

1. Meeting Materials

Documents:

[AGENDA.PDF](#)
[AGENDA_PACKET.PDF](#)
[MINUTES.PDF](#)

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, March 6, 2023, at 6:00 P.M. at the Fairplay Town Hall Meeting Room
901 Main Street, Fairplay Colorado**

<https://us06web.zoom.us/j/82557333323?pwd=UzBRcHI5alhFUXpyNFQ4VW9scW1TdZ09>

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **APPROVAL OF AGENDA**
- V. **CONSENT AGENDA** *(This item is intended to streamline the Board Meeting grouping routine, non-controversial business. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.)*
 - A. **APPROVAL OF MINUTES** – January 23, 2023 Regular Meeting.
 - B. **APPROVAL OF MINUTES** – February 6, 2023 Regular Meeting.
 - C. **APPROVAL OF EXPENDITURES** – Approval of paid bills for Town Funds in the amount of **\$144,624.11**.
- VI. **CITIZEN COMMENTS** *This portion of the agenda allows for the public to sign up to address the Board on matters that are not on the agenda)*
- VII. **PROCLAMATIONS, PRESENTATIONS AND UPDATES**
 - A. Presentation from Park County Coroner David Kintz, Jr. regarding Mass Fatality Exercise and request to utilize Town-owned property.
- VIII. **PUBLIC HEARINGS** *(This item is where the public is provided facts on important business matters of the Town and provided the opportunity to give input to the Board of Trustees in order to help them make better-informed and appropriate decisions that are in the best interest of the community.)*
 - A. Consideration of a rezoning application from FP Land, LLC to create a Planned Unit Development (PUD) Overlay Zone District designation for a mixed-use development of Single Family, Multi-family, Light Industrial, and Commercial uses on a 10.72-acre parcel of land currently zoned Commercial within the Town of Fairplay, and located at the Northwest Corner of Platte Drive and US Highway 285 and legally described as T09 R77 S33 SE4 Part of SE4 Section 33 and part of SW4 Section 34 in 9-77 as described in plat R684096 and known as Parcel E Larson Minor Subdivision.?" *This is a Public Hearing required under both the Town's Unified Development Code and state law concerning a request for a zone district amendment and/or the creation of a PUD overlay designation..*
- IX. **NEW BUSINESS**
 - A. **FIRST READING:** Resolution No. 7, Series of 2023, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING AN UPDATED TOWN OF FAIRPLAY 2023 FEE SCHEDULE.**"? *The Board will consider the adoption of updated Building permit fees for specific permits not previously approved with the adoption of Resolution No. 6 on February 6, 2023.*
 - B. **FIRST READING:** Resolution No. 9, Series of 2023, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING AN INDEPENDENT SERVICES AGREEMENT WITH SGM FOR DEVELOPMENT OF A WATER MODEL.**"? *The Board will consider whether or not to approve a proposal from SGM for the development of a Water Model for use in assessing the impacts of new development on the Town's Water system.*
 - C. **FIRST READING:** Resolution No. 10, Series of 2023, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING FIVE (5) OPIOID SETTLEMENT AGREEMENTS NOT PREVIOUSLY INCLUDED IN THE INITIAL SETTLEMENT DOCUMENTS APPROVED IN 2021.**"? *The Board will consider an agreement approving participation in additional Opioid settlement agreements not included in an MOU approved in 2021.*
- X. **DISCUSSION ITEMS**
 - A. Review and discussion of new Ordinance No. 1, Series of 2023 entitled, "**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE BY CREATING A NEW ARTICLE 29 OF CHAPTER 16, UNIFIED DEVELOPMENT CODE, ESTABLISHING INCLUSIONARY HOUSING.**" *Staff will obtain input from the Board of Trustees on this particular proposed ordinance prior to placement on an agenda for formal action.*
- XI. **BOARD OF TRUSTEE AND STAFF REPORTS**
- XII. **ADJOURNMENT**

Upcoming Meetings/Important Dates

Board of Trustees Regular Meeting
Board of Trustees Regular Meeting
Board of Trustees Regular Meeting

Monday, March 20, 2023
Monday, April 3, 2023
Monday, April 17, 2023

Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and on The Town of Fairplay Website (www.fairplayco.us) on Thursday, February 2, 2023. THIS AGENDA MAY BE AMENDED.

**AGENDA for a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
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**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
JANUARY 23, 2023**

CALL TO ORDER

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, January 23, 2023, at 6:02 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open Meetings law.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Just proceeded with the pledge of allegiance, followed by the roll call, which was answered by Mayor Frank Just, and Trustees Josh Voorhis and Pete Lynn. Mayor Just requested that the record reflect Mayor Pro Tem Dodge had called in not feeling well and was instead listening in by phone

Staff in attendance were Town Administrator / Town Clerk Janell Sciacca, Town Treasurer Kim Wittbrodt, Public Works Director Donovan Graham, and Chief of Police Bo Schlunsen.

APPROVAL OF AGENDA

Motion #1 by Trustee Voorhis, seconded by Trustee Lynn, that the agenda be adopted as written. A roll call vote was taken: Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

OATH OF OFFICE TO AND SEATING OF APPOINTED TRUSTEE RAY DOUGLAS.

Town Administrator and Clerk Sciacca administered the Oath of Office to Ray Douglas and Douglas took his seat at the dais.

CONSENT AGENDA

- A. **APPROVAL OF MINUTES** – December 4, 2022 Regular Meeting
- B. **APPROVAL OF MINUTES** – December 12, 2022 Special Meeting
- C. **APPROVAL OF MINUTES** – December 15, 2022 Special Meeting
- D. **APPROVAL OF EXPENDITURES** – Approval of paid bills for Town Funds in the amount of \$111,456.67.

Motion #2 by Trustee Voorhis, seconded by Trustee Douglas, that the consent agenda be adopted as presented. A roll call vote was taken: Douglas – aye, Just – aye, Lynn – aye. Motion carried unanimously.

CITIZEN COMMENTS – None.**PROCLAMATIONS, PRESENTATIONS AND OTHER UPDATES**

- A. Mayor's Proclamation Announcing the King and Queen Candidates for the Fairplay Mountain Mardi Gras to be held Saturday, February 25, 2023.

Mayor Just invited the three King and Queen couples up to the front of the room and then read the proclamation into the record. He then presented each couple with a copy of the proclamation thanking them for agreeing to volunteer to raise money for their non-profits. He also thanked those that had previously participated and requested a round of applause in recognition of all.

PUBLIC HEARINGS**A. CONTINUED FROM JANUARY 9, 2023 – SECOND READING WITH REQUEST FOR ADDITIONAL CONTINUANCE TO FEBRUARY 6, 2023: Ordinance No. 1, Series of 2023, entitled, “AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE, REGARDING DUPLEXES IN THE SINGLE FAMILY RESIDENTIAL (SF-RES) ZONE DISTRICT AND DEED-RESTRICTED WORKFORCE AFFORDABLE HOUSING.”?**

Mayor Just introduced announcing Staff was requesting a continuance of the Public Hearing to February 6, 2023 due to the fact the Town Attorney was not able to be in attendance at this meeting.

Motion #3 by Trustee Douglas, seconded by Trustee Voorhis, to continue Ordinance No. 1, Series of 2023, as presented. A roll call vote was taken: Douglas – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

B. STATE REVOLVING LOAN FUND HEARING REGARDING THE PROPOSED BEAVER CREEK WATER TREATMENT PLANT (WTP) UPGRADE FOR TOWN OF FAIRPLAY, COLORADO.”?

Mayor Just introduced announcing the requirement of the hearing pursuant to the Colorado Department of Public Health rules and regulations for a State Revolving Fund (SRF) Loan which mandates entities applying for SRF loans be required to hold a public meeting to provide an opportunity for public comment and questions regarding the proposed project. Just advised notice for the hearing were advertised and posted as required 30 days prior to the scheduled meeting day and documents for public review were made available on the town website and at Town Hall. He then declared the hearing open at 6:17 p.m.

Town Administrator Sciacca provided an introduction and overview of the Staff Report. She then introduced the Town’s contract engineer for the Infiltration Gallery and Well project, Ken Hardesty of Hardesty Engineering and Mapping, LLC. She reviewed the steps taken to date and advised the hearing was one of the final steps to be taken prior to formal loan application. Sciacca also reminded the Town had already been awarded a \$199,850 grant from the Department of Local Affairs which would serve at the Town’s match for the SRF loan and ensure the Town did not need to raise monthly service rates. She also advised the Town had been notified by CDPHE that it qualified for principal forgiveness, so Staff was hopeful the overall project expense would be a minimal impact on the budget. Hardesty then distributed a 4-page handout to the Board and public and reviewed them for everyone’s information. Hardesty announced the project will enable the Town to bring online additional water sources almost double the water supply which is critical because at current there are times during peak months, the demand outpaces the capacity. He advised the project, when completed, will allow the Town to operate without shortages of water and provide for future growth. Hardesty finished by advising that the estimated cost of the project was about \$480,000 and that number was changing throughout the design process but he felt it was fairly close to the final number. Mayor Just then provided a history of the project which began in the mid-nineties along with the Town’s current water infrastructure and assets. Just also reiterated Hardesty’s comments about production being just on the cusp of enough water to supply the Town’s needs, adding there had been years where leaders contemplated rationing water but had thankfully been able to work around that in one way or another. Now, this project would potentially double capacity. Hardesty advised the project was anticipated to be completed late summer or early fall.

Mayor Just then opened the floor to public comment and he, Hardesty and Sciacca answered questions about storage versus supply, need for additional wells and process required to bring them online, leak detection, need for a new plant for looping of the system, water rights, filtration process and what that means to the water quality, how long the filters will last and other improvements to the plant and process.

Just then closed the floor to public comment and announced that no formal action was required of the Board at this time.

