



CITY OF IDAHO SPRINGS
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Idaho Springs, CO 80452-0907
Telephone (303) 567-4421
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NOTICE AND AGENDA
WORK SESSION
Idaho Springs Planning Commission
1711 Miner Street, City Hall
Wednesday, October 2nd, 2024 – 6:00 p.m.

PLANNING COMMISSION WORK SESSION

Wednesday, October 2nd, 2024 6:00 p.m.

- ❖ **Extended Stay Lodging Ordinance – Council Request for Joint PC / Council Work Session**
- ❖ **General Staff Update on Current Projects and Events**
- ❖ **3 Mile Plan Progress Update**
- ❖ **Preliminary Housing Code Amendment Discussion / Brainstorming**

IN-PERSON AND REMOTE MEETING PUBLIC ATTENDANCE AND PARTICIPATION INSTRUCTIONS

The Public is able to view and hear this meeting remotely at the following address on the City's website:

<https://www.colorado.gov/pacific/idahosprings/city-council-live>

To log directly into this work session, please use the below link:

<https://us02web.zoom.us/j/89171912558?pwd=cTNDRO8rL0NhQzdVcG4wZlo5clY5dz09>

CITY OF IDAHO SPRINGS
Clear Creek County, Colorado

Ordinance No. 18, Series 2024

AN ORDINANCE ADOPTING EXTENDED STAY LODGING LICENSING AND OPERATIONAL REQUIREMENTS AS A NEW SECTION 21-35 OF THE IDAHO SPRINGS MUNICIPAL CODE

WHEREAS, the City of Idaho Springs, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., the City possesses the authority to regulate the zoning and use of land within its jurisdiction; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the City possesses the authority to regulate and license any commercial enterprise conducted within the City; and

WHEREAS, the City has recently experienced a proliferation of hotels and motels which provide lodging for guests outside of the traditional short-term transient lodging experience; and

WHEREAS, as more citizens continue to occupy hotels and motels for long-term residential purposes, the City Council desires to ensure City motels and hotels are safe and suitable for extended stays; and

WHEREAS, the Council desires to regulate those hotels and motels within the City that offer extended stay lodging in order to better ensure the welfare of people who reside in the same.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Idaho Springs, Colorado, as follows:

Section 1. Division I of Article III of Chapter 21 of the Idaho Springs Municipal Code is hereby amended by the addition of a new Section 21-35, to read in its entirety as follows:

Sec. 21-35. – Extended Stay Lodging.

(A) Definitions.

(1) *Extend Stay Lodging* means the renting of a room, unit or other portion of a hotel or motel for a duration of stay greater than twenty-nine (29) consecutive days. The duration of stay shall be calculated based upon the number of nights of occupancy by a guest within the licensed premises as a whole rather than within one particular room, unit or defined area.

(2) *License* means an extended stay lodging license issued pursuant to this Section.

- (B) Extended Stay Lodging License Required. It is unlawful for any person, either directly or indirectly, to conduct or provide extended stay lodging without first obtaining and maintaining a license.
- (C) License application form; processing.
 - (1) License applicants shall file a completed application with the City Clerk's office on a form provided by the City.
 - (2) A completed license application shall contain the following information:
 - (a) The business name and address of the applicant;
 - (b) A floor plan of the establishment illustrating the specific rooms, units or areas to be used for extended stay lodging;
 - (c) Individual floor plans for each proposed extended stay lodging room, unit or area, including square footage calculations; and
 - (d) A detailed floor plan illustrating all amenities and features required pursuant to subsection (D) below.
- (D) Minimum Standards for Operation.
 - (1) Extended stay lodging areas shall be designated on a building floor plan and no other areas may be offered or used for such purpose.
 - (2) Every room licensed for extended stay lodging shall prominently display on the inside of the main entrance door of the room a statement that such room is licensed pursuant to this Section.
 - (3) Guest personal possessions may not be stored on exterior balconies, interior corridors, or in a manner that prohibits adequate movement and ingress/egress within a unit and/or licensed premise.
 - (4) The following amenities shall be available to all extended stay lodging guests:
 - (a) Twenty-four hour desk staffing;
 - (b) Universal wireless internet included within rental rate;
 - (c) In-room or common area laundry facilities; and
 - (d) Secure storage (either in-unit or in a common area).
 - (5) Cooking facilities must be available on the premises, either in each individual room approved for extended stay lodging or in a shared, communal kitchen accessible at all times. Kitchen facilities shall include, at minimum:
 - (a) Fixed cooktop appliance;
 - (b) Full-size refrigerator;
 - (c) Full-size kitchen sink; and
 - (d) Communal seating space.

(6) Each licensed premise shall otherwise remain compliant with all other requirements and standards of the City and of this Code.

(E) License Renewal and Inspection Requirements.

(1) The City shall perform an inspection of the proposed licensed premises prior to the issuance of an extended stay lodging license.

(2) Thereafter, the City shall perform annual compliance inspections of the licensed premises at time of license renewal.

(F) Implementation Schedule.

(1) It is the intention of the City that existing hotels and motels offering extended stay lodging be given sufficient time to make the operational and physical modifications and improvements necessary to satisfy the eligibility requirements of this section. Accordingly, the following implementation schedule for this section is adopted:

(a) Existing hotels offering extended stay lodging shall have until January 1, 2025, to file a license application and until March 1, 2025 to obtain a license.

