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April 27, 2021

City of Steamboat Springs Planning and Community Development  
10<sup>th</sup> Street  
Steamboat Springs, CO 80477  
Phone: (970)-879-2704

RE: Copper Ridge Village, Lot 1 Steamboat Airpark  
Major Variance:  
Article 402.D.4 Landscaping Standards – Interior Landscaping  
Article 404.C.1.e Vegetation and Site Grading  
Four Points Surveying and Engineering Job No 1992-001

Dear Planning Department;

Please accept this letter as a request for a major variance from the City of Steamboat Springs Community Development Code (CDC) for the Lot 1 – Copper Ridge Village Development being proposed for the site located along Gloria Gossard Parkway. The project consists of approximately seven clustered, multi-family residential development with 24% of the units as work force housing. The visual appearance of the proposed structures and surface parking will be screened using landscape plantings as calculated using the CDC. Four Points Surveying and Engineering (FPSE) and the applicant, Lonetree Trust, are requesting a major variance to the CDC.

As stated in the Community Development Code Section 719 Variance, the CDC sets forth a united regulatory program for development, but it is understood that no standard can anticipate all possible circumstances, alternative approaches, and unanticipated consequences of its application.

The existing terrain of the lot consists of steep slopes that will not be disturbed during construction and are currently vegetated with draught tolerant native plant materials. FPSE and the applicant are submitting a plan for multi-family residential development for the project site. This site constraint has resulted in a design solution that will cluster the units and infrastructure on the developable parts of the lot, leaving the remaining balance of the site undisturbed. FPSE and the applicant are requesting the following variance from the CDC to achieve that plan, as outlined below.

**Variance #1. Article 2 – Zone Districts – 212- Zone District: Multi-Family – One: Buildings with Underground Parking, Average Base Plate Height 41’ Maximum.**

The applicant is requesting a base plate height variance for Building #2, Building #3 and Building #5 as shown in the Copper Ridge Village development plan set. During development planning of the steeply sloped site, the ability to construct seven apartment buildings on the existing topography of the site requires not only large cuts, but large fills on the site. The buildings that exceed the maximum allowable base plate height, which is taken from existing ground, are in the fill areas of the site. When taken from the proposed grade, the base plate numbers are greatly reduced. Buildings #2, #3 and #5 are located in a valley type depression on the site, surrounded by existing ridges to the north, west and east. Granting this variance will not interfere with the surrounding properties as these building will not be visible. Building #2

and #3 are also far under the maximum allowable building height from existing ground. Building #5, which sits on a very large fill area, will exceed the maximum building height. A variance for this dimensional standard is also outlined below.

Section 719.D – General Criteria for Approval.

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.  
*The a portion of the project site sits in a depression in the existing hillside and construction of the apartment buildings as proposed in the development plans will not negatively impact other adjacent properties. Most of the surrounding properties will have no view of the proposed buildings #2, #3 and #5, due to their location on the site, surrounded by existing ridges. In addition, the portion of the buildings which exceed the maximum base plate height will not be visible with the proposed grading anticipated, large fill areas.*
  2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.  
*The variance permits the construction of apartments on the site with a combination of outdoor and covered parking and is aligned with goals and policies of the Steamboat Springs Area Community Plan as noted in the following goals and policies.*
    - a. Goal LU-2: Our community supports infill and redevelopment in core areas
    - b. Policy LU-2.1: Infill and redevelopment will occur in appropriate locations, as designated by the city
    - c. Goal LU-5: Our community will plan and implement land use patterns that support an efficient transportation system and alternative transportation nodes
    - d. Policy LU-5.1: Develop appropriate land use densities to support transit
    - e. Strategy LU-5.1(b): Coordinate Land Use and Transportation decisions
    - f. Policy LU-5.2: New neighborhoods will be well connected by streets, sidewalks, trails, walkways and bicycle lanes.
    - g. Policy GM-1.3: Infill development and redevelopment will be promoted in targeted areas
    - h. Policy CD-1.4: Encourage high quality site planning and design
    - i. Policy CD-2.2: Create a functional mix of uses in new neighborhoods and development areas
    - j. Goal H-1: Our community will continue to increase its supply of affordable home ownership, rental, and special needs housing units for low, moderate and median-income households
    - k. Goal H-3: The Steamboat Springs community will have a mix of housing types and styles that can accommodate the people who work in the community
  3. The Variance application meets either the criteria for unnecessary hardship or practical difficulty, as applicable, or the criteria for an acceptable alternative.  
*We are seeking the average base plate height variance based on the heights proposed are an acceptable alternative. There is an inherent difficulty trying to maintain an average base plate on each façade of all seven proposed buildings on the site due to the large cuts and fills anticipated on a very steep site. The CDC measures base plate height from existing grade, this is a challenge as the grade steepens to meet the standard with the variability of the grade. The base plate heights within the architectural plans do not step down from the front to rear or side to side. It is difficult to meet the code for average base plate height without removing the uppermost story of the proposed buildings. The purpose and intent of the code for average base plate heights is not provided in the Community Development Code, however it is our interpretation the goal is to control roof pitches and limit stories. All of the measurements for average base plate heights are from the existing grade. After finish grading is complete on the site; the base plate heights will be below the maximum allowable height. The variance if granted is an acceptable alternative to the purpose and intent of the code standard. The enforcement of the average base plate height will not meet the purpose and intent of the code in this circumstance. If the average base plate height is enforced; a full story will need to be removed from the building height which will remove units but not reduce the building overall height since the roof pitches will be modified.*
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**Variance #2. Article 2 – Zone Districts – 212- Zone District: Multi-Family – One: Buildings with Underground Parking, Overall Building Height 63’ Maximum.**

