



ARCHULETA COUNTY  
BOARD OF COUNTY COMMISSIONERS

**CALL TO ORDER THE REGULAR MEETING OF JULY 5, 2016 AT 1:30 PM**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**DISCLOSURES AND/OR CONFLICT OF INTEREST**

**APPROVAL OR ADJUSTMENTS TO AGENDA**

\* Executive Session - Specific Agenda Topic

**PUBLIC COMMENTS FROM THE FLOOR\***

This is an opportunity during the session for the public to address the Commissioner. Please step up to the podium, **STATE YOUR NAME AND ADDRESS FOR THE RECORD** and keep your comments to 3 minutes (**the Board is not required to discuss your comment or make a decision regarding your comment, under this section**).

**BOARD OF ADJUSTMENTS HEARING**

**A. Consideration Of Board Of Adjustment Resolution 2016-04BOA Approving Variance From Archuleta County Land Use Regulations For Lot 5, Cloman Industrial Park**

This request is to consider and approve a Resolution of the Board of Adjustment memorializing approval of the Marchand Request for Rocky Mountain Balloon Adventures Variance From Paving, on Lot 5, Cloman Industrial Park, 628 Cloman Blvd.

Presenter                      John Shepard, AICP  
Presenter's Title              Planning Manager

Documents: [BOA RESOLUTION - MARCHAND ROCKY MOUNTAIN BALLOON ADVENTURES VAR PAVING.PDF](#)

**LAND USE REGULATION HEARING**

**A. Consideration Of Resolution 2016 - \_\_\_\_\_ For Smith Rezoning Agricultural/Ranching (AR) To Commercial (C), In SW ¼ Section 8, T35N, R1W NMPM, At 2025/2083 E US HWY 160 (PLN16-040)**

Kenneth D. Smith, represented by Duke Eggleston, Eggleston Kosnik LLC, has applied to rezone a 5.17 +/- acre tract of land at 2025/2083 E US HWY 160, Pagosa Springs, from Agricultural/ Ranching (AR) to Commercial (C). The parcel of land, located in the SW¼ Section 8, T35N, R1W, NMPM, is more particularly described by metes and bounds.

At their meeting on June 22, 2016, the Planning Commission recommended approval (4-0) with conditions.

Presenter John Shepard, AICP  
Presenter's Title Planning Manager

Documents: [PLN16-040\\_\\_SMITH\\_REZONING\\_BOCC-20160705\\_STAFFREPORT.PDF](#), [PLN16-040\\_A1-SMITH\\_REZONING-AREAMAPS.PDF](#), [PLN16-040\\_A2-TOPS\\_REVIEW\\_COMMENT.PDF](#), [PLN16-040\\_A3-SMITH\\_APPLICANTS NARRATIVE\\_SUPPORTING MATERIAL.PDF](#), [PLN16-040\\_A4-SMITH\\_REZONING-PLOT\\_PLAN\\_2004.PDF](#), [PLN16-040\\_A5-SMITH\\_REZONING-RESOLUTION\\_2016-XX\\_WITH\\_EXHIBIT\\_A.PDF](#)

## LIQUOR BOARD

### A. Special Event Permit For Humane Society Of Pagosa Springs

This is an application for a Special Events Permit for Humane Society of Pagosa Springs, to serve malt, vinous, spirituous liquor at PLPOA Clubhouse for a fundraiser on July 17, 2016. The Sheriff has been notified of this event. The proper fees were collected and the premises was posted for the required ten (10) days prior to today's hearing.

Presenter Flora Goheen  
Presenter's Title Administrative Assistant

Documents: [HUMANE SOCIETY OF PS SPECIAL EVENTS PERMIT 7-5-16.PDF](#)

### B. Special Event Permit For L.A.S.S.O

This is an application for a Special Events Permit for L.A.S.S.O. of Pagosa Springs, to serve malt, Vinous, spirituous liquor at PLPOA Clubhouse for a fundraiser on July 16, 2016. The Sheriff has been notified of this event. The proper fees were collected and the premises was posted for the required ten (10) days prior to today's hearing.

Presenter Flora Goheen  
Presenter's Title Administrative Assistant

Documents: [LASSO SPECIAL EVENTS PERMITS 7-5-16.PDF](#)

### C. Special Events Permit For Music In The Mountains

This is an application for a Special Events Permit for Music In The Mountains of Pagosa Springs, to serve malt, Vinous, spirituous liquor at PLPOA Clubhouse for a fundraiser on July 20, 2016. The Sheriff has been notified of this event. The proper fees were collected and the premises was posted for the required ten (10) days prior to today's hearing.

Presenter Flora Goheen  
Presenter's Title Administrative Assistant

Documents: [20160629141543728.PDF](#)

### D. Special Events Permit For Music In The Mountains

This is an application for a Special Events Permit for Music In The Mountains of Pagosa Springs, to serve malt, vinous, spirituous liquor at PLPOA Clubhouse for a fundraiser on July 13, 2016. The Sheriff has been notified of this event. The proper fees were collected and the premises was posted for the required ten (10) days prior to today's hearing.

Presenter Flora Goheen  
Presenter's Title Administrative Assistant

## CONSENT AGENDA

### A. PAYROLL, PAYABLE WARRANTS AND PURCHASE CARDS

June 22, 2016 - July 5, 2016

### B. REGULAR MEETING MINUTES

**Regular Meeting Minutes of 06-21-16**

Draft of the June 21, 2016 Regular Meeting Minutes

Documents: [06-21-16R.PDF](#)

### C. Consideration Of Resolution 2016 - \_\_\_\_ To Consolidating 2 Lots Into 1 Twincreek Village Owned By Michael Kelvin Couch And Diana Emery Couch

This request is to consider the Resolution authorizing the consolidation of Lots 592 and 593X Twincreek Village, to become Lot 593XX owned by Michael Kelvin Couch and Diana Emery Couch

Responsible Staff: John Shepard, Planning Manager

Presenter	Bentley Henderson
Presenter's Title	County Administrator

Documents: [RESOLUTION - COUCH LOT CONSOLIDATION.PDF](#), [COUCH O AND E.PDF](#)

### D. Consideration Of Resolution 2016 - \_\_\_\_\_ Consolidating 2 Lots Into 1 Lake Pagosa Park Block 5 Owned By Craig S. Usher And Donna L. Usher

This request is to consider the Resolution authorizing the consolidation of Lots 22 and 23 Lake Pagosa Park Block 5, to become Lot 22X owned by Craig S. Usher and Donna L. Usher

Responsible Staff: John Shepard

Documents: [RESOLUTION - USHER LOT CONSOLIDATION.PDF](#), [USHER MG.PDF](#)

### E. Consideration Of Resolution 2016 - \_\_\_\_\_ Consolidating 2 Lots Into 1 Pagosa Highlands Estates Owned By Karl K. Thomas And Angela A. Thomas

This request is to consider the Resolution authorizing the consolidation of Lots 78 and 79 Pagosa Highlands Estates, to become Lot 78X owned by Karl K. Thomas and Angela A. Thomas

Responsible Staff: John Shepard

Documents: [RESOLUTION - THOMAS LOT CONSOLIDATION.PDF](#), [THOMAS O AND E.PDF](#)

### F. Consideration Of Resolution 2016 - \_\_\_\_\_ Consolidating 2 Lots Into 1 Piedra Park Subdivision No 5 Block 1 Owned By David E. Miller And Tori Rae Miller

This request is to consider the Resolution authorizing the consolidation of Lots 7 and 8 Piedra Park Subdivision No 5 Block 1, to become Lot 7X owned by David E. Miller and Tori Rae Miller

Responsible Staff: John Shepard, Planning Manager

Presenter Bentley Henderson  
Presenter's Title County Administrator

Documents: [RESOLUTION - MILLER LOT CONSOLIDATION.PDF](#), [MILLER D O AND E.PDF](#)

**G. Renewal Of The Pagosa Springs Valley Golf Club Hotel & Restaurant And Optional Liquor License**

Responsible Staff: Tonya McCann, Executive Assistant

Documents: [TOUCHSTONE GOLF RENEWAL 2016.PDF](#)

**NEW BUSINESS**

**A. Letter Of Support For Axis Health System**

Axis Health Systems is seeking support from the Board of County Commissioners for a grant that they are pursuing in an effort to construct a clinic in Archuleta County.

Presenter Bentley Henderson  
Presenter's Title County Administrator

Documents: [AXIS HEALTH LETTER OF SUPPORT.PDF](#)

**B. Letter Of Support For San Juan Water Conservancy District**

The Board of Directors of the San Juan Water Conservancy District is requesting a letter from the Board of County Commissioners encouraging the continued collaboration between the San Juan Conservancy and the Southwestern Water Conservation District.

Presenter Bentley Henderson  
Presenter's Title County Administrator

Documents: [DRY GULCH LETTER OF SUPPORT.PDF](#)

**C. Consideration Of Resolution 2016 - \_\_\_ Providing For The Addition Of 3.5 Employees (FTE) To The County Sheriff's Department**

The Archuleta County Sheriff has made a request of The Board of County Commissioners for the addition of 3.5 FTE to the Sheriff's Department to meet the minimum staffing needs of the Detention function and the Administrative services function within the Department.

Documents: [RESOLUTION APPROVING ADDITIONAL STAFF FOR SHERIFF.PDF](#)

**PUBLIC COMMENTS FROM THE FLOOR**

This is an opportunity during the session for the public to address the Commissioners on a subject not covered on the agenda. Please step up to the podium, **STATE YOUR NAME AND ADDRESS FOR THE RECORD** and keep your comments to 3 minutes (**the Board is not required to discuss your comment or make a decision regarding your comment, under this section**).

**MEDIA QUESTIONS**

**COMMISSIONER COMMENTS**

**EXECUTIVE SESSION**

Per C.R.S. 24-6-402(4):

The Board reserves the right to meet in executive session for any purposes allowed and announced prior to voting to enter into executive session.

**ADJOURNMENT OF THE REGULAR BOCC MEETING**

All meetings to be held in the Archuleta County Administration Offices  
398 Lewis Street, unless otherwise stated.  
All Regular and Special BoCC Meetings are recorded.

**ARCHULETA COUNTY, COLORADO  
RESOLUTION 2016-04BOA**

**A RESOLUTION OF THE BOARD OF ADJUSTMENT APPROVING VARIANCE  
FROM THE ARCHULETA COUNTY LAND USE REGULATIONS  
FOR LOT 5, CLOMAN INDUSTRIAL PARK**

**WHEREAS**, the Board of County Commissioners has adopted the *Archuleta County Land Use Regulations*, pursuant to C.R.S. §30-28-101, *et. seq.*, C.R.S. §24-64.1-101 *et. seq.*; C.R.S. §24-67-101 *et. seq.*; and C.R.S. §29-20-101 *et. seq.*; and

**WHEREAS**, Michel E. Marchand, dba Rocky Mountain Balloon Adventures, applied for Variance from Sections 27.1.7.3 and 27.1.7.4 of the *Archuleta County Road and Bridge Design Standards* and Section 5.4.5.4 of the *Archuleta County Land Use Regulations* requiring paving of access and parking, for a new Outdoor Storage Use on Lot 5, Cloman Industrial Park, located at 628 Cloman Blvd, Pagosa Springs, CO (PLN16-052); and

**WHEREAS**, Michel E. Marchand is the owner(s) of record of Lot 5 in Cloman Industrial Park; and

**WHEREAS**, the property is zoned Industrial (I), and a concurrent application has been made for a Use by Right Site Plan for a new Outdoor Storage Use (PLN16-051); and

**WHEREAS**, the Board of County Commissioners sits as the Board of Adjustment, as provided by Section 1.2.4.2 of the *Archuleta County Land Use Regulations*; and

**WHEREAS**, the Board of Adjustment conducted a public hearing on the requests on June 22, 2016; and

**WHEREAS**, public notice of the hearing was given by publication in a newspaper of general circulation in the County, posted on site and mailed to adjacent property owners, at least twenty-one (21) days prior to the public hearing, as required by Section 2.2.3 of the *Archuleta County Land Use Regulations*; and

**WHEREAS**, at the public hearing testimony was taken from all persons appearing and wishing to give testimony; and

**WHEREAS**, the Board of Adjustment considered in full the requirements of Section 2.2.3 of the *Archuleta County Land Use Regulations* as to Standards for the Grant or Denial of Variances; and

**WHEREAS**, the Board of Adjustment voted 3-0 to approve the request.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF ARCHULETA COUNTY, COLORADO, AS FOLLOWS:**

**Section 1. Findings.**

The Board of Adjustment finds that:

- a. The application meets each of the standards for a grant of variance in Section 1.2.4.4(1) of the *Archuleta County Land Use Regulations*, and
- b. The application meets the standards for variance from design standards in Section 27.6 of the *Archuleta County Road and Bridge Design Standards and Construction Specifications*, and
- c. Variance is granted for the specific plans proposed by Applicant; and

**Section 2. Conditions.**

The Board of Adjustment approves Michel E. Marchand's request for the Rocky Mountain Balloon Adventures Variance from Paving, in Sections 27.1.7.3 and 27.1.7.4 of the *Road and Bridge Design Standards* and Section 5.4.5.4 of the *Archuleta County Land Use Regulations*, requiring paving of access and parking, on Lot 5, Cloman Industrial Park, 628 Cloman Blvd, Pagosa Springs, CO, with the following condition:

1. Should Cloman Blvd be paved within five (5) years of this approval, the site must be brought into compliance with the access and parking standards then in effect within two (2) years of paving.

APPROVED AND ADOPTED this 5<sup>th</sup> day of July, 2016, in Pagosa Springs, Archuleta County, Colorado.

BOARD OF ADJUSTMENT  
OF ARCHULETA COUNTY, COLORADO

\_\_\_\_\_  
Michael Whiting, Chairman

ATTEST:

\_\_\_\_\_  
June Madrid, Clerk and Recorder

*Return to Planning*



Archuleta County  
Development Services—Planning Department  
1122 HWY 84  
P. O. Box 1507  
Pagosa Springs, Colorado 81147  
970-264-1390  
Fax 970-264-3338

## MEMORANDUM

TO: Archuleta County Board of County Commissioners

FROM: John C. Shepard, AICP; Planning Manager

DATE: July 5, 2016

RE: Smith Rezoning Agricultural/Ranching (AR) to Commercial (C), in SW ¼ Section 8, T35N, R1W NMPM, at 2025/2083 E US HWY 160 (PLN16-040).

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### EXECUTIVE SUMMARY

Kenneth D. Smith, represented by Duke Eggleston, Eggleston Kosnik LLC, has applied to rezone a 5.17 +/- acre tract of land at 2025/2083 E US HWY 160, Pagosa Springs, from Agricultural/Ranching (AR) to Commercial (C). The parcel of land located in the SW ¼ Section 8, T35N, R1W, NMPM, is more particularly described by metes and bounds.

At their meeting on June 22, 2016, the Planning Commission recommended approval (4-0) with conditions.

### REVIEW PROCEDURE

The *Archuleta County Land Use Regulations* (Section 3.1.7) provide for rezoning initiated by a property owner or the Board of County Commissioners. Submittal Requirements are outlined in Section 3.1.7.2. The Planning Commission shall review and make recommendation on a proposed zone map amendment based in general upon the provisions of the Regulations and specific criteria.

Public notice was scheduled to be published in the *Pagosa Springs Sun*, was posted on site, and mailed to adjacent property owners as required.

### DISCUSSION

Kenneth D. Smith owns 5.17 acres on US Highway 160 east of Pagosa Spring, which is used by Smithco Enterprises, LLC, as a contractor's yard. There is also a vacant office/retail structure on the site. Adjacent to the site is a Veterinary clinic to the north (zoned Commercial), residences across US Highway 160 (zoned Residential), and a 32 acre agricultural parcel also owned by the Applicant (also zoned Agricultural/Ranching).

The *Archuleta County Community Plan* of 2001 provides guidance for future development. The Future Land Use Map considers this area as "Tier 2" meeting some but not all criteria for future

development. In Chapter 5, Land Use and Growth Management, Policy 8 states “Locate new commercial development in designated areas to minimize commercial strip development”. The Joint Town County Planning Commission Zoning Discussion 2010 map designates the area as a Mixed-Use Corridor, suitable for changes to zoning, in the Joint Influence Area.

This area was zoned Agricultural/Ranching (AR) when countywide zoning was adopted in 2006. The AR Zoning District is intended to be generally consistent with the Very Low Density Residential Future Land Use designation. The Commercial (C) Zoning District is intended to be generally consistent with the Commercial land use district in the Community Plan, and provide for all types of commercial activities. Building Contractors and Equipment is a Conditional use in the AR and the C zoning districts. While a few Commercial uses are permitted in the AR zone, in general most Retail and Office uses are only permitted in Commercial or Industrial zones. Uses by Right and Conditional Uses listed in Table 3 for the C zone include, in part:

- Dwellings (CUP)
- RV Park (CUP)
- Adult-Oriented Uses (CUP)
- Bar or Tavern (CUP)
- Bed and Breakfast (CUP)
- Car wash
- Child Care Center
- Clubs and Lodges
- Drive-In Use (CUP)
- Entertainment Facilities and Theaters
- Equipment Rental and Sales (CUP)
- Financial Institution
- Firewood Related Wood Product Sales
- Gasoline Station (CUP)
- Grocery Store, Large (CUP)
- Grocery Store, Small
- Health and Athletic Club
- Kennel (CUP)
- Lodging Establishment
- Lodging Units (CUP)
- Medical and Dental Offices and Clinics
- Mortuary and Funeral Home
- Office, General (CUP)
- Office, Professional
- Personal and Business Service Shops
- Printing and Publishing (CUP)
- Restaurant
- Retail, Convenience Store
- Retail Establishment, Large (CUP)
- Retail Use (5,000sf-25,000sf)
- Shopping Center (CUP)
- Vehicle Minor Repair, Servicing and Maintenance
- Veterinary Facilities, Small Animal Clinic
- Veterinary Hospital
- Building Contractors and Equipment (CUP)
- Recycling Facility (CUP)
- Vehicle Major Repair, Servicing and Maintenance (CUP)
- Warehouse, Mini-storage (CUP)
- Workshop and Custom Small Industry (CUP)
- Campground (CUP)
- Limited Indoor Recreation Facility
- Limited Outdoor Recreation Facility (CUP)
- Marijuana Establishment

While a Contractor’s yard would be treated the same in AR or C zoning (Conditional Use), the office/retail structure is considered non-conforming in the AR zone. When that use is discontinued for more than one year, the “grandfathered” status lapses and only a permitted

use of that structure would be permitted (Sec. 1.3.3.2 of the Land Use Regulations). The existing site is also out of compliance with current requirements to screen Outdoor Storage (Sec. 5.4.2.6(1)) and for Dark-Sky compliant lighting (Sec. 5.4.4).

The criteria in Section 3.1.7.3 of the Land Use Regulations guide a decision to amend the Official Zoning Map. Applicant provides their case for the proposal in their Narrative (attached). These include, in part:

- Criteria (4) that the existing zone classification is in error. Applicant contends that “it was an error not to include this parcel as “Commercial,” based on both its historical and then current uses.” The online zoning map was also inconsistent, with text that seemed to designate part of the parcel as Commercial with AR green color. However, when the Official Zoning Map was adopted in 2006, the County gave property owners one year to correct any errors found in the map and this inconsistency was not challenged. Also, a Building Contractor is treated the same in Agricultural/Ranching or Commercial zones, and the office building could have been used for that use.
- Applicant also addresses other review criteria, stating that the change of zone is in conformance with the Community Plan (Criteria 5), compatible with the surrounding area (6), there will be economic benefits to the community (7), that adequate infrastructure is available to serve the type of uses allowed (8), will not adversely affect the area (9) and that the rezoning will not create a spot zone (10) since the property directly adjacent to the north is also zoned Commercial.

