PLANNING COMMISSION
MEETING AGENDA
856 Castello Avenue, Fairplay
May 14, 2019 at 9:00 A.M.

PLANNING COMMISSION

.1. APPROVAL OF AGENDA

.2. APPROVAL OF MINUTES FROM APRIL 9, 2019

LAND USE PUBLIC HEARING

.1. RIGHT-OF-WAY VACATION CASE #19VAC-02

Property is the west half of the alley in Block 36, Guffey. The applicant is requesting that Park County vacate the alley and consolidate it with the adjacent property all owned by the Southern Park County Fire Protection District.

Applicant: Chief Eugene Farmer for Southern Park County Fire Protection District

Documents:

19VAC-02 PC Staff Report.pdf
Referral Responses.pdf
19VAC-02 Application.pdf

.2. REZONING CASE #18ZON-15 - POSTPONED TO JUNE 11

Properties are located in the NW ¼ of T12 R71 S29, addressed as 37900 and 37888 Hwy. 24, Lake George. The applicant is requesting to rezone the lot from Mixed Use with conditions (Resolution #2012-38) to Mixed Use with no conditions.

Applicant: Park County

.3. DISCUSSION: PROPOSED CHANGES TO THE LAND USE REGULATIONS DEFINITION AND PERMISSIBILITY OF OUTDOOR RECREATIONAL FACILITY AND GROUP HOMES.

Documents:

04-30-19, PC (Outdoor Recreational Facilities and Group Homes).pdf

PUBLIC COMMENT

Any further information can be obtained at:
Park County Planning Department, 1246 Co Rd 16
P.O. Box 1598 Fairplay, CO. 80440
(719) 836-4254
pcpd@parkco.us
PLANNING COMMISSION
MEETING AGENDA
856 Castello Avenue, Fairplay
May 14, 2019 at 9:00 A.M.

PLANNING COMMISSION

APPROVAL OF AGENDA

APPROVAL OF MINUTES FROM APRIL 9, 2019

LAND USE PUBLIC HEARINGS

RIGHT-
OF-
WAY VACATION CASE #19VAC-02

Property is the west half of the alley in Block 36, Guffey. The applicant is requesting that Park County vacate the alley and consolidate it with the adjacent property all owned by the Southern Park County Fire Protection District.

Applicant:
Chief Eugene Farmer for Southern Park County Fire Protection District

19VAC-02 PC Staff Report.pdf
Referral Responses.pdf
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REZONING CASE #18ZON-15

POSTPONED TO JUNE 11

Properties are located in the NW ¼ of T12 R71 S29, addressed as 37900 and 37888 Hwy. 24, Lake George. The applicant is requesting to rezone the lot from Mixed Use with conditions (Resolution #2012-38) to Mixed Use with no conditions.

Applicant:
Park County

DISCUSSION: PROPOSED CHANGES TO THE LAND USE REGULATIONS

DEFINITION AND PERMISSIBILITY OF OUTDOOR RECREATIONAL FACILITY AND GROUP HOMES.

04-30-19, PC (Outdoor Recreational Facilities and Group Homes).pdf

PUBLIC COMMENT

Any further information can be obtained at:
Park County Planning Department, 1246 Co Rd 16 P.O. Box 1598 Fairplay, CO. 80440
(719) 836-4254
pcpd@parkco.us

.1.
.2.
.1.
Documents:
.2.
.3.
Documents:
To: Planning Commission Members

Date: May 2, 2019

Prepared by: Jennifer Gannon, Planning Technician

Subject: Guffey Right-of-Way Vacation

Request: Vacate the west half of the alley in Block 36, Guffey, and consolidate it with adjacent property owned by the Southern Park County Fire Protection District.

Application Summary:

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Eugene Farmer for the Southern Park County Fire Protection District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Southern Park County Fire Protection District (SPCFPD)</td>
</tr>
<tr>
<td>Location:</td>
<td>Guffey Fire Station, addressed as 1745 County Road 102, Guffey</td>
</tr>
<tr>
<td>Zone District:</td>
<td>Mixed Use (MU)</td>
</tr>
<tr>
<td>Surrounding Zoning:</td>
<td>Mixed Use (MU to the West, South and East, Agricultural (A) and Residential (R) to the North. A Zoning Map is Attachment 1.</td>
</tr>
<tr>
<td>Lot Size:</td>
<td>0.03 acres to be vacated. Consolidated parcel will total 2.00 acres.</td>
</tr>
<tr>
<td>Existing Use:</td>
<td>Guffey Fire Station</td>
</tr>
<tr>
<td>Public Comment:</td>
<td>None received at this time.</td>
</tr>
</tbody>
</table>

Background:

In September, 2018, the Southern Park County Fire Protection District (SPCFPD) requested that the County vacate the northern most part of the platted Main Street and a portion of the alley in Block 36 so that they could consolidate the lots they owned around those two rights-of-way. This ROW vacation and consolidation created New Lot 9, a 1.54-acre lot on which they were going to add a 29,900 water storage system. In April of 2019, the County transferred ownership of Lots 10-15 to SPCFPD and they are now asking that the other half of the already partially vacated alley now be vacated so that these lots can be consolidated with New Lot 9. With this added property, the proposed site of the water storage system has been changed so that it is further away from the north property boundary and will be easier for the fire trucks to access. An aerial map of the subject properties is included as Attachment 2 and the proposed site plan is Attachment 3.
Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a Right-of-Way Vacation (LUR Section 6-1003, page 50) is addressed, as summarized below.

A. The vacation of the right-of-way is not contrary to the public interest.
   This alley right-of-way has never been constructed or used and its vacation will not affect the public in any negative way.

B. The proposed right-of-way vacation would not create or result in any adverse impact to neighboring properties or the public health, safety, or welfare.
   This right-of-way vacation will not create any adverse impacts, as the public does not currently use, or would have any future use for, this alley. In fact, it makes possible the installation of a water storage system that will increase the Fire Department’s ability to help the public.

C. The proposed right-of-way vacation does not leave any land without access to another public road.
   No other properties will be left without access.

D. The proposed right-of-way vacation substantially conforms to the goals and policies of the Strategic Master Plan to the extent that such advisory provisions do not conflict with provisions or requirements of the Land Use Regulations and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning Commission or the BOCC to decide that the dedication meets or fails to meet such goal or policy.
   This proposed Right-of-Way Vacation supports Goal 9.4 of the 2016 Strategic Master Plan: Support fire districts’ efforts to provide fire and emergency services.

