

Date: October 15th, 2021

TO: Town of Rico Board of Trustees
FROM: Kari Distefano
SUBJECT: Town Manager's Report

Appointment of an internet committee

I posted an announcement of the web site and on the Rico Bulletin Board soliciting people that might be interested in serving on the internet committee. Hopefully we will get some response at the meeting.

Consideration of the final plan of the Bedrock Planned Unit Development, located on portions of the Columbia Millsite, the Elliot Lode, the Aztec Lode and Tract 2 of the Atlantic Cable Subdivision, Dave Bulson and Michelle Haynes, applicants

The applicants, Dave Bulson and Michelle Haynes submitted the final application for the Bedrock Subdivision to the Rico Planning Commission on October 13th, 2021. The application is included in this packet. The Rico Planning Commission voted unanimously to recommend approval of the Bedrock Subdivision to the Rico Board of Trustees.

The application for conceptual approval is available for review by Board Members and members of the public at <https://townofrico.colorado.gov/sites/townofrico/files/documents/Bedrock%20Conceptual%20Plan.pdf>. It has been posted on the web site since it was submitted in April. The conceptual plan was reviewed by the Rico Planning Commission on April 19th. The staff memos and the planning commission minutes are included in this packet. The Rico Planning Commission gave the conceptual plan conditional approval. The conditions included the following:

1. The Applicant demonstrate compliance with the PUD District standards with the submission of its Preliminary Major Subdivision application pursuant to LUC Section 306.
2. The Applicant provide the following associated documents with the Preliminary Major Subdivision submittal:
 - a. Draft Deed Restriction for Lot 6
 - b. Draft P.U.D. Agreement
 - c. Signed Development Agreement
3. Lots 1 -5 will have two off-street parking spaces.
4. That there be no access to Lot 6 from the south or east (Silver Street).

The application was submitted for preliminary plan review to the Rico Planning Commission on September 8th, 2021. That application is available for Board and public review at <https://townofrico.colorado.gov/sites/townofrico/files/documents/Bedrock%20Preliminary%20Large%20Scale%20Subdivision%20Packet%20Submittal%20%281%29.pdf> and <https://townofrico.colorado.gov/sites/townofrico/files/documents/Bedrock%20Preliminary%20Large%20Scale%20Subdivision%20Engineering%20Drawings.pdf>. It has been available since it

was submitted. The Rico Planning Commission gave the preliminary plan conditional approval. The following were the conditions:

1. The engineer for the applicant will address comments as shown on the drawing included in the packet submitted for preliminary approval.
2. The applicant will comply with the Rico Fire Protection District comments, specifically to replace and raise the existing hydrant on Silver Street and to provide an easement for snow removal on the parcel to the north of the proposed access easement, which is owned by the applicant.
3. If the applicant cannot reach an agreement with the owners of Lots 44 and 43 of the Atlantic Cable Subdivision to expand the existing utility easement from 10 feet in width to 15'-20' feet in width to provide additional space to install the water line and to repair the water line should the need arise, the new water line will be jointly maintained by owners of Lots 1-6.

The applicant has addressed the comments provided by Eric Krch of SGM engineering. An email from Mr. Krch to that effect has been included in this packet.

There is a letter from the Rico Fire Protection District regarding this subdivision. They required that the fire hydrant on Silver Street be replaced with a current model and be higher. Page 6 of the engineering plans indicates that the fire hydrant will be replaced. Snow removal on the private drive will be addressed in the driveway maintenance agreement discussed in Section 4 of the subdivision agreement.

The applicant has met this requirement in a revised subdivision agreement this included in this packet.

At the September planning commission meeting, there were questions about lead contamination of soil on the proposed subdivision. The subdivision agreement stipulates that Lot 6 be subject to a voluntary cleanup agreement approved by the Colorado Department of Health and Environment (CDPHE) prior to the Town's issuance of a building permit. The Town would require written confirmation from the CDPHE. Lots 1-5 would be subject to any VCUP agreement specifications agreed to by the Town and ARCO should that occur.

The Rico Board of Trustees should consider the following motions:

1. Move to approve the final plan of the Bedrock Planned Unit Development, located on portions of the Columbia Millsite, the Elliot Lode, the Aztec Lode and Tract 2 of the Atlantic Cable Subdivision, Dave Bulson and Michelle Haynes, applicants with the finding that it meets the standards of the Rico Land Use Code and has met the conditions required by the Rico Planning Commission.
2. Move to deny the final plan of the Bedrock Planned Unit Development, located on portions of the Columbia Millsite, the Elliot Lode, the Aztec Lode and Tract 2 of the Atlantic Cable Subdivision, Dave Bulson and Michelle Haynes, applicants with the finding that it does not meet the standards of the Rico Land Use Code and has not met the conditions required by the Rico Planning Commission. These findings will need to be enumerated should the Board of Trustees deny approval.
3. Move to approve the final plan of the Bedrock Planned Unit Development, located on portions of the Columbia Millsite, the Elliot Lode, the Aztec Lode and Tract 2 of the Atlantic Cable Subdivision, Dave Bulson and Michelle Haynes, applicants with the following conditions: Again, these would need to be enumerated by the Board.
4. Move to continue the review of the final plan of the Bedrock Planned Unit Development, located on portions of the Columbia Millsite, the Elliot Lode, the Aztec Lode and Tract 2

of the Atlantic Cable Subdivision, Dave Bulson and Michelle Haynes, applicants with the following conditions: Reasons for the continuance would be based on a need for information that the Board feels was not supplied by the applicant.

A draft resolution regarding this subdivision is included in this packet with the expectation that it will be amended pending the Board of Trustee's meeting.

Discussion of Rico Planning Commission Appointments

As a reminder, the following is the Rico Land Use Code's policy on Planning Commission Membership. Based on the discussion last night, it seems that moving forward the Town Clerk needs track Planning Commission Membership and ensure that vacancies are posted with enough time that interested parties could apply.

702. MEMBERSHIP

702.1 Composition. The RPC shall consist of five regular members and first and second alternate members who shall be appointed by the Board of Trustees.

702.2 Terms. Members shall be appointed for two year staggered terms commencing on January 1st. The term for 3 regular members and the second alternate shall commence on even numbered years and the term for 2 regular members and the first alternate shall be commence on odd numbered years. Vacancies occurring otherwise than through the expiration of terms shall be filled by appointments. Upon resignation of a member, the Board of Trustees shall appoint a new member after advertising notice of the vacancy in accordance with State and Local legal notice publication laws.

702.3 Removal. Members may be removed after public hearing before the Board of Trustees on grounds of inefficiency, neglect of duty, inability to properly perform required duties, or intentional disregard of duties. Three (3) unexcused absences of a member from properly noticed meetings of RPC shall constitute good cause for removal on the grounds of neglect of duty.

702.4 Qualifications. Members of the RPC shall be bona fide residents and qualified electors of the Town prior to the time of appointment. If a member ceases to reside in the Town his membership on the RPC shall terminate immediately.

702.5 Compensation. Members shall serve without compensation, except reimbursement for reasonable out-of-pocket expenses may be approved by the Board of Trustees.

702.6 Officers. The RPC shall annually elect from its membership a Chairperson during the first meeting of the calendar year or as soon thereafter as possible, with eligibility for re-election. The Chairperson shall be responsible for setting meeting agenda and conducting the meeting. The Town Clerk shall act as the RPC Secretary, unless otherwise determined by the RPC or Board of Trustees. The secretary shall have the responsibility of taking meeting minutes and maintaining the official records of the RPC.

Update on the VCUP negotiation.

Nicole and Joe will provide an update on their discussion of the VCUP.

Short term rental ordinance

I have not done any work on this ordinance since the last Board Review. I was under the impression that the Board wanted to table this until the new manager came on board. As a reminder, I have included a summary of Board comments from the last discussion.

Update on recycling program

As soon as we get containers and line out volunteers the recycling program will be able to get going.

Update on water meter replacement project

There have been twenty meters replaced to date. This project will be done at the end of October.

Consideration of the conceptual plan of the Bedrock Planned Unit Development, located on portions of the Columbia Millsite, the Elliot Lode, the Aztec Lode and Tract 2 of the Atlantic Cable Subdivision, Dave Bulson and Michelle Haynes, applicants

The applicants, Dave Bulson and Michelle Haynes are proposing a Planned Unit Development on portions of the Columbia Millsite, the Elliot Lode, the Aztec Lode and Tract 2 of the Atlantic Cable Subdivision. This subdivision proposal will be the first significant subdivision that has come before the Rico Planning Commission in quite some time. It is also important to remember that this may be a precursor to other applications. I have already been approached by a party that is considering a subdivision proposal on some mining claims located southwest of the Piedmont Subdivision.

