

Date: July 5th, 2021

TO: Town of Rico Planning Commission
FROM: Kari Distefano, Rico Town Manager
SUBJECT: July Planning Commission meeting

Consideration of an application for a special use permit for the purpose of short-term rental, 214 Mill Road, Scott applicant

Scott Smith would like to use his house, located at 214 Mill Road as a short-term rental. He has applied for a Special Use Permit as required by the Rico Land Use Code. The application is attached to this memo for your review and is complete and compliant. Special Use Permits should be reviewed according to the following criteria:

Compatibility with Surrounding Area. The proposed use or operation is compatible with surrounding land uses and with the surrounding neighborhood.

General. The location, size, design and operating characteristics of all proposed uses shall mitigate any adverse effects, including visual impacts, on surrounding properties.

Noise. At no point on the bounding property line of any use in any district shall the sound pressure level of any use, operation or plant produce noise intensity greater than that customarily level of the underlying Zone District and surrounding neighborhood so as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this section, bounding property line shall be interpreted as being at the far side of any street alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two (2) parcels of property shall be interpreted as the bounding property line.

Smoke and Particulate Matter. No proposed operation or use in any district shall at any time create smoke and particulate matter that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.

Odorous matter. No proposed use shall be located or operated in any district that involves the emission of odorous matter from a source of operation where the odorous matter

exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold shall be the concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person.

Explosives. No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted in any district, except that chlorates, nitrates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshall as not presenting a fire or explosion hazard.

Flammables. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Town of Rico and receives the approval of the Fire Marshall.

Toxic and Noxious Matter. No proposed operation or use in any district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed the threshold limits set forth by the Colorado Department of Health.

Vibration. No proposed operation or use in any district shall at any time create earthborne vibration that, when considered at the bounding property line of the source of operation creates a nuisance or distracts from the use and enjoyment of adjacent property.

Open storage. No open storage of materials or commodities shall be permitted in any district except as an accessory use to a main use located in a building in the MU Zone District. No open storage operation shall be located in front of a main building. No wrecking, junk, or salvage yard shall be permitted as a storage use in any district.

Glare. No proposed use or operation in any district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

Traffic. No proposed use or operation shall be permitted where the use would create undue traffic impacts on Town roads and affected residential neighborhoods.

Off-Street Parking. Adequate off-street parking is provided to accommodate the proposed use.

The proposed activity is unlikely to produce noxious odors, smoke or problems with any of the other issues mentioned in the review criteria except possibly noise. According to the narrative, the applicant will be living in the house and renting out a room(s). I have provided a Google Earth image of the lot, which is included in this packet. As you can see, the house is isolated from neighbors. Parking would be on the driveway. As always in these residential neighborhoods, the concern is traffic and dogs. The Town requires that contact information for the local owner or a local representative be kept current and be available to local law enforcement as well as Town officials. We should also require proof that could come in the form of photos that smoke alarms and carbon monoxide detectors are installed in the house and functional.

A renewal review after one year of the short-term rental operation will be required, and at that time, the applicant will be subject to the forthcoming short term rental ordinance. Suggested motion: motion to recommend approval, recommend approval with conditions or deny the application for a special use permit at 214 Mill Road.

Summary of Rico Board of Trustee's Short-term rental discussion.

I have included in this packet a summary of the discussion of a short-term rental ordinance that took place on June 30th for your review. While the final ordinance is still to be considered, the general consensus by the Board was that short-term rentals should be dealt with by the town manager rather than the Planning Commission. Any comments you might have will be passed along to the Board.

Rico Land Use Code revisions and proposed zoning map revisions.

I have asked Linda to make hard copies of the revised Land Use Code for your review. They should be available for you at the meeting. Marti Whitmore, our attorney has gone over them. She had questions about the wetlands buffer zone. She wondered if it would be better not to have a buffer and to have the Army Corp of Engineers be the sole administrators of the wetland's requirements. This would make the Town enforcement side easier, but we need to be mindful of the Colorado Department of Public Health and Environment Regulation 43, that requires that septic systems be 50' from wetlands. Also, please look at the proposed zoning changes. We will discuss them at the meeting. I am including a map in this packet for your convenience.

Complete & Compliant Letter



July 5th, 2021

214 Mill Road
Scott Smith
355 Golden Circle
Golden Colorado, 80403

RE: Special Use Permit for Short Term Rental

Dear Applicant,

The Town of Rico has received an application for a special use permit for the purpose of short term rental for the property located at 214 Mill Road. I have performed an initial review of this application and at this time the application is complete and compliant. This determination does not preclude the Town from determining following additional review at a subsequent time, that the application is not complete or compliant. In such an event, the Town Staff would require the applicant to correct any deficiencies.