No public comments have been received. The application was referred to local utilities and regulatory agencies for review, as provided in Section 2.2.5. Comments received prior to preparation of this staff report include:

- County Engineering and Pagosa Fire Protection District had no objections.
- Town of Pagosa Springs Planning Director noted that the property is within the Town’s statutory 3-mile planning radius, and had been considered for Mixed Use zoning. Even with Commercial zoning adjacent, these parcels would be an island inconsistent with neighboring residential property. Re-zoning to Commercial may affect neighboring properties, since future users would have a right to any use permitted in the Commercial zone. All possible Commercial uses must be considered, not just the current uses.

On June 22, 2016, the Planning Commission held a public hearing on the application, and after hearing testimony from the Applicant’s representative, recommended approval (4-0) with two conditions, as recommended by staff.

## RECOMMENDATION AND FINDINGS

**Based on evidence provided, staff recommends the Board of County Commissioners find that:**

- a. The application meets the review criteria for rezoning in Section 3.1.7.3 of the *Archuleta County Land Use Regulations*, and

**And that the Board approve the Smith Rezoning from Agricultural/Ranching (AR) to Commercial (C), in SW ¼ Section 8, T35N, R1W NMPM, at 2025/2083 E US HWY 160., with the following conditions:**

1. This approval shall be contingent on bringing the site into compliance with the Site Development Standards in Sec. 5.4.2.6 (Outdoor Storage) and 5.4.4 (Outdoor Lighting) in the *Archuleta County Land Use Regulations*.
2. The Official Zoning Map shall be amended and filed with the County Clerk and Recorder.

**And adopt the proposed Resolution of Approval.**

#### PROPOSED MOTION

**I move to approve the Smith request to rezone to Commercial zoning, with Finding A and Conditions 1-2 of the staff report, and adopt the proposed Resolution of Approval.**

#### ATTACHMENTS.

Attachment 1: Area Maps

Attachment 2: Review Comment

Attachment 3: Applicant's Narrative and Supporting Material

Attachment 4: Property Plot Plan (2004)

Attachment 5: Proposed Resolution

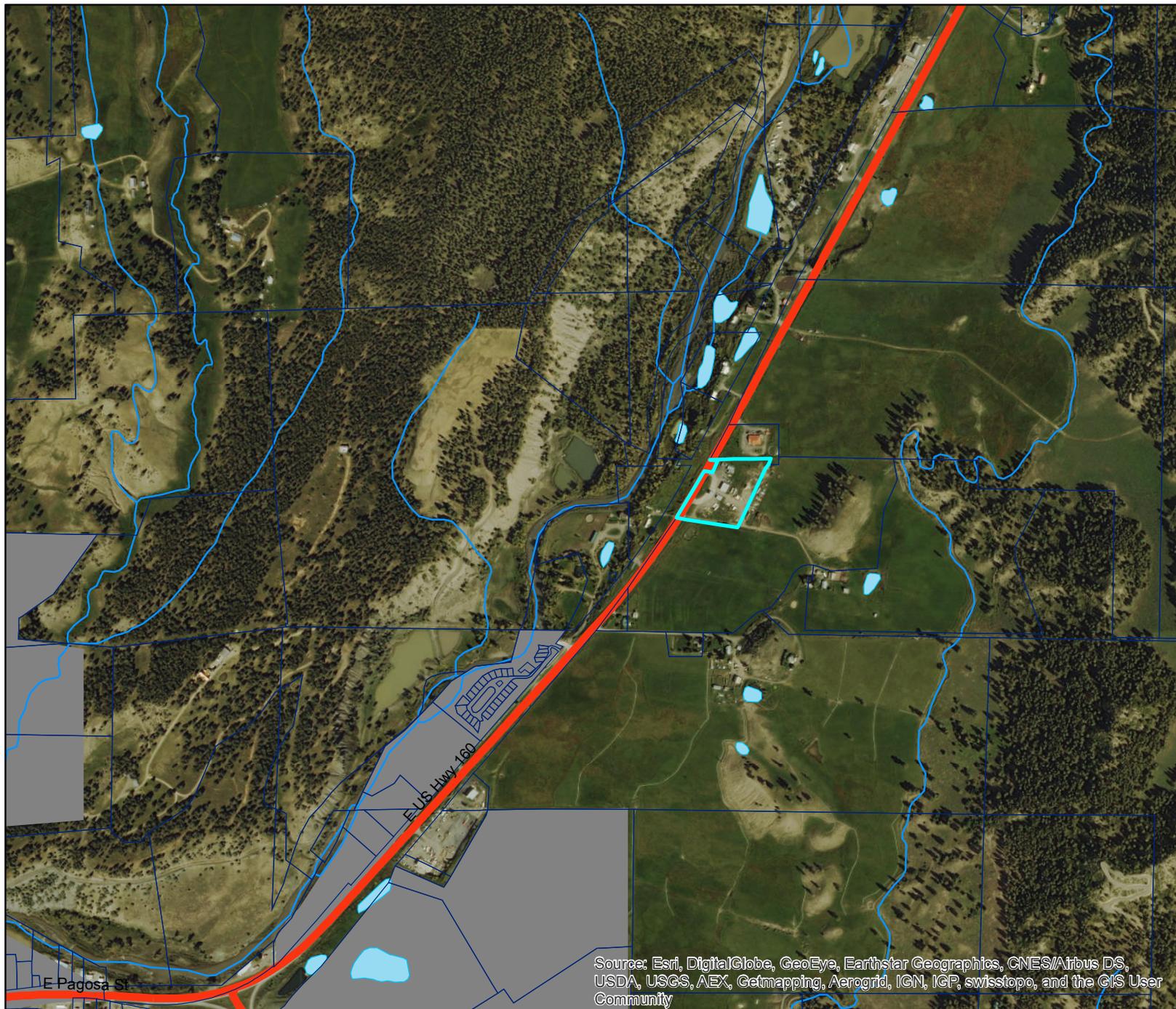


# Site Map

16-040  
Smith  
Rezoning

## Legend

- Parcels
- Highway
- Primary Road
- Lakes
- Rivers
- Pagosa Springs
- Project Location



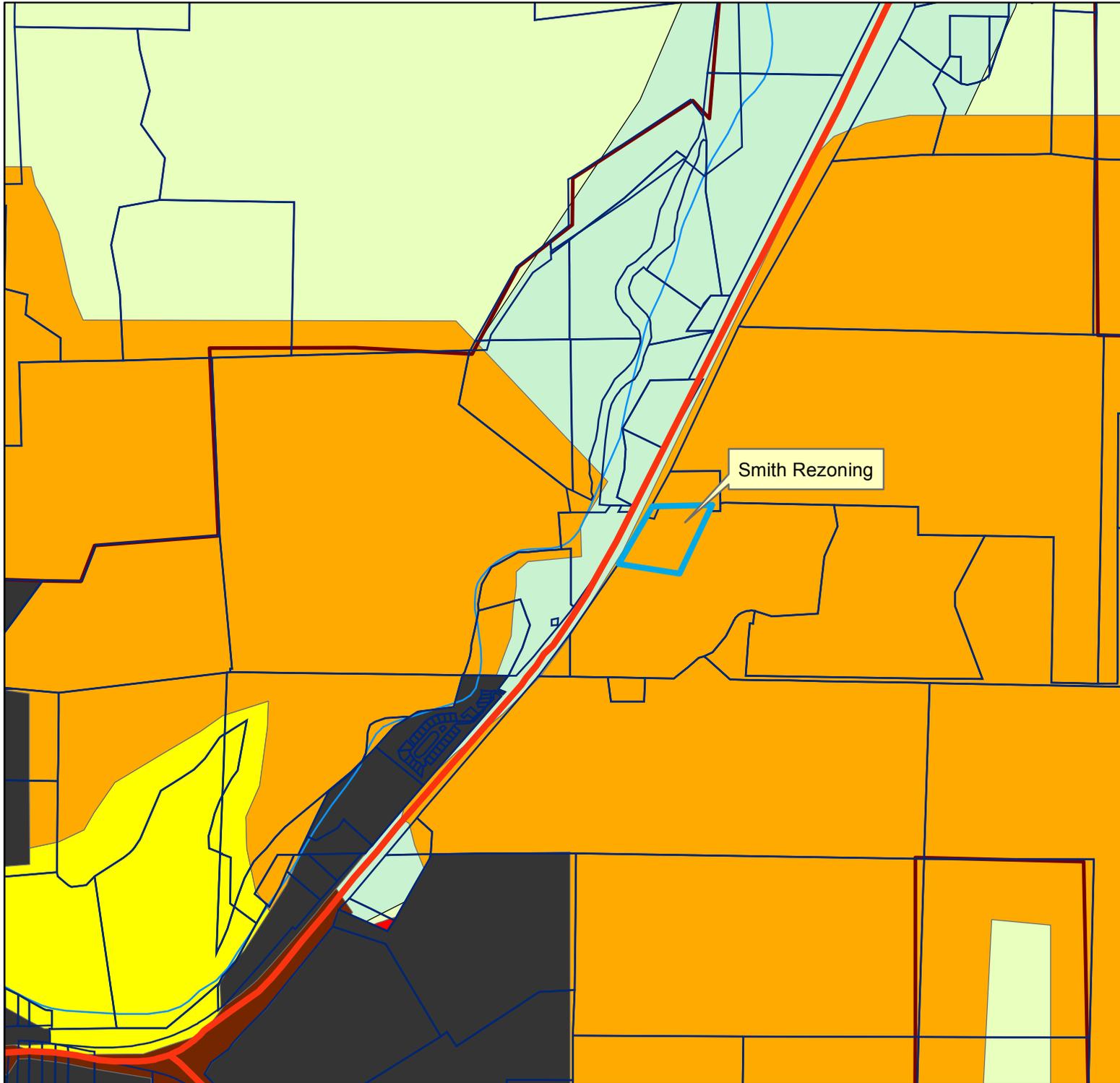
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



440 220 0 440 Feet



# Archuleta Community Plan (2001) Detail: Future Land Use



## Legend

-  Major Roads
-  Parcels
-  Rivers & Streams
-  Lakes
-  Critical Wildlife Habitat
-  Migration Corridor
-  Joint Planning Area
-  Pagosa (2009)

-  Tier 1
-  Tier 2
-  Industrial Park
-  Commercial Area

## Future Landuse

-  High density residential
-  Medium density residential
-  Low density residential
-  Very low density residential
-  Public land
-  Village Center



Detail of map developed 21 Sept 2011

Archuleta County Development Services  
10 May 2016

0.15 0.075 0 0.15 Miles





# Site Map

16-040  
Smith  
Rezoning

## Legend

- Parcels
- Highway
- Primary Road
- Lakes
- Rivers
- Pagosa Springs

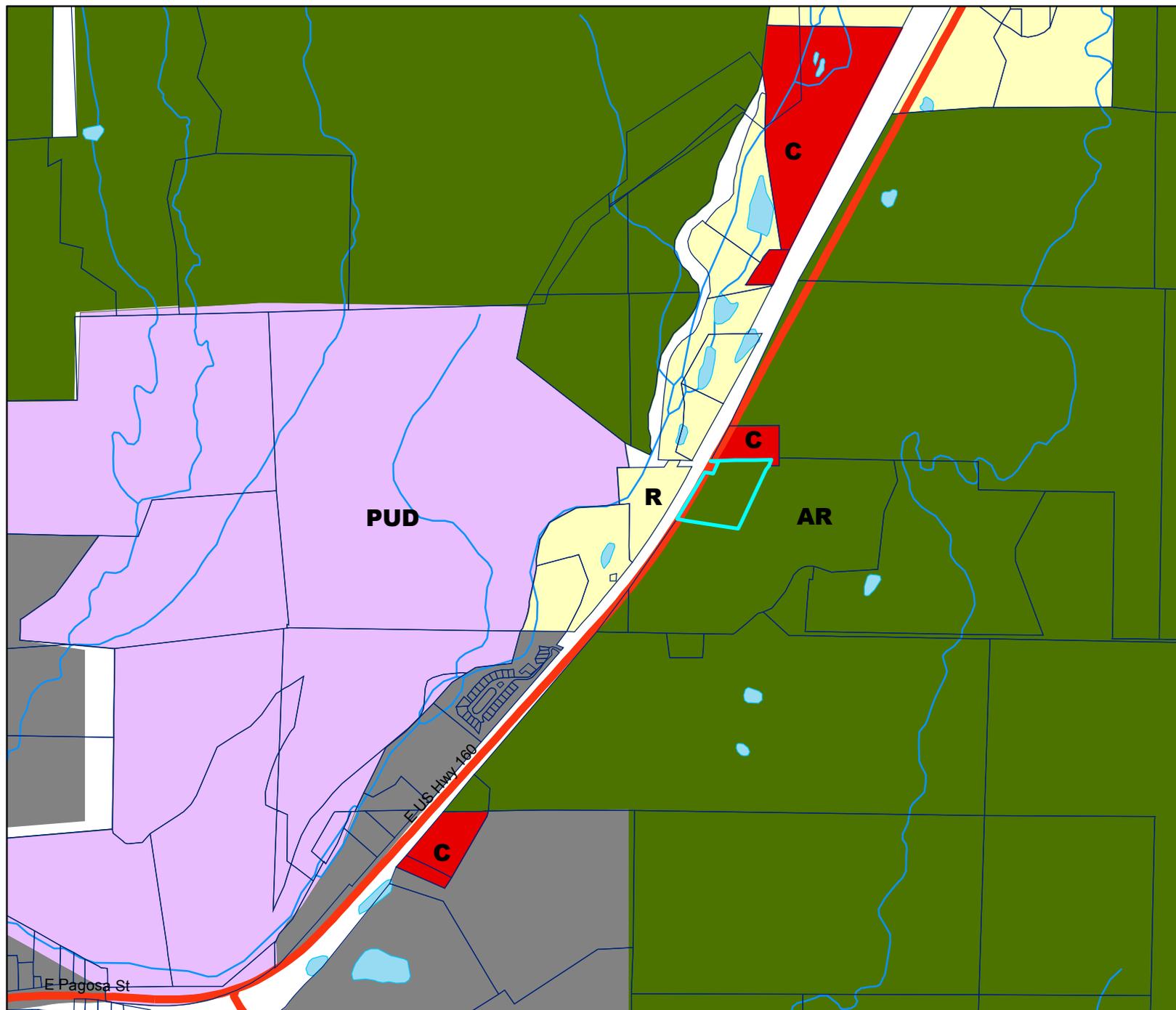
## Zoning Map 2011

### Zoning Districts

- Agriculture Forestry (AF)
- Agriculture Ranching (AR)
- Agricultural Estate (AE)
- Rural Residential (RR)
- Residential (R)
- Mobile Home Park (MHP)
- Commercial (C)
- Industrial (I)
- PUD
- Project Location



440 220 0 440 Feet



This map has been produced using various geospatial data sources. The information displayed is intended for general planning purposes and the original data will routinely be updated. No warranty is made by Archuleta County as to the accuracy, reliability or completeness of this information. Consult actual legal documentation and/or the original data source for accurate descriptions of locations displayed herein.



# Site Map

16-040  
Smith  
Rezoning

### Legend

-  Parcels
-  Highway
-  Project Location



90 45 0 90 Feet



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



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Town of Pagosa Springs  
Planning Department

Date: June 3, 2016  
To: John Shepard, Archuleta County Planning Manager  
Re: 2025 E. Hwy 160 rezoning to Commercial

Hello John,

This correspondence is in response to the application for rezoning 2025 E. Hwy 160 from the Agricultural Ranching district to a Commercial zoning district. This proposal is within the Town's 3-mile planning radius map and had been considered for Mixed Use zoning in the 2010 Joint Town/County zoning discussions.

The subject property is within the County's Agricultural Ranching (AR) zoning district with existing Residential zoning on the north side of Hwy 160 opposite this property, and Agricultural Ranching zoning to the west and south and one parcel of Commercial zoning to the east.

For the Archuleta County Planning Commissions consideration, following are observations and comments regarding the rezoning proposal:

- 1) If rezoned to commercial, this parcel and the adjacent parcel to the east would be an island of commercial zoning in this area, and would be inconsistent with current adjacent property zoning and future zoning considerations.
- 2) The investment in physical infrastructure and structures specific to the current use of the property is fairly minimal, which is beneficial for future re-development considerations.
- 3) The current use is a non-conforming use in the AR district that could be allowed to operate as it has historically, however, with limitations on expansions of the operations and infrastructure investments. Expansion of commercial facilities and uses may have a negative impact on the surrounding properties.
- 4) Re-zoning to commercial may affect the neighboring properties when future allowed "commercial" uses are invested and operated on the property.
- 5) If re-zoning to commercial is granted, this would be a good time (and the only time) to require proper buffering and screening of the site from the Hwy and neighboring properties as a contingency of re-zoning.
- 6) The applicant is requesting zoning to match the current use of the property, however, the current use of the property appears to be more in line with an industrial use and zoning, not commercial. Re-zoning to industrial could have future negative consequences to neighboring property owners if the property were to be sold and the new owner invested in an allowed "use by right" industrial business.
- 7) The County assessors use classification is specific to property tax assessments based on the current use of the property and should not be considered as justification for rezoning properties.
- 8) The reasoning of rezoning due to "Error" in previous and current zoning designations should be considered in the context that new zoning designations are not necessarily based on current uses, however, based on best future zoning and use considerations. This is especially true on properties that have a relatively small investment specific to the current use, that would permit a financially feasible redevelopment of the property.

- 9) The County's commercial zoning definition has a wide breath of allowed uses, please consider all the future possibilities of allowed uses that are allowed in the commercial district.

Please contact me with any questions.

*Thank You, Respectfully,*

*James Dickhoff  
Town of Pagosa Springs  
Planning Department Director  
Po Box 1859  
551 Hot Springs Blvd.  
Pagosa Springs, Co. 81147  
970-264-4151 x225*

[jdickhoff@pagosasprings.co.gov](mailto:jdickhoff@pagosasprings.co.gov)

**PROJECT NAME: Smith Rezoning Application**  
**SUBMITTED TO: Archuleta County Planning Department**  
**SUBMITTED BY: Eggleston Kosnik LLC**

## **Location, Property Description and History**

Applicant Kenneth D. Smith is the owner of a 5.17 acre parcel of land on U.S. Highway 160 East, utilized by various tenants including his company, Smithco Enterprises, LLC. Long time residents still sometimes refer to the property as the Relay Station Motel. Over the years, the property has been a motel, gas station and Truck Stop, various retail businesses and restaurant. Most recently a portion of the property has been used for Smithco's business offices, with another portion the former home of Voormi's retail shop and offices.

The property is currently assessed and taxed as a commercial property. (See Attached Assessor's Notice). Importantly, when Applicant was informed that the property was not formally zoned "commercial," the County website and map indicated otherwise (clicking on the property revealed Smith as the owner and the zoning designation was "Commercial," though the shading was part green and red, not fully red – see attached email). Similarly, the commercial uses are so ingrained (and previously confirmed by the county website/map), that Applicant's independent 2011 appraisal of the property states that the Zoning is (C) Commercial, and that its highest and best use is "Commercial/Retail." (See Attached Appraisal Summary).

This is not a typical rezoning request, as the Applicant is NOT proposing any new or change in use of the property; it is simply to bring the erroneous zoning designation in compliance with historical and current uses of the property.

## **Proposal**

Applicant is applying to formally "re-zone" the property as permitted under Section 3.1.7 of the Code. Applicant requests that it be formally zoned "Commercial" and requests that the County Zoning Map be amended to reflect the proper zoning, based on the historical and current uses of the parcel.

One of the standards to formally rezone the property is Section 3.1.7.3.4, based on "Error." When the County Zoning Map was adopted, it was an error not to include this parcel as "Commercial," based on both its historical and then current uses. Please note, as indicated above, that the text of county website/map listed Smithco as the owner and the zoning as commercial...it is fair to say that the color of the map was wrong, but the text was correct, and the County should simply change the color of the map instead of the text). Based on the above and Section 3.1.7.3.4 of the Code, the application should be granted.

