

Town of Rico Memorandum

Date: November 10, 2023

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

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

Included in this packet is ordinance 2023-06 which would amend the short-term rental restriction and licensing requirements in the Rico Land Use Code. In addition to the ordinance, a staff memo summarizing the changes, and reviewing the proposed amendment to the RLUC requirements has been provided.

This item was reviewed by the Planning Commission at their November 8, 2023 meeting and a recommendation was made:

Motion

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

- Moved by Michael Contillo, second by Andrew Romanyshyn
- Vote. A roll call vote was taken, and the motion was approved, 4-0.

Recommended Motion:

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

Consideration of first reading of Ordinance 2023-07 an ordinance of the Town of Rico, Colorado amending and extending the temporary moratorium on the acceptance of new land use applications for major or minor subdivisions, and residential or commercial planned unit developments

Included in the packet is ordinance 2023-07 which would extend the current moratorium until June 30, 2024. This ordinance amends the current moratorium. This amendment allows for consideration of applications that will not increase current water demands, whether it be a minor subdivision to vacate interior lot lines or reduce density, or a major subdivision or PUD application that has already been allocated water.

Recommended Motion:

- I move to approve the first reading of Ordinance 2023-07 an ordinance of the Town of Rico, Colorado amending and extending the temporary moratorium on the acceptance of new land use applications for major or minor subdivisions, and residential or commercial planned unit developments.

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

This application was reviewed by the planning commission at their November 8, 2023 meeting. The planning commission determined that there was more information needed and continued hearing to February 14 meeting.

Motion:

For a continuance of the road building and disturbance permit application Hancock Ally Block 18, Leah Chmielewski applicant with the following conditions:

- The applicant presents an agreement through the private property or any past records or information pertaining to the current access.
- Or a plan of access through the current right of way.
- Continuance with a date certain of February 14, 2023 with materials presented to staff by February 1, 2023.
- Moved by Michael Contillo, second by Kiplynn Smith.
- Vote. A roll call vote was taken and the motion was approved, 4-0.

The Board of Trustees should consider continuing the review of the road building and disturbance permit application until the March 20, 2024 meeting.

Recommended Motion:

- I move to continue the review of road building and disturbance permit application Hancock Alley Block 18, Leah Chmielewski applicant to a date certain of March 20, 2024.

Rico school detachment ballot initiative

Tracy Condon and Sara Lyons to provide an update on the Rico school detachment ballot initiative which was approved during the November election.

Voluntary lead soils clean up (“VCUP”) status

Tom Bloomfield to provide an update on the Voluntary lead soils clean up status. The board should discuss a date, the last week of November or first week of December, where they can convene in executive session to continue negotiations regarding the funding and settlement agreement.

2024 Budget second reading and February regular meeting dates

Colorado Statute requires that local government adopts their upcoming fiscal year budget by the 15 of December. The regular December meeting will be held on 20th, so the board will have to hold a special meeting for the consideration and second reading of Ordinance No. 2023-05, an ordinance of the Board of Trustees of the Town of Rico, Colorado adopting the year 2024 town budget; appropriating sums of money; and setting and certifying town mill levies. The town is required to notice this meeting 10 days prior. A second reading of the budget could be conducted the same night the board convenes to continue VCUP negotiations.

As discussed, a few months ago, I will be out of town during the February regular meeting date. Is there another date outside of the week of February 18 that the Board of Trustees would prefer to change the meeting to?

Construction impact mitigation rules and regulations

This was a topic of discussion at last month's meeting and the board provided feedback on the proposed draft rule and regulations that was provided in last month's packet. The proposed changes have been captured in a redline that has been included in the packet. The board should discuss whether the proposed redline accurately reflects last month's discussion. Once redlines are approved staff will work to compile definitions and create an ordinance to adopt the proposed regulations.

RICO TOWN BOARD MEETING MINUTES

Date: Oct 18, 2023

Call to Order 7:00

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

Trustees Absent:

Staff Present. Chauncey McCarthy, Anna Wolf (zoom),

Approval of the Agenda

Motion

To approve the agenda.