(G) Suspension and revocation; appeal

(1) Each license is subject to suspension and revocation proceedings as follows:

(a) The City Administrator is authorized to suspend or revoke any license, upon at least seven (7) calendar days' written notice via United States Postal Service first class mail to the licensee stating specific date of the hearing, the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the licensee to be heard, upon a finding that:

1. The licensee has failed to pay the annual license fee or any other applicable tax;
2. The license application has been found to contain a falsehood or material misrepresentation or omission;
3. The licensed premises are found to have been constructed, altered or operated in a manner contrary to the application or in violation of any term or condition of the license or in violation of this Section or of this Code;
4. The licensee has failed to furnish any information that is required to be provided to the City under this Section or this Code; or

5. Any fact or condition exists which, if it had existed or had been known to exist at the time of the application for the license, would have warranted the refusal of the issuance of the license.
- (b) The City Administrator shall issue a written decision within ten (10) days of the date upon which the licensee is provided the opportunity to be heard, and shall provide the same to the licensee to the mailing address indicated on the license application or such other address or by such other means (such as electronic mail) as requested by the licensee.
- (c) A licensee may appeal a decision by the City Administrator to suspend or revoke his or her license by filing written notice of such appeal, including the specific reasons the Administrator's decision is in error, with the City Clerk within ten (10) days of the date of the Administrator's decision.
- (d) Any appeal timely filed under subsection (G)(iii) above shall be heard and decided by the Planning Commission at their next regularly scheduled meeting, applying the same procedural and substantive guidelines as the City Administrator under subsections (b) and (c) hereof. The Planning Commission's decision shall be the City's final decision on the matter.

Section 2. Any and all Ordinances or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or part thereof shall not revive any other section or part of any Ordinance heretofore repealed or superseded.

Section 3. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various provisions are severable.

INTRODUCED, READ AND ORDERED PUBLISHED, at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the 26th day of August, 2024.

Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk

PASSED, ADOPTED AND APPROVED, after public hearing at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the ___ day of _____, 2024.

Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk



TO: Idaho Springs Planning Commission
CC: City Administrator Andrew Marsh
FROM: Dylan Graves, Community Development Planner
SUBJECT: City of Idaho Springs Three-Mile Plan
ATTACHMENTS: Draft Three Mile Area Plan Document and Map
MEETING DATE: October 2, 2024

The scope of this work session item is to get feedback from the Planning Commission on updating the City's existing Three-Mile Area Plan, last updated in 2008 and provide an update on current progress/next steps.

BACKGROUND

A three-mile plan is a long-range planning opportunity for municipalities to consider and project where annexation of new land may be feasible, how they will provide service in newly annexed areas, and how adequate levels of service will be maintained throughout the rest of the municipality. While a three-mile plan is advisory only, much like a comprehensive plan, having a plan in place ensures that the municipality will annex land only when it is consistent with pre-existing plans for the surrounding area. The City of Idaho Springs Three-Mile Area Plan was adopted in 2008 and provides direction concerning land use issues and infrastructure needs for lands within three miles of the current boundaries of the City. The plan identifies issues that should be addressed prior to any parcel of land being annexed into the City but neither proposes nor requires the annexation of any lands near the City. Annexation of any land into Idaho Springs remains an individual landowner decision.

A three-mile plan is required to be updated regularly according to Colorado Revised Statutes (CRS) 31-12-105 (1) (e), as amended. Per the CRS, the plan is supposed to be updated annually. The CRS further states, "Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area." As the City has not adopted an updated plan since 2008, there is a need to adopt this plan as soon as practicable to maintain compliance with CRS standards.

We first talked about updating the Three Mile Area Plan in May of 2024. Since that date, I have worked on creating a draft plan with updated information. Several annexations had occurred between 2008 and today. Additionally, we have added infrastructure since 2008 – updated sewer and water lines, CDOT projects (such as the Floyd Hill project) and other items that have impacted the potential for annexation in different portions of the City.

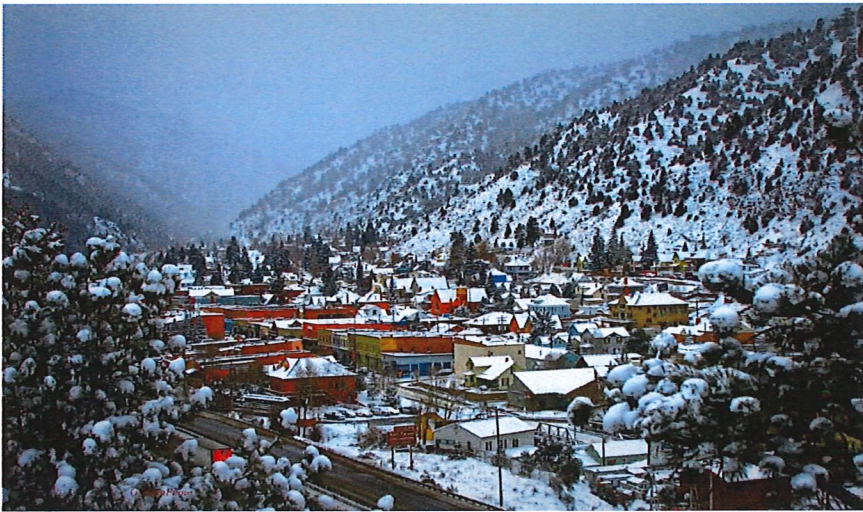
I am now at a stage where I am ready to present the updated map and my draft of changes to the Three Mile Plan. If the Planning Commission believes this to be suitable for adoption, I will bring back a clean version for review and recommendation at the November Planning Commission meeting. If any changes are requested, I will incorporate those changes ahead of said meeting.

ATTACHMENTS

1. **Current City of Idaho Springs Three-Mile Area Plan and map**
2. **Proposed Three Mile Area Plan with updated map**

Draft: October 2, 2024

City of Idaho Springs, Colorado



Draft – Revision of **3-Three Mile Area Plan**

October 2, 2024

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Introduction

In 1987, the state legislature made changes to annexation law limiting municipal annexations to no more than three miles beyond the current municipal boundary in any given year. Further, municipalities in Colorado are required to prepare and adopt a three-mile plan prior to annexing property into their territorial boundaries per Colorado Revised Statute 31-12-105 et. seq. The three-mile plan is a long-range plan that outlines where municipalities intend to annex property and describes how they will ensure the adequate provision of services within the newly annexed territory and the remainder of the existing municipality.

