



AGENDA  
TOWN OF RICO PLANNING COMMISSION  
**2 Commercial Street– Rico Town Hall**  
**September 13, 2023**  
**6:00 p.m.**

- Electronic copies of the Planning Commission Packet are available on the Town website.
- Action may be taken on any agenda item.
- Notice is hereby given that a majority or quorum of the Board of Trustees may be present at the above noticed Rico Planning Commission meeting to discuss any or all of the matters on the agenda below for Planning Commission's consideration.
- The Town of Rico is not responsible for audio, video, or connectivity issues. In-person attendance is highly recommended.

Topic: Planning Commission September Meeting  
Time: Sep 13, 2023 06:00 PM Mountain Time (US and Canada)

Join Zoom Meeting  
<https://us02web.zoom.us/j/81430578585?pwd=a1lMTXpTTy9VWEN0SnJsaUdITXY2UT09>

Meeting ID: 814 3057 8585  
Passcode: 868455

One tap mobile  
+17193594580,,81430578585#,,,868455# US  
+12532050468,,81430578585#,,,868455# US

CALL TO ORDER

ROLL CALL

APPROVAL OF THE AGENDA

6:00 PM DISCUSSION ITEM

- Rico Land Use Code global revision

APPROVAL OF THE MINUTES

PUBLIC COMMENT

7:15 PM ACTION ITEM

- Recommendation of variance application for building height, Lots 1A - 6A Block A, 337 N Piedmont, Matthew Fulton applicant

ADJOURN

## Rico Planning Commission Memorandum

Date: September 7, 2023

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

**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 planning commission's last review.

**Recommendation of variance application for building height, Lots 1A - 6A Block A, 337 N Piedmont, Matthew Fulton applicant**

Included in this packet is a variance application for building height. The application is complete and compliant. Matthew Fulton is requesting a variance to exceed the height requirements provided in section 204.6 and section 221 of the Rico Land Use Code. The narrative provided by the applicant's architect states that the building will have a total height of 43 feet. Upon further review of the elevation drawing provided it has been noted that the walk out basement level has an elevation of 8847' and the elevation of the top of the structure is 8892'-6". This places the structure at 45.5 ft. tall. This is 15.5 feet taller than what is currently allowed. This lot does have a fair amount of topography although the applicant's drawing specs engineered backfill to help level the home site.

Rico Land Use Code section 436 provides the standards for review for a variance application. They are as follow:

**436. STANDARDS FOR REVIEW**

The following standards shall apply to review of Variance applications by the Board of Adjustments. In exercising its power to grant a Variance in accordance with this RLUC, the Board of Adjustment shall make finding and show in its minutes that each of the following standards are met:

436.1 There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, access, and location that do not apply generally to other property in the same area and Zone District:

436.2 the Variance will not unduly impact such things as: snow removal, streetscapes, separation of buildings for fire protection, and opportunity for off-street parking, which are provided by minimum setbacks; solar access, and protection of neighbors views to the surrounding mountains, which are provided by maximum building heights; continuity of design, minimization of visual impact, and provision of minimal yard area, which is provided by maximum floor areas (particular attention shall be given to the impacts of the Variance on neighbors); and,

436.3 the Variance, if granted, will not constitute a material detriment to the public welfare or injury to the use, of property in the vicinity; and,

436.4 the Variance is not sought to relieve a hardship to development of the property which has been created by the Applicant; and,

436.5 that the proposed use is a permitted use in the underlying Zone District.

The Planning Commission shall review the application to the standards listed above. If the commission determines that the application should be recommended for approval or approval with conditions, they must show that all standards for review have been met.



# 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: 7.12.2023

Segment: Article II of Codified RLUC 1.18.2023

Start: Article II Section 210: Mobile Homes

Stopping point: Section 222: Tiny Homes

### Notes:

- Mostly this will cover some comments and areas of further inquiry rather than step by step. A track-chances of areas covered can be sent to Planning Commission members in the next month's packet if interested.
- There were several comments and a lengthy discussion around Mobile Homes.
- Comment items included:
  - Defining what occupied versus stored
  - Eliminating any RV parking in the right of way
  - Discussion around the upcoming use of RV's as office space and how to handle that
  - The idea of RV's hooked up with regularity to utilities
  - When an RV is maintained in a fully extended or permanent type state
  - Utilized as an extend space in a long-term fashion to a residential or commercial area or use.
  - For RV allowing Recreational vehicles used as occupancy and increasing that from 10 days total in a calendar year to 7 consecutive days not to exceed 21 days total.
  - Gray or black water discharge from any RV is prohibited within town limits.

Section 214 increasing and including a section 215 and titling it 215: Vehicles for Residency on Public Areas

- Some further clarification about Trailers and other hook up items being attached to the vehicle.

Section 216.2 Changing the title to say: Commercial Uses By Special Use Permit

Review: Refer to section 420 Special Use Permit

Section 216.3 Adding Marijuana facilities to prohibited activities once the ordinance repealed.

Section 222: Tiny Homes

- Aligning with the 2018 International Building code and adding that definition.

Worksession ended: 7:30 p.m. Stopping point: Section 222: Completed Tiny Homes

## PLANNING COMMISSION MEETING MINUTES

Date: JUNE 14, 2023

### Call to order

Chairman Mike Contillo called the meeting to order at 6:06PM.

### Present:

Chairman Mike Contillo  
Gerrish Willis  
Leah Chmielewski  
Cristal Hibbard  
Kiplynn Smith  
Andrew Romanyshyn

### Absent:

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

### Approval of the Agenda

#### Motion

To approve the agenda.

**Moved by** Cristal Hibbard, seconded by Kiplynn Smith.

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

### Discussion

#### Rico Land Use Code Revision

Changes were made to the following sections:

210  
214  
216  
216.3  
220

Recommendation of Ordinance 2023-04 an Ordinance of the Board of Trustees of the Town of Rico, Colorado adopting town soils overlay zone regulations and adopting by reference Appendix D of the Rico Land Use Code

Tom Bloomfield gives a high level summary of the VCUP and the reason for the ordinance. Mayor Nicole Pieterse give summary of the Ordinance.

#### Motion

To recommendation of Ordinance 2023-04 an Ordinance of the Board of Trustees of the Town of Rico, Colorado adopting town soils overlay zone regulations and adopting by reference Appendix D of the Rico Land Use Code

**Moved by** Cristal Hibbard, seconded by Leah Chmielewski.

**Vote.** A roll call vote was taken and the motion was approved, 5-0. Kiplynn Smith did not vote as an alternate.

Meeting adjourns 8:48PM

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Anna Wolf  
Rico Town Clerk

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Michael Contillo  
Chairman

## PLANNING COMMISSION MEETING MINUTES

Date: July 12, 2023

### Call to order

Chairman Mike Contillo called the meeting to order at 6:05PM.

### Present:

Chairman Mike Contillo  
Gerrish Willis  
Leah Chmielewski  
Cristal Hibbard  
Kiplynn Smith  
Andrew Romanyshyn

### Absent:

**Staff Present.** Chauncey McCarthy, Anna Wolf, 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, 5-0.

### Public Comment

Skip Zeller: there is a general consensus of reluctance to abide by the LUC. Rico is notoriously lawless. Those in violation should get 1 year to correct the violation. Main street is progressing down the wrong way.

#### Discussion

##### Rico Land Use Code Revision

Remove table regarding Tiny homes. Add ICC minimum requirements.

Design regulations should include one kitchen per dwelling.

Changes were made to the following sections:

221

240

244

Discussion was had regarding rezoning Rico.

The planning commission discuss starting next meeting at 6PM to work on the LUC amendment.

#### Motion

To adjourn the meeting.

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

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

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Anna Wolf  
Rico Town Clerk

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Michael Contillo  
Chairman



## PLANNING COMMISSION MEETING MINUTES

Date: August 9, 2023

### Call to order

Cristal Hibbard called the meeting to order at 7:02PM.