Moved by Trustee Benn Vernadakis, seconded by Trustee Jordan Carr.

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

Approval of Minutes

Meeting dates to be added to the agenda.

Motion

To approve the minutes from September 20, 2023.

Moved by Trustee Joe Dillsworth, seconded by Benn Vernadakis.

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

Consent Agenda

Payment of the Bills

Motion

To approve the payment of the bills.

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

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

Public Comment:

Teal Stetson-Lee: appreciates the Boards efforts. Update from the Rico Geo-thermal coalition. Going to ask for a letter of support in the next few months.

Action Items

Consideration of Proposition 123, affordable housing commitment for the Town of Rico

Chauncey McCarthy gave summary. Asking for direction for Staff.

Mayor Pro tem asks clarifying question regarding the commitment. Let a year go by to see how the program progresses.

Joe Croke is not in favor at this point.

Benn Vernadakis: for the time being this may be too much work for staff. To revisit next year.

Joe Dillsworth: Doesn't seem to have anything to lose by making the commitment. Shak has done all of the work leading up to this. Would be supportive.

Jordan: asks if there is a down side and how much work it will add to the Town manager's plate.

Chauncey: It depends on how the Board goes about it. With no Housing authority set up it may be tricky.

Jordan: in support.

Chris Condon: In support, but needs more information on the commitment that this would mean for the Town.

Nicole: In support. Doesn't want to see the Town miss an opportunity.

Could enter into an intergovernmental agreement for the Mountain village housing authority to oversee the Rico housing authority.

Benn Vernadakis expresses concern with the Town being liable if a developer goes over budget.

Public Comment:

Skip Zeller does not want lack of housing to be an issue for people in the community

Teal: in support. Many people cannot afford a home right now. There has been an increase in living expenses. Rico should define itself by looking for opportunities to make this community accessible.

Pat Fallon asks clarifying questions regarding the commitment agreement as well as the housing authority.

Motion

To move forward with our commitment for the affordable housing Proposition 123 the affordable housing commitment.

Moved by Trustee Jordan Carr, seconded by Trustee Benn Vernadakis.

Vote. A roll call vote was taken and the motion was approved, 5-2. Mayor Pro Tem Pat Fallon and Trustee Joe Croke voting no on the motion.

Consideration of a letter of support for the San Juan National Forest, Dolores Ranger District grant proposal to the Colorado Parks and Wildlife

The Mayor gives a summary.

Motion

To approve a letter of support for the San Juan National Forest, Dolores Ranger District grant proposal to the Colorado Parks and Wildlife with editorial corrections

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

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

Consideration of letter to San Juan National Forest to initiate a FERTA easement (for a section of Piedmont Road) to the Town of Rico

Town Manager Chauncey McCarthy gives summary.

Public Comment:

Helen Matzick asks clarifying question about the road in question.

Motion

To approve letter to San Juan National Forest to initiate a FERTA easement (for a section of Piedmont Road) to Dolores County.

Moved by Trustee Benn Vernadakis, seconded by Trustee Jordan Carr.

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

General Fund transfer from Dolores State Bank to C-SAFE Account

Chauncey McCarthy gives summary. A resolution in the works to enable Staff to transfer monies to the C-SAFE account based on a financial limit that should be maintained in the Dolores State bank General fund.

Chris Condon in support

Jordan Carr in support

Joe Dillsworth in support

Benn Vernadakis in support

Joe Croke in support

Pat Fallon in support of transfer. Wants to discuss the amount.

To leave \$500,000 in the Dolores state bank the rest to be transferred into the C-SAFE account.

Motion

To maintain \$500,000 in the Dolores State Bank and deposit the rest in C-SAFE pending a resolution.

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

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

Staff ReportClerk's Report

Election update. Only one petition, election will be cancelled. Pat Fallon is the only candidate that submitted a full and complete petition.

