the RGT has very few conflicts with traffic and intersections. The addition of a BRT route to the corridor will change this. Safety and visibility of RGT trail users must be a top priority, especially at proposed BRT stops along the corridor and locations where buses enter and exit the trail corridor. The four locations where pedestrians and bicyclists need to cross the Rio Grande BRT corridor should also be carefully considered and planned to allow for maximum visibility; crossing signage, striping, and signals where appropriate; and accessibility. Right of way should be clearly communicated to instruct trail users and bus drivers who has priority at these locations. These crossing locations should be limited, for safety, but also placed at logical locations where trail users will likely be accessing the trail or BRT service – such as at the Glenwood Springs Elementary School, 13th Street (including the driveway), Stubler Drive (behind the Glenwood Springs High School athletic field, and near the vacant Safeway building. Wayfinding along this portion of the Rio Grande Corridor will be critical to communicate proper crossing maneuvers, BRT bus stop and destination information, and traveling from BRT to destinations in Glenwood Springs.

Opportunities to enhance the RGT experience should be explored, to mitigate any disruptions caused by the addition of BRT along the trail. In addition to separation from the bus service, adding amenities such as a soft-surface running trail alongside the paved trail, bike maintenance stations, shade structures, etc. will help maintain the quality of the RGT and encourage its continued use as a recreational corridor after bus service is added.

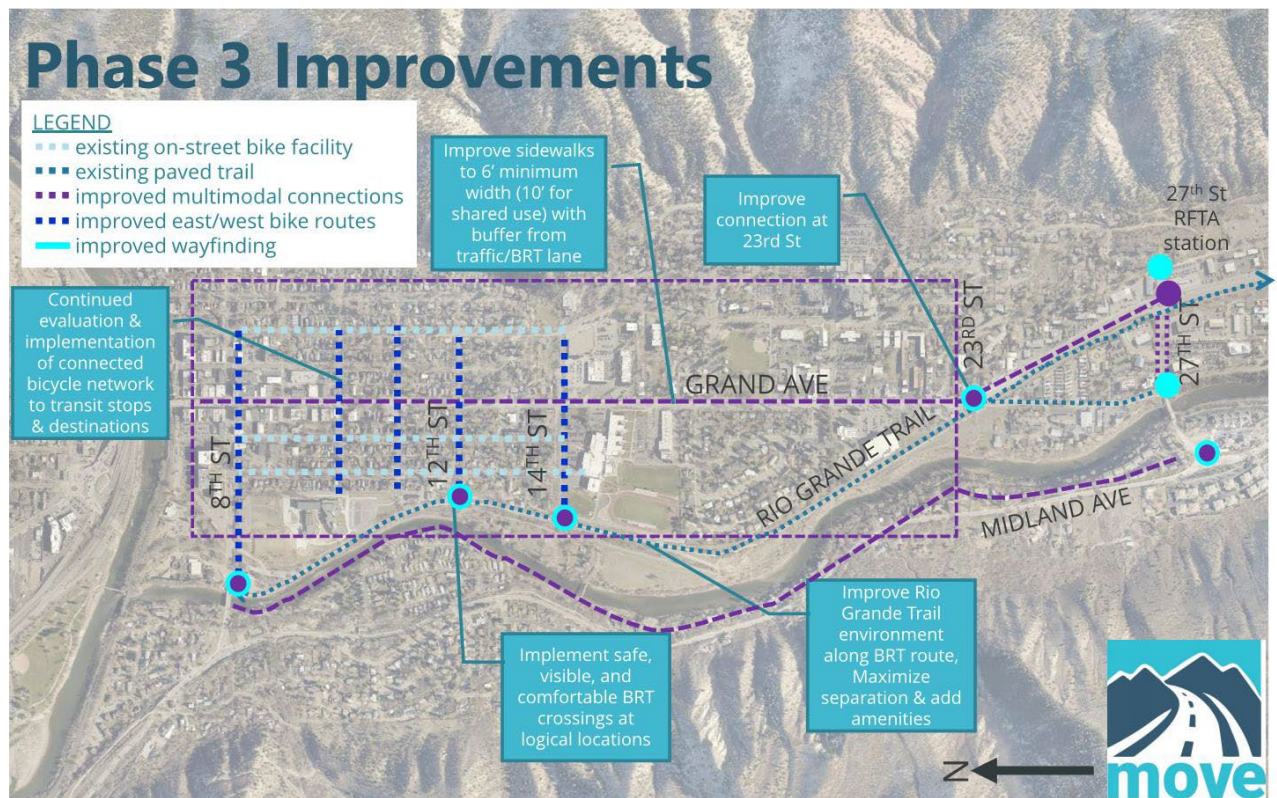


FIGURE 5. PROPOSED PHASE 3 IMPROVEMENTS

Total Multimodal Improvements Cost, Phase 1-3: \$1M+

Many of the recommended improvements described are more holistic rather than singular projects. To create a complete bicycle and pedestrian network, connected to the transit system for comfortable first- and last-mile trips, thoughtful planning and phasing will need to be done to implement the projects. Some project costs would be one-time, like the recommended 27th Street improvements, for example. Other costs would be more spread out and recurring, such as sidewalk and trail maintenance, wayfinding program maintenance, etc. More thorough considerations should be done for more accurate project costs, but all together, the combined cost for all three phases is likely over \$1 million. Federal, state, and other potential funding sources are detailed below.

Project Funding Sources

Identifying and securing future funding is essential to realizing the multimodal projects recommended to accompany transit and future BRT service through Glenwood Springs. Table 1 identifies potential funding sources from federal agencies, state agencies and private foundation sources to support the implementation and long-term maintenance of these recommended improvements. The table makes an initial determination of which of the three phases would be eligible for specific funding source based on current information. When funding is actually pursued, continued viability of the funding source and eligibility requirements will need to be verified by the lead agency or applicant(s). A brief description is provided for each funding source with a link to additional on-line resources below Table 1.

Table 1: Funding Sources by Phase

<i>Funding Sources</i>	<i>Agency</i>	<i>Phase 1 Improvements</i>	<i>Phase 2 Improvements</i>	<i>Phase 3 Improvements</i>
BUILD Grant	USDOT	✓	✓	✓
Highway Safety Improvement Program	CDOT	✓	✓	✓
Recreational Trails Program	FHWA			✓
Transportation Alternatives	CDOT	✓	✓	✓
Recreation Economy for Rural Communities	EPA			✓
Safe Routes to School	CDOT	✓	✓	✓
Connect Initiative	GOCO			✓
Non-Motorized Trails Grant	CPW		✓	✓
Conservation Trust Fund	DOLA			✓
Statewide Multimodal Options Funds	CDOT	✓	✓	✓
Boettcher Foundation			✓	✓
Doppelt Family Trail Development Fund				✓
Activating Places and Spaces Together			✓	✓
The National Fish and Wildlife Foundation Acres for America Grant Program				✓
The International Mountain Bicycling Association Trail Accelerator Grants				✓
People for Bikes Community Grant			✓	✓
AETNA Cultivating Health Community Grant		✓	✓	✓

Federal Funding Sources

Better Utilization Investments to Leverage Development (BUILD) Discretionary Grant

The BUILD grant, formerly known as Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grants Program, allows sponsors at the state and local levels to obtain funding for multi-modal, multi-jurisdictional projects that are more difficult to support through traditional Department of Transportation (DOT) funding programs. Recreational trails are an eligible project category among other active transportation and recreation categories. Projects are evaluated based on merit criteria that include safety, economic competitiveness, quality of life, environmental sustainability, state of good repair, innovation, and partnership. Grants applications are accepted annually in May. (A, B, C)

Funds are programmed by the U.S. Department of Transportation.

<https://www.transportation.gov/BUILDgrants>

Highway Safety Improvement Program (HSIP)

The HSIP provides \$2.4 billion nationally for projects and programs that help communities achieve significant reductions in traffic fatalities and serious injuries on all public roads, bikeways, and walkways. Infrastructure and non-infrastructure projects are eligible for HSIP funds. Pedestrian and bicycle safety improvements, enforcement activities, traffic calming projects, and crossing treatments for active transportation users in school zones are all examples of eligible projects. In order to be eligible for the HSIP, all states must have developed a Strategic Highway Safety Plan (SHSP) that identifies projects or strategies to reduce identified safety problems, and evaluate this SHSP on a regular basis. All HSIP projects must be consistent with the state's Strategic Highway Safety Plan (SHSP) of achieving zero deaths on Colorado roads. Funds are awarded on an annual basis from the Federal Highway Administration and the Colorado Department of Transportation. (A, B)

Funds are programmed by the Colorado Department of Transportation.

<https://www.codot.gov/library/traffic/hsip>

Recreational Trails Program (RTP)

The RTP provides funds to the States to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. The RTP is an assistance program of the Department of Transportation's Federal Highway Administration. Federal transportation funds can be used for any purposes that benefit recreation including hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. These funds are available for both paved and unpaved trails, but may not be used to improve roads for general passenger vehicle use or to provide shoulders or sidewalks along roads. Eligible projects must support the goals of the State Comprehensive Outdoor Recreation Plan and the Strategic Plan of the State Trails Program. (B, C)

Funds are programmed by Colorado Parks and Wildlife

https://www.fhwa.dot.gov/environment/recreational_trails/

Transportation Alternatives (TA)

The Fixing America's Surface Transportation (FAST) Act recently replaced the former Transportation Alternatives Program (TAP) with set-aside funds under the Surface Transportation Block Grant Program (STBG). For administrative purposes, the Federal Highway Administration (FHWA) refers to these funds as TA Set-Aside. Projects eligible for TA Set-Aside funds include on-and off-road active transportation facilities, improvements to non-driver access to transit, recreational trails, and safe routes to school.

Funds are programmed by the Colorado Department of Transportation.

<https://www.codot.gov/programs/planning/documents/grants/tap/TAP-guidelines.pdf>

Recreation Economy for Rural Communities

The Environmental Protection Agency's Recreation Economy for Rural Communities program is a planning assistance program to help communities develop strategies and an action plan to revitalize their downtowns through outdoor recreation. Outdoor recreation activities have become increasingly popular across the United States and tend to aid with the conservation of natural lands and forests. This program enables communities to strategically invest in outdoor recreational opportunities that create jobs, foster environmentally friendly community development, revitalize downtowns, and offer new opportunities for people to connect with the natural world. Eligible projects include:

- Ensuring local residents, including young people, have connections and opportunities related to nearby outdoor assets to foster community pride, good stewardship, and local economic benefits.
- Developing or expanding trail networks to attract overnight visitors and new businesses and foster use by local residents.
- Developing in-town amenities, such as broadband service; housing; or shops, restaurants, or breweries, to serve residents and attract new visitors and residents with an interest in nearby outdoor assets.
- Marketing Main Street as a gateway to nearby natural lands to capture and amplify outdoor recreation dollars.
- Developing a community consensus on the management of outdoor assets to reduce potential conflicts and ensure sustainable use of resources. (B, C)

Funds are programmed by the Environmental Protection Agency.

<https://www.epa.gov/smartgrowth/recreation-economy-rural-communities-2019-application>

Safe Routes to School (SRTS)

The SRTS program provides a source of funding for education, enforcement, evaluations, and infrastructure improvements (e.g. sidewalks, bike parking, etc.) that encourage elementary and middle

school students to walk or bike to school. The Colorado Department of Transportation (CDOT) administers these programs using Federal Surface Transportation Block Grant Set-Aside funds and HSIP Program funds. Eligible entities include local governments, regional transportation authorities, transit authorities, natural resource or public land agencies, and school districts. Funds are available for SRTS programs that benefit elementary and middle school children in Kindergarten through 8th grade. Eligible projects must be within a 2-mile radius of the identified schools. (A, B, C)

Funds are programmed by the Colorado Department of Transportation

https://www.codot.gov/inf_fy19srts_instructionsandguidelines.pdf

Colorado State Agencies

Colorado Connect Initiative

GOCO's Connect Initiative is a five-year strategy aimed at increasing access to outdoor experiences through the construction of non-motorized trails of local, regional, and statewide significance. This program aims to increase access to the outdoors in Colorado communities by filling trail gaps, building new trails, and providing better walkable and bikeable access for youth and families. Applicants may request up to \$2 million for trail construction projects. Eligible grantees include municipalities, counties, and Title 32 special park and recreation districts that receive Conservation Trust Fund monies from the Department of Local Affairs. Projects must be primarily for trail construction; however, land acquisitions may be considered with staff approval. There is no requirement for surface type. Projects that present an exciting opportunity to leverage partnerships and outside funding, connect important trail segments, and are shovel-ready may score more competitively. (B, C, D)

Funds are programmed by Great Outdoors Colorado.

<https://goco.org/grants/apply/connect-initiative-grants>

Non-Motorized Trails Grant

Colorado Parks and Wildlife (CPW) funds several types of trail grants including large recreational trail grants, small recreational trail grants, trails planning, and trail support grants. This program is a partnership among Colorado Parks and Wildlife; Great Outdoors Colorado; the Colorado Lottery; the federal Recreational Trails Program; and the Land and Water Conservation Fund. To be eligible for the Non-Motorized Trails Grant, projects must include new trail or trailhead construction; maintenance, re-route, or reconstruction of existing trails; enhancements or upgrades to existing trailheads; trail and trailhead system planning; building and enhancing support organizations; or acquiring land or easements. Projects are required to have at least a 30% match, and all properties on which the funded projects take place must be under control of the grantee. (B, C)

Funds are programmed by Colorado Parks and Wildlife.

<https://cpw.state.co.us/aboutus/Pages/TrailsGrantsNM.aspx>

Conservation Trust Fund (CTF)

Colorado's Department of Local Affairs distributes Conservation Trust Funding to local governments, including counties, cities, towns, and Title 32 special districts that provide park and recreation services in their plans. These funds are the portion of Colorado Lottery proceeds constitutionally mandated to be distributed directly to local governments, based on population, for acquiring and maintaining parks, open space, and recreational facilities. CTF funds are distributed on a quarterly basis and can be used for numerous conservation and recreational uses, including developing parks and open space and preserving floodplains, greenbelts, and scenic areas for any scientific, historic, scenic, or recreational use. (B, C)

Funds are programmed by the Colorado Department of Local Affairs.

<https://cdola.colorado.gov/conservation-trust-fund-ctf>

Colorado Multimodal Options Fund

The Colorado Multimodal Options Fund (MMOF) seeks to fund multimodal transportation projects and operations throughout the state because, in addition to the general benefits that it provides to all Coloradans, a complete and integrated multimodal transportation system:

- (a) Benefits seniors by making aging in place more feasible for them;
- (b) Benefits residents of rural areas by providing them with flexible public transportation services;
- (c) Provides enhanced mobility for persons with disabilities; and
- (d) Provides safe routes to schools for children.

Eligible projects are selected to receive local Multimodal Options Funds (MMOF) by the Regional Planning Commissions (RPC) of the 15 Transportation Planning Regions (TPRs). (A, B, C)

Funds are programmed by the Colorado Department of Transportation

<https://www.codot.gov/programs/planning/grants/mmof-local>

Foundations, Corporations, and Associations

Boettcher Foundation

The Boettcher Foundation champions excellence and invests in high-potential organizations that are developing new ideas that can drive Colorado forward. They support organizations and initiatives that strive to innovate, impact and improve the quality of life for Coloradans. They prioritize capital building or community infrastructure projects for Colorado through "a lens of rural depth." Letters of Inquiry can be submitted any time of the year. (A, B, C, D)

Funds are programmed by the Boettcher Foundation.

www.boettcherfoundation.org

Doppelt Family Trail Development Fund

Launched in 2015 by the Rails-to-Trails Conservancy (RTC), the Doppelt Family Trail Development Fund supports organizations and local governments that are implementing projects to build and improve multi-use trails. RTC awards approximately \$85,000 per year to several qualifying projects through a competitive process. While applications for projects on rail-trails and rails-with-trails will be given preference, rail-trail designation is not a requirement. However, the trail must serve or plan to serve multiple user types, such as bicycling, walking, and hiking, and be considered a trail, greenway, multi-use trail, or shared use path. In addition, the program must advance trail development, help establish corridor connections, or improve current conditions on the trail. Grant applications are accepted annually in January. (B, C, D)

Funds are programmed by the Rails-to-Trails Conservancy.

<https://www.railstotrails.org/our-work/grants/doppelt/>

Activating Places and Spaces Together

This funding opportunity, administered by the Colorado Health Foundation, supports locally-defined, place-specific efforts to get people outdoors and actively engaged in their neighborhoods – together. The goal of the funding opportunity is to help activate existing infrastructure in public places that contributes to a community's overall health through residential usage and positive experiences. Grant funds support the costs associated with project planning and implementation, and provides technical assistance for community engagement, communications, and marketing, for up to one year. Eligible projects must reflect the Foundation's cornerstones of serving low-income Coloradan residents who have historically had less power or privilege and doing everything with the intent of creating health equity. (A)

Funds are programmed by the Colorado Health Foundation.

<https://www.coloradohealth.org/funding-opportunities/funding-opportunity-activating-places-and-spaces-together>

The National Fish and Wildlife Foundation Acres for America Grant Program

The Acres for America grant program is a joint public-private partnership between the National Fish and Wildlife Foundation and Walmart. This program works to conserve fish and wildlife habitat, protect public lands, provide access to outdoor recreation, and ensure the future of local economies that depend on outdoor recreation, forestry, or ranching. Eligible grantees include non-profit 501c organizations, state government agencies, local governments, municipal governments, Indian tribes, and education institutions. (B, C, D)

Funds are programmed by the National Fish and Wildlife Foundation.

<https://www.nfwf.org/programs/acres-america>

International Mountain Bicycling Association (IMBA) Trail Accelerator Grant

IMBA provides Trail Accelerator Grants to help grow the quantity and quality of mountain bike trail communities. These grants provide a jump-start to communities that have the interest and political support to develop trail systems, but need assistance to get projects up and running. A Trail Accelerator grant offers awardees professional trail planning and consultation services to launch their trail development efforts, which can often leverage additional investment from local, regional, and national partners. (C)

Funds are programmed by the International Mountain Bicycling Association.

<https://www.imba.com/trails-for-all/trail-accelerator-grants>

People for Bikes Community Grant

The PeopleForBikes Community Grant Program supports bicycle infrastructure projects and targeted advocacy initiatives that make it easier and safer for people of all ages and abilities to ride. This program accepts grant applications from non-profit organizations that focus on bicycling, active transportation, or community development; city or county agencies or departments; and state or federal agencies working locally. Requests must support a specific project or program (i.e. grant funds cannot be used for general operating costs), such as:

- Bike paths, lanes, trails, and bridges
- Mountain bike facilities
- Bike parks and pump tracks
- BMX facilities
- End-of-trip facilities such as bike racks, bike parking, bike repair stations and bike storage

PeopleForBikes funds up to \$10,000 for engineering and design work, construction costs including materials, labor, and equipment rental, and reasonable volunteer support costs. This program does not require a specific percentage match, but does look at leverage and funding partnerships very carefully. (A, B, C)

Funds are programmed by People for Bikes.

<https://peopleforbikes.org/grant-guidelines/>

Cultivating Healthy Communities (CHC) Grant Program

The CHC grant program is geared specifically towards nonprofit organizations that work with underserved, low-income, and minority populations in the contiguous United States. CHC seeks to

catalyze measurable improvements in community health outcomes by funding projects that address the social determinants of health and participants' physical, mental, and social well-being. Eligible projects must work to accomplish the following goals:

- Improve the walkability, bikeability, and use of public spaces in a community
- Increase collaboration between local law enforcement and community members to proactively address immediate public safety issues
- Decrease exposure to air and water contaminants
- Increase healthy behaviors, such as exercise and eating healthy goods
- Increase access to healthy foods through the development of new or enhanced retail options (A, B, C)

Funds are programmed by AETNA.

<https://www.aetna-foundation.org/grants-partnerships/grants/cultivating-healthy-communities-rfp.html>

City of Glenwood Springs Transportation Commission
Comments and recommendations
MOVE study – pedestrian and bicycle components

February 2, 2022

Observations and responses to bicycle and pedestrian assessments and recommendations in the MOVE final report (August 2021) and in accompanying Appendix D – *Pedestrian and Bicycle Improvements Plan* (April 2021)

General

- In general, the observations and recommendations for bicycle and pedestrian travel, variously included in the report and appendix, are accurate and well described. Some proposed implementation details need refinement.
- Success of bicycle and pedestrian improvements will be affected by, and should be integrated with, details presented in other MOVE report categories, particularly traffic/safety, transit, and BRT alignment.

Existing conditions

- Both the report and the appendix accurately highlight inadequacies at some locations in the existing Glenwood Springs walking and bicycling infrastructure network, including inadequate or non-existing sidewalks (as highlighted in previous studies), bicycle-pedestrian network gaps, need for more bicycle parking.
- The documents also highlight successful and popular routes that generally are functioning well, including (including multi-use Rio Grande, West Midland, and Atkinson trails, and pavement-marked bicycle lanes).

Infrastructure improvements

- Bicycle-pedestrian improvement recommendations are helpfully organized in three phases, with increasing levels of cost and complexity.
- That phased outline includes a useful list of needed improvements, but the list a) is not complete, and b) needs to be better integrated with the city's transportation capital projects priority rankings.
- Design details presented for some improvements need to be further refined and not necessarily implemented as described—configurations for east-west bicycle routes *e.g.*
- Most of the improvements listed are needed, and can be implemented, independent of decisions or work on a BRT extension. Prioritized work on such improvements should begin without delay.
- Changes in municipal design standards are needed (minimum widths for sidewalks and multiple-use paths, crosswalk configurations, buffers from roadways, accommodations for electric-assist bicycles *e.g.*)

BRT route selection

- The selection of a preferred or final route for bus rapid transit (BRT) extension must be made very carefully in general, and with particular attention to potential effects (good and bad) on bicycle and pedestrian travel (*see p. 53*).

Responsibilities, implementation

- Appendix D is entitled a plan but does not delegate or otherwise clarify responsibility for funding and implementing that plan, nor does it include a recommended or anticipated calendar for implementation.
- List of potential funding sources is helpful. The city should aggressively pursue funding for recommended multimodal improvements and incentives.



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	Comprehensive Plan Update - Growth Analysis and Strategies
Action Requested:	Action is requested at this time. City Council can provide direction to staff, as is necessary.
Department:	Economic and Community Development
Presented By:	Jenn Ooton
Strategic Goals:	Protect and Preserve our Quality of Life Ensure Public Safety Generate Sustainable Economic Development Provide Efficient and Responsive City Government Preserve and Improve Infrastructure
Background Info:	Comprehensive plan update (Vision Glenwood) consultants Cushing Terrell will go over the attached white paper regarding their review of other jurisdictions' growth management practices and the outcomes. This work was an additional service beyond the original scope of the Comprehensive Plan, and was asked for by Council in November.
Issues:	None are identified at this time.
Fiscal Impact:	This is a presentation only.
Legal Review:	N/A
Staff Recommendation:	This item is for discussion.

2022

Glenwood Springs Growth Strategies White Paper Report

DRAFT

REVISED

02.23.22



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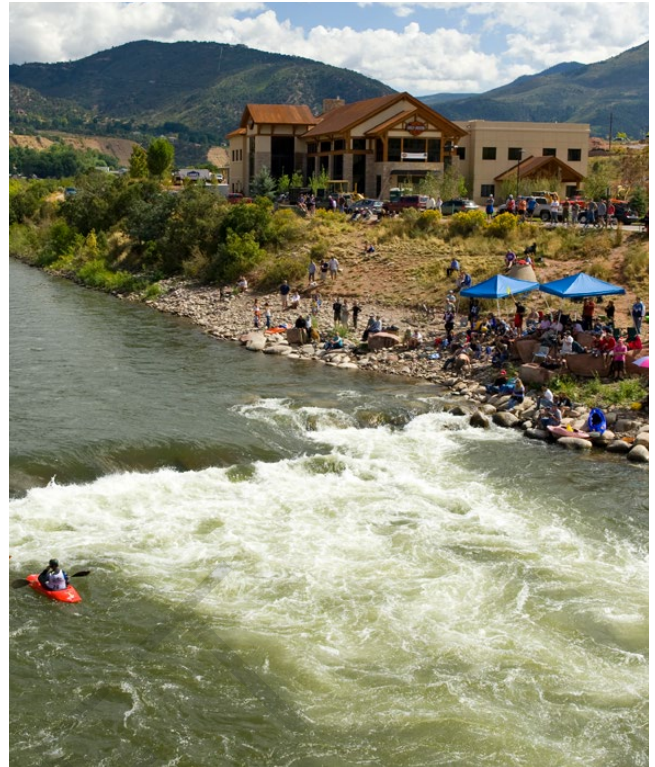
Summary Matrix

Growth Strategies Impacts and Takeaways

4: Population and Growth Trends

5: Growth and Capacity

6: Key Takeaways and Issues







1: INTRODUCTION

PURPOSE

This report offers a comprehensive review of growth management strategies using real-world case studies and applications specific to the City of Glenwood Springs.

As part of the 2022 Glenwood Springs Comprehensive Plan Update, the following report compiles information and offers key takeaways to provide guidance for the City to consider growth management strategies.

A growth strategy may be any tool, mechanism or policy that provides a means for the municipality to review and manage growth using the best available data, which are not limited to regulatory or code policies. Examples found in this report range from less-formal approaches using maps and land use planning tools (i.e. future land use plans) to initiatives that could be adopted into a zoning code or other part of the regulatory framework.

Intended to provide interim guidance for city staff, Planning & Zoning Commission or leadership, this report is a working document to be reviewed as input is received and as ideas are introduced to the community. It is an initial step in the comprehensive planning update process which will be completed in the coming months of 2022.

