

## VOLUNTARY CLEAN UP WORK SESSION MEETING MINUTES

Date: April 18, 2022

### Call to order

Mayor Nicole Pieterse called work session to order at 6:05 PM

### Trustees Present in person or via zoom:

Mayor Nicole Pieterse  
Trustee Joe Croke  
Trustee Joe Dillsworth  
Mayor Pro Tem Patrick Fallon  
Trustee Benn Vernadakis  
Trustee Christopher Condon (Zoom)

### Trustees Absent

### Staff Present.

Chauncey McCarthy (Town Manager)  
Tom Bloomfield (Environmental Attorney)  
Sam Caravello (Environmental Attorney)

### Discussion Items

#### VCUP Application Review

Board of Trustees started a review of the ARCO redlined VCUP funding term sheet with guidance from Tom Bloomfield and Sam Caravello. Board members provided input on the funding term sheet and requested some provisions be modified.

No actions were taken by the Trustees and work session adjourned at 7:43 PM

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Anna Wolf  
Town Clerk

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Nicole Y. Pieterse  
Mayor

## VOLUNTARY CLEAN UP WORK SESSION MEETING MINUTES

Date: April 25, 2022

### Call to order

Mayor Nicole Pieterse called work session to order at 6:03 PM

### Trustees Present in person or via zoom:

Mayor Nicole Pieterse  
Mayor Pro Tem Patrick Fallon  
Trustee Christopher Condon (6:27 PM Arrival)  
Trustee Benn Vernadakis  
Trustee Linda Yellowman  
Trustee Joe Croke

### Trustees Absent

### Staff Present.

Chauncey McCarthy (Town Manager)  
Tom Bloomfield (Environmental Attorney)  
Sam Caravello (Environmental Attorney)

### Discussion Items

#### VCUP Work Plan Review

Board of Trustees continued review of the ARCO redlined VCUP funding term sheet with guidance from Tom Bloomfield and Sam Caravello. Board members provided input on the funding term sheet and requested some provisions be modified. Mayor Pieterse asked the board if herself and Trustee Croke or another Trustee could enter conversations with Town's environmental attorney and AR CO to discuss the Town's most recent redline version. The board requested from attorney Bloomfield to provide a summary sheet compiling all the requested modifications discussed from the previous two months of work session.

No actions were taken by the Trustees and work session adjourned at 7:13 PM

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Anna Wolf  
Town Clerk

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Nicole Y. Pieterse  
Mayor

## **VOLUNTARY CLEAN UP WORK SESSION MEETING MINUTES**

Date: May 2, 2022

### **Call to order**

Mayor Nicole Pieterse called work session to order at 6:02 PM

### **Trustees Present in person or via zoom:**

Mayor Nicole Pieterse  
Mayor Pro Tem Patrick Fallon  
Trustee Christopher Condon (Zoom)  
Trustee Benn Vernadakis  
Trustee Linda Yellowman  
Trustee Joe Croke  
Trustee Joe Dillsworth

### **Trustees Absent**

**Staff Present.** Chauncey McCarthy (Town Manager)  
Tom Bloomfield (Environmental Attorney)

### **Discussion Items**

#### VCUP Funding Agreement Review

The Board of Trustees reviewed the summary sheet provided by Attorney Bloomfield. Board members asked if the CDPHE had provided any updates on lead action levels along with any updates on AR CO incremental fee schedule

No actions were taken by the Trustees and work session adjourned at 7:09 PM

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Anna Wolf  
Town Clerk

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Nicole Y. Pieterse  
Mayor

## RICO TOWN BOARD MEETING MINUTES

Date: April 20, 2022

### Call to order

Mayor Nicole Pieterse called the meeting to order at 7:00PM.

### Trustees Present:

Mayor Nicole Pieterse  
Trustee Christopher Condon – Zoom  
Trustee Joe Croke  
Trustee Joe Dillsworth  
Mayor Pro Tem Patrick Fallon  
Trustee Benn Vernadakis  
Trustee Linda Yellowman, Sworn in after first action item.

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

### Approval of the Agenda

#### Motion

To approve the agenda.

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

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

### Approval of Minutes

Correct misspelling of Voluntary as well as Tom Simmons title of risk not Rick.

#### Motion

To approve the VCUP work session minutes with correction.

**Moved by** Trustee Joe Croke, seconded by Trustee Joe Dillsworth.

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

#### Motion

To approve the VCUP presentation minutes.

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

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

#### Motion

To approve the Short Term Rental work session minutes.

**Moved by** Trustee Joe Dillsworth, seconded by Mayor Pro Tem Patrick Fallon.

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

#### Motion

To approve the March 16, 2022 Board of Trustee meeting minutes.

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



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

## **Consent Agenda Payment of Bills**

### **Motion**

To approve the payment of the bills.

**Moved by** Mayor Pro Tem Patrick Fallon, seconded by Trustee Joe Croke.

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

### **Public Comment.**

Gregg Anderson and Todd Jones from the Rico Fire District requested that the Board of trustees consider donating the land the Fire Department Building is on to the District. The Fire District requests this to use the land as leverage for a loan to build the new Fire building. The Board of Trustees requested that this be put on the agenda for the May 18<sup>th</sup>, 2022 Board of Trustee meeting.

### **Action Items**

#### Appointing and swearing in of the new member of the Rico Board of Trustees

Two letters of interest were presented. The candidates are the following: Linda Yellowman and Jordan Carr.

Board members addressed the candidates with questions.

### **Motion**

To appoint Jordan Carr as the new member of the Rico Board of Trustees.

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

Discussion continued as board members urged each other to think about continuity as well as preexisting knowledge of the issues the board will be facing.

**Vote.** A roll call vote was taken, and the motion was not approved, 2-4.

### **Motion**

To appoint Linda Yellowman as the new member of the Rico Board of Trustees.

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

**Vote.** A roll call vote was taken, and the motion was approved, 5-1.

#### Consideration of first reading of Ordinance No. 2022 – 03 an ordinance of the Town of Rico, Colorado issuing a temporary moratorium on the acceptance of new short-term rental dwelling unit permit application.

The Town Manager recapped that the Board directed staff to have legal draft up an ordinance at the March 16, 2022 Board Meeting.

Board members asked for clarification from Karp Neu Hanlon on the duration this moratorium would last and how the board could end it early or extend it if necessary.

### **Public Comment:**

Public is in favor of the Moratorium. If approved, it would allow for the board to slow down with the Short Term Rental ordinance and think it all through.

**Motion**

To approve Ordinance No. 2022 – 03.

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

**Vote.** A roll call vote was taken, and the motion was not approved, 3-4.

Consideration of the first reading of Ordinance No. 2022-04 an ordinance of the Town of Rico, Colorado amending ordinance No. 2019-06 to increase the water tap fees for the town of Rico water enterprise fund.

Mayor Nicole Pieterse recused herself due to conflict of interest.

The Board discussed the volume rather than the diameter of the tap. Agreeing that volume should be considered rather than the diameter of the tap. Board members agreed that \$10,000 is not enough as more taps will result in more wear and tear on the system. They also expressed that taps larger than 1 inch should be exponentially more expensive as those builds will generate profit for the builders.

Public Comment:

Members of the public are in favor of the tap fee increase as they understand the issues that may arise as we live in a draught area.

Public also commented that for those currently looking at building this is a large increase that they did not budget for.

**Motion**

To charge \$12,500 for a residential ¾ inch water tap and \$22,500 for a 1 inch tap.

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

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

**Motion**

To adjourn Board of Trustee Meeting for the time being and convene the Board of Adjustments.

**Moved by** Mayor Nicole Pieterse, seconded by Trustee Linda Yellowman.

**Vote.** A roll call vote was taken, and the motion was approved, 7-0.

**Call to order**

Mayor Nicole Pieterse called the meeting to order.

**Trustees Present:**

Mayor Nicole Pieterse  
Trustee Christopher Condon – Zoom  
Trustee Joe Croke  
Trustee Joe Dillsworth  
Mayor Pro Tem Patrick Fallon  
Trustee Benn Vernadakis  
Trustee Linda Yellowman

Consideration of an application for a setback, height, and roof pitch variance on 132 Commercial Street, Lots 23-27, Block 8, McKinley Hale and Jeremy Womack, applicants.

Trustee Benn Vernadakis recused himself due to conflict of interest.

Town Manager Chauncey McCarthy summarized the application to the Board.

Applicant Jeremy Womack discussed the reasons they are looking for these variance approvals. The Board discussed that this is a special circumstance as the topography of this lot is different than most town lots.

### **Motion**

To approve this application for a variance pursuant to section 430 of the Land Use Code based on the findings that all of the review standards in section 436 have been satisfied and with the condition that the project include two off-street parking spaces at the third level.

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

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

### Consideration of an expansion of a non-conforming use or building, 26 N Glasgow, Craig and Sarah Lyons, applicants.

Town Manager Chauncey McCarthy summarized the application to the Board.

Applicants requested that this be streamlined as much as possible so they can complete the project before the cold sets in again as they will be living in the house as it is worked on.

Board members were sympathetic with the applicants request and discussed approving the project at this meeting. Some concern was mentioned on the design and whether it will match the commercial district vision. Legal advised the Board that they must wait until a future meeting as it was not an agenda item.

### **Public Comment:**

Public expressed that keeping people in town is important. To not make applicants jobs harder if they follow the rules.

### **Motion**

To approve the expansion of a non-conforming use.

**Moved by** Trustee Joe Dillsworth, seconded by Trustee Linda Yellowman.

**Vote.** A roll call vote was taken, and the motion was approved, 6-1.

### **Motion**

To adjourn Board of Adjustments Meeting and re-convene as the Board of Trustees.

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

**Vote.** A roll call vote was taken, and the motion was approved, 7-0.

### **Staff Reports**

#### **Clerk's Report.**

The clerk sought guidance on how to proceed with outstanding water bills. The board directed the clerk to send out shut-off notices to accounts overdue by 60 days and to instruct the facilities maintenance personnel to shut of the water on that date if the account holder does not pay the amount due.

#### **Manager Report.**

The Town manager sought clarification regarding the minutes concerning Marti and the current water court filing. The Board directed him as follows, if there were objections the Board would revisit whether to stay with Marti or change to new council.

CDOT came and looked at the school site for the new bus stop. They are having engineering move forward with a proposal.

Town Clean-up will be scheduled for June 4, 2022. Using a new trash company that will save the town money.

Chauncey McCarthy filled for a grant to fund the water filtration system. If the grant is not rewarded the Town Manager would like to reallocate funds to complete this project. The project cost is estimated at \$10,000 including labor, supplies, and installation.

The Historic Society have reported that they have funds budgeted for a structural engineer to review the repairs needed at the Van Winkle headframe. They don't have the bandwidth to apply for grants currently and have asked for support from ARCO to fund the required repairs.

All Board members have access to personal board emails if the board would like. If using these emails do not reply all as that would be an unnoticed Board meeting.

While in the beginning stages the Town Manager is optimistic about acquiring the Voodoo skate ramps. If the skate ramps become available the town can apply to receive the ramps from the Town of Telluride Parks and Recreation Department

## **Discussion Items**

### Short Term Rental draft Ordinance Review

Karp Neu Hanlon representative Joely Denkinger and Karl Hanlon were present to answer questions.

The Board discussed the advantages of a right by use direction. The board made notes from changes in the draft ordinance such as defining Short Term Rental in the ordinance. Only one STR per property should be allowed. The business license verbiage should dovetail with STR ordinance. Make noticing of fire bans mandatory for STR license holders.

### Public Comment:

Asked for clarification on quadrants of the town. The public noted that the fees should be high enough to pay for itself. Public expressed concern with use by right.

Board directed legal to make changes and move forward for a first reading on May 18, 2022. As well as a reading on May 11, 2022 at the Planning Commission meeting.

### Trust for Public Land and Montezuma Land Conservation effort.

Patrick Gardner, Travis Custer, and James Reimann talked about coming to Rico to hear the concerns regarding the Disposition Property listing. The sale of this property could have huge impact on the community. These organizations want the community to be part of the process of what should happen with these properties.

The next steps will be to sit down and look at maps, meetings with the Town and other parties involved and scheduling a work session. Long term would be to have an assessor appraise the real value is projected, which may be significantly lower than the listed price.

### Town site Land Soils Voluntary Clean Up (VCUP) update.

This was not discussed in detail as the board has been meeting weekly for work sessions. The next work session is scheduled for April 25, 2022 at 6:00PM.

### Smalls tract act conveyance (Atlantic Richfield Co.).

The Board debated on whether or not to send a letter as it is currently the public comment section. Ultimately the board decided not to comment as a letter was sent from the town in March 2021.

#### Quarterly Financial Review

The Town Manager summarized 2022 First Quarter. Explaining that he is working from someone else's budget with different views and goals for the Town.

#### Second Marshall

Using the direction of the Board staff will look in to hiring a second Marshall to assist Jerry Sam as his commitment in Cortez may not allow him to increase his hours through the summer. The budget accounts for two Marshalls.

#### Town Shop Improvements Update.

The site is disqualified from grants for remediation due to lack of Phase 1 environmental evaluation when the Town acquired the property. VCUP could still remediate the site if it remediates the town.

Funding for the shop is limited. There is \$100,000 from SMART to store their bus. Considerations should be made to potentially fund the new shop by selling the Bike Shop.

The Board directed staff to investigate the proper method in which the Town can sell this property. The Board would like to sell it for Fair market Value or higher if it will fund the new shop.

#### Impact fees and overall capital improvement program.

The board agreed that there was no need for a discussion at this point.

#### Adoption of Model Traffic Code and Speed Limit Reduction

Dolores County Sheriff Don Wilson expressed that if town pursues this it could end up raising the speed limit. If 70% of traffic in driving at 40mph through town the speed limit would be raised.

The Board directed staff to look into whether the speed sign on the South side of town records data.

#### **Motion**

To adjourn Board of trustee meeting and go into Executive session.

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

**Vote.** A roll call vote was taken, and the motion was approved, 7-0.

#### **Motion**

To adjourn.

**Moved by** Trustee Joe Dillsworth, seconded by Trustee Christopher Condon.

**Vote.** A roll call vote was taken, and the motion was approved, 7-0.

The meeting adjourned at 10:28 pm.

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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 May 1, 2022 to May 31, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
17342	5/11/22	Town of Rico	10000	1,785.76
17343	5/11/22	Town of Rico	10000	1,785.76
17344	5/11/22	Kaplan Kirsch Rockwell	10000	22,663.31
17345	5/11/22	CEBT	10000	3,425.40
17346	5/11/22	Rico Telephone Company	10000	240.59
17347	5/11/22	Jon Kelly	10000	375.00
17348	5/11/22	Fraley Propane, LLC	10000	380.00
17349	5/11/22	Century Link	10000	47.26
17350	5/11/22	WM Corporate Services, I	10000	90.11
17351	5/11/22	Utility Notification Center	10000	24.70
17352	5/11/22	San Miguel Power Associ	10000	127.00
17353	5/11/22	Jennifer Stark	10000	182.25
17354	5/11/22	Patrick W. Drew	10000	92.35
17355	5/11/22	Jerry A. Sam	10000	497.12
Total				<u>31,716.61</u>

Check Register

For the Period From May 1, 2022 to May 31, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1422	5/11/22	Town of Rico	13500	583.33
Total				583.33

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2772	5/11/22	Town of Rico	10000	1,802.32
2773	5/11/22	Town of Rico	10000	555.00
2774	5/11/22	WM Corporate Services, I	10000	103.38
2775	5/11/22	San Miguel Power Associ	10000	244.00
2776	5/11/22	Partners in Parts, Inc	10000	79.98
2777	5/11/22	Rico Telephone Company	10000	41.69
2778	5/11/22	Stephen Roberts	10000	23.12
Total				2,849.49



Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4382	5/11/22	Town of Rico	10000	5,370.15
4383	5/11/22	Town of Rico	10000	1,725.00
4384	5/11/22	Town of Rico	10000	164.00
4385	5/11/22	AT&T Mobility	10000	105.31
4386	5/11/22	Fraley Propane LLC	10000	250.00
4387	5/11/22	San Miguel Power Associ	10000	396.00
4388	5/11/22	San Juan Basin Health De	10000	35.00
4389	5/11/22	Rico Telephone Company	10000	115.00
Total				8,160.46

Check Register

For the Period From May 1, 2022 to May 31, 2022

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1699	5/11/22	Town of Rico	11000	160.00
1700	5/11/22	WM Corporate Services, I	11000	89.66
1701	5/11/22	San Miguel Power Associ	11000	23.00
Total				272.66

Town of Rico Memorandum

Date: May 13<sup>th</sup>, 2022

TO: Town of Rico Board of Trustees

From: Chauncey McCarthy

**Bob Krug, marketing advisor, is to lead a presentation on CSAFE.**

Included in this packet is an informational handout, account registration form, and model resolution template from CSAFE. Bob Krug will be presenting about CSAFE for the board consideration of investing in the fund.

**Consideration of an application for a road building permit, Block 9 S Commercial Street, Flatt Family LLP, applicant**

The Planning Commission reviewed the application for a road building permit, Block 9 S Commercial Street, during the May 11, 2022 meeting. Due to the proposed road being created in a hazard zone the commission motioned to continue to a date certain of June 8, 2022. The draft minutes from the May 11 meeting are included in the packet.

**Motion**

To continue this hearing until June 8th, 2022 giving the applicant opportunity to provide a similar plat that they have already, that depicts the low moderate and high hazard zones to have a better understanding of what the implications are for the south portion of Commercial street extension.

**Moved by** Gerrish Willis, Second by Cristal Hibbard

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

The Board of Trustees should consider issuing a continuance to a date certain of June 15, 2022.

**Consideration of a building permit for the Historic Commercial Zone District, 26 N Glasgow, Craig and Sarah Lyons, applicants**

During the April 20, 2022, meeting the Board of Adjustments reviewed a request from Craig and Sarah Lyons to expand a non-conforming building at 26 N Glasgow. The board approved the expansion.

**Motion**

To approve the expansion of a non-conforming use.

**Moved by** Trustee Joe Dillsworth, seconded by Trustee Linda Yellowman.

**Vote.** A roll call vote was taken, and the motion was approved, 6-1.

Craig and Sarah Lyons property, 26 N Glasgow, is in the historic commercial zone district. Historic commercial building permits require review and approval by the Board of Trustees. The applicants have submitted their building permit including a narrative, review of their proposed structure compared to

district design regulations, and plans. Their submittal is included in the packet along with the standards for review (RLUC 244) and the historic commercial district design regulations (RLUC 246).

**Consideration of second reading of Ordinance No. 2022-04 an ordinance of the Town of Rico, Colorado amending ordinance No. 2019-06 to increase the water tap fees for the Town of Rico water enterprise fund**

Included in this packet is cover memo from Karp Neu Hanlon and Ordinance No. 2022-04 an ordinance of the Town of Rico, Colorado amending ordinance No. 2019-06 to increase the water tap fees for the Town of Rico water enterprise fund

**Consideration of first reading of Ordinance No. 2022-05 ordinance of the Town of Rico, Colorado establishing a licensing process for short-term rentals and amending the Rico Land Use Code to remove short-term rentals from special use permit review**

Included in this packet is cover memo from town staff and Ordinance No. 2022-05 ordinance of the Town of Rico, Colorado establishing a licensing process for short-term rentals and amending the Rico Land Use Code to remove short-term rentals from special use permit review

**Consideration of first reading of Ordinance No 2022-06 an Ordinance of the Town of Rico, Colorado amending the Rico Land Use Code fee schedule and review process for subdivision applications.**

Included in this packet is cover memo from town staff and Ordinance No 2022-06 an Ordinance of the Town of Rico, Colorado amending the Rico Land Use Code fee schedule and review process for subdivision applications.

**Consideration of first reading of Ordinance No 2022-07 an Ordinance of the Town of Rico, Colorado amending Ordinance No. 2022-02 to adjust the collection schedule and required documentation for lodging tax returns**

Included in this packet is cover memo from Karp Neu Hanlon and Ordinance No 2022-07 an Ordinance of the Town of Rico, Colorado amending Ordinance No. 2022-02 to adjust the collection schedule and required documentation for lodging tax returns.

**Consideration Ordinance No 2022-08 an Emergency Ordinance of the Town of Rico, Colorado enacting a fire ban in the town, to be effective from May 18 to November 1.**

Included in this packet for consideration is Ordinance No 2022-08 an Emergency Ordinance of the Town of Rico, Colorado enacting a fire ban in the town, to be effective from May 18 to November 1.

**No Parking signs, CDOT MOU**

The owners of 11 & 15 N Glasgow Ave would like to have No Parking signs placed on the right of way to allow access to the garage doors that face CO HWY 145. CDOT requires the town's support and approval of these signs through an MOU. Additionally, CDOT cannot collect money from individuals and would expect payment from the town for the cost of installation, which would be reimbursed by the property owners. Included in this packet is a letter from the property owner, draft MOU, and draft invoice.



## Safe and Secure Investment Choices for Local Government Funds

Colorado Surplus Asset Fund Trust (CSAFE) provides two Local Government Investment Pool (LGIP) funds offering short-term and intermediate-term investments for local government cash and reserves. The CSAFE funds eliminate the need or complexity for governments to select and manage individual market investments. CSAFE funds do not offer a mechanism of guarantee or zero risk. However, this document shows the many layers of structure and oversight enabling a high level of safety and security.

### Safety – Liquidity - Yield

Safety, a foundation of CSAFE funds, is a fundamental priority. Liquidity of CSAFE funds is also a high priority. The funds are structured to give investors immediate or next-day access to their funds. The portfolios have specific liquidity guidelines for the underlying investments and the liquid nature of each investment including daily and weekly targets. The CSAFE funds are managed to offer competitive yields within the marketplace at or exceeding appropriate benchmarks.

### Governing Documents

CSAFE Trust was established by an Indenture of Trust in 1988. The Indenture establishes the Trust and sets guidelines for the overall governance and operation of the Trust and its funds. The indenture is acknowledged by each participating investor government entity when establishing an account. Changes to the Indenture of Trust are ratified by a vote of all participants. The Information Statement catalogs the many guidelines and operational standards of the underlying portfolios and the nature of investing and transaction with the funds.

### Board of Trustees

CSAFE Trust is governed by a Board of Trustees comprised of finance professionals with investment responsibility from participant investor local governments. The Board meets quarterly and reviews financial reports, policies and has oversight over the various service providers. A primary focus of the board is the safety and security of the CSAFE funds.

### Colorado Revised Statutes

CSAFE funds maintain continual compliance with Colorado Revised Statutes, including C.R.S. 24-75-601 regarding investment of public funds; and C.R.S. 24-75-701 regarding Local Government Pooling. The funds also comply with C.R.S. 11-10.5-101, Public Deposit Protection for deposits in any commercial banks.

### Investment Policy

CSAFE Funds' Investment Policies dictate the allowed investments in the underlying fund portfolios including limits on maturity, exposure and quality. The highest priorities of the policies are safety and liquidity followed by yield.

