

## Town of Rico Memorandum

Date: March 13, 2024

TO: Town of Rico Board of Trustees  
 FROM: Chauncey McCarthy, Rico Town Manager  
 SUBJECT: March Board of Trustees Regular Meeting

**Consideration of road building and disturbance permit application Hancock Alley Block 18, Leah Chmielewski applicant**

Included in the packet is a road building and disturbance permit application to extend the alley that runs perpendicular to Hancock Street of block 18. The applicant is proposing to extend the alley to the end of lots 15 and 26 of block 18. The proposed improvements are within the wetland buffer and require a disturbance permit. This hearing is for two permit applications, a road building permit, and a disturbance permit. Included in the packet, in addition to the required submittal materials for both applications, are staff memos reviewing the RLUC standards and requirements against the applications.

This application went before the Planning Commission at their February 14, 2024 meeting:

**Motion**

I recommend the approval of road building and disturbance permit application Hancock Alley/unknown named alley Block 18, Leah Chmielewski with the following conditions:

Resolve all comments from the SMG review dated February 8, 2024 and the applicant address all concerns from the Rico fire protection review.

Moved by Kiplynn Smith, seconded by Michael Contillo.

**Vote** A roll call vote was taken and the motion was approved, 4-0.

The applicant has since provided revised plans that address SGM's review and the concerns that the Rico Fire Protection District noted. The revised plans have been sent out for final review and have been recommended by SGM for approval once the engineer stamps and signs the plans.

Additionally, the applicant has provided a narrative and supporting documentation starting at page 42 – 128 of the packet.

**Consideration of second reading of Ordinance 2024-01, an ordinance of the Town of Rico, Colorado amending the Rico Water Operations Rules and Regulations to provide for payment of water system impact fees.**

Included in packet is Ordinance 2024-01, an ordinance of the Town of Rico, Colorado amending the Rico Water Operations Rules and Regulations to provide for payment of water system impact fees. The calculation for the fee was done by Bryan Mantz of GovRates. If this ordinance is adopted the structure of it allows the fee to be adopted and revised yearly by resolution. The ordinance was presented to the Board at their February 28 meeting and the first reading was approved 6-0.

**Recommended Motion:**

- I move to approve the second reading of Ordinance 2024-01, an ordinance of the Town of Rico, Colorado amending the Rico Water Operations Rules and Regulations to provide for payment of water system impact fees.

**Consideration of Resolution 2024-01 a resolution of the Board of Trustees of the Town of Rico, Colorado, setting the water system improvement fee for the period beginning March 20, 2024 and ending December 31, 2024, and providing for the annual adjustment of water system improvement fees.**

Included in the packet is Resolution 2024-01 a resolution of the Board of Trustees of the Town of Rico, Colorado, setting the water system improvement fee for the period beginning March 20, 2024 and ending December 31, 2024, and providing for the annual adjustment of water system improvement fees. The proposed resolution is the mechanism that will set the water system improvement fee for the calendar year 2024. The resolution is structured in a way that if the board does not adopt a new resolution for 2025 the fee will be adjusted based on the prior years' average inflation as established by the Engineering News Record McGraw-Hill Construction Weekly Building Cost Index for Denver, Colorado

**Recommended Motion:**

- I move to approve Resolution 2024-01 a resolution of the Board of Trustees of the Town of Rico, Colorado, setting the water system improvement fee for the period beginning March 20, 2024 and ending December 31, 2024, and providing for the annual adjustment of water system improvement fees.

**Proposed deed restriction changes Bedrock Subdivision Lot 6**

BRD LLC, owners of Bedrock Subdivision Lot 6, would like to propose some amendments to the housing restriction covenant for lot 6. Included in the packet is the original lot 6 housing restriction, the proposed redline, and a clean copy of the document. BRD LLC would like to discuss the proposed changes with the intent to provide a new housing restriction covenant during the final phase of their subdivision review.

**Voluntary lead soils clean up ("VCUP") status**

Included in the packet are letters of public comment that have been submitted to the Town since the VCUP Public Forum on March 7, 2024. Mayor Pieterse to provide an update on the Voluntary lead soils clean up status.

**Dark Sky Association lighting ordinance review and next steps**

There has been a community driven initiative for Rico to be designated as an International Dark Sky community. A petition and letter of support have been included in the packet. Aaron Watson, dark sky certification specialist, presented at last month's board meeting. The board directed staff to provide examples of lighting ordinances and next steps. Those items have been included in the packet for the Board's consideration. This was a discussion item at the February meeting but was continued to March.

## RICO TOWN BOARD MEETING MINUTES

Date: February 15 2024

Call to order 6:31PM

**Trustees Present:** Mayor Nicole Pieterse  
Mayor Pro Tem Patrick Fallon  
Trustee Benn Vernadakis  
Trustee Chris Condon (zoom)  
Trustee Joe Dillsworth

**Trustees Absent:**  
Trustee Jordan Carr  
Trustee Joe Croke

**Staff Present.** Chauncey McCarthy, Anna Wolf,

### **Approval of the Agenda Motion**

To approve the agenda.

**Moved by** Trustee Benn Vernadakis, seconded by Mayor Nicole Pieterse.

**Vote.** A roll call vote was taken and the motion was approved, 4-0. Joe Dillsworth not present at vote.

### **Discussion Items**

2023 Sewer preliminary engineering report

Bohannon Huston gives presentation.

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Anna Wolf  
Rico Town Clerk

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Nicole Pieterse  
Mayor

## RICO TOWN BOARD MEETING MINUTES

Date: February 28, 2024

Call to Order 7:01PM

**Trustees Present:** Mayor Nicole Pieterse  
Mayor Pro Tem Patrick Fallon  
Trustee Joe Dillsworth  
Trustee Benn Vernadakis  
Trustee Chris Condon  
Trustee Joe Croke

**Trustees Absent:**  
Trustee Jordan Carr

**Staff Present.** Chauncey McCarthy, Anna Wolf

### Approval of the Agenda

#### Motion

To approve the agenda.

**Moved by** Trustee Benn Vernadakis, seconded by Mayor Pro Tem Patrick Fallon.

**Vote.** A roll call vote was taken and the motion was approved, 5-0.

### Approval of the Minutes

#### Motion

To approve the minutes.

**Moved by** Trustee Chris Condon, seconded by Trustee Benn Vernadakis.

**Vote.** A roll call vote was taken and the motion was approved, 5-0.

### Consent Agenda

#### Payment of the Bills

#### Motion

To approve payment of the bills.

**Moved by** Trustee Chris Condon, seconded by Trustee Benn Vernadakis.

**Vote.** A roll call vote was taken and the motion was approved, 5-0.

### Public Comment:

Mayor Nicole Pieterse: Resignation letter from Trustee Jordan Carr. Opening to be posted.

### Action Items:

Swearing in of the recently appointed Trustee of the Rico Board of Trustees

Mayor Nicole Pieterse swears in Trustee Joe Croke.

Consideration of first reading of Ordinance 2024-01, an ordinance of the Town of Rico, Colorado amending the Rico Water Operations Rules and Regulations to provide for payment of water system impact fees.

Town Manager Chauncey McCarthy gives summary of the Ordinance.

Brian Mantz gives presentation.

Board of Trustees has discussion.

### **Motion**

Move to approve the first reading of Ordinance 2024-01, an ordinance of the Town of Rico, Colorado amending the Rico Water Operations Rules and Regulations to provide for payment of water system impact fees.

**Moved by** Mayor Pro Tem Pat Fallon, seconded by Mayor Nicole Pieterse.

**Vote.** A roll call vote was taken and the motion was approved, 6-0.

Consideration of Rico Fire Protection District request to host the 86th annual Tri-State Firemen's Association Convention and Training in the Town Park.

Town Manager Chauncey McCarthy gives summary.

Board of Trustees has discussion.

### **Motion**

To approve the request to host the 86th annual Tri-State Firemen's Association Convention and Training in the Town Park

**Moved by** Trustee Joe Croke, seconded by Trustee Chris Condon.

**Vote.** A roll call vote was taken and the motion was approved, 6-0.

Consideration of second reading of Ordinance 2023-06, an ordinance of the Town of Rico, Colorado amending the short-term rental restrictions and licensing requirements in the Rico Land Use Code.

Mayor Nicole Pieterse gives summary.

### **Motion**

To approve the second reading of Ordinance 2023-06, an ordinance of the Town of Rico, Colorado amending the short-term rental restrictions and licensing requirements in the Rico Land Use Code.

**Moved by** Trustee Joe Dillsworth, seconded by Mayor Nicole Pieterse.

**Vote.** A roll call vote was taken and the motion was approved, 5-0. Joe Croke abstains from voting.

Consideration of liquor license renewal, Garden Bar LLC applicant

### **Motion**

To approve the amendments to the short-term rental ordinance as written. Ordinance 2023-06.

**Moved by** Trustee Benn Vernadakis, seconded by Trustee Joe Croke.

**Vote.** A roll call vote was taken and the motion was approved, 6-0.

Consideration of preliminary plat (condo conversion) subdivision Bedrock subdivision Lot 6, BRD LLC applicant

Town Manager Chauncey McCarthy gives introduction.

BRD gives summary

Board discussion was had.

Public Comment was taken.

**Motion**

To approve the preliminary plat of the proposed Bedrock conversion to condominium subdivision based on the findings that the application complies with the provisions of the RLUC section 538/3 and the other laws of the Town of Rico subject to the following conditions:

1. Parking spaces 1, 6, and 14 shall be modified so as not to exceed the maximum grade of 12 percent, Land Use code 538.1c&f
2. Retaining walls shall be finished as shown on the site plan
3. Retaining wall for the drive isle shall be finished or landscaped in a manner that reduces its visual impact pursuant to section 5.2 of the Bedrock subdivision improvements PUD agreement Land use code section 280 and LUC section 104.6
4. Individual water tap fees shall be paid per each unit and pursuant to Town ordinance number 2019-06 in our Water rules and regulations the applicant shall either comply with the engineering requirements under the current rules and regulations or provide an engineering solution acceptable to the Town's engineer in lieu of that
5. Town attorneys revisions on the applicants condominium documents shall be incorporated as a condition of final condominium subdivision plat approval
6. Condominium documents shall reference the recorded deed restriction and that such deed restriction may be amended only with the Town Board of Trustees approval.

**Moved by** Mayor Nicole Pieterse, seconded by Mayor Pro Tem Pat Fallon.

**Vote.** A roll call vote was taken and the motion was approved, 6-0.

Appointment of timekeeper/time keeping method for public comment

Town Manager Chauncey McCarthy gives recommendation.

Board Discussion was had.

Public comment was taken.

**Staff Report**

Clerk's report:

Q4 and last year closed out.

Paperless and autopay working smoothly.

Breezeway updated.

Manager's report

Massive water leak repaired

Reorganization of the school district

Town has been recommended for the GOCO grant. March 15<sup>th</sup> to be announced. The town has been invited to apply for a grant from the Gates foundation

**Discussion Items**

Voluntary lead soils clean up ("VCUP") update

Mayor Nicole Pieterse gives summary.

New public forum date set to March 7, 2024. Board work session March 6, 2024.

2024 and beyond work plan  
Board discussion was had.

Roles and responsibilities of town staff and elected officials  
Board has discussion.

2024 and beyond work plan  
May work session.

**Motion**

To table a work session until May

**Moved by** Mayor Nicole Pieterse, seconded by Trustee Benn Vernadakis.

**Vote.** A roll call vote was taken and the motion was approved, 6-0.

Water rates  
Town Manager Chauncey McCarthy gives summary.  
Board gives staff direction.

Adjourn at 9:24 PM

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Anna Wolf  
Rico Town Clerk

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Nicole Pieterse  
Mayor

## RICO TOWN BOARD MEETING MINUTES

Date: March 6, 2024  
Call to Order 7:00PM

**Trustees Present:** Mayor Nicole Pieterse  
Mayor Pro Tem Patrick Fallon  
Trustee Joe Dillsworth  
Trustee Benn Vernadakis  
Trustee Chris Condon

**Trustees Absent:**  
Trustee Jordan Carr  
Trustee Joe Croke

**Staff Present.** Chauncey McCarthy, Tom Bloomfield (VCUP attorney), Samantha Carvello (VCUP attorney), Dave Folks (Geotechnical Engineer)

### **Approval of the Agenda Motion**

To approve the agenda.

**Moved by** Trustee Benn Vernadakis, seconded by Trustee Chris Condon.

**Vote.** A roll call vote was taken and the motion was approved, 5-0.

### **Discussion Items**

Representatives of Atlantic Richfield presented on the road sampling results and next steps along with the proposed repository at the Columbia Tailings

Trustees had clarifying questions, representatives of Atlantic Richfield and town VCUP attorney and geotechnical engineer provided answers.

### **Motion**

To table go into executive session to discuss Townwide Voluntary Cleanup financial assurance and funding agreement. Determination of positions relative to matters that may be subject to negotiations, Development of strategy for negotiations and instruction of negotiators

**Moved by** Trustee Chris Condon, seconded by Mayor Nicole Pieterse.

**Vote.** A roll call vote was taken and the motion was approved, 5-0.

Adjourn at

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Anna Wolf  
Rico Town Clerk

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Nicole Pieterse  
Mayor

## RICO TOWN BOARD MEETING MINUTES

Date: March 7, 2024

**Trustees Present:** Mayor Nicole Pieterse  
Mayor Pro Tem Patrick Fallon  
Trustee Benn Vernadakis  
Trustee Chris Condon

**Trustees Absent:**  
Trustee Jordan Carr  
Trustee Joe Croke  
Trustee Joe Dillsworth

**Staff Present.** Chauncey McCarthy, Anna Wolf, Tom Bloomfield (VCUP attorney),  
Samantha Carvello (VCUP attorney), Dave Folks (Geotechnical Engineer)

### Discussion Items

#### Voluntary lead soils clean up public forum

Forum was led by Atlantic Richfield representatives as well as Town Board of Trustees, and Town representatives.

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Anna Wolf  
Rico Town Clerk

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Nicole Pieterse  
Mayor

NEW Town of Rico - General Fund  
Check Register  
For the Period From Mar 1, 2024 to Mar 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
18034	3/12/24	WM Corporate Services, I	10000	78.45
18035	3/12/24	San Miguel Power Associ	10000	125.00
18036	3/12/24	Century Link	10000	52.60
18037	3/12/24	Jon Kelly	10000	375.00
18038	3/12/24	Fraley Propane, LLC	10000	604.00
18039	3/12/24	CNA Surety	10000	300.00
18040	3/12/24	Gregg Philips	10000	250.00
18041	3/12/24	Rico Telephone Company	10000	238.60
18042	3/12/24	Xerox Corporation	10000	167.89
18043	3/12/24	Karp Neu Hanlon, PC	10000	7,944.00
18044	3/12/24	Utility Notification Center	10000	1.29
18045	3/12/24	Jennifer Stark	10000	622.00
18046	3/12/24	International Institute of M	10000	210.00
Total				10,968.83

NEW Town of Rico - Water Fund  
Check Register  
For the Period From Mar 1, 2024 to Mar 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4597	3/12/24	Fraley Propane LLC	10000	402.00
4598	3/12/24	San Miguel Power Associ	10000	115.00
4599	3/12/24	La Plata County PH Dept	10000	38.50
4600	3/12/24	San Miguel Power Associ	10000	495.00
4601	3/12/24	Filtersource	10000	58.77
4602	3/12/24	USA Bluebook	10000	512.45
4603	3/12/24	PVS DX, INC	10000	161.89
4604	3/13/24	Lewis Excavation	10000	2,660.00
Total				4,443.61

2018 NEW Town of Rico - Street Fund  
Check Register  
For the Period From Mar 1, 2024 to Mar 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2924	3/12/24	Slavens, Inc	10000	174.40
2925	3/12/24	San Miguel Power Associ	10000	317.00
2926	3/12/24	WM Corporate Services, I	10000	166.67
2927	3/12/24	Partners in Parts, Inc	10000	168.93
2928	3/12/24	Rico Telephone Company	10000	50.00
Total				877.00

NEW Town of Rico - Open Park Fund  
Check Register  
For the Period From Mar 1, 2024 to Mar 31, 2024

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1764	3/12/24	San Miguel Power Associ	11000	27.00
Total				27.00



## MISSION

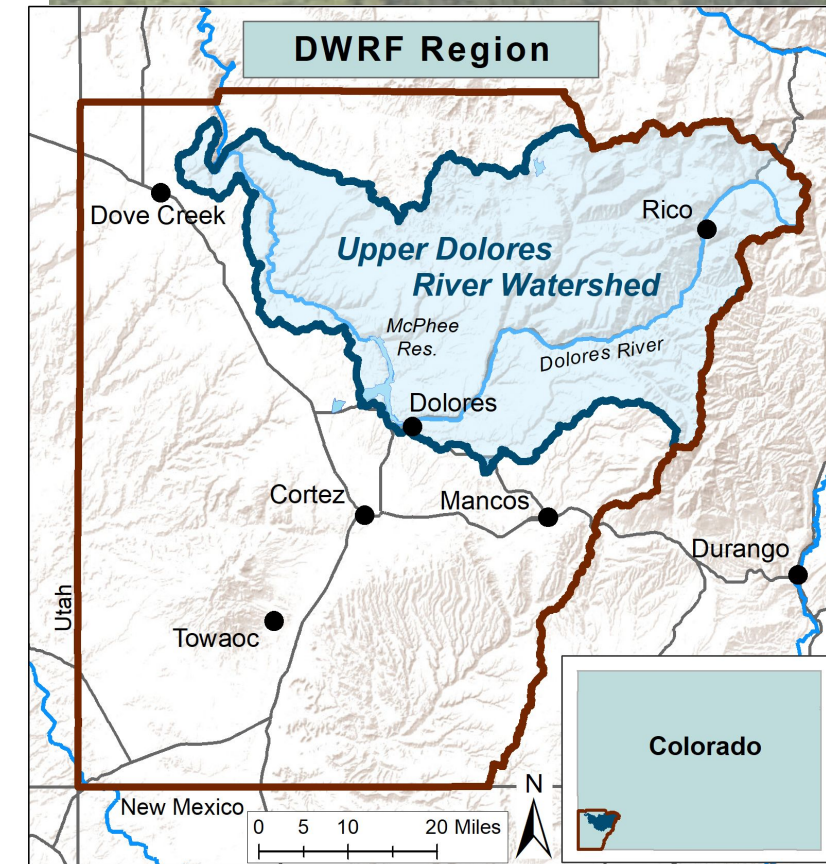
Promoting forest, community, and watershed resilience through collaboration.

## PROBLEM

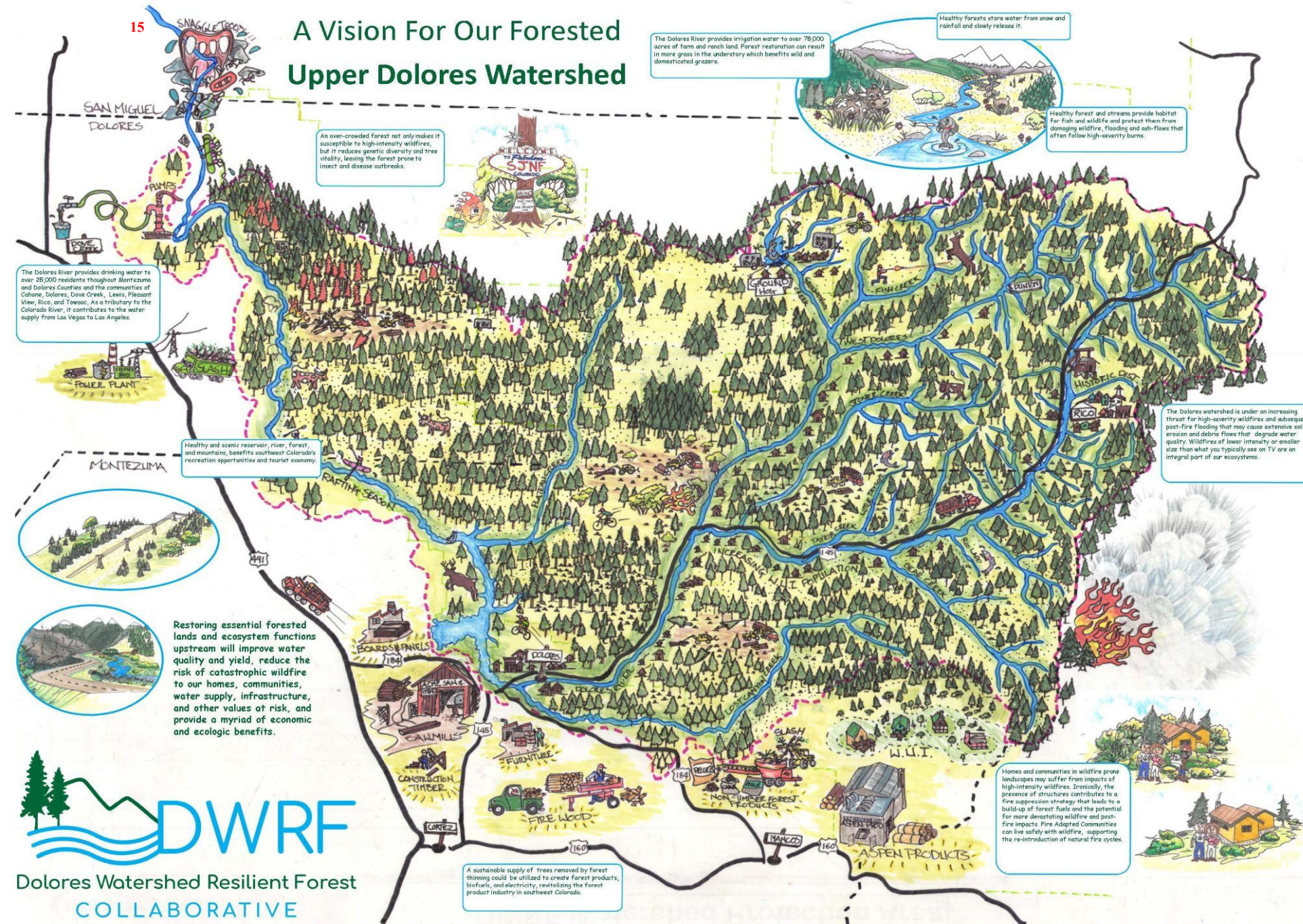
Inherently fire-adapted ecosystems, climate change, and legacies of past land management put community and ecosystem resilience at increased risk to severe wildfire, insect outbreaks, and drought. Multiple landowners and public land agencies - with varying resources and management approaches - make implementation of broad-scale forest management a significant challenge. Effectively addressing these realities requires coordinated effort, innovative tools and solutions, and heightened public awareness and engagement.

## VISION

A resilient and adaptive upper Dolores River watershed that provides ecosystem services, maintains ecological integrity, and sustains community values in the face of environmental change, supported by a diverse and active collaborative group.

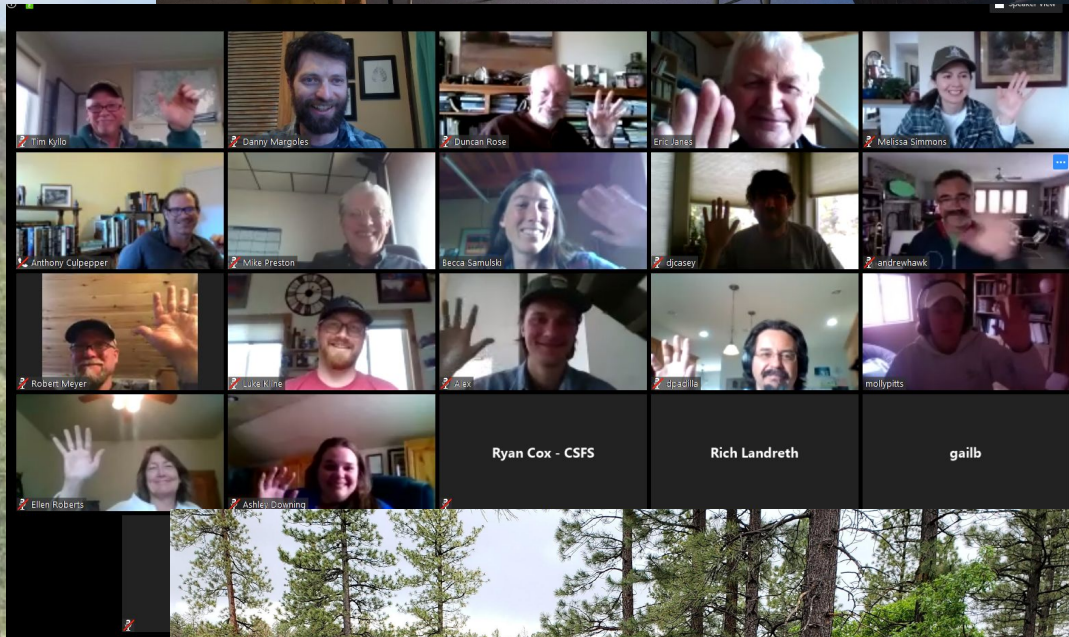
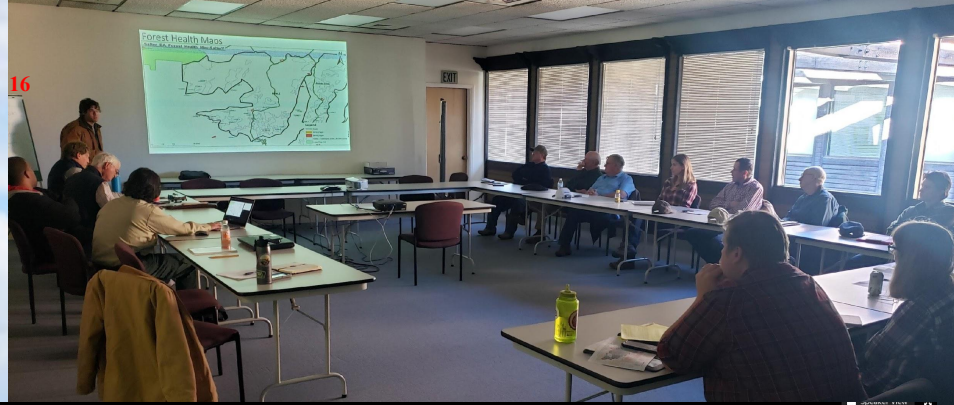


# A Vision For Our Forested Upper Dolores Watershed



**Vision:** A resilient and adaptive upper Dolores River that provides ecosystem services, maintains ecological integrity and sustains community values in the face of environmental change, supported by a diverse and active collaborative group.

**Mission:** Promoting forest, watershed and community resilience through collaboration.



#### Federal Agencies/Entities

- Bureau of Land Management
- US Forest Service
- Ute Mountain Ute Tribe
- Natural Resources Conservation Service

#### Timber Industry

- Aspen Wall Wood
- Colorado Timber Industry Association
- Ironwood Group LLC
- Montrose Forest Products
- Short Forestry LLC
- Underwood Forestry LLC

#### Other

- Empire Electric Association
- Interested community members
- Retired professionals in related fields
- SWCO Cycling Assoc
- Agricultural producers

#### State Agencies

- Colorado Parks and Wildlife
- Colorado State Forest Service
- Colorado State University Extension

#### Fire Management & Preparedness

- Colorado Division of Fire Prevention and Control
- Dolores Interagency Fire
- Dolores Volunteer Fire Protection District
- Wildfire Adapted Partnership
- Fire Adapted Colorado

#### Local Government

- Dolores County
- Montezuma County
- City of Cortez
- Town of Dolores
- Town of Dove Creek

#### Nonprofits

- Mountain Studies Institute
- San Juan Citizens Alliance
- Southwest Conservation Corps
- Trout Unlimited

#### Water Managers

- Bureau of Reclamation
- Dolores Water Conservancy District
- SW Basin Roundtable
- Montezuma Valley Irrigation Company
- Mancos Water Conservancy District



**COMMUNITY  
EDUCATION**



**COLLABORATE WITH  
LAND MANAGEMENT  
AGENCIES**



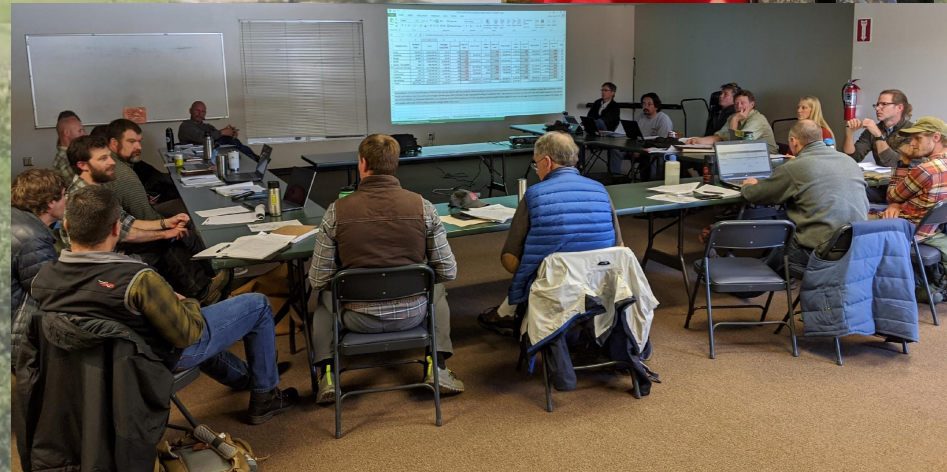
**COLLABORATIVE  
EFFECTIVENESS**



**FOREST  
PRODUCTS  
INDUSTRY  
DEVELOPMENT**

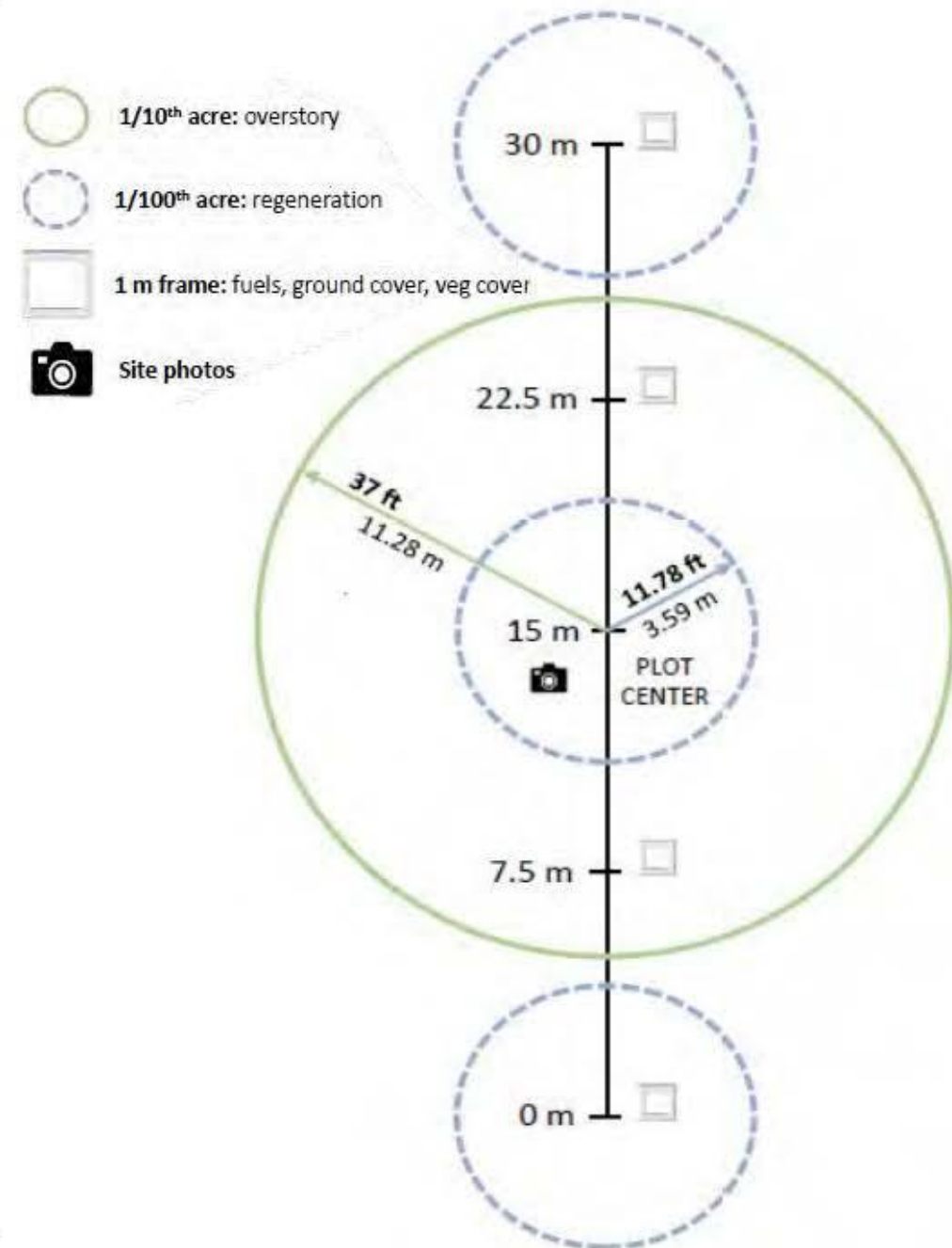


**RESILIENT  
FORESTS AND  
COMMUNITIES**



# MSI Protocol in Brief

- Site Photos (Overview and Quadrat)
- Overstory
  - 1 1/10 acre fixed radius plot (DBH, height, canopy base height, insect and disease, cone presence, char/scorch height)
  - Cover transect
- Regen/Shrub Cover
  - 3 1/100 acre fixed radius plots (stem counts of all shrub and tree regen)
  - Line intercept transect for shrub cover
- Grass/Forb
  - 4 1 m<sup>2</sup> percent relative cover by functional group quadrats
- Fuels
  - 4 1 m<sup>2</sup> fuel photo load estimates quadrats
- Ground Cover
  - 4 1 m<sup>2</sup> percent cover quadrats
- Invasives
  - Presence/Absence within a 10m belt transect (centered on 30m transect)



# Desired Condition 6 - Tree Sizes

Stand scale - Complex mosaic of tree sizes that promotes ecological resilience

## Desired Trends

- Restore historical heterogeneity in tree size classes, consistent with uneven-aged stand structures, including but not limited to reverse-J and multi-cohort management
- Generally, increased seedlings and saplings, fewer medium-sized trees, and increased large trees, relative to today.

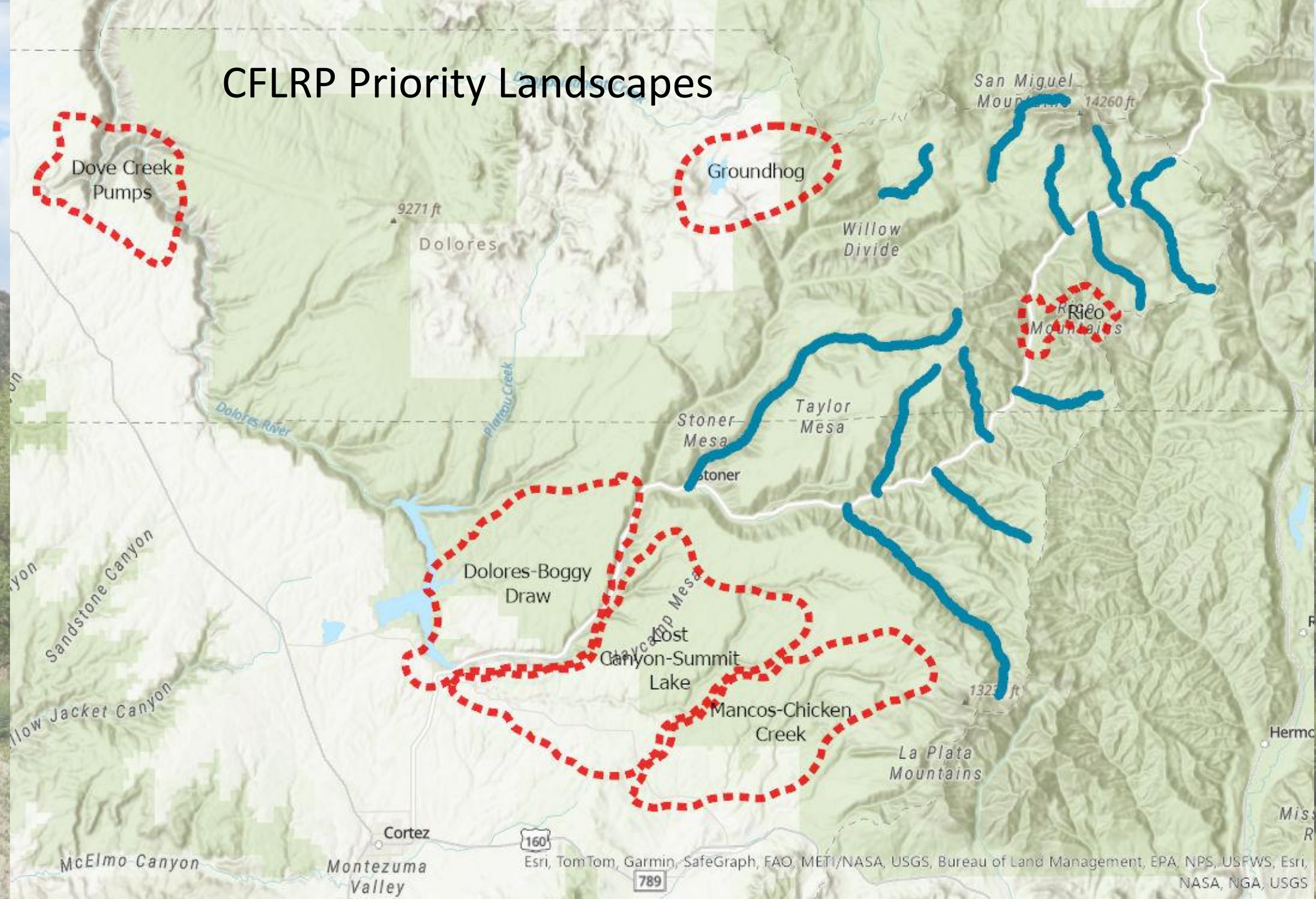
## Indicators

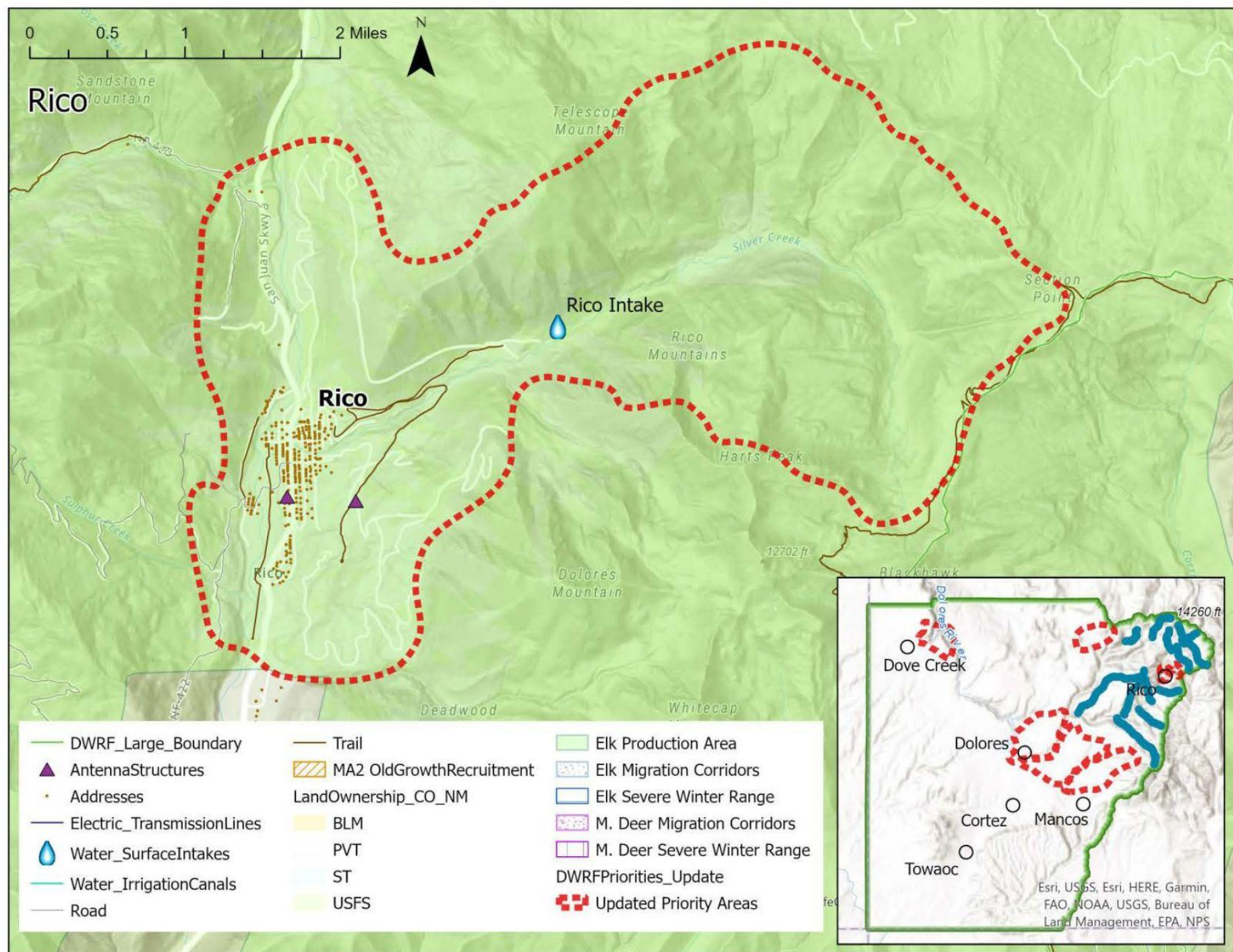
- **Diameters at breast height for trees > 4.5 feet, tree heights, and height classes for seedlings**





# CFLRP Priority Landscapes





## RICO

Size: 8,000 acres

Ownership:

USFS	63%
Private	37%

Vegetation type:

ROCKY_MOUNTAIN_SUBALPINE_DRY_MESIC_SPRUCE_FIR_FOREST_AND_WOODLAND	55%
ROCKY_MOUNTAIN ASPEN FOREST AND WOODLAND	20%
INTER_MOUNTAIN_BASINS ASPEN MIXED CONIFER FOREST AND WOODLAND	4%

### Valued Resources and Assets

- ♦ WUI
  - Rico community
- ♦ Infrastructure
  - Power lines
- ♦ Wildlife
  - Elk production area
- ♦ Water
  - Critical watershed – Silver Creek
  - Intakes – Town of Rico
  - Irrigation infrastructure
- ♦ Recreation
  - Rico trail system

Key partners:

- ♦ SJFN, WAP, private landowners, CPW, Town of Rico, Dolores Water Conservancy District, Dolores County

## RICO

OBJ ID		DESIRED FUTURE CONDITION CATEGORY	LOCATION	DESCRIPTION OF PROJECT NATURE, OPPORTUNITY, AND/OR CONCERN	DFC CODES
18	8	Recreation and Travel Management; Socio-Economic	Rico trail system	Trail reconstruction	
25	3	WUI and Prescribed Fire	Rico town and surrounding area WUI	Initiate a Wildfire Mitigation/Defensible Space program	
26	2,3	WUI and Prescribed Fire	Powerlines	Vegetation management around powerlines to protect infrastructure	
31	6,7	Fisheries, Watershed Function	Silver Creek	Water quality improvements on Silver Creek: Mine remediation on Silver Creek drainage to support water quality. Water intake protection? Additional water storage?	
32	6,7	Fisheries, Watershed Function	Upper Dolores River	Assess irrigation infrastructure. Design and implement low-tech process-based restoration work as needed.	
TBD	6	Fisheries	Stream reaches, lakes TBA	Investigate unsampled stream reaches and high-elevation lakes with EDNA sampling for presence of genetic markers for cutthroat trout and other trout species	
TBD	4, 8,9	Wildlife, Recreation and Travel Management; Socio-Economic	District-wide	Continue to work with CPW to analyze trail impacts to wildlife. Strive for balance among uses that supports functional habitat for wildlife.	

# WILDFIRE READY WATERSHEDS

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STATEWIDE POST-FIRE  
SUCEPTIBILITY



**COLORADO**

Colorado Water  
Conservation Board

Department of Natural Resources



# Wildfire Ready Watersheds



## Healthy Watersheds:

- Maintain flow regimes at historic conditions
- Are able to resist, absorb, and recover from natural hazards (Resilience)
- Provide high quality water supply for agriculture, municipal, and environment
- Provide diverse and complex habitat features in upland and riverine environments



# Wildfire Ready Watersheds

## VALUES AT RISK

Aquatic Ecosystems

Reservoirs and Dams

Municipal Water Intakes

Agricultural Water Infrastructure

Road Crossings

Life and Property

## HAZARDS

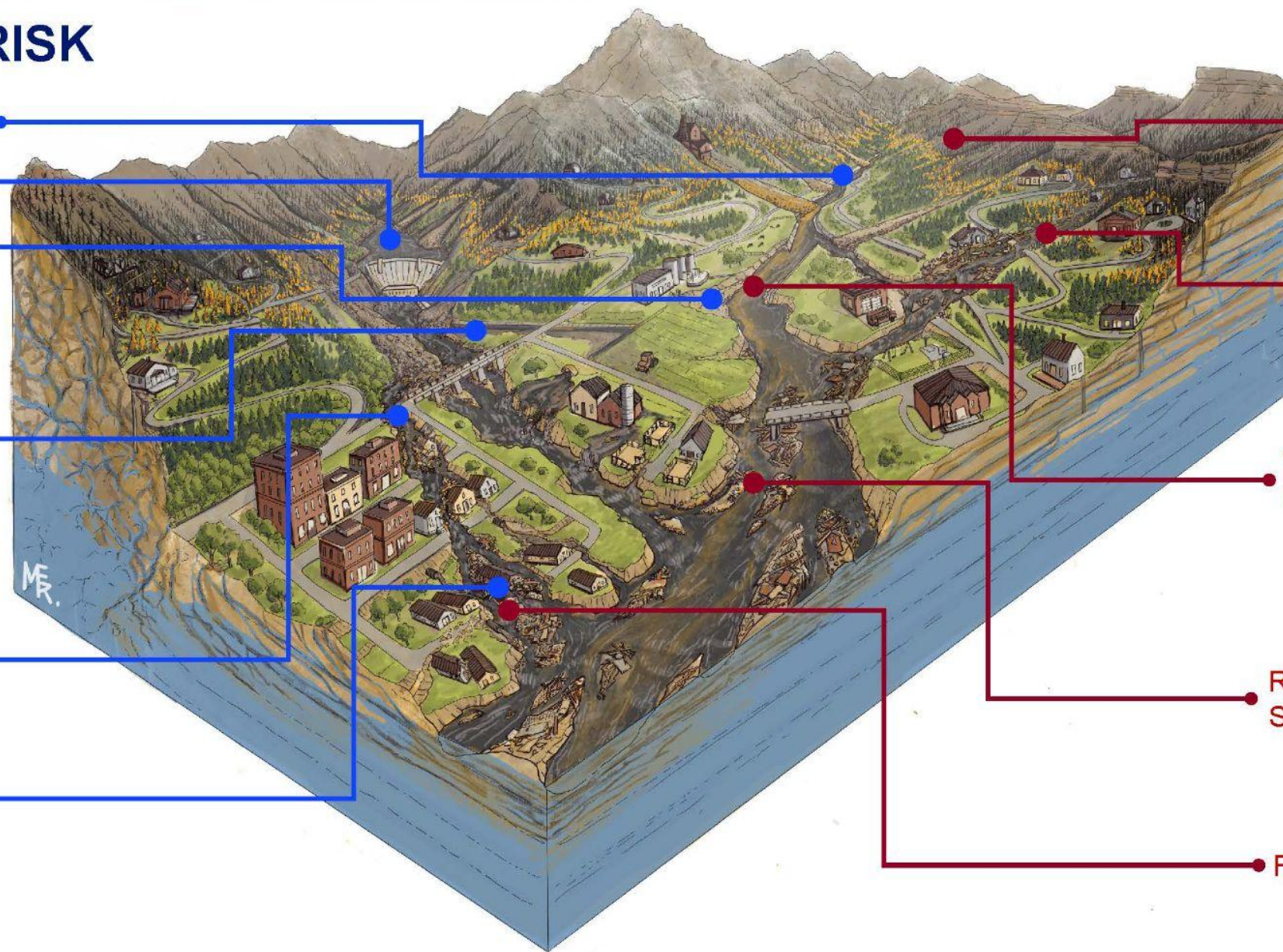
Hillslope Erosion

Debris and Mud Flows

Water Quality Degradation

Riverine Erosion & Sedimentation

Flooding



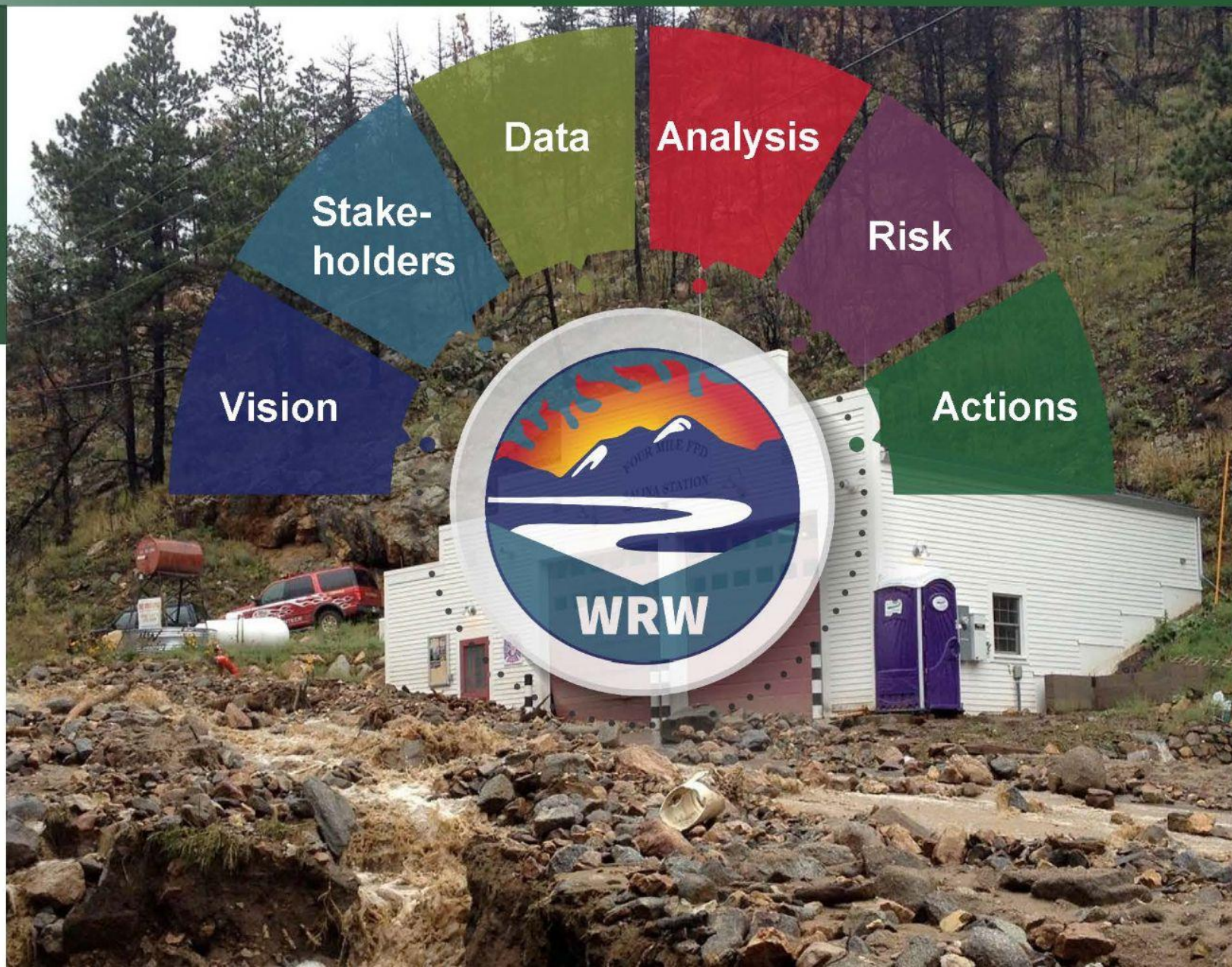


# Wildfire Ready Watersheds

## Wildfire Ready Action Plan (WRAP)

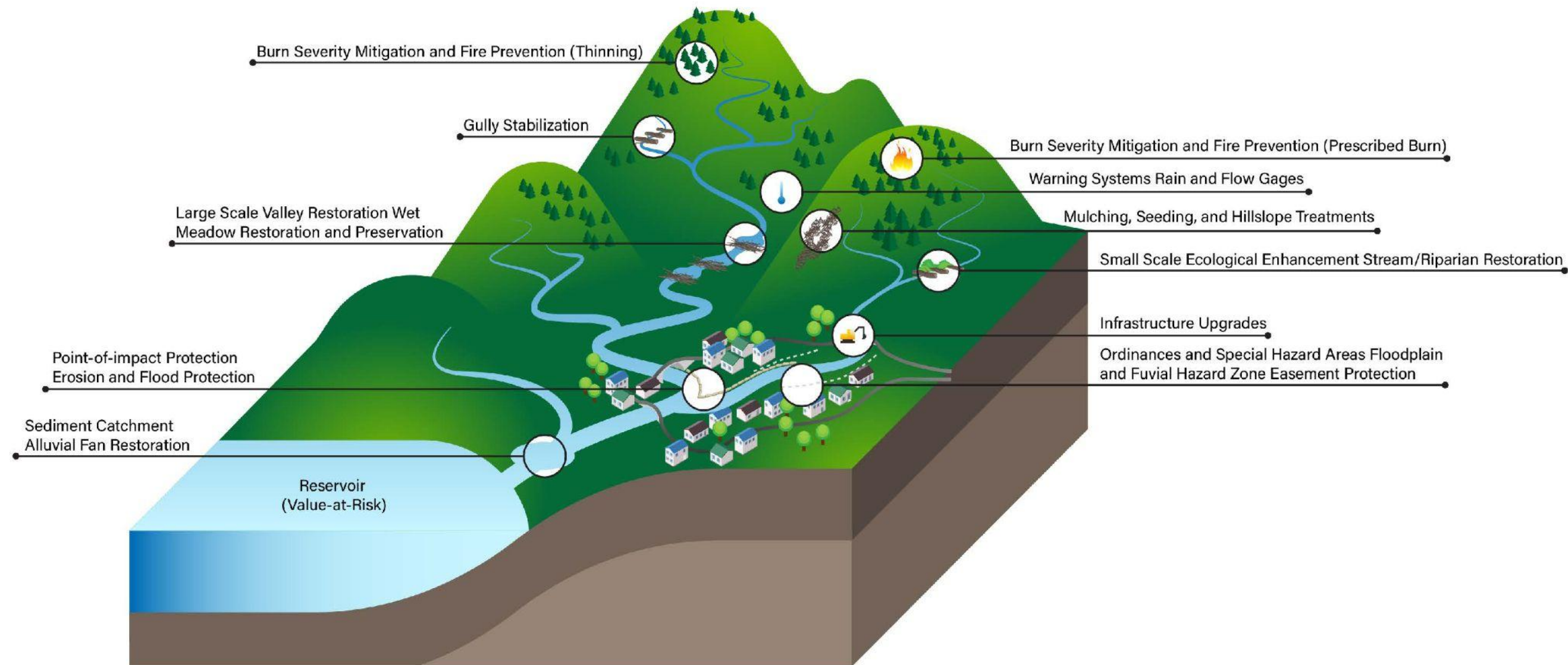
*A comprehensive template scope of work that details necessary tasks.*

- Goals and Objectives
- Stakeholder Collaboration & Outreach
- Data Collection, Gap Analysis, & Development
- Post-wildfire Hazard Analysis
- Susceptibility Analysis to evaluate risk
- **Pre and Post-wildfire mitigation activities**





# Wildfire Ready Watersheds





# Wildfire Ready Watersheds

**Protect and Restore Natural Infrastructure**





**TOWN OF RICO**  
**INCORPORATED OCTOBER 11, 1879**  
**2 North Commercial Street**  
**Post Office Box 9**  
**Rico, Colorado 81332**  
**Office # 970.967.2861**  
**Fax # 970.967.2862**  
**www.ricocolorado.gov**

To: Rico Board of Trustees  
 From: Chauncey McCarthy, Town Manager  
 Subject: Hancock Alley Extension Disturbance permit review

03/13/2024

**823. Disturbance permit application submittal requirements:**

In addition to other submittal requirements for development applications, an Applicant shall submit the information identified below for any development that requires a Disturbance Permit pursuant to these Wetland Protection Regulations. Upon request, the Town Planner may perform a site inspection, verify that no wetland, water areas, or associated buffer zone exist on the site, and waive this submittal requirement.

