

**Planning Commission City Hall - 1711 Miner Street, Idaho
Springs, CO 80452 Agenda**



Wednesday, May 7, 2025

Tel: (303) 567-4421 Fax: (303) 567-4955

Video from Meetings are viewable on the City's Website.

You must join the Zoom Meeting

(<https://us02web.zoom.us/j/82200987574>)

to participate in a meeting remotely. Passcode 627970

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
- 4. Public Comment**
- 5. Conflict of Interest**
- 6. Approval of Minutes**

- a. Minutes

Motion to approve the minutes from April 2nd, 2025

- 7. General Updates**

- a. Comprehensive Plan Updates

- 8. New Business**

- a. 1041-25-001: a 1041 Permit for Development in an Area or Activity of State Interest Within the City of Idaho Springs for Certain Improvements Related to the Central Portion of the Colorado Department of Transportation Interstate 70 (I-70) Floyd Hill to Veterans Memorial Tunnels Project.

- 9. Old Business**

- 10. Adjourn**

- 11. Work Session Agenda and Packet**

- a. Accessory Dwelling Units (ADUs)
- b. Expedited Review Options and Considerations for Affordable Housing
- c. Financial and Other Incentives for Developers - Initial Conversation

In-person and remote meeting public attendance and participation instructions:

Participation

- To provide scheduled public comment, either in person or remotely, please fill out and return the Public Comment Form on the City's website. All requests must be submitted to the City Clerk (cityclerk@idahospringsco.com) by 12 p.m. (Noon) the Thursday before the scheduled meeting.
- To provide unscheduled public comment, please join the Zoom Meeting, identify yourself with your full first and last name, and use the "Raise Hand" feature to indicate your desire to speak.

General Guidelines

- Each public comment, whether scheduled or unscheduled, is limited to three (3) minutes.
- Council typically does not provide feedback during public comment sessions.
- If you would like to provide materials for Council to review along with your Comment, please sign up for Scheduled Public Comment and provide those materials to the City Clerk by the Thursday Deadline.



**PLANNING COMMISSION
MINUTES
April 02, 2025**

CALL TO ORDER

Chair Cindy Olson called the meeting to order at 6:00 p.m.

ROLL CALL

Commissioners present were Chair Cindy Olson, Vice Chair Ursula Cruzalegui, Caitie Maxwell, Chuck Howard. Commissioners Kent Slaymaker and alternate Jefferson Lich were absent. Staff present were Community Development Planner Dylan Graves, Deput City Clerk Wonder Martell, Best and Brightest Fellow Maria Schanhals and Assistant City Attorney Nick Klein.

AGENDA APPROVAL

Vice Chair Cruzalegui moved to approve the agenda. Commissioner Howard seconded followed by an all in favor voice vote. Motion carries

SWEARING IN ALTERNATE MEMBER

Deputy City Clerk Ms. Martell swore in newly appointed alternate member Judy Murphy.

APPROVAL OF MINUTES

Commissioner Howard moved to approve the minutes from March 5th, 2025, Commissioner Maxwell seconded. Second followed by unanimous voice vote. Motion carries

CONFLICT OF INTERST

There was no conflict.

PUBLIC COMMENT

None

GENERAL UPDATES

Community Development Planner Dylan Graves advised the commission that there are a few community meetings coming up and that the COMP Plan Kick off date has been pushed back to April 30th, 2025. Mr. Graves also advised the commission that VCMP will be closed until most likely June as there is heavy construction happening with the Gondola and many helicopter trips are going to be necessary to bring in the material for the Gondola and that during this, its not safe for the park to be used.

NEW BUSINESS

Public Hearing for a conditional use permit for Arkansas Valley Adventures (AVA) to allow for employee camping during the 2025 and 2026 rafting seasons at 95 East Idaho Springs Road.

Chair Olson opened the public hearing at 6:08 pm.

STAFF TESTIMONY

Community Development Planner Dylan Graves went over his staff report with the commission. Mr. Graves stated This is a request for a Conditional Use Permit (CUP) to allow for employee camping use at 95 E. Idaho Springs Road for a period of two (2) rafting seasons, with a proposed expiration date of October 1, 2026. The property would be used for the 2025 and 2026 rafting seasons, from approximately April 15 to September 30, as a campground only for employees of AVA Rafting and Zipline. The applicant, Duke Bradford, has a lease agreement in place with the owner of the subject property to operate a campground on-site. Mr. Bradford owns and operates AVA Rafting and Zipline. AVA Rafting and Zipline owns property at 431 Colorado 103 and uses this property for the headquarters of its ziplining and rafting operations, both of which operate in the City Limits.

The Idaho Springs City Council previously approved a CUP to allow the use for the 2024 rafting season which expired at the end of the 2024 rafting season. The applicant attempted to work towards a more permanent solution for camping at the subject property to avoid needing another CUP for the 2025 season. City staff had recommended that the applicant work with the property owner to properly zone the property to allow for uses by right. However, for a variety of reasons this process has not yet begun, and the applicant is looking for another CUP to continue housing his seasonal employees on-site. Staff believe that there is a process by which the applicant and property owner could get this use approved permanently in subsequent years. City staff believe that the 2024 rafting season was a success, with few conflicts and no formal complaints received. There were a few small issues that staff believe can be addressed to improve the use for the upcoming seasons, if approved. This is discussed in greater detail below. The applicant has proposed that approximately 30 overnight occupants would be on-site, using a mix of tents and camper vans. The applicant has submitted a proposed lease agreement for employees who wish to camp on the subject property that would manage and regulate the site should approval be granted for the proposed temporary use.

Changes with the application, as compared to last year:

- Proposing two (2) dumpsters, up from one (1)
- Proposing four (4) portable toilets, up from two (2)
- Proposing to pay for gate or bollards to block access west of property along spur trail of Clear Creek Trail
- Creating clearly identified parking spaces and drive lanes
- Erection of a privacy fence along access route to reduce visual impacts
- Construction of camping platforms (requires building permits)

The applicant has proposed that as part of the Conditional Use permit, they truck in potable water and provide on-site portable toilets that will serve to satisfy their water and wastewater requirements. They further have intimated that they would provide employees with Clear Creek Metropolitan Recreation District (CCMRD) Recreation Center passes that could be used by staff both for recreation as well as for sanitation (such as showers). The applicant has stated that portable toilets will be serviced and emptied on a weekly basis. Since no water line is in the area to accommodate connection to municipal water, the applicant has proposed trucking the water to the site so potable water is available. The applicant has stated that 330 gallons of potable water is proposed to be on-site. For fire mitigation purposes, a condition has been written requiring that the Fire Authority sign off on the size and location of the water tank.

If City Council approves the application for two seasons, temporary Conditional Use Permit (CUP) for AVA Rafting and Ziplining employee camping on the proposed property, Staff recommends the following conditions to approval be imposed, which reflect the Planning Commission's motion recommending approval:

1. Approval will expire on October 1, 2026.
2. The use is authorized from April 1 through September 30 in calendar years 2025 and 2026.

3. Adherence to the applicant submitted Handbook and Lease and the Map of the site (Attachment 1).
4. Potable water must be available on-site at all times. Applicant shall receive Clear Creek Fire Authority approval concerning the size and location of the potable water storage.
5. The Clear Creek Fire Authority shall approve the location of campsites and cooking areas prior to occupation
6. No open fires are permitted at the property.
7. All campsite locations shall be numbered and a map of the site, showing all campsites labeled, shall be provided to the City prior to operation and shall be posted at the site.
8. Trash and recycling must be picked up weekly at minimum.
9. Adequate portable toilets will be provided on-site and will be pumped monthly at a minimum or as needed.
10. The applicant is required to provide to City Administration and the Police Department two (2) authorized contacts (a primary contact and backup contact) for the property who can physically respond to the site within sixty (60) minutes or less.
11. Parking spaces shall meet minimum parking dimensional standards, and shall be delineated on-site to the City's satisfaction, and shall include spaces for at least 38 vehicles (including 10 campervan spaces). A parking plan showing the layout of spaces shall be provided prior to occupation of the property. No parking associated with this use shall be permitted off site.
12. Public pedestrian access across the property along the existing paved path shall be maintained and not blocked.
13. City Staff shall perform a site walk-through once all improvements proposed are established on-site to confirm compliance with the above conditions of approval.
14. A gate or other barrier shall be installed at the entrance to the trail underpass to I-70 at Edwards St. to stop vehicles from traveling the corridor. The City's Public Works Department will approve of and install the gate, at the applicant's expense.
15. All camping platforms proposed as part of this development shall receive a Certificate of Occupancy before they can be used for camping purposes.
16. Prior to the commencement of operations under this Permit in 2026, the Applicant shall appear before the Idaho Springs Planning Commission for a Compliance Review to review the operation's compliance with all relevant requirements and conditions during 2025. The Compliance Review is not a formal public hearing, but an informal review and discussion

APPLICANT

Duke Bradford 431 Chicago Creek Road- Mr. Duke stated that this is a migratory work force and hes looking to keep them in a centralized location, to be less of a burden to the community and he is asking for 2 years so he has the time to work with the property owner on finding a permanent solution/change/use, and that he would eventually like to have the property rezoned.

PUBLIC COMMENT

There was no public comment

Chair Olson closed the public hearing at 6:42 pm

COMMISSIONER DISCUSSION

Chair Olson asked if this use effect C-Dots use at the same property? Mr. Graves advised that C-Dot (Kraemer) is using a totally different section of this property. Chair Olson also mentioned that they approved 1 building for C-DOT at that location and it seems that they have 2. Mr. Graves stated he would look into that second building. Chair Olson asked if there was still to be only 30 campsites, the same as last year? Mr. Graves confirmed that the number of campsites was to remain the same as last year. Chair Olson mentioned that the report states no campfires at all but the wording states that cooking and fires can only be in approved areas. Mr. Graves mentioned that conditions #5 & #6 state no fires. Vice Chair Cruzalegui asked staff if the commission could modify the Conditional Use Permit if things come up in the compliance meeting that is proposed? Assistant City Attorney Mr. Klien stated that no, they would have to have a public

hearing to revoke the current CUP and then issue a modified one. The applicant can ask for modifications to the current CUP, but the commission/city cannot, unless it's revoked and re-issued. Commissioner Murphy asked if the conditions are not met, then City Council can revoke? Mr. Klien stated, yes with a hearing.

Vice chair Cruzalegui asked Mr. Bradford what his ideas for permanent changes for this location? Mr. Bradford advised the commission that he is working with the property owner to rezone three parcels, and obtain one parcel to then build permanent camping, to include water and sewer facilities. Vice Chair Cruzalegui stated to Mr. Bradford that there is a County Wide Housing Authority that's been created and what if it comes to him and states that this location has been identified to be a good location for some employee housing, how would he feel about that? Mr. Bradford stated that yes, he would be very interested with housing that staff can actually afford, and he would love to get in with another outfit, say Loveland to maybe have split the housing with, half year Loveland, half year AVA for example. Vice Chair Cruzalegui asked Mr. Graves about the construction traffic that is going to be happening with the building of the new skatepark and if that is too busy for this use? Mr. Graves responded and stated that it shouldn't be too bad, there will be impacts to that road but the plan that AVA has is to have their employees either walk or bike to the business location of AVA (431 Chicago Creek Road) which they can access using the greenway train and skip the road altogether and there should be less than 5 vehicle trips per day. Vice Chair Cruzalegui asked the commission if they should add an inspection schedule to the list of conditions. Chair Olson stated that the Police Department should be doing frequent inspections during their patrol. Vice Chair Cruzalegui stated having an inspection schedule of some kind to confirm that conditions are being adhered to. Mr. Graves mentioned that Clear Creek Fire Authority has stated that they are ok to do the initial inspection. Vice Chair Cruzalegui mentioned on condition #10, STR's were required to provide a contact that can be reached at any time. Mr. Bradford advised that they do have what they call a "Mayor" who supervises the employees and the site at all times and that the "Mayor" is the contact. Chair Olson asked Mr. Bradford if the employees sign a housing agreement, like he had last year and that he uses at his other rafting locations, Mr. Bradford confirmed that this agreement was still being used.

VOTE

Commissioner Howard moved to recommend that the City Council approve the Conditional Use Permit application to allow employee camping at 95 E. Idaho Springs Road for the 2025 and 2026 rafting seasons including all conditions recommended by Planning Staff in the Planning Commission Staff Report. Vice Chair Cruzalegui seconded, second followed by an all in favor roll call vote. Motion carries

ADJOURNMENT

Chair Olson adjourned the meeting at 6:43 pm to go into work session.

COMP PLAN COFFEE CHATS



WHEN

**Wednesdays starting May 7
~8am - 10am**

WHERE

Idaho Springs City Hall

1711 Miner Street, Idaho Springs, CO 80452

HOW

**Drop in or sign up for a slot at:
<https://tinyurl.com/3zchttzn>**

**CAN'T MAKE IT ON A WEDNESDAY MORN-
ING? REACH OUT TO DYLAN GRAVES AT
DGRAVES@IDAHO SPRINGSCO.COM TO SET
UP ANOTHER TIME TO CHAT.**

**MAY 7 - LAND USE
AND
COMMUNITY
CHARACTER**

**MAY 14 -
HOUSING**

**MAY 21 -
TRANSPORTATION**

**MAY 28 - OPEN
SPACE, TRAILS,
RECREATION, &
ENVIRONMENT**

**JUNE 4 -
ECONOMIC
DEVELOPMENT /
TOURISM**

**JUNE 11 -
HISTORIC
PRESERVATION**

**JUNE 18 - PUBLIC
SERVICES AND
FACILITIES**

City of Idaho Springs Planning Commission Communication

Meeting Date: May 7, 2025	Page: 1 of 12	1041-25-001: Central Portion I-70 Floyd Hill to Veterans Memorial Tunnels Project: 1041 REVIEW
	Presented by: Dylan Graves, Community Development Planner	

PROJECT BACKGROUND

The Colorado Department of Transportation (CDOT) has applied for a 1041 permit and review of the central portion of the ongoing Interstate 70 (I-70) Floyd Hill to Veterans Memorial Tunnels project. The 1041 permitting process refers to the review and approval of projects located within Areas or Activities of State Interest as detailed in C.R.S. § 24-65.1-101. Areas of State Interest include mineral resource areas, natural hazard areas, areas containing or having a significant impact on historical, natural, or archeological resources of state importance, and areas around key facilities in which development may have a material effect upon the key facility or the surrounding community. The City regulates Areas and Activities of State Interest (1041 Review) via Chapter 25 of the Idaho Springs Municipal Code (ISMC). Article VI of Chapter 25 specifically requires a 1041 permit for the site selection of arterial highways, interchanges, and collector highways. The intent of the Chapter is to regulate projects which would otherwise cause excessive noise, water and/or air pollution, or which would otherwise degrade or threaten the existing environmental quality within the City; promote efficient and economical use of public resources; and protect the public health, safety, welfare and the environment.

The central portion of this project has several components that are within Idaho Springs. These are as follows:

1. Construction of a noise wall along westbound I-70 in eastern Idaho Springs, just east of Exit 241
2. Improvements to the intersection at Exit 243 at Hidden Valley, including a roundabout at the westbound off-ramp/on-ramp to improve traffic flow
3. Connection of two-mile stretch of frontage road between Exit 243 and Exit 244
4. Express Lane ingress/egress for Westbound I-70 near Exit 241
5. Clear Creek Trail improvements in city limits

These improvements were discussed as part of the western portion 1041 submittal, which was approved on February 12, 2024, but additional details are included as part of this submittal.

The project will include periodic lane closures on I-70, continued closure of the Clear Creek Trail until the project completion (with an annual shuttle for bicyclists through the project area), and periodic closures of other nearby roadways. It will also result in increased travel time during portions of the project, especially during blasting and scaling operations. A 1041 review is authorized by the State of Colorado to allow for local governments to maintain their control over particular development projects even where the development project has statewide impacts.

The City has been working collaboratively with CDOT and other stakeholders from the start of this project and a representative for the City sits on both the Technical Team (TT) for this project, which wrapped up recently sign design of the project is now complete, the Construction Technical Team (CTT), and on the Project Leadership Team (PLT), which meets less frequently.

