

Rico Planning Commission Memorandum

Date: May 3, 2024

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

**Recommendation of a disturbance permit application 101 S Picker, Town of Rico applicant**

Included in the packet is a disturbance permit application from the Town of Rico to construct park and recreation improvements within the outer buffer zone of a wetlands at 101 S Picker. The Town of Rico is requesting that the setbacks from the wetlands are reduced to the restrictive inner buffer of 25 feet. In addition to the application is a staff memo reviewing the submittals to the RLUC standards.

*Recommended motion: I move to recommend to the Board of Trustees the approval of the disturbance permit application for 101 S Picker St, Town of Rico applicant.*

**Recommendation of road building and disturbance permit application Carter Way, Breitenbach applicant**

Staff have been working with the applicant to resolve some outstanding issues prior to the public hearing of this application. The staff and applicant have decided to continue this application to a date unknown. Once the applicant has some certainty on when they will be able to revise the submittals, they will follow the appropriate noticing requirements and staff will set a date for the public hearing.

**Rico Land Use Code global revision**

We will continue reviewing and working through the RLUC global revision. Included in the packet is a memo summarizing the last planning commission's review.

## PLANNING COMMISSION MEETING MINUTES

Date: April 10, 2024

### Call to order

Chairman Mike Contillo called the meeting to order.

### Present:

Chairman Mike Contillo  
Cristal Hibbard  
Andrew Romanyshyn  
Gerrish Willis

### Absent:

Kiplynn Smith

### Staff Present.

Chauncey McCarthy, Anna Wolf (zoom), Jen Stark,

### Approval of the Agenda

#### Motion

To approve the agenda.

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

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

### Approval of the Minutes

#### Motion

To approve the minutes from the March 13, 2024 meeting.

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

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

### Action Items

Recommendation of final plat (condo conversion) subdivision Bedrock subdivision Lot 6, BRD LLC applicant

Town Manager Chauncey McCarthy introduced the application.  
Planning Commission discussion was had.

#### Motion

I move to recommend the approval final plat final plat (condo conversion) subdivision Bedrock subdivision Lot 6, BRD LLC applicant with the conditions that we see a written description of the foot path that was part of the original application as the board to review

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

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

**Discussion Items:**

Rico Land Use Code global revision

Land Use Code revision was discussed.

The meeting adjourns unanimously.

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Anna Wolf  
Rico Town Clerk

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Michael Contillo  
Chairman



**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](http://www.ricocolorado.gov)**

To: Rico Planning Commission  
From: Chauncey McCarthy, Town Manager  
Subject: Town of Rico 101 S Picker (Park Improvements) disturbance permit review

05/01/2024

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

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

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

*Submittal requirement met.*

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

*Submittal requirement met.*

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

*Grading plan not provided. Rocks and past construction debris may be removed from the site, and material may be brought in for the construction of the skatepark. Most improvements will be constructed on existing grade.*

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

*N/A*

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

N/A

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

*No alternative analysis provided as no disturbance will be made within the wetlands or restrictive inner buffer zone.*

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

N/A

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

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

The proposed disturbance are within the default outer buffer zone of the wetlands that was delineated by Terra Firma in July 2022 the following standards:

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

**825.5** The proposed activity is (a) primarily for the promotion of the safety, health and general welfare of the Rico community, (b) the public benefit is greater than the impact to wetlands, and (c) there is no financially feasible alternative or other alternatives conflict with other provisions of the Comprehensive Plan

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

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

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

N/A

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

*Standard met*

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

*Standard met*

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

*Standard met*

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

N/A

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

*N/A*

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

*N/A*

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

*N/A*

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

*N/A*

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

*Standard met*

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

*N/A*

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

*N/A*

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

*N/A*

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

*Written estimate not provided*

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

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

*Standard met*

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

*N/A*

Disturbance Permit Application



Applicant Name Town of Rico Phone Number 970-967-2863

Address PO Box 9 Cell Phone Number N/A

Email townmanager@RicoColorado.gov Fax Number N/A

Street Address of Subject Property 101 S Picher

Legal Description of Subject Property Tract 8 Rico River Corridor

Zone District of Subject Property Public facilities

Contractor Name Town of Rico/FMP Phone Number \_\_\_\_\_

Address See above Cell Phone Number \_\_\_\_\_

Email lv Fax Number \_\_\_\_\_

**Attachments Required:**

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

North Arrow

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

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

Topography 5 foot interval maximum, 2 foot preferred

Vicinity Map

Proposed grading and drainage

Lot lines with dimensions

Location of existing buildings if applicable

Easements with dimensions

Location of proposed building if applicable

Acreage of lot

Location of existing utilities if applicable

Adjacent streets with labels

Location of proposed utilities if applicable

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

- Grading, re-vegetation, and mitigation plan
- Alternative Analysis *N/A*
- Army Corps. Permit (if required) *N/A*
- Letter of agency if applicant is other than the owner of the property *N/A*
- An application fee in the amount of \$400.00.
- Waived* A copy of the deed for the property. *N/A*

