

PLANNING COMMISSION MEETING MINUTES

Date: April 13, 2022

Call to order

Chairman Mike Contillo called the meeting to order at 7:02PM.

Trustees Present:

Chairman Mike Contillo
Gerrish Willis
Leah Chmielewski (Zoom)
Cristal Hibbard (Zoom)
Andrew Romanyshyn
Rebecca Adams (Zoom)

Staff Present.

Chauncey McCarthy, Jen Stark (zoom), Anna Wolf

Approval of the Agenda

Motion

To approve the agenda.

Moved by Gerrish Willis, seconded by Andrew Romanyshyn.

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

Approval of the Minutes

Motion

To approve the minutes for the March 9, 2022 Planning Commission meeting with the grammatical corrections from Cristal Hibbard.

Moved by Mike Contillo, seconded by Gerrish Willis.

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

Action Items

Public Hearing and Consideration of an application for a setback, building height, and minimum roof pitch variance on Lots 23-27, Block 8, McKinley Hale and Jeremy Womack, applicants.
Town Manager Chauncey McCarthy gave a summary of the packet item.

Board Discussion:

Board members asked for clarification on why the roof would be a shed roof rather than a pitched design. The applicants explained it is a more modern look as well as a safer option for snow removal due to the height of the structure.

Discussion arose about reasoning for the 7x12 roof pitch in the Land Use Code.

Discussion formed around the North elevation drawing. The applicants clarified the drawing.

Public Comment:

Skip expressed that the applicants did their homework. Urged the Planning Commission to consider this request as there will be more like it in the future due to the platting of Rico. He

expressed that while not all applicants should get their way the residents see no reason why this applications should not be approved.

Motion

To approve the variances for the applicants for setback, building height, and minimum roof pitch for Lot 23-27, Block 8 for McKinley and Jeremy with the condition that they do make a section on where off street parking is going to be on the upper part of the lot.

Moved by Andrew Romanyshyn, Second by Cristal Hibbard

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

Discussion Items

In depth review of revised Rico Land Use Code Article I & II

After much deliberation the Planning Commission came up with the following guidelines on how they will proceed with the revision of the Land Use Code.

- Staff was directed to compile a side-by-side comparison between the current Land Use Code and the revised living document by the May 11, 2022 Planning Commission meeting.
- The Town manager will compile a list of real variances that were brought to the planning commission in the past.
- Conduct work sessions with locked timeframes. The first work session will be on May 11, 2022 from 6:00–7:00 PM before the regularly scheduled Planning Commission meeting.

Motion

Motion to Adjourn

Moved by Gerrish Willis, Second by Mike Contillo.

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

The meeting adjourned at 8:37 pm.

Anna Wolf
Rico Town Clerk

Mike Contillo
Chairman

Rico Planning Commission Memorandum

Date: May 9th, 2022

TO: Town of Rico Planning Commission
 FROM: Chauncey McCarthy, Rico Town Manager
 SUBJECT: May Planning Commission meeting

Planning Commission training

Joely Denkinger from Karp Neu Hanlon, Town of Rico's Legal counsel, will be attending the meeting via zoom to provide a training on subdivisions, PUDs and land use code amendments.

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

Flatt Family LLP would like to construct a road splitting South Commercial Street to the east to allow access to lots 28 – 4 of Block 9. They have applied for a road building permit as required by the Rico Land Use Code. The application is included in this packet for your review and is complete and compliant along with an additional review from Dan Quigley, P.E. I have advised the applicant and engineer that they should be available to answer questions from the commission.

Motions to consider:

- I move to recommend that the Board of Trustees approves the application for a road building permit, Block 9 South Commercial Street, Flatt Family LLP applicant.
- I move to recommend that the Board of Trustees approves the application for a road building permit, Block 9 South Commercial Street, Flatt Family LLP applicant, subject to the following modifications:
 - [state any recommended modifications]
- I move to deny the application for a road building permit, Block 9 South Commercial Street, Flatt Family LLP applicant, with the finding that:
 - [this must include defensible reasons]

Recommendation of an ordinance (2022-05) 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 the packet is a staff memo and draft ordinance 2022-05 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.

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

Included in the packet is a staff memo and draft ordinance 2022-06 amending the Rico Land Use Code fee schedule and review process for subdivision applications.



**TOWN OF RICO
DOLORES COUNTY, COLORADO
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2 North Commercial Street
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Office # 970.967.2861
Fax # 970.967.2862
www.ricocolorado.org**

To: Rico Planning Commission

5.9.2022

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

Planning Commissioners:

Included in your packet is a draft of 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 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.

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. 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 to recommend that the Board of Trustees adopt 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 to recommend that the Board of Trustees adopt 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, Ordinance 2022-03, Issuing a Temporary Moratorium on the Acceptance of New Short-Term Rental Dwelling Unit Permit Applications, was approved by the Board on first reading on April 20, 2022 and adopted on second reading on May 18, 2022; 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 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~~.

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 or when the owner transfers ownership of the short-term rental dwelling unit.

453. OWNER RESPONSIBILITIES

453.1 The owner of the short-term rental dwelling unit shall designate a natural person located within a one-hour 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 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, 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.

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

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 Post Office Box 9
 Rico, Colorado 81332
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 Fax # 970.967.2862
www.ricocolorado.org

To: Rico Planning Commission

5.9.2022

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

Planning Commissioners

You will find included in your packet a draft of 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

Of particular note, Planning Commission members should take care in reading and reviewing the changes starting with Preliminary plat process.

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.

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.

Please take time to compare timelines and note when the amendments move back and forth between the current RLUC. You are looking for understanding of process and clarity in information.

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.

Remember a public hearing and your discussion is the time to take in feedback and to provide feedback for staff on this document. Use this time to work through any issues you see, comments you would like to make or concerns you have. 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 2022-06. 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 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 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 recommend that the Board of Trustees adopt 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 recommend that the Board of Trustees adopt 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, subject to the following modifications:
 - [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	\$	75.00 <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	\$	200.00 <u>300.00</u>
All Variance Applications - §430	\$	200.00 <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	\$	250.00 <u>350.00</u>
Utility Improvements - §490	\$	25.00 <u>100.00</u>
Excavation Permits - §494	\$	25.00 <u>100.00</u>
Minor Subdivision * - Article V	\$	750.00
Subdivision * - Article V	\$	1,800.00
Planned Unit Development * - Article III	\$	750.00 <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 & 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.

MEMORANDUM

TO: Chauncey McCarthy, Town of Rico Manager
FROM: Dan Quigley, P.E.
DATE: May 5, 2022
SUBJECT: Design Review Road Improvement Plans, Lots 28-40, Block 9

Mr. McCarthy:

We have completed our review of the proposed Road Improvement Plans to Lots 28-40, Block 9 in the Town of Rico. Those plans were prepared by Alpine Land Consulting (Gregg Anderson, P.E.) and dated April 19, 2022. We have reviewed the plans and offer the following points for your consideration:

Proposed Variances to Rico Land Use Code (LUC) (Code references are italicized)

- *LUC 475.4 - Proposed Off Street Parking:* We take no exception to the individual lot owners providing off-street parking plans as part of their lot development.
- *LUC 478.3 – Improved Road surface shall be a minimum of twenty-four (24) feet in width.* The intent of the access road plans is to provide shared access to each lot and while the 14-foot access road does not meet the 24-foot standard for roadway, it appears adequate for shared access to the lots as intended. We take no exception to this request for variance.
- *LUC 478.3 – Road surface shall a minimum of six (6) inch crown:* Due to the steep terrain, sloping the road to drain downslope is an appropriate drainage solution instead of the required 6-inch crown. As noted in our general comment below, roadway drainage should be managed to minimize downslope erosion. We take no exception to this variance request.
- *LUC 478.4 – The maximum grade of roads thirty (30) feet from intersections, on either side of a proposed driveway access, and on curves with a radius of less than 250 feet shall not exceed 8%.* We agree that using the driveway maximum grade of 10% is appropriate for this low volume access road, but Town staff should be aware of the probability of wash boarded road surfaces on these curves and the need for more frequent maintenance by Town public works staff.

Plan Sheet Comments:

1. Sheet 1 -General waterline notes are listed on Sheet 1 but no waterline improvements other than a fire hydrant are shown on Sheet 7 – Utility Plan. No new services connections are shown or extension of the Town's water main to serve those lots.
2. Sheet 1 – Note 48, first bullet: Please confirm the dimension ration (DR) of the C900 PVC pipe to be installed.
3. Sheet 1 – Note 48, second bullet: This note appears to reference the electrical conductivity maintenance for a structure that isn't part of these plans. Please have the Alpine clarify the intent of this note.
4. Sheet 4 – Driveway Access Profile from STA 10+00 to STA 11+50. PVI Note at STA. 11+55.80 is overprinted. Please correct.
5. Sheets 5 and 6 – Note regarding guard rail or extending boulder wall 30 inches above road grade. Town public works staff should be consulted but guard rails, while an excellent safety feature, are likely to be problematic for snow removal on an access road that is only 14-feet wide. We recommend consideration of large rock block walls to serve the purpose of keeping vehicles in the roadway.
6. Sheet 7 – No plans for water or electrical utility extension and service connections are shown on the utility plan. While lot development may in the future, installation of those services should be considered at the same time and in the design of the proposed access road. Installation of a water main in a 14-foot wide road would be problematic for owner access to the lots. We recommend that the utility plan include future utility connections to serve the lots.

General Comments:

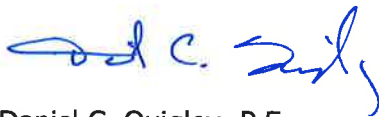
7. No drainage plans were included to examine the potential impact of the access road construction on downslope lots 1-13 of Block 4. Please include permanent drainage/stormwater controls as part of the proposed access road design. General Note 10 indicates that temporary stormwater control is the responsibility of the contractor, but permanent drainage structures should be considered for an access road on steep terrain. The road has been sloped to drain to the downhill side but it is unclear how that drainage will be controlled to minimize downslope erosion impacts.
8. No mention is made of easements for access to lots across adjoining lots. It should be noted that those easements will be required to maintain the lot accesses proposed in these plans.