Terms to start in January and end in December for Board members and Mayor Seat.

Finishing up on finishing up Q3 including lodging tax

Computer available for Trustees in the back office.

Manager's Report

FERTA easement takes a while. There will be more in the future but will be working on this one at a time.

Fiber installation started last week.

The roads are being sampled.

Chauncey will be out of the office the week of Thanksgiving.

So far \$30,000 off the budget for the new town shop. Still working on additional savings.

Q3 closed. Every account has exceeded projected revenues. Very optimistic.

Discussion ItemsVoluntary lead soils clean up ("VCUP") update

Nicole Pieterse gives summary.

Special meeting to be held either the 16th or the 23rd of October.

Park and Recreation improvements grant update by FMP Consulting

Anais gives update. GOCO gave feedback, the suggested changes have been made. Application draft is with Town Staff for review.

Anais gives timeline for GOCO application and outcome.

The Board asked questions about other grant opportunities.

2023/24 Rico Center Grant requests submitted by Town of Rico

Board lead discussion and gave staff direction

Voluntary lead soils clean up (“VCUP”) program update

The Mayor gives a summary

Discussion of short-term rental owner occupied designation

Discussion was had on other municipality’s ways of this designation. Waiting on litigations hat are happening around the country.

Staff recommends moving forward with the STR ordinance update based on the administrative changes.

Construction impact mitigation rules and regulations

Chauncey McCarthy gives summary.

The board has discussion on the presented document to give direction to staff.

Motion

To go into executive session Townwide VCUP funding agreement. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations and instruction of negotiators § 24-6 402(4)(e) C.R.S.

Personnel matters except if the employee who is the subject of the session has requested an open meeting. § 24-6-402(4)(f)(I), C.R.S

Moved by Mayor Nicole Pieterse

Anna Wolf
Rico Town Clerk

Nicole Pieterse
Mayor

RICO TOWN BOARD MEETING MINUTES

Date: October 23, 2023

Call to Order 6:00PM

Trustees Present: Mayor Nicole Pieterse
 Mayor Pro Tem Patrick Fallon
 Trustee Joe Dillsworth
 Trustee Benn Vernadakis
 Trustee Jordan Carr
 Trustee Joe Croke
 Trustee Chris Condon (zoom 6:10)

Trustees Absent:

Staff Present. Chauncey McCarthy

Tom Bloomfield (Town's Environmental attorney),
 Brandon Rattiner (Associate for T Bloomfield (Zoom)),
 Dave Folks (Town's Environmental engineer (Zoom)),
 Chris Anderson (Anderson Engineering (Zoom)),
 Mark Rudolf (CDPHE VCUP Program Manager),
 Adam Cohen (ARCO Attorney),
 Mike Mcanulty (ARCO Rico Townsite Manager),
 Justin Dyer (Anderson Engineering),
 Lucas Saterliee (ARCO Attorney),
 Kevin Pfeifer (Alloy Group engineer/project manager consultant of ARCO),
 Brian Hannson (Geological Engineer Formation Environmental consultant of ARCO (ZOOM)),
 Ryan Anderson (Anderson Engineering (Zoom)),
 Jesse Schwarzrock (Pioneer Environmental Consulting consultant of ARCO (Zoom))

Approval of the Agenda

Motion

To approve the agenda.

Moved by Trustee Benn Vernadakis, seconded by Trustee Jordan Carr.

Vote. A roll call vote was taken and the motion was approved, 6-0. Chris Condon not present at vote.

Motion

To adjourn open session start executive session regarding townwide vcup financial assurance and funding agreement

Moved by Mayor Nicole Pieterse, seconded by Trustee Joe Croke.

Vote. A roll call vote was taken and the motion was approved, 6-0. Chris Condon not present at vote.