**823.1 Boundary Map.** A map or diagram separately depicting the boundary of water areas, wetlands, and riparian areas, depicting the boundary of the restrictive inner buffer zone from water areas and wetlands, depicting any site specific triggers for a variable outer buffer zone listed in 824.3, and depicting the boundary of the proposed disturbance in wetland areas, water areas and buffer zone areas.

*Submittal requirement met*

**823.2 Proposed Disturbance.** A description of the proposed activity causing disturbance, including the amount, location, and acreage of water area or wetland fill, removal, or other alteration proposed, and location and extent of proposed disturbance in the buffer zone.

*Submittal requirement met*

**823.3 Grading Plan.** A grading and erosion control plan, utilizing soil stabilization measures and practices to minimize the impacts of the proposed disturbance described in 827, including a timeframe for installation of erosion control measures.

*Submittal requirement met (Timeframe not provided)*

**823.4 Re-vegetation Plan.** Plan showing quantity and type of plant material to be used for re-vegetation, time frame for re-vegetation, and proposed soil stabilization measures.

*No re-vegetation plan provided*

**823.5 Mitigation Plan.** A plan to mitigate the impacts of proposed fill of water areas or wetlands showing the proposed on-site restoration improvements, including information of those wetland areas to be restored and/or created, in accordance with 828.

*N/A*

**823.6** Alternative Analysis. A statement and analysis of any practicable on-site development configuration alternatives to the proposed development activity causing disturbance which reduce or avoid such disturbances, including reduction in the scale of the proposed development.

*N/A*

**823.7** Army Corps. For activities that involve the fill of wetland areas, evidence of compliance acceptance of the Plan by the U.S. Army Corp of Engineers

*N/A*

#### **Section 825** Review Standards for Disturbance Permit states:

The reviewing entity shall use the standards in this section for review of Disturbance Permits for site development in wetlands, water areas, and buffer zones. The reviewing entity must find that the application meets at least one of the following standards in order to issue a Disturbance Permit. In all cases where an application for a Disturbance Permit meets one of the standards below, an acceptable Disturbance Plan that meets the standards in 826 and, if required, an acceptable Mitigation Plan that meets the standards in 827 are required as a condition to issuance of a Disturbance Permit. Unless otherwise approved by Town, the requirements set out in the Disturbance Permit shall be completed prior to acceptance of any improvements involving wetland disturbance.

The proposed disturbance within the buffer zone of the wetlands depicted on the SGM delineation map, dated May 12, 2023 meets multiple standards:

**825.2** The proposed activity is necessary to achieve access to property or provide utility service to property, and no other access route avoiding wetland and buffer zone areas is practical or the proposed access route results in better overall design of the site development;

**825.3** The proposed activity in a buffer zone is a temporary disturbance for customary construction and development of a property;

#### **826. DISTURBANCE PLAN PRACTICE STANDARDS.**

A Disturbance Permit for site development in a wetland area, water area or associated buffer zone include a Disturbance Plan that meets the following standards for development practices to the extent practicable.

*A disturbance plan was not provided by the engineer or wetland delineation firm. The applicant states the site plan provides the necessary information. The review of the standards below was compiled from information on page C000 and C100 of titled: LOTS 15-16 AND 26-30 BLOCK 18 INFRASTRUCTURE IMPROVEMENT PLANS Dated 10/12/2023*

**826.1** Disturbed wetland soils shall be retained for on-site revegetation, on-site mitigation, or off-site mitigation, as set forth in the Disturbance Permit;

*N/A*

**826.2** Site development in wetland, water areas, and buffer zones shall be confined to the designated boundaries of the Disturbance Permit;

*Standard met*

**826.3** Appropriate erosion and siltation controls must be utilized. Areas not meant for development shall be protected with silt fence, snow fence, or other such barriers, and all exposed soil and other fill shall be permanently stabilized at the earliest practicable date;

*Standard met*

**826.4** Grading and construction shall be timed to minimize soil exposure to heavy run-off and rainy periods;

*Timeframe not provided*

**826.5** Runoff from impervious surfaces such as walkways, parking areas and driveways shall be detained and infiltrated;

*Standard met*

**826.6** The grade of exposed slopes shall be minimized and erosion shall be controlled by utilizing mulching, erosion control blankets, barriers, such as straw bale dikes and silt fencing, and other appropriate means;

*Standard met*

**826.7** Runoff velocities shall be maintained to prevent high erosion by using flow barriers (i.e., vegetation, rip-rap, etc);

*Standard met*

**826.8** Drainage ways and outlets shall be protected from increased flows;

*Standard met*

**826.9** On-site sediment shall be trapped by using check dams, temporary diversions, detention basins, straw bales, silt fences, or other appropriate means;

*Standard met*

**826.10** Disturbed areas shall be revegetated with native vegetation or other appropriate vegetation acceptable to Town;

*Standard met*

**826.11** Existing hydrologic flow shall be maintained through the site through the use of culverts, French drains, or other devices;

*Standard met*

**826.12** Cut and fill shall be minimized;

*Standard met*

**826.13** Heavy equipment working within a wetland area shall use measures to minimize soil disturbance;

*Standard met*

**826.14** Security in the amount of one hundred twenty five percent (125%) of the written estimated cost of the disturbance plan measures shall be provided;

*Written estimate not provided*

**826.15** Any other appropriate measure as deemed necessary by the reviewing entity shall be followed;

**826.16** The project's runoff shall not violate other applicable regulations and laws (e.g., state water quality regulations, Endangered Species Act, National Environmental Policy Act), or significantly degrade wetland or water areas.

*Standard met*

**827 Mitigation Plan.** A Mitigation Plan for proposed fill of, or impact to, wetland areas shall include the following information

*A mitigation plan was not included with this application as the proposed disturbance is temporary and within the buffer zone not the wetlands.*



**TOWN OF RICO**  
**INCORPORATED OCTOBER 11, 1879**  
**2 North Commercial Street**  
**Post Office Box 9**  
**Rico, Colorado 81332**  
**Office # 970.967.2861**  
**Fax # 970.967.2862**  
**www.ricocolorado.gov**

To: Rico Board of Trustees  
 From: Chauncey McCarthy, Town Manager  
 Subject: Hancock Alley Extension road building application permit review

03/12/2024

Below is a review of the application to the submittal requirements.

**475. Road building application submittal requirements:**

Road Building applications shall contain the following materials and information in addition to a completed Road Building permit application form provided by Town.

**475.1. Site map showing location and extent of work to be performed;**

*Standard met*

**475.2. proposed design specifications, including two-foot contour lines and cross sections at five-foot intervals which adequately illustrate significant grading and drainage conditions;**

*Standard met*

**475.3. copy of a certified survey;**

*Standard met*

**475.4. proposed off-street parking plan;**

*Standard met*

**475.5. proposed snow removal plan;**

*Standard met*

**475.6. statement describing the proposed use of the road; and**

*Standard met*

**475.7.** where applicable, an improvements agreement with acceptable financial guarantees for Road Building applications that are not part of a subdivision application

*To be determined by the reviewing entity*

**478.** Road design standards

The following standards apply to Road Building applications. All Road Building applications shall be reviewed by the Town Engineer who may require additional improvements or conditions. The Town Board shall have the right to approve Road Building applications that vary from the standards set forth below where the variance in design does not result in safety, emergency vehicle access, or long-term maintenance problems.

*The first round of plans that were submitted have been reviewed by one of the town's contract engineers. This memo has been included as a separate document. Since the planning commission's hearing on February 14, 2024 the applicant's engineer has revised the plans and included a memo dated 3/12/24 providing comments/response to the engineers review. SGM has revised the plans dates 3/12/24 and have recommended approval.*

February 19, 2024

Chauncey McCarthy  
Rico Town Manager  
PO Box 9  
Rico CO 81433

RE: Leah Lane Improvements - Engineering Plans Review

Dear Chauncey:

SGM provides the following responses based on the Mountain Civil Consulting response email dated February 15, 2024.

Plan Sheet Comments,

Sheet-C000

1. The requirement for a legend on the plan set remains. Legends clarify for all parties who prepare, review, and use the plans the intent of the design. *Note: SGM provides a legend on its plan sets as a professional standard of care, no matter what the local agency requires.*
2. There were two legacy non-comments within our review comments for C000; they are to be ignored.

Sheet-C100

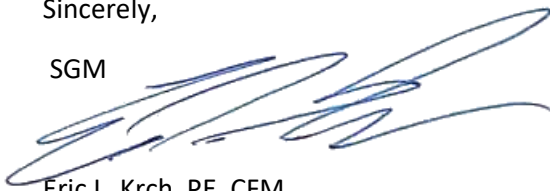
1. The culvert extension minimum cover is a concern as the roadway will be a graveled surface, which, over time, will degrade in depth. Twelve inches is an old standard that assumes the depth will be maintained (ideal conditions). CDOT, for example, requires in the 2019 M-Standards no less than 24" of cover. The engineer can consider using enhanced structural fill material if the 12" cover depth cannot be resolved or as they offered rebuild in the entire culvert system to achieve sufficient cover. Either option is acceptable.

This concludes the SGM review and comments on the referenced project. We are prepared to recommend approval to the Town of the provided plans when these comments are addressed.

Please let me know if there are any questions.

Sincerely,

SGM



Eric L. Krch, PE, CFM

Senior Engineer III



## Road Building Application

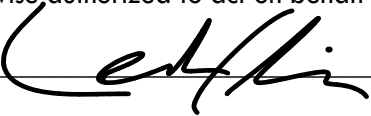
Applicant Name Leah Chmielewski Phone Number 571.249.3339  
 Address PO Box 151 Cell Phone Number 571.249.3339  
 Email Leahchm@yahoo.com Fax Number NA  
 Address of Subject Property NA - Town Plat Ed Right of Way  
 Legal Description of Subject Property NA - Plated Right of Way North annd perpendicular  
to Soda Street and west/parallel to Hancock Street  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Zone District of Subject Property Section 35, Township 40, Range 11

### Attachments Required:

- ☒ Site map showing location and extent of work to be performed
- ☒ proposed design specifications, including two-foot contour lines and cross sections at twenty-five foot intervals which adequately illustrate significant grading and drainage conditions;
- ☒ Proposed off-street parking plan
- ☒ Proposed snow removal plan
- ☒ Statement describing the proposed use of the road; and
- ☒ Where applicable, an improvements agreement with acceptable financial guarantees for Road Building applications that are not part of a subdivision application.
- ☒ An application fee in the amount of \$350.00

Not Applicable - already part of Rico Subdivision per plat and Major Street Plan.

I swear that the information provided in this application is true and correct and that I am the owner of the property or otherwise authorized to act on behalf of the owner of the property.

Signature:  Date 17 October 2023

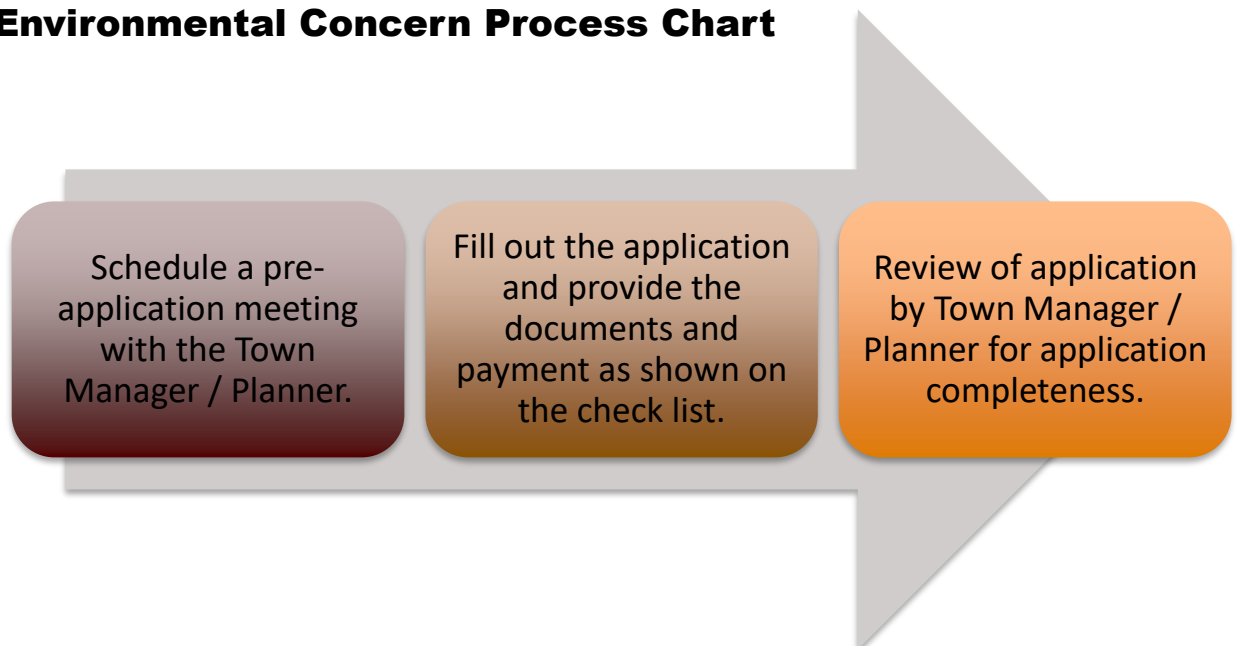
## Development Permit for Areas of Environmental Concern

Development Permits for Areas of Environmental Concern are required when any of the following conditions exist on the subject property:

- Avalanche Hazard Areas
- Flood Plane Areas
- Steep Slopes
- Wetland Areas
- Wildfire Hazard Areas
- Wildlife Habitat Areas

Maps of Areas of Environmental Concern are available on the Town Rico GIS system, on the [ricocolorado.gov](http://ricocolorado.gov) web site and at Town Hall in the Rico Land Use Code.

### Development Permit for Areas of Environmental Concern Process Chart

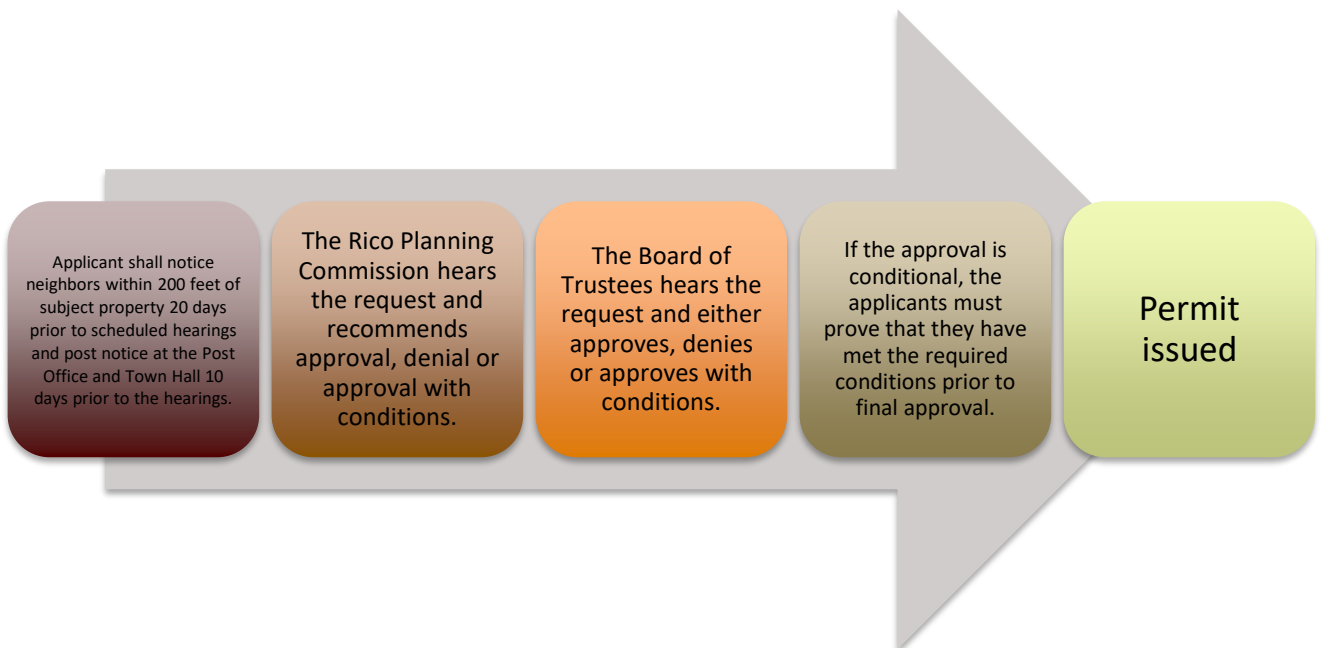


## Areas of Environmental Concern Development Permit Process Chart

The Rico Planning Commission is authorized to review these applications and make a recommendation to the Board of Trustees. Development activities shall avoid areas of environmental concern wherever possible unless the reviewing body finds the following:

- Allowing the development activity would result in a better overall design with respect to the purposes set forth in Article 104, Purpose of the Rico Land Use Code.
- The affected area can be fully mitigated and supported by recommendations contained in engineered mitigation proposals.

Requirements, restrictions and recommended mitigations for specific hazards are addressed in Article VIII of the Rico Land Use Code. Some approvals may require indemnity agreement with the Town.





## Disturbance Permit Application

Applicant Name Leah Chmielewski Phone Number 571.249.3339  
 Address PO Box 151 Cell Phone Number 571.249.3339  
 Email Leahchm@yahoo.com Fax Number \_\_\_\_\_  
 Street Address of Subject Property NA - Town platted right of way  
 Legal Description of Subject Property NA - platted right of way north and perpendicular to Soda Street and west and parallel to Hancock Street

Zone District of Subject Property Sectin 35, Township 40, Range 11  
 Contractor Name TBD Phone Number \_\_\_\_\_  
 Address \_\_\_\_\_ Cell Phone Number \_\_\_\_\_  
 Email \_\_\_\_\_ Fax Number \_\_\_\_\_

### Attachments Required:

☒ Two (2) 24" by 36" Site Plans and (1) electronic (pdf) site plan showing the following:

North Arrow

Boundary areas: Water, wetlands, riparian areas, inner buffer zone, and boundary of proposed disturbance

Scale not greater than 1" = 20' unless the entire site will not fit on a 24"x 36" sheet

Topography 5 foot interval maximum, 2 foot preferred

Vicinity Map

Proposed grading and drainage

Lot lines with dimensions

Location of existing buildings if applicable

Easements with dimensions

Location of proposed building if applicable

Acreage of lot

Location of existing utilities if applicable

Adjacent streets with labels

Location of proposed utilities if applicable

☒ Proposed Disturbance description : Including: activity causing disturbance, amount, location and acreage of water are or wetland fill, removal or other alteration proposed, and location and extend of proposed disturbance in buffer zone.

☒ Grading, re-vegetation, and mitigation plan See site plan. No revegetation or significant grading required - disturbance in buffer zone only.

☒ Alternative Analysis NA

☒ Army Corps. Permit (if required) NA

☒ Letter of agency if applicant is other than the owner of the property NA

☒ An application fee in the amount of \$400.00.

☒ A copy of the deed for the property.

**Flood planes must be determined by an Engineer licensed in the state of Colorado. Wetlands must be delineated by a certified technician and surveyed.**

I swear that the information provided in this application is true and correct and that I am the owner of the property or otherwise authorized to act on behalf of the owner of the property.

Signature:  Date 18 Oct 2023

Date Application Received \_\_\_\_\_

Application Reviewed by \_\_\_\_\_

Application Fee Received \_\_\_\_\_

Date of Hearing \_\_\_\_\_

Application Complete \_\_\_\_\_

Rico Planning Commission Action \_\_\_\_\_

Mailing Notice Complete \_\_\_\_\_

Approval Subject to Conditions \_\_\_\_\_

Other comments:



712 Eagle Pass  
Durango, CO 81301  
970-946-3175

To: Leah Chmielewski  
From: Mountain Civil Consulting, LLC  
Date: 3/12/24  
RE: Comment – Response Letter – Town Engineer and Fire Department Review  
Leah Lane

Please find below comment/response email per Town of Rico Contract Engineer comments (SGM, Eric Krch) dated 2/19/24.

Plan Sheet Comments,

Sheet-C000

1. The requirement for a legend on the plan set remains. Legends clarify for all parties who prepare, review, and use the plans the intent of the design. *Note: SGM provides a legend on its plan sets as a professional standard of care, no matter what the local agency requires.*
2. There were two legacy non-comments within our review comments for C000; they are to be ignored.

Response:

1. As requested by the Town Contract Review Engineer, a general legend has been added to the cover sheet.
2. OK.

Sheet-C100

1. The culvert extension minimum cover is a concern as the roadway will be a graveled surface, which, over time, will degrade in depth. Twelve inches is an old standard that assumes the depth will be maintained (ideal conditions). CDOT, for example, requires in the 2019 M-Standards no less than 24" of cover. The engineer can consider using enhanced structural fill material if the 12" cover depth cannot be resolved or as they offered rebuild in the entire culvert system to achieve sufficient cover. Either option is acceptable.

Response:

1. The proposed improvements within Soda St. ROW have been revised to provide 12" of cover over the proposed culvert extension. Culvert bedding and backfill material shall be CDOT Class I and CDOT Road base as shown on Detail sheet C101. This has been approved by Town Public Works.

Please find below comment/response email per Town of Rico Fire Dept. comments dated 2/19/24.

*Comments:*

*Raegan Ellease moved to approve access to the lots subject to the following conditions: the road surface be improved to 12' wide (minimum); that trees and foliage be maintained so that they are vertically clear of the road surface to a height of 14' minimum, and to waive the requirement for a turnaround. These variance conditions are considered due to: the short distance of the single proposed residence beyond the 150' access road length, and existing site-specific drainage and foliage conditions. Tyler Lapp seconded. Approval was unanimous, with Anderson abstaining.*

*Response:*

The proposed improvements have been revised to provide a 12' min. width alley within the Town of Rico ROW. Notes have been added to the plans requiring trees/foliage be removed to provide a 14' min. vertical clearance.

- BENCHMARK:**
- BENCHMARK INDICATED ON SHEET C100. TOPOGRAPHIC SURVEY PROVIDED BY ALL POINTS LAND SURVEYING 970-708-7694. CONTACT SURVEYOR TO ESTABLISH OR VERIFY BENCHMARK AND CONSTRUCTION CONTROL AS REQUIRED.
- GENERAL NOTES:**
- THESE PLANS ARE FOR INFRASTRUCTURE IMPROVEMENTS ONLY AS SHOWN IN THE PLANS.
  - EXISTING CONDITIONS SHOWN IN THESE PLANS IS FROM TOPOGRAPHIC SURVEY DATA PROVIDED BY ALL POINTS LAND SURVEYING.
  - ALL MATERIALS AND CONSTRUCTION SHALL BE COMPLETED PER TOWN OF RICO LAND USE CODE AND/OR STANDARDS AND REQUIREMENTS, MOST CURRENT VERSION. WHERE TOWN OF RICO STANDARDS AND REQUIREMENTS DO NOT COVER THE SCOPE OF WORK, CDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION SHALL APPLY.
  - THE CONTRACTOR SHALL HAVE ONE APPROVED AND SIGNED (TOWN AND ENGINEER) COPY OF THE PLANS ON THE JOB SITE AT ALL TIMES. CONTRACTOR SHALL ALSO HAVE THE JOB SPECIFICATIONS, AND CONSTRUCTION STANDARDS ON SITE.
  - CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL HAVE A COPY OF ALL APPLICABLE PERMITS ON SITE.
  - AT LEAST TWO (2) FULL WORKING DAYS PRIOR TO CONSTRUCTION ACTIVITIES OF ANY KIND THE CONTRACTOR SHALL CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO AT 1-800-922-1987 OR 811 TO OBTAIN AN INQUIRE IDENTIFICATION NUMBER AND TO REQUEST THE UTILITY OWNERS TO MARK THE LOCATION OF ALL UNDERGROUND UTILITIES WHICH MAY BE IMPACTED BY CONSTRUCTION.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL EXISTING UTILITIES, INCLUDING UTILITIES NOT SHOWN ON THE CONSTRUCTION DRAWINGS. PRIOR TO ADJUSTING ANY UTILITIES THE CONTRACTOR SHALL OBTAIN APPROVAL FROM THE UTILITY OWNER.
  - IF THERE ARE EXISTING UTILITIES IN CONFLICT WITH THE PROPOSED IMPROVEMENTS THE CONTRACTOR SHALL STOP WORK AND NOTIFY THE OWNER, ENGINEER, AND UTILITY OWNER TO DETERMINE A SOLUTION FOR THE CONFLICT. THE CONTRACTOR SHALL PROTECT ALL UTILITIES AND STRUCTURES FOUND AT THE SITE UNLESS OTHERWISE INDICATED IN THESE PLANS.
  - ALL TRENCHING CONSTRUCTION SHALL MEET OSHA STANDARDS AND REQUIREMENTS.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING AND MAINTAINING CONSTRUCTION ACTIVITIES STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES. CONTRACTOR SHALL OBTAIN ALL REQUIRED LOCAL AND STATE CONSTRUCTION ACTIVITIES STORMWATER MANAGEMENT PERMITS.
  - IMPROVEMENTS SHOWN IN THIS PLAN INCLUDE ROAD BUILDING, DRIVEWAY, AND UTILITY IMPROVEMENTS TO PROVIDE UTILITIES AND ACCESS TO TOWN OF RICO LOTS 26-32 AND LOTS 15 AND 16, BLOCK 18, TOWN OF RICO.
  - PROPOSED OFF STREET PARKING FOR LOTS 26-32 IS FROM ALLEY ROW. PROPOSED OFF STREET PARKING FOR LOTS 15-16 SHALL BE FROM HANCOCK ST. OR ALLEY.
  - ALLEY IMPROVEMENT AND SNOW REMOVAL PLAN HAS BEEN COORDINATED WITH AND APPROVED BY PUBLIC WORKS.
  - CONSTRUCTION OF THE ALLEY IMPROVEMENTS WITHIN THE 10' WETLAND BUFFER ZONE IS PROPOSED UNDER CONDITIONS OF TOWN OF RICO LAND USE CODE SECTION 825.2 AND 825.4.
  - ALL DISTURBED AREAS NOT RECEIVING FINISHED IMPROVEMENTS (ALLEY, DRIVEWAY, PAVEMENT, BUILDING, LANDSCAPING, ETC...) SHALL BE PLANTED WITH NATIVE SEED AND MULCH.
  - WATER TAP LOCATIONS ARE SHOWN IN CONCEPT ONLY. FINAL LOCATION TO BE COORDINATED WITH BUILDING PERMIT PLANS AND OWTS DESIGN.

- GRADING AND EROSION CONTROL NOTES:**
- ALL EARTHWORK SHALL MEET THE REQUIREMENTS OF THE PROJECT GEOTECH REPORT.
  - EARTHWORK SHALL NOT BE COMPLETED WHEN THE GROUND IS FROZEN.
  - TOPSOIL SHALL BE STOCKPILED FOR USE ON FINAL LANDSCAPING. STOCKPILES SHALL BE PROTECTED FROM EROSION.
  - AT ALL TIMES THE CONSTRUCTION SHALL INCORPORATE TECHNIQUES TO LIMIT WIND-CAUSED EROSION INCLUDING BUT NOT LIMITED TO WATERING.
  - CONTRACTOR SHALL KEEP STREET CLEAN OF DEBRIS AT ALL TIMES. CONTRACTOR SHALL CLEAN STREET AND ADJACENT PROPERTIES AS REQUIRED.
  - CONTRACTOR SHALL ESTABLISH A CONSTRUCTION ENTRANCE AND STORAGE/STAGING AREA.
  - ALL CULVERT INLETS AND OUTLETS SHALL RECEIVE RIP RAP PROTECTION.
  - CONTRACTOR SHALL SALVAGE AND REUSE EXISTING ROAD BASE MATERIALS AS POSSIBLE.

- WATER UTILITY NOTES:**
- ALL WATER MAIN OR SERVICE LINE UTILITY WORK, MATERIALS, AND CONSTRUCTION SHALL BE COMPLETED PER TOWN OF RICO WATER OPERATIONS RULES AND REGULATIONS, MOST CURRENT VERSION.

- FRANCHISE UTILITY NOTES:**
- FRANCHISE (GAS, ELECTRIC, TELECOM, FIBER, ETC...) ARE SHOWN IN CONCEPT ONLY. FINAL DESIGN IS BY THE UTILITY PROVIDER. DEVELOPER SHALL PROVIDE CONTRACTOR FRANCHISE UTILITY DESIGN AND CONSTRUCTION IMPROVEMENT INFORMATION AND PERMITTING.
  - CONTRACTOR SHALL COMPLETE ALL WORK PER FRANCHISE UTILITY PROVIDER REQUIREMENTS.

- WETLAND NOTES:**
- WETLANDS AS SHOWN IN THESE PLANS DELINEATED BY SGM, INC. DATE OF WETLAND DELINEATION EXHIBIT 5/12/23
  - THE PROPOSED ACCESS IMPROVEMENTS WITHIN THE WETLAND BUFFER ARE NECESSARY TO ACHIEVE ACCESS TO BLOCK 18 LOTS 26-32 AND 15-16 PER RICO LUC 825.2. THE ACCESS IMPROVEMENTS HAVE BEEN DESIGNED TO LIMIT DISTURBANCE TO WITHIN THE TEN (10) FOOT GRANDFATHER CLAUSE WETLAND BUFFER ZONE AS DEFINED BY RICO LUC 824.1. WORK WITHIN THE BUFFER ZONE INCLUDES A BORROW DITCH ASSOCIATED WITH THE ALLEY IMPROVEMENTS. WORK IN THE BUFFER ZONE WILL BE COMPLETED PER CONDITIONS OF THE DISTURBANCE PERMIT.

- FIRE DEPARTMENT NOTES:**
- FIRE DEPARTMENT REQUIRES 12' MIN. WIDTH FOR ALLEY AS PROPOSED.
  - TREES OVERHANGING ALLEY ROW SHALL BE TRIMMED TO PROVIDE 14' VERTICAL CLEARANCE.

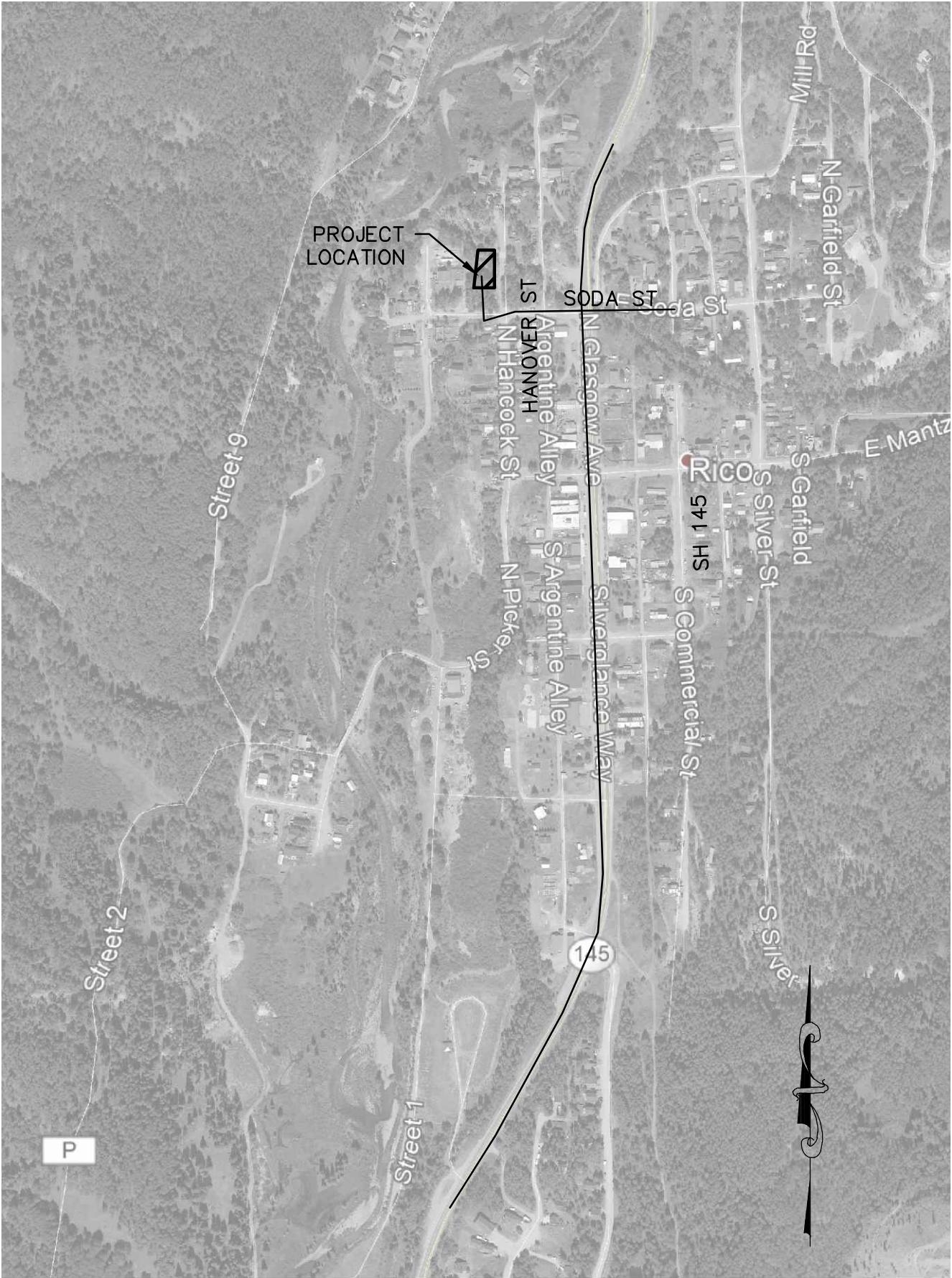
# LEAH LANE, BLOCK 18

## TOWN OF RICO, CO

### INFRASTRUCTURE IMPROVEMENT PLANS

#### PERMIT SUBMITTAL

3/12/24



LOCATION MAP:  
1"=300'

**VARIANCE REQUESTS:**

- LUC 478.2 - ROAD DESIGN STANDARDS, WIDTH  
LUC 478.3.A,B. - ROAD BASE SURFACES
- THE TOWN OF RICO LAND USE CODE DOES NOT PROVIDE STANDARDS FOR ALLEY CONSTRUCTION. THE PROPOSED ALLEY WILL BE CONSTRUCTED WITHIN THE EXISTING 16' RIGHT OF WAY. THE PROPOSED ALLEY WIDTH VARIES FROM 12' MIN. TO 14' MAX. WHICH IS A WIDER OVERALL WIDTH COMPARED TO EXISTING ALLEYS WITHIN THE TOWN OF RICO WHICH APPEAR TO BE AROUND 10' IN WIDTH AND AS NARROW AS 8.5' IN CERTAIN LOCATIONS. THE PROPOSED ALLEY SHALL HAVE A CROWN WITH A SLOPE OF 4.17% WHICH IS CONSISTENT WITH THE TOWN OF RICO REQUIREMENT OF A 6" CROWN FOR A 24' WIDE ROAD.

#### SHEET INDEX

- | #  | TITLE   | NAME |
|----|---|------|
| 1. | C000 - COVER SHEET  |      |
| 2. | C100 - ALLEY IMPROVEMENT PLAN                                 |      |
| 3. | C101 - ALLEY DETAILS  |      |
| 4. | EXISTING CONDITIONS / TOPOGRAPHIC SURVEY - PROVIDED BY OTHERS |      |

#### LEGEND

ITEM	EXISTING	PROPOSED
WATER MAIN	— W —	— W —
SEWER MAIN	— S —	— S —
CULVERT	▬▬▬▬▬	▬▬▬▬▬
SWALE/FLOWLINE	—>—>—	—>—>—
ELECTRIC LINE	— E — E —	— E — E —
FIBER OPTIC	— FO — FO —	— FO — FO —
OVERHEAD POWER	— OHE —	— OHE —
GRAVEL ROAD/DRIVEWAY	▬▬▬▬▬	▬▬▬▬▬
TREE	🌳	
FENCE	— o — o —	— o — o —
STRAW WATTLE	— SW — SW —	— SW — SW —
WETLAND	▬▬▬▬▬	
WETLAND BUFFER	— · — · —	— · — · —
CONTOUR	— — — —	— — — —
LANDSCAPE WALL	▬▬▬▬▬	▬▬▬▬▬

**DRAINAGE CALCULATIONS AND NOTES:**

- DRAINAGE CALCULATIONS WERE COMPLETED FOR THE PROPOSED IMPROVEMENTS IN THE EXISTING AND PROPOSED CONDITION. THE ANALYSIS WAS COMPLETED USING THE FOLLOWING:
  - MODIFIED RATIONAL METHOD
  - TYPE B SOILS
  - NOAA ATLAS 14 RAINFALL DATA (RICO STATION)
  - MIN. Tc = 5 MIN.
  - AUTODESK STORM AND SANITARY ANALYSIS SOFTWARE USED TO COMPLETE HYDROLOGIC CALCULATIONS AS SUMMARIZED IN THE TABLES BELOW.
- THE PROPOSED SWALE ALONG THE ALLEY AND CULVERT PROVIDE ADEQUATE CAPACITY TO CONVEY RUNOFF FROM THE ALLEY TO THE EXISTING ALLEY DITCH.

Rico Alley Improvements  
Drainage Calculations

	Existing Area (ac.)	Building (ac.)	Gravel Road (ac.)	Native (ac.)	% IMP
North side of alley and Lot 26-28 Driveway	0.031	0.000	0.013	0.018	18%
South side of Alley and Lot 15-16 Driveway	0.037	0.000	0.004	0.034	6%

	Proposed Area (ac.)	Building (ac.)	Gravel Road (ac.)	Native (ac.)	% IMP
North side of alley and Lot 26-28 Driveway	0.031	0.000	0.031	0.000	40%
South side of Alley and Lot 15-16 Driveway	0.037	0.000	0.027	0.010	30%

Land Use	% Imp <sup>2</sup>
Native	2%
Gravel Road	40%
Building	90%

- Notes:**
- Type B Soil
  - MHFC D Table 6-3
  - Modified Rational method applied

	Existing	Q2 (cfs)	Q10 (cfs)	Q100 (cfs)
North side of alley and Lot 26-28 Driveway	0.003	0.006	0.03	
South side of Alley and Lot 15-16 Driveway	0.001	0.004	0.032	
Existing Total	0.004	0.01	0.062	
	Proposed	Q2 (cfs)	Q10 (cfs)	Q100 (cfs)
North side of alley and Lot 26-28 Driveway	0.006	0.011	0.036	
South side of Alley and Lot 15-16 Driveway	0.005	0.011	0.04	
Proposed Total	0.011	0.022	0.076	
Difference		0.007	0.012	0.014

#### TOWN OF RICO APPROVAL

PRINTED NAME \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



LEAH LANE, BLOCK 18  
INFRASTRUCTURE IMPROVEMENT PLANS  
COVER SHEET  
TOWN OF RICO, CO



MOUNTAIN CIVIL  
CONSULTING

MOUNTAIN CIVIL  
CONSULTING, LLC

712 Eagle- Pass  
Durango, CO 81301  
970-946-3175

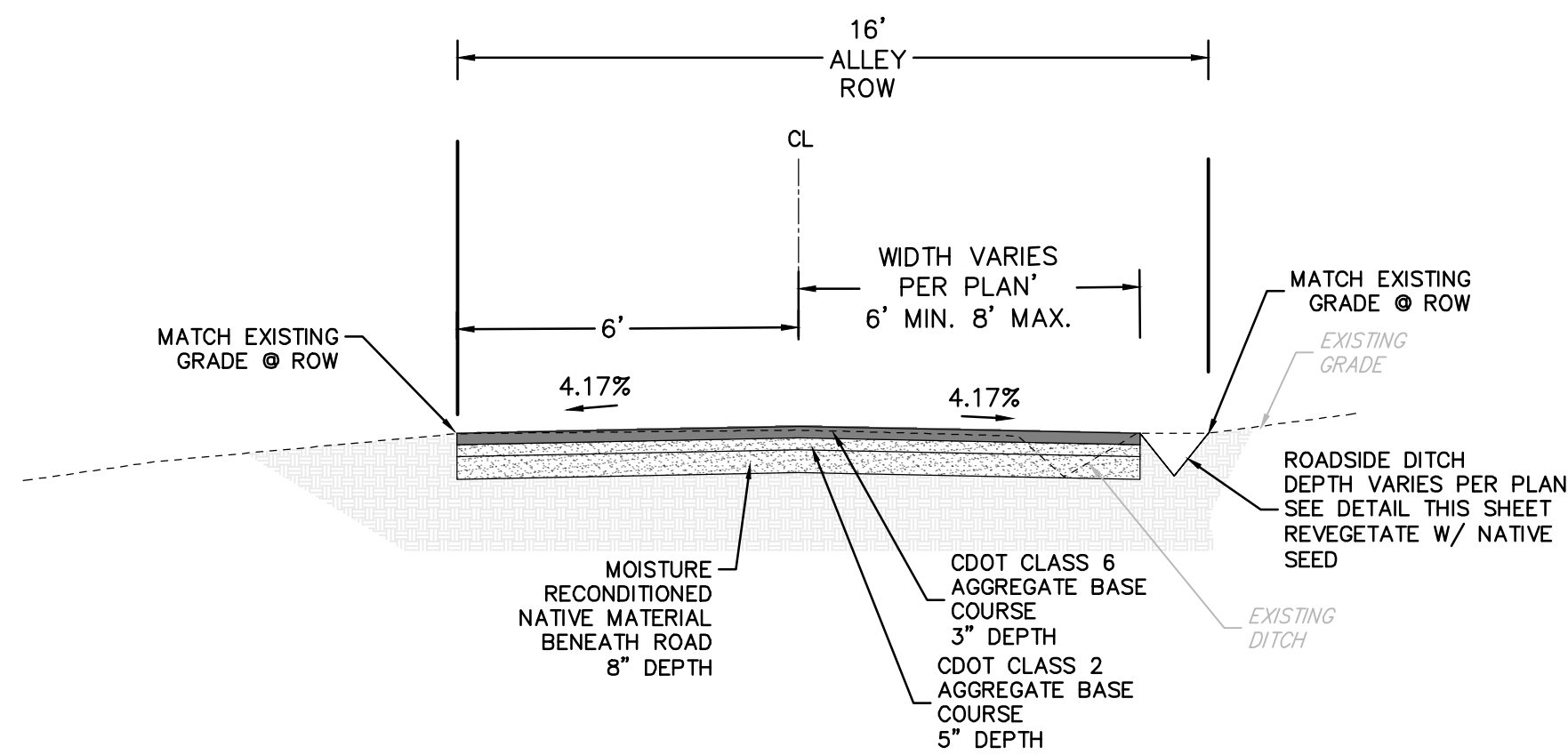
C000

Sheet 1 of 3

MCC Project: 2023-017

Date issued: 3/12/24

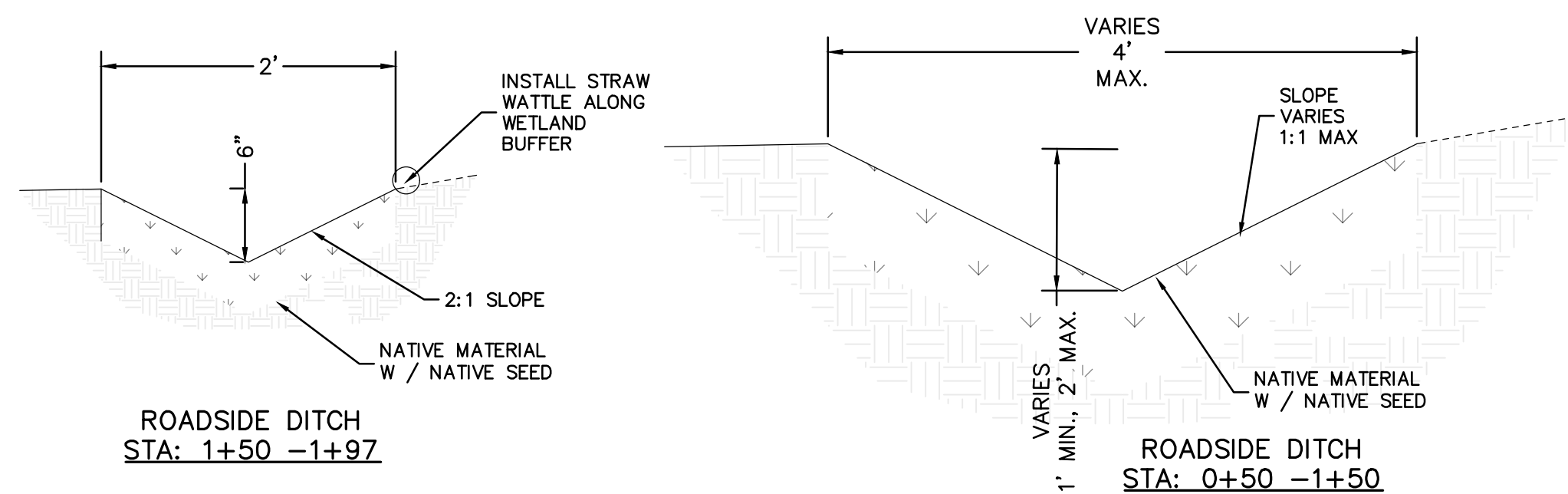




ALLEY  
TYPICAL SECTION

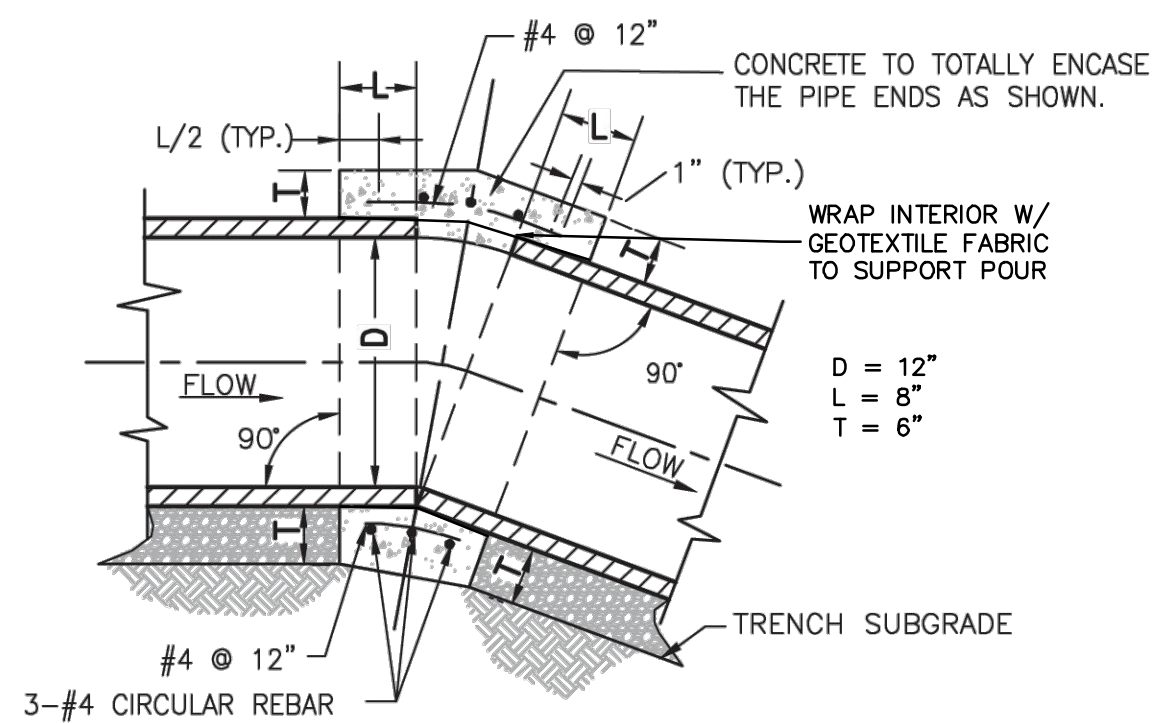
ACCESS ROAD NOTES:

1. ALL ROAD WORK SHALL BE COMPLETED PER TOWN OF RICO ROAD CONSTRUCTION REQUIREMENTS OR CDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION WHERE TOWN STANDARDS DO NOT COVER THE SCOPE OF WORK.
2. SUBGRADE SHALL BE COMPACTED TO 90% MAX. DRY DENSITY MODIFIED PROCTOR AT  $\pm 2\%$  OPTIMUM MOISTURE CONTENT.
3. CLASS 2 AND CLASS 6 BASE COURSE SHALL BE COMPACTED TO 95% MAX. DRY DENSITY MODIFIED PROCTOR AT  $\pm 2\%$  OPTIMUM MOISTURE CONTENT.
4. DRIVEWAY SHALL BE PRIVATELY OWNED AND MAINTAINED.
5. ALL DISTURBED AREAS OUTSIDE OF ROAD SURFACE SHALL RECEIVE NATIVE SEED AND ROLLED EROSION BLANKETS WHERE SLOPE IS GREATER THAN 3:1.

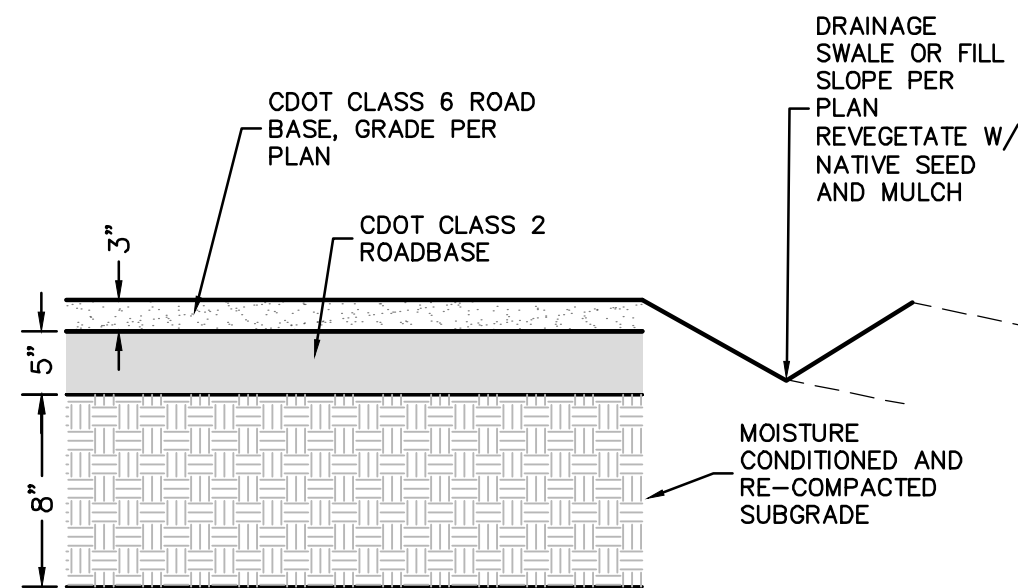


ROADSIDE DITCH  
STA: 1+50 -1+97

ROADSIDE DITCH  
STA: 0+50 -1+50



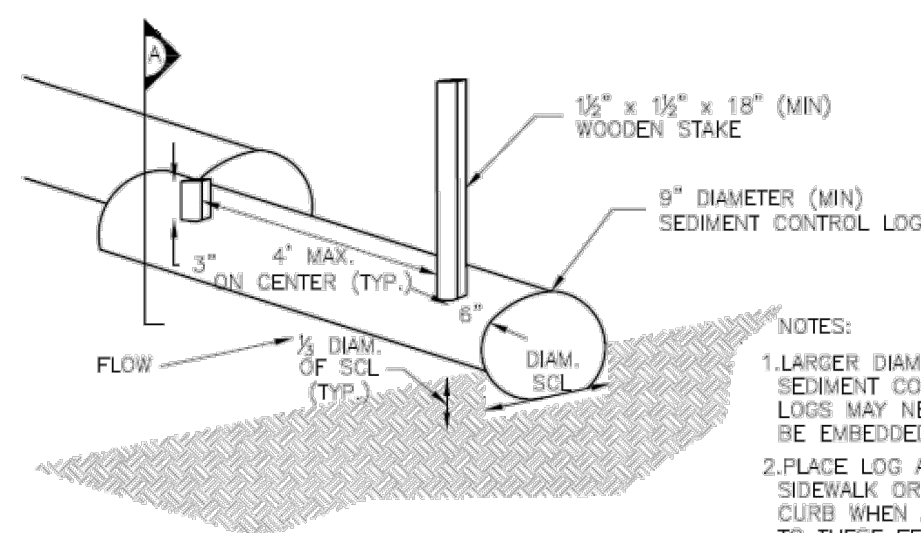
CONCRETE COLLAR STORM  
DRAIN CONNECTION



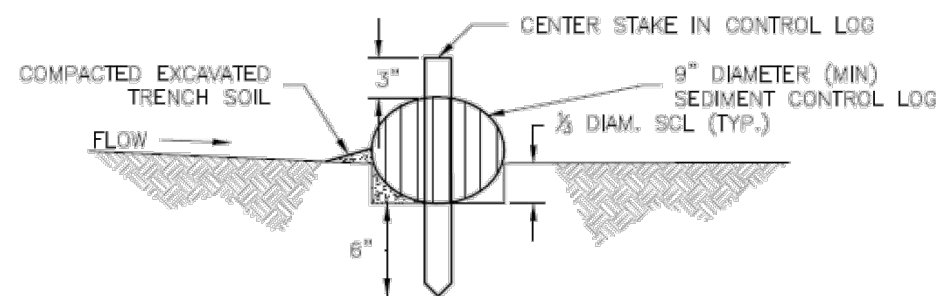
ALLEY AND DRIVEWAY  
TYPICAL SECTION

NOTES:

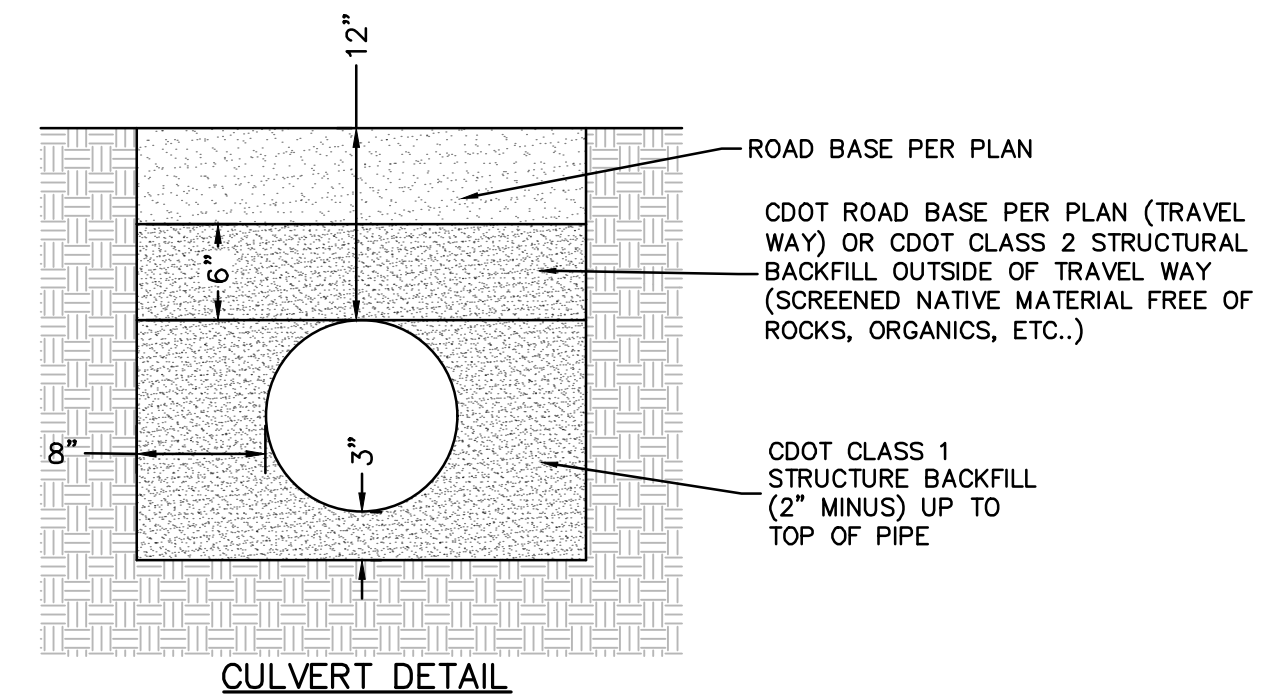
1. SUBGRADE SHALL BE SCARIFIED AND RECOMPACTED TO A DEPTH OF 8" TO 90% MAX DRY DENSITY MODIFIED PROCTOR AT  $\pm 2\%$  OPTIMUM MOISTURE CONTENT.
2. CLASS 2 AND CLASS 6 BASE COURSE SHALL BE COMPACTED TO 95% MAX. DRY DENSITY MODIFIED PROCTOR AT  $\pm 2\%$  OPTIMUM MOISTURE CONTENT.
3. ALL DISTURBED AREAS OUTSIDE OF ROAD BASE SHALL RECEIVE NATIVE SEED AND MULCH.