The plans we reviewed consisted of seven (7) sheets, which are labeled as follows:

- Sheet 1 of 7 – Cover Sheet
- Sheet 2 of 7 – Site Map and Overall Grading Plan
- Sheet 3 of 7 – Access and Road Improvement Plan and profile
- Sheet 4 of 7 – Driveway Accesses Plan and Profile
- Sheet 5 of 7 – Road Sections
- Sheet 6 of 7 – Road Sections
- Sheet 7 of 7 – Utility plan

Thank you for the opportunity to provide plan review for this project. Please contact me at (970) 497-8852 or dquigley@buckhornengineering.com with any questions about our comments.

Best regards,
BUCKHORN ENGINEERING, INC



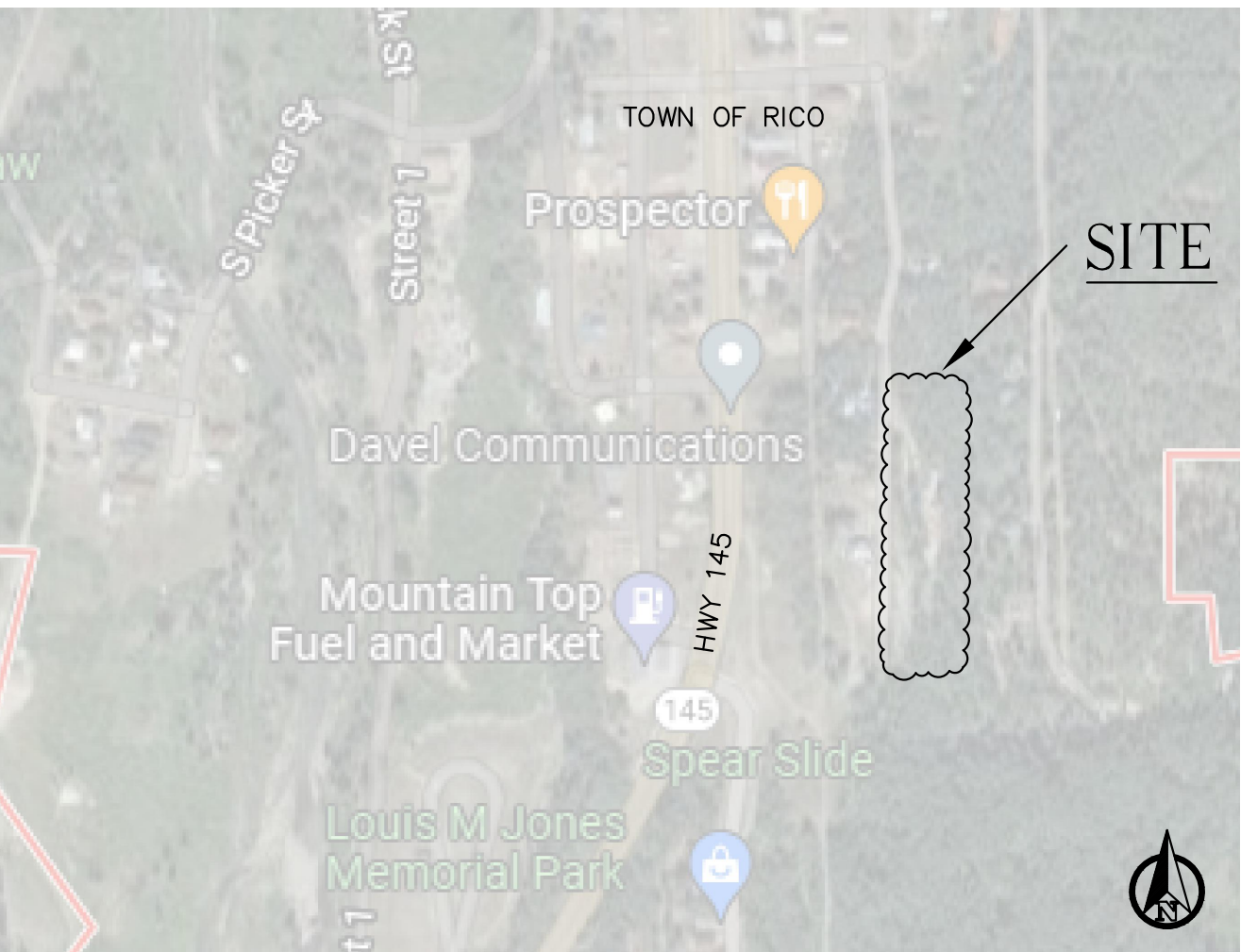
Daniel C. Quigley, P.E.
Principal

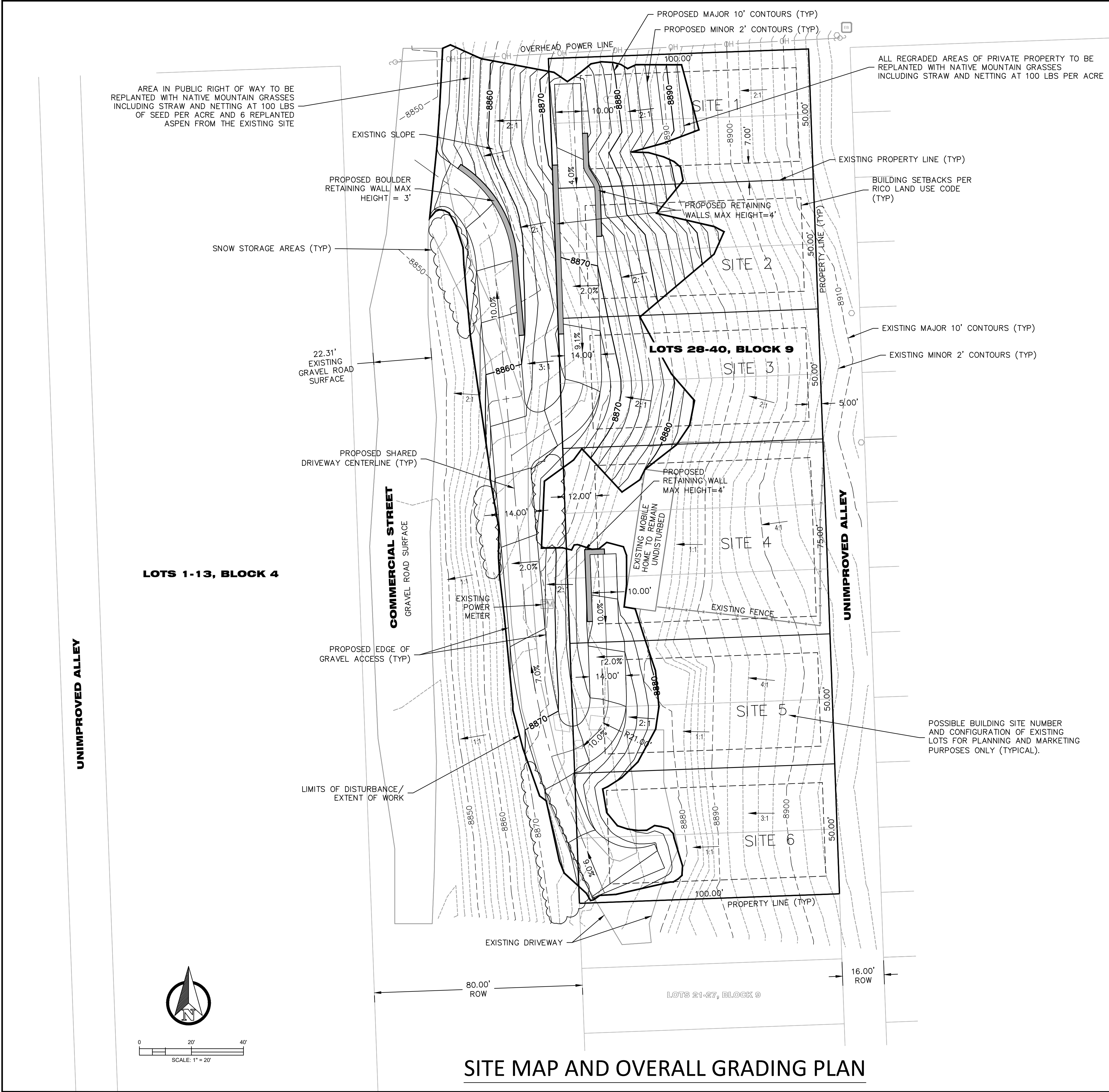




SHEET #:

1 OF 7





NOTES

1. SEE NOTES ON SHEET 1.
2. ALL EXISTING TOPOGRAPHIC AND BOUNDARY INFORMATION PROVIDED BY ALL POINTS LAND SURVEY LLC. SEE NOTE 12 ON SHEET 1.
3. THIS PLAN IS FOR REVIEW ONLY AND NOT TO BE USED FOR CONSTRUCTION.
4. RETAINED HEIGHT FOR RETAINING WALLS IS MEASURED FROM FINISHED GRADE TO FINISHED GRADE AND DOES NOT INCLUDE ANY CAPS OR FOUNDATIONS (SEE DRIVEWAY SECTIONS).

LEGEND

- 2.0% PROPOSED GRADE
2:1 PROPOSED SLOPE
1:1 EXISTING SLOPE

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THESE ROAD IMPROVEMENT PLANS WERE PREPARED
BY ME AND UNDER MY DIRECT SUPERVISION ON
BEHALF OF ALPINE LAND CONSULTING, LLC FOR
THE FLATT FAMILY LLP AND INCLUDES ROAD
GRADING AND UTILITY PLAN ONLY, AND DOES NOT
INCLUDE ANY OTHER PLANNING OR ENGINEERING.