The applicant is requesting an overall building height variance for Building #5 as shown in the Copper Ridge Village development plan set. During development planning of the site, the ability to construct seven apartment buildings on the existing topography of the site requires not only large cuts, but large fills on the site. Building #5 sits on approximately 22 feet of fill over existing ground. Since the measurement of the overall height comes from existing ground, the fill situation pushes the building over the maximum allowable building height to 67’ 9½”. This is only for one portion, the southwest corner, of the building #5 and the majority of the building is still under the maximum allowable height. When taken from the proposed grade, the overall height of Building #5 is greatly reduced. Buildings #5 is located in a valley type depression on the site, surrounded by existing ridges to the north, west and east. Granting this variance will not interfere with the surrounding properties as the building will not be visible from most of the surrounding area.

Section 719.D – General Criteria for Approval.

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.
    - a. *The project site sits in a depression in the existing hillside and construction of the apartment buildings as proposed in the development plans will not negatively impact other adjacent properties. Most of the surrounding properties will have no view of the proposed building #5, due to its location on the site, surrounded by existing ridges. In addition, the portion of the buildings which exceeds the overall building height will not be visible with the proposed grading anticipated, large fill areas.*
  2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.
    - a. *The variance permits the construction of apartments on the site with a combination of outdoor and covered parking and is aligned with goals and policies of the Steamboat Springs Area Community Plan as noted in the following goals and policies.*
    - b. Goal LU-2: Our community supports infill and redevelopment in core areas
    - c. Policy LU-2.1: Infill and redevelopment will occur in appropriate locations, as designated by the city
    - d. Goal LU-5: Our community will plan and implement land use patterns that support an efficient transportation system and alternative transportation nodes
    - e. Policy LU-5.1: Develop appropriate land use densities to support transit
    - f. Strategy LU-5.1(b): Coordinate Land Use and Transportation decisions
    - g. Policy LU-5.2: New neighborhoods will be well connected by streets, sidewalks, trails, walkways and bicycle lanes.
    - h. Policy GM-1.3: Infill development and redevelopment will be promoted in targeted areas
    - i. Policy CD-1.4: Encourage high quality site planning and design
    - j. Policy CD-2.2: Create a functional mix of uses in new neighborhoods and development areas
    - k. Goal H-1: Our community will continue to increase its supply of affordable home ownership, rental, and special needs housing units for low, moderate and median-income households
    - l. Goal H-3: The Steamboat Springs community will have a mix of housing types and styles that can accommodate the people who work in the community
  3. The Variance application meets either the criteria for unnecessary hardship or practical difficulty, as applicable, or the criteria for an acceptable alternative.

