



Keystone Town Council Agenda

The Keystone Town Council will have a Regular Meeting on October 22, 2024, at 7:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435.

The Town of Keystone conducts hybrid meetings. This meeting will be held in person at Keystone Town Hall and will also be broadcast live over Teams. [Join the live broadcast available by computer here.](#) If you will need special assistance in order to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 450-3500x1 via phone, or clerk@keystoneco.gov via e-mail, at least 72 hours in advance of the meeting.

- I. **CALL TO ORDER, ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **PROCLAMATION**
 - A. **Proclamation Recognizing Wine in the Pines**
- IV. **COMMUNICATIONS TO COUNCIL**
 - A. *Public Comment (Pursuant to Resolution 2024-18, comment is limited to non-agenda items only; 3-minute time limit please)*
- V. **CONSENT**
 - A. **FIRST READING OF ORDINANCES**
 - 1. **Ordinance 2024-13, An Ordinance of Town Council of the Town of Keystone, Colorado, Designating the Site Selection of Arterial Highways, Interchanges, and Collector Highways, the Site Selection and Construction of Major New Domestic Water and Sewage Treatment Systems and Major Extension of Existing Domestic Water and Sewage Treatment Systems, and the Site Selection and Construction of Major Facilities of a Public Utility as Matters of State Interest, and Enacting the Town of Keystone Areas and Activities of State Interest Governing the Designation,**

**Permitting, Regulation, and Administration of Matters of State
Interest, and Providing Penalties for Violations Thereof**

B. RESOLUTIONS

1. **Resolution 2024-62, A Resolution of Town Council of the Town of Keystone, Colorado, Approving an Intergovernmental Agreement Regarding Liquor Code Regulation and Enforcement at River Course Grill**
2. **Resolution 2024-63, A Resolution of Town Council of the Town of Keystone, Colorado, Approving an Intergovernmental Agreement Regarding Liquor Code Regulation and Enforcement at Mountain House Lodge**

C. MEETING MINUTES

1. **October 8, 2024 – Meeting Minutes**

D. EXCUSED ABSENCES

1. **Gretchen Davis – November 26, 2024 – Remote Attendance**

E. OTHER

1. **Accounts Payable List**

VI. NEW BUSINESS

A. CONSIDERATION OF ORDINANCES (SECOND READING/PUBLIC HEARING)

B. RESOLUTIONS

1. **Resolution 2024-60, A Resolution of Town Council of the Town of Keystone, Colorado, Approving an Intergovernmental Agreement for Summit County Childcare Tuition Assistance**
2. **Resolution 2024-67, A Resolution of Town Council of the Town of Keystone, Colorado, Instructing Staff to Complete the Proposition 123 Commitment Process**
3. **Resolution 2024-68, A Resolution of Town Council of the Town of Keystone, Colorado, Approving Amended Town Council Bylaws**

C. LAND USE MATTER

1. **TOK24-011: Class 4 Appeal of the Community Development Director's approval of a Class 2 Review for a Conditional Use Permit (CUP) for a Short-Term Rental (STR) located at 31 River Overlook Court**

D. OTHER

1. Public Hearing: Fiscal Year 2025 Budget Presentation Information

VII. PLANNING MATTERS

VIII. REPORT OF TOWN MANAGER AND STAFF

IX. REPORT OF MAYOR AND COUNCIL

X. OTHER MATTERS (Town Manager/Mayor/Councilmember may bring up items on other matters that are not on the agenda)

XI. SCHEDULED MEETINGS

XII. EXECUTIVE SESSION

XIII. ADJOURNMENT

PROCLAMATION

TOWN OF KEYSTONE, COLORADO - A PROCLAMATION OF THE MAYOR AND TOWN COUNCIL

RECOGNIZING WINE IN THE PINES FORTIETH ANNIVERSARY

Whereas, forty years ago, Mike and Margaret Smith, and their daughter Kelly, began Wine in the Pines to raise money for Ability Connection Colorado, and

Whereas, Keystone has proudly served as the annual location for Wine in the Pines, and

Whereas, proceeds from the event benefit Ability Connection Colorado's Kelly Smith Employment Program, which helps provide statewide employment services to at-risk youth and adults seeking employment, skills development, and benefit assistance, and

Whereas, the 2024 Wine in the Pines Events will be held on October 25 and 26, and

Whereas, the Town of Keystone wholeheartedly supports the efforts and achievements of Wine in the Pines.

—NOW, THEREFORE, BE IT PROCLAIMED—

That the Mayor and the Town Council of Keystone, Colorado, do hereby honor and proclaim the 24th and 25th days of October 2024 as "Wine in the Pines Fortieth Anniversary" in the Town of Keystone, Colorado.

Issued this _____ day of _____, 2024

By: _____

Kenneth D. Riley, Mayor

Attest:

By: _____

Town Clerk

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers

THROUGH: John Crone, Town Manager
Lindsay Hirsh, Community Development Director

FROM: Jennifer Madsen, Town Attorney
Keith Martin, Attorney

DATE: October 22, 2024 – Town Council Meeting

SUBJECT: [FIRST READING] 2024-O-13, An Ordinance Designating The Site Selection Of Arterial Highways, Interchanges, And Collector Highways, The Site Selection And Construction Of Major New Domestic Water And Sewage Treatment Systems And Major Extension Of Existing Domestic Water And Sewage Treatment Systems, And The Site Selection And Construction Of Major Facilities Of A Public Utility As Matters Of State Interest, Enacting *The Town Of Keystone Areas And Activities Of State Interest* Governing The Designation, Permitting, Regulation And Administration Of Matters Of State Interest, And Providing Penalties For Violations Thereof

Executive Summary:

Ordinance 2024-O-13 is the designation of activities of state interest and adoption of Town of Keystone 1041 Regulations for the permitting process for these activities of state interest.

Recommendation:

Staff recommends that Council approve Ordinance 2024-O-13 on first reading.

Background:

At the most basic level, local government 1041 regulations are a land use tool for municipalities. As a planning tool, 1041 regulations give a local government a “seat at the table” during the review of particular development projects occurring in the jurisdiction, even when the project has statewide impacts.

In 1974, the Colorado legislature enacted the Areas and Activities Of State Interest Act which defines the authority of state and local governments in making land use planning decisions for matters of statewide interest. The Areas and Activities Of State Interest Act (“Act) was adopted pursuant to House Bill 74-1041 and accordingly, regulations adopted by local governments under the authority identifying the Areas and Activities Of State Interest Act are often referred to as “1041 Regulations.”

The legislative purpose of the Act was, in part, to clarify the relative authority of state and local governments over land use decisions concerning matters of statewide interest. The General Assembly encouraged local governments to “designate areas and activities of state interest and, . . . promulgate guidelines for the administration thereof.” The Act delegates powers, commonly called “1041 Powers,” to local governments allowing local governments to identify, designate, and regulate areas and activities of state interest through a local permitting process. The general intent of 1041 Powers is to allow local governments to maintain their control over certain types of projects because they have statewide or regional impacts.

The Act does not require that every local government exercise 1041 powers. However, local governments must make a designation and adopt regulations

before 1041 powers may be used. Using 1041 powers is a powerful land use regulatory step for local governments given that the general rule in Colorado is that local regulations are preempted by state regulations in areas of exclusive state-wide concern. The Act alters that general rule for those areas and activities of state interest identified in the lists below. The Act assigns the following functions to local governments in their exercise of authority under the Act:

- Designate matters of state interest.
- Hold hearings on applications for permits for development with respect to matters of state interest.
- Grant or deny applications for permits applications for permits for development with respect matters of state interest.
- Receive recommendations from state agencies and other local governments relating to matters of state interest.
- Send recommendations to other local governments relating to matters of state interest.

The Act identifies the areas of land and the activities qualifying as “matters of state interest” local governments may designate.

The "areas of state interest" local governments may designate include:

- Mineral resource areas;
- Natural hazard areas (including floodplains, wildfire hazard areas and geologic hazard areas);
- Areas containing, or having a significant impact upon, historical, natural, or archaeological importance; and
- Areas around certain “key facilities” including airports, rapid or mass transit terminals, interchanges involving arterial highways, and major facilities of a public utility.

The Act authorizes local governments to designate the following “activities of state interest”:

- Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems;
- Site selection and development of solid waste disposal sites;
- Site selection of airports;
- Site selection of arterial highways and interchanges and collector highways;
- Site selection and construction of major facilities of a public utility;
- Site selection and development of new communities;
- Efficient utilization of municipal and industrial water projects; and
- Conduct of nuclear detonations.

Local governments may choose to adopt 1041 regulations for any one or all of these areas or activities of state interest. Once adopted, development activities in these designated areas or activities are required to obtain a 1041 from the local government.

Draft Ordinance designating activities of state interest and adopting 1041 regulations:

Ordinance 2024-O-13 adopts 1041 regulations and designates the following activities of state interest:

- Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems;
- Site selection of arterial highways and interchanges and collector highways;
- Site selection and construction of major facilities of a public utility;

The 1041 Regulations provide that if a person is interested in development of an activity of state interest, the regulations require the following process for the development to proceed:

- 1) Applicant must set a pre-application meeting with Town Staff to discuss the project.
- 2) Following pre-application meeting, Town Staff will review the development and determine whether the development is not likely to have significant effects, or the significance of the effects is unknown – Finding of No Significant Impacts (FONSI). If there is a FONSI determination, then a 1041 permit is not required and the person may continue with the development.
- 3) If a permit is required, the person must submit the application with all the required information.
- 4) The completed application is provided to the Planning & Zoning Commission for review and recommendation (this is not a quasi-judicial hearing).
- 5) Town Council holds a quasi-judicial public hearing on the application and determines whether the criteria for the application has been met. The criteria outlined in the regulations are set by state statute, with additional Keystone-specific requirements, such as ensuring the activity is designed and developed in a manner that is consistent with the Town's comprehensive plan.

The goal of the proposed process is to provide the Town with a review when needed to for significant projects. As such, the process is structured to:

- comprehensively identify all potential environmental impacts and other effects directly related to the changes in the physical environment caused by the proposed development;
- assess whether those anticipated impacts are significant or not; and

- if they are significant, then allow the Town to impose conditions on the development activity—do this or do that—that will address, reduce, or mitigate those impacts.

The substantive review criteria are designed to: (1) ensure the applicant is doing everything it can possibly do to avoid significant impacts and, where unavoidable, to mitigate or offset them in some way; and (2) ensure the site of the project is the most appropriate location and that the applicant will responsibly develop and operate the project; and (3) discourage development projects from occurring on inappropriate sites and which don't actually advance any benefits, especially where unavoidable impacts will not be mitigated or the proposed changes in the physical environment resulting from the development activity present an unacceptable risk of injury to the public health, safety, and welfare.

Alternatives:

Town Council may provide alternative direction on designation of activities of state interest and the 1041 regulations.

Financial Considerations:

There are no financial considerations applicable to this ordinance.

Previous Council Actions:

Implementing 1041 regulations was discussed with Town Council at the work sessions on April 23 and September 10, 2024.

Next Steps:

If Council approves this Ordinance on first reading, it will be scheduled for second reading and public hearing on November 12. The effective date of the ordinance is thirty days after publication.

Suggested Motions:

Because this ordinance is on the Consent Agenda, a motion to approve the consent agenda will approve this ordinance on first reading.

Attachment:

- Ordinance 2024-O-13, An Ordinance Designating The Site Selection Of Arterial Highways, Interchanges, And Collector Highways, The Site Selection And Construction Of Major New Domestic Water And Sewage Treatment Systems And Major Extension Of Existing Domestic Water And Sewage Treatment Systems, And The Site Selection And Construction Of Major Facilities Of A Public Utility As Matters Of State Interest, Enacting *The Town Of Keystone Areas And Activities Of State Interest* Governing The Designation, Permitting, Regulation And Administration Of Matters Of State Interest, And Providing Penalties For Violations Thereof
- Town of Keystone 1041 Regulations

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
KEYSTONE, COLORADO, DESIGNATING THE SITE SELECTION OF
ARTERIAL HIGHWAYS, INTERCHANGES, AND COLLECTOR
HIGHWAYS, THE SITE SELECTION AND CONSTRUCTION OF MAJOR
NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND
MAJOR EXTENSION OF EXISTING DOMESTIC WATER AND SEWAGE
TREATMENT SYSTEMS, AND THE SITE SELECTION AND
CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC UTILITY AS
MATTERS OF STATE INTEREST, AND ENACTING *THE TOWN OF
KEYSTONE AREAS AND ACTIVITIES OF STATE INTEREST*
GOVERNING THE DESIGNATION, PERMITTING, REGULATION AND
ADMINISTRATION OF MATTERS OF STATE INTEREST, AND
PROVIDING PENALTIES FOR VIOLATIONS THEREOF**

WHEREAS, the Town of Keystone ("Town") is authorized to regulate the use and development of land under Colorado Revised Statutes Sections 31-23-101 *et seq.* and 29-20-101 *et seq.*; and

WHEREAS, the Town is authorized pursuant to the Areas and Activities of State Interest Act, Colorado Revised Statutes Sections 24-65.1-101, *et seq.* ("AASIA" or the "Act") to establish and designate certain areas and activities of state interest; and

WHEREAS, the AASIA authorizes the Town to adopt guidelines and regulations for administration of areas and activities of state interest, to establish and designate a permit procedure, receive applications for development in or conduct of matters of state interest, and to exercise other powers in connection therewith; and

WHEREAS, on November 12, 2024, the Town Council conducted a public hearing to consider designation of matters of State interest and adoption of guidelines and regulations for the administration thereof; and

WHEREAS, public notice of such hearing has been properly given; and

WHEREAS, the Town Council conducted a public hearing on the date and time noticed; and

WHEREAS, the Town Council having considered all relevant evidence regarding the proposed designations of activities of state interest; and

WHEREAS, the Town prepared regulations entitled "The Town of Keystone Areas and Activities of State Interest" dated November 12, 2024 (the "Regulations") to govern the designation, permitting, regulation, and administration of matters of state interest; and

WHEREAS, the Town Council desires to enact the Regulations; and

WHEREAS, the Town Council set a public hearing, with proper notice provided, to consider adoption of the Regulations as required by law; and

WHEREAS, copies of the Regulations are available at the Town's office for review and inspection by the public; and

WHEREAS, the Town Council of the Town of Keystone, Colorado **FINDS AS FOLLOWS:**

1. The present and foreseeable intensity of growth and development within the Town and region supports the designation of the following activities of state interest and adoption of the Regulations pursuant to the Act:

- (a) Site selection of arterial highways, interchanges and collector highways;
- (b) Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems; and
- (c) Site selection and construction of major facilities of a public utility.

2. The designation of these activities as matters of state interest is intended to:

- (a) Enable and facilitate the local administration of site selection of arterial highways, interchanges, and collector highways, site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems, and the site selection and construction of major facilities of a public utility by establishing requirements that must be met before a site may be selected so that such site conforms to the permit approval criteria in the Regulations;
- (b) Ensure the historic and cultural significance of Keystone and its historic landscape is preserved;
- (c) Protect the natural, rural, and mountain character of the Town;
- (d) Prevent adverse impacts to the air and water quality in the Town;
- (e) Keep noise and light pollution to a minimum so as to preserve the quality of life in the Town;
- (f) Provide for the continuation of desirable local community patterns in the face of regional development pressures;

- (g) Ensure that such sites are compatible with surrounding land uses; and
- (h) Encourage compliance with the Town's plans;

3. The enactment and adoption of the Regulations will facilitate the designation and administration of matters of state interest.

4. A fee in an amount necessary to cover the costs incurred in the review and approval of permit applications, including all hearings conducted thereof, will facilitate and reasonably cover the costs incurred in the administration of matters of state interest.

5. All requirements of law have been met, all public notices required have been given, and a public hearing has been held as required.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. Designation of Matter of State Interest. The Town Council hereby designates the following activities as a matter of state interest:

- (a) Site selection of arterial highways, interchanges and collector highways;
- (b) Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems; and
- (c) Site selection and construction of major facilities of a public utility.

Section 2. Boundaries of Area Covered by Designation.

- (a) The site selection of any arterial highway or interchange or collector highway within the incorporated boundaries of the Town of Keystone, as those boundaries may change from time to time, shall be subject to this designation.
- (b) The site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems within the incorporated boundaries of the Town of Keystone, as those boundaries may change from time to time, shall be subject to this designation.
- (c) The site selection and construction of major facilities of a public utility within the incorporated boundaries of the Town of Keystone, as those boundaries may change from time to time, shall be subject to this designation.

Section 3. Adoption of Guidelines and Regulations For Areas and Activities of State Interest. The Town of Keystone Areas and Activities of State Interest dated November 12, 2024, is hereby enacted and adopted by reference as the Town of Keystone Guidelines and Regulations For Areas and Activities of State Interest as if fully set out in this section without further additional, deletions, insertions, or changes.

Section 4. Purpose of Guidelines and Regulations For Areas and Activities of State Interest. The purpose of The Town of Keystone Areas and Activities of State Interest is to provide a comprehensive set of rules and regulations designed and intended to identify and regulate projects that could cause excessive noise, water, and/or air pollution, or which would otherwise degrade or threaten the existing environmental quality within the Town, promote efficient and economical use of public resources, and protect the public health, safety, welfare and the environment.

Section 5. Availability of Copies of Codes Adopted Hereby. At least one (1) certified true copy of the Town of Keystone Areas and Activities of State Interest enacted by this Ordinance shall be on file in the office of the Town Clerk and available for inspection during regular business hours.

Section 6. Enforcement and Penalties. The penalty provisions set forth in Section 4-10 of The Town of Keystone Areas and Activities of State Interest apply to any violation of any provision of this Ordinance or of the guidelines and regulations enacted hereby. Those penalty provisions are set forth *verbatim*, as follows:

It is unlawful and a violation of these regulations for any person to engage in or to undertake any development in an area designated pursuant to these regulations, or to conduct an activity designated pursuant to these regulations, without a permit issued pursuant to these regulations, or to fail or refuse to comply with permit requirements, or to act outside the authority of the permit. A separate violation shall be deemed to occur on each day that violation of this provision occurs or continues.

Section 7. Penalty. Any person convicted in the Municipal Court of a violation of any provision of the Regulations for which a different penalty is not specifically provided may be punished by a fine not exceeding two thousand seven hundred dollars (\$2,700.00), as adjusted for inflation on January 1, 2018, and on January 1 of each year thereafter. In addition, such person shall pay all costs and expenses in the case. Each day such violation continues shall be considered a separate offense.

Section 8. Repealer. All ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or

superseded.

Section 9. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 10. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 11. Effective Date. This ordinance shall take effect and be enforced thirty (30) days after final publication.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2024.

Ordinance No. 2024-O-13
Page 6 of 6

READ, PASSED AND ADOPTED AS AN ORDINANCE ON SECOND READING, AT A
REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE,
COLORADO, THIS
_____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

TOWN OF KEYSTONE, COLORADO

Areas and Activities of State Interest

**Published by the Town Council
Town of Keystone, Colorado**

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Areas and Activities of State Interest

Article I General provisions

Sec. 1-10 Title

The regulations set forth below may be cited as the "Keystone Regulations for Areas and Activities of State Interest," or the "Keystone 1041 Regulations"¹ and may be referred to as "these Regulations."

Sec. 1-20 Purpose and findings.

(a) The purpose of these Regulations is to facilitate identification, designation, and administration of matters of state interest consistent with the statutory requirements and criteria set forth in Sections 24-65.1-101, *et seq.*, C.R.S. as amended.

(b) The specific purposes are to:

- (1) Regulate and provide for a permitting system to change the physical environment to facilitate a project and to impose substantive requirements on the permittee to provide mitigation measures that minimize the harm or negates the severity of the harm resulting from those changes, and to require the permittee to pay compensatory mitigation for the purposes of offsetting those changes that are unavoidable;
- (2) Promote efficient and economical use of public resources; and
- (3) Protect the public health, safety, welfare and the environment.

(c) The Town Council finds that:

- (1) The notice and public hearing requirements of Section 24-65.1-404, C.R.S., have been followed in adopting these Regulations;
- (2) These Regulations are necessary because of the intensity of current and foreseeable development pressures on and within the Town;
- (3) These Regulations are necessary to protect the public health, safety, welfare, the environment, and historic, cultural and wildlife resources;
- (4) These Regulations apply to the entire Town; and
- (5) These Regulations interpret and apply to any provisions adopted for specific areas of state interest and specific activities of state interest which have been, or may be, designated by the Town Council.

Sec. 1-30 Authority.

¹The reference to "1041 Regulations" stems from the numbering of the original state legislative bill, H.B. 74-1041 which bill enacted Article 65.1 of Title 24, C.R.S., titled *Areas and Activities of State Interest*.

These Regulations are authorized by Colorado Revised Statutes Sections 24-65.1-101, *et seq.*, 31-23-101, *et seq.*, 29-20-101, *et seq.*, 24-32-111, and Article 15 of Title 31, C.R.S.

Sec. 1-40 Applicability.

These Regulations shall apply to all proceedings concerning the identification and designation by the Town Council of any area or activity of state interest and the control of development in any area of state interest or the conduct of any activity of state interest which has been or may hereafter be designated by the Town Council in any area of the town, whether on public or private land.

Sec. 1-50 Permit Required.

Other than as stated in Section 1-40, 1-50, and 3-50, no person may conduct a designated activity of state interest or develop in a designated area of state interest within the Town without first obtaining a permit or a permit amendment under these Regulations.

Sec. 1-60 Exemptions.

These Regulations shall not apply to the following:

- (a) Any proposed development plan issued a FONSI pursuant to Section 3-50.
- (b) Any fully constructed and operating project or facility that was lawfully developed under prior law in effect before the effective date of these Regulations that would be subject to these Regulations if it were currently proposed, may continue to operate, except that enlargement or expansion of any such project or facility shall require a permit under these Regulations unless an exemption exists or a FONSI is issued. An enlargement or expansion requiring a permit shall not include the maintenance, repair or replacement of existing buildings or structures associated with an existing facility, including retrofitting or updating technology, provided any changes do not result in a material change as determined by the Town Manager. Enlargements or expansions not requiring a permit may still be subject to an applicable Land Use Code development review process.
- (c) Any development in an area of state interest or any activity of state interest if, on May 17, 1974:
 - (1) The specific development or activity was covered by a current building permit issued by the Town;
 - (2) The specific development or activity was directly approved by the electorate of the state or the Town; provided that, approval by the electorate of any bond issue by itself shall not be construed as approval of the specific development or activity;
 - (3) The specific development or activity is on land which had been finally approved, with or without conditions, for planned unit development or for a use other than a subdivision substantially the same as planned unit development;
 - (4) The specific development or activity is on land which was either zoned or rezoned in response to an application which specifically contemplated said specific development or activity; or

- (5) The specific development or activity is on land with respect to which a final plat for a subdivision had been approved, with or without conditions.

Sec. 1-60 Interpretation with other enactments and plans.

- (a) Whenever any provision of these Regulations is found to be inconsistent with any other ordinance, code, regulation, other enactment, or the comprehensive plan, the enactment imposing the more restrictive standards or requirements shall control.
- (b) In the event that any provision of these Regulations is found to be less stringent than the statutory criteria for administration of matters of state interest set forth in Sections 24-65.1-202 through 204, C.R.S., the statutory criteria shall control.
- (c) Provisions of these Regulations relating to nonconforming uses shall apply as expressly set forth herein and shall, to that extent only, supersede and control over corresponding provisions of the Land Use Code of the Town of Keystone relating to nonconforming uses.

Sec. 1-70 Maps.

Each map referred to in any ordinance adopted by the Town Council designating or regulating a particular area or activity of state interest is deemed incorporated herein as if set out in full. Maps referred to in any such ordinance shall be filed with and be available for inspection at the Town of Keystone Town Hall, 1628 Sts John Road, Keystone, CO, 80435, or by contacting info@keystoneco.gov.

Sec. 1-80 Definitions.

- (a) The words and terms defined by Sections 24-65.1-102 through 24-65.1-103, C.R.S., shall have the meanings set for in such Sections unless a clear and unmistakable intent is provided by these Regulations.
- (b) The words and terms used in these regulations shall have the meanings set forth below unless the context requires otherwise:

"Applicant" means any person or entity applying for a permit under these regulations.

"Comprehensive plan" means for purpose of these Regulations, all of the following: (i) the comprehensive or master plan of the Town of Keystone prepared and adopted in accordance with the authority provided by article 23, Title 31, C.R.S., regardless of title of the plan, as it may be amended and supplemented from time to time; (ii) any Town-adopted policies, procedures, or guidelines which pertain to, guide, or regulate the use of land, development, culture, trails, open space, parks, streets, roads, and transportation facilities; and (iii) any land use plan or policy adopted in cooperation with Summit County or any other government or quasi-government pursuant to an intergovernmental agreement or other formal action by the Town.

"Designation" means the legal procedure specified by Sections 24-65.1-101, *et seq.*, C.R.S., carried out by the Town Council.

"Developer" means any person engaging or proposing to engage in development in an area of state interest or in conduct of an activity of state interest designated or proposed to be designated under these regulations.

Finding of no significant impact (or FONSI) shall mean the decision by the Town Manager, or Town Manager's designee, as to whether a proposed development plan or activity, not otherwise exempted under these Regulations, will not have a significant impact on the human environment and for which a 1041 permit therefore will not be required.

"*Flood*" or "*flooding*" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of water from channels;
- b. the unusual and rapid accumulation of runoff or surface waters from any source; or
- c. mudslides (*i.e.* mudflows) which are proximately caused by flooding as defined in clause b. above and which are sufficiently fluid so as to flow on and over the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

"*Flood hazard area*" means an area containing or directly affected by a flood.

"*Floodplain*" means an area adjacent to a stream, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:

- a. Mainstream floodplains;
- b. Debris-fan floodplains; or
- c. Dry wash channels and dry wash floodplains.

Impact means the negative physical or environmental effect or consequence that is the natural, necessary, and reasonable result of development, and can include non-environmental effects that are proximately related to the change in the physical environment.

"*Interceptor main*" means a pipeline that receives wastewater flows from collector sewers to a wastewater treatment facility or to another interceptor line or meeting other requirements of the Colorado Department of Public Health and Environment to be classified as an interceptor.

"*Layman's description*" means a general, nonlegal description and the popular name, if any, of the tract of land upon which the activity or development is to be conducted. The term "general description" means "layman's description."

"*Legal description*" is any description from which it is possible to locate accurately on the ground the boundaries of the land being described.

"*Mainstream floodplain*" means an area adjacent to a perennial stream, which area is subject to periodic flooding.

"*Major new domestic water system*" shall mean:

- (1) A system of wells, water diversions, transmission mains, distribution mains, ditches, structures, and facilities, including water reservoirs, water storage tanks, water treatment plants or impoundments and their associated structures, through which a water supply is obtained, stored, and sold or distributed for domestic uses; or
- (2) A system of wells, water diversions, transmission mains, distribution mains, ditches, structures, and facilities, including water reservoirs, water storage tanks, water treatment plants or impoundments and their associated structures, through which a water supply is obtained that will be used directly or by trade, substitution, augmentation, or exchange for water that will be used for human consumption or household use.

And all or part of a system described in (1) or (2) above meets one or more of the following criteria:

- a. Will require a new public right-of-way or easement greater than 30-feet in width and 1,452 linear feet in length in the aggregate for the proposed development plan; or
- b. Will require a new, or utilize an existing, easement within any Town natural area or conserved land greater than 30-feet in width and 1,452 linear feet in length in the aggregate for the proposed development plan.

In determining whether a proposed development plan is a major new domestic water supply system, the Town Manager may consider water rights decrees, pending water rights applications, intergovernmental agreements, treaties, water supply contracts and any other evidence of the ultimate use of the water for domestic, human consumption or household use. Domestic water supply systems shall not include that portion of a system that serves agricultural customers, irrigation facilities or stormwater infrastructure.

"*Major extension of an existing domestic water treatment system*" shall mean the expansion of an existing domestic water treatment plant or capacity for storage that will result in a material change, or the extension or upgrade of existing transmission mains, distribution mains, or new pump stations that will result in a material change. Major extension of an existing domestic water treatment system shall exclude the following:

- a. Any maintenance, repair, adjustment;
- b. Existing pipeline or the relocation, or enlargement of an existing pipeline within the same public right-of-way or easement not greater than 30-feet in width and for a distance of 1,452 linear feet or less;
- c. A new pipeline or facility within an existing public right-of-way;
- d. A new pipeline or facility within easements not greater than 30-feet or less and for a distance of 1,452 linear feet or less; or
- e. A new pipeline or facility constructed partially within an existing public right-of-way and partially within adjoining easements that are not greater than 30-feet in width and for a distance of 1,452 linear feet or less.

"*Major new sewage system*" shall mean:

- (1) A new wastewater treatment plant;

- (2) A new lift station; or
- (3) An interceptor main or collector sewer used for the purposes of transporting wastewater that meets one or more of the following criteria:
 - a. Will require a new public right-of-way or easement greater than 30-feet in width and 1,452 linear feet in length in the aggregate for the proposed development plan; or
 - b. Will require a new, or utilize an existing, easement within any Town natural area or conserved land greater than 30-feet in width and 1,452 linear feet in length in the aggregate for the proposed development plan.

"Major extension of an existing sewage treatment system" shall mean any modification of an existing wastewater treatment plant or lift station that will result in a material change, or any extension or upgrade of existing interceptor main or collector sewer that will result in a material change. Major extension of an existing sewage treatment system shall exclude the following:

- a. Any maintenance, repair, adjustment;
- b. Existing pipeline or the relocation, or enlargement of an existing pipeline within the same public right-of-way or easement not greater than 30-feet in width and for a distance of 1,452 linear feet or less;
- c. A new pipeline or facility within an existing public right-of-way;
- d. A new pipeline or facility within easements not greater than 30-feet or less and for a distance of 1,452 linear feet or less; or
- e. A new pipeline or facility constructed partially within an existing public right-of-way and partially within adjoining easements that are not greater than 30-feet in width and for a distance of 1,452 linear feet or less; or
- f. Any sewage system facility that does not increase the rated capacity from the Colorado Department of Public Health and Environment.

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

"Matter of state interest" means an area of state interest or an activity of state interest or both as defined under Section 24-65.1-101, et seq., C.R.S.

"Material change" means any change in a development plan approved under these Regulations which significantly expands the scale, magnitude, or nature of the approved development plan or the significant impacts considered in approval of the original permit.

"Mudflow" means the downward movement of mud in a mountain watershed because of peculiar characteristics of extremely high sediment yield and occasional high runoff.

"Natural hazard" means a geologic hazard or a flood.

"*Person*" means any individual, limited liability company, partnership, corporation, association, company, or other public or corporate body, and includes without limitation any political subdivision, agency, instrumentality, or corporation of the State or the United States government.

"*Planning and Zoning Commission*" means the Town of Keystone Planning and Zoning Commission.

"*Public right-of-way*" shall mean an area dedicated to public use or impressed with an easement for public use which is owned or maintained by the Town and is primarily used for pedestrian or vehicular travel for public utilities or other infrastructure. Right-of-way shall include, but not be limited to, the street, gutter, curb, shoulder, sidewalk, sidewalk area, parking area and any other public way.

"*Reservoir*" (except in the context of the separately defined term "major publicly owned reservoir") means an area of land where water is retained or an area intended for water retention, and which is used or proposed for use in whole or in part for the storage of municipal water supplies or of water which is part of a domestic water treatment system.

"*Slope*" means the gradient of the ground surface that is definable by degree or percent.

"*Town Council*" or "*Council*" means the governing body of the Town of Keystone.

"*Town Manager*" or "*Manager*" means the Town Manager for the Town of Keystone, or some other person designated by resolution or ordinance of the Town Council to be responsible for the administration and enforcement of the provisions of these Regulations.

"*Transmission main*" shall mean a domestic water supply system's line that is designed to transport raw or treated water from a water source to a water treatment plant, storage facility or distribution systems.

"*Treatment System*" shall mean either, or both, the water distribution system and wastewater collection system.

"*Unstable or potentially unstable slope*" means an area susceptible to a landslide, a mudflow, a rock fall, or accelerated creep of slope-forming materials.

"*Wastewater collection system*" means a system of pipes, conduits, and associated appurtenances that transports domestic wastewater from the point of entry to a domestic wastewater treatment facility. The term does not include collection systems that are within the property of the owner of the facility. The term is defined in Section 25-9-102(4.9), C.R.S., and as amended.

"*Wastewater treatment plant*" shall mean a facility or group of units used for treatment of industrial or domestic wastewater or the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units discharges into state waters. Wastewater treatment plant specifically excludes individual wastewater disposal systems such as septic tanks or leach fields.

"*Water distribution main*" shall mean a domestic water supply system's pipeline that is designed to transport treated water from a transmission main to individual water customers through service laterals.

"*Water distribution system*" shall mean a network of pipes and conduits through which water is piped for human consumption or a network of pipes and conduits through which water is piped in exchange or trade for human consumption.

"*Water diversion*" shall mean removing water from its natural course or location or controlling water in its natural course or location by means of a control structure, canal, flume, reservoir, bypass, pipeline, conduit, well, pump or other structure or device or by increasing the volume or timing of water flow above its natural (pre-diversion) levels.

"*Water treatment plant*" shall mean the facilities within the domestic water supply system that regulate the physical, chemical or bacteriological quality of the water.

Sec. 1-90 Administrative interpretations.

- (a) In consultation with the Town Attorney, the Town Manager is authorized to issue written administrative interpretations of these regulations. An administrative interpretation shall not grant any form of approval and shall not modify, waive, or amend a non-ambiguous provision of these regulations. An interpretation shall be limited to clarifying, restating, or assisting in identifying the proper application of these regulations in order to enable an applicant to conform to the requirements of these regulations. All administrative interpretations shall be collected and retained by the Town Manager and made available for public inspection. Following issuance of an administrative interpretation, the Town Manager shall promptly provide a copy of the interpretation to the Town Council and the Town Attorney.

- (b) Any person aggrieved by a final written administrative interpretation issued by the Town Manager may appeal such interpretation to the Town Council. Prior to scheduling an appeal before the Council, the aggrieved party shall provide to the Town Manager written argument and evidence as to why the Manager's administrative interpretation fails to reasonably conform with the purpose, language, or intent of these regulations or unlawfully conflicts with Sections 24-65.1-101, *et seq.*, C.R.S. In advance of the date of a scheduled appeal, the Town Manager shall provide to the Council the aggrieved party's written argument and evidence along with the Manager's argument and evidence supporting the Manager's interpretation. At the scheduled date of the appeal, the Council shall administratively consider and render a decision to uphold, amend, or nullify the Town Manager's administrative interpretation. All actions to appeal an administrative decision shall be administrative in nature and decisions of the Town Council shall be final and not subject to further appeal.

Article II
Procedures for Designating Matters of State Interest

Sec. 2-10 Designation of matters of state interest.

Designations and amendments or revocations of designations may be initiated in any of the following ways:

- (a) Upon a determination by the Town Council to proceed on its own initiative.
- (b) Upon the entry of a court order requiring designation of any matter of state interest by the Town, in which event the Town Council shall hold proceedings to adopt such designation. At any time after the designation of any matter of state interest by the Town Council pursuant to court order, proceedings to revoke or amend any such designation may be held upon the subsequent order of the same court which ordered the designation.

Sec. 2-20 Inclusion in comprehensive plan.

After designation of an area or activity of state interest as provided in these Regulations, the Town Council shall initiate procedures to incorporate such designation into the comprehensive plan. The "careful and comprehensive surveys and studies" upon which the comprehensive plan must be based according to Section 31-23-207, C.R.S., shall consist of the record of the designation hearing prepared pursuant to these Regulations.

Sec. 2-30 Moratorium.

- (a) The Town Council may, in its discretion, legislatively impose a moratorium on development in an area of state interest or on conducting an activity of state interest by ordinance at any time prior to its designation pursuant to these Regulations.
- (b) The Town Council may, in its legislative discretion, provide for a special exception to any moratorium issued pursuant to subsection (a), above, pursuant to the following procedures:
 - (1) The person proposing development in a designated area of state interest or to undertake a designated activity of state interest may submit a written request seeking the Town Council consideration of a grant of a special exception. Such request shall indicate the purpose of the proposed development or activity and stating with particularity the substantial hardship that the requesting party will suffer if the special exception is not granted.
 - (2) Within forty-five (45) days after receipt of the request, the Town Council shall either: (i) summarily reject consideration of the requested exemption; or (ii) schedule the Council's consideration of the requested exemption; and (iii) in the Council's discretion, schedule a legislative hearing to receive testimony and comment on the requested exemption. The Town may extend the date for consideration or the date of a hearing for an additional forty-five (45) days if the meeting at which the consideration or hearing is scheduled is cancelled or postponed due to lack of quorum or other reason. No notice is required for the Council's consideration of a request for an exemption. If the Council elects to conduct a hearing on the requested exemption, notice of the date, time, place, and

general purpose of the hearing shall be given at least fourteen (14) days in advance of such hearing as follows:

- a. The party requesting consideration of an exemption shall be notified of the hearing by the deposit of notice in the regular U.S. mail; and
- b. Notice of the hearing shall be published in a newspaper of general circulation.
- c. Property owners deemed by the Town as potentially, directly, or substantially affected by any requested exemption may be notified by the sending of a courtesy notice. A courtesy notice is not a prerequisite or requirement for the conduct of a hearing. The method or manner for sending a courtesy notice shall be subject to the discretion of the Town.

Failure to receive a properly mailed notice, or the Town's decision to forego sending one or more courtesy notices or to elect to send courtesy notices to only some but not all owners, shall not constitute cause for vacating or rescheduling a hearing.

- (3) The Town Council may grant the special exception and order the issuance of a building permit if the Council finds all of the following:
 - a. That the development or activity is necessary to prevent an undue and significant hardship on the party requesting the exemption;
 - b. That the development or activity will not adversely affect the public interest or the purposes of the moratorium; and
 - c. That the development or activity would otherwise be lawful, proper, and in accordance with all of the ordinances and regulations of the Town if the moratorium were not in effect.

- (c) No moratorium imposed pursuant to subsection (a) above shall prohibit the continuation of any legal nonconforming use.
- (d) All actions concerning the imposition of a moratorium and the consideration, hearing, denial, or grant of a requested special exemption shall be legislative in nature.

Sec. 2-40 Public hearing, mailing list, publication.

- (a) The Town Council shall hold a public hearing before designating any matter of state interest and adopting regulations for the administration thereof.
- (b) The Town Manager shall prepare a notice of the designation hearing which shall include:
 - (1) The time and place of the hearing;
 - (2) The place at which materials relating to the matter to be designated and any provisions for the administration thereof may be examined;

- (3) If less than the entire Town, a description of the area or activity proposed to be designated in sufficient detail to provide reasonable notice as to property which would be included or affected. The notice shall include either a legal description or a general or layman's description of the property.
- (c) At least thirty (30) days but no more than sixty (60) days before the public hearing, the Town Manager shall publish the notice in a newspaper of general circulation in the Town.

Sec. 2-50 Matters to be considered at designation hearings.

At the public hearing described above, the Town Council shall consider such evidence as may appear appropriate including, at a minimum:

- (a) The intensity of current and foreseeable development pressures;
- (b) The matters and considerations set forth in any applicable guidelines for identification and designation;
- (c) Recommendations from state agencies, if appropriate;
- (d) The boundaries of the proposed area;
- (e) Reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
- (f) Any master or comprehensive plan pertaining to or affected by the area or activity under consideration.
- (g) Recommendations of the Planning and Zoning Commission and any designated citizen advisory committee, if any; and
- (h) Other relevant testimony and documents presented.

Sec. 2-60 Record of designation proceeding.

- (a) The Town Manager shall provide for recording of the designation hearing by audiotape, stenographer, or other appropriate means.
- (b) The Town Manager shall collect and preserve the following record of the public hearing, at a minimum:
 - (1) Notice of hearing;
 - (2) Certificate of publication of the notice;
 - (3) Names and addresses of persons making written or oral statements, appearing as witnesses, or offering documentary evidence;

- (4) Evidence relating to the identification of the matter of state interest proposed to be designated;
- (5) Written findings concerning each of the matters referred to in section 2-50, above;
- (6) Written minutes of the decision-maker relating to the public hearing; and
- (7) The recording prepared pursuant to subsection (a), above, provided that the Town is under no obligation to transcribe such recording unless requested and paid for by a requesting party.

