

**TOWN OF SILT  
 PLANNING AND ZONING COMMISSION AGENDA  
 TUESDAY, OCTOBER 6, 2020 6:30 P.M.  
 MUNICIPAL COUNCIL CHAMBERS  
 REMOTE MEETING**

<b>ESTIMATED TIME</b>	<b>ELECTRONIC AGENDA ITEM</b>	<b>PUBLIC HEARING/ ACTION</b>	<b>ELECTRONIC LOCATION AND PRESENTOR</b>
	<b>Agenda</b>		<b>Tab A</b>
<b>6:30</b>	<b>Call to Order</b>		<b>Chair Classen</b>
	<b>Roll Call</b>		<b>Chair Classen</b>
	<b>Pledge of Allegiance</b>		<b>Chair Classen</b>
<b>6:35</b>	<b>Public Comments</b> - A "Sign In Sheet" is available in the Council Chambers. <b>Each speaker will limit comments to no more than three (3) minutes, with a total time of 30 minutes allotted to public comments, pursuant to Section 2.28.020 of the Silt Municipal Code</b>		<b>Chair Classen</b>
<b>6:40</b>	<b>Conflicts of Interest</b>		<b>Chair Classen</b>
<b>6:40</b>	<b>Agenda Changes</b>		<b>Chair Classen</b>
<b>6:40 10 min</b>	<b>Resolution No. 35, Series 2020, A RESOLUTION OF THE TOWN OF SILT APPROVING THE SCHOELLER SPECIAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A FACTORY BUILT/MODULAR DUPLEX STRUCTURE ON A PERMANENT FOUNDATION AT 734 N. 7<sup>TH</sup> STREET, WITHIN THE TOWN OF SILT, COLORADO</b>	<b>Action Item</b>	<b>Tab B Planner Mark Chain</b>
<b>6:50 10 min</b>	<b>Garfield County Referral – Ruiz Minor subdivision update</b>	<b>Action Item</b>	<b>Tab C Planner Mark Chain</b>
<b>7:00 60 min</b>	<b>Village at Painted Pastures Site Plan review application – Applicant Raley Ranch Project, LLC &amp; Presenters Doug Pratte and Team</b>	<b>Action Item (Recommendation to the BOT)</b>	<b>Tab D Planner Davis Farrar</b>
<b>8:00 20 min</b>	<b>Ordinance No. 12, Series 2020, AN ORDINANCE FOR THE TOWN OF SILT, COLORADO AMENDING AND RESTATING VARIOUS SECTIONS OF CHAPTERS 17.13 AND 17.73 OF THE SILT MUNICIPAL CODE RELATED TO THE LAND USE REGULATION OF MARIJUANA WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO</b>	<b>Public Hearing (Recommendation to the BOT)</b>	<b>Tab E Attorney Sawyer</b>
<b>8:20 10 min</b>	<b>Commissioner Comments</b>		
<b>8:30</b>	<b>Adjournment</b>		

The next regularly scheduled meeting of the Silt Planning & Zoning Commission is tentatively set for Tuesday, October 6, 2020, at 6:30 p.m. Items on the agenda are approximate and intended as a guide for the Planning and Zoning Commission. "Estimated Time" is subject to change, as is the order of the agenda. For deadlines and information required to schedule an item on the agenda, please contact the Town of Silt at 876-2353. Please be aware that this agenda is given to the public and to the Commission in electronic form. If you require a hard-copy, please request one before or after the scheduled meeting. Normal Town copying charges may apply. Thank you.

**TOWN OF SILT  
RESOLUTION NO. 35  
SERIES OF 2020**

**A RESOLUTION OF THE TOWN OF SILT (“TOWN”) APPROVING THE  
SCHOELLER SPECIAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION  
OF A FACTORY BUILT/MODULAR DUPLEX STRUCTURE ON A  
PERMANENT FOUNDATION AT 734 N. 7<sup>TH</sup> STREET, WITHIN THE TOWN OF  
SILT, COLORADO**

**WHEREAS**, the applicants and land owners, Jesse & Jordan Schoeller, (hereinafter “Applicants”), of 484 Canyon Creek Drive, Glenwood Springs, CO, 81601, are the owners of a vacant property located at 734 No. 7<sup>th</sup> Street (“Property”), within the Town of Silt, Colorado (“Town”);

**WHEREAS**, the Property currently is vacant and zoned R-2 General Residential Zone District, and

**WHEREAS**, the Applicants appeared before the Town Planning and Zoning Commission on July 7, 2020 and appealed an Interpretation of the Planning Director regarding findings related to Section 17.43.030(D) regarding architectural standards related to the proposed architectural features of single family/duplex structures; and

**WHEREAS**, The Town Planning and Zoning Commission reached a consensus that the Planning Director had correctly interpreted Section 17.43.030(D) of the Silt municipal Code regarding said architectural features; and

**WHEREAS**, on or about May 25, 2020, the applicants submitted a special use permit application requesting approval of the factory built/modular structure proposed for the property; and

**WHEREAS**, Town staff processed the Application and forwarded the Application as well as staff comments about the Application in various memoranda to the Town Planning and Zoning Commission (“Commission”); and

**WHEREAS**, the Commission reviewed and discussed the Application at its regular meeting on October 6, 2020; and

**WHEREAS**, the Commission recommended to the Board of Trustees (“Board”) that the request be granted and that a special use permit be issued with conditions as stated in the staff report and in this resolution; and

**WHEREAS**, the Board held a public hearing concerning the approval of the Application and special use permit at the Board’s regularly scheduled meeting on October 13, 2020; and

**WHEREAS**, upon proper consideration and review of the Schoeller Special Use Permit request, the Board has determined that approval of the special use permit is in the best interests of the Town and its residents; and

**WHEREAS**, the Board finds that the requirements of Silt Municipal Code Chapters 17.78 and other sections have been met substantially by the Applicants and that the Schoeller Special Use Permit should be granted.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, THAT** the Schoeller Special Use Permit is hereby approved for a Factory Built/Modular residential duplex structure at 734 No. 7<sup>th</sup> Street within the Town of Silt, Colorado (“Town”) subject to the following conditions:

1. That all statements made by the applicants both in the application and in meetings before the Planning & Zoning Commission and the Board of Trustees, be considered conditions of approval, unless modified in the following conditions:
2. That the applicants provide a Shared Access/Driveway Agreement satisfactory to the Planning Department and the Town Attorney which includes provisions for cooperative use and allocating maintenance costs.
3. That a 10-foot irrigation easement be provided along the Front Property boundary and along a portion of the east property boundary in order to accommodate an irrigation line to the applicant and adjacent properties and to other properties if possible.
4. That the existing power pole and overhead electric line be taken care of to the satisfaction of the Building Department and the Town during the building permit and construction process. Easements may be necessary.
5. That the applicant complies with the architectural requirements required by the Planning Director and confirmed that the July 7, 2020 Planning Commission meeting.
6. That the applicant complies with intensity of permitted use regulations outlined in Section 17.20.010 E (1-5) of the Silt Municipal Code.
7. That the applicant pays all fees related to the Town's fees related to the Special Use Permit application, including but not limited to actual public notification costs, copying and printing costs, administrative fees and any consultant costs.

**INTRODUCED, READ, PASSED AND ADOPTED** at a regular meeting of the Board of Trustees of the Town of Silt, Colorado held on the 13<sup>th</sup> day of October, 2020.

TOWN OF SILT

ATTEST:

\_\_\_\_\_  
Mayor Keith B. Richel

\_\_\_\_\_  
Town Clerk Sheila M. McIntyre, CMC

## STAFF REPORT

For the Planning & Zoning Commission Meeting of October 6, 2020

<b>Application:</b>	Schoeller Special Use Permit
<b>Applicant &amp; Property Owner:</b>	Jesse and Jordan Schoeller 484 Canyon Creek Drive Glenwood Springs, CO 81601
<b>Site Location:</b>	734 N. 7th Street
<b>Acreage:</b>	1.21 Acres (52,708 ft. <sup>2</sup> )
<b>Present Zoning:</b>	R-2 General Residential Zone District
<b>Present Land Use:</b>	Vacant
<b>Proposed Zoning:</b>	No change requested
<b>Public Notice:</b>	Public notice need only occur at Board of Trustee Meeting.
<b>Fees:</b>	\$250.00 application fee, consultant attorney and engineer fees (if any), plus 15% administrative fee on all consultant charges (if any), plus public notice and copying charges
<b>Adjacent Zoning:</b>	South – Public Utility Zone District & R-3 North – R-2 General Residential Zone District West – County (Rural “R” Zone District) East – R-2 General Residential Zone District

### Background

Before you tonight is a request from Jesse and Jordan Scholer for a Special Use Permit in order to build a Factory built Duplex in the Town’s R– 2 zone district. The Schoellers appeared before you at the July 7 meeting to appeal the Planning Directors decision regarding architectural features on the duplex. The Planning Commission upheld the Directors Decision stating that she had correctly implemented Section 17.43.030 (D) of the Municipal Code regarding architectural features of single-family/duplex structures. It is my understanding that the applicants have made the necessary changes to their structure and wish to move forward. A copy of that portion of the Planning Commission Minutes from July 7 is attached at the end of the staff report.

### I. Applicant’s Description of Proposal

The applicant states that they are seeking to build a factory built duplex on land in the R-2 Zone District. The Municipal Code states that R-2 Zone District is a general residential district where medium density housing is encouraged. The applicants indicate that they are in compliance with the Comprehensive Plan by promoting infill development/redevelopment which should be a first priority for future growth. The applicants Letter of Request is included on the following page.

The subject property is approximately 1.21 acres in size and is currently vacant. It is located on 7<sup>th</sup> Street at the edge of Old Town. The site lies north/northwest of the Town's Public Works Shop and other town owned properties and south of the Eagles View Subdivision. The town also owns some vacant land southwest of the Schoeller property on the west side of 7th Street. Finally, the James Craig Bair Ranch Company owns over 100 acres to the west.

A location map is attached as well as a site plan/survey of the site from Bookcliff Surveys. The property shows a driveway on the site which currently provides access to the Carpenter Property and adjacent parcel to the west. There is also a power pole and overhead electric line which will need to be taken care of as part of the building permit and development process. Town Staff has also identified the desirability of having an irrigation easement for nontreated water along the front property line.

## **II. Comprehensive Plan General Policies and Goals– Designated Urban Growth Areas**

### **Neighborhood Residential**

The Comprehensive Plan as amended in 2017 designates this parcel with a Neighborhood Residential Land Use Designation. The description of this Designation indicates that properties with this Land Use Designation are expected to have medium to high densities with up to 16 units per acre. The area is also intended for a variety of housing types; including single-family dwellings, duplexes and smaller multifamily dwellings. ADU's may also be included. This site is also consistent with the locational criterion – that being designated for properties typically located north of downtown with sufficient infrastructure. The “Downtown” core can definitely benefit by having residents located in close proximity. The Comp Plan goes on to suggest that the town should use good planning techniques to intersperse higher densities with lower to medium densities in order to spread out impacts.

**Policy A.1-“ Promote compact development patterns by encouraging infill and new development within the Tier 1 Primary Growth Area”** is supportive of this development.

May 25, 2020

734 N 7th St Silt, Colorado 81652

To the Town of Silt Community Development:

We Jordan and Jesse Schoeller plan on building a factory built duplex in the Town of Silt on our land which is currently R2 zoning. Silt's Municipal Code states that R2 zoning is a general residential district with medium density housing encouraged. Because R2 zoning does not include factory built homes we are applying for a special use permit.

Within the Town of Silts' Comprehensive Plan; under Growth Framework; states that the Town would like to "Promote infill development/redevelopment which should be first priority for future growth, instead of continuously expanding borders with annexations" Because our property is near the downtown core, we meet this criteria of infill development. The comprehensive plan also states that it would like to promote a range of attainable housing choices and "strive for a diverse, integrated housing supply that is affordable, and accessible to all citizens within all residential zone districts"

A factory built duplex is compatible with the immediate area's surroundings because it blends in yet brings its own character to the Town of Silt while also providing housing for two families. The construction process will be less disruptive to the surrounding area because the majority of construction takes place off site. A factory built duplex will ensure that the design matches Silt's building requirements and adds to the town. This request best meets the use of the land because the building site is currently vacant and unused and being that it is currently zoned for medium density residential use, a factory built duplex is just the right amount of everything.

JESSE SCHOELLER



5/25/2020

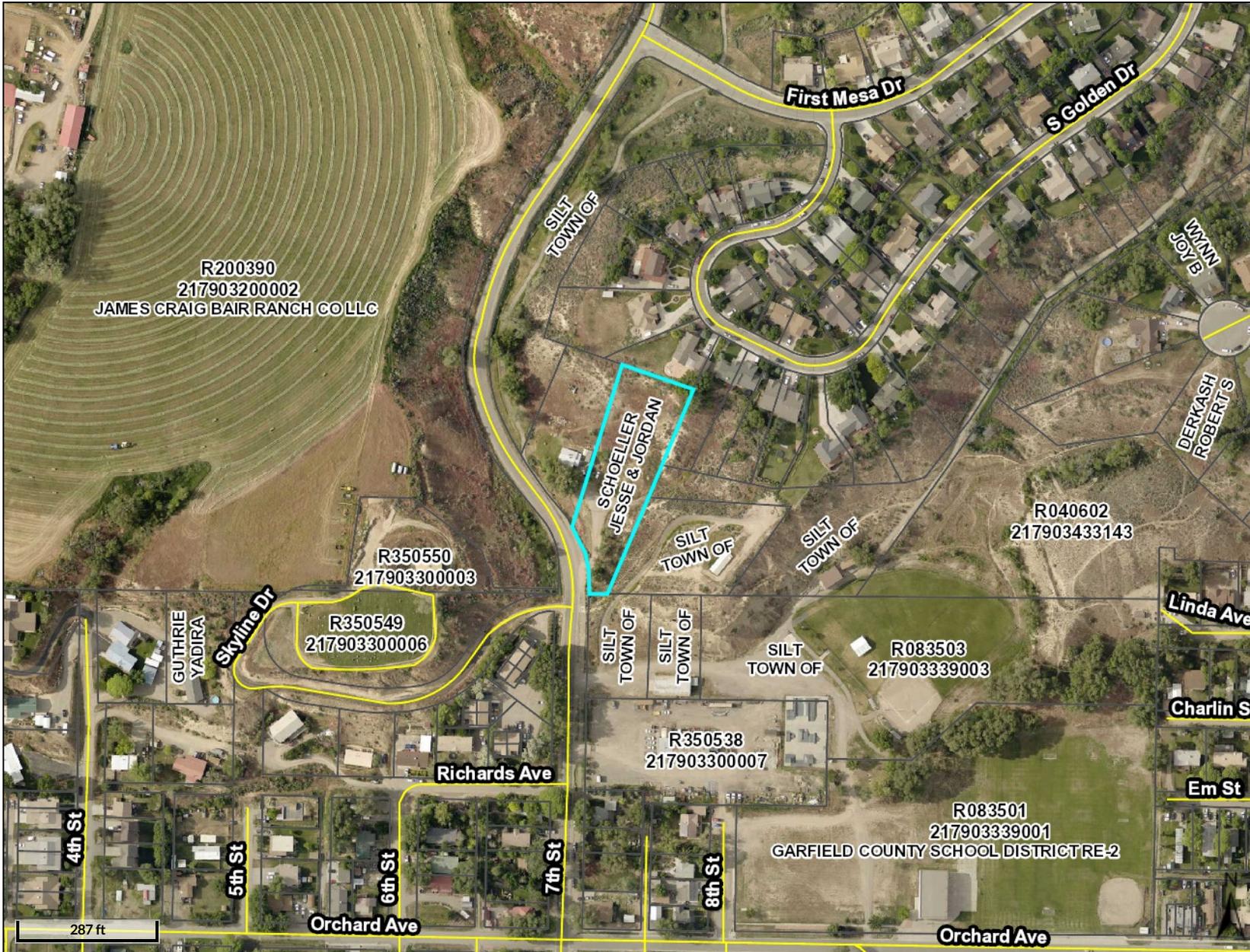
JORDAN SCHOELLER



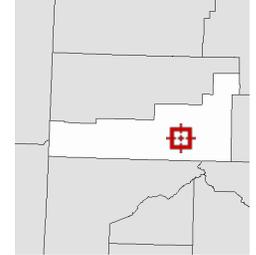
5/25/2020

# Schoeller Location Map

Created by: Mark Chain



## Overview



## Legend

- Parcels
- Roads
- Parcel/Account Numbers
- Owner Name
- Highways**
  - Limited Access
  - Highway
  - Major Road
  - Local Road
  - Minor Road
  - Other Road
  - Ramp
  - Ferry
  - Pedestrian Way
- Lakes & Rivers
- County Boundary Line

### **Economic Development**

This development can also be considered to be compatible with some of the goals and policies contained in the Economic Development Component of the Comprehensive Plan. Specifically, policy C.1 “promote a viable, vibrant downtown area that serves as a hub to the community”.