Although meeting additional standards should not be necessary, the application does meet numerous other review criteria in the Code for rezoning. The property is properly rezoned under Sections 3.1.7.3.5 (conformance with policies/plans for the area), 3.1.7.3.6 (Compatibility), 3.1.7.3.7 (economic benefits), 3.1.7.3.8 (adequate infrastructure), 3.1.7.3.9 (no adverse effect) and 3.1.7.3.10 (no isolated zoning). The attached site plan from 2004, which remains accurate as to the existing site improvements, demonstrates

that site meets existing standards for commercial setbacks, paved concrete driveway access, etc.

The directly adjacent property is zoned Commercial, and thus there is precedent for commercial zoning in the area

In addition, the County and Town have already indicated that the future uses and growth of the highway corridor are appropriate for commercial uses/zoning. The Joint Town County Planning Commission Map shows this property located in the "Mixed Use Corridor," with anticipated commercial/retail uses for the Smithco Property and all adjacent properties in the corridor.

For all of the above reasons, the application should be granted. Upon approval of the application, the Applicant requests that the Official Zoning Map of the County be amended pursuant to Section 3.1.7.4 of the Code.

SUMMARY OF SALIENT FACTS AND CONDITIONS

Date of Inspection: November 23, 2011  
 Effective Date of Appraisal: November 23, 2011

Property Appraised: 2025/2083  
 East U.S. Highway 160  
 Located within  
 SW4 Sec.8, T35N, R1W  
 Archuleta County, Colorado

Property Size: 5.17 Acres

Owner of Record: Kenneth D. Smith

Purpose of the Appraisal: To determine market value  
 "as is" for purpose of current value  
 determination

Appraisal completed for  
 Exclusive Use of: Bank of the San Juans  
 Attn: David Musser  
 305 Hot Springs Blvd.  
 Pagosa Springs, CO 81147

Zoning: (C) Commercial

Property Rights Appraised: Fee Simple

Present Use: Retail & Commercial

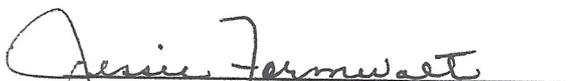
Highest & Best Use: Commercial/Retail

Cost Approach: [REDACTED]

Income Approach: Not Included

Market Approach: [REDACTED]

Certification of Value: [REDACTED]

  
 Jessie Formwalt, CG1832  
 Colorado Certified General  
 Real Estate Appraiser  
 Date Signed: December 6, 2011

# REAL PROPERTY NOTICE OF VALUATION

ARCHULETA COUNTY ASSESSOR  
 449 SAN JUAN ST  
 P.O. BOX 1089  
 PAGOSA SPRINGS, CO 81147

**THIS IS NOT A TAX BILL**

**PROTEST HEARING DATES**

Protests by Mail: May 1, 2013 to June 1, 2013  
 Protests in Person: May 1, 2013 to June 1, 2013

**AT:**

**ARCHULETA COUNTY ASSESSOR**  
 449 SAN JUAN ST  
 P.O. BOX 1089  
 PAGOSA SPRINGS, CO 81147  
 PHONE: (970) 264-8310  
 FAX: (970) 264-8319  
**OFFICE HOURS: 8:00 am to 4:00 pm**

SMITH KENNETH D  
 PO BOX 1452  
 PAGOSA SPRINGS CO 81147-1452  


40-31

TAX YEAR	TAX AREA CODE	PARCEL ID	ACCOUNT ID	DATE OF NOTICE
2013	5TD	570108300029	R012993	05/01/2013
PROPERTY ADDRESS		LEGAL DESCRIPTION (May be incomplete)		
2025 E US HWY 160 PAGOSA SPRINGS, CO 81147		RURAL Sec: 8 Twn: 35 Rng: 1W A TRACT OF LAND LOCATED IN THE SW4		
PROPERTY CLASSIFICATION	PRIOR YEAR ACTUAL VALUE	+ OR - CHANGE	CURRENT YEAR ACTUAL VALUE	
COMMERCIAL	\$289,890	\$-2,050	\$287,840	
<b>TOTALS</b>		<b>\$289,890</b>	<b>\$-2,050</b>	<b>\$287,840</b>
<b>PROPERTY CHARACTERISTICS</b>				
Actual Area: 5.1700				
Building characteristics are for the FIRST BUILDING ONLY!! If property has more than one building, see Assessor for additional info.				
<b>Please refer to "TOTALS" for your full property value.</b>				

ARCHULETA COUNTY ASSESSOR RETURN THIS LOWER PORTION TO THE ASSESSOR'S OFFICE FOR PROTEST  
 Natalie Woodruff

The assessment rate for residential property is projected to be 7.96%, § 39-1-104.2(3), C.R.S. A change in the projected residential assessment percentage is not grounds for protest or abatement of taxes, § 39-5-121(1), C.R.S. Generally, all other property, including vacant land, is assessed at 29%, § 39-1-104(1), C.R.S.

The tax notice you receive next January will be based on the current year actual value. If the Senior Citizen or Disabled Veteran Property Tax Exemption has been applied to your residential property, it is not reflected in the current year actual value shown above.

**You have the right to protest the classification and/or valuation of your property.  
 Please refer to the reverse side of this notice for additional information.**

**YOU HAVE THE RIGHT TO PROTEST YOUR REAL PROPERTY VALUE OR ITS CLASSIFICATION**

TAX YEAR	TAX AREA CODE	PARCEL ID	ACCOUNT ID	DATE OF NOTICE
2013	5TD	570108300029	R012993	05/01/2013
PROPERTY ADDRESS		LEGAL DESCRIPTION (May be incomplete)		
2025 E US HWY 160 PAGOSA SPRINGS, CO 81147		RURAL Sec: 8 Twn: 35 Rng: 1W A TRACT OF LAND LOCATED IN THE SW4		

Building Infomation

Building # CO-3

		Exterior 2		Feature Areas		
Use	COMMERCIAL	Exterior 2%		Description	SqFt	Tax% Adj. SqFt
Building	CO-3	Interior 1	DRYWALL	PTO - Patio	12	
Type	OFFICE ABV AVG	Interior 2		FOP - Finished Open Porch	356	
Quality	AVERAGE	Interior 2%		BAS - Base Area	1513	
Total Area	1881	Floor 1	SHT VINYL	TOT - Total Gross Area	1881	80 1621
Year Built	1971	Floor 2	CARPET			
Stories	1	Floor 2%	50			
Bedrooms	0	Heat	GAS-AIR DUCTED			
Bathrooms	0	Roof	GABLE/HIP-MODULAR MT			
Exterior 1	BD/BATTEN					

Building# CO-2

		Exterior 2		Feature Areas		
Use	COMMERCIAL	Exterior 2%		Description	SqFt	Tax% Adj. SqFt
Building	CO-2	Interior 1	MINIMUM	BAS - Base Area	2400	
Type	GARAGE FAIR	Interior 2		TOT - Total Gross Area	2400	100 2400
Quality	AVERAGE	Interior 2%				
Total Area	2400	Floor 1	CONC FINSH			
Year Built	1990	Floor 2	CARPET			
Stories	1	Floor 2%	50			
Bedrooms	0	Heat	GAS-FORCED AIR			
Bathrooms	0	Roof	SHED-MODULAR MT			
Exterior 1	MOD METAL					

Building# CO-1

		Exterior 2		Feature Areas		
Use	COMMERCIAL	Exterior 2%		Description	SqFt	Tax% Adj. SqFt
Building	CO-1	Interior 1	DRYWALL	CAN - Canopy	756	
Type	SERV STATN - COMM	Interior 2		BAS - Base Area	896	
Quality	AVERAGE	Interior 2%		TOT - Total Gross Area	1652	54 1123
Total Area	1652	Floor 1	CARPET			
Year Built	1990	Floor 2	CARPET			
Stories	1	Floor 2%	50			
Bedrooms	0	Heat	GAS-CONVECTION			
Bathrooms	0	Roof	GABLE/HIP-MODULAR MT			
Exterior 1	PREFAB PNL					

Parcel #: 570108300029      Account #: R012993  
 Tax Area: 5TD      Deed Acres: 5.17  
 Use: Commercial

**Owner:**  
 SMITH KENNETH D

No Pictures Found

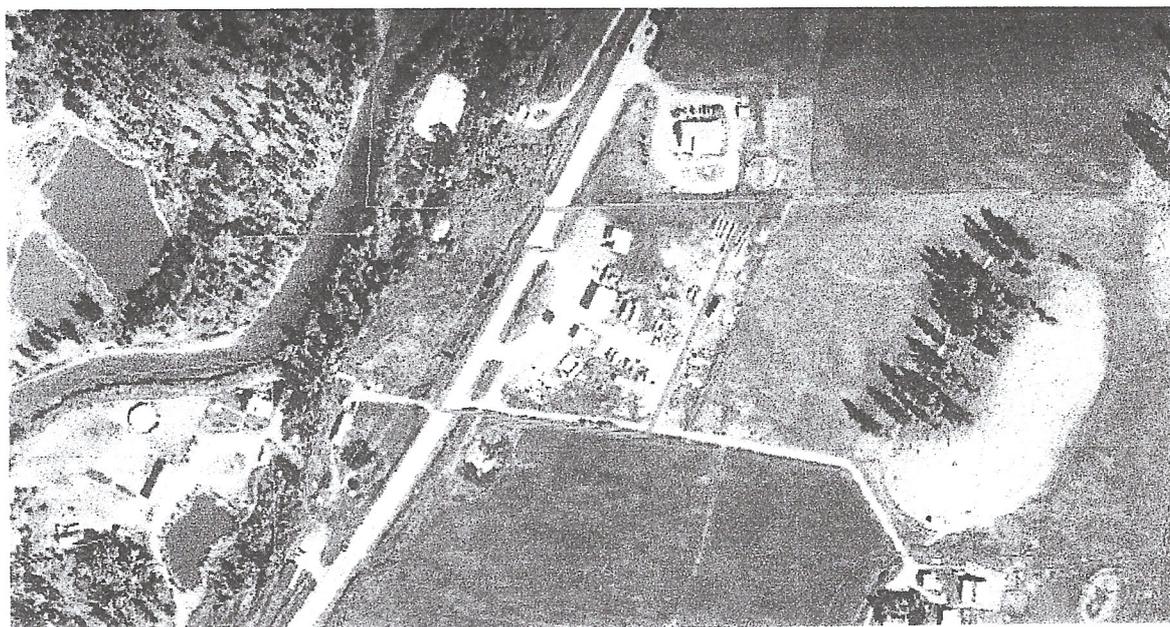
**Mailing Address:**  
 PO BOX 1452  
 PAGOSA SPRINGS, CO 81147-1452

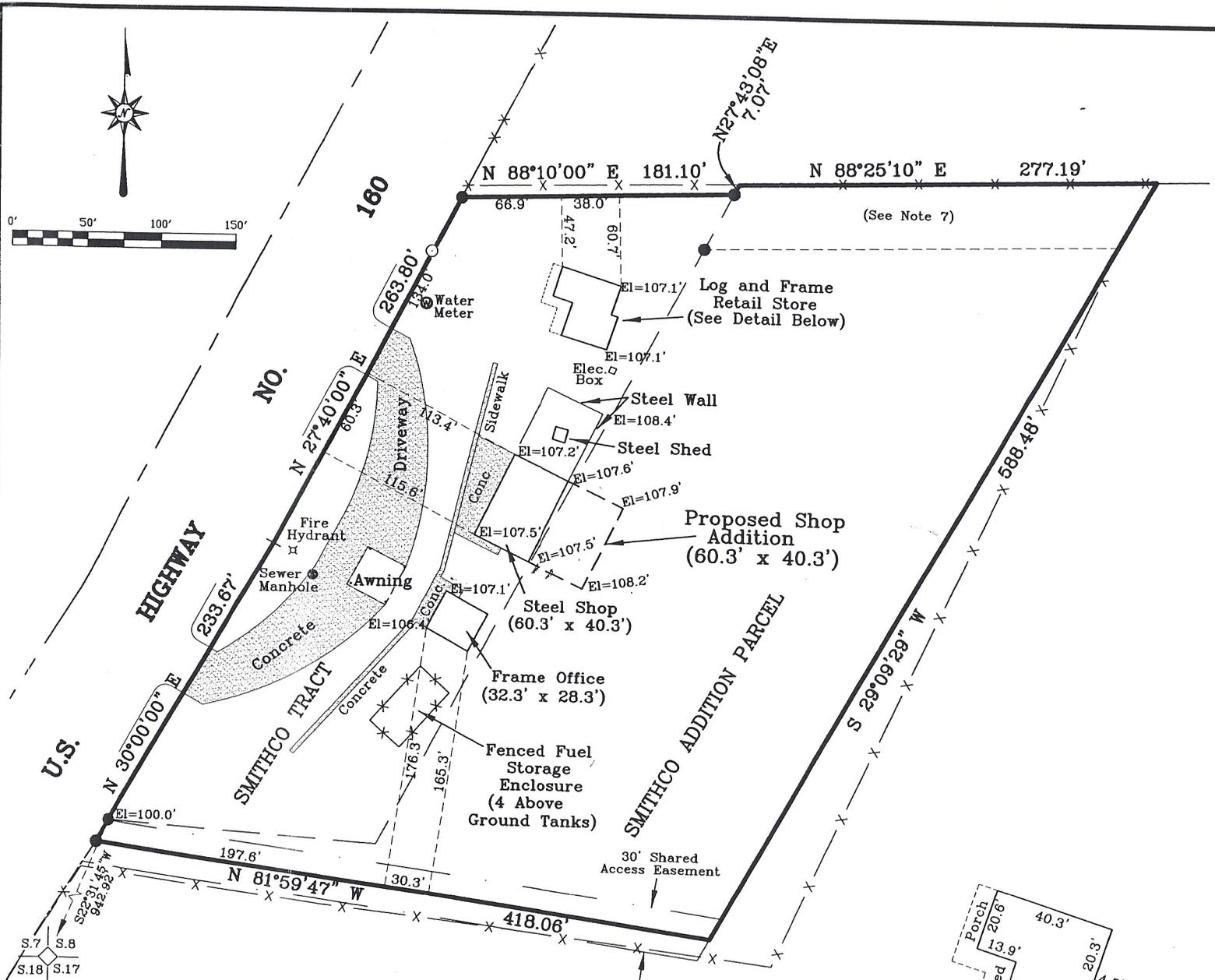
**Situs Address:**

**Locator Description:**  
 RURAL Sec: 8 Twn: 35 Rng: 1W A TRACT OF LAND LOCATED  
 IN THE SW4

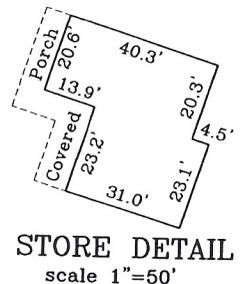
2015 Values			Tax Distribution Based on 2014 Taxable Value: \$83,470.00			
Total Actual Value	Total Taxable Value		Taxing Authority	Dollars	Mills	Percent
\$287,840.00	\$83,470.00		San Juan Water Conservancy	\$26.46	0.317	0.51%
			Southwest Water Conservancy	\$30.72	0.368	0.6%
			Upper San Juan Library District	\$126.04	1.51	2.44%
			Town of Pagosa General Improvement District	\$207.17	2.482	4.02%
			Upper San Juan Health Service	\$326.87	3.916	6.34%
			Pagosa Area Fire Protection	\$342.06	4.098	6.63%
			Pagosa Area Water Only	\$509.83	6.108	9.89%
			Archuleta County	\$1,532.84	18.364	29.72%
			School Dist 50	\$2,054.95	24.619	39.85%
			Total	\$5,156.94	61.782	100%

[Tax Distribution Details](#)





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



LEGEND:

- = 1/2" rebar w/cap (LS 23894)
- = 5/8" rebar w/cap (LS 8974)
- ◇ = 3" Pipe with Alum. Cap (LS 9009)
- = Easement Limits (as noted)
- = Property Boundary
- - - = Previous Boundary

NOTES:

1. Property owners - Ken and Diane Smith.
2. Property Address - 2083 East Highway No. 160.
3. There are no oil or gas wells within 150 feet of the proposed addition to the shop, as shown hereon.
4. Elevations shown hereon are relative and based on the assumption that the elevation on top of the monument at the southwest corner of the Smithco Tract is at an elevation of 100.0'.
5. 30' Shared Access easement along the south boundary of this property is for the benefit of Brown Land and Cattle Company and the Smithco Property.
6. This property is served by central water and sewer administered by Pagosa Area Water and Sanitation District and Pagosa Springs Sanitation District, respectively.
7. The northerly portion of the Smithco Addition Parcel as shown hereon, is currently involved in litigation. None of the existing nor proposed improvements associated with this property are located within this disputed area.

I hereby certify that this plot plan is based on the field notes of an actual survey performed by me or under my direct supervision and the information shown hereon is strictly conformable thereto.



REVISIONS		Plot Plan of	
Rev.06/23/04		SMITHCO CONSTRUCTION PROPERTY	
		in SW4 SW4 Sec. 8, T. 35 N., R. 1 W., N.M.P.M., Archuleta County, Colorado	
SCALE	1" = 100'	DAVIS ENGINEERING SERVICE, INC.	
DATE	06/16/04	P.O. BOX 1208 PAGOSA SPRINGS, COLORADO 81147	
CLIENT	Ken Smith	PHONE: (970) 264-5055	SURVEYED BY DLM
		FAX: (970) 264-9210	DRAFTED BY DLM
			FILED P04823

**BOARD OF COUNTY COMMISSIONERS  
ARCHULETA COUNTY, COLORADO  
RESOLUTION NO. 2016-\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING THE  
ZONING MAP OF ARCHULETA COUNTY**

**WHEREAS**, the Board of County Commissioners has authority pursuant to C.R.S. §30-28-101, *et. seq.*, and in particular, C.R.S. §§30-28-112, 30-28-113, 30-28-115 and 30-28-116, to amend the Official Zoning Map of Archuleta County; and

**WHEREAS**, Kenneth D. Smith, represented by Duke Eggleston, Eggleston Kosnik LLC, applied to rezone property he owns, located at 2025/2083 E US HWY 160, Pagosa Springs; and

**WHEREAS**, the property to be rezoned includes one 5.17 +/- acre parcel of land, currently zoned Agricultural/Ranching (AR), in the SW ¼ Section 8 Township 35N Range 1W NMPM; as described in Exhibit A attached, and

**WHEREAS**, the Archuleta County Planning Commission conducted a public meeting on June 22, 2016, and recommended approval of the request in accordance with Section 3.1.7 of the Archuleta County Land Use Regulations; and

**WHEREAS**, the Board of County Commissioners conducted a public hearing on the request to Amend the Official Zoning Map on July 5, 2016; and

**WHEREAS**, public notice of the hearing was given by publication in a newspaper of general circulation in the County at least fourteen (14) days prior to the public hearing, as required by C.R.S. §30-28-116; and

**WHEREAS**, at the public hearing testimony was taken from all persons appearing and wishing to give testimony; and

**WHEREAS**, the Board of County Commissioners has taken into consideration the recommendations of the Archuleta Planning Commission and the public testimony; and

**WHEREAS**, the Board of County Commissioners finds that amending the Official Zoning Map is in the best interest of the County and its residents.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, AS FOLLOWS:**

**Section 1. Findings.**

- a. The application meets the review criteria for rezoning in Section 3.1.7.3 of the *Archuleta County Land Use Regulations*, and

**Section 2. Conditions.**

- 1. This approval shall be contingent on bringing the site into compliance with the Site Development Standards in Sec. 5.4.2.6 (Outdoor Storage) and 5.4.4 (Outdoor Lighting) in the Archuleta County Land Use Regulations.
- 2. The Official Zoning Map shall be amended and filed with the County Clerk and Recorder.

