



551 Hot Springs Boulevard
Post Office Box 1859
Pagosa Springs, CO 81147
Phone: 970.264.4151
Fax: 970.264.4634

**TOWN COUNCIL MEETING AGENDA
TUESDAY, DECEMBER 2, 2014
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. CALL MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. APPROVAL of MEETING MINUTES FROM NOVEMBER 20, 2014**
- IV. PUBLIC COMMENT – *Please sign in to make public comment***
- V. LIQUOR LICENSE**
 - 1. Liquor License Renewal – Nellos Inc. dba Nello's Bistro at 135 County Center Dr Ste A**
- VI. NEW BUSINESS**
 - 1. Public Hearing on 2015 Budget**
 - 2. Resolution 2014-15, Approve 2015 Budget, Set Mill Levies, Appropriate Funds**
 - 3. Direction to Planning Commission and Staff Regarding Potential LUDC Revisions for Regulating Allowable Uses of Cargo Shipping Containers for Accessory Structures**
 - 4. Direction to Planning Commission and Staff Regarding Potential LUDC Revisions for Current Prohibition of Metal Sided Buildings in Mixed Use and Commercial Districts**
 - 5. Mountain Crossing Subdivision Preliminary Plan Extension Request**
- VII. PUBLIC COMMENT – *Please sign in to make public comment***
- VIII. COUNCIL IDEAS AND COMMENTS**
- IX. NEXT TOWN COUNCIL MEETING DECEMBER 18, 2014 AT 12:00PM**
- X. ADJOURNMENT**

**Don Volger
Mayor**



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**TOWN COUNCIL MEETING MINUTES
THURSDAY, NOVEMBER 20, 2014
Town Hall Council Chambers
12:00 P.M.**

- I. **CALL MEETING TO ORDER** – Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Egan (12:13pm), Council Member Lattin, Council Member Schanzenbaker
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **APPROVAL of MEETING MINUTES FROM NOVEMBER 4, 2014** – Council Member Bunning moved to approve the November 4, 2014 meeting minutes as submitted, Council Member Alley seconded, unanimously approved.
- IV. **PUBLIC COMMENT** – None
- V. **PROCLAMATION**
 1. **Pagosa Springs Medical Center – Development and Marketing Dept Presentation** – Ms. Claire Bradshaw and Kyle Kellum presented a video regarding future expansion of the Medical Center. The center will be applying for a \$2 million DOLA grant for this expansion. A proclamation was presented to the Medical Center in support of the fundraising campaign to expand our medical center. Council Member Lattin moved to approve the proclamation for the Pagosa Springs Medical Center, Council Member Bunning seconded, unanimously approved.
Council Member Lattin moved to recess the Town Council meeting, Council Member Alley seconded, unanimously approved. The meeting was called back in session at 12:33pm.
- VI. **NEW BUSINESS**
 1. **2015 Budget** - The Town Council has held several budget work sessions over the past two months with the different departments and financial entities of the Town. The items left to discuss include three full time employees, an associate planner, a human resources/records clerk, and a deputy court clerk. The costs for these positions range from \$52,500 to \$63,550. Council Member Schanzenbaker recommends a town policy for use of reserves. Council Member Alley believes it is not the job of government to hold onto the tax payers money and a plan should be made on how to spend the reserve funds. Mayor Volger says the reserves are well over the suggested reserves. He said he would like to have all three positions filled in 2015. He said the three employees would cost approximately \$171,000 for 2015. He would like to target a smaller reserve amount and give the departments the support needed. Council Member Bunning said it is not good to bring the reserves down to the three month limit. Council Member Egan asked which of the three positions assists in economic development. Town Manager Schulte said the only position that may affect economic development is the associate planner position who may assist with new development in the community. Council Member Egan said that as a town we need to be ready for incoming business, increased tourism, and economic vitality. Mayor Volger said that adding three new employees is a safe bet, and that if the revenues don't increase to support those three employees then we may need to lay off those employees. Town Manager Schulte said that including these three employees will force deficit spending in the 2015 budget, he said it is a philosophical decision. He said spending one time money for

on-going expenses is not advisable. He said the additional reserves in the general fund could be used to pay off the Lewis Street loan early to allow the reconstruction of 8th Street or many other capital items. Council Member Schanzenbaker said he views the service side of the general fund budget not increasing, however the town is increasing infrastructure and capital items. He said the services provided in the general fund expenditures need to increase to support the new capital items. Council Member Egan moved to approve hiring the associate planner and human resource/records management personnel, motion died for lack of a second. Council Member Schanzenbaker asked to receive information regarding the need for these new positions. He doesn't see a need at this time with the exception of the deputy court clerk's office who submitted a report. Mayor Volger said information was presented at the worksessions and does not feel the need to review the information again. Council Member Egan moved to change revenue projections from 3 to 6 percent, motion died for lack of second. Council Member Alley said that the town could hire one person if the sales tax revenue projections were raised to 6 percent. Council Member Schanzenbaker moved to raise the revenue projection to 6 percent, Council Member Bunning seconded, unanimously approved. Council Member Schanzenbaker asked about a fee to pay for the new deputy court clerk, Town Manager Schulte said that there is a proposed fee that would pay for new court security position, but not for court clerk position. Council Member Egan moved to approve hiring a human resource/records management position in 2015, Council Member Bunning seconded, motion passed with two nays (Council Members Alley and Schanzenbaker). The Town will become the fiscal agent for the Ross Aragon Community Center and therefore the revenue and expenditures will be added into the general fund budget. The Community Coalition has been very helpful in working on this transition. Town Manager Schulte said the life insurance quotes have come back within the rates quoted to the town, the benefit will begin in 2015. The town has received a bid from Fireworks International West for the fireworks and labor to set off the 2015 show. If the town were to cancel the show due to a fire ban, the company would charge 50% or \$1,250 for canceling inside of one week. The Town has funding for this in the 2014 budget. The 2015 budget has funds set aside for the 2016 show in the town manager budget. Council Member Schanzenbaker moved to approve accepting the bid of Fireworks International West to provide the 2015 Fourth of July fireworks display with payment to come from 2014 funds and to take advantage of the prepayment discount with funding from lodgers tax funds, trust account funds and the balance from the general fund in the total amount of \$19,330.42, Council Member Bunning seconded, unanimously approved. Council Member Schanzenbaker moved to direct staff to budget 2016 fireworks expenses half from the general fund and half from the lodgers fund, Council Member Egan seconded, unanimously approved. Council Member Schanzenbaker would like to look into hiring that summertime seasonal that can complete small projects for the Town. Council Member Bunning would like staff to look into optional uses of the large general fund reserves.

2. **Letter of Support for CRIA's LPEA grant application** - The Town recently received a request from the Chimney Rock Interpretive Association (CRIA) for a LPEA Grant Application. CRIA is applying for a grant from LPEA for special education projects. Chimney Rock Interpretive Association (CRIA) is a volunteer association that provides interpretive and educational services at Chimney Rock for visitors from around the world. Council Member Schanzenbaker moved to approve the proposed letter of support for the Chimney Rock Interpretive Association's LPEA grant application, Council Member Lattin seconded, unanimously approved.
3. **DOLA Energy Impact Grant Application for GGP** - On October 23, 2014 the Town Council authorized staff to proceed in partnership with the GGP to prepare an application to DOLA for an Energy and Mineral Impact Grant Program. The grant application is seeking \$301,000 in essentially a dollar for dollar match to provide for infrastructure improvements to the site location in Centennial Park. Town Manager Schulte had spoken to Ken Charles with DOLA to confirm that the Town's \$80,000 match does not have to be committed to a bathroom, but for infrastructure in the park. Council Member Schanzenbaker said that the town is contributing a large sum of money and would like to have more involvement in the project. Council Member Alley moved to approve Resolution 2014-14, authorizing the submittal of a Tier II Energy and Mineral impact assistance grant application to DOLA for \$301,800 and committing an amount not to exceed \$80,000 for

infrastructure or bathrooms in Centennial Park, Council Member Bunning seconded, unanimously approved. Town Manager Schulte has talked with Sally High with the GGP, staff will look to refine the management of the GGP grant project.

VII. OLD BUSINESS

1. **Sales Tax Brief** - In November the Town of Pagosa Springs' sales tax revenue received increased by 27.89% or \$86,264 compared to November 2013 (based on September 2014 retail sales). Total collections for both the Town and the County for the month equals \$791,218 and the Town of Pagosa Springs' portion is half, or \$395,609. The Town further splits its portion equally between the General Fund and the Capital Improvement Fund with each receiving \$197,804. The County finance manager said that this increase may be in part to a double payment during the month. Mr. Mark Weiler said that sales tax data is available and should be used for projections.

VIII. DEPARTMENT HEAD REPORTS

1. **Community Center Report** – The center is hosting a volleyball tournament with attendees traveling from as far as Denver and Albuquerque. The Festival of Trees is set for December 4th and 5th. The Halloween carnival was a huge success, and incorporated 50 youth volunteers, part of the new youth volunteer program. A wifi upgrade has been completed, and a new small fries play group has started on Fridays. Council Member Lattin encourages town council to attend or take a look at the festival of trees event.
2. **Parks and Recreation Report** - Youth basketball for ages 7-8 began last week and will run through December 17. Registration for ages 9-12 will begin next week the season will begin early January. The sixth and final session of this year's gymnastics program for ages 3 and up began last week and will run through December 17. The current session includes 36 participants. This year, the program averaged nearly 40 participants per session. The next session will be offered in mid-January. In addition to routine parks maintenance, the parks crew will be thinning underbrush from dense thickets along the Riverwalk over the next couple of weeks, and has been preparing snow-removal equipment for the upcoming winter season. The gazebo on Reservoir Hill was stripped, power-washed and stained to a more uniform color earlier this month. The second public meeting regarding the Reservoir Hill thinning project is scheduled for November 17 at 5 p.m. in the community center arts and crafts room. Council Member Lattin said the recreation department is doing a great job with the youth basketball.
3. **Town Tourism Committee Report** - 2014 lodging tax collections are up. August 2014 was up 22.21%, or \$11,591.73, over August 2013. September 2014 is currently up 7.35%, or \$3,132.80, over 2013, with payments outstanding. Year to date, lodging tax is up 18.65%, or \$62,038.03. Town Maintenance Supervisor, Dennis Ford and his team, Carl and Sam worked to replace doors, repair bathroom for ADA compliance, and assisted along with several volunteers in painting the visitor center. The TTC Director is going to NYC December 15-17th to meet with strategic media outlets to pitch Pagosa. Miles and the Colorado Tourism Office are launching a pilot "Brand Channel" program; Pagosa will be one of 5 destinations featured through content (video/articles) across Colorado channels (web, social, e-newsletters, etc). The Town Tourism Committee was included in two 2015 grant applications and has been awarded \$21,000 towards the partnership with Chimney Rock National Monument, Mesa Verde Country and Durango-Silverton Train to target international tourists. Council Member Lattin asked the town council to stop by the visitor center and look at the new paint decorations. Town Manager Schulte said Liz Alley has changed to part time and Gail Vollmer will work more hours. Pagosa Springs is visible at the Colorado ski shows by volunteers.
4. **Planning Department Report** – Majestic Drive paving is complete with the exception of driveway aprons and striping. The 6th Street pedestrian Bridge was set on the 18th of November and crews should finish up the ramps to the bridge in the next few weeks. Alpha Drive is paved and striped up to Aspen Village Dr. as required by the agreement with Wal-Mart., they still have to complete the Aspen Village Dr. intersection. The paving on Yamaguchi Drive is complete as required by the DIA. The 4th/5th Street riverwalk trail between the San Juan River and Apache Street north will most likely be delayed until 2015. Council Member Lattin said she is under the impression that the Gulfstream easement along Hwy 160 between 8th and 10th street. Town Planner Dickhoff said the easement is still

outstanding, but staff is working through the uniform act to receive the easement. Staff will bring cargo container information to town council on behalf of the planning commission for direction with moving forward. Council Member Schanzenbaker would like a recommendation from the planning commission as to the direction. Staff will bring information to the town council on December 2nd meeting for direction from council. Staff has completed surveying and is working on engineering for the 2nd to 3rd street sidewalk. Staff has spoken with the downtown City Market property owner to allow a 10-foot wide walkway area for connection between 8th and 7th Street along their property. Council Member Schanzenbaker would like the planning department and historic preservation board minutes included in the packet.