According to the Rico Land Use Code, Planned Unit Developments (P.U.Ds) are required to go through the same processes as major subdivisions, which means that they are subject to a three step process:

1. Conceptual Plan
2. Preliminary Plat
3. Final Plat

Typically, the conceptual plan stage is the stage at which a planning commission approves, disapproves or approves with conditions the concept of the proposed land use. The questions that should be asked by the Commission are:

- Does the plan comply with the Rico Regional Master Plan and the Rico Land Use Code?
- Are the proposed uses compatible with the surrounding areas?
- Has the proposal addressed the requirements in the Rico Land Use Code with enough detail to ensure that the subdivision can be constructed and adequately served by infrastructure?

This is also the time for the Planning Commission to consider potential impacts to existing services and infrastructure and how they expect those impacts to be addressed by the developer through an agreement.

The preliminary plat stage is the stage at which construction and engineering details are reviewed by and engineer appointed by the Town and worked out. The final plat stage is when the plat, the P.U.D. agreements and any other necessary agreements, such as bonding agreements are signed and recorded.

The following is a review of the proposed P.U.D. broken down by the sections in the Rico Land Use Code that address specific requirements:

Summary of Conceptual Planning review of the Bedrock Subdivision

The parcel is currently zoned Commercial Planned Unit Development (C.P.U.D.). Any land use application requires materials to be submitted consistent with the Major Subdivision Section of the Land Use Code at Article 5 and the RPUD and CPUD Planned Developments Section at Article 3.

CPUD Submittal Requirements

Article 3, Section 304. Procedures and Submittal Requirements. Applicants are required to follow the same procedures and submittal requirements as applicants for major subdivisions and provide the following supplemental information.

Article 3, Section 304.1 Proposed use. Proposed use or zone district classification for each lot. Five lots will be single family lots (Lots 1 – 5) and one lot (Lot 6) may be some combination of commercial, single family, duplex and triplex uses.

Article 3, Section 304.2 Design Regulations. Proposed setbacks, building heights, and other design requirements for each lot and structure which vary from the Design Regulations established for the PUD district. No variations to the General Design Regulations (found at Section 204, General Design Regulations) are being proposed. The five proposed single family lots will conform to existing regulations in the Residential Zone district (Section 222 of the

LUC). Lot 6 will carry forward the CPUD zoning and all development will adhere to the design criteria noted in Section 282 of the Land Use Code.

Article 3, Section 304.3 Lot adjacent to Colorado Highway 145: For CPUD applications adjacent to Highway 145: Colored elevations of the project as seen from Highway 145 (adjacent to Highway 145, and approaching the project from the North and South, where applicable). Because this application deals only with revised lot lines, staff suggests that colored Highway 145 views (Section 304.3) and a site plan showing common areas etc, all (Section 304.4 below) be provided at the time of vertical development of the CPUD deed restricted lot (Lot 6). This can be a condition of the Major Subdivision approval.

Article 3, Section 304.4 Proposed Common Areas. Proposed common areas, plazas, landscaping, or other improvements. There is a 0.41 acre (17,860 sq. ft.) parcel that lies on the west side of Highway 145. It is the intension of the applicants to dedicate this parcel to the Town to fulfill the 10% land dedication required in Section 556 of the Rico Land Use Code. The old Rio Grande Southern railroad right-of-way runs through this property and provides access to the Dolores River. Portions of this property are currently being used by Rico residents as a trail and for neighborhood access.

Major Subdivision Submittal Requirements

Article 5, Section 504.1, Proper Arrangement and Size of Streets, Lots and Easements:

Lots: The parcel that is the subject of this application originally consisted of four tracts, a portion of the Columbia Millsite, a portion of the Aztec Millsite, a portion of the Atlantic Cable Millsite and a portion of the Columbia Millsite. The application proposes five single family lots ranging from 0.21 acres (9148 sq. ft.) to 0.27 acres (11,761 sq. ft.) on the eastern section of the parcel. The size and shape of the proposed lots is consistent with neighboring lots in the Atlantic Cable Subdivision and meets the minimum lot size requirement.

On the western section of the parcel, the Applicant proposes a single lot with up to 26 bedrooms (13,000 sq. ft. heated space) in some combination of single family, duplex and triplex dwelling units, which would share a septic system, a parking area and storage space. Based on the need for housing in this region, it is the intention of the applicants to deed restrict these units. The CPUD Zoning District allows for commercial uses by right, therefore Lot 6 could potentially be a mix of commercial and/or deed restricted residential housing (live/work units).

Streets: The proposed Lots 1 through 5 will be accessed from the existing 40-foot right-of-way of Silver Street with an additional 25-foot access easement running north between Lots 1 and 3 to a fire vehicle turn-around that will be constructed north of the Rico Town Boundary on property owned by the applicants. Upgrades to the northern end of Silver Street and the construction of the fire vehicle turn-around will be a condition of approval and memorialized with a subdivision improvement agreement. The Applicant will address street upgrades and fire vehicle turn-around at the preliminary plan review stage when it is customary for applicants to submit the engineering plans required for the subdivision. Lot 6 will be accessed from a private drive that will intersect the existing reclamation area access road that's on the Applicant's property and that connects to Highway 145.

According to the Bureau of Transportation Statistics, in our area, each person takes 8 - 9 trips per day. The average household has 2.53 residents. Using those numbers, the proposed five residential lots would generate an additional 2,920 – 3,285 trips annually on Silver Street. Trips to the commercial P.U.D. would depend on the density but that area would not generate additional trips on Rico roads. The addition of Lots 1 through 5 on Silver Street would normally require extension of street maintenance services by the Town (in this case approximately 425 lineal feet). Estimated cost to the Town for additional maintenance would be \$1,275 per year. This estimate does not account for additional wear and tear on Silver and Soda Streets. In this case, however, the Applicants will provide a public easement in order to extend Silver Street. The Applicants will also construct a fire truck turn around consistent with the Rico Protection District requirements.

Easements: As indicated earlier, there will be a 25-foot utility and access easement that goes between Lots 1 and 3 that will be dedicated to the Town. There will also be a 20-foot utility and access easement that will be an extension of an existing utility easement that goes between Lots 43 and 44 of the Atlantic Cable Subdivision. This easement

will also be dedicated to the Town for Town utilities (water line). The access portion of the easement will be dedicated to the owners of residential Lots 2-5.

An existing overhead power line without an easement currently runs east-west through the Applicant's property and makes a 90 degree turn on the parcel that lies on the west side of Highway 145. Applicant will grant a 20' easement to SMPA for this line as it crosses the Lots and Open Space.

Necessary drainage easements within the proposed subdivision will be determined in the preliminary review stage of this application when the engineering plans will be submitted.

Article 5, Section 504.2, Provision of Municipal Services and Water Supply: There is an existing water main line in Silver Street that terminates in the middle of proposed Lot 4 that can serve Lot 1 and possibly Lot 3, depending on where on the lot the eventual owner decides to build. There is an existing hydrant at the end of this line. Lots 4 – 6 will require a waterline extension of 275 feet. There will be a fire hydrant installed at the end of that extension. This extension will be constructed by the applicant and dedicated to the Town per Ordinance 2019-6. All existing or future service lines including stub-outs extending from the main line shall remain the property of the customer. The estimated additional cost to the Town to maintain the additional water line will be \$2,475 per year. Extension of the water line will be included in the Subdivision Improvements Agreement and the cost borne by the Applicant as indicated above.

Article 5, Section 504.3, Provision of Open Space and Avoidance of Congestion: Open space has been addressed above. Off-street parking requirements for Lots 1 – 5 of one parking space per dwelling unit will be met by constructing parking pads or enclosed garages on the lots adjacent to Silver Street. The site plan for Lot 6, when complete, must illustrate that there are adequate parking spaces to meet the requirement of two vehicles per dwelling unit for the residential component and one vehicle space per accommodations room or bedroom, two vehicle spaces per dwelling unit and one vehicle space per 250 square feet of restaurant, retail or office space should a commercial component be contemplated.

Article 5, Section 504.4, Avoidance of Unsuitable Lands: The parcel that is the subject of this application does not have any of the following Areas of State Interest:

1. Avalanche Hazard Areas
2. Flood Plain areas
3. Wetland areas
4. Wildfire Hazard Areas

There are areas of steep slopes (30%+) but there are areas in each lot that allow the construction of a dwelling unit and a septic system while avoiding steep slopes.

Article 5, Section 504.5, Apportionment of Public Service Costs: The applicant will be dedicating a 0.41 acres parcel to the Town for the purposes of open space and recreation. As indicated above, Applicant will construct, and the future owners of Lots 1-5 will privately maintain, the Silver Street extension and turnaround while providing a public easement through the area.

Article 5, Section 504.6, Coordination of Public Improvements and Programs: A copy of the application has been given to the Rico Fire Department for their review. The applicant has also discussed the application with San Miguel Power Association and Rico Telephone. There are no other jurisdictions involved in this proposal.

Article 5, Section 504.7. Promoting Accurate and Complete Subdivisions: The final subdivision plat will conform to all state and local requirements regarding the surveying and staking of parcels and will be recorded in the real property records along with a deed restriction for Lot 6. The Applicant and the Town will enter into a subdivision improvement agreement (SIA) for the Silver Street extension, firetruck turnaround, water line extension and any other necessary subdivision improvements, and requiring the Applicant to post collateral for the completion of such improvements. The Applicant and the Town should also enter into a Development Agreement which memorializes the PUD Design Regulations and applicable Zone District standards for Lot 6, which may only be modified pursuant to the Land Use Code requirements in effect at the time an amendment is sought by a future developer, if at all.

