

**ARCHULETA COUNTY
BOARD OF COUNTY COMMISSIONERS**

**CALL TO ORDER THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF OCTOBER 4, 2016 AT 1:30 P.M.**

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ACKNOWLEDGEMENTS

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 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**).

PROCLAMATIONS

A. Proclaiming October 2 Through October 8 As National 4-H Week In Archuleta County

Documents:

[4-H PROCLAMATION.PDF](#)

LAND USE REGULATION HEARING

A. Public Hearing Of Western Heritage Event Center Request For WHEC Agricultural Education And Equestrian Event Center Conditional Use Permit (CUP), Lot 2M, Fairgrounds Minor Impact Subdivision

Western Heritage Event Center, Inc., represented by Jess Ketchum, has applied for the WHEC Agricultural Education and Equestrian Event Center Conditional Use Permit (CUP), on Lot 2M, Fairgrounds Minor Impact Subdivision, at 344A US Hwy 84 (corner of County Road 302), Pagosa Springs, CO (PLN16-071). The proposal will permit a covered arena as a Public Use in the Agricultural/Ranching (AR) zone, in addition to the existing open arena and improvements at the Archuleta County Fairgrounds.

At their meeting on July 27, 2016, the Planning Commission recommended approval (4-0) with conditions. On September 6, 2016, the Board of County Commissioners opened this item and continued it to October 4th.

Presenter John Shepard, AICP
Presenter's Title Planning Manager

Documents:

[PLN16-071_WHEC_EVENT_CENTER_BOCC-20161004_STAFFREPORT.PDF](#)
[A1-PLN16-071_072_AREAMAPS.PDF](#)
[A2-PLN16-071_072_REVIEWCOMMENTS.PDF](#)
[A3-PLN16-071_WHEC-NARRATIVE_AND_OPERATING_PROPOSAL.PDF](#)
[A4-PLN16-071_072_WHEC_BUILDINGPLANS.PDF](#)
[A5-PLN16-071_072_WHEC_SITEPLANS-20160719.PDF](#)
[A6-PC_20160727-SIGNED_MINTUES.PDF](#)

B. Public Hearing And Consideration Of Resolution 2016 - ____ Amending The Archuleta County Land Use Regulations.

Archuleta County Development Services is proposing amendments to the *Archuleta County Land Use Regulations*. The proposed changes 1) Classify non-commercial marijuana cultivation as an Accessory Use and adopt limits and definitions, 2) Clarify provisions for Accessory Uses and Structures, and 3) Clarify cross-references and provisions of Table 1 and Table 4. These changes amend portions of Sections 2.1.2, 2.2.2, 3.1.3, 3.1.4, 3.2.5, 3.2.6, 5.5.2, 11.2.1.

Presenter John Shepard, AICP
Presenter's Title Planning Manager

Documents:

[MEMO-PROPOSED_LAND_USE_AMENDMENTS-20161004.PDF](#)
[A1-LAND USE AMENDMENT RESOLUTION 2016-XX.PDF](#)
[A2-PUBLIC_COMMENTS.PDF](#)
[A3-PC_PUBLICHEARING_MINUTES.PDF](#)

C. Public Hearing Of Webb Request For Holiday RV South Conditional Use Permit, Parcel 3, Ridgeview Subdivision Replat

Jeremiah "J" Webb, Holiday RV South, Inc. of South Fork, CO, has applied for the Holiday RV South Conditional Use Permit, on property owned by Bruce Lamereaux; being Parcel 3, Ridgeview Subdivision Replat, at 633 Navajo Trail, Pagosa Springs, CO (PLN16-054). The proposal will permit Outdoor Sales of Recreational Vehicles in the PUD zone.

Presenter John Shepard, AICP
Presenter's Title Planning Manager

Documents:

[PLN16-054_HOLIDAY_RVS-BOCC_20161004-STAFFREPORT.PDF](#)
[A1-PLN16-054_055_AREA_MAPS.PDF](#)
[A2-MEMO-PUD_ZONE DEVELOPMENT REQUIREMENTS.PDF](#)
[A3-PLN16-054_055_REVIEWCOMMENTS.PDF](#)
[A4-PLN16-054_055_LAMEREAUX-ILC_SKETCHPLAN.PDF](#)
[A5-PLN16-054_055_HOLIDAYRVSSOUTH-NARRATIVES.PDF](#)
[A6-PLN16-054_055_HOLIDAYRVSSOUTH-SITE_SKETCH_600DPI.PDF](#)

BOARD OF ADJUSTMENTS HEARING

A. Board Of Adjustment Public Hearing Of Webb Request For Holiday RV South Variance From Paving, Parcel 3, Ridgeview Subdivision Replat

Jeremiah "J" Webb, Holiday RV South, Inc. of South Fork, CO, has applied for the Holiday RV South Variance from Section 5.4.5.4 of the Archuleta County Land Use Regulations and Sections 27.1.7.3 and 27.1.7.4 of the Archuleta County Road and Bridge Design Standards requiring paving of access and parking, for property owned by Bruce Lamereaux; being Parcel 3, Ridgeview Subdivision Replat, at 633 Navajo Trail, Pagosa Springs, CO (PLN16-055).

Presenter John Shepard, AICP
Presenter's Title Planning Manager

Documents:

[PLN16-055_HOLIDAY_RVS-BOA_20161004-STAFFREPORT.PDF](#)
[A1-PLN16-054_055_AREA_MAPS.PDF](#)
[A2-MEMO-PUD_ZONE_DEVELOPMENT_REQUIREMENTS.PDF](#)
[A3-PLN16-054_055_REVIEWCOMMENTS.PDF](#)
[A4-PLN16-054_055_LAMEREAUX-ILC_SKETCHPLAN.PDF](#)
[A5-PLN16-054_055_HOLIDAYRVSOUTH-NARRATIVES.PDF](#)
[A6-PLN16-054_055_HOLIDAYRVSOUTH-SITE_SKETCH_600DPI.PDF](#)

LIQUOR BOARD

A. Special Event Permit For The Archuleta County Democratic Party Central Committee

This is an application for a Special Events Permit for The Archuleta County Democratic Party Central Committee of Pagosa Springs to serve malt, vinous, spirituous liquor at The CSU Extension Office, 344 Highway 84, for a fundraiser on October 7, 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:

[ARCHULETA COUNTY DEMO PARTY SPECIAL EVENTS 2016.PDF](#)

B. Special Event Permit For The Pagosa Springs Rotary Club, Inc.

This is an application for a Special Events Permit for the Pagosa Springs Rotary Club, Inc. of Pagosa Springs to serve malt, vinous, spirituous liquor at the CSU Extension Office, 344 Highway 84 for a fundraiser on October 15, 2016. The Sheriff has been notified of this event. The proper fees have been 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:

[PAGOSA SPRINGS ROTARY CLUB BARN DANCE 2016.PDF](#)

C. Special Events Permit For The PLPOA

This is an application for a Special Events Permit for the PLPOA of Pagosa Springs to serve malt, Vinous, Spirituous liquor at the Humane Society located on 465 Cloman Blvd for a fundraiser on October 8, 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:

[PLPOA - YAPPY HOUR 2016.PDF](#)

BOARD OF EQUALIZATION

A. Board Of Equalization Minutes 09-17-2016

Draft of the CBOE hearings held September 27, 2016. 2 separate hearings.

Documents:

[09-27-16CBOE.PDF](#)
[09-27-16CBOE2.PDF](#)

CONSENT AGENDA

A. PAYROLL, PAYABLE WARRANTS AND PURCHASE CARDS

September 19 through October 4, 2016

B. SPECIAL MEETING MINUTES

Special Meeting Minutes for Sept. 19, 2016

Approval of the draft of the meeting minutes for the special meeting of 9-19-16

Documents:

[09-19-16S.PDF](#)

C. REGULAR MEETING MINUTES

Regular Meeting Minutes of 09-20-16

Approval of the Regular Meeting of 09-20-16.

Documents:

[09-20-16R.PDF](#)

D. Approval And Signature For An Assignment Of Hangar Ground Lease For Hangar 513E Sold By Jeff Miller To Keith Serkes

Responsible Staff: Kate Alfred, Airport Manager

Documents:

[MILLER-SERKES HANGER LEASE.PDF](#)

E. BoCC Approval And Signature For Two (2) Assignments Of Lease For Hangar 500B Sold By Brycon Corp To Mark Grosse And Hangar 500J Sold By Curt Hannay To Doug Dellmore.

Responsible Staff: Kate Alfred, Airport Manager

Documents:

[BRYCON - GROSSE HANGER LEASE.PDF](#)
[HANNAY - DELLMORE HANGER LEASE.PDF](#)

F. Employment First Case Management And A SNAP Data Entry Technician Contract

DHS is requesting Board approval to renew an agreement with the Southern Ute Community Action Programs, Inc./The Training Advantage to provide an Employment First Case Management and SNAP (Supplemental Nutrition Assistance Program) Data Entry Technician services in the amount of \$54,067.00. The amount of \$21,000.00 will be dedicated to Employment First Case Management activities and \$33,067.00 be dedicated to SNAP Data Entry Technician activities. The term is from October 1, 2016 through September 30, 2017.

Responsible Staff: Matthew A. Dodson, Director of the Department of Human Services

Documents:

[EMPLOYMENT FIRST AND SNAP TECHNICIAN CONTRACT 16-17.PDF](#)

G. Consideration Of Resolution 2016 - _____ Consolidating 2 Lots Into 1, Lake Pagosa Park Block 21 Owned By Daron B. Selph And Angela C. Selph

This request is to consider the Resolution authorizing the consolidation of Lots 6 and 7 Lake Pagosa Park Block 21, to become Lot 6X owned by Daron B. Selph and Angela C. Selph

Presenter	Bentley Henderson
Presenter's Title	County Administrator

Documents:

[LOT CONSOLIDATION - SELPH.PDF](#)
[SELPH LPP MG.PDF](#)

H. Consideration Of Resolution 2016 - _____ Consolidating 2 Lots Into 1, Twin creek Village Owned By William Leroy Cusack And Lee Ann Cusack Revocable Trust

This request is to consider the Resolution authorizing the consolidation of Lots 503 and 504 Twin creek Village, to become Lot 503X owned by William Leroy Cusack and Lee Ann Cusack Revocable Trust

Documents:

[LOT CONSOLIDATION - CUSACK.PDF](#)
[CUSACK O E.PDF](#)

I. Consideration Of Resolution 2016 - _____ Waiving Certain Late Fees For Alamosa Drilling, Inc.

Alamosa Drilling, Inc. requested relief from late fees assessed for failure to submit to the County Assessor's Office the appropriate declaration of schedules for the eight oil wells it owns.

Documents:

[ALAMOSA DRILLING RESOLUTION.PDF](#)

NEW BUSINESS

A. Consideration Of Accepting The Board Of County Commissioners Responsibilities In The Archuleta County Emergency Operations Plan

The Office of the Archuleta County Emergency Operations is revising the County's Emergency Operations Plan. As part of that plan, the signature of each Commissioner is required for the responsibilities of the Board of County Commissioners.

Presenter	Mike Le Roux
Presenter's Title	Director of Emergency Operations

Documents:

[BOCC EOC.PDF](#)

B. Consideration Of Resolution 2016-_____ For A Change Of Address Request For Lot 19 Hidden Valley Ranch Subdivision

The Board of County Commissioners is being asked to evaluate and act on an address change request on a parcel in Archuleta County.

Presenter	Bentley Henderson
Presenter's Title	County Administrator

Documents:

[MEMORANDUM ADDRESS CHANGE.PDF](#)
[RESOLUTION PROVIDING FOR READDRESSING EXEMPTION.PDF](#)

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**).

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.

A. For Purposes Of The Board Receiving Legal Advice Pursuant To C.R.S. 24-6-402 (4)(B) Regarding Pending Legal Cases

Presenter Todd Starr
Presenter's Title County Attorney

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.



Proclamation by the Commissioners of Archuleta County, Colorado

Proclaiming October 2 through October 8 as National 4-H Week in Archuleta County

WHEREAS, Succeeding generations of well-educated, concerned, and involved youth are required to ensure that America has a competent and innovative workforce, a cohesive social structure, an effective education system, strong leadership, continued economic prosperity, and healthy communities in the years to come; and

WHEREAS, The Colorado 4-H Youth Development program is founded on the notion that youth are a vital resource for ensuring a better tomorrow, and that assisting youth as they prepare for the future is the 4-H program's central mission; and

WHEREAS, The Colorado 4-H program is an integral part of Colorado State University Extension and is fundamental to the land-grant university mission; and

WHEREAS, More than 110,000 Colorado youth, with the guidance of nearly 12,000 adult and youth volunteer leaders, currently contribute to their communities and gain practical experience in such subject areas as workforce preparation and career exploration, leadership and volunteerism, character and ethics, food and nutrition, agriculture and natural resources, conservation, consumer decision-making, veterinary medicine, animal sciences, and public speaking, just to name a few; and

WHEREAS, The 4-H emblem, a green, four-leaf clover with a white "H" on each leaf, represents the characteristics each 4-H participant develops: Head, which involves thinking, making decisions, and learning new things; Heart, which entails caring about other people, accepting responsibility, and developing positive values; Hands, which symbolizes community service and the effort to acquire and perfect new skills; and Health, which involves protecting the well-being of the self and others; and

WHEREAS, Colorado 4-H returns \$45 million annually to the Colorado economy, plus \$31 million in added value of volunteer time contribution resulting in a ten-fold return on investment over the cost to conduct the program; and

WHEREAS, Participation in 4-H in Colorado is open to youth from all economic, social, and cultural backgrounds between the ages of 5 and 19;

Now, Therefore, Be It Resolved, that we, the members of the Archuleta County Board of Commissioners, hereby declares this week, October 2-8 of 2016, "National 4-H Week" in recognition of the 4-H program's efforts on behalf of Colorado's youth. I urge the people of this community to take advantage of the opportunity to become more aware of this special program that enhances our young people's interests in their futures as part of Archuleta County 4-H Youth Development and to join us in recognizing the unique partnership between our county and our State University System.

Steve Wadley
District 1

Clifford Lucero
District 2

Michael Whiting
District 3



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: October 4, 2016

RE: WHEC Event Center CUP, on Lot 2M, Fairgrounds Minor Impact Subdivision, at 344 US Hwy 84, (PLN16-071).

EXECUTIVE SUMMARY

Western Heritage Event Center, Inc., represented by Jess Ketchum, has applied for the WHEC Agricultural Education and Equestrian Event Center Conditional Use Permit (CUP), on Lot 2M, Fairgrounds Minor Impact Subdivision, at 344A US Hwy 84 (corner of County Road 302), Pagosa Springs, CO (PLN16-071). The proposal will permit a covered arena as a Public Use in the Agricultural/Ranching (AR) zone, in addition to the existing open arena and improvements at the Archuleta County Fairgrounds.

Applicant's concurrent requests for Variances from Development Standards were approved by the Board of Adjustment previously (PLN16-072). At their meeting on July 27, 2016, the Planning Commission recommended approval (4-0) with conditions. On September 6, 2016, the Board of County Commissioners opened this item and continued it to October 4th.

REVIEW PROCEDURE

Archuleta County Land Use Regulations Section 3.2.3 Conditional Use Permit (CUP) provides for Conditional Uses, which require review and evaluation with respect to their effects on surrounding properties and Archuleta County at large. The Planning Commission recommended conditions to the Board of County Commissioners, according to the Review Criteria in Section 3.2.3.4.

Public notice was provided to the applicant for publication in the *Pagosa Springs Sun*, to be posted on site, and to mail to adjacent property owners as required.

DISCUSSION

Pagosa Springs Enterprises was established in 1949 and was the original governing body of the Western Heritage Event Center (WHEC), established when non-profit status was attained in the 1990s. WHEC hosts two large-scale events each year, the 3-day Red Ryder Roundup Rodeo over

Independence Day weekend, and the Archuleta County Fair, in cooperation with Archuleta County which owns Lot 1 of the Fairgrounds Minor Impact Subdivision and the Extension offices there. WHEC is proposing to construct a 164'x250' covered arena on their 30 acre tract, located south of the existing 210'x330' outdoor pipe arena. No additional seating is proposed at this time and no new traffic is expected to be generated. Existing gravel access will be improved to County standards. It should be noted that the Pagosa Area Water and Sewer District (PAWSD) is also planning a new public water fill station, to be located in the utility easement on Lot 1 near the joint access along the County Road.

The *Archuleta County Community Plan* of 2001 provides guidance for future development. The Future Land Use Map shows this area as future Commercial transitioning to Very Low Density Residential along US Highway 84. The *Joint Town County Planning Commission Zoning Discussion 2010* map recognizes this parcel as suitable for Industrial development. The subdivision is zoned Agricultural/Ranching (AR), as is the Colorado DNR's Skyrocket Park property to the south and private property to the east. The subdivision to the west across Highway 84 is zoned Commercial (C). Property to the north across County Road 302 (Mill Creek Road) has been annexed by the Town of Pagosa Springs, in anticipation of mixed-use development and is proposing to annex the road and have it paved within the next year or so. The developers of the Mountain Crossing development would also be required to make improvements to the intersection of Highway 84 and Mill Creek Road, when specific development is proposed.

The Fairgrounds Minor Impact Subdivision was approved in 2001. In 2005, a minor lot line adjustment was approved to convey a new 6,000 square foot block building, with indoor bathrooms, from WHEC to the County for joint use. The *Archuleta County Land Use Regulations* do not currently provide for a private events center, so the existing WHEC property would be considered a non-conforming use that cannot be changed. However, a Public Use owned by a public agency is considered a Conditional Use in any zone. In this case, WHEC proposes to convey ownership of the structure to Archuleta County when completed, with continued joint use of the two properties at the Fairgrounds. Formal joint agreements will be necessary for cross-access and parking, as well as operations and maintenance, with approval of an Amended Plat. Staff had suggested concurrent review of a Sketch Plan of an Amended Plat, to identify any concerns; however, Applicants chose to defer discussion.

The Events Center is proposed to be a public use facility, to be used for Equine events, rodeo, 4-H events, and Education & Training events. The facility would also be used for the primary annual events—the Red Ryder Rodeo and Archuleta County Fair—but would (according to Applicants) simply bring existing use under cover rather than adding additional traffic. Any events at the facility would have to meet the performance standards in Section 5.4.2 of the Land Use Regulations, limiting sound levels, vibration, smoke, and emissions, as well as requiring screening of any outdoor storage. Existing parking lot lighting will need to be replaced to meet the “dark skies” requirements for shielded lighting (Sec. 5.4.4). Parking for the Red Ryder Rodeo is limited by available seating; no parking plan was provided, and parking on-site is haphazard (without markers or flaggers) which increases chances for crashes and does not provide clear emergency (fire/ambulance) access. Access and parking is restricted during the County Fair. A turnaround may be necessary at the facility to meet County Road & Bridge standards.

There is also an RV hook-up located on site for a seasonal caretaker. Although residential occupancy is typically limited to 30 days for a Lodging Use by the *Archuleta County Land Use Regulations* and adopted Building Code, the Land Use Regulations do provide for occupancy of an RV for up to 120 days a year with a Temporary Use Permit to assure public health and safety. (See Section 5.5.8 of the Land Use Regulations.)

No public comments have been received. This application and the concurrent Variances were referred to local utilities and regulatory agencies for review, as provided in Section 2.2.5.

Comments received include:

- County Engineering expressed concern that there is not enough improved gravel parking for horse trailers and vehicles using this arena.
- County Engineering accepted the Drainage Study provided by Davis Engineering, and requested the design engineer sign and seal approval that improvements are built according to plans.
- Pagosa Fire Protection District noted that the gravel access road does not meet the fire code requirement that access extends to within 150 feet of all portions of the facility. The District may be willing to grant an exception to increase the distance to 160 feet, if access can be provided to both north corners of the proposed building. The Fire District would require detailed building plans for review prior to issuing a building permit.
- Town of Pagosa Springs Planning Director commented that the Town is pursuing annexation of Mill Creek Road in conjunction with the Mountain Crossing development which will pave the road back to the asphalt plant; there should be consideration of constructing pedestrian facilities (sidewalk or trails) along the road; dust control may be necessary; and parking lot lighting should be shielded (dark skies requirements).
- CDOT review indicated the existing access on Mill Creek Road should provide adequate access; however:
 1. The westernmost access onto Mill Creek Road (on County property) is too close to Highway 84.
 2. Existing uses likely warrant improvements at Highway 84 and Mill Creek Rd.
 3. The existing access onto Highway 84 is too close to Mill Creek Rd and will need to be closed.
 4. A traffic impact study may be required.

An events center would typically have limits on operations to assure compatibility with near-by residences; however, the facility will be ultimately operated by Archuleta County. After initial review, WHEC met with County staff to draft an initial proposed joint Operations Plan (Attachment 3). Management aspects will need to be worked out in a Development Agreement or similar document. For example, the proposal to use port-a-potties instead of the existing restrooms would not be permitted by the Land Use Regulations, since the project is located within a public sewer district.

Addition of a gravel parking area on the east side of the arena, similar to the west side, would address concerns of both the Fire District and County Engineering, and provide a turnaround during the Fair. A phasing plan may be necessary to address improvements to the intersection of Highway 84 and County Road 302, with participation by the County and Town. It may be worth proposing to CDOT that the main entrance become right-in/right-out, at least as an

interim measure until further improvements are made to the intersection. CDOT approval will be necessary prior to issuance of a County Building Permit.

The review criteria for a Conditional use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations* include:

- (1)** The relationship and impact of the use on the development objectives of Archuleta County.
- (2)** The effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities.
- (3)** The effect of the use upon traffic, with particular reference to congestion, vehicular and pedestrian circulation, safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the roads, sidewalks and parking areas.
- (4)** The effect of the use upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.
- (5)** The adequacy of the design features of the site to accommodate the proposed use, including but not limited to accessibility, service areas, parking, loading, landscaping and buffering, lighting, etc.
- (6)** The effect of the use upon the natural resources and wildlife habitat areas.
- (7)** Such other factors and criteria as the Planning Commission and the Board of County Commissioners deems applicable to the proposed use.

Finally, before acting on the application, the Board must make the findings under Section 3.2.3.5:

- (1)** That the proposed location of the use, the proposed access to the site, and the conditions under which the use would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- (2)** That, if required by the proposed use, there are adequate and available utilities and public services to service the proposed use, without reduction in the adequacy of services to other existing uses. These utilities and public services may include, but are not necessarily limited to, sewage and waste disposal, water, electricity, law enforcement, and fire protection.
- (3)** That the proposed use will be compatible with adjacent uses, including but not limited to site design and operating factors, such as the control of any adverse impacts including noise, dust, odor, vibration, exterior lighting, traffic generation, hours of operation, public safety, etc.

Applicants discuss justification of their request in their narrative (See attached). Construction is proposed to be funded mainly by private donors. The project is intended for the public good, to provide a safe, secure and weather-proof facility that can be utilized year-round. Also, the new building will present a better, more functional facility for the County Fair and Red Ryder Roundup Rodeo.

The Archuleta County Planning Commission held a Public Hearing on Wed. 27 July 2016 (Minutes attached). The applicant's engineer, a WHEC board member, and two others spoke in favor of the proposal. The Planning Commission discussed adequacy of existing parking and review comments from County Engineering and Pagosa Fire Protection District; CDOT

requirements for Highway 84; long-term facility management, and provisions for the caretaker RV. The Planning Commission then unanimously recommended approval (4-0) with conditions.

The Archuleta County Board of Adjustment held a Public Hearing on Tuesday 16 August 2016. The Board discussed concerns about joint operations as a Public Use and options for property ownership, annexation and paving of Mill Creek Road and disposition of joint access, and the unique nature of the County Fairgrounds. The Board of Adjustment then approved four requests for Variance from Development Standards for paving, parking lot landscaping, a landscape buffer along Highway 84, and setbacks from property lines.

RECOMMENDATION AND FINDINGS

If the Board concludes that, based on evidence provided the Applicants have met the goals and objectives of the Land Use Regulations, then **staff would recommend the Board of County Commissioners find that:**

- a. The application meets the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations*, and
- b. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the *Archuleta County Land Use Regulations*, and

That the Board approves the request by Western Heritage Events Center, Inc, for the WHEC Agricultural Education and Equestrian Event Center Conditional Use Permit (CUP), on Lot 2M, Fairgrounds Minor Impact Subdivision, with the following conditions as recommended by the Planning Commission:

1. Approval is contingent on the Board of County Commissioners' acceptance of proposed improvements; approval shall run with the proposed Events Center facility.
2. Uses will be limited to those described in the application and those approved by the Archuleta County Administrator.
3. All events shall be conducted in compliance with the Performance Standards in Section 5.4.2 of the *Archuleta County Land Use Regulations*, including (but not limited to) volume of sound, vibration, and emissions.
4. All outdoor lighting shall be installed in compliance with Section 5.4.4 of the *Archuleta County Land Use Regulations*.
5. A seasonal caretaker may occupy an RV on-site for up to 120 days per year.
6. A fire lane shall be provided on the east side of the arena.
7. Applicants shall apply for a Development Agreement for review by the County Attorney and approval by the Board of County Commissioners, providing for cross-access and parking, and continued joint use, operations and maintenance.
8. Addresses for structures on this parcel shall be updated according to County policy.
9. Applicant shall submit a complete Building Permit application within one year of final approval, as required by Sec. 3.2.3.6 of the *Archuleta County Land Use Regulations*.

And that the Board instruct staff to draft a Resolution memorializing these Findings and Conditions of Approval at the earliest public meeting.

PROPOSED MOTION

I move to approve the Western Heritage Events Center, Inc, request for the WHEC Agricultural Education and Equestrian Event Center Conditional Use Permit (CUP) with Findings A and B, and conditions 1-9 of the Staff Report, and instruct staff to draft a Resolution stating Findings and Conditions of Approval.

ATTACHMENTS.

Attachment 1: Area Maps

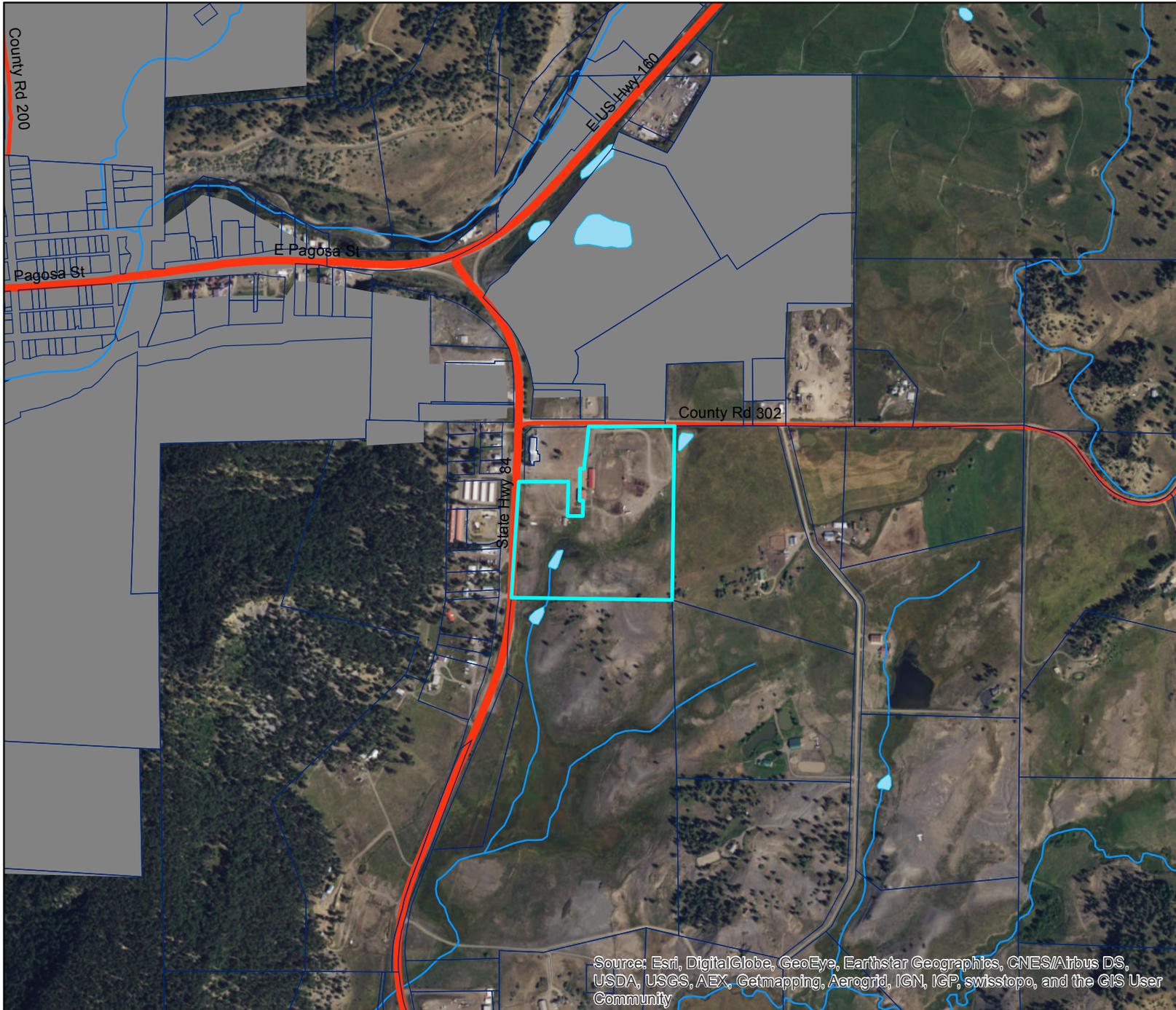
Attachment 2: Review Comments

Attachment 3: Applicant's Narrative and Operating Proposal

Attachment 4: Building Plans 7/26/16

Attachment 5: Site Plan 7/19/16

Attachment 6: Planning Commission minutes for July 27, 2016



Site Map

WHEC Event Center
 PLN16-071 CUP
 PLN16-072 VAR

Legend

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

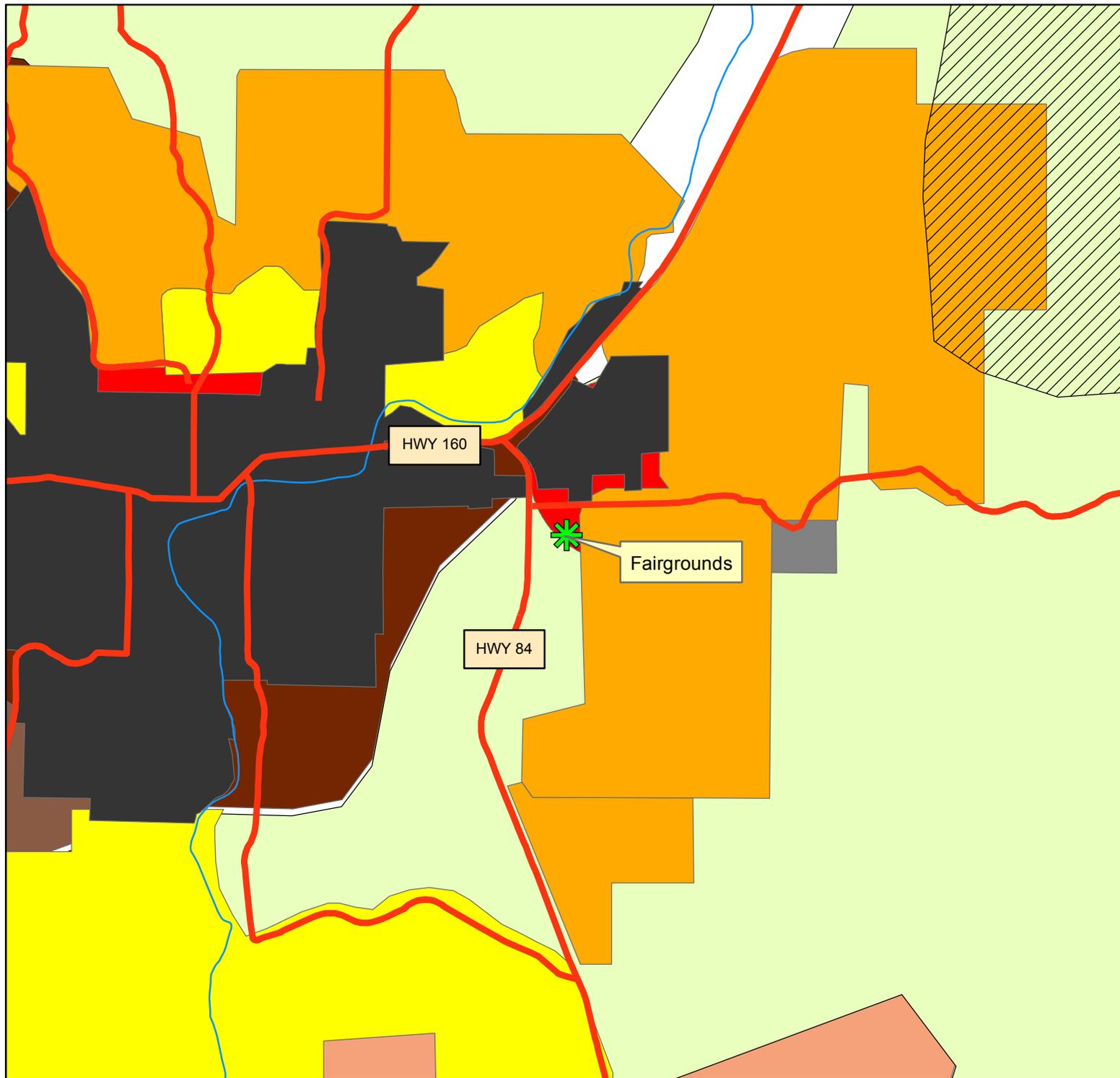


440 220 0 440 Feet



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

Archuleta County Community Plan Detail: Future Land Use



Legend

- Major Roads
- Rivers & Streams
- Lakes
- Critical Wildlife Habitat
- Migration Corridor
- Pagosa (2009)
- Tier 1
- Tier 2
- Industrial Park
- Commercial Area

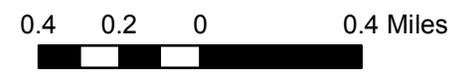
Future Landuse

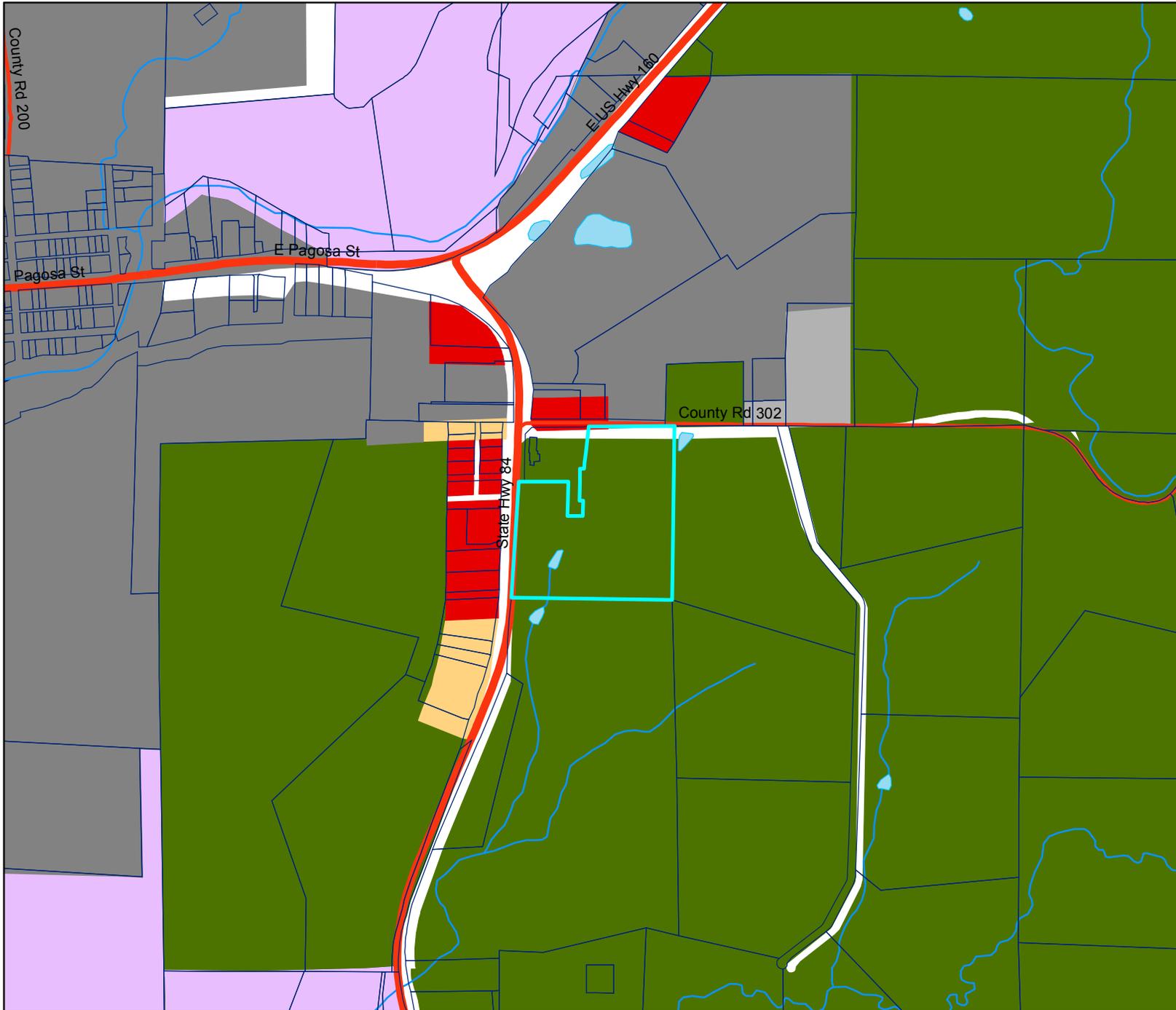
- High density residential
- Medium density residential
- Low density residential
- Very low density residential
- Public land
- Village Center



Detail of map developed 21 Sept 2011

Archuleta County Development Services
30 June 2016





Site Map

WHEC Event Center
 PLN16-071 CUP
 PLN16-072 VAR

Legend

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



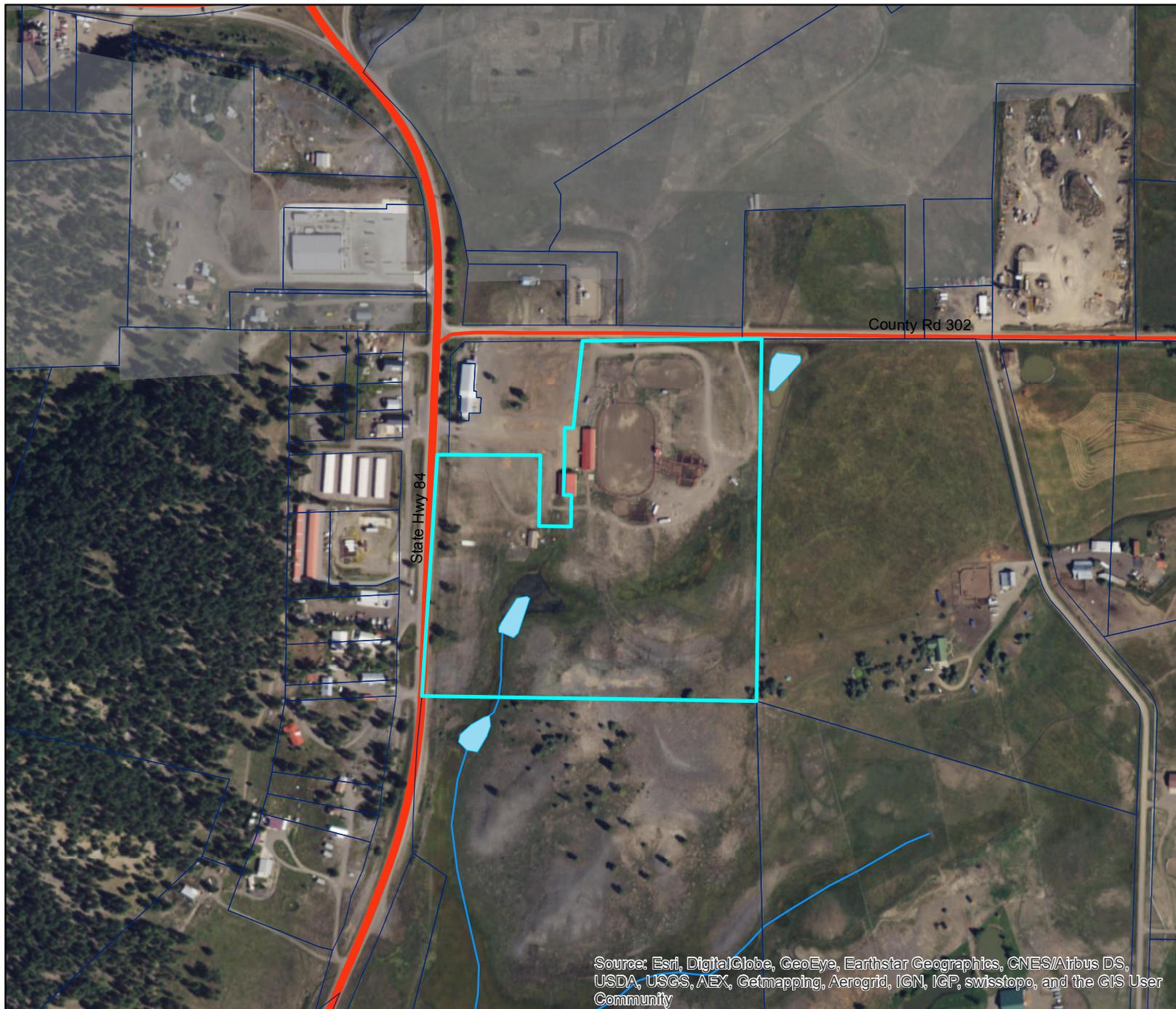


Site Map

WHEC Event Center
PLN16-071 CUP
PLN16-072 VAR

Legend

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



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



210 105 0 210 Feet





MEMO

Date: July 7, 2016

To: John Shepard

From: Yari Davis

Cc: Bob Perry

RE: Fairground Event Center

The Engineering Department has reviewed the variance requested by Fairground Event Center from Archuleta County Road & Bridge Design Standards, section 27.1.7.3.F and section 27.1.7.4.C, "that requires driveway and parking serving commercial uses must be paved". The Engineering Department has no objections with the variance approval. Comments and requirements follow:

- The driveways and the parking lots shall meet all the other requirements in the Archuleta County Road & Bridge Design Standards, Section 27.1.7.3. and 27.1.7.4. After reviewing the plans, appears there are not enough parking spaces to accommodate the proposed occupancy of the building. The Engineering Department requires Applicant to define and build, according to Road & Bridge Standards, for gravel parking, the areas where the horse trailers and extra parking would be located.
- After construction of the Fairground Event Center building and before the Building Department provides the Certificate of Occupancy (CO) to the applicant, the Engineering Department will require a signed and sealed letter from the design engineer stating that drainage and detention pond were built according to approved plans date 06/06/16.



Pagosa Fire Protection District



July 11, 2016

Subject: WHEC Archuleta Education and Equestrian Event Center
Owner: Archuleta County
Project: Land Use Permit/Variances
Address: 344A US HWY 84 Pagosa Springs Colorado

Attention: John C. Shepard, AICP

Dear Sirs;

The Pagosa Fire District has no objections to the landscape variances requested.

Also the fire district has no objections to the land use request for an Event Center, we would require a plan review prior to construction to insure compliance with the Fire Code.

The gravel access road detailed on the provided site plan does not meet the requirements of section 503 Fire Apparatus Access Roads.

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and ***shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls*** of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
- 2. Fire apparatus access roads cannot be installed because of location on property,*** topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

The District is willing to grant the exception and increase the distance to 160 feet, in order not to require an access road on the north side of the building. The District would require that the access road be designed to provide equipment access to both north corners of the perposed building. Please see attached site plan PDF.

David Hartman

David Hartman
Fire Marshal



551 Hot Springs Boulevard
Post Office Box 1859
Pagosa Springs, CO 81147
P: 970.264.4151
F: 970.264.4634

Town of Pagosa Springs
Planning Department

Date: July 05, 2016
To: John Shepard, Archuleta County Planning Department
Re: Western Heritage Events Center land use application, 344A, US Hwy 84

Hello John,

Thank you for forwarding the application for 344A, US Hwy 84 regarding a land use application for the Western Heritage Event Center's (WHEC) proposed arena and other additional improvements. I have the following comments regarding the application you and the Archuleta Planning Commission will be considering.

