



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, FEBRUARY 3, 2015
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. **PUBLIC COMMENT – *Please sign in to make public comment***
- IV. **CONSENT AGENDA**
 1. **Approval of the January 22 & 27, 2015 Meeting Minutes**
 2. **Liquor Licenses**
 - a. **Liquor License Renewal – Marilyn K Dach dba Silver Dollar Liquor Store at Hwy 160**
 - b. **Special Events Permit – Town of Pagosa Springs Dance April 24, 2015 at the Ross Aragon Community Center 451 Hot Springs Blvd.**
 3. **Proclamation Recognizing Wolf Creek Ski Area 75th Anniversary**
- V. **NEW BUSINESS**
 1. **Approve the 2015 Goals and Objectives**
 2. **Ordinance 796 Marijuana Business Prohibition**
 3. **Piedra Street Reconstruction Project**
 4. **Sawmill Place Preliminary Subdivision Plan Extension Request**
 5. **Ordinance 822, First Reading, Metal Siding Allowances**
 6. **Ordinance 823, First Reading, Preliminary Subdivision Plan Extension Application Process**
- VI. **PUBLIC COMMENT – *Please sign in to make public comment***
- VII. **COUNCIL IDEAS AND COMMENTS**
- VIII. **NEXT TOWN COUNCIL MEETING FEBRUARY 19, 2015 AT 5:00PM**
- IX. **ADJOURNMENT**

**Don Volger
Mayor**



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**TOWN COUNCIL SPECIAL MEETING MINUTES
THURSDAY, JANUARY 22, 2015
Town Hall Council Chambers
5:00 P.M.**

- I. **CALL MEETING TO ORDER** – Mayor Volger, Council Member Alley, Council Member Bunning, Council Member Egan (5:06pm), Council Member Lattin, Council Member Patel, Council Member Schanzenbaker
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **PUBLIC COMMENT** – Mayor Volger gave a brief explanation about the modified agenda that is will be used in an attempt to streamline the meeting. Mr. Bill Hudson shared the new border town letter to the editor. The author wrote about his experience in Pagosa and the marijuana he and his wife purchased. Mayor Volger read a letter of recognition to the town manager and department heads in their effort to complete annual evaluations. The Town Manager accepted the letter on behalf of the entire staff.
- IV. **CONSENT AGENDA**
 1. **Approval of January 6, 2015 Meeting Minutes**
 2. **Approval of December Financial Statement and Accompanying Payments**
 3. **Liquor Licenses**
 - a. **Liquor License Renewal – Rohrbacher Moore LLC dba Pagosa Springs Center of the Arts at 2313 Eagle Dr**
 - b. **Liquor License Transfer – H& R license transfer from A Chivalrous Shark to The Western Slope Break Room at 2151 Eagle Dr**
 - c. **Special Events Liquor Permit – Town of Pagosa Springs Dance and Fundraiser February 20, 2015 at the Ross Aragon Community Center 451 Hot Springs Blvd**
 - d. **Special Events Liquor Permit – Pagosa Springs Youth Music Inc. Fundraiser March 5, 2015 at Ross Aragon Community Center 451 Hot Springs Blvd**

Council Member Egan moved to approve the consent agenda, Council Member Alley seconded, unanimously approved.
- V. **REPORTS TO COUNCIL**
 1. **Featured Department Head Reports**
 - a. **Parks & Recreation Department** - Through a partnership with Pagosa Springs Middle School and local instructor Jennifer Martin, we are again offering a gymnastics program for ages 3 and up this year. The program is averaging over nearly 40 participants per session. The youth basketball program for ages 9-12 began this week, there are 110 participants registered, up from last year. Registration for youth volleyball will begin later this month. The parks crew has been busy with snow-removal duties and has also been working to keep the skate pond open for the season.
 - b. **Planning & Building Department** - The Historic Preservation Board re-elected Brad Ash as chair and Peggy Bergon as vice-chair for 2015. The projects the HPB will take on this year include the Mary Fisher statue and interpretive project, water reservoir property restoration at 92 Pagosa Street, completing property plaques, developing content for interpretive signs and web page, begin work in preparation for interpretive signs at overlook parking lot, replacement of main street mural, historic preservation month activities, public forum presentation and awards for successful alteration certificate projects (DeVore House at 480 Lewis St. and Hatcher-Nossaman House at 274 Pagosa St.). At the January 13, 2015 meeting, the Planning Commission elected

Ron Maez as chair for 2015 and Heidi Martinez as vice-chair. Funding for paving 2,000 lineal feet of Crestview Drive will be available from CMAQ as soon as July 1st, 2015. Staff has initiated surveying with Davis Engineering, and has estimated the project to be under \$400,000. Staff is compiling information for a temporary connection between Eagle Drive and Pike Drive, as a means to address the dangerous turn movements at Hwy 160 and Pike Drive. There may be a very large electric panel that will need to be moved if this connection is made. Staff is working to begin public and neighborhood meetings with residents around Piedra St. regarding the budgeted 2015 repaving project. The newly named Yamaguchi Lane is almost complete and the three year warranty will begin upon acceptance by the Town. The south side sidewalk has been poured on the 6th Street pedestrian bridge. Walmart's anticipated opening date is April 22, 2015. A 25% bond for landscaping and Alpha Dr. will be required before the temporary certificate of occupancy is release. CDOT is working to get power to the new Wolf Creek sign on the east end of town. The CDOT quarterly meeting will be held February 27th at 9am in Pagosa Springs.

2. **Sales Tax Brief** - November 2014 sales tax collections increased compared to November 2013. The Town collected \$255,427, an increase of 2.3%. For the current year, we continue to see an overall increase and year to date in 2014, sales tax revenue is now up 6.56% or \$198,982 compared to the same period in 2013.
3. **Lodgers Tax Brief** - The Town Tourism Committee elected Chirag Patel as chair and the county representative as the vice-chair, that representative has not been appointed yet. Through November, the 2014 lodging tax collections continued to show impressive growth. November 2014 was up 4.05%, or \$1,106, over November 2013. November 2014 marked the 12th month in a row with record collections, with collections up 16.89% over 2013. In 2014, Town Council asked the TTC to begin managing the operations of the visitor center. Since this time, the Town was able to make significant improvements to the property and reduce expenditures by \$31,500 compared to 2013 expenditures. Council Member Egan would like a presentation by the TTC to give the council the recommendation for upcoming marketing efforts.

VI. NEW BUSINESS

1. **Agreement with Mountain Studies Institute for Reservoir Hill Tree Thinning** - The San Juan Headwaters Forest Health Partnership/Mountain Studies Institute, in collaboration with the Town of Pagosa Springs, the Forest Health Company and the Southwest Conservation Corps, applied for and received a grant from the Colorado State Forest Service to help improve forest conditions on Reservoir Hill. The project will involve thinning of the forest on Reservoir Hill using mechanized equipment on gentle to moderate slopes, and hand thinning on steeper slopes. All activities and impacts will be monitored and assessed. Several public meetings were held to allow the public to see the proposed project and give comment. The cost for the project will be approximately \$111,000, the Town's share to be \$8,227. Thinning operations are tentatively scheduled to begin in February if the weather and snow cover allows, or May, if not May then it may be delayed until next winter. Thinning test patterns will be completed to give the public a visual of what the thinning will look like. This thinning will reduce trees to the recommended 100 stems per acres allowing more water for the remaining trees which produce healthier trees. Mr. JR Ford dispelled Council Member Egan's concern, in explaining that his company, FHC, will not be clear cutting the hill. There will be stumps remaining in some areas that may be 6"-12" in height. The parks department has not addressed the stump mitigation. Council Member Schanzenbaker is interested in the materials coming off the hill. The chips will be delivered to the Town, the logs will go to Forest Health Company with the exception of one load to the Town. The goal is to preserve the large trees on the hill, the smaller 12" diameter and less trees will be selected to be taken off the hill. Mr. JR Ford said there will be some material left on the ground, the amount of chips are estimated at 22 tons per acre. The total materials is estimated at 32 tons per acres, 10 tons of that material would be saw logs and the rest chips. Council Member Lattin moved to approve the M.O.U. and grant agreement with Mountain Studies Institute for the purposes of tree thinning on Reservoir Hill including the amendment, Council Member Alley seconded, unanimously approved.
2. **Elementary School Funding Request for New Playground Equipment** - Pagosa Springs Elementary School is in the process of replacing the last of its outdated playground

equipment near the south fields, an effort that has been ongoing for the past several years. Partners in Education (P.I.E.) raised funds for new equipment but have a \$3,000 shortfall. The Conservation Trust Fund used for parks and recreation carried an estimated \$64,000 into 2015 and is budgeted to spend \$23,000 and receive \$47,000 in 2015. Council Member Egan is concerned with setting a precedence for others to request funding outside of budget season. Council Member Bunning moved to approve funding of \$3,000 from the Town's Conservation Trust Fund for the purchase of new playground equipment at Pagosa Springs Elementary School, Council Member Patel seconded, unanimously approved.

3. **Town of Pagosa Springs Banking Services** - Council Member Lattin recused herself during this discussion and left the room. The Town has banked with Citizens Bank of Pagosa for many years. In 2011 Citizens Bank discontinued paying interest to the Town on the Public Funds held in Town accounts. After requesting and reviewing various bank proposals, the two primary determining factors that became apparent was the amount of interest and the fees proposed to be assessed. First Southwest Bank offers a higher potential interest rate and will not charge fees for almost all items. Mr. Kyle Cox, President of Citizen's Bank, said the services to the Town have always been at no costs. He said he appreciates the town banking with the Citizens. Mr. Bill Young, CFO of 1st Southwest Bank, appreciates the Town's consideration. Council Member Egan moved to direct staff to engage First Southwest Bank to provide banking services for the Town of Pagosa Springs, Council Member Schanzenbaker seconded, unanimously approved.

VII. OLD BUSINESS

1. **Ordinance 819, Second Reading, Accepting a Pedestrian Easement at 703 San Juan Street** - The Planning Director has been working with Citizens Bank President, Kyle Cox, for the last year to establish a pedestrian path along the northern boundary of 703 San Juan Street, across the parking lot surface at Hwy 160 to accommodate the connectivity to the new 8th Street intersection traffic light from South 7th Street. Staff has also just recently coordinated a plat dedicated pedestrian easement along the north 10 feet of the former City Market property at 755 San Juan Street that will connect with the Citizen's bank easement. Council Member Alley moved to approve the second reading of Ordinance No. 819, an ordinance of the Town of Pagosa Springs, accepting an easement for real property known as the North 10 feet of a tract of land lying and being a portion of Lots 1, 2 and 3 of Block 39 and the portion of San Juan Street as vacated under Ordinance 244, including an enlarged easement area at the north/east corner of subject tract of land, within the Townsite of Pagosa Springs, Council Member Bunning seconded, unanimously approved.
2. **Ordinance 820, Second Reading, Schedule Time, Date and Place of Regular Town Council Meetings** - Section 3.1 of the Town Charter requires the Town Council to hold regular meetings at least once a month and that the schedule for those meetings are made by ordinance, setting a time, date and place for the regular meetings. This Ordinance sets regular meeting for the first Tuesday and third Thursday of each month at 5:00pm. It also sets the location of Town Hall where the agenda will be posted. Council Member Schanzenbaker moved to approve Ordinance 820, second reading, identifying town council regular meeting dates, locations, times and agenda posting requirements, Council Member Egan seconded, unanimously approved.
3. **Ordinance 821, Second Reading, Accept Conveyance of Interest in Community Center from the Community Facilities Coalition** - In May 1, 2001, the Town of Pagosa Springs (Town) entered into an Agreement for Construction and Use of a Community Center with the Pagosa Springs Community Facilities Coalition, Inc. The agreement was the culmination of a community effort to devise and fund the construction of a community center. In 2014, 2014, Town staff and representatives of the Coalition began discussions about the operational structure and future of the Community Center with the goal of revising the Coalition bylaws and agreement. Effective January 1, 2015, the Town became the fiscal agent for the Community Center. The Board of Directors for the Coalition met and concluded it was in the best interests to dissolve and convey their 49% interest to the Town. Ordinance 821 conveys the Coalitions interest to the Town through a quitclaim deed and bill of sale. Council Member Egan moved to approve the second reading of Ordinance No. 821, an ordinance of the Town of Pagosa Springs accepting the quitclaim deed and bill of sale for real and personal property known as the Ross Aragon Community Center, Council Member Bunning seconded, unanimously approved.