NEW BUSINESS

- A. CONTINUED FROM JANUARY 9, 2023 – SECOND READING:** Resolution No. 5, Series of 2023, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ACTING BY AND THROUGH THE TOWN OF FAIRPLAY WATER AND WASTEWATER ENTERPRISE, INCREASING WATER TAP / PLANT INVESTMENT FEES.”?**

Town Administrator Sciacca presented an overview of the Staff Report advising that tap fees for Fairplay had not been increased since about 2006 according to what she could find in the records yet costs of the system continued to increase and these fees support the Utility by making development pay for itself. She reminded that last fall the Board approved the completion of a Tap Study as part of the budget process. She pointed to the Report in the packet prepared by Hardesty Engineering and Mapping, LLC which did recommend the Fairplay increase its Water Tap fees. Hardesty then reviewed the report for the Board and viewing public to explain the different methodologies used for calculating the fees and the one he selected and accepted by the AWWA M1, Principles of Water Rates, Fees and Charges of dividing system value by system capacity to determine the cost to build capacity for one new connection. Hardesty reviewed the calculations for arriving at the recommended new fees contained in Table 7:

Table 7: Recommended Plant Investment Fees for 2023

Meter Size (in.)	SFE Equivalent	2023 Plant Investment Fees
¾"	1	\$9,400
1"	1.8	\$16,920
1 ½"	4	\$37,600
2"	7	\$65,800
3"	16	\$150,400
4"	28	\$263,200

Mayor Just stated that it was prudent to recognize that the ¾' tap proposed was only \$1,900 dollars more than what it has been since 2006 which was not significant for the number of years that had passed without an increase. It was also noted that many communities increase their fees annually based on inflation or some other accepted practice of accounting for rising costs. Hardesty noted that he did not address the sewer tap fees in this report as he was not asked to but he did look at those for the initial evaluation and felt they were appropriate. Sciacca reported that the State will look positively on the Town taking this step along with the Asset Inventory and Management Plan. Mayor Just then pointed out that it should not be overlooked that there was already one development in progress that if the 156 units were built out could potentially take the Town back to being at capacity so knowing what the system can produce and how much impact a new development could have on the system was paramount. Sciacca advised that a Water Model had been recommended in the past to assess the impacts of development and the Town Engineering firm SGM had already suggested this would be a critical tool for the Town so with authorization of the Board, she would get a quote from SGM and bring that back to the Board at a future meeting. The Board generally agreed. There being no further questions or discussion, Mayor Just opened the floor for a motion to approve Resolution No. 5, Series of 2023, as presented.

Motion #4 by Trustee Lynn, seconded by Trustee Douglas, to approve Resolution No. 5, Series of 2023, as presented increasing Water Tap/Plant Investment Fees as written and discussed. A roll call vote was taken: Douglas – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

Sciaccia thanked the Board for approving the increases and advised that all developers she had been in contact since arriving at the Town had been put on notice that the fees would be increasing, so this should be no surprise to them and there were no current applications caught in the middle.

B. CONTINUED FROM JANUARY 9, 2023 – SECOND READING: Resolution No. 6, Series of 2023, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING THE TOWN OF FAIRPLAY 2023 FEE SCHEDULE.”?**

Town Administrator Sciaccia presented an overview of the Staff Report advising that in the future these would be discussed as part of and approved with the adoption of the annual budget which was the widely accepted and best practice. She noted that the new taps fees would be incorporated and that Staff was recommending some significant increases related to Development Fees as application fees and deposits were not covering expenses. She reported the schedule did show several items in red that Board input was being sought on, and she had updated the format last year to add the sections that include State Law of Municipal Code that authorizes such fees along with notes containing general or important information. She then reviewed each section with Board discussing those items that were new or required input. The Board was in general agreement with most recommendations but did ask that the code be updated to remove the section that limits the amount of cats and dogs to no more than three dogs or three cats or a combination of more than six thereof as well as requiring tags to be on the dog as the Town’s record that the fee was paid should suffice. It was also recommended that the Town purchase its own chip scanner. Following a general discussion of several other fees, the Board moved to address the Building Department fees. Many Board members felt that several of the fees for more minor projects were too high, discouraged compliance and instead would encourage homeowners to do projects without permits or inspections. Following discussion, Sciaccia advised that the fees as currently listed were consistent with Park County and other jurisdictions, and she recommended they be left as currently adopted until Building Official Parag could be present to address specific questions. Sciaccia noted several other changes in other sections and one duplicative water shut-off/turn-on charge was removed. She also noted the addition of fees for ADU connection which were determined by the square footage of the house which was a connection fee and not a separate tap fee unless the owner wanted a separate service line. She also noted she was having the Town Attorney look into the Board’s ability to implement a “Debt Service” fee which she had seen charged in other communities which was separate from the monthly service fees and also annually adjustable. Finally, Sciaccia reviewed and discussed the increased development fees. The Board generally agreed with the recommended increases noting the rising costs to the Town. Mayor Just then reminded that he would like to see the bond for a Road/Street Cut Permit increased to a sufficient amount based on the square footage of the cut and the bond be held for one year to ensure the Town does not have to fix it. Sciaccia advised that would be another section of the code that could be updated to be more applicable and protect the Town. The Board then felt continuation of the schedule was appropriate to allow for Building Official Parag to be present and address the Building Department-related fees.

Motion #5 by Trustee Voorhis, seconded by Trustee Douglas, to continue Resolution No. 6, Series of 2023, to February 6, 2023. A roll call vote was taken: Douglas – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

C. FIRST READING: Resolution No. 7, Series of 2023, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING THE CURRENT EMPLOYEE PAY SCHEDULE FOR TOWN EMPLOYEES AND DETERMINING THE PROCESS FOR ANNUAL UPDATES.”?**

Town Administrator Sciacca presented an overview of the Staff Report reporting that the Town Treasurer had advised that the Pay Schedule for the Town had not been formally adopted since its inception around 2009 and with new positions being added and ranges being changed, it was appropriate to adopt an updated and current schedule. She did not this should also be incorporated into the annual budget process and would be done from this point forward. Sciacca reviewed the proposed updated ranges and added positions (*Special Projects Coordinator, Facilities Maintenance and Entry Level Police Officer*) and stated that no actual employee salaries were being adjusted, just the ranges to incorporate the increases approved by the Board last year during the budget adoption. Town Treasurer Wittbrodt provided additional clarification and information noting that with the per-dollar increases granted for 2023 the of percentages she wasn't comfortable automatically taking that information and trying to get our employees where they needed to be in each range. It was again clarified that no raises were proposed as part of the process and one employee had gone over the range he was in and had to be moved into the next range. Mayor Just stated his opinion that some of the titles needed to be pared down and not be two-hyphenated titles lumped together. The Board generally felt simplicity was better. Sciacca then reviewed proposed Police Officer changes stating she did obtain information from the County regarding their increased wages which were based on years of experience/service but she only received that earlier in the day and did provide that to the Board for review but did not utilize it for the proposed schedule. She did note that in looking at, increases would be needed to those salaries to be competitive with the County. Mayor Just felt more time was needed to evaluate the information and Sciacca advised that was acceptable and the Board always had the option to make any proposed pay increases that might be associated with a new schedule retroactive. She also noted that she did feel the format of the schedule really needed to be updated and that she and Treasurer Wittbrodt were going to be working with the Employers Council of Colorado to look at the Town's Job descriptions which were directly related to an updated schedule. Therefore, there was not harm in continuing the matter.

Motion #6 by Trustee Douglas, seconded by Trustee Lynn, to table Resolution No. 7, Series of 2023, to February 6, 2023. A roll call vote was taken: Douglas – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

STAFF AND BOARD OF TRUSTEE REPORTS

Public Works Director Graham reported that he was trying to work with Tolin Mechanical to see if sections of 501 could be isolated and shut off to control expenses and the building needed to be moved to natural gas but that could not be accommodated until spring. Sciacca added that the Town was still waiting for the adjuster's report related to the damage created from the car that drive through the end of the building on December 30. She added that the District Attorney will try to order restitution if possible.

Town Administrator Sciacca reported that development had slowed. She also noted previous discussions about reinstating the Park County Intergovernmental Meetings due to the many topics of mutual concern that needed to be coordinated and she hoped to have confirmation soon that Alma, Park County and the School District were all on board. She also reported she was working on the Budget memo and she and the Town Treasurer would get the final document out to the Board by month's end.

Trustee Douglas stated it was an honor to be back on the Town Board and he was looking forward to serving in the Trustee capacity again. He suggested the Town look at whether or not it needed to adjust its meeting schedule so as not to conflict with the School District if this happened on a regular basis. Sciacca replied the January Board schedule was adjusted due to holidays, but she would look to see if there was a regular conflict. Douglas also noted that there was previously a sign at Coehn Park that recognized the property donor and he heard from the family that sign no longer existed. Town Treasurer Wittbrodt replied that none of the current Staff had seen it and did not have any idea of what it looked

like or said and Staff did try to reach the family prior to the Cohen Park re-opening ceremony last year so as to facilitate a new sign but did not get any responses. Staff is committed to replacing the sign if anyone can provide the necessary details.

Trustee Lynn reported that he notice the Hathway Barn bay door left open and no one was around. Mayor Just echoed Lynn's report stating he had a photo and Sciacca advised she notice the lights being left on as well. Sciacca stated she would reach out to Director Lubbers again and she needed to provide him an updated on the CDOT housing project any way.

Sciacca then reported on behalf of Mayor Pro Tem Dodge that the US 285 bridge replacement and widening and Hwy 9 project had been awarded at 7.5 million over the original budget. No one had been able to find out who got the bid but she would email the engineer at CDOT and also make sure to get a public information hearing set. Sciacca also reported the MMOF grant for the River Park Phase 2 was still moving forward.

