



# PACKET MODIFICATIONS

January 23, 2024

Addition to Agenda Item #2:

- Email: Ostrander
- Revised Budget
- Professional Services Agreement

Addition to Agenda Item # 3:

- Draft Dark Skies Paonia Letter -

Addition to Agenda Item # 7 :

- Staff Report
- Email- Walker
- Mock Pricing HCS&S
- Column Invoices
- DCI, Anderson Handout

Addition of Agenda Item #8:

- Maps A
- Map B
- Map C
- R. Schmidt Comment notes admitted as evidence

Addition of Agenda Item #9:

- Statement of Qualifications from Wright Water Engineering
- Wright Water Engineering Question Responses
- Staff Report
- Redline contract for Wright Water Engineering

## FW: Revised Budget

Stefen Wynn <StefenW@townofpaonia.com>

Tue 1/23/2024 11:06 AM

To:Stefen Wynn <StefenW@townofpaonia.com>

Cc:Samira V <SamiraV@townofpaonia.com>

📎 1 attachments (25 KB)

Revised\_Overall\_Budget\_ToP\_Comprehensive\_Plan 1.22.2024.xlsx;

Hi Sam,

Can you add the email below and the overall budget to Agenda Item #2?

In Public Service,



**Stefen Wynn, M.P.A.**  
*ICMA-CM*  
**Paonia Town Administrator**

P : (970) 527-4101

F : (970) 527-4102

E : [StefenW@TownofPaonia.com](mailto:StefenW@TownofPaonia.com)

214 Grand Ave.

Paonia, CO 81428

<https://townofpaonia.colorado.gov/>



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**From:** Calla Rose Ostrander <callarose@gmail.com>

**Sent:** Monday, January 22, 2024 10:16 PM

**To:** Stefen Wynn <StefenW@townofpaonia.com>

**Subject:** Revised Budget

Hello Stefen,

Thank you for your patience as we compiled our additional budget request.

According to our accounting we have billed for \$37,368 (just about 80% of the project's original hours) and have \$17, 527 remaining.

In terms of estimating additional budget needs, the not so good news is that MW Studios is no longer charging a highly discounted rate, but their normal NGO rate. The good news is that Marissa had more hours than we anticipated and I am able to move some of those over into project management reducing the additional hours requested there. What comes out in the wash is just about what I requested on Friday.

Please refer to the attached spreadsheet for hours by rate and where additional hours are being requested. Please let me know if you have any questions.

Thank you,  
Calla Rose

--  
Calla Rose Ostrander

<b>PROJECTED BUDGET for Town of Paonia Master Plan Update</b>		
<b>Phoenix Rising Resources</b>		
<b>January 2023-December 2023</b>		
<b>Budget Category</b>	<b>Q1 2023</b>	<b>Q2 2023</b>
<b>Project Management &amp; Administration</b>		
Kickoff Meeting	\$1,400.00	
Project Management	\$1,500.00	\$1,500.00
Virtual Project Management Program	\$165.00	
Administration & Budget Reporting	\$250.00	
<b>Composing the Master Plan</b>		
Background Research & Analysis	\$10,300.00	
Plan Outline & Writing	\$3,000.00	
Editing		
<b>Mapping</b>		
Plan Formatting & Design	\$2,000.00	
<b>Planner Review &amp; Recommendations</b>		
<b>Visioning &amp; Community/Stakeholder Engagement</b>		
Planning & Design for Public Sessions		
Facilitation & Event Support for Public Sessions		
Meetings w/ ToP Boards & Commissions		
Interviews w/ key stakeholders		
Coordination w/ Housing consultant		\$500
Public Review of Draft Plan		
<b>Public FLUM Presentation</b>		
<b>Blue Sage Rental</b>		
<b>Miscellaneous Expenses</b>	\$125	\$275
Supplies for public events		\$150
Printing	\$125	\$125
<b>Total Costs by Quarter</b>	<b>\$17,615.00</b>	<b>\$1,250.00</b>
<b>Total Project Cost</b>		



Q3 2023	Q4 2023	Total
		<b>\$9,145.00</b>
		<b>\$1,400.00</b>
\$1,500.00	\$1,500.00	<b>\$6,000.00</b>
\$165.00	\$165.00	<b>\$495.00</b>
\$500.00	\$500.00	<b>\$1,250.00</b>
		<b>\$31,250.00</b>
		\$10,500.00
	\$8,000.00	\$11,000.00
	\$4,750.00	\$4,750.00
	\$3,000.00	\$5,000.00
\$10,600.00		<b>\$11,100.00</b>
\$3,900.00		<b>\$3,900.00</b>
\$2,400.00		<b>\$2,400.00</b>
\$2,000.00		<b>\$2,000.00</b>
\$600.00		<b>\$600.00</b>
\$500.00		<b>\$1,000.00</b>
\$1,200.00		<b>\$1,200.00</b>

\$375	\$125	<b>\$900.00</b>
\$250		\$400
\$125	\$125	\$500
<b>\$16,965.00</b>	<b>\$19,065.00</b>	
		<b>\$52,395.00</b>

Requested Additional

TOTAL

**\$700.00**

\$400.00

\$300.00

**\$9,181.25**

\$1,500.00

\$681.25

\$7,000.00

**\$5,111.25**

\$1,913.75

\$408.75

\$2,513.75

\$275.00

**\$14,992.50**

<b>January 2023-December 2023</b>	<b>HRS Calla Rose Ostrander</b>	<b>HRS Marissa Monmart</b>	<b>HRS Studio MW</b>	<b>HRS Scott Brown</b>	<b>SUM</b>	
<b>Budget Category</b>						
<b>Project Management &amp; Administration</b>						
Kickoff Meeting	5	5	4	10		
Project Management	30	62.5		10		
Administration & Budget Reporting	25	40				
<b>Total Project Hours</b>	<b>60</b>	<b>107.5</b>	<b>4</b>	<b>20</b>	<b>191.5</b>	
Hours to date	89.5	60	20.5	20	190	
<b>Composing the Master Plan</b>						
Background Research & Analysis	50	70	30	15		
Plan Outline & Writing	50	80	30	15		
Revisions	45	45	14	10		
Plan Formatting & Design			50			
<b>Total Project Hours</b>	<b>145</b>	<b>195</b>	<b>124</b>	<b>40</b>	<b>504</b>	
Hours to date	120	104	73	40	337	
<b>Engagement</b>						
Planning & Design for Public Sessions	20	20	6	30		
Sessions	16	8	4	16		
Meetings w/ ToP Boards & Commissions	20	20	6			
Interviews w/ key stakeholders	6	6				
Coordination w/ Housing Consultant		8				
Public Review of Draft Plan	24					
<b>Total Project Hours</b>	<b>86</b>	<b>62</b>	<b>16</b>	<b>46</b>	<b>210</b>	
Hours to date	62	48	15	54.5	179.5	
<b>Total Project Hours by Subcontractor</b>	<b>705.5</b>	<b>831</b>	<b>365.5</b>	<b>226</b>		
Hours to Date by Contractor	271.5	212	108.5	114.5		

<b>Project Total Hours</b>	<b>905.5</b>					
<b>Hours Used To Date</b>	<b>706.50</b>					
<b>Hours Remaining</b>	<b>199.00</b>	<b>discounted rates</b>				
<b>% hours remaining</b>	<b>21.98%</b>					
<b>Additional Requested Hours</b>	<b>58</b>	<b>full rates from MW Studio and Rural Continum, continued discount from PRR</b>				

Cell: B6

Note: =====

ID#AAAApMtaft4

Marissa Mommaerts (2023-02-07 18:39:05)

5 hours: 2 hours planning, 2 hours participation, 1 hour follow up

Cell: C6

Note: =====

ID#AAAApMtaft8

Marissa Mommaerts (2023-02-07 18:39:21)

5 hours: 2 hours planning, 2 hours participation, 1 hour follow up

Cell: D6

Note: =====

ID#AAAApMtafuA

Marissa Mommaerts (2023-02-07 18:40:12)

4 hours: 1 hour planning, 2 hours participation, 1 hour follow up

Cell: E6

Note: =====

ID#AAAApMtafuE

Marissa Mommaerts (2023-02-07 18:41:31)

7.5 hours total: 5 hours planning, design & follow-up = 250

2.5 hours facilitation & prep @\$100 = 250

Cell: B7

Note: =====

ID#AAAApMtafuI

Marissa Mommaerts (2023-02-07 18:42:19)

30 hours from mid Sept-mid Dec

Cell: C7

Note: =====

ID#AAAApMtafuM

Marissa Mommaerts (2023-02-07 18:42:31)

10 hours/mo from March-July

Cell: E7

Note: =====

ID#AAAApMtafwo

Marissa Mommaerts (2023-02-07 20:06:43)

10 hours

Cell: B8

Note: =====

ID#AAAApMtafuQ

Marissa Mommaerts (2023-02-07 18:42:40)

25 hours

Cell: B13

Note: =====

ID#AAAApMtafuU

Marissa Mommaerts (2023-02-07 18:43:18)

50 hours, emphasis on Water & Infrastructure/Risks & Resilience

Cell: C13

Note: =====

ID#AAAApMtafuY

Marissa Mommaerts (2023-02-07 18:43:26)

72 hours

Cell: D13

Note: =====

ID#AAAApMtafuc

Marissa Mommaerts (2023-02-07 19:09:36)

30hours, emphasis on land use/growth framework

Cell: E13

Note: =====

ID#AAAApMtafug

Marissa Mommaerts (2023-02-07 19:10:14)  
15 hours, emphasis on culture/character/tourism/rec

Cell: F13

Note: =====

ID#AAAAPMtafuk

Marissa Mommaerts (2023-02-07 19:10:45)

My guess for 4 hours of advice/consulting from Shay Coburn on overall MP + emphasis on growth framework

Cell: B14

Note: =====

ID#AAAAPMtafus

Marissa Mommaerts (2023-02-07 19:12:53)

50 hours, emphasis on Water/Infrastructure and Risks & Resilience

Cell: C14

Note: =====

ID#AAAAPMtafuo

Marissa Mommaerts (2023-02-07 19:12:11)

80 hours

Cell: D14

Note: =====

ID#AAAAPMtafu0

Marissa Mommaerts (2023-02-07 19:15:00)

30 hours, emphasis on growth framework

Cell: E14

Note: =====

ID#AAAAPMtafuw

Marissa Mommaerts (2023-02-07 19:14:42)

15 hours, emphasis on Culture/character, Tourism & Rec

Cell: B15

Note: =====

ID#AAAAPMtafu8

Marissa Mommaerts (2023-02-07 19:16:53)

45 hours

Cell: C15

Note: =====

ID#AAAAPMtafvA

Marissa Mommaerts (2023-02-07 19:17:20)

45 hours

Cell: D15

Note: =====

ID#AAAAPMtafvE

Marissa Mommaerts (2023-02-07 19:17:48)

14 hours - emphasis on Growth Framework

Cell: E15

Note: =====

ID#AAAAPMtafvI

Marissa Mommaerts (2023-02-07 19:18:14)

10 hours

Cell: D16

Note: =====

ID#AAAAPMtafvM

Marissa Mommaerts (2023-02-07 19:18:51)

50 hours

Cell: B21

Note: =====

ID#AAAAPMtafvU

Marissa Mommaerts (2023-02-07 19:19:17)

20 hours

Cell: C21



Note: =====

ID#AAAApMtafvY

Marissa Mommaerts (2023-02-07 19:19:28)

20 hours

Cell: D21

Note: =====

ID#AAAApMtafvc

Marissa Mommaerts (2023-02-07 19:19:45)

6 hours

Cell: E21

Note: =====

ID#AAAApMtafvQ

Marissa Mommaerts (2023-02-07 19:19:07)

30 hours

Cell: B22

Note: =====

ID#AAAApMtafvG

Marissa Mommaerts (2023-02-07 19:24:16)

8 hours @\$100 facilitation rate: 2 2-hour events w/ 1 hour prep & 1 hour follow up for each

Cell: C22

Note: =====

ID#AAAApMtafvo

Marissa Mommaerts (2023-02-07 19:26:41)

8 hours event support

Cell: D22

Note: =====

ID#AAAApMtafvs

Marissa Mommaerts (2023-02-07 19:27:00)

4 hours event participation (2 2-hour events)

Cell: E22

Note: =====

ID#AAAApMtafvk

Marissa Mommaerts (2023-02-07 19:24:24)

8 hours @\$100 facilitation rate: 2 2-hour events w/ 1 hour prep & 1 hour follow up for each

Cell: B23

Note: =====

ID#AAAApMtafvw

Marissa Mommaerts (2023-02-07 19:38:38)

20 hours: 5 1.5-hour meetings/group interviews w/ 1.5 hours prep and 1 hour follow up for each

Cell: C23

Note: =====

ID#AAAApMtafv0

Marissa Mommaerts (2023-02-07 19:38:43)

20 hours: 5 1.5-hour meetings/group interviews w/ 1.5 hours prep and 1 hour follow up for each

Cell: D23

Note: =====

ID#AAAApMtafxM

Marissa Mommaerts (2023-02-07 21:13:22)

6 hours: 2 1.5-hr meetings/group interviews w/ ToP Planning Commission & Trustees, + 1.5 hour prep & follow up

Cell: B24

Note: =====

ID#AAAApMtafv4

Marissa Mommaerts (2023-02-07 19:39:24)

6 hours total for 2-3 interviews with key stakeholders who are unable to attend group meetings/interviews

Cell: C24

Note: =====

ID#AAAApMtafv8

Marissa Mommaerts (2023-02-07 19:39:35)

6 hours total for 2-3 interviews with key stakeholders who are unable to attend group meetings/interviews

Cell: C25

Note: =====

ID#AAAApMtafWA

Marissa Mommaerts (2023-02-07 19:39:59)

8 hours

Cell: B26

Note: =====

ID#AAAApMtafWE

Marissa Mommaerts (2023-02-07 19:41:02)

24 hours total for phased release of draft report sections (6 sections @ 4 hours each - 45 min live session + prep & synthesizing feedback to integrate into plan) = 1200

Calla Rose Ostrander  
1200 Third Street  
Paonia, CO, 81428  
(970) 201-3134  
callarose@gmail.com

Any such notice or other communication shall be effective when received as indicated on the delivery receipt, if by hand delivery or overnight carrier; on the United States mail return receipt, if by United States mail; or on facsimile transmission receipt. Either party may by similar notice given, change the address to which future notices or other communications shall be sent.

## **20.0 EQUAL OPPORTUNITY EMPLOYER**

- 20.1 Contractor will not discriminate against any employee or applicant for employment because of age 40 and over, race, sex, sexual orientation, gender identity, pregnancy, color, religion, national origin, disability, genetic information, veteran status, or any other applicable status protected by federal, state, or local law. Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to any status set forth in the preceding sentence. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.
- 20.2 Contractor shall be in compliance with the applicable provisions of the American with Disabilities Act as enacted and from time to time amended and any other applicable federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

## **21.0 FORCE MAJEURE; MISCELLANEOUS**

- 21.1 A party's performance of its obligations hereunder, other than payment obligations, will be excused if such party's performance is prevented by any cause or causes beyond its reasonable control without the fault or negligence of such party. Such causes may include, but are not necessarily restricted to, acts of God, of the public enemy, terrorist acts, insurrection, civil disturbance, acts of the government in either its sovereign or contractual capacity, fires, epidemics, quarantine restrictions, strikes or labor disturbance, acts or omissions of carriers, transmitters, phone companies, Internet service providers, Internet backbone providers, vandals, or hackers. In no event shall financial difficulty or inability constitute force majeure.
- 21.2 The failure on the part of either party to exercise any right or remedy hereunder will not operate as further waiver of such right or remedy in the future or any other right or remedy. A waiver or consent given by any party on any one occasion shall be effective only in that instance and shall not be construed as a bar or waiver of any right on any other occasion. If any provision in the Agreement is found to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect and shall in no way be affected or impaired thereby provided the original intent of the parties can be fulfilled.

parties, and then participate in a non-binding mediation of any such Claim. If the Claim proceeds to mediation, the mediator shall be a retired judge or practicing attorney agreed upon by the parties. Mediation shall be held in Delta County, Colorado. The cost of the mediation shall be borne by the parties equally. At least ten (10) business days before the date of the mediation, each side shall provide the mediator with a statement of its position and copies of all supporting documents. Each party shall send to the mediation a person who has authority to bind the party. If the subject dispute will involve third parties, such as an insurer, vendor, or agent, such party or parties may be asked to participate in the mediation. If a party has participated in the mediation and a successful outcome has not been achieved, that party may thereafter initiate litigation. If any party commences litigation with respect to a Claim without first attempting to resolve the Claim through mediation, then that party shall not be entitled to recover its attorneys' fees.

- 16.4 Section 16.3 notwithstanding, either party may immediately pursue injunctive relief in the courts of Delta County to prevent a breach or continuing breach of this Agreement by the other party.

#### **17.0 COMPLIANCE WITH LAWS**

Contractor shall be solely responsible for compliance with all applicable federal, state, and local laws, including the ordinances, resolutions, rules, and regulations of the Town; for payment of all applicable taxes; and obtaining and keeping in force all applicable permits and approvals.

#### **18.0 INTEGRATION AND AMENDMENT**

This Agreement represents the entire Agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.

#### **19.0 NOTICES**

All notices required or permitted under this Agreement shall be in writing and shall be given by hand delivery, by United States first class mail, postage prepaid, registered or certified, return receipt requested, by national overnight carrier, or by electronic mail or facsimile transmission, addressed to the party for whom it is intended at the following address:

If to the Town:

Town of Paonia  
Attn: Mary Bachran, Mayor  
214 Grand Avenue  
P.O. Box 460  
Paonia, CO 81428  
Telephone: 970-527-4101  
Fax: 970-527-4102  
Email: maryb@townofpaonia.com

If to the Contractor:

Phoenix Rising Resources LLC

- 13.2 In addition to the foregoing, this Agreement may be terminated by the Town for its convenience and without cause of any nature by giving written notice at least fifteen (15) days in advance of the termination date. In the event of such termination, the Contractor will be paid for the reasonable value of the services rendered to the date of termination, not to exceed a pro-rated daily rate, for the services rendered to the date of termination, and upon such payment, all obligations of the Town to the Contractor under this Agreement will cease. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

#### **14.0 INSPECTION AND AUDIT**

The Town and its duly authorized representatives shall have access to any books, documents, papers, and records of the Contractor that are related to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

#### **15.0 DOCUMENTS; INFORMATION**

- 15.1 At the request of Contractor, the Town will provide or make available to Contractor any information in the Town's possession or available to the Town from others that in the opinion of Contractor is reasonably necessary to allow Contractor to perform the Services. Contractor may rely upon such information and does not assume any responsibility to determine the accuracy or authenticity of any such information. By providing any information to Contractor, the Town warrants that it is entitled to so provide same to Contractor for the purposes of the Agreement.

- 15.2 All computer input and output, analyses, plans, documents photographic images, tests, maps, surveys, electronic files and written material of any kind generated in the performance of this Agreement or developed for the Town in performance of the Services are and shall remain the sole and exclusive property of the Town. All such materials shall be promptly provided to the Town upon request therefor and at the time of termination of this Agreement, without further charge or expense to the Town. Contractor shall not provide copies of any such material to any other party without the prior written consent of the Town.

#### **16.0 ENFORCEMENT; DISPUTE RESOLUTION**

- 16.1 Subject to Section 16.3, in the event that suit is brought upon this Agreement to enforce its terms, the prevailing party shall be entitled to its reasonable attorneys' fees and related court costs.
- 16.2 This Agreement shall be deemed entered into in Delta County, Colorado, and shall be governed by and interpreted under the laws of the State of Colorado. Any action arising out of, in connection with, or relating to this Agreement shall be filed in the courts of Delta County or the federal district court for the District of Colorado, and in no other court. Contractor hereby waives its right to challenge the personal jurisdiction of the courts of Delta County and the federal district court for the District of Colorado over it. Colorado law shall apply to the construction and enforcement of this Agreement.
- 16.3 The parties agree that, prior to the commencement of litigation of any dispute, controversy, claim or counterclaim (each a "Claim") between the parties arising out of this Agreement, the parties shall first attempt to resolve the Claim through negotiations between the

Contractor shall exercise in its performance of the Services hereunder in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.

#### **10.0 INDEPENDENT CONTRACTOR**

It is the expressed intent of the parties that the Contractor is an independent contractor and not the agent, employee or servant of the Town, and that:

- 10.1. CONTRACTOR SHALL SATISFY ALL TAX AND OTHER GOVERNMENTALLY IMPOSED RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, PAYMENT OF STATE, FEDERAL AND SOCIAL SECURITY TAXES, UNEMPLOYMENT TAXES, WORKERS' COMPENSATION AND SELF-EMPLOYMENT TAXES. NO STATE, FEDERAL OR LOCAL TAXES OF ANY KIND SHALL BE WITHHELD OR PAID BY THE TOWN.
- 10.2. CONTRACTOR IS NOT ENTITLED TO WORKERS' COMPENSATION BENEFITS EXCEPT AS MAY BE PROVIDED BY THE INDEPENDENT CONTRACTOR NOR TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS UNEMPLOYMENT COMPENSATION COVERAGE IS PROVIDED BY THE INDEPENDENT CONTRACTOR OR SOME ENTITY OTHER THAN THE TOWN.

#### **11.0 SUCCESSORS; ASSIGNMENT**

This Agreement shall be binding upon, and inure to the benefit of, both parties and their respective successors and permitted assigns. Contractor shall not assign or delegate this Agreement or any portion thereof, or any monies due to or become due hereunder without the Town's prior written consent. Any assignment or delegation in violation of this Section shall be voidable in the Town's sole discretion.

#### **12.0 DEFAULT**

Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.

#### **13.0 TERMINATION**

- 13.1 This Agreement may be terminated by either party for material breach or default of this Agreement by the other party not caused by any action or omission of the other party by giving the other party written notice at least thirty (30) days in advance of the termination date. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

notice has been given to the Town. The Town reserves the right to request and receive a certified copy of any policy and any endorsement thereto.

7.4 Failure on the part of the Contractor to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the Town may immediately terminate the contract, or at its discretion may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the Town shall be repaid by Contractor to the Town upon demand, or the Town may offset the cost of the premiums against any monies due to Contractor from the Town.

7.5 The parties understand and agree that the Town is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., as from time to time amended, or otherwise available to the Town, its officers, or its employees.

**8.0 INDEMNIFICATION; CONSEQUENTIAL DAMAGES WAIVER**

8.1 To the fullest extent permitted by law, the Contractor agrees to indemnify and hold harmless the Town, and its elected and appointed officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the services hereunder, if such injury, loss, or damage is caused by the negligent act, omission, or other fault of the Contractor or any subcontractor of the Contractor, or any officer, employee, or agent of the Contractor or any subcontractor, or any other person for whom Contractor is responsible. The Contractor shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims, and demands. The Contractor shall further bear all other costs and expenses incurred by the Town or Contractor and related to any such liability, claims and demands, including but not limited to court costs, expert witness fees and attorneys' fees if the court determines that these incurred costs and expenses are related to such negligent acts, errors, and omissions or other fault of the Contractor. The Town shall be entitled to its costs and attorneys' fees incurred in any action to enforce the provisions of this Section 8.1. The Contractor's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the Town.

8.2 NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, NEITHER CONTRACTOR NOR CLIENT SHALL HAVE ANY LIABILITY TO THE OTHER PARTY OR ITS REPRESENTATIVES AND AFFILIATES FOR ANY INDIRECT, SPECIAL, INCIDENTAL, SPECIAL, EXEMPLARY, ENHANCED, COVER, CONSEQUENTIAL OR PUNITIVE DAMAGES, LOST PROFITS OR REVENUES OR DIMINUTION IN VALUE INCURRED BY ANY PARTY ARISING OUT OF OR RELATING TO THE AGREEMENT, WHETHER IN AN ACTION IN CONTRACT, BREACH OF WARRANTY OR TORT, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

**9.0 QUALITY OF WORK**



## **7.0 INSURANCE**

- 7.1 The Contractor agrees to procure and maintain, at its own cost, the policies of insurance set forth in Subsections 7.1.1 through 7.1.4. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types. The coverages required below shall be procured and maintained with forms and insurers acceptable to the Town. All coverages shall be continuously maintained from the date of commencement of services hereunder. The required coverages are:
- 7.1.1 Workers' Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.
  - 7.1.2 General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000) aggregate. The policy shall include the Town of Paonia, its officers and its employees, as additional insureds, with primary coverage as respects the Town of Paonia, its officers and its employees, and shall contain a severability of interests provision.
  - 7.1.3 Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than FOUR HUNDRED THOUSAND DOLLARS (\$400,000) per person in any one occurrence and ONE MILLION DOLLARS (\$1,000,000) for two or more persons in any one occurrence, and auto property damage insurance of at least FIFTY THOUSAND DOLLARS (\$50,000) per occurrence, with respect to each of Contractor's owned, hired or non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision. If the Contractor has no owned automobiles, the requirements of this paragraph shall be met by each employee of the Contractor providing services to the Town of Paonia under this contract.
  - 7.1.4 Professional Liability coverage with minimum combined single limits of TWO MILLION DOLLARS (\$2,000,000) per claim and TWO MILLION DOLLARS (\$2,000,000) aggregate.
- 7.2 The Contractor's general liability insurance, automobile liability and physical damage insurance shall be endorsed to include the Town, and its elected and appointed officers and employees, as additional insureds, unless the Town in its sole discretion waives such requirement. Every policy required above shall be primary insurance, and any insurance carried by the Town, its officers, or its employees, shall be excess and not contributory insurance to that provided by the Contractor. Such policies shall contain a severability of interests provision. The Contractor shall be solely responsible for any deductible losses under each of the policies required above.
- 7.3 Certificates of insurance shall be provided by the Contractor as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the Town. No required coverage shall be cancelled, terminated or materially changed until at least 30 days prior written

- 4.2 The Contractor shall submit monthly an invoice to the Town for Services rendered during the previous month. The invoice shall document the Services provided during the preceding month, identifying by work category and subcategory the work and tasks performed and such other information as may be required by the Town. The Contractor shall provide such additional backup documentation as may be required by the Town. The Town shall pay the invoice within thirty (30) days of receipt unless the Services or the documentation therefor are unsatisfactory. Payments made after thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation therefor.

## **5.0 PROJECT REPRESENTATION; DIRECTION**

- 5.1 The Town designates Interim Town Administrator, Leslie Klusmire, and Ms. Klusmire's successor, as the responsible Town staff to provide direction to the Contractor during the conduct of the Services. The Contractor shall comply with the directions given by said Town staff and such person's designees. Failure of the Contractor to comply with such directions shall constitute a material breach upon which the Town may terminate this Agreement. The Contractor shall not attempt to supplant the Town's discretion or determinations with the Contractor's determinations or discretion as to the content of the Master Plan or any other deliverables prepared by the Contractor under this Agreement.
- 5.2 The Contractor designates Marissa Mommaerts as its project manager and as the principal in charge who shall be providing the Services under this Agreement. Should any of the representatives be replaced, and such replacement require the Town or the Contractor to undertake additional reevaluations, coordination, orientations, etc., the Contractor shall be fully responsible for all such additional costs and services.

## **6.0 TERM**

- 6.1 The term of this Agreement shall be from the Effective Date to February 29, 2024, unless sooner terminated pursuant to Section 13, below. The Contractor's Services under this Agreement shall commence on the Effective Date, and Contractor shall proceed with diligence and promptness so that the Services are completed in a timely fashion consistent with the timeline set forth in Exhibit A and the Town's requirements.
- 6.2 Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the Town within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. All financial obligations of the Town under this Agreement are subject to annual budgeting and appropriation by the Paonia Board of Trustees, in its sole discretion. Notwithstanding anything in this Agreement to the contrary, in the event of non-appropriation, this Agreement shall terminate effective December 31 of the then-current fiscal year.

**PROFESSIONAL SERVICES AGREEMENT  
BY AND BETWEEN THE TOWN OF PAONIA  
AND PHOENIX RISING RESOURCES LLC**

**1.0 PARTIES**

This Professional Services Agreement (this "Agreement") is made and entered into this 28<sup>th</sup> day of February, 2023 (the "Effective Date"), by and between the **Town of Paonia**, a Colorado municipal corporation, hereinafter referred to as the "Town", and **Phoenix Rising Resources LLC**, a Colorado limited liability company, hereinafter referred to as the "Contractor".

**2.0 RECITALS AND PURPOSE**

- 2.1 The Town desires to engage the Contractor for the purpose of providing services and deliverables as further set forth in the Contractor's Scope of Services (which services and deliverables are hereinafter referred to as the "Services").
- 2.2 The Contractor represents that it has the special expertise, qualifications and background necessary to complete the Services.

**3.0 SCOPE OF SERVICES**

The Contractor agrees to provide the Town with the specific Services and to perform the specific tasks, duties and responsibilities set forth in Scope of Services attached hereto as Exhibit A and incorporated herein by reference; provided that, the Contractor shall coordinate with the firm selected by the Town to prepare the Town's Affordable Housing Plan, such that no work performed by the Contractor is duplicative of that performed by such firm. In the event of any conflict between the terms and conditions of this Agreement and the terms and conditions of Exhibit A, the terms and conditions of this Agreement shall control. The Contractor shall furnish all tools, labor and supplies in such quantities and of the proper quality as are necessary to professionally and timely perform the Services. The Contractor acknowledges that this Agreement does not grant any exclusive privilege or right to supply Services to the Town. In its sole discretion, the Town may contract with other contractors to provide the same or similar services during the term of this Agreement.

**4.0 COMPENSATION**

- 4.1 The Town shall pay the Contractor for Services under this agreement a total not to exceed the amounts set forth in Exhibit A attached hereto and incorporated herein by this reference. For Services compensated on a per-task basis, such costs per task shall not exceed the amounts set forth in Exhibit A. The Town shall not pay mileage and other reimbursable expenses (such as meals, parking, travel expenses, necessary memberships, etc.). The foregoing amounts of compensation shall be inclusive of all costs of whatsoever nature associated with the Contractor's efforts, including but not limited to salaries, benefits, overhead, administration, profits, expenses, and outside contractor fees. The Scope of Services and payment therefor shall only be changed by a properly authorized amendment to this Agreement. No Town employee has the authority to bind the Town with regard to any payment for any services which exceeds the amount payable under the terms of this Agreement.

**22.0 NO THIRD PARTY BENEFICIARIES**

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Town and Contractor, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than Town or Contractor receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

**23.0 SUBCONTRACTORS**

Contractor may utilize subcontractors identified in its qualifications submittal to assist with non-specialized works as necessary to complete projects. Contractor will submit any proposed subcontractor and the description of its services to the Town for approval. The Town will not work directly with subcontractors.

**24.0 AUTHORITY TO BIND**

Each of the persons signing below on behalf of any party hereby represents and warrants that such person is signing with full and complete authority to bind the party on whose behalf of whom such person is signing, to each and every term of this Agreement.

In witness whereof, the parties have executed this Agreement to be effective as of the day and year first above written.

TOWN OF PAONIA  
a Colorado Municipal Corporation

By: [Signature]  
Mayor

Attest: [Signature]  
Town Clerk

CONTRACTOR:

[Signature]

By: [Signature]

Title: Founder Phoenix Risk Resource, LLC

**Exhibit A – Scope of Services and Price Information**

**[See Following Page(s)]**

## **Exhibit A, Scope of Services**

PRR will be charged with leading the following scope to produce an updated Master Plan for the Town of Paonia (the “Services”):

- Conduct background research and synthesize existing relevant materials,
- Facilitate community engagement process including 2 public community engagement sessions
- Meet with key stakeholders including Town Staff, Boards & Committees
- Produce draft Master Plan
- Engage in 2-3 rounds of revisions to Master Plan with input from Town and public, and
- Produce final Master Plan.

## **Deliverables**

- Kickoff Meeting
- 2 public community engagement sessions
- 5 Meetings with Town Staff, Boards & Committees (one meeting with each group: Town Staff, Trustees, Planning Commission, Water Committee, and Tree Board)
- 3 individual interviews with key stakeholders (if they are unable to participate in group interviews)
- Dedicated email address to receive public comments
- Fliers & social media posts to alert public of Master Plan process
- Phased release of key report sections prior to public review period
- Final Master Plan with:
  - Introductory chapter with brief history of Paonia
  - Community vision and objectives
  - Goals and policies
  - Growth Framework
  - Action Plan
  - Relevant Maps and Graphics
  - Bibliography

**PROJECTED BUDGET for Town of Paonia Master Plan Update****Phoenix Rising Resources**

January 2023-December 2023

**Budget Category****Q1 2023****Q2 2023****Project Management & Administration**

Kickoff Meeting

\$1,400.00

Project Management

\$1,500.00

\$1,500.00

Virtual Project Management Program

\$165.00

Administration &amp; Budget Reporting

\$250.00

**Composing the Master Plan**

Background Research &amp; Analysis

\$10,300.00

Plan Outline &amp; Writing

\$3,000.00

Revisions

Plan Formatting &amp; Design

\$2,000.00

**Visioning & Community/Stakeholder Engagement**

Planning &amp; Design for Public Sessions

Facilitation &amp; Event Support for Public Sessions

Meetings w/ ToP Boards &amp; Commissions

Interviews w/ key stakeholders

Coordination w/ Housing consultant

\$500

Public Review of Draft Plan

**Miscellaneous Expenses**

\$125

\$275

Supplies for public events

\$150

Printing

\$125

\$125

**Total Costs by Quarter****\$17,615.00****\$1,250.00****Total Project Cost**

Q3 2023	Q4 2023	Total
		<b>\$9,145.00</b>
		<b>\$1,400.00</b>
\$1,500.00	\$1,500.00	<b>\$6,000.00</b>
\$165.00	\$165.00	<b>\$495.00</b>
\$500.00	\$500.00	<b>\$1,250.00</b>
		<b>\$31,250.00</b>
		\$10,500.00
	\$8,000.00	\$11,000.00
	\$4,750.00	\$4,750.00
	\$3,000.00	\$5,000.00
\$10,600.00		<b>\$11,100.00</b>
\$3,900.00		<b>\$3,900.00</b>
\$2,400.00		<b>\$2,400.00</b>
\$2,000.00		<b>\$2,000.00</b>
\$600.00		<b>\$600.00</b>
\$500.00		<b>\$1,000.00</b>
\$1,200.00		<b>\$1,200.00</b>
\$375	\$125	<b>\$900.00</b>
\$250		\$400
\$125	\$125	\$500
<b>\$16,965.00</b>	<b>\$19,065.00</b>	
		<b>\$52,395.00</b>



January 2023-December 2023	HRS Calla Rose Ostrand	HRS Marissa Monmart	HRS Studio MW	HRS Scott Brown
<b>Budget Category</b>				
<b>Project Management &amp; Administration</b>				
Kickoff Meeting	5	5	4	10
Project Management	30	62.5		10
Administration & Budget Reporting	25	40		
<b>Total Project Hours</b>	<b>60</b>	<b>107.5</b>	<b>4</b>	<b>20</b>
Hours to date	5	10.25		
<b>Composing the Master Plan</b>				
Background Research & Analysis	50	70	30	15
Plan Outline & Writing	50	80	30	15
Revisions	45	45	14	10
Plan Formatting & Design			50	
<b>Total Project Hours</b>	<b>145</b>	<b>195</b>	<b>74</b>	<b>40</b>
Hours to date	5	50	16.5	17
<b>Visioning &amp; Community/Stakeholder Engagement</b>				
Planning & Design for Public Sessions	20	20	6	30
Facilitation & Event Support for Public Sessions	16	8	4	16
Meetings w/ ToP Boards & Commissions	20	20	6	
Interviews w/ key stakeholders	6	6		
Coordination w/ Housing Consultant		8		
Public Review of Draft Plan	24			
<b>Total Project Hours</b>	<b>86</b>	<b>62</b>	<b>16</b>	<b>46</b>
Hours to date	13	48	15	54.5
Total Project Hours by Subcontractor	506	727.25	238.5	183
Hours to Date by Contractor	23	108.25	31.5	71.5
<b>Project Total</b>	<b>1654.75</b>			
<b>Hours used to date</b>	<b>234.25</b>			
<b>% hours used</b>	<b>7.06%</b>			



<b>Task/Deliverable</b>	<b>PRR</b>	<b>MM</b>	<b>SMW</b>
<b>Management &amp; Kickoff Meeting</b>	up (5 hours)	(5 hours)	Participation (4
<b>Management Budget Reporting</b>	mid Sept-mid Dec for reporting, payments)	July for Basecamp, track proposal, etc.)	
<b>Master Plan</b>			
Research & Writing	Infrastructure + Risks,	Development & Efficiency in Govt.	Framework section
Revisions	Infrastructure + Risks, revisions @ 15 hours each	Development & Efficiency in Govt. revisions @ 15 hours each	Framework section
Design			14 hours
			all versions of MP
<b>Community/Stake for Public Sessions</b>	20 hours	20 hours	6 hours
Support for Public Meetings w/ ToP Boards & Commissions	hour prep & 1 hour follow up	registration, notes, clean-up, etc.	participation
	20 hours: 5 1.5-hour meetings/group interviews w/ 1.5 hours prep and 1 hour follow up for each	20 hours: 5 1.5-hour meetings/group interviews w/ 1.5 hours prep and 1 hour follow up for each	planning commission & Trustees?
Interviews w/ key stakeholders	6 hours total for 2-3 interviews with key stakeholders who are unable to attend group meetings/interviews	6 hours total for 2-3 interviews with key stakeholders who are unable to attend group meetings/interviews	
Coordination w/ Housing Consultant	24 hours total for phased release of draft report sections (6 sections @ 4 hours each - 45 min live session + prep & synthesizing feedback to integrate into plan)	8 hours	
Public Review of Draft Plan			

**SB**

meeting prep;  
through mid-

Character, Tourism & for the "easier" sections  
Character, Tourism &  
10 hours

30 hours  
events w/ 1 hour

We, the Board of Trustees of the Town of Paonia, Colorado, hereby offer our full support for the Town of Paonia to be certified as an International Dark Sky Community by DarkSky International. This certification will help preserve and protect the character and culture of our rural, Western Colorado community nestled at the base of multiple remote and mountainous wilderness areas.

The Town of Paonia has been working with the community-led nonprofit organization Dark Skies Paonia to diligently protect the area's night skies for several years. One of the first Dark Sky related projects was replacing the Town's one hundred plus streetlights with dark-sky compliant, fully shielded, 2700 Kelvin LED fixtures. This lighting improvement not only helped to preserve Paonia's night skies but had the added benefit of saving the Town approximately \$1000/month in energy expenses.

In 2022, the Town adopted a comprehensive dark sky lighting ordinance (Ordinance 05-2022) that requires all outdoor lighting to be fully shielded and adds restrictions to excessive and inappropriate lighting. Concurrently, the Town of Paonia Parks, Recreation, and Trails Master Plan (2022) identified preservation of Paonia's night sky as a "key issue and need," helping ensure that this valuable community resource will be protected for future years and future generations.

As additional evidence for our support for dark skies, the Town commits to having full compliance of all Town-owned lights by the end of 2027.

The Paonia Board of Trustees considers International Dark Sky Community certification a major accomplishment in our continuing efforts to preserve the natural beauty and rural charm of the Town of Paonia and surrounding area. We thank you for your consideration of this application.

Sincerely and respectfully,

Mary Bachran, Mayor

On behalf of the Board of Trustees

Paonia, Colorado



**TOWN OF PAONIA  
BOARD OF TRUSTEES MEETING  
STAFF REPORT**

<b>AGENDA ITEM:</b>	Agenda Item #7 - Consideration of Request to Change Legal Paper of Record Designation to the High Country Spotlight and Shopper
<b>SUBMITTED BY:</b>	Samira Vetter, Town Clerk
<b>DATE:</b>	January 23, 2024
<b>BACKGROUND:</b>	<p>This item was continued from the January 9, 2024 regular meeting after the Board requested more information. I have included emails from Tina Walker, Managing Owner of the High Country Spotlight and Shopper where she set and priced two of our already published Legal Notices and the receipts from the same Notices as they were published in the Delta County Independant through Column.</p> <p>Dennis Anderson, Publisher from the Delta County Independant, gave me the following pricing.:</p> <p>\$ 4.85 a column inch for the first run          \$ 4.18 a column inch for the second run          \$ 3.96 a column inch for the third run.</p> <p>Mr. Anderson will be in attendance tonight to present information and answer questions the Board may have. Ms. Walker is travelling and will try to attend by Zoom but may still be on the road, so she tried to offer as much information as possible.</p>
<b>BUDGET:</b>	10-45-30 Publishing & Ads: FY 2024 Budgeted \$6500.00
<b>RECOMMENDATION:</b>	
<b>ATTACHMENT:</b>	Email from Tina Walker High Country Shopper and Spotlight Pricing examples Column invoices from same notices for the Delta County Independant

## Re: Tonight's meeting

Samira V <SamiraV@townofpaonia.com>

Tue 1/23/2024 9:23 AM

To:Tina Walker <tina@highcountryshopper.com>

I will include this email to the Board for tonight's meeting. Please travel safely and thank you for supplying the information asked for.

*Samira M Vetter*

Town Clerk

Town of Paonia

(970) 527-4101 Ext 2010

Townofpaonia.colorado.gov

"The more man meditates upon good thoughts, the better will be his world and the world at large." ~ Confucious

**Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.**

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**From:** Tina Walker <tina@highcountryshopper.com>

**Sent:** Tuesday, January 23, 2024 9:16 AM

**To:** Samira V <SamiraV@townofpaonia.com>

**Subject:** Tonight's meeting

You don't often get email from tina@highcountryshopper.com. [Learn why this is important](#)

Good morning Samira,

I wanted to reach out and let you know there is a strong chance I will not be in Colorado Springs in time to set up to Zoom into the meeting tonight. I had this time to visit my daughter in the Springs on the calendar for a while and it's important I spend this time with her. At this point I cannot think of any pertinent points that I have not already made.

However, I have not touched on our social media presence (primarily Facebook with some Instagram presence) as I didn't find it pertinent to the topic of legal notices. But if any of the trustees want to know, we currently have 2,597 followers and we follow 261 business, government and community pages.

Our 90-day website stats (Oct. 23 - Jan. 22) are a total of 72,758 visitors with 175,255 page views. I think it's important to note that while there are some paid tools, such as SEMrush or Simplicweb, that can estimate another website's statistics (meaning a website we do not own or manage), they are not anywhere near accurate. They are rough estimates at best. With the changes in federal law regarding the use of cookies and tracking, it's very unlikely to have a comprehensive demographic breakdown of a website's viewership, even with tools such as Google's G4 (the replacement for Google Analytics).

Again, thank you for your assistance!

Best,

Tina Walker  
Managing Owner  
(970) 527-4576





January 22, 2023

Dear Samira,

Attached you will find pricing and sizing examples for legal notices at the following rates:

Publicly-supported legal notices will be set at 8-point type and in the same font style as other HCS classifieds. Our column width is 1.528" wide. This would equate to a rate of 36¢ per line for the first insertion and 26¢ per line for subsequent insertions. The column inch rate for notices that are set in display-ad format would be \$4.75 per column inch, black and white. Again, these are the rates as structured and capped by Colorado statute.

On the last page you will find an updated circulation report as of January 18 for the January 24 issue.

Thank you for taking the time to consider HCS as your designated legal paper of record.

Sincerely,

*Tina Walker*

Managing Owner

STATE OF COLORADO TOWN OF PAONIA, COLORADO

AN ORDINANCE ESTABLISHING WASTEWATER/SEWER RATES AND CHARGES

WHEREAS, pursuant to the Water Activity Law, Title 37, Article 45.1, C.R.S., and Section 13-4-10 of the Paonia Municipal Code ("PMC" or "Code"), the Town of Paonia ("Town") has established the Town Water and Sewer Enterprise ("Enterprise") consisting of the Town's water and sanitary sewer facilities and properties, now owned or hereafter acquired, whether situated within or without the Town boundaries, including all present or future improvements, extensions, enlargements, betterments, replacements or additions thereof or thereto, with all of the authority, powers, rights, obligations and duties as may be provided or permitted by the Colorado Constitution, Water Activity Law, and as may be further prescribed by ordinance or resolution of the Town; and

WHEREAS, to maintain its enterprise status, the Enterprise must at all times and in all ways, conduct its affairs so as to continue to qualify as a "water activity enterprise" within the meaning of Section 37-45.1-102, C.R.S., and as an "enterprise" within the meaning of Article X, Section 20, of the State Constitution, including the inability to levy taxes to pay bonds or any other expenses of the Enterprise or water and sewer systems; and ORDINANCE NO. 07-2023.

WHEREAS, PMC 13-5-230 authorizes the Board of Trustees (the "Board") to establish by ordinance all wastewater/sewer rates and charges and the effective date of said rates and charges; and

WHEREAS, the Board has made a thorough review of its existing wastewater/sewer rates and charges; and

WHEREAS, in view of the above recitals, the Board finds that the rates levied for wastewater/sewer services must be calculated to meet the cost of providing wastewater/sewer services, including maintenance, capital reinvestment, and related debt service to avoid deficit spending, and therefore desires to adjust water rates and charges to offset such costs, as set forth below in this resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO:

Section 1. Section 13-5-230 of the Paonia Municipal Code is hereby repealed in its entirety and replaced to read as follows:

Sec. 13-5-230.- Monthly wastewater/sewer service charge.

All wastewater/sewer service charges shall be established from time to time by ordinance of the Board of Trustees and notice of such charges shall be published in a newspaper of general circulation in the County to inform all users of such charges.

A copy of this Ordinance shall also be mailed to the owners of properties outside the boundaries of the Town of Paonia using the wastewater/sewer system at the last known address of said owners as shown in the records of the Town.

Section 2. Pursuant to Section 13-5-230 of the Paonia Municipal Code, as amended herein, the following wastewater/sewer rates are hereby adopted, and shall be charged by the Town of Paonia and paid by users for use of the Town's wastewater/sewer systems:

A) Wastewater/Sewer Rate within the Town

The in-Town wastewater/sewer rate shall be increased by two dollars (\$2.00) from fifty- five dollars (\$55.00) to fifty-seven dollars (\$57.00) per month for each residential unit and increased by two dollars (\$2.00) from sixty dollars (\$60.00) to sixty-two dollars (\$62.00) per month for each commercial unit within the boundaries of the Town of Paonia.

B) Wastewater/Sewer Rate outside the Town

The out-of-Town wastewater/sewer rate shall be increased by five dollars (\$5.00) from sixty dollars (\$60.00) to sixty-five dollars (\$65.00) per month for each residential and commercial unit outside the boundaries of the Town of Paonia.

C) Wastewater/Sewer Standby Fee

The wastewater/sewer standby fee shall be increased by five dollars (\$5.00) from fifty-five dollars (\$55.00) to sixty dollars (\$60.00) per month for each unit.

D) Notice

1. Notice of the wastewater/sewer rates shall be given by publication of this Ordinance in a newspaper of general circulation in the County so as to inform all users of such changes.

2. A copy of this Ordinance shall also be mailed to the owners of properties outside the boundaries of the Town of Paonia using the wastewater/sewer system at the last known address of said owners as shown in the records of the Town.

ATTEST:

E) Effective Date

The wastewater/sewer rates set forth herein shall become effective on January 1, 2024, to reflect on the first bill in February 2024.

INTRODUCED, READ, APPROVED, ADOPTED AND ORDERED TO BE PUBLISHED at a regular meeting of the Board of Trustees of the Town of Paonia, Colorado, on this 12th day of December 2023.

Samira M. Vetter, Town Clerk

Published Wednesday, December 20, 27, 2023, January 3, 10, 2024



NOTICE OF PUBLIC HEARING TOWN OF PAONIA, COLORADO

Notice is hereby given that the Planning Commission of the Town of Paonia will hold a Public Hearing commencing Wednesday, January 17, 2024 at 5 p.m., at the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado 81428. The purpose of the Public Hearing is to consider a request for approval of an application from West Elk Land & Hops, LLC for the (minor) subdivision of property located at 841 HWY 133, Paonia, CO 81428, and for the rezoning of the same property from Medium-Density Residential (R-2) to Estate Residential (E-1).

Further Notice is hereby given that the Board of Trustees of the Town of Paonia will hold a Public Hearing commencing Tuesday, January 23, 2024 at 5:00 p.m., at the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado 81428. The purpose of the Public Hearing is to consider a request for approval of an application from West Elk Land & Hops, LLC for the (minor) subdivision of property located at 841 HWY 133, Paonia, CO 81428, and for the rezoning of the same property from Medium-Density Residential (R-2) to Estate Residential (E-1).

Any person may appear at the Public Hearings and be heard regarding the matters under consideration. Copies of the proposed subdivision plat and related application materials are on file and available for public inspection in the office of the Town Clerk, 214 Grand Avenue, Paonia, Colorado 81428.

Legal Description: Lot 2, Riverbank Neighborhood Minor Subdivision, according to the instrument recorded March 21, 2012 in the records of the Delta County Clerk and Recorder under Reception No. 657278.

Dated the 19th day of December, 2023.

TOWN OF PAONIA, COLORADO

Samira Vetter, Town Clerk

Published Wednesday, December 27, 2023, January 3, 10, 17, 2024

56 lines set in one column

1st Run: 56 lines x 0.36 = \$20.16

Additional insertions: 56 lines x 0.26 = \$14.56

82 lines set in two columns

1st Run: 82 lines x 0.72 = \$59.04 • Additional insertions: 82 lines x 0.52 = \$42.64

**STATE OF COLORADO TOWN OF PAONIA, COLORADO  
AN ORDINANCE ESTABLISHING WASTEWATER/  
SEWER RATES AND CHARGES**

WHEREAS, pursuant to the Water Activity Law, Title 37, Article 45.1, C.R.S., and Section 13-4-10 of the Paonia Municipal Code ("PMC" or "Code"), the Town of Paonia ("Town") has established the Town Water and Sewer Enterprise ("Enterprise") consisting of the Town's water and sanitary sewer facilities and properties, now owned or hereafter acquired, whether situated within or without the Town boundaries, including all present or future improvements, extensions, enlargements, betterments, replacements or additions thereof or thereto, with all of the authority, powers, rights, obligations and duties as may be provided or permitted by the Colorado Constitution, Water Activity Law, and as may be further prescribed by ordinance or resolution of the Town; and WHEREAS, to maintain its enterprise status, the Enterprise must at all times and in all ways, conduct its affairs so as to continue to qualify as a "water activity enterprise" within the meaning of Section 37-45.1-102, C.R.S., and as an "enterprise" within the meaning of Article X, Section 20, of the State Constitution, including the inability to levy taxes to pay bonds or any other expenses of the Enterprise or water and sewer systems; and

ORDINANCE NO. 07-2023.

WHEREAS, PMC 13-5-230 authorizes the Board of Trustees (the "Board") to establish by ordinance all wastewater/sewer rates and charges and the effective date of said rates and charges; and

WHEREAS, the Board has made a thorough review of its existing wastewater/sewer rates and charges; and

WHEREAS, in view of the above recitals, the Board finds that the rates levied for wastewater/sewer services must be calculated to meet the cost of providing wastewater/sewer services, including maintenance, capital reinvestment, and related debt service to avoid deficit spending, and therefore desires to adjust water rates and charges to offset such costs, as set forth below in this resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO:

Section 1. Section 13-5-230 of the Paonia Municipal Code is hereby repealed in its entirety and replaced to read as follows:

Sec. 13-5-230.- Monthly wastewater/sewer service charge.

All wastewater/sewer service charges shall be established from time to time by ordinance of the Board of Trustees and notice of such charges shall be published in a newspaper of general circulation in the County to inform all users of such charges.

A copy of this Ordinance shall also be mailed to the owners of properties outside the boundaries of the Town of Paonia using the wastewater/sewer system at the last known address of said owners as shown in the records of the Town.

Section 2. Pursuant to Section 13-5-230 of the Paonia Municipal Code, as amended herein, the following wastewater/sewer rates are hereby adopted, and shall be charged by the Town of Paonia and paid by users for use of the Town's wastewater/sewer systems:

A) Wastewater/Sewer Rate within the Town

The in-Town wastewater/sewer rate shall be increased by two dollars (\$2.00) from fifty-five dollars (\$55.00) to fifty-seven dollars (\$57.00) per month for each residential unit and increased by two dollars (\$2.00) from sixty dollars (\$60.00) to sixty-two dollars (\$62.00) per month for each commercial unit within the boundaries of the Town of Paonia.

B) Wastewater/Sewer Rate outside the Town

The out-of-Town wastewater/sewer rate shall be increased by five dollars (\$5.00) from sixty dollars (\$60.00) to sixty-five dollars (\$65.00) per month for each residential and commercial unit outside the boundaries of the Town of Paonia.

C) Wastewater/Sewer Standby Fee

The wastewater/sewer standby fee shall be increased by five dollars (\$5.00) from fifty-five dollars (\$55.00) to sixty dollars (\$60.00) per month for each unit.

D) Notice

1. Notice of the wastewater/sewer rates shall be given by publication of this Ordinance in a newspaper of general circulation in the County so as to inform all users of such changes.

2. A copy of this Ordinance shall also be mailed to the owners of properties outside the boundaries of the Town of Paonia using the wastewater/sewer system at the last known address of said owners as shown in the records of the Town.

ATTEST:

E) Effective Date

The wastewater/sewer rates set forth herein shall become effective on January 1, 2024, to reflect on the first bill in February 2024.

INTRODUCED, READ, APPROVED, ADOPTED AND ORDERED TO BE PUBLISHED at a regular meeting of the Board of Trustees of the Town of Paonia, Colorado, on this 12th day of December 2023.

Samira M. Vetter, Town Clerk

Published Wednesday, December 20, 27, 2023, January 3, 10, 2024



**NOTICE OF PUBLIC HEARING**

TOWN OF PAONIA, COLORADO

Notice is hereby given that the Planning Commission of the Town of Paonia will hold a Public Hearing commencing Wednesday, January 17, 2024 at 5 p.m., at the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado 81428. The purpose of the Public Hearing is to consider a request for approval of an application from West Elk Land & Hops, LLC for the (minor) subdivision of property located at 841 HWY 133, Paonia, CO 81428, and for the rezoning of the same property from Medium-Density Residential (R-2) to Estate Residential (E-1).

Further Notice is hereby given that the Board of Trustees of the Town of Paonia will hold a Public Hearing commencing Tuesday, January 23, 2024 at 5:00 p.m., at the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado 81428. The purpose of the Public Hearing is to consider a request for approval of an application from West Elk Land & Hops, LLC for the (minor) subdivision of property located at 841 HWY 133, Paonia, CO 81428, and for the rezoning of the same property from Medium-Density Residential (R-2) to Estate Residential (E-1).

Any person may appear at the Public Hearings and be heard regarding the matters under consideration. Copies of the proposed subdivision plat and related application materials are on file and available for public inspection in the office of the Town Clerk, 214 Grand Avenue, Paonia, Colorado 81428.

Legal Description: Lot 2, Riverbank Neighborhood Minor Subdivision, according to the instrument recorded March 21, 2012 in the records of the Delta County Clerk and Recorder under Reception No. 657278.

Dated the 19th day of December, 2023.

TOWN OF PAONIA, COLORADO

Samira Vetter, Town Clerk

Published Wednesday, December 27, 2023, January 3, 10, 17, 2024

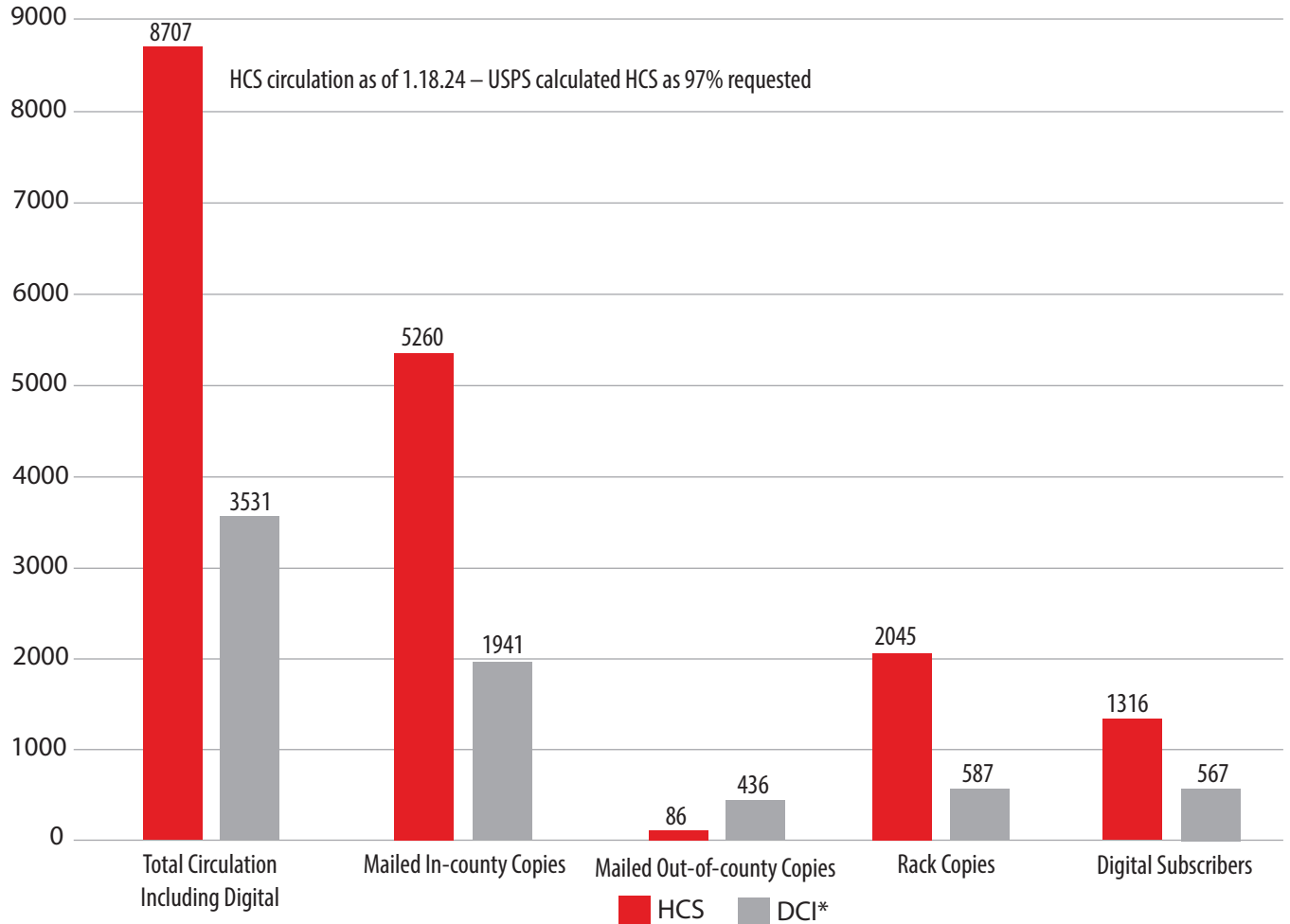
Publicly-supported Legal Display ad

1 col. x 7" tall = 7 column inches

\$4.75 x 7ci = \$33.25

Publicly-supported Legal Display ad – 2 col. x 10" tall = 20 column inches • \$4.75 x 20ci = \$95.00

— How Does HCS Subscriber Circulation Compare? —



\*Delta County Independent (DCI) circulation numbers taken from USPS Form 3526 dated and filed 9.20.23 and published in their 9.27.23 issue.

— Digital Stats for HighCountryShopper.com —

January 1, 2023 thru June 30, 2023

Visitors – 117,111 • 647.02 per day average  
 Pageviews – 316,393 • 2.7 pages per visitor

July 1, 2023 thru December 27, 2023

Visitors – 123,927 • 692.33 per day average  
 Pageviews – 351,493 • 2.83 pages per visitor

**2023 Banner Ad Performance**

Display banner ads average 4,373 impressions per day • 30,612 impressions per week  
*Impression statistics are collective of all banner ads running on the site.*

Column Software PBC  
PO Box 208098  
Dallas, TX 75320-8098  
[help.column.us](http://help.column.us)

Paid by  
Town Of Paonia

Receipt number  
Invoice number 8DFD59D8-0054  
Notice ID heb1OaW65AVwSpbyzh30  
Publisher Delta County Independent  
Date paid Jan 5, 2024  
Payment method Check

Description	Qty	Unit price	Amount
12/27/2023: Custom Notice	1	31.75	31.75
01/03/2024: Custom Notice	1	27.72	27.72
01/10/2024: Custom Notice	1	26.39	26.39
01/17/2024: Custom Notice	1	26.40	26.40

=== Notes ===

Notice Name: Notice of Hearing Minor SBDV 01-2023  
Order Number: DCI000209

Net Subtotal	\$112.26
Tax	0.00
<b>Amount paid</b>	<b>\$112.26</b>



Column Software PBC  
PO Box 208098  
Dallas, TX 75320-8098  
[help.column.us](http://help.column.us)

Paid by  
Town Of Paonia

Receipt number  
Invoice number 8DFD59D8-0052  
Notice ID 5QB7aZu4P1ZyJn5T M5WY  
Publisher Delta County Independent  
Date paid Jan 5, 2024  
Payment method Check

Description	Qty	Unit price	Amount
12/20/2023: Custom Notice	1	93.03	93.03
12/27/2023: Custom Notice	1	81.21	81.21
01/03/2024: Custom Notice	1	77.33	77.33
01/10/2024: Custom Notice	1	77.31	77.31

=== Notes ===

Notice Name: Ord 07-2023 Sewer Rates  
Order Number: DCI000194

Net Subtotal	\$328.88
Tax	0.00
<b>Amount paid</b>	<b>\$328.88</b>

DCI Newspaper of Record Paonia

Paonia 2023 spent \$1213.32.

The decision to name a newspaper of record for your municipality is one that has many determining factors and outcomes. The changing landscape of the newspaper industry has been a 25+ year evolution. As the digital age came to be Newspapers weren't sure how to embrace it. But in the last ten years the picture has become clearer and a digital presence has become an asset as opposed to a disruptor.

There is no better example of a newspaper embracing digital than the DCI. It's something that my team and I are very proud of with editor Lucas Vader leading the way. No longer does the community of Delta County have to wait for the weekly print edition to be published. As the news is written, we publish it on our website. I've been asked what about our print subscribers? Every print subscriber has access to everything on our website. That's the privilege of membership.

We value our paid subscribers. They allow us to afford quality journalism. We don't just publish press releases to fill our pages or are limited to space. Our company owns the printing press.

To obtain a periodical permit and be a newspaper of record there are minimum requirements. A subscription base model with at least 25% of the publication being devoted to content. It doesn't have to be original content. It can be whatever. But that is not the standard of your community newspaper. Our content to advertising ratio is in the 60-70% content range with 40-30% being advertising. Our first priority is reporting the news. We are seven educated and experienced journalists deep at the DCI. Lucas Vader our DCI managing editor, Frank Witowski our dedicated general reporter, Katharhynn Heidelberg who is one of if not the best courts and crime reporters in the State, Jeremy Morrison our Montrose Daily Press managing editor, Kylea Henseler who covers outdoors and regional entities such as DMEA, Matt Meyers and Dan Mohrmann who cover sports. It's as deep a team as the DCI has seen. Editorial is our largest payroll expense. That's not changing.

Legal notices should be published in the newspaper that is the best source for news and not one that is doing the minimum to obtain a periodical permit which was pursued to cut expenses. According to Tim Regan Porter CEO of the Colorado Press Association, free newspapers who have obtained a periodical permit that meets the minimum requirements may be eligible to publish legal notices by the letter of the law but certainly not by the spirit of the law unless they are the only source of news in their community.

By the numbers;

The DCI has a total of 3220 paid subscribers. One paid subscriber has the value of six to eight free subscribers. Our paid subscribers are invested participants and must renew their

subscriptions annually. They are more likely to read our newspaper because they pay for it. All public notices are valued content to our subscribers. Our circulation is audited annually by an independent accounting firm. The USPS is not responsible for auditing what is a legit opt-in subscriber free or otherwise. They are our carrier force and all they are concerned with is that publications with periodical permits prove their content to advertising ratio, complete their postal paperwork correctly and sort their publications correctly matching addresses to postal route.

Digital numbers are important because our public notices are available to everyone. They are placed in front of our paywall therefore are free to anyone.

Another important paywall fact to keep in mind is our paywall allows non-subscribers to read three stories per month before hitting a hard paywall.

From October through December below is a comparison of important digital data points. Our digital readership for the DCI has been a true asset that is not limited to just paid subscribers.

DCI website Visitors 62,262 - HCS 31,660

DCI duration on website 4 minutes and 19 seconds - HCS 2 minutes and 18 seconds

DCI pageviews 57,000 - HCS 35,500

Stats via SimilarWeb a company that specializes in website traffic.

#### Other digital metrics

The DCI App is another source we use to reach our readers. Our active App users over the same three month period is 1,598.

Each week we publish three curated newsletters with an opt-in subscriber base of 2428; these newsletters have a phenomenal open rate of 57%. All email addresses are scrubbed for validity daily.

Facebook in Delta County is by far the most used social media platform. When Wick Communications purchased the DCI in 2019 our Facebook page was at less than 800 followers, we are now at 6200 followers, HCS has 261. Followers are more important than likes because followers want the content in their feed.

We can argue that the DCI reaches more readers than ever before because of the multiple platforms that we use.

Pricing; By State Statute government public notices are capped in price. Price is determined by newspaper column and line rate. For the DCI the capped price is \$5.28 per column inch. We charge \$4.85 for the first week, \$4.18 for the second and \$3.96 for the third. We have been below the State statute in pricing for years even though we were the only option.



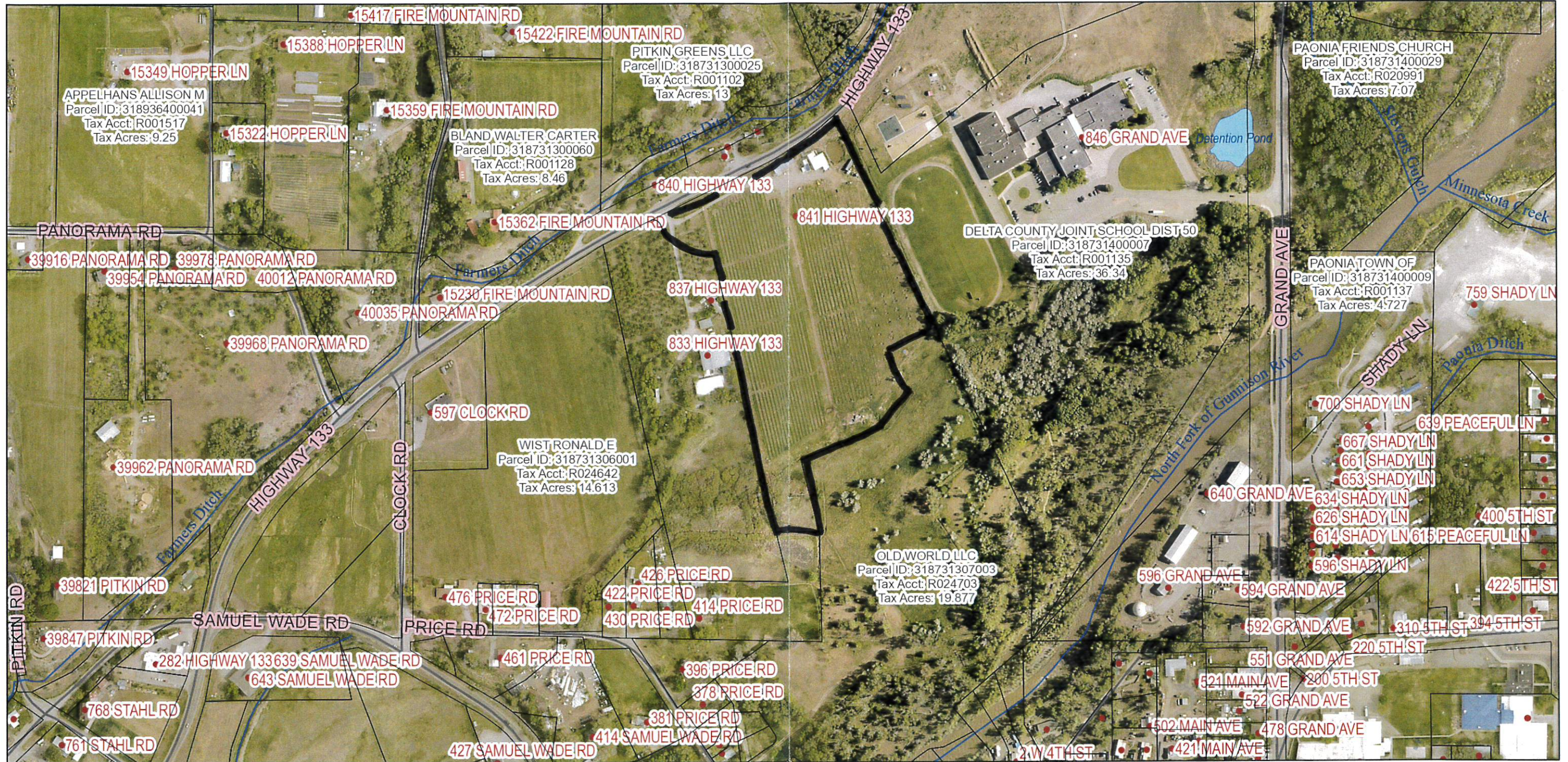
Our partner Column; Column is the service we use for our customers to process their public notices. Through the Column portal on our website our customers enter text and images to produce their legal notice. The notice is then formatted, the customer also receives pricing so they know in advance what their cost will be. Dates are selected then the notice is approved. All in one visit, no emailing back and forth. Through column we can send notarized affidavits either by email (which most prefer) or mail. Once the public notice is approved then the public notice is automatically placed on the State website which is also powered by Column. It is also State statute that all public notices must appear on the State website. For private public notices there is a processing fee for using Column. Our government clients do not pay this fee.

Disruption is another factor for your consideration. For decades all public notices have been placed with the DCI. There are over 98 public notice accounts, are we expecting the public to search back and forth for public notices?

Thank you for considering a continued relationship with the Delta County Independent as your newspaper of record.

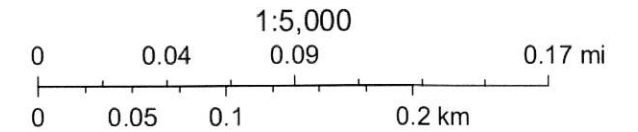


# Delta County, Colorado



11/20/2023, 2:50:26 PM

- |                    |                           |   |               |
|--------------------|---------------------------|---|---------------|
| Tax Parcels        | Private                   | <b>LABELS FOR PARCELS</b> PAO_HOT_23049E135036N.sid | Red: Band_1   |
| DELTA COUNTY       | Rivers, Streams & Ditches | ADDRESS POINTS                                      | Green: Band_2 |
| <b>ROADS</b>       | Lakes                     |   | Blue: Band_3  |
| Roads in Delta Co. |                           |   |               |



Esri, NASA, NGA, USGS, FEMA, Delta County GIS



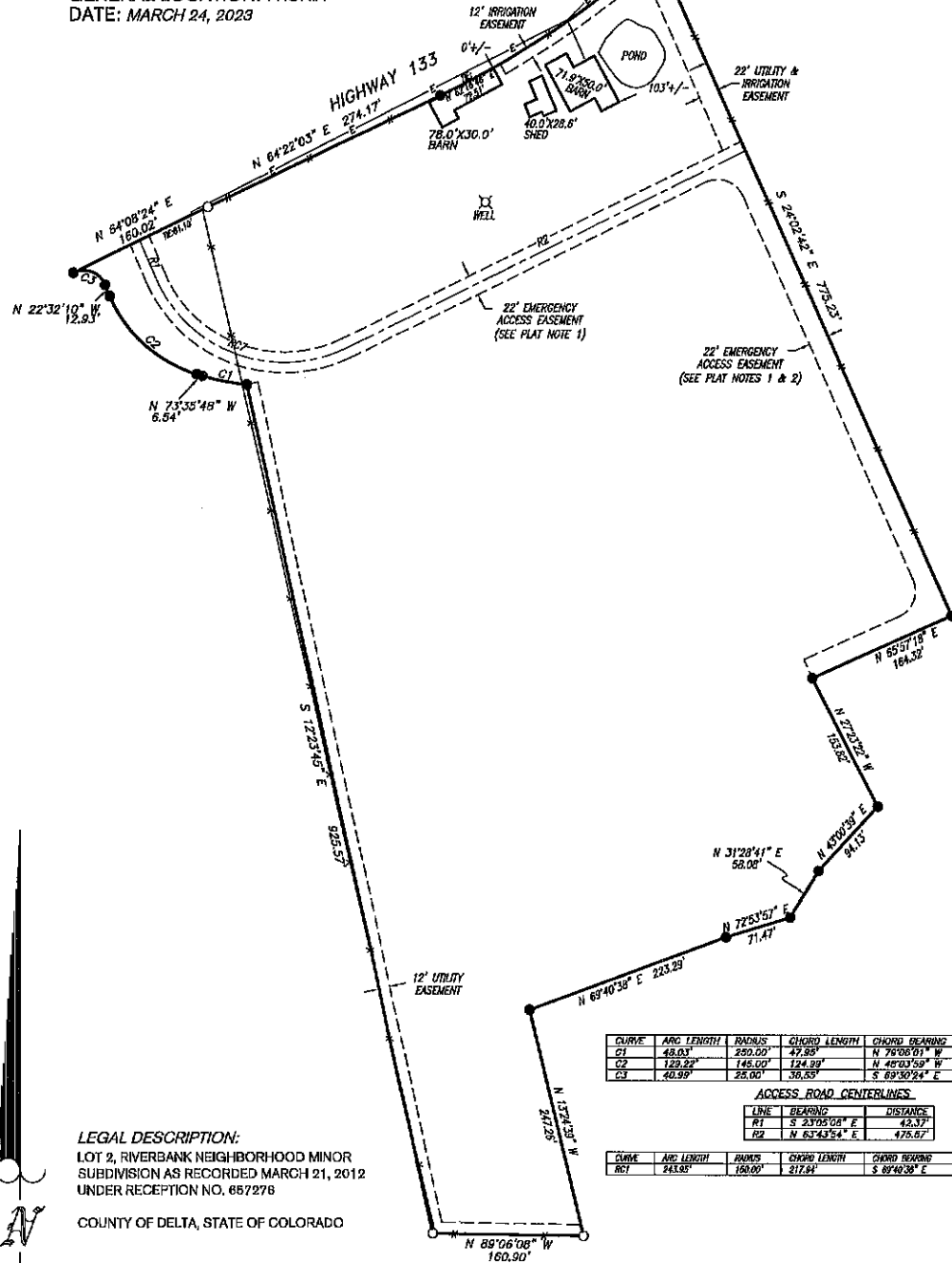
# IMPROVEMENT LOCATION CERTIFICATE

THIS IS NOT A SURVEY

OWNER: WEST ELK LAND & HOPS LLC  
 ORDERED BY: DAVID WARREN  
 PROPERTY ADDRESS: 841 HIGHWAY 133  
 GENERAL LOCATION: PAONIA  
 DATE: MARCH 24, 2023

L=280.05'  
 R=995.13'  
 Δ=16°01'28"  
 BRG=N 56°19'19" E  
 C LEN=276.13'

FOUND 1-1/2" ALUMINUM CAP PLS12766,  
 BENT OVER, BEARING S.24°02'42"E,  
 1.99' FROM TRUE CORNER POSITION—  
 ACCEPTED FOR ALIGNMENT AND USED  
 USED AS 1.99' WITNESS CORNER



**LEGAL DESCRIPTION:**  
 LOT 2, RIVERBANK NEIGHBORHOOD MINOR  
 SUBDIVISION AS RECORDED MARCH 21, 2012  
 UNDER RECEPTION NO. 667276

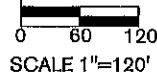
COUNTY OF DELTA, STATE OF COLORADO

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	48.01'	250.00'	47.89'	N 76°06'01" W	17°00'25"	24.88'
C2	129.32'	145.00'	124.93'	N 45°03'59" W	57°03'05"	69.26'
C3	40.99'	25.00'	38.85'	S 89°30'24" E	63°56'22"	26.78'

**ACCESS ROAD CENTERLINES**

LINE	BEARING	DISTANCE
R1	S 23°05'08" E	42.37'
R2	N 63°43'54" E	476.87'

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
RC1	241.03'	160.00'	217.34'	S 89°40'38" E	97°11'07"	152.37'



- TYPICAL LEGEND**
- Found pin with cap
  - Fencelines
  - Tel. line
  - Electric (overhead) (subject to easement)
  - Gas line
  - Water line
  - Easement
  - Setback Line
  - Concrete
  - Gravel Driveway



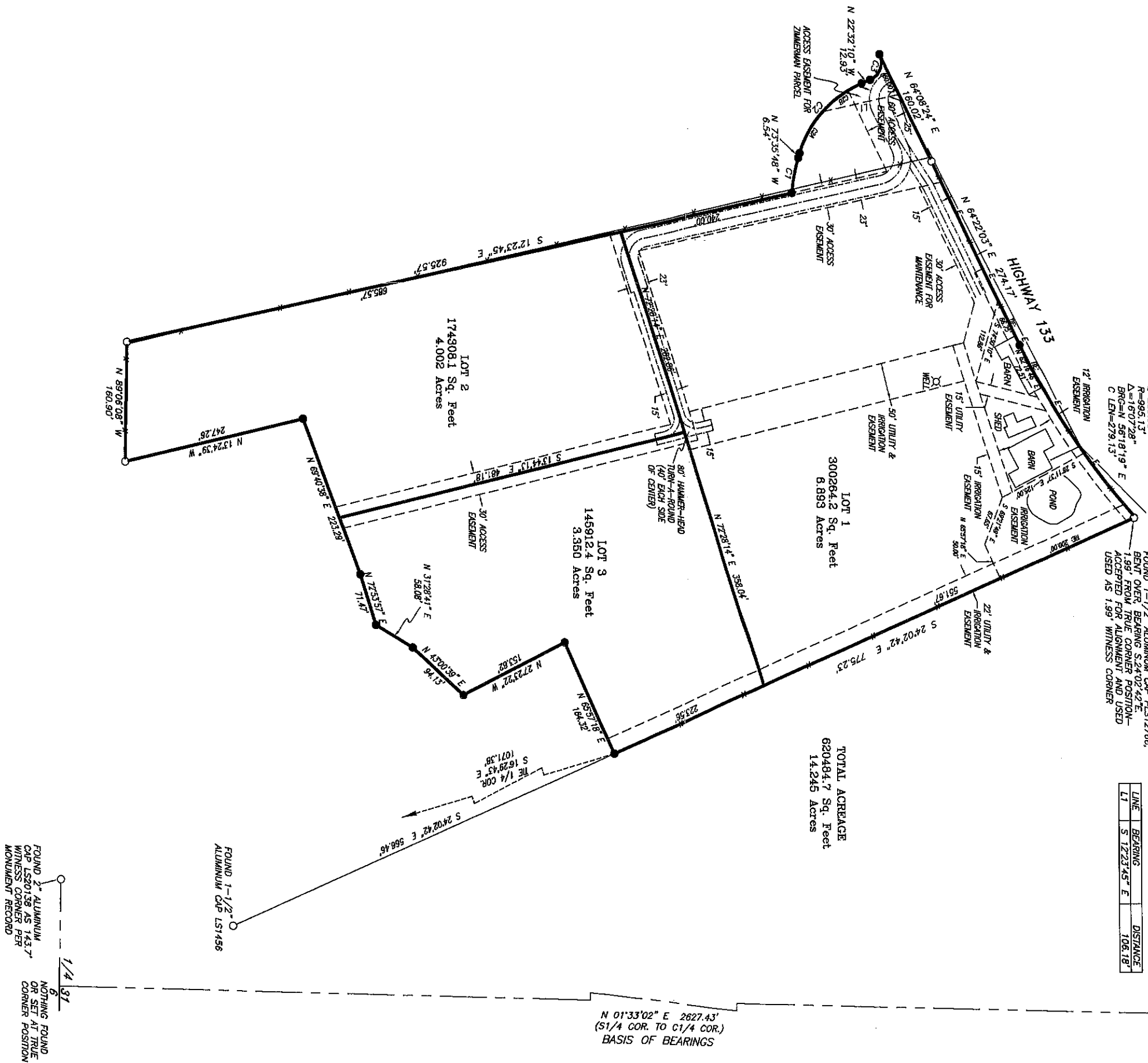
Defining Boundaries

## WILMORE & COMPANY

PROFESSIONAL LAND SURVEYING, INC.

406 Grand Avenue 970.627-4200  
 P.O. Box 1652 970.627-4202  
 Paonia, Colorado 81428

PROFESSIONAL LAND SURVEYOR COLO# 38255



CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	48.03'	250.00'	47.95'	N 78°06'01" W	11°00'25"	24.09'
C2	129.22'	145.00'	124.99'	N 48°03'59" W	51°03'38"	69.28'
C2A	63.85'	145.00'	63.34'	S 60°58'52" E	25°13'53"	32.45'
C2B	65.37'	145.00'	64.81'	S 35°27'03" E	25°49'45"	33.25'
C3	40.99'	25.00'	36.55'	S 69°30'24" E	93°56'27"	26.78'

FOUND 1-1/2" ALUMINUM CAP PLST12786,  
BENT OVER BEARING S 24°02'42" E,  
1.99' FROM TRUE CORNER POSITION-  
ACCEPTED FOR ALIGNMENT AND USED  
AS 1.99' WITNESS CORNER

LINE	BEARING	DISTANCE
L1	S 12°23'45" E	106.18'

FOUND 2" ALUMINUM  
CAP LS20138 PER  
MONUMENT RECORD  
ALSO FOUND 1-1/2"  
BRASS CAP LS1458  
DIRECTLY ADJACENT,  
LEAVING DOWNHILL  
NOT ACCEPTED  
C1/4

FOUND 2" ALUMINUM  
CAP LS20138 AS 143.7'  
WITNESS CORNER PER  
MONUMENT RECORD

NOTHING FOUND  
OR SET AT TRUE  
CORNER POSITION

N 01°33'02" E 2627.43'  
(S1/4 COR. TO C1/4 COR.)  
BASIS OF BEARINGS

1/4  
31

①

Submitted by Richard Schmitt  
P.O. Box 82 - 323 ONARGA Ave. Plover  
970-527-2475

- 1) I request a Denial of this Application for a minor sub division.
- 2) This is an inappropriate rush to schedule this meeting after only 4 business days after the planning and zoning presentation and a packet of 346 pages
- 3) I disagree with the assertion that this meets all town requirements
- 4) I'm not satisfied that questions and concerns from P+2 have been qualified and fully addressed along with other potential concerns that rushed timing of this meeting may have prevented.  
~~what were~~  
The Town Administrator determined it did not meet the criteria for administrative split, what were those criteria?
- 5) Road access, Water, sewer, zoning all are unconventional requests which need further investigation

(2)

I ASK THAT YOU

1) Deny this minor subdivision request,

2) Require a major subdivision review invoking Article 4 section 17-4-10 Enabling the Town Administrator to at the applicants expense hire experts analyze and review for the Town.

3) Look over the minor-subdivision from 2012 on this property for compliance - noting Article 4 section 17-4-40 Regarding Road easements ~~for~~ thru lower property. and clarify what seems to be an overlap of ownership regarding Riverbank & West Elk Land & tops.

Thank you,  
Richard Schmidt





# HYDROGEOLOGICAL STUDY FOR TOWN OF PAONIA, COLORADO

---

## Statement of Qualifications

**Wright Water Engineers, Inc.**

**Marshall Haworth, Project Manager**

**2490 W. 26<sup>th</sup> Ave., Ste. 100A**

**Denver, CO 80211**

**(303) 480-1700**

**[mhaworth@wrightwater.com](mailto:mhaworth@wrightwater.com)**

---

**December 7, 2023**

**WWE**  
WRIGHT WATER  
ENGINEERS, INC.



**Wright Water Engineers, Inc.**

2490 West 26th Ave., Ste. 100A  
Denver, CO 80211  
(303) 480-1700 TEL  
(303) 480-1020 FAX

www.wrightwater.com  
e-mail: mhaworth@wrightwater.com

Via Email: StefenW@TownofPaonia.com

Stefen Wynn, Town Administrator, Town of Paonia  
214 Grand Ave.  
Paonia, CO 81428

Re: Statement of Qualifications for Hydrogeological Study for Town of Paonia

Dear Mr. Wynn:

Wright Water Engineers, Inc. (WWE) is pleased to submit this statement of qualifications (SOQ) to the Town of Paonia to perform a hydrogeological study related to the Town of Paonia's complex network of groundwater springs. It is WWE's understanding that the Town is currently developing a 20-year Capital Improvement Plan and is moving forward on multiple fronts simultaneously to address water system losses, plan replacement of aging infrastructure, and draft a Spring Redevelopment Plan (SRP) that relies on a hydrogeological evaluation to increase the raw water supply collection, improve raw water storage capabilities, identify source water protection areas, and implement a hydrogeological model to improve watershed resiliency.

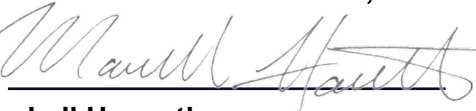
A May 2021 preliminary water system evaluation conducted by RESPEC (previously known as JDS-HYDRO), suggested that optimization of the springs system, including source water protection, raw water capture, and transmission to the water treatment facilities, would help address the issue of raw water storage. Further concerns are potential impacts of drought, future land uses, wildfire, and climate change that could degrade the yield and quality of the raw water supply from the spring systems. Since March 2023, WWE has been providing *pro bono* evaluation and guidance to the Town and working with RESPEC engineering to develop a hydrogeological analysis of the springs.

Our team members are outstanding experts in the precise areas of discipline required for this study: Gary Witt, Senior Hydrogeologist specializing in water resources project with an emphasis on geology, water rights, and water quality; Tom Dwyer, P.G., Senior Geophysicist, Geologist, and groundwater modeler with 38 years of experience; Dr. Alex Maestre, P.E., a former Senior Water Modeler for the National Oceanic and Atmospheric Administration (NOAA); Dr. Robert Holmes, P.E., an Adjunct Senior Hydrologist with 36 years of experience as a United States Geological Survey (USGS) hydrology expert; Jonathan Kelly, P.E., and Rachel Pittinger, P.E., are leading experts in water rights on the Western Slope and Colorado at large.

As WWE's senior hydrogeologist and anticipated project manager for the Town, I will lead this assignment by maintaining excellent communication with the Town, RESPEC, and WWE staff throughout project tasks and completing the project within the anticipated schedule and budget. I have over ten years of experience working on and managing water resource engineering projects specifically in the fields of hydrology, hydrogeology, water rights, and water quality. WWE's staff are highly experienced and eager to help the Town solve its complex water supply challenges. We believe our understanding of this project and the breadth and depth of staff qualifications makes us the ideal firm to conduct this important study. Thank you for considering WWE.

