

Attachment #6.

The following materials are Public Comment letters from 2016 and 2017 regarding the Water Discussion with Brynn Grey.

Jessica Koenig

From: Julie Franklin
Sent: Monday, October 24, 2016 11:34 AM
To: William Jameson
Cc: City Council; Tyler Gibbs; Chuck Anderson
Subject: RE: Agenda Item 3, City Council Regular Meeting 2016-20 (October 25, 2016)

Thanks for your comment Bill. Council has received it and it will be available at the meeting.

Julie Franklin,
City Clerk

From: William Jameson [mailto:williamgjameson@comcast.net]
Sent: Monday, October 24, 2016 11:12 AM
To: Julie Franklin
Subject: Agenda Item 3, City Council Regular Meeting 2016-20 (October 25, 2016)

As a resident of the City of Steamboat Springs, the following comments are submitted for inclusion in the 'Rainbow Packet' and distribution to all City Council members in advance of the above-identified City Council Meeting.

The applicant's proposal should be **rejected** and staff should be instructed that any revised proposal presented to City Council must fully comply with Ordinance 2244, i.e. the City of Steamboat Springs "Water Dedication Policy".

If an applicant has overpaid for a parcel (without water rights), it is not the responsibility of the City Council to make a project 'economically viable' by simply giving away (a) valuable water resources and/or (b) the investment that current and past residents of the city have made in developing a dependable water supply.

Rather than ask the City Council to 'waive' Ordinance 2244, Brynn Grey Partners, Ltd. should negotiate/re negotiate the purchase price of the proposed parcel(s) to be annexed so that it reflects the fact that any annexed parcel (including 'only' the proposed 'Gateway' Neighborhood) can not be developed without water rights or a payment in lieu of the required water rights.

The land owner and/or developer should bear the financial burden to provide the required water rights to service any new development on land to be annexed not the current residents/rate-payers of the City of Steamboat Springs.

Staff Memo:

*"The applicant does not own any water rights at this time that they could dedicate to the City in order to fulfill the requirements of the "Water Dedication Policy". The applicant states that it is not economically viable for them to pay a fee in lieu of the water rights. Thus, **the applicant is asking that City Council waive the requirements of the "Water Dedication Policy" for their development.**" (Emphasis added)*

CONCLUSION

*"At this time, predicated on the installation of the West Area Water Storage Tank, there is capacity serve the Gateway Neighborhood with existing water resources. **In order to do so, City Council would have to recognize that the supply is being taken out of resources that are allocated for vacant property within current city limits at build-out** . Under this scenario, it would be very important for the City to pursue the development of the Elk River water supply for the purpose of redundancy and future supply. Similarly, it is possible to serve a neighborhood with one 12" water line, though this is not your standard or recommended practice." (Emphasis added)*

I strongly suggest that the City Council read Ordinance 2244.

It appears that the City Council does not have the authority to waive the requirements of Ordinance 2244 for the applicant since the waiver is NOT consistent with the purpose of the "Water Dedication Policy" and/or does NOT further the purpose of the "Water Dedication Policy". Moreover, the requested waiver is NOT rationally related to the water demand of the proposed development.

1. (b) Purpose. **The purpose of this water rights dedication policy is to ensure that water service required for new development does not interfere with service to existing customers and does not interfere with the city's ability to meet reasonably anticipated future water supply needs. The policy is intended to ensure that all new development bears an appropriate share of the expense that may be required to provide reliable water service to the new development, as well as an appropriate share of the investment that current and past residents of the city have made in developing a dependable water supply.** For the foregoing reasons, and to promote the general welfare of the city and the public, the city adopts a general policy of conditioning new treated or raw water service from the city's municipal water system upon either a dedication of water rights or a payment of cash in lieu of water rights by the development to be served. (Emphasis added)

...

8. (h) Exceptions. The city council shall have the authority to substitute or waive any of the conditions or requirements of this policy, **provided that any such substitution or waiver is consistent with and furthers the purpose of this policy as set forth in subsection (b) above, and further provided that such substitution or waiver is rationally related to the water demand of the proposed development as indicated by the water demand report required under subsection (d) above.** (Emphasis added)

The City Council should inform the applicant to secure water rights to fulfill the requirements of Ordinance 2244 or provided cash in lieu of the required water rights (subject to all the conditions of section f)

6. (f) Cash in lieu of water rights. As an alternative to the water rights dedication required under subsection (e) above, council may, at its discretion, allow an applicant to provide a cash payment in lieu, or other valuable consideration, the sufficiency of which shall be calculated according to what it would cost the city to acquire one hundred ten (110) percent of the water requirement for the proposed development. **City council discretion to accept cash in lieu or other valuable consideration under this section is subject to the following conditions:**
 1. (1) **The city must have sufficient water rights to meet the estimated water service requirement for the property to be served;**
 - (2) **Any cash in lieu or other alternative arrangement shall be documented in a contemporaneous written agreement;**
 - (3) **Cash payments received by the city under this subsection (f) shall be used to address the city's most pressing water supply needs.**

since the proposed new development, the Gateway Neighborhood' is to be served with City of Steamboat Springs municipal water.

Applicant admits that "*the supply is being taken out of resources that are allocated for vacant property within current city limits at build-out*" (see CONCLUSION on page 6 of applicant's 'Water Resources Memo').

*Applicant's proposal to serve the Gateway Neighborhood with existing water resources is contrary to the expressly stated purpose of Ordinance 2244 which requires that any request for municipal water service (outside the established service area as of the Ordinance's effective date) "**does not interfere with the city's ability to meet reasonably anticipated future water supply needs**".*

In addition, applicant's position that they are not willing to fund offsite connections to the distribution system until such time as the second neighborhood is constructed should also be rejected. The financial burden and risk for offsite connections to serve the proposed development should be on Brynn Grey Partners, Ltd. , not the residents/rate-payers of the City of Steamboat Springs.