VIII. PUBLIC COMMENT – None

IX. COUNCIL IDEAS AND COMMENTS – Council Member Alley said that during the council fiscal training, discussion should include government investment options. Mr. Jarrod Biggs with DOLA will be available the end of February to provide training to the council on government finance. Council Member Lattin would like to revisit the possibility of a spray park in Town. Council Member Bunning asked about a student on council, Town Manager Schulte said he has a meeting scheduled with the school administrator to discuss this topic.

X. NEXT TOWN COUNCIL MEETING FEBRUARY 3, 2015 AT 5:00PM

XI. ADJOURNMENT – Upon motion duly made, the meeting adjourned at 6:45pm.

**Don Volger
Mayor**



Town of Pagosa Springs and Archuleta County

Joint Work Session Minutes

January 27, 2015 @ 8:00 a.m. to 9:00 a.m.

Town Hall, 551 Hot Springs Blvd., Pagosa Springs, CO

- I. **Call to Order** - Mayor Volger, Commission Chair Whiting, Commissioner Lucero, Commissioner Wadley, Council Members Bunning, Council Member Alley, Council Member Lattin, Council Member Schanzenbaker, Council Member Patel, Town Administrator Schulte, County Administrator Henderson, County Attorney Starr
- II. **Guest Presentations:**
 - **LPEA Community Outreach Efforts (Mike Dreyspring)** – LPEA will have three public meetings to gather constituents to speak and hear concerns.
 - **Mechanical Certification Efforts (Builders Committee Reps)** - Mr. Larry Ash representing the buildings committee said the builders group would like the town and county to adopt certification of a mechanical licensure program. A local licensed engineer is willing to conduct a program to train all mechanical contractors.
- III. **Proposed Joint Letter of Support for Bobby Lieb for Executive Director of DoLA** - Mr. Reeve Brown has resigned from DoLA and having Mr. Bobby Lieb as the executive director of DoLA will assist this area because he is very familiar with the area from having worked on many local boards. Mr. Mike McLauchlin is also running for this position. Mayor Volger called a special meeting of the Town Council to order at

8:38am, Council Members Alley, Council Member Bunning, Council Member Lattin, Council Member Patel, Council Member Schanzenbaker. Council Member Bunning moved to authorize the mayor to sign the letter of support for Mr. Bobby Lieb for executive director of DoLA, Council Member Alley seconded, unanimously approved. Mayor adjourned the special meeting of the Town Council at 8:39am.

IV. Proposed Memorandum of Understanding for Lodgers Tax funding – This item tabled.

V. Discussion of November advisory ballot questions results – Commissioner Wadley said the public wants the recreation district but doesn't want to pay more taxes for it. Commissioner Lucero would like to set up a parks and recreation district but funding is a challenge. Discussion on how to fund it needs to be considered.

VI. Discussion of Commissioner Whiting's joint topics discussion list - The joint town and county work sessions will be held on the fourth Tuesday of each month at 8am, rotating between the town and county offices. The entities will set up a spring and fall joint retreat to discuss items to work on together.

VII. Adjourn – The work session adjourned at 9:00am.



AGENDA DOCUMENTATION

LIQUOR LICENSES:IV.2

PAGOSA SPRINGS TOWN COUNCIL
FEBRUARY 3, 2015

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

Marilyn K Dach dba Silver Dollar Liquor Store – Since February 1, 2014, there were no documented liquor violations at the Silver Dollar Liquor Store located at 204 E Pagosa St.

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.



A Proclamation by the Town Council of the Town of Pagosa Springs

PROCLAMATION OF APPRECIATION

WHEREAS Wolf Creek Ski Area has been in continuous operation since 1939, making this the 75th anniversary season and,

WHEREAS Wolf Creek receives an average of 430" of snow each season - "The Most in Colorado" and,

WHEREAS Kingsbury "Pitch" Pitcher was inducted into the Colorado Ski and Snowboard Hall of Fame on October 17, 2014 for his role in the development of the ski industry in both Colorado and the United States and,

WHEREAS Wolf Creek attracts skiers and riders from all over the state, country and the world, with over 200,000 skier visits each season, many of whom come to Pagosa Springs to stay and eat and play. This makes the ski area a vital piece of the Pagosa Springs winter economy, and

WHEREAS Wolf Creek not only operates as a successful business, but also gives back by offering numerous Local's Days each season, by offering a deeply discounted School Program and Family Days to ensure local children can enjoy the mountains and the outdoors each winter, and by maintaining the grooming and track setting for complimentary Nordic skiing in Alberta Park each winter, and

WHEREAS the Pitcher family also contributes countless volunteer hours in the community including: Ten years of consistently donating equipment, personnel and expert insight to the River Restoration Project, creating a recreational amenity that will add to the Pagosa experience for visitors and residents for generations to come while helping expand the economic base of our tourism industry.

NOW, THEREFORE,

On behalf, of the Town Council of Pagosa Springs, I, Mayor Don Volger, hereby present this heartfelt PROCLAMATION OF APPRECIATION and thanks to the ENTIRE PITCHER FAMILY and the STAFF OF WOLF CREEK SKI AREA, and we congratulate them on their 75th anniversary, and pledge to continue to strengthen our relationship going forward.

Signed

Attest

Don Volger, Mayor
Pagosa Springs, Colorado

April Hessman, CMC
Town Clerk



AGENDA DOCUMENTATION

NEW BUSINESS V.1

PAGOSA SPRINGS TOWN COUNCIL, FEBRUARY 3, 2015

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: TOWN COUNCIL GOALS AND OBJECTIVES 2015

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Town Council has met several times in a work session format to develop goals and objectives to help the Council as a body to guide decisions and to set priorities for resource allocation. The meetings began in May 2014 with the assistance of Ken Charles from DoLA and concluded in late fall with the assistance of the Town Manager and Town Clerk.

The Town Council arrived at 4 goals (not in any priority order) as follows:

Goal 1: Define and foster Pagosa's unique character and sense of place

Goal 2: Recognize and value downtown as the community's heart

Goal 3: Promote a vital local economy by supporting economic development and tourism

Goal 4: Improve communication, encourage public engagement, and pursue cooperative relationships

Within each goal there are specific objectives that indicate priority, timing and level of Council of involvement.

ATTACHMENTS

Goals and Objectives Matrix

FISCAL IMPACT

The fiscal impact is largely indirect as the goals and objectives specify where resources should be allocated in accordance with the indicated priority. The goals and objectives should be a tool to help decide where extra money is spent, or if the event of a shortfall where it should be prioritized.

ACTIONS

It is recommended the Town Council by motion:

"ADOPT THE TOWN COUNCIL GOALS AND OBJECTIVES MATRIX FOR 2015."

Town Council Goals and Objectives
2014-2015

Goal 1: Define and foster Pagosa's unique character and sense of place .

Objective 1.1: Complete Planned Trail System

Objective 1.2: Enhance and Utilize Pagosa's Natural Resources

Objective 1.3: Enhance and Protect our Historic Resources

Objective 1.4: Explore Pagosa's Unique Character

Goal 2: Recognize and value *downtown* as the community's heart.

Objective 2.1: Complete Downtown Riverwalk

Objective 2.2: Expand and Rehabilitate the Downtown Streets & Sidewalks

Objective 2.3: Help to Re-Vitalize & Expand the Downtown Commercial Area

Goal 3: Promote a *vital local economy* by supporting economic development and tourism.

Objective 3.1: Explore and Expand our Geothermal Resources

Objective 3.2: Maintain and Possibly Expand Public Transportation

Objective 3.3: Energize General Economic Development Efforts

Objective 3.4: Energize Tourism and Visitor Economic Development

Goal 4: Improve *communication* , encourage public engagement and pursue cooperative relationships.

Objective 4.1: Improve Public Engagement and Communication

Objective 4.2: Participation and Communication by Board and Commissions

Objective 4.3: Improve Intergovernmental Entity Communication

Goal 2: Recognize and value downtown as the community's heart.

Objective 2.1: Complete Downtown Riverwalk

Action:	Council Actions:			Priority Level:			CIP:			Timeline:			Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Refer To Voters	Critical	Important	Routine	Yes	No	2015	2016	2017+			
Connect Riverwalk Town Park East to River Center	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					X							
Acquire right-of-way	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						X						
Install River Access at East End	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					X							

Objective 2.2: Expand and Rehabilitate the Downtown Streets & Sidewalks

Action:	Council Actions:			Priority Level:			CIP:			Timeline:			Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Refer To Voters	Critical	Important	Routine	Yes	No	2015	2016	2017+			
Install/Repair Downtown Sidewalks	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					X							
Mainstreet Sidewalk & Lighting (Hwy 84 to 8th St)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					X							
Slowing Hwy 160 Traffic through Downtown	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					X							
Planter area between 1st St Bridge and Conoco	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					X							
Encourage Bicycle Use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					X							
Construct 5th Street Vehicular Bridge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					X							

Objective 2.3: Help to Re-Vitalize & Expand the Downtown Commercial Area

Action:	Council Actions:			Priority Level:			CIP:			Timeline:			Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Refer To Voters	Critical	Important	Routine	Yes	No	2015	2016	2017+			
Explore & Expand Parking Capacity	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					X							
Encourage Downtown Development Authority	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>											
Beautification of Downtown Core	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					X							
Encourage Downtown Grocery	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					X							

Goal 3: Promote a vital local economy by supporting economic development and tourism.

Objective 3.1: Explore and Expand our Geothermal Resources

Action:	Council Actions:				Priority Level:			CIP:			Timeline:			Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2015	2016	2017+			
Support Greenhouse Project	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						
GGP energy impact grant															
Maintain Town's Geothermal Utility System	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						
Geothermal maintenance and repair program	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						
Heating plan and resource evaluation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						
Geothermal improvement financing mechanism	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						
Expand Geothermal Power Authority	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						
Power generation or cascaded use	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						

Objective 3.2: Maintain and Possibly Expand Public Transportation

Action:	Council Actions:				Priority Level:			CIP:			Timeline:			Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2015	2016	2017+			
Support Countywide & Regional Public Transportation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>											X		

Objective 3.3: Energize General Economic Development Efforts

Action:	Council Actions:				Priority Level:			CIP:			Timeline:			Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2015	2016	2017+			
Support Town & County Leadership in Economic Develop	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>											X		
Streamline New Business/Development Rules	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>											X		
Implementation of City Works	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						
Economic development early action team	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						
Process consistency with County	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						

Objective 3.4: Energize Tourism and Visitor Economic Development

Action:	Council Actions:				Priority Level:			CIP:			Timeline:			Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2015	2016	2017+			
Visitor Center Future Improvements	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						
Reorganization of TTC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						
Targeting of Tour Groups	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>							X						

Goal 4: Improve communication, encourage public engagement and pursue cooperative relationships.