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## Ratings Agencies

The CSAFE Cash fund is rated AAAm by S&P Global Ratings, the highest principal stability fund rating available from S&P. Strict requirements govern the composition, maturity and type of investments. The CSAFE Colorado CORE Fund is rated AA Af/S1 by Fitch Ratings. Fitch measures the overall credit risk as well as the fund's shadow Net Asset Value sensitivity to changes in market interest rates, credit spreads, and other market risk factors. Both S&P and Fitch apply robust analysis annually prior to assigning the ratings designations.

## Portfolio Management

The underlying investment portfolios are professionally managed by a team of experienced investment professionals who have dedicated many career years directly in government investment portfolio investing and management. The team includes portfolio managers and robust credit analysis functions.

## Colorado Division of Securities

The Colorado Division of Securities examines the CSAFE Funds on an annual basis. This analysis focuses on the safety and security of the funds. The Division is the regulator of LGIPs in Colorado.

## Third Party Audit

CSAFE funds undergo an annual financial audit by a recognized CPA firm with abundant experience auditing Local Government Investment Pools.

## Stress Tests

Principal Stability Fund Rating Sensitivity Matrix stress testing is administered monthly on the CSAFE funds. The tests indicate the degree of fund stability as the funds are applied with hypothetical increases and decreases in market interest rates, concurrent with potential fund redemptions elapsing a short period of time.

## GASB Adherence

The CSAFE Cash fund adheres to Government Accounting Standards Board (GASB) Statement 79. The Colorado CORE fund adheres to GASB Statements 31. These statements dictate liquidity guidelines as well as market valuation and risk tolerance.

## Record-keeping and Fund Administration

Online computer access to client accounts is maintained by a secure login encrypted using an Entrust security platform. Account transactions are only available to authorized users.

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A Local Government Investment Pool

**1675 Broadway • Suite 500 • Denver, CO 80202**  
**303-296-6340 • 800-541-2953**  
*[csafe.org](http://csafe.org)*



## COLORADO SURPLUS ASSET FUND TRUST MODEL RESOLUTION

WHEREAS \_TOWN OF RICO\_\_\_\_\_ (“Participant”) desires to pool its funds with other local government entities by becoming a Participant in the Colorado Surplus Asset Fund Trust (“CSAFE”) and therefore passes the following resolution:

WHEREAS, pursuant to the provisions of C.R.S. Section 24-75-601 and 701, et seq., as amended and C.R.S. 24-75-702, et seq. as amended, any local government entity (including cities, towns, school districts, special districts, hospital districts, counties or political subdivisions of the state, authorities, higher ed) is authorized to pool any moneys in its treasury, which are currently surplus funds and not immediately required to be disbursed, with similar moneys from other local government entities, in order for these entities to take advantage of short-term investments and maximize net interest earnings. CSAFE is formed as a common law trust under the laws of the state of Colorado.

WHEREAS the governing body of the Participant desires to participate in CSAFE formed in accordance with the aforesaid statutes, in order to pool its surplus funds with other local government entities, it has passed, by majority vote the following resolution:

NOW, THEREFORE, it is hereby RESOLVED:

That the governing body of the Participant is subject to C.R.S. Section 24-75-601, as amended and C.R.S. Section 24-75-701, et seq., as amended, of the Colorado Revised Statutes and the merits of investing in a trust as permitted by C.R.S. Section 24-75-601, as amended and C.R.S. Section 24-75-701, et seq. as amended, including the trust’s liquidity, risk diversification, flexibility, convenience and cost compared to the alternative direct purchase of comparable investments and finds it is in the best interest of the local government entity and therefore hereby approves and adopts this Resolution, along with other local government entities in the trust for the purpose of pooling surplus funds. The terms of the CSAFE Trust Indenture shall be incorporated herein by this reference and a copy filed with the minutes of the meeting at which warranties, either expressed or implied, are part of this agreement between CSAFE and said governing body of the Participant unless as set forth in the Indenture of Trust, but that CSAFE shall use its best efforts in conjunction with Participant to accomplish these goals.

If the Participant opts in for check writing, it shall be liable for all checks written on its account, authorized or unauthorized. The Participant shall indemnify and hold CSAFE harmless from and against any and all claims, demands, damages, losses, liabilities and expenses (including, without limitation, reasonable attorney fees and court costs at trial or appeal) arising from: (a) any checking activity on a Participants account or (b) any act or omission from CSAFE arising out of CSAFE action or inaction taken pursuant to a request by a Participant. Participants should implement proper security procedures to safeguard the checks for each account. CSAFE does not guarantee the prevention of fraud or theft from a Participant account.

RESOLVE, further that \_\_Chauncey McCarthy\_\_\_\_(the “Representative”), who is the government official empowered to invest funds of the Participant or his/her successor in function, is hereby authorized and directed to execute the Indenture of Trust and any other documents necessary to establish an account with CSAFE. The Representative is hereby designated the “Treasurer” as that term is defined in the Indenture of Trust and is therefore authorized to invest money from the Participants’ treasury, from time to time, which are not immediately required to be disbursed, by purchasing shares of CSAFE with those available funds and is authorized to redeem, from time to time, part or all of those shares as funds are needed for other purposes.

certify that the Participant has adopted:

The above Resolution

The undersigned agree that the authorizations and instructions contained in the trust registration form are to remain in effect until the trust receives written notice of any changes.

OFFICER Signature

\_\_\_\_\_

ATTEST:    DATED: \_\_\_\_\_ Secretary or Clerk



## New Account Registration Form

Participant: \_\_\_\_\_

Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Tax ID#: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

### Participant's Authorized Representatives

	Rep #1	Rep #2	Rep #3
Name:	_____	_____	_____
Title:	_____	_____	_____
Signature:	_____	_____	_____
E-mail:	_____	_____	_____
Access (Full or Limited):	_____	_____	_____

### Participant's Wire Instructions:

Bank Name: \_\_\_\_\_ ABA: \_\_\_\_\_

Address: \_\_\_\_\_ A/C#: \_\_\_\_\_

### CSAFE's Wire Instructions:

Bank Name: US Bank ABA: 102-000-021

Address: P.O. Box 5168, Denver, CO 80217 A/C#: 122705534339

For Further Credit: Please always reference your CSAFE account number.

*AUTHORIZATION: This agreement authorizes CSAFE to transfer the proceeds of any redemption of the Participant's shares in CSAFE when telephoned, oral, electronic or written requests are received by CSAFE from anyone of the Authorized Representatives names above by transferring such proceeds to the above-named Primary/Standard or Alternate instructions (or additional accounts as denoted on an attached sheet) in the accordance with such requests.*

*TERMINATION: This Agreement and the authorizations contained therein will remain effective, commencing on the date as set forth above, until CSAFE receives written notice of termination. The Participant is required to notify CSAFE of any changes to either the authorized representatives or the wiring instructions.*

*LIMITATION ON LIABILITY: The CSAFE Board of Trustees including the Investment Advisor, Administrator and Custodian known collectively as CSAFE shall have no liability for any transfers of Participant's funds made in accordance with this agreement.*

CSAFE Representative: \_\_\_\_\_ Signature: \_\_\_\_\_

Participant: \_\_\_\_\_ Signature: \_\_\_\_\_

CSAFE A/C Number: \_\_\_\_\_ Date: \_\_\_\_\_  
(to be completed by CSAFE)

Please e-mail the completed form to [csafe@csafe.org](mailto:csafe@csafe.org) and allow 24 hours for processing. If you have any questions, please call 800-541-2953.



## PLANNING COMMISSION MEETING MINUTES

Date: May 11, 2022

### Call to order

Chairman Mike Contillo called the meeting to order at 7:04PM.

### Trustees Present:

Chairman Mike Contillo  
Gerrish Willis  
Cristal Hibbard  
Andrew Romanyshyn  
Brad Fox

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

### Approval of the Agenda

#### Motion

To approve the agenda with the addition of an action item of accepting the resignation of Rebecca Adams for her spot on the Planning Commission.

**Moved by** Cristal Hibbard, seconded by Gerrish Willis.

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

### Approval of the Minutes

#### Motion

To approve the minutes for the April 13, 2022 Planning Commission.

**Moved by** Mike Contillo, seconded by Cristal Hibbard.

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

### Discussion Items

#### Presentation by Joely Denkinger of Karp Neu Hanlon

Joely Denkinger from Karp Neu Hanlon presented on the following topics:

- Subdivision – RLUC Article V
- PUD – RLUC Article II – III
- Amending the Land Use Code

### Action Items

Public Hearing and Consideration of an application for a road building permit, Block 9 S Commercial Street, Flatt Family LLP, applicant.

Town Manager Chauncey McCarthy gave a detailed summary of the packet item.

### Commission Discussion:

Planning Commission members questioned Greg Anderson the Engineer from Alpine Land Consulting regarding the plan. Including whether the owners intend to build the road if approved

or if they are just seeking the approval for sale of the property. Discussion was continued after public comment regarding the avalanche danger on these properties and the new proposed road. The Planning Commission asked legal what the obligation of the town is to provide access to historically platted lots. Legal asked that they look into it before responding. The Planning commission directed staff to obtain an overlay of the hazard onto the plan map by next planning commission meeting.

**Public Comment:**

Skip asked if this road will set a precedence for the town. He expressed concern that this road is potentially in an existing avalanche zone which created more discussion from the Planning Commission members.

**Motion**

To continue this hearing until June 8<sup>th</sup>, 2022 giving the applicant opportunity to provide a similar plat that they have already that depicts the low moderate and high hazard zones to have a better understanding of what the implications are for the South portion of Commercial street extension.

**Moved by** Gerrish Willis, Second by Cristal Hibbard

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

Recommendation of an ordinance (2022-05) of the town of Rico, Colorado establishing a licensing process for short-term rental and amending the Rico Land Use Code to remove short-term rentals from special use permit review.

Town Manager Chauncey McCarthy gave a detailed summary of the packet item.

**Commission Discussion:**

Planning Commission members discussed the draft ordinance and brought up questions about section 454.2 regarding residential and commercial. They agreed this should only apply to residential. The Planning Commission also discussed 453.1 the local contact being a Rico resident or within a 30 minute distance from Rico rather than 60 minutes. They discussed adding a 2-car limit regulation under 455.1 as well as sun-setting special use permits for STRs if the special use permit holder applies for a permit under 456.3.

**Public Comment:**

Public Commented on the concern that STRs do not benefit the town. Public urged the Planning Commission to make sure STRs benefit the town and the town's vision. Public also expressed that the ordinance must be enforceable by the town staff.

**Motion**

To recommend to the Board of Trustees to approve an ordinance 2022-05 of the town of Rico, Colorado establishing a licensing process for short-term rental and amending the Rico Land Use Code to remove short-term rentals from special use permit review with the following modifications considering whether 454.2 and 454.3b commercial and historic commercial are appropriate. Considering parking limitation as stated in section 455.1 we recommend a 2 vehicle limitation and in section 453.1 changing the radius of the local contact person to 30 minutes and removing the whereas statement about the moratorium.

**Moved by** Cristal Hibbard, Second by Mike Contillo.

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

Recommendation of an ordinance (2022-06) of the town of Rico, Colorado amending the Rico Land Use Code fee schedule and review process for the subdivision applications.

Town Manager Chauncey McCarthy gave a high level summary of the packet item.

Commission Discussion:

Planning Commission expressed that they liked the changes.

Public Comment:

No Public Comment.

**Motion**

To recommend to the Board of Trustees to approve an ordinance 2022-06 of the town of Rico, Colorado amending the Rico Land Use Code fee schedule and review process for the subdivision applications

**Moved by** Andrew Romanyshyn, Second by Gerrish Willis.

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

Accepting the Resignation of Planning Commission member Rebecca Adams.

Accepting the Resignation of Planning Commission member Rebecca Adams as she is no longer a qualified member due to moving out of Rico. This termination is effective immediately.

**Discussion Items**

- Starting the discussion of electing a vice chair in case of the absence of the chair person.
- Discussing revising the noticing of properties with a larger more readable notice.
- Requiring an affidavit from applicants stating that they sent out the required letters of notice.

**Motion**

Motion to Adjourn

**Moved by** Mike Contillo, Second by Gerrish Willis.

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

The meeting adjourned at 10:03 pm.

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Anna Wolf  
Rico Town Clerk

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Mike Contillo  
Chairman

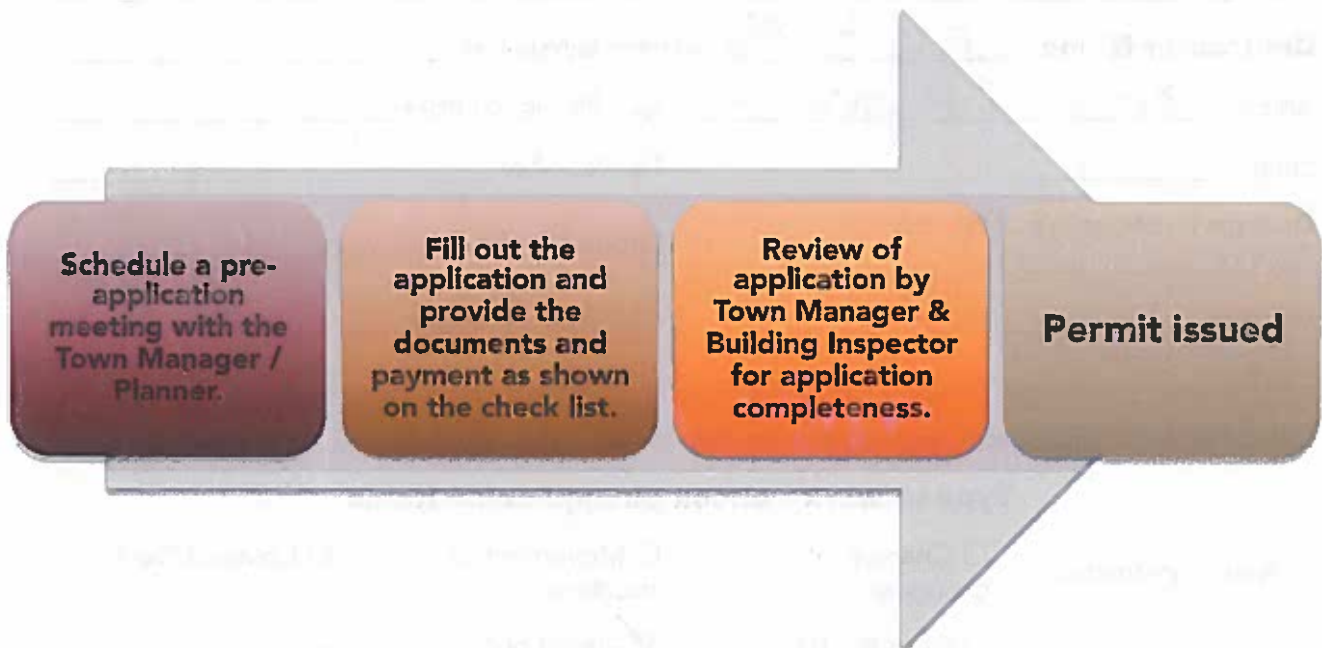
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**All construction in the Town of Rico is subject to the following:**

- **2006 International Building Code**
- **2006 International Residential Code**
- **2006 International Mechanical Code**
- **2006 International Fire Code**
- **2006 International Existing Building Code**
- **2006 International Energy Conservation Code**

**Electrical, Plumbing and fuel gas are governed by the State of Colorado**

For additional information please refer to **"Town of Rico Building Design Criteria"** available on the Town of Rico website at <http://www.ricocolorado.gov/building-information/>



**Applicants should allow three weeks for plan review unless otherwise indicated by the Town Manager/Planner.**

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# Building Permit Application

**Applicant Name** Craig & Sarah Lyons **Date** 4/12/2022  
**Address** PO Box 265 **Phone Number** 970 967-1002  
**Email** slyons222@gmail.com **Cell Phone Number** 970 331-2447  
**Street Address of Subject Property** 26 N. Glasgow Ave. **2nd cell** 970 946-9644  
**Legal Description of Subject Property** \_\_\_\_\_

**Zone District of Subject Property** \_\_\_\_\_

**Owner Name** (if different than applicant) \_\_\_\_\_ **Phone Number** \_\_\_\_\_  
**Address** \_\_\_\_\_ **Cell Phone Number** \_\_\_\_\_  
**Email** \_\_\_\_\_ **Fax Number** \_\_\_\_\_

**Contractor Name** Craig Lyons Den Construction **Phone Number** \_\_\_\_\_  
**Address** Owner & Applicant **Cell Phone Number** \_\_\_\_\_  
**Email** \_\_\_\_\_ **Fax Number** \_\_\_\_\_

**Design Professional Name** Craig Lyons Den Construction **Phone Number** \_\_\_\_\_  
**Address** Owner & Applicant **Cell Phone Number** \_\_\_\_\_  
**Email** \_\_\_\_\_ **Fax Number** \_\_\_\_\_

☒ Residential construction

☐ Commercial construction

## Type of work – check all applicable items

☐ New Construction

☐ Change of  
occupancy

☐ Movement of  
structure

☐ Covered Deck

☐ Accessory/Garage

☐ After the fact  
permit

☒ Alteration/  
remodel

☐ Deck

☐ Other \_\_\_\_\_

### Use

☒ Single Family      ☐ Multi-family      ☐ Commercial / residential      ☐ Commercial

☐ Other \_\_\_\_\_

### For change of occupancy:

Existing use \_\_\_\_\_ Proposed use \_\_\_\_\_

### For additions:

Existing square feet 950<sup>sq ft</sup> Additional square feet 750<sup>sq ft</sup>

**Attachments Required for residential building permits:** Plans shall contain no added "changes" in ink or pencil.

☒ **Site Plans** Two (2) Minimum size 12"x 18", 24" by 36" preferred and (1) electronic (pdf) site plans prepared by a Colorado registered land surveyor showing at a minimum the following:

North Arrow

Areas of environmental concern\*

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 and setbacks with dimensions

Location of proposed building if applicable

Acreage of lot

Location of existing utilities, including septic if applicable

Adjacent streets with labels

Location of proposed utilities, including septic if applicable

To the town: "If I were to tear this house down, what design criteria would you make me follow?  
Residential OR HISTORIC COMMERCIAL?"

\*Some of this information about Areas of Environmental Concern is obtainable on the Town Manager's GIS system and will be made available to the applicant at the pre-application conference. **Flood planes must be determined by an Engineer licensed in the state of Colorado. Wetlands must be delineated by a certified technician and surveyed.** All of the following should include two (2) Minimum size 12"x 18", 24" by 36" preferred copies and (1) electronic (pdf).

☒ **Foundation Plans:** Show all foundations, slabs, piers and footings. Indicate size, location, thickness, material and reinforcing. Show all embedded anchoring such as anchor bolts, hold-downs and post bases. Provide concrete strength at 28 days, rebar grade and lap length, etc. Structural plans to be stamped by a State of Colorado registered and licensed Engineer or Architect.

☐ **Floor and Roof Framing Plans:** Show all structural members for floors and roofs including but not limited to blocking, headers, columns, joists, bearing walls, rafters, roof trusses and note their sizes, spacing, bearing points, method of attachment along with roof/wall/floor sheathing type and thicknesses. If manufactured trusses are to be used, calculation/truss drawing sheets must be submitted with plans. Provide grade/specs of all lumber products. Structural plans to be stamped by a State of Colorado registered and licensed Engineer or Architect.

☐ **Floor Plans:** Show floor plan for all levels including basements. Show/label all rooms, dimensioned with their use. Provide square footage for each level and total overall. Show all doors and windows. Provide door and window schedules or sizes with required egress windows and safety glass (where applicable) labeled along with U-factor per Town of Rico Design Criteria. If stairs are required show riser height/tread depth and handrail/guardrail heights. Show location of plumbing fixtures, kitchen appliances, fireplace/stove (wood or gas) and mechanical equipment. Show attic and crawl space access locations. Identify all fire rated assemblies.

☐ **Elevations:** Show all views. Show all vertical dimensions and building height as required by (RLUC 204.6).. Indicate all openings and identify all siding and roofing materials. Show roof pitch and roof overhangs.

☐ **Building Sections & Wall Sections:** Show as many sections to the structure as may be necessary to properly identify the structure, including one through stairs. Some structures require more than one section.

Show floor covering, wall construction, siding and type of gypsum wall board on ceilings and walls. Show interior walls, either bearing or nonbearing. Show framing, top and bottom plates, blocking, draft stopping, rim joist, ceiling joist, roof rafters or trusses. Show the wall, floor and roof insulation values per Town of Rico Design Criteria. Indicate the floor and roof sheathing/underlayment and roof pitch and overhangs. Show attached decks, posts, piers and anchoring methods. Show all cross sectional changes in elevation on section and all dimensions. Label all. Identify all fire rated assemblies.



☐ **Electrical Plans:** Provide locations of all light fixtures, switches, receptacles, panel locations, smoke and carbon monoxide detectors. Exterior light fixtures to be shielded to comply with (RLUC 204.2).

☐ **Mechanical Plans:** Show the entire mechanical system. Include all units, their sizes, mounting details, all duct work and duct sizes. Indicate all fire dampers where required. Provide equipment schedules. Submit energy conservation calculations per the International Energy Conservation Code. Provide size of equipment based on BTU's and horsepower. Provide structural calculations and details for all mechanical equipment over 100 lbs. operating weight.

☐ **Manufactures product listing data for specialty materials & equipment:** Where materials or equipment of a specialty nature will be used, valid research reports from a recognized listing agency (ICC,UL,AGA, etc.) should be provided addressing their code equivalency. Alternative materials, designs or methods of construction not specifically prescribed by the applicable code may require pre-approval from the building official. (IBC 104.11)

**For both residential and commercial applications:**

- ☐ Letter of agency if applicant is other than the owner of the property
- ☐ An application fee in the amount calculated on the fee schedule.
- ☐ A copy of the deed for the property.

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 4/12/2022

Date Application Received 5/5/22 Application Reviewed by BOT

Application Fee Received \_\_\_\_\_ Approval Subject to Conditions \_\_\_\_\_

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

**Other comments:**

All engineered plans will be provided based on Conditional Approval.



1. The first part of the proof is to show that the function  $f$  is continuous at  $x_0$ . To do this, we need to show that for any  $\epsilon > 0$ , there exists a  $\delta > 0$  such that if  $|x - x_0| < \delta$ , then  $|f(x) - f(x_0)| < \epsilon$ .

Let  $\epsilon > 0$  be given. We need to find a  $\delta > 0$  such that if  $|x - x_0| < \delta$ , then  $|f(x) - f(x_0)| < \epsilon$ . We start by noting that  $f$  is bounded on  $[a, b]$ . Let  $M$  be a bound for  $f$  on  $[a, b]$ , so that  $|f(x)| \leq M$  for all  $x \in [a, b]$ .

Now, let  $\delta = \min\{\epsilon, \epsilon/M\}$ . We claim that this  $\delta$  works. Suppose  $|x - x_0| < \delta$ . Then  $|x - x_0| < \epsilon$  and  $|x - x_0| < \epsilon/M$ . The first inequality implies  $|f(x) - f(x_0)| < \epsilon$  by the definition of  $f$ . The second inequality implies  $|f(x) - f(x_0)| < \epsilon$  by the definition of  $M$ .

Thus,  $f$  is continuous at  $x_0$ .