### Present:

Gerrish Willis  
Leah Chmielewski  
Cristal Hibbard  
Kiplynn Smith  
Andrew Romanyshyn

### Absent:

Chairman Mike Contillo

### Staff Present.

Anna Wolf, 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, 5-0.

### Action Item

Recommendation of excavation and utility permit, Lots 15-20 Block 17, Eric and Jennifer Breitenbach applicants

Jen Stark gives summary of the application. Brings the summary report to the attention of the Planning Commission.

### Applicants:

Bought this lot in May and are looking to get access through the ally. They contacted the other land owners who would benefit from the ally improvements but those owners do not want to contribute to the improvements. They are working with San Miguel power to get a transmitter on their property.

The applicants would like to extend utilities to their lot line and create access through the alley.

The Planning Commission goes over the staff report.

Cristal Hibbard explains that drainage and grading are huge talking points for the Town and the planning commission. The plans need to ensure that new grade and drainage do not damage existing infrastructure.

Previous applications required engineered plans and drawings.

Leah Chmielewski expressed that the applicants could potentially apply for a variance. However it is hard to talk about without engineered plans.

Kiplynn Smith: Because this is in the right of way the planning commission needs to have the design in hand.

Gerrish Willis explained his process of building access to his lot on Van Winkle. Andrew Romanyshyn emphasizes the importance of drainage.

Cristal explains that variation from the standard could occur however they need plans to determine those variances.

Jen Stark Town planner explains that what the applicant submitted still has a lot of unknowns. There is a draw towards engineered plans from the planning commission and staff. The Town managers job is to ensure the LUC and standards are being met. In this case there are too many unknowns.

The applicant expresses frustration as they were not told they needed engineered plans.

Cristal proposes to send the applicant back to staff to work out the unknowns.

**Motion**

To recommend that the applicant go back to staff and work out the unknowns. Staff to approve the application once all gaps in the application have been addresses.

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

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

The planning commission discuss staring next meeting at 6PM to work on the LUC amendment.

**Motion**

To adjourn the meeting.

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

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

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Anna Wolf  
Rico Town Clerk

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Michael Contillo  
Chairman

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## Variance Applications

Variance Applications are required for the following:

- Modifications of building height
- Encroachment of structures into setbacks
- Yard area
- Site coverage
- Required off-street parking
- Maximum floor area

### Variance Procedure Process Chart

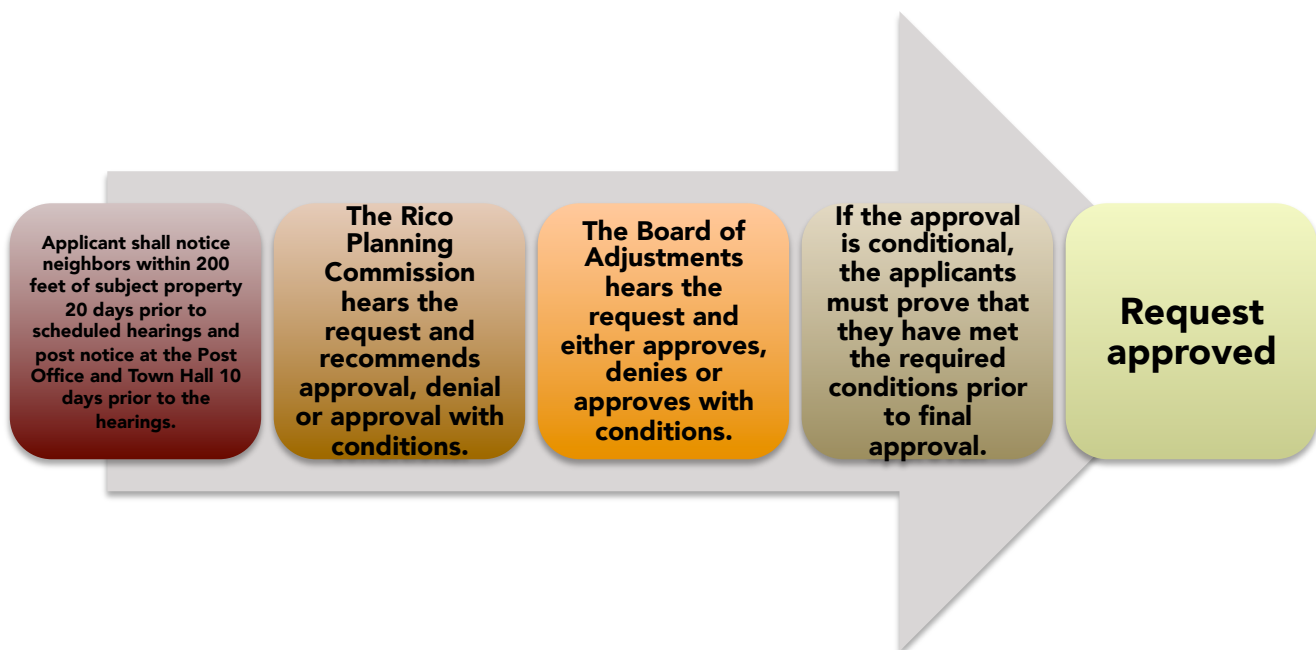


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## Variance Procedure Process Chart

The Rico Planning Commission is authorized to review and make a recommendation to the Board of Trustees operating as the Board of Adjustments. Standards for review include the following:

- Special circumstances related to lot size, shape, area, topography, surrounding conditions, access and location that do not generally apply to properties in the same area and zone district.
- Variance should not negatively impact snow removal, streetscapes, separation of buildings for fire protection, off-street parking areas, solar access, view corridors. Attention shall be given to impacts on neighbors.
- Variances shall not constitute a material detriment to public welfare or injury to the use of property in the vicinity.
- A variance shall not be approved if it is sought to relieve a hardship created by the applicant.
- The proposed use must be a permitted use in the underlying zone district.



## Variance Application



Applicant Name Todd Mather Phone Number 530.414.4662  
 Address PO Box 7675, Tahoe City, CA 96145 Cell Phone Number \_\_\_\_\_  
 Email todd@tgmarchitect.com Fax Number \_\_\_\_\_  
 Street Address of Subject Property 337 N Piedmont, Rico, CO  
 Legal Description of Subject Property Lots 3A, 4A, 5A, and 6A, Block A, Piedmont Addition to the  
Town of Rico, according to the replat recorded April 29, 2004  
in Plat Book 2 at page 140, at Reception No. 147323  
 \_\_\_\_\_  
 Zone District of Subject Property Residential (R)

### Attachments Required:

- ☒ Description of Variance Request – cite Rico Land Use sections for which the variance is sought.
- ☒ Narrative of reasons that Variance should be granted
- ☒ Statement from County Treasurer showing the status of current taxes due on affected property
- ☒ Letter of agency if applicant is other than the owner of the property
- ☒ An application fee in the amount of \$200.00
- ☒ A Certificate of Mailing with names, addresses, and property owned of property owners within 200 feet of subject property.
- ☒ A copy of the deed for the property.
- ☒ Two (2) 24" by 36" Site Plans and (1) electronic (pdf) site plan showing the following:

- 
- |   |   |
|---|---|
| <input checked="" type="checkbox"/> North Arrow   | <input checked="" type="checkbox"/> Adjacent streets with labels                              |
| <input checked="" type="checkbox"/> Scale not greater than 1" = 20' unless the entire site will not fit on a 24"x 36" sheet | <input checked="" type="checkbox"/> Areas of environmental concern if applicable              |
| <input checked="" type="checkbox"/> Vicinity Map  | <input checked="" type="checkbox"/> Location of existing buildings if applicable              |
| <input checked="" type="checkbox"/> Lot lines with dimensions   | <input checked="" type="checkbox"/> Location of proposed building if applicable               |
| <input checked="" type="checkbox"/> Easements with dimensions   | <input checked="" type="checkbox"/> Location of existing utilities if applicable              |
| <input checked="" type="checkbox"/> Acreage of lot  | <input checked="" type="checkbox"/> Locations of setbacks and proposed setbacks if applicable |