**Sincerely,**

**WRIGHT WATER ENGINEERS, INC.**

By 

**Marshall Haworth**

**Senior Hydrogeologist and Project Manager**



## TABLE OF CONTENTS

FIRM QUALIFICATIONS AND EXPERIENCE .....	1
ABOUT THE FIRM.....	1
ABOUT OUR STAFF .....	1
RELEVANT PROJECTS .....	3
DETAILED PROJECT APPROACH AND SCHEDULE .....	4
TASK 1 – REVIEW AND EVALUATE PUBLICATIONS AND AVAILABLE DATA .....	6
1.1 Previous Paonia Studies .....	6
1.2 Relevant Publications .....	6
1.3 Climate .....	6
1.4 Streamflow.....	6
TASK 2 – FIELD WORK FOR GEOLOGICAL DELINEATION and ASSESSMENT.....	7
2.1 Geophysical Survey.....	7
2.2 Spring Systems Delineation .....	8
2.3 Watershed and Source Area Delineation.....	8
TASK 3 – HYDROLOGICAL MODELING.....	8
3.1 Hydrologic Model.....	8
3.2 Groundwater Model.....	8
TASK 4 – DEVELOP SPRING MONITORING PROGRAM .....	9
4.1 Spring Systems Monitoring .....	9
TASK 5 – PROCESS MONITORING DATA.....	9
TASK 6 – EVALUATE AND REFINE OBJECTIVES.....	9
TASK 7 – COOPERATIVE MEETINGS TO IDENTIFY SPRING IMPROVEMENTS.....	9
TASK 8 – REPORT, CONCLUSIONS, AND RECOMMENDATIONS.....	9
TASK 9 – PROJECT MANAGEMENT.....	10
DETAILED PROJECT SCHEDULE.....	10
REFERENCES .....	12
MOUNTAIN COAL COMPANY HYDROGEOLOGIC ANALYSIS.....	12
EASTERN ADAMS COUNTY METROPOLITAN DISTRICT GROUNDWATER SUPPLY .....	12
BUENA VISTA MASTER PLAN AND RATE STUDY.....	13
BUENA VISTA WELL NOS. 3 AND 4 – PLANNING, DEVELOPMENT, AND CONSTRUCTION ..	14
TOTAL ESTIMATED, NOT-TO-EXCEED COST.....	15

## FIRM QUALIFICATIONS AND EXPERIENCE

### ABOUT THE FIRM

Wright Water Engineers, Inc. (WWE) is an employee-owned and operated, full-service water resource, environmental, and civil engineering firm with offices in Denver, Glenwood Springs, and Durango, Colorado. The corporation was founded in 1961 and has a staff of approximately 48 people who work as senior level engineers, hydrologists, geologists, hydrogeologists, scientists, biologists, and chemists. WWE has 21 staff members who have been with the firm 15 years or longer, combining detailed planning with excellent customer service and project management. WWE is a water resources consulting firm that has been performing geological, hydrological, water rights, and water resources studies for municipalities and counties across the Western Slope of Colorado since 1961. During this time, WWE has established itself as the premier water resources engineering firm for innovative research and problem-solving.

WWE has strong experience working with and for the Colorado Water Conservation Board (CWCB). WWE has developed Water Efficiency Plans and Water Conservation Plans, performed design and construction of channels, and delineated floodplains for CWCB grants since the 1970s. Furthermore, team member Rachel Pittinger is a former CWCB project manager and is expert in CWCB policies and practices.

This hydrogeological study will be conducted by staff from both our Denver and Glenwood Springs offices and managed by Marshall Haworth, who is based in Denver. WWE is well qualified to perform a hydrogeological study for the Town of Paonia because of the firm's in-depth experience with groundwater and water resources planning and management, water rights, and water supply infrastructure. WWE has extensive experience in conducting large, complex, water resources projects with multiple stakeholders. The WWE team is proficient in water resources planning, groundwater resource development, and hydrogeologic modeling in the region and in other over-appropriated basins.

### ABOUT OUR STAFF

WWE's team members are outstanding experts in the precise areas of discipline required for this study. The roles of this multidisciplinary team of professional engineers and geologists who have extensive experience in the fields of hydrogeology, geophysics, hydrologic modeling, water rights, and wildfire hydrology, are shown on Figure 1. Brief qualifications of the project team members who would be tasked with helping solve Paonia's water supply challenges are provided below, with resumes available in Attachment A.

- **Marshall Haworth** has 10 years of project management experience in hydrogeological investigations, water rights, water quality, well construction, and design. Marshall is deeply familiar with the water supply issues faced by the Town of Paonia.
- **Thomas Dwyer, P.G.** is a senior adjunct geologist with over 30 years of experience in geophysics for the purpose of characterizing the subsurface flow of water through fractured bedrock and groundwater modeling to help solve complex groundwater problems.
- **Dr. Bob Holmes, P.E.** is a senior adjunct engineer and former Chief Engineer for the USGS. Additionally, he holds an academic appointment as an Adjunct Professor of Civil Engineering at the Missouri University of Science and Technology. Dr. Holmes' expertise includes scientific

investigations in the areas of open-channel hydraulics, erosion, sedimentation, and geomorphology.

- **Jonathan Kelly, P.E.** is the Vice President of our Glenwood Springs office and has 38 years of experience in water resources engineering. Jonathan has represented the West Elk Mine with water rights engineering and is a highly respected Western Slope water resources engineer.
- **Dr. Alex Maestre, Ph.D., P.E.** is a senior water resources engineer with more than 20 years of experience in hydrologic, hydraulic, and post-fire modeling (including computer coding to quickly process data), calibration, and verification of continental watershed models throughout the United States.
- **Rachel Pittinger, P.E.** is a senior water resources engineer with over 23 years of water resource engineering experience including a recent five years working for the CWCB as a Project Manager, successfully leading construction, and water rights projects under the CWCB funding programs.
- **Claire Vavrus, E.I.T.** is a staff water resources engineer with two years of experience in the fields of hydrogeology, water rights, and post-wildfire hydrology. Claire will be providing project support in data acquisition, data processing, fieldwork, mapping, and report preparation.
- **Gary Witt, P.G.** is a senior geologist and hydrogeologist who has worked extensively on the Western Slope with geologic and water resource evaluations for over 30 years and will be providing geological assessment, delineation, and senior project review.

Resumes for these personnel are provided in Attachment A.

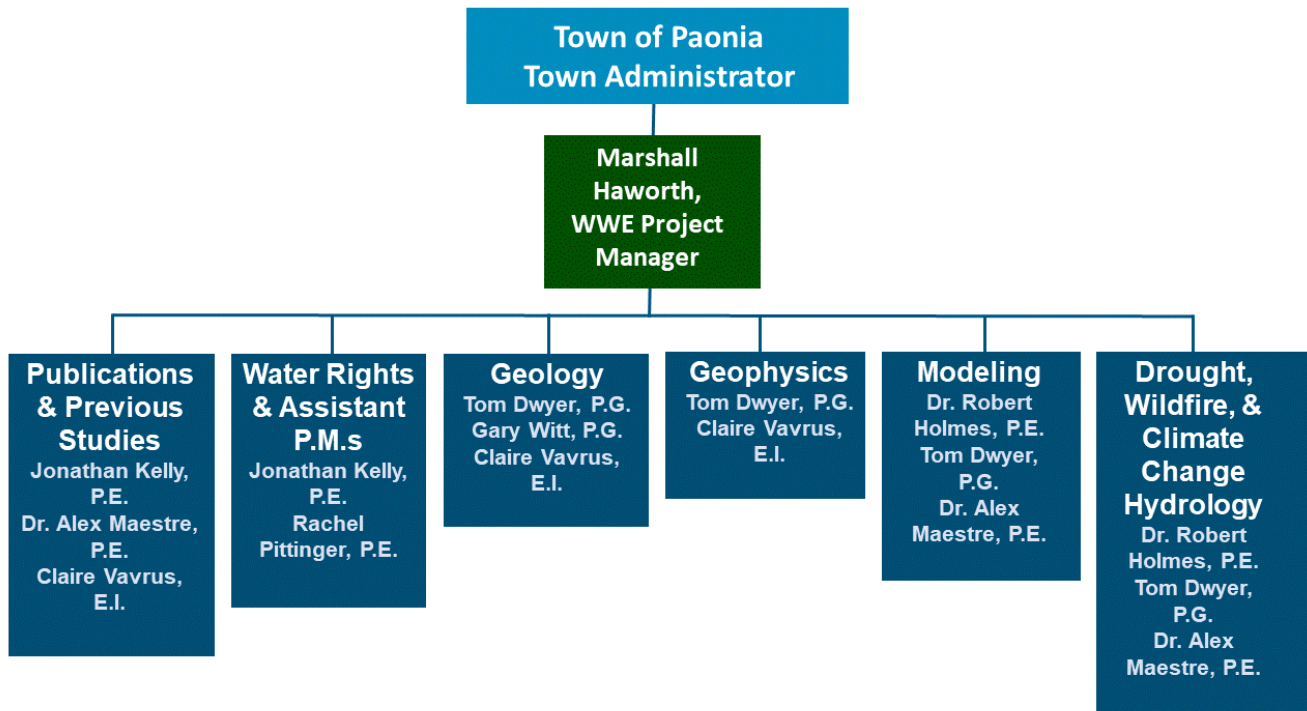


Figure 1. Organizational Chart for Hydrogeological Study for Town of Paonia

## RELEVANT PROJECTS

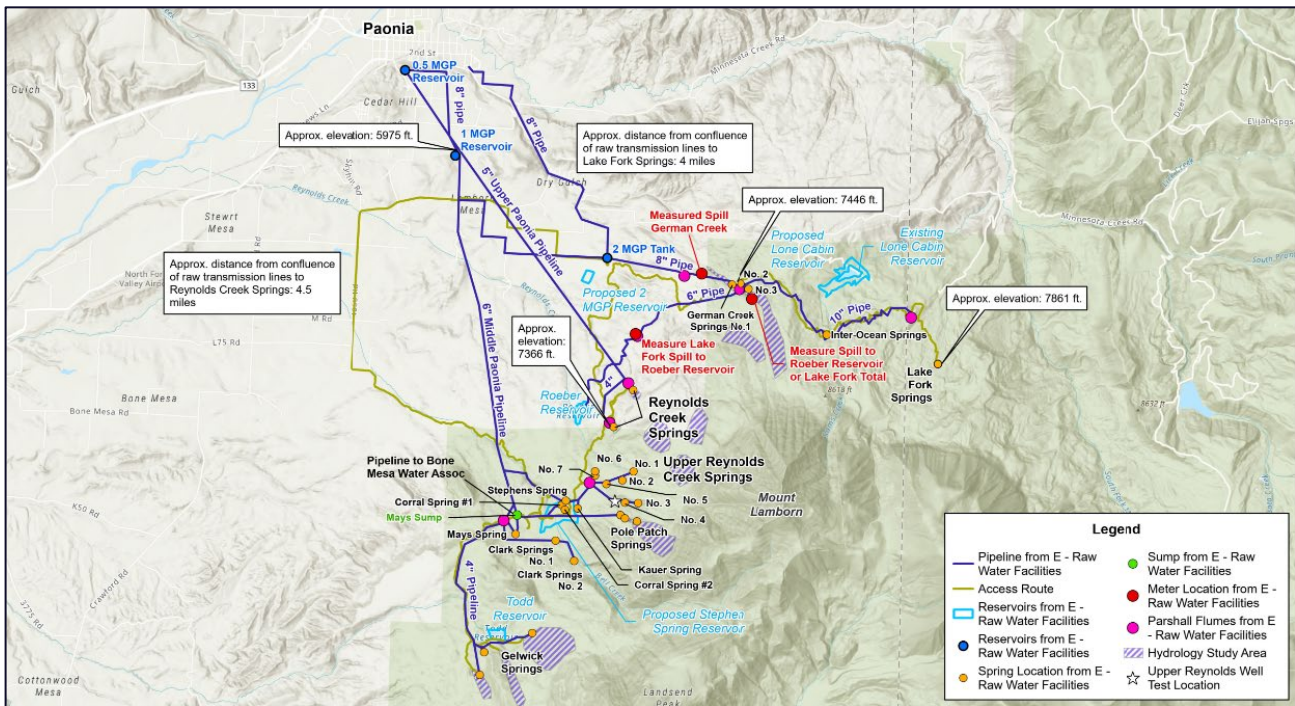
Some relevant projects of WWE's include:

- Mountain Coal Company Hydrogeologic Analysis
- City of Ouray Hot Springs Pool
- Heeney Water District Spring Evaluation
- Trimble Hot Springs Aquifer Monitoring
- Security Water and Sanitation District Recharge Study
- Chucharas Water and Sanitation District Geophysical Assessment
- Town of Buena Vista Water Resources Master Plan
- Town of Buena Vista Rate Study
- Mt. Werner Water and Sanitation District Water Rights
- Flattops Water Company Water Rights and Supply Study
- Adams Rib Ranch Water Rights and Supply Study
- River Run Ranch RV Resort Water Rights and Supply Study
- Town of Crested Butte South Water Efficiency Plan
- City of Alamosa Water Efficiency Plan
- Ute Mountain Ute Tribe Water Conservation and Management Plan
- Upper Uncompahgre Basin Water Supply Protection & Enhancement Project
- Tri-County Water Conservancy District Water Efficiency Plan



## DETAILED PROJECT APPROACH AND SCHEDULE

WWE anticipates this work to be a multiphase project working closely with RESPEC engineering and Paonia water operations staff. The tasks identified below as Tasks 1 through 9 are considered Phase 1. It is WWE’s understanding that Phase 2 and Phase 3, including the tasks, schedule, and budget, have not been defined because they will be highly dependent on the results of Phase 1. Preliminary discussions with key personnel have helped WWE to develop a critical understanding of the complexity of the water supply challenges Paonia has experienced and the vulnerability of the source water supply to drought, land use considerations, climate change, and wildfire. WWE understands Paonia water rights include 13 spring collection units, over 20 miles of raw water supply pipelines, one reservoir and dam, two water treatment facilities, and three water storage tanks (Figure 1).



**Figure 2. Town of Paonia Spring Systems Overview Map**

The springs systems are unique because the water supply is derived from groundwater recharge from snowpack and precipitation. The spring systems are within the Mount Lamborn and Landsend Peak basins. The raw water supply is transmitted through talus and rock glacier deposits and, due to the underlying impermeable Mancos Shale, the springs surface at locations where the Town has historically collected the raw water supply. During certain times of the year, the flow exceeds the spring collection box capacity and results in “spilled” water while at other times of the year, the spring flow diminishes and impacts the raw water supply.

The intent of the hydrogeological investigation is to specifically identify the location and spatial extent of the springs’ flow paths to identify where infrastructure improvements can be implemented. This data will be important to characterize the subsurface geologic fractures and provide insight on structural design considerations. Additionally, stakeholders can use this data to develop a better understanding of additional water supply challenges Paonia may face due to climate change and the potential consequences of wildfire. WWE proposes the highest priority springs for investigation are the Lake Fork, German Creek, and Reynolds spring systems.

All the spring systems will be included in a hydrologic modeling task. However, the geologic survey, geophysics, and implementation of spring systems monitoring is highly dependent on the efficiency and success of the field work. This is due to the possibility that the spring systems are highly complex and require additional time and budgetary resources to provide useful results. As an example, WWE has provided Figure 3, below, to illustrate the Reynolds Spring system overlaying a USGS geological background map. The Reynolds Spring complex covers substantial land area and access is anticipated to be difficult. It is WWE’s understanding that prioritizing Lake Fork, German Creek, and Reynolds Springs for the field work is acceptable to the Town and RESPEC to adequately meet the project schedule and budget.

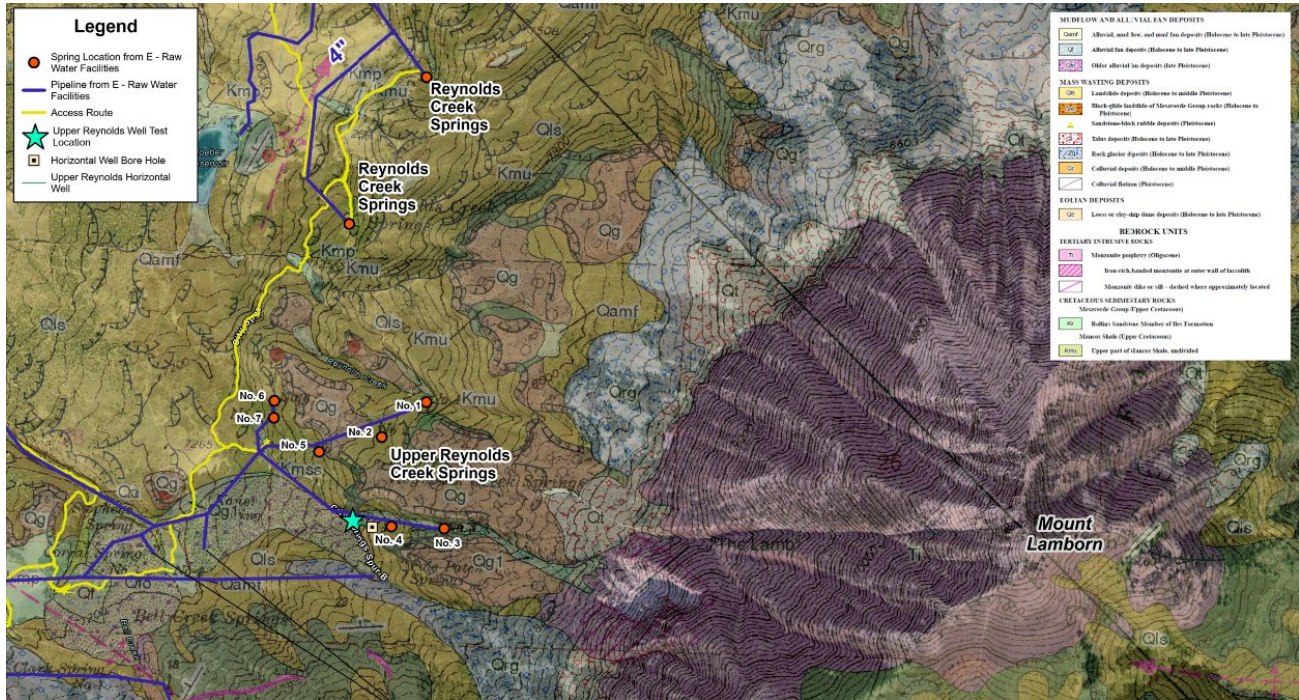


Figure 3. USGS Geologic Map of the Reynolds Spring System

WWE’s proposed methodology to evaluate the hydrology and hydrogeology of the basin would be to:

- Review previous work and publications,
- Process existing climatic and hydrologic data,
- Perform field work to delineate geologic features and geophysics to delineate the subsurface flow system,
- Implement a spring monitoring program using modern data collection, and
- Develop basin-specific hydrologic models (depending on data availability) to help forecast raw water availability and subsurface flow system timing.

This investigation would help the Town’s water department staff develop a better understanding of how to manage the raw water resources and anticipate reduced flows from the springs.



## TASK 1 – REVIEW AND EVALUATE PUBLICATIONS AND AVAILABLE DATA

### 1.1 Previous Paonia Studies

WWE would start by reviewing previous studies in greater detail including:

- The Minion Hydrologic report dated December 1994,
- *Town of Paonia Initial Water Rights Analysis Report*; Consolidated Consulting Services report dated July 1995,
- *Town of Paonia Reconnaissance Assessment Raw Water Supply*; GEI Consultants, Inc. report dated April 2000,
- *Comprehensive Water Supply Study for the Town of Paonia*; W.W. Wheeler and Associates, Inc. report dated February 2004,
- *Final Feasibility Report for Improving the Water Supply System of the Town of Paonia*; Directed Technologies Drilling, Inc. proposal dated May 2010,
- *Proposal for Installation of One Blind Horizontal Well Paonia Public Works Paonia, Colorado* and the relevant progress letter report dated October 2010,
- Colorado Rural Water Association report dated August 2010,
- *The Town of Paonia Source Water Protection Plan*, and
- The JDS-Hydro (RESPEC) report dated May 2021, *Town of Paonia Water System Evaluation*.

Based upon a brief review of these documents, there appears to be substantial and valuable existing work completed by others to help direct the future work of the hydrogeologic analysis. These reports cover a wide range of topics and will help establish a knowledge baseline for these complex spring systems and provide valuable lessons learned to support long-term water supply improvement projects success for Paonia.

### 1.2 Relevant Publications

WWE will also compile relevant publications to provide preliminary guidance for field investigations. These relevant publications are possibly available through the USGS, U.S. Forest Service, NOAA, Natural Resources Conservation Service, Colorado Geological Survey, and Colorado Division of Water Resources (DWR).

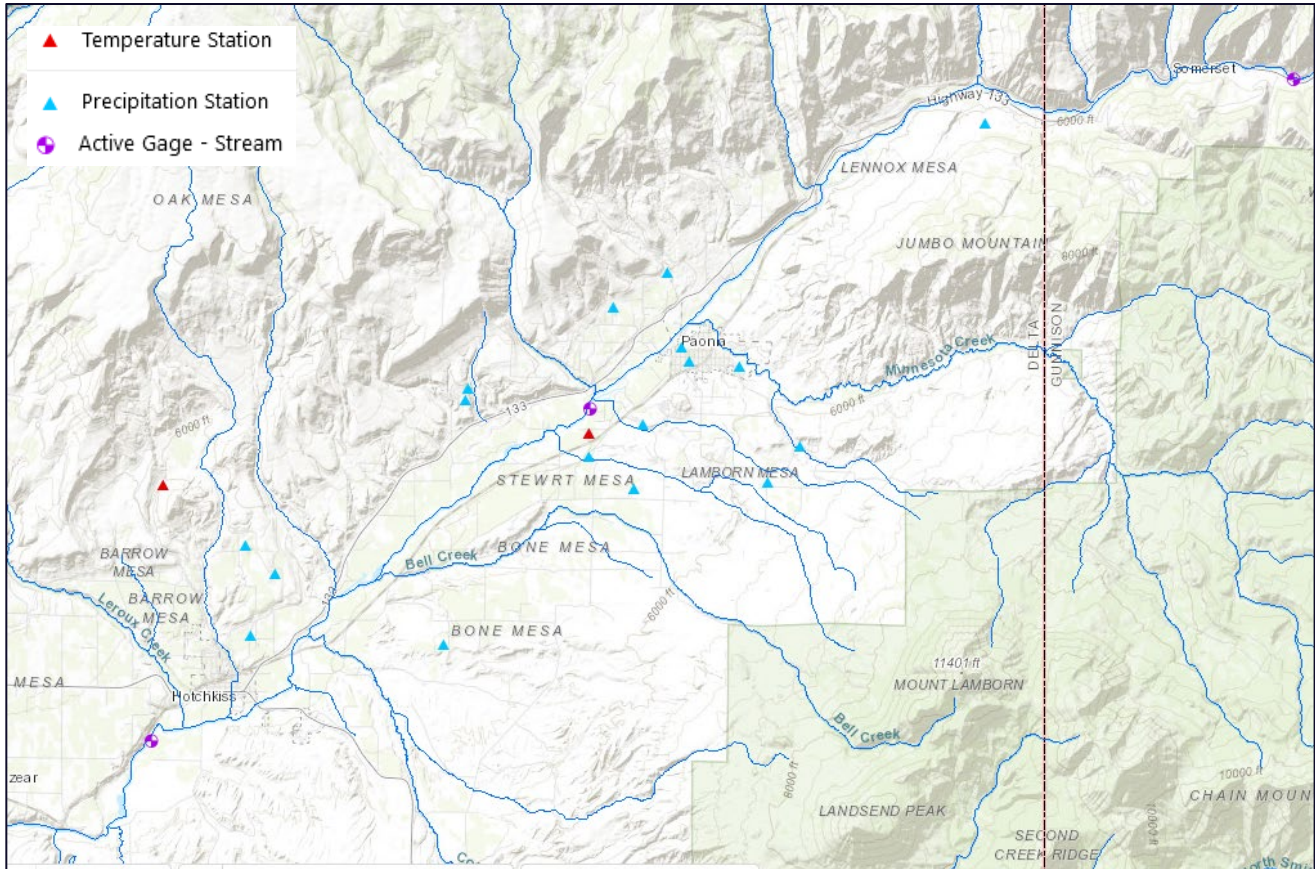
### 1.3 Climate

WWE will process available climate data to help calibrate the hydrologic model. Preliminary discussions with key staff have indicated new weather station(s) located within the basins would be helpful to derive accurate temperature, precipitation, and wind speed and direction data, as the currently existing weather stations are not representative of the hydrological conditions at the spring systems' recharge areas due to the distance and difference in elevation (Figure 4). WWE agrees with this opinion and would work with Town staff and RESPEC engineering to achieve this goal of implementation of new weather station(s). The implementation of weather station data is an important step in understanding the potential impacts of climate change on the spring systems. When additional weather data become available, WWE can refine the results to provide a more representative quantification of the watershed climate.

### 1.4 Streamflow

Available streamflow data would be collected and analyzed to help calibrate the basin-wide hydrologic model. Surface water flow data have greater availability and are generally more easily quantified than groundwater flow data. The hydrologic model would help characterize the relationship between surface and groundwater flow conditions. Currently, there are three streamflow gauges on the North Fork of the Gunnison River (Figure 4). There are several tributaries that would be included in the

hydrologic model and a statistical relationship could be developed between streamflow on the North Fork of the Gunnison River, the tributaries, and the spring systems flow depending on spatial and temporal variability.



**Figure 4. Climate and Streamflow Data According to the DWR Colorado Decision Support System**

## TASK 2 – FIELD WORK FOR GEOLOGICAL DELINEATION AND ASSESSMENT

### 2.1 Geophysical Survey

WWE proposes to perform a reconnaissance surface geophysical survey using the very-low-frequency (VLF) electromagnetics method. This survey involves using a hand-held instrument to measure the VLF signal emanating from U.S. Navy transmitting stations in North America. Measurements are made along multiple traverses across the site that are oriented relative to the VLF signal directions. Water-bearing fracture zones create secondary anomalies in the VLF signal, which are then plotted on the map of the site. Where these anomalies can be correlated across multiple traverses, potential water-bearing fracture zones or other zones of preferred groundwater flow can be interpreted. This can be an effective way to quickly scan large portions of the site to develop an initial conceptual model of the spring systems. Based on the results of the VLF survey, we will determine locations for more detailed geophysical evaluation using the two-dimensional resistivity (2DR) geophysical method. By performing the VLF survey first, the 2DR effort can be made substantially more efficient.



Potential water-bearing fracture zones and other zones of preferred groundwater flow identified by the VLF survey will be investigated in more detail using the two-dimensional-resistivity (2DR) surface geophysical method. The 2DR method involves installing a series of shallow electrodes in the ground along a straight line (typically 900 to 1,400 feet long) and using a computer system to perform hundreds of resistivity measurements, which are then processed to obtain a virtual resistivity profile through the earth. Depth of resolution of the profile is up to approximately 300 feet. Water-bearing fracture zones and water-bearing sediments are identified as low-resistivity features bounded by higher-resistivity bedrock. Springs are often found to be associated with such features, but the spring locations do not always correlate to the locations with the greatest water supply potential. The 2DR profile reveals details that allow for visualization of the subsurface flow system and that cannot be obtained by any other method. While the 2DR survey is more time-intensive than the VLF survey, the resolution and detail of the 2DR survey allows much better characterization of the subsurface flow system, leading to better decision-making regarding development and management of the groundwater resources.

### 2.2 Spring Systems Delineation

The spring systems would be delineated during the field work phase by utilizing a high-accuracy Trimble GPS with sub-foot horizontal accuracy and approximately three-foot vertical accuracy. The spring systems delineation would identify the location and extent of the spring systems. The VLF and 2DR geophysics would also be collected with the high-accuracy Global Positioning System (GPS) unit including the starting and ending transect lines and would provide accurate results for SRD project phases. The spring systems delineation data would include the coordinates, short description, and photo, which will be uploaded to ESRI ArcGIS Pro software for maps and model input file generation.

### 2.3 Watershed and Source Area Delineation

To delineate the source area, a DJI Mavic 3 Enterprise drone will be employed, following a predetermined flight path guided by an established network of ground control points. This drone will capture high-resolution aerial imagery in areas that are difficult or possibly inaccessible by conventional means. This innovative technology has been widely adopted in water resources, geologic, and wildfire engineering work, revolutionizing the efficiency and quality of survey-related work products. The high-resolution aerial imagery will be evaluated alongside the geologic field survey and correlated with previous geologic mapping publications.

## TASK 3 – HYDROLOGICAL MODELING

### 3.1 Hydrologic Model

WWE proposes the development of an uncalibrated, simple hydrologic model to better understand the reliability of the raw water supply contributions from each of the springs and reservoirs of the Paonia Water System (upper and lower collections). The model will process historical records of precipitation, snow depth, snow water equivalent, and other parameters available from state and federal agencies including CWCB/Department of Water Resources, USGS, and NOAA. The model will be executed in combination with computer routines for the generation of multiple scenarios that evaluate the effects of failures, droughts, changes in land use, wildfires, and climate change. WWE will explore the possibility of using data from the recording units located in collection boxes and available Parshall flume records.

### 3.2 Groundwater Model

Depending on the findings identified in Task 2 and the results of the hydrologic model, WWE could evaluate whether a groundwater model should be developed to help characterize and quantify the subsurface groundwater flows. The groundwater model would be a three-dimensional and finite-difference model developed by the USGS, known as MODFLOW. MODFLOW has been a well-accepted standard for groundwater modeling for over 35 years. The appropriateness of the groundwater

model is highly dependent on the input data including monitoring the spring systems flow, assessing geologic boundary conditions, and the ease of characterization of the geologic subsurface through geophysical methods.

### TASK 4 – DEVELOP SPRING MONITORING PROGRAM

#### 4.1 Spring Systems Monitoring

WWE proposes to work with RESPEC to develop a spring systems monitoring plan. The spring systems monitoring plan would review existing infrastructure; provide recommendations on measurement and recording equipment, field accuracy, and calibration procedures; and possibly allow us to implement remote telemetry because of the anticipated difficulty in accessing remote spring systems locations. The plan would also provide anticipated costs for equipment purchase by the Town. It is also assumed that the equipment and installation of additional weather station(s) could possibly occur through cooperative efforts with governmental entities or various stakeholders or purchased through additional grant funding.

### TASK 5 – PROCESS MONITORING DATA

The spring systems monitoring program would continuously measure and record the flows and possibly water quality parameters to understand spatial and temporal changes to the springs. The data would need to be efficiently processed through computer coding to develop statistical computations and process sizable data acquisition in an efficient manner. WWE would perform the coding and processing of the monitoring datasets for efficient analysis and production of report-quality contents.

### TASK 6 – EVALUATE AND REFINE OBJECTIVES

Based on WWE's experience with projects involving hydrogeologic field work to develop and implement monitoring programs, questions frequently arise on the preliminary results and the reasonableness of the data collected. WWE will discuss these questions and observations with the Town and RESPEC as they arise. In addition, it has been our experience that as projects unfold, there frequently is the need to make refinements to the program methodologies. These refinements are often performed to account for unforeseen circumstances, modify the spatial and temporal nature of sampling, add or subtract tests, modify locations, or for other reasons. At this time, the Task 2 objectives will be evaluated to determine whether the data being gathered are valuable to the hydrogeologic objectives.

### TASK 7 – COOPERATIVE MEETINGS TO IDENTIFY SPRING IMPROVEMENTS

WWE would participate in stakeholder meetings related to the preliminary findings, spring monitoring program, quantitative results, and identification of objectives for the SRP, either in person or using video conference calls. As an example, receiving input from the Town's water staff is valuable because their firsthand and extensive knowledge of the area and the spring systems should inform the hydrogeological study processes. WWE believes the hydrogeological study is an important piece of information that will help define the design considerations of the SRP and is critical for the success of the Capital Improvement Plan.

### TASK 8 – REPORT, CONCLUSIONS, AND RECOMMENDATIONS

The deliverable report to the Town's Board of Trustees and CWCB will identify the delineated recharge areas and geological survey, graphical plots of the subsurface VLF and 2DR geophysics investigation, and interpretation of this geophysical data. This report would increase the understanding of the spring systems flow dynamics including firm and uncaptured yields, definition of the flow path through fractured

rock, and estimation of the timing of the spring systems flows. WWE would explore methods to increase the water storage capacity within the fractured bedrock aquifers and the results of this investigation would help identify where the SRP could be implemented. The SRP will rely on the results of this investigation including the specific spring systems and the implementation of the strategies to redevelop the spring systems.

### TASK 9 – PROJECT MANAGEMENT

Project management would be facilitated by some of WWE's most senior and experienced staff members. Marshal Haworth would be the lead project manager handling day-to-day project operations including coordination with Town staff and RESPEC engineering, refining project scope depending on challenges or when new important data and information become available, assigning tasks to WWE staff members, and managing the budget weekly. Jonathan Kelly and Rachel Pittinger would operate as assistant project managers because of their vast experience with Western Slope water resources and management of CWCB grant-funded projects.

The quality of work, positive teamwork environment, and solution-oriented staff at WWE is first class. We are able to achieve these results because WWE is a small engineering firm of fewer than 50 people qualified with multidisciplinary high-end talent, years of experience, and strong ties to the water resources of Colorado's Western Slope. WWE appreciates the opportunity to submit our detailed project schedule, a list of relevant projects with references, the detailed not-to-exceed budget consistent with CWCB grant funding, and Marshall Haworth's signature on behalf of WWE.

### DETAILED PROJECT SCHEDULE

A detailed Project Schedule is provided in Table 1 on the following page. A detailed Fee Estimate is provided at the end of this SOQ

**Table 1. Anticipated Schedule for Phase 1 of the Hydrogeological Study**

Task	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24
<b>Task 1 - Review and Evaluation</b>										
Review and Evaluate Publications and Available Data										
<b>Task 2 - Geological Assessment and Delineation Field Assessment</b>										
Perform Geologic & Geophysical Surveys										
Shallow Monitoring Well and Pressure Transducer Installation										
Process Geophysical Survey and Monitoring Data										
<b>Task 3 - Hydrologic Modeling</b>										
Hydrologic Modeling										
<b>Task 4 - Monitoring Program Development</b>										
Develop Spring Monitoring Program										
<b>Task 5 - Monitoring Program Processing</b>										
Process Monitoring Data										
<b>Task 6 - Objectives</b>										
Evaluate and Refine Objectives from Assessment										
<b>Task 7 - Spring Improvement Meetings</b>										
Cooperative Meetings to Identify Spring Improvements										
<b>Task 8 - Prepare Hydrogeological Study Report</b>										
Report, Conclusions, and Recommendations										
<b>Task 9 - Project Management</b>										
Project Management Reporting, Invoicing, Coordination										

## REFERENCES

Descriptions and references follow on three of our team’s relevant projects. All the entities described below are long-term clients for which WWE continues to provide services.

### MOUNTAIN COAL COMPANY HYDROGEOLOGIC ANALYSIS

WWE has provided services to Mountain Coal Company at its West Elk Mine near Paonia since 1983. WWE has performed hydrogeological and subsurface evaluations for the mine for both water rights and mine inflow abatement purposes. For example, WWE performed non-tributary fault and spring analyses to determine the source of groundwater flows into subsurface vaults and developed alternatives for in-mine water management. WWE also implemented a seep monitoring program to quantify this groundwater.



Other WWE services to the mine have included annual hydrology reports, biannual subsidence reports, water rights services such as augmentation planning and administration, wetland delineation and permitting, and general water resources engineering and consulting.

Through these activities, WWE has developed a strong understanding of the geology and hydrogeology of the region.

**Reference:** Chase Hyatt | Environmental Manager | (970) 929-5225 | chyatt@archcoal.com

WWE personnel who have worked on this project include Jonathan Kelly, Gary Witt, Marshall Haworth, and Rachel Pittinger.

### EASTERN ADAMS COUNTY METROPOLITAN DISTRICT GROUNDWATER SUPPLY

WWE has been working with the Eastern Adams County Metropolitan District (EACMD) to develop a groundwater supply for their residential developments near Strasburg, Colorado, since 1999. WWE has been involved in quantifying the Denver Basin groundwater underlying the property and assisting EACMD in obtaining approval of the use of that water for its domestic water supply needs.



WWE’s services have included design, testing, and implementation of three Arapahoe Aquifer wells as the principal water supply for the system. In addition, WWE has assisted in obtaining a replacement plan to use an alluvial water supply well as a

**Reference:** Mike Serra III | Paul’s Development East | (303) 371-9000 | mikes@paulscorp.com



high-yield peaking supply with replacement credits provided by discharges from the regional wastewater treatment facility. WWE’s involvement has included assisting EACMD with the evaluation of groundwater quality and appropriate treatment requirements.

WWE also performed Denver basin wellfield development including well drilling oversight, geophysical log interpretation, well design and completion, and aquifer test analyses. WWE provided guidance for well rehabilitation and supported an investigation of defective work. WWE also performed groundwater modeling to evaluate potential well yields to meet water demands and aquifer groundwater modeling of the wellfield to estimate long-term production.

WWE personnel who have worked on this project include Gary Witt, Marshall Haworth, and Claire Vavrus.

### BUENA VISTA MASTER PLAN AND RATE STUDY



WWE has assisted the Town of Buena Vista with its water resources planning and management since the 1980s. In 2021 and 2022, WWE assisted the Town with its water resources planning by developing a Water Resources Master Plan and conducting a Rate Study. The Town of Buena Vista has a strong portfolio of water rights with appropriation dates in the mid-1860s and other senior rights. Nonetheless, the Town continues to remain diligent in planning for drought conditions and growth impacts on the community. The Water Resources Master Plan provided a baseline for a subsequent Rate Study, both of which are aimed at keeping the Town well prepared for the future. Both work products were presented to and approved by the Town’s Board of Trustees.

The Master Plan focused on the water resources of the Town with a primary goal of identifying the amount of water the Town’s current water rights portfolio can legally and reliably supply and to provide recommendations on how to manage and enhance the

water resources portfolio to meet the Town’s short- and long-term planning projections and goals. The scope of work included gathering data, compiling historic demographic information around population and single-family equivalent (SFE) data, summarizing water demand over the past decade, outlining the average-year and dry-year yields of the Town’s current water rights, determining the maximum number of SFEs that can be served with the current water rights portfolio and potential timing based on various growth projections, and reviewing existing and proposed infrastructure capacity and constraints. Ultimately, WWE provided recommendations on how the Town can better meet future water demand with consideration of infrastructure based on current growth projections.

**Buena Vista**  
**Reference:** Shawn Williams | Public Works Director | (719) 581-1049 | [bvpwdir@buenavistaco.gov](mailto:bvpwdir@buenavistaco.gov)

WWE personnel who have worked on Town of Buena Vista projects include Rachel Pittinger, Gary Witt, Marshall Haworth, and Claire Vavrus.

BUENA VISTA WELL NOS. 3 AND 4 – PLANNING, DEVELOPMENT, AND CONSTRUCTION

In 2020, WWE began working with the Town of Buena Vista on the development of Well No. 3. WWE provided engineering services to the Town for design and construction of this Arkansas River alluvial aquifer well, pumped for irrigation and municipal use within the Town. This well has the most impact in the southeastern part of the Town. The additional water supply source is located within the Town’s lower zone and will help address future water demand. Additionally, WWE identified the need for Well No. 4 planning, development, and construction. Planning and water efficiency is part of the Town’s approach for wells development.



## TOTAL ESTIMATED, NOT-TO-EXCEED COST

TOWN OF PAONIA HYDROGEOLOGICAL STUDY		WWE						Sub Total Cost
		C.Vavrus	A.Maestre	M.Haworth	T.Dwyer/G.Witt	J.Kelly/R.Pittinger	B.Holmes	
		Project Engineer	Senior Project Engineer	Project Manager	Principal Senior Consultant	Senior Water Resources	Senior Modeler Senior Principal	
		\$142	\$172	\$185	\$250	\$250	\$262	
<b>Phase 1 - Hydrogeologic Engineering and Data</b>								
<b>Task 1.1</b>	<b>Review and Evaluation</b>	<b>16</b>	<b>8</b>	<b>16</b>	<b>8</b>	<b>8</b>	<b>4</b>	<b>\$11,656</b>
	Review and Evaluate Publications and Available Data	16	8	16	8	8	4	
<b>Task 1.2</b>	<b>Geological Assessment and Delineation Field Assessment</b>	<b>92</b>	<b>0</b>	<b>84</b>	<b>136</b>	<b>0</b>	<b>0</b>	<b>\$62,604</b>
	Perform Geologic & Geophysical Surveys	60	0	60	120	0	0	
	Shallow Monitoring Well and Pressure Transducer Installation	16	0	16	0	0	0	
	Process Geophysical Survey and Monitoring Data	16	0	8	16	0	0	
<b>Task 1.3</b>	<b>Hydrologic Modeling</b>	<b>16</b>	<b>80</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>\$21,704</b>
	Hydrologic Modeling	16	80	8	0	0	16	
<b>Task 1.4</b>	<b>Monitoring Program Development</b>	<b>16</b>	<b>0</b>	<b>24</b>	<b>8</b>	<b>0</b>	<b>8</b>	<b>\$10,808</b>
	Develop Spring Monitoring Program	16	0	24	8	0	8	
<b>Task 1.5</b>	<b>Monitoring Program Processing</b>	<b>16</b>	<b>20</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$7,192</b>
	Process Monitoring Program	16	20	8	0	0	0	
<b>Task 1.6</b>	<b>Objectives</b>	<b>0</b>	<b>4</b>	<b>16</b>	<b>16</b>	<b>4</b>	<b>4</b>	<b>\$9,696</b>
	Evaluate and Refine Objectives from Assessments	0	4	16	16	4	4	
<b>Task 1.7</b>	<b>Spring Improvement Meetings</b>	<b>4</b>	<b>2</b>	<b>8</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>\$4,892</b>
	Cooperative Meetings to Identify Spring Improvements	4	2	8	6	4	0	
<b>Task 1.8</b>	<b>Prepare Hydrogeological Study Report</b>	<b>40</b>	<b>16</b>	<b>40</b>	<b>16</b>	<b>16</b>	<b>8</b>	<b>\$25,928</b>
	Prepare Report, Conclusions, and Recommendations	40	16	40	16	16	8	
<b>Task 1.9</b>	<b>Project Management</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>\$4,960</b>
	Project Management Reporting, Invoicing, Coordination	0	0	16	0	8	0	
<b>Hour Subtotals</b>		<b>200</b>	<b>130</b>	<b>220</b>	<b>190</b>	<b>40</b>	<b>40</b>	<b>820</b>
<b>Labor Subtotals</b>		<b>\$28,400</b>	<b>\$22,360</b>	<b>\$40,700</b>	<b>\$47,500</b>	<b>\$10,000</b>	<b>\$10,480</b>	<b>\$159,440</b>
<b>Materials Subtotals</b>								
<b>Survey and Field Materials</b>								<b>\$13,800</b>
<b>Shallow Monitoring Well Installation and Pressure Transducer Installation</b>								<b>\$7,540</b>
<b>Aerial Survey</b>								<b>\$1,250</b>
<b>Direct Costs (10%)</b>								<b>\$15,944</b>
<b>TOTAL</b>								<b>\$197,974</b>



# ATTACHMENT A

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Team Member Resumes

## Experience Overview

Hydrogeologist and Water Resources Engineer with multidisciplinary experience primarily focusing on water rights, hydrogeology, groundwater well design, and water quality. Water rights engineering experience includes the preparation and review of engineering reports and decrees to support application and objection water court cases, augmentation plans, substitute water supply plans, historical consumptive use analysis, and water rights accounting. Highly skilled in groundwater well projects including preparing well drilling proposals and driller bid documentation, geologic logging, and well completion oversight, well field design, geophysical log interpretation, well integrity and rehabilitation evaluation, aquifer testing, pumping system design, groundwater modeling, and dewatering and injection systems. Extensive experience with surface water and groundwater interactions including nontributary determinations, aquifer depletion and recharge analyses, and aquifer recharge and recovery. Experienced in water quality including sampling, development of monitoring plans, evaluation of water quality for intended uses, and environmental contamination investigations, and groundwater remediation.



### Relevant Credentials/ Specialties

- ❖ Water Rights
- ❖ Hydrogeology
- ❖ Hydrology
- ❖ Well Construction, Design, and Rehabilitation
- ❖ Water Quality
- ❖ Site Investigations
- ❖ Expert Testimony
- ❖ Site Investigations

### Education

- B.S., Watershed Science, Colorado State University

### Registrations/Affiliations

- American Water Resources Association – Colorado Section
- Colorado Ground Water Association

### Water Rights/Hydrogeology/Water Quality

**Eastern Adams County Metropolitan District, Strasburg, Colorado.** Provided water rights engineering support and groundwater resource assessment associated with residential developments, wellfield management, and additional well recommendations for expanded use. Managing well drilling activities including well design and completion. Performing geophysical log analyses of the Denver Basin aquifers to evaluate potential well yields to meet water demands.

**Town of Buena Vista, Buena Vista, Colorado.** Performing aquifer testing and pump selection to increase yield from alluvial well, assisting with permitting of the well, and performing preliminary planning associated with new proposed well. Review of pending water rights case to help protect the Town's vested water rights.

**Tallgrass Energy, Weld County, Colorado.** Assessed groundwater rights and performed wellfield due diligence within the Lost Creek Designated Basin. Provided water rights accounting support to manage water reporting requirements.

**Boxelder Basin Regional Stormwater Authority, Fort Collins Colorado.** Conducted groundwater monitoring program and site evaluation to assess the potential water rights injury to nearby irrigation wells due to the proximity of a dewatering pipeline. Provided support on water rights evaluation and well permitting activities. Designed and installed open pipe flow measurement equipment to help quantify dewatering pipeline effectiveness and help protect the Authority from potential Colorado Division of Water Resources hearing or potential lawsuit.

**Buffalo Run Golf Course, Commerce City, Colorado.** Providing on call water rights and water rights accounting. Prepared driller bid documentation, and drilling and construction oversight of a Lower Arapahoe well for supplemental golf course irrigation.

**Clear Frontier Agriculture, Lipscomb and Ochiltree Counties, Texas.** Performed due diligence evaluation of 29 Ogallala aquifer irrigation wells and prepared numerical groundwater model to simulate site-specific decline of the water table based on increased pumping and reduction in aquifer recharge.

**Well Litigation Case in Douglas County, Littleton, Colorado.** Provided expert opinion and submitted a 26(A)(2) disclosure report to support the Defendants (sellers of a residential property) against false claims of failure to disclose and claims for relief including breach of contract, fraud, negligent misrepresentation, and civil theft. The engineering work successfully demonstrated the Plaintiff (buyer) and the Plaintiff's Expert failed to provide any evidence to support these claims and the litigation case reached a highly favorable settlement.

**Clear Frontier Agriculture, Weld County, Colorado.** Performed water rights due diligence for a sod farm associated with surface water right, reservoir storage right, alluvial wells, and Denver Basin groundwater, water quality assessment in support of irrigation uses, analysis to understand potential nontributary groundwater yield from current wells, projection of additional wells, financial investment to develop wellfield, and profitability from selling water within 5 to 10 years.

**Camp Tahosa, Ward, Colorado.** Performed due diligence evaluation associated with the Boy Scouts of America Camp. Evaluation included water rights estimation, water demand assessment, well yield and water quality testing and assessment, projection of physical water supply, geophysical survey to identify possible bedrock fractures, and estimated costs for site improvements.

**River Run Ranch, Granby, Colorado.** Provided well rehabilitation and water quality assessments to support the development of commercial recreational development. Recommended lowering the submersible pump and adding a shroud to remediate a water production issue. Developed a water quality sampling plan to identify necessary steps for the water supply to meet Town of Granby criteria.

**Western Transport Metropolitan District, Watkins, Colorado.** Performed project management of wellfield development including well drilling oversight, geophysical log interpretation of the Denver Basin aquifers, well design and completion, and aquifer test analyses. Provided guidance for well rehabilitation and supported an investigation of defective work. Performed groundwater modeling to evaluate potential well yields to meet water demands and aquifer groundwater modeling of the wellfield to estimate long-term production.

**Home Ranch, Clark, Colorado.** Performed permitting, sited well location, preparation of specification contract documents package, prepared well design, and well drilling and completion oversight, aquifer testing and water quality sampling to demonstrate a highly productive alluvial well with excellent water quality, assisted with engineering design team to improve water delivery system including pumping equipment, pipeline, storage tank, water treatment, electrical, and controls.

**Fleeger Ranch, Bond, Colorado.** Evaluated water quality and determined the water was being degraded by the Eagle Valley Evaporite and therefore not suitable for consumption without reverse osmosis treatment. Recommended redrilling the well and sited a new well location, drilling and completion oversight, aquifer test and analysis, and water quality sampling to demonstrate greatly improved water yield and quality and provided pumping system design.

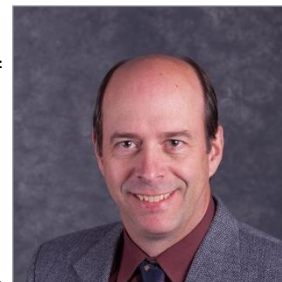
**Confidential Waters of the U.S. Investigation.** Supported the U.S. Department of Justice in an investigation of alleged Waters of the United States violations of the Clean Water Act in the Eastern United States.

**Confidential Residential Subdivision Investigation.** Performed site characterization to test the hydraulic connection of pipe utility bedding within a residential development. Implemented a storm drain leak testing program to test the leakage rate of a suspected storm drain pipeline. Provided expert testimony on the field-testing activities.

**Central Colorado Water Conservancy District.** Evaluated the presence of hydrogen sulfide at client's reservoirs, reviewed geologic presence of coal seams that could possibly be contributing to high detection of hydrogen sulfide, provided water quality sampling procedures, and supported District with Regulation 85 and 31 prehearing statements in response to Water Quality and Control Commission rulemaking process.

## Experience Overview

Thomas Dwyer, P.G., is an Adjunct Senior Geophysicist with 38 years of experience in geophysical exploration for water resources, water supply testing and development, aquifer replenishment with stormwater and treated wastewater, aquifer storage-recovery, and aquifer thermal energy storage. He has completed over 300 hydrogeologic and hydrologic investigations. Mr. Dwyer is experienced with the most current tools and techniques for water resources exploration using geophysical methods, particularly very-low-frequency electromagnetics (VLF) and two-dimensional resistivity (2DR) profiling for locating water-bearing bedrock fracture zones.



### Relevant Credentials/Specialties

- ❖ 40 Years of Experience
- ❖ Geophysical exploration for water resources
- ❖ Water supply testing and development
- ❖ Aquifer replenishment with stormwater and treated wastewater
- ❖ Aquifer storage-recovery
- ❖ Aquifer thermal energy storage
- ❖ Geophysical modeling

### Education

- M.S., Geology, Kent State University, 1986
- B.S., Geology, Summa Cum Laude, Old Dominion University, 1983

### Training/Certifications

- Professional Geologist License: Virginia (2801 000945), Pennsylvania (PG-000036-G), and Delaware (S40000964)

### Memberships

- Engineers Without Borders
- American Institute of Professional Geologists
- Association of Environmental & Engineering Geologists

## Geophysical Exploration for Water Resources

**Deerpark Geophysical Survey.** Performed a 2DR geophysical survey to evaluate the presence of both deep (Paleozoic fractured rock) and shallow (springs and alluvium) water supplies. The traverse crossed a prominent spring, which was being considered as a potential supply. However, the spring was thought to be fed by the shallow alluvium, so viability of the spring during the dry season or during drought was in question. The 2DR survey showed that the spring and the alluvium were fed by a deep, high-angle fracture system. To maximize yield and to minimize the effect of drought, a deep well was drilled to intersect the fracture, providing a yield of approximately 300 GPM.

**Headley Farm 2DR Geophysical Survey.** Performed a 2DR geophysical survey to locate water-bearing fractures in carbonate bedrock for a large residential development. The traverse crossed a major, regional-scale fault zone showing direct hydraulic connection to a broad area of wetlands and springs. Development of the water supply from the fracture zone required hydraulic testing to demonstrate that the proposed water supply would not have an adverse impact on the wetlands and springs.

**Riverview 2DR Survey.** At a carbonate bedrock site where a development was proposed, it was thought that overlying alluvium might provide sufficient water supply capacity for a large residential development. Performed a 2DR geophysical survey to map out the extent and thickness of the alluvium and to determine whether the alluvium is in hydraulic connection with deeper bedrock fractures. The alluvium proved to be too shallow for a reliable supply of the magnitude required. However, the 2DR results showed the deeper, carbonate bedrock to be highly fractured and solutioned. Heavy clay content in the larger solution zones created a turbidity problem. The 2DR results were used to find a smaller, less solutioned fracture free of turbidity. This resulted in a well yield in excess of 1,000 GPM with excellent water quality.

**Vernon Geophysical Survey.** Returning water to a shallow groundwater flow system was the priority for maintaining the health of springs and wetlands at the Vernon site. Municipal wastewater derived from nearby glacial sediments was treated to meet groundwater quality standards prior to discharge back to the shallow flow system. To determine if the discharge site was in hydraulic connection with the springs and wetlands, performed a 2DR survey. The 2DR survey showed that the underlying marble bedrock was unfractured and that the discharged water would follow the shallow, subsurface flow path to the springs and wetlands.

**Geophysical Methods.** Mr. Dwyer is experienced with the most current tools and latest techniques for water resources exploration using geophysical methods, particularly very-low-frequency electromagnetics (VLF) and two-dimensional resistivity (2DR) profiling for locating water-bearing bedrock fracture zones. This work has resulted in a successful history of high-yielding water supply wells for potable and irrigation supplies, as well as development of aquifer recharge capacity. He is also experienced with borehole geophysical logging and interpretation, having owned and operated an advanced borehole system at Mid-Atlantic Geosciences, LLC.

**Analytical and Numerical Ground-Water Flow and Transport Models.** Mr. Dwyer is an expert in the application and development of both analytical and numerical ground-water flow and transport models. As an undergraduate student, he completed (in addition to the traditional geology curriculum) the same mathematics program as the engineers and computer scientists in order to pursue his goal of combining mathematics and geology for solving real-world problems. This self-designed academic program culminated with developing a two-dimensional, finite-element, ground-water flow and thermal/contaminant transport model as part of his master's thesis and, as an independent contract, a multi-grid, two-dimensional, finite-difference surface-water flow model. Mr. Dwyer continues to apply numerical models to ground-water problems on a regular basis. Most of his project efforts have utilized numerical simulation models, such as MODFLOW and MT3D, for flow system characterization and for evaluating hydraulic capacity, surface-water/ground-water interactions, and water-quality impacts.

### ***Publications***

- Hydraulic and Geophysical Characterization of a Spatially Discontinuous Conjugate Fracture Set; presentation with Heather T O'Shea at 2015 NGWA Conference on Groundwater in Fractured Rock, Burlington, VT (Principal Author).
- Innovative Methods of Ground Water Recharge of Tertiary Treated Wastewater; oral presentation and published proceeding for the 26th Mid-Atlantic Industrial and Hazardous Waste Conference; August 7-10, 1994, University of Delaware (Principal Author/Speaker).
- Design Considerations for Underground Discharge; Guest Speaker at An Educational Conference on Watershed Management, "Meeting the Challenge: Wastewater Treatment for Communities in the NY City Watershed - Technology and Management Options", Mahopac, NY; June 1994 (Co-speaker).
- Ground Water Recharge Wells in a Saltwater Marsh Environment for Disposal of Residential Wastewater Effluent Treated by Constructed Wetlands; oral presentation at May 15-21, 1993 Second United States/Commonwealth of Independent States Joint Conference on Environmental Hydrology and Hydrogeology, Washington, D.C.; and written paper in Special Issue of the "Hydrological Science and Technology Journal", Volume 8, 1993 (Principal Author/Speaker).
- A Computer Spreadsheet Method for Correcting Aquifer Test Data for Ocean Tide Influence; Abstract published in 10/91 issue of "Ground Water", Oral Presentation at conference on "Innovative Ground Water Technology for the 90's", Washington, DC Convention Center: October 1991 (Principal Author/Speaker).
- Natural Processes for Tertiary Treatment of Municipal Wastewater Coupled with Shallow Ground-Water Discharge in a Salt-Water Marsh Environment - A Case Study, AGWSE conference on "Ground Water Issues and Solutions in the Potomac River Basin/Chesapeake Bay Region"; March 1989 (Principal Author/Speaker).
- Finite-Element Simulation of Low-Temperature, Heat-Pump-Coupled, Aquifer Thermal Energy Storage; with Yoram Eckstein; Journal of Hydrology, vol. 95, pp. 19-38; 1987 (Principal Author).
- A Finite-Element Thermal Energy Storage Model; Geological Society of America, 98th Annual Meeting, Abstracts with Programs, vol. 17, no. 7, p. 570; 1985 (Speaker).
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## Experience Overview

Dr. Holmes has 36 years of experience as a hydrologist and hydraulic engineer specializing in floods, streamflow-data collection, stream ratings, sediment transport, river mechanics, and open-channel hydraulics. Dr. Holmes has extensive field experience on the Mississippi, Missouri, and Ohio Rivers, during flood and non-flood periods, as part of his studies and investigations of flooding. Dr. Holmes served 34.5 years with the U.S. Geological Survey (USGS), where his last USGS position was that of Chief of the Branch of Hydrodynamics. He oversaw projects and conducted research and scientific investigations on modeling of the hydrodynamics and sediment transport of rivers, river mechanics, flood risk assessment, hydrology, sediment transport processes, and channel evolution processes.



### Relevant Credentials/Specialties

- ❖ 36 years of Experience
- ❖ Flooding
- ❖ Open-channel Hydraulics
- ❖ Streamflow-data Collection
- ❖ Stream Ratings
- ❖ Hydrologic and Hydraulic Modeling
- ❖ Sediment Transport Processes and Modeling
- ❖ River Mechanics
- ❖ Former USGS National Flood Specialist

### Education

- PH.D., Civil and Environmental Engineering, University of Illinois at Urbana-Champaign
- M.S., Civil Engineering, University of Missouri-Rolla
- B.S., Civil Engineering, University of Missouri-Rolla

### Training/Certifications

- Licensed Professional Engineer – Missouri #E-025034
- Diplomate – American Academy of Water Resources Engineers

### Memberships

- Fellow – Environmental and Water Resources Institute
- Fellow – American Society of Civil Engineers

## Hydrologic and Hydraulic Modeling

**Missouri River Modeling.** Development of a hybridized model that estimated the water-surface elevations at selected locations along the Missouri River from 1950 to 2018.

**Transport of Sediments from Dam Removal.** Analysis of contaminated sediments behind the Fox River at Yorkville, Illinois dam to determine potential for transport downstream once the dam was removed.

**Sizing of Stone for Lake Erosion Prevention** Provided hydrodynamic analysis and sizing of stone to protect shore at Burns Harbor on southern Lake Michigan.

**Flood Frequency Investigations.** Led numerous studies looking at estimating risk and frequency of flooding, multiple flood investigations, and hydrology/hydraulics flood modeling projects across the United States. These studies ranged from determining and documenting flood frequency for large regional floods to providing management models to local municipalities.

**Confidential Sediment Transport Investigations on Major U.S. River.** Performed review of existing hydraulic and sediment transport models and independent analysis and modeling of hydraulic and sediment transport processes.

**Design of a Missouri River Floodplain Road for Missouri Department of Conservation.** As a subcontractor to EDM, Inc. determined the range of velocities that would neither scour the road nor result in severe sedimentation of a newly designed road.

**River Hydraulics, Sediment Transport, and Stream Restoration.** Led and participated in several studies that required data collection and/or modeling of river systems across a variety of scales. Models used during these studies included one-dimensional and two-dimensional models (standard off-the-shelf hydraulic and hydrologic models such as HECRAS, HECHMS, and SWMM) as well as development of unique analysis tools written to assess geomorphic, sediment transport, and hydraulic phenomena.

**Adjunct Professor of Civil Engineering and Research Associate, Missouri University of Science and Technology (2008–present).** Courses taught include water resources engineering, fluid mechanics, river mechanics, and sediment transport.

**Basic Hydraulic Principles Instruction for USGS.** For 25 years, coordinated and taught the Basic Hydraulics Principles course for the USGS, as well as other USGS courses in data collection, modeling, stream-rating development, indirect methods of discharge measurement, and sediment-transport load computations. Dr. Holmes is considered an expert in stream-rating development and led USGS efforts to develop new techniques to address hydraulically complex ratings.

**Hydraulic Modeling Advisor for USGS.** Senior advisor to USGS on flood hazard issues, including advising on development of USGS technical policy on handling of flood risk assessment and hydraulic modeling.

### **Publications**

- Dynamic Rating Method for Computing Discharge from Time-Series Stage Data. 2022 Domanski, Marian, Holmes, R.R., Jr., and Heal, Elizabeth M. U.S. Geological Survey Open-File Report 2022–1031, 48 p., <https://doi.org/10.3133/ofr20221031>.
- Multi-Agency Gage Height and Discharge Datasets for Selected Streamgages on the Missouri River from 10/01/1936 to 12/31/2018. 2020. O'Shea, P.S., and Holmes, R.R., Jr., 2020, U.S. Geological Survey data release, <https://doi.org/10.5066/P9DA4FZC>.
- Influence of hydropower outflow characteristics on riverbank stability: case of the Lower Osage River (Missouri, USA). 2020. Mohammed-Ali, Wesam, Mendoza, Cesar & Holmes, Robert R., Jr., Hydrological Sciences Journal (THSJ), DOI: 10.1080/02626667.2020.1772974.
- Riverbank stability assessment during hydro-peak flow events: the lower Osage River case (Missouri, USA). 2020. Mohammed-Ali, Wesam, Mendoza, Cesar & Holmes, Robert R., Jr., International Journal of River Basin Management, DOI: 10.1080/15715124.2020.1738446.
- Flooding in the Southern Midwestern United States, April–May 2017. 2018. Heimann, D.C., Holmes, R.R., Jr., and Harris, T.E., 2018, Flooding in the southern Midwestern United States, April–May 2017: U.S. Geological Survey Open-File Report 2018–1004, p. 36, <https://doi.org/10.3133/ofr20181004>.
- Streamflow Data. 2017. Holmes, Robert R., Jr., Book Chapter in Handbook of Hydrology, 2<sup>nd</sup> Edition, Editor, Singh, Vijay McGraw-Hill, New York, pp 5-1 to 5-8.
- Streamflow Ratings. 2017. Holmes, Robert R., Jr., Book Chapter in Handbook of Hydrology, 2<sup>nd</sup> Edition, Editor, Singh, Vijay McGraw-Hill, New York, pp 6-1 to 6-14.
- Examination of Flood Characteristics at Selected Streamgages in the Meramec River Basin, Eastern Missouri, December 2015-January 2016. 2016. Holmes, R.R., Jr. Koenig, T.A., Rydlund, P.H., and Heimann, D.C., U.S. Geological Survey Open-File Report 2016-1140, <https://pubs.er.usgs.gov/publication/ofr20161140>.
- River Rating Complexity. 2016. Holmes, R.R., Jr., In Proceedings of the International Conference on Fluvial Hydraulics (River Flow 2016), Constantinescu, Garcia, and Haynes, (Eds), CRC Press Taylor and Francis Group, London, pp 679-686.
- Preliminary Peak stage and streamflow data at selected U.S. Geological Survey streamgages for flooding in the central and southeastern United States during December 2015 and January 2016. 2016. Holmes, R.R., Jr., Watson, K.M., and Harris, T.E., U.S. Geological Survey Open- File Report 2016-1092, p. 27, <https://pubs.er.usgs.gov/publication/ofr20161092>.
- Streamflow Data. 2016. Wiche, G.J. and Holmes, R.R., Jr., Book Chapter in Flood Forecasting: A Global Perspective, Thomas E. Adams, III and Thomas C. Pagano, Editors, Elsevier, Amsterdam, pp 371-398, <http://dx.doi.org/10.1016/B978-0-12-801884-2.00013-X>.
- Identifying and Preserving High-Water Mark Data. 2016. Koenig, T.A., Bruce, J.L., O'connor, Jim, McGee, B.D., Holmes, R.R., Jr., Hollins, Ryan, Forbes, B.T., Kohn, M.S., Schellekens, M.F., Martin, Z.W., and Pepler, M.C., U.S. Geological Survey Techniques and Methods Book 3, Chapter A24, p. 47, <https://pubs.er.usgs.gov/publication/tm3A24>.

## Experience Overview

Jonathan is a water resources engineer with experience in water supply and water rights engineering, hydrologic analysis of groundwater and surface water systems, channel hydraulics and floodplain delineations, water quality evaluations, application of best management practices (BMPs), and sizing of stormwater facilities.



## Water Rights and Water Resources Engineering

### Relevant Project Experience:

- ❖ Registered Professional Engineer
- ❖ Project Manager
- ❖ Water Quality
- ❖ Rate Studies
- ❖ Funding
- ❖ Modeling Experience
- ❖ Utility Master Planning

### Education

- M.S., Civil Engineering, 1993, University of California, Los Angeles, 1993
- B.S., Civil Engineering, 1992, University of California, Los Angeles, 1992

### Registrations

- Registered Professional Engineer (Colorado # 33901)

### Professional Associations

- American Council of Engineering Companies (ACEC), Board Member
- Colorado Association of Stormwater and Floodplain Managers (CASFM), Northwest Regional Representative

**Mountain Coal Company—West Elk Mine.** Work closely with mine personnel and water counsel to implement augmentation plan for mine diversions. Performed field measurements to quantify transit losses for reservoir releases to replace out-of-priority depletions. Study reduced the charged channel seepage losses from 50 percent down to 10 percent. Implemented accounting for administration of augmentation plan for stream losses due to mine subsidence resulting from longwall coal mining. Assisted client with removing water right on Division Engineers' abandonment listing.

**Mt. Werner Water and Sanitation District.** Serve as District Engineer providing services related to water rights and water resources management. Work including calculating projected water demands at full build out and evaluation of lagged depletions associated with infiltration gallery in the Yampa River alluvium.

**Exxon Mobil Corporation.** Performed engineering services relating to extensive water rights portfolio of an energy producer in the Piceance Basin. Engineer of record on nine different water court filings, including multiple augmentation plans, quantification of historical consumptive use (HCU) credits from irrigated lands, and use of Glover to calculate lagged stream depletions due to well pumping. Pending cases include transbasin diversion from Colorado River to the White River basin. Provided expert reports on multiple conditional water rights in the Parachute, Piceance, and Yellow Creek drainage basins documenting the contemplated draft of the industrial water rights.

**City of Glenwood Springs.** Providing hydrologic and water rights engineering services in support of the City's 2013 Water Court application for recreational in-channel diversion (RICD) water rights. Actively working with objectors to attempt to address their concerns.

**Flattops Water Company.** Engineer for water court filing involving establishing the firm yield of transbasin water rights from the Yampa River to the Colorado River basin. Successfully negotiated technical issues with nineteen objectors to obtain decree. Managed feasibility evaluation of additional reservoir sites based on criteria, including inundation wetlands and storage versus dam height. Assessed ditch loss characteristics and return flow patterns for Stillwater Ditch, which runs along the drainage divide. Assisted client with removing water right on Division Engineers' abandonment listing.

**High Valley Farms.** Provided expert testimony in Division of Water Resources 600-foot spacing hearing relating to potential for well-to-well interference in the Roaring Fork alluvium near Basalt.



**Adam's Rib Ranch.** Lead engineer on augmentation plan for a golf course residential development south of Eagle, CO. Working with attorneys to optimize use of water rights portfolio, while maintaining diligence on conditional water rights. Augmentation plan included quantification of historical consumptive use (HCU) credits from irrigated lands to offset evaporative losses from golf course ponds.

**Shorefox/GDL.** Engineered the water rights for a 1,200 equivalent residential unit development in Granby, CO. Working with objectors on six interrelated water court cases involving golf course/open space irrigation, municipal water supply, and onsite storage ponds. Also assisted client with negotiations with Town of Granby regarding annexation of the property.

**Coal Basin.** Developed augmentation plan for large private property in Coal Creek watershed near Redstone, CO. Decreed augmentation plan adjudicated storage rights and quantified releases to replace out-of-priority evaporative depletions. Successfully protested abandonment of water right through negotiation with Division Engineer.

**Hell's Gate Ranch.** Developed augmentation plan for large lot subdivision in Sweetwater Creek watershed. Engineering evaluation included incorporating historical uses and water rights with proposed development amenities.

**Tybar Ranch.** Provided engineering analyses relating to an augmentation plan for a cattle ranch outside Carbondale, CO.

**Stella Polare.** Completed engineering analyses to quantify water demands and depletions associated with a luxury property above Aspen. Augmentation supplies included contract water and onsite storage to satisfy local calls.

**Small Water Court Cases.** Provided water rights engineering services to numerous small projects for water court applications.

**ExxonMobil Administrative Complex.** Project manager for design engineering services for the water system to serve the ExxonMobil Section 26 Administrative Complex (Complex) in the Piceance basin. The major components of the water system design were a raw water submersible pump, associated piping from the B & M Reservoir to the Complex and a water treatment facility in the Complex. The water treatment facility includes filtration in accordance with the Long Term 2 Enhanced Surface Water Treatment Rule and chlorination for disinfection. The process treatment design includes filtration, chlorination, and storage sufficient to achieve the minimum chlorine contact time and a pressure system for distribution system delivery. WWE provided limited services during bidding and services during construction. WWE's work addressed CDPHE submittals of the water treatment system component.

**CDOT Bridge Geothermal Evaluation.** Served as peer reviewer for the evaluation of the potential effects of bridge construction on a geothermal resource under various proposed alternatives. WWE worked as a subconsultant to Jacobs Engineering on this project for the Colorado Department of Transportation (CDOT). The analysis was conducted as part of a National Environmental Policy Act (NEPA) study for the proposed modification or reconstruction of a bridge over the Colorado River in Glenwood Springs, Colorado.

**Pine Creek Cookhouse.** Project manager for permitting of a water system that is considered to be a transient, non-community water system according to criteria established by the Colorado Department of Public Health and Environment (CDPHE) and subject to specific water treatment requirements.

**Group of North Fork Coal Mines.** Conducted a transit loss study a stream system in western Colorado to assess the channel seepage losses. Reservoir water is released to the stream system to augment out-of-priority depletions over twenty miles downstream. Downstream water users must account for transit losses before taking credit at their points of diversion.

**Adams Rib Recreation Area.** Developed a comprehensive river basin simulation model for a proposed resort in Eagle County. Performed numerous simulation runs for alternative development scenarios to assess water rights implications and water quality issues.

## Experience Overview

Dr. Maestre is a highly experienced water resources engineer who joined WWE in January 2023. His experience includes: (1) Part of a team that evaluates the products of the National Oceanic and Atmospheric Administration (NOAA) National Water Model. (2) More than 25 years of experience as project manager and principal researcher in water resources projects that involve the analysis of hydrodynamics and water quality in rivers, estuaries, lakes, coastal waters, wetlands, stormwater systems, levees, and surface water management systems. (3) Expert in coupling specialized hydraulic and hydrologic applications with geographic information systems (GIS), statistical tools, and water resources engineering software. (4) Developed the first version of the National Stormwater Quality Database (NSQD) that describes the characteristics of stormwater quality nationwide, provides guidance for future sampling, and enhances stormwater management activities in areas with limited data.



### Relevant Credentials/Specialties

- ❖ Registered Professional Engineer
- ❖ 28 Years Hydrology/Hydraulics Experience
- ❖ Hydrologic Data Analysis and Modeling
- ❖ Floodplain Expertise

### Education

- Ph.D., Environmental Engineering, University of Alabama, Tuscaloosa, 2005
- M.Sc. Computer Science, University of West Florida, Pensacola, 2013
- M.Sc., Applied Statistics, University of Alabama, Tuscaloosa, 2005
- Specialist, Telematics, Universidad de los Andes, Colombia, 2000
- M.Sc., Water Resources Engineering, Universidad de los Andes, Colombia, 1996
- B.S., Civil Engineering, Universidad de los Andes, Colombia, 1994

### Registrations/Affiliations

- Registered Professional Engineer in Colorado (# 61739), Alabama (# 30066) and Florida (# 71000)

### Modeling Experience

**National Water Model – Evaluation of Operational Forecasts, Tuscaloosa, Alabama.** Developed a framework that evaluates the performance of the short and medium range forecasts produced by National Water Model (NWM). Since the release of the first operational version of the model, developed computer routines that ingested, processed, and generated visualization outputs to evaluate the performance of the model. The NWM produces hourly forecasts for more than 2.7 million reaches in the continental U.S., southern Alaska, Hawaii, Puerto Rico, and U.S. Virgin Islands.

**Confidential Surface Water Investigation, Denver, Colorado.** Assisted in the preparation of a letter report that provided expert opinion about the design of a large storm drain system. Reviewed multiple SWMM models associated with different phases of the design, reports, contract documents, depositions, and design plans. In addition, assisted in the preparation of a timeline that highlighted key events that occurred during the evolution of the design.

**Confidential Post-fire Debris Flow Assessment, California.** Currently serving as modeling engineer to calibrate hydraulic models that simulate debris flow extent after significant rain events in burned watersheds. The calibrated models will be used to simulate alternative scenarios by modifying bridges, debris basins, and other structures.

**Confidential Post-fire Hydrologic Hazard Risk Assessment, California.** Currently assisting as modeling engineer to generate two dimensional hydraulic models that identify location-specific values-at-risk (VARs) located downgradient of burned watersheds.

**Hydrologic Water Balance of the Zapatos Wetland System, Colombia, South America.** Assisted during the development of a hydrologic and hydraulic model from the ground up for the understanding of the bidirectional flows between lakes, wetlands, channels, and rivers of the Zapatos swamp complex. The size of the wetland system is approximately 1,200 square miles and involve the exchange with one of the largest rivers of Colombia.

**Blue River LOMR, Breckenridge, Arapahoe County, Colorado.** Currently assisting on a Letter of Map Revision (LOMR) for a section of the Blue River downstream Coyne Valley Road. Tasks associated with the completion of the LOMR include extensive hydraulic modeling, report, and appendix preparation. Set up duplicate effective, corrected effective, and proposed conditions hydraulic models using HEC-RAS.

**Project Manager, Educational Tool.** Leader in the development of a Java application that illustrated the effect of evapotranspiration in floodplain areas. The purpose of the tool was to increase awareness of cyber-tools in high school and university students. The tool was developed using an interactive platform. The application includes a presentation about the role of upland floodplains during extreme events and controls that visually display the relative impact of different scenarios.

**Surface Water Modeler, Levee Certification Package.** Responsible for the interior drainage analysis of the South Rome Levee System as part of the evaluation and publication of the Digital Flood Insurance Rate Map. The analyses were based on the capacity of the interior systems to store and evacuate water, as well as the joint probability of the interior and exterior flooding conditions.

**Researcher, Watershed Modeler.** Produced integrated models of the hydrologic processes that occur from catchment to the coast. The team evaluated the effect of evapotranspiration in floodplain areas using the Soil and Water Assessment Tool (SWAT) application developed by the U.S. Department of Agriculture and Texas A&M University. The research included an evaluation of the capabilities of a modified version of the SWAT, called SWAT-L, which simulates the lateral water flows across the landscape in three different sections: the divide, the hillslope, and the floodplain. A hydrological model was constructed for a small section of a deciduous forest that includes the Sipsey River.

**Post-Doctoral Researcher on Impacts of Agricultural Withdrawals in Floodplain Areas.** Lead researcher of a group that evaluated the potential ecological impacts of agricultural withdrawals from floodplain areas located in the southeast of the U.S. The research studied the effects of a potential increase in irrigation and water withdrawals for agricultural purposes from four major floodplains. In addition, included the potential effects on invertebrate and vertebrate species. The project involved the generation of sophisticated computational floodplain models and field verification activities.

### **Relevant Publications**

- Cayaban, J., Williamson, D., Maestre, A. "Comparing Evapotranspiration Estimation Methods in Watershed and Floodplain Modeling at Coastal States of the Northern Gulf of Mexico" (Poster). Undergraduate Research and Creative Activity Conference. Bryant Conference Center. The University of Alabama, Tuscaloosa. April 9, 2012.
- Crowell, J., Maestre, A., Williamson, D., Ward, A. "Using PhET Resources as a Tool for Floodplain Analysis" (Poster). 2013 Annual Northern Gulf Coastal Hazards Collaboratory Science Meeting. Mobile, Alabama. June 12–14, 2013.
- Burkhalter, D., Maestre, A., Ward, M. "Analysis of the Potential Ecological Impact of Controlled River Water Withdrawals on Floodplain Ecosystems using 3D Modeling" (Poster). Undergraduate Research and Creative Activity Conference. Bryant Conference Center. The University of Alabama, Tuscaloosa. April 17, 2014.

### **Modeling Expertise**

**Continental Scale Hydrologic Models:** WRF-Hydro, National Water Model, ADHydro

**Green Infrastructure Control Measures:** WinSLAMM, WebSLAMM

**Surface Water Hydraulics and Hydrology:** SWMM 5.0, PCSWMM-2D, FLO-2D, DELFT-3D, ICPR, SWAT, SWAT-L, HSPF, WRTDS, WIN TR-55, HydroCAD

**Coastal hydrodynamics:** EFDC, ADCIRC

**Watershed Hydrology:** Watershed Modeling System WMS, HEC-HMS, HEC-DSS,

**River Analysis and Water Quality:** HEC-RAS, WASP, QUAL2E

**Drinking Water Distribution:** EPANET

**Programming Languages:** C, Java, Fortran, Python

**Statistical Analysis:** R, SAS, SPSS, Minitab, ProUCL

**Geographic Information Systems:** ArcMap, GRASS, QGIS

## Experience Overview

Rachel is a water resources engineer with experience on projects related to water supply and planning, water rights investigation, water rights valuation, water rights operation modeling, watershed modeling and planning, funding, and technical evaluation related to water supply projects and construction management.



### *Water Rights/Water Supply/Project Management*

#### **Relevant Credentials/ Specialties**

- ❖ Water Rights
- ❖ Water Supply Planning
- ❖ Watershed Modeling
- ❖ Construction Management
- ❖ Project Management
- ❖ Water Rights Valuation
- ❖ Water Rights Operation Modeling

#### **Education**

- B.S., Civil Engineering, 1999, University of Colorado, Boulder

#### **Registrations/Affiliations**

- Professional Engineer
  - Colorado #40300
  - Utah # 13095739-2202
- Certified Professional in Erosion and Sediment Control (CPESC) #3771
- Certified Erosion, Sediment, Storm Water Inspector (CESSWI) #4700

**Town of Buena Vista, Colorado.** Project Manager for Town on development planning review, new water supply planning, monthly accounting preparation, and State submittals. Presented to the Board of Trustees on the Water Resources Master Plan, prepared an internal planning tool spreadsheet used to estimate single family equivalents for development, worked on quantification of historic consumptive use for water rights change case currently underway, prepared water court case opposition reports on Town's behalf, participated in revegetation plan review, and performed drought analysis for the Town.

**Project Manager, Colorado Water Conservation Board (CWCB) Finance Program, 2017–2022.** Provided technical consultation, financial analysis, and written materials to assist borrowers and their consultants in the preparation and successful completion of project designs and construction contract documents. These are outlined in the CWCB's Construction Fund Guidelines for construction projects receiving loan or grant funds. Regularly attend and present at stakeholder meetings and CWCB meetings related to raw water construction project funding.

**GreenCO BMP Manual.** Worked with others to develop a comprehensive water quality and water conservation best management practice (BMP) Manual for the Green Industries of Colorado. BMPs related to landscaping, irrigation, nursery production practices, etc., were completed in a fact-sheet format for use by GreenCO's multiple member industries and the public.

**Pacific Institute.** Worked with interdisciplinary team under direction and approval by the Colorado Water Conservation Board on rainwater harvesting potential and preliminary volumetric quantification to meet the Colorado Water Plan defined gap in the Colorado basins.

**Mile High Flood District/Merrick and Company.** Analyzed and quantified stream flow and performed a water rights summary evaluation on the South Platte River for recreation use determination.

**Energy client.** Analyzed and quantified stream flow, reservoir storage, water rights inventory and tabulation, climate data inventory and analysis, HEC RESSIM model, water supply and yield analysis working with State regulatory approving agency.

**Confidential Mining Company.** Evaluated water rights and summarized hydrology to calculate the feasibility of additional water supply alternatives.



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**Coors Brewing Company.** Evaluated water supply and water rights including augmentation plans and feasibility studies. Prepared engineering evaluations, water rights inventories, hydrologic evaluations, and ditch analyses. Performed audits and replacement analysis of water system facilities for potential acquisition, water supply planning, consumptive use analysis, return flows, transit loss, exchange and depletion quantification, and flood flow analysis for risk-based assessment.

**Valuation Consultation for San Juan County Water Conservancy District, San Juan County, Colorado.** Performed audit and replacement cost new-less-depreciation analysis of water system facilities for a private water company for potential acquisition.

**Water Rights Acquisition, Former Rocky Flats Environmental Technology Site (U.S. Department of Energy [DOE] facility located near Golden, Colorado).** Provided engineering support to DOE for negotiations to acquire long-term lease of water from neighboring municipality to offset depletions related to operation of detention ponds.

**Appraisal of Surface and Groundwater Water Rights for Federal Deposit Insurance Company (FDIC), Confidential Client, Colorado.** Analyzed and prepared an appraisal of South Platte surface water rights and Denver basin groundwater.

**Yield Analysis and Appraisal of Yampa River Water Rights, Routt County, Colorado.** River operation study of Yampa River in northwest Colorado to determine average and dry year yield. Assisted in preparation of appraisal of water rights.

**Buried Water Storage Tank, Arapahoe County Water Wastewater Authority, Centennial, Colorado.** Assisted in preparation of a Location and Extent Plan and Subdivision Exemption Plat for the development and approval from the City of Centennial for a gray zone, 4-million-gallon, buried water storage tank to meet emergency fire flow requirements.

**Basalt Wastewater Treatment Plant Expansion, Basalt, Colorado.** Submittal review and construction administration for design of a treatment plant expansion for a flow of 0.8 MGD. Facilities included a new pretreatment building, nitrification/denitrification activated sludge, clarifier, and disinfection. Prepared a site application engineering report.

**Buried Water Storage Tank, Arapahoe County Water Wastewater Authority (ACWWA), Centennial, Colorado.** Assisted in preparation of a Location and Extent Plan and Subdivision Exemption Plat for the development and approval from the City of Centennial for a gray zone, 4-million gallon (MG), buried water storage tank to meet emergency fire flow requirements. Part of a team that attended and presented at many public hearings with City and meetings with homeowners to address neighborhood concerns. Prepared site erosion and sediment control plan.

**Four MG Water Storage Tank, ACWWA, Greenwood Village, Colorado.** Assisted in preparation of Location and Extent Plan and coordinated preparation of easement exhibits and Subdivision Exemption Plat for development approval from the City of Centennial for buried 4 MG water storage tank. Attended public hearings with City and meetings with homeowners to address neighborhood concerns. Prepared site erosion and sediment control plan.

**Basalt Wastewater Treatment Plant Expansion, Basalt, Colorado.** Performed submittal review and construction administration for design of a treatment plant expansion for a flow of 0.8 million gallons per day (MGD). Facilities included a new pretreatment building, nitrification/denitrification activated sludge, clarifier, and disinfection. Prepared a site application engineering report.

**Lake Water Quality Management, Lena Gulch Metropolitan District, Golden, Colorado.** Prepared an investigation report and feasibility analysis of alternative lake water quality management techniques. Assisted with preparation of contract documents and design specifications and construction observation for lake maintenance project.

**Construction Dewatering Projects, Summit County, Colorado.** Project included permitting of construction dewatering discharges to sensitive water bodies in the Colorado high country. Calculated anticipated pumping rates to draw groundwater down in alluvial aquifer for construction below the water table. Developed innovative treatment methods utilizing a combination of chemical treatment and best management practices to remove colloidal clays from groundwater with low alkalinity and low temperatures.

## Experience Overview

Claire Vavrus is a water resources engineer focused on hydrogeology, water rights, and post-fire hydrologic hazards. Her experience includes groundwater monitoring and resource development, post-fire risk assessment, permitting for well construction, and groundwater dewatering. Claire also has experience conducting geophysical surveys on groundwater resource development projects in alpine areas.



### Relevant Credentials/Specialties

- ❖ Regulatory Compliance
- ❖ Well Design and Permitting
- ❖ Groundwater Monitoring
- ❖ Aquifer Testing
- ❖ Hydrologic Studies
- ❖ Water Rights Accounting
- ❖ Post-fire Hazard and Risk Assessment
- ❖ Water Quality
- ❖ Geophysical Surveys

### Education

- M.S., Geology, 2021  
Colorado School of Mines  
Thesis: *Investigating impacts of land-use on hillslope erosion via rilling and gullying in post-wildfire landscapes*
- B.S., Geological Engineering and Geology & Geophysics, 2018, University of Wisconsin–Madison  
Certificate: *Environmental Studies*

### Prior Experience

- Summer Research Experience for Undergraduates at Virginia Tech  
Project: *Effects of Oxygenation on Fe and Mn Concentrations in a Reservoir*

### Registration

- Colorado Engineer Intern

## Water Resources Engineering

**CWCB Wildfire Ready Watersheds (WRW) Initiative.** Estimated the likelihood of each watershed in the state to generate a debris flow if it was disturbed by wildfire. Authored three fact sheets to support the greater WRW effort including detailed sheets on post-fire geomorphic hazards, urban post-fire water quality considerations, and potential impacts of wildfire disturbance on Colorado's water supply systems.

**Camp Tahosa.** Performed due diligence evaluation associated with the Boy Scouts of America Camp. Evaluation included water rights estimation, water demand assessment, well yield and water quality testing and assessment, projection of physical water supply, geophysical survey to identify possible bedrock fractures, and estimated costs for site improvements.

**Everland Well Development.** Assisted with locating a well in the Pike-Rampart Water Supply Zone of Douglas County. Performed a Very Low Frequency (VLF) electromagnetics survey method to increase the likelihood of identifying possible well locations that intersect water-bearing fracture zones.

**Confidential Residential Subdivision Investigation.** Performed site characterization to test the hydraulic connection of pipe utility bedding within a residential development. Implemented a storm drain leak testing program to test the leakage rate of a suspected storm drain pipeline.

**Watkins Arapahoe Well.** Managing well drilling activities including well design and completion. Performing geophysical log analyses of the Denver Basin aquifers to evaluate potential well yields to meet water demands. Assessing water quality for water supply suitability.

**Boxelder Basin Regional Stormwater Authority.** Assisted in conducting the groundwater monitoring program and site evaluation to assess the potential water rights injury to nearby irrigation wells due to the proximity of a dewatering pipeline. Provided support on water rights evaluation.

**Eastern Adams County Metro District Well No. 6.** Oversaw the drilling and completion of Arapahoe Well No. 6 near Strasburg, Colorado, for the Eastern Adams County Metro District. The well was borehole drilled with a reverse mud rotary drill rig over a period of about 36 hours and constructed to 510 feet into the Upper Arapahoe aquifer. Eight-inch steel casing was used, along with 40,000 pounds of gravel and 55,000 pounds of cement grout. The new well performs at about 117 gallons per minute.



## Experience Overview

Gary is a Vice President and Project Manager for WWE on water resources projects with particular emphasis on geologic and hydrogeologic issues including: water rights analysis (surface and groundwater), water supply, water management, water quality issues, permitting, groundwater investigations, and well design and installation.



### *Hydrogeology/Water Supply/Water Quality*

#### **Relevant Credentials/ Specialties**

- ❖ Registered Professional Geologist
- ❖ Water Rights
- ❖ Water Source Planning
- ❖ Project Management
- ❖ Well Design and Installation
- ❖ Over 30 years Professional Experience

#### **Education**

- B.S., Geology, Colorado State University, 1983
- M.E. Geological Engineering–Hydrogeology emphasis, Colorado School of Mines, 1992

#### **Registrations/Affiliations**

- Professional Geologist, Wyoming P.G. #1910
- Certified Professional Geologist, American Institute of Professional Geologists CPG #13332

#### **Special Studies**

- Aquifer Test Analysis in Fractured Rock, National Ground Water Association
- Western Water Rights and Water Engineering, University of Colorado at Denver
- Risk Assessment Short Course, Society of Mining Metallurgy and Exploration

**West Elk Mine, Gunnison County, Colorado.** Prepared permit text for submittal to Colorado Division of Reclamation, Mining and Safety regarding all aspects of surface water and groundwater quality/quantity impacts associated with mining-induced ground subsidence at the West Elk Mine near Somerset. Conducted multiple field visits to the back-country areas above the subject mine to observe, document, and evaluate subsidence features and their potential impacts to water resources.