Since  $x_0$  was arbitrary,  $f$  is continuous on  $[a, b]$ .

2. The second part of the proof is to show that  $f$  is differentiable at  $x_0$ .

Let  $h$  be a small positive number. We need to show that

$$\lim_{h \rightarrow 0} \frac{f(x_0 + h) - f(x_0)}{h} = f'(x_0)$$

exists. We start by noting that  $f$  is continuous at  $x_0$ , so  $f(x_0 + h) - f(x_0) \rightarrow 0$  as  $h \rightarrow 0$ .

Now, let  $\epsilon > 0$  be given. We need to find a  $\delta > 0$  such that if  $|h| < \delta$ , then  $|\frac{f(x_0 + h) - f(x_0)}{h} - f'(x_0)| < \epsilon$ . We start by noting that  $f$  is bounded on  $[a, b]$ . Let  $M$  be a bound for  $f$  on  $[a, b]$ , so that  $|f(x)| \leq M$  for all  $x \in [a, b]$ .

Now, let  $\delta = \min\{\epsilon, \epsilon/M\}$ . We claim that this  $\delta$  works. Suppose  $|h| < \delta$ . Then  $|h| < \epsilon$  and  $|h| < \epsilon/M$ . The first inequality implies  $|f(x_0 + h) - f(x_0)| < \epsilon$  by the definition of  $f$ . The second inequality implies  $|\frac{f(x_0 + h) - f(x_0)}{h} - f'(x_0)| < \epsilon$  by the definition of  $M$ .

To the Town of Rico Board of Trustees:

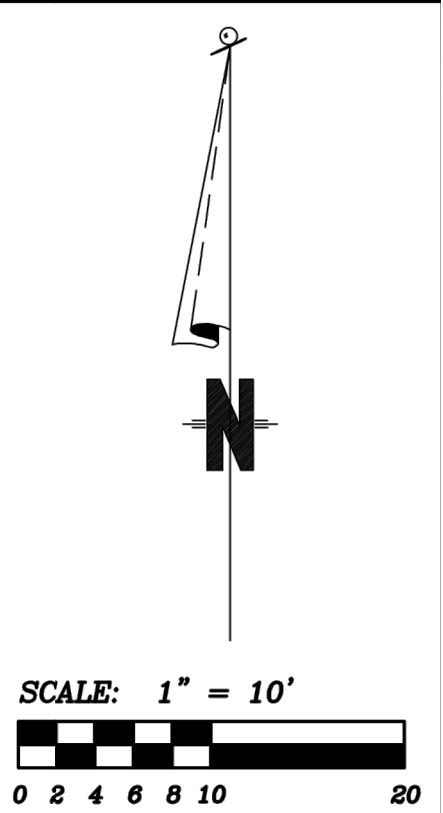
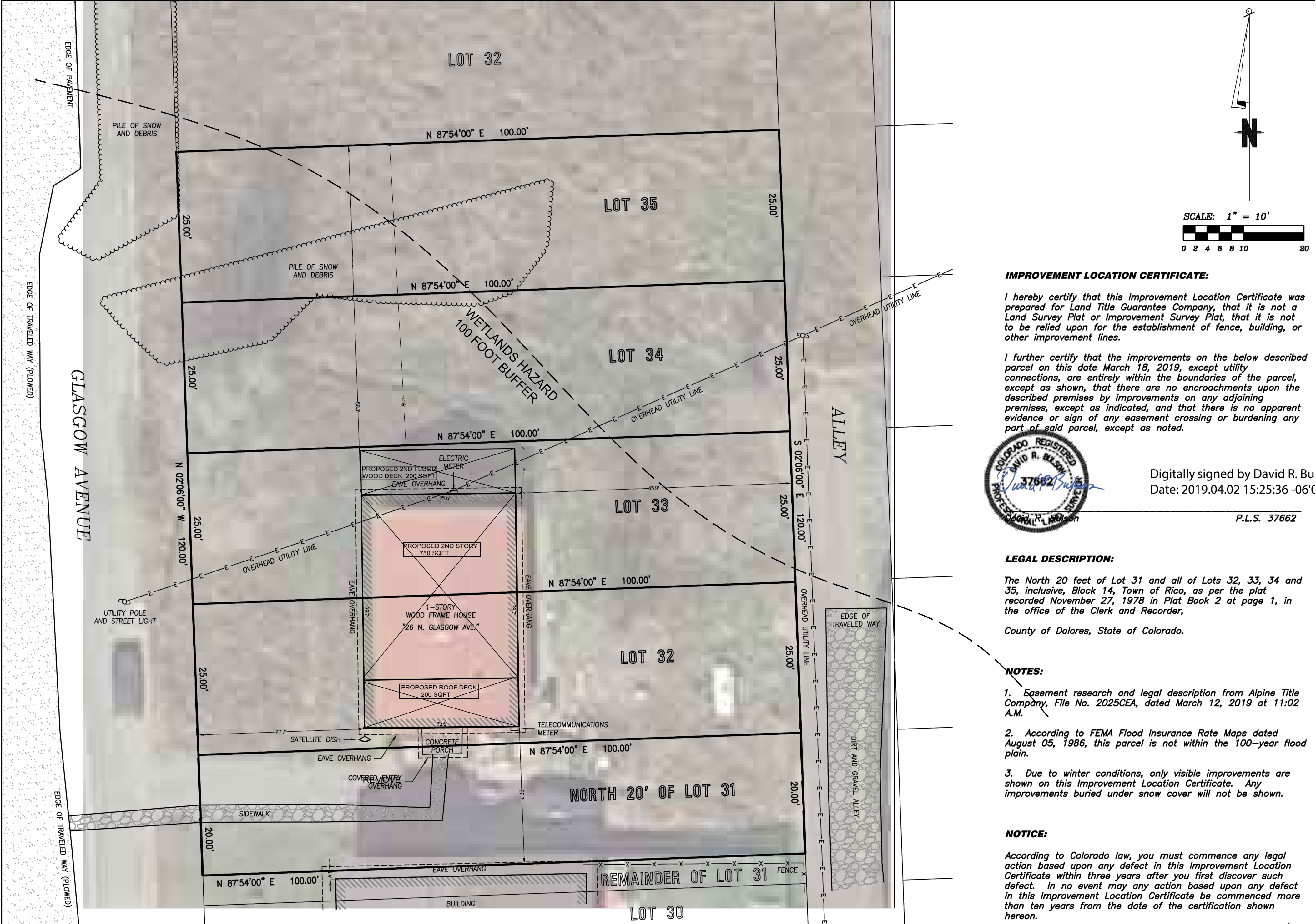
Please consider allowing us to proceed with our building plans. We have submitted all of the required documents for a building permit except for an engineered stamped copy. Based on Town of Rico Board of Trustees approval we will have the plans promptly engineered and will submit them to the town manager. We are just wanting approval of the design before we spend the money to have the plans professionally engineered.

We only wish to have a little more space in the house that we currently occupy with our two young boys. Our boys are growing up right before our eyes and need some more elbow room to more comfortably accommodate our family. Our building plans are straight-forward and simple to conserve time and money spent on this project. As you all know, building costs are at an all-time high! Unfortunately, we do not have the luxury of waiting to see if costs come down anytime in the future. We really need to get our project underway so that we can be fully living in the house by the time the weather gets nasty and cold.

Please help us to expedite this process by approving our building plans. Our house has been a residence for 67 years and we hope it will be so for another 67 years. Thank you for your careful consideration of this matter. As fellow community members we are seeking only to live here in beautiful Rico and having space in our family home to do so will improve our quality of life exponentially.

Sincerely,

Sarah and Craig Lyons



**IMPROVEMENT LOCATION CERTIFICATE:**

I hereby certify that this Improvement Location Certificate was prepared for Land Title Guarantee Company, that it is not a Land Survey Plat or Improvement Survey Plat, that it is not to be relied upon for the establishment of fence, building, or other improvement lines.

I further certify that the improvements on the below described parcel on this date March 18, 2019, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Digitally signed by David R. Bu  
Date: 2019.04.02 15:25:36 -0600

P.L.S. 37662

**LEGAL DESCRIPTION:**

The North 20 feet of Lot 31 and all of Lots 32, 33, 34 and 35, inclusive, Block 14, Town of Rico, as per the plat recorded November 27, 1978 in Plat Book 2 at page 1, in the office of the Clerk and Recorder,

County of Dolores, State of Colorado.

**NOTES:**

- Easement research and legal description from Alpine Title Company, File No. 2025CEA, dated March 12, 2019 at 11:02 A.M.
- According to FEMA Flood Insurance Rate Maps dated August 05, 1986, this parcel is not within the 100-year flood plain.
- Due to winter conditions, only visible improvements are shown on this Improvement Location Certificate. Any improvements buried under snow cover will not be shown.

**NOTICE:**

According to Colorado law, you must commence any legal action based upon any defect in this Improvement Location Certificate within three years after you first discover such defect. In no event may any action based upon any defect in this Improvement Location Certificate be commenced more than ten years from the date of the certification shown hereon.

LYONS RESIDENCE  
26 N. GLASGOW AVE.  
RICO, COLORADO 81332

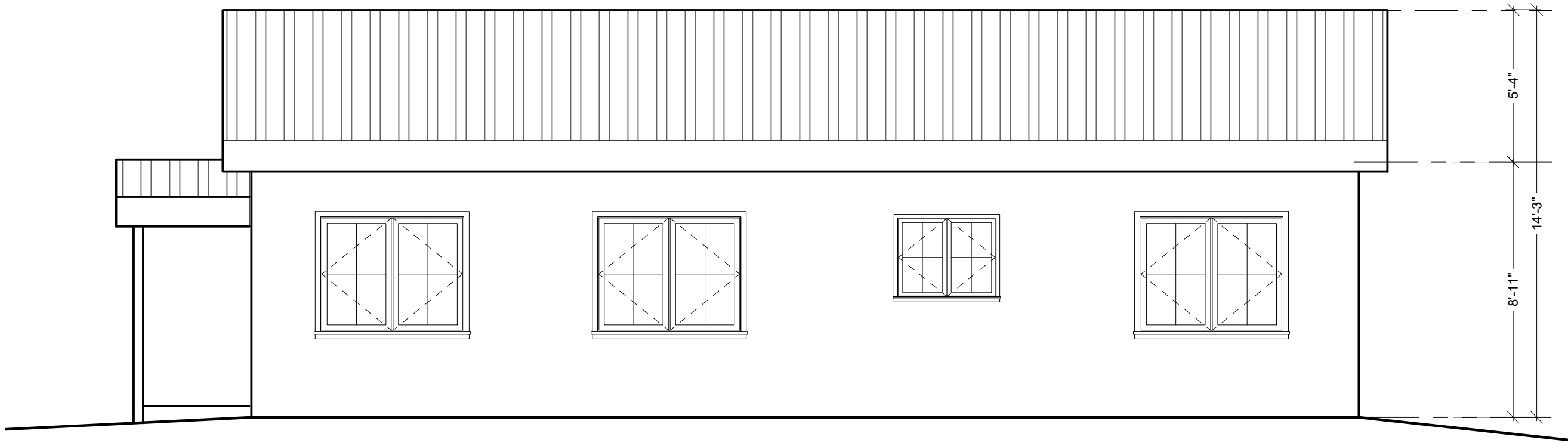
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SITE PLAN

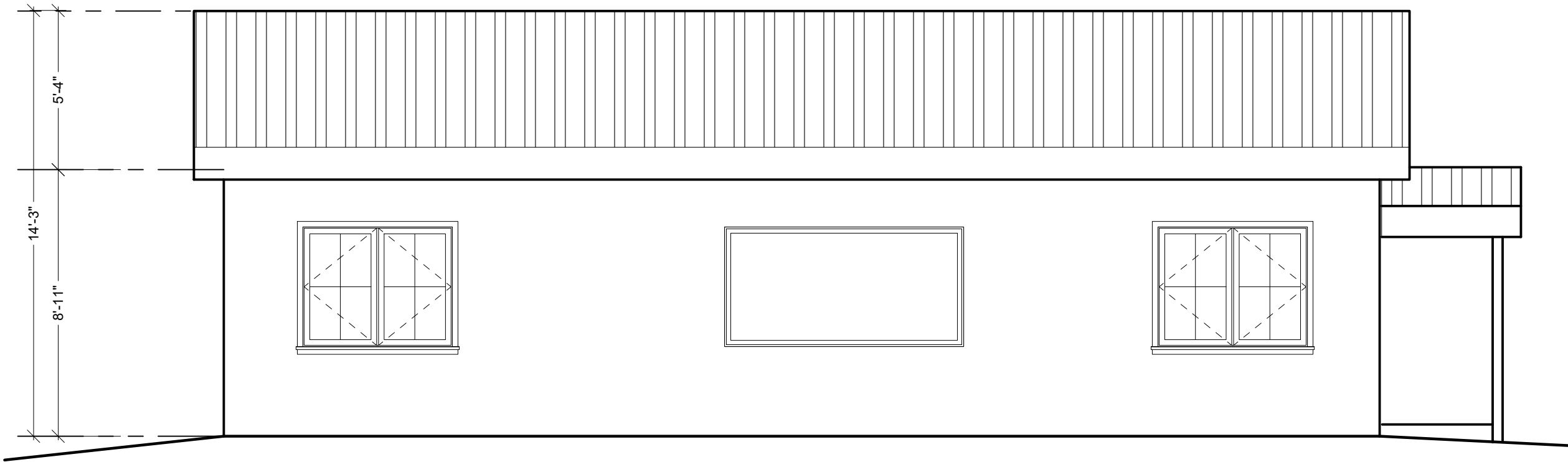
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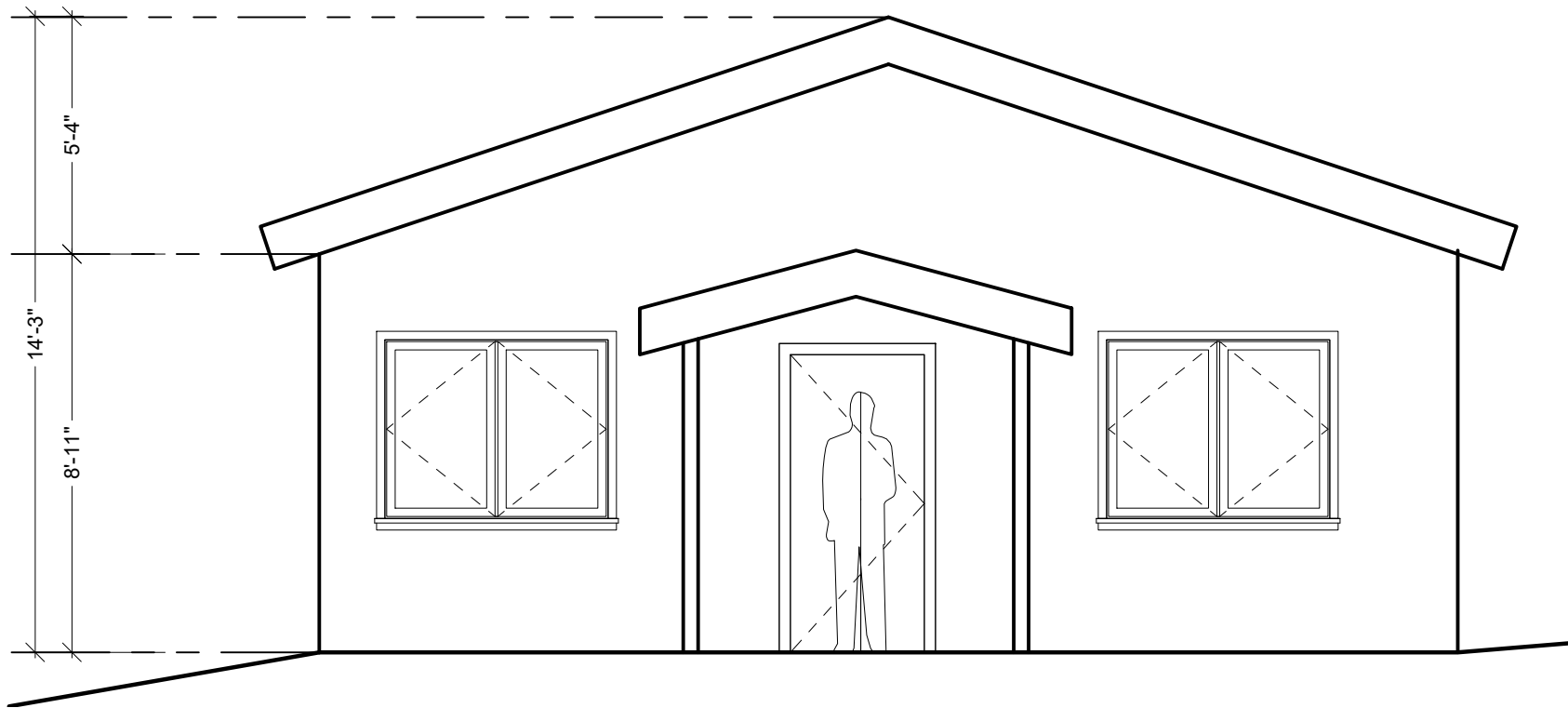
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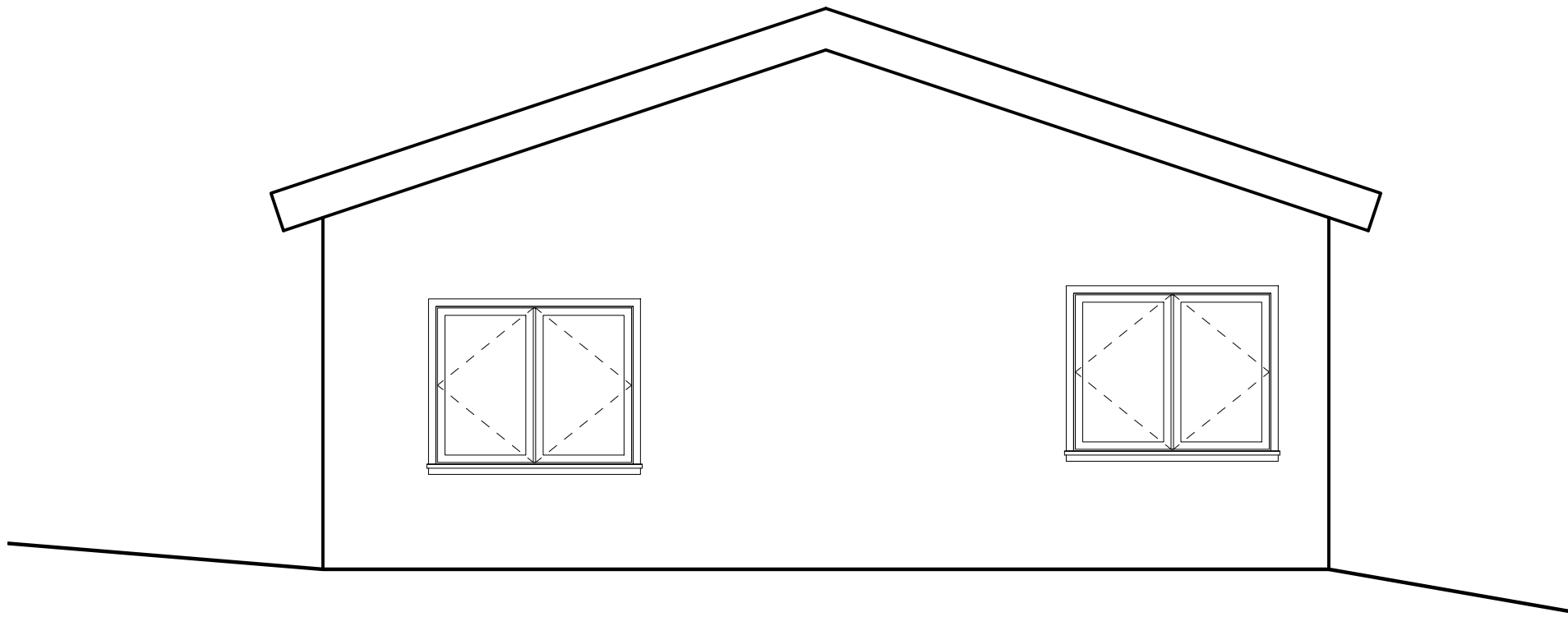
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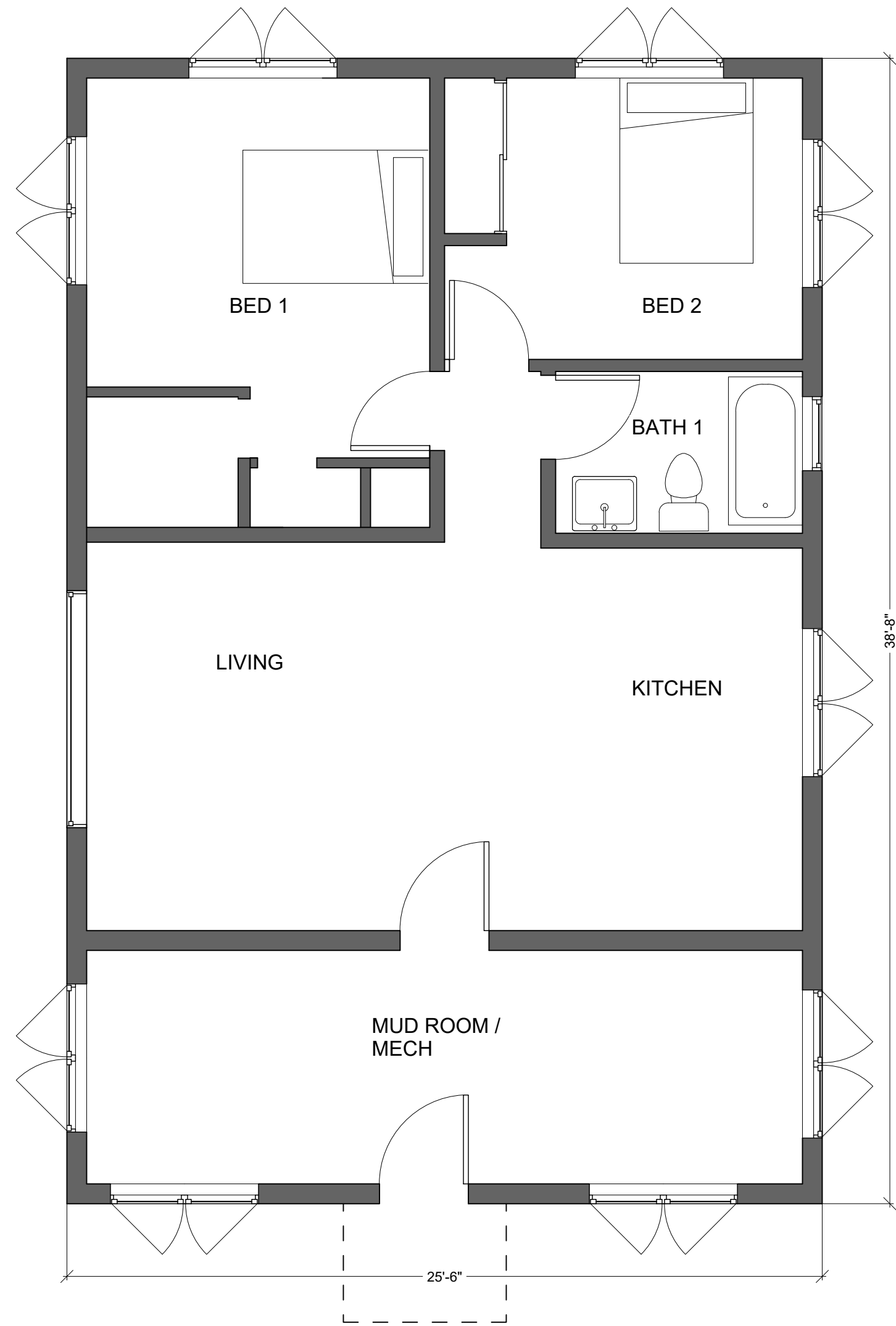
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EXISTING SOUTH ELEVATION  
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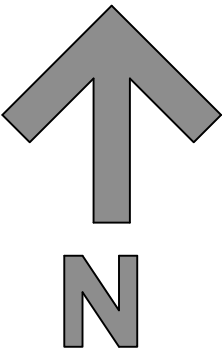