Sec. 2-70 Adoption of designation and regulations.

- (a) At the conclusion of the public hearing, the Town Council may adopt, adopt with modifications, or reject the proposed designation and associated provisions which were the subject of the public hearing.
- (b) Any designation shall be made by ordinance approved by a majority of a quorum of the Town Council present and voting. Rejection of a proposed designation shall be by written resolution or ordinance.
- (c) Each designation ordinance adopted by the Town Council shall, at a minimum:
 - (1) Specify the boundaries of the designated area of state interest or the boundary of the area in which an activity of state interest has been designated. Boundaries of such area shall include either a legal description or a general or layman's description of the property, as deemed appropriate by the Council. If the designation is applicable to the entire Town, the notice shall so state and no other description of the property included in the designation shall be required.
 - (2) State reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner; and
 - (3) Set forth in full detail the regulations applicable to the designated matter of state interest.

Sec. 2-80 Recording of notice of designation.

A notice of the designation shall be certified by the Town to the Summit County clerk and recorder for filing in the real property records of Summit County.

Sec. 2-90 Combined designation and permit hearing.

If a person proposes to engage in development in an area of state interest or to conduct an activity of state interest not previously identified, designated, or for which regulations have not been adopted, the Town Council alone may hold one hearing for determination of identification, designation and regulations as well as for granting or denying the permit. No permit that is granted at the conclusion of any such hearing

shall authorize the applicant to engage in development or to conduct an activity until the identification, designation and regulations are finally determined.

**Article III
Permits**

Sec. 3-10 Permits required after designation; receipt of application form.

- (a) Any person who desires to engage in development within an area designated pursuant to these Regulations or to conduct an activity designated pursuant to these Regulations shall first apply for and obtain a permit as provided in these Regulations.
- (b) An application for a permit for such development or activity pursuant to these Regulations shall not be accepted unless it is complete and is in form and content as required by state law and these Regulations. If the application is considered incomplete by the Town Manager, the Town Manager shall specify what additional information is required. When a submitted application is considered to be complete by the Town Manager, the Town Manager shall note upon the application the date of its receipt.
- (c) When the applicant seeks a permit to engage in development in more than one area of state interest, to conduct more than one activity of state interest, or to engage in development in an area of state interest and to conduct an activity of state interest, a single application may be completed for all such activities or developments and may be reviewed by the Town Council in one consolidated hearing.
- (d) For any application to be considered complete under these Regulations, in addition to meeting the requirements of 3-70, below, the application shall include and cover the entire development as presently contemplated and reasonably foreseeable for the subject property or activity for a period not less than five years following the date of the application. For purposes of this subsection, the subject property is the property on which the development is located, and any other contiguous property which is under the developer's ownership or control and is otherwise subject to regulatory jurisdiction under these Regulations. The application shall describe and cover all development planned for the subject property within the said five-year period. The purpose of this requirement is to assure that the application is reviewed in a rational context of reasonably foreseeable development for the property, to avoid piecemeal analysis of applications, and to allow for a comprehensive consideration of the cumulative impacts of development under these regulations.
- (e) The Town Manager's determination regarding whether a permit application is complete may be appealed to the Town Council by the applicant in accordance with section 5-90 below.

Sec. 3-20 Application fee.

Any person who applies for a permit under these Regulations shall pay all of the actual costs incurred by the Town to review and act upon said application including any consultant costs deemed necessary by the Town Manager to assist in reviewing an application. If requested by the Town, the applicant shall deposit an amount reasonably estimated by the Town to cover such costs when the application is filed. The Town need not perform or continue any review or consideration of the application without an adequate amount to pay the costs therefor being on deposit. Any unused portion of the deposit will be refunded, and any deficit will be invoiced to the applicant and shall be paid in full prior to the Town's issuance of any permit.

Sec. 3-30 General Process Outline.

The following is a general outline of the steps required for any permit decision under these regulations. Specific information regarding each of the referenced steps follows this section.

- (a) Preapplication conference;
- (b) Finding of no significant impact (FONSI) determination;
- (c) Application submission and completeness review;
- (d) Town Manager review and agency referrals;
- (e) Review and recommendation from the Planning & Zoning Commission;
- (f) Public hearing and decision on issuance of permit by Town Council.

Sec. 3-40 Preapplication Conference.

- (a) A pre-application conference is required of all applicants.
 - (1) The applicant shall contact the Town Manager to schedule a pre-application conference within sixty (60) days after the proposal is complete to the extent of 30 percent (30%) of engineering design.
 - (2) The preapplication conference shall be held between the applicant and the Town Manager. The applicant or the applicant’s authorized representative shall attend the conference. The Town Manager may require the attendance of other Town staff, Town contractors, engineers, planners, or attorneys as deemed necessary or desirable by the Town Manager.
 - a. This conference is intended to determine if a permit is required for the proposed development plan, application submittal requirements, procedural requirements, and relevant agencies to coordinate with as part of any permit review process.
 - b. The Town Manager will explain the application procedures and the materials required for submittal of an application.
 - c. The applicant or applicant’s representative shall present a conceptual site plan at the conference and any other available materials that will best enable a fuller understanding of the proposal.
 - (3) If the Town Manager believes that the proposal raises any questions or impact regarding the following issues, areas, topics, or matters, the Town Manager may require the applicant to also meet with members of the appropriate Town departments, Town staff, Town contractors, or appropriate Town or citizen committees, boards, or commissions, or private landowners, or neighborhood or homeowner associations to discuss the proposal.

- (4) Topics of discussion may include, as relevant to the specific application, but are not limited to:
- a. Characteristics of the activity, including its location, proximity to natural and human-made features; the size and accessibility of the site; surrounding development and land uses; and its potential impact on surrounding areas, including potential environmental effects and planned mitigation strategies;
 - b. Flood conditions, floodway, or floodplain;
 - c. Highway, street, roadway, access, traffic concerns, parking design and engineering, and all vehicular movement patterns and volumes;
 - d. Water supply, sanitation, water quality, or other public health concerns;
 - e. Fire hazards;
 - f. Open space, parks, or trails;
 - g. Quiet enjoyment of private property or residential neighborhoods; or
 - h. Environmental, wildlife, geologic, soil, snow loading, view plane, lighting, aesthetics, or resource or community concerns;
 - i. Siting and design alternatives and reasons why such alternatives are not feasible; and
 - j. Any additional information requested by the Director as necessary to make a FONSI determination pursuant to Section 6-50.
- (b) Any comments or commitments made by any member of the Town staff during the preapplication conference are only preliminary in nature and should not be relied upon by the applicant. Formal or binding comments cannot be made by Town staff, contractors, or others until after the application is submitted and adjacent and/or nearby property owners and referral agencies have had an opportunity to respond.
- (c) Preapplication conferences may be held individually with each department, or a joint conference for all, or some, of the departments may be scheduled.
- (d) Town staff will endeavor to make available to the applicant any public information regarding the application which is in the Town's possession.

Sec. 3-50 FONSI Determination.

- (a) Upon the Manager deeming the application for a pre-application conference as complete, written notice shall be mailed to the applicant.
- (b) The Manager shall make a finding related to whether the proposed project:
 - (1) Is appropriately categorically exempt;
 - (2) Is not likely to have significant effects or the significance of the effects is unknown (FONSI) and, therefore, a permit is not required; or
 - (3) Is likely to have significant effects and, therefore, a permit is required.

The Manager shall make this determination within twenty-eight (28) days after the date the preapplication review has occurred or any requested additional information or third-party consultation is received, whichever is later.

- (c) *Significance determination —context and intensity.* In considering whether an adverse effect of the proposed development plan is significant, the Town Manager shall examine both the context of the action and the intensity of the effect. In assessing context and intensity, the Town Manager should consider the duration of the effect. The Town Manager may also consider the extent to which an effect is adverse at some points in time and beneficial in others.
 - (1) The Town Manager shall analyze the significance of the proposed development plan in several contexts. The Town Manager should consider the characteristics of the geographic area, such as proximity to unique or sensitive resources or communities. Depending on the scope of the project, the Town Manager should consider the potential regional and local contexts as well as the duration, including short-and long-term effects. The Town Manager shall also consider the following factors:
 - a. Whether the project is located wholly or partly on, under, over or within an existing or planned future Town natural area or park, whether developed or undeveloped;
 - b. Whether the project is located wholly or partly on, under, over or within a Town-owned, non-right-of-way, property or current or anticipated Town building site, whether developed or undeveloped.
 - (2) The Town Manager shall analyze the intensity of effects considering the following factors, as applicable to the proposed development plan and in relationship to one another:
 - a. The degree to which the activity or development plan may adversely affect unique characteristics of the geographic area such as historic or cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

- b. Whether the action may violate relevant federal, state or local laws or other requirements or be inconsistent with federal, state or local policies designed for the protection of the environment.
 - c. The degree to which the potential effects on the human environment are highly uncertain.
 - d. The degree to which the action may adversely affect an endangered or threatened species or its habitat, including habitat that has been determined to be critical under the Endangered Species Act of 1973.
- (d) If the Manager issues a FONSI, the applicant does not need to submit a permit application under these Regulations. However, issuance of a FONSI does not exempt the proposed development plan from all Town of Keystone Land Use Code requirements, and an alternative review process may be required.
 - (e) If the Manager issues a FONSI and the applicant subsequently makes material changes to the development plan, the applicant is required to schedule another pre-application conference pursuant to Section 3-40 to discuss the changes. Based on the new information and whether the revised development could result in significant impacts, the Manager may rescind the FONSI by issuing a written determination pursuant to below Subsection (h) and require a permit under these Regulations.
 - (f) *Permit Not Required.* If the Manager has made a finding of no significant impacts, or FONSI, a permit pursuant to these Regulations is not required.
 - (g) *Permit Required.* If the Manager determines a FONSI is not appropriate, the proposed development plan requires a permit and is subject to these Regulations. The Manager shall provide the applicant with written comments, to the extent such comments differ from comments provided for any conceptual review, regarding the proposal to inform and assist the applicant in preparing components of the permit application; including a submittal checklist, additional research questions to address common review standards or any additional information needed to deem a permit application complete, including additional scope of analysis needed to review.
 - (h) *Notice of Manager's Determination.* The Manager's determination to either issue a FONSI and not require a permit or to not issue a FONSI and require a permit shall be in writing and describe in detail the reasons for the determination. The Director shall provide the written determination to the applicant by email if an email address has been provided and promptly mail a copy of the written determination to the applicant.
 - (i) *Appeal of the Manager's Determination.* The Manager's determination not to issue a FONSI is subject to appeal to the Planning and Zoning Commission pursuant to Section 3-60. After the filing of a timely notice of appeal pursuant to Section 3-60, the Manager shall not accept any application that may be affected by an appeal decision and, if an application has been accepted, shall cease processing such application until the appeal has been decided, which in the case of an appeal to Planning and Zoning Commission shall be the date of adoption of the appeal resolution. The filing of a timely notice of appeal shall reset any time period set forth in 3-80 (Completeness) and 3-110 (Hearing Procedures) and such time period shall begin from the date the appeal is decided as previously described.

Sec. 3-60 Appeal of FONSI Determination.

The Manager's determination pursuant to Section 3-50 that a proposed development plan would have no significant impact and would not require a permit pursuant to these Regulations, or that a proposed development plan would have a significant impact and must obtain a permit pursuant to these Regulations may be appealed to the Planning and Zoning Commission as follows:

- (a) *Parties Eligible to File Appeal.* The applicant is the only party eligible to file an appeal of the Manager's determination that a proposed development plan would have a significant impact.
- (b) *Filing Notice of Appeal.* An appeal shall be commenced by filing a notice of appeal with the Manager within fourteen (14) calendar days after the date of the written final determination on a FONSI application. Such notice of appeal shall be on a form provided by the Manager, shall be signed by each person joining the appeal ("appellant"), and shall include the following:
 - (1) The name, address, email address, and telephone number of each person joining the appeal;
 - (2) The specific reasons why the appellant believes the Director's determination is incorrect; and
 - (3) In the case of an appeal filed by more than one (1) person, the name, address, email address and telephone number of one (1) such person who shall be authorized to receive, on behalf of all persons joining the appeal, any notice required to be mailed by the Town to the appellant.

The Manager shall reject any notice of appeal that is not timely filed, does not contain the information set forth in (1) - (3) above, or is not filed by a party with standing to file an appeal. The decision to reject a notice of appeal is not subject to appeal. Should multiple notices of appeal be filed, a single hearing shall be held.

- (c) The Planning and Zoning Commission shall complete its review at a public meeting and render its decision to uphold or deny the Manager's decision within thirty (30) days of the filing of the notice of appeal. The Planning and Zoning Commission's review shall be limited to consideration only of the record before the Manager. The standard of review for such an appeal shall be limited to an "abuse of discretion." Under this standard, the Planning and Zoning Commission may only overturn the Manager's decision if it finds that the Manager abused such person's exercise of discretion.
 - (1) While the Planning and Zoning Commission will not be considering any new evidence or information, the appellant has submitted an appeal request containing written argument, and the appellant will have an opportunity to submit arguments orally to the Planning and Zoning Commission regarding its position in the appeal.

- (2) The chair may place reasonable restrictions on such arguments, but the decision to place any such limits or specific parameters on the conduct of the proceeding is entirely up to the chair. For example, the chair may limit the length of time for appellant's initial oral argument to thirty (30) minutes as well as limit the length of time for the Planning and Zoning Commission 's questioning of the appellant to thirty (30) minutes.
 - (3) An appellant shall be notified in writing of any such limitations in advance. Furthermore, an appellant shall be given an opportunity to reserve any portion of their time allotted for initial oral argument for use during the period of Planning and Zoning Commission questioning or to make final statements after Planning and Zoning Commission questioning (for example, the appellant may only want to use ten (10) of their thirty (30) minutes to make their initial arguments, and reserve ten (10) of the remaining twenty (20) minutes for use to address questions and ten (10) minutes for their final statement to the Planning and Zoning Commission after addressing its questions.
 - (4) Finally, the appellant shall be entitled to make a closing argument before the Planning and Zoning Commission's deliberation.
- (d) *Effect of decision.* The Planning and Zoning Commission's decision shall be final and appealable and shall be to the courts pursuant to the applicable Colorado Rules of Civil Procedure .

Sec. 3-70 Application Submittal Requirements.

- (a) *Application.* In addition to specific submission requirements for the activities addressed in Article VI, VII and VIII, all applications for a permit under these Regulations shall be accompanied by the following materials:
- (1) The application must include an application form designating any persons authorized to act as agent for the applicant in connection with the application, exhibit the applicant's or agent's signature, and supply all required information. The form shall be accompanied by all fees, maps, plans, and reports required by these regulations.
 - (2) The signature on an application form evidences the applicant's approval of and concurrence with all statements and commitments contained in the application.
 - (3) The application shall provide a written description of the development or activity, including any capital improvements plan, facilities plan, or other planning document which the applicant has prepared for its use, covering at a minimum a period of five years from the date of the application.
 - (4) If the application anticipates new surface development, it shall include written certification of compliance with the provisions of Article 65.5 of Title 24, C.R.S., that require examination of the public records to determine the existence and identity of owners and lessees of severed mineral interests in the property covered by the application. The application shall inform the Town of the results of such examination. If such examination reveals the existence of any such owners or

lessees the application shall include a complete list of the names and addresses of such persons and describe the severed mineral interests owned or leased by each. In accordance with section 3-110(c) below, the public hearing on the application will not be held unless the applicant furnishes the Town with signed certification confirming that the applicant has, at least 30 days prior to the said public hearing, transmitted to the Town and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.

- (5) The applicant shall furnish a detailed description of the need for the proposed development or activity, including but not limited to: (i) the present and projected population of the area to be served, (ii) the predominant types of users or communities to be served by the proposal, (iii) the percentage of the design capacity at which the current system is now operating, and (iv) the relationship of the proposal to the applicant's long-range planning and capital improvements programs, including specific reference to the plan(s) required to be submitted pursuant to 3-70(a)(3) above.
 - (6) An environmental impact statement prepared pursuant to section 3-70(b), below.
- (b) *Environmental Impact Statement.* The applicant shall prepare and submit a complete report, evaluation, and impact analysis of the proposed development or activity, discussing the effects in proportion to their significance, which shall include all of the documents and information set forth below:
- (1) Purpose and need statement: briefly summarize and explain the reasons the applicant is proposing the project and what the applicant expects to achieve.
 - (2) Ownership and control:
 - a. Specify whether the applicant owns in fee simple or controls (e.g., lease, license, easement) all or any portion of the property on which the proposed development or activity will be conducted, including any areas proposed for mitigation, management, utility services, and access.
 - b. For property not owned or controlled by the applicant, specify how the applicant proposes to obtain necessary ownership or control and a timeline or proposal to acquire ownership or control.
 - c. Provide documentation to support the statements and conclusions made in the report, evaluation, or analysis concerning ownership and control.
 - (3) Range of Alternatives: identify the reasonably foreseeable environmental effects of the proposed project and the alternatives in comparative form based on the information and analysis presented in the sections on the affected environment (3-70(b)(4)) and the environmental consequences (3-70-(b)(5)). In doing so, the analysis should sharply define the issues for the decision maker and provide a clear basis for choice among options. In this section, the applicant shall:
 - a. Rigorously explore and objectively evaluate reasonable alternatives to the proposed action, and, for alternatives that the applicant eliminated from

detailed study, briefly discuss the reasons for their elimination. The applicant need not consider every conceivable alternative to a proposed action; rather, it shall consider a reasonable range of alternatives that will foster informed decision making.

- b. Discuss each alternative considered in detail, including the proposed action, so that reviewers may evaluate their comparative merits.
- c. Include the no action alternative.
- d. Identify the applicant's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- e. Include appropriate mitigation measures not already included in the proposed action or alternatives.
- f. Identify the environmentally preferable alternative or alternatives amongst the alternatives considered in the environmental impact statement. The environmentally preferable alternative will best promote the environmental policies expressed in the Town's Comprehensive Plan by maximizing environmental benefits, such as addressing climate change-related effects or disproportionate and adverse effects on communities; protecting, preserving, or enhancing historic, cultural, Tribal, and natural resources; or causing the least damage to the biological and physical environment. The environmentally preferable alternative may be the proposed action, the no action alternative, or a reasonable alternative.

(4) Affected Environment:

- a. Succinctly describe the environment of the area(s) to be affected by the alternatives under consideration, including the reasonably foreseeable environmental trends and planned actions in the area(s).
- b. Use high-quality information, including reliable data and resources, and models to describe reasonably foreseeable environmental trends, including anticipated climate-related changes to the environment, and when such information is incomplete or unavailable, provide relevant information consistent with section 3-70(b)(6). This description of the affected environment, including existing environmental conditions, reasonably foreseeable trends, and planned actions in the area, should inform the applicant's analysis of environmental consequences and mitigation measures section 3-70(b)(5).
- c. The environmental impact statement may combine the description of the affected environment with evaluation of the environmental consequences section 3-70(b)(5). The description should be no longer than necessary to understand the relevant affected environment and the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the effect, with less important material summarized,

consolidated, or simply referenced. An applicant shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement.

(5) Environmental Consequences: An analysis of:

- a. Any reasonably foreseeable environmental effects of the proposed development plan, including without limitation impacts to threatened or endangered species, air and water quality impacts, impacts to historical and cultural sites, particularly sites of significance for indigenous peoples, and economical impacts to local communities, including housing stock, businesses, property values, and considerations of aesthetics and noise expected.
- b. Any reasonably foreseeable adverse environmental effects that cannot be avoided should the proposal be implemented;
- c. The effects of the no action alternative, including any adverse environmental effects;
- d. The relationship between short-term uses of the human environment and the maintenance and enhancement of long-term productivity;
- e. Any irreversible or irretrievable commitments of the applicant's resources that would be involved in the proposal should it be implemented;
- f. Where applicable, possible conflicts between the proposed action and the objectives of federal, state, and local plans, policies, and controls for the area concerned, including those addressing climate change;
- g. Where applicable, climate change-related effects, including, where feasible, quantification of greenhouse gas emissions, from the proposed action and alternatives and the effects of climate change on the proposed development plan and alternatives;
- h. Where applicable, energy requirements and conservation potential of various alternatives and mitigation measures;
- i. Where applicable, natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures;
- j. Where applicable, relevant risk reduction, resiliency, or adaptation measures incorporated into the proposed action or alternatives, informed by relevant science and data on the affected environment and expected future conditions;
- k. Where applicable, urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures;

- l. Means to mitigate adverse environmental effects;
 - m. Where applicable, economic and technical considerations, including the economic benefits of the proposed action; and
 - n. Where applicable, disproportionate and adverse human health and environmental effects on communities.
- (6) Incomplete or unavailable information.
- a. When an applicant is evaluating reasonably foreseeable significant effects on the human environment in an environmental impact statement, and there is incomplete or unavailable information, the agency shall make clear that such information is lacking.
 - b. If the incomplete information relevant to reasonably foreseeable significant effects is essential to a reasoned choice among alternatives, and the overall costs of obtaining it are not unreasonable, the applicant shall include the information in the environmental impact statement.
 - c. If the information relevant to reasonably foreseeable significant effects cannot be obtained because the overall costs of obtaining it are unreasonable or the means to obtain it are not known, the applicant shall include within the environmental impact statement:
 - 1. A statement that such information is incomplete or unavailable;
 - 2. A statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant effects on the human environment;
 - 3. A summary of existing credible scientific evidence that is relevant to evaluating the reasonably foreseeable significant effects on the human environment; and
 - 4. The applicant's evaluation of such effects based upon theoretical approaches or research methods generally accepted in the scientific community.
 - d. For the purposes of this section, "reasonably foreseeable" includes effects that have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the effects is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason.
- (7) Cost-benefit analysis. If an applicant is considering a cost-benefit analysis for the proposed action relevant to the choice among alternatives with different environmental effects, the applicant shall incorporate the cost-benefit analysis by reference or append it to the statement as an aid in evaluating the environmental consequences. In such cases, to assess the adequacy of compliance with these

Regulations, the statement shall discuss the relationship between that analysis and any analyses of unquantified environmental impacts, values, and amenities. For purposes of complying with these Regulations, an applicant need not display the weighing of the merits and drawbacks of the various alternatives in a monetary cost-benefit analysis and should not do so when there are important qualitative considerations. However, an environmental impact statement should at least indicate those considerations, including factors not related to environmental quality, that are likely to be relevant and important to a decision.

- (8) Monitoring and compliance plan. Applicant shall prepare and incorporate a monitoring and compliance plan for mitigation when the analysis of the reasonably foreseeable effects of a proposed action in the environmental impact statement is based on implementation of mitigation. The contents of the plan shall include:
 - a. A basic description of the mitigation measure or measures;
 - b. The parties responsible for monitoring and implementing the mitigation;
 - c. How monitoring information will be made available;
 - d. The anticipated timeframe for implementing and completing mitigation;
 - e. The standards for determining compliance with the mitigation and the consequences of non-compliance; and
 - f. How the mitigation will be funded.

(c) *Mapping Requirements.* The following are general requirements for any map or plan required as part of the application. Minimum requirements include:

- (1) The name of the proposed development or use and total number of acres under consideration.
- (2) Because all maps and plans may be used for public presentation, the map scale and size should be large enough for effective presentation and should accurately illustrate the application.
- (3) Name, address, and telephone number of the applicant, designer, engineer, surveyor, and any other consultants of the applicant.
- (4) Date of preparation, revision box, written scale, graphic scale, and north arrow for each map
- (5) Name of specific project or file.
- (6) Water resources:
 - a. On the same, or another appropriate map, indicate any flood hazard area associated with the proposal. Documentation of historical flooding activity on the parcel where the activity or development will be located, and on other property affected by the activity or development, should be included.

Detail potential, adverse impacts related to the associated flood hazard area.

- b. Map and describe all surface waters, including applicable state water quality standards, to be affected by the project.
- c. Describe the immediate and long-term impact and net effects that the activity would have on the quantity and quality of surface water under both average and worst-case conditions.
- d. Map and describe all groundwater, including any aquifers. Describe the impacts and net effect of the activity on groundwater. At a minimum, the description should include:
 - 1. Seasonal water levels in each subdivision of the aquifer affected by the activity.
 - 2. Artesian pressure in aquifers.
 - 3. Groundwater flow directions and levels.
 - 4. Existing aquifer recharge rates and methodology used to calculate recharge to the aquifer from any recharge sources.
 - 5. For aquifers to be used as part of a water storage system, methodology and results of tests used to determine the ability of aquifer to impound groundwater and aquifer storage capacity.
 - 6. Seepage losses expected at any subsurface dam and at stream-aquifer interfaces and methodology used to calculate seepage losses in the affected streams, including description and location of measuring devices.
 - 7. Existing groundwater quality and classification.
 - 8. Location of all water wells and their uses.
- e. Map and describe wetlands, and riparian areas to be affected by the activity, including a description of each type of wetlands, species composition, and biomass.
 - 1. Describe the source of water interacting with the surface systems to create each wetland (i.e., side-slope runoff, over-bank flooding, groundwater seepage, etc.).

(7) Terrestrial and Aquatic Animals and Habitat.

- a. Map and describe terrestrial and aquatic animals including the status and relative importance of game and non-game wildlife, livestock and other animals; a description of stream flows and lake levels needed to protect

the aquatic environment; description of threatened or endangered animal species and their habitat.

- b. Map and describe critical wildlife habitat and livestock range to be affected by the activity including migration routes, calving areas, summer and winter range, and spawning beds.

(8) Threatened and endangered species

- a. Map and describe terrestrial and aquatic plant life including the type and density, and threatened and endangered plant species and habitat.

(9) Significant environmentally sensitive factors. Map of appropriate scale the juxtaposition of any of the following features present in the proposed development or activity and its environs, and detail the potential impact of the proposal upon each feature:

- a. Potential natural hazards;
- b. Public outdoor recreation and open space areas; and
- c. Unique areas of geologic, historic and archaeological importance.

- (d) Additional materials may be required by the Manager for a particular type of proposed development plan. To the extent an applicant has prepared or submitted materials for a federal, state, or county permit which are substantially the same as required herein, a copy of those materials may be submitted to satisfy the corresponding requirement below.

Sec. 3-80 Completeness Determination.

- (a) No permit application may be processed, nor shall a permit be deemed received pursuant to Section 24-65.1-501(2)(a), C.R.S., until the Manager has determined it to be complete. The applicant may submit a permit application only after at least fifteen (15) days have passed since the FONSI determination. Upon submittal of the application, the Applicant shall determine whether the application is complete or whether additional information is required, and if so, shall inform the applicant and pause the completeness review until information is received. Any request for waiver of a submission requirement shall be processed prior to the Manager making a determination that an application is complete. The Manager may retain at the applicant's cost third-party consultants necessary to assist the Manager with the completeness review. If the Manager retains a third-party consultant for permit review, the scope of work will be available for review by the applicant.
- (b) No determination of completeness may exceed sixty (60) days unless one or more of the following occurs
- (c) When the Manager has determined that a submitted application is complete, or the time limit for making the completeness determination has elapsed even though the application may not be complete, the Manager shall inform the applicant in writing of the date of its receipt. Only upon the Manager's determination that an application is complete, or the time limit for making the completeness determination has elapsed even though the application

may not be complete, may the Town's formal review process commence pursuant to these Regulations.

Sec. 3-90 Consultants.

- (a) If the Town does not have qualified staff to review certain elements of an application, or referral agencies are not able to adequately advise the Town regarding certain elements of an application, the Town Manager in consultation with the Town Council may authorize the review be performed by a consultant to be engaged or approved by the Town Manager. The Town Manager, in consultation with the Town Council shall have the discretion to decide whether the applicant shall pay all, part of, or none of the consultants' fees, based upon the nature and extent of consulting expertise required.
- (b) If a referral agency imposes a fee for its review of the application, the public hearing on the application will not be held until such referral agency's fees have been paid in full.

Sec. 3-100 Agency referrals; notice of filing.

- (a) Referral of Applications. When an application meeting the requirements of these Regulations is filed with the Town, relevant portions of the application materials as determined by the Town Manager shall be referred to the agencies listed below. Based on the specifics of the application, the Town Manager may waive referrals that are not necessary to a complete review of the application.
 - (1) The State Engineer shall review the application to ensure conformity with all applicable regulations of the Colorado Division of Water Resources and for comment on applicable water rights administration and determination concerns.
 - (2) The Colorado Department of Public Health and Environment and Summit County Health Department shall review the application for conformity with all applicable State and County health related regulations.
 - (3) The Colorado Geological Survey may evaluate those geologic factors which would have a significant impact on the proposed use of the land.
 - (4) CDOT shall review the application for conformity to the State Highway Access Code, STIP and the regulations relative to the administration of state and federal transportation systems.
 - (5) The Colorado Division of Wildlife and the Colorado Natural Areas Council shall review all applications in areas affecting natural resources of statewide importance.
 - (6) The Town may engage an engineering consultant to review all engineering aspects of the proposal, including referral responses and other relevant evidence, and shall transmit findings and preliminary recommendations to the Town Manager.
 - (7) The Town Manager shall review the application for open space and environmental impacts.

- (8) The Town Manager shall evaluate the application for conformance with the Comprehensive Plan, these regulations, sound planning, and comments from the referral agencies and individuals.
- (9) The Colorado Water Conservation Board shall review the application for flood hazard impacts.
- (b) Notice of filing. On or before the date on which the first referral made pursuant to subsection (a) above is sent, notice of the filing of the application and of its availability for inspection and copying by the public shall be posted at town hall and posted on any website maintained by the Town. Such notice shall include the name of the proposal, the general location of property affected by the proposal, the proposed uses and impacts of the proposal, and any other information deemed appropriate by the Town Manager.
- (c) Referral responses. Referral responses must be received by the Town Manager within 20 days after referral in order to ensure that recommendations and findings are considered. Failure of any referral agency to respond within the above-mentioned time period, or within the period of any extension granted by the Town Manager, may be regarded as a lack of response and not as a response that the proposal presents no conflict.
- (d) Post Referral Action. If referral comments received by the Town require response from the applicant, the following actions shall occur:
 - (1) The Town Manager will send the relevant comments from referral agencies to the applicant as soon as possible following the Town's receipt of the comments.
 - (2) Within 14 days after transmittal of comments, or by a later date specified by the Town Manager, the applicant shall respond in writing to those issues raised during the referral process that are identified by the Town Manager for applicant response.
 - a. Such response shall be considered an amendment to the application and shall be made part of the application to be used as a basis for a final recommendation by the Town Manager.
 - b. If the Town Manager finds that this new information results in a substantial change in the proposal, the Town Manager may re-refer the amended application and supporting materials to the referral agencies. The processing schedule will be amended accordingly.
 - c. If the applicant is unable to supply responses within the 14 days allowed, then the applicant may request, in writing, a delay in processing the application for up to 90 days.
 - d. If the applicant fails to supply satisfactory responses within the specified time, the Town Manager may either base the Town Manager's recommendation on review of the file as it exists or reject the application as a result of the failure to provide information necessary to its proper review.

- (e) The Town Manager shall transmit the referral comments and the applicant's responses thereto to the Planning and Zoning Commission and the Town Council for their consideration at their respective consideration on the application.

Sec. 3-110 Notice of permit hearing.

- (a) Not later than thirty (30) days after receipt of a completed application for a permit, the Town Council shall set and publish notice of a date, time, and place for a hearing before it on said application. Such notice shall be published once in a newspaper of general circulation in the Town, not less than thirty (30) nor more than sixty (60) days before the date set for hearing. On or before the date of publication said notice shall also be mailed to the applicant, posted at town hall, and posted on any website maintained by the Town.
- (b) At least fourteen (14) days prior to the Town Council's hearing, the Manager shall mail notice to the applicant of a date, time, and place for a review without a public hearing before the Planning and Zoning Commission where a recommendation will be made on said application. Such notice shall also be published once in a newspaper of general circulation in the Town at least seven (7) days before the date set for hearing. The Manager shall also mail written notice to the owners of record of all real property within eight hundred (800) feet (exclusive of public rights-of-way, public facilities, parks or public open space) in all directions of the location of the proposed development plan.
 - (1) The Planning and Zoning Commission shall conduct its review of the application at a public meeting. In conducting the review, the Planning and Zoning Commission shall review the application materials and the applicable review criteria as a business item only, and shall not receive testimony from interested parties—including the general public—on the application. The Planning and Zoning Commission shall recommend that the Town Council approve, approve with conditions, or deny the application based on the applicable approval criteria.
- (c) Notwithstanding any other provision of these Regulations, the applicant shall be solely responsible for complying with any applicable requirements of Article 65.5 of Title 24, C.R.S. Therefore, if the application is one for surface development which requires compliance with Article 65.5 of Title 24, C.R.S., and if the applicant has certified as part of its application submittal that mineral estate owners or lessees owning less than full fee title in the property which is the subject of the application exist, the public hearing on the application before Town Council shall not be held unless the applicant provides signed certification confirming that the applicant has, at least 30 days prior to the said public hearing, transmitted to the Town and to the affected mineral estate owners and lessees the notices required by Article 65.5 of Title 24, C.R.S.
- (d) If the applicant has failed to provide notice of the public hearing on its application as required Article 65.5 of Title 24, C.R.S. at least 30 days prior to the said public hearing, the Town Council, or the Town Manager on behalf of the Town Council, may continue, reschedule, or vacate the public hearing to allow proper notice to be provided under Article 65.5 of Title 24, C.R.S.

Sec. 3-120 Conduct of permit hearing.

- (a) The decision-maker conducting the hearing shall hear relevant oral and documentary evidence, including any recommendations of the Town Manager and the Planning and Zoning Commission.
- (b) The Town Manager shall provide for recording of the hearing by audiotape, stenographer, or other appropriate means within the Town Manager's sole discretion.
- (c) The Town Manager shall collect and preserve the following record of the public hearing:
 - (1) The permit application;
 - (2) The names and addresses of all persons making oral or written statements, appearing as witnesses, or offering documentary evidence;
 - (3) Any documentary evidence or written statements or testimony presented in support of or in opposition to the permit application;
 - (4) The recording and any transcript of the hearing as provided in subsection (b), above, provided that the Town is under no obligation to transcribe the recording unless requested and paid for by the requesting party;
 - (5) Written minutes of the decision-maker relating to the public hearing;
 - (6) The resolution of the decision-maker; and
 - (7) A copy of the permit, if issued.

Sec. 3-130 Approval or denial of a permit application.

- (a) The burden of proof shall be upon the applicant to show compliance with all applicable standards of the Regulations. To the extent a permit application may not comply with a particular standard, the applicant may demonstrate compliance with such standard by proposing mitigation measures that sufficiently offset the extent of noncompliance.
- (b) If the decision-maker finds that there is insufficient information concerning any material feature of a proposed development or activity, the decision-maker may deny the application, approve with conditions which, if fulfilled, would bring the development plan into compliance with all applicable standards or may continue the hearing until the additional information has been received to reopen a previously closed public hearing for additional information to be received. No such continuance may exceed sixty (60) days unless agreed to by the applicant.
- (c) The decision-maker may approve an application for a permit to engage in development in an area of state interest or for the conduct of an activity of state interest if the applicant satisfactorily demonstrates that the development plan, in consideration of all proposed mitigation measures and any conditions, complies with all applicable standards. If the proposed development does not comply with such provisions, the permit shall be denied. The decision-maker may, at its sole discretion, elect to impose reasonable conditions and requirements upon approval of the permit to assure compliance with such provisions (a

“conditional approval”). An applicant’s express rejection of a condition or requirement imposed upon an approval shall authorize the decision-maker to reconsider the conditional approval and enter a decision to deny the application.

- (d) The Town Council shall reach a decision on a permit application within 90 days after the completion of the permit hearing, or the permit shall be deemed approved. To the extent the public hearing is reopened and closed, the closing date of the public hearing shall be measured from the most recent closing date.
- (e) Final action approving or denying a permit application shall be by resolution stating the Town Council's reasons for its decision and its findings and conclusions.

Sec. 3-130 Issuance of permits; conditions.

- (a) The permit shall be issued in the form adopted by the Town Manager.
- (b) The permit shall set forth in detail all conditions imposed upon the development by Town Council to ensure that the purpose, requirements, and standards of these Regulations are continuously met throughout the development, execution, operational life, and any decommissioning period.
- (c) The Town Council may establish and set forth in the permit the time or times within which substantial development activity subject to the permit must commence, or within which specified and defined substantial progress with a designated activity must occur.
- (d) Issuance of a permit signifies only that a development plan has satisfied, or conditionally satisfied, the applicable Regulations, and prior to commencing any development, conditions of the permit, additional Land Use and Development Code, other town requirements, or other state or federal requirements, may need to be met.
- (e) A certified copy of the permit shall be recorded in the real property records of the clerk and recorder of Summit County.

Sec. 3-140 Financial security.

- (a) As a condition of issuing any permit, the Town Council may, in its discretion, require the applicant to file a guarantee of financial security deemed adequate by the Town Council and payable to the Town.
- (b) The purpose of such financial guarantee shall be to ensure that the permittee shall faithfully perform all requirements of the permit and any conditions imposed by the Town Council.
- (c) The amount of such financial guarantee shall be established by the Town Council upon consideration of the following criteria:
 - (1) The estimated cost of returning the site of the permitted development or activity to its original condition or to a condition acceptable to the Town for the matter of state interest for which the permit is being granted; and
 - (2) The estimated cost of completing the permitted development or activity; and

- (3) The estimated cost of complying with all requirements of the permit.
- (d) The financial guarantee may be in the form of an irrevocable letter of credit, performance bond, or escrow of either cash or corporate or municipal bonds rated at least AA by Standard and Poor's or an equivalent rating by Moody's, with such escrow agreement as is acceptable to the Town Attorney, subject to the following terms and conditions:
- (1) The Town Council may require that a cash deposit in an amount up to ten percent (10%) of the financial guarantee be provided to the town Treasurer to be placed in a separate interest-bearing account.
 - (2) The irrevocable letter of credit, performance bond, or escrow shall provide a financial guarantee that the permittee will fulfill all obligations under the terms of the permit. Letters of credit acceptable hereunder shall have an expiration date no sooner than six months following the scheduled completion of the permitted development.
 - (3) The surety issuing a performance bond shall have at least an "A" Rating from Moody's or an equivalent rating as designated by a nationally recognized rating firm and shall additionally be included in the most recent listing of companies holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies, Department of Treasury, Circular 570.
 - (4) The surety issuing an irrevocable letter of credit must maintain an office or corresponding bank within seventy-five (150) miles of the Town and shall otherwise be approved by the Manager.
 - (5) The permittee shall not have greater than a ten percent (10%) ownership or managerial control over the surety issuing any financial guarantee.
 - (6) The permittee may request, and the Town shall grant, reductions in the financial guarantee for development constructed and initially accepted by the Town, provided, however, that sufficient security remains to ensure completion of all remaining obligations.
- (e) The financial guarantee may be released only when:
- (1) The permit has been surrendered to the Town Council before commencement of any physical activity on the site of the permitted development or activity;
 - (2) The development or activity has been abandoned and the site thereof has been returned to its original condition or to a condition acceptable to the Town Council in accordance with standards adopted by Town Council for the matter of state interest for which the permit is being granted;
 - (3) The project has been satisfactorily completed; or
 - (4) Applicable guaranteed conditions have been satisfied.