**West Elk Mine Subsidence Monitoring, Gunnison County, Colorado.** Part of a team conducting biannual field surveys of back country topography making observations of subsidence-related features (i.e., rockfalls, landslides, and surface fractures) in a 15-square-mile back-country area overlying underground coal mining activities.

**Historic Agricultural Water Right Changes for Municipal Uses.** Completed studies for several entities using aerial photography, power use records, and crop types to demonstrate the historic consumptive use on irrigated farm fields to develop a defensible basis for transfer to municipal uses. Studies were completed for the Town of Yuma and the Eastern Adams County Metropolitan District in Strasburg.

**Bedrock Groundwater Production Wells, Colorado.** Designed, prepared specifications/bid packages for and observed construction of several Denver Basin groundwater production and observation wells in Colorado. Construction oversight included monitoring of water level data and water quality during aquifer testing and analysis of aquifer properties.

**Denver Basin Aquifer Groundwater Quantification and Evaluation.** Hydrogeologic consulting to quantify and evaluate the available groundwater in the Denver Basin aquifer underlying large tracts of land for multiple landowners. Consulting services included well permitting, well design and construction oversight, well yield analysis, and water quality sampling and evaluation.

**Aquifer Testing and Analysis, Various Locations, Rocky Mountain West.** Coordination and collection of water level data and water quality sampling during aquifer (bedrock and alluvial) testing with aquifer properties analyzed using various spreadsheet and commercial models.

**Confidential Mining Client, Delta County, Colorado.** Investigated to assess potential impacts to water supply wells and wetlands located in close proximity to a proposed aggregate mining operation. Potential impacts were assessed for both dry- and wet-mining alternatives.

**Nontributary Produced Groundwater Assessments.** Completed investigations and analyses using spreadsheet and commercial models to assess the areas within specific geologic formations where produced groundwater associated with oil and gas development would meet the nontributary statutory definition. Specific energy company clients and their developments areas included ExxonMobil Corporation (Piceance Creek Basin), Gunnison Energy Corporation (southeast Piceance Basin near Paonia Reservoir), and Laramie Energy II (eastern Piceance Basin near Rifle).

**Permitting and Groundwater Rights Assessments.** Investigated well permitting and water rights associated with numerous properties as part of due diligence before purchase or after purchase to assist owners with water supply planning for future use and development of the property.

**Gunnison Energy Corporation, Gunnison and Delta Counties, Colorado.** Part of an interdisciplinary team that prepared a comprehensive baseline water resources investigation and impact assessment from gas exploration for Gunnison Energy Corporation, a Denver-based natural gas exploration company.

**BP America, La Plata and Archuleta Counties, Colorado.** Lead technical consultant and liaison between this energy company and their groundwater modeling consultant relative to an evaluation of depletive effects on surface water resulting from the production of groundwater from coalbed methane extraction wells in the Northern San Juan Basin. Services included preparation of the scope of work, logistical coordination of contractor bids and selection, participation as the lead member of a technical advisory committee, and peer reviewer of a numeric groundwater model.

**Abandoned Gravel Operation, Rifle, Colorado.** Prepared a substitute water supply plan and renewal for an abandoned gravel operation on the Colorado River near Rifle. Planned for the eventual backfilling of the pit above the historic high groundwater surface. Submitted satisfactory survey information to the State Engineer's Office to enable the gravel well permit to be dropped and the augmentation liability of the client to be curtailed.

**Gold Mine Investigation, Alma, Colorado.** Conducted an evaluation of a fracture-controlled aquifer system inside a 1,000-foot-deep active gold mine near Alma. This investigation determined the characteristics of the fractured aquifer while a portion of the mine was dewatered via use of core hole water level and flow data.

**ARCO Coal, Colorado.** Successfully assisted with the evaluation and submittal of an application to Colorado Division 4 Water Court for a nontributary designation of groundwater intercepted in underground coal mine workings.

**Sanctuary Golf Course, Castle Pines, Colorado.** Prepared an engineering report for Division 1 Water Court summarizing a plan for augmentation for the Sanctuary Golf Course relative to its use of Denver aquifer water for golf course irrigation. Involved in negotiations with objectors related to return flow and post-pumping depletion obligations.

**Homestake Mining Company, South Dakota.** Conducted an analysis of water rights within the Elk Creek basin in western South Dakota. This analysis was conducted to assess the impacts to downstream water rights if Homestake divested its senior water rights near the Elk Creek headwaters. This study included a review of the hydrologic and geologic factors contributing to losses throughout the basin.

**High Plains Aquifer Management, Southwest Kansas.** Assisted southwestern Kansas consortium of irrigation farmers with evaluation of alternatives for High Plains aquifer management, including consideration of water quality degradation.

**Central South Platte River Corridor, Denver, Colorado.** Conducted survey of well use and well water quality for Colorado groundwater classification and standards hearing.

**Dunbar Resort, Deadwood, South Dakota.** Assisted the Dunbar in obtaining a surface water right from Whitewood Creek in western South Dakota for golf course irrigation purposes. This study included water quality impacts.

**City of Rapid City, South Dakota.** Prepared numerous engineering reports and exhibits regarding the available transferable consumptive use from historically irrigated properties along Rapid Creek to municipal purposes by the City of Rapid City. These reports included water quality analysis, consumptive use analysis, and review of Rapid Creek flow and ditch diversion data.

# HYDROGEOLOGICAL STUDY FOR TOWN OF PAONIA, COLORADO

## Statement of Qualifications

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Prepared by  
**Wright Water Engineers, Inc.**  
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December 7, 2023

**WWE**  
WRIGHT WATER  
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**Via Email: [StefenW@TownofPaonia.com](mailto:StefenW@TownofPaonia.com)**

Stefen Wynn, Town Administrator, Town of Paonia  
214 Grand Ave.  
Paonia, CO 81428

Re: Further Questions for Finalists for Hydrogeological Study for Town of Paonia

Dear Mr. Wynn:

Thank you for the opportunity to expound on the proposed scope of work and statement of qualifications of Wright Water Engineers, Inc. (WWE) for the Town of Paonia hydrogeological study to facilitate the success of the groundwater spring redevelopment plan. We have provided a short background section on the local geology to help clarify the purpose of the hydrogeological study, followed by the Town Board of Trustees' questions and WWE's responses to these questions.

## BACKGROUND

The Town's raw water supply is vital to its existence and future. It is well documented that the Town developed several groundwater springs as its primary water supply resource. The Town's groundwater springs have senior water rights dating back to the 1880s, meaning the springs are always in priority, have generally provided adequate yield for over 100 years, and provide water of high quality that requires only minor treatment to meet drinking water quality standards. WWE would like to emphasize the significance of these groundwater springs, which are irreplaceable, and conservative measures must be taken to ensure these groundwater springs are not inadvertently damaged or destroyed.

WWE has represented Mountain Coal Company's West Elk Mine in water resources engineering and hydrogeological studies for over 40 years, which has allowed WWE to develop a strong working knowledge of the local water rights, the importance of groundwater springs in the area, and the geology of the Paonia Quadrangle. WWE is actively working on a substitute water supply plan for the West Elk Mine in the North Fork and Minnesota Creek drainage basins and performs annual subsidence evaluations to assess potential impacts to the hydrogeological conditions. Mountain Coal Company owns water taps from the Town and has a strong interest in the success of this project. This knowledge, along with the supplemental reports and information provided by the Town, has assisted WWE in the development of the proposed scope of work for the hydrogeological study. As a Colorado-focused firm with offices only located in Colorado and over 60 years of developing sustainable water resources solutions, WWE understands the intricacies of Colorado's western slope mountain hydrology and has applied that understanding to the development of our scope of work.

A detailed study of the local geology has been prepared and published by the Colorado Geological Survey (CGS) for the Paonia Quadrangle in Open-File Report 15-07 (OFR 15-07). Generally, the Town's groundwater springs are expressed along the western sides of Mt. Lamborn basin at the middle elevations of the basin at approximately 7,000 to 8,000 feet. The water supply source, otherwise referred to as recharge for these groundwater springs, is snowmelt from the higher elevations within the basin. A spring, by definition, is a location where the groundwater emerges above the surrounding land surface. This is generally the result of the outcropping or sub-cropping of a relatively impermeable geologic formation (Mancos Shale) on top of which the groundwater migrates. In other cases, the spring may be the result of groundwater movement along sufficiently open fractures or faults within a geologic unit that allows transport of the groundwater resource in a downgradient direction. Sometimes both mechanisms can function simultaneously or in adjoining portions of a spring system. Figures 1 and 2





vegetation or a wetland ecosystem. Figure 4 below provides photographs of the complexity of the landslide deposit and the geologic setting of the groundwater springs.

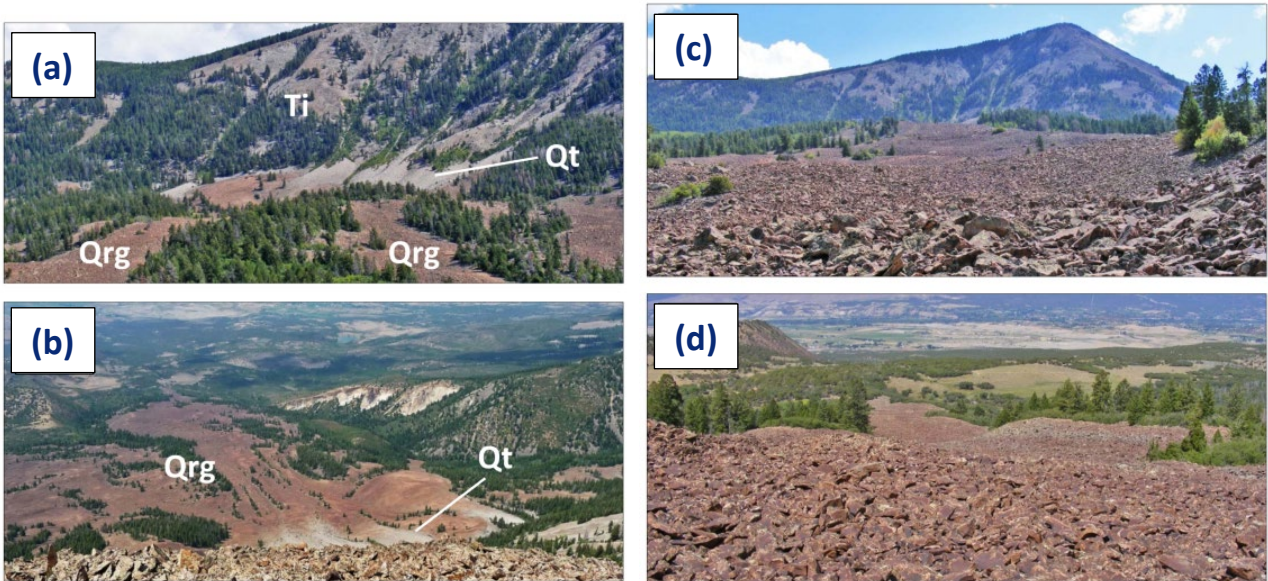


Figure 3. Photographs of the talus and rock glacier deposits on the northwestern side of Landsend Peak. Images (a) and (b) show details of the surface of the rock glacier deposits. Images (c) and (d) show the recharge source for the groundwater springs (CGS-OFR 15-07).



Figure 4. Photographs of the landslide complexes of the West Elk Mountains (a) and (b) and the groundwater springs in geologic settings – the Reynolds Creek Springs, near Roeber Reservoir (c); and the Kauer Spring area, in Bell Creek basin (d) (CGS-OFR 15-07).



The yield of groundwater springs is highly dependent on annual snowpack, seasonal runoff, and precipitation. WWE’s understanding is that once the snowpack begins to melt, the Town is unable to capture the full volume of runoff due to high flows, and during the summer when the snowpack is partially or fully melted, the groundwater spring flow is reduced. The flows from the groundwater springs during the fall and winter are considered baseflow conditions. As can be observed in Figure 5, there is a strong correlation of the peak of the hydrograph between the Town’s average water supply from the groundwater springs and the streamflow conditions observed at Minnesota Creek. This correlation is supportive of WWE’s opinion that the recharged water travels rapidly through the fractures and is collected by the Town approximately two-to-four weeks to a few months later, with an obvious delayed return flow that extends the flow regime later into the summer months as compared to the surface flow.

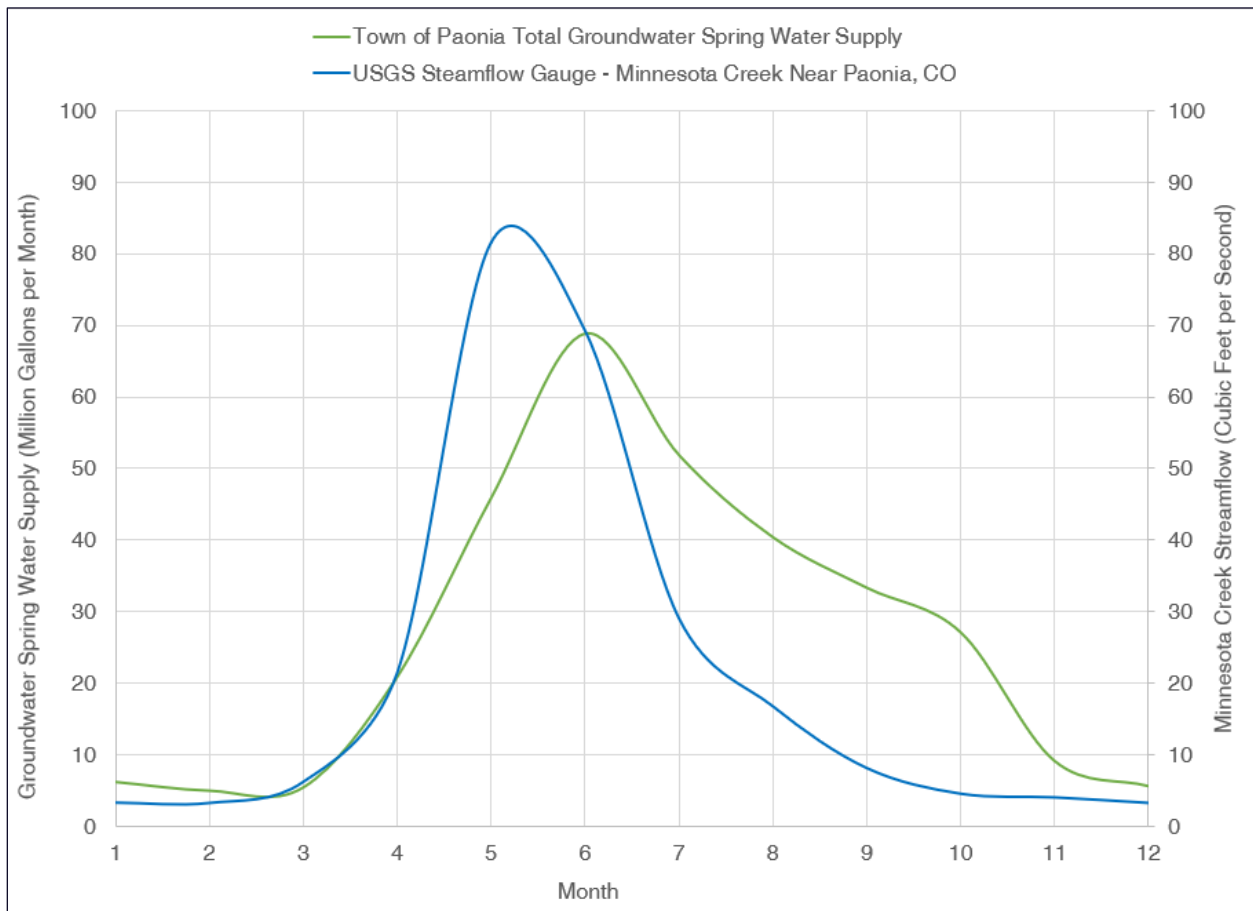


Figure 5. Comparison of Town’s monthly average water supply from groundwater springs and streamflow at United States Geological Survey (USGS) Streamflow Gauge at Minnesota Creek, Near Paonia. Study Period from 1987 to 1993 (Consolidated Consulting Services, Town of Paonia Reconnaissance Assessment – Raw Water Supply, July 1995 and USGS Streamflow Gauge 09134000 – Minnesota Creek Near Paonia, CO; streamflow data from 1987 to 1993).

## 1. PLEASE PROVIDE ADDITIONAL INFORMATION REGARDING THE MEANS AND METHODS PROPOSED FOR INVESTIGATING THE HYDROGEOLOGY OF THE TOWN'S RAW WATER COLLECTION SYSTEM.

WWE understands the hydrogeological study is an important project for the Town. The selection of the engineering consultant by the Board of Trustees is difficult given the multiple means and methods proposed by the competing firms. After reviewing the Statements of Qualifications (SOQs) submitted to the Town, WWE has summarized the differences in proposed means and methods into distinct categories including 1) monitoring well drilling and construction, 2) geophysical survey, 3) geological observation and field reconnaissance, 4) water quality, and 5) hydrological modeling.

### 1.1. Monitoring Well Drilling and Construction

While a common approach in attempting to understand the hydrogeologic conditions that govern a groundwater resource is to drill and install monitoring wells (i.e., wells completed in the same water-bearing formation as the groundwater resource), this approach can be detrimental to groundwater springs. The groundwater springs represent an irreplaceable resource for the Town and intrusive testing methods like drilling and construction of monitoring wells can potentially lead to unintended consequences. For example, the fracture or fault controlling groundwater flow may be under hydrostatic pressure at depth. Should that same pressurized fracture or fault be intercepted at a poorly planned or misunderstood location (e.g., by a monitoring well), the consequence may be the partial or total re-direction of the groundwater spring flow to another location. For this reason, other non-destructive means of investigating the subsurface conditions must be implemented first by the consultants working for the Town.

The groundwater springs are located on public land managed by the U.S. Forest Service (USFS). In WWE's experience working with Mountain Coal Company, the use of drilling rigs on lands managed by the USFS would likely trigger special USFS permitting. Acquiring these special permits through the USFS can be time consuming, difficult, and inherently expensive. For example, Mountain Coal Company has performed directional drilling on privately owned land to avoid special permitting required for vertical well drilling on public lands. The federal permit process would go through public notice and allow for the objection from environmental groups that would likely object to road construction, removal of vegetation, and intrusive drilling methods on public lands. Therefore, WWE has proposed a plan to use non-intrusive geophysics to better understand the subsurface geology and the fractures and faults that are influencing the groundwater resources of your raw water system toward the various spring locations. Once these features are better defined and understood, possible shallow well points (approximately less than 10-foot monitoring wells) can be considered and installed without the use of a drill rig. However, this is highly dependent on the subsurface conditions and the findings of the geophysical survey near the groundwater springs.

### 1.2. Geophysical Survey

Geophysical survey methods play a crucial role in subsurface exploration and are anticipated to provide valuable insights into the geological and hydrological characteristics of the Town's spring system. WWE and one other competitor have proposed the use of electrical resistivity surveys for this purpose. WWE proposed to perform this work in-house, whereas another competitor proposed to subcontract the services. WWE will be implementing the surveys using an Advanced Geosciences, Inc., Eight-Channel, SuperSting Earth Resistivity System utilizing up to 84 electrodes. Each survey line will provide a two-dimensional resistivity (2DR) profile, such as shown in Figure 6. Depending on electrode spacing determined by the physical and geologic setting, survey lines will be between approximately 540 and 1,630 feet long, and depth of resolution will be between approximately 120 and 360 feet. WWE runs three geophysical arrays (Dipole-Dipole, Wenner, and Schlumberger) for each survey line and processes the data both individually and simultaneously to maximize horizontal and vertical resolution of hydrogeologic features. By performing these services

in-house, WWE has the flexibility to produce field-processed data to guide each step of the effort. Survey parameters and the number and location of survey lines can be adjusted on the fly to enhance the definition of hydrogeologic features, providing for real-time exploration. WWE has proposed a minimum of eight survey lines compared to only three lines proposed by the competitor. WWE's survey lines will also be longer, providing up to two to three times the depth resolution.

WWE recommends using 2DR resistivity surveys due to the numerous groundwater springs over a large area, the unknown depth of the fractures and faults, and the overall cost and efficiency of the geophysical survey. Before the 2DR is performed, WWE proposed an initial Very Low Frequency (VLF) reconnaissance geophysical survey as an economical and efficient methodology to determine the areas in which to focus the more detailed 2DR geophysical survey. The VLF method uses a lightweight, handheld instrument that allows us to rapidly cover large areas of rough terrain on foot and provides instantaneous feedback regarding hydrogeologic features. The focus of these efforts will be to attempt to identify linear features that may be indicative of faults or fractures. Figure 6 below shows an example of a VLF survey identifying a potential fracture feeding a groundwater spring and the 2DR survey locating the approximate depth, location, and orientation of the fracture.

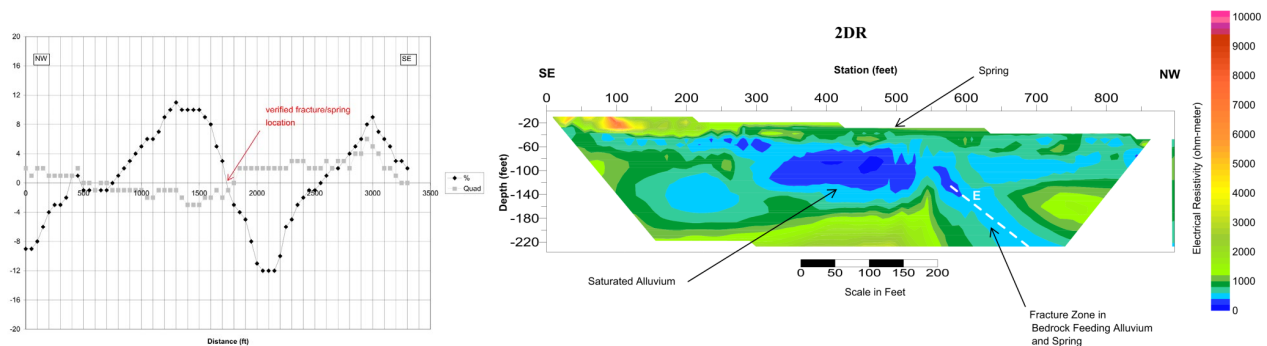


Figure 6. Example VLF (Left Side) and 2DR (Right Side) project, which successfully identified and mapped a fractured zone feeding a groundwater spring.

### 1.3. Geological Observation and Field Reconnaissance

WWE proposed to use the high-quality publication from the CGS and build upon this report to produce a more comprehensive and detailed geological survey specific to the Town's groundwater springs. This would be accomplished through selective interpretation of available geologic mapping along with field observations of existing outcrops and other geological features. WWE anticipates this work will be conducted using a multi-faceted approach. For example, in some cases, linear features can be extracted from on-the-ground photography and drone aerial imagery. The basin area is large, and accessibility could be challenging due to lack of roads, steep terrain, and dense vegetation. WWE's approach of utilizing drone technology will enable efficient reconnaissance that will better document visual geologic observations in addition to obtaining imagery of the Town's groundwater spring systems (examples are provided as Figures 3 and 4). These geological observations will be another source of data and information to correlate to the subsurface investigation of the geophysical survey.

### 1.4. Water Quality Analysis

WWE has performed isotope and radiocarbon age dating of deep groundwater for Mountain Coal Company for the purposes of a nontributary groundwater determination. In WWE's opinion, performing age dating of the Town's groundwater springs would not provide any substantial data or information for the purposes of the hydrogeological study. WWE has reviewed available publications, the Town's previous engineering reports, discussed the water quality with the Town's water department staff, and reviewed the hydrograph correlation (Figure 5). The data strongly

suggests the lagging of the spring water occurs between weeks to months and there is not a long residence time in the aquifer.

The water quality analysis can be performed with substantially less expensive methodologies. It is well known that when groundwater is in contact with the Mancos Shale for long residence time, the water quality degrades as electrical conductivity (EC), and total dissolved solids increases. WWE suggests installing EC meters at the springs collection boxes to monitor seasonal changes to EC. Whether the EC increases as the spring flow decreases will provide a good indication that the water is in contact with the Mancos Shale for an extended period. Water quality samples can be obtained on a monthly basis and analyzed for major cation anion balance; these are inexpensive analyses that are available at practically any laboratory. This will help the Town understand the seasonal interaction between direct freshwater recharge versus base flow from deeper groundwater sources possibly being transmitted by hydrostatic pressure. The major cation anion balance can be used to develop a Piper Diagram. A Piper Diagram is a graphic figure to help the Town understand the dissolved constituents' relationship by spring system and provide interpretation of flow paths or flow patterns between the springs systems. Figure 6 below is an example of a Piper Diagram.

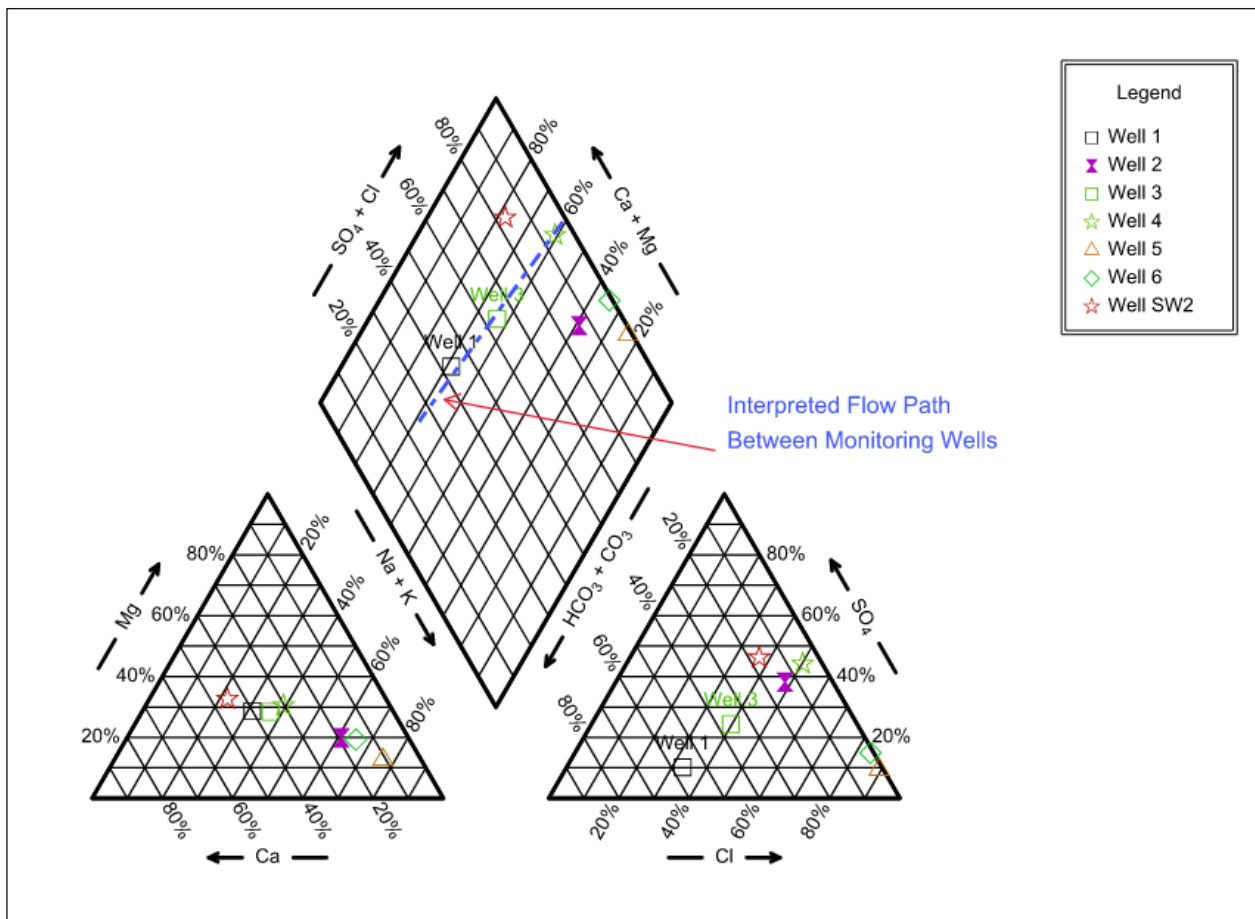


Figure 6. Example of Piper Diagram for interpretation of flow path between groundwater sources.

### 1.5. Hydrologic Water Balance Model

As presented above in Figure 5, there appears to be a correlation between the Town's groundwater springs and streamflow. Therefore, the available raw water supply to the groundwater springs is dependent on the annual snowpack and precipitation. WWE proposed to use a simple hydrologic water balance model (WBM) to provide estimates of the spatial and temporal variation of recharge to the Town's individual groundwater spring system and the approximate spring flow. There are

many different types of models, but at this initial stage a WBM could provide a better understanding of whether the recharge minus the losses from sublimation, evapotranspiration, deep fractures etc., would drastically increase the raw water availability at the spring collection boxes.

WWE will likely use the PRISM climate data for the Paonia area because a site-specific Natural Resources Conservation Service (NRCS) SNOTEL station is not available. Based on discussion with Town staff and RESPEC engineering, we concur that the Town could implement climate stations, possibly at the middle and upper elevations of the basin, to further refine water supply forecasting and help enhance the Spring Metering Plan. It is anticipated the initial data from the Spring Monitoring Plan would help during calibration of the parameters for the WBM. The process of calibration involves adjusting parameters in the WBM to improve its accuracy and reliability in predicting streamflow, groundwater levels, or other hydrological variables.

The spatial datasets would be partially developed using ESRI ArcGIS Pro including the data acquired from the geological and geophysical survey to help define the flow path and timing (i.e., confirmation that the recharge water travels on the order of magnitude of weeks to months) from the recharge source to the springs systems. The Spring Monitoring Program development would start collecting valuable input data into the WBM and the WBM would be able to provide reasonable evaluation of water supply forecasting. The WBM would be an evaluation of the potential flows to the groundwater springs if the spring collection boxes were able to capture the estimated full seasonal runoff. WWE would prefer if the basin would be subdivided so individual spring systems can be better understood by the Town's water department and help provide valuable data to RESPEC engineering.

WWE is of the opinion that adequate data are available for a WBM and would answer the Town's questions about raw water supply. A more sophisticated modeling effort would not offer substantial benefits to the Town without long-term, reliable, and accurate data on basin climate and groundwater spring flow. For example, WWE is able to perform groundwater modeling through MODFLOW if it offers an increased level of accuracy. However, at this time it is anticipated a groundwater model is not needed. WWE is highly experienced in climate change, drought, and post wildfire modeling. These additional models could help with future water source area protection plans to mitigate the impacts of climate change, drought, wildfires, and land planning. WWE recommends the WBM because it is a simple easy to understand model and an initial step to understanding water supply forecasting.

## 2. WHAT INFORMATION WILL BE COLLECTED, AND HOW CAN THIS INFORMATION BE USED BY THE TOWN TO PROJECT/ESTIMATE WATER SUPPLY IN THE FUTURE?

The information collected, as described above in Sections 1.1 through 1.5, will enable a multi-faceted approach to gain detailed insight into the hydrogeologic conditions of the Town's groundwater spring system. Nothing will be more beneficial to the Town than site-specific data collected consistently over time. This data will provide understanding of seasonal and yearly trends in annual snowpack and precipitation, temperature, groundwater spring flow rates and volumes, and general water chemistry parameters. These factors will need to be considered as the hydrogeological investigation proceeds and the Town works diligently towards securing long-term, reliable water sources for its residents.

WWE believes further understanding of subsurface dynamics through the use of geophysical methodology and the WBM will help define the Spring Redevelopment Plan. This can include design of spring collection box infrastructure improvements to capture spilled water during peak runoff, provisional data on water storage design considerations, and help in determining alternative methods for resolving the water supply concerns of the Town. For example, the CGS identified unknown amounts of water resources stored within the metamorphic zone of the fractured Mancos



Shale (Kmu) and the intrusive igneous laccolith (Ti). It could be feasible to drill and complete a groundwater well field specifically targeting these uncaptured water resources within the fractured zones. Groundwater wells provide a mechanical method to access additional water supply and deliver the water to the spring collection system on demand. However, these fractured zones are covered with geomorphic features including rock glaciers and talus cones. The geophysical survey would identify where deep water-bearing fractures are located and increase the probability of obtaining a higher producing groundwater well. As discussed above, access to the metamorphic zones is possibly not feasible. Drill rigs, access roads, pipelines, and power would all need to be further evaluated to determine whether this is a reasonable solution.

Hydrological models are essential tools in water resources management, flood forecasting, and environmental impact assessments. These hydrological models can reliably simulate the complex interactions within a watershed or river basin. While a fully calibrated model is the ultimate goal, a WBM that is “semi-calibrated” can also provide valuable insights and predictions, especially when there are constraints or uncertainties in the calibration process. WWE believes a WBM can be refined to help the Town better understand the groundwater spring system and help inform the Town’s water staff for key operating decisions. Additional projects can be based upon this WBM including installation of future climatological stations, determination of source areas to be protected, development of potential infrastructure improvements in the current water system, and creation of plans to address unforeseen situations including wildfires, climate change, and drought.

3. A FINAL DRAFT PRESENTATION TO THE BOARD OF TRUSTEES WAS REFERENCED IN THE RFQ FOR OCTOBER 2024, BUT IN RETROSPECT, THE TOWN DOESN'T BELIEVE THAT ENOUGH DATA COULD BE GATHERED FROM SPRING METERING BY THAT TIME. WHAT IS YOUR PROPOSAL FOR GATHERING DATA FROM RAW WATER SPRING METERING AND HOW INTEGRAL DO YOU BELIEVE THAT DATA TO BE FOR A FINAL REPORT?

To address the challenge of insufficient data gathered from the groundwater spring metering for the final report and presentation to the Board of Trustees referenced in the RFQ for October 2024, WWE proposes the following approach.

WWE believes there would be adequate time to present the results and report to the Board of Trustees including the geophysical survey, geological observations, field reconnaissance, water quality, and the WBM. WWE proposes to use the data described above to correlate the relationship with the preliminary results of the spring metering plan.

WWE envisions the spring monitoring plan would be a collaborative effort with the Town’s water department, RESPEC engineering, and the Town’s automation and controls specialist. WWE’s role in the spring metering plan is to help develop and implement the plan objectives including equipment, data recording procedures, data processing, statistical relationships between spring systems, providing data quality checks, and integration of the data into the WBM. If there is an adequate relationship with the limited data set on the spring system flow compared to existing climate and streamflow data, WWE believes the Board of Trustees could reasonably move forward with Phase II and III as presented in the RFQ. WWE wants to emphasize the importance of thorough data collection and organization to ensure the accuracy and reliability of the final report. However, WWE recognizes this is a time-sensitive matter and waiting multiple years to develop a more representative data set for the spring metering plan could delay the Town in resolving pressing water supply concerns. WWE recommends the continued monitoring of the spring systems and acquisition of site-specific data. WWE would provide further refinement of the WBM or increase the level of modeling sophistication if additional long-term spring metering data suggests a more accurate representation is required.



WWE appreciates the opportunity to share our opinions and expertise with the Board of Trustees as they move forward with the selection of the engineering consultant for the hydrogeological study. If it would be helpful to the Board of Trustees, WWE would welcome the opportunity to meet with the Board and discuss our qualifications for the project and our opinions regarding the scope of work for the hydrogeological study.

Sincerely,

**WRIGHT WATER ENGINEERS, INC.**

By 

Marshall Haworth

Senior Hydrogeologist and Project Manager



**TOWN OF PAONIA  
BOARD OF TRUSTEES MEETING  
STAFF REPORT**

<b>AGENDA ITEM:</b>	Agenda Item #9: Hydrogeological Study Contract with Wright Water Engineers
<b>SUBMITTED BY:</b>	Stefen Wynn, Town Administrator
<b>DATE:</b>	1.23.24
<b>BACKGROUND:</b>	<p>Wright Water Engineers responded to RFQ 2023-04 Hydrogeological Study and were one of three finalists that were given additional questions for consideration. WWE submitted responses to additional questions and displayed an excellent understanding of Paonia's existing water system, including a superior method of gathering data on subsurface water.</p> <p>The Town has been working to get a draft agreement with WWE, and has submitted a draft to the consultant for their review. Deliverables are found on Page 15 of the WWE proposal (pdf page 18). The request is to allow for the Town Attorney and Town Administrator to complete a final contract with WWE with no changes to the deliverables or the Not-to-Exceed contract price for Exhibit A of the attached contract.</p>
<b>BUDGET:</b>	Not-to-Exceed Contract Price: \$197,974.
<b>RECOMMENDATION:</b>	I move to approve the agreement with Wright Water Engineers and direct the Town Attorney and Town Administrator to finalize the agreement with the consultant bearing no changes to the deliverables or the Not-to-Exceed Contract Price of \$197,974.
<b>ATTACHMENT:</b>	Attachment A: WWE Agreement with Exhibit A

**PROFESSIONAL SERVICES AGREEMENT  
BY AND BETWEEN THE TOWN OF PAONIA  
AND WRIGHT WATER ENGINEERS, INC.**

**1.0 PARTIES**

This Professional Services Agreement (this "Agreement") is made and entered into this 23<sup>rd</sup> day of January, 2024 (the "Effective Date"), by and between the **Town of Paonia**, a Colorado municipal corporation, hereinafter referred to as the "Town", and **Wright Water Engineers, Inc.**, a Colorado corporation, hereinafter referred to as the "ENGINEER".

**2.0 RECITALS AND PURPOSE**

- 2.1 The Town desires to engage the ENGINEER for the purpose of the services as further set forth in the ENGINEER's Scope of Services (which services are hereinafter referred to as the "Services").
- 2.2 The ENGINEER represents that it has the special expertise, qualifications and background necessary to complete the Services.

**3.0 SCOPE OF SERVICES**

The ENGINEER agrees to provide the Town with the specific Services and to perform the specific tasks, duties and responsibilities set forth in Scope of Services attached hereto as Exhibit A and incorporated herein by reference. In the event of any conflict or inconsistency between the provisions of this Agreement and the provisions of Exhibit A, the provisions of this Agreement shall control. The ENGINEER shall furnish all tools, labor and supplies in such quantities and of the proper quality as are necessary to professionally and timely perform the Services. The ENGINEER acknowledges that this Agreement does not grant any exclusive privilege or right to supply Services to the Town. In its sole discretion, the Town may contract with other ENGINEERS to provide the same or similar services during the term of this Agreement.

**4.0 COMPENSATION**

- 4.1 The Town shall pay the ENGINEER for Services under this agreement a total not to exceed the amounts set forth in Exhibit A attached hereto and incorporated herein by this reference. For Services compensated on a per-task basis, such costs per task shall not exceed the amounts set forth in Exhibit A. The Town shall not pay mileage and other reimbursable expenses (such as meals, parking, travel expenses, necessary memberships, etc.), unless such expenses are (1) clearly set forth in the Scope of Services, and (2) necessary for performance of the Services ("Pre-Approved Expenses"). The foregoing amounts of compensation shall be inclusive of all costs of whatsoever nature associated with the ENGINEER's efforts, including but not limited to salaries, benefits, overhead, administration, profits, expenses, and outside ENGINEER fees. The Scope of Services and payment therefor shall only be changed by a properly authorized amendment to this Agreement. No Town employee has the authority to bind the Town with regard to any payment for any services which exceeds the amount payable under the terms of this Agreement.
- 4.2 The ENGINEER shall submit monthly an invoice to the Town for Services rendered and a detailed expense report for Pre-Approved Expenses incurred during the previous month.

The invoice shall document the Services provided during the preceding month, identifying by work category and subcategory the work and tasks performed and such other information as may be required by the Town. The ENGINEER shall provide such additional backup documentation as may be required by the Town. The Town shall pay the invoice within thirty (30) days of receipt unless the Services or the documentation therefor are unsatisfactory. Payments made after thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation therefor.

## **5.0 PROJECT REPRESENTATION**

- 5.1 The Town designates \_\_\_\_\_ [staff member]\_, \_\_\_\_\_ [staff title]\_, as the responsible Town staff to provide direction to the ENGINEER during the conduct of the Services. The ENGINEER shall comply with the directions given by said Town staff and such person's designees.
- 5.2 The ENGINEER designates Marshall Haworth, Senior Hydrogeologist as its project manager and Jonathan Kelly, P.E. Vice President as the principal in charge who shall be providing the Services under this Agreement. Should any of the representatives be replaced, and such replacement require the Town or the ENGINEER to undertake additional reevaluations, coordination, orientations, etc., the ENGINEER shall be fully responsible for all such additional costs and services.

## **6.0 TERM**

- 6.1 The term of this Agreement shall be from the Effective Date to \_\_\_\_\_, 20\_\_\_\_, unless sooner terminated pursuant to Section 13, below. The ENGINEER's Services under this Agreement shall commence on \_\_\_\_\_, 20\_\_\_\_, and ENGINEER shall proceed with diligence and promptness so that the Services are completed in a timely fashion consistent with the Town's requirements.
- 6.2 Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the Town within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. All financial obligations of the Town under this Agreement are subject to annual budgeting and appropriation by the Paonia Board of Trustees, in its sole discretion. Notwithstanding anything in this Agreement to the contrary, in the event of non-appropriation, this Agreement shall terminate effective December 31 of the then-current fiscal year.


## **7.0 INSURANCE**

- 7.1 The ENGINEER agrees to procure and maintain, at its own cost, the policies of insurance set forth in Subsections 7.1.1 through 7.1.4. The ENGINEER shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types. The coverages required below shall be procured and maintained with forms and insurers acceptable to the Town. All coverages shall be continuously maintained from the date of commencement of services hereunder. The required coverages are:

- 7.1.1 Workers' Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.
- 7.1.2 General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000) aggregate. The policy shall include the Town of Paonia, its officers and its employees, as additional insureds, with primary coverage as respects the Town of Paonia, its officers and its employees, and shall contain a severability of interests provision.
- 7.1.3 Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than FOUR HUNDRED THOUSAND DOLLARS (\$400,000) per person in any one occurrence and ONE MILLION DOLLARS (\$1,000,000) for two or more persons in any one occurrence, and auto property damage insurance of at least FIFTY THOUSAND DOLLARS (\$50,000) per occurrence, with respect to each of ENGINEER's owned, hired or non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision. If the ENGINEER has no owned automobiles, the requirements of this paragraph shall be met by each employee of the ENGINEER providing services to the Town of Paonia under this contract.
- 7.1.4 Professional Liability coverage with minimum combined single limits of TWO MILLION DOLLARS (\$2,000,000) per claim and TWO MILLION DOLLARS (\$2,000,000) aggregate.
- 7.2 The ENGINEER's general liability insurance, automobile liability and physical damage insurance shall be endorsed to include the Town, and its elected and appointed officers and employees, as additional insureds, unless the Town in its sole discretion waives such requirement. Every policy required above shall be primary insurance, and any insurance carried by the Town, its officers, or its employees, shall be excess and not contributory insurance to that provided by the ENGINEER. Such policies shall contain a severability of interests provision. The ENGINEER shall be solely responsible for any deductible losses under each of the policies required above.
- 7.3 Certificates of insurance shall be provided by the ENGINEER as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the Town. No required coverage shall be cancelled, terminated or materially changed until at least 30 days prior written notice has been given to the Town. The Town reserves the right to request and receive a certified copy of any policy and any endorsement thereto.
- 7.4 Failure on the part of the ENGINEER to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the Town may immediately terminate the contract, or at its discretion may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the Town shall be repaid by ENGINEER to the Town upon demand, or the Town may offset the cost of the premiums against any monies due to ENGINEER from the Town.

7.5 The parties understand and agree that the Town is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., as from time to time amended, or otherwise available to the Town, its officers, or its employees.

## **8.0 INDEMNIFICATION**

To the fullest extent permitted by law, the ENGINEER agrees to indemnify and hold harmless the Town, and its elected and appointed officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the services hereunder, if such injury, loss, or damage is caused by the negligent act, omission, or other fault of the ENGINEER or any subcontractor of the ENGINEER, or any officer, employee, or agent of the ENGINEER or any subcontractor, or any other person for whom ENGINEER is responsible. The ENGINEER's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the Town. The extent of the ENGINEER's obligation to defend, indemnify, or hold harmless the Town shall be determined only after the ENGINEER's liability or fault has been determined by adjudication, alternative dispute resolution, or otherwise resolved by mutual agreement between the Town and the ENGINEER; however, the ENGINEER's duty to investigate and respond to the Town regarding any claims or demands shall immediately arise upon the receipt by the Town or ENGINEER of any claims or demands. 

## **9.0 QUALITY OF WORK**

ENGINEER shall exercise in its performance of the Services hereunder in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.



## **10.0 INDEPENDENT ENGINEER**

It is the expressed intent of the parties that the ENGINEER is an independent ENGINEER and not the agent, employee or servant of the Town, and that:

- 10.1. **ENGINEER SHALL SATISFY ALL TAX AND OTHER GOVERNMENTALLY IMPOSED RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, PAYMENT OF STATE, FEDERAL AND SOCIAL SECURITY TAXES, UNEMPLOYMENT TAXES, WORKERS' COMPENSATION AND SELF-EMPLOYMENT TAXES. NO STATE, FEDERAL OR LOCAL TAXES OF ANY KIND SHALL BE WITHHELD OR PAID BY THE TOWN.**
- 10.2. **ENGINEER IS NOT ENTITLED TO WORKERS' COMPENSATION BENEFITS EXCEPT AS MAY BE PROVIDED BY THE INDEPENDENT ENGINEER NOR TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS UNEMPLOYMENT COMPENSATION COVERAGE IS PROVIDED BY THE INDEPENDENT ENGINEER OR SOME ENTITY OTHER THAN THE TOWN.**

## **11.0 ASSIGNMENT**

ENGINEER shall not assign or delegate this Agreement or any portion thereof, or any monies due to or become due hereunder without the Town's prior written consent.

## **12.0 DEFAULT**

Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.

## **13.0 TERMINATION**

- 13.1 This Agreement may be terminated by either party for material breach or default of this Agreement by the other party not caused by any action or omission of the other party by giving the other party written notice at least thirty (30) days in advance of the termination date. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.
- 13.2 In addition to the foregoing, this Agreement may be terminated by the Town for its convenience and without cause of any nature by giving written notice at least fifteen (15) days in advance of the termination date. In the event of such termination, the ENGINEER will be paid for the reasonable value of the services rendered to the date of termination, not to exceed a pro-rated daily rate, for the services rendered to the date of termination, and upon such payment, all obligations of the Town to the ENGINEER under this Agreement will cease. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

#### **14.0 INSPECTION AND AUDIT**

The Town and its duly authorized representatives shall have access to any books, documents, papers, and records of the ENGINEER that are related to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

#### **15.0 DOCUMENTS**

All computer input and output, analyses, plans, documents photographic images, tests, maps, surveys, electronic files and written material of any kind generated in the performance of this Agreement or developed for the Town in performance of the Services are and shall remain the sole and exclusive property of the Town. All such materials shall be promptly provided to the Town upon request therefor and at the time of termination of this Agreement, without further charge or expense to the Town. ENGINEER shall not provide copies of any such material to any other party without the prior written consent of the Town.

#### **16.0 ENFORCEMENT**

16.1 In the event that suit is brought upon this Agreement to enforce its terms, the prevailing party shall be entitled to its reasonable attorneys' fees and related court costs.

16.2 Any action arising out of, in connection with, or relating to this Agreement shall be filed in the courts of Delta County or the federal district court for the District of Colorado, and in no other court. ENGINEER hereby waives its right to challenge the personal jurisdiction of the courts of Delta County and the federal district court for the District of Colorado over it. Colorado law shall apply to the construction and enforcement of this Agreement.

#### **17.0 COMPLIANCE WITH LAWS**

ENGINEER shall be solely responsible for compliance with all applicable federal, state, and local laws, including the ordinances, resolutions, rules, and regulations of the Town; for payment of all applicable taxes; and obtaining and keeping in force all applicable permits and approvals.

#### **18.0 INTEGRATION AND AMENDMENT**

This Agreement represents the entire Agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.


#### **19.0 NOTICES**

All notices required or permitted under this Agreement shall be in writing and shall be given by hand delivery, by United States first class mail, postage prepaid, registered or certified, return receipt requested, by national overnight carrier, or by electronic mail or facsimile transmission, addressed to the party for whom it is intended at the following address:

If to the Town:

Town of Paonia  
Attn: Town Administrator  
214 Grand Avenue  
P.O. Box 460  
Paonia, CO 81428  
Telephone: 970-527-4101  
Fax: 970-527-4102  
Email: [StefenW@townofpaonia.com](mailto:StefenW@townofpaonia.com); Cc: [paonia@townofpaonia.com](mailto:paonia@townofpaonia.com)

If to the ENGINEER:

  
Wright Water Engineers, Inc.  
Attn: Marshall Haworth and Jonathan Kelly  
2490 W 26th Ave #100a  
Denver, CO 80211 [\(303\) 480-1700](tel:(303)480-1700)  
Email: [mhaworth@wrightwater.com](mailto:mhaworth@wrightwater.com) and [jkelly@wrightwater.com](mailto:jkelly@wrightwater.com)

Any such notice or other communication shall be effective when received as indicated on the delivery receipt, if by hand delivery or overnight carrier; on the United States mail return receipt, if by United States mail; or on facsimile transmission receipt. Either party may by similar notice given, change the address to which future notices or other communications shall be sent.

## **20.0 EQUAL OPPORTUNITY EMPLOYER**

- 20.1 ENGINEER will not discriminate against any employee or applicant for employment because of age 40 and over, race, sex, sexual orientation, gender identity, pregnancy, color, religion, national origin, disability, genetic information, veteran status, or any other applicable status protected by federal, state, or local law. ENGINEER will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to any status set forth in the preceding sentence. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. ENGINEER agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.
- 20.2 ENGINEER shall be in compliance with the applicable provisions of the American with Disabilities Act as enacted and from time to time amended and any other applicable federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

## **21.0 NO THIRD PARTY BENEFICIARIES**

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Town and ENGINEER, and nothing contained in this Agreement shall give or allow any such claim or

right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than Town or ENGINEER receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

**22.0 SUBCONTRACTORS**

ENGINEER may utilize subcontractors identified in its qualifications submittal to assist with non-specialized works as necessary to complete projects. ENGINEER will submit any proposed subcontractor and the description of its services to the Town for approval. The Town will not work directly with subcontractors.

**23.0 AUTHORITY TO BIND**

Each of the persons signing below on behalf of any party hereby represents and warrants that such person is signing with full and complete authority to bind the party on whose behalf of whom such person is signing, to each and every term of this Agreement.

In witness whereof, the parties have executed this Agreement to be effective as of the day and year first above written.

TOWN OF PAONIA  
a Colorado Municipal Corporation

By: \_\_\_\_\_  
Mary Bachran, Mayor

Attest: \_\_\_\_\_  
Samira Vetter, Town Clerk

WRIGHT WATER ENGINEERS, INC.  
a Colorado Corporation

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

Name/Title: Marshall Haworth, Senior Hydrogeologist \_\_\_\_\_

**Exhibit A – Scope of Services and Price Information**

**[See Following Page(s)]**





**TOWN OF PAONIA**  
**214 GRAND AVENUE**  
**REGULAR TOWN BOARD MEETING AGENDA**  
**TUESDAY, JANUARY 23, 2024 6:30 PM**  
[HTTPS://US02WEB.ZOOM.US/J/87994643544](https://us02web.zoom.us/j/87994643544)  
**MEETING ID: 879 9464 3544**

**Public Participation:** Must raise hand and be recognized by the Mayor, come to the podium and state your name and the street on which you live. Time limit is 3 minutes, one time per item. Direct all comments to the Mayor. No responses will be made by staff or Board during the meeting. No derogatory or demeaning statements or public displays. Please be respectful.

### **Roll Call**

### **Approval of Agenda**

### **Announcements**

[There](#) is an open seat on the North Fork Airport Advisory Committee. Please turn in an application and Letter of Interest for this seat to the Town Clerk no later than Noon on February 9th, 2024 for consideration of the Board of Trustees at the February 13th Regular Board Meeting.

### **Public Comment**

Any topic not included under Actions & Presentations; 3-minute time limit.

### **Consent Agenda**

January 9, 2024 Regular Meeting Minutes  
Disbursements

### **Staff Reports**

[Town](#) Administrator Presentation on CML Policy Committee Update 1.19.24 Meeting

[January](#) 2024 Departmental Scorecard

Town Clerk Verbal Update on Municipal Election

### **Actions & Presentations**

Public comments must be related to the agenda item, 3-minute time limit.

[Agenda](#) Item #1: Progress on the Water Moratorium Update by RESPEC

[Agenda](#) Item #2: Master Plan Status Update from Phoenix Rising Resources

[Agenda](#) Item #3: Consideration of Approval of a Letter of Support to Dark Skies International for the Town of Paonia to be Officially Recognized as a Dark Sky Town - Presentation by Dark Skies Paonia, Aaron Watson

[Agenda Item #4: Board](#) Consideration of Appointment for the Zoning Board of Adjustments & Appeals

[Agenda](#) Item #5: Consideration of Appointing Town Administrator as Proxy for the Town to the Stewart Ditch and Reservoir Company for the 2024 Annual Meeting on 2/6/24 at 7PM in the Paonia Town Hall Community Room.

[Agenda](#) Item #6: Consideration of Approval for USGS Agreement to Operate and Maintain the Gaging Station at the North Fork of the Gunnison River.

[Agenda](#) Item #7: Consideration of Request to change Legal Paper of Record Designation to the High Country Spotlight and Shopper - Tina Walker

[Agenda](#) Item #8:

**Public Hearing** - Application for Minor Subdivision of Property at 841 HWY 133 Paonia CO 81428 by West Elk Land & Hops

[Agenda](#) Item #9 Consideration of Approval of Wright Water Engineering Contract for the Hydrogeological Study

### **Mayor & Trustee Reports**

[Parks](#) & Public Safety Committee Report

### **Adjournment**

AS ADOPTED BY:  
TOWN OF PAONIA, COLORADO  
RESOLUTION NO. 2017-10 – Amended May 22, 2018

I. RULES OF PROCEDURE

**Section 1. Schedule of Meetings.** Regular Board of Trustees meetings shall be held on the second and fourth Tuesdays of each month, except on legal holidays, or as re-scheduled or amended and posted on the agenda prior to the scheduled meeting.

**Section 2. Officiating Officer.** The meetings of the Board of Trustees shall be conducted by the Mayor or, in the Mayor's absence, the Mayor Pro-Tem. The Town Clerk or a designee of the Board shall record the minutes of the meetings.

**Section 3. Time of Meetings.** Regular meetings of the Board of Trustees shall begin at 6:30 p.m. or as scheduled and posted on the agenda. Board Members shall be called to order by the Mayor. The meetings shall open with the presiding officer leading the Board in the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absences and announce whether a quorum is present. Regular Meetings are scheduled for three hours, and shall be adjourned at 9:30 p.m., unless a majority of the Board votes in the affirmative to extend the meeting, by a specific amount of time.

**Section 4. Schedule of Business.** If a quorum is present, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following manner. Note that all provided times are estimated:

- (a) Roll Call - (5 minutes)
- (b) Approval of Agenda - (5 minutes)
- (c) Announcements (5 minutes)
- (d) Recognition of Visitors and Guests (10 minutes)
- (e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (f) Mayor's Report (10 minutes)
- (g) Staff Reports: (15 minutes)
  - (1) Town Administrator's Report
  - (2) Public Works Reports
  - (3) Police Report
  - (4) Treasurer Report
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Disbursements (15 minutes)
- (k) Committee Reports (15 minutes)
- (l) Adjournment

\* This schedule of business is subject to change and amendment.

**Section 5. Priority and Order of Business.** Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject in all cases to an appeal to the Board of Trustees.

**Section 6. Conduct of Board Members.** Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

**Section 7. Presentations to the Board.** Items on the agenda presented by individuals, businesses or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.

**Section 8. Public Comment.** After discussion of an agenda item by the Board of Trustees has concluded, the Mayor shall open the floor for comment from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee. Comments or questions should be confined to the agenda item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

**Section 9. Unacceptable Behavior.** Disruptive behavior shall result in expulsion from the meeting.

**Section 10. Posting of Rules of Procedure for Paonia Board of Trustees Meetings.** These rules of procedure shall be provided in the Town Hall meeting room for each Board of Trustees meeting so that all attendees know how the meeting will be conducted.

## **II. CONSENT AGENDA**

**Section 1. Use of Consent Agenda.** The Mayor, working with Town Staff, shall place items on the Consent Agenda. By using a Consent Agenda, the Board has consented to the consideration of certain items as a group under one motion. Should a Consent Agenda be used at a meeting, an appropriate amount of discussion time will be allowed to review any item upon request.

**Section 2. General Guidelines.** Items for consent are those which usually do not require discussion or explanation prior to action by the Board, are non-controversial and/or similar in content, or are those items which have already been discussed or explained and do not require further discussion or explanation. Such agenda items may include ministerial tasks such as, but not limited to, approval of previous meeting minutes, approval of staff reports, addressing routine correspondence, approval of liquor licenses renewals and approval or extension of other Town licenses. Minor changes in the minutes such as non-material Scribner errors may be made without removing the minutes from the Consent Agenda. Should any Trustee feel there is a material error in the minutes, they should request the minutes be removed from the Consent Agenda for Board discussion.

**Section 3. Removal of Item from Consent Agenda.** One or more items may be removed from the Consent Agenda by a timely request of any Trustee. A request is timely if made prior to the vote on the Consent Agenda. The request does not require a second or a vote by the Board. An item removed from the Consent Agenda will then be discussed and acted on separately either immediately following the consideration of the Consent Agenda or placed later on the agenda, at the discretion of the Board.

## **III. EXECUTIVE SESSION**

**Section 1.** An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, not at a work session of the Board. To convene an executive session, the Board shall announce to the public in the open meeting the topic to be discussed in the executive session, including specific citation to the statute authorizing the Board to meet in an executive session and identifying the particular matter to be discussed “in as much detail as possible without compromising the purpose for which the executive session is authorized.” In the event the Board plans to discuss more than one of the authorized topics in the executive session, each should be announced, cited and described. Following the announcement of the intent to convene an executive session, a motion must then be made and seconded. In order to go into executive session, there must be the affirmative vote of two thirds (2/3) of Members of the Board.

**Section 2.** During executive session, minutes or notes of the deliberations should not be taken. Since meeting minutes are subject to inspection under the Colorado Open Records Act, the keeping of minutes would defeat the private nature of executive session. In addition, the deliberations carried out during executive session should not be discussed outside of that session or with individuals not participating in the session. The contents of an executive session are to remain confidential unless a majority of the Trustees vote to disclose the contents of the executive session.

**Section 3.** Once the deliberations have taken place in executive session, the Board should reconvene in regular session to take any formal action decided upon during the executive session. If you have questions regarding the wording of the motion or whether any other information should be disclosed on the record, it is essential for you to consult with the Town Attorney on these matters.

## **IV. SUBJECT TO AMENDMENT**

**Section 1. Deviations.** The Board may deviate from the procedures set forth in this Resolution, if, in its sole discretion, such deviation is necessary under the circumstances.

**Section 2. Amendment.** The Board may amend these Rules of Procedures Policy from time to time.

# RESOLUTION 12-2023

## A RESOLUTION OF THE TOWN OF PAONIA, COLORADO, CLARIFYING THE ORGANIZATION AND DUTIES OF THE NORTH FORK VALLEY AIRPORT ADVISORY COMMITTEE

**WHEREAS**, the Town of Paonia (the "Town") has a seventy-five percent (75%) undivided ownership interest in the North Fork Valley Airport (7V2) (the "Airport"), and Delta County, by and through its Board of County Commissioners (the "County") has a twenty-five percent (25%) undivided ownership interest in the Airport;

**WHEREAS**, the operational Memorandum of Understanding (MOU) and supplement between the Town and the County, dated September 21, 2009, as to the management, maintenance, income and capital improvements at the Airport remains in full effect;

**WHEREAS**, the Town established the North Fork Valley Airport Advisory Committee (the "Committee") on the 8<sup>th</sup> day of September, 2022, pursuant to Resolution No. 12-2022, for the purpose of advising the Town Board of Trustees on matters related to the Airport; and

**WHEREAS**, the Town continues to desire to have user input with reference to operational and administration issues arising from of the Airport, and wishes to clarify the organization and duties of the Committee by this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO,**

1. The North Fork Valley Airport Advisory Committee (the "Committee") shall consist of three (3) persons with interest in the North Fork Valley Airport (7V2) (the "Airport"), and one (1) person representing the Town of Paonia (the "Town"); the Fixed Base operator (FBO) at 7V2 shall be an ex-officio member of the Committee;
2. Application of interest to become a member of said Committee shall be made in writing to the Paonia Board of Trustees;
3. Each of the three (3) airport interested Committee members shall serve a term of four (4) years. At the initiation of the Committee, two (2) members shall be appointed for four (4) years and one (1) shall be appointed for two (2) years to stagger the terms. The Town-appointed member shall be appointed, per any need, following election cycles;
4. The Chair of the Committee shall be elected by its members;
5. The Committee shall only advise the Town in matters related to the operations and budgetary needs of the Airport;
6. The Committee is an advisory body, and has absolutely no authority to bind, or act

on behalf of, the Town.

Duties of the North Fork Valley Airport Advisory Committee:

- A. The Town Administrator shall be the liaison between the Committee, the Town, and the County on airport matters including information sharing and planning needed for the Airport;
- B. The Committee shall report any budgetary requirements at the Airport to the Town Administrator and the Town Treasurer during the normal budget cycle so that budgetary needs can be timely presented to the Paonia Board of Trustees;
- C. The Committee shall create a five (5) and ten (10) year Capital Improvement Plan for the Airport and keep it on file at the Town Hall for the Town of Paonia;
- D. The Committee shall furnish a report to the Paonia Board of Trustees for the second meeting in March and the first meeting in September of each year, and may furnish additional reports as may be necessary;
- E. The Committee shall conduct tours of the Airport with new Paonia Trustees and other interested parties as to the ownership, operation, maintenance, and capital improvements required at the Airport.

**ADOPTED** this 8<sup>th</sup> day of August 2023, by the Town Board of Trustees of the Town of Paonia.

By: Mary Bachran  
Mary Bachran, Mayor

Date: 8-11-23

ATTEST: Samira M Vetter  
Samira M Vetter, Town Clerk





**Minutes**  
**Regular Town Board Meeting**  
**Town of Paonia, Colorado**  
**January 09, 2024**

**RECORD OF PROCEEDINGS**

Mayor Bachran calls the meeting to order at 6:30 pm

**Roll Call**

- PRESENT
- Mayor Mary Bachran
- Mayor Pro-Tem Dave Knutson
- Trustee Paige Smith
- Trustee John Valentine
- Trustee Rick Stelter
- Trustee Morgan MacInnis
- Trustee Kathy Swartz

**Approval of Agenda**

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee MacInnis, to approve the agenda.

Motion carries unanimously.

**Announcements**

Town Administrator Wynn announces the first-place winner is 509 Box Elder, second place winner is 225 Clark Avenue.

Candidate Packets are available at the Town Offices, 214 Grand Avenue – Due back to the Clerk January 22.

**Public Comment**

- M. Nierenberger – asks for clarification of time rules and would like longer speaking time. She also discussed the danger of liquor involved with the Kids Pasta Project.
- S. Watson – spoke against fee schedule approach, disbursements not being published, and lack of committee reports.
- S. Patterson – Spoke of the need to have the curb by Reedy’s repaired.

**Consent Agenda**

Trustee Stelter makes a motion, seconded by Trustee Smith, to approve the consent agenda.

The motion carries.

Voting Yea: Mayor Bachran, Mayor Pro-Tem Knutson, Trustee Valentine, Trustee Stelter, Trustee MacInnis, Trustee Swartz

Voting Nay: Trustee Smith

**Staff Reports**

Town Administrator Wynn presented the end of year/start of fiscal year report for each department and plans for moving forward. He also goes over the Master Plan schedule, presents RESPEC’s report on the water moratorium. He also announces Public Works Director Heiniger has been selected to be the Safe Routes to Parks representative.

Police Chief Laiminger provides an overview of what was accomplished in 2023 using the reports included in the packet.

**Actions & Presentations**

- 1. Cedar Hill Project Update and Consideration of Extension - Matt Jennings

Matt Jennings is in attendance to present the update and explain the extension.

Board discussion includes fire mitigation chemicals, transparency, scope of work, labor needs, and current progress.

Public Comment:  
None

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee Smith, to extend the Cedar Hill Project.

Motion carries unanimously.

- 2. Consideration of Request to change Legal Paper of Record Designation to the High-Country Spotlight and Shopper - Tina Walker

T. Walker – discusses proposal sent over and provides overview of legal paper of records.

Public Comment:

S. Watson: questions the frequency of public records publishing and what impact if transitioned from DCI to High Country Shopper.

Board discussion includes pricing and frequency.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee MacInnis that this item be continued to the next board meeting and have a staff report giving background data, seconded by Trustee MacInnis.

Motion carries unanimously.

- 3. Letter of Support for North Fork Valley Creative Coalition's (NFVCC) proposal for the OEDIT Community Business Preservation Program.

Town Administrator Wynn provides an overview of how he reviewed the need, process, and the effect it can have to fill empty retail spots.

Public Comment:

C. Patterson – asks if all businesses queried and what were the businesses selected.

A. DeLuca answers advertising and social media outreach questions and explains overview of criteria.

Board discussion includes appreciation for the work NFCC has done funds to benefit businesses chosen.

Trustee Swartz makes a motion, seconded by Trustee Stelter, to approve the Letter of Support for North Fork Valley Creative Coalition's (NFVCC) proposal for the OEDIT Community Business Preservation Program.

Motion carries unanimously.

- 4. Consideration of Approval of Letter to Forest Service GMUG about the Use of Perfluorinated Compounds in Fire Suppression Chemicals and Foam used in Local Watersheds

Mayor Bachran discusses letter received from Pitkin Mesa Pipeline Company, the chemical concern and the request that the Board also write a letter

Public Comment:

None

Board discussion includes questions about first paragraph, corrections, critical issues, Town’s water sheds, best practices, being proactive and audience reach.

Town Administrator Wynn advises of other notifications received and plans to meet with other groups to discuss these issues.

Mayor Bachran will add signature lines for all Trustees to the letter.

Trustee Smith makes a motion, seconded by Mayor Pro-Tem Knutson, to approve a Letter to Forest Service GMUG about the Use of Perfluorinated Compounds in Fire Suppression Chemicals and Foam used in Local Watersheds.

Motion carries unanimously.

5. Board Appointments to Open Seats on Tree Board - 3 seats available as of January 4, 2024

Mayor Bachran announces there are four applicants: Paula Martin, Mark Newland, Christine Patterson, and Karen Fogg.

P. Martin – provides background on experience and desire to continue to serve on Tree Board.

M. Newland – provides background and expresses need to remain on the Tree Board due to the code work to be done.

C. Patterson – speaks to how she can bring more public interaction, input on best tree health. Discusses need for more public participation and tree planting.

K. Fogg – was not present.

Public Comment:

S. Patterson – speaks about the lack of improvement with current Tree Board.

Board Discussion:

After briefly discussing applicants, the Board votes via paper for the open seats on the Tree Board. Town Administrator Wynn tallies the results.

Mayor Pro-Tem Knutson motions for a 5-minute recess, seconded by Trustee Stelter.

Motion carries unanimously.

Board Meeting resumes at 8:05PM.

Town Administrator Wynn announces results from tally for the three open Tree Board seats are: C. Patterson, P. Martin, and M. Newland.

Trustee Valentine makes a motion, seconded by Trustee Stelter, to appoint Christine Patterson, Paula Martin and Mark Newland to the Tree Board.

Motion carries unanimously.

6. Board Appointment to fill open seat on Zoning Board of Adjustment & Appeals

Mayor Bachran announced there were no applications received.

Board discussion on vacancies, requirements from a candidate, meetings frequency, and need to explain what this board does.

No motion is made.

7. Consideration of Approval of Signing an Intergovernmental Agreement with Delta County Clerk and Recorder for the 2024 Municipal Election

Town Administrator Wynn explains county handling of election for 2024.

Public Comment: None

Board Discussion:

There is a brief discussion about election costs.

Trustee Stelter makes a motion, seconded by Trustee MacInnis to approve of signing an Intergovernmental Agreement with Delta County Clerk and Recorder for the 2024 Municipal Election.

Motion carries unanimously.

8. Consideration of Approval of IGA with City of Delta for Building Inspection Services

Town Administrator Wynn provides background and discussions with town attorney and budgeted amounts.

Public Comment: None

Board Discussion:

Board discusses if 10 hours of scheduled time is enough with all the projects coming up. Town Attorney Cotton-Baez explains agreement can be changed after Town Administrator Wynn reviews it.

Mayor Pro-Tem Knutson noted not being comfortable with an automatic renewal after the contracted 2 years.

Town Attorney Cotton-Baez explained that the Town can terminate within 30 days after renewal per the termination clause.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee Stelter, to approve the intergovernmental agreement between the City of Delta and the Town of Paonia with the following modifications: that the renewal period is for two years, if projected expenses exceeds \$5,000 at any point in the year, that comes back to the board for approval, and that Staff covers any insurance questions.

Motion carries unanimously.

9. Consideration of Approval of RFQ for Hydrogeology Study

Town Administrator Wynn provides and overview of the process of sending out follow-up questions. After reviewing the results he recommends Wright Water Engineers, Inc be contracted for the Hydrogeological Study.

Public Comment:

M. Nierenberger – spoke of lack of confidence in any study done by Town.

Trustee Stelter makes a motion, seconded by Trustee MacInnis, to approve the proposal from Wright Water Engineers, Inc for the Hydrogeological Study.

Motion carries unanimously.

10. Consideration of Approval for Submission of WaterSMART Small Scale Water Efficiency Project Grant to U.S. Bureau of Reclamation

Mayor Bachran advises that the proposal changed slightly, and it will strictly be for redoing the metering at Lee's park.

Public Comment: None

There is a brief Board discussion about procurement of additional meters when needed.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee Stelter, to approve Submission of WaterSMART Small Scale Water Efficiency Project Grant.

Motion carries unanimously.



11. Consideration of Approval of Resolution 01-2024 Designation of Public Posting Locations

Public Comment: None

Board Discussion:

Trustee Smith and Town Attorney Cotton-Baez discuss need to be clear on where Town will Publish. It was recommended by the Town Attorney to pass the Resolution with the Delta County Independent listed and make changes via subsequent resolution. The web site is the preferred method for posting and satisfies the Open Meeting Law requirement.

Trustee Stelter makes a motion, seconded by Trustee Swartz, for approval of amended Resolution 01-2024 Designation of Public Posting Locations.

Motion carries unanimously.

12. Consideration of Approval of Resolution 02-2024 Designating Town Hall Holiday Closures

Public Comment: none

Board Discussion:

Mayor Pro-Tem Knutson speaks against including “Columbus” on Indigenous People’s Day given treatment of the Indigenous population by Columbus.

Mayor Pro-Tem Knutson makes a motion, seconded by Trustee MacInnis, that we accept the holidays as posted but striking Columbus from the holiday on Monday, October 14.

Motion carries unanimously.

**Mayor & Trustee Reports**

Mayor Bachran reports that her report did not make it to the packet. Mayor also met with a representative from Senator Bennet’s office, discussed applications for grants for sewer funds, and asks the Town to revisit purchase of the school building.

Town Administrator Wynn announces Paonia K-8 awarded \$50,000.00 for academic achievement by Governor Polis

**Adjournment**

Mayor Bachran adjourns the meeting at: 8:58 PM.

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Ruben Santiago, Deputy Clerk

\_\_\_\_\_  
Mary Bachran, Mayor

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PS

GL 12/23

Town of Paonia

Payment Approval Report - BOT  
Report dates: 1/1/2024-1/19/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Voided	GL Account and Title	GL Period Date
<b>Browns Hill Engineering &amp; Controls</b>								
1126	Browns Hill Engineering & Control	1159	VMSCADA LEASE DECEMBER 2	11/01/2023	1,710.00		60-50-20 LEGAL, ENGINEERING & PR	12/31/2023
Total Browns Hill Engineering & Controls:					1,710.00			
<b>Erica Ruth Hill</b>								
822	Erica Ruth Hill	SBA TOWER L	Cell Phone Town Rent	12/12/2023	1,650.25		10-35-01 RENTS & ROYALTIES	12/31/2023
Total Erica Ruth Hill:					1,650.25			
<b>Gail Jean James</b>								
823	Gail Jean James	SBA TOWER L	Cell Phone Town Rent	12/12/2023	1,650.24		10-35-01 RENTS & ROYALTIES	12/31/2023
Total Gail Jean James:					1,650.24			
<b>Peak Alarm Co., Inc</b>								
1119	Peak Alarm Co., Inc	1343397	ALARM SERVICES	11/03/2023	300.00		10-41-25 TOWN HALL EXPENSE	12/31/2023
Total Peak Alarm Co., Inc:					300.00			
<b>RESPEC Company LLC</b>								
1124	RESPEC Company LLC	INV-1223-271	Water/WW General Engineering 1	12/31/2023	1,752.50		60-50-20 LEGAL, ENGINEERING & PR	12/31/2023
1124	RESPEC Company LLC	INV-1223-272	Paonia Dorris Avenue 12/01/2023-	12/31/2023	205.00		70-51-20 LEGAL, ENGINEERING & PR	12/31/2023
1124	RESPEC Company LLC	INV-1223-273	Water CIP Phas 1 - Water System	12/31/2023	12,455.90		60-50-20 LEGAL, ENGINEERING & PR	12/31/2023
Total RESPEC Company LLC:					14,413.40			
<b>Rhinehart Oil Co.,LLC</b>								
1224	Rhinehart Oil Co.,LLC	53476CT	DIESEL FOR TRASH TRUCK	12/31/2023	569.68		80-52-23 VEHICLE EXPENSE	12/31/2023
Total Rhinehart Oil Co.,LLC:					569.68			
<b>Vandanacker, Marc E.</b>								
181	Vandanacker, Marc E.	SBA TOWER L	Cell Tower Lease	12/12/2023	1,650.25		10-35-01 RENTS & ROYALTIES	12/31/2023
Total Vandanacker, Marc E.:					1,650.25			
Grand Totals:					21,943.82			

Town of Paonia

Payment Approval Report - BOT  
Report dates: 1/1/2024-1/19/2024

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Voided	GL Account and Title	GL Period Date
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Board Meeting Date: \_\_\_\_\_

Town Administrator: \_\_\_\_\_

Finance Committee: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

Date Reviewed: \_\_\_\_\_

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01/24

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Town of Paonia

Payment Approval Report - GL period 01/24

Report dates: 1/1/2024-1/19/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Voided	GL Account and Title	GL Period Date
<b>Bruin Waste</b>								
1307	Bruin Waste	1688297	PORTA-A-POTTY RENTAL LAMB	01/10/2024	✓ 114.75		70-51-24 RENTALS	01/31/2024
1307	Bruin Waste	1688300	PORTA-A-POTTY RENTAL 332 4	01/10/2024	✓ 261.00		70-51-24 RENTALS	01/31/2024
Total Bruin Waste:					375.75			
<b>Caselle, Inc</b>								
21	Caselle, Inc	130008	Contract Support & Maintenance -	01/01/2024	272.20		10-41-33 DATA PROCESSING	01/31/2024
21	Caselle, Inc	130008	Contract Support & Maintenance -	01/01/2024	136.10		10-42-33 Data Processing	01/31/2024
21	Caselle, Inc	130008	Contract Support & Maintenance -	01/01/2024	136.10		10-45-33 DATA PROCESSING	01/31/2024
21	Caselle, Inc	130008	Contract Support & Maintenance -	01/01/2024	272.20		60-50-33 DATA PROCESSING	01/31/2024
21	Caselle, Inc	130008	Contract Support & Maintenance -	01/01/2024	272.20		80-52-33 DATA PROCESSING	01/31/2024
21	Caselle, Inc	130008	Contract Support & Maintenance -	01/01/2024	272.20		70-51-33 DATA PROCESSING	01/31/2024
Total Caselle, Inc:					✓ 1,361.00			
<b>CEBT</b>								
1320	CEBT	INV-0062599	BENEFITS PERIOD 2024-01	01/11/2024	✓ 21,484.00		10-0223 HEALTH/LIFE INSURANCE	01/31/2024
Total CEBT:					21,484.00			
<b>CIRSA</b>								
23	CIRSA	240534	2024 VAMP COVERAGE 01/01/2	01/08/2024	✓ 69.44		10-41-27 INSURANCE & BONDS	01/31/2024
23	CIRSA	240534	https://townofpaonia.sharepoint.co	01/08/2024	✓ 208.32		10-46-27 INSURANCE & BONDS	01/31/2024
Total CIRSA:					277.76			
<b>ClearGov Inc</b>								
1131	ClearGov Inc	2023-14359	RENEWALS FOR 01/01/2024-12/	01/01/2024	4,809.00		10-41-31 DUES & SUBSCRIPTIONS	01/31/2024
1131	ClearGov Inc	2023-14359	RENEWALS FOR 01/01/2024-12/	01/01/2024	687.00		60-50-31 DUES & SUBSCRIPTIONS	01/31/2024
1131	ClearGov Inc	2023-14359	RENEWALS FOR 01/01/2024-12/	01/01/2024	687.00		80-52-31 DUES & SUBSCRIPTIONS	01/31/2024
1131	ClearGov Inc	2023-14359	RENEWALS FOR 01/01/2024-12/	01/01/2024	687.00		70-51-31 DUES & SUBSCRIPTIONS	01/31/2024
Total ClearGov Inc:					✓ 6,870.00			
<b>Delta County Landfill</b>								
56	Delta County Landfill	412983	Landfill Fee	01/05/2024	✓ 438.50		80-52-42 LANDFILL FEES	01/31/2024
56	Delta County Landfill	413105	Landfill Fee	01/08/2024	✓ 180.25		80-52-42 LANDFILL FEES	01/31/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Voided	GL Account and Title	GL Period Date
Total Delta County Landfill:					618.75			
<b>Delta Montrose Electric Assn.</b>								
43	Delta Montrose Electric Assn.	20992900 01/0	4TH ST CITY PARK	01/08/2024	34.64		10-46-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3080095000 1/	12762 ROEBER RD TREAT. PLA	01/02/2024	1,351.84		60-50-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3080270000 1/	501 BOX ELDER	01/02/2024	41.75		10-46-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3080629100 1/	41576 LAMBORN MESA FILTER	01/02/2024	189.84		60-50-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	310000300	LAMBORN RESVR	01/02/2024	55.13		60-50-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3100701901 1/	41010 LAMBORN RD	01/02/2024	117.05		60-50-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3120200000 1/	APPLE VALLEY PRK	01/08/2024	31.80		10-46-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3140015008	LIGHT FOR BB DIAMOND	01/08/2024	49.44		10-46-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3140124001 1/	730 4TH ST	01/08/2024	46.55		10-46-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3140305400 1/	TEEN CENTER & PRK	01/08/2024	157.54		10-46-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3140308201 1/	PAONIA PRK NR TEEN CNT	01/08/2024	31.33		10-46-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3180027500 1/	403 2ND ST.	01/08/2024	26.56		10-45-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3180027500 1/	403 2ND ST.	01/08/2024	26.56		10-46-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3180027500 1/	403 2ND ST.	01/08/2024	26.56		70-51-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3180027500 1/	403 2ND ST.	01/08/2024	26.56		80-52-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3180027500 1/	403 2ND ST.	01/08/2024	26.56		60-50-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3200125000 1/	STREET LIGHTS	01/08/2024	692.16		10-45-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	3200690300 1/	214 GRAND. TOWN HALL	01/08/2024	253.87		10-41-28 UTILITIES	01/31/2024
43	Delta Montrose Electric Assn.	9805013000 1/	200 BLK GRAND AVE	01/08/2024	31.09		10-41-28 UTILITIES	01/31/2024
Total Delta Montrose Electric Assn.:					3,216.83			
<b>Dependable Lumber, Inc.</b>								
46	Dependable Lumber, Inc.	2401-016696	SAND PAPER FOR PICNIC TABL	01/08/2024	10.99		10-46-22 REPAIRS & MAINTENANCE	01/31/2024
46	Dependable Lumber, Inc.	2401-016910	WASHER & THREADS FOR 1995	01/09/2024	1.84		10-45-22 REPAIRS & MAINTENANCE	01/31/2024
46	Dependable Lumber, Inc.	2401-017408	FOIL TAPE FOR CHEVY SNOW	01/12/2024	13.99		10-45-42 SNOW REMOVAL	01/31/2024
46	Dependable Lumber, Inc.	2401-017770	OPEN/CLOSED SIGN	01/16/2024	4.49		60-50-22 REPAIRS & MAINTENANCE	01/31/2024
46	Dependable Lumber, Inc.	2401-017786	LAMP BULB	01/17/2024	7.99		10-45-22 REPAIRS & MAINTENANCE	01/31/2024
46	Dependable Lumber, Inc.	2401-017786	LAMP BULB	01/17/2024	8.00		60-50-22 REPAIRS & MAINTENANCE	01/31/2024
Total Dependable Lumber, Inc.:					47.30			
<b>Duckworks Auto Parts Inc</b>								
50	Duckworks Auto Parts Inc	11044-428648	BATTERY FOR SANDER/PLOW	01/10/2024	357.00		10-45-42 SNOW REMOVAL	01/31/2024
50	Duckworks Auto Parts Inc	11044-428649	BATTERY ISOLATOR SWITCH	01/10/2024	19.79		10-45-42 SNOW REMOVAL	01/31/2024



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Voided	GL Account and Title	GL Period Date
Total Duckworks Auto Parts Inc:					376.79			
<b>Elevate Fiber</b>								
986	Elevate Fiber	1198710 1/10/2	Internet FOR 401 SECOND ST	01/10/2024	79.95		10-43-28 UTILITIES	01/31/2024
986	Elevate Fiber	1277710 1/10/2	Internet FOR 38976 HWY 133	01/10/2024	79.95		70-51-28 UTILITIES	01/31/2024
986	Elevate Fiber	271710 1/10/24	Internet FOR 41576 LAMBORN M	01/10/2024	129.94		60-50-28 UTILITIES	01/31/2024
986	Elevate Fiber	66210 1/10/24	Internet	01/10/2024	106.65		10-41-29 TELEPHONE & INTERNET	01/31/2024
986	Elevate Fiber	66210 1/10/24	Internet	01/10/2024	106.65		60-50-29 TELEPHONE & INTERNET	01/31/2024
986	Elevate Fiber	66210 1/10/24	Internet	01/10/2024	106.65		70-51-29 TELEPHONE & INTERNET	01/31/2024
Total Elevate Fiber:					609.79			
<b>Filter Tech Systems, Inc.</b>								
888	Filter Tech Systems, Inc.	9555	SPASHTOP REMOTE ACCESS A	01/10/2024	99.00		60-50-31 DUES & SUBSCRIPTIONS	01/31/2024
Total Filter Tech Systems, Inc.:					99.00			
<b>Hellman Motor Company</b>								
80	Hellman Motor Company	544080	HEATER HOSE	01/10/2024	37.05		10-45-22 REPAIRS & MAINTENANCE	01/31/2024
80	Hellman Motor Company	544080	HEATER HOSE	01/10/2024	37.05		70-51-22 REPAIRS & MAINTENANCE	01/31/2024
80	Hellman Motor Company	544080	HEATER HOSE	01/10/2024	37.06		60-50-22 REPAIRS & MAINTENANCE	01/31/2024
Total Hellman Motor Company:					111.16			
<b>HINKLE &amp; COMPANY, PC</b>								
1370	HINKLE & COMPANY, PC	14632	FINANCIAL AUDIT (2022) SERVI	01/10/2024	1,512.00		10-41-21 AUDIT & BUDGET EXPENSE	01/31/2024
1370	HINKLE & COMPANY, PC	14632	FINANCIAL AUDIT (2022) SERVI	01/10/2024	2,268.00		60-50-21 AUDIT & BUDGET EXPENSE	01/31/2024
1370	HINKLE & COMPANY, PC	14632	FINANCIAL AUDIT (2022) SERVI	01/10/2024	2,352.00		70-51-21 AUDIT & BUDGET EXPENSE	01/31/2024
1370	HINKLE & COMPANY, PC	14632	FINANCIAL AUDIT (2022) SERVI	01/10/2024	2,268.00		80-52-21 AUDIT & BUDGET EXPENSE	01/31/2024
Total HINKLE & COMPANY, PC:					8,400.00			
<b>MARC Inc</b>								
101	MARC Inc	0808997-IN	HAND SOAP FOR BATHROOMS	01/11/2024	256.23		10-41-15 OFFICE SUPPLIES	01/31/2024
Total MARC Inc:					256.23			
<b>NAPA - Paonia Auto Parts</b>								
122	NAPA - Paonia Auto Parts	407966	FUEL PUMP ASSEMBLY FOR 19	01/09/2024	126.90		10-45-22 REPAIRS & MAINTENANCE	01/31/2024



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Voided	GL Account and Title	GL Period Date
122	NAPA - Paonia Auto Parts	407981	WIPER BLADES & AIR FILTER F	01/09/2024	49.85		10-42-23 VEHICLE EXPENSE	01/31/2024
122	NAPA - Paonia Auto Parts	408019	BATTERY CABLE, CLEANING B	01/11/2024	28.80		10-45-22 REPAIRS & MAINTENANCE	01/31/2024
122	NAPA - Paonia Auto Parts	408036	FUSES	01/11/2024	8.10		10-46-23 VEHICLE EXPENSE	01/31/2024
122	NAPA - Paonia Auto Parts	408050	BATTER CABLE LUG & OTHER	01/12/2024	20.02		10-45-42 SNOW REMOVAL	01/31/2024
122	NAPA - Paonia Auto Parts	408056	BATTERY ISOLATOR SWITCH	01/12/2024	22.37		10-45-42 SNOW REMOVAL	01/31/2024
122	NAPA - Paonia Auto Parts	408061	BATTERY CABLE	01/12/2024	86.53		10-45-42 SNOW REMOVAL	01/31/2024
122	NAPA - Paonia Auto Parts	408068	LOOM FOR SNOW PLOW	01/12/2024	4.68		10-45-42 SNOW REMOVAL	01/31/2024
Total NAPA - Paonia Auto Parts:					347.25			
<b>Paonia Farm &amp; Home Supply Inc</b>								
125	Paonia Farm & Home Supply Inc	178386	ICE MELT	01/16/2024	15.98		10-45-42 SNOW REMOVAL	01/31/2024
Total Paonia Farm & Home Supply Inc:					15.98			
<b>Paonia Senior Citizens, Inc.</b>								
615	Paonia Senior Citizens, Inc.	3	PAONIA SENIOR CENTER SUPP	01/01/2024	3,000.00		10-41-44 HUMAN SERVICES	01/31/2024
Total Paonia Senior Citizens, Inc.:					3,000.00			
<b>Peak Alarm Co., Inc</b>								
1119	Peak Alarm Co., Inc	1353767	MONITORING 01/01/2024-03/31/	01/01/2024	143.16		10-41-25 TOWN HALL EXPENSE	01/31/2024
Total Peak Alarm Co., Inc:					143.16			
<b>Robert's Enterprises Inc</b>								
145	Robert's Enterprises Inc	106160004535	Trash SVS FOR 14432 & 14436 C	01/08/2024	110.00		80-52-24 RENTAL	01/31/2024
Total Robert's Enterprises Inc:					110.00			
<b>TDS Telecom</b>								
156	TDS Telecom	970-527-4642-	Telephone+Internet FOR SEWER	01/10/2024	466.49		70-51-29 TELEPHONE & INTERNET	01/31/2024
Total TDS Telecom:					466.49			
<b>The Paper-Clip LLC</b>								
861	The Paper-Clip LLC	2048443-0	Office Supplies	01/04/2024	52.95		10-41-15 OFFICE SUPPLIES	01/31/2024
Total The Paper-Clip LLC:					52.95			

Town of Paonia

Payment Approval Report - GL period 01/24

Report dates: 1/1/2024-1/19/2024

Page: 5

Jan 19, 2024 02:32PM

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Voided	GL Account and Title	GL Period Date
<b>United Companies Inc</b>								
162	United Companies Inc	1559576	SANDING MATERIAL	01/11/2024	1,325.77		10-45-42 SNOW REMOVAL	01/31/2024
Total United Companies Inc:					1,325.77			
<b>USA Blue Book</b>								
441	USA Blue Book	INV00247646	TUBE ASSEMBLIES AND PUMP	01/16/2024	353.47		60-50-16 OPERATING SUPPLIES	01/31/2024
Total USA Blue Book:					353.47			
Grand Totals:					49,919.43			

Board Meeting Date: \_\_\_\_\_

Town Administrator: \_\_\_\_\_

Finance Committee: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Date Reviewed: \_\_\_\_\_

# Action Items

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## **Elections: Local Taxpayer Bill of Rights Prior Voter Approval Requirement**

Pass: Oppose

House Bill 24-1026 would require all local governments who successfully obtained voter approval to permanently retain revenue in excess of their TABOR fiscal year spending and property tax revenue limits prior to November 9, 2020, to again ask for voter approval for those same revenue changes no later than November 2029 or forgo the previously approved revenue change beginning in 2030. Requiring voter approval for policies that have already received voter approval is a significant change from current TABOR requirements and has the potential to significantly reduce municipal revenue with large impacts to budgeting. **Staff recommendation: Oppose.** *Lobbyist: Heather Stauffer*

**Policy Statement:** CML supports retention of authority for all municipalities to set local tax rates and for home rule municipalities to collect their own taxes and determine their own tax bases.