GROWTH STRATEGIES AND THE COMPREHENSIVE PLANNING UPDATE PROCESS

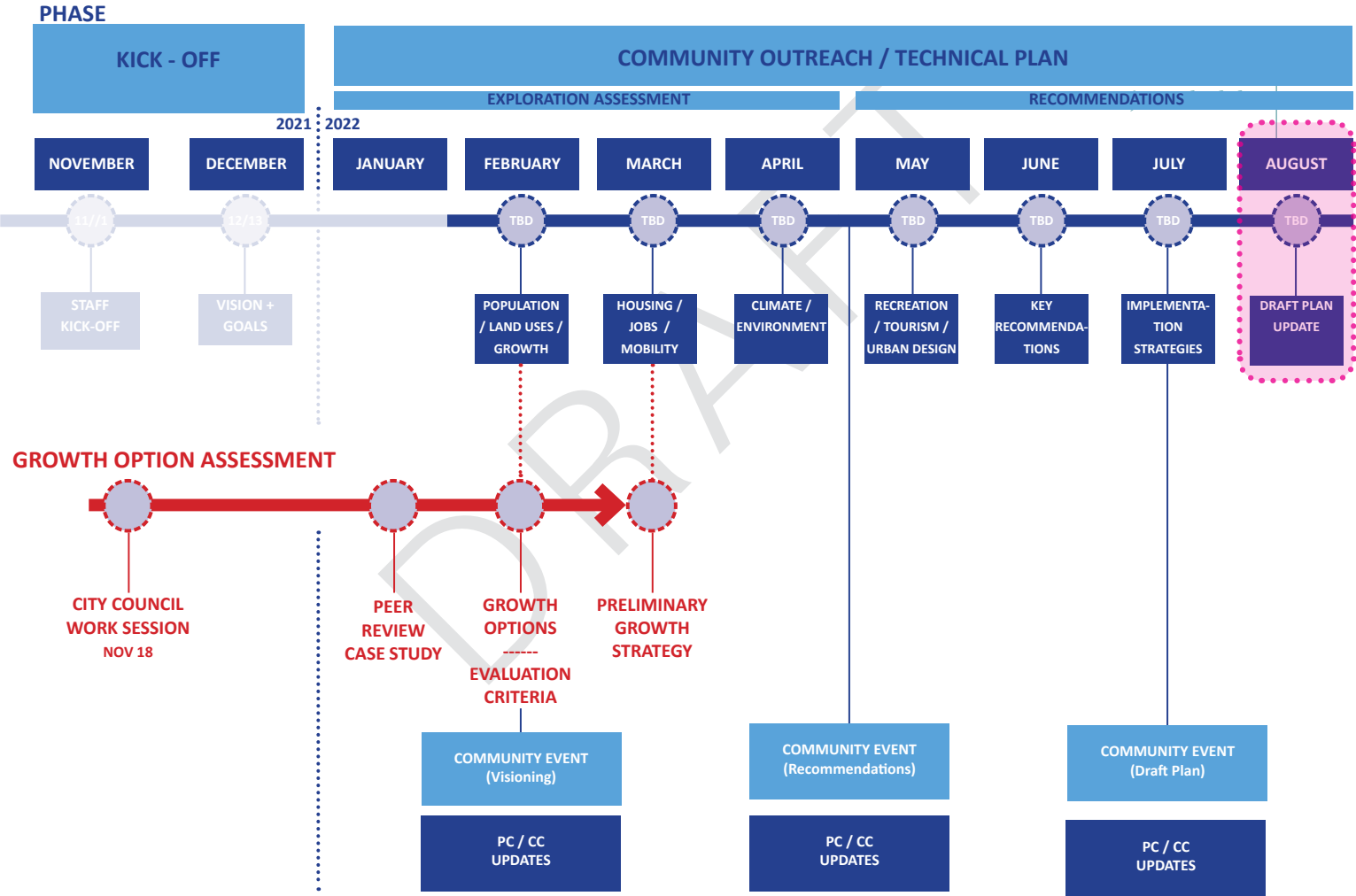
Assessing Growth Management Options and Long-Range Planning

The Growth Strategies Report is an initial step in the Comprehensive Plan Update process to assess and understand potential direction as the plan update is developed.

The diagram opposite illustrates how this study fits into the overall project schedule (see red timeline bar). With ongoing information-gathering as part of the community outreach and engagement phase, findings from the report will be built upon with community input from online and in-person engagement and will be presented along with monthly updates to the Project Steering Committee as well as other boards and commissions.

The findings from this report will be coupled with ongoing input received to build towards plan update recommendations and ultimately the plan document. Findings will also be confirmed with the public at series of community events and online surveys to ensure the community has the opportunity to provide feedback needed to form policy recommendations.

Comprehensive Plan Outreach and Technical Planning Timeline



2: GROWTH MANAGEMENT CASE STUDIES

What kind of outcomes are communities in Colorado experiencing based on their strategies for managing growth?

A selected group of communities were studied to further understand the history, impacts, and outcomes of growth management practices in Colorado. The communities outlined in the table below were analyzed:

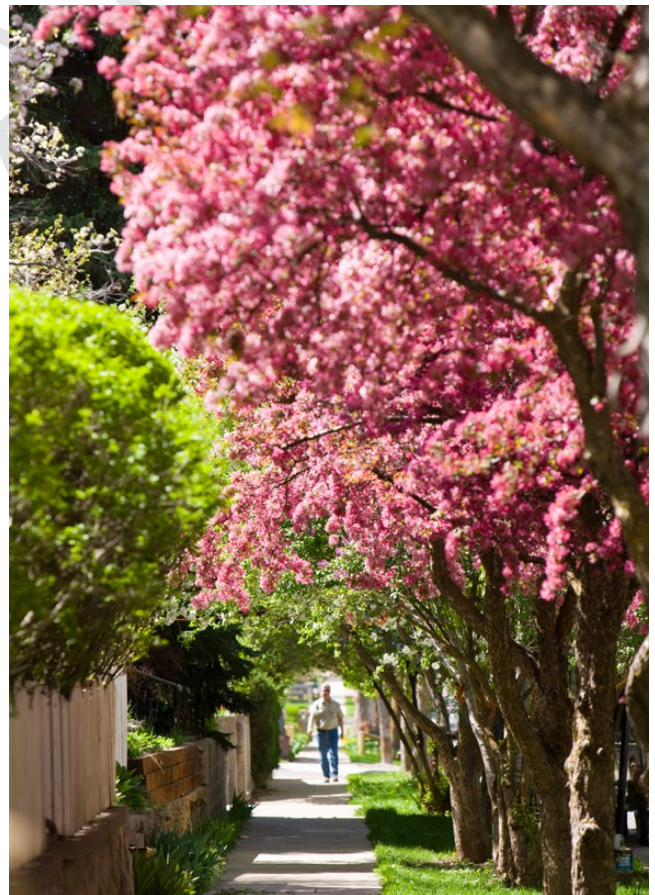
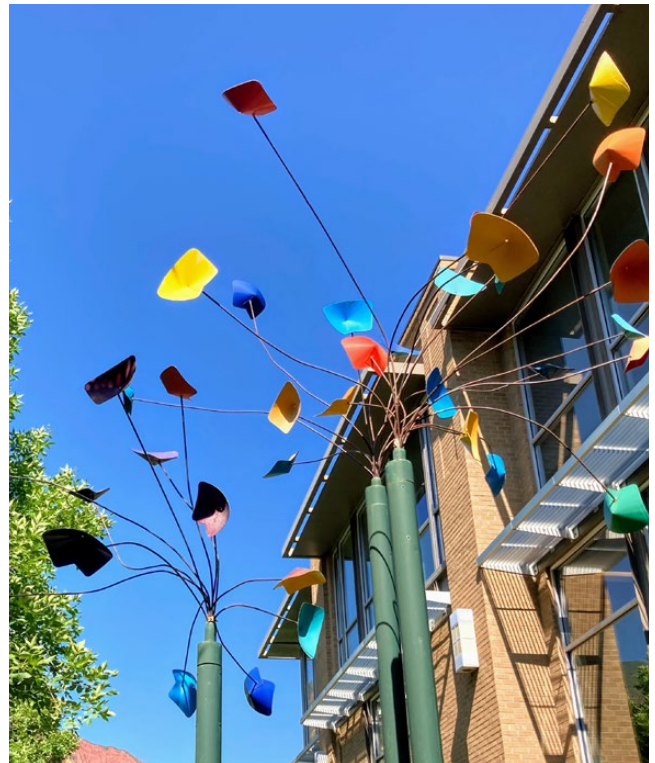
Available information was reviewed and follow-up phone interviews with department heads and staff from each of the case study Community Development Departments were interviewed. The review focuses on obtaining background information to clarify when and why the community growth policy was initiated and what caused the specific initiative to be considered.

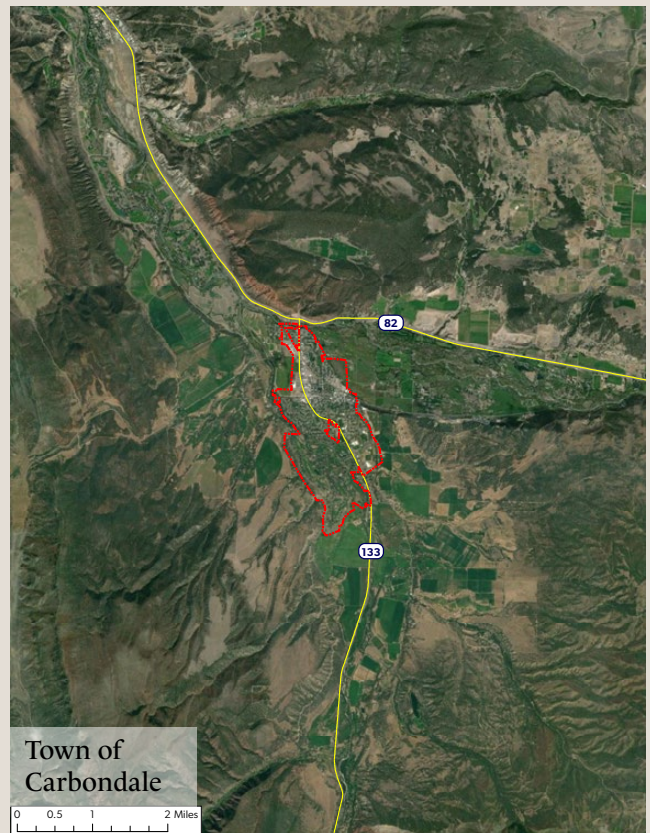
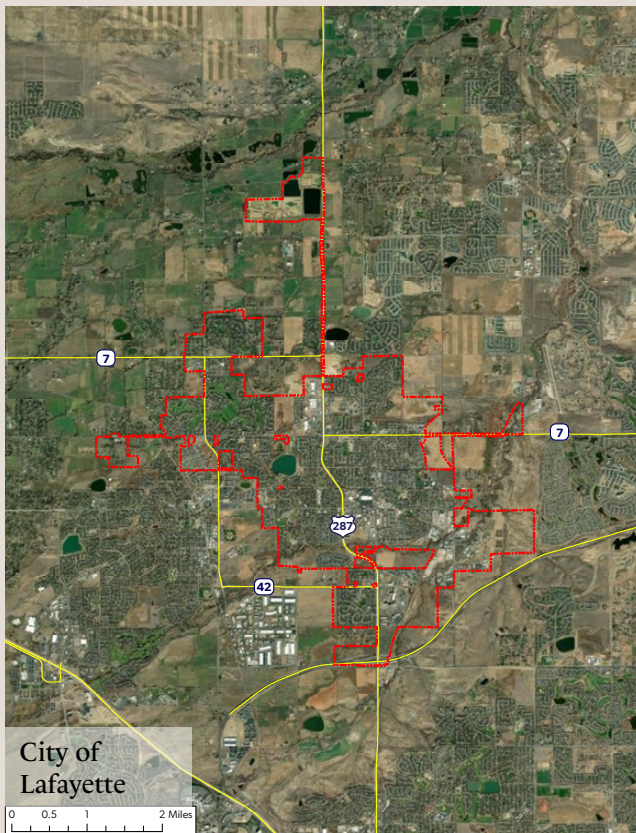
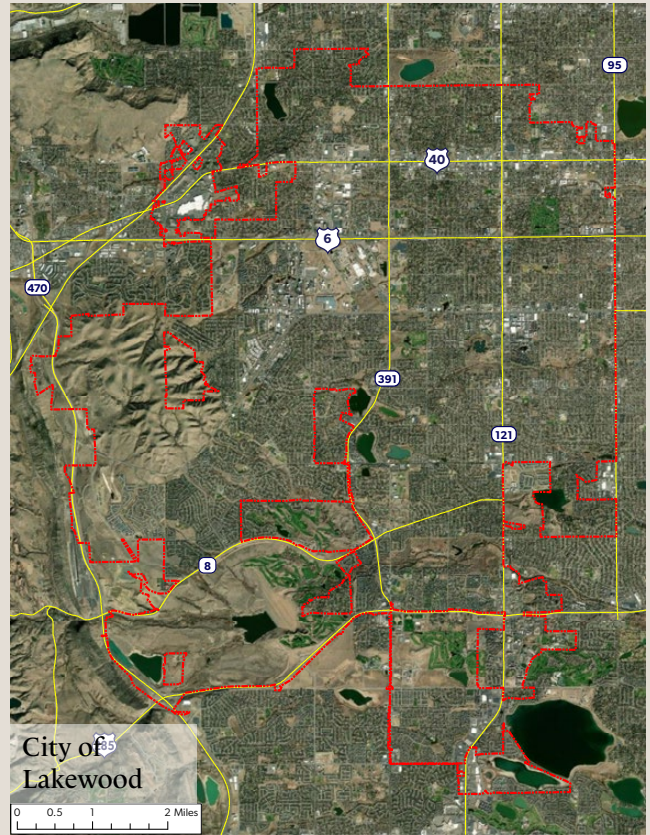
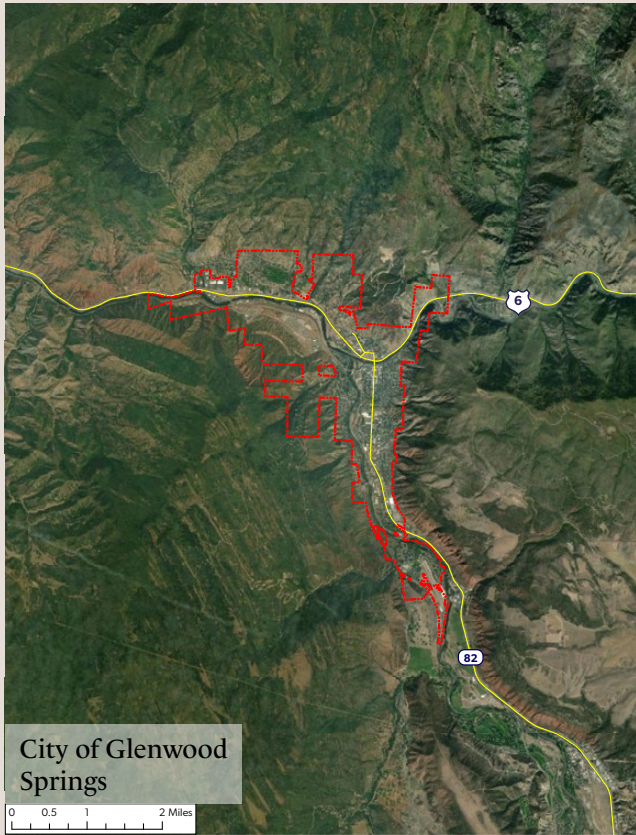
Place	2020 Population (US Census)	Sq. Miles	Pop. Density (Ppl/ Sq. Mile)	Strategy Type
Glenwood Springs	9,963	5.9	1,689	—
Carbondale	6,434	2.0	3,217	(No formal regulatory policy) Future Growth Mapping
Durango	19,071	13.8	1,382	(No formal regulatory policy) Design Guidelines, Future Growth Mapping
Golden	20,399	9.7	2,103	1% Cap
Lakewood	155,984	44.2	3,529	1% Cap
Lafayette	30,411	9.4	3,235	1% Cap

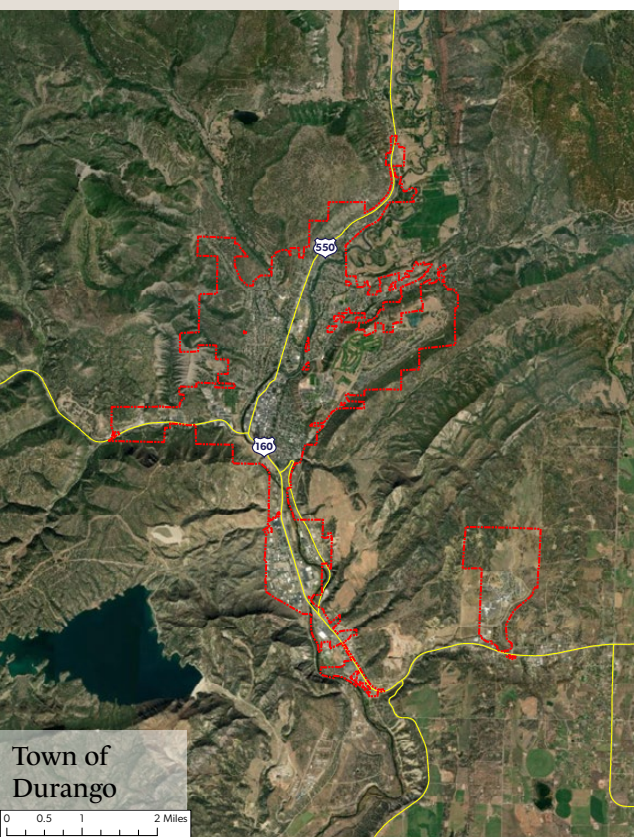
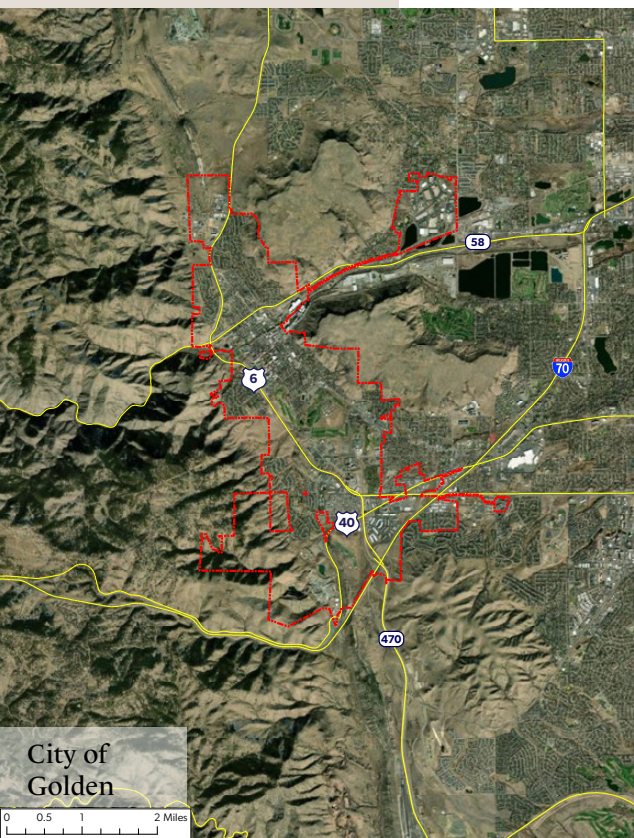
Outcomes to be addressed as part of the research process included:

- Key community concerns
- Policy / regulatory outcomes resulting from the process
- Lessons learned from each case study
- Anticipated and unforeseen consequences
- Effectiveness of the policy
- Key challenges and observations

City of Glenwood Springs staff informed the process to establish the key priorities and assumptions, to identify up to five peer cities/towns, and to confirm the findings. The team conducted a review of the community case studies to assess their growth management strategy policies based on staff direction. With many data formats available, qualitative or anecdotal, it was important to combine a scan of the growth/land use policies with interviews and a review of media sources to paint a clear picture of the outcomes and experience of each community.







CASE STUDY SUMMARIES

All maps are at the same scale

The following exhibits the geographic characteristics of each community reviewed.

Differences in the incorporated boundaries, mobility networks, and local geography are evident when examining the maps at left. State of Colorado statute regarding annexation and urban growth management helps in understanding how each community's growth strategy has resulted in the patterns illustrated in these maps.

County islands, protected open spaces, and "flagpole" annexations — where lengths of right-of-way or other property boundaries are used to incorporate lands — are all signs of different eras of growth.

Key geographic takeaways include:

- Land availability along with topographic restraints can pressurize the need for infill development.
- Limited accessibility for ingress/egress in case of an emergency or hazard event will be highly influential in growth/annexation patterns in Glenwood Springs.
- Open space and its preservation or control outside city boundaries influences a community's outcomes for directing inward and outward growth, and the coordination for joint planning in the three-mile area surrounding Glenwood Springs will be an important consideration.
- A municipality's ability to annex or control sprawl or any growth pattern is affected by the neighboring municipality's or jurisdiction's land use pattern and policies. The examples of Carbondale and Durango share the similarity that they are almost wholly surrounded by county jurisdictional authority while Golden, Lakewood, and Lafayette abut other municipalities and have different capacities to control lands outside their jurisdiction.



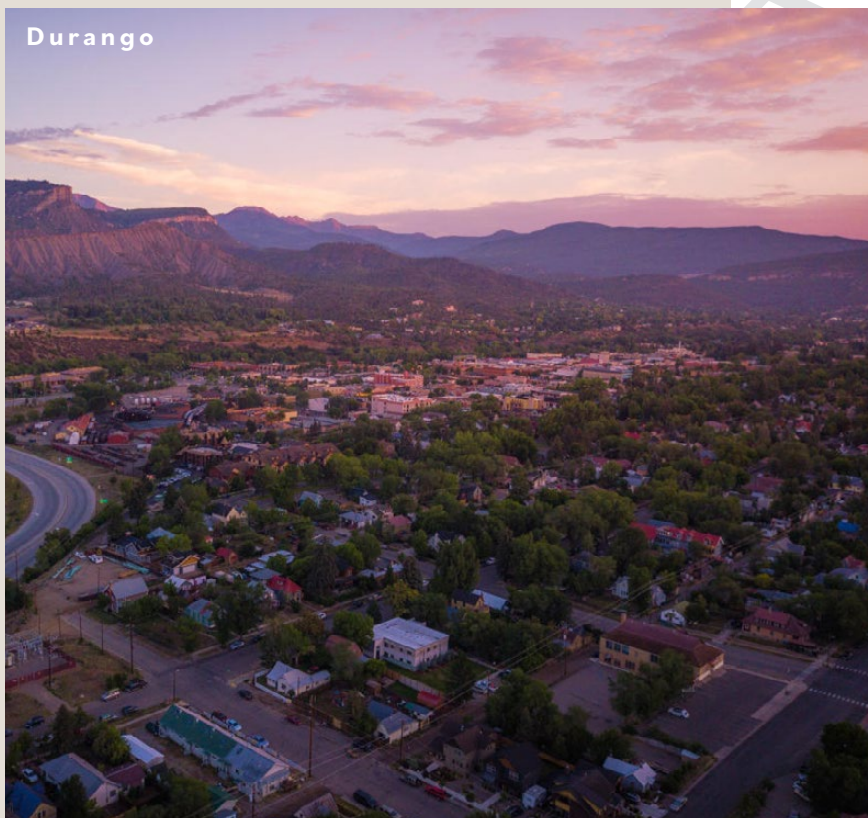
CASE STUDY SUMMARIES

Carbondale, CO

Carbondale employs a traditional case-by-case project evaluation to determine conformance with existing plans and their overall community cost and benefit.

Initial movements toward growth management began during a period of development in Garfield County decades ago. Increasing demand for new housing stock raised concerns from both the Carbondale and Glenwood Springs communities of eventually merging into one continuous town with open space and agricultural areas taken up by low density sprawl.

As a community Carbondale decided to accept a certain level and type of growth. Developers had plans for mixed use however the Town's plans or codes at the time were not compatible with this vision. Planners and the community opted to embrace the kind of growth they desired by adopting land use plans and updating the code to reestablish the vision of a compact, vibrant small town.



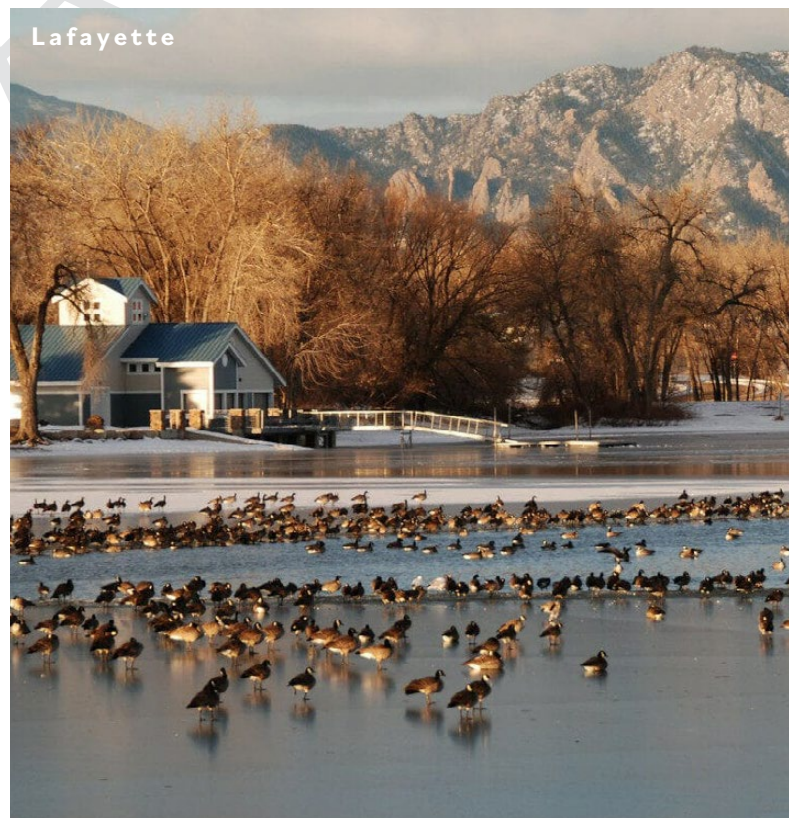
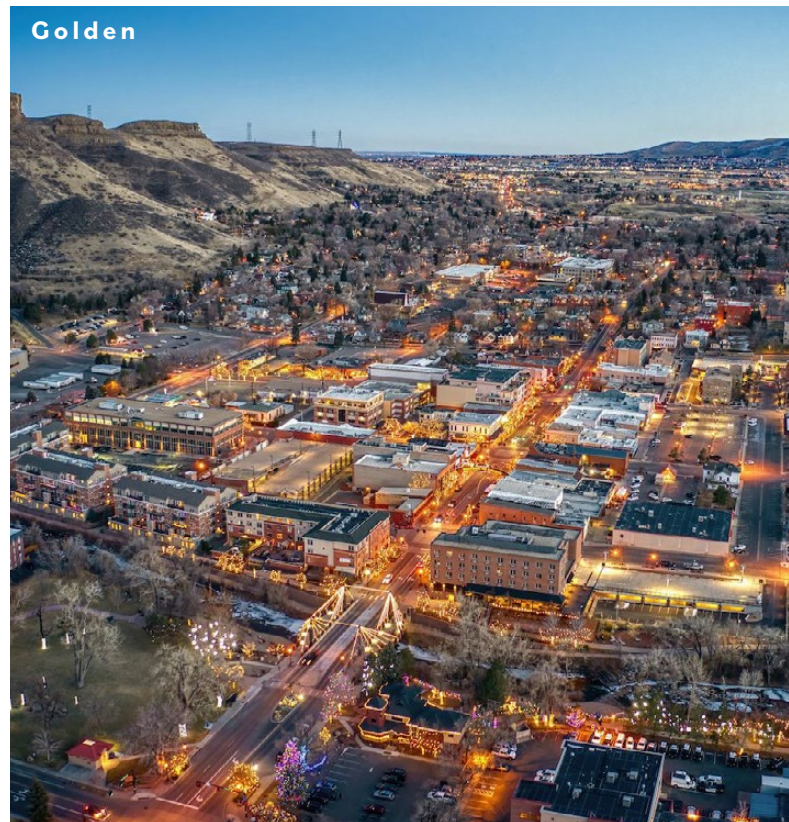
Carbondale employs conventional land use planning management tools including a future land use map that guides compatibility through zone amendments in the unified development code. A 2022 comprehensive plan update (in approval process as of 02/2022) revisited growth issues as a recent uptick in development resurfaced community concerns. Growth caps have been explored however a good working relationship between Garfield County and the Town has allowed a more ad hoc approach to be adequate, making the need for stronger regulations unnecessary at this time.