5. **Special Projects Manager Report** – Staff met with LPEA representatives to discuss the franchise agreement. The discussion was agreeable and an ordinance should be forthcoming. Reimbursement requests for the fishing is fun grant for the stretch of river from the 6th Street bend to Apache Street bridge, and the riverwalk phase 2 project from the end of the river trail to the newly set 6th Street bridge have been sent.
6. **Municipal Court Report** – The municipal court say 19 traffic and 43 criminal cases in October. Judge Anderson attended the fall conference of the Colorado Municipal Judges' Association. There are currently 59 cases under supervision by the probation department. Municipal court has requested budgeting for court security as well as a deputy court clerk position to assist with an increase in traffic cases coming before the court.
7. **Town Manager Report** – The agreement between Pagosa Verde and Fairway Trust is in progress, and drilling has commenced at both the school and Levine properties. USA communications provided a \$10,000 letter of credit as required by the franchise agreement in place with them. The transition team with the CDC continues to meet with Region 9 and has elected new board members. The three advisory questions placed on the ballot returned favorable responses to question 1, but not 2 and 3. The county and town will discuss at the next joint meeting.

IX. APPROVAL OF OCTOBER FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS

Council Member Egan moved to approve the October financial statement and accompanying payments, Council Member Bunning seconded, unanimously approved.

- X. PUBLIC COMMENT** – Mr. Mark Weiler said that in finance the payment life needs to match the asset life, he suggests not paying the Lewis Street loan off early. He said the previous council did not budget to spend enough and invest enough into the town, which provided the Town the large reserves. He said if the council is scared to spend the funds, the community suffers. He said there are infrastructure and programs that need to be invested in for this community. Council Member Egan suggests council get training on fiscal knowledge prior to the 2016 budget process.

- XI. COUNCIL IDEAS AND COMMENTS** – Council Member Alley said he enjoys working with this council. He is glad to see the new pedestrian bridge at 6th Street bend.

XII. NEXT TOWN COUNCIL MEETING DECEMBER 2, 2014 AT 5:00PM

- XIII. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 2:40pm.

**Don Volger
Mayor**



AGENDA DOCUMENTATION

LIQUOR LICENSES: V.1

PAGOSA SPRINGS TOWN COUNCIL
DECEMBER 2, 2014

FROM: BILL ROCKENSOCK, POLICE CHIEF

PROJECT: LIQUOR LICENSE RENEWALS
ACTION: DISCUSSION AND POSSIBLE ACTION

BACKGROUND

Businesses granted liquor licenses by the State of Colorado and the Town of Pagosa Springs are required to renew their liquor license annually. The Town Council, as the Local Licensing Authority, has requested that the Police Department provide them with information on police contacts with these businesses in consideration of their renewal application.

Annually, the Police Department works with the Colorado Liquor Enforcement Division to conduct compliance checks on businesses within the Town of Pagosa Springs holding liquor licenses throughout the year. Officers do perform random checks/walk thru of businesses selling liquor in the town limits.

The vendor listed below have requested a renewal of their liquor license. Based upon a local records check, the Police Department has found the following:

Nello's Inc.; dba Nello's Bistro & Espresso Bar – Since January 1, 2014, there were no documented liquor violations at the Nello's Bistro located at 135 Country Center Drive.

ATTACHMENT(S):

None

RECOMMENDATION

It is the recommendation of the Police Chief that the Town Council,

Consider the above information when determining approval of liquor license renewals.



AGENDA DOCUMENTATION

NEW BUSINESS: VI.2

PAGOSA SPRINGS TOWN COUNCIL
DECEMBER 2, 2014

FROM: GREGORY J SCHULTE, TOWN MANAGER

PROJECT: RESOLUTION 2014-15, ADOPTING 2015 BUDGET, SETTING MILL LEVY, AND APPROPRIATING FUNDS

ACTION: REVIEW, PUBLIC COMMENT AND POSSIBLE ACTION

PURPOSE/BACKGROUND

Article 9 of the Town Charter outlines the adoption of the annual budget by the Town Council. As part of the budget process the Town Council met with Town department heads to form a preliminary budget. After eight budget work sessions and three meetings the final proposed budget is ready for discussion and adoption by resolution. All work sessions were noticed as public meetings and public testimony was received.

Section 9.5 requires a public hearing on the proposed budget and notice of this public hearing to be posted, as it has been published in the Pagosa Springs Sun newspaper at least 10 days prior to this meeting. This meeting agenda opens with a public hearing for the public to comment on the proposed budget.

GENERAL FUND BUDGET

Projected 2015 General Fund reserves are estimated at \$1,473,589. The proposed 2015 budget reflects a 2.771% cost of living increase for every employee. The mill levy of 1.576 includes 1.557 mills for general operating expenses plus .019 mills for refunds and abatements. The County Assessors assessed value is \$237,275 over the 2014 values.

CAPITAL FUND BUDGET

Projected 2015 Capital Fund reserves are estimated at \$653,706. The budget reflects an aggressive utilization of Capital Fund reserves to fund the Town's infrastructure and new projects.

ATTACHMENT(S):

Resolution 2014-15
2015 Proposed Budget – by email
Assessed valuation and mill levies

FISCAL IMPACT

The Town budget is the Council's tool to implement policies, ordinances and resolutions.

APPLICABILITY TO TOWN OF PAGOSA SPRINGS HOME RULE CHARTER

Section 3.9 of the Home Rule Charter specifies the Town Council's authority and responsibility to anticipate revenues [Section 3.9(A)2] and adopt a balanced annual budget [Section 3.9(B)].

RECOMMENDATION

It is the recommendation of the Town Manager that the Town Council, by motion,

Approve Resolution 2014-15, approve and adopt the 2015 budget, set the mill levies for 2015, and appropriate funds for the 2015 budget



TOWN OF PAGOSA SPRINGS

RESOLUTION NO. 2014-15

RESOLUTION TO ADOPT 2015 BUDGET

WHEREAS, the Town Council of Town of Pagosa Springs, Colorado (“Town”) has appointed a budget committee to prepare and submit a proposed 2015 budget to the Town Council at the proper time; and

WHEREAS, such budget committee has submitted the proposed budget to the Town Council on or before October 15, 2014 for its consideration; and

WHEREAS, upon due and proper notice, published in accordance with law, the budget was open for inspection by the public at a designated place, and a public hearing was held on December 2, 2014 and interested electors were given the opportunity to file or register any objections to the budget; and

WHEREAS, the budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, enterprise, reserve transfer and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution (“TABOR”) and other laws or obligations which are applicable to or binding upon the Town; and

WHEREAS, whatever decreases may have been made in the revenues, like decreases were made to the expenditures so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Pagosa Springs:

1. That estimated expenditures for each fund are as follows:

General Fund:	\$ 2,521,883
Capital Improvement Fund:	\$ 3,747,152
Impact Fee Fund:	\$ 410,380
Lodgers Tax Fund:	\$ 726,968
Geothermal Enterprise Fund:	\$ 101,350
Conservation Trust Fund	\$ 23,000

Total \$7,530,733

2. That estimated revenues are as follows:

General Fund:

From unappropriated surpluses	\$1,473,915
From fund transfers	\$48,500
From sources other than general property tax	\$2,397,211
From general property tax	\$75,846
Total	\$3,995,472

Capital Improvement Fund:

From unappropriated surpluses	\$1,074,319
From fund transfers	\$14,000
From sources other than general property tax	\$3,312,538
Total	\$4,400,857

Impact Fee Fund:

From unappropriated surpluses	\$558,394
From sources other than general property tax	\$23,800
Total	\$582,194

Lodgers Tax Fund:

From unappropriated surpluses	\$166,114
From sources other than general property tax	\$630,000
Total	\$796,114

Geothermal Enterprise Fund:

From unappropriated surpluses	\$91,019
From sources other than general property tax	\$41,700
Total	\$132,719

Conservation Trust Fund

From unappropriated surpluses	\$65,248
From sources other than general property tax	\$47,000
Total	\$112,248

3. That the budget, as submitted, amended and herein summarized by fund, be, and the same hereby is, approved and adopted as the budget of the Town for the 2015 fiscal year.

4. That the budget, as hereby approved and adopted, shall be certified by the Town Clerk to all appropriate agencies and is made a part of the public records of the Town.

TO SET MILL LEVIES

WHEREAS, the amount of money from property taxes necessary to balance the budget for general operating expenses is \$75,846; and

WHEREAS, the 2014 valuation for assessment of the Town, as certified by the County Assessor, is \$48,126,020.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Pagosa Springs:

1. That for the purpose of meeting all general operating expenses of the Town during the 2015 budget year, there is hereby levied a property tax of 1.557 mills, plus the mill levy for refunds and abatements of .019, for a total of 1.576 mills upon each dollar of the total valuation for assessment of all taxable property within the Town to raise \$75,846.

2. That the Town Clerk is hereby authorized and directed to immediately certify to the County Commissioners of Archuleta County, Colorado, the mill levies for the Town as hereinabove determined and set in order to comply with any applicable revenue and other budgetary limits.

TO APPROPRIATE SUMS OF MONEY

WHEREAS, the Town Council of the Town of Pagosa Springs has made provision in the budget for revenues in an amount equal to the total proposed expenditures as set forth therein; and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, as more fully set forth in the budget, including any interfund transfers listed therein, so as not to impair the operations of Town.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Pagosa Springs that the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purposes stated in the budget:

General Fund:	\$2,521,883
Capital Improvement Fund:	\$3,747,152
Impact Fee Fund:	\$410,380
Lodgers Tax Fund:	\$726,968
Geothermal Enterprise Fund:	<u>\$101,350</u>

Conservation Trust Fund:
Total

\$23,000
\$7,530,733

Adopted this 2nd day of December, 2014.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Mayor Don Volger

ATTEST:

By: _____
Town Clerk



Town of Pagosa Springs
P.O. Box 1859
Pagosa Springs, CO 81147
Phone 970.264.4151
Fax 970.264.4634

ASSESSED VALUATION AND MILL LEVIES

YEAR	2013	2014	2015
ASSESSED VALUATION	54,181,745	47,888,745	48,126,020
MILL LEVY	1.565 Mills	1.584 Mills	1.576 Mills
TOTAL REVENUES	\$84,794	\$75,856	\$75,846

I, April Hessman, certify that the attached is a true and accurate copy of the adopted 2015 budget of the Town of Pagosa Springs, Colorado.

April Hessman, Town Clerk

CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments

TO: County Commissioners¹ of Archuleta County, Colorado.