## **Housing: Local Government Rights Regarding Multifamily Rental Properties**

Pass: Support

Representative Boesenecker is carrying a bill creating two property rights for local governments in certain types of multifamily rental properties: a right of first refusal and a right of first offer. The bill requires the seller of a multifamily rental property with an existing affordability deed restriction to give notice to the local government at least two years before the expiration of an existing affordability restriction on the property and again when the seller takes certain actions to sell the property. The local government would then have 14 days to preserve its right of first refusal and an additional 60 days to make an offer and must agree to close on the property within 120 days of acceptance of the local government's offer. The bill establishes that local governments also have a right of first offer for multifamily rental properties that have five or more units in urban counties and three or more units in rural and rural resort counties. A seller of such property must provide notice of intent to sell the property to the local government before the seller lists or markets the property for sale and must allow 14 days from the date of such notice before listing or marketing the property for sale. Local governments may partner with certain other entities for financing the transaction. The Attorney General's office is required to enforce the provisions of the bill. If a court finds that a seller or third-party buyer has materially violated the law with respect to the right of first refusal or first offer, the court must award a statutory penalty of at least \$50,000 or an amount equal to 30% of the purchase or listing price of the property, whichever is greater. **Staff recommendation: Support.** *Lobbyist: Bev Stables*

**Policy Statement:** *The League supports an adequate supply of diverse housing options, regardless of income level, and continued public-and private- sector support for such an effort.*

**This Bill has been pulled by the Sponsor & is no longer being considered**

**Municipal Finance: Real Estate Transfer Fee**

A bill providing authority for municipalities and counties to implement and collect a Real Estate Transfer Fee when a real estate transfer takes place is expected to be introduced in the coming weeks. Fee revenue would be directed to local affordable housing projects. A preliminary draft provides local governments with the authority to impose the fee in any amount they determine up to 4% of the value of the property transferred, with the ability to waive the fee or set exemptions from the fee. The draft also provides that counties may impose a fee up until a municipality imposes a fee, at which point the county's fee goes away or can remain pursuant to an intergovernmental agreement with the municipality. Under the bill, communities with an existing Real Estate Transfer Tax can also impose an additional Real Estate Transfer Fee provided the tax and the fee do not cumulatively exceed the 4% limit. **Staff Recommendation: Support.** *Lobbyist: Elizabeth Haskell*

**Policy Statement:** The League supports state enabling legislation that provides municipalities with authority and flexibility to address local needs and enhancement of municipalities' flexibility to finance public projects economically and efficiently.

**Opioids: Overdose Prevention Centers**

**Pass: Neutral Stance**

House Bill 24-1028 authorizes local governments to allow the operation of an overdose prevention center within its boundaries. Unlike the harm reduction centers bill that was heard before the Opioid and Other Substance Use Disorders Study Committee, this bill does not include language establishing a pilot program, advisory committee, or adoption of any minimum standards from the Colorado Department of Public Health and Environment (CDPHE). While the bill grants additional authority for local governments to address substance use disorder, CML feels that additional safeguards should be put in place to increase public safety. **Staff recommendation: Support if amended.** *Lobbyist: Bev Stables*

**Policy Statement:** *The League supports state enabling legislation that provides municipalities with authority and flexibility to address local needs.*

**Environment/ Natural Resources: Local Government Authority to Regulate Pesticides**

**Pass: Support**

Current law prohibits a local government from creating laws that regulate the use of pesticides by pesticide applicators regulated by state or federal law. The bill allows local governments to create and enforce laws regulating the sale or use of pesticides to protect the health and safety of the community. There are specific conditions placed on this authority to regulate including that ordinances must be supported by peer-reviewed science. The bill also lists exceptions to this authority which include pesticides used for: the production of agricultural products, growing feed for livestock and management of livestock, maintenance of agricultural water supply facilities including irrigation ditches and other water infrastructure, for a public utility on property owned or controlled by them to protect infrastructure or operation of infrastructure, for

operation and maintenance of a water supply collection or distribution facility, or for the cultivation of marijuana. This bill would allow municipalities who choose to, to create ordinances above and beyond what the state requires such as requiring additional signage and enforce buffer zones, among other things, around certain properties and environments. **Staff recommendation: Support.** *Lobbyist: Heather Stauffer*

**Policy Statement:** *The League supports state enabling legislation that provides municipalities with authority and flexibility to address local needs.*

**Housing: Residential Occupancy Limits** **Pass: Oppose Unless Amended**

House Bill 24-1007 would prohibit local governments from enacting or enforcing limits on the number of people who can live in a dwelling unless the limits are tied to a minimum square footage per person requirement that is necessary to regulate safety, health, and welfare. Senate Bill 23-213 included a similar provision prohibiting local governments from enacting or enforcing residential occupancy limits that differ based on the relationships of the occupants of a dwelling. That provision also included a carve-out for regulating short-term rentals and for local governments with institutions of higher education within its boundaries that allowed those local governments to enforce residential occupancy limits on more than five unrelated people living in one dwelling. CML would seek to include similar language in this bill and to address other aspects of building codes and life safety matters. **Staff recommendation: Oppose unless amended.** *Lobbyist: Bev Stables*

**Policy Statement:** *The League opposes delegation of municipal land use authority to state agencies or preemption of municipal land use controls.*

**Land Use: Attorney's Fees for Rule 106 Appeals** **Pass: Support**

Representative Lindstedt is carrying a bill requiring a court to award attorney fees to the prevailing defendant only in an action for judicial review of a local land use decision. The bill clarifies that filing such an action does not affect the validity of the local land use decision. The bill also authorizes a governmental entity and the public to rely on the local land use decision in good faith for all purposes until the action for judicial review is resolved. This change will help insulate municipalities from superfluous suits designed to delay land use decisions and would help to insulate municipalities from the costs of defending its decisions. **Staff recommendation: Support.** *Lobbyist: Bev Stables*

**Policy Statement:** *The League supports state enabling legislation that provides municipalities with authority and flexibility to address local needs.*

**Pass: Oppose**

**Meetings/ Records: Public Meeting Accessibility Requirements for Public Bodies**

The bill requires state and local public bodies to ensure that the following accessibility requirements are implemented within six months of the effective date of the bill (late winter 2025). First, all public meetings of public bodies at which public business is discussed must be accessible in real time by live streaming video (or audio in limited cases) that is recorded and accessible to individuals with disabilities. For any meeting in which public testimony is offered, the public body is required to allow any individual to participate in the meeting and offer public testimony by using a video conferencing platform unless the meeting occurs in a geographic location that lacks internet service. Second, a public body is required to post on its website, at least a week before the meeting, any documents that will be “distributed or discussed” during a meeting and must be uploaded to the entity’s website in an accessible format; documents that cannot be uploaded before the meeting must be uploaded in real time during the meeting. Documents must remain uploaded in perpetuity (or for as long as the meeting minutes are made available). Finally, a public body is required to provide any auxiliary aids or services requested in time for the meeting; a requestor does not need to provide an explanation for the need for auxiliary aids and services. While the bill allows a public body to require that a request for auxiliary aids or services with the use of the video conferencing platform be made up to seven days before the date of the meeting, its unclear if there are similar requirements for in-person attendance. If the public body cannot obtain the auxiliary aids or services required in time for the meeting, they are required to postpone their meeting and are required to document the reason for the additional time required. Any violation of these provisions constitutes discrimination on the basis of disability. This bill is far too broad to be effectively implemented within six months and imposes significant unfunded mandates exceeding the requirements of federal law relating to accommodating disabilities. There is currently no reasonable accommodation or undue burden language included in the bill, as is common in federal law, and the bill has serious implications to the efficiency of public meetings and the timely conduct of public business. No state funding is provided for municipal costs. **Staff recommendation: Oppose.** *Lobbyist: Heather Stauffer*

**Policy Statement:** *Opposes efforts to expand the liability of public entities and public employees; opposes unfunded state and federal mandates that impose financial burdens on municipalities and their citizens.*

**Public Safety: No-kill animal shelters** **Pass: Oppose unless amended**

Representatives Lindsay and Armagost have bi-partisan legislation that will require an animal shelter to notify each animal or other pet shelter in the state before euthanizing a pet animal. This may interfere with existing municipal ordinances and conflict with some aspects of municipal dangerous animal ordinances. Staff recommends amendments to the bill to ensure carve-outs for municipal ordinances that address shelter capacity and dangerous pet concerns. **Staff Recommendation: Oppose unless amended.** *Lobbyist: Jeremy Schupbach*



**Policy Statement:** *The League supports state enabling legislation that provides municipalities with authority and flexibility to address local needs*

**Public Safety: Defined Personnel for Emergency Telephone Services** Pass: Support

House Bill 24-1016 defines “emergency communications specialist” as a first responder whose duties involve emergency and nonemergency dispatch services. The bill clarifies that the currently authorized use of the current phone charges and surcharges for training for public safety answering point (PSAP) personnel also includes training for emergency communications specialists, technical support PSAP personnel, and other personnel essential for the provision of emergency telephone services, emergency notification services, and emergency medical dispatch. **Staff Recommendation: Support.** *Lobbyist: Jeremy Schupbach*

**Policy Statement:** *The League supports increased funding for emergency communications, accounting for the loss of landlines and the increased use of mobile devices, as well as legislation allowing local governments to increase fees for support of emergency communication.*

**Taxation: Property Tax Rebates and Incentives** Pass: Support if Amended

Senate Bill 24-002 provides local governments with the authority to establish a property tax incentive program that directly incentivizes improvements in an “area of specific local concern.” The bill defines “area of specific local concern” to mean a use of real property in a county or municipality that is determined by the local government’s governing board to be diminishing or unavailable based on verifiable data and which use the governing body finds and declares necessary for the preservation of health, safety, or welfare of the residents.

The local government must hold a public meeting that includes public testimony before adopting a resolution or ordinance creating a program. In the case of a county program, the board of county commissioners must allow a municipality located in the county that may be impacted by the program to receive public notice and have an opportunity to testify; municipalities must do the same for the county if implementing a municipal program. Incentive programs must be evaluated on an annual basis and may be renewed for not more than one year.

CML would like the bill amended to include language requiring a process for formal approval by municipalities located within a county’s boundaries prior to the adoption of a county incentive program. **Staff Recommendation: Support if amended.** *Lobbyist: Elizabeth Haskell*

**Policy Statement:** *The League supports the following: state enabling legislation that provides municipalities with authority and flexibility to address local needs; preservation, revitalization, and redevelopment of existing neighborhoods; and enhancement of municipalities’ flexibility to finance public projects economically and efficiently.*

**Taxation: Sales and Use Tax Exemption for College Textbooks** Pass: Support

House Bill 24-1018 creates a state sale and use tax exemption effective July 1, 2024, for all sales, storage, use, and consumption of college textbooks. The bill allows a statutory municipality to choose to adopt the exemption by express inclusion in its sales and use tax ordinance or resolution. **Staff Recommendation: Support.** *Lobbyist: Elizabeth Haskell*

**Policy Statement:** *The League supports retention of authority for all municipalities to set local tax rates and for home rule municipalities to determine their own tax bases.*

**Utilities: Utility Relocation in Local Government Right of Way**

This Bill has been pulled by Staff as More information is needed.

Colorado Counties Inc. is proposing legislation that codifies current practices in which local governments provide notices regarding road improvement projects that will require the relocation of utilities of investor-owned utility companies. The bill also codifies current practices requiring local governments and utilities to enter agreements to address the relocation, including provisions for the scope of the relocation, a schedule, prompt performance of relocation work performed by the utility. The bill further adds a requirement that utilities pay damages incurred by local governments caused by the delays in the relocation work not resulting from “force majeure.” The most recent draft of the bill clarifies that the provisions of the bill do not apply if a local government and a utility have signed a clearance letter. **Staff Recommendation: Support.** *Lobbyist: Jeremy Schupbach*

**Policy Statement:** *The League supports increased dialogue and cooperation among federal, state and local officials and the development of cooperative intergovernmental solutions to common problems. The League opposes federal or state restrictions on local control of municipal rights-of-way.*

**Water: Warrants for Metro Sewage Disposal Districts** Pass: Support

Currently, a metropolitan sewage disposal district (Metro Water Recovery) is required to ensure that wastewater generated by local businesses is properly treated and meets EPA pretreatment standards before it’s discharged. Under current law, the boundaries of a district may exist within multiple municipal and county lines, which makes it challenging for the district to obtain administrative inspection warrants when property owners deny district inspectors entry to a property. HB24-1062 would allow Metropolitan Sewage Disposal Districts to enter and inspect, in a reasonable time and manner, a property for the purpose of investigating program violations. The bill also allows them to seek administrative inspection warrants from the district court or county court if and when businesses discharging to the system prohibit entry for inspection. **Staff Recommendation: Support.** *Lobbyist: Heather Stauffer*

**Policy Statement:** *CML supports water policies that protect Colorado water resources.*

## Information items

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### **Housing: Ban on Parking Minimums**

Representative Vigil plans to carry a bill banning parking minimums for jurisdictions within Metropolitan Planning Organizations, potentially based off the “urban center” jurisdictions established in the Transportation Oriented Communities bill. The bill presumes that housing developers are better equipped than local governments to determine how many parking spaces a development needs. CML is concerned with the many potential side effects of this preemption of local control.

**TOWN OF PAONIA  
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
TOWN ADMINISTRATOR'S OFFICE					
ADP Workforce Software Integration with Caselle	Now that the integration is complete on timekeeping and payroll, the integration to automatically book pay as reported in ADP to the GL in Caselle is being worked on with ADP and Professional Management Solutions.		11.1.23	11.24.23	12.1.23
FY-22 Audit	Professional Management Solutions reported that the Audit should be finished in October, 2023, after further discussion it was determined that an RFP will need to be submitted and an Audit firm selected. RFP was live on 8.16.2023 with a closing date of 9.14.23. Auditor Selected & Accepted on 9.25.23, Items for audit submitted to auditors, Accurate GL Trial Balance submitted to auditor 11.14.23. The Auditors have completed: General Review, Cash Review, Receivables Review, Accounts Payable Review, Revenues and Expenses Review, Net Assets Review, and No Single Audit was needed. The auditors are currently reviewing Capital Assets (Submitted 1.17.24), and Accrued Liabilities, Long-Term Debt. The auditors provided us with a Trial Balance Grouping to review for accuracy & consistency and that should be completed by 1.22.24. The audit is getting close to complete.		7.17.23	1.19.24	
CDOT Revitalizing Main Streets Grant, "Safe Pathways for Paonia," 3-Points InX Grand, 4th & 5th	SGM CO #1 Forthcoming adding scope of work for GeoTech Eng. Svcs., and MOT plan to design set & Striping Plan, and Adding Add'l. meetings to Project Admin. as req. by CDOT. (Odisea didn't include in original design). CO #1 approved at the 8.22.23 Board Meeting, CO #1 was executed and submitted to SGM on 8.28.23. CDOT approved RMS Grant, R/W acquired from School Board and design is being finalized for construction. CDOT & SGM informed the Town that construction is likely in Spring 2025 and the estimated probable cost of construction is \$2.5MM		7.14.23	1.19.24	
Policy Reviews: Purchasing, Internal Controls, and Personnel	Collecting various policies for review - first discussion at Department Head Meeting on 7.18.23, 8.1.23 Dept. Head meeting discussed procurement policies needing updates and building permit processes for updates. These processes and policies will be a product to be worked on during 2024. Purchasing, Internal Controls estimated completion 3/30/2024; Personnel estimated completion 6/30/2024.		7.17.23	11.24.23	
Ordinance for Water Companies/Agreements with Water Companies	At a minimum an agreement with water companies that describes expectations from the town, expectations from the water companies/subdivisions, indemnification, and insurance requirements should be considered to reduce liability to the town. Further discussion with the Water Attorney is necessary. Standardized IGA with Water Companies with clauses for maintenance and increasing bulk water rates for non-compliance/if Water Company chooses to have the town complete maintenance. Town Attorney working on Draft Agreement for Hidden Valley water company. Multiple Water Companies have requested formalized agreements with the Town.		7.11.23	1.19.24	

**TOWN OF PAONIA  
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
Code Re-Write	If funded by DOLA grant, then an RFP will need to be issued to meet the competitive bid requirement. Scheduled a phone call with a separate consulting firm to get a budget figure on price for DOLA grant for 8.28.23, once budget price received, will submit to DOLA for their consideration. Received Council Approval for \$25,000 Match from DOLA Admin Grant on 9.14.23. Submission of Grant on 9.15.23. Resubmitted Grant information to DOLA on 11.22.23. RFQ will be live in 2024 after grant funding is awarded and approved. RFQ will be made live on 2.5.24		7.11.23	1.19.24	
Chase ink Credit Account	Submitted a letter to Chase Card Services to get control of the online banking account for the Chase ink Credit Card. Would like to see if any cashback rewards have been earned, and if so, where are they. Continue to get control of Chase Bank Credit Cards - will need to travel to Telluride and visit Chase Banker in person. Form has been signed by former finance director and signed by myself and sent to Chase Bank for final approval. Awaiting Chase Banks response.		7.28.23	1.19.24	
Return Un-used items from SIPA grant	Returned Klipsch Bluetooth Speakers for a credit, opened a case with Amazon to return the audioquest dragonfly cobalt DAC, need to contact Amazon to return (2) Ankerwork Powerconf S500 units.		8.1.23	8.1.23	
Special Event Process and Applications	Improve the process and include the recent ordinance for street closures in the application process. This also includes the process for park reservations. Expected completion date: 5/31/24		8.1.23	11.24.23	
DOLA IHOP Grant Reporting - Housing Needs Assessment	Reimbursement reporting for IHOP Grant. Submitted first reimbursement request for HNA in the amount of \$32,348.25. Expect to receive the balance of funds during final reporting period of FY-23, or first reporting period of FY-24. Requested to amend the contract for IHOP Grant to allow for code revision language and tying the HNA into the Housing Element of the Comprehensive (Master) Plan.		8.31.23	1.19.24	
Ordinance for Traffic Schedules	Ordinance for traffic schedules including: revized speed limit schedule, traffic control signage schedule, and crosswalk schedule. Draft is complete, discussion with Staff at 8.29.23 Department Head meeting, and send to Town Attorney for Review. 9.12.23 meeting introduced ordinance for speed limits, stop signs, crosswalks, and parking restrictions. Revised Final Draft Ordinance to be on December 12, 2023 Meeting.		8.1.23	11.24.23	12.12.23
<b>FINANCE DEPARTMENT</b>					
Caselle GL Updates & Chart of Accounts	Professional Management Solutions working with Amanda to get Chart of Accounts correct and GL updated with the most recent reconciliations. This will be marked ongoing until it becomes a normal internal process completed by Staff.		3.1.23	ONGOING	
Schedule of Fees	Introduced at the 7/11/23 Council Meeting. Further discussion may be warranted - including with sidewalk fees. To be on December 12, 2023 Meeting - balancing the FY-2024 Budget relies on edits to the schedule of fees.		7.11.23	11.24.23	12.12.23
Utility Rate/Fees	Proposed Water and Sewer Rate increases will be on the December 12, 2023 Board meeting for consideration of approval.		7.14.23	11.24.23	12.12.23
Working on chase credit cards for Michelle	Half way through entering each item on an excel sheet. Some things need to get coded.		9/8/2023	11/10/2023	12.1.23

**TOWN OF PAONIA  
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
CLERK'S DEPARTMENT					
Equipment Surplus	Asked Department Heads to start assessing what may be eligible to be declared Surplus Due November 1st. Awaiting finalized lists so that the surplus can be placed on a Regular Board Meeting agenda for disposal approval.		7.19.23	11.24.23	
Records Management System Development and Implementation	Organizing and documenting files and records	Staff Time and pending		9.7.23	
Point & Pay/ Caselle Integration	Point & Pay and Caelle have gotten Caselle Connect installed and are mapping the online points right now	Point and Pay Absorbed Costs	2.15.23	11.17.23	
Set up UMB Coding Strings	Staff training 1.17.24	Staff time	8.10.23	11.16.23	
Create checklists for Clerk Duties	Create checklists, for all permits, licensing, agenda, board meeting, record retention, new hires etc for consistency and thoroughness. Updating as we go concurrent with the training for new Deputy Clerk	Staff Time	7.19.23	9.11.23	
Records and vault reorganization, retention compliance	Actively going through, starting new organization process and logging	Staff Time	8.15.23	9.14.23	
MuniDocs clean- up & catch up	Still in process as time permits, This has also become the landing place for Board Committee Agenda's and minutes		9.14.23	10.12.23	
Cardholder policy and agreement	Waiting for Review	Staff time	11.2.23	11.21.23	
2024 Municipal Election	IGA from Delta County Received and placed on 1.09.24 BoT agenda; Election packets prepared and ready for candidate pick-up. Need to apply for access to SCORE	\$2,094.00	11.15.23	12.19.23	
Special Events Process	Reimplemented Pre-event Staff meetings for ALL Events, created note template for filing and follow-up and set Policies. Working with Town Administrator to propose a policy to help streamline processes and make Special Events easier to administer and regulate.		7.1.23	11.24.23	
Payroll reconciliation	Worked with Michelle, at Professional Management Solutions to create routine process to smooth the process of bank reconciliations between departments		12.6.23	12.6.23	
TextMyGov	Set-up and integration in process				



**TOWN OF PAONIA  
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
Process new Liquor License					
Process new Retail Marijuana license	License conditionally approved by Board pending Tax Bond, sign design compliance and final building permit approval. Administrator and Clerk have worked with RMJ license holders on bond and sign process and Clerk has sent letter of conditional approval to the MED.	Revenue \$5000.00	11.15.23	12.19.23	
Minor Subdivision	Public hearings set and noticed for : Planning Commission - 1.17.24 @ 5pm and Board of Trustees - 1.23.24 @ 6:30 pm		11.22.23	12.19.23	
<b>PUBLIC WORKS DEPARTMENT</b>					
Sidewalk Asset Plan	Working with contractor to determine which projects have been completed within the last 4-5 years. Asset Plan found and being implemented from SGM in 2020.		6.14.2023	11.24.23	
ADA Transition Plan	Discussed at Department Head Meeting, will need to begin to evaluate crossings throughout intersections in Town. Will add this to fulcrum and add notes in GIS about intersections in compliance and intersections that need to be brought into compliance with ADA standards. Working with Town Administrator to accomplish a true plan.		8.1.23	11.24.23	
Remove old flagpoles from arch at Town Hall and Replace with US Flag and Colorado Flag under archway	Cory to evaluate what can work underneath the archway that can safely and respectfully display the US flag and the Colorado State Flag. PW Staff fabricating a hanging display for under the vestibule 8.25.23. Need to schedule time to install with employees.		8.1.23	11.24.23	
Miner's Memorial in Town Park	Add Temporary vapor barrier to top of walls while awaiting new granite pieces being purchased. Completed 10.15.23.	\$2,500	8.22.23	11.24.23	10.15.23
Add cornering mirror at Pan American and Rio Grande	Completed installation of cornering mirror at Rio grand and Pan A	\$300	8.8.23	11.24.23	
Working on lead service line inventory	Collecting and analyzing historical records		11/6/2023	11.13.23	
Mays water availability.	Conveyance agreement with Bone Mesa for raw water coming off of Gelwick through the Town's pipe to the splitter box at Mays				

**TOWN OF PAONIA  
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
<b>WATER DEPARTMENT</b>					
Utility Fee Study	Water and Sewer Rates need to be reviewed. 20-year cash flow analysis for water and upcoming restrictions on NPDES permit for wastewater necessitate increases in the rates for utilities. Proposed Rate increases on the Board agenda for December 12, 2023.		7.14.23	11.24.23	
CDPHE Free Assistance Program for Lead Service Lince Replacement	Applied today for the program with Cory and Stefen as PoC. Will evaluate this program in FY-2024.		8.1.23	11.24.23	
Replace meters at Burges & Lamborn Mesa Water Companies	Burges Vault in process of repair and Lamborn Mesa meter replacement will begin soon. Final cost for completing these projects need to be submitted to the Town Administrator and Finance for appropriate accounts receivable.		8.3.23	11.24.23	
Mays Meetering.	Raw Water at the Mays Springs is being metered. Data is being sent to Brian Mitchem. This is before the split to Bone Mesa.				
Mays Cleanup	Clearing trees and brush at Mays along the springs so that tree roots don't get into the pipes				
<b>WASTEWATER DEPARTMENT</b>					
Utility Fee Study	Water and Sewer Rates need to be reviewed. 20-year cash flow analysis for water and upcoming restrictions on NPDES permit for wastewater necessitate increases in the rates for utilities. Proposed Rate increases on the Board agenda for December 12, 2023.		7.14.23	11.24.23	
NPDES Contact Update	Stefen needs to be added as the Executive/Administrative contact for the NPDES Permit. All Correspondence regarding NPDES Permit needs to go to Town Hall Attention: Stefen Wynn, Town Administrator. Follow-up needed to make sure that this is properly completed.		8.1.23	11.24.23	

**TOWN OF PAONIA  
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
<b>POLICE DEPARTMENT</b>					
Compiling possible municipal code additions, subtractions, and combinations to adress shortfalls in current muni code	The department is looking at approximately five (5) code updates/ replacements/new codes to be added by the end of the year.		5/1/2023	11/14/2023	
Reviewing possible municipal code fee/fine updates to adress shortfalls in current muni code	Reaching out to other like sized or surrounding municipalities to compile fee and fine amounts. Final recommendations are needed for inclusion in the December 12, 2023 Board Meeting.	UNK	4/1/2023	11/14/2023	
Lexipol Policy manual review and implementation.	Policies are being reviewd weekly and some changes made. Some policies are sent to town legal counsel for review and input.	PD Admin Function	12/1/2022	11/14/2023	
Patrol Car Outfitting	With a fully staffed department we are needing to get a patrol car fully set up. The patrol car currently being used by the newest officer has no cage for safely transporting individuals. The patrol car is also lacking any radar equipment or overhead lighting.	PW Staff/Donated Eqpt	4/1/2023	11/14/2023	
ESS Security Training	Department Staff are continuing to take the ESS trainings and work towards the 630 Point minimum point threshold	Patrol Function	5/1/2023	1/1/2024	
Need municipal court subpoena template.	Town legal counsel has supplied a template.	UNK	7/1/2023	11/14/2023	Nov-23
Need more cloud based strorage for bodycam footage storage.	Awaiting budget to actuals for 2023 fiscal year to identify purchasing window.	\$3,304.40 for BWC and increased storage.	8/1/2023	11/14/2023	23-Dec
Patrol Truck has significant hail damage	Truck is scheduled for repair on March 12th 2024	UNK	7/1/2023	1/11/2024	
Bulletproof Vest updating	Vests have been ordered. Invoice Received	\$7,726.50	12/12/2023	1/9/2024	Invoice Paid
Training Hours need entered into Benchmark for POST credit	Hours are currently being entered and all officers have attained the mandatory number of training hours	Hourly Rate	1/1/2023	12/19/2023	23-Dec
Patrol Car Outfitting	With a fully staffed department we are needing to get a patrol car fully set up. The patrol car currently being used by the newest officer has no cage for safely transporting individuals. The patrol car is also lacking any radar equipment or overhead lighting.	PW Staff/Donated Eqpt	4/1/2023	1/2/2024	
Implementation of Spillman FLEX	Awaiting implementation schedule from Motorola	\$25,121.24	3/1/2023	12/19/2023	
Need one more bodycam to outfit all sworn officers with contracted equipment.	Quote has been provided. Cost will require TA approval due to purchasing policy requirements	\$3,304.40 for BWC and increased storage.	8/1/2023	1/4/2024	
<b>CDOT Revitalizing Main Streets Grant, "Safe Pathways for Paonia," 3-Points InX Grand, 4th &amp; 5th</b>					
CO#1 from SGM	SGM CO #1 Forthcoming adding scope of work for GeoTech Eng. Svcs., and MOT plan to design set & Striping Plan, and Adding Add'l. meetings to Project Admin. as req. by CDOT. (Odisea didn't include in original design.	\$40,000.00	7.17.23	11.24.23	
Water Department Water Line Verification	Water Line under InX may need replaced if it's steel or iron. Cost will be internal labor to replace it, and needs coordinated with final contractor - WD to verify pipe under roadway. Verified that the pipe was replaced with plastic, but the fire hydrant that it connects to is almost 40 years old and time to be replaced. It will be included in the intersection improvements.		7.17.23	11.24.23	
Construction Timeline	Construction is estimated to begin in Late-Spring - Mid-Summer of FY-2024.	\$1,032,000.00	7.17.23	11.24.23	

**TOWN OF PAONIA  
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
R/W Acquisition - School Board	Plat from the school needs to be recorded - need to contact Wilmore for changes to legal description; County needs to give R/W ASAP; Need to contact private property owner about R/W in front of home (may have an easement). Scheduled to go to the next School Board Meeting for approval - scheduled for 9.14.23. Received the school board R/W, Paonia Plan commission approved in October, and Board of Trustees to consider approval on 11.28.23	N/A	7.17.23	11.24.23	
Verify R/W for County	Portions of the project lay within the Delta County. The portions within Delta County were given to them by CDOT and there may exist an agreement that the County hold it in perpetuity. SGM is checking with CDOT to ensure that the agreement between CDOT and Delta county is sufficient for project purposes. Once confirmed, all R/W will have been acquired for this project.	N/A	11.1.23	11.24.23	

**TOWN OF PAONIA  
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
<b>DORRIS AVE. SEWER REPLACEMENT</b>					
Project Closeout	Project has been completed. CO #1 & #2 have been approved and after final payment is submitted for the change orders, the project will be completely closed. Reimbursement Requests have been submitted and returned by DOLA. Resubmission in the appropriate format will be the week of 11.27.23. The maximum project award for Tier I EIAF grants is \$200,000. This project was awarded approximately \$130,000. The TA will ask to see if the grant request can be amended since bids were higher than expected and there were two change orders that were unforeseen.		7.17.23	11.24.23	

**TOWN OF PAONIA  
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
<b>Hydrogeological Study</b>					
Grant for \$25,000 Colorado River Water Conservation District Grant	Contract, COI and W-9 sent and received		7.20.23	11.24.23	
Grant from Roundtable	\$25,000 awarded to Paonia for completing the Hydrogeological Study		7.20.23	11.24.23	
CWCB Grant	Awarded \$147,973 towards the Hydrogeological Study		7.20.23	11.24.23	
RFP Available on Bidnet	RFP for completing the study is live on bidnet and consultants have been direct solicited.		11.1.23	11.24.23	
<b>HOUSING NEEDS ASSESSMENT</b>					
Housing Needs Assessment	Final HNA and Housing Action Plan has been accepted by the Plan Commission and Board of Trustees and will be included in the <u>DRAFT of the Master (Comprehensive) Plan.</u>		5.1.23	11.24.23	
DOLA IHOP Reimbursement	3rd Quarter FY-23 reimbursement request submitted and \$32,348.25 will be sent to the Town from DOLA. 4th Quarter FY-23 reimbursement will be submitted and the final reimbursement amount will be requested.		7.1.23	11.24.23	



**TOWN OF PAONIA  
DEPARTMENTAL SCORE CARD**

ISSUE	STATUS	ESTIMATED COST	INITIAL PROJECT DATE	CURRENT STATUS DATE	DATE COMPLETED
<b>MASTER PLAN</b>					
Met with Phoenix Rising Resources	On 1.5.2024, met with Phoenix Rising Resources Principal to go over expectations and a timeline to finish the project.		5.1.23	1.19.24	
Timeline	1/17 PC Meeting with Status Update; 1/22 Survey Questions from Consultant for Publication; 1/23 Status Update for BoT; 2/2 Staff Meeting with Consultant; 2/27 Status Update for BoT; 2/28 FLUM Meeting PH at PC; 3/1 Staff Meeting with Consultant; 3/13 Draft Element Presentation PH at PC Meeting for Infrastructure; 3/26 Status Update for BoT; 3/29 Staff Meeting with Consultant; 4/3 Draft Element Presentation PH at PC for Transportation, Governance & Community Participation; 4/23 Status Update for BoT; 4/26 Staff Meeting with Consultant; 5/1 Draft Element Presentation PH at PC for Growth Framework, Economic Development, Parks, Recreation & Trails; 5/28 Status Update for BoT; 6/5 Final Presentation PH for Adoption at PC; 6/18 PH Final Adoption by BoT	\$52,395.00	1.19.23	1.19.23	
DOLA Planning Grant	Reimbursement for work already completed will be submitted during week of 11.27.23		5.1.23	11.24.23	
<b>PHASE I - WATER IMPROVEMENTS</b>					
Proposed Alignment	Meeting held on 7.24.23 regarding Existing water line alignment & GIS Data Accuracy. Proposed alignment options to consider, avoid easements by placing the water line in road R/Ws. AC line feeding old water plant, Evaluate PRV needs. Main Line improvements are being realigned so that they follow existing rights of way along roadways in areas that they are possible to be relocated.		7.24.23	11.24.23	
Easement Acquisition	May need to plan for two lines, potable and raw water, Town representative to negotiate easements (Town Administrator) once they're located. Land acquisition amounts have changed and are being finalized, if necessary at all.		8.1.23	11.24.23	
Items Needed from Town Staff	As builds for PVC Loop; Exhibit of consecutive systems; photos of PRV 7; 8 & 9 (Jordan provided on 7/25 to Respec); Inventory meters to be replaced along the alignment. All items needed from Town Staff have been provided, including the 20-year cash flow analysis for the Project Needs Assessment.		7.25.23	11.24.23	
File for EIAF Tier II Grant	On 7.27.23, a grant application was filed for EIAF Tier II with project number 09721. DOLA Staff accepted the application for consideration on 8.3.23. Town was awarded \$965,000 for Tank Relining.	\$ 965,000.00	7.27.23	11.24.23	
Project Needs Assessment	Has been completed and submitted to CDPHE for consideration. Staff, consultants and Mayor Bachran completed various pieces of the PNA, and this is a monumental step towards project funding for DWSRF.		3.1.23	11.24.23	
SRF Loan Application	SRF Loan Application is being considered for FY - 2024 and is budgeted for approximately \$7.3MM		3.1.23	11.24.23	
American leak detection survey, Jeremiah working on it	0 rd , dry gulch, and lone cabin east loop still need surveyed		4.1.23	12.12.23	



## EXTERNAL MEMORANDUM

**To:** Cory Heiniger  
Public Works Director  
Town of Paonia  
214 Grand Avenue  
Paonia, CO 81428

**cc:** Project Central File W0333.22002

**From:** Douglas E. Schwenke  
Principal Engineer  
RESPEC  
5540 Tech Center Drive, Suite 100  
Colorado Springs, CO 80919

**Date:** January 9, 2024

**Subject:** Tap Moratorium

This memorandum serves as an updated engineering opinion on the existing Town of Paonia (Town) tap moratorium. An engineering opinion on the existing tap moratorium was last provided on May 19, 2023. The following criteria were considered in assessing the necessity for the tap moratorium:

- / Water supply versus demand
- / Infrastructure health
- / Public Works staffing

The format provided below is consistent with RESPEC’s previous engineering memorandums addressing the Town’s tap moratorium. The intent is to provide new readers with the basics of the Town’s water system and allow for easy comparison with past tap moratorium memorandums.

### WATER SUPPLY VERSUS DEMAND

The Town’s raw water is sourced from a network of springs. These springs are piped to an Upper Facility (Lamborn) or Lower Facility (Clock) where flow is metered and recorded by facility operators. For the sake of this memorandum, the volume of water that reaches each facility is considered ‘firm yield’. Not all water produced by each spring (spring production) reaches these facilities. Water rights limit how much water is allowed to be diverted and used by the Town, and some water “spills” before reaching either facility because of the condition of spring collection systems and pipelines.

In previous correspondence regarding the Town’s tap moratorium, limited data were identified as one obstacle to providing an engineering opinion. Specifically, RESPEC

5540 TECH CENTER DRIVE  
SUITE 100  
COLORADO SPRINGS, CO 80919  
719.227.0072



requested additional firm yield and water treatment plant outflow (i.e., volume of treated water) data. Since March 2022, Town operators have recorded daily the volume of water reaching the Upper Lamborn Facility and intermittently recorded flows at the Lower Clock Facility. **Table 1** presents a summary of this data.

**Table 1. Demand Versus Supply Analysis 2017-2019, 2022, 2023**

	2017	2018	2019	2022 <sup>(a)</sup>	2023
Metered Flow	Acre-Feet	Acre-Feet	Acre-Feet	Acre-Feet	Acre-Feet
Lamborn Water Treatment Plant Inflow	512.05	579.52	528.60	402.25 <sup>(b)</sup>	427.06 <sup>(b)</sup>
Lamborn Water Treatment Plant Outflow <sup>(b)</sup>	460.33	460.33	460.33	397.96	388.16
Inflow - Outflow Difference (Spill)	169.63	192.02	175.10	4.29	38.9
Customer Demand	263.93	298.83	272.49	241.08	245.71
Water Treatment Plant Outflow - Demand Difference	196.41	161.51	187.85	156.88	142.45
% Difference	42.67	35.08	40.81	39.42	37.70
Clock Inflow <sup>(d)</sup>	—	—	—	153.90 <sup>(d)</sup>	129.52

(a) 2022 daily water data collection began in March thus data is not representative of a full calendar year.

(b) Reduced volume into the water treatment plant may be attributed to spring water purposely spilled at the source.

(c) Water treatment plant outflow between 2016 and 2020 based on a single data point over 5 years.

(d) Clock inflow data were collected between May-December 2022. Beginning in July 2023, Reynold's spring was diverted to the Lamborn Treatment Facility and spring flows to the Clock facility are mostly intentionally spilled on the mountain because the water is not put to beneficial use.

In Table 1, % Difference depicts unaccounted (i.e. non-revenue) water after treatment. A fraction of this unaccounted water is spilled water from the finished-water tank overflow. Since November 2022, overflow from the finished water tank no longer occurs. The remaining unaccounted water can be attributed to the distribution system (e.g., pipe leaks, unmetered water, meter error). Public Works staff implemented an American Water Works Association (AWWA) program to identify water losses within the distribution system, identify leaks, and reduce the volume of unaccounted water. Some unaccounted water is typical and a continuous area of focus in data collection for a public water system.

In 2023, Town Public Work staff worked with a third-party leak detection company to survey three large sections of the distribution system. This includes In-Town pipelines. Identified leaks have been repaired when they have been discovered. Moreover, replacement of customer and consecutive system water meters have been aimed at improved water demand accounting. In addition to improved metering and data collection at each facility, the Colorado Division of Water Resources manages spring production data. There should be improvements made to the metering of these spring flows as well. While collected Data since March 2022 supports that the Town has adequate supplies to support demand, this data does not represent supply in "dry" years. It is also unknown how much Raw Water is actually available to support existing water rights. The Town is working to secure funding for improved spring metering and engaged its water rights attorney to confirm the Town's allocation of raw spring water, the latter being a substantial effort given the complexity of the Town's water rights. Improved data



collection should remain a priority for better understanding and management of the Town's water system.

Finally, a recent Request for Proposals (RFP) for a hydrogeological study of the Town's raw water collection system targets strategic understanding and management of the Town's raw water resources. Advanced water resource management and improved metering will prove necessary for long-term municipal planning.

### **INFRASTRUCTURE HEALTH**

Critical infrastructure improvements were also suggested by RESPEC in previous memorandums as a starting point for lifting the tap moratorium. RESPEC company, LLC collaborated with Public Works staff to develop a phased approach to capital improvements that prioritizes those critical to lifting the tap moratorium. This initial Phase I Capital Improvement Plan (CIP) includes:

- / Recoating the 2-million-gallon finished-water storage tank at the Upper Lamborn Facility
- / Replacing an 8-inch steel water main on the west loop into Town
- / Installing new raw water spring meters
- / Installing an additional pressure-reducing valve (PRV)

Repairs to the lower Clock finished-water storage tank were not included in the final draft of CIP Phase I Improvements. How to make use of water that can be collected at the Clock facility has become a priority of planned CIP Phase II Improvements. As seen in Table 1, even with raw water spring flows intentionally or unintentionally spilled on the mountain, the volume of water observed reaching the Clock facility represents a meaningful portion of the Town's water portfolio. Budgeting for future water system capital improvement efforts was included in a 20-year cash flow analysis that was submitted as part of Project Needs Assessment (PNA) report. This PNA is a required step in a funding application through the State of Colorado Drinking Water Revolving Fund (DWRP). The Town is currently in the design phase of Phase I Improvements. A loan application for Phase I improvements is expected to be submitted in 2024.

After the completion of CIP Phase I Improvements and with greater confidence in the water supply, the Town will be able to consider additional water services on a case-by-case basis. As planning for the geographical service area evolves, additional infrastructure limitations may be identified, and improvements needed, to support specific water service requests.

### **PUBLIC WORKS STAFFING**

While staffing was not included in RESPEC's previous tap moratorium opinion memorandum, it was identified as a critical limitation of the Town's water system in its 2019 Water System Evaluation report. The Town's water system is unique in its size and complexity, especially for the size of the customer base served. Since 2019, the Town has increased the number of Public Works staff dedicated to its water and wastewater systems. Maintaining adequate staffing levels must continue to be a priority to ensure proper oversight, operation and maintenance of the Town's water and wastewater infrastructure.

## Comprehensive (Master) Plan

While working on completing the FY-2022 Audit and beginning the FY-2023 Audit, my focus will be on ensuring that the Comprehensive Plan is adopted this year. On January 5<sup>th</sup>, 2024, I met with the consulting firm, Phoenix Rising Resources, to go over expectations and a timeline to finish the project. I'm pleased to report that we've got a path forward that I believe is not only achievable but will also result in a Comprehensive Plan that we can be proud of adopting.

- 1/17 Plan Commission Meeting with Status Update
- 1/22 Survey Questions from Consultant for Publication
- 1/23 Status Update for Board of Trustees
- 2/2 Staff Meeting with Consulting Firm
- 2/27 Status Update for Board of Trustees
- 2/28 Future Land Use Public Input Meeting with Plan Commission **Public Hearing**
- 3/1 Staff Meeting with Consulting Firm
- 3/13 Draft Element Presentation to Plan Commission (Infrastructure: Water, Sewer & Treatment, Urban Forest, Sanitation & Resource Recovery) **Public Hearing**
- 3/26 Status Update for Board of Trustees
- 3/29 Staff Meeting with Consulting Firm
- 4/3 Draft Element Presentation to Plan Commission (Transportation, Governance & Community Participation) **Public Hearing**
- 4/23 Status Update for Board of Trustees
- 4/26 Staff Meeting with Consulting Firm
- 5/1 Draft Element Presentation to Plan Commission (Growth Framework, Economic Development, Parks, Recreation & Trails) **Public Hearing**
- 5/28 Status Update for Board of Trustees
- 6/5 Final Draft Presentation and Adoption at Plan Commission Meeting **Public Hearing**

The Town entered into a \$52,395.00 agreement with Phoenix Rising Resources on February 28, 2023. The Town also received \$25,000.00 for the project from DOLA. In 2023, the Town spent \$30,193.51 on Phoenix Rising Resources for work towards deliverables and has \$22,201.49 left on the contract with the consultant to finish the project in FY-2024.



**From:** [Calla Rose Ostrander](#)  
**To:** [Stefen Wynn](#); [Samira V](#)  
**Subject:** Comprehensive Plan Change Order Hours  
**Date:** Friday, January 19, 2024 3:21:40 PM

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Dear Stefen and Samira,

We are requesting the following increases in hours to support the completion of the Comprehensive Plan. This includes admin and project management for an additional 6 months, the request to increase from one map to at least six, and the change in scope from a 30-40pg summary paper to a complete comprehensive plan with page length likely between 60-100pgs. I will come to the Board of Trustees meeting with a full breakout of hours by deliverable.

Planning Hours: 71hrs @ \$150/hr

Writing, Research, Community Outreach, Business Survey, Editing Hours: 100hrs @\$50/hr

Total cost increase: \$15,650.00

Thank you,  
Calla Rose

--  
Calla Rose Ostrander

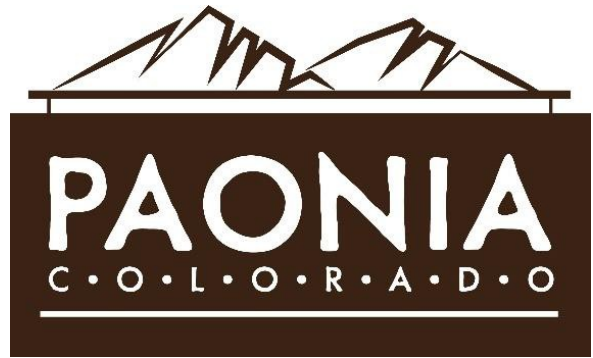




**TOWN OF PAONIA  
BOARD OF TRUSTEES MEETING  
STAFF REPORT**

<b>AGENDA ITEM:</b>	Agenda Item #3: Consideration of Approval of Letter of Support to Dark Skies International
<b>SUBMITTED BY:</b>	Stefen Wynn, Town Administrator
<b>DATE:</b>	1.19.24
<b>BACKGROUND:</b>	On July 29, 2022, the Board of Trustees passed Ordinance 05-2022, An Ordinance Amending the Paonia Municipal Code with the Addition of Certain Sections to Chapter 16, Art. 7 Regarding Outdoor Lighting Regulations, AKA Dark Skies. The Dark Skies Paonia Organization is applying for International recognition through the Dark Sky Community and requests a letter of support from the Mayor & BoT to become a member of DarkSky International. Dark Skies Paonia also requests that the Town commit to replacing light fixtures throughout Town that are identified as not being compliant with the Dark Skies program. The light fixtures at the old football field can be shielded and may become in compliance after upgrades, and that differs from the Dark Skies Paonia recommendation. The total estimated cost of replacement is under \$5,000. The final item for consideration is allowing Dark Skies Paonia to place a Tess Sky Quality Monitoring apparatus on Town Hall.
<b>BUDGET:</b>	\$5,000 over 5 years.
<b>RECOMMENDATION:</b>	<b>RECOMMENDED MOTION:</b> I move to approve a letter of support for Dark Skies Paonia to become a recognized member of DarkSky International, and to include the five-year plan in the Town's budget process for 2025 - 2029, and to allow for the installation of Tess Sky Quality Monitoring on Town Hall.
<b>ATTACHMENT:</b>	Attachment A: Dark Skies Paonia Request to be on Agenda Attachment B: 12.18.23 Paonia Town Owned Lights_Inventory_Plan.pdf

**TOWN OF PAONIA**  
**REQUEST TO BE PLACED ON AGENDA**  
PO Box 460  
Paonia, CO 81428  
970/527-4101  
Paonia@townofpaonia.com



Here are things you need to know:

Formal Board agenda items should be matters of substance for the Board to consider. Examples include: Presentations to the Board seeking support or wishing to inform the Board of plans that affect the Town, Committees presenting their goals and accomplishments, Items that need Board approval to proceed.

**Submitting an agenda request does not guarantee placement on an agenda. The Mayor will determine if this is an appropriate item for consideration on the Board of Trustees' formal agenda.**

**Should this request be denied, the requester may present their item in writing to the Board under correspondence received or by making a verbal comment within the established time limit at the beginning of a regular meeting.**

Please complete the following information and return this form no later than Tuesday, two weeks prior to the Board meeting to the Town Hall at 214 Grand Avenue. If the regular meeting is on the Tuesday the 28<sup>th</sup>, the request must be received before 5pm on Tuesday the 14<sup>th</sup>.

If your issue is placed on the agenda, be aware that your presentation is limited to 5 minutes.

Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.  
Regular Board meetings are scheduled for the second and fourth Tuesdays of each month.

**Subject: Up to 6 words (example: Town Park, Potholes, Open Meetings, etc.)**

\_\_\_\_\_

**Name of Requester or Presenter:** \_\_\_\_\_

**Representing: (Group or Agency name, or Self)** \_\_\_\_\_

**Date of submittal:** \_\_\_\_\_

**Date of Requested Board Meeting: (Insert Board Meeting date)** \_\_\_\_\_

**Specific request:**

.....

Describe the problem that requires resolution\* or the topic(s) to be presented:

**\*The Problem**

- What is the problem that needs to be addressed?
- Please start with defining the problem, not describing the solution.
- Please explain briefly why it is essential that the Town address this problem.
- This section should be no more than 4-5 sentences long.

**Recommendation** (Please state your recommendation here, along with the main points needed for approval of your request, at most 50 words.) Example: The Paonia Association recommends the Board pass an ordinance preventing elk from standing in the road.

**What staff member have you spoken to about this? Please summarize your discussion:**

Contact information:

Name: \_\_\_\_\_  
Physical Address: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
  
E-mail: \_\_\_\_\_  
Daytime Phone: \_\_\_\_\_

Office Use Only:  
Received: \_\_\_\_\_  
Approved for Agenda: \_\_\_\_\_  
Board Meeting Date: \_\_\_\_\_

**Print Form**

**Email Form**



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## ARTICLE 8. ZONING BOARD OF ADJUSTMENT

### Sec. 2-8-10. Creation.

A Zoning Board of Adjustment, referred to in this Article as the "Board," is hereby created.

(Ord. No. 2000-02, Art. XXI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

### Sec. 2-8-20. Organization.

The Board shall have five (5) members; one (1) membership shall be filled by a current member of the Planning Commission. Appointment to membership shall be by the Board of Trustees for a term of three (3) years. Vacancies on the Board shall be filled for the remaining term in the same manner as the initial appointment. The Board shall elect from its membership a chair, secretary and such other officers as it may deem necessary during its first meeting of each calendar year, and shall adopt such rules as may be necessary for the conduct of its business.

(Ord. No. 2000-02, Art. XXI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

### Sec. 2-8-30. Meetings.

Meetings of the Board shall be held at the call of the Chair. All meetings shall be open to the public. Members of the Board shall be notified at least twenty-four (24) hours prior to the time of the meetings. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(Ord. No. 2000-02, Art. XXI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

### Sec. 2-8-40. Powers and duties.

Upon appeal, the Board shall have the following powers:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal by an administrative official or agency based on or made in the enforcement of Chapter 16 of this Code.
- (2) To hear and decide appeals wherein there is question on the interpretation of the Zone District Map or similar questions as they may arise in the administration of Chapter 16 of this Code.
- (3) To hear and decide appeals for special exceptions to the provisions of this Code, such exceptions to be known as variances.

(Ord. No. 2000-02, Art. XXI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)



# TOWN OF PAONIA

## NOTIFICATION OF INTEREST IN SERVING ON VARIOUS COMMITTEES & BOARDS

EVERY FEW YEARS THE BOARD OF TRUSTEES FOR THE TOWN OF PAONIA ADVERTISE TO RECRUIT EXISTING BOARD MEMBERS WHO HAVE TERMS DUE TO EXPIRE AND INTERESTED VOLUNTEERS WILLING TO FILL VACANCIES ON VARIOUS BOARDS.

PLEASE LIST THE COMMITTEE THAT YOU ARE INTERESTED IN SERVING ON AND INDICATE IF YOU ARE A CURRENT MEMBER OR INTERESTED IN FILLING A VACANCY ON THIS BOARD OR COMMITTEE. THIS FORM IS TO MAKE IT EASIER FOR ALL PERSONS INTERESTED IN SERVING ON BOARDS.

DATE: 01/19/2024

NAME OF COMMITTEE/BOARD:

**ARE YOU A CURRENT COMMITTEE/BOARD MEMBER? LIST YOUR NAME AND WHICH BOARD YOU ARE CURRENTLY ON AND IF YOU ARE INTERESTED IN CONTINUING SERVICE FOR NEW TERM:**

Dale Duesterbeck  
NAME (PLEASE PRINT)

PLANNING & ZONING COMMISSION  TREE BOARD  VOLUNTEER   
ZONING BOARD OF ADJUSTMENTS/APPEALS  ADVISORY WATER COMMITTEE

**ARE YOU INTERESTED IN SERVING ON BOARD/COMMITTEE: NAME OF PERSON INTERESTED IN BEING CONSIDERED FOR APPOINTMENT ON BOARD:**

NAME (PLEASE PRINT)  
Dale Duesterbeck

ADDRESS:  
25529 Cactus Park Rd Cedaredge, CO 81413

CONTACT PHONE:  
720-291-8796

E-MAIL:

**NOTES: (INCLUDE LETTER OF INTEREST LISTING YOUR INTERESTS, KNOWLEDGE & SKILLS YOU FEEL WILL BENEFIT THE TOWN)**

  
SIGNATURE

[Print Form](#)

[Email Form](#)

January 19, 2024

Samira Vetter  
[samirav@townofpaonia.com](mailto:samirav@townofpaonia.com)  
Town of Paonia  
P.O. Box 460 / 214 Grand Avenue  
Paonia, CO 81428  
970-527-4101

Dear Samira,

I reviewed the posting of the Paonia Board of Adjustment position yesterday in your town hall for the planning department. I'm very interested in being on this committee for the planning department. I'm currently a Colorado Ad Valorem Appraiser with Delta County. I want to make a difference in the community and hopefully help the town of Paonia with the housing and land use codes. If you have any questions or need additional information, please feel free to contact me.

Best Regards,



Dale Duesterbeck  
25529 Cactus Park Road  
Cedaredge, CO 81413  
720-291-8796  
[dduester@msn.com](mailto:dduester@msn.com)



**TOWN OF PAONIA  
BOARD OF TRUSTEES MEETING  
STAFF REPORT**

<b>AGENDA ITEM:</b>	Agenda Item #5: Consideration of Appointing Town Administrator as Representative for the Town to the Stewart Ditch and Reservoir Company for the 2024 Annual Meeting
<b>SUBMITTED BY:</b>	Stefen Wynn, Town Administrator
<b>DATE:</b>	1.19.24
<b>BACKGROUND:</b>	<p>The Town of Paonia is a shareholder in the Stewart Ditch and Reservoir Company. Each year, the company hosts an annual meeting and the Town has a vote in the business activities of the company. The Town was mailed a proxy form, but the proxy must also be a stockholder of record. The Town is not seeking to add a proxy, but to designate that the Town's Representative is the Town Administrator. It is typical that the Town Administrator represents the Town in an official capacity for many functions, agencies and organizations. The Minutes from this meeting will serve as official recognition from the Board of Trustees that the Town Administrator is the designated representative for the Stewart Ditch and Reservoir Company.</p>
<b>BUDGET:</b>	N/A
<b>RECOMMENDATION:</b>	<p><b>RECOMMENDED MOTION:</b> I Move to designate the Town Administrator, Stefen Wynn as the Town's official representative to the Stewart Ditch and Reservoir Company.</p>
<b>ATTACHMENT:</b>	Attachment A: Stewart Ditch and Reservoir Company Proxy Form_2024.pdf

2024

~~2023~~ Annual Meeting

Stewart Ditch and Reservoir Company  
PO Box 386, Paonia, CO 81428  
[StewartDitchAndReservoir@gmail.com](mailto:StewartDitchAndReservoir@gmail.com)

January 8, 2024

Town of Paonia  
P.O. Box 460  
Paonia, CO 81428



2024

The ~~2023~~ Annual Meeting of the Stockholders of the Stewart Ditch and Reservoir Company will be held in the Paonia Town Hall Community Room, Paonia, Colorado on Tuesday, February 6, 2024 at 7:00 pm for the purpose of electing one member to the Board of Directors for a term of five years, and to consider all other business that may properly come before the stockholders at this meeting.

Please fill out the Proxy at the bottom of this letter and return to me. **The person you designate for your proxy needs to be a Stewart Ditch and Reservoir Shareholder or your proxy will not count.** You may pickup your proxy when you come to the meeting. If for some reason you cannot attend the meeting, your proxy will be given to your designated stockholder of record to act in your stead.

Regards,

Susan Miller, Treasurer  
719-207-0472

Karl Burns, President  
Ryan Bradley, Vice President

Bill Pecharich, Secretary  
David Miller, Board Member

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**Proxy**

Town of Paonia  
P.O. Box 460  
Paonia, CO 81428

I hereby constitute and appoint \_\_\_\_\_, a stockholder of record, to act in my stead at the annual meeting of the Stewart Ditch and Reservoir Company to be held in the Paonia Town Hall Community Room, Paonia, CO, Tuesday February 6, 2024 at 7:00 pm.

Dated this \_\_\_\_\_ day of January 2024

Signature of Stockholder \_\_\_\_\_

**Return to: Stewart Ditch and Reservoir, PO Box 386, Paonia, CO 81428 by January 31st**



**TOWN OF PAONIA  
BOARD OF TRUSTEES MEETING  
STAFF REPORT**

<b>AGENDA ITEM:</b>	Agenda Item #6: Consideration of Approval for USGS Agreement to Operate and Maintain the Gaging Station at the North Fork of the Gunnison River
<b>SUBMITTED BY:</b>	Stefen Wynn, Town Administrator
<b>DATE:</b>	1.19.24
<b>BACKGROUND:</b>	The Town of Paonia has historically contracted with the USGS to maintain and operate a gaging station on the North Fork of the Gunnison River that the Town uses when effluent is discharged from the waste water treatment facility. In the past the agreement has been within the approval limits of the Town Administrator, but this agreement is over the approval limit by \$1,868. The wastewater utility has enough to cover the additional expense within the FY-2024 Budget. The Wastewater Facility will not be able to operate without this gaging station in operation.
<b>BUDGET:</b>	70-51-43: \$5,000; will result in an intra-fund transfer of \$1,000 from 70-51-20 and \$868 from 70-51-42; or from any sub-fund deemed appropriate for a total of: \$6,868
<b>RECOMMENDATION:</b>	<b>RECOMMENDED MOTION:</b> I move to approve the agreement with USGS for the operation and maintenance of the gaging station at the North Fork of the Gunnison River.
<b>ATTACHMENT:</b>	Attachment A: 24REJFACO132 CY24 Town of Paonia JFW Rev.pdf

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR WATER RESOURCES INVESTIGATIONS**

**Customer No:** 6000001053  
**Agreement No:** 24REJFACO 132  
**Project No:**  
**TIN #:** 980204600

Fixed Cost  
Agreement

Yes  No

THIS AGREEMENT is entered into as of the **1<sup>st</sup>** day of **July, 2024** by the U.S. GEOLOGICAL SURVEY, Colorado Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the **TOWN OF PAONIA**, party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation Water Resource Investigations, **operation and maintenance of the streamflow gaging station, 09134100 North Fork Gunnison River below Paonia, CO**, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program.  
2(b) includes In-Kind Services in the amount of **\$0.00**.
  - (a) **\$2,015.00** by the party of the first part during the period **July 1, 2024 to October 31, 2024**
  - (b) **\$4,853.00** by the party of the second part during the period **July 1, 2024 to October 31, 2024**
  - (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of:  
**\$0.00** Description of USGS regional/national program: **NA**
  - (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
  - (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the scope of work are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www.usgs.gov/about/organization/science-support/science-quality-and-integrity/fundamental-science-practices>).
9. Billing for this agreement will be rendered **annually in September**. Invoices not paid within 60 days from date of bill will bear Interest, Penalties, and Administrative costs as the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. 3717) established by the U.S. Treasury.



Form 9-1366  
(May 2018)

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR WATER RESOURCES INVESTIGATIONS**

**Customer No:** 6000001053  
**Agreement No:** 24REJFACO 132  
**Project No:**  
**TIN #:** 980204600  
Fixed Cost Agreement  Yes  No

USGS Technical Point of Contact  
Name: Steve Anders  
Title: Supervisory Hydrologic Tech  
Address: 445 W. Gunnison Ave Suite 130  
City/State/Zip: Grand Junction, CO 81501  
Telephone: 970-640-7130  
Fax: 970-245-1026  
Email: spanders@usgs.gov

Customer Technical Point of Contact  
Name: Cory Heiniger  
Title: Public Works Director  
Address: P.O. Box 460  
City/State/Zip: Paonia, CO 81428  
Telephone: 970-417-6820  
Fax:  
Email: coryheiniger\_PW@townofpaonia.com

USGS Billing Point of Contact  
Name: Meghan Patterson  
Title: Budget Analyst  
Address: P.O. Box 25046, Denver Federal Center  
Address: Mail Stop 415  
City/State/Zip: Lakewood, CO 80225  
Telephone: 720-456-5081  
Fax: 303-236-4912  
Email: mpatterson@usgs.gov

Customer Billing Point of Contact  
Name: Stefen Wynn  
Title: Town Administrator  
Address: P.O. Box 460  
City/State/Zip: Paonia, CO 81428  
Telephone: 970-527-4101  
Fax:  
Email: stefen@townofpaonia.com

U.S. Geological Survey  
United States  
Department of Interior

Town of Paonia

SIGNATURE

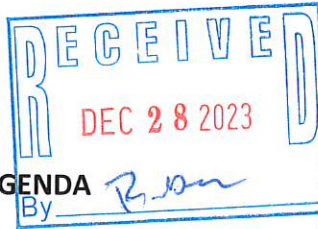
SIGNATURES

By: BRANDON FORBES  Digitally signed by BRANDON FORBES  
Date: 2023.12.11 10:06:18 -07'00' Date: \_\_\_\_\_  
Name: (acting for) Matt Ely  
Title: Director, COWSC/USGS

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:



TOWN OF PAONIA  
REQUEST TO BE PLACED ON AGENDA  
PO Box 460  
Paonia, CO 81428  
970/527-4101  
Paonia@townofpaonia.com

Here are things you need to know:

Formal Board agenda items should be matters of substance for the Board to consider. Examples include: Presentations to the Board seeking support or wishing to inform the Board of plans that affect the Town, Committees presenting their goals and accomplishments, Items that need Board approval to proceed.

**Submitting an agenda request does not guarantee placement on an agenda. The Mayor will determine if this is an appropriate item for consideration on the Board of Trustees' formal agenda.**

**Should this request be denied, the requester may present their item in writing to the Board under correspondence received or by making a verbal comment within the established time limit at the beginning of a regular meeting.**

Please complete the following information and return this form no later than Tuesday, two weeks prior to the Board meeting to the Town Hall at 214 Grand Avenue. If the regular meeting is on the Tuesday the 28<sup>th</sup>, the request must be received before 5pm on Tuesday the 14<sup>th</sup>.

If your issue is placed on the agenda, be aware that your presentation is limited to 5 minutes.

Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.  
Regular Board meetings are scheduled for the second and fourth Tuesdays of each month.

**Subject: Up to 6 words (example: Town Park, Potholes, Open Meetings, etc.)**

Legal Paper of Record Designation

**Name of Requester or Presenter:** High Country Spotlight + Shopper

**Representing: (Group or Agency name, or Self)** Tina Walker and/or Ann Zibert

**Date of submittal:** 12/28/23

**Date of Requested Board Meeting: (Insert Board Meeting date)** Jan. 9

**Specific request:**

Consider choosing the High Country Spotlight + Shopper as Paonia's legal paper of record.

Describe the problem that requires resolution\* or the topic(s) to be presented:

\*The Problem

- What is the problem that needs to be addressed?
- Please start with defining the problem, not describing the solution.
- Please explain briefly why it is essential that the Town address this problem.
- This section should be no more than 4-5 sentences long.

Recommendation (Please state your recommendation here, along with the main points needed for approval of your request, at most 50 words.) Example: The Paonia Association recommends the Board pass an ordinance preventing elk from standing in the road.

Please see attached proposal

What staff member have you spoken to about this? Please summarize your discussion:

Samira Vetter - for direction only

Contact information:

Name: Tina Walker, managing owner  
Physical Address: 231 Grand Ave.  
Mailing Address: PO Box 7  
  
E-mail: tina@highcountryshopper.com  
Daytime Phone: 970-527-4576

Office Use Only:  
Received: \_\_\_\_\_  
Approved for Agenda: \_\_\_\_\_  
Board Meeting Date: \_\_\_\_\_

**Print Form**

**Email Form**





December 27, 2023

Dear Paonia Board of Trustees,

It's official – the High Country Spotlight & Shopper is a legal paper of record! We have been approved and have obtained a periodical mailing permit with the USPS. I would like to take this opportunity to ask the Board of Trustees to consider HCS as the town's designated legal paper of record for 2024. HCS – hands down – has the broadest circulation in Delta County as well as within the Paonia zip code. Included in this proposal are the most recent circulation numbers as well as reasons why we believe HCS is the best choice. A detailed breakdown of our circulation numbers by zip code can be provided if you need that information.

As required by Colorado law, legal notices will be published on the state repository at [www.publicnoticecolorado.com](http://www.publicnoticecolorado.com). Notices will also be available to read – for free – on our website at [www.highcountryshopper.com](http://www.highcountryshopper.com) at no additional cost to you.

Publicly-supported legal notices will be set at 8-point type and in the same font style as other HCS classifieds. Our column width is 1.528" wide. This would equate to a rate of 36¢ per line for the first insertion and 26¢ per line for subsequent insertions.

Thank you for taking the time to consider HCS as your designated legal paper of record.

Sincerely,

*Tina Walker*

Managing Owner



## What makes HCS stand apart from other publications?

- **No Paywall — It's FREE!**

Our goal is to always keep access to the content in **High Country Spotlight and Shopper** free – whether it's in print or online. Thanks to the generous contributions from our readers, and our loyal advertising base, HCS will continue to be free into the foreseeable future.

- **Locally owned and operated — by locals!**

HCS is owned by a Delta County native with all local staff – from reporters to graphic design – who reside in Delta County. We understand Delta County because we live here, and we take pride in the person-to-person relationships we have built over time with our clients.

- **We believe in putting communities first**

The **High Country Spotlight** started with the intent of shining a light on the people and organizations in our community who are making a difference. When the Spotlight started four years ago as a monthly publication, it filled a void that Delta County desperately needed. Our weekly model allows us to keep a bright focus on those stories we believe need to be told.

- **HCS is apolitical and non-secular**

We are conscious of our fellow citizens, avoid sensational stories, and maintain an apolitical, non-secular stance when it comes to reporting and content.

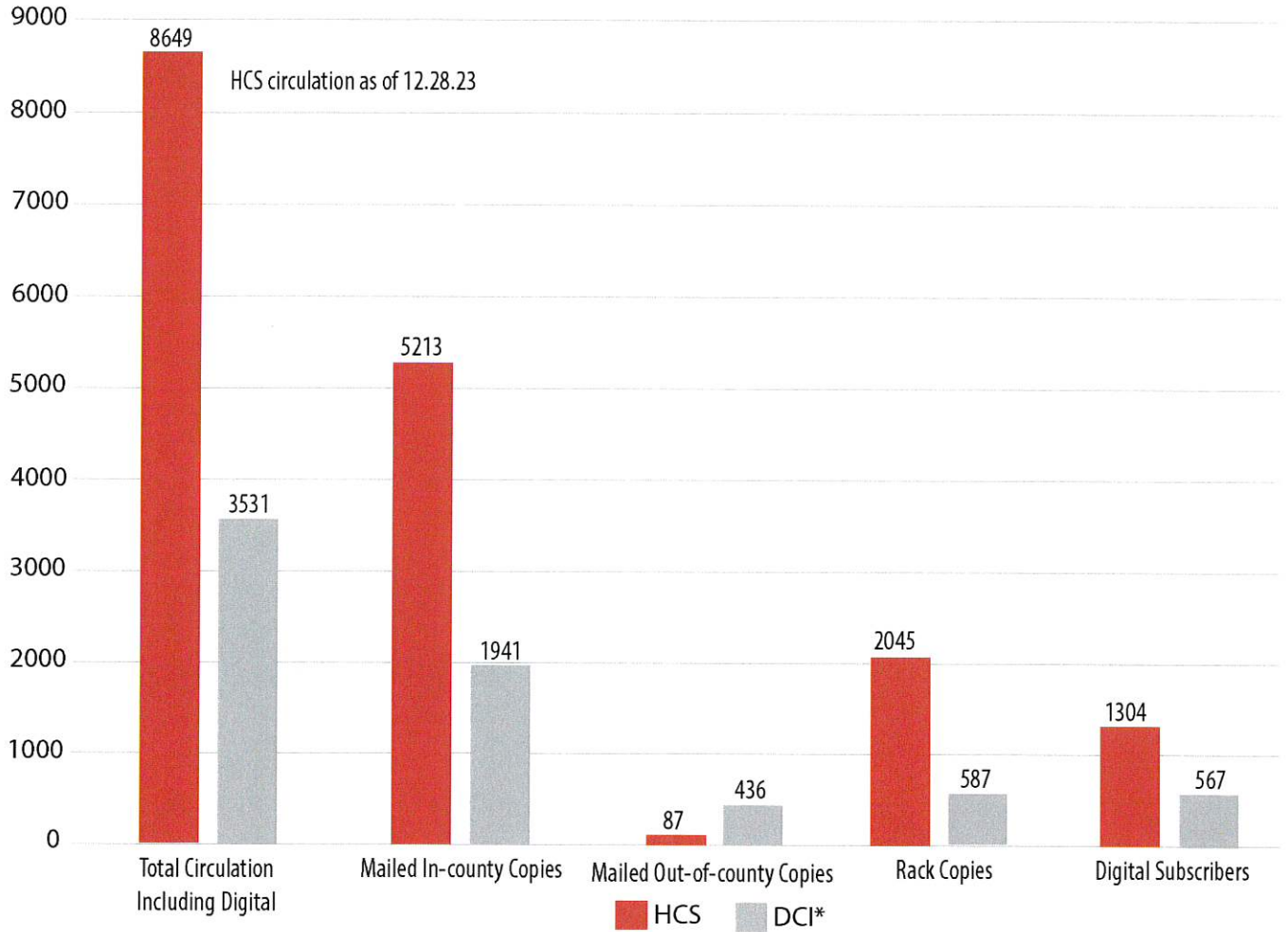
- **HCS offers a generous discount to nonprofits and charitable groups**

We support charitable organizations and groups by offering a 30% charitable discount.





— How Does HCS Subscriber Circulation Compare? —



\*Delta County Independent (DCI) circulation numbers taken from USPS Form 3526 dated and filed 9.20.23 and published in their 9.27.23 issue.

— Digital Stats for HighCountryShopper.com —

January 1, 2023 thru June 30, 2023

Visitors – 117,111 • 647.02 per day average  
Pageviews – 316,393 • 2.7 pages per visitor

July 1, 2023 thru December 27, 2023

Visitors – 123,927 • 692.33 per day average  
Pageviews – 351,493 • 2.83 pages per visitor

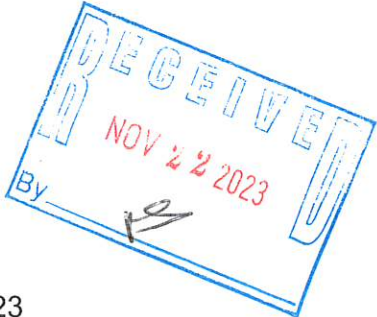
2023 Banner Ad Performance

Display banner ads average 4,373 impressions per day • 30,612 impressions per week  
*Impression statistics are collective of all banner ads running on the site.*



**TOWN OF PAONIA  
BOARD OF TRUSTEES MEETING  
STAFF REPORT**

<b>AGENDA ITEM:</b>	Agenda Item #8: PH on Application for Minor Subdivision of Property at 841 HWY 133 Paonia, CO 81428 by West Elk Land & Hops
<b>SUBMITTED BY:</b>	Stefen Wynn, Town Administrator
<b>DATE:</b>	1.19.24
<b>BACKGROUND:</b>	§17-6-220 gives the criteria for Town Administrator Approval for a minor subdivision. The Town Administrator found that the application does not meet the criteria for an administrative split and sent the applicant to the Plan Commission for consideration and recommendation to the Board of Trustees. While Plan Commission consideration is unnecessary by the Paonia code, it also gave an opportunity for the Plan Commission to offer a recommendation to the Board of Trustees and gave an additional opportunity for Public Hearing. The recommendation of the planning commission was to Approve the Minor Subdivision with the following conditions: 1) that the applicant grant appropriate access easements upon the sale of subject lots; 2) that the applicant obtain a general use well permit from the state prior to the sale of subject lots; 3) that the applicant provide engineered plans for the domestic water system prior to the sale of lots; and 4) that the applicant establish an HOA and provide guidelines prior to the sale of lots. The Town Administrator believes it prudent to place a condition that the applicant also include an engineered drainage plan prior to the sale of lots. While a request to change zoning was mentioned in the application and placed in the public notice, it is not being contemplated with this subdivision public hearing. Re-zoning would need a separate application, public hearing and consideration.
<b>BUDGET:</b>	N/A... <b>RECOMMENDED MOTION:</b> I move to approve Subdivision 2024-01 - a minor subdivision of property commonly known as 841 Highway 133, Paonia, Colorado with the following conditions:
<b>RECOMMENDATION:</b>	1) that the applicant grant appropriate access easements upon the sale of subject lots; 2) that the applicant obtain a general use well permit from the state prior to the sale of subject lots; 3) that the applicant provide engineered plans for the domestic water system prior to the sale of lots; and 4) that the applicant establish an HOA and provide guidelines prior to the sale of lot; and 5) that the applicant provide an engineered drainage plan prior to the sale of lots.
<b>ATTACHMENT:</b>	Attachment A: 20231122 SBDV 01-2023.pdf Attachment B: 20231122 SBDV 01-2023 A.pdf Attachment C: 20231122 SBDV 01-2023 B.pdf Attachment D: 20231122 SBDV 01-2023 C.pdf



Name: West Elk Land & Hops LLC  
Property Address: 841 HWY 133 Paonia, CO  
Telephone Number: 970-270-2855

Application Date: 11/22/23  
Development Review  
Meeting Date

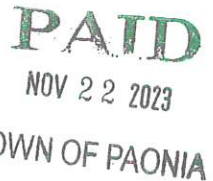
**MINOR SUBDIVISION/BOUNDARY ADJUSTMENT**

The division of land that meets at least one of the following conditions:

- 1. The division of a parcel of land into three lots or less. A parcel of land may only be subdivided into three lots or less under the minor subdivision procedures once. Any subsequent subdivision, except for condition 2 below, must follow the procedures for a major subdivision.
- 2. The relocation or adjustment of a lot line that does not create new lots.

Applications for Minor Subdivisions shall be filed at least 30 days in advance of the meeting at which they are to be considered by the Development Review Committee. Incomplete applications shall result in denial of application acceptance and returned for completion, consequentially delaying hearings.

The application shall include the following:



- Application fee of \$500.00
- A legal description of the property
- Proof of ownership
- Location Improvement Certificate certified by a Colorado licensed surveyor Plat of the proposed subdivision parcels sufficient to determine the size and area of each proposed parcel and describing each such parcel, as a portion of a lot, tract, or parcel, or lots, or tracts, or parcels on the Town Plat. The plat shall also identify the location of all public rights-of-way, location and size of the vehicular access to each parcel and the location of all utilities and all utility easements
- Narrative Statement describing fire protection, emergency access, flood protection and proposed vehicular access
- Copy of any restrictive covenants that are proposed or have been recorded affecting the lots, tracts or parcels that are the subject of re-subdivision
- Any other information or documents requested by the Town Administrator that are necessary to render a decision under the criteria hereinafter set forth

The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia.

**Minor Subdivision Application**

**I. Project Summary**

Please answer only the questions that apply to your Special Review /Variance request  
Any additional information, which would be beneficial in the consideration, may be  
noted in the "Comments" section.

a. Reason for Minor Subdivision This property (14.25 acres) is excellent agricultural land with senior water rights. One lot will have the existing metal building and long shed. Irrigation infrastructure is installed on all 3 lots. The project is ideal for small scale market farming while providing on-farm housing. These lots would be ideal for "Estate Zoning" classification within Paonia Town Limits.

b. Current Zoning of Property R-2. Requesting Estate Zoning

c. How will fire and flood protection be provided? Fire Protection: We have worked closely with Paonia Volunteer Fire Department and incorporated all their recommendations into our subdivision plan (see attached letter).

Flood Protection: We'll follow all Town Guidelines

d. How will emergency access be provided? Shared driveway from State HWY 133

e. Provide a description of the proposed access to each proposed parcel. See attached Plat Map

f. What additions/ changes in utilities will be necessary? Domestic water will be provided by a domestic well with an approved augmentation plan (see attached Permit & Decree). Engineered septic systems approved by Delta County Health Department (allowable since town sewer mains are more than 400' from our property-see Sec. 13-5-380 of town code). Electricity to each lot. Natural gas to Lot 1 only.

g. Will property have Commercial/Private or Public Use? Private

h. Anticipated traffic flow and volume? See attached CDOT Traffic Study and Access Permit

Comments: History: This property was part of a larger project known as Riverbank. It was planned as Phase II of a mixed use, R-2, solar oriented neighborhood. Just before the final plat was approved the economy took a downturn in 2008 and the project was shelved. The property was split. Due to the on-going water moratorium, we considered de-annexing the Hops Farm property in order to pursue drilling a domestic well. When we learned that it was possible to have both a domestic water well and engineered septic systems within town limits, we chose to stay within town boundaries and apply for a minor subdivision with Estate Zoning.


**II. Public Notice Requirements**

Property has been posted notifying meeting with the Development Review  
Committee. Said sign to be at least 2 foot by 2 foot(2'x2') and posted for at least 15  
days prior to said meeting

**III. Acknowledgement to Pay Fee**

This application must be completed and a non-refundable fee of \$500.00 is assessed  
to cover the administrative costs. **Payment must accompany this application.**

**By signing below, I acknowledge that I will be billed for any overages of  
costs incurred for this Minor Subdivision.**

SIGNED 

DATE 11/22/23 Clerk Receipt \_\_\_\_\_

Minor Subdivision Application

## Application Summary

There are three required components of our application that are still in process and nearing completion. We are requesting plat approval for our subdivision contingent on finishing these components. They include:

1) Obtaining a General Use Well Permit.

We currently have an Observation/Monitoring Well Permit Issued by the State of Colorado which allowed us to drill the well, determine flow rate (GPM) and conduct water quality testing. Our well Augmentation Plan has been approved and a decree has been issued by the State Water Court. We are currently in the process of securing our water contracts for the plan. Once completed, our General Use well Permit Application will be submitted to the State which allow us to use the well for domestic use. Approval takes approximately 14 days from submission.

2) Engineered plans for our Domestic Well Water System and Delivery Plan to each lot.

We are currently working with a firm on the Western Slope. The plan should be completed within 2 months.

3) HOA Guidelines

We are working on a simple agreement for shared irrigation system use, maintenance and improvements.

Thanks so much for your consideration!



**West Elk Land & Hops LLC Owners**

David Warren

PO Box 1143

Paonia, CO 81428

Hal Brill

PO Box 747

Paonia, CO 81428

Allison Elliot

PO Box 332

Paonia, CO 81428

WARRANTY DEED

THIS DEED, is dated April 6, 2012, and is made between Riverbank Neighborhood, LLC, a Colorado Limited Liability Company (whether one, or more than one), the "Grantor," of the County of Delta and State of Colorado and West Elk Land & Hops, LLC, a Colorado Limited Liability Company (whether one, or more than one), the "Grantee," whose legal address is P.O. Box 747, Paonia, Co 81428 of the County of Delta and State of Colorado

WITNESS, that the Grantor, for and in consideration of the sum of Disolving LLC (\$ ), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the County of Delta and State of Colorado, described as follows:

Lot 2, Riverbank Neighborhood Minor Subdivision as recorded March 21, 2012 under Reception No. 657278. County of Delta, State of Colorado.

also known by street address as: and assessor's schedule or parcel number:

TOGETHER with all and singular the hereditaments and appurtenances therunto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances; TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns; that at the time of the sealing and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to: none; or the following matters: subject to easements, restrictions, reservations, rights of way visible, in place of record and taxes for the current year.

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, but not any adjoining vacated street or alley, if any, in the quiet and peaceable possession of the Grantee and the heirs and assigns of the Grantee, against all and every person or persons claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Riverbank Neighborhood, LLC, a Colorado Limited Liability Company

BY: Russel Andrew Backhouse, member

BY: Hal Brill, member

STATE OF COLORADO

County of Delta

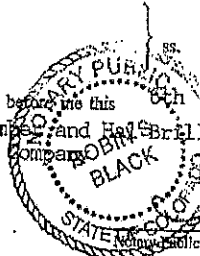
The foregoing instrument was acknowledged before me this 6th day of April, 2012, by Russel Andrew Backhouse, member and Hal Brill, member of Riverbank Neighborhood LLC, a Colorado Limited Liability Company.

Witness my hand and official seal.

My commission expires:

4-22-2012

\*Insert "City and" if applicable.



Signature of Robin Black

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)



## Statement of Taxes Due

Account Number R023690	Parcel 318731303002
Assessed To	WEST ELK LAND & HOPS LLC PO BOX 747 PAONIA, CO 81428-0747

<b>Legal Description</b>	<b>Situs Address</b>
841 HIGHWAY 133 PAONIA 81428 S: 6 T: 14S R: 91W Subdivision: RIVERBANK NEIGHBORHOOD MINOR Lot: 2. TOTAL 14.244 AC+- LOT-2 RIVERBANK NEIGHBORHOOD M.S. PT E2SW4 SEC 31 T13S R91W & PT NE4NW4 SEC 6 T14S R91W 6PM. 497 PG 942 (R-395324 BK 498 PGS 76 THRU 78 (R-395404) BK 435 PGS 989 (R-377637) BK 5... Additional Legal on File	841 HIGHWAY 133 PAONIA

Year	Tax	Interest	Fees	Payments	Balance
<b>Tax Charge</b>					
2022	\$1,525.40	\$0.00	\$0.00	(\$1,525.40)	\$0.00
<b>Total Tax Charge</b>					<b>\$0.00</b>
<b>Grand Total Due as of 11/20/2023</b>					<b>\$0.00</b>

Tax Billed at 2022 Rates for Tax Area BR - - BR-

Authority	Mill Levy	Amount	Values	Actual	Assessed
DELTA COUNTY SCHOOL	24.6890000*	\$520.85	4157 - orchard land	\$10,674	\$2,818
DC SCHOOL DIST 50 - BOND RE	4.4240000	\$93.33	4180 - all other ag properties- land	\$1,000	\$290
DELTA COUNTY	14.3980000*	\$303.74	4279 - farm/ranch support buildings	\$6,515	\$1,720
TOWN OF PAONIA	8.3220000	\$175.56	4280 - all other agriculture buildings	\$55,988	\$16,237
PAONIA CEMETERY DISTRICT	0.9060000*	\$19.11	4471 - graze VI	\$118	\$31
FIRE DISTRICT #2	3.3500000*	\$70.67			
NF WATER CONS DIST	0.5610000	\$11.84			
COLORADO RIVER WATER CONS D	0.5010000	\$10.57	<b>Total</b>	<b>\$74,295</b>	<b>\$21,096</b>
NORTH FORK MOSQUITO ABATEME	1.8020000	\$38.02			
DELTA COUNTY MEM HOSPITAL	0.8560000*	\$18.06			
NORTH FORK AMBULANCE HEALTH	6.0980000	\$128.64			
NORTH FORK POOL, PARK & REC	2.5000000	\$52.74			
DELTA COUNTY LIBRARY	3.0000000	\$63.29			
COUNTY R & B 1/2 SHARES	0.4500000	\$9.49			
PAONIA R & B 1/2 SHARES	0.4500000	\$9.49			
Taxes Billed 2022	72.3070000	\$1,525.40			

\* Credit Levy

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER SEPTEMBER 1ST. TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIER'S CHECK.

SPECIAL TAXING DISTRICTS AND THE BOUNDARIES OF SUCH DISTRICTS MAY BE ON FILE WITH THE BOARD OF COUNTY COMMISSIONERS, THE COUNTY CLERK, OR THE COUNTY ASSESSOR.

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or miscellaneous tax collected on behalf of other entities, special or local improvement district assessments or manufactured homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon the above described parcels of real property and all outstanding sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption are as noted herein. In witness whereof, I have hereunto set my hand and seal.



**PAONIA VOLUNTEER FIRE DEPARTMENT**  
**PO BOX 1023**  
**PAONIA, CO 81428**

BLAKE KINSER, CHIEF  
JASON LAGE, CAPTAIN  
CURT MORGAN, LUET.

MATT VANVLEET, ASST CHIEF  
SCOTT LEON, SEC/TRES  
ERNESTO GARCIA, LUET.

To Whom It May Concern,

I am writing this letter to inform you that Paonia Fire Department and David Warren of West Elk Land and Hops LLC have had meetings in regards to the subdivision at the former hops farm on Hwy 133 near the old High school. Myself and some of our officers met Mr. Warren at this location to view the area and any concerns. Mr. Warren has been very accepting of our recommendations as follows;

- Our recommendation to increase the width of the property access location off HWY 133 from the current width of 15' to 25', will help facilitate the ease and safety of driving our trucks in and out of the property from both directions.
- Increase the current road width to a minimum of 15'.
- Make any new roadway widths at a minimum of 15'
- All corners to be 23' wide to accommodate the turning radius of the larger fire trucks.
- Create a "turn around" section for our large trucks at the easement location we discussed that is at least 15' wide and at least 40' long on the north side and south side of the road to allow our trucks enough room to pull in and back up and turn around.
- Since there are no fire hydrants on the property, water to suppress fires will be sourced and transported with our tanker trucks from two hydrant locations in close proximity to the property. Location #1: The intersection of HWY 133 and Fire Mountain Rd. Location #2: The intersection of Samuel Wade Rd at 133 Liquor store.