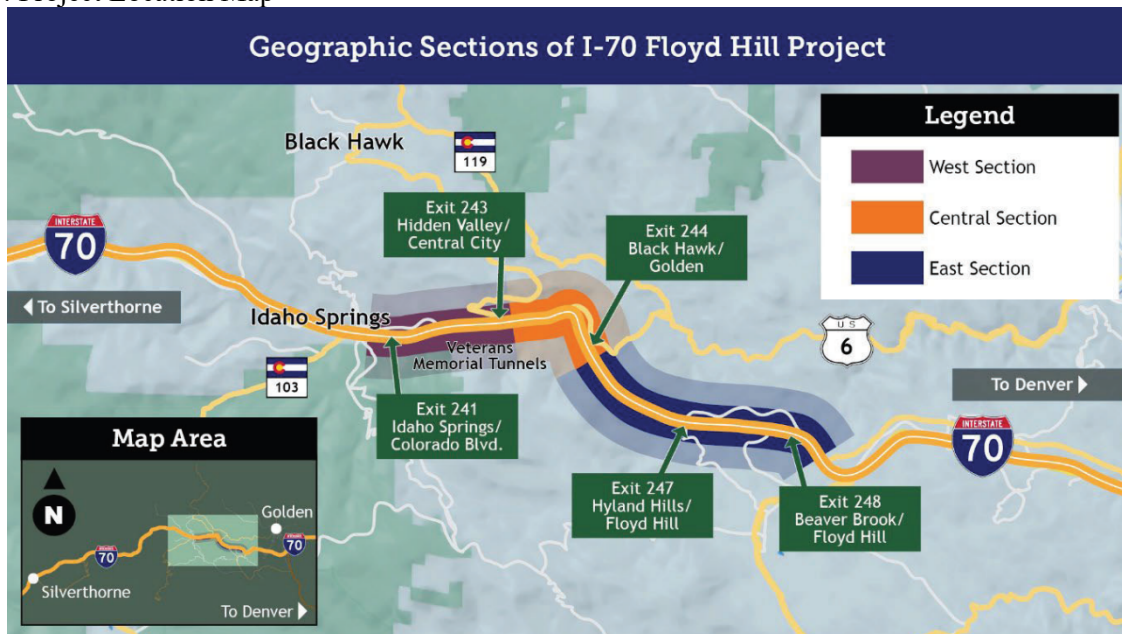
PLANNING COMMISSION ROLE

The Planning Commission is not required to conduct a formal public hearing on a 1041 permit application. However, the Code authorizes the City Council to receive “any recommendations” of the Planning Commission during the City Council’s hearing. City staff therefore wanted to present this item to the Planning Commission to solicit your recommendation and answer questions. The Commission’s recommendation will be provided to the City Council at its public hearing scheduled for May 27.

PROJECT OVERVIEW AND SUMMARY

Interstate 70 (I-70) Floyd Hill to Veterans Memorial Tunnels, Jefferson and Clear Creek Counties, Colorado. Project limits on I-70 range from Exit 248 Beaver Brook/Floyd Hill through the Veterans Memorial Tunnels to Exit 241 Colorado Boulevard. The Project has been divided into three geographic sections – East, Central, and West – that are being developed as individual construction packages (see Figure 1). The project began construction in July 2023 with the first construction package on the east end of the project. The second package to be constructed is on the west end of the project within the city boundaries of Idaho Springs.

Figure 1: Project Location Map



The focus of the present 1041 review is for the Central portion of the project, shown on Figure 1.

The Project improvements encompass approximately eight miles of the I-70 Mountain Corridor, from west of Evergreen to eastern Idaho Springs, and include improvements to mainline I-70, the I-70 frontage road, interchanges and intersections, the Clear Creek Trail, and other environmental and recreational enhancements. The Project is one of several specific highway improvements between west Denver and Glenwood Springs that was approved in the 2011 I-70 Programmatic Environmental Impact Statement (PEIS) Record of Decision (ROD).

The Central section is proposed to be under construction from 2025 until substantial completion in 2028.

On January 12, 2023, FHWA and CDOT completed the National Environmental Policy Act (NEPA) process for the Project and signed a Finding of No Significant Impact (FONSI), which is in compliance with 23 Code of Federal Regulations (CFR) 771.119 and 771.121.

The need for the Project results from the following:

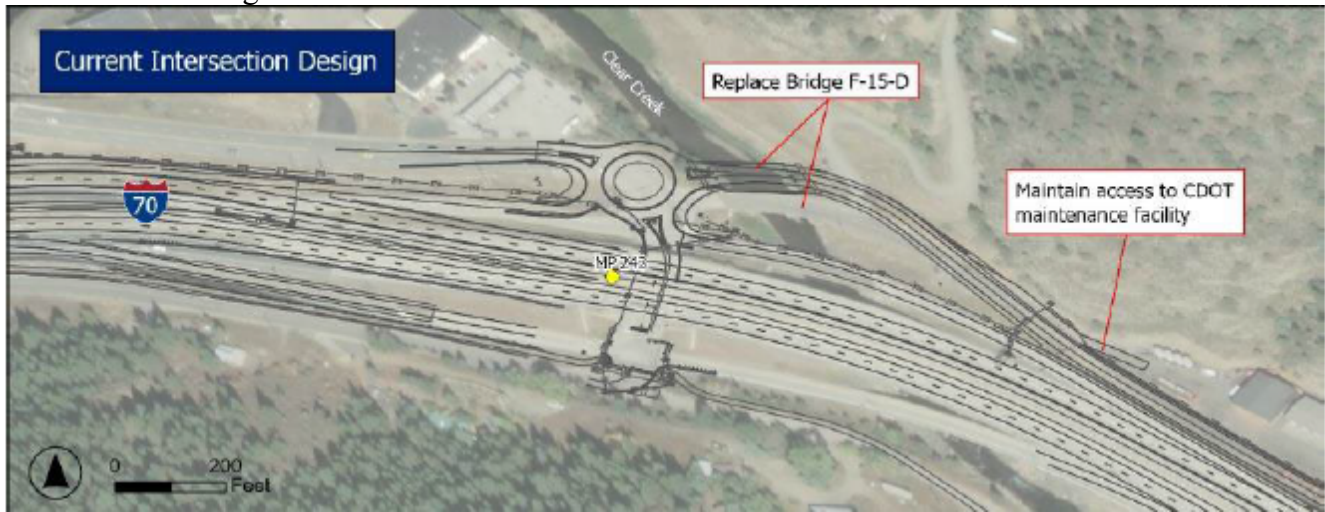
- High peak period traffic volumes and limited capacity on I-70 in the westbound direction, which affects regional and local mobility and accessibility
- Unreliable travel times and frequent delays due to traffic congestion on I-70 in the westbound direction
- Occasional closures on the interstate due to severe weather conditions that exacerbate congestion, mobility, and local accessibility challenges
- Safety concerns due to congestion, substandard geometry with tight curves, and steep grades
- Aging and failing infrastructure
- Insufficient infrastructure for pedestrian and bicycle users between US 6 and Idaho Springs
- Lack of road redundancy and parallel routes between US 6 and Idaho Springs, which hinders response times during emergencies

The main features of the Central section of the project include:

- Continue the third travel lane on westbound I-70 from Floyd Hill through the Veterans Memorial Tunnels to Exit 241
- Construct a roundabout at Exit 243 on the northern side of the intersection
- Rebuild the bridges over Clear Creek at Hidden Valley
- Resurface/reconstruct the Clear Creek Trail from the Hidden Valley interchange to the Veterans Memorial Tunnels
- Construct a noise wall east of Exit 241 and adjacent to the residential area along Riverside Drive.
- US 6 frontage road connection from Exit 244 to Exit 243

Below is a more detailed review of the key components of the Central section submittal, taken from the supplied Summary Report included as Attachment A:

Exit 243 Interchange Roundabout:



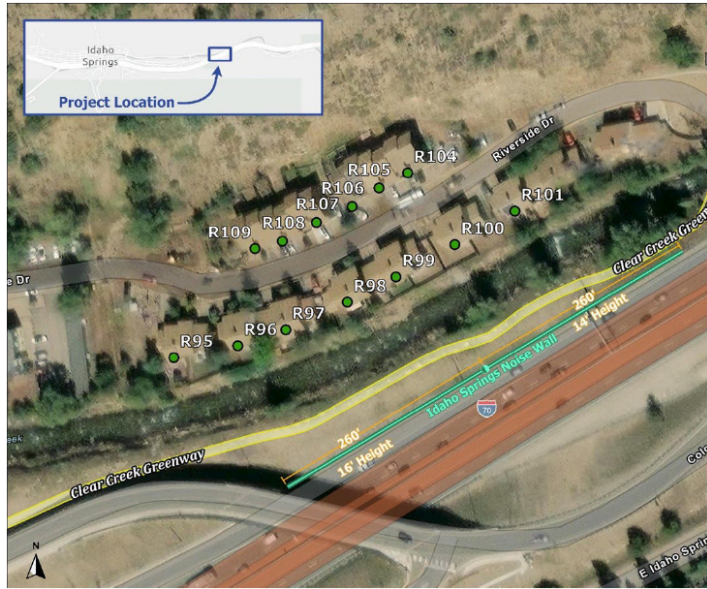
This interchange has been designed to optimize traffic flow for five key movements: I-70 westbound on-ramp, I-70 westbound off-ramp, Central City Parkway, US 6 extension, and County Road (CR) 314. The north side of the intersection will be a roundabout while the south side of the intersection will be a signalized intersection similar to its current configuration. The Clear Creek Trail will be slightly modified to better optimize pedestrian and bicycle traffic through the intersection.

The City will have the opportunity to coordinate with CDOT about aesthetic treatments (signage, landscaping, sculptures, etc.) within the middle of the roundabout. CDOT anticipates the creation of a

Issue Task Force (ITF) to determine the final treatment of the roundabout. A condition of approval of this 1041 application is proposed to require coordination with the City to ensure that we have a say in final design, since it is located within City Limits.

The above rendering also shows the US 6 frontage road connection at Exit 243, which is anticipated to be positive for the City because it provides an alternative to I-70 to access Clear Creek Canyon and the Front Range.

Exit 241 Noise Wall:



The noise wall at Exit 241 will substantially reduce noise levels for properties at the eastern end of Riverside Drive. The CDOT team conducted a survey with property owners and residents in this area, with overwhelming, unanimous support for the project from respondents. The final design is a 520-foot-long wall adjacent to the I-70 shoulder. It will range from 16' on the western portion to 14' on the eastern portion. Construction of the noise wall is not anticipated to have impacts on traffic exiting at Exit 241 and likely will not require any lane closures, though the westbound off-ramp may be shortened during construction periods. This is not anticipated to have any safety impacts.

There are substantial City utilities in this area that will be in close proximity to the noise wall. Close coordination with City staff to ensure that utilities are protected and, if necessary, properly relocated, will be necessary for this construction. City staff do not anticipate any negative impacts on utilities from this project and the CDOT team has been working closely with Paul Crain, public works superintendent, to ensure no issues arise. Coordination on safety measures, such as lighting, and final aesthetics will also be required. Coordination on these elements is included as a condition of approval of the 1041 application.

Interaction Between westbound Floyd Hill Express Lane and MEXL peak-period shoulder lane:

Decision point for drivers to enter or exit the Express Lane. When MEXL is open, drivers can choose to enter, following the yellow shoulder striping. When closed, drivers stay in the Express Lane and are directed back to the general-purpose lanes indicated by solid white striping and arrows.



Westbound vehicles using the proposed Floyd Hill Express Lane will need to continue into the MEXL peak-period lane or merge into the general-purpose lanes once they pass through the twin tunnels and continue towards Exit 241. City staff believe that the signage associated with this area is sufficient to ensure vehicular safety while navigating this section of I-70 within City Limits.

CITY PLANNING STAFF REVIEW

Chapter 25 of the Idaho Springs Municipal Code (ISMC) identifies the approval criteria for any application of this nature. Those criteria and staff comment (in italics) are below.

Sec. 25-113. Approval criteria.

The City Council shall approve an application for a permit to locate an arterial highway, interchange, or collector highway in the City only if the proposed location complies with this Article, other relevant federal, state, and local guidelines and regulations, and meets all the following requirements and criteria:

- (1) All of the provisions of the permit application procedure have been complied with.**

With associated documents including the I-70 Floyd Hill to Veterans Memorials Tunnels (Floyd Hill) Environmental Assessment dated July 2021, Finding of No Significant Impact (FONSI) dated January 2023, Floyd Hill Reevaluation Form dated January 2023, Floyd Hill application and executive summary dated November 2023, Floyd Hill Central Section Plan Sheets and special provisions from November 2023, and other forms and documents as received by the City, this requirement has been met.

- (2) The proposed arterial highway, interchange or collector highway will be located so that community traffic needs are met.**

The proposal seeks to improve the level of service for both eastbound and westbound traffic between Exit 248 and Exit 241. Traffic needs within the Idaho Springs and Clear Creek community will be met in part with the use of CR 314 as an alternative travel corridor during the construction period. Long-term, the addition of a complete frontage road between Floyd Hill and Idaho Springs will better address local traffic needs by providing an alternative to I-70. The proposal as presented by CDOT meets these criteria.

- (3) The proposed arterial highway or interchange or collector highway will be located only in a corridor for which a clear and reasonable local and regional need for such highway facilities has been demonstrated.**

Interstate 70 and US 6 are necessary elements of the roadway system in the Idaho Springs area. There is a clear and reasonable local and regional need for the highway facilities. The proposal as presented by CDOT meets these criteria.

- (4) Reasonable alternative modes of transportation will be incorporated into the highway proposal.**

The regional trail network (i.e. Clear Creek Trail) will be impacted during the construction phase of the project but will be improved because of the project through resurfacing and reconstruction of the trail from the Hidden Valley interchange to the Veterans Memorial Tunnels. An additional express travel lane will be incorporated into the westbound lanes through Veterans Memorial Tunnels. The trail is currently closed until completion of the project, as the trail is being used for construction access and staging in the saddle cut area of the Central Section and there is not a way to keep the trail open until the project is substantially complete. Starting in 2024, CDOT has provided a shuttle service for bicyclists who cannot route around the closure. This was successful in 2024 and will continue in 2025. It will be evaluated each year until the trail can be reopened. Bustang buses and Pegasus vans operated by CDOT and Roundabout buses operated by Clear Creek County will continue to operate through the corridor and will be able to use the new westbound Mountain Express Lane. We hope that CDOT will continue to support and expand public transit services along this corridor. The proposal as presented by CDOT meets these criteria.

- (5) Desirable local and regional community land use patterns will not be disrupted by the location of the proposed arterial highway, interchange or collector highway.**

The proposal will not impact land use patterns in the area as the project footprint is within the current right of way for I-70. The proposal as presented by CDOT meets these criteria.

- (6) The location of the proposed arterial highway, interchange or collector highway will not impede the delivery of essential community services and goods.**

Occasional closures will continue to occur during the construction process for rock-blasting and other safety closures that will impede or slow the delivery of community goods and services. Closure of the Clear Creek Trail will continue during the construction process. These closures and delays are a necessary part of the scope of work to ensure the safety of workers and the traveling public. CDOT has committed to limit closures to the shortest times necessary, which has worked well to-date. Continued coordination to ensure that backups that affect in-town traffic is minimized during construction is critical but has worked well so far. Long-term, the the proposed highway and the scope of proposed improvements should have a positive impact on the delivery of essential services and goods. The proposal as presented by CDOT meets these criteria.

- (7) The location and access limitations for the arterial highway, interchange or collector highway will not isolate community neighborhoods from and, where practicable, will enhance access from community neighborhoods to public facilities, including the downtown area, schools, hospitals, mass transit, pedestrian walkways and bikeways, recreational areas and open spaces.**

There are no anticipated impacts to neighborhoods and public facilities once construction is complete. During the construction phase, there may be minor impacts in the Hidden Valley area and there will certainly be impacts to the Clear Creek Greenway. Once construction is completed, the Hidden Valley interchange will be improved and access from this area to public facilities will be improved both Westbound and Eastbound. The proposal as presented by CDOT meets these criteria.

- (8) The location and access limitations for the arterial highway, interchange or collector highway will not restrict access via other roadways, mass transit facilities, pedestrian walkways and bikeways to the downtown area, local commercial services, business and employment centers and public facilities, including schools, hospitals, recreational areas and open spaces.**

The proposal does not restrict access via other roadways, mass transit facilities, pedestrian walkways and bikeways to the downtown area, local commercial services, business and employment centers and public facilities. During construction, lane closures, intermittent holds for blasting/scaling, and decreased travel speeds will continue reduce traffic speeds, though no long term restrictions are anticipated. The project will add a third westbound travel lane, which would operate as an Express Lane, that links to the existing westbound I-70 MEXL Peak-Period Shoulder Lane from Idaho Springs to Empire to eliminate severe bottlenecks that currently plague travel time and reliability in the two-lane section going over Floyd Hill. The frontage road improvements should increase access to the City of Idaho Springs by providing an alternative to I-70. The proposal as presented by CDOT meets these criteria.

- (9) The location and access limitations for the arterial highway, interchange or collector highway will not create safety hazards to motorists, pedestrians or bicyclists by causing or contributing to overuse, improper use or congestion, or cause unnecessary diversion of regional traffic onto other City roadways or inappropriate or inadequate connections to pedestrian and bicycle routes.**

Safety along the project area should be improved by this project by flattening curves along this portion of the highway and reducing steep grades. It also reduces safety hazards to bicyclists on the Clear Creek Trail by implementing surface and ADA improvements. Long-term, the situation for all users in this area should be improved. The proposal as presented by CDOT meets these criteria.

- (10) The location of the arterial highway, interchange or collector highway will not directly conflict with applicable local, regional and state master plans, including but not limited to transportation plans.**

No change in the general location of I-70 is contemplated. I-70 drive lanes will be modified slightly to accommodate the new alignment in the central section and new on and off ramps. That said, none of the proposed changes will impact applicable local, regional, or state master plans, and the changes are aligned with State plans for corridor improvements. The proposal as presented by CDOT meets these criteria.

- (11) The proposed arterial highway, interchange or collector highway will be located and implemented in accordance with the Comprehensive Plan.**

I-70 is identified in the Idaho Springs Comprehensive Plan and improvements are contemplated along the corridor. The proposal as presented by CDOT meets these criteria.

- (12) The location of the proposed arterial highway, interchange or collector highway will not contribute to the expansion of demand for public services beyond the reasonable capacity of the City or the region to provide such services.**

If the improvements increase traffic from the Front Range to the mountains, City service needs may increase in proportion to that increase in visitors to the community, though no comments were received during the referral period to indicate that any expansion of demand would go beyond the reasonable capacity of the City or the region. The proposal as presented by CDOT meets these criteria.