Impact Analysis:

No impact is anticipated to traffic, roadways, schools, parks, storm drainage facilities, or utilities.

Recommendation:

Based on the foregoing, staff recommends approval of the proposed right-of-way vacation with no conditions.
Key

- 12 - 2,000 gallon tanks
- 6" water line
- Fire hydrant
Referral Response

Submitted Date: April 29, 2019

Comment Deadline Date: May 9, 2019

Case #: 19VAC-02  Case Name: Southern Park County Fire Protection District Right-of-Way Vacation

Request: Vacation of westerly half of the alley in Block 36 Guffey to consolidate with the Lots 10 through 15 and New Lot 9 Block 36, all owned by the Southern Park County Fire Protection District.

Location/Legal Description: 1745 County Road 102, Guffey.

Date of Planning Commission Hearing: May 14, 2019

Date of Board of County Commissioners: May 23, 2019

☐ We have reviewed this referral and find that it does comply with our Strategic Master Plan.

☐ We have reviewed this referral and find that it does not comply with our Strategic Master Plan for the following reasons:

________________________________________________________________________________________

________________________________________________________________________________________

☒ We have reviewed this referral and find no conflicts with our interests.

☐ A formal recommendation is under consideration and will be submitted to you prior to ________________.

☐ Please refer to the enclosed letter.

☐ We offer the following comments regarding this referral:

___none______________________________________________________

___

________________________________________________________________________________________

________________________________________________________________________________________

Signed: _TEisenman_____________________________________ Title: _CM_____________________________

Date: __4.30.19______
Referral Response

Submitted Date: April 29, 2019
Comment Deadline Date: May 9, 2019

Case #: 19VAC-02  Case Name: Southern Park County Fire Protection District Right-of-Way Vacation Request: Vacation of westerly half of the alley in Block 36 Guffey to consolidate with the Lots 10 through 15 and New Lot 9 Block 36, all owned by the Southern Park County Fire Protection District.

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________________________________________________________________________________________

________________________________________________________________________________________

☒ We have reviewed this referral and find no conflicts with our interests.

☐ A formal recommendation is under consideration and will be submitted to you prior to ________________.

☐ Please refer to the enclosed letter.

☐ We offer the following comments regarding this referral:

________________________________________________________________________________________

________________________________________________________________________________________

________________________________________________________________________________________

Signed: Cindy Jones  Title: ______GIS Analyst________________________  Date:_____April 30, 2019____
Referral Response

Submitted Date: April 29, 2019
Comment Deadline Date: May 9, 2019

Case #: 19VAC-02  Case Name: Southern Park County Fire Protection District Right-of-Way Vacation

Request: Vacation of westerly half of the alley in Block 36 Guffey to consolidate with the Lots 10 through 15 and New Lot 9 Block 36, all owned by the Southern Park County Fire Protection District.

Location/ Legal Description: 1745 County Road 102, Guffey.

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☐ We have reviewed this referral and find that it does not comply with our Strategic Master Plan for the following reasons:

_______________________________________________________________________________________
_______________________________________________________________________________________

☐ We have reviewed this referral and find no conflicts with our interests.

☐ A formal recommendation is under consideration and will be submitted to you prior to ________________.

☐ Please refer to the enclosed letter.

☐ We offer the following comments regarding this referral:

There are no historic resources adversely affected
_______________________________________________________________________________________
_______________________________________________________________________________________

Signed: Jon Grams  Title: Preservationist  Date: 4.30.2019
Greg Kasparek
Right of Way Manager
Park County Public Works

Jennifer Gannon
Planning Technician II
856 Castello Ave.
Fairplay, CO 80440
(719) 836-4258
jgannon@parkco.us

Current Office Hours
Monday – Thursday: 7:00 a.m. to 4:00 p.m.
Closed Fridays

Park County Public Works does not have any issues with this vacation.

Greg Kasparek
Right of Way Manager
Park County Public Works

Hello everyone,
The Southern Park County Fire Protection District is requesting a vacation of part of an alley surrounded by property all owned by them. If vacated, it will be consolidated in to one two-acre lot and the FPD will move forward with installing a 29,900 gallon water storage system.

Please review and return the Referral Response Form. We appreciate any and all comments you may have.

Thank you,

Jennifer Gannon
Planning Technician II
856 Castello Ave.
Fairplay, CO 80440
(719) 836-4258
jgannon@parkco.us
PARK COUNTY APPLICATION FOR
RIGHT-OF-WAY VACATION
NON-REFUNDABLE APPLICATION FEE: $1700

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail necpd@parkco.us, fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant’s Name: Chief Eugene Farmer
Mailing Address: 1745 County Rd 102
City: Guffey State CO Zip: 80820
Telephone:
(work) (719) 689-9479
(home) NA
(fax) (719) 689-9483
Owner’s Name: Southern Park County Fire Protection District
Mailing Address: 1745 Co Rd 102, Guffey, CO 80820
Telephone No.: (719) 689-9479

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Right-of-Way Vacation (attach additional page, if necessary): CONSOLIDATION of New Lot 9 (Created by plat recorded at Rec. NO 589595), located in Section 13 & 14, Township 15 South, Range 73 West of the 6th P.M. WITH Block 36, Lots 10, 11, 12, 13, 14 and 15 (Schedule 15118) located in Sections 13 & 14, Township 15 South, Range 73 West of the 6th P.M. AND vacating the westerly ½ of the alley in Block 36 along the west edge of lots 10-15. SEE APPENDIX 4
Street Address of Property: 1745 Co Rd 102, Guffey, CO 80820
Property’s Total Acreage (After Consolidation): 2.00 acres
Current Zone District of Property: Rural Center Mixed Use

[Signature]
For County Use Only
Planning Department Confirmation of Current Zone District:
District: Mixed Use
Print Full Name: [Signature]

Page 1 of 21 Right-of-Way Vacation
Revised April 2013
### C. APPLICATION REQUIREMENTS