Sincerely Paonia Volunteer Fire Department  
**Chief Blake Kinser**

**COMMITMENT FOR TITLE INSURANCE**

**FIDELITY NATIONAL TITLE INSURANCE COMPANY**

FIDELITY NATIONAL TITLE INSURANCE COMPANY, a Florida company ("Company"), for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefore; all subject to the provisions of Schedule A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate within six (6) months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, FIDELITY NATIONAL TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed and these presents to be signed in facsimile under authority of its by-laws on the date shown in Schedule A.

By: *Robin S. Black*  
Authorized Officer or Agent

Robin S. Black  
The Title Co Of Delta County  
721 Main St Ste 6  
Delta, CO 81416-1854  
Tel: 970-874-9557  
Fax: 970-874-9566



**FIDELITY NATIONAL TITLE INSURANCE COMPANY**

By: *Richard W. ...*

President

Attest:

*[Signature]*

Secretary





**CONDITIONS AND STIPULATIONS**

1. The term "mortgage", when used herein, shall include deed of trust, trust deed, or other security instrument
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Conditions and Stipulations, and Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.



Fidelity National Title Insurance Company

Commitment Number: 32207018

**SCHEDULE A**

1. Commitment Date: July 25, 2022 at 08:00 AM
2. Policy (or Policies) to be issued: Policy Amount
  - (a) Owner's Policy ( ALTA Own.Policy(06/17/06) )  
Proposed Insured:
  - (b) Loan Policy  
Proposed Insured:
3. Fee Simple interest in the land described in this Commitment is owned, at the Commitment Date, by:  
West Elk Land & Hops, LLC, a Colorado Limited Liability Company
4. The land referred to in the Commitment is described as follows:  
Lot 2, Riverbank Neighborhood Minor Subdivision as recorded March 21, 2012 under Reception Number 657278.  
Delta County, State of Colorado.

Fidelity National Title Insurance Company

By:

*Bobby S. Black*  
The Title Company of Delta County, LLC

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ASSOCIATION



Fidelity National Title Insurance Company

Commitment Number: 32207018

**SCHEDULE B - SECTION I  
REQUIREMENTS**

The following requirements must be met:

- 1.. Payment of taxes and assessments now a lien due and payable.
2. None
3. NOTICE: Due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

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## Fidelity National Title Insurance Company

Commitment Number: 32207018

**SCHEDULE B - SECTION II  
EXCEPTIONS**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

- 1.. Right or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts, which a correct survey and inspection of the premises would disclose, and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. All taxes and assessments now a lien due or payable.
7. The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:
  - (1) The Deed of Trust, if any, required under Schedule B.-Section 1, Item (b).
  - (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.
  - (3) Any and all unpaid taxes, assessments and unredeemed tax sales.
8. Reservations as contained in United States Patent recorded April 13, 1891 in Book 16 at Page 71, said reservations being as follows: Right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect said premises. Right of way for ditches and canals constructed by the authority of the United States.
9. Any and all liens, burdens, obligations, easements and rights of way arising from or created by membership in, applications to or contracts with the Feldman Ditch Company, Western Paonia Domestic Water Company, Pitkin Mesa Domestic Water Company and Town of Paonia.
10. Stipulations, restrictions, conditions, provisions and easements as shown by plat of Survey, recorded November 25, 1981 in Book 497 at Page 942, and as corrected in document recorded December 2, 1981 in Book 498 at Page 76.
11. Any rights, interest or easements in favor of the riparian owners, the State of Colorado, the United States of America, or the general Public, which exist, have existed, or are claimed to exist in and over the waters and present and past bet and banks of The North Fork of the Gunnison River.
12. Any question, dispute or adverse claims as to any loss or gain of land as a result of any change in the river bed location by other than natural causes, or alteration through accretion, reliction, erosion or avulsion of the center thread, bank, channel or flow of waters in the North Fork of the Gunnison River lying within subject land; and any question as to the location of such center thread, bed, bank or channel as a legal description monument or marker for purposes of describing or locating subject lands.

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Commitment Number: 32207018

NOTE: There are no documents in the land records of the office of the Clerk and Recorder of Delta County, accurately locating past or present location(s) of the center thread, bank, bed or channel of the above River or indicating any alterations of the same as from time to time may have occurred.

13. Right for the uninterrupted flow of the North Fork of the Gunnison River as it may affect subject property.
14. Any portion of subject property lying within the right of way of County Roads.
15. Terms, conditions, stipulations, obligations and restrictions as contained Utility Easement recorded September 8, 2009 at Reception Number 628651.
16. Stipulations, restrictions, conditions, provisions and easements as shown by plat of RiverSide Estates & Riverbank Neighborhood, recorded November 18, 2008 at Reception Number 630302
17. Stipulations, restrictions, conditions, provisions and easements as shown by plat of Riverbank Neighborhood Boundary adjustment, recorded December 9, 2008 at Reception Number 630675.
18. Stipulations, restrictions, conditions, provisions and easements as shown by plat of River Side Estates boundary adj, recorded February 10, 2009 at Reception Number 631993.
19. Stipulations, restrictions, conditions, provisions and easements as shown by plat of Riverbank Neighborhood/Zimmerman bdy adj, recorded February 10, 2009 iat Reception Number 631999.
20. Terms, conditions, obligations and stipulations as contained in Irrigation Pipeline Easement recorded July 24, 2009 at Reception Number 636443.
21. Terms, conditions, stipulations, obligations, easements and restrictions as contained in instrument recorded April 10, 2012 at Reception Number 657772.
22. Stipulations, restrictions, conditions, provisions and easements as shown by plat of Riverbank Neighborhood Minor Subdivision, recorded March 21, 2012 at Reception Number 657278.
23. Covenants, which do not contain reversionary clauses imposed upon the within described property, as set forth in instrument recorded July 27, 2018 under Reception Number 704943, but omitting any covenant, condition or restriction, if any, based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code, or (b) relates to handicap, but does not discriminate against handicapped persons.

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**ORIGINAL PERMIT APPLICANT(S)**

WEST ELK LAND & HOPS LLC

**APPROVED WELL LOCATION**

Water Division: 4      Water District: 40  
 Designated Basin: N/A  
 Management District: N/A  
 County: DELTA  
 Parcel Name: N/A  
 Physical Address: 841 HWY 133 PAONIA, CO 81428  
 Section 31 Township 13.0 S Range 91.0 W Sixth P.M.

Well to be constructed on specified tract of land

**PERMIT TO CONSTRUCT A NEW WELL**

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT  
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of this permit does not ensure that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(I) for uses as described in CRS 37-92-602(1)(f). Use of this well is limited to monitoring water levels and/or water quality sampling.
- 4) This well must be equipped with a locking cap or seal to prevent well contamination or possible hazards as an open well. The well must be kept capped and locked at all times except during sampling or measuring.
- 5) Records of water level measurements and water quality analyses shall be maintained by the well owner and submitted to the Division of Water Resources upon request.
- 6) Upon conclusion of the monitoring program the well owner shall plug this well in accordance with Rule 16 of the Water Well Construction Rules. A Well Abandonment Report must be completed and submitted to the Division of Water Resources within 60 days of plugging.
- 7) The owner shall mark the well in a conspicuous location with the well permit number and name of aquifer as appropriate, and shall take necessary means and precautions to preserve these markings.
- 8) This well must be constructed by or under the supervision of a licensed well driller or other authorized individual according to the Water Well Construction Rules. If non-standard construction is anticipated, a variance request must be submitted in accordance with Rule 18 and approved prior to well construction.
- 9) Pursuant to Rule 6.2.3 of the Water Well Construction Rules, the well construction contractor shall submit the as-built well location on work reports required by Rule 17.1 within 60 days of completion of the well. The measured location must be accurate to 200 feet of the actual location. The location information must include a GPS location (UTM coordinates) pursuant to the Division of Water Resources' guidelines.
- 10) A Well Construction and Yield Estimate Report (Form GWS-31), including lithologic log must be submitted by the individual authorized to construct the well. For non-standard construction, the report must include an as-built drawing showing details such as depth, casing, perforated zones, and a description of the grouting type and interval.

NOTE: Issuance of this permit does not guarantee that this well can be converted to a production well under a future permit. Additionally, pursuant to Rule 14.2 of the Water Well Construction Rules (2 CCR 402-2), monitoring holes constructed pursuant to a monitoring hole notice shall not be converted to a production well. (Upon obtaining a permit from the State Engineer, a monitoring hole may be converted to a monitoring well, recovery well for remediation of the aquifer, or a dewatering system for dewatering the aquifer.)

NOTE: This permit will expire on the expiration date unless the well is constructed by that date. A Well Construction and Yield Estimate Report (GWS-31) must be submitted to the Division of Water Resources to verify the well has been constructed. An extension of the expiration date may be available. Contact the DWR for additional information or refer to the extension request form (GWS-64) available at: [dwr.colorado.gov](http://dwr.colorado.gov)



DISTRICT COURT, WATER DIVISION 4, COLORADO 1200 North Grand Avenue, Bin A Montrose, CO 81401-3146 Telephone: (970) 252-4300	DATE FILED: October 16, 2023 12:51 PM CASE NUMBER: 2023CW3028
<b>Concerning the Application for Water Rights of:</b>  WEST ELK LAND & HOPS, LLC,  <b>In the Gunnison River, Delta County, Colorado.</b>	▲ COURT USE ONLY ▲  Case Number: 2023CW3028
<b>FINDINGS OF FACT, CONCLUSIONS OF LAW, RULING OF REFEREE, AND DECREE</b>	

This matter came before the Court upon West Elk Land & Hops, LLC’s Application for Groundwater Right and Request for Approval of Augmentation Plan (“Application”). The Application was referred to the undersigned as Water Referee for Water Division 4, State of Colorado, by the Water Judge in accordance with Article 92 of Title 37 of the Colorado Revised Statutes Annotated.

The undersigned Referee, having made such investigations as are necessary to determine whether the statements contained in the Application are true and having been fully advised of the subject matter of the Application, does hereby make the following findings and ruling:

**FINDINGS OF FACT**

1. **Jurisdiction:** All notices required by law have been duly given and the Court has jurisdiction over the subject matter of the Application and over all persons affected thereby whether or not they have chosen to appear. Timely and adequate notice of the pendency of these proceedings has been given in the manner required by C.R.S. § 37-92-302. Applicant filed the Application on May 18, 2023. The Application was properly published in the resume for Water Division 4.
2. **Statements of Opposition:** No statements of opposition were filed in this case and the period for such filings has expired.
3. **Summary of Consultation:** The Division Engineer issued a Summary of Consultation on August 25, 2023. Applicant has responded to the concerns stated in that Summary of Consultation and the Referee has considered that response.

4. Name, address, and telephone number of Applicant:

West Elk Land & Hops, LLC  
c/o David R. Warren  
P.O. Box 1143  
Paonia, CO 81428  
(970) 270-2855

with copies of all pleadings to:

John R. Pierce  
DUFFORD WALDECK  
744 Horizon Court, Suite 300  
Grand Junction, CO 81506  
(970) 241-5500

5. Request for groundwater right:

- A. Name of well, permit number: Old Hops Well, currently permitted as a monitoring/observation well under Permit No. 329389. Applicant will obtain a new permit for the well before operating the well pursuant to this decree.
- B. Legal description of location of well: In the NE¼ SW¼ of Section 31, Township 13 South, Range 91 West of the 6th Principal Meridian; UTM Zone 13 NAD83, 274149m E, 4306175m N. A map showing the location of the well is attached as Exhibit A.
- C. Source: Groundwater tributary to the North Fork of the Gunnison River
- D. Depth: 79 feet
- E. Date of appropriation: December 21, 2022
- F. Amount claimed: 0.14 cubic feet per second (“c.f.s.”), 2.16 acre-feet (“a.f.”), annually, conditional
- G. Does the well operate pursuant to a plan for augmentation? The Old Hops Well will operate pursuant to the augmentation plan requested in the application.
- H. Uses: Domestic use in up to six single-family homes

6. Request for approval of plan for augmentation:

- A. Name of structure to be augmented: Old Hops Well, requested above
- B. Water rights to be used for augmentation: This augmentation plan will rely on two sources of augmentation supply. First, Applicant will obtain a water supply

contract for releases from East Beckwith Reservoir No. 1. Second, Applicant will obtain a water supply contract for releases from Blue Mesa Reservoir. Blue Mesa releases will be used to address downstream calls on the Gunnison River, as well as on the North Fork of the Gunnison River during periods when Applicant’s exchange project (requested below) can operate in priority. During periods when Applicant’s exchange project on the North Fork of the Gunnison River is not in priority, Applicant will address augmentation requirements with releases from East Beckwith Reservoir No. 1.

i. East Beckwith Reservoir No. 1:

- a. Date of original decree and Case Nos.: 06CW59
- b. Type of water right: Storage
- c. Legal description: The decree in Case No. 06CW59 described the location of the East Beckwith Reservoir No. 1 as in the NE/4 SW/4NE/4, Section 3, T 14S, R.88 W, 1,477 feet from the north section line and 1,747 feet from the east section line, 6th P.M.
- d. Source: Middle Creek, tributary to Ruby Anthracite Creek, tributary to the North Fork of the Gunnison River
- e. Appropriation date: March 31, 2006
- f. Amount: 383 a.f.
- g. Decreed use: Irrigation, recreation, fish culture, fire protection, stock water, industrial, commercial, hydroelectric, and augmentation

ii. Blue Mesa Reservoir:

- a. Date of original decree and Case Nos.: Blue Mesa Reservoir (Wayne N. Aspinall unit of the Colorado River Storage Project) was decreed 939,204 acre-feet in C.A. Nos. 5590 and 6981, Gunnison County District Court, with a November 11, 1957, appropriation date. An additional 124,253 acre-feet, with the same appropriation date, was transferred to the reservoir in C.A. No. 10045, making the total amount decreed to Blue Mesa Reservoir 1,063,457 acre-feet.
- b. Type of water right: Storage

- c. Legal description: Blue Mesa Reservoir: The initial point of survey of Blue Mesa Dam is located at a point on the right abutment being the intersection of the center line of the axis of the dam and of the center line of the outlet works tunnel, whence the SW corner of section 31, T49N, R4W, NMPM bears North 78°36'44" West a distance of 3,207.07 feet.
- d. Source: Gunnison River
- e. Appropriation date: November 11, 1957
- f. Amount: 1,063,457 a.f.
- g. Decreed use: Domestic, municipal, irrigation, stock watering, industrial, hydropower, piscatorial, wildlife, recreation and other purposes.

C. Does Applicant intend to change a water right to provide a source of augmentation? No.

D. Does the plan for augmentation include an exchange that Applicant seeks to adjudicate? Yes, requested below

E. Statement of plan for augmentation:

- i. Demand and depletions: The Old Hops Well will be used to supply water for domestic use in up to six single-family homes located on Applicant's property. Annual diversions from the Well will not exceed 2.16 a.f. The homes will discharge into septic systems resulting in depletions equal to 10% of diversions, or 0.216 a.f. A table showing the water demand and depletions is attached as Exhibit B (MWRC Table 1).
- ii. Potential calls on the North Fork of the Gunnison River: Records of the Division of Water Resources show that senior downstream calls have historically occurred on the North Fork of the Gunnison River as early as June 28th and have continued as late as October 4. This augmentation plan will address potential calls during the period of June 15 through October 15.
- iii. Potential calls on the Gunnison River: The primary senior downstream calling right on the Gunnison River is the Redlands Power Canal ("RPC"). Calls by the RPC could occur under RPC's senior 670 c.f.s. right with a 1912 adjudication date or under the RPC 80 c.f.s. junior right with a 1959 adjudication date. The call period is based on periods in which flows on the Gunnison River were low enough that RPC could have placed calls in

2002 and 2003. The call periods correspond to the maximum number of days for any given month during 2002 and 2003 when flows on the Gunnison River were lower than the water rights decreed to RPC. A table showing the potential call period on the Gunnison River is attached as Exhibit C (MWRC Table 2).

- iv. Operation of plan: This plan for augmentation replaces out-of-priority depletions to the North Fork of the Gunnison River and the Gunnison River caused by diversions from the Old Hops Well.

The replacement obligation for East Beckwith Reservoir No. 1 under this plan for augmentation is 0.076 a.f. To address obligation (and to account for a 5% conveyance loss) Applicant will obtain four units of water from the North Fork Water Conservancy District (the District defines a unit as 0.025 a.f.).

The replacement obligation on the Gunnison River (and on the North Fork of the Gunnison during such times that the exchange project can operate) is only 0.09 a.f. per year. However, because water supply contracts for Blue Mesa Reservoir are only available in one-acre-foot increments, Applicant will purchase a one-acre foot. The excess 0.91 a.f. available under that water supply contract is dedicated to this plan and shall be available to address any increase in the call period beyond that contemplated based on historical conditions without the need to amend the decree. The water lease obligations are shown in the attached Exhibit D (MWRC Table 3).

7. Request for approval of exchange project associated with an augmentation plan (appropriative right of exchange):

A. Name of exchange: Old Hops Well Exchange Project

B. Location of exchange reaches:

- i. Downstream terminus: The confluence of the North Fork Gunnison River and the Gunnison River which is located within the NW¼ of the NW¼ of Section 6, Township 15 South, Range 93 West, 6th Principal Meridian (UTM Zone 13, NAD83; 253592.4m E; 4296490.6m N). The downstream and upstream termini of the Old Hops Well Exchange Project are shown in the map attached as Exhibit E (MWRC Figure 3).
- ii. Upstream terminus: The point at which depletions from the Old Hops Well impact the North Fork of the Gunnison River, within the SW¼ of SE¼ of Section 31, Township 13 South, Range 91 West, 6th Principal Meridian (UTM Zone 13, NAD83; 274383.1m E; 4305751.3m N).

- C. Source: Releases from Blue Mesa Reservoir
- D. Date of appropriation: May 18, 2023
- E. Amount: 0.0003 c.f.s. (0.135 g.p.m.), conditional
- F. Use: Augmentation (Exchanging water released from Blue Mesa Reservoir from the confluence of the Gunnison River and the North Fork of the Gunnison River upstream to the point on the North Fork of the Gunnison River at which depletions from the Old Hops Well impact the river.)

**CONCLUSIONS OF LAW**

- 8. The findings of fact set out above are incorporated here to the extent that they constitute conclusions of law.
- 9. The Application filed in this case is complete, covering all applicable matters required under C.R.S. § 37-92-302.
- 10. All notice required by law has been given, and no further notice need be given. C.R.S. §§ 37-92-101, *et seq.* The Application in this matter, and the resume notice and newspaper publication thereof, was adequate in all respects to place all persons on inquiry notice of the relief granted herein. C.R.S. §§ 37-92-103 and 37-92-302.
- 11. Applicant has met its burden of proof on all matters that it is required to establish in these proceedings.
- 12. Applicant has satisfied all legal requirements for the entry of a decree in this case.
- 13. Review of determinations made by the Division Engineer or the State Engineer in administration of the subject water rights are water matters over which the Water Court has exclusive jurisdiction.
- 14. Applicant’s plan for augmentation is one that is contemplated and authorized by law, and if implemented and administered in accordance with this Decree, will protect other vested water rights and will replace out-of-priority depletions that may occur as a result of Applicant’s activities.

**RULING OF REFEREE**

- 15. Old Hops Well: Applicant is granted a conditional groundwater right in the Old Hops Well as described in paragraph 5 above.
- 16. Old Hops Well Augmentation Plan: Applicant’s supplemental plan for augmentation is confirmed and approved as set forth in paragraph 6 above.



17. Old Hops Well Exchange Project: Applicant's request for a conditional appropriate right of exchange is confirmed and approved as set forth in paragraph 7 above.
18. Terms and Conditions:
- A. Before the augmentation plan approved in this case becomes operational, Applicant shall provide the Division Engineer's Office with a copy of approved water allotment contracts with East Beckwith Reservoir No. 1 and Blue Mesa Reservoir for augmentation water in the annual amounts of 0.10 a.f. and 1.00 a.f., respectively.
  - B. The Division Engineer may modify the transit loss requirement as necessary in accordance with C.R.S. §§ 37-87-102(4) and 37-83-104.
  - C. Applicant and its assigns understand that the lease supply is only for a set period of time and if such lease should expire, fail to be renewed, is terminated, or an alternative sufficient source of replacement water is not included in this decree by proper amendment prior to such expiration, curtailment of all out-of-priority diversions will occur.
  - D. Applicant shall install a flowmeter on Old Hops Well, provide accounting, and supply calculations regarding the timing of depletions as required by the Division Engineer for the operation of this plan. Applicant shall also file an annual report with the Division Engineer by November 15 of each year summarizing diversions and replacements made under the Old Hops Well Augmentation Plan.
  - E. Prior to the construction and/or operation of Old Hops Well, Applicant must modify its existing monitoring well permit (329389). This well permit should be issued pursuant to C.R.S. § 37-90-137(2) and the Old Hops Well Augmentation Plan, subject to and conditioned upon the rulings and findings in this ruling and decree.
  - F. Pursuant to C.R.S. § 37-92-305(8), the State Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights.
  - G. The Water Court shall retain jurisdiction over the supplemental augmentation plan approved in this case to reconsider the question of injury to the vested water rights of others, as provided in C.R.S. § 37-92-304(6) for a period of five years from the date of this decree.
  - H. Should the Applicant desire to maintain the conditional water rights continued herein, an Application for Finding of Reasonable Diligence shall be filed in the same month six years from the date of the water judge's order, unless a determination has been made prior to that date that such conditional rights have

been made absolute by reason of the completion of the appropriation or are otherwise so disposed. Applicant shall notify this Court of any change in mailing address. Upon the sale or transfer of these conditional rights, the transferee shall file with this Court a notice of transfer which shall state:

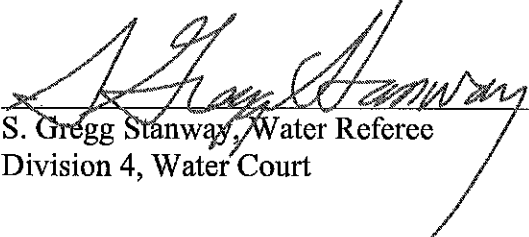
- i. the title and number of this case;
- ii. the description of the water right transferred;
- iii. the name of the transferor;
- iv. the name and mailing address of the transferee; and
- v. a copy of the recorded deed.

Applicant shall notify any transferee of the requirements of this paragraph.

This Ruling shall be filed with the Water Clerk subject to judicial review, and a copy of this Ruling shall be filed with the Division Engineer for Water Division 4 and the State Engineer.



Dated: September 21, 2023

BY THE COURT:

  
S. Gregg Stanway, Water Referee  
Division 4, Water Court



**Legend**

-  Property Boundary
-  Old Hops Well

**EXHIBIT A**



Figure 2: Old Hops Well Location  
West Elk Land & Hops, LLC

Delta County, Colorado

Merrill Water Rights Consisting

**DECREE**

No protest was filed in this matter. The foregoing Ruling is confirmed and approved and is made the final Judgment and Decree of this Court. The conditional water rights described herein shall be in full force and effect until the end of the month six years from the date of this Order. If the Applicant wishes to maintain the conditional water rights thereafter, Applicant shall file an application for finding of reasonable diligence on or before that date or make a showing on or before then that the conditional water rights have become absolute water rights by reason of the completion of the appropriation.

BY THE COURT:  
DATED October 16, 2023



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Hon. J. Steven Patrick, Water Judge  
Division 4, Water Court

**Table 1: Monthly Demand and Depletions  
Old Hops Well**

Month	Per Home		Six Homes	
	Demand (1)	Depletions (2)	Demand (1)	Depletions (2)
January	0.03	0.003	0.18	0.018
February	0.03	0.003	0.18	0.018
March	0.03	0.003	0.18	0.018
April	0.03	0.003	0.18	0.018
May	0.03	0.003	0.18	0.018
June	0.03	0.003	0.18	0.018
July	0.03	0.003	0.18	0.018
August	0.03	0.003	0.18	0.018
September	0.03	0.003	0.18	0.018
October	0.03	0.003	0.18	0.018
November	0.03	0.003	0.18	0.018
December	0.03	0.003	0.18	0.018
Total	0.36	0.036	2.16	0.216

All values in acre-feet

(1) Assumes 100 gallons per person per day, 3.5 People per home

(2) Depletions = 10 percent of demand accounting for septic system return flows

**EXHIBIT B**

**Table 2: Potential Call Period for Redlands Power Canal**

Month	Junior RPC Call <sup>1</sup>		Senior RPC Call <sup>2</sup>	
	No. Days	% of Month	No. Days	% of Month
January	0	0.00%	31	100.00%
February	0	0.00%	28	100.00%
March	8	25.81%	20	64.52%
April	4	13.33%	7	23.33%
May	6	19.35%	0	0.00%
June	5	16.67%	0	0.00%
July	0	0.00%	0	0.00%
August	0	0.00%	0	0.00%
September	0	0.00%	0	0.00%
October	0	0.00%	0	0.00%
November	4	13.33%	0	0.00%
December	10	32.26%	21	67.74%

<sup>1</sup> Based on the 1959 Redlands Power Canal decree and 2002 - 2003 river flows at the USGS gaging station on the Gunnison River at Whitewater; river flow less than 750 cfs and greater than 670 cfs.

<sup>2</sup> Based on the 1912 Redlands Power Canal decree and 2002 - 2003 river flows at the USGS gaging station on the Gunnison River at Whitewater; river flows less than 670 cfs

**EXHIBIT C**



Table 3: Water Lease Obligations  
Old Hops Well

Month	Total Depletions (1)	Potential Call Period North Fork Gunnison River (2)	Potential Out-of-Priority Depletions North Fork Gunnison River (3)	Water Lease Obligation Lost Lake Slough (4)	Potential Call Period Gunnison River (5)	Potential Out-of-Priority Depletions Gunnison River (6)	Water Lease Obligation Blue Mesa Reservoir (7)
January	0.018	0%	0.000	0.000	100%	0.018	0.019
February	0.018	0%	0.000	0.000	100%	0.018	0.019
March	0.018	0%	0.000	0.000	90%	0.016	0.017
April	0.018	0%	0.000	0.000	37%	0.007	0.007
May	0.018	0%	0.000	0.000	19%	0.003	0.004
June	0.018	50%	0.009	0.009	17%	0.003	0.003
July	0.018	100%	0.018	0.019	0%	0.000	0.000
August	0.018	100%	0.018	0.019	0%	0.000	0.000
September	0.018	100%	0.018	0.019	0%	0.000	0.000
October	0.018	50%	0.009	0.009	0%	0.000	0.000
November	0.018	0%	0.000	0.000	13%	0.002	0.003
December	0.018	0%	0.000	0.000	100%	0.018	0.019
Annual Total	0.216	--	0.072	0.076	--	0.086	0.090

All values in acre-feet

(1) From Table 1

(2) Historical call period of June 15 through October 150

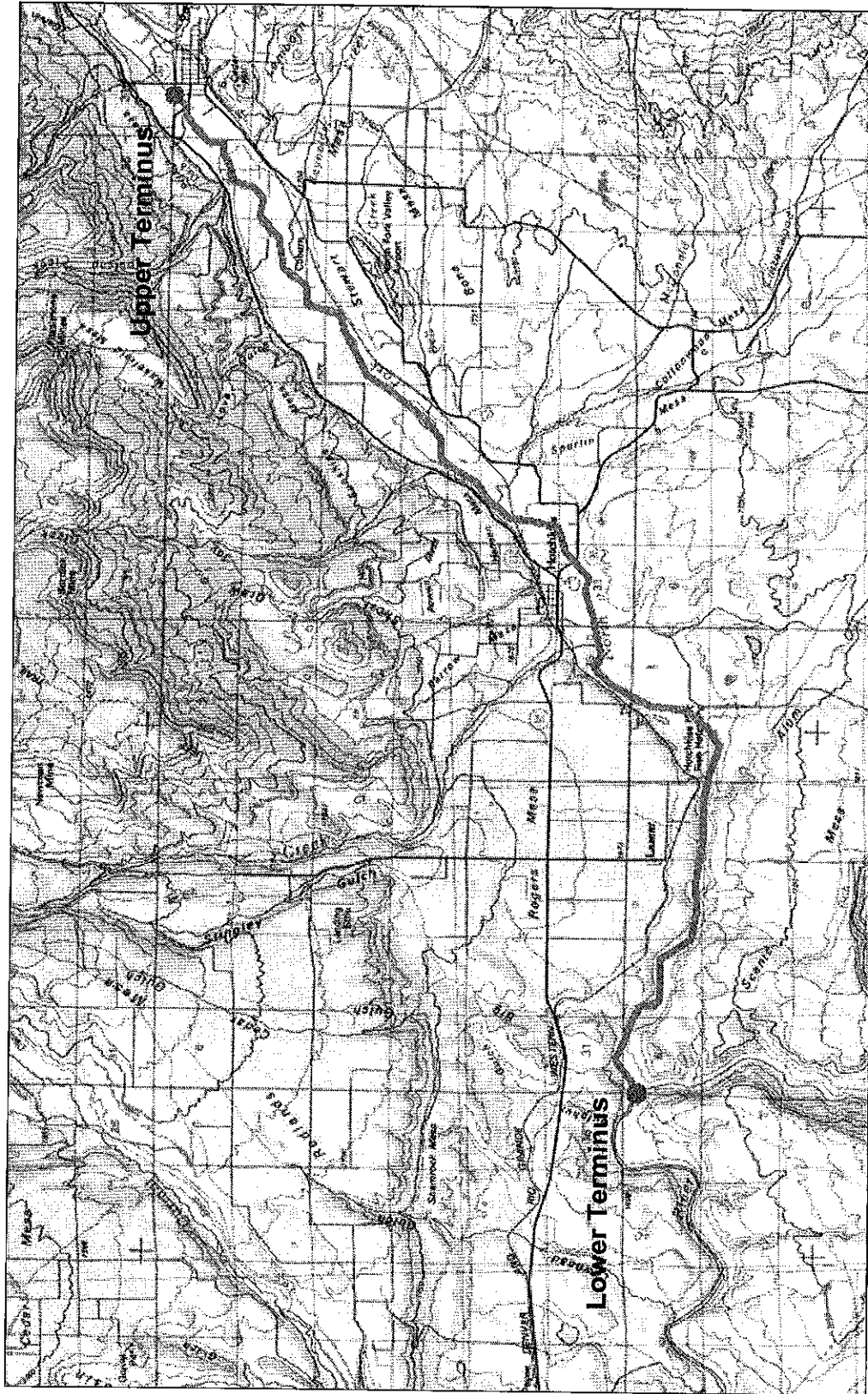
(3) Column (1) x Column (2)

(4) Assumes 5% conveyance loss



(5) From Table 2

(6) Column (1) x Column (5)

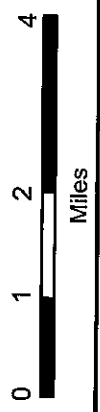
**EXHIBIT D**



**Legend**

-  Exchange Reach
-  Terminus

**EXHIBIT E**



**Figure 3: Exchange Reach  
Old Hops Well Exchange Project**

Delta County, Colorado

**STATE HIGHWAY ACCESS PERMIT**

CDOT Permit No.

**323056**

93

State Highway No / Mp / Side  
133A / 8.351 / Right

Permit Fee  
\$100.00

Date of Transmittal  
06/21/2023

Region / Section / Patrol / Name  
3 / 02 / 2L33 Larry Coe

Local Jurisdiction  
Paonia

**The Permittee(s):**

West Elk Land & Hops, LLC  
PO Box 1143  
Paonia, Colorado 81428  
(970) 270-2855

**The Applicant(s):**

TurnKey Consulting LLC  
PO Box 629  
Mesa, Colorado 81643  
(970) 314-4888

is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location: Located on the east side of Hwy 133A approximately 2500 feet north of MP 8 (Lat. 38.875288, Long. -107.604954)

Access to Provide Service to: (Land Use Code)	(Size)	(Units)
210 - Single-Family Detached Housing	7	DHV
110 - General Light Industrial (Sculpture Center)	3	DHV

Additional Information:

**MUNICIPALITY OR COUNTY APPROVAL**

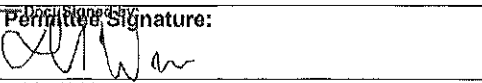
Required only when the appropriate local authority retains issuing authority.

Signature	Print Name	Date	Title

Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

**The permittee shall notify Jared Kehmeier 2L3 with the Colorado Department of Transportation, at (970) 260-9891 at least 48 hours prior to commencing construction within the State Highway right-of-way.**

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee Signature: 	Print Name David Warren	Date 6/22/2023   11:03 AM PDT
Co-Permittee Signature: (if applicable)	Print Name	Date

This permit is not valid until signed by a duly authorized representative of the Department.

**COLORADO DEPARTMENT OF TRANSPORTATION**

Signature	Print Name	Title	Date (of issue)

**Copy Distribution:**

Required:  
1.Region  
2.Applicant

3.Staff Access Section  
4.Central Files

Make copies as necessary for:  
Local Authority  
MTCE Patrol  
Inspector  
Traffic Engineer

Previous editions are obsolete and may not be used  
Page 1 of 3 CDOT Form #101 5/07

COLORADO DEPARTMENT OF TRANSPORTATION  
STATE HIGHWAY ACCESS PERMIT APPLICATION

Issuing authority application acceptance date:

Instructions: - Contact the Colorado Department of Transportation (CDOT) or your local government to determine your issuing authority.  
- Contact the issuing authority to determine what plans and other documents are required to be submitted with your application.  
- Complete this form (some questions may not apply to you) and attach all necessary documents and Submit it to the issuing authority.  
- Submit an application for each access affected.  
- If you have any questions contact the issuing authority.  
- For additional information see CDOT's Access Management website at <http://www.dot.state.co.us/AccessPermits/index.htm>

Please print or type

1) Property owner (Permittee) West Elk Land & Hops, LLC (David Warren)		2) Agent for permittee (if different from property owner) TurnKey Consulting LLC, Skip Hudson	
Street address PO Box 1143		Mailing address PO Box 629	
City, state & zip Paonia, CO 81428	Phone # [REDACTED]	City, state & zip Mesa, CO 81643	Phone # (required) 970-314-4888
E-mail address highwirehops@gmail.com		E-mail address if available skip@skiphudson.com	

3) Address of property to be served by permit (required)  
841 Hwy 133, Paonia, CO, 81428

4) Legal description of property: If within jurisdictional limits of Municipality, city and/or County, which one?  
county Delta subdivision Riverbank Neighborhood block n/a lot Lot 2 section 31 township 13 S range 91 W

5) What State Highway are you requesting access from? SH-133  
6) What side of the highway?  
 N  S  E  W

7) How many feet is the proposed access from the nearest mile post? 0 feet  N  S  E  W from: MP 8.35  
How many feet is the proposed access from the nearest cross street? 950 feet  N  S  E  W from: Fire Mtn Rd.

8) What is the approximate date you intend to begin construction?  
Fall 2023

9) Check here if you are requesting a:  
 new access  temporary access (duration anticipated: )  improvement to existing access  
 change in access use  removal of access  relocation of an existing access (provide detail)

10) Provide existing property use  
Agricultural

11) Do you have knowledge of any State Highway access permits serving this property, or adjacent properties in which you have a property interest?  
 no  yes, if yes - what are the permit number(s) and provide copies: and/or, permit date:

12) Does the property owner own or have any interests in any adjacent property?  
 no  yes, if yes - please describe:

13) Are there other existing or dedicated public streets, roads, highways or access easements bordering or within the property?  
 no  yes, if yes - list them on your plans and indicate the proposed and existing access points.

14) If you are requesting agricultural field access - how many acres will the access serve?  
N/A

business/land use	square footage	business	square footage
Misc. Industrial use (easement holder)	Unknown		

type	number of units	type	number of units
single family residential (access owner)	6		

17) Provide the following vehicle count estimates for vehicles that will use the access. Leaving the property then returning is two counts.

Indicate if your counts are <input checked="" type="checkbox"/> peak hour volumes or <input type="checkbox"/> average daily volumes.	# of passenger cars and light trucks at peak hour volumes varies	# of multi unit trucks at peak hour volumes Varies
# of single unit vehicles in excess of 30 ft. varies	# of farm vehicles (field equipment) varies	Total count of all vehicles - 10 vph

18) Check with the issuing authority to determine which of the following documents are required to complete the review of your application.

- a) Property map indicating other access, bordering roads and streets.
- b) Highway and driveway plan profile.
- c) Drainage plan showing impact to the highway right-of-way.
- d) Map and letters detailing utility locations before and after development in and along the right-of-way.
- e) Subdivision, zoning, or development plan.
- f) Proposed access design.
- g) Parcel and ownership maps including easements.
- h) Traffic studies.
- i) Proof of ownership.

1- It is the applicant's responsibility to contact appropriate agencies and obtain all environmental clearances that apply to their activities. Such clearances may include Corps of Engineers 404 Permits or Colorado Discharge Permit System permits, or ecological, archeological, historical or cultural resource clearances. The CDOT Environmental Clearances Information Summary presents contact information for agencies administering certain clearances, information about prohibited discharges, and may be obtained from Regional CDOT Utility/Special Use Permit offices or accessed via the CDOT Planning/Construction-Environmental-Guidance webpage <http://www.dot.state.co.us/environmental/Forms.asp>.

2- All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations - including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction.

Personal protective equipment (e.g. head protection, footwear, high visibility apparel, safety glasses, hearing protection, respirators, gloves, etc.) shall be worn as appropriate for the work being performed, and as specified in regulation. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment: High visibility apparel as specified in the Traffic Control provisions of the documentation accompanying the Notice to Proceed related to this permit (at a minimum, ANSI/ISEA 107-1999, class 2); head protection that complies with the ANSI Z89.1-1997 standard; and at all construction sites or whenever there is danger of injury to feet, workers shall comply with OSHA's PPE requirements for foot protection per 29 CFR 1910.136, 1926.95, and 1926.96. If required, such footwear shall meet the requirements of ANSI Z41-1999.

Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

3- The Permittee is responsible for complying with the Revised Guidelines that have been adopted by the Access Board under the American Disabilities Act (ADA). These guidelines define traversable slope requirements and prescribe the use of a defined pattern of truncated domes as detectable warnings at street crossings. The new Standards Plans and can be found on the Design and Construction Project Support web page at: <http://www.dot.state.co.us/DesignSupport/>, then click on *Design Bulletins*.

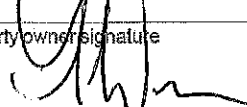
If an access permit is issued to you, it will state the terms and conditions for its use. Any changes in the use of the permitted access not consistent with the terms and conditions listed on the permit may be considered a violation of the permit.

The applicant declares under penalty of perjury in the second degree, and any other applicable state or federal laws, that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

I understand receipt of an access permit does not constitute permission to start access construction work.

Applicant's signature 	Print name Skip Hudson, PE	Date 5-4-23
--	-------------------------------	----------------

If the applicant is not the owner of the property, we require this application also to be signed by the property owner or their legally authorized representative (or other acceptable written evidence). This signature shall constitute agreement with this application by all owners-of-interest unless stated in writing. If a permit is issued, the property owner, in most cases, will be listed as the permittee.

Property owner signature 	Print name David Warren	Date 5/4/23
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# Traffic Assessment

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Prepared for:

# Old Hops Farm Residential Development

SH-133 at MP 8.35R  
Paonia, Colorado



May 4, 2023

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PO Box 629  
Mesa, CO 81643  
970-314-4888



## **Table of Contents**

### Table of Contents

<b>Table of Contents .....</b>	<b>2</b>
<b>1 Introduction &amp; Methodology .....</b>	<b>3</b>
<b>2 Project &amp; Access Description .....</b>	<b>3</b>
<b>3 SH-133 Characteristics .....</b>	<b>5</b>
<b>4 Existing &amp; Future Background Traffic .....</b>	<b>5</b>
<b>5 Project Trip Characteristics .....</b>	<b>7</b>
<b>6 Total Project Access Traffic Volumes .....</b>	<b>8</b>
<b>7 Turn Lane Warrant Evaluation .....</b>	<b>9</b>
<b>8 Intersection Sight Distance .....</b>	<b>10</b>
<b>9 CDOT Access Permitting for the Project Access.....</b>	<b>11</b>
<b>10 Conclusions &amp; Recommendations.....</b>	<b>11</b>

### **Attachments**

#### List of Figures

Figure 1 - Project Vicinity Map .....	3
Figure 2 - Project Location Map .....	4
Figure 3 – Existing Access on SH-133.....	4
Figure 4 – Existing AM & PM Peak Hour Traffic at Project Access .....	6
Figure 5 - View to East on SH-133. from Project Access.....	10
Figure 6 - View to West on SH-133 from Project Access.....	11

#### List of Tables

Table 1 – SH-133 Seasonal Traffic Adjustment Factor Calculation .....	6
Table 2 – Project Trip Generation Estimate .....	7
Table 3 – Peak Hour Project Trip Assignment at Project Access .....	8
Table 4 – Project Access Peak Traffic Volumes – 2023 AM.....	8
Table 5 – Project Access Peak Traffic Volumes – 2023 PM.....	8
Table 6 – Project Access Peak Traffic Volumes – 2043 AM.....	9
Table 7 – Project Access Peak Traffic Volumes – 2043 PM.....	9



## 1 Introduction & Methodology

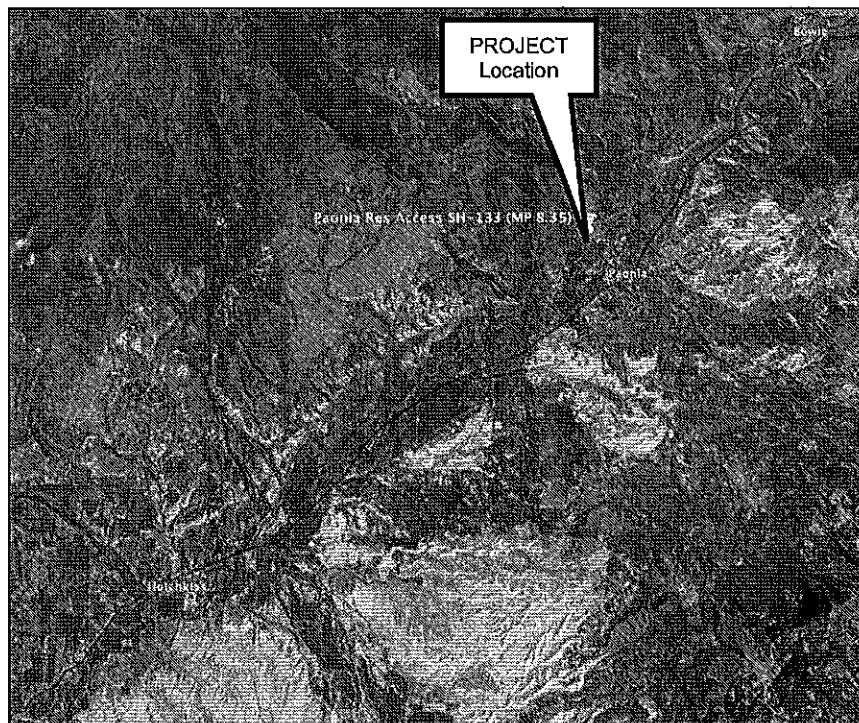
This traffic assessment (Study) evaluated the site access requirements for the proposed Old Hops Farm residential development (Project) to be located west of the existing high school in Paonia, Colorado. The study years were 2023 (assumed opening year) and 2043 for the 20-year period. The study period was the weekday AM and PM peak hours. The following sections describe the Project, traffic volume calculations, auxiliary turn lane warrants, access spacing, and sight distance for the existing Project access point.

## 2 Project & Access Description

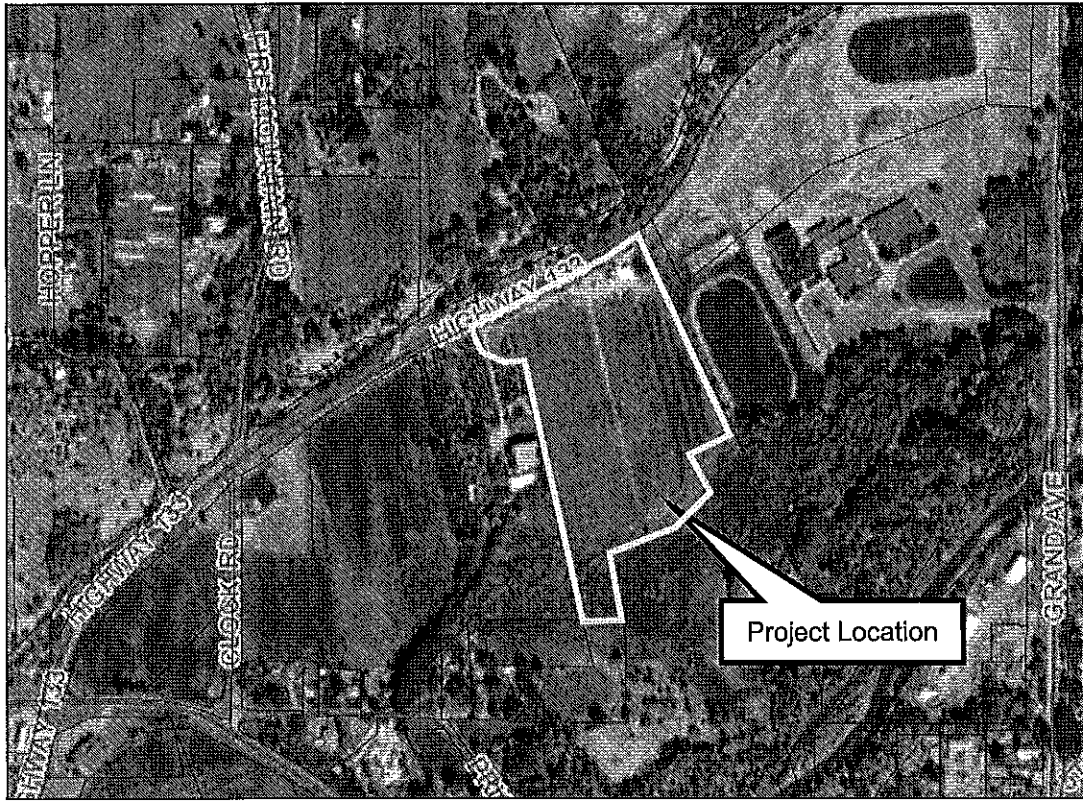
Figure 1 shows the Project vicinity map. Figure 2 shows the Project location within the community. Figure 3 shows the existing access location on SH-133 at MP 8.35. The shared access services two parcels but it is located on the Project site. The other access user is the parcel to the west of the Project site. The existing 3-leg intersection configuration includes a single through lane in both the eastbound and westbound directions. The access currently has one outbound left/right lane and one inbound lane.

The Project would include six single family residential lots.

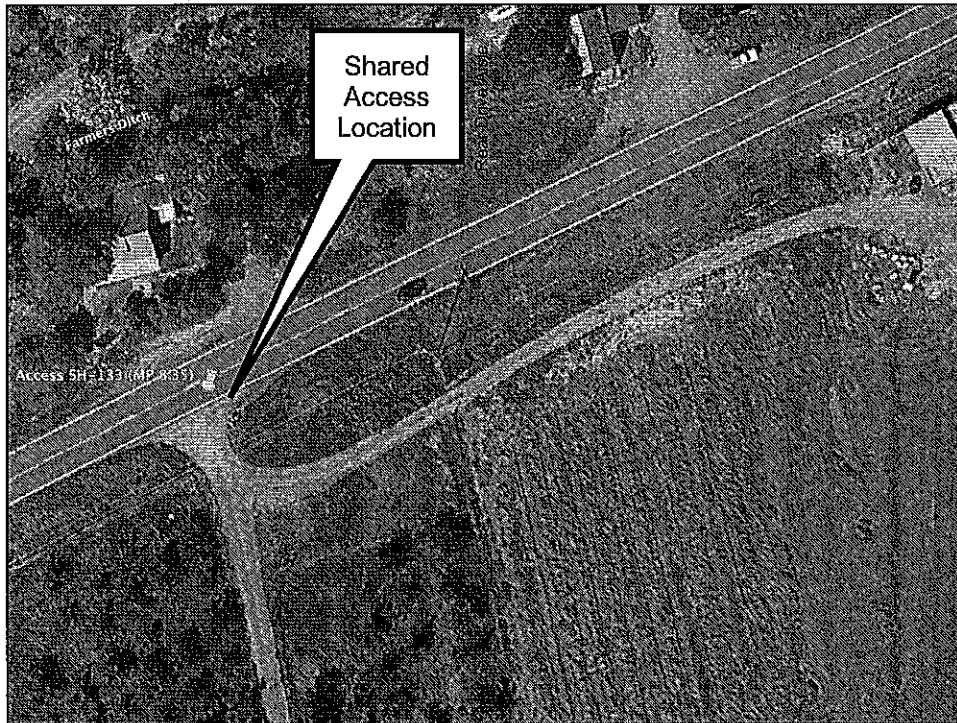
**Figure 1 - Project Vicinity Map**



**Figure 2 - Project Location Map**



**Figure 3 – Existing Access on SH-133**



### 3 SH-133 Characteristics

#### Existing SH-133 Characteristics

The existing conditions and characteristics of this state highway include:

- Access Category: R-A
- Functional Class: Minor Arterial
- NHS: No
- Speed Limit: 45 mph eastbound & westbound
- AADT (2021): 2,300 vpd
- Peak-to-daily Factor (DHF): 12.0
- Peak Truck Percentage: 5%
- 20-year growth factor: 1.06 (Average Annual Growth Rate = 0.29%)

#### Adjacent Access Points

There are other adjacent existing access points within 1,000-ft of the Project Access.

- To the West:
  - 330-ft to private driveway – north side
  - 975-ft to Fire Mountain Rd. – north side
- To the East:
  - 40-ft to private driveway – north side
  - 285-ft to private driveway – north side

#### Access Control Plan

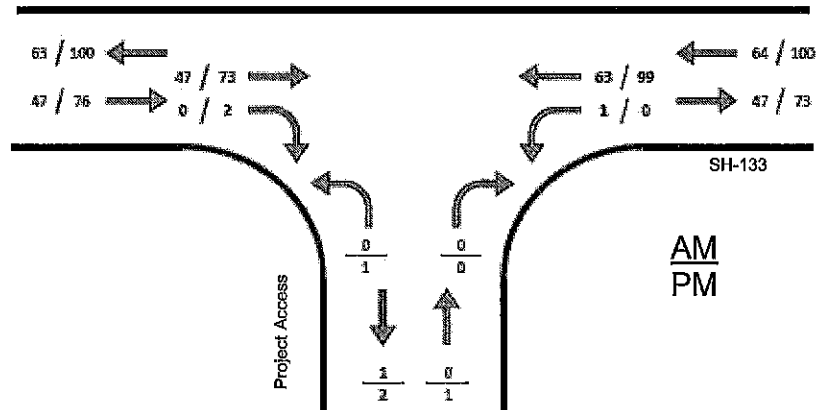
CDOT established an access plan for this section of SH-133 (attached). There appears to be some discrepancies in access location mileposts, but it appears that the Project Access would remain as a full-movement connection to SH-133.

### 4 Existing & Future Background Traffic

#### Existing Access Traffic

TurnKey Consulting obtained traffic counts on 4/18/23 (attached), as shown on Figure 4. These counts included traffic from other users of the shared access. This is a very low volume intersection.

**Figure 4 – Existing AM & PM Peak Hour Traffic at Project Access**



A peak season adjustment factor was necessary for SH-133 eastbound and westbound through movements because the counts did not occur in peak season. The following table shows monthly CDOT traffic volumes at a continuous counting station on SH-92. The traffic in April was 83% of the peak season in July.

**Table 1 – SH-133 Peak Season Count Adjustment Factor Calculation**

Monthly Traffic Volume on SH-92 Northeast of 2200 Rd (Austin) - Count Station 304

CALYR	JANCOUNT	FEBCOUNT	MARCOUNT	APRCOUNT	MAYCOUNT	JUNCOUNT	JULCOUNT	AUGCOUNT	SEPCOUNT	OCTCOUNT	NOVCOUNT	DECCOUNT
2022	3,969	4,061	4,371	4,901	5,141	5,648	5,296	5,403	5,617	4,978	4,402	3,945
2021	3,928	4,107	4,813	4,824	5,602	6,213	6,318	5,373	6,531	5,374	4,678	4,059
2020	3,984	4,167	3,719	3,378	4,445	4,868	5,068	5,145	5,152	5,054	4,133	3,820
2019	3,677	3,860	4,271	4,549	4,815	5,187	5,375	5,120	5,180	4,985	4,317	4,112
2018	3,956	4,007	4,405	4,524	4,881	5,151	5,142	5,339	5,217	4,783	4,334	4,068
2017	3,354	3,858	4,187	4,366	4,623	5,040	5,119	5,254	5,095	4,825	4,301	4,151
2016	3,550	3,760	4,006	4,180	4,441	4,733	4,783	4,898	4,755	4,560	4,019	3,865
2015	3,835	3,782	4,146	4,212	4,428	4,913	4,818	4,900	4,908	4,482	3,912	3,737
2014	3,534	3,546	3,878	3,917	4,187	4,360	4,632	4,726	4,617	4,409	3,837	3,712
2013	3,593	3,756	3,980	4,013	4,377	4,527	4,848	4,680	4,466	4,264	3,877	3,581
Total =	37,380	38,994	41,576	42,814	46,940	50,650	51,309	50,837	51,048	47,714	41,810	39,050
% of Peak =	73%	76%	81%	83%	91%	99%	100%	99%	99%	83%	81%	76%
Pk Season Factor =	1.37	1.32	1.23	1.20	1.09	1.01	1.00	1.01	1.01	1.06	1.23	1.31

A peak season adjustment factor of 1.2 was applied to the SH-133 traffic counts in April to obtain the following summer 2023 volumes on SH-133.

- AM, 56 vph eastbound & 76 vph westbound
- PM, 88 vph eastbound & 119 vph westbound

**Future Background Traffic**

Traffic Growth Rates on SH-133

The study years were 2023 for project build out and 2043 for the 20-yr condition. The traffic counts were taken in 2023. The historic 20-yr traffic growth factor provided by CDOT for SH-133 was 1.06. This growth factor was applied to the eastbound and

westbound summer traffic counts on SH-133 to obtain the following peak 2043 background traffic volumes.

- AM, 59 vph eastbound & 81 vph westbound
- PM, 93 vph eastbound & 126 vph westbound

Consideration of Other Future Adjacent Land Development Projects

No other future background traffic was considered.

## 5 Project Trip Characteristics

### Project Trip Generation Estimate

The trip generation was calculated for the proposed land use. There were not any trip reduction factors for pass-by capture or internal capture. The ITE Trip Generation Manual (11<sup>th</sup> Edition) provided trip data for Land Use Code 210, single family detached housing. The attachments include the detailed calculation worksheets and the following table show the number of trips for six single family residential lots.

**Table 2 – Project Trip Generation Estimate**

Period	Project Trip Ends (6 DU)		
	In	Out	Total
Weekday	38	38	76
AM Peak Hour	1	5	6
PM Peak Hour	4	3	7

### Project Trip Distribution

The Project trips were distributed by direction and assigned to the roadway network based on the recent traffic count at the Study intersection. These counts showed trip distribution of 100% to/from east in the morning peak hour and 100% to/from the west in the afternoon peak hour, which rarely happens. The Project developer lives in Paonia and anticipates that the majority of traffic between the Project and the Town would be to/from the west of the project (using Samuel Wade Rd.). As such, this Study assumed the following for both the AM and PM peak hours.

- 75% to/from the west
- 25% to/from the east

**Project Trip Assignment**

The Projects trips were assigned to specific turning movements, as shown in the following table.

**Table 3 – Peak Hour Project Trip Assignment at Project Access**

Turning Movement	AM Peak (vph)	PM Peak (vph)
EB Right Turn inbound	1	3
WB Left Turn inbound	0	1
NB-WB Left Turn outbound	4	2
NB-EB Right Turn outbound	1	1

**6 Total Project Access Traffic Volumes**

Total future total traffic is the sum of Project trips and background traffic. The following tables show the the future background traffic, Project traffic, and the total future traffic volumes for 2023 and 2043.

**Table 4 – Project Access Peak Traffic Volumes – 2023 AM**

	Northbound		Eastbound		Westbound	
	Left	Right	Thru	Right	Left	Thru
Future Background Traffic	0	0	56	0	1	76
Project Trips	4	1	0	1	0	0
<b>Total</b>	<b>4</b>	<b>1</b>	<b>56</b>	<b>1</b>	<b>1</b>	<b>76</b>

**Table 5 – Project Access Peak Traffic Volumes – 2023 PM**

	Northbound		Eastbound		Westbound	
	Left	Right	Thru	Right	Left	Thru
Future Background Traffic	1	0	88	2	0	119
Project Trips	2	1	0	3	1	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>88</b>	<b>5</b>	<b>1</b>	<b>119</b>

**Table 6 – Project Access Peak Traffic Volumes – 2043 AM**

	Northbound		Eastbound		Westbound	
	Left	Right	Thru	Right	Left	Thru
Future Background Traffic	0	0	59	0	1	81
Project Trips	4	1	0	1	0	0
<b>Total</b>	<b>4</b>	<b>1</b>	<b>59</b>	<b>1</b>	<b>1</b>	<b>81</b>

**Table 7 – Project Access Peak Traffic Volumes – 2043 PM**

	Northbound		Eastbound		Westbound	
	Left	Right	Thru	Right	Left	Thru
Future Background Traffic	1	0	93	2	0	126
Project Trips	2	1	0	3	1	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>93</b>	<b>5</b>	<b>1</b>	<b>126</b>

## 7 Turn Lane Warrant Evaluation

SH-133 has a speed limit of 45 mph in both directions. The access classification is R-A. Section 3.5 of the State Highway Access Code (SHAC) provides minimum through lane volumes related to turn lane warrants, called “waiver volumes.” Section 3.13 provides turn lane warrant criteria. The need for two turn lanes was evaluated against these requirements.

- A westbound left turn deceleration lane is required when BOTH the westbound left turn volume is above 10 vph AND the eastbound through volume is above 100 vph. Neither of these conditions would occur so the turn lane would not be warranted.
- An eastbound right turn deceleration lane is required when BOTH the eastbound right turn volume is above 25 vph AND the eastbound through volume is above 150 vph. Neither of these conditions would occur so the turn lane would not be warranted.
- A northbound-to-eastbound right turn acceleration lane is required when BOTH the eastbound right turn volume is above 50 vph AND the eastbound through volume is above 100 vph. Neither of these conditions would occur so the turn lane would not be warranted.
- The need for a northbound-to-westbound left turn acceleration lane is based on a set of criteria in SHAC Section 3.5. The turn lane is not recommended for the following reasons.
  - Relatively low mainline traffic volumes and vehicle density
  - Low access volume
  - Low amount of large vehicles

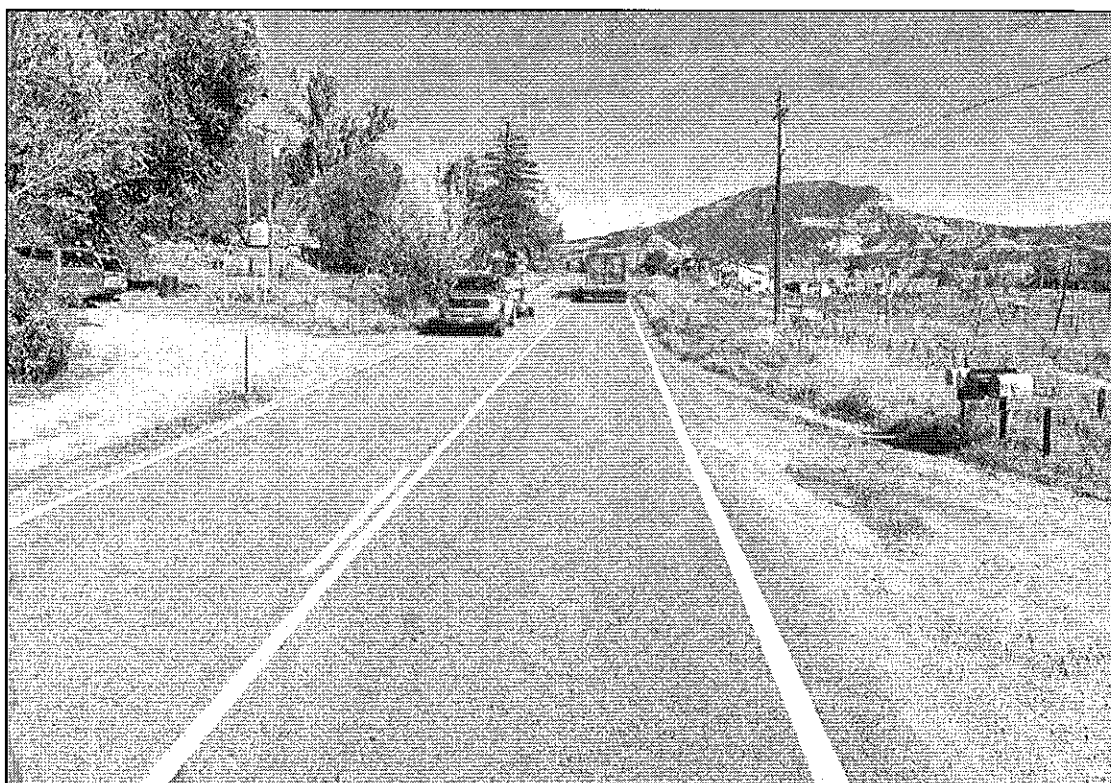


- Little influence of adjacent access points on SH-133
- No nearby signalized intersections
- Adequate sight distance (see next section)

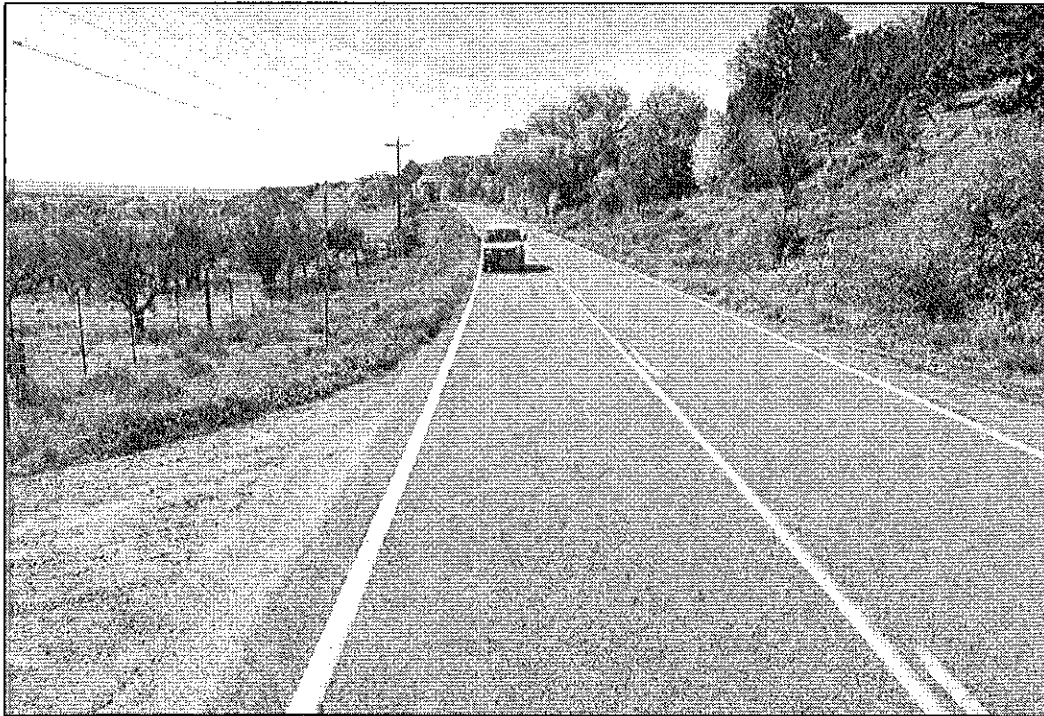
## 8 Intersection Sight Distance

Another important element of intersection safety is sight distance for mainline traffic and turning traffic. At 45 mph, the SHAC requires 400-ft of stopping sight distance and 585-ft of intersection sight distance (for single unit truck on 2-lane road). As shown on the figures, adequate sight distance is available in both directions.

**Figure 5 - View to East on SH-133 from Project Access**



**Figure 6 - View to West on SH-133 from Project Access**



## **9 CDOT Access Permitting for the Project Access**

A CDOT Access Permit would be necessary when the two-way traffic on the access point changes by 20%, which would occur with the addition of Project traffic. A CDOT access permit would be necessary, and the Permittee would be the property owner – West Elk Land & Hops LLC. The permitted traffic volume would be 10 vph at MP 8.35R. The attached letter from the fire department confirms their approval of the access, with minor widening.

## **10 Conclusions & Recommendations**

The analysis in this Study indicates that the Project Access could safely accommodate new Project traffic without constructing turn lanes on SH-133.

# **Attachments**

**CDOT Highway Data – SH-133 near Project Access**

**SH-133 Access Control Plat**

**Existing Traffic Counts – Access AM & PM peak periods**

**Project Trip Generation Calculations**

**Project Trip Distribution Calculations**

**Letter from Paonia Volunteer Fire Department – approving Project Access**

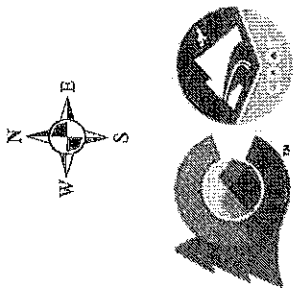
Route 133A From 8 to 9

**Legend**

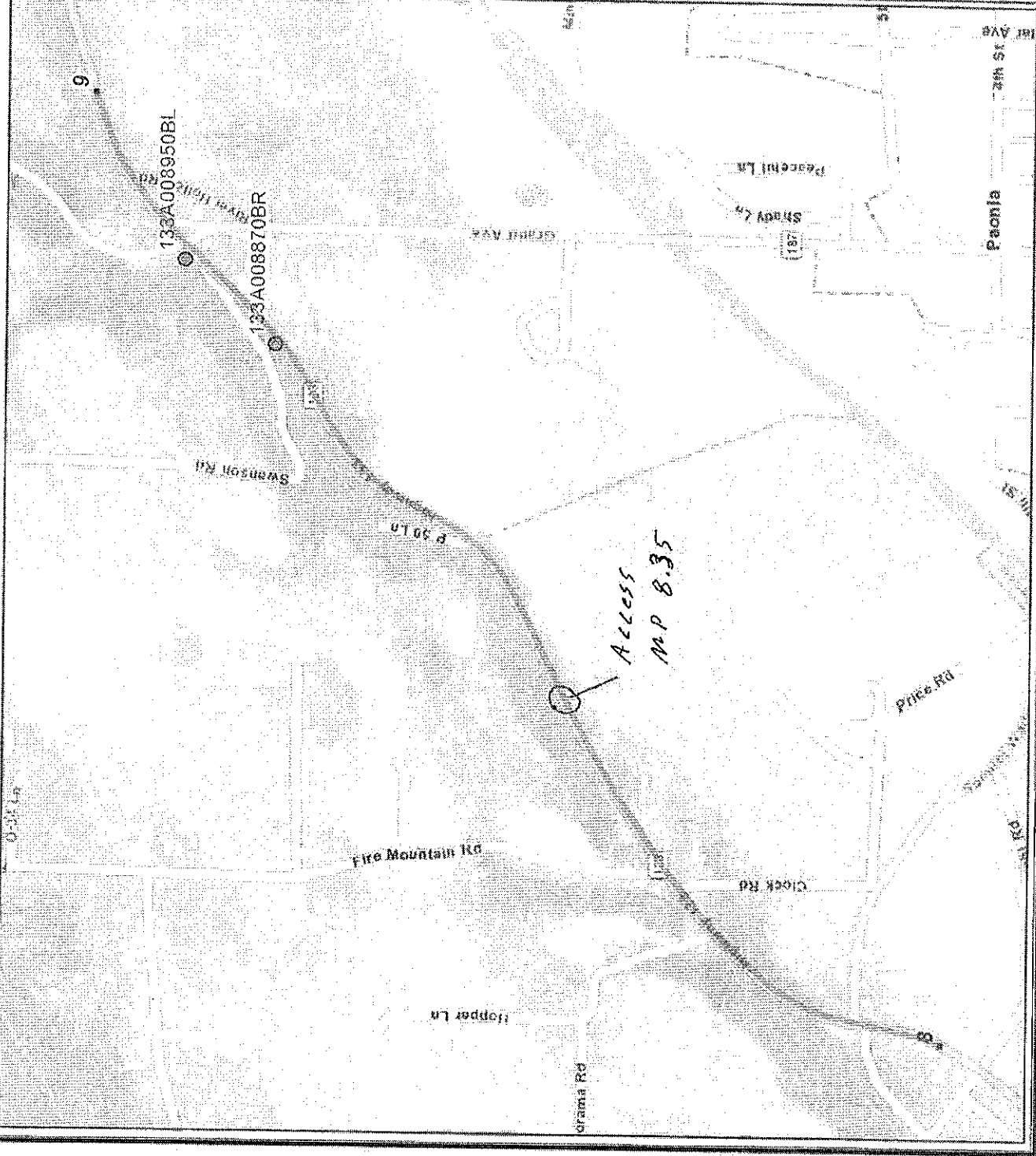
- Route
- Milepoint
- Structures
  - Major Structure
  - Minor Structure

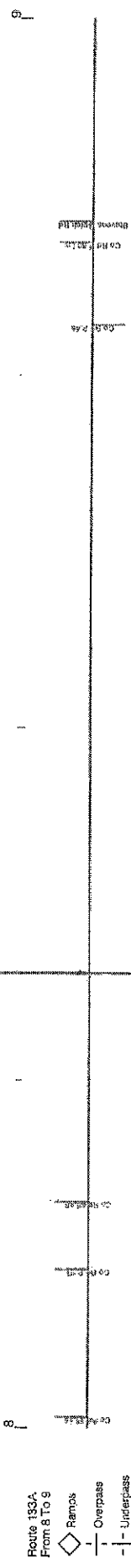
Created: Date: 4/6/2023 Time: 9:19:04 AM

0 0.06 0.12 0.18 0.24 Miles



The information contained in this map is based on the most currently available data and has been checked for accuracy. CDOT does not guarantee the accuracy of any information presented, is not liable in any respect for any errors or omissions, and is not responsible for determining "fitness for use".





Route 133A  
From 8 To 9

• Structures  
 ◊ Ramps  
 - Overpass  
 - Underpass

CLASSIFICATION

Access Control	
Functional Class	4 - Major Arterial
NHS Designation	0 - Not on NHS
Scenic Byway	0 - Not on Scenic

SAFETY

Primary Speed Limit	25
Secondary Speed Limit	25

TRAFFIC

AADT	2500
DRV	1100
Year 20 Factor	1.06

If any information is missing from the straight line diagram, if so, reduce the number of miles/page and re-submit the request.

MP 8.35  
Access

Found 2 Short Duration stations and 0 Continuous Count stations. Click the magnifying glass icon in front of a station to see count data below.

[Export to Excel \(/otis/API/TRANSYS/GetAadtsByRouteRefs/133A/8/9/true/true.csv\)](#)

Station ID	Route	Start	End	Description	AADT	Year	Single Unit	Comb Trucks	% Trucks	20 Year Factor	DHV	DVMT	DD
104548	133A	7.822	8.858	ON SH 133 SW/O SH 187, GRAND AVE, PAONIA	2,300	2021	60	50	4.9	1.08	11	2,355	57
105627	133A	8.858	12.17	ON SH 133 SW/O BOWIE RD W JCT	2,000	2021	60	40	5.3	1.06	12	6,530	57

Projection Year: 2043 [Export to Excel](#)

[/otis/API/TRANSYS/GetFutureTrafficByRouteRefs/2043/133A/8/9/true/true.csv\)](#)

Station ID	Route	Start	End	AADT	Year	Single Trucks	Combined Trucks	% Trucks	DHV	Projected AADT	Projected Single Trucks	Projected Combined Trucks
------------	-------	-------	-----	------	------	---------------	-----------------	----------	-----	----------------	-------------------------	---------------------------

Build Year: Design Life (yrs): Lanes: 1 Rigid pavement:

[Export to Excel \(/otis/API/TRANSYS/GetEsalsByRouteRefs///1/false/133A/8/9/true/true.csv\)](#)

Route	Start	End	Length	20 Year Factor	Single Trucks	Combined Trucks	Projected AADT	Projected Single Trucks	Projected Combined Trucks	18 Kip ESALS
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ON SH 133 SW/O SH 187, GRAND AVE, PAONIA (Station Id: 104548)

- [Daily \(#daily-tab\)](#)
- [Monthly Summaries \(#monthly-tab\)](#)
- [Annual \(#annual-tab\)](#)

07/18/2019

Data is only available on select dates for Short Duration sites.

[Export to Excel \(/otis/API/TRANSYS/GetDailyTrafficVolumeForStationByDay/104548/false/2019-7-18.csv\)](#) [View Entire](#)

[Month \(/otis/TrafficData/GetDailyTrafficVolumeForStationByMonth/104548/false/2019/7\)](#)

Dir	0h	1h	2h	3h	4h	5h	6h	7h	8h	9h	10h	11h	12h	13h	14h	15h	16h	17h	18h	19h	20h	21h	22h	23h
P	00000	00001	00001	00002	00026	00078	79	82	81	72	71	68	89	100	105	66	95	81	49	47	29	47	22	5
S	00003	00000	00003	00001	00001	00014	47	57	60	67	71	102	87	74	127	114	129	119	86	81	41	42	28	27

P = Primary direction S = Secondary direction C = Combined traffic counts

Annual data is only available for continuous sites.

Click [here \(https://experience.arcgis.com/experience/ab7c09a831be45148991181947a97e12\)](https://experience.arcgis.com/experience/ab7c09a831be45148991181947a97e12) to view CDOT's Traffic Volume web map.

Click [here \(https://dtdapps.coloradodot.info/staticdata/Downloads/TrafficDataBase/\)](https://dtdapps.coloradodot.info/staticdata/Downloads/TrafficDataBase/) to download current and historical CDOT traffic data in Excel (.xlsx) format.



[/otis/](#)

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- [CDOT Home \(https://www.codot.gov\)](https://www.codot.gov)

3/9

Access Locations		Hwy 133A RP 6.712 - 10.081			Conditional - access shall close when alternative access is available		
Access No.	PERMIT TYPE	ROUTE	MP	SIDE	ACCESS TYPE	STATUS	REMARKS
1	Grandfathered	133A	6.712	R	Home, Wastewater Plant		Full Movement
2	Grandfathered	133A	6.718	L	1 Home		Full Movement
3	Grandfathered	133A	6.871	R	1 Home, Seasonal Fruit Stand		Full Movement
4	304244	133A	7.133	R	3 Homes		Full Movement
5	Grandfathered	133A	7.133	L	CR Stucker Mesa Road		NIC, emergency access to sewer plant
6	Grandfathered	133A	7.169	L	1 Home		Relocate to 6 when Roadcap Bridge is rebuilt
7	Grandfathered	133A	7.211	L	CR Bethlehem		Full Movement
8	Grandfathered	133A	7.407	L	Field Access		90° access to hwy
9	Grandfathered	133A	7.420	R	Bruce CT (Café Hotel etc.)		Close, access field from Bethlehem Road
10	Grandfathered	133A	7.561	L	Field Access		Full Movement
11	Grandfathered	133A	7.650	R	Field Accesses		Close, access field from Bethlehem Road
12	Grandfathered	133A	7.655	L	Field Access		Close, access from Backage Road #9
13	Grandfathered	133A	7.723	L	1 Home		Close, access field from Bethlehem Road
14	392117	133A	7.738	R	Gravel Pit, House		90° access to hwy, align with 14
15	395029	133A	7.764	L	Mini Storage		Full Movement
16	Grandfathered	133A	7.787	R	2 Homes		Full Movement
17	Grandfathered	133A	7.851	L	1 Home		Conditional
18	Grandfathered	133A	7.851	R	Frontage Road? 6 Homes		Close, Combine with #16
19	Grandfathered	133A	7.876	L	1 Home		Conditional
20	300106	133A	7.901	L	House, Pawn Shop		Conditional
21	Grandfathered	133A	7.929	L	1 Home		Conditional
22	Grandfathered	133A	7.937	L	1 Home		Conditional
23	Grandfathered	133A	7.937	R	Frontage Road - 5 Homes		Close, access for eastern most house off Slahj Road, 1 home only
24	Grandfathered	133A	7.966	R	Slahj Road		Full Movement
25	Grandfathered	133A	7.966	L	Slahj Road		Full Movement
26	397004	133A	8.026	L	Convenience Store		Conditional
27	Grandfathered	133A	8.059	L	Samuel Wade Road		Full movement access with potential for traffic signal/roundabout
28	Grandfathered	133A	8.068	R	P Road (P O D)		Full Movement
29	Grandfathered	133A	8.226	L	Panorama Road		Full Movement
30	Grandfathered	133A	8.287	R	Clock Road		Close, realign access with Panorama Road
31	Grandfathered	133A	8.287	L	Fire Mountain Road		90° access to hwy
32	385011	133A	8.406	L	1 Home & Light Industrial		Full Movement
33	Grandfathered	133A	8.467	R	1 Home & Orchard		Full Movement
34	Grandfathered	133A	8.475	L	1 Home		Full Movement
35	Grandfathered	133A	8.521	R	Field Access		Access from #33
36	Grandfathered	133A	8.621	L	1 Home		Full Movement
37	Grandfathered	133A	8.537	R	Field Access		Close, access from #33
38	Grandfathered	133A	8.775	R	Field Access		Close, access from Riverbank development
39	Grandfathered	133A	8.823	R	Field Access (Canal Road)		Close, access from Grand Avenue
40	Grandfathered	133A	8.895	R	2 Homes		90° access to hwy
41	395053	133A	8.954	R	2 Homes		Close, access from #40
42	Grandfathered	133A	8.925	L	Swanson Road		Close, access from Stevens Gulch Road
43	CDOT	133A	8.975	R	Hwy 187		Full movement access with potential for traffic signal/roundabout
44	Grandfathered	133A	8.982	L	Stevens Gulch Road		Full movement access with potential for traffic signal/roundabout
45	CDOT	133A	9.000	R	Hwy 187 (Right - Out Only)	Long Mile	Close, access from Grand Avenue
46	Grandfathered	133A	9.049	R	Visitor's Center, 3 Homes	Long Mile	Close, access from Grand Avenue
47	Grandfathered	133A	9.075	L	2 Homes	Long Mile	Close, access from Stevens Gulch Road
48	Grandfathered	133A	9.000	L	Field Access		Close, access from #60
49	Grandfathered	133A	9.010	L	Field Access		Close, access from #50
50	Grandfathered	133A	9.029	L	1 Home, liquor store		Full Movement
51	Grandfathered	133A	9.041	L	Field Access		Close, access from #52
52	Grandfathered	133A	9.063	L	1 Home, Shop		Full Movement
53	Grandfathered	133A	9.135	L	2 Homes		Close, access from Stevens Gulch Road
54	Grandfathered	133A	9.246	L	Field Access "Very Steep"		Close, access from Farmers Mine Road
55	Grandfathered	133A	9.292	R	Field Access		Close, access from #59
56	Grandfathered	133A	9.295	L	Farmers Mine Road		Full Movement
57	Grandfathered	133A	9.326	L	Shop "100' wide"		Full Movement
58	Grandfathered	133A	9.352	R	1 Home		Close, access from #56
59	Grandfathered	133A	9.380	R	1 Home		Full Movement
60	Grandfathered	133A	9.392	L	1 Home		Close, access from #62
61	Grandfathered	133A	9.428	R	Field Access		Close, access from #59
62	Grandfathered	133A	9.442	L	Field Access		Full Movement
63	Grandfathered	133A	9.463	L	Field Access		Close, access from #62
64	Grandfathered	133A	9.478	L	Field Access		Close, access from #62
65	Grandfathered	133A	9.509	L	1 Home		Full Movement
66	Grandfathered	133A	9.535	R	Black Bridge Road		Close, realign to original location at #73
67	Grandfathered	133A	9.556	L	Field Access		Close, access from #65
68	Grandfathered	133A	9.617	L	1 Home		Close, access from #69
69	Grandfathered	133A	9.888	L	1 Home		Full Movement
70	395055	133A	9.719	R	Coal		Close, access from #73
71	395056	133A	9.760	R	Coal		Close, access from #73
72	Grandfathered	133A	9.783	L	1 Home		Close, access from Garvin Mesa Road
73	395057	133A	9.893	R	Coal		90° access to hwy
74	Grandfathered	133A	9.607	L	Garvin Mesa Road		Full Movement
75	Grandfathered	133A	9.879	R	1 Home		Full Movement
76	Grandfathered	133A	9.932	L	1 Home		Close, access from #77
77	Grandfathered	133A	9.975	L	Field Access		Full Movement
78	Grandfathered	133A	10.081	L	Field		Full Movement

? →

← ?

SH-133 Access Plan

Note MP 8.406 or MP 8.467  
 doesn't match data provided  
 by CDOT OTIS Mapping System

Intersection Turning Movement Count Summary

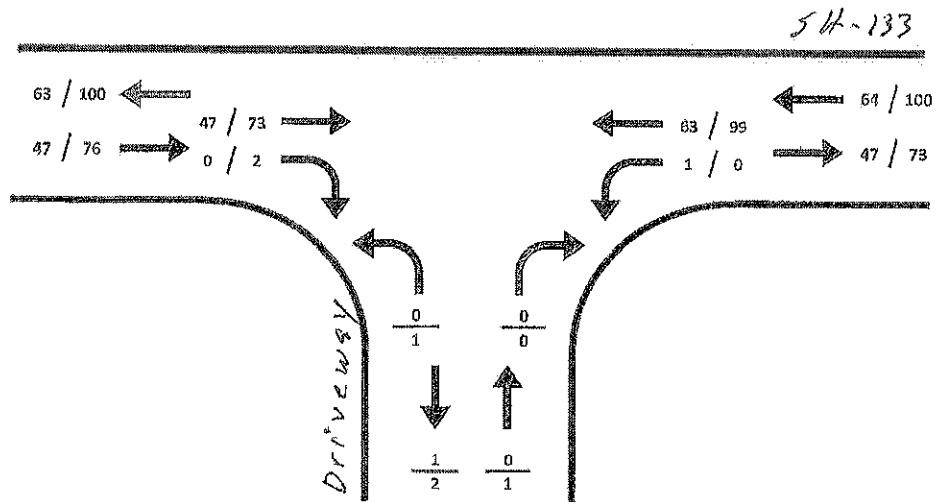
Project: Paonia Residential SH 133  
 Location: Paonia  
 EB/WB Road: SH 133  
 NB/SB Road: Access

**APEX**  
 CONSULTING ENGINEERS  
 CIVIL ENGINEERS • MANAGEMENT • DEVELOPMENT

Counted By: APX  
 Count Date: 4/18/2023

Intersection 1 - SH 133 & Access

	SH 133 - (EB)			SH 133 - (WB)			Access - (NB)			Access - (SB)			Sums
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
AM	7:00	-	11	1	0	30	-	0	-	0	-	-	22
	7:15	-	13	0	0	15	-	0	-	0	-	-	28
	7:30	-	10	0	0	11	-	0	-	0	-	-	21
	7:45	-	7	0	0	11	-	0	-	0	-	-	18
	8:00	-	12	0	1	12	-	0	-	0	-	-	25
	8:15	-	12	0	0	13	-	0	-	0	-	-	25
	8:30	-	18	0	0	18	-	0	-	0	-	-	36
	8:45	-	5	0	0	20	-	0	-	0	-	-	25
	Peak	-	47	0	1	63	-	0	-	0	-	-	111
Sums		47			64			0					111
PM	16:00	-	14	0	0	14	-	0	-	0	-	-	28
	16:15	-	29	1	0	29	-	0	-	0	-	-	59
	16:30	-	17	0	0	32	-	0	-	0	-	-	49
	16:45	-	13	1	0	21	-	0	-	0	-	-	36
	17:00	-	14	0	0	17	-	1	-	0	-	-	33
	17:15	-	15	0	0	12	-	0	-	0	-	-	27
	17:30	-	11	0	1	23	-	0	-	0	-	-	35
	17:45	-	14	0	0	23	-	0	-	2	-	-	39
	Peak	-	73	2	0	99	-	1	-	0	-	-	177
Sums		76			100			1					177



Traffic Count

2/1





ITE TripGen Web-based App

Query Filter

DATA SOURCE: Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE: 210

LAND USE GROUP: (200-299) Residential

LAND USE: 210 - Single-Family Detached Housing

LAND USE SUBCATEGORY: All Sites

SETTING/LOCATION: General Urban/Suburban

INDEPENDENT VARIABLE (IV): Dwelling Units

TIME PERIOD: Weekday

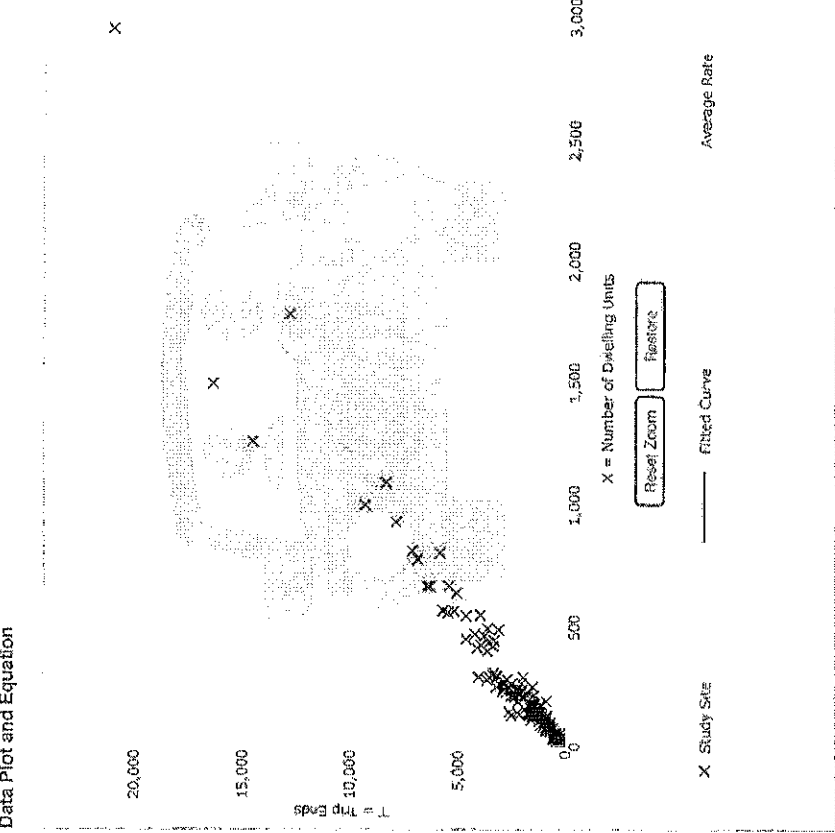
TRIP TYPE: Vehicle

ENTER IV VALUE TO CALCULATE TRIPS: 6

Calculate

Project Trip Generation

Data Plot and Equation



Use the mouse wheel to Zoom Out or Zoom In. Hover the mouse pointer on data points to view X and Y values.