Objective 4.1: Improve Public Engagement and Communication

Action:	Council Actions:				Priority Level:			CIP:			Timeline:			Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2015	2016	2017+			
Improved Communication Mediums	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖				X	⊖	⊖			
Website/TV/radio/social media	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>								X	⊖	⊖			
Identification of Issues and Concerns	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>								X	⊖	⊖			
Publicize Success Stories	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖				X	⊖	⊖			

Objective 4.2: Participation and Communication by Board and Commissions

Action:	Council Actions:				Priority Level:			CIP:			Timeline:			Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2015	2016	2017+			
Better Communication between Council and Boards	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖				X	⊖	⊖			
Council meetings with advisory boards	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖				X	⊖	⊖			
Board to board meetings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖				X	⊖	⊖			
Verify/revise mission statements of advisory boards	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			⊖				X	⊖	⊖			

Objective 4.3: Improve Intergovernmental Entity Communication

Action:	Council Actions:				Priority Level:			CIP:			Timeline:			Estimated Project Cost	Estimated Town Share
	Provide Direction	Monitor Progress	Adopt Ordinance	Refer To Voters	Critical	Important	Routine	Yes	No	2015	2016	2017+			
Participation on Boards and Committees	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>								X	⊖	⊖			
School, TPR, COG, Reg 9, etc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				⊖				X	⊖	⊖			
Outreach to Community Organizations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>								X	⊖	⊖			



AGENDA DOCUMENTATION

NEW BUSINESS:V.2

PAGOSA SPRINGS TOWN COUNCIL

FEBRUARY 03, 2015

FROM: JAMES DICKHOFF, PLANNING DIRECTOR

PROJECT: MARIJUANA BUSINESS PROHIBITION ORDINANCE 796 EXPIRATION ON MARCH 1, 2015

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE

On October 01, 20123, Town council approved the second reading of Ordinance 796;

"An Ordinance of the Town of Pagosa Springs amending Chapter 6 of the Pagosa Springs Municipal Code by the addition thereto of a new Article 5 Prohibiting the Sale and Cultivation of Medical Marijuana, including Medical Marijuana centers, Optional Premises Cultivation Operations and Medical Marijuana- Infused Products Manufacturing, and a new article 6 Prohibiting the Operation of Marijuana Clubs, Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities and Retail Marijuana Stores; which Ordinance will automatically expire on March 01, 2015, unless extended or readopted."

The purpose of this agenda time is to seek direction from Town Council on how to proceed with this matter, given the moratorium expires on March 1, 2015.

SUMMARY OF COLORADO ACTIONS

Medical Marijuana: In 2000, the Colorado voters passed an amendment to the Colorado Constitution, known as "Amendment 20," that authorized the medical use of marijuana. We do not have election results data for Amendment 20 in Archuleta County, but the issue passed 53.8% (915,527) to 46.2% (786,983) state-wide. Amendment 20 protects patients diagnosed with debilitating medical conditions and their primary caregivers and doctors from criminal prosecution for the acquisition, possession, production, use, or transportation of marijuana and related paraphernalia. Debilitating medical conditions for which an individual may use marijuana medically include only the following: cancer, glaucoma, HIV/AIDS, cachexia, persistent muscle spasms, seizures, severe nausea, or severe pain. Amendment 20 does not address or regulate medical marijuana business. The concept of businesses that cultivate, manufacture, or sell marijuana and marijuana infused products was introduced by House Bill 10-1284, which is discussed in further detail below.

Between the passage of Amendment 20 in 2000 and 2009, only a few thousand people were registered medical marijuana users, and there were only a handful of medical marijuana dispensaries operating within the state. In 2009, the federal government announced that it would no longer target medical marijuana dispensaries, which brought about a rush of applicants for medical marijuana dispensaries and medical marijuana users in Colorado.

The following bills enacting statutes on medical marijuana have been adopted by the state legislature:

~ Senate Bill 10-109: Requires patients to undergo a physical examination from a licensed physician to receive a recommendation for medical marijuana. Doctors are also prohibited from being compensated by marijuana dispensaries.

- ~ House Bill 10-1284: This bill adopts the Colorado Medical Marijuana Code, §12-43.3-101, *et seq.*, C.R.S., which regulates and licenses: (1) Medical Marijuana Centers (Dispensaries); (2) Medical Marijuana Optional Premise Cultivation Facilities; and (3) Infused Products Manufacturers (e.g. edibles, tinctures, lotions, oils). The bill establishes a dual licensing system for medical marijuana businesses that is similar to the liquor licensing scheme, with both a state and local license requirement. **Municipalities have the authority to allow or prohibit dispensaries, either by Town Council action, or by referring the question to the voters. Citizens may also initiate a measure. Municipalities that opt to allow medical marijuana facilities have broad latitude in creating a local licensing authority and licensees must obtain a local license before applying for the state license.** Both licenses must be obtained in order to operate a medical marijuana facility. The bill also establishes a number of restrictions, including a 1,000-foot spacing requirement from schools, residential childcare facilities and drug treatment facilities, although local authorities can vary this requirement by making it more or less strict. Hours of operation are also limited to between 8 a.m. and 7 p.m., and on-site consumption is prohibited. Primary caregivers are also required to be registered with the state. Primary caregivers are permitted to grow and provide marijuana for medical use to those patients that are registered with the primary caregiver, and can serve no more than five patients, unless the caregiver has received a waiver for exceptional circumstances from the state to serve up to ten patients.
- ~ House Bill 11-1043: This bill was intended to clean-up some of the inconsistencies and confusions created by previous bills. Among other things, the bill clarifies that medical marijuana is subject to taxation.
- ~ House Bill 13-1238: This bill revises and clarifies the application requirements and procedures for medical marijuana businesses. Specifically, application fees are collected by the state at the time of application, but are refunded and the license revoked if the local licensing authority denies the application.

The Colorado Medical Marijuana Code required the Colorado Department of Public Health and Environment and the Colorado Medical Marijuana Enforcement Division to enact implementing regulations. These Regulations were enacted and became effective on December 30, 2011. Among other things, the Regulations impose significant requirements on caregivers and require them to provide extra services to their patients besides the provisions of medical marijuana.

In January 2012, John Walsh, the U.S. Attorney for Colorado began sending letters to medical marijuana businesses that were within a 1000 feet of a school, telling them to shut down within 45 days or face civil or criminal penalties. To date, around 50 medical marijuana businesses have received these letters and all of them have closed.

Recreational (a.k.a. "Retail") Marijuana.

In 2012, the Colorado voters approved Amendment 64 to the Colorado Constitution. Voters in Archuleta County voted 56.3% (3,592) in favor to 43.6% (2,846) against Amendment 64, which provides for the following:

- ~ Legalizes the private use, limited possession, and home-growing of marijuana by adults 21 years of age and older ("Adults");
- ~ Establishes a system in which marijuana is regulated, taxed, and distributed similarly to alcohol starting in October 2013;
- ~ Requires the state legislature to permit the cultivation, processing, and sale of industrial hemp; and
- ~ Permits the following four types of licensed marijuana establishments to cultivate and package marijuana, and to sell marijuana and marijuana products: (1) Marijuana Cultivation Facilities; (2) Marijuana Product Manufacturing Facilities; (3) Marijuana Testing Facilities; and (4) Retail Marijuana Stores.

Amendment 64 is completely separate from, and does not affect, the Colorado Medical Marijuana Code or the regulation of marijuana for medicinal uses.

Amendment 64:

- ~ Allows municipalities and counties to choose to prohibit the operation of marijuana establishments either by ordinance, or through an initiated or referred measure.
- ~ If a local jurisdiction chooses to allow recreational marijuana establishments, the local municipality or county has the option to enact ordinances or regulations establishing the time, place, manner, and number of marijuana establishments; the procedures for the issuance, suspension and revocation of a license; the operating, licensing and application fees; and any civil penalties.

A number of bills have been adopted by the state legislature to implement Amendment 64, including the following:

- ~ House Bill 13-1317: This bill is the main marijuana legislation from the 2013 session and creates the regulatory framework for recreational marijuana sales. In general, the bill adopts the Colorado Retail Marijuana Code, §12-43.4-101, *et seq.*, C.R.S., which sets out the process, requirements, and fees for applying for a recreational marijuana license and operating a recreational marijuana business. Issuance of a state license is conditioned upon approval by the local jurisdiction, which may impose restrictions on time, place, manner, and the number of recreational marijuana businesses. The state licensing authority is also required to promulgate rules on the regulation and control of the cultivation, manufacture, distribution, sale and testing of recreational marijuana and recreational marijuana products by July 1, 2013. Recreational marijuana stores are also restricted to selling no more than ¼ of an ounce to a nonresident during a single transaction.
- ~ House Bill 13-1318: This bill implements taxes for marijuana sales. A tax increase question is referred to the November 2013 statewide ballot with two components: (A) a wholesale 15% excise tax on cultivated marijuana, with revenues earmarked for school capital construction pursuant to Amendment 64; and (B) a special 10% sales tax to be imposed over and above the state's normal 2.9% sales tax, with 15% of the sales tax shared back with the local jurisdiction in which the tax is collected. Sales tax and fee revenue derived from marijuana businesses is dedicated to the "direct and indirect costs" of administering the state regulatory regimes for both medical and retail marijuana, but there are no restrictions on how the local share-back of revenue from the sales tax can be used.
- ~ Senate Bill 13-283: This bill was originally intended to adopt various amendments to the Colorado Criminal Code to more clearly define what is now legal in Colorado in terms of marijuana possession, use, and distribution. However, amendments to the bill stripped most of the proposed language and left the bill with an assortment of amendments to various state statutes, as follows:
 - ~ "Open marijuana containers" within motor vehicles are prohibited;
 - ~ Local governments are permitted to ban the use of compressed flammable gas as a solvent in residential marijuana cultivation;
 - ~ The Drug Policy Task Force is charged with making recommendations by December 15, 2013 regarding criminal laws that need to be revised to conform with Amendment 64;
 - ~ Peace officer training must include advanced roadside impairment driving enforcement training for drug recognition; and
 - ~ The definition of "drug paraphernalia" in the Criminal Code, §18-18-426, C.R.S., is revised to exclude "any marijuana accessories as defined in Section 16(2)(g) of Article XVIII of the State Constitution if possessed or used by a person age 21 or older."

The Colorado Department of Revenue adopted Emergency Rules Related to the Colorado Retail Marijuana Code on July 1, 2013. These Emergency Rules are effective for 120 days and according to the Department, they set

forth "a robust regulatory structure for retail marijuana designed to protect public safety and prevent diversion of retail marijuana to minors." Issues addressed include licensing, security, identification requirements, testing and sanitary requirements, and discipline and enforcement. On July 15th, the Department of Revenue announced proposed Permanent Retail Marijuana Rules. The Department is currently holding working groups and taking comments on these proposed Rules.

Amendment 64 requires municipalities to identify the local licensing authority for processing retail marijuana licenses no later than October 1, 2013, and requires the state to begin accepting applications on October 1, 2013. The Colorado Retail Marijuana Code at §12-43.3-104, C.R.S., allow only those persons operating a licensed medical marijuana business in good standing to apply for a retail marijuana establishment license. Beginning on January 1, 2014, the application process opens up to those who did not have a medical marijuana license in good standing. Because the Town does not currently have any medical marijuana businesses licensed to operate within the Town, there will be no licenses to operate retail marijuana establishments within the Town until January 1, 2014 at the earliest. As such, there may be no need for action from the Town until January 1, 2014; however, adoption of an ordinance either prohibiting retail marijuana establishments or designating a local licensing authority by October 1, 2013 would comply with Amendment 64.

Jurisdictions across the state have chosen different methods of dealing with medical marijuana and recreational marijuana businesses. The actions that jurisdictions have taken range from banning such business, permitting such businesses, and imposing a temporary moratorium on processing applications for such businesses. About one-third of Colorado's counties currently allow medical marijuana facilities. A smaller percentage, roughly 12 percent of Boards, have voted to allow recreational marijuana facilities. Most counties and many cities have yet to take any action on recreational marijuana.

ARCHULETA COUNTY

Archuleta County has allowed two Medical Marijuana Businesses and two Retail Marijuana businesses, all of which are in operation.

SUMMARY OF TOWN'S ACTIONS

Town Council approved a moratorium, Ordinance No. 756, on August 26, 2010. "An Ordinance Suspending the Processing of Applications for Medical Marijuana Centers, Medical Marijuana Optional Premises Cultivation Operations and Medical Marijuana Infused Product Manufacturing Businesses until July 01, 2011".