EXISTING NORTH ELEVATION  
SCALE : 1/4" = 1'-0"



EXISTING FLOOR PLAN  
SCALE : 1/4" = 1'-0"

LYONS RESIDENCE  
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RICO, COLORADO 81332

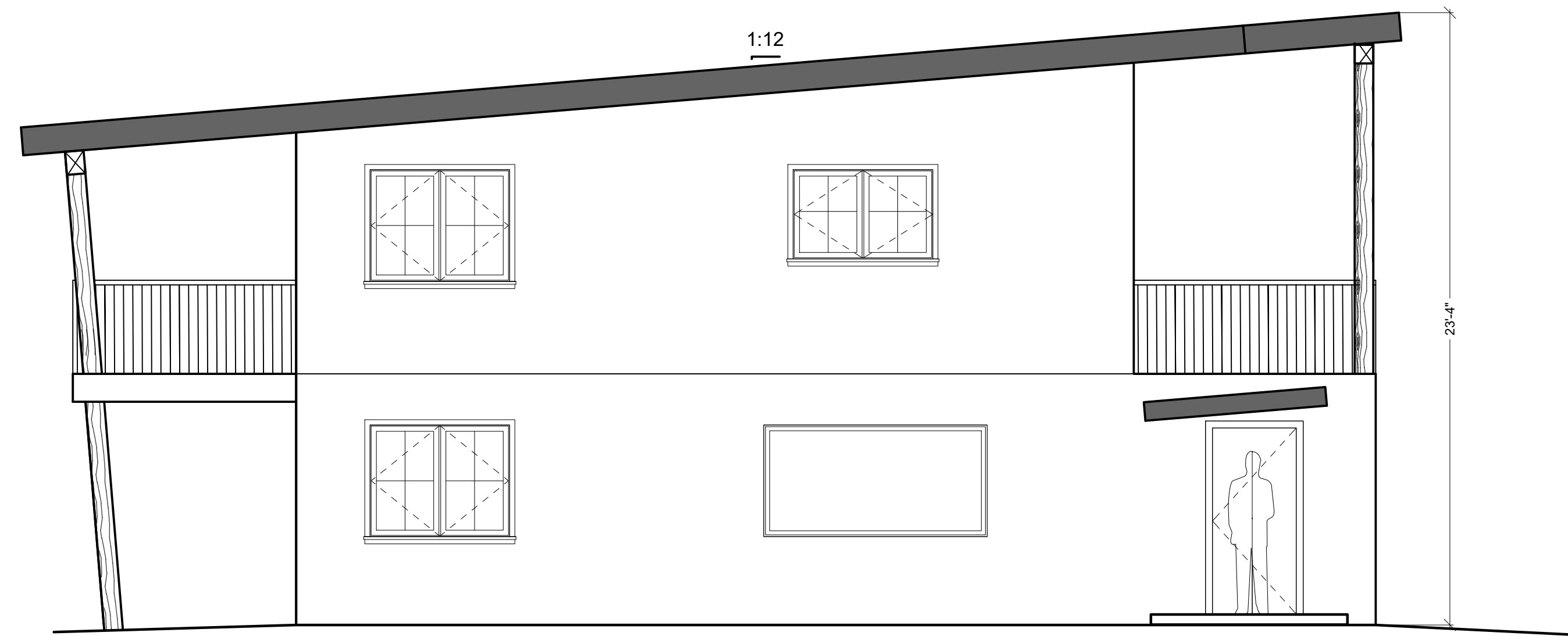


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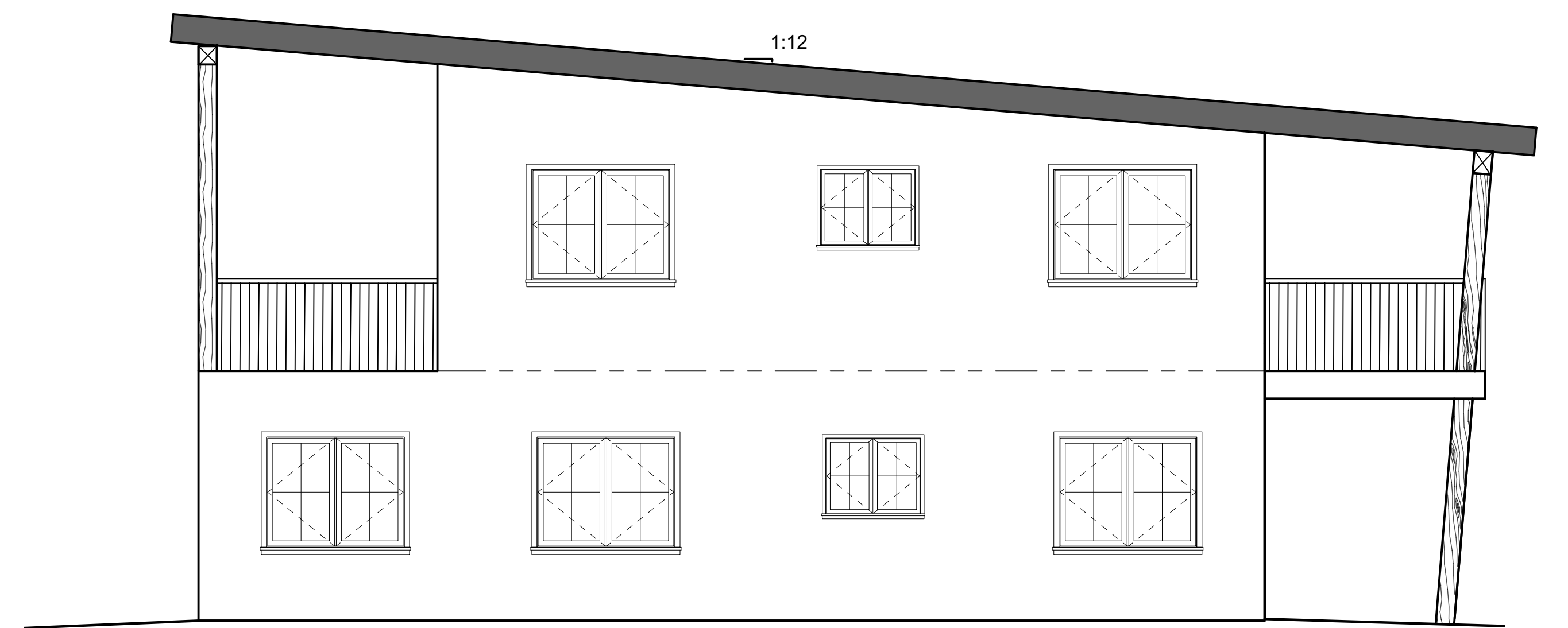
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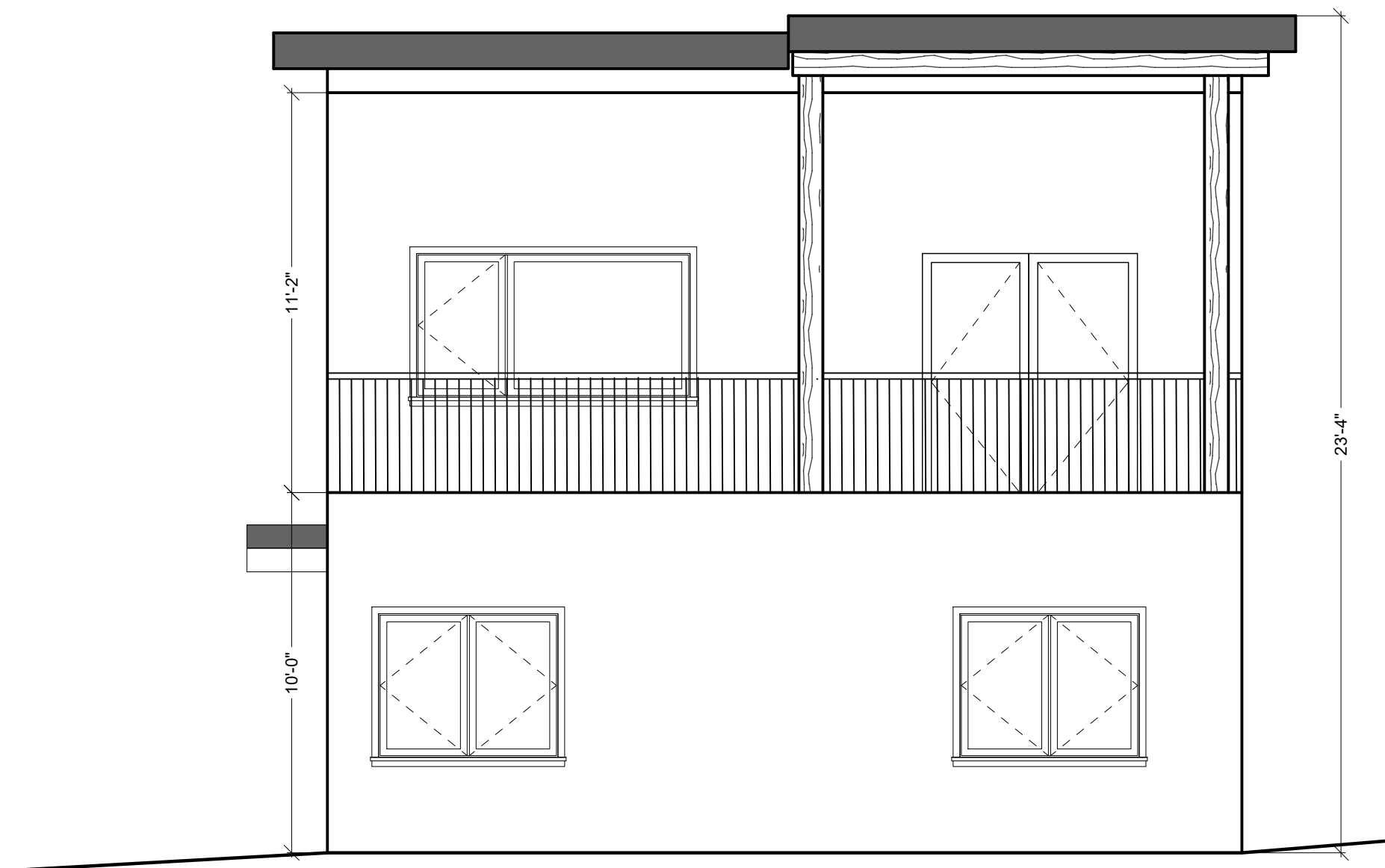




PROPOSED WEST ELEVATION  
SCALE : 1/4" = 1'-0"



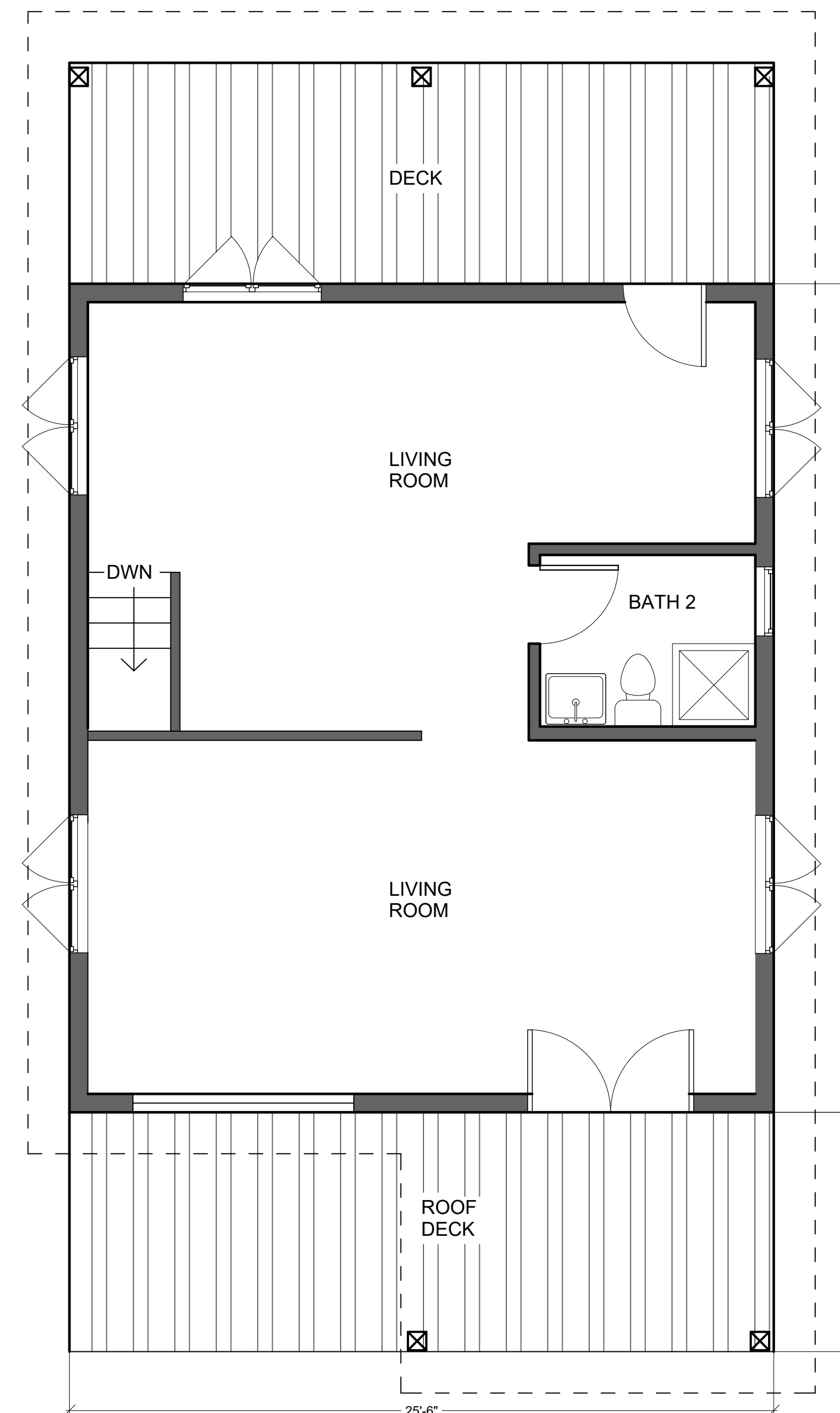
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SCALE : 1/4" = 1'-0"



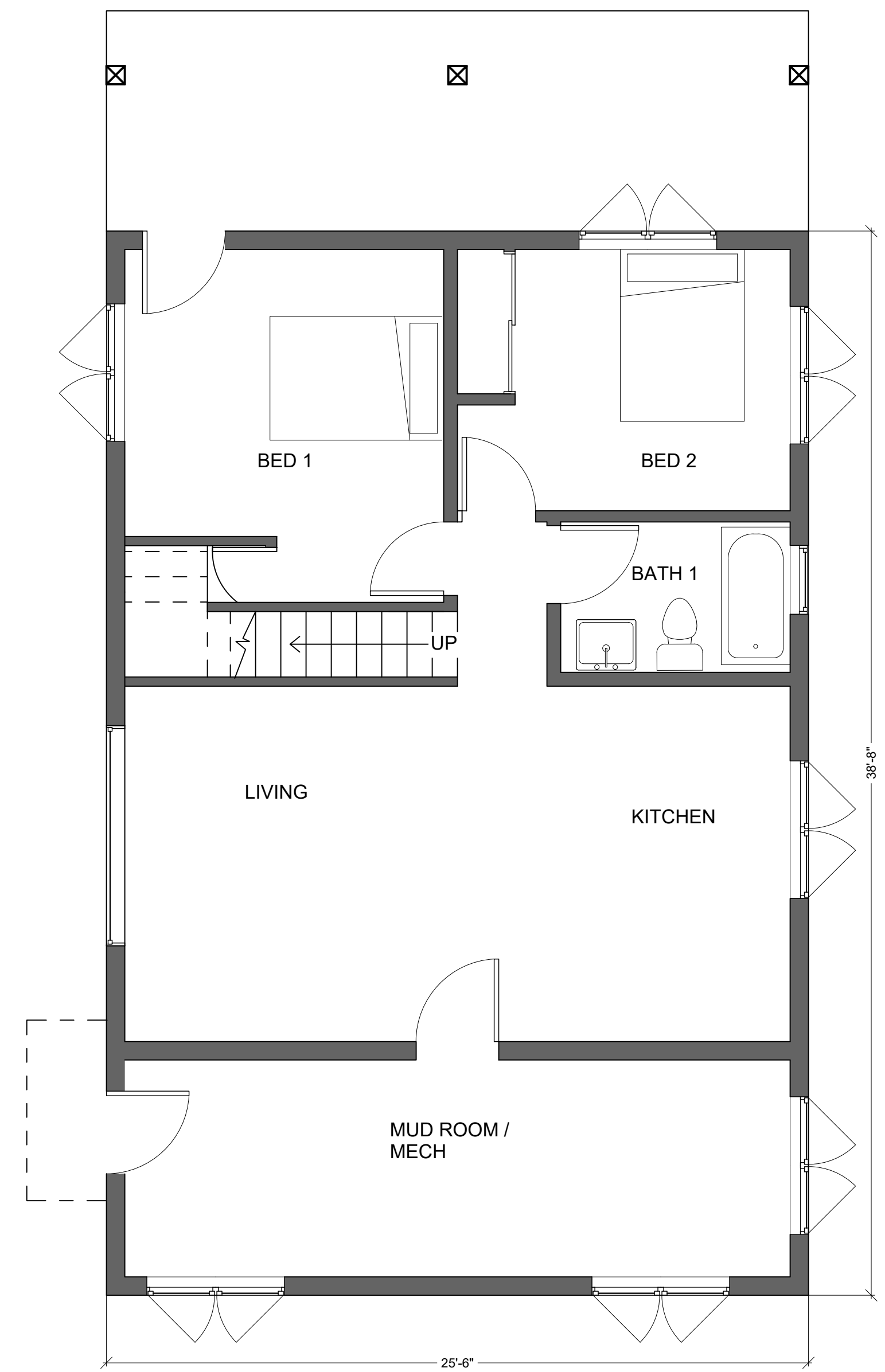
PROPOSED SOUTH ELEVATION  
SCALE : 1/4" = 1'-0"



PROPOSED NORTH ELEVATION  
SCALE : 1/4" = 1'-0"

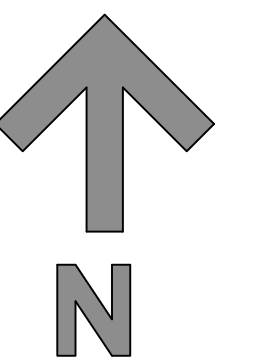


PROPOSED UPPER FLOOR PLAN  
SCALE : 1/4" = 1'-0"



PROPOSED LOWER FLOOR PLAN  
SCALE : 1/4" = 1'-0"

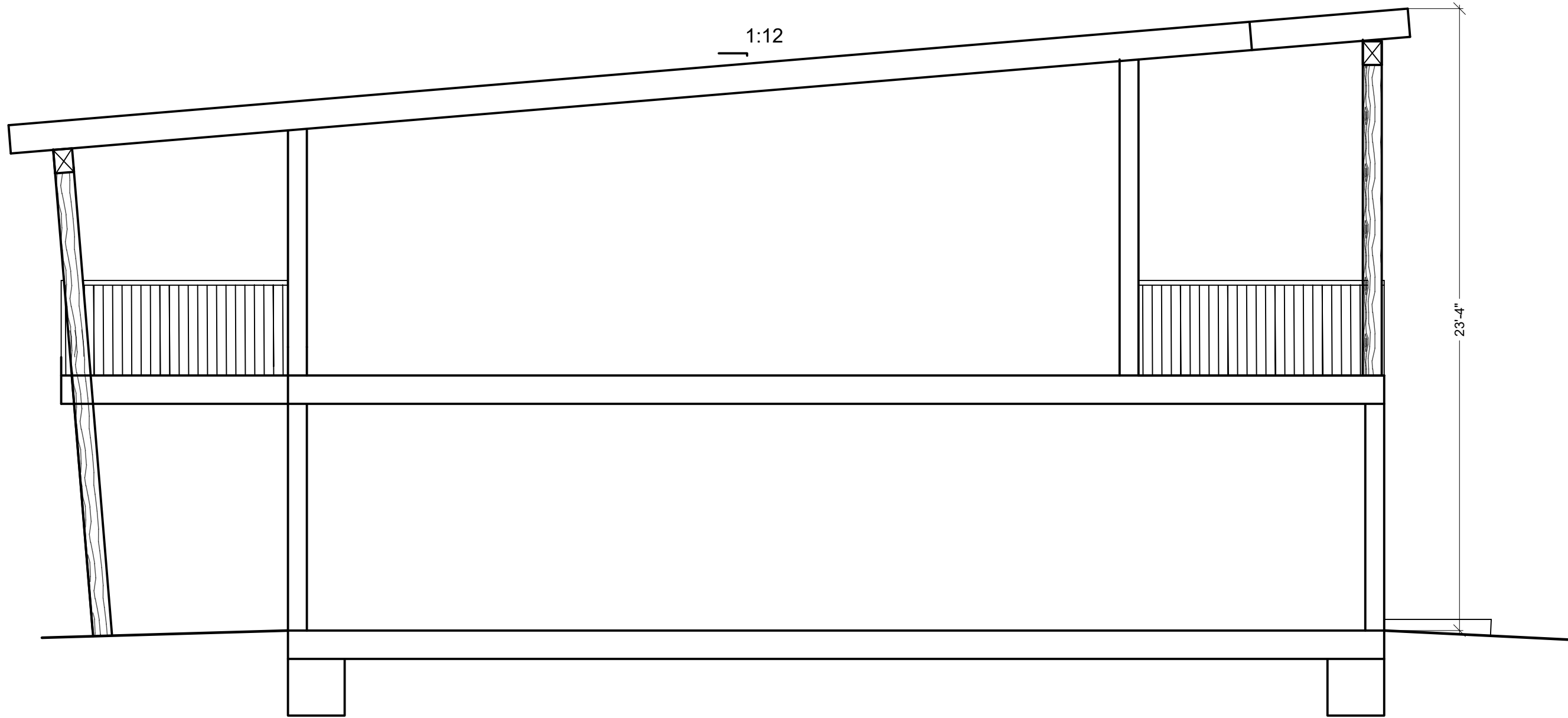
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05 . 04 . 2022