- (f) Any financial guarantee may be cancelled by a surety only upon receipt of the town Council's written consent, which consent may be granted only when such cancellation will not compromise the purposes of the security.
- (g) In the event that, prior to release of a financial guarantee filed pursuant to these Regulations, the license to do business in Colorado of the surety upon financial guarantee is suspended or revoked by any state authority, the financial guarantee should expire, the surety issuing the financial guarantee becomes nonqualifying, or the cost of completing the permitted development, or returning the site to an acceptable condition, is reasonably determined by the Town to be greater than the amount of the financial guarantee provided, then the Town shall furnish the permittee with written notice of such conditions, and within thirty (30) days of receipt mailing of such notice, the permittee shall provide the Town with a substituted qualifying financial guarantee, or augment the deficient security to achieve the required security. If such financial guarantee is not timely furnished, then the permit may be suspended by the Town pending compliance herewith.
- (h) If the Town Council determines that a financial guarantee should be forfeited because of any violation of the permit or any applicable provisions adopted by the Town Council, it shall provide written notice to the surety and to the permittee and shall order the financial guarantee forfeited.
- (i) The cash deposit described in subsection (d)(1) may be used by the Town in the event of the default or alleged default of the permit holder only for the purpose of recovering on the surety or fulfilling the permit obligations of the permit holder. In the event that a reviewing court determines that there has been no default by the permit holder, that portion of any moneys expended by the Town shall be replaced in the separate interest-bearing account described in subsection (d)(1) by the Town immediately following such determination. The Town may arrange with a lending institution, which provides money for the permit holder, that said institution may hold in escrow any funds required for said cash deposit. Funds shall be disbursed out of escrow by the institution to the Town upon the Town Council's demand for the purposes specified in this section.
- (j) If the forfeiture results in inadequate funds to cover the costs of accomplishing the purposes of the financial guarantee, the Town shall take such steps as it deems appropriate to recover such costs where recovery is deemed possible.

Article IV
Common Review Standards

Sec. 4-10 Review Standards for All Applications.

In addition to the review standards for specific activities listed at Article VI, VII, and VIII, all applications under these Regulations, in consideration of proposed mitigation measures, shall be evaluated against the following general standards, to the extent applicable or relevant to the development plan, in Town Council's reasonable judgment. The standards shall be evaluated for significant impacts within the geographic context of the development plan, and relate to the magnitude, duration or likelihood of such an impact. To the extent a permit application may not comply with a particular standard, the applicant may demonstrate compliance with such standard by proposing mitigation measures that sufficiently offset the extent of noncompliance. The common review standards are as follows:

- (a) The applicant has obtained or will obtain all property rights and private landowner approvals necessary for the proposal, including surface, mineral, and water rights.
- (b) The applicant has the necessary expertise and financial capability to develop and operate the proposal consistent with all requirements and conditions.
- (c) The applicant has the necessary expertise and financial capability to implement mitigation measures established in the permit and the environmental impact statement.
- (d) The proposed development in an area of state interest or for the conduct of an activity of state interest will comply with the applicable zone district for the property or the applicant has demonstrated in writing, which demonstration accepted as legally sufficient by the Town Attorney, that the zone district designation does not legally restrict the proposed development or activity.
- (e) The proposal represents the least damaging alternative of reasonable cost among the alternatives analyzed in the environmental impact statement and, if not, the benefits of the proposal outweigh the benefits of the least damaging alternative of reasonable cost.
- (f) The applicant has, where relevant and appropriate, adopted and incorporated into its development plan all practicable mitigation measures that address or ameliorate significant environmental harms or effects from the proposal, including those measures recommended in its environmental impact statement.
- (g) The proposal is not subject to risk from landslides and rock slides, subsidence, wildfire, flood, or other natural or human-caused environmental hazards.
- (h) The development plan will not have a significant impact on the capability of local governments affected by the development plan to provide local infrastructure and services or exceed the capacity of service delivery systems. The determination of the effects of the development plan on local government services may include but is not limited to the following considerations:
 - (1) Current and projected capacity of roads, schools, infrastructure, drainage and/or stormwater infrastructure, housing, and other local government facilities and

services necessary to accommodate development, and the impact of the development plan upon the current and projected capacity;

- (2) Need for temporary roads or other infrastructure to serve the development plan for construction and maintenance.
 - (i) Where relevant and appropriate, the applicant has obtained or will obtain the appropriate air quality permit from the State air pollution control division or other appropriate regulatory authority within the State department of public health and environment, and the development plan demonstrates the proposal will comply with all applicable standards under the Colorado Air Pollution Prevention and Control Act, Section 25-7-101 *et seq.*, C.R.S.
 - (j) Where relevant and appropriate, the applicant has obtained or will obtain the appropriate water quality permit from the State water quality control division or other appropriate regulatory authority within the State department of public health and environment, and the development plan demonstrates the proposal will comply with all applicable standards under the Colorado Water Quality Control Act, Section 25-8-101 *et seq.*, C.R.S.
 - (k) Where relevant and appropriate, the applicant has obtained or will obtain the appropriate dredge and fill permits from the U.S. Army Corps of Engineers and State water quality control division, and the development plan demonstrates the proposal will comply with all requirements and conditions of such permits.
 - (l) Where relevant and appropriate, the applicant has obtained or will obtain the appropriate permit from the U.S. Fish and Wildlife Service or National Marine Fisheries Service for any “take” (as defined under the Endangered Species Act) of an endangered or threatened species, including terrestrial and aquatic plant and animal life, and the development plan demonstrates the proposal will comply with all requirements and conditions of such permits.
 - (m) Where relevant and appropriate, the applicant has obtained or will obtain the appropriate federal and state permits for the handling, storage, disposal, and transportation of hazardous materials or regulated substances, and the development plan demonstrates the proposal will comply with all requirements and conditions of such permits and all applicable standards under the federal and State Resource Conservation and Recovery Act regulations.
 - (n) Where relevant and appropriate, the applicant has obtained all other permits and approvals from the appropriate regulatory authority for the proposal.
 - (o) The proposal is not subject to risk of releases or threatened releases of hazardous waste and substances, or becoming the subject of a National Priorities List or cleanup response action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
 - (p) The development plan will not cause a nuisance. The determination of nuisance impacts of the development plan may include but is not limited to the following considerations: increase in odors, dust, fumes, glare, heat, noise, vibration or artificial light.

- (q) The proposal will not cause unreasonable loss of significant cultural resources, including but not necessarily limited to historical resources or sites and archaeological artifacts or sites.
- (r) The proposal represents the complete, reasonably foreseeable development for the subject property as required under Section 3-10(d), above, except that the Town Council may approve development constituting less than the complete development provided that the applicant clearly demonstrates that a lesser proposal constitutes a discrete phase of the complete development as supported by the applicable master planning document required under Subsection 3-10(d), which can be logically and adequately reviewed as a separate project under the applicable criteria of these Regulations.

Article V

Administration, enforcement, penalties, and judicial review

Sec. 5-10 Enforcement and penalties.

It is unlawful and a violation of these Regulations for any person to engage in or to undertake any development in an area designated pursuant to these Regulations, or to conduct an activity designated pursuant to these Regulations, without a permit issued pursuant to Article III of these Regulations, or to fail or refuse to comply with permit requirements, or to act outside the authority of the permit. A separate violation shall be deemed to occur on each day that violation of this provision occurs or continues.

Sec. 5-20 Mapping disputes.

Where interpretation is needed as to the exact location of the boundary of any designated area and where there appears to be a conflict between a mapped boundary and actual field conditions, the Town Manager shall make the necessary determination of the boundary. Any person contesting the location of the boundary shall be given an opportunity to present his case to the Town Manager.

Sec. 5-30 Town Manager authority; right of entry.

The Town Manager is hereby authorized and directed to inspect and examine the use, occupation or development of or activity in each and every area or activity designated pursuant to these Regulations for the purpose of determining from time to time whether or not any use, occupation, development or activity is in violation of any of the provisions of these Regulations or of any permit issued or required pursuant hereto. Duly authorized representatives of the Town, bearing proper credentials and identification, shall be permitted to enter upon all property at reasonable times for the purpose of inspecting, observing, measuring, sampling and testing in connection with the enforcement and administration of these Regulations or any permit issued pursuant hereto, and for the performance of any duty or function authorized to or required of the Town pursuant to these Regulations.

Sec. 5-40 Revocation or suspension of permits.

In addition to and without waiving any other available remedy, the Town shall have and may exercise the right to suspend or revoke any permit issued pursuant to these Regulations when any violation of these Regulations or the terms or conditions of such permit occurs or continues, including without limitation the failure of the permittee to proceed with development in a designated area or with a designated activity within the times specified in the permit, in accordance with the following:

- (a) Immediate suspension or revocation. The Town Manager may immediately suspend a permit when such suspension is necessary to stop or prevent an actual or threatened imminent endangerment to the health or welfare of any person or to the environment, or interference with or damage to Town facilities. The permittee shall have the right to a prompt hearing following such termination or suspension as provided in subsection (b) below.
- (b) Notice and opportunity for hearing.
 - (1) When it appears that any cause for suspension or revocation of a permit exists, the Town Manager may mail or deliver to the permittee a notice advising him of the following:
 - a. The alleged violation;
 - b. That the permit will be suspended or revoked on account of such violation on a date not less than thirty (30) days from the date of the notice unless the stated violation is sooner cured;
 - c. That there is right to a hearing before the Town Council at which the permittee may be heard concerning the alleged violation; and
 - d. That if the permittee desires a hearing, he must request the same in writing before the suspension or revocation date specified in the notice.
 - (2) Delivering or mailing the notice to the address given for the permittee on the permit shall constitute delivery thereof to the owner.
 - (3) If the permittee does not cure the stated violation or request a hearing within the time provided, the Town shall forthwith order the permit suspended or revoked, as appropriate.
 - (4) If the permittee makes timely request for hearing, the Town Council shall promptly schedule and hold such hearing. The Town Council shall issue a written findings and order stating the reasons supporting its decision. Except as provided in subsection (a) above, suspension or revocation of the permit shall be stayed until the Town Council holds the hearing and renders its decision.
- (c) Execution of order. Any person notified of a suspension or revocation of his permit shall immediately cease and desist from all actions or undertakings for which the permit was required. The Town shall be entitled to exercise such remedies as deemed necessary, including injunctive relief, to enforce the suspension or revocation.
- (d) Grounds for revocation; effect. A permit shall be revoked and not merely suspended if the violation is of such a nature that it or its adverse effects cannot be cured or reasonably mitigated, or if the permit was suspended at least two (2) times within the preceding five (5) years as a consequence of the acts or omissions of the same permittee. Any permit revoked pursuant to this section may not be reinstated. The holder of a permit which has been revoked may apply for a new permit pursuant to these Regulations.

- (e) Reinstatement of suspended permit. Any suspension shall be rescinded by the Town upon a determination that the violation forming the basis for such suspension has been cured and that no further or other nonconforming conditions or uses by the permittee are evident. The Town shall not reinstate a permit until the person requesting reinstatement has paid the full amount of any applicable charges and any amounts expended by the Town to cure the violation or enforce the terms of these Regulations or the permit.

Sec. 5-50 Cure of violations.

- (a) Order to cure. If the Town determines that the holder of any permit issued pursuant to these Regulations is using or developing property or is conducting an activity subject to the permit in a way that is not in conformity with these Regulations or with the terms or conditions of the permit, it may give written notice thereof to the permit holder. Such notice shall specify the nonconformity, direct the permittee at its cost to perform specified curative work, and specify the period of time determined by the Town to be reasonably necessary for completion of the curative work.
- (b) Town cure at owner cost. If the permittee fails within the specified time following such notice to cure the nonconformity stated therein, the Town may, in addition to and without waiving any other remedy, perform the work and charge the permittee for its actual costs incurred in connection therewith. The costs so charged shall be a perpetual lien against any property subject to the permit until paid in full.

Sec. 5-60 Civil damages.

In addition to and without waiving any other available remedy, the Town may recover civil damages from any person liable to the Town under the laws of the United States or the State as a result of any violation of these Regulations or any permit issued pursuant hereto, or any other unlawful act or omission. Such damages shall include the Town's actual costs of discovering, investigating, curing, mitigating and repairing the consequences of such violation or other unlawful acts or omissions, including the Town's reasonable attorney fees.

Sec. 5-70 Injunctive relief.

In addition to and without waiving any other available remedy, the Town may obtain injunctive relief from or to cure any act or omission which violates these Regulations or any permit issued pursuant hereto, or which otherwise jeopardizes the property or health of any person, including the Town.

Sec. 5-80 Remedies cumulative.

The remedies available to the Town under these Regulations, and under state and federal law, shall be deemed cumulative, and the utilization by the Town of any single such remedy or combination thereof shall not preclude the Town from utilizing any other remedy or combination thereof.

Sec. 5-90 Town Manager authority; appeal.

- (a) Subject to the provisions of subsection (b) of this section, the Town Manager shall have the authority to administer, interpret and enforce the provisions of these Regulations on behalf of the Town.

- (b) Any orders, directives, determinations or decisions of the Town Manager relating to the administration, interpretation or enforcement of these Regulations may be appealed in writing to the Town Council, within thirty (30) days after the date of the order, directive or decision. The appeal shall state the specific claims of error asserted, with citations to relevant provisions of these Regulations or other relevant legal authority. The person appealing such order, directive or decision shall have the burden of demonstrating that the Town Manager abused his or her discretion, acted outside his or her authority, or that the said order, directive or decision was plainly unreasonable and contrary to the purposes and intent of these Regulations. The order, directive or decision shall be upheld if the person appealing same fails to meet this standard to the reasonable satisfaction of Town Council.

Article VI

Site selection of arterial highways, interchanges and collector highways

Sec. 6-10 Designation.

The Town Council, having considered the intensity of current and foreseeable development pressures and applicable guidelines for identification and designation, as well as the other relevant factors set forth in Section 22-2-50, above, at a duly noticed public hearing held in accordance with Part IV of Article 65.1, Title 24, C.R.S., does hereby find and declare the site selection of arterial highways, interchanges and collector highways to be a matter of state interest and does hereby adopt the accompanying regulations requiring permits for this activity as set forth in this Article VI. The conduct of this activity within the boundaries of the Town shall be subject to this designation.

Sec. 6-20 Reasons for designation.

The site selection of arterial highways, interchanges and collector highways has been designated as a matter of state interest for the reasons set forth in section 6-10 and for the following additional specific reasons:

- (1) The historic and cultural significance of Keystone is not limited to a single structure or thoroughfare. The primary matter of state interest is the continued preservation of the historic landscape of the Town. The location of arterial highways, interchanges and collector highways within that landscape has a high potential for significant adverse impacts upon this landscape and this establishes the primary basis its designation as an activity of state interest.
- (2) The location of arterial highways, interchanges and collector highways has a high potential for significant adverse impacts upon air and water quality in the Town and this establishes a basis for its designation as an activity of state interest.
- (3) The location of arterial highways, interchanges and collector highways has a high potential for significant adverse impacts upon levels of noise in the Town and this establishes a basis for its designation as an activity of state interest.
- (4) The location of arterial highways, interchanges and collector highways has a high potential for significant adverse impacts upon the quality of life in the Town and this establishes a basis for its designation as an activity of state interest.
- (5) The location of arterial highways, interchanges and collector highways has a high potential for significant adverse impacts upon the natural, rural, and mountain character of the Town and significant adverse impacts on the visual qualities that are deemed an essential element that defines the Town.

Sec. 6-30 Applicability.

- (a) These regulations shall apply to the site selection of all arterial highways or interchange or collector highways within the Town.

- (b) Any person seeking to select a site for an arterial highway or interchange or collector highway in the Town shall obtain a permit pursuant to these regulations. The permit shall be effective only for the period of time specified by the permit.

Sec. 6-40 Purpose and intent.

The purpose and intent of the designation and regulations contained in this Article VI shall be to:

- (1) Enable and facilitate the local administration of site selection of arterial highways, interchanges and collector highways by establishing requirements that must be met before a site may be selected, to the end that any such site selected will conform to the permit approval criteria set forth in Article IV and this Article VI;
- (2) Ensure that site selection of arterial highways, interchanges and collector highways occurs so that community land use, economic development and traffic needs are met, property values are preserved, desirable community patterns are not disrupted, natural, and archaeological values are preserved and such site selection conforms to the Town's comprehensive plan, as well as regional and state master plans;
- (3) Ensure that community traffic capacity, flow and safety needs are met;
- (4) Provide for the continuation of desirable local and regional community patterns in the face of regional development pressures;
- (5) Discourage expansion of demand for government services beyond the reasonable capacity of the community or region to provide such services;
- (6) Prevent direct conflicts with local, regional, and state master plans;
- (7) Ensure that highway development is compatible with surrounding land uses;
- (8) Encourage the coordination of highway planning with the comprehensive plan and avoid highway construction which divides existing communities;
- (9) Discourage traffic hazards and congestion;
- (10) Ensure that traffic noise, air, light pollution and water pollution remain at acceptable levels;
- (11) Protect property values; and
- (12) Protect scenic, recreational, natural, historical, and archaeological resources, including the character of the Town and its mountain backdrop.

Sec. 6-50 Definitions.

Defined terms used in this Article VI shall have the meanings set forth in section 1-80, and as set forth below.

- (a) "*Applicant*" means any person, including a local, metropolitan, state or federal entity, proposing to locate an arterial highway, interchange or collector highway within the Town.

- (b) *"Arterial highway"* means any limited-access highway which is part of the federal-aid interstate system or any limited-access highway constructed under the supervision of the Colorado Department of Transportation, including any substantial modification or expansion thereof that involves a site selection or corridor location process.
- (c) *"Alternative mode of transportation"* means any mode of transportation other than a single occupancy vehicle.
- (d) *"Collector highway"* means a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers that is constructed under guidelines and standards established by, or under the supervision of, the Colorado Department of Transportation, including any modification or expansion thereof. "Collector highway" does not include a Town street or local service road or a county road designed for local service and constructed under the supervision of a local government.
- (e) *"Constructed under guidelines and standards established by"* or *"constructed under the supervision of" the Colorado Department of Transportation* shall each include, without limitation, any of the below listed forms of participation by the Colorado Department of Transportation:
 - (1) The Colorado Department of Transportation, or any entity formed directly or indirectly by it or the Colorado Transportation Commission, or formed by contract or agreement with it or the Colorado Transportation Commission (including, without limitation, any enterprise formed under Article IV of Title 43 of the Colorado Revised Statutes or non-profit entity formed by such enterprise):
 - a. is an applicant; or
 - b. sells, leases, loans, donates, grants, conveys, assigns, transfers or otherwise provides any real or personal property or interests therein used or to be used in the proposed construction, modification or expansion of the arterial highway or interchange or collector highway including transfer or assignment of any contract to the applicant that may have been awarded for the proposed construction, modification or expansion of the arterial highway or interchange or collector highway; or
 - c. delegates authority to the applicant or is a signatory to any intergovernmental agreement or other form of contract, agreement, conveyance, delegation or authorization required for the applicant to construct, modify or expand the arterial highway or interchange or collector highway; or
 - d. performs or funds any planning, design, study, construction, supervision or maintenance functions associated with all or any portion of the construction, modification or expansion of the arterial highway or interchange or collector highway.
 - (2) A state highway access permit from the Colorado Department of Transportation is necessary for access from the proposed construction, modification or expansion of

the arterial highway or interchange or collector highway to a state highway either within or outside the Town limits;

- (f) "*Corridor*" means any area, measured both horizontally and vertically, within which highway facilities may be located and which the applicant proposes to recommend to the Federal Highway Administration or Colorado Department of Transportation for approval under the corridor location phase of highway development.
- (g) "*Impact area*" means that area within the corporate limits of the Town which is served or potentially could be served by the highway facility, or which would be impacted in other ways, direct, indirect or cumulative, by the location of an arterial highway, interchange or collector highway.
- (h) "*Interchange*" means the intersection of two or more highways, roads, or streets at least one of which is an arterial highway. At such intersection there must be direct access to and from the arterial highway.
- (i) "*Limited-access highway*" means a highway which gives preference to through traffic by providing access connection with selected roads only. A highway may be considered a "limited access highway" even though it has some crossings at grade and private driveway connections.
- (j) "*Locate*" as used in this Article V is synonymous with "select a site" for, or "site selection" of an arterial highway or interchange or collector highway.
- (k) "*Non-conforming use*" means a use in existence at the time of the adoption of these Regulations which use, were it a new use, would be one for which a permit would be required under these Regulations.
- (l) "*Rapid transit*" means the element of a mass transit system involving a mechanical conveyance on an exclusive land or guideway constructed solely for that purpose.
- (m) "*Site selection*" means the determination, through a corridor location study, memorandum, letter determination or other document, of a specific corridor or facility location in which:
 - (1) Construction of an arterial highway or interchange or collector highway is proposed; or
 - (2) Expansion or modification of an existing arterial highway, interchange or collector highway is proposed that would result in:
 - a. an increase in highway capacity by at least one lane through widening or alternative lane configurations, or an equivalent increase in capacity produced by access controls, technological or other types of highway improvements; or
 - b. the elimination of direct, at grade access from a public road or street within the Town to such existing arterial or collector highway; or
 - c. the addition of parking, stopping, maintenance, or other facilities, including rest areas, scenic viewpoints, and chain-up stations, for highway

users adjacent to, near, or accessible from an existing arterial or collector highway.

- (3) Expansion or modification of an existing highway is proposed which would result in a change in classification to "collector highway" or "arterial highway" as defined in these Regulations.

Sec. 6-60 Authority.

These regulations and the guidelines and requirements contained in this Article are adopted in furtherance of the authority set forth in Title 24, Article 65.1 of the Colorado Revised Statutes and under the authority cited in Section 1-30, above. To the extent that this Article VI contains requirements that are more stringent than the requirements of the criteria listed in C.R.S. 24-65.1-204, reference is made to the authority set forth in C.R.S. 24-65.1-402(3).

Sec. 6-70 Relationship to other regulations.

- (a) Nothing in this Article VI shall be construed as exempting an applicant for a permit under this Article VI from any other obligations or requirements of the Town or other state or federal laws and regulations. In no event shall the approval of a permit under this Article VI be considered a representation by the Town, its staff members or consultants or the Town Council members that the proposed construction, modification or expansion complies generally with such federal, state or local guidelines and regulations, nor shall such approval otherwise give rise to any claim against the Town, its staff members or consultants or Town Council members related to the failure of an applicant to comply therewith.
- (b) To the extent that the requirements of these Regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

Sec. 6-80. Permit procedure.

- (a) The procedures and requirements set forth in Article III of these Regulations and in this Article VI shall govern applications for permits to engage in the site selection of arterial highways, interchanges and collector highways. The provisions of this Article VI shall control in the event of any conflict or inconsistency between the provisions of Article III and this Article VI.
- (b) Any person subject to the requirements of this Article VI shall submit its application for a permit under this Article VI within sixty (60) days after final adjudication of the FONSI determination.

Sec. 6-100. Submission requirements.

In addition to the requirements set forth in section 3-70 above, an application for a permit to locate or engage in the site selection of an arterial highway or interchange or collector highway shall include and be accompanied by the following documents and information.

- (a) A list of all reasonable alternative corridor locations for the proposed arterial highway or interchange or collector highway; and

- (b) For the proposed and each alternative corridor location considered, including the no action alternative, the information specified below:
- (1) A general description of the proposal, with a discussion of the advantages and disadvantages of the alternative;
 - (2) Transportation impacts. Describe what impacts the proposal will have upon transportation patterns in the Town intended to be served or affected by the proposal through the submittal of a traffic impact analysis of the proposed transportation facilities. The traffic impact analysis should include but not be limited to the following:
 - a. Identify the facilities required to support the existing and future land uses being served by the proposed transportation facility.
 - b. Furnish the traffic model data verifying consistency with the most current Colorado Department of Transportation (CDOT) Statewide Transportation Improvement Program (STIP).
 - c. Provide the existing and proposed traffic volume impacts to the adjacent road system, including local roads.
 - d. Provide the existing and future Level of Service (LOS) and capacity of the transportation facilities before and after the proposed transportation project is completed.
 - e. All transportation access information as required by the most current edition of the CDOT State Highway Access Code.
 - (3) A discussion of social, economic, and environmental impacts whose significance is uncertain. The level of analysis should be sufficient to adequately identify the impacts and appropriate mitigation measures, and address known and foreseeable public concerns;
 - (4) A location map showing the corridor and general area;
 - (5) Any corridor location proposal, study, or other documentation which includes:
 - a. type, scale and appearance of the improvement;
 - b. cost estimate, including mitigation costs; and
 - c. approximate timetable for construction and right-of-way acquisition;
 - (6) Demographic information in the impact area and within the Town, including:
 - a. estimated current population and density;
 - b. total employment, occupation types, and major employer locations;
 - c. average family income; and

- d. population projections in five-year increments over the next twenty (20) years;
- (7) The need for the proposed arterial highway or interchange or collector highway;
- (8) Major traffic generators in the impact area and the Town;
- (9) The planned level of service in relationship to projected user demand within the Town;
- (10) A map(s) and description of existing land use in the impact area within the Town in relationship to the existing circulation system and the proposed arterial highway or interchange or collector highway;
- (11) A map(s) of the impact area within the Town showing planned, proposed, or expected land use at each year of population projection provided pursuant to subparagraph (8)d. above, with and without the proposed arterial highway or interchange or collector highway;
- (12) The approximate number of users of the proposed corridor or interchange location in terms of existing Town residents, new Town residents, and non-Town residents;
- (13) Plans for promoting the use of alternative modes of transportation;
- (14) Anticipated noise levels resulting from the arterial highway or interchange or collector highway including noise levels expressed through 8-hour and 24-hour Equivalent Sound Level metrics, as well as single event noise metrics;
- (15) A description of noise abatement measures that are proposed for each alternative, including for each alternative the estimated construction costs and costs of operations and maintenance, decibel reduction effectiveness, and height, length and material-type for barriers;
- (16) A description of resulting net shade and shadow impacts, after mitigation measures;
- (17) The local air quality impacts of the proposed arterial highway or interchange or collector highway including attainment of federal and state ambient air quality standards and risks to human health and the environment posed by air pollutants including, but not limited to, nitrogen oxides (NOx), ozone, PM-10, benzene, 1, 3-butadiene, and other fuel combustion by-products;
- (18) The impacts of the proposed arterial highway or interchange or collector highway on accessibility to and from existing public facilities, commercial and industrial facilities, and residential areas within the Town;
- (19) Any health and safety hazards, including exposure to hazardous materials, which may result from locating the proposed arterial highway or interchange or collector highway;

- (20) How the proposed arterial highway or interchange or collector highway and its impacts will conform to the Town comprehensive plan goals, objectives and policies;
- (21) How the proposed arterial highway or interchange or collector highway and its impacts will conform to any applicable state plans, goals, objectives, and policies;
- (22) The development potential that would result in the impact area and within the Town with and without the completion of the proposed arterial highway or interchange or collector highway, measured in terms of: land values, land availability, land use controls, vacancy rates, tax revenues, public expenditures, and indices of accessibility to school/education, utility service, other public and quasi-public services, local and regional amenities and employment opportunities and the demographic indices identified in subsection (8) above;
- (23) The increased demand that the potential development described in paragraph 21 above will place on the following public services within the Town: other roadways, mass transit, trail, bike paths and other transportation, housing, employment, schools, commercial services, health services, police and fire protection, solid waste disposal, water supply systems, wastewater collection and disposal systems, storm water collection and release systems, power, communications, parks, open-space and recreation, other public and quasi-public utilities, and other planned public services;
- (24) The costs and benefits to the Town resulting from the land use commitment necessitated or facilitated by the proposed the arterial highway or interchange or collector highway compared to alternative projected land uses in terms of land suitability, transportation, community services, utilities, and revenues;
- (25) Alternatives which may be utilized by the Town in planning for and controlling adjacent land use;
- (26) Local impacts of the proposed arterial highway or interchange or collector highway on water quality and water resources, including effects on floodplains and wetland values and functions;
- (27) The impact of the proposed arterial highway or interchange or collector highway on historic properties and districts or other historic resources in the Town;
- (28) The impact, including but not limited to the impact on property values and other economic indicators, of the proposed arterial highway or interchange or collector highway on sensitive, key commercial tourist or visitor areas or districts within the Town and the region;
- (29) Impacts of the proposed arterial highway or interchange or collector highway on wildlife and fisheries, sensitive, endangered or threatened species and scenic, parks, recreational, archeological, paleontological, or other natural resources, including, but not limited to, the mountain backdrop;

- (30) Impacts of the proposed arterial highway or interchange or collector highway on the character of adjacent or nearby neighborhoods or development, as well as the impacts of increased division or separation of neighborhoods caused by the proposed arterial highway or interchange or collector highway;
- (31) All feasible alternatives for mitigating adverse effects of the proposed arterial highway or interchange or collector highway described above including, but not limited to, effects on the level of public services, access to public services, division of existing communities, water quality, air quality, noise levels, and scenic, historical, recreational, archeological or natural resources. Mitigation alternatives to be considered include, but are not limited to:
 - a. alternative locations, configurations, and access for the highway or interchange, including, but not limited to, grade separated interchanges and complete or partial construction below grade with cover and landscaping suitable for recreational use or for construction of Town streets, bike paths or pedestrian walkways;
 - b. alternative pavement types;
 - c. alternative highway maintenance and snow removal methods;
 - d. sound walls and other sound mitigating structures, such as transparent noise barriers;
 - e. berms;
 - f. landscaping;
 - g. speed limits;
 - h. speed control devices;
 - i. limits on the use of compression brakes; and
 - j. wildlife crossings and pedestrian bridges.

Sec. 6-110. Waiver of submission requirements.

- (a) The Town Manager may waive any part but not all of the submission requirements imposed by Article III or section 6-100 upon written petition of the applicant. In considering the requested waiver, the Town Manager shall consider:
 - (1) The scope of the site selection proposal.
 - (2) Whether providing the information requested to be waived would be unduly burdensome to the applicant.
 - (3) Whether, without the information requested to be waived, the application contains sufficient information to allow the Town Council to reach a decision on all criteria necessary to issue a permit.

- (b) Submission requirements set out in subsections (b) and (c) of section 6-100 may be satisfied in whole or in part by submission of an environmental assessment or a draft or final environmental impact statement if (i) such assessment or statement is required for compliance with the National Environmental Policy Act or Federal Highway Administration regulations; (ii) the Town Manager determines that such assessment or statement provides substantially the same information required under subsections (b) and (c) of section 6-100; and (iii) such assessment or statement uses appropriate data and methodologies to allow adequate review of the permit application under these regulations.
- (c) Any waiver granted by the Town Manager shall not preclude the Town Council from requiring the submission of any additional information or materials related to the site selection proposal.

Sec. 6-130. Approval criteria.

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

- (a) All of the provisions of the permit application procedure have been complied with;
- (b) The proposed arterial highway or interchange or collector highway will be located so that community traffic needs are met;
- (c) 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;
- (d) Reasonable alternative modes of transportation will be incorporated into the highway proposal;
- (e) Desirable local and regional community land use patterns will not be disrupted by the location of the proposed arterial highway or interchange or collector highway;
- (f) The location of the proposed arterial highway or interchange or collector highway will not impede the delivery of essential community services and goods;
- (g) The location and access limitations for the arterial highway or 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;
- (h) The location and access limitations for the arterial highway or 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;

- (i) The location and access limitations for the arterial highway or 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 Town roadways or inappropriate or inadequate connections to pedestrian and bicycle routes;
- (j) The location of the arterial highway or interchange or collector highways will not directly conflict with applicable local, regional, and state master plans, including, but not limited to transportation plans;
- (k) The proposed arterial highway or interchange or collector highway will be located and implemented in accordance with the comprehensive plan;
- (l) The location of the proposed arterial highway or interchange or collector highway will not contribute to the expansion of demand for public services beyond the reasonable capacity of the Town or the region to provide such services;
- (m) The location of the proposed arterial highway or 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;
- (n) The proposed arterial highway or 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 Town;
- (o) The site selection for the arterial highway or interchange or collector highway will adhere to the plan, process, procedure, and requirements of the State of Colorado and the Federal Highway Administration and such construction, expansion, or modification will be included in any then-current regional transportation plan;
- (p) The benefits to the Town of the proposed arterial highway or 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, historical, 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 or interchange or collector highway;
- (q) The proposed location of the arterial highway or 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;
- (r) The maximum anticipated use over the next twenty (20) years of the arterial highway or 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 for Colorado;
- (s) Noise levels caused by the arterial highway or interchange or collector highway will not exceed 55 decibels as measured by a 24-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 or interchange or collector highway, unless the Town 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 or interchange or collector highway necessitates the proposed construction, expansion or modification of the arterial highway or interchange or collector highway.

- (t) The proposed location of the arterial highway or interchange or collector highway will not result in the destruction, impairment, or significant alteration of historic properties or districts within the Town and will not impair the function or historic integrity of a historical resource of statewide importance;
- (u) The proposed location of the arterial highway or 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 Town;
- (v) The proposed location of the arterial highway or interchange or collector highway will not contribute to a negative economic impact to commercial, tourist or visitor areas or districts within the Town;
- (w) The proposed location of the arterial highway or interchange or collector highway will not significantly or unnecessarily detract from the mountain backdrop or other significant scenic resources within the Town or the region;
- (x) The proposed arterial highway or 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 Town, and to blend into the surroundings, yet will allow the Town to be seen from the highway. Interchanges will be attractively landscaped and will identify major gateways to the Town consistent with the comprehensive plan; and
- (y) If the proposed arterial highway or interchange or collector highway includes the imposition of tolls, any existing state roads which have historically provided free access within the Town limits will continue to provide free and non-tolled access; and
- (z) The proposed arterial highway or interchange or collector highway will not result in a design speed greater than fifty-five (55) miles per hour, unless the Town 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 or interchange or collector highway necessitates the proposed construction, expansion or modification of the arterial highway or interchange or collector highway.
- (aa) The applicant has adequately evaluated and considered reasonable siting and design alternatives within the Town and within three (3) miles of the boundaries of the Town and established why such alternatives are not available, not reasonably feasible, or would present greater adverse impacts to the Town. Increased cost or expense for the siting and design of an alternative shall not, by itself, render an alternative unavailable or not feasible unless the applicant establishes that such increase in cost or expense is unduly excessive in comparison to the proposed arterial highway or interchange or collector highway and to

the cost or expense of other similar completed projects in terms of scope, size, or extent, as adjusted for inflation.

- (bb) The proposed arterial highway or interchange or collector highway will not unreasonably, significantly, or substantially decrease the fair market value of private property located within 1000 feet of the outermost boundaries of the proposed arterial highway or interchange or collector highway.

Sec. 6-140. Denial of permit application.

The Town Council shall deny the permit if the proposed location of arterial highway or interchange or collector highway does not meet all of the criteria set out in section 6-130 above.

Sec. 6-150. Supplemental enforcement remedy.

In addition to any other remedies available to the Town, the Town shall be entitled to injunctive and other relief to enjoin or restrain any person who has not obtained a permit under this Article VI from constructing, installing or locating any facilities or improvements of any kind associated with an arterial highway or interchange or collector highway on any site selected for such facilities or improvements without or in violation of the terms of any permit required pursuant to this Article VI.

Article VII

Site selection and construction of major new domestic water and sewage treatment systems, and major extensions of such systems

Sec. 7-10 Designation.

The Town Council, having considered the intensity of current and foreseeable development pressures and applicable guidelines for identification and designation, as well as the other relevant factors set forth in Section 22-2-50, above, at a duly noticed public hearing held in accordance with Part IV of Article 65.1, Title 24, C.R.S., does hereby find and declare the site selection and construction of all major new domestic water and sewage treatment systems, and major extensions of such systems to be a matter of state interest and does hereby adopt the accompanying regulations requiring permits for this activity as set forth in this Article VII. The conduct of this activity within the boundaries of the Town shall be subject to this designation.

Sec. 7-20 Applicability.

- (a) These Regulations shall apply to the site selection of all major new domestic water and sewage treatment systems, and major extensions of such systems within the Town.
- (b) Any person seeking to select a site for all major new domestic water and sewage treatment systems, and major extensions of such systems in the Town shall obtain a permit pursuant to these regulations. The permit shall be effective only for the period of time specified by the permit.

Sec. 7-30 Purpose and intent.

The specific purpose and intent of this Article shall be to:

- (a) To ensure that site selection and construction of major new domestic water and sewage treatment systems and major extensions of such systems are conducted in such a manner as to fully mitigate significant impacts associated with such development;
- (b) To ensure that site selection and construction of major new domestic water and sewage treatment systems and major extensions of such systems are planned and developed in a manner so as not to impose an undue economic burden on existing or proposed communities within the Town; and
- (c) To ensure that the surface and groundwater resources of the Town are protected from any significant impact of the development of major water and sewage treatment systems and major extensions of such systems.

Sec. 7-40 Authority.

These regulations and the guidelines and requirements contained in this Article are adopted in furtherance of the authority set forth in Title 24, Article 65.1 of the Colorado Revised Statutes and under the authority cited in Section 1-30, above. To the extent that this Article VII contains requirements that are more stringent than the requirements of the criteria listed in C.R.S. 24-65.1-204, reference is made to the authority set forth in C.R.S. 24-65.1-402(3).

Sec. 7-50 Relationship to other regulations.

- (a) Nothing in this Article VII shall be construed as exempting an applicant for a permit under this Article VII from any other obligations or requirements of the Town or other state or federal laws and regulations. In no event shall the approval of a permit under this Article VII be considered a representation by the Town, its staff members or consultants or the Town Council members that the proposed construction, modification or expansion complies generally with such federal, state or local guidelines and regulations, nor shall such approval otherwise give rise to any claim against the Town, its staff members or consultants or Town Council members related to the failure of an applicant to comply therewith.
- (b) To the extent that the requirements of these Regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

Sec. 7-60. Permit procedure.

- (a) The procedures and requirements set forth in Article III of these Regulations and in this Article VII shall govern applications for permits to engage in the site selection and construction of all major new domestic water and sewage treatment systems, and major extensions of such systems. The provisions of this Article VII shall control in the event of any conflict or inconsistency between the provisions of Article III and this Article VII.
- (b) Any person subject to the requirements of this Article VII shall submit its application for a permit under this Article VII within sixty (60) days after final adjudication of the FONSI determination.

Sec. 7-70. Waiver of submission requirements.

- (a) The Town Manager may waive any part but not all of the submission requirements imposed by Article III upon written petition of the applicant. In considering the requested waiver, the Town Manager shall consider:
 - (1) The scope of the site selection proposal.
 - (2) Whether providing the information requested to be waived would be unduly burdensome to the applicant.
 - (3) Whether, without the information requested to be waived, the application contains sufficient information to allow the Town Council to reach a decision on all criteria necessary to issue a permit.
- (b) Submission requirements set out in Article III may be satisfied in whole or in part by submission of an environmental assessment or a draft or final environmental impact statement if (i) such assessment or statement is required for compliance with the National Environmental Policy Act; (ii) the Town Manager determines that such assessment or statement provides substantially the same information required under Article III; and (iii) such assessment or statement uses appropriate data and methodologies to allow adequate review of the permit application under these regulations.

- (c) Any waiver granted by the Town Manager shall not preclude the Town Council from requiring the submission of any additional information or materials related to the site selection proposal.

Sec. 7-80. Approval criteria.

The Town Council shall approve an application for a permit to locate and construct a major new domestic water and/or sewage treatment system, and major extensions of such system(s) in the Town only if the proposed **site selection and construction** complies with these Regulations, other applicable federal, state, and local guidelines and regulations, and meets all the following guidelines and requirements:

- (a) The proposal or its associated transmission collector or distribution system will not create an undue financial burden on existing or future residents of the Town.
- (b) The proposal, if it involves a new domestic water or sewage treatment system, is being constructed in an area which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.
- (c) Area and community development and population trends within the geographic context of the development plan demonstrate a need for such proposal.
- (d) The project emphasizes the most efficient use of water, including, to the extent permissible under existing law, the recycling, reuse, and conservation of water and will be consistent with any applicable water conservation plan.

Sec. 7-90. Denial of permit application.

The Town Council shall deny the permit if the proposed location does not meet all of the criteria set out in section 7-80 above.

Sec. 7-100. Supplemental enforcement remedy.

In addition to any other remedies available to the Town, the Town shall be entitled to injunctive and other relief to enjoin or restrain any person who has not obtained a permit under this Article VII from constructing, installing or locating any facilities or improvements of any kind associated with a major new domestic water and sewage treatment systems, and major extensions of such systems on any site selected for such facilities or improvements without or in violation of the terms of any permit required pursuant to this Article VII.