**MOVED, SECONDED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO**, by a vote of \_\_\_\_\_ in favor to \_\_\_\_\_ against, this \_\_\_ day of \_\_\_\_\_, 2016.

**BOARD OF COUNTY COMMISSIONERS  
ARCHULETA COUNTY, COLORADO**

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Archuleta County Clerk and Recorder

*Return to Planning*

## Exhibit A

### Legal Description for Smith Property:

A parcel of land located in the SW ¼ Section 8, T35N, R1W, NMPM, more particularly described by metes and bounds as follows:

Assuming that the west boundary of tract described under Reception Number 95004216, being common with the right of way of U.S. Highway 160, bears N 30°00'00" E, and N 27°40'00" E, as described, then beginning at the southwest corner of said tract (Rec. No. 95004216), whence the Southwest Corner of said Section 8, a properly marked 3" brass cap on and iron pipe (LS 9009), bears S 22°31'45" W, 942.92 feet distant; thence N 30°00'00" E, 217.00 feet along the west boundary of said tract (Rec. No. 95004216) to an angle point therein; thence N 27°40'00" E, 263.80 feet along the west boundary of said tract (Rec. No. 95004216) to the northwest corner thereof, which corner is identical with the southwest corner of that certain strip of land described under Reception Number 20803775; thence N 27°40'00" E, 8.93 feet along the west boundary of said strip, to the northwest corner thereof, which corner is identical with the northwest corner of the parcel herein described; thence N. 88°41'03" E, 180.20 feet along the north boundary of said strip; thence N 88°25'10" E, 277.19 feet along the north boundary of said strip to the northeast corner thereof, which corner is identical with the northeast corner of the parcel herein described; thence S 29°09'29" W, 50.10 feet along the east boundary of said strip to the southeast corner thereof, which corner is identical with the north corner of that certain tract of land described under Reception Number 20503315; thence S 24°19'24" W, 523.18 feet along the east boundary of said tract (Rec. No. 20503315) to the southeast corner thereof, which corner is identical with the southeast corner of the parcel herein described; thence N 81°59'47" W, 47.28 feet along the south boundary of said tract (Rec. No. 20503315) to the southwest corner thereof, which corner is identical with the southeast corner of that certain parcel of land described under Reception Number 20005317; thence N 81°59'47" W, 418.06 feet along the south boundary of said parcel (Rec. No. 20005317) to the southwest corner thereof, which corner is identical with the southwest corner of the parcel herein described; thence N 30°00'00" E, 16.67 feet along the west boundary of said parcel (Rec. No. 20005317) to the point of beginning.

The parcel herein described contains 5.17 acres, more or less.

*As described by David L. Maley, a duly registered land surveyor in the State of Colorado, Certificate Number 23894, 7/11/08.*

# APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

**IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC                              | <input type="checkbox"/> PHILANTHROPIC INSTITUTION           |
| <input type="checkbox"/> FRATERNAL         | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER    | <input type="checkbox"/> POLITICAL CANDIDATE                 |
| <input type="checkbox"/> PATRIOTIC         | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL         | <input type="checkbox"/> RELIGIOUS INSTITUTION                 |  |

<b>LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:</b>	<b>DO NOT WRITE IN THIS SPACE</b>
2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY	LIQUOR PERMIT NUMBER
2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Humane Society of Pagosa Springs	State Sales Tax Number (Required) 01319126-0000
--	--

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP)  P.O. Box 2230 Pagosa Springs, CO 81147	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP)  Pagosa lakes Property Owners Association Clubhouse 230 Port Avenue Pagosa Springs, CO 81147
---	---

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Lauren Wolan-Zak		2250 Running Horse Pl, Chromo, CO 81128	530-521-9384
5. EVENT MANAGER Mike Stoll		88 Point Pl, Pagosa Springs, CO 81147	970-264-5549
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES HOW MANY DAYS? 1	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM?		

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED?  Yes  No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
7/17/16 3:30 p.m. To 10:00 p.m.				

**OATH OF APPLICANT**

*I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.*

SIGNATURE 	TITLE Administrative Assistant	DATE 2/23/16
---------------	-----------------------------------	-----------------

**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

**THEREFORE, THIS APPLICATION IS APPROVED.**

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) Archuleta County	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK 970-264-8407
SIGNATURE 	TITLE Chairman	DATE

**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
			-750 (999) \$

Humane Society  
Attn: Mike Stoll  
PO Box 2230  
Pagosa Springs, CO 81147

RE: Humane Society Special Event Permit

To whom it may concern:

Humane Society of Pagosa Springs has reserved the Pagosa Lakes Clubhouse for the day of Sunday, July 17<sup>th</sup>, 2016 for the annual event. The PLPOA is granting permission to the Humane Society to have alcoholic beverages while using the clubhouse for the event. The Pagosa Lakes Clubhouse is located at 230 Port Avenue in the Vista Subdivision.

Please let me know if you have any questions.

Jenifer Pitcher  
Pagosa Lakes Property Owners Association  
Community Lifestyle Coordinator  
(970) 731-5635 X210  
[jenp@plpoa.com](mailto:jenp@plpoa.com)

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO  
CERTIFICATE OF REGISTRATION

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

**HUMANE SOCIETY OF PAGOSA SPRINGS**

is a **Charitable Organization** registered to solicit contributions in Colorado as required by the Colorado Charitable Solicitation Act, Title 6, Article 16, C.R.S.

This organization has been assigned a registration number of 20083004074.

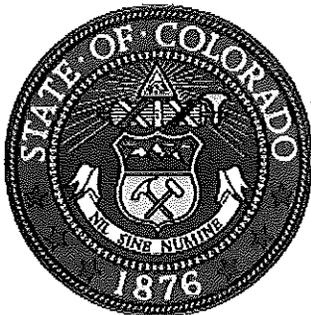
The status of its registration is **GOOD**, and this status has been in effect since 08/25/2014.

The organization's registration is or was due to be renewed by 08/15/2015.

Registrations in good or delinquent status remain valid until the registration becomes suspended or revoked. An organization whose registration has been suspended is prohibited by law from soliciting contributions, providing consulting services in connection with a solicitation campaign, or conducting a solicitation campaign in Colorado.

This certificate reflects facts established or disclosed by documents delivered to this office electronically through 09/04/2014.

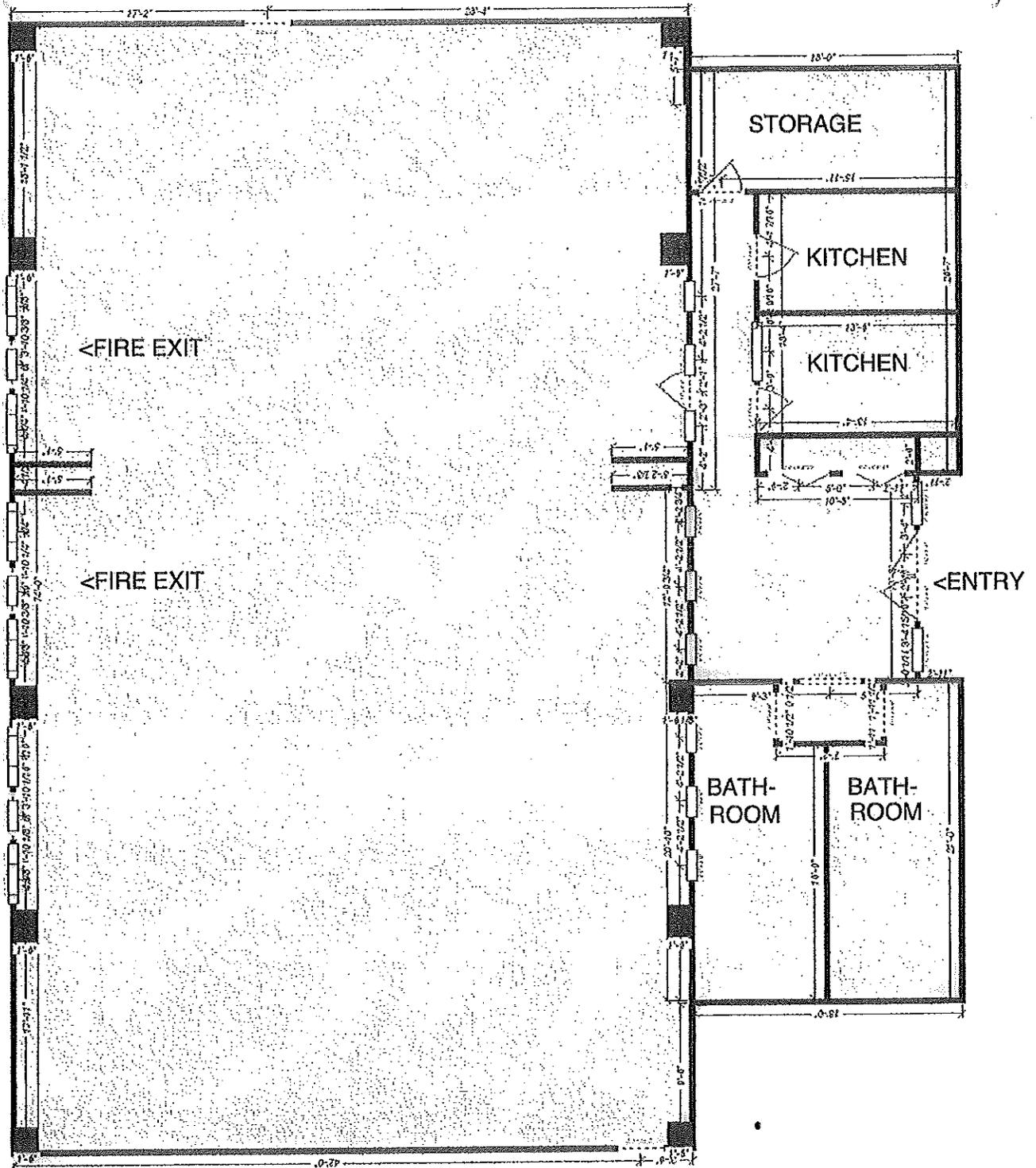
**IN TESTIMONY WHEREOF** I have hereunto set my hand and affixed the Great Seal of Colorado, at the City of Denver on 09-04-2014 16:06:27



A handwritten signature in cursive script, appearing to read 'Scott Gessler'.

Secretary of State of the State of Colorado

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION  
CLUBHOUSE



RESTRICTED PERIMETER  
ALL DOORS WILL BE MONITORED

## APPLICATION FOR A SPECIAL EVENTS PERMIT

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT  
 AND ONE OF THE FOLLOWING (See back for details.)

- |                                    |  |  |
|------------------------------------|--|--|
| <input type="checkbox"/> SOCIAL    | <input type="checkbox"/> ATHLETIC                              | <input checked="" type="checkbox"/> <b>Horse Rescue</b><br>PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER    | <input type="checkbox"/> POLITICAL CANDIDATE   |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS<br>FACILITIES                      |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION                 |  |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input type="checkbox"/>	FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

**DO NOT WRITE IN THIS SPACE**  
LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE  
**L.A.S.S.O. - Large Animal Southwest Support Org.** State Sales Tax Number (Required)

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE  
 (include street, city/town and ZIP)  
**P.O. Box 2291  
 Pagosa Springs, CO 81147**

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT  
 (include street, city/town and ZIP)  
**PLPOA Club House  
 230 Port Ave  
 Pagosa Springs, CO 81147**

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE <b>Evelyn Tennyson</b>	[REDACTED]	<b>227 E. Morning Glory</b>	<b>214-668 1605</b>
5. EVENT MANAGER <b>Evelyn Tennyson</b>	<b>"</b>	<b>Pagosa Springs CO 81147</b>	<b>970- 731-8959</b>
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES TO WHOM? <b>PLPOA</b>		

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED?  Yes  No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
July 16, 2016				
Hours From 11:00 p.m. To 2:00 a.m.	Hours From _____ .m. To _____ .m.			

**OATH OF APPLICANT**

*I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.*

SIGNATURE <b>Evelyn B Tennyson</b>	TITLE <b>President</b>	DATE <b>3-28-16</b>
---------------------------------------	---------------------------	------------------------

**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.  
**THEREFORE, THIS APPLICATION IS APPROVED.**

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) <b>Archuleta County</b>	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK <b>970-264-8401</b>
SIGNATURE	TITLE <b>Chairman</b>	DATE

**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

**LIABILITY INFORMATION**

License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

# APPLICATION INFORMATION AND CHECKLIST

THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.  
**Note:** If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises.
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- If not incorporated, a NONPROFIT charter; **or**
- If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- APPLICATION MUST FIRST BE SUBMITTED TO THE LOCAL LICENSING AUTHORITY (CITY OR COUNTY) AT LEAST THIRTY (30) DAYS PRIOR TO THE EVENT.
- THE PREMISES TO BE LICENSED MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE A HEARING CAN BE HELD. (12-48-106 C.R.S.)
- AN APPROVED APPLICATION MUST BE RECEIVED BY THE LIQUOR ENFORCEMENT DIVISION AT LEAST TEN (10) DAYS PRIOR TO THE EVENT.
- CHECK PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.

March 21, 2016

Evelyn Tennyson

RE: Special Events License

To Whom It May Concern,

LASSO is holding an event here at the Pagosa Lakes Property Owners Association, on Saturday July 16, 2016. PLPOA has granted authorization for this event to serve alcohol. PLPOA is located at 230 Port Ave. Pagosa Springs, CO 81147.

Please let me know if you have any further questions.

Thank you!

*Jen Pitcher*

PLPOA Community Lifestyle Coordinator

(970) 731-5635 ext. 210

Fax: (970) 731-5362

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO  
CERTIFICATE OF REGISTRATION

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

**LASSO**

is a **Charitable Organization** registered to solicit contributions in Colorado as required by the Colorado Charitable Solicitation Act, Title 6, Article 16, C.R.S.

This organization has been assigned a registration number of 20063006014.

The status of its registration is **GOOD**, and this status has been in effect since 03/05/2015.

The organization's registration is or was due to be renewed by 08/15/2016.

Registrations in good or delinquent status remain valid until the registration becomes suspended or revoked. An organization whose registration has been suspended is prohibited by law from soliciting contributions, providing consulting services in connection with a solicitation campaign, or conducting a solicitation campaign in Colorado.

This certificate reflects facts established or disclosed by documents delivered to this office electronically through 03/18/2016.

**IN TESTIMONY WHEREOF** I have hereunto set my hand and affixed the Great Seal of Colorado, at the City of Denver on 03-18-2016 15:01:58



A handwritten signature in cursive script that reads 'Wayne W. Williams'.

Secretary of State of the State of Colorado



[Charities home](#)

[Search](#)

[Create an account](#)

[Log in](#)

[Forgot Password](#)

## Summary

Charitable organization			
Name	LASSO		
Other names (DBAs)			
Status	GOOD as of 03/05/2015		
Good through	08/15/2016	Initial registration	07/19/2006
Registration #	20063006014	Established	01/04/2002, Colorado
EIN	84-1592486	Form	Corporation

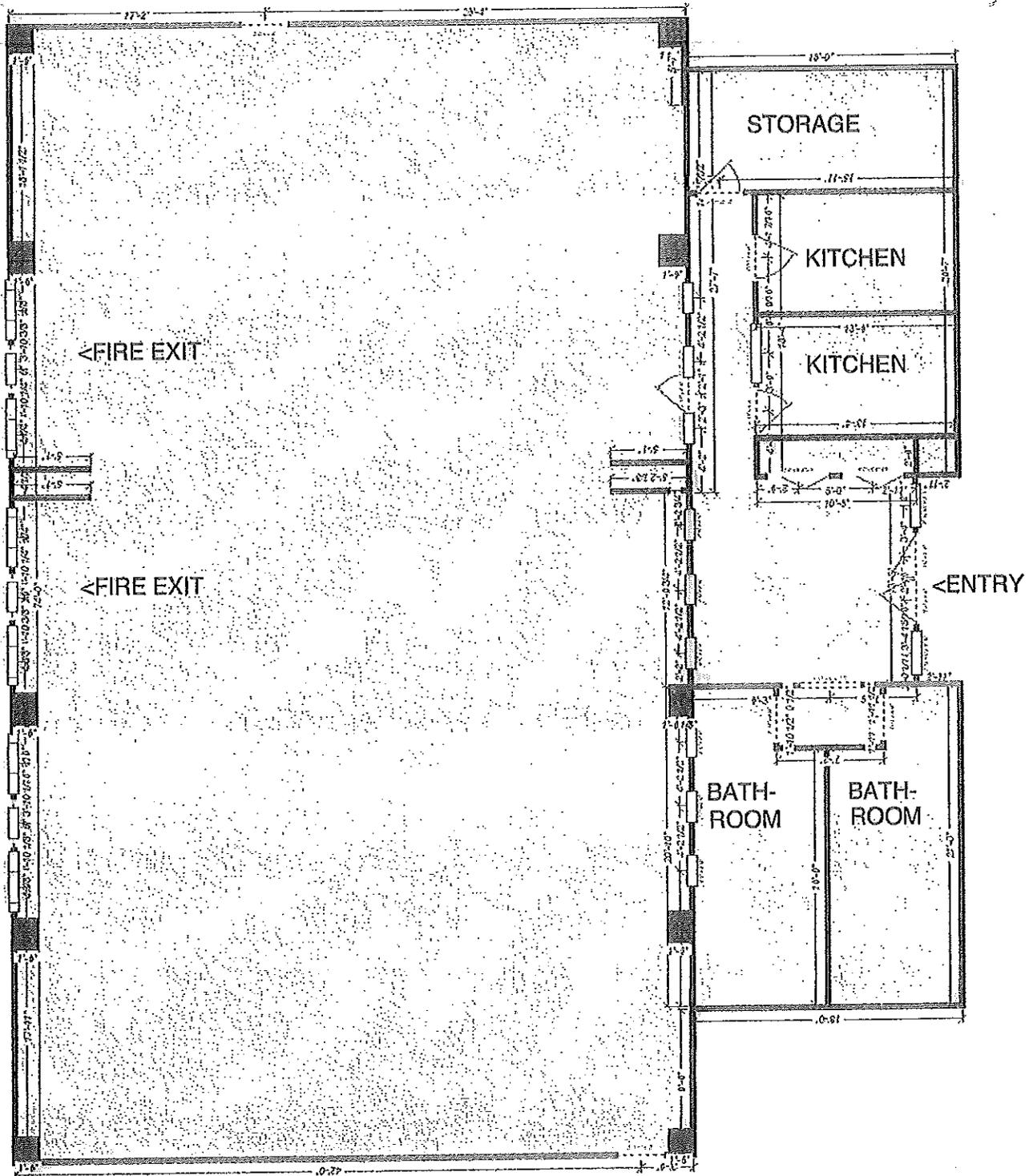
Street	18816 CR 42, LA SALLE, CO 80645
Mailing	PO BOX 2291, PAGOSA SPRINGS, CO 81147
County	WELD
Phone	970-946-0891
Website	<a href="http://LASSOHORSERESCUE.ORG">LASSOHORSERESCUE.ORG</a>

NTEE codes	ANIMALS		
Charitable purpose	LARGE ANIMAL SUPPORT DEDICATED TO THE SURVIVAL, SAFETY AND HUMANE TREATMENT OF HOOFED ANIMALS		
Tax-exempt code	501(C)(3)	Donations tax deductible?	Yes

Three-year data			
	12/31/2012	12/31/2013	12/31/2014
Revenue	\$44,648.00	\$109,506.00	\$71,850.00
Expenses	\$52,032.00	\$90,312.00	\$86,592.00
Assets	\$1,325.00	\$20,519.00	\$5,774.00
Liabilities	\$0.00	\$0.00	\$0.00
Program services to total expenses		92%	<a href="#">About financial ratios</a>
Fundraising expenses to contributions		4%	

Actions
<a href="#">Get certificate of registration</a>
<a href="#">View form 990s</a>
<a href="#">History</a>

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION  
CLUBHOUSE



RESTRICTED PERIMETER  
ALL DOORS WILL BE MONITORED

# APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

**IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC                              | <input type="checkbox"/> PHILANTHROPIC INSTITUTION           |
| <input type="checkbox"/> FRATERNAL         | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER    | <input type="checkbox"/> POLITICAL CANDIDATE                 |
| <input type="checkbox"/> PATRIOTIC         | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL         | <input type="checkbox"/> RELIGIOUS INSTITUTION                 |  |

<b>LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:</b>	<b>DO NOT WRITE IN THIS SPACE</b>
2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY	LIQUOR PERMIT NUMBER
2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Pagosa Lakes Property Owners Association	State Sales Tax Number (Required)
--	-----------------------------------

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) 230 Port Ave. Pagosa Springs, CO 81147	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) 230 Port Ave Pagosa Springs, CO 81147
---	--

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Kimberly Bradshaw		20 Quartz Court	970-576-8076
5. EVENT MANAGER Jenifer Pitcher		303 CR 411 Pagosa Springs, CO 81147	970-903-9582
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____		

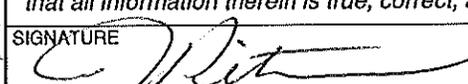
8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED?  Yes  No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
7/20/16				
Hours From	Hours From	Hours From	Hours From	Hours From
12:00 p.m.				
To 11:59 p.m.	To	To	To	To

**OATH OF APPLICANT**

*I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.*

SIGNATURE 	TITLE Community Lifestyle Director	DATE 6/10/16
--	---------------------------------------	-----------------

**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)**

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

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LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
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June 10, 2016

RE: Special Events License

To Whom It May Concern,

Pagosa Lakes in partnership with Music in the Mountains has reserved the Pagosa Lakes Clubhouse for the day of Wednesday, July 20, 2016. The PLPOA is granting permission to sell alcoholic beverages while using the clubhouse. The PLPOA Clubhouse is located at 230 Port Avenue in the Vista Subdivision.