Town Council approved a continuation moratorium, Ordinance No. 762, on June 7, 2011. "An Ordinance Suspending the Processing of Applications for Medical Marijuana Centers, Medical Marijuana Optional Premises Cultivation Operations and Medical Marijuana Infused Product Manufacturing Businesses until September 01, 2012."

Town Council approved a continuation moratorium, Ordinance No. 779, on September 6, 2012, "An Ordinance Suspending the Processing of Applications for Medical Marijuana Centers, Medical Marijuana Optional Premises Cultivation Operations and Medical Marijuana Infused Product Manufacturing Businesses until July 30, 2013."

Based on the calendar circulated by the state of Colorado, municipalities anticipated a set of regulations to be promulgated for recreational marijuana establishments by July 1, 2013. However, the state extended the timeline for publishing regulations to October 1, 2013.

Town Council approved a continuation moratorium, Resolution 2013-19, on July 18, 2013, A resolution imposing a temporary moratorium of the processing of applications for medical marijuana centers, medical marijuana optional premises cultivation operations and medical marijuana infused product manufacturing businesses and suspending the delivery of such medical marijuana business products from outside of Archuleta County until August 30, 2013.

Town Council approved a continuation moratorium, Ordinance No. 794, on August 6, 2013, An Ordinance of the Town of Pagosa Springs extending the suspension of the of applications for medical marijuana centers, medical marijuana optional premises cultivation operations and medical marijuana infused product manufacturing businesses, suspending the delivery of such medical marijuana business products from outside of Archuleta County, and establishing a temporary moratorium on the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores through January 31, 2014.

Even with the expiration of the prohibition ordinance 796 on March 01, 2015, the Town's Municipal Code Section 6.1.7. "Qualifications of Applicants" *The licensing officer shall approve an application and issue a license unless he or she determines that the business to be operated would violate the laws of the United States, State of Colorado or the Town*" currently obligates the Town to deny a Business license application for this purpose.

FISCAL IMPACT

To be determined based on Town Councils direction to staff. Fiscal Impacts may include:

- ~ An Ordinance recordation fee (approximately \$75).
- ~ Sales Taxes: Currently Archuleta County shares half of all sales taxes collected at the current permitted marijuana businesses within Archuleta County.
- ~ Legal Fees associated with drafting an ordinance or regulations.
- ~ Staff time for research and drafting documentation and regulations.

ATTACHMENTS

- ~ Previously Approved Ordinance 796.

ALTERNATE RECOMMENDATIONS

Staff recommends that Town Council provide direction to staff as to how to proceed. Alternative actions to consider may include:

- 1) Direct Staff to Draft an Ordinance, extending the current Prohibition while staff composes an Ordinance prohibiting all Retail and Medical Marijuana Businesses and Cultivation Operations.
- 2) Direct Staff to draft an Ordinance Readopting and/or Extending the current Prohibition as set forth in Ordinance 796.
- 3) Direct Staff to bring forth considerations for allowing Medical and/or Retail Marijuana Businesses and Cultivation Operations, and to draft an Ordinance extending the current Prohibition as set forth in Ordinance 796.



11

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 796
(SERIES 2013)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
AMENDING CHAPTER 6 OF THE PAGOSA SPRINGS
MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW
ARTICLE 5 PROHIBITING THE SALE AND CULTIVATION OF
MEDICAL MARIJUANA, INCLUDING MEDICAL MARIJUANA
CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS
AND MEDICAL MARIJUANA-INFUSED PRODUCTS
MANUFACTURING, AND A NEW ARTICLE 6 PROHIBITING
THE OPERATION OF MARIJUANA CLUBS, MARIJUANA
CULTIVATION FACILITIES, MARIJUANA PRODUCT
MANUFACTURING FACILITIES, MARIJUANA TESTING
FACILITIES AND RETAIL MARIJUANA STORES; WHICH
ORDINANCE WILL AUTOMATICALLY EXPIRE ON MARCH 1,
2015, UNLESS EXTENDED OR READOPTED**

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 Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012; and

WHEREAS, on November 7, 2000, the voters of the state of Colorado approved Amendment 20 enacted as Article XVIII, Section 14 of the Colorado Constitution ("Amendment 20"), which authorizes, subject to certain limitations, the medical use of marijuana by patients who have been advised by their physician, in a bona fide physician-patient relationship, that the patient might benefit from the medical use of marijuana in connection with the patient's debilitating medical condition; and

WHEREAS, Amendment 20 further provides such patients and their primary caregivers an affirmative defense, subject to certain limitations, to a state law charge regarding the use and possession of marijuana; and

WHEREAS, the Colorado Legislature has adopted and the Governor has signed into law, legislation that in pertinent part adds a new Article 43.3 to Title 12 of the Colorado Revised Statutes, to be known as the Colorado Medical Marijuana Code ("CMMC"); and

WHEREAS, C.R.S. Section 12-43.3-103(2)(a) of the CMMC, provides that municipalities such as the Town may adopt and enforce an ordinance prohibiting the cultivation or sale of medical marijuana; and

(00348839.DOCX /) Rtn: Town of Pagosa Spring
PO Box 1859
Pagosa Springs CO 81147



WHEREAS, C.R.S. Section 12-43.3-106 of the CMMC establishes a local option allowing a municipality, by a majority of the members of the governing body, to vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana-infused product manufacturing “based on local government zoning, health, safety and public welfare laws for the distribution of medical marijuana that are more restrictive than this article”; and

WHEREAS, the Town Council has carefully considered the provisions of the CMMC, Amendment 20, and the impact of medical marijuana centers, optional premises cultivation operations, medical marijuana-infused products manufacturers and the operation of primary care-givers and hereby finds and declares that it is necessary to the preservation and furtherance of the health, safety and welfare of the citizens of the Town to exercise its local land use authority to prohibit the operation of medical marijuana centers, optional premises cultivating operations and medical marijuana-infused products manufacturers and the cultivation and sale of medical marijuana within the Town, except as required by C.R.S. §25-1.5-106; and

WHEREAS, any primary care-giver who sells medical marijuana or charges for providing primary care-giver services is operating a business and shall be required to obtain a business license from the Town; and

WHEREAS, the Town Council wishes to conform the Pagosa Springs Municipal Code to the requirements of Amendment 20 and C.R.S. § 25-1.5-106, as the same may be amended from time to time, regarding patients and primary care-givers, subject to the Town’s business license and zoning regulations; and

WHEREAS, on November 6, 2012, the voters of the state of Colorado approved Amendment 64 enacted as Article XVIII, Section 16 of the Colorado Constitution (“Amendment 64”), which requires the Town to allow the use and possession of one ounce of marijuana or less and cultivation of up to six plants by adults 21 of age and older, and allows the Town to authorize or prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores (collectively, “marijuana establishments”); and

WHEREAS, the Town Council has carefully considered the provisions of Amendment 64 and the impact of the operation of marijuana establishments on the health, safety and welfare of the Town and the inhabitants thereof, and has determined, as an exercise of its local land use authority and authority under Amendment 64, that such marijuana establishments shall not be located within the corporate limits of the Town; and

WHEREAS, Amendment 64 also provides in part that the consumption of marijuana shall not be conducted openly and publicly; and



WHEREAS, the Town Council finds that the personal use of marijuana within the meaning of Amendment 64 does not contemplate the open and public consumption of marijuana for personal use in a place of assembly that allows members, their guests, and any other person to consume marijuana; and

WHEREAS, the Town Council finds and declares that it is necessary to the preservation and furtherance of the health, safety and welfare of the citizens of the Town to prohibit the operation of marijuana establishments within the Town of Pagosa Springs.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

I. Adoption of Article 5 of Chapter 6 of the Municipal Code. The Town of Pagosa Springs Municipal Code is amended by the addition thereto of a new Article 5 of Chapter 6 entitled "Medical Marijuana," as attached hereto on Exhibit A and incorporated herein.

II. Adoption of Article 6 of Chapter 6 of the Municipal Code. The Town of Pagosa Springs Municipal Code is amended by the addition thereto of a new Article 6 of Chapter 6 entitled "Retail Marijuana Establishments," as attached hereto on Exhibit B and incorporated herein.

III. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

IV. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

V. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

VI. Termination. This Ordinance shall automatically terminate and the provisions of the Pagosa Springs Municipal Code adopted hereby shall be automatically repealed as of March 1, 2015 unless extended or readopted by subsequent Ordinance validly adopted.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY
PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE
CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS,
COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS
REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE
3 DAY OF Sept, 2013.

TOWN OF PAGOSA SPRINGS,



21306612 10/2/2013 2:45 PM
4 of 11 ODC RS61.00 DS0.00

June Madrid
Archuleta County

COLORADO



By: Ross Aragón
Ross Aragón, Mayor

Attest:

April Hessman

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 1st DAY OF Oct, 2013.

TOWN OF PAGOSA SPRINGS,
COLORADO



By: Ross Aragón
Ross Aragón, Mayor

Attest:

April Hessman

April Hessman, Town Clerk



21306612
5 of 11 ODC

10/2/2013 2:45 PM
RS61.00 DS0 00

June Madrid
Archuleta County

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 796 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 3 day of Sept, 2013, and was published by title only, along with a statement indicating that a violation of the Ordinance is subject to enforcement and punishment pursuant to Article 3, Chapter 1 of the Pagosa Springs Municipal Code (P.S.M.C.), and specifically Section 1.3.3, which provides for a fine not exceeding \$1,000 or incarceration not to exceed one year, or both, that violation of the ordinance constitutes a public nuisance that may be abated pursuant to Article 2, Chapter 11 of the P.S.M.C., that the Town may seek injunction, abatement, or restitution in case of violation, and any other remedies provided by law or equity, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on Sept 20, 2013, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 2 day of Oct, 2013.



April Hessman, Town Clerk

(S E A L)



I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 796 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 1 day of Oct, 2013, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on October 2, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 2 day of Oct, 2013.



April Hessman, Town Clerk

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EXHIBIT A

ARTICLE 5. MEDICAL MARIJUANA

Section 6.5.1 Authority.

Section 6.5.2. Definitions.

Section 6.5.3. Findings.

Section 6.5.4. Prohibited Operations.

Section 6.5.5. Patients and Primary Care-givers.

Section 6.5.6. Penalty: Nuisance Declared.

Section 6.5.7. Automatic Repeal.

ARTICLE 5. MEDICAL MARIJUANA

Section 6.5.1 Authority.

The Town Council hereby finds and determines and declares that it has the power and authority to adopt this Article pursuant to the following:

1. Article XVIII, Section 14 of the Colorado Constitution;
2. The authority granted to home rule municipalities by Article XX of the Colorado Constitution;
3. The powers contained in the Town of Pagosa Springs Home Rule Charter;
4. The Colorado Medical Marijuana Code, §12-43.3-101, *et seq.*, C.R.S.;
5. The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.;
6. Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);
7. Section 31-15-103, C.R.S. (concerning municipal police powers);
8. Section 31-15-401, C.R.S. (concerning municipal police powers); and
9. Section 31-15-501, C.R.S. (concerning municipal authority to regulate businesses).

Section 6.5.2. Definitions

The following words, terms and phrases when used in this Article shall have the following meanings unless the context clearly indicates otherwise:



(1) "Medical marijuana," "medical marijuana center," "medical marijuana-infused product," "medical marijuana-infused products manufacturer," "optional premises," and "optional premises cultivation operation," shall have the same meanings as set forth in the Colorado Medical Marijuana Code, Article 43.3, C.R.S., as the same may from time to time be amended.

(2) "Patient" shall have the same meaning as set forth in Article XVIII, Section 14(1) of the Colorado Constitution.

(3) "Primary Care-giver" or "Primary Caregiver" shall have the same meaning as set forth in Article XVIII, Section 14(1) of the Colorado Constitution and Section 25-1.5-106, C.R.S.

Section 6.5.3. Findings

The Town Council makes the following findings:

(1) The Colorado Medical Marijuana Code, C.R.S. Section 12-43.3-101, *et seq.*, clarifies Colorado law regarding the scope and extent of Article XVII, Section 14 of the Colorado Constitution.