1) Address Designation:

It appears the property's access is through the County owned property along Hwy 84, with direct access to the WHEC parcel along Mill Creek Road. With the proposed improved main access from Mill Creek Road, the WHEC parcel should be re-addressed from Mill Creek Road instead of Hwy 84.

2) Access:

The proposed site plans appear to indicate improving the existing two points of access from Mill Creek Road will remain in the same existing locations. These locations are acceptable.
Does the Hwy 84 access change to a RI/RO?

3) Fire Hydrants:

Depending on distances from proposed Fire Hydrants to the parking lot areas, additional fire hydrant(s) maybe be warranted or considered.

4) Paving Variance request:

It is reasonable to consider a variance for paving the parking lot due to the nature of the proposed continued limited use of the event grounds, however, having attended many events over the years, dust created in the parking lot can be a substantial issue to event attendees and surrounding properties. SW summer winds will carry the dust to the neighboring proposed Mountain Crossing commercial development, on the North side of Mill Creek Road. If a variance is approved, Dust mitigation measures prior and/or during such events is highly recommended as a contingency of approval, as well as requiring paving a minimum of 20-30 feet of the access driveway approaches to Mill Creek Road. The Mountain Crossings development is about to begin asphalt improvements along Mill Creek Road, and paving the access approaches will help protect the asphalt surface from accumulation of gravel and dirt. The Town is moving forward with annexing this portion of Mill Creek Road from the County.

5) Mill Creek Road:

As mentioned above, the Mountain Crossing development is about to improve the 1800 lineal feet east of Hwy 84, and the town is progressing with the annexation of such roadway length. The cross section includes two 12 drive lanes and one 14-foot center turn lane. Additionally, a sidewalk on the north side and on street bike lanes OR a multi-use trail along the north side will be included. Typically, development improvements would trigger participation in such improvements. Consideration should be given to the addition of pedestrian facilities along the south side of Mill Creek Road, that may require an additional dedication of ROW.

6) Landscaping Variance Request:

It is reasonable to consider the interior parking lot landscaping variance if approving a variance for paving of the parking lot, however, at a minimum, landscaping along the Mill Creek Road frontage is highly recommended, to provide a buffer and screening of the fairly sparse property, from future adjacent uses, especially the Mountain Crossing development on the north side of Mill Creek Road. Additionally, Landscaping with trees around the proposed arena footprint would provide an enhancement to the proposed structure and development. Revegetation of all disturbed areas should not be considered for variance. Typically, variances are not granted on the basis of financial reasons.

7) Setback Variance request:

I see no issues with the request setback variance.

8) Exterior Lighting:

Though Parking Lot lighting is not proposed, any exterior lighting should require the concealment (shielding) of light sources from off site.

Thank You for your serious consideration of the recommendations provided above,

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

John Shepard

From: Heinlein - CDOT, Jo <jo.heinlein@state.co.us>
Sent: Tuesday, July 19, 2016 1:46 PM
To: John Shepard
Subject: Re: FW: COUNTY REVIEW: WHEC Event Center CUP/Variances, 344A US Hwy 84 (PLN16-071/16-072)

John,

I agree with Jim. Their new proposed site plan shows three accesses onto Mill Creek Road. I believe all three of these are currently existing and should provide more than adequate access and site circulation to meet the Center's needs.

1. The westernmost access onto Mill Creek Road does not meet the intersection spacing requirements (distance from intersection with highway).
2. It is likely that the existing uses already warrant a left turn deceleration lane from SH 84 onto Mill Creek Road.
3. The proposed covered arena will allow other, different types of events to occur at the Center (in addition to the ones currently taking place at the site). This could potentially generate even more traffic than the site currently generates since a covered facility opens the Center up to events of a nature which would not be appropriate for an open-air facility.
4. The existing access for the Center onto SH 84 is much too close to Mill Creek Road to allow for safe simultaneous use of both access points.
5. I believe it would be in the best interests of the Center, the County, and CDOT to review a new access permit application for Mill Creek Road. A traffic impact study may be required.

Let me know if you have additional questions or concerns.

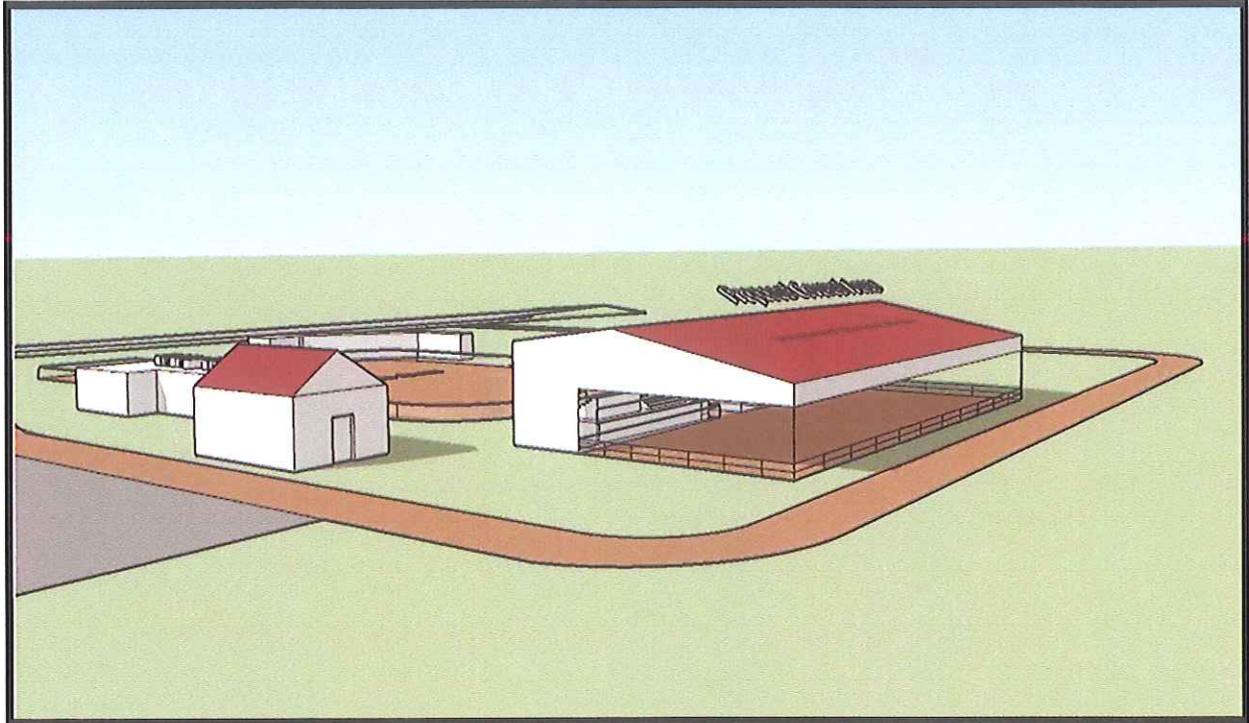
Thank you,

On Tue, Jul 19, 2016 at 1:07 PM, John Shepard <[jShepard@archuletacounty.org](mailto:Shepard@archuletacounty.org)> wrote:

Jo- Do you have comments on the WHEC Events Center proposal? Apparently Jim Horn had told folks (sometime) that the primary access on US Highway 84 would have to be closed the next time there were any improvements on either parcel at the Fairgrounds. The Western Heritage group believe the covered arena will simply displace existing activity, not add any additional traffic generation.

We're looking to do notice for next round in August, so I can take comments to them later if you need more time.

PROPOSAL FOR CONDITIONAL USE PERMIT



Western Heritage Event Center Proposed Covered Arena

**Location: 344A US Highway 84
Pagosa Springs, CO 81147**

**Prepared For: John C Shepard AICP
Planning Manager, Archuleta County
1122 Highway 84
Pagosa Springs, CO 81147**

Western Heritage Event Center
344A US Highway 84
PO Box 1841
Pagosa Springs, CO 81147

Overview of Western Heritage Event Center (WHEC)

Pagosa Springs Enterprises was established in 1949. Pagosa Springs Enterprises was the original governing body of the Western Heritage Event Center. Membership fees and donations from local families were used to put on the Red Ryder® Rodeo, county fair and 4-H events.

In the 1990's, 501(c)(3) non-profit status was attained from the IRS and the name was changed to Western Heritage Event Center (WHEC).

WHEC is governed by nine directors known as the "Board of Directors". Each board member serves a term of three years or until resignation or removal by a majority vote of the Board or until the end of an appointed term.

The current mission is to provide an annual 3-day Red Ryder® Roundup Rodeo as well as a year-round venue for education and training for youth and equestrian events for Archuleta County. The facility also hosts a summer rodeo series with an average of six performances. The Western Heritage Board is dedicated to preserving the history and traditions of the American West.

Currently, the WHEC property is mainly used for the Red Ryder® Roundup Rodeo and for the Archuleta County Fair. It is used by joint agreement wherein WHEC uses the entire grounds (including property owned by Archuleta County) during the Red Ryder® Roundup Rodeo over the 4th of July and Archuleta County uses the grounds (including property owned by WHEC) for the County Fair during the first week of August. The arrangement has long been in practice with no contention.

Description of Existing Site

Address: 344A Highway 84; Pagosa Springs, CO 81147

Parcel Number: 57118412002

Legal Description: Fairgrounds L 2M, Fairgrounds minor lot: 2M fairgrounds minor impact lot 2M; 18-35-1 W Plat #724 #20501847

Site Size: 29.9 Acres

Description of Improvements

The subject's existing improvements consist of a 210' X 330' outdoor pipe arena, covered spectator bleachers, outdoor spectator bleachers, announcer's stand with office, and livestock handling facilities and corrals. In addition, the site is improved with a 6,000 sf block building that includes bathroom facilities, upstairs activity room, and rear storage. The block building was built in 2005.

Horizontal improvements include public water, sewer (PAWS), and electricity (LPEA).

An aerial photograph of the property can be seen in the addendum of this narrative courtesy of Archuleta County GIS.

Description of Proposed Use

The Conditional Use Permit is for a proposed covered arena located on WHEC grounds. As depicted in this application by the visual illustrations, the arena is 164' X 250' with 130' X 250' clear span. It is to be of commercial grade steel construction classified as an "Average Class D" arena in the Marshall & Swift Cost Handbook.

Once completed, the building will be a public use facility for the following purposes:

- Equine events
- Rodeo
- 4-H events
- Education & training events

These are the main intended uses of the arena, however, the potential use could be for many other reasons. Again, use of the facility will not be for private use but for the good of the community in the promotion and promulgation of western heritage, agriculture, and youth education.

The two main events in any given year are the Red

Arena Funding & Oversight

Funding for the arena is largely made up by private donors with a portion of the funds by matched county grants. The general contractor and on-site construction management will be provided by the Western Heritage Board. Once entitlements are in-place, construction is expected to take one year.

Surrounding Property Uses

The existing improvements and proposed project is located on the outskirts of the original Town of Pagosa Springs in Archuleta County. Surrounding uses include agricultural land to the north, east, and south, and residential and commercial land to the north.

Access

For many years, historic access for both the County Fair and Red Ryder® Roundup has been via Highway 84 to County Rd -302 (Mill Creek Road) to the spectator and competitor parking. Per the engineered plat, a circular road with two access and departure points off Mill Creek Road will be constructed for the efficient movement of traffic to and from the facility.

A secondary entrance directly off Hwy 84 is used for daily operation of the existing County Extension office. Per historic agreement with CDOT, this entrance will be vacated once the covered arena is built. Again, this entrance is not used during the two main events of the year.

Parking

The proposed arena will not provide for increased spectators or competitors. No additional seating or spectator accommodations are planned within the building. At peak occupancy during County Fair, the building will take the place of one of the livestock tents that are currently constructed each year. Without a significant expected increase in attendees, the existing handicap parking and facilities are considered sufficient with two additional handicap parking spots adjacent to the covered arena.

In short, the existing graveled parking areas will be used with no expected increase in parking requirements.

Parking Lot Lighting

No new parking lot lighting is proposed as the new building provides for no new uses for the grounds. Further, attendee numbers will not be increased by the new facility.

Utilities

The proposed project will need water and electricity. The water is necessary for fire suppression by hydrants (two located on east and west sides of the building), and electricity for lighting. All lighting will be subject to “dark sky” lighting regulations.

Fire & Safety

As previously mentioned, fire suppression and safety will be mitigated by two fire hydrants located on opposite east and west corners of the building. The water tap is from the main line adjacent to Highway 84.

Caretaker

Located on-site is a RV hook-up for a recreational trailer/camper. The caretaker provides general oversight and security of the property. Additional responsibilities are facility trash management, weed and grass control, and donation box management. The caretaker usually arrives mid-May and departs in November. The RV accommodation for a seasonal on-site caretaker (RV Site) has been in existence for many years.

Drainage & Wetlands

Per drainage study by Davis Engineering, all drainage from the parking areas, existing improvements, and proposed improvement will be directed to a central point, south of the

proposed building, into a detention pond. From the detention pond overflow, the excess water will flow southwards to an existing tail-water drainage canal.

The proposed improvement does not encroach on any existing wetlands and will have no negative impact on riparian or wildlife habitat areas.

Operation & Future Plans

Once construction is complete, the WHEC organization intends to quit-claim the new arena together with directly supportable land to Archuleta County. At that time, agreements shall be put in place for cooperative use and management of the facility. From previous meetings with the Board of County Commissioners, this is an acceptable outcome for the proposed project.

Conclusion

In summation, the WHEC proposes the construction of a very large covered arena made possible mainly by private donors. The overall intended purpose is for the good of the community in providing a safe, secure, and weather-proof facility that can be utilized year-round for many different events and activities. The building will serve as an additional facility to what already exists and presents a better, more functional facility for the County Fair and Red Ryder® Roundup Rodeo.

WHEC

Covered Event Center

Operating Agreement

This following operating and conveyance agreement is based on conversations with Archuleta County and sub-committee Board of Directors for WHEC

Archuleta County representatives include:

- Roberta Toland: Archuleta County Extension Agent
- Terry Schaaf: Administrative Assistant
- Chris Stacey: County Maintenance Director

Board of WHEC representatives include:

- Jess Ketchum
- JR Ford
- Diane & Randy Talbot
- Lisa Scott

This document is a preliminary operating and development plan for the covered event center planned for construction. This initial draft is intended to begin the process of determining a practical and functional strategy for the operation of the covered event center for the purpose in which it is designed to serve. It is in no way a binding agreement but is presented for the purpose of conveying the intent and purpose of the WHEC board for use of the building. From this proposal, fixed and variable operating costs can be estimated on what the County will be responsible for once the deed is conveyed. This document cannot encompass all issues that are certain to rise but it is believed that these, many times unknown, issues will be resolved as they happen. A complete operating statement will be officially decided upon by both parties when the building is actually conveyed to the County.

History of WHEC

As previously presented in the CUP approval application, Pagosa Springs Enterprises was established in 1949. Pagosa Springs Enterprises was the original governing body of the Western Heritage Event Center. Membership fees and donations from local families were used to put on the Red Ryder® Rodeo, county fair and 4-H events.

In the 1990's, 501(c)(3) non-profit status was attained from the IRS and the name was changed to Western Heritage Event Center (WHEC).

WHEC is governed by nine directors known as the "Board of Directors". Each board member serves a term of three years or until resignation or removal by a majority vote of the Board or until the end of an appointed term.

The current mission is to provide an annual 3-day Red Ryder® Roundup Rodeo as well as a year-round venue for education and training for youth and equestrian events for Archuleta County. The facility also hosts a summer rodeo series with an average of six performances. The Western Heritage Board is dedicated to preserving the history and traditions of the American West.

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Site Size: 29.9 Acres

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The subject's existing improvements consist of a 210' X 330' outdoor pipe arena, covered spectator bleachers, outdoor spectator bleachers, announcer's stand with office, and livestock handling facilities and corrals. In addition, the site is improved with a 6,000 sf block building that includes bathroom facilities, upstairs activity room, and rear storage. The block building was built in 2005 and is owned by Archuleta County.

Future Plans & Events

Once entitlement and construction phases are complete and the event center is finished, WHEC intends to quit-claim the real property including the improvement and directly supportable land to Archuleta County for a public-use facility. The intention is that both Archuleta County and WHEC benefit from the use of the building in the continued promotion of 4-H activities and western heritage activities.

The building is intended to replace and enhance current improvements on the property. Consequently, the two main events are the Archuleta County Fair and the Red Ryder Roundup Rodeo. Of the two, the building will be most heavily used at the County Fair as this building will take the place of the livestock tent that is currently used for the livestock exhibitors. The three-day Rodeo event is held in the open-air arena and the covered arena will be used as a warm-up arena for the competitors.

Other special events are not anticipated to the large size and scale of the County Fair and Rodeo. They will mostly be secondary uses that occur on a weekly basis during the summer

such as the 4-H horse project which involves a dozen or so youths riding horses in the arena one evening a week. Another current use which may utilize the arena is the Backcountry Horsemen who have a “team-sorting” on Saturday mornings with an estimated 10 to 20 participants. In addition to these secondary uses, the arena is intended to be open to public individuals who desire to ride horses during the winter months. Specific uses beyond the above mentioned are hard to predict. It is anticipated that equestrian use will be very little during December, January, and February.

Other anticipated uses include using the building as a “wildfire safe-zone” for the emergency management of animals. (WHEC grounds are also in this designation)

Operation

Once the County owns the building and property, scheduling of the previously mentioned “secondary” events will be coordinated by the Extension Office much the same way as the Extension building is used for private weddings and memorial services. A fee schedule will be set up depending on the type of event to off-set the cost of maintenance, e.g. WHEC charges \$250 per Thursday night rodeo for the use of the open arena.

Historically, WHEC and the County have had a reciprocal agreement that the County uses the entire grounds during the County Fair and the Rodeo uses the grounds during the Rodeo. This has been in practice since the parking lot and block bathroom building was deeded to the County. Other secondary shared-ground events are coordinated on individual basis according to scheduling. This type of arrangement is intended to continue once the event center is conveyed.

Bathroom Facilities

At present, the County bathroom facilities are only open to the public during the County Fair and Red Ryder Roundup rodeo. The County pays for cleaning and toiletries during the Fair and WHEC pays for these items during the Rodeo. Beyond namely the Fair, the bathrooms will not be open to the public. For smaller, secondary events, a portable outhouse will be available in both summer and winter. Please note, during the summer months up to four portable outhouses are available around the open-air WHEC arena. In short, bathroom costs for an additional portable out-house will be required in addition to current permanent bathroom costs.

Water & Electricity

Two fire hydrants will be installed on opposite corners of the building. Off this, two frost-free hydrants will be installed for 4-H animal use. The building includes no other plumbing and the cost of water should be minimal.

Dust control and performance conditions of equestrian arenas are controlled by water. Water moistens the ground for grooming and eliminates dust. Currently, the open-air arena is

watered by electric pump from an irrigation pond. Tail-water irrigation/water rights from the Park Ditch Water Company supply this pond. It is conveniently located near the new building and an agreement is probable for the new building to use this water to irrigate the in-door ground.

Electrical power will be installed in the new building from the County's meter near the block building. It will be of sufficient quantity to provide lighting for the entire arena and electrical plugs for the grooming of animals in preparation for the livestock show. Studies are also being conducted for a "pay-as-you-use" electrical meter in which private individuals can use digital payment for the use of electricity—similar to a self-serve carwash. Thus, the cost for electricity should not exceed what is currently used for the livestock tent during the County Fair. All other users would pay for the electricity via a self-service type metering system or by agreement with the County scheduler.

Snowplowing & Road Maintenance

As depicted in the plat, a circular access road will be installed around the grounds for emergency management as well as functional ingress and egress of the property. Approximately half of this road will be on County land and half on WHEC land. Access easements will be granted to both parties for the use of this road. It will be the responsibility of the County for gravel maintenance on County land and WHEC for gravel maintenance on WHEC land. Additional County responsibility will be for the small handicap accessible pad in front of the arena along with other issues caused by use and deterioration.

As the WHEC grounds are typically closed during the winter months, snow removal and access to the building will be the responsibility of the County. As such, with minimal expected use during mid-winter, the access road will probably not require complete snow removal all the way around but a drive path to the building with a small cleared parking lot.

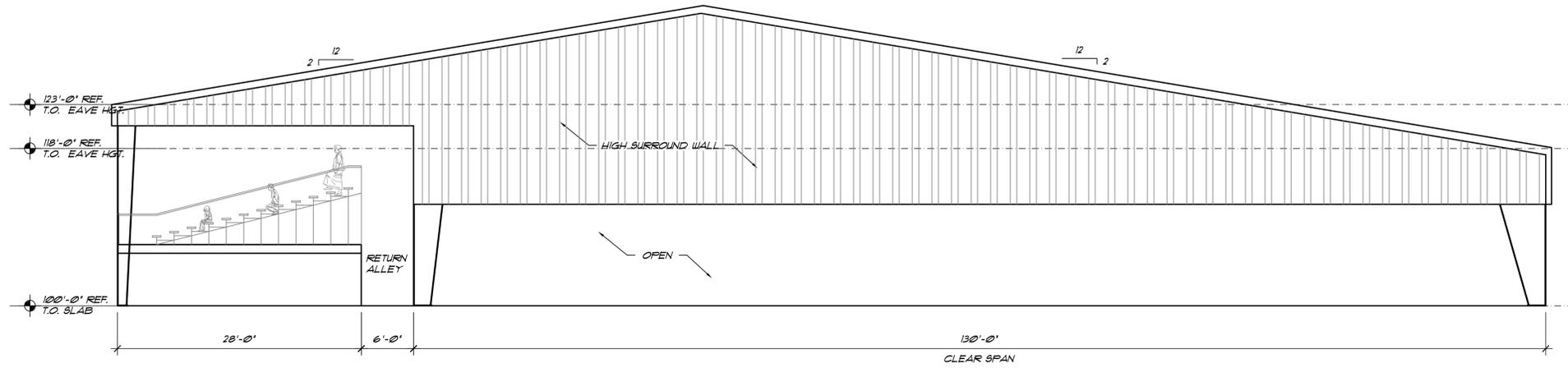
Other Maintenance

Beyond the typical maintenance of changing light bulbs, road maintenance, and portable out-house facilities, other maintenance would include weekly watering and disking of the arena. Grooming of the grounds is necessary for dust control and provides safe footing for performance animals. Other County and privately owned covered event centers in the area typically employ this type of grooming schedule.

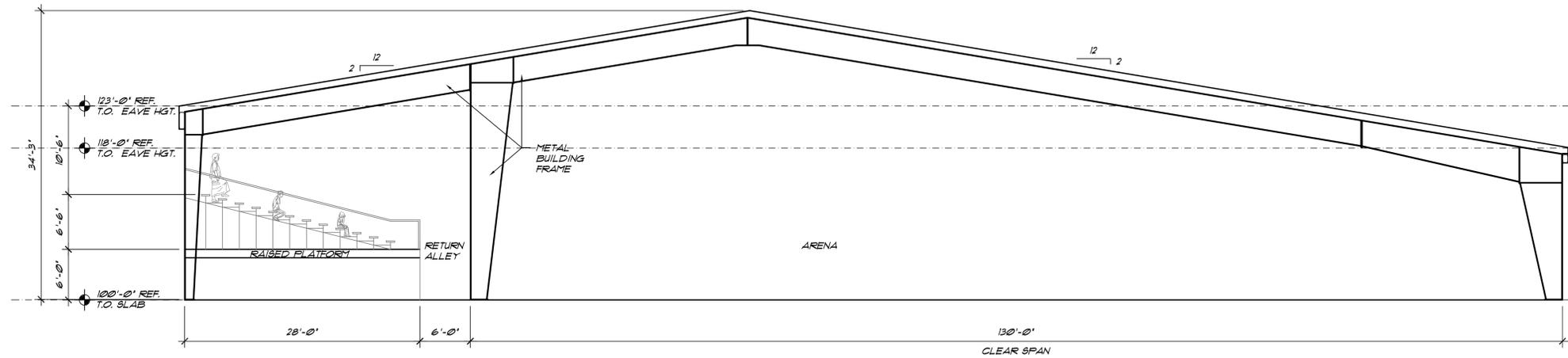
Conclusion

The conclusion is that the use of this building does not exclude activities outside of 4-H youth events or western heritage events. However, in perpetuity, these types of events should take priority over any other type of event. This is the intention of the WHEC board and why the board is prepared to convey this facility to the County. A building of this magnitude is beyond the scope of what the WHEC organization is equipped to effectively manage and would be in better hands with County oversight. Above all else, the building's purpose is for the 4-H youth

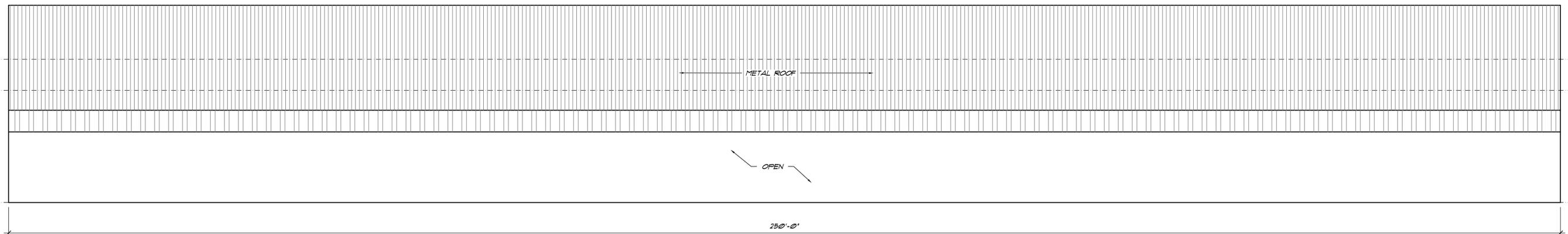
of this community and for the education, enjoyment, and promotion of this area's agricultural western heritage and history.



ELEVATION A
SCALE: 1/8" = 1'-0"
A-201



BUILDING SECTION B
SCALE: 1/8" = 1'-0"
A-201



ELEVATION C
SCALE: 1/8" = 1'-0"
A-201



REYNOLDS + ASSOCIATES
ARCHITECTURE
ENGINEERING

1160 MAIN AVE., STE. B
DURANGO, CO 81301
(970) 259-7494
FAX (970) 259-7492
262 PAGOSA STREET, STE. 200 / P.O. BOX 96
PAGOSA SPRINGS, CO 81147
(970) 264-6884
FAX (970) 264-6997

REYNOLDS AND ASSOCIATES, P.C. EXPRESSLY RESERVES THE COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING WRITTEN PERMISSION AND CONSENT OF THE ARCHITECT OF RECORD. THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. FEDERAL LAW PROHIBITS THE REPRODUCTION, DISPLAY, SALE, OR OTHER DISPOSITION OF THIS DOCUMENT WITHOUT THE EXPRESS WRITTEN CONSENT OF R. A. ARCHITECTS, P.C.

PROGRESS SET
NOT FOR CONST.

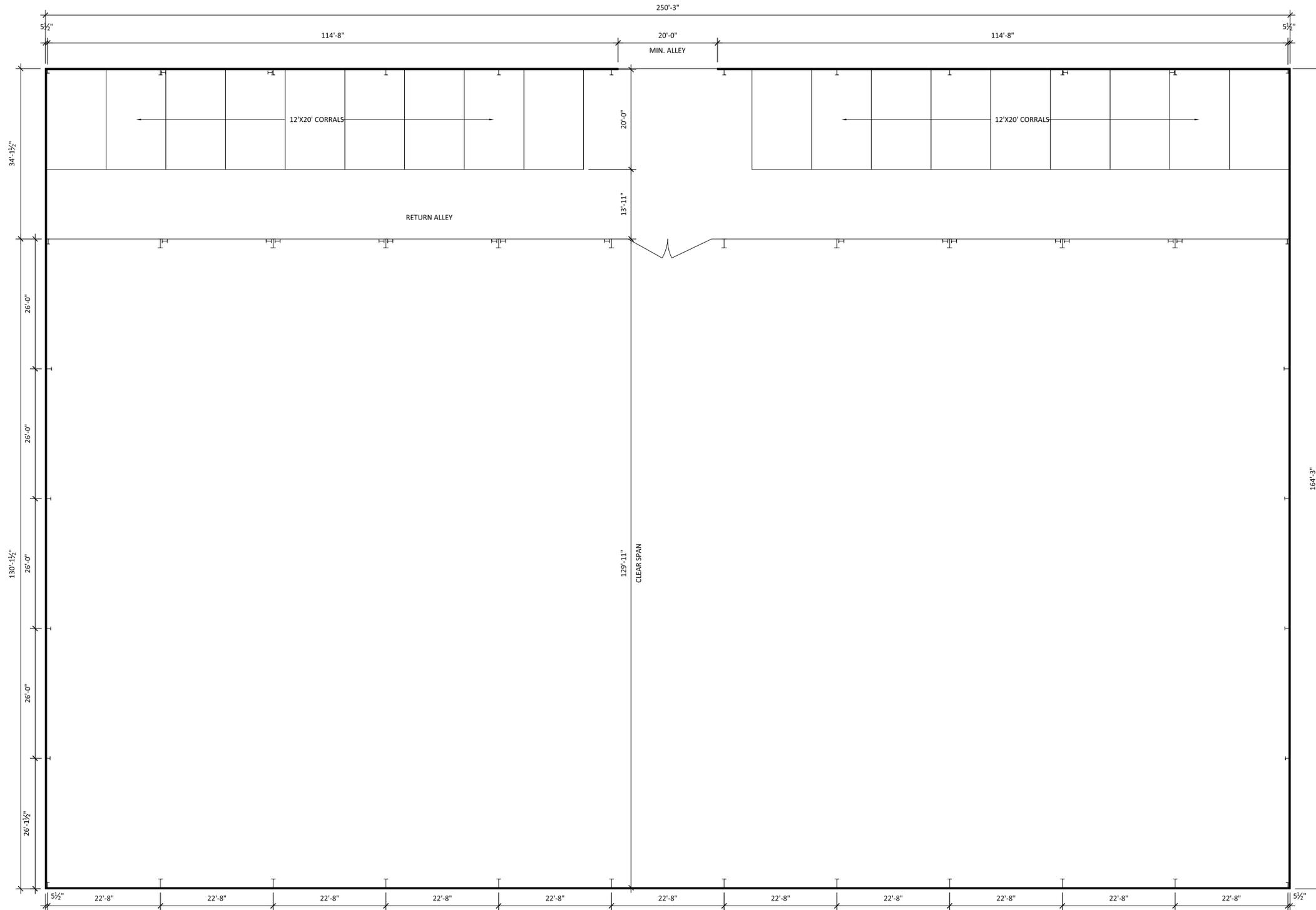
ARCHULETA COUNTY
RODEO GROUNDS
PAGOSA SPRINGS, CO 81147

JOB NO.: 14005
DATE: 2014-10-24
DRAWN BY: CLK

ISSUE RECORD:

REVISIONS:

A-201
EXTERIOR
ELEVATIONS



ARENA FLOOR PLAN

SCALE: 3/32" = 1'-0"



NORTH

FAIRGROUNDS ARENA
 ARCHULETA COUNTY FAIRGROUNDS
 PAGOSA SPRINGS, CO 81147



COURTNEY KING
 ARCHITECTURE

po box 5823
 pagosa springs
 colorado, 81147
 970.946.9410

courtneykingstudios.com

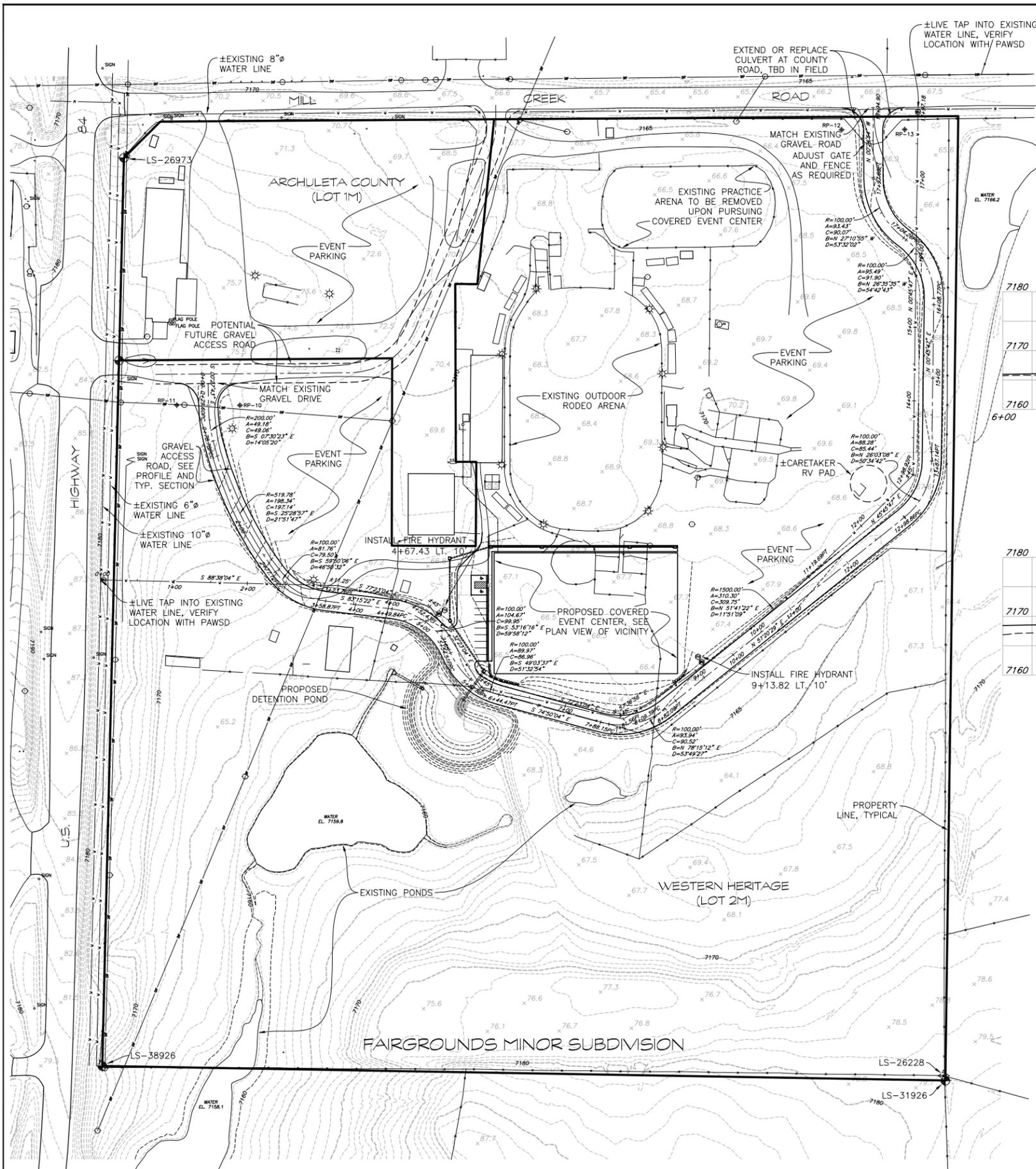
JOB NO.: 1512

ISSUE DATE:

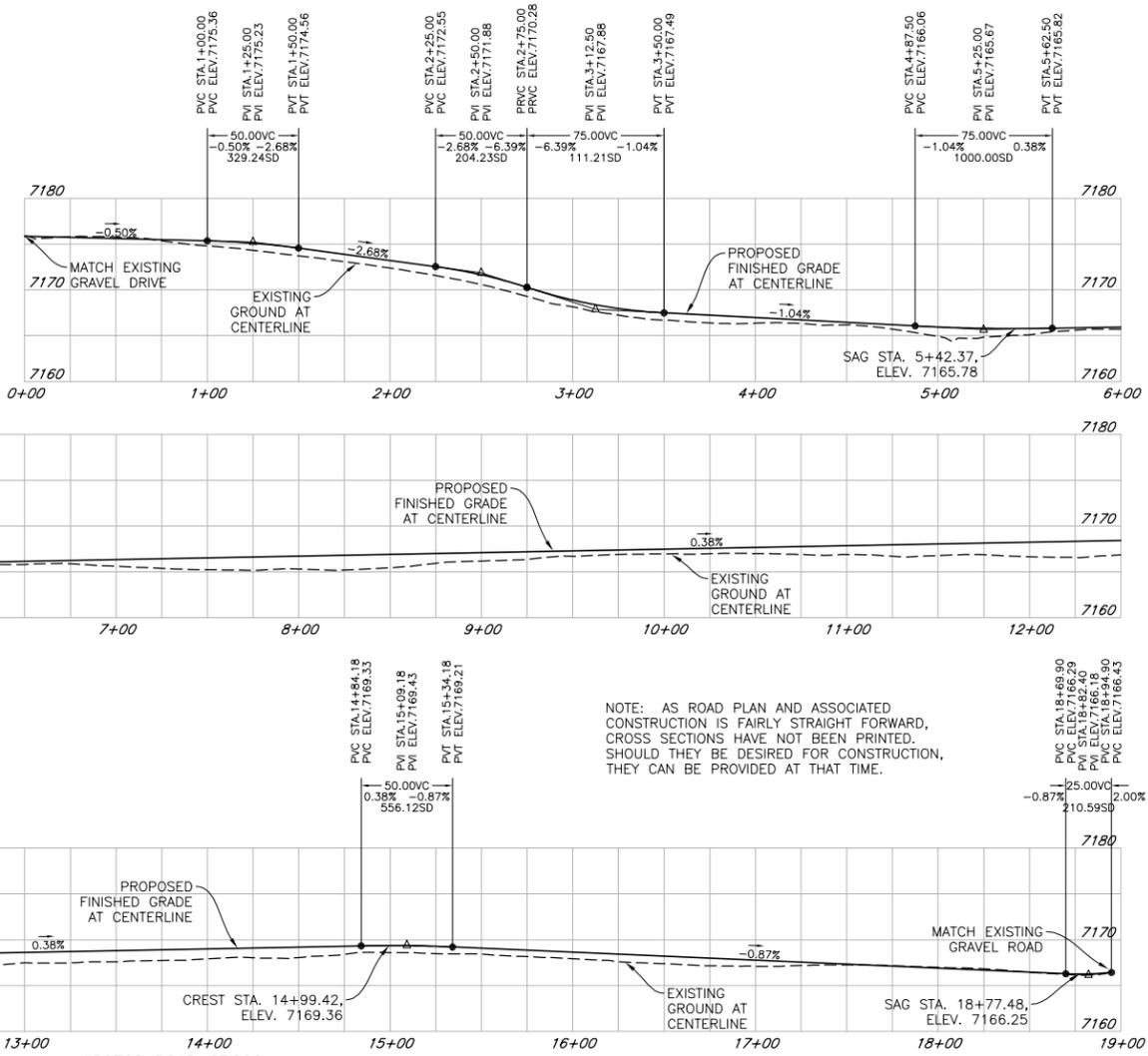
REVISIONS:

A1

FLOOR
 PLAN



ARCHULETA COUNTY FAIRGROUNDS - PLAN VIEW
SCALE: 1" = 80'



ACCESS ROAD CROSS SLOPE STATUS

STATION	CROSS SLOPE
0+00.00	MATCH EXIST.
0+29.60	-2% LEFT
3+58.87	-2% LEFT
4+49.84	-2% RIGHT
6+08.61	-2% RIGHT
6+80.33	-2% LEFT
18+50.00	-2% LEFT
18+94.90	MATCH EXIST.

GRAVEL ACCESS ROAD - PROFILE

HZ. SCALE: 1" = 50'
VT. SCALE: 1" = 10'

NOTE: ENTIRE ROAD TO HAVE CONSTANT CROSS SLOPE, MAINTAIN OR TRANSITION CROSS SLOPE BETWEEN STATIONS INDICATED.

RADIUS POINT TABLE

RADIUS POINT	NORTHING	EASTING	NOTES
RP-01	1221189.6682	2566314.0067	10' TO EDGE GRAVEL
RP-02	1221129.8065	2566353.0682	9' TO EDGE GRAVEL
RP-03	1221251.8065	2566344.0067	20' TO EDGE GRAVEL
RP-04	1221302.0734	2566337.7051	20' TO EDGE GRAVEL
RP-05	1221135.3482	2566279.9325	11.5' TO CL BERM
RP-06	1221106.3120	2566297.4020	13' TO POND TOE
RP-07	1221123.7014	2566368.9700	53.5' TO TOE, 68.5' TO SWALE
RP-08	1221050.6294	2566388.8408	10.5' TO POND TOE
RP-09	1221065.8466	2566333.9096	67.5' TO TOE, 52.5' TO SWALE
RP-10	1221483.0088	2566027.8609	30' TO EDGE GRAVEL
RP-11	1221483.1727	2565941.8570	30' TO EDGE GRAVEL
RP-12	1221857.9342	2566848.4071	30' TO EDGE GRAVEL
RP-13	1221858.2059	2566934.4074	30' TO EDGE GRAVEL
RP-14	1221073.5258	2566338.9025	10' TO SWALE
RP-15	1221039.0568	2566360.1500	15' TO SWALE
RP-16	1221087.0551	2566275.1180	10' TO SWALE

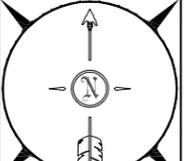
SURVEY CONTROL COORDINATES

DESCRIPTION	NORTHING	EASTING	ELEVATION
LS-31926	1220563.8770	2566989.7930	7179.07
LS-26228	1220570.5850	2566987.6040	7179.83
LS-38926	1220583.8080	2565840.2660	---
LS-26973	1221819.6650	2565869.7280	---
GRAVEL ACCESS ROAD 0+00	1221512.6064	2565984.6205	7175.86
FIRE WATER LINE 0+00	1221245.3080	2565938.0306	---
N. END SPILL CURB	1221251.8065	2566366.5067	7168.90
S. END SPILL CURB	1221134.8065	2566366.5067	7168.08
W. END MOUNTABLE CURB	1221292.0565	2566366.5067	7168.38
HIGH POINT MOUNTABLE CURB	1221292.0565	2566499.6317	7169.05
E. END MOUNTABLE CURB	1221292.0565	2566624.7567	7168.42
EVENT CENTER N.W. CORNER	1221282.0565	2566374.5067	7169.00
EVENT CENTER N.E. CORNER	1221282.0565	2566624.7567	7169.00
EVENT CENTER S.E. CORNER	1221117.8065	2566624.7567	7169.00
EVENT CENTER S.W. CORNER	1221117.8065	2566374.5067	7169.00

NOTES:
1) SURVEY CONTROL SHALL BE VERIFIED PRIOR TO CONSTRUCTION. IT IS RECOMMENDED THAT ADDITIONAL CONTROL BE ESTABLISHED NEAR THE PROPOSED EVENT CENTER PROJECT.
2) THE EVENT CENTER COORDINATES ARE PROVIDED BASED ON THE RECTANGLE WITH THE DIMENSIONS SHOWN. FINAL ARCHITECTURAL PLANS SHALL BE REFERRED TO FOR FOUNDATION AND OTHER BUILDING SPECIFICS.