Durango, CO

Trusted relationships between the citizens, leadership, and the development community — along with open space management and strong design guidance — makes the case for a simpler form of managing growth.

Like Carbondale, Durango relies on a traditional approach using long-range plans and strong relationships. Historically the community has been highly desirable place to live and play and while it has seen growth, its pure remoteness and rugged surroundings removes some of the development pressure seen in other mountain communities. This also increases development costs which makes it more palatable for local developers with community knowledge to build relationships with town citizens and leaders to deliver projects.

Similar to Glenwood Springs, growth through annexation is limited by terrain and public lands. Surrounding open space preservation policy supported by La Plata County promotes infill growth rather than sprawl, and the community has moved toward using design guidelines for new infill development to ensure new growth is compatible with existing conditions. Because of these external conditions, the City has not seen significant growth like its peers. The vision established in a 2017 comprehensive plan update aims to encourage smart infill growth rather than create new policy that would restrict development. By installing new urban renewal areas and incentives, Durango aims to promote denser projects in town to boost housing supply and affordability, particularly for families.





Golden, CO

Utilizing a growth cap has allowed Golden to promote smart growth principles by promoting density in the core, but not without unintended results.

In response to local concerns over the loss of open space and hillside areas from rapid suburban development, the Golden community enacted a 1% annual residential unit cap beginning in 1996. Over the years the policy has been adjusted to reflect changing conditions. The city employs an allocation system for distributing permits every year which in turn creates challenges for the development community in project financing. A lack of smaller-scale projects, and a growth rate even lower than the 1% allowed is an outcome of the policy. Affordable housing project applications are infrequent, and single family units are very rare.

Challenges to administer the allocation system due to staff time and resources needed were notable. Many projects will save up allocations and distribute them throughout forthcoming years making project tracking rigorous. In Golden land availability is the main factor affecting the pace of growth and in communities like Glenwood Springs where land availability is already limited, such a policy would even further challenge the feasibility of projects without other policies that promote denser, infill development. Exceptions for allowing density, affordable housing, or housing for older adults are all valuable assets in Golden that have been affected by cap allocations. Such a policy should consider exempting these development types to ensure the future housing mix matches the community values and vision.

Lafayette, CO

Lafayette uses a growth cap with unit allocations that can be adjusted and revisited over time.

Initiated by regional planning initiatives that determined there was a collective need to provide matching affordable housing growth figures between city and county, the City of Lafayette enacted its first growth policy in 1995 as the voters responded to rapid growth. The management program rotates in six year cycles at which point the allocation formulas or other standards may be adjusted.

Increasing affordable housing supply was a key motivation for Lafayette's policy, which it appears to accomplish. One unintended consequence is affordable projects have become segregated into pockets throughout the community. Additionally the allocation motivates developers to purchase several years worth of allocations and not use them immediately. This causes difficulties with project planning and can require staff resources to be used all at once as projects come online.

Lafayette is nearly landlocked and the policy has served a purpose of ensuring they have more control over their available land. If an economic recession does occur, the permits already secured may never get built, creating a disruption in the market — another unintended consequence.

The City employs considerable exemptions to the allocations, with their two urban renewal areas largely the benefactors of infill development and multifamily/affordable projects.

Lakewood being “landlocked” has an effect on slowing growth but the City notes the policy may be an effective way to control the pace of development during any given year. Whether due to the complicated nature of the allocation system or external factors at play, the time and cost of development has increased, which planners say may be having a detrimental effect on project design and quality.

Lakewood, CO

Another community utilizing a cap system, Lakewood allows their City Council to determine the allocation.

Not without some controversy, Lakewood voters narrowly passed a residential growth restriction in 2019 in response to post-recession growth. The community is just starting to recognize the effects. Planning staff noted tracking is a challenge as they have a complicated pooling and banking systems for allocated permits.

One unintended outcome of their policy is that very large developments — topping several hundred units — will remain in the pipeline for an extended time.

Around the same year the policy was enacted several large multifamily infill projects were submitted, which is likely due to the light rail extension rather than policy. Effects on affordability are still being studied, but the policy may have a notable outcome of decreasing the number of permits received annually, with unit counts generally getting halved every year. Single family homes have particularly been seen in fewer numbers.



CASE STUDY TAKEAWAYS

Case Study Takeaways

- A direct regulation on the amount of permitted growth is not always necessary to achieve community goals — Carbondale and Durango manage growth based on working relationships with the development community while relying on sound growth policy. This comes in the form of future land use maps and overall goals and strategies administered by planning staff and employed in recommendations to the planning boards or commissions.
- Rapidly shifting conditions or increases in the pace of growth lead to a perception that usually results in establishing new policy. Backing up any perceptions with data becomes a meaningful communication tool between the community, developers, leadership, and staff.
- Availability of land and infrastructure capacity are often the most common motivators for growth policies.

- Growth regulations are generally favorable to most leadership and the community.
- Landowners, developers, and the real estate professional community are mixed with most parties adjusting easier to the municipalities that had clear and established policies clearly spelling out the process and requirements.
- Municipal planning staff and administration noted growing challenges with administering a capped allocation regulation, as already scarce resources were stretched thin. This is particularly evident in larger communities where there was an allocation window that resulted in a very resource-intensive review season as applications were delivered all at once.
- Municipalities that installed capped regulations have not shown the cap is being met, resulting in gaps between what is enabled with allocations and what is actually built.
- The affect on affordable housing supply is dependent on the community however exemptions for affordable projects improve feasibility.
- An affect where home values increase is correlated, but difficult to pinpoint in terms of the cause being directly policy-related.
- Creating exempt areas (i.e. urban renewal areas) or unit types are critical to ensure valuable assets are maintained.

3: GROWTH STRATEGIES SUMMARY

Five techniques communities may employ to manage growth

This section offers theoretical scenarios that are applied to Glenwood Springs to illustrate their potential effects on future growth.

The five general approaches to growth strategies are as follows:

- No Growth: Considers no future expansion of development.
- Carrying Capacity Threshold Growth Limitations: Imposing a limit or cap on units or other permits. Similar to policies found in Golden, Lakewood or Lafayette.
- Inward Facing (infill) Development Only: Policy that would promote development or redevelopment on areas within the urban growth boundary on existing parcels.
- Annexation: Considers areas up to or beyond the urban growth boundary for annexation and development.
- Balanced Inward and Outward: A policy that would provide both annexation and infill as outlets for new growth.

Summary Matrix

The summary matrix below compares the effects each policy may have based on the impact to the Glenwood Springs community's ability to create the services and meet the needs for its citizens. A Positive score generally means a policy will have an improving impact on quality of life or services, while Negative implies a detrimental effect.

Growth Scenarios	No Growth Option	Carrying Capacity, Growth Limitations	Inward Facing (Infill) Development	Annexation	Balanced Inward and Outward
Mobility					
Walkability/Proximity to Destinations	Low	Low	High	Low	Low
VMT	High	High	Low	High	Moderate
Traffic Safety (Region)	Less safe	Moderate	Most safe	Less safe	Moderate
Transit Ridership	Low	Low	High	Low	Moderate
Economics					
Cost of Housing	Negative	Negative	Neutral/mixed	Neutral/mixed	Positive
Mix/Diversity of Housing	Negative	Negative	Neutral/mixed	Neutral/mixed	Positive
Sales Tax Revenue	Negative	Neutral/mixed	Neutral/mixed	Positive	Positive
Jobs (Hiring, retention)	Negative	Negative	Neutral/mixed	Neutral/mixed	Positive
Jobs (Opportunity, wages)	Negative	Neutral/mixed	Neutral/mixed	Neutral/mixed	Positive
Land Use + Character					
Land Availability	Neutral/mixed	Negative	Negative	Positive	Positive
Design Quality and Character	Negative	Neutral/mixed	Positive	Negative	Positive
Infrastructure	Positive	Positive	Positive	Negative	Positive
Administration	Positive	Negative	Neutral/mixed	Negative	Negative
Sustainability/Resiliency	Positive	Positive	Positive	Negative	Neutral/mixed
Social Equity/Displacement	Negative	Negative	Positive	Neutral/mixed	Positive

* For preliminary discussion purposes

** Other variables (e.g. affordable housing policy, hazard plans) may apply

GROWTH STRATEGY IMPACTS AND TAKEAWAYS

Any scenarios to ultimately consider will fall along a spectrum that has growth limitations on one end and an infill focus on the other. The following offers a comparison of the outcomes and their potential impacts.

With Any Growth Limitations...

- Puts upward pressure on pricing and reduces housing affordability
- Drives negative consequences (unless you already happen to own residential property)
- Increases in-commuting to fill jobs which leads to more difficulty hiring/retaining workers
- Increasing traffic, increasing income inequality and lowering quality of life
- Opportunity to catch up (codes, policies, green infrastructure)

With an Infill Focus...

- Walkability: destinations are closer together
- Vehicle miles traveled (VMT): fewer people will need to drive long distances mitigating VMT growth
- Transit: ridership will increase more as denser development is easier to serve by transit
- Traffic Safety: more people will travel shorter distances at slower speeds decreasing the likelihood of severe crashes
- Shifts focus to infill design and character
- Emphasis on historic areas

Growth Strategies Key Takeaways

- Ultimately a combination will be required.
- Consider Glenwood Spring’s unique conditions, particularly the geographic constraints, hazards and resulting access challenges.
- Most strategies are intended to offer a higher level of control over the pace of growth.
- For Glenwood Springs and much of the Mountain West, 2021 was an ‘outlier’ year and is not likely to be repeated.

Growth Scenarios

Infill Only
Infill + Annexation
Growth Limitation (cap)
Annexation Only
No Growth

More walkable
Less vehicle miles traveled growth
Higher transit ridership
Less opportunity for severe crashes



Less walkable
More vehicle miles traveled growth
Lower transit ridership
More opportunity for severe crashes

Where Growth Occurs

Within neighborhoods
Some within neighborhoods
Mostly outside Glenwood
On edge of Glenwood
Outside Glenwood

Regional Mobility Impacts of
Growth Scenarios

4: POPULATION AND GROWTH TRENDS

Predicting Growth for Glenwood Springs

Any policies for managing growth should start with a solid understanding of historical population dynamics and a reasonable prediction of what future growth might look like without policy changes.

Colorado's State Demographer, part of the Division of Local Affairs (DOLA) produces long term population forecasts at the county level, but not for municipalities.

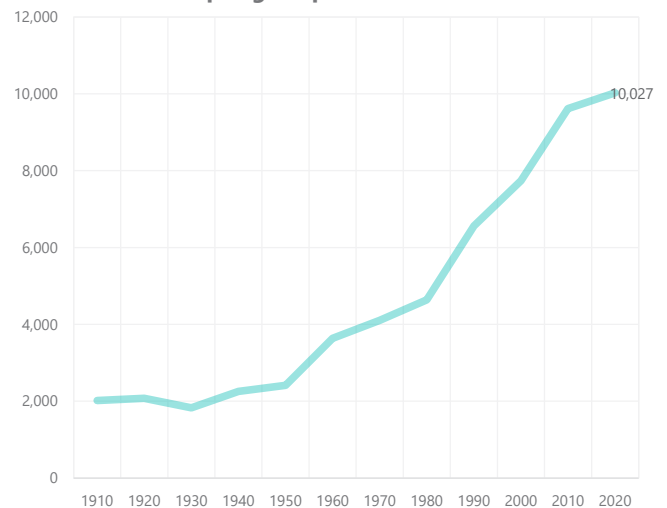
Because Garfield County is large, oddly shaped, and diverse in terms of its economic drivers, using a county-level forecast may not be the most accurate way to arrive at a good prediction for any one town.

The following slides explore available evidence about Glenwood Springs' growth trajectory and provide alternative approach to a DOLA-based forecast for the town.

Long View of Glenwood Springs Growth

Understanding the shape of your population trajectory helps inform the math behind an accurate forecast for future growth.

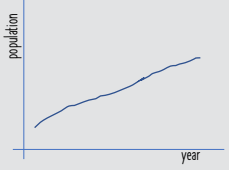
Glenwood Springs Population



Understanding the Shape of Growth

After weeding out the volatility year-to-year random events and major business cycles, population growth tends to take one a few basic shapes.

These are the most commonly used model shapes:

Shape	Also Called	Looks Like	Why
1. straight line	linear		"We build about 20 housing units each year"
2. upward swooping	exponential		"Our population grows by about 1.5% each year"

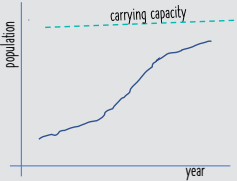
A Third Possible Growth Trajectory

The third type, a vaguely S-shaped curve, is often called “logistic” with a growth curve that seems to be flattening towards the top.

The math gets a little trickier, but the shape makes intuitive sense:

Populations (people, wildlife, bacteria, etc.) grow relatively freely until their resources (land, habitat, food, water, etc.) start to become more scarce.

Growth is then exponential for a while (x% per year), but starts to flatten out as population reaches some upper limit.

Shape	A.K.A.	Looks like	Why
3. slightly S-shaped	logistic (or constrained exponential)		"We used to grow around 2% per year, but we're running out of land & infrastructure"

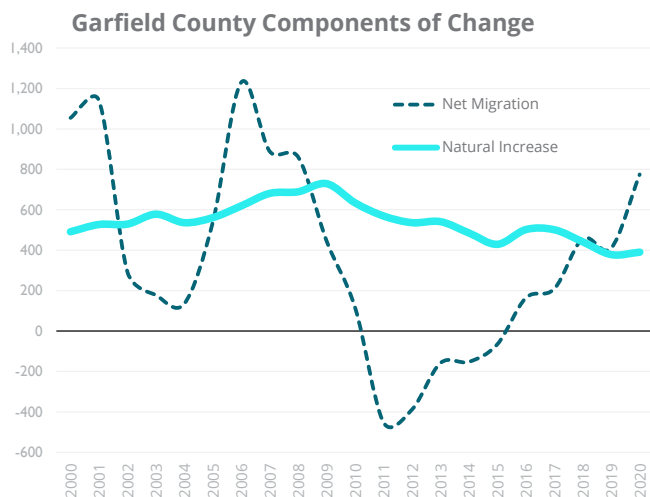
Components of Change

Towns grow for two basic reasons:

- Natural Increase (more births than deaths)
- Net migration (more people moving in than moving out)

Fertility rates and death rates (along with age structure of the population) are drivers of natural increase and tend to follow broad societal patterns that are slow to change.

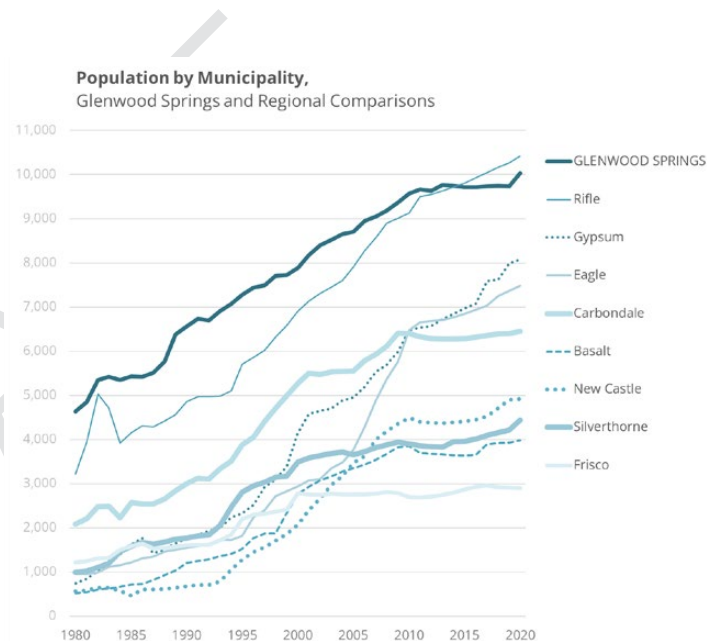
Migration is driven by lifestyle preferences and shifting employment opportunities (which are very sensitive to local economic conditions).



Glenwood Springs and Nearby Towns

Glenwood Springs has long been a regional hub among other municipalities along I-70 and the Roaring Fork Valley

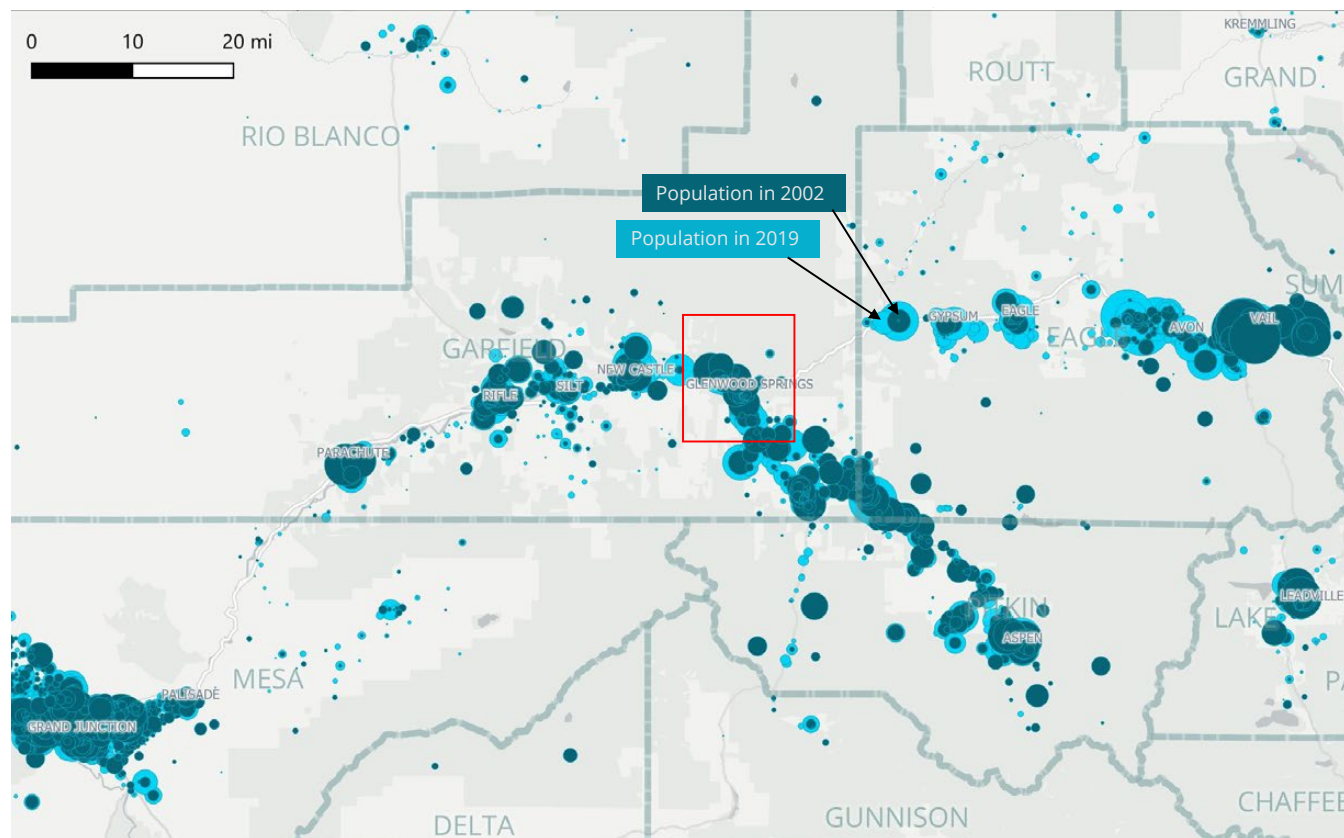
- Only recently matched by Rifle in terms of population.
- All growing steadily until the 2008-09 recession, with many surging over the past year or two.



Geography of Growth

This map shows where workers live across a swath of the western slope between 2002 and 2019.

The northern Roaring Fork Valley and western Eagle County have historically served as bedroom communities serving visitor hubs to the south and east.

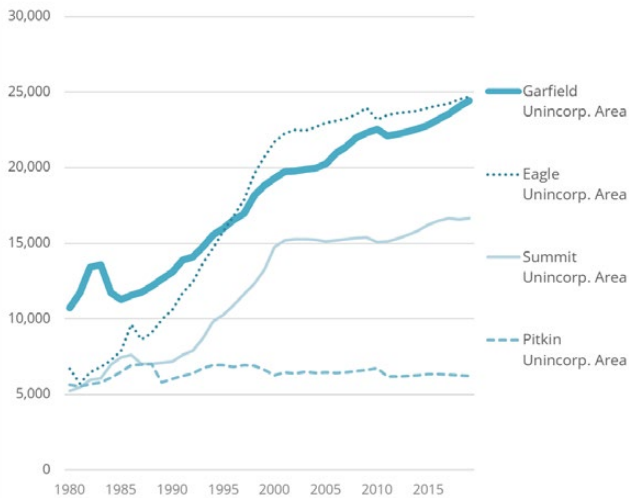


Unincorporated Growth

Population and growth is not limited to incorporated towns in the region.

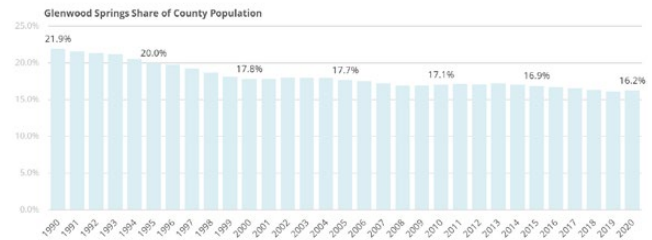
In fact, unincorporated portions Garfield and other nearby counties have very substantial populations and are accounting for much of recent growth.

Unincorporated Population by County



Glenwood's Share of County Population

Over the past 30 years, Glenwood Springs has declined from 22% of Garfield County population to around 16%



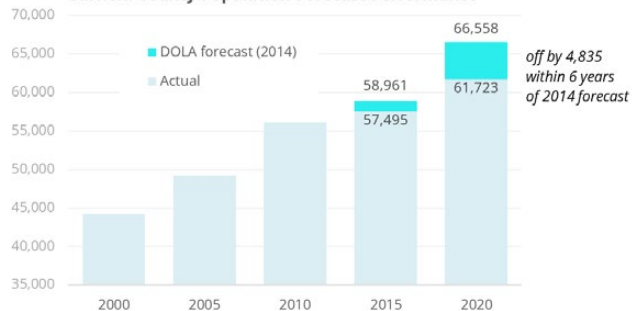
Current DOLA Forecasts for Garfield

DOLA is still projecting a fairly aggressive growth curve for Garfield, using a linear/exponential hybrid shape.

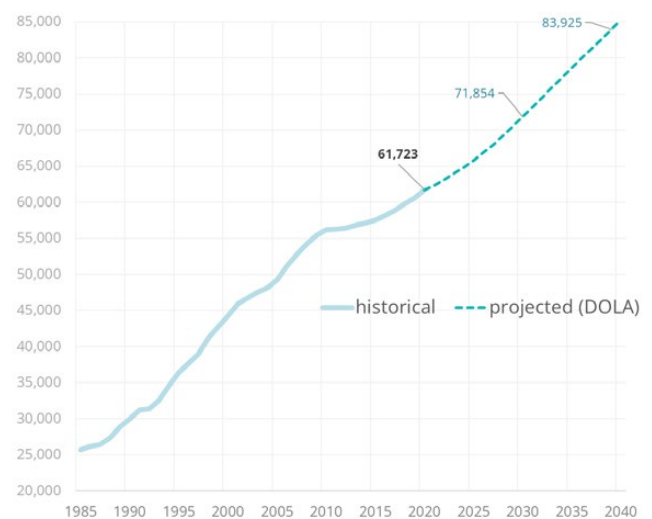
Past DOLA Forecasts for Garfield

Recent DOLA/State Demographer forecasts for Garfield have erred on the high side – in part because they tend to not consider carrying capacity factors.

Garfield County Population Forecast Performance

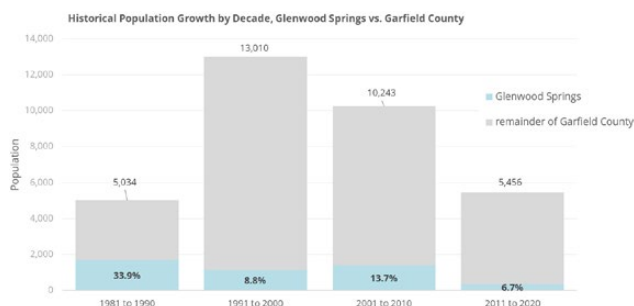


Garfield Co. Population, Historical and DOLA Forecast



Glenwood's Share of County Population

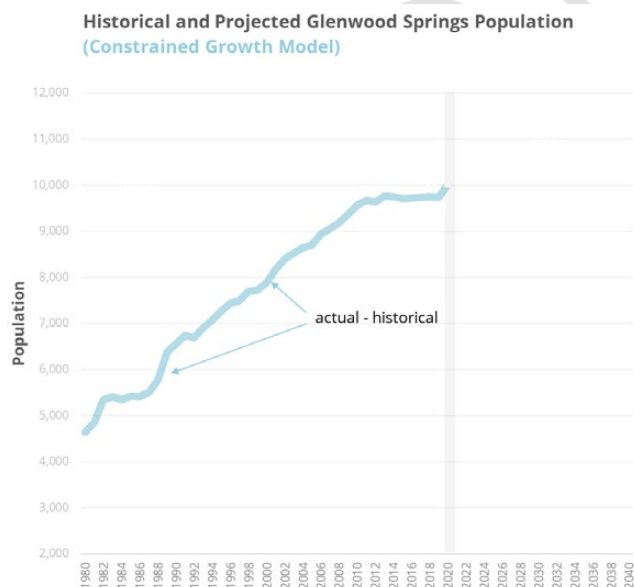
In the 1980s, Glenwood Springs accounted for more than 1/3 of county growth, but the share in recent decades has been substantially lower.