TRENCHED SEDIMENT CONTROL LOG



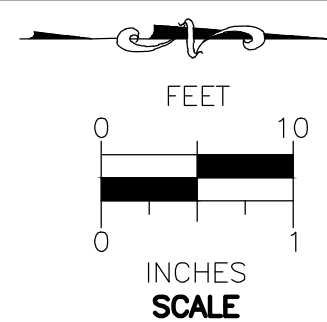
STRAW WATTLE OR SEDIMENT  
CONTROL LOG



CULVERT DETAIL

NOTES:

1. CONTRACTOR SHALL PROVIDE 2" OF COVER OVER CULVERT DURING CONSTRUCTION TO PROTECT PIPE FROM CONSTRUCTION EQUIPMENT TRAFFIC.



Revisions:  
# DATE DESCRIPTION

LEAH LANE, BLOCK 18  
ALLEY DETAILS  
TOWN OF RICO, CO



MOUNTAIN CIVIL  
CONSULTING

MOUNTAIN CIVIL  
CONSULTING, LLC

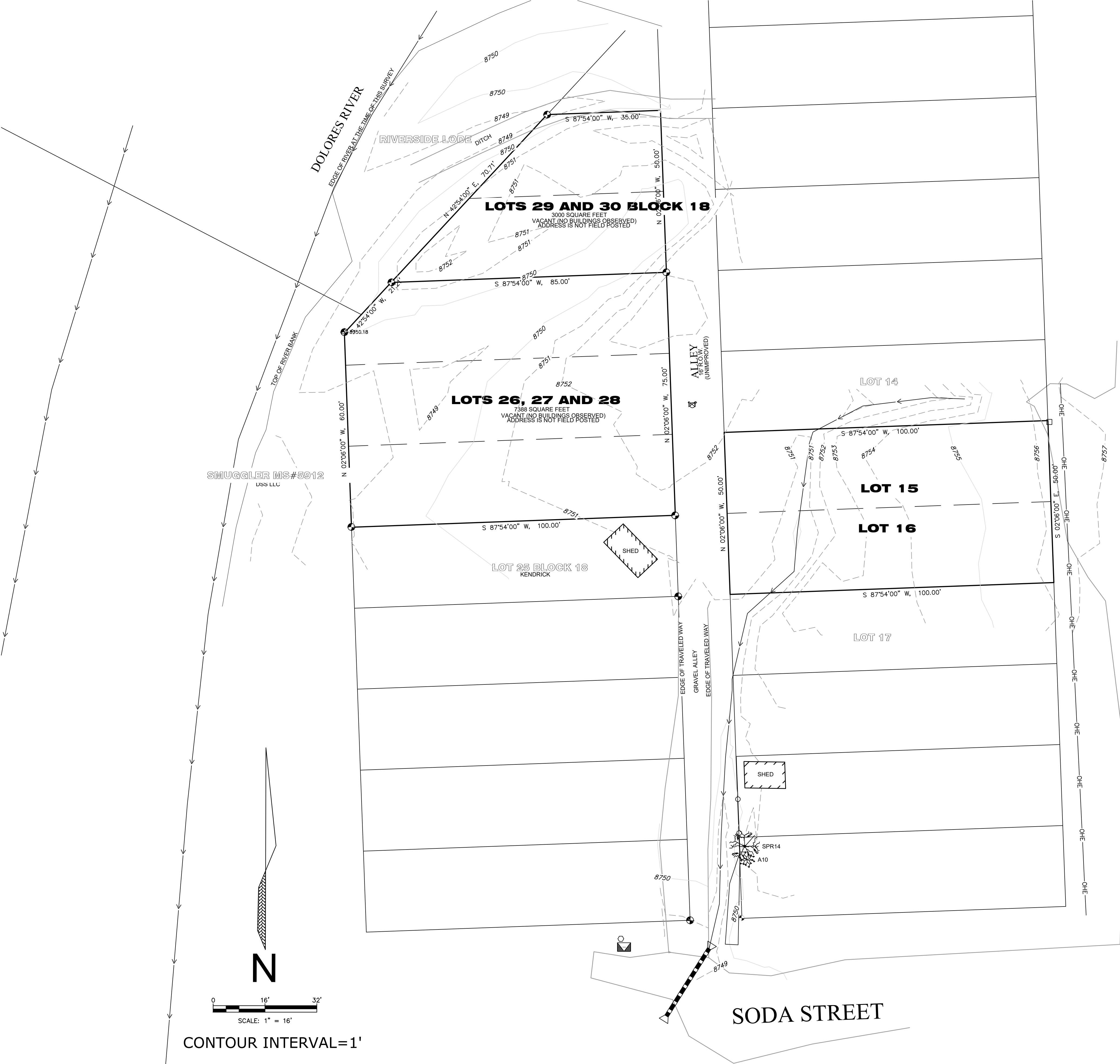
712 Eagle- Pass  
Durango, CO 81301  
970-946-3175

C101

Sheet 3 of 3

MCC Project: 2023-017

Date issued: 3/12/24



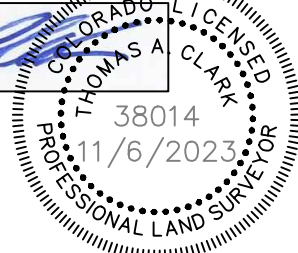
**PROPERTY DESCRIPTION:**

Lots 26, 27 and 28, Block 18, Townsite of Rico, according to the plat thereof filed for record in the office of the Clerk and Recorder,  
County of Dolores,  
State of Colorado,  
and  
A portion of Lots 29 and 30, Block 18, Townsite of Rico, according to the plat thereof filed for record in the office of the Clerk and Recorder,  
County of Dolores,  
State of Colorado.

**SURVEYOR'S CERTIFICATE:**

I, Thomas A. Clark, being a Colorado Licensed Land Surveyor, do hereby certify that this Topographic Survey of the above described lots was made by me and under my direct supervision, responsibility, and checking. This Topographic Survey does not constitute a Land Survey Plat or Improvement Survey Plat as defined by Title 38, Article 51 C.R.S.

Thomas A. Clark  
PLS. 38014



**NOTES:**

- Easement research and property description provided by ALPINE TITLE COMPANY - TELLURIDE, File Number 3397CEA effective on December 27, 2021, 8:00 am, and File Number 3403CEA effective on January 7, 2022, 8:00 am.
- According to FEMA Flood Insurance Rate Map for The Town Of Rico dated August 5, 1986 this parcel is within Zone A, Areas 100-year flood, base flood elevations and flood hazard factors not determined.
- Field work was performed in April 2022.
- Elevation datum for this survey is based on GPS observation and OPUS solution (NAVD 88) on benchmark at the west angle point of Lot 28, that elevation being 8750.18.
- This survey is valid only if a printed or electronic copy has a seal and signature of the surveyor noted within the statement above.
- NOTICE: According to Colorado law you must commence any legal action based upon defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

**LEGEND:**

- SET #1 REBAR, 18" LONG WITH 1 1/2" ALUMINUM CAP LS 38014
- FIRE HYDRANT
- (RED) INDICATES RECORDED BEARING AND DISTANCE
- (BLACK) INDICATES FIELD MEASURED BEARING AND DISTANCE

**RECORDERS CERTIFICATE:**

Deposited this \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ m., in Book Number \_\_\_\_\_ of the  
County, surveyor's land survey plat/right-of-way surveys at Page \_\_\_\_\_  
File number \_\_\_\_\_  
Dolores County Clerk

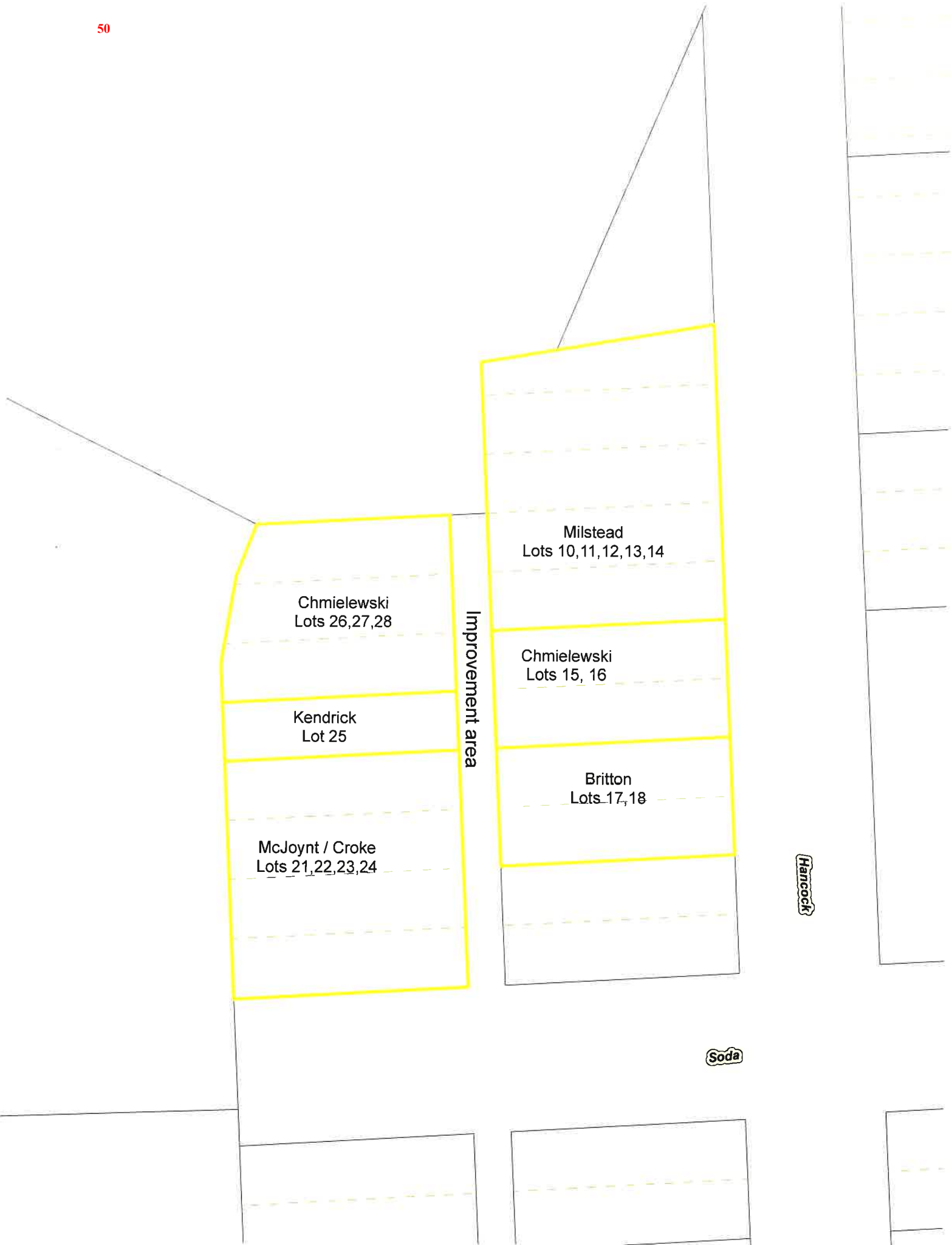
TOPOGRAPHIC MAP OF LOTS 26, 27 AND 28, AND LOTS 29 AND 30, BLOCK 18,  
TOWN OF RICO, SECTION 35, T40N, R11W, N.M.P.M., DOLORES COUNTY, COLORADO.

ALL POINTS LAND SURVEY L.L.C.  
PO BOX 754 OPHIR, COLORADO 81435 (970) 708-9694

DATE: 5/4/2022	TC	JOB# 22003
DRAWN BY	JCC	SHEET-1-OF-1
CHECKED BY		







# Adjacent Parcels to Improvement Area

ANAME1	ADDR1	ADDR3	ADDR4	ASTA	AZIPCD	APADDR
CHMIELEWSKI LEAH FELICE		P.O. BOX 151	RICO	CO	813320000	
MILSTEAD JAY & MARY LOU MILSTEAD	REVOCABLE TRUST DATED 5/16/19	1420 SOUTH 6TH AVENUE	YUMA	AZ	853640000	117 N. HANCOCK ST.
CHMIELEWSKI LEAH FELICE		P.O. BOX 151	RICO	CO	813320000	109 N. HANCOCK STREET
BRITTON JAMES W.		P.O. BOX 26	RICO	CO	813320000	107 N. HANCOCK STREET
MC JOYNT KATHLEEN A. & JOSEPH V.	CROKE (JT)	P.O. BOX 8	RICO	CO	813320000	216 W. SODA STREET
KENDRICK GARY		832 CROSSTIMBERS DRIVE	FT. WORTH	TX	761080000	

## AFFIDAVIT OF MAILING PUBLIC NOTICE LETTER

Date: 18 October 2023

Town of Rico  
Rico Planning Commission  
PO Box 9  
Rico, Colorado, 81332


Re: Certification and Affidavit of Mailing Public Notice Letter for Improvements to the Tone Platted Right of Way North and Perpendicular to Soda Street and West of and Parallel to North Hancock Street

I hereby declare that I, *Leah Chmielewski*, mailed a copy of the Town approved, enclosed public notice letter via U.S. First Class Mail, postage prepaid thereon on 18 October, 2023 (date that letter was dropped in the mail), to the attached list of property owners. The public notice letter was prepared and mailed in accordance with the public noticing requirements of the Rico Land Use Code. The public notice letter was placed in the mail on 18 October 2023 which was at least 20 days prior to the public hearing(s) to be held on 08 and 15 November, 2023. The list of property owners includes all lot and condominium property owners located within 200 feet of the boundary of the existing or proposed lot(s) and adjacent properties to the proposed improvements. The adjacent and 200 feet boundary property owner lists were compiled from the Dolores County GIS Website or Assessors Office.

Attached is a copy of the noticing letter, list of all property owners noticed, including their lot number and mailing address, a copy of the vicinity map mailed with the noticing letter, and a map showing all lots that were included within the 200 foot noticing area.

I declare that under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah Chmielewski", is written over a horizontal line.

18 OCT 2023

Leah Chmielewski

Citizen

PARCEL #	NAME	ADDRESS	CITY	STATE	ZIP CODE	PROP ADDRESS
504735102002	CHMIELEWSKI LEAH FELICE	P.O. BOX 151	RICO	CO	81332	
504726401018	STACK VINCENT J. & HUDELSON,	7650 MEADOWLARK LANE	SALIDA	CO	81201	RIVERSIDE LODE
504736206002	MULDOON CORNELIUS F. & BARBARA	3418 RIDGELINE DR.	MONTROSE	CO	81401	119 N. RIVER STREET
504735101002	ROBERTSON DYLAN J.	P.O. BOX 87	RICO	CO	81332	116 N. HANCOCK ST.
504725303007	ROBERTS MARIA G.	2900 S. PALO VERDE LANE, UNIT 18	YUMA	AZ	85365	131 N. RIVER STREET
504735101001	SMITH KIPLYNN J. TRUST DATED	P.O. BOX 352	RICO	CO	81332	102 N. HANCOCK
504701100002	SAN JUAN NATIONAL FOREST	15 BURNETTE COURT	DURANGO	CO	81301	48540 HWY 145
504735100518	DSS LLC	P.O. BOX 8	RICO	CO	81332	SMUGGLER
504735102014	MILSTEAD JAY & MARY LOU MILSTEAD	1420 SOUTH 6TH AVENUE	YUMA	AZ	85364	117 N. HANCOCK ST.
504735102010	CHMIELEWSKI LEAH FELICE	P.O. BOX 151	RICO	CO	81332	109 N. HANCOCK STREET
504735102007	BRITTON JAMES W.	P.O. BOX 26	RICO	CO	81332	107 N. HANCOCK STREET
504735102008	ROBERTSON DYLAN J. & JESSE S.	P.O. BOX 87	RICO	CO	81332	131 N. HANCOCK STREET
504735102017	MC JOYNT KATHLEEN A. & JOSEPH V.	P.O. BOX 8	RICO	CO	81332	216 W. SODA STREET
504735102003	KENDRICK GARY	832 CROSSTIMBERS DRIVE	FT. WORTH	TX	76108	
504735103013	RICO TOWN OF	P.O. BOX 9	RICO	CO	81332	213 W. SODA STREET
504735103006	ANDERSON GREGORY E. & BENSETT,	P.O. BOX 2171	TELLURIDE	CO	81435	39 N. HANCOCK STREET
504735104012	ELLEASE RAEGAN	P.O. BOX 87	RICO	CO	81332	135 W. SODA ST.
504701100002	SAN JUAN NATIONAL FOREST	15 BURNETTE COURT	DURANGO	CO	81301	



San Juan  
National  
Forest

Stack

Roberts

Milstead

Robertson

Chmielewski

Chmielewski

Kendrick

Smith

Muldoon

DDS LLC

McJoynt

Britton

Robertson

DDS LLC

Town of Rico

Anderson

Ellease

**NOTICE OF PENDING ROAD BUILDING AND DISTURBANCE PERMIT  
APPLICATION**

Date: 18 October 2023

RE: Public Hearing on Road Building Application

Dear Property Owner,

You are receiving this public notice as required by the Town of Rico Land Use Code because you own property adjacent to the proposed road construction and/or within 200 feet of the proposed disturbance.

**Name of Applicant:** Leah Chmielewski

**Type of Development Application(s):** Road Building and Disturbance Permit Application

**Legal Description:** NA - Town Platted Right of Way, north and perpendicular to Soda Street and west/parallel to North Hancock Street

**Address:** NA - Town Platted Right of Way, north and perpendicular to Soda Street and west/parallel to Hancock Street

**Review Authority:** Rico Planning Commission and Rico Board of Trustees

**Rico Planning Commission Hearing Date:** November 8, 2023 7:00 PM

**Rico Board of Trustees Hearing Date:** November 15, 2023 7:00 PM

**Location of Public Hearing:** Rico Town Hall, 2 Commercial Street, Rico Colorado, 81332

The application is available for public inspection in the Town Clerks office during normal operating hours.

Send emailed comments addressed to the [townmanager@ricocolorado.gov](mailto:townmanager@ricocolorado.gov)

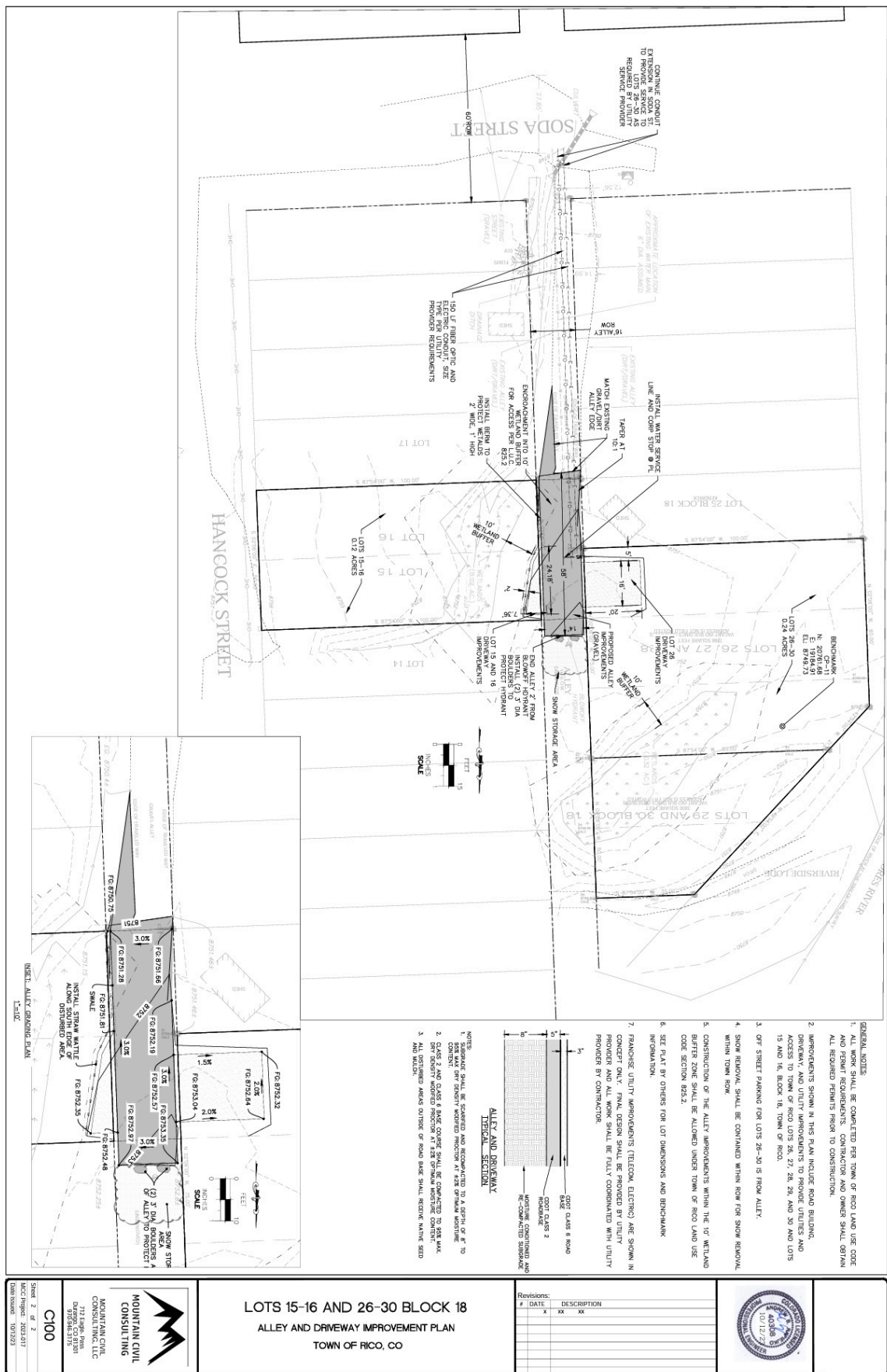
Or by surface mail to:

Chauncey McCarthy

Town of Rico

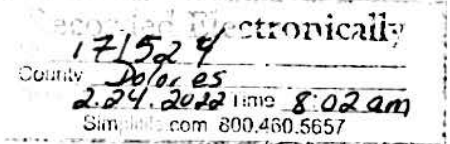
PO Box 9

Rico Colorado, 81332



### Statement Describing Proposed Use of the Road

This application is to improve additional area in the plated town right of way that extends north of Soda street (located parallel and west to Hancock Street through to lots 25-28 and 15-17, Block 18, Rico, CO. The improvements would extending the existing improvement that is already in place from Soda Street north to lots 21-24 and 17-20, Block 18 in Rico, CO, and as per is currently maintained by the Town of Rico and documented in the Major Street Plan. The improvement is consistent with the plated Town of Rico right of way, and is slightly wider than the current improved way, but still within the plated width constraint of 16 feet. The proposed use would be access to lots 26-28 and 15-16, Block 18 properties.



# WARRANTY DEED

THIS DEED, made this 17 day of February, 2022, between Elizabeth Castle, of the County of BROWN and State of Wisconsin,  
 Anne Hein, of the County of \_\_\_\_\_ and State of Wisconsin,  
 Courtney Kraemer of the County of BROWN and State of Wisconsin, grantor(s),  
 And  
 Leah Felice Chmielewski whose legal address is P.O. Box 151, Rico, CO 81332  
 of the County of Dolores and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of NINETY THOUSAND AND 00/100 DOLLARS (\$90,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, IN SEVERALTY, all the real property, together with improvements, if any, situate, lying and being in the County of Dolores and State of Colorado, described as follows:

Lots 15 and 16, Block 18, Townsite of Rico, according to the plat thereof filed for record in the office of the Clerk and Recorder,  
 County of Dolores, State of Colorado.

also known by street and number as: 109 North Hancock Street, Rico, CO 81332

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature, except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Elizabeth Castle

\_\_\_\_\_  
 Anne Hein

Courtney Kraemer

GENERAL WARRANTY DEED

3409CEA  
 February 16, 2022  
 4:58 PM

OK  
 EE

State of Wisconsin  
 County Of Brown

The foregoing instrument was acknowledged before me this February 17, 2022, by Courtney Kraemer.

My Commission expires: 08/06/2023

Witness my hand and official seal.

Nancy E. Davis  
 Notary Public



State of  
 County Of

}  
 } ss.  
 }

The foregoing instrument was acknowledged before me this February \_\_\_\_\_, 2022, by Anne Hein.

My Commission expires:

Witness my hand and official seal.

\_\_\_\_\_  
 Notary Public

State of Wisconsin  
 County Of Brown

The foregoing instrument was acknowledged before me this February 17, 2022, by Elizabeth Castle.

My Commission expires: 08/06/2023

Witness my hand and official seal.

Nancy E. Davis  
 Notary Public



or  
 ESC

## WARRANTY DEED

THIS DEED, made this 17 day of February, 2022, between Elizabeth Castle, of the County of \_\_\_\_\_ and State of Wisconsin,

Anne Hein, of the County of Oakland and State of ~~Wisconsin~~ Michigan  
Courtney Kraemer of the County of \_\_\_\_\_ and State of Wisconsin, grantor(s),  
And

Leah Felice Chmielewski whose legal address is P.O. Box 151, Rico, CO 81332  
of the County of Dolores and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of NINETY THOUSAND AND 00/100 DOLLARS (\$90,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, IN SEVERALTY, all the real property, together with improvements, if any, situate, lying and being in the County of Dolores and State of Colorado, described as follows:

Lots 15 and 16, Block 18, Townsite of Rico, according to the plat thereof filed for record in the office of the Clerk and Recorder,  
County of Dolores, State of Colorado.

also known by street and number as: 109 North Hancock Street, Rico, CO 81332

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the enrolling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature, except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Elizabeth Castle

  
Anne Hein

Courtney Kraemer

State of

}  
 } ss.  
 }

County Of

The foregoing instrument was acknowledged before me this February \_\_\_\_\_, 2022, by Courtney Kraemer.

My Commission expires:

Witness my hand and official seal.

\_\_\_\_\_  
 Notary Public

State of *Michigan*

}  
 } ss.  
 }

County Of *Oakland*The foregoing instrument was acknowledged before me this February *17th*, 2022, by Anne Hein.My Commission expires: *03/08/2027*

Witness my hand and official seal.

*[Signature]*  
 \_\_\_\_\_  
 Notary Public

Chelise Annise Peoples  
 NOTARY PUBLIC - STATE OF MICHIGAN  
 COUNTY OF Oakland  
 My Commission Expires 03/08/2027  
 Acting in the County of *Oakland*

State of

}  
 } ss.  
 }

County Of

The foregoing instrument was acknowledged before me this February \_\_\_\_\_, 2022, by Elizabeth Castle.

My Commission expires:

Witness my hand and official seal.

\_\_\_\_\_  
 Notary Public

To Whom It May Concern,

On 08 November, 2023, the Town of Rico's planning commission passed a motion to continue my road building and disturbance permit applications for improvements to a platted town right of way with the next scheduled hearing in February 2024, with the three options below:

1. Provide an agreement through the private property owner, or
2. Provide past records or information pertaining to current access, or
3. Provide a plan of access through the current platted right of way.

I have since reached out to the private property owner about easement documentation, found additional past records and information pertaining to access, and with my civil engineer drafted a new improvement plan to change access to only through the platted right of way (ROW).

The private property owner expressed no interest in discussing easements with me.

Although past records, to include ordinances, records of town approvals of water main work to the property, maintenance history, town maintenance plan, private property owner statement of town maintenance per Dolores public records, and planning commission and board of trustee meeting minutes from the time previous improvements were made in the right of way in the 1990's, all providing evidence for public right to access through the current travelled way, I do not wish the town or myself to get involved in a potentially costly legal battle and would rather those funds be spent on improvements to the platted ROW. Although rights and history is clear with these discoveries, I would prefer that we all minimize our expenditures by spending them on a resolution rather than a legal pursuit.

Therefore, attached are revised infrastructure improvement plans addressing access only in the platted right of way. This letter and revised plan and attachments supplement my prior submissions. Upon approval of the road building and disturbance permits referencing the attached revised infrastructure improvement plans, access through private property to reach the existing water main would no longer be required by the town nor to reach my private property. Access would be rerouted through only the platted right of way.

My top concerns are simply:

1. improve access in order to extend access to my lots on Block 18, and
2. minimize significant impact to trees and the environmental integrity of the area.

Of note is that the alley right of way in discussion is the only public ROW that can enable access to Kendrick and Chmielewski properties Lots 25-32, Block 18. The attached revised plans for ROW improvements address permit application and land use code criteria and request variances pertaining to road width and road base surfaces as cited. A road width variance is requested because the minimum road width criteria of 24ft is not possible in a 16ft wide platted ROW. The width thus impacts the road base surface criteria. As there are no specifications to minimum improvement widths of platted 16ft alleys, a combination of the environmental landscape, previously made improvements to the ROW, drainage, researched width requirements for our local plow/loader, delivery, and fire department trucks being found to be 10ft minimum travelled way width, and researched widths of primary access alleys that already exist in town being found to be typically 10ft wide, were all used to help determine an improvement plan. Of note is that although some existing improved platted alleys in Rico narrow as small as 8.5ft in width. Two large trees on the boarder of the ROW and private properties are preserved. These provide both shade and sound barriers among neighbors. Previous drainage improvements are revamped and rerouted to allow for ROW widening. The wetland buffer zone is minimally disturbed. You will find in the revised attached plans the width within the platted ROW at its most narrow point is 11ft and at its widest is 14ft in width. The overall span of both the original travelled way together with the proposed improvements increases to 20ft at its widest point. The required right of way length to access the properties is less than 150ft from the edge of Soda Street. All permit and LUC requirements are met, except as outlined in variance requests on the attached plans dated 30 January 2023.

Also included in the revised plans, highlighted in a different shading color and beyond the scope of the alley improvements, are improvements to marry up the previously installed culvert and drainage work in Soda street with the proposed new drainage work in the proposed widened alley ROW.

Additionally, although not required for access to the Block 18 properties, an improved area for town maintenance vehicle maneuvering is added, depicted on the plan with hashed lines. These improvements include moving the town water line, the location of which the town had previously approved for installation in order to provide water access to lots 21-28, to the edge of the platted way. This was a request from Public Works in order to provide greater ease for maneuvering for snow removal. The town previously choose to place the hydrant in its current location in order to provide water access to lots 21-28. The town approved both prepaid water taps for owners of those lots with no monthly fees until tap installation, one of which I inherited through the deed and purchase of my lots, as well as the water main installation plans through the right of way for the properties, all in coordination with the mining company who had sold the properties (reference 09 NOV 1993 Town Meeting Minutes attached). Although my property access plans do not require access beyond the length of the town approved and already installed water main, the proposed plans include work to move the end of the water line to the edge of the ROW.

The goal of the applications is to secure a motion to approve a road building permit and disturbance permit.

If approved, I am also open to possibilities of additional motions and/or discussion about possible pass throughs, waivers or cost sharing, or other ideas you may have, given the unique historical documentation discovered and included here as background information (attached), for reference and consideration.

Again, the attached and below background information is not as a plea for legal pursuits to right any past wrongs or mistakes, but rather as background information for consideration in hopes that relevant parties come together to entertain ideas you may have for a fair, equitable execution path.

Sincerely,  
Leah Chmielewski

#### Background:

My original submission included plans to improve the right of way from the point of where the right of way was previously improved and used through where it has never been improved to reach my lots. The revised attached plans I paid to have made include further revisions to address option 3 of the 08 November 2023 motion to expand plans into only the platted ROW, and, for convenience, show via differing shading/coloring

1. portions of new improvements in the alley right of way,
2. added maneuvering space for public works, which extends beyond the 148' portion of the right of way length that provides access to my property
3. portions of previous improvements of the current traveled way, to be partially re-improved, and
4. suggested improvements in Soda Street, beyond the alley, to marry up original drainage work in Soda Street with new drainage in the alley.

The Soda Street and alley ROW have already been improved as indicated in the provided survey. At the time the improvements were made, there was legal guidance in place for approval processes and design standards for building in town rights of ways via ordinances 275 and 315. Ordinance 275 specifies road building design standards. Ordinance 315, passed 17 April 1996, replaces ordinance 310 and imposes a temporary development restriction to include on excavations in rights of ways.

Included for reference is also documentation pertaining to town maintenance agreements for the current traveled way/right of way to include a town maintenance plan, photos of the town maintaining the right of way, and Mr. Croke's own statement in Dolores County records that the town maintains the right of way.

Below is a timeline and referenced documentation to consider with this unique history.

1. 27 OCT 1987 - Ordinance 274 adopted - "A zoning ordinance regulating the use of land and structures..."
2. \*08 DEC 1987 - Ordinance 275 adopted - "An ordinance classifying streets within the Town of Rico, regulating the development of said streets, and adopting maps identifying streets and classifications."
  1. The ordinance defines design specifications for rights of way development and states: "Any person or group of persons wishing to improve or construct a street or alley within the Town of Rico shall first appear before the Rico Planning Commission and submit a written application and drafting identifying...The Planning Commission shall make its recommendation to the Town Board based on the applicant's compliance with the intent of the Street Plan and the requirements of this Ordinance." (Note: Much of the verbiage still found in today's LUC describing road building requirements and approval processes is in the ordinance.)
  2. The ordinance also specifies penalties for violations to include misdemeanor and fines of up to \$300 per day.
  3. The ordinance was valid until repealed with ordinance 1999-7, "Adopting the Rico Land Use Code", on 31 August 1999, signed by the mayor at the time, Joseph V Croke.
3. 09 OCT 1990 - Ordinance 283 adopted to amend Ordinance 274 to add penalties for violation of its provisions
4. 09 APR 1991 - Ordinance 285 adopted to amend Ordinance 274 with enforcement measures and penalties of \$100 per day of violation.
5. 09 NOV 1993 - Rico Town Board Minutes - Town of Rico approves Crystal Oil's waterline installation plans in the right of way as well as water tap fee payment and agreement not to charge owners monthly water fees until meters are installed.
6. 29 JUL 1995 - Kathy McJoynt purchases lots 21-24, Block 18 (ref deed)
7. 29 AUG 1995 - Ordinance 310 adopted - An Interim Ordinance Establishing a Temporary Development Restriction within the Town of Rico, referencing ordinance 274,
8. 17 APR 1996 - Ordinance 315 adopted enacting a temporary development restriction on excavations on rights of way and other property of the Town of Rico and repealing ordinance 310. "Whereas, the Board of Trustees finds that the maintenance, oversight, and regulation of the placement of utility lines in the Town rights-of-way directly affects ability and costs of the Town to plan for and install future utility lines in Town rights-of-way and that such control over the Town rights-of-way is essential to preserving and promoting health, safety and general welfare of the Rico community;" "...the temporary development restriction shall apply to, and prohibit, the following development activities and permit applications....5. Excavations in Town rights-of-way or other Town property, except by the Town of Rico...". Also included are Town Board Meeting minutes clarifying that 315 applies to work not yet under construction.

9. 08 MAY 1996 - Rico Town Board Minutes - Town approval to build in flood zone, referencing Ordinance 281, contingent upon Engineers review and signing off on the application by Joe Croke and Kathy McJoynt.
10. 1996 - Kathleen A Mc Joynt and Joseph V Croke home build completed. Ordinances 275 and 315 were both still active.
11. 14 JAN 1997 - Ordinance 334 adopted, repealing Ordinance 315
12. 31 AUG 1999 - Ordinance 1999-7 adopted, signed by then Mayor Joseph V Croke, repeals ordinances 274, 275, 281, 283, 285, 294, 300, 319, 325, 326, 334, 336, 109, 114, 138 and adopts the Rico Land Use Code, the Official Zone Map of the Town of Rico, the Street Plan for the Town of Rico, and a series of hazard and constraint maps entitled Avalanche Hazard, Geologic Hazard, Wildfire Hazard, Wildlife Hazard, Flood Hazard, Wetlands Hazard, and an informational non regulatory Mining Hazard map.
13. Major Street Plan - Town Maintenance Plan Map - green indicates town maintained ROWs and includes the improved portion of the alley right of way on block 18
14. 29 DEC 2022 - Town of Rico Water Fund Check Register documenting payment of \$2,676.61 to Todd Jones for water main repair in the alley in front of lots 21-24, Block 18.
15. WINTER 2023 - Photos documenting Town of Rico maintenance of the traveled way along the alley right of way to Soda Street. Photos are dated 22 March, 11 March, 23 February, 21 January, and 02 January of 2023. I understand Lots 21-24 property owners have since attempted to demand that the town stop maintaining the traveled way, post my purchase of my properties and post completion of water main work by the town.
16. 21 FEB 2023 - Dolores County public records - complaint filing 102654773 in which Joe Croke writes "The only way to access the McJoynt/Croke residence is down the public access road that the Town of Rico maintains."
17. 08 NOV 2023 - Rico Planning Commission Meeting Minutes Recording - When asked if he would provide documentation of the historical approvals and improvement plans concerning Soda Street and the alley right of way, Joe Croke stated that there were no plans and they just did it.

I went through both the Rico Town Board Meeting minutes and Planning commission meeting minutes spanning 1993-1997 and there were not any agenda items about Kathy McJoynt's or Joe Croke's development in the right of way. There were other proposals brought forward that were denied based on Ordinance 315 and 275. The only reference to Joe and Kathy building was in the Town Board Meeting minutes dated 08 May 1996, during which they received conditional approval to build their home in a flood zone, referencing ordinance 281, contingent upon town engineering review and sign off of their application. During the November Planning commission meeting, Joe stated that there were no plans and that they just did it.

If the town of Rico relinquishes its access to the current traveled way and the current platted way is not widened for access, the town no longer has access to the water main without private owner approval, putting the town at risk were a leak to occur again. The December 2022 leak in front of the McJoynt/Croke property cost the town thousands of dollars in both water loss and repairs. This occurred before the land owners recently began trying to stop the town from continuing to use and maintain the traveled way.

# ORDINANCE NO. 274

A ZONING ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES; DIVIDING THE TOWN OF RICO INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING MAPS OF SAID TOWN SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; ESTABLISHING A BOARD OF ADJUSTMENT AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

## SECTION 1: AUTHORITY AND PURPOSE

Under authority of Colorado Revised Statutes, Sections 31-23-301, et. seq., the Town of Rico, Colorado, hereby establishes zoning districts and regulations providing the citizens of Rico a mechanism for regulating future development activities within the Town for the purposes of (1) promoting the public health and safety and welfare of present and future residents of the Town, including restrictions on development in hazardous areas, (2) promoting compatibility of land uses, and (3) promoting an attractive community and protecting property values.

## SECTION 2: ADMINISTRATION AND ENFORCEMENT

### A. Administration

1. Enforcing Official: The provisions of this Zoning Ordinance shall be administered and enforced by the officer(s) or department(s) designated by the Town Board.

2. Building Permit: No building construction shall be initiated until a building permit is issued by the enforcing official. Building permit application form and fees shall be established by the Town Board. < The following improvements are not considered to be buildings and therefore no building permit is required:

- a. one-story detached accessory buildings with a total area area of 120 square feet or less
- b. decks
- c. fences 6 feet tall or less
- d. retaining walls 4 feet or less above grade
- e. platforms, walks, and driveways
- f. prefabricated swimming pools
- g. roofing and siding
- h. any remodeling which does not change, or diminishes, the outside footprint of the building

All relevant zoning requirements such as appropriate heights and setbacks must be observed. >

### B. Enforcement Procedure:

1. An alleged violation of any of the provisions of this Zoning Ordinance shall be investigated by the enforcing official or officials, either on their own initiative or upon

receipt of a signed written complaint from a person or persons who believe a violation exists, or by order of the Town Board.

2. If a violation is found to exist, it shall be corrected in one or more of the following ways:

a. The enforcing official shall notify the property owner and any other persons responsible for the violation, in writing, and order the necessary correction. Said correction shall be completed within a prompt, reasonable period, as ordered by the enforcing official in said notice.

b. The enforcing official may issue a stop work order by notice in writing posted on the building or property or in or upon which such violation is occurring.

c. Any law enforcement officer may cite the property owner and/or any other persons who may be responsible with a violation of an Ordinance of the Town of Rico, as provided in section C herein.

d. Upon the failure of < the enforcement official(s) > to act in the case of a violation of this Ordinance, the necessary notification of violation or stop order may be issued by the Town Board, either upon its own initiative or that of the Planning Commission, or upon receipt of a written complaint from an individual or group of individuals.

C. Violation and Penalty: Failure to comply with any of the provisions of this Ordinance, unless a variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor, and upon conviction is punishable by a fine of not less than \$10.00 nor more than \$300.00, or by imprisonment for a period of not less than three (3) days nor more than one (1) month. Each day that such violation continues to exist shall be considered as a separate offense. The Town Board, at its discretion, may withhold or withdraw non-emergency town services from any property not in compliance with the provisions of this Ordinance.

D. Appeals of Administrative Decisions: Appeals of any decision or directive of an enforcing official shall be made to the Board of Adjustment, in writing, and by such procedures as are outlined in Section 3 of this Ordinance, provided that such appeal is made within 21 days following issuance of the official's decision or directive.

E. Appeals of Board of Adjustment Decisions: Appeals of any decision of the Board of Adjustment may be made to the district court, as provided by state statute, provided, however, that such appeal is made within sixty (60) days following the date of notification of the Board of Adjustment's decision.

F. Conflict: Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions or ordinances, the one which is the most restrictive, or which requires the highest

standard, shall apply.

G. Interpretation: In their interpretation and application the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare.

### SECTION 3: BOARD OF ADJUSTMENT

A. Creation and Members: A Board of Zoning Adjustment is hereby established which shall consist of five (5) members as follows: < Two members of the Rico Planning Commission appointed by the Board of Trustees and three members who are citizens of Rico and are not members of the Planning Commission, also to be appointed by the Board of Trustees. > "Board", when used in this section, shall mean the Board of Zoning Adjustment. The Board members shall be legal residents of the Town of Rico, shall be appointed for a term of three (3) years, and except as modified herein, shall have such powers and duties as are authorized by statute.

B. Organization and Records: The Board of Adjustment shall elect a chairman, vice chairman, and a secretary from among the members, whose terms shall be for one (1) year, with eligibility for re-election. The chairman shall preside at all meetings, the vice-chairman shall act in the absence of the chairman, and the secretary shall keep a record of the Board meetings showing the action of the Board the vote of each member upon each question considered, which record shall be a public record.

C. Purpose and Powers: The Board shall meet at the call of the chairman, by his request, or by petition of at least three (3) Board members, or by request of an official of the Town, or by petition from an aggrieved party of an applicant for variance or by order of the Town Board. The Board shall in general have the right to grant either an exception to, or variance from, the zoning ordinance for good cause. More particularly, the Board shall have the following powers:

1. To hear and decide appeals from and review any order, requirement, decision or determination made by an administration official charged with the enforcement of this zoning ordinance.

2. To hear and decide upon the granting of adjustments, variances, modifications or exceptions to the regulations and requirements of this ordinance relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of this ordinance is observed, public safety and welfare secured, and substantial justice done.

3. To interpret the zoning ordinance, including any uncertainty as to boundary location or meaning of words, provided such interpretation is not contrary to the purpose and intent of this ordinance.

4. To permit the public to attend and to be heard at all of its meetings.

D. Procedure:

1. All requests for appeal of an administrative decision or variance to the zoning ordinance shall be submitted, in writing, to the Town Clerk, along with a \$25.00 application fee.

2. All applications shall contain a description of the property, including lot and block numbers, as well as sufficient maps, diagrams, and notations. It shall cite the Section of the ordinance which is involved, state what relief is being sought, and the grounds and justification upon which such application is being made. It shall also contain the addresses, names and the signatures of the property owners abutting or adjacent to the applicant's property on all four sides, signifying that they have been notified of the variance being requested in the application.

3. All applications shall be referred by the Town Clerk, to the Board in a timely fashion. A public hearing shall be held, with at least ten (10) days advance notice of the date, time, place and purpose of such hearing to be published in the usual manner of Town ordinances. The Board of Adjustment shall notify, or direct the Town Clerk to notify, in writing, the applicant, any administrative official involved, and the Town Board of all hearings scheduled, and of all decisions, variances, recommendations or directives issued.

4. Four (4) members of the Board of Adjustment shall constitute a quorum, and a concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this ordinance, or to effect any variance of exception to his ordinance.

5. All decisions of the Board shall be made within 31 days of the date of submission of the application. Any final determination of the Board shall be reported in writing over the signature of the chairman or vice chairman of the Board, and a copy of said report shall be furnished the applicant and filed with the Town Clerk. All decisions of the Board may be appealed to the district court.

SECTION 4: AMENDMENTS OR CHANGES TO THE ZONING ORDINANCE

A. The regulations, restrictions, and boundaries established by this Ordinance and the official Zoning District Map may be amended, supplemented, changed, modified or repealed by the Town Board, following review and recommendation by the Planning Commission. Such amendments or changes may be initiated by the Board, the Commission, or by application of any citizen or group of citizens, firm or corporation residing, owning or leasing property in the Town of Rico.

B. Application Procedure:

1. Application for such action by citizens, firms or corporations shall be filed, in writing, with the Town Clerk, along with a \$25.00 application fee.

2. Application for an amendment or change in the Zoning District Map shall contain the following information:

a. Name, address, and phone number of applicant(s).

b. A brief narrative describing the proposed change and rationale for requesting the change.

c. Description of land area including tract or lot and block numbers to be rezoned, and requested new classification, along with a drawing to the scale of the Zoning District Map showing boundaries of the area requested to be rezoned, and an indication of existing zoning for all adjacent areas.

d. A statement of justification of the rezoning requested.

e. Description and sketches of buildings or uses proposed if rezoning is granted, along with a description of land and building uses within 200 feet of the boundary of the proposed area of change, in all directions, excluding thoroughfares.

< Said description shall include, but not be limited to, a drawing which locates any proposed buildings on the site and a description of any structures to be constructed on the site including dimensions, height, exterior construction materials, usage, parking, traffic, and landscaping. >

f. Time scheduled for any contemplated new construction or uses.

g. Effect that the new zoning would have on adjacent uses.

h. Signature of applicant(s) with date.

3. All applications shall be referred by the Town Clerk to the Planning Commission, which shall review and return a recommendation either for or against the proposed amendment or change to the Town Board within 31 days of the receipt of the application by the Planning Commission.

C. Before action is taken to amend or change this Ordinance, a public hearing shall be held by the Town Board. At least fifteen (15) days advance notice of the date, time and place of such hearing shall be published in the usual manner of town ordinances. < In addition, the property owners identified below shall be notified by mail of the public hearing and shall be provided a description of the proposed zoning change as identified in sections b through g above.

1. The following property owners are to receive written notification:

a. All owners of property located within a 200 foot radius of the requested zoning change.

b. All property owners on the same block as the

requested change.

c. All property owners on the facing street of the facing block. >

D. The adoption of any amendment, supplement, change or modification to the ordinance shall require a favorable vote of two-thirds of all members of the Board of Trustees.

E. The Board shall render its decision within sixty (60) days of the date of submission of the application, unless an extension of said time is agreed upon, in writing, by the applicant and the Board.

#### SECTION 5: USES SUBJECT TO REVIEW

A. Applications for uses subject to review and all uses in the Commercial District (C-2) or Development Area District (D) or in the Hazard Overlay District (H) shall be filed, in writing, with the Town Clerk, along with a \$15.00 fee for advertisement and processing. An additional application fee, sufficient to meet the costs of acquiring any professional assistance necessary for properly evaluating the proposed use, may be assessed by the Town Board. Applications shall contain the following site plan information regarding the property in question, as applicable:

1. Name, address, and phone number of applicant(s).
2. A brief narrative description of the proposed project.
3. Location and identification of all existing and proposed public and private easements.
4. Boundaries of sites to be reserved or dedicated for trails, parks, playgrounds, schools, or other public uses and the location of any common open area not reserved or dedicated to public use.
5. The areas, in square feet, and percentage of the total area of the proposed development devoted to each type of use.
6. The existing buildings, telephone and power lines, and sewer, water, gas and drainage pipes located on the proposed development and adjacent to its boundaries.
7. A legal description of the land area of the request, along with a drawing to scale showing boundaries, and an indication of existing zoning for all areas on the drawing.
8. Time schedule for any contemplated new construction or uses.
9. Signature of applicant(s) with date.

B. Criteria for judging applications shall include, but not be limited to, the effect of the proposed use on aesthetics, air quality, density, noise generation, refuse generation, traffic patterns, parking, drainage, snow removal, and adjacent land uses.

C. All applications shall be referred by the Town Clerk to the Planning Commission, which shall review and return a recommendation either for or against the proposed development to the Town Board within 31 days of the receipt of the application by the Planning Commission. A public hearing shall be held, with at least ten (10) days advance notice of the date, time and place of such hearing to be posted in three designated public locations.

D. The Board shall render its decision within sixty (60) days of the date of submission of the application, unless an extension of said time is agreed upon, in writing, by the applicant and the Board.

## SECTION 6: DEFINITIONS

For the purpose of this Ordinance, certain words and phrases used herein shall be defined or interpreted as follows:

1. Accessory Customarily associated with but incidental to another use or structure on the same lot.
2. Alley As platted and shown on the official town map, a public way other than a street, permanently reserved as a secondary means of access to abutting property.
3. Awning Any device attached to an supported solely by a building and designed to provide shade or shelter over a building opening, walkway or thoroughfare.
4. Basement That portion of a building with walls and floor located wholly or partially underground.
5. Bed and Breakfast A service offering lodging accommodations to the public, conducted within a residential structure, visits not to exceed thirty days for any one party, with limited meal service for guests only, with a limitation of four rental rooms if not located within the C-1, C-2, or D Districts. The allowable signage shall be the same as that permitted in the district in which the Bed and Breakfast is located.
6. Building Any temporary or permanent structure having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, excluding tents or vehicles.
7. Camper Any recreational, mobile vehicle designed for temporary occupancy and having self-contained utilities.
8. Camper Park Any property used to provide public parking facilities for one (1) or more campers or camper units of any type.
9. Carport A shelter for one or more vehicles which is not fully enclosed by walls.
10. Car Wash A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery

especially designed for that purpose.

11. Child Care Center A state licensed facility used for the day care of five (5) or more children under sixteen years of age.

12. Clinic A place where medical or dental care is furnished to persons on an out-patient basis by licensed medical practitioners.

13. Club Any membership organization including a lodge catering exclusively to members and their guests and whose facilities are limited to meeting, eating, and recreational uses, and whose activities are not conducted principally for monetary gain

14. Condominium A building, or buildings, consisting of separate fee simple estates to individual units of a multi-unit property together with an undivided fee simple interest in common elements.

15. Dwelling A permanent building, or portion thereof, which is used as the private residence or sleeping place of one or more persons or families, excluding hotels, hospitals, nursing homes, or such temporary structures as tents or campers.

16. Dwelling Unit A building, or portion thereof, providing complete housekeeping or residential facilities for one person or one family.

17. Family Any individual, or two or more persons related by blood or marriage, or between whom there is a legally recognized relationship, or a group of not more than five (5) unrelated persons, occupying the same dwelling unit.

18. Family Care Home A state licensed or approved facility providing twenty-four (24) hour child care in a place of residence of a family or person.

19. Floor Area The total gross living or business area on all floors, including finished basements, as measured to the outside surfaces of existing walls, excluding crawl spaces, garages, carports, vent shafts, courts, breezeways, open porches, balconies, and terraces.

20. Garage An enclosed building designed for the private storage of motor vehicles, excluding buildings from which motor vehicle fuels are sold, or where repair or other services are performed for compensation.

21. Group Home for the Aged An owner-occupied or non-profit group home for the exclusive residential use of not more than eight (8) persons sixty (60) years of age or older.

22. Height The vertical distance from the highest point on a structure or building, excluding any chimney, antenna, cupola or steeple, to the average ground level of the grade where the walls or other structural elements intersect the ground.

23. High Impact Repair Shop An enclosed building, or portion thereof, wherein products, equipment, appliances, or other machinery are repaired.

24. Home Occupation Any business conducted principally within a dwelling unit, enclosed garage, or accessory building, and carried on principally by the inhabitants, which use is

clearly incidental and secondary to the use of the dwelling and property for residential purposes, and which does not change or adversely affect the character of the property or neighborhood.

25. Hotel/Motel A structure designed, used or offered for residential occupancy for any period less than one month, including tourist homes and lodges, but not including hospitals or nursing homes.

26. Kennel Any building, structure or open space devoted wholly or partially to the raising, boarding or harboring of six (6) or more animals that are over four (4) months old.

27. < Landscaped An area covered with living, ornamental foliage including, but not limited to, grass, shrubs, trees, and flowers. Landscaping by means other than living foliage subject to approval by the Town Board. >

28. Laundromat A facility where patrons wash, dry or dryclean clothing or other fabrics in machines operated by the patron.

29. Lot A parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the Dolores County Courthouse. Also, or when not platted in a recorded subdivision, a parcel of real property abutting upon at least one public street and held under one separate ownership.

30. Lot line A line marking the boundary of a lot or parcel.

31. Low Impact Repair Shop An enclosed building, or portion thereof, wherein products, equipment, appliances, or other machinery are repaired, and from which no heat, glare, vibration, or noise extends beyond the lot line.

32. Manufactured Home A single family dwelling which meets the following criteria:

- a. Is partially or entirely manufactured in a factory.
- b. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length, exclusive of any towing apparatus, bumpers or additions.
- c. Is installed on any engineered permanent foundation.
- d. Has brick, wood, or cosmetically equivalent exterior siding and a pitched roof.
- e. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended.
- f. Meets or exceeds minimum Town of Rico Building Code Standards.

33. Marquee Any roofed structure attached to a building and having columns, posts or other supports, and which projects over the public right-of-way.

34. Mobile Home A structure or mobile vehicle manufactured partially or entirely in a factory, which is designed and used as a permanent single family dwelling, and which has no self-contained utilities. The structure shall be considered a mobile home whether or not its wheels or other rolling devices have been removed, or it has been jacked up, skirted, or any addition to the basic trailer has been built upon the ground.

35. Mobile Home Park Any property under the same ownership which had been planned, improved or used for the placement of five (5) or more mobile homes for residential occupancy.

36. Multi-family Dwelling A building or structure designed or used for residential occupancy by two or more families, with or without common or separate kitchen or dining facilities, including apartment houses, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhouses, and similar housing types.

37. Non-conforming Building or Structure A building or structure or permanently affixed sign, or portion thereof, legally existing at the time of passage of this ordinance on October 27, 1987, but conflicting with the provisions of this ordinance applicable to the district in which it is located. This shall not include any building or structure existing under a variance to the Zoning Ordinance.

38. Non-conforming Use The use of a building, structure or premises, or portion thereof, legally existing at the time of passage of this ordinance on October 27, 1987, but which conflicts with the provisions of this ordinance. This shall not include any use existing under a variance to the Zoning Ordinance, which shall not be considered a non-conforming use.

39. Nursing Home A structure or building designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.

40. Permanently-affixed Sign A sign securely attached to a building or its own supporting structure which is in turn securely affixed to ground.