Requirements for a Right-of-Way Vacation Article VI, Division 10, Section 6-1002

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Note</th>
<th>For County Use Only: Initial Receipt of the Required Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Application Fee. An application fee in the amount of $1700.00 must be</td>
<td>SPCFPD has been exempt from application fees</td>
<td>(1.) _____</td>
</tr>
<tr>
<td>paid at the time of submission of the application. Make the check or</td>
<td></td>
<td></td>
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<tr>
<td>money order to: Park County Planning Department. The fee pays for a</td>
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<tr>
<td>portion of the total cost to the County to process the application</td>
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<td>including the cost of publication of the necessary public notices. Any</td>
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<td>associated fees that may occur is the applicant’s responsibility.</td>
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<tr>
<td>2. Tax receipt showing payment of current taxes. This can be obtained at</td>
<td>SPCFPD is exempt from Property Taxes</td>
<td>(2.) N/A</td>
</tr>
<tr>
<td>the Park County Assessor’s office.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Proof of ownership in the form of a recorded Warranty Deed. This can</td>
<td>See Appendix 1 (To be provided by Park Co.) Appendix1</td>
<td>(3.) _</td>
</tr>
<tr>
<td>be obtained at the Park County Clerk and Recorders office.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. A list of names and mailing addresses of all owners of adjacent</td>
<td>See Appendix 2 Appendix2</td>
<td>(4.)</td>
</tr>
<tr>
<td>property to the property subject to the proposed plat amendment, this</td>
<td></td>
<td></td>
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<tr>
<td>information is at the Park County Assessor’s Office.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. A Vicinity Map of where the proposed property is located within Park</td>
<td>See Appendix 3 Appendix3</td>
<td>(5.)</td>
</tr>
<tr>
<td>County.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Certified Land Survey Plat for the property subject to Right-of-Way</td>
<td>See Appendix 4 Appendix4</td>
<td></td>
</tr>
<tr>
<td>Vacation. The Right-of-Way Vacation plat shall be drawn, signed and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>stamped by a currently registered Colorado land Surveyor at a commonly</td>
<td></td>
<td></td>
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<tr>
<td>used engineering scale. The size of the map sheet shall be twenty-four</td>
<td></td>
<td></td>
</tr>
<tr>
<td>by thirty-six inches (24” x 36”). Where the required data cannot be</td>
<td></td>
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<tr>
<td>clearly shown on one plan sheet, additional plan sheets of the same size</td>
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<tr>
<td>may be used with easily identifiable match lines. At a minimum, the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-of-Way Vacation plat shall show or illustrate:</td>
<td></td>
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<td>---</td>
</tr>
<tr>
<td>a.</td>
<td>The plat shall include a title with the phrase “Right-of-Way Vacation Plat”; and</td>
<td>See Appendix 4 (6.a)</td>
</tr>
<tr>
<td>b.</td>
<td>Date of preparation, map scale, and north arrow;</td>
<td>See Appendix 4 (6.b)</td>
</tr>
<tr>
<td>c.</td>
<td>Name, address and telephone number of the Applicant, land owner(s), planner, engineer, and surveyor;</td>
<td>See Appendix 4 (6.c)</td>
</tr>
<tr>
<td>d.</td>
<td>Total acreage and surveyed legal description of the property proposed for right-of-way vacation;</td>
<td>See Appendix 4 (6.d)</td>
</tr>
<tr>
<td>e.</td>
<td>Primary boundary survey control points with monument descriptions; all parcel lines dimensioned with lengths; curve data including chord lengths and bearings; basis of bearings and relation to true meridian. All required boundary monuments shall be placed in the field before the right-of-way vacation is recorded;</td>
<td>See Appendix 4 (6.e)</td>
</tr>
<tr>
<td>f.</td>
<td>Name and right-of-way width of each street or road proposed for vacation. Right-of-way widths are to be shown at each leg of an intersection, at point of curvature and point of tangent, at dead-ends, and at angle points;</td>
<td>See Appendix 4 (6.f)</td>
</tr>
<tr>
<td>g.</td>
<td>A clear illustration or description of the proposed Right-of-Way vacation, using shading, crosshatching, highlighting, or other techniques to accurately show identification of right(s)-of-way to be vacated, subject to acceptance by the Board of County Commissioners;</td>
<td>See Appendix 4 (6.g)</td>
</tr>
<tr>
<td>h.</td>
<td>Approval certification and plat language Forms A-1 through A-4, as identified in Appendix A (attached) of the Land Use Regulations. The Board of County Commissioners may modify the form of certification upon the advice of the County Attorney;</td>
<td>See Appendix 4 (6.h)</td>
</tr>
<tr>
<td>i.</td>
<td>Location of existing utilities within or adjacent to the property proposed for right-of-way vacation, including water, sewer, electricity, gas and phone lines;</td>
<td>See Appendix 4 (6.i)</td>
</tr>
<tr>
<td>7.</td>
<td>Proof that no land adjoining said road or alley to be vacated would be left without access.</td>
<td>Appendix 5 (Appendix 5)</td>
</tr>
<tr>
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<td></td>
<td></td>
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<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>8. Letters of consent to alter or vacate utility easements from all public utilities serving the site, if applicable.</td>
<td>Appendix 6 Appendix6 (8)</td>
<td></td>
</tr>
<tr>
<td>9. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).</td>
<td>Appendix 7 Appendix7 (9)</td>
<td></td>
</tr>
<tr>
<td>10. Written description of the reason for the right-of-way vacation.</td>
<td>Appendix 8 Appendix8 (10)</td>
<td></td>
</tr>
<tr>
<td>11. A $13.00 check made out to the Park County Clerk and Recorder to record the surveyor’s Mylar.</td>
<td>(11)</td>
<td></td>
</tr>
</tbody>
</table>

Note: Refer to Park County Land Use Regulations Article VI, Division 10; Section 6-1003, Standards for Approval.

Note: A Mylar as described in #6 will be required after final approval for recording.
D. APPLICANT AND LANDOWNER SIGNATURES:

The undersigned applicant and landowner hereby verifies and affirms that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: [Signature]
Print name: [Name]
If company, state Title/Position: [Title]

E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION

This application was submitted to the Park County Planning Department on the following date and time:

Month _______ Day _______ Year _______

Payment of the Applicant Fee was made by:

- Personal Check # _______ Amount $ _______
- Cash Amount $ _______
- Other Amount $ _______

APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTARIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.