Pursuant to this determination that this application is complete and compliant, this application is scheduled for the July 14th Rico Planning Commission meeting and the July 21st Rico Board of Trustee's meeting.

These applications include the following required components:

Attachments Required Special Use Permit:

- ☒ A site plan that includes any information relevant to the request, i.e.: adequate parking for short term rental permits
- ☒ Description of Special Use Request
- ☒ Narrative of reasons that a Special Use Permit should be granted
- ☒ Statement from County Treasurer showing the status of current taxes due on affected 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.

Date Application Received: 06-16-2021

Application Reviewed by: KLD

Application Fee Received: 06-16-2021

Date of Hearing: 07-14-2021 & 07-21-2021

Application Complete: Yes

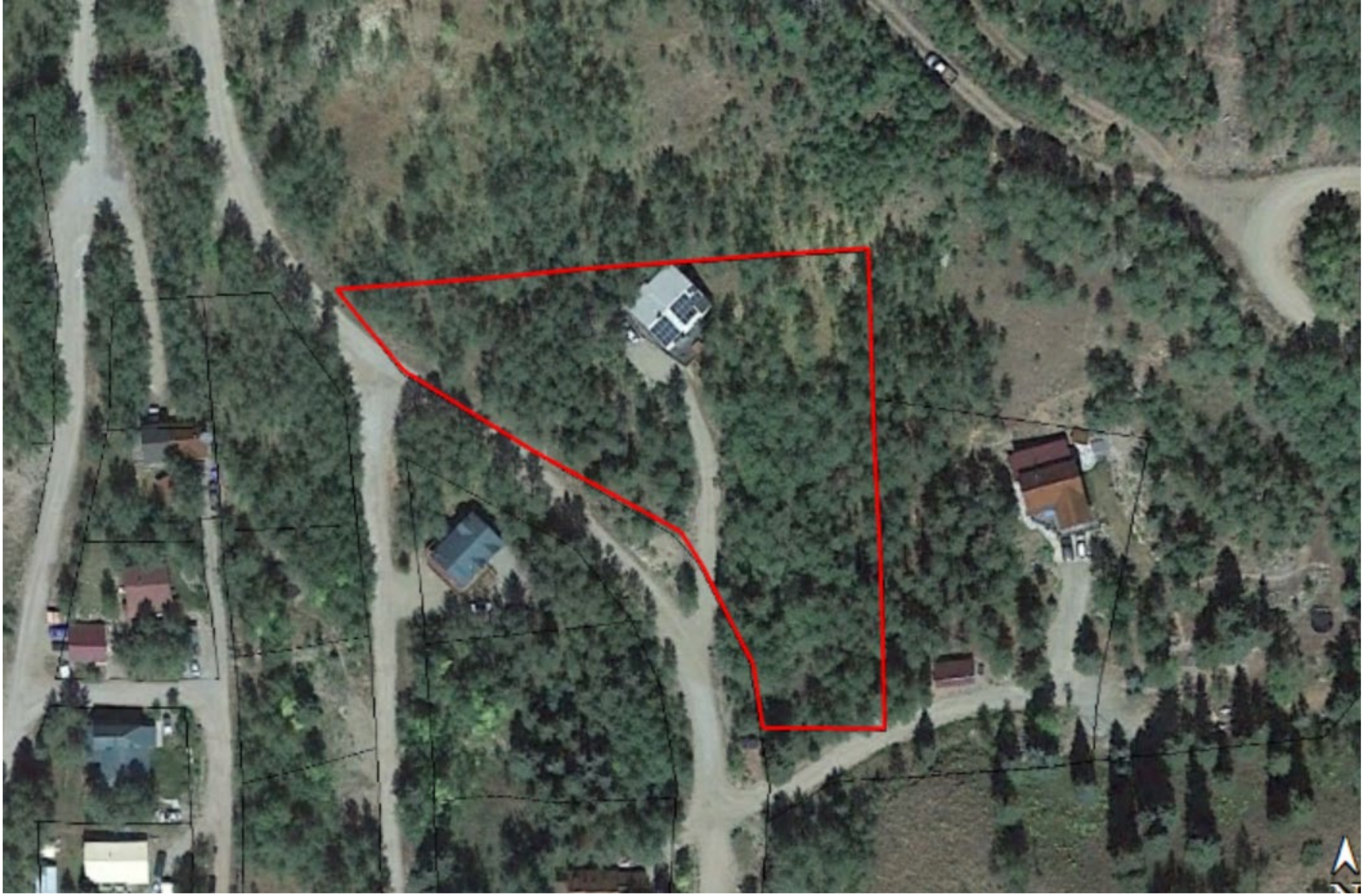
Rico Planning Commission Action _____

Mailing Notice Complete: Yes

Approval Subject to Conditions _____

Other comments:

None.



