

**TOWN OF RICO
ORDINANCE NO. 2022-06**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING
THE RICO LAND USE CODE FEE SCHEDULE AND REVIEW PROCESS
FOR SUBDIVISION APPLICATIONS.**

WHEREAS, the Town of Rico, Colorado (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rico Home Rule Charter; and

WHEREAS, The Board of Trustees of the Town (“Board”) recognizes the need to amend the Rico Land Use Code (“RLUC”) so that the Town can more effectively review land use and development applications and recover the related costs and expenses; and

WHEREAS, The Rico Planning Commission may propose changes and amendments to the RLUC which are in the public interest pursuant to RLUC Sec. 412; and

WHEREAS, The RLUC may be amended by adoption of an ordinance by the Board of Trustees of the Town of Rico (“Board”) after a public hearing and after the Rico Planning Commission conducts a public hearing on the amendments and makes a recommendation to the Board of Trustees; and

WHEREAS, the Rico Planning Commission has considered the amendments to the RLUC contained in this Ordinance, conducted a duly noticed public hearing regarding the amendments at its May 11 meeting, and recommended the Board adopt the amendments; and

WHEREAS, the Board has determined that the amendments contained in Exhibit A, attached hereto and incorporated by reference, meet the standards for review contained in Sec. 418 of the RLUC because the amendments are compatible with land uses in the Town; the amendments will serve a community need and thereby promote the public health, safety, or welfare of the Rico community and the public services and infrastructure are adequate to meet the needs of the proposed amendments; and the proposed Amendment is consistent with the purposes of the RLUC and the goals and objectives of the Rico Regional Master Plan; and

WHEREAS, the Board finds and declares that the amendments to the RLUC set forth herein are proper in light of the needs and desires of the Town and in the promotion of the public health, safety, and welfare of the Town’s residents.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF RICO THAT:**


Section 1. The recitals hereinabove are hereby adopted as findings and incorporated herein.

Section 2. The Rico Land Use Code shall be and is hereby amended as set forth in **Exhibit A** to this Ordinance, incorporated by reference hereto.

Section 3. This Ordinance shall take effect immediately on final adoption.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY THIS 18TH DAY OF MAY 2022.

TOWN OF RICO, COLORADO



Nicole Pieterse, Mayor

ATTEST:



Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE EFFECTIVE IMMEDIATELY THIS 15TH DAY OF JUNE 2022.

TOWN OF RICO, COLORADO



Nicole Pieterse, Mayor

ATTEST:



Anna Wolf, Town Clerk

Effective Date: June 15, 2022

EXHIBIT A

AMENDMENTS TO THE RICO LAND USE CODE

Additions shown in double underline; deletions shown in ~~strikethrough~~.

522. OVERVIEW OF CONCEPTUAL PLAN PROCEDURES

522.2. Sitewalk, Worksession. After a Conceptual Plan application is submitted to the Town Planner, the Town Planner shall review and determine within 30 days whether the application is complete. If the application is incomplete, the Applicant shall be required to resubmit a complete application. After the Town Planner determines that the Conceptual Plan application is complete, ~~a complete Conceptual Plan application is submitted to the Town Planner,~~ the Planning Commission Chairperson and Town Planner shall schedule a date for receipt and review of the Conceptual Plan application on the next available Planning Commission agenda. Review of the Conceptual Plan may involve a site walk and work session with the Applicant. An initial worksession may be requested by the Town Planner, Planning Commission Chairperson, or the Applicant. A public hearing and review decision action item will be scheduled within thirty five (35) days after an initial worksession unless a later date or general continuance is mutually agreed upon by the Applicant. If a worksession is not desired, then a public hearing for Conceptual Plan review may be scheduled for the first meeting with the Planning Commission. The public hearing and review decision action item may be continued for an additional period not to exceed sixty (60) days after the initial worksession, or determination that a worksession is not desired, if the Town Planner or Planning Commission determines that additional time is necessary to incorporate comments from review agencies pursuant to Section 522.3.