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

Signature: \_\_\_\_\_ Date 6.26.2023

Date Application Received \_\_\_\_\_ Application Reviewed by \_\_\_\_\_

Application Fee Received \_\_\_\_\_ Date of Hearing \_\_\_\_\_

Application Complete \_\_\_\_\_ Rico Planning Commission Action \_\_\_\_\_

Mailing Notice Complete \_\_\_\_\_ Approval Subject to Conditions \_\_\_\_\_

**Other comments:**

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22 August 2023

Chauncey McCarthy  
Town of Rico  
PO Box 9  
Rico, Colorado, 81332

RE: **DESCRIPTION OF VARIANCE REQUEST – NEW SINGLE-FAMILY RESIDENCE,  
337 NORTH PIEDMONT STREET, TOWN OF RICO, COLORADO**

TGMA, Inc and its client, Mr. Fulton are requesting a variance to the Town of Rico's following ordinance:

**204.6 Building Height**

*The highest point of each roof segment shall not exceed 28 feet as measured from the average height of the supporting points of that roof segment at pre-construction grade. The lowest exposed point of the structure to the highest point of the structure shall not exceed 35 feet of total elevation. For structures with an irregular footprint, the Enforcement Official shall determine the reference points which meet the purpose of this RLUC. Existing pre-construction grade shall be determined by the Town's two-foot contour maps, as exist or may be amended from time to time, or shall be determined by a survey prepared by a licensed surveyor. Any property owner has the right to challenge reference points determined by the Enforcement Official for structures with an irregular footprint. This challenge must be initiated first through a Variance Application (Section 430, et. al.), and subsequently may be appealed to the Board of Trustees by following RLUC, Section 516.*

We are seeking a variance to exceed the 35' height limit by 8' for a total height of 43'. The proposed concept elevations provided by the Applicant show that 1.9% of the front (street-facing) façade and 17.8% of the side façade will be above the height limit.

Sincerely,



Todd Gordon Mather, AIA

22 August 2023

Chauncey McCarthy  
Town of Rico  
PO Box 9  
Rico, Colorado, 81332

RE: **VARIANCE NARRATIVE – NEW SINGLE-FAMILY RESIDENCE, 337 NORTH PIEDMONT STREET, TOWN OF RICO, COLORADO**

TGMA, Inc and its client, Mr. Fulton are requesting a variance to the Town of Rico's following ordinance:

**204.6 Building Height**

We are seeking a variance to exceed the 35' height limit by 8' for a total height of 43'.

1. This is a minimal deviation from the ordinance as reflected in the proposed concept elevations provided by the Applicant. We're requesting that only 1.9% of the front (street-facing) façade and 17.8% of the side façade be above the height limit.
2. Mr. Fulton's property lies at the end of a road that will not further be developed. The impact to neighbors is minimal. The Applicant believes it is likely that several of the nearby neighbors do not occupy their properties full time, further minimizing any impact.
3. The additional height requested is for a very steeply pitched roof only – the ridge of an A-frame. There is no living space or habitable space associated with this requested increase in height.
4. The subject parcel has unique topography. The house sits on a steeply sloping lot with no parcels above/behind. Every effort has been made to reasonably reduce the overall building height by engaging the home into the ground as deeply as possible.
5. The plans are a pre-designed house. In purchasing the plan set, the drawings and design have specific and significant limitations associated with changes to the ridge height or roof pitch.
6. The owner has not created this situation for which they need relief from the Building Height ordinance, but rather is optimistic that the relief requested is a minimal deviation from the ordinance whose author(s) may not have considered every unique building and/or structure on a given parcel. We understand that this request is neither based upon relief other neighboring parcels may have received, nor is it based upon precedent. We acknowledge that if granted this request, this structure will not set precedent.

Please contact me directly with any questions or concerns.

Sincerely,



Todd Gordon Mather, AIA



STATE OF COLORADO  
DOLORES COUNTY

CERTIFICATE OF TAXES DUE  
Thru Tax Year 2022

Certificate No 230  
Printed 06/07/2023

Assessed Owner:

TIO RICO, LLC  
3624 W. PECOS RD  
CHANDLER AZ 85226

SCHEDULE NUMBER 504725302001 R  
TAX DISTRICT 102  
ROLL PAGE 1758

\* THIS IS VACANT LAND \*

Ordered by: MATTHEW FULTON

===== N O T I C E =====

I, the undersigned, County Treasurer in and for said County, do hereby certify that there are no unpaid taxes or unredeemed tax lien sale certificates, except as shown below, as appears of record in this office, on the following described property, to-wit:

TAXING ENTITIES	\$/THOUS	TAX		
SCHOOL DIST RE-2J	29.293	318.56		
DOLORES COUNTY	28.013	304.64	2022 TAX AMT	945.64
TOWN OF RICO	18.744	203.84	2022 TAX PD	945.64-
RICO FIRE PROTECTION	7.468	81.21		
S W WATER CONS	.407	4.43		
DOLORES WATER CONS	2.280	24.80		
SMART-SAN MIGUEL AUT	.750	8.16		
TOTALS	86.955	945.64		

LEGAL DESCRIPTION OF PROPERTY

RICO PIED. LTS 1A& 2A BLK A 25-40-11 B-2 P-141 REPLAT  
B-106 P-298 B-109 P-485 B-110 P-123 B-208 P-153  
B-215 P-88(WD) B-242 P-190 B-269 P-446 B-291 P-18,19  
B-315 P-120(QC) B-325 P-337 B-333 P-297(WTR) 163432(DC)  
171860(AFF) 171861(LTRS) 171862(PRD) 171863(SWD)

TAXES HAVE BEEN PAID IN FULL

Total Now Due \$ .00

IN WITNESS WHEREOF; I have hereunto set my hand and the seal of my office,  
this 7TH day of JUNE A.D. 2023

TAYLOR FUNK  
DOLORES COUNTY TREASURER

BY: \_\_\_\_\_

This Certificate does not certify as to any taxes which may, or may not, be due on any Mobile Home, Improvement, Personal Property, Oil, Gas, Mineral Rights, or Special Assessments which may, or may not, be located on the Property described above, unless specifically listed and described. Information regarding special taxing districts and the boundaries of such districts may be on file or deposit with the board of county commissioners, the county clerk and recorder, or the county assessor.

STATE OF COLORADO  
DOLORES<sup>18</sup>COUNTY

CERTIFICATE OF TAXES DUE  
Thru Tax Year 2022

Certificate No 231  
Printed 06/07/2023

Assessed Owner:

TIO RICO, LLC  
3624 W. PECOS RD.  
CHANDLER AZ 85226

SCHEDULE NUMBER 504725302002 R  
TAX DISTRICT 102  
ROLL PAGE 1758

\* THIS IS VACANT LAND \*

Ordered by: MATTHEW FULTON

===== N O T I C E =====

I, the undersigned, County Treasurer in and for said County, do hereby certify that there are no unpaid taxes or unredeemed tax lien sale certificates, except as shown below, as appears of record in this office, on the following described property, to-wit:

TAXING ENTITIES	\$/THOUS	TAX		
SCHOOL DIST RE-2J	29.293	584.04		
DOLORES COUNTY	28.013	558.52	2022 TAX AMT	1733.70
TOWN OF RICO	18.744	373.72	2022 TAX PD	1733.70-
RICO FIRE PROTECTION	7.468	148.90		
S W WATER CONS	.407	8.11		
DOLORES WATER CONS	2.280	45.46		
SMART-SAN MIGUEL AUT	.750	14.95		
TOTALS	86.955	1733.70		

LEGAL DESCRIPTION OF PROPERTY

LOTS 3A,4A,5A,6A, BLK A RICO PIEDMONT 25-40-11  
B-2 P-140(REPLAT) B-106 P- 298 B-109 P-485  
B-110 P-123 B-208 P-153 B-209 P-27(WD) B-315 P-108  
(QC) B-325 P-237 B-333 P-297(WTR) B-383 P-364(PRD)  
B-386 P-70(DC,71(LTRS) B-389 P-431 (SWD),432(AFF)  
172212(AFF) 172213(SA) 172214(SWD)

TAXES HAVE BEEN PAID IN FULL

Total Now Due

\$ .00

IN WITNESS WHEREOF; I have hereunto set my hand and the seal of my office,  
this 7TH day of JUNE A.D. 2023

TAYLOR FUNK  
DOLORES COUNTY TREASURER

BY: \_\_\_\_\_

This Certificate does not certify as to any taxes which may, or may not, be due on any Mobile Home, Improvement, Personal Property, Oil, Gas, Mineral Rights, or Special Assessments which may, or may not, be located on the Property described above, unless specifically listed and described. Information regarding special taxing districts and the boundaries of such districts may be on file or deposit with the board of county commissioners, the county clerk and recorder, or the county assessor.