*We are seeking the overall building height variance based on an acceptable alternative. There is an inherent difficulty trying to maintain the maximum overall building height of all seven proposed buildings on the site due to the large cuts and fills anticipated on a very steep site. The CDC measures overall height from existing grade, this is a challenge as the grade steepens to meet the standard with the variability of the grade. It is difficult to meet the code for average overall building height without removing the uppermost story of the proposed buildings. The purpose and intent of the code for overall building heights is not provided in the Community*
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*Development Code, however it is our interpretation the goal is to limit impacts to similarly zoned, adjacent surrounding properties. All of the measurements are from existing grade. After finish grading is complete on the site; the overall height of building #5 will be below the maximum allowable height. The variance if granted is an acceptable alternative to the purpose and intent of the code standard. The other six buildings do not exceed the maximum overall building height and building #5 will blend nicely with the other building once the fill is completed. The enforcement of the overall building height will not meet the purpose and intent of the code in this circumstance. If the overall building height is enforced; a full story will need to be removed from the building height which will remove units but not reduce the building overall height since the roof pitches will be modified.*

### **Variance Request #3: Article 402.D.4 Landscaping Standards – Interior Landscaping**

The existence of slopes of 30% or greater on large portions of the Copper Ridge Village development site creates hardship for any project by limiting the amount of developable space available. Per the current CDC this undevelopable land is required to be included in the interior landscape calculations and creates an excessive number of required plantings that will need large amounts of irrigation water to become established and thrive in the semi-arid climate of the Yampa Valley. This irrigation water is taken from the municipal water supply for the City of Steamboat Springs. As drought conditions continue to persist or become more severe, the required amount of water by these plantings is an inappropriate use of this limited resource. It is likely that Colorado water officials will designate the Yampa River from Steamboat Springs downstream to the Utah border as over-appropriated. This designation will force municipalities that take water from the Yampa River to change how they use that water and conservation will become mandated. Landscaping requirements as outlined in the current CDC need to be addressed to meet the current and changing climate of the Yampa Valley.

The current landscape calculations as outlined in the CDC do not consider that most of the terrain on the project site is over 30% percent in slope, making it undevelopable. In the plan submitted the Landscape Frontage and Interior Parking landscape requirements have been calculated using the current methods as outlined in the CDC. A large portion of the site has been created as dedicated open space. This area is not included in the calculations for interior landscape requirements. Additionally, we are proposing to remove from the calculations the areas of the site that will not be disturbed during construction. These areas are currently covered with native vegetation that is drought tolerant and has been established with no supplemental water.

The remaining 158,269 SF in the development calculated for the interior landscape requirements has resulted in a required 316 plantings. This quantity of plantings is sufficient to meet the goals of landscaping as outlined within the CDC and is visible in the plans as shown. It is the contention of FPSE and the applicant that the resulting plantings as shown in the Landscape Master Plan is appropriate for the scale and character of the development when considering the changing climate conditions of the Yampa Valley. It is our request that the proposed plan be accepted with this variance letter.

#### **Section 719.D – General Criteria for Approval.**

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts. *The project site is bounded by the Steamboat Airport to the north, the proposed Overlook Park residential development to the west, the West Acres Trailer Park residential neighborhood to the south, and existing developed land with businesses to the east. The development of the project site will not impact the use of the adjacent properties.*
2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans. *The adoption of the CDC was at a time historically when water conservation was not a high priority when considering future development. Future developments proposed within the core areas will need to address appropriate water usage. The proposed development meets the following goals and policies as outlined in the CDC.*
  - a. *Goal LU-2: Our community supports infill and redevelopment in core areas.*
  - b. *Policy LU-2.1: Infill and redevelopment will occur in appropriate locations, as designated by the city.*

- c. Policy GM-1.3: Infill development and redevelopment will be promoted in targeted areas.*
3. The Variance application meets either the criteria for unnecessary hardship or practical difficulty, as applicable, or the criteria for an acceptable alternative. *FPSE and the applicant are seeking a variance based on the contention that proposed landscaping is an acceptable alternative to the Interior Landscaping standards as outlined in the current CDC and addresses the uncertain supply of future water for landscape irrigation. The lot has been undeveloped due to the shape and small size of developable area available. Developable areas are limited by the existing slopes of 30% or less. Based on these limitations the applicant is proposing a clustered residential development that confines the proposed structures and necessary infrastructure to the small developable area that remains.*

The applicant requests an approval of the variance to the landscape criteria from the Interior Landscape standards and permit the project to landscape under the criteria as outlined above. The resulting interior landscape plantings have created a design that is a balanced approach to meeting the goals and policies of the current Steamboat Spring Community Development Code, and the current and future availability of water for landscape irrigation.