GREGORY E. ANDERSON
COLORADO PROFESSIONAL ENGINEER
REGISTRATION NO. 35736

**THIS PLAN IS
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NO.	REVISIONS	DATE

ALPINE LAND
CONSULTING, LLC
P.O. BOX 234
RICO, COLORADO 81332
970-708-0326
GREGG@ALPINELANDCONSULTING.COM

LOT 28-40 BLOCK 9
TOWN OF RICO

SITE MAP AND OVERALL
GRADING PLAN

CLIENT:
FLATT FAMILY LLP
5480 EAST DESERT CREEK LANE
CAVE CREEK, AZ 85331

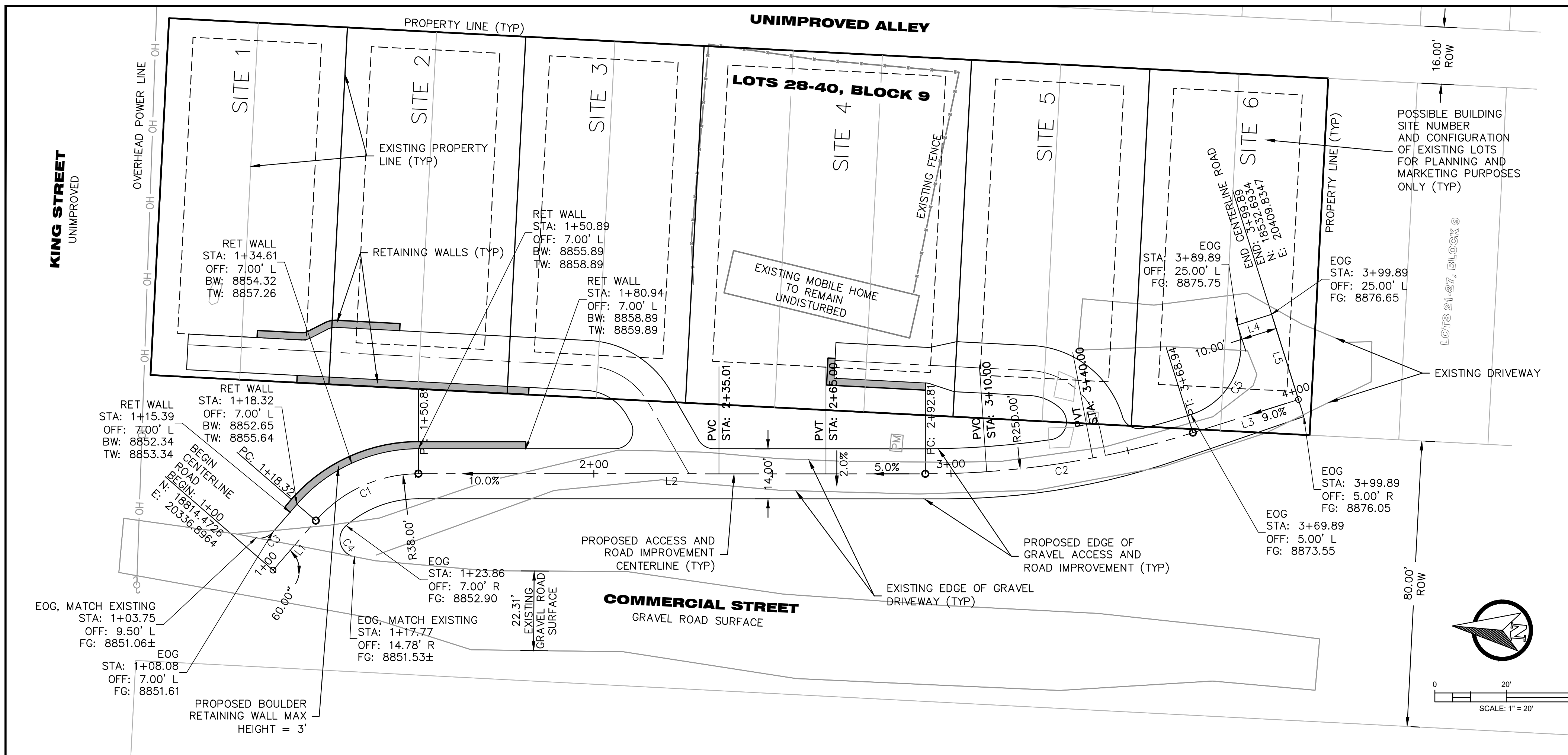
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PROJECT #: 2021029

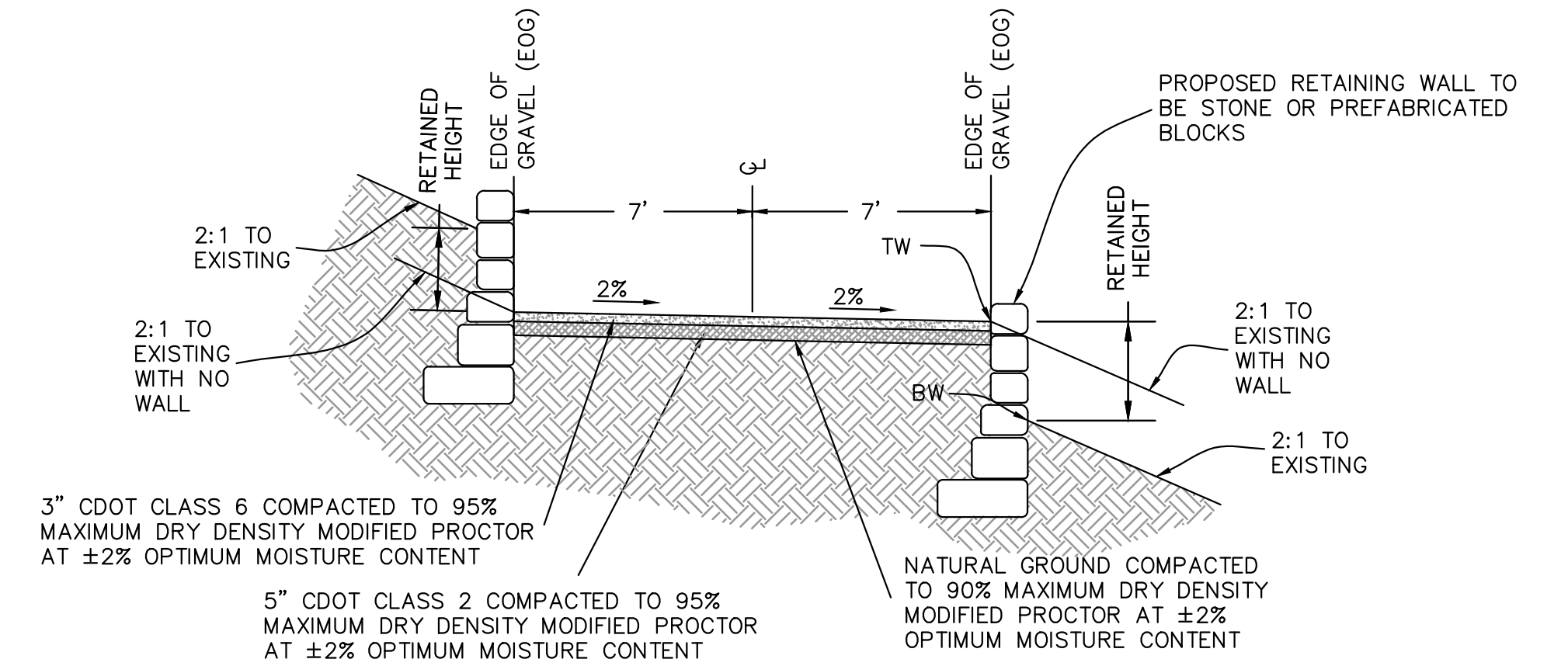
PROJECT MANAGER: GEA
DRAWN BY: ADM

SHEET #:

2 OF 7



ACCESS AND ROAD IMPROVEMENT PLAN



ACCESS AND ROAD IMPROVEMENTS

LINE TABLE			
TAG	LENGTH	DIRECTION	DESCRIPTION
L1	18.32'	N54°10'25"W	CENTERLINE
L2	141.89'	N05°03'57"W	CENTERLINE
L3	30.92'	N22°31'34"W	CENTERLINE
L4	10.00'	N22°31'34"W	EOG
L5	30.00'	N67°28'26"E	EOG

CURVE TABLE						
TAG	LENGTH	RADIUS	DELTA	CHORD-BRG	CHORD-LEN	DESCRIPTION
C1	32.57'	38.00'	49°06'28"	N29° 37' 11"W	31.58	CENTERLINE
C2	76.18'	250.00'	17°27'37"	N13° 47' 45"W	75.89	CENTERLINE
C3	5.24'	5.00'	60°00'00"	N24° 10' 25"W	5.00	EOG
C4	11.20'	5.00'	128°20'47"	S69° 59' 58"W	9.00	EOG
C5	31.42'	20.00'	90°00'00"	N67° 31' 34"W	28.28	EOG