LEGEND (For 1" = 20' Scale Plan View)

- 7165 --- Existing contour, one foot interval
- - - 7165 - - - Proposed contour, one foot interval
- Existing property line (record data)
- Existing water line
- Proposed water line w/stationing
- Existing overhead electric line
- Proposed electric line
- Proposed centerline w/stationing
- Existing drainage
- Proposed drainage
- Proposed significant grade break
- Existing fence
- Proposed curb & gutter
- Proposed truncated dome insert
- Proposed culvert w/ end sections
- Proposed catch basin in curb
- Proposed Type C catch basin
- Proposed riprap
- ⊙ Proposed Fire Hydrant
- ⊙ Proposed Water Gate Valve
- ⊙ Existing Light Pole
- ⊙ Existing Utility and/or Light Pole
- ⊙ Existing spot elevation from topo
- ⊙ Found property corner
- ⊙ Survey control point
- ⊙ Radius point
- ⊙ Proposed finished grade spot elevation
- ⊙ Proposed invert or flow line spot elevation
- Proposed finished grade slope
- Proposed invert or flow line slope



DAVIS ENGINEERING SERVICE, INC.
SINCE 1948
DES

DAVIS ENGINEERING SERVICE, INC.
P.O. BOX 4462
PAGOSA SPRINGS, COLORADO 81447
PHONE: (970) 264-0665
FAX: (970) 264-0200

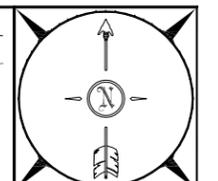
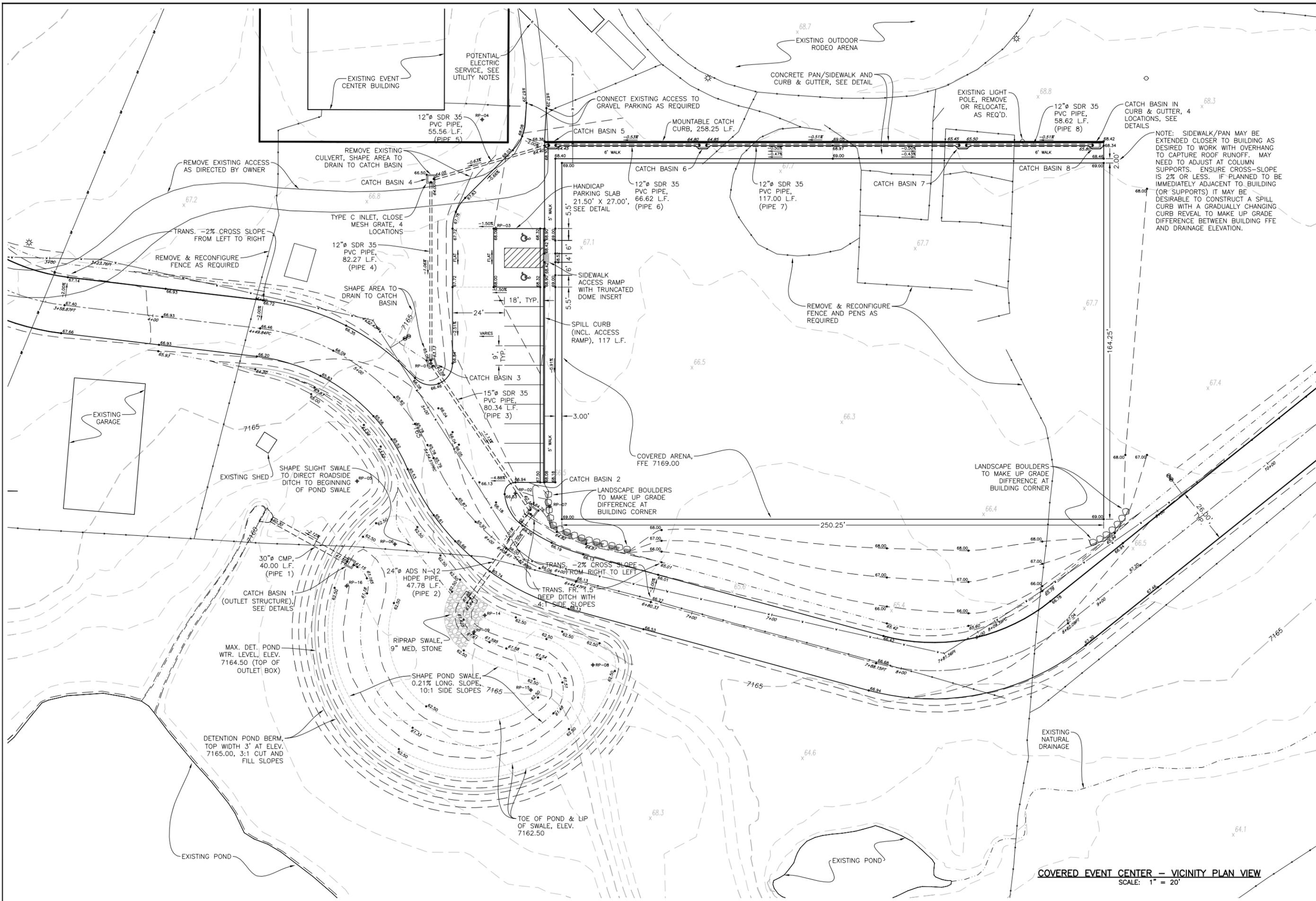
AS NOTED 06/06/16

01

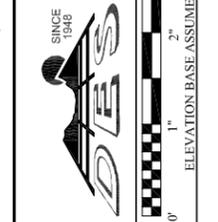
Western Heritage Event Center
c/o Jess Ketchum
P.O. Box 4462
Pagosa Springs, CO 81447

Western Heritage
Covered Event Center
Fairgrounds Plan, Road Profile,
Survey Coord., Legend

P06827
Sheet 2 of 3



DAVIS ENGINEERING SERVICE, INC.
 SINCE 1948
 DAVIS ENGINEERING SERVICE, INC.
 P.O. BOX 4462
 PAGOSA SPRINGS, COLORADO 81417
 PHONE: (970) 264-0605
 FAX: (970) 264-0210



DATE DRAWN: 07/19/16
 DRAWN BY: MMD
 CHECKED BY: MMD
 DATE APPROVED: 06/06/16
 APPROVED BY: MMD

DATE	07/19/16	01	MMD	MMD	MMD	MMD
DESCRIPTION						

HALF-SIZE DRAINING

Western Heritage Event Center
 c/o Jess Ketchum
 P.O. Box 4462
 Pagosa Springs, CO 81417
 Western Heritage
 Covered Event Center
 Vicinity Plan View

P06827
 Sheet 3 of 3

COVERED EVENT CENTER - VICINITY PLAN VIEW
 SCALE: 1" = 20'



**Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES**

Archuleta County Planning Commission Minutes, Regular Meeting July 27, 2016

The Archuleta County Planning Commission held a meeting on Wednesday, July 27, 2016, at 6:00 PM at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Chairman Frederick called the meeting to order.

Commissioners in attendance:

Michael Frederick, Anita Hooton, David Parker, and Betty Shahan. Commissioner Peter Adams had announced at the last meeting he would not be in attendance.

Staff in Attendance:

John Shepard, AICP, Planning Manager; and Sherrie Vick, Planning Tech

Public in Attendance:

Jess Ketchum, J.R. Ford, Mike Davis, Jim Bell, Sally Capistrant. See Attached sign in sheet for other members of the public.

Consent:

May 25, 2016 Minutes:

Chairman Fredrick asked if there were any changes to the minutes. The Chair wanted to have a clarification made to a sentence in the minutes. Commissioner Hooton Moved to approve the minutes with the amended wording. Commissioner Shahan seconded the minutes were approved with a vote 4-0

June 8, 2016 Minutes:

Chairman Fredrick asked if there were any changes to the minutes. The Chair wanted to have a clarification made in two areas of the minutes. Commissioner Hooton Moved to approve the minutes with the amended wording. Commissioner Parker seconded the minutes were approved with a vote 4-0

Old Business:

None

New Business:

Public Hearing on Proposed Amendments to the Archuleta County Land Use Regulations

Archuleta County Development Services is proposing amendments to the Archuleta County Land Use Regulations. The proposed changes:

- 1) Classify non-commercial marijuana cultivation as an Accessory Use and adopt limits and definitions,
- 2) Clarify provisions for Accessory Uses and Structures, and
- 3) Clarify cross-references and certain provisions of Table 1 and Table 4

This hearing was advertised in the Pagosa Sun as required by statute. Mr. Shepard presented proposed changes to the Land Use Regulations which the Board of County Commission directed staff to draft, and get direction from the Planning Commission on marijuana plant counts to be enforced through the Land Use Regulations. Mr. Shepard gave a brief history of the marijuana provisions directed towards Commercial Cultivation only, not addressing personal or medical caregivers. Citizens have expressed concern regarding the number of plants being grown in residential areas, and impacts on neighborhoods from smell, noise and crime, which is why the County is addressing these items now.

The proposal treats non-commercial marijuana cultivation as an Accessory Use. Personal use is being treated like gardening. The Colorado Constitution allow 6 plants per person over 21 years of age. The code amendment limits personal use to 12 plants per parcel. More detailed regulations are proposed for medical marijuana caregivers, who by definition are people growing plants for people with prescriptions. The caregivers can only be reimbursed for service and are not a commercial business. The State's new regulations will take effect January of 2017 limiting caregivers to 5 patients and 99 plants. The County proposed regulations limit caregivers to 36 plants, which does not allow for extended plant count

prescriptions. The extended plant counts could be accommodated by the licensed medical growers. Caregivers would need to comply with the State licensing provisions and the commercial licensing provisions for lights, noise, emissions and health and safety standards.

Under item two, changes need to be made so if a property owner built a greenhouse for licensed marijuana that they could use it as a regular greenhouse in those zones. Changes were made to address fencing on property to bring clarity to that portions and the requirements that marijuana growing had to be screened. In addition, changes are proposed to clarify portable accessory structures and allowing storage containers for use as storage.

Under item three, changes are clarifying review criteria in table 1 and setbacks in table 4.

Chairman Frederick had questions about the use of storage contains being allowed for residential storage units. Commissioner Hooton explain that in the past that was the intention of what was adopted to allow storage containers to be used as a portable storage unit for residential use and a limit on how many they could have.

Chairman Frederick opened the meeting for public comment.

Mr. Rowland, 231 Crestview, had questions about the requirement for a land use permit for the use of marijuana, the time frame to get a permit and how soon the regulations would be adopted and in effect. Mr. Shepard clarified that the March 2015 amendment did require a land use permit to grow marijuana, the time frame is about a month depending on the completeness for the application, and there was no set date of adoption of these amendments.

Chris Patane, 755 Squaw Valley Pl., expressed concern that he is not in compliance with the Land Use Regulations because he was told by the state and local drug enforcement that the grow he has is in compliance with the law. Mr. Shepard replied by way of the Chair that currently this was in violation of the Land Use Regulations and that was one of the reason the Board asked staff and the Planning Commission to make these amendments.

There was discussion on the plant count with the State's limit of 99 plants for caregivers and the County going to 36. Mr. Shepard noted the counties he researched were limiting around 36 plants. The discussion continued with concerns of enforcement with the State allowing 99 plants for caregivers licensed with the state.

Chris Frost stated that the state already has several regulations in place that the County could use for enforcement. Caregivers are allowed 99 plants and only 5 patients. People use caregivers because they cannot afford the licensed dispensaries. (This speaker started talking before coming to the podium and did not sign in for clarification of name and address.)

Public comment was closed at 6:48pm. Commissioner's discussed if there would be Variances from the plant count, or if plant counts could be more or less by zoning and lot size. It was discussed that the section need to be worked on further. Commissioner Hooton moved to continue this to the August 10, 2016 meeting. Commissioner Parker 2nd and the vote 4-0.

Holiday RV South CUP, Parcel 3, Ridgeview Subdivision Replat at 633 Navajo Trail (PLN16-054)

Jeremiah "J" Webb, Holiday RV South, Inc. of South Fork, CO, has applied for the Holiday RV South Conditional Use Permit, on property owned by the Bruce Lamereaux; being Parcel 3, Ridgeview Subdivision Replat, at 633 Navajo Trail, Pagosa Springs, CO (PLN16-054). The proposal will permit Outdoor Sales for Recreational Vehicles in the PUD zone. Public notice was provided to the applicant for publication in the Pagosa Springs Sun, to be posted on site, and to mail to adjacent property owners as required. Notice was originally mailed on June 1, 2016; however, the newspaper notice was not published on time and the public hearing was delayed to this date.

In July 2015, Holiday RV South Inc. of South Fork, Colorado, opened for business at 633 Navajo Trail, at the corner of Bastille Dr., without a Land Use Permit or approval from the Pagosa Lakes Property Owners Association (PLPOA). The business sells new and late model used recreational vehicles (RVs). Applicant also graded and finished RV parking display areas without County approval. There is unimproved property to the east and north, and an auto sales lot to the west.

This property is zoned PUD, and the project was approved by PLPOA on 5/19/2016, even though the recorded covenants state "the operations from such stores, shops or businesses shall be conducted entirely within an enclosed building." This property was approved as the one-lot Unique Mountain Log Homes PUD in the year 2000, as an office/sales building, under the regulations then in place. In 2005, the use was changed by Derek Lamereaux to the Clarion Mortgage Limited Impact Use (2005-02) for office space. After the Applicant occupied the property without required permits, County and PLPOA staff tried to work with him to determine appropriate approval process (since the property is located in the Planned Unit Development) and to complete an application packet. On November 15, 2015, the County Attorney ordered the property owner and Applicant to apply for a Conditional Use Permit. Applicant submitted an application on May 23, 2016, for a CUP and Variance from requirements for paving. The application was accepted, but lacked several items required by Sec. 3.2.3.2 of the Land Use Regulations, including:

- (3) No Site Development Plan. The sketch submitted is entirely inadequate for review against Development Standards or Engineering Standards. Parking lot layouts must be approved by the County Engineer.
- (8) Incomplete Proof of Ownership.

No public comments have been received. Review comments received include:

- County Engineering rejected the letter submitted as a Drainage Study, required by Sec. 5.3.4 of the Land Use Regulations. No RVs or other improvements could be located within the Vision Clearance Area (Section 5.4.7 of the Land Use Regulations) or Sight Triangle (Section 27.1.6.3 of the Road & Bridge Design Standards).
- Pagosa Fire Protection District: A cluster of Recreational Vehicles in close proximity can create a conflagration hazard, however, with adequate spacing between units (minimum 8'), the close proximity of a fire hydrant, and the lack of other exposures, the Pagosa Fire Protection District has no objections to the approval of this application.

Staff recommended the Planning Commission find that:

- a. The application meets the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the Archuleta County Land Use Regulations, and
- b. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the Archuleta County Land Use Regulations, and That the Planning Commission recommend approval of the Holiday RV South CUP, Parcel 3, Ridgeview Subdivision Replat at 633 Navajo Trail, with the following conditions:
 1. Applicant shall submit a detailed site development plan meeting the requirements of Section 3.2.3.2(3) of the Archuleta County Land Use Regulations, for approval by the Development Services Department, within 30 days.
 2. Applicant shall submit a drainage study, signed and sealed by a professional engineer, meeting the requirements of Section 5.3.4 of the Land Use Regulations, within 30 days.
 3. Applicant shall submit parking area construction plans signed and sealed by a professional engineer, as required by Section 5.4.5 of the Land Use Regulations and Section 27.1.7.4 Design Standards for Parking Areas in the Archuleta County Road and Bridge Design Standards, within 90 days.
 4. Recreational Vehicles shall not be parked in a Vision Clearance Area required by Section 5.4.7 of the Land Use Regulations, or Sight Triangle required by Section 27.1.6.3 of the Road & Bridge Design Standards.
 5. Recreational Vehicles shall only be parked with adequate spacing between units (minimum 8'), as required by the Pagosa Fire Protection District.

Chairman Frederick suggested to add a 6th condition proof of notice in the newspaper before scheduling the next public hearing. Chairman Frederick ask for clarification on the sight triangle and expressed a concern that the RV could be put right next to the property line and in the setback. Mr. Shepard responded the sketch provided is unclear because it does not have anything noted. \

Chairman Frederick asked if there was anyone present to represent this project no one came forward. The Chair continued and asked if anyone from the public had comment. Hearing none, the Chair continued and added to condition 4 that no RV be in the 30' setback and all documentation be submitted to the Planning Department before the project is submitted to the Board of County Commissioners for approval.

Commissioner Parker made a motion to recommend approval to the Board of County Commissioners, of the request for the Holiday South RV CUP, with the Findings A and B, and conditions 1-5 of the Staff Report and the modifications the Chairman added. Commissioner Hooton second. Vote 3-1 to approve.

WHEC Event Center CUP, on Lot 2M, Fairgrounds Minor Impact Subdivision, at 344A US Hwy 84 (PLN16-071)

Western Heritage Event Center, Inc., represented by Jess Ketchum, has applied for the WHEC Agricultural Education and Equestrian Event Center Conditional Use Permit (CUP), on Lot 2M, Fairgrounds Minor Impact Subdivision, at 344A US Hwy 84, Pagosa Springs, CO (PLN16-071). The proposal will permit a covered arena as a Public Use in the Agricultural/Ranching (AR) zone, in addition to the existing open arena and improvements at the Archuleta County Fairgrounds. Applicant has also made a concurrent request for Variances from Development Standards to be heard separately by the Board of Adjustment (PLN16-072).

Public notice was provided to the applicant for publication in the Pagosa Springs Sun, to be posted on site, and to mail to adjacent property owners as required.

Pagosa Springs Enterprises was established in 1949 and became the Western Heritage Event Center (WHEC). WHEC hosts two large-scale events each year, the 3-day Red Ryder Roundup Rodeo over Independence Day weekend, and the Archuleta County Fair, in cooperation with Archuleta County. WHEC is proposing to construct a 164'x250' covered arena on their tract, located south of the existing 210'x330' outdoor pipe arena. No additional seating is proposed at this time and no new traffic is expected to be generated. Existing gravel access will be improved to County standards. Pagosa Area Water and Sewer District (PAWSD) is also planning a new public water fill station, to be located in the utility easement on Lot 1 near the joint access along the County Road.

The Archuleta County Community Plan of 2001 provides guidance for future development. The Future Land Use Map shows this area as future commercial transitioning to Very Low Density Residential along US Highway 84. The Joint Town County Planning Commission Zoning Discussion 2010 map recognizes this parcel as suitable for Industrial development. The subdivision is zoned Agricultural/Ranching (AR), as is property to the south and private property to the east. The subdivision to the west across Highway 84 is zoned Commercial (C). Property to the north across County Road 302 (Mill Creek Road) has been annexed by the Town of Pagosa Springs, in anticipation of mixed-use development and is proposing to annex the road and have it paved within the next year or so. The developers of the Mountain Crossing development would also be required to make improvements the intersection of Highway 84 and Mill Creek Road, when specific development is proposed.

The Fairgrounds Minor Impact Subdivision was approved in 2001. In 2005, a minor lot line adjustment was approved to convey a new 6,000 square foot block building, with indoor bathrooms, from WHEC to the County for joint use. The Archuleta County Land Use Regulations do not currently provide for a private events center, so the existing WHEC property would be considered a non-conforming use that cannot be changed. However, a Public Use owned by a public agency is considered a Conditional Use in any zone. In this case, WHEC proposes to convey ownership of the structure to Archuleta County when completed, with continued joint use of the two properties at the Fairgrounds. Formal joint agreements will be necessary for cross-access and parking, as well as operations and maintenance, with approval of an Amended Plat.

The Events Center is proposed to be a public use facility, to be used for Equine events, rodeo, 4-H events, and Education & Training events. The facility would also be used for the primary annual events, the Red Ryder Rodeo and Archuleta County Fair, but would (according to Applicants) simply bring existing use under cover rather than adding additional traffic. Any events at the facility would have to meet the performance standards in Section 5.4.2 of the Land Use Regulations, limiting sound levels, vibration, smoke, and emissions, as well as requiring screening of any outdoor storage. Existing parking lot lighting will need to be replaced to meet the "dark skies" requirements for shielded lighting (Sec. 5.4.4). Parking for the Red Ryder Rodeo is limited by available seating; no parking plan was provided, and parking on-site is haphazard (without markers or flaggers) which increases chances for accidents and does not provide clear emergency (fire/ambulance) access. Access and parking is restricted during the County Fair. A turnaround may be necessary at the facility to meet County Road & Bridge standards. There is also an RV hook-up located on site for a seasonal caretaker. The Land Use Regulations provide

for occupancy of an RV for up to 120 days a year with a Temporary Use Permit. Occupancy beyond 120 days would require separate approval as an RV Park to assure health and safety concerns are met.

No public comments have been received. Review comments received include:

- County Engineering expressed concern that there is not enough improved gravel parking for horse trailers and vehicles using this arena.
- County Engineering accepted the Drainage Study provided by Davis Engineering, and requested the design engineer sign and seal approval that improvements are built according to plans.
- Pagosa Fire Protection District noted that the gravel access road does not meet the fire code requirement that access extends to within 150 feet of all portions of the facility. The District may be willing to grant an exception to increase the distance to 160 feet, if access can be provided to both north corners of the proposed building. The Fire District would require detailed building plans for review prior to issuing a building permit.
- Town of Pagosa Springs Planning Director commented that the Town is pursuing annexation of Mill Creek Road in conjunction with the Mountain Crossing development which will pave the road back to the asphalt plant; there should be consideration of constructing pedestrian facilities (sidewalk or trails) along the road; dust control may be necessary; and parking lot lighting should be shielded (dark skies requirements).
- CDOT review indicated the existing access on Mill Creek Road should provide adequate access; however:
 1. The western most access onto Mill Creek Road (on County property) is too close to Highway 84.
 2. Existing uses likely warrant improvements at Highway 84 and Mill Creek Rd.
 3. The existing access onto Highway 84 is too close to Mill Creek Rd and will need to be closed.
 4. A traffic impact study may be required.

An events center would typically have limits on operations to assure compatibility with near-by residences; however, the facility will be ultimately operated by Archuleta County. Addition of a gravel parking area on the east side of the arena, similar to the west side, would address concerns of both the Fire District and County Engineering, and provide a turnaround during the Fair.

A phasing plan may be necessary to address improvements to the intersection of Highway 84 and County Road 302, with participation by the County and Town. It may be worth proposing to CDOT that the main entrance become right-in/right-out, at least as an interim measure until further improvements are made to the intersection.

Staff recommended the Planning Commission find that:

- a. The application meets the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the Archuleta County Land Use Regulations, and
- b. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the Archuleta County Land Use Regulations, and

That the Planning Commission recommend approval of the WHEC Agricultural Education and Equestrian Event Center Conditional Use Permit (CUP), on Lot 2M, Fairgrounds Minor Impact Subdivision, with the following conditions:

1. Approval is contingent on the Board of County Commissioners' acceptance of proposed improvements; approval shall run with the proposed Events Center facility.
2. Uses will be limited to those described in the application and those approved by the Archuleta County Administrator.
3. All events shall be conducted in compliance with the Performance Standards in Section 5.4.2 of the Archuleta County Land Use Regulations, including (but not limited to) volume of sound, vibration, and emissions.
4. All outdoor lighting shall be installed in compliance with Section 5.4.4 of the Archuleta County Land Use Regulations.
5. A seasonal caretaker may occupy an RV on-site for up to 120 days per year.
6. A fire lane and additional parking for horse trailers shall be provided on the east side of the arena.
7. Applicants shall complete a Traffic Study prior to the public hearing before the Board of County Commissioners.

8. Applicants shall apply for a Development Agreement for review by the County Attorney and approval by the Board of County Commissioners, providing for cross-access and parking, and continued joint use, operations and maintenance.
9. Addresses for structures on this parcel shall be updated according to County policy.
10. Applicant shall submit a complete Building Permit application within one year of final approval, as required by Sec. 3.2.3.6 of the Archuleta County Land Use Regulations.

Chairman Frederick asked if there was a requirement for adding right-of-way. Mr. Shepard indicated not at this time; there may be other opportunities down the road to secure the right of way the town mentioned in its comments. Commissioner Hooton asked if the outdoor arena seating would remain. Mr. Shepard stated that it would remain and there would be no seating in the new arena; Applicant updated the plans and took the seating out.

Jesse Ketchum 98 Davidson Pl., spoke for the project. Mr. Ketchum stated that this is a work in progress and the Heritage group and the County need to sit down and look over what kinds of events will be hosted and the impacts these will have and can we accommodate them. Mr. Ketchum was asked about the trailer parking. Mr. Ketchum replied that paved parking for the trailers is not needed for the two major events. If this was a private facility that was going to be used daily or weekly then they could see the need for pavement but not at this time. Commissioner Shahan ask if the County had been contacted about putting gravel in that parking area. Mr. Ketchum stated that they asked the County for that but they are still working on the project and trying to keep the cost down within the budget of the funds that have been raised. There was discussion about the parking areas. Mr. JR Ford, County Rd 400, a WHEC Board member, was asked to come forward. Mr. Ford explained that there is already agreements with the County in place for parking. Historically the agreements were worked out verbally to keep a western heritage feel and activities on the property. Discussion took place about the CDOT comments of a possible change to the access to Highway 84 at Mill Creek Rd. The access at Highway 84 will be closed and improvements at Mill Creek Road will have to be worked out. There was discuss about the RV site and the condition staff suggested. The RV is there from June to September which does not exceed the requirements for the Land Use Regulations, and is there for security of the facilities during the summer and collection of fees.

Public comment was opened:

Randy Talbert, 156 Pompa Dr., was a member of Western Heritage. This building was designed to improve our 4-H programs and to be used in conjunction with the rodeo grounds like the La Plata County Fairground set up.

Mike Davis, 226 Woodland Dr., Addressed the Traffic study requested by CDOT. CDOT only has authority on the Highway, the County has authority on the County road, and it would fall to the County to make intersection improvements if the project is approved. The development is replacing facilities and making them nicer for the County Fair and the Rodeo and that would not increase the traffic. Mr. Davis expressed that a traffic study would not be useful for this application, since there is no metric for this type of use.

Roberta Tolan, 103 Escobar Ave., Extension Agent, explained the interest in the fair has grown and more young people are involved and they need a covered area to do the projects dealing with livestock.

The Chairman closed the public hearing. Chairman Frederick suggested that the parking requirements be omitted from the conditions and add a fire lane requirement on the east side of the building. Also that conditions 7 be omitted due to the development that will be taking place on the corner of Mill Creek and Highway 84.

Commissioner Hooton asked for discussion on the RV to be able to continue to be used year round. There was discussion around the use in the regulations but the applicant stated that the RV was only used for the four months and would not be used in the winter.

Commissioner Hooton moved to recommend Approval to the Board of County Commissioners, of the request for the WHEC Event Center CUP, with the Findings A and B, and conditions 1-5 as listed, modifying 6 to address the fire lane on the east side of the arena and remove condition 7, and 8-10 as listed in the staff report. Commissioner Shahan second. The vote was 4-0 to approve.

Discussion of Property Owner Request for Land Use Text Amendment

Property Owner Sally Capistrant has asked the Planning Commission to consider amending Table 5: Animal Regulations so that the Residential (R) zone has the same restrictions as Rural Residential (RR), in particular to allow domestic fowl (chickens, etc.) for residents of that zone.

Sally Capistrant of 200 Brookhill Dr. requested that the Planning Commission add chickens to the R zoning in the table for animals. Many people like having fresh eggs as a self-sustaining project with their gardens. Commissioners discussed how many and what types of fowl. Chairman Frederick asked Mr. Shepard to do some research and it was concluded that 4 fowl might be a good number to add to the R zoning, without roosters.

Reports and Announcements:

Mr. Shepard previewed the next meeting agenda.

Next Meeting:

Policy Meeting August 10, 2016 6PM
Regular Meeting August 24, 2016 6PM

Adjourn: Commissioner Parker moved to adjourn the meeting, Commissioner Hooton seconded.
Meeting adjourned at 9:05PM.

Approved this *14th* day of *September*, 2016



Sherrie Vick
Planning Technician



Michael Frederick
Vice Chairman



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: October 4, 2016

RE: Public Hearing and Consideration of Resolution to Adopt Amendments to the Archuleta County Land Use Regulations

The *Archuleta County Land Use Regulations* may be amended by the Board of County Commissioners, after consultation with the Planning Commission, at a public hearing after public notice specified by CRS 30-28-116. Notice of this proposal was published in the Pagosa Sun as required, and posted on the County website.

Archuleta County Development Services is proposing amendments to the Archuleta County Land Use Regulations. The proposed changes:

- 1) Classify non-commercial marijuana cultivation as an Accessory Use and adopt limits and definitions,
- 2) Clarify provisions for Accessory Uses and Structures, and
- 3) Clarify cross-references and certain provisions of Table 1 and Table 4.

These changes amend portions of Sections 2.1.2, 2.2.2, 3.1.3, 3.1.4, 3.2.5, 3.2.6, 5.5.2, 11.2.1 (see attached Resolution Exhibit A, additions in RED UNDERLINE, deletions in ~~strikeout~~, commentary in italics).

The Archuleta County Planning Commission held worksessions on this topic during their regular meetings on 2/24/16, 3/23, and 4/13, with testimony for and against regulation. Text amendments were drafted by staff and advertised for a public hearing on 7/27/16, which was continued to 8/10 and 8/24 with testimony. Planning Commission failed to make a motion at the conclusion of the public hearing on 8/24. Concerns included clarity of existing regulations for agricultural uses and exemptions from Land Use Permits, adoption of general standards vs. a sliding scale depending on parcel size, the level of plant counts, and enforcement.

I. Non-Commercial Cultivation

Colorado Revised Statutes (C.R.S.) §25-1.5-106(13.5) states that a County may regulate the growing of marijuana, commercially or otherwise, through local zoning regulations. Similar to other constitutionally-protected activity, local regulations can set standards for the time and

manner of the activity as long as the activity is not prohibited. Such changes address the character of the land use and how well the use fits into the community.

The *Archuleta County Land Use Regulations* (Sec. 2.1.2.1(1)) were amended in March 2015 to provide that cultivation of marijuana for any reason requires a Land Use Permit, and classifies licensed Marijuana Establishments as Uses by Right in Commercial and Industrial zones. Concerns have been raised by neighbors of property where large numbers of marijuana plants have been grown possibly for unlicensed personal or medical use. A large number of marijuana plants on one parcel may become an attractive nuisance, harmful to neighboring properties. Also, in some places large marijuana grows have led to health and safety concerns when mold, condensation, and chemical use make homes uninhabitable (e.g. US DEA, Residential Marijuana Grows in Colorado: The New Meth Houses? June 2016).

Proposed amendments are intended to clarify requirements for non-commercial cultivation, as an accessory use on any parcel in any zone, the same as gardening, and to clarify when a Land Use Permit is required. Amendments define the terms “marijuana”, “marijuana caregiver” and “industrial hemp”, with reference to terms of the Colorado Constitution. Hemp is not included in restrictions on marijuana cultivation.

A 12 plant count per parcel is provided for personal use. A licensed Medical Marijuana Caregiver has a 36 plant count per parcel, with performance standards. A Land Use Permit would be required for any Medical Marijuana Caregiver, meeting the Land Use Regulations’ development standards for the parcel whether residential, commercial or industrial. These plant counts would not provide for extended plant count prescriptions. The proposed text does not restrict cultivation to the grower’s residence, does not require a grower to be a resident, and provides for cultivation in any zone. Limitations on home-grows have been adopted in at least 19 Colorado counties. For example:

- Eagle County allows 18 plants/9 mature for personal use, and 36 plants/18 mature for medical use, indoors only.
- Fremont County adopted more complicated provisions with 12 plants on a single-family property, 6 per unit multifamily, or 36 by a primary caregiver on a single-family property, all indoors. Outdoors, 18 plants may be grown on a single-family lot or up to 99 plants by a caregiver on parcels over 10 acres. Cultivation is restricted to residents of that particular property, and cultivation in an accessory building (like a greenhouse) is only permitted if there is a home on the property.
- Pueblo County permits 18 plants for single-family dwellings, 12 per unit multifamily, 36 per building in Industrial zones all indoors, or 36 per parcel in Agricultural zones which may be outdoors. Pueblo County also has a full-time zoning and nuisance enforcement officer. Interestingly, Pueblo County residents will vote this fall banning the sale of recreational marijuana altogether.
- Summit County limits production to 12 plants, with maximum square footage, and is only allowed in a person’s primary residence/accessory structure or caregiver’s residence/accessory structure. Fairly straight-forward provisions were proposed in recognition of limited enforcement resources.

During the public hearings before the Planning Commission, public comment was taken on the proposed amendments. Residents questioned the Land Use Permit requirement, limits on plant counts, limits on growing outdoors, environmental benefits of growing outdoors, concerns with medical costs, effective date of changes, lack of coordination between the State, law enforcement and land use authorities, and the County's limited ability for enforcement.

II. Backyard Chickens

Along with changes to Sec 5.5.2 for cultivation of marijuana as gardening (a typical accessory use), a local property owner asked for consideration of backyard chickens in the small-lot Residential (R) zone. The proposed text modifies Table 5: Animal Regulations to allow up to 4 female fowl on any Residential (R) zone lot.

III. Accessory Uses and Structures

In response to a request from a local property owner, the proposed text allows a Greenhouse as a Conditional Use in a Commercial (C) zone or a Use by Right in an Industrial (I) zone. Since Marijuana Establishments are uses by right in these zones, this would allow cultivation facilities built for marijuana to grow other plants as well. The change also classifies licensed Marijuana Establishments as an Industrial-type use in the same table for better consistency in classification. Proposed text then provides standards for fences, to clarify the existing regulations.

Housekeeping amendments are proposed for Table 1: Review Process, to note approval processes previously added to the Land Use Regulations, and clarify cross-references. Changes to Table 4: Zone District Standards address what appear to be typographic errors. Changes also clarify setback standards for fences, and certain provisions for accessory structures including recognize the intent of text amendments in 2011 to allow Cargo Containers as Portable Accessory Structures.

ATTACHMENTS

Attachment 1: Proposed Resolution and Exhibit A Text of Amendments

Attachment 2: Written Public Comment received by Planning Commission

Attachment 3: Planning Commission Public Hearing minutes – July 27, August 10, August 24

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

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS AMENDING THE
ARCHULETA COUNTY LAND USE REGULATIONS**

WHEREAS, pursuant to C.R.S. §30-28-101, *et. seq.*, and in particular, C.R.S. §§30-28-111 and 30-28-133, the Archuleta County Planning Commission made a comprehensive revision to the zoning plan and subdivision regulations for the unincorporated territory of Archuleta County, and pursuant to C.R.S. §30-28-112, certified the *Archuleta County Land Use Regulations* to the Board of County Commissioners by Planning Commission Resolution No. 2006-01; and

WHEREAS, pursuant to C.R.S. §30-28-112, the Archuleta County Board of County Commissioners adopted the *Archuleta County Land Use Regulations* by Resolution No. 2006-13, and as subsequently amended; and

WHEREAS, pursuant to C.R.S. §30-28-116, from time to time the Board of County Commissioners may amend provisions of the zoning resolution, when first submitted for the approval, disapproval, or suggestions of the County Planning Commission; and

WHEREAS, Article XVIII, Sections 14 and 16 of the Colorado Constitution (Amendment 20 and 64, respectively), authorize Colorado residents to grow limited amounts of marijuana or assist others in growing marijuana; and

WHEREAS, pursuant to C.R.S. §25-1.5-106(13.5), a county may regulate the growing of marijuana, commercially or otherwise, through the Local Government Land Use Control Enabling Act, article 20 of title 29 C.R.S., which have been implemented in Archuleta County pursuant to C.R.S. §30-28-101, *et. seq.*; and

WHEREAS, the Archuleta County Development Services Department has drafted proposed amendments to the *Archuleta County Land Use Regulations*, to classify non-commercial marijuana cultivation as an Accessory Use and adopt limits and definitions, clarify provisions for Accessory Uses and Structures, and clarify cross-references and provisions of Table 1 and Table 4; and

WHEREAS, the Archuleta County Planning Commission conducted a public hearing on July 27, 2016, after due public notice, to consider proposed amendments to the *Archuleta County Land Use Regulations*; which hearing was continued on August 10 and August 24, 2016, without a recommendation for or against the proposal; and

WHEREAS, the Board of County Commissioners conducted a public hearing on October 4, 2016, to consider proposed amendments to the *Archuleta County Land Use Regulations*; 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 considered the public need, legal authority, and purpose of the land use regulations.

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

Section 1. Findings.

- a. The proposed amendments to Sections 2.1.2, 2.2.2, 3.1.3, 3.1.4, 3.2.5, 3.2.6, 5.5.2, 11.2.1, of the *Archuleta County Land Use Regulations*, attached hereto as **Exhibit A**, are hereby adopted.

Section 2. Effective Date.

1. This Resolution shall be effective the ___ day of _____, 2016.

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

EXHIBIT A (10/04/2016)

Proposed Amendments to the Archuleta County Land Use Regulations: **Non-Commercial Marijuana**

Additions in UNDERLINE, deletions in ~~strikeout~~; commentary in italics

Classifying non-commercial marijuana cultivation as an Accessory Use, and adopting limits and definitions.

11.2.1 Definitions. The following specific words and terms are defined as follows:

Agricultural Uses: Those farm or ranch uses which primarily involve raising, harvesting, producing or keeping plants or animals, including agricultural structures which house farm or ranch implements, hay, grain, poultry, livestock or other horticultural products. An agricultural structure shall not be a place of human habitation. Agricultural uses exclude any business whose primary function is to provide on-site services or retail sales of non-agricultural products.

Agricultural Uses ~~also~~ excludes any use governed by either the Colorado Medical Marijuana Program (CRS §25-1.5-106 et seq), Colorado Medical Marijuana Code (CRS §12-43.3-101 et seq) or ~~the~~ Colorado Retail Marijuana Code (CRS §12-43.4-101 et seq).

Farm and Ranch use: The use of land for the purpose of obtaining a profit from the production and sale of agricultural products, animals or animal products, including accessory uses.

Gardening: An accessory use of land which involves raising, harvesting, producing or keeping plants or animals for personal, non-commercial use.

Industrial Hemp: As defined by the Colorado Constitution, the plant of the genus cannabis and any part of such plant, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

Marijuana: As defined by the Colorado Constitution, all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate; does not include Industrial Hemp.

Marijuana Caregiver: A person, other than a medical patient or the patient's physician, who is 18 years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition, as defined by CRS §25-1.5-106(2)(d.5).

2.1.2 Exemptions from Land Use Permit Requirement:

The following uses and activities are exempt from the requirement to obtain a Land Use Permit if the use or activity is proposed for areas of the County that are zoned Agricultural/Forestry or Agricultural Ranching:

2.1.2.1 ~~Agricultural~~ Uses operations proposed for areas of the County that are zoned Agricultural/Forestry (AF) or Agricultural/Ranching (AR) that do not require a Land Use Permit include:

- (1) Production, cultivation, growing, and harvesting of crops and plants, excluding marijuana for commercial use. ~~Provided, however, marijuana operation and activities of all types, including but not limited to cultivation, growing or harvesting, shall require a Land Use Permit.~~
- (4) Harvesting, storage, grading, packaging, ~~processing~~, distribution, and sale of agricultural commodities occurring at the point of production.

2.1.2.2 ~~One (1) single family dwelling unit associated with an agricultural operation that is established in compliance with these Regulations.~~ Uses associated with Conservation Easements.

2.1.2.3 Accessory uses and structures and one additional dwelling allowed by these Regulations that are associated with the exempt agricultural and residential uses and activities herein that do not require a Land Use Permit.

- (1) Multiple dwelling units in conjunction with an active farm and ranch use agricultural operation require an agricultural Use-By-Right Land Use Permit.
- (2) Approval of a Land Use Permit shall be required prior to commencing a Marijuana Caregiver use.

2.1.2.4 In any district where permitted (~~AR-Agricultural Rural/Ranching - AR, AE-Agricultural Estate - AE, RR-Rural Residential RR-Rural, and R-Residential -R, and PUD~~) one (1) single family detached dwelling is exempt from a land use permit.

2.1.2.5 In any district where permitted (~~AR-Agricultural Rural/Ranching - AR, AE-Agricultural Estate - AE, RR-Rural Residential RR-Rural~~) a second single family detached dwelling is exempt from a land use permit as long as the lot is three (3) acres or more.

~~**2.1.2.6** Uses associated with Conservation Easements~~

3.2.5 Accessory Uses:

Accessory uses shall comply with all requirements for the principal use, including obtaining a building permit, except where specifically modified by this Section, and shall also comply with the following limitations:

3.2.5.1 Gardening and raising animals for personal use, within the requirements of Sec. 5.5.2, shall be considered a customary Accessory Use with no sales from the premises.

- (1) A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales from the premises-principal structure.

5.5.2 Gardening and Raising Animals as Accessory Uses

5.5.2.1 Cultivation of marijuana may be conducted as an accessory use on any legal parcel.

- (1) No more than six (6) marijuana plants may be cultivated for personal use by a Colorado resident, 21 years of age or older, as provided in Sec. 14(4) and Sec 16(3) of Article XVIII of the Colorado Constitution, with no more than 12 marijuana plants on a single parcel.
- (2) No more than 36 marijuana plants may be cultivated by a Medical Marijuana Caregiver, registered with the State licensing authority, with a Land Use Permit.
 - a. Cultivation must be conducted in an enclosed, locked building, with plants screened from public view.
 - b. Caregiver cultivation facilities shall follow all health and safety requirements of Archuleta County marijuana licensing ordinances.
 - c. Caregiver operations shall comply with the Industrial Performance standards in Sec. 5.4.2, including sound, vibration, emissions, outdoor storage and water pollution. Any extraction must follow requirements of Colorado statutes.
- (3) Marijuana operations and activities are expressly prohibited as a Home Occupation.

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Proposed Amendments to the Archuleta County Land Use Regulations: Backyard Chickens

Additions in UNDERLINE, deletions in ~~strikeout~~; commentary in italics

Citizen request to allow chickens, without roosters, in the Residential (R) zone.

5.5.2.2 The following chart identifies limitations on the number and type of animals permitted in each zoning district.

TABLE 5: ANIMAL REGULATIONS ^{1*}

DISTRICT	ANIMALS					
	Cats, Dogs, Potbellied (Miniature) Pigs	Horses, Cows, Llamas, Mules, Buffalo, Ostrich, Emus, Goats, Sheep, Pigs, Miniature Horses	Chickens, Ducks, Turkeys, Racing or Domestic Pigeons, Quail, Pheasant and other typically domesticated fowl	Rabbits, Chinchillas	Non-domestic exotic or native animals, birds, reptiles (except any venomous reptiles, or constricting snakes greater than 6 feet in length)	Bee Keeping
AF AR	No Limit	No Limit	No Limit	No Limit	No Limit	No Limit
AE	4 per dwelling. No limit on kittens and puppies up to 3 months old	No limit except on parcels of land less than 10 acres, then 1 per acre	No Limit	No Limit	4 per lot: Must be kept indoors	No Limit
RR	4 per dwelling. No limit on kittens and puppies up to 3 months old	No limit except on parcels of land less than 10 acres, then 1 per acre	4 per lot up to 3 acres; then 3 per acre	4 per lot up to 3 acres; then 3 per acre	4 per lot: Must be kept indoors	1 hive per acre
<u>R₁</u>	<u>4 per dwelling. No limit on kittens and puppies up to 3 months old</u>	<u>Not Allowed</u>	<u>4 female fowl per lot</u>	<u>4 per lot</u>	<u>4 per lot: Must be kept indoors</u>	<u>Not Allowed</u>
<u>R₂</u> MHP	4 per dwelling. No limit on kittens and puppies up to 3 months old	Not Allowed	Not Allowed	4 per lot	4 per lot: Must be kept indoors	Not Allowed
C	4 per dwelling. No limit on kittens and puppies up to 3 months old	Not Allowed	Not Allowed	Not Allowed	4 per lot: Must be kept indoors	Not Allowed
I	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed

^{1*} Exempt: In Platted subdivisions in existence as of the effective date of these Regulations (May 23 2006) with recorded covenants addressing animals take precedence.

Proposed Amendments to the Archuleta County Land Use Regulations: Accessory Uses and Structures
Additions in UNDERLINE, deletions in ~~strikeout~~; commentary in italics

Clarify provisions for Accessory Uses and Structures.

3.1.3 Zoning District Uses:

TABLE 3: USES BY ZONING DISTRICT

USE	AF	AR	AE	RR	R	MH	C	I
AGRICULTURAL								
<u>Greenhouse or Plant Nursery and Greenhouse</u>		R	C				<u>C</u>	<u>R</u>
INDUSTRIAL								
<u>Marijuana Establishment, Medical</u>							<u>R</u>	<u>R</u>
<u>Marijuana Establishment, Retail</u>							<u>R</u>	<u>R</u>
OTHER								
Marijuana Establishment, Medical							R	R
Marijuana Establishment, Retail							R	R

11.2 WORDS AND TERMS

11.2.1 definitions

Plant Nursery and Greenhouse: Any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.

Outdoor Storage: The keeping, in an unroofed area, of any equipment, goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. ~~Containers and semi-trailers may not be used for residential or storage uses except on construction sites.~~

3.2.6 Accessory Structures:

3.2.6.2 No part of any accessory structure shall be located closer than ten (10) feet to any principal structures unless it is attached to, or forms a part of the principal structure.

3.2.6.3 ~~No part of any An accessory structure shall be located closer than twenty five (25) feet to any adjacent property line or shall meet recorded deed restrictions, property development by laws or~~ meet the same required setback distances for as a principal

structure or as provided in subdivision covenants recorded prior to the effective date of these Regulations (May 23, 2006), whichever is less.

- (1) A fence over 8' in height must meet all required setbacks.
- (2) A fence over 6' in height or a security fence as defined in Sec. 11.2.1 must meet the minimum front or corner setback, unless located in Commercial (C) or Industrial (I) zoning districts.
- (3) Fences must maintain the required Vision Clearance Area in Sec. 5.4.7.