On behalf of the Town of Pagosa Springs,
(taxing entity)^A

the Town Council,
(governing body)^B

of the Town of Pagosa Springs,
(local government)^C

Hereby officially certifies the following mills to be levied against the taxing entity's GROSS \$ 48,126,020 assessed valuation of: (GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)

Note: If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area^F the tax levies must be calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET assessed valuation of: \$ _____ (NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)

Submitted: 12/03/2014 for budget/fiscal year 2015.
(not later than Dec. 15) (mm/dd/yyyy) (yyyy)

PURPOSE (see end notes for definitions and examples)	LEVY ²	REVENUE ²
1. General Operating Expenses ^H	1.557 mills	\$ 74,932
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< > mills	\$ < >
SUBTOTAL FOR GENERAL OPERATING:	1.557 mills	\$ 74,932
3. General Obligation Bonds and Interest ^J	_____ mills	\$ _____
4. Contractual Obligations ^K	_____ mills	\$ _____
5. Capital Expenditures ^L	_____ mills	\$ _____
6. Refunds/Abatements ^M	.019 mills	\$ 914
7. Other ^N (specify): _____	_____ mills	\$ _____
_____	_____ mills	\$ _____
TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]	1.576 mills	\$ 75,846

Contact person: April Hessman Daytime phone: (970) 264-4151 ext 237
(print)

Signed: _____ Title: Town Clerk

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 866-2156.

¹ If the taxing entity's boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.

² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's final certification of valuation).

AMENDED CERTIFICATION OF VALUES

TOWN OF PAGOSA SPRINGS

Name of Jurisdiction: TOWN OF PAGOSA SPRINGS

New District:

USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATIONS (5.5% LIMIT) ONLY

In accordance with 39-5-121(2)(a) and 39-5-128(1), C.R.S. The total Assessed Valuations for taxable year 2014
In Archuleta County, CO On 11/26/2014 Are:

Table with 2 columns: Description and Value. Rows include: Previous Year's Net Total Assessed Valuation: \$47,888,745; Current Year's Gross Total Assessed Valuation: \$48,126,020; (-) Less TIF district Increment, if any: \$0; Current Year's Net Total Assessed Valuation: \$48,126,020; New Construction*: \$794,612; Increased Production of Producing Mines**: \$0; ANNEXATIONS/INCLUSIONS: \$0; Previously Exempt Federal Property**: \$0; New Primary Oil or Gas production from any Oil and Gas leasehold or land (29-1-301(1)(b) C.R.S.)***: \$0; Taxes collected last year on omitted property as of August 1 (29-1-301(1)(a) C.R.S.) Includes all revenue collected on valuation not previously certified. \$0.00; Taxes Abated or Refunded as of August 1 (39-10-114(1)(a)(I)(B) C.R.S.): \$934.12

This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec. 20(8)(b), Colo. Constitution
* New Construction is defined as: Taxable real property structures and the personal property connected with the structure.
** Jurisdiction must submit a certification to the Division of Local Government in order for a value to be accrued (DLG52 & 52A)
*** Jurisdiction must submit an application to the Division of Local Government in order for a value to be accrued. (DLG 52B)

USE FOR 'TABOR' LOCAL GROWTH CALCULATIONS ONLY

In accordance with the Art. X, Sec. 20, Colorado Constitution and 39-5-121(2)(b), C.R.S. The Actual Valuations for the taxable year 2014
In Archuleta County, CO On 11/26/2014 Are:

Table with 2 columns: Description and Value. Rows include: Current Year's Total Actual Value of All Real Property*: \$260,650,712; ADDITIONS TO TAXABLE REAL PROPERTY: Construction of taxable real property improvements**: \$4,506,910; ANNEXATIONS/INCLUSIONS: \$0; Increased Mining Production***: \$0; Previously exempt property: \$0; Oil or Gas production from a new well: \$0; Taxable real property omitted from the previous year's tax warrant. (Only the most current year value can be reported): \$88,950; DELETIONS FROM TAXABLE REAL PROPERTY IMPROVEMENTS: Destruction of taxable property improvements. (\$9,040); Disconnections/Exclusions: \$0; Previously Taxable Property: \$0

* This includes the actual value of all taxable real property plus the actual value of religious, private schools, and charitable real property.
** Construction is defined as newly constructed taxable real property structures.
*** Includes production from a new mine and increase in production of a producing mine.

NOTE: All levies must be certified to the Board of County Commissioners no later than December 15, 2014



AGENDA DOCUMENTATION

NEW BUSINESS: VI.3

PAGOSA SPRINGS TOWN COUNCIL

DECEMBER 02, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

**PROJECT: DIRECTION CONCERNING ALLOWABLE USES FOR CARGO SHIPPING CONTAINERS AS
ACCESSORY STRUCTURES**

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Planning Commission (PC) has been discussing a few potential revisions to the LUDC for some time now, and would like to bring these potential revisions to Town Council (TC) for direction on how the TC would like the PC to proceed. The following 5 topics have been discussed by the Planning Commission:

- 1) Use of Cargo Shipping Containers for permanent and temporary accessory structures.
- 2) The current prohibition of Metal siding in Mixed Use districts, and the idea to develop architectural design standards instead of prohibiting a certain building siding material.
- 3) Regulating or Prohibiting Electronic Variable Message Signs.
- 4) Consider reducing the allowable minimum lot size in R-12 and R-18 districts.
- 5) Consider removing the minimum density for the R-18 district.

On November 18, 2014, the Planning Commission:

"APPROVED A RECOMMENDATION TO THE TOWN COUNCIL THAT IT PROVIDE DIRECTION TO THE PLANNING COMMISSION AND STAFF AS TO PROCEEDING WITH POTENTIAL LUDC REVISIONS FOR THE FOLLOWING TOPICS: 1) ALLOWABLE USES OF CARGO SHIPPING CONTAINERS: PROHIBITING OR LIMITING THE USE OF CARGO SHIPPING CONTAINERS; 2) THE CURRENT LUDC PROHIBITION OF METAL SIDING IN COMMERCIAL AND MIXED USE ZONE DISTRICTS AND CONSIDERATIONS IN RESIDENTIAL ZONED DISTRICTS FOR DESIGN CRITERIA; 3) CONSIDER SMALLER SINGLE FAMILY DWELLING LOT SIZES IN THE R-12 AND R-18 DISTRICTS; AND 4) ELECTRONIC VARIABLE MESSAGE SIGNS, PROHIBITING OR LIMITING THE USE."

The Town's LUDC defines an Accessory Structure As **"A building detached from a principal building located on the same lot and incidental and subordinate to the principal (primary) building or use."**

Currently, The LUDC prohibits metal sided buildings in the Mixed Use and Commercial districts, ultimately prohibiting the Permanent Use of Cargo Shipping Containers. The LUDC does not address metal sided buildings or require architectural design criteria for all other districts, indicating the allowance of the permanent use of Cargo Shipping Containers in residential districts.

The current prohibition on Metal siding, with the exception of allowing a metal wainscoting siding, is for the following commercial and mixed use zoning districts:

- MU-R = Mixed-Use Residential
- MU-C = Mixed-Use Corridor
- MU-TC = Mixed-Use Town Center
- C = Commercial

Metal siding and metal buildings are allowed in all residential zoning districts:

- R-A = Agricultural/Residential
- R-T = Rural Transition
- R-6 = Low Density Residential, up to 6 dwelling units per acre.
- R-12 = Medium Density Residential, up to 12 dwelling units per acre.
- R-18 = High Density Residential, up to 18 dwelling units per acre.

In 2012, Town Planning Staff presented to the planning commission a developing issue and concern with Cargo Shipping Containers. These containers were being placed around town for permanent use without a building permit and without regard to property line setbacks and many were in poor shape and not set level. This precipitated a large discussion and a proposal to Town Council to consider LUDC revisions to more specifically address the allowable uses for such containers. After a presentation to Town Council on August 7, 2012, Mayor Aragon directed staff to conduct a work session on the matter and bring additional information back to Town Council for consideration.

On August 16, 2012, a work session was conducted and then on September 17 2012 an additional work session was conducted. The work sessions included two members from the Planning Commission, Maez and Parker, and two members from Town Council, Cotton and Volger. The work sessions resulted in proposed LUDC language revisions and incorporated into Ordinance 776.

On October 16, 2012, the PC approved a recommendation for the TC to approved Ordinance 776 amending the LUDC regarding allowable uses for Cargo Containers.

On October 25, 2012, Staff presented Ordinance 776, amending the LUDC regarding allowable uses for Cargo Containers. After receiving some unsupportive responses from TC, Mayor Aragon tabled the item and directed staff to have an additional work session to discuss the matter further.

The item had subsequently been dropped in priority due to continued staff shortages and other prioritized projects. The planning director re-engage the Planning Commission in early 2014 for further discussions on the matter.

Previously proposed and recommended LUDC revisions in Ordinance No. 776 included the following:
LUDC section 4.3.4.D.5. (Outdoor Storage). Cargo Shipping Containers shall be prohibited in all zoning districts except as allowed under LUDC section 4.3.4.D.5 and as allowed as temporary uses and structures in LUDC sections 4.4.2.G, 4.4.2.H and shall comply with LUDC section 4.3 "Accessory uses and Structures". Cargo Shipping Containers are allowed in Light Industrial (LI) Zoned Areas in compliance with LUDC section 4.3 with a maximum of 800 square feet allowed. Cargo Shipping Containers shall be screened and painted or sided to match the existing structure and/or surrounding environment. Site placement and painting/screening colors of Cargo Shipping Containers within Light Industrial (LI) zoning district, shall be approved at a Conditional Use Permit (CUP) Public Hearing by the Planning Commission as detailed in LUDC section 2.4.4. Cargo Shipping Containers shall be used as accessory to a primary structure and the use of such shall be directly associated with the primary structure use, unless as specified in LUDC section 4.4.2.H. Cargo Shipping Containers in place in any zoning district at the time of this code amendment, are considered non-conforming and shall comply with LUDC Article 9.

LUDC section 4.4.2.G. (Temporary Uses and Structures Allowed). Cargo Shipping Containers can be allowed for temporary use in areas zoned Commercial (C), Mixed Use Corridor (MU-C) and Mixed Use Town Center (MU-TC) for a maximum of 180 days. Site placement of Cargo Shipping Containers within the MU-C, MU-TC and C zoning districts, shall be approved at a Conditional Use Permit (CUP) Public Hearing by the Planning Commission as detailed in LUDC section 2.4.4. One additional 180 day extension period may be requested and administratively approved by the Planning Director, if the extension is requested and approved prior to the expiration of the first 180 day period. A maximum of 360 days consecutive use will be allowed. Additional approval can be considered in compliance with LUDC section 4.4.2.H below, an approved change of use or change in ownership of the property.

LUDC section 4.4.2.H. (Temporary Uses and Structures Allowed). A Cargo Shipping Container may be allowed on a temporary basis in any zoned area for the duration of a issued and current building permit. A Cargo Shipping Container shall not be placed on the premise until a Building Permit is issued by the Town of Pagosa Springs Building Department. The Cargo Shipping Container shall be removed from the premise, prior to a Certificate of Occupancy (CO) or Temporary Certificate of Occupancy (TCO) or Certificate of Completion (CC) can be issued to occupy the premise or building addition. The Cargo Shipping Container use

must be relative to the construction project the building permit is issued for. Site placement of the container shall comply with property line set back distances in LUDC article 5.

LUDC Article 12, Definitions (Add following definition):

Cargo Shipping Container:

Cargo Shipping Containers are large, usually rectangular-shaped, steel constructed units that are built and used to carry goods for transport by sea, road, rail or air. Cargo Shipping Containers used in international trade are of standard sizes and dimensions to facilitate their easy transfer from one transport mode to another. The most common shipping container transported by sea, road or rail is either 20 or 40 feet long by 8 feet wide and 8 feet 6 inches high. Cargo Shipping Containers have become popular for use as accessory use structures, mainly for storage.

ANALYSIS:

Follow up discussions by the Planning Commission in 2014 resulted in the following opinion of the Planning Commission.