522.3. Review by Other Agencies. At the worksession, the Planning Commission or Town Planner may decide to send the Application to any appropriate review agency, including, but not limited to: Colorado Department of Health, Division of Minerals and Geology, Colorado Geologic Survey, Division of Wildlife, Department of Transportation, U.S. Forest Service, the U.S. Army Corps. of Engineers, and the Town Engineer. If a worksession is not desired, the Town Planner may send the Application to any appropriate review agency after determining whether the application is complete.

528.1. Planning Commission Review: The Rico Planning Commission shall review the Conceptual Plan and all supporting documents and information and shall review all comments taken at the public hearing and all comments taken from other reviewing agencies. The Planning Commission shall approve, approve with conditions, or deny the

Conceptual Plan Application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue its review decision if mutually agreed upon by the Applicant and the Planning Commission, or if in the judgment of the Planning Commission and Town Staff the issues presented in the Conceptual Plan require additional time for review.

532. OVERVIEW OF PRELIMINARY PLAT APPROVAL PROCEDURES

After the Conceptual Plan is approved and a ~~complete~~ Preliminary Plat Approval application is submitted to the Town, the Town Planner shall review and determine within 30 days whether the application is complete. If the application is incomplete, the Applicant shall be required to resubmit a complete application. After the Town Planner determines that the Conceptual Plan application is complete, copies of the Preliminary Plat Approval application shall be forwarded to all appropriate agencies for their review and comment and the Town Manager and/or Planner shall schedule a date for official receipt and review of the Preliminary Plat on ~~the next available~~ a Planning Commission agenda within the next sixty (60) days. The Planning Commission review date may be continued for an additional period if in the judgment of the Planning Commission and Town Staff additional time is required to address comments from reviewing agencies pursuant to Section 538.2.

538. PRELIMINARY PLAT REVIEW

538.1. Planning Commission Review and Board of Trustees Approval: The Rico Planning Commission shall review the Preliminary Plat and all supporting documents and information at a public hearing and shall review all comments taken at the public hearing and all comments taken from other reviewing agencies. The Planning Commission Board shall recommend that the Board of Trustees approve, approve with conditions, or deny the Preliminary Plat Application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue its review ~~decision~~ if mutually agreed upon by the Applicant and the Planning Commission, or if in the judgment of the Planning Commission and Town Staff the issues presented in the Preliminary Plat require additional time for review. After the Planning Commission issues its recommendation on the Preliminary Plat application, the Board of Trustees shall review the application at a regularly scheduled Board of Trustees meeting within the next forty-five (45) days. The

Board of Trustees shall hold a public hearing on the application and shall approve, approve with conditions, or deny the Preliminary Plat application based upon compliance with standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America.

538.3. Standards: This paragraph sets forth the standards for Preliminary Plat Review. The Planning Commission and Board of Trustees shall cite specific standards when recommending or imposing conditions on approval, or denying, a Preliminary Plat ~~Approval~~ application.

A. The Preliminary Plat shall conform in all major respects to the Conceptual Plan as previously reviewed and approved by the Planning Commission and shall address any conditions imposed at the Conceptual Plan stage.

B. The Preliminary Plat and other engineering related materials, including proposed mitigation plans, are reviewed and approved, or approved with reasonable modifications, by the Town Engineer;

C. The Preliminary Plat shall meet the Minimum Subdivision Standards for subdivision design in Section 550, including standards for landscape preservation (550.1), lots (550.2), and streets (552.1).

ED. All comments from other reviewing agencies have been reviewed by appropriate Town Staff, and the Planning Commission, and the Board of Trustees and all comments are addressed and resolved by the Planning Commission and the Board of Trustees.

542. OVERVIEW OF FINAL PLAT APPROVAL PROCESS

After Preliminary Plat Approval has been obtained and a ~~complete~~ Final Plat Approval Application is submitted to the Town's Planning Staff, the Town Planner shall review and determine within 30 days whether the application is complete. If the application is incomplete, the Applicant shall be required to resubmit a complete application. After the Town Planner determines that the Final Plat application is complete, the Planning Commission Chairperson and the Town Planning Staff shall schedule a date for receipt and review of the Final Plat on the next available Planning Commission agenda.