DATA STATISTICS

Land Use: Single-Family Detached Housing (210) Click for Description and Data Plots

Independent Variable: Dwelling Units

Time Period: Weekday

Setting/Location: General Urban/Suburban

Trip Type: Vehicle

Number of Studies: 174

AVG Num of Dwelling Units: 246

Average Rate: 9.43

Range of Rates: 4.45 - 22.61

Standard Deviation: 2.13

Fitted Curve Equation:  $L(X) = 0.92 \ln(X) + 2.68$

$R^2$ : 0.95

Directional Distribution: 50% entering, 50% exiting

Calculated Trip Ends: Average Rate: 57 (Total), 28 (Entry), 29 (Exit) Fitted Curve: 76 (Total), 38 (Entry), 38 (Exit)

Weekday

400 BR 4 10 10 10 10 10

F/S

Query Filter

DATA SOURCE: Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE: 210

LAND USE GROUP: (200-299) Residential

LAND USE: 210 - Single-Family Detached Housing

LAND USE SUBCATEGORY: All Sites

SETTING/LOCATION: General Urban/Suburban

INDEPENDENT VARIABLE (IV): Dwelling Units

TIME PERIOD: Weekday, Peak Hour of Adjacent Street Traf

TRIP TYPE: Vehicle

ENTER IV VALUE TO CALCULATE TRIPS: 6

Calculate

Data Plot and Equation



DATA STATISTICS

Land Use: Single-Family Detached Housing (210) Click for Description and Data Plots

Independent Variable: Dwelling Units

Time Period: Weekday, Peak Hour of Adjacent Street Traffic

Setting/Location: General Urban/Suburban

Trip Type: Vehicle

Number of Studies: 192

Avg. Num. of Dwelling Units: 226

Average Rate: 0.70

Range of Rates: 0.27 - 2.27

Standard Deviation: 0.24

Fitted Curve Equation:  $Ln(T) = 0.84 Ln(X) + 0.12$

R<sup>2</sup>: 0.90

Directional Distribution: 25% entering, 75% exiting

Calculated Trip Ends: Average Rate \* (Total) = (Entry) \* (Exit)

Fitted Curve: 6 (Total), 1 (Entry), 5 (Exit)

Use the mouse wheel to Zoom Out or Zoom In.  
 Hover the mouse pointer on data points to view X and T values.

AM Peak Hour

Query Filter

DATA SOURCE: Trip Generation Manual 11th Ed

SEARCH BY LAND USE CODE: 210

LAND USE GROUP: (200-299) Residential

LAND USE: 210 - Single-Family Detached Housing

LAND USE SUBCATEGORY: All Sites

SETTING/LOCATION: General Urban/Suburban

INDEPENDENT VARIABLE (IV): Dwelling Units

TIME PERIOD: Weekday, Peak Hour of Adjacent Street Tra

TRIP TYPE: Vehicle

ENTER W VALUE TO CALCULATE TRIPS: 6

Calculate

Data Plot and Equation



Use the mouse wheel to Zoom Out or Zoom In. Hover the mouse pointer on data points to view X and Y values.

DATA STATISTICS

Land Use:	Single-Family Detached Housing (210): Single-Family Detached Housing Data File
Independent Variable:	Dwelling Units
Time Period:	Weekday
Peak Hour of Adjacent Street Traffic:	One Hour Between 4 and 6 PM
Setting/Location:	General Urban/Suburban
Trip Type:	Vehicle
Number of Studies:	206
Avg. Num. of Dwelling Units:	248
Average Rate:	0.94
Range of Rates:	0.35 - 2.83
Standard Deviation:	0.91
Fitted Curve Equation:	$Y(X) = 0.94 \sqrt{X} + 0.27$
R <sup>2</sup> :	0.87
Directional Distribution:	63% entering, 37% exiting
Calculated Trip Ends:	Average Rate (0.94) * (X) + 0.27 (Y)
Fitted Curve:	2 (Total), 4 (Entry), 3 (Exit)

PM Peak Hour

Project: Paonia Residential SH 133  
 Location: Paonia  
 EB/WB Road: SH 133  
 NB/SB Road: Access

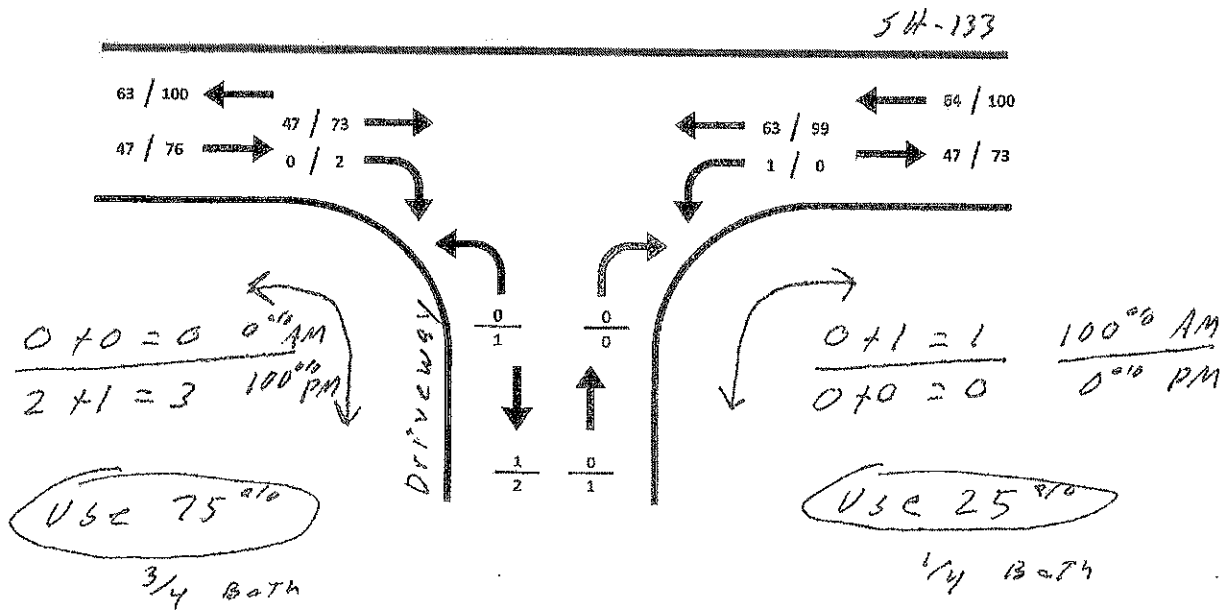
Intersection Turning Movement Count Summary

**APEX**  
 CONSULTING ENGINEERS  
 CIVIL ENGINEERS • MANAGEMENT • DEVELOPMENT  
 Counted By: APX  
 Count Date: 4/18/2023

Intersection 1 - SH 133 & Access

		SH 133 - (EB)			SH 133 - (WB)			Access - (NB)			Access - (SB)			Sums
		Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right	
AM	7:00	-	11	1	0	10	-	0	-	0	-	-	-	22
	7:15	-	13	0	0	15	-	0	-	0	-	-	-	28
	7:30	-	10	0	0	11	-	0	-	0	-	-	-	21
	7:45	-	7	0	0	11	-	0	-	0	-	-	-	18
	8:00	-	12	0	1	12	-	0	-	0	-	-	-	25
	8:15	-	17	0	0	13	-	0	-	0	-	-	-	25
	8:30	-	18	0	0	18	-	0	-	0	-	-	-	36
	8:45	-	5	0	0	20	-	0	-	0	-	-	-	25
	Peak	-	47	0	1	63	-	0	-	0	-	-	-	111
	Sums	-	47	0	1	63	-	0	-	0	-	-	-	111
PM	16:00	-	14	0	0	14	-	0	-	0	-	-	-	28
	16:15	-	29	1	0	29	-	0	-	0	-	-	-	59
	16:30	-	17	0	0	32	-	0	-	0	-	-	-	49
	16:45	-	13	1	0	21	-	0	-	0	-	-	-	35
	17:00	-	14	0	0	17	-	1	-	0	-	-	-	33
	17:15	-	15	0	0	12	-	0	-	0	-	-	-	27
	17:30	-	11	0	1	23	-	0	-	0	-	-	-	35
	17:45	-	14	0	0	23	-	0	-	2	-	-	-	39
	Peak	-	73	2	1	99	-	1	-	0	-	-	-	177
	Sums	-	73	2	1	99	-	1	-	0	-	-	-	177

AM  
 PM



Project Trip DISTRIBUTION

1/1

HIGH WIRE HOPS  
PO BOX 1143  
PAONIA, CO 81428

4361  
90-4378/1211

11/22/23 Date

Pay to the Order of TOWN OF PAONIA

FIVE HUNDRED & NO/100

\$ 500.00

Dollars



UNITED BUSINESS BANK  
www.unitedbusinessbank.com

For SUBDIVISION APPLICATION FEE



*[Signature]*

CHECK AGAIN TRADE PROMOTION

Photo Safe Deposit Details on back

**Minutes**  
**Planning Commission Meeting**  
**Town of Paonia, Colorado**  
**January 17, 2024**

**RECORD OF PROCEEDINGS**

**Roll Call**

PRESENT

Vice-Chair Mary Bachran  
Chair Dave Knutson  
Secretary Lyn Howe  
Commissioner Suzanne Watson

ABSENT

Commissioner Steve Clisset

**Approval of Agenda**

Chair Knutson speaks to the importance of timely packet availability and transparency for meetings.

Vice-Chair Bachran makes a motion, seconded by Secretary Howe, to approve the agenda.

Motion carries unanimously.

**Actions & Presentations**

1. Appointment of Officers

Chair Knutson provides overview of existing seats and discusses timing of appointments with Town Clerk Vetter and Commissioner Watson. Town Attorney Cotton-Baez had advised previously such appointments take place at the start of the year.

Vice-Chair Bachran makes a motion, seconded by Commissioner Watson to have Dave Knutson retain his position as Chair, Mary Bachran to retain her position as Vice-Chair, and for Lyn Howe to retain her position as Secretary.

Motion carries unanimously.

2. Master Plan Status Update - Phoenix Rising Resources

Calla Rose – Phoenix Rising – presents update on comprehensive plan. Apologizes for not having provided physical copies due to print issues caused by internet connectivity drops. She informed the committee that she will be submitting a work order change for additional funds for bringing on Shay and Andrew (Coburn) as well and asks for more time for map creation. Should have update by end of this week. She discussed the approach, elements for feedback, public workshops, input, and public hearing.

Town Administrator Wynn goes through the planned dates and actions set with Phoenix Rising Resources.

Chair Knutson expresses his pleasure with having Shay and Andrew (Coburn) working on this.

Public Comment: None

Chair Knutson and Town Administrator Wynn discuss funds and transfers with DOLA.

No motion is made.

**3. Public Hearing-**

Application for Minor Subdivision of Property at 841 HWY 133 Paonia CO 81428 by West Elk Land & Hops

Chair Knutson opens the Public Hearing at 5:15PM

Chair Knutson explains the process for the Public Hearing. Advises that proper notifications were done and there are no Commissioner disclosures.

Town Administrator Wynn explains the details of parcel split plans and rules for splitting lots. He goes through a checklist of items met and presented from the various entities and considerations to applicant. He also explains that zoning was not contemplated and didn't see it posted as part of this presentation for approval. He explained that this hearing is for deciding on minor subdivision, zoning comes later.

Town Administrator Wynn goes on to explain public notifications duration was four weeks, certified letters sent out to adjacent property owners, and of some residents coming in to review presented plans and plat. He discusses Town Attorney provided explanation of access easements and provides detail.

Town Administrator Wynn recommends that the planning commission could conditionally approve the subdivision and have a seller grant appropriate access easements upon sale of the subdivision.



Applicant:

David Warren – sworn in – co-owner of property. Gives background history of property formerly known as Riverbank. Project cancelled in 2008 and divided into two parcels. Components; water, sewer, access, and fire protection. Discusses augmentation plan description and relation to project. Working with water contracts to retain water. Currently has an Observation Well permit and will be a General Use Well in a couple weeks. Explains septic systems used due to being except from connection to town’s water system due to distance to closest sewer. Incorporated all fire department recommendations. Discusses that Estate zoning makes sense due to lot sizes and water rights. Would like to stay within town limits. He states that their application has met all criteria.

D. Warren and his co-owners are asking the Planning Commission to make a recommendation to the Town Trustees this evening to approve the minor subdivision and estate zoning contingent on three components that need to be completed. Components are 1.) securing the general use permit for a well, 2.) completing engineer plans for optimistic water well and delivery plan to each lot., 3.) developing HOA guidelines which will consist of a simple agreement for shared irrigation system use, maintenance and improvements: HOA usage for water only.

Town Administrator Wynn reiterates that there are two different issues: Subdivision and Zoning.

Public Comment: Opens at 5:38 PM

R. Schmidt – sworn in – speaks to the need for clarification on previous subdivision and questions if already subdivided. He questions if there are any existing full easements available for utilities/road access, annexation, and utilities/services provided by the Town.

B. Bruner – sworn in – speaks to property already zoned properly. Speaks against having a gated-type community.

C. Patterson – sworn in – speaks of the lack of lead time to review information to research. She states neighbor adjacent to property in question was not notified. She feels process should be slowed down to coincide with the Town’s Master Plan.

Response from applicant:

Allison Elliot (co-owner). – appreciates public input and concern. She addresses concerns about sewer distance. She feels what was presented would be the best option for what to do with the property and the Town.

Public comment closed at 5:53 PM

Chair Knutson asks if there are any objections to accepting the presented information from the applicant.

No objection to receiving information is heard.

Secretary Howe speaks of the need for clarification on subdividing a previously subdivided property and whether it can be done. She also expresses her concern about the lack of lead time for public access/review of all the information received.

Vice-Chair Bachran makes a motion, seconded by Secretary Howe for a 5-minute break.

Motion carries unanimously.

Planning Commission reconvenes at 6:02 PM.

Town Clerk Vetter explains they have identified one owner adjacent to the property that was not notified. She explains the process for how notifications are sent, and it was not purposeful.

Town Administrator Wynn explains that number eleven of our criteria states that minor subdivision application is not available more than one time for the same lot or adjacent lots under the same ownerships. He identified change of ownership in 2012, allowing subdivision.

The Commission members discuss access issues in the past, possible hardships created, population density changes, Master Plan/growth conflicts, issues with zoning changes.

Town Administrator Wynn explains that the Planning Commission doesn't make decisions on zoning. He states that questions of access have been addressed working with CDOT and the Fire department.

Vice-Chair Bachran and Commissioner Watson briefly discussed zoning procedures but per Commission rules, they can only recommend but take no action.

Chair Knutson closes the Public Hearing portion at 6:19PM.

Commission Deliberation:

Vice-Chair Bachran states that the application meets all requirements and having mixed density is a good thing.

Commissioner Watson re-iterates her previously expressed concerns, but still uncomfortable with density change and access to support that. She speaks to wanting more information from staff.

Secretary Howe asks if the identified subdivision question has been answered.

Town Administrator Wynn explains that another split would have to go through another process for a major subdivision. Town permits are required and must follow design & build standards. He explains that it would have to fit criteria in the Comprehensive Plan.

Vice-Chair Bachran makes a motion to accept subdivision.

Motion fails due to lack of a second.

Chair Knutson opens it for further discussion.

Vice-Chair Bachran makes a motion, seconded by Secretary Howe, that the Planning Commissions recommend conditional approval of the application for minor subdivision, property at 841 HWY 133, under the conditions that A) the formulation of an access agreement upon the sale of the properties, B) they obtain the general use well permit, C) that they have engineering plans with a domestic water system developed in two weeks before the sale, and D) development of an HOA.

Motion carries with Commissioner Watson voting Nay.

Members discuss zoning questions and Town Administrator Wynn provides three options on the zoning questions; 1.) Approval, 2.) Denial., 3.) push to the Board of Trustees to decide.

Vice-Chair Bachran makes a motion that the Planning Commission do nothing and that this be taken up by the Board of Trustees as Part of the Master Plan.

Vice- Char Bachran rescinds her motion.

Commissioner Watson and Town Administrator Wynn discuss the timing of zoning discussions will take place in June, along with the Land Use Code talks.

Vice-Chair Bachran makes a motion, seconded by Secretary Howe, to recommend that the Board of Trustees take up the zoning issue after June 6<sup>th</sup>, 2024.

Motion carries unanimously.

4. Recommendations to Town Council regarding Housing Needs Assessment and Housing Action Plan regarding Short Term Rentals

Chair Knutson provides a background on item agenda addition and importance on acting on Short Term Rentals (STRs) and Accessible Dwelling Units (ADUs).

Vice-Chair Bachran and Commissioner Watson discussed recommendations made by consultants Shay and Andrew Coburn and the desire to keep outside entities from purchasing property and management from afar.

Town Administrator Wynn suggests solutions can include items such as required licenses with annual renewals. Explains that the Town Code re-write is needed and budgeted for. Chair Knutson asks for a brief update from Urban Rural Continuum to be includes in the packet.

No motion is made.

**Adjournment**

Chair Knutson adjourns the meeting at 7:11PM

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Ruben Santiago, Deputy Town Clerk

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Dave Knutson, Chair

DRAFT

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## Chapter 17 SUBDIVISIONS

### ARTICLE 1. GENERAL PROVISIONS

#### Sec. 17-1-10. Purpose.

The purpose of this Article shall be to ensure the health, safety and general welfare of the citizens of the Town and to provide minimum standards for design of improvements and subdivision of land in order to promote a safe and efficient street system, a proper distribution of population and public facilities, adequate public utilities and to protect purchasers from unexpected obligations and assessments.

(Ord. No. 2000-02, Art. I, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

#### Sec. 17-1-20. Authority.

These Subdivision Regulations are adopted under the authority granted by Title 31, Article 23, C.R.S. No final subdivision plat shall be approved and accepted by the Board of Trustees unless it conforms to the provisions of this Chapter.

(Ord. No. 2000-02, Art. II, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

#### Sec. 17-1-30. Jurisdiction.

This Chapter shall be applicable within the following areas:

- (1) All land located within the boundaries of the Town.
- (2) All unincorporated land within three (3) miles of the corporate boundaries of the Town for major street plan purposes when a major street plan has been approved in accordance with the requirements of state statutes.
- (3) All land that is in the process of annexation to the Town.

(Ord. No. 2000-02, Art. III, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

#### Sec. 17-1-40. Applicability and enforcement.

- (a) Whoever divides or participates in the division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether for residential, industrial, office, business or other use, shall make the transaction subject to the provisions of this Chapter, including the approval of a final subdivision plat by the Board of Trustees. The terms of any such transactions shall include and refer to any division of land previously subdivided or platted.
- (b) Exceptions to the above shall include any division of land to heirs through an estate proceeding and any division of land by virtue of the foreclosure of a deed of trust.

- (c) No final plat of a subdivision located within the area of planned jurisdiction of the Town shall be filed or recorded with the County Clerk and Recorder until said plat has received final approval in writing by the Planning Commission and by the Board of Trustees. Any owner or agent of the owner of any land located within a subdivision who transfers, sells, agrees to sell or negotiates to sell any land by reference to or by use of a plat for a subdivision, before such plat has been recorded or filed in the office of the County Clerk and Recorder, shall be deemed guilty of a misdemeanor. In addition, the Town may enjoin such transfer, sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty of civil action in a court of competent jurisdiction.

(Ord. No. 2000-02, Art. IV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-1-50. Administration.**

- (a) *Public notice requirements.* A public hearing shall be required, for consideration of preliminary subdivision plats and annexation maps, by the Planning Commission and, for consideration of final subdivision plats and annexation maps, by the Board of Trustees. The following public notice requirements shall be met:
  - (1) A public notice shall be published in a newspaper of general circulation within the Town at least fifteen (15) days in advance of the hearing.
  - (2) Notice shall be sent to all property owners within two hundred (200) feet of the property in question at least ten (10) days in advance of the hearing. The applicant shall pay postage.
  - (3) A notice shall be posted on the subject project for at least ten (10) days prior to the hearing. The applicant shall be required to post this notice as directed by the Town Administrator.
  - (4) All notices shall include the following information:
    - a. The name of the applicant or appellant and the description of the property.
    - b. A description of the nature of the request.
    - c. The time, date and place of the public hearing.
    - d. The agency or office and phone number where further information may be obtained.
- (b) *Exceptions.*
  - (1) The Planning Commission may recommend the granting of exceptions from the design and improvement standards set forth in Article 4 of this Chapter at a public hearing conducted upon notice as set forth in Subsection (a) above. In recommending the granting of an exception, the Planning Commission can recommend the imposition of any of the conditions set forth in the subdivision agreement. In order to obtain an exception, the applicant must show and the Planning Commission must find all of the following where applicable:
    - a. The strict application of the relevant standards will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property in question due to the exceptional shape, topographic condition or other extraordinary and exceptional situation or condition of the property in question which does not occur generally to other property in the same zone district.
    - b. The exception to be granted is the minimum necessary to alleviate the practical difficulties and undue hardship upon the owner of the property.
    - c. The exception to be granted does not substantially impair the intent and purpose of the Comprehensive Plan, this Chapter, Chapter 16 of this Code and the standard from which the exception is sought.

- d. The circumstances relating to or causing the practical difficulties or hardship upon the owner of the property were not created through or induced by any fault or action of the owner of the property, are not due to or the result of general conditions in the zone district or in the surrounding area outside of the zone district and cannot practicably be corrected by a means other than an exception.
  - e. Notwithstanding the above, an exception to the subdivision regulations may be recommended by the Planning Commission and approved by the Board of Trustees if the exception is considered necessary to achieve the objectives of a PUD.
- (2) The Planning Commission may, in recommending the granting of an exception, recommend the imposition of any conditions set forth in the subdivision agreement or which it deems necessary to carry out the intent of the provisions of this Chapter or any other provision of this Code.
  - (3) An exception shall not be allowed until the application for an exception is reviewed and approved by the Board of Trustees. If the Planning Commission recommends an exception with or without conditions, the Board of Trustees shall review and act upon the application for exception after giving the same type of notice as was given prior to the hearing before the Planning Commission. The Board of Trustees may grant, deny or grant with conditions an application for an exception, and the decision of the Board of Trustees shall be final from which an appeal may be taken to a court of law.

(Ord. No. 2000-02, Art. VI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-1-60. Word usage.**

- (a) The word *lot* includes plot and parcel.
- (b) The phrase *used for* shall be construed to include *arranged for, designed for, intended for, maintained for* and *occupied for*.
- (c) Words used in the singular number include the plural, and the words in the plural include the singular, unless the context clearly indicates the contrary.
- (d) The word *shall* is always mandatory. The word *may* is permissive.

(Ord. No. 2000-02, Art. V, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-1-70. Definitions.**

For purposes of this Chapter the following words shall have the meanings ascribed to them as follows:

*Boundary adjustment* means the relocation of a lot line or lines that does not create new lots or the elimination of a lot line or lines that results in two (2) or more lots being combined into a lesser number of lots provided, however, that no more than ten (10) lot lines may be so adjusted on a Town approved and recorded plat.

*Condominium* means a subdivision in which the interests created are separate fee simple estates in individual air space units of a multi-unit property together with individual fee simple interests in common elements as defined by state statutes.

*Drainage or erosion control structure* means all facilities necessary to control the direction, depth, velocity and volume of water flow within a proposed subdivision and to mitigate the erosion and related water quality impacts resulting from development. Such facilities are considered to be public improvements as defined by this Chapter.



*Driveway* means an access facility between the driveway approach point on a roadway, shared access facility or emergency vehicle access and the abutting property used by vehicular traffic. A driveway is that portion of a lot intended to be the area upon which vehicles travel from a road, public or private, to a dwelling or other improvements located upon the lot.

*Driveway approach* means any area, construction or facility between the roadway and the driveway, shared access facility or emergency vehicle access serving the abutting property which provide access for vehicular traffic.

*Easement* means a grant of one (1) or more property rights by the property owner to and/or for the use by public, a corporation or another person or entity.

*Lot* means a parcel of land of at least sufficient size, and containing sufficient buildable area, to meet the minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are required by the Land Development Regulations. The word *lot* includes the word *plot*, *parcel* and shall also mean the same as *building site* and that portion of a condominium subdivision project designed and intended for separate ownership and/or exclusive use.

*Major street plan* means that portion of the Master Plan of the Town which establishes the general location, character and extent of streets, thoroughfares, bridges, waterways, boulevards, parkways, parks and other public ways, grounds and open spaces that may be necessary for transportation purposes.

*Major subdivision* means any subdivision of land that does not fall within the definition of a *minor subdivision*.

*Minor subdivision* means the division of land that meets at least one (1) of the following conditions:

- a. The division of a parcel of land into three (3) lots or less. A parcel of land may only be subdivided once into three (3) lots or less under the minor subdivision procedures once, but the relocation or adjustment of lot lines may be permitted multiple times on the same parcel of land, provided that such modification conforms to all other applicable provisions of these regulations. Any subsequent subdivision, except for Subparagraph b. below, must follow the procedures for a major subdivision.
- b. The relocation or adjustment of a lot line that does not create new lots.

*Paonia control system* includes the following:

- a. *Horizontal control* means a system of plane coordinates which has been established by the Town Engineer for the purpose of defining and stating the positions or the location of points on the surface of the earth within the Town and surrounding area.
- b. *Paonia Control System Map* means a map on file at the office of the Town Clerk showing the location, coordinates and vertical elevation of the *Paonia control system* or control stations.
- c. *Vertical control* means a vertical elevation system based on the USGS datum of 1929, which has been established by the Town Engineer for vertical control within the Town and surrounding area.

*Parent parcel* means a parcel of land lawfully in existence and through which a private road was extended prior to the effective date of this Section.

*Private road* means a roadway facility in private ownership providing private access and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not other persons. *Private road* also means any road or thoroughfare for vehicular traffic contained within a private road easement which is privately owned and maintained and which provides access for up to four (4) parcels abutting the private road easement.

*Private road easement* means an easement which is granted exclusively for a private access for up to four (4) abutting parcels of land and which contains or is intended to contain a private road.

*Public street* means a publicly owned and maintained thoroughfare dedicated for the purpose of traffic circulation and the principal means of access to abutting property.

*Shared access facility* means a privately owned driveable surface which serves up to and including four (4) lots for access to single-family dwelling units.

*Shared driveway* means a driveway as defined herein but used by two (2) lots.

*Shared driveway easement* means an easement which is granted exclusively for a private access to two (2) abutting parcels of land and which contains or is intended to contain a private driveway.

*Street right-of-way* means land, property or a property interest, usually in a strip, acquired for or devoted to transportation purposes which has been dedicated for public use.

*Subdivide* means any person, partnership, joint venture, association, corporation or other legal entity or legal representative who shall participate in any manner in the division of land or air space for the purpose, whether immediate or future, of sale or building development.

*Subdivision* means the division of a lot, tract, parcel or structure into two (2) or more parcels, building sites, tracts, lots or estates in land for the purpose, whether immediate or in the future, of sale or building development. *Subdivision* includes resubdivision of a subdivided tract into a greater number of parcels, building sites, tracts, lots or estates in land. *Subdivision* further includes the conversion of existing structures to the condominium form of ownership pursuant to Section 38-33-101, et seq., C.R.S. When appropriate, *subdivision* relates to the process of subdividing or to the lands or territories or structures subdivided.

(Ord. No. 2000-02, Art. V, 2000; Ord. No. 2007-01, § 1, 2007; Ord. No. 2010-03, § 1, 2010; Ord. No. 2014-04, § 1, 1-13-2015)

## **ARTICLE 2. PLANNING COMMISSION AND BOARD OF TRUSTEES**

### **Sec. 17-2-10. Planning Commission.**

The Planning Commission is responsible for making investigations and reports on the design and improvements of proposed subdivisions and requiring conformity of such subdivisions with the Comprehensive Plan, the state statutes and this Chapter, utilizing the assistance and cooperation of the elected and appointed officials of the Town, the County and the State, as well as the services of consultants when they are required. No plat of a major subdivision of land shall be filed and recorded until the Planning Commission has approved the preliminary plat and the Chair of the Planning Commission has signed the final plat. The final plat must be consistent with the preliminary plat approved by the Planning Commission. If there are major changes or discrepancies between the preliminary plat and the final plat, the final plat must be reviewed by the Planning Commission before the Planning Commission Chair is authorized to sign the final plat. The Town Administrator or Board of Trustees shall make the decision concerning a minor subdivision application, and no final plat thereof shall be filed and recorded without an approval signature thereon on behalf of the Town.

(Ord. No. 2000-02, Art. VI, 2000; Ord. No. 2007-01, § 2, 2007; Ord. No. 2014-04, § 1, 1-13-2015)

### **Sec. 17-2-20. Board of Trustees.**

The Board of Trustees has final jurisdiction in the acceptance of lands and improvements proposed for dedication to the Town as a result of the subdivision process, and such approval shall be indicated by the signature of the Mayor on the final plat, which shall be attested by the Town Clerk and dated.

(Ord. No. 2000-02, Art. VI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-2-30. Development Review Committee.**

- (a) A Development Review Committee shall be established by the Board of Trustees to assist in the technical review of development applications prior to the consideration by the Planning Commission and/or the Board of Trustees. It is intended by the formation of the Development Review Committee to resolve technical details and application deficiencies prior to scheduled formal public hearings and, therefore, to expedite the process. A meeting of the Development Review Committee shall be scheduled, when necessary, to review submittals prior to the time those items are to be considered by the Planning Commission. The comments provided by the Development Review Committee shall be included as a part of the Town Administrator's report on each item.
- (b) The Development Review Committee may be comprised of representatives of the Town staff (e.g., Public Works and Utilities, Building Inspector, Town Administrator, Police and Fire), representatives of utility companies, telephone company, highway department and school district. In the event a member cannot attend a scheduled committee meeting, comments on an application may be conveyed to the Town Administrator prior to the meeting.

(Ord. No. 2000-02, Art. VII, 2000; Ord. No. 2007-01, § 3, 2007; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-2-40. Establishment of fees.**

The Board of Trustees shall establish fees for the processing of subdivision and annexation applications. Actual fees shall be established by resolution of the Board and shall be reviewed periodically. Fees shall cover applications for sketch plan review, preliminary plats, final subdivision plats or annexation maps for major and minor subdivisions. Additional fees for consulting services required for proper review of applications shall be determined for specific applications as required.

(Ord. No. 2000-02, Art. VIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 3. PLANNED UNIT DEVELOPMENTS**

**Sec. 17-3-10. Planned Unit Developments.**

- (a) To promote excellence of subdivision design and improvements, the Planning Commission may recommend the approval of a subdivision that departs from the usual design of regular platted lots and blocks devoted to a single classification of land use, but the PUD shall conform to the requirements of Chapter 16 of this Code and the provisions relating to PUDs.
- (b) In the event the land is to be subdivided and developed as a PUD, the person subdividing shall submit, in addition to the required information and documents required in this Chapter, such additional information as may be required in Chapter 16, Article 5 of this Code.
- (c) Simultaneous hearings may be held for the review and approval of a subdivision and PUD involving the same land. In such instances the following may apply.
  - (1) The optional sketch plan requirements for the PUD may also serve as the sketch plan for a subdivision or annexation.
  - (2) It is intended that the preliminary plat and preliminary development plan for a PUD be considered concurrently if the PUD is proposed for subdivision. The documents submitted for the PUD preliminary

development plan may also serve as the preliminary plat application, provided that the information required for the preliminary plat is submitted.

- (3) Each simultaneous hearing must be preceded by notice consistent with Chapter 16, Article 16 of this Code.
- (4) Because of the complexity and special policy implications of certain PUD applications, the Planning Commission and/or Board of Trustees may require more time for review. In such cases, it may be in the best interest of the Town as well as the applicant to table a matter to allow more time for study and review of application materials. If this is necessary, the person subdividing will be requested to agree in writing to waive the statutory requirements for action on a subdivision request within thirty (30) days.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-3-20. Distribution of application materials.**

The Town Administrator shall distribute appropriate sheets of preliminary plats to the following entities for their review and comments:

- (1) All concerned Town departments.
- (2) The school district.
- (3) All utilities companies serving the area.
- (4) All special districts serving the area.
- (5) The Colorado Department of Public Health and Environment, when new sewage treatment facilities are proposed.
- (6) The County Planning Office.
- (7) The Colorado Department of Transportation when the proposed subdivision or annexation abuts any state highway.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-3-30. Copies required.**

A minimum of fifteen (15) copies of all application materials for preliminary and final plats or maps shall be filed with the Town Administrator.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-3-40. Dedication of land for public use.**

If the subdivision results in one (1) or more additional dwelling units or building sites, the Town shall require the person subdividing to dedicate a parcel of land, chosen by the Town, from the subdivision area equal to ten percent (10%) of the land area or one (1) acre for every one hundred twenty-five (125) potential residents, or fraction thereof, whichever is greater. At the Town's option, the person subdividing in lieu of dedicating the land shall pay a fee that is equivalent to the cost of acquiring new land for parks, recreation areas or schools in the vicinity of the developing area where the subdivision is located. This fee shall be based upon land values for undeveloped property in the areas adjacent to the Town considering future development potential, and shall be established by a professional appraisal of the property. The applicant shall pay for the appraisal. The dedication requirement shall be based upon the following:

- (1) The required land dedication is ten percent (10%) of the total site area or one (1) acre per one hundred twenty-five (125) potential residents, whichever is greater.
- (2) Future population shall be based upon the following household occupancy table:

<i>Type</i>	<i>Occupancy</i>
Single-family unit:	3 persons per unit
Duplex unit:	3 persons per unit
Multiple-family unit:	2 1/2 persons per unit
Mobile home unit:	2 persons per unit

- (3) Dedication requirements for commercial development are based upon ten percent (10%) of the land area.

(Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

## **ARTICLE 4. DESIGN STANDARDS**

### **Sec. 17-4-10. General provisions.**

- (a) All subdivisions shall be designed, developed and improved in accordance with the standards and requirements in this Chapter.
- (b) To the extent these design standards conflict with any other resolution or ordinance of the Town, these design standards shall control.
- (c) If the Town does not have sufficient personnel or expertise in its staff members to properly analyze and review engineering data, land use designs or any other data required to be furnished by a person subdividing by this Chapter, the Town Administrator may select and hire independent experts to conduct such analysis and review for the Town. The initial filing fee shall include an amount to cover the cost of professional assistance, if necessary. In the event all the funds are not needed, the applicant will be refunded the remaining amount.
- (d) If the property to be improved has been previously irrigated and water rights were utilized, the property requires adequate irrigation water rights, and the applicant must have a plan for distribution.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

### **Sec. 17-4-20. Natural hazards.**

These standards are intended to assure that new development will not be permitted in areas where the environmental characteristics of the area may create hazardous conditions for new residents or for adjoining property owners.

- (1) Building development is generally discouraged on slopes that exceed twenty-five percent (25%). In special cases, development may be permitted, provided that approved mitigation techniques are employed. All development proposed for sites with slopes in excess of twenty-five percent (25%) must be reviewed under the special review application procedures of Chapter 16, Article 4 of this Code. In such cases, independent professional geologists and engineers must provide analyses.

- (2) Hazards shall include subsidence unstable soils, rockfall hazards and flooding.
- (3) All development shall be subject to the provisions of the floodplain regulations of the Town.
- (4) Mitigation techniques may include, but are not limited to:
  - a. Slope stabilization by landscaping, revegetation or other means.
  - b. Elevation of structures or approved floodproofing.
  - c. Catchment walls for rockfall hazards.
  - d. Control of potential debris diversion structures.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-4-30. Survey information.**

- (a) The boundary survey, internal property lines and monumentation as depicted on the final plat shall meet all requirements established under state statute. The Planning Commission prior to approval of the final plat shall review survey data.
- (b) Monuments shall be set to specifications of the Board of Trustees with at least one (1) monument on the boundary established as a permanent benchmark. All survey traverses shall close within an allowable error of no more than one (1) foot in five thousand (5,000) feet.
- (c) No approval of a final plat shall be deemed as assurance, guarantee or representation by the Town that the survey data is accurate.
- (d) The Board of Trustees shall require a survey prepared by a state licensed land surveyor showing the location of proposed improvements prior to the issuance of a building permit in an approved subdivision.
- (e) All final subdivision plats shall bear the seal and signature of a state licensed land surveyor attesting to the following:

I, \_\_\_\_\_ being a licensed land surveyor in the State of Colorado, duly swear that this map or plat, entitled \_\_\_\_\_ has been prepared by me or under my supervision and that the survey is accurately represented on this map and the statements contained thereon are true based upon my knowledge.

Name \_\_\_\_\_

No. \_\_\_\_\_

(SEAL)

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-4-40. Street design.**

- (a) The street pattern shall be designed to afford safe and convenient access to all lots within the subdivision.
- (b) Streets shall have a logical relationship to the topography and be designed to be parallel to the existing contours as much as possible.
- (c) All streets shall intersect at right angles.
- (d) Streets or alleys shall not be closer than one hundred (100) feet from another street intersection.

- (e) Proposed streets, which are extensions of existing public rights-of-way shall be designed to effect a smooth transition from existing to proposed improvements and shall be named accordingly.
  - (f) Where developable but unplatted land is separated by a proposed subdivision from an existing public right-of-way, the street pattern of the proposed subdivision shall include streets extended to the boundary common to both tracts to prevent land locking of the unplatted tract and promote access to future development of adjacent unplatted land.
  - (g) Dead-end streets and alleys shall be provided with a cul-de-sac with a minimum radius of fifty (50) feet. The maximum length of a dead-end street shall be five hundred (500) feet measured from the right-of-way line of the connecting street to the center of the turn-around area at the closed end of the cul-de-sac.
  - (h) The minimum street gradient shall be five-tenths percent (0.5%) and the maximum street gradient shall be seven percent (7%) for local streets and five percent (5%) for collector and arterial streets. Except where, in the Town's opinion, the terrain requires a greater gradient, streets shall not exceed a gradient of four percent (4%) within one hundred (100) feet of an intersection. Changes in street grades shall be accomplished by vertical curves of sufficient length to maintain safe sight distances.
  - (i) Street names. All street names shall be subject to the approval of the Planning Commission. The Planning Commission, subject to the approval of the Board of Trustees, may adopt a uniform street naming policy.
  - (j) All public and private streets, curbs and gutters shall be laid out and graded, a base course of gravel installed and an asphalt wearing course installed to the full width of the traveled way, all to the specification of the Town's street design specifications. All alleys shall be laid out and graded, a base course of gravel installed and an all-weather surface installed to the full width of the traveled way, all to the specification of the Town's street design specifications and the Building Specifications and Standard Construction Specifications, as the same may be from time to time amended.
  - (k) Minimum street widths and design characteristics are shown on the schedule of requirements, Table 17-1 below.
  - (l) Curbs, gutters and sidewalks are required on all streets of subdivisions.
- (Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2003-04, 8-12-2003; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-4-50. Street design; schedule of requirements.**

The following Table sets out the requirements for street design:

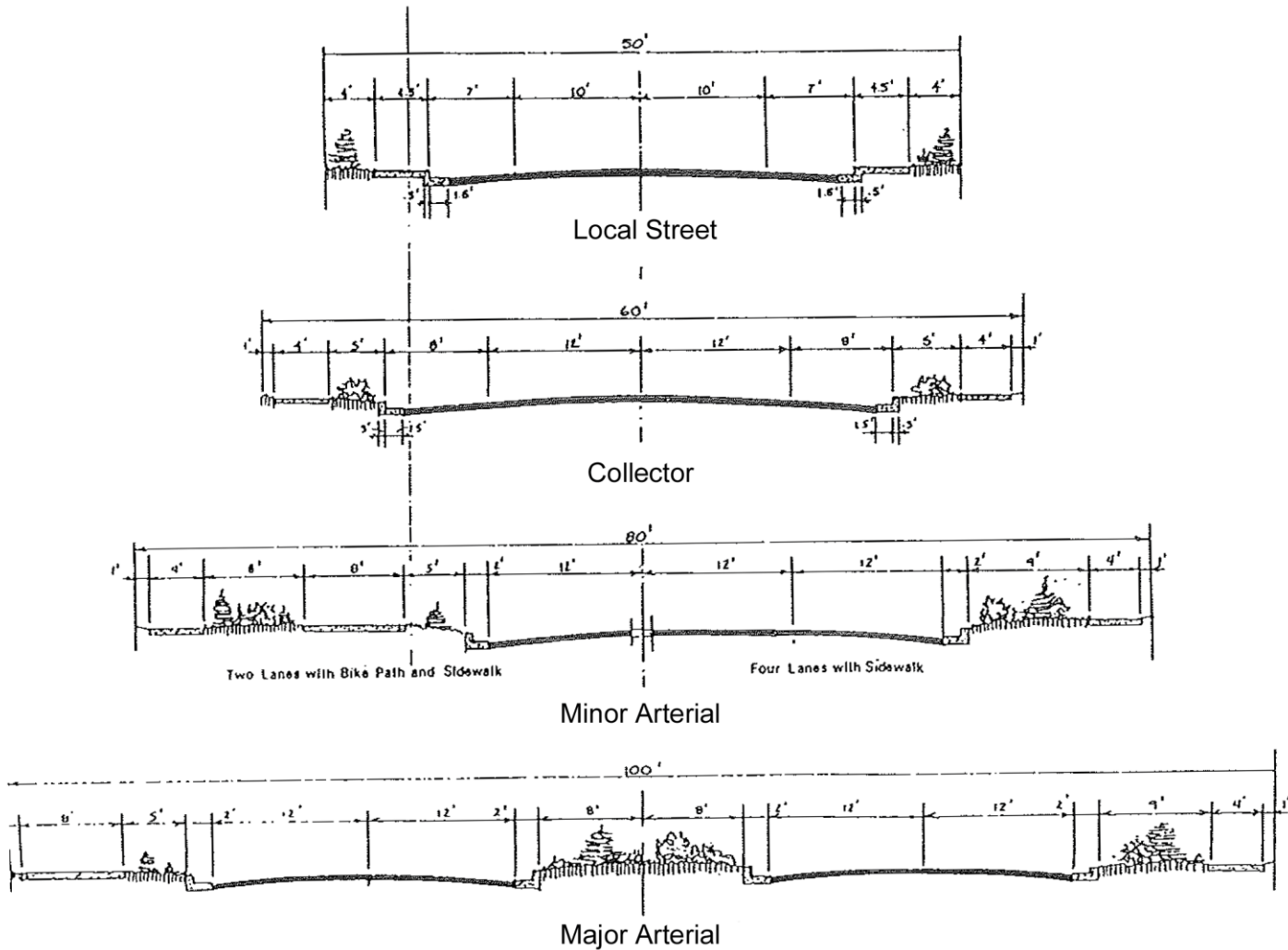
**Table 17-1  
Street Design - Schedule of Requirements<sup>1</sup>**

	<i>Local Street</i>	<i>Major and Minor Collector</i>	<i>Minor Arterial</i>	<i>Major Arterial</i>	<i>Alleys</i>
Minimum right-of-way	50 ft.	60 ft.	80 ft.	100 ft.	25 ft.
Travel lanes	2-10 ft.	2-12 ft.	2 or 4 lanes	12 ft.	25 ft.
On-street parking lanes	2-7 ft.	2-8 ft.			



Minimum pavement width curb to curb	34 ft.	40 ft.	See cross-section		
Sidewalk	Attached curbside 2-4 ft.	Detached 2-4 ft.	Detached 2-4 ft.	Detached 2-4 ft.	
Minimum radius of curvature	100 ft.	300 ft.	400 ft.	600 ft.	100 ft.
Maximum % of grade	7%	5%	5%	5%	
Radius of cul-de-sac		50 ft. residential	N/A	N/A	
Minimum paved area right-of-way	45 ft.	60 ft. commercial			
Bicycle path	May be designated on selected streets	Selected streets may include required bicycle paths. Minimum 8-10 ft.			

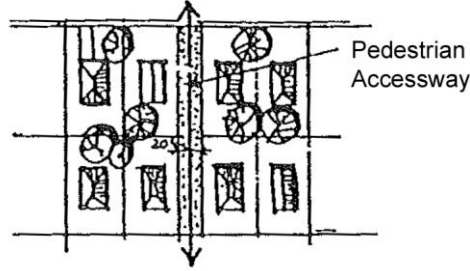
<sup>1</sup>These requirements apply to new developing areas and may not be applicable to older areas of the community. All determinations as to the applicability of these requirements shall be made by the Planning Commission.



(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2003-04, 8-12-2003; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-4-60. Lot and block design.**

- (a) Each lot shall be designed to provide an adequate accessible building site for a structure devoted to the intended use of the land.
- (b) Each lot shall meet or exceed the minimum requirements of the applicable zone district regulations or PUD plan, whichever applies, and shall have a minimum of twenty-five (25) feet of linear footage on a dedicated public street if access to said lot is by a dedicated public street. For multiple-family townhouse PUDs, the Planning Commission may waive the required twenty-five (25) feet of frontage on a public street.
- (c) Blocks shall not exceed one thousand (1,000) feet, unless a pedestrian walkway is provided through the block. The walkway shall consist of a twenty-foot easement near the middle of the block.



- (d) In tracts containing more than one (1) block, the blocks shall be designated in numerical order. Lots shall be designated numerically beginning with the number 1 in each block. Large tracts of land that are not further subdivided into lots and blocks shall be designated alphabetically beginning with the letter A. Outlots shall also be numbered alphabetically.
- (e) Double-frontage or through lots may be permitted, provided that access control restrictions are provided on the plat.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-4-70. Storm drainage.**

- (a) Complete drainage systems for the entire subdivision area shall be designed by a professional engineer licensed in the State and qualified to perform such work and shall be shown graphically. All existing drainage features shall be so identified. If the final plat is to be presented in phases, a general drainage plan for the entire area shall be presented with the first phase, and appropriate development stages for the drainage system for each phase shall be indicated.
- (b) The drainage plans shall be designed to permit the unimpeded flow of natural watercourses and to ensure adequate drainage of all low points.
- (c) Drainage plans shall include all proposed surface drainage structures and all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations.
- (d) The drainage system shall be designed to consider the drainage basin as a whole. All new development shall ensure that surface runoff from the development site shall not, after development, exceed the predevelopment flow for the peak condition of a ten-year storm. Adequate area for retention, percolation and absorption of all surface runoff generated by the project shall be provided either on the site or in cooperation with similar developments in the vicinity. A qualified engineer shall certify such surface runoff control designs.
- (e) All detention ponds shall be designed so that no standing water will remain beyond five (5) days after the end of the storm. The design of the detention facility must include consideration of the off-site runoff based upon present conditions. Detention facility design shall be in conformance with the requirements of the Town Engineer. Design data shall include, but not be limited to, soil boring logs and soils classifications water table elevations.
- (f) Drainage easements shall be provided to assure the perpetuity of detention areas when constructed as permanent drainage facilities.
- (g) Maintenance of drainage easements, detention areas and other structures shall be determined as a part of the subdivision agreement.
- (h) The developer shall make all practical efforts to assure that the water quality of post-development runoff is not less than the predevelopment runoff.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-4-80. Erosion control and site grading.**

- (a) All new development shall ensure that erosion and sedimentation caused during construction and in the post-construction stage is prevented from causing any off-site effects in excess of what occurred in the predevelopment condition. The universal soil loss equation shall be used to calculate the amount of erosion to be generated by construction, and an interim stabilization and final stabilization plan shall be provided by the developer to ensure the containment of wind and water erosion effects on site during and after construction.
- (b) On slopes greater than ten percent (10%), slope stabilization and revegetation will be required. Plans shall include a description of existing vegetation to be planted and other slope-stabilization measures to be installed. New vegetation should be selected and located to be compatible with the surrounding vegetation, soil and ecological characteristics of the area.
- (c) Slopes shall be finished to match or blend with the natural contours of the adjacent terrain by eliminating sharp grade transitions of cut-and-fill slopes.
- (d) All existing trees that are to be retained and are over three (3) inches in diameter measured three (3) feet above grade shall be protected during construction and grading operations by placing fencing outside of the drip line of the tree.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-4-90. Bridges.**

Any bridge planned as part of a proposed subdivision shall be designed and constructed and paid for by the subdivider in accordance with American Association of State Highway Officials recommendations, which recommendations are incorporated herein by this reference as if set forth verbatim. Where an existing bridge is a part of a proposed subdivision and does not meet specifications of this Chapter, it is the responsibility of the subdivider to repair or replace such bridge as necessary to meet the requirements of H20 live load prior to acceptance by the Board of Trustees for maintenance. No lot served by such bridge shall be built upon or occupied until such improvements have been completed. The width of such bridge shall not be less than the width of the roadways approaching it on either side.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-4-100. Water systems.**

Water distribution systems shall be designed to connect with the Town water system and make water available to each lot and proposed site of use in the proposed subdivision. Fire hydrants shall be located to ensure protection of each lot based on utilization of existing Town firefighting equipment. Design and engineering of the system shall be the responsibility of the subdivider, with all plans subject to approval of the Town. Installation of the system shall be to Town specifications. Financial responsibility for the water distribution system shall belong to the subdivider and shall be subject to existing Town regulations and agreements executed by the Town and the subdivider.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

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**Sec. 17-4-110. Sanitary sewer systems.**

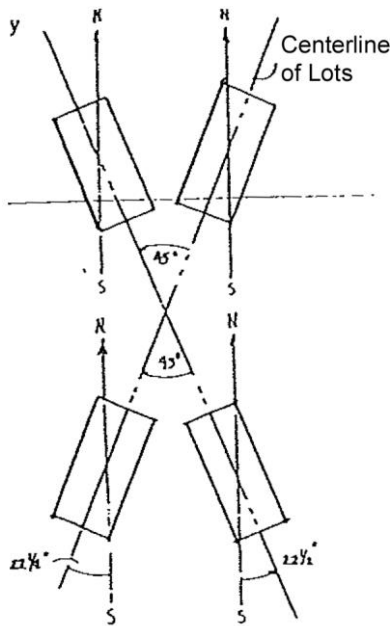
The sanitary sewer system for the subdivision shall be designed to connect with the Town's system and shall provide service for each lot and proposed building site within the subdivision. Design and installation of the system shall be subject to the approval of the Town and in accordance with the specifications of the Town. The developer shall pay for the sanitary sewage collection system subject to all regulations of the Town, State and federal government.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-4-120. Energy conservation.**

It is important that special attention be given to the conservation of energy throughout the planning, design and construction of new subdivisions. New subdivisions should be designed to provide for energy efficiency in the orientation of streets, lots and buildings. The following provide guidelines to be considered in the design and review of future subdivisions. While it may not be possible to follow these guidelines in every instance, every subdivision should be based on these fundamental site-planning principles that can result in lower energy costs.

- (1) Take advantage of south-facing slopes for solar orientation, especially for higher density development.
- (2) Lot layouts should emphasize north-south orientation as much as possible.
- (3) Street layout in the design of subdivisions should have an east-west orientation as much as possible within the limits of the topography to allow the proper orientation of buildings with respect to the sun.
- (4) If north-south orientation of streets are necessary, then the lots or buildings should be planned to maximize southern solar access.
- (5) Lot lines should extend from north to south even if streets are necessarily designed at an angle.
- (6) Special consideration should be given to the potential shadows created on a lot by building development and by landscaping.
- (7) Subdivision covenants should encourage building development close to the north property line, therefore allowing greater area to the south for solar access.



(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

## ARTICLE 5. APPLICATION REQUIREMENTS

### Sec. 17-5-10. Sketch plan optional.

If an applicant, for review, submits a sketch plan to the Town staff, the Planning Commission and/or the Board of Trustees, the sketch plan must include at least the following information:

- (1) *Written information.* This information shall be provided on the subdivision/annexation summary form including the following information:
  - a. A description of proposed land uses.
  - b. A statement of planning objectives.
  - c. A description of adjoining land uses.
  - d. Existing and proposed zoning.
  - e. An estimate of the proposed number of residential units and an estimate of the population (see Subsection 17-3-40(2) of this Chapter) or square footage of the commercial area.
  - f. The names and addresses of the owner, applicant and the individual who prepared the sketch plan.
  - g. The total site area.
  - h. A statement as to how the development will be served by utilities.
  - i. A general statement describing the geological characteristics of the land, soil types, slope and stability. This information may be based on secondary data available from the Town, soil conservation service or other sources.

- (2) *Site plans and supporting documents.* The sketch plan shall be drawn to a scale of 1" = 100' or larger and include the following:
  - a. A vicinity map drawn to a scale of one inch (1") = two thousand feet (2000') showing the general location of the land for consideration and the surrounding area within a one-mile radius.
  - b. The topography of the land.
  - c. The location of proposed land uses.
  - d. The approximate location of proposed public or private open space areas.
  - e. The location of existing or proposed water and sewer lines to serve the area.
  - f. The proposed lot or block pattern and street layout.

(Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-5-20. Preliminary plat.**

- (a) *Purpose.* It is intended that the preliminary plat provide the necessary information to permit the staff, the Planning Commission and the Board of Trustees to properly review the proposal and to resolve potential planning or engineering details that may arise before the final plat is prepared. The preliminary plat, therefore, requires extensive information and engineering studies.
- (b) *Written information.*
  - (1) The names and addresses of the owners and applicants.
  - (2) The names, addresses and telephone numbers of the surveyor, engineer, and planner of the subdivision.
  - (3) The names and addresses of all property owners within a two-hundred-foot radius of the property. All names and addresses shall be as they appear upon the records in the County Assessor's office.
  - (4) All data and information required on the subdivision/annexation summary form and for the optional sketch plan listed in Section 17-5-10 above.
  - (5) A description of any proposed covenants.
  - (6) Proposed terms of reservations and dedications of public rights-of-way, easements and other public lands.
  - (7) Evidence that provision has been made for facility sites, easements and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for any proposed subdivision. Submission of a letter of agreement between the subdivider and the utility serving the site shall be deemed sufficient to establish that adequate provision for electric or, if applicable, natural gas service to a proposed subdivision has been made.
- (c) *Plans and supporting data.*
  - (1) A plat of the proposed subdivision shall be drafted in preliminary form to a scale of at least 1" = 100' on a sheet at least twenty-four (24) by thirty-six (36) inches and shall show the information listed below. In addition, an eight and one-half (8 ½) by eleven (11) inch reduction of the plat shall also be provided to the Town.
  - (2) Title, north arrow, graphic and numerical scale and date of preparation.
  - (3) Key diagram if the area requires more than one (1) twenty-four-by-thirty-six-inch sheet.



- (4) The name of the proposed subdivision which shall be different from any existing recorded subdivision in the County.
- (5) Street layout of the proposed subdivision, including relationship to existing public rights-of-way and the widths and names of proposed streets.
- (6) Lot and block layout of the proposed subdivision, including a block- and lot-numbering system. In the case of a PUD, the types of uses, the supplementary requirements and area setback information on each lot if a variance with otherwise applicable zone district regulations are also required.
- (7) Existing and proposed easements and structures for irrigation, drainage and utilities.
- (8) Contours of the plan proposed by the subdivision at five-foot intervals; however, the Town Administrator may approve ten-foot intervals if the topography is so steep that five-foot-interval contours will be so numerous as to dominate or obscure the other features depicted on the plat.
- (9) Drainage plan. When the plat of a proposed subdivision includes a stream course, a mud flow course or dry wash subject to flood crest or heavy runoff generated by precipitation or rapid spring thaw runoff, a drainage plan based on an engineering analysis of the catchment and the tributary area and detailed drainage easements and structures necessary to accommodate a design one-hundred-year storm, mud flow or flooding shall be provided by an engineer registered in the State.
- (10) Utility plan. A plan corresponding to the preliminary plat showing the line and related facilities' locations, sizes and gradients for the proposed subdivision in relation to existing Town installations and those of any special district. The utility plan shall also indicate that underground distribution of electrical power and communications lines is to be utilized, and a description of the system or systems shall be shown on the plan. If the property to be improved has been previously irrigated and water rights were utilized, the plan requires the provision of adequate irrigation water rights, and must have a plan for distribution.
- (11) Street profile centerline profiles of proposed streets shall be plotted at a horizontal scale consistent with the preliminary plat and a distorted vertical scale with sufficient detail to ensure the proposed streets meet the gradient limitations established by this Chapter and bear a logical relationship to the grade of existing public streets at points of intersection.
- (12) Existing landscaping and trees with a caliper of three (3) inches measured three (3) feet above grade shall be located on the plan.

(Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-5-30. Final plat.**

- (a) *Purpose.* The purpose of the final map or plat for an annexation or subdivision is to provide a legal document that will be a part of Town and county records describing the development conditions and land descriptions for the property. The final plat application shall include all binding agreements between the owners and the Town.
- (b) *Written information.* The final plat shall include:
  - (1) All information required for the preliminary plat.
  - (2) The title under which the subdivision is to be recorded.
  - (3) The names and addresses of all property owners within two hundred (200) feet of the property to be annexed or subdivided.

- (4) A surveyor's certificate signed and sealed by a state-licensed surveyor responsible for the survey and preparation of the final plat.
- (5) A Planning Commission certificate certifying that the final plan is consistent with the approved preliminary plat and is approved subject to acceptance by the Board of Trustees.
- (6) A Board of Trustees certificate of approval and acceptance.
- (7) The County Clerk and Recorder's certificate for time and date of recording.
- (8) Three (3) copies of any protective covenants or restrictions placed on the subdivision.
- (9) The name and address of the person to whom the notice of public hearing should be sent.
- (10) A subdivision agreement, to be executed by the Town and by the subdivider, wherein the subdivider covenants and agrees to perform all conditions imposed by the Town. Such conditions and agreement may include, and the Town is empowered to require, the obligation of the subdivider to pay for and install or cause to be installed all required water distribution systems, trash collection facilities and areas, storm drain structures, devices to inhibit access to such structures by children, curbs and gutters, street-base course material, asphalt-wearing course material, bridges, underground wiring, ornamental street lighting, underground communications systems, underground gas distribution systems, underground cable television wiring, fire hydrants, fire street signs, traffic control devices, measures to stabilize soil or to limit floods, mud slides and snow slides as may be required by and according to the specifications of the Town and sanitary sewer collection systems. The subdivision agreement shall include a covenant and agreement by the subdivider to convey ownership to the Town of any or all public improvements or facilities listed above subject to the acceptance of the Town and guarantees as provided in Article 7 of this Chapter.
- (11) A title policy shall be provided to the Town indicating that the property is free and clear of all encumbrances whatsoever, which would impair the property to be utilized as proposed by the final plat. The title policy shall provide verification that all owners and lien holders have signed the final plat. The title policy shall be effective within twenty-four (24) hours after the date of approval by the Board of Trustees. If the title policy is not provided to the Town Clerk within seven (7) days after action by the Board of Trustees, the approval by the Board of Trustees shall be automatically voided.

(c) *Final plat; plans and supporting documents.*

- (1) The final map or plat shall be drawn in ink on a permanent, reproducible Mylar sheet that is twenty-four (24) by thirty-six (36) inches. The final map or plat shall be drawn to scale of at least 1" = 100'. If the area requires more than one (1) sheet, then a key diagram shall be provided on each separate sheet. In addition, an eight and one-half (8 ½) by eleven (11) inch reduction of the final map or plat shall be submitted.
- (2) Accurate dimensions shall be shown for all lines, angles and curves used to describe lot boundaries, streets, alleys, easements, areas to be reserved for public use and other important features. All curves shall be circular arcs and shall be defined by radius, central angle, tangent, arc and chord lengths. All dimensions, both linear and angular, shall be determined by an accurate control survey in the field, which must balance and close within a limit of one (1) in ten thousand (10,000). Approximate dimensions (plus or minus indications) shall not be approved on a final map or plat.
- (3) The name of adjoining subdivisions shall be shown with dotted lines indicated for abutting lots.
- (4) All lots or blocks shall be properly numbered in accordance with an approved identification system.
- (5) Identification of the streets, alleys, easements, parks and other facilities shall be shown on the plat and a dedication thereof to public use. Areas reserved for future public acquisition shall also be delineated on the map or plat.

- (6) A legal description of the area to be subdivided or annexed with reference to its location in the records of the County shall be provided, together with the total area of each lot created by the subdivision and the names of all streets within the subdivision.
- (7) A description of all monuments, both found and set, which mark the boundaries of the property and a description of all control monuments used in conducting the survey shall be shown. This shall include a tie to a section corner.
- (8) Final engineering documents prepared by a registered professional engineer in the State for streets, water, sewer and drainage and the engineer's cost estimates for all improvements to be installed by the subdivider in dedicated land, rights-of-way or easements or as may be required by this Chapter.

(Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-5-40. Condominium application requirements.**

In addition to the general requirements for a subdivision, a request to develop condominiums shall provide the following:

- (1) *Preliminary plat.*
  - a. Lot sizes of each proposed condominium unit and their relation to the overall project.
  - b. Existing and proposed off-street parking areas.
  - c. Existing and proposed facilities, including all buildings and structures.
  - d. Preliminary landscaping plan, including existing and proposed landscaping types, sizes and quantities.
  - e. Plans for ingress to and egress from each condominium unit.
  - f. Building plans indicating compliance with all design, building, fireproofing, soundproofing and utility standards of the Town.
  - g. A copy of the proposed condominium documents, including a copy of the proposed condominium declarations and condominium map, bylaws, the rules and regulations of the condominium or homeowners association and an estimate of the annual budget of the condominium or homeowners association for a period of two (2) years from the conversion or creation of the condominium units. In addition to all other requirements imposed in this Section, the developer shall submit a proposed condominium agreement with the Town setting forth, at a minimum:
    - 1. Notice procedures shall be outlined for granting existing tenants no less than ninety (90) days' written notice of intent to develop condominiums, which notice shall specify the sale price of the particular unit. A provision whereby each tenant shall have a ninety-day nonassignable option to purchase his or her unit at said specified sale price, which price shall not be varied by more than ten percent (10%) for a period of six (6) months after completion of the condominiums.
    - 2. The applicant shall state and demonstrate that the supply of low- and moderate-income housing and rental space will not be significantly decreased as a result of condominium construction.
    - 3. The developer shall state whether or not he or she intends to make special provisions for the elderly or low-income citizens now residing within the structure proposed for condominium living.

- (2) *Final plat requirements.* To the extent possible, the final plat shall correspond with all requirements of this Code.
- (3) *Additional public notice requirements.* In addition to the public notice requirements of Section 17-1-50 of this Chapter, all tenants of a building proposed for condominium restructuring shall be sent notices at least fifteen (15) days prior to the public hearings on the preliminary and final plats.

(Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

## **ARTICLE 6. APPROVAL OF SUBDIVISION OR ANNEXATION APPLICATION**

### ***DIVISION 1. GENERAL PROVISIONS***

#### **Sec. 17-6-10. Preapplication conferences.**

Before commencing the annexation or subdivision of any parcel of land, the applicant shall consult with the Town Administrator for general information regarding the Town's regulations, procedures and policies. Any statements made by the Town Administrator or staff concerning a proposed development shall not be binding on the Planning Commission or the Board of Trustees.

(Ord. No. 2000-02, Art. XIV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

#### **Sec. 17-6-20. Filing deadlines.**

All applications, except for a minor subdivision procedure, shall be filed at least thirty (30) days in advance of the Planning Commission meeting at which the matter is to be considered. Applications regarding a minor subdivision procedure shall be filed with the Town Administrator. Final plats shall be filed fifteen (15) days in advance of a scheduled meeting. Applications to be accepted must be complete. If an application is determined to be incomplete, the Town Administrator shall not schedule the matter for review. All application fees must be paid at the time of filing the application.

(Ord. No. 2000-02, Art. XIV, 2000; Ord. No. 2007-01, § 4, 2007; Ord. No. 2014-04, § 1, 1-13-2015)

### ***DIVISION 2. MAJOR SUBDIVISION***

#### **Sec. 17-6-110. Major subdivision procedures.**

(a) *Preliminary subdivision plat or annexation map.*

- (1) *Development Review Committee action.* The Town Administrator shall refer the matter to the representatives of the various departments and agencies assigned to the Development Review Committee. Copies of the plan may be mailed to the other agencies or utility companies. Within fifteen (15) days following the filing deadline, the Development Review Committee shall meet to review the application. The applicant shall be notified of the meeting and invited to be in attendance. Based upon the comments of the Development Review Committee, the Town Administrator shall then prepare his or her report and recommendations to the Planning Commission. If the deficiencies in the application warrant additional work by the applicant or require further discussion by the Development Review Committee and the applicant, the Town Administrator may defer sending the matter to the Planning

Commission. In such case, the applicant will be requested to waive, in writing, the statutory requirement of review within thirty (30) days. Formal processing of the application shall not begin until the deficiencies are corrected and the application is resubmitted. The date of the resubmission should govern the timing of the process and not the date of the initial submittal.

- (2) *Planning Commission action.* The Planning Commission, at its next regular meeting thirty (30) days after the filing of the complete application, shall hold a public hearing on the application and consider the recommendations of the Town staff and the merits of the proposed annexation or subdivision. The Planning Commission may recommend to the Board of Trustees approval, approval with modifications or denial of the application.
- (3) *Board of Trustees action.* Within thirty (30) days following the Planning Commission action, The Board of Trustees shall consider the application. The Board of Trustees may then approve, approve with modifications, or deny the application or refer the matter back to the Planning Commission for further study.

(b) *Final subdivision plat or annexation map.*

- (1) *Development Review Committee action.* Once the Board of Trustees has approved the preliminary plan, the final plan may be submitted (unless considered concurrently). Within fifteen (15) days after the filing deadline, the Development Review Committee shall meet to review the final details and to assure that the final plan is consistent with the preliminary plan. The Chair of the Planning Commission will be requested to review the final plat to determine if the final plat is consistent with the preliminary plat approved by the Planning Commission.
- (2) *Board of Trustees action.* Following review by the Development Review Committee, and if all matters are complete, the final plan will be scheduled for a public hearing before the Board of Trustees. The Board of Trustees may then approve, approve with modifications or deny the application. If the final map is an annexation request, the ordinances for annexation and zoning may be considered concurrently in the manner prescribed by state statues. The order of consideration shall generally be as follows:
  - a. Annexation proceedings;
  - b. Zoning;
  - c. Planned unit development application; and
  - d. Subdivision.

(Ord. No. 2000-02, Art. XIV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-6-120. Condominium review procedures.**

A condominium is defined by these regulations as a subdivision. Therefore, all condominiums shall comply with the provisions of this Chapter insofar as they are applicable. The Board of Trustees may determine that certain provisions are not applicable depending upon the nature of the condominium request. The review procedures shall be the same as for any subdivision. The developer or applicant may file a preliminary and final plat concurrently.

(Ord. No. 2000-02, Art. XIV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-6-130. Time limits for approvals.**

- (a) *Preliminary plat.* Once the Board of Trustees has approved a preliminary plat, the applicant shall have a maximum of one (1) year to file a final plat for the entire plat or for the first portion of a phased project. If more than one (1) year has lapsed, a new preliminary plat must be approved by the Planning Commission and Board of Trustees.
- (b) *Final plats.* Final plats shall be approved subject to a development schedule determined at the time of approval. If the final plat is a part of a PUD, the final plat shall be subject to the schedule approved as a part of the PUD. If development of buildings has not occurred in accordance with the approved schedule, the Board of Trustees may rescind its approval of the final plat. Procedures for rescinding approval shall be the same as described for termination of special review applications in Section 16-4-80 of this Code.

(Ord. No. 2000-02, Art. XIV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-6-140. Recording final map and plats.**

Within thirty (30) days following the approval of a final subdivision plat or final annexation map, the applicant shall record the final plat, applicable covenants and restrictions and the subdivision agreement with the County Clerk and Recorder's office in the manner prescribed by that office. A notice providing proof of recording shall then be submitted to the Town Clerk within the thirty-day deadline.

(Ord. No. 2000-02, Art. XIV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

***DIVISION 3. MINOR SUBDIVISION***

**Sec. 17-6-210. Application for minor subdivision review.**

All applications for approval of a minor subdivision shall be processed by making an application to the Town Administrator. The application shall include the following minimum information:

- (1) The required application fees.
- (2) The legal description of the property and proof of ownership of the property acceptable to the Town.
- (3) Location Improvement Certificate certified by a Colorado licensed surveyor.
- (4) A plat of the proposed subdivision parcels sufficient to determine the size and area of each proposed parcel, proposed lot line adjustment or lot line elimination in relation to the original lot lines and describing each such parcel, as a portion of a lot, or tract, or parcel, or lots, or tracts, or parcels on the Town Plat. The plat shall also identify the location of all public rights-of-way, the location and size of the vehicular access to each parcel and the location of all utilities and all utility easements.
- (5) A narrative statement describing the following:
  - a. How fire protection will be provided;
  - b. Whether there is any potential for damage to public or private property by fire, flood or erosion and what mitigation measures will be undertaken to minimize such damage;
  - c. How emergency access will be provided;
  - d. How flood protection will be provided; and

- e. A description of the proposed access to each proposed parcel.
- (6) A copy of the restrictive covenants, if any, that are proposed or have been recorded affecting the lots, tracts, or parcels that are the subject of the subdivision.
- (7) Proof of legal ownership of all property involved, names and addresses of all property owners and any lienholders of all the property involved.
- (8) A current copy of a title commitment (not more than sixty (60) days old) for all the property involved in the application.
- (9) Any other information or documents requested by the Town Administrator that is necessary to render a decision under the criteria hereinafter set forth.

(Ord. No. 2007-01, § 5, 2007; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2018-03 , 6-26-2018)

**Sec. 17-6-220. Procedure for Town Administrator approval.**

The Town Administrator may recommend for approval by the Board of Trustees the subdivision, boundary adjustment or lot line elimination, as a minor subdivision, if he/she determines from the information submitted in accordance with Section 17-6-210 that:

- (1) All such proposed parcels are divided by, or parallel to and part of the original lot, tract or parcel lines on the Town Plat;
- (2) All the developed proposed parcels have the applicable yard setbacks which can be required for the existing structures;
- (3) All structures on proposed parcels do not exceed the maximum coverage area allowed in the subject zone district;
- (4) All of the proposed areas of the proposed parcels conform to the zoned uses and dimensional characteristics of lots or tracts in the applicable Zone District of the Town regulations;
- (5) The minor subdivision application creates no more than three additional parcels;
- (6) None of the proposed parcels violates any section of the Town regulations;
- (7) The minor subdivision complies with the criteria in Section 17-6-250;
- (8) The application has been referred to all affected Town departments and utility companies for review and comment at least fifteen (15) days prior to a decision on the application;
- (9) Minor subdivision applications shall not be available more than one time on the same lot or adjacent lots under the same ownership.

Based on the review criteria as outlined in this Section 17-6-220, the Town Administrator shall issue a recommendation as to whether to approve or disapprove of the minor subdivision. The decision shall be in writing, shall list the reasons for the decision and shall be sent to the applicant no more than thirty (30) days after receipt of a complete and conforming application in accordance with Section 17-6-210. The applicant shall then inform the Town Administrator within fourteen (14) days as to whether they want the determination to be sent to the Board of Trustees for final determination. The Town Administrator's decision shall be referred to the Board of Trustees for a final determination of the minor subdivision at the next regular meeting after the fourteen (14) period except for when the applicant requests additional time, or if the applicant withdraws the application.

(Ord. No. 2007-01, § 5, 2007; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2018-03 , 6-26-2018)



**Sec. 17-6-230. Application for review by Board of Trustees.**

If the Town Administrator denies the application, the applicant may request review of the application by the Board of Trustees. The request must be in writing and directed to the Town Clerk. The Town Clerk shall schedule the review at a regular meeting of the Board of Trustees no less than thirty (30) days after receipt of the request for review, and shall send notice to all property owners within two hundred (200) feet of the property in question at least ten (10) days in advance of the hearing. The Town Clerk shall cause the notice of review to be posted.

(Ord. No. 2007-01, § 5, 2007; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-6-240. Procedure for Board of Trustees review.**

- (1) No minor subdivision shall be approved unless the Board of Trustees finds that it complies with all of the criteria in Section 17-6-250. If the subdivision does not comply with Section 17-6-250, it shall either be approved with conditions which assure compliance with all such criteria, continued to a date certain, or it shall be denied.
- (2) Recording of final plat. The Final Plat must be approved by the Town Attorney and be certified by the Town Administrator or the Board of Trustees as being in compliance with the requirements hereof and shall be recorded within thirty (30) days of the final decision, by the Town Clerk, in the real property records of the office of the Clerk and Recorder for Delta County.

(Ord. No. 2007-01, § 5, 2007; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2018-03, 6-26-2018)

**Sec. 17-6-250. Criteria for review and approval of minor subdivision.**

No minor subdivision shall be approved unless the Board of Trustees finds that it complies with all of the following criteria. The minor subdivision must:

- (1) Comply with all applicable zoning requirements of the zone district in which the minor subdivision is located;
- (2) Have a front parcel line on a street only, and such parcel access shall have the following characteristics:
  - a. Said front parcel line must be at least twenty-five (25) feet long or the minimum lot width for the applicable zone district, whichever is shorter;
  - b. The vehicular access to any primary structure on a parcel shall be from a street, must be a minimum of twenty-five (25) feet wide along its entire length, and must be owned in fee simple by the owner of the parcel being accessed;
  - c. Vehicular access to a primary structure from an alley, including the access required pursuant to this Subsection, may be approved by the Board of Trustees only if either one (1) of the following conditions exists:
    - 1. The primary vehicular access existed from an alley prior to the filing of the application for a minor subdivision approval; or
    - 2. The division between subdivision parcels is a stream or similar physical barrier preventing vehicular access from the street (in such case, the applicant shall provide additional land to create an alley at least twenty (20) feet wide from the subject parcel to the nearest Town street and upgrade the alley to Town standards or in the absence thereof, to the approval of the Town Public Works Director); or

3. No street access exists.

- (3) Provide for underground utilities upon each building site;
- (4) Provide for adequate fire and flood protection and emergency access;
- (5) Not increase the potential for breach of the public safety, or damage to public or private property by fire, flood or erosion;
- (6) Not create congestion, automotive or pedestrian safety problems or other traffic hazards;
- (7) To be designed in a manner that directs the placement of roads, utilities and structures away from any unstable soils, or mitigates the effect of unstable soils, geologic hazards, and other site conditions so as to minimize the potential for breach of the public safety, or damage to public or private property;
- (8) Not create significant adverse effects to public facilities, rights-of-way or utilities;
- (9) Not create significant adverse impacts on the use of adjacent property;
- (10) Otherwise be consistent and comply with the objectives purposes, conditions and requirements of these subdivision regulations and the zoning ordinance of the Town regulations; and
- (11) If deemed appropriate by the Town Administrator or the Board of Trustees, execute a subdivision improvements agreement memorializing the applicant's obligation and agreement to construct, at the applicant's cost and expense, all public and private utility and street improvements in accordance with the Town's utility and street standards. The guaranty that such will be timely completed to the Town's satisfaction shall be secured by a bond or other security acceptable to the Town, in the sole discretion of the Board of Trustees, equal to one hundred fifty percent (150%) of the estimated cost of completion of such improvements, as determined by the Board of Trustees.

(Ord. No. 2007-01, § 5, 2007; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2018-03 , 6-26-2018)

**Sec. 17-6-260. Minor subdivision procedures.**

- (a) *Application for minor subdivision review.* All applications for approval of a minor subdivision shall be processed by making an application to the Town Administrator. The application shall include the following minimum information:
  - (1) The required application fee.
  - (2) The legal description of the property, and proof of ownership of the property acceptable to the Town.
  - (3) Location Improvement Certificate certified by a Colorado licensed surveyor.
  - (4) A plat of the proposed subdivision parcels sufficient to determine the size and area of each proposed parcel, proposed lot line adjustment or lot line elimination in relation to the original lot lines and describing each such parcel, as a portion of a lot, or tract, or parcel, or lots, or tracts, or parcels on the Town Plat. The plat shall also identify the location of all public rights-of-way, the location and size of the vehicular access to each parcel and the location of all utilities and all utility easements.
  - (5) A narrative statement describing the following:
    - a. How fire protection will be provided;
    - b. Whether there is any potential for damage to public or private property by fire, flood or erosion and what mitigation measures will be undertaken to minimize such damage;
    - c. How emergency access will be provided;
    - d. How flood protection will be provided; and

- e. A description of the proposed access to each proposed parcel.
  - (6) A copy of the restrictive covenants, if any, that are proposed or have been recorded affecting the lots, tracts, or parcels that are the subject of the resubdivision.
  - (7) Proof of legal ownership of all property involved, names and addresses of all property owners and any lienholders of all the property involved.
  - (8) A current copy of a title commitment (not more than sixty [60] days old) for all the property involved in the application.
  - (9) Any other information or documents requested by the Town Administrator that is necessary to render a decision under the criteria hereinafter set forth.
- (b) *Procedure for Town Administrator approval.* The Town Administrator may approve the resubdivision, boundary adjustment or lot line elimination, as a minor subdivision, if he/she determines from the above information that:
- (1) All such proposed parcels are divided by, or parallel to and part of the original lot, tract or parcel lines on the Town Plat;
  - (2) All the developed proposed parcels have the applicable yard setbacks which can be required for the existing structures;
  - (3) All structures on proposed parcels do not exceed the maximum coverage area allowed in the subject zone district;
  - (4) All of the proposed areas of the proposed parcels conform to the zoned uses and dimensional characteristics of lots or tracts in the applicable Zone District of the Town regulations.
  - (5) The minor subdivision application creates no more than three parcels.
  - (6) The minor subdivision application results in the elimination of not more than ten (10) lot lines.
  - (7) None of the proposed parcels violates any Section of the Town regulations.
  - (8) The minor subdivision complies with the criteria in Subsection e, below.
  - (9) The application has been referred to all affected town departments and utility companies for review and comment at least fifteen (15) days prior to a decision on the application.
  - (10) Property has been posted notifying meeting with the Development Review Committee. Said sign to be at least two (2) feet by two (2) feet (2' x 2') and posted for at least fifteen (15) days prior to said meeting.
  - (11) Minor subdivision applications shall not be available more than one time on the same lot or adjacent lots under the same ownership.

The Town Administrator's decision shall be in writing, shall list the reasons for the decision and shall be sent to the subdivider no more than thirty (30) days after receipt of a complete and conforming application. The Town Administrator in his or her sole discretion may refer a boundary adjustment or lot line elimination to the Board of Trustees for review in accordance with the provisions of Subsection c, below.

- (c) *Application for Board of Trustees review.* If the Town Administrator denies the application, the applicant may request review of the application by the Board of Trustees, provided the applicant pays a deposit of seventy-five dollars (\$75.00), and agrees to pay all costs related to the review process in excess of such deposit on or before the review schedule date. The request must be in writing, directed to the Town Clerk. The Clerk shall schedule the review, at a regular meeting of the Board of Trustees, no less than thirty (30) days after the receipt of the request for review and shall send notice to all property owners within two hundred (200) feet

of the property in question at least ten (10) days in advance of the hearing. The Clerk shall cause the notice of review to be posted.

(d) *Procedure for Board of Trustees review.*

- (1) No minor subdivision shall be approved unless the Town Administrator or the Board of Trustees finds that it complies with all of the criteria in Subsection E., set forth below. If the resubdivision does not comply with all of the above referenced criteria, it shall either be approved with conditions which assure compliance with all such criteria, continued to a date certain, or it shall be denied.
- (2) Recording of final plat. The Final Plat must be approved by the Town Attorney and be certified by the Town Administrator or the Board of Trustees as being in compliance with the requirements hereof and shall be recorded within thirty (30) days of the final decision, by the Town Clerk, in the real property records of the office of the Clerk and Recorder for Delta County.

(e) *Criteria for review and approval of minor subdivision.* No minor subdivision shall be approved unless the Town Administrator or Board of Trustees finds that it complies with all of the following criteria. The resubdivision must:

- (1) Comply with all applicable zoning requirements of the zone district in which the resubdivision is located;
- (2) Have a front parcel line on a street only, and such parcel access shall have the following characteristics:
  - a. Said front parcel line must be at least twenty-five (25) feet long or the minimum lot width for the applicable zone district, whichever is shorter;
  - b. The vehicular access to any primary structure on a parcel shall be from a street, must be a minimum of twenty-five (25) feet wide along its entire length, and must be owned in fee simple by the owner of the parcel being accessed;
  - c. Vehicular access to a primary structure from an alley, including the access required pursuant to this Subsection, may be approved by the Board of Trustees only if either one (1) of the following conditions exists:
    - 1. The primary vehicular access existed from an alley prior to the filing of the application for a minor subdivision approval; or
    - 2. The division between resubdivision parcels is a stream or similar physical barrier preventing vehicular access from the street (in such case, the applicant shall provide additional land to create an alley at least twenty (20) feet wide from the subject parcel to the nearest Town street and upgrade the alley to Town standards or in the absence thereof, to the approval of the Town Public Works Director);
    - 3. No street access exists.
- (3) Provide for underground utilities upon each building site;
- (4) Provide for adequate fire and flood protection, and emergency access;
- (5) Not increase the potential for breach of the public safety, or damage to public or private property by fire, flood or erosion;
- (6) Not create congestion, automotive or pedestrian safety problems or other traffic hazards;
- (7) To be designed in a manner that directs the placement of roads, utilities and structures away from any unstable soils, or mitigates the effect of unstable soils, geologic hazards, and other site conditions so as to minimize the potential for breach of the public safety, or damage to public or private property;
- (8) Not create significant adverse effects to public facilities, rights-of-way or utilities;

- (9) Not create significant adverse impacts on the use of adjacent property;
- (10) Otherwise be consistent and comply with the objectives purposes, conditions and requirements of these subdivision regulations and the zoning ordinance of the Town regulations; and
- (11) If deemed appropriate by the Town Administrator or the Board of Trustees, execute a subdivision improvements agreement memorializing the subdivider's/owner's obligation and agreement to construct, at the subdivider's/owner's cost and expense, all public and private utility and street improvements in accordance with the Town's utility and street standards. The guaranty that such will be timely completed to the Town's satisfaction shall be secured by a bond or other security acceptable to the Town, in the sole discretion of the Board of Trustees, equal to one hundred fifty percent (150%) of the estimated cost of completion of such improvements, as determined by the Board of Trustees.

(Ord. No. 2010-03, § 2, 2010; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 7. PUBLIC IMPROVEMENTS ACCEPTANCE AND GUARANTEES**

**Sec. 17-7-10. Installation.**

Prior to the issuance of any building permit in any area within any addition or subdivision, all improvements and any other conditions and requirements imposed by this Code or by the Board of Trustees must be installed in a manner acceptable to the Town, or a satisfactory guarantee of such installation or performance must be made by the property owner in compliance with the plans and specifications approved by the Town Engineer.

(Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-7-20. Improvement guarantees.**

- (a) The Board of Trustees shall require that the costs of providing all public improvements applicable to the subdivision shall be paid prior to the issuance of the first building permit for the subdivision. The costs shall include all improvements described in the subdivision agreement. The improvement guarantee may be provided with a surety bond, cash, acceptable collateral or an acceptable letter of credit.
- (b) All guarantees shall be deposited with the Town Clerk in an amount not less than the estimate of the entire amount of the uncompleted public improvements required by the subdivision agreement. The cost estimates shall be prepared by a professional engineer registered in the State and subject to the approval of the Town Engineer.

(Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-7-30. Time for completion; release of bond.**

The time for completion or performance of all such improvements shall be eighteen (18) months from the date of the application for the first building permit. The Board of Trustees may extend the time period for completion or performance. Upon completion or performance of such improvements, conditions and requirements within the required time and the approval of the Town Administrator, the bond, deposit of escrow or letter of credit shall be released within thirty (30) days of written notice that the required improvements are completed or performed. If the improvements are not completed within the required time, the monies may be used to complete the improvements. The Town Administrator may cause a portion of the improvement guarantees to be released as specific improvements are completed and approved. Such release shall be within thirty (30) days after receiving written notice that the improvements are completed.

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(Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-7-40. Development area boundaries established.**

For developments containing ten (10) lots or less, all required improvements must be completed, or the entire estimated cost of improvement must be guaranteed as specified below, before a building permit can be issued. For larger subdivisions, the subdivider may establish boundaries for areas containing at least ten (10) lots. The cost of improvement for this area must be guaranteed prior to the issuance of the first building permit.

(Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 17-7-50. Acceptance of public improvements.**

At the time of the conveyance, the subdivider shall supply a statement of the costs of the facilities conveyed, mechanic's lien waivers from all involved contractors, subcontractors, suppliers and existing as-built specifications and other available data concerning the location, construction, operation and maintenance of such facilities. The subdivider shall also warrant the conveyed facilities to be fit for the purpose intended and of merchantable quality and to be free for one (1) year from the date of conveyance from all defects in materials and workmanship. All warranties of vendors or suppliers of such facilities or components shall be assignable upon demand to the Town, and the subdivider shall notify the vendors and suppliers that the warranties are to be assigned to the Town. Nothing herein shall limit the right of the Town as to any expressed or implied warranties concerning such facilities from persons manufacturing, selling or installing the facilities.

(Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

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## Chapter 16 ZONING

### ARTICLE 1. GENERAL PROVISIONS

#### Sec. 16-1-10. Short title.

This Chapter shall be known as and may be cited and referred to as the "Paonia Zoning Code."  
(Ord. No. 83-116, Art. II, 1983; Ord. No. 2000-02, Art. II, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

#### Sec. 16-1-20. Purpose.

This Chapter shall be based upon the Comprehensive Plan of the Town and is intended to alleviate congestion in the streets; to secure safety from fire, panic, floodwaters and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. This Chapter is drawn with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate uses of land throughout the Town.

(Ord. No. 83-116, Art. I, 1983; Ord. No. 2000-02, Art. I, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

#### Sec. 16-1-30. Authority.

- (a) The Board of Trustees shall have the authority as set forth in Section 31-4-101, C.R.S.
- (b) The Planning Commission, as established in Chapter 2 of this Code, shall prepare a master plan for the development of the Town and, in the preparation thereof, shall make careful and comprehensive surveys and studies of present conditions and future growth of the Town with due regard to its relation to neighboring territory. The plans shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town and its environs, which will in accordance with present and future needs best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including among other things adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements.

(Ord. No. 2000-02, Art. I, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

#### Sec. 16-1-40. Interpretation.

In their application and interpretation, the provisions of this Chapter shall be held to be minimum requirements. This Chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with



existing provisions of other laws or with existing provisions of private agreements, except that where this Chapter imposes greater restriction than that imposed by such existing provisions of law, contract or deed, the provisions of this Chapter shall control.

(Ord. No. 2000-02, Art. XXIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-1-50. Incorporation of map.**

The location and boundaries of the zone districts established by this Chapter are shown upon the "Zone District Map of the Town of Paonia," which is hereby incorporated into this Chapter. Said zoning map, together with all data shown thereon and all amendments thereto, is by reference hereby made a part of this Chapter. The Zone District Map shall be identified by signature of the Mayor, attested by the Town Clerk and bear the seal of the Town and the date of the adoption. Changes in the boundary of any zone district shall be made only upon amendment to the Zoning Ordinance and shall promptly be entered on the Zone District Map with an entry on the map giving the number of the amending ordinance, the date and the signature of the Mayor and attested by the Town Clerk. The Zone District Map shall be located in the office of the Town Clerk.

(Ord. No. 83-116, Art. III, 1983; Ord. No. 2000-02, Art. III, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-1-60. Zone district boundaries.**

Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, lot lines or right-of-way lines, centerlines of streets or extensions thereof. In property that is not subdivided or where a zone district boundary divides a lot or parcel, the scale of the Zone District Map, unless indicated by dimension, shall determine the location of such boundary. Where a zone district boundary coincides with a right-of-way line and said right-of-way is abandoned, the zone district boundary shall then follow the centerline of the former right-of-way. Land not part of a public railroad or utility right-of-way which is not indicated as being in any zone district shall be considered to be included in the most restricted adjacent zone district even when such district is separated from the land in question by a public railroad or utility right-of-way.