Article 5, Section 504.8, Promotion of the Master Plan: The Rico Regional Master Plan sets forth the following goals:

1. Maintain and enhance community values that are unique to Rico.
2. Promote Mountain Compatible Design
3. Promote Pedestrianism
4. Preserve the Historic Character of Rico
5. Community Focal Point

Included in the documents to be filed with final plat and the Planning Commission and the Board of Trustees approval resolution will be a P.U.D. agreement and a subdivision improvements agreement. The subdivision improvements agreement will ensure that the developer pledge sufficient collateral to make reasonable provision for the completion of the required infrastructure improvements. This is a standard agreement, and our attorney will draft it. More complicated and thought provoking is the P.U.D. agreement. The Town has broad latitude with this. For example, the P.U.D. agreement between San Miguel County and Aldasoro Ltd. required that 15% of platted lots would be affordable. The Aldasoro agreement also required that trails be dedicated and constructed for public use and funding be dedicated to offset the impacts to schools, water, wastewater and transportation. As always, this application can be approved, approved with conditions or denied. Approval of the Conceptual Plan allows for the applicant to submit a Preliminary Major Subdivision Application consistent with LUC Section 530, Preliminary Plat Approval.

On April 9th, the Rico Planning Commission approved the conceptual plan with the following conditions:

- The Applicant demonstrate compliance with the P.U.D. District Standards with the submission of the Preliminary Major Subdivision application pursuant to L.U.C. Section 306.
- The Applicant provide the following associated documents with the Preliminary Major Subdivision submittal:
 - Draft Deed Restriction for Lot 6
 - Draft P.U.D. Agreement
 - Signed Development Agreement
 - Lots 1-5 will have two off-street parking spaces
 - That there will be no access to Lot 6 from the south or east (Silver Street)

Summary of Preliminary Plat review of the Bedrock Subdivision

A portion of the parcel is zoned residential, and a portion of the parcel is zoned Commercial Planned Unit Development (C.P.U.D.). Any land use application requires that materials to be submitted are consistent with the Major Subdivision Section of the Land Use Code at Article 5 and the RPUD and CPUD Planned Developments Section at Article 3.

Article III, Planned Developments R.P.U.D. and C.P.U.D. This section relates to Lot 6 only.

Sections 302.1 – 302.3 It is the purpose and intent of the Rico Land Use Code that P.U.D.s both commercial and residential allow flexibility in design and uses. C.P.U.D.s allow both commercial and residential uses. This zone district also allows multiple property owners. The preliminary plan as submitted is consistent with these provisions.

Article 3, Section 304. Procedures and Submittal Requirements. Applicants are required to follow the same procedures and submittal requirements as applicants for major subdivisions and provide the following supplemental information.

Article 3, Section 304.1 Proposed use. Proposed use or zone district classification for each lot. The preliminary plat is consistent with the conceptual plan, which indicated that the C.P.U.D. zoning be retained for this parcel and addressed these provisions.

Article 3, Section 304.2 Design Regulations. Proposed setbacks, building heights, and other design requirements for each lot and structure which vary from the Design Regulations established for the PUD district. As indicated in the narrative supplied by the developer, the intent is that Tract 1, the 2.40 acre parcel, would have a maximum density of 26 bedrooms and 13,000 square feet of heated space not including garages. The developer gives no details with respect to allocation or type of density. Location of building, vehicular circulation and utility locations have not been determined at this time since the developer has stated that they will likely sell this parcel to a different developer.

Plat Note 2 on the proposed preliminary plat states that Lot 6 be limited to a total of 26 bedrooms and 13,000 square feet of heated space. Plat Note 2 also states that should residential uses be contemplated, those uses would be subject to a deed restriction that limits occupancy to full time residents.

It is incumbent on the Rico Planning Commission, should this preliminary plat be approved, to ensure that within this process there continues to be a mechanism by which the density and layout of this lot be evaluated at such time as the ownership of this lot be transferred. Proposed setbacks should they become desirable, building heights, vehicular and pedestrian circulation, proposed utility locations and fire department access are not addressed in this preliminary plan.

Article 3, Section 304.3 Lot adjacent to Colorado Highway 145: For CPUD applications adjacent to Highway 145: Colored elevations of the project as seen from Highway 145 (adjacent to Highway 145, and approaching the project from the North and South, where applicable). The preliminary plat application provides no additional detail regarding the development as seen from Highway 145.

Article 3, Section 304.4 Proposed Common Areas. Proposed common areas, plazas, landscaping, or other improvements. There is a 0.41 acre (17,860 sq. ft.) parcel that lies on the west side of Highway 145. It is the intension of the applicants to dedicate this parcel to the Town to fulfill the 10% land dedication required in Section 556 of the Rico Land Use Code. The old Rio Grande Southern railroad right-of-way runs through this property and provides access to the Dolores River. Portions of this property are currently being used by Rico residents as a trail and for neighborhood access. The preliminary plan is consistent with the conceptual plan in this regard but again, the preliminary plat offers no details with respect to the interior layout of Lot 6, the lot that is zoned C.P.U.D..

Article 3, Section 306.1 – 306.4. There are no additional details that address these sections beyond what was included in the conceptual plan submittal. There are areas on this lot that exceed a 30% slope. These areas are indicated on the conceptual submittal. Lot 6 also has also been sampled for lead content in the soil and has several sample points that exceeds the 1100 ppm that the CDEPHE has currently determined to be detrimental to human health. Much of Lot 6 has not been sampled. The developer has indicated that they are working with a consultant and ARCO to address this situation. **Staff recommendation is that evidence of this along with a plan to address elevated lead levels be provided.**

Article V – Subdivision and Replats

Articles 504.1 – 504.8. These articles were addressed in the conceptual approval process as stated above.

Article 534 Preliminary Plat, Maps and Other Required Materials

Article 534.1 Preliminary Plat, Maps and Other Required Materials. These provisions have been relaxed in the interest of saving space and paper. The applicant has supplied electronic copies of all information and adequate number of paper copies. Additional copies will be made available upon request.

Article 534.2 Preliminary Plat Requirements. The preliminary plat has not yet been certified by a registered land surveyor. The survey will be subject to review by an independent Colorado Licensed Land Surveyor for compliance with Colorado State Statutes and the Rico Land Use Code prior to final plat approval.

- A. A topographical survey with two-foot contour intervals has been supplied by the developer.

- B. Proposed block, lot and street layouts with dimensions have been provided. Street drainages have been provided in a very limited manner, but it should be noted that the requirement of two off-street parking spaces is addressed in “Zoning and Land Use Notes” on the proposed plat. There are no provisions for disruptive drainage patterns that could occur by construction of parking spaces by the ultimate owners of the proposed lots. **Staff recommendation is that a more comprehensive grading and drainage plan be required prior to preliminary plat approval.**
- C. Proposed and existing easements have been indicated on maps provided in the submittal.
- D. Existing street names are provided.
- E. Abutting property lines and respective owner’s names have been provided.
- F. Designation of zoning has been provided.
- G. Additional information required at the conceptual plan approval stage:
 - 1. Draft Deed Restriction for Lot 6 – This is included in the application.
 - 2. Draft P.U.D. Agreement – This has not been included.
 - 3. Signed Development Agreement – This has not been signed and is subject to review by the Town Attorney.
 - 4. Lots 1-5 will have two off-street parking spaces – See comment above.
 - 5. That there will be no access to Lot 6 from the south or east (Silver Street) – This comment is addressed on the preliminary plat in Note 2.

Article 534.3 Improvements Survey and Engineering Plans. These plans shall be subject to review by an independent engineer licensed in the State of Colorado. Comments by planning staff includes the following:

- A. The improvement survey included in the submittal has not been signed by a registered land surveyor. The improvement survey will be subject to review by a registered land surveyor.
- B. Engineering plans have been provided and signed. These will be subject to review by an engineer licensed by the State of Colorado.

Article 538.1 Other Materials (this is mislabeled in the RLUC). Other materials required:

- A. Lots 1-5 also have been sampled for lead content in the soil and they have a number of sample points that exceed the 1100 ppm that the CDEPHE has currently determined to be detrimental to human health. The developer has indicated that they are working with a consultant and ARCO to address this situation.
- B. A comprehensive drainage study
- C. A geotechnical study

Staff comments on the subdivision agreement:

Section 2.3 I’m concerned about the relaxation of the 125% bonding provision in favor of the Town withholding recordation of the plat. While I’m inclined to trust these developers, I don’t want to set a precedent that might leave the Town having to clean up a partial installation of infrastructure should a developer go bankrupt.

In general, I think there is too much in this agreement that relies on future Town staff to ensure that the intent of this agreement is followed.