Mayor Just thanked everyone in the audience for showing stating it made the meetings much more interesting and helped the Board to make better decisions for the community. He announced the Fairplay Mountain Mardi Gras was coming up February 25th and extended an invitation to everybody to attend. He also suggested the King and Queen candidates announce where their donations jars were located and asked that Staff assist with that.

ADJOURNMENT

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 8:24 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
FEBRUARY 6, 2023**

CALL TO ORDER

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, February 6, 2023, at 6:00 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open Meetings law.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Just proceeded with the pledge of allegiance, followed by the roll call, which was answered by Mayor Frank Just, Mayor Pro Tem Dodge, and Trustees Ray Douglas, Josh Voorhis and Pete Lynn.

Staff in attendance were Town Administrator / Town Clerk Janell Sciacca, Public Works Director Donovan Graham, Building Inspector Kyle Parag, and Chief of Police Bo Schlunsen.

APPROVAL OF AGENDA

Motion #1 by Trustee Lynn, seconded by Trustee Douglas, that the agenda be adopted as written. A roll call vote was taken: Lynn – aye, Voorhis – aye, Just – aye, Dodge – aye, Douglas – aye. Motion carried unanimously.

CONSENT AGENDA

A. APPROVAL OF MINUTES – January 9, 2023 Regular Meeting.

B. APPROVAL OF EXPENDITURES – Approval of paid bills for Town Funds in the amount of **\$36,327.207**.

Mayor Just noted a correction to the minutes where Trustee Voorhis was listed at Mayor Trustee Voorhis. Sciacca noted several corrections in spellings and tenses but nothing substantive.

Motion #2 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, that the consent agenda be approved as written. A roll call vote was taken: Lynn – aye, Voorhis – aye, Just – aye, Dodge – aye, Douglas – aye. Motion carried unanimously.

CITIZEN COMMENTS

Lauren Thomas, 300 Stone Creek Drive, Fairplay, addressed the Board regarding the community's lack of and need for child care. She felt the situation was a crisis due to the fact expecting families cannot find care which results in fewer people committing to the workforce. She also pointed out that the Town's current Table of Uses does not allow for a childcare facility. She wanted to see this changed and she and her friend Cheyenne had a goal of getting a childcare facility or preschool facility up and running. She felt the first step in their journey would be to obtain the zoning that would allow for this use. Mayor Just thanked Thomas and advised this would be turned over to Staff to look into and get in touch with her.

PROCLAMATIONS, PRESENTATIONS AND UPDATES

A. Update on Wildland Urban Interface (WUI) Administration by Building Official Kyle Parag.

Building Official Parag presented an overview of the Staff Report reminding the town recently adopted the 2018 series of the International Codes (ICC), and part of that package was the WUI code, or Wildland Urban Interface Code, which is designed to help protect the Town in the event of a wildfire. As part of adopting that, Parag created the presented map of showing the different areas of where WUI would apply and which sections would have a higher hazard than others. Each section is color-coded based on the

hazard level and will be used in conjunction with the code for determining what materials are permitted in different zones. Parag stated he was presenting the map to you to see if the Board has any questions or areas they wanted to see revisited. Trustee Voorhis inquired if this would impact insurance rates. Parag replied it will certainly help but not immediately. If the Town's rating changes, individual homeowners will see associated rate changes also depending on the insurance company. Mayor Just stated that he looked over the map and felt it pretty well represented the accuracy of what he would come up and he certainly didn't disagree with it, especially at the periphery of Town and started getting into some of the larger properties. He felt access was key and felt Trustee Voorhis would confirm when it comes to fighting fires that adoption of the WUI code and map was significant. Mayor Pro Tem Dodge inquired how this impacted vacant land and Parag replied it only applied when a Building Permit was applied for and the Fire Department was responsible for addressing vacant land issues. Just thanked Parag for the presentation and update and encouraged him to keep up the good work.

PUBLIC HEARINGS

- A. CONTINUED FROM JANUARY 23, 2023 – REQUEST TO WITHDRAW:** Ordinance No. 1, Series of 2023, entitled, **“AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE, REGARDING DUPLEXES IN THE SINGLE FAMILY RESIDENTIAL (SF-RES) ZONE DISTRICT AND DEED-RESTRICTED WORKFORCE AFFORDABLE HOUSING.”?**

Mayor Just introduced the matter. Town Administrator Sciacca presented an overview of the Staff Report reviewing the progression to date and then advised that Staff was requesting withdrawal in order for the Board to conduct a Work Session to revisit the Affordable Housing with the Town Planner, Attorney and community. She stated that Staff was available Monday, February 13 and February 20 and the Board elected to set a Work Session for Monday, February 13 at 6:00 PM.

Motion #3 by Trustee Voorhis, seconded by Trustee Douglas, to approve the request to withdraw Ordinance No. 1, Series of 2023 as requested. A roll call vote was taken: Lynn – aye, Voorhis – aye, Just – aye, Dodge – aye, Douglas – aye. Motion carried unanimously.

NEW BUSINESS

- A. CONTINUED FROM JANUARY 23, 2023 – THIRD READING:** Resolution No. 6, Series of 2023, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING THE TOWN OF FAIRPLAY 2023 FEE SCHEDULE.”?**

Town Administrator Sciacca presented an overview of the Staff Report reminding of the progression to this point and the Board's continuance from January 23, 2023 to allow for Building Official Parag to be present and address Building Permit-related fees. Following discussion, the Board generally felt that the following fees needed to be reviewed and adjusted to promote development and compliance with the process and allow citizens to easily make repairs with minimal/appropriate expenses:

- Fence
- Mechanical
- Siding
- Sign
- Water Heater Replacement
- Window Replacement:

Staff was directed to look at the definitions, fees and inspection costs and anything that might be exempt from permit and bring a recommendation back to the Board on March 6. Town Treasurer Wittbrodt then noted that Public Works Director Graham felt that casket and cremains openings and interments should be the same fees of \$150 and \$300, respectively. The Board agreed. Sciacca asked that the Board move to approve the Fee Schedule as amended tonight for development-related reasons and then list those particular fees as TBD or something else.

Motion #4 by Mayor Trustee Lynn, seconded by Mayor Pro Tem Dodge, to approve Resolution No. 6, Series of 2023, with all of the identified issues marked as TBD until resolved to the Board's satisfaction. A roll call vote was taken: Lynn – aye, Voorhis – aye, Just – aye, Dodge – aye, Douglas – aye. Motion carried unanimously.

B. CONTINUED FROM JANUARY 23, 2023 – REQUEST TO WITHDRAW: Resolution No. 7, Series of 2023, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING THE CURRENT EMPLOYEE PAY SCHEDULE FOR TOWN EMPLOYEES AND DETERMINING THE PROCESS FOR ANNUAL UPDATES.**”?

Town Administrator Sciacca presented an overview of the Staff Report reminding of the progression to date. She then reported that Staff was requesting withdrawal in order for Staff to work with Employers Council of Colorado on job descriptions and updating/overhaul of the Pay Schedule. She reminded that adoption of a new Pay Schedule was not impacting any salaries, just ranges, so there was no impact to any employee.

Motion #3 by Mayor Trustee Voorhis, seconded by Trustee Douglas, that the request to withdraw Resolution No. 7, Series of 2023, be approved as presented. A roll call vote was taken: Lynn – aye, Voorhis – aye, Just – aye, Dodge – aye, Douglas – aye. Motion carried unanimously.

C. FIRST READING: Resolution No. 8, Series of 2023, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING AN UPDATED AND UNIFORM SET OF OFFICIAL RULES FOR THE FAIRPLAY BURRO DAYS WORLD CHAMPIONSHIP PACK BURRO RACE.**”?

Town Administrator Sciacca presented an overview of Special Events Coordinator Julie Bullock's Staff Report advising the main reason for the requested updates were to clarify language. She also reported that all the Triple Crown communities were expected to adopt the same/very similar rules for consistency and integrity purposes. Mayor Just stated that he was surprised that some of the changes had not been previously made. Sciacca stated that Bullock was hoping to get the changes approved so as to have them in place for the beginning of registrations. Following additional discussion and comment, the Board generally agreed the changes were positive and much-needed.

Motion #4 by Mayor Pro Tem Dodge, seconded by Trustee Voorhis, that Resolution No.8, Series of 2023, be approved as presented amending the official rules for the Fairplay Burro Days World Championship Pack Burro Race. A roll call vote was taken: Lynn – aye, Voorhis – aye, Just – aye, Dodge – aye, Douglas – aye. Motion carried unanimously.

Sciacca shared on behalf of Julie Bullock that the Town's race had been selected to serve as a curated exhibit at Denver International Airport. The emphasis will be on the race and will include objects and artifacts, logos, photos and text-related iconic stories selected by Bullock and will be on display from April through September, 2023. She advised that Staff would promote the exhibit on social media when it was completed and let the Board know exactly where it was so they could visit it if traveling.

STAFF AND BOARD OF TRUSTEE REPORTS

Chief Schlunsen reported that cases were down, it was fairly quiet and Sgt. Grover received a very nice thank you letter for recognizing a resident's dog was in distress and calling the homeowner who was out of Town and gaining permission to put the animal in the house. The Chief shared that mental health calls were also down and the new Patrol vehicle had been received.

Public Works Director Graham reported that last week there was leak that was detected at Gold Pan. The park has been unable to find the leak and is on water restrictions of 2 hours on in the morning and 2 hours at night.

Town Treasurer Wittbrodt reported the audit was coming up the end of February, first part of March.