The City of Idaho Springs Three Mile Area Plan provides direction concerning land use issues and infrastructure needs for lands within three miles of the current boundaries of the City of Idaho Springs. The plan identifies issues that should be addressed prior to any parcel of land being annexed into the City of Idaho Springs but does not propose the annexation of any lands near the City of Idaho Springs. Annexation of any land into Idaho Springs remains an individual landowner decision. ~~Finally, this Plan addresses requirements for 3-Mile Area Plans as outlined in the Colorado Revised Statutes 31-12-105 (1) (e), as amended.~~

The City of Idaho Springs ~~needs to ensure that is required to evaluate~~ annexation opportunities ~~are evaluated~~ through careful consideration of both the current and future interests and needs of the community. The Idaho Springs Comprehensive Plan, adopted in 2017, has identified a desire to annex lands in an orderly manner that balances both the short- and long-term fiscal needs of the community. The Comprehensive Plan states that the City should develop, update, and implement an annexation policy. Annexation proposals should also balance business, residential and industrial land uses to the greatest extent possible with parks and open space to help maintain a balanced, healthy community. Analysis of the long-term costs and benefits of any annexation is another goal of the City's Comprehensive Plan, with support for annexation of developments that provide a net long-term benefit to the community. Successful annexation applications to the City should focus on how any particular annexation will meet the goals of the Idaho Springs community as identified in the Comprehensive Plan. Annexation is a discretionary act available to the City of Idaho Springs; the submittal of an annexation petition is no guarantee that the subject property will be annexed into the community.

The City of Idaho Springs wishes to continue to work with Clear Creek County, Gilpin and Jefferson Counties as appropriate to ensure that there is a smooth transition of land uses in the Idaho Springs area. This plan was developed using a visual survey of the area, mapping information from the Clear Creek, Gilpin and Jefferson County Planning & GIS Departments, public meetings in Idaho Springs and review by the City of Idaho Springs Planning Commission and City Board-Council.

No land in unincorporated areas is specifically designated for annexation in this plan. The analysis that follows will only identify areas that may be considered desirable for future uses, can be served by current services and facilities, are existing residential subdivisions, are needed to provide open space for the community, or will be logical for the expansion of the Idaho Springs urban area. Much of the land within three miles of the corporate boundaries of the City is unsuitable for annexation into the community due to distance, topography and the potential costs to provide services to widely scattered homes and businesses. Subject to little exception, No land, regardless of suitability, can be annexed into City Limits without the consent of the property owner(s) in question.

Thanks are due to the Planning Commission, City Council, and staff of the City of Idaho Springs for their thorough review of this document. ~~Staff and Commission comments have been incorporated into the adopted plan.~~

Methodology

Criteria to be considered when determining which lands near Idaho Springs might be desirable for annexation include:

- Areas which will broaden the range of housing types and home ownership opportunities in the City.
- Areas that have enough buildable land so that desired City land uses can be accommodated,
- Areas that are, or can easily be, served by utilities with no negative physical or economic impact on the community,
- Areas that help strengthen the economy of Idaho Springs,
- Areas that promote infill development, and
- Areas that share a community of interest with Idaho Springs.

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Study Area

This plan will address lands within a ~~three-mile~~three-mile area of the City of Idaho Springs by **Section** of land. A section of land is one mile square (640 acres). The complete system used to identify a particular parcel of land begins with identification of the Township (36 square miles), proceeds to the Range (east or west from the Principal Meridian) within that Township, and moves into each section of land found within that Township. Land can further be identified by portions of half-sections and quarter sections. The section – township – range method of identifying land areas is common across the United States.

The location of each of the Sections within the Three Mile area is identified on the Three Mile Area Plan Map (page 5). The one square mile sections of land have been combined into 7 larger Areas for the purposes of this plan in order to make the discussion more manageable. The general character of each of these ~~six~~7 Areas is described and classified according to the following categories:

- Description

- Land Use
- Community Services
- Transportation
- Utility Provisions
- Open Space, Parks, and Recreation
- Summary

- | | | | |
|---|--------------------|---|--------------------------------|
| ? | Description | ? | Transportation |
| ? | Land Use | ? | Utility Provisions |
| ? | Community Services | ? | Open Space, Parks & Recreation |

The ~~seven (7)~~six (6) Areas included within the City of Idaho Springs Three Mile Area Plan are generally eligible for annexation to Idaho Springs under the provisions of the Colorado Revised Statutes. Inclusion in this plan does not assume properties will be annexed into the City or guarantee a successful annexation should it be requested by property owners.

Study area boundaries for ~~Area #1 and Area #7~~Area #6 are limited in scope due to the proximity to the incorporated municipal limits of Central City and Black Hawk. The division of the lands within three miles of the corporate limits of Idaho Springs into these ~~six (6)~~7 Areas was based on the professional judgment of the City of Idaho Springs staff, ~~building upon previous versions of the Three Mile Area Plan and Katers & Associates.~~ Area boundaries were developed using topography and the general nature of the land as a guide.

Three3 Mile Area Cooperation

This plan helps define the cooperative relationship between Clear Creek, Gilpin, and Jefferson counties and the City of Idaho Springs by formally identifying the referral area and outlining the issues that should be addressed the any applicants and the City before annexation and development of lands within the Three Mile Area.