ALL PLANNING COMMISSION HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.
Appendix 8 – Reason for ROW Vacation

The Southern Park County Fire Protection District (SPCFPD – Fire Station #1) needs to consolidate owned lots and vacate the alley east of lots 10-15 Block 36 in Guffey, Colorado in order to have enough land to install a 29,990-gallon water storage system to support fire fighting actions in the Guffey area.
QUIT CLAIM DEED

THIS DEED, dated this 4th day of April, 2018, between the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK, COLORADO, grantor, and Southern Park County Fire Protection District whose legal address is 1745 County Road 102, Guffey Colorado, grantee:

WITNESSETH, That the grantor, for and in consideration of the sum of Ten Dollars ($10.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantees, their heirs and assigns forever, all the grantor’s interest in real property, together with improvements, if any, situate, lying and being in the County of Park, State of Colorado, described as follows:

T15 R73 S15 NE4
Guffey (FreshWater)
Block 36 Lot 10 thru 15
BO266 PO254 SP03 15117 45775
Park County
Colorado

Assessor's schedule or parcel number: 15118

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the grantees, their heirs and assigns forever

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Richard Elsner, Chairman
Board of County Commissioners of the County of Park, State of Colorado
STATE OF COLORADO

COUNTY OF PARK

The foregoing instrument was acknowledge before me this 4th day of April, 2019, by Richard Elsner as Chairman of the Board of County Commissioners of the County of Park, State of Colorado.

[Signature]
Notary Public

Witness my hand and official seal.

My commission expires: 7/06/2021
Appendix 2

List of Names and Mailing Addresses of all owners of adjacent property to the property subject to the proposed plat amendment

<table>
<thead>
<tr>
<th>Schedule Number</th>
<th>M_address1</th>
<th>M_address2</th>
<th>owner1</th>
</tr>
</thead>
<tbody>
<tr>
<td>15117</td>
<td>PO BOX 1373</td>
<td>FAIRPLAY CO 804401173</td>
<td>PARK COUNTY</td>
</tr>
<tr>
<td>15119</td>
<td>395 SANDSTONE CIR</td>
<td>CANON CITY CO 81212</td>
<td>KING PAUL D</td>
</tr>
</tbody>
</table>

36778 John Welch

11754 John Welch

15104 Park Co.

15104 Christian Villanueva

14815 - no records in Assessor's site - Consolidated
5822 Kay and Gerald French
RIGHT OF WAY VACATION AND LOT CONSOLIDATION PLAT
VACATING THE WESTERLY 1/2 OF THE ALLEY IN BLOCK 36, AND CONSOLIDATING NEW LOT 9
CREATED BY PLAT RECORDED AT REC. NO 751274, AND LOTS 10 THROUGH 15, ALL IN BLOCK 36
ADDITIONAL AND AMENDED TOWN SITE OF FRESHWATER AKA GUFFEY
(AS RECORDED JANUARY 2, 1896)
INTO ONE LOT TO BE KNOWN AS NEW LOT 10, BLOCK 36
LOCATED IN SECTION 13 & 14, TOWNSHIP 15 SOUTH, RANGE 73 WEST OF THE 6th
P.M., PARK COUNTY, COLORADO
RIGHT OF WAY VACATION AND LOT CONSOLIDATION PLAT
VACATING MAIN STREET BETWEEN BLOCKS 13 & 36 & PART OF THE ALLEY IN BLOCK 36, AND CONSOLIDATING BLOCK 13 LOTS 16-20, BLOCK 36 LOTS 1-4, 16 & 17 & NEW LOT CREATED BY PLAT
RECORDED AT REC. NO. 589595

ADDITIONAL AND AMENDED TOWN SITE OF FRESHWATER AKA GUFFEY
(AS RECORDED JANUARY 2, 1896)
INTO ONE LOT TO BE KNOWN AS NEW LOT 9, BLOCK 36
LOCATED IN SECTION 13 & 14, TOWNSHIP 15 SOUTH, RANGE 73 WEST OF THE 6th P.M., PARK COUNTY, COLORADO

NOTES:
1. The tract of land shown is a coordinate bearing of the line between Lot 1, Sec. 1, T. 15S., R. 73W. 6th P.M., and Lot 16, Sec. 13, T. 15S., R. 73W. 6th P.M., and is situated in the City of Twin Lakes, County of Lake, State of Colorado. The said line is shown by coordinates as follows:

   LOT 1, SEC. 1, T. 15S., R. 73W. 6th P.M.:
   Lot 1, Sec. 1, T. 15S., R. 73W. 6th P.M.
   Lot 16, Sec. 13, T. 15S., R. 73W. 6th P.M.

   NEW LOT 9, BLOCK 36:
   NEW LOT 9, BLOCK 36

   LOT CONSOLIDATION RECS. NO. 589595

2. The tract of land shown is located in Section 13, Township 15 South, Range 73 West of the 6th P.M., Park County, Colorado, and contains 1.54 acres.

3. The tract of land shown is for the purpose of vacating the alley in Block 36, Denver, Colorado, and consolidating Lots 16-20, Block 36, and creating a new lot in Block 36.

4. The tract of land shown is for the purpose of vacating the alley in Block 36, Denver, Colorado, and consolidating Lots 16-20, Block 36, and creating a new lot in Block 36.

5. The tract of land shown is for the purpose of vacating the alley in Block 36, Denver, Colorado, and consolidating Lots 16-20, Block 36, and creating a new lot in Block 36.
Appendix 5

Proof that no land adjoining said road or alley to be vacated would be left without access.

The alley located to the east of lots 10-15 that is to be vacated would be added to lot 9 and become new lot 10. The consolidation of lot 9 and lots 10-15 would result in one contiguous property as new lot 10 that would include the vacated alley and thus no land adjoining the alley would be left without access. See Appendix 4. [Plan]
Letters of consent to alter or vacate utility easements from all public utilities serving the site, if applicable.

XCEL Energy

Appendix 6

XCEL Peter Schmidt (970) 262-4054 peter.j.schmidt@xcelenergy.com
Ryan Selchert, (970) 390-5628 Ryan.J.Selchert@xcelenergy.com

Gmail

Re: Letter of consent to alter or vacate utility easement

To: Gray Kozycz graykozyycz@gmail.com, Peter Schmidt peter.j.schmidt@xcelenergy.com
From: Ryan Selchert Ryan.J.Selchert@xcelenergy.com
Cc: Eugene Partin EugenePartin@puflyfire.net, Denny Gibson DennyGibson@puflyfire.net, Mike Parch MikeParch@puflyfire.net, Dean English DeanEnglish@puflyfire.net, Gene Wagner gene.wagner@puflyfire.net

Sent: Jan 18, 2016 at 5:43 AM

To whom it may concern,

Xcel does not provide gas or electric service in Guffey, CO. Xcel vacates any utility easement for specific distribution within the area of the Western 1/3 of the Acre in Block 26 and lots 10-15 in Block 31.