Special Use Permit



Applicant Name Scott Smith Phone Number 720-849-9532
Address 214 Mill Rd Cell Phone Number 720-849-9532
Email ColoradoWoodcraft@gmail.com Fax Number _____
Street Address of Subject Property 214 Mill Rd Rico CO 81332
Legal Description of Subject Property 214 Mill Rd, Rico, CO 81332
Upper-atlantic Cable, Lot 41-43, Dolores County
Multi Unit Res
Zone District of Subject Property Residential

Attachments Required:

- 1 ☐ Description of Special Use Request
- 2 ☐ Narrative of Reasons that Special Use should be granted
- 3 ☐ Statement from County Treasurer showing the status of current taxes due on affected property
- 4 ☒ Letter of agency if applicant is other than the owner of the property
- 5 ☒ An application fee in the amount of \$200.00
- 6 ☐ A site plan that includes any information relevant to the request i.e.: adequate parking for short term rental permit applications.
- 7 ☐ A Certificate of Mailing with names, addresses, and property owned of property owners within 200 feet of subject property.
- 8 ☐ A copy of the deed for the property.

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: [Signature] Date 6-8-21

Date Application Received 6-16-2021

Application Reviewed by KLO

Application Fee Received 6-16-2021

Date of Hearing _____

Application Complete _____

Rico Planning Commission Action _____

Mailing Notice Complete _____

Approval Subject to Conditions _____

Other comments:

Special Use Permit



Applicant Name Scott Smith Phone Number 720-849-9532
Address 214 Mill Rd Cell Phone Number 720-849-9532
Email ColoradoWoodcraft@gmail.com Fax Number _____
Street Address of Subject Property 214 Mill Rd Rico CO 81332
Legal Description of Subject Property 214 Mill Rd, Rico CO 81332
Upper-atlantic Cable, Lot 41-43, Dolores County
Multi Unit Res
Zone District of Subject Property Residential

Attachments Required:

- 1 ☐ Description of Special Use Request
- 2 ☐ Narrative of Reasons that Special Use should be granted
- 3 ☐ Statement from County Treasurer showing the status of current taxes due on affected property
- 4 ☒ Letter of agency if applicant is other than the owner of the property
- 5 ☒ An application fee in the amount of \$200.00
- 6 ☐ A site plan that includes any information relevant to the request i.e.: adequate parking for short term rental permit applications.
- 7 ☐ A Certificate of Mailing with names, addresses, and property owned of property owners within 200 feet of subject property.
- 8 ☐ A copy of the deed for the property.

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: [Signature] Date 6-8-21

Date Application Received 6-16-2021

Application Reviewed by KLO

Application Fee Received 6-16-2021

Date of Hearing _____

Application Complete _____

Rico Planning Commission Action _____

Mailing Notice Complete _____

Approval Subject to Conditions _____

Other comments:

1. We are requesting a special use permit for short term Rentals at 214 Mill Rd in Rico
2. Tax Revenue for town, We live in the house & will not be renting the entire home, Anytime ~~the~~ the house is not Rented, Jennifer and I will be living in it. Our workshop is downstairs and we will need access to it at all times. We are superhosts on Airbnb and understand that our neighbors are the #1 priority. We only have 1 neighbor and they are very far away from us. This is a temporary situation while we complete a project over the summer. This will not be a full time Rental. Long term Tenants are not an option for us because we live here. In the next few years our family will grow & we will not be renting it out. There are limited accommodations for tourists to stay in Rico and ~~no~~ for families. Our house is newer & up to code. We already plan on offering Rico Locals Discounts if their family wants to visit.
6. We have adequate parking for up to 12 cars, but would like to limit our guests to 6 people so even if everyone drove themselves we would have more than enough spaces.
7. There are 0 houses within 200 feet of us

#3

SCHEDULE # 504725300148 R 001
 JANIE STIASNY
 DOLORES COUNTY TREASURER
 PO BOX 421
 DOVE CREEK, CO 81331

2020 TAX PAYMENT RECEIPT
 TAX DISTRICT 102

TAX ROLL PAGE- 1601 # 2301
 ACTUAL VALUE 419726
 ASSESSED VALUE 30010

MILL LEVY 76.146
 TAX AMOUNT 2,285.14
 ADJUSTMENT .00
 ADMINISTRATIVE FEE .00
 SPECIAL ASSESSMENT .00

ORIGINAL AMOUNT DUE 2,285.14
 AMOUNT PAID TO DATE 1,142.57

* BALANCE DUE 1,142.57
 * ADDITIONAL INTEREST WILL ACCRUE IF PAID AFTER DUE DATE
 TAX PAID 1,142.57
 P&I PAID .00
 MISCELLANEOUS PAID .00