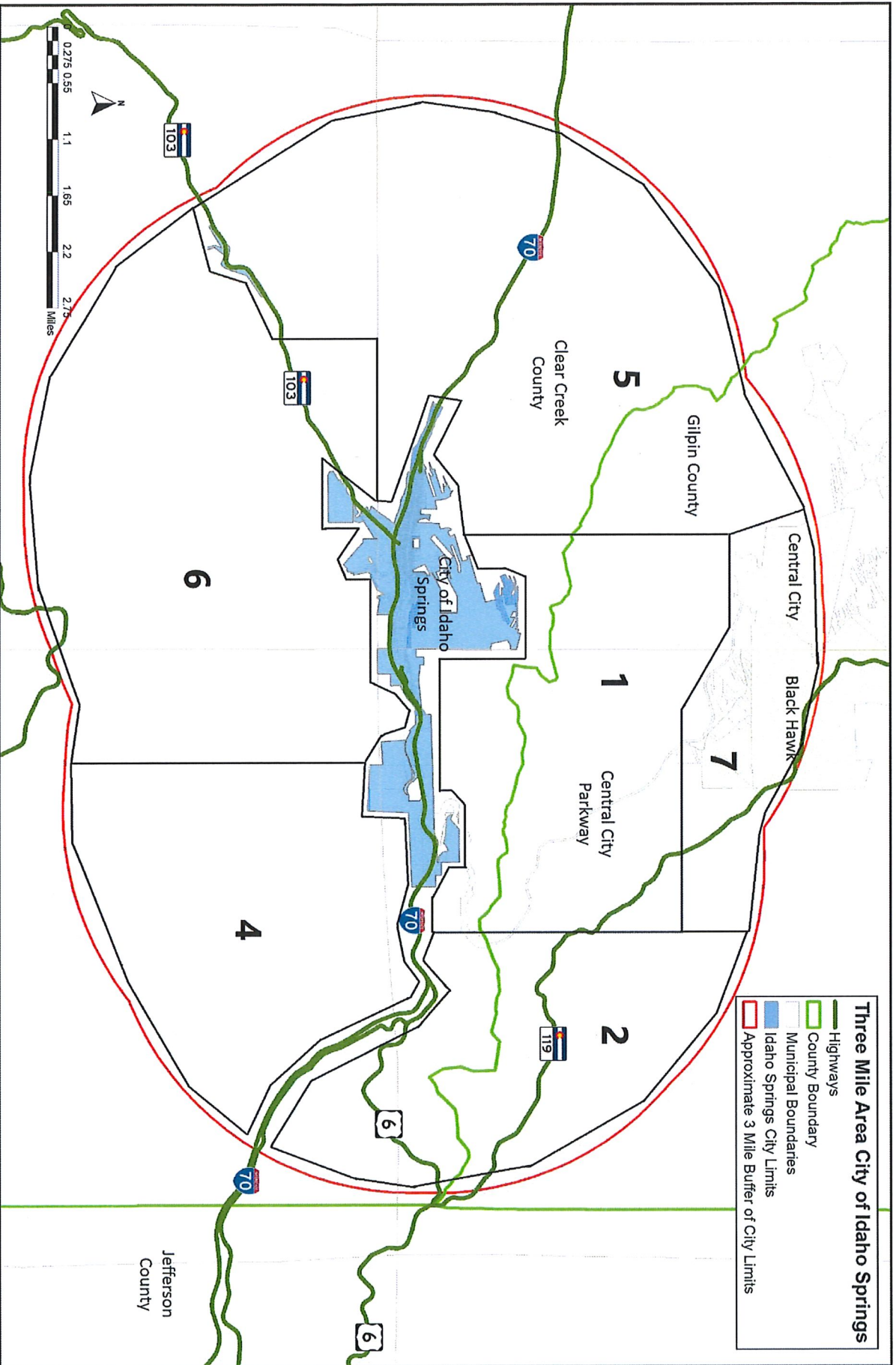
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Three Mile Planning Area

City of Idaho Springs



Area 1

Description:

Township: 3 South, Range: 72 West, Sections: 16 (partial), 17 (partial), 18 (partial), 19, 20, 21, 28, 29, 30, 31 (partial), 32 (partial) & 33 (partial) **and** Township: 3 South, Range: 73 West, Sections: 13 (partial), 24 & 25 (partial).

This area lies between the City of Idaho Springs and Central City and Black Hawk. The area includes portions of both Gilpin and Clear Creek counties and includes lands held by the Bureau of Land Management.

Land Use:

The lands in this area are currently zoned for single family residential (MR-1), preservation/conservation district (NR-PC) and mining (M-1) by Clear Creek County. That portion of the area that lies within Gilpin County is ~~forested and carries no other zoning designation~~ zoned resource residential (RR) or residential subdivision (RS), both of which allow one primary residential dwelling per unit, one accessory dwelling, and other accessory structures. The Gilpin County Master Plan shows this as a resource area suited for low density residential development (one unit per 20 acres).

Transportation:

Interstate 70, US Highways 40 & 6 and Colorado State Highway 119 provide primary access to the southern portion of this area. The Central City Parkway crosses the area beginning near the southeast corner and connects I-70 to Central City. A handful of drives and roads are located throughout the northern portion of this area. Virginia Canyon Road, located near the western edge of the area, provides another connection to this Area and Central City.

Utility Provisions:

Individual well and septic systems serve the residents of this area. The City's services extend to the Hidden Valley area at Exit 243 and extend up Virginia Canyon Road to Two Brothers Road and there may be potential for extension of those services should an annexation be considered.

Community Services:

This section lies within the ~~High-Country and~~ Clear Creek Fire Protection Districts and Gilpin and Clear Creek RE-1 school districts. Some portions of the

Draft: October 2, 2024

area (south of Central City and Blackhawk) are not located within Fire Protection Districts and are served by Central City, Gilpin and Clear Creek Fire Districts on an as-needed basis. Police protection is currently provided by the Gilpin and Clear Creek County Sheriffs and Idaho Springs Police Department. Fire protection and the school district boundaries would remain the same in the event of any annexation. Police protection, however, would be provided exclusively by the City of Idaho Springs upon any annexation. It is anticipated that mutual aid agreements for law enforcement would be maintained or established in these areas.

Open Space, Parks & Recreation:

The Clear Creek County Master Plan proposes Open Space and a natural conservation buffer along the northern boundary of the City of Idaho Springs. Much of this land is evergreen forest land or shrub and brush rangeland. Should the City develop to the point of annexation, every effort should be made to include as much of this area as open space as possible in order to preserve the rugged natural backdrop of these south-facing slopes. The Virginia Canyon Mountain Park (VCMP) serves as the northern City boundary in this area and adjacent properties could be used to expand recreation and park space in this area over time.

The area also includes a portion of the historic hard rock mining district so the suitability of this area for open space, parks and trails would require careful assessment.

Summary:

There is a low to moderate potential for annexation for much of the lands in Area 1. Except for those areas that abut the current city limits, the area would be difficult to serve with utilities and other community services. Opportunities for annexation exist near the Central City Parkway, with unincorporated lands in the area known as Area 28 and on properties north of the 1041 impact area. Should development occur, every effort must be made to protect the historic landscape as identified in the 1041 Regulations as adopted by the City of Idaho Springs. Development in the vicinity of VCMP may be possible but would require the expansion of services in this area.