(13) The location of the proposed arterial highway, interchange or collector highway will not contribute to the expansion of regional or local demand for public utilities beyond the reasonable capacity of the utility companies or authorities to provide such services.

Improvements to I-70 may generally induce traffic volume increases, which would in turn increase the regional demand for utilities to some extent. It would not be anticipated to increase demand beyond the reasonable capacity to provide such services. The City has adequate water and wastewater facilities to accommodate additional demand. If the project results in further visitation, parking is the element most likely to be impacted on Idaho Springs, though no evidence has been provided that would suggest any substantial negative impacts. The proposal as presented by CDOT meets these criteria.

(14) The proposed arterial highway, interchange or collector highway will be located so as to complement the compact and efficient extension of planned public services, utilities and development in general, both regionally and within the City.

The project does not impact the expansion of public services in general. The proposal as presented by CDOT meets these criteria.

(15) The site selection for the arterial highway, interchange or collector highway will adhere to the plan, process, procedure and requirements of the State and the Federal Highway Administration, and such construction, expansion or modification will be included in the then-current Denver Metropolitan Regional Transportation Plan.

The proposal as presented by CDOT meets these criteria.

(16) The benefits to the City of the proposed arterial highway, interchange or collector highway, including expected development in the regional and local impact areas, will outweigh the social, fiscal and environmental impact and the loss of any scenic, historic, archeological or natural resources or agricultural lands rendered unavailable as a result of the location of the proposed construction, expansion or modification of the arterial highway, interchange or collector highway.

Staff believe that the positive outcomes associated with the Exit 243 improvements, the noise wall, the trail improvements, and safety improvements that the project bring for I-70 travelers outweigh the social, fiscal, and environmental impacts that construction may cause. The proposal as presented by CDOT meets these criteria.

(17) The proposed location of the arterial highway, interchange or collector highway will not increase water pollution levels in violation of applicable federal, state and local water quality control standards and will result in no net loss of wetland values and functions.

Runoff from the expanded roadway may cause impacts to water resources, which include elevated sediment and chloride levels in Clear Creek due to winter maintenance activities, including use of liquid and solid deicer salts, and increased erosion leading to increased sedimentation to adjacent water resources. Salinity is the major water quality concern due to deicing materials that CDOT uses on I-70. The project will result in additional paving, which will in turn require an increased use of deicing materials.

With that said, the applicant is proposing multiple permanent water quality measures as part of the project, including detention basins and vegetated swales. They are proposing to renovate approximately eight (8) acres of vegetated habitat along the Clear Creek corridor, improving wetland and habitat function along that stretch of the project. Impacts to wetlands and water quality are anticipated to be indirect in nature – by adding impervious surface beyond existing levels, additional deicers will be required for winter maintenance, which, while being monitored and mitigated through detention basins, vegetated ditches, and other dilution methods, may result in additional salinity in the creek. CDOT has committed to encapsulating mineralized rock generated

during blasting activities beneath the roadway pavement, away from groundwater, to prevent the release of contaminants and migration of minerals into Clear Creek. Through this project, water quality is also protected under multiple Federal acts, Federal Executive Orders, and State Laws such as the Clean Water Act, the Safe Drinking Water Act, and the Colorado Water Quality Control Act, and this project must conform to the provisions of all these regulations. Additionally, this topic is a corridor-wide issue, not one specific to the proposed Floyd Hill project. Speaking with Water/Wastewater Treatment Supervisor Ed Sigward, it was determined that due to ongoing efforts corridor-wide to address water quality concerns, this project is not likely to have a substantial impact on the City.

- (18) The maximum anticipated use over the next twenty (20) years of the arterial highway, interchange or collector highway will not increase air pollution levels beyond applicable federal or state ambient air standards or to levels that pose unacceptable risks to human health and the environment, and will conform to the vehicle emissions budget of the State Implementation Plan.**

The application indicates that this area is in conformance with and has attained National Ambient Air Quality Standards (NAAQS) and not subject to conformity requirements that are applicable to transportation projects in nonattainment areas. Traffic emissions for four pollutants are expected to decrease substantially over time due to improved vehicle fuels, engines, and emission control technology. Emissions of re-entrained dust will likely increase due to the increased traffic on the Interstate but are not substantial to the point of exceeding the NAAQS. The proposal as presented by CDOT meets these criteria.

- (19) Noise levels caused by the arterial highway, interchange or collector highway will not exceed fifty-five (55) decibels as measured by a twenty-four-hour Equivalent Sound Level metric at the property line of any residence, school, church or other noise-sensitive location nearest to the proposed arterial highway, interchange or collector highway, unless the City Council determines that meeting such sound level is infeasible, that all feasible avoidance or mitigation measures will be incorporated, and the public benefit of any new or modified arterial highway, interchange or collector highway necessitates the proposed construction, expansion or modification of the arterial highway, interchange or collector highway.**

Noise levels would continue to exceed CDOT noise abatement criteria for many noise sensitive receptors, primarily residences. Noise abatement was considered for all impacted receptors, and a noise wall was found to be feasible and reasonable for impacted residents along Riverside Drive near Exit 241. The noise wall is one of the key impacts of this submittal on the City, as it will significantly reduce decibel levels for residents on eastern Riverside Drive. Elsewhere in the City, no substantial increases in noise – except temporary noise due to construction – are anticipated. The proposal as presented by CDOT meets these criteria.

- (20) The proposed location of the arterial highway, interchange or collector highway will not result in the destruction, impairment or significant alteration of historic properties or districts within the City and will not impair the function or historic integrity of an historic resource of statewide importance.**

There are not any anticipated impacts to historic properties or districts within the City. The proposal as presented by CDOT meets these criteria.

- (21) The proposed location of the arterial highway, interchange or collector highway will not result in the destruction, impairment or significant alteration of sensitive, key commercial, tourist or visitor areas or districts within the City.**

No proposed modifications are included in key commercial areas, tourist areas, or visitor areas within the City. The restoration of the Clear Creek corridor near Hidden Valley is anticipated to have a positive impact on the experience of rafters and anglers in this stretch of the creek. No impacts on commercial, tourist, or visitor areas

are otherwise anticipated because of this project. Improvements to the Exit 243 interchange may improve commercial and tourist activities in this part of the city.

(22) The proposed location of the arterial highway, interchange or collector highway will not contribute to a negative economic impact to commercial, tourist or visitor areas or districts within the City.

Improvements in the project area should help decrease the negative image (slow or stop – go traffic) associated with traveling the I-70 corridor. It is hoped that a better experience for the traveling public would increase the number of visitors to the Idaho Springs area and the economic impact of those visitors. During construction, tourists and visitors will continue to be impacted due to traffic holds, lane closures, and slower vehicle speeds in work zone areas. This has a negative impact on city tourism and visitation. CDOT has done a reasonable job coordinating with City staff to help with mitigation of negative commercial impacts. Long-term, the situation should be improved for visitors. The proposal as presented by CDOT meets these criteria.

(23) The proposed location of the arterial highway, interchange or collector highway will not significantly or unnecessarily detract from the mountain backdrop or other significant scenic resources within the City or the region.

The proposal includes rock excavation east of the Veterans Memorial Tunnels, but the excavation methods and aesthetic considerations proposed will produce a natural rock face appearance, in keeping with existing natural aesthetics. Additionally, the proposed rock cuts will only occur in areas where rock cuts already exist adjacent to I-70. The proposal as presented by CDOT meets these criteria.

(24) The proposed arterial highway, interchange or collector highway will be designed to avoid or minimize visual impacts, including views of the highway or interchange from residential areas and designated historic districts in the City, and to blend into the surroundings, yet will allow the City to be seen from the highway. Interchanges will be attractively landscaped and will identify major gateways to the City consistent with the Comprehensive Plan.

No additional impacts – beyond those already experienced by adjacent residential areas – are anticipated as part of this project. There will be minor aesthetic changes for residences in the Hidden Valley area adjacent to Exit 243, but it is not anticipated that these impacts will result in worse visual aesthetics. The noise wall adjacent to Exit 241 will reduce visual impacts of the highway for residences in this area and the aesthetic treatment of this wall is meant to blend into the surroundings to the extent possible. The proposal as presented by CDOT meets these criteria.

(25) If the proposed arterial highway, interchange or collector highway includes the imposition of tolls, any existing state roads which have historically provided free access within the City limits will continue to provide free and non-tolled access.

The project proposes a third westbound lane, which will be a tolled Express Lane. No existing roads or travel lanes are proposed to become tolled. The proposal as presented by CDOT meets these criteria.

(26) The proposed arterial highway, interchange or collector highway will not result in a design speed greater than fifty-five (55) miles per hour, unless the City Council finds that achieving such design speed is infeasible and all feasible mitigation of the adverse effects of higher speeds (including, without limitation, noise levels, air quality and safety) will be incorporated, and the public benefit of any new or modified arterial highway, interchange or collector highway necessitates the proposed construction, expansion or modification of the arterial highway, interchange or collector highway.

No changes to the current speed limit are proposed. The project proposes to improve safety and achieve a 55 MPH design speed. The proposal as presented by CDOT meets these criteria.

Additionally, Chapter 25, Sec. 25-51(B) discusses necessary approval criteria for general applications. This is discussed below with staff analysis in italics:

- (1) The applicant has obtained or will obtain all property rights, permits and approvals necessary for the proposal, including surface, mineral and water rights. The City Council may, in its discretion, defer making a final decision on the application until necessary property rights, permits and approvals for the proposal are obtained.**

The applicant appears to have all required property rights, permits, and approvals necessary for this proposal from State, Federal, and local agencies.

- (2) The applicant has the necessary expertise and financial capability to develop and operate the proposal consistent with all requirements and conditions.**

Staff believe that the applicant has the necessary capability to meet this requirement.

- (3) Adequate water supplies are available for the proposal if applicable.**

The project will be obtaining adequate supplies of hauled water from the City and raw water from Clear Creek for dust control.

- (4) The proposal will not cause unreasonable loss of significant agricultural lands as identified in the Comprehensive Plan, or identifiable on or near the site.**

No agricultural land is proposed to be harmed or unreasonably lost because of this project. No significant agricultural lands are included in the scope of the project area.

- (5) The proposal will not significantly degrade or pose a significant hazard to any aspect of the environment, including environmental resources and open space areas as identified in the Comprehensive Plan, and other features or elements that are deemed to be significant components of the natural environment worthy of preservation.**

Sec. 25-51(B) states that the following aspects of the environment shall be considered:

1. Air quality
2. Visual quality
3. Surface water quality
4. Groundwater quality
5. Wetlands and riparian areas
6. Terrestrial and aquatic animal life
7. Terrestrial and aquatic plant life
8. Soil and geologic conditions

Staff believe that the proposal addresses all the above environmental aspects and has mitigation efforts in place to ensure that environmental harm will be minimized. Water quality is the environmental consideration most likely to be impacted. CDOT has proposed permanent water quality monitoring and control measures to address long-term water quality impacts. Salinity is the biggest concern from this project, but this is a corridor-wide issue that needs to be addressed comprehensively, and staff do not believe there are any substantially greater impacts on water quality due to this project as compared to current conditions that require any City action currently. CDOT intends on improving deicing strategies to decrease chloride runoff into Clear Creek, which while not related to this project directly will mitigate impacts associated with this project and the highway widening. CDOT also proposes riparian habitat restoration to improve water quality in this way. Staff believe that the environmental components of this project are suitably addressed.

REFERRAL COMMENTS: City staff referred this application to the required agencies for 20 days, as is required by the ISMC. No referral comments were received that required action.

STAFF RECOMMENDATION TO PLANNING COMMISSION

I move to recommend approval to City Council the application of the State of Colorado, Department of Transportation for the Central Portion of the I-70 Floyd Hill to Veterans Memorial Tunnels Project as the application meets the general approval requirements set forth in Section 25-51 of Chapter 25 of the Idaho Springs Municipal Code, with the following conditions:

- (1) The development will be consistent with the purposes and intent of this Article.
- (2) The intergovernmental agreement between CDOT and the City of Idaho Springs related to the repair of any City wastewater plant facilities damaged during blasting or construction on this project and any subsequent phases remain in effect.
- (3) Coordination with the City of Idaho Springs on the final aesthetic design of the roundabout at Exit 243 is required prior to final construction of said improvement.
- (4) Coordination with the City of Idaho Springs shall be required for the noise wall at Exit 241 to ensure utility coordination, final design aesthetics, lighting considerations, and safety improvements, if necessary.
- (5) Coordination with the City of Idaho Springs on wayfinding and city street signage in the vicinity of Exit 243 is required prior to installation of signage within Idaho Springs City Limits.

ATTACHMENTS:

1. CDOT Application and Executive Summary

EXECUTIVE SUMMARY

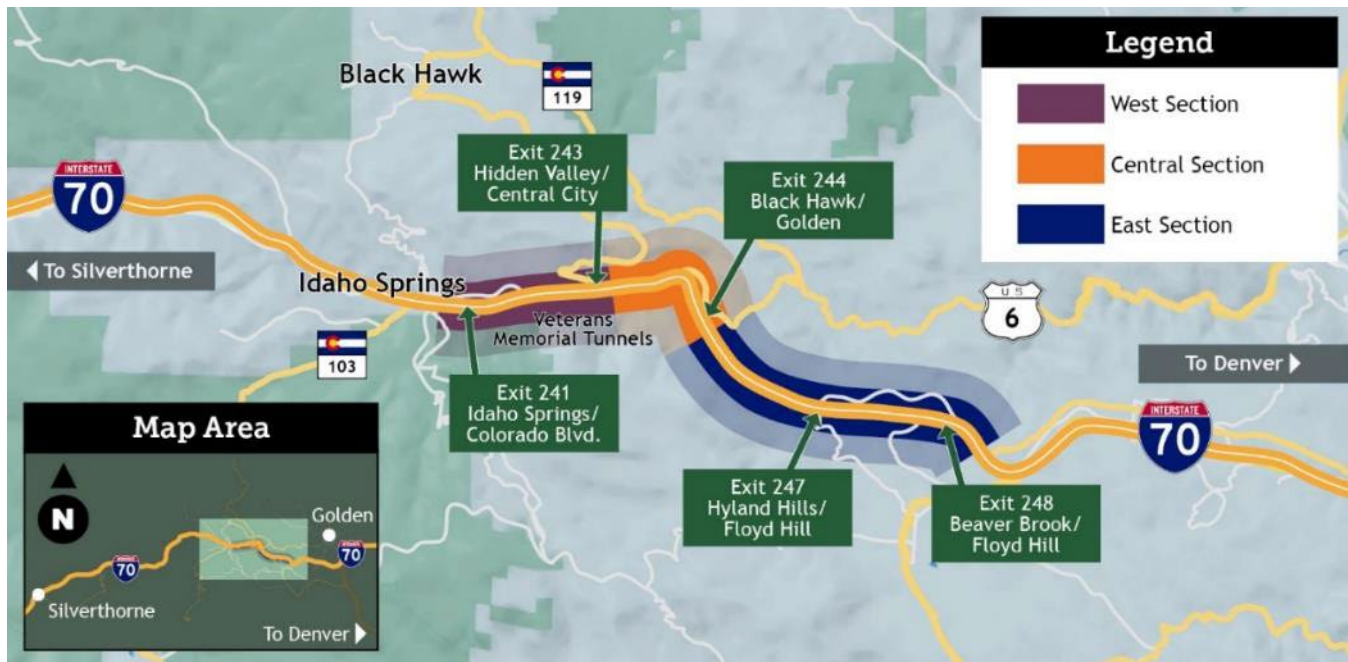
1041 APPLICATION FOR IDAHO SPRINGS

The Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) are pleased to submit the final 1041 permit application for the I-70 Floyd Hill to Veterans Memorial Tunnels Project under the Idaho Springs 1041 Regulations.

In February 2024, the Idaho Springs City Council approved a 1041 permit for the project’s West Section construction package. This package includes work from west of the Hidden Valley/Central City interchange to Exit 241, as well as construction staging and access for the Central Section. However, the proposed noise wall east of Exit 241 was not included in that application due to the need for additional design and coordination with property owners and utilities. The noise wall, along with other work in the Central Section, is now included in the current application.

As outlined in the previous application, this project aims to improve travel time reliability, safety, and mobility while addressing infrastructure deficiencies along eight miles of I-70—from west of Evergreen in the Floyd Hill area through the Veterans Memorial Tunnels to the eastern edge of Idaho Springs (approximately milepost [MP] 248 to MP 241) (Figure 1). The project’s development history is detailed in the Finding of No Significant Impact (FONSI), attached to this application.

Figure 1 Project Limits and Sections



The project is divided into three geographic sections—East, West, and Central—based on differences in roadway and environmental characteristics. The design and construction have been structured into four construction packages:

- **Package 1:** East Section (July 2023)
- **Package 2:** West Section (March 2024)
- **Package 3:** Central Section construction staging and access (March 2024)
- **Package 4:** Central Section (anticipated summer 2025)

This final construction package, detailed in this document and the attached materials, reflects feedback from the pre-application meeting with Idaho Springs staff on December 18, 2024. Additionally, CDOT is concurrently seeking 1041 permit approvals from Clear Creek County and Central City.