Town Administrator Sciacca reported she would be soliciting citizen or Board volunteers to serve on various committees at the Pikes Peak Area Council of Governments. She also advised that electronic copies of the budget were transmitted to the Board and Staff and anyone wanting a physical copy should let her know. She then reported that the Park County Intergovernmental Meeting had been confirmed for Tuesday, February 28 at 5PM and that Heart of the Rockies Regional Medical Center was taking over the Fairplay Health Clinic and she did request they come address the Board when the transfer was complete to provide an update on any proposed changes. Sciacca reminded there was no meeting on February 20 as that was President's Day and offices were closed. The Board then discussed the need for another Work Session to discuss goals, projects and priorities. They agreed to meet on Monday, February 20 at 6 PM since there was no regular meeting.

Building Official Parag reported that Habitat had its third foundation dug and the County put up a debris fence for their barn to be torn down and Clark and 5th.

Trustee Douglas inquired if there were any service lines freezing in Town with the recent sub-zero temperatures. Graham replied there was an issue in one home where the water heater line blew but there were no other issues he was aware of.

Mayor Pro Tem Dodge thanked Lauren and Cheyenne for coming in to address the Board. He reported that he and Sciacca attended a Transit Study meeting last week with the County and PPACG and felt things were not quite where they should be yet for the Town to start implementing its service. Sciacca advised Transit would be discussed on the 20th and the 2nd bus was still not received yet as CDOT was delayed getting the title to the Town.

Trustee Voorhis asked for clarification on whether or not the filter system being installed at the Beaver Creek Plant would have any impact on the hardness of the water. Sciacca replied her understanding was it would not. She added it is not like a system that goes under the sink. He then reported that he personally walked everywhere in Town and last week he was hit by a car and he was slightly frustrated with the County employees and other drivers that fly down Castello. He stated there is not enough space on the street during the winter and pedestrians are getting the short end of the stick. He also reported that Sunshine Plowing doesn't know what a stop sign is blowing through them all at about 35 MPH. Voorhis also reported the road that the Town uses for the Burro Race that goes past the south London mine is currently blocked and Park County has chosen not to enforce their easement on that road so the Town does currently have any right to use that road and is only using it at the courtesy of the landowner. He cautioned that if the landowner were to change his mind, the Burro Race would be in big trouble and he suggested the Town work with the County on and making sure that it stays a County road open for a race.

Trustee Lynn reported that he was conducting research on emergency supplies and how the Town could implement that program and he hoped to get that moving.

Mayor Pro Tem Dodge share that the Town of Fairplay received a 2 page spread in the most recent edition of the Breckenridge magazine.

Mayor Just reported that he observed 14 vehicles run the 3-way stop at the school and there were cars parked on both sides of the road and he stressed the Town had to somehow provide coverage for that timeframe because it was a hazardous situation. He also reminded that the Fairplay Mountain Mardi Gras was coming up on February 25 and he requested the Board members join him in the kitchen to help prepare food as had been done in the past. Just also recognized Commissioner Wissel for appearing and allowed him to address the group.

Commissioner Wissel extended gratitude to Sciacca stated he found her really, really easy to work with. He then stated he was trying to make the rounds and introduce myself and announce there are some natural partnerships that need to be exercised. He stated the most efficient use of central water systems which was the only way to get ahead of the housing issues. He felt there was an opportunity in the Land and Water Trust Fund to help with infrastructure costs. He had attended other meetings around the County trying to learn everything going on. Mayor Just thanked Wissel for his comments.

Just also thanked Flume Reporter Becky Salverson for her reporting on the goings-on in Fairplay in stated how much her accuracy was appreciated.

ADJOURNMENT

There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at 7:46 p.m.

BOARD OF TRUSTEES, FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Kim Wittbrodt, Treasurer
RE: Paid Bills
DATE: March 2, 2023

Agenda Item: Bills

Attached is the list of the invoices paid between January 27, 2023, and March 2, 2023.

Total Expenditures: \$144,624.11

Upon motion to approve the consent agenda, the expenditures will be approved.

Please contact me with any questions.

Report Criteria:

Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
02/21/2023	18967	Boys & Girls Club	donation-chili cookoff	1	02/14/2023	500.00	105175
Total 200:						500.00	
02/06/2023	18918	Caselle, Inc	Software Support	1	01/01/2023	453.00	517206
02/06/2023	18918		Software Support	2	01/01/2023	453.00	105060
03/02/2023	18994		Software Support	1	02/01/2023	453.00	517206
03/02/2023	18994		Software Support	2	02/01/2023	453.00	105060
Total 334:						1,812.00	
02/23/2023	18986	Cash	mardi gras-prize money an	1	02/23/2023	550.00	105166
Total 340:						550.00	
02/21/2023	18971	Colorado Mountain News	holiday ads	1	12/31/2022	568.68	102000
03/02/2023	18996		mardi gras advertising	1	02/28/2023	399.00	105166
Total 538:						967.68	
02/06/2023	18929	The Flume	help wanted ads	1	01/31/2023	169.00	105070
Total 868:						169.00	
02/06/2023	18940	Ferrellgas	850 hathaway	1	01/06/2023	1,644.94	105186
02/06/2023	18940		1800 beaver creek road	1	01/06/2023	870.09	517495
02/06/2023	18940		propane-501 main	1	01/06/2023	779.97	105195
02/06/2023	18940		850 hathaway	1	01/23/2023	1,198.00	105186
02/06/2023	18940		propane-501 main	1	01/23/2023	725.56	105195
Total 916:						5,218.56	
02/21/2023	18976	Postal Pros Southwest, Inc	water billing	1	02/07/2023	347.65	517218
Total 1699:						347.65	
02/14/2023	18965	Town of Fairplay	501 main	1	01/31/2023	303.20	105195
02/14/2023	18965		850 hathaway	1	01/31/2023	101.70	105186
Total 2134:						404.90	
02/06/2023	18931	USABlueBook	Trolley and crane gallery pr	1	01/27/2023	3,483.59	517430
Total 2176:						3,483.59	
02/06/2023	18932	Utility Notification Center	RTL Transmissions	1	01/31/2023	3.87	517455
02/06/2023	18932		RTL Transmissions	1	01/31/2023	3.87	517650
03/02/2023	19002		RTL Transmissions	1	02/28/2023	1.29	517455
03/02/2023	19002		RTL Transmissions	1	02/28/2023	1.29	517650
Total 2194:						10.32	
02/27/2023	18990	Verizon Wireless	new phones/monthly charg	1	02/15/2023	1,250.44	105065
02/27/2023	18990		new phones/monthly charg	2	02/15/2023	567.12	105455

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
02/27/2023	18990		jet pack	3	02/15/2023	40.01	105130
02/27/2023	18990		new phones/monthly charg	4	02/15/2023	101.08	105645
02/27/2023	18990		new phones/monthly charg	5	02/15/2023	101.08	517226
Total 2212:						2,059.73	
02/06/2023	18942	Xcel Energy	901 main	1	01/23/2023	379.06	105023
02/06/2023	18942		Fairplay sign #1	1	01/23/2023	13.92	105640
02/06/2023	18936		san plant	1	01/23/2023	.00	517680
			san plant	2	01/23/2023		517680
02/06/2023	18939		san plant	1	01/23/2023	4,863.64	517680
02/06/2023	18942		747 bogue street	1	01/23/2023	16.75	105841
02/06/2023	18942		1800 beaver creek road	1	01/23/2023	1,051.59	517495
02/06/2023	18942		1190 castello	1	01/23/2023	225.36	105650
02/06/2023	18942		200 2nd street	2	01/23/2023	106.06	517470
02/06/2023	18942		157 6th street	3	01/23/2023	92.57	105640
02/06/2023	18942		156 5th street	4	01/23/2023	11.63	105640
02/06/2023	18942		589 platte drive	5	01/23/2023	11.63	105841
02/06/2023	18942		419 front street	6	01/23/2023	12.20	105640
02/06/2023	18936		chlorinator	1	01/23/2023	.00	517470
			chlorinator	2	01/23/2023		517470
02/06/2023	18939		chlorinator	1	01/23/2023	87.06	517470
02/06/2023	18936		117 silverheels road	1	01/23/2023	.00	105841
			117 silverheels road	2	01/23/2023		105841
02/06/2023	18939		117 silverheels road	1	01/23/2023	11.63	105841
02/06/2023	18942		850 hathaway	1	01/23/2023	295.18	105186
02/06/2023	18942		501 main	1	01/23/2023	442.14	105195
02/06/2023	18942		monument sign	1	01/23/2023	36.20	105640
02/08/2023	18954		street lights	1	02/01/2023	918.81	105640
02/27/2023	18991		945 quarry road	1	02/15/2023	20.93	517490
Total 2296:						8,596.36	
02/08/2023	18953	South Park Ace & Lumber	Supplies	1	01/25/2023	4.59	105670
02/08/2023	18953		Supplies	2	01/25/2023	8.59	105025
02/08/2023	18953		Supplies	3	01/25/2023	181.60	105195
02/08/2023	18953		Supplies	4	01/25/2023	57.98	105625
02/08/2023	18953		Supplies	5	01/25/2023	23.35	517670
02/08/2023	18953		Supplies	6	01/25/2023	99.35	105630
02/08/2023	18953		Supplies	7	01/25/2023	17.18	105025
02/08/2023	18953		Supplies	8	01/25/2023	39.98	517480
Total 2405:						432.62	
02/27/2023	18988	Laser Graphics	mardi gras poster	1	02/22/2023	30.00	105166
Total 2437:						30.00	
02/06/2023	18924	KONICA MINOLTA BUSIN	C364E Copier	1	01/29/2023	356.83	105032
Total 2448:						356.83	
02/08/2023	18948	CIRSA	bus insurance	1	02/07/2023	1,010.12	106115
Total 2490:						1,010.12	
02/08/2023	18946	CARD SERVICES	Supplies	1	02/01/2023	1,006.95	105166