Area 2

Description:

Township: 3 South, Range: 72 West, Sections 14 (partial), 15 (partial), 22, 23 (partial), ~~24 (partial), 25 (partial), 26, 27, 34 (partial), 35 & 36 (partial)~~ and Township: 4 South, Range: 72 West, Sections: 1 (partial), 2 (partial), 3 (partial) & ~~12 (partial) and Township: 3 South, Range: 71 West, Sections: 30 (partial), 31 (partial) & 32 (partial) and Township: 4 South, Range: 71 West, Sections: 5 (partial), 6, 7 (partial) & 8 (partial).~~

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This area includes portions of Gilpin ~~and~~ Clear Creek Counties. It ends just west of the Jefferson County western boundary and Jefferson Counties.

Land Use:

That portion of the area located within Gilpin County is zoned for forestry and is shown in the Gilpin County Master Plan as a resource area suited for low density residential (one unit per 20 acres) development.

The lands within Clear Creek County are zoned for planned development (PD), large tract single family residences (MR-LT), single family residences (MR-1) and mining (M-1). Along I-70 and generally across from Floyd Hill, a small parcel has been zoned for planned development (PD). Development in this area, other than the large gravel operation at the base of Floyd Hill, is ~~fairly limited~~ limited. This area includes Clear Creek as it flows into Jefferson County at the eastern edge of the Three Mile Area Plan area. Residential single-family neighborhoods are located on the eastern edge of Area 2 at Floyd Hill.

Transportation:

U.S. Highways 40 and 6 ~~as well as~~ and Interstate 70 serve this area. State Highway 119, Jefferson County Road 60 and various local roads and drives also provide access to the area. Interstate 70 narrows from 3 to 2 lanes in each direction at it extends westward into Clear Creek County at the top of Floyd Hill. ~~CDOT and local stakeholders have been working to address issues related to traffic congestion on this portion of I-70 for some time. CDOT is currently undertaking the I-70 Floyd Hill project to address congestion and safety concerns in the Floyd Hill area, including recreational improvements, better drive lanes, and a dedicated express lane through the corridor in this Area.~~

Utility Provisions:

Individual well and septic systems serve the residents of this area.

Community Services:

This area lies within the Clear Creek, Evergreen, ~~High Country~~ and Golden Gate Fire Protection Districts and within the Gilpin and Clear Creek County RE-1 and Jeffco School Districts. Police protection is currently provided by the Gilpin, Clear Creek and Jefferson County Sheriffs and by the City of Idaho Springs. Fire protection and school district boundaries would remain the same in the event of any annexation. Police protection, however, would be provided by the City of Idaho Springs upon any annexation. It is anticipated that mutual aid agreements for law enforcement would be maintained or established in these areas.

Open Space, Parks & Recreation:

Much of the land in this area is shrub and brush rangeland. Clear Creek and North Clear Creek run through the area and the Clear Creek County Master Plan proposes that the area north of US Highway 6 and south of the Gilpin County line be used for recreation. Should the City of Idaho Springs develop to the point of annexation land in this area, this use should be considered. Substantial rafting use of Clear Creek is experienced in this Area. Recreation has been developed at the top of Floyd Hill, at the very edge of this Area.

Summary:

There is ~~a-very~~ low potential for the annexation of lands in Area 2 north of Highway U.S. Highway 6. This land has limited accessibility and would be difficult to serve with utilities and other community services. Large lot residential and open spaces seem to be the best and most appropriate uses for this area.

Between I-70 and U.S. 6, the potential for annexation of property increases. Substantial land areas exist at Floyd Hill north of I-70 for development of businesses, tourist and travel amenities, and residential development. The provision of utilities and infrastructure may be possible in this portion of Area 2.

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Area 3

Description:

Township: 3 South, Range: 72 West, Sections: 32 (partial), ~~33 (partial)~~, and 34 (partial) and

Township: 4 South, Range: 72 West, Sections: 1 (partial), 2 (partial), 3 (partial), 4, 5 (partial), 8, 9, 10 (partial), 11 (~~partial~~), ~~12 (partial)~~, 15 (partial), 16 (partial), and 17 (partial).

This area lies entirely within Clear Creek County and includes the Lower Beaver Brook watershed.

Land Use:

Lands within this area have been zoned by Clear Creek County to allow the following types of development: single family residential (MR-1), large tract single family residential (MR-LT), planned development (PD) and commercial (C-1). The commercial zone district is located at Floyd Hill. The remainder of the area is zoned for preservation/conservation (NR-PC).

The area contains the Floyd Hill, Saddleback and Hyland Hills residential subdivisions. The Clear Creek High School is located at Floyd Hill ~~and as are limited retail opportunities exist in the area, as well. County-approved plans currently would allow development of multi-family and commercial properties immediately adjacent to Exit 247.~~

Transportation:

U.S. Highway 40 and Interstate 70 border this area to the north and east. There are no major thoroughfares within Area 34 and the area is served by local streets and Clear Creek County Roads 182 and 183. ~~Access at Floyd Hill is problematic given that the extensive developments in this area have a single method of entering or leaving the area.~~ The divided interchanges at I-70 and Homestead Road and I-70 and County Road 65 constitute the only manner for residents, emergency services or others to access Floyd Hill, the High School and other lands. CDOT is currently undertaking the I-70 Floyd Hill project to address congestion and safety concerns in the Floyd Hill area, including recreational improvements, better drive lanes, and a dedicated express lane through the corridor in this Area. This may also improve access at the Floyd Hill exit for existing and future uses and developments.

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Utility Provisions:

Individual well and septic systems serve the residents of this area.

Community Services:

This area lies within the Clear Creek Fire Protection District and Clear County RE-1 school districts. Police protection is currently provided by the Clear Creek County Sheriff and City of Idaho Springs Police Department. Fire protection and the school district would remain the same in the event of annexation. Police protection, however, would be provided by the City of Idaho Springs upon any annexation. It is anticipated that mutual aid agreements for law enforcement would be maintained or established in this area.