Article VIII
Site selection and construction of major facilities of a public utility

Sec. 8-10 Designation.

The Town Council, having considered the intensity of current and foreseeable development pressures and applicable guidelines for identification and designation, as well as the other relevant factors set forth in Section 22-2-50, above, at a duly noticed public hearing held in accordance with Part IV of Article 65.1, Title 24, C.R.S., does hereby find and declare the site selection and construction of major facilities of a public utility to be a matter of state interest and does hereby adopt the accompanying regulations requiring permits for this activity as set forth in this Article VIII. The conduct of this activity within the boundaries of the Town shall be subject to this designation.

Sec. 7-20 Applicability.

- (a) These Regulations shall apply to the site selection of all major facilities of a public utility within the Town.
- (b) Any person seeking to select a site for all major facilities of a public utility in the Town shall obtain a permit pursuant to these regulations. The permit shall be effective only for the period of time specified by the permit.

Sec. 7-30 Purpose and intent.

The specific purpose and intent of this Article shall be to:

- (a) To encourage the coordination of public utility facilities planning that are in the best interest of the residents of the Town;
- (b) To ensure that traffic noise, air, and water pollution remain at acceptable levels; and
- (c) To protect property values.

Sec. 7-40 Authority.

These regulations and the guidelines and requirements contained in this Article are adopted in furtherance of the authority set forth in Title 24, Article 65.1 of the Colorado Revised Statutes and under the authority cited in Section 1-30, above. To the extent that this Article VIII contains requirements that are more stringent than the requirements of the criteria listed in C.R.S. 24-65.1-204, reference is made to the authority set forth in C.R.S. 24-65.1-402(3).

Sec. 7-50 Relationship to other regulations.

- (a) Nothing in this Article VIII shall be construed as exempting an applicant for a permit under this Article VIII from any other obligations or requirements of the Town or other state or federal laws and regulations. In no event shall the approval of a permit under this Article VIII be considered a representation by the Town, its staff members or consultants or the Town Council members that the proposed construction, modification or expansion complies generally with such federal, state or local guidelines and regulations, nor shall such approval otherwise give rise to any claim against the Town, its staff members or

consultants or Town Council members related to the failure of an applicant to comply therewith.

- (b) To the extent that the requirements of these Regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

Sec. 7-60 Definitions.

Defined terms used in this Article VI shall have the meanings set forth in section 1-80, and as set forth below:

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

"*Construction, modification, or expansion*" means any activity involved in constructing or reconstructing, or modifying or expanding an existing or proposed major facility of a public utility.

"*Impact area*" means that area within Town of Keystone which is served or potentially could be served by the existing or proposed major facility of a public utility.

"*Locate*" or "*location*" (as used in this Article VIII) is synonymous with selecting a site for or site selection and construction of a major facility of a public utility.

"*Pipelines*" mean any pipeline and appurtenant facilities thereto, designed for, or capable of, transporting natural gas, manufactured gas, or other petroleum derivatives of ten (10) inches or more in diameter.

"*Power plant*" means any of the following:

- (1) Any fossil fuel, biofuel, or similar electrical energy generating facility and any appurtenant facilities thereto, or any addition or series of additions thereto increasing the existing design capacity of the facility to seventy-three (73) megawatts or more.
- (2) Any solar or wind electrical energy generating facility with a generating capacity more than two (2) megawatts, and any appurtenant facilities thereto, or any addition or series of additions thereto increasing the existing design capacity of the facility in excess of two (2) megawatts. It does not include any solar or wind energy generation for on-site consumption by a consumer regardless of size.
- (3) Any nuclear or hydropower electrical generating facility.

"*Public utility*" means a public utility or power authority as those entities are defined by state law, and any local governments, cooperative, or other entity that owns and operates a power plant, electrical transmission lines, or natural gas for delivery to off-site consumers.

"*Site selection*" means the identification of a specific location located entirely or partially within the Town of Keystone in which:

- (1) Construction of a new major facility of a public utility is proposed; or

- (2) Expansion or modification of an existing major facility of a public utility would result in increased pole height, reactivation of a deactivated facility, or increase in transmission capacity (e.g., moving from 115 kilovolt to 230 kilovolt).

"*Storage area*" means any facility, including appurtenant facilities, designed to store eighty million (80,000,000) cubic feet or more of natural or manufactured gas, or thirty-five thousand (35,000) barrels or more of petroleum derivatives, or any expansion or series of expansions of an existing storage facility to accommodate eighty million (80,000,000) cubic feet or more of natural or manufactured gas, or thirty-five thousand (35,000) barrels or more of petroleum derivatives.

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

"*Transmission lines*" mean any electric transmission line and appurtenant facilities, which transmit electricity at one hundred fifteen (115) kilovolts or more.

Sec. 7-70. Permit procedure.

- (a) The procedures and requirements set forth in Article III of these Regulations and in this Article VIII shall govern applications for permits to engage in the site selection and construction of major facilities of a public utility. The provisions of this Article VIII shall control in the event of any conflict or inconsistency between the provisions of Article III and this Article VIII.
- (b) Any person subject to the requirements of this Article VIII shall submit its application for a permit under this Article VIII within sixty (60) days after final adjudication of the FONSI determination.

Sec. 7-80 Submission requirements.

In addition to the requirements set forth in section 3-70 above, an application for a permit to locate or engage in the site selection and construction of a major facility of a public utility shall contain the items listed below to be considered complete:

- (a) A sketch or map showing the following:
 - (1) If a power plant is proposed, the area is within 10 miles from the site.
 - (2) For transmission lines or pipelines, provide a map showing all existing transmission lines or pipelines for a distance of two miles beyond any reasonable alternative studied.
- (b) For upgrades of existing transmission lines, provide a sketch showing all existing transmission lines and pipelines within one mile on either side of the proposed alignment
- (c) For all other major facilities of a public utility, provide a sketch showing the area within five miles of the site if another major facility is proposed.
- (d) Type of facility - specify where applicable.

- (1) The voltages and lengths of transmission lines.
 - (2) Power source and generating capacity.
 - (3) The functions and sizes of substations.
 - (4) For pipeline projects, the diameters and lengths of pipeline.
 - (5) The capacities of the storage tanks and types of petroleum derivative to be stored.
 - (6) Corridor locations.
 - (7) Service area.
 - (8) Resource area (e.g., source of power being generated or transmitted, source of petroleum derivative being transported).
 - (9) Describe applicable support facilities (e.g., pollution control, parking areas, landscaping, etc.) to be provided.
- (e) Analysis of nonstructural alternatives to the project such as conservation of energy use, no development or management (different scheduling, conservation programs, facility design, land trades, etc.), if applicable.
- (f) Analysis of reasonable structural alternatives to the project such as alternate locations and routes, alternative types of facilities, use of existing rights-of-way, joint use of rights-of-way with other utilities and upgrading of existing facilities.

Sec. 7-90. Waiver of submission requirements.

- (a) The Town Manager may waive any part but not all of the submission requirements imposed by Article III or 7-80 upon written petition of the applicant. In considering the requested waiver, the Town Manager shall consider:
- (1) The scope of the site selection proposal.
 - (2) Whether providing the information requested to be waived would be unduly burdensome to the applicant.
 - (3) Whether, without the information requested to be waived, the application contains sufficient information to allow the Town Council to reach a decision on all criteria necessary to issue a permit.
- (b) Submission requirements set out in Article III or 7-80 may be satisfied in whole or in part by submission of an environmental assessment or a draft or final environmental impact statement if (i) such assessment or statement is required for compliance with the National Environmental Policy Act; (ii) the Town Manager determines that such assessment or statement provides substantially the same information required under Article III or 7-80; and (iii) such assessment or statement uses appropriate data and methodologies to allow adequate review of the permit application under these regulations.

- (c) Any waiver granted by the Town Manager shall not preclude the Town Council from requiring the submission of any additional information or materials related to the site selection proposal.

Sec. 7-100. Approval criteria.

The Town Council shall approve an application for a permit for the site selection and construction of a major facility of a public utility in the Town only if the proposed construction, modification, or expansion complies with these Regulations, other applicable federal, state, and local guidelines and regulations, and meets all the following guidelines and requirements:

- (a) If for a power plant project, the proposed natural gas and electric transmission facilities have been identified and included.
- (b) The facility site or expansion area is not in an area with general meteorological and climatological conditions which would unreasonably interfere with or obstruct normal operations and maintenance.
- (c) The nature and location of the facility or expansion will not unduly interfere with existing easements, rights-of-way, other utilities, canals, mineral claims, or roads
- (d) Where feasible, the nature and location of the facility or expansion avoids direct conflict with adopted local government, regional, and state master plans
- (e) Adequate electric, gas, telephone, water, sewage, and other utilities exist or shall be developed to service the site.
- (f) The scope and nature of the proposed project will not unnecessarily duplicate existing services within the City
- (g) Area and community development and population trends within the geographic context of the development plan demonstrate a need for such proposal.
- (h) The siting and design of the proposed location for electrical transmission lines addresses potential levels of electrical and magnetic fields (EMFs) through reasonable efforts or by exercising "prudent avoidance" to limit exposure.
- (i) Wind power plants must meet the following standards:
 - (1) All towers must be set back at least 750 feet from property lines and public rights-of-way.
 - (2) The wind generator turbines and towers must be painted or coated a nonreflective white, grey, or other neutral color.
 - (3) Facilities must not be artificially illuminated unless required by the FAA.
 - (4) Electrical controls must be wireless or underground and power lines must be underground except where the electrical collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network

- (5) Towers for wind generators must be constructed of a tubular design and include anti-climb features
- (6) The facility design must use best practices available to protect wildlife.

Sec. 7-110. Denial of permit application.

The Town Council shall deny the permit if the proposed location does not meet all of the criteria set out in section 7-100 above.

Sec. 7-120. Supplemental enforcement remedy.

In addition to any other remedies available to the Town, the Town shall be entitled to injunctive and other relief to enjoin or restrain any person who has not obtained a permit under this Article VIII from constructing, installing or locating any facilities or improvements of any kind associated with a major facility of a public utility on any site selected for such facilities or improvements without or in violation of the terms of any permit required pursuant to this Article VIII.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers

THROUGH: John Crone, Town Manager
Jennifer Madsen, Town Attorney

FROM: Madeleine Sielu, Town Clerk

DATE: October 22, 2024 – Council Meeting

SUBJECT: [Consent Agenda] Amendments to Resolutions 2024-62 & 2024-63, Resolutions of Town Council of the Town of Keystone, Colorado, Approving Intergovernmental Agreements with Summit County Regarding Liquor Code Regulation and Enforcement

Executive Summary:

On September 10, 2024, the Keystone Town Council reviewed Resolutions 2024-62 and 2024-63 regarding Liquor Code regulation and enforcement at River Course Grill and Mountain House. The optional premises permits associated with these two liquor licenses fell across the Town and County boundaries. Following Vail Resorts review of the Intergovernmental Agreements, minor changes were recommended related to clarifying location of the premises. Staff is bringing these Resolutions back before the Council to ensure that the record for these items is clear. There is no substantive change to the regulations and enforcement outlined in the Resolutions and Intergovernmental Agreements.

Background:

River Course Grill

The proposed Intergovernmental Agreement between Summit County and the Town of Keystone indicates that the Town of Keystone will be responsible for the regulation and enforcement of the Hotel and Restaurant Liquor License and its Optional Premises

Permit for River Course Grill. This allows for consistency in the regulation and enforcement, since the Hotel and Restaurant License and the Optional Premises Permit are tied to one another.

The IGA describes in detail responsibilities of the Town included in Liquor Code regulation and enforcement. These include but are not limited to both considering Licensee's renewal of the Optional Premises Permit and the suspension or revocation of such Optional Premises Permit. Additionally, the IGA describes that all fees or fines related to administrative proceedings at the Golf Course Optional Premises will be the property of the Town.

The Licensee must also approve the IGA, in order to agree and consent to the jurisdiction of the Town of Keystone for the purposes of liquor license administration and enforcement related to the Golf Course Optional Premises Permit located in Summit County. Resolution 2024-62 indicates that the Town will approve the IGA pending final approval and acceptance from Summit County and Keystone Food & Beverage in substantially the same form.

Mountain House Lodge

The proposed Intergovernmental Agreement between Summit County and the Town of Keystone indicates that Summit County will be responsible for the regulation and enforcement of the Hotel and Restaurant Liquor License and its Optional Premise Permit for the activities area of Mountain House Lodge. This allows for consistency in the regulation and enforcement, since the Hotel and Restaurant License and the Optional Premises Permit are tied to one another.

The IGA describes in detail responsibilities of the County included in Liquor Code regulation and enforcement. These include but are not limited to both considering Licensee's renewal of the Optional Premises Permit and the suspension or revocation of such Optional Premises Permit. Additionally, the IGA describes that all fees or fines

related to administrative proceedings for Optional Premises Permit will be the property of the County.

The Licensee must also approve the IGA, in order to agree and consent to the jurisdiction of Summit County for the purposes of liquor license administration and enforcement related to the Optional Premises Permit located in the Town of Keystone. Resolution 2024-63 indicates that the Town will approve the IGA pending final approval and acceptance from Summit County and Keystone Food & Beverage in substantially the same form.

Alternatives:

Town Council could deny the updated Resolutions.

Previous Council Actions:

Town Council reviewed these Resolutions and agreements at it's meeting on September 10, 2024.

Suggested Motions:

Since these items are on the consent agenda, a motion to approve the consent agenda would lead to passage of these items.

Attachments:

- Resolution 2024-62, A Resolution of Town Council of the Town of Keystone, Colorado, Approving an Intergovernmental Agreement with Summit County Regarding Liquor Code Regulation and Enforcement at River Course Grill
- Exhibit A – Intergovernmental Agreement with Summit County Regarding Liquor Code Regulation and Enforcement at River Course Grill
- Resolution 2024-63, A Resolution of Town Council of the Town of Keystone, Colorado, Approving an Intergovernmental Agreement with Summit County Regarding Liquor Code Regulation and Enforcement at Mountain House Lodge
- Exhibit A- Intergovernmental Agreement with Summit County Regarding Liquor Code Regulation and Enforcement at Mountain House Lodge

**TOWN OF KEYSTONE
Summit County, Colorado**

RESOLUTION 2024-62

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO
APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY
REGARDING LIQUOR CODE REGULATION AND ENFORCEMENT AT RIVER
COURSE GRILL**

WHEREAS, pursuant to the provisions of § 18 of Article XIV of the Colorado Constitution, § 29-1-203, C.R.S., as amended, and other applicable authority, the Town of Keystone and Summit County may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each; and

WHEREAS, the County issued to River Course Grill a Hotel and Restaurant Liquor License (“River Course Grill Liquor License”) for its premises at 155 River Course Dr., Keystone, CO 80435; and

WHEREAS, the County has also issued to River Course Grill an Optional Premises Permit for its golf course premise in unincorporated Summit County (“Golf Course Optional Premise Permit”); and

WHEREAS, upon the incorporation of the Town of Keystone, the River Course Grill Liquor License is located in the boundaries of the Town of Keystone and the Golf Course Optional Premise Permit remains in Summit County; and

WHEREAS, pursuant to the First Amendment to the Intergovernmental Agreement between the Town of Keystone and Summit County Regarding the Incorporation of Keystone, Colorado, starting on May 9, 2024, the Town managed the liquor licenses services in the boundaries of the Town; and

WHEREAS, as of May 9, 2024, the Town has the authority related to renewal and enforcement of the River Course Grill Liquor License and the County retained the authority related to the renewal and enforcement of the Golf Course Optional Premises Permit; and

WHEREAS, to maintain consistency related to regulation of hotel and restaurant license and the optional premise permit which is tied to it, it is reasonable that the Town provides the regulation and enforcement of the Hotel and Restaurant Liquor License and its Optional Premises Permit together; and

WHEREAS, the Parties have come to an agreement with respect to the administration and enforcement of the River Course Grill Liquor License and the Golf Course Optional Premises Permit; and

WHEREAS, Town Council approves the Intergovernmental Agreement with Summit County and the liquor licensee.

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. The Town Council approves the Intergovernmental Agreement for Liquor Code Regulation and Enforcement (“Liquor Code Regulation and Enforcement IGA”). The Town Council authorizes the Mayor to execute the Liquor Code Regulation and Enforcement IGA in substantially the form that is provided in Exhibit A.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

ADOPTED by a vote of __ in favor and __ against, this _____ day of _____, 2024.

By: _____
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: _____
Town Clerk

By: _____
Town Attorney

INTERGOVERNMENTAL AGREEMENT RELATED TO LIQUOR CODE REGULATION AND ENFORCEMENT

This Intergovernmental Agreement (“Agreement”) regarding liquor code regulation and enforcement is made and entered into this 22nd day of October, 2024, by and between the TOWN OF KEYSTONE, a home rule municipality (“Town”), the BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO (“County”), and KEYSTONE FOOD AND BEVERAGE COMPANY, a Colorado Corporation d/b/a River Course Grill, (“Licensee”) (collectively referred to as the “Parties”).

RECITALS AND REPRESENTATIONS

WHEREAS, the County issued to Licensee a Hotel and Restaurant Liquor License (“River Course Grill Liquor License”) for its premises at 155 River Course Dr., Keystone, CO 80435; and

WHEREAS, the County has also issued to Licensee an Optional Premises Permit for a golf course located in the Town and County (“Optional Premises Permit”); and

WHEREAS, on February 8, 2024, the Town of Keystone was incorporated as a home rule municipality; and

WHEREAS, upon the incorporation of the Town of Keystone, the River Course Grill Liquor License’s premises are located in the boundaries of the Town, and a portion of the Optional Premise is located in the Town and the remainder is in Summit County; and

WHEREAS, pursuant to the First Amendment to the Intergovernmental Agreement between the Town of Keystone and Summit County Regarding the Incorporation of Keystone, Colorado, starting on May 9, 2024, the Town managed the liquor licenses services in the boundaries of the Town; and

WHEREAS, as of May 9, 2024, the Town has the authority related to renewal and enforcement of the River Course Grill Liquor License and the County has authority related to the renewal and enforcement of liquor licenses in its jurisdiction; and

WHEREAS, the Parties have come to an agreement with respect to the administration and enforcement of the River Course Grill Liquor License and the Optional Premises Permit.

NOW, THEREFORE, the Parties agree as follows:

1. Liquor Code Regulation & Enforcement

- a. Town. The Town, acting through its Local Licensing Authority will be responsible for the administration and enforcement of the Colorado Liquor Code, C.R.S. §§ 44-3-101, et seq. and the Liquor and Tobacco Enforcement Division Regulations, Colorado Liquor Rules, 1 CCR 203-2, and any Town regulations related to the Optional Premises Permit. Such responsibility shall include, without limitation, the jurisdiction to (i) consider Licensee’s renewal of the Optional Premises Permit, in its discretion and subject to the requirements and provisions of Colorado law and regulations and the Town regulations; and the (ii) suspension or revocation of such Optional Premises Permit. All fees and fines collected by the Town in connection with its administrative proceedings related to the Optional Premises Permit shall be the property of the Town.

- b. County. The County retains the ability to enforce all applicable laws and regulations, other than the Colorado Liquor Code and Rules, on the portion of the Optional Premise that is located within the County's boundaries.
 - c. Licensee. The Licensee agrees and consents to the jurisdiction of the Town of Keystone for purposes of liquor license administration and enforcement related to the Optional Premises Permit. The Licensee agrees not to contest the Town of Keystone's jurisdiction, administration, enforcement, and regulations related to the Optional Premises Permit. The Licensee has a master file and a state letter issued by the Colorado Department of Revenue. Nothing in this Agreement impacts the operation of the state letter for a master filer. In addition, prior manager approvals are not affected by this Agreement and will survive the termination of this Agreement.
- 2. Term. The term of this Agreement shall be for the one-year period of the River Course Grill Liquor License. The initial term shall commence on the renewal date of the River Course Grill Liquor License. Each additional one-year term shall commence on the effective date of the renewed River Course Grill Liquor License. This Agreement shall automatically be renewed for successive one-year periods upon the renewal of the River Course Grill Liquor License.
- 3. Termination.
 - a. Town. The Town reserves the right to terminate this Agreement at the end of any one-year term (on October 28 of any given year) on the condition that it gives written notice to the County and the Licensee a minimum of 60 days prior to the expiration of the River Course Grill Liquor License.
 - b. County. The County reserves the right to terminate this Agreement at the end of any one-year term (on October 28 of any given year) on the condition that it gives written notice to the Town and the Licensee a minimum of 60 days prior to the expiration of the River Course Grill Liquor License.
 - c. The Agreement automatically terminates if the land subject to the Optional Premises Permit in the County's boundaries is annexed into the Town boundaries.
- 4. Modification. This Agreement may be modified or amended only by a duly authorized written instrument executed by authorized representatives of the Parties hereto.
- 5. Paragraph Headings. Paragraph headings are inserted for convenience only and in no way limit or define the interpretation to be placed upon this Agreement.
- 6. Applicable Law. This Agreement shall be interpreted in all respects in accordance with the laws of the State of Colorado. Venue shall be in County of Summit, State of Colorado.

7. Governmental Immunity. The Town and County expressly rely upon and do not waive the protections and limitations of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et. seq., as presently stated and as may be amended from time to time.
8. Binding Effect. This Agreement shall be binding upon, and shall inure to the benefit of the Parties, and their respective successors and assigns.
9. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Parties and supersedes any prior agreement or understanding relating to the subject matter of this Agreement.
10. Authorized Signatures. The Parties have executed this IGA and intend it to be effective, valid, and binding upon the Parties as of the date below as executed by their authorized representatives.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

**COUNTY OF SUMMIT,
STATE OF COLORADO**

ATTEST: _____
Clerk to the Board

Tamara Pogue, Chair
Board of County Commissioners

Date: _____

**TOWN OF KEYSTONE,
STATE OF COLORADO**

ATTEST: _____
Town Clerk

Kenneth D. Riley, Mayor

Date: _____

**KEYSTONE FOOD & BEVERAGE
COMPANY**

Date: _____

**TOWN OF KEYSTONE
Summit County, Colorado**

RESOLUTION 2024-63

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO
APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH SUMMIT COUNTY
REGARDING LIQUOR CODE REGULATION AND ENFORCEMENT AT MOUNTAIN
HOUSE LODGE**

WHEREAS, pursuant to the provisions of § 18 of Article XIV of the Colorado Constitution, § 29-1-203, C.R.S., as amended, and other applicable authority, the Town of Keystone and Summit County may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each; and

WHEREAS, the County issued to Mountain House Lodge a Hotel and Restaurant Liquor License (“Mountain House Lodge Liquor License”) for its premises located in unincorporated Summit County; and

WHEREAS, the County has also issued to Mountain House Lodge an Optional Premises Permit for its premises that are activity areas and located in Keystone, Colorado (“Optional Premise Permit”); and

WHEREAS, upon the incorporation of the Town, the Mountain House Lodge Liquor License is located in the boundaries of unincorporated Summit County and an Optional Premise Permit tied to the Hotel and Restaurant Liquor License is located in the Town; and

WHEREAS, pursuant to the First Amendment to the Intergovernmental Agreement between the Town and County Regarding the Incorporation of Keystone, Colorado, starting on May 9, 2024, the Town managed the liquor licenses services in the boundaries of the Town; and

WHEREAS, as of May 9, 2024, the County has the authority related to renewal and enforcement of the Mountain House Lodge Liquor License and the Town has authority related to the renewal and enforcement of the Optional Premises Permit; and

WHEREAS, to maintain consistency related to regulation of hotel and restaurant license and the optional premise permit which is tied to it, it is reasonable that the County provides the regulation and enforcement of the Hotel and Restaurant Liquor License and its Optional Premises Permit together; and

WHEREAS, the Parties have come to an agreement with respect to the administration and enforcement of the Mountain House Lodge Liquor License and the Optional Premises Permit; and

WHEREAS, Town Council approves the Intergovernmental Agreement with Summit County and the liquor licensee.

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. The Town Council approves the Intergovernmental Agreement for Liquor Code Regulation and Enforcement (“Liquor Code Regulation and Enforcement IGA”). The Town Council authorizes the Mayor to execute the Liquor Code Regulation and Enforcement IGA in substantially the form that is provided in Exhibit A.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

ADOPTED by a vote of __ in favor and __ against, this ____ day of _____, 2024.

By: _____
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: _____
Town Clerk

By: _____
Town Attorney

**INTERGOVERNMENTAL AGREEMENT RELATED TO
LIQUOR CODE REGULATION AND ENFORCEMENT**

This Intergovernmental Agreement (“Agreement”) regarding liquor code regulation and enforcement is made and entered into this 22nd day of October, 2024, by and between the TOWN OF KEYSTONE, a home rule municipality (“Town”), the BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, COLORADO (“County”), and KEYSTONE FOOD AND BEVERAGE COMPANY, a Colorado Corporation d/b/a Mountain House Lodge, (“Licensee”) (collectively referred to as the “Parties”).

RECITALS AND REPRESENTATIONS

WHEREAS, the County issued to Licensee a Hotel and Restaurant Liquor License (“Mountain House Lodge Liquor License”) for its premises located in Summit County; and

WHEREAS, the County has also issued to Licensee an Optional Premises Permit for its “Activities Area” in Keystone, Colorado (“Activities Area Optional Premises Permit”); and

WHEREAS, on February 8, 2024, the Town was incorporated as a home rule municipality; and

WHEREAS, upon the incorporation of the Town, the Mountain House Lodge Liquor License is located in the boundaries of the County and the Activities Area Optional Premises Permit tied to the Hotel and Restaurant Liquor License is located in the Town; and

WHEREAS, pursuant to the First Amendment to the Intergovernmental Agreement between the Town and County Regarding the Incorporation of Keystone, Colorado, starting on May 9, 2024, the Town managed the liquor licenses services in the boundaries of the Town; and

WHEREAS, as of May 9, 2024, the County has the authority related to renewal and enforcement of the Mountain House Lodge Liquor License and the Town has authority related to the renewal and enforcement of liquor licenses in its jurisdiction; and

WHEREAS, the Parties have come to an agreement with respect to the administration and enforcement of the Mountain House Lodge Liquor License and the Activities Area Optional Premises Permit.

NOW, THEREFORE, the Parties agree as follows:

1. Liquor Code Regulation & Enforcement

- a. County. The County, acting through its Local Licensing Authority will be responsible for the administration and enforcement of the Colorado Liquor Code, C.R.S. §§ 44-3-101, et seq. and the Liquor and Tobacco Enforcement Division Regulations, Colorado Liquor Rules, 1 CCR 203-2, and any County regulations related to the Activities Area Optional Premises Permit. Such responsibility shall include, without limitation, the jurisdiction to (i) consider Licensee’s renewal of the Activities Area Optional Premises Permit, in its discretion and subject to the requirements and provisions of Colorado law and regulations and the County regulations; and the (ii) suspension or revocation of such Optional Premises Permit. All fees and fines collected by the County in connection with its administrative proceedings related to the Activities Area Optional Premises Permit shall be the property of the County.

- b. Town. The Town retains the ability to enforce all applicable laws and regulations, other than the Colorado Liquor Code and Rules, on the Activities Area Optional Premise that is located within the Town's boundaries.
 - c. Licensee. The Licensee agrees and consents to the jurisdiction of Summit County for purposes of liquor license administration and enforcement related to the Activities Area Optional Premises Permit. The Licensee agrees not to contest Summit County's jurisdiction, administration, enforcement, and regulations related to the Activities Area Optional Premises Permit. The Licensee has a master file and a state letter issued by the Colorado Department of Revenue. Nothing in this Agreement impacts the operation of the state letter for a master filer. In addition, prior manager approvals are not affected by this Agreement and will survive the termination of this Agreement.
2. Term. The term of this Agreement shall be for the one-year period of the Mountain House Lodge Liquor License. The initial term shall commence on the renewal date of the Mountain House Lodge Liquor License. Each additional one-year term shall commence on the effective date of the renewed Mountain House Lodge Liquor License. This Agreement shall automatically be renewed for successive one-year periods upon the renewal of the Mountain House Lodge Liquor License.
3. Termination.
 - a. Town. The Town reserves the right to terminate this Agreement at the end of any one-year term (on November 1 of any given year) on the condition that it gives written notice to the County and the Licensee a minimum of 60 days prior to the expiration of the Mountain House Lodge Liquor License.
 - b. County. The County reserves the right to terminate this Agreement at the end of any one-year term (on November 1 of any given year) on the condition that it gives written notice to the Town and the Licensee a minimum of 60 days prior to the expiration of the Mountain House Lodge Liquor License.
 - c. The Agreement automatically terminates if 1202 E Keystone Rd, Keystone, CO 80435 is annexed into the Town boundaries. In that event, the Town shall assume the responsibility of enforcement and renewal of such Hotel and Restaurant Liquor License and the Activities Area Optional Premises Permit.
4. Modification. This Agreement may be modified or amended only by a duly authorized written instrument executed by authorized representatives of the Parties hereto.
5. Paragraph Headings. Paragraph headings are inserted for convenience only and in no way limit or define the interpretation to be placed upon this Agreement.
6. Applicable Law. This Agreement shall be interpreted in all respects in accordance with the laws of the State of Colorado. Venue shall be in County of Summit, State of Colorado.

7. Governmental Immunity. The Town and County expressly rely upon and do not waive the protections and limitations of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et. seq., as presently stated and as may be amended from time to time.
8. Binding Effect. This Agreement shall be binding upon, and shall inure to the benefit of the Parties, and their respective successors and assigns.
9. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Parties and supersedes any prior agreement or understanding relating to the subject matter of this Agreement.
10. Authorized Signatures. The Parties have executed this IGA and intend it to be effective, valid, and binding upon the Parties as of the date below as executed by their authorized representatives.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

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**COUNTY OF SUMMIT,
STATE OF COLORADO**

ATTEST: _____
Clerk to the Board

Tamara Pogue, Chair
Board of County Commissioners

Date: _____

**TOWN OF KEYSTONE,
STATE OF COLORADO**

ATTEST: _____
Town Clerk

Kenneth D. Riley, Mayor

Date: _____

**KEYSTONE FOOD & BEVERAGE
COMPANY**

Date: _____



Keystone Town Council Minutes

A Regular Town Council Meeting of the Keystone Town Council was held on October 8, 2024, at 7:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435. Full and timely notice of the meeting had been posted and a quorum of the body was present.

I. CALL TO ORDER, ROLL CALL

Mayor Riley called the meeting to order at 7:07 p.m. The roll was called, and it was found there were present and participating at that time the following members:

Councilmember Gretchen Davis, Councilmember Jonathan Hagenow, Councilmember Carol Kerr, Councilmember Aaron Parmet, Councilmember Dan Sullivan, Councilmember Valerie Thisted, and Mayor Ken Riley.

II. APPROVAL OF AGENDA

Mayor Riley presented the agenda.

Mayor Riley moved to amend the agenda to include Resolution 2024-66, Adopting and Consenting to the Application and Enforcement for the Summit County Fire Ban Within the Corporate Limits of the Town of Keystone on the discussion agenda.

Councilmember Parmet seconded.

On voice vote, the motion passed unanimously, and the agenda was amended to include Resolution 2024-66 on the discussion agenda.

Councilmember Hagenow moved to approve the agenda as amended.

Councilmember Davis seconded.

On voice vote, the motion passed unanimously, and the agenda was approved as

amended.

III. COMMUNICATIONS TO COUNCIL

Mayor Riley opened the floor for public comment.

Hillary Hoffman provided comment on recent Town meetings.

Julie Olsen provided comments on development in Keystone and in-person participation at Town meetings.

Seeing no further members of the public wishing to speak, Mayor Riley closed the floor for public comment.

IV. CONSENT

A. FIRST READING OF ORDINANCES

- 1. Ordinance 2024-12, An Ordinance of Town Council of the Town of Keystone, Colorado, Adopting by Reference The 2024 Edition Of The Model Traffic Code Of Colorado Promulgated By The Colorado Department Of Transportation With Amendments, And Setting Forth In Full The Penalty Provisions For Violations Thereof**

B. RESOLUTIONS

C. MEETING MINUTES

- 1. September 24, 2024 – Meeting Minutes**

D. EXCUSED ABSENCES – NONE

- 1. Dan Sullivan – October 8, 2024 – remote attendance**

E. OTHER

- 1. TOK24-013: Class 2 Sign Permit for a Build-A-Bear store located at 195 River Run Road, Unit B-5**

Mayor Riley read the consent agenda into the record.

Councilmember Davis moved to approve the consent agenda as presented. Councilmember Parmet seconded.

By hand vote, the motion passed unanimously, and the consent agenda was approved.

V. NEW BUSINESS

A. CONSIDERATION OF ORDINANCES (SECOND READING/PUBLIC HEARING)

1. Ordinance 2024-O-11, An Ordinance of Town Council of the Town of Keystone, Colorado, Creating a Process for Establishing Boards and Commissions

Mayor Riley opened the public hearing for Ordinance 2024-O-11. Mayor Riley recognized Town Attorney Jennifer Madsen and Town Manager John crone to present the staff report for Ordinance 2024-11, Creating a Process for Establishing Boards and Commissions.

Following the staff report, Mayor Riley opened the floor for public comment. Seeing no members of the public wishing to speak, Mayor Riley closed the floor for public comment and closed the public hearing.

Councilmember Davis moved to approve Ordinance 2024-O-11. Councilmember Kerr seconded.

On roll call, the result was:

Ayes: Councilmember Davis, Councilmember Hagenow, Councilmember Kerr, Councilmember Parmet, Councilmember Sullivan, Councilmember Thisted, Mayor Riley (7)

Nays: (0)

Abstain: (0)

Absent: (0)

The motion passed, and Ordinance 2024-O-11 was adopted.

B. RESOLUTIONS - NONE

C. OTHER

1. Presentation of Budget

Mayor Riley recognized Town Manager John Crone to present the budget. Town Manager John Crone noted that a public hearing would be held on the budget on October 22, 2024.

VI. PLANNING MATTERS

VII. REPORT OF TOWN MANAGER AND STAFF

Town Manager John Crone noted that the Town has continued to work on Short-Term Rentals and East Keystone bridge repair. He attended the Mayors Managers and Commissioners meeting. He has upcoming meetings with Shannon Buhler from Keystone Resort and the Sheriff's Office. Future meetings will discuss opting in to Proposition 123, planning issues, adoption of nuisance ordinances, and continued discussions about purchase of a building for Town Hall.

VIII. REPORT OF MAYOR AND COUNCIL

Councilmember Davis attended the CML Policy Committee meeting. Councilmembers Davis and Kerr also hosted this month's Coffee with Council meeting at Steep. They reported that there were questions from community members about the direction for STRs and planning decisions for the Town.

Councilmember Kerr attended the Transit Authority Board and learned that the micro transit contract is pending finalization.

Mayor Riley attended the Mayors, Managers, and Commissioners Meeting, where the road work on Swan Mountain Road was discussed. Summit County did not receive funding for the project, so it will be completed over the three years in three segments. He noted that the National Brotherhood of Skiers has reached out to

inquire about volunteer opportunities within Keystone during their upcoming winter conference.

IX. OTHER MATTERS (Town Manager/Mayor/Councilmember may bring up items on other matters that are not on the agenda)

Councilmember Hagenow requested that Gorman and Company be invited to an upcoming meeting to provide an overview of their housing processes.

Councilmember Parmet requested that a draft ordinance regarding bear safety at the next work session.

Councilmember Thisted notified Town Council that they would have an upcoming opportunity to tour Kindred and more details would follow.

X. SCHEDULED MEETINGS

XI. EXECUTIVE SESSION

Councilmember Davis moved to enter an Executive Session pursuant to C.R.S. Section 24-6-402(4)(b) and (4)(e)(I) to receive legal advice concerning a negotiation of a contract for road maintenance services as well as to determine positions relative to the negotiation of the contract for road maintenance services, develop strategies for such negotiations, and instruct negotiators accordingly. Councilmember Hagenow seconded.

On voice vote, the motion passed unanimously, and Town Council entered Executive Session at 8:14 p.m. Executive Session concluded at 9:45 p.m.

XII. ADJOURNMENT

Seeing no further business to conduct, the meeting was adjourned at 9:46 p.m.

**Town of Keystone
Accounts Payable List**

Period: September 21 through October 18, 2024

Payables processed for the period indicated above:

PAYEEES	AMOUNT	DESCRIPTION	REVIEWED, APPROVED BY
*Paylocity	414.78	payroll processing fee	E.Cox, J Crone
*Rocky Mountain Reserve	75.00	FSA funding	E.Cox, J Crone
Black Diamond Gourmet	572.00	council dinners	M. Sielu, J. Crone
CAST Colorado Assoc of Ski Towns	415.00	meeting registration	M. Sielu, J. Crone
CEBT	8,517.01	health insurance premium	E.Cox, J. Crone
CIRSA	3,847.84	Prop/Liab, WC insurance premiums 4Q	M. Sielu, J. Crone
Employers Council Services Inc	360.00	payroll, human resources consultant	M. Sielu, J. Crone
FirstBank Credit Card Center	2,746.42	p-card charges	M. Sielu, J. Crone
Kerr, Carol	36.00	reimbursement	M. Sielu, J. Crone
Keystone Policy Center	4,900.00	Office Lease	J. Crone
LaserGraphics	92.00	office supplies	M. Sielu, J. Crone
Parmet, Aaron	428.13	mileage reimbursement	M. Sielu, J. Crone
Patagonia	3,421.60	staff jackets	M. Sielu, J. Crone
SIPA	84.00	credit card reader	M. Sielu, J. Crone
Staples Contract & Commercial LLC	661.95	office supplies	M. Sielu, J. Crone
SullivanDan	57.67	reimbursement	M. Sielu, J. Crone
Verified First LLC	69.30	employee background checks	M. Sielu, J. Crone
Verticomm (All Copy Products)	1,942.00	IT Managed Service Provider	M. Sielu, J. Crone
Widner Juran LLP	12,467.98	legal services	J. Crone
Total Payables	41,108.68		

Payrolls processed during the period indicated:

		Paydate
Payroll Wages (Net pay)	44,822.46	10/4 & 10/18
Payroll Taxes & Liability Payments	11,517.24	10/4 & 10/18
CRA Contributions	9,112.88	10/4 & 10/18
Total Payroll	65,452.58	

TOTAL ACCOUNTS PAYABLE

106,561.26

10/17/2024 0:00

Acronym Table

CAST	Colorado Association of Ski Towns
CEBT	Colorado Employee Benefits Trust
CIRSA	Colorado Intergovernmental Risk Sharing Agency
CMCA	Colorado Municipal Clerk Association
CML	Colorado Municipal League
CRA	Colorado Retirement Association
FSA	Flexible Spending Account
NWCCOG	NorthWest Colodao Council of Governments
SIPA	Statewide Internet Portal Authority
STR	Short Term Rental
WC	Workers Compensation

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH:
FROM: John Crone, Town Manager
DATE: October 22, 2024
SUBJECT: Resolution 2024-60, A Resolution Approving an Intergovernmental Agreement for Summit County Childcare

Executive Summary:

Approval of this resolution by Keystone and all the other jurisdictions will provide for Keystone to join the Child Care Tuition Assistance IGA providing for the funding of early child care in Summit County.

Background:

In 2018, Summit County voters approved the Strong Futures initiative to provide funding for Pre-K childcare. In response, the County entered into an MOU with Early Childhood Options (“ECO”) to run a pre-K program for four-year olds. In 2023, most of the incorporated towns of Summit County and the Summit County government recognized that early childcare (age 3 and younger) was posing a significant problem for our workforce. In response, all of the municipalities (except Montezuma) and the County entered into an IGA to address the impacts of ever-increasing childcare costs on the Summit County workforce.

The IGA committed the jurisdictions to provide childcare tuition assistance for children three-years old and younger who are not covered by the Strong Futures program. The funding for this program (also known as “First Steps”) comes primarily from the general funds of the individual jurisdictions (often using excess funds from the

Nicotine Tax). The Town Managers and the County Manager make up the Board of Directors for the program.