Date: 06.27.2023

### Letter of Agency

To whom it may concern,

This letter is to affirm that Todd Gordon Mather Architect (TGMA, Inc) is permitted to act on behalf of Matthew Fulton, owner of Lots 1A, 2A, 3A, 4A, 5A, and 6A, Block A, Piedmont Addition to the Town of Rico, (according to the replat recorded April 29, 2004 in Plat Book 2 at page 140, at Reception No. 147323) at the address 337 N Piedmont St, Rico, CO, for matter relating to the named lots. TGMA, Inc may complete and sign paperwork, submit applications, make payments, and participate in communications with relevant individuals & agencies on Matthew Fulton's behalf.

Signed,



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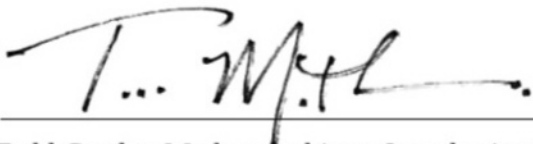
Matthew Fulton, owner of lots

6202 North 22nd Street

Phoenix, AZ

480.307.4379

[matt@thewhiningpig.com](mailto:matt@thewhiningpig.com)



06.27.2023

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Todd Gordon Mather, architect & authorized agent

PO Box 7675

Tahoe City, CA 96145

530.414.4662

[todd@tgmarchitect.com](mailto:todd@tgmarchitect.com)

**AFFIDAVIT OF MAILING PUBLIC NOTICE LETTER**

Town of Rico

P.O. Box 9

Rico, Colorado, 81332

Re: Certification and Affidavit of Mailing Public Notice Letter for Height Variance -  
Town of Rico.

I hereby declare that I, Todd Mather, mailed a copy of the Town approved, enclosed public letter via U.S. First Class Mail, postage prepaid thereon on 8.24.2023 to the attached list of property owners. The public notice letter was prepared and mailed in accordance with the public noticing requirements of the Rico Land Use Code. The public notice letter was placed in the mail on 8.24.2023, which was 20 days prior to the public hearing(s) to be held on September 13, 2023 at 7:00 PM, and October 18, 2023 at 7:00 PM. The list of property owners includes all lot and condominium property owners located within 200 feet of the boundary of the existing or proposed lot(s). The adjacent property owner list was compiled from the Dolores County GIS website or Assessors Office.

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

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

A handwritten signature in black ink, appearing to read "T... Mather", with a horizontal line extending to the right.

**NOTICE OF PENDING VARIANCE APPLICATION**

Date: 08.24.2023

RE: Public Hearing on Variance Application

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 variance application. The Legal Description and Address of the subject property is below. The Applicant is seeking a variance to exceed the 35' height limit by 8' for a total height of 43'. The proposed concept elevations provided by the Applicant show that 1.9% of the front (street-facing) facade and 17.8% of the side facade will be above the height limit. The Applicant, located at the end of a street and backed up against a mountain, believes that this constitutes a minor request which will not unduly affect or otherwise impose upon you or the other neighbors. The application is available for public inspection in the Town Clerk's office

**Name, address, and phone number of Applicant:** Todd Mather (architect), PO Box 7675, Tahoe City, CA 96145. Cell: 530.414.4662

**Zone District:** Residential

**Type of Development Application(s):** Height Variance

**Legal Description:** Lots 1A, 2A, 3A, 4A, 5A, and 6A, Block A, Piedmont Addition to the Town of Rico, according to the replat recorded April 29, 2004 in Plat Book 2 at page 140, at Reception No. 147323

**Address:** 337 N Piedmont, Rico, CO

**Lot or Site Size:** 15,001 sqft

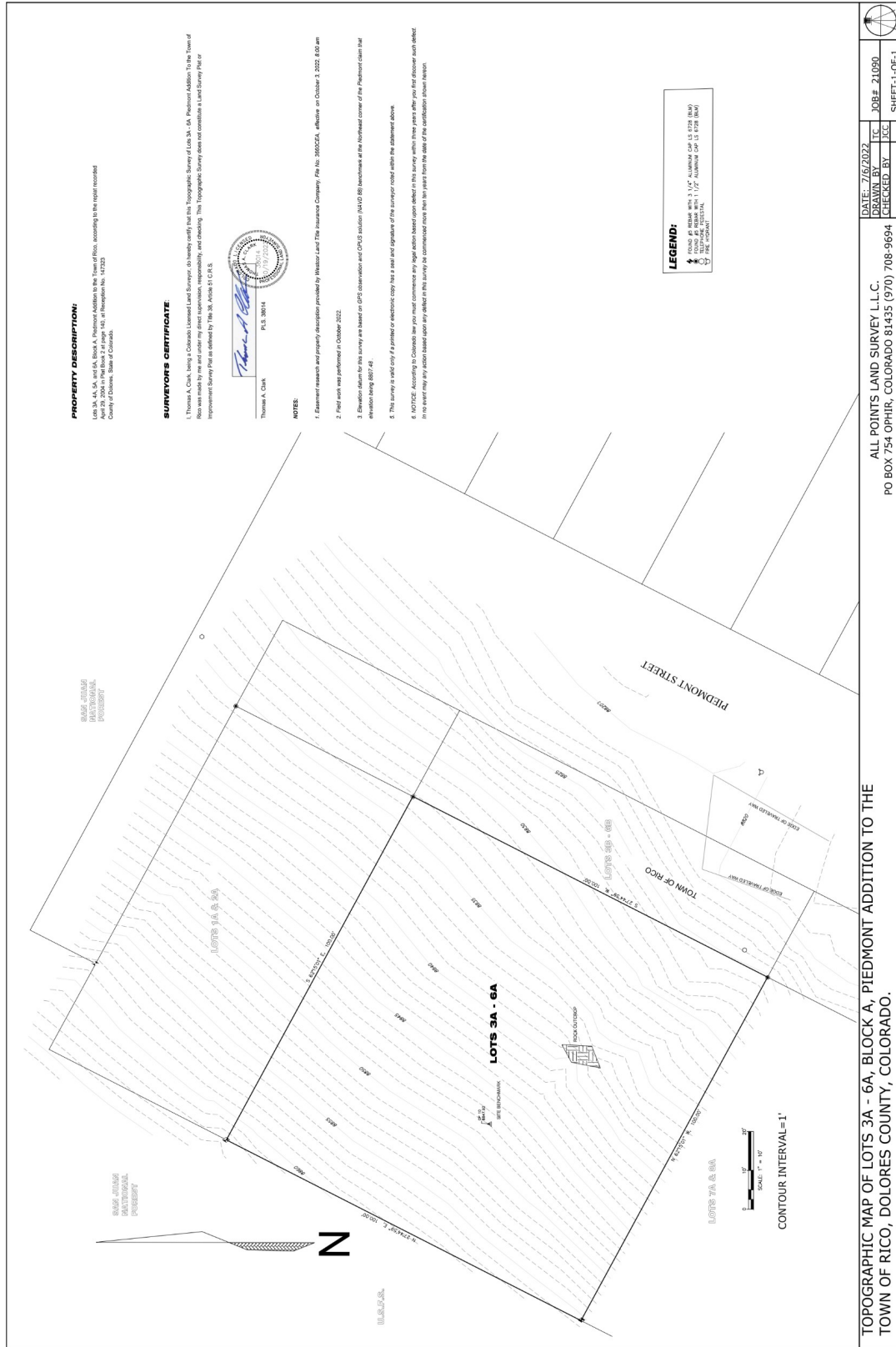
**Review Authority:** Rico Planning Commission and Rico Board of Trustees