Open Space, Parks & Recreation:

If annexed, park, recreation, open space and trails opportunities should be developed in accordance with the City of Idaho Springs Comprehensive Plan, as adopted. The Floyd Hill Open Space area is in the vicinity but there is limited additional recreational or trail opportunities in this Area.

Summary:

There is excellent potential for the annexation of lands in Area 3 in proximity to Interstate 70. This area includes the lower elevations at Floyd Hill and features adequate space for new commercial, business and residential development. Already developed large lot residential areas have a lower potential for annexation due to the difficulty of providing utility services in an efficient manner. Provision of utility services and access may be difficult given the constraints at this Exit.

~~There is high potential for the annexation of lands in the northwest corner of Area 3. If current plans to extend utility and community services to Floyd Hill are realized, this area could be easily served by the City of Idaho Springs.~~ The remainder of Area 3 is substantially developed in large lot rural subdivisions and could not be efficiently served by the Idaho Springs municipality.

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Area 4

Description:

Township: 4 South, Range: 72 West, Section: 6, 7, 18 (partial), 8, 9, 13 (partial), 14, 15, 16 (partial), 17 (partial), 21 (partial), 22 (partial), 23 (partial) and 24 (partial). and Township: 4 South, Range: 73 West, Sections: 1 (partial), 2 (partial), 3 (partial), 9 (partial), 10, 11, 12, 13, 14, 15, 16 (partial), 21 (partial), 22 (partial), 23 (partial), 24 (partial), and 25 (partial).

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The entire area is located within the boundaries of Clear Creek County and contains the Upper Beaver Brook Reservoir. The area also contains the Homestead Hideaway, Pine Valley and Beaver Brook subdivisions. It also includes Echo Mountain Park ski and snowboarding facility. Nearly the entire area is part of the Roosevelt Arapahoe National Forest.

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Land Use:

This area is currently zoned primary for preservation/conservation (NR-PC), with much of the land owned by the U.S. Forest Service. but The area also includes scattered zoning for single family residential development (MR-1), large tract single family residential development (MR-LT), planned development (PD) and mining (M-1). Residential development is concentrated on the eastern side of the area and along the Highway 103 corridor. Campgrounds and trails are found in the National Forest, interspersed through the area.

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Transportation:

This area is served primarily by county and local access roads such as Beaver Brook Canyon Road, Hidden Wilderness Road, Jeep Trail and Little Bear Creek Road.

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Colorado Highway 103 crosses the southeast-southwest corner of the area. Primary access in this area is from I-70 and US Highway and Colorado Highway 103. Local streets include Soda Creek and Little Bear Creek Roads.

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Utility Provisions:

Individual well and septic systems serve the residents of this area. A small portion of the area along Highway 103 is connected to existing water and sewer lines that reach the City of Idaho Springs Water Treatment Plant. Connection to this line would be possible. Sewer services along this portion of the Highway 103 corridor could be provided by the Chicago Creek Sanitation District.

Community Services:

Draft: October 2, 2024

This section lies within the Clear Creek Fire Protection and Clear Creek RE-1 school districts. Police protection is currently provided by the Clear Creek County Sheriff. Fire protection and the school district would remain the same in the event of annexation.

Police protection, however, would be provided by the City of Idaho Springs upon any annexation. It is anticipated that mutual aid agreements for law enforcement would be maintained or established in this area.

Open Space, Parks & Recreation:

This area contains Fersburg Park, one of Denver's mountain parks, substantial national forest land that provides recreational opportunities along Highway 103. If annexed, additional park, recreation, open space and trails opportunities should be developed in accordance with the City of Idaho Springs Comprehensive Plan, as adopted. The Barbour Fork trails exist in this area currently and there is potential for park development in this area along Soda Creek or Little Bear Road.

Summary:

Much of this area has limited potential for annexation as its inaccessibility would hinder delivery of utilities and community services. The proximity of this area to the City of Idaho Springs along the Highway 103 corridor and the Chicago Creek Annexation Area enhances the potential for annexation. However, As this area is almost entirely contained within a national forest, and includes a significant number of mining claims, the provision of utility and community services could be difficult. The area surrounding the existing Chicago Creek annexed areas could be suitable for annexation as there is existing water and sewer access in this area and there would be potential for contiguity with existing City parcels.

Area 5

Description:

Township: 3 South, Range: 73 West, Sections: 14 (partial), 15 (partial), 16 (partial), 20 (partial), 21 (partial), 22, 23, 26, 27, 28, 29 (partial), 30 (partial), 31 (partial), 32 (partial), 33, 34 & 35 (partial)

and Township: 4 South, Range: 73 West, Sections: 4 (partial), 5 (partial), 6 (partial), 8 (partial) & 9 (partial). This area includes lands in Clear Creek and Gilpin Counties.

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Land Use:

Clear Creek County zoning in this area includes: mining (M-1 & M-2), preservation/conservation (NR-PC), planned development (PD), single family residential (MR-1), large lot single family residential (MR-5) and large tract single family residential (MR-LT) development. The area also includes a buffer (B) zone to protect wildlife, natural resources, scenic views and open space.

The lands contained within Gilpin County are considered as forest land and have been targeted for low density (1 single family unit per 20 acres) residential development by the County.

Residential development is found along the St. Mary's Glacier Road and along Colorado 103 headed south towards the summit of Mt. [EvansBlue Sky and Echo Park](#).

Transportation:

This area is accessed by Colorado Highway 103 and Interstate 70. Travel within the area utilizes a local road network that includes the Two Brothers, Stanley and Bellevue Mountain Roads.

Utility Provisions:

Individual well and septic systems serve the majority of the residents of this area. Limited properties are served by the City utility system in cooperation with the Chicago Creek Sanitation District [along Highway 103](#).

Community Services:

This section lies primarily within the Clear Creek Fire Protection and Clear Creek County RE-1 school districts. Police protection is currently provided by the Clear Creek County Sheriff but would be provided by the City of Idaho Springs upon any annexation.

Draft: October 2, 2024

It is anticipated that mutual aid agreements for law enforcement would be maintained or established in this area.