Thank you,

Ryan Selchert
Xcel Energy | Responsible By Nature
P.O. Box 1119
Montrose, CO 81403

Phone: 970-435-8088 Fax: 970-350-5520

My Office Hours: Monday to Friday 6:00-4:30
February 6, 2019

South Park County Fire Protection District
Attn: Denny Gibeson
1745 County Rd 102
Guffey, CO 80820

Re: Consolidation of Lots 10 through 15 Block 13 and Lots 5 through 9 Block 36; a portion Right Vacation of Westerly ½ of alley in Block 36; Additional and Amended Townsite of Freshwater (Guffey) as recorded January 2, 1896; County of Park; State of Colorado; T15S, R73W, Sections 13 and 14 in the 6th P.M.

Dear Mr. Gibeson:

Intermountain Rural Electric Association consents to the above request; however, does not relinquish any rights or easements pertaining to the existing electric facilities located on the above described lot consolidation.

Should there be any questions, please feel free to contact me.

Sincerely,

[Signature]

Brooks Kaufman
Director of Lands and Rights of Way
RE: Alley Vacation and Lot Consolidation Letter of Consent
1 message
Mansell, Marke <Marsei.Mansell@CenturyLink.com>
To: Gary Kaszynski <gacyjustthefacts@gmail.com>

Gary,

Please be advised that Qwest Corporation dba CenturyLink QC has no objection to alley vacation and lot consolidation described on the preliminary plat which will create New Lot 1B, Block 36, Gully, CO.

Please call if I can be of further assistance.

Mark Mansell
Right of Way Agent
719-584-6484
Appendix 7 – Property Address Posting (Existing)
Intergovernmental Agreement to Purchase Water Facility and System

This AGREEMENT is made this 11th day of April, 2019, by and between the Southern Park County Fire Protection District, a political subdivision of the State of Colorado, whose address is 1745 County Road 102, Guffey, Colorado 80820 (SPCFPD) and the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK, a political subdivision of the State of Colorado, whose address is P.O. Box 220, 501 Main Street, Fairplay, Colorado 80440 (Park).

WHEREAS, SPCFPD needs to purchase and install a water storage facility and delivery system.

WHEREAS, Park has agreed to provide funding for the purchase of said water storage facility and delivery system through the Land and Water Trust Fund;

WHEREAS, Section 18(2)(a) of Article XIV to the Colorado Constitution, as well as Section 29-1-201, et seq., specifically 29-1-203, C.R.S., authorize and encourage governments to cooperate by contracting with one another to their mutual benefit; and

WHEREAS, in order to clearly set forth the responsibilities, powers, and rights of each of the parties, the parties enter into this Agreement.

NOW, THEREFORE, in consideration of the recital, promises, and covenants herein set forth, and any other good and valuable consideration receipted for, the parties agree as follows:

1. Park authorizes SPCFPD to purchase and install a water storage facility and delivery system, for which $77,000.00 from this distribution has been allocated.

2. SPCFPD shall exercise its discretion in determining the specific manner in which the water storage facility and delivery system are purchased and installed, subject to applicable law and governing authority.

3. SPCFPD shall maintain workmen's compensation insurance to cover obligations imposed by applicable laws for any employee engaged in the performance of work under this Agreement and Employer's Liability Insurance with minimum limits in accordance with Colorado law.

4. Neither party nor their employees shall be deemed to assume any liability for intentional or negligent acts of the other party, or any of the other party's officers, agents, or employees.

5. Either party to this Agreement may terminate this Agreement effective immediately upon providing written notice to the other party.

6. Each party is relying on, and does not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq., as amended,
or otherwise available to each party, its officers, employees, or volunteers.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date first set forth above.

BOARD OF DIRECTORS OF THE SOUTHERN PARK COUNTY FIRE PROTECTION DISTRICT

Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK

Chair

ATTEST:

[Signature]

COUNTY CLERK

[Seal]

State of CO, County of PARK
Signed before me on this 26 day of Feb by 2019
Notary Public

MARSHALL L. DUNN SR.
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20094032140
MY COMMISSION EXPIRES FEBRUARY 14, 2021
WATER WELL AND WATER SYSTEM USAGE AGREEMENT

This AGREEMENT is made this 21st day of APRIL, 2019, by and between the Southern Park County Fire Protection District, a political subdivision of the State of Colorado, whose address is 1745 County Road 102, Guffey, Colorado 80802 (SPCFPD) and the BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK, a political subdivision of the State of Colorado, whose address is P.O. Box 1373, 856 Castello Ave., Fairplay, Colorado 80440 (Park), (each individually a Party and together the Parties).

WHEREAS, Park is the owner of real property located in Park County commonly known and numbered as Park County Road and Bridge and Park County Guffey Community Center, Guffey, Colorado 80802 (the County Property), more particularly described in Exhibit A attached hereto; and

WHEREAS, SPCFPD is the owner of real property located in Park County commonly known and numbered as Guffey Fire Station # 1, Guffey, Colorado 80802 (the SPCFPD Property), more particularly described in Exhibit A; and

WHEREAS, a well identified by Colorado Division of Water Resources permit number 93727 (the Well) is located on the SPCFPD Property; and

WHEREAS, the Colorado Division of Water Resources has consented to the continued use of the Well, up to one acre foot per year, by SPCFPD for the purpose of providing emergency and fire protection services within Park County; and

WHEREAS, the County Property and the SPCFPD Property previously have shared usage of the Well; and

WHEREAS, the State Division of Water Resources has consented to the continued use of the Well by Park for the purpose of supplying water to the County Property for drinking and sanitation purposes; and

WHEREAS, the Parties wish to establish and document the terms and conditions of the continued joint use of the Well and water delivery system;

NOW, THEREFORE, in consideration of the mutual promises herein contained, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. SPCFPD shall be allowed to withdraw water from the Well subject to and consistent with the requirements of Commercial Exempt Well Permit No. 93727 and deliver water to the County and by the terms of this Agreement.

2. Each of the Parties shall pay and be responsible for fifty percent (50%) of all actual costs and expenses associated with the Well and delivery system including but not limited to, all costs and expenses of operating and maintaining the casing, pump, well house, and other similar facilities, as well as the cost of routine maintenance, replacement of parts.
3. SPCFPD shall be the primary Party responsible for maintenance of the Well and delivery system. SPCFPD shall send an invoice to Park for reimbursement of its portion of costs and expenses as set forth in paragraph 2, above. Park shall reimburse SPCFPD within 30 days of receipt of the invoice. Park shall inform SPCFPD of any mistake or dispute in writing within 10 days of receipt of the invoice and such mistake or dispute shall be resolved by mutual agreement of the Parties.