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

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

Signature: *Clayton M...* Date *4/15/24*

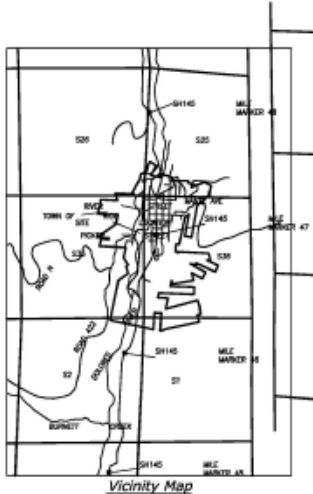
Date Application Received _____	Application Reviewed by _____
Application Fee Received _____	Date of Hearing _____
Application Complete _____	Rico Planning Commission Action _____
Mailing Notice Complete _____	Approval Subject to Conditions _____

Other comments:



# Existing Conditions/Topographic Survey Tract 8, Rico River Corridor

lying within the Town of Rico, County of Dolores, State of Colorado



Vicinity Map

**SURVEYOR'S STATEMENT:**

This Existing Conditions/Improvement Survey of a portion of Tract 8, Rico River Corridor, was first surveyed during July of 2022 under the direct responsibility, supervision and checking of David R. Bulson of Bulson Surveying, being a Colorado Licensed Surveyor. This Survey is not an Improvement Location Certificate, Land Survey Plat or Improvement Survey Plat as defined by CRS Article 38 or Article 51. The area of topography was expanded in April 2024 using USGS LIDAR data and has not been field verified.

Surveyed and Reduced by David R. Bulson  
 Date: 2024.04.10 11:52:06 -0600  
 David R. Bulson  
 License No. 37862

**PROPERTY DESCRIPTION:**  
 TRACT 8, RICO RIVER CORRIDOR ACCORDING TO THE PLAT OF THE RICO RIVER CORRIDOR FILED ON AT RECEPTION NUMBER DOLORES COUNTY CLERK AND RECORDER, DOLORES COUNTY, STATE OF COLORADO

**NOTES:**  
 1. Easement research and property description according to the plat of the Rico River Corridor Tract map. There has been no additional title search performed to determine easements or other encumbrances that may affect the property.

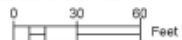
2. Portions of the property does lie within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency (FEMA). According to the Flood Insurance Rate Maps for the Town of Rico, Colorado, Community Panel 08113022870, dated 03/07/2006. Additionally, the Town of Rico Hazards mapping depict portions of this property to be within the 100 year floodplain. These two floodplain boundaries are depicted hereon.