1. PURPOSE AND NEED

The purpose of the Project is to address the deficient infrastructure and improve travel time reliability, safety, and mobility along 7 miles of I-70 from west of Evergreen in the Floyd Hill area through the Veterans Memorial Tunnels to the eastern edge of Idaho Springs (approximately milepost [MP] 248 to MP 241).

The Project addresses critical infrastructure deficiencies, including replacing one of the worst-rated bridges in the state. The need for the Project results from the following issues:

- High peak period traffic volumes and limited capacity on I-70 in the westbound direction, which affects regional and local mobility and accessibility
- Unreliable travel times and frequent delays due to traffic congestion on I-70 in the westbound direction
- Occasional closures on the interstate due to severe weather conditions that exacerbate congestion, mobility, and local accessibility challenges
- Safety concerns due to congestion, substandard geometry with tight curves, and steep grades
- Aging and failing infrastructure
- Insufficient infrastructure for pedestrian and bicycle users between US 6 and Idaho Springs
- Lack of road redundancy and parallel routes between US 6 and Idaho Springs, which hinders response times during emergencies

2. ALTERNATIVES CONSIDERED

Two action (build) alternatives, the Canyon Viaduct Alternative and the Tunnel Alternative, as well as a No Action alternative, were evaluated in the Environmental Assessment (EA), signed in July 2021. The Canyon Viaduct Alternative was identified as the Preferred Alternative for the Project. After selecting and engaging a Construction Manager/General Contractor (CMGC) team, the EA Preferred Alternative was refined as the CMGC Refined Preferred Alternative. The FONSI (January 2023) documented the refined preferred alternative and reevaluated the environmental impacts in compliance with CDOT and FHWA's National Environmental Policy Act (NEPA) requirements.

3. PROJECT ELEMENTS

The main Project elements include:

- Adding a third westbound travel lane, which would operate as an Express Lane, that links to the existing westbound I-70 Mountain Express Lane from Idaho Springs to Empire to eliminate severe bottlenecks that currently plague travel time and reliability in the two-lane section going over Floyd Hill.
- Constructing a missing two-mile section of the frontage road between Evergreen and Idaho Springs.
- Adding an eastbound auxiliary lane to reduce conflicts with slow-moving freight and other vehicles in the uphill section of Floyd Hill.
- Reconstructing highway interchanges, flattening horizontal curves, and replacing deficient bridge structures.
- Implementing surface and ADA improvements to the Clear Creek Greenway to increase traveler safety.
- Implementing environmental mitigation to enhance wildlife connectivity, air and water quality, stream conditions, and recreation.

3.1. I-70 Operations

The third westbound lane on I-70 will operate as a full-time tolled Express Lane. It begins west of Evergreen and extends through the Veterans Memorial Tunnels and ends at Exit 241. The Floyd Hill Express Lane will be a standard-width interstate travel lane with a buffer separating it from adjacent general-purpose lanes, full-width shoulders, and meet other interstate roadway design standards.

The lane will feature electronic tolling and smart infrastructure, including CCTV surveillance and Automatic Traffic Recorders, to support toll enforcement, law enforcement, and real-time road monitoring.

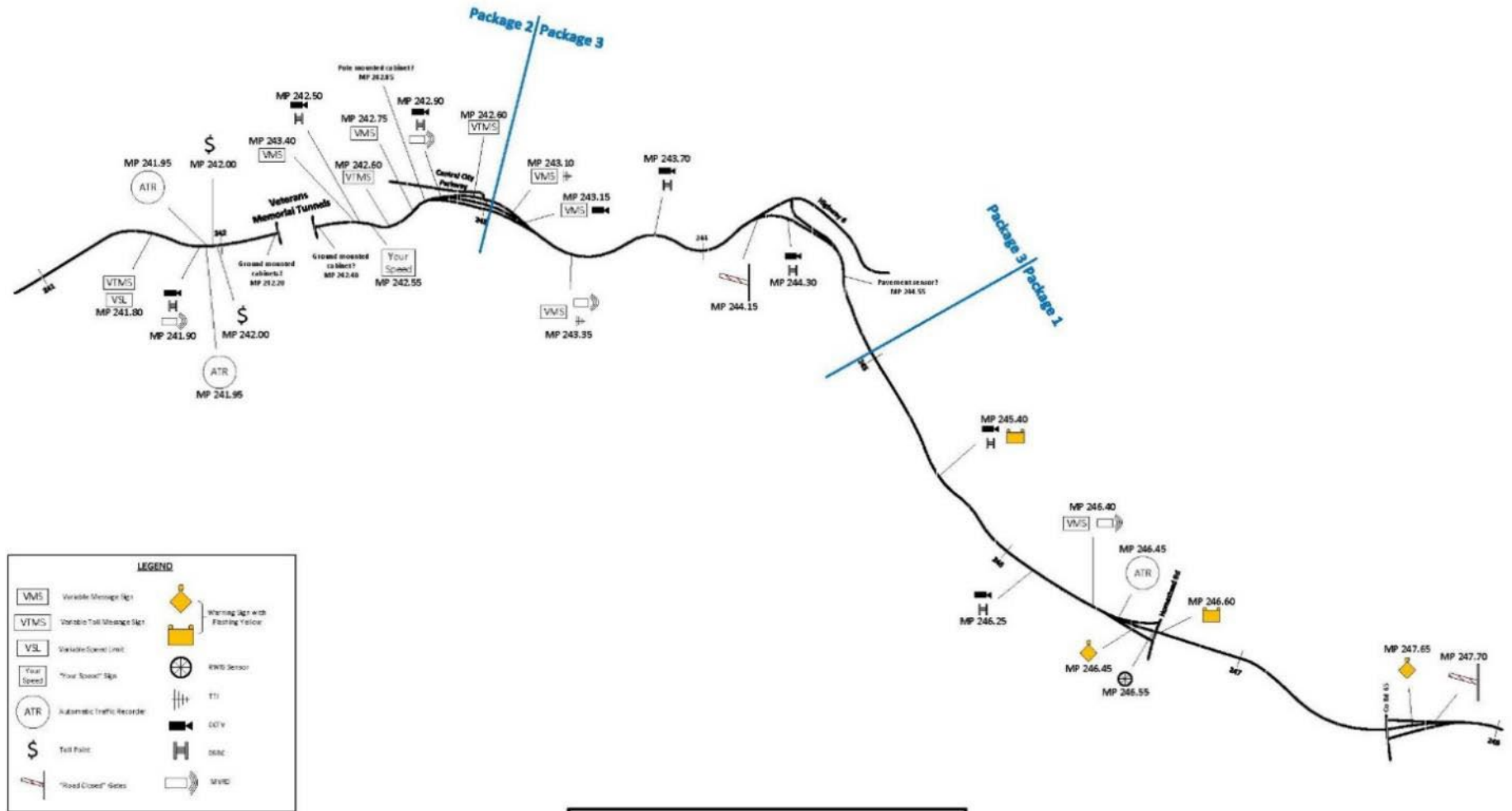
Between the Veterans Memorial Tunnels and Exit 241, drivers follow lane striping to merge back into the general-purpose lanes. However, if the westbound peak-period shoulder lane (Mountain Express Lane or MEXL) is open, drivers can choose to continue their tolled trip directly from the Floyd Hill Express Lane into the MEXL.

MEXL operates only during peak travel periods, allowing toll-paying drivers to use the shoulder as a travel lane during peak weekend travel periods, with trucks and trailers prohibited. It remains closed during normal conditions, with dynamic signage displaying lane status and toll pricing when in use.

Eastbound Express Lane operations are unchanged. The reconstructed eastbound I-70 will match the current eastbound MEXL in footprint, signage, and restrictions.

Figure 2 provides an overview of the locations of signage, tolling points, and other technology elements along the corridor. The VMS signs indicated in Figure 2 are specific to the Express Lanes.

Figure 2 Technology Elements



3.1.1. Express Lane Ingress

Westbound travelers choosing to use the Floyd Hill Express Lane can enter west of the Floyd Hill/Beaver Brook interchange (Exit 248). The Express Lane will start within the existing three-lane section and become the new third lane at the top of Floyd Hill (Figure 3). Signs will display tolls using Variable Toll Message Signs (VTMS).

Figure 3 Express Lane Entrance (ingress transition shown in figure between toll sign and double white line)



3.1.2. Express Lane Egress

The westbound Floyd Hill Express Lane ends near Exit 241, where drivers transition back into the general-purpose lanes following striping, arrows, and signage.

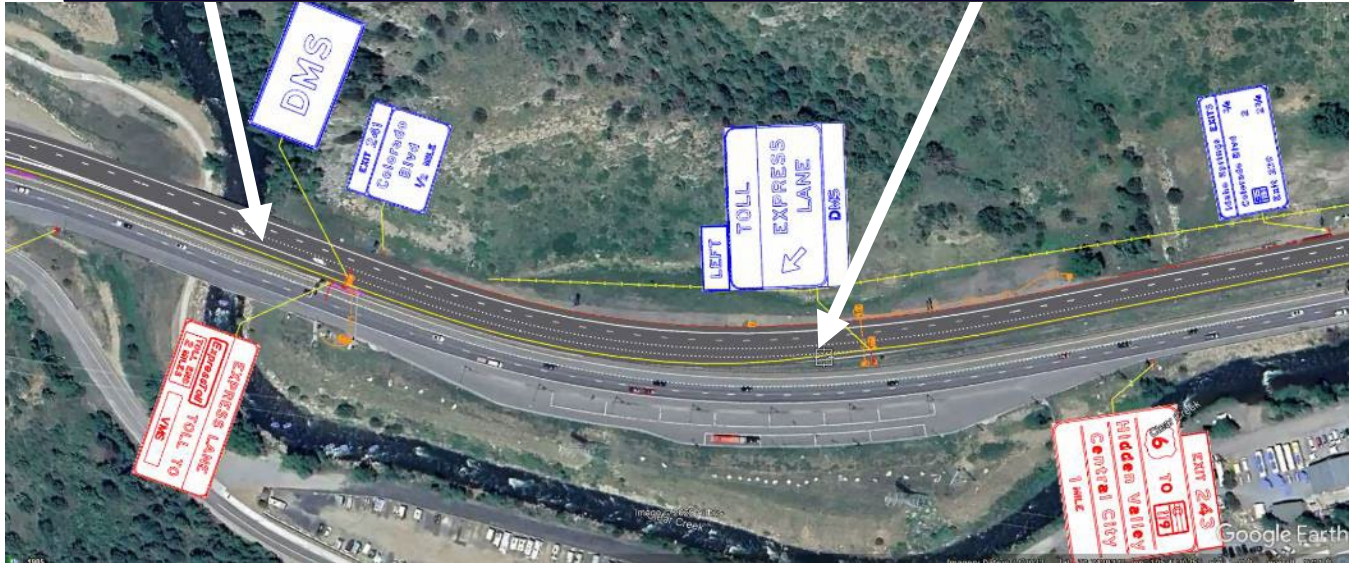
When MEXL is closed, a VMS will indicate its status, and drivers in the Floyd Hill Express Lane will merge back into the general-purpose lanes. When MEXL is open, drivers in the Express Lane can seamlessly transition into MEXL, as they do today. The "open" and "closed" signs for MEXL will remain in place.

The transition into the MEXL begins before the Veterans Memorial Tunnels, following the current MEXL operations. This transition is marked by dashed striping, extending for approximately one mile through the tunnel. At the start of the dashed striping, a VMS sign will indicate whether the westbound MEXL is open or closed.

When the MEXL is open, drivers can continue traveling from the Floyd Hill Express Lane into the MEXL. When it is closed, drivers must merge into the general-purpose lanes before Exit 241. Figure 4 illustrates this transition, including an example of the existing VMS sign before the Veterans Memorial Tunnels and other toll lane signage.

Figure 4 Interaction between westbound Floyd Hill Express Lane and MEXL peak-period shoulder lane

Decision point for drivers to enter or exit the Express Lane. When MEXL is open, drivers can choose to enter, following the yellow shoulder striping. When closed, drivers stay in the Express Lane and are directed back to the general-purpose lanes indicated by solid white striping and arrows.



As noted, trucks, multi-axle vehicles, and trailers are not allowed in MEXL. The same signs that indicate restrictions will be in place in the reconstructed section (Figure 5).

Figure 5 Sign noting truck restrictions in MEXL peak-period shoulder lane



3.2. Maintenance

Winter maintenance on the I-70 Mountain Corridor is essential for safety but requires the use of salt and liquid deicers, which, along with stormwater runoff carrying sediment, can impact water quality in Clear Creek. Managing sediment and chloride runoff to protect aquatic habitats has been a high priority for the SWEEP ITF. CDOT recognizes and shares these concerns, conducting and following research on the topic.

The project includes permanent water quality features, such as detention basins and vegetated swales, designed to capture and treat roadway runoff, including sediment. While chlorides cannot be fully removed, these measures help slow runoff flow, reducing peak salinity levels. Additionally, CDOT is utilizing advanced technology and meteorological data to refine deicer application, minimizing use where possible.

To evaluate the effectiveness of current control measures and refine future water quality strategies, CDOT, in collaboration with stakeholders, has developed a water sampling plan to track chloride and sediment levels, with data collection continuing for two years post-construction. The data will be made available for further evaluation.

3.3. Central Section Design and Construction

The Central Section, shown in Figure 1, is the most complex part of the Project and the final section to be permitted and constructed. Its physical setting—within a narrow canyon, alongside Clear Creek and the Clear Creek Greenway—presents significant design and constructability challenges. Additionally, the need to establish a frontage road connection between the US 6 and Hidden Valley/Central City interchanges, along with redesigning those interchanges and their traffic movements, has further added to the complexity. Given these factors, the project team has continuously refined this section at every stage of design, striving to balance transportation, environmental, and community priorities with constructability, cost, schedule, and geotechnical and other physical constraints.

The following describes the design of the key elements of the project through the Central Section. The NEPA evaluation of these elements is included in the EA, FONSI, and two Reevaluations, which are attached to the 1041 application.

3.3.1. I-70 Alignment through the Central Section

The project elevates and relocates both westbound and eastbound I-70 lanes between the US 6 and Hidden Valley/Central City interchanges. The alignment through the Central Section has been continuously refined to balance geotechnical hazards, canyon geometry, bridge alignment and skew, pier placement, interactions with Clear Creek and the Greenway, and viaduct alignment angles, particularly near the US 6 and Hidden Valley/Central City interchanges.

The vertical alignment was adjusted to separate the eastbound and westbound lanes over Clear Creek Canyon using a terraced hillside cut rather than the parallel viaducts with a larger hillside cut originally proposed in the EA Preferred Alternative. Additionally, the eastbound lanes return to existing grade east of the US 6 interchange, reducing the length of the elevated structure. These refinements were documented in the FONSI. Figure 5 illustrates the realignment of I-70 to the south, repurposing the existing roadway north of Clear Creek for the frontage road.

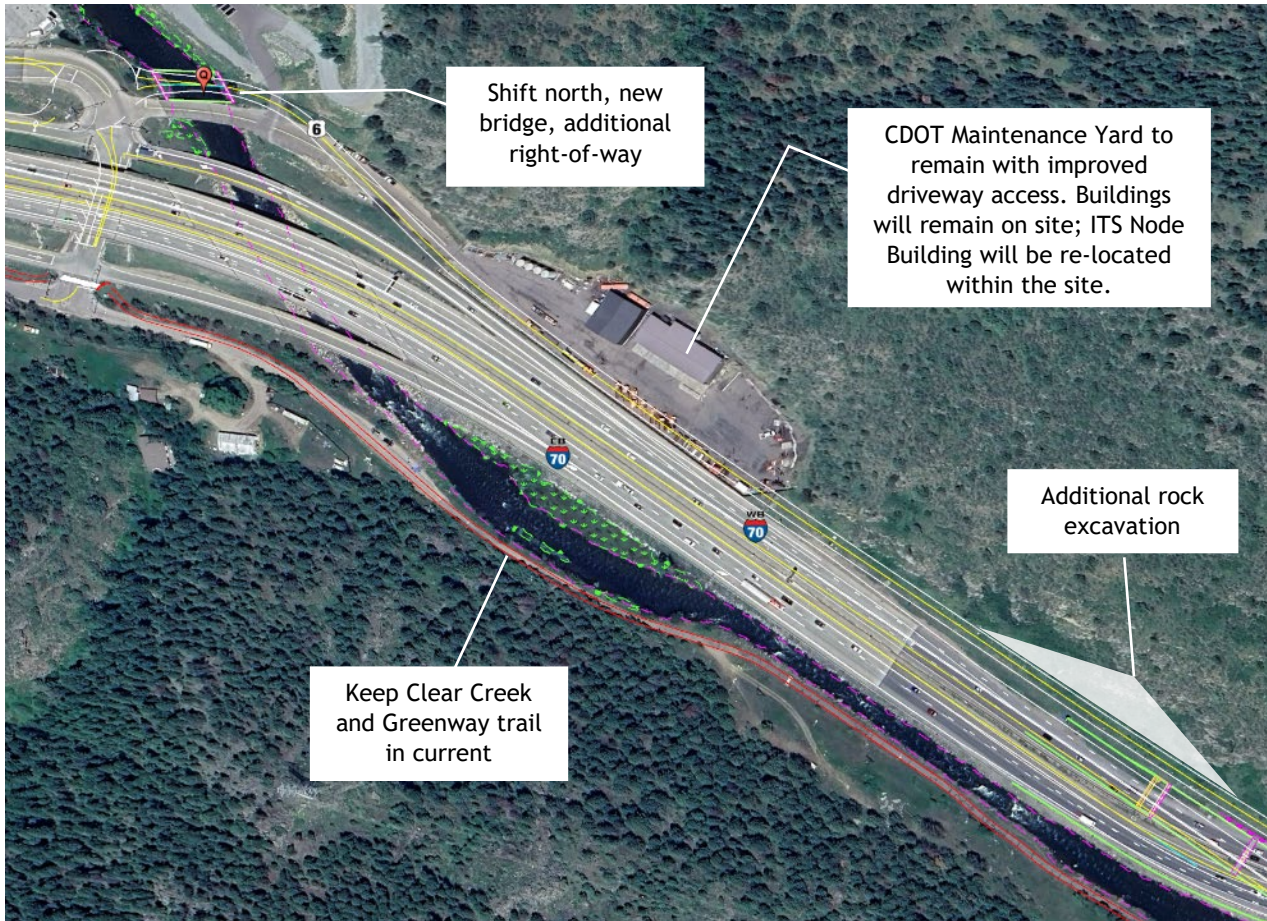
Figure 5. Vertical alignment of I-70 through the “saddle cut” lowers the elevated eastbound section compared to the EA Preferred Alternative



The horizontal alignment of I-70 near the Hidden Valley/Central City interchange has also undergone multiple shifts. The EA Preferred Alternative proposed a northward shift, requiring substantial rock cuts on the north side of I-70 and the relocation of the CDOT maintenance facility. In contrast, the CMGC Refined Preferred Alternative, detailed in the FONSI, favored a southward shift, avoiding major rock cuts adjacent to live traffic but requiring the relocation of a 1,600-foot section of Clear Creek and the Clear Creek Greenway.