Adjourn unanimous consent 9:06

Anna Wolf
Rico Town Clerk

Nicole Pieterse
Mayor

NEW Town of Rico - General Fund
Check Register
For the Period From Nov 1, 2023 to Nov 30, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
17916	11/6/23	San Miguel Power Associ	10000	9.00
17917	11/6/23	Karp Neu Hanlon, PC	10000	4,635.40
17918	11/6/23	Vectra Bank Colorado	10000	39,259.72
17919	11/6/23	Xerox Corporation	10000	84.36
17920	11/6/23	MOCO Transportation	10000	1,500.00
17921	11/6/23	Century Link	10000	53.51
17922	11/6/23	Orkin	10000	93.00
17923	11/6/23	Kaplan Kirsch Rockwell	10000	4,635.40
17924	11/6/23	Utility Notification Center	10000	130.29
17925	11/6/23	WM Corporate Services, I	10000	40.00
17926	11/6/23	Fralely Propane, LLC	10000	603.00
17927	11/6/23	Rico Telephone Company	10000	249.08
17928	11/6/23	Jon Kelly	10000	375.00
Total				<u>51,667.76</u>

NEW Town of Rico - Sanitation Fund
Check Register
For the Period From Nov 1, 2023 to Nov 30, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1430	11/8/23	Bohannan Huston	13500	16,257.48
Total				16,257.48

NEW Town of Rico - Open Park Fund
Check Register
For the Period From Nov 1, 2023 to Nov 30, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
1756	11/8/23	LePew Porta-Johns, Inc	11000	385.00
1757	11/8/23	San Miguel Power Associ	11000	26.00
Total				<u>411.00</u>

2018 NEW Town of Rico - Street Fund
Check Register
For the Period From Nov 1, 2023 to Nov 30, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
2886	11/8/23	Slavens, Inc	10000	146.98
2887	11/8/23	WM Corporate Services, I	10000	166.67
2888	11/8/23	San Miguel Power Associ	10000	127.00
2889	11/8/23	Rico Telephone Company	10000	44.27
Total				<u>484.92</u>

NEW Town of Rico - Water Fund
Check Register
 For the Period From Nov 1, 2023 to Nov 30, 2023

Filter Criteria includes: Report order is by Date.

Check #	Date	Payee	Cash Account	Amount
4558	11/8/23	DPC Industries, Inc	10000	161.89
4559	11/8/23	UPS	10000	1.73
4560	11/8/23	AT&T Mobility	10000	110.84
4561	11/8/23	San Miguel Power Associ	10000	566.00
4562	11/8/23	San Juan Basin Health De	10000	35.00
4563	11/8/23	Hach Company	10000	410.38
4564	11/8/23	Goff Engineering surveyin	10000	3,862.18
4565	11/8/23	Rico Telephone Company	10000	115.00
4566	11/8/23	Fraley Propane LLC	10000	402.00
4567	11/8/23	Ferguson Waterwork #111	10000	25.00
4568	11/9/23	USA BlueBook	10000	<u>5,074.75</u>
Total				<u><u>10,764.77</u></u>



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

To: Rico Board of Trustees

11.9.2023

From: Chauncey McCarthy, Town Manager

Subject: Application for Amendments to the Rico Land Use Code (RLUC) - Short Term Rentals, Ordinance No. 2023-06, an ordinance of the Town of Rico, Colorado amending the short-term rental restrictions and licensing requirements in the Rico Land Use Code.

Included in your packet is a draft of Ordinance No. 2023-06, which would amend the short-term rental restriction and licensing requirements in the Rico Land Use Code.

This amendment addresses deficiencies in the current STR regulations identified during the August 16, 2023 regular Board meeting and other issues identified by Town Staff.