(2) This ordinance is necessary to protect and is enacted in furtherance of the public health, safety and welfare of the Town.

(3) This Article is intended to apply and shall apply to all property, businesses and business enterprises operating within the Town, whether stationary, mobile or virtual.

Section 6.5.4. Prohibited Operations.

(1) It is unlawful for any person to operate, cause to be operated or permit to be operated a medical marijuana center, an optional premises cultivation operation or a medical marijuana-infused products manufacturing facility in the Town.

(2) Medical marijuana centers, medical marijuana-infused products manufacturers and optional premises cultivation operations may not be operated as a primary land use, or as an incidental activity to another lawful land use, or as a home occupation.

(3) It is unlawful for any person who is not registered as a Patient or Primary Care-giver pursuant to § 25-1.5-106, C.R.S. to cultivate or sell medical marijuana within the Town, except as permitted pursuant to Article XVIII, Section 16 of the Colorado Constitution. Any person cultivating or selling medical marijuana in violation of this Chapter and Section 25-1.5-106, C.R.S. shall not be entitled to the affirmative defense provided in Section 14 of Article XVIII of the Colorado Constitution.



Section 6.5.5. Patients and Primary Care-givers.

(1) Nothing in this Article shall be construed to prohibit or otherwise impair the use of medical marijuana by Patients, in accordance with the Colorado Constitution and consistent with Section 25-1.5-106, C.R.S. and rules promulgated thereunder, as may be amended from time to time.

(2) Primary Care-givers within the Town are authorized to engage only in those activities regarding medical marijuana that are set forth in Section 14 of Article XVIII of the Colorado Constitution, as defined and limited by Section 25-1.5-106, C.R.S. Primary Care-givers who engage in the sale of medical marijuana and/or who charge for care-giver services, shall be deemed to be operating a business within the Town and shall obtain a business license pursuant to Section 6.1.3 of the Town Code.

(3) Primary Care-givers and Patients who engage in the cultivation of medical marijuana or the provision of care-giver services within the Town, whether for compensation or not, shall comply with all regulations of general applicability within the Town, including zoning regulations and uniform codes.

Section 6.5.6. Penalty: Nuisance Declared.

(1) It is unlawful for any person to violate any provision of this Article. Any such violation is hereby designated a criminal offense and any person found guilty of violating any of the provisions of this Article shall, upon conviction thereof, be punished by a fine or imprisonment or both pursuant to Sections 1.3.3 of this Code. Each day that a violation of any of the provisions of this Article continues to exist shall be deemed a separate and distinct violation pursuant to Section 1.3.2 of this Code.

(2) The conduct of any activity or business in violation of this Article is hereby declared to be a public nuisance, which may be abated pursuant to the provisions for the enforcement of nuisances as provided in Article 2 of Chapter 11 of this Code. All violations of this Chapter shall be considered an emergency violation as provided in Section 11.2.2 of this Code.

(3) The Town is specifically authorized to seek an injunction, abatement, restitution or any other remedy necessary to prevent, enjoin, abate or remove the violation.

(4) Any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law or in equity.

Section 6.5.7. Automatic Repeal.

This Article 5 shall be automatically repealed as of March 1, 2015, unless extended or readopted by subsequent Ordinance validly adopted.

EXHIBIT B

ARTICLE 6. RETAIL MARIJUANA ESTABLISHMENTS

Section 6.6.1. Authority.

Section 6.6.2. Definitions.

Section 6.6.3. Prohibited Operations.

Section 6.6.4. Penalties: Nuisance Declared.

Section 6.6.5. Automatic Repeal.

ARTICLE 6. RETAIL MARIJUANA ESTABLISHMENTS

Section 6.6.1. Authority.

The Town Council hereby finds and determines and declares that it has the power and authority to adopt this Article pursuant to the following:

1. Article XVIII, Section 16 of the Colorado Constitution;
2. The authority granted to home rule municipalities by Article XX of the Colorado Constitution;
3. The powers contained in the Town of Pagosa Springs Home Rule Charter;
4. The Colorado Retail Marijuana Code, §12-43.4-101, *et seq.*, C.R.S.;
5. The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.;
6. Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);
7. Section 31-15-103, C.R.S. (concerning municipal police powers);
8. Section 31-15-401, C.R.S. (concerning municipal police powers); and
9. Section 31-15-501, C.R.S. (concerning municipal authority to regulate businesses).

Section 6.6.2. Definitions.



The following words, terms and phrases when used in this Article shall have the following meanings unless the context clearly indicates otherwise:

A. “Marijuana” or “marihuana” shall have the same meaning as set forth in Article XVIII, Section 16(2)(f) of the Colorado Constitution.

B. “Marijuana club” means an entity or place of assembly that allows members and their guests, or any other persons, to consume marijuana or marijuana products whether for-profit or not-for-profit. Marijuana clubs shall not include social gatherings within a residential zoning district of adults 21 years of age and older as guests of a resident at the location, where a fee is not charged, goods are not sold, and no profit is made by the individual hosting the gathering.

C. “Marijuana cultivation facility” shall have the same meaning as set forth in Article XVIII, Section 16(2)(h) of the Colorado Constitution

D. “Marijuana establishment” shall have the same meaning as set forth in Article XVIII, Section 16(2)(i) of the Colorado Constitution.

E. “Marijuana product manufacturing facility” shall have the same meaning as set forth in Article XVIII, Section 16(2)(j) of the Colorado Constitution.

F. “Marijuana products” shall have the same meaning as set forth in Article XVIII, Section 16(2)(k) of the Colorado Constitution.

G. “Marijuana testing facility” shall have the same meaning as set forth in Article XVIII, Section 16(2)(l) of the Colorado Constitution.

H. “Person” means a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

I. “Retail marijuana store” shall have the same meaning as set forth in Article XVIII, Section 16(2)(n) of the Colorado Constitution.

Section 6.6.3. Prohibited Operations.

A. It is unlawful for any person to operate, cause to be operated, or permit to be operated, any marijuana establishment or marijuana club within the Town, and all such uses are hereby prohibited in any location within the Town.

B. Marijuana establishments and marijuana clubs may not be operated as a primary land use, or as an incidental activity to another lawful land use, or as a home occupation.



Section 6.6.4. Penalties: Nuisance Declared.

(1) It is unlawful for any person to violate any provision of this Article. Any such violation is hereby declared a criminal offense and any person found guilty of violating any provision of this Article shall, upon conviction thereof, be punished by a fine or imprisonment, or both, pursuant to Section 1.3.3 of this Code. Each day that a violation of any provision of this Article continues to exist shall be deemed a separate and distinct violation.

(2) The conduct of any activity or business in violation of this Article is hereby declared to be a public nuisance, which may be abated pursuant to the provisions for the enforcement of nuisances as provided in Article 2 of Chapter 11 of this Code. All violations of this Article shall be considered an emergency violation as provided in Section 11.2.2 of this Code.

(3) The Town is specifically authorized to seek an injunction, abatement, restitution, or any other remedy necessary to prevent, enjoin, abate, or remove the violation.

(4) Any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law or in equity.

Section 6.6.5. Automatic Repeal.

This Article 6 shall be automatically repealed as of March 1, 2015, unless extended or readopted by subsequent Ordinance validly adopted.

**Town of Pagosa Springs
P.O. Box 1859
Pagosa Springs, CO 81147**



AGENDA DOCUMENTATION

NEW BUSINESS V.3

PAGOSA SPRINGS TOWN COUNCIL, FEBRUARY 3, 2015

FROM: SCOTT FROST, SPECIAL PROJECTS DIRECTOR

PROJECT: PIEDRA STREET RECONSTRUCTION

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

Council has approved the reconstruction of Piedra Street and the project is budgeted for FY2015. After preliminary review of various possible configurations by Town Streets Department, Planning Department, Special Project Manager and Town Manager, the unanimous recommendation is to reconstruct Piedra Street with the pedestrian sidewalk located on the North side of the street.

The project encompasses Piedra Street from the west edge of its intersection with South 8th street to the north edge of old Durango Road. The reconstruction process involves grinding off the old asphalt and preparing the subgrade to meet accepted standards, then using the ground material and any additional imported fill as required to elevate the road bed for improved drainage. Paving will be Asphalt (HMA) to a minimum 4" thickness,

Sidewalk improvements include removal and replacement of existing sidewalk on the South side of Piedra Street between the 8th/9th street alley and 9th Street, bordering the Archuleta County Housing Authority Complex. Plans call for construction of additional new concrete sidewalk the entire length of the project with provisions for drainage and curb and gutter.

The recommendation to place the sidewalk on the North side is based on site review by Staff and recommendation of Project Engineer. Topographical conditions on the South side would require installation of a retaining wall along a considerable portion of the project resulting in increased project cost in addition to requiring acquisition of additional easements. Drainage and Snow Removal factors also favor the North side sidewalk configuration.

Staff seeks approval of Council to finalize plans for the recommended configuration and put the project out to bid by early March in order to insure construction will commence when school lets out.

FISCAL IMPACT

The Piedra Street Reconstruction Project is an approved item in the Town's 2015 Budget. The current budgeted amount is \$500,000 and is budgeted in 2 separate line items. There is \$100,000 budgeted in the Capital Improvement Fund (51-77-424) with the balance of \$400,000 being budgeted in the Trust/Impact Fee Account (31-22-602).

ACTIONS

It is recommended the Town Council by motion:

"DIRECT STAFF TO FINALIZE THE PLANS FOR RECONSTRUCTING PIEDRA STREET BETWEEN SOUTH 8TH STREET AND OLD DURANGO ROAD WITH A SIDEWALK TO BE PLACED ON THE **NORTH** SIDE OF PIEDRA STREET AND PUT OUT TO BID."

"DIRECT STAFF TO FINALIZE THE PLANS FOR RECONSTRUCTING PIEDRA STREET BETWEEN SOUTH 8TH STREET AND OLD DURANGO ROAD WITH A SIDEWALK TO BE PLACED ON THE **SOUTH** SIDE OF PIEDRA STREET AND PUT OUT TO BID."



AGENDA DOCUMENTATION

NEW BUSINESS:V.4

PAGOSA SPRINGS TOWN COUNCIL, FEBRUARY 3, 2015

FROM: JAMES DICKHOFF, TOWN PLANNING DEPARTMENT

**PROJECT: REQUEST FOR EXTENSION OF PREVIOUSLY APPROVED SAWMILL PLACE PRELIMINARY
SUBDIVISION PLAN**

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE

The applicant, Andrew Schlaefli of the Sawmill Place Development, has requested a one year extension for the Preliminary PUD Plan previously approved by Town Council on November 5, 2008. The applicant has submitted the following request for an extension for the Sawmill Place Development Preliminary Plan approval:

" As you are aware we are in the process of cleaning up some title issues that were caused by the original Pagosa Hills Unit #3 surveying errors. Unfortunately we haven't completed the clean-up process however we are making good progress having contacted the Sielstead heirs and agreed in principal to clear up the overlap issues. Also we have some remaining phasing /Development Improvement Agreement issues we still need to address before we can move forward with final approvals for the project. We therefor ask that you docket a one year extension of time for Town Council action and approval. Please let us know if you have any questions or you need any other information from us. Thanks, Andy"

The LUDC section 2.4.3.C.b.(i) requires Town Council Approval to extend approval of the Preliminary PUD Plan. Staff recommends the Planning Commission provide a recommendation on this request for Town Council to consider.