(Ord. No. 83-116, Art. IV, 1983; Ord. No. 2000-02, Art. IV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-1-70. Zoning of annexed territory.**

All territory annexed to the Town shall be zoned according to district classifications of this Chapter. Such classification shall be determined by the Board of Trustees after a recommendation by the Planning Commission. The proposed zoning shall be established in accordance with applicable state statutes.

(Ord. No. 83-116, Art. V, 1983; Ord. No. 2000-02, Art. V, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-1-80. Application of regulation.**

Except as hereinafter provided:

- (1) No building or structure shall be erected, any existing building or structure moved, altered or extended, or any land, building or structure be used, designed to be used or intended to be used for any purpose or in any manner, other than as provided for among the uses hereinafter listed in the district regulation for the district in which such land, building or structure is located.
- (2) No building or structure shall be erected, any existing building or structure be moved, altered or extended, or any open space surrounding any building or structure be encroached upon or reduced in

any manner, except in conformity with the setback, building site area, building location and height provision hereinafter provided in the regulations for the district in which such building structure or open space is located.

- (3) No lot area, yard, frontage, open space or parking provided about any building for the purpose of complying with provisions of this Chapter shall be considered as meeting the requirements for lot area, yard, frontage, open space or parking for any other building on any other lot unless approved as a PUD or as specifically permitted in the zoning district.

(Ord. No. 83-116, Art. VI, 1983; Ord. No. 2000-02, Art. VI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-1-90. Rules of construction.**

- (a) The word *lot* includes plot/parcel.
- (b) The phrase *used for* shall be construed to include arranged for, designed for, maintained for and occupied for.
- (c) Words used in the singular number include the plural, and words in the plural include the singular, unless the context clearly indicates the contrary.
- (d) The word *shall* is always mandatory. The word *may* is permissive.

(Ord. No. 83-116, Art. VII, 1983; Ord. No. 2000-02, Art. VII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-1-100. Definitions.**

For purposes of this Chapter, the following terms shall have the meanings ascribed to them as follows:

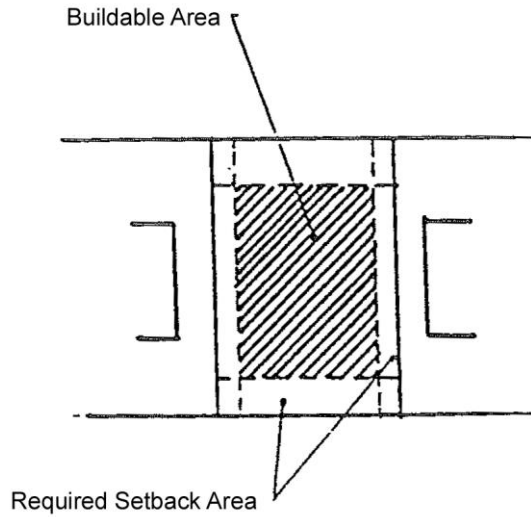
*Accessory building, structure or use* means a building, structure or use located on the same lot as the principal building, structure or use, which is clearly incidental to and subordinate to and customarily found in connection with the principal building structure or use. Accessory buildings, structures or uses shall not be used for living or sleeping quarters.

*Alley* means a public right-of-way within a block upon which the rear of building lots generally abut. Its use is intended for secondary access to a lot for service purposes and not intended for general travel.

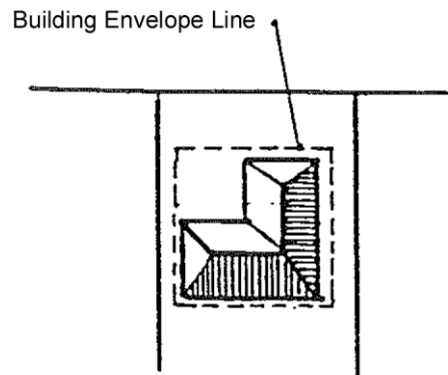
*Bed and breakfast establishment* means a facility of residential character, which provides sleeping accommodations for hire for two (2) weeks or less, on a day-to-day basis, with one (1) or more meals per day included and a manager residing on the premises.

*Boarding or roominghouse* means a building other than a hotel, cafe or restaurant where, for compensation, lodging and/or meals are provided for three (3) or more boarders and/or roomers exclusive of the occupant's family. In such facilities, the length of stay is normally thirty (30) days or more.

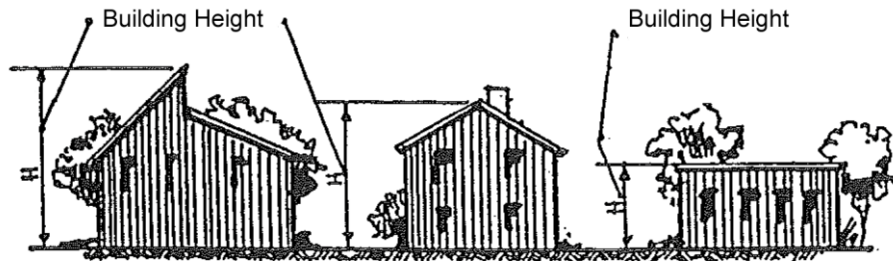
*Buildable area* means the portion of a lot, parcel or tract of land excluding all required yard area where a building could be located in accordance with provisions of this Chapter.



*Building envelope* means the two-dimensional space within which a building is proposed to be located on a lot, parcel or tract of land.



*Building height* means the vertical distance measured from the average finished grade at the setback lines to the highest point of the roof surface exclusive of chimneys, ventilators, pipes and similar apparatus.



*Developable lot area* means the total area of a lot, tract or parcel less that portion of the lot, tract or parcel that is located in an area with a high flood hazard and is in the floodway as defined by the Federal Emergency Management Agency (FEMA), and less those portions with slopes in excess of twenty-five percent (25%).

*Dwelling, multiple-family* means a single building used by three (3) or more families living independently of each other in separate dwelling units but does not include motels, hotels, boarding houses or tourist homes.

*Dwelling, single-family* means a detached building used as a dwelling exclusively by one (1) family as an independent living unit. A single-family dwelling does not include a mobile home. See Section 16-2-30 of this Chapter.

*Dwelling, two-family* means a single building containing two (2) dwelling units and occupied by two (2) families living independently of each other.

*Dwelling unit* means one (1) room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a monthly or longer basis. The dwelling unit shall be physically separated from any other rooms or dwelling units that may be in the same structure and served by no more than one (1) gas meter, one (1) electric meter and one (1) water meter and sewer tap.

*Family* means any individual, two (2) or more persons related by blood or marriage or between whom there is a legally recognized relationship, or a group of not more than three (3) unrelated persons occupying the same dwelling unit.

*Floor area* means the gross area of the building measured along the outside walls of the building, including each habitable floor level and interior balconies but excluding interior courtyards, garages and enclosed parking areas and mechanical areas and one-half (½) of the area used exclusively for storage.

*Formula business* means a business which is required by contractual or other arrangement to maintain one or more of the following items: standardized ("formula") array of services and/or merchandise, trademarks, logos, servicemarks, symbols, decor, architecture, layout, uniforms, or similar standardized features and which causes it to be substantially identical to more than five other businesses regardless of ownership or location. Formula businesses can include, but are not limited to restaurants, retail stores, banks, real estate sales offices, spas, hair and nail salons, and hotel/motel/inn/B&B.

*Group homes and homes for the developmentally disabled* means those facilities licensed by the State which serve not more than eight (8) developmentally disabled persons. Developmentally disabled persons means to include, but is not limited to, those persons having cerebral palsy, multiple sclerosis, mental retardation, autism and epilepsy.

*Home occupation* means a business or profession that is conducted within a dwelling unit, an enclosed garage or accessory building and is in conformance with the provision of Section 16-11-20 of this Chapter.

*Lot* means a parcel of land occupied or intended to be occupied by a building or use and its accessories, and arranged to meet all the requirements of this Chapter and have at least twenty-five (25) feet of frontage on a public street.

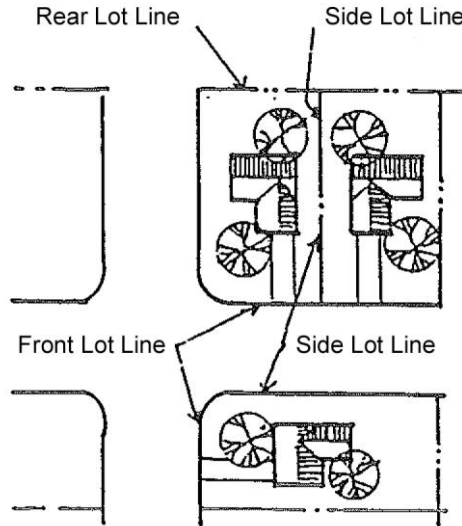
*Lot, corner* means a lot abutting two (2) or more streets at their intersection.

*Lot, double-frontage* means a lot which is located between two (2) parallel streets so that the front lot line and the rear lot line abut a street.

*Lot line, front* means the property line dividing a lot from the right-of-way of a street. On a corner lot, the shorter street right-of-way line shall be considered the front lot line.

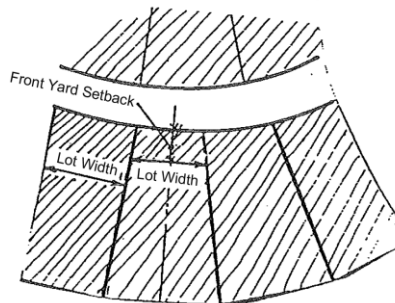
*Lot line, rear* means the property line opposite the front lot line.

*Lot line, side* means any lot line other than a front or rear lot line.



*Lot width.* The lot width shall be determined as follows:

- a. If the side lot lines are parallel, the lot width is the perpendicular distance between the side lot lines;
- b. If the side lot lines are not parallel, the lot width shall be the length of the line measured at right angles to the line or axis connecting the midpoints of the front lot line and the rear lot line. The length of the line shall be measured at the point equal to the front yard setback for the zoning district in which the lot is located.



*Manufactured building* means a building that is (1) mass produced in a factory, (2) designed and constructed for transportation to a site for installation and use when connected to required utilities and (3) is either an independent individual building or module for construction with other elements to form a building on the site. The term *manufactured* is synonymous with the term *modular*.

*Manufactured home* means a single-family dwelling which is partially or entirely manufactured in a factory and is not less than twenty-four (24) feet in width and thirty-six (36) feet in length. It is installed on a manufactured, designed or engineered permanent foundation, has brick, wood or cosmetically equivalent exterior siding and a three-twelfths (3/12) or more pitched roof of asphalt shingle, Pro-panel or cosmetically equivalent material. It is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., § 5401, et seq., as amended, and is built for the State climate and snow loads according to the Department of Housing and Urban Development standards established under the provisions of 42 U.S.C., § 5401, et seq., called HUD. (See Article 8)

*Manufactured housing unit* means a manufactured building or portion of a building designed for long-term residential use. A manufactured housing unit must be built to one (1) of two (2) building codes: the Building Code adopted by the Town or the U.S. Department of Housing and Urban Development Code called HUD.

*Mobile home* means any wheeled vehicle exceeding eight (8) feet in width or thirty-two (32) feet in length, including towing gear and bumpers, without motor power, built on a permanent chassis designed for long-term residential occupancy or temporary office use, containing complete electrical, plumbing and sanitary facilities and designed to be installed in a permanent or semi-permanent manner without a permanent foundation, and is capable of being drawn over public highways by a motor vehicle. Factory-built homes and manufactured homes shall not be considered mobile homes. The term mobile home shall not include travel trailers, recreational vehicles, campers, self-contained motor homes or camper buses. (See Article 8)

*Mobile home or camper sales lot* means a plot of land that is used primarily for the sale of mobile homes or campers. Such uses are permitted only in commercially zoned areas and not as part of mobile home parks or subdivisions. This definition does not apply to any mobile home which is being sold by the person actually residing in the unit.

*Mobile home park or community* means any park, trailer park, trailer court, camp site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a rental location or accommodation for any mobile home to be parked, and includes all buildings used or intended for use as part of the equipment where a charge is made. *Mobile home park or community* may include mobile homes which are parked, like a "spec" home for purposes of inspection, for sale or rental within the park.

*Mobile home space* means a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home and its accessory structures.

*Mobile home subdivision* means a parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of single-family mobile homes or manufactured homes. Such a subdivision shall not be included in the definition of a mobile home park.

*Neighborhood commercial uses* means commercial or business uses that are low intensity of use, have minimal traffic generation and offer convenient shopping for residential areas. Neighborhood commercial uses may include small food stores, artist studios, antique or gift shops, specialty shops and other similar type uses. The maximum floor area for a neighborhood commercial use shall be two thousand (2,000) square feet.

*Neighborhood convenience centers* means small combinations of neighborhood commercial uses located near residential areas, possibly as a part of a PUD, that offer convenience goods or services. Neighborhood convenience centers should be compatible in scale and materials with surrounding residential areas. The maximum floor area for a *neighborhood convenience center* should be ten thousand (10,000) square feet, with no single neighborhood commercial use with a floor area greater than two thousand (2,000) square feet.

*Nonconforming building* means a building that was legally constructed prior to the effective date of the initial ordinance codified herein which does not comply with the height, floor area, lot coverage or other provisions of this Chapter.

*Nonconforming lot* means a legally recorded lot which at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Chapter concerning minimum area, minimum lot width or minimum frontage upon a public street.

*Nonconforming use* means a use of land that was legally established prior to the effective date of the initial ordinance codified herein which is not in conformance with the use regulations of this Chapter, including the land use, minimum lot area per dwelling unit, off-street parking requirements or open space requirements.

*Open space* means land retained in an open or unimproved condition, except for agricultural, for the placement of landscape materials, including trees, shrubs, grasses, structures limited to footpaths and bridges, irrigation structures, erosion-protection devices and underground utilities, or improved for park use as defined

herein. Ownership of such land may be private with an easement or reservation for open space use by deed restriction. It may be deeded or reserved to a property owner's association, or it may be dedicated to the public. Designation of an open space does not imply the provision of access by the public.

*Open space, landscaped* means a lot, tract or parcel of land that has been improved by the preservation, rearrangement, installation or planting of different trees, shrubs, grass and decorative materials. Decorative materials means materials which augment and enhance the botanical landscaping, including rocks, gravel, driftwood, bark, ponds, fountains, walls or other landscape design features approved by the Town. Such land may be used for plazas, walkways, arcades and pedestrian areas.

*Planned Unit Development (PUD)* means an area of land, controlled by one (1) or more landowners, to be developed under the unified control or unified plan of development for residential, commercial, educational, recreational or industrial uses or any combination of the foregoing. A *PUD* is a project designed to provide variety and diversity by allowing greater flexibility than would ordinarily be achieved by strict application of the zoning and subdivision standards. *PUDs* are permitted in all zoning districts and allow density averaging over the entire parcel. A *PUD* may include a combination of different dwelling types, grouping of dwelling units into clusters or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity.

*Principal building or principal use* means the main or primary purpose for which a building or parcel of land is designed, arranged or intended, or for which it may be occupied or maintained under this Chapter.

*Public building or public use* means any building or use open to general use, participation or enjoyment of the public and owned by the Town, County, State or federal government or by a public utility corporation. All public buildings shall conform to the Americans with Disabilities Act.

*Rooming unit* means a room providing minimum housing accommodations for a roomer, arranged primarily for sleeping and/or study, and which may include a private bath but shall not include a separate kitchen.

*School* means any building used for educational purposes through the 12th grade by more than ten (10) persons or by ten (10) or fewer persons for more than twelve (12) hours per week or more than four (4) hours in any one (1) day.

*Setbacks* are measured from the front yard, side yard and rear property lines. Front setbacks are to be measured from the front edge of any porch or wall of a structure excluding an eave with a maximum of a twenty-four-inch projection into the setback area. Rear setbacks are measured from the front edge of any porch or wall of a structure excluding an eave with a maximum of a twenty-four-inch projection into the setback area. Side yard setbacks are measured from the vertical plane of the foundation wall with a maximum of a twenty-four-inch eave projection into the setback area.

*Special review use* means a use that is permitted within a zoning district only with the prior review by the Planning Commission and approval by the Board of Trustees in accordance with procedures and requirements stated in Article 4 of this Chapter.

*Street* means a right-of-way reserved for public or private use which provides vehicular and pedestrian access to adjacent properties, including the designations of road, highway, thoroughfare, avenue, lane, boulevard or alley. Streets shall be further classified as set forth below.

*Street, arterial* means a street whose primary function is to facilitate the flow of traffic through the Town. Limited access is provided to adjoining properties. Arterial streets are designed to accommodate higher volumes of traffic than collector or local streets. Arterial streets may be further classified as major arterial and minor arterial, depending on the potential volume of traffic and local conditions.

*Street, collector* means a street with moderate traffic volumes that provide access to residential and commercial areas and to channel traffic from the local streets to the arterial streets. *Collector streets* may be further classified as major collectors and minor collectors depending on the potential volume of traffic and local conditions.

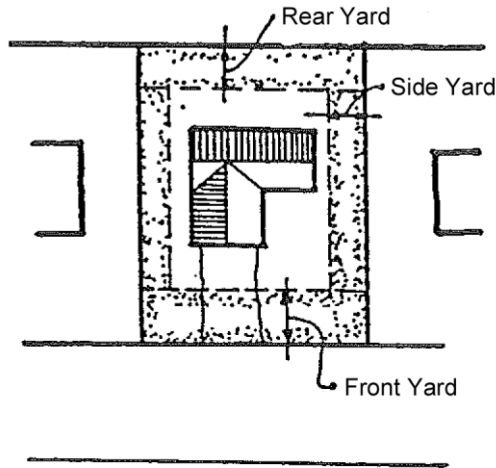


*Street, local* means a street with low traffic volumes that is intended to provide direct access to adjacent residential or commercial lots.

*Structure* means anything constructed or erected with a fixed location on the ground above grade.

*Travel trailer, camper or recreational vehicle* means a portable structure, mounted on wheels and drawn by a stock passenger automobile or designed to be loaded onto or affixed to the bed or chassis of a truck, or portable structure mounted on wheels and constructed with collapsible partial side walls of fabric, plastic or other pliable material which fold for towing by another vehicle and unfold at the campsite to provide for temporary living quarters for recreational camping or travel use. The term travel trailer shall include the units designated as campers, pop-ups, motor homes, camper buses or recreational vehicles.

*Yard area, required* means the open space area that is not occupied by a principal building with a depth or distance from a property line specified by the setback regulations for the district in which the lot is located.



(Ord. No. 83-116, Art. VIII, 1983; Ord. No. 2000-02, Art. VIII, 2000; Ord. No. 2003-07, § 1, 2003; Ord. No. 2004-01, § 1, 2004; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2019-10, § 2, 8-13-2019)

**Sec. 16-1-110. Severability.**

If a provision of this Chapter is invalidated by decision of a court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of the decision shall be limited to the provision which is expressly stated in the decision to be invalid, and the decision shall not affect, impair or nullify this Chapter in its entirety.

(Ord. No. 2000-02, Art. XXVI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 2. ZONING DISTRICTS**

**Sec. 16-2-10. Establishment.**

In order to carry out the purpose and provisions of this Chapter, the Town is hereby divided into the following zoning districts:

E-1	Estate Residential District
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R-1	Low-Density Residential District
R-2	Medium-Density Residential District
R-3	Higher-Density Residential District
MH	Mobile Home Park Subdivision District
MH1	Mobile Home Parks Subdistrict
MH2	Mobile Home Subdivisions Subdistrict
C-1	Core Commercial District
C-2	Community Commercial District
I-1	Light Industrial District
I-2	Industrial District
DR	Developing Resource District
P	Public District

The intent of each zoning district is as described in the following sections.

(Ord. No. 83-116, Art. IX, 1983; Ord. No. 2000-02, Art. IX, 2000)

**Sec. 16-2-20. E-1, Estate Residential District.**

It is the intent of this District to provide for orderly development of single-family residential areas on three- to ten-acre lots. Farm-type animals, including horses, sheep, llamas, cattle and goats, will be allowed. Other animals will require approval of the Town. This District requires adequate irrigation water rights if the property to be improved has been previously irrigated and water rights were utilized, and must have a plan for distribution (see Section 16-3-110 of this Chapter).

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-2-30. R-1, Low-Density Residential District.**

It is the intent of the this District to provide for the orderly development of single-family residential site-built or manufactured built homes, depending on covenants for the area.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-2-40. R-2, Medium-Density Residential District.**

It is the intent of this District to allow for the orderly and creative development of attached and detached single-family, two-family and multiple-family dwellings at moderate densities. Such areas are intended to serve as a transition between the lower-density zoning districts and the higher-density residential areas and commercially zoned areas.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

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**Sec. 16-2-50. R-3, Higher Density Residential District.**

It is the intent of this District to provide for the orderly and creative development of residential areas with density substantially higher than the Low-Density or Medium-Density Districts yet compatible with the present scale and character of the Town. Higher density residential areas may be appropriately located as a part of planned developments, adjacent to medium-density residential areas, commercially zoned areas, adjacent to the core commercial area or downtown and within close proximity to major collector or arterial streets.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-2-60. MH, Mobile Home Park Subdivision District.**

It is the intent of this District to be composed of two (2) subdistricts, Mobile Home Parks (MH1) and Mobile Home Subdivisions (MH2). Mobile homes will be restricted to this District except as specified in Article 8 of this Chapter. This District is designed to provide orderly development of single-family residential mobile home parks having rented lots and subdivisions having homeowner lots. These subdistricts may require appropriate screening and/or buffer zones from other districts and zones. (See Article 8 of this Chapter for regulations.)

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-2-70. C-1, Core Commercial District.**

It is the intent of this District to provide for the orderly development of those commercial and business uses, government, educational and cultural facilities that are characteristic of downtown areas and promote comparison shopping and pedestrian activity in the core area. This District is not intended for businesses and commercial uses that are oriented to the automobile and require extensive ground-level floor area.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-2-80. C-2, Community Commercial District.**

It is the intent of this District to augment the commercial and business needs of the community by providing for the orderly development of commercial facilities that, because of their specific nature, require closer access to arterial routes or immediate access to large parking areas or require generally larger ground-level floor areas than the smaller retail shops as encouraged in the core commercial areas.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-2-90. I-1, Light Industrial District.**

It is the intent of this District to provide for the development of industrial uses that will enhance the economy of the Town and be designed and planned in a manner that will be compatible with the character of the community and not add pollution or other undesirable effects to the adjoining properties or to the community as a whole.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-2-100. I-2, Industrial District.**

The intent of this District is to allow for basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious, hazardous and noisy uses will require special permission to locate in this District.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-2-110. DR, Developing Resource District.**

It is the intent of this District to provide for the zoning of those areas to be annexed that are eligible for annexation and are designated in the Comprehensive Plan as potentially suitable for urban development but not in the immediate future because of lack of utilities or other public services. DR District zoning should be applied to existing agricultural or open space areas with minimal present development.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-2-120. P, Public District.**

It is the intent of this District to provide a special district for those lands that are dedicated for public use for recreational or educational purposes or for other public facilities or services. New construction and development will require special review.

(Ord. No. 2000-02, Art. IX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 3. DISTRICT REGULATIONS**

**Sec. 16-3-10. Schedules of uses and requirements.**

To facilitate public understanding of this Chapter and for convenient reference and use, the following schedules are provided for all districts. These schedules are a part of this Chapter and may be amended as with any other part of this Chapter.

(1) *Schedule of Uses.* The schedule of uses indicates, by district, those uses that are:

- P - Permitted by right
- S - Permitted by special review
- X - Prohibited

Any use that is not specifically permitted shall be deemed to be excluded. If a question arises as to whether a specific use does not fall within the expressed use categories, any person may apply to the Planning Commission for a determination as to whether a specific use is permitted.

(2) *Schedule of Requirements.* The schedule of requirements includes minimum lot areas, setback, density and open space requirements for each residential and commercial zone. Additional requirements are listed for uses permitted by special review.

(Ord. No. 83-116, Art. X, 1983; Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-3-20. Schedule of uses, residential districts.**

**Table 16-1  
Schedule of Uses - Residential Districts**

Use	R-1 District	R-2 District	R-3 District	E-1 District	MH District
Single-family dwellings	P	P	P	P	P
Two-family dwellings	X	P	P	S	X
Multiple-family dwellings, apartments/townhouses not exceeding 6 units per lot	X	S	P	X	X
Multiple-family dwellings, apartments/townhouses in excess of 6 units per lot	X	X	S	X	X
Mobile home parks	X	X	X	X	S 1
Mobile home subdivisions	X	X	X	X	P
Parks and recreation areas	P	P	P	P	P
Private schools	S	S	S	S	X
Public or governmental uses	S	S	S	S	X
Group homes for the developmentally disabled	S	S	S	S	S
Churches	S	S	S	S	S
Nursing homes/assisted living apartments	X	S	S	X	X
Rooming houses/bed and breakfasts	X	S	S	S	X
Professional offices 2	X	S	S	X	S
Neighborhood convenience centers 3	S	S	S	S	S
Antenna structures (towers)	S	S	S	S	S

Horses, barns and pastures	X	X	X	P	X
Mobile homes (single unit)	X	X	X	X	P
Neighborhood commercial uses 4	X	X	X	X	P

P = Permit by right

S = Permit by special review

X = Prohibited use

<sup>1</sup> See Article 8 of this Chapter.

<sup>2</sup> Professional offices as home occupations are permitted in all districts, subject to provisions in Section 16-11-20 of this Chapter.

<sup>3</sup> Neighborhood commercial uses may include small food stores, specialty shops, gift, antique shops or similar type uses. Maximum floor area shall be 2,000 square feet total.

<sup>4</sup> Neighborhood convenience center shall have a maximum total floor area of 10,000 square feet and no single business with a greater total floor area than 2,000 square feet.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-3-30. Schedule of requirements, residential districts.**

**Table 16-2  
Schedule of Requirements<sup>1</sup>- Residential Districts**

Minimum Lot Area Requirements	R-1 District		R-2 District		R-3 District		E-1 District		MH District	
	Dwelling units	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)	Dwelling units per story	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)	Dwelling units	Min. lot area (sq. ft.)
Residential uses permitted by right	1	6,000	1	6,000	1	6,000	1	3 acres	1	5,000
			2	8,000	2	6,000	2		N/A	N/A
					3	8,000				
					4	10,000				
					5	12,500				
					6	15,000				

Residential uses permitted by special review			3	12,000	Over 6 units	15,000 sq. ft.				
			4	16,000		+				
			5	20,000		2,500 sq. ft.				
			6	24,000		for each unit over 6				

Yard Requirements <sup>2</sup>	R-1 District	R-2 District	R-3 District	E-1 District	MH District
All yard areas adjacent to an arterial street major and minor	50 ft.	35 ft.	35 ft.	75 ft.	50 ft.
Front yard setback					
Collector (major and minor)	25 ft.	25 ft.	25 ft.	50 ft.	25 ft.
Local	20 ft.	20 ft.	20 ft.	35 ft.	20 ft.
Side yard	6 ft.	6 ft.	10 ft. <sup>3</sup>	20 ft.	6 ft.
Rear yard	10 ft.	10 ft.	20 ft.	20 ft.	15 ft.
Minimum lot width	50 ft.	50 ft.	50 ft.	200 ft.	50 ft.
Minimum landscaped open space (% of lot area)	-	20%	20%	30%	-
Minimum lot coverage	30%	30%	30%	20%	50%
Maximum building height	25 ft.	25 ft.	35 ft.	30 ft.	25 ft.

<sup>1</sup> See also the following provisions: 16-3-40 to 16-3-60 pertaining to average lot areas, side yard setback variation and front yard variation.

<sup>2</sup> See supplementary requirements in Section 16-10-60.

<sup>3</sup> When a building is 3 stories, a 15-foot setback is required.



(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

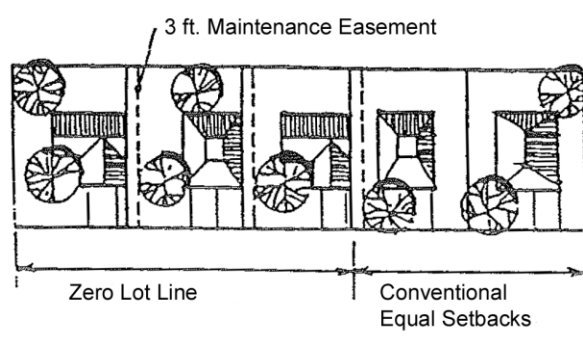
**Sec. 16-3-40. Average lot area.**

- (a) When a group of ten (10) or more single-family dwellings are proposed for development as a unit, the minimum lot area may be varied in order to achieve flexibility and creativity in design. However, in no case shall:
  - (1) The lot area be less than four thousand five hundred (4,500) square feet;
  - (2) The average lot size for the unit be less than six thousand (6,000) square feet; and
  - (3) More than twenty percent (20%) of the lots be less than six thousand (6,000) square feet.
- (b) When such development procedures are followed, the Town-approved subdivision plat must be on record in the County Clerk and Recorder's office.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-3-50. Side yard setback variation.**

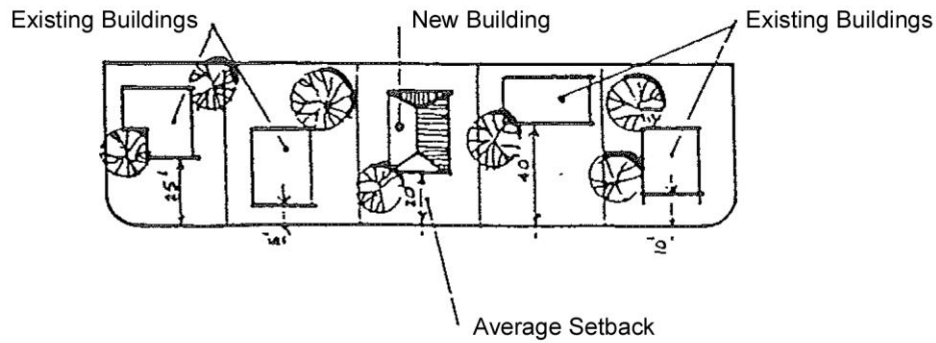
When a group or cluster of three (3) or more single-family dwellings are proposed for development as a unit, the side yard requirement may be reduced subject to the approval of the Town Administrator. However, the minimum spacing between two (2) structures shall not be less than twelve (12) feet. In the case of zero-lot-line developments, permitted by this provision, a minimum of a three-foot-wide maintenance easement shall be provided on the property adjacent to the wall that is placed along the side lot line.



(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-3-60. Front yard variation.**

In areas established and predominantly built out prior to the effective date of the initial ordinance codified herein, the front yard setback shall be equal to the average setbacks for the other buildings on the same block or a maximum of that required by the new regulation as herein provided.



(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-3-70. Schedule of uses, commercial and industrial districts.**

**Table 16-3  
Schedule of Uses - Commercial and Industrial Districts**

Use	C-1 District	C-2 District	I-1 District	I-2 District
Auto sales and service repair	X	S	S	P
Automobile wrecking yards	X	X	X	S
Scrap processing when yard is enclosed by 6-foot screening of wall. (No junk allowed outside of screening)				
Banking, savings and loan	P	P	X	X
Bulk large storage of flammable liquid gas facilities	X	X	X	S
500 gallons and under	S	S	S	S
Campgrounds, recreational vehicle parks	X	S	X	S
Child care	P	P	S	X
Churches	S	S	X	X
Commercial recreational including pool halls, bowling alleys, skating rinks and golf courses	S	S	S	X
Dental or medical clinics	P	P	S	X

Drive-up windows for banks, businesses and restaurants	S	S	S	X
Dwelling units as a part of a business use	S	S	S	X
Dwelling units secondary to the business use	P	P	S	X
Fabricating/manufacturing industry	S	S	S	P
Fast food and drive-thru restaurants	S	S	S	X
Fertilizer storage or manufacturing of	X	X	X	S
Formula businesses	X	S	S	S
Fruit/packing	X	X	P	P
Fruit/produce processing	X	X	S	P
Gas stations	X	S	S	S
Grain warehouses	X	X	X	P
Group homes for the developmentally disabled	S	S	X	X
Livestock areas or barns	X	X	X	S
Lumber yards	X	S	S	P
Manufacture and storage of explosives	X	X	X	X
Manufacturing	X	X	S	P
Membership clubs	S	S	S	S
Mining of natural resource material	X	X	X	S
Mobile home sales/service	X	S	S	P
Motels, hotels and lodging facilities (including room houses and bed and breakfasts)	S	P	X	X
Multiple-family dwellings	S	S	X	X
Nursing homes	S	P	P	P
Parking lots	P	P	P	P
Parks and recreation areas	P	P	P	P
Personal services shops, including barber, beauty	P	P	S	X

shops, shoe repair, self-service laundries, travel agencies, etc.				
Professional and business offices when part of permitted light industry	P	P	S	X
Public and governmental facilities	P	P	S	X
Public or private schools	S	S	S	X
Ready-mix concrete and asphalt plants	X	X	X	P
Restaurants	P	P	S	X
Retail businesses	P	P	S	S
Service and keeping of heavy industrial equipment	X	X	X	P
Small animal clinic	X	S	P	X
Storage sheds (rental spaces)	S	S	S	S
Utilities <sup>2</sup>	X	X	S	P
Utility substations <sup>8</sup>	X	S	S	S
Warehouses	S	S	P	P
Wholesale businesses (factory outlets)	S	S	S	S

P = Permitted by right  
 S = Permitted by special review  
 X = Prohibited

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2016-06, exh. A. 8-23-2016; Ord. No. 2019-10, § 2, 8-13-2019)

**Sec. 16-3-80. Schedule of requirements, commercial and industrial districts.**

**Table 16-4  
 Schedule of Requirements - Commercial and Industrial Districts**

Requirements	C-1 District	C-2 District	I-1 District	I-2 District
Minimum Lot Area				
Nonresidential	2,500 sq. ft.	8,000 sq. ft.	8,000 sq. ft.	10,000 sq. ft.

Residential	6,000 sq. ft. <sup>1</sup>	6,000 sq. ft. <sup>2</sup>		
Combined residential/commercial	2,500 sq. ft.	8,000 sq. ft.		
Minimum Lot Width	25 ft.	50 ft.	50 ft.	100 ft.
Maximum Building Height	35 ft.	35 ft.	25 ft. 2	35 ft.
Yard requirements				
All yard areas adjacent to an arterial street	0 ft.	50 ft.	50 ft.	75 ft.
Front yard setback				
arterial	0 ft.	50 ft.	50 ft.	75 ft.
collector	0 ft.	25 ft.	35 ft.	50 ft.
local	0 ft.	25 ft.	25 ft.	50 ft.
Side yard setback	0 ft.	10 ft.	10 ft.	20 ft.
Rear yard setback	20 ft.	20 ft.	20 ft.	30 ft.
Minimum landscaped open space	-	10%	10%	10%

<sup>1</sup> For residential development in the C-1 and C-2 acres, the minimum lot sizes shall be the same as the requirements of the R-3 District.

<sup>2</sup> Unless the building is set back at least 150 feet from adjacent lot of lots in the R-1 or R-2 Districts, and if it is determined that the building will not block the view of adjoining R-1 or R-2 developed properties.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-3-90. Developing Resource District.**

- (a) *Permitted uses.* Uses permitted by right in the Developing Resource District include those existing uses of the land at the time of annexation, including:
  - (1) Single-family residence.
  - (2) Raising of crops, grain.
  - (3) Ranching.
  - (4) Other agricultural uses.
- (b) *Rezoning required.* No uses other than those existing at the time of annexation shall be permitted on property zoned DR unless the property is rezoned to a zoning district that permits the proposed use.
- (c) *Uses permitted by special review.* New dwelling units shall be permitted by special review.
- (d) *Park dedication requirements and water rights.* The properties that are annexed and zoned DR, Developing Resource, shall not be subject to requirements for park dedications or cash payment in lieu of dedicating park land or for water rights fees or requirements, except as to secured uses by right or permitted uses by special review, until the property is rezoned, wherein full satisfaction of the requirements of this Chapter shall then be due.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-3-100. Public District.**

- (a) *Permitted uses.* Uses permitted by right in the Public District include the following:
  - (1) Park recreational areas dedicated to the Town.
  - (2) Public educational facilities existing at the time of adoption of the initial ordinance codified herein.
  - (3) Public building and facilities existing at the time of the adoption of the initial ordinance codified herein.
- (b) *Uses permitted by special review.*
  - (1) New public educational facilities.
  - (2) New public buildings and facilities.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-3-110. Estate Residential District.**

On those properties where livestock and poultry are allowed, the following performance standards shall be observed.

- (1) All manure shall be removed periodically or incorporated into the soil on a regular basis such that the manure does not draw flies or other insects or cause obnoxious odors.
- (2) Adequate overflow drainage on drinking facilities shall be provided to prevent the saturation of soil on adjacent property.
- (3) Spillage and leftovers from livestock feedings must be removed or so disposed of as to prevent fly, bird or rodent propagation or creation of odors.
- (4) Any shed, shelter, pen or enclosure for livestock shall not be closer than one hundred (100) feet to any off-property residence or place of business and shall be set back twenty (20) feet from the side lot line and fifty (50) feet from the front lot line.
- (5) All sheds or other shelter for livestock shall be kept reasonably free of rodents and insects and shall be kept in good repair.
- (6) Adequate drainage facilities or improvements shall be constructed to protect any adjacent rivers, streams or other bodies of water from pollution.
- (7) In subdivided areas, all livestock shall be kept within a fenced area.
- (8) Adherence to the Colorado Confined Animal Feeding Regulations, promulgated by the Colorado Department of Public Health and Environment, Water Quality Control Commission shall be observed.
- (9) The maximum number of allowable livestock per lot does not apply to young animals below the weaning age or six (6) months of age, whichever is less.
- (10) The number of livestock permitted shall be two (2) horses, one (1) cow, one (1) llama, three (3) sheep, or three (3) goats per three (3) acres. There shall be twenty-four (24) poultry total allowed.

(Ord. No. 2000-02, Art. X, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Secs. 16-3-120, 16-3-130. Reserved.**

**Sec. 16-3-140. Formula business.**

- (1) *Intent.* The purpose of these formula business requirements is to maintain and protect Paonia's historic downtown core as the civic, social and business hub of the community, ensure the vitality and diversity of the Town's commercial districts and enhance the quality of life of residents and visitors.
- (2) *Applicability.* These regulations shall apply to formula businesses as defined in Section 16-3-100 of the Code.
- (3) *Related definitions.* For purposes of this Section, the following definitions apply:
  - (a) *Color scheme* means the selection of colors used throughout the business, such as on the walls, furnishings, permanent fixtures or on the building façade.
  - (b) *Décor* means the interior design and furnishings that may include style of furnishings, shelving, display shelving/racks, wall coverings or other permanent fixtures.
  - (c) *Façade* means the principal exterior face or front of a building, including awnings, overhangs, and porte-cocheres that are oriented towards a street, alley or open space.
  - (d) *Servicemark* means a word, phrase, symbol or design or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service of one party from those of others.
  - (e) *Signage* means a sign as detailed Section 18-6-10.
  - (f) *Standardized array of merchandize* means fifty percent (50%) or more of the in-stock merchandise is from a single manufacturer or distributor bearing uniform markings.
  - (g) *Standardized array of services* means a substantially similar set of services or food and beverage menus that are priced, prepared and performed in a consistent manner.
  - (h) *Trademark* means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs legally registered or established by use that distinguishes the source of the product of one party from those of others.
  - (i) *Uniform apparel* means standardized items of clothing, including but not limited to standardized aprons, pants, shirts, vests, smocks or dresses, and hat and pins (other than name tags) with standardized colors and fabrics.
- (4) *Exemptions.* The following formula businesses are exempt from these formula business requirements:
  - (a) Formula businesses in operation prior to the effective date of these regulations.
  - (b) Construction work on a pre-existing, approved or exempt formula business that is required to comply with fire and/or life safety standards.
  - (c) Disability access improvements to a pre-existing, approved or exempt formula business.
- (5) *Formula Business Location Requirements.* Formula retail businesses may be permitted as a Special Review in the C-2, I-1 or I-2 zone district.

Formula businesses that are legally in existence as of the effective date of this Ordinance may remain in their current location as a non-conforming use. The same or substantially similar type of use may be transferrable upon sale or transfer of the commercial space or ownership of the business and/or building.

Formula businesses that are legally in existence as of the effective date of this Ordinance may be renovated and/or expanded up to fifteen percent (15%) of the existing gross floor area or a maximum of one thousand five hundred (1,500) square feet, whichever is less.

- (6) *Compliance with the Code.* Formula business shall comply with all applicable standards of the underlying zone district and the applicable regulations of the Town Code.

- (7) *Formula Business Additional Criteria.* No conditional use permit for a formula business shall be approved unless the following criteria are met:
  - (a) The formula business complements existing businesses and promotes quality, diversity and variety to assure a balanced mix of commercial uses and range of local, regional and national goods and services for residents and visitors.
  - (b) The formula business has submitted plans, drawings, renderings, visual simulations or other examples that illustrate how it will be consistent with the historic nature of the Town of Paonia.
  - (c) The formula business does not include any drive-through facilities.

( Ord. No. 2019-10 , § 3, 8-13-2019)

## ARTICLE 4. SPECIAL REVIEW APPLICATION REQUIREMENTS AND PROCEDURES

### Sec. 16-4-10. Intent.

Each established zoning district is intended for a specific type or category of land use (e.g., single-family dwelling in an R-1 district). However, there are certain uses, which may or may not be appropriate in a particular district, depending on the situation. For example, the location, nature of the proposed use, character of the surrounding area, traffic capacities of adjacent streets and potential environmental effects all may dictate that the circumstances of the development should be individually reviewed. The special review process is established to provide for these specific uses without establishing numerous separate zoning classifications. It is the intent of this Article to provide a review of such uses so that the community is assured that the proposed uses are compatible with the location and surrounding land uses.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

### Sec. 16-4-20. When allowed.

Within each zoning district, certain land uses are permitted by right or by special review or prohibited. Special review uses may be permitted in designated districts upon review by the Planning Commission and approval by the Board of Trustees.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

### Sec. 16-4-30. Site plan and supporting documents.

There shall be filed with each special review application a site plan drawn to scale and an appropriate number of copies as determined by the Town Administrator. The site plan shall be drawn in black ink on Mylar. Following approval by the Board of Trustees, the applicant shall submit a reproducible copy of the original site plan to the Town for the Town's permanent records. The special review application shall include the following:

- (1) The site plan showing the location of all buildings, structures and other improvements to be placed on the real property. A building envelope may be used in lieu of showing the exact building or structure location to allow for minor variations in the location.
- (2) A legal description of the property.
- (3) A list of the names and addresses of all property owners within two hundred (200) feet of the property.
- (4) All off-street parking and loading areas.



- (5) The location of all ways for ingress to and egress from all buildings and parking areas.
- (6) Service and refuse collection areas.
- (7) Major screening proposals.
- (8) The size, shape, height and character of all signs.
- (9) The area and location of all open space and recreation areas.
- (10) The location and type of outdoor lighting.
- (11) The character and type of landscaping to be provided. The landscaping shall be indicated in tabular form showing the type of plant material, minimum size and quantity. The approximate location of landscaping shall be indicated on the site plan.
- (12) The anticipated timetable for completion. If the project is to be completed in phases, then the date for completion of each phase shall be indicated.
- (13) The following agreement will be placed on the original special review site plan, signed by all owners and lienholders of the property: The undersigned agree that the real property described on the site plan shall be developed only in accordance with the approved special review site plan and other provisions of the zoning regulations of the Town of Paonia. The signatures of all owners and lien holders shall be notarized. The agreement shall further designate who is specifically responsible for the proposed improvements.
- (14) In addition to the site plan, a title policy indicating that the property is free and clear of all ownership disputes, liens or encumbrances whatsoever which would impair the use of the property for the uses approved. The title policy shall provide verification that all owners and lien holders have signed the special review site plan. The title policy shall be effective within twenty-four (24) hours after the date of approval by the Board of Trustees. If the title policy is not provided to the Town Clerk within seven (7) days after action by the Board of Trustees, the action by the Board of Trustees shall be automatically voided.
- (15) Other information as needed by the Town to analyze the feasibility and impacts of the special review use, which may include, but are not limited to, traffic analyses, soils or geological reports or drainage and engineering studies.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-4-40. Procedures for securing approval of special review application.**

- (a) *Preapplication conference.* The applicant shall schedule a conference with the Town Administrator prior to submitting a formal application. This will serve to better acquaint the applicant with the Town's policies, requirements, procedures and the Master Plan objectives. The preapplication conference should be held before the applicant has entered into binding commitments or incurs substantial expenses in the preparation of plans, surveys and other studies.
- (b) *Filing deadline.* Applications for special review shall be filed at least thirty (30) days in advance of the meeting at which they are to be considered by the Planning Commission. The Town will provide the applicant with a list of filing deadlines and meeting dates. Applications that are incomplete at the time of filing will not be scheduled for review by the Planning Commission.
- (c) *Fees.* All persons filing a special review application shall be charged a fee to cover the cost of advertising and processing. The amount of the fee shall be established by resolution of the Board of Trustees.

- (d) *Review by the Town Administrator.* The Town Administrator shall review the application for compliance with the provisions of this Code, the site plan review criteria and performance standards of this Section and for consistency with the Master Plan. The Town Administrator shall receive comments from all other pertinent Town departments and other agencies and from the Development Review Committee. The Town Administrator may then submit his or her recommendations and comments to the Planning Commission for its consideration at its next regularly scheduled meeting. Copies of staff recommendations shall be available to the applicant prior to the Planning Commission's meeting.
- (e) *Action by the Planning Commission.* At a duly noticed public hearing the Planning Commission shall consider the special review application and the comments and recommendations of the Town Administrator. As a part of their review of the proposed special review use, the Planning Commission shall consider the Special Review Site Plan review criteria and performance standards of Section 16-4-50 below.
- (f) *Action by the Board of Trustees.* Within thirty (30) days after the action by the Planning Commission, the Board of Trustees shall consider the special review request and the recommendations of the staff and the Planning Commission. The Board of Trustees shall then make the final decision to approve the application, approve the application with modifications or deny the application.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-4-50. Site plan review criteria and performance standards.**

- (a) The criteria for review and performance standards are as follows:
  - (1) Compliance of the application with this Code in general.
  - (2) The compatibility of the proposed use and site plan with the character of the surrounding area.
  - (3) The desirability and need for the proposed use.
  - (4) The potential for adverse environmental influences that might result from the proposed use.
  - (5) Compatibility of the proposed use and site plan with the policies and guidelines of the Comprehensive Plan.
- (b) Lights and signs shall be located in a manner that will not be distracting to adjoining properties or passing motorists.
- (c) Landscaping shall be provided in areas near the public right-of-way and located with consideration for energy conservation. An acceptable plan must be provided for the maintenance of the required landscaped areas.
- (d) Control of storm drainage shall be provided so as to not damage adjoining properties. The plan must be approved by the Town Engineer.
- (e) Site design and building plans shall include provisions for the needs of handicapped individuals as required by the Building Code or other ordinances of the Town.
- (f) Approved landscaping or solid fencing capable of screening adjacent properties shall be provided where commercial uses abut residential uses.
- (g) Commercial and industrial uses shall conform to the following performance standards:
  - (1) No dust, odor, gas, fumes, glare or vibration shall extend beyond lot lines. Glare pertains to sunlight reflected from windows or other integral portions of buildings, as well as from lighting fixtures and signs.
  - (2) Smoke shall not be emitted at a density greater than #1 on the Ringleman's scale.

- (3) No particles of fly ash shall exceed two-tenths percent (0.2%) grains per cubic foot of the flue gas at a stack temperature of fifty (50) degrees Fahrenheit.
- (4) Noise. No noise shall be emitted which exceeds a maximum of seventy-five (75) decibels with a maximum increase of five (5) decibels permitted for a maximum of fifteen (15) minutes in any one (1) hour. In addition, every activity shall be conducted so that no noise produced is objectionable due to intermittence, beat frequency or shrillness.
- (5) Water pollution. No water pollution shall be emitted by the manufacturing or other processing.
- (6) Outside storage areas that adjoin R-1, R-2 or R-3 Districts must be screened from view with screening of at least eight (8) feet high. The screening shall be constructed of board fencing, screened metal fencing or shrubs.
- (7) Truck traffic to and from the I-1 and I-2 District facilities must be restricted to truck routes. The weight of the trucks is limited to standard highway limits unless otherwise posted.
- (8) Industrial activity within the I-1 District will be restricted to 7:00 a.m. to 9:00 p.m.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-4-60. Effect of special review approval.**

- (a) Following approval of a special review application, all real property described in the application must be improved, developed and used in accordance with the approved application, the site plan and any written proposals submitted therewith within the completion date or dates set by the Board of Trustees.
- (b) Any changes or modifications to the special review application or site plan shall be permitted only in accordance with the procedures stated in Section 16-4-70 below.
- (c) It is unlawful for the owner of the property subject to an approved special review application to fail to complete all improvements within the approved completion date set by the Town or to use the property for any use not set forth in an approved special review application. Each day of violation shall be considered as a separate violation of the provisions of this Chapter.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-4-70. Changes or modification to approved application and special review site plans.**

Changes or modifications to an approved special review application and site plan shall be permitted by following the procedures of this Chapter for rescinding a special review application and securing approval of the original application, except as follows:

- (1) For minor variations in the location of structures, improvements or open areas caused by engineering or other unforeseen difficulties, the Planning Commission may authorize a modification to an approved site plan without public hearing. Such changes or modifications authorized by this Paragraph shall not modify use, character or density of an approved special review application or site plan. All site plans so modified shall be amended to show the authorized modifications.
- (2) The Planning Commission may also grant, without a public hearing, an extension of the time schedule for a period not to exceed six (6) months. Not more than two (2) such extensions may be granted without a duly noticed public hearing.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-4-80. Termination of approved special review applications.**

Approved special review applications may be terminated as follows:

- (1) *By Board of Trustees action.* If construction is not completed and use established on a property subject to an approved special review application in accordance with and within the time schedule set forth in the application, the Board of Trustees may require the property owner to appear before it and present evidence establishing that he or she has not abandoned the use of the property as approved by the Board of Trustees and that he or she has the ability to complete the development of the property. In the event the Board of Trustees finds that the conditions which existed at the time of the approval of the application have changed so that reasonable questions exist regarding the property owner's ability and intention to comply with the application, it may withdraw its approval. Upon such rescission, all uses permitted by the application shall terminate at its discretion, and for good cause shown, the Board of Trustees may extend the period of time for completion of construction and use of the property as provided in the application.
- (2) *By owner's action.* The owner of a property subject to a special review application may petition the Board of Trustees to rescind its approval of the special review application pertaining to his or her property or any part thereof. Such petition shall be signed and filed with the Town Clerk in the number and within the time provided in this Chapter for special review applications. The petition shall be submitted to the Planning Commission for its consideration. The Planning Commission shall then consider the petition and submit its recommendation to the Board of Trustees. The Board of Trustees shall then consider the petition and determine whether or not to grant the same. If the petition is granted, the Board of Trustees shall rescind its approval of the subject special review application as to the property described in the petition.

(Ord. No. 83-116, Art. XI, 1983; Ord. No. 2000-02, Art. XI, 2000)

**ARTICLE 5. PLANNED UNIT DEVELOPMENT**

***DIVISION 1. GENERAL PROVISIONS***

**Sec. 16-5-10. Intent.**

- (a) It is the intent of these PUD regulations to promote the following objectives on areas of five (5) acres or more to:
  - (1) Permit greater flexibility in the location of buildings, mixtures of land uses, housing types and open space and consequently promote more imaginative design than would generally be possible under conventional zoning requirement. Limited variations to applicable zoning and subdivision requirements may be possible through the PUD process.
  - (2) Allow for a greater diversity in the choice of housing types and provide more economical subdivision design which may assist in creating more affordable housing.
  - (3) Promote a higher level of development design, including greater landscaping, open space, energy efficient design and convenient pedestrian and vehicular circulation.
  - (4) Encourage more innovative land use and site design and to carry out the goals and policies of the Comprehensive Plan.

- (b) Exceptions to development standards. To assist developers in achieving the intent of the PUD as stated above, the Planning Commission may allow modifications and exceptions to said standards, provided that such exceptions are consistent with the intent of this Article and the Comprehensive Plan, and that such actions pose no threat to the property values, health, safety and general welfare of the people of the community and the owners or occupants of adjacent or nearby land.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-20. Authority.**

The Town hereby adopts the PUD regulations contained in this Article in accordance with Title 24, Article 67, C.R.S. The purposes set forth in Section 24-67-102, C.R.S. , are incorporated herein by reference in addition to the statements of intent listed above in Section 16-5-10.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-30. Where permitted.**

A PUD may be permitted in any zoning district within the corporate boundaries of the Town subject to the review and approval requirements of this Article.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-40. Uses permitted.**

Within each zoning district, a PUD may include those land uses designated as a permitted use by right or by special review in that district. The Board of Trustees may also allow appropriate mixtures of housing types and supporting neighborhood commercial uses, provided that they are in accordance with the standards and criteria provided in this Chapter and are consistent with the policies of the Comprehensive Plan.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-50. Effect of designation.**

- (a) Approval of a PUD shall have the effect of overlaying the existing zoning and, therefore, adding to and modifying the existing zoning requirements. If there is a conflict between the provisions of the existing zoning district and the PUD regulations that are applied to a particular development, then the provisions approved for the planned development shall apply.
- (b) When a PUD is approved by the Town, the zoning designation for that lot, tract or parcel on the official zoning shall include the suffix "PUD". An approved site for a PUD that is zoned R-1 would then have the designation "R-1 (PUD)."

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

***DIVISION 2. APPLICATION PROCEDURE***

**Sec. 16-5-110. Procedures for securing approval of PUD.**

- (a) Preapplication conference. Prior to submittal of a formal PUD application, the applicant is required to hold a preapplication conference with the Town Administrator to present a tentative sketch plan for review. The preapplication conference should address itself to the following:
  - (1) The proper relationship between the proposed project and the Comprehensive Plan and/or stated planning and development objectives.
  - (2) The names, addresses and phone numbers of neighboring property owners within two hundred (200) feet.
  - (3) The nature, design and appropriateness of the proposed land use arrangement for the zone and configuration of the property involved.
  - (4) The adequacy of open space areas in existence and as proposed to serve the development.
  - (5) Adequate irrigation water rights if the property to be improved has been previously irrigated and water rights were utilized, with a plan for distribution.
- (b) The conference should be held before the applicant has entered into binding commitments or has incurred substantial expense in the preparation of plans or other studies.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-120. PUD sketch plan review; intent.**

The purpose of the sketch plan is to acquaint the staff, the Planning Commission and the Board of Trustees with the nature of the proposed PUD and to identify potential problems or conflicts before substantial time and cost are invested by the applicant. This step in the process is optional. For smaller projects, a preapplication conference with the Town Administrator may be sufficient. However, for larger projects or those that may require major policy decisions, a sketch plan review by either the Planning Commission or the Board of Trustees or both may be strongly advisable. The Town Administrator may recommend that a sketch plan be prepared by the applicant prior to proceeding to a more detailed phase of the process. The sketch plan must be submitted to the Town Clerk thirty (30) days prior to the Planning Commission meeting at which it is being considered.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-130. PUD master plan and preliminary development plan; intent.**

The PUD master plan is intended for those projects that will be developed in more than one (1) phase. The PUD master plan may be submitted and reviewed prior to or simultaneously with the preliminary development plan for the first phase of development.

- (1) *Filing deadline.* Applications for a PUD master plan and preliminary development plan shall be filed at least thirty (30) days prior to the Planning Commission meeting at which time the matter is to be heard. If public hearing is needed, neighboring property owners within two hundred (200) feet shall be notified.
- (2) *Development Review Committee.* Prior to the Planning Commission meeting, the matter shall be reviewed by the Development Review Committee. The applicant or his or her representative shall be invited to attend this review session. The Development Review Committee's comments shall be forwarded to the Planning Commission. See Chapter 17 of this Code.

- (3) *Planning Commission action.* At a public hearing, the Planning Commission shall consider the PUD master plan and/or preliminary development plan and the comments and recommendations of the Development Review Committee. The Planning Commission shall review the application with respect to the criteria and standards for PUD provided in this Article. The Planning Commission may then recommend to the Board of Trustees that the matter be approved, approved with modifications or denied.
- (4) *Board of Trustees action.* At the next scheduled Board of Trustees meeting, the PUD master plan and/or preliminary development plan shall be considered by the Board of Trustees. The Board of Trustees shall consider the recommendations of the Planning Commission and the staff and review criteria and standards for PUD provided in this Article. The Board of Trustees may then approve the plan, approve the plan with modifications or deny the application.
- (5) *Effect of approval.* Once a PUD master plan and/or preliminary development plan is approved, all property within the area described in the application must be developed in accordance with the plan. No building permits will be issued for the property unless a PUD preliminary development plan and final development plan are approved in accordance with the remaining sections in this Article.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-140. Final development plan.**

- (a) *Filing deadline.* Final development plans shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which time the matter is to be heard.
- (b) *Development Review Committee.* Prior to the Planning Commission meeting, the matter shall be reviewed by the Development Review Committee. The applicant or his or her representative shall be invited to attend this review session. The Development Review Committee's comments shall be forwarded to the Planning Commission. See Chapter 17 of this Code.
- (c) *Planning Commission action.* At a public hearing, the Planning Commission shall consider the final development plan and the comments and recommendations of the Development Review Committee. The Planning Commission shall review the application with respect to the criteria and standards for PUDs and special review applications and for consistency with the PUD master plan and preliminary development plan.
  - (1) If there are substantial differences between the final development plan and the preliminary development plan, a revised preliminary development plan must be considered under the review process in Section 16-5-120 above.
  - (2) If the Final development plan is consistent with the PUD master plan and/or the preliminary development plan, the Planning Commission may then recommend to the Board of Trustees that the matter be approved, approved with modifications or denied.
- (d) *Board of Trustees action.* Within thirty (30) days after action by the Planning Commission, the final development plan shall be considered by the Board of Trustees. All modifications to the site plan and application as recommended by the Planning Commission shall have been completed prior to the meeting of the Board of Trustees. The Board of Trustees shall consider the recommendations of the Planning Commission and the staff and review standards and criteria for PUDs provided in this Article. The Board of Trustees may then approve the plan, approve the plan with modifications or deny the plan.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-150. Determination of completeness.**

Upon receipt of a PUD master plan, preliminary or final development plan, the Town Administrator shall review the application to determine whether it is in an acceptable format and includes the requirements of Section 16-5-210 of this Article. If the Town Administrator finds that the application is in the proper format and is complete, he or she shall initiate the process contained herein. If the Town Administrator determines that the application is incomplete, he or she shall notify the applicant of the specific deficiencies. Any notice of deficiency shall be sent to the applicant within fifteen (15) business days after the filing of the application. Formal processing of the application shall not begin until the deficiency is corrected and the application is resubmitted. The date of the resubmission, not the date of the initial application, shall govern the timing of the process.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-160. Application fees for PUD.**

Application fees for a PUD sketch plan, PUD master plan, preliminary development plan and final development plan shall be established by resolution of the Board of Trustees.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

***DIVISION 3. APPLICATION REQUIREMENTS***

**Sec. 16-5-210. Application requirements.**

Applications for a PUD shall include the requirements set out in this Division.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-220. PUD sketch plan optional.**

If a PUD Sketch Plan is submitted by an applicant for review by the Town staff, the Planning Commission and/or the Board of Trustees, the sketch plan must include at least the following information:

- (1) *Written information:*
  - a. A statement of the objectives of the PUD.
  - b. A description of the proposed uses, including number of dwelling units, square feet of commercial uses and open space.
  - c. A statement of how the proposed relates to the Master Plan.
  - d. A statement of how utilities are to be provided.
  - e. The names of property owners, planner, engineer and surveyor.
- (2) *Graphic materials:*
  - a. A vicinity map drawn to scale showing the location of the property with respect to the Town limits and the Town street system.
  - b. A map drawn to scale of at least 1" = 100' showing the location of the proposed uses, major streets and land subdivisions, if applicable.



(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-230. PUD master plan.**

A PUD master plan comprised of written materials and site plans as provided below shall be required for all unit developments to be developed in phases.

- (1) *Written information:*
  - a. A legal description of the property.
  - b. A statement of the existing and proposed zoning.
  - c. A list of the names, addresses and phone numbers of all property owners and lien holders.
  - d. A list of the names and addresses of all property owners within two hundred (200) feet as on file at the County Assessor's Office.
  - e. A statement describing the planning objectives to be achieved by the PUD and the relationship to the Master Plan.
  - f. A statement indicating the owner's intentions with respect to future selling or leasing of all or portions of the unit development, including land area and dwelling units.
  - g. A development schedule indicating the estimated timing and phasing of construction activities. The schedule shall include the estimated area allocations for each land use in each phase of development. The total area of common open space provided at any phase of the development shall be provided.
  - h. Quantitative data shall be provided for the following:
    - 1. The total number and type of dwelling units.
    - 2. The proposed maximum residential density.
    - 3. The maximum area of proposed nonresidential construction.
    - 4. The development intensity expressed as the ratio of the floor area to the gross area of each tract or parcel.
    - 5. The area of open space and the percentage of the open space to the gross site area.
    - 6. The amount of off-street parking for use by residents and guests for residential use, or by employees and customers for business or industrial use.
    - 7. Adequate irrigation water rights, if the property to be improved has been previously irrigated and water rights have been utilized, and a plan for distribution.
  - i. A statement of plans or programs that demonstrate the means by which all open space and recreational areas, walkways and private streets are to be maintained.
  - j. A statement of intent as to the dedication of open space and streets for public use. If streets are to be retained for private ownership and maintenance, an easement shall be reserved for access rights for police, fire and other emergency services.
  - k. The owner's certification of acceptance of the conditions and restrictions set forth in the site plan and accompanying materials.

- l. Projected impacts on utilities, including water demands; summer and winter average-day, maximum-day and peak-hour flow; fire flows, sewage discharge, flow and type of discharge, demand on electric, gas, irrigation and other utilities, if any.
  - m. Documentation of water rights needed and available for dedication to the appropriate managing agency.
- (2) *Site plans and supporting data.* Site plans and supporting maps or data are required showing the major details, including:
- a. Vicinity map showing the site and the surrounding area within a distance of at least one (1) mile, showing existing zoning, traffic circulation, public facilities and densities of adjacent residential areas.
  - b. The existing site conditions, including topography and unique natural features.
  - c. A site plan drawn at a scale of 1" = 100' on a twenty-four (24) inch by thirty-six (36) inch sheet with date, scale and north arrow, illustrating the general location and proposed floor area of all existing and proposed land uses, including maximum heights, type of dwelling units, density, floor area ratio and type of nonresidential use.
  - d. An eight and one-half (8½) inch by eleven (11) inch reduction of the site plan.
  - e. The location and area of all land to be used for common open space, recreation areas, public parks, school sites or other public uses.
  - f. The existing and proposed vehicular circulation system, including arterial, collector and local streets, off-street parking areas, service and loading areas and major points of access to public rights-of-way.
  - g. The existing and proposed pedestrian circulation system, including the relationship with the vehicular traffic system indicating proposed treatment at points of intersection.
  - h. Information and description of the land areas adjacent to the proposed development with respect to land uses, zoning and traffic patterns.
  - i. Preliminary plans for storm drainage and water and sewer service to the proposed development.
  - j. Additional material, data or studies as required by the Planning Commission or Board of Trustees which will facilitate an understanding of the PUD master plan and the planning objectives of the unit development. These may include, but are not limited to, fiscal impact evaluations, market studies and transportation studies.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-240. Preliminary development plan.**

- (a) Contents. A preliminary development plan shall consist of all applicable application requirements set forth above for the master plan and the items set forth in this Section.
- (b) Written information shall include the following.
  - (1) Statement of planning objectives, including the character of the proposed development.
  - (2) Notes to indicate disposition, maintenance responsibility and service responsibility for water and sanitation, energy supplies and other services and areas which will serve the PUD.
  - (3) Referral letters from affected utilities and public agencies.

- (4) The proposed development schedule indicating:
  - a. The approximate date on which construction of the project can be expected to begin.
  - b. The stages in which the project will be built, the approximate date when the construction of each phase can be expected to begin and the approximate population at each phase.
  - c. Estimate of the anticipated rate of development (i.e., number of units per year, etc.).
  - d. The approximate dates when the development of each of the stages in the development will be completed.
  - e. The area and location of common open space that will be provided at each stage.
- (5) List of the names, addresses and phone numbers of all property owners and/or authorized agents.
- (6) Name, address and phone number of the person preparing the plan.
- (7) Legal description and tie to an accepted survey monument.
- (8) Copies of any special agreements, conveyances, restrictions or covenants which will govern the use, maintenance and continued protection of the PUD and any of its common areas.
- (9) Owner's certification of acceptance of the conditions and restrictions as set forth on the Preliminary development plan.
- (10) A plan to include the proposed form of unified control which shall include identification and description of corporations, partnerships, trusts, owner's associations or other legal entities having the right to assess individual landowners within the development and identification of the method proposed to enforce the required assessments.
- (11) Names and addresses of all property owners within two hundred (200) feet.
- (12) Reports concerning the following:
  - a. Geologic characteristics of the area significantly affecting the land use.
  - b. Soils report including:
    - 1. Special physical and chemical characteristics of the soil.
    - 2. Prediction of stability and erosion potential.
    - 3. Suitability of the soil types for the land use proposed for the PUD.
  - c. Preliminary stormwater drainage report.
- (13) Data including:
  - a. Gross area in acres and square feet.
  - b. Total number and type of dwelling units.
  - c. Total bedrooms per each dwelling unit type.
  - d. Gross residential density.
  - e. Floor area ratio.
  - f. Total acreage with a breakdown by land use.
  - g. Number of off-street parking spaces, including guest parking and common storage for recreational vehicles.
  - h. Area in square feet of recreational open space.

- i. Area in square feet of "private" open space and percentage of gross area.
- (c) Site plans and supporting documents shall include the following.
- (1) Proposed lot lines and dimensions.
  - (2) Tentative location of existing and proposed buildings.
  - (3) Location and approximate dimensions for each area designated as common open space and recreational open space.
  - (4) Topography at five-foot contour intervals in areas of ten percent (10%) slope or greater and two-foot contour intervals in areas of less than ten percent (10%) slope. Existing contours to be shown in dashed line and proposed contours with solid lines.
  - (5) Approximate location, length, width and use of all existing and proposed easements, utility rights-of-way, major utility facilities, intersections, bridges, culverts and drainageways (indicate underground facilities).
  - (6) Preliminary utility drawings to include the following:
    - a. Drainage and detention.
    - b. Water and sewer service.
    - c. Flood protection.
    - d. Fire protection.
  - (7) Off-street parking areas, service areas, trash receptacles, loading areas and major points of access to public rights-of-way with appropriate dimensions.
  - (8) Existing and proposed streets with names. Approximate length of street centerlines, radii of curves, centerline grades and type of curb, gutter and sidewalks. Designation of streets to be private or public.
  - (9) Location of temporary model homes, sales office and/or construction facilities, including temporary signs and parking lots. Length of time such temporary facilities will be in place and whether they will require sewer and water taps.
  - (10) Location of pedestrian and bicycle paths.
  - (11) Location, height and size of proposed project-related or commercial signs, lighting and advertising devices.
  - (12) Location of pools, fences or accessory buildings.
  - (13) Location of low-income, elderly or other specialized housing.
  - (14) Location of land intended to be conveyed, dedicated or reserved for public use as park sites, school sites, etc. Public tracts shall be dedicated by a statement on the plat; responsibility of maintenance of all tracts shall be noted.
  - (15) General landscaping plan, including:
    - a. The location, type and size of major existing trees and shrubs and their fate.
    - b. The location, general type, minimum size and quantity of proposed plant material.
    - c. The proposed treatment of the perimeter of the PUD.
    - d. The provisions for control of dust during construction.
  - (16) Other graphics.

- a. Street cross-section schematics for both public and private accessways.
- b. Architectural intent drawings. Elevations and perspective drawings of all typical structures and improvements, except single-family detached residences and their accessory buildings. The drawings are intended to show the relationship of the proposed structures to the surroundings and need not be the result of final architectural design and need not be in detail. Note: Final architectural drawings will be required when applying for a building permit.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-250. Final development plan.**

- (a) The final development plan shall be consistent with the preliminary development plan and include all the written and graphic information required for the preliminary development plan. In addition, the following more detailed information is required for the final plan.
- (b) The site plan shall include all information and signatures as required for a use permitted by special review as stated in Article 4 of this Chapter.
- (c) A final summary data chart shall be provided, including the information required for the preliminary development plan. This data must be updated based on the finalized site plan.
- (d) A detail landscape plan shall include the following:
  - (1) The location, type and size of existing trees and major shrubs which are to be retained.
  - (2) The location, type, minimum size and quantity of proposed plant material. Scale shown on the plan for plant materials shall reflect three-quarters (¾) mature size.
- (e) Final utility plans shall be provided.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

***DIVISION 4. REGULATIONS***

**Sec. 16-5-310. Time limit for PUD.**

The development shall be constructed in a timely manner.

- (1) *Master plan for the PUD.* A Preliminary development plan for all or a portion of the development area shall be filed within twelve (12) months after the approval of a PUD master plan. If no preliminary development plan is filed within the allowed time, the approvals granted for the PUD master plan shall expire. The Planning Commission shall have the authority to extend this time period for good cause for not more than two (2) successive six-month periods. Any further extensions must be considered by the Board of Trustees.
- (2) *Preliminary development plan.* Within a maximum of twelve (12) months of the approval of a preliminary development plan, a final development plan for all or part of the development area must be filed. If no final development plan is filed within the allowed time period, the approvals granted for the preliminary development plan shall expire. The Planning Commission shall have the authority to extend this time period for good cause for not more than two (2) successive six-month periods. Any further extensions must be considered by the Board of Trustees.(3) *Final development plans.* Each Final development plan shall include a definite timetable for completion. This time period shall be established at the time of approval.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-320. Termination of approved PUD application.**

The Board of Trustees may rescind approval of a PUD application in the same manner as described for termination of special review uses in Article 4 of this Chapter.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-330. Spacing between structures or buildings.**

The purpose of specifying space requirements between structures is to ensure adequate privacy, light, ventilation and fire protection while at the same time encouraging more creative design than is normally allowed with conventional setback requirements. It is the intent that primary living spaces should not face directly onto another living space unless there is adequate space between structures.

- (1) *Residential buildings.* If the building walls contain windows for major daytime use, such as entrances, living rooms and dining rooms, the minimum distance between buildings shall be twenty-five (25) feet.
- (2) *Commercial buildings.* The minimum distance between a commercial building and a residential building shall be twenty-five (25) feet. The minimum distance between commercial structures shall be ten (10) feet.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-340. Maintenance of open space, recreational areas, walkways and private streets.**

- (a) It shall be the responsibility of the property owner to provide an acceptable program for the continuing maintenance of private open space, recreational areas, walkways and private streets within a PUD.
- (b) The developer shall submit a legal instrument setting forth a plan providing for the permanent care and maintenance of open spaces, recreational areas and communally owned facilities and parking lots. The same shall be submitted to the Town Attorney and shall not be accepted until approved as to legal form and effect. If the common open space is deeded to a homeowners' association, the applicant shall file the proposed documents governing the association. Such documents shall meet the following requirements:
  - (1) The homeowners' association, with covenants, must be established before any residences are sold.
  - (2) Membership in the homeowners' association must be mandatory for each residence owner.
  - (3) Open space restrictions must be permanent.
  - (4) The homeowners' association must be made responsible for liability insurance, taxes and maintenance of recreational and other facilities.
  - (5) The homeowners' association, with covenants, will have the power to levy assessments, which can become a lien on individual premises, for the purpose of paying the cost of operating and maintaining common facilities.
- (c) In the event the organization established to own and maintain the open spaces and other common facilities fails to maintain the facilities in accordance with the approved plan, the Board of Trustees shall direct a written notice to the property owners demanding that the deficiencies be corrected within thirty (30) days and that a hearing will be held on the matter within fifteen (15) days after the notice is sent. If the deficiencies are not corrected within the time established by the Board of Trustees, the Town may enter

upon the properties and maintain the properties until the owners of the property show cause why maintenance by the Town is not required. The cost of maintenance by the Town shall be a lien against the common facilities of the PUD and the private properties within the development. The Town shall have the right to make assessments against the properties for maintenance of the development on the same basis that the organization responsible for maintenance could make such assessments.

- (d) Any unpaid assessment shall be a lien against the property responsible for the same, enforceable the same as a mortgage against such property. The Town may further foreclose its lien on the common facility by certifying the same to the County Treasurer for collection as in the case of collection of general property taxes.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-350. Relationship of PUD process to subdivision regulations.**

When applicable, PUDs must comply with the requirements and procedures relative to subdivisions and annexation. However, it is intended that certain requirements and hearing procedures not be duplicative. Therefore, applications may in certain instances be reviewed concurrently.

- (1) A preliminary development plan for a PUD may be accepted as satisfying all requirements for a preliminary plat, provided that all the requirements and provisions of the subdivision regulations are met as part of the PUD application.
- (2) If a PUD involves a subdivision, the final subdivision plat must be approved by the Board of Trustees prior to any sale of land or building permits being issued.
- (3) A Final development plan for a PUD can be considered for final action by the Board of Trustees only if action has previously been taken by the Board of Trustees annexing and zoning the property.
- (4) Any subsequent subdivision and land approved as a PUD must be consistent with the PUD plans as approved. Any major change from the approved PUD shall require that an amended PUD be considered under the same hearing and review process as the original application.
- (5) Annexation of property proposed for a PUD may be finalized at any point in the process by the Board of Trustees, provided that all the requirements for annexation have been met.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

***DIVISION 5. APPROVAL STANDARDS***

**Sec. 16-5-410. Standards and criteria for approval of PUDs.**

The findings of the Town staff, Planning Commission and Board of Trustees shall be based upon the following criteria and performance standards and requirements:

- (1) *General considerations.*
  - a. The PUD proposal is consistent with the Comprehensive Plan.
  - b. The plan conforms to the provisions of this Article.
  - c. The proposed development will not have adverse environmental impacts, such as excessively increased traffic hazards or congestion, overload utilities or otherwise be detrimental to the general welfare of the community.

- d. The proposed development will be compatible with the existing development in the area.
- (2) *Residential density.* The density permitted within a PUD shall generally be the same as that permitted in the underlying zone.
  - a. Provisions of low- or moderate-income housing unit. A low- or moderate-income unit is a unit that is offered for rent or sale to those with incomes that are eighty percent (80%) or less of the median household income for the area as determined by the U.S. Department of Housing and Urban Development. All proposals developed within this provision will be required to demonstrate that they will continue to be available in the future for low- or moderate-income individuals or families.
  - b. Dedications of lands in addition to those required by the park dedication ordinance as adopted by the Town. The additional dedication must clearly be in the public interest and may include potential sites for community facilities, such as for utilities, public easements, river front access, walkways, community parks, school sites or police or fire station sites.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

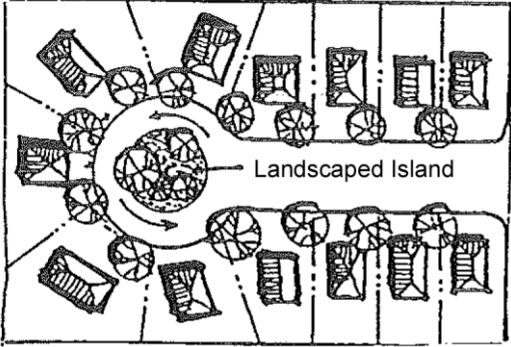
### ***DIVISION 6. DESIGN STANDARDS AND REQUIREMENTS***

#### **Sec. 16-5-510. Streets and traffic circulation.**

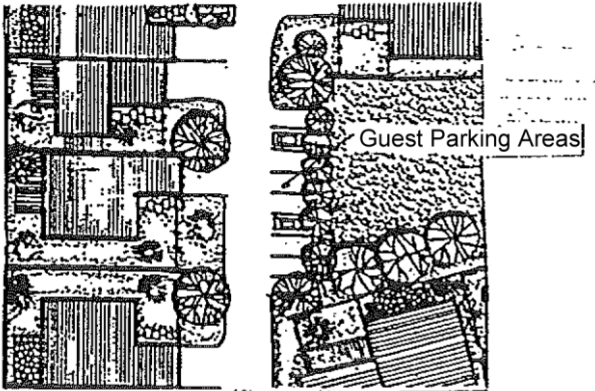
Standards for street design shall be approved as a part of the PUD master plan and may vary from requirements found in the subdivision regulations and the adopted street standards and specifications for the Town. Variation in the adopted street standards for both public and private streets may be granted by the Board of Trustees upon determination that the following performance standards and design requirements are met:

- (1) Ingress to and egress from the internal circulation system to the external circulation system can safely and efficiently accommodate the volumes and types of the traffic both existing and anticipated.
- (2) Points of ingress and egress are designed to discourage through traffic on local streets within the PUD.
- (3) Circulation plans to and from nonresidential PUD uses will not adversely affect other elements of the circulation system.
- (4) The design of the internal system is sensitive and responsive to such points as safety, convenience, access to dwelling units and any nonresidential facilities, emergency and maintenance access, segregation of vehicular and nonvehicular traffic, noise, congestion and overall attractiveness.
- (5) Pedestrian and other nonvehicular elements of the system minimize street crossings and provide safe access to schools, nonresidential facilities and common open space.
- (6) Construction specifications as proposed shall be subject to Town review and approval. Streets shall be dedicated to the Town in accordance with the subdivision regulations, unless the Board of Trustees shall approve ownership of the streets within a PUD by a homeowners' association or other legal entity. The Board of Trustees shall approve ownership of the streets by an entity other than the Town only if it finds that such entity has the legal, financial and managerial ability to maintain such streets in a way consistent with the public health, safety and welfare and with the needs of the residents within the PUD.
- (7) The design of the development should minimize the length of streets.
- (8) When possible, islands created in cul-de-sac areas should be landscaped and maintained by a homeowners' association.

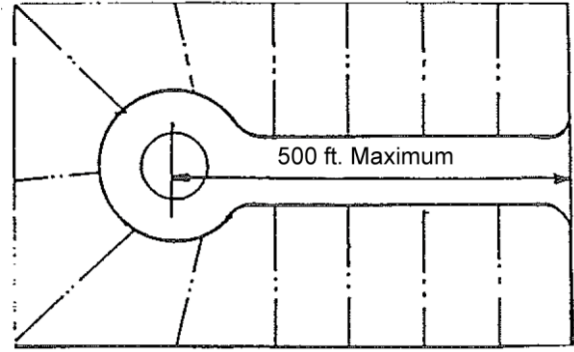




- (9) All streets external to the PUD area must be constructed in accordance with the adopted street standards for the Town.
- (10) Collector streets that are within the boundaries of the PUD may have a minimum of thirty (30) feet of pavement within a fifty-foot right-of-way, provided that the following conditions are met:
  - a. Driveway access to collector streets is prohibited.
  - b. A four-foot sidewalk is placed on at least one (1) side of the street. In areas that are within one (1) mile of a school, sidewalks must be placed on both sides.
  - c. For the minimum width, parallel on-street parking shall be allowed on one (1) side of the street only.
- (11) Local streets that are within the boundaries of a PUD may have a minimum pavement width of twenty-eight (28) feet within a forty-foot right-of-way, provided the following conditions are met:
  - a. The local streets are designed so that use by through traffic is discouraged.
  - b. A four-foot sidewalk is placed on at least one (1) side of the street. In areas that are within one (1) mile of a school, sidewalks must be placed on both sides.
  - c. Parallel on-street parking is not permitted on either side.
  - d. Guest parking areas are dispersed at convenient locations throughout the development.



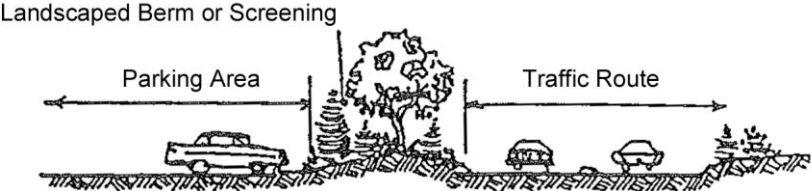
- (12) Cul-de-sac streets shall have a maximum length of five hundred (500) feet measured from the right-of-way line of the connecting street to the center of the turn-around area at the closed end of the cul-de-sac. Each cul-de-sac radius shall be fifty (50) feet.



(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-520. Parking.**

- (a) Parking areas shall be arranged so as to prevent through traffic to other parking areas and shall be screened by decorative fence, wall, landscape material, landscape berm, natural topography or other materials to provide a buffer strip and appropriate screening that reduces the visual impacts of the parking areas from any public street and residential units.



- (b) Guest parking shall be dispersed throughout the development area to be within convenient walking distance to and from the residential areas.
- (c) Provisions of common storage areas for campers, boats, trailers and recreational vehicles are encouraged.
- (d) PUDs shall provide the parking spaces required by Article 6 of this Chapter, including guest parking spaces in the ratio of twenty-five one-hundredths (0.25) spaces per unit located within one hundred (100) feet of the dwellings they are intended to serve. Variations to the required number of parking spaces can only be approved under the following conditions.
  - (1) Where the expected need for off-street parking is lessened due to the unusual characteristics of the use, and comparable data is available to establish that there is a lesser need for the parking.
  - (2) There is a specific plan for joint use of common parking areas, varying time periods of use.

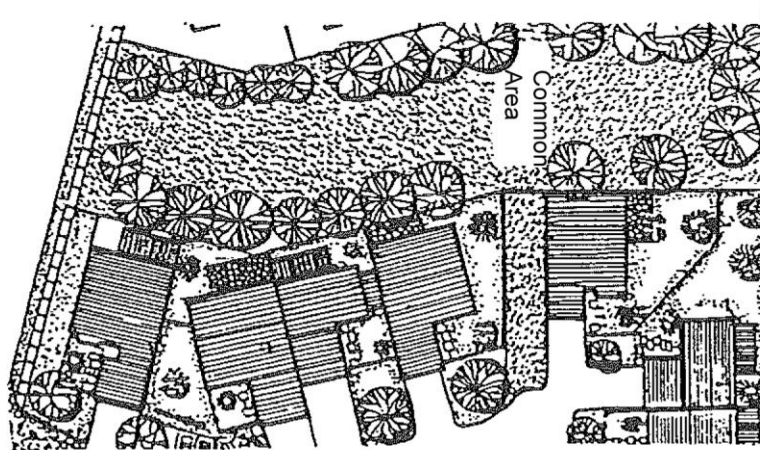
(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-530. Open space.**

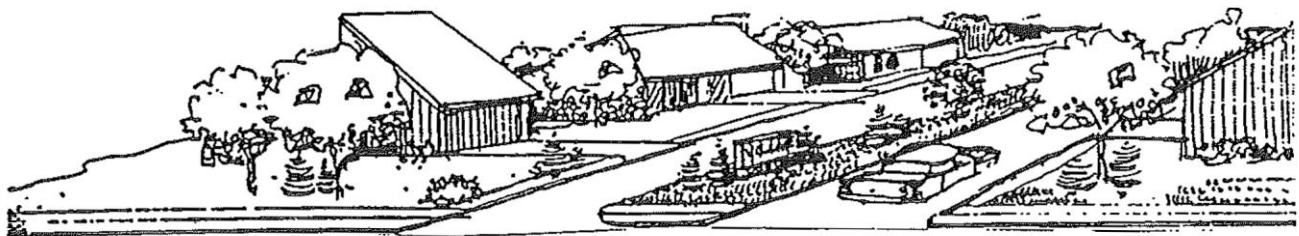
- (a) The impacts of development on valuable natural resources and unique natural features, including but not limited to agricultural soils, steep slopes, aquifers and aquifer recharge areas, prime deciduous and prime

coniferous tree stands, marshes, swamps and other wetlands, floodplains and such other features as review of a particular site may indicate are worthy of preservation or special protection, shall be minimized by the developer of a proposed PUD through sound environmental planning and careful implementation thereof.

- (b) Open space areas should be easily accessible to all residential areas and should maximize pedestrian use.

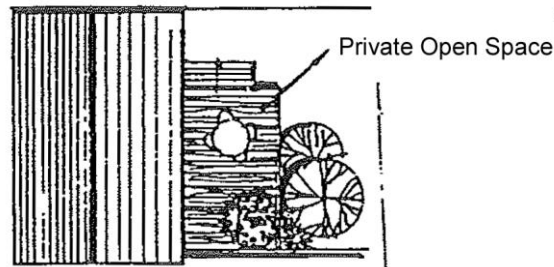


- (c) Landscaped areas should include use of native plant materials that require little water or maintenance. While nonvegetative landscape material is permitted, these areas should be small in scale with extensive planted areas interspersed.
- (d) Planted median areas are encouraged, as well as attractive landscaped entryways to the PUD area.



- (e) Open space areas should be designed to provide pedestrian connections to the various areas within and adjacent to the development.
- (f) Common open space. At least twenty percent (20%) of the gross area of a residential PUD and ten percent (10%) of a nonresidential PUD shall remain as open space for the common use of the residents or visitors to the area. In a PUD which contains both residential and nonresidential areas, the open space requirements shall be computed by applying the twenty-percent factor to the portion of the development devoted to residential use and the ten-percent factor to the portion devoted to nonresidential use.
- (g) Recreational open space for residential developments.

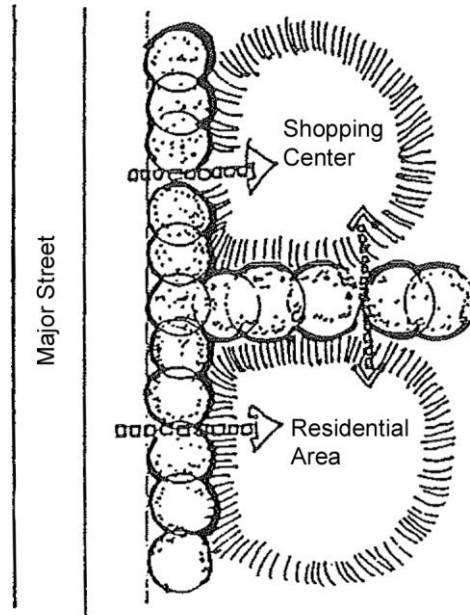
- (1) Recreational open space shall comprise not less than seventy-five percent (75%) of the total required common open space. All areas to be considered recreational open space shall have a minimum dimension of thirty (30) feet, except for bicycle paths. No more than twenty-five percent (25%) of the required recreational open space shall have impervious surfacing.
  - (2) Recreational open space shall not include slopes greater than ten percent (10%).
  - (3) Recreational open space shall not be obstructed except by improvements that enhance its usability. Recreational open space shall provide for organized sports or includes playground apparatus, tennis courts, bicycle paths, swimming pools or similar active areas.
  - (4) All required recreational open space shall be planted in lawn or other appropriate groundcover suitable for foot traffic.
  - (5) Special consideration and exceptions to the above requirements may be approved by the Planning Commission for open space that provides for public access to the North Fork, Gunnison River and Minnesota Creek.
- (h) Private open space. At least one hundred fifty (150) square feet of private open space shall be provided for each ground-level dwelling unit. Private open space shall include patios, decks, lawn areas and balconies. At least fifty (50) square feet of private open space shall be provided for above-ground units.



(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-540. Landscaping.**

- (a) A permanently maintained landscaped buffer zone shall be provided adjacent to arterial and collector streets and parking lots or between residential development and adjacent commercial, industrial or incongruent uses. The minimum width of the buffer zone shall be twenty (20) feet. The Planning Commission may consider reducing the width of the buffer strip when dense landscaping or mature plant materials are provided.