41. Property A contiguous parcel of land owned by one person, one collection of persons, or one organization.

42. Rear Lot Line A boundary line, or lines, opposite the front lot line, which (usually) separates the lot from the adjoining alley.

43. Religious Institution A building wherein persons regularly assemble for religious worship, which is used only for that purpose and those accessory activities customarily associated therewith.

44. Repair Shop see High Impact Repair Shop and Low Impact Repair Shop.

45. Restaurant/Bar A building, or portion thereof, in which food or beverages are prepared and offered for sale, and where consumption is permitted on the premises, whether or not entertainment is offered, including grilles, cafes, taverns, nightclubs, drive-ins, and any fast food establishment permitting consumption on the premises.

46. Service Station A facility where motor vehicle fuels are sold at retail and at which repair or other service may be performed for compensation.

47. Service Yard Any yard area utilized for storage of materials or supplies accessory to, or used in conjunction with, the principal use of the lot or building, or used for trash or

garbage containers, or for the location of mechanical equipment or machinery accessory to the principal building or use.

48. Setback The required distance between the farthest protrusion of a building or structure and any lot line of the lot or parcel on which it is located.

49. Side Lot Line A line, or lines, which represent the boundary between adjoining lots or parcels of property.

50. Single Family Dwelling A structure, except a mobile home, designed or used for residential occupancy by one family.

51. Sign Any device affixed to, painted on, or incorporated into a building surface, or free-standing upon the site, and which is visible from the public right-of-way, designed to convey or direct a message to the public concerning the identification of the premises or to advertise or promote the interest of any private or public firm, person, or organization.

52. Sign Area The area of the plain geometric figure which encompasses the facing of a sign, including copy, insignia, background and borders.

53. Sign, Free-Standing A sign structurally separate from the building, being supported on itself or on a standard or legs, and which does not project into or over the public right-of-way.

54. Sign, Projecting A sign attached to and projecting (usually) perpendicular from a building, which may or may not project over the public right-of-way.

55. Sign, Wall Any sign painted on, incorporated in, or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on said wall. Where no background is defined on a wall sign, the sign area shall be the smallest geometric figure which encompasses all of the lettering or other elements of the sign.

56. Street As platted and shown on the official town map, a named or numbered public way which provided the principle means of access to abutting property.

57. Structure Any constructed or erected material or combination of materials in or upon the ground, including but not limited to, buildings, mobile homes, radio towers, sheds, decks, storage bins, and walls and fences over six feet high, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

58. Survey A certified document provided by a licensed surveyor.

59. Warehouse A building used for the public or business storage of goods, materials, or vehicles.

## SECTION 7: ZONING DISTRICTS

A. The Town of Rico is hereby divided into the Zoning Districts listed below.

## ZONING DISTRICTS

- R-1 Single Family Residential District
- R-2 Medium Density Residential District
- C-1 Commercial Historical District
- C-2 Commercial District
- D Development Area District
- H Hazard Overlay District

The boundaries of said use districts are hereby established as shown on the Zoning District Map.

B. The Zoning Use District Map is hereby made a part of this Ordinance. The Town of Rico will maintain a Zoning Use District Map and the official copy shall be on file in the Town Clerk's office. The Zoning Use District Map has the same force and effect as if fully described and set forth herein.

C. General Requirements:

1. Compliance: No building or structure shall be erected, constructed, converted, enlarged, moved or structurally altered, nor shall any building, structure, land or premises be used for any purpose other than as permitted in the district in which it is located. No building or structure shall be erected, constructed, converted, enlarged, moved or structurally altered, except in conformity with all regulations prescribed herein for the district in which it is located.

2. Sewerage: A waste disposal system which complies with the individual waste disposal standards of the Colorado State Health Department shall be installed on any property with a structure containing toilet facilities. Such a waste disposal system will, at minimum, include an adequate septic system and absorption area. < Exception: campers which contain self-contained toilet facilities. >

3. Open to sky: Every part of a required yard or lot area shall be open to the sky, unobstructed, except as otherwise provided herein.

4. Drainage: All structures and uses shall be designed and maintained in such a manner that drainage from the property will not adversely affect any other property or street. Structures, walkways, driveways, gutters, etc., may not obstruct or interfere with municipal drainage systems, structures or devices.

5. Mandatory demolition: In the event a structure, building, unit or improvement, either permanent or mobile, is substantially damaged, destroyed or deteriorated by any means, the owner of the property upon which said structure or facility is located shall undertake demolition or repairs of said facility no later than 30 days after such damage occurs. Any demolition shall be completed and the land cleared and leveled no later than ninety (90) days after said damage occurs.

6. Lights: Any light or lights used to illuminate

parking areas or any other private property, shall be so arranged as to reflect light away from nearby residential properties.

7. Service Yards: All service yards shall be fenced so as not to be visible from any street, and such fences shall be a minimum of six feet and a maximum of eight feet in height above grade, and must meet applicable setback requirements if over six feet.

8. Scenic Views: Insofar as practicable, structures shall be designed and sited in a manner which will have the least impact on the scenic views of neighbors.

D. Non-Conforming Use: Any use of property or premises existing at the time of passage of this ordinance on October 27, 1987, which does not conform to the regulations prescribed herein, shall be deemed non-conforming use. Such use may be continued indefinitely as long as there is no interruption of active use. If there is a discontinuation of the non-conforming use, the owner of the property or premises shall have one (1) year from the date of the interruption of the non-conforming use to reinstitute the non-conforming use. Failure to reinstitute the non-conforming use within the one year limit shall require that the non-conforming property or premises be brought into full compliance with all the provisions of this ordinance and the use district within which the property or premises is located.

E. Non-conforming Structure: Any building or structure, including a permanently affixed sign, existing at the time of passage of this ordinance on October 27, 1987, which does not conform to the regulations prescribed herein, shall be deemed a non-conforming building or structure. (Signs not permanently affixed are subject to the provisions of Section 14-D.) Such building or structure may remain indefinitely until such time that it is moved or substantially damaged or destroyed.

1. Any non-conforming building or structure moved to a new location shall be brought into conformance with the standards of the district in which it is relocating. Reconstruction on the vacated lot shall meet all requirements of the use district in which it is located. Exception: Any non-conforming mobile home removed from its site may be returned to the same property or be replaced within sixty (60) days by another mobile home, provided the replacement meets all other requirements of the district.

2. The owner of a damaged or destroyed non-conforming structure shall have one (1) year from the date of damage or destruction to reconstruct the structure. Failure to reconstruct such damaged structure within one year shall require that the structure be brought into full compliance with all the provisions of this ordinance and the district within which the building or structure is located.

3. Any addition built onto a non-conforming building or structure must comply with all the provisions of this code and the use district in which it is located.

4. The use of a building or structure is separate and distinct from the actual building or structure itself, and shall comply with all the provisions of this ordinance and the use district in which it is located, or if applicable, with Section 7-D above.

Non-Conforming Signs: See: Section 7-E above and Section 14-D.

F. Public Utilities: Nothing in these regulations shall be construed to prevent the construction or installation, in any district, of a public utility use or structure necessary for the transmission of commodities or services of a utility company, including mains, transmission and distribution lines, substations, and exchanges, provided that storage, maintenance and business facilities shall be restricted to their appropriate district. The construction and installation of all public utilities shall comply with the following:

1. No towers or apparatus for the transmission, emission, or reception of signals which are in excess of twenty (20) feet from base to tip, and no wind-driven apparatus which is in excess of twenty (20) feet from base to tip, shall be constructed, placed or maintained within the town limits, except in the Development Area District.

2. Substations, exchanges, and storage and maintenance facilities shall be required to be obscured by natural vegetation screening to conform with the surrounding environment, or by fencing which is a minimum of six feet and a maximum of eight feet above grade and which meets the applicable setback requirements if over six feet.

3. New utility transmission and distribution lines shall be buried in the R-1 and R-2 districts and in the C-1, Commercial Historical District and in all mobile home parks. This shall not include relocating or resizing of existing lines. Buried utility lines shall be a minimum of 18" below grade.

< G. Temporary Use Permits. When such action is deemed to be in the public interest, the Town Board may grant permission to an individual or organization to conduct an activity which is not normally permitted under the provisions of this zoning ordinance. Any such temporary use shall be limited to a period not to exceed ninety (90) days. Before action is taken to grant a temporary use permit, a public hearing shall be held by the Town Board. At least ten (10) days advance notice of the date, time and place of such hearing shall be published in the usual manner of town ordinances. >

## SECTION 8: R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

A. Purpose: This district is established for the purpose of providing an area for single family dwellings.

- B. Uses Permitted by Right:
  - 1. Single family dwelling
  - 2. Manufactured home
- C. Uses Subject to Review (See Section 5):
  - 1. Child care center
  - 2. Family care home
  - 3. Group home for the aged
  - 4. Group home for the developmentally disabled
  - 5. Educational institution
  - 6. Religious institution
  - 7. Bed and breakfast establishment
  - 8. Private storage or garage building without residence
- D. Accessory Uses and Structures:
  - 1. Home occupation
  - 2. Garage
  - 3. Parking space
  - 4. Greenhouse, tool house, playhouse, and sheds
  - 5. Fences and walls
- E. Requirements:
  - 1. Minimum lot area of dwelling unit: 5000 square feet
  - 2. Minimum lot width of dwelling unit: 50 feet
  - 3. Maximum height of structure: 30 feet
  - 4. Minimum floor area of dwelling unit (other than manufactured housing): 550 square feet
  - 5. Minimum setback:
    - a. Principal Structures:
      - Front setback: 12 feet
      - Side setback: 7 feet
      - Rear setback: 5 feet
    - b. Accessory Structures (walls and fences six feet high or less excluded):
      - Front, Side, and Rear setbacks: 5 feet

Any building is to be designed so that all snow, water and ice from the roof falls on the owner's property.

  - 6. Parking: one off-street parking space per dwelling unit. Other than residential uses must consult with the Planning Commission and obtain specific off-street parking requirements.
  - 7. Signs and outdoor advertising devices: See Section 14.

#### SECTION 9: R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

- A. Purpose: This district is established for the purpose of providing an area for multiple and single family dwelling units.
- B. Uses Permitted by Right:
  - 1. Single family dwelling
  - 2. Multi-family dwelling

3. Child care center
4. Family care home
5. Manufactured home
6. Group home for the aged
7. Group home for the developmentally disabled

C. Uses Subject to Review (See Section 5):

1. Educational institution
2. Religious institution
3. Bed and breakfast establishment
4. Clinic or hospital

D. Accessory Uses and Structures:

1. Home occupation
2. Garage
3. Greenhouse, tool house, playhouse, and sheds
4. Fences and walls
5. Private garage or storage building without residence

E. Requirements:

1. Minimum lot area: Single family: 5000 square feet/  
Multi-family: 7500 square feet.
2. Minimum lot area per multi-family dwelling unit:  
1250 square feet.
3. Maximum lot coverage: 50% of lot area exclusive of  
parking.
4. Minimum lot width: 50 feet.
5. Maximum height of structure: 30 feet
6. Minimum floor area per dwelling unit: Single  
family: 550 square feet/ Multi-family: 500 square feet.
7. Minimum Setback: Same Requirements as R-1 District.
8. Parking: One off-street parking space per dwelling  
unit. Other than residential uses must consult with the Planning  
Commission and obtain specific off-street parking requirements.
9. Signs: See Section 14.

## SECTION 10: C-1 COMMERCIAL HISTORICAL DISTRICT

A. Purpose: This district is established for the purpose of providing an area for a wide range of retail uses, offices, personal and professional services, places of amusement and restaurants, which are readily accessible to a person on foot. This district is also designed to preserve the historical appearance of Rico's central business district.

B. Uses Permitted by Right:

1. Retail Shop
2. Office
3. Place of recreation or entertainment
4. Financial institution
5. Personal or professional service

6. Arts and crafts studio or shop
7. Post office
8. Print shop
9. Hotel
10. Restaurant, bar
11. Religious institution
12. Social or fraternal club
13. Transportation facility
14. Low impact repair shop
15. Child care center or family care home
16. Group home for the aged or developmentally disabled
17. Boarding house

C. Uses Subject to Review (See Section 5):

1. Any use or activity not conducted within an enclosed building.
2. Any use not listed above.

D. Accessory Uses or Structures:

1. Garage
2. Greenhouse, tool house, playhouse, and sheds
3. Fences and walls
4. Service yards (subject to Section 7-C-7)
5. Parking lot

E. Requirements (including Dwellings in Conjunction with Other Principal Use):

1. Minimum Lot Area: 2500 square feet for a storage facility without employees and toilet facilities, 5000 square feet for any other use.
2. Minimum Lot Width: 25 feet for a storage facility without employees and toilet facilities, 50 feet for any other use.
3. Maximum Height of Structure: 35 feet
4. Minimum height of front facade: 25 feet
5. Minimum Floor Area:  
Per principal use (other than dwelling): 500 square feet.
6. Minimum Setback: Principal and Accessory Structures (Walls and fences six feet high and less excluded)  
Front setback: 0 feet  
Side setback: 0 feet  
Rear setback: 5 feet  
Any building is to be designed so that all snow, water and ice from the roof falls on the owner's property.
7. Maximum Setback: Front setbacks greater than 5 feet are subject to review.
8. Exterior Building Materials: Exterior building walls visible from Glasgow Avenue may be covered only with the following materials: wood siding, stone, or brick.

9. Sidewalk: A solid surface sidewalk with a minimum width of 4 feet extending along the entire frontage of property. Concrete sidewalks shall have a minimum thickness of 4 inches.
10. Signs: See Section 14.

#### SECTION 11: C-2 COMMERCIAL

A. Purpose: This district is established for the purpose of providing an area suited to the needs of customers arriving by motor vehicle.

B. Uses Permitted by Right, Subject to Site Plan Review (See Section 5):

1. Hotel, motel
2. Multi-family dwelling
3. Home occupation
4. Service Station
5. Service yard (subject to Section 7-C-7)
6. All uses Permitted by Right under C-1 District

C. Uses Subject to Review (See Section 5):

1. Any use or activity not conducted within an enclosed building.
2. Any use not listed above.

D. Requirements:

1. Minimum Lot Area: 5,000 square feet
2. Minimum Lot Width: 50 feet
3. Maximum Height of Structure: 35 feet
4. Minimum Floor Area Per Principal Use or Per Dwelling Unit: 500 square feet
5. Minimum Setback: Commercial Principal and Accessory Structures (Walls and fences six feet high and less excluded)  
Front setback: 20 feet  
Side setback: 7 feet  
Rear setback: 5 feet  
Residential setbacks same as R-1.  
Any building is to be designed so that all snow, water and ice from the roof falls on the owner's property.
6. Site Plan: Required for review sixty (60) days prior to issuance of building permit.
7. Landscaping: 30% of the area of any lot or parcel must be landscaped
8. Parking: One off-street parking space per dwelling unit. Other than residential uses must consult with the Planning Commission and obtain recommended off-street parking requirements.
9. Signs: See Section 14.

## SECTION 12: D DEVELOPMENT AREA DISTRICT

A. Purpose: This district is established for the purpose of providing areas for diverse types of future development activity compatible with neighboring Zoning Districts and uses and compatible with good land use practices. Development areas allow flexibility in development of large or small sites and are designed to promote the unified development and use of such sites while protecting environmental and ecological assets.

B. Uses Subject to Review: All uses in the Development Districts are subject to review. Possible uses include but are not limited to single family and multi-family housing developments, mobile home parks, shopping centers, recreational facilities, industrial parks, and warehousing, storage and distribution facilities.

C. Requirements: All development within the Development Area District shall be subject to the Town of Rico Master Plan, Street Ordinance, and all applicable provisions of the Rico Zoning Ordinance and Sub-division Ordinance. Additional requirements may be imposed by the Rico Town Board. An application fee shall be assessed sufficient to meet the costs of acquiring any professional assistance necessary for properly evaluating the proposed development.

## SECTION 13: H HAZARD OVERLAY DISTRICT

A. Purpose: This district is formed for the purpose of establishing rules for construction and uses, and limiting the types of uses in areas of the Town of Rico which are subject to flooding or avalanche or which contain active or abandoned mine materials or workings. Consideration should be given to uses in this district such as parks, open space, recreation, and wildlife sanctuaries which do not pose a hazard to life and property.

B. Uses Subject to Review: All uses are subject to review. If a proposed development is designated by an underlying Zoning District, the review is to determine if the requirements of the underlying District relating to minimum lot area, minimum lot width, maximum height and minimum setback are sufficient to mitigate the hazard or hazards affecting a lot. The Town Board may impose requirements which exceed the requirements imposed by the underlying Zoning District to lessen danger to the public health, safety, and welfare which may be caused by the hazard. If the proposed development is not designated by an underlying Zoning District, the Town Board may impose such conditions and requirements as are deemed necessary to protect the public health, safety, and welfare which may be endangered by the

hazard.

C. Requirements: The applicant for a permit to engage in any activity or undertake any construction in a Hazard Overlay District must submit sufficient information to show the extent of the hazard and the mitigation methods and design measures proposed for use on the site. Activity in the designated flood plain must comply with the requirements of Rico Ordinance No. 270 concerning Flood Damage Prevention. An application fee shall be assessed sufficient to meet the costs of acquiring any professional assistance necessary for properly evaluating the proposed development.

#### SECTION 14: SIGNS AND OUTDOOR ADVERTISING DEVICES

A. No signs shall be allowed except as permitted by this ordinance, and shall be subject to the requirements of the district in which they are located, unless specifically excepted elsewhere in this section. Signs shall be of a permanent nature and shall be maintained in good repair or they may be removed by order of the Board of Trustees.

B. Exceptions: Signs exempted from the provisions of this ordinance are any signs painted onto or located on the interior side of a window. Also exempted are banners, bunting, and other similar displays <erected temporarily. Such devices must be removed if damaged or disrepaired or immediately following the conclusion of any particular event being advertised,> and may not be erected so as to obstruct the use or visibility of the public right-of-way.

C. Off-Premise Signs Prohibited: Signs shall identify or advertise only the interests or business conducted on the property on which they are located, unless the Board of Trustees, following review and recommendation by the Planning Commission, determines that an off-premise sign is necessary to promote the interests of a use not occupying the same lot or property.

D. Non-Conforming Signs: Permanently affixed signs existing at the date of passage of this ordinance on October 27, 1987 and which do not comply with the provisions of this ordinance shall be considered non-conforming structures subject to the provisions of Section 7-E. Other signs which do not meet all the applicable requirements of this ordinance shall be discontinued and removed within five years from the date of passage of the original ordinance, i.e. no later than October 27, 1987, unless a variance for such sign was granted prior to the removal date. No non-conforming sign shall be altered, reconstructed, or moved in any matter without being made to better comply with the provisions of this ordinance.

E. Abandoned Signs Prohibited: Any sign which is located on property which becomes vacant or is unoccupied for a period of twelve (12) months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or business, or any sign which pertains to a time, event, or purpose which no longer exists or has passed, shall be determined to be abandoned, and no person shall maintain or permit to be maintained any such sign upon their property, building, structure or business.

F. Parking of Advertising Vehicles Prohibited: No person shall park any vehicle or other mobile unit on the streets or alleys, or on private property, which has attached thereto or suspended therefrom any advertising or sign, except a vehicle which has a sign painted directly onto or permanently affixed to the body or other integral part of the structure of the vehicle for permanent decoration, identification, or display, including magnetic signs.

G. Traffic Safety: No sign shall be located so that the safety of a moving vehicle might be impaired by obstructing the driver's vision. No sign shall resemble or conflict with traffic signs or signals with regard to color, format, shape or other characteristics.

H. Sign Illumination and Moving Parts: All illuminated signs shall be illuminated by an external lighting source. Internally illuminated signs shall not be permitted. No sign with flashing or moving lights or any type of moving parts shall be allowed.

I. Signs on Marquees: Projecting signs or signs affixed to or located on posts or pillars supporting a marquee are prohibited. Wall signs attached to the marquee are allowed, provided they do not project above the eave or edge of the marquee roof nor project lower than eight (8) feet above grade. Such signs must meet all the requirements of this ordinance and are to be included in the computation of maximum aggregate allowable square footage.

J. Signs on Awnings: No signs may be attached to or suspended from an awning; however, lettering on awnings is permitted, provided it meets all the requirements of this ordinance and is included in the computation of maximum aggregate allowable square footage of sign area for the building.

K. Sign Materials: Exterior signs may not be constructed of paper, cloth, canvas, cardboard, wallboard, or other light material, nor may any spinners, pendants, balloons, banners or streamers be used as or incorporated into any signs, except for banners, etc. erected temporarily under the provisions of Section (B) herein, and awnings erected under the provisions of Section

(J) herein.

L. Structural Characteristics: The structural characteristics and the location of signs shall be restricted to the following categories of signs only:

1. Free-standing and projecting signs shall be limited to one sign per principal use and shall be subject to the total aggregate footage limits set forth herein. Any free-standing or projecting sign which projects over any public pedestrian way shall be located a minimum of eight (8) feet above grade and a maximum of twenty (20) feet, and shall not extend more than six (6) feet over the public sidewalk. Any free-standing or projecting sign which does not project over the public right-of-way shall not be subject to any minimum height requirement, but shall not exceed twenty (20) feet in height at its highest point above grade.

2. Wall signs shall not be higher than the eave line or parapet wall of the building on which they are located, and no sign part, including cut-out letters, shall extend more than twelve (12) inches from the building wall. Such signs shall be subject to the total aggregate footage limits herein.

M. Signs permitted by District:

1. R-1 and R-2 Districts

a. A maximum of two residential identification signs may be erected on the same lot or premises with any dwelling, identifying the occupant thereof, or any home occupation pursued therein. Each said sign shall not exceed two (2) square feet per dwelling unit.

b. Institutional or park identification signs may be erected on the same lot or premises as the institution or park being identified. The aggregate sign area allowed along any one street frontage shall not exceed sixteen (16) square feet. Illumination of such signs in any residential district shall be subject to the approval of the Board of Trustees.

c. Directional signs, non-illuminated and conforming to a standard design six (6) by thirty (30) inches, may be erected to direct persons to public, cultural or other facilities or attractions, subject to the approval of the property owner and the Board of Trustees.

d. For sale or rental signs, non-illuminated, may be erected only on the premises or parcel being sold or rented. Only one (1) sign shall be permitted per parcel of contiguous ownership being offered for sale or rent. The total square footage of the sign shall not exceed the following size requirements:

	For Sale Sign	For Rent Sign
Parcels containing 1 - 30,000 square feet	8 sq. ft.	3 sq. ft.
Parcels larger than 30,000 square feet	24 sq. ft.	12 sq. ft.

In addition one directional sign (of six (6) by thirty (30)

inches may be erected to direct persons to a sale or rental property subject to the approval of the property owner where sign is to be erected.

## 2. C-1 and C-2 Districts

a. All signs permitted in any residential district shall also be allowed in the C-1 and C-2 Districts, in conjunction with other permitted uses and signs, provided they identify or advertise a business or function occupying the premises, and meet all the requirements of this ordinance and the aggregate square footage limitations set forth below.

1. The maximum allowable aggregate sign area (including all sides of the sign) for any free-standing or projecting sign shall be forty (40) square feet.

2. For all buildings having a frontage along a public street of one (1) through fifty (50) feet in length, the maximum aggregate sign area shall be forty (40) square feet.

3. For those buildings having a frontage along a public street in excess of fifty (50) feet in length, the maximum aggregate sign area allowable shall be eighty (80) square feet.

4. In addition to the limitations set forth above, any building located on a corner lot which has an additional street frontage shall be permitted to add an additional aggregate sign area of twenty (20) square feet to that specified above, provided that such additional sign area allowed shall only be permitted to be placed on said additional frontage.

5. The aggregate sign area square footage allowance may include any desired combination of sign styles and types, but in no event shall any sign, or the combination of all signs on a building, be larger than the maximum allowable sign area computed using the above restrictions.

6. For the purpose of computing the maximum sign area allowable, "frontage" shall be defined as: That portion of a building in which a business or businesses are located which abuts upon or is adjacent to a public street or sidewalk, measured in a straight line, and not including abutment onto an alley, nor including any surrounding property or yard area adjacent to the building, and not including any portion of the building used for some purpose other than business. The total maximum sign area allowable shall apply to all businesses located within that building.

## SECTION 15: MOBILE HOMES

A. No mobile home of any type shall be used for any purpose other than residential occupancy within the Town of Rico.

B. The placement of individual mobile homes for residential purposes shall be limited to the Development District and must meet all minimum and maximum specifications and regulations for single-family housing. Manufactured housing as defined in

Section 6-31 is not considered to be a mobile home and may be located in the R-1 and R-2 Districts.

C. A building permit is required for each mobile home prior to its placement on any property, including those placed in a mobile home park.

D. All mobile homes must be fully skirted within sixty (60) days of placement.

E. Mobile homes existing in place prior to the passage of this ordinance on October 27, 1987, may remain on the property indefinitely subject to the provisions of Section 7-E, Non-Conforming Structures.

F. Mobile homes may be parked for occupancy on private property by the property owner in any residential zone during the actual construction of a dwelling unit. Mobile homes so parked must meet all setback requirements of the zone. Said occupancy shall not take place prior to the issuance of a building permit for the new construction, and shall terminate upon occupancy of the new dwelling.

#### SECTION 16: CAMPERS

##### A. Occupancy:

1. < No Camper of any type shall be used for any purpose other than as a temporary dwelling within the Town of Rico. > Campers may be parked for occupancy on private property only with the express permission of the property owner upon whose property the unit is parked. Campers may be parked for occupancy on public thoroughfares only with the express permission of the property owner whose property is adjacent to the street frontage being used and provided a clear driving lane of twenty (20) feet remains along the roadway. Camper units parked for continuous occupancy under the above conditions shall be allowed to utilize the parking area described for a period not to exceed ten (10) days on a public thoroughfare and thirty (30) days on private property. < No more than one camper unit may be parked in any property in a residential zone for a period to exceed ninety (90) days. >

2. Camper units may be parked for occupancy on private property < with permission of the property owner in any zoning district > during the actual construction of a building. Campers so parked must meet all setback requirements of the zone. Said occupancy shall not take place prior to the issuance of a building permit for the new construction, and shall terminate upon occupancy of the new dwelling.

3. No campers shall be kept, stored, or parked in any alley.

B. Camper Parks: Camper parks may be established in the C-2 or D Use Districts only. < Rental of camper space shall be limited to designated camper parks only. >

## SECTION 17: SEVERABILITY

If any part or parts of this ordinance are for any reason to be held invalid or unconstitutional, such decision shall not affect the validity or constitutionality or the enforceability of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

## SECTION 18: EFFECTIVE DATE

The provisions of this ordinance shall be in effect on the 27th day of October, 1987, and thereafter until repealed.

READ, PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Rico on this 27th day of October, 1987.

ATTEST:

TOWN OF RICO:

Linda Yellowman  
Town Clerk

Mike Maxwell  
Mayor

## &lt; SECTION 19: FIRST REVISION

The first revisions to this Zoning Ordinance are identified in the text by the symbols: < >. These revisions are subject to the provisions of Sections 7-D, Non-conforming Uses, and 7-E, Non-conforming Structures. The effective date for the revisions so identified, shall be December 13, 1988.

## SECTION 20: EFFECTIVE DATE OF FIRST REVISION

The provisions of the first revision shall be in effect on the 13th day of December 1988, and thereafter until repealed.

READ, PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Rico on this 13th day of December 1988.

ATTEST:

TOWN OF RICO:

Linda Yellowman  
Town Clerk

Lonnie Cole  
Mayor >

## ORDINANCE NO. 275

AN ORDINANCE CLASSIFYING STREETS WITHIN THE TOWN OF RICO,  
REGULATING THE DEVELOPMENT OF SAID STREETS, AND ADOPTING MAPS  
IDENTIFYING SAID STREETS AND THEIR CLASSIFICATIONS.

## SECTION 1: AUTHORITY AND PURPOSE

Under authority of Colorado Revised Statutes, 1973, Sections 32-23-206, 207, 209, 212, 213, et. seq., the Town of Rico, Colorado, hereby establishes street classifications and regulations providing the Town a mechanism for regulating future development of streets within the Town for the purposes of facilitating street maintenance and promoting good quality streets and acceptable traffic patterns in order to assure the health, safety, and welfare of the residents of Rico.

## SECTION 2: ADMINISTRATION AND ENFORCEMENT

## A. Administration

1. Enforcing Official: The provisions of this Street Ordinance shall be administered and enforced by the officer(s) or department(s) designated by the Town Board.

## B. Enforcement Procedure:

1. An alleged violation of any of the provisions of this Street Ordinance shall be investigated by the enforcing official or officials, either on their own initiative or upon receipt of a signed written complaint from a person or persons who believe a violation exists, or by order of the Town Board.

2. If a violation is found to exist, it shall be corrected in one or more of the following ways:

a. The enforcing official shall notify the property owner and any other persons responsible for the violation, in writing, and order the necessary correction. Said correction shall be completed within a prompt, reasonable period, as ordered by the enforcing official in said notice.

b. The enforcing official may issue a stop work order by notice in writing posted on the property in or upon which such violation is occurring.

c. Any law enforcement officer may cite the property owner and/or any other persons who may be responsible with a violation of an Ordinance of the Town of Rico, as provided in section C herein.

d. Upon the failure of any official to act in the case of a violation of this Ordinance, the necessary notification of violation or stop order may be issued by the Town Board, either upon its own initiative or that of the Planning Commission, or upon receipt of a written complaint from an individual or group of individuals.

C. Violation and Penalty: Failure to comply with any of the provisions of this Ordinance shall constitute a misdemeanor, and upon conviction is punishable by a fine of not less than \$10.00 nor more than \$300.00, or by imprisonment for a period of not less than three (3) days nor more than one (1) month. Each day that such violation continues to exist shall be considered as a separate offense.

### SECTION 3: CONTENT

The Ordinance consists of the Present Status Map, Designated Street Use Map, specifications for future road construction, procedures for vacations of street rights-of-way, and approval and permit procedures.

### SECTION 4: PRESENT STATUS MAP

A. Street Classifications: The Present Status Map shows the present classification of Rico's Streets. The classifications are as follows:

1. Improved: All roads currently maintained by the Town of Rico, Dolores County, or the State of Colorado.

2. Unimproved: Existing roads or dirt tracks not regularly maintained by any governmental entity, but which have significant seasonal use; or, undeveloped but potentially developable roads between platted town lots, e.g. extensions of platted streets.

a. Questionable for Development: portions of Unimproved platted streets which are not feasible to develop due to unfavorable physical conditions.

B. Platted Streets: Previously unplatted streets which have been platted on the Present Status Map are: West Rico Access, Dump Road, Piedmont Access, Depot Road, Water Tank Road, Jones Mine Road, Burnett Road, Piedmont to West Rico Road, Mill Road to town boundaries, Newman Hill Road.

### SECTION 5: DESIGNATED STREET USE MAP

A. The Designated Street Use Map designates streets based on historical uses as follows:

ARTERIAL: Glasgow Avenue/State Highway 145

COLLECTOR: Mantz Avenue, portions of Silver Street, Soda Street, Piedmont Access, Piedmont Street, West Rico Access, Picker Street and Eder Street.

RESIDENTIAL: All streets not designated above.

B. The following prohibitions apply to street use:

1. Residential:

- a. Access to subdivisions, commercial or industrial sties, or multi-unit housing developments is prohibited.
- b. Regular use by trucks with more than two axles is prohibited.
- c. On-street parking for vehicles of more than two axles is prohibited.

2. Collector:

- a. On-street parking for vehicles of more than two axles is prohibited.
- b. On those streets designated as Collector, reasonable care shall be used to protect residential neighborhoods from commercial and industrial traffic, noise, dust and hazardous materials as defined in CRS 43-6-101, et. seq. including, but not limited to, gasoline, diesel fuel and liquified petroleum gas being transported to or from commercial or industrial sites.

SECTION 6: STREET IMPROVEMENTS AND EXTENSIONS

A. Application and Review: Any person or group of persons wishing to improve or construct a street or alley within the Town of Rico shall first appear before the Rico Planning Commission and submit a written application and drawing identifying: location and extent of the work to be performed, proposed design specifications, copy of a certified survey, proposed parking plan, proposed snow removal plan, and statement as to the intended use of the road. The Planning Commission shall make its recommendation to the Town Board based on the applicant's compliance with the intent of the Street Plan and the requirements of this Ordinance.

B. Permit: Upon approval of the proposed street improvement by the Board of Trustees, the Town Clerk shall issue a permit valid for one year. Application and fees shall be established by the Town Board.

C. Design Specifications: New streets or improvements to or extensions of Unimproved Streets or Streets Questionable for Development within the Town of Rico shall be constructed according to the following design specifications.

1. Width: Residential rights-of-way shall be a minimum of 40 feet in width and Collector rights-of-way shall be a minimum of 60 feet in width. Arterial rights-of-way shall be a minimum of 80 feet in width. Street surfaces are to be a minimum of 24 feet wide with a six-inch crown.

2. Base: Road base shall consist of a minimum of 5 inches of 4-inch or smaller aggregate topped by a minimum of 4 inches of 1-inch or smaller road mix if the street is to be unpaved.

3. Drainage: All water diversions shall be installed in such a manner as to prevent flooding downhill, erosion of the shoulder, and water runoff from the drainage system flowing onto private property.

a. Culverts: Culverts shall be installed wherever water runoff crosses the roadway and at every intersection. Culverts are to be a minimum of 12 inches in diameter, and large enough to accommodate expected maximum runoff. Culverts shall be installed with sufficient slope to prevent clogging.

b. Curbs and Gutters: All paved streets shall be installed with curbs and gutters.

c. Bar ditch: Unpaved streets shall include a bar ditch sufficient to provide adequate drainage.

4. Grade: Streets shall be constructed with a grade not to exceed 10 percent.

5. Roadcuts: Any roadcuts higher than six vertical feet measured from the crown of the street which are created during construction and which are composed of loose rock or soil material adjacent to the street shall not exceed a 35% slope. A retaining wall shall be built in any case where the vertical distance between the street crown and the top of a cut would exceed fifteen vertical feet. Toe of the road shall not exceed 45 degrees. The vertical distance between the street crown and the tow may not exceed 15 feet without provision of a retaining wall to protect the downslope.

6. Exceptions: The Town Board shall have the right to waive any of the above design specifications for good cause during the review process. The Town Board shall have the right to impose any additional requirements necessary to ensure the public health, safety, welfare and convenience.

## SECTION 7: VACATIONS OF STREET RIGHTS-OF-WAY

A. Authority and Purpose: The Town Board shall have the right to vacate street and alley rights-of-way pursuant to CRS 31-15-702 (1)(a)(I). Cause for vacation may include but shall not be limited to the following:

1. Promotion of health, safety, convenience, or general welfare of the citizens of Rico.

2. Existence of a street on topography which does not allow development of the street to meet design specifications required by this Ordinance.

3. Availability of alternate access to all outlying property which would ordinarily be served by said part of the

street.

**B. Requirements**

1. The Town Board shall enact the street vacation by ordinance.

2. The Town shall retain sufficient easements or rights-of-way for utilities.

3. Alternate access to other property served by the street shall be documented.

4. The vacated right-of-way shall be divided at the midpoint and title shall pass to the adjoining property owners.

5. Vacated rights-of-way shall be subject to the provisions of the Rico Zoning Ordinance, and the Zoning District designation shall be dictated by the adjoining Zoning District. If the street served as a dividing line for different Zoning Districts, the midpoint of the street shall serve as the new boundary for adjoining Zoning Districts.

6. The vacation ordinance shall specifically amend the Street Plan and this Ordinance including the Present Status Map and the Designated Street Use Map.

7. The Town may not receive monetary compensation in return for any vacated street right-of-way.

**SECTION 8: SEVERABILITY**

If any part or parts of this ordinance are for any reason to be held invalid or unconstitutional, such decision shall not affect the validity or constitutionality or the enforceability of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

**SECTION 9: EFFECTIVE DATE**

The provisions of this ordinance shall be in effect on the 8th day of December, 1987, and thereafter until repealed.

READ, PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Rico on this 8th day of December, 1987.

ATTEST:

TOWN OF RICO:

Linda Yellowman  
Town Clerk

Mike Maxwell  
Mayor

## ORDINANCE NO. 275

AN ORDINANCE CLASSIFYING STREETS WITHIN THE TOWN OF RICO, REGULATING THE DEVELOPMENT OF SAID STREETS, AND ADOPTING MAPS IDENTIFYING SAID STREETS AND THEIR CLASSIFICATIONS.

## SECTION 1: AUTHORITY AND PURPOSE

Under authority of Colorado Revised Statutes, 1973, Sections 32-23-206, 207, 209, 212, 213, et. seq., the Town of Rico, Colorado, hereby establishes street classifications and regulations providing the Town a mechanism for regulating future development of streets within the Town for the purposes of facilitating street maintenance and promoting good quality streets and acceptable traffic patterns in order to assure the health, safety, and welfare of the residents of Rico.

## SECTION 2: ADMINISTRATION AND ENFORCEMENT

## A. Administration

1. Enforcing Official: The provisions of this Street Ordinance shall be administered and enforced by the officer(s) or department(s) designated by the Town Board.

## B. Enforcement Procedure:

1. An alleged violation of any of the provisions of this Street Ordinance shall be investigated by the enforcing official or officials, either on their own initiative or upon receipt of a signed written complaint from a person or persons who believe a violation exists, or by order of the Town Board.

2. If a violation is found to exist, it shall be corrected in one or more of the following ways:

a. The enforcing official shall notify the property owner and any other persons responsible for the violation, in writing, and order the necessary correction. Said correction shall be completed within a prompt, reasonable period, as ordered by the enforcing official in said notice.

b. The enforcing official may issue a stop work order by notice in writing posted on the property in or upon which such violation is occurring.

c. Any law enforcement officer may cite the property owner and/or any other persons who may be responsible with a violation of an Ordinance of the Town of Rico, as provided in section C herein.

d. Upon the failure of any official to act in the case of a violation of this Ordinance, the necessary notification of violation or stop order may be issued by the Town Board, either upon its own initiative or that of the Planning Commission, or upon receipt of a written complaint from an individual or group of individuals.

C. Violation and Penalty: Failure to comply with any of the provisions of this Ordinance shall constitute a misdemeanor, and upon conviction is punishable by a fine of not less than \$10.00 nor more than \$300.00, or by imprisonment for a period of not less than three (3) days nor more than one (1) month. Each day that such violation continues to exist shall be considered as a separate offense.

### SECTION 3: CONTENT

The Ordinance consists of the Present Status Map, Designated Street Use Map, specifications for future road construction, procedures for vacations of street rights-of-way, and approval and permit procedures.

### SECTION 4: PRESENT STATUS MAP

A. Street Classifications: The Present Status Map shows the present classification of Rico's Streets. The classifications are as follows:

1. Improved: All roads currently maintained by the Town of Rico, Dolores County, or the State of Colorado.

2. Unimproved: Existing roads or dirt tracks not regularly maintained by any governmental entity, but which have significant seasonal use; or, undeveloped but potentially developable roads between platted town lots, e.g. extensions of platted streets.

a. Questionable for Development: portions of Unimproved platted streets which are not feasible to develop due to unfavorable physical conditions.

B. Platted Streets: Previously unplatted streets which have been platted on the Present Status Map are: West Rico Access, Dump Road, Piedmont Access, Depot Road, Water Tank Road, Jones Mine Road, Burnett Road, Piedmont to West Rico Road, Mill Road to town boundaries, Newman Hill Road.

### SECTION 5: DESIGNATED STREET USE MAP

A. The Designated Street Use Map designates streets based on historical uses as follows:

ARTERIAL: Glasgow Avenue/State Highway 145

COLLECTOR: Mantz Avenue, portions of Silver Street, Soda Street, Piedmont Access, Piedmont Street, West Rico Access, Picker Street and Eder Street.

RESIDENTIAL: All streets not designated above.

B. The following prohibitions apply to street use:

1. Residential:

- a. Access to subdivisions, commercial or industrial sites, or multi-unit housing developments is prohibited.
- b. Regular use by trucks with more than two axles is prohibited.
- c. On-street parking for vehicles of more than two axles is prohibited.

2. Collector:

- a. On-street parking for vehicles of more than two axles is prohibited.
- b. On those streets designated as Collector, reasonable care shall be used to protect residential neighborhoods from commercial and industrial traffic, noise, dust and hazardous materials as defined in CRS 43-6-101, et. seq. including, but not limited to, gasoline, diesel fuel and liquified petroleum gas being transported to or from commercial or industrial sites.

SECTION 6: STREET IMPROVEMENTS AND EXTENSIONS

A. Application and Review: Any person or group of persons wishing to improve or construct a street or alley within the Town of Rico shall first appear before the Rico Planning Commission and submit a written application and drawing identifying: location and extent of the work to be performed, proposed design specifications, copy of a certified survey, proposed parking plan, proposed snow removal plan, and statement as to the intended use of the road. The Planning Commission shall make its recommendation to the Town Board based on the applicant's compliance with the intent of the Street Plan and the requirements of this Ordinance.

B. Permit: Upon approval of the proposed street improvement by the Board of Trustees, the Town Clerk shall issue a permit valid for one year. Application and fees shall be established by the Town Board.

C. Design Specifications: New streets or improvements to or extensions of Unimproved Streets or Streets Questionable for Development within the Town of Rico shall be constructed according to the following design specifications.

1. Width: Residential rights-of-way shall be a minimum of 40 feet in width and Collector rights-of-way shall be a minimum of 60 feet in width. Arterial rights-of-way shall be a minimum of 80 feet in width. Street surfaces are to be a minimum of 24 feet wide with a six-inch crown.

2. Base: Road base shall consist of a minimum of 5 inches of 4-inch or smaller aggregate topped by a minimum of 4 inches of 1-inch or smaller road mix if the street is to be unpaved.

3. Drainage: All water diversions shall be installed in such a manner as to prevent flooding downhill, erosion of the shoulder, and water runoff from the drainage system flowing onto private property.

a. Culverts: Culverts shall be installed wherever water runoff crosses the roadway and at every intersection. Culverts are to be a minimum of 12 inches in diameter, and large enough to accommodate expected maximum runoff. Culverts shall be installed with sufficient slope to prevent clogging.

b. Curbs and Gutters: All paved streets shall be installed with curbs and gutters.

c. Bar ditch: Unpaved streets shall include a bar ditch sufficient to provide adequate drainage.

4. Grade: Streets shall be constructed with a grade not to exceed 10 percent.

5. Roadcuts: Any roadcuts higher than six vertical feet measured from the crown of the street which are created during construction and which are composed of loose rock or soil material adjacent to the street shall not exceed a 35% slope. A retaining wall shall be built in any case where the vertical distance between the street crown and the top of a cut would exceed fifteen vertical feet. Toe of the road shall not exceed 45 degrees. The vertical distance between the street crown and the tow may not exceed 15 feet without provision of a retaining wall to protect the downslope.

6. Exceptions: The Town Board shall have the right to waive any of the above design specifications for good cause during the review process. The Town Board shall have the right to impose any additional requirements necessary to ensure the public health, safety, welfare and convenience.

## SECTION 7: VACATIONS OF STREET RIGHTS-OF-WAY

A. Authority and Purpose: The Town Board shall have the right to vacate street and alley rights-of-way pursuant to CRS 31-15-702 (1)(a)(I). Cause for vacation may include but shall not be limited to the following:

1. Promotion of health, safety, convenience, or general welfare of the citizens of Rico.

2. Existence of a street on topography which does not allow development of the street to meet design specifications required by this Ordinance.

3. Availability of alternate access to all outlying property which would ordinarily be served by said part of the

street.

**B. Requirements**

1. The Town Board shall enact the street vacation by ordinance.

2. The Town shall retain sufficient easements or rights-of-way for utilities.

3. Alternate access to other property served by the street shall be documented.

4. The vacated right-of-way shall be divided at the midpoint and title shall pass to the adjoining property owners.

5. Vacated rights-of-way shall be subject to the provisions of the Rico Zoning Ordinance, and the Zoning District designation shall be dictated by the adjoining Zoning District. If the street served as a dividing line for different Zoning Districts, the midpoint of the street shall serve as the new boundary for adjoining Zoning Districts.

6. The vacation ordinance shall specifically amend the Street Plan and this Ordinance including the Present Status Map and the Designated Street Use Map.

7. The Town may not receive monetary compensation in return for any vacated street right-of-way.

**SECTION 8: SEVERABILITY**

If any part or parts of this ordinance are for any reason to be held invalid or unconstitutional, such decision shall not affect the validity or constitutionality or the enforceability of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts may be declared invalid or unconstitutional.

**SECTION 9: EFFECTIVE DATE**

The provisions of this ordinance shall be in effect on the 8th day of December, 1987, and thereafter until repealed.

READ, PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Rico on this 8th day of December, 1987.

ATTEST:

TOWN OF RICO:

Linda Yellowman  
Town Clerk

Mike Maxwell  
Mayor

ORDINANCE NO. 283

AN ORDINANCE AMENDING ORDINANCE NO. 274 OF THE TOWN OF RICO, BEING "AN ORDINANCE REGULATING USE OF LAND AND STRUCTURE DIVIDING THE TOWN OF RICO INTO DISTRICTS AND FOR SUCH PURPOSES ADOPTING MAPS SHOWING BOUNDARIES IN THE CLASSIFICATIONS OF SUCH DISTRICTS ESTABLISHING A BOARD OF ADJUSTMENTS AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS"; AND REPEALING ANY PROVISIONS IN CONFLICT WITH SAID AMENDMENT.

WHEREAS, on the 9th day of October, 1987 the Board of Trustees of the Town of Rico did ordain and establish an Ordinance providing for the regulating of the use of land, structures and in general establish an ordinance for the zoning of the Town of Rico, which was then numbered Ordinance No. 274; and,

WHEREAS, it has become apparent during the course of use of the said Ordinance that certain modifications and amendments are necessary to the said Ordinance No. 274; and,

WHEREAS, it is in the best interests of the people of the Town of Rico that said amendments be made.

NOW, THEREFORE, BE IT ORDAINED by the Trustees of the Town of Rico:

Section 1. Section 6 of Ordinance No. 274: Definitions is amended to include an additional definition numbered as No. (58) Construction is defined as an initial breaking erection of any structure, within the meaning of this ordinance, including septic systems and storage buildings in excess of one hundred twenty square feet (120 sq. ft.).

Section 2. Section 4 of Ordinance No. 274 is amended to add a new Section A(1) Plat Changes shall be deemed amendments or changes to the Zoning Ordinance and shall be administered as set out in this Section 4. A Plat Change is defined as a modification of an existing plat or change within a subdivision of this Town as it exists at the time of the enactment of this Ordinance. Said Plat Change shall be certified by a registered surveyor and all necessary parties as in the manner as required for an Annexation Plat by the Statutes of the State of Colorado for annexation by a statutory Town.

Section 3. Section 14(H) of Ordinance No. 274 is amended in its entirety to read as follows: All illuminated signs shall be illuminated by an external lighting source, or may have certain neon components. Any sign containing neon components shall be no larger than sixteen square feet in the aggregate sign area. Any neon sign must first be approved by the Planning Commission and then by the Town Board. No sign, whether neon or otherwise, shall have flashing or moving lights nor shall it have any type of moving parts.

Section 4. Section 15(F) of Ordinance No. 274 is amended to include the following sentence as an additional requirement: Said permission during any such construction shall be for a period of one year only; should additional time be required, the property owner must make his request in writing and have said request approved by the Planning Commission of the Town of Rico at least sixty days prior to the completion of one year from first placement of the mobile home.

Section 5. Ordinance No. 274 of the Town of Rico is amended to include a new section to be numbered as Section 16(A): Violation of any terms or requirements of this Ordinance shall consist of a \$100.00 fine for each offense. Each day that the noncomplying property owner is not in compliance with this Ordinance or in violation of any terms or requirements of this Ordinance shall be deemed a separate offense.

Section 6. Any parts of Ordinance No. 274 in conflict with this new amending Ordinance are hereby repealed.

READ, PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Rico on this 9th day of October, 1990.

TOWN OF RICO:

ATTEST:

Linda Yellowman  
Town Clerk

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Mayor

Kenneth Hazen  
Mayor ProTem

ORDINANCE NO. 285

AN ORDINANCE AMENDING ORDINANCE NO. 274 OF THE TOWN OF RICO, BEING "AN ORDINANCE RESTRICTING USE OF LAND AND STRUCTURE DIVIDING THE TOWN OF RICO INTO DISTRICT AND FOR SUCH PURPOSES ADOPTING MAPS SHOWING BOUNDARIES AND THE CLASSIFICATIONS OF SUCH DISTRICTS ESTABLISHING A BOARD OF ADJUSTMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS; AND REPEALING A PROVISION OF ORDINANCE NO. 283 AND REPEALING ANY PROVISIONS IN CONFLICT WITH SAID AMENDMENTS AND REPEALERS".

WHEREAS, on the 11th day of October, 1990 the Board of Trustees did ordain and establish certain changes to Ordinance No. 274 which was subsequently passed, read and approved on the 8th day of January 1991; and,

WHEREAS, in the drafting thereof an error was made in the preparation of Ordinance No. 283 and it is necessary to correct said error; and,

WHEREAS, as it is in the best interest of the People of the Town of Rico that said amendments be made.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Rico,

Section 1: Section 5 of Ordinance No. 283 is repealed in its entirety as stated and the original penalty section of Ordinance No. 274 is re-enacted.

Section 2: Ordinance Number 274 is amended to add a subparagraph to Section 2: Administration and Enforcement being an addition Section 2, Section C, Violation and Penalty and denominated subparagraph 2 as follows: 2. In addition to the penalty set out above, there shall be an additional penalty imposed should any person or entity undertake construction within the Town of Rico without having obtained all necessary permits shall include but are not limited to permits for construction, permits for the construction of septic tanks, particularly as prescribed in Ordinance No. 284 of the Town of Rico and any other or any other permit required by action of the Board of Trustees at the time of the start of construction. Such additional penalty shall be in the sum of \$100.00 and each day after construction without the person or entity obtaining the proper permits shall be deemed to be a separate offense.

Section 3: Any parts of Ordinance No. 274 or 283 in conflict with this amending ordinance are hereby repealed.

READ, PASSED, APPROVED AND ADOPTED by the Board of Trustees  
of the Town of Rico this 9th of April, 1991

ATTEST:

TOWN OF RICO:

Linda Yellowman  
Town Clerk

Joe Konyndyk  
Mayor

**TOWN OF RICO, COLORADO**  
**ORDINANCE No. 310**

**AN INTERIM ORDINANCE ESTABLISHING A TEMPORARY DEVELOPMENT  
RESTRICTION WITHIN THE TOWN OF RICO.**

**WHEREAS**, the Planning and Zoning Commission of the Town of Rico has been diligently working on the Rico Planning Project to create a comprehensive regional future land use plan but has not yet completed such plan;

**WHEREAS**, the Town of Rico desires to provide for the harmonious and coordinated development of the Town and its region which will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including among other things, adequate provision for traffic, the promotion of safety from fire, flood waters, avalanche, wildfire, geological hazards, mine industry hazards and other dangers, adequate provision for light and air, the preservation of natural characteristics including visual and aesthetic values, the protection of environmentally sensitive lands, the promotion of energy conservation and adequate provision of public utilities and other public requirements;

**WHEREAS**, recent development pressures within and without the Town of Rico have raised the imminent possibility of growth and development which threatens the loss of residential neighborhood characteristics, diminution of private and public property values, overuse of water supplies or treatment capacity, congestion, unsanitary conditions, unsafe traffic patterns, and loss of aesthetic values;

**WHEREAS**, prior to the occurrence of such threatened growth and development, the Town of Rico desires to adopt a municipal master plan, zoning map and ordinance, subdivision regulation, water code, sewer and septic regulation, and related laws for the above-reference purposes, pursuant to the authority set forth in Article 23 of Title 31, CRS (Planning and Zoning); CRS 31-15-701 *et seq.* (public property, municipal utilities, water and sewer systems, water pollution control); CRS 31-15-401 (general police powers); CRS 24-67-101 *et seq.* (planned unit development); and any and all other express, necessary, or implied powers of a Colorado municipality; and,

**- Ordinance No. 310 -**

**WHEREAS**, the Board of Trustees of the Town of Rico finds that the passage of this ordinance is necessary for the immediate preservation of the public health and safety of the Rico community;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO**, the following:

**SECTION 1:           TEMPORARY DEVELOPMENT RESTRICTION**

A.     A temporary development restriction is hereby established by the Town of Rico, Dolores County, State of Colorado, and the temporary development restriction shall apply to, and prohibit, the following development activities and permit applications for the duration of this Ordinance:

1. subdivision of any land not approved by the Town of Rico which results in parcels of land less than 35 acres;
2. uses subject to review in the R-1, R-2, C-1, and C-2 zone districts, as defined by Ordinance No. 274 as amended by subsequent ordinances, except and not including road building permit applications for new roads in existing platted road rights-of-way;
3. building permits in the D Development Area District; and,
4. building permits in any potential high avalanche hazard area.

B.     This temporary development restriction shall expire on the last day of April, 1996, or upon resolution of the Board of Trustees of the Town of Rico, whichever occurs first.

C.     During the temporary development restriction, the Board of Trustees and the Planning and Zoning Commission shall diligently work toward the lawful adoption and enactment of a Town of Rico Comprehensive Land Use Plan and a Town of Rico Comprehensive Land Use Code.

D.     Applicants may submit development applications to the Town Planner for preliminary review which are otherwise prohibited by this Ordinance on or after February 14th, 1996, with the condition that applicant agrees to pay all costs associated with such review and that the applicant acknowledges and agrees that the Town Boards and Commissions shall not review, hear, or approve any such application prior to the expiration of the temporary development restriction enacted by this Ordinance and applicant further acknowledges and agrees that any and all applicable standards for review or conditions for approval may be changed as a result of the comprehensive regional master plan and land use code process.

**SECTION 2:           SAFETY CLAUSE**

The passage of this ordinance is necessary for the immediate preservation of the public health, safety, morals, and welfare of the Town of Rico community.

**- Ordinance No. 310 -**

**SECTION 3: EFFECTIVE DATE**

This ordinance shall become effective immediately upon final adoption.

**SECTION 4: IMMEDIATE PRESERVATION OF PUBLIC HEALTH AND SAFETY**

This ordinance shall become effective immediately upon final adoption, rather than 30 days after final adoption and publication, because delay in the effective date of this ordinance may impair the Town's ability and legal authority to regulate the use of land in the Town of Rico for the purpose of protecting the public health and safety of the Rico community.

**SECTION 5: SEVERABILITY**

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

**SECTION 6: PUBLICATION**

After final adoption, the Town Clerk shall cause a copy of this ordinance to be published in full once in a newspaper having general circulation within the limits of the Town of Rico.

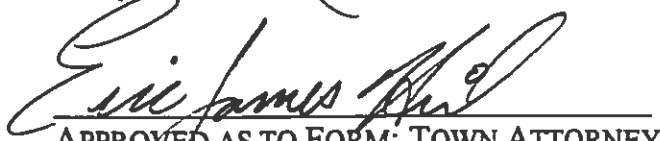
**READ, ADOPTED, AND APPROVED** after a public hearing at a special meeting of the Board of Trustees on the Town of Rico on August 29th, after posting of notice 15 days prior to the public hearing and posting of the ordinance in full in accordance with Resolution No. 104 10 days prior to adoption.

