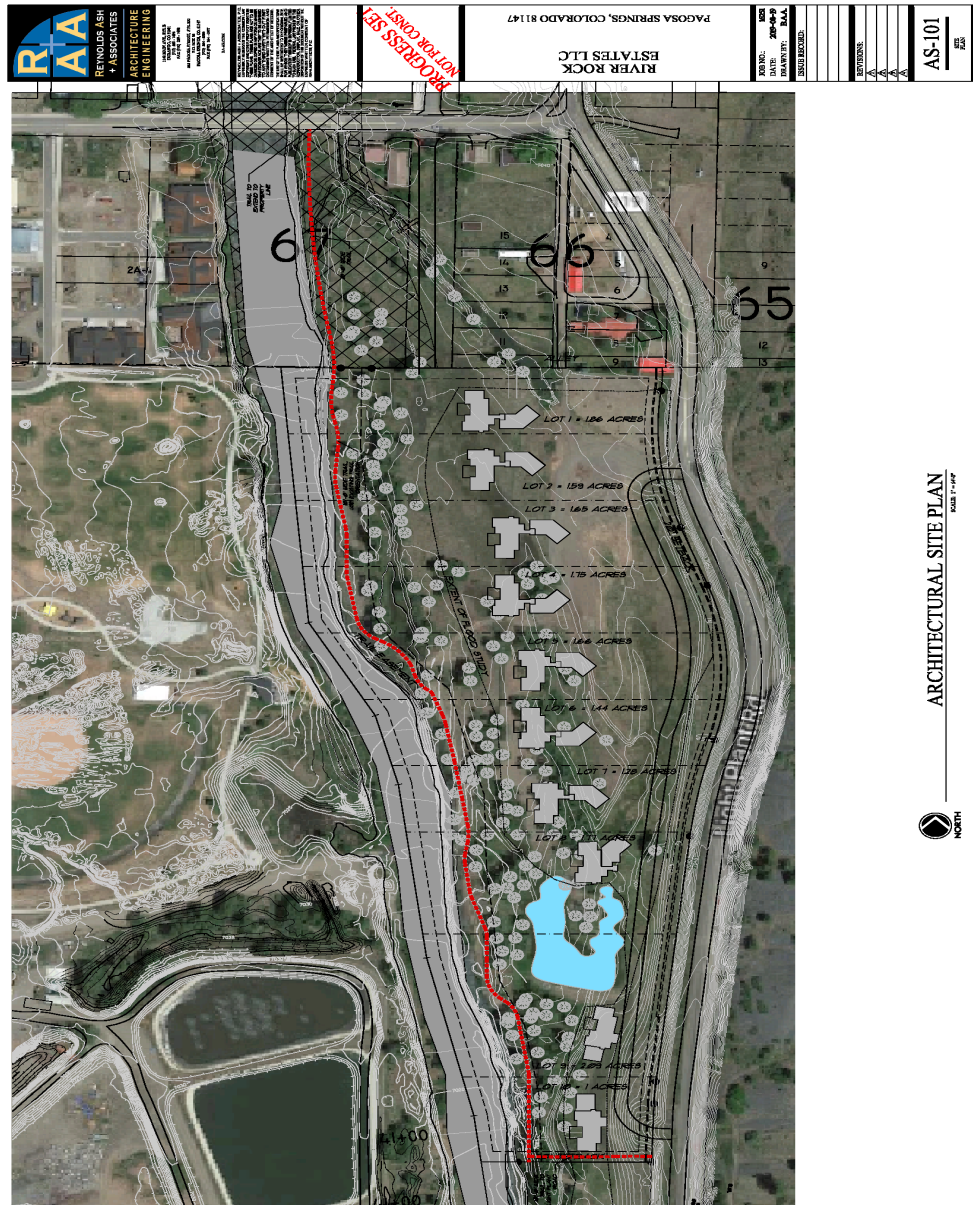


EXHIBIT B
PROPOSED DEVELOPMENT PLAN





AGENDA BRIEF

MEETING: Town Council - 07 Jan 2020
FROM: James Dickhoff, Planning Director

PROJECT: Ordinance 923, Second Reading, Annexing Certain Land Known As River Rock Estates Annexation the the Town of Pagosa Springs

ACTION: Council action

PURPOSE/BACKGROUND:

On September 30, 2019 a complete application for “annexation by petition” into the Town was received from BWD, LLC for a project known as the River Rock Estates Annexation (Annex_2019-01). The subject 15.83-acre parcel is located along Light Plant Road (CR 119) aka Archuleta County parcel #569924400003 (the property has not been addressed yet).