Predicting Growth for Glenwood Springs

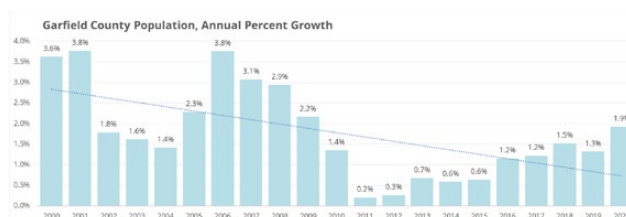
With a DOLA-based model, Glenwood Springs population would follow along with the county forecast, maintaining its recent share of growth.

Let's look at an alternative model, assuming the existing of some sort of carrying capacity.



Trends in Garfield County's Growth Rate

Although annual rates have been slowly rising since the 2008-09 recession, the longer-term trend has been towards slower growth in Garfield County.

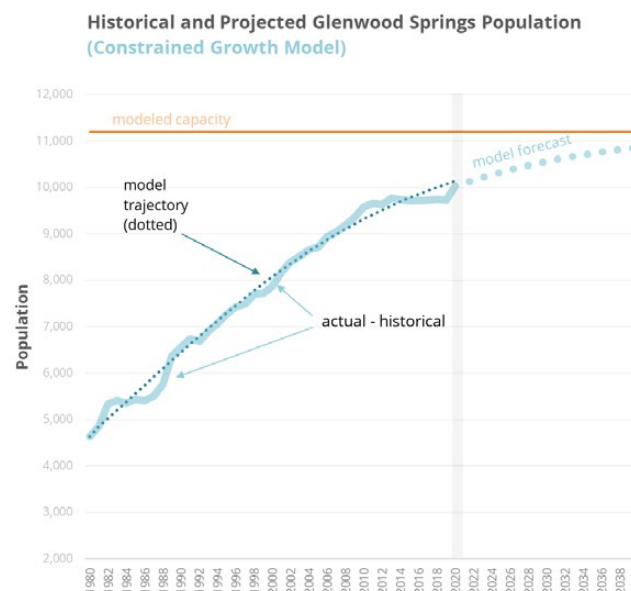


Capacity-Based Model for Glenwood Springs

Using just the past data that represents economic and market cycles seen in the ups and downs of the line through time, the future trend line that best fits the data is shown below.

Although this may illustrate an upper limit (orange horizontal line) this does not establish any future maximum -- it is simply a mathematical representation using past growth trends. The community should use this to understand if this theoretical path is appropriate and if not

That model results in a future growth curve that gradually



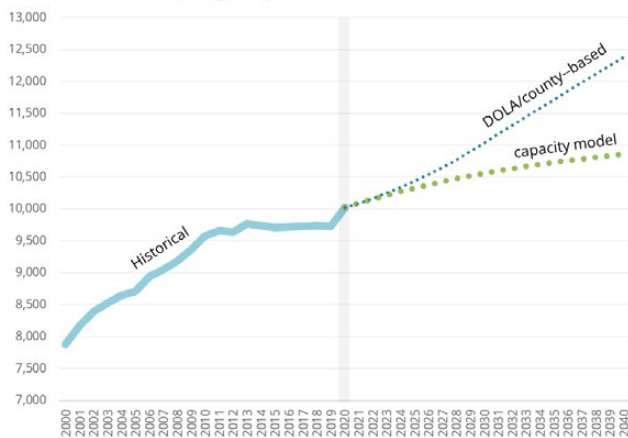
Low (DOLA-Based) vs. High (Capacity-Based)

This chart compares a low and high scenario based on the two approaches discussed.

The DOLA-based forecast assumes Glenwood Springs will continue to capture approximately 10% of projected county growth (slightly upward-curving)

The capacity-based model still grows, but tapers towards some future population limit.

Glenwood Springs Population Forecast Scenarios



Housing Unit Implications

This chart compares a low and high scenario based on the two approaches discussed.

The DOLA-based forecast assumes Glenwood Springs will continue to capture approximately 10% of projected county growth (slightly upward-curving).

The capacity-based model still grows, but tapers towards some future population limit. What affects this trend line and upper limit? The future is modeled after the past, which shows ups and downs resulting from economic cycles as people come and go based on housing and job opportunities. On one hand, the real estate and job markets of those cycles affect the future trend line, but on the other it does not account for approved/proposed development projects, Physical conditions in the past also affected that line in the past, including that land may have been more readily available develop projects where it is now more scarce.

Most importantly, changing growth policy can alter this trend's course. The five growth management strategies mentioned in sections 2 and 3 are all examples. Putting more resources toward supplying affordable housing, or incentivizing urban redevelopment areas are other examples.

This model is provided to simply forecast how many people and housing units may be added based on past cycles, while also priming the community to understand what policy or course change might be appropriate. It is a matter of asking the community:

- Does this model look like the right course? or if not,
- What strategy, if any, might help Glenwood Springs chart a course that's more in line with the community vision that comes out of this comprehensive plan update process?

	Population		New Housing Units Required*	
	projected (low)	projected (high)	projected (low)	projected (high)
Growth to 2030	533	1,013	202	384
2030 to 2040 growth	300	1,337	114	507
Total	832	2,350	316	892

*Based on average of 1 new unit for every 2.63 added residents since 2000. This accounts for second-home growth as well as household size.

Pros and Cons of Capacity-Based Forecasting

Should we assume a capacity-based growth curve for Glenwood Springs?

Pros:

- **Makes intuitive sense.** The town has far less land capacity than it used to and does not have major annexation plans.
- **Fits the data.** Approximately, at least, a subtle S-shaped curve passes the eye test better than a straight line or a continuous upward-swooping curve.
- **Acknowledges finite resources.** Glenwood Springs could annex more surrounding farms, but then there won't be surrounding farmland. Water in the West is spread thin; Town infrastructure has its limits; etc.

Cons:

- **Acknowledges finite resources.** This can be an unpopular sentiment for developers and land-owners.
- **Adds complications.** Inconsistent with DOLA methods and previous forecasts. The math is trickier. Ideally, you should quantify land capacity, which takes work.
- **Carrying capacity can be increased.** The model assumes a flat upper limit, but towns can actually add capacity, even without annexing (through new technology, creative density, infill, etc.).

Keep in mind, a capacity-based forecast **is again a simple model that helps us predict** what growth may occur based on past trends resulting from the likelihood someone moves to town (or leaves) which is affected by their ability to find a place to live or work, as examples.

Other Growth Metrics

So far we've been discussing population, but for comprehensive planning, there are other important growth metrics:

Housing Units

Knowing the resident population is good, but land use planners need to know residential acreage needs, which means also predicting household sizes, rent vs. ownership demand, density preferences, and non-resident buyer/renters.

Employment

Some population growth is natural (births minus deaths), and some is due to net migration – people moving into an area, usually in pursuit of jobs. Population and employment are definitely linked, but there are chickens and eggs involved.

Job growth requires adequate commercial acreage

Visitors

This is important, but notoriously hard to accurately quantify and track. Event attendance, intercept surveys, lodging revenue, license plate counting, etc. are all helpful but it's still easy to undercount when your visitor base is largely day-trippers in cars.

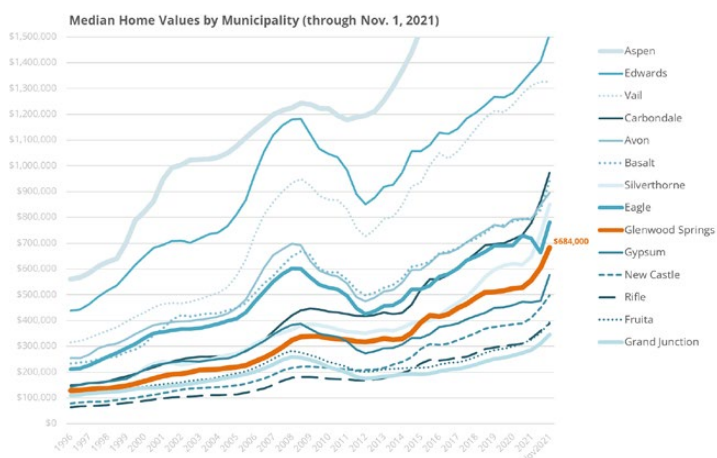
Next Steps in Understanding the City's Growth

Modeling offers an indirect yet simple way to predict growth, as changing housing and job markets inform future patterns. But in an uncertain future, the next step is to pose alternative growth scenarios by creating land use models that paint a more realistic picture of what will happen on the ground. This will help answer specific questions like "If the city focuses on job growth and housing ownership opportunities, what are a few options of where these homes and workplaces may go to achieve those goals?" This analysis is forthcoming in the Technical Planning phase of this update which will begin once additional input is received.

Limiting Growth Comes with Challenges

Limited supply in desirable locations inevitably leads to upwards pressure on prices and rents.

Affordability has reached crisis levels over much of the Mountain West, with potentially serious impacts on employee attraction and retention (and commuting traffic).



Glenwood Spring's Role in the Region

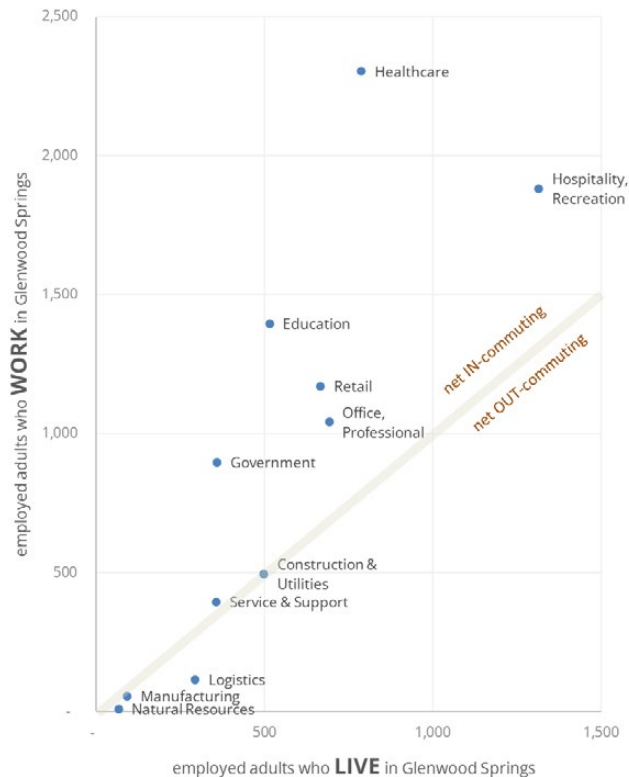
Glenwood Springs serves as a hub for the regional economy with many centrally-located resident and business services.

There are more people working in Glenwood Springs than there are employees living in Glenwood Springs.

This results in substantial in-commuting across all industry categories, especially in core sectors.

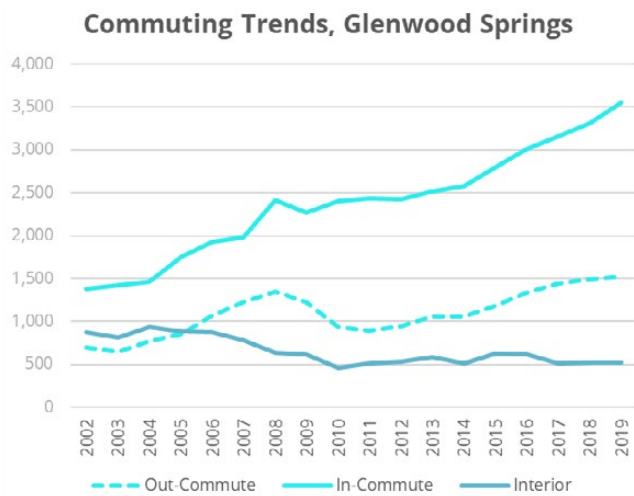
Glenwood Springs has a large visitor/hospitality sector but is more focused on resident-serving industries than more up-valley towns.

Industry Grouping by Workplace and Residence

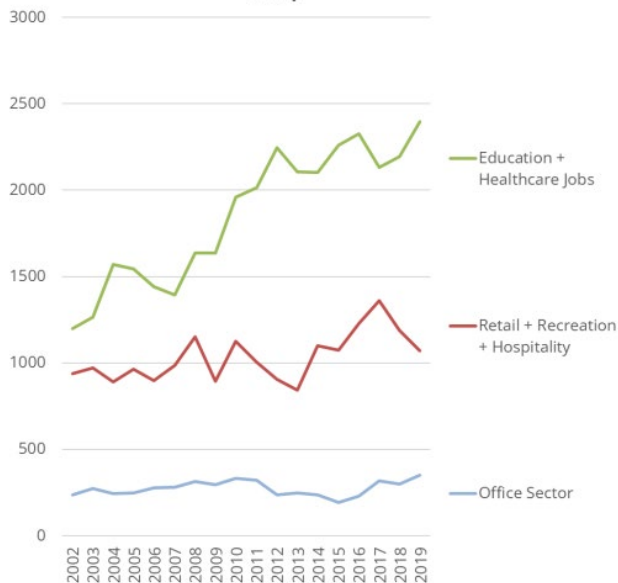


Increasing Need for In-Commuting

In-commuting levels are either stable or rising over recent years with more and more school employees and healthcare workers needing to live outside the town.

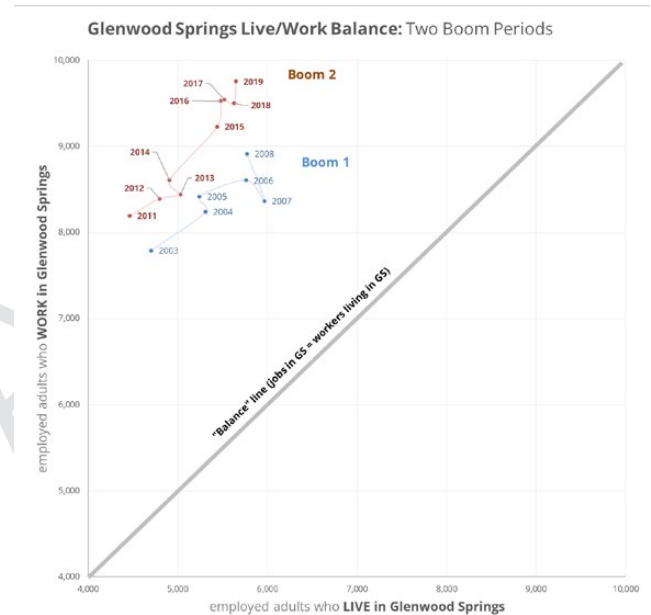


Glenwood Springs Net In-Commutes by Industry Group



Another Look at Live/Work Balance Over Time

During the two most recent boom periods, both local jobs and local employed residents have risen in tandem—leaving the relative balance unchanged (i.e. not moving any closer to the “balance” line).



5: GROWTH AND CAPACITY

Land Availability and Capacity

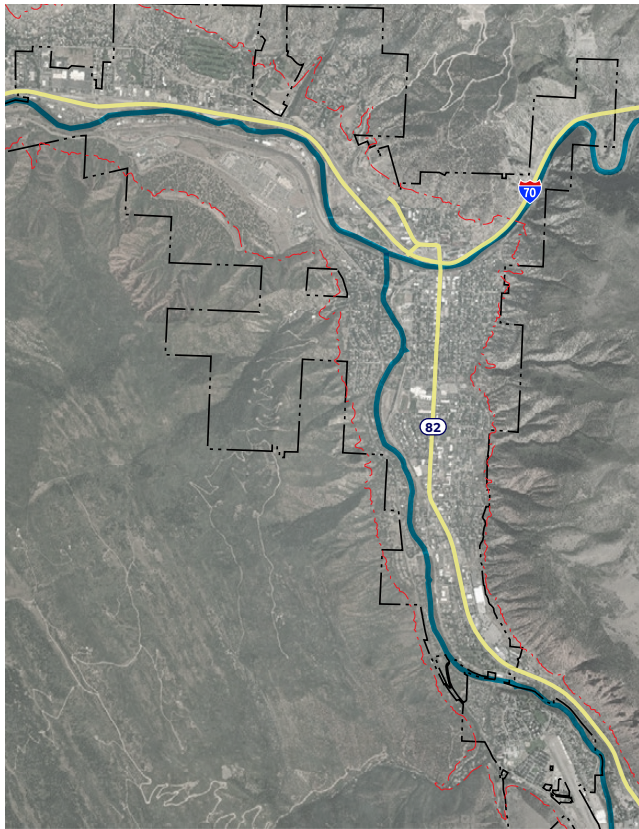
- **Based on projection models and projects in progress, how much can be accommodated with INFILL development?**
- Glenwood Springs can likely accommodate 10- and 20-year projected growth with current projects and on vacant/underutilized properties.

The following provides a baseline analysis of what land is available considering a number of factors to determine growth and capacity potential. This analysis focuses primarily on infill within the UGB.

Potential Infill Areas

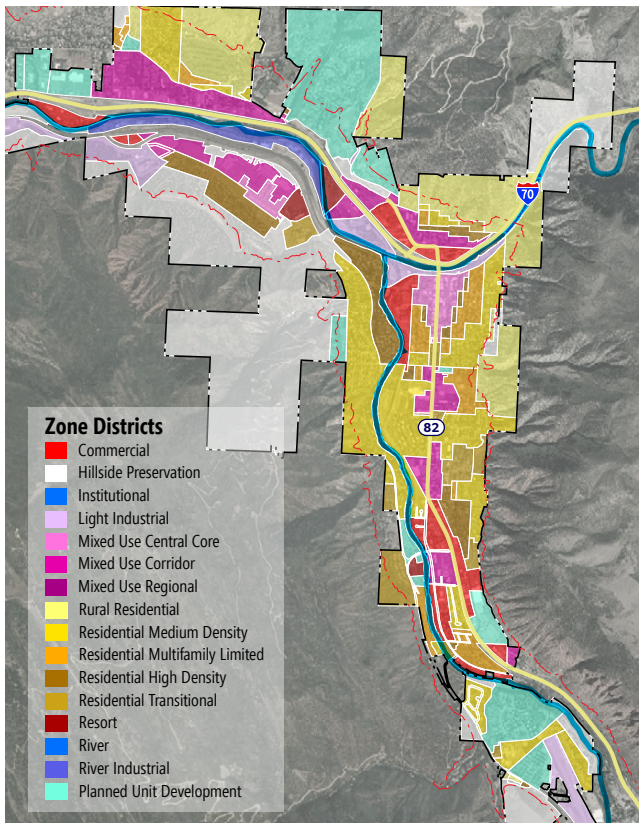
Factors to Consider When Analyzing Potential Infill

- Where are vacant/underutilized parcels located and what is their ownership?
- How does the existing zoning map affect growth potential and are there adjustments needed to meet community vision?
- Is there adequate infrastructure and which systems are the most impacted?
- How does Glenwood Springs natural ruggedness create physical limitations, including hazard areas, that change available land capacity?
- What areas of the existing planning framework need to be revisited (e.g. design guidelines)?
- How might the urban growth boundary (UGB) and three-mile planning area affect growth patterns and land use? Are there any opportunity locations beyond the UGB?



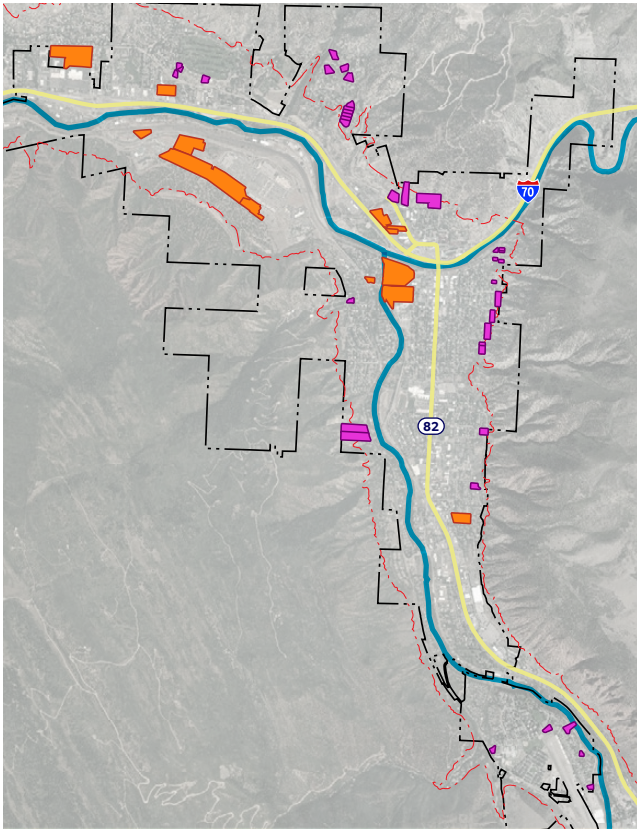
Municipal Boundary, Urban Growth Boundary and Three-Mile Planning Area

- Abundant opportunities exist within the urban growth boundary for future infill, however physical challenges and access means some would require property assembly, redevelopment or significant investment.
- Annexation opportunities within the three-mile planning area are limited, yet in 10 to 20 years, new opportunities may exist. Establishing growth plans for these areas could create opportunities to promote nodes of transit-oriented development based around RFTA stops or other amenities where services, jobs and housing can be concentrated.



Zoning Effects on Growth

- When analyzed, existing zone districts within the UGB (illustrated at left) provide opportunities for continued infill development. Potential for revised infill design guidelines similar to those employed in Durango can help the community identify and best achieve its vision of appropriate community character and scale.
- The location and standards in the Residential High Density and Residential Transitional districts offer particularly strong opportunities to increase housing supply and meet the diversity in ownership needs noted in initial community input.

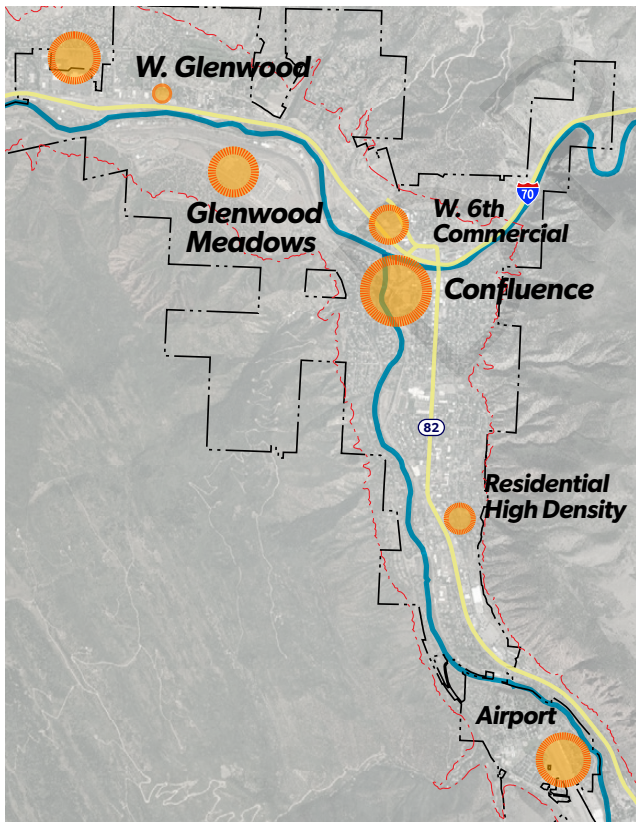


Residential and Commercial Opportunity Areas

- The maps at left illustrate infill opportunity areas based on the stated factors. These are public or private parcels that meet the physical criteria listed above and are theoretical in nature.
- Unit count potentials were derived by applying gross densities to opportunity areas.
- Potential for overall housing unit growth in the long term is quantified as follows:

Low Estimate (3 to 5 dwelling units per acre): 610 Units

High Estimate (6 to 24+ dwelling units per acre): 980 Units



*With Airport Land Use Scenarios

Low Estimate: 640 Units

High Estimate: 1,400 Units

	Low	High
• Projection model 10-Yr unit growth:	202	384
• Projection model 20-Yr unit growth:	316	892
• (These are reference figures from Section 5)		

*Considers land use scenario estimates provided in the Glenwood Springs Airport Scenario Planning Study. All estimates are for discussion purposes only and are subject to further analysis and change.

6: KEY TAKEAWAYS AND ISSUES

- A balance of strategies will be necessary to achieve diversity in residential and commercial projects. Infill in the short term with thought toward annexations in the long term should be presented and discussed with the community.
- Accommodating 10- or 20-year growth is possible within the urban growth boundary without annexation.
- Although Glenwood Springs may have capacity to accommodate several years of projected housing growth on vacant or underutilized parcels within the urban growth boundary, the long-range vision would likely need to promote denser infill to meet needs for affordable housing and amenities.
- Impacts to infrastructure (notably access/mobility networks and water resources) will play an influential role on capacity, and in particular the effect natural hazards may have on these systems.
- Phasing measures will be critical to any growth management policy — the timing of when projected growth may occur should be considered by any policy as much as the location.
- The number of infill opportunity sites should be considered and leveraged when establishing policy which should also consider urban design standards.
- Case study findings note that land availability may have an even more significant impact on the pace of growth than policies that implement unit limitations. Where land is running out, a cap may have a strong limiting factor on any new development.
- Potential for annexation should be carefully envisioned with the community in the comprehensive plan update to ensure consensus on where such opportunities may exist outside the UGB.



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item: Airport Board Appointment

Action Requested: Airport Board Appointment

Department: City Administration

Presented By: Sara Weigel

Strategic Goals: Provide Efficient and Responsive City Government

Background Info: **Composition of the Airport Board**
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.

Vacancies
One regular seat with a term expiring March 2025.