4. Each Party shall, however, be solely responsible for the operation, maintenance and repair of piping and other facilities conveying water to their respective properties from the main service line. Each of the Parties shall install a measuring device for their respective use of the water from the well.

5. The Parties shall comply with all terms and conditions set forth in Well Permit No. 93727.

6. SPCFPD shall grant Park access from the main service line to their respective properties.

7. This Agreement shall be recorded at the cost of Parties and shall be binding on any heirs, successors and assigns of the Parties. The obligations and benefits of this Agreement shall specifically run with the lands described in Exhibit A.

8. If any payment or any other condition, obligation or duty is not timely made, tendered or performed by any Party, the non-defaulting Party shall have the right to an action for specific performance or damages or both.

9. Each Party is relying on, and does not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq., as amended, or otherwise available to each party, its officers, employees, or volunteers.

10. The Parties enter into this Agreement as separate, independent entities and shall maintain such status throughout.

11. The provisions of this Agreement shall only become effective upon execution of the Agreement by both Parties.

12. Neither Party may assign its rights or obligations under this Agreement without the prior, written consent of the other Party provided, however, that rights and obligation herein contained shall run with the land and shall be binding upon the successors in interest to the Parties.

13. This agreement shall be governed by the laws of the State of Colorado.

14. No third parties are intended to be beneficiaries of this Agreement.
15. This Agreement is intended to be fully integrated.

IN WITNESS WHEREOF, the Parties hereto each herewith subscribe the same in triplicate.

BOARD OF COUNTY COMMISSIONER
OF THE COUNTY OF PARK

[Signature]
CHAIRMAN

SOUTHERN PARK COUNTY FIRE PROTECTION DISTRICT

[Signature]
CHAIRMAN

ATTEST:

[Signature]
County Clerk
Deputy

[Signature]
Notary Public

MARSHALL L. DUNN SR.
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 200004032140
MY COMMISSION EXPIRES FEBRUARY 14, 2021
Dear Mr. Gibeson;

As Sarah Brucker stated in a previous email, the issuance of this permit predated our commercial exempt well policy. The permit was issued for "drinking and sanitary facilities only", and not for the normal household use category; therefore we can treat this as a 'commercial business'.

The commercial business in question is a fire-fighting station. There are restrictions on how an exempt well can be used for fire-fighting. This includes the following:

- Fire truck/maintenance equipment washing must be done in an enclosed space where wash water is returned through a drain and disposed of such that no more than 10% of the groundwater is consumed; i.e., through a septic leach system or municipal wastewater system. This water cannot be used for lawn or landscape irrigation or other outside uses.
- An outlet must be installed between the wellhead and a totalizing flow meter for the fire-fighting use. The use of the water from this outlet is for fire-fighting only, and must be capped and locked and only available for use in fighting fires. The outlet may be used either to directly fill fire trucks or to fill an enclosed storage tank provided the tank outlet is capped and locked when not in use for filling trucks.
- A totalizing flow meter must be installed on the well to meter the drinking and sanitary uses inside the station and for fire truck/maintenance equipment washing.
- The Division Engineer's office or Water Commissioner must be notified within 72 hours whenever the well is pumped for water to be used for firefighting purposes.

My apologies for the tardiness of this response. If you have any questions or require more information, please contact me at the number below.

Sincerely,

Melissa A. van der Poel, P.E.
Team Leader, Team 237
Division of Water Resources

Phone 303-866-3581 ext 8208
1313 Sherman St., Room 818, Denver, CO 80203
melissa.vanderpoel@state.co.us
COLORADO DIVISION OF WATER RESOURCES
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

PERMIT APPLICATION FORM

( ) PERMIT TO USE GROUND WATER
( ) PERMIT TO CONSTRUCT A WELL
( ) PERMIT TO INSTALL A PUMP
( ) REPLACEMENT FOR NO.
( ) OTHER

WATER COURT CASE NO.

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 84836

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

1) APPROVED FOR DRINKING AND SANITARY FACILITIES ONLY.

2) THAT ANY INCREASE IN USE DUE TO CHANGES IN, OR ENLARGEMENT OF, PRESENT FACILITY MUST RECEIVE PRIOR WRITTEN APPROVAL FROM THE DIVISION OF WATER RESOURCES.

3) TO ASSURE THAT THE RETURN FLOW IS TO BE RETURNED TO THE SAME STREAM SYSTEM, AN INDIVIDUAL WASTE-WATER DISPOSAL SYSTEM, WHEN USED, MUST BE OF THE NON-EVAPORATIVE TYPE.

4) THE MUNICIPAL OR COUNTY GOVERNMENT SHALL BE CONSULTED WHEN LOCATING THIS WELL, AND THEIR REGULATIONS SHALL BE COMPLIED WITH.

APPLICATION APPROVED

PERMIT NUMBER 93727
DATE ISSUED SEP 27, 1977
EXPIRATION DATE SEP 27, 1979

Bruce E. Hovene
DEPUTY (STATE ENGINEER)

BY

I.D. 2-12 COUNTY 47
5) **THE LOCATION OF THE PROPOSED WELL** and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.

The scale of the diagram is 2 inches = 1 mile. Each small square represents 40 acres.

**WATER EQUIVALENTS TABLE** (Rounded Figures)
An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) = 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot = 43,560 cubic feet = 325,900 gallons
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

---

6) **THE WELL MUST BE LOCATED BELOW** by distances from section lines.
- **1530 ft. from** **NORTH** sec. line (north or south)
- **480 ft. from** **EAST** sec. line (east or west)
- **LOT 9 BLOCK 36** FILING 
- **SUBDIVISION FRESH WATER**

7) **TRACT ON WHICH WELL WILL BE LOCATED**
Owner: **PARK COUNTY Rb DEPT.**
No. of acres: **2**. Will this be the only well on this tract? **YES**

8) **PROPOSED CASING PROGRAM**
Plain Casing
- **6 1/2 in. from** **+ 1 ft. to 20 ft.**
- **4 1/2 in. from** **10 ft. to 130 ft.**
Perforated casing
- **4 1/2 in. from** **130 ft. to 150 ft.**
- **(f-f)** in. from **[to]** ft.

9) **FOR REPLACEMENT WELLS** give distance and direction from old well and plans for plugging it:

10) **LAND ON WHICH GROUND WATER WILL BE USED**:
Owner(s): **PARK COUNTY RB DEPT.**
No. of acres: **2**
Legal description: **LOT 9 BLOCK 36 SEC 14 T.15S R.75W**

11) **DETAILED DESCRIPTION** of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

12) **OTHER WATER RIGHTS** used on this land, including wells. Give Registration and Water Court Case Numbers.