  
BY: MAYOR OF THE TOWN OF RICO

9, 6, 195

  
ATTEST: TOWN CLERK

9, 6, 195

  
APPROVED AS TO FORM: TOWN ATTORNEY

8, 29, 195

(Town Seal)

# **Ordinance No. 315**

## **Town of Rico**

**AN ORDINANCE ENACTING A TEMPORARY DEVELOPMENT RESTRICTION ON (1) THE FINAL PLATTING OF ANY SUBDIVISIONS, (2) EXCAVATIONS ON STREET RIGHTS-OF-WAY AND OTHER PROPERTY OF THE TOWN OF RICO, (3) THE ISSUANCE OF BUILDING PERMITS IN THE DEVELOPMENT ZONE DISTRICT, (4) THE ISSUANCE OF BUILDING PERMITS IN THE C-1 COMMERCIAL HISTORIC ZONE DISTRICT AND C-2 COMMERCIAL ZONE DISTRICT, AND (5) THE EXTENSION OR CONSTRUCTION OF NEW ROADS.**

WHEREAS, Colorado Revised Statutes Article 20, Title 29, authorizes statutory towns to regulate the use of land within their jurisdiction;

WHEREAS, the Town of Rico's general police powers authorize the Town of Rico to regulate the use of land and the granting of permits therefor for the purpose of preserving and promoting the health, safety, and general welfare of the Rico community;

WHEREAS, the Board of Trustees has received the WASTER WATER EVALUATION & ANALYSIS, dated December 1995, prepared by Goff Engineering & Surveying, Inc., which summarizes and concludes that the Rico area is not acceptable for the design and construction of additional on-site individual sewage treatment systems and sets forth preliminary plans for the construction of a central waste water treatment facility;

WHEREAS, the Town of Rico does not currently own any site which is suitable for the construction of a waste water treatment facility and does not currently have the financial resources to construct a waste water treatment facility or the financial authority to increase its indebtedness to finance a waste water treatment facility;

**- Ordinance No. 315 - Town of Rico -**

**WHEREAS**, the Board of Trustees has received the TOWN OF RICO - WATER SUPPLY PROJECT - ENGINEERING REPORT, dated February, 1996, prepared by Harris Water Engineering, Inc., which identifies that the current bag filtration treatment system can only serve about 400 people during the peak summer usage and that the Town does not currently have sufficient water rights with sufficient priority to serve additional growth;

**WHEREAS**, the Town of Rico has currently issued more than 150 water taps;

**WHEREAS**, the Town of Rico does not currently have the financial resources to construct the recommended water treatment and supply facilities (as indicated in the TOWN OF RICO - WATER SUPPLY PROJECT - ENGINEERING REPORT), or the financial authority to increase its indebtedness to finance the recommended water treatment and supply facilities, nor does the Town possess the necessary easements to install and construct the recommended water treatment and supply facilities;

**WHEREAS**, the Board of Trustees finds that the existing water system infrastructure can not serve the existing platted and subdivided part of Town;

**WHEREAS**, the Board of Trustees is diligently working towards identifying and applying for potential sources of financing to construct waste water and water treatment facilities as well as other necessary capital improvements;

**WHEREAS**, Ordinance No. 310 AN INTERMIM ORDINANCE ESTABLISHING A TEMPORARY DEVELOPMENT RESTRICTION WITHIN THE TOWN OF RICO, expires on the last day of April, 1996;

**WHEREAS**, the Town is currently considering a comprehensive land use code and other regulations which would regulate excavations in Town rights-of-way; enact design regulations for construction in the C-1 Commercial Historic Zone District and the C-2 Commercial Zone District; enact zoning, subdivision, planned unit development regulations in the area currently zoned D Development Area Zone District; and enact regulations and fees regarding the construction new roads or extension of existing roads in Town;

**- Ordinance No. 315 - Town of Rico -**

**WHEREAS**, the Board of Trustees finds that the maintenance, oversight, and regulation of the placement of utilities lines in Town rights-of-way directly affects the ability and cost of the Town to plan for and install future utility lines in Town rights-of-way and that such control over the Town rights-of-way is essential to preserving and promoting the health, safety and general welfare of the Rico community;

**WHEREAS**, the Board of Trustees finds that the orderly and planned growth of the Town of Rico and Rico Regional 3-mile planning area will promote the health, safety, and general welfare of the Rico community and will promote the ability of the Town to provide essential services and infrastructure to serve additional development; and

**WHEREAS**, a public hearing was held before the Board of Trustees of the Town of Rico on April 17<sup>th</sup>, 1996, and the Board of Trustees considered all comments at such public hearing prior to adopting this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:**

**SECTION 1:           TEMPORARY DEVELOPMENT RESTRICTION**

- A. A temporary development restriction is hereby established by the Town of Rico, Dolores County, Colorado, and the temporary development restriction shall apply to, and prohibit, the following development activities and permit applications until the last day of April, 1997, or until this Ordinance, or part thereof, is repealed by Resolution pursuant to Section 2:
1. subdivision of any land held in contiguous ownership not approved by the Town of Rico which results in parcels of land less than 35 acres;
  2. uses subject to review in the R-1 and R-2 Zone Districts;
  3. building permits in the C-1 Commercial Historic or C-2 Commercial Zone Districts;
  4. building permits in the D Development Area Zone District;
  5. excavations in Town rights-of-way or other Town property, except by the Town of Rico;
  6. building permits in any potential high avalanche hazard area; and,
  7. road building permits for the construction of new roads or extension of existing roads.

**- Ordinance No. 315 - Town of Rico -**

- B. A temporary development restriction is hereby established by the Town of Rico, Dolores County, Colorado, and the temporary development restriction shall apply to, and prohibit, the following development activities and permit applications until such time as the Town has the legal authority to incur indebtedness for both water and sewer improvements, has final approval or 'closed' on loans and grants which are necessary to finance both water and sewer improvements, and has final engineered plans for the construction and installation of both water and sewer improvements, or until this Ordinance, or part thereof, is repealed by Resolution pursuant to Section 2:
1. Final platting of any new subdivisions, including minor subdivisions, lot splits, and creation of condominium ownership interests in property or structures;
  2. Extension of water lines to provide service to any area not currently part of the historic town grid plat (25 x 100 foot lots) or Town approved subdivisions (approved subdivisions include and are limited to: the Atlantic Cable Subdivision, the Upper Atlantic Cable Subdivision, the Silver Glance Subdivision, the Foster Lot Split or Atlantic Cable Addition Subdivision, and the Strammel Lot Split).

**SECTION 2: REPEAL BY RESOLUTION**

The Board of Trustees may repeal part or all of this Ordinance by Resolution after conducting a public hearing thereon. The repeal of any section, paragraph, or sentence shall not effect the remainder of this Ordinance, unless expressly indicated in the repealing Resolution.

**SECTION 3: SAFETY CLAUSE**

The passage of this Ordinance is necessary for the immediate preservation of the public health, safety, morals, and welfare of the Town of Rico community.

**SECTION 4: EFFECTIVE DATE**

This Ordinance shall become effective immediately upon final adoption and posting in accordance with Resolution No. 104.

**- Ordinance No. 315 - Town of Rico -**

**SECTION 5: IMMEDIATE PRESERVATION OF THE PUBLIC HEALTH AND SAFETY**

This Ordinance shall become effective immediately upon final adoption, rather than 30 days after final adoption and posting, because delay in the effective date of this Ordinance may impair the Town's ability and legal authority to regulate the use of land in the Town of Rico for the purposes of protecting the health, safety, and welfare of the Rico community.

**SECTION 6: SEVERABILITY**

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

**SECTION 7: PUBLICATION**

After final adoption, the Town Clerk shall cause a copy of this ordinance to be posted in accordance with Resolution No. 104 of the Town of Rico, Colorado, and shall further cause a copy to be recorded in the office of the Dolores County Clerk and Recorder.

**READ, PASSED AND ADOPTED**, after conducting a public hearing on the 17<sup>th</sup> day of April, 1996, and considering all testimony presented, and after posting of the notice 15 days prior to the public hearing date and posting of the Ordinance in full in accordance with Resolution No. 104, 10 days prior to adoption.

  
BY: ROBERT SMALL, MAYOR

  
ATTEST: LINDA YELLOWMAN, TOWN CLERK

  
APPROVED AS TO FORM: ERIC JAMES HEIL, ESQ.

(Town Seal)

**Ordinance No. 334**  
**Town of Rico**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO REPEALING AND REPLACING ORDINANCE NO. 315, INCLUDING REPEAL OF THE TEMPORARY DEVELOPMENT RESTRICTION ON MINOR SUBDIVISIONS AND LOT SPLITS**

**WHEREAS**, the Board of Trustees adopted Ordinance No. 315 to temporarily restrict certain development within the town; and

**WHEREAS**, Section 1(A) of Ordinance No. 315, which set forth restrictions on certain development activities and on the application for certain development permits, automatically expired on April 30, 1997 and was not renewed by the Board; and

**WHEREAS**, Section 1(B) of Ordinance No. 315 established a temporary development restriction on the final platting of any new subdivisions, including minor subdivisions and lot splits, and the creation of condominium ownership interests in property or structures, and also restricted the extension of water lines to provide service to any area not currently part of the historic town grid plat or existing approved subdivisions; and

**WHEREAS**, while Section 1(B) of Ordinance No. 315 is still in effect, the Board desires to amend such provision to exempt minor subdivisions and lot splits from the temporary development restriction.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, AS FOLLOWS:**

**Section 1**

**Repeal and Replacement of Ordinance No. 315**

Ordinance No. 315 is hereby repealed and replaced as set forth herein.

**Section 2**

**Temporary Development Restriction**

No application for the following activities shall be accepted or considered until such time as the Town has received final approval from the State of Colorado of the design and specifications for a municipal sewage system and has obtained adequate funding for the construction of such system:

1. Application for approval of a planned unit development or a subdivision, other than a minor subdivision or lot split.

**Ordinance No. 334**

2. Extension of water lines to any unplatted property within the municipal boundaries, or to any property located outside of the municipal boundaries.

**Section 3**

The officers of the Town are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance.

**Section 4**

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

**Section 5**

If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

**Section 6**

This ordinance is necessary to protect the public health, safety and welfare of the residents of the Town, and covers matters of local concern.

**Section 7**

The Board of Trustees deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available at the office of the town clerk for public inspection and copying.

**Section 8**

A public hearing on the ordinance shall be held on the 14 day of January, 1998, Rico County Courthouse, 2 Commercial Street, Rico, Colorado.

Ordinance No. 334

INTRODUCED, READ, ORDERED PUBLISHED BY TITLE ONLY, AND  
REFERRED BY A MAJORITY VOTE OF THE BOARD to public hearing before the  
Board of Trustees of the Town of Rico, Colorado on the 14th day of  
January, 1997.

TOWN OF RICO

ATTEST:

By: Robert E Cummings  
Robert Cummings  
Mayor

Linda Yellowman  
Linda Yellowman  
Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico,  
Colorado this 14 day of January, 1998.

TOWN OF RICO

ATTEST

By: Robert E Cummings  
Robert Cummings  
Mayor

Linda Yellowman  
Linda Yellowman  
Town Clerk

**ORDINANCE NO. 1999-7  
TOWN OF RICO**

**ADOPTING THE RICO LAND USE CODE**

**WHEREAS**, the Town of Rico has certain statutory and police power authority to regulate the use and subdivision of land, establish zone districts, and restrict development activities in areas of state and local interest;

**WHEREAS**, the Town adopted the Rico Regional Master Plan in 1996;

**WHEREAS**, the Planning Commission conducted a public hearing on August 10<sup>th</sup> and took action to recommend adoption of this Rico Land Use Code;

**WHEREAS**, the Board of Trustees held a public hearing on the 31<sup>st</sup> day of August, 1999, after publishing notice in the Rico Sun Times, a paper of general circulation, on July 21, 28, August 4, 11, 18 and 25, and in the Dolores Star, the official paper of record, on July 22, 29, August 5, 12, 19, and 26, after posting notice at the Rico Town Hall and Rico Post Office on July 29<sup>th</sup>, 1999, and after mailing notice to all property owners in the Rico Fire Protection District tax assessment area which includes all property in the Town of Rico and certain properties adjacent or near to the Town of Rico on July 29<sup>th</sup>, 1999;

**WHEREAS**, C.R.S. §24-68-102.3(1)(a) requires each local government to specifically identify by ordinance the type of site specific development plan approvals that will cause property rights to vest by January 1, 2000; and,

**WHEREAS**, after considering all public comments the Board of Trustees finds that the adoption of the Rico Land Use Code will promote the goals, and policies of the Rico Regional Master Plan and will promote the health, safety and general welfare of the Rico community;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO**, the following:

**SECTION 1.                   ORDINANCES AND RESOLUTIONS REPEALED**

The following ordinances and resolutions are hereby repealed in their entirety:

- Ordinance No. 1999-7 - Town of Rico – Adoption of Rico Land Use Code -

- **Ordinance No. 274** – A ZONING ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES; DIVIDING THE TOWN OF RICO INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING MAPS OF SAID TOWN SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; ESTABLISHING A BOARD OF ADJUSTMENTS AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS
- **Ordinance No. 275** – AN ORDINANCE CLASSIFYING STREETS WITHIN THE TOWN OF RICO, REGULATING THE DEVELOPMENT OF SAID STREETS, AND ADOPTING MAPS IDENTIFYING SAID STREETS AND THEIR CLASSIFICATIONS.
- **Ordinance No. 281** – AN ORDINANCE CONCERNING THE FLOOD DAMAGE PREVENTION
- **Ordinance No. 283** – AN ORDINANCE AMENDING ORDINANCE NO. 274 OF THE TOWN OF RICO, BEING “AN ORDINANCE REGULATING USE OF LAND AND STRUCTURE, DIVIDING THE TOWN OF RICO INTO DISTRICTS, AND FOR SUCH PURPOSES ADOPTING MAPS SHOWING BOUNDARIES IN THE CLASSIFICATIONS OF SUCH DISTRICTS ESTABLISHING A BOARD OF ADJUSTMENTS AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS”; AND REPEALING ANY PROVISIONS IN CONFLICT WITH SAID AMENDMENT.
- **Ordinance No. 285** – AN ORDINANCE AMENDING ORDINANCE NO. 274 OF THE TOWN OF RICO, BEING “AN ORDINANCE REGULATING USE OF LAND AND STRUCTURE, DIVIDING THE TOWN OF RICO INTO DISTRICTS, AND FOR SUCH PURPOSES ADOPTING MAPS SHOWING BOUNDARIES IN THE CLASSIFICATIONS OF SUCH DISTRICTS ESTABLISHING A BOARD OF ADJUSTMENTS AND PRESCRIBING PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS; AND REPEALING A PROVISION OF ORDINANCE NO. 283 AND REPEALING ANY PROVISIONS IN CONFLICT WITH SAID AMENDMENTS AND REPEALERS”.
- **Ordinance No. 294** – AN ORDINANCE TO PROVIDE FOR, CREATE, AND ESTABLISH THE TOWN OF RICO PLANNING COMMISSION FOR THE PURPOSES UNDER AND AS PROVIDED BY COLORADO STATUTES, ESTABLISHING THE MEMBERSHIP OF THE PLANNING COMMISSION, THEIR DUTIES AND POWERS AND REPEALING ORDINANCE NO. 230.

- Ordinance No. 1999-7 - Town of Rico – Adoption of Rico Land Use Code -

- **Ordinance No. 300** – AN ORDINANCE ADOPTING THE RICO SUBDIVISION REGULATIONS AND ENACTING PENALTIES FOR ILLEGAL SUBDIVISION ACTIVITIES
- **Ordinance No. 319** – AN ORDINANCE AMENDING ORDINANCE NO. 294 TO REPEAL THE REQUIREMENT THAT THE MAYOR SIT ON THE RICO PLANNING COMMISSION.
- **Ordinance No. 325** – AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, ADOPTING ACCESS REQUIREMENTS FOR NEW DEVELOPMENT AND FOR CHANGE IN USE OR ADDITIONAL USES ON EXISTING LOTS; AND FURTHER ENACTING A ROAD MAINTENANCE IMPACT FEE ON NEW DEVELOPMENT THAT RESULTS IN THE CONSTRUCTION OF NEW ROADS OR THE EXTENSION OR WIDENING OF EXISTING ROADS.
- **Ordinance No. 326** – AN ORDINANCE DESIGNATING THE BOARD OF TRUSTEES TO ACT AS THE BOARD OF ADJUSTMENTS AND ENACTING PROCEDURES AND DUTIES.
- **Ordinance No. 334** – AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, REPEALING AND REPLACING ORDINANCE NO. 315, INCLUDING REPEAL OF THE TEMPORARY DEVELOPMENT RESTRICTION ON MINOR SUBDIVISIONS AND LOT SPLITS.
- **Ordinance No. 336** – AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO AMENDING SECTION 2(A) OF ORDINANCE NO. 274 TO REQUIRE A BUILDING PERMIT FOR CERTAIN REMODELING AND RESTORATION ACTIVITIES AND SECTION 2(B) OF ORDINANCE NO. 274 REGARDING ADMINISTRATIVE AND LEGAL PROCEDURES IN THE EVENT OF A VIOLATION OF THE ORDINANCE; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.
- **Resolution No. 109** STREET PLAN, 1987
- **Resolution No. 114** BOARD OF ZONING ADJUSTMENT
- **Resolution No. 138** APPOINTING THE MAYOR AS ENFORCEMENT OFFICER

- Ordinance No. 1999-7 - Town of Rico - Adoption of Rico Land Use Code -

**SECTION 2. RICO LAND USE CODE ADOPTED**

The Rico Land Use Code, which includes the text dated July, 1999, the Official Zone Map of the Town of Rico, the Street Plan for the Town of Rico, and a series of hazard and constraint maps entitled Avalanche Hazard, Geologic Hazard, Wildfire Hazard, Wildlife Hazard, Flood Hazard, Wetlands Hazard, and an informational non-regulatory Mining Hazard map, are all hereby adopted. Section 110., and any other provision of the Rico Land Use Code relating to the vesting of property rights, is hereby deemed to comply with the requirements of C.R.S. §24-68-103(1)(a) to adopt an ordinance which specifically identifies the types of site specific development plan approvals that will cause property rights to vest.

**SECTION 3. PUBLICATION**

Following adoption, the Town Clerk shall cause this Ordinance to be published in full in the Dolores Star in accordance with Ordinance No. 323 of the Town of Rico, Colorado.


**INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 11<sup>th</sup> day of August, 1999.**

**READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 31<sup>st</sup> day of August, 1999.**

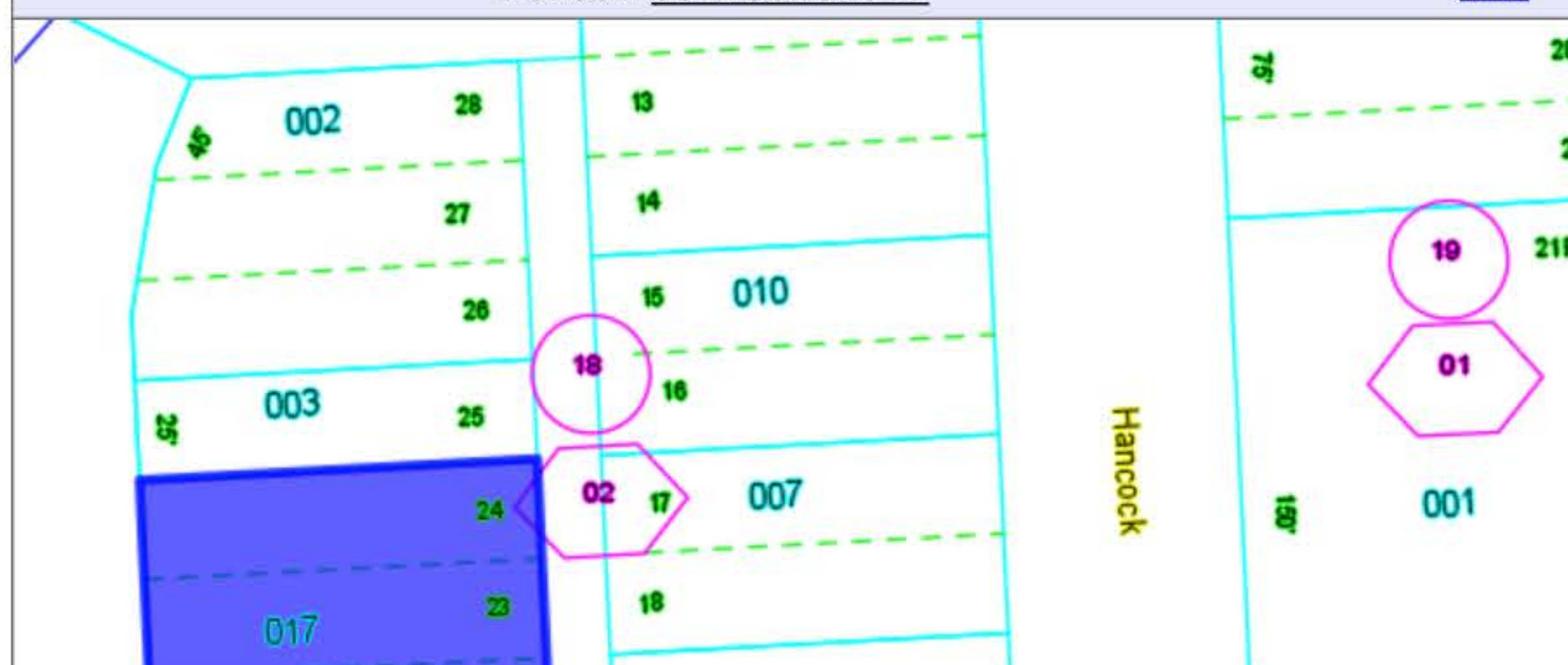
  
By: **Joseph V. Croke, Mayor**

  
Attest: **Linda Yellowman, Town Clerk**

[Town Seal]

  
Approved as to Form: **Eric James Heil, Esq.**  
Town Attorney

[Print](#)



<b>Legal #1</b>	RICO LTS 21-24 BLK 18 B-190 P-440 B-220 P-52		
<b>Legal #2</b>	B-270 P-137,138 B-307 P-97 B-333 P-297(WTR)		
<b>Legal #3</b>	161702(QC) 161703(SA) 168602(QC)		
<b>Legal #4</b>			
<b>Legal #5</b>			
<b>Section</b>	35	<b>Township</b>	40
		<b>Range</b>	11



Sale Information			
Date	/0/0	Book	
Price	0	Page	
Grantor			
Grantee			

Improvement Information	
<b>Building Value</b>	222354
<b>Extra Feature Value</b>	19331
<b>Bathrooms</b>	2
<b>Bedrooms</b>	3
<b>Heated Sqft</b>	1664
<b>Year Built</b>	1996

Account Information		Year Built	1996
Owner	MC JOYNT KATHLEEN A. & JOSEPH V.		
Owner Address	CROKE (JT)		
Address Line 2			
Address Line 3	P.O. BOX 8		
Address Line 4	RICO		
State	CO		
Zipcode	813320000		
Site Address	216 W. SODA STREET		
Acres	0		
Land Use	Residential Improved		
Tax Area	102		
Mill Levy	0.076146		
Building Value	222354		
Extra Feature Value	19331		
Land Value	160000		
Total Value	401685		
Assessed Value	27174		

map is for informational purposes only and is not a legal map. Call 970-677-2505 with any questions.

## RICO TOWN BOARD MINUTES

November 9, 1993

The regular monthly meeting of the Rico Town Board was called to order at 7:05 P.M. by Mayor Gene Folsom.

Members of the Board: Peter Carter, Sue Maxwell, Susan Robertson, Becky Small and Mike Towne.

Visiting: Dick Unruh, Bryan Hooker, Laura Towne, Bob Small, Eric Heil, Keith Lindauer, Mary Hagan, Joe Schuster, Bob Anderson, Bill and Peggy Glasscock.

The minutes from the Regular Town Board meeting held on October 12, 1993 and minutes from October 19, 1993 and the minutes from a Special Town Board meeting held on October 27, 1993 were distributed. Trustee Carter made a motion to approve all the minutes as presented with corrections made. Seconded by Trustee Towne. Motion carried.

The Treasurers Report for October were presented. Trustee Towne made a motion to shut David Fabian and Dale Weisbrod's water off due to 3 months delinquent. Trustee Carter made a motion to approve the report. Seconded by Trustee Robertson. Motion carried.

The Monthly Bills for November 1993 were presented. Trustee Carter made a motion to pay the bills including the additional bills as presented. Seconded by Trustee Towne. Motion carried.

Mayor Folsom would like the Board to fill the vacancy for the position of town board. Interested citizen for this position was Joe Schuster. Trustee Towne made a motion Joe Schuster to fill the vacancy as a town board member. Seconded by Trustee Small. Motion carried unanimously. The Oath of Office was given to Joe Schuster by Mayor Gene Folsom.

Trustee Towne made a motion to move item A under Miscellaneous to RHP report as requested. Seconded by Trustee Robertson. Motion carried.

RHP Committee. Laura Towne reports on the wall project. Mike Hagan will begin work November 15th for \$800.00. A couple of people are interested in carpenter work but no definite answers. Ms. Towne asked the Board for \$1,200.00 and that will be reimbursed by Dolores County. Report on the heating project, the engineer will meet with PAR Mechanical on the 18th or 19th of November. On the Mini-Grant, the Historical Society called and said that the Attorney Generals office has reformatted the amended contract and will be sending it back for signatures. The engineer recommends to the Town that they purchase and install insulation in the attic. Question was asked if the Town would be inclined to do that before winter. Trustee Towne made a motion to get bids on insulating of the attic, a minimum of R-

30, in addition ask for the contractors input on their recommendation Seconded by Trustee Schuster. Motion carried.

Ms. Towne stated at the last months meeting she brought up funds available through the Colorado Department of Transportation. The committee is in the process of preparing an application for designing and plans for the courthouse improvement.

The access tax revenue utilization program/the Shell Oil money was brought up. Suggestion was made to form a committee of seven to complete project proposals to be submitted on behalf of the Town of Rico. There is three restrictions on the application. No hiring of employees, no permanent salaries and nothing for future tax. Mayor Folsom commented to include the Fire District with the Town as a group. Interested serving on this committee are Peter Carter and Todd Jones for the Fire District, Joe Schuster and Mike Towne as town officials, Bryan Hooker, Laura Towne and Eric Heil-At large. A meeting will be scheduled for November 19, 1993 at 7:00 P.M. at the Town Hall. Notices will be posted.

Trustee Towne made a motion to spent up to \$1,200.00 for masonry, carpentry and materials. All receipts be turned in to the Town Clerk so they can be turned over to the County Commissioners. Seconded by Trustee Small. Motion carried unanimously.

Cemetery Committee. No report.

Public Works. Mary Hagan stated that they are wanting to put in a water tap. The tap is on the alley side right on the road with the property line and would like to connect to the fire hydrant. Mr. Hooker addresses the problem and his recommendation. After some discussion Trustee Towne recommends to Public Works to run the water as per Hagans request.

Mr. Hooker reports the water test sent in to the State have been coming back good and the boiling water order is no longer in a effect. The town came down from five tests to one test a month.

Other concerns brought up for discussion were the depth and priorities for snow plowing, water leaks within town limits, fire hydrant leaking on south Silver Street and a request to purchase fire hydrant diffusers approximately \$350.00. Prior to approving that Trustee Towne makes a recommendation the Town talks to the Fire District determine what the town's liability as far as hydrants and their testing as brought up by Mr. Hooker. If there was a problem what is the Fire Districts liability. After some discussion Trustee Towne made a motion to purchase the fire hydrant diffuser. Seconded by Trustee Schuster. Motion carried unanimously.

Mr. Hooker reports on other matters such as the loader and asked if the loader is a loaner from the County? Theres no heat at the

shop and direction was requested. Suggestion was made to have Mr. Hooker do some research and contact the county about upgrading the shop and if the loader is a loaner.

Mr. Hooker informed the Board that he would like to attend the auction put on by Colorado Surplus in Pueblo on the 12th of November for an equipment. After some discussion Trustee Towne made a motion for Mr. Hooker's trip to Pueblo be paid for and Mr. Hooker be directed to look for a specific equipment the Town is needing, preferable a trailer remover and if needed a special meeting on November 15th. Motion carried unanimously.

Moving the Baptist Church's water meter off of Mr. Weisbrod's property was brought up. Comment was made to handle this matter administratively.

Trustee Carter reports that the engineering of the filtration plant was discussed with Ken Charles. Mr. Charles recommendation was to applied for a single line item of \$10,000.00 out of the County's Windfall Tax to have a complete study of the filtration system.

Trustee Towne made a motion for 5 minutes recess Item 3A and 3D. Trustee Schuster seconded the motion. then move to called back to order by Mayor Folsom. Meeting was

Robert Anderson asked why the Town has not paid the payment in the amount of \$9,300.00 to Desert Pipeline Co. retention was held pertaining to the fire hydrant leaking on south Silver St. Discussion and it should have been Desert Pipeline's responsibility to fix it. Mr. Anderson remarked any complaint after the final legal publication is not his and he was not notified about this issue before or after the legal publication. After some discussion Trustee Towne made a motion to withhold \$500.00 to cover the damages on Mr. Dow's property & pay Desert Pipeline \$8,800.00. Seconded by Trustee Carter. Motion carried unanimously.

On behalf of Domestic Water Line Project for Thomas Bracewell, Phyllis and William McFillen who bought properties from Crystal Oil Company. Crystal Oil is now prepared to honor their contractual obligation to pay for a water tap to both properties. The owners are requesting that the tap fees be accepted by the town in the amount of \$4,700.00 and installation of the tap be indefinitely postponed along with the monthly \$21.00 fee until a later date as needed by the owners. Mr. Lindauer presented a design of water lines to these properties in Block 18 for Crystal Oil Company, both scenario A and B. Trustee Towne made a motion to accept \$4,700.00 for tap fees and the owners not be charged \$21.00 monthly fee until the meters are installed. Seconded by Trustee Carter. Motion carried.

After some discussion Trustee Towne made a motion to accept Scenario A but that it be modify to a six inch line that continues to the alley between Hancock and the river going north. Seconded by

Trustee Robertson to  
cross the river to  
Pier then four inch  
or Trustee Carter.  
Trustee Small  
legal and Personnel  
carried. Out of ex  
and no decision was  
Trustee Towne  
separate line for  
Trustee Small. Mo  
Trustee Carter  
computer and train  
with Trustee Towne  
Meeting recess

Linda Yellowman  
Rico Town Clerk

Trustee Robertson. Trustee Towne amends the motion that the six inch go from the river to Soda Street to the alley between Hancock and the river then four inch as propose go north to the Bracewell. Seconded by Trustee Carter. Motion carried unanimously.

Trustee Small made a motion for an Executive Session regarding legal and personnel matters. Seconded by Trustee Robertson. Motion carried. Out of executive session, meeting was called back to order and no decision was made.

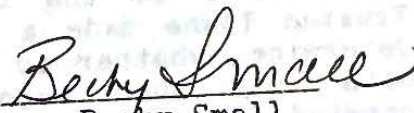
Trustee Towne made a motion to hire Nice Electric Co. to run a separate line for the copier and computer up to \$800.50. Seconded by Trustee Small. Motion carried.

Trustee Carter made a motion to set aside up to \$2,000.00 for a computer and training. Seconded by Trustee Maxwell. Motion carried with Trustee Towne abstaining.

Meeting recessed at 11:15 P.M. to November 23, 1993 at 7:00 PM.

  
Linda Yellowman  
Rico Town Clerk

Gene Folsom  
Mayor  
or

  
Becky Small  
Mayor Pro-Tem

Recorded at 4:20 o'clock P.M. 7-31-95WARRANTY DEED Reception No. 125329 Book 20 Page 171

THIS DEED, Made this 28TH day of JULY, 1995, between PHYLLIS A. ZINK AND WILLIAM R. MCFILLEN II of the County of Pitkin and State of COLORADO, grantor, and KATHLEEN A. MCJOYNT whose legal address is P.O. BOX 2531, TELLURIDE, CO 81435 of the County of SAN MIGUEL and State of COLORADO, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of SIXTY THOUSAND AND 00/100 \*\*(\$60,000.00)\*\* DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of DOLORES and State of Colorado described as follows:

Lots 21, 22, 23 AND 24, Block 18, Town of Rico, according to the plat filed of record in the office of the Clerk and Recorder,

County of Dolores,  
State of Colorado.

as known by street and number as: LOTS 21-24, BLK 18, RICO

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except

THOSE ATTACHED HERETO AS EXHIBIT WD-MCF-1, AND BY THIS REFERENCE, INCORPORATED HEREIN

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Phyllis A. Zink  
PHYLLIS A. ZINK  
William R. McFillen II  
WILLIAM R. MCFILLEN II  
STATE OF Colorado )  
COUNTY OF Pitkin ) s.s.

William R. McFillen II  
WILLIAM R. MCFILLEN II

The foregoing instrument was acknowledged before me this 27th day of JULY, 1995 by PHYLLIS A. ZINK AND WILLIAM R. MCFILLEN II

Witness my hand and official seal.  
My Commission expires:

Kathleen M. Joynt  
Notary Public



Telluride Mountain Title - 95060029  
(For Photographic Record)

## EXHIBIT WD-MCF-1

1. Taxes for the year 1995 and subsequent years, a lien not yet due and payable.
2. Easements, restrictions, reservations, rights of way and all other matters as disclosed on plat of said subdivision.
3. Excepting and reserving all oil, gas, minerals, carbon dioxide and geothermic resources, together with the right of ingress and egress to explore for, mine and develop all of the same.
4. Any loss or damage occasioned by the fact that a portion of subject property lies within the boundaries of patented mining claims, except patented lodes and millsites insured hereunder.
5. All streets, alleys, utility poles and easements, rights of way, drainage facilities and watercourses visible and of record.
6. Rights of the upper and lower riparian owners in and to the free and unobstructed flow of water of the Dolores River extending through the subject land, without diminution or pollution.

UNOFFICIAL DOCUMENT



## RICO TOWN BOARD MINUTES

The Regular Town Board meeting was called to order at 7:03 PM by Mayor R.W. Small.

Members Present: Bob Small, Connie Cannon, Peter Carter, Rob Cummings, Andy Gass and Susan Robertson. Absent was Mary Owens.

Guests Present: Eric Heil, Linda Yellowman, Bob Anderson, Richard Grice, Jon Kornbluh, Steve Harris, Jerrie Matthews, Rachel Hardwick, Bill Riedmann, Travis Hudson, Steve Anderson, Cindy Kezos, Stan Foster, George Iannella, Becky Small and numerous of citizens.

Approval of Agenda. Peter Carter made a motion to approve the agenda as amended. Seconded by Susan Robertson. Vote was unanimous.

Public Comment. None.

Historical Committee. Peter Carter reports that the opening of bids for the renovation of the courthouse roof and handicap accessibility will be April 26, 1996 at the Town Hall.

Public Works. Bob Anderson reports on water related issues. Installation of new water taps was briefly discussed.

Planning Project. Eric Heil reports that the Rico Regional Master Plan was adopted by the Planning Commission and will be presented to the Town Board for their approval.

Planning Commission. Chairman Jon Kornbluh stated that Planning Commission will start discussing the Land Use Code at their next regular meeting.

Town Clerk. No report.

Old Business. Ordinance No. 317, amending Ordinance No. 299 to require water users pay all costs for collection of fees and raising of water tap fee to \$6,200.00 as recommended by Steve Harris/Harris Water Engineering, Inc. was presented for an approval. Discussion was opened in regards to the water tap fees. Mr. Harris explained his recommendation to raise the tap fee was in order to pay for the debt on the existing water system and pay for the recommended water supply expansions improvements on a timely basis. After some discussion Rob Cummings made a motion to adopt Ordinance No. 317 as presented and to include under B. Section 4.E. That water taps shall be installed as soon as practical. Until such time that the Town can expand the capacity of the water system, the Town shall not provide service to more than 250 water taps. Seconded by Susan Robertson. Vote yes Connie Cannon, Peter Carter, Rob Cummings and Susan Robertson. Voting no was Andy Gass.

April 17, 1996

Ord  
repeal  
Commis  
motion to  
Gass. V

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Ordinance No. 319 an Ordinance amending Ordinance No. 294 to repeal the requirement that the Mayor sit on the Rico Planning Commission was presented for an approval. Peter Carter made a motion to adopt Ordinance No. 319 as presented. Seconded by Andy Gass. Vote was unanimous.

Reviewing the Silver Glance Subdivision was brought up for discussion. Eric Heil gave a brief update on the project and pointed out what has not been completed as agreed in the application. Bob Anderson explained why some of the projects are not done yet and that they will be attended to within the next 30 days. After some discussion Peter Carter made a motion to direct the Town Attorney Eric Heil write a letter to Rico Renaissance in regards to Silver Glance Subdivision. Seconded by Andy Gass. Vote was unanimous.

Five minutes break. Meeting was called back to order and Town Attorney Eric Heil administered the Oath of Office to the newly elected town officials. Members being Bob Small, Peter Carter, Rob Cummings, Rachel Hardwick, Jerrie Matthews and Susan Robertson.

Mayor Small stated theres a vacancy on the Town Board and that Bill Riedmann is the only candidate at this time who expressed interest for that vacancy. Mayor Small is recommending to the Board to appoint Bill Riedmann. Susan Robertson made a motion to appoint Bill Riedmann as a member of the Town Board. Seconded by Rob Cummings. Vote was unanimous. Peter Carter made a motion to appoint Rob Cummings as Mayor Protem. Seconded by Susan Robertson. Motion carried with Rob Cummings abstaining from the vote.

**New Business.** Consideration of Resolution No. 127, a resolution adopting the Rico Regional Master Plan was presented for an approval. Richard Grice briefly gave an update on the plan and the following items will be entered into public hearing record: 1. A complete copy of the Public Hearing draft (March 26, 1996) of the Rico Regional Master Plan with exhibits. 2. Memorandum of March 26, 1996 to Rico Planning Commission from Richard Grice, RG Planning (Consulting Town Planner) regarding the draft plan. 3. Memorandum to Rico Planning Commission and Town Board of December 18, 1995 from Richard Grice, RG Plans, Inc., Re: Interpretation of the 1991 and 1995 Rico Community Surveys. 4. Documentation for hazard and constraint maps, Town of Rico, Colorado, Wilbur and Bradley, 1995. 5. Hazard and constraint maps, Town of Rico, Colorado, Wilbur and Bradley, 1995. 6. Ecological Characterizations: Vegetation Communities/Wildlife Habitats and Sensitive Species, Rico, Colorado, prepared for Atlantic Richfield Company, Denver, Colorado and ESA Consultants, Inc. Fort Collins, Colorado, prepared by Cedar Creek Associates, Inc. Fort Collins, Colorado, September 1995. 7. Town of Rico Water Supply Report, Engineering Report, Harris Water Engineering, Inc. February 1996. 8. All previous ordinances and master plans of the Town of Rico (by reference). 9. Resolution of Town of Rico adopting Rico Regional Master Plan. After some discussion in regards to development and affordable housing Peter Carter made a motion to adopt Resolution

No. 127 as presented and subject to change.  
Cummings. Vote was unanimous.

Seconded by Rob

Public hearing was held in regards to Ordinance No. 315, an ordinance enacting a temporary development restriction on 1. the final platting of any subdivisions, 2. excavations on street rights-of-way and other property of the Town of Rico, 3. the issuance of building permits in the development zone district, 4. the issuance of building permits in the C-1 Commercial Historic zone district and C-2 Commercial zone district and 5. the extension or construction of new roads. Pros and cons were expressed by both the public and town officials. George Iannella presented a couple of letters referring to the proposal moratorium and an alternative proposal to provide for Rico Renaissance 390 dwelling units outside the Town boundaries. After some discussion Rob Cummings made a motion to adopt Ordinance No. 315 and amendment that construction not be affected by this Ordinance. Seconded by Susan Robertson. Vote was unanimous.

Resoluton No. 128, a resolution requesting the enactment of a temporary moratorium on development activities in the Town Of Rico three mile planning area was presented for an approval. Susan Robertson made a motion to adopt Resolution No. 128 as presented. Seconded by Rob Cummings. Vote was unanimous.

ARCO voluntary clean-up activities was presented. Travis Hudson and Steve Anderson gave a brief report on the project that will begin June 16, 1996 through the middle of September 1996. A map of the clean-up and a visitor center was presented. The pre-construction proposal bidding is May 1, 1996 starting as 7:00 AM in the upstairs courtroom in the courthouse. The complete project of the clean-up is on file at the Town Attorneys office. After the construction is completed, Arco will come back in 2 years to check on the project.

Peter Carter made a motion to adjourned the meeting at 11:30 P.M. Seconded by Susan Robertson. Vote was unanimous.

*Linda Yellowman*  
Linda Yellowman  
Rico Town Clerk

*R.W. Small*  
R.W. Small  
Mayor

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# RICO TOWN BOARD MINUTES

May 08, 1996

The Regular Town Board meeting was called to order at 7:08 PM by Mayor R.W. Small.

**Members Present:** Bob Small, Peter Carter, Rachel Hardwick, Jerrie Matthews, Bill Riedmann and Susan Robertson. Absent and excused was Rob Cummings.

**Guests Present:** Eric Heil, Linda Yellowman, Bob Anderson, Paul Dow, Neal Muldoon, Mike Towne, Todd Jones, Chris Taylor, Roger Orben II, Joe Croke, Kathy McJoynt and Keith Lindauer.

The Rico Town Board minutes of April 10 and April 17, 1996 was distributed. Susan Robertson made a motion to approve the minutes as submitted. Seconded by Bill Riedmann. Vote was unanimous.

Treasurers Report for April 1996 was presented. Susan Robertson made a motion to approve the Treasurers Report as submitted. Seconded by Rachel Hardwick. Vote was unanimous.

Monthly Bills for May 1996 were presented. Peter Carter made a motion to pay the bills as submitted. Seconded by Jerrie Matthews. Vote was unanimous.

**Approval of Agenda.** Peter Carter made a motion to approve the agenda as amended. Seconded by Rachel Hardwick. Vote was unanimous.

**Public Comment.** Neal Muldoon questioned if the Town would plat the block near Soda and Hancock street as low density. Mayor Small suggested that Mr. Muldoon get a letter to the Town in regards to his request and will be on the next months agenda for some discussion.

**Historical Committee.** Peter Carter reports that all the bids were under budgeted and presented Michael Bell's recommendation on the bids. After some discussion Peter Carter made a motion to award the bid to William Granada Construction. Seconded by Bill Riedmann. Peter Carter will contact the architect about the awarded bid and how we can use the fund without losing it on account of under budgeted. Peter Carter suggested to have Eric Heil draft a contract for the bidder. Vote was unanimous.

**Public Works.** Bob Anderson reports on water related issues and that the Towns insurance agent will arrive tomorrow for inspection.

R.W. Small  
Mayor

133  
FRONT  
Mr. Anderson presented a proposed work schedule which does not include normal maintenance cost or make any allowance for equipment, profit or overhead.

Letters from Robert Love, Michael Towne and Patsy Young in regards to water line leaks were presented for public hearing. Mr. Anderson explained his investigation on each problem. After some discussion Peter Carter made a motion to relief \$50.00 on Michael Towne's water bill. Seconded by Jerrie Matthews. Vote was unanimous. Robert Love and Patsy Young were to be billed for the amount owed that the water problem is on their side of the property. Mayor Small recommends 15 days for collection on the amount owed from both parties.

**Planning Project.** Eric Heil reports that the adoption of Land Use Code will be in July of 1996. The water drill testing on the north end of town was one issue of discussion. Peter Carter made a motion to have Steve Harris move forward with the necessary paperwork for water drill testing and information on available water rights. Seconded by Jerrie Matthews. Vote was unanimous.

Eric Heil stated he does not have the time to work on grant and/or loan applications for the Town and is recommending the Town find someone to take over. Rachel Hardwick expressed her interest for this opening. Suggestion was stated to have it on the next months agenda for some discussion. Rachel Hardwick will get together with Eric Heil and find out whats all involved.

**Planning Commission.** Susan Robertson stated that Planning Commission had a work session at their regular meeting in regards to ARCO volunteer cleanup.

**Town Clerk.** No report.

**Old Business.** Eric Heil briefly gave an update on the Silver Glance Subdivision Improvements and Development Agreement. A couple of letters from Rico Renaissance were presented. The amount of \$ 16,500.00 due to the Town has not been paid yet by Rico Renaissance. A letter from Rico Renaissance attorney was presented requesting 4 items for an approval: the River Street extension, vacation of a portion of Newman Street east of the alley between Block 39 and Block 11, grant an easement of egress and ingress over Lots 21-27 Block 39, which is the old town dump site and grant preliminary acceptance of the Silver Glance Improvements.

After some discussion the Board agreed to schedule a special meeting to further discuss the issue and letters from Rico Renaissance. Special meeting will be on May 20, 1996 at 7:00 P.M.

Considering a temporary heavy truck use by ARCO on town roads was presented referring to Ordinance No. 275. ARCO would like to be in compliance with the Town Ordinances and they are requesting a temporary use of heavy trucks on town roads during the cleanup process. Jerrie Matthews made a motion to grant the request that ARCO be allowed to use heavy trucks during the cleanup. Seconded by Peter Carter. Concern was addressed for heavy trucks on the bridge across the river. Eric Heil will contact the Forest Service about this issue. Vote was unanimous.

Eric Heil recommended to have ARCO cleanup on the agenda until the project is completed. ARCO is also requesting some water from the Town for dust control during the cleanup. Suggestion was made if possible to get water directly from the river. Mr. Heil stated that the Forest Service requires anytime they take any action that has related activities to the use of water in the river has to go to Biology Department for an approval. After some discussion Peter Carter made a motion to approve the temporary water use request from ARCO through the 1996 season. Seconded by Jerrie Matthews. Vote was unanimous.

At ARCO's request a special meeting was scheduled for June 4, 1996 with ARCO in regards to volunteer cleanup update.

The final acceptance of the Upper Atlantic Cable subdivision was brought up for an approval. Eric Heil reports on this matter. Mayor Bob Small made a motion to approve the final acceptance of Upper Atlantic Cable Subdivision to Rico Renaissance. Seconded by Jerrie Matthews. An issue was brought up in regards to utilities and that the Town Engineer has not reviewed the subdivision. The motion and seconded was revised contingent upon that the utilities are planned for in the right-of-way. Vote was unanimous.

**New Business.** The appointment for a vacancy on Planning Commission was brought up. Mayor Bob Small stated theres only one candidate interested for the position and that is Stanley Folsom. Michael Towne expressed interest for the position also. A brief discussion was held on compensating an enforcement official. Suggestion was made to delay the appointment until next month and that both cadidates be present at the next months meeting. The Town Board will appoint a member from the Town Board to serve on the Planning Commission at the next months meeting.

Eric Heil gave a short report on the county barn issue. The County's attorney Guy Dyer needs to prepare the paperwork and will revisit this issue at the next months meeting.

Mayor Bob Small briefly reports on the Dolores County road fund concerning the money collected from the Highway Department

and possibly will not be able to receive that money anymore on account of cutbacks from the government. Suggestion was made to postpone the discussion to next months meeting and to invite the County Commissioners for some answers.

Eric Heil stated the application for leasing the ball park from the Forest Service has not been done and hopefully will have it done before the next meeting.

Discussion was held with Joe Croke and Kathy McJoynt in regards to building in a flood area. Ordinance No. 281 was brought up and the owners explained that the house will be built according to the insurance requirements. Eric Heil stated the parties have completed the necessary paperwork and is recommending for an approval contingent upon engineers review and is recommending the application. Jerrie Matthews made a motion to approve the permit as being recommended. Seconded by Rachel Hardwick. Vote was unanimous.

The situation with Mountain State Log Home Builders in violation with the setbacks was briefly discussed. Eric Heil reports on the issue and suggested a dismissal and if this doesn't work, the Board of Adjustment will have to redo their hearing. Peter Carter made a motion to direct Eric Heil file an answer for dismissal. Seconded by Jerrie Matthews. Vote was unanimous.

Resolution No. 129, a resolution exempting Rico Telephone, Rico Cable and San Miguel Power Association from Section 1.A.5. of Ordinance No. 315 was presented for action. Eric Heil explained the reasoning for the resolution. Peter Carter made a motion to adopt Resolution No. 129. Seconded by Bill Riedmann. A discussion was held in regards to Section 2B and Section 3B. Eric Heil pointed out the corrections that were made in Section 3B. Pros and cons were expressed by the public. Vote was unanimous.

Reviewing the maintenance contract between the Town of Rico and Canyon Construction was postponed. Suggestion was to have a separate meeting to review the contract with Public Works.

Retirement plan for town employee was brought up and direction was given to the Town Clerk to get more information on the plan and will be discussed at the next regular meeting.

Eric Heil expressed interest for a vacancy on the Colorado Municipal League Executive Board and asked for the Boards support. Peter Carter made a motion to support Eric Heil for his interest on the executive board on the Colorado Municipal League. Seconded by Rachel Hardwick. Vote was unanimous.

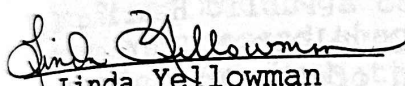
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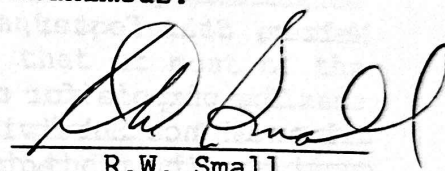
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Town Clerk explained the temporary permit for The Enterprise Bar and Grill. The business can operate under the existing tavern license and the Town needs to issue a temporary permit for 120 days. The transfer of ownership for the tavern license is in the process and the hearing for the new application is May 23, 1996 at 7:00 P.M. Peter Carter made a motion to issue The Enterprise Bar and Grill a Town License as a temporary permit for 120 days to operate under the existing tavern license. Seconded by Jerrie Matthews. Vote was unanimous.

Peter Carter made a motion to adjourned the meeting at 10:00 P.M. Seconded by Rachel Hardwick. Vote was unanimous.

  
Linda Yellowman  
Rico Town Clerk

  
R.W. Small  
Mayor

NEW Town of Rico - Water Fund  
**Check Register**  
For the Period From Dec 1, 2022 to Dec 31, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4468	12/13/22	AT&T Mobility	10000	111.43
4469	12/13/22	San Miguel Power Associ	10000	415.00
4470	12/13/22	San Juan Basin Health De	10000	35.00
4471	12/13/22	Fraley Propane LLC	10000	402.00
4472	12/13/22	Rico Telephone Company	10000	115.00
4473	12/15/22	Hockersmith & Whitmore,	10000	177.00
4474	12/29/22	Todd Jones	10000	2,676.61
4475	12/29/22	Green Analytical Lab	10000	250.00
4476	12/31/22	Ferguson Waterwork #111	10000	933.52
4477	12/31/22	Hockersmith & Whitmore,	10000	62.00
Total				<u>5,177.56</u>

Court: County Dolores County, Colorado Court Address: 409 N. Main St., PO Box 511 Dove Creek, CO 81324	DATE FILED: February 21, 2023 9:15 AM
Petitioner: Joseph V. Croke, d/o/b 3/15/57  Respondent: Jesse Robertson, d/o/b 09/11/1987	▲ COURT USE ONLY ▲
Attorney for Joseph V. Croke: Matthew Bayma 126 W. Colorado, Suite 206, PO Box 2331, Telluride, CO 81435 Phone Number: (303) 996-6661 E-mail: mbayma@sdmorselaw.com      Atty. Reg. #: 41464	Case Number:  Division:  Courtroom:
Verified <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Motion    for Civil Protection Order	

Joseph V. Croke requests this Court to issue a Civil Protection Order, and in support of this request state the following:

- I am seeking this Civil Protection Order as a victim of the following: (Mark the applicable circumstances.)
  - ☐ Domestic Abuse (§13-14-101(2), C.R.S.)
  - ☒ Stalking (§18-3-602, C.R.S.)
  - ☐ Sexual Assault (§18-3-402(1), C.R.S.)
  - ☐ Unlawful Sexual Contact (§18-3-404, C.R.S.)
  - ☐ Abuse of the Elderly or an At-Risk Adult (§26-3.1-101(1) and (7), C.R.S.)
  - ☒ Physical Assault, Threat or other situation.
- I reside or am employed in the County of Dolores, State of Colorado, and Jesse Robertson resides or is employed in the County of Dolores, State of Colorado. I know Mr. Robertson because he has lived at the neighboring property for the last 20 years.
- The other Protected Persons are (list full name, date of birth, sex, and race):

Full Name of Protected Person	Date of Birth	Sex	Race	Full Name of Protected Person	Date of Birth	Sex	Race

☐ I have completed and attached the form titled "Affidavit Regarding Children" JDF 404 as children are identified as Protected Persons above.

4. a) The most recent incident that causes me to ask for a Civil Protection Order occurred on or about February 20, 2023, at about 11:00 a.m. in Dolores County when Jesse Robertson did the following to me and/or the above-named Protected Persons: ***Be specific: What was the threat or acts of violence? Where did this occur? Were the minor children or other Protected Persons present? Was a weapon involved?***

On February 20, 2023, Mr. Jesse Robertson called law enforcement on me and/or my wife Kathy McJoynt for no reason. Law enforcement blocked the driveway of my property. I went and talked to law enforcement and law enforcement informed me that law enforcement was present because of a call from Mr. Jesse Robertson. Law enforcement informed me that law enforcement was not going to take any action and would provide no details on why the call was made.

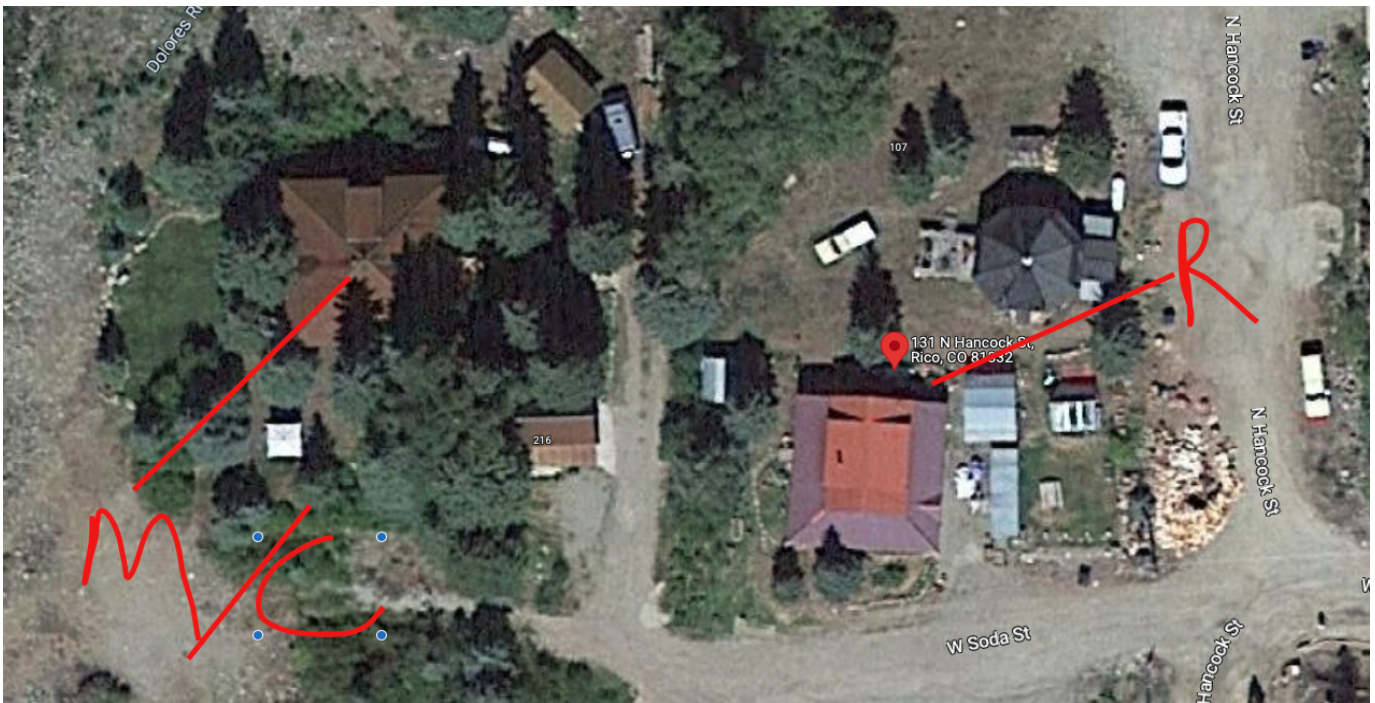
- b) The most serious incident that causes me to ask for a Civil Protection Order occurred on or about February 19, 2023, in the morning in Dolores County when Jesse Robertson did the following to me and/or the above-named Protected Persons: ***Be specific: What was the threat or acts of violence? Where did this occur? Were the minor children or other Protected Persons present? Was a weapon involved?***

Jesse Robertson filed a temporary restraining order against my wife, Kathy McJoynt on January 31, 2023. Ever since he filed that restraining order, Jesse Robertson has been watching my every move and attempting to ease-drop on my conversations. His constant presence has caused me serious emotional distress. I am worried that he is going to try to get me in trouble for going about my daily business. I have had to modify my behavior

in order to live my everyday life since Jesse Robertson filed the temporary restraining order against my wife on January 31, 2023.

c) Any other past incidents of violence or threats? ***Be specific: What was the threat or acts of violence? Where did this occur? Were the minor children or other Protected Persons present? Was a weapon involved?***

- 1) The only way to access the McJoynt/Croke residence is down the public access road that the Town of Rico maintains. The Robertson residence is located to the east of the McJoynt/Croke residence. Here is an image of the houses with the McJoynt/Croke residence indicated by "M/C" and the Robertson residence indicated by "R."



