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**TOWN OF PAGOSA SPRINGS, COLORADO**

**ORDINANCE NO. 786  
(SERIES 2013)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS AMENDING THE  
OFFICIAL ZONING MAP REGARDING PROPERTY KNOWN AS THE  
SAWMILL PLACE ANNEXATION.**

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 ("Charter"); and

WHEREAS, Section 11.2, A) of the Charter provides that the Town Council may adopt land use and development ordinances, including but not limited to zoning ordinances, subdivision ordinances and an official map of the Town; and

WHEREAS, the Town has provided in the Pagosa Springs Municipal Code ("Code" of "P.S.M.C."), within Chapter 21 ("Land Use Code"), Articles 3 through 6, for zoning districts, use regulations, dimensional requirements, and development and design standards, for the purpose of promoting the health, safety, morals and general welfare of the Town; and

WHEREAS, the Land Use Code, Section 21.2.4.2, P.S.M.C., allows for the Town's Official Zoning Map to be amended by the Town Council; and

WHEREAS, the Property was recently annexed to the Town and Section 31-12-115, C.R.S., provides that initial zoning of the Property upon annexation may occur concurrently with annexation at any time after a petition for annexation has been found to be valid in accordance with the provisions of Section 31-12-107, C.R.S., and shall occur within ninety days after the effective date of the Annexation Ordinance, irrespective of any legal review which may be instituted pursuant to Section 31-12-116, C.R.S.; and

WHEREAS, after notice and public hearing as provided for in the Land Use Code, Sections 21.2.3.6, 21.2.3.7 and 21.2.4.2 P.S.M.C., the Town of Pagosa Springs Planning Commission recommended that the Town Council approve the Application, and

WHEREAS, the Town Council has upon proper notice and a public hearing as provided for in the Land Use Code, Sections 21.2.3.6, 21.2.3.7 and 21.2.4.2 P.S.M.C., considered the Application, the recommendation of the Planning Commission, the report of the Town Planner, the testimony of the Applicant and members of the public, and other evidence presented at such hearing; and

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TOWN OF PAGOSA SPRINGS  
P O BOX 1859  
Pagosa Springs, CO 81147



WHEREAS, the Town Council finds and determines that zoning the Property to Mixed Use Residential (MU-R) Zoning District:

1. Will initially zone the Property under the Town's Land Use Code upon its recent annexation to the Town;
2. Will promote the public health, safety, and general welfare;
3. Is consistent with the Comprehensive Plan and the purposes of the Code;
4. Is consistent with the stated purpose of the proposed zoning district;
5. Will result in facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) available to serve the Property while maintaining adequate levels of service to existing development;
6. Is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and
7. Is not likely to result in significant adverse impacts upon other property in the vicinity of the Property.

WHEREAS, the Town Council further finds and determines that the zoning of the property is necessary to accommodate the annexation of the property and the need to apply Town zoning instead of County zoning.

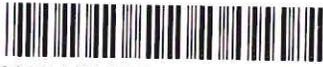
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

**Section 1. Incorporation of Recitals.** The recitals set forth above are incorporated and ordained hereby as if set forth hereafter in full.

**Section 2. Zoning Approval.** The Application is approved; the base zoning classification of the Property is MU-R as shown in Exhibit A.

**Section 3. Amendment of Zoning Map.** The official zoning map of the Town of Pagosa Springs, dated February 03, 2009, and updated on January 24, 2011, is amended to designate the base zoning of the Property as Mixed Use Residential (MU-R) Zoning District, as shown on Exhibit A attached hereto and incorporated herein.

**Section 4. Public Inspection.** The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

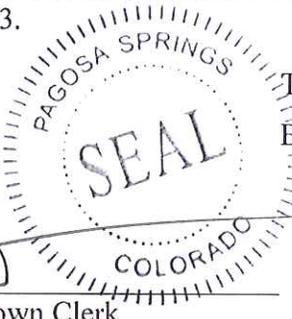


**Section 5. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

**Section 6. Public Hearing.** A public hearing on this Ordinance shall be held on the 05th day of February, 2013, at 5:00 p.m., at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

**Section 7. Effective Date.** This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED 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 05th DAY OF FEBRUARY, 2013.



TOWN OF PAGOSA SPRINGS

By: Ross Aragón  
Ross Aragón, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED 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 21 DAY OF Feb, 2013.