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

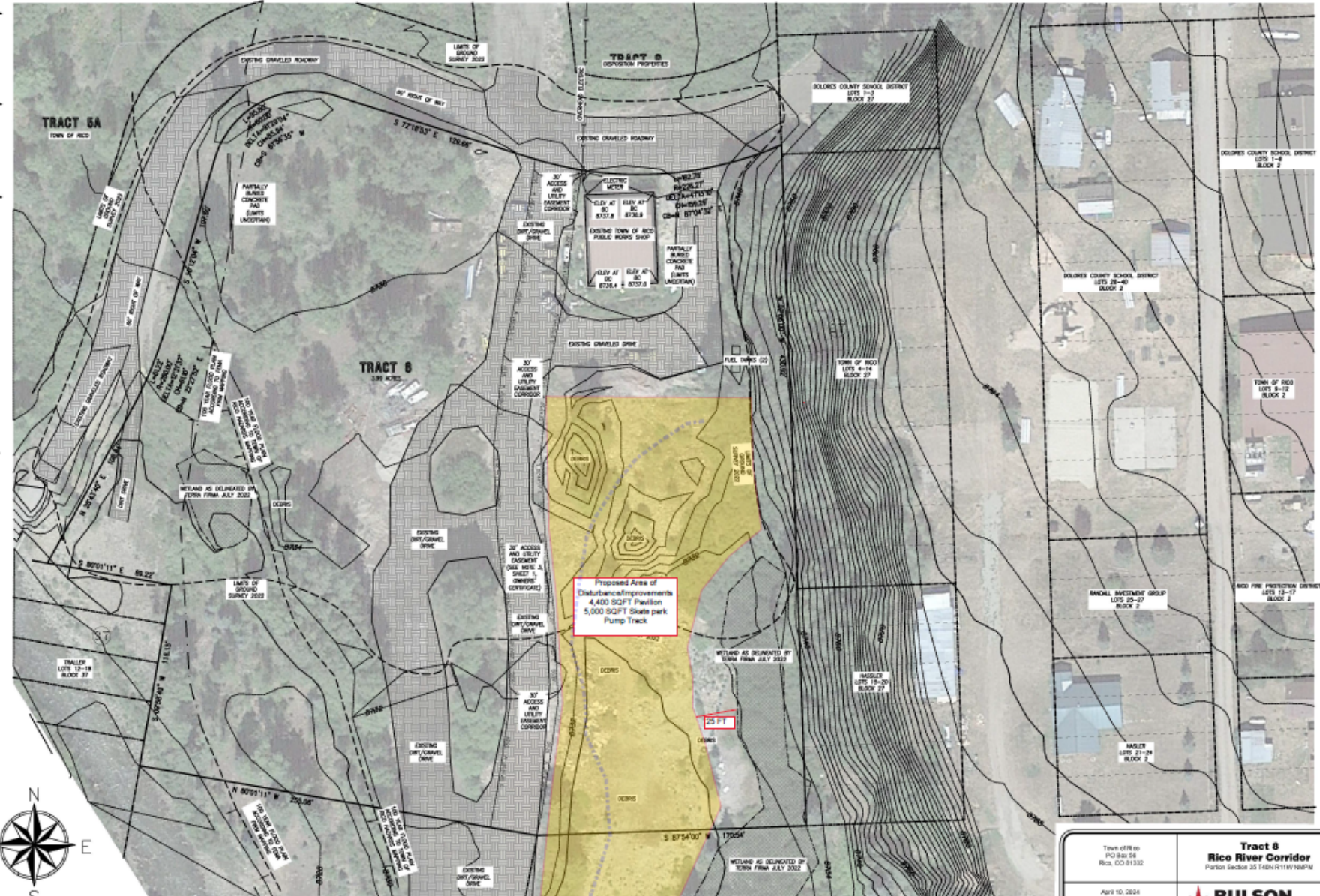
4. The Town of Rico and the Army Corp of Engineers impose certain restrictions within delineated wetlands. The wetland boundaries indicated hereon are depicted based on the wetland delineation performed by Chris Hagan of Terra Firma Environmental during July of 2022.

5. Benchmark: Centerline intersection monument of Montz and Glasgow assumed as 8824.49'

6. Contour interval is two feet.



Scale 1" = 30'



Town of Rico PO Box 54 Rico, CO 81332	<b>Tract 8 Rico River Corridor</b> Parcel Index 33 T8B/R11W N68M
April 10, 2024 PROJECT NUMBER 2204	

**NOTICE OF PENDING PERMIT APPLICATION FOR A DEVELOPMENT  
PERMIT IN AN AREA OF ENVIRONMENTAL CONCERN**

Date: April 17, 2024

RE: Public hearing on a development permit for development in an area of environmental concern

Dear Property Owner,

You are receiving this public notice as required by the Town of Rico Land Use Code because you own property within 200 feet of a proposed development in an area of environmental concern. The Town of Rico is proposing park and recreation improvements at 101 S Picker. These improvements will be placed within the outer buffer (25-100 feet setback) zone of a wetland. No improvements will be constructed in the inner buffer zone (0-25 feet setback) or wetlands.

**Name of Applicant:** Town of Rico

**Type of Development Application(s):** Disturbance permit (Wetlands Buffer)

**Legal Description:** TRACT 8 RICO RIVER CORRIDOR

**Address:** Rico, Colorado

**Lot or Site Size:** 4 Acres

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

**Rico Planning Commission Hearing Date:** May 8, 2024 Approximately 6:00 PM

**Board of Trustee's Hearing Date:** May 15, 2024 Approximately 7:00 PM

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

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





Atlantic Richfield Company

Atlantic Town

Town or Rico

Hancock Hancock

Campbell

Picker Picker

Town Of Rico

River River

Dolores County School District

Glasgow

Commercial

Tanguay

Town of Rico

Tanguay

Street 2

Patrick

Frame Dolores Ethel Trust NO.