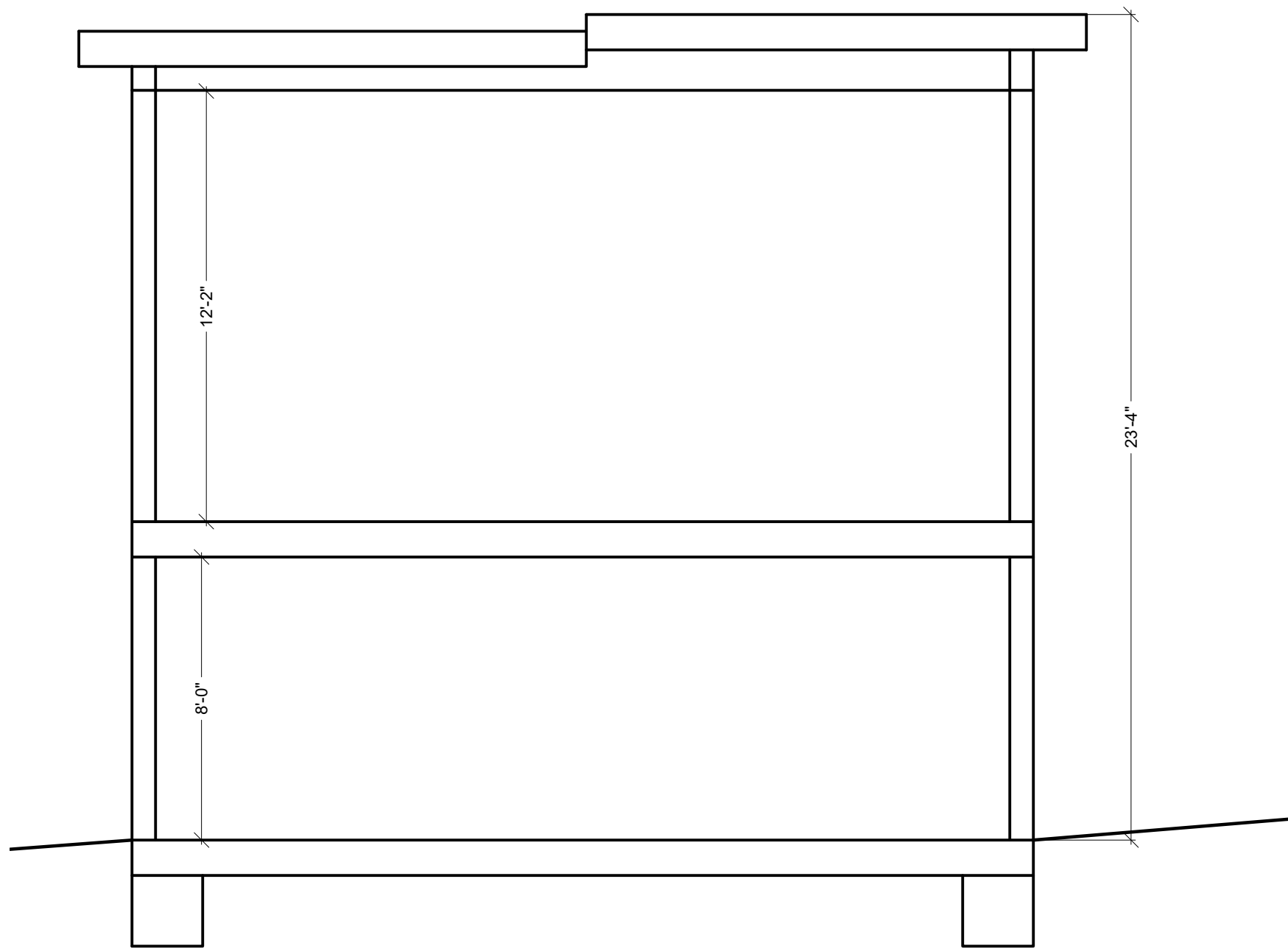
PROPOSED  
PLAN &  
ELEVATIONS

A2



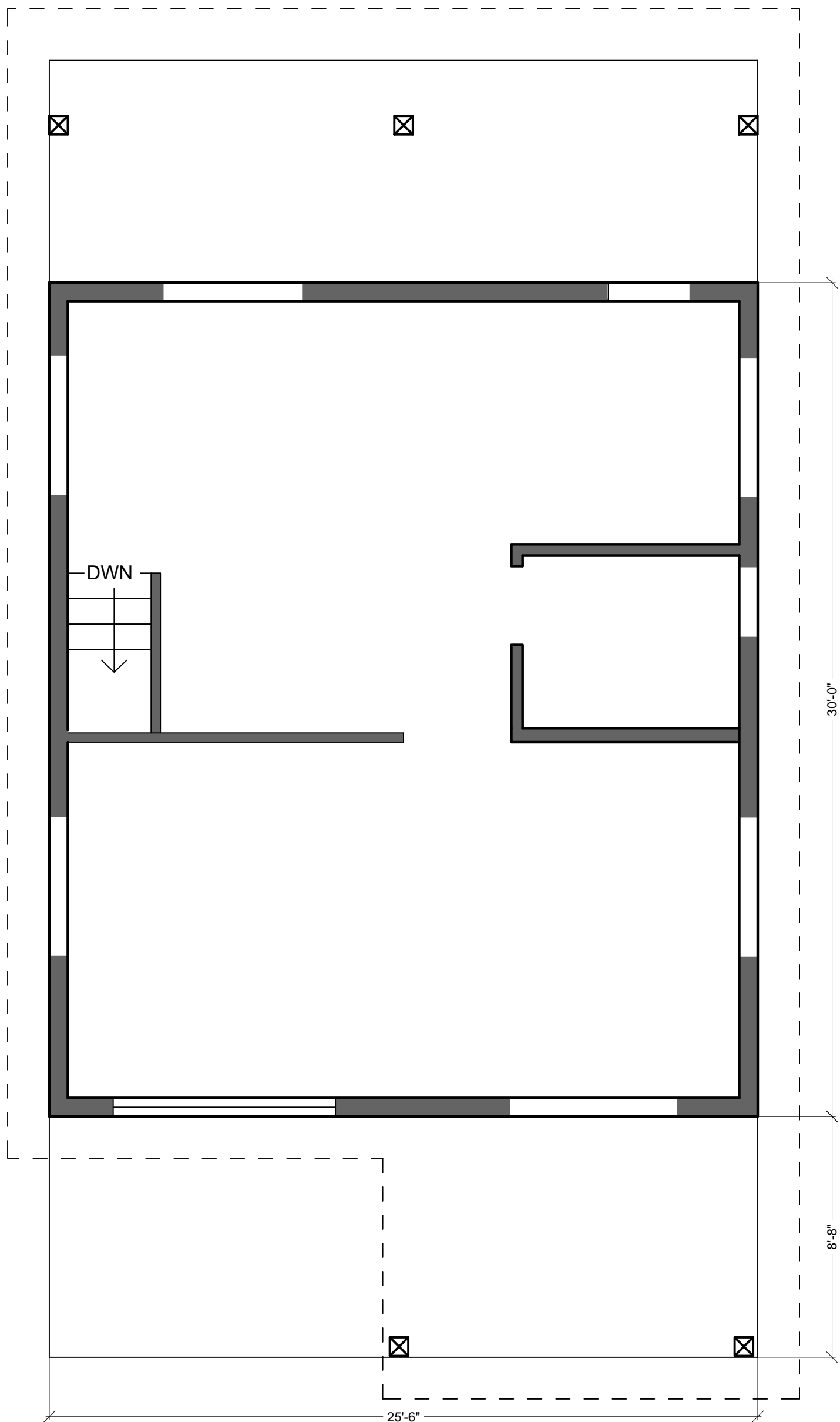
BUILDING SECTION

SCALE : 1/4" = 1'-0"



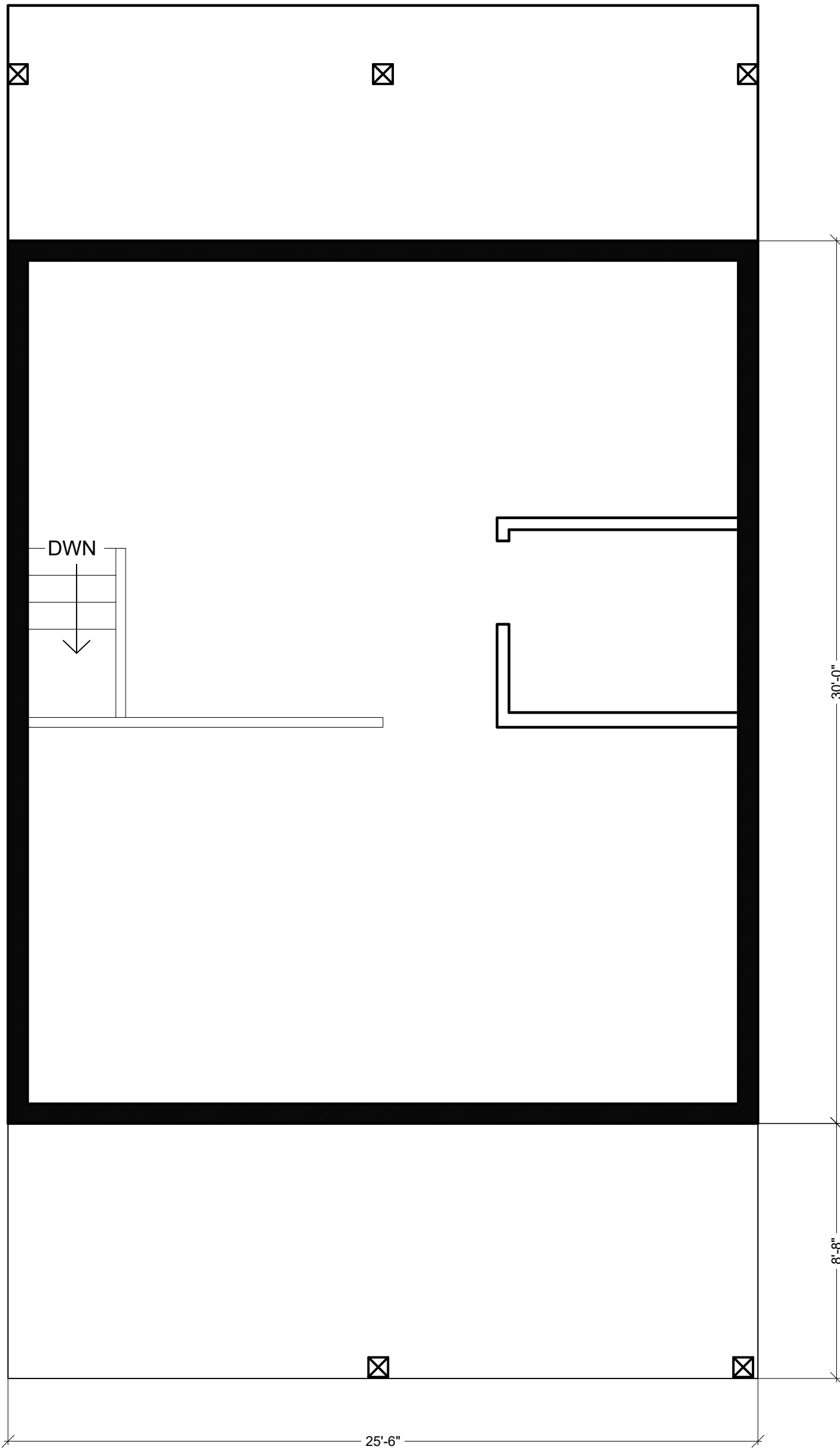
BUILDING SECTION / WALL DETAIL

SCALE : 1/4" = 1'-0"



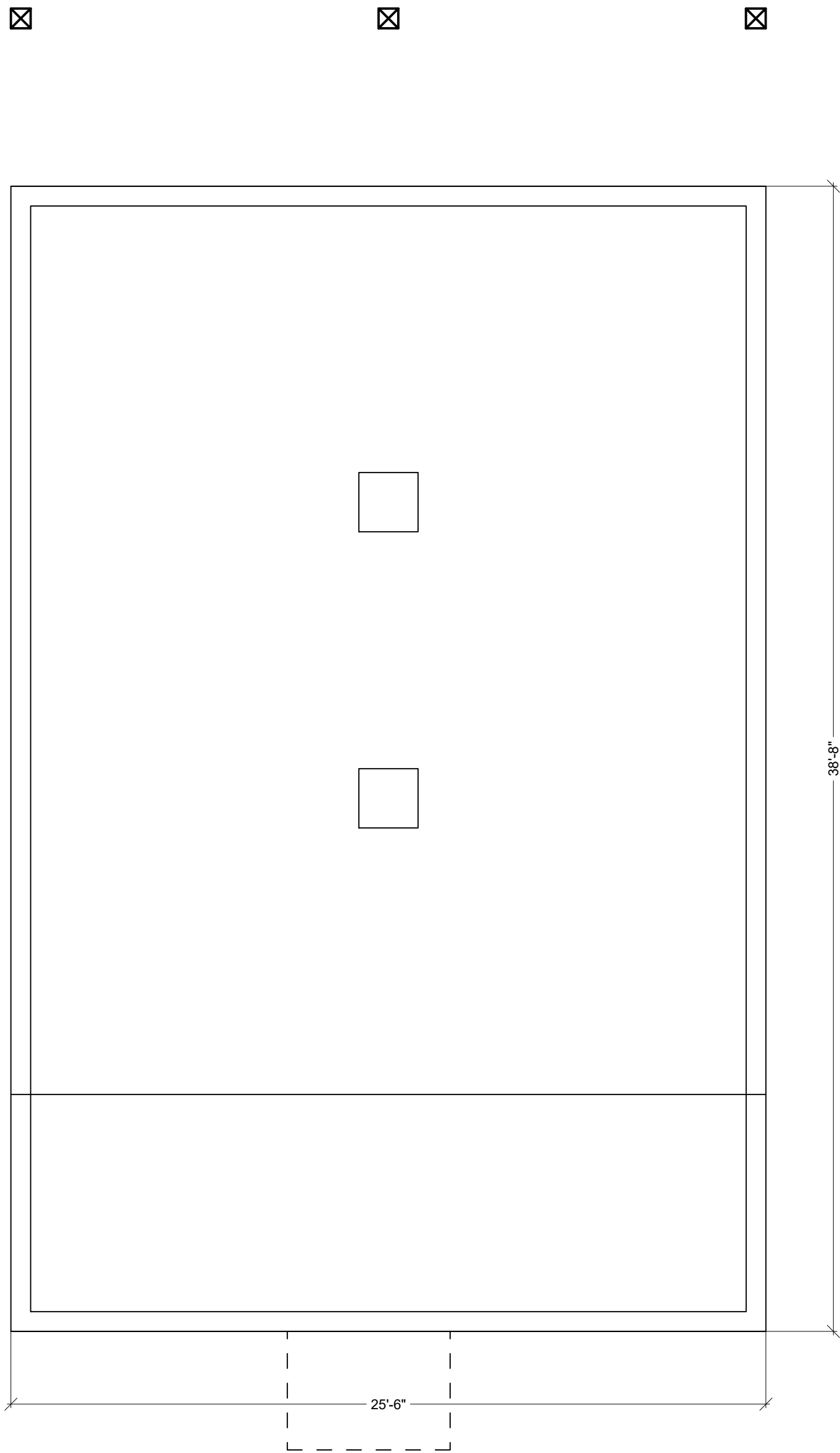
ROOF FRAMING PLAN

SCALE : 1/4" = 1'-0"



FLOOR FRAMING PLAN

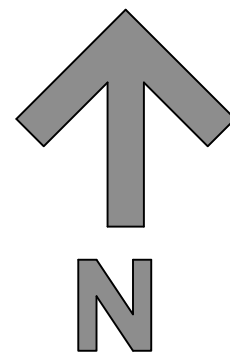
SCALE : 1/4" = 1'-0"



FOUNDATION PLAN

SCALE : 1/4" = 1'-0"

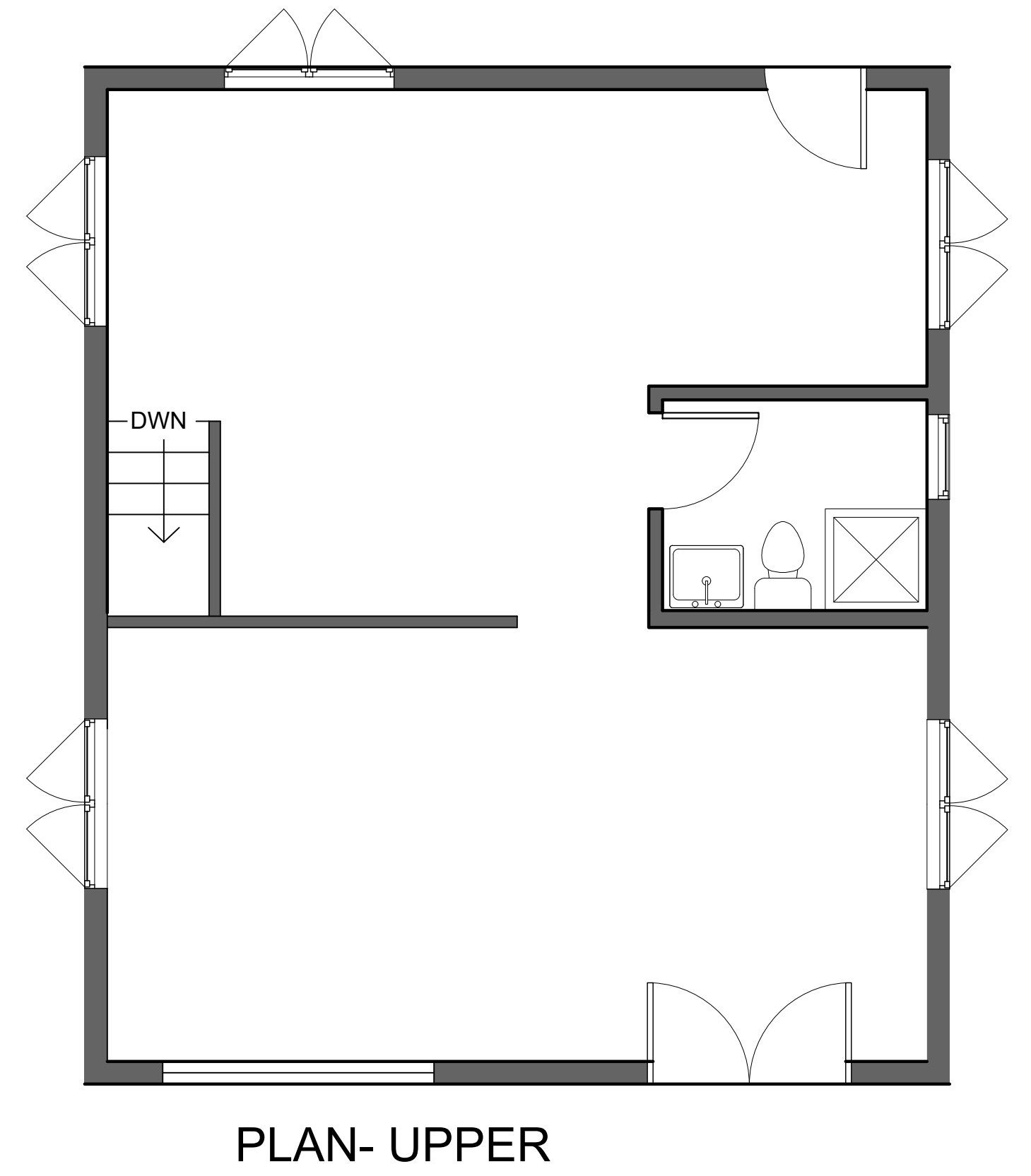
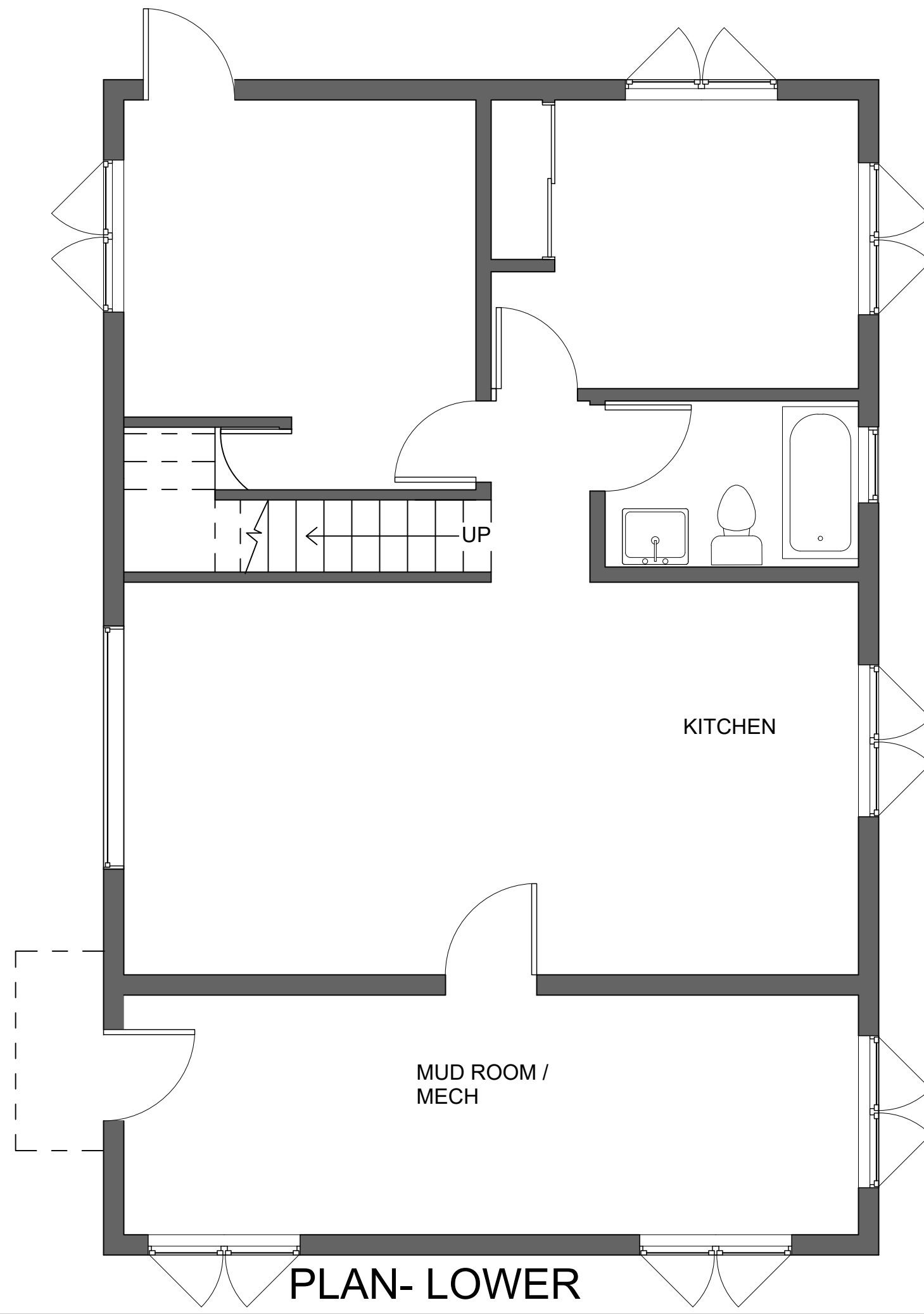
LYONS RESIDENCE  
26 N. GLASGOW AVE.  
RICO, COLORADO 81332