BACKGROUND

On January 27, 2005, the Planning Commission approved the following recommendation for Town Councils Consideration: *"Approve a recommendation to Town Council to Approve a one Year extension for the previously approved Sawmill Place Development Preliminary Plan, with the requirement that the applicant submit a Formal Development Application for "Extension of Preliminary Plat Approval" as being contemplated in Ordinance 823."*

Staff was asked to clarify the later portion of the recommendation since the applicant submitted a request for extension prior to the Town PC and TC consideration of revising the LUDC to require the preliminary plan extension application process, if it was legal and/or appropriate to require the applicant to submit such application. Staff did research into if the Town could require the Sawmill Place Applicant to submit an application process that has not been adopted by the Town prior to receiving the current request from the applicant. Staff has confirmed that the Town cannot require the applicant to submit an application for a process that has not yet been adopted by the Town. After the second reading of Ordinance 823 is approved, all future extension requests after that date would be required to submit a formal application. Staff has removed this portion of the recommendation for Town Councils consideration.

TC has previously approved one year extension requests on January 21, 2010, on January 4, 2011, on January 19, 2012, December 20, 2012 and January 23, 2014 extending the Sawmill Place Preliminary PUD Plan until January 23, 2015.

In 2013, Town Council approved extending development Improvement Agreement (DIA) timelines for completion of public and private improvements to 5 years for phase one and 3 years for additional phase

improvements, specific for the Sawmill Development. The developer proposes 4 phases total. The DIA will be drafted by Town staff at the time the Final Plan Application is submitted.

ORIGINAL PLAN APPROVAL BACKGROUND

The following are the Town Council meeting minutes when considering the original 2008 Sawmill Place preliminary plan approval.

11.05.2008 TOWN COUNCIL MEETING MINUTES

- 1. Sawmill Place PUD Preliminary Plan Request** – The applicant, Schlaefli Family Trust, represented by Reynolds and Associates, is requesting the review of a subdivision (PUD) consisting of approximately 11.62 acres. As proposed, the project includes 37 townhome units, 14 residential condominiums and five (5) mixed use lots for future development along Hwy 160 (these five lots will include a maximum of 12 residential condominiums and 30,000 square feet of commercial space). The Planning Commission unanimously recommended approval of the Sawmill Place Preliminary Plan PUD with four conditions; (1) address open space and roadway dedication issues; (2) submit verification at final plan that emergency access to Rainbow Drive has been secured; (3) vacate Bass Drive right-of-way plat; and (4) address additional vegetation comments per original sketch plan submittal on the west and east property boundaries, as feasible. CDOT asks council to continue this item until a study on left hand turn access off Hwy 160 onto Pike Drive has been completed, or make this a condition to approval of preliminary plan. Mr. Andy Schlaefli explained a permit had been issued from CDOT and agrees the plan would not move forward until after CDOT has been satisfied. He feels CDOT's issues and solutions leaves the project financially infeasible to continue. Tamra Allen explained the CDOT letter caught her and staff off guard and has not had time to look into other alternatives, but is willing to work with all players to get the plans moving along. Council Member Holt would like staff and Schlaefli to work with CDOT to make the project easily accessible for the commercial spaces. Mr. Bruce Hoch says there are a lot of accidents at the Hwy 160 and Pike Dr. and believes there will eventually have to have a light put in. Mr. Bill Hudson also believes Pike Dr. access is a problem at this time. Council Member Jackson moved to approve the Sawmill Place Preliminary Plan PUD, subject to their reporting back to council by the first December town council meeting regarding the left hand turn access options, as well as the four conditions recommended by the planning commission at the October 14, 2008 meeting, Council Member Weiler seconded, unanimously approved.

12.02.2008 TOWN COUNCIL MEETING MINUTES

c. Sawmill Place Preliminary Plan Access/Traffic Circulation Discussion – At the November 5, 2008 meeting Council approved the Sawmill Place Preliminary Plan as submitted with a request that the applicant, Schlaefli Family Trust, revisit potential alternatives to address left hand turn movements into the development. Alternative A (as permitted) allows for right-in/right-out traffic. Alternative B (eagle drive extension) the extension between Sawmill Place and Pike Drive would be constructed and the Town would need to commit in some form to the acquisition of Lot 85, Pagosa Hills No. 3 and lot 86 along with credit to Sawmill place for road impact fees as a regional road improvement. Alternative C (rainbow drive connection) is not acceptable due to the amount of roadway improvements that would be required by Archuleta County and neighborhood opposition. The Other Alternative is a ¾ traffic movement into Sawmill Place at the proposed access location. This option would invalidate the existing CDOT permit and force Pike Drive into a right-in/right-out only intersection. Mr. Andy Schlaefli would like the council to approve the current access into the 28 space RV Park and then work with the town to extend the Eagle Drive access. He advised that he received a letter from CDOT on this date with several restrictions to access to the property. He would like to work with the County and Town staff to get the right-of-way to extend Eagle Drive frontage road which requires design deviations and right-of-way issues. He would like credits for all fees, not just the road credit fees. Staff believes that most of CDOT's issues can be resolved and that moving forward with a right-in/right-out access as approved is the best option. Ms. Deanna Myers believes the amount of traffic will be much more than the current 28 space vehicle traffic. Ms. Dianne Killen says that there is quite a bit of traffic that currently goes in and out of the RV Park and there have never been any problems with access to the park. Council Member Holt stated that option A has already been approved and that Mr. Schlaefli is

good to go. Council Member Holt believes they have satisfied the conditions and council's consensus is that the applicant can move forward.

MOST RECENT PLAN EXTENSION APPROVAL BACKGROUND

01.23.14 TOWN COUNCIL MEETING MINUTES

- 1. Sawmill Place Development Preliminary Plan Approval Extension Request** - Due to the economic downturn and other reasons, the applicant, Andrew Schlaefli of the Sawmill Place Development, has requested and received one year extensions from the Town Council for the Preliminary PUD Plan previously approved by Town Council on November 5, 2008, on January 21, 2010, on January 4, 2011, on January 19, 2012, and on December 20, 2012, extending the Sawmill Place Preliminary PUD Plan until January 19, 2014. 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 are moving forward with developing a final plan application as soon as is financially feasible and an extension of the preliminary plan is re-approved. Final plan submission will require proof of CDOT access permit, US Army Corps of Engineers permit for wetland modifications and that all conditions of approval are satisfied. Council discussed access to the subdivision and the right-in-right-out movement on the highway. Council Member Cotton suggests access onto Rainbow Drive with the County's approval. Council Member Bunning asked if approving the extension would obligate the Town in any way, Town Planner Dickhoff said it doesn't obligate the Town. Council Member Lattin moved to approve a one-year extension for the Sawmill Place Development Preliminary Plan as previously approved by the Town Council on November 5, 2008, Council Member Bunning seconded, unanimously approved.

ANALYSIS:

There are 3 application processes for major land subdivision projects:

- 1) Sketch Plan Application reviewed for a decision by the Planning Commission.
- 2) Preliminary Plan Application reviewed for a recommendation by the Planning Commission and determined by the Town Council.
- 3) Final Plan Application reviewed by the Planning Director for compliance with LUDC and ALL contingencies associated with the preliminary plan approval. This final plan must comply with all current LUDC regulations. All commercial or multi-family buildings are then reviewed by the Design Review Board.

Once projects receive preliminary plan approval, it is typically at that time the developer begins searching for an anchor tenant or investors. Until those are secured, the developer typically does not submit the final plan application for many reasons, but typically due to financial reasons. Once the Final Plans are approved, the developer then has separate lots to pay property taxes and public and required private infrastructure improvements associated with a Development Improvement Agreement (DIA).

ATTACHMENT(S):

Proposed Project Development Phasing Plan.

FISCAL IMPACT

No fiscal impact associated with approving an extension.

RECOMMENDATION

The Town Planning Department Director and the Planning Commission recommend that Town Council, by motion:

**Approve a one Year extension for the previously approved
Sawmill Place Development Preliminary Subdivision Plan.**

KEY AND SITE CALCULATIONS

RESIDENTIAL UNIT SUMMARY	
RES. TOWNHOME UNITS 1-7	37 UNITS
CONDO UNITS, THREE-FOUR FLY BUILDINGS	14 UNITS
RES. CONDOMINIUM UNITS A-107 & B-107	7 UNITS
7 FLEX BUILDINGS W/ 103 CAR THROUGH GARAGE PER UNIT	
TOTAL = 51 UNITS	

MIXED-USE SUMMARY	
LOT 10 = 10,041 SF	
LOT 20 = 23,105 SF	
LOT 30 = 23,391 SF	
LOT 40 = 26,722 SF	
LOT 50 = 27,557 SF	
LOT 60-120 = 81,210 SF	
TOTAL AREA = 152,126 SF (3.47 ACRES)	

NOTE: EACH OF THE COMMERCIAL LOT MAY HAVE UP TO 4 RESIDENTIAL CONDO UNITS AND THE COMMERCIAL USE IN MIXED USE BUILDINGS FOR A TOTAL OF 20 RESIDENTIAL UNITS IN THE MIXED USE AREA.

PHASING SUMMARY

PHASE I	37 TOWNHOME UNITS, 1 CONDO BLDG., 2 COMM. LOT
PHASE II	7 TOWNHOME UNITS, 1 CONDO BLDG., 1 COMM. LOT
PHASE III	9 TOWNHOME UNITS, 1 COMM. LOT
PHASE IV	9 TOWNHOME UNITS, 1 COMM. LOT