- 2) In January 2022 I and Kathy McJoynt asked Jesse Robertson to move his car so the town could plow the snow on the Soda Street and our access road. Unable to get directly in touch with Jesse, I called Robert Robertson (Jesse's father). Either Robert or Jesse then proceeded to call Dylan Robertson who appeared approaching me with a shovel. Both Jesse and Dylan were yelling profanities at me, and they refused to move the vehicle. The Town of Rico was involved and forced Jesse to move his

- car. Later that same day, Dylan Robertson approached me in the same location and told me "Joe, you should just move out of this town, you are so rich you don't need to be here anymore". The entire Robertson Family has stalked me ever since.
- 3) On April 1, 2022, Robert Robertson (the father) called and left a message on my phone that said "Hey Joe, why don't you answer the phone, what, are you scared of a f\*\*\*\* feeble 72 year old man? Come on, you got more gumption than that, or maybe you don't?" I was not sure why Robert Robertson threatened me in this way, but I was intimidated by it. I assume that Jesse Robertson asked Robert Robertson to make this call.
  - 4) April 1<sup>st</sup> or 2<sup>nd</sup> 2022, Jesse, Dylan and Susan Robertson filed a police report against myself and my wife. We were unaware of this report against us and why it was done. We found out about when the sheriff arrived at our home with Dylan Robertson and our security camera recorded them on our property without our knowledge. My wife was home at the time and no one came to the door. We did not hear from the Sheriff. The next day we reached out to the Sheriff to find out what was going on and requested an incident report. When asked why he did not come to our door, he stated that Dylan Robertson told him we had left our property as he saw my wifes car leave.
  - 5) On April 5, 2022, Jesse Robertson's dog again was unattended on the property. On April 6, 2022, while Kathy McJoynt and I were on vacation, Jesse and Dylan were walking up and down the driveway/ alley of the McJoynt/Croke property.
  - 6) Kathy McJoynt and I have done everything we can to avoid interacting with the Robertson family because of the way the Robertson family has harassed, intimidated and stalked us. The stalking and intimidation is highlighted by the false and malicious reporting by the Robertsons. In that filing, Jesse Robertson made a representation that he called the police on Kathy a dozen of times. I and my wife were not aware of these calls and I am emotionally distressed by the Robertsons' willingness to use the authorities to carry out their stalking and intimidation.

d) Are you aware of any other Protection Orders currently in effect against you or the other person?

☐ Yes ☒ No If Yes, list any relevant information, such as the issuing Court, State, and date of the order:

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5. I believe that I and/or the other Protected Persons named in this action are in imminent danger from Jesse Robertson.

☒ Harm to my/our life or health if he/she is not restrained as requested.

☒ Physical or emotional harm to my/our emotional health or welfare if he/she is not excluded from the family home or the home of another.

6. ☐ I request permission to omit my address and phone number from this document, because I fear providing them will endanger me and/or the other Protected Persons.

7. I request the following relief from the Court that Jesse Robertson:

a) ☒ Be ordered to refrain from contacting, harassing, injuring, stalking, touching, sexually assaulting, molesting, intimidating, and threatening me or other protected persons.

b) ☒ Be ordered to have **no contact** at all with me or the other Protected Persons.

or

☐ Be allowed only the following limited contact with me or the other Protected Persons:  
**Be specific.**

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c) ☒ Be excluded from my home at (address): **If you checked section 6, do not provide your address.**

216 W. Soda St., Rico, CO 81332

d) ☒ Be ordered to stay at least 20 yards from the following places. (Address or description.)

**Note** If you checked section 6 above, **do not** provide your address.

☒ Home: 216 W. Soda St., Rico, CO 81332

☒ Work: Name:

☐ School: Name: \_\_\_\_\_ Address: \_\_\_\_\_

☐ Other: \_\_\_\_\_

- e) ☐ Be ordered to have **no contact** with the minor children and that I be awarded temporary care and control and Interim Decision-Making Responsibilities for the children.

or

☐ Be awarded temporary care and control of the children and that the other person be given Parenting Time with the children and Interim Decision-Making Responsibilities as follows:  
***Be specific.***

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- f) ☒ Be ordered to refrain from molesting, injuring, taking, transferring, encumbering, concealing, or disposing of or threatening harm to an animal owned, possessed, leased, kept or held by me or my minor child(ren), or other protected persons. Arrangements for possession and care are as follows:

\_\_\_\_\_  
\_\_\_\_\_

- g) ☐ Be ordered, if this is a domestic abuse protection order, to not possess and/or purchase a firearm, ammunition, or other weapon AND to relinquish any firearm or ammunition within the time ordered by the Court.
- h) ☒ Be ordered to refrain from interfering with me or other protected persons at our place of employment or place of education and from engaging in conduct that impairs my or other protected person's employment, educational relationships, or environment.
- i) ☒ Other: The Robertsons intimidate, harass and threaten me through the use of weapons, including firearms, some of which are unlicensed. I request that Jesse Robertson is required to relinquish his weapons.

### Verification

**I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.**

I understand that once a Civil Protection Order is issued it cannot be modified or dismissed by me or the other person without permission of the Court.

Executed on the 20 day of FEB, 2023, at RICO, CO.  
 (date) (month) (year) (city or other location, and state  
 OR country)

Joseph V. Croke  
 (Printed name of ☒ Petitioner ☐ Respondent)

[Signature]  
 Signature of ☒ Petitioner ☐ Respondent

/s/Matthew Bayma  
 Attorney, if applicable

**Stop: If you checked box number 6, do not fill in your address and telephone number.**

Mailing Address: 216 W. Soda St., Rico, CO 81332

Alternate Mailing Address: PO Box 8 RICO CO 81332

Phone Number: 970-708-7747

Be sure to notify the Court with any address changes for the life of the restraining order.

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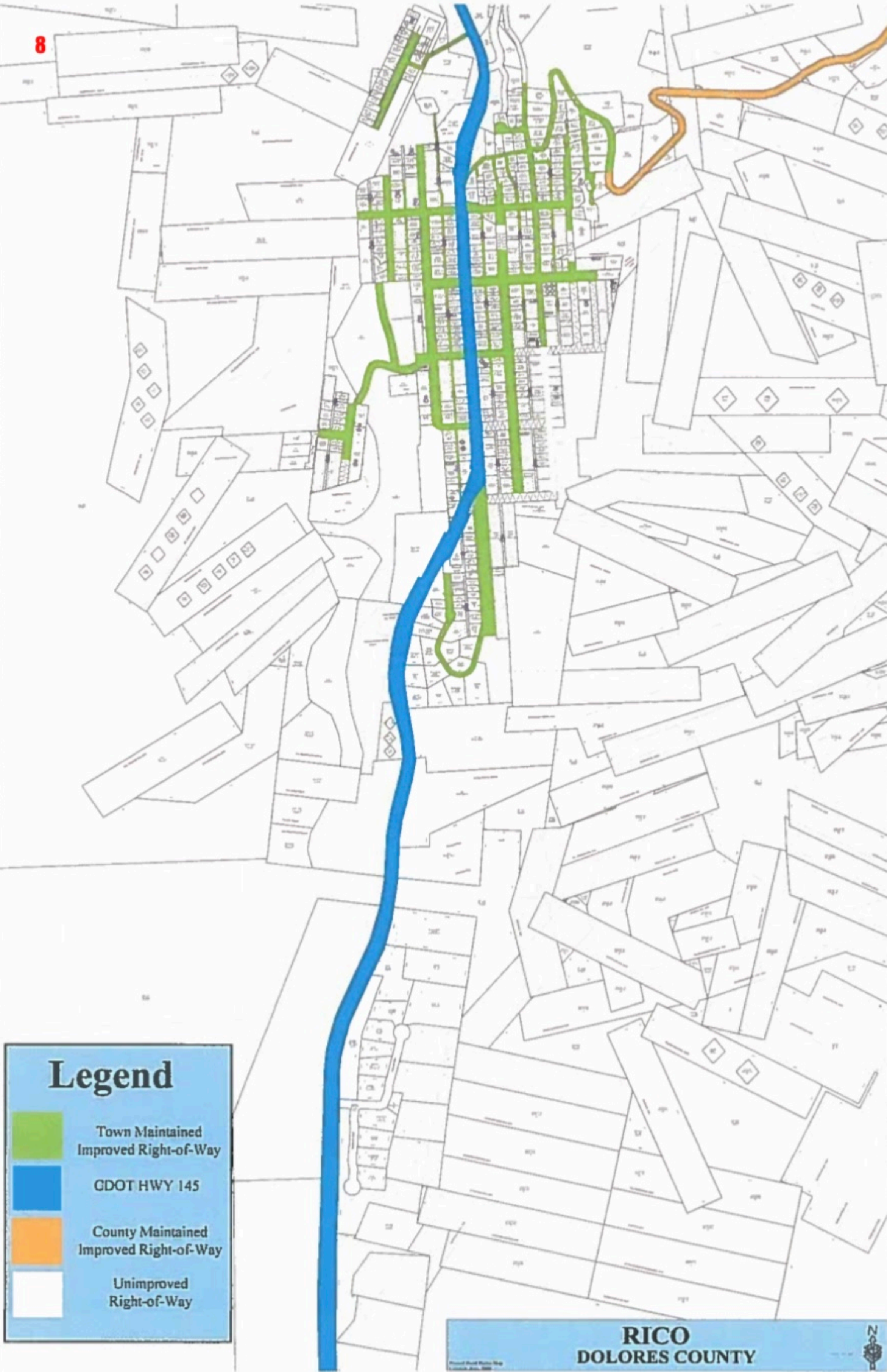
**Notice:** Colorado Revised Statutes §13-14-105 identifies that a temporary injunction may be issued by the Court and that upon personal service or upon waiver and acceptance of service by the Restrained Person, is to be in effect against the Restrained Person for a period determined to be appropriate by the Court. This injunction restrains the Restrained Person from:

1. Ceasing to make payments for mortgage or rent, insurance, utilities or related services, transportation, medical care, or childcare when the Restrained Person has a prior existing duty or legal obligation for making such payments.
2. Transferring, encumbering, concealing, or in any way disposing of personal effects or real property, except in the usual course of business or for the necessities of life.

The Restrained Person shall be required to account to the Court for all extraordinary expenditures made after the injunction is in effect.

Any injunction issued shall not exceed one year after the issuance of the Permanent Civil Protection Order.

8



**Photos of Town of Rico Maintenance of Traveled Right of Way to Soda Street**

22 March 2023



11 March 2023



**Photos of Town of Rico Maintenance of Traveled Right of Way to Soda Street**

23 February 2023



21 January 2023



**Photos of Town of Rico Maintenance of Traveled Right of Way to Soda Street**

02 January 2023



**EXHIBIT A**  
**TOWN OF RICO**  
**ORDINANCE NO. 2024-01**

The Town of Rico Water Operations Rules and Regulations, Article VIII, is amended to add Section 8.10 as follows:

**8.10 Water System Improvement Fees.** In order to help offset the financial impacts of new development on the residents of the Town, all new development shall pay a water system improvement fee as provided for in this section.

**8.10.1** Water system improvement fees shall be due and payable to the Town upon the earlier of the Town's approval of any land use application, or any building permit application, that requires a Permit to connect to the Water System. Payment of the water system improvement fee shall be a condition of approval for any such land use or building permit application.

**8.10.2** The amount of the water system improvement fee shall be set by resolution of the Board of Trustees.

**8.10.3** The water system improvement fee shall be based on meter size and calculated as set forth below. One (1) EQR is the equivalent of one single family dwelling unit.

<b>Meter Size (Inches)</b>	<b>EQR</b>
0.75"	1.00
1.00"	1.67
1.50"	3.33
2.00"	5.33
3.00"	10.67
4.00"	16.67
6.00"	33.33
8.00"	53.33
10.00"	76.67

**8.10.4** The Town Manager or his designee has the authority to determine the applicable water system improvement fees based on the amounts adopted by Board resolution, the intent of the fees, and the development's specific configurations or circumstances.

**8.10.5** The Town Manager or his designee has the authority to adjust the timing of water system improvement fee collections based on when the meter sizes within the development are known.



**TOWN OF RICO  
ORDINANCE NO. 2024-01**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING  
THE RICO WATER OPERATIONS RULES AND REGULATIONS TO  
PROVIDE FOR PAYMENT OF WATER SYSTEM IMPROVEMENT FEES.**

**WHEREAS**, the Town of Rico, Colorado (the “Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rico Home Rule Charter (the “Charter”); and

**WHEREAS**, pursuant to C.R.S. § 29-20-101 *et seq.*, 31-15-101 *et seq.*, and 31-23-101 *et seq.*, the Town has broad authority to ensure the health, safety and welfare of the community and its residents; and

**WHEREAS**, the Town has the authority to assess water system impact fees, which shall be referred to by the Town as "water system improvement fees," pursuant to C.R.S. § 29-20-104.5; and

**WHEREAS**, the Charter, Article III § 3.1 provides that enactments of the Board imposing fees shall be made by ordinance; and

**WHEREAS**, the Board of Trustees requested that GovRates, Inc. prepare a study of the industry standard rational nexus of classifications for the payment of water system improvement fees and reviewed the recommendations in the Water Impact Fee Study, dated February 9, 2024, and determined a policy change was necessary; and

**WHEREAS**, the Board adopted Ordinance No. 2019-06 together with the Water Operations Rules and Regulations (the “Water Rules”) attached thereto as Exhibit A on November 20, 2019; and

**WHEREAS**, the Board desires to amend the Water Rules, Article VIII, by adding Section 8.10 to set the water system improvement fees to better reflect actual costs to the Town in providing water services to new developments in the Town, and to pay for the capital improvements, maintenance, and indebtedness of the Town’s water system; and

**WHEREAS**, the Board finds and declares that it is necessary to amend the Water Rules as set forth herein and it is proper in light of the needs and desires of the Town and in the promotion of the public health, safety, and welfare of the Town’s residents.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO THAT:**

**Section 1.** The recitals above are hereby adopted as findings and incorporated herein.

**Section 2.** The Water Rules, Article VIII shall be and are hereby amended as set forth in **Exhibit A** to this Ordinance, which is incorporated by this reference.

**Section 3.** Any ordinances or resolutions or parts thereof, which are in conflict with this ordinance, are hereby repealed to the extent of such conflict only.

**Section 4.** This Ordinance shall take effect immediately on final adoption.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY ON FEBRUARY 28, 2024.

TOWN OF RICO, COLORADO

\_\_\_\_\_  
Nicole Pieterse, Mayor

ATTEST:

\_\_\_\_\_  
Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE EFFECTIVE IMMEDIATELY ON MARCH 20 2024.

TOWN OF RICO, COLORADO

\_\_\_\_\_  
Nicole Pieterse, Mayor

ATTEST:

\_\_\_\_\_  
Anna Wolf, Town Clerk

Effective Date: March 20, 2024

**TOWN OF RICO  
RESOLUTION NO. 2024-01**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, SETTING THE WATER SYSTEM IMPROVEMENT FEE FOR THE PERIOD BEGINNING MARCH 20, 2024 AND ENDING DECEMBER 31, 2024, AND PROVIDING FOR THE ANNUAL ADJUSTMENT OF WATER SYSTEM IMPROVEMENT FEES.**

**WHEREAS**, the Town of Rico Water Operations Rules and Regulations, Article VIII Section 8.10 establishes the calculation of water system improvement fees and authorizes the Board of Trustees (the “Board”) to set the amount of water system improvement fee by resolution; and

**WHEREAS**, the Board authorized a study of the industry standard rational nexus of classifications for the payment of water system improvement fees and determined a policy change was necessary; and

**WHEREAS**, the Board desires to set water system improvement fees to better reflect actual costs to the Town in providing these services to new developments in the Town; and

**WHEREAS**, the Board further desires to establish annual adjustments of water system improvement fees based on the prior years’ average inflation.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO:**

1. The above recitals are hereby incorporated as findings by the Board of Trustees of the Town of Rico, Colorado.
2. The water system improvement fee established in the Water Operations Rules and Regulations, Article VIII Section 8.10.3 shall be \$6,110.00 for one (1) EQR during the period beginning March 20, 2024, and ending December 31, 2024.
3. Unless otherwise adjusted by the resolution of the Rico Board of Trustees, the water system improvement fee set herein shall, beginning in 2025, be adjusted annually based on the prior years’ average inflation as established by the Engineering News Record McGraw-Hill Construction Weekly Building Cost Index for Denver, Colorado, to be effective January 1 of each year.

**APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO**  
This 20 day of March, 2024.

By:

Attest:

\_\_\_\_\_  
Nicole Y. Pieterse, Mayor

\_\_\_\_\_  
Chauncey McCarthy, Town Manager

**HOUSING RESTRICTION COVENANT FOR LOT 6, BEDROCK SUBDIVISION, TOWN OF RICO,  
COLORADO, A HOME RULE MUNICIPALITY**

THIS HOUSING RESTRICTION COVENANT ("**COVENANT**") FOR LOT 6, BEDROCK SUBDIVISION is made as of \_\_\_\_\_ day of \_\_\_\_\_, 2024, by and between BRD LLC, a Colorado limited liability company ("**Owner**") and the TOWN OF RICO, a home rule municipality ("**Town of Rico**").

**RECITALS**

- A. Owner owns the real property located in the Town of Rico, Dolores County, State of Colorado that is more particularly described as Lot 6, Bedrock Subdivision, according to the plat recorded on \_\_\_\_\_ at reception number \_\_\_\_\_, with the Dolores County Clerk and Recorded ("**Lot 6**").
- B. The Owner and the Town of Rico previously entered into a Housing Restriction Covenant recorded on \_\_\_\_\_ at reception number \_\_\_\_\_, with the Dolores County Clerk and Recorder (the "**Prior Covenant**").
- C. The Owner and the Town of Rico desire to completely amend and restate the Prior Covenant with this Covenant as set forth below.

**COVENANT**

In consideration of the foregoing, Owner and the Town of Rico declares as follows:

- A. Covenant running with the Land. All covenants run with the land, or equitable servitudes as the case may be. The obligations, burdens and benefits created by this Covenant shall bind and inure to the benefit of the Owner, its successors and /or assigns and the Town of Rico.

**PROVISION OF DEED RESTRICTED HOUSING COVENANTS:**

- A. Owner has agreed to provide a deed restriction for any housing constructed on Lot 6 in accordance with the terms and conditions of this Section. In furtherance of this requirement, Owner hereby restricts the use and occupancy of any residential structure located on Lot 6 to the terms, conditions, restrictions and requirements provided for in this Section. Any instrument of conveyance concerning Lot 6 or residential unit located thereon shall clearly indicate that the Lot or residential unit located thereon is deed restricted and contain a reference to these restrictions in a form approved by the Town. The Town is granted and conveyed the right to enforce compliance with these restrictions that are applicable to Lot 6. Lot 6 or residential unit located thereon shall only be occupied by persons who qualify with the terms and conditions of these restrictions.
- B. On the day of application, the prospective occupant(s) of a residence located on Lot 6 shall maintain his/her sole residence and abode in the Town of Rico, Dolores County, Colorado, or provide written intent in the form of a signed affidavit of his/her desire and intent to do so within 30 days of occupying the residence. Proof of this intent must be presented to the Town in advance of occupancy. Proof shall include written documentation verifying residency within the Town of Rico, Dolores County, or intent of residency within 30 days of application. The Town of Rico may require any additional evidence of occupancy and shall have the right to enforce this deed restriction in accordance with the Town of Rico's laws and ordinances relative to deed restricted housing, as may be in effect in the Town of Rico from time to time.
- C. The above referenced Lot 6 shall be, and remain, resident occupied. Short-term rental of residential units is prohibited.

**IN WITNESS THEREOF, the Parties have executed this Covenant on the date first set forth above:**

**Town of Rico, a Colorado Home Rule Municipality and  
Political Subdivision of the State of Colorado:**

By: \_\_\_\_\_  
\_\_\_\_\_, President of the Board of Trustees

Approved as to Form:

By: \_\_\_\_\_  
\_\_\_\_\_, Town Attorney

**Owner:  
BRD, LLC:**

By: \_\_\_\_\_  
Jason Soules, Manager

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COLORADO, A HOME RULE MUNICIPALITY**

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- B. On the day of applicationoccupancy, the prospective occupant(s) of a residence-Unit located on Lot 6 shall maintain his/her sole residence and abode in the Town of Rico, Dolores County, Colorado, or provide written intent in the form of a signed affidavit of his/her desire and intent to do so within 30 60 days of occupying the residenceUnit. Proof of this intent must be presented to the Town in advance of occupancy. Proof shall include written documentation verifying residency within the Town of Rico, Dolores County, or intent of residency within 30-60 days of applicationoccupancy. The Town of Rico may require any additional evidence of occupancy and shall have the right to enforce this deed restriction in accordance with the Town of Rico's laws and ordinances relative to deed restricted housing, as may be in effect in the Town of Rico from time to time.
- C. The above referenced Lot 6 shall be, and remain, resident occupied. Short-term rental of residential units

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Units is prohibited.

D. In order to qualify as "Qualified Owner" of a Unit at the time of purchase of a Unit, a prospective owner must submit an application to the HOA and the Town of Rico demonstrating that the prospective owner meets one of the following requirements: (a) use the Unit as their sole residence and meet the requirements of Section B of this Section or (b) be a business, corporate entity, special district, school district or municipality, that conducts its operations primarily within the boundaries of Dolores County, Colorado, or the Telluride R1 School District and uses the Unit to house its employees who meet the requirements of Section B of this Section.

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E. In addition to the foregoing, any Qualified Owner who qualifies pursuant to Section D(a) above (excluding dependents) must meet one of the following residency or work related eligibility requirements, which for work-related eligibility, all applicants shall demonstrate via statements from their employers or if self-employed an sworn affidavit stating that the applicant meets such standards which shall be verified by the HOA and the Town of Rico:

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1. Proof of residency within the boundaries of Dolores County, Colorado, or the Telluride R1 School District for the previous 12 months; or
2. Minimum employment requirements: 700 hours worked in the boundaries of Dolores County, Colorado, or the Telluride R1 School District for the previous 12 months; or
3. Proof of current and ongoing employment to the same 700 hours/12 months (20 hours/week average) standard within the boundaries of Dolores County, Colorado, or the Telluride R1 School District; or
4. Proof of an accepted job offer for employment beginning within 60 days of the occupancy date, to the same 700 hours/12 months (20 hours/week average) standard within the boundaries of Dolores County, Colorado, or the Telluride R1 School District.

F. At any time, a Qualified Owner of a Unit desires to sell a Unit, the owner must provide written notice of intent to sell ("Notice of Sale") to the Town of Rico and the HOA at least 30 days prior to offering the Unit for sale. The HOA shall within five (5) business days of the Notice of Sale, provide to the Rico Town Manager and the Qualified Owner, the maximum sale price allowed for the Unit by following the calculations outlined in this Covenant which shall be verified by the Town of Rico. In no case shall any Unit be sold for more than the maximum sale price. The contracted sale price shall be the only exchange of value between parties to any sale of a Unit. Both buyer and seller must execute a sworn statement affirming that the contracted sale price is the only exchange of value in the sale. Any exchange of value outside the contract sale price shall invalidate the sale.

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1. The maximum resale price will be calculated by allowing an increase in price of four percent (4%) per year from the date of purchase to the date of the owner's notice of intent to sell. This increase will be compounded annually and prorated to the day when the notice of intent to sell is received by the HOA and Town Manager; and
2. The monetary value of documented capital improvements to the unit may be added onto the resale price as long as they do not exceed ten percent (10%) of the original purchase price (the "Capital Improvements Increase"). The Capital Improvements Increase excludes general maintenance and repair costs, appliance replacements, and normal wear and tear. Capital Improvements Increase may include the installation of solar upgrades for a Unit. In order to qualify for the Capital Improvements Increase, the Owner shall submit to the HOA and the Town of Rico all invoices for such capital improvements and the Town of Rico has reasonable discretion on which capital improvements will be allocated to the Capital Improvements Increase.

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G. This Covenant shall be binding on all owners, successors, and assigns including any owner who acquires title to a Unit acquired via foreclosure or a deed in lieu of foreclosure, provided that any lender that acquires a Unit via foreclosure or deed in lieu of foreclosure shall be permitted a reasonable amount of

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time to resell a Unit to a Qualified Owner after acquiring title to a Unit through foreclosure or deed in lieu of foreclosure. During such period a lender may also rent the unit to Qualified Occupant. This Covenant may not be transferred off a Unit or Lot 6. This Covenant, and any amendments thereto must be recorded in the property records of Dolores County, and recorded documents must be returned to the Town of Rico for their files.

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IN WITNESS THEREOF, the Parties have executed this Covenant on the date first set forth above:

**Town of Rico, a Colorado Home Rule Municipality and  
Political Subdivision of the State of Colorado:**

By: \_\_\_\_\_  
\_\_\_\_\_, President of the Board of Trustees

Approved as to Form:

By: \_\_\_\_\_  
\_\_\_\_\_, Town Attorney

**Owner:  
BRD, LLC:**

By: \_\_\_\_\_  
Jason Soules, Manager

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COLORADO, A HOME RULE MUNICIPALITY**

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**RECITALS**

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- B. On the day of occupancy, the prospective occupant(s) of a Unit located on Lot 6 shall maintain his/her sole residence and abode in the Town of Rico, Dolores County, Colorado, or provide written intent in the form of a signed affidavit of his/her desire and intent to do so within 60 days of occupying the Unit. Proof of this intent must be presented to the Town in advance of occupancy. Proof shall include written documentation verifying residency within the Town of Rico, Dolores County, or intent of residency within 60 days of occupancy. The Town of Rico may require any additional evidence of occupancy and shall have the right to enforce this deed restriction in accordance with the Town of Rico's laws and ordinances relative to deed restricted housing, as may be in effect in the Town of Rico from time to time.
- C. The above referenced Lot 6 shall be, and remain, resident occupied. Short-term rental of residential Units is prohibited.

- D. In order to qualify as “Qualified Owner” of a Unit at the time of purchase of a Unit, a prospective owner must submit an application to the HOA and the Town of Rico demonstrating that the prospective owner meets one of the following requirements: (a) use the Unit as their sole residence and meet the requirements of Section B of this Section or (b) be a business, corporate entity, special district, school district or municipality, that conducts its operations primarily within the boundaries of Dolores County, Colorado, or the Telluride R1 School District and uses the Unit to house its employees who meet the requirements of Section B of this Section.
- E. In addition to the foregoing, any Qualified Owner who qualifies pursuant to Section D(a) above (excluding dependents) must meet one of the following residency or work related eligibility requirements, which for work-related eligibility, all applicants shall demonstrate via statements from their employers or if self-employed an sworn affidavit stating that the applicant meets such standards which shall be verified by the HOA and the Town of Rico:
1. Proof of residency within the boundaries of Dolores County, Colorado, or the Telluride R1 School District for the previous 12 months; or
  2. Minimum employment requirements: 700 hours worked in the boundaries of Dolores County, Colorado, or the Telluride R1 School District for the previous 12 months; or
  3. Proof of current and ongoing employment to the same 700 hours/12 months (20 hours/week average) standard within the boundaries of Dolores County, Colorado, or the Telluride R1 School District; or
  4. Proof of an accepted job offer for employment beginning within 60 days of the occupancy date, to the same 700 hours/12months (20 hours/week average) standard within the boundaries of Dolores County, Colorado, or the Telluride R1 School District.
- F. At any time, a Qualified Owner of a Unit desires to sell a Unit, the owner must provide written notice of intent to sell (“**Notice of Sale**”) to the Town of Rico and the HOA at least 30 days prior to offering the Unit for sale. The HOA shall within five (5) business days of the Notice of Sale, provide to the Rico Town Manager and the Qualified Owner, the maximum sale price allowed for the Unit by following the calculations outlined in this Covenant which shall be verified by the Town of Rico. In no case shall any Unit be sold for more than the maximum sale price. The contracted sale price shall be the only exchange of value between parties to any sale of a Unit. Both buyer and seller must execute a sworn statement affirming that the contracted sale price is the only exchange of value in the sale. Any exchange of value outside the contract sale price shall invalidate the sale.
1. The maximum resale price will be calculated by allowing an increase in price of four percent (4%) per year from the date of purchase to the date of the owner’s notice of intent to sell. This increase will be compounded annually and prorated to the day when the notice of intent to sell is received by the HOA and Town Manager; and
  2. The monetary value of documented capital improvements to the unit may be added onto the resale price as long as they do not exceed ten percent (10%) of the original purchase price (the “**Capital Improvements Increase**”). The Capital Improvements Increase excludes general maintenance and repair costs, appliance replacements, and normal wear and tear. Capital Improvements Increase may include the installation of solar upgrades for a Unit. In order to qualify for the Capital Improvements Increase, the Owner shall submit to the HOA and the Town of Rico all invoices for such capital improvements and the Town of Rico has reasonable discretion on which capital improvements will be allocated to the Capital Improvements Increase.
- G. This Covenant shall be binding on all owners, successors, and assigns including any owner who acquires title to a Unit acquired via foreclosure or a deed in lieu of foreclosure, provided that any lender that acquires a Unit via foreclosure or deed in lieu of foreclosure shall be permitted a reasonable amount of time to resell a Unit to a Qualified Owner after acquiring title to a Unit through foreclosure or deed in

lieu of foreclosure. During such period a lender may also rent the unit to Qualified Occupant. This Covenant may not be transferred off a Unit or Lot 6. This Covenant, and any amendments thereto must be recorded in the property records of Dolores County, and recorded documents must be returned to the Town of Rico for their files.

**IN WITNESS THEREOF, the Parties have executed this Covenant on the date first set forth above:**

**Town of Rico, a Colorado Home Rule Municipality and  
Political Subdivision of the State of Colorado:**

By: \_\_\_\_\_  
\_\_\_\_\_, President of the Board of Trustees

Approved as to Form:

By: \_\_\_\_\_  
\_\_\_\_\_, Town Attorney

**Owner:  
BRD, LLC:**

By: \_\_\_\_\_  
Jason Soules, Manager

Dear Rico Town Council Board,

We are writing to you not just as the owners of Mountain Top Fuel & Market, a proud establishment serving the community of Rico, but also as concerned citizens alarmed by the planned usage of the Columbia tailings site for the upcoming road remediation. While we understand the complexities and challenges that come with managing such a situation, it is disheartening to witness the disregard for environmental health and public safety through the continued use of a dump site that has already failed us in the past, and in the process, contaminated our beautiful river. How do we know this won't happen again? From our understanding, the past failures have yet to even be addressed or corrected. This is not ok.

We're also concerned about the potential air pollution created while transporting the waste to the Columbia Tailings site. Our business is adjacent to the proposed destination of this waste. Our vents run constantly (24/7) sucking in air from the outside. We don't want to be breathing this toxic waste all day or serving food products that have been exposed to this contaminated air. We also fear for the young families being raised in our beautiful town. We need to think about the future generations and not allow them to live with our mistakes. It's important that we put in effort to leave our town better than we found it.

Our town has the opportunity to set a precedent for environmental responsibility and community engagement. Let us seize this moment to work together towards a sustainable and thriving future.

Thank you for considering our concerns and we look forward hearing the thoughts of others and potential actionable steps towards resolving this critical issue.

Stephen & Lauren Laub

Dear Town Manager McCarthy, Mayor Pieterse and the entire Town of Rico Council,

Thank you for the time last night and the abundance of information. After reflecting on some items discussed, I wanted to share some thoughts.

It seems the VCUP and decisions made thus far have all been data driven, which is how it should be. Last night, when asked about a paved roads study, each speaker looked to the other and the only answer we were given was "we assume it's more expensive." This gives me concern that all options were indeed not explored as I assume VCUP decisions would not be and have not been made under assumptions. I know Chauncey mentioned the cost of paved road maintenance, but it was also mentioned that there was no maintenance plan for the roads post VCUP, but essentially it would be figured out.

I feel this community has evolved in the last three years and there has not been a fresh conversation about paved roads. It seems the VCUP cares a lot about children, which is appropriate. I think it's important to keep in mind there are more children in the past three years than before, which could change people's feelings on paved roads as well.

I understand the nostalgia for some, but for me paved roads are personal and ultimately impact my quality of life in the summer. I live on the corner of Mantz and Silver, a high traffic area where people do not drive slow. I'm not able to open my windows in the summer because of the (increased) amount of dust that would get into my house. I also have to be selective when I sit outside and enjoy this beautiful town in an effort to not breathe in too much dust. In addition, I have a dog who walks on the roads and likes to lay in the roads. I understand that is my parenting issue, but nonetheless is the reality. When she lays in the roads, she comes into the house and exposes us and anyone who pets her along the way.

As Dave was mentioning current lead levels vs previous ones being lower, he said "we can only hope they continue to get lower." But is that what we want to do is hope they get lower? Or cap the road and solve the problem? Last year one of the environmental lawyers who was present last night confirmed to me the only way to really mitigate the risk of lead is to pave the roads, which to me makes the VCUP seem like a band aid.

I understand you are well underway in this process, but you would be amiss to not consider paved roads as an option and gauge the current interest.

Should the VCUP move forward, I share a similar sentiment to town members last night in which the repository is not safe for this town and the lead filled soil should be placed elsewhere. Even if "every mountain town has one", it doesn't mean we need more.

Thanks for the work you do and your time!

Best,  
Joy Littleton and Jordan Bushouse



Chauncey McCarthy &lt;townmanager@ricocolorado.gov&gt;

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## Objection to the VCUP Lead Plan

---

Sherwood Smith &lt;eldf3n06@gmail.com&gt;

Mon, Mar 11, 2024 at 4:46 PM

To: "townmanager@ricocolorado.gov" &lt;townmanager@ricocolorado.gov&gt;

Town of Rico,

I recently came to my attention that VCUP has a plan to move all the lead tailings used to pave our streets down to the tailings pond just below our home. This is horrifying news for my family and all of Rico.

Personally, the Smith's already had a lead poisoning scare with our 19 month old daughter this fall. Kicking this dust into the air to then truck it in front of our property, only to dump it on the upwind side would certainly mean we would need to move. This brings up the question of whether or not we would even be able to sell our home while living in a hell hole. I can't imagine any buyers would stay interested after visiting and witnessing how the town treats its citizens.

I feel there must be better alternatives. Based on the map I have seen of the lead levels they all appear to be to the north of town. Rather than poisoning the remaining areas would it not make more sense to cap the pollution where it lies? Has there been a cost assessment done on how much it would be to pave the streets vs digging them up and replating with more dirt?

I also know there is another tailings pond out in Allyn Gulch. This would move the toxic material to a space where the wind will not blow it through town, if VCUP insists on a more painful option for everyone.

The bottom line here is the current plan is unacceptable for those who call Rico home. It seems that now more than ever we need our established leaders to stand up for us and insist on a plan that doesn't knock the health of all that live here back to that of the mining days.

Thank you for your time, and help.

Sincerely,  
The Smiths

--

Sherwood Smith

[www.eldf3n.com](http://www.eldf3n.com)

970.729.2091



Dear Town Council,

First of all, I would like to thank you all for your hard work on the VCUP and organizing the presentation last week.

Secondly, I would like to share my thoughts and concerns for the council to consider moving forward in this process. My first concern, is the use of the Columbia Tailings site as a repository for the remaining contaminated dirt that will be remediated around town. To me a once failed in town site at the south entrance to Rico that was used for mine tailings isn't the answer to be considered for a repository. No matter what anyone says about it becoming safer and up to code by adding new contaminated waste on top of the failed pile of tailings it still remains a future hazard and an eye sore. This will be the first focal point of every person passing northbound through Rico will see. The proposed site will be much larger and much more visible to everyone driving, riding or walking by. The proposed Columbia site is right next to our beloved river. This is part of the riverfront area in which RTA and town has spent numerous amounts of time and money to develop a river trail for visitors and locals to enjoy. Why would we ever want to settle for losing part of or taking away from one of Rico's greatest assets? The inception of the river trail was to show off our town not a repository! We are completely opposed to a construction site operating at the beginning of town for the next three plus years. Furthermore, and most importantly, what does AR know about the methods once used under that tailing site for the failed remediation? Was it developed as a repository? Why did it fail? If it was, wouldn't they have to excavate the current waste tailings and start from the bottom up? It looks to me like it failed at ground level? I would love to be properly educated on why the site failed in the first place. I think it makes more sense to cap this hazardous site as is and bring it up to code then find another location, if needed, out of Rico and away from the river for a southern repository. We would like to hear what the other options for a repository location would be and which locations AR has researched already.

Another concern would be how AR and town remediate the roads in Rico. I think it is a great idea that they engineer a watershed plan for the entire town. This is a necessity to keep run off from destroying the roads in the future. I also think it is important for town to be informed of construction and future maintenance costs of paved roads compared to a road base top remedy. I don't recall hearing any cost comparisons of the two options. I would say it is safe to assume that paving would be a more costly endeavor but a better solution for longevity. I am also guessing there would be a substantially less amount of waste AR would have to find a home for. Could there possibly be enough saved that there would be no need to even find another repository? I am also wondering if the town is considering waiting to remediate the roads under the assumption that Rico will at some point be installing a town sewer system? From the sounds of it, once the remediation is started it would be much more of a process when you are constructing anything in the remediated areas.

Thank you,  
Mike Guskea & Sophia Kyriakakis  
Silverglance Way

March 12, 2024

Dear Town Council:

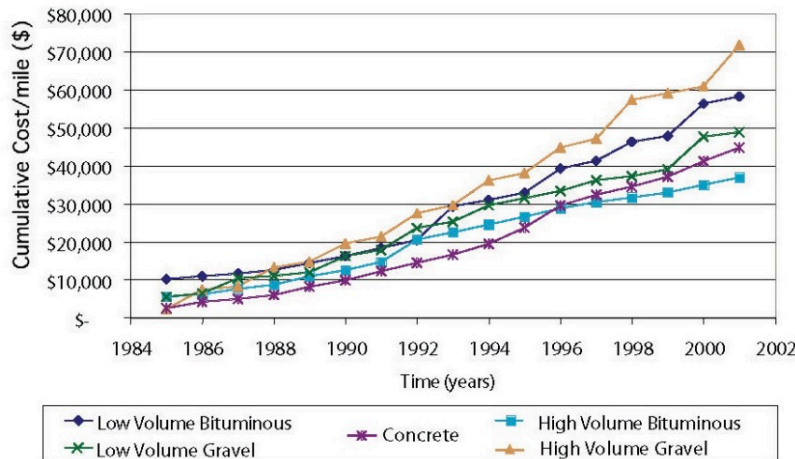
We appreciate the time Council has spent on VCUP.

This email is to request that town council reconsider paving the roads instead of excavating, trucking, and dumping 1000s of cubic yards of toxic lead road material to a repository located behind the town gas station. The excavation process will create excessive dust, noise, and construction over at least three summers without resolving Rico's dust issues. Further, it appears paving roads may save town money contrary to the stated guesstimation at the 3/8 meeting.

In the VCUP meeting of 3/8 we learned that AR had initially proposed paving the roads and that paving would solve the lead problem without the need for removal of the lead contaminated soil to a repository. We also learned that town rejected that proposal citing burdensome maintenance costs even though town never conducted a study and did no research to determine whether paving the roads would be a cost benefit, a health benefit, and mitigate many of the noise, dust, and construction concerns presented by trucking toxic dirt through town as well as the dust concerns presented this past summer. Further, although we understand that several town council members and citizens harbor nostalgia for dirt roads, we believe that the health and safety of this community, surrounding communities, and the environment should come before a love for dusty, dirt roads.

The most basic internet research demonstrates that maintenance of paved roads may be less than maintenance of gravel roads when one removes the initial cost of paving the road (which will be borne by AR in this instance). <https://letmegooglethat.com/?q=paved+road+maintenance+cost+versus+gravel>. As stated in this article, <https://theupstater.com/news/surface-economy-pavement-vs-gravel-roads/#:~:text=A%20study%20by%20the%20University,wear%2C%20and%20dust%20affects%20> dirt roads require significantly more maintenance than paved roads. Grading is required at least once and sometimes three and four times every year, which is no small feat considering the labor, vehicles, vehicle maintenance, fuel, gravel, etc. And vehicles maintaining and snow-plowing gravel roads themselves need more maintenance than their counterparts working on paved roads.

A gross assumption was stated at the 3/8 meeting that maintenance costs for paved roads would far exceed maintenance for dirt roads. However, the town conducted no study. In this article attached and here at [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://tap.colorado.edu/newsletter/Newsletter\\_Summer06.pdf](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://tap.colorado.edu/newsletter/Newsletter_Summer06.pdf), it was determined that while bituminous roads have high initial costs, gravel roads cost more for ongoing, routine annual maintenance in later years. This article cites a graph of cumulative maintenance costs. Also, below is another chart from this article at <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://t2.unh.edu/sites/default/files/media/2022-11/to-pave-or-not-to-pave.pdf> illustrating the same.



**Figure 1. Cumulative Maintenance Costs/Mile for One County**

Further, as stated in the above linked TheUpStater.com article, studies show that dirt roads lose an inch of dirt every year; and, that dirt is not only to be found on cars, vegetation, and buildings, but in your home. And unpaved roads are generally so compacted that very little water soaks in. Instead, rainwater runs off, carrying sediment into watercourses. Whereas paved roads generally have a lifespan of 25-25 years depending on maintenance.

Finally, paving the roads of Rico instead of excavating, replacing the dirt, moving the toxic dirt to a repository, and maintaining the repository, clearly significantly reduces toxic exposure to residents, downstream communities, and wildlife and will likely take less time than the anticipated 100 days a year for 3 years to repair the dirt roads. The only excavation, soil replacement, and repository would be for private yards.

Even if town council remains unpersuaded that paved roads require less maintenance than dirt roads, we believe it is worth negotiating with AR for maintenance for a period of time to provide town an opportunity to establish a sufficient maintenance budget. Afterall, AR will be receiving a release of liability for this VCUP, we presume.

Finally, one of the objectives stated in town's charter is "to safeguard the well-being of all inhabitants of the Town and set forth the framework for the Town's future growth and development as a quality community." Thus, the potential health and safety benefits and reduced maintenance costs of paved roads deserve the town's thorough consideration. Please put health and safety above dirt road sentimentality and reconsider paving.

Respectfully,

Kristina & Brad Fox

# Colorado LTAP

May 2006

Serving local transportation agencies throughout Colorado

Summer Issue

## When to Pave a Gravel Road? Economics of Upgrading an Aggregate Road



*If more than 100 vehicles use this road each day, it's time to plan an upgrade.*

**P**aving a gravel road sure isn't cheap, and maintaining one also eats into your budget, especially as traffic volumes increase. A new report - *Economics of Upgrading an Aggregate Road* - helps county and municipal governments make policy decisions for maintaining and upgrading gravel roads. Published by the Minnesota Department of Transportation (Mn/DOT) and the Minnesota Local Road Research Board (LRRB), the report will also help the public understand why counties and townships choose their policies and use certain construction and maintenance techniques.

The report, written by primary researchers Charles T. Jahren of Iowa State University and Greg Johnson of Mn/DOT, presents a method for comparing the cost of maintaining a gravel road with the cost of upgrading and maintaining a hot-mix asphalt, HMA, road.

In their work, Jahren and Johnson analyzed an example scenario that included costs of a five-year regrading

cycle with yearly grading, plus typical costs for HMA surfacing, yearly HMA maintenance, and a seven-year seal-coat cycle. The economic evaluation used the present-worth method over a 30-year analysis period.

### Cumulative Cost Trends

Using annual state aid reports, cost estimates, and interviews, Jahren and Johnson determined a typical county spending history for low volume roads. They found that while bituminous roads have high initial costs, gravel roads cost more for ongoing, routine annual maintenance in later years.

The graph of cumulative maintenance costs from one county (shown in Figure 1) verifies that annual maintenance costs per mile for a gravel road increase with traffic volume. Each county can plot a similar graph based on its own data.

The researchers then identified the relationship between travel level and maintenance cost. ...continued on page 5



**LOOK  
INSIDE**

**Longtime LTAP  
Instructor  
John Bemelen  
Retires**

### In This Issue

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Gravel Road

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The seagull lamp post.  
Kobe port, Japan.

Colorado LTAP

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The Colorado Local Technical Assistance Program is sponsored by the Federal Highway Administration, the Colorado Department of Transportation, and the University of Colorado at Boulder.

The Colorado LTAP Newsletter is published quarterly. Articles, pictures and comments are welcome.

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## Program Manager's Corner

Already Summer?! But we haven't had enough snow yet! Seriously, everyone who is tired of plowing, raise your hand. Many agencies are dealing with record snow fall and are anxious to get on to new tasks. Well, we're here to help. No snow mentioned in this issue, just a few items to help you segway into safe summer construction.



### ~LTAP COMING TO A CITY NEAR YOU~

In 2005, Colorado LTAP initiated the *Agency Outreach Program*. We started with the Eastern Plains and I spent a full week in August visiting 32 local agencies, city councils, and commissioners. Due to its

success last year, we will continue with the program visiting with one quadrant of the state each year. I will spend another full week in August this year visiting agencies along the Southern border of Colorado and we're taking requests. (We always bring fun stuff.) If you'd like us to visit your agency, meet with the Commissioners, or present at a council meeting, raise your hand! Send us your requests by phone, fax, or email and we'll try to squeeze as much into the schedule as possible. See you then!

*Renée Koller*

## Quotes of the Day

Once a new technology rolls over you, if you're not part of the steamroller, you're part of the road.

~ Stewart Brand

Space is big. Really big. You just won't believe how vastly hugely mind-bogglingly big it is. I mean, you may think it's a long way down the road to the chemist, but that's just peanuts to space.

~Douglas Adams, author of "Hitchhiker's Guide to the Galaxy"

When you come to a road block, take a detour.

~ Mary Kay Ash

No amount of travel on the wrong road will bring you to the right destination.

~ Ben Gaye, III

We know what happens to people who stay in the middle of the road. They get run over.

~ Ambrose Gwinett Bierce, American writer

There are no speed limits on the road to success.

~ David W. Johnson



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Visit Colorado LTAP online today for online training, class registration, free lending library, and more.

# Elements of an Operations Manual

## How to help your staff understand and do their job better.

By: *Bill Sterling*, Director of PW retired, City of Greeley

**W**ith the many forces acting on public works agencies (i.e. regulations, revenue shortages, increased service requests, aging infrastructure, growth, personnel changes, and workplace diversity), a consistent method of providing services would be helpful to the agency. A standard response is essential to providing the most cost-effective services in a timely manner. An operations manual can function as a training document, a public awareness document, a description of the level of services provided, and a document that can be utilized during emergency or special situations. While an operations manual is essential to providing good services, the manual should not be so rigid that flexibility, innovation, and efficiency are restricted.

### What are the essential elements of an operations manual?

While it is not possible to develop a "standard" that fits all agencies, there are, in my opinion, some key elements that should be in any operations manual. The adoption of a manual from one agency may not "fit" your agency; however, it may serve as a guide.

The Greeley Public Works Department consists of 8 divisions. Each of the 8 divisions (Facility Management, Transit, Administration, Engineering, Street Maintenance, Traffic Operations, Stormwater Management, and Equipment Maintenance) has developed an operations manual that is specific to each division.

Elements that are included in the City of Greeley's Public Works eight operational manuals are as follows:

#### A. Overview

- Introduction
- Purpose of Manual
- Description of Services Provided by the Division
- Mission Statements
- Workload Indicators
- Organization Chart
- Goals/Objectives
- Performance Indicators/
- Year End Report

#### B. Policies

- Job Descriptions/Responsibilities
- Location of Work Site
- Working Hours
- Attendance
- Time Tracking
- Training/Career Development
- Certificates/Licenses
- Special Policies
- Customer Service & Guidelines

#### C. Operations Procedures

- Statement of the Activity
- Personnel/Equipment Listings (Inventory)
- Preparing for the Season
- Specific Procedures for Services Provided
- Safety Procedures
- Emergency Procedures

#### Overview

The introduction of the manual should include its purpose. For example, "The purpose of this manual is to provide an overview of the Public Works {insert specific} Division and provide a policy and procedure guide for its operations. It is intended that this manual be provided to new employees, as a refresher to existing employees, and other interested persons."

A short section that describes the mission, vision, values, goals, and objectives of the Division should also be included.

A description of the services that the Division provides (all of its program elements, i.e., snow/ice control, regulation control, street sweeping, drainage maintenance, building maintenance, signals, markings) should be included. The manual should also include a description of the workload indicators (miles of roadway, number of signals, number of reviews, etc). This is the amount of work for which this Division is responsible.

An organization and a function chart will provide an instructional graphic for both employees and the public.

A section on performance indicators (how well did you do?) should also be an important part of the manual.

...continued on page 4

### Colorado LTAP Advisory Committee Members:

◆  
**Marlene Crosby**  
Gunnison County

◆  
**John Baker**  
Town of Snowmass

◆  
**Adam Lancaster**  
City of Cañon City

◆  
**Richard McKee**  
City of Boulder

◆  
**Tammie Crawford**  
Routt County

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**Doyle Villers**  
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**Kevin Scott**  
Phillips County

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**Beth Moore**  
CDOT

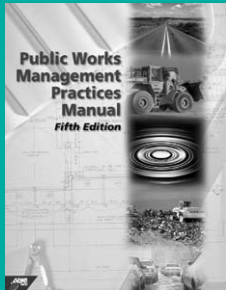
◆  
**Craig Larson**  
FHWA

◆  
**Yunping Xi**  
University of Colorado  
at Boulder

◆  
**Renée Koller**  
Colorado LTAP

◆

## PUBLIC WORKS MANAGEMENT PRACTICES MANUAL



APWA's *Public Works Management Practices Manual* is a tool to help local agencies develop or improve existing practices, enhance performance, increase productivity, and strengthen employee morale.

This newly-revised manual describes the basic criteria and procedures necessary to perform as a full-service public works agency and provides the framework for the object self assessment of an agency.

The manual can be loaned from the Colorado LTAP library, ordered online through APWA's bookstore, or by calling their Member Services Hotline at 800-848-2792, ext. 3560.

[apwa.net/bookstore](http://apwa.net/bookstore)



SAKE KEGS

# Elements of an Operations Manual

*continued from page 3...*

## Policies

This section includes policies that are specific to each Division. While many of the personnel policies are covered in a citywide policy, each Division has certain policies that are specific to that operation. These policies could include such items as location of work site, working hours, dress code, cell phone usage, reporting functions, ethics, job site behavior, attendance policies, and time tracking. Training opportunities and the maintenance of required certifications (i.e. First Aid/CPR, CDL licenses, equipment operations) are important considerations.

The manual should contain a section on customer service (i.e., citizen interaction, conduct, service surveys) and accountability.

Lastly, the manual could include any other policies/procedures that are specific only to that Division (i.e., fire extinguisher operations, radio procedures, office cleanliness, ethics, special equipment operation training).

## Operations Procedures

This section is the heart of any operations manual. This is where the "rubber hits the road". This section can be expanded to include any and all procedures on how to conduct a specific job function. Remember, the manual should not be so rigid as to restrict flexibility, innovation, and efficiency. Do not let written policies/procedures restrict your ability to respond efficiently and timely to the needs of the citizens and to situations. The manual should be proactive versus reactive. However, to be consistent in providing services, some specificity is required.

A critical element in this area is an inventory of personnel and equipment. The personnel inventory includes those individuals assigned to specific jobs. The equipment inventory should include a listing of equipment, both large and small, and supplies to be used for specific jobs (i.e., snow control, supply levels, stormwater maintenance, sweeping, signal maintenance).

A second important element is

"preparing for the season". Specific items could include getting plows/spreaders ready, readying mowers, paint truck preparations, ordering of materials and supplies, reviewing previous years' operations, reviewing increased responsibilities, and new regulations that may dictate methods and training sessions.

The third most important element is providing specific procedures and responsibilities for individual programs. This could include specific info on Capital Improvement Projects, engineering design review standards and process, construction in the public right-of-way permit process, disposal of used oil and waste products

from vehicles, vehicle repair priorities, custodial methods, facility inspections, project management, and security and work order systems. The manual should also include schedules for specific services (i.e. sweeping, mowing, blading).

Safety procedures could include safety training, accident reporting, job site safety (work zones), equipment operations,

shop/yard safety, and hazardous material handling. Emergency procedures should include such items as emergency response, current phone numbers of staff and key agencies, response modes (flood, tornado, fire, snow, etc.).

Any endeavor to develop an operations manual, or updating an existing one, must include extensive employee involvement. The people who do the actual work also have the expertise to improve the "how to".

To initiate an operations manual, a good reference would be APWA's *Public Works Management Practices Manual*. The specific chapters that deal with your operations are a good guide for developing an outline for an operations manual.

In closing, we all employ an "operational manual" to some extent. It's called institutional memory. Senior staff know how to do things based on how they did it in the past; this is called experience. The downside of this situation is how to train new employees, when senior staff retire.

If all else fails, read the instructions - or in this case, read the manual!



**Your operations manual should not be so rigid that flexibility, innovation, and efficiency are restricted.**

# When to Pave a Gravel Road?

## Economics of Upgrading an Aggregate Road

continued from page 1...

Though there was little data for either low-traffic paved roads or high-traffic gravel roads, the cost analysis showed an upward trend for gravel roads with increasing average annual daily traffic (AADT). In the AADT category with 150 to 199 vehicles per day - with nearly half paved roads, roughly the mid-point - bituminous and gravel maintenance costs were similar.

### Recommendations: Gravel to Hot Mix

Based on their findings, the researchers recommend that counties and townships give serious consideration to upgrading with traffic volumes of 200 vehicles per day. They also believe it is reasonable to start planning for the upgrade once traffic reaches 100 vehicles per day.

In some cases, an upgrade might be justified by maintenance savings alone, they say, such as when upgrading to a lightly surfaced road (seal coat). Lightly surfaced roads require a smaller investment than an HMA surface.

Other factors that cannot easily be assigned monetary value may also make it wise to pave a gravel road. benefits include reducing dust, providing a smoother and safer surface, improving vehicle and driver efficiency, redistributing traffic, and potentially increasing tax base. Some benefits directly affect county budgets while others have an indirect effect.

On the flip side, however, they note that after an aggregate road is paved, maintenance activities shift to those required for maintaining a higher level of

service. Increased brush and weed control, traffic services, signage, pavement markings, snow and ice control, and traffic control devices are typically needed for a heightened level of service.

Anecdotal evidence suggests that snow and ice removal costs for paved roads are much higher than estimated.

Given these factors, the report advises that local officials consider developing their own cost estimates for gravel road maintenance operations and checking them against their historical data. (In the report, estimates of primary gravel maintenance, grading, and resurfacing over a five-year maintenance cycle averaged \$4,160 per year, an amount greater than the county historical cost results.) In cases where officials are confident of their cost calculations, they may use the estimate in place of the historical costs. Jurisdictions lacking sufficient historical data may estimate future maintenance costs, then compare them to historical data provided in the report. Any analysis must be modified, they added, to reflect individual maintenance or construction costs as well as project timing.

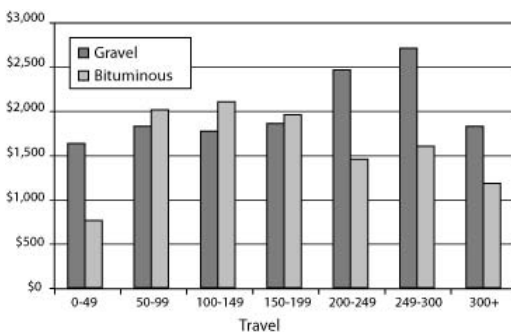
The report (2005-09) may be downloaded at [www.lrrb.org/pdf/200509.pdf](http://www.lrrb.org/pdf/200509.pdf)

### Additional Related Reports

1) ReportP2002-01: Best Practices for *Maintaining and Upgrading Aggregate Roads in Australia and New Zealand*, [www.mnroad.dot.state.mn.us/research/MnROAD\\_Project/MnRoadOnlineReports/P2002-01.pdf](http://www.mnroad.dot.state.mn.us/research/MnROAD_Project/MnRoadOnlineReports/P2002-01.pdf)

2) Transportation Research Record 1819, LVR8-1059: *Minnesota's Experience With Thin Bituminous Treatments for Low-Volume Roads*. [www.mrr.dot.state.mn.us/research/MnROAD\\_Project/MnRoadOnlineReports/Minnesota's\\_Experience\\_With\\_Thin\\_Bituminous\\_Treatments\\_For\\_Low-Volume\\_Roads.pdf](http://www.mrr.dot.state.mn.us/research/MnROAD_Project/MnRoadOnlineReports/Minnesota's_Experience_With_Thin_Bituminous_Treatments_For_Low-Volume_Roads.pdf)

Reprinted with permission from Minnesota LTAP Technology Exchange, Summer 05.