Cargo Shipping Containers:

The Commissioners discussed the adapted re-use and affordability of the cargo shipping containers and concluded that:

- a. The current LUDC regulations are not sufficient to regulate the use and placement of cargo containers, additional language is necessary to address location, appearance and condition of cargo containers. The Commission felt that the containers could be categorized as an accessory structure with specific standards – concluded that this could be accomplished as follows:
 - New Addition 4.3.4 E – for Cargo Shipping Containers as an accessory structure with the following standards:
 1. Cargo Shipping Containers shall meet the general requirements outlined in LUDC Section 4.3.3, general standards for all accessory uses and structures.
 2. Location - outline that the unit location must meet setback requirements and located at the rear of primary structure.
 3. Colors and design – must be compatible with the color, material and incorporated into the overall design of the residential/commercial property.
 4. Building permits and enforcement should be outlined.
 - New Definition to Section 12 for “accessory structure” and include cargo shipping containers.
- b. Permanent and Temporary Uses: Allow for permanent structure if meets location, appearance and condition of containers outlined above. Allow for temporary placement on the property if the owner has a valid one-time storage reason for its use and it is placed outside of the setback area. Could be approved through a Conditional Use Permit or Temporary Use Permit with the unit removed within six months from approval date.
- c. Screening: The Commission discussed screening from the view of all property lines but concluded that if the containers met the color and design criteria, no screening would be necessary.

Additionally, The Planning Director provides the following additional considerations:

Based on the guidance provided in the LUDC purpose, Comprehensive Plan and Downtown Master Plan, referring to: promoting quality of life for local citizens, visitors, and business owners; ensuring a more attractive, efficient, and livable community; project a positive image to encourage economic development in the Town; and protect property values of both the subject property and surrounding areas,

~ Staff recommends considering prohibiting in the R-6, R-12 and R-18 residential zone districts.

This could be achieved by adopting Architectural Design Standards as proposed with the concurrent Metal Sided Building issue.

~ Given lot sizes in the R-T and R-A districts, maybe allow Cargo containers for permanent use.

~ Permanent Metal sided buildings are currently prohibited in all Mixed Use and Commercial districts,

which ultimately prohibits the permanent use of cargo shipping containers. If somehow allowed on a permanent basis, limit how many containers, possibly in relation to the primary structure square footage.

ANALYSIS: GUIDANCE FROM TOWN ADOPTED PLANS AND CODES:

As a means to provide some context in the analysis of considering allowable uses for Cargo Shipping Containers, Staff has included the following excerpts from the Land Use Development Code (LUDC), the Comprehensive Plan and the Downtown Master Plan.

Land Use Development Code (LUDC)

Article 6: Development and Design Standards:

6.1.1. PURPOSE

This Section includes standards that must be followed when developing property or establishing new uses of property within the boundaries of Pagosa Springs, to ensure the protection of the health, welfare, safety, and quality of life for local citizens, visitors, and business owners. The development and design standards in this chapter shall apply to the physical layout and design of all development, unless exempted by this Land Use Code. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community.

6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

6.7.1 PURPOSE

This Section is intended to promote high-quality commercial and mixed-use building design, encourage visual variety in non-residential areas of the Town, foster a more human scale and attractive street fronts, project a positive image to encourage economic development in the Town, and protect property values of both the subject property and surrounding areas. In addition, this Section intends to create a distinct image for important or highly visible areas of the Town.

6.8.1 PURPOSE

The purpose of these standards is to ensure that multi-family and townhome developments exhibit creativity and variety in design features to avoid the creation of bleak, monotonous streetscapes and neighborhoods.

The Comprehensive Plan (CP)

Generally identifies and promotes healthy and attractive neighborhoods and the need to protect the character of neighborhoods by providing quality developments, compatible with existing and proposed developments.

CP Policy G-4(b) Infill and Redevelopment Designed to be Compatible:

Ensure compatible infill and redevelopment by considering aspects such as the scale and massing of buildings, setbacks, relationship of entrances to the street and public spaces, landscaping, sidewalks, and other broad design issues that provide consistency and compatibility of new structures with older structures.

Policy G-6(a) Development Contributes to Positive Image and Livability of Town

Ensure that new private development (residential and nonresidential) contributes to furthering the development of Pagosa Springs as a sustainable and livable community and fosters the town's eclectic and unique architectural qualities. Characteristics may be different for specific parts of the community, and new development should not lead to standard "sameness" for all buildings or all parts of town.

The Downtown Master Plan (DMP)

Generally supports building design compatibility.

FP7. Ensure that new infill and redevelopment contain site and architectural elements that reflect the desired character of the community, by employing design Guidelines.

Chapter 6: Design Guidelines:

- ~ Supports architectural character of buildings relative to the existing context, and maintaining the character of an authentic rural mountain Town.
- ~ new buildings, redevelopment and building renovations should respect the small town character of Pagosa Springs. In General, building should have a high degree of visual interest that derives from the use of a traditional building material palette.
- ~ A new building should be compatible with the traditional architectural features exhibited by existing

buildings in town, reinforcing traditional building patterns.

COMMENTS RECEIVED FROM OTHER COLORADO COMMUNITIES:

In 2012, staff send out a request for comments on the following question(s):

QUESTION: *We would like to know how each jurisdiction is dealing with metal Cargo Shipping Containers. Specifically, situations when these units are placed directly against a building such as a retail store (sometimes 2 or more deep). These are usually intended to be temporary in nature but have become permanent exterior storage. How are these different from a site built or modular storage building from a code stand point? Permitting? Ignoring? Concerns? (or lack there of ?) Does your jurisdiction have Land Use Regulations that prohibit the use of these on a permanent basis?*

Staff received the Following responses:

I haven't had to with the issue but I highly doubt that it would be allowed by our planning and zoning people

- City of Westminster

Lakewood does not allow these in other than a temporary basis during construction. So our planning and zoning department keep me from having to deal with it

-City of Lakewood

The Lincoln County zoning resolution does not even mention this type of structure. Your inquiry is very timely in that there ate thousands of these containers in this country and from all I know they are not being reused. Eventually our ordinances are going to have to address this potential problem

-Lincoln County

Cargo storage containers are not allowed in any zoning district except light commercial in the Town of Erie. The light commercial zoning would require a special review for the use of any outside storage including storage containers (Zircons).

-Town of Erie

This would be First; a fire department issue, for access etc. Second; a planning department issue, most likely not allowed by land use, and Third; a building department issue because of use, i.e. is this now a S1 or S2 or maybe even an H category ? this is probably not part of the original building plan. Application would need to be submitted for approval for any additional storage and impact to the building site. It sounds like the original building is not big enough for their needs. We would address this with a stop work order and then sort through it.

-Town of Avon

In unincorporated Boulder County the can be approved as storage sheds. They need to meet the minimum zoning and Building Code setbacks. If they are for temporary storage and intended to be removed within six months, we issue a temporary building permit. We don't require them to be engineered or tied down. The only concern that we or the citizens have is that they are unsightly.

-Boulder County

This would fall under our storage and screening land use regs. It could also be permitted or not permitted under a PUD agreement.

-City of Federal Heights

Our Planning/Zoning department handles them, and are very restrictive on length of use.....if they don't comply, our Code Enforcement folks issue violation notices, a trip to court. From a building standpoint, I'm not worried about them. If they can make it over on a ship, and can support the weight of several more above, I shouldn't be too concerned.

-City of Greeley

In Englewood temporary structures are only allowed when a permit application for a permanent structure has been submitted. Land Use Regulations prohibit permanent use of temporary structures in all zone districts.

-City of Englewood

I believe they are the same as a modular storage building and temporary structures would have to be set less than 180 days (3103.1) and require a permit if over 120 Sq. Ft. (3103.1.1). I would go on to include separation

(602) from the building they are placed against if fire separation was necessary. These cannot be used as permanent structures unless they are on a foundation, have engineering etc. but I suppose it depends on the jurisdiction and number of complaints it takes to get the Mayor's attention. Here, they attract attention and it only takes a few complaints to the Mayor before I hear about it so we don't have much tolerance. We also have Land Use Regulations which makes it difficult to keep these things around for very long. Sometimes we allow them to be used to store merchandise if construction is being done on the retail space they belong to but only temporarily (usually less than 180 days) then the separation may not be a serious issue.

-City of Longmont

In Littleton, outdoor storage containers are regulated by the zoning official and not allowed for an extended period

-City of Littleton

Thankfully, our zoning regulations were recently changed to prohibit the use of storage/shipping containers as permanent accessory buildings. We do allow them but only for temporary uses. We do though, have lots of them being used around the City for various purposes. Most are located in our industrial zoned districts and do present a myriad of problems.

When we encounter them, we try to treat them like any other building. We require owners to submit engineering information that they meet our design criteria as well as well as foundation/support requirements and hold downs. I don't believe they are any different than pre-built "Tuff Sheds" or other pre-manufactured buildings. Just because they weren't originally constructed or contemplated for building uses, when a person chooses to use them for shelter then they are buildings.

If you are under the I-codes, I believe the definition of "structure" in the IBC may be all that you need to require permitting. You may want to consult with your Town Attorney though and get his take. Apparently, there is some case law on the books regarding the Town of Erie that tried to regulate and deny their use under the UBC. They were sued and lost as the courts took the position that they are not "buildings" and therefore, due to the definition of building in the UBC, could not be regulated under the building code. Personally, if true (I never saw the case) I think that's a load of bull, but it wouldn't surprise me if the courts ruled in that direction.

Until I am told otherwise, we'll treat them as a structure and by definition all structures notwithstanding the exceptions to permit, can be regulated by the jurisdiction.

In my opinion though, changing your land use and zoning regs. to prohibit them would help you. At least then you would have two separate regulations in your back pocket to use.

-City of Commerce City

In order for zoning to be able to regulate setback requirements we issue a permit as a modular storage unit. I require engineering for wind and snow load and a tie down system, after that they could set indefinitely.

-City of Ft. Collins

In Fort Morgan we are in the somewhat in the same boat as you, nobody here really knows how to handle these storage units (we don't have many). The only thing required at this time is they do not cause a hazard where the unit is set on the property) i.e. blocking emergency vehicles , the City's utility trucks, trash trucks, the flow of traffic on and off the lot and they don't along take up any required off street parking. So I would be interested in seeing what you come up with.

-City of Ft. Morgan

We allow storage containers free if under 200 sq. ft. Beyond that they require permits and tie downs like a storage building.

-Las Animas County

We treat them like a building and require permits. Mostly, they are just for storage but I have seen web sites where they are adapted to multifamily dwellings stacked on top of each other in various configurations. We have reviewed the structural engineering and they are designed to be stacked 10 high loaded and on a rolling ship at sea. We require that a foundation be provided (could be a level structural fill) and that a tie down method be employed designed by an engineer

-Garfield County

Our land use regulations prohibit these boxes to be used unless they have a building permit.

-Mountain Village

These are a dilemma – I believe that the County is proposing changes to the LDC (land development code) to attempt to address this issue. Currently the Bldg Dept would allow for 180 days under Section 3103 then would need to become a permanent structure and permitted as such, as would any other type of structure of use of building materials.

-Arapahoe County

We are a bit different in Georgetown as the entire town is a historical district. The DRC, a historical review commission, would not allow any of these to be used for anything other than storage on a building site with an active building permit. Makes it easy for us to ignore the real issue of what are they and what should we require.

-Georgetown

The shipping cartons are noncombustible unless they add something that is not classified that way. If they set them in place without a permanent foundation at the least they would be of a temporary nature and would have a designated period of use, maybe with a renewable clause. Exits would likely not be of concern under that use. I would likely take them in on a "special use permit" and renew their use every year or so. I have been out of the mainstream for several years so don't pay too much attention to what I say.