3.2.6.4 Accessory structures shall encompass no more than 107% of land area.

3.2.6.5 Portable Accessory Structures...

A portable Agricultural accessory structures in Agricultural Use as exempted under Section 2.1.2 are is also exempt from the limits of this Section 3.2.6.5.

Insert section number for clarity

3.2.6.6 Accessory structures including portable accessory structures, used for Commercial and/or Industrial purposes shall be by a minor amendment to a Conditional Use Permit (CUP) or Use By Right (UBR) permit only and shall comply with all applicable Regulations and Standards thereof. There shall be no additional fee charged to amend ~~the CUP or a~~ UBR site plan to allow accessory structures.

Clarify cross-references and certain provisions of Table 1 and Table 4.

2.2.2 Review Process Chart:

TABLE 1: REVIEW PROCESS

Approval Requested	Pre-App	Sketch			Preliminary			Final				Notes
		Staff	PC	BCC	Staff	PC	BCC	Staff	PC	BCC	BOA	
Floodplain Development Permit	M							A ³			APP	³ Sec 10.2.2
Sign Permit	M							A ³			APP	³ Sec 7.1.3
Temporary Use Permit	M							A ³			APP	³ Sec 3.2.4
Minor O&G Permit	M ¹							A ³			APP	¹ Sec9.2.6.9 ³ Sec 9.2.6.10
Minor S&G Permit	M							A ³			APP	³ Sec 9.1.4
Major O&G Permit	M ¹							M	P	H ³		¹ Sec9.2.6.9 ³ Sec 9.2.6.11

Major S&G Permit	M							M	H	H ³		³Sec 9.1.5
Geothermal Exploration Activity Notice	M							A ³		APP		³Sec 2.5.6.3
Geothermal Resources Permit	M	M ¹						A ³	H ³	H ³		¹Sec 2.5.6.4 ³Sec 2.5.6.4 Sec 2.5.6.5 Sec 2.5.6.7
Access Permit	M							M	P	HP ³		³Sec 5.3.2
Use by Right Site Plan	MA							A ³			APP	³Sec 3.2.2
Conditional Use Permit	M							M ¹³	H	H		³Sec 3.2.3
Concept Review	M	M		H ¹				M	H	H		¹Sec 2.2.12
General Development Plan	M	M				H ²		M	H	H		²Sec 2.2.13
PUD	M	M	P ¹		M	H	APP	M	H	H		¹Sec 4.2.3.2 3.1.6.2
Rezoning	M							M	H	H ³		³Sec 3.1.7.3
Major Subdivision	M	M	P ² <u>1</u>		M	H ²	APP	M	P	H ³		²¹Sec 4.2.3.2 ²Sec 4.3.3 ³Sec 4.4.3
Minor Subdivision	M	M	A/ P ² <u>1</u>					M	P	H ³		²¹Sec 4.2.3.2 ³Sec 4.4.3
Rural Land Use Process	M	M	P ² <u>1</u>		M	H	APP	M	P	H		²¹Sec 4.2.3.2 4.5
Site Specific Development Plan	M									H ³		²Sec 2.3.1
Amended Plat -Major	M	M	P ² <u>1</u>		M	H ²	APP	M	P	H ³		²¹Sec 4.2.3.2 ²Sec 4.3.3 ³Sec 4.6.4.3.1, 4.6.4.3.2
Amended Plat -Minor	M	M	A/ P ² <u>1</u>					M	P	H ³		²¹Sec 4.2.3.2 ³Sec 4.6.4.3.1, 4.6.4.3.2

Lot Line Adjustment	M							M	P ⁴	P ^{4,3}		4³Sec 4.6.4.3.3
Lot Consolidation	M							M		P ³		³ Sec 4.9.5, Sec 4.10.4
Subdivision Vacation	M							M	P	H ³		³ Sec 4.8.3
<u>Variances-Administrative</u>	M							A ³			APP	³ Sec 2.4.3
<u>Variances-General</u>	M										H ³	³ Sec 2.4.3

3.1.4 Zoning District Standards

TABLE 4: ZONE DISTRICT STANDARDS

DIMENSION	AF	AR	AE	RR	R	MH	C	I
Minimum Lot Size	160 acres	35 acres	5 acres	3 acres <u>(w/H₂O or Sewer)</u>	8,000 ft ²	2,500ft ²	10,000 ft ²	10,000 ft ²
Minimum Lot Width	500 feet	200 feet	100 feet	80 feet	60 feet	40 feet	100 feet	100 feet
Minimum Front Setback	100 feet	75 feet	25 feet	20 feet	15 feet	10 feet	25 feet	50 feet
Minimum Side Setback	100 feet	25 feet	25 feet	20 feet	15 feet	10 feet	10 feet	25 feet
Minimum Corner Setback (street side)	150 <u>100</u> feet	50 feet	50 <u>25</u> feet	40 <u>20</u> feet	25 <u>15</u> feet	25 <u>10</u> feet	25 feet	50 feet
Minimum Rear Setback	100 feet	25 feet	25 feet	20 feet	15 feet	10 feet	10 feet	25 feet

###

-Currently, this proposal intends to limit all cultivators in Archuleta County to 6 plants and Caregivers to 36 plants with no provisions for Dr. recommended extended plant counts based on the individual medical needs of each patient.

-The state law acknowledges and sets the Caregiver platform to 99 plants or less and 99 plants or more are reserved for commercially licensed facilities only. So the commercial threshold would not be exceeded if the state approved 99 extended patient plant count is upheld in Archuleta County.

-The current CO. law legalizes growers to 6 plants, no more than 12 per parcel and Caregivers to 99 plants or less with no more than 5 patients per caregiver.

-This proposal does not take into consideration any percentage of plant loss during cultivation, does not consider the cost savings to a patients, and does not consider the capital losses to local horticultural suppliers or like businesses.

-This proposal was orchestrated with influence by the Archuleta County Board of County Commissioners (BOCC) who were quoted as saying "if the patient requires more medical needs met outside of their caregivers abilities, they can go to one of our 2 licensed medical facilities to fulfill their needs." This in essence becomes a monopoly against patients and an already state legal Caregiver platform by limiting the caregivers abilities, forcing extra cost onto patients and influencing greater profits to the state from taxes garnered through the 2 legal entities in Archuleta County. The taxes are then redistributed back to the county in forms of grants to offset improvement project costs like roads and bridges or the airport.

-This proposal sets the tone for possible conflict of interest by the county. The county previously said it was legal for marijuana to be grown commercially, medically and recreationally. Now, after sales taxes and fee schedules have been collected from the licensed commercial facilities the county is going back on the individuals whom reduce the gross taxable sales by growing their state legal marijuana limits. If individuals outside of commercial grows are limited, then it stands to say that the county will recover greater tax revenue indirectly through the state from higher commercial medical marijuana sales.

-This proposal will inherently increase tax payer costs to enforce an activity that is already legal within the state of CO. The state has already provided amendments effective 1 Jan 2017 to the current Colorado constitution, which restrict the plant count to 6 per patient; however it has made provisions for extended plant counts based on the needs of the patient by a state licensed physician's recommendations.

-The extended plant count is not only recommended by a state approved physician, but every patient and caregiver are required to register with the state and their perspective county officials to be reviewed and approved before a license is even issued.

-This proposal comes after the county has reduced its Sheriffs work force by 33% from 2015 according to the county's publicly available annual budget. This substantiates that there will be a shortfall of enforcement officers to enforce this redundant proposal and the cost will be a further hardship on the taxpayers of Archuleta County.

-This proposal has already been validated as unnecessary by the Zoning and Planning commission as they were quoted as saying "There have been complaints made however, ZERO formal complaints have

been filed by any concerned citizen in the county" If there isn't a concern then why force an increased cost onto the citizens of Archuleta county?

-At a minimum a provision should be made within the ordinance to allow for an extended plant count to meet the individual patient's medical needs without forcing them to incur the price increase of purchasing from a licensed retailer. The link below for Fremont County Colorado is an example of this provision being made. This provision also addresses different land uses from residential uses, 10 acres or less uses, 10 acres or more uses and caregivers limits based on lot size as well as plant count limits within each perspective circumstance.

-The Fremont County Zoning and Planning law below was based on a county population of 46,000 and their main township of Canon City had a population of 16,000. Currently Archuleta shows a census of 14000 county residents and Pagosa Springs having 1700 residents. With less overall residents in Archuleta County this proposal intends to be more restrictive than state standards as well as more restrictive than a "like" smaller county creating unnecessary costs.

-Fremont County CO. PG. 7

<http://www.fremontco.com/planningandzoning/Home%20Cultivation%20of%20Marijuana042016.pdf>

-A recommendation to increase the cost for a Land use permit from \$50 to \$500 for anyone outside of the 6 plant limit (Caregivers) would effectively reduce the number of legal growers to only those who are willing to pay the larger fee schedule. All those who pay can be assumed serious cultivators, legal growers, and would be highlighted. Those who opted to not pay but grew anyway would be easily identifiable. This proposal would then increase the annual revenue to the County budget, provide readily available records of individuals and locations of all grow sites to law enforcement, offset the cost of enforcement. Example: 100 caregivers X \$500 = \$50,000 relative to the salary of 1 drug enforcement officer.

-This proposal ultimately affects the medically disabled, fixed income residents who would otherwise not be able to afford the higher priced products of a licensed facility. Caregivers are able to provide lower cost varieties that are currently regulated for dispensaries. Caregivers can also curtail unique growing techniques which provide case by case strains, and THC/CBD levels to accommodate the individual needs of a patient. Caregivers are also the only means that non proficient growers have to cultivate their medical needs.

[Chris Blas, 8/04/16]

-Currently, The Zoning and planning commission has stated that the State of Colorado has asked the individual counties within the state to regulate the Current Medical Marijuana Laws.

- Has this document or this verbiage been made public so that the context isn't misconstrued or interpreted biasedly by the county agencies who may or may not be supportive of the current legislation?

- Have the citizens of Archuleta County asked for more restrictive marijuana growing laws?

-In the last meeting the council was asked if anyone had medical background or education. The reply was a unanimous "NO".

-Mr. Rowland offered up his and my time to provide you with medical expertise in the field of Medical Marijuana to give you more knowledge in your decision to limit the medical needs of patients. After hours of research, we found that it is impossible to provide you with such expertise because the state used a council of doctors to develop the current medical marijuana program. 13 members plus the Colorado Department of Public Health Chief Medical Officer made up the council that created the Medical Marijuana platform for which the law was written.

-Larry Wolk M.D. Chief Medical Officer

-Epidemiologist, clinical trial clinician, medical marijuana dosage and administration clinician, toxicologist, neurologist, pediatrician, internal medicine physician, preventive medicine specialist, substance abuse specialist, alternative medicine specialist.....and more....How can a county supersede the subject matter experts?

-If the current medical

-In the last meeting, it was made known that the sun is free!

-The Current Land Use regulations state that NO outdoor growing is permitted. By forcing this upon growers, the cost to the community and to the environment is ASTRONOMICAL

-Currently LPEA is part of the Touchstone Energy Corporative. The US Energy Information Agency has the current energy usage statistics for 81147 at:

-70.4% coal

-16.6% gas

-3.2% hydro

- Average indoor grower uses 1000 Watt bulbs for every 2 plants. The current proposal limits growers to 6 plants per parcel and 36 per caregiver. 1000 Watts = 1 Kilowatt hour (kWh)

-The Cost

-1000 watts x 6 plants = 3000 watts per hours

-3 kWh x 24 hours = 72 kWh x 60 days of vegetative growth = 4320 kWh

-4320 kWh x 1.04 pounds of coal per kWh = 4,492.8 pounds x 70.4% = 3,162.9312 lbs of coal

-36 lights would = 16 kWh

-16 x 24 = 384 x 60 = 23,040 x 1.04 = 23,961.6 lbs x .70.4% = 16,868.9664 lbs of coal

- Archuleta County is 38% higher than the national average for Co2 (Carbon Dioxide) emissions.

-In the last two meetings it was said that there is no purpose to initiate a new law if the new law couldn't be enforced.

-We can't afford it and we don't have enough officers. There are 11 patrolmen for 1,300 square miles in the county. That's 118.8 square miles per officer if they all worked 24/7. So it's actually less officers and more land to cover.

-Caregiver services are not commercial level services per Colorado constitution so why does Mr. Sheppard keep referring to it as such?



U.S. Energy Information
Administration

Frequently Asked Questions

How much coal, natural gas, or petroleum is used to generate a kilowatt-hour of electricity?

The amount of fuel used to generate electricity depends on the efficiency or [heat rate](#) of the generator (or power plant) and the [heat content of the fuel](#). *Power plant efficiencies (heat rates) vary by types of generators, power plant emission controls, and other factors.* Fuel heat contents also vary.

Two formulas can be used to calculate the amount of fuel used to generate a kilowatt-hour (kWh) of electricity:

- Amount of fuel used per kWh = Heat rate (in [Btu per kWh](#)) / Fuel heat content (in Btu per physical unit)
- Kilowatt-hour generated per unit of fuel used = Fuel heat content (in Btu per physical unit) / Heat rate (in Btu per kWh)

Calculation examples using these two formulas and the assumptions below:

- *Amount of fuel used to generate 1 kWh:*
 - Coal = 0.00052 short tons or 1.04 pounds
 - Natural gas = 0.01011 Mcf (an Mcf equals 1,000 cubic feet)
 - Petroleum = 0.00173 barrels (or 0.07 gallons)
- *Kilowatt-hour generated per unit of fuel used:*
 - 1,927 kWh per ton, or 0.96 kWh per pound, of coal
 - 99 kWh per Mcf (1,000 cubic feet) of natural gas
 - 578 kWh per barrel, or 13.76 kWh per gallon, of petroleum

Assumptions:

[Power plant heat rates](#) (for steam electric generators in 2014)

Coal = 10,080 Btu/kWh

Natural gas = 10,408 Btu/kWh

Petroleum = 10,156 Btu/kWh

[Fuel heat contents](#) (for fuels received by electric power industry in 2014)

Coal = 19,420,000 Btu per short ton (2,000 pounds) Note: Heat contents of coal vary widely by types of coal.

Natural gas = 1,029,000 Btu per 1,000 cubic feet (Mcf)

Petroleum = 5,867,946 Btu per Barrel (42 gallons) Note: Heat contents vary by [type of petroleum product](#).

Last updated: February 29, 2016

Other FAQs about Crude Oil

[Does EIA have county-level energy production data?](#)

[Does EIA have data on U.S. oil refineries and their locations?](#)

[Does EIA have data on the movement of crude oil, ethanol, and biodiesel by rail and truck?](#)

[Does EIA have data on the type or quality of crude oil?](#)

[Does EIA have maps or information on the location of U.S. natural gas and oil pipelines?](#)

[Does EIA have projections for energy production, consumption, and prices for individual states?](#)

In the United States, electricity is generated in many different ways, with a wide variation in environmental impact. Electricity generation from the combustion of fossil fuels contributes toward unhealthy air quality, acid rain, and global climate change.

Many electricity customers can choose their provider of electricity or can purchase green power from their utility. In fact, you might now have the option of choosing cleaner, more environmentally friendly sources of energy.

Enter your ZIP code and electric utility to:

- Compare the fuel mix and air emissions rates of the electricity in your region to the national average.
- Determine the air emissions impacts of electricity use in your home or business

Your 5-digit ZIP code: 81147

Enter

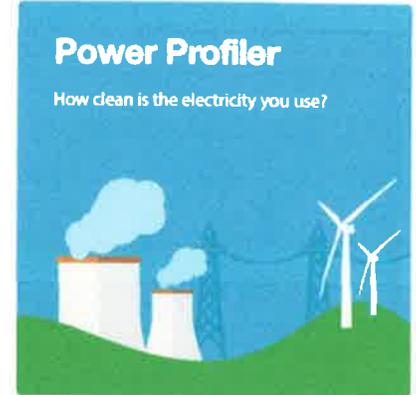
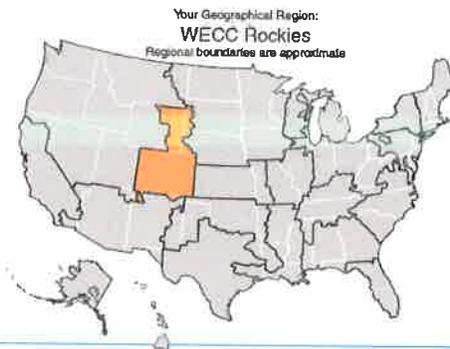
Your electric utility (the company listed on your utility bill):

La Plata Electric Association Inc - CO

View Report

Your region: WECC Rockies

Power Profiler does not provide information about the environmental attributes of electric power generated by individual companies. For company-specific information, access EPA's [eGRID database](#).



About Power Profiler

- Last Updated: October 8, 2015
- Data source: eGRID2012 data.
- Data in Excel format: Power Profiler eGRID subregion and GHG emissions finder tool version 6.0 (XLS) (3.5M)

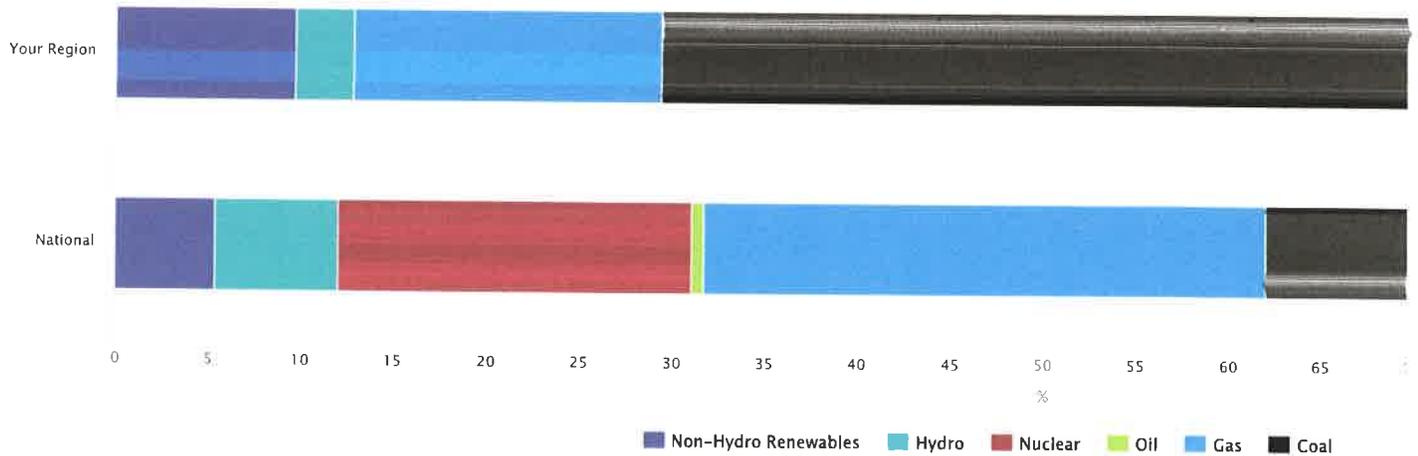
Electricity Generation in Your Region

Your electricity is from

Make a Difference

Fuel Mix Comparison

This chart compares fuel mix (%) of sources used to generate electricity in your region to the fuel mix (%) for the entire United States.



Emission Rate Comparison

This chart compares the average emissions rates (lbs/MWh) in your geographical region to the national average emissions rates (lbs/MWh) for nitrogen oxide, sulfur dioxide, and carbon dioxide.





Colorado Department
of Public Health
and Environment

BYLAWS

Medical Marijuana Scientific Advisory Council

ARTICLE I: Name

The name of this committee shall be the Medical Marijuana Scientific Advisory Council, herein referred to as the "Council", created pursuant to Senate Bill 14-155, CRS 25-1.5-106.5, operating within the Department of Public Health and Environment, Disease Control and Environmental Epidemiology Division, herein referred to as the "department."

ARTICLE II: Purpose

The Colorado Department of Public Health and Environment is responsible for appointing members of the Council in order to ensure objectivity in evaluating research proposals and to provide a peer review process that guards against funding research that is biased in favor of or against particular outcomes.

ARTICLE III: Members

Members of the Council shall be appointed by the Executive Director of the department and, except for the member who represents medical marijuana patient interests, shall be chosen on the basis of their expertise in the scientific substance and methods of the proposed research and for their lack of bias or conflict of interest regarding the applicants or the topic of an approach taken in the proposed research. The Council shall consist of at least six and no more than 13 members. The Chief Medical Officer of the department, or his or her designee, is also a member of the Council and is chair of the Council. Members of the Council must include the following types of experts:

- a) At least one epidemiologist with expertise in designing and conducting large, observational studies and clinical trials;
- b) at least one clinician with expertise in designing and conducting clinical trials;
- c) a clinician familiar with the recommendation, dosage, and administration of medical marijuana under current state laws;
- d) a medical toxicologist;
- e) a neurologist;
- f) a pediatrician;
- g) a psychiatrist;
- h) an internal medicine physician or other specialist in adult medicine;
- i) a preventive medicine specialist or public health professional;
- j) a substance abuse specialist;
- k) an alternative medicine specialist with expertise in herbal or alternative medicine;
- l) a person who represents medical marijuana patient interests; and
- m) an ad hoc member (with clinical expertise in the medical condition under study);

ARTICLE IV: Duties of the Council

Section 1. The Council shall:

- a) Ensure compliance with Senate Bill 14-155, CRS 25-1.5-106.5;
- b) Provide policy guidance in the creation and implementation of the grant program;
- c) Provide scientific oversight and review; and
- d) Evaluate research proposals and submit recommendations to the department and the State Board of Health for recommended grant recipients, grant amounts, and grant duration.

Section 2. Members appointed to the Council by the Executive Director, other than the Chief Medical Officer or his or her designee, shall serve on a voluntary basis for a two-year term and may be reappointed. Appointment of members is at the sole discretion of the department and Executive Director.

Section 3. Regular attendance and participation is vital to the purpose of the Council. Members accept the duty and obligation to attend meetings either in person or by teleconference and shall provide advance notice if they are unable to do so. Repeat, unexcused absences may be considered an abdication of the appointment and may be grounds for terminating a member's appointment at the recommendation of the Council. To terminate the member's appointment, at least one member of the Council shall submit his/her recommendation to the other members of the Council, which shall approve or disapprove the recommendation by majority vote.

Section 4. Members of the Council shall serve without compensation, but shall be reimbursed for their travel expenses incurred in the course of their participation, if travelling from outside the Denver metro area.

Section 5. Any member of the Council may resign from the Council at any time by notifying the Council Chair, or his/her designee, in writing. If a member finds it necessary to resign from the Council, he/she is encouraged to assist the department in nominating a suitable replacement and is encouraged to remain until a suitable replacement has accepted his/her nomination.

Section 6. Any member of the Council may be recommended for termination by majority vote of the Council or at the discretion of the Council Chair, as a result of:

- a) Resignation
- b) Violation of the Council Bylaws;
- c) Failure to disclose conflict of interest;
- d) Ineligibility of membership, including no longer maintaining the expertise or representing the category which was the basis for appointment;
- e) Material misrepresentation or fraud in any statement to the Council or to the public;
- f) Conviction of a felony;
- g) Conviction of a misdemeanor, which is directly related to public health or education. This includes, but is not limited to, rape, sexual abuse, actual or threatened use of a weapon, sale or distribution of a controlled substance, or its possession with intent to distribute.
- h) Death or incapacitation.

Section 7. A notice shall be sent to the member, using the last address on file, setting forth the expulsion and the reasons therefore. Such notice shall be sent within fifteen days of the recommendation for termination. The Council shall submit, in writing and within thirty days after sending the notice, a recommendation in the form of a letter to the Executive Director of the department stating the Council's

NOTE: The governor signed this measure on 5/18/2015.

An Act

SENATE BILL 15-014

BY SENATOR(S) Aguilar, Johnston, Kerr;
also REPRESENTATIVE(S) Singer, Esgar, Ginal, Lebsack, Rosenthal.

CONCERNING MARIJUANA ISSUES THAT ARE NOT REGULATED BY THE
DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH,
MAKING APPROPRIATIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Colorado authorizes the sale and use of small amounts of medical and retail marijuana;

(b) The United States department of justice expects a state that has enacted laws regarding regulated marijuana use and sales to put measures in place to prevent the diversion of marijuana from the regulated system and prevent illicit marijuana trade that funds criminal enterprises;

(c) If Colorado creates a robust regulatory environment that is strongly enforced, the federal government will not interfere except in those individual cases where the department of justice's enforcement priorities

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

are at risk;

(d) Large medical and recreational marijuana grows should be subject to enhanced oversight to augment health and safety and decrease trafficking;

(e) The sale and use of medical marijuana is limited to those Colorado residents who have a physician's recommendation that they have a debilitating medical condition that could benefit from the use of medical marijuana; and

(f) It is necessary to ensure that there is broad and appropriate access to medical marijuana while maintaining the safety and security of the regulated medical marijuana market.

(2) Now, therefore, the general assembly hereby enacts the following protections to ensure that access to the medical marijuana market is limited to Colorado residents who have a physician's recommendation that they have a debilitating medical condition that could benefit from the use of medical marijuana and to ensure that the medical marijuana that is grown, processed, and sold in the regulated market does not enter the retail market or cross state borders.

SECTION 2. In Colorado Revised Statutes, add 12-36-141 as follows:

12-36-141. Medical marijuana recommendations - guidelines.

THE BOARD, IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND PHYSICIANS SPECIALIZING IN MEDICAL MARIJUANA, SHALL ESTABLISH GUIDELINES FOR PHYSICIANS MAKING MEDICAL MARIJUANA RECOMMENDATIONS.

SECTION 3. In Colorado Revised Statutes, 25-1.5-106, amend (2) (d.5), (3) (a) (VII), (3) (a) (VIII), (7) (a), (7) (c), (7) (e), (8) (a), and (18); repeal (3) (b) (I) and (13); and add (1) (c), (1) (d), (2) (e.5), (3) (a) (IX), (3.7), (7) (f), (8.5), (8.6), and (13.5) as follows:

25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - repeal. (1) (c) THE

GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS NECESSARY TO IMPLEMENT RULES TO PROVIDE GUIDANCE FOR CAREGIVERS AS DEFINED IN SECTION 14 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

(d) THE GENERAL ASSEMBLY HEREBY DECLARES THAT IT IS IMPERATIVE TO PREVENT THE DIVERSION OF MEDICAL MARIJUANA TO OTHER STATES. IN ORDER TO DO THIS THE GENERAL ASSEMBLY NEEDS TO PROVIDE CLEAR GUIDANCE FOR LAW ENFORCEMENT.

(2) **Definitions.** In addition to the definitions set forth in section 14 (1) of article XVIII of the state constitution, as used in this section, unless the context otherwise requires:

(d.5) "Primary caregiver" means a natural person, other than the patient or the patient's physician, who is eighteen years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition. A PRIMARY CAREGIVER MAY HAVE ONE OR MORE OF THE FOLLOWING RELATIONSHIPS:

(I) A PARENT OF A CHILD AS DESCRIBED BY SECTION (6) (e) OF SECTION 14 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION AND ANYONE WHO ASSISTS THAT PARENT WITH CAREGIVER RESPONSIBILITIES, INCLUDING CULTIVATION AND TRANSPORTATION;

(II) AN ADVISING CAREGIVER WHO ADVISES A PATIENT ON WHICH MEDICAL MARIJUANA PRODUCTS TO USE AND HOW TO DOSE THEM AND DOES NOT POSSESS, PROVIDE, CULTIVATE, OR TRANSPORT MARIJUANA ON BEHALF OF THE PATIENT;

(III) A TRANSPORTING CAREGIVER WHO PURCHASES AND TRANSPORTS MARIJUANA TO A PATIENT WHO IS HOMEBOUND; AND

(IV) A CULTIVATING CAREGIVER WHO GROWS MARIJUANA FOR A PATIENT.

(e.5) "SIGNIFICANT RESPONSIBILITY FOR MANAGING THE WELL-BEING OF A PATIENT" MEANS THAT THE CAREGIVER IS INVOLVED IN BASIC OR INSTRUMENTAL ACTIVITIES OF DAILY LIVING. CULTIVATING OR TRANSPORTING MARIJUANA AND THE ACT OF ADVISING A PATIENT ON WHICH MEDICAL MARIJUANA PRODUCTS TO USE AND HOW TO DOSE THEM

CONSTITUTES A "SIGNIFICANT RESPONSIBILITY".

(3) **Rule-making.** (a) The state health agency shall, pursuant to section 14 of article XVIII of the state constitution, promulgate rules of administration concerning the implementation of the medical marijuana program that specifically govern the following:

(VII) The manner in which the state health agency may consider adding debilitating medical conditions to the list of debilitating medical conditions contained in section 14 of article XVIII of the state constitution; and

(VIII) A waiver process to allow a homebound patient who is on the registry to have a primary caregiver transport the patient's medical marijuana from a licensed medical marijuana center to the patient; AND

(IX) GUIDELINES FOR PRIMARY CAREGIVERS TO GIVE INFORMED CONSENT TO PATIENTS THAT THE PRODUCTS THEY CULTIVATE OR PRODUCE MAY CONTAIN CONTAMINANTS AND THAT THE CANNABINOID LEVELS MAY NOT BE VERIFIED.

(b) The state health agency may promulgate rules regarding the following:

(1) ~~What constitutes "significant responsibility for managing the well-being of a patient"; except that the act of supplying medical marijuana or marijuana paraphernalia, by itself, is insufficient to constitute "significant responsibility for managing the well-being of a patient";~~

(3.7) THE STATE HEALTH AGENCY SHALL CONVENE A GROUP OF INTERESTED PARTIES INCLUDING REPRESENTATIVES FROM THE STATE LICENSING AUTHORITY, PRIMARY CAREGIVERS, PATIENTS, MARIJUANA TESTING LABORATORY LICENSEES, AND ANY OTHER INTERESTED PERSONS TO EXPLORE LABORATORY TESTING OPTIONS FOR MEDICAL MARIJUANA NOT PRODUCED BY SOMEONE LICENSED PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S.

(7) **Primary caregivers.** (a) A primary caregiver may not delegate to any other person his or her authority to provide medical marijuana to a patient; nor may a primary caregiver engage others to assist in providing

medical marijuana to a patient; EXCEPT THAT A PARENT PRIMARY CAREGIVER MAY USE THE SERVICES OF AN ASSISTANT FOR ADVISEMENT, CULTIVATION, OR TRANSPORTATION.

(c) Only a medical marijuana center with an optional premises cultivation license, a medical marijuana-infused products manufacturing operation with an optional premises cultivation license, or a primary caregiver for his or her patients or a patient for himself or herself may cultivate or provide MEDICAL marijuana. ~~and only for medical use.~~

(e) (I) (A) IN ORDER TO BE a primary caregiver who cultivates medical marijuana for his or her patients OR TRANSPORTS MEDICAL MARIJUANA FOR HIS OR HER PATIENTS, HE OR SHE shall also register the location of his or her cultivation operation with the state medical marijuana licensing authority. ~~and provide the registration identification number of each patient to the state licensing authority.~~ A PERSON MAY NOT REGISTER AS A PRIMARY CAREGIVER IF HE OR SHE IS LICENSED AS A MEDICAL MARIJUANA BUSINESS AS DESCRIBED IN PART 4 OF ARTICLE 43.3 OF TITLE 12, C.R.S., OR A RETAIL MARIJUANA BUSINESS AS DESCRIBED IN PART 4 OF ARTICLE 43.4 OF TITLE 12, C.R.S. AN EMPLOYEE, CONTRACTOR, OR OTHER SUPPORT STAFF EMPLOYED BY A LICENSED ENTITY PURSUANT TO ARTICLE 43.3 OR 43.4 OF TITLE 12, C.R.S., OR WORKING IN OR HAVING ACCESS TO A RESTRICTED AREA OF A LICENSED PREMISES PURSUANT TO ARTICLE 43.3 OR 43.4 OF TITLE 12, C.R.S., MAY BE A PRIMARY CAREGIVER.

(B) A CULTIVATING PRIMARY CAREGIVER, WHEN REGISTERING, SHALL PROVIDE THE CULTIVATION OPERATION LOCATION, THE REGISTRATION NUMBER OF EACH PATIENT, AND ANY EXTENDED PLANT COUNT NUMBERS AND THEIR CORRESPONDING PATIENT REGISTRY NUMBERS.

(C) A TRANSPORTING PRIMARY CAREGIVER, WHEN REGISTERING, SHALL PROVIDE THE REGISTRATION NUMBER OF EACH HOMEBOUND PATIENT, THE TOTAL NUMBER OF PLANTS AND OUNCES THAT THE CAREGIVER IS AUTHORIZED TO TRANSPORT, IF APPLICABLE, AND THE LOCATION OF EACH PATIENT'S REGISTERED MEDICAL MARIJUANA CENTER OR CULTIVATING PRIMARY CAREGIVER, AS APPLICABLE. A TRANSPORTING CAREGIVER SHALL HAVE ON HIS OR HER PERSON A RECEIPT FROM THE MEDICAL MARIJUANA CENTER OR PRIMARY CAREGIVER WHEN TRANSPORTING MEDICAL MARIJUANA THAT SHOWS THE QUANTITY OF MEDICAL MARIJUANA PURCHASED BY OR PROVIDED TO THE TRANSPORTING CAREGIVER.

(D) THE STATE LICENSING AUTHORITY MAY VERIFY PATIENT REGISTRATION NUMBERS AND EXTENDED PLANT COUNT NUMBERS WITH THE STATE HEALTH AGENCY TO CONFIRM THAT A PATIENT DOES NOT HAVE MORE THAN ONE PRIMARY CAREGIVER, OR DOES NOT HAVE BOTH A DESIGNATED CAREGIVER AND MEDICAL MARIJUANA CENTER, CULTIVATING MEDICAL MARIJUANA ON HIS OR HER BEHALF AT ANY GIVEN TIME.

(E) IF A PEACE OFFICER MAKES A LAW ENFORCEMENT CONTACT WITH A PRIMARY CAREGIVER WHO DOES NOT HAVE PROPER DOCUMENTATION SHOWING REGISTRATION WITH THE STATE LICENSING AUTHORITY, THE PEACE OFFICER MAY REPORT THAT INDIVIDUAL TO THE STATE LICENSING AUTHORITY OR MAY TAKE APPROPRIATE LAW ENFORCEMENT ACTION. THE PERSON MAY BE SUBJECT TO ANY CHARGEABLE CRIMINAL OFFENSES.

(II) THE STATE LICENSING AUTHORITY SHALL SHARE THE MINIMUM NECESSARY INFORMATION IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE LAWS SUCH AS PATIENT AND CAREGIVER IDENTIFICATION NUMBERS, TO VERIFY THAT A PATIENT HAS ONLY ONE ENTITY CULTIVATING MEDICAL MARIJUANA ON HIS OR HER BEHALF AT ANY GIVEN TIME.

(III) The information provided to the state ~~medical marijuana~~ licensing authority pursuant to this paragraph (e) shall not be provided to the public and shall be IS confidential. The state licensing authority shall verify the location of a primary caregiver cultivation operation to a local government or law enforcement agency upon receiving an address-specific request for verification. The location of the cultivation operation shall MUST comply with all applicable local laws, rules, or regulations.

(f) A CULTIVATING PRIMARY CAREGIVER SHALL ONLY CULTIVATE PLANTS AT THE REGISTERED CULTIVATION LOCATION AS REQUIRED PURSUANT TO SECTION 25-1.5-106 (7) (e) AND AS PERMITTED PURSUANT TO SECTIONS 25-1.5-106 (8.6) (a) (I) AND 25-1.5-106 (8.6) (a) (II) (B). NOTHING IN THIS PARAGRAPH (f) SHALL BE CONSTRUED TO LIMIT THE ABILITY OF THE CAREGIVER OR PERSON TWENTY-ONE YEARS OF AGE OR OLDER WHO MAKES PERMANENT RESIDENCE AT THE REGISTERED CULTIVATION LOCATION FROM CULTIVATING OR POSSESSING UP TO SIX PLANTS PURSUANT TO ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION. NOTWITHSTANDING THESE PROVISIONS, ADDITIONAL CULTIVATION IS NOT LAWFUL AT THE PREMISES REGISTERED BY A

CAREGIVER TO CULTIVATE ON BEHALF OF PATIENTS.

(8) Patient - primary caregiver relationship. (a) (I) A person shall be listed as a CULTIVATING OR TRANSPORTING primary caregiver for no more than five patients on the medical marijuana program registry at any given time; except that the state health agency may allow a primary caregiver to serve more than five patients in exceptional circumstances. In determining whether exceptional circumstances exist, the state health agency may consider the proximity of medical marijuana centers to the patient, AS WELL AS OTHER FACTORS.

(II) A CULTIVATING OR TRANSPORTING primary caregiver shall maintain a list of his or her patients including the registry identification card number of each patient AND A RECOMMENDED TOTAL PLANT COUNT at all times.

(8.5) Encourage patient voluntary registration. (a) (I) ALL PATIENTS CULTIVATING MORE THAN SIX MEDICAL MARIJUANA PLANTS FOR THEIR OWN MEDICAL USE ARE ENCOURAGED TO REGISTER WITH THE STATE LICENSING AUTHORITY'S REGISTRY CREATED PURSUANT TO SUBSECTION (7) OF THIS SECTION. A PATIENT WHO CHOOSES TO REGISTER SHALL UPDATE HIS OR HER REGISTRATION INFORMATION UPON RENEWAL OF HIS OR HER MEDICAL MARIJUANA REGISTRY CARD.

(II) A PATIENT WHO CHOOSES TO REGISTER SHALL REGISTER THE FOLLOWING INFORMATION WITH THE STATE LICENSING AUTHORITY: THE LOCATION OF HIS OR HER CULTIVATION OPERATION; HIS OR HER PATIENT REGISTRATION IDENTIFICATION; AND THE TOTAL NUMBER OF PLANTS THAT THE PATIENT IS AUTHORIZED TO CULTIVATE.

(b) A PATIENT SHALL NOT CULTIVATE MORE THAN NINETY-NINE PLANTS. ONLY A MEDICAL MARIJUANA BUSINESS LICENSED AND PROPERLY AUTHORIZED PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., MAY CULTIVATE MORE THAN NINETY-NINE PLANTS.

(c) THE INFORMATION PROVIDED TO THE STATE LICENSING AUTHORITY PURSUANT TO THIS SUBSECTION (8.5) SHALL NOT BE PROVIDED TO THE PUBLIC AND IS CONFIDENTIAL. THE STATE LICENSING AUTHORITY SHALL VERIFY THE LOCATION OF A MEDICAL MARIJUANA CULTIVATION SITE FOR PATIENT CULTIVATION OPERATIONS TO A LOCAL GOVERNMENT OR LAW

ENFORCEMENT AGENCY UPON RECEIVING A REQUEST FOR VERIFICATION. THE LOCATION OF THE CULTIVATION OPERATION SHALL COMPLY WITH ALL APPLICABLE LOCAL LAWS, RULES, OR REGULATIONS.

(d) THE STATE LICENSING AUTHORITY SHALL PROVIDE CULTIVATION INFORMATION FOR PATIENTS WHO CHOOSE TO REGISTER TO STATE AND LOCAL LAW ENFORCEMENT THROUGH THE COLORADO CRIME INFORMATION CENTER. THE COLORADO BUREAU OF INVESTIGATION SHALL INCLUDE PROPER USE OF MEDICAL MARIJUANA INFORMATION IN AUDITS OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(8.6) Primary caregivers plant limits - exceptional circumstances. (a) (I) A PRIMARY CAREGIVER SHALL NOT CULTIVATE, TRANSPORT, OR POSSESS MORE THAN THIRTY-SIX PLANTS UNLESS THE PRIMARY CAREGIVER HAS ONE OR MORE PATIENTS WHO, BASED ON MEDICAL NECESSITY, HAVE AN EXTENDED PLANT COUNT.

(II) (A) A PRIMARY CAREGIVER WHO CULTIVATES MORE THAN THIRTY-SIX PLANTS SHALL REGISTER THE INFORMATION REQUIRED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (II) WITH THE STATE LICENSING AUTHORITY'S REGISTRY CREATED PURSUANT TO PARAGRAPH (e) OF SUBSECTION (7) OF THIS SECTION. A PRIMARY CAREGIVER SHALL UPDATE HIS OR HER REGISTRATION INFORMATION UPON RENEWAL OF HIS OR HER PRIMARY CAREGIVER REGISTRATION.

(B) A PRIMARY CAREGIVER SUBJECT TO THE REGISTRY IN THIS SUBPARAGRAPH (II) SHALL REGISTER THE FOLLOWING INFORMATION WITH THE STATE LICENSING AUTHORITY: THE LOCATION OF HIS OR HER CULTIVATION OPERATION; THE PATIENT REGISTRATION IDENTIFICATION NUMBER FOR EACH OF THE PRIMARY CAREGIVER'S PATIENTS; AND ANY EXTENDED PLANT COUNT NUMBERS AND THEIR CORRESPONDING PATIENT REGISTRY NUMBERS.

(b) A PRIMARY CAREGIVER SHALL NOT CULTIVATE MORE THAN NINETY-NINE PLANTS. ONLY A MEDICAL MARIJUANA BUSINESS LICENSED AND PROPERLY AUTHORIZED PURSUANT TO ARTICLE 43.3 OF TITLE 12, C.R.S., MAY CULTIVATE MORE THAN NINETY-NINE PLANTS. THE PRIMARY CAREGIVER IS NOT ALLOWED TO GROW ADDITIONAL PLANTS UNTIL HE OR SHE IS LICENSED BY THE STATE LICENSING AUTHORITY.

(c) THE INFORMATION PROVIDED TO THE STATE LICENSING AUTHORITY PURSUANT TO THIS SUBSECTION (8.6) SHALL NOT BE PROVIDED TO THE PUBLIC AND IS CONFIDENTIAL. THE STATE LICENSING AUTHORITY SHALL VERIFY THE LOCATION OF EXTENDED PLANT COUNTS FOR PRIMARY CAREGIVER CULTIVATION OPERATIONS AND HOMEBOUND PATIENT REGISTRATION FOR TRANSPORTING CAREGIVERS TO A LOCAL GOVERNMENT OR LAW ENFORCEMENT AGENCY UPON RECEIVING A REQUEST FOR VERIFICATION. THE LOCATION OF THE CULTIVATION OPERATION SHALL COMPLY WITH ALL APPLICABLE LOCAL LAWS, RULES, OR REGULATIONS.

(d) THE STATE LICENSING AUTHORITY SHALL PROVIDE CULTIVATION INFORMATION FOR CULTIVATING CAREGIVERS AND TRANSPORTING CAREGIVERS TO STATE AND LOCAL LAW ENFORCEMENT THROUGH THE COLORADO CRIME INFORMATION CENTER. THE COLORADO BUREAU OF INVESTIGATION SHALL INCLUDE PROPER USE OF MEDICAL MARIJUANA INFORMATION IN AUDITS OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

~~(13) Limit on cultivation of medical marijuana. Only registered patients, licensed primary caregivers, medical marijuana-infused products manufacturing operations with an optional premises cultivation license, and licensed medical marijuana centers with optional premises cultivation licenses may cultivate medical marijuana.~~

(13.5) NOTHING HEREIN SHALL REDUCE OR ELIMINATE THE EXISTING POWER OF A STATUTORY MUNICIPALITY OR COUNTY THROUGH THE "LOCAL GOVERNMENT LAND USE CONTROL ENABLING ACT OF 1974", ARTICLE 20 OF TITLE 29, C.R.S., TO REGULATE THE GROWING OF MARIJUANA, COMMERCIALY OR OTHERWISE.

(18) (a) This section is repealed, effective ~~July~~ SEPTEMBER 1, 2019.

(b) PRIOR TO THE REPEAL OF THIS SECTION, THE DEPARTMENT OF REGULATORY AGENCIES SHALL CONDUCT A SUNSET REVIEW AS DESCRIBED IN SECTION 24-34-104 (8), C.R.S.

SECTION 4. In Colorado Revised Statutes, 24-34-104, **add** (50.5) (n) as follows:

24-34-104. General assembly review of regulatory agencies and

functions for termination, continuation, or reestablishment. (50.5) The following agencies, functions, or both, terminate on September 1, 2019:

(n) THE MEDICAL MARIJUANA PROGRAM CREATED IN SECTION 25-1.5-106, C.R.S.