Applicants
Sean Thomas was appointed to the Airport Board as an alternate in March 2021, and expressed interest in filling the newly vacant regular seat.

Councilor Hershey Recommendation
Appoint Sean Thomas to a regular seat on the Airport Board with a term expiring March 2025.

**This would leave one alternate seat open to be filled.

Issues: None

Fiscal Impact: None

Legal Review: NA

Staff Recommendation: Staff defers to 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)

Airport Commission Application

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

Personal Information

1. Name *

Sean Thomas

2. Home Address *

1305 Bennett Ave Glenwood Springs, CO 81601

3. Mailing Address *

1305 Bennett Ave Glenwood Springs, CO 81601

4. Home Phone *

970-945-9660

5. Work Phone *

970-945-7758

6. Mobile Phone *

970-379-0222

7. Email Address *

thomassm@comcast.net

8. Occupation *

Estimator / Project Manager

Personal and Professional Interests

9. Do you have any specific areas of interest relating to the airport? Do you have any particular perspective related to its use or development? *

I am very interested in the airport as a pilot and citizen of Glenwood Springs. I learned to fly at KGWS in 1996 and have used the airport since then as a local pilot. In regard to my perspective

related to its use or development, I would like to see it maintained and upgraded as much as possible to serve locals and visitors alike.

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

My role would be to fill a position on the commission, to hear and voice my opinion on matters affecting any airport issues that may arise.

11. Do you have any experience working with people on a board, commission, committee, or as part of some other decision making group? *

I do not have experience on any boards or commissions, however, I do have a great deal of experience dealing with people and groups as a project manager of a construction company for over 25 years here in Glenwood Springs.

12. Do you understand that as a member of the Airport Commission you would be serving in an advisory role to City Council regarding airport issues? *

Yes, and I would do my best to give clear and unbiased information to City Council.

13. If, as a member of the Airport Commission, you had to make a decision that was unpopular with either airport users or residents surrounding the airport, how might you approach that situation? *

Straight forward. Nobody likes unpopular decisions however sometimes they have to be made as you can't please everyone all of the time. I would hear all discussions and make decisions popular or not based on the facts that were presented.

14. The Airport Commission meetings typically occur one morning a month, with other occasional related events, meetings, and email contact. Will you be sufficiently available to participate? *

Yes

15. Do you have any areas of expertise that could be helpful to the Commission's decision making? *

Good listening and communication skills.

16. Please enter today's date *

1/29/2021



17. Have you previously served on the Airport Commission? *

☒ No

☐ Yes

Powers and Duties of the Airport Commission

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

(2) Airport Commission

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.

Powers and Duties:

(b) Powers and Duties of Airport Commission. The powers and duties of the Airport Commission shall be to investigate, study and report to the City Council all matters concerning the airport facilities of the City and other matters concerning the subject of aviation which may be pertinent to the City as shall be requested of the Airport Commission by the City Council; and such Commission may investigate, study, and report to City Council on such other matters concerning the Municipal Airport as the Commission may deem for the best interests of the City.

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)



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item: Ordinance 2022-06; Adoption of Updated Editions of Building Codes, Second Reading

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, the International Fuel Gas Code and the International Swimming Pool and Spa Code with amendments. *Staff has highlighted changes to the report in red, and would like to note that these code adoptions would include the 2020 editions of the National Electrical Code and National Electrical Safety Code. This was correct in the ordinance on first reading. Glenwood Springs electrical inspections are conducted by the state, and our municipality follows the state adoption.*

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.

The Fire Department provided this website from the National Fire Sprinkler Association, which provides information about how sprinklers work and other technical information:

<https://nfsa.org/benefits-fire-sprinklers/>

Per NFPA-13D “A connection to a reliable waterworks system with or without an automatically operated pump” indicates the need is for sufficient water. NFPA-13D systems in our area have been historically supplied by ¾” lines and the Fire Department believes that is due to sufficient water (pressure and volume) in our system being delivered through that size line. Other areas may have less pressure therefore requiring a larger-diameter line or another acceptable water supply, such as a stored water source* with an automatically operated pump.

*The volume of stored water is dependent upon the size of the structure to be protected.

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:

- 5. 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 GSF 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
March 3, 2022

Agenda Item:	Ordinance 2022-09 - Amending Title 070 to add Guidelines and Regulations for Matters of State Interest, Second Reading; 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.



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>

Or One tap mobile :

US: +16699006833,,86510289325# or +12532158782,,86510289325#

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

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 one-hundred (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 ~~3RD~~ DAY OF ~~=====~~ MARCH 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, and an area within one-hundred (100) feet of such highways, 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 one-hundred (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 an area within one-hundred (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.

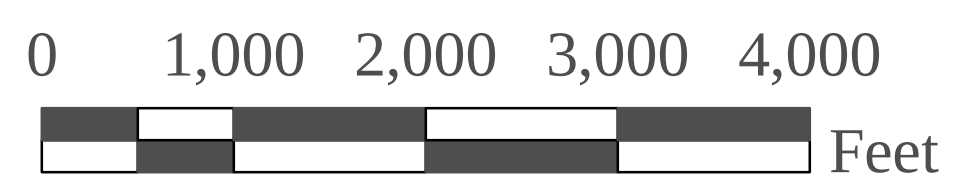
[4] Special Use Permits involving Medical Marijuana Business, Retail Marijuana Business, and Marijuana Cultivation uses require hearings before the Planning and Zoning Commission and City Council. The Planning and Zoning Commission has review and recommending authority and City Council has review and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

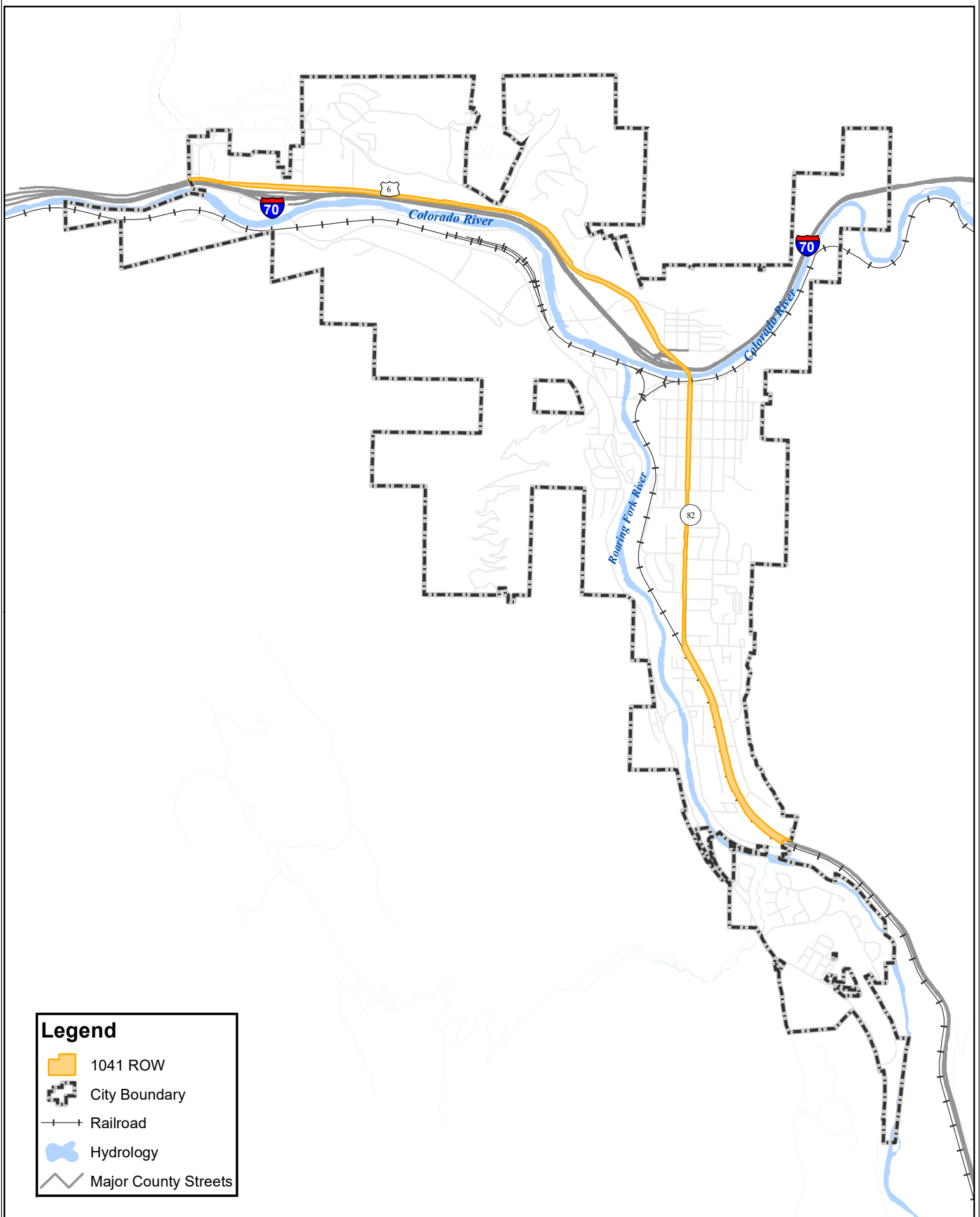
[5] Projects may also require the submission of an application for a permit to conduct an activity of state interest or conduct development in an area of state interest, pursuant to Article 070.080, unless exempted pursuant to Section 070.080.040



City of Glenwood Springs

Ordinary High Water Mark and Areas Within 35 Feet







City Council
STAFF REPORT
City of Glenwood Springs
March 3, 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 projects that finished the development process. 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 as a part 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.

The community impact of these investments is difficult to quantify, however, staff has included in the Council packet resources/articles regarding the social impact of public art. Americans for the Arts also offers an interactive webpage about the social impact of the arts:

<https://www.americansforthearts.org/socialimpact>

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

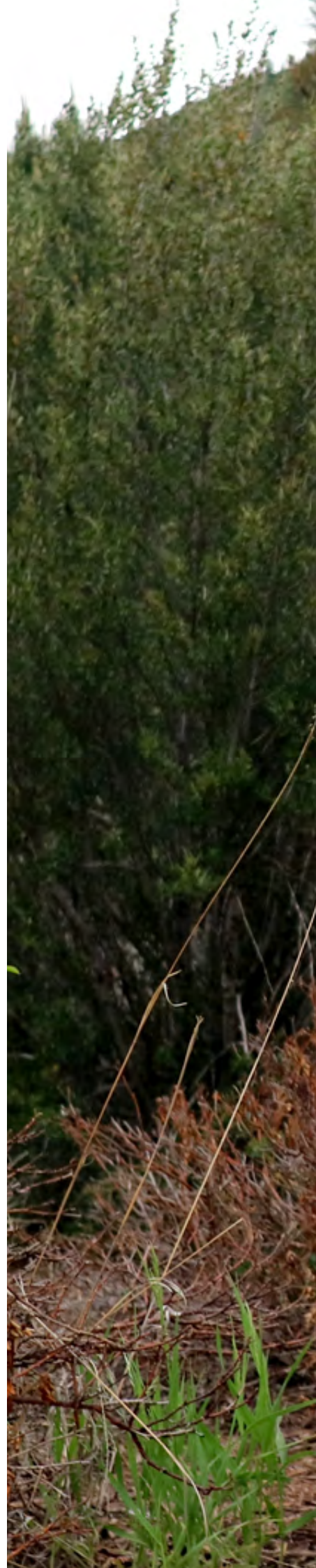
Arts and culture is at the heart of ensuring Glenwood Springs remains a diverse and prosperous community for years to come. The Glenwood Springs City Council and Mayor have tasked the Arts and Culture Board with the responsibility of promoting awareness, access, and appreciation of the fine, performing, 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.

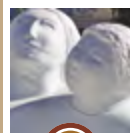
In 2017, the City of Glenwood Springs created a task force of local artists and stakeholder groups to hire a renowned artist to work with the community to design a sculpture for the historic 6th Street corridor with the help of a National Endowment for the Arts (NEA) Art Works grant. Not only did this 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!



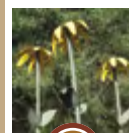
We invite you to discover these art installations as you explore the downtown.

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



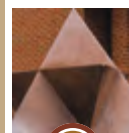
Flowers
Artist: Christopher Weed
Medium: Powder Coated Steel

Flores
Artista: Christopher Weed
Medio: Acero recubierto de polvo



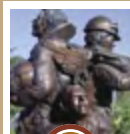
Possession
Artists: Charlie Beyer and Terry Muldoon
Medium: Steel

Posesión
Artistas: Charlie Beyer y Terry Muldoon
Medio: Acero

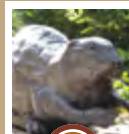


Merkaba Dura
Artist: Joe Burleigh
Medium: Steel with Rust Patina

Merkaba Dura
Artista: Joe Burleigh
Medio: Acero con pátina oxidada

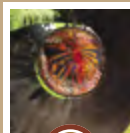


Storm King Fourteen
Sculpture Artist: Joyce Killebrew
Medium: Bronze
Plaque Artist: Stone Imagery
Rey de la Tormenta Catorce
Escultura Artista: Joyce Killebrew
Medio: Bronce
Placas: Imágenes de piedra



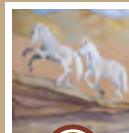
Beaver
Artist: Cynthia Fenster
Media: Bronze and Stainless Steel

Castor
Artista: Cynthia Fenster
Medios: Bronce y acero inoxidable



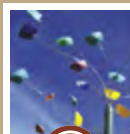
Dancing Moon VI
Artist: Reven Marie Swanson
Medium: Steel and Fused Glass

Luna Danzante VI
Artista: Reven Marie Swanson
Medio: Acero y vidrio fundido



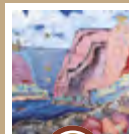
Horses
Artist: Noemi Kosmowski
Medium: Mural

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**

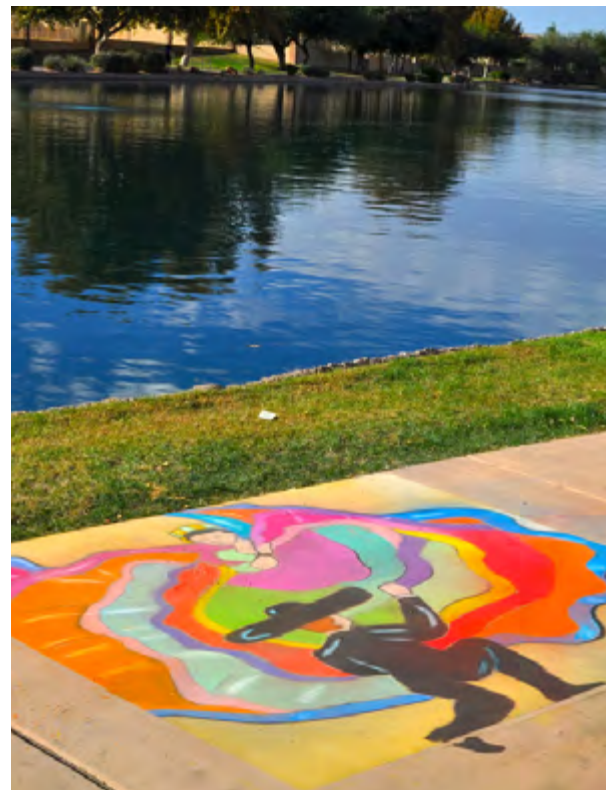
CONFLUENCE OF EVOLUTION

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.

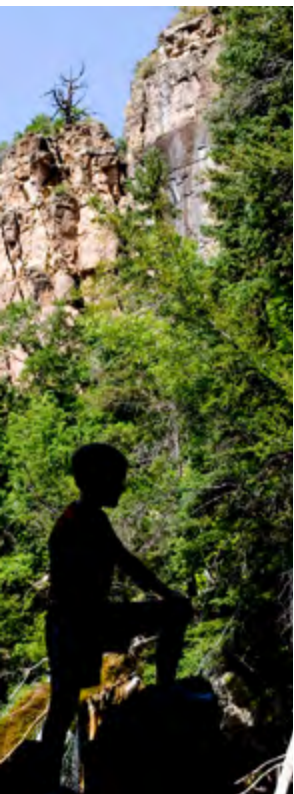
"Perfect blend of small town comfort with surprising amenities"

– 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**

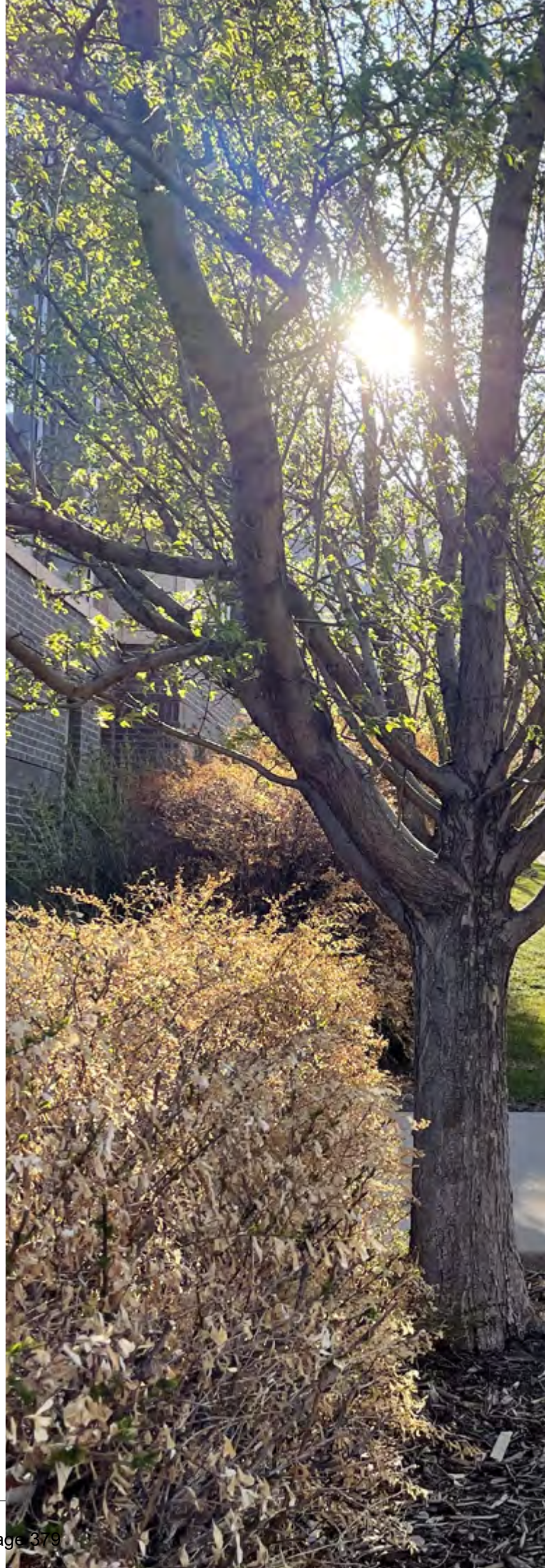




02.

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.

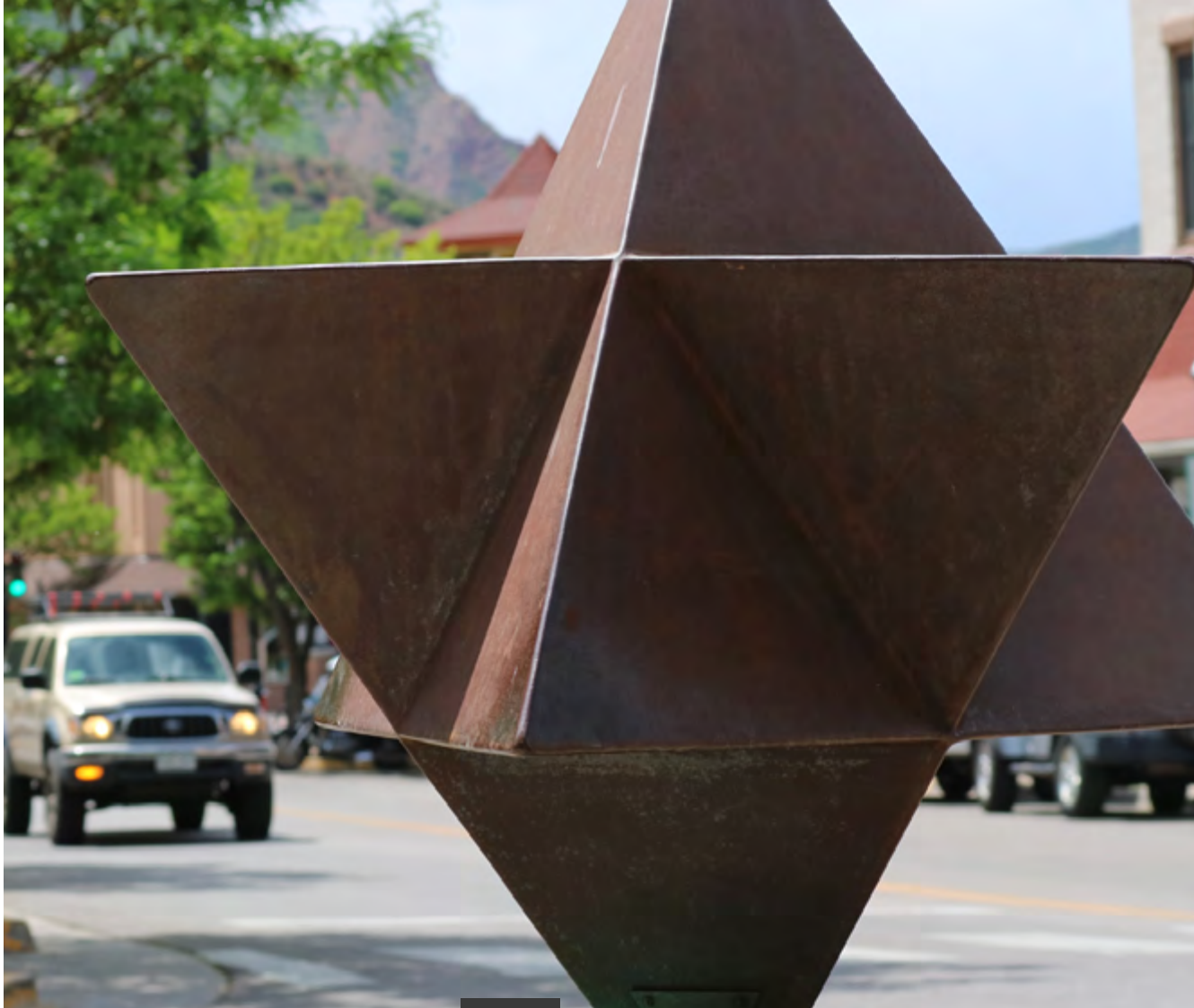
Step 2: Creating the Glenwood Springs Public Art Ordinance

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

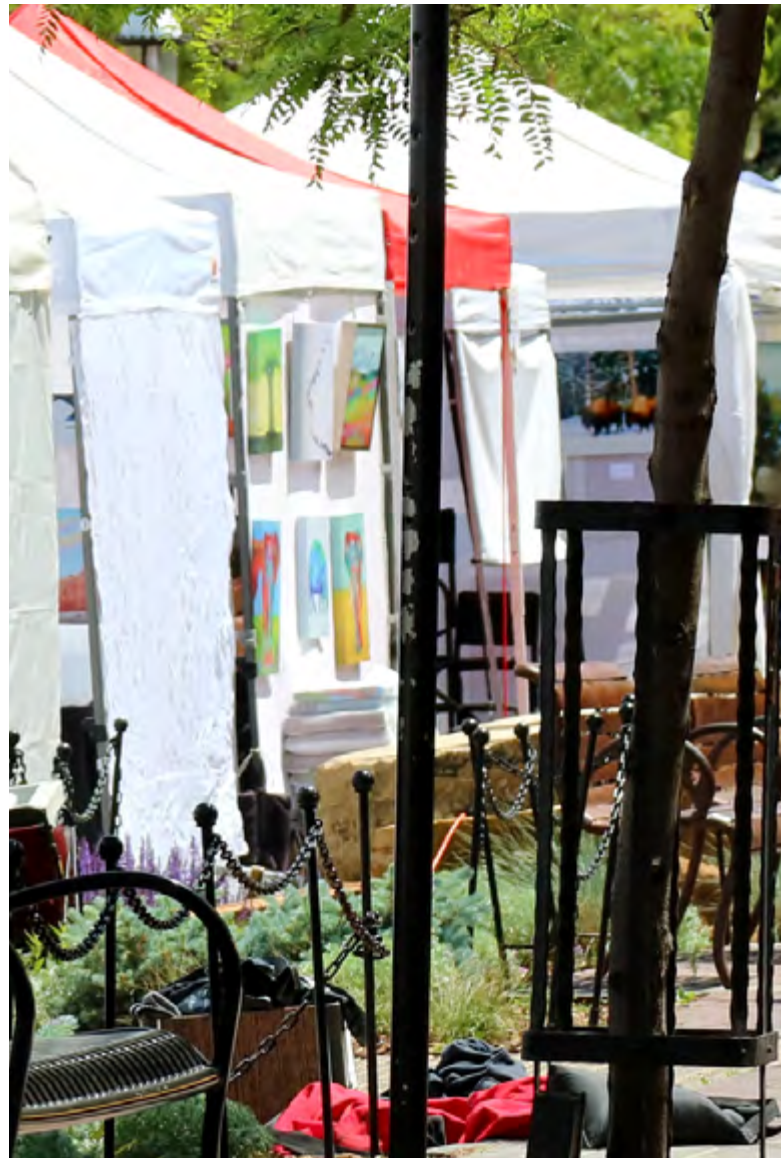
The following strategies can be used in order to further the Public Art Program. Some strategies are continuations of existing approaches while others will involve new initiatives for the Public Art Program.

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.