The current design has modified the horizontal alignment once again, shifting I-70 north to avoid realigning Clear Creek and the Greenway, which posed significant schedule and design risks related to permitting and reestablishing the creek on a new alignment. While this northward shift requires more rock excavation than the CMGC Preferred Alternative, it is an optimized version of the EA Preferred Alternative, reducing rock excavation by more than 150,000 cubic yards compared to the EA design and allowing the CDOT maintenance yard to remain in its current location with improved driveway access. Figure 6 illustrates these design modifications.

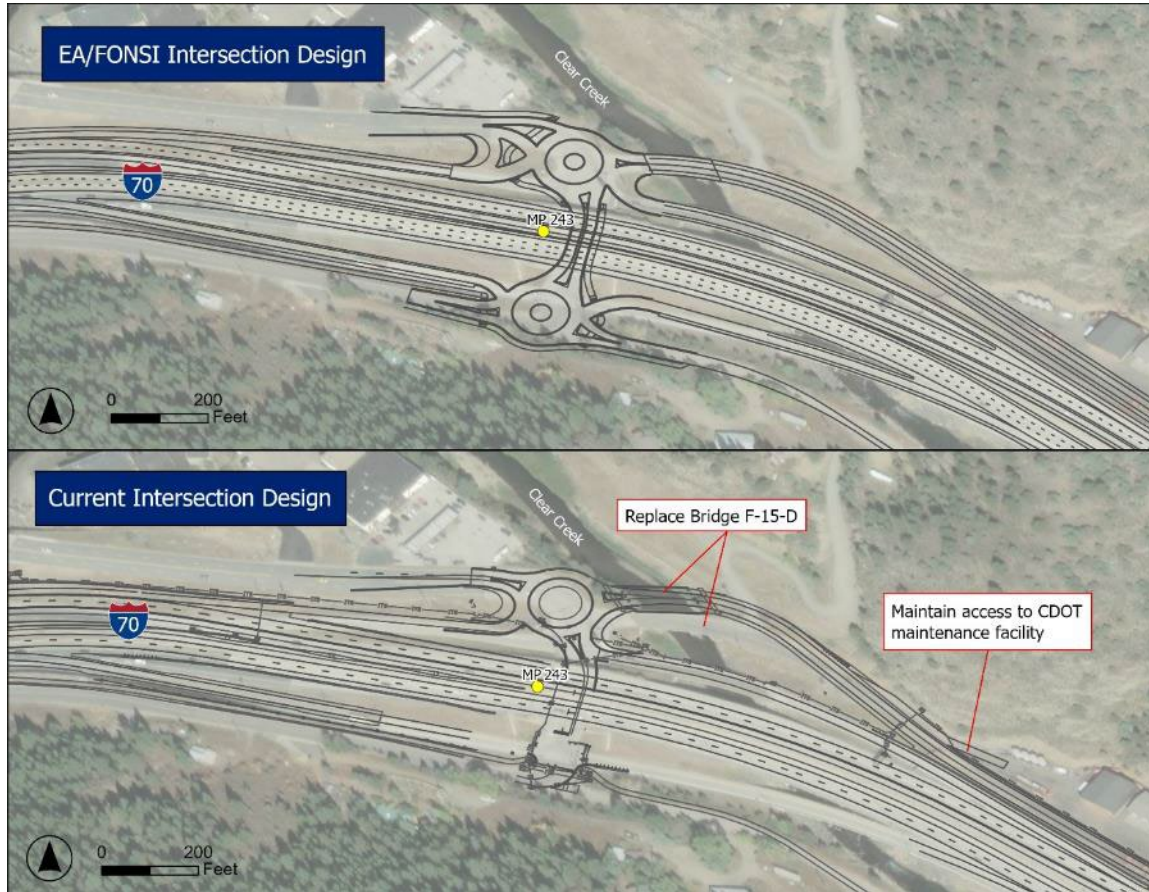
Figure 6. Horizontal alignment of I-70 near Hidden Valley/Central City interchange



3.3.2. Hidden Valley/Central City

The design of the Hidden Valley/Central City Interchange has been refined to optimize traffic flow for the five key movements: I-70 westbound on-ramp, I-70 westbound off-ramp, Central City Parkway, US 6 extension, and County Road (CR) 314. The design balances safety, sight distance, and right-of-way (ROW) needs while maintaining driveway access to the CDOT maintenance facility.

The north side intersection remains a roundabout, but with a slightly larger radius, requiring a shift north and east to ensure adequate sight distances and improved safety. On the south side of the interchange, the roundabout proposed in the EA and FONSI design has been changed to a signalized intersection—similar to its current configuration—to consolidate access, reduce ROW needs, and simplify turning movements for eastbound I-70 and westbound CR 314. Figure 7 illustrates these intersection design changes.

Figure 7. Hidden Valley/Central City intersection design


3.3.3. Greenway

The Clear Creek Greenway Trail will be upgraded throughout the project area. In the Central Section, the existing trail alignment near Sawmill Gulch is too steep to meet ADA standards. Both the EA Preferred Alternative and the CMGC Refined Preferred Alternative in the FONSI proposed a trail section on the north side of the creek, connected by two pedestrian bridges to bypass the steep grades.

The current design has been refined to achieve ADA-compliant grades while maintaining the existing alignment south of the creek. This was accomplished by lowering the trail elevation and benching it into the hillside, eliminating the need for a new trail section and pedestrian bridges over Clear Creek. Figures 8 and 9 illustrate the previous and updated alignments.

Figure 8 EA and FONSI ADA-Compliant Greenway Trail Design



Figure 9 Revised ADA-Compliant Greenway Trail Design



3.3.4. Noise wall

A noise wall will be constructed along westbound I-70 in eastern Idaho Springs, just east of Exit 241. Its design has been refined multiple times since its initial recommendation in the EA to account for updated noise analysis and site constraints. The final design is a 520-foot-long wall located adjacent to the I-70 shoulder between the Colorado Boulevard overpass to the west and the Clear Creek Greenway bridge over Clear Creek to the east (Figure 10). The wall will be 16 feet high on the western portion and 14 feet high on the eastern portion.

A noise verification analysis, conducted in October 2024 in accordance with CDOT’s 2015 Noise Analysis and Abatement Guidelines, confirmed that the wall will benefit 13 duplex residences along Riverside Drive, providing a 5 dBA or greater noise reduction for a total of 26 benefited receptors, as indicated by green dots in Figure 10.

A Benefited Receptor Preference Survey was distributed to affected residents and property owners on November 13, 2024, with responses due by December 14, 2024. All respondents supported the wall’s construction, and as a result, it is included in this construction package and will be built.

The wall’s location is shown in Figure 10, while Figure 11 provides a simulation of its appearance. The wall panels’ aesthetics align with the I-70 Mountain Corridor Aesthetic Guidelines and have been reviewed and recommended by the project’s Technical Team.

Figure 10 Noise Wall Location and Benefited Receptors

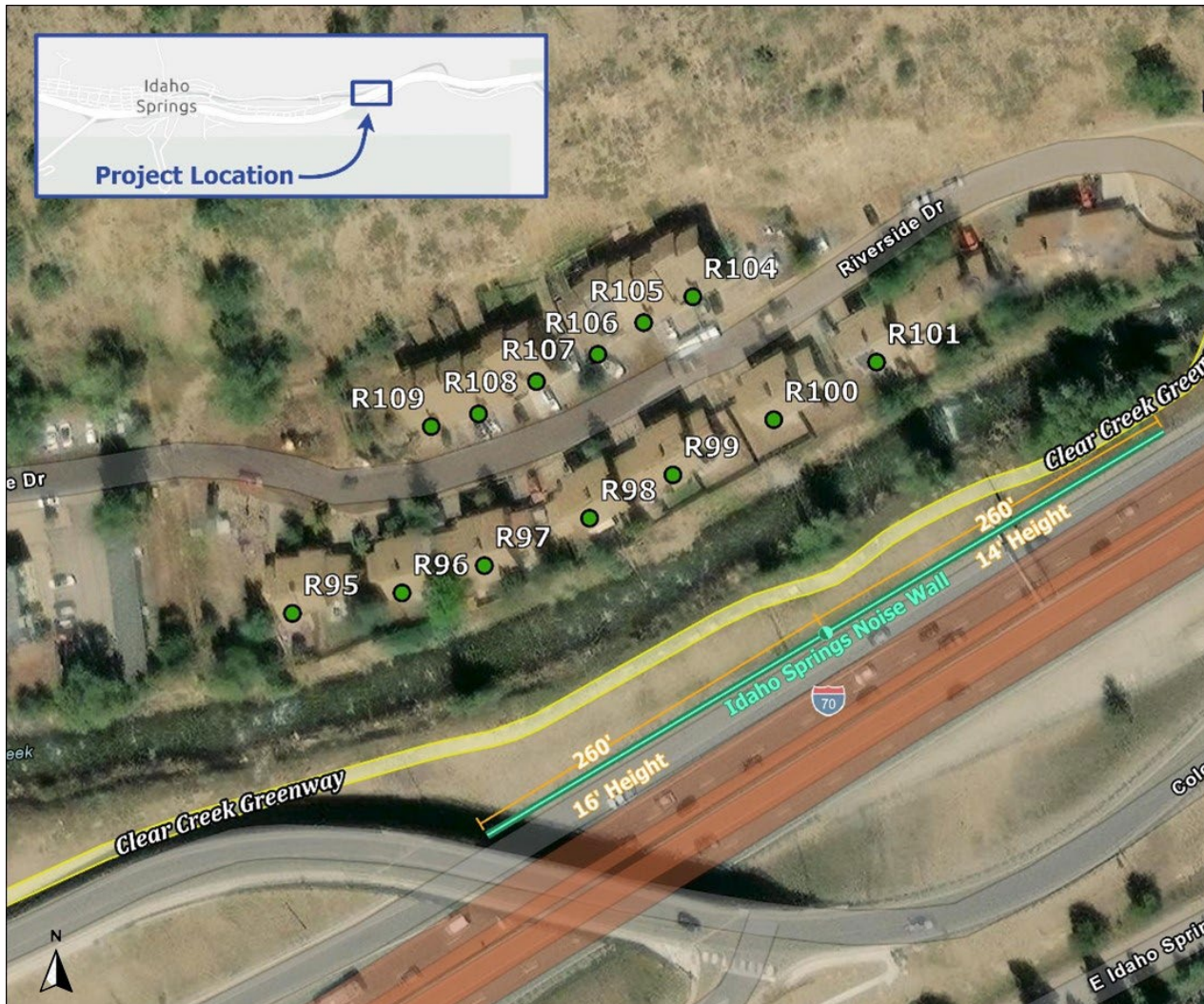


Figure 11 Visual Rendering of Noise Wall



4. OTHER CDOT PROJECTS OCCURRING IN THE STUDY AREA IN NEXT 3 YEARS

CDOT has three construction projects that will take place simultaneously with the Floyd Hill Project—two east of the Eisenhower-Johnson Memorial Tunnels (EJMT) in CDOT Region 1, and one west of the EJMT in CDOT Region 3.

4.1. I-70 Resurfacing from Chief Hosa to Colfax

CDOT is continuing work on a resurfacing project along a 10-mile stretch of I-70 between Chief Hosa (Exit 253) and Morrison (Exit 259) in Jefferson County. This project will replace pavement, install guardrails, repair bridge decks on two structures at the Morrison interchange (Exit 259), and install dynamic speed limit signs and

message board on eastbound I-70 between the Genesee Park (Exit 254) and Colfax (Exit 262) interchanges. Construction began in August 2024 and is expected to be completed by late 2025.

4.2. Huntsman Segment of the Peaks to Plains

Jefferson County Open Space is continuing work on the Huntsman Segment of the Peaks to Plains Trail. The Huntsman Segment is a 3-mile extension of the Peaks to Plains Trail within Clear Creek Canyon Park, Jefferson County, Colorado, that extends westward from the west end of US 6 Tunnel #1 to Huntsman Gulch. Work includes an ADA-accessible 10-foot-wide paved trail, seven new bridges over Clear Creek, an underpass and an overpass of US 6, and two new trail heads. Construction commenced in July 2022 and is expected to open to the public in 2025. Six additional miles of trail are still to be constructed when this project is completed.

4.3. I-70 West Vail Pass Auxiliary Lanes Project

CDOT is continuing work on the I-70 West Vail Pass Auxiliary Lanes project between East Vail Pass (MP 180) and the Vail Pass rest area (MP 190). The project includes eastbound and westbound auxiliary lanes on I-70, curve modifications, shoulder widening, wildlife crossings, and relocation of a portion of the Vail Pass Recreation Trail. Construction began in August 2021 and is expected to be complete by the end of 2026.

5. ENVIRONMENTAL AND SOCIOECONOMIC IMPACTS

Table 1 summarizes the environmental and socioeconomic impacts identified for the project. It has been updated from the CDOT’s December 2023 West Section 1041 application summary, with a focus on the Central Section. The table reflects new design, impact, and mitigation information as appropriate.

More detail on project impacts is contained in the *I-70 Floyd Hill to Veterans Memorial Tunnels Environmental Assessment* (CDOT 2021), *I-70 Floyd Hill to Veterans Memorial Tunnels Finding of No Significant Impact* (CDOT 2023), *Reevaluation #1: West Section and Construction Access Plans* (September 2023), and *Reevaluation #2: Central Section* (March 2025).