-Personal regards

Pete Tyree, ICC

We have allow a few containers to be used for storage. They're considered a conditional use and must be permitted via our land use regulation. So far we have approved them only on larger tract of land (i.e. 35 plus acres). Some of the standard conditions that are placed on these Condition Use Permits are: They must be set off the ground to prevent rusting, must be adequately anchored, must have ventilation installed, must be painted a color that blends this the area surroundings, and most important they must be modified to allow a person to open them from the inside (in about all of the case they have installed a personnel door). It is also a condition that the work be done and inspected within a specified time frame

-Huerfano County Government

I've had to deal with these "containers" for years. I use our "Z" zoning ordinance combined with the "B" building code ('03) to address the issue.

Detached:

- 1. "B"-If the unit is under 120 sf no permit is required.*
- 2. If the unit is >120 sf <400 sf. A permit is required but does not have to be on a permanent foundation (frost protection).*
- 3. The unit must meet snow and wind loads per a registered design professional, or approved by the Building Official (me).*
- 4. "Z"-has to meet the City's setback and lot coverage requirements, depending upon which zoning district it is located in, or if variance is requested, approved by Planning Commission.*
- 5. Must be located not less than 10' from the principle structure.*

Attached:

- 1. "B"-Must be on a permanent foundation to match or exceed the existing structure (regardless of sq. footage), or approved by the CBO (me).*
- 2. Must meet the requirements the "Codes", depending on the occupancy, '03 IBC, IRC, IMC, IFC & IECC adopted by the City.*

Usually the owner(s), once informed of these requirements, say to heck with it and don't proceed with the project

-City of Alamosa

FISCAL IMPACT

There will be some fiscal impact for the Town Attorney to review proposed LUDC revisions and to prepare an ordinance for any determined LUDC revisions. These costs will not be incurred until TC accepts any proposed revisions.

RECOMMENDATION

Though the following has not been approved or denied by the Planning Commission, The Planning Director provides the following recommendations, based on all previous research and discussions that have occurred.

- 1) Allow for the Temporary Use of Cargo Shipping Containers as an Accessory Structure with an Administratively Approved Temporary Use Permit (TUP) for periods up to 180 days, in All Zone Districts. Allow for up to two - 180 day extensions.**
- 2) Prohibit the Permanent Use of Cargo Shipping Containers as an Accessory Structure in the R-6, R-12 and R-18 residential zone districts.**
- 3) Allow the Permanent Use of Cargo Shipping Containers as an Accessory Structure in all Mixed Use and Commercial zoned districts, with limitations (possibly one container only and limit to square foot ratio with primary structure and fully screened/buffered from view). Limitations or prohibition should also be considered for portions of the Down Town District, Historic District or within the entire MU-TC District.**
- 4) Allow the Permanent Use of Cargo Shipping Containers for Accessory Uses in Light Industrial zone districts.**
- 5) Allow the Permanent Use of Cargo Shipping Containers for Accessory Uses in the Residential Agricultural (R-A) and Rural Transitional (R-T) zone districts, with limitations (possibly one container only and limit to square foot ratio with primary structure and fully screened/buffered from view).**

It is the recommendation of the Planning Director and the Planning Commission that the Town Council provide direction, as specific as possible, on how they would like Staff and the Planning Commission to proceed regarding Cargo Shipping Containers. Some alternate actions have been provided for TC's consideration. In Alternate Action A, staff has provide a selection of recommendations to consider choosing from.

ALTERNATIVE ACTIONS

- A) Direct Staff and the Planning Commission to Proceed with Developing Proposed LUDC Revisions to Address the Following Identified Preferences for Allowing or Prohibiting the Permanent and/or Temporary Use of Cargo Shipping Containers as Accessory Structures:**
 - a) Prohibit or Allow the Temporary Use of Cargo Shipping Containers as an Accessory Structure with an administratively approved 180 day Temporary Use Permit in all Town Districts.**
 - b) Prohibit or Allow the Permanent Use in All Town Zoning Districts.**
 - c) Prohibit or Allow the Permanent Use in all Residential Zone Districts.**
 - d) Prohibit or Allow the Permanent Use in the RA and RT Districts**
 - e) Prohibit or Allow the Permanent Use in All Mixed Use and Commercial Districts.**
 - f) Other preferences as determined**

- B) Direct Staff and the Planning Commission to Abort any Further Discussions or Recommendations Regarding Allowable Uses of Cargo Shipping Containers.**

- C) Direct Staff and the Planning Commission otherwise...**



AGENDA DOCUMENTATION

NEW BUSINESS: VI.4

PAGOSA SPRINGS TOWN COUNCIL

DECEMBER 02, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

**PROJECT: DIRECTION CONCERNING METAL SIDED BUILDING PROHIBITION VERSUS
DEVELOPING ARCHITECTURAL DESIGN STANDARDS**
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Planning Commission (PC) has been discussing a few potential revisions to the LUDC for some time now, and would like to bring these potential revisions to Town Council (TC) for direction on how the TC would like the PC to proceed. The following 5 topics have been discussed by the Planning Commission:

- 1) Use of Cargo Shipping Containers for permanent and temporary accessory structures.
- 2) The current prohibition of Metal siding in Mixed Use districts, and the idea to develop architectural design standards instead of prohibiting a certain building siding material.
- 3) Regulating or Prohibiting Electronic Variable Message Signs.
- 4) Consider reducing the allowable minimum lot size in R-12 and R-18 districts.
- 5) Consider removing the minimum density for the R-18 district.

On November 18, 2014, the Planning Commission:

"APPROVED A RECOMMENDATION TO THE TOWN COUNCIL THAT IT PROVIDE DIRECTION TO THE PLANNING COMMISSION AND STAFF AS TO PROCEEDING WITH POTENTIAL LUDC REVISIONS FOR THE FOLLOWING TOPICS: 1) ALLOWABLE USES OF CARGO SHIPPING CONTAINERS: PROHIBITING OR LIMITING THE USE OF CARGO SHIPPING CONTAINERS; 2) THE CURRENT LUDC PROHIBITION OF METAL SIDING IN COMMERCIAL AND MIXED USE ZONE DISTRICTS AND CONSIDERATIONS IN RESIDENTIAL ZONED DISTRICTS FOR DESIGN CRITERIA; 3) CONSIDER SMALLER SINGLE FAMILY DWELLING LOT SIZES IN THE R-12 AND R-18 DISTRICTS; AND 4) ELECTRONIC VARIABLE MESSAGE SIGNS, PROHIBITING OR LIMITING THE USE."

The Town's LUDC prohibits Metal Sided Buildings in all Mixed Use and Commercial districts within the Town. The Town has received a number of inquiries over the last few years regarding constructing metal side buildings. Many of these requests came from property owners that want to expand their existing metal sided building or from those that wanted to build near existing metal buildings.

On August 13, 2013, the Town Planning Director brought before the Planning Commission the consideration of looking at the LUDC's prohibition on metal siding in all Mixed Use and Commercial districts. Staff was directed to look at potential LUDC revisions to bring back to the Planning Commission.

On November 12, 2014, the PC held a work session on the matter and discussions revolved around considering incorporating Architectural Design Guidelines instead of prohibiting Metal siding. Architectural Design Guidelines would set a standard for building design features like; roof overhangs, defined entrances, broken roof lines, modulated facades, window/door trim, multiple material use, ect. The PC also briefly discussed these design guidelines incorporated into Commercial, Mixed Use and Residential zone districts, congruent with the purposes outlined in the LUDC, Comp Plan and Downtown Master Plan.

On November 18, 2014, the PC approved a recommendation to bring this matter before TC for further direction on whether the TC would like the PC to continue to work on this subject.

LAND USE DEVELOPMENT CODE PROHIBITION IN COMMERCIAL AND MIXED USE DISTRICTS

Current LUDC section 6.7.3.B.2 prohibits metal sided buildings as follows:

6.7.1. PURPOSE

This Section is intended to promote high-quality commercial and mixed-use building design, encourage visual variety in non-residential areas of the Town, foster a more human scale and attractive street fronts, project a positive image to encourage economic development in the Town, and protect property values of both the subject property and surrounding areas. In addition, this Section intends to create a distinct image for important or highly visible areas of the Town.

6.7.2. APPLICABILITY

Development of any structure that will contain a use categorized in Table 4.1-1, *Table of Allowed Uses*, as a commercial use, or a mix of commercial and other uses, shall comply with the general standards of Sections 6.7.3. In addition, the following supplemental standards are applicable to properties within the listed areas or of the listed types:

- A. Properties with frontage along Highway 160 or Highway 84: Section 6.7.4.
- B. Properties within the MU-TC district (including the ODB and ODE overlay districts): Section 6.7.5.
- C. Properties within the OSHB overlay district: Section 6.7.6.
- D. Buildings of 18,000 square feet or greater: Section 6.7.7.

In case of conflict, the more restrictive standard as determined by the Director shall apply.

6.7.3. GENERAL STANDARDS

B.2. Building Materials

- a. Unless otherwise provided in this Land Use Code, a wide range of exterior building materials is acceptable, including but not limited to wood, brick, stone, and stucco. Materials appearing to derive from local natural settings, such as timber and native stone, are encouraged.
- b. Metal-sided buildings are prohibited, although metal roofing is acceptable. Metal wainscot treatments not exceeding four feet in height is acceptable.
- c. Plastic may be considered for sign letters only.

ANALYSIS:

It would appear the current LUDC prohibition of metal siding was based on a typical and common Metal Building being a box like structure having no architectural design features like; roof overhangs, defined entrances, broken roof lines, modulated facades, window/door trim, ect... The current prohibition on Metal siding, with the exception of allowing a metal wainscoting siding, is for the following commercial and mixed use zoning districts:

MU-R = Mixed-Use Residential
MU-C = Mixed-Use Corridor
MU-TC = Mixed-Use Town Center
C = Commercial

Please Note: metal siding and metal buildings are allowed in all residential zoning districts:

R-A = Agricultural/Residential
R-T = Rural Transition
R-6 = Low Density Residential, up to 6 dwelling units per acre.
R-12 = Medium Density Residential, up to 12 dwelling units per acre.
R-18 = High Density Residential, up to 18 dwelling units per acre.

There has been great advances in the Metal Building and Metal siding industry over the last few years. Some of these new advances have enhanced the appearance of metal sided buildings with better looking metal siding products and incorporating additional exterior architectural features. Some of the available products have a better appearance than some allowable wood siding panels available for instance.

There may be some reasonable requests for allowing an expansion of an existing metal sided building to be metal sided, as a means for consistency with the current structure, maybe, with the incorporation of additional architectural features. There are areas of Town that currently have a number of metal sided buildings, for example, Trinity Lane, Gold Mine Drive and 14th and 15th Streets.