SECTION 5. In Colorado Revised Statutes, 39-28.8-501, **amend** (2) (b) (XIV) and (2) (b) (XV); and **add** (2) (b) (XVI) as follows:

39-28.8-501. Marijuana tax cash fund - creation - distribution - repeal. (2) (b) Subject to the limitations in subsection (5) of this section, any moneys in the fund that are not appropriated to the department of revenue pursuant to paragraph (a) of this subsection (2) are subject to annual appropriation by the general assembly for any fiscal year following the fiscal year in which they were received by the state. The general assembly shall initially appropriate moneys in the fund based on the most recent estimate of revenue prepared by the staff of the legislative council or the department of revenue for the applicable fiscal year. The general assembly may appropriate moneys in the fund for the following purposes:

(XIV) The industrial hemp grant research program created in section 35-61-104.5, C.R.S.; and

(XV) For the start-up expenses of the division of financial services related to the regulation of marijuana financial services cooperatives pursuant to article 33 of title 11, C.R.S., and until the state commissioner of financial services first collects assessments on such cooperatives; AND

(XVI) FOR AUDITING STATE AND LOCAL LAW ENFORCEMENT AGENCIES PROPER USE OF MEDICAL MARIJUANA INFORMATION.

SECTION 6. In Colorado Revised Statutes, 18-18-406.3, **amend** (5) as follows:

18-18-406.3. Medical use of marijuana by persons diagnosed with debilitating medical conditions - unlawful acts - penalty - medical marijuana program cash fund. (5) Any person including, but not limited to, any officer, employee, or agent of the department, or any officer, employee, or agent of any state or local law enforcement agency, who releases or makes public any confidential record or any confidential

information contained in any such record that is provided to or by the marijuana registry OR PRIMARY CAREGIVER REGISTRY of the department without the written authorization of the marijuana registry patient commits a class 1 misdemeanor.

SECTION 7. In Colorado Revised Statutes, 6-1-105, **add** (1) (hhh) as follows:

6-1-105. Deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(hhh) KNOWINGLY REPRESENTS THAT HEMP, HEMP OIL, OR ANY DERIVATIVE OF A HEMP PLANT CONSTITUTES RETAIL MARIJUANA OR MEDICAL MARIJUANA UNLESS IT FULLY SATISFIES THE DEFINITION OF SUCH PRODUCTS PURSUANT TO SECTION 12-43.4-103 (15), C.R.S., OR SECTION 12-43.3-104 (7), C.R.S.

SECTION 8. In Colorado Revised Statutes, 25-1.5-106, **amend** (12) (b) (IV) as follows:

25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - repeal. (12) **Use of medical marijuana.** (b) A patient or primary caregiver shall not:

(IV) Possess medical marijuana or otherwise engage in the use of medical marijuana in or on the grounds of a school or in a school bus; EXCEPT WHEN THE POSSESSION OR USE OCCURS IN ACCORDANCE WITH A SCHOOL DISTRICT BOARD POLICY ESTABLISHED PURSUANT TO 22-1-119.3, C.R.S.;

SECTION 9. In Colorado Revised Statutes, 22-1-119.3, **amend** (3) (c) as follows:

22-1-119.3. Policy for student possession and administration of prescription medication - rules. (3) (c) A student shall not possess or self-administer medical marijuana on school grounds, upon a school bus, or at any school-sponsored event; EXCEPT THAT A SCHOOL DISTRICT MAY ADOPT A POLICY, IN ACCORDANCE WITH THE REQUIREMENTS OF THIS

SECTION, THAT AUTHORIZES A STUDENT'S PARENT OR A MEDICAL PROFESSIONAL WHO ACCOMPANIES A STUDENT TO SCHOOL, ON THE SCHOOL BUS, OR TO ANY SCHOOL-SPONSORED EVENT AND ASSISTS THE STUDENT WITH THE ADMINISTRATION OF MEDICAL MARIJUANA TO POSSESS AND ADMINISTER MEDICAL MARIJUANA TO THE STUDENT IN AN APPROPRIATE LOCATION ON SCHOOL GROUNDS, UPON A SCHOOL BUS, OR AT ANY SCHOOL-SPONSORED EVENT. A POLICY PERMITTING A PARENT OR MEDICAL PROFESSIONAL TO ADMINISTER MEDICAL MARIJUANA TO A STUDENT MUST REQUIRE THAT THE STUDENT HOLD A VALID RECOMMENDATION FOR MEDICAL MARIJUANA, THAT THE ADMINISTERING PARENT BE THE STUDENT'S PRIMARY CAREGIVER OR THAT THE ADMINISTERING MEDICAL PROFESSIONAL BE EMPLOYED SPECIFICALLY TO ASSIST THE STUDENT IN ADMINISTERING MEDICAL MARIJUANA, AND THAT THE LOCATION AND METHOD OF ADMINISTRATION OF MEDICAL MARIJUANA DOES NOT CREATE SIGNIFICANT RISK TO OTHER STUDENTS.

SECTION 10. Appropriation. For the 2015-16 state fiscal year, \$60,000 is appropriated to the department of public safety for use by the Colorado crime information center. This appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department of public safety may use this appropriation for the collection of medical marijuana information.

SECTION 11. Appropriation. (1) For the 2015-16 state fiscal year, \$1,068,560 is appropriated to the department of public health and environment. This appropriation is from the medical marijuana program cash fund created in section 25-1.5-106 (16) (a), C.R.S. To implement this act, the department of public health and environment may use this appropriation for the purchase of information technology services.

(2) For the 2015-16 state fiscal year, \$1,068,560 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of public health and environment under subsection (1) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of public health and environment.

SECTION 12. Appropriation. (1) For the 2015-16 state fiscal year, \$113,704 is appropriated to the department of revenue. This

appropriation is from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$56,998 for use by marijuana enforcement division for personal services and operating expenses, which amount is based on an assumption that the department will require an additional 1.0 FTE; and

(b) \$56,706 for the purchase of legal services.

(2) For the 2015-16 state fiscal year, \$56,706 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of revenue under paragraph (b) of subsection (1) of this section, and is based on an assumption that the department will require an additional 0.3 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of revenue.

SECTION 13. Effective date. This act takes effect upon passage; except that sections 25-1.5-106 (7) (a), (7) (c), (7) (e), (7) (f), (8.5), and (8.6) of section 3 take effect January 1, 2017, and section 5 of this act only takes effect if House Bill 15-1367 does not pass and become law.

SECTION 14. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting July 27, 2016

The Archuleta County Planning Commission held a meeting on Wednesday, July 27, 2016, at 6:00 PM at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Chairman Frederick called the meeting to order.

Commissioners in attendance:

Michael Frederick, Anita Hooton, David Parker, and Betty Shahan. Commissioner Peter Adams had announced at the last meeting he would not be in attendance.

Staff in Attendance:

John Shepard, AICP, Planning Manager; and Sherrie Vick, Planning Tech

Public in Attendance:

Jess Ketchum, J.R. Ford, Mike Davis, Jim Bell, Sally Capistrant. See Attached sign in sheet for other members of the public.

Consent:

May 25, 2016 Minutes:

Chairman Fredrick asked if there were any changes to the minutes. The Chair wanted to have a clarification made to a sentence in the minutes. Commissioner Hooton Moved to approve the minutes with the amended wording. Commissioner Shahan seconded the minutes were approved with a vote 4-0

June 8, 2016 Minutes:

Chairman Fredrick asked if there were any changes to the minutes. The Chair wanted to have a clarification made in two areas of the minutes. Commissioner Hooton Moved to approve the minutes with the amended wording. Commissioner Parker seconded the minutes were approved with a vote 4-0

Old Business:

None

New Business:

Public Hearing on Proposed Amendments to the Archuleta County Land Use Regulations

Archuleta County Development Services is proposing amendments to the Archuleta County Land Use Regulations. The proposed changes:

- 1) Classify non-commercial marijuana cultivation as an Accessory Use and adopt limits and definitions,
- 2) Clarify provisions for Accessory Uses and Structures, and
- 3) Clarify cross-references and certain provisions of Table 1 and Table 4

This hearing was advertised in the Pagosa Sun as required by statute. Mr. Shepard presented proposed changes to the Land Use Regulations which the Board of County Commission directed staff to draft, and get direction from the Planning Commission on marijuana plant counts to be enforced through the Land Use Regulations. Mr. Shepard gave a brief history of the marijuana provisions directed towards Commercial Cultivation only, not addressing personal or medical caregivers. Citizens have expressed concern regarding the number of plants being grown in residential areas, and impacts on neighborhoods from smell, noise and crime, which is why the County is addressing these items now.

The proposal treats non-commercial marijuana cultivation as an Accessory Use. Personal use is being treated like gardening. The Colorado Constitution allow 6 plants per person over 21 years of age. The code amendment limits personal use to 12 plants per parcel. More detailed regulations are proposed for medical marijuana caregivers, who by definition are people growing plants for people with prescriptions. The caregivers can only be reimbursed for service and are not a commercial business. The State's new regulations will take effect January of 2017 limiting caregivers to 5 patients and 99 plants. The County proposed regulations limit caregivers to 36 plants, which does not allow for extended plant count

prescriptions. The extended plant counts could be accommodated by the licensed medical growers. Caregivers would need to comply with the State licensing provisions and the commercial licensing provisions for lights, noise, emissions and health and safety standards.

Under item two, changes need to be made so if a property owner built a greenhouse for licensed marijuana that they could use it as a regular greenhouse in those zones. Changes were made to address fencing on property to bring clarity to that portions and the requirements that marijuana growing had to be screened. In addition, changes are proposed to clarify portable accessory structures and allowing storage containers for use as storage.

Under item three, changes are clarifying review criteria in table 1 and setbacks in table 4.

Chairman Frederick had questions about the use of storage contains being allowed for residential storage units. Commissioner Hooton explain that in the past that was the intention of what was adopted to allow storage containers to be used as a portable storage unit for residential use and a limit on how many they could have.

Chairman Frederick opened the meeting for public comment.

Mr. Rowland, 231 Crestview, had questions about the requirement for a land use permit for the use of marijuana, the time frame to get a permit and how soon the regulations would be adopted and in effect. Mr. Shepard clarified that the March 2015 amendment did require a land use permit to grow marijuana, the time frame is about a month depending on the completeness for the application, and there was no set date of adoption of these amendments.

Chris Patane, 755 Squaw Valley Pl., expressed concern that he is not in compliance with the Land Use Regulations because he was told by the state and local drug enforcement that the grow he has is in compliance with the law. Mr. Shepard replied by way of the Chair that currently this was in violation of the Land Use Regulations and that was one of the reason the Board asked staff and the Planning Commission to make these amendments.

There was discussion on the plant count with the State's limit of 99 plants for caregivers and the County going to 36. Mr. Shepard noted the counties he researched were limiting around 36 plants. The discussion continued with concerns of enforcement with the State allowing 99 plants for caregivers licensed with the state.

Chris Frost stated that the state already has several regulations in place that the County could use for enforcement. Caregivers are allowed 99 plants and only 5 patients. People use caregivers because they cannot afford the licensed dispensaries. (This speaker started talking before coming to the podium and did not sign in for clarification of name and address.)

Public comment was closed at 6:48pm. Commissioner's discussed if there would be Variances from the plant count, or if plant counts could be more or less by zoning and lot size. It was discussed that the section need to be worked on further. Commissioner Hooton moved to continue this to the August 10, 2016 meeting. Commissioner Parker 2nd and the vote 4-0.

Holiday RV South CUP, Parcel 3, Ridgeview Subdivision Replat at 633 Navajo Trail (PLN16-054)

Jeremiah "J" Webb, Holiday RV South, Inc. of South Fork, CO, has applied for the Holiday RV South Conditional Use Permit, on property owned by the Bruce Lamereaux; being Parcel 3, Ridgeview Subdivision Replat, at 633 Navajo Trail, Pagosa Springs, CO (PLN16-054). The proposal will permit Outdoor Sales for Recreational Vehicles in the PUD zone. Public notice was provided to the applicant for publication in the Pagosa Springs Sun, to be posted on site, and to mail to adjacent property owners as required. Notice was originally mailed on June 1, 2016; however, the newspaper notice was not published on time and the public hearing was delayed to this date.

In July 2015, Holiday RV South Inc. of South Fork, Colorado, opened for business at 633 Navajo Trail, at the corner of Bastille Dr., without a Land Use Permit or approval from the Pagosa Lakes Property Owners Association (PLPOA). The business sells new and late model used recreational vehicles (RVs). Applicant also graded and finished RV parking display areas without County approval. There is unimproved property to the east and north, and an auto sales lot to the west.

This property is zoned PUD, and the project was approved by PLPOA on 5/19/2016, even though the recorded covenants state "the operations from such stores, shops or businesses shall be conducted entirely within an enclosed building." This property was approved as the one-lot Unique Mountain Log Homes PUD in the year 2000, as an office/sales building, under the regulations then in place. In 2005, the use was changed by Derek Lamereaux to the Clarion Mortgage Limited Impact Use (2005-02) for office space. After the Applicant occupied the property without required permits, County and PLPOA staff tried to work with him to determine appropriate approval process (since the property is located in the Planned Unit Development) and to complete an application packet. On November 15, 2015, the County Attorney ordered the property owner and Applicant to apply for a Conditional Use Permit. Applicant submitted an application on May 23, 2016, for a CUP and Variance from requirements for paving. The application was accepted, but lacked several items required by Sec. 3.2.3.2 of the Land Use Regulations, including:

- (3) No Site Development Plan. The sketch submitted is entirely inadequate for review against Development Standards or Engineering Standards. Parking lot layouts must be approved by the County Engineer.
- (8) Incomplete Proof of Ownership.

No public comments have been received. Review comments received include:

- County Engineering rejected the letter submitted as a Drainage Study, required by Sec. 5.3.4 of the Land Use Regulations. No RVs or other improvements could be located within the Vision Clearance Area (Section 5.4.7 of the Land Use Regulations) or Sight Triangle (Section 27.1.6.3 of the Road & Bridge Design Standards).
- Pagosa Fire Protection District: A cluster of Recreational Vehicles in close proximity can create a conflagration hazard, however, with adequate spacing between units (minimum 8'), the close proximity of a fire hydrant, and the lack of other exposures, the Pagosa Fire Protection District has no objections to the approval of this application.

Staff recommended the Planning Commission find that:

- a. The application meets the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the Archuleta County Land Use Regulations, and
- b. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the Archuleta County Land Use Regulations, and That the Planning Commission recommend approval of the Holiday RV South CUP, Parcel 3, Ridgeview Subdivision Replat at 633 Navajo Trail, with the following conditions:
 1. Applicant shall submit a detailed site development plan meeting the requirements of Section 3.2.3.2(3) of the Archuleta County Land Use Regulations, for approval by the Development Services Department, within 30 days.
 2. Applicant shall submit a drainage study, signed and sealed by a professional engineer, meeting the requirements of Section 5.3.4 of the Land Use Regulations, within 30 days.
 3. Applicant shall submit parking area construction plans signed and sealed by a professional engineer, as required by Section 5.4.5 of the Land Use Regulations and Section 27.1.7.4 Design Standards for Parking Areas in the Archuleta County Road and Bridge Design Standards, within 90 days.
 4. Recreational Vehicles shall not be parked in a Vision Clearance Area required by Section 5.4.7 of the Land Use Regulations, or Sight Triangle required by Section 27.1.6.3 of the Road & Bridge Design Standards.
 5. Recreational Vehicles shall only be parked with adequate spacing between units (minimum 8'), as required by the Pagosa Fire Protection District.

Chairman Frederick suggested to add a 6th condition proof of notice in the newspaper before scheduling the next public hearing. Chairman Frederick ask for clarification on the sight triangle and expressed a concern that the RV could be put right next to the property line and in the setback. Mr. Shepard responded the sketch provided is unclear because it does not have anything noted. \

Chairman Frederick asked if there was anyone present to represent this project no one came forward. The Chair continued and asked if anyone from the public had comment. Hearing none, the Chair continued and added to condition 4 that no RV be in the 30' setback and all documentation be submitted to the Planning Department before the project is submitted to the Board of County Commissioners for approval.

Commissioner Parker made a motion to recommend approval to the Board of County Commissioners, of the request for the Holiday South RV CUP, with the Findings A and B, and conditions 1-5 of the Staff Report and the modifications the Chairman added. Commissioner Hooton second. Vote 3-1 to approve.

WHEC Event Center CUP, on Lot 2M, Fairgrounds Minor Impact Subdivision, at 344A US Hwy 84 (PLN16-071)

Western Heritage Event Center, Inc., represented by Jess Ketchum, has applied for the WHEC Agricultural Education and Equestrian Event Center Conditional Use Permit (CUP), on Lot 2M, Fairgrounds Minor Impact Subdivision, at 344A US Hwy 84, Pagosa Springs, CO (PLN16-071). The proposal will permit a covered arena as a Public Use in the Agricultural/Ranching (AR) zone, in addition to the existing open arena and improvements at the Archuleta County Fairgrounds. Applicant has also made a concurrent request for Variances from Development Standards to be heard separately by the Board of Adjustment (PLN16-072).

Public notice was provided to the applicant for publication in the Pagosa Springs Sun, to be posted on site, and to mail to adjacent property owners as required.

Pagosa Springs Enterprises was established in 1949 and became the Western Heritage Event Center (WHEC). WHEC hosts two large-scale events each year, the 3-day Red Ryder Roundup Rodeo over Independence Day weekend, and the Archuleta County Fair, in cooperation with Archuleta County. WHEC is proposing to construct a 164'x250' covered arena on their tract, located south of the existing 210'x330' outdoor pipe arena. No additional seating is proposed at this time and no new traffic is expected to be generated. Existing gravel access will be improved to County standards. Pagosa Area Water and Sewer District (PAWSD) is also planning a new public water fill station, to be located in the utility easement on Lot 1 near the joint access along the County Road.

The Archuleta County Community Plan of 2001 provides guidance for future development. The Future Land Use Map shows this area as future commercial transitioning to Very Low Density Residential along US Highway 84. The Joint Town County Planning Commission Zoning Discussion 2010 map recognizes this parcel as suitable for Industrial development. The subdivision is zoned Agricultural/Ranching (AR), as is property to the south and private property to the east. The subdivision to the west across Highway 84 is zoned Commercial (C). Property to the north across County Road 302 (Mill Creek Road) has been annexed by the Town of Pagosa Springs, in anticipation of mixed-use development and is proposing to annex the road and have it paved within the next year or so. The developers of the Mountain Crossing development would also be required to make improvements the intersection of Highway 84 and Mill Creek Road, when specific development is proposed.

The Fairgrounds Minor Impact Subdivision was approved in 2001. In 2005, a minor lot line adjustment was approved to convey a new 6,000 square foot block building, with indoor bathrooms, from WHEC to the County for joint use. The Archuleta County Land Use Regulations do not currently provide for a private events center, so the existing WHEC property would be considered a non-conforming use that cannot be changed. However, a Public Use owned by a public agency is considered a Conditional Use in any zone. In this case, WHEC proposes to convey ownership of the structure to Archuleta County when completed, with continued joint use of the two properties at the Fairgrounds. Formal joint agreements will be necessary for cross-access and parking, as well as operations and maintenance, with approval of an Amended Plat.

The Events Center is proposed to be a public use facility, to be used for Equine events, rodeo, 4-H events, and Education & Training events. The facility would also be used for the primary annual events, the Red Ryder Rodeo and Archuleta County Fair, but would (according to Applicants) simply bring existing use under cover rather than adding additional traffic. Any events at the facility would have to meet the performance standards in Section 5.4.2 of the Land Use Regulations, limiting sound levels, vibration, smoke, and emissions, as well as requiring screening of any outdoor storage. Existing parking lot lighting will need to be replaced to meet the "dark skies" requirements for shielded lighting (Sec. 5.4.4). Parking for the Red Ryder Rodeo is limited by available seating; no parking plan was provided, and parking on-site is haphazard (without markers or flaggers) which increases chances for accidents and does not provide clear emergency (fire/ambulance) access. Access and parking is restricted during the County Fair. A turnaround may be necessary at the facility to meet County Road & Bridge standards. There is also an RV hook-up located on site for a seasonal caretaker. The Land Use Regulations provide

for occupancy of an RV for up to 120 days a year with a Temporary Use Permit. Occupancy beyond 120 days would require separate approval as an RV Park to assure health and safety concerns are met.

No public comments have been received. Review comments received include:

- County Engineering expressed concern that there is not enough improved gravel parking for horse trailers and vehicles using this arena.
- County Engineering accepted the Drainage Study provided by Davis Engineering, and requested the design engineer sign and seal approval that improvements are built according to plans.
- Pagosa Fire Protection District noted that the gravel access road does not meet the fire code requirement that access extends to within 150 feet of all portions of the facility. The District may be willing to grant an exception to increase the distance to 160 feet, if access can be provided to both north corners of the proposed building. The Fire District would require detailed building plans for review prior to issuing a building permit.
- Town of Pagosa Springs Planning Director commented that the Town is pursuing annexation of Mill Creek Road in conjunction with the Mountain Crossing development which will pave the road back to the asphalt plant; there should be consideration of constructing pedestrian facilities (sidewalk or trails) along the road; dust control may be necessary; and parking lot lighting should be shielded (dark skies requirements).
- CDOT review indicated the existing access on Mill Creek Road should provide adequate access; however:
 1. The western most access onto Mill Creek Road (on County property) is too close to Highway 84.
 2. Existing uses likely warrant improvements at Highway 84 and Mill Creek Rd.
 3. The existing access onto Highway 84 is too close to Mill Creek Rd and will need to be closed.
 4. A traffic impact study may be required.

An events center would typically have limits on operations to assure compatibility with near-by residences; however, the facility will be ultimately operated by Archuleta County. Addition of a gravel parking area on the east side of the arena, similar to the west side, would address concerns of both the Fire District and County Engineering, and provide a turnaround during the Fair.

A phasing plan may be necessary to address improvements to the intersection of Highway 84 and County Road 302, with participation by the County and Town. It may be worth proposing to CDOT that the main entrance become right-in/right-out, at least as an interim measure until further improvements are made to the intersection.

Staff recommended the Planning Commission find that:

- a. The application meets the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the Archuleta County Land Use Regulations, and
- b. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the Archuleta County Land Use Regulations, and

That the Planning Commission recommend approval of the WHEC Agricultural Education and Equestrian Event Center Conditional Use Permit (CUP), on Lot 2M, Fairgrounds Minor Impact Subdivision, with the following conditions:

1. Approval is contingent on the Board of County Commissioners' acceptance of proposed improvements; approval shall run with the proposed Events Center facility.
2. Uses will be limited to those described in the application and those approved by the Archuleta County Administrator.
3. All events shall be conducted in compliance with the Performance Standards in Section 5.4.2 of the Archuleta County Land Use Regulations, including (but not limited to) volume of sound, vibration, and emissions.
4. All outdoor lighting shall be installed in compliance with Section 5.4.4 of the Archuleta County Land Use Regulations.
5. A seasonal caretaker may occupy an RV on-site for up to 120 days per year.
6. A fire lane and additional parking for horse trailers shall be provided on the east side of the arena.
7. Applicants shall complete a Traffic Study prior to the public hearing before the Board of County Commissioners.

8. Applicants shall apply for a Development Agreement for review by the County Attorney and approval by the Board of County Commissioners, providing for cross-access and parking, and continued joint use, operations and maintenance.
9. Addresses for structures on this parcel shall be updated according to County policy.
10. Applicant shall submit a complete Building Permit application within one year of final approval, as required by Sec. 3.2.3.6 of the Archuleta County Land Use Regulations.

Chairman Frederick asked if there was a requirement for adding right-of-way. Mr. Shepard indicated not at this time; there may be other opportunities down the road to secure the right of way the town mentioned in its comments. Commissioner Hooton asked if the outdoor arena seating would remain. Mr. Shepard stated that it would remain and there would be no seating in the new arena; Applicant updated the plans and took the seating out.

Jesse Ketchum 98 Davidson Pl., spoke for the project. Mr. Ketchum stated that this is a work in progress and the Heritage group and the County need to sit down and look over what kinds of events will be hosted and the impacts these will have and can we accommodate them. Mr. Ketchum was asked about the trailer parking. Mr. Ketchum replied that paved parking for the trailers is not needed for the two major events. If this was a private facility that was going to be used daily or weekly then they could see the need for pavement but not at this time. Commissioner Shahan ask if the County had been contacted about putting gravel in that parking area. Mr. Ketchum stated that they asked the County for that but they are still working on the project and trying to keep the cost down within the budget of the funds that have been raised. There was discussion about the parking areas. Mr. JR Ford, County Rd 400, a WHEC Board member, was asked to come forward. Mr. Ford explained that there is already agreements with the County in place for parking. Historically the agreements were worked out verbally to keep a western heritage feel and activities on the property. Discussion took place about the CDOT comments of a possible change to the access to Highway 84 at Mill Creek Rd. The access at Highway 84 will be closed and improvements at Mill Creek Road will have to be worked out. There was discuss about the RV site and the condition staff suggested. The RV is there from June to September which does not exceed the requirements for the Land Use Regulations, and is there for security of the facilities during the summer and collection of fees.

Public comment was opened:

Randy Talbert, 156 Pompa Dr., was a member of Western Heritage. This building was designed to improve our 4-H programs and to be used in conjunction with the rodeo grounds like the La Plata County Fairground set up.

Mike Davis, 226 Woodland Dr., Addressed the Traffic study requested by CDOT. CDOT only has authority on the Highway, the County has authority on the County road, and it would fall to the County to make intersection improvements if the project is approved. The development is replacing facilities and making them nicer for the County Fair and the Rodeo and that would not increase the traffic. Mr. Davis expressed that a traffic study would not be useful for this application, since there is no metric for this type of use.

Roberta Tolan, 103 Escobar Ave., Extension Agent, explained the interest in the fair has grown and more young people are involved and they need a covered area to do the projects dealing with livestock.

The Chairman closed the public hearing. Chairman Frederick suggested that the parking requirements be omitted from the conditions and add a fire lane requirement on the east side of the building. Also that conditions 7 be omitted due to the development that will be taking place on the corner of Mill Creek and Highway 84.

Commissioner Hooton asked for discussion on the RV to be able to continue to be used year round. There was discussion around the use in the regulations but the applicant stated that the RV was only used for the four months and would not be used in the winter.

Commissioner Hooton moved to recommend Approval to the Board of County Commissioners, of the request for the WHEC Event Center CUP, with the Findings A and B, and conditions 1-5 as listed, modifying 6 to address the fire lane on the east side of the arena and remove condition 7, and 8-10 as listed in the staff report. Commissioner Shahan second. The vote was 4-0 to approve.

Discussion of Property Owner Request for Land Use Text Amendment

Property Owner Sally Capistrant has asked the Planning Commission to consider amending Table 5: Animal Regulations so that the Residential (R) zone has the same restrictions as Rural Residential (RR), in particular to allow domestic fowl (chickens, etc.) for residents of that zone.

Sally Capistrant of 200 Brookhill Dr. requested that the Planning Commission add chickens to the R zoning in the table for animals. Many people like having fresh eggs as a self-sustaining project with their gardens. Commissioners discussed how many and what types of fowl. Chairman Frederick asked Mr. Shepard to do some research and it was concluded that 4 fowl might be a good number to add to the R zoning, without roosters.

Reports and Announcements:

Mr. Shepard previewed the next meeting agenda.

Next Meeting:

Policy Meeting August 10, 2016 6PM
Regular Meeting August 24, 2016 6PM

Adjourn: Commissioner Parker moved to adjourn the meeting, Commissioner Hooton seconded.
Meeting adjourned at 9:05PM.

Approved this *14th* day of *September*, 2016



Sherrie Vick
Planning Technician



Michael Frederick
Vise Chairman



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting August 10, 2016

The Archuleta County Planning Commission held a meeting on Wednesday, August 10, 2016, at 6:00 PM at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Chairman Frederick called the meeting to order.

Commissioners in attendance:

Michael Frederick and David Parker. Betty Shahan had called with a last-minute conflict. Commissioners Anita Hooton and Peter Adams had announced at the last meeting they would not be in attendance. There was no quorum and no official business transacted.

Staff in Attendance:

John Shepard, AICP, Planning Manager; and Sherrie Vick, Planning Tech

Public in Attendance:

Mike Stoll for the Humane Society and several others, see attached sign-in sheet.

Chairman Frederick stated the items on the agenda would be continued to the August 24th meeting due to no quorum being present, but discussion and public comment would be allowed.

Consent:

Approval of Minutes for June 22, 2016, was continued to the August 24th meeting.

Old Business:

Discussion regarding Table 5: Animal Regulations

Staff presented information in response to a property owner request to consider allowing domestic fowl (i.e. backyard chickens, excluding roosters) in the Residential (R) zone.

Mr. Shepard summarized previous discussion that the Residential zone had the smallest lot size, so it would be best to restrict livestock to no more than 4 hens, no roosters or larger animals in this zone due to the fact that homes were much closer. Mr. Shepard presented a new table layout that showed all the context of Table 5. Chairman Frederick directed Mr. Shepard to include new Table 5 with the other changes the Commission was reviewing.

Chairman Frederick opened public comment for this item at 6:08 PM. Jim Whatley, 1623 W HWY 160, commented that the limit should be raised from 4 to 6 laying hens, most people have 6 to produce eggs. Mr. Shepard was asked if that would be possible. Mr. Shepard replied the counties that have chickens in small-lot residential zones typically only allow four.

Chairman Frederick closed public comment and stated this item would be continued to the August 24, 2016, meeting at 6:00 PM.

Continuation of Public Hearing on Proposed Amendments to the Archuleta County Land Use Regulations

Continuation of Public Hearing from regular meeting on July 27, 2016, for consideration of proposed text amendments and recommendation to Board of County Commissioners. Staff revisions and information in response to comments were provided for discussion.

Chairman Frederick opened public comment at 6:13 PM.

Paul Ashley, 18910 Mill Creek Rd, asked when the regulations would take effect. The State's new regulations for Caregivers take effect January 1, 2017; would the County's be before that? Mr. Shepard responded that the Board of County Commissioners would set an effective date. Mr. Shepard also stated

that since March of 2015, the Land Use Regulations require that any marijuana operation needs a Land Use Permit. Mr. Ashley stated the Administration Office and the Sheriff's Office are not informing people.

Andrew Rowland, 231 Crestview, stated that medical physicians on the state board set the 99 plant limit and the County should not limit that. Mr. Rowland offered to provide medical information on the reasoning for 99 plants.

Chris Blas, 276 South 10th Street, provided a document to the Chairman and asked that it be given to the rest of the members, which showed the State's regulations and other counties' regulations. Mr. Blas expressed concern with the time line of adoption. Mr. Shepard explained how the notice and meeting schedule worked. Mr. Blas addressed enforcement capability and staffing. The County benefits financially from marijuana besides taxation and fees from commercial cultivation. The Chair noted that the regulations under consideration are not for commercial growers. Mr. Blas discussed commercial benefits from larger individual growers and cost of purchasing from a licensed facility. Mr. Blas summarized Fremont County's ordinance, and Mr. Shepard compared the ordinance to the current proposal. Mr. Blas challenged restrictions on plant counts and growing outdoors. The Chair discussed these concerns, while also noting concerns raised by some neighbors of existing operations. Mr. Blas suggested higher plant counts on larger parcels 10 acres or more, and stated that Archuleta County should not regulate more than State law.

Mike Lewis, PO Box 1358, wanted to address 2 things. A medical board decided the plant count the State adopts. The State Marijuana Regulatory Commission has been in Archuleta County inspecting Caregivers, why should the County restrict and add regulations?

Jim Whatley, 1623 W HWY 160, growing outdoors is more environmentally friendly and cost effective. Indoor growing increases costs, would not be able to afford the medicine he needs to be able to work.

Chris Patane, 755 Squaw Valley Pl, requested that no Land Use Permit be required because the State is monitoring people now. Mr. Shepard clarified that new provisions would only require a Land Use Permit for Caregivers. Mr. Patane stated that 36 plants doesn't take up that much space.

Chairman Frederick closed public comment at 7:09 PM and directed Mr. Shepard to contact the State inspectors for more information. Mr. Shepard reviewed edits to the amendments to help clarify concerns or comments from the Commissioners, and reviewed previous work sessions on this topic in February, March and April.

New Business:

Humane Society CUP Amendment, in Section 9, T35N R2W NMPM, at 465 Cloman Blvd, was continued to the August 24th meeting.

Reports and Announcements:

Mr. Shepard shared discussions on affordable housing, edits on the community plan and having speakers on economic development and housing.

Next Meeting: August 24, 2016

Consider changing scheduled meetings: was continued to the August 24th meeting.

- Add Policy Meeting on 9/14/16
- Remove Policy Meeting on 10/12/16

Adjourn: Chairman Frederick closed the meeting at 7:25 pm.

Approved this *28* day of *September*, 2016



Sherrie Vick
Planning Technician



Michael Frederick
Chairman

ARCHULETA COUNTY PLANNING COMMISSION

Regular Meeting

August 10, 2016

Name	Address	Phone
Paul Ashley	1891 Mill Creek Road	970-422-2510
Mike Stoll	88 Point Place	970-264-5549
Chris Bks	276 5th 10th	316-461-9613
Max Steingers	276 5th 10th	216-501-0025
Amy Rowland	231 Chestnut	573-944-0443
Chris Paton	755 Sagan Valley Place	408-816-4227
Jim Whately	1623 W Hwy 160	303)330 9310
Selena Touchstone	PO Box 1809	310.944.0775
Jeff Jones	PO Box 1809	970-403-2714
Mike Lewis	PO Box 1358	970 403 2714
Ann Baker	15478 CR 700	883-5356
Penny Reed	334 E Golf	



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting August 24, 2016

The Archuleta County Planning Commission held a meeting on Wednesday, August 24, 2016, at 6:00 PM at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Chairman Frederick called the meeting to order at 6 PM.

Commissioners in attendance:

Michael Frederick, David Parker, Anita Hooton, Betty Shahan, and Peter Adams

Staff in Attendance:

John Shepard, AICP, Planning Manager. and Sherrie Vick, Planning Tech

Public in Attendance:

Mike Stoll for the Human Society and several others see attached sign in sheet.

Consent:

Minutes for June 22, 2016. Commissioner Parker made a motion that the minutes be approved with stated corrections, Commissioner Hooton seconded. Vote 4-0.

Minutes for July 27, 2016. Commissioner Hooton made a motion that the minutes be approved with stated corrections, Commissioner Adams seconded. Vote 4-0.

Old Business:

Humane Society CUP Amendment, in Section 9, T35N R2W NMPM, at 465 Cloman Blvd

Humane Society of Pagosa Springs, represented by Steve Schwartz, Spectrum Construction; applied for a Minor Amendment to their Conditional Use Permit (CUP), approved in 2007, to add an accessory structure (PLN16-073). Applicant's property is described as the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in S9, T35N R2W NMPM, located at 465 Cloman Blvd. Applicant also made a concurrent request for Variances from Development Standards which were approved separately by the Board of Adjustment (PLN16-074).

Two questions were before the Planning Commission: 1. Does the application qualify as a Minor Amendment to a Conditional Use Permit? 2. Does the application meet the development standards of the *Archuleta County Land Use Regulations*? A Conditional Use Permit (CUP) was approved in 2007 for the Humane Society Animal Shelter, a Conditional Use in the Agricultural Estate (AE) zone. When the current shelter was built, three storage sheds and an outdoor pet cremator were moved from the old site on Paws Court to the new location on Cloman Blvd. The proposed project will replace the three wooden sheds with a new metal building that will house a new, modern indoor pet crematorium, in addition to improved storage space.

Applicant discussed justification of the request in their narrative. The new building will replace existing equipment and buildings, so there will be no new impacts. The pet cremator is an important community service, and the new equipment will be more efficient, eliminating occasional smoke and odor. Colorado Dept. of Public Health (CDPHE) has also approved the required air quality permit.

The staff report recommended: Should the Planning Commission accept that Applicants have provided sufficient evidence in support of their proposal, staff recommends the Planning Commission find that:

- a. The application meets the review criteria for a Minor Amendment to a Conditional Use Permit in Section 3.2.3.7 of the Archuleta County Land Use Regulations, and
- b. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the Archuleta County Land Use Regulations, and

That the Planning Commission approves the Humane Society CUP Amendment, in Section 9, T35N R2W NMPM, at 465 Cloman Blvd., with no conditions.

Mr. Mike Stoll, Director of the Humane Society of Pagosa Springs, explained that the old crematorium was beyond repair and the new one would be better for the environment and housed indoors. The new building would replace three old sheds and house the crematorium.

Commissioner Hooton moved to approve the request for the Humane Society CUP Amendment, with Findings A and B of the staff report and no conditions, Commissioner Parker seconded. Vote 4-0.

Continuation of Public Hearing on Proposed Amendments to the Archuleta County Land Use Regulations

Continuation of Public Hearing from regular meeting on July 27, 2016, and August 10, 2016, for consideration of proposed text amendments and recommendation to Board of County Commissioners. Staff revisions and information in response to comments were provided for discussion.

Mr. Shepard reviewed the process of how the proposed changes to the Land Use Regulations presented for this meeting came to this final draft. Mr. Shepard also reviewed information from the State that the Chairman requested at the last meeting, regarding inspections and licensed Caregivers. He was unable to contact anybody at the State doing local inspections of Caregivers.

Chairman Frederick recapped two issues that had come up in the public hearings. First, testimony was given that the State allows outdoor cultivation behind fences. The second issue was the plant count. The base count for Caregivers is 36 plants, but 99 plants are allowed with an extended plant count prescription. The Chairman asked about setting limits based on parcel size. Mr. Shepard noted that of the counties he looked at, only one limited by parcel size and that would make enforcement more difficult. Chairman Frederick asked for confirmation that the State Regulations for the 99 plant count were effective January 1, 2017. Mr. Shepard confirmed and pointed out the addition of the resolution for the adoption of the Land Use changes and a date could be suggested at this time for County adoption.

Chairman Frederick opened public comment at 6:21 pm.

Andy Rowland, 231 Crestview Dr., pointed out that more regulations would cost more to enforce, a need for lower cost providers is how the Caregivers got started, and the regulations should reflex the majority's wishes. Mr. Rowland ask that the regulations not be adopted in their current form but reconsider how Fremont County did their regulations. Commissioner Adams asked why someone would need more than 6 plants. Mr. Rowland explained that many people that use marijuana as a medical product make the plants into creams and oils which takes more plants and that is why doctors prescribe larger plant counts. Commissioner Adams also asked Mr. Shepard if this would allow processing. Mr. Shepard stated that, at this time, the regulations are only addressing cultivation and processing is not addressed.

Steven Keno, 1020 Hurt Dr., stated the county doesn't need more regulations and these regulations are not constitutional.

Chris Blas, 276 S. 10th, voiced his ongoing concerns about restricting beyond the stated 99 plants. Also, he pointed out that outdoor cultivation should be allowed and provided statistics on the use of electricity. 74% of electricity is generated by burning coal. Alternative sources is 3.2% and requiring indoor growing creates a large impact on natural resources and increases the cost of production exponentially. Outdoor cultivation is more environmentally friendly and efficient. Commissioner Hooton asked how they provide for year-round supply when the growing season is only 180 days or so. Mr. Blas explained that would happen in a green house where the temperature is controlled but it still uses the sun for its light source and there would be a smaller amount of supplemental light required. Enforcement would not be practical for any number less then the 99 plant count since the Sheriff's officers don't enforce the land use codes.

Jeff Jones, 160 Oakwood Cir., stated the regulations refer to non-commercial grows, which is caregivers and persons with a medical card. The number of plants that are prescribed is set by a doctor and meets the needs of the patient. If the regulation restricts the number of plants that can be grown it puts a hardship on how the plants are cultivated. The restriction would prevent people from meeting their prescribed need.

Chairman Frederick closed the public comment at 6:51 pm. The Chair then made comments regarding some terms needing be clarified, and asked for questions or comments. Commissioner Hooton asked for clarification on indoor vs outdoor growing and security. Would a greenhouse be considered indoor? It

was confirmed by Mr. Shepard that it would be considered indoor. Chairman Frederick added that the County should not add regulations to limit more than the state 99 plant count when the resources are not available for enforcement.

Chairman Frederick asked for a motion. No motion was given. Chairman Frederick stated then that the proposal failed to receive a recommendation for lack of a motion.

New Business:

Discussion on Community Plan - Economic Development and Housing

Jason Cox, Riff Raff Brewing and President of Pagosa Springs Community Development Corporation, was not available and would be rescheduled. There was discussion around economic development among the commissioners and low income housing.

Reports and Announcements:

Mr. Shepard Consider changing scheduled meetings:

- Add Policy Meeting on 9/14/16
- Remove Policy Meeting on 10/12/16

Commissioner Hooton made a motion to make the proposed changes in the schedule. Commissioner Shahan seconded. The vote was 4-0.

Chairman Frederick asked for an update on the Holiday RV applications. The chair also suggested that minor amendments could be changed to an administrative process so there would be no delay for the applicants.

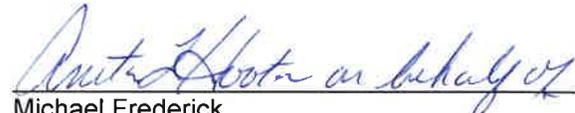
Next Meeting: September 28, 2016

Adjourn: Commissioner Shahan moved to adjourn. Commissioner Adams second. The vote was 4-0 at 7:20PM.

Approved this *28* day of *September*, 2016



Sherrie Vick
Planning Technician



Michael Frederick
Chairman

ARCHULETA COUNTY PLANNING COMMISSION

Regular Meeting

August 24, 2016

Name	Address	Phone
Amy Rowland	231 Chestnut	573 944 0663
Penny Thomas	334 E. Golf	970-731-1980
Lynn Baker	15478 CR 700	" " 883-5356
MIKE STOLL	88 POINT PLATE	264-5549
Chris Blac	2765th 10th St	(316) 461-9613
Max Steinders	276 5th 10th St	216-501-0025
Daniel Alexander	276 5th 10th St	(757) 335-4339
Loretta Thomas	15 Robin Dr	970-502-1358
Sharon Parker	305 Politts CR	731-2008
Lisa Jensen	1252 Loma Linda Dr.	2640430
Selena Tackstone	PO Box 1809	(910) 944-0775
Paul Ashley	1891 Mill Creek	970-422-2510
David Yerton	Ps Box 1090	970-759-8386
Travis Jones	PO Box 1809	970-903-3421
Stephen Kern	1020 Hunt Dr	970-731-9729
Susan Sorce	292 Navajo CR	970-731-0154
Ken Sorce	292 Navajo CR	970 731-0154



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: October 4, 2016

RE: Webb Request for Holiday RV South CUP, Parcel 3, Ridgeview Subdivision Replat at 633 Navajo Trail (PLN16-054)

EXECUTIVE SUMMARY

Jeremiah “J” Webb, Holiday RV South, Inc. of South Fork, CO, has applied for the Holiday RV South Conditional Use Permit, on property owned by Bruce Lamereaux; being Parcel 3, Ridgeview Subdivision Replat, at 633 Navajo Trail, Pagosa Springs, CO (PLN16-054). The proposal will permit Outdoor Sales for Recreational Vehicles in the PUD zone.

Applicant has also made a concurrent request for a Variance from requirements to pave the parking area, which will be heard separately by the Board of Adjustment (PLN16-055).

At their meeting on Wed 27 July 2016, the Archuleta County Planning Commission recommended approval (3-1) with conditions. On Tuesday 20 September, the Board of County Commissioners opened this item and continued consideration to the 4th of October.

REVIEW PROCEDURE

Archuleta County Land Use Regulations Section 3.2.3 Conditional Use Permit (CUP) provides for Conditional Uses, which require review and evaluation with respect to their effects on surrounding properties and Archuleta County at large. The Planning Commission can recommend conditions to the Board of County Commissioners, according to the Review Criteria in Section 3.2.3.4.

Public notice was provided to the applicant for publication in the *Pagosa Springs Sun*, to be posted on site, and to mail to adjacent property owners as required. Notice was originally mailed on June 1, 2016; however, the newspaper notice was not published on time and the public hearing was delayed. After the Applicant refused to re-notice, Staff provided public notice for this hearing as required.

DISCUSSION

In July 2015, Holiday RV South Inc. of South Fork, Colorado, opened for business at 633 Navajo Trail at the corner of Bastille Dr., without a Land Use Permit or approval from the Pagosa Lakes Property Owners Association (PLPOA). The business sells new and late model used recreational vehicles (RVs). Applicant also graded and finished gravel RV parking display areas without County approval. There is unimproved property to the east and north, and an auto sales lot to the west.