The applicant, BWD, LLC, is proposing a 10-lot single family home residential development within the 15.83 parcel, with lots ranging in size from 1 acre to 2.09 acres. The two points of vehicular access are proposed from Light Plant Road, a County owned roadway. The property is within the FEMA Mapped San Juan River Floodway/Floodplain, and with anticipated trail easement dedications, approximately only 7.69 acres are develop-able. It was decided at the December 19, 2019 TC meeting that the applicant will provide a trail easement and construct a rustic trail extending between Apache St, along the River and east to Light Plant Road.

On November 21, 2019, Town Council approved Resolution 2019-23, determining the applicant’s annexation petition and application is in substantial compliance with state statutes.

On December 10, 2019, The Planning Commission approved Resolution PC 2019-01, Providing Recommendations regarding Annexation Petition No. 2019-01 Based on Findings of Fact for the River Rock Estates Annexation.

On December 19, 2019, Town Council "Approved the First Reading of Ordinance 923, Annexing Certain Land Known As River Rock Estates Annexation the the Town of Pagosa Springs.

If approved for annexation, the applicant is required to submit applications for Sketch Major Subdivision, Preliminary Major Subdivision and Final Major Subdivision to proceed with their development.

ANALYSIS

The Town will provide very limited services, Police Service and Riverwalk Trail Maintenance, to the annexed property and future proposed development.

The proposed project is ten single family residential lots in a private development with a privately owned and maintain roadway.

The owner is being required to provide a trail easement (2100 lineal feet) for the extension of the Riverwalk trail system and to construct a rustic trail along such easement, that will provide connectivity from Apache Street to Light Plant Road and the future Fairway Land Trust trail system (easements have been dedicated to the County for a public trail).

Based on the statements made in the annexation petition 2019-01 and submitted supporting documentation, Staff finds all applicable LUDC code provisions and applicable C.R.S. have been satisfied.

ATTACHMENTS:

[Ord 923- Annexing River Rock Estates_ SECOND Reading](#)

FISCAL IMPACT:

Applicant pays for expenses associated with an Application for Annexation

RECOMMENDATIONS:

1. Motion to APPROVE the Second Reading of Ordinance 923, An Ordinance Annexing Certain Land Known as the River Rock Estates Annexation to the Town of Pagosa Springs, Colorado.
2. Motion to DENY Ordinance 923.

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 923
(SERIES 2020)**

**AN ORDINANCE ANNEXING CERTAIN LAND KNOWN AS THE RIVER
ROCK ESTATES ANNEXATION
TO THE TOWN OF PAGOSA SPRINGS, COLORADO**

WHEREAS, a Petition for Annexation No. 2019-01 (“Petition”) for the annexation of a tract of land known as the River Rock Estates Annexation, as depicted on the annexation map attached hereto as Exhibit A, and legally described hereto as Exhibit B and incorporated herein by this reference (“Property”), has been filed with and submitted to the Town of Pagosa Springs; and

WHEREAS, on November 21, 2019 the Town Council adopted Resolution No. 2019-23, Initiating Annexation Proceedings for Certain Property to be known as the River Rock Estates Annexation, and Finding the Petition to be in Substantial Compliance with Section 31-12-107, C.R.S.; and

WHEREAS, on December 10, 2019 the Town Planning Commission adopted Resolution PC-2019-01, providing recommendations regarding Petition for Annexation 2019-01 based on findings of fact for the River Rock Estates Annexation; and

WHEREAS, all applicable requirements of the Pagosa Springs Municipal Code have been fulfilled; and

WHEREAS, the Town Council has held a public hearing, received evidence, and adopted Resolution No. 2019-29 Setting Forth Findings of Fact and Conclusions Regarding the River Rock Estates Annexation; and

WHEREAS, the Property is eligible for annexation in accordance with the Municipal Annexation Act of 1965; and

WHEREAS, the Town Council does hereby find and determines that it is in the best interests of the Town to annex the Property to the Town.