Please let me know if you have any further questions.

Thank you!

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

*Jen Pitcher*

PLPOA Community Lifestyle Coordinator

(970) 731-5635 ext. 210

Fax: (970) 731-5362

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION

is a

Nonprofit Corporation

formed or registered on 03/14/1972 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871239666 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 06/09/2016 that have been posted, and by documents delivered to this office electronically through 06/10/2016 @ 13:54:45 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 06/10/2016 @ 13:54:45 in accordance with applicable law. This certificate is assigned Confirmation Number 9691624 .



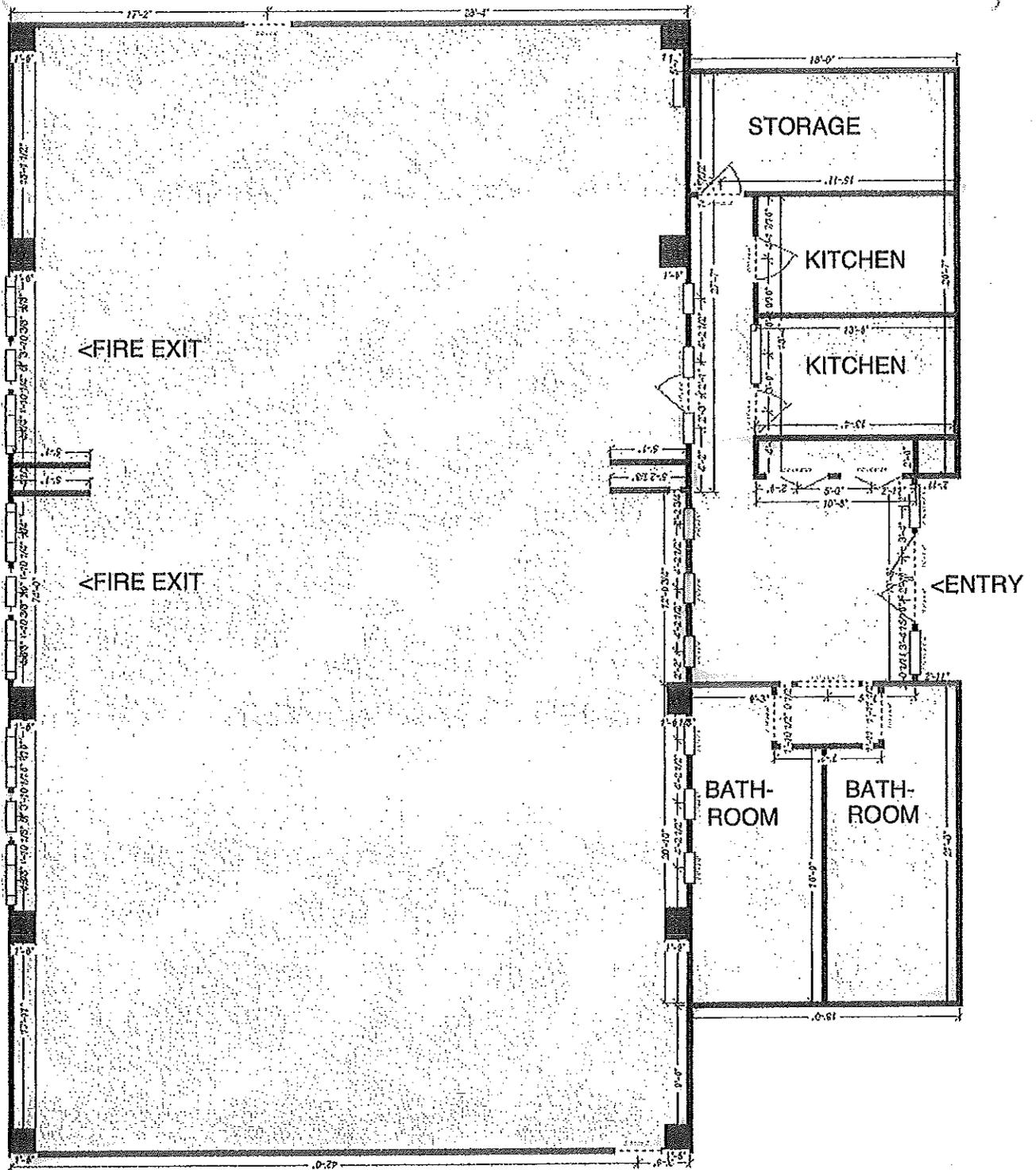
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Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

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PAGOSA LAKES PROPERTY OWNERS ASSOCIATION  
CLUBHOUSE



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7/13/16				
Hours From To	Hours From To	Hours From To	Hours From To	Hours From To
12:00 p.m. To 11:59 p.m.				

**OATH OF APPLICANT**

*I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.*

SIGNATURE	TITLE Community Lifestyle Director	DATE 6/10/16
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SIGNATURE	TITLE Chairman	DATE

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June 10, 2016

RE: Special Events License

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*Jen Pitcher*

PLPOA Community Lifestyle Coordinator

(970) 731-5635 ext. 210

Fax: (970) 731-5362

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

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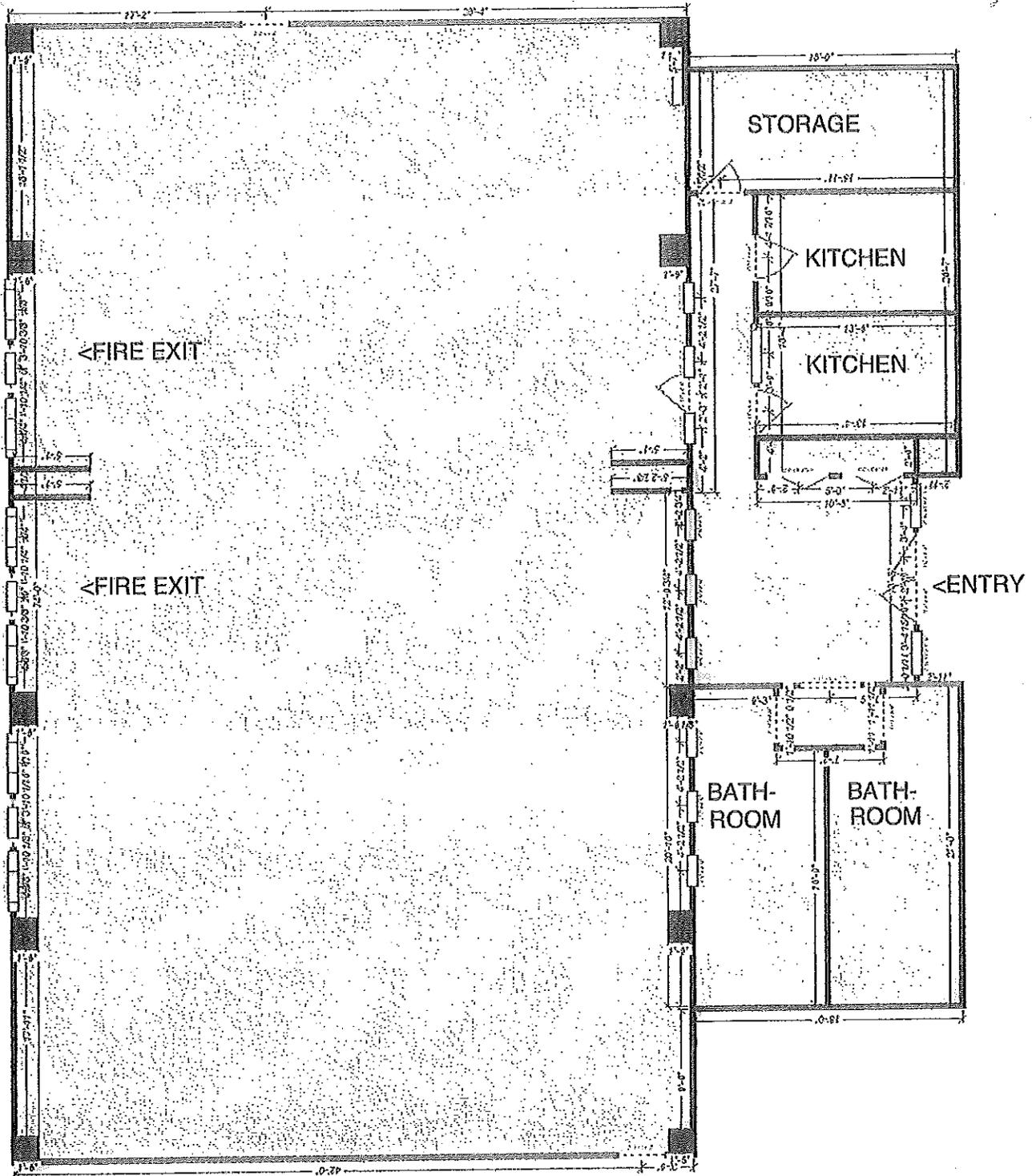
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PAGOSA LAKES PROPERTY OWNERS ASSOCIATION  
CLUBHOUSE



RESTRICTED PERIMETER  
ALL DOORS WILL BE MONITORED

**ARCHULETA COUNTY PROCEEDINGS  
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Regular Meeting on June 21, 2016 noting County Commissioners Michael Whiting, Clifford Lucero and Steve Wadley, County Administrator Bentley Henderson, County Attorney Todd Starr and June Madrid County Clerk & Recorder present.

Chairman Whiting called the meeting to order at 1:30 p.m.

The meeting began with the Pledge of Allegiance and a moment of silence.

**Disclosures and/or Conflicts of Interest**

There were none.

**Approval or Adjustments to Agenda**

Chairman Whiting stated that there would be an Executive Session pursuant to C.R.S. 24-6-402(4)(b) for purposes of the board to receive legal advice on all pending legal actions with the County. **Commissioner Wadley moved to approve the agenda as amended. Commissioner Lucero seconded the motion and it carried unanimously.**

**Public Comments**

Chairman Whiting stated that he was opening the floor to public comments for those wanting to comment on items not on this agenda. Comments were asked to be held to 3 minutes for each person who desired to speak. No response from the Board would be given.

Chairman Whiting recessed the Regular Meeting to convene a Board of Adjustment for Hearings at 1:32 p.m.

**Board of Adjustments**

Chairman Whiting swore in John Shepard Planning Manager for testimony.

**A. Michel Marchand dba Rocky Mountain Balloon Adventures Request for Variance from Road & Bridge Design Standards**

County Planning Manager Shepard submitted a request for a Variance for the Board's consideration for Michel Marchand dba Rocky Mountain Balloon Adventures. The application allows for a variance from Sections 27.1.7.3 and 27.1.7.4 of the Archuleta County Road & Bridge Design Standards and Section 5.4.5.4 of the Archuleta County Land Use Regulations requiring paving of access and parking on Lot 5, Cloman Industrial Park. The applicant had made a concurrent request for an administrative Use by Right Site Plan approval of an Outdoor Storage Use in an Industrial (I) zone. This project includes an outdoor storage. Cloman Blvd. has been clocked at 700 trips a day. Road & Bridge Regulations require pavement at this rate. In terms of not paving, this is not retail it's storage for hot air balloons. In the future this regulation could apply. The 3<sup>rd</sup> issue was turning around in the area. It's only a 40 foot area and not enough room he believes. The Regs said "shall" when it references turning area and this area did not comply. Road & Bridge Standards say if there is not an adequate turnaround, you have to adjust the design or ask for a variance. The Variance

request would be broad enough that it could cover this problem. Based on evidence provided, staff recommended the Board find that: a. The application meets each of the standards for a grant of variance in Section 1.2.4.4(1) of the Archuleta County Land Use Regulations, b. The application meets the standards for variance from design standards in Section 27.6 of the Archuleta County Road & Bridge Design Standards and Construction Specifications and c. Variance is granted for specific plans proposed by Applicant. The following conditions are applied: 1. Should Cloman Blvd. be paved within 5 years of this approval the site must be brought into compliance with the access and parking standards then in effect within 2 years of paving. 2. The Site Plan and Drainage Plans shall be revised to keep the proposed earthen berm out of utility easements for approval by the County Engineer and 3. The Site Plan shall be revised to provide a turn around without backing onto Cloman Blvd., for approval by the County Engineer. Staff was also asking the Board to instruct staff to draft a resolution memorializing these Findings and Conditions of Approval at the earliest public meeting.

Chairman Whiting opened the floor for comments

**Comments “In Favor of the Variance”**

Mike Davis with Davis Engineering representing the owner was present as was owner Mike Marchand. The one issue is not an issue. The issue stated from LPEA is not an issue. He showed a photo regarding the turnaround. They were able to turn around on Cloman Blvd easily so don't think their property is an issue. If the applicant puts up a fence, there would be no turnaround in that area. He does have room to turnaround. Commissioner Lucero asked if Mr. Marchand was asking the turnaround portion be taken out. Mr. Davis answered, yes. The property was used for storage for his business and access was infrequent and only by himself or employees. It's not for the public. If the use changes, the issue would come back before the Board.

Commissioner Wadley asked about the paving and whether or not the owner was concerned if in the years to come he would have to pave. The discussion led to Planning Manager Shepard going over the conditions regarding the paving again. Mr. Marchand had no problems.

Chairman Whiting closed comments “In Favor of the Variance” and asked for comments “Against the Variance”

**Comments “Against the Variance”**

There were none.

Chairman Whiting closed public comment.

**Commissioner Comments.**

Commissioner Lucero stated he thought Condition #1 should come out.

**Commissioner Lucero moved to approve the Marchand request for a Variance from paving as presented and instructing staff to draft a Resolution memorializing these Findings without Condition #1. Commissioner Wadley seconded the motion and it carried unanimously.**

**B. Appeal to an Administrative Determination for Cole’s Meat Processing**

County Planning Manager Shepard submitted a request to the Board. Pat Candelaria representing Cole’s Meat Processing was requesting to build onto the existing building. They are currently located and zoned as a Light Industrial Use as defined in the Archuleta County Land Use Regulations. The property is located in Mountain View Subdivision, Lots 7 & 8, Block 2. Based

on evidence provided, staff recommended the Board of Adjustments find that the application did not meet the burden to overturn an Administrative Determination, as required in Section 1.2.4.5 of the Archuleta County Land Use Regulations. Planning Manager Shephard said that Mr. Candelaria had filed an appeal that Light Industry was for meat processing. This is the first time this issue of meat processing had come up. Mr. Candelaria was objecting to the decision. Planning Manager Shepard explained why Mr. Candelaria's request should be denied. In March, Mr. Candelaria submitted historical information to staff and on March 30<sup>th</sup> Planning Manager Shepard said he had made an Administrative Determination against granting the Variance. The property had been used for game processing before the zoning was adopted. It was adopted as Light Industrial Use therefore the existing use was a non-conforming use and cannot be enlarged. Meat processing doesn't show up in any area. The crux of the matter is that the applicant is asking to expand. It's a reasonable request, but is not allowed by the law. We must either change the property to Industrial Zoning or change what a Light Industrial Zone can do. Both must go through the zoning process, we can't just change. The burden of challenging is that the applicant must conclusively prove the Administrative Determination was in error. The applicant did provide a narrative which was given to the Board but did not prove error. Relief had to be granted by the Board.

Chairman Whiting opened the floor for comments

**Comments "In Favor of the Appeal"**

Patrick Candelaria representing Cole's Meat Processing located at 457 Hwy 84 stated the he was sure the Board was familiar with his property. When they did the zoning for his area, he and Mrs. Schofield visited the meeting and they were asked to leave. It turned out, they zoned it Commercial and should have zoned it Industrial. There have been two buildings/businesses put up since and neither is Industrial. He wanted to clarify the statement made by Planning Manager Shepard. They were not expanding the area. They were asking to enclose the area they have had a tarp around for years. He now has the money to put up walls and they (the County) are being stopping. It will look better than the tarp.

Chairman Whiting closed comments "In Favor of the Appeal" and asked for comments "Against the Appeal"

**Comments "Against the Appeal"**

There were none.

Chairman Whiting closed public comment and asked for Commissioner's comments.

**Commissioner's Comments.**

Commissioner Lucero commented that the Board talks a lot about helping people get to success. It's very difficult to not want to vote for this. Maybe the County needs to look at changing some of their Regulations, since there always seems to be things that don't work. Mr. Shepard was doing his job but we need to help these small businesses get to success. Mr. Candelaria said it's very important for all the hunters in our area as they need to refrigerate immediately or lose their meat.

Commissioner Wadley said there was a company awhile back asking for tax relief when he took office who would be competing with their business. They did not stay in business. Mr. Shepard was doing his job and he understood the applicants were trying to make a living. The County needs to find a solution to help people survive in tough times.

Commissioner Whiting asked Mr. Shepard about preparation of food products. If you are making chocolate bars, is this the same as processing wild game. Mr. Shepard answered that they look at typical distinctions. If the County allowed for butcher shops they would use that use. If you are making chocolate and serving it in a restaurant you would be preparing meals and he would be good. If they were selling it wholesale they could not. To fix this problem, the zoning would have to be changed first and the applicant reapplies. The question was asked if the Board set out to fix the problem would that delay the applicant long enough to do harm to his business. The answer was probably.

James Dickhoff Town Planning Director said that since this does influence the Town, he suggested it was easier to change the usage of the zones. He felt CUP's would be allowable here. CUP's have been utilized by the Town when some other businesses that maybe don't fit into the use but don't have an impact to any neighboring areas, would qualify for the CUP.

Planning Manager Shepard said he wanted to make a point in the other half of this question, is this is a nonconforming use. Another question is, was it an expansion of a non-conforming use? We need to clarify. When does the expansion of a structure simply become 'construction' and not 'change the use'? Mr. Candelaria did say he was replacing tarp with wall. When does it change the usage? This may be a more practical approach to this issue.

**Commissioner Lucero moved that we find there is no change in the existing use and therefore we grant the appeal. Commissioner Wadley seconded the motion. The motion carried unanimously.**

Chairman Whiting closed the Board of Adjustments convened an Abatement Hearing at 2:23 p.m.