NOTES

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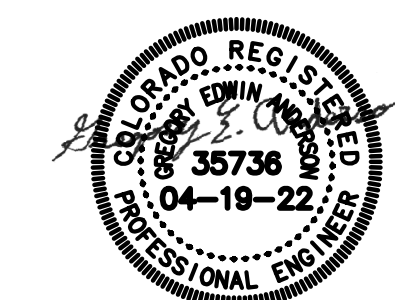
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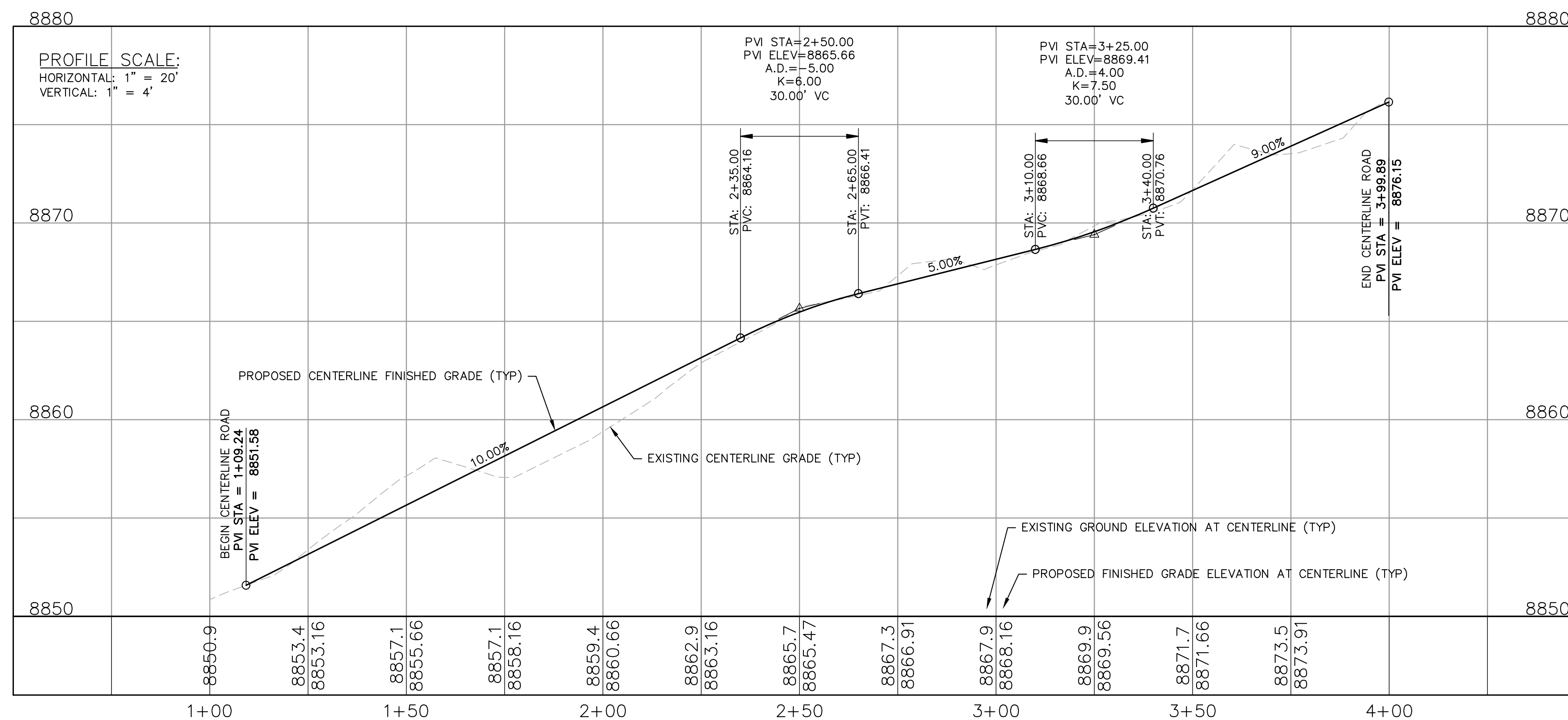
LEGEND

- | | |
|---------------|--------------------------|
| <u>2.0%</u> ➡ | PROPOSED GRADE |
| <u>2:1</u> ➡ | PROPOSED SLOPE |
| <u>1:1</u> ➡ | EXISTING SLOPE |
| BW= | BOTTOM OF WALL ELEVATION |
| EOG= | EDGE OF GRAVEL |
| FG= | FINISHED GRADE |
| TW= | TOP OF WALL ELEVATION |

THESE ROAD IMPROVEMENT PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION ON BEHALF OF ALPINE LAND CONSULTING, LLC FOR THE FLATT FAMILY LLP AND INCLUDES ROAD GRADING AND UTILITY PLAN ONLY, AND DOES NOT INCLUDE ANY OTHER PLANNING OR ENGINEERING.



GREGORY E. ANDERSON
COLORADO PROFESSIONAL ENGINEER
REGISTRATION NO. 35736



ACCESS AND ROAD IMPROVEMENT PROFILE

REVISIONS					
NO.					DATE

PROJECT #:

2021029

PROJECT MANAGER:

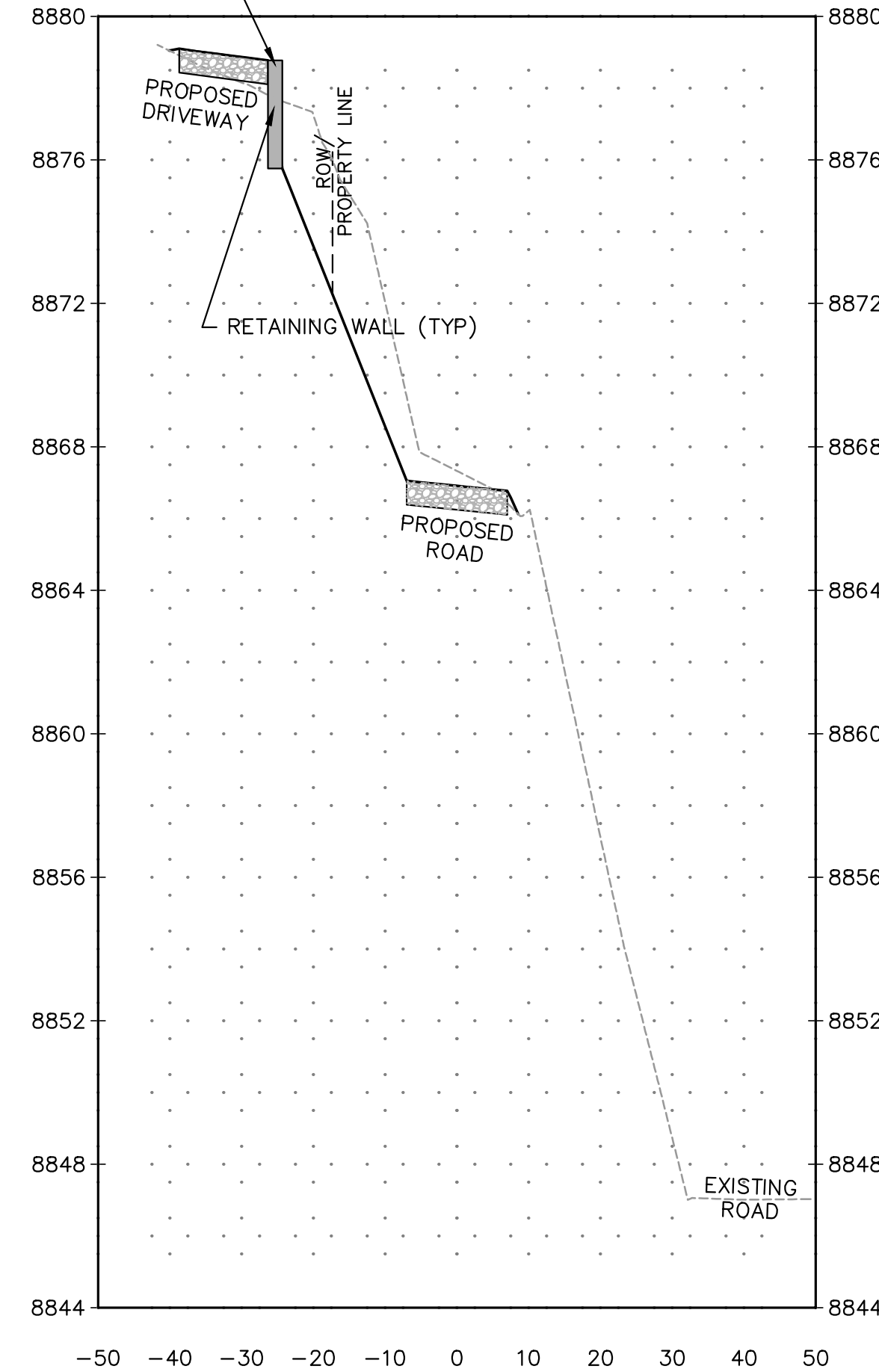
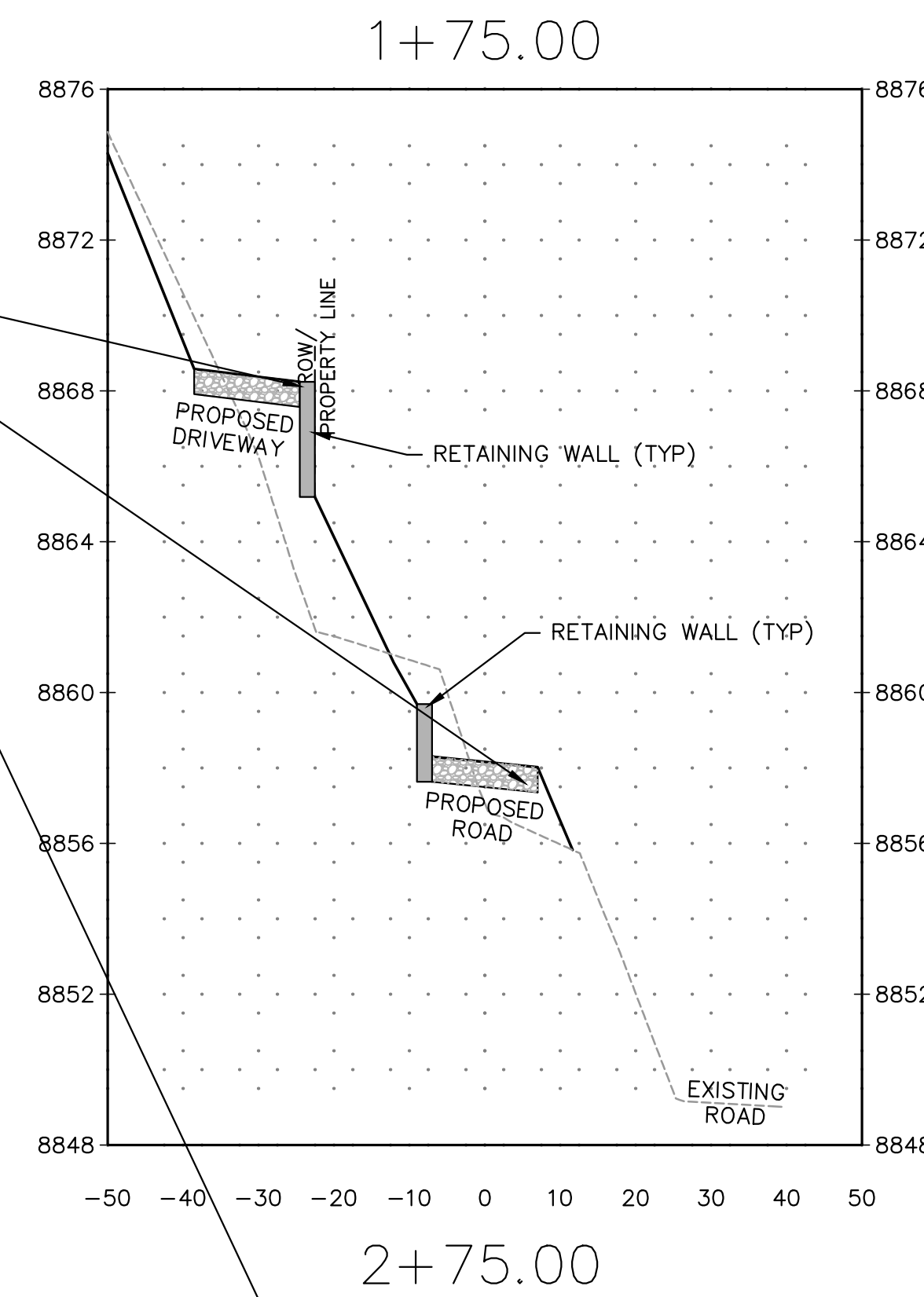
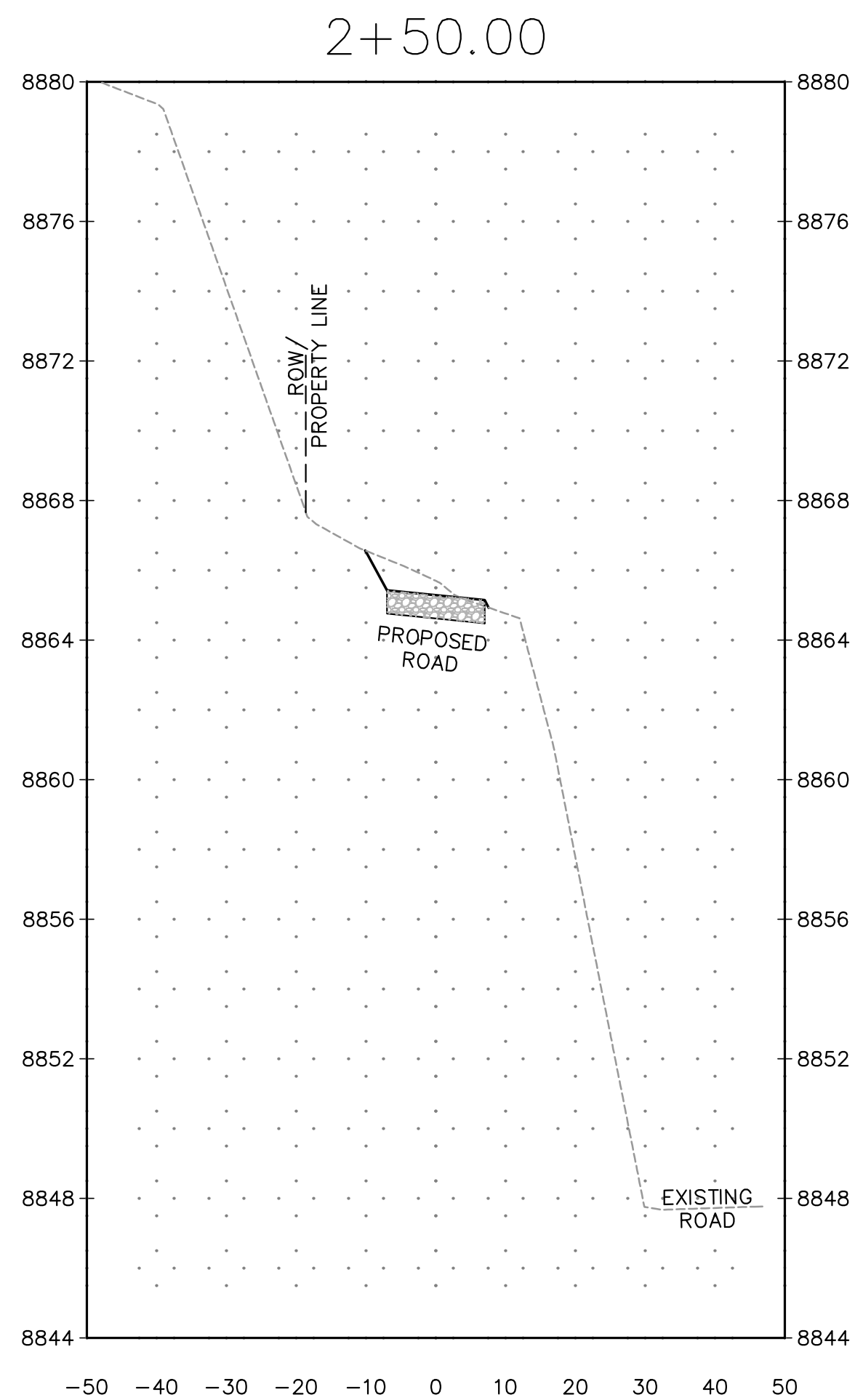