The *Archuleta County Community Plan* of 2001 provides guidance for future development. The Future Land Use Map shows this area as High Density Residential transitioning to Industrial to the east (the commercial area along N. Pagosa Blvd north of Highway 160). The *Joint Town County Planning Commission Zoning Discussion 2010* map recognizes this parcel as part of the Planned Unit Development (PUD) area, with areas further east and directly across US Hwy 160 as Commercial. This property is zoned PUD, and the project was approved by PLPOA on 5/19/2016, even though the recorded covenants state “the operations from such stores, shops or businesses shall be conducted entirely within an enclosed building.” Bastille Drive and Navajo Trail are Local Access roads on the Primary road system.

This property was approved as the one-lot Unique Mountain Log Homes PUD in the year 2000, as an office/sales building, under the regulations then in place. In 2005, the use was changed by Derek Lamereaux to the Clarion Mortgage Limited Impact Use (2005-02) for office space. After the Applicant occupied the property without required permits, County and PLPOA staff tried to work with him to determine appropriate approval process (since the property is located in the Planned Unit Development) and to complete an application packet. While an application to amend the approved PUD Development Plan would be the usual process, the County had previously approved Outdoor Retail Sales at the Ace Hardware on the same block with a Conditional Use Permit in 2005. Section 5.4.2.6(2) of the Land Use Regulations requires outdoor merchandise displays to be approved only by the Planning Commission or Board of County Commissioners, and a CUP would provide that process.

On November 15, 2015, the County Attorney ordered the property owner and Applicant to apply for a Conditional Use Permit. Applicant submitted an application on May 23, 2016, for a CUP and Variance from requirements for paving. The application was accepted, but lacked several items required by Sec. 3.2.3.2 of the Land Use Regulations, including:

- (3) No Site Development Plan. The sketch submitted is entirely inadequate for review against Development Standards or Engineering Standards. Parking lot layouts must be approved by the County Engineer.
- (8) Incomplete Proof of Ownership.

The County would not normally enforce covenants, but the covenants provide the basis for development standards in the PUD zone. A wide variety of commercial uses are permitted at this location, but as noted the covenants specifically require commercial activity be entirely within an enclosed building—the proposed use appears to be prohibited. Ridgeview Subdivision Replat was approved in 1999, with a 20’ utility easement along both frontages on Navajo Trail and Bastille Drive. The covenants declare different easements, including a 25’ drainage easement. No improvements may be placed in easements; however, no objections have been

received by utility providers (see comments below). The Improvement Location Certificate approved with the original PUD shows a setback of 30', which would apply unless the PUD was amended; however, it is not clear if Outdoor Retail Sales are permissible within the setback as shown on the site sketch. No RVs or other improvements could be located within the Vision Clearance Area (Section 5.4.7 of the Land Use Regulations) or Sight Triangle (Section 27.1.6.3 of the Road & Bridge Design Standards). Applicant has also displayed flag-type signs which are prohibited in the Archuleta County Land Use regulations.

No public comments have been received. This application and the concurrent Variance were referred to local utilities and regulatory agencies for review, as provided in Section 2.2.5.

Comments received include:

- County Engineering rejected the letter submitted as a Drainage Study, required by Sec. 5.3.4 of the Land Use Regulations.
- Pagosa Fire Protection District: A cluster of Recreational Vehicles in close proximity can create a conflagration hazard, however, with adequate spacing between units (minimum 8'), the close proximity of a fire hydrant, and the lack of other exposures, the Pagosa Fire Protection District has no objections to the approval of this application.
- The County Clerk has expressed concern with proper sales tax collection.
- PAWSD had no comments.

The review criteria for a Conditional Use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations* include:

- (1) The relationship and impact of the use on the development objectives of Archuleta County.
- (2) The effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities.
- (3) The effect of the use upon traffic, with particular reference to congestion, vehicular and pedestrian circulation, safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the roads, sidewalks and parking areas.
- (4) The effect of the use upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.
- (5) The adequacy of the design features of the site to accommodate the proposed use, including but not limited to accessibility, service areas, parking, loading, landscaping and buffering, lighting, etc.
- (6) The effect of the use upon the natural resources and wildlife habitat areas.
- (7) Such other factors and criteria as the Planning Commission and the Board of County Commissioners deems applicable to the proposed use.

Finally, before acting on the application, the Board must be able to make the findings under Section 3.2.3.5:

- (1) That the proposed location of the use, the proposed access to the site, and the conditions under which the use would be operated or maintained will not be

detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

- (2) That, if required by the proposed use, there are adequate and available utilities and public services to service the proposed use, without reduction in the adequacy of services to other existing uses. These utilities and public services may include, but are not necessarily limited to, sewage and waste disposal, water, electricity, law enforcement, and fire protection.
- (3) That the proposed use will be compatible with adjacent uses, including but not limited to site design and operating factors, such as the control of any adverse impacts including noise, dust, odor, vibration, exterior lighting, traffic generation, hours of operation, public safety, etc.

Applicant discusses justification of their request in their narrative (See attached). In summary:

- Holiday RV South (HRVS) has served Archuleta County for 14 years from South Fork, CO.
- There are no other dealers in or around Pagosa Springs.

Despite the deficiency in notice, the Archuleta County Planning Commission held a public hearing at their regular meeting on 7/27/2016, which the Applicant declined to attend. No members of the public spoke for or against the project. After discussion, the Planning Commission voted (3-1) to recommend approval of the CUP, with the following conditions:

1. Applicant shall submit a detailed site development plan meeting the requirements of Section 3.2.3.2(3) of the *Archuleta County Land Use Regulations*, for approval by the Development Services Department, within 30 days.
2. Applicant shall submit a drainage study, signed and sealed by a professional engineer, meeting the requirements of Section 5.3.4 of the Land Use Regulations, within 30 days.
3. Applicant shall submit parking area construction plans signed and sealed by a professional engineer, as required by Section 5.4.5 of the Land Use Regulations and Section 27.1.7.4 Design Standards for Parking Areas in the *Archuleta County Road and Bridge Design Standards*, within 90 days.
4. Recreational Vehicles shall not be parked in required setbacks shown on the Bechtolt Engineering Improvement Location Certificate, in the Vision Clearance Areas required by Section 5.4.7 of the Land Use Regulations, or Sight Triangle required by Section 27.1.6.3 of the Road & Bridge Design Standards.
5. Recreational Vehicles shall only be parked with adequate spacing between units (minimum 8'), as required by the Pagosa Fire Protection District.
6. Proof of Publication must be provided prior to scheduling the Board of County Commissioners public hearing.

Staff prepared and placed required public notice (combined with the concurrent Variance request), including publication in the *Pagosa Sun*, posting notice on the right-of-way adjacent to the site, and mailing notice to adjacent property owners, at a cost of \$89.74 without accounting for staff time.

In summary, the Applicant occupied the property without required permits, in violation of the *Archuleta County Land Use Regulations*. The application, once submitted 11 months later, is

inadequate to recommend approval. As well, the use does not appear to be permitted under the covenants; however, similar outdoor retail sales have been permitted along Navajo Drive in the past.

RECOMMENDATION AND FINDINGS

If the Board concludes that, based on evidence provided the Applicants have met the goals and objectives of the Land Use Regulations, then **staff would recommend the Board of County Commissioners find that:**

- a. The application meets the review criteria for a Conditional Use Permit in Section 3.2.3.4 of the *Archuleta County Land Use Regulations*, and
- b. The application meets the required findings for a Conditional Use Permit in Section 3.2.3.5 of the *Archuleta County Land Use Regulations*, and

That the Board approve the Webb Request for the Holiday RV South CUP, Parcel 3, Ridgeview Subdivision Replat at 633 Navajo Trail, **with the following conditions:**

1. Applicant shall submit a detailed site development plan meeting the requirements of Section 3.2.3.2(3) of the *Archuleta County Land Use Regulations*, for approval by the Development Services Department, within 30 days.
2. Applicant shall submit a drainage study, signed and sealed by a professional engineer, meeting the requirements of Section 5.3.4 of the Land Use Regulations, within 30 days.
3. Applicant shall submit parking area construction plans signed and sealed by a professional engineer, as required by Section 5.4.5 of the Land Use Regulations and Section 27.1.7.4 Design Standards for Parking Areas in the *Archuleta County Road and Bridge Design Standards*, within 90 days.
4. Recreational Vehicles shall not be parked in required setbacks shown on the Bechtolt Engineering Improvement Location Certificate, in the Vision Clearance Areas required by Section 5.4.7 of the Land Use Regulations, or Sight Triangle required by Section 27.1.6.3 of the Road & Bridge Design Standards.
5. Recreational Vehicles shall only be parked with adequate spacing between units (minimum 8'), as required by the Pagosa Fire Protection District.
6. Applicant shall reimburse Archuleta County for necessary public notice, within 30 days.

PROPOSED MOTION

I move to approve the Webb request for the Holiday South RV CUP, **with the Findings A and B, and conditions 1-6 of the Staff Report.**

ATTACHMENTS.

Attachment 1: Area Maps

Attachment 2: Staff Memo on PUD Zone Development Requirements, 8/17/2015

Attachment 3: Review Comments

Attachment 4: Original PUD PILC and Site Sketch

Attachment 5: Applicant's Narrative

Attachment 6: Applicant's Site Sketch



Site Map

Holiday RV South
CUP/Variance
16-054/-055

Legend

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



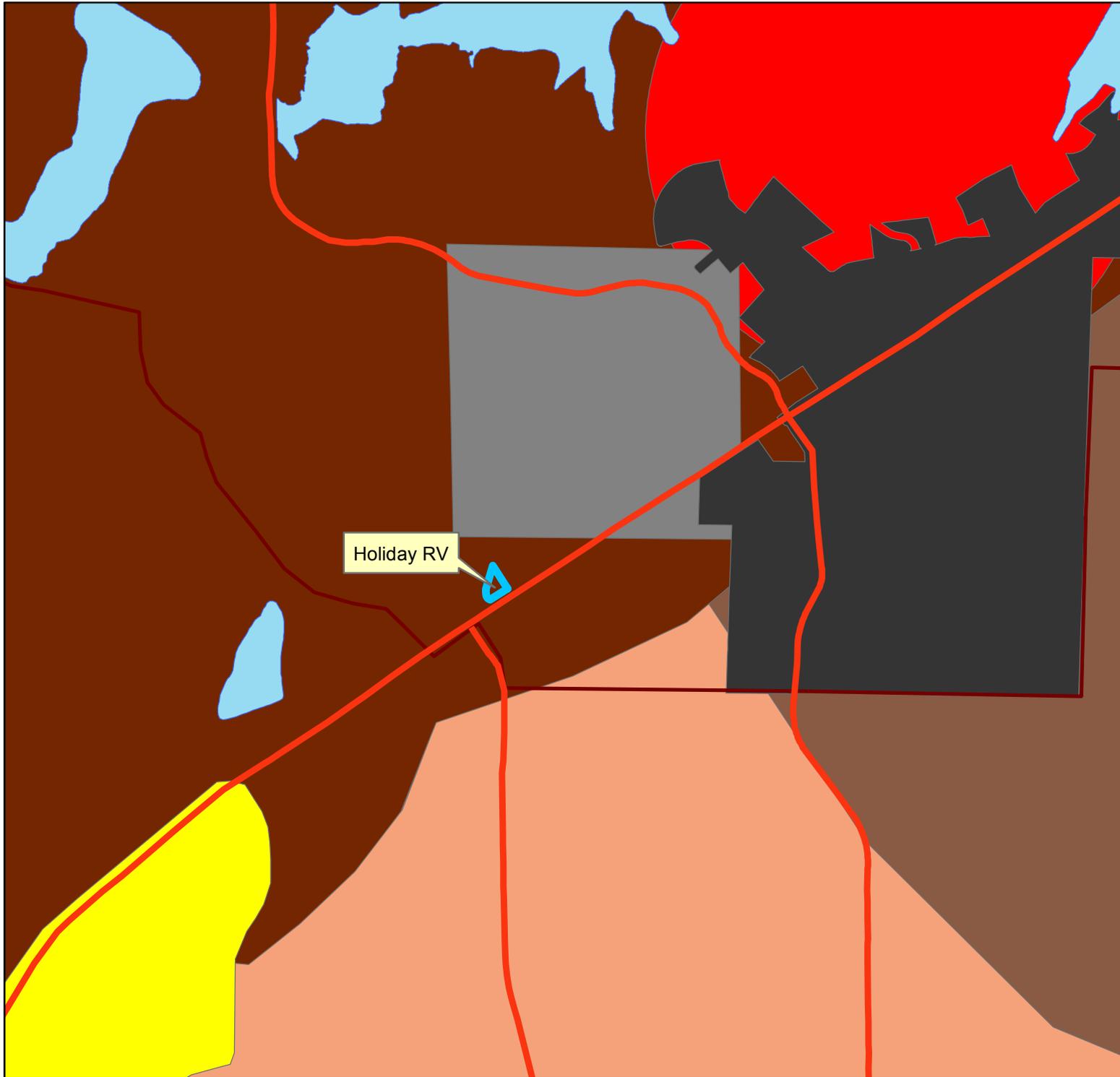
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



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Archuleta County Community Plan Detail: Future Land Use



Legend

- Major Roads
- 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
1 July 2016





Site Map

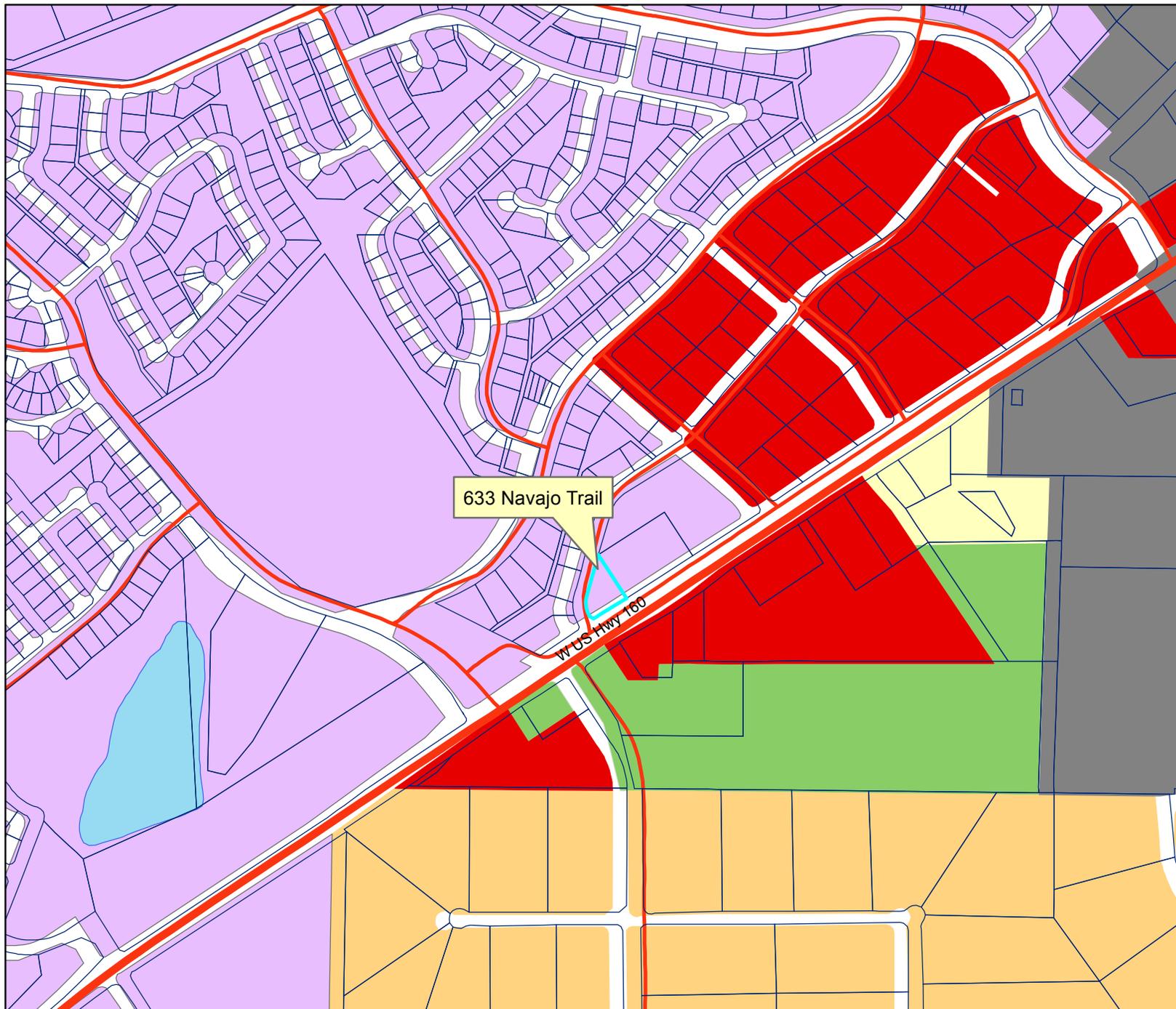
Holiday RV South
CUP/Variance
16-054/-055

Legend

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

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



280 140 0 280 Feet





Site Map

Holiday RV South
CUP/Variance
16-054/-055

Legend

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



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



50 25 0 50 Feet





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 Planning Commission
FROM: John C. Shepard, AICP; Planning Manager
DATE: August 17, 2015
RE: PUD Zone District Development Requirements

Development in a Planned Unit Development is a partnership between property owners, a property owners' association, and the County.

The Board of County Commissioners adopted a comprehensive revision of the *Archuleta County Land Use Regulations* on May 23, 2006, and adopted the first Official Zoning Map on August 22, 2006 (since revised and updated by resolution). Work sessions at the time on the Zoning Transition Program discussed mapping subdivisions, then developed as master-planned communities, into the newly created Planned Unit Development (PUD) zone district which addresses both zoning and subdivision standards. These areas included:

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MEMO

Date: June, 23, 2016

To: John Shepard

From: Yari Davis

CC: Bob Perry

RE: Holiday RV South Inc.

The Engineering Department has reviewed the variance requested by Holiday RV South Inc. from Archuleta County Road & Bridge Design Standards, Section 27.1.7.4.C, "that requires parking serving commercial uses must be paved". The Engineering Department has no objections with the variance approval but before this approval our requirement comments follow:

- We are agreed with the letter from G/T Structural Engineers submitted by the Applicant that there would only minimal change in the value for existing grassy field versus gravel surface. The Engineering Department is not concern with the change from grass to gravel, we are concern that the existing structure and pave driveway when was propose back in 2002 the County did not obtain a drainage study and according to our new regulations, the applicant shall submit storm water runoff calculations for historic and developed runoff to the Engineering Department with the plans and shall be prepared by a qualified Colorado Registered Professional Engineer. If runoff calculations show that stormwater detention is required the applicant shall supply calculations and plans for detention pond location, volume, and outlet structures with the plans. Also, provide engineering and construction details for all drainage structures adequate to handle the drainage.
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⊕ 970-264-5660 ⊕ FAX: 970-264-6815 ⊕

⊕ PO Box 1507 ⊕ 1122 S. HIGHWAY 84 ⊕ PAGOSA SPRINGS, CO 81147

YARCENEUX@ARCHULETACOUNTY.ORG ⊕



Pagosa Fire Protection District



May 27, 2016

Review of Land Use Permit Application:

Project: Holiday RV South

Address: 633 Navajo Trail

Applicant: Jeremiah Webb

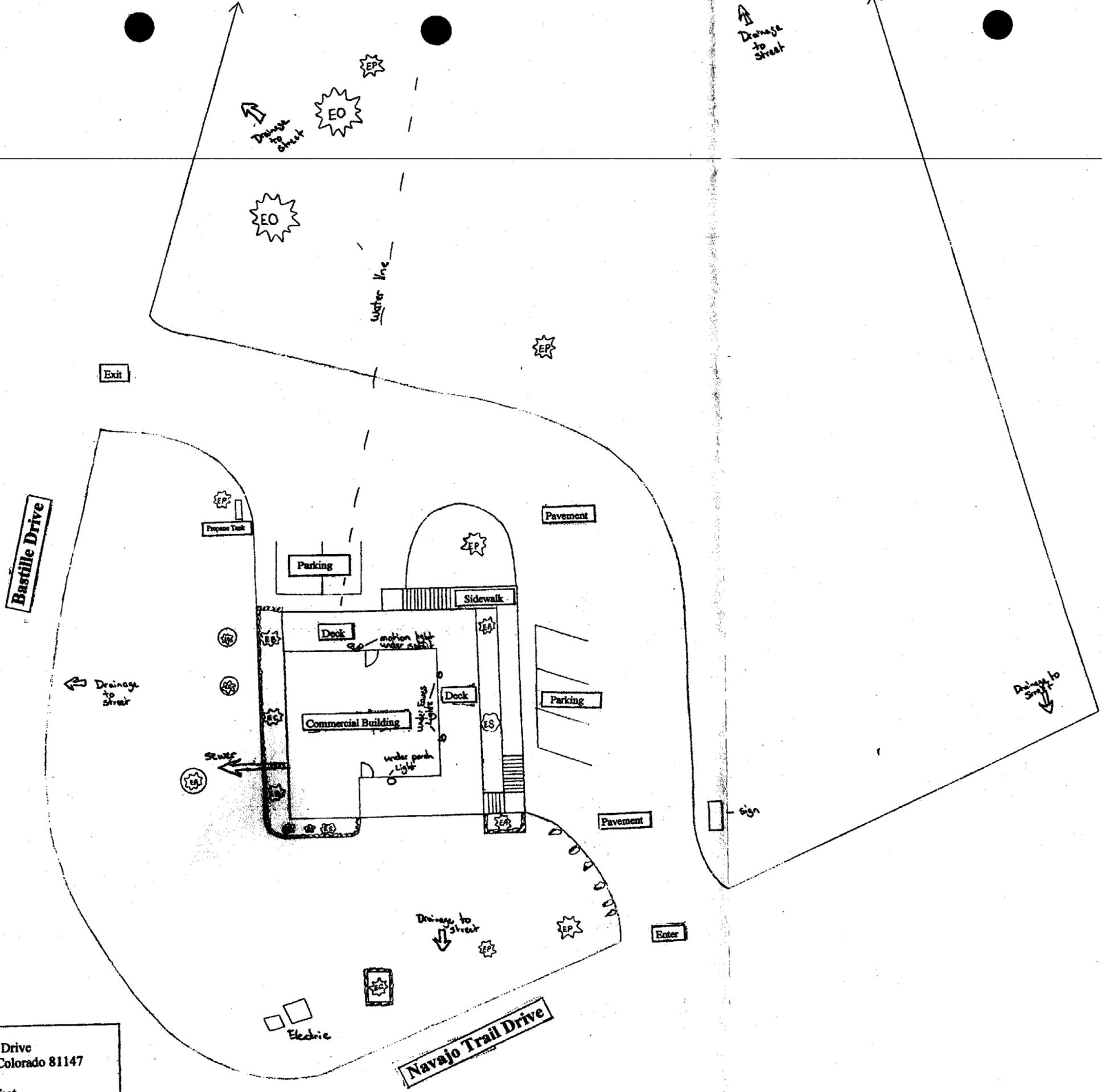
Fire District Comments:

A cluster of Recreational Vehicles in close proximity can create a conflagration hazard, however, with adequate spacing between units (minimum 8'), the close proximity of a fire hydrant, and the lack of other exposures, the Pagosa Fire Protection District has no objections to the approval of this application.

Randy Larson

Fire Chief

LEGEND	
Stairs	
Boulders	
Utilities- Telephone	
Utilities- Electric	
Existing Ponderosa Pine	
Existing Blue Spruce	
Existing Aspen	
Existing Crab	
Existing Oakbrush	
Existing Shrub	
Rock Border	



633 Navajo Trail Drive
 Pagosa Springs, Colorado 81147
 Scale 1 inch = 8 feet

5/20/16

Holiday RV South Inc.
633 Navajo trail
Pagosa Springs, Co.
(Project Narrative)

Holiday RV South Inc., Colorado dealer License # 37920 Hereby requests the following considerations by Archuleta County for the purpose of selling New and Late model pre-owned recreational vehicles (RV'S)

RV types:

Travel Trailers
Fifth Wheels
Camp trailers
Motor homes
Truck Campers

We request that a Variance and Conditional Use permit be granted on the basis to expand and Continue the operations of Holiday RV (South) in Pagosa Springs Colorado.

- Holiday RV South, Inc. (HRVS) over the last 14 years has been serving the Pagosa Springs/ Archuleta county community in its need for an RV dealership.

HRVS currently serves the people of Archuleta county from our South Fork location which is logistically problematic due to Wolf Creek Pass and the challenges it can present for towing and safety.

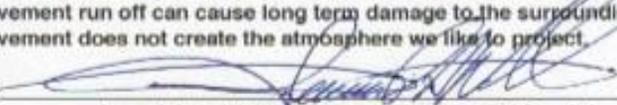
HRVS as well as a number of your community members find that a choice for RV commerce would add to the Pagosa Springs experience and could benefit the county on basis of tax dollars generated and jobs created. Currently there are no other dealers in or around the Pagosa Springs area. Other than Tarpley RV (73 miles west) in Durango or our dealership in South Fork (47 miles east).

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(Our business model requires outside display)
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Reasons:

1. Pavement odor can permeate the RV's on display
2. The weight of the RV's can destroy the integrity of the pavement
(up to 4800lbs. per square inch)
3. Pavement damages RV's Tires, axles, springs and shackles when turned abruptly.
4. Pavement / tar can track into units on display when Hot.
5. Pavement can create high and sometimes damaging high heat radiation.
6. Unhealthy conditions inside an RV can be caused by the pavement and the heat it draws.
7. Pavement run off can cause long term damage to the surrounding properties and wildlife.
8. Pavement does not create the atmosphere we like to project.

Signed


Jeremiah A. Webb | Owner of Holiday RV South Inc.

date 5/20/16

meeting the 50% build out restriction Holiday RV South has developed this proposal for consideration.

Property line

30' road Set Backs

Parking Pads

(1" - 2" screened rock)

Improved area

(note: paved parking for RV storage is not optimal for axle stress / failure and pavement failure due to high concentration of weight per square inch)





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 Adjustment

FROM: John C. Shepard, AICP; Planning Manager

DATE: October 4, 2016

RE: Webb Request for Holiday RV South Variance from Paving in the PUD zone, Parcel 3, Ridgeview Subdivision Replat at 633 Navajo Trail (PLN16-055)

EXECUTIVE SUMMARY

Jeremiah “J” Webb, Holiday RV South, Inc. of South Fork, CO, has applied for the Holiday RV South Variance from Section 5.4.5.4 of the *Archuleta County Land Use Regulations* and Sections 27.1.7.3 and 27.1.7.4 of the *Archuleta County Road and Bridge Design Standards* requiring paving of access and parking, for property owned by Bruce Lamereaux; being Parcel 3, Ridgeview Subdivision Replat, at 633 Navajo Trail, Pagosa Springs, CO (PLN16-055).

Applicant has made a concurrent request for a Conditional Use Permit to permit Outdoor Sales of Recreational Vehicles in the PUD zone (PLN16-054). On Tuesday 20 September, the Board opened this item and continued consideration to the 4th of October.

REVIEW PROCEDURE

The *Archuleta County Land Use Regulations* (Section 1.2.4) provide for variance from the strict application of the regulations. The Board of Adjustment (at this time the Board of County Commissioners sits as the BOA) may grant relief if strict application of the Regulations would result in peculiar and exceptional practical difficulties, or exceptional and undue hardship. The *Archuleta County Road and Bridge Design Standards and Construction Specifications* provides in Section 27.6 for variances from design standards, with similar criteria. Variance is, essentially, a grant of authority to use property in a manner forbidden by the regulations, and should be granted sparingly.

Public notice was provided to the applicant and notice was originally mailed on June 1, 2016; however, the newspaper notice was not published on time and the public hearing was delayed. After the Applicant refused to re-notice, Staff provided public notice for this hearing as required.

DISCUSSION

In July 2015, Holiday RV South Inc. of South Fork, Colorado, opened for business at 633 Navajo Trail at the corner of Bastille Dr., without a Land Use Permit. After securing approval from the Pagosa Lakes Property Owners Association (PLPOA), Applicant graded and finished gravel RV parking display areas without County approval.

The *Archuleta County Community Plan's* 2001 Future Land Use Map shows this area as High Density Residential transitioning to Industrial to the east (the commercial area along N. Pagosa Blvd north of Highway 160). This property was approved as a one-lot Planned Unit Development (PUD) in the year 2000, as an office/sales building. In 2005, the use was changed to office space.

Paving

Section 5.4.5.4 of the *Archuleta County Land Use Regulations* requires that all parking areas shall be paved. Section 27.1.7.3 and 27.1.7.4 of the *Archuleta County Road and Bridge Design Standards and Construction Specifications* provides design standards for driveways and parking areas. Section 27.1.7.4(C) specifically requires parking areas and access for development (other than single family homes or duplexes) *must* be paved. This requirement is intended to maintain compliance with EPA Air Quality and Clean Water Act standards. Bastille Drive and Navajo Trail are both Local Access roads on the Primary road system.

No public comments have been received. This application and the concurrent CUP were referred to local utilities and regulatory agencies for review. Comments received include:

- County Engineering rejected the letter submitted as a Drainage Study, required by Sec. 5.3.4 of the Land Use Regulations, but did not object to the variance approval itself.
- Pagosa Fire Protection District: A cluster of Recreational Vehicles in close proximity can create a conflagration hazard, however, with adequate spacing between units (minimum 8'), the close proximity of a fire hydrant, and the lack of other exposures, the Pagosa Fire Protection District has no objections to the approval of this application.
- The County Clerk has expressed concern with proper sales tax collection.
- PAWSD had no comments.

The Board of Adjustment may grant a variance if all of the standards in Section 1.2.4.4 of the Land Use Regulations are found to exist:

- a. Peculiar and exceptional practical difficulties or an unnecessary and unreasonable hardship will be imposed on the property owner if the provisions of these Regulations are strictly enforced.
- b. Circumstances creating the hardship were created subsequently through no fault of the appellant.
- c. That the property for which a variance is requested possesses exceptional narrowness, shallowness, shape or topography or other extraordinary and exceptional situation or condition which does not occur generally in other property in the same zoning or overlay district.
- d. That the variance, if granted, will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood.
- e. The variance, if granted, will not be directly contrary to the intent and purpose of these Regulations or the Community Plan.

Applicant discusses justification of the request in their narrative (See attached):

- Pavement odor can permeate the RVs on display.

- The weight of the RVs can destroy the integrity of the pavement (up to 4800 lbs per square inch).
- Pavement damages RV's tires, axles, springs and shackles when turned abruptly.
- Pavement/tar can track into units on display when Hot.
- Pavement can create high and sometimes damaging high heat radiation.
- Unhealthy conditions inside an RV can be caused by the pavement and the heat it draws.
- Pavement run off can cause long term damage to the surrounding properties and wildlife.
- Pavement does not create the atmosphere we like to project.

All five standards in Section 1.2.4.4 **must** be met to approve relief from the zoning regulations. Considering each:

- a. Is this a "peculiar" hardship, unique to this property? The hardship claimed does not seem to be unique to the property or business—any outdoor vehicle sales would have the same concerns.
- b. Applicant just leased the property last year, so circumstances have not changed.
- c. The property has access on both a paved road (Navajo Trail) and a gravel road (Bastille Dr).
- d. Most other parking lots on Navajo Trail are paved.
- e. The Community Plan recognizes this location as a transition area.

RECOMMENDATION AND FINDINGS

If the Board accepts that Applicants have provided sufficient evidence for relief, staff recommends the Board of Adjustment then 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*, 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

That the Board of Adjustment approves the Webb Request for the Holiday RV South 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 parking, on Parcel 3, Ridgeview Subdivision Replat at 633 Navajo Trail, Pagosa Springs, CO, with the following conditions:

1. Should Bastille Dr. 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.
2. Variance approval is contingent on compliance with terms of Conditional Use Permit approval.

And that the Board of Adjustment instruct staff to draft a Resolution stating these Findings and Conditions of Approval for consideration at the earliest public meeting.

PROPOSED MOTION

I move to approve the Webb Request for the Holiday RV South Variance from PAVING requirements in the Road and Bridge Design Standards, with Conditions 1-2 of the staff report, and instruct staff to draft a Resolution stating Findings and Conditions of Approval.

ATTACHMENTS.

Attachment 1: Area Maps

Attachment 2: Staff Memo on PUD Zone Development Requirements, 8/17/2015

Attachment 3: Review Comments

Attachment 4: Original PUD PILC and Site Sketch

Attachment 5: Applicant's Narrative

Attachment 6: Applicant's Site Sketch



Site Map

Holiday RV South
CUP/Variance
16-054/-055

Legend

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



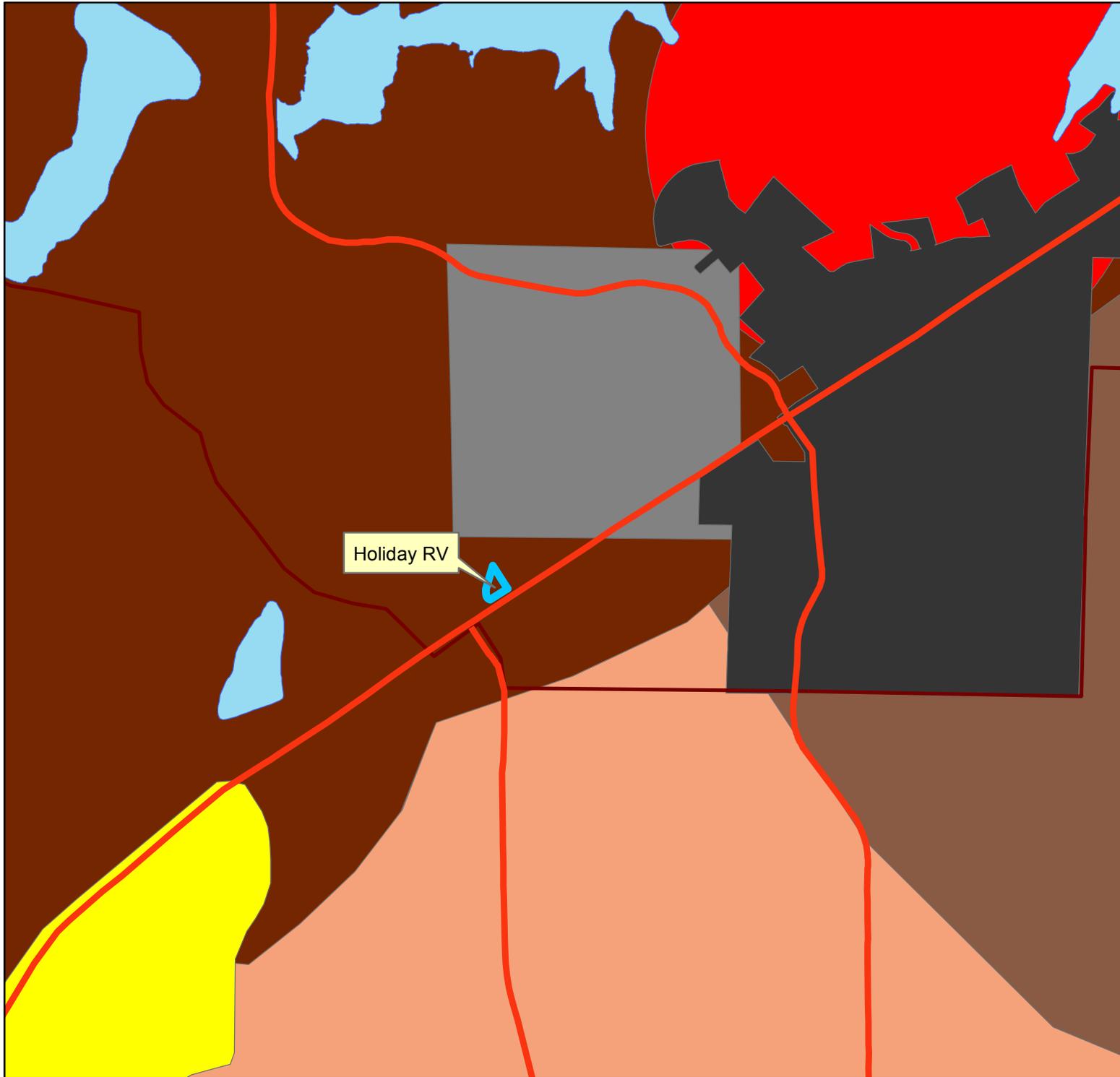
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



280 140 0 280 Feet



Archuleta County Community Plan Detail: Future Land Use



Legend

- Major Roads
- 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
1 July 2016





Site Map

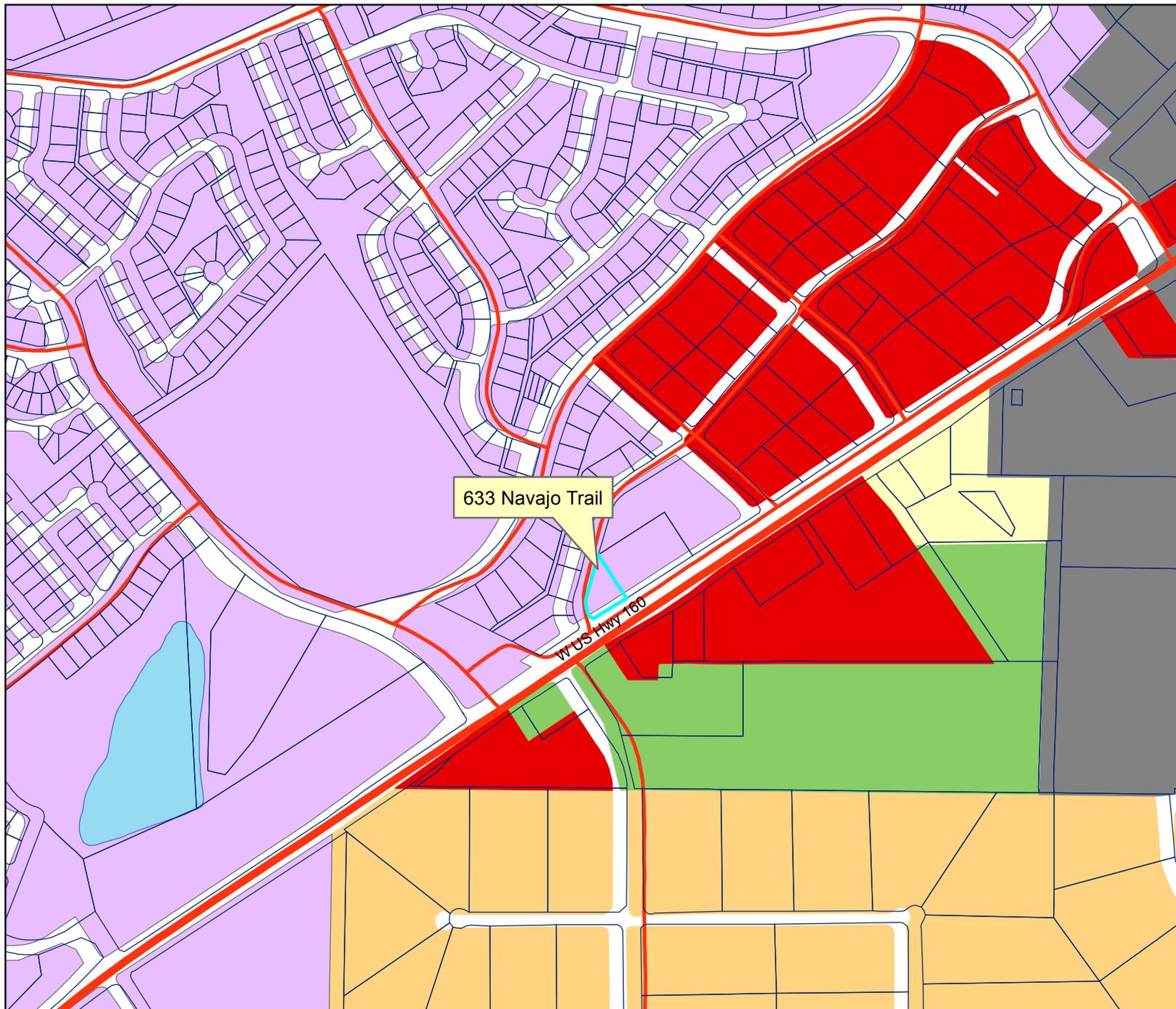
Holiday RV South
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Legend

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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



280 140 0 280 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

Holiday RV South
CUP/Variance
16-054/-055

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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 Planning Commission
FROM: John C. Shepard, AICP; Planning Manager
DATE: August 17, 2015
RE: PUD Zone District Development Requirements

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YARCENEUX@ARCHULETACOUNTY.ORG ⊕



Pagosa Fire Protection District



May 27, 2016

Review of Land Use Permit Application:

Project: Holiday RV South

Address: 633 Navajo Trail

Applicant: Jeremiah Webb

Fire District Comments:

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Randy Larson

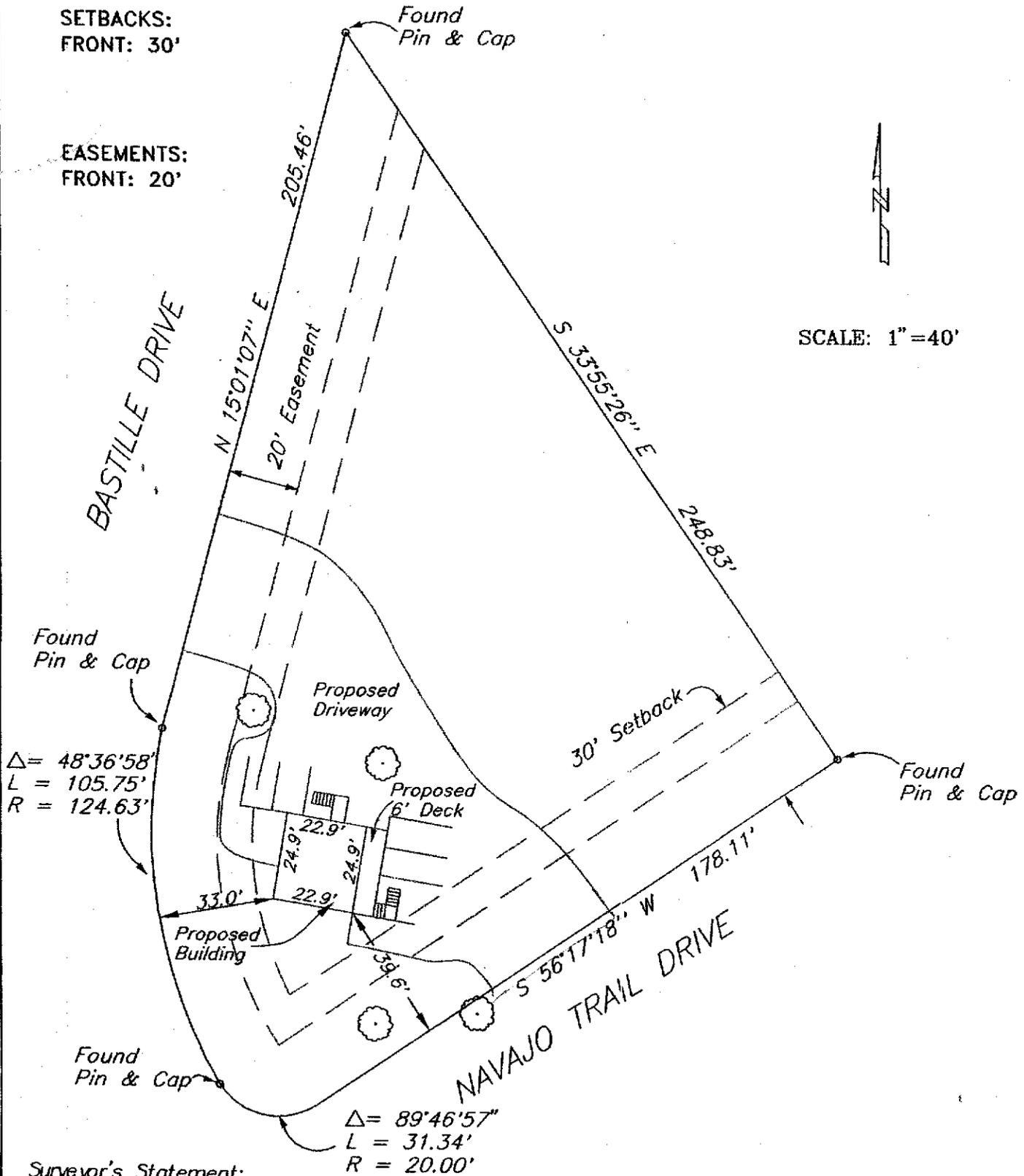
Fire Chief

PROPOSED IMPROVEMENT LOCATION CERTIFICATE

PARCEL 3, RIDGEVIEW SUBDIVISION - ARCHULETA COUNTY, COLORADO
633 NAVAJO TRAIL DRIVE, PAGOSA SPRINGS

SETBACKS:
FRONT: 30'