While this minor development does not check all the boxes for the Action Items within this particular major policy, it is with small steps like this that a critical population mass can locate and live in close proximity to the Downtown area. Enhancement of the Downtown and encourage vibrant residential areas can help the town reach some of its land use and economic development goals.

In summary, a quick look at the Comprehensive Plan shows that this development application is consistent and in keeping with the Comprehensive Plan.

### **III. Pertinent Silt Municipal Code - B-1 (General Business) Zone District**

#### **17.13.020 Schedule of uses.**

<b><u>Type of Use Requested</u></b>	<b><u>R-2 Zone District</u></b>
Factory built, manufactured and modular residential units on permanent foundation	Special Use Permit

**(Comment: Factory built and modular residential units are called out as being allowed by Special Use Permit in the R-2 Zone District).**

#### **17.40.010 Intensity of permitted use regulations.**

Subsection E. Contains the following intensity of permitted use regulations for Duplex Units as follows:

1. Each unit shall be equipped with separately tap service lines from the mainline for water, wastewater, and irrigation, on each unit’s respective property, and further supply with separate water meter and separate water curb stop;
2. Each unit shall be equipped with separately tapped service line for electricity, natural gas, cable and telephone;
3. Applicant shall apply for each duplex unit on a separate original permit, as supplied by the town;
4. Parking for each Unit shall be represented on property appurtenant to such unit, and in conformance with this code; and



5. Each Duplex Unit shall be built in conformance with the Towns of adopted building code, assuming a lot line between the firewall separating the units.

**(Comment: The Applicant will have to comply with these code requirements at time of building permit and construction. The staff member is not certain in this case that each duplex unit is required to be on a separate permit, as it is one property owned by the applicant.)**

**17.78.010 Special use.**

This land use – factory built/modular homes is called out as special use permitted in this zone district under certain conditions. A special use is granted by a special use permit which is defined at Section 17.08.550. A special use may or may not be appropriate and may or may not be allowed by the board, in its discretion.

**(Comment: The Planning & Zoning Commission shall make a recommendation to the Board of Trustees.)**

**17.78.020 When allowed.**

Special uses may be permitted only upon prior approval of the board. The Board shall first receive and consider recommendations from the planning and zoning commission and town administration, and shall conduct a public hearing.

**(Comment: The Planning & Zoning Commission's recommendation will be promptly forwarded to the Board of Trustees for its consideration.)**

**17.78.030 Review Criteria for Planning Commission Decisions**

Criteria for review of Special Use Applications are:

- A. Compliance of the application with this code;  
**(Comment: Application is in general conformance with Chapter 17.78 Special Use Permits-**
- B. Compatibility of the proposal with the character of the surrounding area;  
**(Comment: This proposal is in general compatibility with the surrounding area, as there are other residential uses in the immediately adjacent area. Medium density housing is allowed in this Zone District. Relatively large lot size does allow this proposal to be compatible with adjacent residential and single-family properties. There are also some duplex/townhome structures in Eagles View).**
- C. Desirability and need for the proposed use;  
**(Comment: The proposed land use appears to be consistent with Town zoning regulations and the Comprehensive Plan)**
- D. Encouragement of the most appropriate use of land throughout town;  
**(Comment: This land use and density is appropriate for the specific location.)**
- E. Potential for adverse environmental influences that might result from the proposed use;

**(Comment: a quick inspection of the property and this general location indicate that adverse environmental impacts are unlikely or would be negligible)**

- E. Compatibility of the proposed use with the comprehensive plan; and  
**(Comment: the proposal is compatible with the Comprehensive Plan).**
- F. Adequate provision for ingress and egress of vehicular and other traffic; parking, servicing and loading/unloading; refuse and service areas; utilities; screening and buffering; signage; yards and open space; and any other items determined necessary or appropriate by the board.

**Discussion/comments below:**

- 1. Shared Driveway. As indicated above, the property to the west accesses its lot through the subject property. I have discussed this with the applicant. Staff recommends that there be some kind of Shared Access/Driveway agreement or easement if the adjacent property is to continue to use this lot for access. It is my understanding that the two property owners are working together. A Shared Access/Easement Agreement can take care of legal issues and maintenance costs can be shared – and hopefully misunderstandings or arguments eliminated. Note: if this was not a pre-existing condition, I would recommend against shared access.**
- 2. Irrigation Easement. The Public Works Director has indicated to me that it would be a good idea to suggest that an irrigation easement be provided across the subject property. This would allow nontreated, irrigation water to be expanded in this area serving the subject site and at a minimum the adjacent property to the west/northwest. This appears to make sense and take pressure off future demand of treated water - putting off the need for expansion of the town's municipal, domestic system.**
- 3. Utilities. As noted earlier in this report, there is an existing power pole and an overhead electrical line on the subject property. This should be taken care of as part of the building permit and development process.**

**17.78.040 Application – Public Hearing – Enforceability**

- A. A person desiring a special use permit shall submit a written application on a form supplied by the town. The application shall address all review criteria. The town administration shall review the application and refer the same, with recommendations, to the planning and zoning commission. The planning and zoning commission shall consider the application at a regular meeting. The planning and zoning commission shall cause the application to be referred to

the board, with the town administration's recommendations and the recommendations of the planning and zoning commission.

- B. A public hearing shall be held by the board after notifying adjoining property owners of the subject property and after posting notice of such hearing at least fifteen days prior to such hearing in a public place in the community.
- C. Following the hearing, the board shall issue its decision on the application. The board may grant, deny, or grant with terms and conditions the application. On any grant of special use permit, the board may impose terms, conditions, limitations, restrictions and requirements as the board deems necessary, advisable or convenient. With any such grant, the board shall include specific provisions to assure the town's enforceability of the special use permit provisions and the applicant's continuing compliance with all of its terms, conditions, limitations, restrictions and requirements. (Ord. 12, Series of 1984 § 8 (part)).
- D. The applicant for special use permit or any other action under this chapter shall be responsible for all fees and charges incurred by the town in connection with such application, including, but not limited to, legal fees, planning fees, engineering fees, and filing or recording fees. In addition, the applicant shall submit a fifteen percent administrative fee based on the total of all consultant charges for the review of the special use permit application.

**IV. Recommendation:**

Staff recommends that the P & Z recommend to the Board of Trustees approval of the Schoeller Special Use Permit, with the following conditions:

- 1) That all statements made by the applicants both in the application and in meetings before the Planning & Zoning Commission and the Board of Trustees, be considered conditions of approval, unless modified in the following conditions:
- 2) That the applicants provide a Shared Access/Driveway Agreement satisfactory to the Planning Department and the Town Attorney which includes provisions for cooperative use and allocating maintenance costs.
- 3) That a 10-foot irrigation easement be provided along the Front Property boundary and along a portion of the east property boundary in order to accommodate an irrigation line to the applicant and adjacent properties and to other properties if possible.
- 4) That the existing power pole and overhead electric line be taken care of to the satisfaction of the Building Department and the Town during the building permit and construction process. Easements may be necessary.

- 5) That the applicant comply with the architectural requirements required by the Planning Director and confirmed that the July 7, 2020 Planning Commission meeting.
- 6) That the applicant comply with intensity of permitted use regulations outlined in Section 17.20.010 E (1-5) of the Silt Municipal Code.

## Attachments

Relevant Portion of Minutes of July 7, 2020 Planning Commission Meeting

Scholler Special Use Permit Application

**Tab 3 – Appeal to Decision by Community Development Director regarding Compliance of Duplex Architectural Renderings and Site Plan with Chapter 17.43 of the Silt Municipal Code**

At 6:36 p.m., Director Aluise reviewed the staff memo for the Commission, stating that the Schoellers are requesting approval of the architectural elements to the duplex structure proposed at 734/736 North 7<sup>th</sup> Street. She stated that her review of their architectural renderings precedes their actual Special Use Permit Application for a modular/manufactured structure. Director Aluise reviewed Section 17.43.030(D) for the Commission, with specific emphasis on (4), which states that an applicant shall provide no fewer than three roof features, upper level accents or architectural features on the front and/or side of the structure that can be seen from the street. As each unit must have twenty-five points, she used her professional judgment to arrive at twenty points for each unit, attributing five points for the lower horizontal rusting metal wainscot, five points for the bands on the corners of the structure and between the units, five points for the 'oriel' window, and five points for the roof pitch change over the doorways.

At 6:42 p.m., the Commission had the following discussion:

- The Community Development Department correctly applied the code, as the proposed unit is rather plain;
- The 'oriel' windows are proposed for small windows and would not really add architectural appeal to the units; and
- Front porches might help to both achieve points and make the units look better.

At 7:04 p.m., Jordan and Jesse Schoeller addressed the Commission, thanking them for giving direction and insight to the architectural features. Mr. Schoeller stated that it was his intent to have the lower horizontal wainscot at least one-third the building height and would amend the drawing to indicate dimensions (building height is measured from grade to midspan of roof). Mr. Schoeller also stated that he understood that the Commission did not deem the roof pitch change above the doorways as 'dormers', but would work to enhance the front entrance.

At 7:09 p.m., the Commission had consensus that Director Aluise had correctly implemented Section 17.43.030(D) of the Silt Municipal Code regarding architectural features of single family/duplex structures.

**Old Business**

Chair Classen inquired if the Silt area businesses are still suffering. Director Aluise stated that the Food Voucher Program, the Business Highlight Program, and the No-Interest Small Business Loan Program were all designed to help local businesses and she felt that these programs have helped both small businesses and the citizenry. However, she added that some businesses are still likely not up to pre-Covid sales/activity.

Chair Classen inquired about the Painted Pastures approvals. Director Aluise stated that the staff is reviewing the Village at Painted Pastures Final Plat/Plan now and it will be on the Board's agenda on July 27, 2020.



## Land Use Application Form

<input type="checkbox"/> Amended Plat	<input type="checkbox"/> Boundary Adjustment	<input type="checkbox"/> Subdivision Exemption
<input type="checkbox"/> Annexation	<input type="checkbox"/> Sketch Plan	<input type="checkbox"/> Floodplain Development
<input type="checkbox"/> Final Plan	<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Vacation of Right-of-Way
<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Re-Subdivision Final Plan
<input type="checkbox"/> Easement Agreement	<input type="checkbox"/> Zoning or Rezoning	<input type="checkbox"/> Subdivision Improvement Agreement
<input type="checkbox"/> Preliminary Plan	<input checked="" type="checkbox"/> Special Use Permit	<input type="checkbox"/> Annexation & Development Agreement
<input type="checkbox"/> Zoning Variance	Other: _____	

**Project Name:** Schoeller

**Project Description / Property Information:**  
 Address: 734 N 7<sup>th</sup> ST Parcel ID Number: \_\_\_\_\_  
 Legal Description (*attach additional sheets if necessary*): \_\_\_\_\_  
 \_\_\_\_\_  
 Access to Property: Open  
 Acreage or Square Footage: \_\_\_\_\_ Existing Land Use Designation: \_\_\_\_\_  
 Proposed Land Use Designation: \_\_\_\_\_  
 Existing Zoning: R-2 Proposed Zoning: \_\_\_\_\_  
 Proposed Use / Intensity of Use: Duplex

**Submittal Requirements:**

- Initially, a completed application with original signatures and four copies shall be submitted to the department for review. The application shall include four sets of 24" x 36" plans, plats and other appropriate drawings. Application must also be submitted in electronic format (MS Word).
- In addition to this application, all information on the supplemental checklist must be submitted.
- Incomplete applications will not be accepted and will delay processing.
- When the documents are deemed adequate, additional copies as required by the department shall be submitted ten (10) days before the public hearing.
- All documents submitted for public hearing shall be hole-punched, collated and paper-clipped (no staples). All plans, plats or drawings shall be folded to 8 1/2" x 11" and inserted into the collated application. Each individual application shall be banded together and ready for public distribution.

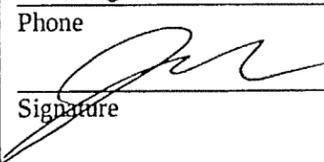
**STAFF USE ONLY**

Pre-app conference: _____ (date)	Application received: _____ (date)
Application complete: _____ (date)	File Number: _____
Fees: _____	Referrals Sent: _____ (date)
Deposits: _____	PZC approval: _____ (date)
Paid: _____ (date)	BOT approval: _____ (date)

**Project Team Information** (fill in all that apply) (add additional sheets of needed):

**Property Owner(s):** Name: Jesse & Jordan Schoeller Phone: \_\_\_\_\_  
Company: \_\_\_\_\_ Fax: \_\_\_\_\_  
Address: 484 Canyon Creek Dr Glenwood Springs CO 81601  
**Authorized Rep.:** Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Company: \_\_\_\_\_ Fax: \_\_\_\_\_  
Address: \_\_\_\_\_  
**Engineer/Designer:** Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Company: \_\_\_\_\_ Fax: \_\_\_\_\_  
Address: \_\_\_\_\_  
**Billable Party:** Owner  Representative \_\_\_\_\_ Engineer \_\_\_\_\_

The Billable Party, by signing below, hereby agrees to reimburse the Town the actual costs to the Town plus 15% administrative fees for all engineering, surveying and legal services rendered in connection with the review of the Application. The Billable Party shall also reimburse the Town for the cost of making any corrections or additions to the master copy of the official Town map and for any fees for recording any plats and accompanying documents with the County Clerk and Recorder of Garfield County. The Billable Party agrees that interest shall be imposed at a rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In addition to any and all remedies available to the Town and in the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect attorney's fees and costs incurred in said collection efforts in addition to the amount due and unpaid.

Jesse Schoeller § \_\_\_\_\_  
Name (printed)  
484 Canyon Creek Drive Glenwood Springs CO 81601  
Address  
970-618-2860  
Phone Fax  
  
Signature  
\_\_\_\_\_  
Type of Identification

**Disclosure of Property Ownership**

- If owner is an individual, indicate name exactly as it appears on the deed.  
 If owner is a corporation, partnership, limited partnership or other business entity, name principals on a separate page. Please include articles of organization, partnership agreement, etc., as applicable.  
 If owner is a land trust, name beneficiaries on a separate page.  
 If applicant is a lessee, indicate the owner(s) on a separate page.  
 If applicant is a contract purchaser, attach a copy of the contract and indicate the owner(s) on a separate page.

Please provide the name(s), mailing address(es), street address(es) and phone number(s) for all owners.

**Tab 3 – Appeal to Decision by Community Development Director regarding Compliance of Duplex Architectural Renderings and Site Plan with Chapter 17.43 of the Silt Municipal Code**

At 6:36 p.m., Director Aluise reviewed the staff memo for the Commission, stating that the Schoellers are requesting approval of the architectural elements to the duplex structure proposed at 734/736 North 7<sup>th</sup> Street. She stated that her review of their architectural renderings precedes their actual Special Use Permit Application for a modular/manufactured structure. Director Aluise reviewed Section 17.43.030(D) for the Commission, with specific emphasis on (4), which states that an applicant shall provide no fewer than three roof features, upper level accents or architectural features on the front and/or side of the structure that can be seen from the street. As each unit must have twenty-five points, she used her professional judgment to arrive at twenty points for each unit, attributing five points for the lower horizontal rusting metal wainscot, five points for the bands on the corners of the structure and between the units, five points for the 'oriel' window, and five points for the roof pitch change over the doorways.

At 6:42 p.m., the Commission had the following discussion:

- The Community Development Department correctly applied the code, as the proposed unit is rather plain;
- The 'oriel' windows are proposed for small windows and would not really add architectural appeal to the units; and
- Front porches might help to both achieve points and make the units look better.