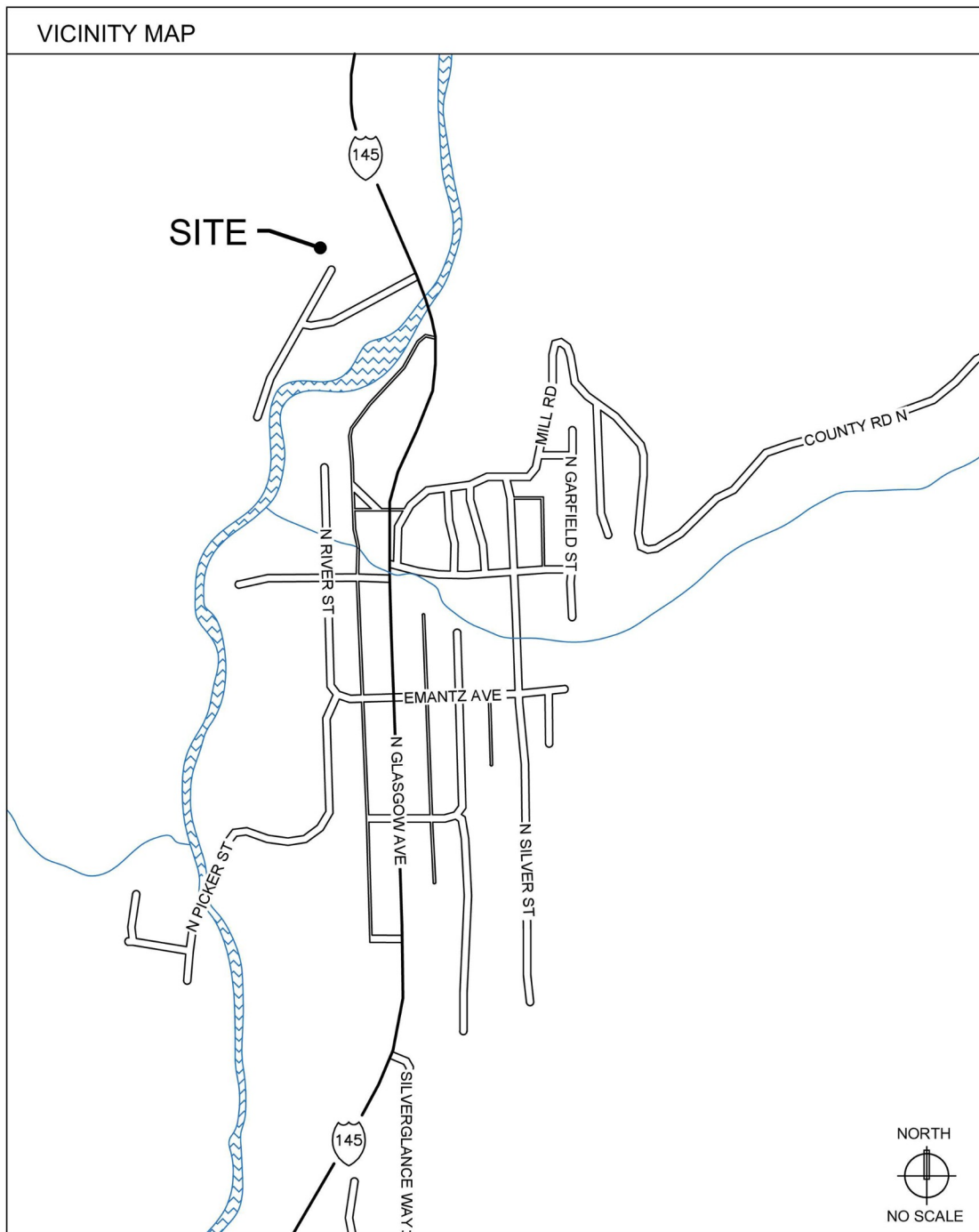
**Rico Planning Commission Hearing Date:** September 13, 2023 at 7:00 PM

**Board of Trustee's Hearing Date:** October 18, 2023 at 7:00 PM

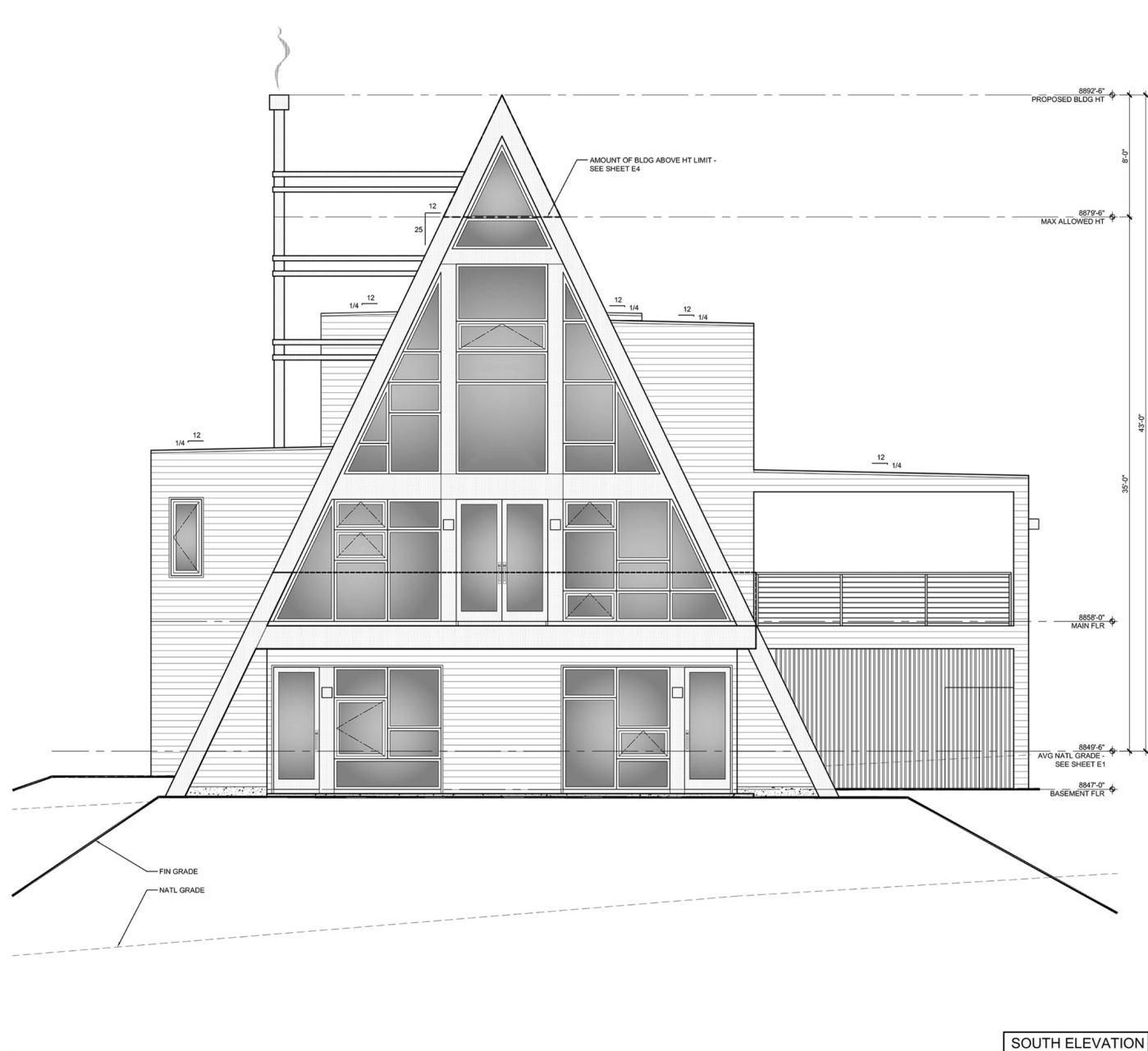
**Location of Public Hearing:** Rico Town Hall, 2 Commercial Street, Rico Colorado, 81332