**Abatement Hearing**

Chairman Whiting swore in Natalie Woodruff for testimony

County Attorney Starr wanted to say he did not own an interest in the parcels as owned by the bank in this request.

**A. Parcels: 5699-163-00-116**

**5699-163-00-117**

**5699-163-00-118**

**5699-163-14-001**

**5699-163-23-006**

**5699-163-23-007**

**Petitions for Abatement or Refund of Taxes for Colorado Community Bank NKA Northstar Bank of Colorado**

**1 Pines Club Drive**

County Assessor Woodruff presented a Petition for Abatement or Refund of taxes for Colorado Community Bank NKA Northstar Bank of Colorado on property on parcels as stated for the record and being for the tax years 2013 & 2014. This request was for a refund of taxes on the Pagosa Springs Golf Course property located at 1 Pines Club Drive. Usually, the County would address each parcel on an individual basis. However, because these are not parcels independent of each

other and only have separate parcel numbers due location or differing tax districts, the Assess was asking to address this request as a single unit. The refund amount for 2013 was \$16,782.40 and for 2014 \$16,766.88.

Chairman Whiting opened the floor for comments “for” or “against” the Abatement as presented. He then closed public comment.

**Commissioner Wadley moved to approve the Petition for Abatement or Refund of Taxes as a refund for Colorado Community Bank NKA Northstar Bank of Colorado, Parcels 5699-163-00-116, 5699-163-00-117, 5699-163-00-118, 5699-163-14-001, 5699-163-23-006 and 5699-163-23-007 in the amounts of \$16,782.40 for 2013 and \$16,766.88 for 2014. Commissioner Lucero seconded the motion.**

Chairman Whiting closed the Abatement Hearing and convened the Liquor Board Authority at 2:28 p.m.

**Liquor Board Authority**

Chairman Whiting swore in Administrative Assistant Flora Goheen for testimony.

**A. Special Events Permit for Our Savior Lutheran Church of Pagosa Springs**

Administrative Assistant Flora Goheen submitted a Special Events Permit for Our Savior Lutheran Church of Pagosa Springs to serve malt, vinous and spirituous liquor at the Western Heritage Event Center (Rodeo Grounds) located at 344A Hwy 84, for a fundraiser on July 2, 2016-July 4, 2016. The Sheriff’s Office had been notified of the event, the application was complete and the fees were submitted.

Chairman Whiting opened the floor for comments

**Comments “In Favor of the Permit”**

There were none.

Closed “For the Permit” and asked for comments “Against the Permit”

**Comments “Against the Permit”**

There were none.

Chairman Whiting closed public comment.

**Commissioner Comments.**

**Commissioner Wadley moved to approve the Special Events Permit for Our Savior Lutheran Church of Pagosa Springs to sell malt, vinous and spirituous liquor at the Western Heritage Even Center (Rodeo Grounds) for a fundraiser for their school on July 2-4, 2016. Commissioner Lucero seconded the motion.**

Chairman Whiting asked for Commissioner Comments.

**The motion carried unanimously.**

Chairman Whiting closed the Liquor Board Authority and reconvened the Regular Meeting at 2:30 p.m.

**Consent Agenda**

A. Payroll & Payable Warrants and Purchase Cards for June 8-21, 2016

General Fund Payable	104,782.55
Road and Bridge Fund Payable	139,461.34
Department of Human Services Fund Payable	37,365.68
1A Fund Payable	20,960.00
All Combined Dispatch Fund Payable	12,701.24
Conservation Trust Fund Payable	14,900.00
Solid Waste Fund Payable	474.61
Airport Fund Payable	1,017.22
Fleet Fund Payable	33,088.25
<b>Total</b>	<b>\$ 364,750.89</b>
General Fund Payroll	155,065.39
Road and Bridge Fund Payroll	48,707.19
Department of Human Services Fund Payroll	29,966.86
All Combined Dispatch Fund Payroll	15,328.84
Solid Waste Fund Payroll	14,484.17
Airport Fund Payroll	4,073.28
Fleet Fund Payroll	11,017.02
<b>Total</b>	<b>\$ 278,642.75</b>

B. Regular Meeting Minutes  
June 7, 2016

C. Special Meeting Minutes  
June 8, 2016

D. Resolution 2016-38 Lot Consolidation of lots in Pagosa Highlands Estates for owners Jonathan M. & Marlene G. Duncan

E. Resolution 2016-39 Approving the Cimarrona Ranch Water Utility Conditional Use Permit memorializing what happened in the hearing held on June 7, 2016

F. Contract for Department of Human Services for the Archuleta County Victim Assistance Program (ACVAP)

G. Contract for Department of Human Services for the Southern Ute Community Action Programs, Inc/The Training Advantage not to exceed \$55,000

H. Renewal of contract for the Department of Human Services with Teresa Campbell to provide technical assistance in various automated programs not to exceed \$5,000

County Administrator Henderson read the Consent Agenda. **Commissioner Wadley moved to approve the Consent Agenda as presented. Commissioner Lucero seconded the motion and it carried unanimously.**

**New Business**

**A. Request from the Parks and Recreation, Open Space and Trail (PROST) from the Town of Pagosa Springs in the amount of \$20,000**

Karin Daniels of 15 Shore Court and representing PROST made a request from the Town of Pagosa Springs for \$20,000 of 1A Funds to go towards a climbing boulder in the Pagosa Springs Town Park. This was 50% of the cost. The Pagosa Area Tourism Board would be giving 50% for the boulder and their money comes from Lodger's Tax. The Town will put in the in-kind services to install it. It's for children from 6 to 60. **Commissioner Lucero moved to approve the request for 1A Parks and Recreation funding for a Climbing Boulder in the Pagosa Springs Town Park not to exceed \$20,000. Commissioner Wadley seconded the motion.** Chairman Whiting asked for public comment. **The motion carried unanimously.**

**B. Request from the Nordic Ski Council for Parks and Recreation, Open Space and Trail (PROST) funds**

County Administrator Henderson submitted a PROST request from the Nordic Ski Council. They were asking to develop 5 kilometers of trail in Cloman Park on property owned by the County. They wanted the County to commit to keeping the parking lot plowed and to continue supplying the port-a-potties. **Commissioner Wadley moved to approve the request from PROST committee on behalf of the Pagosa Nordic Council for in-kind work of plowing the parking lot and continued support of the portable toilets as they develop a 5 kilometer groomed Nordic Ski Trail at Cloman Park. Commissioner Lucero seconded the motion.** Chairman Whiting asked for public comments. **The motion carried unanimously.**

Chairman Whiting stated there would be an Executive Session and asked for a motion.

**Executive Session**

**Commissioner Lucero moved to go into Executive Session per C.R.S. 24-6-402(4)(B) for purposes of the Board to receive legal advice on all pending legal actions against Archuleta County. Commissioner Wadley seconded the motion and it carried unanimously.**

Chairman Whiting said those going into Executive Session would be all three Commissioners, County Administrator Henderson, County Attorney Starr, and Executive Assistant Tonya McCann. Attorney Mark Gruskin would be joining by phone. For the second case, County Clerk June Madrid would join the meeting.

Chairman Whiting recessed the Regular Meeting at 2:48 p.m. to convene into the Executive Session. Chairman Whiting reconvened the Regular Meeting at 3:36 p.m. and stated no decisions were made in Executive Session.

With no further business coming before the Board, the meeting was adjourned at 3:36 p.m.

\_\_\_\_\_  
June Madrid  
County Clerk & Recorder

Approved this 5<sup>th</sup> day of July, 2016.

Michael Whiting, Chairman

draft

**RESOLUTION NO. 2016-\_\_\_\_**

**A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN  
LOTS IN ARCHULETA COUNTY, COLORADO**

**WHEREAS**, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2006-25); and

**WHEREAS**, the Board has received an application from Michael Kelvin Couch and Diana Emery Couch, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

**WHEREAS**, the Board has found that Michael Kelvin Couch and Diana Emery Couch, has met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 592 and 593X, Twin creek Village, according to the plat thereof filed for record November 5, 1973, as Reception No. 78739, Archuleta County, Colorado, to become Lot 593XX with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENEED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 5<sup>th</sup> day of July, 2016.

The Board of County Commissioners  
Archuleta County, Colorado

ATTEST:

\_\_\_\_\_  
June Madrid,  
Archuleta County Clerk and Recorder

\_\_\_\_\_  
Chairman Michael Whiting

Return copy to Planning Dept.



High Country Title, Inc.  
Post Office Box 2400  
486 Lewis Street  
Pagosa Springs, CO 81147  
(970) 264-2128 Office  
(970) 264-2130 Fax

**OWNERSHIP & ENCUMBRANCE REPORT  
O&E- 16-3576**

February 10, 2016

Diane E. Couch

RE: O&E Report 16-3576

\*\*\*\*\*

**PROPERTY DESCRIPTION(S):**

Lots 592 and 593X, Twincreek Village, according to the plat thereof filed November 5, 1973, as Reception No. 78739, in the office of the Clerk and Recorder, Archuleta County, Colorado.

**TAX SCHEDULE NO(S):**

5699-071-13-003 As to Lot 592  
5699-071-13-002 As to Lot 593X

**VESTED OWNER(S):**

Michael Kelvin Couch and Diane Emery Couch by Warranty Deed, as Joint Tenancy, as recorded June 18, 2008 at Reception No. 20804553, in the office of the Clerk and Recorder, Archuleta County, Colorado.  
(As to Lot 593X)

Michael Kelvin Couch and Diane Emery Couch by Warranty Deed, as Joint Tenancy, as recorded January 29, 2016 at Reception No. 21600543, in the office of the Clerk and Recorder, Archuleta County, Colorado.  
(As to Lot 592)

**LIEN(S) AND ENCUMBRANCE(S) OF RECORD AS OF February 5, 2016 AT 8:00 A.M.:**

Deed of Trust dated February 3, 2012 from Michael K. Couch and Diane E. Couch to the Public Trustee of Archuleta County securing a note payable in the principal amount of \$150,000.00 payable to Bank of America, N.A. said Deed of Trust recorded on February 8, 2012 as Reception No. 21200740, in the office of the Clerk and Recorder, Archuleta County, Colorado.

Any tax, assessment, fee or charge by reason of the inclusion of the subject property in the Pagosa Lakes Property Owners Association, Pagosa Area Water and Sanitation District as supported by the most recent Certificate of Taxes Due, issued by the Archuleta County Treasurer's Office.

Authorized Signature

THE INFORMATION SET FORTH IN THIS REPORT IS BASED ON A CAREFUL SEARCH AND EXAMINATION OF THE RECORDS OF THE ARCHULETA COUNTY CLERK AND RECORDER'S OFFICE. HOWEVER, THIS REPORT IS NOT TO BE CONSTRUED AS AN ABSTRACT OF TITLE, NOR AN OPINION OF TITLE, NOR A GUARANTY OF TITLE, AND THE LIABILITY HEREIN SHALL NOT EXCEED THE AMOUNT PAID FOR THIS REPORT

**RESOLUTION NO. 2016-\_\_\_\_**

**A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN  
LOTS IN ARCHULETA COUNTY, COLORADO**

**WHEREAS**, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2006-25); and

**WHEREAS**, the Board has received an application from Craig S Usher and Donna L. Usher, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

**WHEREAS**, the Board has found that Craig S Usher and Donna L. Usher, has met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 22 and 23, Lake Pagosa Park Block 5, according to the plat thereof filed for record March 13, 1970, as Reception No. 72998 through 73013, Archuleta County, Colorado, to become Lot 22X with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENEED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 5<sup>th</sup> day of July, 2016.

The Board of County Commissioners  
Archuleta County, Colorado

ATTEST:

\_\_\_\_\_  
June Madrid,  
Archuleta County Clerk and Recorder

\_\_\_\_\_  
Chairman Michael Whiting

Return copy to Planning Dept.



**WESTCOR**  
Land Title Insurance Company

GUARANTEE NO.  
MG-1-CO1026-4893003

**WESTCOR LAND TITLE  
INSURANCE COMPANY**

**MORTGAGE GUARANTEE**

No. AR21601440 Liability \$ 24,999.00 Fee \$ 150.00

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY AND THE OTHER PROVISIONS OF THE GUARANTEE CONDITIONS AND STIPULATIONS HEREOF, WESTCOR LAND TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION, herein called the Company,

Guarantees the Assured named herein against loss (including attorney fees) not exceeding the liability amount stated in above which the Assured shall sustain by reason of any incorrectness in the assurance which the Company hereby gives that, according to public records, on the date stated below.

1. The title to the herein described estate or Interest was vested in the vestee named, subject to the matters shown as Exceptions herein, which exceptions are not necessarily shown in the order of their priority;
2. The existence of a lien or encumbrance on the title, other than those shown as Exceptions (which Exceptions are not necessarily shown in the order of their priority.)

IN WITNESS WHEREOF, WESTCOR LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers.

Issued By:  
CO1026 \* AR21601440

Colorado Title & Closing Services, LLC dba Colorado Land Title Company, LLC dba CLT Closing & Title Services, LLC

970 Main Avenue  
Durango, CO 81301

**WESTCOR LAND TITLE INSURANCE COMPANY**



By: Mary O'Donnell  
President

Attest: Patricia W. Power  
Secretary

Authorized Agent Margaret E. [Signature]

# **NOTICE CONCERNING FRAUDULENT INSURANCE ACTS**

*(This Notice is Permanently Affixed Hereto)*

**It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the department of regulatory agencies.**

**C. R. S. A. § 10-1-128 (6)(a).**

# MORTGAGE GUARANTEE

## SCHEDULE A

State:Colorado  
County:Archuleta

Agent Number	File Number	Guarantee Number	Guarantee Effective Date	Amount of Guarantee
CO1026	AR21601440	MG-1-4893003	May 10, 2016	\$24,999.00

1. Party (Parties) Assured:

**CRAIG S. USHER AND DONNA L. USHER**

2. The record title to the estate in said land is at the date hereof vested in:

**CRAIG S. USHER AND DONNA L. USHER**

3. The estate or interest in the land described in this schedule is:

**FEE SIMPLE**

The mortgage(s), if any, to which said land is subject:

**Deed of Trust from Craig S. Usher and Donna L. Usher to the Public Trustee of the County of Archuleta, for the use of Merle Harrison, to secure \$20,000.00, dated March 23, 2016, recorded March 23, 2016 as Reception No. 21601682.**

**Said Deed of Trust was re-recorded April 4, 2016 as Reception No. 21601972.**

4. Description of the Land:

**Lots 22 and 23 of Block 5 in LAKE PAGOSA PARK, according to the plat thereof filed for record March 13, 1970 as Reception No. 72998 through 73013.**

This Guarantee Valid Only if Cover and Schedule A & B are attached.

# MORTGAGE GUARANTEE

## SCHEDULE B

Agent #: CO1026

Order #: AR21601440

Guarantee Number: MG-1-4893003

### GUARANTEE STANDARD EXCEPTIONS:

This guarantee does not insure against loss or damage, including attorney fees, by reason of the matters shown below:

1. Any facts, rights, interest, or claims which are not shown by the public records.
2. Any lien, or right to a lien, for services, labor or material imposed by law.
3. Any and all recorded rights of way and easements including, but not limited to roads, highways, ditches, creeks, laterals, canals, reservoirs, drainage ways, flumes, utilities, guy line/anchors, railroads and aircraft overflight.
4. Any and all unpaid taxes, assessments, bonds and unredeemed tax sales.
5. Any Restrictions, Covenants, Declarations, Conditions, Leases, Agreements and Mineral Reservations of record, and all modifications thereof, if any.
6. Unpatented mining claims, reservations or exemptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
7. Discrepancies, conflicts in boundary lines, encroachments, easements, variations in area or content, party walls and/or any facts that a correct survey and/or physical inspection of the premises would disclose.

Title to the land described in Schedule A is subject to the following liens, encumbrances and defects shown in the public records:

**Deed of Trust from Craig S. Usher and Donna L. Usher to the Public Trustee of the County of Archuleta, for the use of Merle Harrison, to secure \$20,000.00, dated March 23, 2016, recorded March 23, 2016 as Reception No. 21601682.**

**Said Deed of Trust was re-recorded April 4, 2016 as Reception No. 21601972.**

## **GUARANTEE CONDITIONS AND STIPULATIONS**

### **1. DEFINITION OF TERMS- The following terms when used in the Guarantee mean:**

- (a) "the Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
- (b) "land": the land described or referred to in Schedule (A)(C) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A)(C) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
- (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (e) "date": the effective date.

### **2. EXCLUSIONS FROM COVERAGE OF THIS GUARANTEE**

- (a) Taxes or assessments which are not shown as existing by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- (b) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- (c) Title to any property beyond the lines of the land expressly described in the description set forth in this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways on which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
- (d) Defects, liens, encumbrances, adverse claims against the title as guaranteed or other matters (1) created, suffered, assumed or agreed to by one or more of the Assured; or (2) resulting in no loss to the Assured.

### **3. PROSECUTION OF ACTIONS**

- (a) The Company shall have the right at its own cost to institute and prosecute any action or proceeding or do any other act which in its opinion may be necessary or desirable to establish or confirm the matters herein guaranteed; and the Company may take any appropriate action under the terms of this Guarantee whether or not it shall be liable thereunder and shall not thereby concede liability or waive any provision hereof.
- (b) In all cases where the Company does so institute and prosecute any action or proceeding, the Assured shall permit the Company to use, at its option, the name of the Assured for such purpose. Whenever requested by the Company, the Assured shall give the Company all reasonable aid in prosecuting such action or proceeding, and the Company shall reimburse the Assured for any expense so incurred.

#### **4. NOTICE OF LOSS-LIMITATION OF ACTION**

A statement in writing of any loss or damage for which it is claimed the Company is liable under this Guarantee shall be furnished to the Company within sixty days after such loss or damage shall have been determined, and no right of action shall accrue to the Assured under this Guarantee until thirty days after such statement shall have been furnished, and no recovery shall be had by the Assured under this Guarantee unless action shall be commenced thereon within two years after expiration of said thirty day period. Failure to furnish such statement of loss or damage or to commence such action with the time herein before specified, shall be a conclusive bar against maintenance by the assured of any action under this Guarantee.

#### **5. OPTION TO PAY, SETTLE OR COMPROMISE CLAIMS**

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage or this Guarantee, or, if this Guarantee is issued for the benefit of a holder of a mortgage, the Company shall have the option to purchase the indebtedness secured by said mortgage. Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness and the mortgage securing the same to the Company upon payment of the purchase price.

#### **6. LIMITATION OF LIABILITY-PAYMENT OF LOSS**

- (a) The liability of the Company under this Guarantee shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurances herein set forth, but in no event shall such liability exceed the amount of the liability stated on the face page hereof.
- (b) The company will pay all costs imposed upon the Assured in litigation carried on by the Company for the Assured, and all costs and attorney's fees in litigation carried on by the Assured with the written authorization of the Company.
- (c) No claim for damages shall arise or be maintainable under this Guarantee (1) if the Company after having received notice of an alleged defect, lien or encumbrance not shown as an Exception or excluded herein, removes such defect, lien or encumbrance within a reasonable time after receipt of such notice, or (2) for liability voluntarily assumed by the Assured in settling any claim or suit without written consent of the Company.
- (d) All payments under this Guarantee, except for attorneys' fees as provided for in paragraph 6(b) hereof, shall reduce the amount of the liability hereunder pro tanto, and no payment shall be made without producing this Guarantee for endorsement of such payment unless the Guarantee be lost or destroyed, in which case proof of such loss or destruction shall be furnished to the satisfaction of the Company.
- (e) When liability has been definitely fixed in accordance with the conditions of this Guarantee, the loss or damage shall be payable within thirty days thereafter.