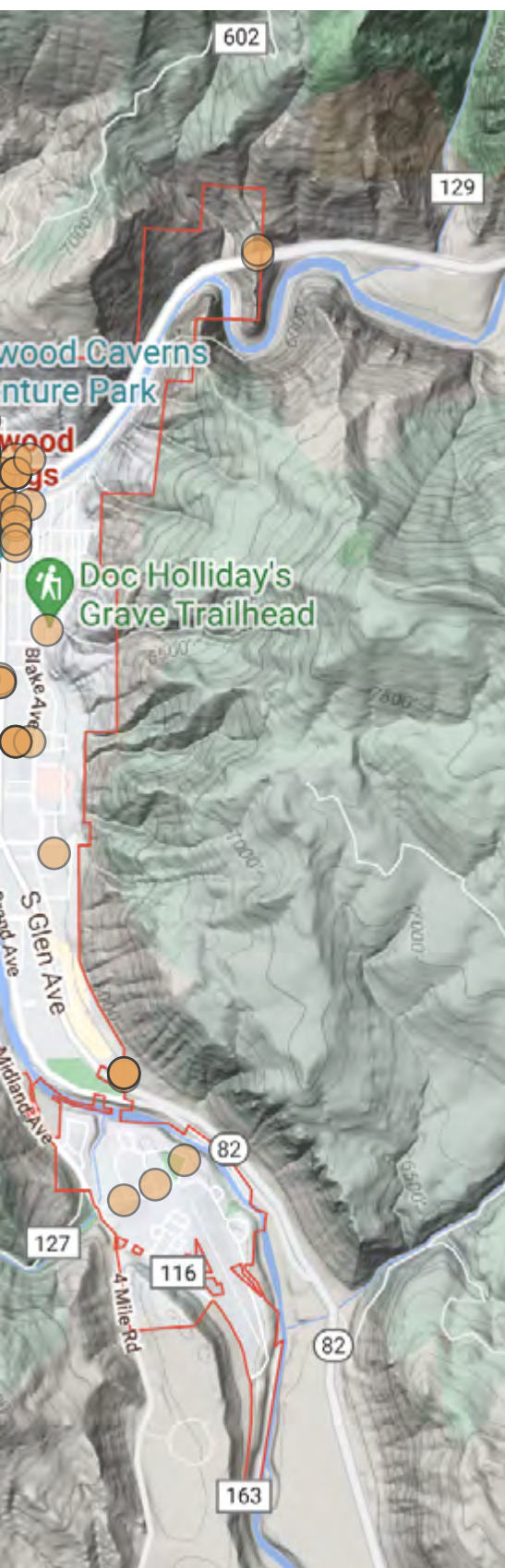


"Placemaking inspires people to collectively reimagine and reinvent public spaces as the heart of every community. Strengthening the connection between people and the places they share, placemaking refers to a collaborative process by which we can shape our public realm in order to maximize shared value. 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.

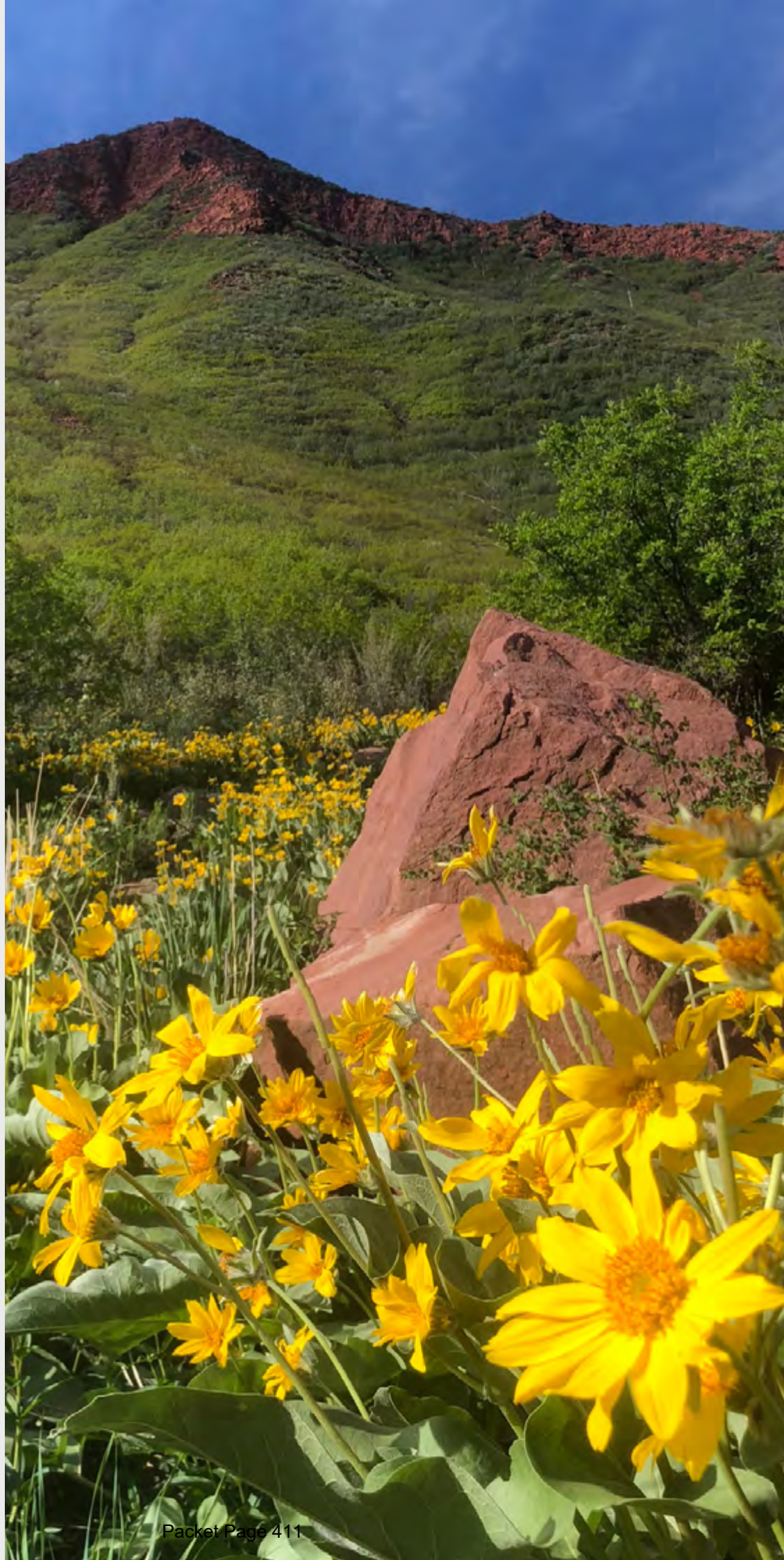
Ideas for Activation include:

- 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





WHY PUBLIC ART MATTERS 2018



Art in public spaces plays a distinguishing role in our country's history and culture. It reflects and reveals our society, enhances meaning in our civic spaces, and adds uniqueness to our communities. Public art humanizes the built environment. It provides an intersection between past, present, and future between disciplines and ideas. Public art matters because our communities gain cultural, social, and economic value through public art.

In this document we will explore how public art impacts five community values: Economic Growth and Sustainability, Attachment and Cultural Identity, Artists as Contributors, Social Cohesion and Cultural Understanding, and Public Health and Belonging. Each section includes a summary, reasoning statement, supporting data, and examples. This document is designed as a tool for those making the case for public art in their community. We encourage the distribution of this document and the information provided to anyone interested in this topic or in need of an educational tool.

"Why Public Art Matters (2018)" reflects on the previous green paper of the same title released in the late 2000's. The current document was developed in collaboration with the 2018 Public Art Network Advisory Council who Americans for the Arts thanks for their dedication to strengthening the public art field.



"Magic Carpet" by Candy Coated. Association for Public Art, Philadelphia, PA. Photo credit: Constance Mensh

FRONT & BACK COVER: "Firmament" by Christopher Schardt. Discovery Green Conservancy, Houston, TX. Photo credit: Kayla Horner

ECONOMIC GROWTH AND SUSTAINABILITY

By engaging in public art as a tool for growth and sustainability, communities can thrive economically.



Karl Unnasch's sculpture "Ruminant (The Grand Masticator)." Installed in Reedsburg, WI as part of the Farm/Art DTour public art roadside tour, 2015.
Photo credit: Aaron Dysart.

REASONING:

Enhancing the identity and character of communities through public art directly supports cultural tourism and economic development strategies, which can both retain and attract residents. In addition, incorporating public art into private development can be a way for buildings to stand out as developers and managers look for renters—whether businesses or residents. The attention public art can bring to a development project can be calculated. A healthy public art ecosystem also drives the growth of new businesses.

EXAMPLES:

- Reston Town Center in Reston, Virginia has a less than one-half of one percent (0.5 percent) office vacancy rate in a region where the average office vacancy is 16-18 percent. Real estate broker Joe Ritchey attributes the low vacancy rate in part to the permanent and temporary public arts located in the Center. (Public Art Spurs Economic Development).
- Indianapolis, Indiana has seen the growth of two new manufacturing businesses that have either branched out or sprung up anew to handle the demand for the fabrication of public art and employing people in the process.
- The [Farm/Art DTour](#) in Sauk County, Wisconsin generated tourism in the area with an estimated 4,200 visitors—over 65% of whom traveled over 50 miles to see the installations which helped to increase the revenue of many local businesses; some of whom saw revenue increases as much as 300%.
- In Nashville, projects over \$150,000 are estimated to distribute two-thirds to three-quarters of the budget back into the local economy via fabricators, installers, art handlers, electricians, landscape architects, concrete companies, and other locally-based businesses.
- Public art projects have boosted cultural tourism, including an influx estimate of \$1 billion from Christo's and Jeanne-Claude's the "Gates" in New York's Central Park and the Bay Area Lights on the San Francisco-Oakland Bay Bridge—with an informal economic impact assessment conservatively estimated at \$97 million dollars added to the local economy.

DATA:

70 percent of Americans believe that the "arts improve the image and identity" of their community.*

Half of people with college degrees (**49 percent**) and a majority of Millennials (**52 percent**) and Generation Xs (**54 percent**) say they would strongly consider whether a community is rich in the arts when deciding where to locate for a job.**

[Arts, culture, and creativity can improve a community's competitive edge, attract new and visiting populations, and integrate the visions of both community and business leaders.](#)

**Americans Speak Out About the Arts, 2018*
***Americans Speak Out About the Arts, 2016*

ATTACHMENT AND CULTURAL IDENTITY

Public art directly influences how people see and connect with a place, providing access to aesthetics that support its identity and making residents feel appreciated and valued. Public art encourages attachment to a location for residents through cultural and historical understanding, and by highlighting what is unique about the places where people live, work, and play.

"Ballroom Luminoso" by Joe O'Connell and Blessing Hancock in San Antonio, TX. Commissioned by Public Art San Antonio, 2013. Photo credit: Fred Gonzales.

REASONING:

When people see themselves reflected in their civic spaces they have a sense of attachment that allows them to feel ownership and respect. Attachment to a location, whether it be a neighborhood, town, or city is key to retention of residents and commuters alike. Public art makes places unique through the reflection of local history and culture which gives communities a sense of place and identity.

EXAMPLES:

- In San Antonio, Texas "[Ballroom Luminoso](#)" transformed a highway underpass into a community-friendly space that helped unify and strengthen the identity of the nearby neighborhoods.
- In "[Charting Pogues Run](#)," by Sean Derry, a temporary project in Indianapolis mapped the invisible path of a local water system and indicated how the development of the city continues to change over time.
- In York, Alabama "[Open House](#)" by Matthew Mazzotta addressed the lack of public gathering spaces by providing a physical location as common ground for community dialogue and activities.

DATA:

Aesthetics is one of the **top three characteristics** of [why residents attach themselves to a community](#).

70 percent of Americans say they experience the arts in a "non-arts" venue such as a park, hospital, shopping mall, or airport.*

70 percent of Americans believe that the "arts improve the image and identity" of their community.*

**Americans Speak Out About the Arts, 2018*



Matthew Mazzotta's "Open House" was created in collaboration with the people of York, AL and the Coleman Center for the Arts, 2011. Photo credits: Matthew Mazzotta, Shana Berger, and Nathan Purath.

ARTISTS AS CONTRIBUTORS

Providing a public art ecosystem supports artists and other creatives by validating them as important contributors to the community.

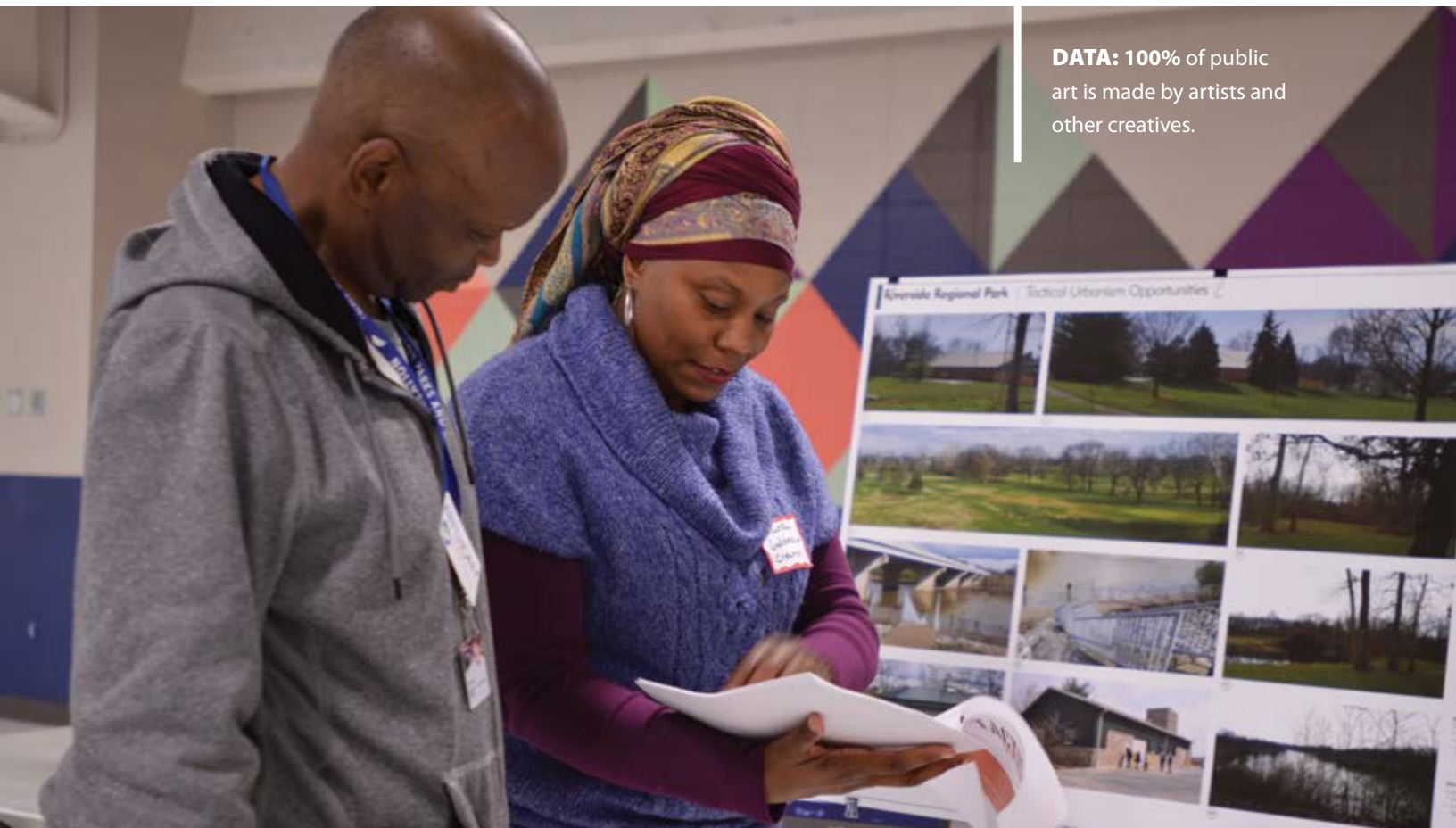
REASONING:

A public art ecosystem resonates with artists and other creatives as a visual reminder that they are embraced by a community. Artists bring innovation and problem-solving wherever they go, which strengthens America's competitiveness in the global marketplace, and plays an important role in building and sustaining a vibrant economy. Artists provide valuable contributions when they are included in the planning of public spaces and amenities with planners, engineers, designers, elected officials, and community stakeholders. Artists bring their creative skills and interpretations to each idea, site, social construct, and aesthetic potential. These conversations generate creativity in others inspiring an inventive result. Artists become civic leaders advocating through art for alternative perspectives that can challenge assumptions, beliefs, and community values.

EXAMPLES:

- When Indianapolis developed their 2017 Riverside Park Master Plan, an artist's contributions to the planning team worked out so well that the parks and recreations department hired another artist to be on the planning team for the Broad Ripple Park Master Plan in 2018.
- In Madison, Wisconsin [The Blubber @ Madison Public Library](#) provides the community with access to artists and art in the forms of programming, exhibitions, and more—this provides a space for learning and reflection. For example, their teen programs develop art and aim to provide “relationship building, basic skill development, and connection to the community.”
- “[Everyday Poems for City Sidewalk](#)” re-imagines Saint Paul's annual sidewalk maintenance program as an ongoing publishing entity for a city-sized book of poetry. Created by one artist, it allows for the self-expression of many local artists as it addresses beautification of infrastructure.
- In [Boston's Artist-in-Residence \(AIR\)](#) program, artists, community members, and city employees work on projects that help reframe social conversations. These artists explore the ways they can use art and media to improve and bolster city initiatives. They also search for ways to make artistic social practice a part of government and community work.

DATA: 100% of public art is made by artists and other creatives.



Artist LaShawnda Crowe Storm as part of the planning team for the Riverside Park Master Plan in Indianapolis, IN. Photo credit: Ratio Architects.



LEFT: “47 Stories” by Shira Walinsky and Laura Deutch in Philadelphia, PA. Commissioned by Mural Arts Philadelphia in collaboration with Southeastern Pennsylvania Transportation Authority, 2017. Photo credit: Steve Weinik. **RIGHT:** “Union” by Martha Jackson Jarvis in Seattle, WA. Administered by the Seattle Office of Arts & Culture and Commissioned with Seattle Department of Transportation 1% for Art Funds, 2016. Photo credit: Spike Mafford.

SOCIAL COHESION AND CULTURAL UNDERSTANDING

Public art provides a visual mechanism for understanding other cultures and perspectives, reinforcing social connectivity with others.

REASONING:

Public art supports communities by providing social cohesion and encouraging civic engagement. Public art activates the imagination through visual art and storytelling to emphasize the shared humanity of civic spaces—allowing the individual to better understand strangers and neighbors alike. Public art aids communities in visualizing different perspectives through civic icons and infrastructure projects such as train stations, traffic circles, hospitals, water treatment facilities, and airports. By reinforcing the culture of a community, public art acts as a catalyst for unity and social engagement.

DATA:

72 percent of Americans believe “the arts unify our communities regardless of age, race, and ethnicity.”*

69 percent of the population believe the arts “lift me up beyond everyday experiences.”*

73 percent of Americans agree that the arts “helps me understand other cultures better.”*

EXAMPLES:

- In Philadelphia, artists Shira Walinsky and Laura Deutch utilized the 47 bus as a mobile gallery to showcase places that are important to members of diverse communities who live and work along the route. Quotations revealed what interviewees love and value about the city.
- In New York City, the project “Key to the City” provided everyday citizens a key to unlock 20 public art sites across the city’s five boroughs. Participants could access cemeteries, community gardens, and police stations while initiating conversations about belonging.
- Located in a rapidly gentrifying neighborhood in Seattle’s Central Area Union, serves as a gateway marker to a historically African-American community whom are becoming increasingly displaced. The artwork was designed at the request of community members who expressed an interest in both landmark and gathering areas.

*Americans Speak Out About the Arts, 2018

PUBLIC HEALTH AND BELONGING

Public art addresses public health and personal illness by reducing stress, providing a sense of belonging, and addressing stigmas towards those with mental health issues.

REASONING:

Strong social cohesion creates a positive environment, which in turn supports both physical health and mental well-being of the community. By both engaging in public artwork development and facing artwork in the environment, individuals become aware of others and their role in their community. Public artworks can address negative stigma issues towards another culture or group by providing another perspective when considering peoples of different backgrounds. Additionally, located in healing spaces such as hospitals, public art improves healthcare and the healing process by providing an aesthetically interesting place for providers to work in and for patients to heal.

EXAMPLES:

- Mural Arts Philadelphia researched the impact of public art on mental health with their Porch Light project where they found “a promising and sustained relative decrease in stigma toward individuals with mental illness, and a relative decrease in stress.”
- Mikyoung Kim's Ripple Garden at Miami Jackson Hospital in Miami, Florida was designed as an opportunity for fresh air, light exercise, therapeutic gardening, and offering covered seating to accommodate patients whose medications are adversely affected by sunlight.
- San Francisco Hospitals have a plethora of exterior and interior works of public art which provide several benefits from creating healthy environments to connecting with the community in which the hospital is situated.

DATA:

Public art can function as a powerful catalyst for improved mental and physical health.

Public art has been shown to have clear public health impacts including decreased stress, eliciting awe, developing shared identity, reinforcing self-efficacy, and promoting positive health behaviors.

Art located in hospitals offer major opportunities in the delivery of better health and improved experiences for patients, service users, and staff alike.

Public art is also noted as slowing pedestrians down to enjoy their space and providing a positive impact on mood.



LEFT: “Ethereal Bodies 8” by Cliff Garten at the Zuckerberrg General Hospital and Trauma Center in San Francisco, CA. 2016. Commissioned by San Francisco Arts Commission, 2016. Photo credit: Jeremy Green. **RIGHT TOP AND BOTTOM:** “Ripple Garden” by Mikyoung Kim at the South Community Hospital in Miami, FL. Commissioned by Miami Dade County Art in Public Places, 2011. Photo credit: Robin Hill.



1000 Vermont Avenue NW
6th Floor
Washington, DC 20005
T 202.371.2830

One East 53rd St.
2nd Floor
New York, NY 10022
T 212.223.2787

AmericansForTheArts.org



FOLLOW



THE
TURNING
POINT

SEARCH

Public Health **Post**

Public Art as Public Health *By Maggie Thomas*

March 3, 2017

RESEARCH



Can we really afford public art? Can we justify spending on art when so many public needs are underfunded? There has **long been support** for public investment in art despite the opacity of its impact on people and communities. **Studies are increasingly demonstrating** the concrete positive, public health benefits of public art.

Key forms of public art linked to better health include [art installations in medical facilities](#), community involvement in [creating public art](#), and [art rooted and displayed in community spaces](#) to strengthen and create solidarity.

The health benefits of public art in medical facilities are most easily measured, as patients are an identified population and are already being assessed for health outcomes. [The range and impact of art in medical facilities is compelling evidence of the health-promoting role art can play](#). [Twitter](#) Patients in hospitals have been found to experience less anxiety, lower levels of pain, and faster healing after medical procedures when their hospital surroundings incorporated various forms of art. Medical facilities have dawn on research which explores the impact of the [content of art](#) as well as its simple presence, leading to emphasis on uplifting and representational images, art which depicts and reflects nature, and attention to a diverse array of art forms and content. These choices can support the potential for hospital-based public art to [motivate patients](#) to leave their rooms and engage in the facility, establish hopeful expectations about treatment, and generally improve self-reported mood and stress.

Public art developed and installed in community spaces can impact community health in multiple ways. Much of this is participatory public art, which engages community members in the planning and creation of the art itself.

The health impact of community-engaged and community-based public art is more complex to measure in terms of health impact, but what we do know from evaluation projects is exciting and encouraging. Public art developed and installed in community spaces can impact community health in multiple ways. Much of this is participatory public art, which engages community members in the planning and creation of the art itself. Projects like [Power House Productions](#), in Detroit, can increase community members' [sense of identity and belonging](#), reducing isolation and negative mental health and emotional health outcomes.

Some participatory public art projects intentionally engage [community members with differences](#), such as

Philadelphia's [Mural Arts Porch Light Program](#), which actively includes people with behavioral health challenges in community groups creating public mural art. That program's [evaluation study](#) found public health benefits ranging from improved neighborhood safety to decreased stigma around mental health issues to increased innovation in designing substance abuse treatment programs.

[Marsaili Cameron and colleagues](#) note that arts communities and public health communities share a dedication to improving individual and community well-being. This common goal highlights the nexus at which public art impacts public health. Public art's ability to [decrease stress](#), [elicit awe](#), [develop shared identity](#), [reinforce self-efficacy](#), and [promote positive health behaviors](#) are clear public health impacts. That these impacts are stronger with strong creative engagement, as an [initiative evaluation in London found](#), emphasizes the importance of the holistic, aesthetic impact of public art as opposed to other forms of public engagement.

Public art with public health impacts takes many forms, from a [contemporary art collection](#) at the Cleveland Clinic, reducing patients' stress, to a [gorgeous drinking fountain](#) in New York City's Washington Heights neighborhood, emphasizing cultural identity. [Public art has real public health benefits, transmitted at the community level.](#) [Twitter](#) As such, the public sector has an essential role to play in supporting public art for the well-being of all citizens.

In the subsequent article [Paying for Public Art](#), PHP explores what government, non-profit, and other organizations are doing to fund public art.

Feature Image: [It Has to be From Here: Forgotten but Unshaken](#) © 2012 City of Philadelphia Mural Arts Program / Betsy Casañas. 3263 North Front Street. Photo by Steve Weinik. Courtesy of Mural Arts Philadelphia. About the project: "The mural represents a partnership between Mural Arts, APM, and the Department of Behavioral Health and Intellectual disAbility Services. The mural depicts the strength and resilience of the APM community as well as the importance of APM as an anchor in the community."

Maggie Thomas



Maggie is a PhD student at the Boston University School of Social Work and was a 2016 Public Health Post Fellow. Her doctoral research is concentrated on public policy, with a focus on poverty and systemic oppression. Maggie is a part of the Social Policy Analysis Working Group at the School of Social Work, working on child welfare, economic instability, and child care subsidy projects. Prior to joining BU, Maggie practiced social work with LGBTQ youth and families and in the child welfare system. Maggie is an avid Chicago Cubs fan and loved J.R.R. Tolkien before it was cool.