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
02/08/2023	18946		Supplies	2	02/01/2023	35.00	105162
02/08/2023	18946		Supplies	3	02/01/2023	65.72	105630
02/08/2023	18946		Supplies	4	02/01/2023	82.48	517214
02/08/2023	18946		Supplies	5	02/01/2023	99.99	105060
02/08/2023	18946		Supplies	6	02/01/2023	40.69	105170
02/08/2023	18946		Supplies	7	02/01/2023	50.00	105140
02/08/2023	18946		Supplies	8	02/01/2023	3.48	105035
02/08/2023	18946		Supplies	9	02/01/2023	137.08	105015
02/08/2023	18946		Supplies	10	02/01/2023	407.86	105030
02/08/2023	18946		Supplies	11	02/01/2023	166.31	105130
02/08/2023	18946		Supplies	12	02/01/2023	171.45	517214
02/08/2023	18946		Supplies	13	02/01/2023	55.44	105030
02/08/2023	18946		Supplies	14	02/01/2023	876.60	105070
02/08/2023	18946		web hosting	15	02/01/2023	32.98	105130
02/08/2023	18946		Supplies	16	02/01/2023	131.97	105025
02/08/2023	18946		Supplies	17	02/01/2023	9.16	105445
02/08/2023	18946		car wash	18	02/01/2023	4.25	105420
02/08/2023	18946		car wash	19	02/01/2023	3.75	105420
02/08/2023	18946		dues	20	02/01/2023	190.00	105015
02/08/2023	18946		Filing fee	21	02/01/2023	27.94	105070
02/08/2023	18946		Software	22	02/01/2023	183.77	105060
02/08/2023	18946		training	23	02/01/2023	320.00	517425
02/08/2023	18946		Supplies	24	02/01/2023	208.95	105630
02/08/2023	18946		Food for meeting	25	02/01/2023	23.54	105630
02/08/2023	18946		training	26	02/01/2023	950.00	517425
Total 2503:						5,285.36	
02/23/2023	18985	American Legion Post #17	mardi gras hall rental	1	02/23/2023	200.00	105166
Total 2526:						200.00	
02/06/2023	18921	Envision Sign and Graphic	street signs	1	01/31/2023	64.00	105670
02/06/2023	18921		pw bldg and shop signs	2	01/31/2023	940.00	105682
Total 2528:						1,004.00	
02/06/2023	18919	CenturyLink	acct 719-836-4609 502B	1	01/19/2023	69.43	517470
02/06/2023	18919		7198362622355B	1	01/19/2023	562.71	105065
02/06/2023	18919		acct 82239760	1	01/24/2023	20.27	105065
Total 2614:						652.41	
02/06/2023	18925	Miracle Recreation Equipm	playground parts	1	01/26/2023	1,431.70	105883
Total 2633:						1,431.70	
02/21/2023	18981	Wittbrodt, Kim	cell phone reimb	1	02/21/2023	50.00	105065
Total 2655:						50.00	
03/02/2023	19000	SENSUS USA	annual support	1	02/16/2023	1,949.94	517415
Total 2675:						1,949.94	
02/14/2023	18957	Colorado Natural Gas, Inc.	natural gas	1	02/02/2023	251.42	105023
02/14/2023	18957		natural gas-shop	1	02/02/2023	1,233.63	105650

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
02/14/2023	18957		san office	1	02/02/2023	391.19	517234
02/14/2023	18957		sewer treatment plant	1	02/02/2023	2,208.74	517680
Total 2728:						4,084.98	
02/06/2023	18917	ASCAP	license fee	1	01/20/2023	422.50	105150
Total 2735:						422.50	
02/14/2023	18960	Mobile Record Shredders	record shredding	1	02/08/2023	12.00	105030
Total 2793:						12.00	
02/21/2023	18969	Chaffee County Waste	6 yd weekly	1	02/03/2023	129.00	105023
02/21/2023	18969		6 yd weekly	2	02/03/2023	129.00	105650
02/21/2023	18969		2 yd biweekly	3	02/03/2023	86.00	517675
02/21/2023	18969		6 yd weekly	1	11/04/2022	215.00	102000
02/21/2023	18969		2 yd biweekly	2	11/04/2022	69.00	512000
Total 2801:						628.00	
02/21/2023	18968	Bullock, Julie	cell phone reimburse	1	02/21/2023	25.00	517226
02/21/2023	18968		cell phone reimburse	2	02/21/2023	25.00	105645
Total 2812:						50.00	
02/06/2023	18927	Mountain Peak Controls, In	enviromag and signal conv	1	02/04/2023	5,906.25	517655
02/21/2023	18975		flow meter wiring	1	02/17/2023	607.50	517655
Total 2861:						6,513.75	
02/14/2023	18956	Colorado Analytical Lab	water testing	1	02/10/2023	24.00	517475
02/21/2023	18970		waste water testing	1	02/17/2023	403.00	517665
Total 2864:						427.00	
02/21/2023	18979	Tolin Mechanical	repair burner - no heat	1	02/16/2023	2,196.65	517655
Total 2867:						2,196.65	
03/02/2023	18997	Falcon Environmental Corp	lift station repair	1	02/23/2023	319.70	517655
Total 2877:						319.70	
02/14/2023	18963	Promark Industries, LLC	tahoe repair	1	02/07/2023	828.92	105420
Total 2887:						828.92	
02/21/2023	18978	Shirley Septic Pumping, In	town hall	1	02/17/2023	378.13	105120
02/21/2023	18978		cohen park	1	02/17/2023	342.13	105842
02/21/2023	18978		beach	1	02/17/2023	189.06	105842
02/14/2023	18964		pump gvrease trap	1	02/07/2023	875.00	517636
Total 2893:						1,784.32	
02/08/2023	18950	Fairplay Auto Supply	supplies	1	01/31/2023	155.13	105625
02/08/2023	18950		supplies	2	01/31/2023	82.95	517242

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
02/08/2023	18950		supplies	3	01/31/2023	28.98	105630
Total 2948:						267.06	
02/08/2023	18949	Dog Waste Depot	dog waste bags	1	01/04/2023	179.99	105830
Total 3100:						179.99	
02/08/2023	18951	Hunn Planning & Policy, LL	planning fees	1	02/03/2023	571.25	105105
02/08/2023	18951		planning fees-bill back-mus	2	02/03/2023	440.00	105107
02/08/2023	18951		planning fees-bill back-bluff	3	02/03/2023	640.00	105107
Total 3183:						1,651.25	
02/06/2023	18928	SGM	engineering	1	01/26/2023	156.00	105105
02/27/2023	18989		the bluffs	1	02/21/2023	1,665.00	105107
02/06/2023	18928		the bluffs	1	01/26/2023	351.00	105107
02/06/2023	18928		engineering	1	01/26/2023	307.00	105105
02/27/2023	18989		beaver lane	1	02/20/2023	45.00	102295
Total 3272:						2,524.00	
02/21/2023	18972	Ernst, Sarah	cell phone reimburse	1	02/21/2023	50.00	105065
Total 3313:						50.00	
02/14/2023	18961	Mountain Essentials	estip 4th quarter	1	02/14/2023	1,401.77	102000
Total 3370:						1,401.77	
02/06/2023	18933	Warm Springs Consulting	contract	1	02/01/2023	4,500.00	517417
02/06/2023	18933		contract	1	02/01/2023	5,000.00	517627
03/02/2023	19003		contract	1	03/01/2023	4,500.00	517417
03/02/2023	19003		contract	1	03/01/2023	5,000.00	517627
Total 3463:						19,000.00	
02/21/2023	18966	Bannister, Chris	cell phone reimburse	1	02/21/2023	25.00	105645
02/21/2023	18966		cell phone reimburse	2	02/21/2023	25.00	517226
Total 3464:						50.00	
02/21/2023	18980	Wagner, Alex	cell phone reimburse	1	02/21/2023	50.00	105065
Total 3506:						50.00	
02/06/2023	18930	Timberline Properties Hom	plow 850 hathaway	1	01/31/2023	250.00	105186
03/02/2023	19001		plow 850 hathaway	1	02/28/2023	375.00	105186
Total 3510:						625.00	
02/06/2023	18923	Hayes Poznanovic Korver	legal	1	02/03/2023	230.00	517430
Total 3518:						230.00	
02/21/2023	18973	Graham, Donovan	cell phone reimburse	1	02/21/2023	25.00	517226
02/21/2023	18973		cell phone reimburse	2	02/21/2023	25.00	105645

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3519:						50.00	
02/14/2023	18959	Kenosha Pest Specialist	pest control	1	02/10/2023	30.00	517260
02/14/2023	18959		pest control	1	02/10/2023	30.00	105025
Total 3564:						60.00	
03/02/2023	18998	Phoenix Technology Group	computers	1	02/13/2023	1,158.21	105465
03/02/2023	18998		computers	2	02/13/2023	1,042.38	105060
03/02/2023	18998		computers	3	02/13/2023	115.83	105340
03/02/2023	18998		service contract	1	03/01/2023	831.60	105645
03/02/2023	18998		service contract	2	03/01/2023	831.60	105465
03/02/2023	18998		service contract	3	03/01/2023	831.60	105060
Total 3580:						4,811.22	
02/21/2023	18977	Sciacca, Janell	cell phone reimburse	1	02/21/2023	50.00	105065
03/02/2023	18999		supplies	1	02/23/2023	32.86	105027
Total 3583:						82.86	
02/06/2023	18935	Wilson Williams LLP	legal-udc	1	01/31/2023	1,100.00	105105
02/06/2023	18935		legal	1	01/31/2023	161.00	105057
02/06/2023	18935		legal	1	01/31/2023	1,380.55	105057
03/02/2023	19004		legal	1	02/28/2023	2,413.68	105057
03/02/2023	19004		legal-udc	1	02/28/2023	100.00	105057
03/02/2023	19004		legal-betts	1	02/28/2023	230.00	102295
Total 3586:						5,385.23	
02/06/2023	18926	MissionSquare Retirement	retirement plan fee	1	01/27/2023	250.00	106130
Total 3587:						250.00	
02/21/2023	18974	Kleinschmidt, Sean	cell phone reimburse	1	02/21/2023	25.00	105645
02/21/2023	18974		cell phone reimburse	2	02/21/2023	25.00	517226
Total 3590:						50.00	
02/23/2023	18987	Frank Sciacca	dj for mardi gras	1	02/23/2023	250.00	105166
Total 3600:						250.00	
02/06/2023	18941	Utility Associates, Inc.	annual body cam fee	1	01/01/2023	11,610.00	105465
Total 3604:						11,610.00	
02/06/2023	18922	Hardesty Engineering and	gallery project	1	01/31/2023	.00	517430
			gallery project	2	01/31/2023		517430
02/06/2023	18938		gallery project	1	02/06/2023	5,918.38	517430
03/02/2023	19005		consulting	1	02/28/2023	5,100.00	517432
03/02/2023	19005		gallery project	1	02/28/2023	10,880.00	517430
Total 3618:						21,898.38	
03/02/2023	18995	CivicPlus LLC	annual hosting	1	03/01/2023	3,843.00	105060