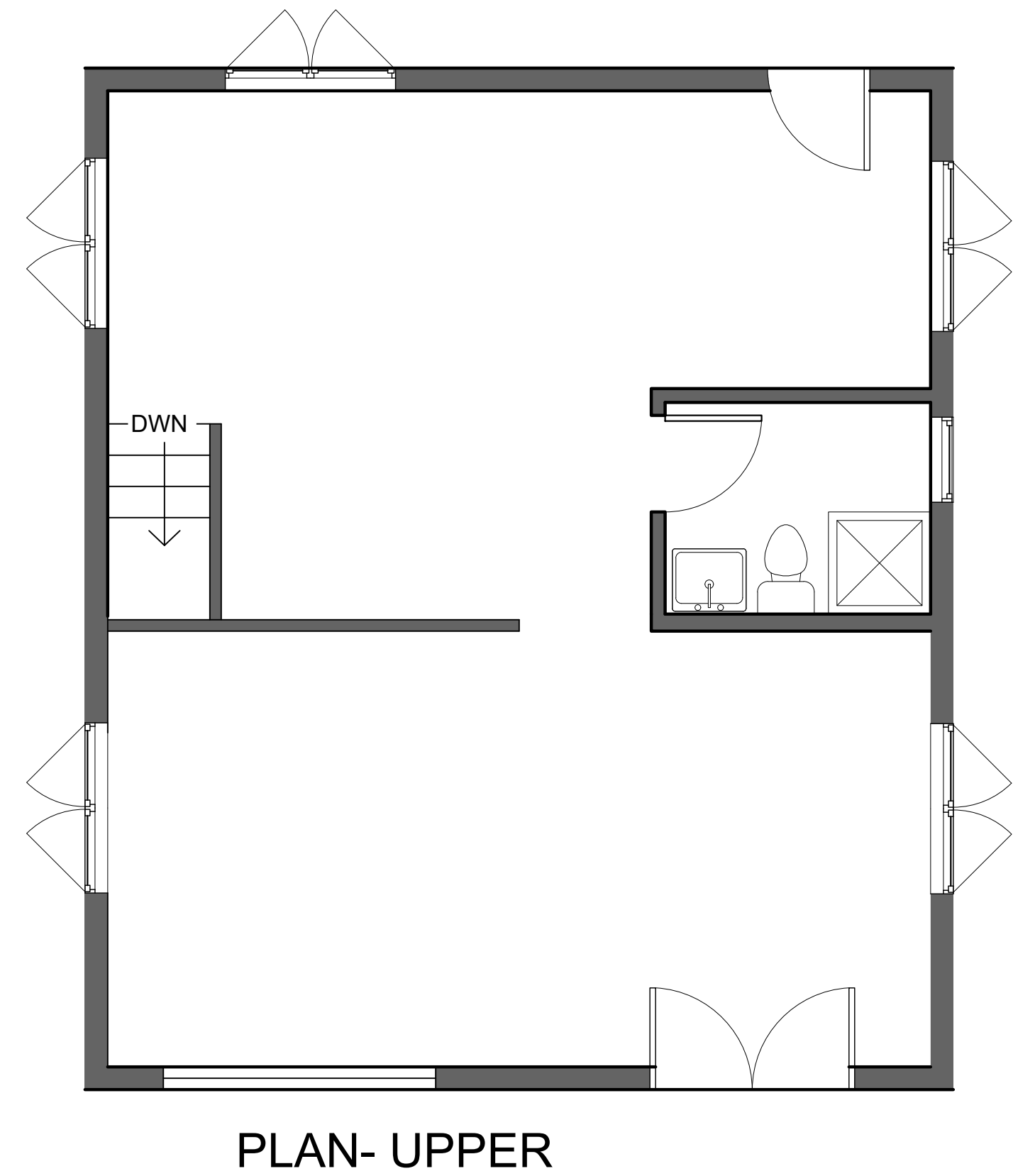
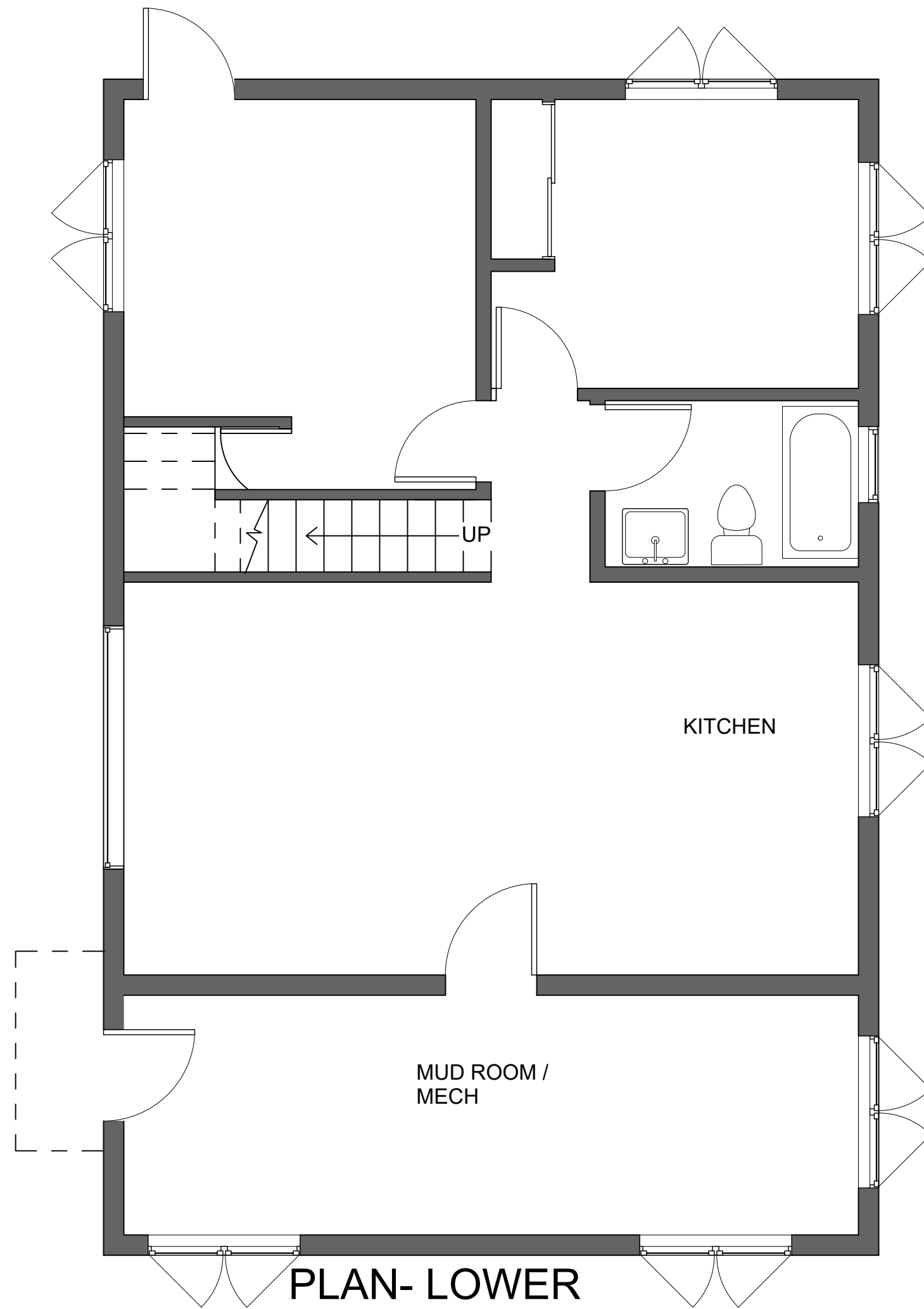
05 . 04 . 2022

EXISTING &  
PROPOSED  
FOUNDATION  
FLOOR &  
ROOF  
FRAMING

S1

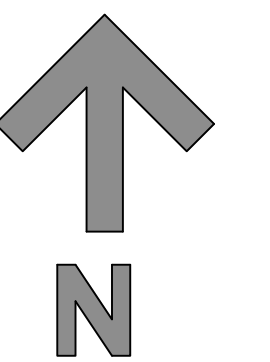


ELECTRICAL PLAN  
SCALE : 1/4" = 1'-0"



MECHANICAL / PLUMBING PLAN  
SCALE : 1/4" = 1'-0"

LYONS RESIDENCE  
26 N. GLASGOW AVE.  
RICO, COLORADO 81332



05 . 04 . 2022

MECHANICAL  
ELECTRICAL  
PLUMBING

MEP

## Historic Commercial Zone Comparison

Craig and Sarah Lyons 26 North Glasgow Ave

<b>HC Design Regulations</b>	<b>Non - Conforming Existing Structure</b>	<b>After Board Approved Expansion second Story is Added to non-conforming structure</b>	<b>Notes</b>
<b>Max. Front setback 0 feet</b>	yes	yes	This house was built in this spot in 1954. We are preserving the setback that has been in place for the past 67 years.
<b>Max Side setback 0 feet</b>	yes	yes	Our neighbors' house is 10 feet on our lot and is noted as such in our deed.
Lot size 2,500 square feet	Meets HC requirements	Will still meet HC requirements	We plan to plane the existing siding and repaint. We will match on 2 <sup>nd</sup> story



Off street parking 1,000 sq feet	Meets HC requirements	Will still meet HC requirements	We are lucky to have off street parking as nearby neighbors do not.
<b>No sidewalks in front of our non conforming structure at this time.</b>			
<b>Window treatment</b>	The first floor windows are going to stay as they have been since 1954	The second floor windows on the west side facing the street can be designed to HC code if this would be preferable to accommodate some part of this Historic commercial requirement.	We planned to match the existing windows on the first floor for continuity. Please advise if the board would be appeased by following the window treatment requirement on the second floor.
Parapet/Cornice.	The pagination of the existing non - conforming structure does not allow for this to be incorporated.		

DATE: May 18, 2022  
 TO: Town of Rico Board of Trustees  
 FROM: Karp Neu Hanlon, P.C.  
 RE: Second reading of Ord. No 2022-04, An Ordinance of the Town of Rico, Colorado Amending Ordinance No. 2019-06 to Increase the Water Tap Fees for the Town of Rico Enterprise Fund

---

For your consideration on second reading is an updated version of Ordinance No. 2022-04, which increases the Town's water tap fees. At the April 20 Board of Trustees meeting, you suggested that the tap fees be roughly proportional to the increase in the surface area of the pipe opening with each increase in pipe diameter. You also discussed conducting a demand analysis for tap fees above one inch in diameter. The changes are shown in redline here:

**8.3 Tap Fee** A tap fee shall be a charge to all customers of the Town of Rico, which shall be assessed and paid before a building permit is issued. Tap fees in the Town of Rico shall be as follows:

i. 3/4" water tap	\$ 5,000 <del>\$10,000.00</del> <u>\$12,500.00</u>
ii. 1" water tap	\$ 6,000 <del>\$12,000.00</del> <u>\$22,500.00</u>
iii. 1 1/4" water tap*	\$ 7,000 <del>\$14,000.00</del> <u>\$37,000.00</u>
iv. 1 1/2" water tap*	\$ 9,000 <del>\$18,000.00</del> <u>\$50,000.00</u>
v. 2" water tap *	\$ 10,500 <del>\$21,000.00</del> <u>\$86,000.00</u>

\* These taps shall be subject to a minimum fee as shown in this tap fee schedule and shall be required to submit a water demand analysis for the proposed project. The Building Official shall require an increased fee as indicated by the demand analysis.

These numbers were calculated using a \$12,500 base tap price, and an inner pipe surface area increase as follows:

- 3/4" to 1": increase of 1.8
- 3/4" to 1 1/4": increase of 2.96
- 3/4" to 1 1/2": increase of 4
- 3/4" to 2": increase of 6.88

If the Board of Trustees wishes to adopt the changes shown in this ordinance, a suggested motion is as follows:

- I move to adopt on second reading Ordinance No. 2022-04, An Ordinance of the Town of Rico, Colorado Amending Ordinance No. 2019-06 to Increase the Water Tap Fees for the Town of Rico Enterprise Fund, to include the changes from first reading to second reading.

**TOWN OF RICO  
ORDINANCE NO. 2022-04**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING  
ORDINANCE NO. 2019-06 TO INCREASE THE WATER TAP FEES FOR  
THE TOWN OF RICO WATER ENTERPRISE FUND**

**WHEREAS**, the Town of Rico, Colorado (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Rico Home Rule Charter; and

**WHEREAS**, the Board of Trustees of the Town of Rico (“Board”) has the authority to regulate municipal water services and rates pursuant to Section 10.4 of the Town of Rico Home Rule Charter and C.R.S. 31-35-402, as amended; and

**WHEREAS**, Section 3.1 of the Town of Rico Home Rule Charter provides that enactments of the Board imposing fees shall be made by ordinance; and

**WHEREAS**, on November 20, 2019, the Board adopted Ordinance No. 2019-06, adopting the Town of Rico Water Operations Rules and Regulations, which set the water tap fees in Section 8.3 of the Rules and Regulations; and

**WHEREAS**, it is the duty and obligation of the Board to set and establish rates and charges for the Town’s Water Enterprise Fund in an amount sufficient to pay for the capital improvements, maintenance, and indebtedness of the Town’s water system; and

**WHEREAS**, the Town has recently undergone substantial improvements to its water treatment facilities and will continue to implement additional improvements in the coming years; and

**WHEREAS**, the Board determines and finds that the current rates for water taps are insufficient to pay for the costs of improving and repairing water service to water tap holders in the Town;

**WHEREAS**, the Board finds that charging water tap fees in an amount which pays for system costs and improvements will promote the health and welfare of the Town and desires to update the water tap fees accordingly.

**NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:**

**Section 1.** The recitals hereinabove are hereby adopted as findings and incorporated herein.

**Section 2.** The Board hereby amends Ordinance No. 2019-06, Exhibit A, Water Operations Rules and Regulations, Section 8.3, as follows (deletions shown in ~~striketrough~~, additions shown in double underline):

**8.3 Tap Fee** A tap fee shall be a charge to all customers of the Town of Rico, which shall be assessed and paid before a building permit is issued. Tap fees in the Town of Rico shall be as follows:

i. 3/4" water tap	<del>\$ 5,000</del>	<u>\$12,500.00</u>
ii. 1" water tap	<del>\$ 6,000</del>	<u>\$22,500.00</u>
iii. 1 1/4" water tap*	<del>\$ 7,000</del>	<u>\$37,000.00</u>
iv. 1 1/2" water tap*	<del>\$ 9,000</del>	<u>\$50,000.00</u>
v. 2" water tap *	<del>\$10,500</del>	<u>\$86,000.00</u>

\* These taps shall be subject to a minimum fee as shown in this tap fee schedule and shall be required to submit a water demand analysis for the proposed project. The Building Official shall require an increased fee as indicated by the demand analysis.

**Section 3.** This Ordinance shall take effect immediately upon final adoption.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY THIS 20TH DAY OF APRIL 2022.

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 THIS 18TH DAY OF MAY 2022.

TOWN OF RICO, COLORADO

\_\_\_\_\_  
Nicole Pieterse, Mayor

ATTEST:

\_\_\_\_\_  
Anna Wolf, Town Clerk

Effective Date: May 18, 2022

**TOWN OF RICO  
DOLORES COUNTY, COLORADO  
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.org](http://www.ricocolorado.org)**

To: Rico Board of Trustees

5/13/2022

From: Town Staff

RE: Application for Amendments to the Rico Land Use Code (RLUC) - Short Term Rentals, Ordinance No. 2022-05, An Ordinance of the Town of Rico, Colorado Establishing a Licensing Process for Short-Term Rentals and Amending the Rico Land Use Code to Remove Short-Term Rentals from Special Use Permit Review

Board of Trustees:

Included in your packet is Ordinance No. 2022-05, which would establish a licensing process for short-term rentals and amend the Rico land Use Code to remove short-term rentals from special use permit review. The Board of Trustees reviewed a draft version of the ordinance during the April 20<sup>th</sup> meeting and provided legal feedback that has been included in this ordinance. Since then and pursuant to RLUC 416.1 this ordinance was reviewed by the Planning Commission on May 11, 2022. Their recommendation to the board was to approve the ordinance with modifications.

**Motion**

To recommend to the Board of Trustees to approve an ordinance 2022-05 of the town of Rico, Colorado establishing a licensing process for short-term rental and amending the Rico Land Use Code to remove short-term rentals from special use permit review with the following modifications considering whether 454.2 and 454.3b commercial and historic commercial are appropriate. Considering parking limitation as stated in section 455.1 we recommend a 2-vehicle limitation and in section 453.1 changing the radius of the local contact person to 30 minutes and removing whereas statement about the moratorium.

**Moved by** Cristal Hibbard, Second by Mike Contillo.

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

The ordinance would amend the Rico Land Use Code (“RLUC”) to remove short-term rentals from the special use permit framework and allow short-term rentals as a use-by-right subject to a two-year, renewable license and operational rules by establishing a set of Short-Term Rental Regulations.

The Short-Term Rental Regulations would impose a cap on the total number of short-term rental dwelling units in the Town equal to 7% of the Town's total housing units. However, short-term rental dwelling units in the Commercial and Historic Commercial zone districts would not count towards this cap.

The Regulations would also adopt a quadrant system dividing the town into NW, NE, SE, and SW quadrants, and would distribute the total number of short-term rental units between the quadrants equally. Thus, the Regulations would create caps for each quadrant based on the overall cap for the Town.

Currently, the Colorado Demography Office lists 226 total housing units in Rico. Seven percent of 226 is 16 short-term rental units (rounded up from 15.82). Thus, four short-term rental units would be allowed per quadrant of Town. The eight existing short-term rental special use permits are distributed as follows:

- NW: 1
- NE: 6
- SW: 1
- SE: 0

The Short-Term Rental Regulations would also provide that, where new or renewal license applications during an application cycle would lead to a number of short-term rentals that exceeds the cap for any quadrant or for the Town overall, a lottery system will be used to award licenses.

The Regulations would contain additional provisions regarding owner responsibilities, operation, and penalties, as well as procedures for license issuance, renewal, and revocation.

The modifications proposed by the planning commission have been include in this ordinance.

Please review these proposed changes for compliance with the RLUC amendment standards provided in Section 418 of the RLUC.

### Discussion of RLUC Amendment Requirements and Standards

#### Section 414: Application for Amendment Requirements

- 414.1: Applicant is the Town of Rico Staff and the Rico Planning Commission
- 414.2: The requested changes are summarized in this cover letter and shown in Exhibit A to Ordinance 2022-05. These changes are general in nature and apply to all properties in the Town.
- 414.3: Not applicable.

- 414.4: Not applicable.
- 414.5: Not applicable.
- 414.6: Not applicable.
- 414.7: Not applicable.
- 414.8: This letter provides the applicable application information.
- 414.9: See above for an explanation of the rationale for the amendment request and see below for additional explanation.
- 414.10: Not applicable.

#### Section 418: Standards for Review of Amendment Applications

*The board of trustees shall find that either standard 418.1 is met or that standards 418.2 through 418.4 are met prior to recommending approval of the amendment.*

418.1. The existing Zone District classification or desired Master Plan land use was adopted in error; or,

- *Not applicable.*

418.2. the proposed Amendment is compatible with the land uses in the surrounding area; and,

- *The proposed amendments will allow the Town to more effectively regulate short-term rentals and ensure that the operation of short-term rentals is consistent with surrounding land uses in the Town.*

418.3. the proposed Amendment will serve a community need and thereby promote the public health, safety, or welfare of the Rico community and the public services and infrastructure are adequate to meet the needs of the proposed Amendment; and,

- *The proposed amendments serve the needs of the Town. The amendments will update the regulation of short-term rentals in the Town to address the issues raised in a recent work session. The amendments will also provide additional structure and clarity regarding the operation of short-term rentals in the Town and will help ensure that short-term rentals contribute the appropriate taxes and fees to the Town.*

418.4. the proposed Amendment is consistent with the purposes of the RLUC and the goals and objectives of the Rico Regional Master Plan.

- *The proposed amendments support the purposes of the RLUC, including to “preserve and enhance the integrity, stability and livability of residential neighborhoods.”*

Suggested motions:

- I move approve the first reading Ordinance No. 2022-05, An Ordinance of the Town of Rico, Colorado Establishing a Licensing Process for Short-Term Rentals and Amending the Rico Land Use Code to Remove Short-Term Rentals from Special Use Permit Review
- I move approve the first reading Ordinance No. 2022-05, An Ordinance of the Town of Rico, Colorado Establishing a Licensing Process for Short-Term Rentals and Amending the Rico Land Use Code to Remove Short-Term Rentals from Special Use Permit Review:
  - [state any recommended modifications to the draft ordinance]



**TOWN OF RICO  
ORDINANCE NO. 2022-05**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO  
ESTABLISHING A LICENSING PROCESS FOR SHORT-TERM  
RENTALS AND AMENDING THE RICO LAND USE CODE TO REMOVE  
SHORT-TERM RENTALS FROM SPECIAL USE PERMIT REVIEW.**

**WHEREAS**, the Town of Rico, Colorado (“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; and

**WHEREAS**, The Board of Trustees of the Town (“Board”) recognizes the potential for increasing impacts to the community as a result of a rise in short-term and vacation rentals; and

**WHEREAS**, the Board adopted Ordinance 2011-3 on June 15, 2011 amending the Rico Land Use Code (“RLUC”) to allow short-term rentals in residential areas pursuant to a special use permit; and

**WHEREAS**, the Board convened a work session on March 7, 2022 to receive public input and discuss the regulation of short-term rentals in the Town; and

**WHEREAS**, the Rico Planning & Zoning Commission has considered the amendments to the RLUC contained in this Ordinance, conducted a duly noticed public hearing regarding the amendments at its May 11 meeting, and recommended the Board adopt the amendments; and

**WHEREAS**, in accordance with the Rico Regional Master Plan’s goals of preserving small town character while maintaining livability, the Town desires to minimize the adverse effects of short-term rentals on residential neighborhoods and the supply of housing in the Town; and

**WHEREAS**, the Board desires to amend Section 221 of the RLUC to remove short-term rental dwelling units from the list of Residential Uses by Special Use Permit Review and amend Sections 220, 240, 250, 270, and 280 of the RLUC to add short-term rental dwelling units to the list of Uses Permitted by Right for Residential (R), Historic Commercial (HC), Commercial (CM), Residential Planned Unit Development (RPUD), and Commercial Planned Unit Development (CPUD) zone districts, subject to the Sections of the RLUC requiring a license and compliance with standards for operation; and

**WHEREAS**, the Board desires to add new sections to the RLUC to create a licensing procedure and regulations for the operation of short-term rental dwelling units in the Town; and

**WHEREAS**, the Board finds and declares that the amendments to the RLUC regarding short-term rentals set forth herein are 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 Rico Land Use Code shall be and is hereby amended as set forth in **Exhibit A** to this Ordinance, incorporated by reference hereto.