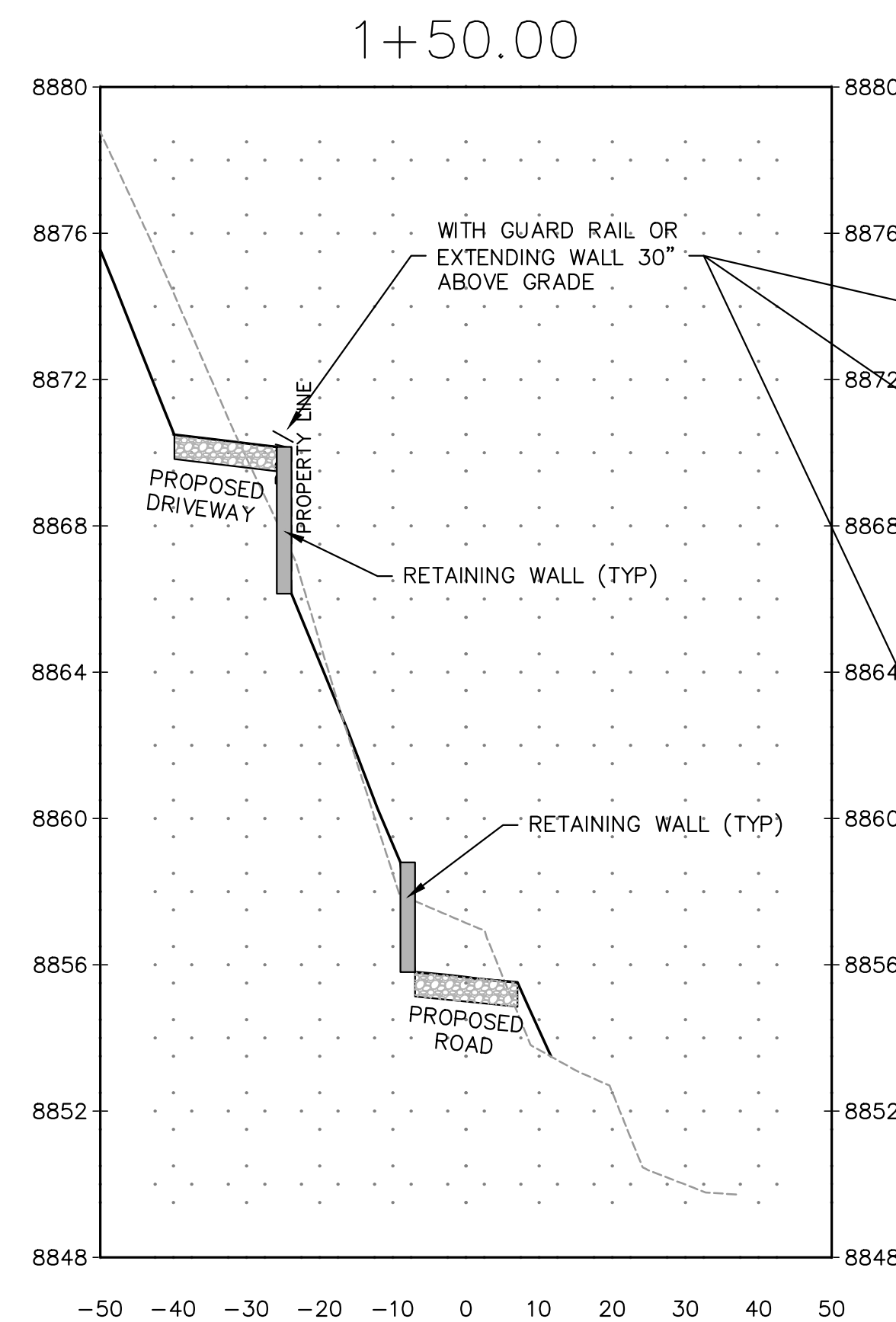
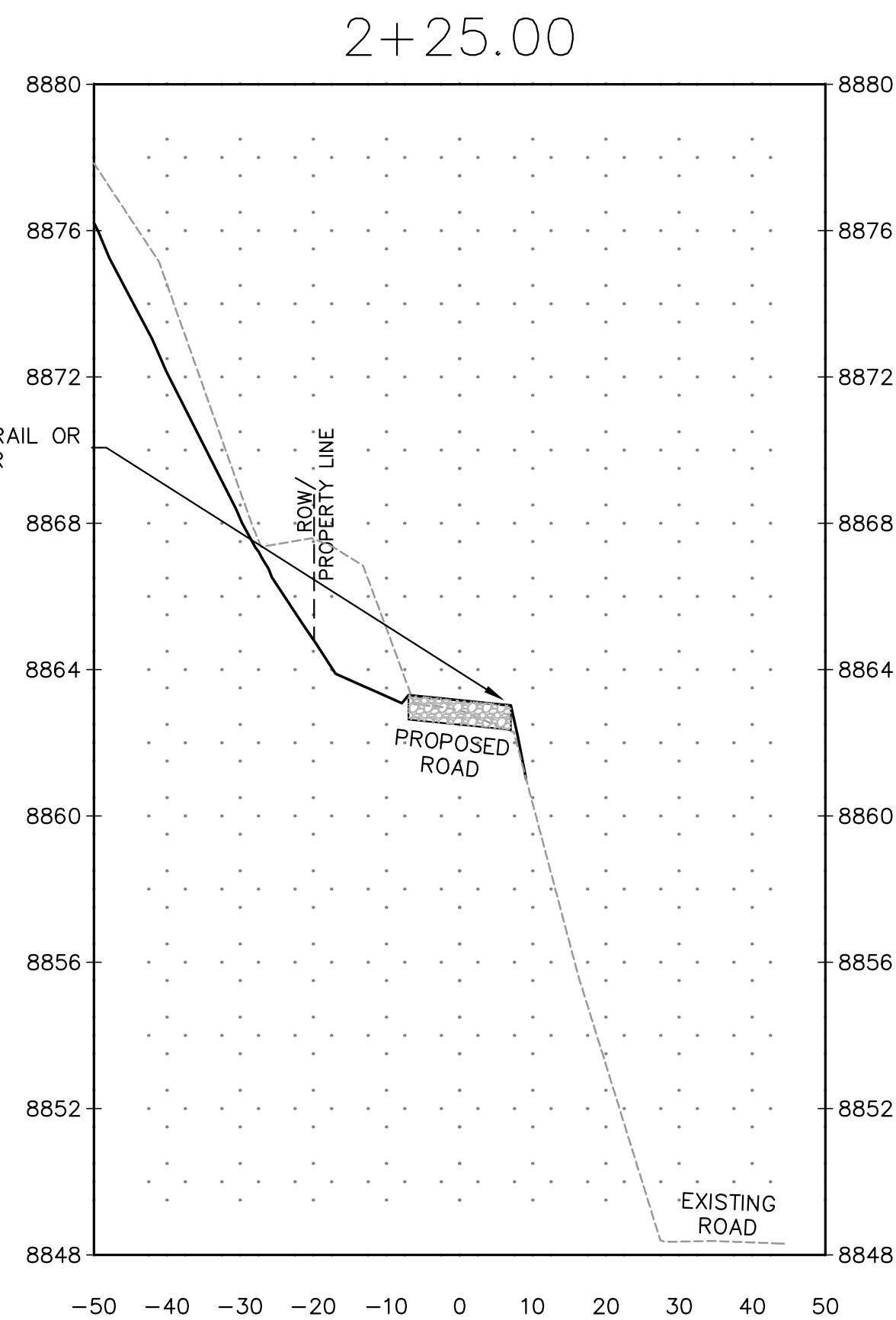
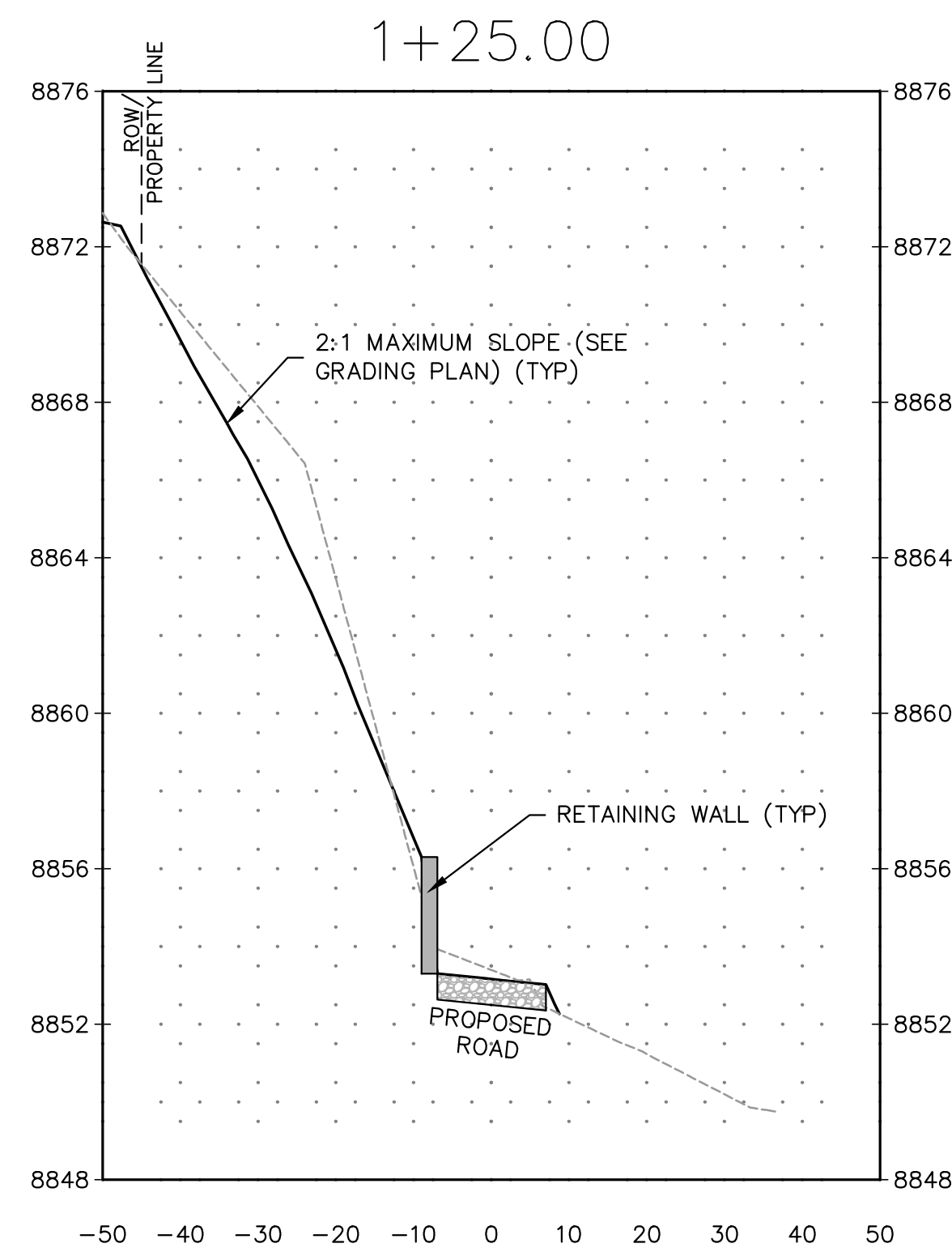
GEA