Town of Fairplay

Paid Invoice Report - Paid Bills - Board
Check issue dates: 1/27/2023 - 3/2/2023Page: 7
Mar 02, 2023 01:57PM

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3622:						3,843.00	
02/14/2023	18958	Kelsey Hanley	refund business license fee	1	02/01/2023	25.00	104170
Total 3638:						25.00	
02/14/2023	18962	Otto's	refund sign permit	1	02/09/2023	55.00	102000
02/14/2023	18962		estip	1	02/14/2023	3,907.22	102000
Total 3651:						3,962.22	
02/08/2023	18947	Charles Abbott Associates,	building official services	1	02/01/2023	2,466.84	105058
Total 3655:						2,466.84	
02/08/2023	18952	Mastercraft	sander-final payment	1	12/01/2022	8,524.00	105670
Total 3660:						8,524.00	
02/06/2023	18920	Colorado Tents & Events	table and chair rental	1	02/01/2023	1,437.45	105166
Total 3694:						1,437.45	
02/06/2023	18934	Wendy Snapp	supplies	1	01/19/2023	43.25	105170
Total 3695:						43.25	
02/14/2023	18955	Casa Sanchez 4	refund sign permit	1	02/10/2023	55.00	102000
Total 3696:						55.00	
Grand Totals:						144,624.11	

Report Criteria:

Detail report type printed

**MAYOR'S OPENING STATEMENT
PUD ZONING HEARING FOR STONE RIVER**

MAYOR JUST:

I WILL NOW OPEN THE PUBLIC HEARING ON THE APPLICATION FOR PUD ZONING FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF PLATTE DRIVE AND US HIGHWAY 285 AS SUBMITTED BY FP LAND, LLC.

THE FAIRPLAY BOARD OF TRUSTEES, ACTING AS THE LOCAL ZONING AUTHORITY, HAS JURISDICTION TO CONDUCT THIS PUBLIC HEARING UNDER SECTION 31-23-301 OF THE COLORADO REVISED STATUTES AND UDC ARTICLES IV AND IX OF THE FAIRPLAY MUNICIPAL CODE. NOTICE OF THIS HEARING HAS BEEN GIVEN BY POSTING, MAILING AND PUBLICATION IN THE MANNER REQUIRED BY SECTION 16-4-10 OF THE FAIRPLAY MUNICIPAL CODE, UDC ARTICLE IV, AND EVIDENCE OF SUCH NOTICE IS HEREBY MADE A PART OF THE RECORD OF THIS PROCEEDING.

THE PURPOSE OF THIS HEARING IS TO CONSIDER THE APPLICATION OF FP LAND, LLC FOR PLANNED UNIT DEVELOPMENT (PUD) ZONING ON THE SUBJECT PROPERTY. THE APPLICANT SEEKS APPROVAL OF THE ZONING TO ALLOW FOR CONSTRUCTION OF SINGLE-FAMILY AND MULTIFAMILY HOMES AND ASSOCIATED STORAGE ALONG WITH 2 COMMERCIAL PADS ON THE PROPERTY THAT IS CURRENTLY DESIGNATED VACANT LAND.

THE PROCEDURE TO BE FOLLOWED IN THIS CASE WILL BE AS FOLLOWS:

1. STAFF WILL PRESENT THE CASE.
2. THE APPLICANT, OR THE APPLICANT'S LEGAL COUNSEL, MAY GIVE AN OPENING STATEMENT.
3. FOLLOWING THE OPENING STATEMENT, IF ANY, THE APPLICANT AND ANY OTHER PERSONS SUPPORTING THE APPLICATION MAY PRESENT EVIDENCE SUPPORTING THE PROPOSED ZONING FOR THE SUBJECT PROPERTY.
4. AT THE CONCLUSION OF THE APPLICANT'S CASE, ANY PERSONS OPPOSING THE PROPOSED ZONING OF THE SUBJECT PROPERTY MAY PRESENT EVIDENCE.
5. THE APPLICANT MAY THEN PRESENT ANY REBUTTAL EVIDENCE.

THIS HEARING IS BEING RECORDED AND I WILL CAUTION ALL WITNESSES AND ATTENDEES THAT THEY MUST IDENTIFY THEMSELVES STATING THEIR NAME AND ADDRESS BEFORE SPEAKING AND THAT THEY MUST SPEAK CLEARLY SO THE RECORDING DEVICE CAN RECORD THEIR COMMENTS. COMMENTS OR INTERRUPTIONS FROM MEMBERS OF THE AUDIENCE DURING TESTIMONY WILL INTERFERE WITH THE PROCEEDING AND WILL NOT BE ALLOWED.

ARE THERE ANY OBJECTIONS TO THE JURISDICTION OF THE BOARD OF TRUSTEES OR TO THE PROCEDURE WHICH I HAVE JUST DESCRIBED?

I WILL NOW REQUEST ANY MEMBER OF THE BOARD TO DISCLOSE ANY EX PARTE COMMUNICATION THAT MAY HAVE OCCURRED WITH THE APPLICANT OR A MEMBER OF THE PUBLIC.

HEARING NONE, STAFF WILL NOW PRESENT THE CASE.

Fairplay Planning Department
 Fairplay Town Hall
 901 Main Street
 Fairplay, Colorado 80440



Fairplay Board of Trustees
 Mayor – Frank Just
 Mayor Pro Tem - Scott Dodge
 Ray Douglas
 Peter Lynn
 Josh Voorhis

Town Board of Trustees Hearing

The Bluffs of Fairplay Planned Unit Development

Hearing Date:	March 6, 2023
File Name and Process:	The Bluffs of Fairplay Planned Unit Development
Owner/Applicant:	FP Land, LLC.
Representative:	Steve Crozier
Legal Description:	Township 9 Range 77 South 33, SE4 Part of SE4 Section 33 and Part of SW4 Section 34 Including 9-77 (known as Parcel E Larson Minor Subdivision)
Existing Zoning:	Commercial
Proposed Overlay:	Mixed-Use Residential, Commercial & Light-Industrial Planned Unit Development (PUD)
Staff Members:	Janell Sciacca, Town Administrator Nina Williams, Town Attorney Scot Hunn, Town Planner Donovan Graham, Public Works Director Deron Dirksen, Town Engineering Consultant

Staff Report

I. Summary of Request and Proposal:

Request:

The Applicant, FP Land, LLC., represented by Steve Crozier, is requesting approval of a new residentially oriented Planned Unit Development (PUD) overlay district to be created on 10.72 acres of vacant land currently zoned “Commercial” and located just south of the Fairplay River Park and downtown Fairplay.

Proposal Overview:

The Applicant proposes the PUD overlay district – creating four separate but related zones - to allow for the development of a two-phase, multi-use PUD to include residential, commercial, light-industrial (storage), and open space uses. Per the narrative provided in The Bluffs of Fairplay “PUD Plan” document (attached hereto as Exhibit ‘A’) the following describes the intent of the Applicant in creating The Bluffs PUD:

“The Bluffs of Fairplay is envisioned as an affordable long-term mixed residential rental community with commercial space for potential ancillary businesses. The location is very attractive for people moving to the area due to the proximity to Downtown Fairplay, Fairplay River Park, and the Fairplay Beach. The development will remain under single ownership and a full-time professional management company will be contracted to operate the development and maintain the grounds. The ownership intends to integrate The Bluffs with Fairplay River Park and Fairplay Beach by connecting the internal sidewalks to a trail leading through the park and down to the beach.

“As a part of the PUD development, they will provide the trail along with a pavilion, dog park, and public restrooms attached to The Bluffs Clubhouse. As a first-class community The Bluffs of Fairplay offers high quality, maintenance free living for residents to enjoy all that Fairplay has to offer.”

- The Bluffs of Fairplay PUD Plan Document, p. 2

The PUD Plan narrative (p. 4) also provides more details regarding the intent of the mix of residential units and on-site amenities proposed:

“The residential development will include single family homes, duplexes, townhouses, and apartments, with a common park located in the center, a clubhouse with attached management office and public restroom for Fairplay River Park, and rentable storage units for Bluffs residents to the east of the office.”