TOTAL AMOUNT \$1,142.57 (CHECK)
 TAX RECEIPT VALID UPON CHECKS CLEARING YOUR BANK

LEGAL
 RICO UPPER AC SUB-DIV. 214 MILL ROAD
 B-193 P-342,343 B-238 P-319 LOTS 41,42,43 25-40-11
 B-286 P-304(WD) B-299 P-390 B-265 P-20-22,496,499,507
 B-333 P-297(WTR) 165098(PRD) 165099(BSD) 165100(SA)
 (ENTIRE LEGAL MAY NOT BE SHOWN)

SMITH SCOTT
 355 GOLDEN CIRCLE
 GOLDEN CO 80403

DATE OF PAYMENT 02/23/2021 17:24

DOLORES COUNTY

TAXES DUE
Thru Tax Year 2020

Printed 06/08/202:

TAX DISTRICT 102

SCHEDULE NUMBER

504725300148 R

PAGE 160:

Legal Description of Property:

EXCEPTIONS:

RICO UPPER AC SUB-DIV. LOTS 41,42,43 25-40-11
B-193 P-342,343 B-238 P-319 B-265 P-20-22,496,499,507 2020 TAX AMT 2285.14
B-286 P-304(WD) B-299 P-390 (WD) B-309 P-142(WD) 2020 TAX PD 1142.57
B-333 P-297(WTR) 165098(PRD 165099(BSD) 165100(SA)
165101(BSD) 165102(SA) 165120(LTRS) 167114(SA)
167115(WD)

2020 Taxes	\$2,285.14	Paid	\$1,142.57	Taxes Due	\$1,142.57
2020 Other	.00	Paid	.00	Other Due	.00
				Other Years Due	.00
				Interest Due	.00
				Cert Amts Due	\$.00
TOTAL IS CORRECT ONLY IF PAID BY: 06/15/2021				Total Now Due	\$1,142.57

Assessed Owner:

SMITH SCOTT

355 GOLDEN CIRCLE

GOLDEN CO 80403

AFFIDAVIT OF MAILING PUBLIC NOTICE LETTER

Town of Rico

Town of Rico

P.O. Box 9

Rico, Colorado, 81332

Re: Certification and Affidavit of Mailing Public Notice Letter for (Short term rental application) Town of Rico.

I hereby declare that (Scott Smith), mailed a copy of the Town approved, enclosed public letter via U.S. First Class Mail, postage prepaid thereon on (June 24, 2021) 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 (June 24, 2021), which was 20 days prior to the public hearing(s) to be held on (July 14, 2021) .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.

_____Scott Smith_____



Parcel Number	Owners Name		Mailing Address	City	ST	ZIP	Property Address
504701100002	SAN JUAN NATIONAL FOREST	DEPT. OF AGRICULTURE	15 BURNETTE COURT	DURANGO	CO	81301	48540 HWY 145
504725300144	TURRIN BARBARA J.		P.O. BOX 207	RICO	CO	81332	220 MILL ROAD
504725300148	SMITH SCOTT		355 GOLDEN CIRCLE	GOLDEN	CO	80403	214 MILL ROAD
504725300052	ENGEL PATRICIA A. & EVERS,	RONALD P. (JT)	P.O. BOX 62	RICO	CO	81332	
504725300034	RALYA MARY K. & STEVEN M. (JT)		3113 TRAILS ENDS LANE	BRENHAM	TX	77833	136 N. VAN WINKLE AVE
504725300147	TAYLOR TRACY E. & JENNIFER I.		P.O. BOX 24	RICO	CO	81332	207 MILL ROAD
504725300031	HUBER DARRALL		P.O. BOX 134	RICO	CO	81332	209 EAST MILL ROAD
504725300032	HUBER DARRALL		P.O. BOX 134	RICO	CO	81332	211 MILL ROAD
504725300036	EVERS RONALD P.		P.O. BOX 94	RICO	CO	81332	213 MILL ROAD
504725300147	TAYLOR TRACY E. & JENNIFER I.		P.O. BOX 24	RICO	CO	81332	207 MILL ROAD
504736200119	IALEGGIO MICHAEL & BEUALAH	IALEGGIO	P.O. BOX 292	TELLURIDE	CO	81435	131 N. VAN WINKLE AVENUE
504725300038	WILCOX CLAIRE, LLC		36 VISTA MONTANA LOOP	PLACITAS	NM	87043	219 MILL ROAD
504725300039	GILLMAN TODD A.		P.O. BOX 182	RICO	CO	81332	135 N. VAN WINKLE AVE
504725300040	BODE PATRICIA L. TRUST DATED	JUNE 7, 2018	14635 NORTH FAIRLYNN DRIVE	FOUNTAIN HILLS	AZ	85268	137 NORTH VAN WINKLE AVENUE
504701100002	SAN JUAN NATIONAL FOREST	DEPT. OF AGRICULTURE	15 BURNETTE COURT	DURANGO	CO	81301	48540 HWY 145