July 29, 2021

Kari Distefano
Rico Town Manager
PO Box 9
Rico CO 81433

RE: Bedrock Subdivision Engineering Plans Review

Dear Kari:

SGM has undertaken a review of the Civil Construction Documents for the Bedrock Subdivision Improvements, dated June 28, 2021, as prepared by Alpine Land Consulting, LLC. The referenced document consists of pages 1 through 8. Accompanying the submission is a preliminary plat set from Bulson Surveying, undated, comprised of four sheets.

Missing this review submission is a geotechnical investigation and a drainage report, both of which are necessary to support the proposed improvements and details shown on the plan sheets.

The proposed subdivision will have six lots and an open space dedication lot. Lots 1 to 5 will be accessed from North Silver Street, and Lot 6 will be accessed from CO-145. A CDOT access permit will be required for Lot #6. SGM is recommending to the Town that the CDOT access permit be submitted with the revised plans to verify access to this lot has been engineered and secured.

Accompanying this review letter is a redlined set of the submitted Civil Construction Documents. The redline comments are detailed in the Plan Sheet Comments section of this review letter.

Civil Construction Documents:

General Comments,

1. Lot 6, per the conceptual plan, could have as many as 26 dwelling units. CDPHE requires that properties with wastewater generation rates greater than 2,000 gallons per day (GPD) have a state discharge permit for onsite wastewater treatment and disposal. SGM experience has shown that 13-bedrooms is typically the threshold for generating more than 2000-gpd of wastewater. Therefore, Lot 6 will need to apply to CDPHE for treatment system approval and a discharge permit to support the proposed use of the lot.
2. Several design elements for this project are associated with drainage modifications. A drainage report that addresses pre and post-construction stormwater impacts and provides hydraulic analysis of the proposed improvements is requested to support the overall design. Since the Town doesn't have drainage-specific regulations, SGM recommends that best practices in Colorado be used to prepare the drainage report. The following link provides state-wide best practice guidance. [Floodplain Stormwater & Criteria Manual | DNR CWCB \(colorado.gov\)](#). The applicant engineer should focus on using convective storm patterns as they provide a higher risk of runoff damage to public infrastructure.

3. A geotechnical investigation is needed to support the proposed roadway section, identify erosive allowance velocities for the proposed drainage swales, and develop an understanding of the site's suitability to support home foundation systems, and define the risk of geologic hazards as defined by the Colorado Geologic Survey.

Plan Sheet Comment,

Sheet-1

1. Please add a section that addresses the design and construction standards to be used for this project.
2. General Note 8 is vague about who will make this determination and who will prepare the permit if required. Please clarify responsible parties to implement this action? Recommend outline areas of disturbance be added to the plans and quantified.
3. General Note 18 indicates that a modified proctor be used. This method is for aggregates and sand products so that it would apply to road base placement. However, the roadway subgrade soil type hasn't been identified (see general comment #3), so it may not apply to the roadway subgrade. Please modify compaction criteria to match the soils types identified in the geotechnical investigation.
4. General Note 30 needs to be verified with the Town. Town public works staff is limited and may not have the resources to undertake the testing. SGM recommends that the Contractor perform the testing under the supervision of the Town.

Sheet-2

1. No Comments

Sheet-3

1. Silver Street Extension Profile shows the road ending in a cut condition. Show transition slope to existing grade.
2. Silver Street Extension Profile shows 31.83-feet of a new profile, while the line and curve tables show 86.76-feet. Please reconcile this discrepancy.
3. Silver Street Extension Profile has a floating comment, "End Centerline Construction," however, the road ends before this comment. Please correct.
4. Typical Road Section shows 3" of CDOT Class 6 per Town code. This depth is problematic as density testing with a nuclear gage cannot accurately measure density as the probe will extend almost through the 3" aggregate. SGM recommends that a 4" minimum of CDOT Class 6 aggregate be provided.
5. Typical Road Section subgrade compaction comment is of concern; see comment on Sheet 1, General Note 18.
6. Driveways to the proposed lots aren't present. Please add driveway designs that extend to the front lot setback lines as a minimum.
7. Silver Street Extension Plan, the proposed hammerhead turnaround looks too small to allow an emergency vehicle to turnaround. Please provide turning template analysis of the current design to verify its adequacy or re-design to contemporary turnaround standards for emergency vehicles.

8. Silver Street Extension Plan, please provide a separate profile for the roadside swale.
9. Silver Street Extension Plan, please provide design depth of roadside swale per findings in drainage report.
10. Silver Street Extension Plan has a roadside swale on the uphill side of the street. The design for L6 shows the flowline as the edge of the road. Please relocate the swale to be independent of the road.
11. Silver Street Extension Plan, the roadside swale crosses the turnaround. This crossing needs to be completed with concrete paving.
12. Silver Street Extension Plan doesn't show Silver Street extension width. Town standards require a minimum of 24-feet of improved width.
13. Silver Street Extension Plan shows the existing fire hydrant location. It may need protective bollards if it is close to the edge of the proposed road.

Sheet-4

1. Label cut and fill slope along North Silver Street Extension.
2. See Sheet 3 comment 6.

Sheet-5

1. See General Comments #2.
2. The swale along the Lot 6 serves a minimal area. Please provide an analysis of its sizing and area of service.
3. Three straw bales are shown near the top of lot 6. What is their purpose?
4. Please identify how concentrated runoff from developed lots 1 thru 5 won't negatively impact lot 6. This comment applies to Lot 6 impact on the CO-145 rights of way.
5. Provide analysis the supports the size of the swale in the access easement in front of lot 1.
6. Please provide documentation from the landowners where the new swale along lot one discharge will accept this re-routed runoff.

Sheet-6

1. Water Main Extension Plan, the proposed water line between Lots 2, 3, 4, 5, and 6, will be difficult to access and maintain due to the steep topography. **The Town would like to see the water line moved into North Silver Street to serve lots 1 to 5.** Lot 6 can be served as shown from East Webster Way.
2. Water Main Extension Plan a fire hydrant is mentioned in the text but not shown on the plans. Please show its location.
3. Water Main Extension Plan, please add a gate valve at the tie-in point to the Town water distribution system.
4. Water Main Extension Plan, please add a Tee fitting at the tie-in location (fire hydrant) on East Webster Way.
5. Water Main Extension Profile revise the design to keep the new watermain as close to the 6-foot minimum burial as possible. The current profile shows unnecessary depth, which makes future repair access difficult.
6. Water Main Extension Plan, label the stations where the Contractor can use the deflection limits to bend the piping system.

7. Water Main Extension Plan, please explain the purpose of the proposed swale. It doesn't appear on the grading or drainage plans.
8. Water Main Extension Plan show the locations of all thrust blocks.
9. Water Main Extension Plan show the locations of all blow-offs.

Sheet-7

1. Utility Plan see comment on sheet 6 about water line access.
2. Utility Plan note 4 mentions that OWTS sizing is owner-dependent. Many of the proposed lots are small, and the topography is steep. Set aside locations for the OWTS should be added to this plan which includes all appropriate CDHPE Regulation 43 setbacks and site consideration to ensure that an OWTS can support each lot.

Sheet-8

1. Details, please show the location of the finished end section on the plans or remove it from this sheet.
2. Details, Typical Swale Section, indicates its depth is shown on the plans. The plans don't provide this information. Please correct, so it is clear what the depth of each swale is on the plans. This information must be supported by drainage calculations as well.
3. Details, Typical Swale Section replace the word recommendation with required.
4. Details water plan sheet mentions new fire hydrant. Please provide fire hydrant detail.

This concludes the SGM review and comments on the referenced submittal.

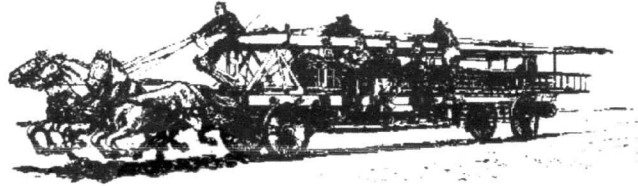
Please let me know if there are any questions.

Sincerely,

SGM

Eric L. Krch, PE

Senior Engineer III



Rico Fire Protection District

P.O. Box 39/119 S. Glasgow Ave.

Rico, CO 81332

Phone/ Fax: 970-967-2222

E-mail: rico_vfd@yahoo.com

Website: ricofire.org

EIN 84-1186375 / CO Tax Exempt Certificate 98-12208-0000 / D&B 96-372-5291

8/17/21

To: Rico Planning Commission, In Re: Bedrock Subdivision

Planning Commission Members:

After review of the proposal for the Bedrock subdivision, the Rico Fire Department believes that the proposal is sufficient for fire and ambulance response, with consideration of the following:

Access: the hammerhead turnaround will suffice for access.

Water supply: the fire hydrant on Silver Street should be replaced with the current town standard model. A riser should be installed to bring the hydrant higher above grade, and fill should be added around hydrant.