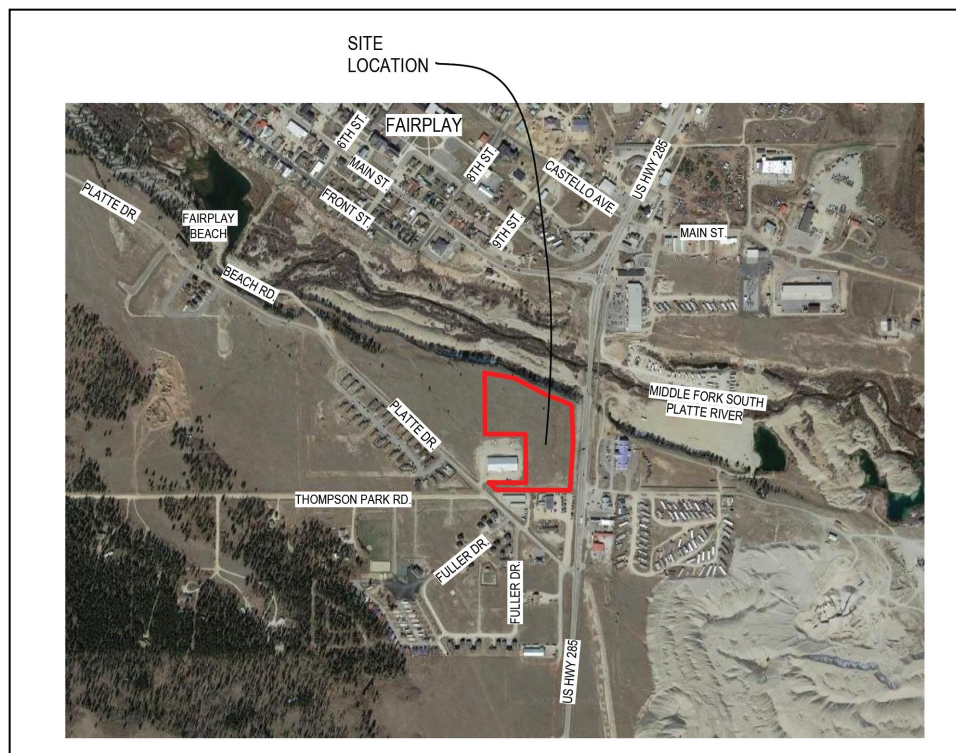
Page 5 of the PUD Plan document sets forth the following details with regard to the number and type of residential units and commercial space to be provided:

Residential		
Unit Type	Number of Structures	Number of Units
Single-Family	11	11
Duplex (two-family)	24	48
Fourplex (townhome)	7	28
Apartments	2	60
Managers Quarters	1	2
Total:	45	149
Commercial / Light Industrial		
Use Type	Number of Structures	Floor Area Ratio
Commercial	Undetermined	3:1 = 89,000 sq. Ft.
Light Industrial	32 Storage Units	.25:1 = 2,250 Sq. Ft.

No subdivision of any property is proposed at this time. Therefore, the Town's subdivision regulations are not applicable to the review of this proposal. More detailed descriptions of all uses are provided within the PUD Plan document attached hereto under Exhibit A.

Site Context and Future Land Use Map Designation:

This 10.72-acre property is located just south of the Fairplay River Park and is accessed from U.S. Hwy. 285 via Platte Drive.



Address TBD
Fairplay, CO 80440
Park County, Colorado

The property is bordered to the north by the Middle Fork of the South Platte River; to the south by the Fairplay Commercial Condominiums and the Spruce Hill Subdivision, Filing 1; to the east by the U.S. Hwy. 285 corridor; and to the west by Town owned lands (Tract 1, Cutthroat Subdivision).

The property has previously been subdivided as part of the Larson Minor Subdivision but has not been developed. The property is identified within the 2013 Town of Fairplay Comprehensive Plan Future Land Use Map as being appropriate for a mix of residential- and commercial uses. (See detailed review of Comprehensive Plan goals and policies in Section IV of this report starting on page 16).

Issues and Topics for Discussion with the Applicant and Town Board:

The following are issues identified by staff that have not been fully resolved during the review process and which should be discussed with the Board of Trustees. In most cases, staff has agreed with the Applicant to defer final submittal of detailed, 100 percent construction ready plans and specifications until such time PUD overlay zoning is approved. In such cases staff is recommending revisions to the plans and/or the provision of final level of details, to be finalized as part of any final plan and development agreement review and approval.

Utilities:

The Town has received comments from Xcel Energy as well as Colorado Natural Gas (CNG), both of which are attached under Exhibit D – Referral Responses, of this report. Of note, the referral comments from Xcel indicate that electrical lines – currently shown on The Bluffs site plans as being located along the property lines behind proposed dwelling units – cannot, in fact, be located to the rear of residential structures. Based on these and other comments from Xcel, the final layout of the proposed structures and other improvements within the PUD, including the routing of electric utilities, will most likely be revised.

Additionally, CNG indicates in their referral response letter that the company currently does not have the capacity to serve total build-out of the proposed PUD development but that they are working to resolve gas supply/capacity issues. Per CNG, *“At this time, CNG does not have sufficient capacity in this area to provide natural gas service to The Bluffs’ fully proposed build out. However, CNG is working with its supplier on possible solutions – as well as exploring various potential system upgrades in this area within the next 5 years. CNG does not object to The Bluffs being planned for construction but wants the Town of Fairplay to be aware of the status of natural gas availability in this area.”*

Additionally, individual utilities have their own easement and separation requirements; the Applicant will need to coordinate with all utility providers to ensure that setback, separation, and easement dedication requirements are addressed in final engineering drawing submittal package.

and projected traffic levels on US Hwy. 285, Platte Drive and, importantly, the intersection of Platte Drive and US Hwy. 285, before and after buildout of The Bluffs PUD. The report by FHU indicates that the intersection currently operates well (Level of Service ‘A’ or ‘B’) at peak hours.

At full buildout (year 2026 in the report by FHU) The Bluffs PUD is expected to generate up to 2,200 vehicle trips per day. While considering these new trips per day as well as anticipated annual growth in background traffic on US Hwy. 285 in the future from other areas/sources, FHU’s analysis indicates that this intersection will continue to operate at a LOS C or better.

Although FHU’s report indicates that exiting background traffic volume at peak hours already warrants the construction of a new northbound deceleration left turn lane on US Hwy. 285, CDOT is not proposing to construct this turn lane as part of planned improvements for widening of the highway corridor.

In their referral response letter (See Exhibit D), CDOT indicates that a new access permit will be required as well as the completion of northbound left hand turn lane improvements on U.S. Hwy. 285 to mitigate impacts from existing (background) traffic as well as traffic to be generated from the proposed development. Details for any/all off-site improvements – including all final plans, cost estimates, and phasing/triggers for installation of turn lanes – will need to be detailed in any development agreement and financial guarantees reviewed and approved by the Town in the future.

Final Engineering Drawing Package and Engineer’s Estimate of Probable Cost:

The Applicant has provided civil engineering plans (See Exhibit B) as part of this PUD overlay zoning request. The plans provided, while not complete, were deemed to be detailed enough to determine general conformance with the Town’s goals, policies, and standards. However, final level (100% construction ready) drawing package will be required when the Applicant requests approval of a development agreement, complete with detailed Engineer’s Estimate of Probable Cost (EEOPC), final phasing plan details, and forms of financial guarantees/securitization.

Final Landscape Plan:

The Applicant has provided conceptual level landscape plans and details for the PUD. The Applicant has stated the intentions of revegetation (maintaining native grasses and low water use treatments) but has not provided final details for things like park/active open space area treatments. This information, along with detailed temporary and permanent irrigation designs and corresponding consumptive water use calculations for all outdoor irrigation will be required with final plan/development agreement submittal packages.

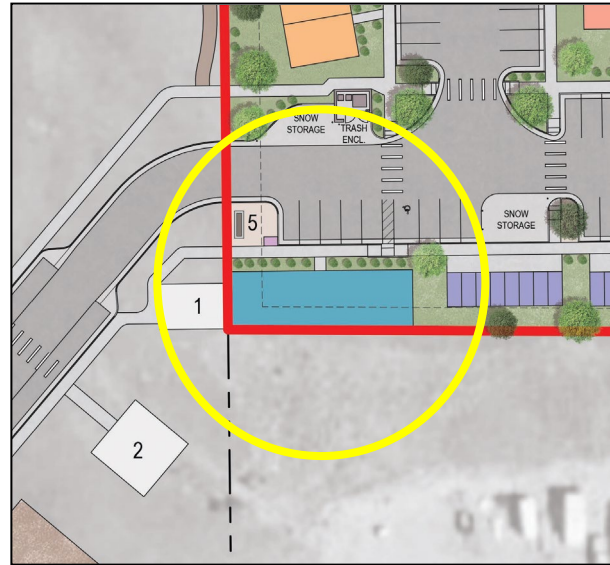
The site plans show that parking lot landscape standards appear to be adequately addressed as far as planting island spacing and sizing. However, final planting plans

should be provided to ensure that the minimum number of trees and shrubs are provided within and around parking areas.

Management Office/Fitness Facility Setbacks:

The plans show a proposed “Management Office and Fitness Facility” located on the southwestern corner of the property, just north of the Fairplay Commercial Condominiums Building. The proposed office/fitness facility building is located at the rear (south) and western property line; no rear or side yard setback is provided.

Staff suggests that the plans should be revised to provide minimum setbacks to accommodate utilities, drainage and snow storage, or the Applicant should be required to request a variance as part of the PUD overlay zoning request.



Master Sign Program:

The PUD Plan document includes details for signage within the PUD. While the proposed signage conforms with the Town’s desired character (design and materials), the proposed sign sizes and dimensions do not appear to comply with Article 25 – *Signs*, of the Unified Development Code. The Applicant should work with staff to ensure that all proposed signs for the PUD – including those for future commercial buildings/uses facing US Hwy. 285 - comply with the requirements of the UDC prior to final approval of the PUD plan and prior to any sign permit applications are accepted by the Town. Alternatively, the Applicant will be required to apply for a variance from the Town’s Sign standards.

Staff Recommendation:

Overall, The Bluffs PUD proposal has been viewed favorably by Town staff and consultant team members, both for its overall conformance with the goals and policies of the Town of Fairplay Comprehensive Plan, as well as its general adherence to the dimensional limitations and zoning requirements of the underlying Commercial Zone District.