THIS DEED, made this 4th day of August, 2017, between
Catherine W. Allen Trust dated December 17, 1999, as amended and restated on July 31,
2013

of County of Montrose, State of Colorado, grantor, and
Scott Smith

whose legal address is 355 Golded Cicle, Golden
CO 80403 , grantee:

WITNESSETH. That the grantor for and in consideration of the sum of **Four Hundred Twenty
Thousand and 00/100 Dollars**, 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, his heirs and assigns forever, all the real property together
with improvements, if any, situated lying and being in the **County of Dolores** and State of
Colorado described as follows:

**Lots 41, 42 and 43, Upper Atlantic Cable Subdivision, according to the plat thereof filed of
record August 22, 1998 in Plat Book 2 at page 83, County of Dolores, State of Colorado. as
known by street and number as: 214 Mill Road, Rico, CO 81332**

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in
anywise appertaining, and the reversion and reversions, remainder and remainders, rents,
issues and profits thereon, and all the estate, right, title, interest, claim and demand whatsoever
of the grantor, either in law or equity, of, in and to the above bargained premises, with the
hereditaments and appurtenances.

TO HAVE AND TO HOLD the said promises above bargained and described, with the
appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his
heirs, and personal representatives, does covenant, grant, bargain and agree to and with the
grantee, his heirs and assigns, that at the time of the conveying and delivery of these presents, he
is well seized of the premises above conveyed, has good, sure, perfect, absolute and
indefeasible estate of inheritance, in law, in fact simple, and has good right, full power and lawful
authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that
the same are free and clear from all force and other grants, bargains, sales, liens, taxes,
assessments, encumbrances and restrictions of whatever kind or nature what so ever, except
**General taxes for the current year and subsequent years and subject to easements,
restrictions, reservations, covenants and rights of way of record, if any.**

SEE ATTACHED EXHIBIT EXC-1369CEA

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained promises
in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and
every person or persons lawfully claiming the whole or any part thereof. 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 has executed this deed on the date set forth above.

Catherine W. Allen Trust dated December 17, 1999, as amended and restated on July 31, 2013

Colerine W. Allen

Catherine le. Alle TCE By: Catherine W. Allen, Trustcc

STATE OF Colorado COUNTY OF *Montros!*

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crinc W.

The foregoing instrument was acknowledged before me this **4th day of August, 2017** by **Cath Allen**
Trust dated December 17, 1999, as amended and restated on July 31, 2013. *

Witness my hand and official seal.

My Comajission Expires:

Centurion

ANNELIESEK. RIEBEL

NOTARY PUBLIC STATE OF COLORADO

NOTARY/D #20004011019 MY COMMISSION EXPIRES 06-28-2020

Notary Public

167115 08-07-2017 Page 2 of 2

EXHIBIT EXC - 1369CEA

Notcs. casements, restrictions, reservations, densitics, designated uscs,
scibacks, rights of way of a public, or private naturc, and all other matters as
discloscd on plats of said subdivision in Plat Book 2 at page 83.

Any loss or damage occasioned by thc fact that a portion of subjct properly lics
within the boundaries of patchncd mining claims.

Reservation of all inincrals, lodcs, deposits and veins of land underncath the surface of
the Town of Rico; and all mining rights and cascmcnis ulicrsor.

Any tax, assessmoni, focs or charges by reason of the inclusion of the subject propcrly in thc
local stroci improvement district, the local watcr conscrvancy district or thc local sanitation
district.