The commitment levels are determined by a formula that takes into account the residence of the recipients and the location where the parents work. Using the formula, Keystone's share of the expenses will be around 3.27% of the total cost of the program. The program is available for those families who can show that childcare costs account for 10-20% of their income. The Tuition assistance is awarded on a sliding scale that takes into consideration the economic burden on the family and the family's income and assets. The specific requirements are set by the Board. The tuition assistance is paid directly to the childcare providers. The IGA calls for ECO to administer the program.

Unlike most of the other IGAs that the Town has entered into or is considering entering into, this IGA does not provide for a revenue source for the Town. This IGA is the Town's recognition that our workers need help to make sure that our businesses can remain fully staffed.

Alternatives:

Decline to join the IGA.

Financial Considerations:

The state issues millions of dollars of grants under this program.

Previous Council Actions:

Workshop August 27, 2024

Workshop October 8, 2024

Suggested Motions:

If the Board wishes join the Childcare Tuition Assistance IGA it may do so by adopting the following motions:

I move to adopt Resolution 2024-60, A Resolution Approving an Intergovernmental Agreement for Summit County Childcare Assistance.

Attachment:

- Resolution 2024-60, A Resolution Approving an Intergovernmental Agreement for Summit County Childcare
- Amendment to IGA about Summit County Childcare Assistance
- IGA about Summit County Child Care Tuition Assistance
- Draft budget for 2025 Child Care Tuition Expenditures

**TOWN OF KEYSTONE
Summit County, Colorado**

RESOLUTION 2024-60

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO
APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR SUMMIT COUNTY
CHILDCARE TUITION ASSISTANCE**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipality governed by the Keystone Home Rule Charter; and

WHEREAS, several of the incorporated municipalities in Summit County and the Summit County government have previously entered into an intergovernmental agreement regarding child care tuition assistance; and

WHEREAS, through the IGA, over two million dollars in child care tuition assistance is provided annually to local workers; and

WHEREAS, the Town Council finds it is in the best interest of the Town to join the intergovernmental agreement; and

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. The Town Council approves the Intergovernmental Agreement (IGA) attached hereto as Exhibit A. The Town Council authorizes the Mayor to execute the IGA in substantially the form that is provided. The Town Manager is authorized to make any edits to the IGA based on the recommendations from the Town Attorney and the attorneys representing the members of the Summit County Child Care Tuition Assistance IGA.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

ADOPTED by a vote of ___ in favor and ___ against, this 22nd day of October 2024.

By: _____
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: _____
Town Clerk

By: _____
Town Attorney

Exhibit A

**AMENDMENT TO
SUMMIT COUNTY CHILD CARE TUITION ASSISTANCE INTERGOVERNMENTAL
AGREEMENT**

THIS AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR SUMMIT COUNTY CHILD CARE TUITION ASSISTANCE (“Amendment”) amends the Intergovernmental Agreement dated April 2019, related to Nicotine tax, and entered into by the **SUMMIT COUNTY, COLORADO** (the “County”), a body corporate and politic and political subdivision of the State of Colorado, and **THE TOWNS OF BLUE RIVER, BRECKENRIDGE, DILLON, FRISCO, MONTEZUMA AND SILVERTHORNE, COLORADO** (the “Towns” or individually as a “Town”), home rule or statutory municipalities and political subdivisions of the State (“Nicotine Tax IGA”). The purpose of this Amendment is to add the TOWN OF KEYSTONE, COLORADO, a home rule municipality as a Party to the child care tuition assistance IGA. The effective date of this Amendment shall be **October 22, 2024**.

WHEREAS, the Town of Keystone incorporated as a home rule municipality on February 8, 2024; and

WHEREAS, Section 8 of the Child Care Tuition Assistance IGA contemplates and authorizes adding one or more additional incorporated municipalities as parties; and

WHEREAS, the Town Council finds that it is in the best interest of the Town to request to be added as a party to the Child Care Tuition Assistance IGA with Summit County; and

WHEREAS, the Parties to the Child Care Tuition Assistance IGA desire to amend the Child Care Tuition Assistance IGA to add the Town of Keystone as a party.

The County, the Towns and the Town of Keystone agree as follows:

1. **Addition of Town of Keystone as a Party.** The County, the Towns, and the Town of Keystone agree that the Town of Keystone is added as a Party to the Child Care Tuition Assistance IGA. The Town of Keystone hereby agrees to be bound by all terms, conditions, covenants, obligations, and responsibilities of the Child Care Tuition Assistance IGA.

The Town of Keystone shall have all the rights, benefits, and obligations as provided under the Child Care Tuition Assistance IGA and shall perform all duties as specified herein. All references to "Parties" in this Agreement shall hereafter include the Town of Keystone.

IN WITNESS WHEREOF, this Agreement is executed by the Parties.

[Remainder of Page Left Intentionally Blank; Signature Page to Follow]

SUMMIT COUNTY, COLORADO

Chair, Tamara Pogue

Attest:

Taryn Powers, County Clerk & Recorder

TOWN OF BLUE RIVER

Nicholas Decicco, Mayor

Attest:

Town Clerk

TOWN OF BRECKENRIDGE

Kelly Owens, Mayor

Attest:

Town Clerk

TOWN OF DILLON

Carolyn Skowyra, Mayor

Attest:

Town Clerk

TOWN OF FRISCO

Rick Ihnken, Mayor

Attest:

Town Clerk

TOWN OF KEYSTONE

Kenneth D. Riley, Mayor

Attest:

Town Clerk

TOWN OF SILVERTHORNE

Ann-Marie Sandquist, Mayor

Attest:

Town Clerk

INTERGOVERNMENTAL AGREEMENT FOR SUMMIT COUNTY CHILD CARE
TUITION ASSISTANCE

Among

SUMMIT COUNTY, COLORADO, And

THE TOWNS OF BLUE RIVER, BRECKENRIDGE, DILLON, FRISCO, AND
SILVERTHORNE, COLORADO, And

SUMMIT COUNTY CHILD CARE RESOURCE & REFERRAL AGENCY, INC.

THIS INTERGOVERNMENTAL AGREEMENT (this "Agreement") is made and entered into this ____ of June 2023, among SUMMIT COUNTY, COLORADO (the "County"), a body corporate and politic and political subdivision of the State of Colorado (the "State"), and THE TOWNS OF BLUE RIVER, BRECKENRIDGE, DILLON, FRISCO, AND SILVERTHORNE, COLORADO (the "Towns" or individually as a "Town"), home rule or statutory municipalities and political subdivisions of the State, and SUMMIT COUNTY CHILD CARE RESOURCE & REFERRAL AGENCY, INC. dba EARLY CHILDHOOD OPTIONS ("ECO") a Colorado Non-Profit Corporation. The County the Towns and ECO are referred to collectively herein as "the Parties" or individually as "a Party."

WHEREAS, pursuant to title 29, article 1, part 2, Colorado Revised Statutes, as amended (the "Intergovernmental Relations Statute"), and Article XIV, Section 18 of the State Constitution, governments may contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service or facility; and

WHEREAS, according to an April 2022 Summit County Childcare & After School Care Needs Assessment ("2022 Needs Assessment"), Summit County is home to 4,367 total children, and 1,485 children are under age 6, and 2,882 are between 6 and 12; and

WHEREAS, seventy three percent of children in Summit County have all parents in the labor force and are therefore likely to need some type of childcare; and

WHEREAS, the Parties to this Agreement have all determined that public support of childcare is an important investment in the community and that quality early childcare benefits families, children, employers, and the community at large; and

WHEREAS, among parents not using regular childcare, one of the most common reasons cited in the 2022 Needs Assessment survey was "can't afford it"; and

WHEREAS, the Parties are committed to assisting to provide access to affordable, quality childcare for local working-families; and

WHEREAS, the 2022 Needs Assessment specifically recommended that the County and Towns explore options for extending tuition assistance countywide for all age groups; and

WHEREAS, a Countywide Tuition Assistance Workgroup ("Workgroup"), comprised of representatives from the County, Summit Municipalities, private industry, and several non-profit sector representatives was established in 2021 to study and discuss the concept of a countywide assistance tuition program; and

WHEREAS, the Workgroup made recommendations to, and received support from, Summit County, Silverthorne, Breckenridge, Frisco, Dillon, and Blue River, regarding a proposed framework for a countywide tuition assistance program; and

WHEREAS, this IGA for countywide Child Care Tuition Assistance will establish the

general guidelines of the program and define the roles and responsibilities of the IGA's participants; and

WHEREAS, the tuition assistance program will provide a 'needs based' approach that can potentially provide tuition assistance when a family's childcare expenditures exceed 10-20% of their income. The amount of potential assistance is determined based on a variety of factors, including but not limited to: gross income, child care cost, parents' work schedule, the number of children in care, etc. The assistance is paid directly to the participating Child Care Center, or licensed in-home childcare location, on behalf of approved families; and

WHEREAS, the Summit County Pre-K Program ("SPK") currently funds tuition assistance for all 3- and 4-year-olds in Summit County and is funded through Strong Future, a voter-approved ballot initiative; and

WHEREAS, this Agreement establishes the Summit First Steps Program ("First Steps") to fund tuition assistance for children ages 6 weeks to 3 years who do not qualify for SPK; and

WHEREAS, Early Childhood Options ("ECO") is a Colorado non-profit corporation with a mission to improve the quality, affordability and availability of early childhood education in Summit County and ECO has been identified by the Parties as the appropriate local entity to administer this program, and ECO has hired an Enrollment and Eligibility Specialist specifically for this purpose.

NOW, THEREFORE, the Parties agree as follows:

Section 1. Childcare Tuition Board and Plan.

- a. Tuition Board:
 - i. To promote the purposes of this Agreement and cooperation among the parties, the Parties agree to form a Childcare Tuition Board (The "Board"). The Board shall consist of the Town/County managers of each Party or their designees. The Board will: (i) develop the Childcare Tuition Assistance Plan (the "Plan") described below; and (ii) collaborate on the implementation of the Plan. The Plan shall be evaluated at least annually by the Board and reports regarding the Plan will be reported to each Party's governing board.
 - ii. The Plan adopted by the Board shall include a statement of goals that are to be accomplished through funding provided by each of the Parties.
 - iii. The Plan adopted by the Board shall include specifics regarding the percentage of funding that is to be provided by each of the Parties. The necessary funding amount will be updated annually based on need.
 - iv. The Board shall make an annual budgetary recommendation to the governing bodies of the Parties.

- v. Meetings of the Board shall occur at least annually during each calendar year as established by the Board.
- b. The Plan:
- i. The tuition assistance program will provide a ‘needs based’ approach that can potentially provide tuition assistance when a family’s childcare expenditures exceed 10-20% of their income. The amount of potential assistance is determined based on a variety of factors, including but not limited to: gross income, child care cost, parents’ work schedule, the number of children in care, etc. The tuition assistance is paid directly to the participating Child Care Center, or licensed in-home childcare location, on behalf of approved families. The Plan will include tuition assistance for Summit First Steps (“First Steps”) for children ages 6 weeks to three years.
 - ii. A draft Plan, for review by the Parties and the Board, upon the Board’s establishment, is attached as Exhibit A. The draft Plan includes the following elements: Tuition Credit Standards/Eligibility, Qualified Childcare Providers, and Budget/Program Expenditures.

Section 2. Funding

a. The Summit First Steps program shall be funded from contributions from each of the Parties, from revenue sources of their choosing, including but not limited to, Nicotine tax revenues.

b. The Parties agree to the following percentages for the funding of the Summit First Steps program in year one:

Blue River:	2%
Breckenridge:	36%
Dillon:	10%
Frisco:	20%
Silverthorne:	22%
Summit County:	10%

c. An estimate of the funding requirements for the first year of First Steps and the associated costs for the parties, based upon the funding percentages, is as follows:

Estimated 2023/2024 Direct Funding Need: \$1,226,000

Estimated Funding Contributions for each Party:

Blue River:	\$24,520
Breckenridge:	\$441,360
Dillon:	\$122,600
Frisco:	\$245,200
Silverthorne:	\$269,720
Summit County:	\$122,600

d. The County also agrees to pay an amount not to exceed 5% of the total program cost for administration fees to ECO.

e. Future budgets, agreed to by all Parties, will be incorporated into this Agreement.

Section 3. ECO’S Responsibilities.

For the Term of this Agreement, in addition to any and all obligations required by law or stated elsewhere in this Agreement or any attachments hereto, ECO shall comply with the following requirements:

a. ECO, through the work of their Program Director and Enrollment and Eligibility Specialist, shall administer the Summit First Steps program on behalf of the parties.

b. ECO shall present to the Board a proposed budget for the Administration of the Tuition Assistance Program pursuant to this Agreement by August 30th of every year. The budget shall include a comparison of actual expenses to budget and adequate notice of any projected budget overruns that need to be addressed.

c. No less than once annually ECO shall report to the Parties and the public the following information:

- i. The number of children and families receiving tuition credits in Summit County.
- ii. Complete financial statements for First Steps, including full reports on expenditures for the prior fiscal year and anticipated budgets and work plans for the ensuing fiscal year.
- iii. An assessment of the performance of First Steps, including but not limited to program design and implementation, fiscal accountability, and responsiveness to preschool providers and the public, parents and children served by First Steps.

d. Tuition assistance funded pursuant to First Steps shall comply with the following standards and requirements:

- i. Eligible children must be at least 6 weeks of age and three years. If the child turns three years of age on or before October 1 of the program year, they are no longer age eligible for Frist Steps.
 - ii. Eligible children must be enrolled or eligible for enrollment in a participating, licensed childcare center, family childcare home or preschool program in Summit County.
 - iii. At least one parent or legal guardian must work 30+ hours for a Summit County business.
 - iv. Tuition credits shall be administered on a sliding scale with the amount of the credit being inversely related to the family income of the recipient, and with the sliding scale to be more specifically determined by the Parties.
 - v. Tuition credits shall be administered on a sling scale, with the amount of the credit being related to the rated quality of the preschool provider with whom the credit is used, and with the sliding scale to be more specifically determined by the Parties.
 - vi. Other specific criteria and procedures for the disbursement of tuition credits shall be determined by the Parties.
- e. In order to be qualified for the use of tuition assistance and for receipt of technical assistance or direct grants, a childcare provider shall meet the following minimum requirements:
- i. The childcare provider shall be a duly licensed childcare center, family childcare home or preschool program under the Colorado Child Care Licensing Act, §§ 26-6-101, et seq., C.R.S., as amended.
 - ii. The childcare provider shall agree to participate in the Colorado Shines Quality Rating System and maintain a minimum of a Level 2 Colorado Shines Quality Rating.
 - iii. The preschool shall meet such other specific criteria and standards as shall be determined by the Parties.
- f. ECO in administering the First Steps Program will ensure any childcare provider participating in the First Steps, shall not use tuition assistance derived from First Steps funds to engage in inherently religious activities, such as worship, religion education or instruction or proselytization. If any childcare provider participating in First Steps engages in such inherently religious activities, the inherently religious activities must be offered separately, in time and location, from the programs, activities, or services supported by First Steps, unless offering such inherently religious activities in separate place would not be practicable due to the physical limitations of the facility in which First Steps activities are held. Nothing in this Agreement shall be construed to affect a childcare provider's right to engage in privately funded, inherently religious activities or affect the independence of childcare providers, including any rights protected by the Colorado and U.S. Constitutions and applicable law.

Section 4. Payment

- a. ECO shall submit invoices, at least quarterly to the Parties for budgeted First Steps expenses. All documentation required hereunder and such additional documentation as may be

reasonably required by the Parties to document ECO invoices must be accompanied by billing invoices to support the expenditure of funds.

b. Payments will be issued by a Party within thirty (30) days of receipt of the invoice, or as soon as possible in accordance with a Party's normal financial administration procedures for paying invoices, whichever is longer. An authorized obligation hereunder is a cost supported by the applicable documentation that is approved by a party in accordance with the Party's approved First Step budget, as amended.

Section 5. Status of ECO. The status of ECO shall be that of an independent, tax-exempt, non-profit corporation. It is not intended, nor shall it be construed, that ECO or its personnel are employees or officers of any Party for any purpose whatsoever. ECO is a corporation and as such is responsible for the operational management, errors and omissions of its employees.

Section 6. Examination of Records. ECO agrees that any duly authorized representative of a Party, shall have access to and the right to examine any directly pertinent books, bank statements, records, returns, cost accounting records, files, and any other records or documents (whether prepared or maintained in hardcopy or electronic format) ("ECO's Records") prepared or maintained by ECO involving matters or transactions in any way, directly or indirectly, related to this Agreement, except those matters required to be kept confidential by law. Further, the Parties shall have the right at any time, and from time to time, to audit ECO's Records and ECO, upon request, shall make all such matters available for such examination. If ECO's Records exist in electronic form, ECO shall maintain a means of transferring said records to hardcopy form. Unless a Party has reason to believe there are special circumstances requiring a different schedule or procedure, and the Party shall have given written notice to ECO of such special circumstances, (i) the Party shall not make such monitoring or inspection more often than annually, and (ii) such monitoring or inspection shall be conducted at a mutually agreeable time and so as to prevent unnecessary interference with the work of ECO. Attendance at public meetings shall not constitute monitoring or inspection for purposes of this section.

Section 7. Performance Monitoring/Inspection. ECO shall permit the Parties or authorized designees, to monitor all activities conducted by ECO pursuant to the terms of this Agreement and inspect any and all records, whether in hardcopy or electronic format, relating to any matter covered by this Agreement, except those matters required to be kept confidential by law. Such monitoring may consist of reviewing methods, procedures and practices, examining internal evaluation procedures, examining program data, on-site observation, on-site verification, attending all meetings, hearings, or proceedings held by ECO, its board of directors or advisors, orbits employees or any other reasonable procedures relating to the performance of services under this Agreement. All such monitoring and inspection shall be performed in a manner that will not unduly interfere with the services to be provided under this Agreement. Unless the Party has reason to believe there are special circumstances requiring a different schedule or procedure, and the Party shall have given written notice to ECO of such special circumstances, (i) the Party shall not make such monitoring or inspection more often than annually, and (ii) such monitoring or inspection shall be conducted at a mutually agreeable time and so as to prevent unnecessary interference with the work of ECO. Attendance at public meetings shall not constitute monitoring or inspection for purposes of this section.

Section 8. Amendment of Agreement; Additional Parties.

- a. Except as otherwise provided in this Section, this Agreement may be modified or amended only by a duly executed written agreement with the express approval of all Parties.
- b. The Parties may agree to amend this Agreement pursuant to subsection (a) to add one or more additional incorporated Town Parties upon passage of an ordinance or resolution of the additional Party's governing body approving of this Agreement.

Section 9. Term and Termination of Agreement.

- a. **Effective Date.** The effective date of this Agreement is June 1, 2023 and shall continue until terminated by mutual agreement of the parties.
- b. **Termination.** Any party may withdraw from this Agreement upon written notice provided to the other Parties at least sixty (60) days prior to the end of the then-current calendar year.
- c. **Non-Appropriation.** Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the County of the Towns within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. All financial obligations of the local government Parties under this Agreement are subject to annual budgeting and appropriation by their respective governing boards, in their discretion. Notwithstanding anything in this Agreement to the contrary, in the event of non-appropriation, this Agreement shall terminate as to the non-appropriating party or parties effective December 31 of the then-current fiscal year.

Section 10. Execution and Performance of Agreement in Accordance with Law. Each Party hereby represents to each other Party that it has adopted and executed this Agreement in accordance with applicable law. Each Party shall perform their respective obligations and expend any revenues derived hereunder in accordance with all applicable laws, rules and regulations, including but not limited to the Act, this Agreement, and a voter-approved ballot measure.

Section 11. Indemnification. All actions or omissions by any Party, including their respective representatives, employees, officers, agents, contractors, designees, volunteers, or officials, shall be the sole responsibility of the respective Party. Accordingly, each Party shall fully indemnify, to the extent permissible under Colorado law, all other Parties for any damages, claims, costs, expenses, cause of action or liability of any manner, including without limit reasonable attorney's fees, arising out of or relating to the acts or omissions of such Party, its representatives, employees, officers, agents, contractors, designees, volunteers, or officials. The Parties understand and agree that liability for claims for injuries to persons or property arising out of the actions or omissions of any Party, except ECO, is controlled and limited by the provisions of the Colorado Governmental Immunity Act ("Immunity Act") title 24, article 10, Colorado Revised Statutes, as now or hereafter amended and that the applicable Parties do not intend

to waive by any provision of this Agreement the liability limitations or any other right, immunity or protection afforded by the Immunity Act or as may otherwise be afforded by law. The indemnity obligations of this Section shall survive the termination of this Agreement.

Section 12. Insurance.

a. General Conditions: ECO agrees to secure, prior to the disbursement of funding hereunder, the following insurance covering all operations, goods or services provided pursuant to this Agreement. ECO shall keep the required insurance coverage in force at all times during the term of the Agreement, or any extension thereof, during any warranty period, and for any claims-made policy, three (3) years after termination of the Agreement. The required insurance shall be underwritten by an insurer licensed to do business in Colorado and rated by A.M. Best Company as "A" VIII or better, or other insurer acceptable to the County. Each policy shall contain a valid provision or endorsement stating "Should any of the above-described policies be canceled or should any coverage be reduced before the expiration date thereof, the issuing company shall send written notice to the County by certified mail, return receipt requested. Such written notice shall be sent thirty (30) days prior to such cancellation or reduction unless due to non-payment of premiums for which notice shall be sent ten (10) days prior." If any policy is in excess of a deductible or self-insured retention, the Parties must be notified by ECO. ECO shall be responsible for the payment of any deductible or self-insured retention. The Parties reserve the right to require the ECO to provide a bond, at no cost to the Parties, in the amount of the deductible or self-insured retention to guarantee payment of claims. The insurance coverages specified in this Agreement are the minimum requirements, and these requirements do not lessen or limit the liability of the ECO. The ECO shall maintain, at its own expense, any additional kinds or amounts of insurance that it may deem necessary to cover its obligations and liabilities under this Agreement.

b. Third Party Providers: All sub-consultants, independent contractors, suppliers or other entities providing goods or services to or on behalf of ECO as contemplated by this Agreement shall be subject to all of the requirements herein and shall procure and maintain to the extent applicable the same coverages required of ECO. ECO shall include all such consultants, independent contractors, suppliers or other entities as insureds under its policies or shall ensure that such third parties maintain the required coverages. ECO agrees to provide proof of insurance for all such third parties upon request by the Parties. ECO shall also obtain from, and provide copies to the Parties of, proof of insurance of each preschool/childcare provider participating in the First Steps Program, evidencing the same insurance coverages required of ECO.

c. Workers' Compensation/Employer's Liability. ECO shall maintain the coverage as required by statute for each of its business locations and shall maintain Employer's Liability insurance with limits of \$1.2 million for each bodily injury occurrence claim, \$1.2 million for each bodily injury caused by disease claim, and \$1.2 million aggregate for all bodily injuries caused by disease claims. ECO expressly represents to the Parties, as a material condition and requirement of this Agreement, that none of ECO's officers or employees who may be eligible under any statute or law to reject Workers' Compensation Insurance shall affect such rejection during any part of the term of this Agreement, and that any such rejections previously effected, have been revoked as of the date ECO executes this Agreement.

d. General Liability: ECO shall maintain limits of \$1.2 million for each occurrence claim, \$1.2 million for each personal and advertising injury claim, \$2,000,000 products and completed operation for each occurrence, and \$2,000,000 policy aggregate.

Section 13. Dispute Resolution.

a. The Parties shall attempt to informally resolve all disputes and claims arising from or related to this Agreement, beginning first with discussions among affected Party staff, and if not resolved, escalating to discussions between the applicable Party management, and ultimately to the applicable Party Boards or Council(s).

b. Any and all disputes and claims arising from or related to this Agreement that are not resolved pursuant to Section (a), above shall thereafter be submitted to mediation. The affected Parties shall share equally the mediator's fees and costs associated with the mediation, and each Party shall pay its own fees, costs, and expenses related to the mediation. If the dispute is not resolved by mediation, any affected Party may commence a Court proceeding, with jurisdiction and venue residing exclusively in the Summit County District Court. Each Party waives its right to have such dispute decided by jury trial. The prevailing Party(s) shall be awarded its reasonable attorneys' fees, costs, and expenses, including any attorneys' fees, costs, and expenses incurred in collecting or executing upon any judgment, order, or award.

c. In the event that the County or a Town defaults in the performance of any of the duties and responsibilities under this Agreement, the non-defaulting Party shall be limited to the remedies of specific performance and mandamus. Prior to exercising such remedies, the non-defaulting Party shall give written notice to the other party of the nature of the claimed default and declare that such default must be cured within thirty (30) days from the date notice is given.

Section 14. Parties in Interest. Nothing expressed or implied herein is intended or shall be construed to confer upon any person other than the Parties any right, remedy or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the Parties.

Section 15. No Personal Liability. No covenant or agreement contained in this Agreement shall be deemed to be the covenant or agreement of an elected or appointed official, officer, agent, servant or employee of any Party in his or her individual capacity.

Section 16. Notices. Except as otherwise provided in this Agreement, all notices or other communications by any Party shall be in writing, shall be given in a reasonable time and shall be deemed given upon receipt. Notice to the Parties shall be given to the address listed on Exhibit B, attached and incorporated herein, and may also be delivered in electronic form by electronic mail to the addresses listed on Exhibit B.

Section 17. Severability. If any clause, provision, subsection, or Section of this Agreement shall be held to be invalid, illegal or unenforceable for any reason, the Agreement shall be reformed to the extent necessary to reflect the intent and purpose of the original agreement or the Parties may terminate this Agreement.

Section 18. Interpretation. Because this Agreement is the result of mutual negotiation and drafting, in the event this Agreement is deemed to be ambiguous or vague, the Parties agree that the rule of construction that "ambiguities shall be construed against the drafter" shall not apply. In the event of any conflict between the Act, the Intergovernmental Relations Statute or any other law with respect to the exercise of any such power, the provision that permits the broadest exercise of the power consistent with the limitations set forth in this Agreement shall control. The laws of the State shall govern the construction and enforcement of this Agreement.

Section 19. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same Agreement. Electronic or scanned signatures shall be valid and acceptable for all purposes.

Section 20. Contract Documents; Order of Precedence. This Agreement consists of Paragraphs 1 through 20, which precede the signature page, and the following attachments which are incorporated herein and made a part by reference:

Exhibit A	Guidelines - Summit First Steps 2023-2024 Program Year ("The Rules")
Exhibit B	Contacts for Notices

In the event of an irreconcilable conflict between a provision of Paragraphs 1 through 20, and any of the listed attachments or between provisions of any attachments, such that it is impossible to give effect to both, the order of precedence to determine which document shall control to resolve such conflict, is as follows, in descending order:

Paragraphs	1 through 20 hereof
Exhibit A	Guidelines - Summit First Steps 2023-2024 Program Year ("The Rules")
Exhibit B	Contacts for Notices

IN WITNESS WHEREOF, this Agreement has been executed by the Parties effective as of the date set forth above.

**BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY**

By: _____
Joshua Blanchard, Chair

ATTEST:

By: _____

Clerk and Recorder

TOWN OF BLUE RIVER

By: _____
Toby Babich, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF BRECKENRIDGE

By: _____
Eric Mamula, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF DILLON

By: _____
Carolyn Skowyra, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF FRISCO

By: _____
Hunter Mortensen, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF SILVERTHORNE

By: _____
Ann-Marie Sandquist, Mayor

ATTEST:

By: _____
Town Clerk

**SUMMIT COUNTY CHILD CARE
RESOURCE & REFERRAL AGENCY, INC., dba
EARLY CHILDHOOD OPTIONS**

By: _____
Kelly Renoux, Vice-Chair

ATTEST:

By: _____

Exhibit A

Guidelines - Summit First Steps

(“The Rules”)

OVERVIEW

Summit First Steps offers financial tuition assistance to families living, working and utilizing childcare in Summit County. The purpose of First Steps is to assist families with the cost of childcare so that parents can remain in the local workforce while their children attend childcare. First Steps is governed by a Child Care Tuition Assistance Board and administered by a local non-profit, Early Childhood Options (ECO).

Financial assistance is available for children between the ages of 6 weeks and 3 years attending a participating, licensed childcare center or family childcare home. The amount of assistance is determined based on gross income, childcare cost, parents' work schedule, the number of children in care, and other criteria as described below. Assistance is paid, in the form of tuition credits, directly to the participating childcare center on behalf of qualified families and is intended only for the Centers' use to cover the true cost of care.

The following policies have been established to ensure that the available funds are used in the fairest and most effective way possible. The Child Care Tuition Assistance Board reserves the right to amend the eligibility criteria or to request additional information at any time. Any fraud or misrepresentation made by applicants, participants, or recipients may result in immediate termination of funding, required repayment of funds, and additional penalties. Program funding is limited, and all tuition assistance is subject to the availability of funds. It is the responsibility of the Centers and families to inform ECO if they feel that the policies and procedures herein are being violated.

ELIGIBILITY CRITERIA FOR FIRST STEPS TUITION ASSISTANCE

- Age Eligibility: For the 2023/2024 school year, participating child's birthday must be on or after October 2, 2020
- Child must be enrolled in a qualified childcare program. A qualified childcare program can be a childcare center or family childcare home. Program qualifications are:
 - Childcare program must have a childcare license in good standing from the Colorado Department of Human Services, and
 - Childcare program must have a Colorado Shines Quality rating of 2 or above ([Current SCTA Provider List](#)).
- Household income must be at or below 180% of the Area Median Income ([AMI](#)).
- At least one member of the household is required to work 30+ hours per week, for a business located in and serving Summit County.
- To access assistance for a full time childcare schedule (4 or 5 days/ week), both parents must work 30 + hours / week and have a combined household income under 180% [AMI](#).

- Self-employed applicants must maintain an average income that exceeds their business expenses and must show that his/her taxable gross income divided by the number of hours of care used for the employment activity equals at least the current Federal Minimum Wage.

DETERMINATION OF TUITION CREDIT AMOUNT

The amount of tuition credit is based on a sliding scale and will be determined using the following factors: gross household income, childcare center tuition rates, number of children in care, Colorado Shines quality rating of program, parent/legal guardian work schedule, enrollment in other programs such as CCCAP or Early Head Start.

APPLICATION PROCESS

All families, including currently participating families, are required to apply during the annual enrollment/application period. With the exception of Qualified Permitted Changes described below, no applications will be considered until the next annual enrollment deadline.

Applicants will be required to complete the application at <https://eco1.smapply.org/>. For a detailed list of documents required to apply click [here](#).

APPLICATION TIMELINES

Applications Available:	On or around May 1 of the program year
Applications Due:	On or around May 31 of the program year
Assistance Cycle:	September 1– August 31

The application will be available online through Early Childhood Options website at: <http://www.earlychildhoodoptions.org/>

COMPLETE applications will be processed in the order they are received. Late applications will not be accepted or considered.

ADDITIONAL GENERAL POLICIES

ASSET TESTING

ECO may require a comprehensive list of household assets and liabilities. A child may be ineligible or disqualified from the program if assets of the parent(s)/legal guardian exceed \$250,000. Some assets will be exempt, such as primary residence equity, retirement accounts, health savings and college savings accounts.

OUT OF COUNTY APPLICANTS

If a parent or legal guardian works in Summit County but the child does not reside in Summit County, at least one parent/legal guardian must be working a minimum average of 30+ hours per week annually in Summit County, for a Summit County business. If, during the program year, the family member's employment in Summit County upon which tuition credit was based is terminated for any reason, the child may remain in the program for up to eight (8) weeks without disruption to the tuition credits. If within eight weeks the family becomes compliant with the eligibility requirements, they may remain in the program for the duration of the program year. If after eight

weeks the family is not in compliance with the eligibility requirements, tuition credits will be terminated immediately. It is the family's responsibility to report these changes within 30 days.

QUALIFIED PERMITTED CHANGES/OUT OF CYCLE APPLICATIONS

CURRENTLY ENROLLED FAMILIES: If a current tuition assistance recipient is experiencing an emergency including but not limited to birth, adoption, loss of job, or other situation that significantly impacts family income, they may be eligible for amended tuition credits. The parent(s)/legal guardian will need to contact the Enrollment and Eligibility Specialist at 970-406-3060 directly to discuss options.

NEW FAMILIES: If a family becomes eligible because of residency or new employment in Summit County, and/or they receive an enrollment offer from a qualified childcare provider, they may be eligible to apply for tuition credits outside of the application window. The parent(s)/legal guardian will need to contact the Enrollment and Eligibility Specialist at 970-406-3060 directly to discuss options.

COLORADO CHILD CARE ASSISTANCE PROGRAM (CCCAP)

In some instances, children may be eligible for both the [Colorado Child Care Assistance Program \(CCCAP\)](#) and First Steps tuition credits. In such instances, all the eligibility criteria mentioned above are applicable, as well as:

- Families must be in good standing with their local CCCAP office and must comply with all CCCAP rules and regulations.
- If during the award cycle a family becomes ineligible for CCCAP, they may submit a complete application with all the required documentation to be considered for an adjustment to their tuition credit.

An application will only be considered when the application is completed and submitted in full. Any approved credit may be prorated back to the date of the completed application.

Please note, the CCCAP Program is considered the payer of first resort. The First Steps tuition credit can be used to cover a portion or all of the difference between the CCCAP reimbursement and the actual rate of tuition. If parent(s)/legal guardian(s) apply for tuition credits and appear to be potentially eligible for CCCAP, they will be referred to the CCCAP office before the application can be further processed.

For more information about Summit County CCCAP, please call 970-668-9160.

ATTENDANCE

It is the expectation that children participating in Summit First Steps will regularly attend based on their approved enrollment days. Parent(s)/legal guardian(s) are required to notify the childcare program if the child is going to be absent and provide the reason for the absence when appropriate.

Consistent excused absences may result in a loss or deduction of your child's tuition credit. Childcare programs are required to notify ECO anytime a child's attendance falls below 75% of his/her regular schedule.

EVALUATION AND DATA TRACKING

ECO will be using a variety of strategies to evaluate the overall success of the program. Short and long-term program data may be gathered through early childhood assessments, interviews,

surveys, observations, and small groups. Parent(s)/legal guardian will be asked to sign an information sharing release, within the guidelines of the stated confidentiality agreement.

PARENT RESPONSIBILITY

1. Parent/s or legal guardians are responsible for reporting to the Enrollment and Eligibility Specialist, in writing or by email, any changes in their child's preschool or childcare schedule, or any changes of program.

2. Every parent(s) or legal guardian applying for tuition credit will be required to sign a statement acknowledging that they do not have any outstanding debt to any licensed preschool program, childcare center, and/or family childcare provider or have made agreeable arrangements to pay their debt. If it is brought to ECO' attention by any means that a participating family has an outstanding debt, an investigation will take place. If the allegations are founded, the tuition credit will be placed on-hold for a probationary period of 30 calendar days.

During the 30 days, the family must pay the balance of their debt or make acceptable arrangements for payment. If these conditions have not been met after 30 days, there will be immediate termination of funding and additional penalties adopted by ECO may occur.

A family may re-apply at the next annual deadline if they have an age-eligible child and only after the balance is paid in full to the preschool program, childcare center or family childcare provider.

3. Loss of Employment must be reported immediately to the Enrollment and Eligibility Specialist at ECO.

4. If, during the program year, household income either increases by 10% or decreases by 10% the family must notify the Enrollment & Eligibility Specialist within 20 days of the date of such change to my income. The amount of household income includes wages, assets or other property obtained during such a school year.

5. Applicants must sign a complete "Participant Responsibility Agreement" as well as a Verification and Acknowledgement form to attest that all the information that has been provided as part of their application is true and complete.

6. It is the responsibility of the parent(s)/legal guardian to comply with the rules and regulations of the childcare provider and the Frist Steps program, including but not limited to those relating to absences. The parent must agree to notify the childcare program if the child is going to be absent, and the reason for the absence when appropriate.

CONFIDENTIALITY

Early Childhood Options (ECO) respects the importance of maintaining the confidentiality of personal or sensitive information disclosed in the First Steps program and takes reasonable measures to protect the unauthorized disclosure of such information.

ECO may disclose certain anonymous, aggregated data and provide it to early childhood programs, funding sources and governmental agencies either for market research and statistical purposes or to ensure compliance with the agreements between ECO and early childhood programs, funding sources, governmental agencies, and similar organizations.

Exhibit B
Contacts for Notices

Blue River

Town Manager's Office
0110 Whispering Pines Circle
PO Box 1784, Breckenridge, CO 80424
e-mail: info@townofblueriver.org

Breckenridge

Town Manager's Office
150 Ski Hill Road
PO Box 168
Breckenridge, CO 80424
e-mail: shannonh@townofbreckenridge.com

Dillon

Town Manager's Office
275 Lake Dillon Drive
PO BOX 8
Dillon, CO 80435
e-mail: info@townofdillon.com

Early Childhood Options

ECO Executive Director
PO BOX 3355
330 Fiedler Avenue
Suite 100
Dillon, CO 80435
e-mail: program@earlychildhoodoptions.org

Frisco

Town Manager's Office
PO Box 4100
1 East Main Street
Frisco, CO 80443
e-mail: TomF@townoffrisco.com

Silverthorne

Town Manager's Office
PO Box 1309
601 Center Circle
Silverthorne, CO 80498

e-mail: info@silverthorne.org

Summit County

County Manager's Office
P.O. Box 68
208 Lincoln Ave., 3rd Floor
Breckenridge, CO 80424

e-mail: Philip.Gonshak@summitcountyco.gov

Projected 2025								
		Frisco	Breck	Silverthorne	Dillon	Keystone	SCG	Blue River
Nicotine Projected Revenue	\$ 3,075,716	\$ 723,408	\$ 830,136	\$ 1,058,969	\$ 115,647		\$ 347,556	\$ -
	Budget Request							
Nicotine Part 1 (Programs)	\$ 1,190,615	\$ 280,033	\$ 321,347	\$ 409,929	\$ 44,767		\$ 134,539	
Nicotine Part 2 (FIRC, BH, SCCC)	\$ 1,000,000	\$ 235,200	\$ 269,900	\$ 344,300	\$ 37,600		\$ 113,000	
First Steps Scholarships	\$ 2,280,943	\$ 348,528	\$ 830,263	\$ 468,278	\$ 217,830	\$ 74,587	\$ 328,912	\$ 13,001
Total	\$ 4,471,558	\$ 863,761	\$ 1,421,510	\$ 1,222,506	\$ 300,197	\$ 74,587	\$ 576,451	\$ 13,001
Balance (all Exp from Nicotine)	\$ (1,395,842)	\$ (140,352)	\$ (591,374)	\$ (163,537)	\$ (184,550)	\$ (74,587)	\$ (228,896)	\$ (13,001)

Projected 2025 with \$1M from Strong Futures								
		Frisco	Breck	Silverthorne	Dillon	Keystone	SCG	Blue River
Nicotine Projected Revenue	\$ 3,075,716	\$ 723,408	\$ 830,136	\$ 1,058,969	\$ 115,647		\$ 347,556	\$ -
	Budget Request							
Nicotine Part 1 (Programs)	\$ 1,190,615	\$ 280,033	\$ 321,347	\$ 409,929	\$ 44,767		\$ 134,539	
Nicotine Part 2 (FIRC, BH, SCCC)	\$ 1,000,000	\$ 235,200	\$ 269,900	\$ 344,300	\$ 37,600		\$ 113,000	
First Steps Scholarships	\$ 1,280,943	\$ 195,728	\$ 466,263	\$ 262,978	\$ 122,330	\$ 41,887	\$ 184,712	\$ 7,301
Total	\$ 3,471,558	\$ 710,961	\$ 1,057,510	\$ 1,017,206	\$ 204,697	\$ 41,887	\$ 432,251	\$ 7,301
Balance (all Exp from Nicotine)	\$ (395,842)	\$ 12,448	\$ (227,374)	\$ 41,763	\$ (89,050)	\$ (41,887)	\$ (84,696)	\$ (7,301)

Assumptions:

- For Nicotine Rev - First 4 months of 2024 plus last 8 months of 2023. Need updated 2024 numbers.
- Used 2024 Nicotine Splits - Frisco 23.52%, Breck 26.99%, Silverthorne 34.43%, Dillon 3.76%, SCG 11.3%
- Use ECO Live/Work Splits - Frisco 15.28%, Breck 36.40%, Silverthorne 20.53%, Dillon 9.55%, Keystone 3.27%, SCG 14.42%, Blue River .57%
- It looks like 2nd page of ECO allocations (doc from Catherine) for 2025 used 6% for SCG instead of 14.42%

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
FROM: John Crone, Town Manager
DATE: October 22, 2024 – Regular Meeting
SUBJECT: Resolution 2024-67 - Instructing Staff to Complete the Proposition 123 Commitment Process

Executive Summary:

Proposition 123 is a state funding source for housing. To qualify for these funds, the Town must commit to providing an additional seven affordable housing units by January 1, 2027.