Snow removal: permission/easements should be obtained in order that snow may be pushed past the common Bedrock driveway into the property/parcel adjoining to the north.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd Jones". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Todd Jones, RVFD Fire Chief

Bedrock Subdivision

erick@sgm-inc.com | FRI SEP 17 3:58 PM | 1 min read

Kari:

Bulson Surveying sent me a revised and sealed set of civil drawings for the Bedrock Subdivision prepared by Alpine Land Consulting, LLC. They generally conform to the conversation we had with Bulson Surveying yesterday and address my previous review comments. Therefore, I can recommend the Town accept these plans as presented.

Please let us know if you need any further information regarding SGM's review of these plans.

Sincerely,

Eric L. Krch, PE, CFM

Senior Engineer III



259 Grand Ave, Suite 200
Grand Junction, CO 81501
970.456.1428 / 970.901.8568 cell
www.sgm-inc.com





Minutes from the Rico Planning Commission Meeting, April 19th, 2021

Date: May 11th, 2021

Call to order

Chair Benn Vernadakis called the meeting to order at 6:05

Members Present: Benn Vernadakis
John Scarborough
Mike Contillo
Cristal Hibbard
Genevieve Yellowman

Members Absent: None

Staff Present: Kari Distefano

Meeting Information

This meeting was held virtually due to the COVID-19 virus.

Consent Calendar

Approval of the Agenda

Motion

To amend the agenda to consider whether a variance would be required to not to comply with the minimum roof pitch requirement for the purpose of maintaining the historical accuracy of the old assay building located at 135 W. Soda Street, Raegan Ellease, applicant.

Moved by Member John Scarborough, seconded by Member Cristal Hibbard

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

Approval of the Minutes

Motion

To approve the minutes as presented.

Moved by Chair Benn Vernadakis, seconded by John Scarborough.

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

Citizen Communication

None

Consideration of whether a variance would be required to not to comply with the minimum roof pitch requirement for the purpose of maintaining the historical accuracy of the old assay building located at 135 W. Soda Street, Raegan Ellease, applicant.

Manager Kari Distefano presented an overview of the permit application.

Public Comment

Emails supporting the restoration of the original roof came from Susan Robertson, Gregg Anderson and Kathy McJoynt

Motion

To allow Raegan Ellease to build a roof on the old assay building that would maintain historical accuracy rather than comply with the minimum roof pitch of 7/12 as required by Section 204.10 in the Rico Land Use Code.

Moved by Chair Benn Vernadakis, seconded by John Scarborough.

Vote A roll call vote was taken and the motion was approved, 3-0.

Consideration of the conceptual plan of the Bedrock Planned Unit Development, located on portions of the Columbia Millsite, the Elliot Lode, the Aztec Lode and Tract 2 of the Atlantic Cable Subdivision, Dave Bulson and Michelle Haynes, applicants

Manager Kari Distefano presented an overview of the permit application. Applicants Dave Bulson and Michelle Haynes introduced themselves and made a presentation. Attorney Nicole Pieterse discussed process. The subdivision will be responsible road maintenance.

Public Comment

None

Motion

To recommend the approve of the application for the conceptual plan for the Bedrock Subdivision with the following conditions:

1. The Applicant demonstrate compliance with the PUD District standards with the submission of its Preliminary Major Subdivision application pursuant to LUC Section 306.
2. The Applicant provide the following associated documents with the Preliminary Major Subdivision submittal:
 - a. Draft Deed Restriction for Lot 6
 - b. Draft P.U.D. Agreement
 - c. Signed Development Agreement
3. Lots 1 -5 will have two off-street parking spaces.
4. That there be no access to Lot 6 from the south or east (Silver Street).

Moved by Member, John Scarborough, seconded by Cristal Hibbard.

Public Comment

None

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

Consideration of an application by Rebecca Adams to be an alternate member of the Rico Planning Commission

Public Comment

None

Motion

To recommend the approval to the Rico Board of Trustees of an application by Rebecca Adams to be an alternate member on the Rico Planning Commission.

Moved by Chair Benn Vernadakis, seconded by Cristal Hibbard.

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

Discussion of the water allocation was postponed until the Rico Board of Trustee's had a recommendation for the Rico Land Use Code.

Benn Vernadakis commented that he thought that the proposed subdivision moratorium could be unfair to potential developers that may have already be considering a subdivision application.

Motion

To adjourn the April 19th meeting of the Rico Planning Commission.

Moved by John Scarborough, seconded by Benn Vernadakis.

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

The meeting adjourned at 7:40



Minutes from the Rico Planning Commission Meeting, September 8th, 2021

Date: October 13th, 2021

Call to order

Chair Benn Vernadakis called the meeting to order at 6:05 PM

Members Present: Benn Vernadakis
Mike Contillo
Cristal Hibbard
John Scarborough

**Alternate member:
Present**

Members Absent: Genevieve Yellowman

Staff Present: Kari Distefano

Meeting Information

This meeting was held virtually and in person due to the COVID-19 virus.

Consent Calendar

Approval of the Agenda

Motion

To approve the agenda as presented.

Moved by Chair Benn Vernadakis, seconded by John Scarborough

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

Approval of the Minutes

Motion

The July Planning Commission minutes were unavailable. The August meeting was improperly noticed. The July Planning Commission minutes are to be presented at the October Planning Commission meeting

Citizen Communication

None

Discussion items

Consideration of a request for approval to finish a partially complete building on 132 S. Commercial St. McKinley Hale, applicant

Applicant McKinley Hale requested permission from the Planning Commission to complete the house she and her partner, Jeremy Womack bought on 132 S. Commercial Street.

Jeremy Womack and McKinley Hale presented their request to finish the roof of the house. Finishing the roof would cause the building to exceed the height limit set by the Rico Land Use Code of 28 feet. The building was originally constructed in 2002.

Citing the unique situation and the challenges imposed upon the lot by the topography, the Rico Planning Commission determined that the applicants should be allowed to finish the structure but not increase the height.

Consideration of the preliminary plan of the Bedrock Planned Unit Development, located on portions of the Columbia Millsite, the Elliot Lode, the Aztec Lode and Tract 2 of the Atlantic Cable Subdivision, Dave Bulson and Michelle Haynes, applicants

Manager Kari Distefano presented an overview of the permit application with additional comments by Dave Bulson, Michelle Haynes and Nicole Pieterse on behalf of the applicants.

Public Comment

None

Motion

To approve the preliminary plan of the Bedrock Planned Unit Development, located on portions of the Columbia Millsite, the Elliot Lode, the Aztec Lode and Tract 2 of the Atlantic Cable Subdivision, Dave Bulson and Michelle Haynes, applicants with the following conditions:

1. The engineer for the applicant will address comments as shown on the drawing included in the packet submitted for preliminary approval.
2. The applicant will comply with the Rico Fire Protection District comments, specifically to replace and raise the existing hydrant on Silver Street and to provide an easement for snow removal on the parcel to the north of the proposed access easement, which is owned by the applicant.
3. If the applicant cannot reach an agreement with the owners of Lots 44 and 43 of the Atlantic Cable Subdivision to expand the existing utility easement from 10 feet in width to 15'-20' feet in width to provide additional space to install the water line and to repair the water line should the need arise, the new water line will be jointly maintained by owners of Lots 1-6.

Moved by Cristal Hibbard, with findings as written in the staff memo, seconded by John Scarborough.

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

Consideration of the conceptual plan of the Dolores River Subdivision, located on portions of the Yanky Boy MS 6969, Hill Side 2 MS. 7994, Hill Side MS. 7994, Home MS. 8031 and Sam Patch MS. 8031, Rebecca Adams and Gordon Mortensen III, applicants.

Manager Kari Distefano presented an overview of the permit application with additional comments by Rebecca Adams on behalf of the applicants.

Public Comment

Jill and Larry Carver expressed appreciation that the applicant had reached out to them regarding the road in West Rico. They do not want the access to become a through road.

Motion

To continue the hearing regarding the Dolores River Subdivision with the following findings:

1. Lack of information regarding the land trade with the owners of the parcel on which the access road that serves Lots 5-8 sits.
2. Lack of information regarding land dedication and development charges required by Section 556 of the Rico Land Use Code.
3. Lack of a subdivision agreement.
4. Necessity of a letter from the Rico Fire Protection District stating that the proposed subdivision could be adequately protected in case of a fire.

Moved by John Scarborough, seconded by Benn Vernadakis.

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

Motion

To adjourn the September 8th meeting of the Rico Planning Commission.

Moved by Benn Vernadakis, seconded by John Scarborough.

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

The meeting adjourned at 7:00 PM

Benn Vernadakis, Chair

RESOLUTION 2021-0

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF RICO APPROVING THE APPLICATION FOR THE BEDROCK SUBDIVISION TOWN OF RICO, COLORADO

WHEREAS, The applicants, Dave Bulson and Michelle Haynes submitted the final application for the Bedrock Subdivision to the Rico Planning Commission on October 13th, 2021;

WHEREAS, the proposed subdivision originally consisted of four tracts, a portion of the Columbia Millsite, a portion of the Aztec Millsite, a portion of the Atlantic Cable Millsite and a portion of the Columbia Millsite. The application proposes five single family lots ranging from 0.21 acres (9148 sq. ft.) to 0.27 acres (11,761 sq. ft.) on the eastern section of the parcel and one multi-family lot that consists of.