Pursuant to the RLUC § 456.4, new STR license applicants, and prior licensees whose two-year license has expired, are placed in a lottery. This creates practical difficulties for the Town, current property owners, and potential purchasers including, without limitation, the following:

- Resulting uncertainty regarding revenue from application fees, renewal fees and lodging taxes unnecessarily complicates the Town's budget process.
- Cannot reasonably predict the amount of initial or renewal application fees that the Town may collect in any given year to the extent that all the lottery winners could be new licensees, renewing licensees, or a mix of both.
- Cannot anticipate the Town's future lodging tax revenue when it does not know how many STR units will be in operation or the maximum occupancy of such units.
- Current licensees and potential purchasers cannot rely on the continued effectiveness of an STR license, or the related rental income, while pursuing loan alternatives. Any limitation on financing alternatives may be detrimental to the value and marketability of real estate.
- Town residents that use STRs to house visitors may also be affected to the extent that the regular turnover of STR licenses could make it more difficult to know what properties are currently available for their guests.

The proposed draft ordinance will amend the STR Regulations as follows:

- Replaces the lottery system with open enrollment. Allow STR license applications to be submitted at any time and issue licenses on a first come first serve basis. If there are no STR licenses available within a quadrant, applicants will be placed on a waiting list.
- Revises the application fee structure. Add a nonrefundable application fee of \$100 and \$75 for renewals, and make the current application fee a “license fee” to be paid when a license is available.
- Revises the license term and renewal provisions. The initial term of each STR license will begin on the date it is issued and end on the next renewal date. In order to simplify administration, there will be one annual renewal date per year applicable to all STR licenses, regardless of when they were issued. In conjunction with changing to annual renewal, the renewal fee has been reduced from \$1,500 to \$750.

In addition to the forgoing, the draft Ordinance proposes an increase to the penalties for violation of the STR regulations. Based on the current fine amounts, an individual could violate the STR Regulations three times before they were fined an amount equal to the application fee. The amendment would increase penalties as follows: \$2,500 for first offense, \$3,000 for second offense, \$4,000 for third offense, and \$5,000 for fourth and all subsequent offenses.

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 if these changes are recommended to the Town Board)
- 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 Planning Commission 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 and by town staff. The amendments will also provide additional structure and clarity regarding the issuances of short-term rentals licenses in the Town and will help ensure that violation of the short-term rentals regulations penalties offset the cost of enforcement.*

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.”*

**TOWN OF RICO
ORDINANCE NO. 2023-06**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING
THE SHORT-TERM RENTAL RESTRICTIONS AND LICENSING
REQUIREMENTS IN THE RICO LAND USE CODE .**

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

WHEREAS, by Ordinance No. 2022-05, the Town amended the Rico Land Use Code to impose a license requirement for short-term rentals and remove short-term rentals from special use permit review; and

WHEREAS, on November 8, 2023, the Rico Planning & Zoning Commission considered the amendments to the RLUC contained in this Ordinance at a duly noticed public hearing, and recommended the Board adopt the amendments; and

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

WHEREAS, the Board desires to amend the RLUC §§ 456 and 457 to allow for submission of applications at any time, creation and maintenance of a waitlist, shortening the permit duration to one year, amending the fee schedule and increasing fine amounts; 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 ON NOVEMBER 15, 2023.

TOWN OF RICO, COLORADO

Nicole Pieterse, Mayor

ATTEST:

Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE EFFECTIVE IMMEDIATELY ON DECEMBER 20, 2023.

TOWN OF RICO, COLORADO

ATTEST:

Nicole Pieterse, Mayor

Anna Wolf, Town Clerk

Effective Date: December 20, 2023

EXHIBIT A

AMENDMENTS TO THE RICO LAND USE CODE

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

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 nonrefundable application fee shall be ~~\$2500~~100 for an initial application and ~~\$1500~~75 for an annual renewal application (~~including renewals pursuant to the lottery system~~). Prior to issuance or renewal of a short-term rental license, the applicant shall pay the licensing fee. The licensing fee for a new short-term rental license shall be \$2500 and \$750 for renewal of an existing short-term rental license. Applications for renewal of a short-term rental license ~~starting on January 1~~ shall be submitted to the Town no later than August 1 of the year preceding calendar year the renewal term.

456.2 Available Licenses, Waitlist. In the event that there are no short-term rental licenses available within the quadrant, as established by Section 454.3(a) above, in which the applicant's proposed short-term rental property is located, the applicant shall be added to a short-term rental license wait list. The Town shall create and maintain a wait list for this purpose for each quadrant.