Send emailed comments addressed to the [townmanager@ricocolorado.gov](mailto:townmanager@ricocolorado.gov) or by surface mail to: Chauncey McCarthy, Town of Rico, PO Box 9, Rico, Colorado, 81332 MAP

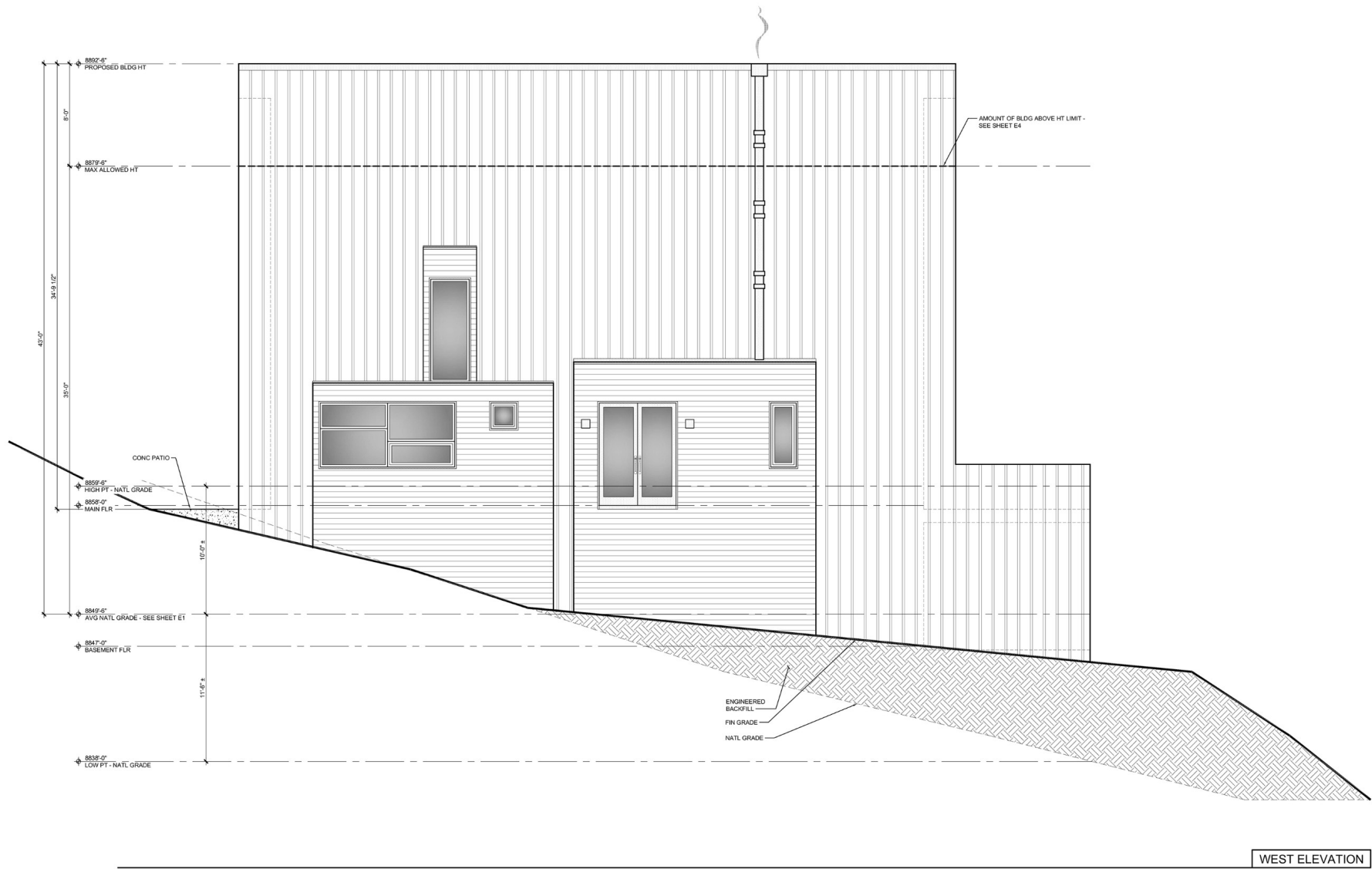


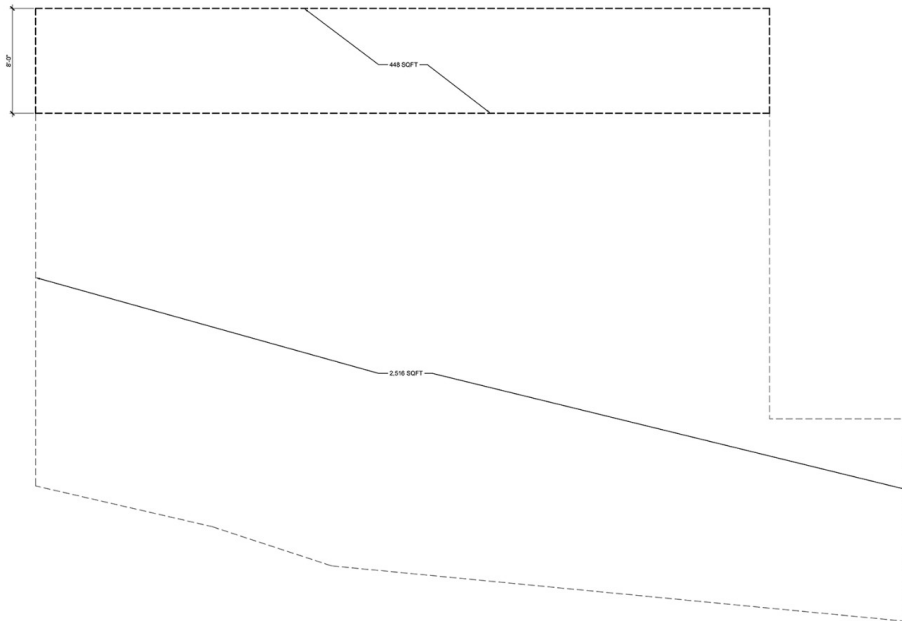




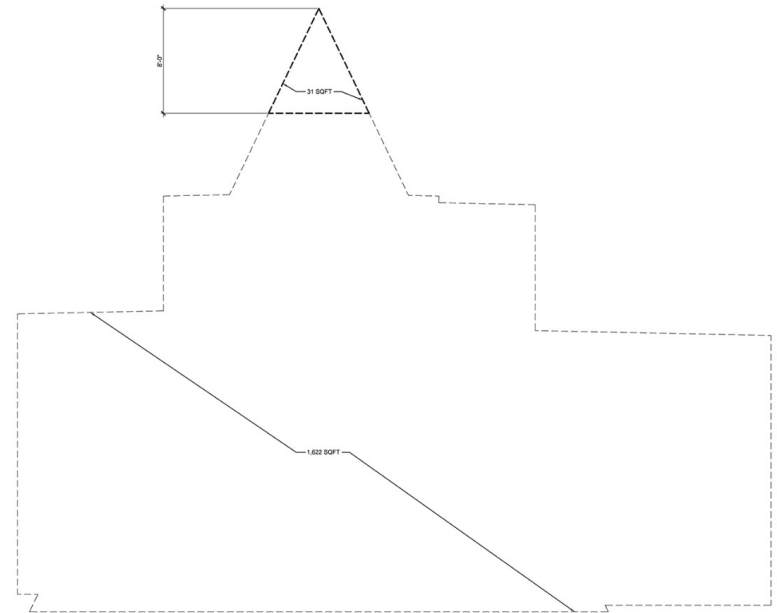








SIDE FACADE AREA ANALYSIS



FRONT FACADE CALCULATIONS		
TOTAL FRONT FACADE AREA	1,622 SF	
TOTAL FRONT FACADE AREA ABOVE HEIGHT LIMIT	31 SF	
% OF TOTAL FRONT FACADE AREA ABOVE HEIGHT LIMIT	1.91%	

SIDE FACADE CALCULATIONS		
TOTAL SIDE FACADE AREA	2,516 SF	
TOTAL SIDE FACADE AREA ABOVE HEIGHT LIMIT	448 SF	
% OF TOTAL SIDE FACADE AREA ABOVE HEIGHT LIMIT	17.81%	

FRONT & SIDE COMBINED FACADE CALCULATIONS		
TOTAL FRONT & SIDE FACADE AREA	4,138 SF	
TOTAL FRONT & SIDE FACADE AREA ABOVE HEIGHT LIMIT	479 SF	
% OF TOTAL SIDE FACADE AREA ABOVE HEIGHT LIMIT	11.58%	

FRONT FACADE AREA ANALYSIS

Parcel: 504725200025

Owner: Homestake Little Cora, LLC.