All mincs, mincrals, lodes, deposits and Veins as conveyed to Julius Thompson by the
Town of Rico in Deed recorded November 15, 1892 in Book 28 at Page 140, and any
and all assignments thercof or inicrosis **Uxcrcin.**

All mincs, mincrals, mctals, lodcs, deposits, veins and all mincral bearing orcs, rocks, all
mining riglis as rcscrvod by Rico Argcntinc Mining Company and all rights, cithcr
cxprcsscd or implicd. other than thic surfacc cstac, as rcficcicd in Doctcc recorded July 16,
1954 in Book 75 at page 169.

remainders, rents, issues and profits thereon, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained promises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain, and agree to and with the grantee, his heirs and assigns, that at the time of the conveying and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all service and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature what so ever, except **General taxes for the current year and subsequent years and subject to easements, restrictions, reservations, covenants and rights of way of record, if any.**

SEE ATTACHED EXHIBIT EXC - 1369CEA

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. 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 has executed this deed on the date set forth above.

All oil, gas and other hydrocarbons, geothermal resources and all other minerals and minerals rights therein or thereunder reserved by Atlantic Richfield Company in Warranty Deed recorded September 1, 1988 in Book 238 at page 340; and any and all assignments thereof or interest therein.

WARRANTY DEED

THIS DEED, made this 4th day of August, 2017, between
Catherine W. Allen Trust dated December 17, 1999, **as
amended and restated on July 31, 2013**
of County of Montrose, State of Colorado, grantor, and
Scott Smith

whose legal address is 355 Goldeo
Cicle, Golden.co 80403 , granice:

WITNESSETH, That the grantor for and in consideration of the
sum of Four Hundred Twenty **Thousand** and 00/100 Dollars, 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,
his heirs and assigns forever, all the real property together with
improvements, if any, situated, lying and being in the County of
Dolores and State of Colorado described as follows:

Lots 41, 42 and 43, Upper Atlantic Cable Subdivision,
according to the plat thereof filed of record August 22, 1998 in
Plat Book 2 at page 83, County of Dolores, State of Colorado. as
known by street and number as: **214 Mill Road, Rico, CO 81332**

TOGETHER with all and singular the hereditaments and
appurtenances thereto belonging, or in anywise appertaining,
and the reversion and reversions, remainder and

Catherine W. Allen Trust dated December 17, 1999, as amended and restated on July 31, 2013

TCE

renee We Allen

Catherine le. Allen By: Catherine W. Allen, Trustee

STATE OF Colorado COUNTY OF

W01009

as Trustee of

tatherine w du

The foregoing instrument was acknowledged before me on this **4th day of August, 2017** by Catherine W. Allen Trust dated December 17, 1999, as amended and restated on July 31, 2013.

Witness my hand and official seal,

My Commission Expires:

Catherine
CA
Anneliese
STEP

ANNELIESEK, RIEBEL

NOTARY PUBLIC STATE OF COLORADO

NOTARY ID # 20004011019 MY COMMISSION EXPIRES 08-28-2020

Notary Public

www

EXHIBIT EXC - 1369CEA

Notcs, cascincnts, restrictions, reservations, densitics, designated uscs, scibacks, rights of way of a public, or private nature, and all other matters as disclosed on plats of said subdivision in Plat Book 2 at page 83.

Any loss or damage occasioned by the fact that a portion of subject

properly lies within the boundaries of patented mining claims.

Reservation of all minerals, lodes, deposits and veins of land underneath the surface of this Town of Rico; and all mining rights and cements therefor.

Any tax, assessment, fees or charges by reason of the inclusion of the subject property in the local street improvement district, the local water conservancy district or the local sanitation district.

All minerals, minerals, lodes, deposits and Veins as conveyed to Julius Thompson by the Town of Rico in Deed recorded November 15, 1892 in Book 28 at Page 140, and any and all assignments thereof or interests therein.

All minerals, minerals, metals, lodes, deposits, veins and all mineral bearing rocks, all mining rights as reserved by Rico Argentine Mining Company and all rights, either expressed or implied, other than this surface estate, as reflected in Deed recorded July 16, 1954 in Book 75 at page 169.

All oil, gas and other hydrocarbons, geothermal resources and all other minerals and minerals rights therein or thereunder reserved by Atlantic Richfield Company in Warranty Deed recorded September 1, 1988 in Book 238 at page 340; and any and all assignments thereof or interest therein.