#### **Variance Request #4: Article 404.C Landscaping Standards – Revegetation**

As noted above, the Copper Ridge Village site is naturally a steep site with limited existing vegetation. The existing vegetation consists of grasses, weeds, deciduous brush, scrub oak and scattered aspen trees. Article “e” of the revegetation standard requires the site to be revegetated within one year of disturbance or by the next growing / planting season after completion of development. The draft geological hazard report from NWCC submitted as part of the development project outlines the soil conditions on the site. There is topsoil from 6” to 24” depth, with the deeper amounts of topsoil being found in the natural drainage areas on the site. Below the topsoil are natural clays ranging from 2 to 30 feet. Claystone-shale bedrock materials are encountered below the topsoil, organic materials or natural clays from 1 to 30 feet below the existing ground surface. The report further states that revegetation on the cut slopes greater than 3:1 will be difficult. We are requesting the variance since we do not feel the project can meet the revegetation standards due to the exposed shale. The design has attempted to mitigate the cut slopes with the use of retaining walls and additional turf reinforced matting will be used on the slopes. However, there are steep slopes along the roadway that will not ever be able to look like the current slopes. The roadway slopes could end up looking similar to cut slopes on US 40 north of KOA and past County Road 42.

#### **Section 719.D – General Criteria for Approval.**

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts. *The project site is bounded by the Steamboat Airport to the north, the proposed Overlook Park residential development to the west, the West Acres Trailer Park residential neighborhood to the south, and existing developed land with businesses to the east. The development of the project site will not impact the use of the adjacent properties.*
2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans. *The purpose of the revegetation standard is to ensure prompt revegetation of areas disturbed by development to prevent runoff and create an attractive appearance. Lack of revegetation on the exposed cut slopes will not create runoff since the slopes will be exposed shale and not have any topsoil exposed to runoff. During snow melting or storm events the slopes will be mostly impervious and water will runoff. The proposed stormwater system has accounted for the increased runoff rates from the exposed slopes. The appearance of the exposed cut slopes will be a naturally exposed rock face with a 2:1 slope, although not as attractive a vegetated slope this is a naturally occurring rockface. The proposed development meets the following goals and policies as outlined in the CDC.*
  - a. Goal LU-2: Our community supports infill and redevelopment in core areas.*
  - b. Policy LU-2.1: Infill and redevelopment will occur in appropriate locations, as designated by the city.*
  - c. Policy GM-1.3: Infill development and redevelopment will be promoted in targeted areas.*

3. The Variance application meets either the criteria for unnecessary hardship or practical difficulty, as applicable, or the criteria for an acceptable alternative. *FPSE and the applicant are seeking a variance based on the fact that proposed revegetation as outlined is an acceptable alternative to the Article 404 standards. The steepness of the existing property, the naturally occurring shale and water required to irrigate for revegetation all factor into making the requirements for revegetation practically impossible for growth within a one year period. Based on these factors the applicant is requesting the variance to revegetation be found acceptable.*

The applicant requests an approval of the variance to the Revegetation standards and permit the project to revegetate under the criteria as outlined above and further discussion with City staff.

#### **Variance #5 – Section 418 Retaining Walls – Table 418-1 Retaining Wall Height**

Lot 1, Steamboat Airpark was zoned MF-1 in 2018 during the approval of the Steamboat Airpark preliminary plat. The site is on the northside of Gloria Gossard Parkway and is sloped from 5% to greater than 40%. The concept for the project is to create terraced buildings with a lower floor entry and the upper side of each building providing a ground walk-in level with outdoor parking lots on the same first floor level. The steepness of the site requires cut and fills from five to thirty feet to achieve access roadways and foundation excavation and construction for the buildings. Due to the steepness of the site and large cuts and fills anticipated, retaining walls will be needed at various locations around the site, some of which need to be larger than the 11-foot maximum outlined in the Community Development Code (CDC).

The proposed retaining walls over 11 feet tall are located west of building #1 (20 feet), west of the parking lot south of building #2 (16 feet), and south of building #5 (12 feet). The proposed walls will be constructed of Redi-Rock retaining wall products including the new XL blocks designed for larger retaining walls that Four Points Surveying and Engineering (FPSE) is proposing as a part of this project.

Please accept this letter as a request for a major variance from the City of Steamboat Springs Community Development Code (CDC) Article 418 – Retaining Walls for the Copper Ridge Village development. The purpose of the section states “Minimize the impact of retaining walls on adjacent properties.” The existing topography and location of the Copper Ridge Village site means that the retaining walls needed in the large cut and fill areas will not impact any adjacent properties. Mountainous terrain surrounds the proposed development and any adjacent properties do not have a view into the small valley where the proposed Copper Ridge Village sits. With proper installation and drainage around the proposed retaining walls, no impact to any other surrounding properties will occur. The Redi-Rock walls will also have a decorative veneer on the face of the wall, providing a clean and finished look to the overall design of the project.