Mailing Address: 166 Alexander Overlook, Telluride, CO 81435

Parcel: 504701100002 & 504701100002

Owner: San Juan National Forest (Dept of Agriculture)

Mailing Address: 15 Burnette Ct., Durango, CO 81301

Parcel: 504725301018 & 504725301012

Owner: Rebecca Mathieson

Mailing Address: PO Box 2073, Telluride, CO 81435

Parcel: 504726401017

Owner: Craig & Sandra Spillman

Mailing Address: 1920 Holly Dr, Prescott, AZ 86305

Parcel: 504726401006

Owner: Thomas Smith & Maggie McNally

Mailing Address: PO Box 268, Rico, CO 81332

Parcel: 504726401002

Owner: Stephen Roberts

Mailing Address: PO Box 84, Rico, CO 81332

Parcel: 504725301019

Owner: Brook Parlow

Mailing Address: PO Box 745, Haleiwa, HI 96712

Parcel: 504725301009

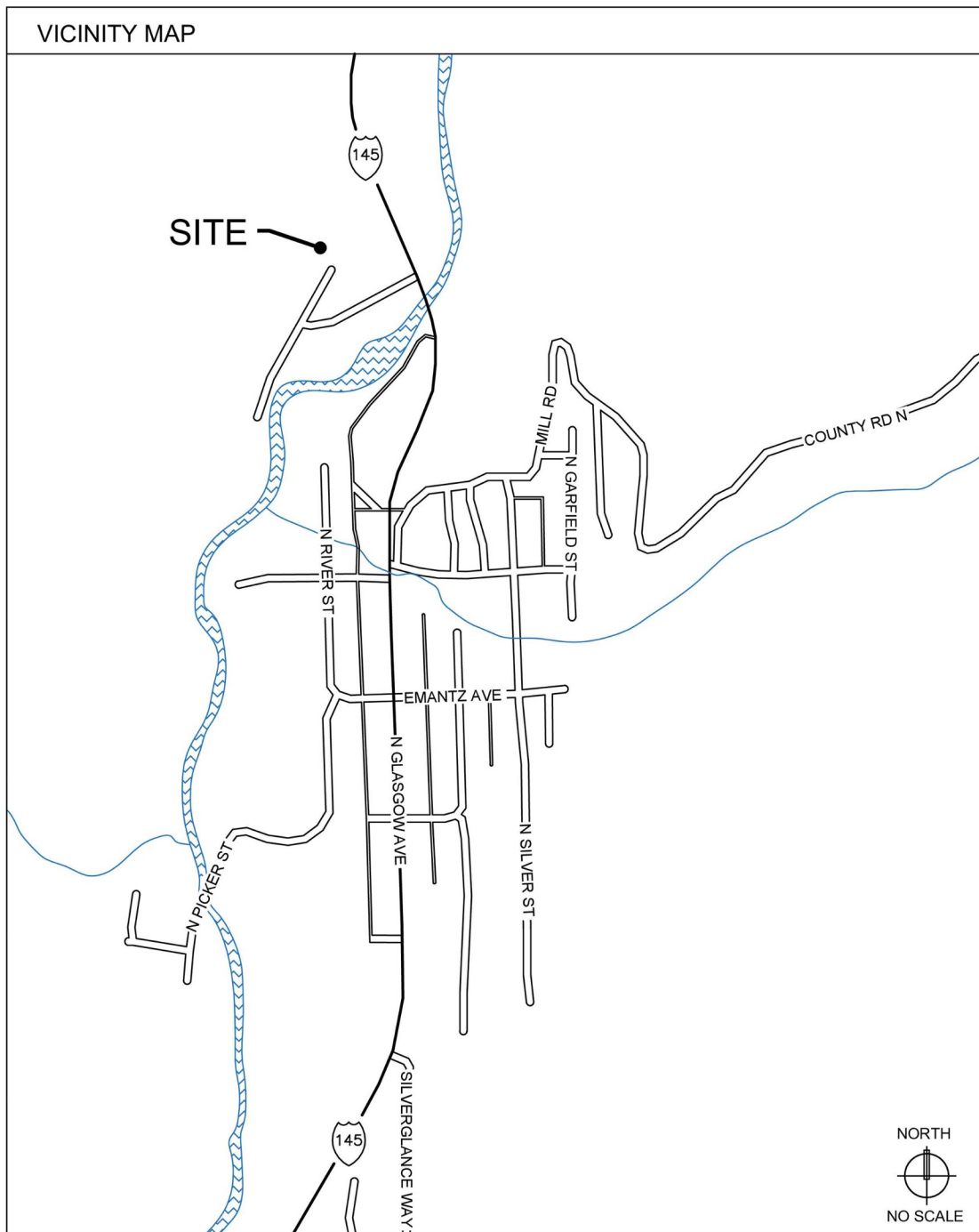
Owner: Larry & Susan Steele

Mailing Address: 1090 Old Jerome Hwy, Clarkdale, AZ 86324

Parcel: 504725301017

Owner: Anna Robin & Terry Lee Caipen

Mailing Address: PO Box 1513, Telluride, CO 81435





## SPECIAL WARRANTY DEED

THIS DEED, made this 10 day of June, 2022 between **Barbara L. Hinton**, of the County of **Madera** and State of **California**, grantor(s),  
AND

**Tio Rico, LLC**, a Colorado limited liability company whose legal address is **3624 W Pecos Rd, Chandler, AZ 85226** of the County of **Maricopa** and State of **Arizona**, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of **SIXTY EIGHT THOUSAND AND 00/100 DOLLARS (\$68,000.00)**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), his/her heirs, and assigns forever, , all the real property, together with improvements, if any, situate, lying and being in the County of **Dolores** and State of **Colorado**, described as follows:

**Lots 1A and 2A, Block A, Piedmont Addition to the Town of Rico, according to the replat recorded April 29, 2004 in Plat Book 2 at page 141, at Reception No. 147324, County of Dolores, State of Colorado.**

also known by street and number as: **337 North Piedmont Street, Rico, CO 81332**

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee(s), his heirs, and assigns forever. The grantor(s), for himself, his heirs and personal representatives or successors, does covenant and agree that he shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), his heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

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

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

*Barbara L. Hinton*

Barbara L. Hinton

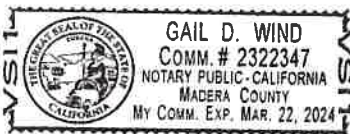
STATE OF California  
COUNTY OF Madera

}  
} ss.

The foregoing instrument was acknowledged before me this June 10, 2022, by **Barbara L. Hinton**.

My Commission expires:

Witness my hand and official seal.