## 7. SUBROGATION UPON PAYMENT OR SETTLEMENT

Whenever the company shall have settled a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured, and it shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to such claim had this Guarantee not been issued. If the payment does not cover the loss of the Assured, the Company shall be subrogated to such rights and remedies in the proportion which said payment bears to the amount of said loss. The Assured if requested by the Company, shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect such right of subrogation, and shall permit the Company to use the name of the Assured in any transaction or litigation involving such rights or remedies.

## 8. GUARANTEE ENTIRE CONTRACT

Any action or actions or rights of action that the Assured may have or may bring against the Company arising out of the subject matter hereof must be based on the provisions of this Guarantee.

No provision or condition of this Guarantee can be waived or changed except by a writing endorsed or attached hereto signed by the President, a Vice President, the Secretary, an Assistant Secretary or other validating officer of the Company.

## 9. NOTICES, WHERE SENT

ALL notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to: Westcor Land Title Insurance Company, 875 Concourse Parkway South, Suite 200 Maitland, FL 32751.

## 10. FEE

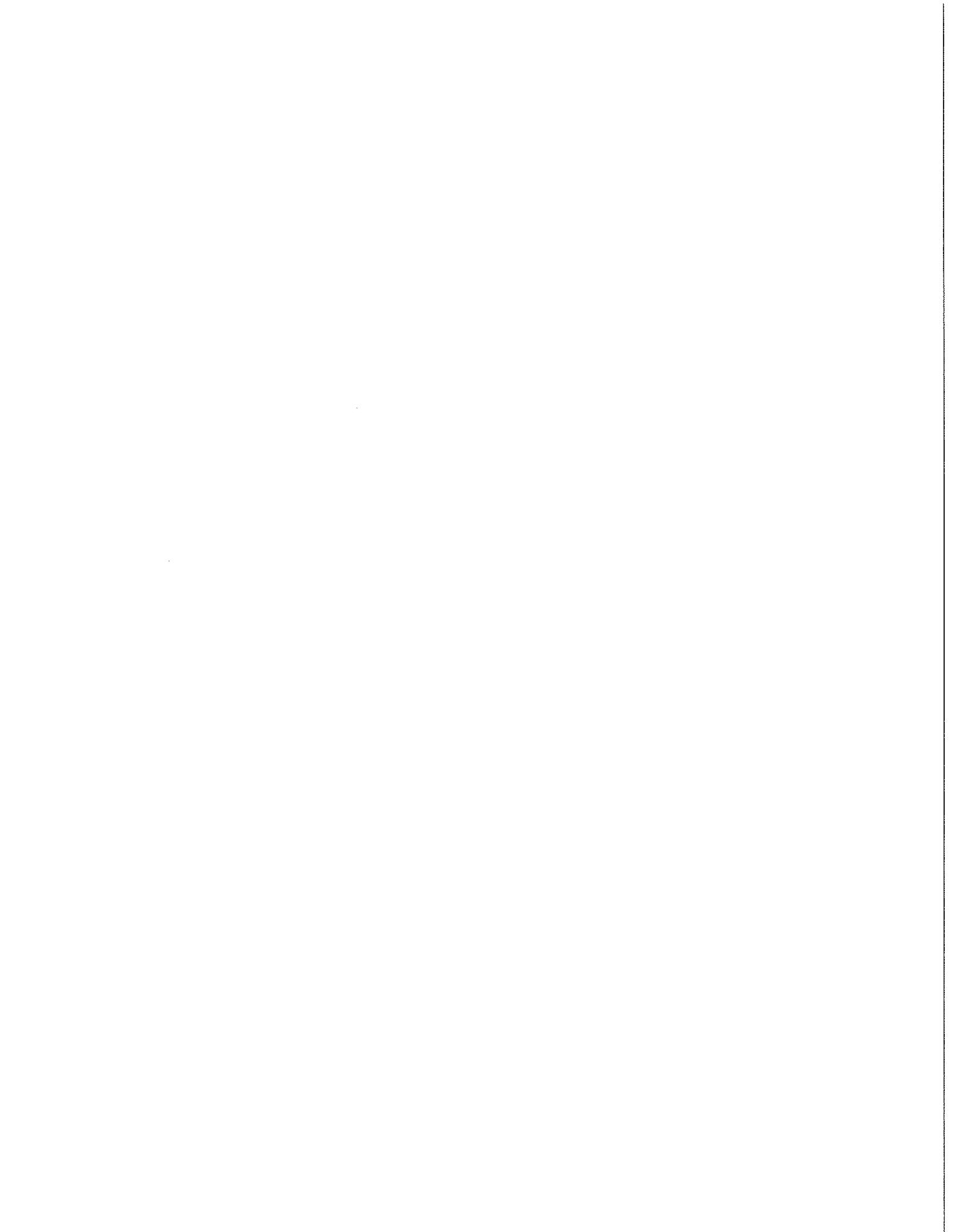
The fee specified on Schedule A of this Guarantee is the total fee for title search and examination and for this Guarantee.

**WESTCOR LAND**  
TITLE INSURANCE COMPANY

**MORTGAGE**  
**GUARANTEE**

**HOME OFFICE**

875 Concourse Parkway South, Suite 200  
Maitland, FL 32751  
Telephone: (407) 629-5842



**RESOLUTION NO. 2016-\_\_\_\_**

**A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN  
LOTS IN ARCHULETA COUNTY, COLORADO**

**WHEREAS**, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2006-25); and

**WHEREAS**, the Board has received an application from Karl K. Thomas and Angela A. Thomas, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

**WHEREAS**, the Board has found that Karl K. Thomas and Angela A. Thomas, has met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 78 and 79, Pagosa Highlands Estates, according to the plat thereof filed for record February 7, 1972, as Reception No. 75409, Archuleta County, Colorado, to become Lot 78X with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 5<sup>th</sup> day of July, 2016.

The Board of County Commissioners  
Archuleta County, Colorado

ATTEST:

\_\_\_\_\_  
June Madrid,  
Archuleta County Clerk and Recorder

\_\_\_\_\_  
Chairman Michael Whiting

Return copy to Planning Dept.



High Country Title, Inc.  
Post Office Box 2400  
486 Lewis Street  
Pagosa Springs, CO 81147  
(970) 264-2128 Office  
(970) 264-2130 Fax

**OWNERSHIP & ENCUMBRANCE REPORT**  
**O&E-16-3606**

May 16, 2016

Karl K. Thomas  
Angela A. Thomas

RE: O&E Report 16-3606 – Lot Consolidation

\*\*\*\*\*

**PROPERTY DESCRIPTION(S):**

Lots 78 & 79, Pagosa Highlands Estates, according to the plat thereof filed February 7, 1972, as Reception No. 75409, in the office of the Clerk and Recorder, Archuleta County, Colorado.

**TAX SCHEDULE NO(S):**

5583-253-02-044

**VESTED OWNER(S):**

Karl K. Thomas and Angela A. Thomas by Warranty Deed in to Joint Tenancy recorded July 31, 2015 as Reception No. 21505260, in the office of the Clerk and Recorder, Archuleta County, Colorado. (As to both Lots)

**LIEN(S) AND ENCUMBRANCE(S) OF RECORD AS OF May 6, 2016 @ 8:00 a.m.:**

NONE

Any tax, assessment, fee or charge by reason of the inclusion of the subject property in the Owner's Association (If any) as supported by the most recent Certificate of Taxes Due, issued by the Archuleta County Treasurer's Office.

  
\_\_\_\_\_  
Authorized Signature

THE INFORMATION SET FORTH IN THIS REPORT IS BASED ON A CAREFUL SEARCH AND EXAMINATION OF THE RECORDS OF THE ARCHULETA COUNTY CLERK AND RECORDER'S OFFICE. HOWEVER, THIS REPORT IS NOT TO BE CONSTRUED AS AN ABSTRACT OF TITLE, NOR AN OPINION OF TITLE, NOR A GUARANTY OF TITLE, AND THE LIABILITY HEREIN SHALL NOT EXCEED THE AMOUNT PAID FOR THIS REPORT.

SERVING ARCHULETA, LA PLATA, MINERAL, HINSDALE, RIO GRANDE COUNTIES

**RESOLUTION NO. 2016-\_\_\_\_**

**A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN  
LOTS IN ARCHULETA COUNTY, COLORADO**

**WHEREAS**, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2006-25); and

**WHEREAS**, the Board has received an application from David E. Miller and Tori Rae Miller, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

**WHEREAS**, the Board has found that David E. Miller and Tori Rae Miller, has met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 7 and 8, Piedra Park Subdivision No. 5 Block 1, according to the plat thereof filed for record August 13, 1963, as Reception No. 64255, Archuleta County, Colorado, to become Lot 7X with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 5<sup>th</sup> day of July, 2016.

The Board of County Commissioners  
Archuleta County, Colorado

ATTEST:

\_\_\_\_\_  
June Madrid,  
Archuleta County Clerk and Recorder

\_\_\_\_\_  
Chairman Michael Whiting

Return copy to Planning Dept.



High Country Title, Inc.  
Post Office Box 2400  
486 Lewis Street  
Pagosa Springs, CO 81147  
(970) 264-2128 Office  
(970) 264-2130 Fax

**OWNERSHIP & ENCUMBRANCE REPORT  
O&E- 16-3602**

April 22, 2016

Spring Creek Land Surveys

RE: O&E Report 16-3602

\*\*\*\*\*

**PROPERTY DESCRIPTION(S):**

Lot 7 & 8, Block 1, Piedra Park Subdivision No. 5, according to the plat thereof filed August 13, 1963, as Reception No. 64255, in the office of the Clerk and Recorder, Archuleta County, Colorado.

**TAX SCHEDULE NO(S):**

6161-173-14-078

**VESTED OWNER(S):**

David E. Miller and Toni Rae Miller by Warranty Deed as Joint Tenancy recorded May 3, 2010 at Reception No. 21002935, in the office of the Clerk and Recorder, Archuleta County, Colorado. (As to both lots)

**LIEN(S) AND ENCUMBRANCE(S) OF RECORD AS OF April 20, 2016 AT 8:00 A.M.:**

Any tax, assessment, fee or charge by reason of the inclusion of the subject property in any Property Owners Association, Water and Sanitation District as supported by the most recent Certificate of Taxes Due, issued by the Archuleta County Treasurer's Office.

*J. Banning*

Authorized Signature

THE INFORMATION SET FORTH IN THIS REPORT IS BASED ON A CAREFUL SEARCH AND EXAMINATION OF THE RECORDS OF THE ARCHULETA COUNTY CLERK AND RECORDER'S OFFICE. HOWEVER, THIS REPORT IS NOT TO BE CONSTRUED AS AN ABSTRACT OF TITLE, NOR AN OPINION OF TITLE, NOR A GUARANTY OF TITLE, AND THE LIABILITY HEREIN SHALL NOT EXCEED THE AMOUNT PAID FOR THIS REPORT

**RETAIL LIQUOR OR 3.2 BEER  
 LICENSE RENEWAL APPLICATION**

PAGOSA SPRINGS VALLEY GOLF CLUB  
 11612 BEECAVES RD STE 150  
 AUSTIN TX 78738

Fees Due	
Renewal Fee	\$500.00
Storage Permt \$100 x _____	
Optional Premise \$100 x _____	\$400.00
Related Resort \$75 x _____	
<b>Amount Due/Paid</b>	<b>900.00</b>

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**

**RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE**

Licensee Name <b>TOUCHSTONE GOLF, LLC</b>		DBA <b>PAGOSA SPRINGS VALLEY GOLF CLUB</b>		
Liquor License # <b>4701622</b>	License Type <b>Hotel &amp; Restaurant / Optional (county)</b>	Sales Tax License # <b>06352270004</b>	Expiration Date <b>7/14/2016</b>	Due Date <b>5/30/2016</b>
Operating Manager <b>Richard Dorn</b>	Date of Birth	Home Address <b>46 N. MESA, MONTROSE, CO 81401</b>		
Manager Phone Number <b>970-731-4755</b>	Email Address <b>rdorn@golfpagosa.com</b>			Phone Number <b>755 (970) 731 7455</b>
Street Address <b>1 PINES CLUB PL PAGOSA SPRINGS CO 81147</b>				
Mailing Address <b>11612 BEECAVES RD STE 150 AUSTIN TX 78738</b>				

- Do you have legal possession of the premises at the street address above?  YES  NO  
 Is the premises owned or rented?  Owned  Rented\* *If rented, expiration-date-of-lease Management Company*
- Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.  YES  NO  
**NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:** If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation.  YES  NO
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  YES  NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  YES  NO

**AFFIRMATION & CONSENT**

*I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.*

Type or Print Name of Applicant/Authorized Agent of Business <b>STEPHEN T. HARKER</b>	Title <b>PRESIDENT</b>
Signature <i>Stephen T. Harker</i>	Date <b>3-27-16</b>

**REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY**

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For <b>Archuleta County</b>	Date
Signature	Title
	Attest

## ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

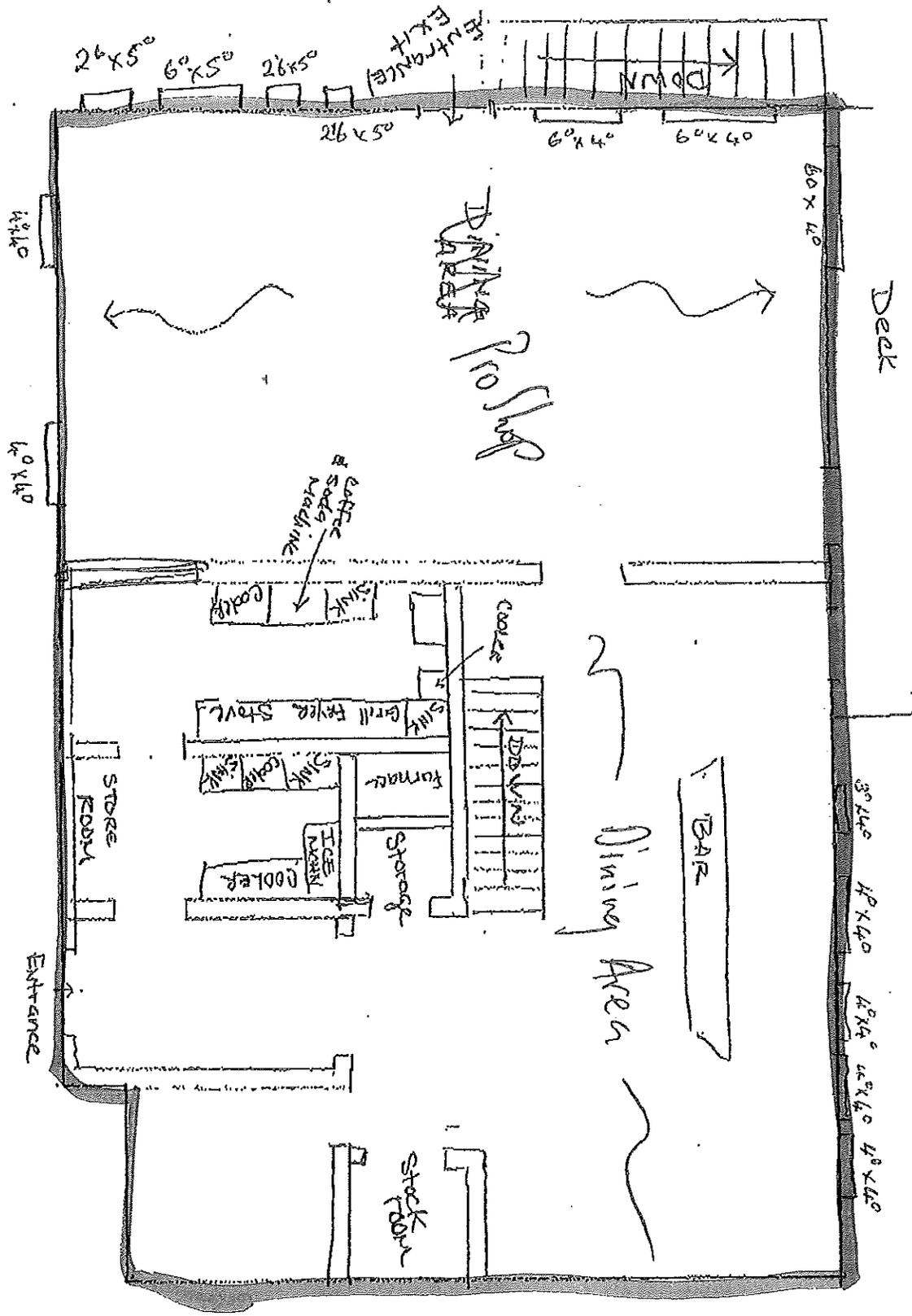
**This page must be completed and attached to your signed renewal application form.  
 Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment <i>Pagosa Valley Golf Club</i>		State License Number <i>4701622</i>	
1. Operating Manager <i>Richard Dorn</i>		Home Address <i>46 N. Mesa Montrose, Co, 81401</i>	
		Date of Birth <i>3-31-5</i>	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: _____ if rented, expiration date of lease: <i>management Co.</i>			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions. Since the date of filing of the last annual license application:			
(a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.			
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:			
<b>EVIDENCE OF LAWFUL PRESENCE</b>			
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.			
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):			
<input checked="" type="checkbox"/> I am a United States Citizen <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law <input type="checkbox"/> I am a foreign national not physically present in the United States			
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.			
Signature <i>Richard Dorn</i>		Printed name <i>Richard Dorn</i>	
		Date <i>6-26-16</i>	

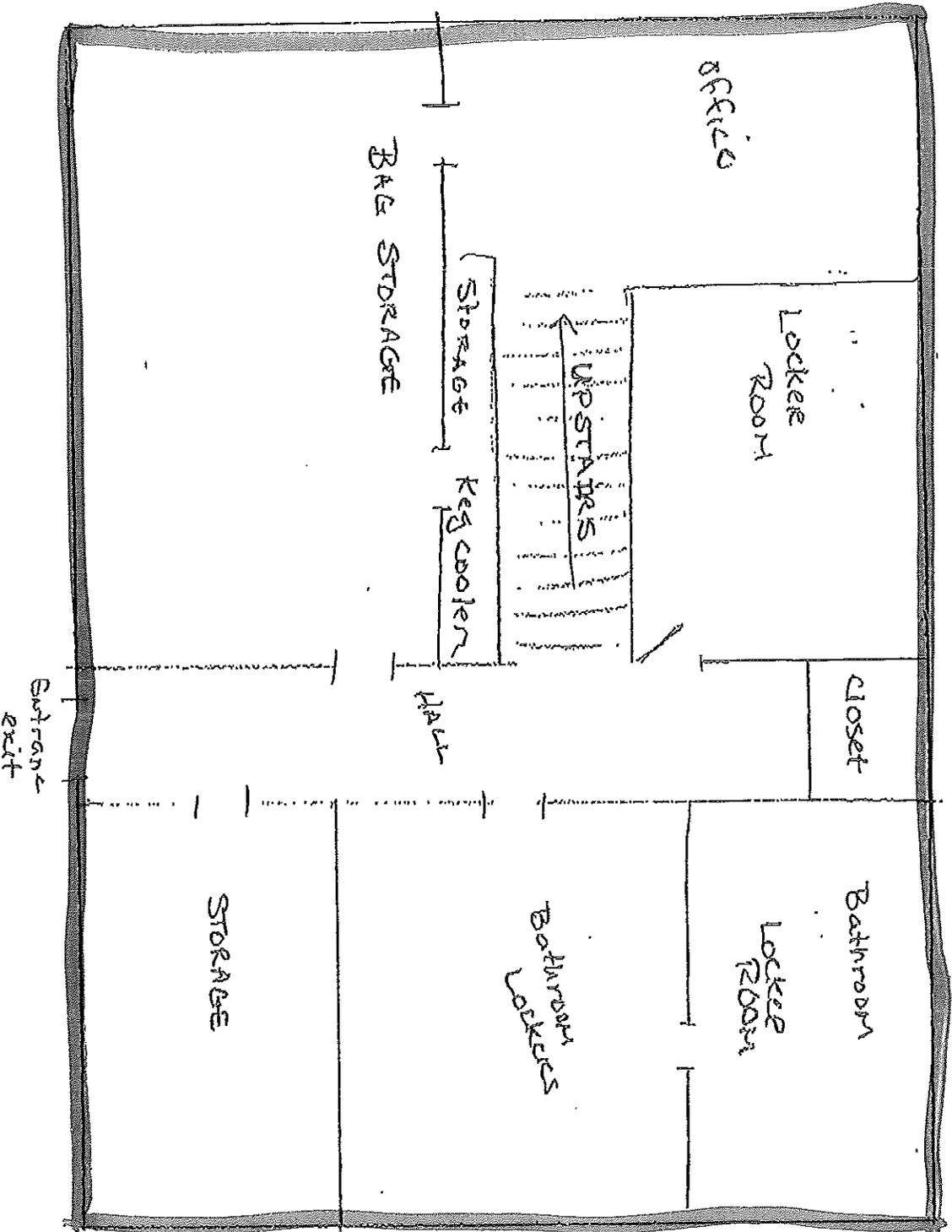
# Touchstone Golf LLC Alcohol License Information