**Section 3.** 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 THIS 18TH DAY OF MAY 2022.

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 THIS \_\_\_\_ DAY OF JUNE 2022.

TOWN OF RICO, COLORADO

\_\_\_\_\_  
Nicole Pieterse, Mayor

ATTEST:

\_\_\_\_\_  
Anna Wolf, Town Clerk

Effective Date: \_\_\_\_\_, 2022

## EXHIBIT A

### AMENDMENTS TO THE RICO LAND USE CODE

Additions shown in double underline; deletions shown in ~~striketrough~~.

#### **220. RESIDENTIAL (R) ZONE DISTRICTS - USES PERMITTED BY RIGHT**

Single family dwellings, accessory dwelling units, accessory buildings and uses, including home occupation, and short-term rental dwelling units subject to the licensing procedures and regulations in Sections 450-457.

#### **221. RESIDENTIAL USES BY SPECIAL USE PERMIT REVIEW**

~~A. Short-term rental dwelling units/accommodations, excluding hotels, condominium hotels, bed and breakfasts, motels, lodges, boarding houses and rooming houses.~~

AB. Daycare facilities, schools and churches.

#### **240. HISTORIC COMMERCIAL (HC) ZONE DISTRICT - USES PERMITTED BY RIGHT**

Commercial, religious institution, fire house, school, and residential, including multi-family, apartments, town homes, ~~and condominiums,~~ and short-term rental dwelling units subject to the licensing procedures and regulations in Sections 450-457. All uses permitted by right must be conducted primarily out of a structure that meets the requirements of this RLUC.

#### **250. COMMERCIAL (CM) ZONE DISTRICT - USES PERMITTED BY RIGHT**

Commercial and residential, including multi-family, apartments, town homes, ~~and condominiums,~~ and short-term rental dwelling units subject to the licensing procedures and regulations in Sections 450-457. All uses permitted by right must be conducted primarily out of a structure that meets the requirements of this RLUC.

## **270. RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) ZONE DISTRICT – USES PERMITTED BY RIGHT**

Single-Family, duplex, triplex, accessory dwelling use, ~~and~~ home occupation, and short-term rental dwelling units subject to the licensing procedures and regulations in Sections 450-457.

## **280. COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONE DISTRICT – USES PERMITTED BY RIGHT**

Single family dwellings, duplexes and triplexes, accessory structures and uses, including home occupation, commercial, light industrial, and short-term rental dwelling units subject to the licensing procedures and regulations in Sections 450-457. All uses permitted by right must be conducted primarily out of a structure that meets the requirements of this RLUC.

## **450. SHORT-TERM RENTAL LICENSE REQUIRED**

It shall be unlawful to operate a short-term rental dwelling unit, as defined in Section 910, within the Town until the Town has issued a short-term rental license under the provisions of the RLUC contained in Sections 450-457, as amended (the “Short-Term Rental Regulations”).

## **451. PURPOSE**

The Town of Rico recognizes that there are benefits to allowing owners of residential units within the Town to rent their dwelling units for periods of time less than thirty (30) days. Short-term rental of dwelling units brings additional visitors to the Town, can allow owners to recoup housing costs, and provides revenues for the Town through the additional tax collections. The provision of short-term rentals offers additional diversification to the accommodations market. However, due to the potential for adverse impacts, the Town wishes to regulate short-term rentals to protect the health, safety, and welfare of owners, residents, neighbors, and visitors.

## **452. APPLICABILITY**

452.1 The Short-Term Rental Regulations shall apply to any residential dwelling unit within the Town. The Short-Term Rental Regulations are applicable within a Planned Unit Development unless the short-term rental of property is specifically identified as a prohibited use by the Planned Unit Development.

452.2 The Town is not a party to and does not enforce any private covenants. Private covenants may restrict the ability for owners to engage in short-term rentals.

452.3 Unless otherwise stated or modified, the Short-Term Rental Regulations, including owner responsibilities, operation standards, penalties, and enforcement, shall apply to

existing short-term rental dwelling units authorized by a special use permit prior to the date of adoption of the ordinance enacting these regulations. Any short-term rental dwelling unit authorized by special use permit prior to the date of these regulations must comply with any conditions imposed on the special use permit at the time of issuance. A short-term rental dwelling unit authorized by special use permit shall be considered an existing non-conforming use under Section 208. Under Section 208.4, discontinuance and abandonment of the non-conforming short-term rental use exists when the owner of the short-term rental dwelling unit fails to remit lodging tax to the Town for a period of twelve (12) months, when the owner transfers ownership of the short-term rental dwelling unit, or if the owner applies for a short-term rental license under the procedures in Section 456.

### **453. OWNER RESPONSIBILITIES**

453.1 The owner of the short-term rental dwelling unit shall designate a natural person located within a thirty-minute driving distance of the short-term rental who is available twenty-four (24) hours per day, seven (7) days per week, to serve as the local responsible party for the short-term rental and to immediately respond to any issues arising from the short-term rental. The designated responsible party may be the owner of the property. The owner shall notify the Town in writing of the designation of the responsible party within five (5) days of such designation or modification of any such designation.

453.2 The owner or responsible party shall collect and pay all applicable local, state, and federal taxes including sales, lodging, and excise taxes as applicable.

453.3 The owner or responsible party is responsible for ensuring the short-term rental meets all applicable local, state, and federal regulations. This includes compliance with the RLUC and, for example C.R.S. § 38-45-101 et seq., as amended, which requires carbon monoxide alarms in residential properties.

453.4 The owner or responsible party is responsible for obtaining all required licenses in accordance with the Town of Rico's business licensing ordinances.

### **454. LOCATION, USE, AND OCCUPANCY RESTRICTIONS**

454.1 Occupancy limitations of a short-term rental dwelling unit shall be established by the Town's building code, as determined by the Town's building inspector, and shall be indicated on the short-term rental license.

454.2 In residential zone districts, in a multi-family building under single ownership, or for properties with an accessory dwelling unit, no more than one (1) unit may be licensed as a short-term rental, provided the use restrictions in Section 454.3 are met.

454.3 The total number of short-term rental dwelling units shall be limited to seven percent (7%) of the Town's total housing units as determined by the Colorado State

Demography Office and updated from time to time. This percentage limit may be amended by the Board of Trustees by ordinance.

- (a) In addition, the available number short-term rental dwelling units shall be distributed into four quadrants, assuming an approximately equal number of housing units per quadrant. The quadrants shall be as follows:
  - (i) Northwest: North of W. Campbell Street and West of S. Glasgow Ave.
  - (ii) Northeast: North of E. Mantz Ave and East of S. Glasgow Ave.
  - (iii) Southeast: South of E. Mantz Ave and East of S. Glasgow Ave.
  - (iv) Southwest: South of W. Campbell Street and West of S. Glasgow Ave.
- (b) In addition, in residential zone districts, no short-term rental dwelling unit shall be issued a license in a property immediately adjacent to a property that contains a short-term rental dwelling unit. "Immediately adjacent," for the purposes of this section, means that the properties share at least 25 feet of contiguous boundary line.
- (c) The limitations on location and total number of short-term rental units in this Subsection 454.3 shall include existing short-term rental dwelling special use permits existing as of the date of the ordinance adopting these Short-Term Rental Regulations.

454.4 Short-term rental dwelling units in the Commercial (CM) or Historic Commercial (HC) zone districts shall not count towards the total number of short-term rental dwelling units in Section 454.3 above.

## **455. OPERATION**

455.1 All vehicles associated with the short-term rental use shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks. Unless otherwise requested by the license applicant and specified in the license, two parked vehicles shall be allowed per short-term rental dwelling unit, and the vehicles shall display a parking permit with the license number of the short-term rental at all times when parked.

455.2 The owner shall be responsible for ensuring that the short-term rental complies with Town of Rico garbage, refuse, and trash collection standards. The owner and local responsible party shall arrange for proper garbage, refuse, and trash collection. The owner and local responsible party shall arrange for snow removal on the sidewalks and driveways associated with the short-term rental.

455.3 The following information must be posted in a prominent and visible location in the short-term rental:

- (a) Town of Rico business license and short-term rental license;
- (b) Contact information for owner and/or local responsible party, including phone number for twenty-four-hour response to emergencies;
- (c) Notice of any fire ban in effect in the Town;
- (d) Description of location of fire extinguishers and emergency egress; and
- (e) Any other information deemed necessary by the Town Manager or Building Official to ensure the public's health and safety.

455.4 All advertising of a short-term rental, including advertising on website vacation booking sites, shall display the Town of Rico short-term rental license number and business license number.

#### **456. LICENSE PROCEDURES**

456.1 Application Requirements. The owner shall submit the application on the form provided by the Town and shall pay the application fee. The application fee shall be \$2500 for an initial application and \$1500 for a renewal application (including renewals pursuant to the lottery system). Applications for a short-term rental license starting on January 1 shall be submitted to the Town no later than August 1 of the preceding calendar year.

456.2 Application Review, Referral, and Appeal. The Town Manager, in consultation with the Town Planner, shall review applications for short-term rental licenses for compliance with these regulations. The Town shall review applications during the month of August and shall issue license decisions no later than September 15. If the application is in conformity with the Short-Term Rental Regulations, the Town Manager shall issue a short-term rental license. The Town Manager may, in his or her sole discretion, refer an application to the Board of Trustees if the application raises issues on which the Board's input is necessary or desirable. If the application is not approved and the license is not issued, the Town Manager shall state in writing the reason(s) for the denial of the license. The applicant may appeal the Town's denial to the Board of Trustees within thirty (30) calendar days of issuance of the written denial decision.

456.3 Issuance and Term of License. All short-term rental units, except short-term rental dwelling units for which the Town has issued a special use permit as of the date of the ordinance adopting these regulations, shall require a license from the Town. Such license shall only be issued after the short-term rental application has been approved in accordance with the Municipal Code. The short-term rental license shall specify any terms and

conditions of the license. All licenses shall be issued to the owner of the property. No natural person or business entity shall be issued more than one short-term rental license, nor shall the owner of an existing short-term rental dwelling unit as of the date of adoption of these regulations be issued a license for an additional short-term rental. Licenses shall not transfer with the transfer of property to a new owner: a change in ownership of the property shall necessitate a new application and issuance of a new license. Licenses shall be issued for a period of two (2) years starting on January 1 and shall automatically expire on December 31 of the second year.

456.4 Lottery System. If the number of new or renewal license applications submitted for an application cycle would lead to a total number of short-term rental units in excess of the number allowed in Section 454.4 (including the total number allowed for any quadrant of the Town), the Town Manager shall issue licenses by random lottery. Such lottery shall not provide a preference to renewal applications over new applications. The Town shall refund the application fees, except for an administrative fee of \$50 which shall be retained by the Town, for applications not issued pursuant to a lottery.

456.5 Neighborhood Notification. Upon issuance of a short-term rental license, the property owner shall be responsible for mailing public notification of the license to owners of all real property within two hundred fifty (250) feet of any boundary or edge of the subject property or parcel. The property owner shall provide certification to the Town Manager that proper notice has been provided, including a signed affidavit.

456.6 Revocation of License. A short-term rental license may be revoked at any time by the Board following a hearing if the Town determines that the property is not being operated in compliance with this Short-Term Rental Regulations or any other Town ordinance. A short-term rental license shall be revoked automatically upon the property owner's third conviction in Rico Municipal Court of a violation of any provision in these Short-Term Rental Regulations with respect to the short-term rental. An applicant whose short-term rental license has been revoked within the last two years shall not be allowed to apply for a new or renewal short-term rental license.

456.7 Tax Collection. A license holder who fails to collect any applicable taxes on a short-term rental, including but not limited to lodging tax, during the license period shall not be allowed to renew the license for the next two-year license cycle. Owners shall present documentation demonstrating the collection and remittance of taxes to the Town as part of the license renewal application.

## **457. PENALTIES AND ENFORCEMENT**

457.1 Penalties for Violations. Any violation of the Short-Term Rental Regulations shall be subject to a fine of two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for the second offense, seven hundred fifty dollars (\$750.00) for the third



offense, and one thousand dollars (\$1,000.00) for the fourth offense and all subsequent offenses. Each day's continuing violation shall be a separate and distinct offense.

457.2 Taxes Owed. In addition to the fine amounts stated in Section 457.1, any owner or operator of a short-term rental dwelling unit, including unauthorized owners operating a short-term rental without a license in violation of the Short-Term Rental Regulations, shall pay all unpaid taxes, including lodging tax, owed to the Town and interest thereon calculated at a rate of ten percent (10%) per year. The amount of outstanding tax owed shall be separate from the amount of the fine.

457.3 Inspection and Audit. The Town has the right to inspect any short-term rental dwelling unit after giving forty-eight (48) hours' notice to the property owner and designated responsible party to verify compliance with the Short-Term Rental Regulations. The Town has the right to require an audit of any short-term rental owner's records concerning the operation of the short-term rental, to include occupancy rates, prices, revenues generated, and taxes remitted. The short-term rental owner shall be responsible for the cost of any audit.

**TOWN OF RICO**  
**DOLORES COUNTY, COLORADO**  
**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.org](http://www.ricocolorado.org)

To: Rico Board of Trustees

5.13.2022

From: Town Staff

RE: Application for Amendments to the Rico Land Use Code (RLUC), Ordinance No. 2022-06, An Ordinance of the Town of Rico, Colorado Amending the Rico Land Use Code Fee Schedule, and Review Process for Subdivision Applications

Board of Trustees:

You will find included in your packet is Ordinance No. 2022-06, which contains staff-initiated amendments to the RLUC. This set of amendments is intended to aid in strengthening some of the timelines and processes within the Conceptual, Preliminary and Final plat processes, and to update the fee schedule. Pursuant to RLUC 416.1 this ordinance was reviewed by the Planning Commission on May 11, 2022. Their recommendation to the board was to approve the ordinance.

**Motion**

To recommend to the Board of Trustees to approve an ordinance 2022-06 of the town of Rico, Colorado amending the Rico Land Use Code fee schedule and review process for the subdivision applications

**Moved by** Andrew Romanyshyn, Second by Gerrish Willis.

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

The Preliminary plat process is now proposing to incorporate a supplemental review step of having the Town Board review recommendations from the Planning Commission during the Preliminary plat approval phase and requiring Town Board approval of the Preliminary Plat. This step will allow the Town Board to make adjustments to the preliminary plat approval for review by the Planning Commission during final plat approval and will ensure that the Town Board is aware of subdivision applications in advance of the Final Plat approval.

The main reason for this process change is to enable the Planning Commission and the Town Board to communicate and collaborate throughout an approval process so that staff can have open communication and transparency for the best result for the town and the applicant.

- <sup>55</sup> The amendments also include other small adjustments to the subdivision review procedures, including adding time periods for completeness review, the ability to continue hearings to allow time to address referral comments or complex issues, and clarifying the Preliminary Plat standards.

Additionally, Appendix A has been updated to reflect amendments to the fee schedule to aid in meeting town expenses more accurately.

Noted Sections for proposed changed are RLUC sections:

522.2, 522.3, 528.1, 532, 538.1, 538.3, 542, 546.1, 548, 562.1, and Appendix A.

### Discussion of RLUC Amendment Requirements and Standards

#### Section 414: Application for Amendment Requirements

- 414.1: Applicant is the Town of Rico Staff and the Rico Planning Commission
- 414.2: The requested changes are summarized in this cover letter and shown in Exhibit A to Ordinance 2022-06. These changes are general and procedural in nature and do not pertain to a specific property.
- 414.3: Not applicable.
- 414.4: Not applicable.
- 414.5: Not applicable.
- 414.6: Not applicable.
- 414.7: Not applicable.
- 414.8: This letter provides the applicable application information.
- 414.9: See above for an explanation of the rationale for the amendment request and see below for additional explanation.
- 414.10: Not applicable.

#### Section 418: Standards for Review of Amendment Applications

*The Board of Trustees shall find that either standard 418.1 is met or that standards 418.2 through 418.4 are met prior to recommending approval of the amendment.*

418.1. The existing Zone District classification or desired Master Plan land use was adopted in error; or,

- *Not applicable.*

<sup>56</sup> 418.2. the proposed Amendment is compatible with the land uses in the surrounding area; and,

- *The proposed amendments add additional time for review and review by the Board of Trustees to ensure that proposed subdivisions are compatible with surrounding land uses.*

418.3. the proposed Amendment will serve a community need and thereby promote the public health, safety, or welfare of the Rico community and the public services and infrastructure are adequate to meet the needs of the proposed Amendment; and,

- *The proposed amendments serve the needs of the Town. The amendments will update the fee schedule so that the Town the costs of application review are adequately covered by applicants. The amendments will also provide additional time and flexibility in the review process for subdivision applications, which Town Staff and Planning Commission requires to effectively process complex applications.*

418.4. the proposed Amendment is consistent with the purposes of the RLUC and the goals and objectives of the Rico Regional Master Plan.

- *The proposed amendments support the purposes of the RLUC, including to “provide a procedure which can relate the type, design and layout of residential development to the particular site,” and “establish a clear, consistent, predictable and efficient land development process.”*

Recommended motions:

- I move to approve the first reading Ordinance No. 2022-06, An Ordinance of the Town of Rico, Colorado Amending the Rico Land Use Code Fee Schedule, and Review Process for Subdivision Applications.
- I move to approve the first reading Ordinance No. 2022-06, An Ordinance of the Town of Rico, Colorado Amending the Rico Land Use Code Fee Schedule, and Review Process for Subdivision Applications:
  - [state any recommended modifications to the draft ordinance]

**TOWN OF RICO  
ORDINANCE NO. 2022-06**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING  
THE RICO LAND USE CODE FEE SCHEDULE AND REVIEW PROCESS  
FOR SUBDIVISION APPLICATIONS.**

**WHEREAS**, the Town of Rico, Colorado (“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; and

**WHEREAS**, The Board of Trustees of the Town (“Board”) recognizes the need to amend the Rico Land Use Code (“RLUC”) so that the Town can more effectively review land use and development applications and recover the related costs and expenses; and

**WHEREAS**, The Rico Planning Commission may propose changes and amendments to the RLUC which are in the public interest pursuant to RLUC Sec. 412; and

**WHEREAS**, The RLUC may be amended by adoption of an ordinance by the Board of Trustees of the Town of Rico (“Board”) after a public hearing and after the Rico Planning Commission conducts a public hearing on the amendments and makes a recommendation to the Board of Trustees; and

**WHEREAS**, the Rico Planning Commission has considered the amendments to the RLUC contained in this Ordinance, conducted a duly noticed public hearing regarding the amendments at its May 11 meeting, and recommended the Board adopt the amendments; and

**WHEREAS**, the Board has determined that the amendments contained in Exhibit A, attached hereto and incorporated by reference, meet the standards for review contained in Sec. 418 of the RLUC because the amendments are compatible with land uses in the Town; the amendments will serve a community need and thereby promote the public health, safety, or welfare of the Rico community and the public services and infrastructure are adequate to meet the needs of the proposed amendments; and the proposed Amendment is consistent with the purposes of the RLUC and the goals and objectives of the Rico Regional Master Plan; and

**WHEREAS**, the Board finds and declares that the amendments to the RLUC set forth herein are 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 hereinabove are hereby adopted as findings and incorporated herein.

**Section 2.** The Rico Land Use Code shall be and is hereby amended as set forth in **Exhibit A** to this Ordinance, incorporated by reference hereto.

**Section 3.** 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 THIS 18TH DAY OF MAY 2022.

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 THIS \_\_\_\_ DAY OF JUNE 2022.

TOWN OF RICO, COLORADO

\_\_\_\_\_  
Nicole Pieterse, Mayor

ATTEST:

\_\_\_\_\_  
Anna Wolf, Town Clerk

Effective Date: \_\_\_\_\_, 2022

## EXHIBIT A

### AMENDMENTS TO THE RICO LAND USE CODE

Additions shown in double underline; deletions shown in ~~striketrough~~.

#### 522. OVERVIEW OF CONCEPTUAL PLAN PROCEDURES

\*\*\*

522.2. Sitewalk, Worksession. After a Conceptual Plan application is submitted to the Town Planner, the Town Planner shall review and determine within 30 days whether the application is complete. If the application is incomplete, the Applicant shall be required to resubmit a complete application. After the Town Planner determines that the Conceptual Plan application is complete, a complete Conceptual Plan application is submitted to the Town Planner, the Planning Commission Chairperson and Town Planner shall schedule a date for receipt and review of the Conceptual Plan application on the next available Planning Commission agenda. Review of the Conceptual Plan may involve a site walk and work session with the Applicant. An initial worksession may be requested by the Town Planner, Planning Commission Chairperson, or the Applicant. A public hearing and review decision action item will be scheduled within thirty five (35) days after an initial worksession unless a later date or general continuance is mutually agreed upon by the Applicant. If a worksession is not desired, then a public hearing for Conceptual Plan review may be scheduled for the first meeting with the Planning Commission. The public hearing and review decision action item may be continued for an additional period not to exceed sixty (60) days after the initial worksession, or determination that a worksession is not desired, if the Town Planner or Planning Commission determines that additional time is necessary to incorporate comments from review agencies pursuant to Section 522.3.

522.3. Review by Other Agencies. At the worksession, the Planning Commission or Town Planner may decide to send the Application to any appropriate review agency, including, but not limited to: Colorado Department of Health, Division of Minerals and Geology, Colorado Geologic Survey, Division of Wildlife, Department of Transportation, U.S. Forest Service, the U.S. Army Corps. of Engineers, and the Town Engineer. If a worksession is not desired, the Town Planner may send the Application to any appropriate review agency after determining whether the application is complete.

\*\*\*

528.1. Planning Commission Review: The Rico Planning Commission shall review the Conceptual Plan and all supporting documents and information and shall review all comments taken at the public hearing and all comments taken from other reviewing agencies. The Planning Commission shall approve, approve with conditions, or deny the

Conceptual Plan Application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue its review decision if mutually agreed upon by the Applicant and the Planning Commission, or if in the judgment of the Planning Commission and Town Staff the issues presented in the Conceptual Plan require additional time for review.

## **532. OVERVIEW OF PRELIMINARY PLAT APPROVAL PROCEDURES**

\*\*\*

After the Conceptual Plan is approved and a ~~complete~~ Preliminary Plat Approval application is submitted to the Town, the Town Planner shall review and determine within 30 days whether the application is complete. If the application is incomplete, the Applicant shall be required to resubmit a complete application. After the Town Planner determines that the Conceptual Plan application is complete, copies of the Preliminary Plat Approval application shall be forwarded to all appropriate agencies for their review and comment and the Town Manager and/or Planner shall schedule a date for official receipt and review of the Preliminary Plat ~~on the next available~~ a Planning Commission agenda within the next sixty (60) days. The Planning Commission review date may be continued for an additional period if in the judgment of the Planning Commission and Town Staff additional time is required to address comments from reviewing agencies pursuant to Section 538.2.