546. FINAL PLAT REVIEW

546.1. Review: The Rico Planning Commission shall review the Final Plat, all supporting documents, information, and public comments taken at a public hearing and within thirty-five days of the Town's determination that the Final Plat application is complete, submission of the Final Plat. The Planning Commission shall approve, approve with conditions, or deny the Final Plat based upon compliance with the standards in this Section and other applicable laws of the Town of Rico, State of Colorado, or United States of America. The Planning Commission may continue Final Plat review if mutually agreed upon by the Applicant and the Planning Commission, or if in the judgment of the Planning Commission and Town Staff the issues presented in the Final Plat require additional time for review.

548. BOARD OF TRUSTEES APPROVAL

Review: After the Planning Commission approves, or approves with conditions, the Final Plat, the Board of Trustees of the Town of Rico shall act on the Final Plat within thirty-five (35) days of the later of the Planning Commission approval or date of receiving revised Final Plat materials from the Applicant that are determined by the Town Planner to be complete. The Board of Trustees shall approve, approve with conditions, or deny, the Final Plat based upon compliance with the standards in 546.2. The Board may continue Final Plat review if in the judgment of the Board and Town Staff the issues presented in the Final Plat require additional time for review.

562. TIMING FOR APPLICATION MATERIALS AND NOTICES

562.1 The Applicant shall submit all required subdivision application materials according to the schedules below. ~~The Town Manager and/or Planner may accept an application after the deadline if adequate review can still be performed.~~

A. Conceptual plan materials shall be submitted at least ~~twenty-five (25)~~ forty-five (45) days prior to a regular meeting of the Planning Commission.

B. Preliminary Plat materials shall be submitted at least ~~forty-five (45)~~ sixty-five (65) days prior to a regular meeting of the Planning Commission.

C. Final Plat materials shall be submitted at least ~~twenty-five (25)~~ forty-five (45) days prior to a regular meeting of the Planning Commission.

D. Final Plat materials shall be submitted at least ~~twenty-five (25)~~ thirty-five (35) days prior to a regular Board of Trustees meeting.

Rico Land Use Code

APPENDIX A – FEE SCHEDULE

FEE SCHEDULE

Building Permits (new construction) = \$25.00 minimum; 15 cents per square foot of construction for structures up to and including 2,500 sq.ft.; 20 cents per square foot of construction for structures over 2,500 square feet.

Electronic Copy of Rico Land Use Code	\$	25.00
Hard Copy of Rico Land Use Code	\$	75.00 <u>100.00</u>
Formal Interpretation of Rico Land Use Code - §408	\$	200.00
Amendments to Code and Plans * - §410	\$	500.00
Special Use Permit * - §420	\$	200.00 <u>300.00</u>
All Variance Applications - §430	\$	200.00 <u>300.00</u>
Development Permit for Areas of State and Local Interest * - §450 <u>804</u>	\$	400.00
Road Building * - §470	\$	350.00
Road Vacation * - §480	\$	250.00 <u>350.00</u>
Utility Improvements - §490	\$	25.00 <u>100.00</u>
Excavation Permits - §494	\$	25.00 <u>100.00</u>
Minor Subdivision * - Article V	\$	750.00
Subdivision * - Article V	\$	1,800.00
Planned Unit Development * - Article III	\$	750.00 <u>1,000.00</u>
Annexation * - Article VI	\$	2,000.00
Encroachment Permit * - Ord. No. 2019-02	\$	200.00
<u>HC District Fence Permit - §243.2</u>	\$	<u>100.00</u>
<u>Special Sign Design Permit - §206.12</u>	\$	<u>100.00</u>
<u>Septic Permit * - §405.6 & Ord. No. 2017-01</u>	\$	<u>400.00</u>
<u>Extension of Subdivision Approval - §570</u>	\$	<u>300.00</u>

Hourly rate charged for any other approved contractual Town Employee review shall be determined by the Board of Trustees.

* These applications shall be treated as pass-through accounts whereby the Applicant shall be liable for all costs of review. Additional review fees ~~will~~ may be requested ~~paid by the Applicant~~ where if the application requires review by an approved contractual Town employee, the initial amount designated in the Fee Schedule does not cover the cost of application review. The Town shall return the balance of any unused application review fees when the application process is complete.