Areas in Gilpin County ~~area~~ are currently served by the Central City ~~Volunteer~~ Fire Department, Gilpin County Ambulance Services, Gilpin County RE-1 School District, and the Gilpin County Sheriff.

Open Space, Parks & Recreation:

If annexed, park, recreation, open space and trails opportunities should be developed in accordance with the City of Idaho Springs Comprehensive Plan, as adopted. Along I-70 and Stanley Road, there may be opportunities for additional river access in the CDOT I-70 Right-of-Way.

Summary:

Much of this area has low potential for annexation. A majority of the area north of Interstate 70 is included in Clear Creek County's historical mining district and lands west along I-70 would be difficult to serve with utilities. The potential for annexation does exist along Colorado 103 where City utility lines are already in place. Additionally, the City has annexed approximately ½-mile of Right-of-Way to the west of the Exit 239 interchange along Stanley Road. The private land adjacent to Stanley Road has reasonable annexation potential, though utility line expansion would be required.-

Area 6

Description:

Township: 3 South, Range: 73 West, Sections: 11 (partial), 12 (partial), 13 (partial), and 14 (partial), and Township: 3 South, Range: 72 West, Sections: 7 (partial), 8 (partial), 17 (partial), and 18 (partial).

Land Use:

This area is nearly all part of the incorporated cities of Central City and Black Hawk, with essentially no annexation potential. Zoning includes resource district (RCE) for residential and mining uses, low density residential, medium density residential, high density residential, gaming districts, and commercial zoning. Recreation zoning is also permitted in these municipalities.

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Transportation:

This area is accessed by Highway 119, the Central City Parkway, or Virginia Canyon Road.

Utility Provisions:

Central City and Black Hawk provide utility services to properties in their city boundaries.

Community Services:

The Central City Fire Department and the Black Hawk Fire Department provide services to this area. The Gilpin Ambulance Authority provides EMS services. The Gilpin County RE-1 school district serves the area. Central City and Black Hawk each provide police services in their respective areas.

Open Space, Parks & Recreation:

Maryland Mountain Trails in the City of Black Hawk provide recreational opportunities to the area. National Forest and Bureau of Land Management lands are found in the area.

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Summary:

The opportunity for annexation in this area is essentially zero, as nearly all land in the area is already annexed into the Central City or the City of Black Hawk.



TO: Planning Commission
CC: City Administrator Andrew Marsh
FROM: Dylan Graves, Community Development Planner
SUBJECT: Housing Code Amendments / Regulations / Incentives Preliminary Discussion
MEETING DATE: October 2, 2024

The scope of this work session item is to begin discussions on creating updated regulations and standards to encourage the development of housing in the City of Idaho Springs, especially affordable and/or workforce housing. Members of both the Planning Commission and City Council have mentioned a desire to start working on both regulatory programs and incentive programs to address housing availability and affordability issues. In response, I have put together a preliminary, high-level list of options and programs that are in place around the state that we may want to consider. If anyone on Planning Commission has additional ideas not listed below, discussion of those topics would also be appreciated.

We will take feedback to City Council as possible to determine what the best next steps to address some of these items would be.

DEED RESTRICTIONS AND AFFORDABLE HOUSING

Many communities require that affordable and workforce housing units be deed restricted in perpetuity to ensure that only City or County residents reside in the units. Some deed restrictions also require a maximum rental rate, typically tied to Area Median Income (AMI). Sample language requiring deed restrictions for workforce housing is below:

- **Deed Restriction Required:** Restrictions on the sale, resale, rental (when authorized) and occupancy of affordable workforce housing units must be guaranteed in perpetuity through a deed restriction, or other mechanism acceptable to the City. Prior to City approval of any development containing an affordable workforce housing unit, such deed restriction shall be submitted to the City Planner for review and approval. Recordation of the approved deed restriction shall occur prior to issuance of a certificate of occupancy for the affordable workforce housing unit.

Establishment of a deed restriction program and setting standards by which deed restrictions would be considered may be a positive first step towards encouraging additional affordable or workforce housing development in the future. Whether the City adopts any incentives or regulations to require or encourage development of additional housing, establishing deed restriction templates and policies could set the stage for future regulation.

Additionally, the City does not have specific standards on what is an “affordable” or “workforce” housing development. Creating definitions of affordable housing and workforce housing may be useful to clarify what the City is talking about when we talk about these types of housing development and when we talk about the City’s “need” for affordability in City Limits.

INCLUSIONARY ZONING AND SIMILAR REGULATIONS

Members of Council and Planning Commission have inquired about whether passage of inclusionary zoning measures might have a material impact on the provision of more affordable housing or dedicated workforce housing in the City Limits. I have done some research into the State’s allowances for inclusionary zoning measures and have summarized my findings below.

Broadly, inclusionary zoning refers to zoning regulations that create “affordable” housing by encouraging or requiring developers to set aside a percentage of housing units to be sold or rented at below-market prices.

HB21-1117 allows local governments to promote the development of new affordable housing units by requiring new housing developments to include a certain number of units that will have more affordable rents than market rate. The act does not specify what “affordable” is.

The act prohibits a local government from exercising this new regulatory authority unless the local government demonstrates, at the time it enacts a land use regulation for the purpose of exercising such authority, it has taken one or more among a list of specified actions to increase the overall number and density of housing units within its jurisdictional boundaries or to promote or create incentives to the construction of affordable housing units. It also requires that municipalities also provide an alternative option for a developer, such as payment of a fee (fee-in-lieu discussed below).

The City of Denver has a Mandatory Affordable Housing requirement for residential developments. This requires that anywhere between 8% and 15% of total dwelling units in a residential development be restricted to a maximum rate of between 60% and 90% of Area Median Income (AMI). These totals shift depending on whether the unit is a rental unit or ownership unit and depends on the location of the development (higher demand locations require higher levels of affordable housing construction in the development). To incentivize this development, they allow for reduced parking requirements (0.5 spaces fewer required per affordable unit) and waive up to \$10,000 in building permit fees for the affordable units.