**Figure 1:** Cumulative maintenance costs for gravel roads increase with traffic volume.



In April, LTAP received a 402 Safety Grant from CDOT to do *Temporary Traffic Control & Flagger Certification* courses for local agencies. The Flagger Certification courses were offered **free-of-charge** to city, town and county employees. Each year, the locations alternate between the north and south half of the state. This year, 5 classes were held at La Junta, Alamosa, Durango, and Montrose (2). Upon completion of the 4-hr training course, participants take CDOT's flagger certification exam. We are proud to announce that out of 92 participants, two individuals received a score of 100% on the flagger certification exam.

### Congratulations!

**David Gray**  
**Town of Basalt**

**Delmer Vigil**  
**Town of Olathe**

**NO PASSING**



## PAVEMENT MANAGEMENT SYSTEMS

The Michigan LTAP is conducting a research project titled *Meaningful Use of Local Roads Data*.

One task of this project is to identify Pavement Management Systems (PMSs) currently being used by local agencies throughout the U.S.

The list below has all the PMSs they have found so far that are either commercial or unified, noncommercial efforts.

If your agency is using something that is not on this list,

**PLEASE LET US KNOW.**

### ✕ PMSs:

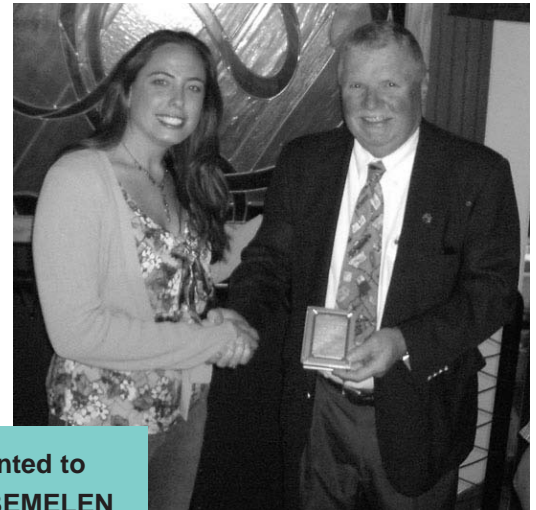
- . Accela Pavement Mgmt
- . AgileAssets Pave. Mgr
- . ARIA\_BlockviewGIS
- . CenterLine PMS
- . CitiTech Mgmt Software
- . Deighton Total Infra. Management System
- . GeoPlan Roads and Pavement Management
- . GEOSCEMA-ISTreet
- . Hansen PMS
- . ICON PMS
- . Infrastructure Management System (NC)
- . InfraManager
- . IPMP-Iowa Pavement Management Program
- . MicroPAVER
- . Mobility (Washington)
- . Pave Pro Manager
- . PAVEMENTview / Plus
- . PMS 4.0
- . PMS-Georgia
- . PMS Pro
- . RoadManager 2000
- . RoadSoft-GIS (Michigan)
- . RSMS
- . Stantec PMS
- . StreetSaver (California)
- . StreetWise (Washington)
- . TAMS (Utah)

# LTAP Says Goodbye & Good Luck To a Roads Scholar Legend

A few tears may have been shed, but Johan (John) Bemelen says it's time for some world travelling! In January, LTAP received the news that John would be retiring after about 20 years of teaching Road Scholar classes for Colorado LTAP.

For the past several years, John has been the instructor for Colorado LTAP's *Signing, Pavement Markings, and MUTCD* classes as well as the annual *Flagger Certification* workshops. At heart, John is irreplaceable. I feel honored to have had the opportunity to work with him these last 6 years. At the May Advisory Committee meeting, program manager Renée Koller presented John with a plaque/frame/radio thanking him for his many years of service as an LTAP instructor.

John worked for the Colorado Department of Transportation (CDOT) for more than 31 years, with 10 years as their Staff Traffic Engineer. He has served on ITE, AASHTO, and national MUTCD committees, and is recognized as a leader in the traffic engineering field in Colorado and the United States. John is also resigning as an instructor for the American



**"Presented to  
JOHAN BEMELLEN  
For Exceptional  
Service as a  
Colorado LTAP  
Instructor  
With Appreciation  
for his  
Dedication to Safety"**

Traffic Safety Services Association (ATSSA), and from the Federal Highway Administration (FHWA).

But don't fret - I may have heard John whisper under his breath that he may be coaxed to come back for a couple of classes after he gets bored of travelling. Yeah - like he'll get bored. Send us a postcard!

*Goodbye and Good Luck  
We'll Miss You*

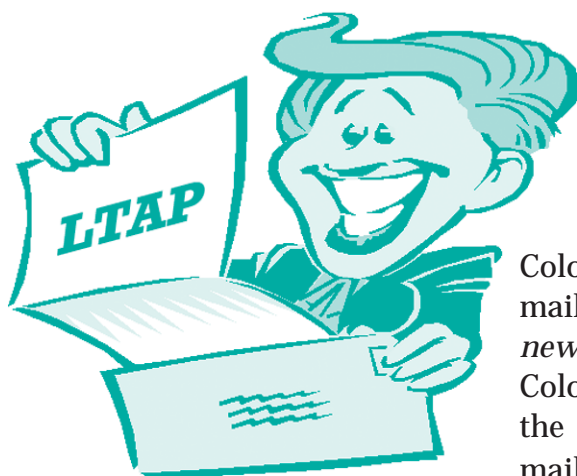
## Did You Know?

Rickshaws were mainly used in Asia, but nowadays they are outlawed in many places. Rickshaws have been banned in China since the Communist takeover in 1949.



## TRANSPORTATION: OLD VS. NEW

Rickshaws are a mode of human-powered transport: a runner draws a two-wheeled cart which seats one or two persons. The word "rickshaw" originates from the Japanese *jinrikisha* which literally means "human-powered vehicle." The first rickshaws appeared in Japan around 1868. By 1872, some 40,000 rickshaws were operating in Tokyo. They soon became the chief form of public transportation in Japan. (Wikipedia)



# Mailing List Update

Colorado LTAP maintains a comprehensive mailing list. Our mailing list is divided into two sections: a *brochure* and a *newsletter* mailing list. Each mailing list is used only by the Colorado LTAP center in support of LTAP activities. They're the sole property of the Colorado LTAP center, and neither mailing list is sold or distributed.

**Brochure Mailing List:** Includes the names of the contact people at each agency who receive notification of registration for upcoming training and conferences through class brochures.

**Newsletter Mailing List:** Includes those people who receive our quarterly Newsletter.

In an attempt to keep our mailing list up-to-date, please make any changes, updates, or additions below and return to the Colorado LTAP office.



Mail to: Colorado LTAP, University of Colorado Boulder  
3100 Marine St, UCB 561, Boulder, CO 80309-0561



Fax to: 303-735-2968



Email to: [cltap@colorado.edu](mailto:cltap@colorado.edu)

Changes and additions can also be made online  
on our website at: <http://ltap.colorado.edu>.



## Brochure Mailings

- ☐ Add  
☐ Delete  
☐ Update

## Newsletter Mailings

- ☐ Add  
☐ Delete  
☐ Update

Name:	Agency:	
Job Title:	Address:	
City:	State:	Zip:
Phone:	Fax:	
Email Address:		

PLEASE COPY THIS FORM FOR OTHERS IN YOUR AGENCY  
~THANK YOU~

fold



**Colorado LTAP**

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3100 Marine St, A-213  
UCB 561  
Boulder, CO 80309-0561**

fold



# What's New in the LIBRARY?

All videos, publications and CDs in the LTAP lending library are available for checkout for a two-week period, free of charge. To check out materials or request a library catalogue, contact the Colorado LTAP office at 1-888-848-5827.

Below is a list of most recent materials added to the library. Our library materials can also be ordered online at: <http://ltap.colorado.edu>

## New DVDs

Location	Title
----------	-------

DVD50 FWZS	<i>Flagging in the Work Zone - Safety in Your Hands</i>
------------	---

This DVD covers proper flagging practices and techniques that help make work zones safer for flaggers, workers and roadway users.

DVD40 PMSS	<i>Preventive Maintenance - Pavement Performance Champions</i>
------------	--

The package explains the advantages, benefits, and economics of Pavement Preservation and Slurry System preventive maintenance treatments for existing asphalt roadways. The brochure and videos explain in lay terms, compelling graphs and graphics, the reasons for acceptance and use of these types of surface treatments.

DVD LYNFR	<i>Lifelines, Your National Forest Roads</i>
-----------	--

This DVD explores the relationship between people and the land as it celebrates the partnership between USDA Forest Service, FHWA, and state and local communities in providing continued stewardship and access to national forests.

## New CDs

Location	Title
----------	-------

CD GTTC	<i>Guidelines for Temporary Traffic Control (3 CDs)</i>
---------	---

These CDs contain the handbook summarizing some guidelines listed in the 2003 Manual on Uniform Traffic Control (MUTCD). It is directed to any entity working on a roadway open to public travel. This handbook contains the basic principles of Temporary Traffic Control (TTC), description of standard TTC devices, and typical application diagrams. Information concerning proper flagging along with the installation and maintenance of TTC devices is also presented.

CD MDM05	<i>Model Drainage Manual 2005</i>
----------	-----------------------------------

The manual has been developed to provide the designer with a basic working knowledge of hydrology and hydraulics complete with example problems. All basic design elements are included such that the designer can design highway drainage with minimal assistance. However, this manual cannot provide guidance on complex hydrologic or hydraulic problems, and it is no substitute for experience or engineering judgement.

CD RR	<i>Roadside Reminders</i>
-------	---------------------------

This CD contains a movie of a presentation prepared by FHWA. The presentation provides a strong message on the number of motorists that lose their lives on our highways and emphasizes key areas that safety agencies can focus on to save lives. It makes it clear that just one agency alone cannot accomplish our goal of reducing our nation's fatality rate; it must be a combined effort by many safety agencies that incorporates education, engineering, enforcement, and emergency response.

## New Publications

### Location

### Title

40 CPPM

*Culvert Repair Practices Manual. Volume 1 & 2*

This manual has been developed to provide guidance to highway agencies on procedures that may be used to repair a wide variety of types of problems that beset metal and concrete culverts of all types. Many of the procedures are also applicable to the repair of timber and stone masonry culverts. Procedures are also presented on ways to improve the inlet and outlet ends of culverts as well as streambed channels leading to and from them.

F60 ECH

*Erosion Control Handbook for Local Roads*

A handbook helpful in identifying key issues and concerns of those responsible for controlling erosion on low volume roads. Topics include: The Importance of Erosion Control; Regulation and Permitting; Designing an Erosion Control Plan; Treatment Selection; Erosion & Sediment Control During Construction; Permanent Erosion control; and Erosion Control for Coastal Areas.

22 STT

*Summary of Trenchless Technology for Use with USDA Forest Service Culverts*

Summarizes trenchless technologies most appropriate for USDA Forest Service roadway culvert operations. It emphasizes techniques for replacing or rehabilitating corrugated metal pipe culvert, 18 inches diameter; and covers trenchless technology versus open-cut excavation; pipe inspection; pipe maintenance; pipe rehabilitation; pipe replacement; and new pipe constructions.

## New Videos

### Location

### Title

V40 SPP

*Stormwater Pollution Prevention*

Meet mandatory EPA and state storm water pollution prevention training requirements. Topics covered include: how and why water discharges are regulated, components and goals of prevention plans, management practices to prevent contamination, housekeeping to keep contaminants out of sewers, spill prevention, and clean-up procedures.

V50 LOTO

*Lock-Out/Tag-Out Safety Training for Employees*

This program can help you easily train your employees on proper lockout/tagout procedures, as required by OSHA under 29 CFR Section 1910.147. Focuses on procedures from shutdown to start-up making it easy to combine with your existing training program, or use for retraining as mandated by OSHA.

V50 TSS

*Trenching & Shoring Safety*

Help your employees avoid accidents by teaching them safe excavation-site procedures. This in-depth video focuses on OSHA-regulated safety measures such as protection from hazards with water accumulation, hazardous atmospheres, and design of support, shield underground installations, access and egress exposure to falling loads, stability of adjacent structures, protection from loose rock or soil, inspections design of sloping, and benching systems.



### NEW: Gravel Roads Maintenance: Meeting the Challenge Toolkit

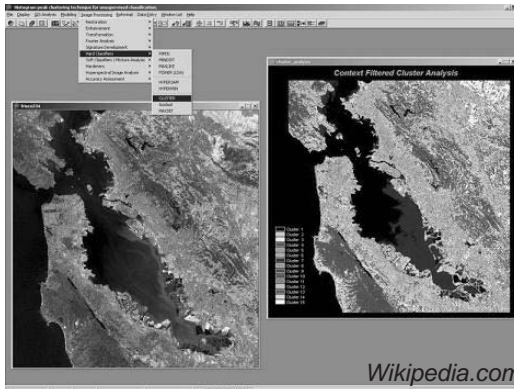
The workers who maintain gravel roads are making an important contribution to safety, comfort, and convenience of their communities. Maintaining these roads, however, isn't easy - in fact, it is a tricky combination of art and science that workers must aim to develop. Minnesota LTAP has created the *Gravel Roads Maintenance: Meeting the Challenge* toolkit to teach maintenance workers, supervisors, and engineers the right way to perform gravel road maintenance. The key component of the toolkit is a new DVD video that can serve as a stand-alone tutorial or as an instructor's tool to introduce the topics of gravel road maintenance. Each chapter of the DVD discusses a specific maintenance topic: Correct Roadway Shape, Shaping the Roadway, Good Surface Gravel, and Dust Control. The video can also be used for presentations to the public to explain what can be done to their local roads, what is being

done, and why it needs to be done. Ken Skorseth of the SD LTAP brings many years experience to his narration of the DVD. Safety is always a key theme of his lessons. By making clear how important their jobs are, Skorseth says, the DVD helps workers "take pride in their work on gravel roads." In addition to the DVD, the toolkit includes FHWA's *Gravel Roads Maintenance & Design Manual* and an instructor's guide.

## Geographic Information Systems Free Online Training

A *geographic information system* (GIS) is a system for creating and managing spatial data. It is a computer system capable of integrating, storing, editing, analyzing, and displaying geographically-referenced information. GIS technology can be used for resource management, asset management, development planning, and route planning. For example, a GIS might allow emergency planners to easily calculate emergency response times in the event of a disaster, or a GIS might be used to find wetlands that need protection from pollution. (*Wikipedia.com*)

The Maine Department of Environmental Protection (DEP) offers four *Geographic Information System* (GIS) courses **free** online. All DEP GIS training features real situations and data. Courses are written for DEP users, but in all cases the data can be downloaded and the training completed by non-DEP users on their own computers. There are six other GIS course topics under development. All courses can be found at <http://www.maine.gov/dep/gis/training>



**Courses currently available online include:**

*Introduction to ArcGIS 9 - Basic Concepts (GIS 101 for new users)*

*Intermediate ArcGIS 9 - GIS Data Concepts (more in-depth treatment of different kinds of GIS data.)*

*Intermediate ArcGIS 9 - Editing (everything you need to know to start editing GIS data on your own.)*

*Intermediate ArcGIS 9 - Terrain Analysis (a 3D class which covers ways to use 3D data for monitoring lakes.)*

### GIS AND EMERGENCY MANAGEMENT OPERATIONS

Geographic Information Systems (GIS) have been found to play an important role in rescue and recovery operations following natural disasters and attacks. GIS can help with planning for possibilities, and with situation response scenarios. The importance of GIS in the planning stages is its ability to overlay mapping data with location identifiers for specific objects and factors. These systems are capable of visually demonstrating and creatively manipulating the interrelationships among layers of data for practicing "what-if" scenarios.



## Roadway Work Zone Safety for New Drivers

The FHWA, in partnership with the American Road & Transportation Builders Association, AAA Foundation for Traffic Safety, and the National Safety Council recently completed the *Turning Point Campaign* aimed at increasing the awareness of new drivers to work zone hazards and teaching them to safely negotiate work zone situations.

The project website includes useful information for teens, parents, and educators, as well as a work zone fact section. The campaign was developed to supplement existing driver education programs through incorporation of a motivational video, interactive CD ROM, instructional website, a CD ROM of available resources, and miscellaneous safety promotional items.

Turning Point uses Olympic gymnast Dominique Dawes as a spokesperson to help spread the message of:

- \* Know the work zone signs.
- \* Pay attention to other drivers.
- \* Stay focused. Avoid distractions.
- \* Expect the unexpected.
- \* Keep your cool. Be patient.

Educators will find this comprehensive hub of driver safety information very useful in explaining the importance of work zone safety, as it makes available a variety of teaching tools, such as quizzes, products, and networking tools.

*Turning Point* is a program with one goal in mind—keeping new drivers alive and safe in work zones.

<http://www.workzonedriver.org/>



### Did You Know?

A teen is killed  
**every three days**  
in a roadway  
work zone crash.

Seven teens  
are injured in  
work zones  
**every day.**

[www.workzonedriver.org](http://www.workzonedriver.org)

**Need a little extra Cash?**  
Your knowledge is worth something.

Our center is continuing its program to encourage local participation in the publishing of Colorado LTAP's quarterly newsletter. We would like the recipients of our newsletter to benefit from all the knowledge local agencies have in the areas of roadway maintenance, design, and construction. We are offering **\$50.00** to city, town, or county employees that submit an article that is chosen to be published in our newsletter. Articles can address current methods and procedures, best practices, innovative techniques, or projects in the transportation industry. Content should contain as much detail as possible, but we can provide assistance in editing and writing the final version. We request articles not promote any particular product.

*Photos are encouraged.*

To submit articles/photos, include author name and contact info, and mail or email to

**cltap@colorado.edu.**



## Can You Build a Better Mousetrap? "You Show Us" 2006



"You Show Us" 2006

**Calling all Counties**  
**We want to know your innovative ideas!**

*South Dakota's 2005 Regional You Show Us contest winning entry - "The Gravel Saver".*

Colorado LTAP is pleased to announce the 2006 "You Show Us" contest! This is the contest's 12th year. The concept began in 1994 as "You Show Us How".

We are aware that in many instances there are not enough transportation dollars available to maintain our transportation systems to the desired level of service. This is particularly true when it comes to local government transportation programs. The costs for repairs and improvements are increasing while the available finances are decreasing.

**Solving today's problems requires efficient use of existing funds, and the application of cost-reducing & innovative techniques.**

These problems are not easily solved with yesterday's solutions!

What is the best idea you have implemented in your county within the last few years? Past entries have included unique safety and operational efficiency improvements, and time saving designs. Your entry could be related to these areas or many others. This is your opportunity to showcase something that has worked and of which you are proud, and to share this information with your counterparts across the state, and even the nation.

The contest is open to all *county* governments in Colorado. All participating Colorado counties will receive a certificate of participation and their entries will be published in our newsletter. The winning Colorado entry will be submitted to compete with counties in Nebraska, North Dakota, South Dakota, and Wyoming to determine the regional winner.

Entries should be no longer than two typewritten pages and should include:

1. County Information
  - County Name
  - Contact Person
  - Contact Address
2. Problem Statement
3. Discussion of Solution
4. Labor, Equipment, Materials Used
5. Cost
6. Savings/Benefits to the County

~Photographs are encouraged.~



**WIN A TRAVEL STIPEND**

Colorado LTAP will sponsor two county employees to represent their state winning project at the 2006 County Road Advisors Conference. The state and regional awards will be presented at the conference, to be held in Rapid City, South Dakota

October 25-26, 2006.

All entries must be received by **August 1, 2006** to be considered. You may mail or e-mail your submission. The state winner will be notified by September 11<sup>th</sup>.

**Mail** entries to:

"You Show Us" Contest  
Colorado LTAP  
University of Colorado  
3100 Marine St., Rm. A-213  
UCB 561  
Boulder, CO 80309-0561

**E-mail** entries to:

cltap@colorado.edu

For additional information call:

Renée Koller or Lindsay Nathaniel at the Colorado LTAP Center, 303-735-3530 or toll-free 1-888-848-5827.

*We look forward to your entry!*

# Road Agency Responsibilities

## Can Change in an Instant

Whether it's a forest fire, hurricane, tornado, or terrorism, here are a few issues to consider in determining if your agency is prepared. Does your agency have an emergency management plan? How does it affect your department? Did any of your traffic operations infrastructure survive? What is your time for recovery? What is the role of transportation operations during the recovery period? What is the role of

your transportation professionals during the transition from disaster site to operational roadways? Is there a component to civil security that transportation fills while an incident is a disaster site? To what extent does your agency aid in evacuation and incident traffic control? Who's responsible for road clearing and hazardous material clean-up from roadways; are they properly trained?



*Kobe Earthquake Memorial Park, Japan.* On Jan 17, 1995, the city of Kobe was struck by a magnitude 7.2 earthquake. The memorial is an area of the Meriken Pier which was hit and has been preserved in its damaged state. It relays the tragedy of the disaster and the city's subsequent restoration. Although the destruction to the port of Kobe was devastating, the entire city was rebuilt in just 2 years!

Photo by Renée Koller



*Biloxi, Mississippi, USA.* On Aug 30, 2005, the Louisiana and Mississippi coasts were hit by a category 4 storm with maximum winds at 140 mph. This bridge was no match for Hurricane Katrina. This vital link connecting Biloxi to Pascagoula was swept 30 feet off its pylons and cast into the sea. The bridge remains closed eight months after the storm.

Photo courtesy of APWA Reporter, March 06



**Kudos to Colorado Springs!** The El Paso County DOT promoted *Work Zone Safety Awareness Week* with this portable changeable message sign on Marksheffel Road.

### FEMA RELEASES "GETTING READY FOR DISASTER" DVD

With the upcoming hurricane season, killer tornados, wildfires, and floods, FEMA has released a new citizen preparedness DVD titled, **"Getting Ready For Disaster"**.

The DVD guides viewers through important steps of disaster preparedness and is a welcome addition to FEMA's preparedness materials.

The video addresses the following areas:

- \* Introduction
- \* Get Informed
- \* Make a Plan
- \* Disaster Supplies Kit
- \* People with Disabilities
- \* Food and Water
- \* Helping Children Cope
- \* Getting Involved

Video clips can be downloaded online, or a DVD can be ordered from FEMA. For more information visit: [www.fema.gov/areyouready](http://www.fema.gov/areyouready)

Also available is **Are You Ready? An In-depth Guide to Citizen Preparedness**. It is FEMA's most comprehensive source on individual, family, and community preparedness. The guide has been revised, updated, and enhanced to provide the public with the most current and up-to-date disaster preparedness information available.

## FIRST QUARTER ROAD SCHOLAR GRADUATES

**City of Arvada**  
Ron Mahoney  
Dan Pumphrey  
Jim Quintana  
Dewayne Benefiel  
Frank Bargas

**City of Berthoud**  
Jerry Wilson

**City of Brighton**  
Rob Gleim  
Mike Torres  
Hector Huerta  
Dennis Roybal

**City of Broomfield**  
John Beale

**City of Castle Rock**  
Randy Worthington

**City of Dillon**  
Scott O'Brien

**City of Golden**  
David Henkel

**City of Greeley**  
Adrian Yebra

**City of Thornton**  
Carlos Lopez

**Arapahoe County**  
Ray Chandler  
Terry Brawley

**Delta County**  
Larry Record

**Elbert County**  
Rick Manyik

**El Paso County**  
Steve Barden  
Harry Miller  
Dennis Sack  
Paul Wiggs

*continued on next page...*

# Ideas That Work

## Saving Your Agency Time & Money

### Street Smarts

#### A New Vehicle in the Streets Department

##### City of Golden

In the past, the City of Golden's Streets Division has had two separate trucks for marking pavement and for street signage. As a result, the crews had to switch back and forth from one truck to another, wasting time lugging tools to and fro and racking up excess mileage between the two vehicles. At the time, it was the only way to get the job done.

A new, more efficient vehicle has combined all those functions into one, helping crews do their jobs more productively. The new truck replaced an inefficient and messy hydraulic system with a much cleaner pneumatic (air) driver for pounding sign posts into the ground. Sign installation times have been cut in half, which has additionally improved the replacement schedule. The truck also allows crews to choose between three types of pavement painting techniques depending on which application is most appropriate. The possible applications include regular: pavement painting, glued 3M tape, and thermo tape that is melted on the asphalt.

With this one truck, crews have greatly improved efficiency by having all of these options available to them at any time. Drive times have been significantly reduced, as the truck can carry all of the necessary tools for both pavement painting and sign installation, and because the truck can carry multiple large signs on board at a time.

The new vehicle also includes an added function the Streets crews did not previously have. A core driller on the truck allows crews to take asphalt samples that assist them in engineering. Additionally, the new truck is equipped with high LED lighting, which is much safer as it is much more visible.



Eventually, the truck will also be equipped with a laptop so that crews can remotely update GPS and IDs for all of the City's signage in a special program called Cartegraph. The City of Golden has over 6,000 signs that are all logged into this program and tracked, helping crews locate them easily and monitor inventory, maintenance and replacement.

**For more info about Golden's Streets Division, contact:**

Mark Dugan at 303-384-8108 or visit [www.CityofGoldenofgolden.net](http://www.CityofGoldenofgolden.net), click on Departments, and Public Works. Streets Division is listed in left side navigation bar.

**A new vehicle in the Streets Division  
is replacing two old ones  
and making Streets crews more efficient.**

## Upcoming Events

### Upcoming Training

#### 2006 FALL COURSES

NOTE: Our training coordinator is currently finalizing fall dates and locations. Please contact the Colorado LTAP office for an updated schedule, or check online at <http://ltap.colorado.edu>.

#### Road Scholar Core Classes

Drainage

Safety on the Job

#### Road Scholar Electives

Heavy Equipment Training  
Grand County, CO (3-days, \$120)

Easy Methods of Estimating Materials  
for Roadway Projects

Common Sense Solutions to  
Intersection Safety Problems

Small Bridge Inspection

Roadway Safety Fundamentals

#### Supervisory Skills Classes

Who's Coming Thru the Door Today?  
Dealing With People

Developing the Leader Within

Successful Employees Make  
Successful Supervisors

Ethics for New Supervisors

#### Conferences

CCI 24th Annual Summer Conference

June 5-7, 2006

Keystone Resort, Summit County

For registration and information, visit CCI  
online at: <http://www.ccionline.org>

Western Regional Grade-Crossing  
Safety Training Conference

June 5-7, 2006

Hilton, Vancouver, WA

For more information, visit their website at:  
[www.techtransfer.berkeley.edu/railroad](http://www.techtransfer.berkeley.edu/railroad)

APWA West Slope Snow & Ice  
Conference

September 6-8, 2006

Gunnison County Fairgrounds

### ~ Road Scholar 15<sup>th</sup> Anniversary ~

All Road Scholar graduates in 2006 will receive  
a commemorative engraved keychain along with their plaques.



Recent graduates of the *Roads Scholar Program* received their plaques at the *Roadway Safety and Work Zone Traffic Control* class in Colorado Springs. (L-R) Darren Gardia - Otero County and Harry Miller, Dennis Sack, Steve Barden, Paul Wiggs - El Paso County.

### FIRST QUARTER ROAD SCHOLAR GRADUATES

...continued

#### Mesa County

Danny Click  
Danny Spaid  
Brady Sartain  
Terry Nash  
Rudy Bevan  
Dean House

#### Otero County

Darren Garcia

#### Teller County

Mike Wilson

#### Weld County

Ted Eyl

### FIRST QUARTER SUPERVISORY SKILLS GRADUATES

#### Weld County

Lee Stephen

### Did You Know?

**Mesa County**  
has the most  
currently employed  
*Road Scholar*  
graduates with 43.

**Garfield County**  
is a close second.

**Keep up the  
good work!**

## NEW FREE PUBLICATIONS

The following is a list of **FREE publications** available to Colorado local government agencies in the transportation field. Quantities are limited and available on a first-come, first-serve basis.

Contact the Colorado LTAP office to put in a request for these free publications.

Check out our website for **additional free materials** not listed here.

<http://ltap.colorado.edu>



### **F40 IJ** *Inspector's Job Guides & Hgwy Maint. Tables*

Need a reminder of what to look for when inspecting curbs, gutters, walks, driveways, plant mix bituminous paving, concrete paving, base courses, culvert pipe or storm sewer installations, grading, seeding or finishing, structures or geotextiles? Need to estimate how many gallons of asphalt will be required per mile of road, how much roadway a 1000-gallon tank will cover, or how many pounds of sand, gravel or crushed stone you have in a stockpile? Answers to these questions and many others (in English units) are at your fingertips in this pocket sized guide.

### **F50 GTTC** *Guidelines for Temporary Traffic Control*

This handbook summarizes guidelines listed in the 2003 MUTCD. It contains the basic principles of Temporary Traffic Control (TTC), description of standard TTC devices, and typical application diagrams. Information concerning proper flagging along with the installation and maintenance of TTC devices is also presented.

### **F50 SIG** *Sign Installation Guide*

A basic pocket guide intended to help new employees or volunteers install road signs. Includes 18 photographs showing the specifications for placing signs along Forest Service roads.

### **F40 APMFG** *Asphalt Pavement Maintenance - Field Guide*

This field guide provides guidelines for preventive asphalt pavement maintenance techniques for a variety of distresses and conditions. It covers: crack treatments (clean/seal, rout/seal, full-depth crack repair); surface treatments (fog seal, seal coat, thin hot-mix overlays); pothole patching and repair (cold-mix, spray injection patching, hot-mix, slurry or microsurfacing).

### **F40 DIG** *Distress Identification Guide*

This publication provides guidance in identifying different forms of distress in the pavement, such as cracking, potholes, surface deformation, surface defects and miscellaneous distress. Colored figures accompany the explanations.

**Colorado LTAP**

**University of Colorado at Boulder**  
**3100 Marine St, A-213**  
**UCB 561**  
**Boulder, CO 80309-0561**

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# Surface economy: pavement vs. gravel roads

December 2, 2022

0



Highland Road in Old Chatham. Photo by David Lee

Ghent—The radio commentator Paul Harvey famously wrote: “What’s mainly wrong with society today is that too many Dirt Roads have been paved. There’s not a problem in America today—crime, sex, education, divorce, delinquency—that wouldn’t be remedied if we just had more Dirt Roads, because Dirt Roads give character.”

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READ THE COLUMBIA PAPER –  
MARCH 7, 2024



Set Clocks Ahead  
Daylight Savings Time, Sunday, 2 a.m.

GOING SOMEWHERE?  
Check our calendar!

518-392-1122

Vol 36, No. 10 • 28 Pages

THE COLUMBIA  
Paper

Published Every  
Thursday  
March 7, 2024

Two top  
administrators  
exit Chatham  
School District

By EMILY D'AMICO

CHATHAM — Chatham School Superintendent Sal DeAngelis is missing officers. But if the board met in January to begin discussing the search for a new superintendent and at a meeting February 13 they officially accepted Dr. DeAngelis' resignation.

The district is also currently searching for a new high school principal after they approved the retirement of current Principal John Thayer, who retired at the end of the school year.

In a special meeting on January 16, Board of Education President Frederick Harkness said, “We will search for both John and Sal.” He pointed out that the search for the new high school principal is a challenge and looking for both a superintendent and a high school principal at the same time is “tough”.

The board approved Mr. Thayer's



Participants jump into Hudson's October Lake at the annual Outside Pioneer Plunge on March 2. Proceeds from the fundraising event are split between the Hudson Youth Department Waterfront Program and the Hudson River Conservancy. Winter Plunge and One Team, both of which promote safe recreation in and around the water. This year the event raised \$23,850. The group from the Hudson Police Department, with officers calling them “Copsters,” got in and out of the water, led by Hudson Police Chief Michaela Farnham (far right). More photos of the event are on the Outside Plunge Facebook page.

When Johnson started 14, his mother, Jennifer, gifted him a 200-acre plot of land, which she designed as “homestead,” which implied providing, “total self-sufficiency”.

Continued on Page 7

WOMEN'S HISTORY MONTH

By Laura Cheryl Littlejohn

Chinn's story told as historic sites hope to start a conversation

THE MURDER OF JANE CHINN

National Historic Site and the Charleston County Courthouse immediately sponsored a talk, “Finding Jane: Uncovering Black Women in South Carolina History,” at the Charleston Historical Society and the Charleston Museum.

The talk was based on the book “The Vice President's Black Wife: The Untold Story of John C. Calhoun” by Professor James O. Eastland, Jr., published in 2012 by the University of South Carolina Press. The vice president at the time of Andrew Jackson, Calhoun, is remembered for his role in the Nullification Crisis and for his role in the secession of South Carolina.

Eastland's book, “The Vice President's Black Wife,” tells the story of Jane Calhoun, who was married to John C. Calhoun.

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187

Ghent Highway Superintendent Benjamin Perry would

But the dirty truth about dirt roads, according to Austerlitz Highway Superintendent Peter Fitzpatrick, is


41°





GHENT


Weather



43°F

broken clouds


Fri



52°F

30°F

Sat



46°F

34°F

Sun



50°F

32°F

showing that gravel roads lose an inch of dirt every year; and, that <sup>188</sup>dirt is not only to be found on cars, but on windows and window sills. Unpaved roads are generally so compacted that very little water soaks in. Instead, rainwater runs off, carrying sediment into watercourses.

Sediment can smother stream habitats, reducing biodiversity, especially affecting the spawning and rearing of trout. Runoff can raise streambeds and exacerbate flooding. It can also harm roadside vegetation. Nutrients and sediments reaching sensitive water bodies can adversely affect water quality.

Safety is another concern. While the highway superintendents agree that a well-constructed and maintained gravel road is as safe as a paved road nine months of the year, when it comes to mud season. Then, roads may turn so mushy as to be impassable for heavier vehicles like school buses and fuel trucks. As Fire Chief Brennan Keeler of Claverack notes, sometimes dirt roads are too narrow for his vehicles to pass one another and in mud season the roads may not support trucks, making passage impossible and creating real safety issues.

Residents also complain that a paved road leads to more traffic and speeding. Mr. Fitzpatrick might agree but he notes that drivers speed on dirt roads also and wonders whether the potholes and rutting that is inevitable do not create greater driving hazards.

Snow removal and melt varies according to surface. Blacktop is generally cleared of snow more quickly as the snow will melt more rapidly on it, but if the surface is wet it can freeze to black ice. If the air is cold, a gravel surface

CATEGORIES

BACK TO NATURE

CALENDAR

COMMUNITY

COMMUNITY GUIDEBOOKS

COMMUNITY CONVERSATIONS

GOOD NEWS STORIES

KIDS PAGE

LOCAL/COUNTY

NEIGHBORS

OBITUARIES

RELIGION

SPORTS

STATE NEWS

Partnered with



for snow plows to travel, whereas driving on mushy snow on a gravel<sup>189</sup> surface is jarring on vehicles and drivers alike.



Another key difference is financial. Maintaining gravel roads is an expensive proposition. According to Superintendent Fitzpatrick of Austerlitz (whose town roads, like many county towns, are predominantly gravel-surfaced), a gravel road requires grading at least once and sometimes three and four times every year. To grade, trucks make four to eight passes at two miles per hour, not even counting spot treatments for potholes and other problem areas. One full day of grading requires a grader, a roller and a water truck. Gravel has to be hauled to the site. Austerlitz uses some 5,000-6,000 tons of gravel each year. The trucks consume 60-100 gallons of fuel/day. At least two workers are needed. After grading, the surface must be watered and a chemical (generally considered safe) called calcium chloride is applied to harden the surface and diminish dust. Vehicles maintaining and snow-plowing gravel roads themselves need more maintenance than their counterparts working on paved roads.

By contrast, paved roads require little maintenance. Ghent Superintendent Perry notes that all but 2 miles of the 77 miles of Ghent town roads are paved, either with blacktop or "pugmill," a mixture of stone, water and an emulsion. Blacktop has a 20-25 year "life expectancy" and pugmill a 15-18 year life. Neither requires annual maintenance, other than the tree-clearing, ditch-cleaning and mowing that all roads require. Superintendent Perry estimates that a highway department will spend 80% or more of its "time and



However, the cost of installing a paved road is significant. Before you<sup>190</sup> can pave, the road drainage often must be upgraded, with the installation of new pipes and culverts, to divert water away from the roadbed. A good gravel road must be laid, graded and shaped to a gentle crown. Assuming the drainage has been attended to, Superintendent Perry estimates that the cost for one mile of a pugmill road is \$150,000 and of blacktop \$200,000 or more. (Which surface to use is not only a question of cost, but also the underlying conditions; blacktop is not recommended in areas that suffer frost heaves, whereas pugmill will expand and contract with temperature changes.)

Direct costs to road residents also vary depending on road surfaces. A study by the University of Kentucky found that the cost of operating a vehicle on a gravel surface is often two to three times greater than on a paved surface because there is "greater rolling resistance and less traction" on gravel which increases fuel consumption, there is additional tire wear, and dust affects oil consumption and engine maintenance costs.

Finally, a June 2021 Rural Dirt Road Assessment prepared for three South Berkshire towns found that many of the considerations are shifting with climate change. With the increase in stronger and more frequent storms, the reduction in the number of days below freezing and delays in winter freezing and with earlier spring thaws, dirt roads have become even more vulnerable. The increase in extreme weather events leads to more intense runoff and even landslides and occasional washouts. With added freeze-thaw events occurring, we



Pandemic-driven population growth also affects the roads, not only leading to greater traffic but also the presence of more heavy construction and delivery vehicles, which accelerate road degradation.

So, to pave or not to pave: it's complicated.

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## Introduction

Paved roads provide improvement over gravel in ways that are hard to quantify with dollars, including improved winter surfaces, improved safety from improved signage and delineation, a safer surface with higher skid resistance, a smoother surface that increases user satisfaction and reduces vehicle maintenance costs, redistribution of traffic away from gravel roads, and an increased tax base on adjacent property.



Unpaved roads serve a valued purpose in our roadway system, but maintenance costs are significant. Paved roadways also are costly to maintain and like everything else, maintenance costs for both paved and unpaved roads are rising. We need to optimize those costs to best serve the public. Reduced funding and resources require us to be more efficient spenders of the money we do have. Preparing for future maintenance and upgrades allows us to better manage funds that are available now.

How do we know when it's time to pave a gravel road? The decision is not easy but there are several good resources available to help you determine when to pave a gravel road. This *Tech Tip* will provide a guide on where to find information on determining when a gravel road should be paved and a short summary on how to use those resources to help you make an informed decision.

*Economics of Upgrading an Aggregate Road* is a report published in 2005 that funded by the Minnesota Local Road Research Board (LRRB). As part of this project, researchers examined roadway surface construction and maintenance costs to determine possible threshold values to go from gravel to paved. The report is available online at:

[Local Road Surfacing Criteria is a report published in 2004](#) that was funded by the South Dakota DOT. In this project, researchers developed a tool to compare the costs associated with different types of roads to determine the most economical surface type. This report is available online at:

## The Issue

Two key questions must be answered when developing a gravel road maintenance plan:

1. What is the best way to maintain a gravel road?
2. When should the roadway be upgraded to a paved surface?

These are not easy questions because many factors affect the answers. As noted above, the following two recent reports can be used to help decide when to upgrade a gravel road.

### Using Minnesota's report *Economics of Upgrading an Aggregate Road*

This project, conducted in Minnesota, offers an analysis of county maintenance costs, practices, and traffic volumes for individual roads. This information helps to determine when it may be advantageous to upgrade the road, based on cumulative maintenance costs.

The data presented in the report can be used by others, or they can develop similar costs with their own data. For this project, the initial data collection included 16 Minnesota counties, broken into four regions around the state. It includes maintenance costs for both bituminous (or asphalt) and gravel roads, as well as the volume of traffic traveling over the roads. Baseline data was obtained from annual reports submitted to the State Aid Division of Mn/DOT from 1997 to 2001, and roads were grouped by funding source as County State Aid Highways (CSAH), county roads (funded entirely by county funds), and township and municipal roads.

Four of the counties were then analyzed further to develop typical costs per mile for a variety of surface options, including gravel

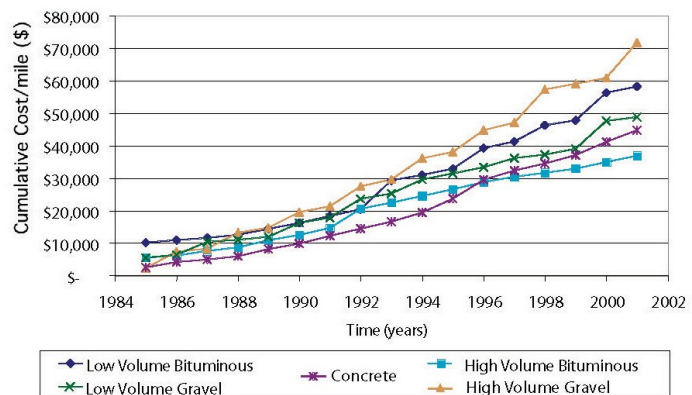


Figure 1. Cumulative Maintenance Costs/Mile for One County

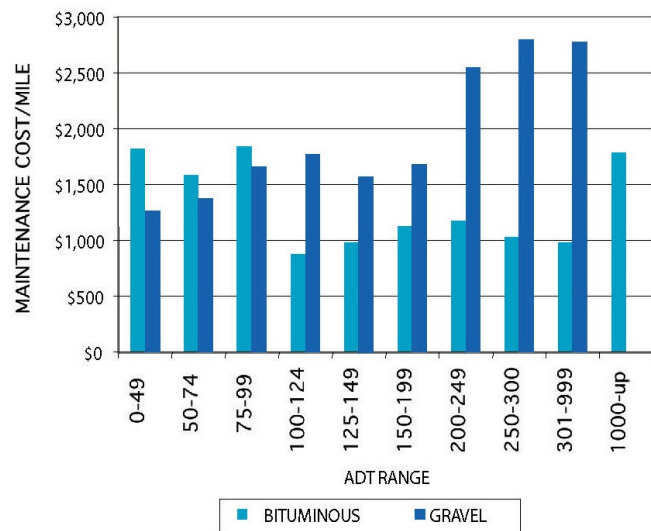


Figure 2. Maintenance Costs/Mile at Various Traffic Levels for One County

and paved.

Researchers conducted an initial data analysis for Waseca County, which provided a snapshot of the kind of information available for use in this study.

*Figure 1* shows actual maintenance costs per mile in Waseca County for five different roadway surfaces:

- Low-volume bituminous roads
- Low-volume gravel roads
- Concrete pavement
- High-volume bituminous roads
- High-volume gravel roads.

\* Note that maintenance costs per mile for high-volume gravel roads are highest.

*Figure 2* illustrates the effect of traffic on maintenance costs per mile for one county. The roads are grouped by traffic volume and surface type along the bottom of the graph. An increase in traffic does lead to an increase in maintenance costs, especially for gravel roads. This is due to more lost gravel due to wear, and an increased need for blading and smoothing of the road surface.

Note that at a traffic volume of 200 ADT, gravel road maintenance costs increase significantly. (ADT stands for *average daily traffic*, or the number of vehicles that pass over a given section of roadway in one day.)

This offers a possible threshold for determining when this agency might pave a gravel road.

### **Using this report in your agency**

The Minnesota report can be used to assist local agencies in estimating their own maintenance costs per mile. Agencies can use that data to decide if paving a gravel road is the best alternative.

The report directs users to:

- Review the historical costs of maintaining paved roads for your agency. (If those costs are not available, review data for one of the four counties analyzed in the report to get an idea of what your costs might be.)
- Compute estimated gravel road maintenance costs per mile for your agency.
- For a proposed upgrade, develop a cost estimate in the same way a contractor would for any new construction project under consideration.
- Evaluate this cost estimate to compare the alternatives and make a decision for each roadway segment under question.

By using the information presented in this report, an agency can evaluate its typical maintenance & construction costs, as well as identify the annual maintenance costs for a given type of roadway (whether paved or unpaved), and typical construction costs for a variety of surface projects.

Directions are also given for performing a present-worth analysis to assess maintenance and construction costs for a roadway section to see what the equivalent maintenance and construction costs are in today's dollars.

### **Using South Dakota's Report: *Local Road Surfacing Criteria***

The second tool was completed as part of a project that investigated several surfacing criteria for low-volume roads. The main objective of this project was to create a process comparing maintenance requirements for different surface types to assist in selecting the most economical alternative under a given set of conditions. Surface types include hot-mix asphalt, blotter, gravel, and stabilized gravel roads.

Many of the project elements are similar to the Minnesota project. However, the South Dakota project developed an easy-to-use computerized tool that allows agencies to input local costs and treatments to fit their own conditions.

This computerized tool leads the user through a series of steps to:

- Input information about the road section, including the project limits and the average daily traffic (ADT) count.
- Input the actual agency maintenance and construction costs, broken down by surface type.
- Estimate user costs, which are costs to the people that drive on the roads, and include vehicle operating and crash costs associated with a roadway surface type. These user costs can even be weighted to give them more or less importance in the analysis.

After all the initial input variables are submitted, the computer program summarizes total costs for building and maintaining each roadway type. The evaluator then inputs other non-economic factors that relate to all surface types, including growth rates for an area, housing concentration and dust control needs, mail route locations, truck traffic, and political considerations. Again, the evaluator is allowed to weight each of the factors in the analysis.

This tool provides output that is both easy to generate and understand. Cost comparisons can be computed for several alternatives. In addition, the user is assisted in selecting appropriate input variables for a typical agency. The results are objective and assist in making a clear comparison for a variety of roadway surface types.

### **Accessing and using the computerized tool**

This tool is [available online through this link.](#)

Useful information regarding this report can be downloaded in three forms:

- *Full Report*— the complete report, with references, data and research process fully outlined.
- *User's Guide*—a hands-on guide that introduces the macro-driven, Excel-based analytical tool developed to apply the low-volume road management methodologies recommended under the project.

- *Technical Brief*—developed to provide a step-by-step procedure for making road-surface type decisions between different surface materials (hot-mix asphalt [HMA], blotter, gravel, and stabilized gravel) on low-volume roadways. The methodology presented in this Technical Brief provides a practical tool to assist agencies with decisions about the most cost-effective road surface type to be used in various situations.

The *User's Guide* will outline all steps required to download the software and populate the required fields with local data. It is a comprehensive guide to understanding every input variable available for the analysis.

### **Using this report in your agency**

With this tool, the user can input actual local costs for maintenance and construction activities. The user also can supplement those costs with road-user costs (such as crash data and quality-of-life considerations), as well as other non-economic factors. The computer program then provides actual ratings for each surface type based on the different input variables. The user can then select one surfacing alternative over another, based on these ratings and local priorities.

### **Summary**

The results of both gravel road studies note that maintenance and construction costs vary considerably from one agency to another, and from one season to another.

Traffic is a primary factor in deciding to pave or not to pave. The Minnesota study found that gravel road maintenance costs per mile appear to increase considerably after an ADT level of 200 vehicles/day. On the other hand, the South Dakota study found that paved roads are most cost-effective at ADT levels above 150 vehicles/day. So, decisions can be made based on traffic data, local construction and maintenance costs, and area growth values to determine if and when a roadway should be paved.

Another consideration when deciding to pave or not to pave includes if appropriate open and/or closed drainage can be provided. Considerations could also include test borings or test pits to determine subgrade materials i.e., good gravels vs. organics, large rocks, stumps etc. These should be coupled with safety considerations to obtain appropriate pavement widths of a minimum of 18' for two-way traffic roadways, with a minimum of 2' gravel shoulders. It may sometimes be difficult to achieve these standards in New Hampshire due to Right-of-Way and stone walls being at 2-3 rods in width (33-49.5').

Information from both reports can be used to make informed decisions about paving a gravel road, or maintaining it as a gravel surface. Thanks to the findings of both projects, we are better prepared to move forward in developing an efficient and appropriate maintenance and construction strategy. Finally, the presentation developed by LRRB can assist local highway staff in making the public aware of the many factors affecting the decision.

## Additional Resources

[Highway Standards for Low-Volume Roads, Cornell Local Roads Program, 2017](#)

[Gravel Roads Maintenance and Design Manual, South Dakota LTAP Center, 2000](#)

[Asphalt Paving Principles, Cornell Local Roads Program, Cornell Local Roads Program, 2004](#)

[Gravel Roads: Maintenance and Design Manual Appendix D: When to Pave a Gravel Road, EPA](#)

## Acknowledgements and Special Thanks:

This information is from a modified Tech Tip by Cornell Local Roads in August 2018, using the October 2006 publication “To Pave or Not to Pave: Making informed decisions on when to upgrade a gravel road” by the Minnesota Local Technical Assistance Center. It was modified slightly to include NH specifics, but UNH T2 gratefully acknowledges the majority of this work from Cornell Local Roads Program and Minnesota Local Technical Assistance Center.



UNH T2 is pleased to provide free and customized Technical Assistance to local road agencies on a variety of road maintenance and transportation infrastructure-related topics, including bridge preservation and maintenance activities. Please reach out to [t2.center@unh.edu](mailto:t2.center@unh.edu) for additional resources, support, or technical assistance, or visit <https://t2.unh.edu/>.

## UNH Technology Transfer Center (UNH T2)

33 Academic Way  
Durham, NH 03824

<https://t2.unh.edu/>  
[T2.Center@unh.edu](mailto:T2.Center@unh.edu)





Chauncey McCarthy &lt;townmanager@ricocolorado.gov&gt;

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**VCUP comments**

1 message

**gerrish willis** <ggwillis@yahoo.com>

Wed, Mar 13, 2024 at 3:19 PM

Reply-To: ggwillis@yahoo.com

To: jdillsworth@ricocolorado.gov, npieterse@ricocolorado.gov, pfallon@ricocolorado.gov, ccondon@ricocolorado.gov, bvernadakis@ricocolorado.gov

Cc: townmanager@ricocolorado.gov

Dear Trustees,

Thank you for your continued work on these important projects and providing another public forum last week. After thinking about others' comments and my own comments during the forum I have a few additional thoughts to share.

What I heard is that there is an estimate of 34,000 cu yds of lead contaminated soil to be removed and replaced during the remediation project. And it was stated that the St. Louis tunnel reclamation area has space for approximately 20,000 cu yds, But the proposal as I understand it is that the bulk of the contaminated soils will be used to cap the Columbia site. I suggest that capping the Columbia site with the minimum amount of material necessary to meet the purpose of shedding water so that the contamination underneath the pile is not leached into the Dolores river. This would result in fewer loads of contaminated soil being trucked to the site, resulting in less impact to residents, especially those who live close by, and would be adversely affected by noise and dust.

It is understood that the Columbia site was initially a settling pond of highly concentrated lead mill waste. It does not have a liner, like the new ponds at the St Louis Tunnel, which keep dissolved contaminants from leaching into the river and there is no plan to add a membrane at the Columbia site to contain any potential movement. I am concerned that continued leaching will occur. I urge the town to recommend to the Colorado Department of Public Health and Environment that monitoring wells be constructed to see how effective the containment is over time and, if though monitoring it is determined that continued leaching into the river is occurring, a membrane under the contamination is placed or AR constructs a water treatment facility there similar to the facility at the St Louis tunnel site. Having less overburden will make lining the site more economical as less material will need to be moved to place a liner.

While I appreciate AR's offer to develop a storm water system for the town, it's not clear to me what the extent of the company's commitment to implement the storm water system is. I suggest that AR fund the implementation of the storm water system town-wide on all town streets and to contribute into a stormwater fund to maintain the system for at least 20 years. And in order to reduce future fugitive dust and reduce long term maintenance costs, AR agrees to paving the streets with higher traffic counts, such as East and West Manz, and River and Picker Streets to West Rico. The stormwater fund could also be used to maintain these paved roads.

Gerrish Willis  
123 Van Winkle Avenue  
Rico+  
801-550-6086

# Petition To Establish RICO as a Dark Sky Community

NAMEADDRESS

Sue Kunn

28 N. Hancock St. Rico

Logan Davis

29128 Rd M.4 Odessa, CO

Jim C. Sten

37 N. Silver St., Rico, CO

Mary Jandrow

37 N Silver St., Rico, CO

Laura Quayle

34 S. Argentine St, Rico, CO

Tucker Brumley

34 S. Argentine St, Rico, CO

# Petition To Establish RICO as a Dark Sky Community

NAME

ADDRESS

DARRALL HUBER

209 Mill Rd

Darrell Huber

Alex Wing CRISTAL HIBBARD

112 N Short St

*[Signature]* *[Signature]*

*[Signature]*

Ronald Elzy Hall

15. Glasgow Ave. Rico, CO

Lauren Lamb

102 N Garfield Rico, CO

Jaimee Lamb

Bob Rader  
*[Signature]*

112 1/2 N Short St. Rico, CO 81332

CHRISTY KOPASZ

107 W Garfield St

81332

# Petition To Establish RICO as a Dark Sky Community

NAME

ADDRESS

Andy Mc

5 Commercial Street

Scott Poston

P.O. Box 126

Scott U. Poston

Rico, CO 81332

TARYN OLSON

445 Silverglance Way

tarynolson

PO Box 331

Rico, CO

14 River street.

Brandon Watson

477 Silverglance Way

Rico,

B  
Paul Winton

24 W. Pine St.

Rico, CO 81332

# Petition To Establish RICO as a Dark Sky Community

---

**NAME**

---

**ADDRESS**

---

Gretchen Treadwell

110 N Short St  
Rico CO 81332

Jeremy Thomas

37 S Commercial St  
Rico, CO 81332

Lavrie Adams

441 Silverglance Way  
Rico, CO. 81332

Barbara R. Letts

456 Silverglance Way  
Rico, CO 81332

Trey Tanco

207 Mill Rd  
Rico, CO 81332

# Petition To Establish RICO as a Dark Sky Community

NAME

ADDRESS

Jennifer Taylor

207 mill rd  
Rico, CO 81332

Dee Gullidge

123 Van Winkle  
Rico, CO 81332

Georgi Miller

123 VAN WINKLE

\* Gary Cass

34 N. RIVER STREET

# Petition To Establish RICO as a Dark Sky Community

**NAME****ADDRESS**

Gretchen Treadwell

110 N. SHAD ST  
RICO CO 81332

Ann Williams

35 N. River St.  
Rico Co. 81332

ROBERT CUMMINGS

138 N. RIVER ST.  
RICO, CO 81332

Todd Gillman

135 NW W  
RICO 81332

Michael Conillo

101 Hinckley Dr.  
Rico, CO 81332

~~A~~<sup>As</sup> "Dark Sky" initiative.

To; Rico Town Board of Trustees

Rico Planning and Zoning Commission

For your consideration;

Myself, and no doubt others, appreciate the night sky of Rico and all it has to offer. Currently, our night sky is about as unpolluted as one could ask for. Let us keep it that way. Now is the time to address potential, future light pollution impacts. As of this writing, you are engaged in a global revision of the Rico Land Use Codes (RLUC). This revision affords the opportunity to visit the existing lighting codes and modify them accordingly. Your modifications will protect our night sky for the future.

Light pollution has numerous negative impacts. The two that come to mind are the environment and the economy. I want to be able to see the stars above Rico anywhere in town, including near that future car lot or storage compound. The more lighting there is, the more power consumption, more expense for infrastructure and more consumption of resources.

The organization, [darksky.org](http://darksky.org), is a resource for the aforementioned concerns.

If Rico Town government is inclined to pursue consideration of our night sky protection, I offer my help.

Sincerely,

Skip Zeller

Resident, Town of Rico

## Community (IDSC) - Applicant Self-Checklist (Sept. 2023)

[Link to 2018 IDSC Guidelines \(updated Sept. 2023\)](#)

This Checklist has been designed to allow you to easily identify what your application must include. Column 2 shows each 'Compliance Requirement' in abbreviated form. Column 6 shows a cross-reference to the full 'Compliance Requirement' in the Guidelines.