You might also like:



Green Dreams
Oluwatobi Alliyu
April 11, 2019



7 Dresses 4 Health
Marian Brown
April 11, 2017



Paying for Public Art
Maggie Thomas
March 14, 2017



Ron Sims: How Where You Live Affects Your Health
Jonathan Gang
January 04, 2017



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	Ordinance 2022-12; Ward Redistricting
Action Requested:	Approval of Ordinance 2022-12
Department:	City Administration
Presented By:	Karl Hanlon
Strategic Goals:	Provide Efficient and Responsive City Government
Background Info:	According to the Charter, the Council shall have the authority, "and is hereby directed to realign and redistrict the Council wards at such time as the growth, redistribution of population or otherwise requires the same, provided, however, that: (a) The number of wards shall not be reduced to less than five; (b) The same shall be accomplished by ordinance effective more than one year preceding any general municipal election date; and (c) All wards shall be contiguous, compact and have approximately the same number of voters as determined by the number registered to vote in the preceding general municipal election." Staff evaluated several options for redistricting Glenwood Springs' wards, based on the number of voters and population from the 2020 Census. All options attempt to account for 424 additional housing units approved or under construction in Ward 1.
Issues:	The next general election for Glenwood Springs is on the first Tuesday in April in 2023. An ordinance requires two readings. If City Council would like for ward redistricting to be in effect for the next election, Council would need to approve an ordinance on first reading at the March 3, 2022, meeting and approve it on second reading on March 17, 2022. The ordinance would go into effect 10 days after publication, which would be a year prior to the next election.
Fiscal Impact:	NA
Legal Review:	Legal did not identify issues with any of the options.
Staff Recommendation:	Approval of Ordinance 2022-12, selecting one of the attached draft maps as the Exhibit to the Ordinance.

ORDINANCE NO. 12

Series of 2022

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING SECTION 010.030.010 OF THE GLENWOOD SPRINGS MUNICIPAL CODE TO UPDATE THE BOUNDARIES OF THE VOTING WARDS FOR MUNICIPAL ELECTIONS.

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 (“Charter”); and

WHEREAS, pursuant to Section 2.5 of the Charter, the City Council is authorized to realign and redistrict the City’s voting wards at such time as the growth or redistribution of population requires; and

WHEREAS, pursuant to Section 2.5 of the Charter, realigning and redistricting of the voting wards shall be accomplished by ordinance effective more than one year preceding any general municipal election date; and all wards shall be contiguous, compact and have approximately the same number of voters as determined by the number registered to vote in the preceding general municipal election; and

WHEREAS, the boundaries of the City’s voting wards are described in Section 010.030.010 of the City’s Municipal Code; and

WHEREAS, the City Council finds and declares that the amendments to Section 010.030.010 set forth in the map attached as **Exhibit A** hereto and incorporated herein by this reference, comport with the standards in the Charter are 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. Section 010.030.010 of the Glenwood Springs Municipal Code is hereby replaced with the map 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 MARCH 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

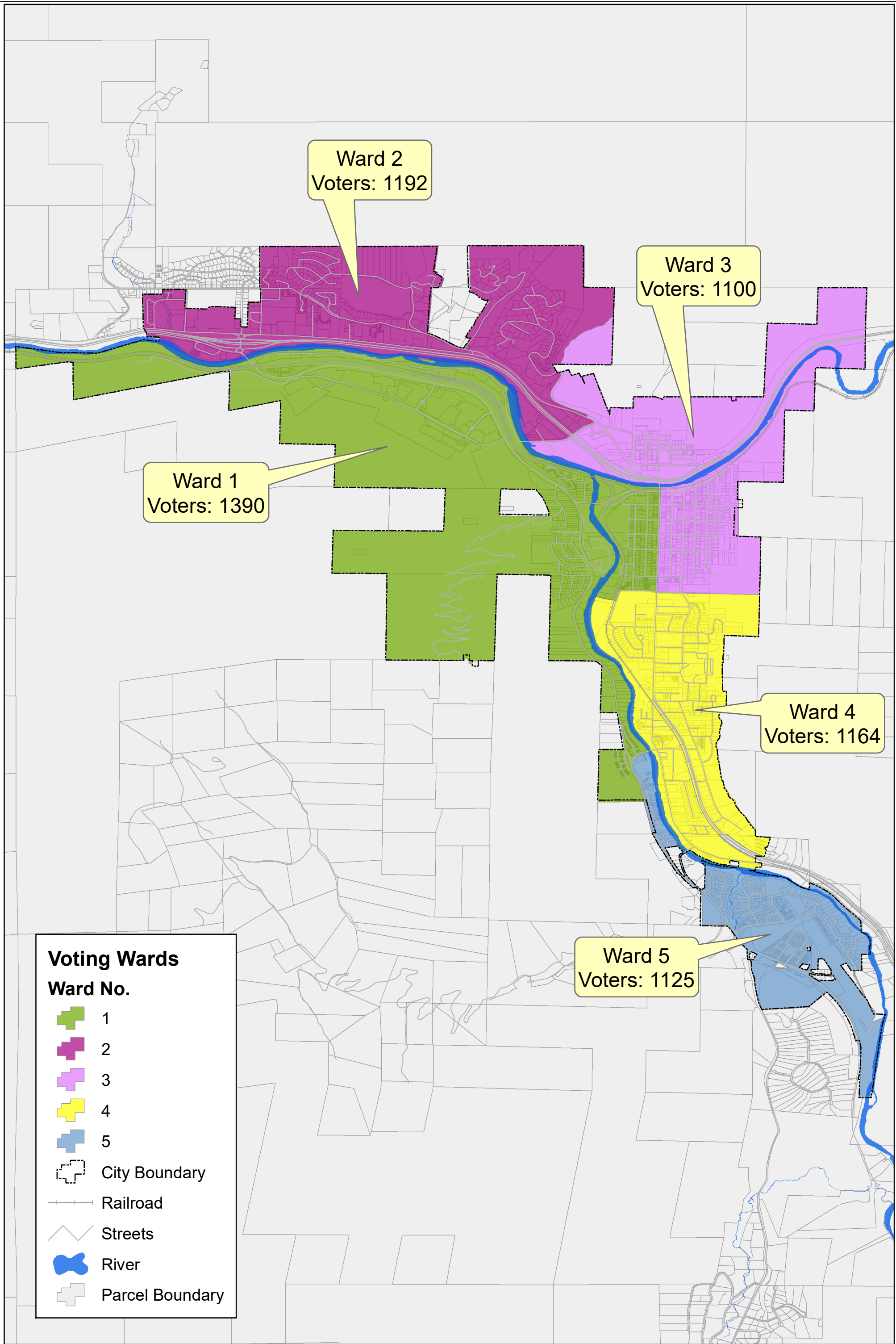
INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS ____ DAY OF _____ 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

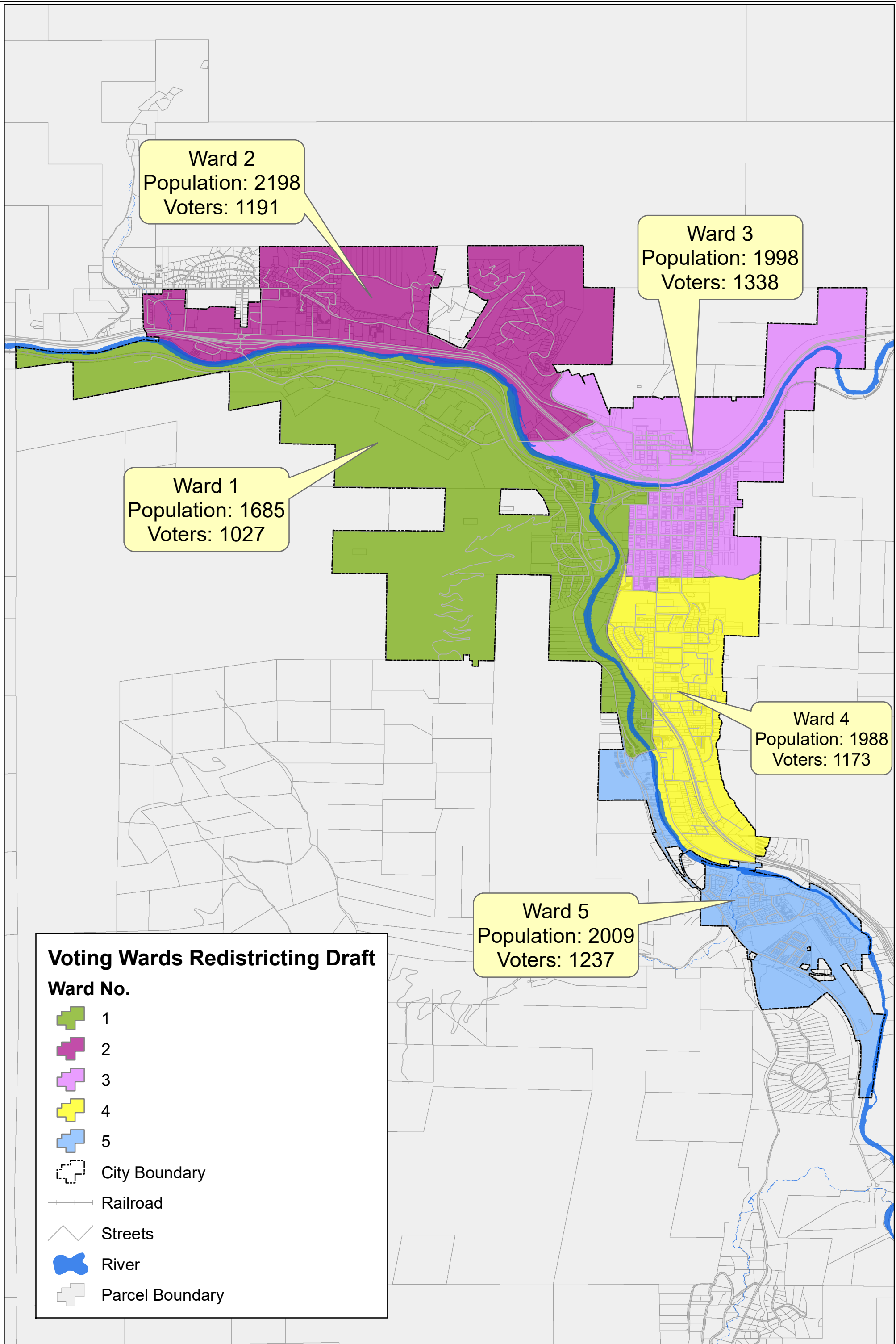
Ryan Muse, City Clerk

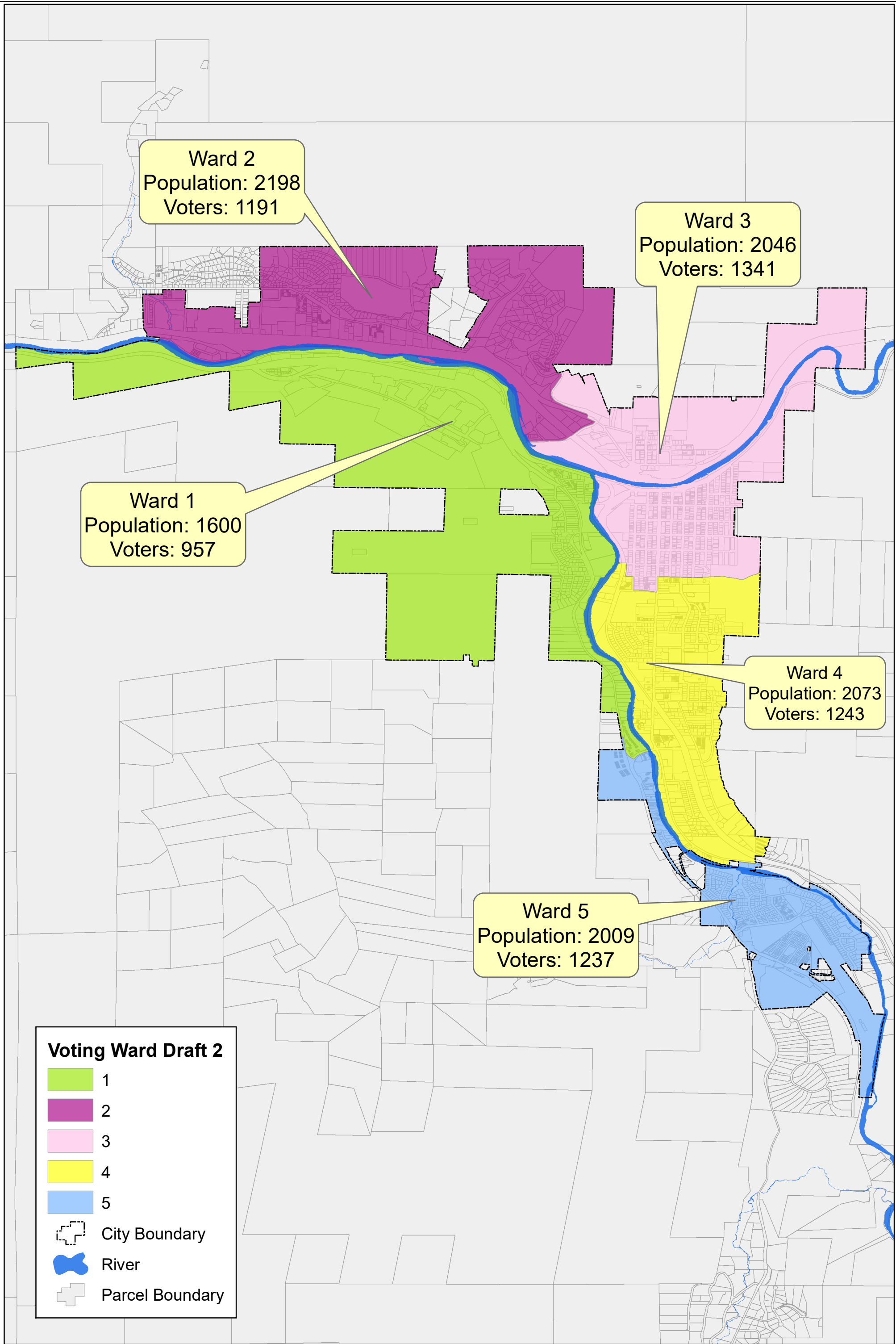


Glenwood Springs Voting Wards



This map was produced by the City of Glenwood Springs.
Use of this map should be for general purposes only.
City of Glenwood Springs does not warrant the accuracy
of the data contained herein. Aerials: November 2020
Phone: 970-384-6439, Author: JKoenig, Date: 02/22/22
N:\GIS\GIS_Projects\Clerk\COGS_VotingWard_020222.pdf

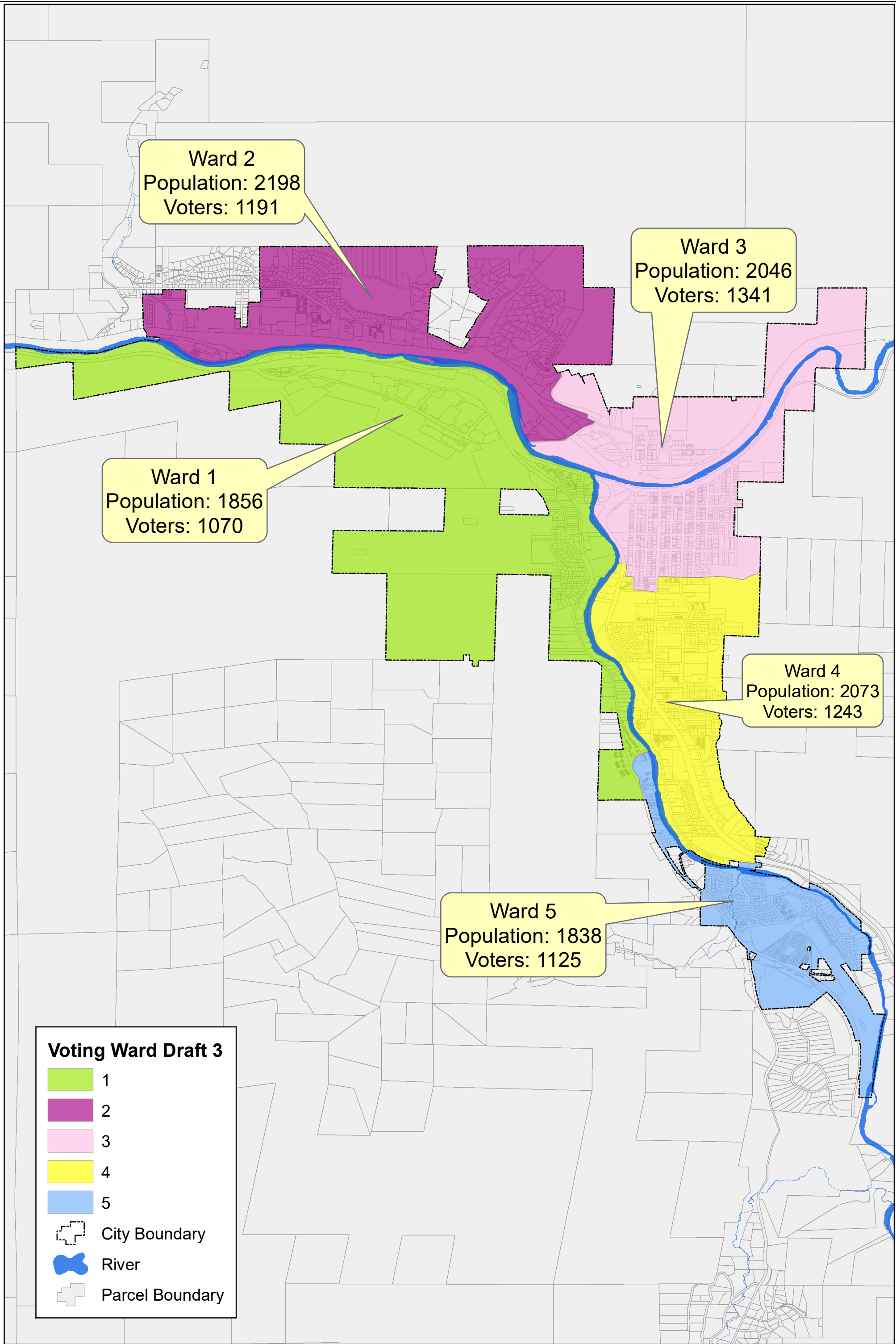




Glenwood Springs Redistricting Analysis - DRAFT 2



This map was produced by the City of Glenwood Springs.
Use of this map should be for general purposes only.
City of Glenwood Springs does not warrant the accuracy
of the data contained herein. Aerials: November 2020
Phone: 970-384-6439, Author: JKoenig, Date: 02/17/22
N:\GIS\GIS_Projects\Clerk\COGS_RedistrictingDraft2_021722.pdf



Glenwood Springs Redistricting Analysis - DRAFT 3



This map was produced by the City of Glenwood Springs.
Use of this map should be for general purposes only.
City of Glenwood Springs does not warrant the accuracy
of the data contained herein. Aerials: November 2020
Phone: 970-384-6439, Author: JKoenig, Date: 02/17/22
N:\GIS\GIS_Projects\Clerk\COGS_RedistrictingDraft3_021722.pdf



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	Community Broadband Fiber to the Home Project Update
Action Requested:	Presentation
Department:	Public Works
Presented By:	Matthew Langhorst, Michael Gardner
Strategic Goals:	Preserve and Improve Infrastructure Protect and Preserve our Quality of Life
Background Info:	The City of Glenwood Springs moved forward with a Fiber to the Home buildout project to be completed through the Community Broadband Network Enterprise Fund in 2020/2021. This project was originally slated to be a 5 year buildout, but City Council moved that time frame from 5 years to a 1-year buildout with staff's backing. Due to supply chain issues, COVID labor shortages, as well as a learning curve with our existing electric infrastructure, construction was not complete for all outside plant work in 2021 as we had anticipated. Due to winter conditions, we shut down our installation contractor in early winter to be time/cost efficient. At that time, we had approximately 60% of our outside construction completed, and we now expect to finish the construction in 2022. Due to this delay in main line passings/service availability, we adjusted our proforma model for our 2021/2022 uptake projections. These adjustments are comprehensive, including actual 2021 expenditures, adjustments to install, staffing strategy, actual penetration rates/service availability, etc. The project is tracking well in terms of dollars spent versus the percentage of project completed at this time, so the proforma model is working well. The staff saw a good response from our fall marketing campaign and we are planning another one for the spring of 2022. It is harder to complete drops to homes in the winter, thus why we are not starting right now on that marketing campaign push. Staff will review the attached presentation with Council during the meeting.
Issues:	None at this time
Fiscal Impact:	The following agenda item contains a budget amendment that appropriates the funds consistent with this update.
Legal Review:	None at this time on this topic
Staff Recommendation:	No recommendation on this current topic

BROADBAND 2021 PRO FORMA VERSUS ACTUALS

	2021 Actual	2021 Pro Forma	Variance B/(W)
Revenue	\$752,795	\$1,173,682	(\$420,887)
Opex	(\$926,517)	(\$1,423,947)	\$497,430
Operating Income	(\$173,722)	(\$250,265)	\$76,543
Capex	(\$2,222,035)	(\$4,131,872)	\$1,909,837
Bond Payment (Debt Service)	(\$181,527)	(\$181,527)	-
Operating Income Less Capex & Debt Service	(\$2,577,284)	(\$4,563,663)	\$1,986,380



BROADBAND ACTUAL & ORIGINAL PROJECTION

	2020 Actual	2021 Actual	2022 Plan	2023 Plan	2024 Plan
Revenue	\$627,272	\$752,795	\$1,851,226	\$2,354,544	\$2,727,534
Opex	(\$821,300)	(\$926,517)	(\$1,463,298)	(\$1,485,989)	(\$1,540,785)
Operating Income	(\$194,028)	(\$173,722)	\$387,928	\$868,555	\$1,186,748
Capex	(\$1,469,829)	(\$2,222,035)	(\$746,349)	(\$513,081)	(\$463,868)
Bond Payment (Debt Service)	(\$79,670)	(\$181,527)	(\$181,527)	(\$405,836)	(\$630,304)
Operating Income Less Capex & Debt Service	(\$1,743,527)	(\$2,577,284)	(\$539,948)	(\$50,362)	\$92,576



BROADBAND ACTUAL & REVISED PROJECTION

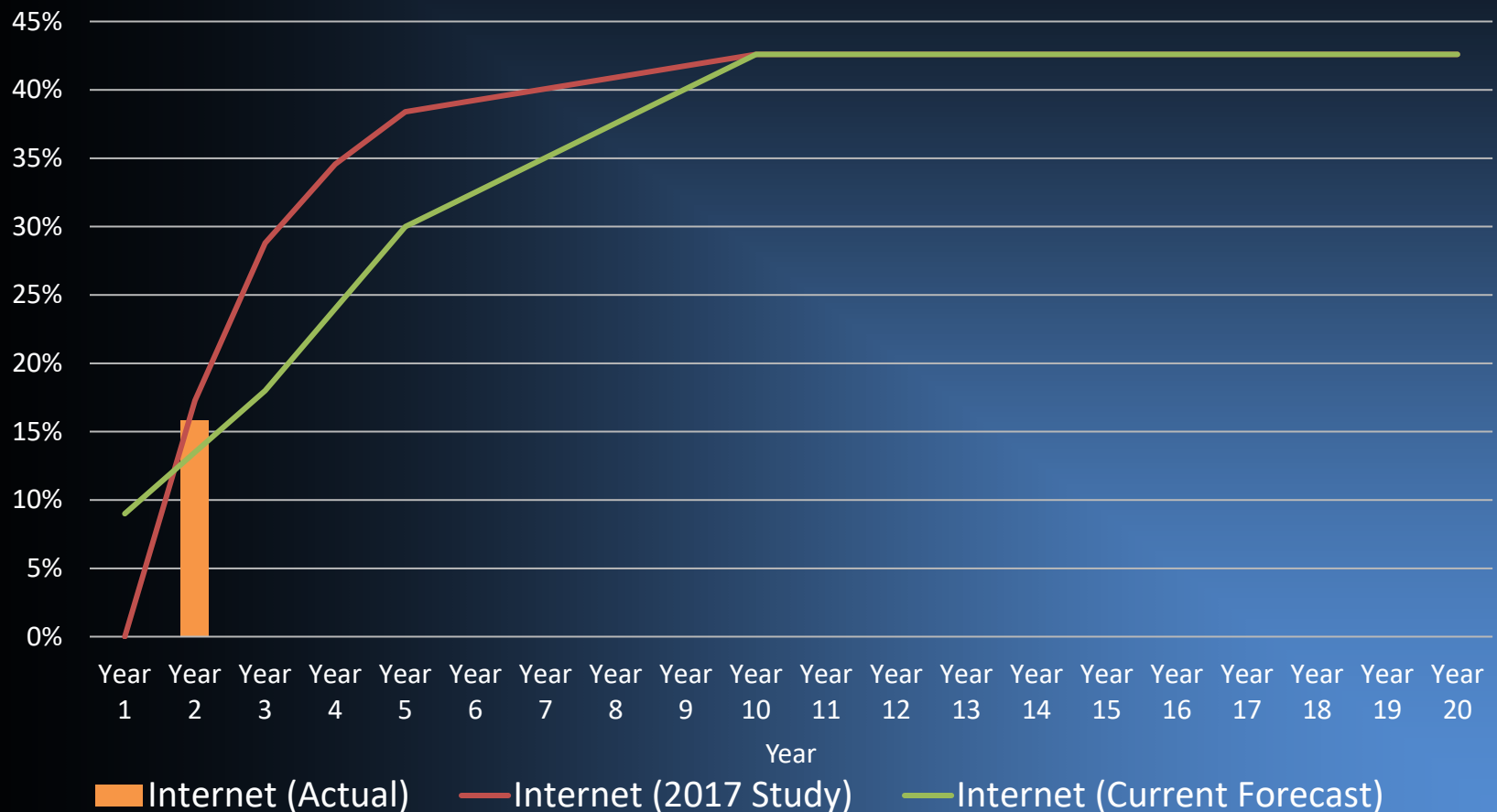
	2020 Actual	2021 Actual	2022 Plan	2023 Plan	2024 Plan
Revenue	\$627,272	\$752,795	\$1,415,755	\$1,898,518	\$2,316,073
Opex	(\$821,300)	(\$926,517)	(\$1,906,997)	(\$1,784,481)	(\$1,755,766)
Operating Income	(\$194,028)	(\$173,722)	(\$491,242)	\$114,037	\$560,307
Capex	(\$1,469,829)	(\$2,222,035)	(\$2,549,682)	(\$227,799)	(\$434,842)
Bond Payment (Debt Service)	(\$79,670)	(\$181,527)	(\$181,527)	(\$405,836)	(\$630,304)
Operating Income Less Capex & Debt Service	(\$1,743,527)	(\$2,577,284)	(\$3,222,451)	(\$519,598)	(\$504,839)

	2021 Actual	2022 Budget
Operating Expenses		
Staffing	\$507,905	\$1,368,087
Rent/Utilities/Maintenance & Supplies	\$254,733	\$269,493
Other	\$163,879	\$269,416
Total Opex	\$926,517	\$1,906,997
Capex		
Outside Plant Construction, Electronics & Contracted Installs	\$2,176,135	\$2,450,344
Vehicles	\$45,900	\$99,338
Total Capex	\$2,222,035	\$2,549,682

MARKET PENETRATION (RESIDENTIAL)

- ◆ End of 2021 residential Internet penetration of 16% is in line with the 2017 pro forma. With construction completing in Year 3 of the plan instead of Year 2, the rate of subscriber growth has been tapered for Years 3-10...