(a) Priority for issuing a short-term rental license, when available in the applicable quadrant, shall be based on application date such that the applicant that has been on the wait list the longest shall be entitled to receive the next available license upon payment of the licensing fee.

(b) An applicant shall remain on the wait list until a license is issued to the applicant, or the applicant is otherwise removed from the wait list, whichever occurs first. An applicant shall be removed from the wait list for violation of the Short-Term Rental Regulations, or upon transfer of the applicant's proposed short-term rental property to a new owner.

456.3 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, if available, or add the applicant to the waitlist pursuant to Section 456.2 above, within thirty (30) days of submission. 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.

~~456.4~~ Issuance and Term of License, Initial Term and Renewal. 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.

(a) Licenses shall be issued for an initial period of ~~two (2) years starting on January 1~~ commencing on the approval date and shall automatically expire on December 31 of the ~~second~~ same year.

(b) The renewal period for each license shall be one (1) year starting on January 1 and shall automatically expire on December 31 of the same 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 thousand two~~ two ~~five hundred fifty~~ five hundred dollars (\$~~2,500~~2,500.00) for the first offense, ~~three thousand five hundred~~ three thousand ~~five hundred~~ five hundred dollars (\$~~3,050~~3,050.00) for the second offense, ~~seven~~ seven ~~four thousand hundred fifty~~ four thousand ~~hundred fifty~~ four hundred dollars (\$~~7504,000~~7,504,000.00) for the third offense, and ~~one~~ one ~~Five~~ Five thousand dollars (\$~~51,000~~51,000.00) for the fourth offense and all subsequent offenses. Each day's continuing violation shall be a separate and distinct offense.

**TOWN OF RICO
ORDINANCE NO. 2023-07**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING
AND EXTENDING THE TEMPORARY MORATORIUM ON THE
ACCEPTANCE OF NEW LAND USE APPLICATIONS FOR MAJOR OR
MINOR SUBDIVISIONS, AND RESIDENTIAL OR COMMERCIAL
PLANNED UNIT DEVELOPMENTS**

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

WHEREAS, pursuant to C.R.S. §§ 29-20-101 *et seq.*, 31-15-101 *et seq.*, and 31-23-101 *et seq.*, the Town has broad authority to ensure the health, safety and welfare of the community and its residents; and

WHEREAS, the Town currently has access to both surface water and groundwater drinking water sources. At this time, only the groundwater source is operated for Town drinking water supply. The Silver Creek surface water treatment plant was shut down in 2015 due to water quality issues.

WHEREAS, the Town’s currently operational drinking water source is capable of meeting current demands but the Town will need to improve or replace the Silver Creek surface water treatment plant together with the related facilities and equipment in order to accommodate future Town growth, reduce operational costs and improve current water system inefficiencies.

WHEREAS, by Ordinance No. 2022-13, the Town imposed a temporary moratorium on the acceptance of new applications for Major or Minor Subdivisions and for Residential or Commercial Planned Unit Developments through June 30, 2023 to limit increasing the water system demand while it reviewed alternatives for water system improvements to increase water availability as well as options for funding said improvements; and

WHEREAS, on June 21, 2023 the Town extended the moratorium through December 30, 2023 pursuant to Ordinance No. 2023-03 to preserve the status quo as it continued evaluating water system improvement and funding alternatives to increase water availability to meet the demands of future growth and development within the Town; and

WHEREAS, the Town has completed an impact fee study to determine the impact fees amounts that will provide partial funding for water system improvements, the preliminary engineering report has been submitted to the state revolving fund as necessary to qualify for funding in 2024, and the pre-qualification application necessary to access additional funding for improvement of the Silver Creek system is in process; and

WHEREAS, the Town is currently mapping the water system and preparing an asset management plan to preserve, protect and enhance the portions of the water system that are

currently in use including, without limitation, installation of an automatic meter reading system to track daily water use and flag leaks to help decrease system wide water usage; and