Please proceed as follows:

1. *Where your application meets a 'Compliance Requirement':* In Column 3 enter 'Y'; in Column 4 identify the relevant page number(s) in your application; and in Column 5 include comments or brief application extracts that show how you comply.
2. *Where your application does not meet a 'Compliance Requirement' but you have a plan for how to comply:* In Column 3 enter 'N'; in Column 5 state what steps you intend to take to ensure compliance and the expected time frame.
3. *Where your application cannot meet a 'Compliance Requirement':* In Column 3 enter 'N'; in Column 5 state why you cannot comply; and if you consider this a serious issue, please contact DarkSky and we will work with you to see how best to proceed.
4. *When your Checklist is completed:* Send it to DarkSky with your completed application.

Please complete your Checklist as thoroughly as possible, as it will be used by DarkSky when reviewing your application.

<b>Site Name:</b>	
<b>Prepared By:</b>	
<b>Date:</b>	

A	Eligibility Requirements	Complies Y/N	Which Page(s)	Comment on this Item in Application	GXR*
1	Your Community has some form of legal organization officially recognized by outside groups.				P4-Eligibility

B	Application Elements	Complies Y/N	Which Page(s)	Comment on this Item in Application	GXR*
1	A map of the Community showing its legal boundaries				P8-N1

<b>B</b>	<b>Application Elements</b>	<b>Complies Y/N</b>	<b>Which Page(s)</b>	<b>Comment on this Item in Application</b>	<b>GXR*</b>
2	Letters of Nomination and Support by a qualified DarkSky member and an elected community representative				P8-N2
3	A quality, comprehensive Lighting Management Policy (LMP) for the Community				P4-N1 + P8-N3
4	Documentation of examples of Community commitment and construction and/or renovation projects demonstrating effective application of the lighting policy				P8-N4
5	Proposed alternative wording for this IDSC, if desired, and the justification for it				P8-N5

<b>C</b>	<b>Lighting Management Policy</b>	<b>Complies Y/N</b>	<b>Which Page(s)</b>	<b>Comment on this Item in Application</b>	<b>GXR*</b>
1	Your Community has a comprehensive Lighting Management Policy like the IDA-IES Model Lighting Ordinance (MLO).				P4-N1
2	Full shielding is required of all lighting fixtures emitting more than 1,000 lumens.				P4-N1A
3	Emission of short-wavelength light is limited through one of the following restrictions:				P4-N1B
a	Light source correlated color temperature (CCT) must not exceed 3000 K; <b>OR</b>				P4-N1Bi
b	Allowed lighting must not emit more than 25% of its total spectral power at wavelengths shorter than 550 nanometers; <b>OR</b>				P4-N1Bii

C	Lighting Management Policy	Complies Y/N	Which Page(s)	Comment on this Item in Application	GXR*
c	Scotopic-to-photopic (S/P) ratio of allowed lighting must not exceed 1.3.				P4-N1Biii
4	There is a restriction on the total amount of unshielded lighting, such as a limit on lumens per net acre or a total site lumen allowance in unshielded fixtures.				P4-N1C
5	There must be a policy to address over-lighting. This may be accomplished by limiting the average illuminance for any outdoor application, over the entire task area, to no more than 10% over the light levels recommended by, for example, the Illuminating Engineering Society (North America), the Society of Light and Lighting (United Kingdom), or other similar organization.				P4-N1D
6	Regulations on NEW installations of publicly owned outdoor lighting MUST:				P4-N1E
a	Clearly indicate where, when, and under what circumstances such lighting is warranted and permitted; <b>AND</b>				P5-N1Ei
b	Require all future such lighting to have adaptive controls and/or curfews.				P5-N1Eii
7	Restrictions on the installation and operation of illuminated signs, including ALL of the following:				P5-N1F
a	During the first hour after sunset and during the last hour immediately preceding sunrise, sign luminance shall not exceed 100 nits (candelas per square				P5-N1Fi

C	Lighting Management Policy	Complies Y/N	Which Page(s)	Comment on this Item in Application	GXR*
	meter); <b>AND</b>				
b	Signs may only be illuminated while the associated activity is taking place; for businesses, sign illumination must be extinguished completely during the hours the business is closed; <b>AND</b>				P5-N1Fii
c	The luminous or illuminated surface area of an individual sign must not exceed 18.6 square meters (200 sq. feet).				P6-N1Fiii
8	Outdoor recreational and sports field lighting may be exempted from strict shielding and emission requirements, provided <b>ALL</b> the following are met:				P6-N1G
a	ANSI/IES RP-6 guidelines (current version) are followed ( <i>note</i> : another standard may be followed if appropriate, but this must be stated specifically in the LMP); <b>AND</b>				P6-N1Gi
b	Lighting is for the surface of play and the viewing stands only; <b>AND</b>				P6-N1Gii
c	Illuminance levels must be adjustable based on task; <b>AND</b>				P6-N1Giii
d	Offsite impacts of the lighting are limited; <b>AND</b>				P6-N1Giv
e	A strict curfew is in place – 10 p.m. or one hour after play ends; <b>AND</b>				P6-N1Gv
f	Timers are installed to prevent lights from being left on overnight.				P6-N1Gvi
9	There is a maximum 10-year				P6-N1H

<b>C</b>	<b>Lighting Management Policy</b>	<b>Complies Y/N</b>	<b>Which Page(s)</b>	<b>Comment on this Item in Application</b>	<b>GXR*</b>
	amortization period for ALL non-complying public AND private lighting to comply.				

<b>D</b>	<b>Lighting Inventory</b>	<b>Complies Y/N</b>	<b>Which Page(s)</b>	<b>Comment on this Item in Application</b>	<b>GXR*</b>
1	Required to determine whether City-owned lighting presently conforms with the LMP (see E1 below).				P6-N2A

<b>E</b>	<b>Commitment to Dark Skies and Quality Outdoor Lighting</b>	<b>Complies Y/N</b>	<b>Which Page(s)</b>	<b>Comment on this Item in Application</b>	<b>GXR*</b>
1	City-owned lighting conforms with the LMP or is committed to conform within 5 years.				P6-N2A
2	Municipal dark sky support and quality lighting is demonstrated by city publications, funding of lighting upgrades, etc.				P6-N2B
3	Broad support for dark skies is shown by a wide range of community organizations.				P6-N3
4	Success in light-pollution control is demonstrated through <b>AT LEAST ONE</b> of the following:				P6-N5
a	New construction and renovation activity built under the LMP, demonstrating effective lighting application; <b>AND/OR</b>				P6-N5A
b	Other evidence of success in light pollution control approved by DarkSky International.				P6-N5B

<b>F</b>	<b>Sky Quality Measurement</b>	<b>Complies Y/N</b>	<b>Which Page(s)</b>	<b>Comment on this Item in Application</b>	<b>GXR*</b>
1	A sky brightness measurement program must be established and maintained to follow the evolution of light pollution.				P6-N6

<b>G</b>	<b>Education and Outreach</b>	<b>Complies Y/N</b>	<b>Which Page(s)</b>	<b>Comment on this Item in Application</b>	<b>GXR*</b>
1	Community commitment has been shown by <b>AT LEAST ONE</b> of the following:				P6-N4
a	Minimum of two dark-sky awareness events per year; <b>AND/OR</b>				P6-N4A
b	Inclusion of dark sky brochures with other community leaflets for residents and visitors; <b>AND/OR</b>				P6-N4B
c	Inclusion of dark-sky education in Community schools' curricula.				P6-N4C



# Lighting Ordinance Pre-Screen

## International Dark Sky Places Program

2018 IDSC Guidelines

Jurisdiction: \_\_\_\_\_

Submitted by: \_\_\_\_\_ Affiliation: \_\_\_\_\_

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

✓ = good; ~ = needs more information; ✗ = missing; AW notes

**Note - provide a signed and dated copy in your application once approved**

1. *"Full shielding of all lighting fixtures over 1000 initial lamp lumens"*
  
2. *"A limit on the emission of short-wavelength light through one of the following restrictions:*
  - a. *The correlated color temperature (CCT) of lamps must not exceed 3000 Kelvins; **OR***
  - b. *Allowed lighting must not emit more than 25% of its total spectral power at wavelengths < 550 nanometers; **OR***
  - c. *The scotopic-to-photopic (S/P) ratio of allowed lighting must not exceed 1.3"*
  
3. *"A restriction on the total amount of unshielded lighting, such as a limit on lumens per net acre or a total site lumen allowance in unshielded fixtures (or equivalent wattages)"*
  
4. *"A policy to address over-lighting, such as lumens per net acre caps (irrespective of shielding state) or maximum illuminance specifications"*
  
5. *"Regulations of new installations of publicly-owned outdoor lighting:*
  - a. *A provision that clearly indicates where, when, and under what circumstances new publicly owned outdoor lighting, including street lighting, is warranted and will be permitted; **AND***

- b. *A provision that requires that adaptive controls and/or curfews be employed in all future installations of public outdoor lighting*
  
- 6. *“Restrictions on the installation and operation of illuminated signs:*
  - a. *Luminance levels for operation between sunset and sunrise shall not exceed 100 nits (100 candelas per square meter) as measured under conditions of a full white display; **AND***
  
  - b. *Sign illumination shall be extinguished completely one (1) hour after sunset, and remain off until one (1) hour before sunrise; **AND***
  
  - c. *The luminous/illuminated surface area of an individual sign shall not exceed 200 square feet (18.6 square meters)”*
  
- 7. *If outdoor sports / athletic field lighting is permitted by the code, it “may be exempted from the strict shielding and short-wavelength emission requirements above provided that all of the following conditions are met:*
  - a. *Illuminating Engineering Society (IES) lighting guidelines (RP-6) are followed according to the appropriate class of play*
  
  - b. *Field lighting is provided exclusively for illumination of the surface of play and viewing stands, and not for any other applications*
  
  - c. *Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance)*
  
  - d. *Off-site impacts of the lighting will be limited to the greatest practical extent possible*
  
  - e. *A strict curfew requirement (e.g., lights must be extinguished by 10pm/2200h or one hour after the end of play, whichever is later) is observed*

- f. *Timers must be installed to prevent lights being left on accidentally overnight by automatically extinguishing them*
  
- 8. *“Affects an amortization period, applicable to **ALL** publicly **AND** privately owned lighting, to end not more than ten (10) years from the effective date of the outdoor lighting policy, after which all non-conforming lighting extant at the time of enactment must be brought into compliance with the policy.”*

Any extra provisions worth noting:

**ORDINANCE NO. 2019-06**

AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO REPEALING AND REPLACING CHAPTER 6, SECTION 5 OF THE RIDGWAY MUNICIPAL CODE REGARDING OUTDOOR LIGHTING REGULATIONS.

**WHEREAS**, The Town of Ridgway established dark skies-oriented regulations for outdoor lighting via Ordinance 3-1997; and

**WHEREAS**, the Ridgway Town Council amended the Outdoor Lighting Regulations by Ordinance 4-2017 that provide for appropriate illumination of public art on public property that respects the “dark skies” desire of the community while providing for some illumination of public art in public places; and

**WHEREAS**, the 2019 Ridgway Master Plan contains the following:

Policy ENV-4.4 Dark Skies: Continue to prioritize efforts to reduce light pollution and enhance the appearance of the night sky.

Action ENV-4f: Continue to protect our dark skies as a valuable community resource; and

**WHEREAS**, glare and light pollution can result in safety concerns, diminish the ability to view the night sky, and impact community character; and

**WHEREAS**, the Ridgway Town Council desires to pursue certification through the International Dark-Sky Association to become an International Dark Sky Community; and

**WHEREAS**, the Ridgway Planning Commission reviewed previous drafts of edits to the Outdoor Lighting Regulations at the March 5<sup>th</sup>, June 25<sup>th</sup>, and July 30<sup>th</sup>, 2019 meetings which provided opportunity for public feedback and input; and

**WHEREAS**, the Town of Ridgway has invested, and continues to invest, in protecting the important dark sky resource.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO**, as follows:

**SECTION 1.** RIDGWAY MUNICIPAL CODE CHAPTER 6, SECTION 5 IS REPEALED AND REPLACED AS FOLLOWS:

### **6-5-1 GENERAL PROVISIONS.**

(A) All non-exempt outdoor light fixtures and illuminating devices permanently or temporarily installed outdoors, including but not limited to devices to illuminate signs, shall meet the following requirements:

(1) They shall be shielded so no light rays are emitted at angles which will allow the light to pass directly off of the premises appurtenant to the fixture.

(2) They shall be shielded so that all light rays are emitted by the installed fixture at angles below the horizontal plane.

(3) All fixtures designed to illuminate signs or structures shall be mounted above the area of the sign or structure to be illuminated.

(4) Blinking, flashing, rotating or moving lights are prohibited.

(5) Correlated color temperature (CCT) is limited to 3000 kelvin per fixture.

(6) The following lumen limits are established to prevent over lighting and are not intended to be achieved. Each site should use the lowest amount of lumens needed for the site to provide for safety and functionality.

(a) Single-Family Residential Sites shall be limited to 5,100 lumens. Single-Family Residential Sites that include an accessory dwelling unit shall be limited to 6,500 lumens. Each lighting fixture shall be limited to 850 lumens.

(b) Multi-Family Residential Sites, Mixed-Use Sites, and Non-Residential Sites shall be limited to 25,000 lumens per net acre plus 2,000 lumens per unit beyond the first. Each lighting fixture shall be limited to 1,500 lumens.

(7) Lighting for all non-residential uses shall be extinguished one hour after close of business unless there is a public safety hazard that is best mitigated by the use of lighting. Lighting intended for security purposes shall use Adaptive Controls.

(8) If any of the above are in conflict with the Town building codes, adopted pursuant to RMC 6-1, the regulations of the adopted building code shall apply.

(B) The following are exempt from the provisions of Subsection (A).

(1) Lights used to illuminate athletic fields or other community special event areas. Such lights shall be turned off one hour after the conclusion of the event and should be designed or placed to minimize light falling beyond the area in use.

- (2) Signs which are illuminated by interior light sources, such as neon signs, provided such signs are lit only during the property owner's business hours.
- (3) Official traffic control devices and lights owned and operated by or pursuant to proper authority of the United States of America, the State of Colorado or any of their agencies, and such other lights as are specifically required by federal or state law.
- (4) Official traffic control lights owned and operated by the Town of Ridgway.
- (5) Repealed by Ordinance 16-2006
- (6) Lawful vehicle lights.
- (7) Repealed by Ordinance 10-2007
- (8) Holiday lights. Holiday lights should only be in use from November 15 to January 31.
- (9) Repealed by Ordinance 2-2002
- (10) Artwork that is outdoors and on public property. Such artwork shall receive a permit by the Town of Ridgway prior to installation. Such artwork shall be public and accessible to all people and may be illuminated, pursuant to the following:
  - (a) Artwork shall not contain lighting that exceeds 500 lumens within the entire structure, nor more than 2500 degrees kelvin.
  - (b) All public art that is illuminated shall include a dimmer and timer to aid the compliance with the Dark Skies Association's Outdoor Lighting Requirements, and shall have the ability to be automatically turned off. In any event such lighting shall be automatically turned off by 10 p.m. nightly.
  - (c) No structure may contain lighting that is cast upward or outward, but may be diffused in a way such that the lighting emits a soft glow.
  - (d) All structures shall be lit internally.
  - (e) All illuminated public art is subject to review and approval by Town staff for compliance with these regulations.

(C) Public Outdoor Lighting

- (1) New public lighting, owned and operated by the Town of Ridgway, including street lights, walkway lights, external buildings lights, holiday lights, and other lights to ensure safety, shall be allowed as recommended by the Town Manager in situations where a public health hazard exists which can only be mitigated by artificial light at night and shall be in compliance with Subsection (A).
- (2) Adaptive Controls or curfews shall be employed in all new public outdoor lighting installations.
- (3) All Town owned lighting shall comply with the requirements of Section 6-5 within five years from the effective date of this ordinance.

#### **6-5-2 NONCONFORMING LIGHTS.**

(A) Lights which were lawfully existing and in use at the time they became nonconforming with the requirements of this Section 6-5 by virtue of the initial adoption of this Section, subsequent amendment to this Section or by annexation into the Town, may continue to be used and operated subject to the limitations of this Section.

(B) The right to operate a lawful nonconforming light shall terminate upon any of the following:

- (1) Replacement of the light fixture.
- (2) Non-use of the light fixture for a period of six months.
- (3) Repealed by Ordinance 16-2006
- (4) Damage to the light fixture so that the cost of repair is 50% or more of the cost to replace it with a conforming fixture.

(C) The right to exceed the lumen limits established in RMC 6-5-1 as a lawful nonconforming site shall terminate upon any of the following:

- (1) Replacement of 50% or more of the light fixtures on the site.
- (2) Damage to the light fixtures so that the cost of repair is 50% or more of the cost to replace them with conforming fixtures.

(D) No alteration may be made to lighting on a site which would increase the amount or degree of the nonconformity.

#### **6-5-3 ADMINISTRATION AND ENFORCEMENT.**

(A) The provisions of this Section shall be administered by the building official or other authorized Town officer or employee.

(B) It shall be unlawful to violate any provision of this Section.

(C) Any continuing violation of this Section is hereby declared to be nuisance, which may be abated by the Town in any lawful manner, or enjoined by a court of competent jurisdiction.

(D) No building permit or occupancy permit shall be issued for work which has noncomplying light fixtures.

#### **6-5-4 APPEALS AND VARIANCES.**

(A) Any person aggrieved by an interpretation of this Section or decision of the Town made in the administration of this Section, may appeal the interpretation or decision to the Board of Appeals pursuant to the review procedure of Section 6-1-5 of the Ridgway Municipal Code upon payment of a \$250.00 application fee.

(B) (1) Any person may apply for a variance to the Planning Commission from the provisions of this Section upon payment of the \$250.00 application fee in accordance with the review procedure of Section 7-3-18 of the Ridgway Municipal Code.

(2) The Planning Commission may grant a variance only upon a determination that the following criteria are met:

- (a) The variance will be consistent with the public health, safety and welfare.
- (b) The variance is justified by unreasonable hardship not created by the activities of the applicant or strict compliance is unfeasible.
- (c) The variance will be substantially consistent with the purposes of this Section to avoid nuisances to others, preserve the ability to observe the night sky, conserve energy, reduce glare, promote traffic and pedestrian safety, preserve the small town character of Ridgway and promote the Town's master plan.
- (d) The variance will not compromise any Dark Skies Certification, if such certification is in place at the time the variance is requested.

#### **6-5-5 PURPOSE**

To protect the dark sky resource, maintain nighttime visibility, minimize light pollution and glare, promote energy conservation, promote traffic and pedestrian safety, help mitigate wildlife sleep and mitigation related issues, and preserve the small-town character of the Town.

## **6-5-6 DEFINITIONS**

- (A) Adaptive Controls: devices such as timers, motion-sensors and light-sensitive switches used to actively regulate the emission of light from light fixtures.
- (B) Mixed-Use Site: an undivided or combination of undivided lots under one or more ownership or lease agreement used for a mixture of commercial, industrial, institutional, and residential uses.
- (C) Multi-Family Residential Site: an undivided or combination of undivided lots under one or more ownership or lease arrangements occupied by multiple dwelling units.
- (D) Non-Residential Site: an undivided or combination of undivided lots under one or more ownership or lease agreement used for commercial, industrial, or institutional uses.
- (E) Single-Family Residential Site: an undivided or combination of undivided lots under one ownership occupied by a single-family residential structure and related accessory structures.

\* \* \*

## **SECTION 2. ORDINANCE EFFECT**

All Ordinances of the Town, or parts thereof, inconsistent or in conflict with this Ordinance are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

## **SECTION 3. SEVERABILITY**

The Provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

## **SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect 30 days after adoption.

## **SECTION 5. PUBLIC HEARING.**

A public hearing on this Ordinance was held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, in the Town Council Chambers, 201 N. Railroad Street, Ridgway, CO 81432.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Ridgway, Colorado, on the 14<sup>th</sup> day of August, 2019.

TOWN OF RIDGWAY, COLORADO, A HOME  
RULE MUNICIPALITY

By: \_\_\_\_\_  
JOHN CLARK, Mayor

ATTEST:

\_\_\_\_\_  
PAM KRAFT, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

TOWN OF RIDGWAY, COLORADO, A HOME  
RULE MUNICIPALITY

By: \_\_\_\_\_  
JOHN CLARK, Mayor

ATTEST:

\_\_\_\_\_  
PAM KRAFT, Town Clerk

Approved as to Form:

\_\_\_\_\_  
BO JAMES NERLIN, Town Attorney

**TOWN OF CRESTONE, COLORADO  
ORDINANCE #2021-001**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF CRESTONE  
AMENDING ORDINANCE #2020-004 (AN ORDINANCE OF THE TOWN OF CRESTONE  
REPEALING AND REPLACING ORDINANCE 2019-001 WITH AMENDED PROVISIONS  
OF LIGHTING ORDINANCES IN THE TOWN OF CRESTONE)**

**WHEREAS**, The Board of Trustees of the Town of Crestone passed Ordinance #2020-004 on December 14, 2020; and

**WHEREAS**, the Town of Crestone in furtherance of its application to the International Dark Sky Association (IDA), wishes to enact lower lumen levels and to give priority to matters of public safety, as determined by the Crestone Town Clerk.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE  
TOWN OF CRESTONE, COLORADO** that Ordinance 2020-004 be amended to read as follows:

**TOWN OF CRESTONE, COLORADO  
ORDINANCE #2020-004**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF CRESTONE  
AMENDING THE ZONING REGULATIONS OF THE TOWN OF CRESTONE TO INCLUDE A  
SECTION RELATING TO ILLUMINATION AND CREATING A “DARK SKY” SECTION OF  
SAID REGULATIONS FOR THE TOWN.**

**WHEREAS**, The Board of Trustees of the Town of Crestone has received various complaints from citizens concerning unshaded lighting in the Town, which resulted in the passage of Ordinance 2019-01 (which amended previous lighting ordinances in the Town) declaring the failure to shade exterior lighting fixtures to be a nuisance; and

**WHEREAS**, in furtherance of its commitment to preserve and protect the dark skies of our community, the Town of Crestone joins the growing number of communities that have adopted ordinances to protect its dark night skies against pollution by artificial lighting; and

**WHEREAS**, in adopting this ordinance, Crestone seeks to strike a balance between the rights of property owners to make reasonable use of nighttime outdoor lighting for safety and security and the desire of community residents to preserve the exceptional quality of its dark night sky and their ability to view the brilliant nighttime stars; and

**WHEREAS**, scientific understanding of the relationship between dark skies and health is relatively recent, but the evidence of the harmful effects of artificial outdoor lighting on humans and other living things is mounting; and

**WHEREAS**, recent studies show that dark skies promote the health of both humans and wildlife by supporting natural diurnal and nocturnal bio-rhythms and thus promoting adequate sleep and rest; and

**WHEREAS**, other studies have shown that dark skies help protect food supplies and agricultural interests by facilitating the work of nighttime pollinators, which become disoriented in artificial light; and

WHEREAS, the experience of other communities has shown that adoption of local dark sky ordinances promotes eco-tourism -- particularly if the ordinances meet the standards of the International Dark Skies Association (IDA), which ensure that visitors and residents will be able to enjoy the celestial wonders of the night sky; and

WHEREAS, imposing reasonable shielding limitations on artificial nighttime lighting also eliminates light pollution and protects against "light trespass", which disrupts the nighttime quietude of neighboring property owners; and

WHEREAS, the Board of Trustees of the Town of Crestone has been made aware that the adjacent Great Sand Dunes National Park is being considered for designation of a "Dark Sky Reserve" by the International Dark Sky Association, has received the sentiments and desires of local citizens and has determined that it would be in the best interests of the Town to be classified as a "Dark Sky Community" by the International Dark-Sky Association, in order to protect and preserve the quality of life, health, and safety of the citizens of the Town of Crestone by providing adequate lighting, enacting a street light plan, and mandating outdoor lighting that prevents and reduces unnecessary light pollution, and;

WHEREAS, this ordinance incorporates standards established by the International Dark Skies Association and is intended to qualify Crestone for IDA certification, to secure for the community the benefits of that certification.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CRESTONE, COLORADO that Chapter 15 (Zoning) of the Crestone Municipal Code be amended by addition of the following Article:

#### Article 14 (Outdoor Lighting/Dark Sky Regulations.)

##### Sec. 15-14-10. - Title, purpose and scope.

- (a) This article shall be known and cited as the "Outdoor Lighting/Dark Sky Regulations."
- (b) The purpose of this article is:
  - (1) To reduce glare and improve nighttime visibility which contributes to safer, more secure, and attractive outdoor living spaces;
  - (2) To encourage efficient, controlled lighting that conserves energy;
  - (3) To make our community a better place to live and work and a more inviting place for tourist to visit;
  - (4) To protect properties from light trespass;
  - (5) To preserve our heritage of a clear, dark night sky; and
  - (6) To position the Town to apply for a designation as an International Dark Sky Community.
- (c) Scope
  - (1) This article shall apply within the Town limits, hereinafter referred to as "Town".
  - (2) Nothing herein shall be construed as preventing or limiting the Town from applying this article within the surrounding areas where the Town asserts powers of extraterritorial jurisdiction through agreements with property owners, or as a term affixed to a conditional use approval (or a variance).

##### Sec. 15-14-20. - Definitions.

- (a) The following definitions are hereby adopted for the purposes of this article:

*Adaptive controls* mean mechanical or electronic devices, when used in the context of outdoor lighting systems, intended to actively regulate the switching, duration, and/or intensity of light emitted by the outdoor lighting system. Examples of adaptive controls include timers, dimmers and motion-sensing switches.

*Beam of a light fixture* means the spatial distribution of the emitted light.

*Correlated Color Temperature (CCT)* means a measure of the color properties of light emitted by lamps, being equal to the temperature, expressed in Kelvins (K). CCT values are typically provided on lighting manufacturer packaging or data sheets.

*Decorative holiday lighting* means low-intensity string lights, whose luminous output does not exceed fifty (50) lumens per linear foot, and fully shielded floodlights, whose luminous output does not exceed one thousand (1,000) lumens and which are aimed and oriented in such a way as to not create light trespass onto another property nor into the night sky, operated only during prescribed periods of time during the calendar year.

*Electronic Message Display* means any illuminated sign of an informative or advertising nature, whether on-or-off-premises, and operable at night, whose content is made visible to the viewer by means of luminous elements under active electronic control and therefore subject to alteration in order to vary the content of the message. Electronic displays may be either static or dynamic in terms of light color and intensity.

*Existing light fixtures* means those outdoor light fixtures already installed at the time this article is adopted.

*Floodlight* means a light fixture having a wide beam.

*Fully Shielded* means an outdoor luminaire constructed so that in its installed position, all of the light emitted from the light fixture is projected below the horizontal plane passing through the lowest light-emitting part of the fixture.

*Glare* means visual discomfort or impairment caused by a bright source of light in a direction near one's line of sight.

*Greenhouse* means any building that is constructed of glass, plastic, or other transparent material in which plants are grown under climate-controlled conditions and includes hoop houses and other similar structures.

*Illuminance* means the intensity of light in a specified direction measured at a specific point.

*Light source* means a light emitting portion of the luminaire and any diffusing elements and surfaces intended to reflect or refract light emitted from the lamp individually or collectively, for example, a lamp, bulb, lens, highly reflective surface, or frosted glass.

*Light pollution* means the unintended, adverse and /or obtrusive effect of the use of outdoor light at night.

*Light trespass* means light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky. If the light appears star-like from another property or the public roadway, the light is creating light trespass. It is expected that the illumination produced by a light source

may be viewed from other properties but the light source itself should not be visible from other properties. Exhibit 3 of Section 15-14-90 is a sample educational illustration about light trespass.

*Lumen* means the unit of measurement used to quantify the amount of light produced by a bulb or emitted from a light source. Lumen values are typically provided on lighting manufacturer packaging or data sheets. For the purposes of this article, unless otherwise stated, the lumen output values shall be the initial lumen output ratings as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of 95% shall be used for all solid-state lamps and 80% for all other lamps, unless an alternate efficiency rating is supplied by the manufacturer.

*Lumens per Net Acre* means the total outdoor light output, as defined in this article, divided by the number of acres, or part of an acre with outdoor illumination. Undeveloped, non-illuminated portions of the property may not be included in the net acreage calculation.

*Luminaire* means a complete lighting assembly or lighting fixture, consisting of a lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.

*Luminance* is a measure of light emitted by or from a surface.

*Nit* is the standard unit of measure of luminance used for internally illuminated signs, digital signs, or electronic message displays.

*Outdoor Lighting* means temporary or permanent lighting that is installed, located, or used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures that are installed indoors that cause light rays to shine outside are considered outdoor lighting for the intent of this article. See Exhibit 1 of Section 15-14-90 for an illustration of this type of situation. Residential fixtures installed indoors generating more than 3,800 lumens (approximately equal to a 300-watt incandescent bulb) that cause light to shine outside are also considered outdoor lighting for the intent of this article. All of the lighting that illuminates the translucent portion of a greenhouse or solarium, including roofing material, is considered outdoor lighting for the intent of this article.

*Private lighting* means outdoor light fixtures that are owned or leased or operated or maintained or controlled by individual persons, including but not limited to families, partnerships, corporations, and other entities engaged in the conduct of business or other non-governmental activities.

*Public lighting* means outdoor light fixtures that are owned or leased or operated or maintained or controlled by the Town or other governmental entity or entities completely or partly funded by grants obtained by the Town or its agents from federal, State or private sources. The light fixtures are normally located on, but are not limited to, streets, highways, alleys, easements, parking lots, parks or playing fields.

*Sag-lens or drop-lens fixture* means a fixture, typically seen on older streetlights or parking lot lights, where the lens extends below the lowest opaque part of the fixture such that light is scattered above the horizontal plane.

*Searchlight* means a light fixture having a narrow beam intended to be seen in the sky.

*Spotlight* means a light fixture having a narrow beam.

*Temporary lighting* means non-permanent lighting installations installed and operated for a duration not to exceed thirty (30) days.

*Total outdoor light output* means the total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The lumen value to be used in the calculation is the lumen value as defined in this article. To compute the total, add the lumen outputs attributed to each light fixture together.

Sec. 15-14-30. – Nonconforming existing outdoor light fixtures.

(a) All existing outdoor lighting that was legally installed before the enactment of this article, that does not conform with the standards specified by this article shall be considered nonconforming. Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this article.

(b) If more than fifty percent (50%) of the total appraised value of a structure (as determined from the records of the county's assessor), has been destroyed, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.

(c) Nonconforming outdoor lighting shall be brought into conformance with this article as follows:

(1) Nonresidential Application. All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, when applicable. For the following permits issued by the Town, the applicant shall have a maximum of 90 days from date of permit issuance to bring the lighting into conformance: site development permit, sign permit for an externally or internally illuminated outdoor sign, initial alcoholic beverage permit, initial food establishment permit, and on-site sewage facility permit.

(2) Residential addition or remodel. Nothing herein shall be construed to terminate a residential property's nonconforming status as a result of an addition or remodel. However, all outdoor residential lighting that is affixed to a construction project requiring a building permit is required to conform the standards established by this ordinance.

(3) Abandonment of nonconforming. A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six (6) months. In that instance, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.

(d) It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.

(e) Outdoor lighting on any property that is not in conformance with this article shall be brought into conformance with this article within five (5) years from the date of adoption of this article. All new construction and/or new luminaires installed (including replacements for existing fixtures) shall comply after the adoption of this article.

(f) Amortization Extension. Residential property owners may request from the Town an amortization extension of up to a maximum of ten (10) years from the date a nonconforming fixture was installed provided that the fixture was compliant with existing Town ordinances at the time it was installed, and that date of installation can be substantiated via documents, date stamped photographs, etc. or, at the prerogative of the Town Clerk, corroborative written statements.

(1) Amortization extensions to the date at which outdoor lighting shall conform with this article shall

be on a per fixture basis with the following requirements:

- (i) The light fixture must be documented to cost at least \$100 when originally purchased;
- (ii) The fixture cannot be brought into compliance by changing the bulb or lighting element or installing shielding;
- (iii) If the bulbs or other lighting elements of the fixture require replacement during the amortization period, the replacement bulbs or lighting elements shall not be rated in excess of 2700 Kelvin.

#### Sec. 15-14-40. - General Provisions

##### (a) Shielding.

- (1) Unless exempted elsewhere in this article, all outdoor lighting shall be fully shielded.
- (2) New streetlights shall be fully shielded fixtures of approved historical design, utilizing a minimum output consistent with the safety of drivers and pedestrians.
- (3) Mounting height or topography or proximity to other properties may cause public or private outdoor light fixtures to require additional shielding to prevent glare or an unsafe condition on properties other than the one on which it is installed.
- (4) All of the lighting that illuminates the translucent portion of a greenhouse or solarium must be shielded so that no direct light shines outside of the structure and no more than 4% of the reflected or refracted illumination is allowed to escape outside the structure.

##### (b) Light Trespass.

- (1) Light trespass is prohibited. No luminaire installed within the Town limits, except governmental owned streetlights, shall create conditions of light trespass. Governmental owned street lights may only create light trespass below it within one hundred (100) feet of its installed location.
- (2) All outdoor lighting, except governmental owned streetlights, shall be shielded so that the light source shall not be visible from any other property.

##### (c) Outdoor Sports Facilities.

- (1) Lighting at public and private outdoor sports facilities, including but not limited to playing fields, arenas, tracks, and swimming pools, will be shielded to the greatest practical extent to reduce glare, safety hazards, light trespass, and light pollution;
- (2) Will provide levels of illuminance that are adjustable according to task, allowing for illuminating levels not to exceed nationally recognized Illuminating Engineering Society of North America (IESNA) standards according to the appropriate class of play, as well as for lower output during other times, such as when field maintenance is being actively performed; and
- (3) Shall be provided exclusively for illumination of the surface of play and adjacent viewing stands, and not for any other application, such as lighting a parking lot; and
- (4) Must be extinguished by 11:00 p.m. or within one (1) hour of the end of active play. The outdoor sports facility lighting shall be fitted with mechanical or electronic timers to prevent lights from being left on accidentally overnight.
- (5) Outdoor sports facility lighting will be exempted from the other regulations of this article if its design and installation, as certified by a professional engineer (PE) licensed in the state of Colorado, adheres to the version of the International Dark-Sky Association's Criteria for Community-Friendly Outdoor Sports Lighting operative at the time when the construction permit is submitted to the Town for review.

(d) Towers. No lighting of towers and associated facilities is allowed, except by permit, and except as required by the Federal Aviation Administration or other federal or state agency. In coordination with the applicable federal or state agency, the applicant shall determine the maximum height of the tower that would not require lighting. If a proposed tower would require lighting, the applicant shall demonstrate that a tower height that requires lighting is necessary. Such justification shall include documentation

showing:

- (1) Coverage limitations;
- (2) Type of system (e.g. cellular, radio, television);
- (3) Technical and engineering details of the lighting to be installed; and
- (4) Requirements of federal, state, and local agencies.

If a tower height that requires lighting is justified, slowly blinking red lights must be used at night. White strobe lights at night are prohibited.

(e) Color Temperature.

- (1) The correlated color temperature (CCT) of luminaries shall not exceed 2700 Kelvins.
- (2) Luminaries rated below 2500 Kelvin are encouraged for better nighttime visibility.

(f) Fuel Station Canopies and other building overhangs. All luminaires mounted on or recessed into the lower surface of fuel station canopies or other overhangs shall be fully shielded and utilize only flat lenses or windows. Shielding must be provided by the luminaire itself, and not by surrounding structures such as canopy edges. Light directed on fuel station pumps may be angled to illuminate the pump to the level of federal standards and to shield the light from normal view.

(g) General curfew.

- (1) In all nonresidential zones,
  - (i) All privately owned exterior lighting not adaptively controlled shall be extinguished by 11:00 p.m. or within one (1) hour of the end of normal business hours, whichever occurs later **unless needed to mitigate a safety hazard as determined by the Town Clerk.**
  - (ii) Exterior lighting with adaptive controls shall reduce lighting to 25% or less of the total outdoor light output allowed by 11:00 p.m. or within one (1) hour of the end of normal business hours, whichever occurs later. Adaptive controls may be used to activate lights and resume normal light output when motion is detected and be reduced back to 25% or less of total outdoor light output allowed within 5 minutes after activation has ceased, and the light shall not be triggered by activity off property.
  - (iii) Businesses whose normal operating hours are (24) twenty-four hours per day are exempt from this provision.
- (2) All publicly owned lighting not adaptively controlled must be fully extinguished by 11:00 p.m., or within one (1) hour of the end of occupancy of the structure or area to be lit, whichever is later **unless needed for public safety as determined by the Town Clerk.**
- (3) All outdoor lighting is encouraged to be turned off when no one is present to use the light.

(h) Lumen Caps. The lumen per net acre values are an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task. Lumen per net acre values exclude governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities.

- (1) Nonresidential Property. Total outdoor light output installed on any nonresidential property shall not exceed **15,000 lumens per net acre. Fixtures shall be limited to 1,600 lumens each.**
- (2) Residential Property. Total outdoor light output installed on any residential property shall not exceed **5,000 lumens per net acre. Fixtures shall be limited to 850 lumens each.**
- (i) Adaptive Controls. All new publicly owned light fixtures installed 6 months after adoption of this ordinance, including streetlights, will incorporate adaptive controls (e.g., timers, motion-sensors, and light-sensitive switches) to actively regulate the emission of light from light fixtures such that the lighting of areas is restricted to times, places and amounts required for safe occupancy.

(j) Flagpoles. Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist

flags after dawn and lower flags before sunset. If flags are illuminated at night, lighting of up to a total of two (2) flags per property is permitted with the following conditions:

(1) Flagpoles with a height greater than 20 feet above ground level shall be illuminated only from above. This may be achieved by utilizing a luminaire attached to the top of the flagpole or a luminaire mounted above the top of the flagpole on a structure within fifteen (15) feet of the flagpole and must comply with all sections of this article. The total light output from any luminaire mounted on top of or above a flagpole shall not exceed 800 lumens.

(2) Flagpoles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, flagpoles may be illuminated with up to two (2) spotlight type luminaires, utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 75 lumens per linear foot of pole height, measured from the level of the luminaire above grade to the top of the flagpole. Luminaires are to be mounted so that their lenses are perpendicular to the flagpole and the light output points directly toward the flag(s).

(k) Prohibitions. The use of the follow types of outdoor lighting are prohibited, except as specifically exempted here or elsewhere in this article.

- (1) Sag-lens or drop lens fixtures.
- (2) Any luminaire that uses mercury vapor lamps.
- (3) Searchlights, skybeams, and similar lighting, except as required by response personnel during emergency conditions.
- (4) Any light that dynamically varies its output by intermittently fading, flashing, blinking, or rotating. This type of lighting includes strobe lighting.

(l) Warranting. New installations of outdoor lighting will only be installed on public properties and right-of-way upon determination by the Town Clerk that a public safety hazard exists in the area to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting and not through some other passive means, such as reflectorized roadway paint or markers.

#### Sec. 15-14-50. - Plan Submission and Compliance Review.

(a) Any individual applying for a compliance review or building permit under this article intending to install new outdoor lighting or update existing outdoor lighting shall file a lighting plan with the Town Clerk. A lighting plan shall be filed at the same time as any other plans required by the Town. The individual may obtain from Town staff a document that lists all of the items that comprise a proper and complete outdoor lighting submittal. The submittal shall contain, but shall not necessarily be limited to the following:

- (1) Plans indicating the number and location on the premises of proposed and existing light fixtures, the type of light fixture (the manufacturer's order number), the lamp type, Kelvin rating, initial lumens produced, the mounting height for each fixture, adaptive controls, building elevations for any structure whose interior lighting is defined as outdoor lighting per this article and the manufacturer's specification sheet for each light fixture.
- (2) The number of acres or part of an acre that is to be illuminated contiguously, the square footage of the footprint for each structure within the area to be illuminated; and
- (3) Any other evidence that the proposed installation will comply with this ordinance.

(b) The lighting plan shall be reviewed by the Town Clerk to determine compliance with this article, taking into account all factors, including but not limited to, levels of illuminance, luminance, glare, safety hazards, light trespass, and light pollution. The Town Clerk may seek input from community members knowledgeable about outdoor lighting during the review process. The Town Clerk shall approve or reject the plan within 30 days of submission, returning it to the applicant with an explanation. The applicant

shall not move forward with the outdoor lighting project until the lighting plan is approved. After the lighting plan is approved, no substitutions may be made for approved light fixtures without re-submitting the plan for review with the substitutions.

Sec. 15-14-60. - Exemptions, temporary permitting, amendments, enforcement, civil remedies and public nuisance.

(a) This article shall not apply to the following:

(1) Decorative holiday lighting from November 15 through the next January 15 during the hours of 6:00 a.m. to 11:00 p.m. each day, except that flashing holiday lights are prohibited on nonresidential properties. Holiday lights may be illuminated one additional seven (7) day period per calendar year. Holiday flood lighting on nonresidential and residential properties shall be prohibited.

(2) String, festoon, bistro, and similar lighting, provided that the emission of no individual lamp exceeds fifty (50) lumens, and no installation of such lighting exceeds, in the aggregate, six thousand (6,000) lumens. These lights must be rated at or below 2700 Kelvin.

(3) Underwater lighting of swimming pools and similar water features.

(4) Lighting required by law to be installed on surface vehicles and aircraft;

(5) Airport lighting required by law;

(6) Lighting required by federal or state laws or regulations;

(7) Temporary emergency lighting needed by law enforcement, fire and other emergency services as well as building egress lighting whose electric power is provided by either battery or generator;

(8) Lighting employed during emergency repairs of roads and utilities provided such lighting is deployed, positioned and aimed such that the resulting glare is not directed toward any roadway or residence;

(9) Temporary lighting, other than security lighting, at construction projects provided such lighting is deployed, positioned and aimed such that the resulting glare is not directed toward any roadway or highway or residence;

(10) Governmental facilities where compelling needs are demonstrated; and

(11) Temporary lighting, permitted in this article, for theatrical, television, performance areas, or events provided the lights are positioned safely and do not create issues of light trespass.

(b) Temporary Permitting

(1) Lighting such as that needed for theatrical, television, performance areas, or events may be allowed by temporary exemption. Temporary lighting that does not conform to the provisions of this article may be approved at the discretion Town Board of Trustees or the Town Clerk subject to submission of an acceptable Temporary Outdoor Lighting Permit.

(2) Permit term and renewal. Permits issued shall be valid for no more than seven (7) calendar days and subject to no more than one renewal, at the discretion of Town Board of Trustees or the Town Clerk, for an additional seven (7) calendar days.

(3) Conversion to a permanent status. Any lighting allowed by Temporary Outdoor Lighting Permit that remains installed after fourteen (14) calendar days from the issue date of the permit is declared permanent and is immediately subject to all of the provisions of this article.

(4) Permit contents. A request for a Temporary Outdoor Lighting Permit for a temporary exemption to any provision of this article must list the specific exemption requested and the start and end date of the exemption. Search lights, skybeams and similar lighting will not be allowed. The Town Clerk may ask for any additional information which would enable a reasonable evaluation of the request for temporary exemption.

(c) Amendment. This article may be amended from time to time as local conditions change, and as changes occur in the recommendations of nationally recognized organizations such as the Illuminating Engineering Society of North America and the International Dark-Sky Association, if the Town wishes to

do so.

(d) Enforcement.

(1) It will be the responsibility of the Town to publish this article in the newspaper of record and to disseminate the ordinance [this article] by other appropriate means; to publish information about the ordinance on the Town website; and, as time permits, to inform owners of noncompliant lighting of these provisions.

(2) The Town Clerk is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this article. Such interpretive documents, with examples such as Exhibits 2, 3 and 4 of Section 15-14-90, shall be educational only and shall not constitute regulations, amendments, or exceptions.

(3) Violations. It shall be unlawful to install or operate any outdoor lighting luminaire in violation of any provision of this article. Any person violating any provision of this article shall be guilty of an offense punishable by the general penalty provisions found in Section 1-4-10 of the Crestone Municipal Code and may also be subject to suit for injunctive relief. Each and every day during which the illegal erection, maintenance and use of such nonconforming lighting continues shall be considered to constitute a separate offense.

(4) Any owner who fails to comply with these provisions may be issued a warning notice. The owner of the noncompliant lighting must, within 30 days from the issuance of such warning notice, submit a lighting plan as defined in Sec. 15-14-50 to come into compliance with this article. Any owner who further fails to comply after 60 days from the issuance of such warning notice may be subject to penalties as provided in (3) above for each day of noncompliance.

(e) Civil remedies. Nothing in this article shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including the doctrine of light trespass.

(f) Public nuisance. Any violation of this article that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance as provided in Section 12-1-200 of the Crestone Municipal Code and which is likewise prohibited by this article.

Sec. 15-14-70. - Notification. All building permit applicants will be notified of the Town outdoor lighting ordinance [this article].

Sec. 15-14-80. - Sign illumination.

(a) All permanent signs may be non-illuminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified. All illuminated signs shall be extinguished at 11:00 p.m. or within one (1) hour of the end of normal business hours, whichever occurs later. All sign illumination must comply with the correlated color temperature (CCT) requirements of this article.

(b) Top-down lighting. Externally illuminated signs shall be lit only from the top of the sign, with fully shielded luminaires designed and installed to prevent light from spilling beyond the physical edges of the sign.

(c) Outdoor internally illuminated signs (whether free standing or building mounted) shall be subject to all the following requirements:

(1) The sign must be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols. (See Exhibit 5 of Section 15-14-90 for examples).

(2) The internally illuminated portion of the sign cannot be white, cream, off-white, light tan, yellow or any light color unless it is part of a registered logo that does not have an alternate version with dark tones. Light tone colors such as white, cream, off-white, light tan, yellow or any light color are permitted in the logo only, provided that such colors in the logo shall represent not more than 33% of the total sign area permitted.

(3) The internal illumination, between sunset and sunrise, is to be the lowest intensity needed to allow the sign to be visible for up to 1/2 mile from its installation and shall not exceed 100 nits.

(4) **Size limit.** The luminous surface area of an individual sign shall not exceed 200 square feet.

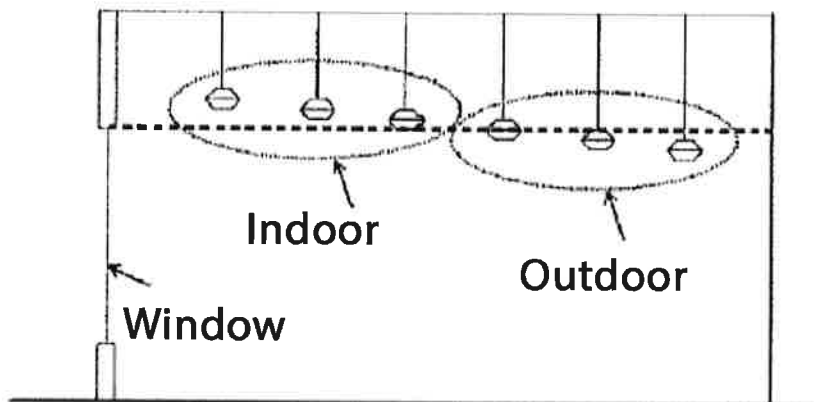
(5) Electronic message displays are discouraged and shall comply with outdoor lighting curfews stipulated in this ordinance. Messages appearing on electronic displays shall not be displayed for less than (30) seconds and shall require no longer than 0.25 seconds to transition from one message to another. Moving and/or flashing text or images are prohibited.

(6) Permitted location. Off-premise signs shall not be placed within one thousand (1,000) feet of another off-premise sign on the same side of an arterial street or highway, regardless of face orientation, or within one thousand (1,000) feet of a residential area.

(d) The provisions in this section concerning sign illumination are to be construed with Section 15-11-50(b) (Sign categories and sign limitations) Illumination, animation, and sign obstruction, Section 15-11-70(c) (Sign location and appearance standards) Illumination, and Section 15-11-80 Table A (Specifications for Permitted Signs) of the Crestone Municipal Code and whichever sections are the most restrictive shall be deemed to apply.

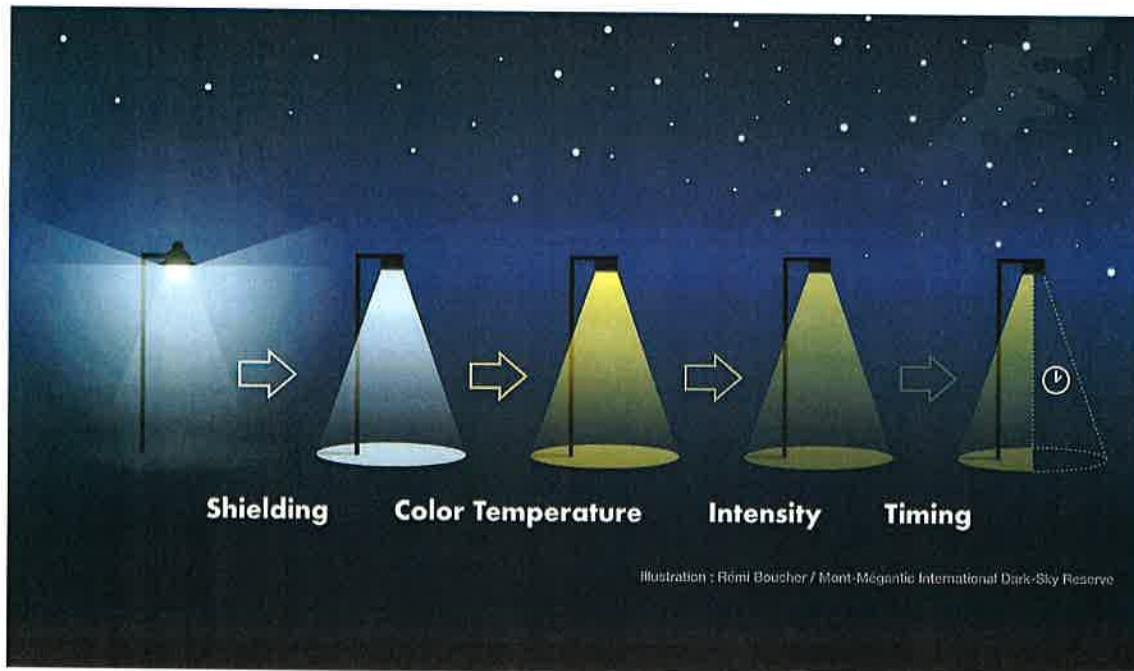
Sec. 15-14-90. -Exhibits.

Exhibit 1. Indoor/outdoor lighting.



Elevation view showing an example of a nonresidential application of indoor lighting, labeled “Outdoor”, which is will be subject to this article. The example presumes the structure in question is not elevated such that any of the luminaires labeled “Indoor” may be seen from any other property. If the structure is elevated such that the luminaires labeled “Indoor” are visible from another property then, they are actually “outdoor lighting” and subject to this article. All luminaries under skylights or other translucent roofing materials are subject to this article just as the fixtures behind the window are in this example.

Exhibit 2. An illustration of best outdoor lighting practices.



- (1) Use shielding to reclaim wasted light and direct it to the area to be lit.
- (2) Lower the correlated color temperature (CCT) from “cool” white light to “warm” white.
- (3) Lower the intensity to provide as much light as needed for the application, but no more.
- (4) Use adaptive controls, e.g., timers, half-night photocells, motion sensors, etc., to limit the hours the light is in use.

Exhibit 3. Light Trespass

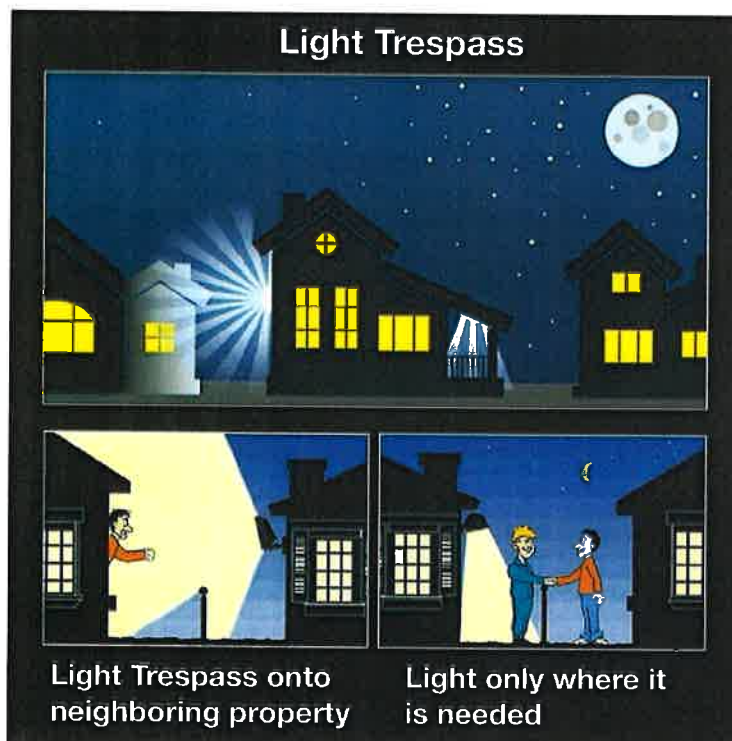
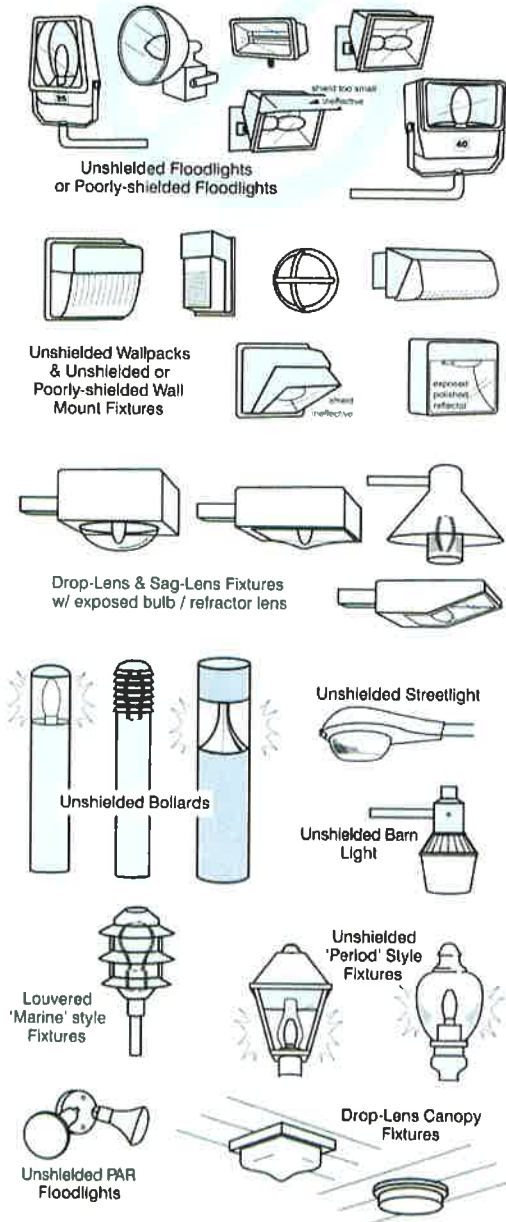


Exhibit 4. Unacceptable Fixtures and Acceptable Fixtures.

## Examples of Acceptable / Unacceptable Lighting Fixtures

### Unacceptable / Discouraged

Fixtures that produce glare and light trespass









### Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

Exhibit 5. Internally Illuminated Signs.

Light Background <input checked="" type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

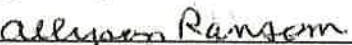
This Ordinance is intended to provide “dark sky” standards for lighting within all of the zone districts of the Town of Crestone and not to preempt any nuisance provisions of the Town Code which are related to lighting. This Ordinance is also intended to facilitate the designation of the Town of Crestone as a certified “Dark Sky Community” by the International Dark Sky Association.

INTRODUCED, read in full, adopted, APPROVED, and SIGNED this 18 day of February, 2021.


APPROVED:

  
Kairina Danforth, Mayor

ATTEST:

  
Allyson Ransom, Town Clerk

APPROVED AS TO FORM:

  
Eugene L. Farish  
Town Attorney