At 7:04 p.m., Jordan and Jesse Schoeller addressed the Commission, thanking them for giving direction and insight to the architectural features. Mr. Schoeller stated that it was his intent to have the lower horizontal wainscot at least one-third the building height and would amend the drawing to indicate dimensions (building height is measured from grade to midspan of roof). Mr. Schoeller also stated that he understood that the Commission did not deem the roof pitch change above the doorways as 'dormers', but would work to enhance the front entrance.

At 7:09 p.m., the Commission had consensus that Director Aluise had correctly implemented Section 17.43.030(D) of the Silt Municipal Code regarding architectural features of single family/duplex structures.

**Old Business**

Chair Classen inquired if the Silt area businesses are still suffering. Director Aluise stated that the Food Voucher Program, the Business Highlight Program, and the No-Interest Small Business Loan Program were all designed to help local businesses and she felt that these programs have helped both small businesses and the citizenry. However, she added that some businesses are still likely not up to pre-Covid sales/activity.

Chair Classen inquired about the Painted Pastures approvals. Director Aluise stated that the staff is reviewing the Village at Painted Pastures Final Plat/Plan now and it will be on the Board's agenda on July 27, 2020.



A PARCEL OF LAND SITUATED IN THE NE1/4SW1/4 AND THE SE1/4SW1/4 OF SECTION 3, TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE SIXTH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO. SAID PARCEL OF LAND IS MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 214 WHENCE THE INTERSECTION OF NORTH SEVENTH STREET AND GRAND AVENUE IN THE TOWN OF SILT, GARFIELD COUNTY, COLORADO, BEARS: S. 00° 21'06" W. 1456.10 FEET;

(WHENCE THE WEST QUARTER CORNER OF SAID SECTION 3 BEARS: N. 60° 30'53" W. 2324.28 FEET);

THENCE N. 16° 21'00" E. 325.33 FEET;

THENCE S. 71° 00'00" E. 152.67 FEET;

THENCE S. 21° 06'00" W. 440.12 FEET;

THENCE N. 29° 17'00" W. 132.61 FEET TO A POINT ON SAID RIGHT-OF-WY LINE;

THENCE 34.89 FEET ALONG A CURVE TO THE LEFT ALONG SAID RIGHT OF-WAY LINE, HAVING A RADIUS OF 202.30 FEET, THE CHORD OF WHICH BEARS: N. 21° 14'37" W. 34.85 FEET TO THE POINT OF BEGINNING.

COUNTY OF GARFIELD,  
STATE OF COLORADO

May 25, 2020

734 N 7th St Silt, Colorado 81652

To the Town of Silt Community Development:

We Jordan and Jesse Schoeller plan on building a factory built duplex in the Town of Silt on our land which is currently R2 zoning. Silt's Municipal Code states that R2 zoning is a general residential district with medium density housing encouraged. Because R2 zoning does not include factory built homes we are applying for a special use permit.

Within the Town of Silts' Comprehensive Plan; under Growth Framework; states that the Town would like to "Promote infill development/redevelopment which should be first priority for future growth, instead of continuously expanding borders with annexations" Because our property is near the downtown core, we meet this criteria of infill development. The comprehensive plan also states that it would like to promote a range of attainable housing choices and "strive for a diverse, integrated housing supply that is affordable, and accessible to all citizens within all residential zone districts"

A factory built duplex is compatible with the immediate area's surroundings because it blends in yet brings its own character to the Town of Silt while also providing housing for two families. The construction process will be less disruptive to the surrounding area because the majority of construction takes place off site. A factory built duplex will ensure that the design matches Silt's building requirements and adds to the town. This request best meets the use of the land because the building site is currently vacant and unused and being that it is currently zoned for medium density residential use, a factory built duplex is just the right amount of everything.



Parcel	Physical Address	Owner
217903200002	368 231 COUNTY RD SILT	JAMES CRAIG BAIR RANCH CO LLC
217903300001	839 N 7TH ST SILT	CARPENTER, KENNETH A & DESIREE D
217903300002	734-000736 N 7TH ST SILT	SCHOELLER, JESSE & JORDAN
217903300003	697 N 7TH ST SILT	SILT, TOWN OF
217903300006	697 N 7TH ST SILT	SILT, TOWN OF
217903300011	642 N 7TH ST SILT	SILT, TOWN OF
217903300013	192 S GOLDEN DR SILT	SILT, TOWN OF
217903300015	Not available SILT	SILT, TOWN OF
217903325001	695 N 7TH ST #1 SILT	695 NTH 7TH LLC
217903325002	693 N 7TH ST SILT	TAUSSIG, TUCKER C
217903325004	689 N 7TH ST SILT	KELLS, MATTHEW
217903325005	687 N 7TH ST SILT	DOMINGUEZ ANTILLON, IGNACIO
217903325016	Not available SILT	SKYLINE CONDO, INC
217903326004	137 S GOLDEN DR SILT	SIGNORINI, JEREMY E & REBECCA A
217903326005	149 S GOLDEN DR SILT	BOLING, MICHAEL & DIANE R
217903326006	161 S GOLDEN DR SILT	BISHOP, NEIL TIMOTHY & SHERRONNA PATRICIA
217903326021	97 FIRST MESA DR SILT	SILT, TOWN OF
217903326022	331 FIRST MESA DR SILT	SILT, TOWN OF
217903326023	150 S GOLDEN DR SILT	SANCHEZ, OSCAR G & DIANA L
217903326024	156 S GOLDEN DR SILT	LOVAS, SAMANTHA N
217903326025	162 S GOLDEN DR SILT	WILLIAMS, LANCE A & ALYSSA L
217903326033	173 S GOLDEN DR SILT	CLARK, CARRIE M TRUST
217903326034	179 S GOLDEN DR SILT	FULK, CODY & MICHAELA
217903326039	181 S GOLDEN DR SILT	BROOKS, KASEY & BROOKS, CHRISTINE
217903326040	185 S GOLDEN DR SILT	GOMEZ, MOISES
217903339003	Not available SILT	SILT, TOWN OF

Account Num	Mailing Address
R200390	66418 HIGHWAY 6 & 24 GLENWOOD SPRINGS, CO 81601
R200216	738 N 7TH STREET SILT, CO 81652
R200137	484 CANYON CREEK DRIVE GLENWOOD SPRINGS, CO 81601
R350550	PO BOX 70 SILT, CO 81652
R350549	PO BOX 70 SILT, CO 81652
R350551	PO BOX 70 SILT, CO 81652
R350817	PO BOX 70 SILT, CO 81652
R083040	PO BOX 70 SILT, CO 81652
R350421	1262 GRAND AVENUE SILT, CO 81652
R350422	693 N 7TH STREET SILT, CO 81652
R350424	689 7TH STREET SILT, CO 81652
R350425	200 W 20TH STREET #C25 RIFLE, CO 81650
R350522	699 NORTH 7TH STREET SILT, CO 81652
R350967	137 S GOLDEN DRIVE SILT, CO 81652
R350968	149 S GOLDEN DRIVE SILT, CO 81652
R350969	161 S GOLDEN DRIVE SILT, CO 81652
R351043	PO BOX 70 SILT, CO 81652
R351044	PO BOX 70 SILT, CO 81652
R351152	993 E 18TH STREET RIFLE, CO 81650
R351153	156 S GOLDEN DRIVE SILT, CO 81652
R005374	162 S GOLDEN DRIVE SILT, CO 81652
R008502	4630 MOUNTAIN SPRINGS ROAD GLENWOOD SPRINGS, CO 81601
R008503	179 S GOLDEN DRIVE SILT, CO 81652
R042033	181 S GOLDEN DRIVE SILT, CO 81652
R042034	170 CEDAR HILLS ROAD SILT, CO 81652-9588
R083503	PO BOX 70 SILT, CO 81652

## PUBLIC NOTICE

You are hereby notified that the Town of Silt Planning & Zoning Commission will conduct a Public Hearing to consider the following application. The Public Hearing will be held on July 7, 2020 at 6:30 p.m. in the Council Chambers at Silt Town Hall, 231 N. 7<sup>th</sup> Street.

Applicant:	Jesse & Jordan Schoeller
Property Owner:	Same
Subject Address;	
Description:	734/736 N. 7 <sup>th</sup> Street, a 1.21 acre parcel southeast of the Eagles View Subdivision
Legal Description:	Parcel # 217903300002 Section: 3 Township: 6 Range: 92 TR in the S1/2NESW
Applicant Request:	Construction of a factory-built duplex dwelling on a parcel zoned R-2, General Residential District

For more information, please contact the Town of Silt Community Development Department:

Mailing address:	P.O. Box 70, Silt, CO 81652
Town Hall address:	231 N. 7 <sup>th</sup> Street, Silt, CO 81652
Phone:	(970) 876-2353 Ext. 108
Fax:	(970) 876-2937
Email:	<a href="mailto:jaluisse@townofsilt.org">jaluisse@townofsilt.org</a>

May 25, 2020

734 N 7th St Silt, Colorado 81652

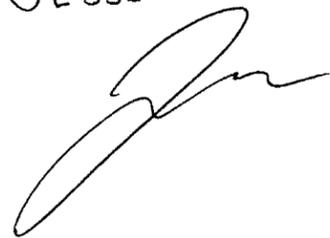
To the Town of Silt Community Development:

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JESSE SCHOELLER



5/25/2020

JORDAN SCHOELLER



5/25/2020

Good morning Janet,

Attached is the SUP. I am also attaching our new renderings.  
I will either drop a check in the mail or drop it off this afternoon. Let me know if you have any questions.

Thank you

Jesse

On Fri, Aug 7, 2020 at 10:43 AM Janet <[janet@townofsilt.org](mailto:janet@townofsilt.org)> wrote:

Fabulous, Jesse. We will not go back to P&Z, except with the completed SUP application. I will gladly take your resubmittals and your fee. Thanks so much!

Janet Aluise

Sent from my iPhone

> > On Aug 7, 2020, at 9:05 AM, Jesse Schoeller <[schjesse2@gmail.com](mailto:schjesse2@gmail.com)> wrote:

> Good morning Janet,

>

> Hope you have been well. We have made some changes to the duplex. We have added covered porches to the front and a few other things. We are also having more professional looking renderings drawn up right now.

>

> Do we need to get on the schedule for another meeting with the board?

>

> Thank you,

>

> Jesse & Jordan Schoeller

> 970-618-2860

>

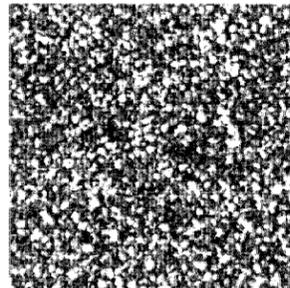
> Sent from my iPhone

Exterior Siding Color

Roof (shingle) Color

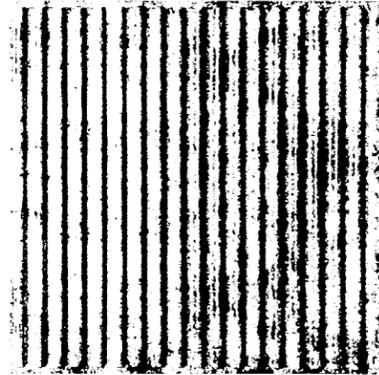


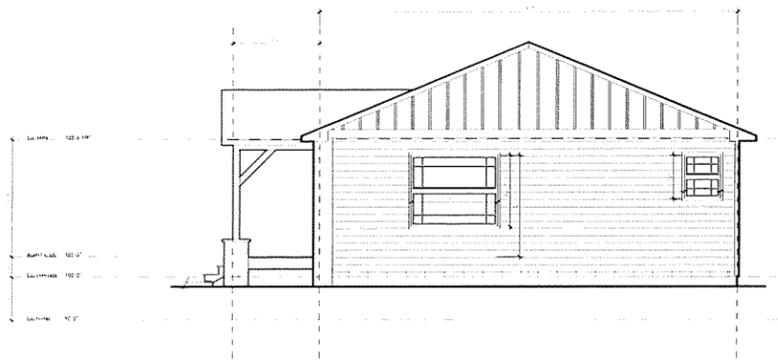
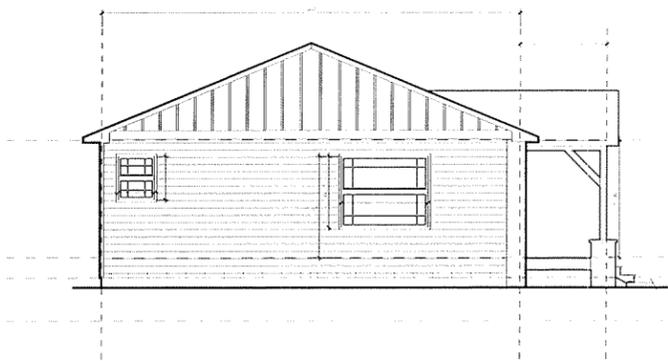
Flagstone