REYNOLDS & ASSOCIATES
ARCHITECTURE
ENGINEERING

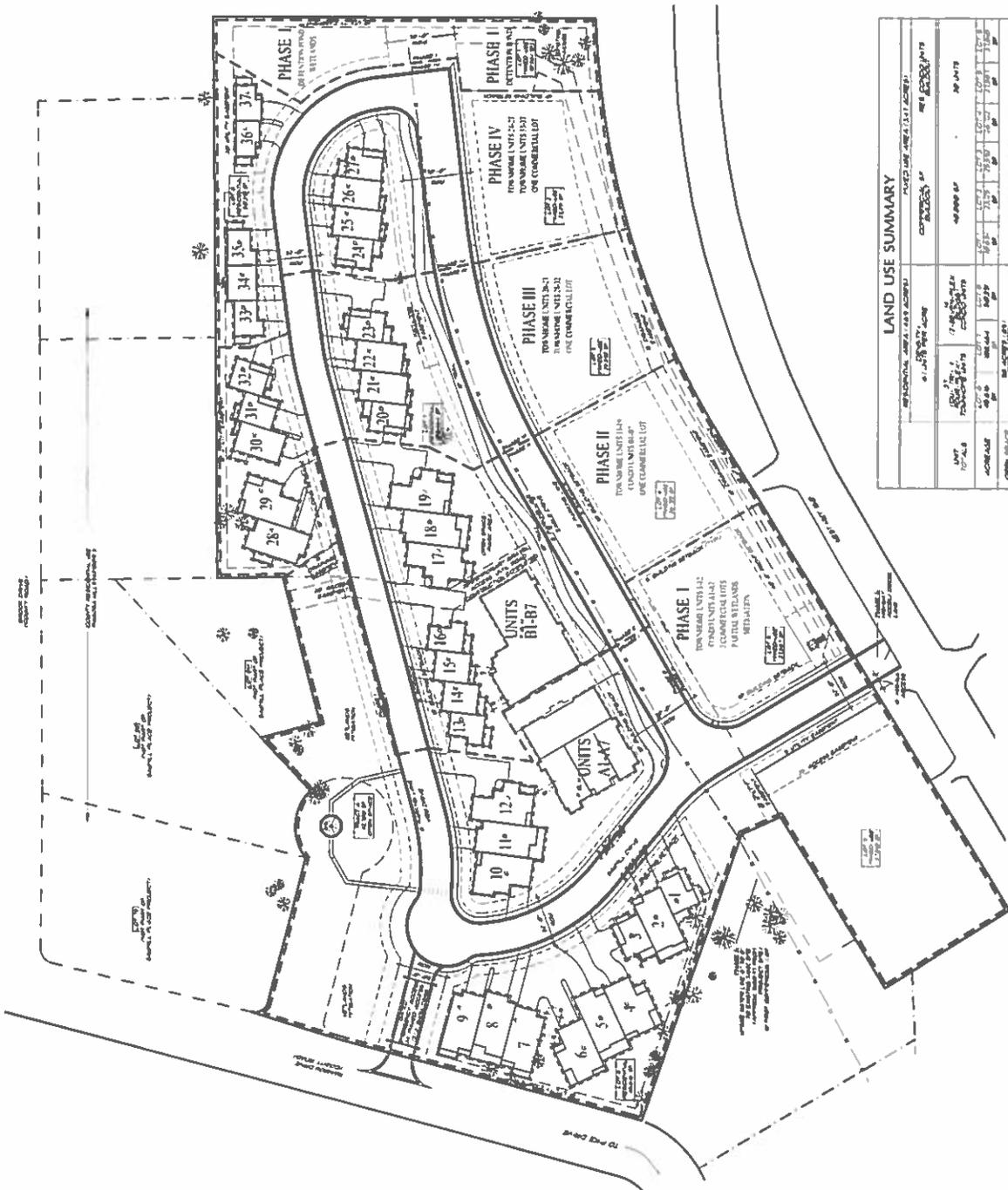
PROGRESS SET
NOT FOR CONSTRUCTION

SAMMILL PLACE
1551 WEST HIGHWAY 140
PAOOSA SPRINGS, CO 81147

JOB NO. 0665
DATE: 2012-09-09
DRAWN BY: CK
SCALE: AS SHOWN

DATE REVISION
REVISIONS

SPL.I
REV. 1/14



LAND USE SUMMARY	
RESIDENTIAL AREA: 152,126 ACRES	TOTAL LAND AREA: 152,126 ACRES
COMMERCIAL AREA: 152,126 ACRES	TOTAL COMMERCIAL AREA: 152,126 ACRES
LOT 10 = 10,041 SF	LOT 20 = 23,105 SF
LOT 30 = 23,391 SF	LOT 40 = 26,722 SF
LOT 50 = 27,557 SF	LOT 60-120 = 81,210 SF
TOTAL AREA = 152,126 SF (3.47 ACRES)	

PHASING/UNIT TYPE PLAN
SCALE: 1/8" = 1'-0"





AGENDA DOCUMENTATION

NEW BUSINESS:V.5

PAGOSA SPRINGS TOWN COUNCIL, FEBRUARY 3, 2015

FROM: JAMES DICKHOFF, TOWN PLANNING DEPARTMENT

PROJECT: FIRST READING OF ORDINANCE 822, AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS REPEALING AND READOPTING SECTION 6.7.3.B.2 OF THE LAND USE DEVELOPMENT CODE TO PROVIDE FOR ALLOWANCES FOR METAL SIDING IN COMMERCIAL AND MIXED USE ZONED DISTRICTS

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE

LUDC section 6.7.3.B.2.b, Building Design for Mixed-Use and Commercial (C) districts, currently prohibits metal-sided buildings, except for metal wainscoting not exceeding 4 feet in height, and allows for metal roofing. Mixed-Use districts include Mixed-Use Residential (MU-R), Mixed-Use Town Center (MU-TC) and Mixed-Use Corridor (MU-C).

The current prohibition of Metal Siding in all Commercial and Mixed-Use districts has generally been questioned by developers, Town Council, Planning Commission and the Historic Preservation Board. All have generally supported the development of Building Design Criteria instead of a general prohibition.

There has been support to consider allowing the use of Metal siding if the use of other siding materials are also incorporated into the building design. Other materials may include but are not limited to; Wood, Brick, Stone, and Stucco, as currently stated in LUDC section 6.7.3.B.2.a, which also encourages the use of materials derived from the local natural setting such as timbers and native stone.

As previously mentioned, staff believes the current prohibition was adopted as a means to prohibit the construction of a typical industrial looking metal building along the Hwy 160 corridor.

BACKGROUND

At the January 13, 2015 PC meeting, the PC discussed a number of considerations for revising the LUDC regarding the current prohibition of Metal Siding in Commercial and Mixed-Use districts. The PC directed staff to revise the previous staff recommended LUDC revisions to include:

- 1) The allowance of up to 35% of the façade to be metal siding.
- 2) include the discretion of the Design Review Board for approving architectural Features that may exceed such 35% limitation.

On December 02, 2014, the Town Council directed staff and the Planning Commission to develop LUDC revision recommendations for Town Council's consideration regarding developing Building Design Criteria versus the current prohibition on Metal Sided Buildings within Mixed-Use and Commercial districts.

Staff has conducted research into regulations other Colorado Communities have adopted and/or have considered for this matter, as has been discussed and presented to the Planning Commission. Many progressive Colorado Town's have limits or a prohibition on metal sided buildings.

Currently, The LUDC provides fairly clear site design requirements for Mixed-Use, Commercial, Multi-Family and Townhome Residential developments. Single family homes development is not currently addressed in the LUDC, expect for the major subdivision requirements addressed in LUDC articles 6 & 7.

The LUDC provides direction on building design considerations in section 6.7.3.B for Mixed Use and Commercial districts, and section 6.8.4. for Multi-Family and Townhome Residential developments.

ANALYSIS:

In considering the potential allowance for metal sided buildings in Commercial and Mixed-Use districts, the original thought was to develop additional design criteria to ensure good quality building design and appearance. During that analysis, staff reviewed the current design standards in LUDC section 6.7 for Commercial and Mixed-Use districts and believes the LUDC provides good direction for building design criteria under LUDC section 6.7.3.B, ensuring good quality building design and appearance.

Current LUDC section 6.7.3.B:

A. Building Design

1. Building Massing and Form

Unless otherwise provided in this Land Use Code, building form may vary widely, as long as certain features of building form are considered:

- a. Within the development, variability in size and shape of buildings shall occur.
- b. Incorporating human-scaled features at the ground level, referred to as “differentiation of ground level,” will help to encourage pedestrian use. Examples are: articulated entries and windows, canopies, arcades, recessed entries, changes in color, material, or texture.
- c. Façade modulation shall be utilized to reduce the apparent bulk of a large building, where applicable.
- d. Large, unbroken expanses and long, continuous rooflines shall be avoided.

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.

3. Architectural Style

The architectural character of new buildings or additions shall complement the architectural character of adjacent existing buildings.

4. Four-sided Design

All building facades shall be designed with a similar level of design detail. Blank walls void of architectural detailing shall not be permitted. Exceptions may be granted for those areas of the building envelope that the applicant can demonstrate are not visible from adjacent development, public rights-of-way, trails, or the San Juan River.

5. Entrance Visibility

Entrances shall be clearly delineated and visible from the street.

- a. Buildings should be designed with delineated and unobstructed entries accessible from adjacent streets, as opposed to entries accessible only from parking lots.
- b. When entries cannot be located adjacent to the street, delineated and unobstructed pathways using building and landscape elements should enhance building entries.

Planning Staff believes that if the PC and TC would like to allow the use of Metal Siding in the Commercial and Mixed Use Districts, a fairly simple revision to the LUDC can be accommodated. In general, staff recommends

requiring the use of varying and multiple siding materials. Staff recommends considering the following LUDC amendment, allowing Metal siding as a secondary material for buildings within the Commercial and Mixed Use Districts:

PROPOSED LUDC REVISION:

LUDC Section 6.7.3.B.2. Exterior Building Materials:

- a. Unless otherwise provided in this Land Use Code, a wide range of exterior building siding materials is acceptable, including but not limited to wood, brick, stone, (metal) and stucco.
- b. Materials appearing to derive from local natural settings, such as timber and native stone, are strongly encouraged.
- c. The use of multiple exterior siding materials, siding textures and/or architectural wall features is required.
- d. Metal may be used on the exterior of buildings for architectural features. Metal may be used as an architectural feature covering no more than Thirty Five percent (35%) of any building facade, unless the decision-making body determines that additional metal in the design creates a high-quality or unique building design that meets the purpose and intent of the standards in this section. Metal roofs are allowed and are exempt from the limitation on percentage of metal.
- e. Wainscot treatments are encouraged and should generally be a minimum of three feet in height not to exceed four feet in height.
- f. Vinyl and Plastic may be considered for sign letters only.

The Planning Director had originally recommended including “Metal shall not be the primary exterior surface material on buildings” after the first sentence in subsection (d), however, the PC determined not to include this in their recommendation.

ATTACHMENT(S):

Ordinance 822

FISCAL IMPACT

Recordation of the Ordinance with the Archuleta County Clerk is approximately \$75.

RECOMMENDATION

The Planning Commission recommends that Town Council approve Alternative Action #1 below.

- 1) APPROVE the First Reading of Ordinance 822, an Ordinance of the Town of Pagosa Springs Repealing and Readopting section 6.7.3.b.2 of the Land Use Development Code to Provide for allowances for Metal Siding Commercial and Mixed Use Zoned Districts.
- 2) Determine the current LUDC prohibition on Metal siding is appropriate and DENY recommending LUDC revisions to allow metal siding.

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 822
(SERIES 2015)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
REPEALING AND READOPTING SECTION 6.7.3.B.2 OF
THE LAND USE AND DEVELOPMENT CODE TO
PROVIDE FOR ALLOWANCES FOR METAL SIDING IN
COMMERCIAL AND MIXED USE ZONED DISTRICTS**

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 Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012, April 23, 2013 and April 22, 2014 (the “Charter”); and

WHEREAS, pursuant to Section 1.4 A) of the Charter, the Town has all power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution and Section 11.2 of the Charter the Town has the power to adopt and amend land use and development ordinances; and

WHEREAS, the Town Council has, by Ordinance, adopted the Pagosa Springs Land Use and Development Code, including Article 6 regarding “Development and Design Standards”; and

WHEREAS, the Town Council hereby determines that for the protection of the health, safety and welfare of the Town, it is in the best interest of the residents and visitors of the Town to Repeal and Readopt Section 6.7.3.B.2 of the Land Use and Development Code to establish allowances for the use of metal on the exterior of buildings within the Commercial and Mixed Use Zone Districts.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

Section 1. Repeal and Re-adoption of Land Use and Development Code Section 6.7.3.B.2, Exterior Building Materials. Land Use and Development Code Section 6.7.3.B.2, Exterior Building Materials is hereby Repealed and Readopted in its entirety as follows:

LUDC Section 6.7.3.B.2. Exterior Building Materials:

- a. Unless otherwise provided in this Land Use Code, a wide range of exterior building siding materials is acceptable, including but not limited to wood, brick, stone, (metal) and stucco.
- b. Materials appearing to derive from local natural settings, such as timber and native stone, are strongly encouraged.
- c. The use of multiple exterior siding materials, siding textures and/or architectural wall features is required.
- d. Metal may be used on the exterior of buildings for architectural features. Metal may be used as an architectural feature covering no more than Thirty Five percent (35%) of any building facade, unless the decision-making body determines that additional metal in the design creates a high-quality or unique building design that meets the purpose and intent of the standards in this section. Metal roofs are allowed and are exempt from the limitation on percentage of metal.
- e. Wainscot treatments are encouraged and should generally be a minimum of three feet in height, not to exceed four feet in height.
- f. Vinyl and Plastic may be considered for sign letters only.

Section 2. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY
PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE
CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS,
COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS
REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE
____ DAY OF _____, 2015.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY
TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME
RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA
SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND
PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA
SPRINGS, ON THE ____ DAY OF _____, 2015.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 822 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ___ day of _____, 2015, and was published by title only, along with a statement indicating that a violation of the Ordinance is subject to enforcement and punishment pursuant to Article 3, Chapter 1 of the Pagosa Springs Municipal Code, and specifically Section 1.3.3 which provides for a fine not exceeding \$1,000 or incarceration for not to exceed one year, or both, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2015, which date was at least ten (10) days prior to the date of Town Council consideration on second reading..

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2015.

April Hessman, Town Clerk

(S E A L)

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 822 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the ___ day of _____, 2015, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2015.