EASEMENTS:
FRONT: 20'

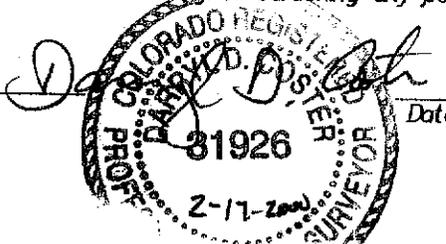


Surveyor's Statement:

I hereby certify that this proposed improvement location certificate was prepared for Unique Mountain Log Homes, LLC, that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

I further certify that the proposed improvements on the above described parcel, on this date, February 18, 2000, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

Darryl D. Coster, PLS
Colorado Registration No. 31926



Date

According to the laws of the State of Colorado, legal action based upon any defect in this survey must commence within three years from the date after which it is first discovered. In no event, may action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

DWG: SHELBY	SCALE: 1" = 40'	DRAWN BY: DDC
JOB: 00-104	DATE: FEB. 18, 2000	CHECKED BY: DDC

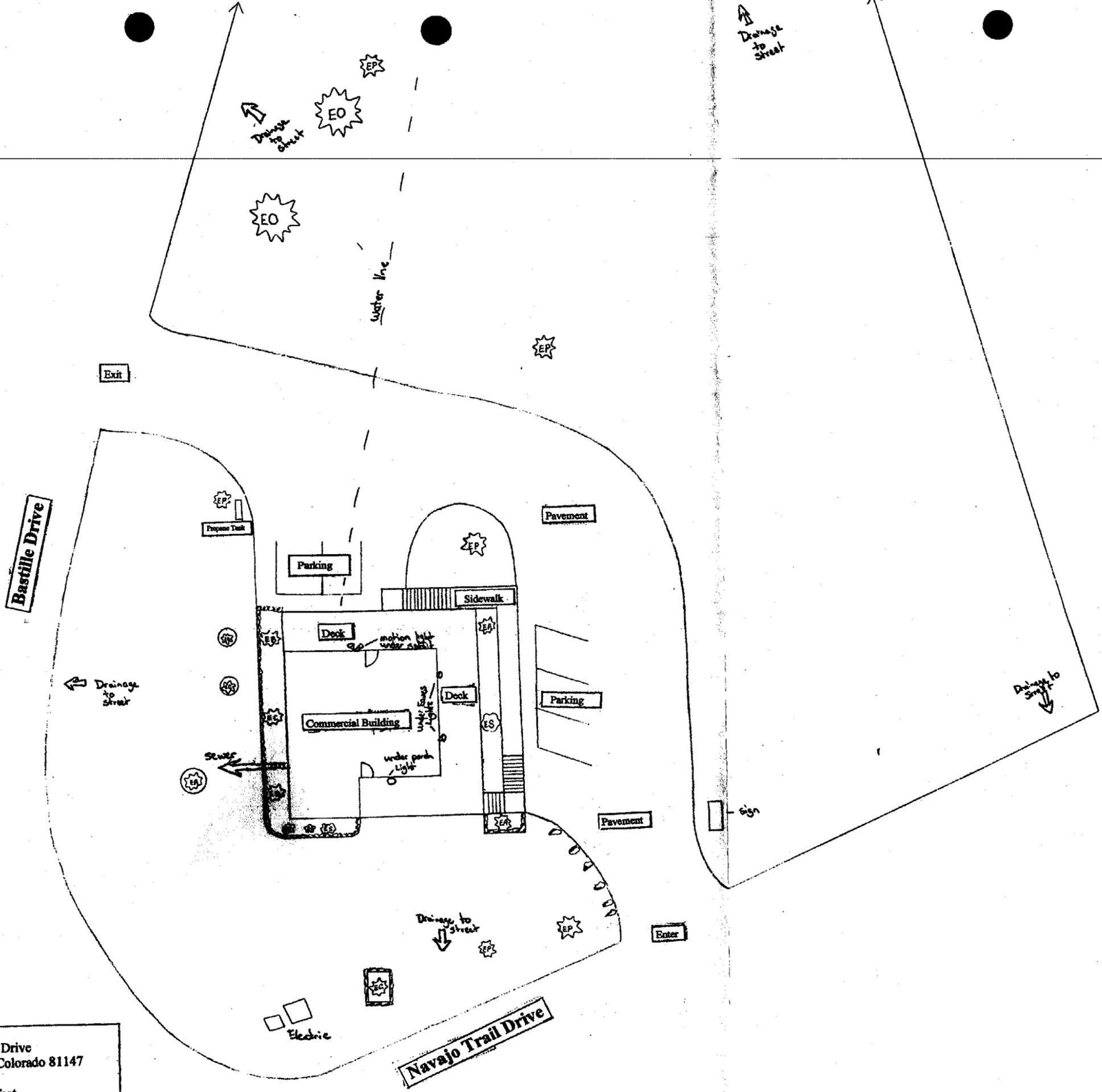
BECHTOLT

ENGINEERING, LLC

P.O. BOX 2580 PAGOSA SPRINGS, COLORADO 81147
(970) 731-0255 FAX (970) 731-0257

LEGEND

Stairs	
Boulders	
Utilities- Telephone	
Utilities- Electric	
Existing Ponderosa Pine	
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Existing Aspen	
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633 Navajo Trail Drive
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5/20/16

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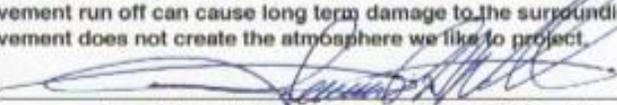
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Jeremiah A. Webb | Owner of Holiday RV South Inc.

date 5/20/16

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30' road Set Backs

Parking Pads

(1" - 2" screened rock)

Improved area

(note: paved parking for RV storage is not optimal for axle stress / failure and pavement failure due to high concentration of weight per square inch)



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.)
- POLITICAL
 - PATRIOTIC
 - FRATERNAL
 - SOCIAL
 - ATHLETIC
 - PHILANTHROPIC INSTITUTION
 - OF A NATIONAL ORGANIZATION OR SOCIETY
 - CHARTERED BRANCH, LODGE OR CHAPTER
 - MUNICIPALITY OWNING ARTS FACILITIES

Department Use Only

\$100.00

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR: 2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITIOUS 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 Archuleta County Democratic Party	
2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) P.O. Box 3304 Pagosa Spring CO 8147	
3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) 344 Highway 84 Pagosa Springs CO 8147	
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE Rebecca A. Herman	5. EVENT MANAGER John W. Perce
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"/> YES <input type="checkbox"/> NO TO WHOM?	
HOME ADDRESS (Street, City, State, ZIP) 555 Lama Vista Ct. P.O. Box 8117 Pagosa Springs CO 8147	PHONE NUMBER 970-903-0788

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	Hours From	Hours To
10/7/16	4:00 pm	9:00 pm

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: *[Signature]*
 TITLE: Treasurer
 DATE: 8/16/16

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.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY): Archuleta County
 CITY
 COUNTY

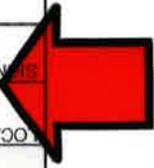
TELEPHONE NUMBER OF CITY/COUNTY CLERK: _____
 DATE: _____

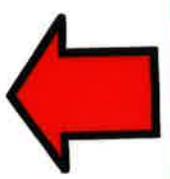
LIABILITY INFORMATION

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

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

(Instructions on Reverse Side)





Chairman of the Board

In testimony whereof, I have herunto set my hand.

This permit is issued subject to the laws of the State of Colorado and especially under the provisions of Title 12, Articles 46 or 47, CRS 1973, as amended. This permit is nontransferable and shall be conspicuously posted in the place above described. This permit is only valid during the event date(s) shown above.

VALID ONLY FOR THE FOLLOWING PERIODS
October 7, 2016 4:00 pm to 9:00 pm

**SPECIAL EVENTS PERMIT
MALT, VINOUS AND SPIRITOUS LIQUOR**

PERMIT NUMBER: 2016-26
EVENT MANAGER: John Porco

Archuleta County Democratic Party
344 Hwy 84
Pagosa Springs, Co 81147

VALID ONLY FOR THE ORGANIZATION AT THIS LOCATION



**ARCHULETA COUNTY
LIQUOR BOARD**

DR 8428 (0801/2012)
ARCHULETA COUNTY LIQUOR BOARD
398 Lewis Street
Pagosa Springs, CO 81122

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,

Archuleta County Democratic Party Central Committee

is a

Nonprofit Corporation

formed or registered on 09/23/2009 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 20091504630 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 09/19/2016 that have been posted, and by documents delivered to this office electronically through 09/22/2016 @ 08:37:19 .

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 09/22/2016 @ 08:37:19 in accordance with applicable law. This certificate is assigned Confirmation Number 9847317 .



Secretary of State of the State of Colorado
Handwritten signature of Wayne W. Williams in blue ink.

*****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 FAIRGROUNDS
PLANNED USE FORM**

Group or Organization Archuleta County Democratic Party Date 1/22/6
 Please check one - Non-Profit Private Enterprise

Type of Activity Chili Supper

Will there be music? No Will there be dancing? No Will food be served? yes

Date of Activity 10/7/16

Do you need to set up the day before? (if available after 5:00pm) (\$25) Yes No

Do you need to take down the day after? (if available before noon) (\$25) Yes No

Time of Activity - The time when guests will arrive and leave (all events must be concluded by midnight)

5:00pm - 8:00pm

You agree your event will conclude by midnight (guest will leave by 12:00am). Please initial [Signature]

Area for Activity - Please Check all that apply:

Exhibit Hall 6th Meeting Room WHC Building Fairgrounds

Person in Charge John W. Forco

Mailing Address 555 Loma Vista Court, P.S. CO 81147

Phone (Day) 970-264-2171 ^{Cell} (Evening) 970-946-2684

Estimated Attendance 80

Date(s) & Time(s) for Arrival (including set up) 10/7 3:00pm

Date & Time of Departure (including take down) 10/7 9:00pm

Do NOT write below this line

Signed Contract 1-25-16 Date Deposit Paid _____ Date Fee's Paid 1-25-16 Date Security Paid 1/14 Date Insurance 3-11-16 Date

es 10 days in advance so any changes can be made. Changes will not be
 ur event.
 ges to the building and its contents.

ired when you reserve the space for your event. Your deposit will be
 n inspected and there is no apparent damage and/or cleaning necessary.
 10 days in advance of event. At least 1/2 of the fee is due to reserve the
 are paid the reservation will be considered tentative. In the event that a
 as a tentative reservation the persons with the tentative reservation will
 s to confirm their rental.

ays prior to the event date all fees and deposits will be returned. If the
 the event only 1/2 of the fees and all of the deposit will be returned.
 contents has occurred, or cleaning requirements have not been met,
 ected and/or deposit will not be refunded after use of the building. If
 at time of inspection, users will have 4 hours from time of notification to
 m deposit will be collected.

Amount Paid	\$1500	Date	1-25-16
Amount Returned	\$1500	Date	

Amount Paid	\$1500	Date Paid	1-25-16
Amount Paid	\$	Date Paid	

Days rent if building is not vacated by specified time set by Extension

CL449
\$157

Time _____
 mages - _____
 r of tables damaged x \$100 = _____
 r of chairs damaged x \$25 = _____

leta County

Archuleta County Extension Office
 PO Box 370
 Pagosa Springs, CO 81147

Mail application/fees to:

I have read, signed and returned the License Agreement and understand the stated terms of this contract for the
 use of the Archuleta County Building.

Signed by User _____

[Signature]

Approved by Extension Office _____

Date _____

Date 1/25/16

RECEIPT DATE 1-25-16 No. 839081

RECEIVED FROM John Parco

FOR RENT OF FOR EXTENSION BUILDING

FOR RENT OF FOR EXTENSION BUILDING

AMOUNT \$1500 DOLLARS

ACCOUNT 300.00
 PAYMENT 150.00
 BAL. DUE 150.00

FROM 4497

BY *[Signature]*

CASH
 CHECK
 MONEY ORDER
 CREDIT CARD

LICENSE AGREEMENT

This License agreement is made and entered into this 22nd day of

January, 2016, by and between the Archuleta County Extension

Office of Archuleta County, Colorado, "Licensor" and Archuleta County Democratic Party

Hereinafter referred to as the "Licensee"

WITNESSETH

WHEREAS, the Licensor is the owner on behalf of the people and residents of Archuleta County of certain property entitled the Archuleta County Fair Building and/or Western Heritage Event Center Building located at the Archuleta County Fairgrounds, Highway 84, Pagosa Springs, CO, and;

WHEREAS, the Licensor is desirous of providing to the residents of Archuleta County the use of the public property of Archuleta County and in particular, the Archuleta County Fair Building and/or Western Heritage Event Center Building, all under certain terms and conditions designed to protect the beneficial use of the property for all and;

WHEREAS, the Licensee is desirous of using the above referenced premises under the conditions and terms as are contained herein.

NOW, THEREFORE, in consideration of the terms and conditions as are contained herein the parties agree as follows:

1. Subject

The Licensor hereby agrees to contract for the licensing and the Licensor agrees of the building(s) known as the Archuleta County Fair Building and/or Western Heritage Event Center Building located on or near the Archuleta County Fairgrounds, Highway 84, Archuleta County, Colorado.

This license shall shall not include that building located adjacent to the

Archuleta County Fair Building known as the Archuleta County Extension Building.

2. Term

The term of this license shall be the 7th day of October, 2016, to 3:00 pm (time) to 9:00 pm (time)

In addition to the above rental schedule, the Licensor agrees to license the subject property as follows:

B. Licensee will not do or permit to be done, or suffer the omission of, anything in or upon any portion of the premises or bring or keep anything hereon or herein which will in anyway conflict with the condition of any insurance policy upon the buildings or any part thereof or in any way increase any rate of insurance upon the premises, except with the written permission of Licensor. In such case, a supplemental written agreement will be entered into and the Licensee shall pay any additional insurance costs resulting from such activities.

ARCHULETA COUNTY
P.O. Box 1507
Pagosa Springs, CO 81147

Archuleta County is to be named as an additional insured.

Liability - \$150,000 per person
\$600,000 per occurrence

Minimum Limits of Coverage (Broad from General Liability)

6. **Insurance**
A. Licensee, shall furnish and deliver to the office of the Archuleta County Extension Office of Archuleta County prior to use of said building(s) the following insurance policies or good and sufficient certificates in lieu thereof, as evidence of such liability insurance to cover particular event or events:

In the event suit or action is instituted by Archuleta County to enforce compliance unto this Agreement, Archuleta County shall be entitled, in addition, to all costs and disbursements including a reasonable sum for attorney's fees.

5. Disclaimer; Attorneys Fees

The Licensor and Licensee hereto specifically agree that notwithstanding the agreed upon fee schedule contained herein as Exhibit "A" the Licensor may pursue Licensee for any costs or damages incurred on the subject property exceeding the damage/security deposit.

The rental and/or deposit required hereunder should be that amount as provided on the attached fee schedule designated as Exhibit "A" hereto and incorporated herein by this reference.

4. Fees; Deposit; Rate Schedule

The rental fee and/or Security Deposit applicable shall be made payable in cash or check to the Archuleta County. Said amounts shall be paid to the Archuleta County Extension Office at least ten (10) working days prior to the rental date.

3. Damages

The Licensee is responsible for payment of any damages to the building and its contents. Payment of damages will be made immediately (first working day) after said event.

Use of Premises

The use of the described premises shall be as follows and for no other purpose unless specifically agreed to in writing:

C. The County of Archuleta will not be responsible for art objects, paintings, sculptures, furniture, musical instruments, etc., belonging to or under the control of Licensee. Licensee agrees to obtain, at its own expense, insurance necessary to cover such objects in case of their injury, loss, theft or damage.

7. Law Enforcement - Security Guards

It shall be the obligation of the Licensee to furnish adequate police protection for the event as herein provided. Security guards may be required and are mandatory for dances, boxing and wrestling matches, etc. Security guards must be present at the Licensee's occupancy of facilities and must remain until all crowds and traffic is dispersed and evacuated, unless otherwise agreed to by Licensee.

8. Licenses

Licensee shall obtain all permits and/or licenses required by law, ordinances, and rules.

9. Alcoholic Beverages

The service and consumption of intoxicating beverages is prohibited unless agreed to by Licensee and all special permits and licenses thereof are approved by the Archuleta Board of County Commissioners. The use of drugs or controlled substances prohibited by law is strictly forbidden.

10. Indemnity

Licensee agrees to conduct activities upon the premises so as not to endanger any person lawfully thereon. Licensee expressly agrees to protect, indemnify, and save harmless the County, its officers, agents, and employees from and against any and all liability, damage or expense, including legal defense costs, for upon or by reason of:

A. Any injury or injuries resulting in death, received by any person, firm or corporation to his, her or its person or his, her or its property and;

B. Any loss of property received, done, or occurring to, on or about the Archuleta County Fair Building premises, buildings, entrances, lobbies, and exits thereof and the sidewalks, street and approaches adjoining the Archuleta County Fair Buildings and premises, or any portion of Archuleta County Fair Building used by the Licensee hereunder unless the same results from the negligence of the County or its servants, employees, or agents in the operation or maintenance of County Fair Buildings, the Archuleta County Fair buildings and premises, it being expressly understood that the Licensee shall pay for any and all damage to, loss of, or theft of Archuleta County Fair Building premises or property which occurs in connection with the Licensee's use of the premises under this contract unless the same is caused by the negligence of the County or its servants, agents or employees.

11. Assignment

It is expressly understood that the use by Licensee is under a contract only and no relationship of landlord or tenant is created. Licensee has no right to sublet the premises or any part thereof, or to suffer any use of said premises other than herein specified, and Licensee shall not assign this agreement or any of the rights hereunder without the consent of the Licensee.

12. Compliance with Applicable Laws - Conduct

Licensee will comply with all laws of the United States and of the State of Colorado, all ordinances and resolutions of the County of Archuleta and all rules, regulations and lawful requirements of the County of Archuleta and all rules, regulations and lawful requirements of the Sheriff's Office and Fire departments or other authorities of the County of Archuleta having jurisdiction in the circumstances. Licensee will not do or suffer to be done by its agents, employees, guests, invitees, or patrons on the premises during the terms of this contract anything of violation of such laws, ordinances, rules or regulations, and if the attention of the Licensee is called by the County to any such violation on the part of the Licensee or of any person employed by or admitted to the premises by Licensee, Licensee will immediately desist from or correct such violation.

13. Alterations, Signs and Posters
Licensee shall not do, or permit to be done, upon said premises, and will not drive or install, or permit to be driven or installed, any nails, hooks, tacks, or screws in any part of the buildings and will not make or allow to be made any alterations of any kind whatsoever to said building or any equipment or facilities thereof, without the written permission of Archuleta County or representative.

14. Entertainment Standards
No performance, exhibition or entertainment shall be given or held on any part of the County Fair Building which is illegal, obscene or immoral, which is wholly without redeeming social value, or which contains sexually oriented material which is harmful to minors.

15. Control of Premises – Inspection by Licensee
Archuleta County equipment, materials and supplies owned by the County, and all the premises, including the keys thereto, shall at all times be under control of the Archuleta County or the other duly authorized representatives of Archuleta County. Authorized Archuleta County personnel shall have the right to enter the premises at all times during the period covered by this contract. Entrance and exhibit of said premises shall be locked and unlocked at such times as may be required for Licensee's use of Archuleta County Fairgrounds; but Licensee, at its expense, must at all times provide proper watchmen at all entrances and exits when the same are unlocked. This provision in no way shall relieve the Licensee of liability for loss or damage of property of the County from any act, omission, or negligence, not from the duty of said Licensee, its officers, agents representatives, employees and assigns, to exercise reasonable care with respect to said property.

16. Advertising - Solicitation of Business
Licensee shall not distribute or circulate, or permit to be distributed or circulated, any advertising matter or program at the entrance to, or in, or about any part of the Archuleta County premises, except such advertising programs as may pertain to the immediate attraction for which this permit is granted.

17. Storage - No Responsibility to County
In the receipt, handling, care or custody of property of any kind shipped or otherwise delivered to Archuleta County Fairgrounds facilities by Licensee, the County and its officers, agents and employees shall act solely for the accommodation of the Licensee; and neither the County nor its officers, agents, or employees shall be liable for any loss, damage, or injury to such property.

18. Obstruction to Halls, Entrances, Passages, etc.
No portion of the sidewalks, entryways, passages, halls or way of access to public utilities of the premises shall be obstructed or caused to be obstructed, by Licensee, or caused or permitted to be used for any purpose other than ingress and egress, to and from the premises. Licensee shall in no way obstruct doors, skylights, or openings that reflect or admit light in any portion of the buildings including hallways, corridors and passageways.

The water closets and water apparatus shall not be used for any purpose other than that for which they were constructed, and no sweepings, rubbish, rags, paper, or other substances shall be thrown therein. Any damage resulting on account of any misuse of whatsoever character shall be paid for by Licensee, upon any portion of the facility or equipment of Archuleta County.

19. Flammable Materials, Special Effects
Licensee shall not, without the written consent of Archuleta County or his designated representative, put up or operate any engine, motor, or machinery upon the premises or use oil, burning fluids, camphene, kerosene, naphtha, or gasoline for either mechanical or other purposes or any other agent than electricity for illuminating the premises.

20. Objectionable Persons
The County reserves the right, but does not assume the duty, to eject or cause to be ejected from the premises any rude, insolent, drunk, intoxicated, disorderly or similarly objectionable person or persons; and neither the County nor any of its officers, agents, or employees shall be liable to Licensee for any damages that may be sustained by Licensee through the exercise of such right.

21. Collections
No collections, whether for charity or otherwise, shall be made or attempted without the prior written consent of Archuleta County.

22. County Not Partner or Joint Venture
Nothing contained in this contract shall be deemed to constitute the County and Licensee as partners or joint ventures with each other or with any other party. It is expressly understood the Licensee is, and shall at all times be considered and construed to be, an independent contractor, and in no way the employee or agent of the County.

23. Non-Discrimination
Licensee shall not discriminate in the use of the premises against any person because of race, creed, color, religion, national origin, political belief or affiliation, age or sex.

24. Default - Bankruptcy - Termination
It is understood and agreed that on account of the shortness of events, performances, games, exhibitions, or attractions, and the scheduling hereof, time is of the essence of this contract agreement, and this contract shall terminate upon expiration of its term, or, at the option of the County if before or during the period hereof:

- A. Licensee defaults in any obligation hereunder, or fails to comply with applicable building regulations, or any local, state or federal laws;
- B. Licensee has misrepresented the nature of the performance;
- C. There is damage to the premises, or civic commotion or such similar just cause to reasonably justify the opinion of the County that the contemplated use or occupancy or scheduled occupancy of the premises under this contract would be unsafe for the public or for public property;
- D. This contract is assigned, passed to or devolves upon any person, firm or corporation other than the Licensee;
- E. Licensee attempts to assign this Contract agreement without prior written consent of the County;
- F. Use of the premises for the purpose or any of the purposes specified under this contract is forbidden or temporarily suspended by competent public authorities;
- G. Licensee otherwise defaults in the performance or observance of any of its obligations or agreements contained herein, concluding the agreement to make payments as provided herein; then, and in any such event, this contract shall, at the County's option, expire as fully and completely as if such date and time of expiration were the date and time fixed herein for termination of the period and term of this contract and Licensee shall then quit and surrender the premises to the County, but Licensee shall remain liable as herein provided unless termination was due to no fault of the Licensee.

Licensee shall remain liable as herein provided unless termination was due to no fault of the Licensee.

25. Removal of Trash and Material

Licensee is responsible for removal of rubbish, scrap paper, lumber, or other material from the premises and grounds. The County reserves the right to charge the Licensee, at its cost, for the removal of rubbish, scrap paper, lumber or other material and the Licensee agrees to pay for the same.

ARCHULETA COUNTY EXTENSION OFFICE
ARCHULETA COUNTY
REPRESENTATIVE

LICENSEE

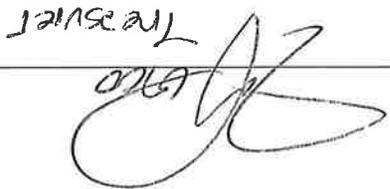
IN WITNESS WHEREOF, the Licensee has accepted the foregoing and the parties have affixed their hand and seals.

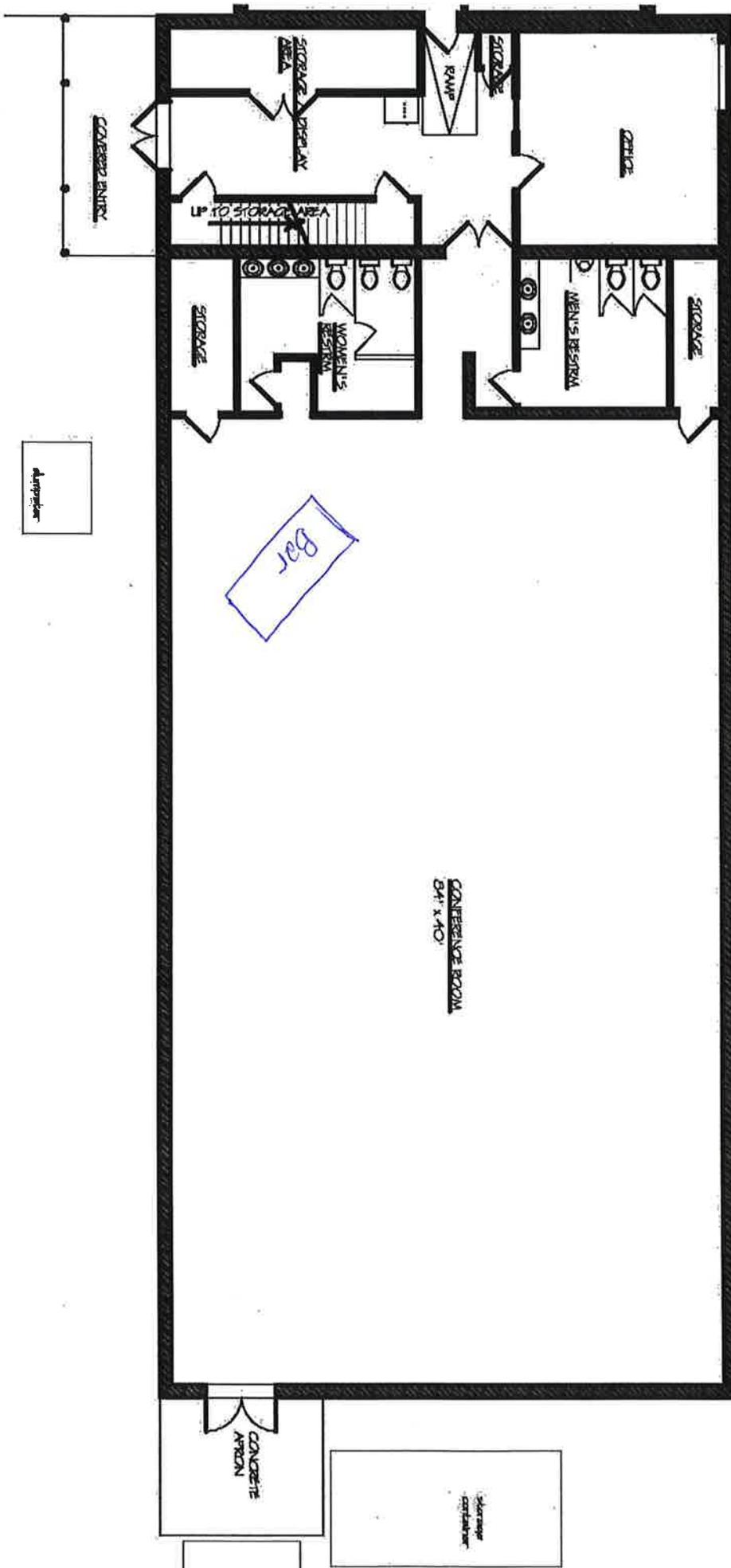
The County Road & Bridge staff provides snow removal services for the County Fairgrounds and endeavors to remove snow from the premises in a timely manner. However, Lessee is hereby advised, and acknowledges by their signature, that snow removal on County roadways take a priority and snow removal at the facilities located at the County Fairgrounds may NOT occur in a manner that coincides with Licensee's scheduled event. Lessee may arrange for snow removal at their cost that suits the timing of their event. Licensee assumes responsibility for any and all damages resulting from their snow removal.

27. Snow Removal

The County shall have the sole right to collect and to have the custody of articles left, lost or checked in the building or premises by person attending any performance, exhibition, or entertainment given or held under this contract and neither the Licensee nor any person under Licensee's authority shall collect or interfere with the collection or custody of such articles.

26. Lost Articles

DATE	_____ 1/22/16
BY	_____  Tre Swier
DATE	_____
BY	_____



Aspirator

Bar

CONFERENCE ROOM
84' x 40'

CONCRETE
APRON

Storage
container

⑆102106569⑆ 20010419⑈ 01396

FOR Special Event Permit

[Signature]



www.bankofsanjuans.com
1-866-618-BOSJ (2675)

Handed Check

MY ORDER OF

Archuleta County
ONE HUNDRED & 00/100

DOLLARS

\$ 100.00

DATE

July 26 16

PAGOSA SPRINGS, CO 81147

ARCHULETA COUNTY DEMOCRATIC PARTY

PO BOX 3304

82-556/1021

1396

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 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 | |
| | <input checked="" type="checkbox"/> NONPROFIT | |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	DO NOT WRITE IN THIS SPACE
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 Springs Rotary Club	State Sales Tax Number (Required) 36-170-7667
---	---

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) Pagosa Springs Rotary Club P.O. Box 685 Pagosa Springs, Co. 81147	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) Colorado State University Archuleta County Extension Office P.O. Box 370 Pagosa Springs, Co. 81147
---	--

4. PRES./SECY OF ORG. or POLITICAL CANDIDATE John A Jewally	HOME ADDRESS (Street, City, State, ZIP) 201 Cabelero Co 81147	PHONE NUMBER 970 731 0474
5. EVENT MANAGER Patty W Smithers	HOME ADDRESS (Street, City, State, ZIP) 306 Escobar Ave Pagosa Springs CO 81147	PHONE NUMBER 970-398-1281
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 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.
Oct 15th 2016				
6:00 PM To 12:00 AM				

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 Patty W Smithers	TITLE Chair	DATE 11-21-2016
--------------------------------------	-----------------------	---------------------------

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
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)	\$

DR 8428 (0801/2012)
ARCHULETA COUNTY LIQUOR BOARD
398 Lewis Street
Pagosa Springs, CO 81122

**ARCHULETA COUNTY
LIQUOR BOARD**



VALID ONLY FOR THE ORGANIZATION AT THIS LOCATION

PAGOSA SPRINGS ROTARY CLUB, INC.
PO BOX 370
344 HWY 84
PAGOSA SPRINGS, CO 81147

PERMIT NUMBER: 2016-27
EVENT MANAGER: Betty Switzer

**SPECIAL EVENTS PERMIT
MALT, VINOUS AND SPIRITOUS LIQUOR**

VALID ONLY FOR THE FOLLOWING PERIODS

October 15, 2016 6:00 Pm to 12:00 Am

This permit is issued subject to the laws of the State of Colorado and especially under the provisions of Title 12, Articles 46 or 47, CRS 1973, as amended. This permit is nontransferable and shall be conspicuously posted in the place above described. This permit is only valid during the event date(s) shown above.

In testimony whereof, I have hereunto set my hand.

Chairman of the Board

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF TRADE NAME

I, Wayne W. Williams , as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office, a Statement of Trade Name for:

Pagosa Springs Rotary Club, Inc.

(Entity ID # 20101146630)

was filed in this office on 03/10/2010 with an effective date of 03/10/2010 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 09/19/2016 that have been posted, and by documents delivered to this office electronically through 09/20/2016 @ 11:57:11 .

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 09/20/2016 @ 11:57:11 in accordance with applicable law. This certificate is assigned Confirmation Number 9843827 .



A handwritten signature in blue ink 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."

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **FEB 14 2014**

PAGOSA ROTARY COMMUNITY ASSISTANCE
FUND
C/O DICK BABILLIS
PO BOX 685
PAGOSA SPRINGS, CO 81147

Employer Identification Number:
90-0916950

DLN:
17053366352012

Contact Person: JAMES ST. JULIEN ID# 52653
Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
June 30

Public Charity Status:
170(b)(1)(A)(vi)

Form 990 Required:
Yes

Effective Date of Exemption:
December 13, 2012

Contribution Deductibility:
Yes

Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947

**Colorado
State
University**

Archuleta County

Extension

P.O. Box 370

Pagosa Springs, Colorado 81147

(970) 264-5931

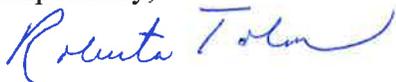
FAX: (970) 264-5934

July 13, 2016

To Whom it May Concern:

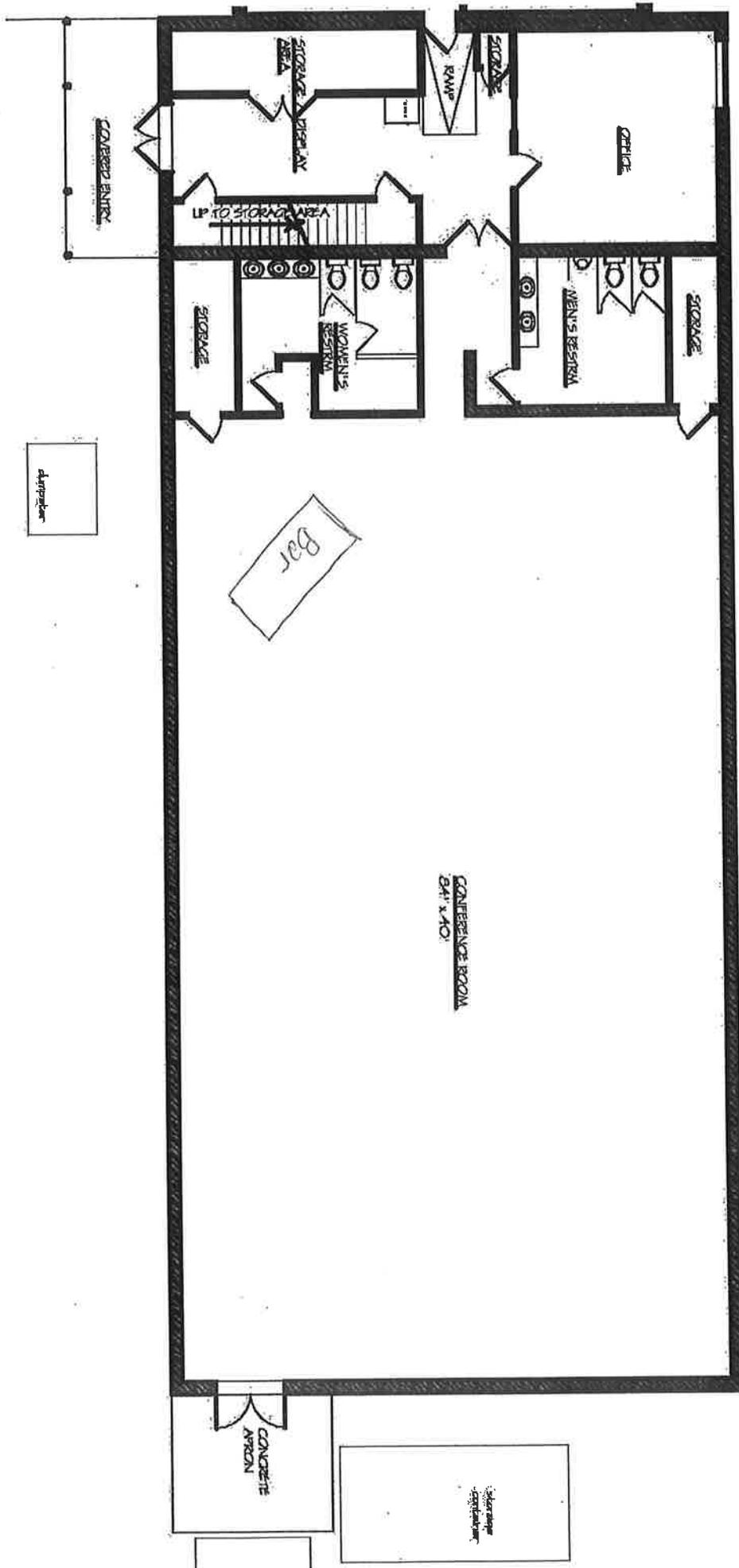
I, Roberta Tolan, as Archuleta County Extension Director, do grant permission for the Pagosa Springs Noon Rotary club to seek a special events permit and to sell and serve liquor at the upcoming Rotary Barn Dance to be held on October 15, 2016 at the Extension Exhibit Building at the Archuleta County Fairgrounds located at 344 Highway 84, Pagosa Springs, CO 81147.

Respectfully,



Roberta Tolan

Archuleta County Extension Director



Aspirator

Bar

CONFERENCE ROOM
84' x 140'

CONCRETE
APRON

Storage area
- conference room

PAGOSA ROTARY COMMUNITY
ASSISTANCE FUND INC
PO BOX 685
PAGOSA SPRINGS, CO 81147

1096
82-244/1070

7/28/16
Date

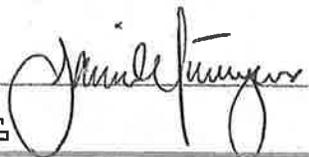
Pay to the Order of ARCHULETA COUNTY \$ 100.00
ONE HUNDRED & 00/100 Dollars

Handed Clerk

Security Features Details on Back

 **Bank of Colorado**
PAGOSA SPRINGS, COLORADO • bankofcolorado.com
TELEBANK 1.800.295.6879

For BARN DANCE PERMIT

 MP

⑆ 10700 2448 ⑆ 850 2994 380 ⑆ 01096

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 | |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR: 2110 <input 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 <i>Pagosa Lake Property Owners Association</i>		State Sales Tax Number (Required) <i>84-0711564</i>
2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>230 Port Ave. Pagosa Springs, CO 81147</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>465 Colman Blvd. Pagosa Springs, CO 81147</i>	
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE [Redacted]	DATE OF BIRTH [Redacted]	HOME ADDRESS (Street, City, State, ZIP) <i>284 Talisman Dr #18 Pagosa Springs, CO 81147</i>
5. EVENT MANAGER <i>Malicia Tratcher</i>		PHONE NUMBER <i>(970) 799-3850</i>
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? <i>3</i>		7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input 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 <i>Oct. 5, 2016</i>	Date	Date	Date	Date
Hours From <i>11 A.m.</i>	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To <i>11 P.m.</i>	To .m.	To .m.	To .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 <i>Malicia Tratcher</i>	TITLE <i>community liaison</i>	DATE <i>8/30/2016</i>
--------------------------------------	-----------------------------------	--------------------------

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) <i>Archuleta County</i>	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE <i>Chairman</i>	DATE

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

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

DR 8428 (0801/2012)
ARCHULETA COUNTY LIQUOR BOARD
398 Lewis Street
Pagosa Springs, CO 81122

**ARCHULETA COUNTY
LIQUOR LICENSING AUTHORITY**



VALID ONLY FOR THE ORGANIZATION AT THIS LOCATION

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION
465 Cloman Blvd.
PAGOSA SPRINGS, CO 81147

PERMIT NUMBER: 2016-28
EVENT MANAGER: Malicia Thatcher

**SPECIAL EVENTS PERMIT
MALT, VINOUS AND SPIRITOUS LIQUOR**

VALID ONLY FOR THE FOLLOWING PERIODS
October 8, 2016 11:00 Am to 11:00 Pm

This permit is issued subject to the laws of the State of Colorado and especially under the provisions of Title 12, Articles 46 or 47, CRS 1973, as amended. This permit is nontransferable and shall be conspicuously posted in the place above described. This permit is only valid during the event date(s) shown above.

In testimony whereof, I have hereunto set my hand.

Chairman of the Board

Malicia

From: Sandy Cepon [hsadmin@humanesociety.biz]
Sent: Tuesday, August 30, 2016 10:23 AM
To: malicia@plpoa.com
Subject: Liquor Permit Letter
Attachments: PLPOA Yappy Hour.docx

I'll give you a call later in the day. Thanks for your patience.

Sandy Cepon
Administrative Assistant
Humane Society Of Pagosa Springs
www.humanesociety.biz
970-264-5549

Pagosa Lakes Property Owners Association
Attn: Malicia
230 Port Avenue
Pagosa Springs, CO 81147

RE: PLPOA Liquor Permit

To Whom It May Concern:

The Pagosa Lakes Property Owners Association will be hosting a community "Yappy Hour" event at the Humane Society of Pagosa Springs animal shelter property at 465 Cloman Boulevard on Saturday, October 8, 2016. HSPS is granting the PLPOA permission to sell alcoholic beverages while using the property for this event.

Please call if you have questions.

Mike Stoll
Executive Director
Humane Society of Pagosa Springs
(970) 264-5549
hsdirector@humanesociety.biz

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 08/19/2016 that have been posted, and by documents delivered to this office electronically through 08/22/2016 @ 11:09:23 .

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 08/22/2016 @ 11:09:23 in accordance with applicable law. This certificate is assigned Confirmation Number 9797714 .



Secretary of State of the State of Colorado

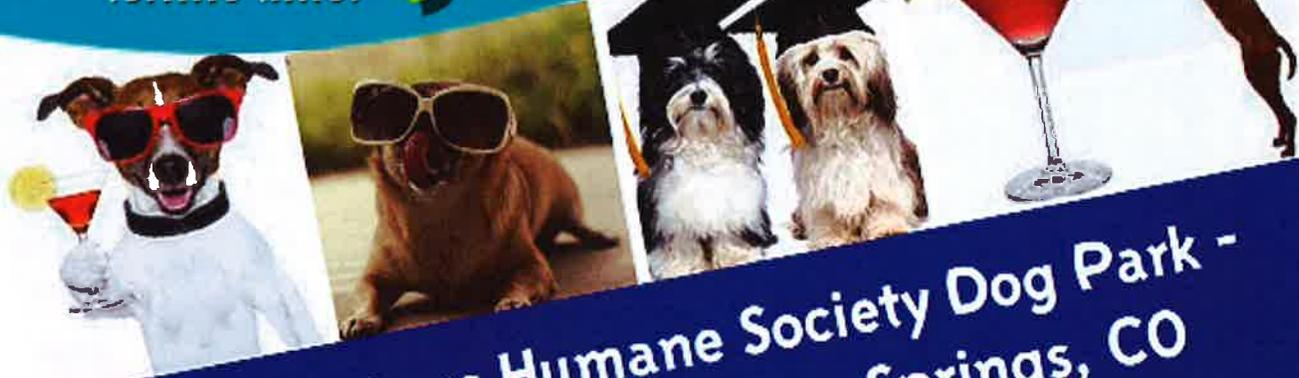
*****End of Certificate*****

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."

Yappy HOUR

Join us for a
'Paw"sitively
terrific time!

FREE
ENTRY



Pagosa Springs Humane Society Dog Park -
465 Cloman Blvd. Pagosa Springs, CO
Saturday the 8th of October 3:30-6pm

DOG
Games

Vendors-
Human
Food &
BEER

Vendors-
DOG
STUFF

Professional
Trainers

Yappy Hour Etiquette:

- Dogs must be well socialized and leashed in hand at all times while not in the dog park
- No retractable leashes
- Any dog disturbing other guest may be asked to leave
- All dogs must be vaccinated
- Dog waste must be cleaned up immediately by the owner
- Dog owners must be 21 years old to partake in adult beverages



PAGOSA LAKES

PROPERTY OWNERS ASSOCIATION

For more info Call: 970-731-5635 ext 203

or Email: malicia@pipoa.com

September 27, 2016

**ARCHULETA COUNTY
BOARD OF EQUALIZATION HEARINGS**

The Board of Equalization held a Hearing on September 27, 2016 with Commissioners Clifford Lucero, Michael Whiting and Steve Wadley and Executive Assistant Tonya McCann present. County Attorney Todd was present by phone.

Chairman Whiting called the Hearing to order at 1:35 p.m.

Chairman Whiting swore in County Assessor Natalie Woodruff for testimony.

No one else was present.

Account #R006646 Arlene Marcus

Assessor Woodruff read into the record the following: Account #R006646, at 244 Pagosa St, Pagosa Springs, CO currently owned by Arlene Marcus.