DocuSign envelope id: 1047/BUE-ory-4UDO-Yr MD-YOGYASISBOVO

REAL PROPERTY TRANSFER DECLARATION - (TD-1000)

GENERAL INFORMATION Purpose: The Real Property Transfer Declaration provides essential information to the county assessor to help ensure fair and uniform assessments for all property for property tax purposes. Refer to 39-14-102(4), Colorado Revised Statutes (C.R.S.). Requirements: All conveyance documents (deeds) subject to the documentary fee submitted to the county clerk and recorder for recordation must be accompanied by a Real Property Transfer Declaration. This declaration must be completed and signed by the grantor (seller) or grantee (buyer). Refer to 39-14-102(1)(a), C.R.S. **Penalty for**

Noncompliance: Whenever a Real Property Transfer Declaration does not

accompany the deed, the clerk and recorder notifies the county assessor who will send a notice to the buyer requesting that the declaration be returned within thirty days after the notice is mailed. If the completed Real Property Transfer Declaration is not returned to the county assessor within the 30 days of notice, the assessor may impose a penalty of \$25.00 or .025% (.00025) of the sale price, whichever is greater. This penalty may be imposed for any subsequent year that the buyer fails to submit the declaration until the property is sold. Refer to 39-14-102(1)(b), C.R.S. **Confidentiality:** The assessor is required to make the Real Property Transfer Declaration available for inspection to the buyer. However, it is only available to the seller if the seller filed the declaration. Information derived from the Real Property Transfer Declaration is available to any taxpayer or any agent of such taxpayer subject to confidentiality requirements as provided by law. Refer to 39-5-121.5, C.R.S and 39-13-102(5)(c), C.R.S.

1. Address and/or legal description of the real property sold: Please do not use P.O. box numbers.

214 Mill Road, Rico, CO 81332 Upper Atlantic Cable, Lot 41-43, Dolores County Multi-Unit Res

2. Type of property purchased: Single Family Residential

[Commercial Industrial Agricultural Mixed Use

Townhome Condominium Vacant Land Other

3. Date of closing: **August**

2017

Month

Day

Year

Date of contract if different than date of closing: **July 3, 2017**

Month, Day, Year 4. Total Sales Price: including all real and personal property.

\$420,000.00

5. Was any personal property included in the transaction? Personal property would include, but is not limited to, carpeting, draperies, free standing appliances, equipment, inventory, furniture. If the personal property is not listed, the entire purchase price will be assumed to be for the real property as per 39-13-102, C.R.S. Yes No If yes, approximate value \$ _

Describe 6. Did the total sale price include a trade or exchange of additional real or personal property? If yes, give the approximate value of the goods or services as of the date of closing.

Yes No If yes, approximate value \$

If yes, does this transaction involve a trade under IRS Code Section 1031 Yes No

7. Was 100% interest in the real property purchased? Mark "no" if only a partial interest is being purchased.

Yes No If no, interest purchased 8. Is this a transaction among related parties? Indicate whether the buyer or seller are related. Related parties include persons within the same family, business affiliates, or affiliated corporations.

Yes No

9. Check any of the following that apply to the condition of the improvements at the time of purchase.

New Excellent Good Average Fair Poor L Salvage.

Locusign envelope lvi TV4Z/BLE-oruy-4UBO-YEAD-YOOYASIJBOLO

If the property is financed, please complete the following.

Total amount financed. \$0.00

11

Type of financing: (Check all that apply) New

Assumed

Seller

Third Party Combination; Explain

12

Terms:

Variable; Starting interest rate Fixed; Interest rate Length of time

years Balloon payment Yes No. If yes, amount

Due Date

13

Please explain any special terms, seller concessions, or financing and any other information that would help the assessor understand the terms of sale.

For properties other than residential (Residential is defined as: single family detached, townhomes, apartments and condominiums) please complete questions 14-16 if applicable. Otherwise, skip to #17 to complete. 14 Did the purchase price include a franchise or license fee Yes No

If yes, franchise or license fee value \$ 15 Did the purchase price involve an installment land contract Yes No . If yes, date of contract 16 If this was a vacant land sale, was an on-site inspection of the property conducted by the buyer prior to the closing?

Yes No Remarks: Please include any additional information concerning the sale you may feel is important.

17

Signed this 4 day of August

2017 Enter the day, month, and year, have at least one of the parties to the transaction sign the document, and include an address and a daytime phone number. Please designate buyer or seller. Scott Smith

ler

Signature of Grantee (Buyer) V or Grantor (Seller)

All future correspondence (tax bills, property valuations, etc.) regarding this property should be mailed to:

355 goldco cir Golden co 80403

Daytime Phone

Address (mailing)

720-849-9532

City, State and Zip Code

DocuSign onveiope iwi 14421 BVE-orty-4UBO-STAD-YOGYAJISDOLO

ALPINE TITLE 271 S. TOWNSEND, STE. C1

TELLURIDE, CO 81435-4158 Agents for **WESTCOR LAND TITLE INSURANCE COMPANY**

AFFIDAVIT AND AGREEMENT

The undersigned, being the purchaser(s) and/or borrower(s) of the real property described in Paragraph 9 hereof, and being first duly sworn upon oath, depose(s) and say(s):

1. The representations, covenants and agreements contained herein are made to induce Alpine Title and **Westcor Land Title Insurance Company**, to authorize its title insurance policies to be issued covering the real property described in Paragraph 9 hereof, with full knowledge and intent that such representations, covenants and agreements be relied upon.
2. No construction or repair of improvements on or in the real property

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.