Background:

Proposition 123 was enacted by the voters of Colorado in 2022. The proposition contained provisions intended to create more affordable housing through additional funding and planning. The proposition established a three-year cycle of funding as well as future requirements for development review.

In order for a municipality to participate in this funding cycle, it must:

1. Identify a baseline number of affordable units in the municipality (including both existing deed-restricted and naturally occurring affordable units); and
2. Increase their baseline number an average of 3% per year through the 3-year cycle (or in Keystone's case, a two-year cycle); and
3. Adopt a "Fast Track" permit approval process for Affordable Housing by November 2026 to continue eligibility for funding. Keystone's approach in this first commitment cycle will be to meet the minimum baseline commitment to participate. The Town is relying on the state's Baseline tool to determine the number of units that we need to commit to building.

Since Keystone did not opt-in for the 2024 year, we only have to make a two-year commitment. To qualify for Proposition 123 money, the Town needs to commit to providing a total of 7 Affordable Housing units (3.5/year on average) by January 1, 2027.

Proposition 123 requires the Town to file a commitment specifying how it will increase a combination of its newly constructed affordable housing units, and its existing units converted to affordable housing over its determined baseline number of affordable housing units by 3% each year.

The DOH interprets this to mean that the commitment is met as long as the municipality demonstrates a 6% increase over the baseline at the end of the two-year commitment period ending on December 31, 2026, even if a 3% increase is not achieved in any specific year during that time frame.

If a commitment is not filed by November 1, 2024, then the Town and any development project in its jurisdiction are ineligible to receive any funding established by Proposition 123 during the 2025 calendar year.

If the Town is unable to meet its 6% total commitment by December 31, 2026, then it and any development project in our jurisdiction are ineligible to receive any funding established by Proposition 123 for calendar year 2027. The good news is it may file a new commitment by November 1, 2027, for a two-year commitment to increase its affordable housing stock by a total of 6% by December 31, 2029.

As the Town works to prepare its commitment and file it with DOH by November 1, 2024, it does not have to include verification of a “fast-track approval process” in this initial commitment. This will be a requirement in future commitments starting November 1, 2026. However, Proposition 123 does provide that for this first commitment “local governments should prioritize high-density housing, mixed-income housing, and

projects consistent with the goal of environmental sustainability, when appropriate, and should prioritize affordable housing in communities in which low concentrations of affordable housing exist.”

Recommendation:

It is important that the Town files its commitment to opt-in to the Proposition 123 funding sources. There are hundreds of millions of dollars that will be available through this program, and it is very important that the Town is eligible for this money as we look to expand our workforce housing.

Alternatives:

Decline to opt-in to Proposition 123 funding.

Financial Considerations:

The state issues millions of dollars of grants under this program.

Previous Council Actions:

none

Suggested Motions:

If the Board wishes to adopt the commitment to provide seven affordable housing units by the end of 2026 and opt-in to Proposition 123 funding it may do so by adopting the following motions:

I move to adopt Resolution 2024-67, a Resolution Instructing Staff to Complete the Proposition 123 Commitment Process.

Attachment:

- Resolution 2024-67, Instructing Staff to Complete the Proposition 123 Opt-in Process

**TOWN OF KEYSTONE
Summit County, Colorado**

RESOLUTION 2024-67

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO
INSTRUCTING STAFF TO COMPLETE THE PROPOSITION 123 COMMITMENT
PROCESS**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipality governed by the Keystone Home Rule Charter; and

WHEREAS, the State of Colorado has created a funding program for affordable housing called Proposition 123; and

WHEREAS, the Town of Keystone desires to apply for Proposition 123 funding; and

WHEREAS, the Town of Keystone must make a commitment to provide an additional seven units of affordable housing by January 1, 2027, in order to apply for Proposition 123 funds; and

WHEREAS, the Town Council finds it is in the best interest of the Town of Keystone to expand affordable housing options in the Town; and

WHEREAS, the Town Council finds it is in the best interest of the Town of Keystone to utilize Proposition 123 funds to provide affordable housing.

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. The Town Council instructs staff to file a Proposition 123 commitment for seven affordable housing units by January 1, 2027

Section 2. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

ADOPTED by a vote of __ in favor and __ against, this 22nd day of October 2024.

By: _____
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: _____
Town Clerk

By: _____
Town Attorney

Exhibit A

**AMENDMENT TO
SUMMIT COUNTY CHILD CARE TUITION ASSISTANCE INTERGOVERNMENTAL
AGREEMENT**

THIS AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR SUMMIT COUNTY CHILD CARE TUITION ASSISTANCE (“Amendment”) amends the Intergovernmental Agreement dated April 2019, related to Nicotine tax, and entered into by the **SUMMIT COUNTY, COLORADO** (the “County”), a body corporate and politic and political subdivision of the State of Colorado, and **THE TOWNS OF BLUE RIVER, BRECKENRIDGE, DILLON, FRISCO, MONTEZUMA AND SILVERTHORNE, COLORADO** (the “Towns” or individually as a “Town”), home rule or statutory municipalities and political subdivisions of the State (“Nicotine Tax IGA”). The purpose of this Amendment is to add the TOWN OF KEYSTONE, COLORADO, a home rule municipality as a Party to the child care tuition assistance IGA. The effective date of this Amendment shall be **August 27, 2024**.

WHEREAS, the Town of Keystone incorporated as a home rule municipality on February 8, 2024; and

WHEREAS, Section 8 of the Child Care Tuition Assistance IGA contemplates and authorizes adding one or more additional incorporated municipalities as parties; and

WHEREAS, the Town Council finds that it is in the best interest of the Town to request to be added as a party to the Child Care Tuition Assistance IGA with Summit County; and

WHEREAS, the Parties to the Child Care Tuition Assistance IGA desire to amend the Child Care Tuition Assistance IGA to add the Town of Keystone as a party.

The County, the Towns and the Town of Keystone agree as follows:

1. **Addition of Town of Keystone as a Party.** The County, the Towns, and the Town of Keystone agree that the Town of Keystone is added as a Party to the Child Care Tuition Assistance IGA. The Town of Keystone hereby agrees to be bound by all terms, conditions, covenants, obligations, and responsibilities of the Child Care Tuition Assistance IGA.

The Town of Keystone shall have all the rights, benefits, and obligations as provided under the Child Care Tuition Assistance IGA and shall perform all duties as specified herein. All references to "Parties" in this Agreement shall hereafter include the Town of Keystone.

IN WITNESS WHEREOF, this Agreement is executed by the Parties.

[Remainder of Page Left Intentionally Blank; Signature Page to Follow]

SUMMIT COUNTY, COLORADO

Chair, Tamara Pogue

Attest:

Taryn Powers, County Clerk & Recorder

TOWN OF BLUE RIVER

Nicholas Decicco, Mayor

Attest:

Town Clerk

TOWN OF BRECKENRIDGE

Kelly Owens, Mayor

Attest:

Town Clerk

TOWN OF DILLON

Carolyn Skowyra, Mayor

Attest:

Town Clerk

TOWN OF FRISCO

Rick Ihnken, Mayor

Attest:

Town Clerk

TOWN OF KEYSTONE

Kenneth D. Riley, Mayor

Attest:

Town Clerk

TOWN OF SILVERTHORNE

Ann-Marie Sandquist, Mayor

Attest:

Town Clerk

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
FROM: Jennifer Madsen, Town Attorney
DATE: October 22, 2024
SUBJECT: Resolution 2024-68, Approving Amended Town Council Bylaws

Executive Summary:

Town Council has discussed revising the bylaws related to attendance at meetings and absences. These discussions occurred at the August 27, September 10 and 24, and October 8 meetings. At the October 8 meeting, Town Council provided direction related to revisions to the Town Council bylaws.

Resolution 2024-68 approves the amended Town Council Bylaws.

Background:

Town Council adopted bylaws on April 9, 2024. At the October 8 meeting, Town Council provided direction on the changes to the bylaws. These changes were discussed at the October 22 work session. The following bullet points summarize the discussion from the October 8 meeting, along with the revised bylaw language.

- For the Regularly Scheduled and Calendared Town Council meetings

This revision is address in Section 2.8.e.4:

The Presiding Officer shall excuse an absence of the Mayor or Councilmember from a special meeting if the absence is due to a commitment or conflict scheduled prior to the scheduling of the date of the special meeting and which absence the Mayor or Councilmember was unable to reschedule.

- Illness, family emergencies or unanticipated and uncontrollable absences are excused

This revision is address in Section 2.8.e.1:

1. The Presiding Officer shall excuse an absence of the Mayor or any Councilmember from all or any portion of a meeting where:

- (i) The Mayor or Councilmember contacted the Mayor, Town Manager, or Town Clerk in advance of the meeting regarding the reason for the absence; and*
- (ii) The reason for the absence is due to circumstances that were unforeseeable or unavoidable, such as but not limited to illness, family emergency, or work emergency. An excuse shall not be granted where the Mayor or Councilmember's absence is due to the person's desire to attend other meetings or functions unless the person's attendance at the meeting or function was: (i) requested or directed by the Town Council; or (ii) undertaken in the Councilmember's appointed role as Town Council representative to a board, commission, or body.*

- All other absences cannot exceed 4. That includes 2 excused absences for any reason as well as 2 additional "unexcused" absences prior to invoking Article III, section 3.1. The Councilmember shall inform Council in advance of these absences.

This revision is address in Section 2.8.e.3:

3. The Presiding Officer shall excuse up to two (2) absences of the Mayor or any Councilmember from all or any portion of a meeting for any reason. If advance notice is provided, an excused absence may be ratified by Town Council on the consent agenda.

- Council members are encouraged to participate virtually in all sessions, whether excused or not and members will be allowed to discuss and vote on all matters.

This revision is address in Section 2.8.d:

d. Members of Town Council that are absent from a meeting are encouraged to electronically participate in the meeting subject to the requirements of an electronic participation policy. Members of Town Council, who are participating electronically, are not permitted to participate or vote on quasi-judicial matters.

- The one exception to this rule is for **quasi-judicial sessions** where the council member can join virtually, but not be allowed to participate

This revision is address in Section 2.8.d:

d. Members of Town Council that are absent from a meeting are encouraged to electronically participate in the meeting subject to the requirements of an electronic participation policy. Members of Town Council, who are participating electronically, are not permitted to participate or vote on quasi-judicial matters.

- For **executive sessions**, council members can participate virtually as long as they can attest that no unauthorized individuals can hear.

This will be addressed in the electronic meeting policy.

- The Mayor shall work to ensure that no more than 3 members are remote at any time.

This revision is addressed in Section 2.5 on quorum:

2.5 Quorum

Where a quorum is required by these Bylaws, a majority of the members of the Town Council in office shall constitute a quorum for the transaction of business at all Town Council meetings. For scheduled regular meetings, the required number of members for a quorum must be attending the meeting in person. In the absence of in-person members for a quorum for a regular meeting, a meeting may be rescheduled to a later date and time as permitted by Town Council's adopted Rules of Order.

Alternatives:

Town Council could provide direction related to the amendments to the bylaws.

Financial Consideration:

There is no financial impact of the amended bylaws.

Previous Council Actions:

Discussions of bylaws revisions occurred at the August 27, September 10 and 24, and October 8 and 22 work sessions.

Next Steps:

If approved, the amended bylaws will effective immediately.

Suggested Motions:

APPROVE:

I move to APPROVE Resolution 2024-68, A Resolution Of Town Council Of The Town Of Keystone, Colorado Approving Amended Town Council Bylaws

DENY:

I move to DENY Resolution 2024-68, A Resolution Of Town Council Of The Town Of Keystone, Colorado Approving Amended Town Council Bylaws

Attachments:

- Resolution 2024-68, A Resolution Of Town Council Of The Town Of Keystone, Colorado Approving Amended Town Council Bylaws
- Amended Bylaws dated October 22, 2024

**TOWN OF KEYSTONE
Summit County, Colorado**

RESOLUTION 2024-68

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO
APPROVING AMENDED TOWN COUNCIL BYLAWS**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipality governed by the Keystone Home Rule Charter; and

WHEREAS, the Town of Keystone is authorized to adopted procedures to govern the conduct of meetings and the conduct of public business; and

WHEREAS, on April 9, 2024, the Town Council approved Town Council Bylaws; and

WHEREAS, Town Council desires to amend the bylaws to address excused and unexcused absences; and

WHEREAS, Town Council desires to approve amended Town Council Bylaws.

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. The Town Council of the Town of Keystone hereby adopted the Town Council Bylaws dated April 9, 2024, to govern the conduct of meetings and the conduct of public business. Town Council approves amended Town Council bylaws dated October 22, 2024.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

ADOPTED by a vote of __ in favor and __ against, this _____ day of _____, 2024.

By: _____
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: _____
Town Clerk

By: _____
Town Attorney

TOWN OF KEYSTONE, COLORADO

TOWN COUNCIL BYLAWS

DATE OF POLICY/REVISIONS:	Original Enactment: April 9, 2024, Resolution No. 2024-32; amended on October 22, 2024, Resolution No. 2024-68
SCHEDULED REVIEW AND REVISION:	As deemed necessary or desired by the Town Council or upon recommendation of the Town Manager or Town Attorney.
ATTACHMENT(S):	None
AUTHORITY/REFERENCE(S):	Keystone Charter, Section 3.8. Titles 29 and 31, C.R.S., and the Colorado Open Meetings Law, C.R.S. §§ 24-6-401 <i>et seq.</i>, as interpreted by the Colorado appellate courts.

TOWN COUNCIL BYLAWS

These Bylaws are intended to direct and assist the Town Council for the Town of Keystone, Colorado, in the conduct of meetings and the conduct of public business. These Bylaws and Procedures shall be interpreted consistently with the Keystone Home Rule Charter (“Charter”) and, in the event of a conflict between these Bylaws and Procedures and the Charter, the Charter shall govern and control.

References to “Councilmember,” “Councilmembers,” or “Town Council” shall include the Mayor unless the context provides otherwise.

I. **Legislative Body & Officers.**

1.1 Town Council

The Town Council is the legislative and governing body of the Town.

1.2 Mayor – Presiding Officer

The Mayor shall be the Presiding Officer at all meetings of the Town Council. The Mayor is a member of the Town Council. The role of Presiding Officer may be assigned to another member of the Town Council in accordance with the Rules of Order.

1.3 Mayor Pro Tem

The Town Council shall elect one of its members to serve as Mayor Pro Tem in accordance with the Keystone Home Rule Charter. The process for nomination and election of the Mayor Pro Tem shall be determined by the Town Council which process may be established by Resolution.

1.4 Temporary Chair

- a. In the event of the absence, conflict of interest, or disability of both the Mayor and Mayor Pro Tem that would prevent them from attending any meeting of the Town Council, the Town Clerk shall call such meeting to order and shall call the roll. The Town Council shall then proceed to elect, by a majority vote of those present, a Councilmember to serve as the Temporary Chairperson for the meeting.
- b. The Temporary Chairperson shall serve as Presiding Officer until the arrival or the resolution of the conflict of interest of the Mayor or Mayor Pro Tem at which time the Temporary Chair shall relinquish the chair upon conclusion of the agenda item or other business then before the Town Council.

II. **Town Council Meetings.**

2.1 Regular Meetings

- a. The Town Council shall meet regularly at least once each month at a day and hour and place to be fixed by the Rules of Order of each Town Council adopted by Resolution. The intent is that the Town Council will conduct in person meetings, unless circumstances necessitate another form of meeting. The procedures for in person meetings and the circumstances necessitating another form of meeting shall be defined by the Rules of Order of the Town Council. (Charter § 3.1)
- b. For ease of administration, an approved schedule of meeting dates, times, and places for regular meetings may be administratively considered and approved for each calendar year by the Town Council. The Town Council reserves the authority to modify or adjust any previously approved meeting schedule or to change meeting days or times as may be needed for convenience or to accommodate holidays, anticipated lack of quorum, and other events or circumstances.
- c. When a regular meeting must be cancelled due to unforeseen or unanticipated circumstances, such as but not limited to emergency, adverse weather conditions, absence of quorum, or failure to post any required public notice, the Mayor, or the Mayor Pro Tem in the Mayor's absence, is authorized to instruct staff to cancel the regular meeting and the Mayor may reschedule the meeting to another date and time. The Town Clerk shall prepare a notice of the meeting cancellation and the rescheduled meeting and shall cause the notice to be delivered through reasonable and customary means, including by posting notice on public entry doors of the Keystone Center and posting on the Town's Website.

2.2 Special Meetings

- a. Special meetings of the Town Council shall be called by the Town Clerk on the oral request of two (2) or more members of Town Council with at least twenty-four (24) hours' notice to each member of the Town Council and to the public, delivered in accordance with the Rules of Order of the Town Council and the requirements of this Charter and the Colorado Open Meetings Law. (Charter § 3.2)
- b. No business shall be conducted at a special meeting of the Town Council unless the business has been stated in the notice of such meeting; except that any business which may lawfully come before a regular meeting of the Town Council may be transacted at a special meeting if all members of the Town Council present consent thereto and all the Councilmembers absent file their written consent.
- c. Executive sessions may be held during any properly convened special meeting.

2.3 Emergency Meetings

- a. Emergency meetings of the Town Council shall be called by the Town Clerk on the oral request of two (2) or more members of Town Council with less than twenty-four (24) hours' notice. An emergency meeting may be called in the event of an immediate danger or threat to the public health, welfare, peace, safety or property for the purpose of preservation or protection of the public health, welfare, peace, safety or property. Unless it is impractical, all members of the Town Council shall be notified of such meeting and such meeting may be held if a Quorum consents. Maximum practical notice, including posted notice, shall be given to the public stating the purpose, time, place and manner of any such meeting. (Charter § 3.3)
- b. Any business which may lawfully come before a regular meeting of the Town Council may be transacted at an emergency meeting.
- c. Due to the emergency nature of the meeting, no Quorum of the Town Council is required although a Quorum is strongly desired wherever practicable. Where a Quorum does not attend the emergency meeting, the action of the Town Council at the emergency meeting will need to be ratified by the Town Council at the next meeting at which a Quorum is in attendance.

2.4 Study or Work Sessions

- a. The Town Council may hold study or work sessions as deemed necessary or desirable. Study or work sessions shall be called in the same manner as a Special Meeting or called by the Town Manager in consultation with the Town Clerk.
- b. No legally binding or formal action shall be taken at any such session. The Council may provide general administrative direction to the Town Manager by simple concurrence or consensus of the members of the Town Council.
- c. A study or work session shall *customarily* be limited to the presentation of information to the Town Council and to Town Council's discussion of such information. Public comment upon matters under study or discussion shall not be typically entertained except upon concurrence of the Council members in attendance. No Quorum shall be required at any study or work session.
- d. Executive sessions shall not be conducted during a study or work session.

2.5 Quorum

Where a quorum is required by these Bylaws, a majority of the members of the Town Council in office shall constitute a quorum for the transaction of business at all Town Council meetings. For scheduled regular meetings, the required number of members for

a quorum must be attending the meeting in person. In the absence of in-person members for a quorum for a regular meeting, a meeting may be rescheduled to a later date and time as permitted by Town Council's adopted Rules of Order.

2.6 Meetings to be Public

All meetings of the Town Council shall be open to the public except as permitted by law. At Town Council meetings, members of the public shall have a reasonable opportunity to be heard except for those meetings that are designated as study or work sessions. In compliance with the Colorado Open Meetings Law, the Town Clerk shall keep a record of the proceedings of each meeting. The intent is that, when feasible, Town Council will allow for a remote meeting option for the public's attendance and participation at open meetings. (Charter § 3.5) The Town Council may adopt a remote meeting policy to further define the public's attendance and participation through the remote meeting option.

2.7 Meeting Notice

The Town Council shall adopt a Resolution that establishes public notice and posting requirements in accordance with the Colorado Open Meetings Law including designating the Town official site for posting the agenda at least 24 hours in advance of the public meeting (except for emergency meetings as governed by Charter § 3.3) and such designation shall be deemed automatically readopted at the Town Council's first regular meeting of each calendar year unless otherwise determined by the Town Council. (Charter § 3.10)

2.8 Town Council Attendance and Absences

- a. All Town Councilmembers are expected to attend all regular, special, work and study session meetings unless excused from attendance in accordance with this section. Councilmembers are expected to attend Town Council meetings in person unless a different form of attendance is authorized or in person attendance is excused. (Charter § 3.9)
- b. Three (3) or more unexcused absences by a member of the Town Council in any one (1) calendar year shall constitute grounds for sanctions or removal.
- c. If a Councilmember is absent for both a work or study session on the same date, that absence is only counted as one and not two absences.
- d. Members of Town Council that are absent from a meeting are encouraged to electronically participate in the meeting subject to the requirements of an electronic participation policy. Members of Town Council, who are participating electronically, are not permitted to participate or vote on quasi-judicial matters.

e. Excused Absences.

1. The Presiding Officer shall excuse an absence of the Mayor or any Councilmember from all or any portion of a meeting where:
 - (i) The Mayor or Councilmember contacted the Mayor, Town Manager, or Town Clerk *in advance* of the meeting regarding the reason for the absence; *and*
 - (ii) The reason for the absence is due to circumstances that were unforeseeable or unavoidable, such as but not limited to illness, family emergency, or work emergency. An excuse shall not be granted where the Mayor or Councilmember's absence is due to the person's desire to attend other meetings or functions unless the person's attendance at the meeting or function was: (i) requested or directed by the Town Council; or (ii) undertaken in the Councilmember's appointed role as Town Council representative to a board, commission, or body.
2. The Presiding Officer may excuse an absence of any Councilmember from a meeting or a portion of a meeting *subsequent to* the meeting where:
 - (i) The Councilmember's requested excuse was due to circumstances that were unforeseeable or unavoidable, such as but not limited to, accident, emergency, illness, or last-minute familial obligations; and
 - (ii) The circumstances surrounding the excuse did not permit the Councilmember to timely contact the Mayor, Town Manager, or Town Clerk prior to the meeting as provided by paragraph (B) above.
3. The Presiding Officer shall excuse up to two (2) absences of the Mayor or any Councilmember from all or any portion of a meeting for any reason. If advance notice is provided, an excused absence may be ratified by Town Council on the consent agenda.
4. The Presiding Officer shall excuse an absence of the Mayor or Councilmember from a special meeting if the absence is due to a commitment or conflict scheduled prior to the scheduling of the date of the special meeting and which absence the Mayor or Councilmember was unable to reschedule.
5. The Presiding Officer's decision regarding the recognition or denial of any absence shall be subject to appeal as provided by the Rules of Order.

2.9 Town Attorney

Unless otherwise excused by the Town Council, the Town Attorney or the Town Attorney's designated representative is expected to attend all regular, special, or emergency meetings of the Town Council and attend such other meetings and sessions of the Town Council as the Town Council may request. The Town Attorney may attend meetings by a remote meeting option.

2.10 Town Clerk, Written Minutes, and Official Record

- a. The Town Clerk, or the Town Clerk's designated representative, shall attend and shall keep written minutes of each regular or special meeting of the Town Council. Written meeting minutes may be a brief and concise summary or synopsis of actions taken by the Town Council, the titles of ordinances and resolutions considered, votes taken, and other action items and general topics of discussion. Meeting minutes need not record what was said during the meeting.
- b. The minutes shall record how each Councilmember voted on each question, except that where the vote was unanimous it shall only be necessary for the minutes to so state.
- c. The official record of a Town Council meeting shall be the Town's electronic recording of the meeting, if any, and in the absence of an electronic recording or in the event of recording equipment malfunction, the official record shall be the written meeting minutes.
- d. A Councilmember shall have the privilege of having his or her statement on any subject then under consideration by the Town Council entered into the written minutes. Such request must be made before the Presiding Officer puts the question to a vote and must be accompanied by the statement, "For the Record," to alert the Town Clerk of the need to include such remarks in the written minutes. A Councilmember's lengthy statement for the record is strongly encouraged to be submitted to the Town Clerk in writing prior to the meeting. At the Town Clerk's discretion, unwritten lengthy oral statements may be summarized in the written minutes with attribution to the speaker.
- e. Minutes of a previous meeting will not be read provided each member of Town Council has been provided access to a copy of the minutes in advance of the meeting at which the minutes are to be approved. Written minutes shall be initially set for approval on a consent agenda. Any Councilmember may request that the minutes be removed from the consent agenda for full discussion and consideration of proposed amendments or revisions by the Town Council prior to any motion for approval. Every Councilmember may, at the member's option, vote to approve or reject the minutes of any meeting notwithstanding such member's absence from the meeting.

- f. At any time prior to the Town Clerk's certification of the minutes as approved by the Town Council, the Town Clerk may change the minutes to correct spelling or typographical errors, provided that such change does not alter the substance or meaning of the minutes.
- g. The Clerk of the meeting at which the minutes are approved shall sign the approved minutes.

2.11 Agenda and Order of Business

- a. A regular meeting of the Town Council will have an established order of business generally along the following guidelines which may be modified by the Presiding Officer in accordance with the Rules of Order:
 - 1. Call to Order, Roll Call
 - 2. Approval of Agenda
 - 3. Recognitions, proclamations, and appointments
 - 4. Communications to Council
 - 5. Consent agenda (handling of routine business)
 - A. First Reading of Ordinances
 - B. Resolutions
 - C. Approval of Town Council Minutes
 - D. Excused Absences
 - 6. Discussion Business
 - A. Consideration of Ordinances (second reading/public hearing)
 - B. Resolutions
 - C. Other
 - 7. Planning Matters
 - 8. Reports
 - 9. Other Matters
 - 10. Adjournment

2.12 Setting Agendas

The Mayor and the Town Manager have the task of setting the meeting agendas for regular and special meetings and for work sessions of the Town Council. In addition, two members of the Town Council may request that the Town Manager place an item on a meeting agenda.

2.13 Requesting Future Agenda Items

Any Councilmember, the Town Manager, or the Town Attorney may request that the Town Council formally consider any Town business or other matter of public interest at a future meeting by raising the request with the Town Council during any **regular** meeting. Upon confirmation by a consensus of the Town Council that the Town Council desires to entertain consideration or review of the proposed business or matter, the Presiding Officer

shall instruct the Town staff to set the matter on the next available agenda or on the agenda of a specific meeting.

2.14 Adjournment of Regular Meetings by 9:00 p.m.

A Town Council regular meeting shall customarily adjourn at or before 9:00 p.m. Extending a regular meeting beyond 9:00 p.m. shall require approval of a motion to suspend the required adjournment requirement. A motion may propose to limit the agenda matters to be considered after 9:00 p.m. and/or set a later time for adjournment.

As an express condition of adjournment, the Town Council shall formally move to continue or postpone all agenda items that will not be considered following adjournment in accordance with the Rules of Order.

III. **Meeting Procedures.**

3.1 Parliamentary Rules/Rules of Order

- a. Bob's Rules of Order for Colorado Local Governments (Peak Nine Press 2023) shall be the parliamentary rules of order for meetings of the Town Council ("Rules of Order").
- b. The following additional rules shall be incorporated into the Rules of Order:
 1. A Councilmember shall not engage in the review or transmission of electronic mail or other forms of digital communications or be connected to the Internet during any quasi-judicial matter.
 2. Addressing the Town Council – Time Limitations.
 - (i) Councilmember's access to the floor when addressing the Town Council shall be limited in time as provided by the Rules of Order;
 - (ii) Guests, presenters, and speakers invited to present to the Town Council shall be limited in time as established or directed by the Presiding Officer; and
 - (iii) For all other persons wishing to address the Town Council (other than public hearings, see V. below), such persons shall be limited to three (3) minutes for any presentation unless the Presiding Officer establishes a different time limitation applicable to all such persons wishing to address the Town Council.
- c. Voting Methods.
 1. A simultaneous voice vote or show of hands shall generally be used provided that an announcement is made regarding the result of the

vote, including identification of Councilmember(s) voting on the non-prevailing side.

2. The Presiding Officer may direct a vote to be made by roll call. A roll call vote by voice shall be *required* for:
 - (i) All ordinances on final reading;
 - (ii) Any resolution appropriating or borrowing money;
 - (iii) Any resolution pertaining to new or existing taxes;
 - (iv) Any action concerning an initiative or referendum petition; and
 - (v) Conveyance of interests in real property.
3. Manner of Roll Call. When roll call voting is used, the roll call vote shall be taken in alphabetical order in a rotating manner, as follows: on the first roll call vote for the meeting, the Town Clerk will begin with the first Councilmember's name on the list; on the second vote, the Town Clerk will begin with the second Councilmember's name on the list and end with the first Councilmember name on the list, and continue to rotate the order in this manner. Such rotation will continue without interruption from meeting to meeting.

3.2 Meeting Decorum

- a. For regular and special meetings, each Councilmember shall be addressed as Mr./Ms. (last name) or Councilmember (last name); the Mayor shall be addressed as Mr./Ms. Mayor or Mayor (last name); Town staff, citizens, consultants, contractors shall be addressed as Mr./Ms. (last name). A less formal recognition of Councilmembers and others shall be acceptable for study or work sessions and executive sessions.
- b. At any regular or special meeting of the Town Council, any member of the public desiring to address the Town Council shall first secure the permission of, and be recognized by, the Presiding Officer.
- c. Each person addressing the Town Council shall be asked to provide his or her name and address for the record. All comments shall be addressed to the Presiding Officer and to the Town Council as a body and not to any particular Councilmember thereof or to other members of the audience.
- d. Actions which unreasonably disrupt a meeting shall be out of order. "Disrupt" shall mean evidently intended or designed to prevent, or reasonably preventing, the Town Council from conducting business. Disruptive actions may include, but not limited to: (i) constant or consistent shouting following the Presiding Officer's request to speak in a conversational voice; (ii) the use of horns, bells, or other sources of unwanted and unnecessary sound or noise; (iii) repeated speaking or interruption of the meeting without first obtaining the floor or without being acknowledged by the Presiding Officer; or (iv) threats of harm or violence.

Refusal to heed requests to cease disruption may subject the person to removal from the meeting.

- e. The use of amplified sound or noise in any meeting shall not be permitted unless approved by the Presiding Officer as a necessary part of a presentation by a speaker. The Town's use of methods to amplify the voices of the Councilmembers shall be permitted.
- f. To prevent obstructing the view and hearing of persons attending a meeting, posters, banners, signs, or other forms to display shall be permitted in meeting rooms provided that such items or materials are placed against and along the side perimeter walls of the room in a manner not to interfere with access or the safety of attendees. No posters, banners, signs, or other forms to display shall be located behind the Town Council dais. The Presiding Officer may designate the appropriate location(s) for posters, banners, signs, or other forms to display.

IV. **Procedure for Passage of Ordinances (Charter § 6.5)**

The procedure for the passage of an Ordinance, other than an Emergency Ordinance, shall be as follows:

- a. Introduction (first reading) of the Ordinance at any regular or special meeting and vote by the Town Council in accordance with the voting requirements established by the Charter to move the proposed legislation forward to the second reading. Introduction and first reading of the Ordinance may be by placement on the Town Council's consent agenda for such meeting.
- b. If the Ordinance is passed upon first reading, publicizing by title only and in accordance with the requirements, methods, and procedures for publicizing Ordinances as adopted by the Town Council by Ordinance.
- c. Consideration of the Ordinance on second reading at a meeting not earlier than six (6) days after the first reading.
- d. Public hearing on the Ordinance (See V. Below).
- e. Roll call vote of the Town Council on the Ordinance following the public hearing.
- f. Any ordinance may be amended before final passage by a roll call of the Town Council.
- g. After final passage, the Town Clerk shall publicize the Ordinance by title only with the statement that the full text is available for public inspection and acquisition in the office of the Town Clerk. Whenever possible, publicizing shall be within ten (10) days after final passage.

- h. Unless a later date is specified in the text of the Ordinance, an Ordinance other than an Emergency Ordinance shall take effect and be enforced thirty (30) days after final publication.

V. **Public Hearings – Procedures.**

Public hearings required by law shall be conducted in general accordance with the following procedures. Deviations from these procedures that do not substantially affect the fairness and outcome of the hearing shall be permitted with or without approval of the Town Council.

- a. Town Clerk shall read the title or subject matter of the item into the record.
- b. The Presiding Officer, in the order indicated, will:
 - 1. Declare the public hearing open;
 - 2. Announce the public hearing procedures (if such procedures were not previously explained to the audience in a prior hearing during the same meeting);
 - 3. Establish, when determined to be necessary, reasonable time limits for the presentation to the Town Council of public comments and testimony during the hearing. Where no other time limits are established:
 - (i) Town staff or Town consultants shall not be limited except as directed by the Presiding Officer;
 - (ii) An applicant, permittee, or petitioner (or their representative) whose property or other legal rights are the subject of determination during the public hearing shall not be subject to time limitations provided that the applicant, permittee, or petitioner avoids redundant and duplicative testimony or presentation of evidence;
 - (iii) Scheduled speakers invited to present information to the Town Council shall not be subject to time limitations except as directed by the Presiding Officer; and
 - (iv) All other persons shall be limited to three (3) minutes;
 - 4. Ask for an introductory presentation by the Town Administration, if appropriate;
 - 5. Ask for the applicant's, permittee's, or petitioner's presentation, if appropriate;
 - 6. Provide opportunity for public presentation by those who are in favor of the matter, opposed to the matter, or who may have general questions regarding the pending matter.

7. Any person speaking or presenting any information at the hearing may be questioned by the Town Council and, with the consent of the Presiding Officer, by the Town Administration.
 8. The Presiding Officer will ask, at times during the hearing determined by the Presiding Officer, if any member of Town Council has any questions of, or desires any additional information from, anyone who has spoken or has presented information during the hearing. If such is the case, a member of Town Council may direct the question and/or request through the Presiding Officer to such individual and the response will be limited to the answer of the question, as stated.
- c. Cross-examination of persons providing testimony or evidence shall not be permitted.
 - d. The Presiding Officer may, on his/her own initiative or at the request of a Councilmember or the applicant, permittee, or petitioner, afford the applicant, permittee, or petitioner an opportunity to rebut or address statements or testimony presented by the general public or Town Administration. Rebuttal shall be limited only to subjects and matters raised during the hearing and is not intended to provide an opportunity for the applicant, permittee, or petitioner to present new evidence or information not offered during the main presentation. The Presiding Officer may, in the Officer's discretion, provide an opportunity for the general public to address issues, information, or matters newly raised during a rebuttal.
 - e. Following questions from Town Council, the Presiding Officer will declare the public hearing closed and the matter will be remanded to the Town Council for consideration.
 - f. Upon the closure of the public hearing, the Town Council will seek to avoid additional questioning of any hearing participant except as may be found necessary by the Presiding Officer to quickly clarify a factual question or resolve a factual matter of dispute between members of the Town Council. No additional unsolicited testimony shall be entertained or accepted by the Town Council. The public hearing may only be reopened for good cause shown by a majority vote of the quorum present and only for the sole purpose of receiving specifically identified and focused testimony. In the event a public hearing is reopened, all persons in attendance shall be provided an opportunity to provide testimony regarding the specifically identified matter for which the hearing was reopened.
 - g. The Town Council may, with leave of the Presiding Officer, request legal advice or direction from the Town Attorney at any time.

VI. Amendments.

These Bylaws may be amended by a majority vote of Councilmembers present at a Town Council meeting at which a quorum exists. Any proposed amendments shall be submitted in writing to each member of Town Council at least two (2) weeks in advance of the Town Council meeting at which such amendments are to be considered.

ADOPTED BY THE TOWN COUNCIL THIS 9th DAY OF APRIL, 2024; AMENDED ON THIS 22ND DAY OF OCTOBER, 2024.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers

THROUGH: John Crone, Town Manager
Jennifer Madsen, Town Attorney

FROM: Lindsay Hirsh, Community Development Director

DATE: October 22, 2024 - Council Meeting

SUBJECT: [Land Use Matter] TOK24-011: Class 4 Appeal of the
Community Development Director's approval of a Class 2
Review for a Conditional Use Permit (CUP) for a Short-
Term Rental (STR) located at 31 River Overlook Court

Executive Summary:

The subject Conditional Use Permit (CUP) application request is for a maximum of 23 guests and 6 outdoor parking spaces located at 31 River Overlook Court as identified in the attached Vicinity Map (Attachment A). Per the applicant's narrative (Attachment B), Section 3821.05A: Criteria for Review for Conditional Use Permit, of the Town's Development Code states that a Class 2 administrative conditional use permit application shall be required for any proposed short-term vacation rental in the Short-Term Rental (STR) Resort Overlay Zone which proposes an occupancy of 20 or more people or outdoor parking of 6 or more vehicles. The subject property was granted a CUP in August of 2019 by the County for 23 guests and 6 outdoor parking spaces. Per the Development Code, CUP's for STR's are only valid for a maximum period of five (5) years and as such, the applicant is requesting a renewal. Town Staff has verified that no complaints/violations have been reported/documented associated with the subject property. The Elk Crossing HOA is opposed to the request and has requested that the CUP be denied (Attachment C). On September 24, 2024, the subject application was placed on the Council consent agenda and on a 4-2 vote the item was pulled from the

agenda, thus initiating the appeal process. Town Council is to consider the application for a CUP and determine whether the applicant has met the criteria.

[The application materials are available at this link.](#)

Recommendation:

Conduct the quasi-judicial public hearing on the subject case and determine if the application meets all applicable criteria for decision.

The Community Development Director recommends that the CUP is granted because it is the Community Development Director's opinion that the applicant has met the applicable criteria.

Background:

Per the Town's Development Code, a Class 2 administrative conditional use permit application shall be required for any proposed short-term vacation rental in the STR Resort Overlay Zone which proposes an occupancy of 20 or more people and/or outdoor parking of 6 or more vehicles.

The conditional use permit application shall be reviewed in the context of the property and neighborhood to consider whether the types of uses in the neighborhood, the home size, lot size and distance to neighboring properties can potentially enable these properties to accommodate higher occupancies, higher number of nights rented as an STR, and/or additional cars parked on site.

Per the County's Assessor's data, the subject property has a 8,951 square foot single family residence. The lot is 0.9660 acres in size. As stated above, the subject property was granted a CUP in August of 2019 by the County for 23 quests and 6 outdoor parking spaces.

Town Staff has verified that no complaints/violations have been reported/documentated associated with the subject property. The Elk Crossing HOA is opposed to the request and has requested that the CUP be denied (Attachment C).

On June 11, 2024, the Town adopted Ordinance No. 2024-O-07 that adopted the Town's Short-Term rental Regulations. In the evaluation of this application the following are applicable:

- *Maximum Occupancy:* Maximum occupancy at any time may not exceed the following: For a single-family residence – two (2) persons per bedroom plus four (4) additional occupants; or 1 person per 200 square feet of living area, whichever allows for a greater occupancy. In addition to the STR regulations, properties requesting occupancy in excess of 19 must first obtain a Class 2 Conditional Use Permit as required by the Town Land Use Code.

Based on the submitted information and assessor data, the subject 8,951 square foot (living area) residence has eight (8) bedrooms. Based on the bedroom count, the residence could allow 20 guests. Based on the square footage (living area) the residence could allow up to 44 guests.

- *Parking:* A minimum of one (1) parking space is required per unit, up to a maximum of five (5) vehicles permitted to be parked outdoors on any property. The Ordinance also states that a property owner may request an increase in the maximum number of allowed parking spaces through a Conditional Use Permit if the proposed parking meets all applicable regulations and criteria, and is found to be consistent with neighborhood character, including location and visual buffering from adjacent properties.