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

1. **Incorporation.** The recitals set forth above are incorporated and ordained as if set forth in this section in full.
2. **Annexation.** The Property is hereby annexed to the Town of Pagosa Springs, Colorado, and made a part of said Town.
3. **Filings.** Within thirty (30) days after the effective date of this Ordinance, the Town Clerk shall:
 - (a) File one copy of the annexation map with the original of this Annexation Ordinance in the office of the Clerk of the Town of Pagosa Springs, Colorado.
 - (b) File for recording three certified copies of this Annexation Ordinance and map of the area annexed containing a legal description of such area with the County Clerk and Recorder, with a written request that the Clerk and Recorder file one certified copy of such Annexation Ordinance and map with the Division of Local Government of the

Ordinance 923 River Rock Estates Annexation

Department of Local Affairs and one certified copy of such Annexation Ordinance and Map with the Department of Revenue.

4. **Public Hearing.** A public hearing on this Ordinance shall be held on the 7th day of January, 2020, at 5:00 p.m. at the Town Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

5. **Effective Date.** This Ordinance shall become effective and be in force immediately upon receipt of reimbursables from the applicant and upon final passage at second reading.

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

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 10th DAY OF December, 2019.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ___ DAY OF _____, 2020.

By: _____
Don Volger, Mayor

Attest:

April Hessman, Town Clerk

Ordinance 923 River Rock Estates Annexation

**EXHIBIT A
ANNEXATION MAP**

Ordinance 923 River Rock Estates Annexation

FAIRWAY LAND TRUST EXEMPTION ANNEXATION TO THE TOWN OF PAGOSA SPRINGS, COLORADO

LOCATED IN SECTION 24, T. 35 N. R. 2 W., N.M.P.M.
ARCHULETA COUNTY, CO
CONTAINING 15.83 ACRES

CERTIFICATE OF OWNERSHIP
WE, THE UNDERSIGNED OWNERS, HEREBY CERTIFY THAT THE PROPERTY DESCRIBED IN THE ABOVE IS OUR OWN PROPERTY AND WE HAVE A RIGHT AND TITLE TO THE SAME AS SHOWN ON THE ATTACHED PLAT. WE HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. WE HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. WE HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. WE HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES.

NAME OF PROPERTY OWNER: _____
ADDRESS: _____
CITY: _____
STATE: _____
DATE: _____

CERTIFICATE OF SURVEY
I, THE UNDERSIGNED, A LICENSED PROFESSIONAL LAND SURVEYOR, HAVE BEEN COMMISSIONED BY THE ABOVE SAID OWNERS TO SURVEY AND LOCATE THE BOUNDARIES OF THE PROPERTY DESCRIBED IN THE ABOVE PLAT. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES.

NAME OF SURVEYOR: _____
ADDRESS: _____
CITY: _____
STATE: _____
DATE: _____

CERTIFICATE OF APPROVAL TO RECORD
I, THE TOWN CLERK, HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES.

NAME OF TOWN CLERK: _____
ADDRESS: _____
CITY: _____
STATE: _____
DATE: _____

CERTIFICATE OF CLERK AND RECORDER
I, THE COUNTY CLERK, HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES.

NAME OF COUNTY CLERK: _____
ADDRESS: _____
CITY: _____
STATE: _____
DATE: _____

PLANNING DEPARTMENT DIRECTOR APPROVAL:
I, THE PLANNING DEPARTMENT DIRECTOR, HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS FILED IN MY OFFICE. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES. I HAVE BEEN ADVISED BY THE COUNTY CLERK THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER CLAIMS OR ENCUMBRANCES.

NAME OF PLANNING DEPARTMENT DIRECTOR: _____
ADDRESS: _____
CITY: _____
STATE: _____
DATE: _____