Rustic Redwood

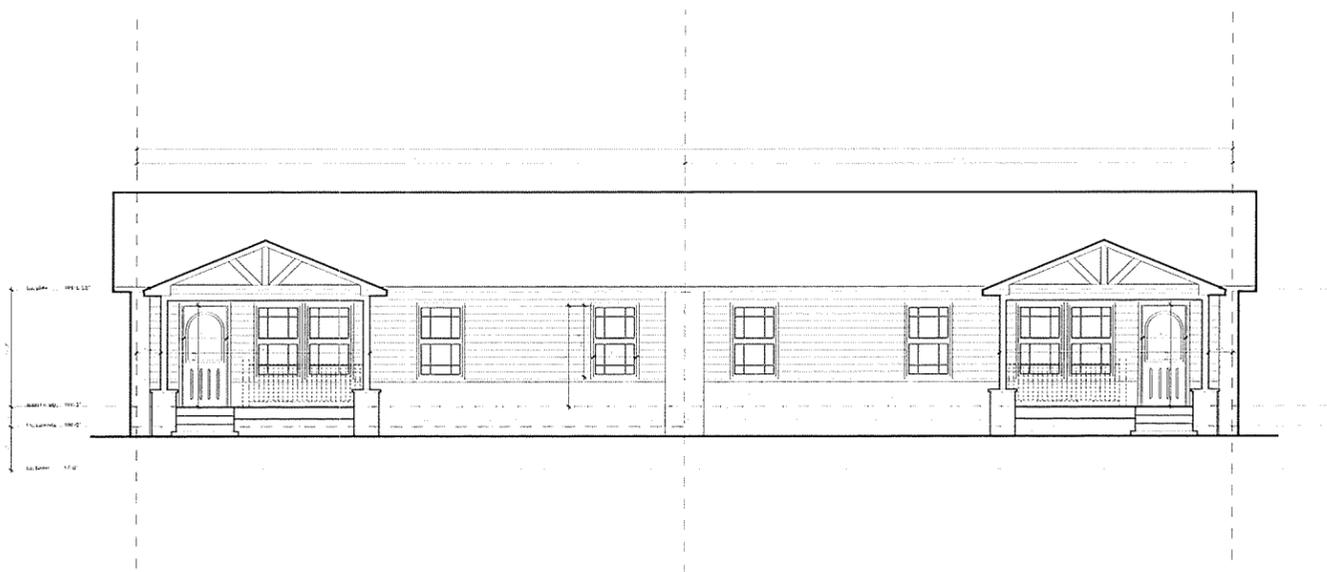
Wainscoting is Rusted Tin





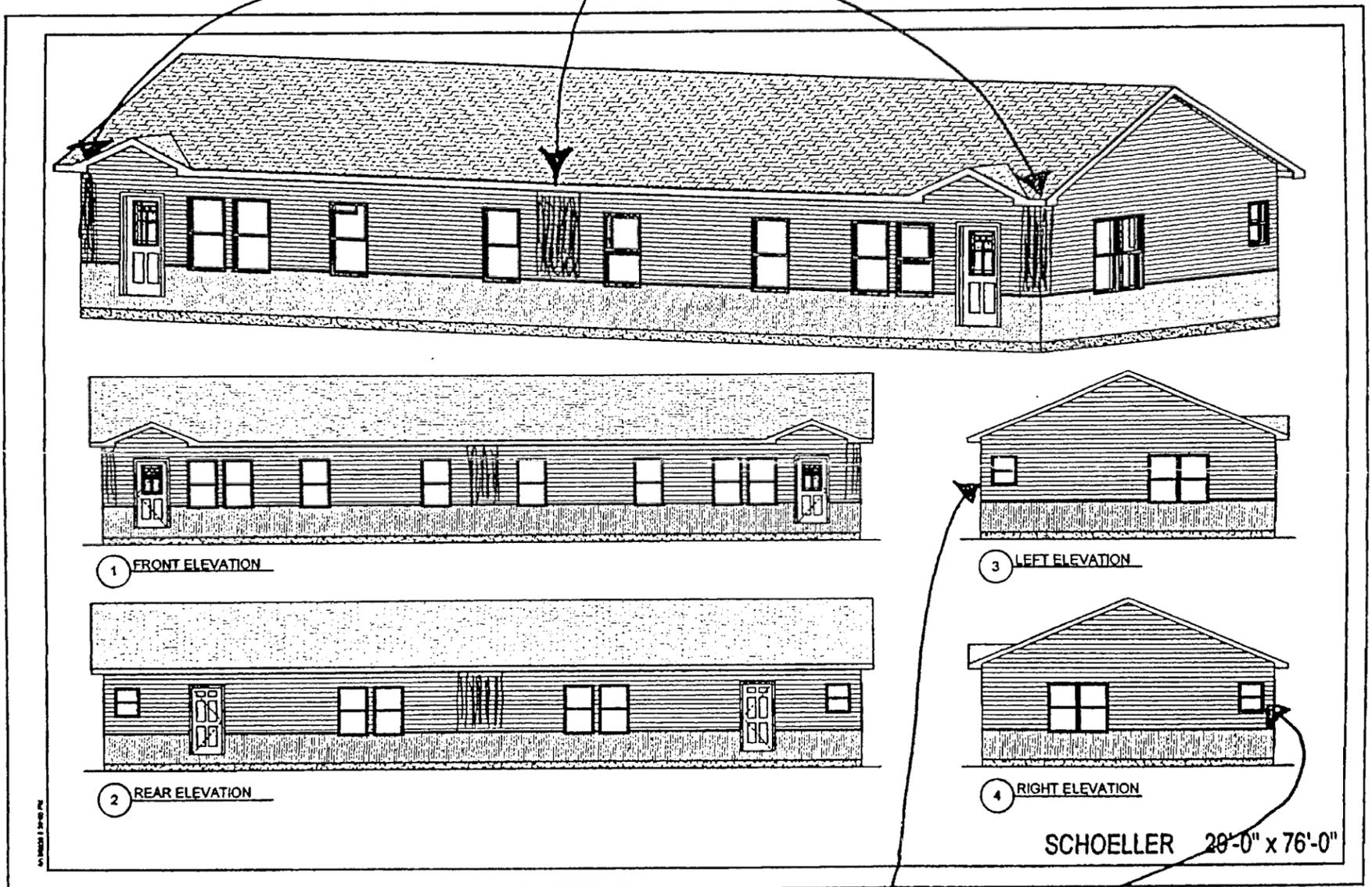
CEILING 12'-0"  
ROOF EAVE 10'-0"  
ELEVATION 10'-0"  
SILLING 1'-0"

REVISED



116.127

Add wainscot  
accent to eave



Add "NOTE"  
stating "oriel window"

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## MEMORANDUM

TO: Town of Silt Planning Commission  
FROM: Mark Chain, Contract Planner  
DATE: Ruiz Minor Subdivision – County referral  
RE: September 30, 2020

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Dear Planning Commission Members.

The Garfield County Community Development Department has referred to the town for their comment the Ruiz Minor Subdivision. Janet brought this to you in March of this year for initial comment. There is now formal application with the County and the referral comments are due by October 14. The application is for a three lot split for a parcel that is approximately 36 acres in size.

It is my understanding that the last time there were concerns about impacts to the Silt River Preserve. The other concerns I heard about informally were impacts of the town municipal water system if bulk water used was used. I just received this the other day and not had a chance to review it in detail. My comments are below:

Bulk Water Sales. The application is not asking for use of Town water. Instead, they have gone to West Divide Water Conservancy District to supply water and they have asked for an allotment for three lots. They have also made an application for a well permit though I am not sure if the well has been drilled yet at this time.

Silt River Preserve. It is my understanding that the Ruiz's met with Janet earlier in the year but they did not come to any resolution on this matter. I am only now becoming familiar with the Preserve since yesterday. I'm going to talk to the Aspen Valley Land Trust who is involved with this project and area as well as the Colorado Parks & wildlife to try to understand their concerns and what may be a good direction to take.

I will have more information for you at Tuesday's meeting.

Respectfully,  
*Mark Chain*

Mark Chain

Soil Map—Rifle Area, Colorado, Parts of Garfield and Mesa Counties  
(Ruiz Soil Map)



Map Scale: 1:5,310 if printed on a landscape (11" x 8.5") sheet.  
0 50 100 200 300 Meters  
0 250 500 1000 1500 Feet  
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84



**Garfield County**

Community Development Department  
 108 8<sup>th</sup> Street, Suite 401  
 Glenwood Springs, CO 81601  
 (970) 945-8212  
[www.garfield-county.com](http://www.garfield-county.com)

**DIVISIONS OF LAND  
APPLICATION FORM**

TYPE OF SUBDIVISION/EXEMPTION	
<input checked="" type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Preliminary Plan Amendment
<input type="checkbox"/> Major Subdivision	<input type="checkbox"/> Final Plat Amendment
<input type="checkbox"/> Sketch <input type="checkbox"/> Preliminary <input type="checkbox"/> Final	<input type="checkbox"/> Common Interest Community Subdivision
<input type="checkbox"/> Conservation Subdivision	<input type="checkbox"/> Public/County Road Split Exemption
<input type="checkbox"/> Yield <input type="checkbox"/> Sketch <input type="checkbox"/> Preliminary <input type="checkbox"/> Final	<input type="checkbox"/> Rural Land Development Exemption
<input type="checkbox"/> Time Extension	<input type="checkbox"/> Basic Correction Exemption

**INVOLVED PARTIES**

**Owner/Applicant**  
 Name: Esau Ruiz & Samuel Ruiz Phone: (970) 319-8647  
 Mailing Address: PO BOX 456  
 City: Silt State: CO Zip Code: 81652  
 E-mail: esauruiz90@gmail.com

**Representative (Authorization Required)**  
 Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

**PROJECT NAME AND LOCATION**

Project Name: Minor Subdivision

Assessor's Parcel Number: ~~21273-030-00-05~~ 21790-940-0002

Physical/Street Address: 16799 346 County Road, Silt CO

Legal Description: A parcel of land situate in the SE 1/4 of Section 9, Township 6 South, Range 92 West of the 10th P.M., County of Garfield, State of Colorado ~~35.351~~ 35.879

Zone District: Rural - Min. Lot Size 2 Property Size (acres): ~~40.6~~ acres  
acres

**RECEIVED**

AUG 21 2019  
**GARFIELD COUNTY  
 COMMUNITY DEVELOPMENT**

**Project Description**

Existing Use: Agricultural

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Proposed Use (From Use Table 3-403): \_\_\_\_\_

Description of Project: \_\_\_\_\_

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**Proposed Development Area**

Land Use Type	# of Lots	# of Units	Acreage	Parking
Single Family	3			
Duplex				
Multi-Family				
Commercial				
Industrial				
Open Space				
Other				
Total				

**REQUEST FOR WAIVERS**

**Submission Requirements**

The Applicant requesting a Waiver of Submission Requirements per Section 4-202. List:  
 Section: \_\_\_\_\_ Section: \_\_\_\_\_  
 Section: \_\_\_\_\_ Section: \_\_\_\_\_

**Waiver of Standards**

The Applicant is requesting a Waiver of Standards per Section 4-118. List:  
 Section: \_\_\_\_\_ Section: \_\_\_\_\_  
 Section: \_\_\_\_\_ Section: \_\_\_\_\_

I have read the statements above and have provided the required attached information which is correct and accurate to the best of my knowledge.

*[Signature]* *Sol R* *8/22/19*  
 Signature of Property Owner or Authorized Representative, Title Date

**OFFICIAL USE ONLY**

File Number: MISA-8747 Fee Paid: \$ 400.00

August 18, 2019

To Whom It May Concern:

As owners of Parcel #217909400002, having a total of 35.879 acres, with the address of 6799 346 Cty Rd, Silt, Colorado, we petition Garfield County Community Development Department for permission to subdivide the parcel into three lots, forming a minor subdivision with proposed lot sizes as follows: Lot #1 on the west side of the property would have a total of 9.789, Lot #3 on the east would be 10.015, and in the middle, Lot #2 would be 16.075. A house is being built on Lot #2 and we have received the approval of West Divide Water Conservancy District to lease water for each of the three lots, as well as approval from Garfield County Road and Bridge for each lot to have its own entrance. We appreciate your consideration on this project.

Sincerely,



Esau Ruiz



Samuel Ruiz

OCT 07 2019  
GARFIELD COUNTY  
COMMUNITY DEVELOPMENT



### PAYMENT AGREEMENT FORM

GARFIELD COUNTY ("COUNTY") and Property Owner ("APPLICANT") ESAU RUIZ & SAMUEL RUIZ agree as follows:

1. The Applicant has submitted to the County an application for the following Project: RUIZ MINOR SUBDIVISION
2. The Applicant understands and agrees that Garfield County Resolution No. 2014-60, as amended, establishes a fee schedule for each type application, and the guidelines for the administration of the fee structure.
3. The Applicant and the County agree that because of the size, nature or scope of the proposed project, it is not possible at this time to ascertain the full extent of the costs involved in processing the application. The Applicant agrees to make payment of the Base Fee, established for the Project, and to thereafter permit additional costs to be billed to the Applicant. The Applicant agrees to make additional payments upon notification by the County, when they are necessary, as costs are incurred.
4. The Base Fee shall be in addition to and exclusive of any cost for publication or cost of consulting service determined necessary by the Board of County Commissioners for the consideration of an application or additional County staff time or expense not covered by the Base Fee. If actual recorded costs exceed the initial Base Fee, the Applicant shall pay additional billings to the County to reimburse the County for the processing of the Project. The Applicant acknowledges that all billing shall be paid prior to the final consideration by the County of any Land Use Change or Division of Land.

I hereby agree to pay all fees related to this application:

Billing Contact Person: Esau Ruiz & Samuel Ruiz Phone: 970 319-8647  
970 948-8226  
Billing Contact Address: PO Box 456  
City: Silt State: CO Zip Code: 81647  
Billing Contact Email: esauruiz90@gmail.com ncc@g.com

Printed Name of Person Authorized to Sign: Esau Ruiz & Samuel Ruiz

[Signature]  
(Signature)

10/05/2019  
(Date)



**Garfield County**

Community Development Department  
108 8<sup>th</sup> Street, Suite 401  
Glenwood Springs, CO 81601  
(970) 945-8212

[www.garfield-county.com](http://www.garfield-county.com)

**PRE-APPLICATION  
CONFERENCE SUMMARY**

217909400002

**TAX PARCEL NUMBER:** ~~212730300005~~ **DATE:** May 2, 2019

**PROJECT:** Minor Subdivision

**OWNER/APPLICANT:** Esau Ruiz

**PRACTICAL LOCATION:** The site is located south of the Town of Silt, and does not have a County Address at this time

**TYPE OF APPLICATION:** Minor Subdivision

**ZONING:** Rural - Minimum Lot Size 2 Acres

**COMPREHENSIVE PLAN:** Silt Urban Growth Area

**SIZE:** ~~40.61 Acres~~ 35.879

**I. GENERAL PROJECT DESCRIPTION**

35.879

The Applicant is planning for a minor subdivision to split the ~~40.61~~ acre property into three lots. The site is zoned Rural and no dwelling units are currently located on the property, although Staff understands that the applicant is in process of applying for a Building Permit for one single-family residence. The parcel is located within the Urban Growth Area for the Town of Silt. Staff recommends that the applicant consult with the Town of Silt regarding the application.

As a subdivision would require a demonstration of legal and adequate water for each of the proposed parcels, Staff encourages the applicant to discuss the subdivision with the Division of Water Resources (DWR) (Contact Dwight Whitehead at the DWR at 970-945-5665 ext. 5011) prior to submitting an application for subdivision with the County. In addition, a water quality test and pump test will need to be conducted prior to application in accordance with Section 4-203(M)(1)(b)(5)(c). The applicant may request that water quality and quantity tests be conducted as conditions of approval. All conditions of approval must be completed within 90 days of approval. The subdivision cannot be finalized until all necessary conditions of approval are satisfied.

It is understood that each parcel will be served by an OWTS. The applicant will need to submit soils information on the new parcel indicating that the ground is capable of handling the new systems (see enclosed from NRCS).

Each parcel must demonstrate long-term legal and physical access to a public road. Any existing driveway permits with Garfield County Road and Bridge Department will need to be submitted with the application. All access roads and driveways also need to be demonstrated to conform to the dimensional requirements in Section 7-107 of the LUDC. In addition, all future driveways and access roads will need to be built to the standards outlined in Section 7-107. Any shared access roads or driveways to public roads will need to be constructed prior to signing of the plat as conditions of approval and may require easements from current or future adjacent property owners. The applicant is encouraged to contact Garfield County Road and Bridge to discuss the feasibility of accessing the public roadway prior to submittal of the subdivision application to the County.

The applicant will need to create a plat for the subdivision. The applicant will need to insert Certificates as prescribed by the County for the necessary signatures (see attached). The plat will need to include all information as described in Section 5-402(F), including the name and addresses of the surface owners and mineral estate. The applicant will also need to submit a title commitment for the subject property and ensure that the plat states that all easements and encumbrances identified in the commitment are accurately shown on the plat.

The Land Use and Development Code requires that utilities are required to be underground for new Subdivision proposals. The applicant has had discussions with Staff regarding this issue.

It is understood that no CCR's affect the subject property and that no CCR's are proposed. If this is the case, the applicant will need to request a waiver from this submittal requirement. The LUDC also requires an engineer's report for: (A) Roads, Trails, Walkways and Bikeways; (C) Sewage Collection and Water Supply and Distribution System; (E) Groundwater Drainage and (H) Preliminary Cost Estimates for Improvements.

The property is located within the RE-2 School District area. As a result, a Payment-in-Lieu of Dedication of School Land is required in the amount of \$200 per dwelling unit. The payment shall be made to the County Treasurer for the School District per Section 7-404(C)(1) prior to signing of the Plat.

## II. COMPREHENSIVE PLAN

The property is designated in the County Comprehensive Plan as within the Urban Growth Boundary for the Town of Silt. Staff recommends that the applicant contact the Town of Silt regarding the application.

### III. REGULATORY PROVISIONS APPLICANT IS REQUIRED TO ADDRESS

The following Sections of the Garfield Land Use and Development Code are applicable to the proposed application:

- Section 5-301 Minor Subdivision (including review criteria) – a legal lot existing at the time of adoption of the Land Use and Development Code as amended (adopted in 7/2013) is eligible to utilize the Minor Subdivision Process once so long as it is not evading the major subdivision process.
- Table 5-103 Common Review Procedures and Required Notice
- Section 5-401 and Table 5-401 Submittal Requirements
- Section 5-402 Description of Submittal Requirements including Final Plat
- Section 4-103 Administrative Review (including public notice)
- Section 4-203 Description of Submittal Requirements (as applicable)
- Provisions of Article 7, Divisions 1, 2, 3 and 4, as applicable including site planning and subdivision standards.
- Section 4-202, Submittal Waivers and Section 4-118, Waivers from Standards as applicable or needed.

### IV. SUBMITTAL REQUIREMENTS

Outlined below is a list of information typically required for this type of application:

- General Application Materials including copy of the application form, application fees, signed Payment Agreement Form.
- Proof of Ownership (title work, copy of the deed) and information on any lien holders.
- A narrative describing the request and related information.
- Names and mailing addresses of properties within 200 ft. of the subject property.
- Mineral rights ownership for the subject property including mailing addresses (description of how mineral rights were researched is required).
- If owner intends to have a representative (Planner or Attorney) a letter of authorization to represent is needed.
- Copy of the Pre-application Summary needs to be submitted with the Application
- Vicinity Map including areas within approximately 3 miles.
- The Proposed Minor Subdivision Plat showing the proposed lot lines and all easements existing and proposed including utility and access easements.
- Site Plan and related information (some may also be shown on the proposed plat) including targeted topography if needed.
- The site plan/plat should include improvement location information adequate to confirm that no nonconforming conditions will result from the proposed subdivision.
- Water Supply Plan including information on legal water (well permits), well pump test along with water quality testing. The plan needs to address the water supply for both lots.
- Waste Water Management Plan need to include information on the feasibility of a future system on the proposed lot (soils information and any constraints such as ground water).