WHEREAS, an extension of the moratorium is required to preserve the status quo as the Town continues efforts to secure funding for necessary water system improvements, and to obtain bids for design and construction of the water system improvements; and

WHEREAS, precluding acceptance of applications for Major or Minor Subdivisions and for Residential or Commercial Planned Unit Developments that the Town has previously approved, or which have been allocated water prior to submission of said application, and will not otherwise increase current demand on the water system is not necessary to preserve the status quo or to promote the public health, safety, and welfare of the Town's residents; and

WHEREAS, amendment of moratorium is appropriate to allow applications for Major or Minor Subdivisions and for Residential or Commercial Planned Unit Developments that the Town has previously approved, or which have been allocated water prior to submission of said application, and will not otherwise increase current demand on the water system; and

WHEREAS, in order to promote the public health, safety, and welfare of the Town's residents, the Board of Trustees finds it is necessary to extend the temporary moratorium on new applications for Major or Minor Subdivisions and for Residential or Commercial Planned Unit Developments, and to amend same to permit applications for such projects that the Town has previously approved, or which have been allocated water prior to submission of said application, and will not otherwise increase current demand on the water system.

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. Upon the effective date of this Ordinance, the Town of Rico hereby amends and extends the temporary moratorium on the acceptance of applications for approval of minor or major subdivisions submitted under Article V of the Rico Land Use Code ("RLUC"), and applications for approval of Residential or Commercial Planned Unit Developments submitted under Article III of the RLUC, as enacted by Ordinance No. 2022-13, which is incorporated by this reference, until June 30, 2024.

Section 3. Notwithstanding the forgoing, this temporary moratorium shall not apply to preclude acceptance of applications for Major or Minor Subdivisions and for Residential or Commercial Planned Unit Developments that the Town has previously approved, or which have been allocated water prior to submission of said application, and will not otherwise increase current demand on the water system

Section 4. This temporary moratorium shall automatically terminate on June 30, 2024, unless terminated earlier by the Board of Trustees or extended in its duration by enactment of another Ordinance.

Section 5. If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance shall to any extent be held by a court of

competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY ON NOVEMBER 15, 2023.

TOWN OF RICO, COLORADO

Nicole Pieterse, Mayor

ATTEST:

Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE EFFECTIVE IMMEDIATELY ON DECEMBER 20, 2023.

TOWN OF RICO, COLORADO

Nicole Pieterse, Mayor

ATTEST:

Anna Wolf, Town Clerk

Effective Date: December 20, 2023

Town of Rico Construction Rules and Regulations

A. Purpose

In order to ensure that any construction activity conducted within the Town is done in the most sensitive manner possible and to minimize impacts to owners and guests, the following Construction Regulations shall be enforced during the construction period. This document shall be known as the "**Construction Rules and Regulations**" and may be referred to herein as the "Regulations." Each Owner shall ensure that all construction activity that is performed on their Construction Site shall be performed in accordance with the following requirements.

B. Access and Parking

Construction Vehicles shall gain access to Construction Sites only from existing roads adjacent to the Construction Sites. Parking ~~will not be allowed, at any time, on Town roads without prior approval from the Building Official~~ in the town right-of-way shall not impede traffic, emergency access, or town road maintenance operations. Special safety precautions ~~may be are~~ necessary for the road including, but not limited to, safety cones, barriers and flaggers. ~~Access and parking shall be indicated on the Construction Management Site Plan~~

C. Blasting

No blasting shall be performed on any site without the Building Officials prior consent. Notification shall be provided a minimum of 48 hours in advance of any blasting operations. Blasting must occur only Monday - Friday between the hours of 10:00 AM and 4:00 PM. Blasting may be subject to certain restrictions, which shall be determined by the Building Official in its sole and absolute discretion, and which may vary from Site to Site.