13) **THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.**

SIGNATURE OF APPLICANT(S)

---

Use additional sheets of paper if more space is required.
Memo

To: Planning Commission
From: John Deagan, AICP
CC: None
Date: April 30th, 2019
Re: Land Use Regulations - Proposed Changes to Outdoor Recreational Facilities and Group Homes

1. Definition and Permissibility of Outdoor Recreational Facilities

Recent years have seen development pressure on Mining zoned lots in the mountainous portions of the county. This pressure is not for mining purposes, but for outdoor recreation, particularly backcountry skiing. Staff considers Outdoor Recreational Facility to be a potentially compatible use in the Mining zone district given conditional use permit review to ensure compatibility with neighboring land uses.

The following changes are proposed:

a. Altering the definition of Recreational Facility, Outdoors as follows:

Recreation Facility, Outdoor: An establishment, including permanent seasonal operations, providing recreational activities to the public in a largely outdoor setting. Accessory uses may include BACKCOUNTRY HUTS, limited buildings for restrooms, dressing rooms, equipment storage and rental, maintenance, open-air pavilions or shelters, and similar structures all associated with the principal outdoor recreational use. Outdoor Recreation does not include Golf Course. An Outdoor Recreation Facility is not a Conference & Retreat Facility.

b. Adding a new definition of Backcountry Hut:

BACKCOUNTRY HUT: A BUILDING OFFERING TEMPORARY SHELTER FOR SKIERS AND HIKERS, INCLUDING OVERNIGHT ACCOMMODATIONS AND COOKING AND SANITARY
FACILITIES. A BACKCOUNTRY HUT CANNOT BE USED AS A PERMANENT OR SEASONAL RESIDENCE.

c. Adding Recreational Facility, Outdoors to the Mining zone district use table as a conditional use.

2. Definitions and Permissibility of Residential and Special Group Homes

From 2003 to 2011, the definitions of Residential and Special Group Homes allowed for the housing of people with developmental disabilities, aged people, people with mental illnesses, and people with addictions or criminal histories. In November of 2011, those definitions were changed to only allow child care facilities.

This change drastically limited the ability for vulnerable and at-risk populations to be cared for in the community. It also brought our regulations out of compliance with state law. C.R.S. §30-28-115 (2) (attached) requires local governments to allow for the placement of homes for eight or fewer people with developmental disabilities, people older than sixty years who do not need nursing facilities, and people with mental illnesses.

The following changes are proposed:

a. Altering the definition of Group Home, Residential as follows:

Group Home, Residential: A use licensed by the State of Colorado as defined under 12 CCR 2509 - 8 program area 7 - Rules Regulating Residential Child Care Facilities. A “Residential Child Care Facility (RCCF)” shall provide 24 hour residential group care and treatment for five or more children. ANY OF THE FOLLOWING GROUP HOMES PROVIDED THAT THE BUILDING MEETS ALL APPLICABLE PROVISIONS OF THE COUNTY BUILDING CODE:

A. A STATE-LICENSED GROUP HOME FOR THE EXCLUSIVE USE OF SUPPORT STAFF AND EIGHT OR FEWER PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES AS DEFINED IN C.R.S. §25.5-10-102.

B. A STATE-LICENSED GROUP HOME FOR THE EXCLUSIVE USE OF SUPPORT STAFF AND EIGHT OR FEWER PERSONS SIXTY
YEARS OF AGE OR OLDER THAT DO NOT NEED NURSING FACILITIES. SUCH HOMES SHALL BE DISTINGUISHED FROM NURSING FACILITIES AS DEFINED IN C.R.S. §25.5-4-103 (14) AND INSTITUTIONS PROVIDING LIFE CARE AS DEFINED IN C.R.S. §11-49-101 (6).

C. A STATE-LICENSED GROUP HOME FOR THE EXCLUSIVE USE OF SUPPORT STAFF AND EIGHT OR FEWER PERSONS WITH BEHAVIORAL OR MENTAL HEALTH DISORDERS AS DEFINED IN C.R.S. §27-65-102.

b. Altering the definition of Group Home, Special as follows:

Group Home, Special: A use licensed by the State of Colorado as defined under 12 CCR 2509 – 8 program area 7 – Specialized Group Facilities.

A SPECIAL GROUP HOME INCLUDES:

A. ANY RESIDENTIAL GROUP HOME WITH MORE THAN EIGHT RESIDENTS; OR

B. ANY ESTABLISHMENT WITH THE PRIMARY PURPOSE OF RESIDENTIAL ACCOMMODATION AND ASSISTANCE OF ANY NUMBER OF PAROLEES, JUVENILE DELINQUENTS, OR PERSONS SUFFERING FROM ADDICTION OR EMOTIONAL AND MENTAL DIFFICULTIES.

c. Currently both types of Group Homes are conditional uses in the Agricultural, Agricultural Small Lot, Residential Ranch, Residential Estate, Residential, Mountain Residential, Rural Center Mixed Use, Commercial and Industrial zone districts. No changes to permissibility are proposed.
30-28-115. Public welfare to be promoted - legislative declaration - construction

(1) Such regulations shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the state, including lessening the congestion in the streets or roads or reducing the waste of excessive amounts of roads, promoting energy conservation, securing safety from fire, floodwaters, and other dangers, providing adequate light and air, classifying land uses and distributing land development and utilization, protecting the tax base, securing economy in governmental expenditures, fostering the state's agricultural and other industries, and protecting both urban and nonurban development.

(2) (a) The general assembly hereby finds and declares that it is the policy of the state to assist persons who have an intellectual and developmental disability to live in typical residential surroundings. Further, the general assembly declares that the establishment of state-licensed group homes for the exclusive use of persons with intellectual and developmental disabilities, which are known as community residential homes as defined in section 25.5-10-202, C.R.S., is a matter of statewide concern and that a state-licensed group home for eight persons with intellectual and developmental disabilities is a residential use of property for zoning purposes. The
phrase "residential use of property for zoning purposes", as used in this subsection (2), includes all forms of residential zoning and specifically, although not exclusively, single-family residential zoning. As used in this section, "person with a developmental disability" has the same meaning as "person with an intellectual and developmental disability" as set forth in section 25.5-10-202, C.R.S.

(b)

(1) (Deleted by amendment, L. 2001, p. 103, § 1, effective March 21, 2001.)