ANALYSIS: INPUT FROM OTHER COLORADO COMMUNITIES

The Planning department contacted other municipalities to inquire about their guidelines for commercial metal sided buildings. The information and responses that were provided are as follows:

Town/Contact	Comments	Additional Info.
<p><u>Durango, City of</u> Contact: Crystal Twedt</p>	<p>The City of Durango doesn't have any specific guidelines for commercial metal sided buildings other than the applicant have to meet the Commercial Design Guidelines and meet the requirements of the adopted Building Code. The Commercial Design Guidelines have objectives for building design to remain traditional in terms of scale, forms, and materials and appear in balance with the natural settings of Durango. Once they receive design approval, they would need to submit for a building permit for Building Code review.</p>	<p>Guidelines are available at "http://docs.durango.gov.org/sirepub/viewdoc.aspx?cabinet=Regulations and Standards&docid=2046807".</p>
<p><u>Englewood, City of</u> Contact: Audra Kirk</p>	<p>The City of Englewood Zoning Department does not regulate metal sided buildings. They treat them as any other building that must meet the setback, height maximum and lot coverage maximum for the zone district in which they are located.</p>	
<p><u>Larimer County</u> Contact: Susan Wheller 1/10/14</p>	<p><i>At Larimer County, all commercial buildings whether they are new or being added onto, require a Colorado Licensed Architect to design for use and placement in relation to other buildings and Colorado Registered Engineer to design the structural aspects of the building depending on snow load and wind loading.</i></p>	<p>Website – "www.larimer.org/building"</p>
<p><u>Longmont, City of</u> Contact: Joni Marsh 1/10/14</p>	<p><i>They have adopted standards for metal commercial buildings which are fairly limiting. They have found some creative ways to make things work with additions where compatibility with existing buildings seems reasonable. The non-residential design standards are in 15.02.120. Section A.11 references the metal portion of the guidelines. They have struggled with metal buildings from time to time but have found some ways to allow with additional materials (stucco, brick etc) added to the base, and even painting can make a huge difference.</i></p>	<p>Website: "http://www.ci.longmont.co.us/planning/dev_code/index.htm"</p>
<p><u>Mountain Village, Town of</u> Contact: Chris Hawkins</p>	<p>The Town of Mountain Village does not allow buildings with only metal as the material for their commercial buildings.</p> <p>They require a percentage mix of 35% stone and stucco in the main Village Center area, and 35% stone, wood and metal as an accent material in other areas. Where metal is used as an accent material, they allow rusted corrugated, rusted sheet metal panels, zinc panels and patina copper panels. They occasionally see other metal panels that can be approved as specific approvals of our Design Review Board.</p>	
<p><u>Steamboat, City of</u> Contact: Tyler Gibbs</p>	<p>This is a matter of design standards and guidelines as they may be applied to different zone districts. Metal sided (prefabricated) buildings typically come with pre-finished, painted metal panels and a limited selection of standard doors and windows all hung on a modular steel frame system. These are probably fine in industrial areas or as the rear portions of more prominent commercial buildings. However, the color, finish, roof pitch, proportions of doors and windows, etc. may not fit in well with older established areas of town.</p> <p>Mr. Gibbs suggested design guidelines for those parts of town that are most sensitive to maintaining a higher quality architectural character. He could send some simple examples of design standards that would address the fundamental issues. The guidelines would need to address more than just the wall material. Metal siding can also be used to create very beautiful buildings that could be appropriate in any area of town, so just prohibiting metal may not be the right answer.</p>	<p>Example guidelines are attached.</p>

<p>Telluride, Town of Contact: James Van Hooser</p>	<p>General Standards 31 and 32 discuss appropriate building materials in town and GS 38 specifically discusses sheds. At least in Telluride, the important thing when considering metal siding is: does it fit in with the historic nature of the town? GS 32 A.7 specifically mentions that corrugated metal may be considered in the Warehouse/Commercial Treatment Area and on secondary structures – but it has to look right. They don't allow people to simply throw up modern-day prefabricated buildings. Additionally, any proposed construction must go through their Historic Architecture and Review Commission process.</p>	<p>Design guidelines are available at http://co-telluride.civicplus.com/DocumentCenter/View/126</p>
<p>Vail, Town of Contact: Warren Campbell</p>	<p>The Town of Vail do not allow metal sided buildings. They have approved metal buildings that are entirely sided with a board-batt and other wood products.</p>	

ANALYSIS: GUIDANCE FROM TOWN ADOPTED PLANS AND CODES:

As a means to provide some context in the analysis of considering allowable uses for Cargo Shipping Containers, Staff has included the following excerpts from the Land Use Development Code (LUDC), the Comprehensive Plan and the Downtown Master Plan.

Land Use Development Code (LUDC)

Article 6: Development and Design Standards:

6.1.1. PURPOSE

This Section includes standards that must be followed when developing property or establishing new uses of property within the boundaries of Pagosa Springs, to ensure the protection of the health, welfare, safety, and quality of life for local citizens, visitors, and business owners. The development and design standards in this chapter shall apply to the physical layout and design of all development, unless exempted by this Land Use Code. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community.

6.7 COMMERCIAL AND MIXED-USE DESIGN STANDARDS

6.7.1 PURPOSE

This Section is intended to promote high-quality commercial and mixed-use building design, encourage visual variety in non-residential areas of the Town, foster a more human scale and attractive street fronts, project a positive image to encourage economic development in the Town, and protect property values of both the subject property and surrounding areas. In addition, this Section intends to create a distinct image for important or highly visible areas of the Town.

6.8.1 PURPOSE

The purpose of these standards is to ensure that multi-family and townhome developments exhibit creativity and variety in design features to avoid the creation of bleak, monotonous streetscapes and neighborhoods.

The Comprehensive Plan (CP)

Generally identifies and promotes healthy and attractive neighborhoods and the need to protect the character of neighborhoods by providing quality developments, compatible with existing and proposed developments.

CP Policy G-4(b) Infill and Redevelopment Designed to be Compatible:

Ensure compatible infill and redevelopment by considering aspects such as the scale and massing of buildings, setbacks, relationship of entrances to the street and public spaces, landscaping, sidewalks, and other broad design issues that provide consistency and compatibility of new structures with older structures.

Policy G-6(a) Development Contributes to Positive Image and Livability of Town

Ensure that new private development (residential and nonresidential) contributes to furthering the development of Pagosa Springs as a sustainable and livable community and fosters the town's eclectic and unique architectural qualities. Characteristics may be different for specific parts of the community, and new development should not lead to standard "sameness" for all buildings or all parts of town.

The Downtown Master Plan (DMP)

Generally supports building design compatibility.

FP7. Ensure that new infill and redevelopment contain site and architectural elements that reflect the desired character of the community, by employing design Guidelines.

Chapter 6: Design Guidelines:

- ~ Supports architectural character of buildings relative to the existing context, and maintaining the character of an authentic rural mountain Town.
- ~ new buildings, redevelopment and building renovations should respect the small town character of Pagosa Springs. In General, building should have a high degree of visual interest that derives from the use of a traditional building material palette.
- ~ A new building should be compatible with the traditional architectural features exhibited by existing buildings in town, reinforcing traditional building patterns.

FISCAL IMPACT

There will be some fiscal impact for the Town Attorney to review proposed LUDC revisions and to prepare an ordinance for any determined LUDC revisions. These costs will not be incurred until TC accepts any proposed revisions.

RECOMMENDATION

Though the following has not been approved or denied by the Planning Commission, The Planning Director provides the following recommendations, based on all previous research and discussions that have occurred.

- 1) Instruct Staff and the Planning Commission to hold work sessions in an effort to Develop Architectural Design Guidelines for at least the Commercial and Mixed use Districts, that encourage the use of multiple exterior materials, providing standards for roof overhangs, broken roof lines, defining entrances, modulated facades, window and door trim, ect , ensuring compatibility with the character and architecture of the existing neighborhood.
- 2) Consider Developing Architectural Design Guidelines for all Residential Districts, similar to #1 above.
- 3) Planning Commission work sessions should include participation from members of Town Council, The Historic Preservation Board, The Builders Committee and other interested community members, soliciting participation with announcements with the local media outlets.

It is the recommendation of the Planning Director and the Planning Commission that the Town Council provide direction, as specific as possible, on how they would like Staff and the Planning Commission to proceed regarding Metal Sided buildings versus Architectural Design Guidelines. Alternate actions have been provided for TC's consideration. The Planning Director recommends the Town Council consider Option A.

ALTERNATIVE ACTIONS

- A) Direct staff and the Planning Commission to Conduct Work Sessions Regarding Considerations for the Current LUDC Prohibition of Metal Siding in Mixed Use and Commercial Districts, and to Assign Two Town Council Members to Participate in Such Work Sessions, as a Means to Bring Forward Recommendations for Town Councils Consideration Regarding Potential Architectural Design Guidelines Versus the Prohibition of Metal Siding.**
- B) Direct Staff and the Planning Commission to Abort any Further Discussions or Recommendations Regarding Metal Building Siding.**
- C) Direct Staff and the Planning Commission otherwise...**



AGENDA DOCUMENTATION

NEW BUSINESS: VI.5

PAGOSA SPRINGS TOWN COUNCIL

DECEMBER 02, 2014

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

**PROJECT: 1 YEAR EXTENSION REQUEST FOR MOUNTAIN CROSSING PRELIMINARY PLAN
APPROVAL**

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Proposed Mountain Crossing Commercial Subdivision development is located on 70 acres at the SE corner of Hwy 160 and Hwy 84. On November 13, 2014, the planning director received a request to extend the Mountain Crossings Commercial Subdivision Preliminary Plan for one year.

"Please consider this Mountain Crossing LLC's request to extend the Preliminary Plan Approval for another year. We have been working with CDOT to design the roundabout at Hwy 84 & CR 302 and received go ahead approval for construction document development in July. I have attached the conceptual layout for your use. We hope to have CDOT approval of our construction documents by years end. We will be submitting CR302 Mill Creek improvements for the Town's approval soon. Please let me know if you need more from me on this subject."

The Mountain Crossing Preliminary Plan Application was originally approved on December 4, 2012 by Town Council with the following contingencies:

- 1) Complete annexation and zoning process for Strohecker Minor Subdivision Lot IIB, and combine this lot into the final MC plat.
- 2) Provide a Geotechnical Report, wet stamped and signed by a Colorado licensed engineer.
- 3) Provide Drainage Report, wet stamped and signed by a Colorado licensed engineer.
- 4) Provide proof of CDOT access permit approval.
- 5) Provide evidence that any required USACE permits have been submitted and have been approved or that permits are not required.
- 6) Provide 20 foot wide utility easements as requested by and negotiated with utility providers.
- 7) Provide Trail Dedication Language and all other corrections to the Preliminary Plat as directed by the Planning Director to be incorporated on the Final Plat.
- 8) Town shall hire a Third Party engineering firm for engineering plan review to be reimbursed by the applicant and the applicant shall incorporate engineering comments into the final plat/plan such.
- 9) Mountain Crossing Codes, Covenants and Restrictions (CC&R's) shall be recorded and provided to Town.
- 10) Proceed with annexation petition for the first 1800 lineal feet of Mill Creek Road and Provide engineering plans for required ROW improvements.
- 11) Submit proposed signage plan permit for review.
- 12) Other conditions as determined by the PC

On January 07, 2014, the Town Council approved a one year extension of previously approved the Mountain Crossing Preliminary Development Plan application, with an additional contingency of:

Directing staff to work with applicant regarding if improvements are necessary on both side of Mill Creek Road and potential cost sharing opportunities.

Moving forward, The Applicant will submit their Final Plan to address all approval contingencies for Final Plan administrative approval. The applicant has expressed the intent to submit the Final Subdivision Plan Application in 2015.