DRAWN BY:

ADM

SHEET #:

3 OF 7



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ALPINE LAND
CONSULTING, LLC

P.O. BOX 234
RICO, COLORADO 81332
970-708-0326
GREGG@ALPINELANDCONSULTING.COM

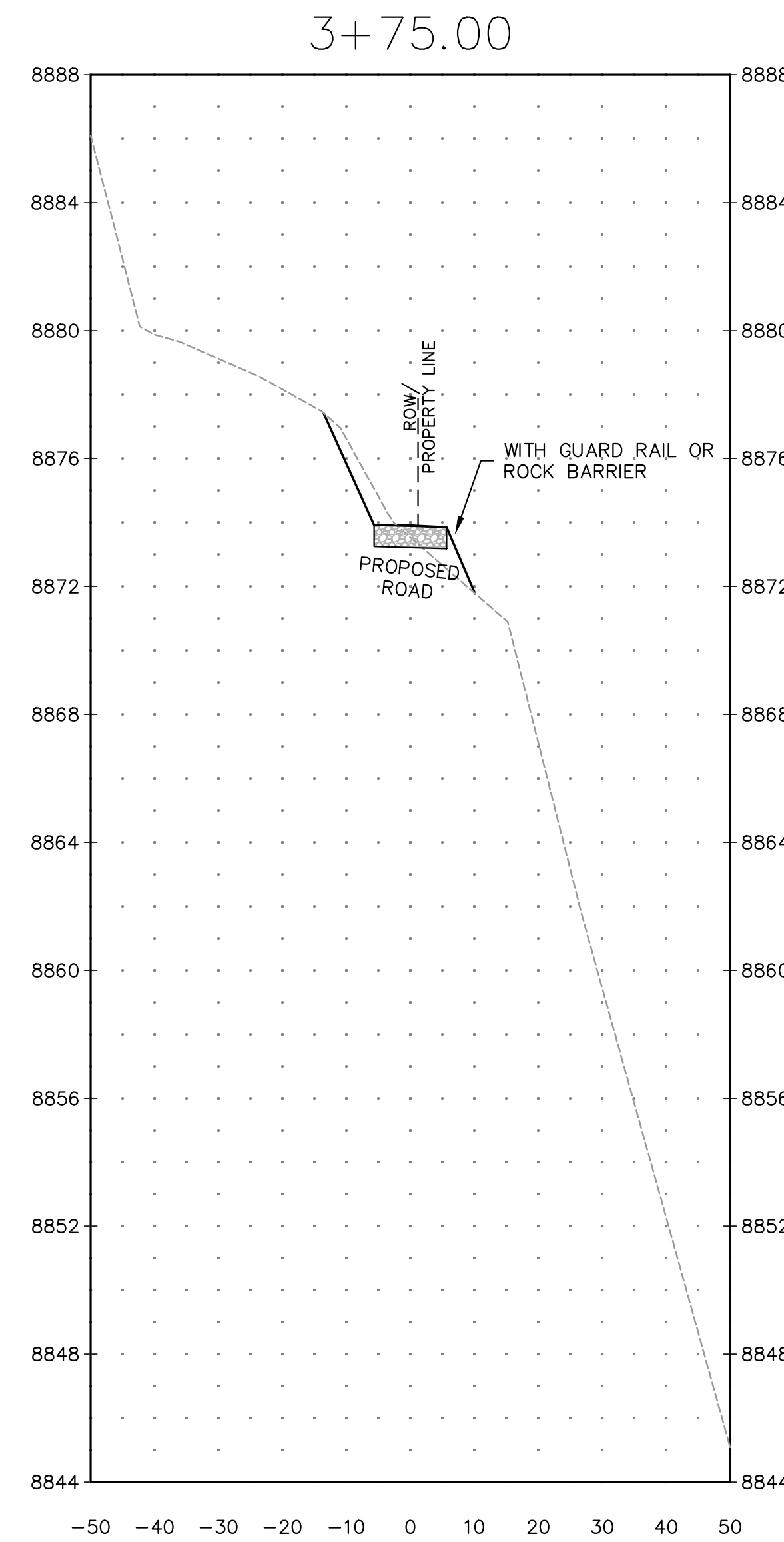
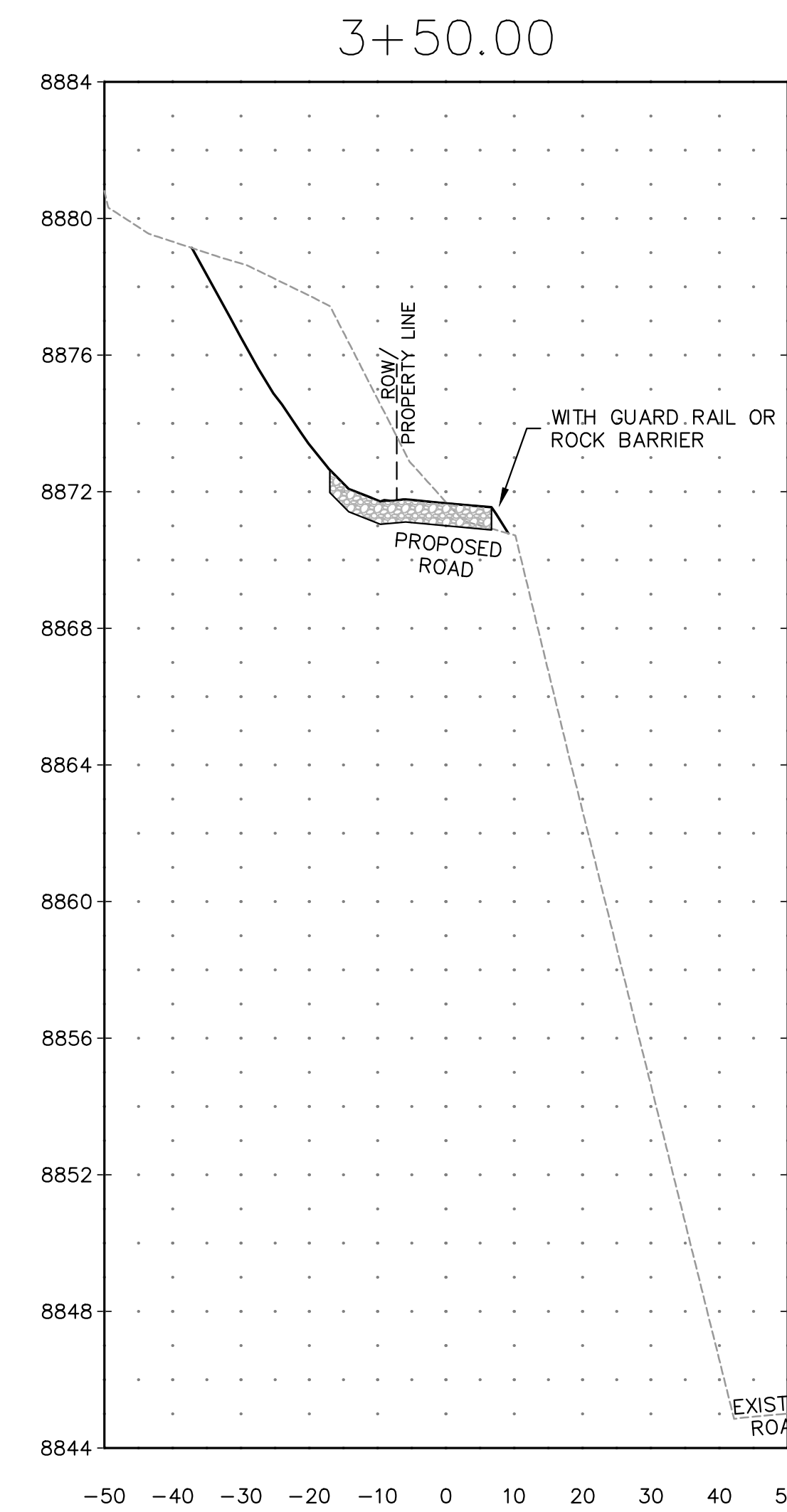
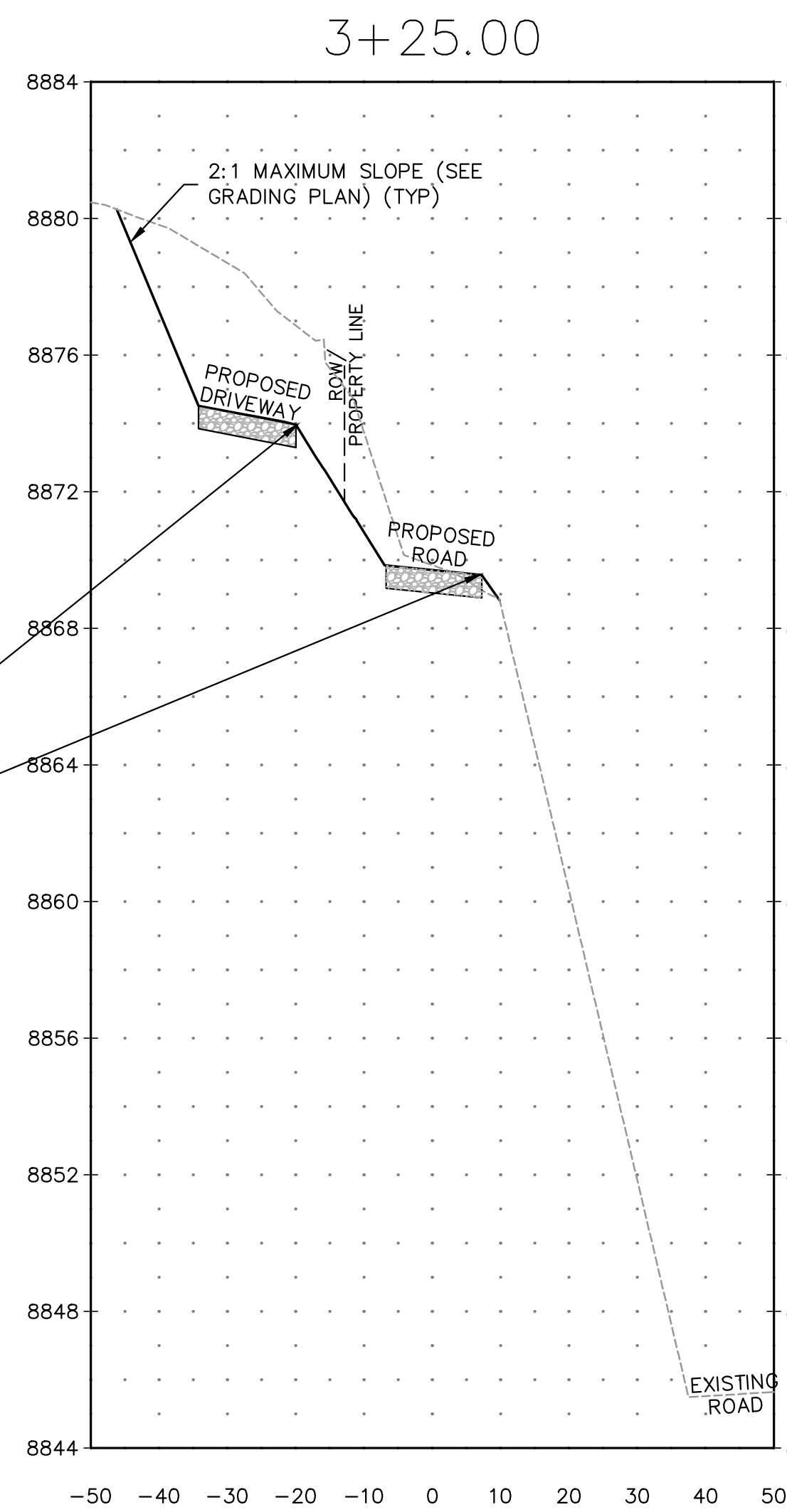
CLIENT:
FLATT FAMILY LLP
10 EAST DESERT CREEK LA
CAVE CREEK, AZ 85331

SHEET #:

5 OF 7

NO.	REVISIONS	DATE

ROAD SECTIONS



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ALPINE LAND
CONSULTING, LLC

P.O. BOX 254
RICO, COLORADO 81332
970-708-0526

GREGG@ALPINELANDCONSULTING.COM

CLIENT:
FLATT FAMILY LLP
5480 EAST DESERT CREEK LANE
CAVE CREEK, AZ 85331

DATE: APRIL 19, 2022

PROJECT #:	2021029
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PROJECT MANAGER:	GEA
DRAWN BY:	ADM

SHEET #:	
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6 OF 7

ROAD SECTIONS

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2. ALL EXISTING TOPOGRAPHIC AND BOUNDARY INFORMATION PROVIDED BY ALL POINTS LAND SURVEY LLC. SEE NOTE 12 ON SHEET 1.
3. THIS PLAN IS FOR REVIEW ONLY AND NOT TO BE USED FOR CONSTRUCTION.
4. RETAINED HEIGHT FOR RETAINING WALLS IS MEASURED FROM FINISHED GRADE TO FINISHED GRADE AND DOES NOT INCLUDE ANY CAPS OR FOUNDATIONS (SEE DRIVEWAY SECTIONS).