TOWN OF PAGOSA SPRINGS

By: Ross Aragón  
Ross Aragón, Mayor

Attest:

April Hessman, Town Clerk

**EXHIBIT A**

**Zoning Map of Sawmill Place Annexation**

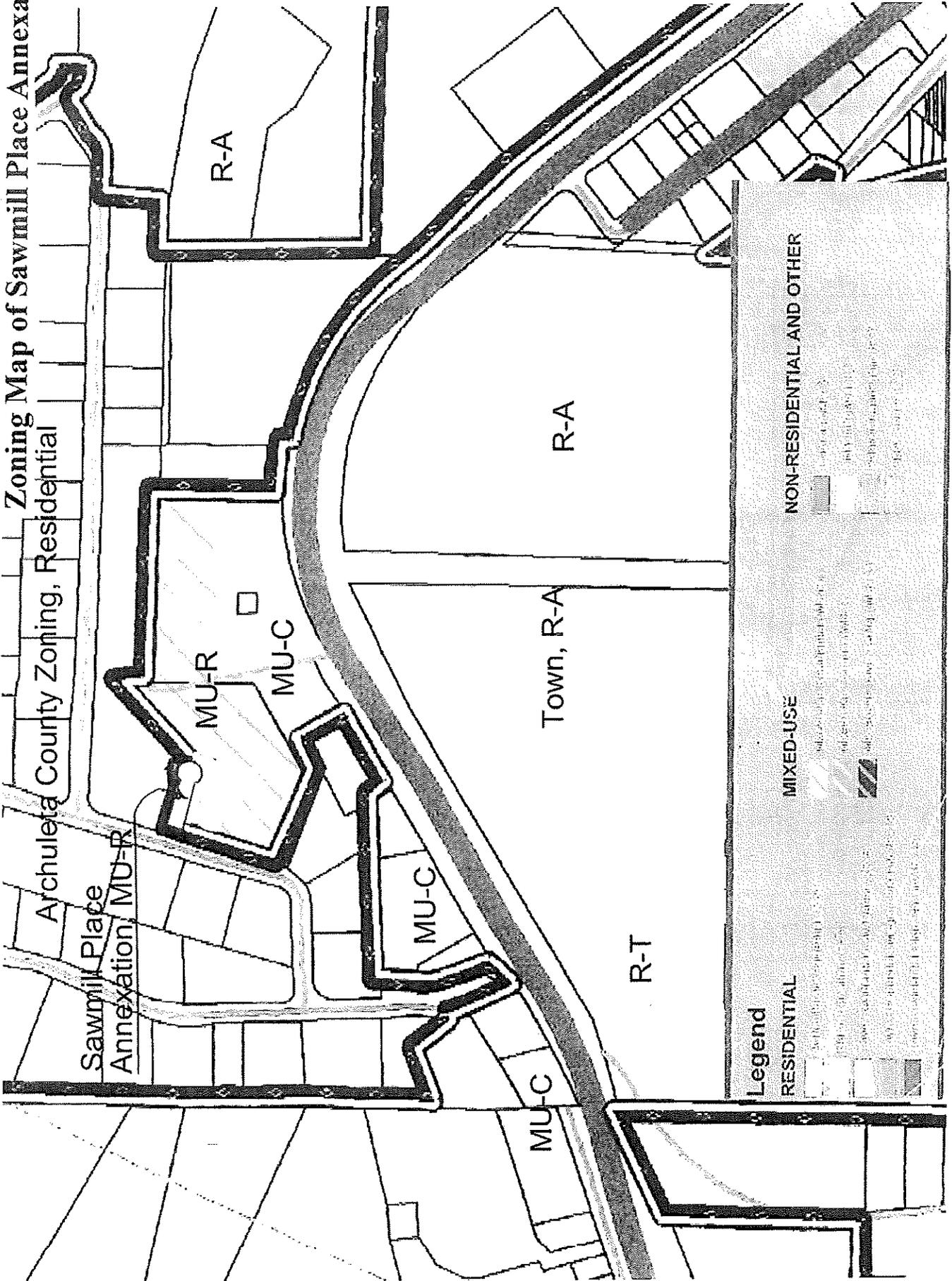
Archuleta County Zoning, Residential

Sawmill Place  
Annexation, MU-R

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June Madrid  
Archuleta County

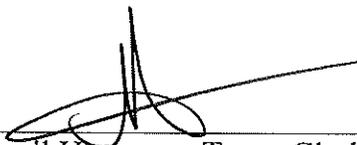




**CERTIFICATE OF PUBLICATION**

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 786 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 05<sup>th</sup> day of February, 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 Feb 6, 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 21 day of Feb, 2013.

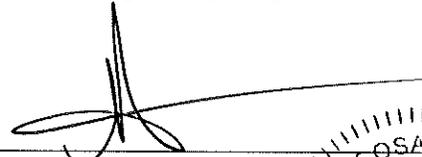
  
\_\_\_\_\_  
April Hessman, Town Clerk

(SEAL)



I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 785 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the 21 day of February, 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 Feb 21, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 21 day of Feb, 2013.

  
\_\_\_\_\_  
April Hessman, Town Clerk

(SEAL)