\*\*\*

## **538. PRELIMINARY PLAT REVIEW**

- 538.1. Planning Commission Review and Board of Trustees Approval: The Rico Planning Commission shall review the Preliminary Plat and all supporting documents and information at a public hearing and shall review all comments taken at the public hearing and all comments taken from other reviewing agencies. The Planning Commission Board shall recommend that the Board of Trustees approve, approve with conditions, or deny the Preliminary Plat Application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue its review ~~decision~~ if mutually agreed upon by the Applicant and the Planning Commission, or if in the judgment of the Planning Commission and Town Staff the issues presented in the Preliminary Plat require additional time for review. After the Planning Commission issues its recommendation on the Preliminary Plat application, the Board of Trustees shall review the application at a regularly scheduled Board of Trustees meeting within the next forty-five (45) days. The



Board of Trustees shall hold a public hearing on the application and shall approve, approve with conditions, or deny the Preliminary Plat application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America.

\*\*\*

538.3. Standards: This paragraph sets forth the standards for Preliminary Plat Review. The Planning Commission and Board of Trustees shall cite specific standards when recommending or imposing conditions on approval, or denying, a Preliminary Plat ~~Approval~~ application.

A. The Preliminary Plat shall conform in all major respects to the Conceptual Plan as previously reviewed and approved by the Planning Commission and shall address any conditions imposed at the Conceptual Plan stage.

B. The Preliminary Plat and other engineering related materials, including proposed mitigation plans, are reviewed and approved, or approved with reasonable modifications, by the Town Engineer;

C. The Preliminary Plat shall meet the Minimum Subdivision Standards for subdivision design in Section 550, including standards for landscape preservation (550.1), lots (550.2), and streets (552.1).

~~CD.~~ All comments from other reviewing agencies have been reviewed by appropriate Town Staff, and the Planning Commission, and the Board of Trustees and all comments are addressed and resolved by the Planning Commission and the Board of Trustees.

\*\*\*

## **542. OVERVIEW OF FINAL PLAT APPROVAL PROCESS**

\*\*\*

After Preliminary Plat Approval has been obtained and a ~~complete~~ Final Plat Approval Application is submitted to the Town's Planning Staff, the Town Planner shall review and determine within 30 days whether the application is complete. If the application is incomplete, the Applicant shall be required to resubmit a complete application. After the Town Planner determines that the Final Plat application is complete, the Planning Commission Chairperson and the Town Planning Staff shall schedule a date for receipt and review of the Final Plat on the next available Planning Commission agenda.

\*\*\*

## 546. FINAL PLAT REVIEW

546.1. Review: The Rico Planning Commission shall review the Final Plat, all supporting documents, information, and public comments taken at a public hearing and within thirty-five days of the Town's determination that the Final Plat application is complete. ~~submission of the Final Plat.~~ The Planning Commission shall approve, approve with conditions, or deny the Final Plat based upon compliance with the standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue Final Plat review if mutually agreed upon by the Applicant and the Planning Commission, or if in the judgment of the Planning Commission and Town Staff the issues presented in the Final Plat require additional time for review.

\*\*\*

## 548. BOARD OF TRUSTEES APPROVAL

Review: After the Planning Commission approves, or approves with conditions, the Final Plat, the Board of Trustees of the Town of Rico shall act on the Final Plat within thirty-five (35) days of the later of the Planning Commission approval or date of receiving revised Final Plat materials from the Applicant that are determined by the Town Planner to be complete. The Board of Trustees shall approve, approve with conditions, or deny, the Final Plat based upon compliance with the standards in 546.2. The Board may continue Final Plat review if in the judgment of the Board and Town Staff the issues presented in the Final Plat require additional time for review.

## 562. TIMING FOR APPLICATION MATERIALS AND NOTICES

562.1 The Applicant shall submit all required subdivision application materials according to the schedules below. ~~The Town Manager and/or Planner may accept an application after the deadline if adequate review can still be performed.~~

A. Conceptual plan materials shall be submitted at least ~~twenty-five (25)~~ forty-five (45) days prior to a regular meeting of the Planning Commission.

B. Preliminary Plat materials shall be submitted at least ~~forty-five (45)~~ sixty-five (65) days prior to a regular meeting of the Planning Commission.

C. Final Plat materials shall be submitted at least ~~twenty-five (25)~~ forty-five (45) days prior to a regular meeting of the Planning Commission.

D. Final Plat materials shall be submitted at least ~~twenty-five (25)~~ thirty-five (35) days prior to a regular Board of Trustees meeting.

\*\*\*

Rico Land Use Code

## APPENDIX A – FEE SCHEDULE

## FEE SCHEDULE

Building Permits (new construction) = \$25.00 minimum; 15 cents per square foot of construction for structures up to and including 2,500 sq.ft.; 20 cents per square foot of construction for structures over 2,500 square feet.

Electronic Copy of Rico Land Use Code	\$	25.00
Hard Copy of Rico Land Use Code	\$	<del>75.00</del> <u>100.00</u>
Formal Interpretation of Rico Land Use Code - §408	\$	200.00
Amendments to Code and Plans * - §410	\$	500.00
Special Use Permit * - §420	\$	<del>200.00</del> <u>300.00</u>
All Variance Applications - §430	\$	<del>200.00</del> <u>300.00</u>
Development Permit for Areas of State and Local Interest * - §450	\$	400.00
Road Building * - §470	\$	350.00
Road Vacation <u>  </u> * - §480	\$	<del>250.00</del> <u>350.00</u>
Utility Improvements - §490	\$	<del>25.00</del> <u>100.00</u>
Excavation Permits - §494	\$	<del>25.00</del> <u>100.00</u>
Minor Subdivision * - Article V	\$	750.00
Subdivision * - Article V	\$	1,800.00
Planned Unit Development * - Article III	\$	<del>750.00</del> <u>1,000.00</u>
Annexation * - Article VI	\$	2,000.00
<u>Encroachment Permit * - Ord. No. 2019-02</u>	\$	<u>200.00</u>
<u>HC District Fence Permit - §243.2</u>	\$	<u>100.00</u>
<u>Special Sign Design Permit - §206.12</u>	\$	<u>100.00</u>
<u>Septic Permit * - §405.6 &amp; Ord. No. 2017-01</u>	\$	<u>400.00</u>

Hourly rate charged for any other approved contractual Town Employee review shall be determined by the Board of Trustees.

\* These applications shall be treated as pass-through accounts whereby the Applicant shall be liable for all costs of review. Additional review fees will ~~may be requested~~ paid by the Applicant where if the application requires review by an approved contractual Town employee. the initial amount designated in the Fee Schedule does not cover the cost of application review. The Town shall return the balance of any unused application review fees when the application process is complete.

DATE: May 18, 2022  
TO: Town of Rico Board of Trustees  
FROM: Karp Neu Hanlon, P.C.  
RE: Ord. No 2022-07, An Ordinance of the Town of Rico, Colorado Amending Ordinance No. 2022-02 to Adjust the Collection Schedule and Required Documentation for Lodging Tax Returns

---

For your consideration on first reading is an ordinance that would update the previous lodging tax ordinance (No. 2022-02) to (1) require returns to be submitted quarterly and (2) require vendors to submit a supporting calculation for their lodging tax with each return.

Ordinance 2022-02 was adopted earlier this year to implement the increase in lodging tax from 1% to 7% approved by the voters at the election last year. It also adopted a short set of rules regarding the collection and administration of lodging tax. This ordinance updates those rules based on staff's experience over the last several months.

First, adjusting the collection schedule from monthly to quarterly reduces administrative burdens on both the Town and lodging vendors. In the past, lodging tax was collected quarterly, and the change to monthly collection in Ordinance 2022-02 did not serve the Town well.

Additionally, requiring vendors to submit a statement of occupied nights, price per night, and a calculation of tax owed will facilitate the submission of the correct amounts of lodging tax to the Town and will enable the Town to verify and audit lodging tax submissions where necessary. Currently, the Town does not have enough information to effectively verify whether lodging taxes remitted are accurate without requesting additional information from the vendor.

If the Board of Trustees wishes to adopt the changes shown in this ordinance, a suggested motion is as follows:

- I move to approve on first reading Ordinance No. 2022-07 An Ordinance of the Town of Rico, Colorado Amending Ordinance No. 2022-02 to Adjust the Collection Schedule and Required Documentation for Lodging Tax Returns

**TOWN OF RICO  
ORDINANCE NO. 2022-07**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING  
ORDINANCE NO. 2022-02 TO ADJUST THE COLLECTION SCHEDULE  
AND REQUIRED DOCUMENTATION FOR LODGING TAX RETURNS**

**WHEREAS**, the Town of Rico, Colorado (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Rico Home Rule Charter; and

**WHEREAS**, the Board of Trustees of the Town of Rico (“Board”) has the authority to collect taxes pursuant to Section 10.4 of the Town of Rico Home Rule Charter provided that no new tax or tax rate increase shall be effective until approved, if required, pursuant to Article X, § 20 of the Colorado Constitution; and

**WHEREAS**, at the general biennial election held November 2, 2021, the electors of the Town authorized an increase in the Town’s lodging tax from 1% to 7%; and

**WHEREAS**, on January 19, 2022, the Board adopted Ordinance No. 2022-02, implementing the tax increase, repealing and replacing the Town’s existing lodging tax ordinance, and adopting collection and enforcement measures; and

**WHEREAS**, the Board determines and finds that the monthly lodging tax collection schedule adopted in Ordinance No. 2022-02 is inefficient for the Town and the administrative costs of collection are too high relative to the amount of tax collected; and

**WHEREAS**, the Board determines and finds that requiring lodging vendors to submit reasonable accounting showing the calculation of sales tax collected and remitted will facilitate the fair, consistent, and uniform collection of lodging tax; and

**WHEREAS**, the Board finds that amending the collection procedures for lodging tax will promote the welfare and best interests of the Town and desires to amend Ordinance 2022-02 accordingly.

**NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:**

**Section 1.** The recitals hereinabove are hereby adopted as findings and incorporated herein.

**Section 2.** The Board hereby amends Section 3 of Ordinance No. 2022-02, a New Ordinance for Lodging Tax as follows (deletions shown in ~~strike through~~, additions shown in double underline):

D. Collection of Tax

1. Every vendor providing accommodations taxable by this Ordinance shall collect the tax from each customer and shall remit such tax and make a return to the Town on or before the 20th day of April, July, October, and January ~~each month, on account of for~~ accommodations provided in the preceding ~~month~~ three-month period. Said return shall be in such form as the Town Manager may prescribe and shall contain a statement of the number of nights each room or premises was occupied, the base price per night per occupied room or premises, a corresponding calculation supporting the amount of tax remitted to the Town for the applicable three-month period, and any additional information as the Town may prescribe. ~~such information and be in such form as the Town may prescribe.~~
2. The burden of proving that any transaction is exempt from the tax shall be upon the vendor.
3. In the event any vendor collects more than the tax imposed by this section, such amount shall nonetheless be remitted, in full to the Town.
4. The tax collected by the vendor shall be held in trust by the vendor for the Town until remitted.
5. The vendor shall maintain, keep, and preserve suitable records of all transactions and such other books and accounts as may be necessary to determine the amount of taxes for which the vendor is liable. All such records shall be kept for at least a period of three (3) years and shall be open to inspection and audit by the Town at any reasonable time.
6. Except as otherwise provided by law, tax returns shall be kept confidential and used only for administration and enforcement purposes.

**Section 3.** This Ordinance shall take effect immediately upon final adoption.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY THIS 18TH DAY OF MAY 2022.

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 THIS 15TH DAY OF JUNE 2022.

TOWN OF RICO, COLORADO

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Nicole Pieterse, Mayor

ATTEST:

---

Anna Wolf, Town Clerk

Effective Date: June 18, 2022

**TOWN OF RICO  
ORDINANCE NO. 2022-08**

**AN EMERGENCY ORDINANCE OF THE TOWN OF RICO, COLORADO  
ENACTING A FIRE BAN IN THE TOWN, TO BE EFFECTIVE FROM  
MAY 18 TO NOVEMBER 1.**

**WHEREAS**, the Town of Rico, Colorado (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Rico Home Rule Charter; and

**WHEREAS**, the Board of Trustees of the Town of Rico (“Board”) has the authority to enact emergency ordinances for preservation of public health, welfare, peace, safety, or property, for which only one reading shall be required and which shall take effect immediately on final passage; and

**WHEREAS**, the Board finds that wildfires, forest fires, and other uncontrolled fires represent a significant threat to public health and safety and to property in the Town of Rico; and

**WHEREAS**, the Board finds and determines that human-caused wildfires and forest fires exist in neighboring municipalities and counties, as well as in neighboring states, and that drought conditions exist throughout southwestern Colorado and are forecasted to persist for the next several months; and

**WHEREAS** the Board desires to enact a set of fire restrictions for the Town of Rico that will take effect on May 18 of this year and subsequent years and shall expire on November 1 of this year and subsequent years, unless the fire restrictions are lifted before November 1 of any year in consultation with the Fire Chief by resolution of the Board; and

**WHEREAS**, the Board determines and finds that the fire restrictions set forth in this emergency ordinance are necessary for the immediate preservation of public health and safety to reduce the fire risk in the Town to the greatest extent possible.

**NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:**

**Section 1.** The recitals above are hereby adopted as findings and incorporated herein.

**Section 2.** The Board hereby adopts the following fire restrictions, which will be in effect during the period specified below in Section 3.



### Town of Rico Fire Restrictions

The following actions shall be prohibited within the Town limits of the Town of Rico, Colorado:

- i. Building, maintaining, attending, or using any open fire. An open fire is any fire in an outdoor location where the fire is not contained in an incinerator, outdoor fireplace, barbeque grill, or barbeque pit. Fires in barrels and incinerators must use an ash-restricting screen.
- ii. Using or displaying fireworks of any kind.

The following shall not be subject to the Town Fire Restrictions and shall not be prohibited when the Fire Restrictions are in effect:

- i. Operating an open fire at permanent gas-fueled fireplace locations.
- ii. Any fires contained within liquid-fueled or gas-fueled stoves and fireplaces.
- iii. Operating a stove, lantern or other device fueled by liquid petroleum or bottled fuel equipped with a valve that allows the operator to turn the flame on and off.

**Section 3.** The Town of Rico Fire Restrictions shall be in effect from May 18 to November 1 of each year. If the Board, in consultation with the Rico Fire Chief, determines that drought and fire danger conditions in the Town have subsided, the Board may lift the Fire Restrictions in this ordinance by resolution, and the Fire Restrictions shall automatically take effect again on May 18 of the next calendar year.

**Section 4.** All prior ordinances enacting fire bans or implementing fire restrictions in the Town of Rico, including but not limited to Ordinance Nos. 2021-03, 2020-02, 2013-01, and 2002-02, are hereby repealed and shall be of no force and effect.

**Section 5.** Notice of this Ordinance, the effective dates, and the status of the Fire Restrictions shall be posted on the Town's website and shall remain posted on the home page of the Town's website during the effective period of the Fire Restrictions.

**Section 6.** Any person who knowingly causes or takes any actions in violation of the Fire Restrictions in this Ordinance shall be punished by a fine not to exceed \$1,000 for each day a violation exists, or by a term of imprisonment not to exceed one year.

**Section 7.** This Ordinance shall take effect immediately upon final adoption.

THIS ORDINANCE WAS INTRODUCED, READ, APPROVED, AND ADOPTED ON FIRST READING, AND ORDERED PUBLISHED FOR INFORMATIONAL PURPOSES THIS 18TH DAY OF MAY 2022.

TOWN OF RICO, COLORADO

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Nicole Pieterse, Mayor

ATTEST:

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Anna Wolf, Town Clerk

Effective Date: May 18, 2022

May 4, 2022

The Green Room Ltd.  
11 & 15 N Glasgow Ave  
Rico, CO. 81332

Attn: The Town of Rico Board of Trustees

We, the property owners of the above addresses, have been working with the Town Manager and CDOT to request the installation of "No Parking" signs for the curbless property frontage along Glasgow Ave. Our goal is simply to keep the property accessible along its 125' of curbless frontage along with 4 garage doors facing Glasgow Ave. We are requesting your consideration for approval of this request and the associated MOU between CDOT and the TOR as well as the associated costs as presented by CDOT. We are prepared to reimburse the town for the proposed costs in the attached MOU.

Thank you,

The Green Room Ltd.

Dylan Robertson & David Fabian



**COLORADO**

**Department of Transportation**

Region 5  
Traffic & Safety  
3803 N. Main Avenue, #100  
Durango, CO 81301-4034

## Memorandum of Understanding (MOU) between Town of Rico and CDOT Regarding Signs along SH 145

Date: April 25, 2022

The Town of Rico has applied to CDOT Region 5 Traffic for the purchase and installation of No Parking signs at two locations, for two total signs. The proposed signs are located on SH145 MP 47.19; these signs are on the west side of SH 145 in front of the properties for 11 Glasgow Ave and 15 Glasgow Ave.

The Town of Rico is fully responsible for reimbursing CDOT for the original purchase of the sign materials and installation costs. CDOT will send an invoice to the Town of Rico for total costs after installation.

The Town of Rico is additionally responsible for replacement costs in the event of the signs being damaged, deterioration over time, or any other reason and will be invoiced for those costs, including installation, when needed.

CDOT is responsible for installation and in the event the signs need to be replaced, CDOT will be responsible for any re-install.

CDOT and the Town of Rico mutually agree to this arrangement of shared costs for materials and installation of the signs on SH 145. CDOT reserves the right to remove the signs at any time in the event of non-payment or if the equipment is determined to be a hazard to SH 145 motorists.

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Town of Rico

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CDOT Traffic & Safety representative

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Title

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Title



# COLORADO

## Department of Transportation

Region 5  
Traffic & Safety  
3803 N. Main Avenue, #100  
Durango, CO 81301-4034

### INVOICE

To: Town of Rico  
Date: April 25, 2022  
Subject: Sign purchase and installation SH 145  
Vendor Number: 2000392  
CDOT Work Order Number: TBD

Reimbursable Material & Installation Costs, per CDOT/Town of Rico MOU dated April XX, 2022  
for signs along SH 145

Item	Unit Cost	Quantity	Total
Sign Panel Materials	\$13/sqft	3	\$39
Sign bases, concrete, hardware, posts	n/a	1	\$464
Labor & Installation	n/a	1	\$1478
<b>TOTAL DUE AFTER INSTALLATION:</b>			<b>\$1,981</b>

The Town of Rico, per MOU agrees to pay all costs after installation via this Invoice. CDOT R5 Traffic –Sign Crew will perform installation of these signs. Installation costs are estimates only and may be adjusted in the final invoice.

Installation Locations	
Highway	Milepost
SH 145	47.19
SH 145	47.19

Please make check or remittance payable to the following:

Colorado Dept of Transportation

On the memo line note:

R5 Traffic Dept.

**\*\*A copy of this invoice must be included with payment\*\***

If you have any questions on payment, contact Alan Krajecki at 970 385-1456 for details

[Alan.Krajecki@state.co.us](mailto:Alan.Krajecki@state.co.us)

For your documentation: CDOT Tax ID # is 98-02565

Mail to:

Colorado Dept of Transportation – R5 Traffic Dept

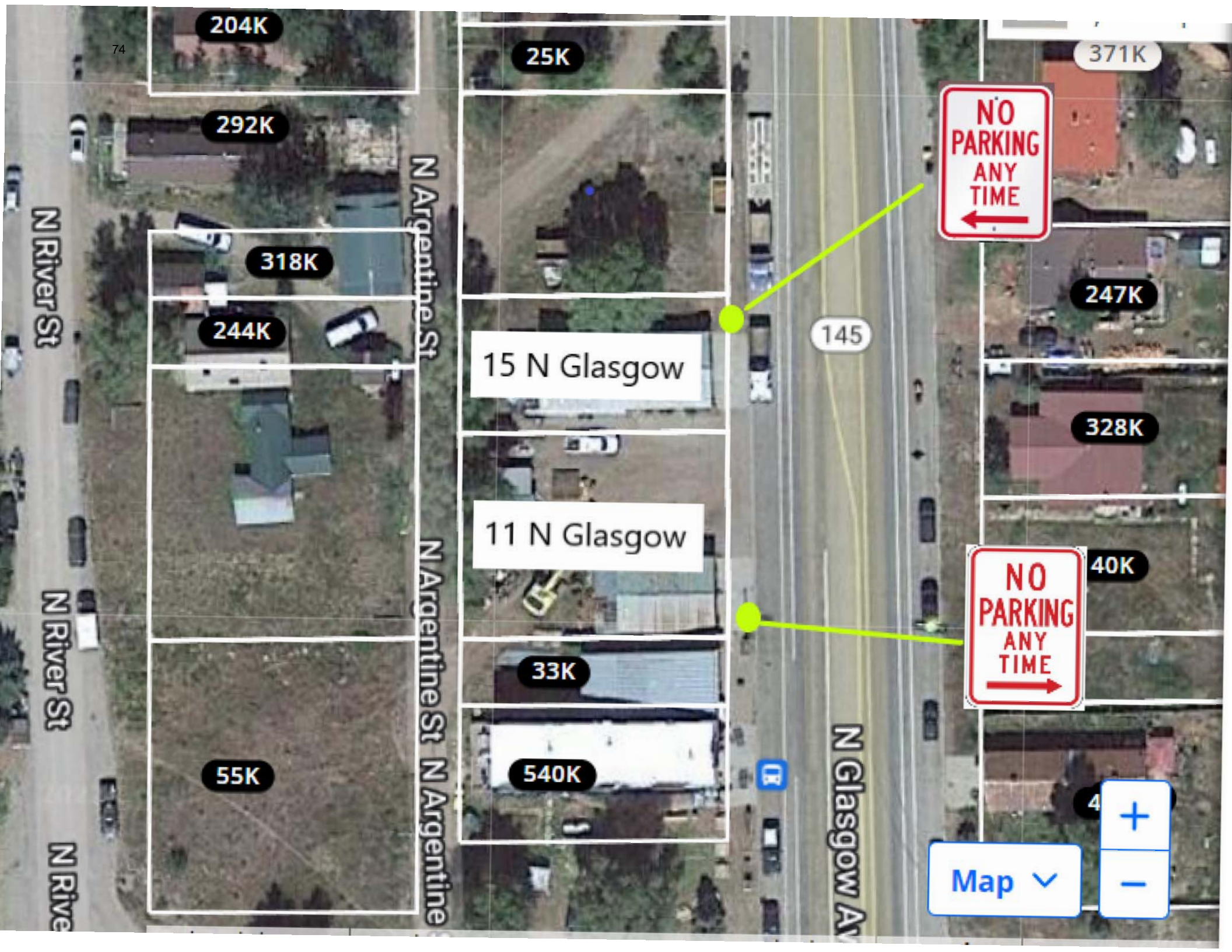
3803 North Main Ave

Ste. 100

Durango, CO 81301

Attn: April Toledo





204K

25K

371K

292K

318K

244K

247K

328K

15 N Glasgow

11 N Glasgow

33K

40K

540K

55K



Map

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