[Print](#)**City Council Contact Form - Submission #3246**

Date Submitted: 11/11/2016

First Name*

Paul

Last Name*

Stettner

Email Address*

stattner1@gmail.com

Please select the department(s) you want to contact: City Council**Please leave your comments or questions below.**

Note to City Council: November 11, 2016
 From: Paul Stettner

I want to advise City Council that, at the request of Brynn Grey Partners LTD (B/G) reps David O’Niel & Melissa Scherbourne I met with them on Thursday, 11/10/16 to discuss their proposed development project in West Steamboat. A brief recap follows.

Note: Before meeting with them I met with City Staff Jon Snyder to see if, B/G had brought in any new ideas or details to address water supply. He said no.

B/G asked if I was against growth/development – I responded no, but said that developments/ annexations must be well-planned and should be phased - not a “grand” annexation. I would object to an overall annexation of the total long-term project area (500+/- acres) until project viability proves out. At no time should the City be at financial risk. Development should pay its own way. I commented that, with Steamboat 700 in mind, there may be concerns that after total property is annexed it would be flipped!

B/G’s main concern at this point is the water issue (City’s Water Rights Dedication and Adequate Water Supply Policies). I reiterated that I support these policies and opined that B/G might want to get into specific details (ie: the water demand report) instead of just saying that the City has sufficient water to supply their development and asking the City to abrogate their water policies. Further - determine the water demand for each phase, Gateway, Slate Creek, etc.) then start to research if there might be sufficient water rights for sale (MWWSD, Steamboat II, ranchers, ...) to satisfy those needs. They felt this would be cost prohibitive and were disinclined to do so. However, after our meeting they did get the water demand report worksheet. So?

I also opined that process mapping would be a helpful tool in future discussions.

Please know that Brynn Grey Partners LTD was just asking for my opinions. I am not working for, or involved with them in this project.

Letter to the Editor Growth Gorilla

4/07

A 700-pound growth-gorilla is looming on Steamboat's horizon with the sale of the Brown and adjacent properties to 700 LLC developers. How shall we refer to the ensuing speculation? Las Vegas East? Steamboat III ? Heritage Park II? I imagine the pulses of the local growth-promoters are a little faster at the prospect. Just think of all the sales and property taxes, jobs, people and cars the project would generate! I expect the promoter has already visited with city council and county commissioners waving these incentives under their noses.

Annexation to the city will be coming up. This will be a major issue, and one that truly deserves a vote of the people. I have pressed for public votes before on other big issues, such as URA and Triple Crown contract extension. To no avail of course, because the outcome might have been unacceptable to the CRA and Council majority.

Before annexation can be prudently addressed, some very serious thought and study must be given to infrastructure, sprawl, esthetics, social and other problems. A few:

- **Water. Some years ago, at a meeting on growth, a city staff person said that the city had enough water to sustain a population of about 15,000 . Is this still valid ? The current population must exceed 11- or 12,000 by now. With the 16 -plus projects approved at present (the Barn, etc.), to what level would the proposed LLC project push water demand? I hear that LLC is negotiating with the SS 11 Metro District to use city water from its line through the south side of LLC property.**
- **Transportation CDOT rated our traffic at 95% of tolerable several years ago. By now it has to be well over 100%. How to accommodate several thousand more cars from the LLC project ? Parking in town would become a real brouhaha.**
- **Sewerage Would LLC have its own treatment facility? If not, would we taxpayers be stuck with another plant expansion?**
- **Social Schools, law enforcement, and you-name-it will all be heavily impacted. Won't us taxpayers be scrambling to keep up?**

In Summary of 700 LLC: This is a major, major issue for both the City and County. We-the-people need and deserve to be included in determining its resolution. A first step and key to that is for the two elected bodies to voluntarily put the matter of annexation on to a public

vote. Is our future just growth, growth and more growth - or is it time to apply some restraint? Let the people who are affected decide.

S/Omar M. Campbell

879-2125

To the City Counsel and Citizens of Steamboat:

I understand that a developer wants to build 700 homes within 4 years in west Steamboat to satisfy the Housing Steering Committee's projected growth by 2030.

The Today mentioned that the cost of developing a Municipal Water Infrastructure is an impediment to this developer. This developer does not want to pay to bring water to his property and expects the City of Steamboat to pay to provide his water.

In a City Council meeting, a County Commissioner stated that there would be sufficient water from the City if it "implemented some serious water conservation measures" on all of us.

All people and wildlife depend on water. We live at the very source of water here in Steamboat and will have to conserve it forever more? Do you want to take that risk to your quality of living here in Steamboat?

I think infill building, building in Stagecoach, Hayden and Oak Creek should be used first for additional housing in this Valley. The water is already there. What's the hurry here?? Let's get it right from the beginning...and have the developer show us the water!

You can help by telling your City Council Representative your feelings on this matter.

Thank you,

Cathy dj Edwards

From: noreply@civicplus.com
Sent: Tuesday, February 07, 2017 2:04 PM
To: City Council
Subject: Online Form Submittal: City Council Contact Form

City Council Contact Form

Contact Information

First Name	Cathy Dj
Last Name	Edwards
Email Address	djandhank@springsips.com

Questions or Comments

Please select the department(s) you want to contact:	City Council
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Please leave your comments or questions below.	Earlier today a letter was emailed to you regarding the Water issue associated with development. I was wrong in saying that a developer wants 700 homes in 4 years. The Steering Committee suggested that, I believe. I stand corrected. The rest of the letter written by Cathy dj Edwards reflects my views. Thank you for your time, Cathy dj Edwards
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