Service Penetration
(By Year Since Launch)



FALL 2021 MARKETING CAMPAIGN



FASTEST FIBER IN THE WEST

CBN is the best value for high-speed internet service in Glenwood Springs.

We deliver the **FASTEST** Internet, **LOWEST** prices, **LOCAL** service, and we won't corral you into extra fees – **NO** data caps or termination fees.

Take it from Doc.

IT'S A DEAL YOU CAN HANG YOUR HAT ON.

Sign up today and get **FREE INSTALLATION!***




www.gscbn.com • 970-384-4800



	CBN	Comcast
Monthly Price	\$70	\$100*
Download Speed	1.3Gbps**	1.2Gbps
Upload Speed	1Gbps	35 Mbps
Data Cap	NO	YES
Early Termination Fees	NO	YES

* After short term promotional offers end. **1.3G available in most areas
Pricing comparisons reflect standard, non-promotional rates.
Prices, speeds, and other terms of service details as advertised on xfinity.com in August 2021.

The **fastest Internet, lowest prices**, and the only **local service and support** in Glenwood Springs.

THAT'S A DEAL YOU CAN HANG YOUR HAT ON!

Sign up now. **FREE INSTALLATION** ends Nov. 30, 2021.



Scan this QR code and go straight to our customer portal, visit www.gscbn.com or call 970-384-4800



Take it from Doc.

DON'T GET CORRALED INTO EXTRA FEES.

CBN has no data caps or fees for early termination. Use as much data as you want for as long as you want.

During our Fall
Campaign we saw
10-15 New installs
a week

TIME TO GET A MOVE ON!

Switch to your hometown team now for **free installation** and the



FASTEST FIBER IN THE WEST



Hometown High Speed is Here!

SPRING 2022 MARKETING CAMPAIGN

The FCC and Biden Administrations Broadband Nutrition Label, we are Early Adopters

- ❑ KMTS + KDNK Radio
- ❑ Direct Mail to all serviceable addresses
- ❑ Post Independent Advertisements
- ❑ Bus Signage

Broadband Facts

Fixed broadband consumer disclosure

Choose Your Service Data Plan for 50Mbps Service Tier

Monthly charge for month-to-month plan	\$60.00
Monthly charge for 2 year contract plan	\$55.00

Click here for other [pricing options](#) including promotions and options bundled with other services, like cable television and wireless services.

Other Charges and Terms

Data included with monthly charge	300GB
Charges for additional data usage – each additional 50GB	\$10.00

Optional modem or gateway lease – Customers may use their own modem or gateway; click here for [our policy](#) **\$10.00/month**

Other monthly fees **Not Applicable**

One-time fees

Activation fee	\$50.00
Deposit	\$50.00
Installation fee	\$25.00
Early termination fee	\$240.00

Government Taxes and Other Government-Related Fees May

Apply: Varies by location

[Other services on network](#)

Questions?



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	Ordinance 11, Series of 2022 (One Reading) Amending the 2022 Budget for Broadband Expenditures
Action Requested:	Approval of Budget Amendment
Department:	City Administration
Presented By:	Steve Boyd, Matthew Langhorst
Strategic Goals:	Preserve and Improve Infrastructure Generate Sustainable Economic Development
Background Info:	This budget amendment appropriates funds for the Broadband Enterprise Fund consistent with the presentation
Issues:	NA
Fiscal Impact:	Total appropriation is \$1,973,726. Detailed by line item in Exhibit A.
Legal Review:	NA
Staff Recommendation:	Staff supports approval

ORDINANCE NO. 11

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 3rd DAY OF MARCH, 2022.

CITY OF GLENWOOD SPRINGS, COLORADO

ATTEST:

Jonathan Godes, Mayor

Ryan Muse, City Clerk

Exhibit A
Ordinance 011 - Series of 2022
#2 March 3, 2022 Broadband

These Appropriations have not been included in a budget

BROADBAND ENTERPRISE FUND

Regular Employees	\$339,471	22227 -	51110
Part-Time Employees	\$21,170	22227 -	51120
Overtime	\$1,058	22227 -	51140
Standby And Callback Pay	\$10,585	22227 -	51150
Health Insurance Premiums	\$81,714	22227 -	51210
Long Term Disability	\$1,104	22227 -	51220
Basic Life Insurance	\$873	22227 -	51230
Fica Contributions	\$25,969	22227 -	51250
Retirement Contributions	\$23,762	22227 -	51260
Unemployment Compensation	\$1,020	22227 -	51270
Workers' Compensation	\$1,058	22227 -	51280
Utilities	\$23,933	22227 -	51410
Supplies	(\$10,100)	22227 -	51610
Professional Services	(\$195,000)	22227 -	51710
Professional Development	\$7,500	22227 -	52210
Technology	(\$74,000)	22227 -	52610
Other Operating Expense	\$1,500	22227 -	52810
Interest - Other Debt	(\$87,573)	22227 -	53940
Projects	<u>\$1,799,682</u>	22227 -	60000
Total Net Appropriation	\$1,973,726		



City Council
STAFF REPORT
City of Glenwood Springs
March 3, 2022

Agenda Item:	Electric Operations Center Request for Proposal 2021-28P Award to DM Neumann Construction Company
Action Requested:	Approval of Award to DM Neumann Construction
Department:	City Administration
Presented By:	Steve Boyd, Matthew Langhorst
Strategic Goals:	Provide Efficient and Responsive City Government
Background Info:	On October 20th last year staff launched an RFP for construction of an Electric Operations Center that will house the Electric and Broadband departments. We received two qualified bids. The staff selection committee interviewed both firms and we are ready to award the job to DM Neumann Construction Company, who was the low bidder.
Issues:	The original budget for this project was \$4.5 million. Since that number was put into the budget staff has been aware that substantial price increases and labor shortage was likely to push the cost up significantly. Bids came in at \$6 million. We have been evaluating financing options for roughly 80% of the project and believe we have worked out terms with lenders, though we have not yet made that selection. DM Neumann is willing to hold their price and timeline so long as the start date is not moved back. This project is included in the electric rate study at \$6 million that is currently being completed.
Fiscal Impact:	\$6 million to the electric fund with borrowing terms yet to be finalized
Legal Review:	Legal has reviewed Neumann's submittal for specific indemnification language included.
Staff Recommendation:	Staff supports this award.

RFP 2021-28P
City of Glenwood Springs
Electric Department Operations Center
Site, Utility and Building Construction
1660 Deveraux Road

- 1.) Pricing Schedule
- 2.) Warranty Information
- 3.) List of References
- 4.) Project Timeline
- 5.) Exceptions for Consideration
- 6.) Alternates or Value-Engineering

Once you have the opportunity to review the project schedule you will find that the metal building package is forecasted to take as long as 36 weeks from initiating drawings with the metal building company. We have allocated the needed time at the end of January to start ordering to support the provided schedule.

The DM Neuman team is excited to partner with the City of Glenwood Springs and bring a project to our community that is more than 2 million less than the previously designed project for the site. Our submitted team is comprised of a local company utilizing local workers that live here. We have a competent, qualified team that is eager to go to work and appreciate the opportunity to hopefully sit down with you and discuss this project prior to selecting a contractor.

<u>Glenwood Electric Operations Breakdown: 12/17/21</u>						
<u>A. LAND:</u>						
	Third-Party Tests (Soils, Concrete)			\$		Owner
	Third-Party Tests (Pile Observation, Grout Testing)					23,500.00
	School Fees/Assessments					Owner
	Special Inspections - Steel & Bolt					Included
	Total Unit A:			\$		23,500.00
<u>B. DESIGN:</u>						
	Building Permit/Plan Check			\$		No Fees per City
	Traffic Permits - Road Closures					None
	Insurance - Builder's Risk (10 months)					15,600.00
	Survey - Additional Survey beyond first round					7,200.00
	Architect					Included
	Engineer					None
	Water and Sewer Tap Fees					Owner
	Sewer, Septic, Leach System					Included
	Water Improvement Fees					Owner
	Sewer Improvement Fee					Owner
	Water Meter Fee					Owner
	Traffic Impact Fee					Owner
	Fire Impact Fee					Owner
	Parkland Dedication					Owner
	Emergency Services Impact Fee					Owner
	Use Tax					None
	Temporary Electric					None
	Total Unit B:			\$		22,800.00
<u>C. FOUNDATION:</u>						
	Micropiles					254,266.00
	Site Clearing					Included
	Excavation & Backfill					1,050,951.00
	Flag Pole					None
	Footing / Foundation / Exterior Site / Int Slabs / Embeds					770,674.00
	Foundation Drain					Included
	Retaining Walls					Included
	Slab Joints & Sealants					3,640.00
	Slab Insulation - Radiant Heat					None
	Radon Rough-in					None
	Foundation Waterproofing					Included
	Foundation Insulation					38,306.00
	Bollards Safety Yellow Finish & Install					8,360.00

Asphalt Driveway / Patching				71,625.00
Asphalt Striping, Stop Sign and Wheel Stops				1,680.00
Total Unit C:			\$	2,199,502.00
D: FRAMING & EXTERIOR FINISH:				
Demo			\$	None
Framing - Wood				14,966.00
Framing - Metal				49,476.00
Flashing				Included
Joint Sealants				Included
Roofing - Type: TPO 60Mil (Rm 100)				6,558.00
Roof Hatch/Ladder				None
Garage Doors - Type: Wayne Dalton 5150 R12.2				142,945.00
Storefront & Hardware				126,610.00
Structural Steel Metal Building				1,018,507.00
Metal Building Erection				405,000.00
Garage Canopies - Mapes				19,399.00
Elevator (Wheelchair Lift GVL-SW-144)				27,851.00
Exterior Painting				9,471.00
Gutters/Downspouts				Included
Fencing - Storage Area				13,578.00
Trash Enclosure & Install				21,400.00
Grab Rail Interior Stairs				7,420.00
Building Sign				8,720.00
Exterior Doors: Type: Hollow Metal				3,722.00
Total Unit D:			\$	1,875,623.00
E: MASONRY & FIREPLACE:				
Masonry				None
Total Unit E:			\$	-
F: UTILITIES				
Gas Service Yard Line			\$	Included
Electrical Service/Transformer				Included
Electrical Rough-in, Trim-Out				201,579.00
Electric Fixtures				44,908.00
Plumbing Rough-in, Trim-Out				66,877.00
Plumbing Fixtures - Type:				Included
Heating & Cooling				174,000.00
Fire Extinguishers & Cabinets				1,173.00
Fire Suppression System				58,324.00
Knox Box				558.00
Data/Telephone	NOT ON PLANS			10,610.00

Fire Alarm					18,739.00
Security System					None
Audio/Video R-in/Finish					None
Total Unit F:				\$	576,768.00
<u>G: INTERIOR FINISH:</u>					
Insulation - Interior				\$	14,333.00
Drywall					60,465.00
Interior Carpentry - Install Labor					6,540.00
Acoustical Ceiling					25,648.00
Cabinets					7,865.00
Countertops/Install					5,020.00
Core Drilling					None
Painting - Interior					26,650.00
Garage Floor Sealing - West & East					11,420.00
Doors - Int					5,218.00
Total Unit G:				\$	163,159.00
<u>H. INTERIOR HARDWARE:</u>					
Door Hardware				\$	2,217.00
Key Cores/Keying					Owner
FRP					None
Bath Accessories					2,742.00
Bath Partitions					4,714.00
Mirrors					Included
Window Coverings					None
Total Unit H:				\$	9,673.00
<u>I: FLOORING:</u>					
LVT / Rubber Treads & Risers / Install					17,489.00
Tile & Installation				\$	None
Carpet Tiles / Cove Base & Installation					16,062.00
Hardwood Flooring & Installation					None
Total Unit I:				\$	33,551.00
<u>J: APPLIANCES:</u>					
Total Unit J:				\$	-

L. SITE IMPROVEMENTS:					\$	
	Bike Rack					710.00
	Final Grading					Included
	Top Soil - Treat Onsite Mat & Spread					47,000.00
	Landscaping					64,893.00
	Total Unit L:				\$	112,603.00
M. MAINTENANCE:						
	Common Labor/Site Cleaning				\$	23,760.00
	Final Cleaning					2,500.00
	Window Cleaning					1,500.00
	Construction Utilities					Owner
	Dumpster					11,450.00
	Portajohn					1,310.00
	Job-site Fencing					600.00
	Equipment Rental					16,800.00
	Concrete Washout					1,200.00
	Supervision					120,000.00
	Project Management					66,000.00
	Field Office					4,000.00
	Winter Conditions					Included
	General Liability Insurance					52,406.07
	Contingency					Owner
	Total Unit M:				\$	301,526.07
TOTAL ALL UNITS:					\$	5,318,705.07
PROFIT & OVERHEAD -						478,683.46
TOTAL ESTIMATE					\$	5,797,388.53

EXPRESS LIMITED WARRANTY AGREEMENT

This Express Limited Warranty Agreement between DM Neuman Construction Company, Contractor, and The City of Glenwood Springs, Owner(s) pertains to the construction of Glenwood Springs Electric Operations Center per the attached drawings, at the following address: 1660 Devereaux Road, Glenwood Springs CO 81601.

1. What is covered by the Warranty?

Within the (1) year from the date of improvements as noted in above-outlined drawings the Contractor will repair or replace, at the Contractor's option, any latent defective condition, not apparent or ascertainable at the time of occupancy, with the building materials or workmanship. A defective condition shall be determined and defined by the standards of construction set out in The City of Glenwood Springs Engineering Standards and Public Works Guidelines, current at the time of substantial completion. The Owner(s) agrees to accept reasonable matches in any repair or replacement in the event the specified or originally used item is no longer available.

Please note that if a warranty issue comes up within the item's manufacturer warranty period *and* the one-year labor warranty period, labor & material to replace will be completely covered. If an issue comes up within the item's manufacturer warranty period, but after the one-year labor warranty period, material will be covered in accordance to the manufacturer's material warranty, but labor portions will not be covered.

2. What is not Covered

This Express Limited Warranty Agreement does not cover the following items:

- A. Damage resulting from fires, floods, storms, accidents, or acts of God.
- B. Damage from alterations, misuse, or abuse of the covered items by any person
- C. Damage caused by insects, mold, and other organic materials or substances, and damage resulting from the Owner(s)' failure to perform reasonable property maintenance.
- D. Damage resulting from the Owner(s)' failure to comply with operating instructions furnished by the Contractor at the time of installation.
- E. Damage resulting from a malfunction of equipment or lines of the telephone, gas, electric or water companies.
- F. Damage to any installed underground utilities, due to excavation after the completion of the project.
- G. Any type of damage to any type of the following: Sidewalks, curb and gutter and concrete entrances, detectable warning pads, trees, brick pavers. "Damage" refers to nicks, scratches, dings, etc. that would be caused by normal wear and tear.
- H. Discolorations due to the elements, rain run-off, weathering, leaching of salts or bleaching.
- I. Concrete cracking within standards defined by The City of Glenwood Springs Engineering Standards. These features can develop cracks, or can spall, caused by

weather, chemicals (such as road salt), and the characteristics of the concrete itself. However, this will have no impact on the structural integrity of the installed product.

- J. Anything that is considered normal wear and tear.
- K. Any item furnished or installed by the City of Glenwood Springs, or related contractor-supplied items that failed as a result of those owner supplied items.

3. Remedies and Limitations

- A. The City of Glenwood Springs understands that the sole remedies under this Express Limited Warranty Agreement are repair and replacement, as set forth herein.
- B. With respect to any future claim whatsoever that may be asserted by the City of Glenwood Springs against the contractor, or the Contractor's employees, the City understand that the City will have no right to recover, or to request compensation for, and the Contractor shall not be liable for any of the following:
 - 1. Incidental, consequential, secondary, or punitive damages;
 - 2. Damages for aggravation, mental anguish, emotional distress, or pain and suffering
 - 3. Attorney's fees and costs.
- C. **THE CITY OF GLENWOOD SPRINGS UNDERSTANDS AND AGREES THAT NO IMPLIED WARRANTIES WHATSOEVER APPLY TO THE WORK. THE CONTRACTOR DISCLAIMS, AND THE CITY WAIVES, ANY IMPLIED WARRANTIES, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTY OF HABITABILITY, THE IMPLIED WARRANTY OF WORKMANLIKE CONSTRUCTION, AND THE IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PUPOSE. THESE LIMITATION SHALL BE ENFORCEABLE TO THE EXTEND PERMITTED BY THE LAW.**

(City of GWS Authorized Representative Initials)

- D. This Warranty is personal to the original Owner(s), and does not run with the property, or the items installed. The original Owner(s) may not assign, transfer, or convey this Warranty without the prior written consent of the Contractor.
- E. This Warranty may be extended to a Two-year warranty for an additional up-front cost. This would require additional coordination if that option is requested and currently that number is not available to us.

City of Glenwood Springs Electrical Operations Center

(3) COMMERCIAL PROJECTS

Referenced Projects

ANB Bank
911 Grand Avenue
Glenwood Springs CO 81601
970.945.8511 Randy Diers

Berthod Motors Inc.
400 27th Street
Glenwood Springs CO 81601
970.945.7466 Don Gerbaz

City of Glenwood Springs
Ice Rink Locker Room Exp.
Glenwood Springs CO 81601

Bank of Colorado
Glenwood Springs CO 81601
945-7422/Bill Deter

City of Glenwood Springs
Building Department
384-6411

Garfield County
Building Department
945-8212

Professional References:



Simple Project Plan

ID		Task Mode	Task Name	Duration	Start	Finish
1			Pre-Construction	31 days	Fri 12/17/21	Fri 1/28/22
2			Proposal due to COGWS	1 day	Fri 12/17/21	Fri 12/17/21
3						
4			Select Contractor / NTP	1 day	Thu 12/23/21	Thu 12/23/21
5			Contract Negotiations	15 days	Fri 12/24/21	Thu 1/13/22
6			DMN contract w/ COGWS	5 days	Fri 1/14/22	Thu 1/20/22
7			Sub-Contract / Vendor Procurement	5 days	Fri 1/21/22	Thu 1/27/22
8			Initiate Submittals and Shop Drawings	1 day	Fri 1/28/22	Fri 1/28/22
9			Start Metal Building Drawings (8-9 weeks dwg + 2 approval + 25)	1 day	Fri 1/28/22	Fri 1/28/22
10			Construction	223 days	Mon 6/6/22	Wed 4/12/23
11			Mobilization / Set-up Temp Facilities	2 days	Mon 6/6/22	Tue 6/7/22
12			Initiate SWMP and install silt fence/erosion control	2 days	Wed 6/8/22	Thu 6/9/22
13			Clear, Grub and Haul	3 days	Fri 6/10/22	Tue 6/14/22
14			Site Grading/Develop Building Site Preparation and Access	7 days	Wed 6/15/22	Thu 6/23/22
15			Survey - Building Footprint	1 day	Fri 6/24/22	Fri 6/24/22
16			Building Excavation - Overdig 48" West Garage Bay(s)	10 days	Fri 6/24/22	Thu 7/7/22
17			Backfill to Interior Subgrade West Garage Bay(s)	3 days	Fri 7/8/22	Tue 7/12/22
18			Survey - Micropiles (several trips)	1 day	Wed 7/13/22	Wed 7/13/22
19			Drilled MicroPiles (clean spoils and haul during drilling)	25 days	Thu 7/14/22	Wed 8/17/22
20			Sitework (retaining walls, storm drains, water line, septic)	60 days	Thu 7/14/22	Wed 10/5/22
21			Building Excavation - Overdig 48" East Garage Bay(s)	10 days	Fri 7/8/22	Thu 7/21/22
22			Backfill to Interior Subgrade East Garage Bay(s)	3 days	Fri 7/22/22	Tue 7/26/22
23			Foundation Concrete and pile caps	20 days	Thu 8/18/22	Wed 9/14/22
24			Underground Utilities (Building)	5 days	Thu 9/15/22	Wed 9/21/22
25			Interior Slab Prep	5 days	Thu 9/22/22	Wed 9/28/22
26			Building Slab Pour	5 days	Thu 9/29/22	Wed 10/5/22
27			2-1/2" Asphalt Lift	1 day	Thu 10/6/22	Thu 10/6/22
28			Metal Building Erection (36 weeks from initiating dwgs)	50 days	Fri 10/7/22	Thu 12/15/22
29			Perimeter Backfill and Foundation Drain System	0 days	Mon 6/6/22	Mon 6/6/22
30			Utility trenching from building	0 days	Mon 6/6/22	Mon 6/6/22
31			Electrical Rough-In	10 days	Fri 12/16/22	Thu 12/29/22
32			Storefront	7 days	Fri 12/30/22	Mon 1/9/23
33			O/H Door Install	5 days	Fri 12/30/22	Thu 1/5/23
34			Electrical Rough-In	25 days	Tue 1/10/23	Mon 2/13/23
35			Mechanical Rough-In	10 days	Tue 1/24/23	Mon 2/6/23
36			Plumbing Rough-In	15 days	Tue 1/24/23	Mon 2/13/23
37			Specialties Rough-In	20 days	Tue 1/10/23	Mon 2/6/23
38			Inspection(s)	1 day	Tue 2/14/23	Tue 2/14/23
39			Insulation	1 day	Wed 2/15/23	Wed 2/15/23
40			Drywall - hang, tape and finish	10 days	Thu 2/16/23	Wed 3/1/23
41			Interior Painting - (1) coat each primer/paint	8 days	Thu 3/2/23	Mon 3/13/23
42			Interior Door and Hardware Set	5 days	Tue 3/14/23	Mon 3/20/23

Simple Project Plan

ID		Task Mode	Task Name	Duration	Start	Finish
43			Acoustic Ceiling	4 days	Tue 3/14/23	Fri 3/17/23
44			Cabinets/Tops	4 days	Tue 3/14/23	Fri 3/17/23
45			Electric Trim	15 days	Mon 3/20/23	Fri 4/7/23
46			Plumbing and Specialties Trim	7 days	Thu 3/23/23	Fri 3/31/23
47			Mechanical Trim	4 days	Thu 3/23/23	Tue 3/28/23
48			Flooring/Base	4 days	Mon 4/3/23	Thu 4/6/23
49			Construction Clean and window clean	2 days	Fri 4/7/23	Mon 4/10/23
50			Final coat of interior paint	2 days	Tue 4/11/23	Wed 4/12/23
51			Landscaping	15 days	Mon 3/20/23	Fri 4/7/23
52			Final 1-1/2" Asphalt lift to finish paving and striping	2 days	Mon 4/10/23	Tue 4/11/23
53			Post Construction	3 days	Thu 4/13/23	Mon 4/17/23
54			Substantial Completion / Certificate of Occupancy	1 day	Thu 4/13/23	Thu 4/13/23
55			Punchwalk w/ A.O.C.	1 day	Fri 4/14/23	Fri 4/14/23
56			Turnover to client and finalize punch-list	1 day	Mon 4/17/23	Mon 4/17/23



D.M. NEUMAN
CONSTRUCTION CO.

(970) 945-7502
310 19th Street, P.O. Box 2317

Glenwood Springs, CO 81601
(970) 945-6865/fax

Exceptions

Date: 12/17/2021

The following section(s) of the RFP 2021-28P we would request discussion prior to contract

Section I: Introduction

	No exceptions taken
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Section II: Timeline

Amended - Bid due 12-17-21	No exceptions taken
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Section III: Instructions to submitters

	No exceptions taken
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Section IV: Overview of Project

Pre-Construction Work	9. Exception with payment and performance bond
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	- If a bond is necessary one can be obtained for a portion or the entire project. The bond costs money that gets passed on to the job. We are a local GC that is celebrating 40 years in 2022 of business in Glenwood Springs with a proven track record. We recently finished an 81 unit rehabilitation for the State of CO where we utilized a payment bond only for a small portion of the project. We submitted our last months lien waivers monthly with our payment request and that was enough to ensure all parties were paid and held accountability on us.
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Construction Work	No exception taken
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City of GWS Scope of Work	No exception taken
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Section V: Insurance Requirements

General Liability	No exception taken
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Automobile Liability	No exception taken
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Pollution Liability	No exception taken
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Umbrella	No exception taken
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Workers Compensation	No exception taken
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Section VI: Selection Criteria

a. Overall quality of response	No exception taken
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b. Company Qualifications	No exception taken
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c. Pricing	No exception taken
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d. Warranties	No exception taken
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e. References and reputation	No exception taken
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f. Environmental policy	No exception taken - Jason M. Neuman Certified Green Builder, NAHB
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g. Service capability	See adjusted schedule
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Section VII: RFP Terms and Conditions

schedule	See adjusted schedule - Metal building is 36 weeks from start of design work with DM Neuman Construction Co. If we start on design Jan 28th we will have a building on-site to erect October 7th.
Discussions/Negotiations	No exception taken - Our Office is closed for the Holidays 12/23 - 01/03
Liquidated Damages	Exception taken - Please withdraw the liquidated damages
Payment and Performance Bond	Further Discussion requested
C.R.S.>8-17.5-102(1)	No exception taken

Section VIII: Warranties, Representations and Acknowledgements of Bidder

	No exception taken
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VALUE ENGINEERING ITEMS -

Soil & Concrete Testing	Add \$ 25,000.00
Thermally Broke Door Leaf's	Add 9,000.00
Genrerator / ATS	Add 50,946.00
Solar - Flush Mount, 25KW	Add 51,975.00
Construction Staking	Add 17,280.00
R-20 CI Insulation at TPO Roof	Deduct 276.00
Remove 1/2 Lite Vision Panels Drs Type G & I	Deduct 2,200.00
Recommend 1.5" waterline & Med Pressure Gas	Deduct 497.00
Remove EMT Conduit for HVAC Control Wiring	Deduct 4,500.00
Deduct for barbed wire removal	Deduct 500.00
Roof Alteration Office 100 TPO -> Sloped Metal	Deduct 7,291.00
* - Roof Drain Assembly will be add'tl deduct	

Jarrid Hadland, Vice President

D.M. Neuman Const. Co. & Design Group

ESTABLISHED 1982

310 19th STREET GWS CO 81601

(970) 945-7502 OFFICE

(970) 230-1522 DIRECT