Table 1. Summary of Environmental and Socioeconomic Impacts

Resource	Description of Impacts
Air Quality	<p>Dust during construction; higher pollution emissions in construction areas nearest to equipment. Positive effects of reduced air pollution associated with congestion. See Section 4.1 of the EA and Section 4.4 of the FONSI for additional information.</p> <p>Two air quality monitors are in place in the eastern and western portions of the project area. One monitor is located on top of Floyd Hill at the fire station and the other monitor is located on top of the Clear Creek County medical building in eastern Idaho Springs. Based on air quality monitoring data collected and reported to date, the system is working effectively, no public alerts have been generated, and air quality impacts have been minimized (see attached CDOT summary memorandum).</p>
Cultural Resources	<p>A National Register of Historic Places (NRHP)-eligible archaeological site was located within the project’s construction area. Before construction, data recovery was conducted in accordance with the mitigation strategy outlined in a Memorandum of Agreement with the Colorado State Historic Preservation Office. Collected artifacts have been archived at Colorado State University Archaeological Repository.</p> <p>A non-supporting segment of the historically significant Colorado Central Railroad (5CC.427) alignment with remnant retaining walls is located along the Clear Creek Greenway and could be disturbed during construction. These walls have been mapped and marked with orange fencing to prevent unintentional disturbance.</p> <p>Additionally, temporary disruptions to access historic sites in Idaho Springs may occur due to construction activities. For more details, refer to Section 4.1 of the EA and Section 4.5 of the FONSI.</p>



Resource	Description of Impacts
Floodplains	<p>Construction within the floodplain can result in changes to base flood elevations or floodplain limits. Project includes design criterion to minimize floodplain impacts to less than 0.5-foot rise and will avoid a Conditional Letter of Map Revision per agreements with the Clear Creek County and Idaho Springs floodplain administrators. See Section 4.1 of the EA and Section 4.6 of the FONSI for additional information.</p>
Geologic Resources	<p>Approximately 130,000 cubic yards (CY) of rock will be excavated in the Central Section, primarily along the south side of I-70 in the saddle cut area in Clear Creek County Open Space. Additional rock cuts on the north side of I-70 are needed east of the Hidden Valley/Central City interchange for US 6/frontage road construction. Updated information about rock excavation and how it compares with the EA and FONSI is presented in Reevaluation #2 (March 2025).</p>
Hazardous Materials	<p>Subsurface excavation may impact hazardous materials facilities with a high or moderate risk of encountering contaminated soil or groundwater, particularly near the US 6 and Hidden Valley interchanges. To manage these risks, a Materials Management Plan (MMP) and Health and Safety Plan (HASP) have been developed per CDOT specifications and will be implemented throughout construction.</p> <p>Asbestos and lead-based paint may be present on bridges or structures slated for demolition. Asbestos and lead-based paint inspections were conducted for project bridges. A small amount of asbestos-containing material was found on Bridge F-15-BH, while no asbestos was detected on other structures. Lead-based paint was identified, and all demolition activities will comply with OSHA worker protection regulations.</p>
Noise	<p>Noise levels are expected to continue exceeding CDOT's noise abatement criteria for many noise-sensitive receptors, primarily residences. Noise abatement measures were evaluated for all impacted areas, and a noise wall was determined to be feasible and reasonable for residents along Riverside Drive in eastern Idaho Springs.</p> <p>The 520-foot-long noise wall, with a height of 14 to 16 feet, will provide at least a 5-decibel noise reduction for 13 duplex residences (26 individual benefited receptors). In November 2024, Benefited Receptor Preference Surveys were sent to affected residents and property owners. All respondents supported construction of the noise wall, and as a result, it will be built as proposed. Additional details can be found in Reevaluation #2 (March 2025).</p> <p>Noise conditions along the Greenway are expected to improve with the elevation of I-70.</p> <p>During construction, temporary noise impacts may occur. To monitor these effects, CDOT is conducting biannual noise monitoring for at least one location in each construction package, with reports submitted to Clear Creek County for review.</p>



Resource	Description of Impacts
Recreational Resources	<p>The Clear Creek Greenway Trail and Clear Creek riparian areas will undergo significant improvements as part of the project. The Greenway Trail will be resurfaced and reconstructed to meet Clear Creek County standards. Additionally, removing the highway from the canyon floor will enhance recreational experiences along Clear Creek, benefiting activities such as rafting, fishing, and biking. The collaborative design process for the Greenway and Clear Creek improvements involved input from recreational stakeholders, including rafting, fishing, and biking groups.</p> <p>There is a potential risk of snowplows pushing snow from the viaduct onto the Greenway Trail during winter months. To mitigate this, design plans include barriers and fencing where feasible to redirect snow and minimize trail impacts. These mitigation measures have been identified and are pending implementation.</p> <p>The Greenway trail is closed to bicycle and pedestrian users during construction of the elevated portion of I-70 in the Central Section. To support trail users during construction, a seasonal shuttle service has been implemented and will continue throughout the trail closure. Regular updates on shuttle availability, schedules, and pickup locations are provided to the public.</p>
Land Use and Right-of-Way	<p>Land uses and land use patterns are unchanged as a result of the project. Transportation improvements support local land use planning goals and objectives by improving neighborhood, commercial, and recreational accesses, and improving traffic flow to reduce interstate traffic diversion on local and frontage roads in the Floyd Hill and Idaho Springs areas.</p> <p>Additional ROW and easement requirements have been identified at the Central City/Hidden Valley interchange and through the saddle cut area to accommodate design refinements in the Central Section.</p> <p>The newly identified ROW and easement acquisitions account for the refined footprint of the roundabout north of I-70 at the Hidden Valley/Central City interchange and rock-cut activities along US 6 and within the saddle cut. These adjustments result in the acquisition of approximately 4.82 acres of ROW, including 0.29 acres of private property. Additionally, a minor temporary easement of approximately 0.10 acres will be required from private property.</p> <p>For more details on the additional ROW needs, refer to Reevaluation #2.</p>
Socioeconomic Resources	<p>The project will enhance local and regional travel, improve access to local communities, and connect the I-70 frontage road, providing alternate routes during and after construction. Upon completion, I-70 traffic diversion onto local roads will be reduced.</p> <p>Two Bears Tap and Grill and river recreation outfitters will experience access changes due to modifications at the US 6 interchange. Business access will be maintained, with variable message signs (VMS) guiding travelers and patrons. The project team is coordinating closely with businesses, including Two Bears Tap and Grill, and will use VMS to communicate alternate routes when access is affected.</p> <p>Emergency response travel times between Clear Creek County and medical services in Jefferson County may be impacted. An Emergency Service Provider Coordination Plan is being implemented to ensure clear travel paths through the work zone when needed. An Emergency Responders ITF has been established and is actively engaged in coordinating emergency services through the project construction area.</p> <p>A comprehensive public information plan is in place, coordinating with local public information officers to provide timely updates on access, alternate routes, and expected delays. Communication strategies include media advisories, VMS signs, notifications, text alerts, and a telephone hotline. A Public Information Leadership Team has been engaged in public communications.</p>



Resource	Description of Impacts
Threatened and Endangered Species	<p>Construction may impact riparian vegetation and contribute to the spread of noxious weeds in habitats supporting Townsend’s big-eared bat, northern leopard frog, and Monarch butterfly. However, improvements and an increase in riparian habitat acreage will benefit both the Townsend’s big-eared bat and northern leopard frog (see Section 4.1 of the EA and Section 4.14 of the FONSI).</p> <p>To protect pollinator habitats along designated highway corridors, CDOT will use only native grasses, forbs, and shrubs in accordance with Procedural Directive 503.1 through its Integrated Roadside Management Program. Additionally, the project includes an Integrated Noxious Weed Management Plan to mitigate invasive species. To minimize impacts on Monarch habitat, disturbed areas will be reseeded with native plants, including flowering forbs and milkweed, as specified in Environmental Specifications and landscape design plans.</p> <p>For Townsend’s big-eared bat, shielded lighting will be used during construction and for permanent installations to support foraging behavior, even though no designated production areas exist within the project site.</p>
Utilities	<p>Utilities have been relocated. No additional impacts are expected. See Section 4.1 of the EA for additional information.</p>
Vegetation and Noxious Weeds	<p>Clearing and removing vegetation exposes soil to erosion, disrupts habitat, and can introduce or spread noxious weeds. To mitigate these impacts, a Stormwater Management Plan and Noxious Weed Management Plan have been developed and will be implemented to control erosion and prevent the spread of invasive species.</p> <p>Vegetation areas will increase as sections of I-70 are removed and reclaimed. These areas will be revegetated with native species to restore and enhance natural plant communities. The landscape plan (design plan sheets 442-473) identifies reclamation areas, and multiple riparian benches with native plantings will be added to improve habitat along Clear Creek.</p>
Visual Resources	<p>There will be an introduction of additional built elements into the landscape, causing potential for additional disruption of visual coherence in the landscape and strong visual contrast with natural features; blocking views from some locations along the Greenway trail and Clear Creek; shading of landforms and vegetation under the viaduct may affect visual quality; and visual disorder during construction due to presence of equipment, dust and debris, temporary fencing, material stockpiles, barren landforms, nighttime lighting, etc. See Section 4.1 of the EA and Section 4.16 of the FONSI for additional information.</p> <p>The project complies with the I-70 Mountain Corridor Aesthetics Guidance and I-70 Mountain Corridor Design Criteria to ensure visual compatibility along the corridor. The Technical Team, which included Idaho Springs, advised and recommended aesthetic treatments throughout the project.</p> <p>Aesthetic treatments for the roundabout at the Hidden Valley/Central City interchange will be determined through future discussions among Idaho Springs, Clear Creek County, and Central City, as each has an interest in monumentation or other aesthetic elements. The treatments in the center of the roundabout do not impact the roadway design and can be added after roadway construction is complete, but any features must comply with CDOT safety standards and highway advertising restrictions.</p>



Resource	Description of Impacts
Water Quality	<p>Runoff from the expanded roadway may impact water resources, including Clear Creek, by increasing sediment and chloride levels due to winter maintenance activities such as liquid and solid deicer application and erosion contributing to sedimentation in adjacent water bodies. For more details, see Section 4.1 of the EA and Section 4.17 of the FONSI.</p> <p>To mitigate these impacts, the project includes permanent water quality features, such as detention basins and vegetated swales, designed to capture and treat sediment from roadway runoff, as outlined in the I-70 Floyd Hill to Veterans Memorial Tunnels Drainage and Water Quality Technical Report. While these features do not remove chlorides, they help slow runoff flow to Clear Creek, reducing peak salinity levels. Additionally, CDOT maintenance is using advanced technology and meteorological data to monitor deicer application and reduce deicer rates for snowplowing operations where possible.</p> <p>To further minimize chloride runoff impacts, CDOT has collaborated with Clear Creek County, the Upper Clear Creek Watershed Association, Trout Unlimited, Colorado Parks and Wildlife, and other stakeholders to develop a water sampling plan that will monitor salinity levels from winter maintenance operations. Discrete water sampling will be conducted throughout construction, following the attached sampling plan, which specifies locations and sampling frequency. Monitoring will continue for two years post-construction, with four sampling events each winter, capturing early, mid, and late-season conditions, plus one post-storm event. The collected data will be made available for further evaluation.</p>
Wetlands and Aquatic Resources	<p>Clear Creek will no longer be realigned in the Central Section of the project, eliminating the need for an Individual Section 404 Permit from the U.S. Army Corps of Engineers (USACE) (see Section 4.1 of the EA and Section 4.18 of the FONSI). Instead, waters and wetland impacts will be permitted under a Section 404 Nationwide Permit package, which is currently under review by the USACE.</p> <p>The ordinary high water mark and identified wetlands are identified for protection in the plan set and will be physically marked in the field with orange fencing or an equivalent barrier. These protective measures will remain in place throughout construction to prevent unintended impacts.</p>



Resource	Description of Impacts
Wildlife and Aquatic Species	<p>Elevating I-70 over Clear Creek and removing interstate traffic from the canyon will enhance riparian habitat and reduce animal-vehicle collisions in the Central Section of the project (see Section 4.1 of the EA and Section 4.19 of the FONSI). Additionally, the design includes a wildlife path beneath the new US 6 bridges, improving the creek bottom to facilitate wildlife passage under I-70.</p> <p>Wildlife bench creation, outlined in the project plans, has been approved by the Colorado Parks and Wildlife (CPW) biologist. A Senate Bill 40 Certification has been submitted to CPW to ensure compliance with riparian mitigation measures, including the creation of three riparian benches.</p> <p>Bighorn sheep habitat is identified in the project plans, and while no designated production areas exist within the project limits, rock blasting activities will be coordinated with CPW during lambing season to minimize impacts.</p> <p>Protected areas are marked in the plan set and will be physically delineated in the field using orange fencing or an equivalent barrier throughout construction to prevent unintended disturbances.</p> <p>Aquatic species are regularly monitored in Clear Creek. Colorado Parks and Wildlife (CPW) released its 2020 report titled “Stream Habitat Investigations and Assistance Project Summary”, which can be found here: https://cpw.state.co.us/Documents/Research/Aquatic/pdf/Publications/Stream-Habitat-Investigations-2020.pdf. The summary includes a section on the Twin Tunnels Habitat Restoration Project in Clear Creek County from 2015, which is in the West Section of the project. That restoration project converted a channelized, rip-rapped, and disconnected floodplain stream reach to a moderately-confined, non-rip-rapped stream with a functional floodplain. This section of the document evaluates the trout population’s response to that restoration project.</p> <p>The evaluation concluded that post-project monitoring of Brown Trout populations suggests that habitat treatments have resulted in an increase in Brown Trout density and biomass in both high- and low-intensity treatment segments. Within the control reach, Brown Trout density and biomass did not change significantly over the same pre- and post-monitoring period (Brown Trout density = 32% increase; Brown Trout biomass = 0.6% increase). The magnitude of change for Brown Trout density within the high-intensity segment (182%) was higher as compared to the low-intensity segment (104%). The magnitude of change for Brown Trout biomass increased even more within the high-intensity segment (422%) as compared to the low-intensity segment (76%). This suggests that the Brown Trout population within the high-intensity site not only had more fish per linear distance (density increase) than the low-intensity site, but also the population within the high-intensity site experienced a shift toward larger, adult fish within the high-intensity treatment site (much larger increase in total Brown Trout biomass) as compared with the low-intensity treatment site. The CPW results suggest that the conversion of highly-confined, channelized and riprapped, single-stage streams to a reference-like historic condition can lead to large increases in trout population abundance and biomass.</p>

Mitigation measures for the impacts discussed above are included in Appendix B, Mitigation Tracking Spreadsheet, of the *I-70 Floyd Hill to Veterans Memorial Tunnels Finding of No Significant Impact* (CDOT 2023) and have been updated for Reevaluation #1 and #2.

ATTACHMENTS

- CDOT. 2021. I-70 Floyd Hill to Veterans Memorial Tunnels Environmental Assessment.
- CDOT. 2023. I-70 Floyd Hill to Veterans Memorial Tunnels Finding of No Significant Impact.
- CDOT. 2023. I-70 Floyd Hill to Veterans Memorial Tunnels Reevaluation 1.
- CDOT. 2024. I-70 to Floyd Hill In-Situ Water Quality Sampling Plan.
- CDOT. 2025. Floyd Hill Project - Air Quality Monitoring Summary
- CDOT. 2025. I-70 Floyd Hill to Veterans Memorial Tunnels - Central Section. Final Design Plans.
- CDOT. 2025. I-70 Floyd Hill to Veterans Memorial Tunnels Reevaluation 2.



TO: Idaho Springs Planning Commission
CC: City Administrator Andrew Marsh, Assistant City Administrator Guy Patterson
FROM: Dylan Graves, Community Development Planner
SUBJECT: Accessory Dwelling Unit (ADU) Code Amendments
MEETING DATE: May 7, 2025

BACKGROUND

The scope of this work session is to continue talking about potential amendments to the City's Accessory Dwelling Unit (ADU) regulations and propose sample language for review and consideration. At the last Planning Commission meeting, staff received direction that the Commission would like to continue moving forward with changes to encourage the construction of additional ADUs. This is a timely discussion, as it addresses HB24-1152 (the "Bill"), which requires certain state-mandated ADU updates by June 30, 2025. The Bill states that municipalities must allow ADUs in all zone districts where single-family housing is permitted and must allow ADUs to be reviewed administratively. The second item that the regulation requires is that setbacks for ADUs must match the setbacks permitted for other accessory structures (such as sheds and garages). The regulations also only allow municipalities to require off-street parking if certain conditions are met. Finally, it requires specific size standards to be allowed for ADUs. Local governments with a population of 1,000+ and within the DRCOG metropolitan planning area are required to comply. Idaho Springs has a population of more than 1,000, but according to the state Department of Local Affairs (DOLA), although the city is a member of DRCOG, it is outside of the formal DRCOG metropolitan planning organization (MPO) borders, so compliance is not strictly required. That said, if the DRCOG borders are expanded in the future, we may be required to comply.

Additionally, compliance with these regulations gives the City access to additional funding to promote ADUs. DOLA will be unveiling an ADU Fee Reduction and Encouragement Grant Program, which is meant to provide grants to accessory dwelling unit supportive jurisdictions for activities that promote the construction of accessory dwelling units, including but not limited to, offsetting costs incurred in connection with developing pre-approved accessory dwelling unit plans, providing technical assistance to persons converting or constructing accessory dwelling units, or waiving, reducing, or providing financial assistance for accessory dwelling unit associated fees and other required costs. By updating the City's ADU regulations to align with state requirements, the city will be eligible for these funds. These funds would provide a good opportunity to create a small financial assistance program or hire a local firm to design pre-approved ADU plans.

HB24-1152 REQUIRED CODE UPDATES:

The following updates and amendments are required to comply with HB24-1152. We will discuss optional additional amendments in the next section.

- A. Where permitted: Accessory Dwelling Units (ADUs) are required to be allowed as an accessory use to single-family dwelling units in all zone districts that allow single-family dwellings. The City currently allows ADUs in all single-family zone districts except one: R-M. We will need to update the ISMC to allow ADUs as a use by right in R-M.
- B. Review Procedures for ADUs: HB24-1152 states that local government must review approval of ADUs via an administrative process. Currently, the ISMC requires new structures and building expansions of 50% or more in the R-3, R-M, C-1, C-2, C-3, I-1, L-I or HD Zone Districts to go through a Final Development Plan (FDP) review process involving public hearings. This public hearing review process must be eliminated for ADUs. The ISMC will be updated to reflect that ADUs must be approved administratively. Section 21-106 allows for administrative FDP reviews for additions of less than 50%. Staff recommend allowing ADUs to be reviewed administratively, as well, even though they are new buildings.
- C. Use of ADUs: ADU usage reflects permitted usage for single-family dwelling units; short-term rental of an ADU is expressly prohibited. We plan to clarify this in the ISMC.
- D. Size of ADUs: Cities are required to allow ADUs from 500-750 square feet. The ISMC currently only allows ADUs to be up to 50% of the primary residence on a property. We will need to amend the ISMC to remove this requirement. For example, if someone has a 1200 square foot primary residence, currently the ISMC would only allow a 600 square foot ADU. This is not permitted by HB24-1152.
- E. Parking: HB24-1152 allows the City to require one (1) off-street parking space for ADUs if there is not an existing off-street parking space that could be used for an ADU, the proposed ADU's zone district requires an off-street space for the primary dwelling units and is located on a block where on-street parking is prohibited. Where a property is adjacent to legal on-street parking, no additional off-street parking spaces can be required. The ISMC currently requires one parking space

regardless of those other conditions, so that will need to be modified. There are only a few areas in the City that do not allow on-street parking, as listed in Section 9 of the City's adopted Parking Plan. Otherwise, the requirement for ADUs to build additional parking must be removed.