WHEREAS, public hearings were held on this matter by the Rico Planning Commission on April 19th, when they recommended conditional approval of the conceptual plan, September 8th, where the Rico Planning Commission recommended conditional approval of the preliminary plan and October 13th where the Planning Commission recommended final approval;

WHEREAS, the Board of Trustees (Board) held a public hearing on October 20th, and considered questions and comments from members of the community and the Applicant, as well as all accompanying information and evidence;

WHEREAS, the Board is authorized to approve subdivisions pursuant to C.R.S. 30-28-133 and Section 548 of the Town's Land Use Code; and

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO:

The Board of Trustees for the Town of Rico approves the application.

ADOPTED this 20th day of September 2021, by the Board of Trustees for the Town of Rico

Barbara Betts, Mayor

Attest:

Linda Yellowman, Town Clerk

**TOWN OF RICO
ORDINANCE 2021-0**

AN ORDINANCE OF THE TOWN OF RICO, COLORADO, DEFINING SHORT-TERM RENTAL, REPEALING SECTION 1 OF ORDINANCE 2011-3, REVISING REGULATIONS FOR SHORT-TERM RENTALS IN THE RICO LAND USE CODE ARTICLE II SECTIONS 220 AND 222, PROVIDING FOR LICENSING OF SHORT-TERM RENTALS AND LIMITING THE NUMBER OF SHORT-TERM RENTALS ALLOWED WITHIN THE TOWN OF RICO.

WHEREAS, the Board of Trustees of the Town of Rico (the “Town”) believes it appropriate to define short-term rentals and license their use; and

WHEREAS, the Board of Trustees desires to ensure that short-term rentals are not consuming a disproportionate amount of the Town’s housing supply, especially long-term rental housing; and

WHEREAS, the Board of Trustees desires to allow short-term rental opportunities within the Town of Rico with the resulting economic benefits, potential tourism attraction, and the ability to make one’s property more affordable; and

WHEREAS, the Board of Trustees desires to assure a safe and quality experience for residents, businesses and visitors; and

WHEREAS, the Board of Trustees desires to balance the need for regulations with the cost to the property owner and burden of enforcement to the Town; keep revenue neutral; and

WHEREAS, the Town has the power and authority to make and publish ordinances that are necessary and proper to provide for the safety and preserve the health of the inhabitants of the Town not inconsistent with the laws of the State of Colorado; and

WHEREAS, the Town has made a conscientious effort to plan for specific uses within all zoning districts and to anticipate conflicts between competing land uses, in order to protect the public's health, safety and welfare;

SECTION 1.

Definitions:

Accommodations: (Ord No. 2011-3 § 910, 06-15-11) The short-term rental of properties for periods of 30 days or less, including motels, hotels, inns, condominium-hotels, lodges and bed and breakfasts.

Bed and Breakfast: An owner-occupied, single-family detached dwelling unit that includes guest rooms offered as short-term lodging for compensation to the travelling and vacationing public. Guest rooms or suites may include a private bath but shall not include cooking facilities. Breakfast and other meals, services, facilities, or amenities may be offered exclusively to guests.

Short-term rental dwelling unit: (ORD. NO. 2011-3. § 910, 06-15-11) The short-term rental of properties for periods of 30 days or less, excluding hotels, condominium-hotels, lodges, and bed and breakfasts.

Short-term dwelling units are subject to Special Use permits.

SECTION 2.

Ordinance 2001-3 Section 1 is repealed and Article II, Sections 220 and 222 are amended as follows:

I. Short-term Rental Regulations:

1. Intent and Purpose: Establish standards and procedures by which residential short-term rentals can be provided in a manner that protects both the quality of experience and the character of the Town of Rico. It is the Town of Rico's intent to establish short-term rental regulations to promote a mix of lodging options, support the local economy, while also upholding the integrity of the Town.
2. Permitted Use of short-term rentals.
 - a. Short-term rentals are allowed in all zoning districts where residential units are a use by right or an approved conditional use. Short-term rentals shall comply with the provisions of this Subsection (I) and shall be licensed by the State of Colorado and the Town of Rico

SECTION 3.

Short-term rental categories:

Category 1: Full-Time Use: A dwelling unit that is not owner-occupied and is primarily used or made available for short-term rentals.

Category 2: Part-Time Use: A dwelling unit that is owner-occupied for more than 180 days per calendar year and that is rented as an entire unit during the time when the owner is not in residence.

Category 3: Accessory Dwelling Unit Use: A dwelling unit with an ADU where either the primary home or the ADU are owner-occupied and the other unit is made available for short-term rentals on a periodic basis.

Category 4: Accessory Space Use: A bedroom or other habitable space offered for short-term rental within an owner-occupied dwelling unit.

Category 5: Residential Unit in Mixed-Use or Commercial District: A residential structure or space located in a mixed-use or commercial district where lodging is a permitted use.

SECTION 4.

Performance Standards for short-term rentals

- b. The unit being rented, shall be a Dwelling Unit, as defined pursuant Article IX of the Rico Land Use Code, nor be leased or used to any group containing more than 10 people over the age of 18.
- c. The unit shall have a minimum of 2 off-street parking spaces available and any additional spaces necessary to accommodate the tenant's vehicles off street.

Isn't this included in Rico Land Use Code 428.12 which is already included in the permit application.

There is not off-street parking defined/designated in front of dwellings. How is it determined that there are a minimum of 2 off-street parking spaces available? How would this be enforced?

Would this be enforced for long term renters and owner-occupied dwellings?

- d. There shall be an owner's agent available to be at the unit within 20 minutes, who is on call full time to manage the property during any period the unit is rented. The name address and phone number of the agent must be kept current on file with the Town and posted in the short-term rental. Do we want this number to be available to neighbors?

Neighbors with issues should come to the owner and the Town. This will help keep track of short-term rental issues for the annual review process.

Plus, if you're a good short-term rental owner, this information has been provided to your neighbors and your guests. Perhaps it should be included in the notice letter.

- e. Adequate (how is adequate determined and enforced?) trash and recycle (recycling isn't individually offered and therefore should not be required) containers shall be provided and information on placement for collection shall be provided in the short-term rental. Inadequate protection of trash from wildlife will be grounds for the denial of a permit renewal (and fines?). Example, if a person walking their dog and uses your receptacle to throw away dog waste and doesn't secure the lid, how would this be the homeowners responsibility?
- f. The unit shall be maintained in compliance with applicable Town ordinances and regulations. The rental of residential units as provided herein shall not unreasonably annoy or interfere with the use or enjoyment of public or private property or which constitutes a health or safety hazard.

Isn't this already included in Rico Land Use Code 428.1 through 428.12, inclusive?

If there are homeowners and long-term renters who violate the Town ordinances, are they going to responsible for their actions that interfere with the use and enjoyment of public and private property?

- g. The owner must have current state and Town sales tax licenses, a Town business license at such time the Town has business licensing and collect and remit sales taxes and lodging tax.

There is not Town Sales licenses or Town Business License now. Is this a State Business license?

If there is Town Sales License or Town Business Licenses, it is not a part of the application process. These licenses should be integrated as part of the application and approval process.

SECTION 3.

Licenses required.

1. Any property owner who rents out a unit on a short-term basis within the Town of Rico shall be required to obtain a short-term rental license (hereinafter a "Short-term Rental license") for each short-term rental unit from the Town of Rico. Such Short-term Rental license and its corresponding number shall be prominently displayed in all advertising of the unit. The cost of such licensing and renewals shall be \$1,000 per year and may be amended from time to time by the Rico Board of Trustees. Short-term Rental licenses are nontransferable.
A Sliding scale may be more appropriate, for example, \$150 initial fee, plus \$20 for each sleeping area within the unit. Also, \$1000 is too high with the addition of the permit fee, especially if the tax basis is going to be raised. (Use Telluride, Durango, Dolores, and Ridgeway as examples).
2. All Short-term Rental units, except the Short-term Rental of a single room inside an owner-occupied dwelling unit, are required to have and pass a health, safety, and welfare inspection by the Town Building Inspector (Why not all short-term rentals who get a SUP? Who is the Town Building Inspector/Health and Safety inspector? When would this start? Is there a fee associated with it? What is being inspected? How is it rated? Pass/Fail or % or grading system 'A', 'B', etc.? Is their time to correct issue if issues are found?). This inspection will be completed with the initial and renewal licensing processes. Do we want to make any revisions to this section?
3. The total number of Short-term Rental licenses in the Town of Rico shall be limited to 10 (10% of residential units within the Town of Rico limits), at any one time. The Short-term Rental of a single room inside an owner-occupied dwelling unit shall not be counted toward the maximum number of licenses to be issued. Preference shall be given to renewals of licenses unless there have been violations of this Ordinance or in violation of Rico Land Use Code § 428 or verified complaints by neighbors submitted to The Town of Rico (who, town clerk? Town manager? Board member). If the short-term rental license has not been used over the course of the year (how is this determined, occupancy tax?), the license holder will not be given renewal preference. Do we want to revise the second sentence in this paragraph?
4. Short-term Rental licenses shall be issued for a period of one year beginning in April and subject to annual renewal in April of every year.