Violations: The Town's Ordinance states that the issuance of an STR license is expressly contingent upon the licensee maintaining compliance with all the requirements set forth in the STR Regulations. If at any time a licensee fails to maintain

such compliance, the licensee shall be in violation of the regulations and staff would investigate the claims and initiate the enforcement/fine process and potentially resulting in the revocation of the permit. In addition, it should be noted that CUP may only operate as long as the property owner has an STR license. In other words, if the STR license is suspended/revoked, then they could not continue to operate the STR (even with the CUP).

The Community Development Director approved the Class 2 Site Plan application for the subject STR/CUP application request for a maximum of 23 guests and 6 outdoor parking spaces located at 31 River Overlook Court. On September 24, 2024, the subject application was placed on the Council consent agenda and on a 4-2 vote the item was pulled from the agenda, thus initiating the appeal process.

Criteria for Decision:

1. The proposed use and occupancy of the STR property does not exceed the applicable building and fire code requirements for maximum occupancy of the structure, and protects the public health, safety and welfare.
2. The existing services and infrastructure (e.g., water supply, sewage disposal capacity, access, on-site parking spaces) can support the proposed use and occupancy of the property, or the applicant has obligated himself/herself to provide the necessary services and infrastructure in sufficient time to serve the proposed use.
3. The proposed operation of the STR will ensure preservation of the residential character of the neighborhood where it is located. The amount of traffic and noise from lodging guests will not result in significant adverse impacts to the adjacent neighborhood.
4. There is adequate separation and buffering of the STR use from adjacent residences and public rights-of-way to mitigate potential impacts on the surrounding neighborhood, including traffic, additional parking and noise. Standards for demonstrating adequate separation and buffering include but are not limited to: orientation of the STR unit on the property away from nearby

residential structures; linear separation from other residential structures; separation from other structures by an intervening right-of-way; topographic features such as rock formations or grade differences; and mature vegetation or fencing.

5. There is not a history of STR complaints on the property, if an STR was already in existence on the property, the owner has adequately addressed the conditions that lead to the complaints, to the satisfaction of the Review Authority.
6. The property is in compliance with all other applicable laws, rules and regulations, including but not limited to standards concerning driveways and parking areas as found in Chapters 3 and 5 of this Code.

Based on a thorough review of the application materials and research of the previous County approval, Staff concludes that the above listed criteria have been met. Specifically:

- The proposed use and occupancy of the STR property does not exceed the applicable building and fire code requirements for maximum occupancy of the structure.
- The existing services and infrastructure can support the proposed use and occupancy of the property.
- A review of previous STR permit/license revealed no documented complaints associated with the subject use/property, indicating that the proposed operation of the STR does not negatively impact the preservation of the residential character of the neighborhood where it is located.
- The residence is almost 9,000 square feet and with 8 bedrooms, and the applicant is requesting 4 additional occupants and one additional parking space. The additional occupants and one additional parking space is not significant and is not expected to create additional impacts on the neighboring properties.

Given the lack of documented complaints, the size of the property, and the minor number of additional occupants and one parking space, staff believes that the amount of traffic and noise from lodging guests did not result in significant adverse impacts to the adjacent neighborhood. There is adequate separation and buffering of the STR use from adjacent

residences and public rights-of-way, mitigating potential issues such as traffic, parking, and noise.

Furthermore, the property is in compliance with all other applicable laws, rules and regulations, including but not limited to standards concerning driveways and parking areas as found in Chapters 3 and 5 of this Code.

Financial Considerations:

There are no Town financial considerations applicable to the subject application.

Previous Council Actions:

The pulling of the subject approval from the September 24, 2024 Council consent agenda.

Next Steps:

If approved, the Town Clerk would forward the license on to the State of Colorado’s Liquor Enforcement Division for review and approval at the state level.

Suggested Motions:

GRANT OF CONDITIONAL USE PERMIT

I move to GRANT the application for the conditional use permit for operation of a short-term rental with up to 23 occupants and 6 parking spaces at 31 River Overlook Court and to APPROVE Resolution 2024-__ _____.

DENIAL OF CONDITIONAL USE PERMIT

I move to DENY the application for the conditional use permit for operation of a short-term rental with up to 23 occupants and 6 parking spaces at 31 River Overlook Court and to direct the Authority’s attorney to draft written findings and conclusions and an order for consideration and final action at a meeting to be held within 30 days.

S

Attachment A

Vicinity Map



Attachment B

Project Narrative for Conditional Use Permit Renewal – 31 River Overlook Ct, Keystone, CO

Property Address:

31 River Overlook Ct, Keystone, CO 80435

Property Owner:

Zach Lemaster

Applicant:

Thomas Barry , Hosting from the Heart (HFTH)

Application Purpose:

Renewal of the existing Conditional Use Permit for a short-term rental (STR) accommodating 23 guests. This permit renewal seeks to continue the existing operations under the same conditions that have been in place for the past five years, with no changes to guest capacity, property layout, or operational procedures.

1. Description of the Development

The property at 31 River Overlook Ct has been operating as a short-term rental (STR) accommodating up to 23 guests under a Conditional Use Permit issued five years ago. This application seeks to renew the permit with no changes to the current operation, guest capacity, or physical layout of the property. The STR has consistently met all local regulations, providing a high standard of hospitality while maintaining the character and integrity of the surrounding neighborhood.

2. Development Goals

The primary goal of this renewal is to maintain the current use of the property as an STR without making any alterations to the existing guest capacity or property layout. The property has been successfully operating as an STR, contributing positively to the local economy and providing guests with a luxurious and comfortable stay in Keystone. Hosting from the Heart (HFTH) will continue to manage the property with the same level of excellence and attention to detail.

3. Total Development Area

The total development area remains unchanged from the previous application. The property comprises one residential unit used solely for short-term rental purposes. The total area of the property and the STR unit is consistent with the original application, and no additional development or land use changes are proposed.

4. Land Use

The land use of the property will continue as a short-term rental (STR). No additional land uses are proposed, and the property will remain in its current residential use, consistent with local zoning and land use regulations. The property will continue to serve as a high-end rental accommodating up to 23 guests.

5. Residential Units

The property contains one residential unit, which is used for short-term rental purposes. There are no changes proposed to the number of residential units on the property. The unit has been designed and maintained to provide maximum comfort and amenities for guests, in line with the standards expected of a luxury rental.

6. Floor Area

There are no changes to the floor area of the residential unit from the previous application. The property's layout and floor area remain consistent, with no expansions, modifications, or additional construction proposed.

7. Open Space & Trails

The commitments to open space and trails made in the previous application remain in place. The property continues to preserve the natural features of the surrounding area, contributing to the aesthetic and environmental integrity of Keystone. No changes to the open space or trails are proposed in this renewal application.

8. Methods of Operation

Hosting from the Heart (HFTH) manages the property with a focus on providing exceptional guest experiences while maintaining strict adherence to local regulations and community standards. The methods of operation include:

- **Check-In Process:** Guests are provided with detailed instructions for self-check-in, including a secure code for keyless entry. This allows for flexible check-in times and ensures guest convenience.
- **Guest Communication:** HFTH maintains a 24/7 guest communication line, ensuring that any issues or questions are promptly addressed. Guests are informed of local regulations, noise ordinances, and neighborhood expectations upon booking and again during check-in.
- **Maintenance Protocols:** The property undergoes regular maintenance checks to ensure all amenities are in perfect working order. A local maintenance team is on standby to address any urgent issues that may arise during a guest's stay. Regular inspections are conducted to maintain the property's high standards.
- **Housekeeping:** Professional cleaning services are employed between guest stays to ensure the property is immaculate and ready for new arrivals. Housekeeping also follows a strict checklist to ensure all safety measures, such as smoke detectors and fire extinguishers, are functioning properly.
- **Compliance:** The property is managed in compliance with all local regulations, including noise ordinances, occupancy limits, and waste management protocols. HFTH ensures that the property operates in a way that is respectful of the surrounding community and environment.

9. Hours of Operation

Guest services are available 24/7 to ensure that any issues or needs are promptly addressed. This round-the-clock availability is a key component of HFTH's commitment to providing excellent hospitality and ensuring a seamless guest experience.

10. Impact on Adjacent Properties

The STR at 31 River Overlook Ct has operated without incident for the past five years. There have been no significant impacts on adjacent properties. The property is managed in a way that minimizes noise and disruption, with clear guidelines provided to guests regarding acceptable behavior and noise levels. HFTH has a zero-tolerance

policy for parties or large gatherings that could disturb neighbors, and this policy has been strictly enforced.

11. Proposed Time Limits for Use

The application seeks a five-year renewal of the Conditional Use Permit, allowing the property to continue operating as an STR under the same conditions as the previous permit. This time frame is consistent with the original permit and allows for periodic review to ensure continued compliance with local regulations.

12. Confirmation of No Changes

HFTH confirms that there have been no changes to the operation, guest capacity, or property layout since the previous Conditional Use Permit was issued. The property continues to be managed with the same level of care and attention to detail, ensuring that it remains a positive addition to the Keystone community.

Re: Master Plan Conformance Statement for Conditional Use Permit Renewal
Property Address: 31 River Overlook Ct, Keystone, CO 80435

Dear Community Development Department,

I am writing to provide a Master Plan Conformance Statement as part of the renewal application for the Conditional Use Permit (CUP) for the short-term rental (STR) located at 31 River Overlook Ct, Keystone, CO. This statement outlines how the continued use of the property as an STR aligns with the goals and policies set forth in the Snake River Master Plan.

Compliance with the Snake River Master Plan

1. Alignment with Tourism Goals

The Snake River Master Plan emphasizes the importance of fostering tourism as a key component of the local economy. The operation of the STR at 31 River Overlook Ct directly supports this goal by providing high-quality accommodations that attract visitors to Keystone. By offering a luxury rental experience, the property enhances the attractiveness of the area as a destination, contributing to the overall tourism strategy of the Snake River Basin.

2. Economic Development

The STR at 31 River Overlook Ct plays a role in local economic development by driving spending in the area. Guests who stay at the property contribute to the local economy by dining at restaurants, shopping at local stores, and participating in recreational activities. The STR also supports local employment, including housekeeping, maintenance, and property management services provided by Hosting from the Heart (HFTH). This continued economic contribution aligns with the Master Plan's goals for sustainable and balanced economic growth.

3. Property Upkeep and Maintenance

The Snake River Master Plan prioritizes the upkeep and maintenance of properties within the area to preserve the natural beauty and environmental integrity of the region. HFTH ensures that the STR is meticulously maintained, with regular upkeep that not only meets but exceeds local standards. This includes landscaping, exterior maintenance, and adherence to environmental guidelines, such as proper waste management and water conservation practices. The commitment to maintaining the property aligns with the Master Plan's objectives to protect the character and quality of the Snake River Basin.

4. Community Impact

The operation of the STR has been conducted with consideration for the surrounding community. HFTH has implemented strict guest policies that minimize any potential disruptions to neighbors, including guidelines on noise levels and occupancy limits. The STR has operated for five years without incident, demonstrating compliance with community standards and respect for the residential nature of the neighborhood. This careful management supports the Master Plan's vision of maintaining a harmonious balance between residential living and tourism-related activities.

Conclusion

The continued operation of the short-term rental at 31 River Overlook Ct is consistent with the goals and policies of the Snake River Master Plan. By supporting tourism, contributing to economic development, ensuring property upkeep, and minimizing community impact, the STR aligns with the broader objectives of the Keystone community. We respectfully request that the Conditional Use Permit be renewed so that this property can continue to contribute positively to the area.

Please review this conformance statement and provide any feedback or additional requirements necessary for the completion of this application. We appreciate your consideration and are committed to continuing our responsible stewardship of the property in line with the community's values.

Sincerely,

Thomas Barry

Hosting from the Heart (HFTH)

Criteria for Decisions Statement

Property Address: 31 River Overlook Ct, Keystone, CO 80435

Applicant: Thomas Barry, Hosting from the Heart (HFTH)

Date: August 14, 2024

Re: Criteria for Decisions – Section 3821.05 of the Town of Keystone Land Use and Development Code

This statement outlines how the short-term rental (STR) at 31 River Overlook Ct meets the required criteria for decision as set forth in Section 3821.05 of the Town of Keystone Land Use and Development Code.

1. Conformance with Master Plan

The STR is in conformance with the Snake River Master Plan by supporting the goals of local tourism, economic development, and the preservation of community character. The operation of this rental aligns with the Master Plan's objectives to promote high-quality, visitor-oriented accommodations while ensuring the maintenance of residential neighborhood integrity.

2. Compatibility with Surrounding Uses

The STR is compatible with the surrounding residential uses and is permitted within the current zoning district. The property has been managed in a manner that minimizes any potential conflicts with neighboring properties, ensuring that its use does not detract from the residential character of the area.

3. Adequacy of Infrastructure

The property is adequately served by existing public infrastructure, including water, sewer, and road access. No additional infrastructure is required to support the continued operation of the STR. The existing utilities are sufficient to meet the needs of the property without placing undue strain on public services.

4. Impact on Public Health, Safety, and Welfare

The STR operates in a manner that protects public health, safety, and welfare. The property is equipped with all necessary safety features, including smoke detectors, fire extinguishers, and compliant exterior lighting. The operation of the STR adheres to all

relevant safety regulations and community standards, ensuring a secure and comfortable environment for both guests and neighboring residents.

5. Minimization of Adverse Impacts

The management of the STR at 31 River Overlook Ct includes measures to minimize adverse impacts on the surrounding community. This includes strict policies on noise control, guest behavior, and occupancy limits, which have been effective in preventing disturbances to neighboring properties. The property's landscaping and exterior lighting are designed to blend with the natural environment, further reducing any visual or environmental impact.

6. Consistency with Zoning Requirements

The STR is consistent with the zoning requirements of the area. The property meets all applicable standards, including those related to building setbacks, parking, and lot coverage. There are no variances or exceptions required for the continued use of the property as a short-term rental.

Conclusion

The short-term rental at 31 River Overlook Ct meets all the required criteria for decision under Section 3821.05 of the Town of Keystone Land Use and Development Code. The continued operation of this property as an STR aligns with the goals and policies of the Keystone community and complies with all applicable zoning and development standards. We respectfully request approval of the Conditional Use Permit renewal based on this demonstrated compliance.

Please review this statement and confirm that all criteria are met. Thank you for your consideration.

Statement on Compliance with Criteria for Conditional Use Permit Renewal

Property Address: 31 River Overlook Ct, Keystone, CO 80435

Applicant: Thomas Barry, Hosting from the Heart (HFTH)

Date: August 9, 2024

Re: Compliance with Criteria for Conditional Use Permit – Section 3821.05

This statement addresses the compliance of the short-term rental (STR) at 31 River Overlook Ct with the criteria set forth in Section 3821.05 of the Summit County Land Use and Development Code.

1. Master Plan Conformance

The STR aligns with the Snake River Master Plan by supporting local tourism, economic development, and property maintenance. The use is consistent with community goals and contributes positively to the local economy.

2. Compatibility with Surrounding Area

The STR is located in a residential area where such use is permitted. The property has operated for five years without negatively impacting neighboring properties, and management practices ensure ongoing compatibility with the community.

3. Traffic and Parking

The property provides sufficient on-site parking and generates minimal traffic, ensuring no congestion or hazards in the area.

4. Environmental and Community Impact

The STR operates without causing undue noise, dust, or odor. HFTH maintains the property to high standards, ensuring it does not detract from the privacy or well-being of adjacent property owners.

5. Public Utilities and Services

The property is fully serviced by existing public utilities, and its use does not place undue stress on these services. The STR also complies with all county development standards, ensuring public health, safety, and welfare.

6. Wildlife and Natural Resources

The STR is managed with sensitivity to the local environment, with no adverse effects on wildlife or natural resources.

Conclusion

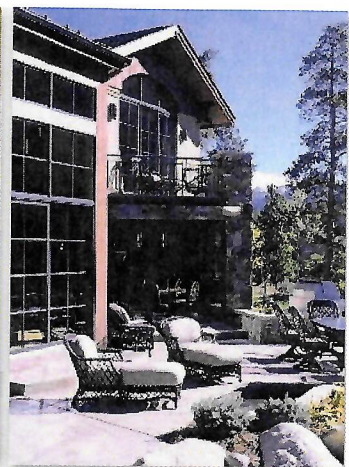
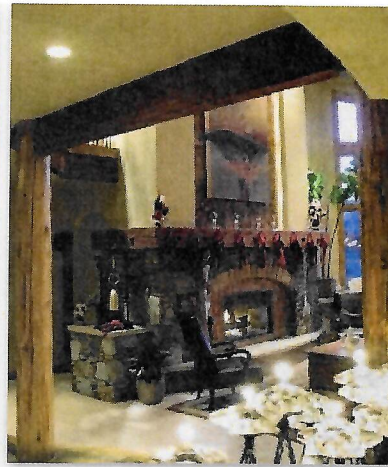
The STR at 31 River Overlook Ct meets all criteria for Conditional Use Permit renewal under Section 3821.05. The property's continued operation supports community goals and maintains a high standard of compliance with local regulations. We respectfully request renewal of the permit for another five-year term.

Please review and confirm that all criteria are met. Thank you for your attention.

Sincerely,

Thomas Barry

Hosting from the Heart (HFTH)



MAIN LEVEL

Believe

Walk out patio door with King Bed,
Bath with Tub/Shower

Invent

Queen Bed with west facing window
seat, Bath with shower

MID LEVEL

Dance

Shares west facing deck, Queen Bed,
Bath/Tub w/Shower

Adventure

Shares west facing deck with Dance,
Full Bed, Bath with Shower

UPPER LEVEL WEST WING

Imagine

Views of golf course and Lodge room,
King Bed, Bath with Shower

Inspire

Deck Overlooking Snake River, Queen
Bed, Bath with shower

Create

Private Deck with Pines and River,
Queen Bed, Bath Tub w/Shower

UPPER LEVEL, EAST WING

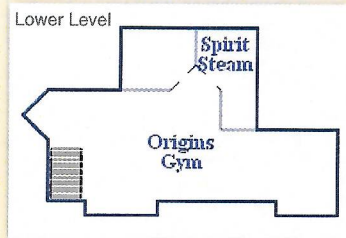
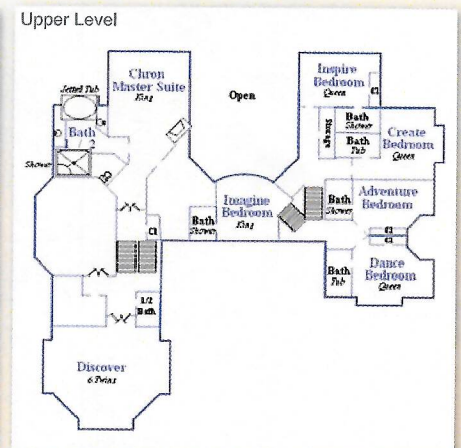
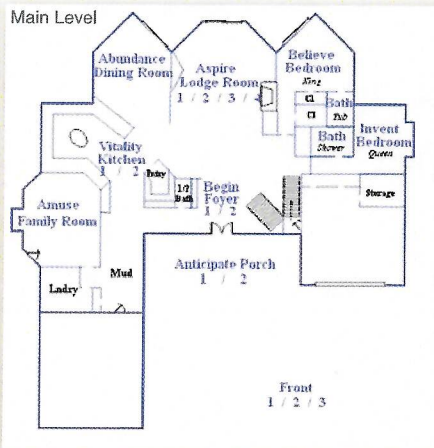
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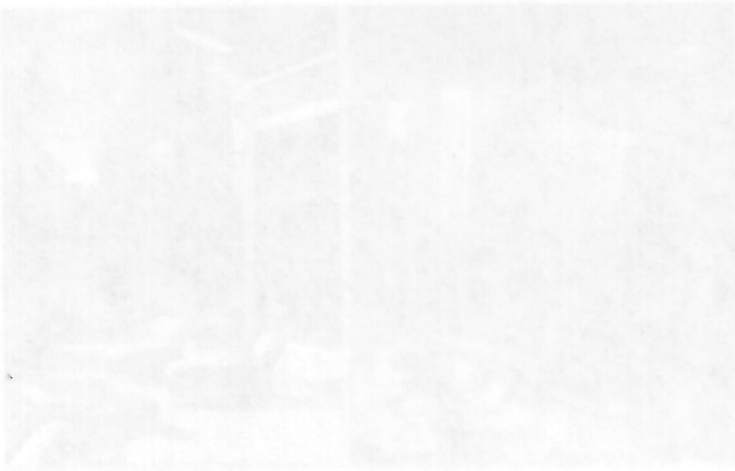
King Bed, Overlooking Snake River,
Bath with Jetted tub/Double Shower,
Fireplace, Walk-in Closet

MID LEVEL EAST WING

Discover

Six Twin Beds or Round Table





UPPER LEVEL EAST WING

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UPPER LEVEL WEST WING

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Attachment C
Public Comments

From: Town of Keystone <no-reply@co.colorado.gov>
Sent: Monday, September 16, 2024 10:23 AM
To: Maddy Sielu <msielu@keystoneco.gov>
Subject: Webform submission from: Contact Us > Rows > Cards Content

Submitted on Monday, September 16, 2024 Submitted by: Anonymous Submitted values are: *Your Name* Bruce Williams *Your Email* bkw@gbpllc.com [1] *Subject* 31 River Overlook STR CUP *Message* Hello Mr. Hirsh, I am a homeowner in the Elk Crossing HOA and I wish to offer my thoughts concerning the CUP filing for 31 River Overlook. I suspect I may be outside the official comment period as I believe that period may have ended on September 12th. If so, I apologize for my lateness, somehow sending you my thoughts slipped off my to-do list. Late or not, I do wish to share my thoughts. I would like to suggest the CUP which would create a waiver to exist standard regulations to allow greater than standard occupancy to be denied. Elk Crossing was originally intended as a neighborhood of owner occupied free standing single family homes. Although most of the homes have 4 or more bedrooms, during our 15+ years of owning on Elk Crossing the usual pattern has been very low density occupancy with most homes occupied by couples or small families with occasional full occupancy on weekends or weeks, when the owners were hosting family or guests. With approximately 25 homes (and over half being part time vacation homes), other than short term renters, the occupancy in the neighborhood might be 20 or fewer people. It is a very pleasant, safe and quiet neighborhood. With the growth in STR and the notion of investment home where the percentage of owner occupied days is low (or zero) compared to STR occupied days the neighborhood is changing. There are currently at least at least 4 homes where the rationale for owning appears to be rental income and when they are fully occupied that can represent 80+ people with perspectives different than those of occupying owners and their hosted families and guests. Rejecting the CUP will not address what I consider the larger concern, but it will prevent the enlargement of that concern, while the neighborhood and hopefully the Town of Keystone consider the issue of trying to maintain the originally intended character of several of the neighborhoods of free standing single family homes found within the Town of Keystone. For your information, I am a retired Texas voter and legal resident. I bought my home at 0374 Elk Crossing Lane during August of 2008. Since that time my wife and I have typically visited Summit county for a 6 week winter stay (to experience cold weather and ski) and a 18 week summer stay (to enjoy the

cool weather and golf almost daily). Other than 4 or 5 weeks when we have family or friends as guests, my wife and I are the only occupants of our home. I appreciate the efforts that allowed the creation of the Town of Keystone and thank you for your considerations and thoughts. Best regards, Bruce Williams 0374 Elk Crossing Town of Keystone 713 899-2880
[1] <mailto:bkw@gbpllc.com>

Hi Lindsay,

As a homeowner and full time resident of Elk Crossing, I do not support approval for the CUP in Elk Crossing. I do not support any CUP's for any single family homes located in neighborhoods in Keystone. These neighborhoods were never developed nor did anyone ever envision these homes sleeping 23 people. These CUP's do not benefit the HOA's, the town or the community. They only benefit the owners/companies who are in the business of seeking rental income. I fear that if Keystone does not adopt STR neighborhood zones, you will see fewer full time residents which means fewer registered voters, fewer people to serve on town council/mayor, fewer people who will volunteer to serve on committees/commissions. Keystone will become a town of renters and visitors.

Thank you for listening.

Steve Martin

0242 Elk Crossing Lane

September 5, 2024

Lindsay Hirsh
Town of Keystone
Community Development Director

Dear Mr. Hirsh,

The HOA Board for Elk Crossing has recently become aware of:

TOK24-011: 31 River Overlook STR CUP: Class 2 Review – Conditional Use Permit (“CUP”) for a Short-Term Rental Request to accommodate up to 23 guests.

The Board opposes approval of this Conditional Use Permit. The Elk Crossing sub-division was established in 1989 as a residential neighborhood of free-standing single-family homes. We currently have 24 single-family homes with 3 unbuilt lots, and there are currently 7 STR licenses within our community. The most recent home that sold in Elk Crossing was purchased by an LLC to be used solely as a full-time rental.

As noted in 3821.05: Criteria for Review for Conditional Use Permit, Sect. B, #3 and #4, we feel approval of this CUP will not ensure the preservation of the residential character of the neighborhood. This rental property is in close proximity to other rentals such that the guest capacity could be at 60+ people. This creates traffic, parking and noise issues with this many allowed guests in such a close proximity. As per HOA documents parking is restricted to driveways and the county roads within Elk Crossing are posted as No Parking.

The Board is encouraging homeowners to report STR violations so that they may be documented and capture violations that are occurring.

We want to preserve the original single-family residential character of Elk Crossing in which it was originally established and not become a community of investment properties for short-term rentals (with high-capacity guests allowed) with no ties to the HOA, Town of Keystone or the community.

Thank you for your consideration.

ECHOA Board Members
Steve Martin, President

Section 11.5. Livestock. Dogs, cats or customary household birds may be kept on the Property, not to exceed a total of two household pets per Lot without the written approval of the Board of Directors. No wild animal, reptile, or bird may be trapped, transported, kept or maintained anywhere upon the Property. No other animal or bird except a domestic dog, cat or bird may be kept anywhere on the Property. No pet may be kept on the Property which abnormally interferes with the rights, comforts or convenience of other Owners. Breeding of any animals on the Property is specifically prohibited. All pets must be kept on leash when outside its Owner's house. No horses may be stabled or kept anywhere on the Property.

Section 11.6. Landscaping. All surface areas disturbed by construction shall be returned promptly to their natural condition. Any and all landscaping, other than returning surface areas to their natural condition, must be consented to in writing by the Architectural and Planning Control Board.

Section 11.7. Trade Names. No word, name, symbol or combination thereof shall be used to identify for commercial purposes any structure, business or service located on or conducted in connection with the Property, unless the same shall have been first approved in writing by the Architectural and Planning Control Board.

Section 11.8. Continuity of Construction. All structures commenced shall be prosecuted diligently to completion.

Section 11.9. Noxious or Offensive Activity. No noxious or offensive activity shall be conducted on any Lot, nor shall anything be done or placed on the Property which is or may become a nuisance or cause embarrassment, disturbance or annoyance to others.

Section 11.10. Maintenance of Property. Every Lot (including the improvements thereon) shall be kept and maintained by the Owner thereof in a clean, safe, attractive and sightly condition and in good repair; and no lumber, grass, shrub, or tree clippings or plant waste, metals, bulk materials, scrap, refuse or trash shall be kept, stored or allowed to accumulate on any Lot.

Section 11.11. Annoying Lights, Sounds or Odors. No lights shall be emitted from any Lot which are unreasonably bright or cause unreasonable glare; no sound shall be emitted from any Lot which is unreasonably loud or annoying; and no odor shall be emitted from any Lot which is noxious or offensive to others.

Section 11.12. Fences. No fences, walls or other barriers shall be permitted except with the written consent of the Architectural and Planning Control Board.

Section 11.13. Natural State. No hunting, target practice, discharge of firearms, or disturbance of the natural state of the Property, including the removal of living trees, plants, shrubs, bushes, sagebrush, grass or topsoil, is permitted without the consent in writing of the Board of Directors and the Architectural and Planning Control Board.

Section 11.14. Restrictions on Use. No part or parcel of Lots 4 through 27 as described on Exhibit A shall be used except for residential purposes by single families residing in a detached, single-family dwelling and for purposes incidental or accessory thereto, except for model

homes used by Declarant or its assigns. For the purposes of this Section 11.14, single family occupancy is occupancy on a full-time basis by persons related by blood or marriage, or up to four unrelated adults with minor children (i.e., children under 18 years of age). Determinations as to whether uses are incidental or accessory to single-family residential purposes shall be made by the Architectural Planning and Control Board, but under no circumstances shall such incidental or accessory use be construed to permit the carrying on of any trade, business, profession or employment, or use of the Lot for a boarding house.

ARTICLE 12.

EXPANSION

Section 12.1. Reservation of Right to Expand. Declarant reserves the right to expand Riverwalk to include additional residential area or Common Area. Such additional residential area or Common Area may include all or a portion of the Expansion Property described in the attached Exhibit B.

Section 12.2. Supplemental Declarations and Supplemental Plats. Such expansion may be accomplished by the filing for record by Declarant in the office of the Clerk and Recorder for Summit County, Colorado, no later than December 31, 2007, a supplement or supplements to this Declaration setting forth the portion of the Expansion Property and the Lots thereon to be included in the expansion. The expansion may be accomplished in stages by successive supplements or in one supplemental expansion.

Section 12.3. Annexation of Expansion Property. Additional residential property and Common Area may be annexed to the Property at the discretion of Declarant by a supplement or supplements to this Declaration as provided in this Article 12, or by a deed of any annexed Common Area to the Association. No such expansion shall require the vote of any Owner or the Board of Directors.

Section 12.4. Expansion of Definitions. In the event of such expansion, the definitions used in this Declaration shall be expanded automatically to encompass and refer to Riverwalk as so expanded. For example, "Lot" shall mean the Lots described above plus any additional Lots added by a supplemental declaration or declarations, and reference to this Declaration shall mean this Declaration as so supplemented. All conveyances of Lots shall be effective to transfer rights in the Property as expanded. The recordation in the records of Summit County, Colorado, of a supplement to this Declaration describing the additional property by reference to a recorded plat, or of a supplemental plat or plats incident to any expansion shall operate automatically (except in the case where Declarant has not dedicated the Common Area) to grant, transfer, and convey to the Association the new Common Area added to the Property as the result of such expansion.

Section 12.5. Declaration Operative on New Lots. The new Lots added under such expansion shall be subject to all of the terms and conditions of this Declaration and of any supplemental declaration or declarations, upon placing the supplemental plat(s) and/or supplemental declaration(s) of public record in the real estate records of Summit County, Colorado.

October 17, 2024

Dear Mayor and Town Council Members,

My name is Thomas Barry, and I am the owner and operator of Hosting from the Heart, a local, family-operated boutique property management company. I'm writing to share a brief background about our company and outline our approach to managing 31 River Overlook Court with the highest level of professionalism. I also want to provide detailed information about the systems we have in place to ensure that the property is managed responsibly, with the Elk Crossing community's character and peace of mind as our top priorities.

About Hosting from the Heart

Hosting from the Heart was founded by my wife, Tina, and me in 2016, and over the years, we have built a strong reputation as a hands-on, community-focused property management company. We currently manage 32 homes across Summit and Park Counties – seven of which we own or lease, and the remainder we manage on behalf of homeowners. From the beginning, we have set a self-imposed cap of managing no more than 35 homes, allowing us to provide an intimate, high-quality service to both our guests and homeowners.

Our mission is simple: to offer exceptional guest experiences while maintaining the highest standards of neighborhood integrity. This means that we work tirelessly to ensure that the homes we manage are not only successful vacation rentals but also positive additions to the communities where they are located, including Elk Crossing.

Our Commitment to the Neighborhood

We understand the concerns that can arise from short-term rentals (STRs) in residential neighborhoods, and we share the belief that it is vital to preserve the character and tranquility of these areas. Hosting from the Heart is fully committed to upholding these values and ensuring that 31 River Overlook operates seamlessly within the Elk Crossing community.

The guests we host at Star Mountain Lodge are carefully vetted, and we cater primarily to multi-generational families seeking a peaceful retreat in Keystone. We do not allow events, weddings, or large gatherings, and the property is managed in a way that ensures guests adhere to strict rules around noise, occupancy, and parking. Our aim is to foster an atmosphere that benefits both the guests who come to enjoy all that Keystone has to offer and the homeowners who value the peace and charm of Elk Crossing.

The average reservation at 31 River Overlook is 10-16 adults, and 2-7 children. Therefore, the CUP is not used to house 23 adults, although the current CUP allows for

multi generational families to come and enjoy the beauty, and activities that Keystone has to offer, while not having to stay at a hotel in different hotel rooms. This option is cherished by the Grandparents that wish to spend quality time with their grandchildren, yet aren't as active and out skiing, or taking in adventure sports. Therefore, the home offers a great amount of flexibility for families.

Here is a guest review of the home from 2023 showcasing the type of families we take pride in welcoming.

“We recently stayed at Star Mountain Lodge for our family reunion, and the experience was unparalleled. The house was luxurious yet homey, and our group of 20, including children, (12 adults and 8 children) felt like we had plenty of space to spread out. We respected all the rules about noise and parking, and it was clear that the management team takes great pride in caring for their guests. This is a property we will return to, and we look forward to making more memories in Keystone!”

Our Professional Systems and Management Approach

To ensure that 31 River Overlook is managed with the highest level of professionalism, we have implemented several state-of-the-art systems. These tools help us proactively manage guest behavior, monitor the property, and maintain the peace and quiet that Elk Crossing is known for. Below is a breakdown of the technologies and practices we use:

- 1. Guest Vetting and Screening:** We use a thorough vetting process to ensure all guests meet our high standards before confirming any reservations. This includes reviewing their reputation and ratings on platforms such as Airbnb and VRBO. Guests must be over 28 years old and have an established 5-star rating on either platform to be considered for booking. Additionally, we carefully assess all communications to identify any red flags, such as potential for unauthorized parties or events. Once approved, guests are provided with detailed house rules, including quiet hours and expectations for respecting the neighborhood. Each guest must acknowledge and agree to these rules in writing before their reservation is finalized.
- 2. Noise Monitoring - Minut Noise Sensors - [minut.com](https://www.minut.com)**
To prevent disturbances, we have installed **Minut** sensors, both inside and outside the property. These devices monitor decibel levels and notify us in real time if noise exceeds acceptable limits. This allows us to address any issues immediately, ensuring that the Elk Crossing neighborhood remains quiet and peaceful. We have quiet hours set from 10pm - 8am, with lower decibel thresholds to ensure the quiet times are maintained.

3. Occupancy Monitoring – Stayfi Router - stayfi.com

To monitor and ensure compliance with occupancy limits, we use StayFi routers throughout the home. . This tool tracks the number of mobile devices connected to the home’s Wi-Fi, allowing us to detect if more guests are present than what has been authorized. This system ensures that the home’s occupancy stays within the limits set by the CUP.

4. Parking Management – Ring Camera

We have installed an outdoor motion detecting camera that monitors the driveway to ensure that no vehicles are parked outside the designated areas. We strictly enforce the parking limits, and our cameras notify us if any vehicles are parked in unauthorized locations. This system allows us to prevent parking issues from becoming a nuisance to the neighborhood.

5. Guest Communication – Breezeway Digital Guidebooks

Our property operations are managed through Breezeway, a platform that automates guest communication, maintenance, and housekeeping. Guests receive check-in instructions, house rules, and reminders about community regulations. This ensures that all guests are fully aware of their responsibilities during their stay.

6. Housekeeping, Inspections and Maintenance

We employ local professionals for housekeeping, inspections and maintenance to keep the property in top condition. Our teams perform thorough cleaning and maintenance checks between each stay, ensuring that the home remains well-kept and that any issues are addressed immediately.

7. Local Landscaping and Snow Removal: We use Greenscapes Landscaping to keep the property looking beautiful all year round, and to keep the driveway clear in the wintertime.

Supporting the Local Economy and Community

In addition to ensuring that 31 River Overlook is well-managed and operates smoothly within the community, the home also plays a key role in supporting Keystone’s local economy. The guests who stay with us frequent local businesses – whether dining in restaurants, shopping at stores, or enjoying the nearby ski slopes and outdoor activities. This creates jobs and revenue for the town while maintaining the welcoming resort atmosphere that attracts families to Keystone year after year.

By offering a well-managed, high-quality property like Star Mountain Lodge, we not only contribute to the local economy but also provide job opportunities for local

residents. Our housekeeping and maintenance teams, as well as local service providers like chefs and ski instructors, rely on homes like 31 River Overlook for their livelihoods.

In summary, Hosting from the Heart is fully committed to managing 31 River Overlook in a way that preserves the character of Elk Crossing, enhances the community experience, and supports the local economy. We take great pride in our professional, technology-driven approach to property management, and we remain dedicated to ensuring that Star Mountain Lodge continues to be a positive element in the neighborhood.

Thank you for your time and consideration. Please feel free to reach out if you have any questions or need further information.

Sincerely,
Thomas Barry
Hosting from the Heart
thomas@hfth.co 303-913-5136

October 16, 2024

Town Council Members
Town of Keystone
Keystone, Colorado

Dear Mayor and Council Members,

We are writing to express our support for the renewal of the Conditional Use Permit (CUP) for 31 River Overlook Court, managed by Hosting from the Heart. As the closest neighbors at 102 Elk Crossing, we have lived next to Star Mountain Lodge for several years and have never experienced any issues or noise disturbances from the property.

The home has been well managed, and we appreciate the professional approach that Hosting from the Heart, led by Thomas and Tina Barry, has brought to the neighborhood. Their attention to detail and commitment to ensuring that guests respect the residential nature of Elk Crossing gives us confidence that the property will continue to operate smoothly without causing any disruption.

We believe the CUP renewal is in the best interest of the community, as Hosting from the Heart has proven to be a responsible and reliable management company. Their focus on vetting guests and enforcing rules ensures that the home remains a positive addition to the neighborhood, and we fully support their continued efforts.

Thank you for your consideration of this letter in support of the CUP renewal for 31 River Overlook Court.

Sincerely,

Kim & Shawn Jarrett
102 Elk Crossing
Keystone, CO

October 17, 2024

Dear Mayor and Town Council Members,

We are writing to express our support for the renewal of the Conditional Use Permit (CUP) for our home at 31 River Overlook Court. As proud homeowners in the Elk Crossing neighborhood and the Town of Keystone, we are deeply committed to maintaining the integrity and character of the community while also contributing positively to the local economy.

A bit about our background: We are military veterans and parents of two young children under the age of five. Our family is oriented around spending quality time together, and we love to ski, bike, and enjoy all that Keystone has to offer. While Zach served in the USAF as a Captain and Optometrist, we purchased our first investment property, which led to the creation of a real estate portfolio that supports our family. This portfolio includes homes we enjoy personally, with rental income helping cover their expenses.

Two years ago, we fulfilled a lifelong dream of purchasing a vacation home in Keystone. 31 River Overlook Court stood out to us for its unique, 9,000 sq. ft. custom design, specifically created to accommodate large, multi-generational families. The home had a strong reputation as a premium vacation rental, supported by its CUP, which allows up to 23 guests. This was a key factor in our decision to invest, as it aligns with our vision of welcoming families like ours to experience the beauty of Keystone.

During our research, we loved the fact that this home had been operating for 20 years as a large format rental home, with Zero issues or complaints filed with Summit County or with the Neighborhood HOA. This fact instilled the confidence needed to make such large purchase, and to take on the high operational and maintenance costs associated with a 20 year old 9000 sq ft home. What sets this home apart is its original design—purposefully built to house multiple families under one roof. This vision by the original owner makes 31 River Overlook unique in the area and an irreplaceable option for families looking for this type of accommodation.

The home has become an iconic destination, hosting many families who return year after year, some for over a decade. Without the CUP renewal, these families—and future guests—would lose the opportunity to stay together under one roof in Keystone, as there are no comparable homes in the surrounding area. The continued approval of the CUP is essential to maintaining this valuable asset to the community, local businesses, and the families who rely on this unique accommodation.

Since purchasing the home in 2022, we have made significant investments in maintaining and improving the property. This includes a full exterior paint and stain treatment, installing high-efficiency boilers, and completing an interior redesign. These upgrades not only enhance the home's beauty but also benefit the neighborhood. Maintaining a home of this size requires continuous upkeep and a professional team. Operating it as a short-term rental, with the support of the CUP, allows us to employ local tradespeople and keep the property in excellent condition.