(2) The general assembly declares that the establishment of group homes for the aged for the exclusive use of not more than eight persons sixty years of age or older per home is a matter of statewide concern. The general assembly further finds and declares that it is the policy of this state to enable and assist persons sixty years of age or older who do not need nursing facilities and who so elect to live in normal residential surroundings, including single-family residential units. Group homes for the aged shall be distinguished from nursing facilities, as defined in section 25.5-4-103 (14), and institutions providing life care, as defined in section 11-49-101 (6). Every county having adopted or that shall adopt a zoning ordinance shall provide for the location of group homes for the aged. A group home for the aged established under this subsection (2)(b)(II) shall not be located within seven hundred fifty feet of another such group home, unless otherwise provided for by the county.

(b.5) The general assembly declares that the establishment of state-licensed group homes for the exclusive use of persons with behavioral or mental health disorders, as that term is defined in section 27-65-102, is a matter of statewide concern and that a state-licensed group home for eight persons with behavioral or mental health disorders is a residential use of property for zoning purposes, as defined in section 31-23-301 (4). A group home for persons with behavioral or mental health disorders established pursuant to this subsection (2)(b.5) must not be located within seven hundred fifty feet of another such group home or of another group home as described in subsections (2)(a) and (2)(b) of this section, unless otherwise provided for by the county. A person must not be placed in a group home without being screened by either a professional person, as defined in section 27-65-102 (17), or any other such mental health professional designated by the director of a facility, which facility is approved by the executive director of the department of human services pursuant to section 27-90-102. Persons determined to be not guilty by reason of insanity to a violent offense must not be placed in such group homes, and any person who has been convicted of a felony involving a violent offense is not eligible for placement in such group homes. The provisions of this subsection (2)(b.5) must be implemented, where appropriate, by the rules of the department of public health and environment concerning residential treatment facilities for persons with behavioral or mental health disorders. Nothing in this subsection (2)(b.5) exempts such group homes from compliance with any state, county, or municipal health, safety, and fire codes.

(c) Nothing in this subsection (2) shall be construed to supersede the authority of municipalities and counties to regulate such homes appropriately through local zoning ordinances or resolutions, except insofar as such regulation would be tantamount to prohibition of such homes from any residential district. This section is
specifically not to be construed to permit violation of the provisions of any zoning ordinance or resolution with respect to height, setbacks, area, lot coverage, or external signage or to permit architectural designs substantially inconsistent with the character of the surrounding neighborhood. This section is also not to be construed to permit conducting of the ministerial activities of any private or public organization or agency or to permit types of treatment activities or the rendering of services in a manner substantially inconsistent with the activities otherwise permitted in the particular zoning district. If reasonably related to the requirements of a particular home, a local zoning or other development regulation may, without violating the provisions of this section, also attach specific location requirements to the approval of the group home, including the availability of such services and facilities as convenience stores, commercial services, transportation, and public recreation facilities.

(2.5) In connection with an application for development approval of the siting of a new facility to be used exclusively as a group home for the aged or for at-risk adults under the county’s subdivision, zoning, platting, planned unit development, or other similar land development regulations, in addition to any other information required to be submitted, the county may request the applicant to submit a transportation plan showing how the operators of the facility intend to meet the transportation needs of the residents of the facility. The sufficiency of the transportation plan submitted pursuant to this subsection (2.5) may be considered by the county in reviewing the application but may not, by itself, constitute grounds for denying the application.

(3) (a) As used in this subsection (3), unless the context otherwise requires:
(I) "Manufactured home" means a single family dwelling which:
(A) Is partially or entirely manufactured in a factory;
(B) Is not less than twenty-four feet in width and thirty-six feet in length;
(C) Is installed on an engineered permanent foundation;
(D) Has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and
(II) "Equivalent performance engineering basis" means that by using engineering calculations or testing, following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety, and functional requirements to the same extent as required for other single family housing units.

(b)
(I) No county shall have or enact zoning regulations, subdivision regulations, or any other regulation affecting development which exclude or have the effect of excluding manufactured homes from the county if such homes meet or exceed, on an equivalent performance engineering basis, standards established by the county building code.
(II) Nothing in this subsection (3) shall prevent a county from enacting any zoning, developmental, use, aesthetic, or historical standard, including, but not limited to, requirements relating to permanent foundations, minimum floor space, unit size or
sectional requirements, and improvement location, side yard, and setback standards to the extent that such standards or requirements are applicable to existing or new housing within the specific use district of the county.

(III) Nothing in this subsection (3) shall preclude any county from enacting county building code provisions for unique public safety requirements such as snow load roof, wind shear, and energy conservation factors.

(IV) Nothing in this subsection (3) shall be deemed to supersede any valid covenants running with the land.

History

Source:


Annotatons

Cross references: (1) For the care and treatment of persons with developmental disabilities, see article 10.5 of title 27.

(2) For the legislative declaration in SB 17-242, see section 1 of chapter 263, Session Laws of Colorado 2017.
Case Notes

ANNOTATION


Purposes set forth. This section sets forth the many purposes for which zoning regulations may be designed and enacted, including not only the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the state but also, among other purposes, the classification of land uses and distribution of land development and utilization, protection of the tax base, fostering of the state's agricultural and other industries, and the protection of urban and non-urban development. Bd. of County Comm'r's v. Thompson, 177 Colo. 277, 493 P.2d 1358 (1972).

Judicial presumption of adequate consideration. In the absence of evidence to the contrary, the court will presume that the board of county commissioners did give ample consideration to the multiple purposes of zoning when it adopted the zoning resolution. Bd. of County Comm'r's v. Thompson, 177 Colo. 277, 493 P.2d 1358 (1972).

Adoption of section permitting developmentally disabled persons to live in group homes reflects legislative intent to assist such persons to live in normal residential surroundings. Double D Manor v. Evergreen Meadows, 773 P.2d 1046 (Colo. 1989).

Delegation of zoning authority to county. A delegation of authority is not invalid simply because its terms are broad and general, although there must be sufficient standards and procedural safeguards involved in the delegation and subsequent implementation to ensure that any action taken by a county in response to a land use proposal will be rational and consistent and that judicial review of that action will be available and effective. Beaver Meadows v. Bd. of County Comm'r's, 709 P.2d 928 (Colo. 1985).


Applied in

City of Thornton v. Bd. of County Comm'r's, 42 Colo. App. 102, 595 P.2d 264 (1979); Info. Please, Inc. v. Bd. of County Comm'r's, 49 Colo. App. 392, 600