** This is difficult as a short-term rental because rental bookings are often allowed 6 months to 1+ year in advance. By April, the upcoming summers months are already booked (even if we only allow for bookings 6 months in advance). Perhaps an annual review based on the initial application date OR October/November during off season that way if a violation is found, it can either be corrected or the permit and license can be terminated, and bookings should be stopped.

SECTION 4.

Licenses fees.

1. The local application and license fees for all Short-term Rental licenses issued, and applications submitted shall be enacted by Rico Board of Trustees Resolution.

2. In addition to the above fees, the applicant/licensee shall reimburse the Town for all out-of-pocket costs incurred during review of the application, or license, including legal fees, consultant fees, postage, notice and publishing costs. The Town shall bill the applicant/licensee upon completion of the application or review process and completion of any conditions thereof. No application or license shall be finally approved until the bill is paid. Each bill shall be overdue 30 days after its date. Bills not paid by the due date shall accrue interest at the rate of 1½ %per month or part thereof.

There should be consideration of the \$200 being a part of the application review which should cover some initial, if not all the costs of the review process.

3. The Town Board may revise such amounts by resolution based on costs incurred by the Town in the administration and enforcement of the Short-term Rental Licensing and related provisions.

SECTION 5.

Supplemental Regulations

1. All Dwelling Units, for Short-term Rental licenses issued, shall comply with applicable requirements of Town ordinances, including building and zoning regulations.
2. Rico Town Manager shall be the local licensing authority for the Town for short-term rental licenses. Applications shall be reviewed by the Town Manager. **Do we want to add a process with the Trustees to appeal licensing decisions?**

SECTION 6.

Revocation of License

1. The Town Manager may revoke or suspend a Short-term Rental license. The following shall be prima fade evidence for revocation or suspension of a Short-term Rental license:
 - a. A holder of a Short-term Rental license is violation of the provisions of the permit.
 - b. A holder of the Short-term Rental license has violated the rules and regulations for short-term rentals, as established by this Ordinance.
 - c. The holder of the Short-term Rental has failed to remit sales and/or lodging taxes.
2. In the event a licensee wishes to challenge the revocation or a suspension of a license by the Town Manager, they can request, in writing, an administrative hearing before the Town Board within thirty days of the license being revoked or suspended.
3. No license shall be issued to any property owner for whom a license has been revoked, until at least three years has elapsed since revocation.

Notes:

1. Short Term Rental Committee: If this is such a hot topic, perhaps there should be a Short-Term Rental Committee whose tasks include application review, monitoring, and reporting. It would also be a mechanism for complaints and questions about the SUP. All financial information would remain within the Town and the Town would be responsible for reporting missed payments, etc. based on the monitoring and reporting of the committee.
2. Permits should be on a first-come-first-serve basis with the ability to renew. Renewals/permits can be revoked if there are violations. Once a permit becomes available, it would be issued to the next person on the waiting list. This is a business, like any other business in town. Other businesses are able to operate under the assumption that if the rules and regulations are followed, their business will remain open. If violations are found, the business should be interrupted. If no violations are found and the short-term rental is in good standing, the business should not be at risk to renew/remain in business.

For example, if 10 permits are permitted or 10% of the built residential dwellings, for Short-Term Rentals, and when 10/10% have been issued, the 11th/next applicant would be placed on a waiting list. Once a permit becomes available, whether by no longer wanting to retain a permit or by loss through violation, the 11th/next person would be issued the permit.

3. A section should be included on the enforceable fees and fines should a short-term rental be found operating without a permit and/or license.
4. The total tax shouldn't exceed that of Telluride (currently Tellurides Short-Term Rental tax, inclusive of all tax, is 15.15%).

- a. Suggestion:
 - 1.00% Occupancy Tax (to parks/rec)
 - 2.00% Excise Tax (to general fund)
 - 2.00% Excise Tax (affordable housing)
 - 2.90% Colorado Sales Tax
 - 8.15% Rico Sales Tax

13.15% Total Tax on Short Term Rentals

5% tax on Short Terms rentals is higher than the surrounding areas, with an exception to Telluride.

Ridgeway = 3.9% Lodging Tax on short term rentals

Durango = 2.0% Lodging Tax on short term rentals

Cortez = 2.0% Lodging Tax on short term rentals

Dolores = 1.9% Lodging Tax on short term rentals

Telluride = 6.5% Lodging Tax on short term rentals

5. Permits should NOT be given to people have not met the criteria listed on the application, such as payment of taxes or notification of neighbors, nor should be permitted with conditional approval. ALL criteria should be met prior to approval.
6. “Property” on the application needs to be defined. Should notice go to someone within 200 feet of the dwelling, i.e., a house, OR 200 feet any property line. Noticing landowners within 200 feet of the property lines seems more prudent as that could cover a larger area/more people.

Example, if someone has recently applied indicating that there were not neighbors within 200 feet of their dwelling, this may be true. However, there may be other landowners within 200 feet of their property who should be entitled to notice since they will most likely experience an increase in traffic and noise.

7. If you’re going to hold Short-Term Rental permit holders responsible, hold everyone responsible. Ordinances are meant for everyone, in order to make Rico a pleasant place for everyone. All people within Rico should abide by those ordinances. Don’t single out a single-type of permit owner. Long-term renters, home owners,
8. Let’s remember that the goal is to balance long-term, short term and housing issues within our community. There are ways to work on this goal without making it the sole responsibility of a homeowner. Lack of housing is not just an issue for this community, but also for other communities, state, and the nation. There are creative ways to address these issues. For example, hotels and schools have been used/purchased for affordable/community housing within other municipalities.

Rico has a long-standing reputation of being a bed-room community to Telluride. As Rico has grown over the years, it has become more independent, shifting away from being a bedroom community. Housing is an issue all over, but Rico is most directly impacted by the lack of housing in Telluride. It is not Rico’s responsibility, let alone individual homeowner’s responsibilities, to accommodate those working in Telluride.

9. I think it would be beneficial to wait until after elections/the installation of a new town manager to approve and finalize fees.

To: KARI
From: B. BETTS

SHORT TERM RENTALS

DOES THIS NEED TO BE

ENACTED NOW? ~~NO~~ COULD IT

BE PUT ON HOLD UNTIL WE

HAVE BETTER #'S ON TOWN OF RICO

SHORT TERM VS

ORDINANCE 2021-0

28th

LONG TERM?

AN ORDINANCE OF THE TOWN OF RICO, COLORADO, DEFINING SHORT-TERM RENTAL, REPEALING SECTION 1 OF ORDINANCE 2011-3, REVISING REGULATIONS FOR SHORT-TERM RENTALS IN THE RICO LAND USE CODE ARTICLE II SECTIONS 220 AND 222, PROVIDING FOR LICENSING OF SHORT-TERM RENTALS AND LIMITING THE NUMBER OF SHORT-TERM RENTALS ALLOWED WITHIN THE TOWN OF RICO.

WHEREAS, the Board of Trustees of the Town of Rico (the "Town") believes it appropriate to define short-term rentals and license their use; and

WHEREAS, due to the COVID-19 pandemic, on-premises food service establishments were closed or limited for indoor dining requiring take out, and other delivery methods;

WHEREAS, the Board of Trustees desires to ensure that short-term rentals are not consuming a disproportionate amount of the Town's housing supply, especially long-term rental housing; and

DO WE KNOW HOW MANY LONG-TERM RENTALS IN TOWN?

WHEREAS, the Board of Trustees desires to allow short-term rental opportunities within the Town of Rico with the resulting economic benefits, potential tourism attraction, and the ability to make one's property more affordable; and

WHEREAS, the Board of Trustees desires to assure a safe and quality experience for residents, businesses and visitors; and

WHEREAS, the Board of Trustees desires to balance the need for regulations with the cost to the property owner and burden of enforcement to the Town; keep revenue neutral; and

WHEREAS, the Town has the power and authority to make and publish ordinances that are necessary and proper to provide for the safety and preserve the health of the inhabitants of the Town not inconsistent with the laws of the State of Colorado; and

WHEREAS, the Town has made a conscientious effort to plan for specific uses within all zoning districts and to anticipate conflicts between competing land uses, in order to protect the public's health, safety and welfare;

SECTION 1.

SHORT-TERM RENTAL: Rental of all or a portion of a residential dwelling unit for periods of less than 31 days. This definition of short-term rentals excludes hotels, motels, lodges, and bed and breakfasts.

SECTION 2.