- F. Setbacks: HB24-1152 states that the City must require a side and rear setback for an ADU to be no more than 5', which matches with the City's existing standard for other types of accessory structures (such as sheds). We will need to update this section.

City staff will begin drafting an ordinance that contains the necessary code changes required to comply with HB24-1152 for Planning Commission review at the June Planning Commission meeting. In addition to those changes, we would like feedback on whether the Planning Commission believes that the additional items discussed below be included in the ordinance, as well.

***Request for Direction:** Regarding parking, is the Planning Commission in favor of eliminating parking altogether for ADUs, or does the Planning Commission prefer that we match the language in HB24-1152? Eliminating parking altogether would be the simpler, clearer option for property owners but matching the language in HB24-1152 would allow the city to require parking if the three conditions mentioned above are met.*

POSSIBLE ADDITIONAL CODE AMENDMENTS

1. Expand Use-by-Right to allow ADUs HD, C-1, and C-2 districts as long as they are accessory to a primary use or a legal, nonconforming use.
2. Remove the minimum floor area standard of 200 square feet to allow for tiny home development on small residential lots and clarify maximum floor area allowances.
3. Relax setback and open space requirements for ADU construction projects.
4. Relax parking requirements for lots containing ADUs.

POSSIBLE ADDITIONAL CHANGES PENDING CITY COUNCIL FEEDBACK

5. Reduce or eliminate building permit/plan review fees for ADUs.
6. Reduce or waive water and sewer tap fees associated with ADUs.
7. Adoption of pre-approved, standard ADU plans for property owners seeking to construct standalone ADUs on their properties.

POSSIBLE ADDITIONAL CODE AMENDMENTS

These are in addition to the amendments that HB24-1152 already require.

1. ZONING DISTRICTS THAT ALLOW ADUS

As mentioned, the city will be required to add ADUs to the R-M district per HB24-1152. The ISMC allows ADUs in the following zoning districts currently: Residential Estate (R-E), Residential One (R-1), Residential Two (R-2), Residential Three (R-3). In addition to R-M, an ADU would not currently be permitted in the Historic Downtown (HD) district or in commercial districts, which do not allow single-family residential development as a use by right. At the last meeting, we discussed also allowing ADUs in the HD, C-1, and C-2 zone districts where we have existing single-family homes. While new single-family homes could not be built in C-1 or C-2, if there is already a home there, it seems reasonable to allow an ADU. While we are not required by law to add ADUs as an accessory use on properties upon which a legal, nonconforming single-family dwelling exists in HD, C-1, or C-2, staff believe that we should add those uses since there are ~50 existing homes in those zone districts. HD, C-1, and C-2 do allow residential uses as long as they are accessory to the primary commercial use, so perhaps an ADU could remain even if the primary use is changed from residential to commercial.

Proposed Code Amendment:

- A. Add ADUs as an accessory use in Table 21-50-1 for the HD, C-1, and C-2 zone districts in addition to R-M, with the caveat that we need to determine what to do if someone converts their single-family home into a commercial use:

ACCESSORY USES													
	Accessory Dwelling Unit (ADU)	X	X	X	X	Y	Y	Y	Y				
	Customarily incidental accessory use or building	X	X	X	X	X	X	X	X	X	X	X	
	Home occupation	X	X	X	X	X							

Y = ADUs in these Districts are limited to properties upon which a legal nonconforming SF dwelling exists.

Request for Direction: Since single family residential is a legal, nonconforming use in the HD, C-1, and C-2 zone districts, a discussion is needed on whether we should support ADUs in those districts. If someone wanted to convert their legal, nonconforming home into commercial use, what would happen with the ADU? Would this need to be converted; would we allow it to continue as an “employee unit” accessory to the primary use? Direction from Planning Commission is requested.

2. SQUARE FOOTAGE STANDARDS

The ISMC requires that an ADU be a minimum of 200 square feet and a maximum of 50% of the primary residence on the property. As mentioned, HB24-1152 requires cities to allow ADUs between 500 and 750 square feet. Currently, our requirement is that ADUs can be no more than 50% of the primary dwelling, so this would need to be changed.

In addition to allowing up to 750 square feet for all ADUs, staff recommend two additional changes.

First, removal of the 200 square foot minimum requirement. The *Housing Policy Analysis* conducted by Capelli Consulting recommends removing this minimum to allow tiny home ADUs, which we discussed in April. Building code requirements would still exist that would protect against ADUs that do not fit within health and safety standards for housing.

Second, for properties with primary residences larger than 1500 square feet, we can still allow ADUs to be up to 50% of the square footage of the primary residence. This would allow a property with a 2000 square foot primary residence to have a 1000 square foot ADU, instead of capping the size at 750 square feet.

Proposed code language: Update the ADU definition in Section 21-15 as follows:

Accessory Dwelling Unit (ADU). A second dwelling unit either in an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling with a gross floor area not exceeding 750 square feet or fifty percent (50%) of the principal building, whichever is greater. One ADU is allowed per main dwelling. The minimum allowed size of an ADU is two hundred (200) square feet.

The alternative would be to cap the size of ADUs to a specific square footage at or greater than 750 square feet. Some communities allow ADUs up to 1000 square feet, for example.

3. HEIGHT, SETBACKS, AND OPEN SPACE REQUIREMENTS

We will be required to reduce the side and rear setbacks for ADUs from the underlying zone district requirements to 5’. A 5’ setback for ADUs matches the existing setback allowances for other accessory structures, like sheds. We are not recommending any additional changes at this time, though reducing or waiving open space requirements for lots with ADUs is something that could be considered. This is not seen as a substantial barrier to ADU construction, but additional research could be done to determine whether this would have an impact.

Proposed code language:

- Update Note (e) in Section 21-63 as follows:
 - Current: (e) Side and rear setbacks for accessory structures shall be five (5) feet.
 - Proposed: (e) Side and rear setbacks for accessory structures and accessory dwelling units shall be five (5) feet.

4. PARKING STANDARDS

The ISMC requires one off-street parking space per ADU. This is in addition to the requirement that a single-family home has two off-street parking spaces. For a property owner to construct an ADU, they should have three off-street parking spaces in total. HB24-1152 allows cities to require off-street parking associated with ADUs if there is not an existing off-street parking space that could be designated for the ADU or if the property is on a street that does not allow on-street parking.

The new state regulations state that municipalities can only require an additional off-street parking space if there is an existing off-street parking space already on-site or if there is no existing off-street space, the zone district requires an off-street spot for the primary dwelling units, and the ADU is located on a block that does not allow on-street parking already. The City has limited places where on-street parking is not permitted. Given those conditions, staff propose that we remove the requirement for off-street parking for ADUs, except where on-street parking is not already permitted. If someone does not have the ability to use on-street parking, then one off-street space would still be required. This would align the City with HB24-1152 requirements.

Proposed code language: Eliminate parking requirements for ADUs, except in areas where the conditions listed in HB24-1152 are met (no existing off-street space, the zone district requires the primary residence to have an off-street space, and the ADU is on a block that does not allow on-street parking).

POSSIBLE ADDITIONAL CHANGES PENDING CITY COUNCIL FEEDBACK

Staff are recommending that all the above required changes and optional additional changes be made to encourage additional ADU construction in Idaho Springs and comply with state requirements. We are not recommending the adoption of the three below items at this time but will wrap them into future projects, as discussed below.

5. BUILDING PERMIT FEES

The *Housing Policy Analysis* Capelli Consulting completed recommends waiving or reducing building permit and permit review fees associated with ADUs that are community serving. If someone is willing to restrict occupancy of their ADU to long-term renters, the city could waive or reduce associated fees to allow for a cheaper construction. This would require a deed restriction agreement to be drafted that sets parameters for the fee waiver to ensure that the ADU is used for community-serving housing and not just as a guest quarters.

This is a good option for a potential grant program that we would hopefully be eligible for once DOLA opens up grant opportunities associated with ADUs.

Proposed code language: Separate from ADU code updates, staff have been directed to start working on a financial incentives proposal for affordable housing that would consider policies that give affordable housing developers incentives that can reduce costs of construction. Staff propose to include the ADU incentives in that discussion.

6. WATER AND SEWER FEES

Currently, you are required to have a tap for each building with a separate foundation that accesses water. For example, if I have a single-family home, I only need one tap. If you are adding an ADU to your property, you may or may not need to purchase a new tap. If the ADU is located within the existing walls of your home (e.g. in your existing basement), you would not need a new tap for water or sewer. However, if you were to build a new, standalone ADU with a separate foundation, you would be required to pay for new water and sewer taps. Fees for new taps are included in this report as an attachment.

If City Council was interested in changing the fee structure for ADUs, waiving tap fees for detached ADUs seems reasonable since internal ADUs already do not need to pay an additional tap fee.

Another thought would be to reduce the base rate for ADUs. Currently, if you have an ADU on your property, you would pay a 0.9 multiplier on top of your normal base rate for your single-family home. Essentially, you get a 10% reduction for your ADU for water/sewer base rates. To encourage additional ADUs, we may want to consider reducing the base rate for ADUs. A separate meter is needed for ADUs regardless, so it would be easy to track. This would need to include some kind of occupancy restriction that we currently do not have to ensure that community-serving housing is created through fee waivers rather than guest houses or short-term rentals. Occupancy restrictions are discussed in more detail below.

As mentioned with the building permit fee section, we would need to set standards that would need to be met for occupancy, such as repayment strategies if the ADU was converted to another use (and was no longer community serving) and the methodology by which occupancy is monitored and enforced.

Proposed code language: Separate from ADU code updates, staff have been directed to start working on a financial incentives proposal for affordable housing that would consider policies that give affordable housing developers incentives that can reduce costs of construction. Staff propose to include the ADU incentives in that discussion.

7. PRE-APPROVED ADU PLANS TO HELP REDUCE PROPERTY OWNER COSTS

Several communities – Denver, Buena Vista, Salida, Summit County being local examples, in addition to nationwide examples like Los Angeles and Portland, Oregon – have vetted pre-approved ADU plans and ADU-related contractors that property owners can use to construct ADUs while limiting costs. Removing the need to find and hire architects and contractors could save property owners thousands of dollars in design costs. As an example, the West Denver Renaissance Collaborative has partnered with their local Habitat for Humanity affiliate to develop standardized building forms pre-approved for use as ADUs. The City could partner with a similar group (or several groups) to provide local plans to property owners who wish to build ADUs. We would need to work with SAFEbuilt on “pre-approving” the plans to ensure that they meet building code requirements for residential units.

A potential benefit of this program would be the opportunity to influence architectural design considerations, which we would not have the opportunity to do otherwise. These pre-approved plans could be designed to fit well with the City’s existing architecture, scale, and character.

Proposal: Once the ADU grant funding opportunity is open, Staff proposes to apply for a grant to work on pre-approved ADU plans. This will not require any ISMC updates so I would simply be looking for direction to apply for that grant once it is available.

NEXT STEPS AND PRIORITIES

If Planning Commission is ready to recommend approval, Staff will put together a draft ordinance for review at our next meeting.

Request for Direction: Are there any recommended changes?



TO: Idaho Springs Planning Commission
CC: City Administrator Andrew Marsh, Assistant City Administrator Guy Patterson
FROM: Dylan Graves, Community Development Planner
SUBJECT: Fast Track / Expedited Review Code Amendment for Affordable Housing
ATTACHMENTS: Fast Track Review DOLA Template Memo
MEETING DATE: May 7, 2025

BACKGROUND

As part of the Department of Local Affairs (DOLA) requirements for Proposition 123, local governments must demonstrate they have implemented an expedited review process for housing projects where at least half of the units are affordable. This expedited review process requires that local governments commit to reviewing a complete application for an affordable housing project within 90 days of a complete submittal. For the City of Idaho Springs, this would mean that the City commits to completing a Final Development Plan (FDP) review for 50%+ affordable housing projects within 90 days from complete submittal. This would not mean that all required reviews combined take less than 90 days but that each review necessary would be done within 90 days.

For example, say someone wanted to build a 100-unit housing project on a property zoned R-1. This would require a rezoning to a multi-family zone district, followed by the FDP process, then building permits. Each individual review shall take fewer than 90 days – not all three combined. A local government’s expedited review process may include a one-time extension request from the developer for up to 90 calendar days. The request may allow time for a developer to comply with a state law or court order, or to address comments from an agency that has approval authority over the project. It is meant to avoid a “rush” mentality that may penalize a developer by leading to a decision of denial rather than working towards approval. Local governments can implement one or more 30-calendar day extension(s) to work with a developer on addressing comments on the application.

To encourage working on this program, local governments that adopt a Proposition 123-compliant expedited development review process by December 31, 2025, will receive up to \$50,000 in grant funding, with no local match required. Local Planning Capacity Grant funds will be awarded and must be spent on eligible planning activities.

City staff believe that we can get this expedited review completed well ahead of the December 31 deadline to be eligible for the \$50,000 grant award.

Per Proposition 123, affordable housing would be any rental housing that is affordable for residents making up to 60% of Area Median Income (AMI), or for-sale housing that is affordable for residents making up to 100% of AMI. Also, the housing should cost the household less than 30% of its monthly income. The statutory definition of affordable housing is considered a minimum standard, i.e., a floor. Local governments may establish a policy with a different definition of affordable housing that casts a wider net than the standard set in statute, but it cannot create a more restrictive definition. For example, a local policy may expedite review for projects with higher AMIs or with a smaller percentage of units being affordable. For example, we could expedite review of rental housing if it is affordable for residents making up to 80-100% of AMI in addition to 60% and under but could not create a regulation that only expedites review if rental housing is at 50% or lower.

CURRENT STATUS

Staff believe that our processes already allow for 90-day reviews for any land use application except for annexations and potentially subdivisions (both of which are not subject to Proposition 123 requirements). Taking the FDP process as an example, the process can go as follows:

1. Pre-submittal actions that would not start the timeline:

- a. Developer to conduct a community meeting prior to formal submittal
 - b. Pre-application meeting(s) with staff to go over requirements, address conceptual plans, answer questions/concerns
2. Submittal of a Complete Application – Day 1
 3. Staff sends referrals to referral agencies relevant to the project for a 14-day comment period – Day 1-15
 4. After referral period lapses, the City has seven days to determine if the application meets all requirements – Day 16-22
 5. If additional review is needed, the applicant may address comments and resubmit – up to 30 days
 6. Assuming no additional review is needed, the City has seven days to schedule for the next available public hearing – Day 23-29
 7. Public hearings require public notices. For an FDP, we require a mailing to be sent to adjacent property owners and a sign to be placed on the property. These public notices must be completed for the City Council hearing – the public notice is not required for Planning Commission since we are a recommending body. Each notice runs for at least 14 days prior to the meeting date – Day 30-43
 8. Given that the Planning Commission only meets once a month and City Council meets twice a month, the maximum period from the time we determine that an application is complete to the hearing date would be 6 weeks (~40 days). This would occur if the referral period ended fewer than 14 days before the next available City Council public hearing date and we had to wait until the following month’s meetings.
 9. Once the Planning Commission makes a recommendation, we move to the City Council meeting, which is the following week – Days 43-50
 10. Action is taken at the City Council meeting.

Even in a scenario where we miss the public notice period for an application and must wait until next month’s Planning Commission meeting, we would just hit the 90-day benchmark (50 days if we perfectly hit the deadline, 90 if we have a six-week wait for the next Planning Commission meeting). Since Proposition 123 allows for a 30-day extension when comments need to be addressed, we can fit within the 90-day period for entitlement approval. Other projects (variances, conditional use permits, etc.) could be accomplished in this period, as well.

Although the city already has a fast enough process to comply with the 90-day review period, there are a few changes we could make to expedite the process further. At the very least, the city must make a stated commitment to fast track affordable housing projects. The below are potential options to expedite affordable housing reviews.

POTENTIAL OPTIONS TO EXPEDITE AFFORDABLE HOUSING REVIEWS

1. Development of checklists and guides

City staff are planning to work on this regardless, as the only commitment is staff time to produce these checklists and guides. So, no action from the Planning Commission or City Council is needed. Nevertheless, a brief description is included below.

To reduce the amount of time it takes for a developer to gather the necessary information and documentation required to submit for an affordable housing application, City staff can commit to developing detailed checklists and guides for the city’s various land use applications that can be provided to developers interested in constructing housing in the City. We can also provide names, contact information, and links to additional resources to support applicant success with meeting all requirements. By creating checklists and guides that show developers the necessary steps in the process, the necessary submittal requirements, a reasonable timeline estimate for the review process, and clear information on what is needed to get an approval, the City could provide better certainty for developers on the steps and time required to get an approval. This would not directly reduce the time it takes for an application to make its way through the approval process but could have a substantial impact on the amount of pre-application preparation a developer needs to put together and submit a complete application. Checklists and Guides must be clear enough for a developer to understand the expectations of what a complete application submittal includes.

The goal of this program would be to ensure that developers have all the information they need to submit a high-quality application, which will reduce the need for revisions and comments from referral agencies and the City before an approval can be granted.