Hagan

Traller

Town of Rico

Street 1

Hasler

Randall Investment Group

Argentine

Hasler

King

Eder

Funk

Town of Rico

Street 1

Town of Rico

Myers

# 200 Feet Buffer

NAME	NAME	ADDRESS	TOWN	STAT ZIP	SITE
RICO TOWN OF		P.O. BOX 9	RICO	CO 813320000	TRACT 5C RIVER CORRIDOR
RICO TOWN OF		P.O. BOX 9	RICO	CO 813320000	TRACT 5A RIVER CORRIDOR
ATLANTIC RICHFIELD COMPANY		501 WESTLAKE PARK BOULEVARD	HOUSTON	TX 770790000	TRACT 9 RICO RIVER CORRIDOR
RICO TOWN OF		P.O. BOX 9	RICO	CO 813320000	TRACT 8 RIVER CORRIDOR SHOP
RICO TOWN OF		P.O. BOX 9	RICO	CO 813320000	TRACT 5B RIVER CORRIDOR
DOLORES COUNTY SCHOOL DIST RE-2		P.O. BOX 459	DOVE CREEK	CO 813240000	101 S. RIVER STREET
FRUNK ANDREW MICHAEL & ANNE	MARGARET BELASKA (JT)	P.O. BOX 264	RICO	CO 813320000	144 S. PICKER ST.
HAGAN CARL MICHAEL & MARY HAGAN	(JT)	P.O. BOX 101	RICO	CO 813320000	302 W. EDER ST. / 4 PICKER STREET
FRAME DOLORES ETHEL TRUST NO.	DEFT-1	7023 W. MAYBERRY TRAIL	PEORIA	AZ 853830000	135 S. PICKER STREET
TANGUAY KYLE DAVID & MADELINE	WARREN TANGUAY (JT)	P.O. BOX 252	RICO	CO 813320000	125 S. PICKER ST.
DREW PATRICK W. & DEANNA J. DREW		P.O. BOX 236	RICO	CO 813320000	131 S. PICKER ST.
RICO TOWN OF, COLORADO A	MUNICIPAL CORPORATION	P.O. BOX 9	RICO	CO 813320000	121 S. PICKER ST.
TANGUAY KYLE DAVID & MADELINE	WARREN TANGUAY	P.O. BOX 252	RICO	CO 813320000	117 S. PICKER STREET
TRALLER PEGGY MARIE REVOCABLE TRUST		617 RIDGE LEA COURT	FARMINGTON	NM 874010000	134 S. PICKER ST.

### Proposed Disturbance:

The Town of Rico is proposing park and recreation improvements at 101 S Picker. The improvements to be constructed are a covered pavilion, skatepark, and dirt pump track. These improvements will be placed within the outer buffer (25-100 feet setback) zone of a wetland (delineated by Terra Fim July 2022). No improvements will be constructed in the inner buffer zone (0-25 feet setback) or wetlands. In addition to no improvements being made in this zone there will also be no temporary impacts to the restrictive inner buffer from construction, machinery, or staging materials.

The Town is requesting a reduction of the outer buffer zone, due to lack of specific features as illustrated in RLUC Section 824.3

The proposed improvements total approximately 10,000 Sqft of impervious surface equating to .23 acres. The site in total is 4 acres.

### Disturbance Plan:

826.1 No soil will be disturbed within the wetlands (Standard not applicable)

826.2 No work will be conducted within the restrictive inner buffer zone or wetland

826.3 Fence will be installed to protect and delineate wetlands and inner buffer zone to contractors

826.4 Work will be conducted in June and July

826.5 No walkways, parking areas or driveways will be constructed

826.6 Exposed slopes to not be graded

826.7 Site is flat runoff velocities will not and erosion are not relevant

826.8 No drainage ways or outlets existing

826.9 A determination of silt fence requirements will be made in the field

826.10 Site will be revegetated with a native seed mix created by CSU ag program



# TOWN OF RICO

DOLORES COUNTY, COLORADO  
INCORPORATED OCTOBER 11, 1879  
2 North Commercial Street  
Post Office Box 9  
Rico, Colorado 81332  
Office # 970.967.2861  
Fax # 970.967.2862  
[www.ricocolorado.org](http://www.ricocolorado.org)

## RLUC Review

Date: 4.10.2024

Segment Article IV

Start: Article IV

Stopping point: Article IV: 470 Road Building Applications

Notes:

-434.3: Reworded to include: Notice shall also be posted and maintained, at that time and for the same duration, on the subject property with the notice signage provided by the Town.

-442.6: revisit any renaming of historic landmarks because of name changes.

Worksession ended: 8:00 p.m.

Stopping point: Article IV: 470 Road Building Applications