- Any existing or proposed covenants on the property.
- Information as applicable to demonstrate compliance with provisions of Article 7 Standards. Application formatting that addresses each section of Article 7 is required.
- Information on the adequacy of the existing access driveways to serve the proposed lots to meet the dimensional standards in Section 7-107.
- Cost estimates for any major improvements such as roadway upgrades if needed. If there are no engineered improvements planned or required the application should indicate such.
- Referral to the Colorado Geological Survey is also required with an additional referral fee.
- Waiver requests from submittal requirements or standards need to be included in the submittals and the waiver criteria clearly addressed (Sections 4-118 and 4-202).

The Application submittal needs to include 3 hard copies of the entire Application and 1 Digital PDF Copy of the entire Application (on a CD or USB Stick). Both the paper and digital copies should be split into individual sections. Please refer to the pre-application summary for submittal requirements that are appropriate for your Application.

## V. REVIEW PROCESS

The review process shall follow the steps contained in Table 5-103 and Section 4-103 for an Administrative Review including:

- Pre-Application meeting (completed)
- Submittal of Application (3 hard copies & one digital PDF copy)
- Completeness Review
- Additional Submittals if determined to be incomplete
- Setting a date for the Director's Decision
- Referrals are sent out to reviewing agencies including the Colorado Geological Survey
- Public Notice to Property Owners within 200 ft. and mineral rights owners on the subject property
- Director's Decision
- 10 Day Call-up Period
- Finalizing the Minor Subdivision Plat and any required conditions
- Circulation of the plat for Applicant & Other Signatures
- Board of County Commission Signing the plat as a consent agenda item

A request to call the application up for review by the Board of County Commissioners may be initiated by the Director of the Community Development Department, the Board of County Commissioners, the Applicant or an affected Adjacent Property Owner in accordance with the procedures contained in Section 4-112.

**Public Hearing(s):**         Directors Decision (with public notice)  
                                  Planning Commission  
                                  Board of County Commissioners  
                                  Board of Adjustment

**Referral Agencies:**        May include but are not limited to: Garfield County Surveyor, Garfield County Road and Bridge Department, Garfield County Consulting Engineer, Garfield County Vegetation Manager, Colorado Geological Survey, Fire Protection District, City of Rifle, Colorado Division of Water Resources, and the Garfield County Environmental Health.

**V. APPLICATION REVIEW FEES**

<b>Planning Review Fees:</b>	\$400	
<b>Referral Agency Fees:</b>	\$tbd	(\$600 Colo.Geological Survey - others tbd)
<b>Total Deposit:</b>	\$400	(additional hours are billed at hourly rate of \$40.50)

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**General Application Processing**

Planner reviews case for completeness and sends to referral agencies for comments. The case planner contacts applicant and sets up a site visit. Staff reviews application to determine if it meets standards of review and makes a recommendation of approval, approval with conditions, or denial to the Director of the Community Development Department.

**Disclaimer**

The foregoing summary is advisory in nature only and is not binding on the County. The summary is based on current zoning, which is subject to change in the future, and upon factual representations that may or may not be accurate. This summary does not create a legal or vested right and is valid for a period of 6 months after which an update should be requested.

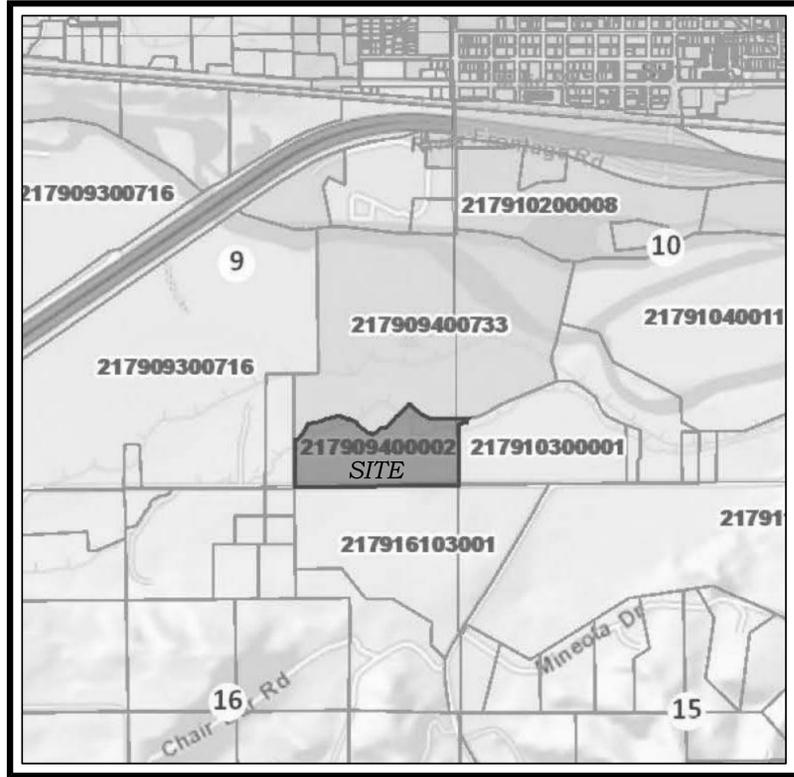
**Pre-application Summary Prepared by:**

  
\_\_\_\_\_  
Patrick Waller Senior Planner  
Garfield County Community Development Department

May 2, 2019  
\_\_\_\_\_  
Date

# Final Plat RUIZ MINOR SUBDIVISION

A Parcel of Land Situate in the SE1/4 of Section 9, Township 6 South, Range 92 West of the 6th P.M.  
County of Garfield, State of Colorado



Vicinity Map  
Scale: 1"=1000'

### TITLE CERTIFICATE

I, \_\_\_\_\_, AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF COLORADO, OR AGENT AUTHORIZED BY A TITLE INSURANCE COMPANY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO ALL LANDS SHOWN UPON THIS PLAT AND THAT TITLE TO SUCH LANDS IS VESTED IN \_\_\_\_\_

FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES (INCLUDING MORTGAGES, DEEDS OF TRUST, JUDGMENTS, EASEMENTS, CONTRACTS AND AGREEMENTS OF RECORD AFFECTING THE REAL PROPERTY IN THIS PLAT), EXCEPT AS FOLLOWS: \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

TITLE COMPANY: \_\_\_\_\_

AGENT \_\_\_\_\_

OR \_\_\_\_\_

ATTORNEY  
COLORADO ATTORNEY REGISTRATION NO. \_\_\_\_\_

### SURVEYOR NOTES

1.) DATE OF SURVEY WAS JULY 2019.

2.) BASIS OF BEARINGS FOR THIS SURVEY IS AN ASSUMED BEARING OF S89°51'36"W ALONG THE SOUTH LINE OF SECTION 9, T6S, R92W, 6TH P.M. BETWEEN THE SOUTH 1/4 CORNER, A 2-1/2" ALUMINUM CAP ON #6 REBAR STAMPED "Q.E.D. SURVEYING 1/4 S9 S16 R92W LS 16413 2003" AND THE SOUTHWEST CORNER, A 3-1/4" GARFIELD COUNTY SURVEYOR BRASS CAP STAMPED "GARFIELD COUNTY SURVEYOR S8 S9 S17 S16 1980" AS SHOWN HEREON.

3.) THIS MINOR SUBDIVISION IS BASED ON THE FOLLOWING DOCUMENTS:

- a. BOUNDARY LINE ADJUSTMENT AFFIDAVIT RECORDED OCTOBER 6, 2010 AS RECEPTION NO. 792600 ("DIXON PARENT PARCEL")
- b. DEED OF CONSERVATION EASEMENT FOR THE TOWN OF SILT RIVER PRESERVE RECORDED DECEMBER 7, 2010 AS RECEPTION NO. 795360 ("SILT RIVER PRESERVE PARCEL")
- c. SPECIAL WARRANTY DEED RECORDED DECEMBER 17, 2018 AS RECEPTION NO. 915320 ("RUIZ PARCEL")
- d. DIXON WATER FOUNDATION SUBDIVISION EXEMPTION NO. 1, RECORDED APRIL 26, 2010 AS RECEPTION NO. 785066 ("DIXON SUBDIVISION EXEMPTION PARCEL")
- e. RESEARCH FOR RIGHTS-OF-WAY AND EASEMENTS OF RECORD ARE BASED ON COMMONWEALTH TITLE COMPANY OF COLORADO, INC. TITLE POLICY NO. 8130606-215680854 DATED DECEMBER 17, 2018.
- f. IMPROVEMENT SURVEY PLAT PREPARED BY DIVIDE CREEK SURVEYING DATED OCTOBER 31, 2018.
- g. MONUMENTS FOUND IN PLACE AS INDICATED HEREON.

4.) BOUNDARY DISCREPANCIES AND RESOLUTION

- a. THE DIXON SUBDIVISION EXEMPTION, THE SILT RIVER PRESERVE AND THE RUIZ PARCEL WERE RESPECTIVELY CONVEYED FROM THE DIXON PARENT PARCEL.
- b. DUE TO SCRIVENER'S ERRORS IN WARRANTY DEED, RECEPTION NO. 915320 (CONVEYING THE RUIZ PARCEL), THE LEGAL DESCRIPTION WAS FOUND TO OVERLAP THE SILT RIVER PRESERVE TO THE NORTH AND NOT MATCH THE BEARINGS AND DISTANCES IN THE SILT RIVER PRESERVE LEGAL DESCRIPTION, AND THE SOUTH LINE OF SAID WARRANTY DEED WAS NOT FOUND TO MATCH THE SOUTH LINE OF SAID SECTION 9 OR THE NORTH LINE OF THE DIXON SUBDIVISION EXEMPTION PARCEL.

5.) TO RESOLVE THE BOUNDARY ERRORS DESCRIBED ABOVE:

- a. THE SOUTH LINE OF THE SILT RIVER PRESERVE PARCEL, BEING THE SENIOR RIGHT, IS HELD FOR THE NORTH LINE OF THE RUIZ PARCEL.
- b. THE NORTH LINE OF SAID DIXON SUBDIVISION EXEMPTION PARCEL IS HELD FOR THE SOUTH LINE OF THE RUIZ PARCEL.
- c. THIS BOUNDARY RESOLUTION RESULTS IN A TOTAL OF 35.879± ACRES FOR THIS RUIZ MINOR SUBDIVISION AS SHOWN HEREON.

6.) ALL DIMENSIONS SHOWN HEREON ARE RECORD AND AS-MEASURED UNLESS OTHERWISE INDICATED.

7.) ALL FOUND OR SET MONUMENTS ARE FLUSH WITH GROUND EXCEPT AS NOTED HEREON.

8.) THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

9.) BUILDING SETBACK OF 75 FEET IS REQUIRED FROM THE RISING SUN DITCH DUE TO HIGH WATER TABLE.

10.) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

### SURVEYOR'S CERTIFICATE

I MICHAEL J. LANGHORNE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF COLORADO, THAT THIS PLAT IS A TRUE, CORRECT AND COMPLETE FINAL PLAT OF RUIZ MINOR SUBDIVISION AS LAID OUT, PLATTED, DEDICATED AND SHOWN HEREON, THAT SUCH PLAT ACCURATELY REPRESENTS A SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION, IS BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF, AND THAT IT CONFORMS WITH THE CURRENT "STANDARDS FOR LAND SURVEYS" OF THE COLORADO ASSOCIATION OF LICENSED SURVEYORS, AS WELL AS WITH RELATED SURVEY REQUIREMENTS OF CURRENT VERSIONS OF THE COLORADO REVISED STATUTES AND THE COUNTY OF GARFIELD REGULATIONS, THIS CERTIFICATE IS NOT INTENDED TO BE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE OF ANY MATTERS EXCEPT THOSE STATED IN THE PRECEDING SENTENCE AND CORRECTLY SHOWS THE LOCATION AND DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS OF THE FINAL PLAT OF RUIZ MINOR SUBDIVISION AS THE SAME ARE STAKED UPON THE GROUND IN COMPLIANCE WITH APPLICABLE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL

DATE: \_\_\_\_\_

MICHAEL J. LANGHORNE, P.L.S. #36572

REVIEW

### DITCH ACCESS AND MAINTENANCE EASEMENT DESCRIPTION

A STRIP OF LAND BEING TWENTY (20) FEET WIDE FOR THE PURPOSE OF A DITCH ACCESS AND MAINTENANCE EASEMENT SITUATE IN THE SE1/4 OF SECTION 9, TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE 6TH P.M. COUNTY OF GARFIELD, STATE OF COLORADO, ALL BEARINGS RELATIVE TO AN ASSUMED BEARING OF S 89°51'36"W ALONG THE SOUTH LINE OF SECTION 9, T6S, R92W, 6TH P.M. BETWEEN THE SOUTH 1/4 CORNER, A 2-1/2" ALUMINUM CAP ON #6 REBAR STAMPED "Q.E.D. SURVEYING 1/4 S9 S16 R92W LS 16413 2003" AND THE SOUTHWEST CORNER, A 3-1/4" GARFIELD COUNTY SURVEYOR BRASS CAP STAMPED "GARFIELD COUNTY SURVEYOR S8 S9 S17 S16 1980" AS SHOWN HEREON. SAID STRIP OF LAND BEING TEN (10) FEET TO EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE 17.0 FOOT WITNESS CORNER FOR THE SOUTHEAST CORNER OF SAID SECTION 9 BEING A 0.6' X 0.4' X 0.4' SANDSTONE ROCK; THENCE N 53°38'47" W 8.30 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF THE RUIZ MINOR SUB; THENCE ALONG THE EAST LINE OF SAID LOT N 00°06'36" W 687.50 FEET; THENCE CONTINUING ALONG SAID LOT ALONG A CURVE TO THE RIGHT 24.99 FEET HAVING A RADIUS OF 30 FEET (CHORD BEARS S 23°45'23" W 24.28 FEET) TO A POINT ON THE FLOW LINE OF AN EXISTING DITCH, THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LOT LINE AND ALONG SAID FLOW LINE THE FOLLOWING TWELVE (12) COURSES:

1. S 84°52'29" W 85.48 FEET
2. S 75°51'49" W 51.60 FEET
3. S 72°56'21" W 66.96 FEET
4. S 70°50'17" W 80.96 FEET
5. S 69°37'55" W 47.28 FEET
6. S 63°32'43" W 81.71 FEET
7. S 65°48'04" W 95.13 FEET
8. S 74°37'16" W 68.06 FEET
9. S 78°30'36" W 5.03 FEET TO A POINT ON THE LINE BETWEEN LOT 2 AND 3 OF THE RUIZ MINOR SUBDIVISION; THENCE CONTINUING ALONG SAID FLOWLINE
10. S 78°30'36" W 84.32 FEET
11. S 66°08'42" W 53.36 FEET
12. S 81°41'30" W 39.58 FEET TO A POINT ON THE OUTLET OF A POND, THE POINT OF TERMINUS, WHEN THE SOUTH WEST CORNER OF LOT 2 OF THE RUIZ MINOR SUB BEARS, A 1-1/2" ORANGE PLASTIC CAP STAMPED "PROP CORNER PLS 36572" ON A NO. 5 REBAR N 75°23'25" E 843.25 FEET. SIDE LINES TO BE LENGTHENED OR SHORTENED TO CLOSE WITH PROPERTY LINES.

### COUNTY COMMISSION'S CERTIFICATE

BASED UPON THE REVIEW AND RECOMMENDATION OF GARFIELD COUNTY DIRECTOR OF COMMUNITY DEVELOPMENT, THE BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, COLORADO, HEREBY APPROVES THIS SUBDIVISION PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY AND FOR CONVEYANCE TO THE COUNTY OF THE PUBLIC DEDICATIONS SHOWN HEREON, SUBJECT TO THE PROVISIONS THAT APPROVAL IN NO WAY OBLIGATES GARFIELD COUNTY FOR THE FINANCING OR CONSTRUCTION OF IMPROVEMENTS ON LANDS, PUBLIC ROADS, HIGHWAYS OR EASEMENTS DEDICATED TO THE PUBLIC, EXCEPT AS SPECIFICALLY AGREED TO BY THE BOARD OF COUNTY COMMISSIONERS BY SUBSEQUENT RESOLUTION. THIS APPROVAL SHALL IN NO WAY OBLIGATE GARFIELD COUNTY FOR THE CONSTRUCTION, REPAIR OR MAINTENANCE OF PUBLIC ROADS, HIGHWAYS OR ANY OTHER PUBLIC DEDICATIONS SHOWN HEREON.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS  
GARFIELD COUNTY, COLORADO

WITNESS MY HAND AND SEAL OF THE COUNTY OF GARFIELD.