D. Construction Equipment and Material Storage

Each Owner or Owner's Representatives and their contractors shall ensure that all construction material is stored in a designated materials storage area ~~either onsite or stored in the right-of-way~~. Such storage areas shall be indicated on the Construction Management Site Plan ~~and be approved by the building official~~.

E. Debris and Trash Removal

Owners, Owner's Representatives, and their contractors shall be responsible debris and trash removal. The requirements are as follows:

- At the end of each day, all trash and debris on the Construction Site is cleaned up and stored in proper containers or organized piles ~~in a manner that will not be affected by wind~~
- All food trash must either be removed from the site at the end of each workday or bear-proof poly-cart must on-site.
- All trash and debris shall be kept off ~~the road right of way and~~ adjacent property at all times. ~~Dumpsters may be stored in the right-of-way at the discretion of the building official. Dumpsters in the right-of-way shall not impede traffic, emergency access, or town road maintenance operations. Dumpster location shall be indicated on the Construction Management Site Plan and only placed in the right-of-way during the timeframe provided.~~

F. Construction Hours

~~Exterior C~~construction activity may only take place between ~~7~~8:00 A.M. – ~~6~~7:00 P.M. Monday – Saturday

G. Deliveries

Construction Vehicles must obey all posted speed limits and traffic regulations within the Town. During winter months, construction and delivery trucks must be capable of traveling on snow packed roads ~~and be equipped with chains.~~

H. ~~Fencing~~Hazards Marked

~~The limits of disturbance shall be fenced. The fencing shall be chain link, six feet tall and covered with green mesh fabric. Fencing shall be installed prior to the issuance of a permit and shall remain in place until final approval is given to remove. Fencing shall be indicated on the Construction Management Site Plan.~~

All hazards should be marked on site and fenced at the discretion of the building official.

I. Fire Protection

At least one 10-pound ABC-rated dry chemical fire extinguisher shall be present and available on site.

J. Prohibited General Practices

All Owners will be responsible for the conduct and behavior of their contractors, and sub-contractors in the Town. The following practices are prohibited within the Town:

- Changing oil on any vehicle or equipment on the Construction Site;
- Allowing concrete suppliers and contractors to clean their equipment on any Town owned lot, roadway, right-of-way, ditch, easement, or other property;
- Removing any rocks, plant material, topsoil, or similar items from any property of others within Town;
- Using disposal methods or units other than those approved by the Town;
- Working before or after the scheduled construction hours;
- Driving trucks with uncovered loads the in the Town.
- Amplifying music that can be heard beyond the jobsite

K. Roadway Maintenance

Owners and their contractors and sub-contractors shall keep all Town roads and road rights-of-way free and clear of all materials, rubbish, and debris, unless otherwise approved, resulting from Owner's Construction Activity and shall repair and revegetate any damage to roads, road rights-of way, landscaping, and other streetscape improvements within the Town caused by Construction Vehicles used in connection with Owner's Construction Activity. Contractors must keep the Site driveway and all adjacent roads clean from ~~dust, dirt~~, mud, and debris.

L. Dust and Mud

Daily mitigation required. Water shall be on site to suppress ~~prevent~~ dust.

M. Sanitary Facilities

On-Site, enclosed, chemical toilets must be available at all times when Construction Activity is taking place on a Construction Site. Chemical toilets shall be screened from view and shall be located so as to minimize any adverse impacts on adjacent lots. In no instance shall chemical toilets be placed within any road right-of-way or on the road. Location of sanitary facilities shall be indicated on the Construction Management Site Plan

N. Signage

One temporary construction sign not to exceed 20 square feet overall shall be located on the Site ~~fencing~~ and shall be easily visible from the adjacent roadway. The sign must conform generally to the layout shown below with only the name, address and telephone number of the developer, ~~architect~~, contractor, and location. All information listed must be shown in uniform type style and color. No signs advertising any services being provided at the construction site may be posted.

PROJECT LOCATION

Building Permit #

Developer/Owner: [Name and Phone #]

~~Architect: [Name]~~

Contractor: [Name]