Since the Petitioner was not present, but was applying for the property homestead exemption for qualifying senior citizens, Assessor Woodruff explained the purpose of today's hearing. The petitioner had applied for the Senior Homestead Exemption, but was denied by the Assessor's Office because the Petitioner did not appear on the title of the property until 2015. The law is specific to ownership. The Division of Property Taxation said: the law states an owner is an individual who is an owner of record of residential real property that he or she occupies as his or her primary residence or the spouse, or a trust. Basically, Ms. Marcus would have needed to be in the title, even if it was 1/10th of a percent. If she was not in title until 2015, she would have to wait the 10 consecutive years. It could have been her primary residence but the ownership is included in that package. The Assessor did obtain the voter registration showing that Ms. Marcus had in fact been living in the home as her primary residence since 2004.

Commissioner Lucero moved to allow for the Senior Homestead Exemption for Arlene Marcus for Account #R006646 at 244 Pagosa St. Pagosa Springs, CO 81147. Commissioner Wadley seconded the motion and it carried with Commissioners Lucero & Wadley voting "Aye" and Commissioner Whiting voting "Nay".

Chairman Whiting stated that with no further business coming before this Board the meeting was adjourned at 1:44 p.m.

Minutes approved the ___ day of _____, 2016.

Board of Equalization

June Madrid
County Clerk & Recorder

Michael Whiting, Chairman

September 27, 2016

**ARCHULETA COUNTY
BOARD OF EQUALIZATION HEARINGS**

The Board of Equalization held a Hearing on September 27, 2016 with Commissioners Clifford Lucero, Michael Whiting and Steve Wadley and Executive Assistant Tonya McCann present. County Attorney Todd Starr was present by phone.

Chairman Whiting called the Hearing to order at 2:59 p.m.

Chairman Whiting swore in County Assessor Woodruff for testimony. Chairman Whiting explained the process to the Petitioners present.

Account #R017701 John & Linda Jaycox

50 Mesa View, Arboles, CO

John and Linda Jaycox were sworn in for testimony. They were petitioning for the Senior Citizen's Exemption. They stated they purchased the property and the original home from James D. & Patricia S. Seese on July 12, 1999. They stated they had lived in the home for 10 years.

Assessor Natalie Woodruff presented their case. She stated that their records show that the petitioners had a mobile home on the property that was moved to another property in October of 2007, there is not a building permit for the new structure until March of 2008. The property was reclassified as vacant because as of the assessment date of January 1, there was not a residence on the property, therefor the property was not continuously occupied. According to the Division of Property Taxation, in order to have continuous occupancy when a mobile home is removed, the new home must go in the same place. If the removal and replacement had all occurred in the same calendar year, this discussion would not be taking place. It also showed that the residence was built in 2008 therefore their property would not qualify for the exemption until 2018.

Commissioner Lucero asked if the owners had lived there the entire time during the last 10 years. They said yes, they had left to Arizona for a while when the wife was ill but had a travel trailer on the property. Commissioner Lucero said he would go with that statement.

Commissioner Lucero moved to allow for the Senior Homestead Exemption for John and Linda Jaycox for Account #R017701 located at 50 Mesa View at Arboles, PO Box 1793, Arboles, CO 81121. Commissioner Wadley seconded the motion and it carried unanimously.

Chairman Whiting stated that with no further business coming before this Board the meeting was adjourned at 3:10 p.m.

Minutes approved the ___ day of _____, 2016.

Board of Equalization

June Madrid
County Clerk & Recorder

Michael Whiting, Chairman

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Special Meeting on September 19, 2016 noting County Commissioners Clifford Lucero, Michael Whiting 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 1:36 p.m.

Approval or Adjustments to Agenda

The Board reserves the right to meet in executive session for any purposes allowed and announced prior to voting to enter into executive. Chairman Whiting stated that Item A and B under New Business was going to be swapped on the agenda for time management purposes. **Commissioner Wadley moved to swap Item A & Item B under New Business on the agenda. Commissioner Lucero seconded the motion and it carried unanimously.**

Consent Agenda

A. Payroll & Payable Warrants and Purchase Cards for September 7-19, 2016

General Fund Payable	313,016.23
Road and Bridge Fund Payable	6,759.34
Department of Human Services Fund Payable	22,239.31
1A Fund Payable	1,541.51
All Combined Dispatch Fund Payable	6,902.37
Solid Waste Fund Payable	3,057.05
Airport Fund Payable	936.94
Fleet Fund Payable	116,240.15
Total	\$ 470,692.90
Payroll Warrants for dates of September 7, 2015 thru September 19, 2016	
General Fund Payroll	152,360.13
Road and Bridge Fund Payroll	34,369.94
Department of Human Services Fund Payroll	32,325.48
All Combined Dispatch Fund Payroll	17,375.28
Solid Waste Fund Payroll	7,433.85
Airport Fund Payroll	3,848.31
Fleet Fund Payroll	17,734.45
Total	\$ 265,447.44

B. Regular Meeting Minutes

September 6, 2016

C. Annual 2016 Emergency Management Performance Grant

D. Resolution 2016-59 Lot Consolidation of lots in Pagosa Highlands Estates for owners

The Johnson Living Trust

E. Resolution 2016-60 Lot Consolidation of lots in Holiday Acres Unit No. 2 owned by Constance & William Noel

F. Resolution 2016-61 Lot Consolidation of lots in Hudson Blanco Subdivision #2 for owners

Scott W. & Katherine H. Howell

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

New Business

B. Easement with Town of Pagosa Springs and Archuleta County-Mill Creek Road

County Administrator Henderson submitted an easement for the Board's consideration. The Mountain Crossing Commercial Subdivision comprises of two, 35 acre parcels located at the southeast corner of Hwy 84 and Hwy 160. The Town is planning some improvements on that road. There will be a new development on that road. In order for the Town to proceed with the development application where the Town will be annexing, there are a couple of details that need to be worked out between the Town and County. The subdivision had been preliminarily approved by Town Council, with conditions of final approval that included the improvement of 1800 lineal feet of Mill Creek Road, to Town standards, east of Hwy 84 to their eastern access to the subdivision (to the west side of the Strohecker asphalt plant). Town staff had indicated a certain level of urgency with the execution of this agreement. County staff had some concerns with some of the language presented. In an effort to assist the Town in moving forward with this project staff was requesting authorization to execute the Easement after working through some details. All three Commissioners agreed this was a good thing to do. **Commissioner Wadley moved to approve the Easement between the Town of Pagosa Springs and the County for a portion of Mill Creek Road and direct the County Administrator to execute the Easement after approval by the County Attorney. Commissioner Lucero seconded the motion.** Chairman Whiting asked for public comments

- Bill Hudson of 268 Hermosa Street understood that significant development would be needed then on Hwy 84 and asked who would pay. County Administrator Henderson answered, the developers at this point. County Attorney Starr noted that the Town had already talked with CDOT regarding this issue.

The motion carried unanimously.

A. Final Site Selection and Associated Project Costs of the New County Justice Center

Chairman Whiting went over the process he was going to hold everyone to a process today. He explained how the County came to be here today. They had looked at great sites and had some great data that had significant shelf life. He said that the Board had held 55 BoCC work sessions, 11 BoCC meetings, 4 special public work sessions not including today. He was proud of that. He stated that each person speaking would be allowed one time at 3 minutes each. He would ask for a motion, let the public comment then ask for the comments from the Commissioners. He would be calling for a "Roll Call Vote" on this so each Commissioner could tell why they are voting as they are.

Chairman Whiting asked for a motion.

Commissioner Lucero moved to select the Hot Springs Blvd. property the County already owns to build a Justice Center/Jail. Commissioner Wadley seconded the motion.

Chairman Whiting opened the floor for public comment.

Public Comment

- Mark Weiler of 7 Parelli Way said on August 15th he submitted a CORA request for all docs submitted to the County regarding the building of a new building. He ended up with 1,300 pages and paid \$1,100. He said Chairman Whiting was right, you (the Board) had talked to a lot of people. He asked the Board go back and read the documents they were given. One recommended remaining in the current building 5-10 years and provided a cost estimate of \$1.3. Why are you discussing this? The next thing, he quoted from was a document from Riley and Associates. It said how the County could rebuild the jail to the benefit of the public. He submitted case law that says courts can't make you build a court building. He had listened to one of the recordings where David West was asking about the building of a new building and he said Commissioners Wadley and Lucero said yes they were moving forward to build. He said that the way they talked they had already made a decision.
- Bill Hudson of 268 Hermosa St. was reviewing older County budgets and noticed in the 2010 budget the county had 167 full time employees. Currently, you have 144 FTE's. Luckily for us, the Road and Bridge Department was maintained with this amount of employees. General management went down and he was worried that they may not be doing their job. He didn't want to pick on Sheriff but in 2010 he had 41 FTE's which now is at 33, a drop of 20%. But we've been hearing the Sheriff needs twice the office space they have now. Doesn't know if the courts have reduced staff but they need more space too? It sounds like that.
- Matt Ford of 5240 County Road 400 had not attended all meetings but as a community member he felt the Board's motion should pass. If it doesn't it will take another 2-3 years to get back where the Board is today. He also wanted to tell the Board that they should make sure they are not hurting the community. If the school, the Town and the County goes through with money requests, you will be negatively impacting the community. If you spend any more than you have you are making the wrong choice.
- Morgan Murri of 664 Antelope Ave. said he had been to most of the meetings Chairman Whiting stated and it was hard to not stand here and recognize the work that you (the Board) have gone into. He said it took a year of the Board's time and \$100,000 to get to two good properties. You have a property that has a deed restriction and the other you have not purchased or know if you can purchase. This property you would also need to purchase property next to it in order to have enough space. He's in agreement we need a jail. But to go shopping without an idea of your budget or what you can borrow is not good. He understands that we cannot borrow enough to build the buildings the Board was presenting. If you don't put something on the ballot until 2017, you have set us back another year. These are not good choices.
- Andre Redstone thanked the Board for allowing the public's input. He knows each Board member had put a lot of time into this. He wanted to encourage the Board to remember the impact of their decision today. It transcends to the children and grandchildren. Along with the cost studies, the logistics location and the impact of our town and community are huge. You are the leaders of our County, we entrust in you good, enlightened leadership. He urged the Board to look at the implication of the location which would be having a profound effect on the community.
- Mike Church of 361 Hidden Valley Drive was project manager at one time for Aspen Village. He had a lot of problems with the Board choosing the property there. Parelli

received about a half million dollars in tax cuts to build there and now they are asking us to purchase the land. He had been in real estate for years. He would never look at a property that was not big enough for future growth. It stalls the project. This property up there, is not the right size. You would have to purchase additional property to grow.

Stake Holders Comments

- Sheriff Valdez wanted to say a couple of things. It had been a long 1 ½ year and process to get here today. He was pleased with his staff who had dealt with this tragedy for the last year and a half. This problem needs to be fixed. He sees both sides, but the bottom line is that they (the County) are mandated by statute to supply a detention center for the County. He asked again what the Board's contingency plan was if the voters vote their option down in 2017. Unfortunately, the County's largest liability is the detention facility. He fears we may face this fact if something is not done quickly. For them (the Sheriff's staff), they need a building, they understand the taxpayers side but they have specific needs the public does not understand. He gave several examples of why they need to the space they asked for. He hoped the Board would take this into consideration.
- Eric Hogue District Administrator for the District Court was not sure where to begin. He heard some things now he disagreed with and some where he agreed. In speaking to their (the Courts) ability to stay in the current location, it was not a viable option now or long term. He talked about why the community was at risk with their current facility. They currently have times when victims cross with family and individuals out of custody. There is no safe place to enter into the courtroom. The plans put forward were done to a specific standard. The figures being discussed about how much less it would be to redo the courthouse were figures to just make the building habitable but not to the standards that the Courts and Sheriff needs. He would say as far as the space he has requested, he would say to anyone, go look anywhere where other buildings have been built in the past couple years and you will see where this court's space is lower. They are trying to be very considerate of the County's ability to pay. He was comfortable in saying their numbers are not inflated. He talked about programs and things they are unable to do for the community because of the ADA problems with the courthouse. He also talked about programs they can't put into place because of the lack of space. There is no mediation space so no case can be sent on to mediation because of that. As far as the future building, neither option was great. Both have 'evils'. One has (uptown) no long term durability, not a good location, age and access to the building. The Hot Springs property carries a price tag they are uncomfortable with spending. It is more than this community can pallet. What he worried about today was the Board voting on 2 choices, both of those are not good choices. \$28 million is too much. There needs to be a lot more work done before a decision is made. He would ask that the Board look at other properties before they land lock us into something that won't work.
- Mark Weiler of 7 Parelli Way wanted to touch on a couple more topics. He's not an advocate of either property. He asked the Board to go back and read the documents they have. Neither option today was good for the community. The County was going to have an uphill battle with either property. He wanted to speak about the comment made regarding the tax incentive given to Parellis. They had made good on the promises made. Without the Parelli building being built where it was, you would not have the stop light at that location.
- Mike Hearty of 380 W Golf Place said he had been listening to others in listening to everything and having worked in the courthouse the decision being made today is very

important. People talked about the school and they are just as important. If the County's intent is to push the roads onto property owners, so be it. Given the decision you need to make today you need to remember this is a multi-generational decision. He did not feel voters would pass such an amount.

Chairman Whiting closed public comments.

Commissioner comments.

- Commissioner Lucero said it was ironic that someone mentioned the school. He was trying to look at the whole picture. He had been on the school board for a long time. He was talking to someone on the school board and the fact that they may need to make changes. He would like to see the County go to sales tax to pay for this. The Town has been great partners in this. The school was going to be needing some upgrades so they will need the mill levy down the road. Once we select the property, they will work on the price. The \$28 million is not an accurate cost. They don't know what the cost is. Once they go to the next step with the architects, they will know more of what the cost would be. It's not a fact. We need the downtown vitality as it's the heart of the community. I will vote yes.
- Commissioner Wadley said this was tough to swallow for anyone. It's easy to kick the can to the curb but in the meantime, the Sheriff is going back and forth to Durango. It's time to build a building from the ground up and do it right with no wasted space. It's time for leadership and time to bite the bullet. The Town has been a good partner. They (the Town) prefer it (the Justice Center) to be downtown. We can seek sales tax and the Town will work with us and we can sharpen our pencils, but to continue to keep the bailing wire and duct tape on the building is throwing the money away. There is no perfect decision. Mr. Hudson bought up the amount of FTE's. This Board has led the County through the worst recession in history. The property tax and taxation does not hit for 2 years. The Board knows what it's like to cut budgets for years and still provide services. He talked about his time in Albuquerque where he was involved in building a new facility. You were in elevators where you had to hold your gun because you are in the same elevator as the criminal and the space was tight. It's wrong this day and age to subject people to that. The worst thing we can do is nothing. I will vote yes.
- Chairman Whiting wanted to push back on what Commissioner Lucero said about numbers. Their last estimates for these two options were different within \$9 million, not aircraft tight but close. The Board was all committed to downtown vitality. There's a little doubt of that by their actions, but the argument is not based on facts. The downtown vitality is not held there by courts. There is a push to not put the courthouse and jail up by restaurants and Walmart. If uptown was bad, downtown was the worst place for these things. That being said, the decision now was on Hot Springs Blvd. They had the architects bring them two buildings with the same square footage, etc. The projects were \$19 million and \$28 million. Those numbers are being used right now and can't be taken out of the equation. Neither one was affordable. The problem was math. He said it goes like this. Estimating the County could raise \$7 million for a conservative down payment, still doesn't bring either project down enough to make a difference. There is a statutory limit we can borrow based on our land values. It's approximately \$9 million. We cannot exceed a \$16 million project if we use property taxes. If we use sales tax then we would have to raise sales tax by 53%. The uptown project brings a smaller jail, 36 beds. With the downtown property in order to fit, we

September 19, 2016

have to reduce the square footage by 43%. Are they willing? I don't think so. It's not doable. There's a conclusion, if you look at the math which you can't ignore. As the architect says, every year we wait, it costs the County more. I am voting No.

Chairman Whiting called for the vote.

The motion carried with Commissioners Lucero and Wadley voting "Aye" and Commissioner Whiting voting "Nay".

With no further business coming before the Board, the meeting was adjourned at 2:36 p.m.

June Madrid
County Clerk & Recorder

Approved this day 4th day of October, 2016.

Michael Whiting, Chairman

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Regular Meeting on September 20, 2016 noting County Commissioners Clifford Lucero and Michael Whiting, County Administrator Bentley Henderson, and June Madrid County Clerk & Recorder present. Commissioner Wadley was absent.

Chairman Whiting called the meeting to order at 1:31 p.m. with the Pledge of Allegiance and moment of silence.

Disclosures and/or Conflicts of Interest

There were none.

Approval or Adjustments to Agenda

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

Commissioner Lucero moved to approve the Agenda as presented. Commissioner Whiting seconded the motion and it carried with both Commissioners Lucero and Whiting voting “Aye”.

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

Board of Adjustments

Chairman Whiting swore in John Shepard Planning Manager for testimony.

A. Variance for Jeff Heitz dba A Affordable Storage, LLC

Planning Manager Shepard submitted a request for a Variance for Jeff Heitz dba A Affordable Storage, LLC from Archuleta County Road & Bridge Design Standards. This item had been continued once to the July 19th meeting then to the August 16th meeting and yet again to this September 20, 2016 meeting. The application had not yet received the approval as required from CDOT. Staff and County Attorney Starr was recommending the item be withdrawn.

Chairman Whiting stated he would open the floor for comments in favor or for comments in opposition of the withdrawal of the variance application. There were none.

Commissioner Lucero moved to approve the withdrawal the application for a Variance from A Affordable Storage. Chairman Whiting seconded the motion. The motion carried with both Commissioners Lucero and Whiting voting “Aye”.

B. Variance for Jeremiah “J” Webb dba Holiday RV South, Inc.

Planning Manager Shepard submitted a Variance request from Jeremiah “J” Webb, Holliday RV South, Inc. He was requesting a Variance from Land Use Regulations and Road & Bridge Design Standards for property located in Ridgeview Subdivision Replat, Parcel 3. Staff was recommending the item to be continued until the next Regular Meeting of October 4, 2016.

Chairman Whiting stated he would open the floor for comments in favor of the continuation of the application for variance then for comments in opposition of the continuation of the application for variance. There were none.

Derek Lamereaux asked why it was being continued. He was speaking for Jeremiah Webb who wanted to purchase the property. This had been a long process. County Administrator Henderson answered that they had scheduling problems with the hearing. They had already made arrangements to continue the hearing but ended up not having a meeting at first then they did. By that time it was too late to post.

Commissioner Lucero moved to approve to continue the Variance Request for Holiday RV South, Parcel 3 of Ridgeview Subdivision Replat, variance from paving to the Regular Meeting of the Board on October 4, 2016. Chairman Whiting seconded the motion. The motion carried with both Commissioners Lucero & Whiting voting “Aye”.

Chairman Whiting closed the Board of Adjustments and convened the Land Use Regulation Hearing at 1:40 p.m.

Land Use Regulation

Chairman Whiting swore in Planning Manager John Shepard for testimony.

A. Jeremiah “J” Webb, dba Holiday RV South, Inc. Conditional Use Permit

Planning Manager Shepard submitted a request for the Board’s consideration. Jeremiah “J” Webb of Holiday RV South, Inc. had applied for a Conditional Use Permit on property owned by Bruce Lamereaux in Ridgeview Subdivision Replat, Parcel 3. The proposal would permit outdoor sales of recreational vehicles in the PUD zone. Planning Manager Shepard was asking that this item be continued until the next Board’s Regular Meeting of October 4, 2016 at 1:30 p.m.

Chairman Whiting stated he was opening the floor for any comments in favor of or in opposition to continuing this item. There were none.

Commissioner Lucero moved to continue the Land Use Regulation Hearing until the next Regular Meeting of October 4, 2016. Commissioner Whiting seconded the motion and it carried with Commissioners Lucero & Whiting voting “Aye”.

Chairman Whiting closed the Land Use Regulation Board and reconvened the Regular Meeting at 1:42 p.m.

With no further business coming before the Board, the meeting was adjourned at 1:42 p.m.

June Madrid
County Clerk & Recorder

Approved this 4th day of October, 2016.

Michael Whiting, Chairman

Archuleta County Airport – Stevens Field
Assignment of Hangar Ground Lease

RE: The Archuleta County Hangar Ground Lease for Hangar 513E between Archuleta County Airport (Lessor) and Jeff Miller (Lessee) dated August 14, 2007.

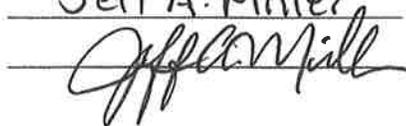
KNOWN TO ALL BY THESE REPRESENTS:

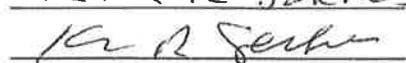
That the undersigned, Jeff Miller, (Assignor) does hereby assign, transfer and set over with full recourse to: Keith Serkes (Assignee) all the Assignor's rights, title and interest in, to and under that certain Lease for Hangar Site 513E dated 8-14-2007 between Assignor, as Lessee and Archuleta County Airport – Stevens Field as Lessor.

Assignee will pay all rents and will strictly observe and perform all other terms, covenants and conditions of the Lease.

The assignment and all representations, warranties, covenants, powers and rights herein contained shall bind and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, Jeff Miller (Assignor) has caused these presents to be effective on _____ (date).

Assignor: Name (Print) Jeff A. Miller
Signature  Date 9/15/16

Assignee: Name Keith R Serkes
Signature  Date 9/20/16
Mailing address _____

Lessor: Archuleta County Airport
Signature _____ Date _____

Archuleta County Airport – Stevens Field
Assignment of Hangar Ground Lease

RE: The Archuleta County Hangar Ground Lease for Hangar 500 B between Archuleta County Airport (Lessor) and Bryant Lemon, Brycon Corp. (Lessee) dated 4-28-1994

KNOWN TO ALL BY THESE REPRESENTS:

That the undersigned, Bryant Lemon, Brycon Corp., (Assignor) does hereby assign, transfer and set over with full recourse to Mark Grosse (Assignee) all the Assignor's rights, title and interest in, to and under that certain Lease for Hangar Site 500B dated 4-28-1994 between Assignor, as Lessee and Archuleta County Airport – Stevens Field as Lessor.

Assignee will pay all rents and will strictly observe and perform all other terms, covenants and conditions of the Lease.

The assignment and all representations, warranties, covenants, powers and rights herein contained shall bind and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, Bryant Lemon, Brycon Corp (Assignor) has caused these presents to be effective on 19 SEPT 2016 (date).

Assignor: Name (Print) BRYANT W. LEMON SV
Signature Bryant W Lemon SV Date 9/19/2016

Assignee: Name MARK GROSSE
Signature Mark Grosse Date 9-19-16
Mailing address: _____ Email: _____

Lessor: Archuleta County Airport
Signature _____ Date _____

Archuleta County Airport – Stevens Field
Assignment of Hangar Ground Lease

RE: The Archuleta County Hangar Ground Lease for Hangar 500J between Archuleta County Airport (Lessors) and Curtis Hannay, (Lessees) dated September 12th, 2016.

KNOWN TO ALL BY THESE REPRESENTS:

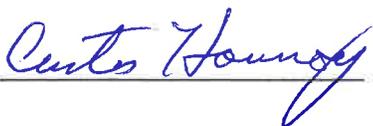
That the undersigned, Curtis Hannay, (Assignor) does hereby assign, transfer and set over with full recourse to: Douglas G. Dellmore, trustee and Dana W. Dellmore, trustee for the Dellmore Family Living Trust all the Assignor's rights, title and interest in, to and under that certain Lease for Hangar Site 500J dated September 12th, 2016 between Assignors, as Lessees and Archuleta County Airport – Stevens Field as Lessors.

Assignees will pay all rents and will strictly observe and perform all other terms, covenants and conditions of the Lease.

The assignment and all representations, warranties, covenants, powers and rights herein contained shall bind and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, Curtis Hannay, (Assignor) has caused these presents to be effective on September 12th, 2016 .

Assignors: Name (Print) Curtis Hannay

Signature  Date September 12th, 2016

Assignees: Name Douglas G. Dellmore, trustee and Dana W. Dellmore, trustee for the Dellmore Family Living Trust

Name (Print) Douglas G Dellmore, trustee

Signature  Date September 12th, 2016

Name (Print) Dana W. Dellmore, trustee

Signature Dana W. Dellmore

Date September 12th, 2016

Mailing address:

Email: dgdellmore@gmail.com

Lessors: Archuleta County Airport

Signature _____

Date _____

AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of October, 2016, by and between the Archuleta County Department of Human Services, hereinafter referred to as “DHS” and Southern Ute Community Action Programs, Inc./The Training Advantage hereinafter referred to as “Contractor”.

WHEREAS, the DHS is desirous of entering into an agreement with a contractor to provide an Employment First Case Management and a SNAP (Supplemental Nutrition Assistance Program) Data Entry Technician services.

WHEREAS, the Contractor has the experience, knowledge, and skills in order to provide an Employment First Case Management and a SNAP Data Entry Technician services to the DHS and is desirous of entering into an agreement under certain terms and conditions to provide said services to DHS.

NOW THEREFORE, IN CONSIDERSATION of the monies to be provided and received and the other terms and conditions contained herein, the parties hereto agree as follows:

1) TERM

The term of this agreement is from October 1, 2016 through September 30, 2017, unless terminated by either party according to the terms contained herein.

2) TERMINATION

Either party upon 30 days written notice at the address contained herein may terminate this Agreement.

Archuleta County
Department of Human Services
P.O. Box 240
Pagosa Springs, CO 81147

SUCAP/Training Advantage
Advantage
P.O. Box 800
Ignacio, CO 81137

3) COMPENSATION

The parties hereto agree that the Contractor will be paid for their services not to exceed the sum of \$54,067.00 for the services as described herein. Contractor agrees that the amount of \$21,000.00 will be dedicated to Employment First Case Management activities and \$33,067.00 be dedicated to SNAP Data Entry Technician activities. The Contractor agrees to supply an invoice and monthly reports no later than the 20th of each month for the previous month, when the 20th is on a Saturday, Sunday or Holiday; the report is due the following business day by Close of Business. Under no circumstances shall the DHS pay any amount for compensation exceeding the above referenced total sum for each program as described above. Failure to provide invoices as required herein during the term of this Agreement shall relieve DHS of payment for those respective services.

4) CONFIDENTIALITY

The Contractor will safeguard information and confidentiality of cases referred by DHS to the Contractor.

5) TIME

Time is of the essence of all provisions of this Agreement.

6) APPLICABLE AUTHORITY

This Agreement shall be construed under the laws of the State of Colorado.

7) DEFAULT REMEDIES

In the event of default by either party to this Agreement, the non-defaulting party shall give written notice of the default to the defaulting party at the address listed herein. In the event the defaulting party does not cure its default within 10 days after the mailing of the notice then the non-defaulting party may declare this Agreement materially breached and may seek any and all remedies at law or in equity. The non-defaulting party shall be awarded its reasonable attorney's fees and costs in enforcing this Agreement.

8) INDEMNIFY

Contractor shall indemnify the DHS from the action based upon or arising out of damage or injury, including death, to persons or property caused or sustained in connection with the performance of this contract or by conditions created thereby, or based upon any violation of any statute, regulations, and the defense of any such claims or actions.

9) SEVERABILITY

The parties hereto agree that each term and condition contained herein is severable from each other and in the event any term or condition is determined to be illegal or unenforceable, it shall not affect the enforceability of the remaining terms of this Agreement.

10) BINDING

This Agreement shall be binding upon the parties hereto, their heirs, successors and assigns.

11) APPROPRIATION

This Agreement shall be subject to and conditioned upon appropriation of funds by the Archuleta Board of County Commissioners. Any financial obligations of the County payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available.

12) REPORTING REQUIREMENTS

Contractor will report the following measures monthly:

Active Number of monthly Employment First participants;
Number of Employment First participants sanctioned;
Number of Employment First participants exempted and reason for exemption;
Number of Monthly Able Bodied Adults Without Dependent (ABAWD) Children Participants;
Number of Active Employment First participants that became employed during past month.

Number of Supplemental Nutrition Assistance Program (SNAP or food assistance) applications that were processed, RRR's (Redeterminations) and brief narrative describing SNAP specific activities performed.

13) COMPLIANCE MONITORING

DHS will meet with the Contractor periodically to discuss reports and to assure the Contractor is in compliance with the contract requirements.

14) **MODIFICATIONS AND AMENDMENT**

a) Modifications by Operation of Law – This Agreement is subject to such modifications as may be required by changes in federal or state law or regulations. Any such required modification shall be incorporated into and be part of this Agreement as if fully set forth herein.

b) Programmatic or Budgetary Modifications – No programmatic or budgetary modifications that affect the project shall be made by the Contractor without the County’s written authorization after written request by the Contractor. DHS may withhold such authorization in its good faith discretion.

c) Other Modifications – If either DHS or the Contractor desire to modify the terms of this Agreement other than set forth in Subparagraphs (a) and (b) above, written notice of the proposed modification shall be given to the other parties in an amendment to this Agreement properly executed and approved in accordance with applicable law.

15) **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**

The Contractor shall comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) - federal law and regulations governing the privacy of certain health information.

IN WITNESS WHEREOF, the parties hereto have agreed the day and year first above written.

Matthew A. Dodson, Director
Archuleta County Department of Human Services

SUCAP Board Chair

Date: _____

Date: _____

Archuleta County Commissioner Chair

Date: _____

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 Daron B. Selph and Angela C. Selph, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

WHEREAS, the Board has found that Daron B. Selph and Angela C. Selph, 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 6 and 7, Lake Pagosa Park Block 21, according to the plat thereof filed for record March 13, 1970, as Reception No. 72998 through 73013, Archuleta County, Colorado, to become Lot 6X 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 4th day of October, 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-CO1026-5143755

**WESTCOR LAND TITLE
INSURANCE COMPANY**

MORTGAGE GUARANTEE

No. AR21602868 Liability \$ 10,000.00 Fee \$ 125.00

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 * AR21602868
Colorado Title & Closing Services, LLC
970 Main Avenue
Durango, CO 81301

WESTCOR LAND TITLE INSURANCE COMPANY



By: Mary O'Donnell
President

Attest: Patricia H. Power
Secretary

Authorized Agent Margaret Power

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	AR21602868	MG-1-5143755	August 30, 2016	\$10,000.00

1. Party (Parties) Assured:

DARON B. SELPH AND ANGELA C. SELPH

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

DARON B. SELPH AND ANGELA C. SELPH

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 Daron B. Selph and Angela C. Selph to the Public Trustee of the County of Archuleta, for the use of First Southwest Bank, to secure \$272,000.00, dated May 28, 2014, recorded June 2, 2014 as Reception No. 21402878.
Said Deed of Trust was assigned to Nationstar Mortgage, LLC by Assignment recorded June 17, 2014 as Reception No. 21403199.**

4. Description of the Land:

Lots 6 and 7 of Block 21 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 #: AR21602868

Guarantee Number: MG-1-5143755

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 Daron B. Selph and Angela C. Selph to the Public Trustee of the County of Archuleta, for the use of First Southwest Bank, to secure \$272,000.00, dated May 28, 2014, recorded June 2, 2014 as Reception No. 21402878.

Said Deed of Trust was assigned to Nationstar Mortgage, LLC by Assignment recorded June 17, 2014 as Reception No. 21403199.

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

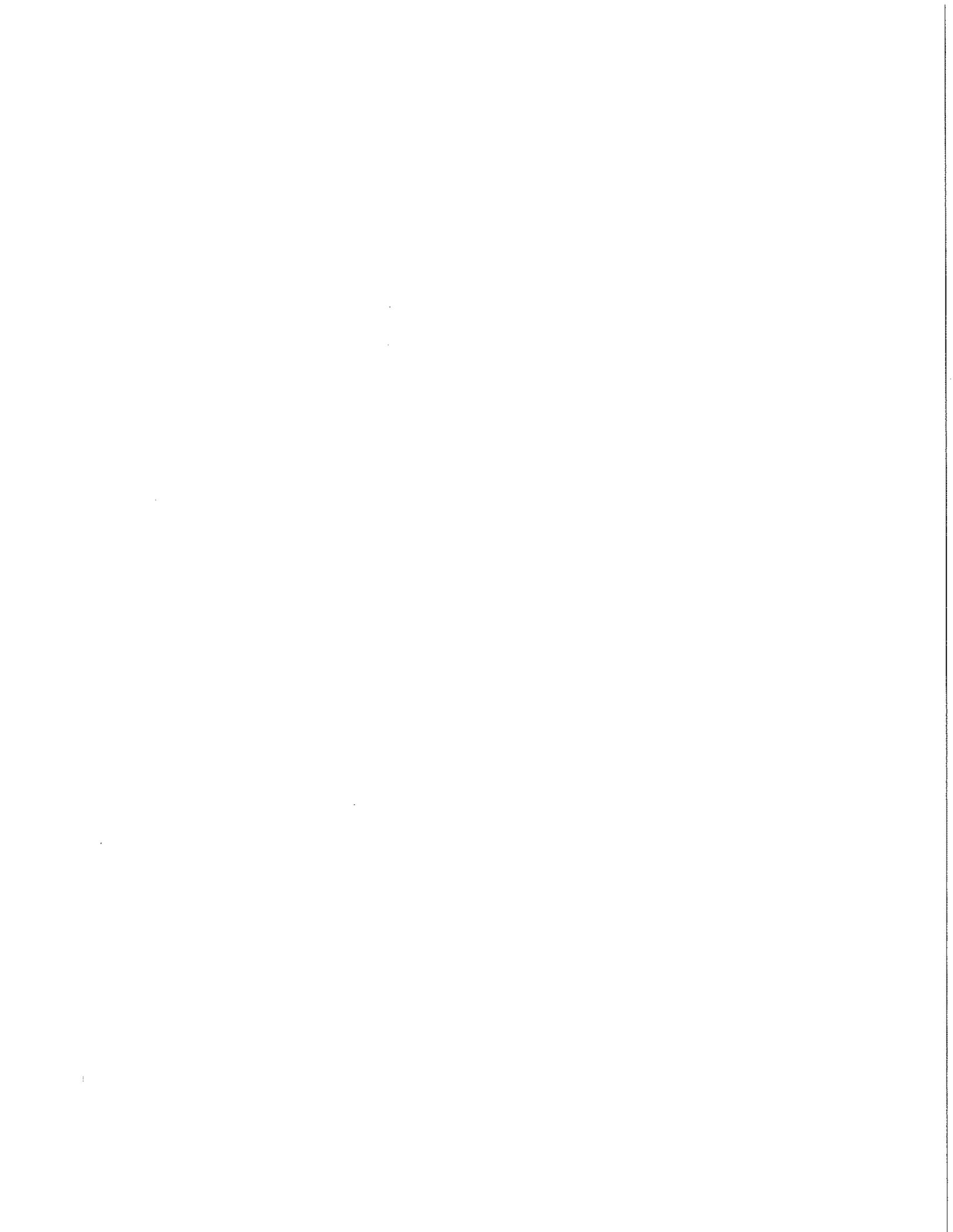
The fee specified on Schedule A of this Guarantee is the total fee for title search and examination and for this Guarantee.

**WESTCOR LAND
TITLE INSURANCE COMPANY**

**MORTGAGE
GUARANTEE**

HOME OFFICE

875 Concourse Parkway South, Suite 200
Maitland, FL 32751
Telephone: (407) 629-5942



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 William Leroy Cusack and Lee Ann Cusack Revocable Trust, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

WHEREAS, the Board has found that William Leroy Cusack and Lee Ann Cusack Revocable Trust, 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 503 and 504, Twin creek Village, according to the plat thereof filed for record November 5, 1973, as Reception No. 78739, Archuleta County, Colorado, to become Lot 503X 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 4th day of October, 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-16-3636

August 23, 2016

Roy Cusack
Lee Ann Cusack

RE: O&E Report 16-3636 (Lot Consolidation)

PROPERTY DESCRIPTION(S):

Lots 503 & 504, 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):

5699-073-12-029 as to Lot 503
5699-073-12-028 as to Lot 504

VESTED OWNER(S):

William Leroy Cusack and Lee Ann Cusack Revocable Trust by Warranty Deed recorded November 18, 2014 as Reception No. 21406909, in the office of the Clerk and Recorder, Archuleta County, Colorado. (as to Lot 503)

William Leroy Cusack and Lee Ann Cusack Revocable Trust dated February 13, 2014 by Warranty Deed recorded July 22, 2016 as Reception No. 21604606, in the office of the Clerk and Recorder, Archuleta County, Colorado. (as to Lot 504)

LIEN(S) AND ENCUMBRANCE(S) OF RECORD AS OF August 19, 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.

RESOLUTION NO. 2016 - ____

**A RESOLUTION OF THE ARCHULETA COUNTY BOARD OF COUNTY
COMMISSIONERS APPROVING WAIVING CERTAIN LATE FEES
FOR ALAMOSA DRILLING, INC.**

WHEREAS, all owners and/or operators of oil and/or gas wells that have production and sales of oil and gas during the prior calendar year must file declaration schedules. In addition, the owner, owner's agent, or person in control of all personal property as of January 1 must file a declaration schedule; and

WHEREAS, Alamosa Drilling, Inc., owns eight (8) oil wells in Archuleta County. The accounts are P001542, P001122, P004756, P004757, P001541, P003161, P001540 and P004858; and

WHEREAS, Alamosa Drilling, Inc. failed to file the declaration schedules for each account on time for 2014 and was assessed a penalty in the amount of \$3,000 per parcel. The total amount owed to the County for penalty, interest and advertising is \$25,980.09; and

WHEREAS, Section 39-7-101(2) of the Colorado Revised Statutes provides that, when an owner or operator fails to deliver, or fails to mail their Declaration Schedules with a postmark on or before April 15th of each year, the assessor may impose a late filing penalty on the owner or operator of \$100 per calendar day past April 15th of that the declaration schedules has not been received, not to exceed \$3,000 in any calendar year; and

WHEREAS, Alamosa Drilling, Inc. requested from the Board of County Commissioners relief from the late fees assessed by the County Assessor; and

WHEREAS, the Board of County Commissioners held a regular meeting on September 6, 2016. They heard testimony from the County Treasurer, the County Assessor's staff and the owner of Alamosa Drilling, Inc.

NOW, THEREFORE, BE IT RESOLVED, the Board of County Commissioners amends the total amount of late fees and interest for Alamosa Drilling, Inc., to the amount of \$1,360.00 for 2014.

APROVED AND ADOPTED this 4th day of October, 2016 in Pagosa Springs,
Archuleta County, Colorado.

BOARD OF COUNTY COMMISSIONERS
ARCHULETA COUNTY, COLORADO

Michael Whiting, Chairman

ATTEST:

June Madrid, Clerk and Recorder



Archuleta County Sheriff's Office

The Board of County Commissioners

The Board of County Commissioners, as Chief Executives and governing bodies within Archuleta County, will:

1. Direct and oversee the implementation of the provisions of this EOP. Provide for planning requirements with regard to succession, pre-delegation of authority, emergency action items, continuity of government, and EOC staff.
2. Ensure the early development of an initial situation status (including damage assessment, where applicable), and provide continuous updates of the status thereafter. Resolve policy decisions on matters not covered in the EOP, and within NIMS, foster the timely exchange of information with other intra- and inter- jurisdictions/agencies and with the State Emergency Management structure (StateDHSEM, or State EOC when operational).
3. Issue timely public proclamations, official orders (including matters such as evacuations, shelter movements, curfews, social restrictions and price controls), and emergency/disaster declarations, as appropriate to the situation, including emergency public/joint information centers.
4. Within NIMS, implement policy for emergency funding, control of expenditures, and allocation of resources for disaster/emergency purposes.
5. Be responsible for the coordination, commitment, and direction of Archuleta County government in support of emergency or disaster purposes.
6. Issue directives to County departments and personnel regarding changes in normal duties/work schedules, temporary reassignments, and employment of temporary workers, as needed.
7. Act as intergovernmental liaison, thereby initiating formal requests for outside assistance from other local jurisdictions.



Archuleta County Sheriff's Office

8. Delegate authorities as necessary and reasonable to qualified individuals/teams to increase effectiveness/efficiency of response/recovery activities.

Authorized Signature

Title Name

Date

Memorandum

TO: Chairman Michael Whiting and the Archuleta County Board of Commissioners
DATE: September 9, 2016
FROM: Bentley Henderson
RE: Address Change

BACKGROUND

A request has been made of the Board of County Commissioners to change an address on a parcel in Archuleta County.

As a rule, addresses are assigned and or approved by County planning staff. As far back as the 1970's staff has had policies in place which provide guidance for the establishment/assignment of addresses within the County. Over time, as the County has evolved, and parcels created, it has become necessary to amend the process by which addresses are assigned. Resolution 79-66 set forth an addressing system for the unincorporated areas of Archuleta County. The process, generally speaking, established addressed based on the distance a parcel was from a "primary" road. A key point to understand, is the fact that this system was created in 1979, and since that time, land use and parcel changes within the county have been significant. The Resolution contemplated those changes;

"it is recognized that situations will occur which will not precisely conform to the system. In such cases the County Planning Office will assign address numbers determined by considering the basic theory of the system, adjusted to conform to the factors involved from a practical standpoint."

Over the course of the past several years, there have been a significant number of cases occur that have not precisely conformed to the system. Given that fact, Planning Staff have established additional policies intended to adapt to the ever-changing land use landscape.

One of the adaptations effected was to institute an "alpha numeric" system that allowed for the creation of lots while maintain some semblance of the underlying policy. Operationally, the street/road number does not change, there is just a letter attached to the number (eg. 854A, 854B etc.). The need for the alpha numeric system occurs when there is more than one lot or home-site accessed off of a shared driveway. In the case illustrated above, the driveway is given the 854 designation, and each lot or home-site accessed off of that drive way is given the suffix letter designation based on where the lot or home-site access the drive way.

This system and the corresponding policy are in place and actively being used/applied throughout the entire county.

DISCUSSION

This issue is before you is the result of a request made by a property owner whose address was changed in 2014, consistent with the policy. The parcel in question originally had a numeric only address. In 2014 an adjacent parcel received a building permit for the construction of a residence on their property. The issuance of the building permit on the adjacent property is what necessitated the address change. This is due to the fact that both properties access the same driveway.

The property owner is aggrieved by the addition of the letter to their address. Representations have been made by the property owner that they will be burdened by an unreasonable financial hardship as a result of the change of address. The owner has made no reference to any on-going financial issues as a result of the change which was roughly 18 months ago.

As indicated previously, this policy has been in effect for a number of years and is applied uniformly across the County. County staff has indicated that in recent memory, relief from the policy has only been granted on one other occasion and that was for a commercial property. Further, in the hundreds of circumstances where the alpha designation has been attached, there have been no other claims of financial hardship as a result of the change.

RECOMMENDATION

Staff strongly recommends against any site specific exemptions to the County addressing policy. Actions such as these undermine staff credibility in their application of the policy and challenges the integrity of general policy relevance in both previous circumstances and in the rationale of the policy moving forward. There is no evidence that the policy is flawed.

RESOLUTION NO. 2016-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO, PROVIDING FOR A SITE/PARCEL EXCLUSIVE EXEMPTION TO THE ARCHULETA COUNTY ADDRESSING POLICY.

WHEREAS, Archuleta County has in place adopted Resolutions (#79-66), written policies (Archuleta County Planning Department addressing guidelines: November 28, 2012), and departmental directives regarding the establishment and assignment of addresses within the County; and

WHEREAS, these policies apply to the entire County, are applied uniformly throughout the County; and

WHEREAS, Section 27.0.3. of the *Archuleta County Road and Bridge Design Standards* state that road numbers and names are used for identification purposes to help speed emergency services and to assist in locating utilities

WHEREAS, Archuleta County Planning staff in 2014, per the policies in place readdressed an existing parcel; and

WHEREAS, the owner of the affected parcel has requested that they be exempted from the policy due to the hardship created by the assignment of the new address; and

WHEREAS, The Board of County Commissioners has determined that the providing for a site/parcel specific address change contrary to County policy is warranted.

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

1. The Board of County Commissioners have determined that the assignment of the address 3601B Hidden Valley Dr., for Hidden Valley Ranch Subdivision Ranch lot 19 does in fact create a practical, unique and undue hardship for the property owner, and that the address should be reverted back to the address that was in place prior to 4-23-15; 3601 Hidden Valley Drive.

READ APPROVED AND ADOPTED, this 4th day of October, 2016.

ATTEST

BOARD OF COUNTY COMMISSIONERS

June Madrid, County Clerk

Michael Whiting, Chairman