- (b) A comprehensive landscaping and irrigation plan shall be submitted designating all existing and proposed species, size and placement. The plan shall specify all irrigation features and a program for continued maintenance. The comprehensive landscaping and irrigation plan shall be reviewed and approved by the Town Administrator and Town Engineer.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-550. Energy conservation.**

- (a) Solar access shall be preserved as much as possible by orienting streets and buildings for maximum southern exposure for the living spaces.
- (b) Consideration should be given for protection of solar access through solar easements for subdivision lots.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-560. Building design.**

- (a) The character of the building designs in the PUD should be compatible with and enhance the architectural character and scale of the surrounding neighborhood.
- (b) Accessory buildings, detached garages and fences should be of a design compatible to the architectural character of the project and the surrounding neighborhood.
- (c) The floor plan should be carefully organized to gain maximum daylight and direct access from rear and side yards. The outdoor space should be planned as a practical extension of indoor living space.
- (d) Large amounts of glass should be avoided on the north side of dwelling units, and northern exposures should be protected with berming and landscaping.

(Ord. No. 83-116, Art. XII, 1983; Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-5-570. Application fees for a Planned Unit Development.**

Application fees for a PUD Sketch Plan, PUD Master Plan, Preliminary Development Plan and Final Development Plan shall be established by resolution of the Town Board.

(Ord. No. 2000-02, Art. XII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 6. OFF-STREET PARKING AND LOADING**

**Sec. 16-6-10. Off-street parking spaces required.**

- (a) The following number of off-street parking spaces shall be provided with the construction, addition or change of use, which requires a special review to any of the buildings, and uses listed in Table 16-5 below.
- (b) Parking spaces shall be at least nine (9) feet by nineteen (19) feet, except that up to twenty-five percent (25%) of the required spaces may be designated for compact cars with a minimum space of eight (8) feet by sixteen (16) feet.
- (c) Table 16-5 below sets forth the parking requirements for uses.

**Table 16-5  
Off-Street Parking Space Requirements**

Use	Parking Requirements
<b>Residential units:</b>	
Efficiency or one-bedroom	1.5 spaces per unit
Two-bedroom	2.0 spaces per unit
Three-bedroom	2.5 spaces per unit
Four or more bedrooms	3.0 spaces per unit
Additional requirements for multiple-family residential and mobile home parks with 6 or more units (guest parking)	0.25 space for each unit
Multiple-family housing for the elderly or the handicapped	1.0 space per unit
<b>Educational facilities:</b>	

Preschool nurseries or child care centers, Kindergarten and elementary schools and middle schools	1.0 space per classroom plus 1.0 space per employee
High schools	1.0 space per employee, plus 1.0 space for every 4 students, plus 1.0 space for every 4 seats in the principal place of assembly (bench capacity is determined as 1.0 seat per 30")
<b>Commercial uses:</b>	
Animal hospitals	1.0 space for every 300 sq. ft.
Business and professional offices	1.0 space for every 250 sq. ft. of floor space
Drive-thru or fast food restaurants	1.0 space for every 2 seats or 1.0 space for every 100 sq. ft., whichever is greater, plus 1.0 largest work shift
Furniture and appliance stores	1.0 space for every 500 sq. ft. of floor area
Hospitals	1.0 space for every 2 beds plus 1.0 space for every employee in the largest work shift
Indoor restaurants and bars	1.0 space for every 3 seats or 1.0 space for every 200 sq. ft. of floor area, whichever is greater
Libraries	1.0 space for every 400 sq. ft. of floor area

	plus 1.0 space for every 2 employees
Medical and dental offices and clinics	1.0 space for every 200 sq. ft. of floor space
Motels, hotels, lodges and bed and breakfasts	1.0 space per unit plus 2.0 spaces for the owner or manager's unit
Motor vehicle sales	1.0 space for every 500 sq. ft.
Motor vehicle service and repair	1.0 space for every 300 sq. ft. of floor area
Nursing homes and rest homes	1.0 space per 4 beds plus 1.0 space for each employee
Retail businesses except for furniture and appliance stores	1.0 space for every 300 sq. ft. of floor area
Wholesale businesses and warehouses	1.0 space for every 1,000 sq. ft. (excluding offices) or 1.0 space for every 2 employees, whichever is greater
Industrial uses	1.0 space for every 500 sq. ft. (excluding offices) or 1.0 space for every 2 employees, whichever is greater
Places of public assembly such as churches, auditoriums, meeting rooms, funeral homes	1.0 space for every four seats or benches in the principal place of assembly (Bench capacity is determined as one seat per 30 inches)

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2003-08, 2003; Ord. No. 2014-04, § 1, 1-13-2015)



**Sec. 16-6-20. Combinations of uses.**

When one (1) building is planned to include a combination of different uses, the minimum parking required will be determined by applying the above requirements based upon the floor area for each use. The minimum number of parking spaces required for the building shall be the sum of the requirements for each separate use.

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-6-30. Parking requirements for uses not listed.**

For specific uses not listed, the Planning Commission shall determine the appropriate number of parking spaces required based upon the type of activity, intensity, number of employees and similarity to listed uses.

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-6-40. Off-site parking.**

For any business use, the off-street parking requirements may also be met as follows:

- (1) Additional off-street parking spaces may be provided on a site within three hundred (300) feet of the lot that generates the parking requirements, provided that the site is owned by the owner of the parking generating property;
- (2) The owner of the lot generating the need for parking spaces may participate in a parking district or joint venture requiring the payment of a fee in lieu of providing on-site parking. The fees collected by the district or joint venture would be then used to provide off-street parking and assure that the Town's requirements were met. All such parking districts or joint ventures shall be subject to the approval of the Board of Trustees; or
- (3) When a business use is unable to provide the required on-site parking and/or loading requirements, the property owner or applicant shall be required to contribute to the Parking Fund a sum as set forth in Section 16-5-50 below per required parking space.

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2003-08, 2003; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-6-50. Parking Fund.\***

[Suspended.]

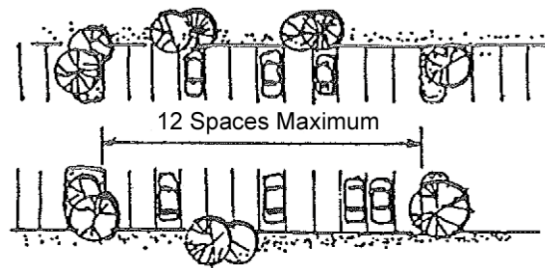
(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 99-02, 1999; Ord. No. 2003-08, 2003; Ord. No. 2014-04, § 1, 1-13-2015)

\*The provisions of this Section are suspended indefinitely.

**Sec. 16-6-60. Design requirements for parking areas.**

- (a) All off-street parking areas shall be unobstructed and free of all other uses.
- (b) All off-street parking spaces shall have unobstructed access to and from a street, except that in single-family areas parking spaces provided on the garage apron or driveway may be counted as a part of meeting off-street parking requirements in addition to parking in garage or a carport.
- (c) All off-street parking areas except those for single-family or two-family dwellings shall be surfaced with asphalt or concrete or other dustless surface approved by the Planning Commission.

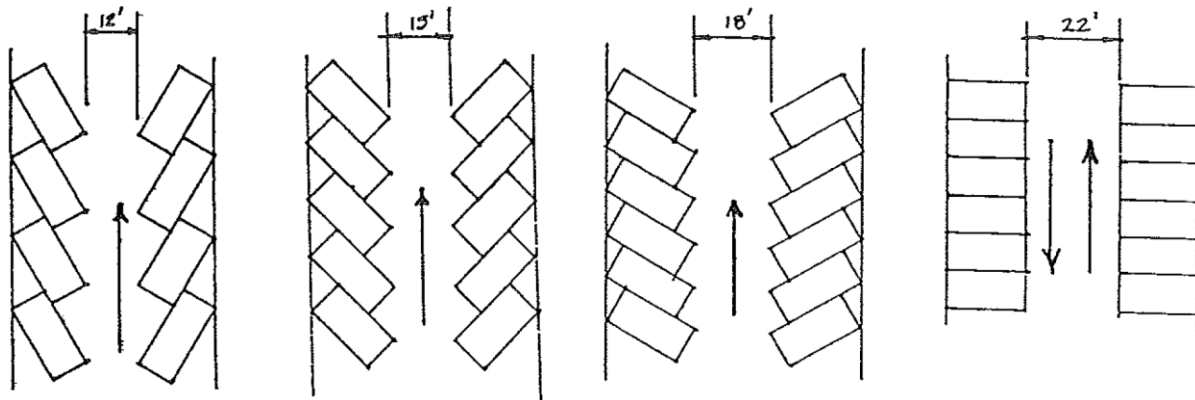
- (d) Off-street parking areas with six (6) or more spaces shall be adequately landscaped with a plan approved by Planning Commission special review.
- (e) Lighting from any parking area shall not be directed toward any adjacent residential area or public street.
- (f) Off-street parking areas may be located to jointly serve two (2) or more buildings or uses, provided that the total number of spaces is not less than that required for the total combined number of buildings or uses.
- (g) Bicycle parking spaces may be acceptable in lieu of vehicle spaces in the ratio of six (6) bicycle spaces for one (1) vehicle space, provided that not more than ten percent (10%) of the off-street parking requirements are met with bicycle parking. A bicycle parking space shall include secured stanchions and racks that enable the bicycle frame, not just a wheel, to be anchored. At least two (2) feet of spacing should be provided between the bicycle racks so that cyclist may place or remove the bikes with minimum risk of damage to other bikes.
- (h) No more than twelve (12) parking spaces shall be permitted in a contiguous row without being interrupted by a landscaped area of at least five (5) feet wide and ten (10) feet long. These areas will provide drainage for runoff, with additional areas as needed.



- (i) In multiple-family areas, areas included in driveways or otherwise required to move cars in and out of parking spaces shall not be considered to meet off-street parking requirements.
- (j) Spacing between rows of parking shall be determined based upon the parking angle in accordance with the following schedule:

Parking Angle	Minimum Aisle Space Between Two Rows
30 degrees	12 feet
45 degrees	15 feet
60 degrees	18 feet
90 degrees	22 feet

**Spacing between Rows**



(k) A minimum of one (1) parking space for the handicapped shall be required for each use that requires fifteen (15) parking spaces. For uses requiring more than fifteen (15) spaces, one (1) additional space designated for the handicapped shall be provided for each additional twenty (20) spaces required. Parking spaces for handicapped persons shall be twelve (12) feet wide.

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-6-70. Off-street loading areas.**

For all business and industrial uses, off-street loading spaces containing five hundred (500) square feet with no dimension less than ten (10) feet shall be required for new construction or major additions involving an increase in floor area as follows:

- (1) New floor area between five thousand (5,000) and twenty thousand (20,000) square feet: one (1) off-street loading space.
- (2) New floor area in excess of twenty thousand (20,000) square feet: one (1) off-street loading space for each twenty thousand (20,000) square feet or fraction thereof.

(Ord. No. 83-116, Art. XIII, 1983; Ord. No. 2000-02, Art. XIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 7. OUTDOOR LIGHTING REGULATIONS**

**Sec. 16-7-10. Purpose.**

The purposes of these outdoor lighting regulations are to:

- (a) Maintain nighttime visibility and safety while maintaining the rural atmosphere and small-town character of Paonia.
- (b) Minimize light pollution and glare. Protect citizens from unwanted outdoor lighting that would enter homes and businesses.
- (c) Promote energy conservation by promoting efficient use of lighting.
- (d) Prevent unnecessary or inappropriate outdoor lighting that impacts the dark sky resource, qualifying Paonia as an International Dark Sky Association (IDA) designated community.

- (e) Help mitigate sleep and wildlife migration related issues through use of minimum necessary outdoor lighting and by using light bulbs with a warmer color.

( Ord. No. 2022-05 , § 2(Exh. A), 7-29-2022)

**Sec. 16-7-20. Definitions.**

For the purpose of this Article, the following terms shall have the meanings set forth below:

*Adaptive controls* means devices such as timers, motion-sensors, light-sensitive switches, and other means used to actively regulate the emission of light from light fixtures.

*Correlated color temperature (CCT)* means specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees kelvin (K).

*Dark Sky resource* means the dark sky unpoluted by artificial light sources typically as seen on moonless nights.

*Fully shielded fixture* means an outdoor light fixture that is designed and mounted such that all light rays are emitted by the installed fixture at angles below the horizontal plane and such that no light rays are emitted at angles which will allow the light to pass directly off the premises appurtenant to the fixture.

*Light trespass* means light falling where it is not intended to illuminate property, grounds, or buildings in an objectionable manner.

*Lumens* means a measure of brightness that is defined as a unit of luminous flux in the International System of Units, that is equal to the amount of light given out through a solid angle by a source of one candela intensity radiating in all directions. 850 lumens is equivalent to 60-watts. See Note 4.

*Lumens per net acre* means the amount of light specified in lumens that is allocated to the developed portion (net acre) of the gross size of a lot parcel. See Note 2.

The definitions contained in Section 16-1-100 of the Code shall otherwise apply to this Article.

( Ord. No. 2022-05 , § 2(Exh. A), 7-29-2022)

**Sec. 16-7-30. Applicability.**

This Article shall apply to all exterior lighting installed after the effective date of the Ordinance adopting this Article. All lawful nonconforming exterior lighting prior to the effective date of the Ordinance adopting this Article shall be subject to the nonconforming lighting section of this Article.

( Ord. No. 2022-05 , § 2(Exh. A), 7-29-2022)

**Sec. 16-7-40. General provisions and requirements.**

- (a) Requirements. All non-exempt outdoor light fixtures and illuminating devices permanently or temporarily installed outdoors, including but not limited to devices to illuminate signs, shall meet the following requirements:

- (1) Shielding. Unless exempted elsewhere in this Article, all luminaires whose initial lumens exceed one hundred (100) lumens shall be fully shielded. See Note 5 for examples of shielded and unshielded luminaires.

- (2) All fixtures designed to illuminate signs or structures shall be fully shielded and with a CCT as specified in items (a)(1) and (a)(4) of general provisions and requirements. The lighting fixtures shall be mounted above the area of the sign or structure to be illuminated.
- (3) Blinking, flashing, rotating, or moving lights are prohibited.
- (4) Maximum color temperature of all lighting fixtures: The correlated color temperature (CCT) of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3,000°K). See note 4 below.
- (5) The following lumen limits are established to prevent over lighting. Each site should use responsible lighting practices including using the lowest number of lumens needed for the site to provide for safety and functionality:
  - a. For non-residential, and mixed-use properties the total amount of outdoor lighting shall not exceed twenty-five thousand (25,000) lumens per net acre. Each lighting fixture shall be limited to one thousand five hundred (1,500) lumens.
  - b. For multiple-family and two-family dwellings the total amount of outdoor lighting, shall not exceed twenty thousand (20,000) lumens per net acre. Each fixture shall be limited to eight hundred fifty (850) lumens.
  - c. For single-family dwellings, the total amount of outdoor lighting, shall not exceed six thousand five hundred (6,500) lumens. Each fixture shall be limited to eight hundred fifty (850) lumens.
  - d. All properties shall use adaptive controlled lighting where practical.
- (6) Unshielded lighting shall be prohibited, except for special cases meeting exemption requirements of Subsection (b), and also meeting lumen limits in Subsection (c).
- (7) Existing overhead street lighting owned, operated, or leased by the Town of Paonia shall be compliant with the listed lighting requirements in Subsections (a)(1) to (a)(4) of this Section and shall be limited to a lumens cap of five thousand (5,000) lumens per lamp, unless required for safety reasons as approved by the Board of Trustees.
- (8) Lighting curfews:
  - a. Lighting used at community and athletic events (including outdoor concerts and other Town-approved events) shall be turned off one (1) hour after the conclusion of the event.
  - b. Lighting in Town buildings shall be turned off one (1) hour after close of business or other approved activities unless authorized by appropriate Town authority for safety or maintenance reasons.
  - c. Commercial lighting shall be turned off one (1) hour after close of business, except for safety of employees or customers if operations are throughout the night.
  - d. Adaptive controls (such as motion, light sensitive detectors, etc.) shall be used in outdoor commercial and residential lighting where practical.
- (9) New public lighting, owned and operated by the Town of Paonia, either streetlights, walkway lights, or external building lighting shall be allowed as recommended by the Town Administrator in situations where a public health hazard exists which can only be mitigated by artificial light at night and shall be in compliance with Subsection (a). Adaptive controls or curfews shall be employed in all new public outdoor lighting installations.
- (10) The following restrictions shall be required on the installation and operation of outside illuminated signs:

- a. Luminance levels for operation between sunset and sunrise shall not exceed one hundred (100) nits (one hundred (100) candelas per square meter) as measured under conditions of a full white display.
  - b. Sign illumination shall be extinguished completely one (1) hour after sunset and remain off until one (1) hour before sunrise, or at the close of business; whichever is later.
  - c. The luminous/illuminated surface area of an individual sign shall not exceed defined limits in Town Code.
- (b) Exemptions. The following are exempt from the provisions of Subsection (a), provided the provisions in Subsection (c) are met.
- (1) Lights used to illuminate athletic fields, outdoor recreation areas, and areas used for concerts and other outdoor community events shall be exempt from provisions of Subsection (a) provided all the following conditions are met:
    - a. Illuminating Engineering Society (IES) lighting guidelines (RP-6) are followed according to the appropriate class of play.
    - b. Field lighting is provided exclusively for illumination of the surface of play and viewing stands, and not for any other applications.
    - c. Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance).
    - d. Off-site impacts of the lighting will be limited to the greatest practical extent possible.
    - e. A curfew such that lights must be extinguished by one (1) hour after the end of activity, and no later than 10:30 p.m. Standard Time/11:30 p.m. Daylight Savings Time. Variances can be permitted on a case-by-case review for special events that go to midnight.
    - f. Timers must be installed to prevent lights being left on accidentally over-night by automatically extinguishing them.
  - (2) Signs, postings which are illuminated by building interior light sources, such as neon signs or other lights, provided such signs are lit only during the property owner's business hours.
  - (3) Official traffic control devices and lights owned and operated by or pursuant to proper authority of the United States of America, the State of Colorado or any of their agencies, and such other lights as are specifically required by federal or state law.
  - (4) Lawful vehicle lights.
  - (5) Holiday lights, provided all conditions are met:
    - a. Holiday lighting shall be temporary and illuminated no more than seventy-five (75) days during any one-year period.
    - b. Holiday displays of over one thousand two hundred fifty (1,250) total lumens per parcel, and holiday luminaires exceeding eight hundred fifty (850) lumens each, are subject to a curfew, and must be turned off from 10:30 pm until one (1) hour before sunrise each night.
  - (6) Flagpoles. Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset. If flags are illuminated at night, lighting of up to a total of two (2) flags per property is permitted with the following conditions:
    - a. The flags must either be the flag of the United States of America or the flag of the State of Colorado for illumination to be permitted.

- b. If nighttime illumination is used, flagpoles shall be illuminated only from above. This may be achieved by utilizing a luminaire attached to the top of the flagpole or a luminaire mounted above the top of the flagpole on a structure within fifteen (15) feet of the flagpole and must comply with all Sections of this Article. The total light output from any luminaire mounted on top of or above a flagpole shall not exceed eight hundred (800) initial lumens.
- (c) Maximum allowed amounts of unshielded lighting. On no parcel shall the amount of allowed unshielded lighting to exceed, in the aggregate, the following values per net acre according to lighting zone:
  - (1) For mixed use/industrial: One thousand (1,000) lumens.
  - (2) For multi-unit residential: One thousand (1,000) lumens.
  - (3) For single-family units: One thousand (1,000) lumens.
  - (4) Temporary holiday lights are not counted toward these limits.
- (d) Interior lighting. Interior lighting direct rays shall be blocked from trespassing (straying) beyond the property boundaries of the source.
- (e) Greenhouse lighting shall meet the following requirements: All greenhouse lighting is subject to general provisions and requirements in this Section. In addition:
  - (1) Greenhouses shall be fully covered with blackout tarps or covers so that no light spills from the premises onto adjacent lands or into the night sky.
  - (2) Greenhouse lighting that is not fully covered is subject to a curfew and shall be extinguished at night between 10:00 p.m. and 6:00 a.m. local time.

( Ord. No. 2022-05 , § 2(Exh. A), 7-29-2022)

**Sec. 16-7-50. Nonconforming lights.**

- (a) Lights which were lawfully existing and in use at the time they became nonconforming with the requirements of this Article by virtue of the initial adoption of this Article, subsequent amendment to this Article or by annexation into the Town, may continue to be used and operated subject to the limitations of this Article.
- (b) The right to operate lawful nonconforming fixtures and or lawful nonconforming lamps shall terminate upon any of the following:
  - (1) Replacement of the light fixture or lamp.
  - (2) Damage to the light fixture so that the cost of repair is fifty (50) percent or more of the cost to replace it with a conforming fixture.
- (c) All nonconforming public and private lighting either, owned or leased shall be brought into compliance with this Article within ten (10) years from the effective date of this ordinance.

( Ord. No. 2022-05 , § 2(Exh. A), 7-29-2022)

**Sec. 16-7-60. Administration and enforcement.**

- (a) The provisions of this Article shall be administered by the building official or other authorized Town officer or employee.
- (b) It shall be unlawful to violate any provision of this Article.

- (c) Any continuing violation of this Article is hereby declared to be a nuisance, which may be abated by the Town in any lawful manner or enjoined by a court of competent jurisdiction.
  - (d) No building permit or occupancy permit shall be issued for work which has noncomplying light fixtures (see Town of Paonia Building Permit Checklist).
  - (e) Changes or upgrades to existing outdoor lighting will utilize town provided education materials on shielded fixtures and energy efficient dark sky compliant lamps. See Notes 3 to 5.
- ( Ord. No. 2022-05 , § 2(Exh. A), 7-29-2022)

**Sec. 16-7-70. Appeals and variances.**

Any person aggrieved by an interpretation of this Article or decision of the Town made in the administration of this Article, may appeal the interpretation or decision to the Board of Trustees pursuant to the applicable provisions of the Town Code. The Board of Trustees may grant a variance only upon a determination that the following criteria are met:

- (a) The variance will be consistent with the public health, safety, and welfare.
- (b) The variance is justified by unreasonable hardship not created by the activities of the applicant or strict compliance is unfeasible.
- (c) The variance will be substantially consistent with the purposes of this Article to avoid nuisances to others, preserve the natural dark sky resource and to maintain IDA community dark sky designation, conserve energy, reduce glare, promote traffic and pedestrian safety, preserve the small-town character of Paonia and promote the Town's master plan.

( Ord. No. 2022-05 , § 2(Exh. A), 7-29-2022)

Notes:

1. Since 2012, the Federal Trade Commission has required that labelling of all light bulbs include temperature (Kelvins) and light output (lumens). Concerning color temperatures, a CCT of about 5,000K approximates sunlight and a CCT of 3,000K will have a slightly yellow appearance.
2. Lumens per net acre: For example, a one-acre (44,000 sq. ft.) lot is developed with a 6,000 sq. ft. multiunit condo plus a 2,000 sq. ft. wrap-around deck, a 2,000 sq. ft. detached garage and adjacent developed patio of 1,000 sq. ft. Additionally, landscaping improvements around the condo, deck, patio and detached garage adds another 5,000 sq. ft. bringing the total developed portion of the lot to 16,000 sq. ft. or 16,000/44,000 — approximately 36% of that gross one-acre lot. The lumens allocation for this multiunit example is 20,000/per net acre or  $20,000 * 0.36 = 7,272$  lumens.
3. Color Temperature Comparison:





4. Lumens to Wattage Conversion:

### How to Buy a Light Bulb

Lumens: The new way of looking at light.

**1** You used to buy these.

**2** You want this much light.

**3** Now you can buy these.

**INCANDESCENT**

WATTS
100W
75W
60W
40W

**LUMENS**

1600
1100
800
450

**LED**  
Most Efficient

**CFL**  
More Efficient

**HALOGEN**

WATTS		
coming soon	up to 23W	up to 72W
coming soon	up to 20W	up to 53W
up to 12W	up to 13W	up to 43W
up to 9W	up to 9W	up to 29W

Lumen outputs and wattages are based on the most common products available for each medium screw base light bulb. Actual lumen output and wattage may vary by product. Revised April 30, 2012.

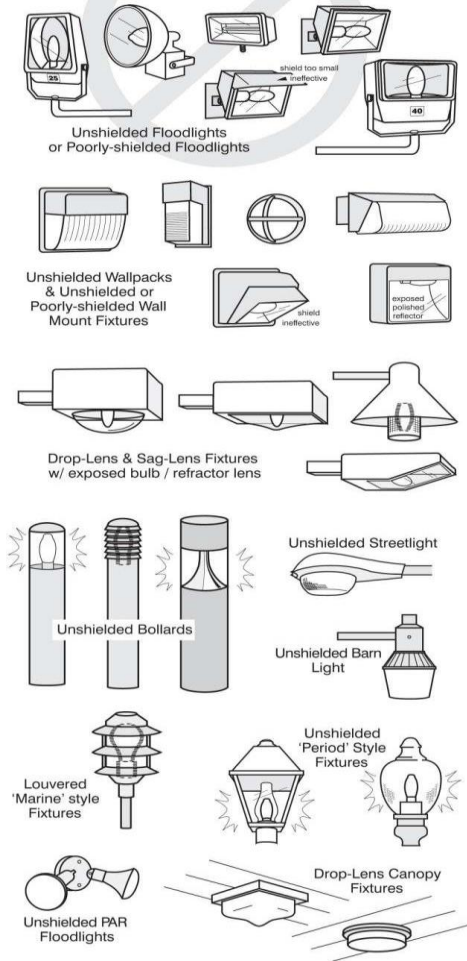
**MORE LUMENS = MORE LIGHT**

5. Examples of Acceptable (fully shielded) and Unacceptable Dark Sky lighting:

### Examples of Acceptable / Unacceptable Lighting Fixtures

#### Unacceptable / Discouraged

Fixtures that produce glare and light trespass



#### Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

( Ord. No. 2022-05 , § 2(Exh. A), 7-29-2022)

## ARTICLE 8. MANUFACTURED/MOBILE HOME REQUIREMENTS AND REGULATIONS

### DIVISION 1. GENERAL PROVISIONS

**Sec. 16-8-10. Intent.**

It is the intent of this Article to provide for the orderly and creative development of mobile home parks as a part of a MH District in the Town and to regulate standards and requirements of manufactured homes installations. (See Section 16-8-400.) It is further the intent of this Chapter to:

- (1) Encourage a high standard of planning and design for mobile home parks.
- (2) Maintain design standards that are equal to or greater than conventional single- or multiple-family developments.
- (3) Require minimum safety standards for utilities, fire protection and protection from excessive winds, snow and flooding.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-20. Definitions.**

The following terms shall have the definitions as follows:

*Manufactured home* means a dwelling unit, which is fabricated in one (1) or more sections at a location other than the home site by an assembly line-type production technique or by other construction methods unique to an off-site manufactured process. Every section shall bear a label certifying that it was built in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 (UBC). For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 225.1 (HUD) in effect at the time of manufacture is required. A manufactured home is designed to be towed on its own chassis or be site delivered by alternative means.

*Manufactured housing*: See Section 16-8-400 of this Article.

*Mobile home* is defined by the following specifications:

- a. The unit shall be a minimum of eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers.
- b. The unit shall have a nonmetallic, brick, wood, vinyl or cosmetically equivalent exterior siding and pitched roof of one-twelfth (1:12) or more.
- c. The unit shall be installed on the manufacturer-suggested foundation, poured concrete or precast concrete piers with tie downs and shall meet the requirements of Paragraph 16-9-310(4) of this Chapter and all other applicable flood protection provisions.
- d. The unit shall be no more than five (5) years old.
- e. The landowner shall purge title.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-30. Application of regulations.**

- (a) *General.* The provisions of this Article shall apply to construction, alteration, extension, location, installation, use and maintenance of all mobile homes in the Town. It shall be unlawful for any person to construct, alter, extend, install, use or maintain a mobile home within the Town except within compliance with this Article.
- (b) *Existing mobile homes; nonconforming uses.*

- (1) Wherever a mobile home was in existence in the Town on the effective date of the initial ordinance codified herein or was annexed to the Town after such date, and the mobile home was in compliance with the applicable codes, then, in effect, the mobile home shall be legally nonconforming.
- (2) Legally nonconforming mobile homes shall not be subject to the provisions of this Article except for licensing requirements and provisions relating to utilities when such services are available. However, if the existing mobile home is proposed to be altered or expanded, then the alteration or expansion must be in accordance with this Chapter.
- (3) If a nonconforming use is discontinued for a period of ninety (90) days or more, then the mobile home shall not be reoccupied until it is in conformance with all applicable regulations herein.
- (4) A nonconforming mobile home may be replaced with a like mobile home not more than five (5) years old.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

### ***DIVISION 2. LICENSES***

#### **Sec. 16-8-110. Licenses required.**

- (a) A mobile home park license is required to operate and maintain a mobile home park in the Town. The annual license fee for a mobile home park shall be established by resolution of the Board of Trustees. No license shall be issued without the prior approval of the special review of the property as a mobile home park.
- (b) Applications for a mobile home park license shall be filed with the Town Clerk and such license issued by the Board of Trustees. Said applications shall be in writing, signed by the property owner and applicant and shall contain the following:
  - (1) The names and addresses of the property owner and applicant.
  - (2) The location and legal description of the property.
  - (3) A copy of the approved special review site plan.
  - (4) A request, if applicable, to replace existing mobile home with a new or no more than five-year-old used mobile or manufactured home.
- (c) All mobile home parks in existence upon the effective date of the initial ordinance codified herein shall obtain a license and in all respects comply fully with the requirements of this Chapter except as follows:
  - (1) Special review approval of existing mobile homes and mobile home developments shall not be required, unless the use is proposed for expansion.
  - (2) Building permits shall not be required for existing units, unless the units are to be moved or altered.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

#### **Sec. 16-8-120. Revocation of license.**

The Board of Trustees may, after a public hearing, revoke any license to operate and maintain a mobile home park when the licensee has violated any rules or regulations of the Town or any provisions of this Chapter. After such revocation, the licensee may have the license reissued by the Board of Trustees if the circumstances causing such violation have been remedied or corrected.

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(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-130. Posting of license.**

The license certificate shall be conspicuously posted in the office or premise of the mobile home park at all times.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

***DIVISION 3. STANDARDS AND DESIGN GUIDES***

**Sec. 16-8-210. Mobile home development standards and design guides.**

Mobile home developments shall conform to the requirements of the MH District.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-220. Location.**

- (a) The mobile home park shall be located on a well-drained site and shall be located so that its drainage will not constitute an unreasonable hazard or nuisance to persons, property or water supply in the immediate vicinity of the site. The site shall be free from marshes, swamps or other potential breeding places for insects or rodents.
- (b) Mobile home park sites shall not be subject to undue flooding, fire or safety hazards and shall not be exposed to nuisances, such as undue noise, smoke, fumes or odors. The topography of the site should be favorable to minimum grading, mobile home placement and ease of maintenance.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-230. Site design.**

The site design shall provide for a desirable residential environment for mobile home residents, which is an asset to the community and the neighborhood in which it is located. Site planning and improvements shall provide facilities and amenities which are appropriate to the needs of the residents; safe, comfortable and sanitary use by the residents under all weather conditions; and practical and efficient operation and maintenance facilities at reasonable costs. Innovative and imaginative design shall be encouraged.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-240. Minimum area required.**

The minimum area required for a mobile home park or subdivision is four (4) acres. In special circumstances, due to topographical conditions or other unique site conditions, the Planning Commission may approve mobile home developments on a site that is less than four (4) acres.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-250. Maximum density.**

The maximum gross density for any mobile home park or subdivision is seven (7) units per acre.  
(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-260. Recreation area and open space.**

Not less than ten percent (10%) of the total site area shall be used for recreation facilities and landscaped open space. All open space areas and recreational areas shall be in convenient locations from mobile home lots or spaces. Recreation areas may include space for community-use facilities and buildings, swimming pools and tennis courts.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-270. Mobile home spaces.**

- (a) Mobile home spaces within a mobile home park shall be adequate to provide for:
  - (1) A minimum of fifteen (15) feet between mobile homes.
  - (2) An outdoor living and service area on the mobile home space of not less than three hundred (300) square feet.
- (b) In determining the required yard and space areas, the use of doublewide mobile homes and accessory structures shall be taken into consideration. The area required for a mobile home space shall not include additional area required by this Article for access roads, off-street parking and storage areas, service buildings, recreation areas, office and similar mobile home parks needs.
- (c) Paved driveways, the minimum width of which shall be ten (10) feet, shall be provided where necessary for convenient access to the mobile homes.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-280. Minimum lot area.**

Minimum lot area requirements are set forth in Section 16-3-30 of this Chapter.  
(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-290. Reserved storage areas.**

Storage areas for boat trailers, travel trailers and detachable pickup campers should be provided within the mobile home park in an amount equal to one hundred (100) square feet per mobile home space. Required areas within the mobile home park for accommodation of travel trailers, campers and the like, on a temporary occupancy basis, shall be provided in a location where the parking, use and occupancy of such vehicles do not constitute a nuisance to other residents of the mobile home park. Travel trailer areas shall be screened from the rest of the mobile home spaces and adjoining residential areas with opaque screening and landscaping in such a manner that undue noise and other disturbances are reduced. Anchors and cables with turnbuckles shall be provided for tying down travel trailers.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-300. Setbacks.**

- (a) Setback requirements are set forth in Section 16-3-30 of this Chapter.
  - (b) No mobile home shall overhang or obstruct any driveway, access road or walkway.
- (Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-310. Screening.**

All mobile home parks or subdivisions adjacent to other residential, commercial or industrial uses shall be provided with screening such as solid fencing or landscaping along the property boundary separating the mobile home development from the adjacent use.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-320. Windbreaks.**

Where any mobile home park is located on flat, open land without natural barriers, such as hills, bluffs or large stands of trees to barricade strong winds, windbreaks shall be required to protect mobile homes from the effects of such winds. Windbreak design and location shall be relative to known wind velocities and direction and to the existing and proposed topography and vegetation, and shall be subject to landscape review and approval by the Planning Commission. Windbreak screening techniques may include landscape buffering, earth berming and fencing.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-330. Streets.**

- (a) The mobile home park site shall have at least two (2) direct accesses to a public street or highway, and access roads shall be provided to each mobile home space.
  - (b) All streets and accessways providing ingress to and egress from the mobile home park and circulation within the mobile home park shall be constructed in accordance with specification of the Town for like streets and accessways on public ways and shall be completed within a period of one (1) year after the date of issuance of the mobile home park license. All such streets and accessways shall include sidewalks, curbs and gutters.
- (Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-340. Walkways and lighting.**

- (a) Paved walkways at least four (4) feet wide shall be provided from all mobile home spaces to service buildings and other community areas and along all access roads.
  - (b) Pedestrian circulation areas shall be lighted at night by seven thousand (7,000) lumen lighting standards (equal to 175-watt mercury vapor bulbs) spaced not more than three hundred (300) feet apart with a maximum height of twenty-five (25) feet, or by other lighting methods producing an equivalent level of light at the ground level.
- (Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)



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**Sec. 16-8-350. Off-street parking.**

Parking shall be provided as required by Article 6 of this Chapter.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-360. Foundation and tie-down requirements.**

- (a) Every owner or occupant of a mobile home within the Town or subject to Town regulations shall secure his or her mobile home against wind and flood damage in accordance with the requirements of Article 9 of this Chapter and the adopted Building Code.
- (b) All mobile homes shall have a skirting or retaining wall and, when installed, be made of material suitable for exterior exposure and contact with the ground, and must be able to withstand both vertical and horizontal pressure.
- (c) Each mobile home shall be provided with tie-downs to the main framing members of the mobile home as required by Article 9 of this Chapter.
- (d) Each mobile home shall be able to withstand the following loads:
  - (1) Snow load - thirty (30) p.s.f.
  - (2) Wind load - fifteen (15) p.s.f.
  - (3) Frost depth - thirty (30) inches
- (e) Only poured-in-place concrete piers, foundations parallel to frame rails, precast concrete blocks or premanufactured steel jacks will be used to support the frame of the unit. Treated or natural decay-resistant wood may be used for final leveling of unit.
- (f) Tie downs: See Article 9 of this Chapter.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-370. Minimum clearance for mobile homes.**

- (a) A minimum distance of eighteen (18) inches will be maintained between the bottom of the frame rails and concrete footings.
- (b) A minimum of six (6) inches will be maintained from the lowest point of the exterior siding to the finished earth grade.
- (c) An under-floor access opening will be provided. Such opening shall not be less than eighteen (18) inches in the least dimension and not less than three (3) square feet in area and located so that the water and sewer drain connections are accessible.
- (d) The water meter pit will be located to the street side of the mobile home and outside of the footings, stem walls and/or skirting. The Public Works Department will designate this location.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-380. Vents and crawl space.**

- (a) Vents in retaining walls, stem walls or foundations are required and will be installed in compliance with the IBC requirements (one [1] square foot of vent space for each one hundred fifty [150] square feet of floor space).
- (b) HUD only; structural additions. Additions shall be designed and installed as stand-alone structures and in no way be supported on or by the mobile home foundation system and shall conform to UBC standards.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-390. Compliance.**

- (a) All used housing shall otherwise comply with other provisions and requirements of this Code not inconsistent with the requirements of this Article.
- (b) A mobile home that does not meet the requirements of this Article must be brought into compliance prior to the issuance of a certificate of occupancy by the Building Inspector.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-393. Revocation of License.**

The Town Board may, after a public hearing, revoke any license to operate and maintain a mobile home park when the license has violated any rules or regulations of the Town of Paonia or any provisions of the chapter. After such revocation, the licensee may have the license reissued by the Town board of the circumstances causing such violation have been remedied or corrected.

(Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-395. Posting of license.**

The license certificate shall be conspicuously posted in the office or premises of the mobile home park at all times.

(Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-400. Manufactured housing.**

- (a) Manufactured housing units in Colorado are built to the specifications of one (1) of two (2) building codes, the International Building Code (IBC) and the so-called "HUD Code" promulgated by the U.S. Department of Housing and Urban Development pursuant to the National Manufacturing Housing Construction and Safety Standards Act of 1974. Zoning ordinances become unnecessarily confusing and cumbersome when they provide separate definitions and uses for single-family dwellings and manufactured or factory-built units. This confusion can typically be avoided if zoning officials include manufactured housing units (both UBC and HUD Code) within the definition of single-family dwelling. When the term single-family dwelling is defined in this fashion, manufactured housing units are, under the applicable schedule of uses, permitted along with site-built homes in any zone which permits single-family dwellings. Under this approach, manufactured homes are treated the same as site-built homes with size, foundation, installations and appearance standards adopted by the community for single-family dwellings applying equally to both types of housing.

- (b) *Dwelling or residence, single-family* means a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one (1) family. The term single-family residence includes a manufactured home.
- (c) A manufactured home has the following:
  - (1) A minimum of twenty-four (24) feet in width and thirty-six (36) feet in length.
  - (2) Installation on a manufactured guideline or an engineered permanent foundation.
  - (3) Brick, wood or cosmetically equivalent siding and a three-twelfths (3:12) or more pitched roof of pro-panels or asphalt shingles or any other equivalent material.
  - (4) Is no more than five (5) years old.
  - (5) The title of the manufactured home is purged.
  - (6) May replace an existing mobile home.
- (d) Installation and requirements of manufactured homes.
  - (1) This minimum requirement guideline is intended to assist both professionals and nonprofessionals with the requirements that must be complied with in order to install a manufactured home within the Town limits. It is intended as an informational guideline only. Installations will have specific requirements as to location, grade of lot and floodplain requirements.
  - (2) You will be required to provide to the Town the following items:
    - a. A copy of the bill of sale.
    - b. A copy of the floor plan and a copy of the foundation plan from the manufacture's guide. If not available, an engineered foundation will be required.
    - c. A plot plan showing the proposed location of home.
    - d. A complete application for a building permit with an accurate cost estimate.
    - e. A completed excavation permit, if required; twenty-five-dollar bond fee.
    - f. A completed floodplain permit, if required; one-hundred-dollar fee.
    - g. A street cutting permit, if required.
    - h. A water and sewer tap.
    - i. All fees shall be paid in full before construction can begin.
  - (3) The builder/owner of property must have curb, gutter and sidewalk or any street repairs installed according to specifications of the Public Works Department.
  - (4) The manufactured home must comply with all single-family dwelling regulations. See Article 3 of this Chapter.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-8-410. Additional regulations.**

In addition to the requirements of this Article, all mobile homes and mobile home parks and facilities shall be operated in compliance with the existing laws of the State, ordinances of the Town and such codes and regulations as may be adopted by the Board of Trustees.

(Ord. No. 83-116, Art. XV, 1983; Ord. No. 2000-02, Art. XV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

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## ARTICLE 9. RESERVED<sup>1</sup>

**Secs. 16-9-10—16-9-410. Reserved.**

## ARTICLE 10. RESERVED<sup>2</sup>

**Secs. 16-10-10—16-10-80. Reserved.**

## ARTICLE 11. ACCESSORY BUILDINGS, STRUCTURES AND USES

### Sec. 16-11-10. Generally.

Accessory buildings, structures and uses may include, but are not limited to, the following:

- (1) Home occupations.
- (2) Renting of rooms.
- (3) Horses and household pets.
- (4) Fences, hedges and walls.
- (5) Private greenhouses.
- (6) Private swimming pools.
- (7) Storage and merchandise in commercial districts.
- (8) Fallout shelters.
- (9) Detached garages.
- (10) Tennis courts.
- (11) Storage sheds for residential areas.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

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<sup>1</sup>Editor's note(s)—Ord. No. 2017-11 , § 2, adopted October 10, 2017, repealed §§ 16-9-10—16-9-130, 16-9-210—16-9-240, 16-9-310—16-9-380, 16-9-410, which pertained to flood damage prevention. See Code Comparative Table for complete derivation. Subsequently, § 3 of such ordinance added §§ 18-7-10—18-7-130, 18-7-210—18-7-240, 18-7-310—18-7-380, 18-7-410.

<sup>2</sup>Editor's note(s)—Ord. No. 2017-11 , § 2, adopted October 10, 2017, repealed §§ 16-10-10—16-10-80, which pertained to supplementary regulations. See Code Comparative Table for complete derivation. Subsequently, § 3 of such ordinance added §§ 18-8-10—18-8-50.

**Sec. 16-11-20. Home occupations.**

A home occupation shall be permitted as an accessory use, provided that a home occupation permit is granted by the Town and the criteria for home occupations are met.

- (1) *Permit required.* A person desiring to establish a home occupation within the Town shall apply as follows:
  - (a) An application shall for home occupation shall be made to the Town Administrator, or its designee, in the form provided by the Town and accompanied by the appropriate fee as set by Resolution of the Board of Trustees.
  - (b) Upon the receipt of a completed application for a home occupation permit, the Town Administrator, or its designee, shall notify the applicant within ten (10) days that such application is complete.
  - (c) Thereafter the Town Administrator, or its designee, shall notify the applicant and set a date of public hearing before the Town Board of Trustees that will allow time for publication and notification of adjoining property holders.
  - (d) Upon the setting of a public hearing before the Board of Trustees the Town Clerk shall notify the property owners within two hundred (200) feet of the applicant's property by regular mail at the applicant's expense. The notification will include the nature of the application, a copy of this Article and the time and place of a public hearing.
- (2) *Revoke the permit.* A home occupation permit may be revoked by the Town Administrator if at any time the home occupation fails to meet the criteria listed below.
- (3) *Nontransferability.* Home occupation permits are issued to an individual for a specific property and use. Permits are not transferable should the property be sold or rented to other persons.
- (4) *Criteria for home occupations.* A home occupation shall be allowed as a permitted accessory use, provided that the following conditions are met:
  - (a) The use must be conducted entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling and no more than one (1) non-occupant employee.
  - (b) The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.
  - (c) The total area used for such purposes may not exceed twenty-five percent (25%) of the first-floor area of the user's dwelling unit.
  - (d) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation, including advertising signs or displays or advertising that solicits or directs persons to the address. A wall-mounted identification sign of not more than two (2) square feet shall be permitted.
  - (e) There shall not be conducted on the premises the business of selling inventory, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupation.
  - (f) There must be no exterior storage on the premises of material or equipment used as a part of the home occupation.
  - (g) No equipment or process shall be used in such home occupation, which creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot if the

occupation is conducted in a single-family dwelling or outside the dwelling unit if conducted in other than a single-family dwelling.

- (h) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met with additional off-street parking spaces that are not located in a required yard adjacent to a street.
- (i) Under no circumstances shall any of the following be considered a home occupation: Antique shop, barber shop, a beauty parlor (with more than one [1] chair), clinic, mortuary, nursing home, restaurant, veterinarian's clinic or dance studio.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015; Ord. No. 2019-06 , § 2, 8-13-2019)

**Sec. 16-11-30. Renting of rooms.**

- (a) Single-unit dwellings. The renting of rooms to one (1) or two (2) persons, not members of the family residing in the same single-unit dwelling, may be permitted as an accessory use, provided that the following conditions are met:
  - (1) The total number of unrelated persons, including roomers in any one (1) dwelling unit, must not exceed three (3).
  - (2) Quarters used by the roomers must not be more than twenty-five percent (25%) of the total floor area of the dwelling unit.
  - (3) The dwelling unit must have only one (1) electric meter.
  - (4) Where the renting of rooms is to two (2) roomers, at least one (1) additional off-street parking space must be provided per room.
- (b) Multi-unit dwellings. The renting of rooms to one (1) or two (2) persons, not members of the family residing in the same multi-unit dwelling, may be permitted as an accessory use, provided that the total number of unrelated persons, including roomers, in any dwelling unit must not exceed three (3). Where the renting of rooms is to two (2) roomers, at least one (1) additional off-street parking space must be provided per room.
- (c) In addition to normal residential off-street parking requirements, one (1) additional off-street parking space shall be provided on site for each lodging room. Ingress and egress shall meet requirements of the IBC and ADA. Separate bath and sanitary facilities from those of the host must be provided for each two (2) guest rooms.
- (d) In residential districts, landscaping and screening shall be provided to maintain the residential character of the building and preserve the right of neighboring residents to enjoy a peaceful occupancy of their homes.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-11-40. Reserved.**

Editor's note(s)—Ord. No. 2017-11 , § 2, adopted October 10, 2017, repealed § 16-11-40, which pertained to fences, hedges and walls. See Code Comparative Table for complete derivation. Subsequently, § 3 of such ordinance added § 18-9-10.

**Sec. 16-11-50. Reserved.**

Editor's note(s)—Ord. No. 2017-11 , § 2, adopted October 10, 2017, repealed § 16-11-50, which pertained to swimming pools, hot tubs, and Jacuzzis. See Code Comparative Table for complete derivation. Subsequently, § 3 of such ordinance added § 18-9-20.

**Sec. 16-11-60. Requirements for accessory buildings and uses.**

- (a) All detached accessory buildings shall be located in the rear one-half (½) of the lot.
- (b) On an interior lot, the minimum setback from the rear lot line shall be ten (10) feet and from the side yard line shall be six (6) feet if there is no alley or five (5) feet from an existing alley easement line.
- (c) On double-frontage lots, the minimum setback from the rear property line shall be the same as the front yard setback for principal uses within that district.
- (d) On corner lots, the accessory building shall not be located closer to the street-side property than the required six (6) feet for the principal use.
- (e) Accessory buildings shall not exceed fifteen (15) feet in height.
- (f) The floor area of accessory uses shall be included in the determination of the maximum lot coverage.

(Ord. No. 83-116, Art. XVIII, 1983; Ord. No. 2000-02, Art. XVIII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 12. RESERVED<sup>3</sup>**

**Secs. 16-12-10—16-12-40. Reserved.**

**ARTICLE 13. NONCONFORMING BUILDINGS**

**Sec. 16-13-10. Objectives.**

Certain uses of land or buildings, sizes of lots or location or size of structures may be found to be in existence at the time of the passage of the initial ordinance codified herein, which do not meet the requirements of this Chapter. It is the intent of this Article to allow the continuance of such nonconformance but not to encourage its enlargement or to allow its continuance should the use be discontinued for a period of one (1) year. Such nonconformance is declared to be incompatible with other uses in the district. Each situation needs to be considered by the Planning Commission and Board of Trustees on its own merits.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2007-05, 2007; Ord. No. 2014-04, § 1, 1-13-2015)

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<sup>3</sup>Editor's note(s)—Ord. No. 2017-11 , § 2, adopted October 10, 2017, repealed §§ 16-12-10—16-12-40, which pertained to building permit and site plan review requirements. See Code Comparative Table for complete derivation. Subsequently, § 3 of such ordinance added §§ 18-10-10—18-10-40.

**Sec. 16-13-20. Nonconforming lots.**

- (a) Some nonconforming lots of record at the time of the passage of the initial ordinance codified herein may be built upon or used after the passage of said ordinance, but only:
  - (1) With a principal use in the zone district; and
  - (2) By approval of the Board of Adjustment.
- (b) No lot that is conforming in size at the time of the passage of said ordinance may be subdivided or reduced in size in such a way that it would become nonconforming or cause any building, space or use to become nonconforming.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2000-02, Art. XX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-13-30. Alterations and extensions.**

- (a) Nonconforming buildings as of the effective date of the initial ordinance codified herein shall not be altered or extended in a way that would increase the degree of nonconformance. Therefore, all new additions, alterations or extensions shall be in accordance with the applicable zoning requirements, including but not limited to setbacks, height, open space and parking. Exceptions to this requirement may be allowed if the following conditions apply:
  - (1) The purpose of the alteration or extension is for repairs to a building or structure that is ordered by a public official to make it safe.
  - (2) The purpose of the alteration is to make maintenance repairs that are needed to keep the building in good condition.
  - (3) There is a special hardship created by strict application of this Code and a variance is granted by the Board of Adjustment in accordance with the provisions of Article 15 of this Chapter.
- (b) Nonconforming uses may be expanded or altered in the same manner as nonconforming buildings, except that the area of a nonconforming use may not be expanded by more than twenty-five percent (25%) of its existing floor area.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2000-02, Art. XX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-13-40. Restoration.**

A nonconforming building or use which has been damaged or destroyed by any calamity, except flood, may be restored to its original condition if such restoration commences within one (1) year from the date of the calamity. If any nonconforming structure is damaged to the extent of fifty percent (50%) of its actual value by flood, said nonconforming structure shall be restored only in compliance with Article 9 of this Chapter.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2007-05, 2007; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-13-50. Abandonment.**

If any nonconforming use of land, a building or a structure is abandoned for a period exceeding one (1) year, no nonconforming use may be reestablished upon such land or within such building or structure.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2000-02, Art. XX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)



**Sec. 16-13-60. Previously approved uses.**

Any building, use or structure that had been officially approved or for which a building permit had been issued prior to the passage of the initial ordinance codified herein may proceed to construct or use such building, structure or land, provided that the structural members of such building or structure are completed within one (1) year of said effective date.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2000-02, Art. XX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-13-70. Change to another nonconforming use.**

No nonconforming use of a building or structure may be changed to another nonconforming use except when the new nonconforming use is of a more restrictive nature as may be determined and approved by the Planning Commission.

(Ord. No. 83-116, Art. XX, 1983; Ord. No. 2000-02, Art. XX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 14. AMENDMENT PROCEDURES**

**Sec. 16-14-10. Authority.**

The Town may from time to time amend the number, shape or boundaries of any zone district or any regulation of or within such district or any other provision of this Chapter.

(Ord. No. 83-116, Art. XXV, 1983; Ord. No. 2000-02, Art. XXV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-14-20. Procedures.**

Amendments to this Chapter shall be considered by the Board of Trustees only when the following requirements have been observed:

- (1) Requests for amendment may only be presented by a legal title owner of real property within the area proposed for a change, by the Planning Commission or the Board of Trustees. Requests for a change in the boundary of any zone district by a legal title owner of real property within the area proposed for change shall be accompanied by a petition requesting such change signed by owners of at least fifty percent (50%) of the area of the lots included in such change.
- (2) Each amendment shall be submitted to the Planning Commission for its recommendations. Such action by the Planning Commission shall be filed in a report to the Board of Trustees.

(Ord. No. 83-116, Art. XXV, 1983; Ord. No. 2000-02, Art. XXV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-14-30. Board of Trustees public hearing.**

Prior to final adoption of any amendment to this Chapter, the Board of Trustees shall hold a public hearing thereon. Notice shall be given as provided in Section 16-16-10 of this Chapter.

(Ord. No. 83-116, Art. XXV, 1983; Ord. No. 2000-02, Art. XXV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-14-40. Fee.**

For all proposed amendments to this Chapter, except for amendments proposed by the Board of Trustees or the Planning Commission, a fee shall be charged to cover advertising and processing costs. The amount of the fee shall be established by resolution of the Board of Trustees.

(Ord. No. 83-116, Art. XXV, 1983; Ord. No. 2000-02, Art. XXV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-14-50. Decisions.**

In case of protest against an amendment signed by the owners of twenty percent (20%) or more, either of the area of lots included in such proposed amendment or of those immediately adjacent to the area thereof extending one hundred (100) feet therefrom or from those directly opposite thereto extending one hundred (100) feet therefrom or from those opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a favorable vote of two-thirds (2/3) of all the voting members of the Board of Trustees.

(Ord. No. 83-116, Art. XXV, 1983; Ord. No. 2000-02, Art. XXV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 15. ZONING BOARD OF ADJUSTMENT**

**Sec. 16-15-10. Procedures.**

- (a) Appeals to the Board of Adjustment may be taken by any person aggrieved by his or her inability to obtain a building permit based upon the decision of any administrative officer or agency made in the course of the administration or enforcement of the provisions of this Code. Appeal may be taken by an officer, department, board or bureau of the Town affected by the refusal of a building permit or by other decision of an administrative officer or agency made in the course of the administration or enforcement of this Code. Appeals to the Board of Adjustment must be made in writing and filed with the Town Clerk no later than 4:30 p.m. of the seventh day following the action or decision from which the appeal is taken. In the event the seventh day falls on a Saturday, Sunday or holiday, the next regular business day of the Town shall be deemed the seventh day. The day of the action or decision shall not be included in the seven-day calculation.
- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal has been filed with him or her that, by reason of facts stated in the certificate, a stay, in his or her opinion, would cause imminent peril to life and property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or a court of record on application, on notice to the officer from whom the appeal is taken and on whom due cause is shown.
- (c) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of the initial ordinance codified herein, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, the Board of Adjustment may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship; provided, however, that:
  - (1) The variance granted is the minimum necessary to alleviate such practical difficulties or undue hardship upon the owner of said property.

- (2) Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the general plan or this Chapter.
- (3) The circumstances found to constitute a hardship were not created by the appellant, are not due to or the result of general conditions in the district and cannot be practically corrected.

(Ord. No. 83-116, Art. XXI, 1983; Ord. No. 2000-02, Art. XXI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-15-20. Hearings.**

All hearings on the appeals to the Board of Adjustment shall be held within thirty (30) days of the filing of the appeal. Hearings held in regard to variance from strict application of the provisions of this Chapter shall be conducted at a public hearing following public notice requirements as provided in Article 16 of this Chapter.

(Ord. No. 83-116, Art. XXI, 1983; Ord. No. 2000-02, Art. XXI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-15-30. Fee.**

For all applications for a variance or interpretation of this Code, a fee shall be charged to cover the costs of advertising and processing. The amount of the fee shall be established by resolution of the Board of Trustees.

(Ord. No. 83-116, Art. XXI, 1983; Ord. No. 2000-02, Art. XXI, 2000)

**Sec. 16-15-40. Decisions.**

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant.

(Ord. No. 83-116, Art. XXI, 1983; Ord. No. 2000-02, Art. XXI, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 16. PUBLIC NOTICE REQUIREMENTS**

**Sec. 16-16-10. Required notice.**

For special review requests, variance requests, PUD hearings and rezoning requests, the following public notice requirements shall be met:

- (1) A public notice shall be published in a newspaper of general circulation within the Town at least fifteen (15) days in advance of the hearing.
- (2) Notice shall be sent to all property owners within two hundred (200) feet of the property in question at least ten (10) days in advance of the hearing.
- (3) A notice shall be posted on the subject property at least ten (10) days prior to the hearing. The applicant shall be required to post the notice on the property in the manner prescribed by this Article and as directed by the Town Administrator.
- (4) In the case of rezoning of a large area, the entire Town or a portion of the Town initiated by the Planning Commission and Board of Trustees, public notice shall be as follows:

- a. A public notice shall be published in a newspaper of general circulation within the Town at least fifteen (15) days in advance of the public hearing. Such notice shall include a map of the boundaries of the proposed zone changes.
  - b. Notices shall be posted at several places throughout the areas to be rezoned and along the perimeter of the areas. Such notices shall be posted at least ten (10) days prior to the hearing.
- (5) In determining the time periods for notice requirements, the day of the action or public hearing is not included in the calculation.

(Ord. No. 83-116, Art. XXII, 1983; Ord. No. 2000-02, Art. XXII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-16-20. Notice information.**

All notices shall include the following information:

- (1) The name of the applicant or appellant and the description of the property.
- (2) A description of the nature of the request.
- (3) The time, date and place of the public hearing.
- (4) The agency or office and phone number where further information may be obtained.

(Ord. No. 83-116, Art. XXII, 1983; Ord. No. 2000-02, Art. XXII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 17. MISCELLANEOUS PROVISIONS**

**Sec. 16-17-10. Certificate of occupancy.**

- (a) No vacant land shall be occupied and used, and no building hereafter erected shall be occupied or used, until a certificate of occupancy has been issued by the Building Inspector.
- (b) A certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building has been completed in conformity with the provisions of these regulations.
- (c) A certificate of occupancy for the use of vacant land or the change in the use of land as herein provided shall be applied for before such land is occupied or used, and a certificate of occupancy shall be issued within ten (10) days after the application has been made, provided that such use is in conformity with these requirements.
- (d) A certificate of occupancy shall state that the building or land complies with all the building and health laws and ordinances and with the provisions of this Code. A record of all certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate applied for coincident with the application of a building permit. For all certificates or for copies of the original certificate, there shall be a charge of one dollar (\$1.00).

(Ord. No. 2000-02, Art. XXIV, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-17-20. Nonliability for damages.**

This Chapter shall not be construed to hold the Town, in any manner, responsible for any damages to persons or property resulting from any inspection as herein authorized, resulting from any failure to so inspect, resulting from the issuance or denial of a building permit as herein provided, resulting from the institution of court action as hereinabove set forth or resulting from the forbearance by the Town to so proceed.

(Ord. No. 2000-02, Art. XXIX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-17-30. Nonliability of officials.**

Any Town official or employee charged with the enforcement of this Chapter acting in good faith and without malice on behalf of the Town in the discharge of his or her official duties shall not thereby render himself or herself personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties. Any suit or proceeding instituted against such official or employee stemming from any act or omission performed by him or her in the enforcement or attempted enforcement of any provision of this Chapter shall be defended by attorneys provided by the Town until final termination of the proceedings.

(Ord. No. 2000-02, Art. XXX, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**ARTICLE 18. ENFORCEMENT**

**Sec. 16-18-10. Violation.**

It shall be unlawful to erect, construct, reconstruct or use any building or structure or to use any parcel or tract of land in violation of any provision of this Chapter or amendment thereof. Any person either as owner, lessee, occupant or otherwise, who violates any of the provisions of this Chapter or any amendment thereof or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him or her by the provisions of this Chapter shall be guilty of a violation of this Chapter.

(Ord. No. 2000-02, Art. XXVII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-18-20. Penalty.**

Any person upon conviction of a violation of this Chapter, shall be fined in accordance with the provisions of Section 1-4-20 of this Code.

(Ord. No. 2000-02, Art. XXVII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

**Sec. 16-18-30. Remedies.**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Chapter or other regulation made under authority conferred hereby, the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation to prevent any illegal act, conduct, business or use in or about such premises.

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(Ord. No. 2000-02, Art. XXVII, 2000; Ord. No. 2014-04, § 1, 1-13-2015)

*Office of the Town Clerk*

214 Grand Ave.

P.O. Box 460

Paonia, CO 81428

O: (970) 527-4101

F: (970) 527-4102

December 19, 2023

**RE: Notice of Public Hearing for Minor Subdivision**

To whom it may concern,

**Notice** is hereby given that the Planning Commission of the Town of Paonia will hold a Public Hearing commencing Wednesday, January 17, 2024 at 5 p.m., at the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado 81428. The purpose of the Public Hearing is to consider a request for approval of an application from West Elk Land & Hops, LLC for the (minor) subdivision of property located at 841 HWY 133, Paonia, CO 81428, and for the rezoning of the same property from Medium-Density Residential (R-2) to Estate Residential (E-1).

**Further Notice** is hereby given that the Board of Trustees of the Town of Paonia will hold a Public Hearing commencing Tuesday, January 23, 2024 at 5:00 p.m., at the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado 81428. The purpose of the Public Hearing is to consider a request for approval of an application from West Elk Land & Hops, LLC for the (minor) subdivision of property located at 841 HWY 133, Paonia, CO 81428, and for the rezoning of the same property from Medium-Density Residential (R-2) to Estate Residential (E-1).

Any person may appear at the Public Hearings and be heard regarding the matters under consideration. Copies of the proposed subdivision plat and related application materials are on file and available for public inspection in the office of the Town Clerk, 214 Grand Avenue, Paonia, Colorado 81428.

Legal Description: Lot 2, Riverbank Neighborhood Minor Subdivision, according to the instrument recorded March 21, 2012 in the records of the Delta County Clerk and Recorder under Reception No. 657278.

Dated the 19<sup>th</sup> day of December, 2023.

TOWN OF PAONIA, COLORADO  
Samira Vetter, Town Clerk

Samira M. Vetter.  
*Paonia Town Clerk*  
E: [SamiraV@TownofPaonia.com](mailto:SamiraV@TownofPaonia.com)

CC:



GRAND JUNCTION

231

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Bland Walter Center*  
 [Redacted]  
*Aspen, CO 81611-1079*



9590 9402 6490 0346 8881 01

2. Article Number (Transfer from service label)

9589 0710 5270 0665 1153 51

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Redacted]  Agent  Addressee

B. Received by (Printed Name)  
 C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                         | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                         | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery      | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery |   |

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

*West Elk Land & Hops*  
 [Redacted]  
*Poncha, CO 81428-0747*



9590 9402 6490 0346 8880 88

2. Article Number (Transfer from service label)

9589 0710 5270 0665 1153 37

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Redacted]  Agent  Addressee

B. Received by (Printed Name)  
*Hal Boill*  
 C. Date of Delivery  
*12/22/23*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                         | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                         | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery      | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery |   |

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**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Redacted]  Agent  Addressee

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 C. Date of Delivery




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1. Article Addressed to:

Freije Supervisors trust  
 [Redacted]  
 Santa Monica, CA  
 90405-5700



9590 9402 6490 0346 8880 64

2. Article Number (Transfer from service label)

7020 1290 0000 5539 4834

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Redacted] 232  
nt  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 [Signature] 12/26/23

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  Priority Mail Express®  
 Registered Mail™  
 Registered Mail Restricted Delivery  
 Certified Mail®  
 Certified Mail Restricted Delivery  
 Collect on Delivery  
 Collect on Delivery Restricted Delivery

Adult Signature  
 Adult Signature Restricted Delivery  
 Certified Mail®  
 Certified Mail Restricted Delivery  
 Collect on Delivery  
 Collect on Delivery Restricted Delivery

Mail  
 Mail Restricted Delivery (J)


Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Delta CO School Dist #50  
 [Redacted]  
 Delta, CO 81416-1839



9590 9402 6490 0346 8881 18

2. Article Number (Transfer from service label)

9589 0710 5270 0665 1153

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Redacted]  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 Laura Espino 12/20/23

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  Priority Mail Express®  
 Registered Mail™  
 Registered Mail Restricted Delivery  
 Certified Mail®  
 Certified Mail Restricted Delivery  
 Collect on Delivery  
 Collect on Delivery Restricted Delivery

Adult Signature  
 Adult Signature Restricted Delivery  
 Certified Mail®  
 Certified Mail Restricted Delivery  
 Collect on Delivery  
 Collect on Delivery Restricted Delivery

Mail  
 Mail Restricted Delivery (J)

Domestic Return Receipt

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Redacted]  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 [Signature]

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Robert Gould  
 [Redacted]  
 Paonia, CO 81428-6118



9590 9402 6490 0346 8881 49

2. Article Number (Transfer from service label)

7020 1290 0000 5539 4841

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Redacted] 233  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

PAONIA, CO  
DEC 21 2023

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Mail Restricted Delivery (0)	

**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ronald Wist  
 [Redacted]  
 Paonia, CO 81428-0866



9590 9402 6490 0346 8881 32

2. Article Number (Transfer from service label)

9589 0710 5270 0665 1153 82

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X [Redacted]  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

Frankye Wist 12-20-2023

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Mail Restricted Delivery (0)	

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A. Signature  
 X [Redacted]  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No



**AFFIDAVIT OF PUBLICATION**

State of Texas, County of Ellis, ss:

Ayesha Carletta M Cochran-Worthen, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Delta County Independent, a newspaper printed and published in the City of Delta, County of Delta, State of Colorado, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

**PUBLICATION DATES:**

Dec. 27, 2023

Jan. 3, 2024

Jan. 10, 2024

Jan. 17, 2024

**NOTICE ID:** heblOaW65AVwSpbyzh30

**PUBLISHER ID:** DC1000209

**NOTICE NAME:** Notice of Hearing Minor SBDV 01-2023

**Publication Fee:** 112.26

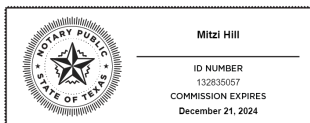
I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

*Ayesha Carletta M Cochran-Worthen*

(Signed) \_\_\_\_\_

**VERIFICATION**

State of Texas  
County of Ellis



01/17/2024

Subscribed in my presence and sworn to before me on this:

*Mitzi Hill*

Notary Public  
Notarized online using audio-video communication

**NOTICE OF PUBLIC HEARING  
TOWN OF PAONIA, COLORADO**

**Notice** is hereby given that the Planning Commission of the Town of Paonia will hold a Public Hearing commencing Wednesday, January 17, 2024 at 5 p.m., at the Paonia Town Hall, 214 Grand Avenue, Paonia, Colorado 81428. The purpose of the Public Hearing is to consider a request for approval of an application from West Elk Land & Hops, LLC for the (minor) subdivision of property located at 841 HWY 133, Paonia, CO 81428, and for the rezoning of the same property from Medium-Density Residential (R-2) to Estate Residential (E-1).

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Legal Description: Lot 2, Riverbank Neighborhood Minor Subdivision, according to the instrument recorded March 21, 2012 in the records of the Delta County Clerk and Recorder under Reception No. 657278. Dated the 19th \_ day of December, 2023.

TOWN OF PAONIA, COLORADO  
Samira Vetter, Town Clerk

Published Wednesday, December 27, 2023, January 3, 10, 17, 2024



# Town of Paonia

## Notice of Public Hearing

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Legal Description: Lot 2, Riverbank Neighborhood Minor Subdivision, according to the instrument recorded March 21, 2012 in the records of the Delta County Clerk and Recorder under Reception No. 657278.

Dated the 19<sup>th</sup> day of December, 2023.

TOWN OF PAONIA, COLORADO

Samira Vetter, Town Clerk

**Posted on: December 22, 2023**

**PROFESSIONAL SERVICES AGREEMENT  
BY AND BETWEEN THE TOWN OF PAONIA  
AND WRIGHT WATER ENGINEERS, INC.**

**1.0 PARTIES**

This Professional Services Agreement (this "Agreement") is made and entered into this 23<sup>rd</sup> day of January, 2024 (the "Effective Date"), by and between the **Town of Paonia**, a Colorado municipal corporation, hereinafter referred to as the "Town", and **Wright Water Engineers, Inc.**, a Colorado corporation, hereinafter referred to as the "Contractor".

**2.0 RECITALS AND PURPOSE**

- 2.1 The Town desires to engage the Contractor for the purpose of the services as further set forth in the Contractor's Scope of Services (which services are hereinafter referred to as the "Services").
- 2.2 The Contractor represents that it has the special expertise, qualifications and background necessary to complete the Services.

**3.0 SCOPE OF SERVICES**

The Contractor agrees to provide the Town with the specific Services and to perform the specific tasks, duties and responsibilities set forth in Scope of Services attached hereto as Exhibit A and incorporated herein by reference. In the event of any conflict or inconsistency between the provisions of this Agreement and the provisions of Exhibit A, the provisions of this Agreement shall control. The Contractor shall furnish all tools, labor and supplies in such quantities and of the proper quality as are necessary to professionally and timely perform the Services. The Contractor acknowledges that this Agreement does not grant any exclusive privilege or right to supply Services to the Town. In its sole discretion, the Town may contract with other contractors to provide the same or similar services during the term of this Agreement.

**Commented [NC1]:** Attach Contractor's Proposal and responses to the questions posed in follow up to the RFQ.

**4.0 COMPENSATION**

- 4.1 The Town shall pay the Contractor for Services under this agreement a total not to exceed the amounts set forth in Exhibit A attached hereto and incorporated herein by this reference. For Services compensated on a per-task basis, such costs per task shall not exceed the amounts set forth in Exhibit A. The Town shall not pay mileage and other reimbursable expenses (such as meals, parking, travel expenses, necessary memberships, etc.), unless such expenses are (1) clearly set forth in the Scope of Services, and (2) necessary for performance of the Services ("Pre-Approved Expenses"). The foregoing amounts of compensation shall be inclusive of all costs of whatsoever nature associated with the Contractor's efforts, including but not limited to salaries, benefits, overhead, administration, profits, expenses, and outside contractor fees. The Scope of Services and payment therefor shall only be changed by a properly authorized amendment to this Agreement. No Town employee has the authority to bind the Town with regard to any payment for any services which exceeds the amount payable under the terms of this Agreement.
- 4.2 The Contractor shall submit monthly an invoice to the Town for Services rendered and a detailed expense report for Pre-Approved Expenses incurred during the previous month.

The invoice shall document the Services provided during the preceding month, identifying by work category and subcategory the work and tasks performed and such other information as may be required by the Town. The Contractor shall provide such additional backup documentation as may be required by the Town. The Town shall pay the invoice within thirty (30) days of receipt unless the Services or the documentation therefor are unsatisfactory. Payments made after thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation therefor.

**5.0 PROJECT REPRESENTATION**

5.1 The Town designates [redacted] [staff member], [redacted] [staff title], as the responsible Town staff to provide direction to the Contractor during the conduct of the Services. The Contractor shall comply with the directions given by said Town staff and such person's designees.

**Commented [NC2]:** Please fill in (remove underlines)

5.2 The Contractor designates [redacted] [Contractor's project manager's name] as its project manager and as the principal in charge who shall be providing the Services under this Agreement. Should any of the representatives be replaced, and such replacement require the Town or the Contractor to undertake additional reevaluations, coordination, orientations, etc., the Contractor shall be fully responsible for all such additional costs and services.

**Commented [NC3]:** Please have Contractor fill in (remove underlines)

**6.0 TERM**

6.1 The term of this Agreement shall be from the Effective Date to \_\_\_\_\_, 20\_\_\_\_, unless sooner terminated pursuant to Section 13, below. The Contractor's Services under this Agreement shall commence on \_\_\_\_\_, 20\_\_\_\_, and Contractor shall proceed with diligence and promptness so that the Services are completed in a timely fashion consistent with the Town's requirements.

**Commented [NC4]:** Can be the "Effective Date" or a date following the Effective Date, depending on when the Town would actually like the Contractor to begin the work.

6.2 Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the Town within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. All financial obligations of the Town under this Agreement are subject to annual budgeting and appropriation by the Paonia Board of Trustees, in its sole discretion. Notwithstanding anything in this Agreement to the contrary, in the event of non-appropriation, this Agreement shall terminate effective December 31 of the then-current fiscal year.

**Commented [NC5]:** Let me know if you'd like to discuss a hard deadline.

**7.0 INSURANCE**

7.1 The Contractor agrees to procure and maintain, at its own cost, the policies of insurance set forth in Subsections 7.1.1 through 7.1.4. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types. The coverages required below shall be procured and maintained with forms and insurers acceptable to the Town. All coverages shall be continuously maintained from the date of commencement of services hereunder. The required coverages are:

- 7.1.1 Workers' Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.
- 7.1.2 General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS (\$1,000,000) each occurrence and ONE MILLION DOLLARS (\$1,000,000) aggregate. The policy shall include the Town of Paonia, its officers and its employees, as additional insureds, with primary coverage as respects the Town of Paonia, its officers and its employees, and shall contain a severability of interests provision.
- 7.1.3 Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than FOUR HUNDRED THOUSAND DOLLARS (\$400,000) per person in any one occurrence and ONE MILLION DOLLARS (\$1,000,000) for two or more persons in any one occurrence, and auto property damage insurance of at least FIFTY THOUSAND DOLLARS (\$50,000) per occurrence, with respect to each of Contractor's owned, hired or non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision. If the Contractor has no owned automobiles, the requirements of this paragraph shall be met by each employee of the Contractor providing services to the Town of Paonia under this contract.
- 7.1.4 Professional Liability coverage with minimum combined single limits of TWO MILLION DOLLARS (\$2,000,000) per claim and TWO MILLION DOLLARS (\$2,000,000) aggregate.
- 7.2 The Contractor's general liability insurance, automobile liability and physical damage insurance shall be endorsed to include the Town, and its elected and appointed officers and employees, as additional insureds, unless the Town in its sole discretion waives such requirement. Every policy required above shall be primary insurance, and any insurance carried by the Town, its officers, or its employees, shall be excess and not contributory insurance to that provided by the Contractor. Such policies shall contain a severability of interests provision. The Contractor shall be solely responsible for any deductible losses under each of the policies required above.
- 7.3 Certificates of insurance shall be provided by the Contractor as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the Town. No required coverage shall be cancelled, terminated or materially changed until at least 30 days prior written notice has been given to the Town. The Town reserves the right to request and receive a certified copy of any policy and any endorsement thereto.
- 7.4 Failure on the part of the Contractor to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the Town may immediately terminate the contract, or at its discretion may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the Town shall be repaid by Contractor to the Town upon demand, or the Town may offset the cost of the premiums against any monies due to Contractor from the Town.

7.5 The parties understand and agree that the Town is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., as from time to time amended, or otherwise available to the Town, its officers, or its employees.

**8.0 INDEMNIFICATION**

To the fullest extent permitted by law, the Contractor agrees to indemnify and hold harmless the Town, and its elected and appointed officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the services hereunder, if such injury, loss, or damage is caused by the negligent act, omission, or other fault of the Contractor or any subcontractor of the Contractor, or any officer, employee, or agent of the Contractor or any subcontractor, or any other person for whom Contractor is responsible. The Contractor shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims, and demands. The Contractor shall further bear all other costs and expenses incurred by the Town or Contractor and related to any such liability, claims and demands, including but not limited to court costs, expert witness fees and attorneys' fees if the court determines that these incurred costs and expenses are related to such negligent acts, errors, and omissions or other fault of the Contractor. The Town shall be entitled to its costs and attorneys' fees incurred in any action to enforce the provisions of this Section 8.0. The Contractor's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the Town. The extent of the Contractor's obligation to defend, indemnify, or hold harmless the Town shall be determined only after the Contractor's liability or fault has been determined by adjudication, alternative dispute resolution, or otherwise resolved by mutual agreement between the Town and the Contractor; however, the Contractor's duty to investigate and respond to the Town regarding any claims or demands shall immediately arise upon the receipt by the Town or Contractor of any claims or demands.

**9.0 QUALITY OF WORK**

Contractor shall exercise in its performance of the Services hereunder in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.



**10.0 INDEPENDENT CONTRACTOR**

It is the expressed intent of the parties that the Contractor is an independent contractor and not the agent, employee or servant of the Town, and that:

- 10.1. CONTRACTOR SHALL SATISFY ALL TAX AND OTHER GOVERNMENTALLY IMPOSED RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, PAYMENT OF STATE, FEDERAL AND SOCIAL SECURITY TAXES, UNEMPLOYMENT TAXES, WORKERS' COMPENSATION AND SELF-EMPLOYMENT TAXES. NO STATE, FEDERAL OR LOCAL TAXES OF ANY KIND SHALL BE WITHHELD OR PAID BY THE TOWN.
- 10.2. CONTRACTOR IS NOT ENTITLED TO WORKERS' COMPENSATION BENEFITS EXCEPT AS MAY BE PROVIDED BY THE INDEPENDENT CONTRACTOR NOR TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS UNEMPLOYMENT COMPENSATION COVERAGE IS PROVIDED BY THE INDEPENDENT CONTRACTOR OR SOME ENTITY OTHER THAN THE TOWN.

**11.0 ASSIGNMENT**

Contractor shall not assign or delegate this Agreement or any portion thereof, or any monies due to or become due hereunder without the Town's prior written consent.

**12.0 DEFAULT**

Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.

**13.0 TERMINATION**

- 13.1 This Agreement may be terminated by either party for material breach or default of this Agreement by the other party not caused by any action or omission of the other party by giving the other party written notice at least thirty (30) days in advance of the termination date. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.
- 13.2 In addition to the foregoing, this Agreement may be terminated by the Town for its convenience and without cause of any nature by giving written notice at least fifteen (15) days in advance of the termination date. In the event of such termination, the Contractor will be paid for the reasonable value of the services rendered to the date of termination, not to exceed a pro-rated daily rate, for the services rendered to the date of termination, and upon such payment, all obligations of the Town to the Contractor under this Agreement will cease. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

**14.0 INSPECTION AND AUDIT**

The Town and its duly authorized representatives shall have access to any books, documents, papers, and records of the Contractor that are related to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

**15.0 DOCUMENTS**

All computer input and output, analyses, plans, documents photographic images, tests, maps, surveys, electronic files and written material of any kind generated in the performance of this Agreement or developed for the Town in performance of the Services are and shall remain the sole and exclusive property of the Town. All such materials shall be promptly provided to the Town upon request therefor and at the time of termination of this Agreement, without further charge or expense to the Town. Contractor shall not provide copies of any such material to any other party without the prior written consent of the Town.

**16.0 ENFORCEMENT**

- 16.1 In the event that suit is brought upon this Agreement to enforce its terms, the prevailing party shall be entitled to its reasonable attorneys' fees and related court costs.
- 16.2 Any action arising out of, in connection with, or relating to this Agreement shall be filed in the courts of Delta County or the federal district court for the District of Colorado, and in no other court. Contractor hereby waives its right to challenge the personal jurisdiction of the courts of Delta County and the federal district court for the District of Colorado over it. Colorado law shall apply to the construction and enforcement of this Agreement.

**17.0 COMPLIANCE WITH LAWS**

Contractor shall be solely responsible for compliance with all applicable federal, state, and local laws, including the ordinances, resolutions, rules, and regulations of the Town; for payment of all applicable taxes; and obtaining and keeping in force all applicable permits and approvals.

**18.0 INTEGRATION AND AMENDMENT**

This Agreement represents the entire Agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.

**19.0 NOTICES**

All notices required or permitted under this Agreement shall be in writing and shall be given by hand delivery, by United States first class mail, postage prepaid, registered or certified, return receipt requested, by national overnight carrier, or by electronic mail or facsimile transmission, addressed to the party for whom it is intended at the following address:

If to the Town:

If to the Town:

Town of Paonia  
Attn: Town Administrator  
214 Grand Avenue  
P.O. Box 460  
Paonia, CO 81428  
Telephone: 970-527-4101  
Fax: 970-527-4102  
Email: [StefenW@townofpaonia.com](mailto:StefenW@townofpaonia.com); Cc: [paonia@townofpaonia.com](mailto:paonia@townofpaonia.com)

If to the Contractor:

[Contractor name]  
[Contact person]  
[Address]  
[city, state, zip]  
[Telephone]  
[Fax/Email]

Commented [NC6]: Please have contractor fill in.

Any such notice or other communication shall be effective when received as indicated on the delivery receipt, if by hand delivery or overnight carrier; on the United States mail return receipt, if by United States mail; or on facsimile transmission receipt. Either party may by similar notice given, change the address to which future notices or other communications shall be sent.

**20.0 EQUAL OPPORTUNITY EMPLOYER**

20.1 Contractor will not discriminate against any employee or applicant for employment because of age 40 and over, race, sex, sexual orientation, gender identity, pregnancy, color, religion, national origin, disability, genetic information, veteran status, or any other applicable status protected by federal, state, or local law. Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to any status set forth in the preceding sentence. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.

20.2 Contractor shall be in compliance with the applicable provisions of the American with Disabilities Act as enacted and from time to time amended and any other applicable federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

**21.0 NO THIRD PARTY BENEFICIARIES**

It is expressly understood and agreed that enforcement of the terms and conditions of this

Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Town and Contractor, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than Town or Contractor receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

**22.0 SUBCONTRACTORS**

Contractor may utilize subcontractors identified in its qualifications submittal to assist with non-specialized works as necessary to complete projects. Contractor will submit any proposed subcontractor and the description of its services to the Town for approval. The Town will not work directly with subcontractors.

**23.0 AUTHORITY TO BIND**

Each of the persons signing below on behalf of any party hereby represents and warrants that such person is signing with full and complete authority to bind the party on whose behalf of whom such person is signing, to each and every term of this Agreement.

In witness whereof, the parties have executed this Agreement to be effective as of the day and year first above written.

TOWN OF PAONIA  
a Colorado Municipal Corporation

By: \_\_\_\_\_  
Mary Bachran, Mayor

Attest: \_\_\_\_\_  
Samira Vetter, Town Clerk

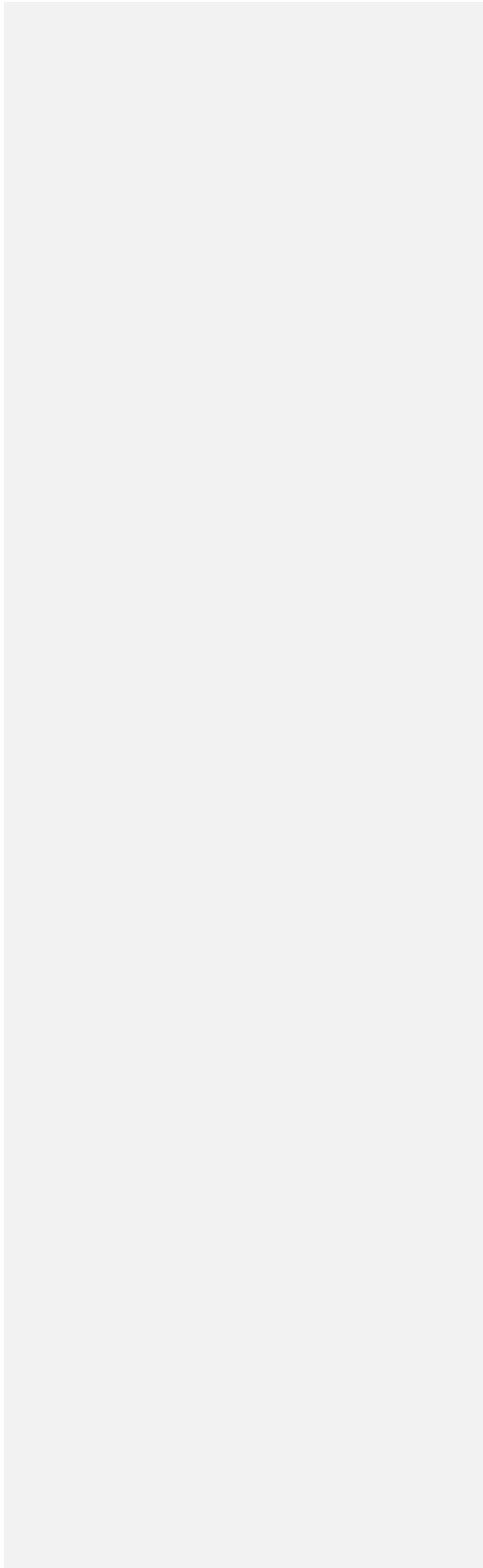
WRIGHT WATER ENGINEERS, INC.  
a Colorado Corporation

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

Name/Title: \_\_\_\_\_

**Exhibit A – Scope of Services and Price Information**

**[See Following Page(s)]**



Public Safety and Parks Committee Meetings  
Suggestions for Board action in Bold  
1/16/24

Trustee Stelter was unable to attend either Committee meeting  
The Agendas called for a review of 2023 accomplishments and a look at 2024 initiatives.  
**Recommendations for Trustee action are in bold.**

Law Enforcement

Present: Dave Knutson (Trustee Town of Paonia), and Chief Matt Laiminger

The Department attained full staffing during 2023 which allowed officers windows of time where they were not required to be on call. This level of staffing decreases overtime costs, is a factor in reduced turnover, and allows officers to work on closing cases.

Municipal Court saw a significant increase in cases with 24 in 2023, up from 8 in 2021 and 7 in 2022.

Training in de-escalation has been completed by all officers through C.I.T. (Crisis Intervention Training). Coordinating with the mobile crisis response team via phone or in person has significantly impacted intensity and outcomes in citizen calls/interactions.

For 2024, the new vests for officers have been ordered and are expected in soon. The Spellman system is expected to be operational by this summer (allows officers to call up information on calls without going through dispatch). The budget allows for ongoing training as a priority, with one officer attaining certification as a School Resource Officer (SRO).

**Trustees are encouraged to review CML salary data to ensure fairness and competitiveness of all Public Safety positions including officers, office staff, and the Chief.**

**A textbook example of de-escalation was noted by Officer Seeley and was captured by body cam. The Chief is ensuring that confidentiality and releases are gained so that the Trustees can view the video.**

Parks Committee

Present: Dave Knutson (Trustee Town of Paonia), Ben Graves (The Nature Connection), and Cory Heininger (Public Works Director)

Trustee Knutson noted that the kick-off for “Safe Routes to Parks” project will be January 17th with a technical assistance session on January 22. This grant provides a pathway for best practices and will lead to grant opportunities for implementation.

Several projects were accomplished during 2023:

At Apple Valley:

- Very successful large scale event with the Pickleball Tournament. Town staff were diligent in providing support and worked hard to upgrade electrical infrastructure for music and booths.
- A new retaining wall replace the damaged shed adjacent to Pan American Drive
- Significant effort by Town Staff to discover source of water leaks south of the tennis courts.
- Church volunteers worked to improve walking paths

- Bathrooms became operational for the summer

At Town Park:

- First and foremost - the Skate Park project was constructed and opened in a huge community celebration.
- Enhancements to the Gazebo included the ADA ramp
- A shade umbrella was added to the playground area
- Staff was diligent in fixing any graffiti throughout the park
- Protection of the miner’s wall with a cap after deterioration of the marble cap
- Improvement of the paeony beds was started
- Citizens noted how well the park rebounded from the major events held throughout the summer including Cherry Days, BMW, and Pickin’ in the Park.

For 2024 Apple Valley will see improvements in the bathrooms, railings to enhance safety for the exits to Vista Drive to the south, and improved signage for Jumbo Trail access. Town Park will see a major upgrade to restrooms, continued improvement of the Miner’s Memorial Wall, provision of WIFI to the Park, and improvements to the paeony beds.

**Suggested Board Action:**

- **Thank you letter composed by the Trustees to the North Fork Pool Park and Recreation (NFPPR) Board and Staff for their work on the skate park.**
- **Update MOU with NFPPR with respect to tennis/pickleball courts and skate park.**