ANALYSIS

The applicant has submitted the following update on the Preliminary Plan Approval and Extension contingencies:

- 1) *Complete annexation and zoning process for Strohecker Minor Subdivision Lot IIB, and combine this lot into the final MC plat. ~ Will all be addressed at Final Plan Submission.*
- 2) *Provide a Geotechnical Report, wet stamped and signed by a Colorado licensed engineer. ~ Will all be addressed at Final Plan Submission.*
- 3) *Provide Drainage Report, wet stamped and signed by a Colorado licensed engineer. ~ Will all be addressed at Final Plan Submission.*
- 4) *Provide proof of CDOT access permit approval. ~ CDOT has approved an extension for the Access Permit until August 2015. We are currently working on construction documents for the Traffic Circle and Mill Creek Road Improvements that will be submitted soon for approvals (CDOT & TOPS) and then bidding.*
- 5) *Provide evidence that any required USACE permits have been submitted and have been approved or that permits are not required. ~ Our hydrologist is finishing his report on wetland monitoring/identification and will submit this year yet to the USACE.*
- 6) *Provide 20 foot wide utility easements as requested by and negotiated with utility providers. ~ Will all be addressed at Final Plan Submission.*
- 7) *Provide Trail Dedication Language and all other corrections to the Preliminary Plat as directed by the Planning Director to be incorporated on the Final Plat. ~ Will all be addressed at Final Plan Submission.*
- 8) *Town shall hire a Third Party engineering firm for engineering plan review to be reimbursed by the applicant and the applicant shall incorporate engineering comments into the final plat/plan such. ~ Will all be addressed at Final Plan Submission.*
- 9) *Mountain Crossing Codes, Covenants and Restrictions (CC&R's) shall be recorded and provided to Town. ~ Will all be addressed at Final Plan Submission.*
- 10) *Proceed with annexation petition for the first 1800 lineal feet of Mill Creek Road and Provide engineering plans for required ROW improvements. ~ Will all be addressed at Final Plan Submission and corresponding Development Improvement Agreement..*
- 11) *Submit proposed signage plan permit for review. ~ Will all be addressed at Final Plan Submission.*
- 12) *Other conditions as determined by the PC. ~ None identified*
- 13) *Directing staff to work with applicant regarding if improvements are necessary on both side of Mill Creek Road and potential cost sharing opportunities. ~ Town staff will ensure the adjoining property owners are contacted for potential cost sharing opportunities for curb, gutter and sidewalk improvements on the south side of Mill Creek Road.*

Town Staff has met with the Developers representative a number of times over the course of the last year, to discuss specifics for preparing the Final Plan Application. The applicant has demonstrated that they intend to move forward with developing a Final Plan application.

ATTACHMENT:

Preliminary Mountain Crossing Subdivision Plan

FISCAL IMPACT

There is no Fiscal Impact to the Town.

RECOMMENDATION

It is the recommendation of the Planning Director that the Town Council, by motion, consider one of the Alternate Actions Below. Staff recommends **Approving Alternate Action A.**

ALTERNATIVE ACTIONS

- A) Approve a one Year extension for the previously approved Mountain Crossings Development Preliminary Plan, including all contingencies approved by Town Council on December 4, 2012 with additional direction to staff to ensure the neighboring property owners are contacted regarding considering cost sharing for the south side curb, gutter and sidewalk improvements on Mill Creek Road.**
- B) Approve a one Year extension for the previously approved Sawmill Place Development Preliminary Plan, including all contingencies approved by Town Council on December 4, 2012, with the additional following contingencies.....**
- C) Approve a recommendation to Town Council to DENY a one Year extension for the previously approved Sawmill Place Development Preliminary Plan.**



551 Hot Springs Boulevard
Post Office Box 1859
Pagosa Springs, CO 81147
Phone: 970.264.4151
Fax: 970.264.4634

**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT
MEETING AGENDA
TUESDAY, DECEMBER 2, 2014
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. CALL MEETING TO ORDER**
- II. APPROVAL of MEETING MINUTES FROM NOVEMBER 20, 2014**
- III. PUBLIC COMMENT – *Please sign in to make public comment***
- IV. NEW BUSINESS**
 - 1. Public Hearing on 2015 Budget**
 - 2. Resolution 2014-05, Approve 2015 Budget, Set Mill Levies, Appropriate Funds**
 - 3. Resolution 2014-06, Supporting Submission of a CDPHE Small Communities Grant Application**
- V. OLD BUSINESS**
 - 1. TOWN/PAWSD Pipeline Update**
- VI. NEXT BOARD MEETING DECEMBER 18, 2014 AT 12:00PM**
- VII. ADJOURNMENT**



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**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT
MEETING MINUTES
THURSDAY, NOVEMBER 20, 2014
Town Hall Council Chambers
12:00 P.M.**

- I. **CALL MEETING TO ORDER** – Board Chair Volger, Board Member Alley, Board Member Bunning, Board Member Egan, Board Member Lattin, Board Member Schanzenbaker
- II. **APPROVAL of MEETING MINUTES FROM NOVEMBER 4, 2014** – Board Member Egan moved to approve the November 4, 2014 meeting minutes, Board Member Schanzenbaker seconded, unanimously approved.
- III. **PUBLIC COMMENT** – None
- IV. **NEW BUSINESS**
 1. **Resolution 2014-04 Authorizing PAWSD Utility Easement** – The Town received a request from PAWSD to install a water line on the Sanitation District property. The 40 foot wide easement already in place serves as an access easement, utility easement for gravity sewer line and underground LPEA electric line. PAWSD would like to install the portion of the water line this year before the ground freezes. To expedite the process, the PSSGID board can approve a resolution authorizing a non-exclusive easement deed. Board Member Lattin moved to approve PSSGID Resolution 2014-04, authorizing a non-exclusive easement deed to the Pagosa Area Water and Sanitation District for the installation of a water main line, and directing staff to prepare the appropriate documents designating the same easement area as a public utility easement for the PSSGID Board and Town Council consideration, Board Member Schanzenbaker seconded, unanimously approved.
- V. **OLD BUSINESS**
 1. **PAWSD/Pipeline Update** - At the last construction meeting on October 30th, the contractor provided an update stating that backfilling of both pump stations was complete and all but a portion of Meadows Drive had been re-paved. Discussion was held regarding the difference of opinions regarding change orders and proposed change orders with resolution to some but not all of the items. Restoration issues related to the water line installation on Trujillo Road are being discussed with Archuleta County which will impact construction next year. Installation of the 3 phase power line is complete and the contractor will now begin the permitting process with the state electrical inspector to have a meter set for construction.
- VI. **DEPARTMENT HEAD REPORT**
 1. **District Report** - The average daily effluent flow rate for August was .213 million gallons per day with no violations reported for October. The bypass pumping mechanism was installed at the chamber of commerce pump station the week of October 20th. A long standing 4” sewer line on Mesa Drive was repaired this month that required removal of a

small section of sidewalk, curb, and pavement. The river supply vault at the geothermal heating facility was cleaned for the season on November 4th and the facility is all set for winter operation. Haley Goodman gained permission to connect to the district system on Cemetery Road. Staff is applying for a wastewater grant that will be submitted December 2nd with notice of award in February 2015.

VII. APPROVAL OF OCTOBER FINANCIAL STATEMENT AND ACCOMPANYING PAYMENTS – Board Member Schanzenbaker moved to approve the October financial statement and accompanying payments, Board Member Lattin seconded, unanimously approved.

VIII. NEXT BOARD MEETING DECEMBER 2, 2014 AT 5:00PM

IX. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 12:32pm.

DRAFT



AGENDA DOCUMENTATION

NEW BUSINESS:IV.2

PAGOSA SPRINGS SANITATION BOARD
DECEMBER 2, 2014

FROM: GREGORY J SCHULTE, TOWN MANAGER

PROJECT: RESOLUTION 2014-05, ADOPTING 2015 BUDGET, SETTING MILL LEVY, AND APPROPRIATE FUNDS

ACTION: REVIEW, PUBLIC COMMENT AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Pagosa Springs Sanitation General Improvement District Fund (the District) reserves are projected to be \$735,983 at the end of 2015. Based on the proposed build out of the pipeline and decommissioning of the lagoons, the District is budgeting to spend into reserves approximately \$650,000 in 2015. The mill levies of 2.479 includes .9 mills for general operating expenses plus 1.559 mills for the CWRPDA loan from 1997 that will be paid in full in 2016, as well as .02 mills for refunds and abatements. The County Assessors assessed value is \$231,784 over the 2014 values.

The PAWSD will pay for Pump #2 section of the pipeline up to \$2,835,745 and the District will reimburse PAWSD beginning in 2015 over a 20 year timeframe.

ATTACHMENT(S):

2015 Proposed Budget
Resolution 2014-05
Assessed valuation and mill levies

RECOMMENDATION

It is the recommendation of the Town Manager that the Sanitation Board,

Approve Resolution 2014-05, approve and adopt the 2015 budget, set the mill levies for 2015, and appropriate funds for the 2015 budget



**PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT
PAGOSA SPRINGS, COLORADO**

PSSGID RESOLUTION NO. 2014-05

RESOLUTION TO ADOPT 2015 BUDGET

WHEREAS, the Town Council, acting as the ex officio Board of Directors for the Pagosa Springs Sanitation General Improvement District (Sanitation GID Board), has appointed a budget committee to prepare and submit a proposed 2015 budget to the Sanitation District at the proper time; and

WHEREAS, such budget committee has submitted the proposed budget to the Sanitation GID Board on or before October 15, 2014 for its consideration; and

WHEREAS, upon due and proper notice, published in accordance with law, the budget was open for inspection by the public at a designated place, and a public hearing was held on December 2, 2014, and interested electors were given the opportunity to file or register any objections to the budget; and

WHEREAS, the budget has been prepared to comply with all terms, limitations and exemptions, including, but not limited to, enterprise, reserve transfer and expenditure exemptions, under Article X, Section 20 of the Colorado Constitution ("TABOR") and other laws or obligations which are applicable to or binding upon the District; and

WHEREAS, whatever decreases may have been made in the revenues, like decreases were made to the expenditures so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the District Board of the Pagosa Springs Sanitation General Improvement District:

1. That estimated expenditures for the Sanitation GID Fund is:

Sanitation Fund:	\$ 3,010,759
------------------	--------------

2. That estimated revenues are as follows:

Sanitation Fund:

From unappropriated surpluses	\$1,380,533
From sources other than general property tax	\$2,277,850
From general property tax	\$87,444
Total	\$3,745,827

3. That the budget, as submitted, amended and herein summarized by fund, be, and the same hereby is, approved and adopted as the budget of the District for the 2015 fiscal year.

4. That the budget, as hereby approved and adopted, shall be certified by the Town Clerk, as Acting Secretary to the Sanitation GID, to all appropriate agencies and is made a part of the public records of the Sanitation District.

TO SET MILL LEVIES

WHEREAS, the Town of Pagosa Springs ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town's home rule charter; and

WHEREAS, the Town of Pagosa Springs Sanitation General Improvement District ("Sanitation GID") was organized to provide sanitary sewer service; and

WHEREAS, on behalf of the Sanitation GID, the Town Council, acting as the ex officio Board of Directors, has the power to manage, control and supervise all the business and affairs of the Sanitation GID, and pursuant to Sections 31-25-612 and 31-25-613, C.R.S., to levy and collect ad valorem taxes on taxable property within the Sanitation GID; and

WHEREAS, the amount of money from property taxes necessary to balance the budget for general operating expenses is \$31,747; and

WHEREAS, the amount of money necessary to balance the budget for debt service expenses is \$54,992; and

WHEREAS, the 2014 valuation for assessment of the Town, as certified by the County Assessor, is \$35,274,195.

NOW, THEREFORE, BE IT RESOLVED by the Town Council, acting as the ex officio Board of Directors for the Sanitation GID:

1. That for the purpose of meeting all general operating expenses of the Sanitation GID during the 2015 budget year, there is hereby levied a property tax of .9 mills, plus refunds and abatements of .02 mills, for a total of .92 mills upon each dollar of



Pagosa Springs Sanitation General Improvement District
P.O. Box 1859
Pagosa Springs, CO 81147
Phone 970.264.4151
Fax 970.264.4634

ASSESSED VALUATION AND MILL LEVIES

YEAR	2013	2014	2015
ASSESSED VALUATION	39,248,186	35,042,411	35,274,195
MILL LEVY	2.306 Mills	2.482 Mills	2.479 Mills
TOTAL REVENUES	\$90,506	\$86,975	\$87,444

I, Donald Volger, the duly qualified President, in and for the Pagosa Springs Sanitation General Improvement District, do hereby certify that the above and foregoing is a true, complete and accurate copy of the adopted budget for the year 2015, regularly introduced, read and adopted at the Special Meeting of the Board of Directors of said District, held therein on the 11th day of December 2014 A.D.