April Hessman, Town Clerk

(S E A L)



AGENDA DOCUMENTATION

NEW BUSINESS:V.6

PAGOSA SPRINGS TOWN COUNCIL

FEBRUARY 3, 2015

FROM: JAMES DICKHOFF, TOWN PLANNING DEPARTMENT

PROJECT: FIRST READING OF ORDINANCE 823, ESTABLISHING A DEVELOPMENT APPLICATION PROCEDURE FOR
EXTENDING SUBDIVISION PLANS

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND

The Planning Department receives annual requests for extensions of previously approved Preliminary Subdivision Plans, however, there is not an actual application process outlined in the LUDC for such a process or fees associated with processing such requests.

In general, when a developer seeks to create a major subdivision (Dividing a parcel into 3 lots or more), they are required to go through the Major Subdivision Sketch Plan and Preliminary Plan application process. This is a Public Hearing application process heard first by the Planning Commission and then the Town Council for final determination. Many preliminary Plan approvals have conditions of approval that must be satisfied at the time they submit their Final Subdivision Plan/Plat. The Final Subdivision Plan/Plat application process is administratively approved by the Planning Director, ensuring all previous approvals and conditions are satisfied. The Final Plan approval includes an executed Development Improvement Agreement (DIA), requiring the developer to install public and private infrastructure improvements.

Town Councils approval of a Preliminary Plan is valid for one year, unless expressly approved by Town Council prior to expiration. Many if not most Major Subdivision projects can take more than one year after preliminary Plan Approval to create the Final Plans for submission to the Town.

The Current *LUDC section 2.4.3C.4.b.(iv)(1)* requires:

"The applicant shall submit an application for "Extension of Major Subdivision Preliminary Plan" prior to the previous Preliminary Plan Approval date. Such extension application shall be considered by the Town Council."

Staff is recommending inserting language at the end of the above section requiring an application for "Extension of Major Subdivision Preliminary Plan". Staff also recommends amending the LUDC fee schedule to include an "Extension of Major Subdivision Preliminary Plan" Application Fee of \$300.

ANALYSIS:

Projects can experience many changes over time including; changing project details, changes in property ownership, changes in the actual developer, changes in current property tax balance status, new mortgages and loans, etc. An application process would ensure that any changes are identified and presented for consideration. All LUDC applications have a checklist to assist the applicant with understanding what is required for a complete application submittal. The relative application submittal requirements for an "Extension of Major Subdivision

Preliminary Plan" Application would include:

- 1) Completed Land use Application (cover sheet) and relative application fees.
- 2) Evidence of good title.

- 3) An Agreement for payment of fees (agreement to reimburse the Town for any expenses associated with processing their application).
- 4) General Development Information (Full explanation of the status of all approval contingencies and anticipated submission of Final Plan).
- 5) Taxes and List of taxing entity's (verification/status of property tax balance).

There is also no current fee charged for extension requests, however, there is a number of town staff hours involved with reviewing the original file, creating staff documentation and presenting the request to the Planning Commission and Town Council for their respective consideration. Staff would like to recommend an addition to the LUDC and adopted Fee Schedule to address these concerns. If Town Council approves the first reading of Ordinance 823, staff will bring a resolution to consider adopting a \$300 application fee for this application process.

ATTACHMENT(S):

~ Ordinance 823.

~ Major Subdivision Preliminary Plan Extension Application Checklist.

FISCAL IMPACT

Recordation of the Ordinance with the Archuleta County Clerk is approximately \$75.

RECOMMENDATION

The Planning Commission and Planning Director recommends that Town Council approve Alternative Action #1 below.

- 1) APPROVE the First Reading of Ordinance 823, an Ordinance of the Town of Pagosa Springs Repealing and Readopting section 2.4.3.C.4.b.(iv)(1) of the Land Use Development Code Establishing A Development Application Procedure for Extending Previously Approved Preliminary Subdivision Plans.
- 2) Determine that the current LUDC non-application extension request process is sufficient and that LUDC revisions are NOT needed.

Major Subdivision Preliminary Plan Extension Application Checklist and Submittal Requirements

For procedural and administrative related information see the Land Use and Development Code, Section 2.4.3, Subdivision.

Preliminary Plan/Plat (Subdivision): Materials submitted for a preliminary plan extension application shall meet the following requirements and technical standards.

Approximate Timeline: 1-2 months

Submittal Requirements Checklist.....

Completed Land Use Application (a)	<input checked="" type="checkbox"/>	Evidence of Good Title/Legal Description (g)	<input checked="" type="checkbox"/>
Land Use Application Fees (e) [\$500]	<input checked="" type="checkbox"/>	Taxes & List of Taxing Entities (h)	<input checked="" type="checkbox"/>
Agreement of Payment of Fees (f)	<input checked="" type="checkbox"/>	General Development Information (m)	<input checked="" type="checkbox"/>

Submittal Requirement Checklist Definitions

(a) **Land Use Application Form**: This form is attached and within Section 7 of the LUDC User's Manual.

(e) **Land Use Application Fees**: All land use application fees are determined by Town Council. A current fee schedule is included in Section 5 of the LUDC user's manual. Fees are non-refundable and shall be cashed by the Town at the time of determination of application completeness, see LUDC, Section 2.3.4.

(f) **Agreement for Payment of Fees**: This form is attached and shall be submitted and signed by the owner of record and accompany all land use application submittals.

(g) **Evidence of Good Title**: A current report providing evidence that the applicant owns the subject property, acceptable examples include: title commitment, title policy, ownership & encumbrance report and mortgage certificate. Reports shall include a legal description of the property and be dated no more than thirty (30) days from the date of application submittal.

(h) **Taxes & List of Taxing Entities**: Certification from the Archuleta County Treasurer's Office that all ad valorem taxes and assessments due and owing have been paid. In addition, the certification shall include a list of all special districts and taxing entities serving the property. Reports shall be dated no more than thirty (30) days from the date of application submittal.

(m) **General Development Information**: Provide a written description explaining the status of all contingencies of the original Preliminary Plan approval and subsequent Extension approvals. The narrative shall also explain the current proposed timeline for submitting the required Final Plan/Plat.

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 823
(SERIES 2015)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
REPEALING AND READOPTING
SECTION 2.4.3.C.4.b.(iv)(1) OF THE LAND USE AND
DEVELOPMENT CODE ESTABLISHING A
DEVELOPMENT APPLICATION PROCEDURE FOR
EXTENDING PREVIOUSLY APPROVED PRELIMINARY
SUBDIVISION PLANS**

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 Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012, April 23, 2013 and April 22, 2014 (the “Charter”); and

WHEREAS, pursuant to Section 1.4 (A) of the Charter, the Town has all power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution and Section 11.2 of the Charter the Town has the power to adopt and amend land use and development ordinances; and

WHEREAS, the Town Council has, by Ordinance, adopted the Pagosa Springs Land Use and Development Code, including Article 2 regarding “Administration”; and

WHEREAS, the Town Council hereby determines that for the protection of the health, safety and welfare of the Town, it is in the best interest of the residents and visitors of the Town to Repeal and Readopt Section 2.4.3.C.4.b.(iv)(1) of the Land Use and Development Code to establish an application procedure for Extending Previously Approved Preliminary Subdivision Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

Section 1. Repeal and Re-adoption of Land Use and Development Code Section 2.4.3.C.4.b.(iv)(1), Preliminary Plat, Step 10, Lapse of Approval. Land Use and Development Code Section 2.4.3.C.4.b.(iv)(1), Preliminary Plat, Step 10, Lapse of Approval is hereby Repealed and Readopted in its entirety, to now read as follows:

LUDC Section 2.4.3.C.4.b.(iv)(1), Step 10, Lapse of Approval:

(1) Approval or Conditional Approval of a Preliminary Plat Shall be Effective for One Year Unless Expressly Approved by the Town Council Prior to Expiration. The applicant shall submit an application for "Extension of Preliminary Subdivision Plan" prior to the previous Preliminary Plan Approval expiration date. Such extension application shall be considered by the Town Council.

Section 2. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF ____, 2015.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 2015.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 823 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ___ day of _____, 2015, and was published by title only, along with a statement indicating that a violation of the Ordinance is subject to enforcement and punishment pursuant to Article 3, Chapter 1 of the Pagosa Springs Municipal Code, and specifically Section 1.3.3 which provides for a fine not exceeding \$1,000 or incarceration for not to exceed one year, or both, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2015, which date was at least ten (10) days prior to the date of Town Council consideration on second reading..

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2015.

April Hessman, Town Clerk

(S E A L)

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 823 (Series 2015) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the ___ day of _____, 2015, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2015.

April Hessman, Town Clerk

(S E A L)



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, FEBRUARY 3, 2015
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 P.M.**

- I. **CALL MEETING TO ORDER**
- II. **PUBLIC COMMENT – *Please sign in to make public comment***
- III. **CONSENT AGENDA**
 1. **Approval of January 22, 2015 Meeting Minutes**
- IV. **REPORTS TO BOARD**
 1. **PAWSD/Pipeline Update Report**
- V. **NEXT BOARD MEETING FEBRUARY 19, 2015 AT 5:00PM**
- VI. **ADJOURNMENT**



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

**PAGOSA SPRINGS SANITATION
GENERAL IMPROVEMENT DISTRICT
SPECIAL MEETING MINUTES
THURSDAY, JANUARY 22, 2015
Town Hall Council Chambers
5:00 P.M.**

- I. CALL MEETING TO ORDER** – Board President Volger, Board Member Alley, Board Member Bunning, Board Member Egan, Board Member Lattin, Board Member Patel, Board Member Schanzenbaker
- II. PUBLIC COMMENT** – None
- III. CONSENT AGENDA**
 - 1. Approval of January 6, 2015 Meeting Minutes**
 - 2. Approval of December Financial Statement and Accompanying Payments**
Board Member Lattin moved to approve consent agenda, Board member Bunning seconded, unanimously approved.
- IV. REPORTS TO BOARD**
 - 1. Sanitation District Report** - Staff was delighted to learn in January that the District was awarded \$363,000 by the Colorado Department of Public Health and Environment in their Small Communities Grand Fund Program. There were 80 applications for nearly \$40M in projects but only seven projects on the wastewater side were awarded. The grant will be used to reduce the costs of the pipeline conveyance project. Town Manager Schulte gave appreciation to both the sanitation district manager and town clerk for their hard work to get the grant application in on time.
 - 2. PAWSD/Pipeline Update Report** – Hammerlund has been working on pump stations, currently PS1 is slightly further along than PS2, but both are continuing with exterior concrete walls, electrical, and mechanical work progressing.
- V. NEXT BOARD MEETING FEBRUARY 3, 2015 AT 5:00PM**
- VI. ADJOURNMENT** – Upon motion duly made, the meeting adjourned at 6:53pm.



AGENDA DOCUMENTATION

REPORTS TO BOARD:IV.1

PAGOSA SPRINGS SANITATION BOARD OF DIRECTORS

FEBRUARY 3, 2015

FROM: GENE TAUTGES, SANITATION SUPERVISOR

PROJECT: TOWN/PAWSD PIPELINE UPDATE

ACTION: DISCUSSION

Per Mike Steadman, one of the project managers at Hammerlund Construction, they will essentially shut down the pipeline conveyance project for the winter as of Friday 1/30/15. They anticipate re-mobilizing sometime in April. At that time pump station work will resume and as soon as Archuleta County allows work in road right of ways, and an agreement between the entities involved in the pipeline project can be reached, installation of the pipeline can continue as well.

The two large diesel powered emergency power generators arrived on 1/26/15 and will be stored on site until the pump stations are ready for them.

We were scheduled to meet with the president of Hammerlund Construction on 1/29/15, however he had a scheduling conflict and had to cancel.

Accounting wise, we recently received and approved an invoice from Bartlett & West for engineering service on the project in the of \$1302.04. This brings us to 99.25% of the contract amount of \$192,500.

As I mentioned previously, Pay applications #9 & 10 via the Lead Project Manager for Hammerlund Construction were received and approved for a total of \$126,868.20. We have requested more complete back-up documentation in the future before payment can be made.

Respectfully submitted,
Gene Tautges, Sanitation Supervisor