2. Stated Commitment for Expedited Review Policies for Future Affordable Housing Projects

At its simplest, the state statute simply requires the City to commit to expedited review policies. The state has created a template for a resolution that the City Council could approve that acknowledges that any “complete application received by the Town for an affordable housing development will be placed on the next available agenda once proper public notice has been posted and a decision rendered on the application within 90 days to ensure an expedited and timely review of the affordable housing project.” If the city does not want to make any additional code changes, the recommendation could simply be to adopt a similar resolution formally stating that commitment for fast-track reviews. The template the state created is attached.

3. Commitment to scheduling “special” meetings for affordable housing projects

Given that a key factor that slows reviews often is the public notice requirements, the city could adopt a formal policy that establishes special meeting dates for Planning Commission reviews of affordable housing projects. The Variance Board is a potential example of how this could work. In Sec. 5-13(A), the ISMC states, *The Board shall not be required to schedule regular meetings but, rather, shall meet in a timely period after any request for a variance or appeal has been filed. The Board shall cause a record of its meetings to be kept. All meetings shall be open to members of the public and shall be conducted in the general form of public meetings.* The Variance Board only meets as required. The city could adopt language stating that the Planning Commission will schedule a special meeting for affordable housing projects meeting the state’s affordable housing definitions.

4. Reduction in “level” of review for small applications

This would be the largest change but also could result in the largest time savings for developers wishing to construct affordable housing in Idaho Springs. Currently, all land use applications – except variances – are required to go through two public meetings. First, with the Planning Commission as a recommending body and then to City Council for final review and approval. Both would require a public hearing.

For smaller projects that do not need to go through any entitlements besides the FDP process, we could propose two methods by which to reduce the process timeline.

Option 1: For projects of a certain size or smaller, we could create an administrative approval where City staff review and approve the project without a public hearing. Currently, FDPs can be reviewed administratively only if the review is for a building addition of less than 50% of the existing gross floor area of a property. Any FDP for a new structure requires the full PC/City Council process. We could expand this to allow small affordable housing projects to be reviewed administratively, even if they involve new structures. Allowing administrative approval would not be intended to circumvent the public process. Rather, the city would develop clear standards and criteria within land use regulations which further the community vision and goals. When an application has demonstrated compliance with those standards and criteria, it could be approved administratively. This would be a substantial time savings for developers. Staff do not think that this would be suitable for large projects but think it could be suitable for small projects. What constitutes a “small” project would be a key discussion point.

Option 2: This would require substantial coordination with City Council, as it would likely be the program/policy that would have the largest political ramifications. Staff have not yet spoken with City Council on this subject but wanted to present it as an option for feedback at Planning Commission with everything else before proceeding on to City Council for review and consideration at a work session. We could make the Planning Commission the authority for

affordable housing projects and eliminate City Council review. If an affordable housing project meets certain standards that would have to be developed, it would be able to be approved by the Planning Commission alone. This could save a developer several weeks, depending on public notice requirements. This would be a substantial change to current code requirements, since the Planning Commission currently does not take action on any land use applications but instead is a recommending body.

5. Other

Are there any ideas from Planning Commission about ways to expedite reviews?

Request for direction: Does Planning Commission support any or all of the above programs to expedite reviews? Which are the priorities and which – if any – do not seem like a good idea to pursue further?

PROPOSED ELIGIBILITY FOR EXPEDITED REVIEW

As mentioned above, the state requires expedited reviews of 90 days or less for projects that include rental housing at 60% AMI and for-sale units at 100% AMI. For projects at a higher AMI (e.g. 80% AMI for rentals, 120% AMI for for-sale units), we would not be required to expedite reviews.

Request for direction: Does the Planning Commission want to offer expedited reviews for projects at AMIs higher than those required by the state of Colorado?

RESOLUTION NO. 2024-_____
TOWN TRUSTEES,
OF _____, COLORADO

A RESOLUTION ESTABLISHING EXPEDITED REVIEW POLICIES FOR FUTURE AFFORDABLE HOUSING PROJECTS

WHEREAS, the voters of Colorado approved Proposition 123 in 2022 creating the State Affordable Housing Fund to make certain funds available to local governments as defined by CRS-29-32-104; and

WHEREAS, Town of _____, Colorado is a statutory municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado and is eligible for Proposition 123 funding and programing; and

WHEREAS, the Town of _____, has not adopted zoning, however, recognizes the importance of allowing affordable and attainable housing to be developed for its workforce and its residents; and

WHEREAS, the Town of _____ has set a baseline and commitment to increase affordable housing as defined in Proposition 123; and

WHEREAS, the Town of _____'s current process for reviewing proposed housing projects is typically completed within _____ days per application; and

WHEREAS, the Town of _____ also creates a policy for expedited review to ensure that affordable housing projects are always reviewed and a decision rendered within 90 days of a complete application.

NOW, THEREFORE, BE IT RESOLVED by the Town Trustees of _____, Colorado, creates the following policy for the use of Proposition 123 Funding:

1. The Trustees authorize _____ to assist with policy implementation and applying for future funding on behalf of the Town of _____ for the development of affordable housing as defined by CRS-29-32-104.
2. The Trustees establish a formal policy that any complete application received by the Town for an affordable housing development will be placed on the next available agenda once proper public notice has been posted and a decision rendered on the application within 90 days to ensure an expedited and timely review of the affordable housing project.

Adopted this _____ day of _____, 2023.

ATTEST: TOWN OF _____, STATE OF COLORADO:

Name, Town Clerk

Name, Mayor



TO: Idaho Springs Planning Commission
CC: City Administrator Andrew Marsh, Assistant City Administrator Guy Patterson
FROM: Dylan Graves, Community Development Planner
SUBJECT: Potential Incentives to Promote Affordable Housing in Idaho Springs
MEETING DATE: May 7, 2025

BACKGROUND

The scope of this work session is to talk about potential incentive programs and policies to promote additional affordable housing in the city of Idaho Springs. This topic has come about for several reasons. All these programs would only be eligible for truly affordable housing projects meeting a city definition of affordable housing (discussed below). This is a very initial discussion of potential options. Multiple meetings will be needed to determine if any of these options are feasible. These programs would also require substantial review from the city's legal and financial experts.

The reasons staff think it is important to start thinking about these are two-fold. First, we have had discussions about ADU incentive programs that could reduce the financial burden for developers and property owners. DOLA will be unveiling an ADU Fee Reduction and Encouragement Grant Program, which is meant to provide funding for activities including but not limited to, offsetting costs incurred in connection with developing pre-approved accessory dwelling unit plans, providing technical assistance to persons converting or constructing accessory dwelling units, or waiving, reducing, or providing financial assistance for accessory dwelling unit associated fees and other required costs.

Second, city staff have been approached by several developers recently who are interested in building low-income and affordable housing in the city, which is a clear need based on Clear Creek County's 2018 Housing Needs Assessment (HNA). Taking with these developers, they have expressed that it is difficult to get a project off the ground without incentives of some kind that could reduce construction costs, provide formal support for projects, or reduce red tape to provide additional clarity to the developers. There are several city parcels that eventually could be developed for affordable housing and several private properties that could be redeveloped (Carlson Elementary parcel at 1300 Colorado Blvd, east end properties, etc.), so creating a suite or menu of options to promote construction on these properties and private properties could be valuable to ensure that development occurs in a timely and efficient manner.

Below is a discussion on incentive programs that have been adopted elsewhere that could be effective here. Some would provide financial incentives to developers, some would reduce red tape associated with development, and some would simply formalize city support for projects that bring affordable housing to the city. Working with the Clear Creek Regional Housing Authority (CCRHA) would be critical to ensure success of any affordable housing project, so some of these programs likely will be most effective once the CCRHA is functional. A few policies discussed below have already been used in the past.

PROPOSAL #1 – DEFINE AFFORDABLE HOUSING IN THE IDAHO SPRINGS MUNICIPAL CODE (ISMC)

The city does not define what affordable housing is in the ISMC. Along with any incentive programs that the city might consider, staff believe that the city should define what affordable housing is. Matching the state's definition of affordable housing is a reasonable starting point. By defining affordable housing, the city can use that as the starting point for discussions with housing developers.

According to Section 29-32-101 (2) of the Colorado Revised Statutes, "affordable housing" means rental housing affordable to a household with an annual income of at or below sixty percent of the area median income, and that costs the household less than thirty percent of its monthly income. "Affordable housing" also means for-sale housing that could be purchased by a household with an annual income of at or below one hundred percent of the area median income, for which the mortgage payment costs the household thirty percent or less of its monthly income.

"Area median income" means the median household income of households of a given size in the municipality, or metropolitan statistical area encompassing a municipality, or county in which the housing is located, as calculated and published for a given year by the United States Department of Housing and Urban Development.

Request for Direction: Would the Planning Commission support adding a definition of affordable housing to the ISMC in Sec. 21-15?

FINANCIAL INCENTIVE PROGRAMS

1. WAIVER/REDUCTION IN BUILDING PERMIT FEES

This is commonly used to reduce construction costs for developers of affordable housing projects. In this example, the City will waive or reduce building permit fees for projects that meet the set affordability standards required for this waiver.

For an example of what value this waiver might have, I went into Community Core (City's building permit software) and found a permit with a valuation of \$1.2 million. For this permit, the total building permit and plan review fees were ~\$12,000. Looking at a permit with a valuation of \$11 million, the total permit and plan review fees were over \$75,000.

While not incredible savings for a developer, when taken with other programs and policies, this would help improve the bottom line of affordable housing development. Given that the city contracts its building services (currently with SAFEbuilt), reducing or waiving these fees may be complicated.

2. WAIVER/REDUCTION/DEFERENCE OF IMPACT FEES

From Sec. 21-76 of the ISMC, the city can establish development impact fees to be imposed upon development projects for the purpose of mitigating the impact that the development projects have upon the city's ability to provide specified public facilities. Monies collected shall be utilized to pay for growth-related improvements, facilities and equipment in the general functional area of parks, fire, police, municipal facilities, recreation, transportation, and storm water management.

single-family and multi-family housing, a fee of \$5,000 per unit is imposed. When the city was working with the development team who is building the Fieldhouse apartments at the former Golddigger field, one compromise the city was willing to offer the developer was that they could apply their required impact fees to improvements to Miner Street in the vicinity of the project. The improvements to Miner Street were more expensive than the impact fees to be assessed, so no impact fees were assessed to the developer.

Staff have come up with two potential ways to waive or reduce impact fees:

Option 1:

For projects where public improvements are proposed, staff recommend considering formalizing the waiver of impact fees commensurate with the cost of public improvements. If a development was required to pay \$500,000 in impact fees but is willing to provide \$500,000 or more in public improvements as part of their project, the developer would not be required to pay those impact fees. If a developer instead only had \$250,000 in public improvements as part of their project, then the city would waive that amount from their overall impact fee requirement.

Option 2:

Alternatively, the city could make the decision that affordable housing is a public benefit and as such, any impact fees for affordable units would be waived. In this example, if you were building a 100% affordable development, no impact fees would be required. However, if you are only doing 50% affordable, then only 50% of the impact fees would be waived.

3. WAIVER/REDUCTION/DEFERENCE OF WATER AND SEWER TAP FEES

This would be a new policy in the city and could be controversial, since water and sewer tap fees are part of an enterprise fund and waiving or reducing tap fees would mean that other properties are "paying" for the affordable units' taps. Deferral of tap fees over a set period could be a way to defer costs for a developer until after the property is occupied and taking in monthly rents from tenants. Waiver or reduction of these tap fees would be much more impactful but could be controversial.

Tap fees are used for capital improvements. These fees are not used until improvements are needed, which could be years after the development is completed. Creating a deferred payment plan program would allow a developer to "purchase" the tap fees over time (10+ years), reducing up-front costs and allowing payments once the project is operational. The only thing the city would be losing with a deferred payment program is interest, but the city could recoup a small interest rate over time as part of this policy.

4. TAX EXEMPTIONS

Some communities have assisted developers in securing property tax exemptions and sales and use tax exemptions. The city collects use taxes and sales taxes on construction projects that occur within city limits. The city could consider waiving, reducing, or deferring taxes for projects that meet set affordability and occupancy standards. An example from Butte, Montana, shows how this could work. A developer came to the city with a proposal to develop 29 dwelling units, all at or below 60% AMI. To help foster this development and ensure it was feasible within their city, the Butte Affordable Housing, Inc. (similar to the multi-jurisdictional Clear Creek Regional Housing Authority) agreed to waive the property taxes that they would normally collect for housing projects. This partnership allowed the developer to secure profits while the city secured 29 needed affordable housing units. Idaho Springs is largely a sales tax-based community, so property tax exemptions may not be a large benefit to developers.

5. LAND BANKING / PUBLIC LAND DISPOSITION

Some communities use land banking to encourage developers to construct affordable housing. In this example, the city would secure properties that could be developed for affordable housing. When a developer comes along who wanted to build in the community, the city “donates” the land to the developer either by giving them title or granting them a long-term lease. This eliminates property acquisition costs for the developer, making it more profitable to develop affordable housing. Idaho Springs already owns several parcels that would be suitable for such a program.

6. MONETARY MATCH

The city could partner with a developer and pay some amount of money towards the development to offset costs. Staff do not recommend this option, but other communities have done this in the past when closely partnering with a developer.

NON-FINANCIAL INCENTIVES

1. FORMAL LETTERS OF SUPPORT / RESOLUTION ADOPTION IN SUPPORT OF AFFORDABLE HOUSING

The city could establish a policy whereby we provide formal support for affordable housing projects prior to them going through the entitlement process. If the city set standards for the types of projects that Council would support, staff would be able to provide support letters pre-entitlement process to help the developer secure funding for their project. The city would not pre-judge the project and would still require the developer to go through the proper entitlement processes, such as a Final Development Plan (FDP). This would simply provide the developer with certainty that the city was willing to work with them on the project and help facilitate it, as long as it meets all applicable city codes and requirements.

2. FLEXIBILITY WITHIN DEVELOPMENT STANDARDS FOR AFFORDABLE HOUSING

This is a non-financial incentive that can nonetheless help a developer save costs. The city could grant reductions in development standards for affordable housing projects to reduce the cost to develop. These could involve reduced:

- Parking
- Setbacks
- Square footage minimums
- Open Space

By allowing affordable housing units some flexibility in design, the developer could increase the density of development and reduce the per-unit cost of construction. Standards and criteria would need to be created to ensure that adjacent properties and community character are protected.

The concern about this program would be: if the city is willing to reduce development standards for affordable housing, is there a reason why the city would not be willing to reduce those standards everywhere?

Request for Direction: What does the Planning Commission think about the potential policies discussed above? Are there any that we should immediately eliminate as an option?

ADU-SPECIFIC INCENTIVES

These are not substantially different from the policies discussed for affordable housing in general. However, since we have been discussing ADUs at the past few Planning Commission meetings, I wanted to copy over the sections written about ADUs that focus on financial incentives.

1. BUILDING PERMIT FEES

The *Housing Policy Analysis* Capelli Consulting completed recommends waiving or reducing building permit and permit review fees associated with ADUs that are community serving. If someone is willing to restrict occupancy of their ADU to long-term renters, the city could waive or reduce associated fees to allow for a cheaper construction. This would require a deed restriction agreement to be drafted that sets parameters for the fee waiver to ensure that the ADU is used for community-serving housing and not just as a guest quarters.

2. WATER AND SEWER FEES

Currently, you are required to have a tap for each building with a separate foundation that accesses water. For example, if I have a single-family home, I only need one tap. If you are adding an ADU to your property, you may or may not need to purchase a new tap. If the ADU is located within the existing walls of your home (e.g. in your existing basement), you would not need a new tap for water or sewer. However, if you were to build a new, standalone ADU with a separate foundation, you would be required to pay for new water and sewer taps. If the city was interested in changing the fee structure for ADUs, waiving tap fees for detached ADUs seems reasonable since internal ADUs already do not need to pay an additional tap fee.

Another thought would be to reduce the base rate for ADUs. Currently, if you have an ADU on your property, you will pay a 0.9 multiplier on top of your normal base rate for your single-family home. Essentially, you get a 10% reduction for your ADU for water/sewer base rates. To encourage additional ADUs, we may want to consider reducing the base rate for ADUs. A separate meter is needed for ADUs regardless. Staff believe that a way to do this would be to make the lower multiplier an annual process. If an ADU owner wants a reduced base rate for their ADU, they would have to show that the ADU is being used for long-term housing (long-term lease provided, for example).

As mentioned with the building permit fee section, we would need to set standards that would need to be met for occupancy, such as repayment strategies if the ADU was converted to another use (and was no longer community serving) and the methodology by which occupancy is monitored and enforced.

3. PRE-APPROVED ADU PLANS TO HELP REDUCE PROPERTY OWNER COSTS

Several communities have vetted pre-approved ADU plans and ADU-related contractors that property owners can use to construct ADUs while limiting costs. Removing the need to find and hire architects and contractors could save property owners thousands of dollars in design costs. As an example, the West Denver Renaissance Collaborative has partnered with their local Habitat for Humanity affiliate to develop standardized building forms pre-approved for use as ADUs. The city could partner with a similar group (or several groups) to provide local plans to property owners who wish to build ADUs. The city would need to work with SAFEbuilt on “pre-approving” the plans to ensure that they meet building code requirements for residential units.

Proposal: Once the ADU grant funding opportunity is open, Staff proposes to apply for a grant to work on pre-approved ADU plans. This will not require any ISMC updates so I would simply be looking for direction to apply for that grant once it is available.

Request for Direction: Does the Planning Commission want to continue considering ADU grants/incentives for property owners?