As stated in the Community Development Code Section 719 Variance, the CDC sets forth a united regulatory program for development but it is understood that no standard can anticipate all possible circumstances, alternative approaches and unanticipated consequences of its application. FPSE and the Owner believe that the topography of the site allows for an approval of the retaining wall variance as outlined below according to the CDC code section.

#### **Section 719.D – General Criteria for Approval.**

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts. *The project site sits in a depression in the existing hillside and construction of the larger than eleven foot retaining walls will not negatively impact other adjacent properties. Most of the surrounding properties will have no view of the proposed retaining walls due the placement of the apartment buildings, angles of the views and minor additional heights requested. Drainage from the site, including the retaining walls, will be treated and detained to release at the historic rate. No impact from any drainage from the walls will impact the downstream properties.*
  2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.
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*The variance permits the construction of apartments on the site with a combination of outdoor and covered parking and is aligned with goals and policies of the Steamboat Springs Area Community Plan as noted in the following goals and policies.*

- a. Goal LU-2: Our community supports infill and redevelopment in core areas
  - b. Policy LU-2.1: Infill and redevelopment will occur in appropriate locations, as designated by the city
  - c. Goal LU-5: Our community will plan and implement land use patterns that support an efficient transportation system and alternative transportation nodes
  - d. Policy LU-5.1: Develop appropriate land use densities to support transit
  - e. Policy GM-1.3: Infill development and redevelopment will be promoted in targeted areas
  - f. Policy CD-1.4: Encourage high quality site planning and design
  - g. Policy CD-2.2: Create a functional mix of uses in new neighborhoods and development areas
  - h. Goal H-1: Our community will continue to increase its supply of affordable home ownership, rental, and special needs housing units for low, moderate and median-income households
  - i. Goal H-3: The Steamboat Springs community will have a mix of housing types and styles that can accommodate the people who work in the community
3. The Variance application meets either the criteria for unnecessary hardship or practical difficulty, as applicable, or the criteria for an acceptable alternative. *We are seeking variance based on the outcome is an acceptable alternative in that the purpose and intent of the code standard will not be achieved by strict application of the standard in this particular circumstance. The current site topography limits the developable area as a large portion of the site is over 30% existing slopes. To create the apartment project as proposed on the MF-1 Zoned site, large cuts and fills are expected in the existing ground, specifically at the entries to each building. The large cuts will require equally large retaining walls to catch the existing steep natural grades on the site; therefore, the retaining walls over 11 feet are necessary. FPSE prepared design iterations using separated tiered retaining walls as an alternative to the variance request. The designs attempted to maintain the wall heights under the maximum requirement in CDC. The resulting tiered walls at eleven foot tall did not match the slopes without additional heights because the ground continues to climb in the affected areas. The steep existing grades on the site did not allow the possibility of effective tiering to reduce the wall heights. Enforcement of the 11-foot maximum heights for the proposed retaining walls on this steep site will be a hardship to the project. Maximum eleven foot wall heights will require smaller buildings, less density and a smaller overall project. The intent of the retaining wall standard will not be achieved by the height limit since the goal of Article 418 is minimize the impact of retaining wall on adjacent properties. The eleven-foot height limit does appear rather arbitrary, why not ten feet or twelve feet? The additional heights for the retaining walls will occur mostly on the entry to Building No. 1 and then be exposed one foot above the limit on the south facing wall along Gloria Gossard Parkway.*

We request the City of Steamboat Springs Planning Department and City Council consider the variance as outlined herein acceptable for the retaining walls greater than 11 feet tall as part of the development plan of Copper Ridge Village. Four Points Surveying and Engineering and the applicant feel that acceptance of the requested variance will permit the development of apartments as a much-needed boost in housing that the City of Steamboat Springs community desires. FPSE also believes that approving this variance does not go against the purpose of the code sections as adjacent properties will not be impacted by this request.

In conclusion, we request the City of Steamboat Springs Planning Department consider the variances as outlined herein acceptable for the development plan of the Copper Ridge Village residential development. Four Points Surveying and Engineering and the applicant feel that acceptance of the requested variances will provide some development on this extremely limited site.

Thank you for your review of the variance and we look forward to continued discussion.

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Sincerely;

Walter Magill, P.E.  
Four Points Surveying and Engineering