ATTEST:

BY:

April Hessman, Secretary

Donald Volger, President
Pagosa Springs Sanitation General
Improvement District

CERTIFICATION OF TAX LEVIES for NON-SCHOOL Governments

TO: County Commissioners¹ of Archuleta County, Colorado.

On behalf of the Pagosa Springs Sanitation General Improvement District,
(taxing entity)^A

the Board of Directors
(governing body)^B

of the Town of Pagosa Springs
(local government)^C

Hereby officially certifies the following mills to be levied against the taxing entity's GROSS \$ 35,274,195 assessed valuation of:
(GROSS^D assessed valuation, Line 2 of the Certification of Valuation Form DLG 57^E)

Note: If the assessor certified a NET assessed valuation (AV) different than the GROSS AV due to a Tax Increment Financing (TIF) Area^F the tax levies must be calculated using the NET AV. The taxing entity's total property tax revenue will be derived from the mill levy multiplied against the NET assessed valuation of: \$ _____
(NET^G assessed valuation, Line 4 of the Certification of Valuation Form DLG 57)

Submitted: 12/03/2014 for budget/fiscal year 2015.
(not later than Dec. 15) (mm/dd/yyyy) (yyyy)

PURPOSE (see end notes for definitions and examples)	LEVY ²	REVENUE ²
1. General Operating Expenses ^H	<u>.9</u> mills	\$ <u>31,747</u>
2. <Minus> Temporary General Property Tax Credit/ Temporary Mill Levy Rate Reduction ^I	< > mills	\$ < >
SUBTOTAL FOR GENERAL OPERATING:	.9 mills	\$ 31,747
3. General Obligation Bonds and Interest ^J	_____ mills	\$ _____
4. Contractual Obligations ^K	<u>1.559</u> mills	\$ <u>54,992</u>
5. Capital Expenditures ^L	_____ mills	\$ _____
6. Refunds/Abatements ^M	<u>.02</u> mills	\$ <u>705</u>
7. Other ^N (specify): _____	_____ mills	\$ _____
_____	_____ mills	\$ _____
TOTAL: [Sum of General Operating Subtotal and Lines 3 to 7]	2.479 mills	\$ 87,444

Contact person: (print) April Hessman Daytime phone: (970) 264-4151 ext 237

Signed: _____ Title: Secretary

Include one copy of this tax entity's completed form when filing the local government's budget by January 31st, per 29-1-113 C.R.S., with the Division of Local Government (DLG), Room 521, 1313 Sherman Street, Denver, CO 80203. Questions? Call DLG at (303) 866-2156.

¹ If the taxing entity's boundaries include more than one county, you must certify the levies to each county. Use a separate form for each county and certify the same levies uniformly to each county per Article X, Section 3 of the Colorado Constitution.
² Levies must be rounded to three decimal places and revenue must be calculated from the total NET assessed valuation (Line 4 of Form DLG57 on the County Assessor's final certification of valuation).

CERTIFICATION OF TAX LEVIES, continued

THIS SECTION APPLIES TO TITLE 32, ARTICLE 1 SPECIAL DISTRICTS THAT LEVY TAXES FOR PAYMENT OF GENERAL OBLIGATION DEBT (32-1-1603 C.R.S.). Taxing entities that are

Special Districts or Subdistricts of Special Districts must certify separate mill levies and revenues to the Board of County Commissioners, one each for the funding requirements of each debt (32-1-1603, C.R.S.) Use additional pages as necessary. The Special District's or Subdistrict's total levies for general obligation bonds and total levies for contractual obligations should be recorded on Page 1, Lines 3 and 4 respectively.

CERTIFY A SEPARATE MILL LEVY FOR EACH BOND OR CONTRACT:

BONDS^J:

1. Purpose of Issue: _____
Series: _____
Date of Issue: _____
Coupon Rate: _____
Maturity Date: _____
Levy: _____
Revenue: _____

2. Purpose of Issue: _____
Series: _____
Date of Issue: _____
Coupon Rate: _____
Maturity Date: _____
Levy: _____
Revenue: _____

CONTRACTS^K:

3. Purpose of Contract: Water Treatment Loan
Title: _____
Date: 11/1/1997
Principal Amount: \$640,000
Maturity Date: 11/1/2016
Levy: 1.559
Revenue: \$54,992

4. Purpose of Contract: _____
Title: _____
Date: _____
Principal Amount: _____
Maturity Date: _____
Levy: _____
Revenue: _____

Use multiple copies of this page as necessary to separately report all bond and contractual obligations per 32-1-1603, C.R.S.

**AMENDED CERTIFICATION OF VALUES
TOWN OF PAGOSA SPRINGS GEN IMP DIST**

Name of Jurisdiction:

New District:

USE FOR STATUTORY PROPERTY TAX REVENUE LIMIT CALCULATIONS (5.5% LIMIT) ONLY

In accordance with 39-5-121(2)(a) and 39-5-128(1), C.R.S. The total Assessed Valuations for taxable year 2014
In Archuleta County, CO On 11/26/2014 Are:

Previous Year's Net Total Assessed Valuation:	\$35,042,411
Current Year's Gross Total Assessed Valuation:	\$35,274,195
(-) Less TIF district increment, if any:	\$0
Current Year's Net Total Assessed Valuation:	\$35,274,195
New Construction*:	\$648,453
Increased Production of Producing Mines**:	\$0
ANNEXATIONS/INCLUSIONS:	\$0
Previously Exempt Federal Property**:	\$0
New Primary Oil or Gas production from any Oil and Gas leasehold or land (29-1-301(1)(b) C.R.S.)***:	\$0
Taxes collected last year on omitted property as of August 1 (29-1-301(1)(a) C.R.S.) Includes all revenue collected on valuation not previously certified.	\$0.00
Taxes Abated or Refunded as of August 1 (39-10-114(1)(a)(I)(B) C.R.S.):	\$721.83

This value reflects personal property exemptions IF enacted by the jurisdiction as authorized by Art. X, Sec. 20(8)(b), Colo. Constitution

* New Construction is defined as: Taxable real property structures and the personal property connected with the structure.

** Jurisdiction must submit a certification to the Division of Local Government in order for a value to be accrued (DLG52 & 52A)

*** Jurisdiction must submit an application to the Division of Local Government in order for a value to be accrued. (DLG 52B)

USE FOR 'TABOR' LOCAL GROWTH CALCULATIONS ONLY

In accordance with the Art. X, Sec. 20, Colorado Constitution and 39-5-121(2)(b), C.R.S. The Actual Valuations for the taxable year 2014
In Archuleta County, CO On 11/26/2014 Are:

Current Year's Total Actual Value of All Real Property*:	\$201,249,203
ADDITIONS TO TAXABLE REAL PROPERTY:	
Construction of taxable real property improvements**:	\$3,621,940
ANNEXATIONS/INCLUSIONS:	\$0
Increased Mining Production***:	\$0
Previously exempt property:	\$0
Oil or Gas production from a new well:	\$0
Taxable real property omitted from the previous year's tax warrant. (Only the most current year value can be reported):	\$88,950
DELETIONS FROM TAXABLE REAL PROPERTY IMPROVEMENTS:	(\$9,040)
Destruction of taxable property improvements.	
Disconnections/Exclusions:	\$0
Previously Taxable Property:	\$0

* This includes the actual value of all taxable real property plus the actual value of religious, private schools, and charitable real property.

** Construction is defined as newly constructed taxable real property structures.

*** Includes production from a new mine and increase in production of a producing mine.

NOTE: All levies must be certified to the Board of County Commissioners no later than December 15, 2014.



AGENDA DOCUMENTATION

NEW BUSINESS: VI.3

PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT

DECEMBER 2, 2014

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: RESOLUTION 2014-06, APPROVAL TO SUBMIT A SMALL COMMUNITIES GRANT APPLICATION TO THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

In 2007 a new wastewater treatment plant was envisioned to be built for the PSSGID. Since that time, the scope of the project has changed to constructing a wastewater pumping conveyance system in cooperation with the Pagosa Area Water and Sanitation District. The complexity of the project and funding sources have changed dramatically since 2007 and recently a grant program that offers potential grants to small communities has emerged.

With urging from CDPHE, in an extremely short timeframe, staff decided it was worth putting a grant package together with the intent of obtaining additional funding for this project and the goal of keeping reserve fund balances as healthy as possible. The PSSGID meets all the requirements to apply for the grant and the amount being requested is \$750,000 with an additional \$150,000 of reserve funds being used at matching funds, for a project total of \$900,000.

The grant application is 28 pages in length and contains detailed project descriptions, and a budget narrative, as well as other requested information.

FISCAL IMPACT

The financial impact is expected to be very positive. If the grant is awarded, only \$150,000 of reserves will be utilized with the rest of the grant paying for a portion of the wastewater pumping conveyance project instead of reserves. The net effect is that the reserve fund will remain at a more comfortable level and be able to support other capital projects such as repairs in the sewer collection system and equipment replacement as well as beginning to repay the loans.

RECOMMENDATION

Possible actions by the PSSGID Board include:

- 1) "APPROVE RESOLUTION 2014-06 AUTHORIZING THE SUBMITTAL OF A SMALL COMMUNITIES GRANT APPLICATION TO THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT"
- 2) "DENY APPROVAL OF RESOLUTION 2014-06 AUTHORIZING THE SUBMITTAL OF SMALL COMMUNITIES GRANT APPLICATION TO THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT"
- 3) DIRECT STAFF.



Pagosa Springs Sanitation General Improvement District

RESOLUTION NO. 2014-06

**A RESOLUTION OF THE PAGOSA SPRINGS SANITATION GENERAL
IMPROVEMENT DISTRICT (PSSGID), AUTHORIZING THE SUBMITTAL OF A
COLORADO DEPARTMENT OF HEALTH AND ENVIRONMENT SMALL
COMMUNITIES GRANT APPLICATION FOR IMPROVEMENTS TO THE PUMPING
CONVEYANCE PROJECT**

WHEREAS, in February 2012, the PSSGID entered into agreements with Pagosa Area Water and Sanitation District (PAWSD) to jointly construct a pumping conveyance system; and

WHEREAS, in 2012, additional agreements with engineers and financial institutions were executed to facilitate the design, approval, and financing of the pumping conveyance project; and

WHEREAS, additional grant funding has potentially become available to offset the higher than anticipated construction costs of the pumping conveyance project; and

WHEREAS, the increased grant funding will potentially allow other capital projects to be funded and ensure the PSSGID reserve fund balance is available for the mentioned capital projects.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PAGOSA SPRINGS SANITATION GENERAL IMPROVEMENT DISTRICT,

Section 1. The Pagosa Springs Sanitation General Improvement District supports and authorizes the submittal of a Colorado Department of Public Health and Environment Small Communities grant application in the amount of \$750,000 for the increased funding to the pumping conveyance project. The Pagosa Springs Sanitation General Improvement District will commit up to \$150,000 in reserve funding for this grant application as matching funds.

Adopted this 2nd day of December, 2014, by the Pagosa Springs Sanitation General Improvement District Board.

BY:

ATTEST:

Don Volger, Board President

April Hessman, Secretary



AGENDA DOCUMENTATION

OLD BUSINESS: V.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS
DECEMBER 2, 2014

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: TOWN/PAWSD PIPELINE UPDATE

ACTION: DISCUSSION

With cooler weather, pipeline installation has ceased and all focus now for the rest of the winter will be on the two pump stations. Material submittals are being reviewed by the engineers and the contractor is working on the structural, mechanical, and electrical aspects of the project.

Negotiations regarding existing change orders has progressed favorably between the Town Manager and Hammerlund Construction and the required administrative paperwork is up to date as of this writing.

As advised previously during this meeting, additional grant opportunities are being investigated.

Respectfully submitted,
Gene Tautges, Sanitation Supervisor