*[Signature]*

Notary Public



### SPECIAL WARRANTY DEED

**THIS DEED**, made this 10 day of October, 2022 between **Stephen Morgan Pease Trust Agreement Dated February 1, 2010, by and through Trustee Stephen Pease**, of the County of **LaPlata** and State of **Colorado**, grantor(s),

AND

**Tio Rico, LLC**, a Colorado limited liability company whose legal address is **3624 W Pecos Rd, Chandler, AZ 85226** of the County of **Maricopa** and State of **Arizona**, grantee(s):

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

**Lots 3A, 4A, 5A, and 6A, Block A, Piedmont Addition to the Town of Rico, according to the replat recorded April 29, 2004 in Plat Book 2 at page 140, at Reception No. 147323**  
**County of Dolores, State of Colorado.**

also known by street and number as: **333 N. Piedmont Street, Rico, CO 81332**

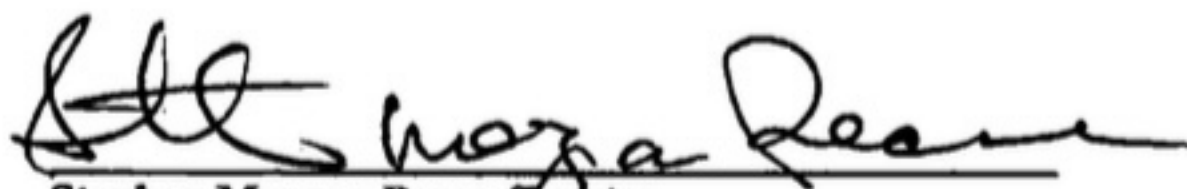
**TOGETHER** with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.

**TO HAVE AND TO HOLD** the said premises above bargained and described, with the appurtenances, unto the grantee(s), his heirs, and assigns forever. The grantor(s), for himself, his heirs and personal representatives or successors, does covenant and agree that he shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee(s), his heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

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

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

**The Stephen Morgan Pease Trust Dated February 1, 2010**

  
**Stephen Morgan Pease, Trustee**

STATE OF COLORADO

COUNTY OF

La Plata

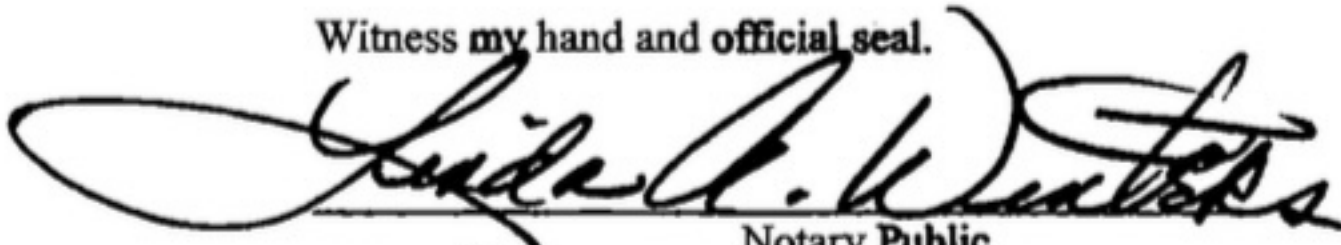
} ss.

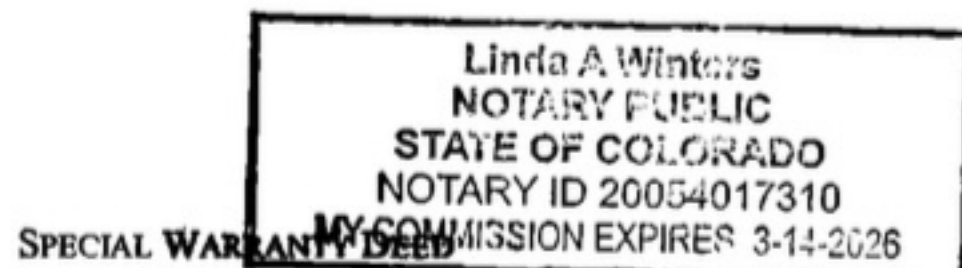
The foregoing instrument was acknowledged before me this October 10, 2022, by **Stephen Morgan Pease, Trustee of The Stephen Morgan Pease Trust Agreement Dated February 1, 2010.**

My Commission expires:

3/14/26

Witness my hand and official seal.

  
Notary Public



SPECIAL WARRANTY DEED

**3660CEA**  
October 4, 2022  
1:14 PM

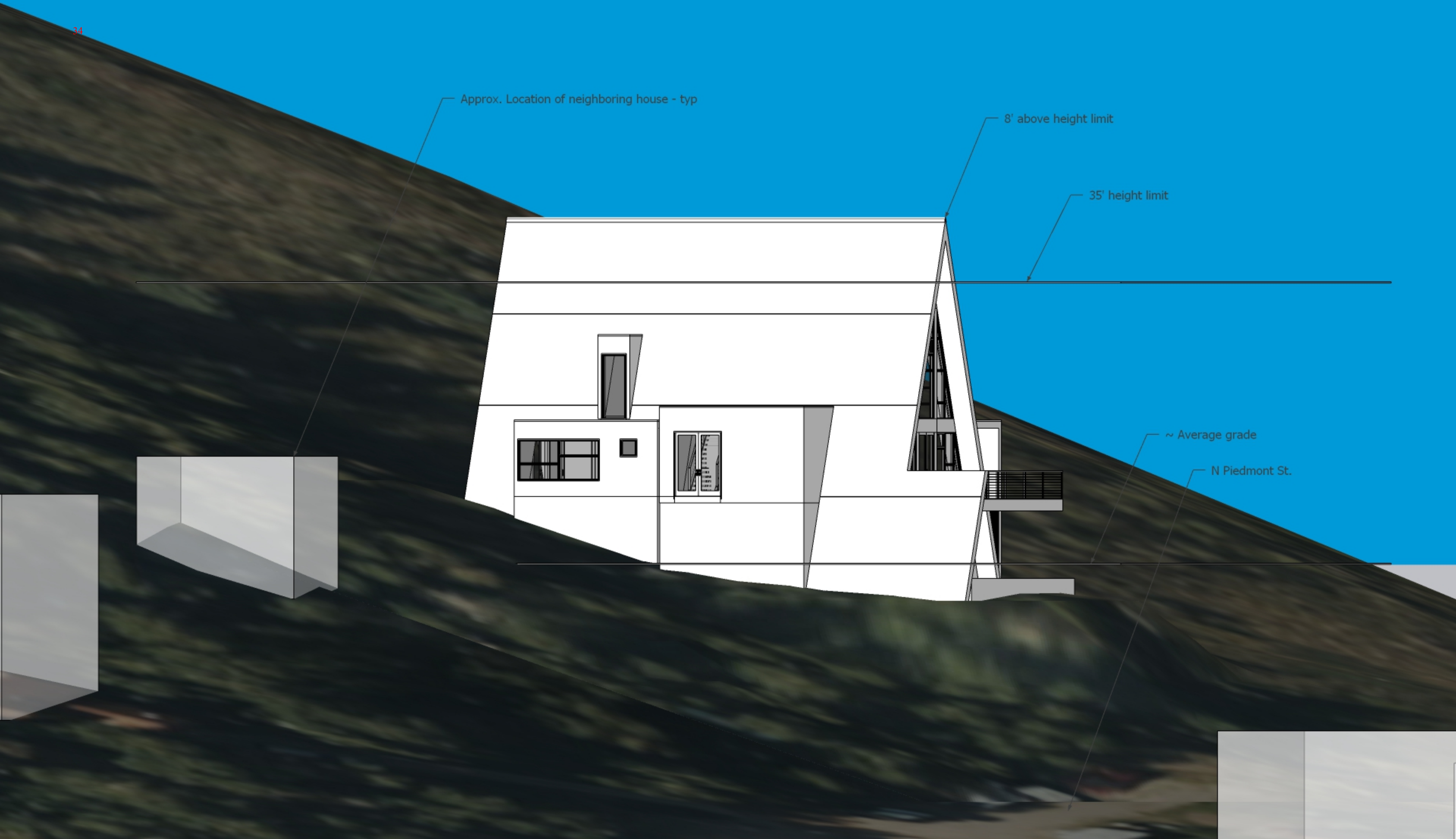












Approx. Location of neighboring house - typ

8' above height limit

35' height limit

~ Average grade

N Piedmont St.