ATTEST:  
COUNTY CLERK

### MINERAL OWNERS

DONNA A GLESER	NO ADDRESS PROVIDED
LANA ARLEEN SCOTT	NO ADDRESS PROVIDED
JUNE ALETA McNAMEE	NO ADDRESS PROVIDED
SUSAN ALATIA POWELL	NO ADDRESS PROVIDED
McCLUNG TRUST DATED APRIL 6, 1987	4200 SUMMERS LANE, NO. 58 KLAMATH FALLS, OREGON 97603
FLAT TOPS, LLC	86 ROSE LANE LAKEVIEW, ARKANSAS 72642
FRANK DEYOYE GREEN	118 8TH STREET NW, P.O. BOX 127 BEULAH, NORTH DAKOTA 58523
THOMAS LEE WISDOM	6830 CORNTASSEL DRIVE COLORADO SPRINGS, COLORADO 80911
LESLIE D. McPHERSON AND JEANNE L. McPHERSON	1859 COUNTY RD. 344 SILT, COLORADO 81652
PAUL BAGLEY	1073 COUNTY RD. 260 SILT, COLORADO 81652
MARYLEE HOAGLUND	10876 MELODY DRIVE NORTHGLENN, COLORADO 80030
BARBARA WILES	10179A GREEN CT. WESTMINSTER, COLORADO 80030
JUNE BAGLEY	540 CRAWFORD LANE FALSADE, COLORADO 81526
JANICE MARIE MATYCKS LIVING TRUST	2718 EAST YUCATAN CT. GRAND JUNCTION, COLORADO 81506
KENNETH W. McPHERSON	1055 MAIN STREET MEEKER, COLORADO 81641
CLIFFORD E. McPHERSON	41 RED FEATHER DRIVE NEW CASTLE, COLORADO 81647
DONALD L. McPHERSON	P.O. BOX 922 MEEKER, COLORADO 81641
F & C McPHERSON	10351 3100 RD. LAZEAR, COLORADO 81420
D & L McPHERSON	P.O. BOX 233 CRAIG, COLORADO 81626
POLLVOGT GARFIELD LLP	9234 PASEO PALO VERDE CASA GRANDE, ARIZONA 85222
CHARLES ALLEN BAGLEY	627 NORTH HAPPY VALLEY ROAD NAMPA, IDAHO 83687
GEORGE E. BAGLEY	DECEASED

SEE LIST OF 12 GRANTEEES IN SPECIAL WARRANTY DEED RECORDED AS RECEPTION NO. 857873.

JG & MR McPHERSON LLP 5442 COUNTY ROAD 203  
DURANGO, COLORADO 81301

MICHAEL WARREN McPHERSON 21103 STATE HIGHWAY 11  
BARNSDALL, OKLAHOMA 74002

THE MEISSNER REVOCABLE LIVING TRUST NUMBER 40 BLACKBURY PLACE  
VENTURA, CALIFORNIA 93004

NANCY JOYCE BIRD NO ADDRESS PROVIDED

ROBERT DANIEL RALEY NO ADDRESS PROVIDED

PHYLLIS ANITA POLLARD (SCARROW) NO ADDRESS PROVIDED

BONNIE PEARL HESS NO ADDRESS PROVIDED

ERROL RUFUS RALEY NO ADDRESS PROVIDED

MARY ROMANA PATCH (WALKER) NO ADDRESS PROVIDED

RUFUS CRAIG PATCH NO ADDRESS PROVIDED

RUDOLPH SCHATZ DECEASED

VERNON P. DEBISSE, JR. 34 CORNELL  
LONGMONT, COLORADO 80501

SEE LIST OF 7 GRANTEEES IN PERSONAL REPRESENTATIVE'S DEED RECORDED AS RECEPTION NO. 752357.

DIXON WATER FOUNDATION P.O. BOX 177  
MARFA, TEXAS 79843

DISCOVERY FOUNDATION 6060 N. CENTRAL EXPRESSWAY  
DALLAS, TEXAS 75206

### CERTIFICATE OF TAXES PAID

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ENTIRE AMOUNT OF TAXES AND ASSESSMENTS DUE AND PAYABLE AS OF \_\_\_\_\_, UPON ALL PARCELS OF REAL ESTATE DESCRIBED ON THIS PLAT ARE PAID IN FULL.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

TREASURER OF GARFIELD COUNTY

### COUNTY SURVEYOR'S CERTIFICATE

APPROVED FOR CONTENT AND FORM ONLY AND NOT THE ACCURACY OF SURVEYS, CALCULATIONS OR DRAFTING, PURSUANT TO C.R.S. § 38-51-101 AND 102, ET SEQ.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

GARFIELD COUNTY SURVEYOR

### CERTIFICATE OF DEDICATION AND OWNERSHIP

THE UNDERSIGNED, ESAU RUIZ AND SAMUEL RUIZ, BEING SOLE OWNER(S) IN FEE SIMPLE OF ALL THAT REAL PROPERTY SITUATED IN GARFIELD COUNTY, DESCRIBED AS FOLLOWS:

WARRANTY DEED RECORDED DECEMBER 17, 2018 AS RECEPTION NO. 915320:

A PARCEL OF LAND SITUATED IN THE SE1/4 SECTION 9, TOWNSHIP 6 SOUTH, RANGE 92 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, COMMENCING AT A WITNESS CORNER OF THE SOUTHWEST CORNER OF SAID SECTION 9 A FOUND STONE IN PLACE, WHENCE THE SOUTH 1/4 OF SAID SECTION 9 BEARS SOUTH 89°56'48" WEST A DISTANCE OF 5270.06 FEET; THENCE SOUTH 89°56'48" WEST, A DISTANCE OF 8.17 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°56'48" WEST ALONG THE SOUTH SECTION LINE OF SECTION 9, A DISTANCE OF 1932.20 FEET; DEPARTING SAID SOUTH SECTION LINE NORTH 0°37'48" WEST ALONG THE 619.38 FEET TO A POINT ON THE CENTERLINE OF SAID RISING SUN DITCH; THENCE ALONG SAID CENTERLINE THE FOLLOWING FORTY-NINE (49) COURSES:

1. NORTH 82°23'28" EAST 19.59 FEET;
  2. NORTH 37°00'24" EAST 226.93 FEET;
  3. NORTH 80°29'15" EAST 149.28 FEET;
  4. NORTH 72°55'12" EAST 14.87 FEET;
  5. NORTH 66°26'0" EAST 30.63 FEET;
  6. NORTH 65°24'35" EAST 35.26 FEET;
  7. NORTH 74°44'38" EAST 47.75 FEET;
  8. NORTH 78°8'13" EAST 10.25 FEET;
  9. NORTH 74°49'31" EAST 32.43 FEET;
  10. NORTH 79°56'06" EAST 34.80 FEET;
  11. NORTH 84°10'34" EAST 28.07 FEET;
  12. NORTH 81°25'12" EAST 31.22 FEET;
  13. SOUTH 70°2'11" EAST 25.47 FEET;
  14. SOUTH 64°3'58" EAST 21.45 FEET;
  15. SOUTH 69°58'33" EAST 40.23 FEET;
  16. SOUTH 7°1'00'36" EAST 34.47 FEET;
  17. SOUTH 62°56'12" EAST 28.39 FEET;
  18. SOUTH 64°56'10" EAST 21.63 FEET;
  19. SOUTH 49°24'34" EAST 30.25 FEET;
  20. SOUTH 43°34'33" EAST 27.24 FEET;
  21. SOUTH 47°02'24" EAST 23.44 FEET;
  22. SOUTH 64°04'40" EAST 14.65 FEET;
  23. SOUTH 50°58'28" EAST 20.50 FEET;
  24. SOUTH 47°30'02" EAST 19.49 FEET;
  25. SOUTH 55°53'38" EAST 40.63 FEET;
  26. SOUTH 62°51'51" EAST 14.06 FEET;
  27. SOUTH 79°30'54" EAST 19.87 FEET;
  28. SOUTH 83°53'12" EAST 21.97 FEET;
  29. NORTH 81°19'48" EAST 21.97 FEET;
  30. NORTH 75°58'09" EAST 14.65 FEET;
  31. NORTH 58°54'10" EAST 19.77 FEET;
  32. NORTH 49°13'30" EAST 26.34 FEET;
  33. NORTH 47°56'47" EAST 24.04 FEET;
  34. NORTH 58°49'29" EAST 20.13 FEET;
  35. NORTH 75°58'42" EAST 23.60 FEET;
  36. NORTH 83°01'21" EAST 18.73 FEET;
  37. NORTH 61°06'31" EAST 32.17 FEET;
  38. NORTH 44°00'32" EAST 140.99 FEET;
  39. NORTH 48°00'32" EAST 30.14 FEET;
  40. NORTH 44°36'40" EAST 158.01 FEET;
  41. NORTH 44°39'35" EAST 33.20 FEET;
  42. SOUTH 78°31'03" EAST 31.95 FEET;
  43. SOUTH 59°15'27" EAST 25.58 FEET;
  44. SOUTH 66°30'59" EAST 299.03 FEET;
  45. NORTH 88°34'23" EAST 217.40 FEET;
  46. SOUTH 87°7'36" EAST 106.47 FEET;
  47. NORTH 86°53'58" EAST 27.68 FEET;
  48. NORTH 86°48'47" EAST 31.06 FEET;
  49. NORTH 81°24'52" EAST 18.47 FEET;
- THENCE DEPARTING SAID CENTERLINE SOUTH 24°3'19" WEST A DISTANCE OF 70.74 FEET; THENCE 93.20 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 102.02 FEET, A TANGENT OF 50.13 FEET WITH A CHORD BEARING OF SOUTH 48°17'52" WEST AND CHORD DISTANCE OF 89.99 FEET; THENCE SOUTH 76°23'19" WEST A DISTANCE OF 37.76 FEET; THENCE 39.43 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 33.17 FEET, WITH A CHORD BEARING OF SOUTH 38°08'05" WEST AND CHORD DISTANCE OF 37.15 FEET; THENCE SOUTH 00°3'26" EAST A DISTANCE OF 692.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 35.393 ACRES, MORE OR LESS, HAS [HAVE] CAUSED THE DESCRIBED REAL PROPERTY TO BE SURVEYED, LAID OUT, PLATTED AND SUBDIVIDED INTO LOTS AND BLOCKS AS SHOWN ON THIS PLAT UNDER THE NAME AND STYLE OF FINAL PLAT RUIZ MINOR SUBDIVISION, A SUBDIVISION IN THE COUNTY OF GARFIELD, THE OWNER(S) DO(ES) HEREBY DEDICATE AND SET APART ALL OF THE STREETS AND ROADS AS SHOWN ON THE ACCOMPANYING PLAT TO THE USE OF THE PUBLIC FOREVER, AND HEREBY DEDICATE(S) TO THE PUBLIC UTILITIES THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE LABELED AS UTILITY EASEMENTS ON THE ACCOMPANYING PLAT AS PERPETUAL EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES, IRRIGATION AND DRAINAGE FACILITIES INCLUDING, BUT NOT LIMITED TO, ELECTRIC LINES, GAS LINES AND TELEPHONE LINES, TOGETHER WITH THE RIGHT TO TRIM INTERFERING TREES AND BRUSH, WITH PERPETUAL RIGHT OF INGRESS AND EGRESS FOR INSTALLATION AND MAINTENANCE OF SUCH LINES, SUCH EASEMENT AND RIGHTS SHALL BE UTILIZED IN A REASONABLE AND PRUDENT MANNER, ALL EXPENSE FOR STREET PAVING OR IMPROVEMENTS SHALL BE FURNISHED BY THE SELLER OR PURCHASER, NOT BY THE COUNTY OF GARFIELD.

EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

OWNER(S)

ESAU RUIZ SAMUEL RUIZ  
PO BOX 456 PO BOX 456  
SILT, CO 81652 SILT, CO 81652

STATE OF COLORADO )  
COUNTY OF GARFIELD ) SS

THE FOREGOING CERTIFICATE OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, BY \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

### CLERK AND RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, AND IS DULY RECORDED AS RECEPTION NO. \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK AND RECORDER

BY: \_\_\_\_\_  
DEPUTY

REVISION	DESCRIPTION
10/30/19	COUNTY COMMENTS
12/16/19	MINERAL OWNERS
2/13/20	RUIZ REDLINES-ADD DITCH EASE
2/14/20	ADD SUPPLY TO POND

BOOKCLIFF  
Survey Services, Inc.

1344 East 3rd Street  
Silt, Colorado 81650  
Ph: (970) 625-1830  
Fax: (970) 625-1773

RUIZ MINOR SUBDIVISION

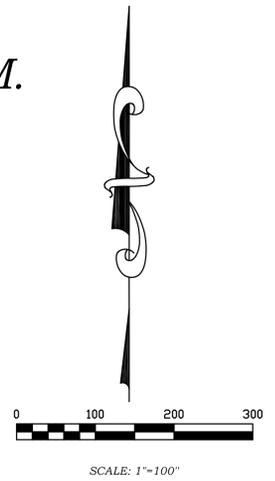
ESAU AND SAMUEL RUIZ  
PO BOX 456  
SILT, CO 81652

FILE:	MNR SUB
DFT:	TL
CK:	MJL
DATE:	8/9/19
PROJECT NO.:	19020-01
SHEET	1
OF	2

# Preliminary Final Plat

## RUIZ MINOR SUBDIVISION

A Parcel of Land Situate in the SE1/4 of Section 9, Township 6 South, Range 92 West of the 6th P.M.  
County of Garfield, State of Colorado

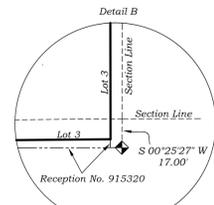
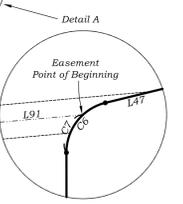
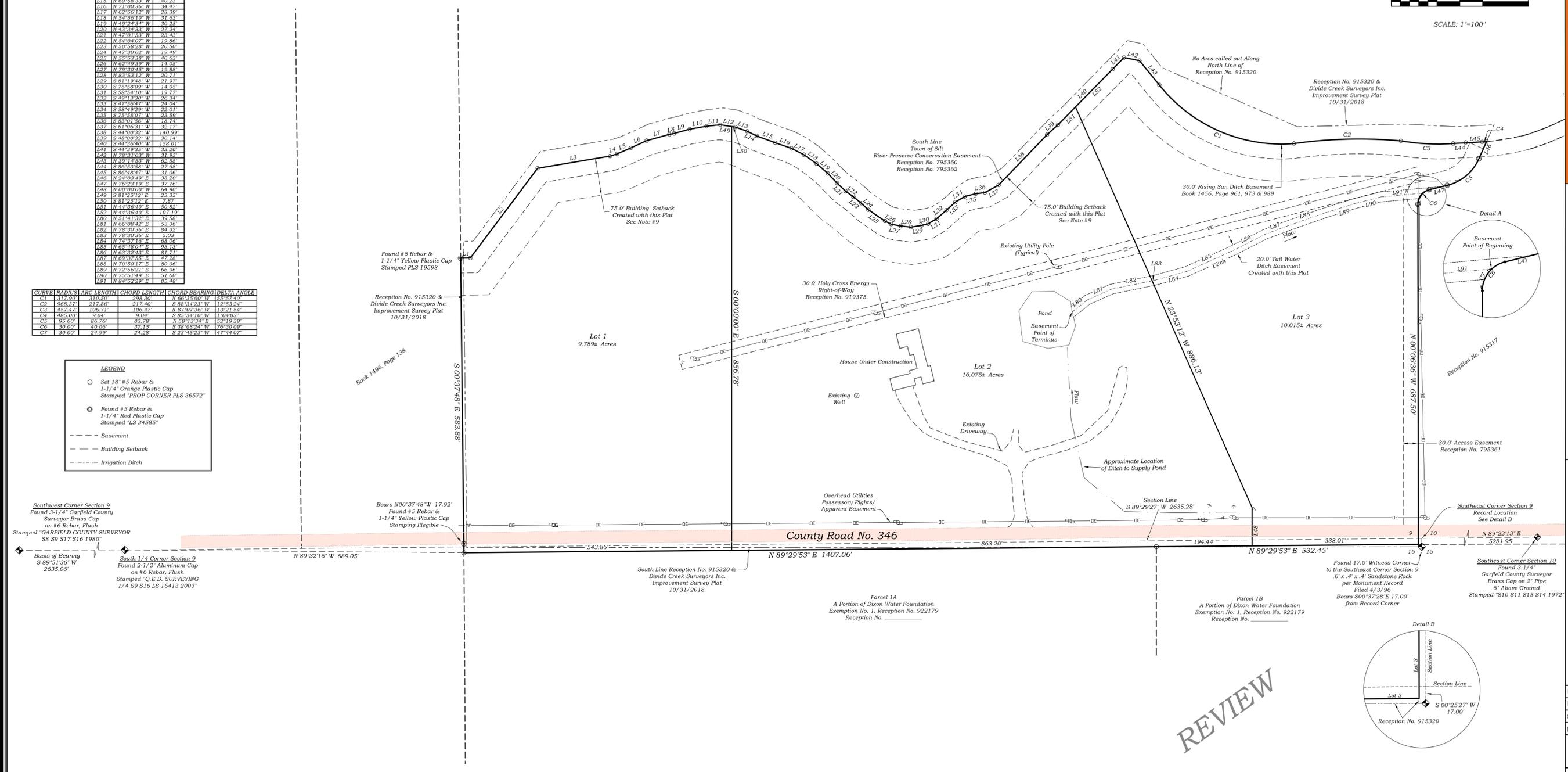