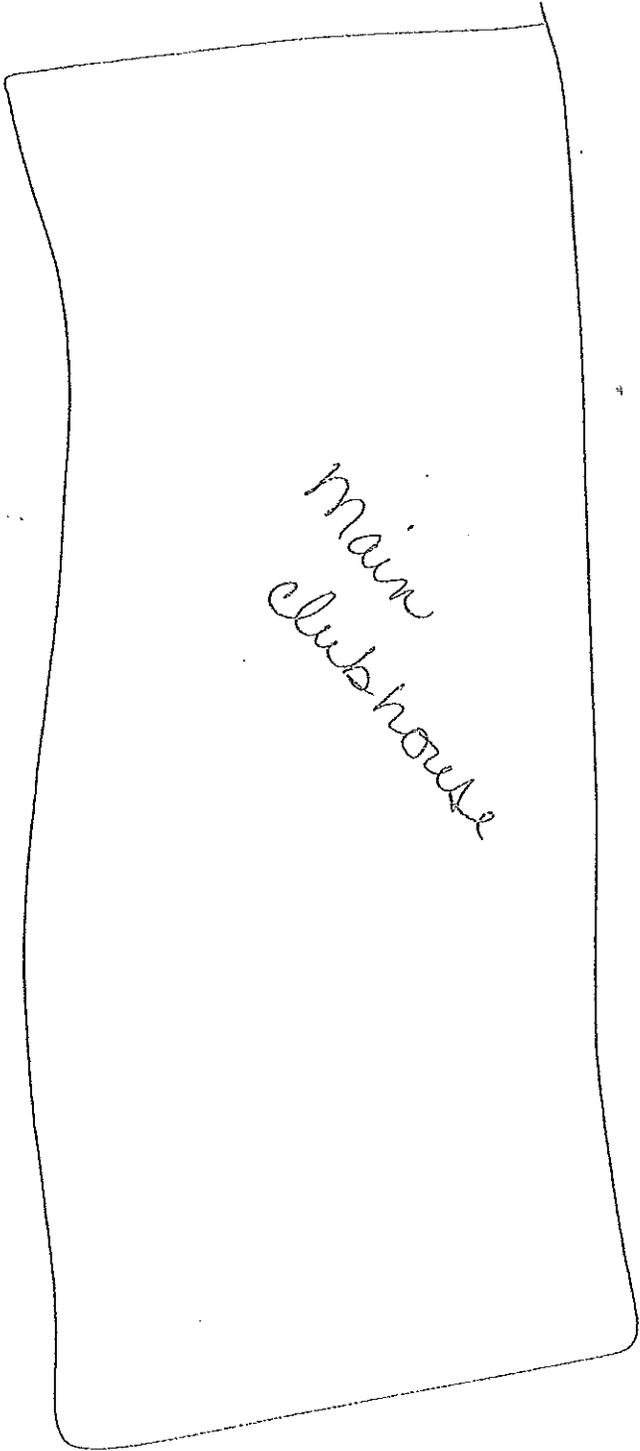
Golf Course	License #	Issuing Entity	Holder
Applewood Golf Course 14001 W. 32 <sup>nd</sup> Avenue Golden, CO 80401 ( <i>Jefferson County</i> )	06352270000	State of Colorado Dept. of Revenue Liquor Enforcement Division	Touchstone Golf LLC 100% Owner
Pagosa Springs Valley Golf Club 1 Pines Place Pagosa Springs, CO 81147 ( <i>Archuleta County</i> )	4701622	State of Colorado County of Archuleta Commissioners	Touchstone Golf, LLC 100% Owner

PAGOSA SPRINGS VALLEY GOLF CLUB LLC

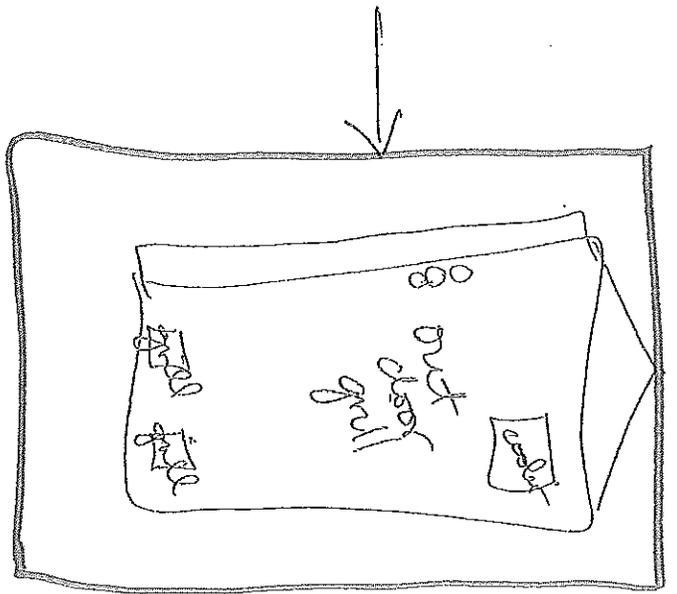


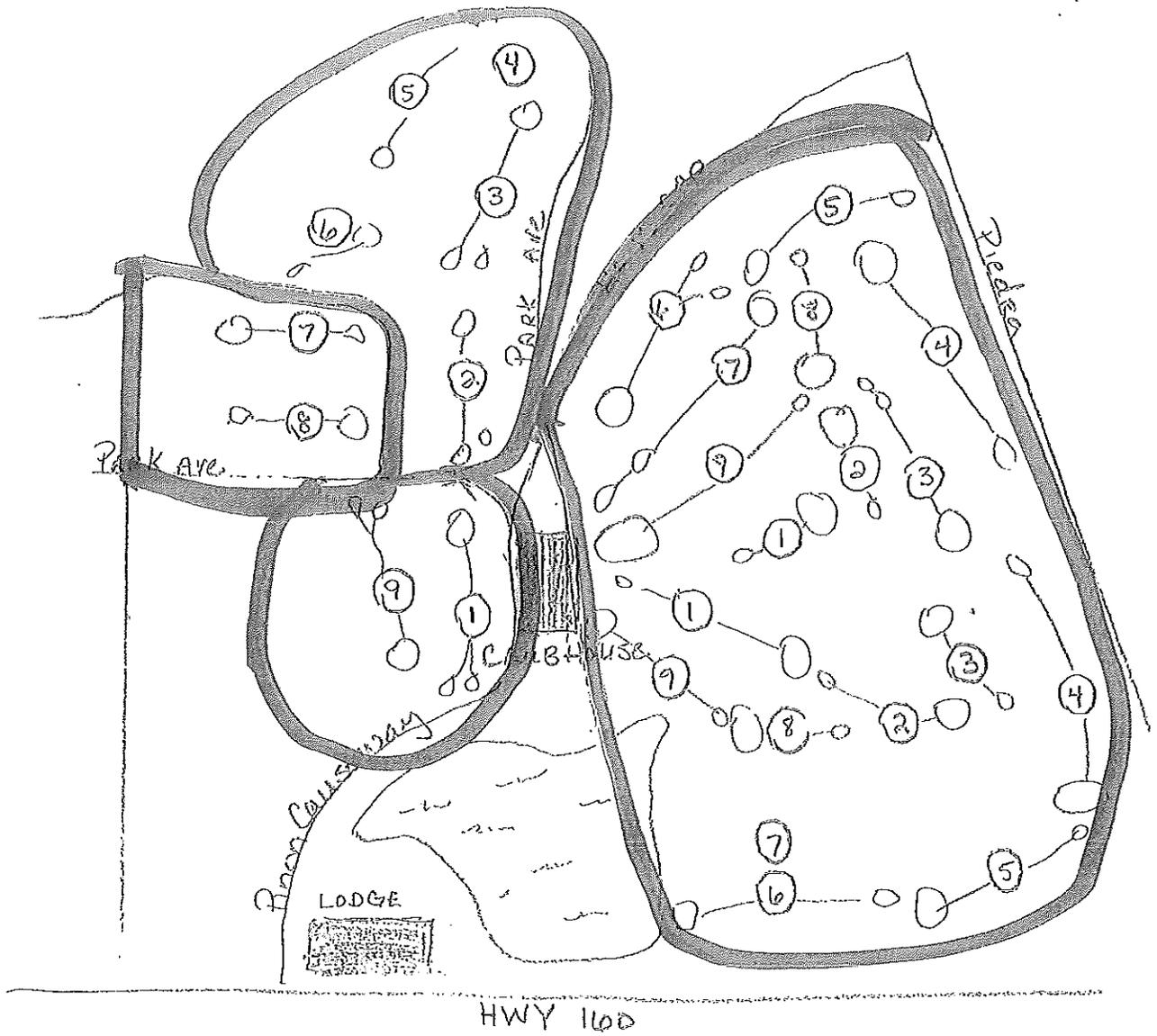
DOWN STAIRS





~~Pages~~      Golf course  
butcher grill





Optional premises

## LETTER OF OPERATIONAL UNDERSTANDING

This Letter Of Operational Understanding ("LOU") is dated as of July 02, 2015, ("Effective Date") by and between Pagosa Western Property, LLC, a Colorado limited liability company ("PWP") and PSGC, LLC, a Colorado limited liability company ("PSGC") and Touchstone Golf, LLC, a Delaware limited liability company ("TOUCHSTONE") shall sometimes be referred to herein as "Parties".

### RECITALS

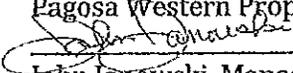
- A. PWP is the owner of record of the Pagosa Springs Golf Course and has a lease agreement, dated July 02, 2015 through July 02, 2020 with PSGC.
- B. PSGC, has a concession agreement, dated July 02, 2015 through July 31, 2017 with TOUCHSTONE.
- C. This LOU is written to identify the relationships between the Parties.

### AGREEMENT

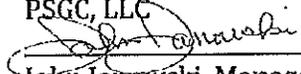
PWP has entered into a lease agreement with PSGC and PSGC has entered into a concession agreement with TOUCHSTONE for the purpose of management and operation of the Pagosa Springs Golf Course, #1 Pines Club Place, Pagosa Springs, Colorado 81147, which includes the land, structures, employees, restaurant and bar and all other aspects of the golf course business.

The undersigned acknowledge the above agreements are in place and are authorized to sign for the respective entities.

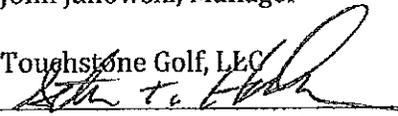
Pagosa Western Property, LLC

  
\_\_\_\_\_  
John Janowski, Manager

PSGC, LLC

  
\_\_\_\_\_  
John Janowski, Manager

Touchstone Golf, LLC

  
\_\_\_\_\_  
Stephen T. Harker, Chief Executive Officer

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Pagosa Western Property, LLC

is a

Limited Liability Company

formed or registered on 05/07/2015 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20151311967 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 06/27/2016 that have been posted, and by documents delivered to this office electronically through 06/30/2016 @ 09:03:40 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 06/30/2016 @ 09:03:40 in accordance with applicable law. This certificate is assigned Confirmation Number 9721533 .



A handwritten signature in cursive script that reads 'Wayne W. Williams'.

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*  
*Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."*

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE OF FACT OF GOOD STANDING**

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

PSGC, LLC

is a

Limited Liability Company

formed or registered on 06/30/2015 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20151431268 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 06/27/2016 that have been posted, and by documents delivered to this office electronically through 06/30/2016 @ 09:03:05 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 06/30/2016 @ 09:03:05 in accordance with applicable law. This certificate is assigned Confirmation Number 9721529 .



A handwritten signature in cursive script that reads 'Wayne W. Williams'.

Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

**ARCHULETA COUNTY**  
P.O. BOX 1507  
PAGOSA SPRINGS, CO 81147



**COUNTY COMMISSIONERS**  
(970)-264-8300  
(970) 264-8306 (Fax)

Bern Heath, Ph.D., CEO  
Axis Health System  
281 Sawyer Drive, Suite 100  
Durango, CO 81303

Dear Bern,

Please accept this letter as an expression of support for your application to become a New Access Point, HRSA-supported Health Center in Pagosa Springs for Archuleta County. We recognize that a HRSA-supported Health Center is much needed and will help children and families have increased access to comprehensive healthcare, especially with the loss of several local primary care providers over the past few years.

In our County, 34% of the 12,244 residents live at or below 200% of the federal poverty level, are un or underinsured and experience significant barriers when attempting to access affordable healthcare. Core health indicators exceed the national benchmarks for negative health outcomes for diabetes, prenatal and perinatal health, cardiovascular disease, behavioral health, dental health and cancer. Given this and that Archuleta County is designated as a Medically Underserved Area as well as being a Healthcare Professional Shortage Area we welcome the opportunity to support you in offering additional health care services to our residents.

We are happy to support Axis Health System as you move forward with this project for Archuleta County. We hope that HRSA gives full consideration to your application to bring this critical healthcare resource to our community.

Sincerely,

---

Michael Whiting  
Chairman

Axis Health System  
HRSA Application for New Access Point Funding  
Key Talking Points

Axis Health System is submitting an application to the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) to develop and implement a New Access Point, HRSA-Supported Health Center in Pagosa Springs for Archuleta County. The application deadline is July 15<sup>th</sup>, 2016, and Axis Health System is currently pursuing Support Letters from key community partners by July 8<sup>th</sup>.

Archuleta County has a population of 12,244, 34% of whom (over 4,000 residents) live at or below 200% of poverty, are un or underinsured and experience significant barriers to accessing affordable healthcare. These are local families and individuals who cannot access current primary healthcare services due to the inability to pay or the wait times required for Medicaid or Medicare patients. As Medicaid has expanded it has become extremely difficult to access care, with current local wait times exceeding three weeks. Similarly, Medicare patients have issues getting a provider if they are not already an established patient. The result is residents of Archuleta County having to travel out of the area to find the care they need, or resort to seeing care in the local emergency department, where up to 60% of presenting visits in 2014 were non-emergent. Core health indicators in Archuleta County exceed the national benchmarks for negative health outcomes for diabetes, prenatal and perinatal health, cardiovascular disease, behavioral health, dental health and cancer. Archuleta County is designated as a Medically Underserved Area (MUA) as well as being a Healthcare Professional Shortage Area (HPSA) for all categories of service, including primary, behavioral and oral healthcare.

Axis Health System has over 50 years experience providing healthcare in Southwest Colorado, and over the last four years has successfully developed and implemented two HRSA-Supported Health Centers, La Plata Integrated Healthcare and Cortez Integrated Healthcare (in Durango and Cortez, respectively). In June 2016 Axis Health System was awarded HRSA funding for the expansion of oral health services as well, significantly increasing its capacity to respond to oral healthcare needs for low-income and un/uninsured patients in Southwest Colorado. Axis Health System has the experience and expertise to provide a truly integrated model of care for residents of Archuleta County, bringing together primary, behavioral and oral healthcare in an integrated and comprehensive care setting.

It is critical that Archuleta County have a clinic with the capacity for improved access, where patients can receive the care they need regardless of their economic status or ability to pay. Through HRSA New Access Point funding, Axis Health System will develop a clinic capable of meeting the needs of low-income and underserved patients. The clinic will advance positive health outcomes, reduce overuse of emergency services, improve access to continuity of care, and reduce delays in diagnosis and treatment for both chronic and life threatening conditions.

Axis Health System will work closely with multiple collaborative partners in Archuleta County to ensure the clinic responds effectively to community healthcare needs. Having provided care in Archuleta County for many years, Axis Health System is an integral part of the local healthcare team and is committed to developing and expanding partnerships to best meet the needs of all Archuleta County residents.

**ARCHULETA COUNTY**  
P.O. BOX 1507  
PAGOSA SPRINGS, CO 81147



**COUNTY COMMISSIONERS**  
(970)-264-8300  
(970) 264-8306 (Fax)

July 5, 2016

Mr. John Porter, Board President  
C/O Bruce Whitehead, Executive Director  
Southwestern Water Conservation District  
841 E. Second Avenue  
Durango, CO 81301

**Re: Dry Gulch Reservoir Project**

Dear Mr. Porter:

The Archuleta County Board of County Commissioners ("Archuleta County") has been approached by the San Juan Water Conservancy District ("the District") with a request.

The request is to have Archuleta County's representative on the Southwestern Water Conservation District ("Southwestern") board initiate efforts for Southwestern to explore options with the District for development of the Dry Gulch Project. Archuleta County recognizes and expects a project of this type is a long term effort that may take up to 40 years to complete.

The District simply asks the Southwestern board to develop a stronger working relationship with the District to advance the Dry Gulch Project. Archuleta County supported the District's request for a grant from Southwestern, and this appears to be for a more structured commitment from Southwestern.

The Dry Gulch Project is planned as an 11,000 AF water storage facility as an identified project in the Basin Implementation Plan. Archuleta County participated on the Southwest Water Roundtable to develop the State Water Plan ("the Plan"). The Plan concludes Archuleta County will need an additional 12,000 AF of water within the next 20 years. Dry Gulch will go a long way toward supplying the water needed by Archuleta County.

Thank you in advance for giving this request your attention.

Sincerely,

---

Michael Whiting  
Chairman

cc. J.R. Ford  
San Juan Water Conservancy District

**RESOLUTION NO. 2016-**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, PROVIDING FOR THE ADDITION OF 3.5 EMPLOYEES (FTE) TO THE COUNTY SHERIFF'S DEPARTMENT AND COMMITTING THE FUNDS NECESSARY TO MEET THE STAFFING CHANGE.**

**WHEREAS**, the Board of County Commissioners of Archuleta County annually adopts an operating budget; and

**WHEREAS**, that budget defines the staff needs within each department and elected function of the county; and,

**WHEREAS**, the Sheriff's Department has experienced significant unforeseen changes and demands on it; and,

**WHEREAS**, in order to continue to meet the safety needs of the community and its personnel, the department has determined the need for additional staffing; and,

**WHEREAS**, the result of the additional staff will essentially restore the department to 2015 staffing level, and;

**WHEREAS**, The Board of County Commissioners in consultation with the County Sheriff has determined that the need for additional staff within the department is critical to the Health, Safety, and Welfare of the citizens of Archuleta County.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO;**

1. The Board of County Commissioners will dedicate the funds necessary to support the addition of 3.5 FTE to the Sheriff's department to meet the minimum staffing needs of the Detention function and the Administrative services function within the Department. Additionally, the Board of County Commissioners authorizes County staff to effect any necessary adjustments permitted by Colorado Revised Statutes and approved by the Board of County Commissioners.

**READ APPROVED AND ADOPTED**, this 5th day of June, 2016.

ATTEST

BOARD OF COUNTY COMMISSIONERS

---

June Madrid, County Clerk

---

Michael Whiting, Chairman