Municipalities could adopt additional standards, such as an allowance for higher-density development near transit, allowance for multiple units on a single-family zoned lot, promoting mixed-used zoning permitting housing units in a wider range of developments, making City-owned land available for the development of housing, or (like Denver does) reducing parking minimums or permit fees to reduce the cost of construction.

Some studies have shown that inclusionary zoning policies have mixed results. While they can create additional lower cost workforce housing units, often inclusionary zoning policies increase the price of other units in the development to compensate for the lost revenues from the workforce units. In this way, affordable housing units could rise while also raising the overall cost of housing in the community, a trade-off that should be considered. It may also discourage developers from taking on projects within City Limits due to increased costs associated with Inclusionary Zoning regulations.

Fee-in-Lieu Option:

Many communities allow developers to pay a fee-in-lieu of building restricted housing units within their development, which is then used by the community to develop housing elsewhere at an affordable rate. This would function similar to our parking fee-in-lieu system, which allows a business or property owner in the Miner Street area to pay a fee in lieu of providing off-street parking. This could be used for residential developers who do not wish to build workforce housing on-site but still allow the City to secure funding for housing projects that the City is already working on.

While the City of Denver has a Mandatory Affordable Housing requirement, they do allow for a fee-in-lieu to be paid rather than requiring that the unit be built on-site. If a developer pays into the fee-in-lieu program, they are required to pay between \$250,000 and \$478,000 per unit, depending on the type of housing. These funds go into a revenue fund that is used by the City to build additional affordable and workforce units around the City.

Another consideration would be how the City handles commercial or mixed-use development. Economic development and creation of new commercial square footage brings benefits to the City in the way of increased sales tax revenues – among other things – but also brings with it demand for more employees. As such, new commercial development increases the demand for employees and the demand for housing. Considering a fee-in-lieu payment for new commercial developments could allow the City to address housing demand from these types of developments.

RELAXATION OF STANDARDS, REVIEW PROCEDURES, OR ZONING REQUIREMENTS FOR AFFORDABLE/WORKFORCE HOUSING PROJECTS

- Waiver of setbacks, reduction in open space requirement, reduction in parking, reduction in required minimum floor area square footage, etc. if you are doing a workforce or affordable housing project.

As mentioned above, if the City wanted to pass an inclusionary zoning ordinance, it would be required to also adopt additional standards or incentives that developers could receive in exchange for construction of those required units. The City could institute incentives even if inclusionary zoning is ultimately not considered, however. This could help the City achieve its Proposition 123 goals to increase affordable housing units by 3% a year and by expediting the review process for affordable developments.

Examples of standards that could be relaxed might include:

- Property line setbacks
 - Residential zoning districts in the City require 15-20' setbacks from front and rear property lines and 5' setbacks from side property lines.
- Open space requirement
 - Residential zoning districts require 50% of the lot to be unobstructed open space (free from paving or structures)

- Height: maximum height is 35' in all residential districts besides R-M
- Minimum Parking Standards
 - Some places reduce the required on-site parking for affordable or workforce units
- Minimum floor are requirements
 - The minimum gross floor area square footage in R-3 and R-M (multi-family residential districts) are 400 sq. ft. for a studio unit, 550 for 1-bed, 720 for 2-bed, 900 for 3-bed, etc.; could these be reduced for affordable developments?

Additionally, the City could consider regulations that expedite the review process or reduce the permit costs for affordable or workforce developments. Waiver or reduction of permit fees for plan review or building permit review would reduce the cost of construction by a small but potentially meaningful amount. Simplifying the review process where possible could reduce the time it takes to review housing projects that contain workforce or affordable units meeting certain standards. More research into these procedures would be necessary.

CITY/GOVERNMENT ASSISTANCE PROGRAMS FOR PROPERTY OWNERS

Deed restriction incentives for private property owners:

In exchange for a deed restriction that states that only a City/County resident can occupy the home, the City could provide funding to a prospective home buyer (or existing homeowner) for a down payment or for necessary maintenance/repairs on the home. This helps people either buy a home in the City or improve their existing home while restricting the future use of the home to members of the community, eliminating the potential for non-locals to purchase the home in the future.

The Town of Breckenridge will pay owners, buyers and local businesses 15-25% in return for a deed restriction on homes that are currently unrestricted. The amount that will be paid for a deed restriction will vary depending on the market and the request for either the light or full deed restriction. Recipients may use the funds for down payment, home repairs, special assessments, etc. In return, the recipients are required to execute a deed restriction that will insure the property is used for local workforce housing.

A program like this is costly to the City – with average home prices in Clear Creek County sitting at approximately \$500,000 (according to Zillow data), a 15% payment in exchange for a deed restriction would cost \$75,000. The City would likely need to fund this program through grants and programs like those found in Proposition 123.

Accessory Dwelling Unit (ADU) Incentives:

The City currently allows ADUs in the R-E, R-1, R-2, and R-3 zoning districts. The square footage of an ADU is permitted to be up to 50% of the square footage of a primary residence.

Currently, if you are constructing an ADU within the existing foundation of your home, you do not need to pay for a new tap on the property. However, if you are constructing a standalone ADU, you are required to pay for an additional tap. This disincentivizes construction of an ADU because the costs can be nearly \$20,000, in addition to construction costs, architecture fees, permit fees, etc. We could consider whether a reduction or waiver of tap fees associated with ADUs that are deed restricted for use as a workforce housing unit, which could reduce the costs of building an ADU while increasing the availability of living space for the local workforce.

Additionally, some communities have created pre-approved plans for modular ADU construction that are pre-reviewed by the building department and are available for free to property owners. This may eliminate the need for an engineer or architect by giving property owners free plans that they know meet our local building codes. These communities have worked with modular home builders in Buena Vista, Salida, Denver, and elsewhere to create plans that work for their local areas.

Finally, some municipalities are providing funding to property owners willing to build deed restricted ADUs on their property. This would likely require grant funding to accomplish, as with the deed restricted incentive discussed above.

REQUEST FOR DIRECTION

- *What does Planning Commission think about the ideas listed above and does Planning Commission have any additional ideas that we should explore further?*