Ordinance 2001-3 Section 1 is repealed and Article II, Sections 220 and 222 are amended as follows:

I Short-term Rental Regulations:

1. Intent and Purpose: Establish standards and procedures by which residential short-term rentals can be provided in a manner that protects both the quality of experience and the character of the

MY PREFERENCE IS NOT TO ALLOW ANY
SHORT TERM IN RESIDENTIAL NEIGHBORHOODS

Town of Rico. It is the Town of Rico's intent to establish short-term rental regulations to promote a mix of lodging options, support the local economy, while also upholding the integrity of the Town. **WHICH INCLUDES LONG TERM RENTALS FOR COMMUNITY MEMBERS**

2. Permitted Use of short-term rentals.

a. Short-term rentals are allowed in all zoning districts where residential units are a use by right or an approved conditional use. Short-term rentals shall comply with the provisions of this Subsection (I) and shall be licensed by the State of Colorado and the Town of Rico

b. **Short-term rentals:**

(i) Shall be a single-family residential unit; or

(ii) Shall be a property with two dwelling structures where the owner may use one of the dwelling structures as a short-term rental.

(iii) Shall be a multiple family residence or structure where short-term rentals are allowed in multiple family structures.

3. Performance Standards for short-term rentals

a. The unit being rented, shall be a Dwelling Unit, as defined pursuant Article IX of the Rico Land Use Code ~~and~~ be leased or used to any group containing more than 10 people over the age of 18. **NDT**

b. The unit shall have a minimum of 2 off-street parking spaces available and any additional spaces necessary to accommodate the tenant's vehicles off street.

c. There shall be an owner's agent available to be at the unit within 20 minutes, who is on call full time to manage the property during any period the unit is rented. The name address and phone number of the agent must be kept current on file with the Town and posted in the short-term rental. **Do we want this number to be available to neighbors? YES**

d. Adequate trash and recycle containers shall be provided and information on placement for collection shall be provided in the short-term rental. **Inadequate protection of trash from wildlife will be grounds for the denial of a permit renewal. IF PROBLEM PERSISTS, DENIAL CAN BE ENFORCED IMMEDIATELY**

e. The unit shall be maintained in compliance with applicable Town ordinances and regulations. The rental of residential units as provided herein shall not unreasonably annoy or interfere with the use or enjoyment of public or private property or which constitutes a health or safety hazard.

f. The owner must have current state and Town sales tax licenses, a Town business license at such time the Town has business licensing and collect and remit sales taxes and lodging taxes.

SECTION 3

Licenses required.

1. Any property owner who rents out a unit on a short-term basis within the Town of Rico shall be required to obtain a short-term rental license (hereinafter a "Short-term Rental license") for each short-term rental unit from the Town of Rico. Such Short-term Rental license and its corresponding number shall be prominently displayed in all advertising of the unit. The cost of such licensing and renewals shall be \$1,000 per year and may be amended from time to time by the Rico Board of Trustees. Short-term Rental licenses are nontransferable.
2. All Short-term Rental units, except the Short-term Rental of a single room inside an owner-occupied dwelling unit, are required to have and pass a health, safety and welfare inspection by the Town Building Inspector. This inspection will be completed with the initial and renewal licensing processes. *Do we want to make any revisions to this section? BEGINNING APRIL 1, 2022 ALL UNITS MUST BE INSPECTED IF NOT OWNER OCCUPIED*
3. The total number of Short-term Rental licenses in the Town of Rico shall be limited to ~~10~~ *at any* ~~10~~ *10 % OF ALL AVAILABLE RENTALS IN TOWN OF RICO.* one time. The Short-term Rental of a single room inside an owner-occupied dwelling unit shall not be counted toward the maximum number of licenses to be issued. Preference shall be given to renewals of licenses unless there have been violations of this Ordinance or verified complaints by neighbors. If the short term rental license has not been used over the course of the year, the license holder will not be given renewal preference. *Do we want to revise the second sentence in this paragraph?*
4. Short-term Rental licenses shall be issued for a period of one year beginning in April and subject to annual renewal in April of every year. *OR ALL AVAILABLE DWELLING UNITS.*

SECTION 4 Licenses fees.

1. The local application and license fees for all Short-term Rental licenses issued, and applications submitted shall be enacted by Rico Board of Trustees Resolution.
2. In addition to the above fees, the applicant/licensee shall reimburse the Town for all out-of-pocket costs incurred during review of the application, or license, including legal fees, consultant fees, postage, notice and publishing costs. The Town shall bill the applicant/licensee upon completion of the application or review process and completion of any conditions thereof. No application or license shall be finally approved until the bill is paid. Each bill shall be overdue 30 days after its date. Bills not paid by the due date shall accrue interest at the rate of 1 1/2 % per month or part thereof.
3. The Town Board may revise such amounts by resolution based on costs incurred by the Town in the administration and enforcement of the Short-term Rental Licensing and related provisions.

Section 5 Supplemental Regulations

1. All Dwelling Units, for Short-term Rental licenses issued shall comply with applicable requirements of Town ordinances, including building and zoning regulations.
2. The Rico Town Manager shall be the local licensing authority for the Town for short-term rental licenses. Applications shall be reviewed by the Town Manager. *Do we want to add a process with the Trustees to appeal licensing decisions? YES.*

Section 6
Revocation of License

1. The Town Manager may revoke or suspend a Short-term Rental license. The following shall be prima facie evidence for revocation or suspension of a Short-term Rental license:
 - a. A holder of a Short-term Rental license is in violation of the provisions of the permit.
 - b. holder of the Short-term Rental license has violated the rules and regulations for short-term rentals, as established by this Ordinance.
 - c. The holder of the Short-term Rental has failed to remit sales and/or lodging taxes.
2. In the event a licensee wishes to challenge the revocation or a suspension of a license by the Town Manager, they can request, in writing, an administrative hearing before the Town Board within thirty days of the license being revoked or suspended.
3. No license shall be issued to any property owner for whom a license has been revoked, until at least three years has elapsed since revocation.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO
that:

TOWEN OF RICO:

By: _____
Barbara Betts, Mayor

ATTEST:

Linda Yellowman, City Clerk

I AM NOT SATISFIED THAT WE HAVE A
PROPER UNDERSTANDING OF # OF TOTAL
RENTALS AVAILABLE AT PRESENT.
HOW DO OTHER TOWNS KEEP TRACK OF
OWNER OCCUPIED NON-RENTAL DWELLING UNITS
VS. LONG! SHORT TERM RENTAL UNITS?
WILL THIS REALLY HELP WITH WORK FORCE
HOUSING CRISIS.

June 30th, 2021

Work Session – Draft Short-term rental ordinance

Board Comment

Pat Fallon had questions regarding the terms of the permits. Would the permits be based on a calendar year or a year from when the applicant's permit was approved? He also had questions about fees and the Town's ability to monitor the permits.

Joe Croke disagreed with the ten permit per year cap. He felt that the fees should be high enough and that the permit process should be onerous enough to self-regulate. He felt that caps would create a commodity. He also believed that permit should be subject to annual review. He thought that short term rentals should be allowed in multi-family units as well as single family units.

Esteban Roberts agreed with Pat Fallon.

Joe Dillsworth felt that there should be a cap on the number of short-term rental permits allocated.

Nicole Pieterse also questioned the duration of the permit as well as monitoring and enforcement. She felt that a cap should be considered in the residential zone in order to encourage commercial uses in the commercial zone districts. She also felt that short term rentals should not be prohibited in multi-family units. Short term rental permittees should be required to provide a list of all sites on which they are advertising. The town manger should have the authority to issue and revoke the licenses.

Brandy Randall felt that short-term rentals made the work force housing crisis worse and does not believe that they should be allowed in residential zone districts.

Barbara Betts agrees with Pat Fallon. She agrees with a cap. Fees should be high enough to discourage people that are not serious enough about wanting to do it right from doing it. She is worried about the effect of short-term rentals on long term housing. She agreed that permits should be approved on a calendar year basis.

Joe Dillsworth added that the permits should be used, or they would be lost.

Nicole Pieterse said that both the Town Board and the Town manager should have discretion not to approve or renew licenses.

Public Comment

Scott Emerson wanted to know if the Board was not going to ask people to maintain their properties, how were they going to justify enforcing short term rental regulations.

Gerrish Willis stated that all resort communities were facing a critical need for worker housing and allowing short term rentals has a real impact on long term housing availability and neighborhoods. It takes housing away from workers. He supports a limit.

Cristal Hibbard supports a cap.

Benn Vernadakis supports a cap on permits and an annual review. He supports a lottery or point system to allocate permits.

Helen Mazik supports higher fees. She said that short term rentals are an economic benefit to the Town. She would support criteria that would look at what makes a good candidate for a short-term rental.

Florence Ezell wanted to know if she could have a bed and breakfast in her residential unit.

Gretchen Treadwell did not like the idea of a lottery to determine permit allocation.

Direction to staff:

1. Applicants will be accepted throughout the year but will be reviewed annually beginning April 1st and permitted by April 30th.
2. Cost of the permit application will be \$200.00. Permit fees will be \$1,000 per year.

Permit allocations will be capped at ten with priority be given to renewals for permittees with no documented complaints and a proven record of tax payments to the Town. Other permits shall be determined by a lottery.

3. Violators will be fined per direction from the Town attorney.
4. Violations especially with respect to uncovered trash, shall be grounds for the denial of the permit.