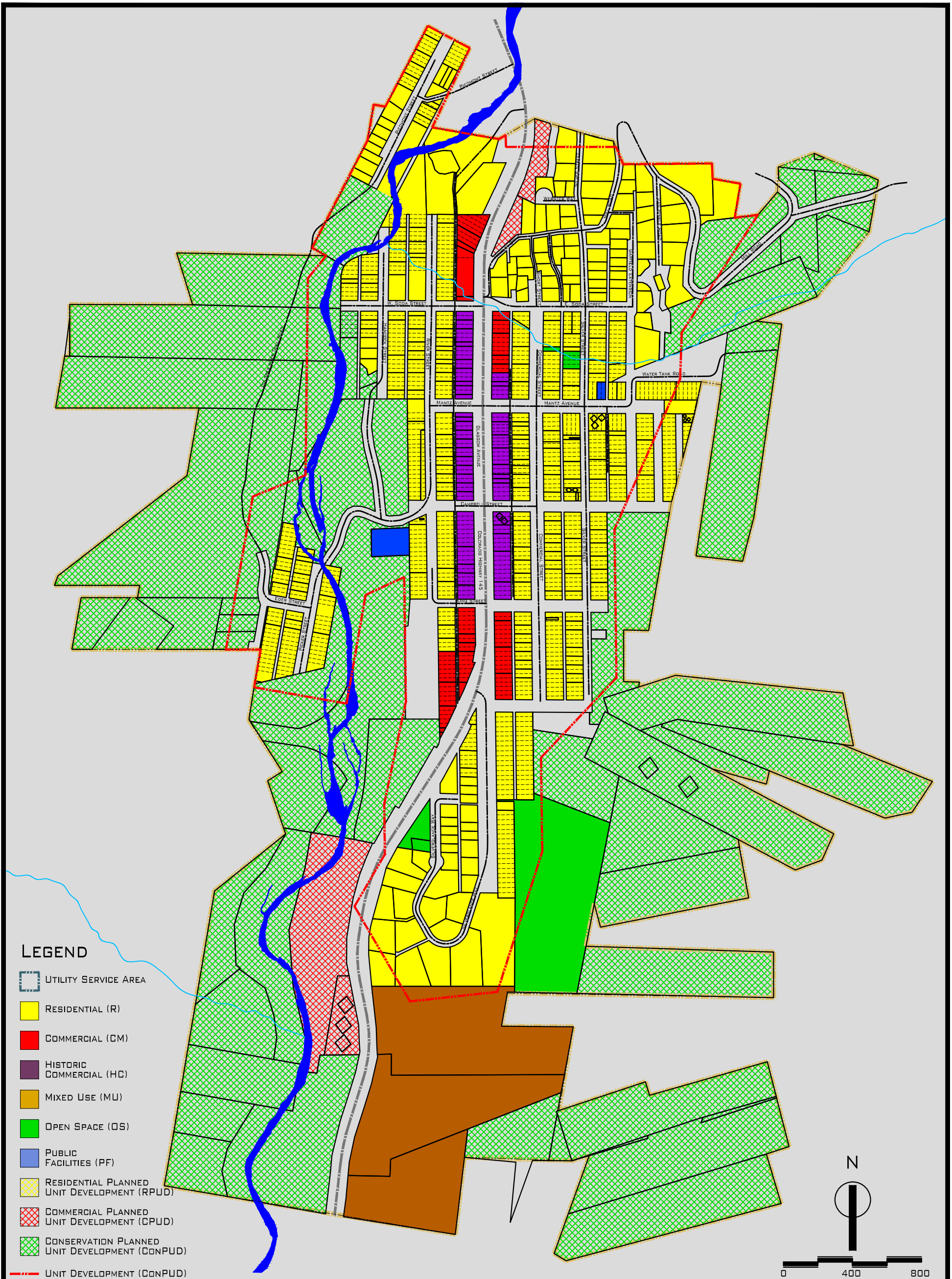
Gretchen Treadwell did not like the idea of a lottery to determine permit allocation.

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.



TOWN OF RICO

PROPOSED ZONING MAP