LINE	BEARING	DISTANCE
L1	S 89°22'12" W	19.58
L2	S 37°00'24" W	226.53
L3	S 80°39'15" W	149.28
L4	S 72°54'11" W	14.86
L5	S 66°36'00" W	30.63
L6	S 65°25'03" W	35.27
L7	S 74°44'08" W	47.65
L8	S 78°06'57" W	10.24
L9	S 74°49'57" W	32.40
L10	S 79°58'06" W	48.80
L11	S 84°10'34" W	28.07
L12	S 81°28'12" W	31.22
L13	N 70°21'10" W	35.47
L14	N 64°03'58" W	21.45
L15	N 69°58'33" W	40.23
L16	N 71°00'36" W	34.47
L17	N 62°56'12" W	38.39
L18	N 54°56'10" W	31.63
L19	N 49°24'34" W	30.25
L20	N 43°34'33" W	27.27
L21	N 47°01'53" W	23.43
L22	N 54°04'07" W	19.86
L23	N 60°58'34" W	20.50
L24	N 47°30'02" W	19.49
L25	N 55°53'38" W	40.63
L26	N 62°49'39" W	14.65
L27	N 79°10'45" W	19.88
L28	N 83°53'12" W	20.71
L29	S 81°19'48" W	21.97
L30	S 75°58'09" W	14.06
L31	S 58°54'10" W	19.77
L32	S 49°13'30" W	26.37
L33	S 47°56'47" W	24.07
L34	S 58°49'29" W	22.01
L35	S 75°58'07" W	24.39
L36	S 80°15'06" W	32.74
L37	S 61°06'31" W	32.17
L38	S 44°00'22" W	10.99
L39	S 48°09'52" W	30.14
L40	S 44°36'40" W	158.01
L41	N 39°14'53" W	69.58
L42	S 86°53'58" W	49.68
L43	S 86°48'47" W	31.06
L44	N 24°03'49" E	38.20
L45	N 76°23'19" E	37.76
L46	N 00°00'00" W	64.90
L47	S 81°23'12" E	23.35
L48	S 81°23'12" E	7.87
L49	N 44°36'40" E	50.83
L50	N 44°36'40" E	107.19
L51	N 51°41'32" E	39.58
L52	N 06°08'42" E	53.80
L53	N 78°30'36" E	84.32
L54	N 28°30'36" E	36.03
L55	N 65°48'04" E	95.13
L56	N 63°32'43" E	81.44
L57	N 69°37'55" E	47.98
L58	N 70°50'17" E	80.06
L59	N 72°56'21" E	66.90
L60	N 75°51'49" E	51.60
L61	N 84°52'39" E	85.48

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1312.00	310.50	298.00	S 14°45'00" W	83°57'40"
C2	968.37	217.86	217.40	S 88°34'23" W	12°53'24"
C3	452.47	106.71	106.47	N 82°07'36" W	18°21'54"
C4	453.00	9.04	9.04	S 83°34'10" W	1°04'03"
C5	95.00	86.76	83.78	N 50°13'34" E	52°19'39"
C6	30.00	40.06	37.15	S 88°08'24" W	16°30'09"
C7	30.00	24.99	24.28	S 23°45'23" W	47°44'07"

**LEGEND**

- Set 18" #5 Rebar & 1-1/4" Orange Plastic Cap Stamped "PROP CORNER PLS 36572"
- Found #5 Rebar & 1-1/4" Red Plastic Cap Stamped "LS 34585"
- - - Easement
- - - Building Setback
- - - Irrigation Ditch



REVIEW

REVISION	DESCRIPTION
2/13/20	RUIZ RED LINES-ADD DITCH EASE

**BOOKCLIFF**  
Survey Services, Inc.

134 East 3rd Street  
Aspen, Colorado 81602  
Ph: (970) 625-1330  
Fax: (970) 625-2773

**RUIZ MINOR SUBDIVISION**

**ESAU AND SAMUEL RUIZ**  
PO BOX 456  
SILT, CO 81652

FILE: MNR SUB
DFT: TL
CK: M.J.L
DATE: 8/9/19
PROJECT NO. 19020-01
SHEET 2 OF 2

Glenwood Springs – Main Office  
201 14<sup>th</sup> Street, Suite 200  
P. O. Drawer 2030  
Glenwood Springs, CO 81602

Aspen  
323 W. Main Street  
Suite 301  
Aspen, CO 81611

Montrose  
1544 Oxbow Drive  
Suite 224  
Montrose, CO 81402

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*\*Direct Mail to Glenwood Springs*

TO: Planning and Zoning Commission

FROM: Anna S. Itenberg

DATE: October 1, 2020

SUBJECT: Revisions to Title 17 of Municipal Code Related to Land Use Regulation of Marijuana

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The Board of Trustees has requested staff to revise Titles 5 and 17 of the Municipal Code. Title 5 regulates the licensing of marijuana businesses and Title 17 sets forth land use regulations related to marijuana. Pursuant to Section 17.88.010 of the Municipal Code, amendments to Title 17 must be submitted to the Planning and Zoning Commission for review and recommendations. The memo provides a general outline of the most significant revisions to Title 17 proposed in Ordinance No 12, Series of 2020.

1. Administrative changes and updates. Title 17 includes several references to provisions of the “Colorado Medical Marijuana Code” and “Colorado Retail Marijuana Code.” These statutes were recently repealed and reenacted into a new “Colorado Marijuana Code.” Ordinance No. 12 revises definitions and statutory citations contained in Title 17 so they are consistent with the current version of the Colorado Marijuana Code. In addition, many of the definitions in Section 17.73.020 are also set forth in Section 5.32.030. We revised those definitions to simply reference Section 5.32.030 so the Code does not have two sets of definitions for the same terms. Title 5 will also be revised to reflect recent statutory revisions governing marijuana.
2. Industrial hemp. Section 17.73.026 was revised to clarify that a property owner can engage in the minor cultivation of industrial hemp, defined as two plants per residential lot, without a special use permit in designated zone districts.
3. Restrictions on the location of marijuana businesses. The Code currently prohibits two marijuana businesses, excluding marijuana testing facilities, from being located within 500 feet of each other and prohibits a marijuana business from being located within 500 feet of a school that is not in a commercial or business zone district. The Board of Trustees requested that additional limitations and restrictions be placed on where a marijuana business may be located within the Town. Section 17.73.030 was therefore revised to prohibit a marijuana business from being located within 500 feet of a place of worship, public park, playground,

recreation area, or drug or treatment facility and to prohibit more than one marijuana store in the “Downtown area.” Downtown area is defined as “that area between 1<sup>st</sup> Street and 16<sup>th</sup> Street, and between Front Street and Home Avenue.” Since there are currently two marijuana stores located in the Downtown area, the second store to receive a business license would be deemed a pre-existing, nonconforming use. Pursuant to Code Section 17.76.020, if the store closes or ceases to operate for 60 days, it will no longer be permitted to operate in the Downtown area. Other regulations were added to address maximum store size, odor, signage, and visibility. A provision was also added to reference a code section that will be added to Title 5 limiting the number of marijuana businesses the City can issue based on the Town’s population.

4. Prohibition of delivery to retail marijuana consumer. Colorado now permits local governments to issue a delivery license allowing the delivery of retail marijuana to a consumer. Although businesses within the Town are not permitted to deliver retail marijuana unless the Code expressly authorizes it, we added Section 17.73.110 to ensure that businesses from outside of the Town cannot and do not deliver within the Town.

The remaining revisions are mostly housekeeping issues and are pretty self-explanatory. We will be happy to provide further clarification and address any questions you have at the public hearing.

Very truly yours,

KARP NEU HANLON, P.C.



Anna S. Itenberg

**TOWN OF SILT  
ORDINANCE NO. 12  
SERIES OF 2020**

**AN ORDINANCE OF THE TOWN OF SILT, COLORADO (“TOWN”) AMENDING AND RESTATING VARIOUS SECTIONS OF CHAPTERS 17.13 and 17.73 OF THE SILT MUNICIPAL CODE (“CODE”) RELATED TO THE LAND USE REGULATION OF MARIJUANA WITHIN THE TOWN OF SILT, GARFIELD COUNTY, STATE OF COLORADO**

**WHEREAS**, pursuant to C.R.S. Section 31-15-103 and Section 1 of the Town’s Home Rule Charter, the Board of Trustees (“Board”) of the Town has the authority to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order comfort and convenience of such municipality and the inhabitants thereof; and

**WHEREAS**, pursuant to the Colorado Constitution Art. XVIII, Section 16, (5)(f): “A locality may enact ordinances or regulations, not in conflict with this section or with regulations or legislation enacted pursuant to this section, governing the time, place, manner and number of marijuana business operations;” and

**WHEREAS**, the Board wishes to make amendments to various sections of Chapters 17.13 and 17.73 of the Silt Municipal Code related to the land use regulation of marijuana within the Town of Silt; and

**WHEREAS**, pursuant to Section 17.88.010 of the Silt Municipal Code, amendments to Title 17 of the Municipal Code must be submitted to the Planning and Zoning Commission for review and recommendations; and

**WHEREAS**, the Town gave proper and timely published and/or posted notice of the dates and times of the public hearings at which the Planning and Zoning Commission and the Board considered this ordinance; and

**WHEREAS**, on or about October 6, 2020, the Planning and Zoning Commission considered and recommended approval of this Ordinance 12, Series of 2020; and

**WHEREAS**, on or about October 12, 2020, the Board approved Ordinance 12, Series of 2020 upon first reading; and

**WHEREAS**, on or about October 26, 2020, the Board approved Ordinance 12, Series of 2020, upon second reading, after determining that the adoption of this ordinance is necessary and proper to provide for the safety, health, prosperity and order of the Town.

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, ORDAINS AS FOLLOWS:**

## Section 1

Section 17.13.020 Appendix A is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~:

**X = Permitted Use; SU = Special Use; PR = Prohibited Use**

	AG	R-1	R-2	R-3	B-Ind	B-1	B-2	B-3	PU	DMD
<u>Industrial Hemp Cultivation (Minor - Residential)</u>	X	X	X	X	X	PR	PR	X	PR	SU
<u>Industrial Hemp Cultivation (Major - Commercial)</u>	<u>SU</u>	<u>PR</u>	<u>PR</u>	<u>PR</u>	<u>SU</u>	<u>PR</u>	<u>PR</u>	<u>SU</u>	<u>PR</u>	<u>PR</u>
Marijuana cultivation facility	SU	PR	PR	PR	<del>X</del> <u>SU</u>	SU	SU	SU	PR	PR
Marijuana products manufacturing facility	SU	PR	PR	PR	<del>X</del> <u>SU</u>	PR	PR	<del>X</del> <u>SU</u>	PR	PR
Marijuana testing facility	<del>SU</del> <u>X</u>	PR	PR	PR	X	SU	SU	X	PR	PR
Marijuana clubs, bars, or other facilities that include or consist of the consumption of marijuana in a public setting	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR
<u>Medical marijuana store or Retail marijuana store</u>	PR	PR	PR	PR	SU	SU	SU	SU	PR	PR

## Section 2

The following sections of Chapter 17.73 are hereby amended as follows double underlined text added and ~~strike through language deleted~~:

### **17.73.010 Purpose**

The purpose and object of this chapter is to establish reasonable and uniform regulations to allow for the sale of medical and retail marijuana, the cultivation of medical and retail marijuana, the manufacturing of marijuana products, and the testing of marijuana within certain zone districts and within certain parameters pursuant to this chapter and this code. Voters approved Amendment 20 to the Colorado Constitution on November 7, 2000, as well as Amendment 64 to the Colorado Constitution on November 6, 2012, both further codified at Article XVIII, sections 14 and 16 of the Colorado Constitution, and hereinafter known as

Amendment 20 and Amendment 64, respectively. It is the desire of the town to prevent an undue concentration of medical and retail marijuana stores, marijuana cultivation facilities, marijuana products manufacturing facilities and marijuana testing facilities, as defined herein, and to attempt to mitigate the consequential secondary effects created by the concentration of such establishments businesses within the Town of Silt, and to promote the health, safety, and general welfare of the citizens of the town. Lastly, the purpose of this chapter is to prohibit marijuana clubs, bars or other facilities that include or consist of the consumption of marijuana in a public setting within the town limits and prohibit the delivery of marijuana anywhere within the town limits.

### **17.73.020 Definitions.**

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"Amendment 20" shall have the same meaning as set forth in Section 5.32.030 of the code~~means a voter-initiated amendment to the Colorado Constitution adopted November 7, 2000, as codified as section 14 of Article XVIII to the Colorado Constitution.~~

"Amendment 64" shall have the same meaning as set forth in Section 5.32.030 of the code.

\*\*\*

~~"Caregiver, marijuana"~~ means a natural person, other than the patient or the patient's physician, who is 18 years of age or older and has significant responsibility for managing the well-being of a medical marijuana patient who has a debilitating medical condition. A ~~primary~~ caregiver may have one or more of the following relationships:

- a. A parent of a child as described in section 14 of Article XVIII of the Colorado Constitution;
- b. An advising caregiver who advises a medical marijuana patient on which medical marijuana products to use and how to dose them and does not possess, provide, cultivate or transport marijuana on behalf of the patient;
- c. A transporting caregiver who purchases and transports marijuana to a patient who is homebound; or
- d. A cultivating caregiver who grows marijuana within an enclosed locked space, as defined by this code, for a patient who has a medical marijuana card issued by a licensed physician;

"Colorado ~~Medical~~ Marijuana Code" means Article ~~43.4~~ 10 of Title ~~12~~ 44 of the C.R.S., inclusive of all rules and regulations promulgated thereunder, and as the same may be amended from time to time.

~~"Colorado Retail Marijuana Code" means Article 43.4 of Title 12 of the C.R.S., inclusive of rules and regulations promulgated thereunder, and as the same may be amended from time to time.~~

\*\*\*

"Industrial hemp" means a plant of the genus cannabis and any such part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed

three-tenths of one percent on a dry weight basis, that is cultivated and processed exclusively for the purpose of producing the fiber from mature stalks of the plant, ~~fiber produced from the stalks,~~ oil or cake made from the seeds of the plant, and any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin and flowering tops extracted therefrom), fiber, oil, or cake, or the sterilized seed, or any component of the seed, of the plant this ~~that~~ is incapable of germination. Such industrial hemp may be used to produce paper, textiles, food, oils, automotive parts, and personal care products.