When purchasing the home, we thoroughly vetted six property management companies over three months to ensure the home was managed by a team that shared our values of trust,

integrity, and community commitment. We ultimately selected Hosting from the Heart, led by Thomas and Tina Barry, for their reputation and dedication to maintaining the highest standards of care. Their management has been exceptional, ensuring the home runs smoothly and respectfully within the community.

We are proud to say that, to date, 31 River Overlook Court has had no issues related to noise, traffic, or congestion, and we have earned the support of our direct neighbors. The property continues to be a positive asset to both the neighborhood and the greater Keystone area. Hosting from the Heart attends the annual HOA meetings, and has a good relationship with all home owners, which have an open line of communication with Thomas to discuss any needs or concerns at any time.

We are grateful to the Town of Keystone staff for their recommendation to renew the current CUP at 31 River Overlook Court. As dedicated homeowners, we are committed to being active members of the community, ensuring that our home is a welcomed part of the neighborhood. We are open to meeting with any members of the community or Town Council to foster strong relationships as we all work together to maintain the beauty, character, and charm of our shared community.

Keystone is a special place, and we are honored to be a part of it. By working together, we believe we can continue to make Keystone a world-class destination for families while supporting the local economy and enhancing the town's desirability.

Thank you for your time and consideration.

Sincerely,
Zach and Diana LeMaster
31 River Overlook Court
Keystone, CO

October 17, 2024

Lindsay Hirsh
Community Development Director
Town of Keystone
Keystone, Colorado

Dear Mr. Hirsh,

We appreciate the opportunity to respond to the letter submitted by the Elk Crossing Homeowners Association (ECHOA) Board regarding our Conditional Use Permit (CUP) application for 31 River Overlook Court. We value the feedback from the HOA, as preserving the character and tranquility of the Elk Crossing neighborhood is a priority for us as well.

We would like to address the concerns raised in the HOA's letter regarding occupancy, noise, parking, and the overall impact of short-term rentals (STRs) in the community, and provide clarification on how Hosting from the Heart is committed to being responsible stewards of both this property and the neighborhood.

1. Noise and Occupancy Concerns

The HOA has expressed concerns about the number of guests at Star Mountain Lodge and the potential for increased noise and disturbances. We would like to assure the HOA and the Town of Keystone that noise management is a top priority. Star Mountain Lodge is equipped with Minut noise sensor technology, a real-time noise monitoring system that alerts us immediately if noise levels exceed acceptable limits. This system allows for rapid intervention, ensuring that the property remains peaceful and compliant with community standards. Due to the diligent and professional management of the property, we have a perfect record with Zero filed complaints for noise, or any issues related to the guests we welcome to the home.

Additionally, the demographic of our guests is critical to understanding the property's minimal impact. On average, groups staying at Star Mountain Lodge are **multi-generational families**, many of whom include children and infants. The additional four guests permitted under the CUP are often children, whose impact on noise and overall neighborhood activity is low. **Over 35% of our guests are children under 12 years old**, further indicating that our target clientele is not inclined to disrupt the neighborhood's tranquility.

2. Parking Concerns

The HOA's letter also raises concerns about parking and potential overflow onto neighborhood streets. We fully understand the importance of preserving road safety and minimizing traffic congestion. **Star Mountain Lodge provides six designated parking spaces**, which meets the Town of Keystone's STR parking regulations.

We strictly enforce parking rules with our guests, and our management team actively monitors the property through **outdoor cameras** to ensure no vehicles are parked in unauthorized areas or

on neighborhood streets. We are committed to maintaining compliance with the Elk Crossing HOA's parking restrictions and addressing any concerns should they arise.

3. Community Commitment and Preservation of Neighborhood Character

We want to emphasize that Hosting from the Heart shares the HOA's commitment to maintaining the original character of Elk Crossing as a residential neighborhood. While we manage Star Mountain Lodge as a short-term rental, our primary focus is on **hosting responsible, family-oriented guests** who respect the community.

We maintain open lines of communication with neighbors and the HOA, and we are open to discussing any further measures that can be implemented to ensure the home remains a positive element in the community. We are committed to addressing concerns promptly and will continue to enforce strict rules to protect the peaceful nature of the neighborhood.

4. Data-Driven Evidence of Economic and Community Impact

It is important to consider the positive economic impact that short-term rentals provide to Keystone and the surrounding area. According to a 2023 report by the Colorado Association of Realtors, **short-term rentals contributed over \$200 million** to local economies in Summit County. This impact supports both tourism and local jobs, including housekeeping, maintenance, and guest services, all of which rely on vacation homes like Star Mountain Lodge.

Furthermore, while the property's 9,000 sq. ft. size and nine bedrooms could technically accommodate up to 44 guests based on Keystone's square footage guidelines, we have been mindful in requesting the renewal of the current occupancy limit of **23 guests**. This reflects our consideration of the community's concerns and our intention to operate the home responsibly without exceeding its capacity in a way that would disrupt the neighborhood.

5. Traffic and Noise Control Best Practices

Professionally managed short-term rentals, such as Star Mountain Lodge, have been shown to have **minimal impact on neighborhood traffic and noise** when following best practices, according to studies from the Vacation Rental Management Association (VRMA). Our use of advanced technology, strict guest vetting, and detailed house rules ensure that our property operates smoothly within the community.

In conclusion, we understand the concerns of the Elk Crossing HOA and are fully committed to managing 31 River Overlook Court with the highest level of professionalism and responsibility. We believe that, with the systems and practices we have in place, Star Mountain Lodge will continue to be a positive contributor to the Keystone community as it has for the past 22 years, while preserving the peaceful character of Elk Crossing.

We welcome any further discussion on how we can continue to support the neighborhood and address concerns, and we are dedicated to working collaboratively with both the Town of Keystone and the Elk Crossing HOA to maintain the high standards of the community.

Thank you for your time and consideration.

Sincerely,
Thomas Barry
Hosting from the Heart
thomas@hfth.co

October 16, 2024

Dear Bruce,

Thank you for sharing your thoughts regarding the Conditional Use Permit (CUP) renewal for 31 River Overlook Court. We sincerely appreciate your feedback and take your concerns to heart, as we value the relationship we have with you and the peaceful, quiet character of the Elk Crossing neighborhood.

We understand and fully respect the original intention behind the development of Elk Crossing as a community of owner-occupied, single-family homes. Your experience of over 15 years in the neighborhood offers valuable perspective, and we agree that it is critical to preserve the character and tranquility that so many homeowners cherish. Hosting from the Heart shares this commitment, and we can assure you that we take the management of 31 River Overlook very seriously, with the highest standards in place.

We carefully vet all guests to ensure that those staying at the property align with the family-oriented nature of the neighborhood. Our guests are typically multi-generational families who use the home for vacationing and spending time together. This is not a home we allow for parties or events, and we have strict rules in place, from noise monitoring to parking management, to ensure that the peace and quiet of the community are upheld. We also utilize advanced technologies to monitor occupancy and ensure that guests adhere to all the neighborhood and property rules.

Your concern regarding the shift toward more investment-driven homeownership and its impact on the neighborhood is something we take very seriously. We are committed to doing everything in our power to maintain the intended character of Elk Crossing while managing Star Mountain Lodge responsibly. We aim to foster an environment where the presence of vacation homes does not detract from the sense of safety, tranquility, and community you've experienced for so many years.

Please know that should you ever have any concerns in the future, we are always available and will prioritize addressing them immediately. We want to continue to be excellent neighbors, ensuring that Elk Crossing remains a wonderful place to live, whether year-round or part-time.

Thank you again for your continued support, and for taking the time to share your thoughts. I look forward to staying in touch and ensuring that your experience in Elk Crossing is one of confidence and peace of mind.

Best regards,

Thomas Barry

Hosting from the Heart

thomas@hfth.co 303-913-5136

October 17, 2024

Mayor and Town Council Members

Town of Keystone
Keystone, Colorado

Dear Mayor and Council Members,

On behalf of Zach Lemaster (The home owner), and Hosting from the Heart (The property manager, and applicant, Thomas Barry) we would like to thank you for taking the time to review our request for the renewal of the Conditional Use Permit (CUP) for this property.

As we prepare for the upcoming town council hearing on October 22, 2024, we are pleased to submit a comprehensive packet that includes supporting documents, letters from community members, and detailed information about the professional management practices we uphold.

Our objective with this submission is to provide the Town of Keystone with thorough information that demonstrates not only the community support for 31 River Overlook Ct to receive a renewal to the existing CUP allowing for a total of 23 guests (average 16 adults and 7 kids maximum) but also the fact that we are fully committed to maintaining a peaceful, quiet, and enjoyable environment for all residents. This commitment extends to full-time residents, part-time vacation homeowners, and their guests in the Elk Crossing community.

Professional Management Practices

Hosting from the Heart is a local, family-operated boutique management company, led by Thomas and Tina Barry, supported by a small, dedicated team. We take great pride in delivering exceptional guest experiences while maintaining strict adherence to neighborhood standards. Our portfolio includes 32 homes across Summit and Park Counties – seven of which we own or lease, with the remainder managed on behalf of homeowners.

As a hands-on team, we are deeply committed to the communities where our homes are located. We take our role as responsible neighbors seriously and are focused on preserving the character of these neighborhoods. With a self-imposed cap of 35 homes, our approach ensures that we can maintain a high level of service, protect our

homeowners' properties, and honor the charm and integrity of the local communities in which we operate.

We have implemented advanced technologies and strict operational protocols to ensure that the property at 31 River Overlook Court remains a positive element in the community.

We want to assure you and all the neighbors of Elk Crossing that we do not permit groups of 23 adults to stay in the home, nor do we allow parties, weddings or events. The property is intended for multi-generational families, with an average occupancy of 10-16 adults and 2-7 children per stay. Our guests typically include grandparents, aunts, uncles, parents, and children, fostering a family-oriented atmosphere. The guest booking the home must be over 28 years old, and have a positive 5 star review history on Airbnb and VRBO.

Advanced Monitoring and Guest Management

To further ensure that the property operates harmoniously within the residential neighborhood, we have implemented the following advanced technologies and procedures:

- **Vetting Guests:** We thoroughly vet each guest during the booking process to ensure they align with our family-oriented target clientele.
- **House Rules:** We share detailed house rules with both the primary booking guest and all additional guests, emphasizing respect for the surrounding community.
- **Occupancy Monitoring:** We utilize advanced Wi-Fi routers to monitor how many active devices are in the home, enabling us to ensure that occupancy limits are strictly followed at all times.
- **Noise and Smoking Monitoring:** Interior and exterior noise monitoring devices are installed to monitor decibel levels and alert us immediately if noise levels exceed acceptable limits. These devices also detect smoking, ensuring compliance with our strict no-smoking policy.
- **Parking and Vehicle Monitoring:** Cameras are installed to monitor the number of cars in the driveway, ensuring compliance with our parking limits and confirming that no vehicles are parked on the road.

Addressing Community Concerns

While two neighbors in the HOA have expressed opposition to the renewal of the CUP, it is important to highlight that there have been no formal complaints or violations on record regarding this property. We take the concerns of the neighborhood seriously and have taken every possible measure to ensure that the home does not disrupt the peace and quiet of the Elk Crossing community. The letters of support we have gathered from the home owner, neighbors, service providers, and the former property manager, Tammy Ramsay, underscore the positive role this property plays in the community and the broader Keystone area.

We are committed to continuing to work collaboratively with the Town of Keystone and the residents of Elk Crossing to ensure that 31 River Overlook Court remains a model for how a short-term rental can successfully coexist in a residential neighborhood.

We thank you for your time and consideration and look forward to presenting additional information at the hearing on October 22, 2024. Should you have any questions or require further information, we are happy to provide any details you may need.

Sincerely,
Thomas Barry
Hosting from the Heart
thomas@hfth.co

303-913-5136

October 16, 2024

Dear Steve,

Thank you for taking the time to share your thoughts regarding the Conditional Use Permit (CUP) for 31 River Overlook Court. As a full-time resident and President of the Elk Crossing HOA, your concerns are incredibly important, and we sincerely appreciate the opportunity to address them.

We understand and respect your perspective on the development and original intention of Elk Crossing as a single-family neighborhood. It is clear that maintaining the character and integrity of this community is a priority for you, and we want to assure you that it is equally important to us. Hosting from the Heart takes great pride in managing Star Mountain Lodge with the utmost care and professionalism, and we recognize that ensuring the peace, safety, and quality of life in Elk Crossing is critical to the community's well-being.

While we understand that the idea of short-term rentals and CUPs may seem to conflict with the residential nature of neighborhoods like Elk Crossing, we want to emphasize that we strictly limit the type of guests who stay at Star Mountain Lodge. The property is not marketed for large parties or events, but rather for multi-generational families seeking a quiet, enjoyable place to vacation. We carefully vet all guests and enforce strict house rules, including monitoring occupancy, noise levels, and parking, to ensure that the home operates in harmony with the surrounding community.

It's important to note that over the past five years, while the property has been operating under its current CUP, there have been no recorded complaints or violations. This reflects our dedication to maintaining a respectful and peaceful presence in the neighborhood.

We also recognize your concerns about the broader impact of short-term rentals on Keystone's future, particularly in terms of full-time residency and community involvement. We understand that a balance must be struck to ensure that Keystone remains a vibrant and engaged community of homeowners, both full-time and part-time. While short-term rentals do offer economic benefits, we agree that they must be managed in a way that respects the community's long-term goals, including fostering active citizenship and participation in the town's governance.

At Hosting from the Heart, we are fully committed to being responsible and thoughtful stewards of the Elk Crossing neighborhood. We believe that with careful management and the right policies in place, Star Mountain Lodge can continue to be a positive presence that supports Keystone's economy while maintaining the residential character of Elk Crossing.

Thank you again for sharing your concerns, Steve. We are always open to having further discussions and addressing any issues that arise. Please do not hesitate to reach out directly if you'd like to discuss this matter further. We value your leadership in the community and hope to continue working together to ensure Elk Crossing remains a wonderful place to live.

Best regards,

Thomas Barry
Hosting from the Heart
thomas@hfth.co 303-913-5136

Town Council Members
Town of Keystone
Keystone, CO

To the Mayor, and Council Members of the Town of Keystone.

I am writing to express my support for the renewal of the Conditional Use Permit (CUP) for the property at 31 River Overlook Court at the current occupancy level of 23.

As a homeowner in Elk Crossing, I have entrusted Hosting from the Heart to manage my home for the past two years, and during this time, they have consistently demonstrated professionalism, integrity, and I find them to operate unlike other Property Managers in Summit Co. The fact that they do not have a lot of properties that they manage, allows them to dedicate the time to do this the right way, and ensure that the home, and the neighborhood rules are cared for.

Thomas, along with his team, work diligently to ensure that only top-quality guests—families and individuals with excellent reputations—are allowed to stay in my home.

They thoroughly vet each guest and maintain a close eye on the property, and communicate with each guest the importance of following the Good Neighbor Promise, and respecting our residential community.

I have full confidence in Hosting from the Heart's ability to manage Star Mountain Lodge in a way that preserves the peace and quiet of the Elk Crossing neighborhood. Their careful approach to guest selection and their proactive management practices provide reassurance that the property will continue to be a positive asset to our community.

Thank you for accepting this letter of support.

Sincerely,

Jeff Reihl
38 River Overlook Ct
Keystone

October 15, 2024

Dear Town Council Members,

I am writing to express my strong support for the conditional use permit for the property at 31 River Overlook Court, which has the capacity to comfortably accommodate 23 guests. My background as the property manager for this home from 2003 to 2022, along with my ongoing involvement in real estate and local community relations, provides me with a unique perspective on the positive impact this home has had on our neighborhood.

Originally built in 2002 to host corporate groups, this home underwent a thorough approval process with the design review committee and the HOA. From 2002 to 2018, top-level executives utilized the space to learn experience design principles in an inspiring setting. The home's design includes suites for every bedroom, multiple living spaces, a large dining room, a movie theater, and more—features that make it ideal for larger gatherings.

During my time with the original owners, I witnessed their commitment to maintaining the property in impeccable condition and their investment in the local workforce. They engaged local staff for housekeeping, landscaping, culinary services, and more, which fostered a strong community connection. The arrival of each group was carefully curated, from fresh flowers to personalized welcome gifts, enhancing the guests' experience and benefiting local businesses.

In 2008, as the original owners began to split their time between homes, I managed the property for short-term rentals. I built strong relationships with neighboring homeowners, many of whom expressed delight in seeing the home being used and enjoyed. In 2019, we applied for a conditional use permit to increase occupancy from 19 to 23, and there was no opposition.

I am concerned about recent claims made by Mr. Steve Martin regarding the Board's opposition to this permit. The meeting minutes from August 2024 did not indicate any discussion about short-term rental issues, nor did they reflect opposition to this permit. Furthermore, the assertion that the most recent home sale in Elk Crossing was to an LLC for full-time rental use is misleading. The most recent home sale was purchased by a local family, and many buyers utilize LLCs for second or vacation homes.

The conditional use permit for 31 River Overlook Court was well established when Mr. Martin purchased his home on Elk Crossing in August 2021. Every prospective homeowner reviews HOA documents, meeting minutes, and financials during the home purchase process. The home at 31 River Overlook Court continues to be well-maintained, and I have personally witnessed the ongoing updates that enhance its appeal and preserve the character of Elk Crossing.

As a real estate agent invested in our local housing market, I see how restrictions on short-term rentals can lead to unintended economic consequences. While I understand the desire to preserve the single-family character of Elk Crossing, this home is uniquely suited for larger groups and has positively impacted our economy. A balanced approach to regulation can ensure that responsible

management addresses potential concerns such as noise and parking, while also supporting property values and community vibrancy.

In closing, I urge the town council to approve the conditional use permit for 31 River Overlook Court. By striking a balance between regulation and opportunity, we can enhance property values, stimulate the local economy, and ensure our community thrives.

Thank you for your time and consideration. I am happy to provide further insights or data regarding the impact of short-term rentals on property values.

Sincerely,

Tammy Ramsay

970.470.2874

tammy@mountaindreamscape.com

**TOWN OF KEYSTONE
Summit County, Colorado**

RESOLUTION 2024-69

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO
APPROVING A CONDITIONAL USE PERMIT A SHORT-TERM RENTAL (STR)
LOCATED AT 31 RIVER OVERLOOK COURT**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipality governed by the Keystone Home Rule Charter; and

WHEREAS, per the Town’s Land Use Code, a conditional use permit is required for certain STR uses in the Town of Keystone; and

WHEREAS, the applicant has applied for a conditional use permit for operation of a STR with 23 occupants and 6 outdoor parking spaces; and

WHEREAS, the conditional use permit is reviewed under Section **3821.05A of the Land Use Code**; and

WHEREAS, a conditional use permit is a Class 2 review and the Community Development Director approved the conditional use permit based on the finding that the applicant met the criteria under Section 3821.05; and

WHEREAS, Town Council requested to appeal the land use decision and conducted its own review at a hearing on October 22, 2024; and

WHEREAS, at a properly noticed hearing on October 22, 2024, Town Council conducted a hearing on the request for a conditional use permit at 31 Overlook Court; and

WHEREAS, the Town Council found that the applicant has met the criteria for a conditional use permit under Section 3821.05 for the operation of an STR with up to 23 occupants and 6 outdoor parking spaces.

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Town Council hereby approves the application for a conditional use permit under Section 3821.05 for the operation of an STR with up to 23 occupants and 6 outdoor parking spaces.

Section 3. The Town Council finds that the applicant has met all the criterial under Section 3821.05.

Section 4. Revocation of the STR license will automatically void the conditional use permit approval.

ADOPTED by a vote of __ in favor and __ against, this ____ day of _____, 2024.

By: _____
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: _____
Town Clerk

By: _____
Town Attorney

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH:
FROM: John Crone, Town Manager
DATE: October 22, 2024
SUBJECT: FY 2025 Budget Presentation Information

Executive Summary:

FY 2025 Budget public hearing pursuant to Keystone Town Charter section 10.6.

Background:

The Keystone Town Charter, section 10.6, requires that the Town “shall hold a public hearing on the proposed budget each year.” This requirement mirrors the requirement in CRS 29-1-108. After the public hearing, the Council may “increase, decrease, add or strike out any item in the budget.”

Town Council will hold a workshop on the budget at the November 12 meeting. At the workshop, the Town Council will instruct staff on final changes to the budget before it is brought for adoption at either the November 26 meeting or the December 10 meeting. Changes can be incorporated anytime up until adoption.

Attached is the draft version of the FY 2025 budget. There are several significant changes from the FY 2024 budget, especially in Public Safety and Public Works. The budget also contains several items which are dependent upon passage of the 2% Lodging Tax question in November. Most of these changes are distinguished by notes. There will be several changes to the budget that will be determined by the results of the election.

Timeline

November 12 – Town Council Workshop

The workshop will allow the Council to provide input and recommendations, including recommendations inspired by the public hearing, before the final budget is presented for adoption.

November 26 or December 10 - Adoption

The Town has two meetings scheduled in December. The first one is on the 10th and second is on the 24th. We also have a second November meeting scheduled on November 26. It is possible that the Council may cancel the second meeting of each month, so the Budget will need to be approved at the meeting on the 10th (or we can schedule an additional meeting if there are problems approving on the 10th).

January 31, 2025 – Certified copy of the adopted budget must be filed with the Division of Local Government

June 30, 2025 – Deadline for auditor to submit report to Town Council

July 31, 2025 – Deadline to submit audit report to the Office of the State Auditor

Budget Requirements

The Town Charter has certain requirements for our budget.

Section 10.7. Scope of Annual Budget.

- (a) The budget adopted by the Town Council shall contain:
- (1) an estimate of anticipated revenue from all sources for the ensuing year;
 - (2) an estimate of the general fund cash surplus at the end of the current fiscal year or of the deficit to be made up by appropriation;
 - (3) the estimate of expenditures for the operation of the departments, offices and agencies of the Town;

- (4) debt service requirements for the ensuing fiscal year;
 - (5) an estimate of the sum required to be raised by any tax levy for the ensuing fiscal year and the rate of levy necessary to produce such sum;
and
 - (6) a balance between the total estimated expenditures, including any deficit to be met and monies set aside for public improvements, and total anticipated revenue, plus any surplus.
- (b) All estimates shall be in detail showing revenues by source and expenditures by departments, organizational units, activities, character and object.

A		B			C	D	E	F	G	H
2	Town of Keystone									
3	Statement of Revenues, Expenses and Changes in Fund Balance									
4	Actual, Budget and Forecast for the Periods Indicated									
5	Modified Accrual Basis									
6	<i>Preliminary</i>									
7										
8										
9										
10	GENERAL FUND									
11	Revenues									
12	Sales Tax (2 mo estimated)		2,614,224	2,614,224	0	1,468,904	3,323,383	Although revenue is up, I am projecting a flat budget from 2023 estimate		
13	Other Tax Revenue					-				
14	Highway Users Tax Fund		48,627	48,627	0	0	66,612			
15	Cigarette Tax		5,092	5,092	(0)	2,186	7,115			
16	Nicotine Tax		59,628	59,628	0	0	83,315	county tax		
17	Road and Bridges Tax		91,684	91,684	(0)	76,812	103,774	this number depends on how much the county spends on roads and bridges		
18	Specific Ownership Tax		25,348	25,348	0	0	34,723			
19	Auto Ownership Tax		9,970	9,970	0	0	13,657			
20	Other Tax Revenue		0	0	0	0	0			
21										
22	Total Other Tax Revenue		240,348	240,349	1	78,999	309,196			
23	Fees									
24	Building Permits		203,203	203,203	0	20,932	40,641			
25	Franchise Fees		0	0	0	0	1,500			
26										
27			203,203	203,203	0	20,932	42,141			
28	Licenses									
29	Business Licenses					0	0	34,723		
30	Short Term Rentals		541,732	541,732	(0)	0	547,150			
31	Liquor Licenses					1,750	1,750	525	1,750	
32										
33			541,732	543,482	1,750	525	583,623			
34	Fines									
35	Municipal Court Fines					0	0	20,000	estimate	
36	Code Enforcement Fines					0	0	5,000		
37										
38			0	0	0	0	25,000			
39	Other Income									
40	Grants					0	0	215,000	comp plan, Town Manager (we will likely apply for several more high value grants)	
41	Interest on Investments					10,000	10,000	2,158	colotrust	
42	Admin Miscellaneous Income					0	0	0		
43										
44			0	10,000	10,000	2,158	283,000			
45										
46	Total Revenue		3,599,507	3,611,258	11,751	1,571,517	4,566,343			
47										
48	Expenditures									
49	Employee Benefits & Taxes									
50	401 A Match		44,414	44,414	0	13,623	60,000			
51	457 Match		16,655	16,655	0	1,381	42,000	this number will be adjusted when staff gets the necessary information		
52	Flexible Spending Account (FSA)		5,774	5,774	0	900	12,000	this number will be adjusted when staff gets the necessary information		
53	Wellness Reimbursement		12,158	12,158	0	0	9,600			
54	Health Insurance Premiums		79,834	79,834	0	27,022	90,612	13.5% increase in rates		
55	Health Ins Employee Contributions					(1,572)	1,572	(4,257)	0	
56	Workers Comp Insurance Premiums		11,381	11,381	0	6,144	1,715			
57	COL and Merit Raises								40,548 3% COL + 5% merit pool (excludes Town Manager)	
58	Payroll Taxes		18,543	18,543	0	5,581	27,000	further discussion with payroll accountants needed		
59										
60										
61	Total Employee Benefits & Taxes		188,759	187,187	1,572	50,394	283,475			
62	General Expenditures All Departments									
63	Telephone		2,830	2,830	0	1,381	3,168			
64	Office Lease		50,700	50,700	0	26,400	196,158			
65	Office Building Maintenance		3,700	3,700	0	1,350	3,504			
66	Office Supplies		3,754	3,754	0	2,779	4,203			
67	Prof Services/Membership Fees		10,429	10,429	0	13,701	17,000			
68	Dues and Subscriptions		7,936	6,802	1,134	0	7,000			
69	Training		6,802	6,802	0	3,003	14,011			
70	Travel/Meals/Ldging		6,802	6,802	1	0	4,573	14,011		

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2	Town of Keystone									
3	Statement of Revenues, Expenses and Changes in Fund Balance									
4	Actual, Budget and Forecast for the Periods Indicated									
5	Modified Accrual Basis									
6	Preliminary									
7										
8										
9										
71	Uniforms/Clothing	1,700	1,700	0	110	1,751				
72	Insurance	5,000	5,000	0	1,552	70,056				
73	Bank and Misc Fees	0	90	(90)	40	0				
74	IT/Technology	68,016	68,016	0	23,108	60,000	IT support,			
75	Website	6,802	6,802	0	542	30,000	new website with agenda manager			
76	Equipment Repairs/Leases	5,526	5,526	0	0	7,589				
77										
78	Total Gen Exp All Departments	179,996	178,952	1,044	78,539	428,454				
79										
80	Mayor and Town Council									
81	Mayor Wages	11,000	11,000	0	5,400	12,000				
82	Council Wages	33,000	33,000	0	16,106	36,000				
83	Cell Phone AllowTown Council	5,775	5,775	0	2,850	6,300				
84	Charitable Donations					100,000	Child care tuition aasistance - 71,000, Summit Foundation Passes - 8000			
85	Travel and Training					5,000				
86										
87		49,775	49,775	0	24,356	159,300				
88										
89	Misc Expense Town Council	1,251	3,409	(2,158)	1,659	1,401				
90	Total Mayor and Town Council	51,026	53,184	(2,158)	26,016	160,701				
91										
92	Administration Services									
93	Town Manager Wages	127,530	127,530	0	31,732	175,141				
94	Town Clerk Wages	95,047	95,047	0	47,862	106,411				
95	Office Clerk Wages	58,333	58,333	0	17,307	65,308				
96	Cell Phone Administration	2,250	2,250	0	733	0				
97	Keystone Housing Administration	15,000	15,000	0	5,000	0				
98										
99		298,160	298,160	0	102,634	346,860				
100	Postage	2,607	2,607	0	0	2,919				
101	Printing	7,300	7,300	0	464	4,000				
102	Community Engagement	8,502	8,502	0	0	8,757				
103	Local Travel	2,607	2,607	0	102	2,919				
104	Elections	12,000	12,000	0	0	0				
105	Town Attorney Contract	90,688	90,688	0	91,992	150,000	based upon 2024 billing			
106	Smoking Cessation (from Nicotine Tax)	59,628	59,628	0	0	27,000				
108	Payroll Contract (Paylocity)	4,950	4,950	0	2,530	9,900				
109	Accounting Contract (M&W)	63,494	63,494	0	29,542	60,156	Town may hire Finance Director if 2% lodging tax passes			
110	Annual Audit Contract	0	0	0	0	19,266				
111	Short Term Rental Contract Support	116,761	116,761	0	15,625	120,264				
112	Miscellaous Adminstrative Expense	0	10	(10)	10	15,000				
113										
114	Total Administrative Services	666,697	666,707	(9)	242,900	767,041				
115										
116										
117	Finance Department									These expenses will only be necessary if the 2% lodging tax passes
118	Finance Director Wages	0	0	0	0	127,000				
119	Cell Phone Public Works	0	0	0	0	900				
120	Keystone Housing Public Works	0	0	0	0	6,000				
121	Communications / Postage	0	0	0	0	4,500				
122	Compputer Services			0	0	12,000				
123	Travel and Training			0	0	4,000				
124	Miscellaneous Expense	0	0	0	130	4,000				
125										
126	Total Finance Expenses	0	0	0	130	158,409				
127										
128	Community Development									
129	Comm Dev Director Wages	124,431	124,431	0	56,300	148,320				
130	Planner2 Wages	60,489	60,489	0	0	93,409				
131	Cell Phone Comm Dev	1,350	1,350	0	288	1,800				
132	Keystone Housing Incentive Comm Dev	9,500	9,500	2	2,250	6,300				

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2	Town of Keystone							
3	Statement of Revenues, Expenses and Changes in Fund Balance							
4	Actual, Budget and Forecast for the Periods Indicated							
5	Modified Accrual Basis							
6	<i>Preliminary</i>							
7			2024 ANNUAL		2024 From	2025	Notes	
8			Approved	Variance	7 Months	Placeholder		
9			2024	Favorable	Ended	2025		
10			Budget	(Unfavor)	7/31/24	Budget		
11					Actual			
133			195,770	195,770	0	58,838	249,829	
134			162,562	162,562	0	0	0	
135		Building Permit/Inspections	9,069	9,069	0	0	9,341	
136		GIS	11,336	11,336	0	0	11,676	
137		Professional Services (Contracted)	5,668	5,668	0	535	5,838	
138		Planning Supplies/Printing	2,834	2,834	0	0	5,838	
139		Local Travel	2,721	2,721	0	0	5,000	
140		Communications	0	0	0	0	2,500	
141		Miscellaneous Comm Dev Expense						
142								
143		Total Community Develop	389,960	389,960	0	59,373	290,022	
144								
145		Public Works						
146		Public Works Director Wages	45,344	45,344	0	0	93,409	
147		Cell Phone Public Works	450	450	0	0	900	
148		Keystone Housing Public Works	3,000	3,000	0	0	6,000	
149								
150			48,794	48,794	0	0	100,309	
151		Communications	2,721	2,721	0	0	2,802	
152		Engineer Consultant	5,668	5,668	0	0	11,676	
153		Planning and Printing Supplies	2,834	2,834	0	0	5,838	
154		Road Maint/Snow Plowing Contracts						
155		Loveland Pass Village	0	0	0	0	35,028	
156		Keystone Roads- Currently County Maintained	0	0	0	0	81,733	
157		Roads not County Maintained	0	66	(66)	66	166,968	
158		Asphalt Crack Seal	0	0	0	0	16,697	
159		Noxious Weed Control	0	0	0	0	17,514	
160		Other Maintenance	0	0	0	302	40,866	
161		Total Road Maintenance/Snow Plowing Contracts	0	66	(66)	368	358,806	
162								
163		Signage	0	0	0	0	11,676	
164		Engineering Services	0	0	0	0	30,000	
165								
166								
167		Total Public Works Expenses	60,017	60,083	(66)	498	525,107	
168								
169		Public Safety						
170		Communications	0	0	0	0	33,394	
171		Law Enforcement Contract Support	0	0	0	0	1,016,414	
172		Housing Incentive Public Safety	0	0	0	0	0	
173		Vehicle Fuel	0	0	0	0	0	
175		Uniforms/Clothing	0	0	0	0	0	
176		Municipal Emergency Reaction Team	0	0	0	0	0	
177		Hazmat	0	0	0	0	0	
178		Code Enforcement	0	0	0	0	0	
179		Animal Control	0	0	0	3,292	3,923	
180		Miscellaneous Public Safety Exp	0	85,708	(85,708)	37,509		
181								
182		Total Public Safety Expenses	0	85,708	(85,708)	40,801	1,053,731	\$802,000 will be shifted to Public Safety / Infrastructure if 2% lodging tax passes
183								
184		Municipal Court						
185		Judge	0	0	0	0	7,589	
186		Prosecutor	0	0	0	0	11,209	
187		Miscellaneous Exp Municipal Court	0	0	0	0	584	
188			0	0	0	0		
189								
190		Total Court Expenses	0	0	0	0	19,382	
191								
192		Total Operating Expenditures	1,536,455	1,621,780	(85,325)	498,651	3,844,721	
193								
194		Total Revenue (from above)	3,599,507	3,611,258	11,751	1,571,517	4,566,343	

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2	Town of Keystone							
3	Statement of Revenues, Expenses and Changes in Fund Balance					<i>Preliminary</i>		
4	Actual, Budget and Forecast for the Periods Indicated							
5	Modified Accrual Basis		2024 ANNUAL			2024 From	2025	Notes
6						7 Months		
7			Approved	Variance	Ended	Placeholder		
8			2024	Favorable	7/31/24	2025		
9			Budget	(Unfavor)	Actual	Budget		
195								
196		Operating Surplus (Deficit)	2,063,053	1,989,478	(73,574)	1,072,866	721,622	additional \$802,000 if 2% lodging tax passes
198								
199		Other Sources (Uses)						
200		Transfer to Capital Improvement	(900,000)	(886,800)	13,200	(237,734)	(124,600)	
201		Transfer fr Workforce Housing	0	27,500	27,500	0	0	
202		Transfer fr Conservation Trust	0	0	0	0	0	
203		Summit County Adv - Sales Tax	0	1,400,000	1,400,000	1,200,000	0	
204		Summit County Adv - Repayment	0	(1,400,000)	(1,400,000)	(800,000)	0	
205								
206		Total Other Sources (Uses)	(900,000)	(859,300)	40,700	162,266	(124,600)	
207								
208		Beginning Fund Balance - General	0	0	0	0	1,130,178	
209								
210		Ending Fund Balance - General	1,163,053	1,130,178	(32,874)	1,235,132	1,727,200	
211			=	=	=	=		
212		Components of General Fund Bal						
213		TABOR Restricted Funds	46,094	48,653		14,960	115,342	
214		Unrestricted Funds	1,116,959	1,081,525		1,220,172	1,611,859	
215			1,163,053	1,130,178		1,235,132	1,727,200	
216								
217		RESTRICTED FUNDS						
218		CAPITAL IMPROVEMENTS						
219		Revenue and Other Financing Sources						
220		Contribution from General Fund	900,000	886,800	13,200	237,734	124,600	
221								
222		Total Revenues	900,000	886,800	13,200	237,734	124,600	
223								
224		Capital and Non-Routine Projects						
225		Repayment for Incorporation Costs	180,000	180,000	0	148,013	0	
226		Summit County fee for Cash advance	5,000	5,000	0	5,000	0	
227		Office Set Up-Furniture, Supplies and Equipment	41,500	41,500	0	0	10,500	
228		Facility Modifications	50,000	50,000	0	0	0	
229		Staff Hiring Expense	5,000	5,000	0	544	1,200	
230		Start Up Consultant Support (Clerk/Community Dev/Public Works)	32,500	32,500	0	0	0	
231		IT-Infrastructure/Software/Computers/Printers/Set up	109,900	109,900	0	16,288	17,000	subscriptions - 4,000, records management system - 10,000, printer - 5,000
232		Website	15,000	15,000	0	0	4,000	
233		Town Signage	30,000	30,000	0	0	10,000	
234		Interim Town Manager (\$150/hr, 10 weeks)	60,000	67,900	(7,900)	67,890	0	
235		Engineering Assessment Town Maintained Roads	40,000	40,000	0	0	0	
236		Flood Plain Plan	20,000	20,000	0	0	0	
237		Trails and Open Space Master Plan	30,000	30,000	0	0	20,000	
238		Comprehensive Use Plan			0	0	100,000	
239		2 Police Vehicles and equipment	260,000	260,000	0	0	0	
240								
241		Total Capital and Non-Routine Exp	878,900	886,800	(7,900)	237,734	162,700	
242								
243		Surplus after other sources / uses	21,100	0	21,100	0	(38,100)	
244								
245		FUND BALANCE - Beginning Capital	0	0	0	0	21,100	
246		FUND BALANCE - Ending Capital	21,100	0	21,100	0	(17,000)	
247			=	=	=	=		
248		Workforce Housing Fund						
249		Revenue and Other Financing Sources						
250		Revenue	788,210	947,656	159,446	0	1,246,269	
251		Interest Income					49,850	
252		Total Revenues	788,210	947,656	159,446	0	1,296,119	
253								
254		Expenditures						
255		Housing Authority Fees	52,064	52,064	4 (0)	0	58,929	

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5	Modified Accrual Basis		2024 ANNUAL		2024 From	2025	Notes	
6			Approved		7 Months	Placeholder		
7			2024	2024	Ended	2025		
8			Budget	Forecast	7/31/24	Budget		
9					Actual			
256		Transfer to General Fund	0	27,500	(27,500)	0	0	
257		Land Purchase					400,000	
258		Professional Services					150,000	
259								
260		Total Expenditures	52,064	79,564	(27,500)	0	608,929	
261								this is dependant upon approval of the 2% lodging tax
262		Surplus after other sources (uses)	736,146	868,092	131,946	0	687,189	
263								
264		Fund bal - Beginning Housing Fund	0	0	0	0	736,146	
265		Fund bal - Ending Housing Fund	736,146	868,092	131,946	0	1,423,336	
266			=	=	=	=		
267	Conservation Trust Fund							
268		Revenue and Other Financing Sources						
269		Conservation Trust Revenue	12,920	12,920	0	0	12,920	
270		Interest Income						
271		Total Revenues	12,920	12,920	0	0	12,920	
272								
273		Expenditures						
274		Conservation Trust Expenses	0	0	0	0		
275		Transfer to General Fund	0	0	0	0		
276								
277		Total Expenditures	0	0	0	0	0	
278								
279		Surplus after other sources / uses	12,920	12,920	0	0	12,920	
280								
281		Fund bal - Begin Cons Trust Fnd	0	0	0	0	12,920	
282		Fund bal - Ending Cons Trust Fnd	12,920	12,920	0	0	25,840	
283			=	=	=	=		
284	2% Lodging Tax							
285		Revenue and Other Financing Sources						Only if 2% lodging tax passes
286		2% Lodging tax	0	0	0	0	1,600,000	
287		Interest Income					64,000	
288		Total Revenues	0	0	0	0	1,664,000	
289								
290		Expenditures						
291		Police Services	0	0	0	0	600,000	
292		Police Capital Equipment					202,000	
293		Misc. Public Safety Expenses	0	0	0	0	15,000	
294		Road Repair / Repave					400,000	
295		Trail Repair / Repave					80,000	
296		Engineering Services					150,000	HWY 6 plans, road repair plans
297		Misc. Infrastructure Expenses					15,000	
298								
299		Total Expenditures	0	0	0	0	1,462,000	
300								
301		Surplus after other sources / uses	0	0	0	0	202,000	
302								
303		Fund bal - Begin 2% Lodging Tax Fnd	0	0	0	0	0	
304		Fund bal - Ending 2% Lodging Tax Fnd	0	0	0	0	202,000	