2.0% → PROPOSED GRADE
2:1 → PROPOSED SLOPE
1:1 → EXISTING SLOPE

CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987
OR
811
CALL 2-BUSINESS DAYS IN ADVANCE
BEFORE YOU DIG, GRADE, OR
EXCAVATE FOR THE MARKING OF
UNDERGROUND MEMBER UTILITIES.

THESE ROAD IMPROVEMENT PLANS WERE PREPARED BY ME AND UNDER MY DIRECT SUPERVISION ON BEHALF OF ALPINE LAND CONSULTING, LLC FOR THE FLATT FAMILY LLP AND INCLUDES ROAD GRADING AND UTILITY PLAN ONLY, AND DOES NOT INCLUDE ANY OTHER PLANNING OR ENGINEERING.



GREGORY E. ANDERSON
COLORADO PROFESSIONAL ENGINEER
REGISTRATION NO. 35736

**THIS PLAN IS
CONCEPTUAL AND
NOT FOR
CONSTRUCTION**

NO.	REVISIONS



ALPINE LAND
CONSULTING, LLC

P.O. BOX 254
RICO, COLORADO 81352
970-708-0326

GREGG@ALPINELANDCONSULTING.COM

LOT 28-40 BLOCK 9
TOWN OF RICO
UTILITY PLAN

CLIENT:
FLATT FAMILY LLP
5480 EAST DESERT CREEK LANE
CAVE CREEK, AZ 85331

DATE: APRIL 19, 2022

PROJECT #: 2021029

PROJECT MANAGER: GEA
DRAWN BY: ADM

SHEET #

7 OF 7

Road Building Application



Applicant Name Flett Family LLP
a Colorado Limited Liability
Partnership % David Flett Phone Number 970-209-0681
 Address 5490E Desert Creek Lane Cell Phone Number 970-209-0681
Cave Creek, AZ 85331
 Email davidc.flett@icloud.com Fax Number N/A
 Address of Subject Property 200 block of S. Commercial Street
 Legal Description of Subject Property Lots 28-40, Block 9
Town of Rico
 Zone District of Subject Property Residential

Attachments Required:

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

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: Flatt Family LLP
by [Signature] Date _____
Managing General Partner

Date Application Received 4/28/22

Application Reviewed by CM

Application Fee Received 4/28/22

Date of Hearing PC 5/11/22 BOT 5/18/22

Application Complete 4/29/22

Rico Planning Commission Action _____

Mailing Notice Complete 4/19/22

Approval Subject to Conditions _____

Other comments:

**Flatt Family, LLP
5480 E. Desert Creek Lane
Cave Creek, AZ 85331**

**Chauncy McCarthy
Town Manager
P O Box 9
Rico, CO 813432**

Chauncy:

Attached is my Road Building Application and check in the amount of \$350.

The Site Plan and Construction documents will be delivered by Gregg Anderson.

The proposed use of the road and driveways is to provide vehicle access to each of the 6 homesites located on lots 28-40 as depicted on the construction plans.

Maintenance of the shared driveways constructed on the lots including snow removal will be governed by 2 separate recorded agreements and easements. One maintenance agreement and easement will apply the shared driveway for homesites 1, 2 & 3; Lots 40-35. The other maintenance and easement agreement will include homesites 4 & 5; lots 34-30. Homesite 6 will maintain their own driveway.

The Town of Rico will maintain the road constructed on the East side of Commercial Street which provides access to the lot owner's driveways and homesites.

Let me know if you want any other information or documents.

Thank You.

Flatt Family, LLP



**Dave Flatt,
Managing General Partner**

**davidcflatt@icloud.com
970-209-0681**

NOTICE OF PENDING ROAD BUILDING APPLICATION

Date: 04-19-22

RE: Public Hearing on Road Building Application

Dear Property Owner,

You are receiving this public notice as required by the Town of Rico Land Use Code because you own property adjacent to the proposed road construction.

Name of Applicant: Flatt Family, LLP c/o David Flatt

Type of Development Application(s): Road Building Application

Legal Description: Lots 24-40, Block 9, Town of Rico. (Commercial Street ROW)

Address: Rico, Colorado

Review Authority: Rico Planning Commission and Rico Board of Trustees

Rico Planning Commission Hearing Date: 05-11-22

Rico Board of Trustees Hearing Date: 05-18-22

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

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

Send emailed comments addressed to the townmanager@ricocolorado.gov

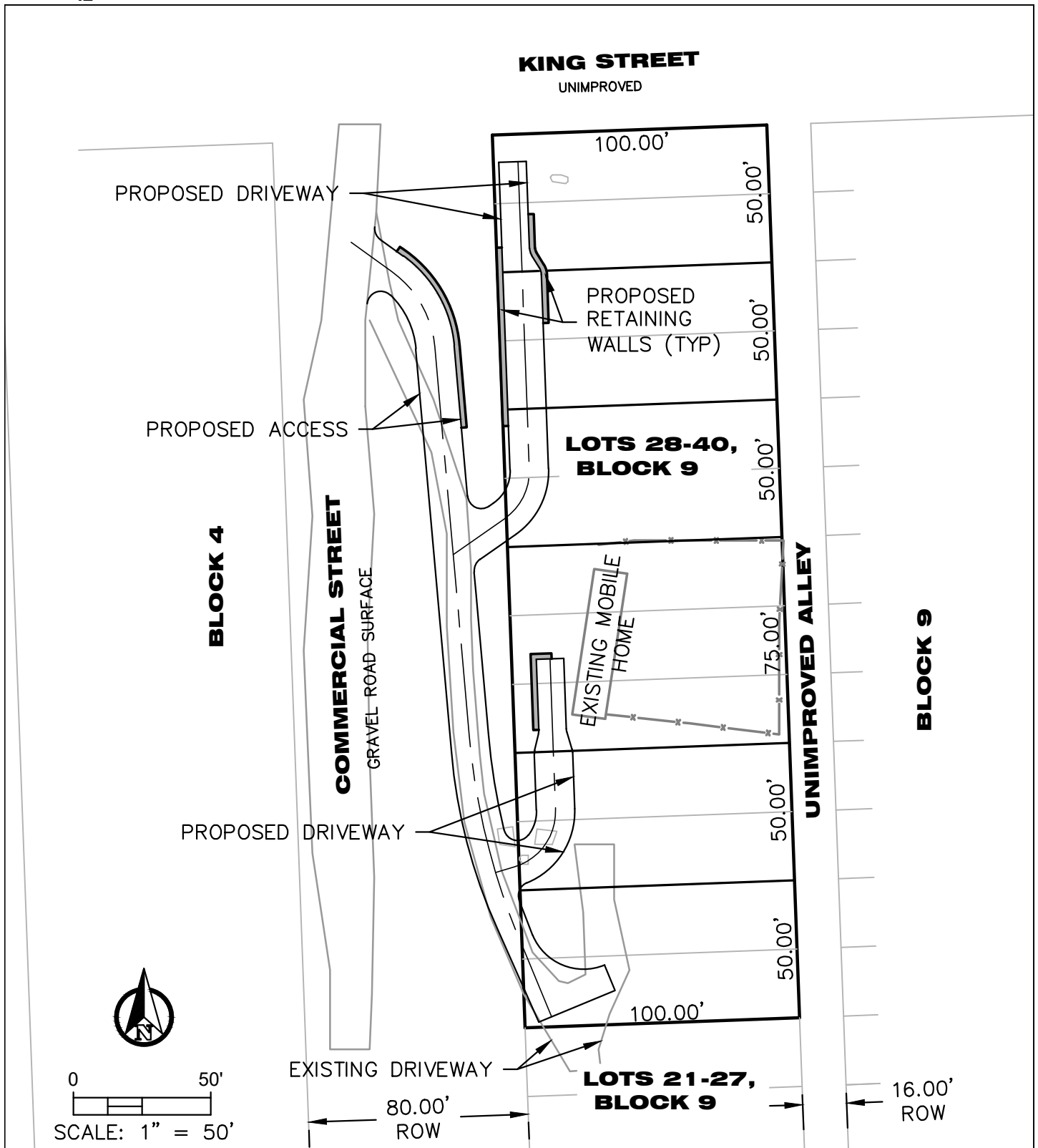
Or by surface mail to:

Chauncey McCarthy

Town of Rico

PO Box 9

Rico Colorado, 81332



Lots 28-40, Block 9, Town of Rico
Roadway and Access Exhibit



**ALPINE LAND
CONSULTING, LLC**

P.O. BOX 234
RICO, COLORADO 81332
970-708-0326
GREGG@ALPINELANDCONSULTING.COM

PROJECT MANAGER: GEA DATE: APRIL 19, 2022
DRAWN BY: GEA PROJECT #: 2021029

Ctrl

Alt



Robert Haggart
1620 Forest Avenue
Durango, CO 81301



Vickie Briner Montgomery
12216 County Place Drive
Maryland Heights, MO 93043



Christopher Edgeworth
P.O. Box 342
Rico, CO 81332



Robert and Amy Haggart
1620 Forest Avenue
Durango, CO 81301



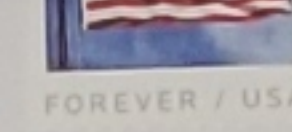
Robin A. Huber
P.O. Box 623
Telluride, CO 81435



Heather Marie Danner
534 Society Drive
Telluride, CO 81435



Sue Ellen Gilbert
607 Apple Drive
Cortez, CO 81321



Mary Radick & Shreve Maranto
238 Army Blvd
San Antonio, TX 78215



Christopher Edgeworth
P.O. Box 342
Rico, CO 81332



Todd and Kim Jones
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Rico, CO 81332



Josh Wheaton
P.O. Box 149
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Heidi Wyatt
P.O. Box 9100-248
Bandera, TX 78003



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Todd & Kim Jones
238 Army Blvd
San Antonio, TX 78215



Patrick N. & Deborah L. Bailey
P.O. Box 3524
Telluride, CO 81435



David & Jennifer Johnson
2007 East Rancho Drive
Phoenix, AZ 85016



Dawn M & Gregory S Brown
1012 N. 5th Street
Coeur D'Alene, ID 83814



Barbara J. Turrin
P.O. Box 207
Rico, CO 81332