\*\*\*

"Marijuana club" shall have the same meaning as set forth in Section 5.32.030 of the code.

"Marijuana cultivation facility" shall have the same meaning as set forth in Section 5.32.030 of the code. ~~means an entity which grows, prepares and packages marijuana on a commercially zoned parcel, for shipment to medical marijuana stores, to marijuana clubs, to retail marijuana stores, to marijuana product manufacturing facilities and/or to other marijuana cultivation facilities in accordance with Amendment 20 and/or Amendment 64 of the Colorado Constitution, but not to consumers. Primary caregivers providing medical marijuana to medical marijuana patients clients per this code and individuals providing marijuana for their own personal marijuana use, if within state law and this code, are not deemed marijuana cultivation facilities.~~

~~"Marijuana, medical use" means the acquisition, possession, production, use or transportation of marijuana or paraphernalia by an individual of no less than 18 years of age related to the administration of such marijuana to address the symptoms or effects of a such individual's debilitating medical condition, which may be authorized only after a diagnosis of the such individual's debilitating medical condition by a physician or physicians, as provided in Amendment 20, the Colorado Medical Marijuana Code and this section.~~

~~"Marijuana, personal use" means marijuana cultivated by an individual in a permanent or semi-permanent residential structure or an accessory building on the same property as the residential structure and permanently attached to a foundation for processing and consumption by his personal use. Notwithstanding any other provision of law, the following marijuana personal use acts are not unlawful and shall not be an offense under Colorado law or the code, or be a basis for seizure or forfeiture of assets under Colorado law for person 21 years of age or older:~~

- ~~a. Possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;~~
- ~~b. Possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the allowed number of plants on the premises where the plants were grown, provided that the growing takes place in an enclosed locked space per this code, is not conducted openly or publicly on the property, and is not made available for sale;~~
- ~~c. Transfer of one ounce or less of marijuana, without remuneration, to a person who is 21 years of age or older;~~

- d. ~~Consumption of marijuana provided that nothing in this section shall permit consumption that is conducted openly and publicly or in a manner that endangers or affects others; and~~
- e. ~~Assisting another person who is 21 years of age or older in any of the acts described in paragraphs (a) through (d) of this subsection.~~

~~"Marijuana product manufacturing facility" shall have the same meaning as set forth in Section 5.32.030 of the code. means an entity which purchases marijuana; manufactures, prepares and packages marijuana products and/or sells marijuana and marijuana products to other marijuana product manufacturing facilities and/or to medical marijuana and/or retail marijuana stores in accordance with Amendments 20 and 64, and titles 5 and 17 of this code.~~

~~"Marijuana testing facility" shall have the same meaning as set forth in Section 5.32.030 of the code. means an entity which analyzes and certifies the safety and potency of marijuana in accordance with Amendment 20 and/or Amendment 64, and titles 5 and 17 of this code.~~

~~"Medical marijuana establishment/business" shall have the same meaning as set forth in Section 5.32.030 of the code. means a medical marijuana center, an optional premises cultivation operation, and a medical marijuana infused products manufacturing operation as more fully defined in the Colorado Marijuana Code.~~

~~"Medical marijuana patient" means a person who has been diagnosed with a debilitating medical condition by a physician or physicians as provided in Amendment 20, the Colorado Marijuana Code and this section.~~

~~"Medical marijuana store" shall have the same meaning as set forth in Section 5.32.030 of the code.~~

~~"Medical use" as used in this Chapter means the acquisition, possession, production, use or transportation of marijuana or paraphernalia by an individual of no less than 18 years of age related to the administration of such marijuana to address the symptoms or effects of a medical marijuana patient's debilitating medical condition, which may be authorized only after a diagnosis of the debilitating medical condition by a physician or physicians, as provided in Amendment 20, the Colorado Marijuana Code and this section.~~

~~"Personal use" as used in this Chapter means the cultivation of marijuana by an individual who is 21 years or older in an enclosed locked space for the individual's own use. Notwithstanding any other provision of law, personal use of marijuana in the following circumstances is not unlawful and shall not be an offense under Colorado law or the code, or be a basis for seizure or forfeiture of assets under Colorado law for person 21 years of age or older:~~

- a. ~~Possessing, using, displaying, purchasing, or transporting marijuana accessories or one ounce or less of marijuana;~~
- b. ~~Possessing, growing, processing, or transporting no more than six marijuana plants, with three or fewer being mature, flowering plants, and possession of the marijuana produced by the allowed number of plants on the premises where the plants were grown, provided that the growing takes place in an enclosed locked space as defined in this code, is not conducted openly or publicly on the property, and is not made available for sale;~~

- c. Transfer of one ounce or less of marijuana, without remuneration, to a person who is 21 years of age or older;
- d. Consumption of marijuana provided that nothing in this section shall permit consumption that is conducted openly and publicly or in a manner that endangers or affects others; and
- e. Assisting another person who is 21 years of age or older in any of the acts described in paragraphs (a) through (d) of this subsection.

"Retail marijuana" shall have the same meaning as set forth in Section 5.32.030 of the code, Amendment 64, or as may be more fully defined in the Colorado Retail Marijuana Code.

~~"Retail marijuana establishment business" shall have the same meaning as set forth in Section 5.32.030 of the code means a marijuana club, a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana product manufacturing facility, or a retail marijuana testing facility as set forth in section 16 of Article XVIII of the Colorado Constitution or as may be more fully defined in the Colorado Retail Marijuana Code.~~

"Retail marijuana store" shall have the same meaning as set forth in Section 5.32.030 of the code.

~~"State licensing authority" shall have the same meaning as set forth in Section 5.32.030 of the code means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, and sale of marijuana in Colorado.~~

### **17.73.026 Industrial Hemp**

A property owner may grow industrial hemp on a residential property within the Town of Silt, in accordance with this code (limit of two plants per residential lot), for his/her personal use without a special use permit. ~~If allowed by zoning code, a property owner may grow industrial hemp on an agricultural/rural property or commercial property. Such a property owner desiring to grow industrial hemp on an agricultural/rural property or a commercial property shall submit to the town a special use permit application and a business license/home occupation license application in accordance with this code. and As a condition of special use permit and business license issuance, industrial hemp cultivators on agricultural/rural or commercial properties shall annually submit to the Town results from scientific testing for such industrial hemp that indicates that the hemp has less than three-tenths of one percent of delta-9 tetrahydrocannabinol. Failure to submit such results annually may result in revocation of the special use permit and/or the business license.~~

### **17.73.030 Concentration, setbacks, and prohibitions.**

A. No medical or retail marijuana store business and/or retail marijuana store may shall be located:

1. Wwithin 500 feet of another any other medical or retail marijuana store business or retail marijuana store business, with the exception of marijuana testing facilities. A medical marijuana business may be located on the same licensed premises as a

retail marijuana business of the same class and ownership as long as the licensed premises meets the distance requirement from other medical and retail marijuana businesses.

2. In any residential zone district, downtown mixed-use overlay district, planned unit development district, or any other zone district not specifically allowed by the code.

~~No medical marijuana establishment and/or retail marijuana establishment may be located within any residential zone district.~~

~~B. No medical marijuana establishment and/or retail marijuana establishment may be located within 500 feet of a private or public school, including but not limited to daycares and preschools not located within a commercial or business zone district.~~

3. Within 500 feet of a private or public school including but not limited to daycares and preschools not located within a commercial or business zone district.
4. Within 500 feet of a place of worship or religious assembly; any public park, playground, or recreation facility; or a drug or treatment facility.

~~D.B. No more than one medical or retail marijuana store may be located within the Downtown area (defined as that area between 1<sup>st</sup> Street and 16<sup>th</sup> Street, and between Front Street and Home Avenue).~~

C. No medical and/or retail marijuana store may be located within the same building or on the same lot as a marijuana testing facility or a marijuana cultivation facility.

D. A medical marijuana or retail marijuana store shall not exceed 1,500 square feet in gross floor area.

E. The number of marijuana stores permitted in the town shall be limited as set forth in section 5.32.060 of the code.

F. The odor of marijuana must not be perceptible to a person with a normal sense of smell at the exterior of the building of a licensed medical or retail marijuana business. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a medical or retail marijuana business must be provided at all times.

G. All signage and advertising for a marijuana business shall comply with all applicable provisions of this code and state law.

H. All activities of medical and retail marijuana businesses, including, without limitation, cultivating, growing, processing, displaying, manufacturing, selling and storage, shall be conducted out of public view. No marijuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

**17.73.040 Additional permit application submittal items and public notification requirements for medical marijuana businesses establishments and/or retail marijuana businesses establishments that require a special use permit and/or commercial site plan approval.**

An applicant for a medical marijuana and/or retail marijuana business establishment shall submit to the town, in addition to other requirements contained in the code, a special use permit application and/or a commercial site plan application in a form acceptable to the town, and at a minimum shall include the following:

- A. Statement detailing the proposal;
- B. Statement detailing conformance with title 5 and title 17 of this code;
- C. Vicinity map at a scale no less than 1" = 200", indicating the subject property and all schools, medical and retail marijuana businesses establishments, ~~and retail marijuana establishments~~, public buildings, parks, playgrounds, recreation facilities, places of worship and religious assembly, drug or treatment facilities, and residential zones within one-fourth mile;
- D. Site plan at a scale no less than 1" = 200', indicating the location of proposed medical marijuana and/or retail marijuana business establishment, and all other items as required for commercial businesses as delineated in chapters 17.42 and 17.49;
- E. Complete list of all property owners and licensed businesses within 500 feet, hereinafter referred to "affected property owners"; applicant shall adhere to public notification requirements in chapter 16.16 of this code, with the following exceptions:
  - 1. Instead of notifying property owners within 200 feet, applicant shall notify property owners and businesses that have a valid business license within 500 feet of the subject property, in the manner prescribed in chapter 16.16 of this code; and
  - 2. Town may not send notices per section 16.16.010(E).
- F. A sign plan for the subject property, indicating all proposed signs that may be viewed from any public right-of-way adjacent to the subject property; applicant shall adhere to all sign code requirements of this code.
- G. An odor management plan detailing what methods will be used to prevent the emission of any odor of marijuana from the licensed premises.
- H. Payment of Fees and Costs. The applicant for a medical marijuana and/or retail marijuana business establishment special use permit shall pay a nonrefundable application fee upon filing the application, such fee to be set by the board annually or as often as necessary, by resolution. Additionally:

1. The applicant for a medical marijuana and/or retail marijuana business establishment special use permit shall reimburse the town for any and all costs, staff fees and consultant fees incurred by the town during and after a review process associated with the application;
2. Administrative costs include, but are not limited to: publication costs, recording fees, staff review fees and any other actual out-of-pocket costs incurred by the town with regard to the review of the application;
3. Consultant fees may include, but are not limited to, all actual out-of-pocket costs incurred by the town regarding review of the application by legal, planning, engineering, and other professional advice;
4. Additionally, to partially defray administrative handling and review costs incurred by the town with regard to review of the application, the applicant for a medical marijuana and/or retail marijuana business establishment shall pay an administrative fee in an amount equal to 15 percent of all consultant fees resulting from the review and processing of all applications required by chapter 17.73;
5. Finally, any applicant for a medical marijuana and/or retail marijuana business establishment special use permit shall pay to the town any outstanding invoices for review of such application as a condition of and prior to the town's approval of such special use permit.

**17.73.050 Approvals necessary for operation of a medical marijuana and/or retail marijuana business establishment.**

A. No medical marijuana and/or retail marijuana business establishment may operate without the planning and zoning commission's approval of a commercial site plan, if applicable, the board's approval of a special use permit, if applicable, as well as the local licensing authority and the state's approval of all required marijuana licenses a medical marijuana establishment license.

B. No medical marijuana and/or retail marijuana business establishment may operate without having fully satisfied all conditions of each of the approvals required by chapters 5.32, 17.42, 17.49, and 17.73.

**17.73.070 Additional requirements for the cultivation of medical and/or retail marijuana.**

A. The purpose of this section is to provide specific requirements for the cultivation of medical and/or retail marijuana, in order to make possible the review by the town staff, the commission, the board, and the public. The intent is to identify the potential major problems and the overall infrastructure feasibility of the request. Detailed engineering plans may be required.

B. Application Requirements: An applicant for a medical and/or retail marijuana cultivation facility shall submit a site plan and application with the following information:

1. An estimate of the proposed electrical requirements, and a plan to build and/or modify the existing facilities to accommodate the medical and/or retail marijuana facility;
2. An estimate of the proposed potable and/or non-potable water requirements, and a plan to build and/or modify the existing facilities to accommodate the medical and/or retail marijuana facility, as well as an analysis of water rights dedication and tap fee payments, if necessary, in conformance with chapters 13.02, 13.04, and 16.18;
3. An estimate of the number of proposed plants, and a plan to mitigate mold, fungi, and pests;
4. A description of the waste, chemical and bioproduct storage and disposal measures required to operate the facility;
5. An overview of the type of security system, with a specific estimate regarding the numbers of cameras and other monitoring equipment;
6. A floor plan indicating cultivation areas, drying areas, and other processing areas, and including restroom facilities, kitchen facilities, and the like;
7. In addition to the preceding requirements, an applicant for the medical and/or retail cultivation of marijuana shall also submit to the town for its review and approval, a special use permit application, if required due to zoning, and/or a commercial site plan application;
8. The applicant's statement that no marijuana plants may be perceptible from the exterior of the building.

**17.73.080 Additional requirements for the manufacture of medical and/or retail marijuana products.**

A. The purpose of this section is to provide specific requirements for the manufacture of medical and/or retail marijuana products, in order to make possible the review by the town staff, the commission, the board, and the public. The intent is to identify the potential major problems and the overall infrastructure feasibility of the request. Detailed engineering plans may be required.

B. Application Requirements. An applicant for the commercial manufacture of marijuana products shall submit to the town the following information and/or certifications with the application:

1. State/county certification for the handling of food and food products, as well as certification that commercial kitchen has been inspected and approved per health department regulations;
2. Types of marijuana products proposed;
3. Methods of preparation or cooking of marijuana products, including a list of any flammable or caustic chemicals that may be used in the preparation or cooking of marijuana;
4. Type(s) of storage of marijuana and other edible ingredients and preservatives;

5. An estimate of the proposed electrical requirements, and a plan to build and /or modify the existing facilities to accommodate the medical and/or retail marijuana products manufacture facility;
6. An estimate of the proposed potable and non-potable water requirements and a plan to build and/or modify the existing facilities to accommodate the medical and/or retail marijuana facility, as well as an analysis of water rights dedication and tap fee payments, if necessary, in conformance with chapters 13.02, 13.04, and 16.18.
7. A statement by applicant that no marijuana plants may be perceptible from the exterior of the building;
8. In addition to the preceding requirements, an applicant for the manufacture of medical and/or retail marijuana products shall also submit to the town for its review and approval, a special use permit application, if required due to zoning, and/or a commercial site plan application.

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**17.73.100 ~~Marijuana clubs, bars or other facilities~~ strictly prohibited.**

~~Marijuana clubs, bars or other facilities that include or consist of the consumption of marijuana in a public setting~~ are strictly prohibited within the town limits.

**17.73.110 Marijuana delivery strictly prohibited.**

Except as otherwise provided in this code, the delivery of retail marijuana to a retail marijuana consumer within the town is prohibited, regardless of whether the marijuana is being delivered from another location in town or from outside town limits. This prohibition applies regardless of whether the person delivering marijuana has a license from another jurisdiction to deliver marijuana.

**Section 3**

All ordinances heretofore passed and adopted by the Board of Trustees of the Town of Silt, Colorado are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

**Section 4**

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

**Section 5**

This ordinance becomes effective thirty (30) days past the publication of this ordinance, once approved.

**INTRODUCED, READ AND APPROVED ON FIRST READING, a public hearing**, this 12<sup>th</sup> day of October, 2020, at 7:00 p.m. in the Municipal Building of the Town of Silt Colorado.

**PASSED, APPROVED ON SECOND READING, following a continued public hearing, ADOPTED AND ORDERED PUBLISHED**, this \_\_\_ day of \_\_\_\_\_, 2020.

TOWN OF SILT

\_\_\_\_\_  
Mayor Keith B. Richel

ATTEST:

\_\_\_\_\_  
Town Clerk Sheila M. McIntyre, CMC