It appears that, in most instances, the project can be served by existing infrastructure and/or with extensions of infrastructure. That being said, staff is recommending certain conditions of approval to address outstanding issues or potential revisions related to on

and offsite impacts, utility provision, and/or improvements to infrastructure. (See Section VII – Staff Recommendation and Suggested Conditions on page 23 of this report).

That being said, staff looks forward to discussions with the Town Board, the Applicant, and interested members of the public with regard to proposal and the issues identified by staff as needing additional consideration by the Town Board.

Staff is **recommending approval** of The Bluffs PUD Overlay, with conditions.

II. Summary of Process and Code Requirements:

Process Overview

The Applicant requests review of a new PUD, pursuant to the application submittal requirements and approval criteria set forth in the Town of Fairplay Unified Development Code. The following section lays out the various articles and sections of the UDC that will apply to the review of The Bluffs PUD.

Article IX – Planned Unit Development

This article within the UDC establishes the purposes, intents, standards and submittal requirements for any PUD Overlay District. Staff has responded to each section below.

Section 16-9-10 - Planned unit development (PUD) designation, purpose and objectives.

- (A) The purpose of planned unit development (PUD) is to encourage innovation and flexibility in the development of land so as to promote variety in the type, design and layout of buildings; improve the integration, character and quality of land uses; promote the more efficient use of land and infrastructure while achieving compatibility of land uses; achieve economy in the delivery and maintenance of public services; and promote the preservation of open space and natural and scenic areas.*
- (B) PUD zoning or overlay designation may be applied for with regard to any contiguous land (disregarding intervening public streets, easements or other rights-of-way) located within any zone district. The decision to approve an area for PUD zoning or treatment shall at all times rest within the discretion of the Board of Trustees, and an application for PUD designation shall be denied where the particular proposal will not adequately satisfy or implement the purposes of this Article.*
- (C) This Article has been adopted to implement the authority granted to the Town pursuant to Article 67, Title 24, C.R.S.*

Staff Response:

The Bluffs PUD proposal meets the intents, purposes and objectives set forth in Section 16-9-10. Specifically, this PUD is based on a flexible, integrated approach to the layout and design of the proposed neighborhood. While the mixing of uses is not proposed within individual buildings, the residential dwelling unit types offer diversity, storage units (light industrial use) provide much needed but often overlooked onsite storage for residents, and the commercial pad site offers the ability to develop retail and service commercial uses that serve the residents of the PUD as well as the general public.

The types of uses and amenities proposed to serve residents of The Bluffs and the general public are appropriate for a primarily residential development, while access to proposed commercial pad site is relatively convenient for those residing outside the PUD. The PUD represents an efficient use of land and public infrastructure, placing much needed housing to support the local character and economy of Fairplay within close proximity to the downtown area and other local services. The PUD meets or exceeds standards for open space provision and will contribute to on- and off-site pedestrian and open space improvements.

Section 16-9-20 - Zoning classification.

PUD constitutes a zoning classification and is established by rezoning or overlaying the designation upon land within an existing or newly created zone district. Approval of a PUD shall be illustrated and its land area defined on the Town's Zone District Map. When an area that is already zoned is approved for a PUD overlay, e.g., "SF-Res PUD," the underlying zone district's regulations shall remain intact and, in the event the PUD is not completed or is terminated, the underlying zone district regulations shall apply to and govern land uses and development in the subject area.

Staff Response:

The Bluffs PUD is proposed as a mixed- or “multi-use” development including residential, commercial, and light-industrial uses within a new “overlay” district. Existing or underlying zoning on the property is “Commercial.” The 2013 Town of Fairplay Comprehensive Plan future land use designation for this property is “Residential-Commercial Multi-Use,” which contemplates mixed use development with residential integrated with commercial uses.

The Commercial Zone District permits a variety of retail and service commercial uses, light industrial and professional uses, civic and recreational uses ‘by right,’ as well as other, similar but potentially more impactful or less compatible uses that are permitted by Special Use Permit approval. The Bluffs PUD will allow for a variety of residential uses as described in the PUD Plan (Exhibit A), and “Light-Industrial” uses are specific to onsite storage units proposed to exclusively serve residents of The Bluffs residential neighborhood. Proposed commercial uses are not specifically described or delineated within the PUD Plan document. Therefore, unless specifically revised in the PUD Plan in the future, it is presumed that all commercial uses

currently allowed within the underlying Commercial Zone District will be permitted within the PUD.

Section 16-9-30 - PUD plan; conformity with comprehensive plan.

No land shall be designated PUD in the absence of a PUD plan, which plan shall set forth the written and graphic materials as described in this Article. All PUD plans must be in substantial compliance and consistent with the Town's comprehensive plan.

Staff Response:

The Bluffs PUD application includes a PUD Plan document (Exhibit A) that will set forth the written and graphic details necessary to allow the Town to interpret and enforce the terms and development standards of the PUD in the future. Town staff have reviewed the PUD Plan and have worked with the applicant over several months to revise the plan and associated technical reports to ensure that this aspect – perhaps the most important aspect of the PUD review process – was complete and adequate to facilitate detailed review of the proposal. One suggested revision to the PUD Plan is to indicate specific commercial uses contemplated for the commercial pad site, or to specifically reference the underlying Town of Fairplay “Commercial” Zone District as dictating future commercial uses within the PUD.

The proposal also appears to be in substantial compliance with the goals and policies of the 2013 Town of Fairplay Comprehensive Plan.

Section 16-9-40 - Subdivision and zoning regulations applicable; PUD plan.

(A) The subdivision regulations and zoning provisions of the Town shall apply to a PUD insofar as they are consistent with these PUD regulations and with any specific zoning or subdivision requirements approved by the Board of Trustees at the time of zoning or platting the PUD in question. To the extent that any zoning or subdivision regulation conflicts with the PUD regulations contained in this Article, or with such specific zoning or subdivision requirements incorporated into a PUD approval by the Board of Trustees, the former shall not be applicable and the provisions of the latter shall control.

(B) The approval of a PUD overlay/zoning shall be inseparable from a PUD plan and a PUD shall not be established or approved without the simultaneous approval of a PUD plan. The approved PUD overlay/zoning and the approved PUD plan shall together establish and govern the land uses and development allowed within the PUD and shall supersede any other underlying zone district regulations.

Staff Response:

The PUD is proposed to be developed on two existing vacant parcels owned in common by the Applicant. In the future, the Applicant intends to combine the two lots via the Exemption Plat (“Lot Line Elimination”) process. No subdivision is required or proposed at this time or as part of this PUD Overlay process.

A PUD Plan – “The Bluffs PUD Plan” (Exhibit A) has been provided and reviewed as part of this proposal. In substantial ways, the PUD Plan provides dimensional limitations (setbacks, building height maximums, parking ratios) that match or respect those required for residential and commercial zone districts within the Town.

Section 16-9-50 - Subdivision provisions modification authorized.

It is recognized that the uniqueness of each proposal for a PUD requires that the specifications, standards and requirements for various facilities, including but not limited to streets, highways, alleys, utilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, storm drainage, water supply and distribution, and sewage collection and treatment, may be subject to modification from the specifications, standards and requirements established in the subdivision regulations and the zoning ordinances of the Town for like uses in other zone districts. The Board of Trustees may, therefore, either at the time of PUD zoning or upon final platting under the Town's subdivision regulations, waive or modify the subdivision specifications, standards and requirements which would otherwise apply to the proposed development.

Staff Response:

With the exception of just a few modifications or variations noted earlier in this report (likely setback variance requests for the Management Office/Fitness Facility), staff is not aware of any other dimensional limitation variations or modifications needing approval either as part of this rezoning request or as part of any final plan review.

Section 16-9-60 - Compatibility of land use elements.

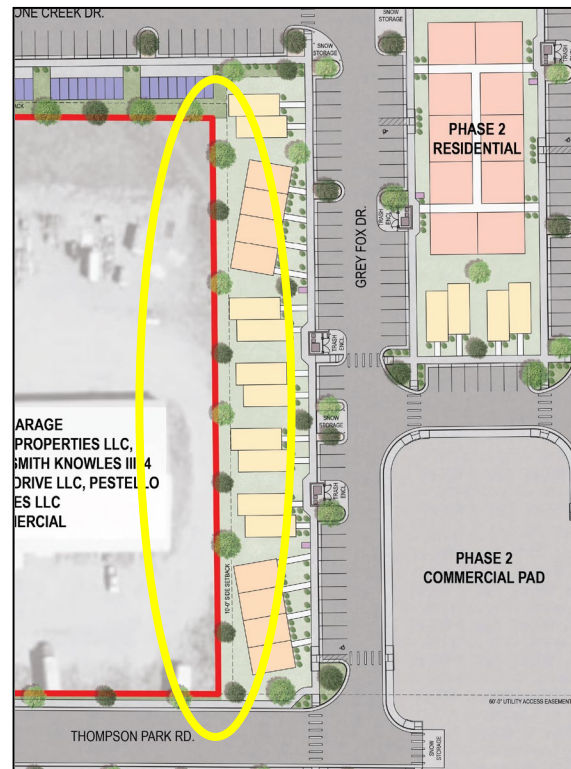
It is recognized that certain individual land uses, regardless of their adherence to all the design elements provided for in this Article, might not exist compatibly with one another. Therefore, a proposed PUD shall be considered from the point of view of the relationship and compatibility of the individual elements of the plan, and no PUD shall be approved which contains incompatible elements.

Staff Response:

The Bluffs PUD proposes to create a predominantly residential neighborhood in close proximity to existing commercial/light-industrial uses occurring on adjacent properties. Additionally, the PUD includes a commercial pad site area for retail or service commercial uses.

Staff believes that the proposed layout of the PUD serves several purposes from the perspective of buffering, compatibility, circulation and safety. First, the plans show location of self-storage units (exclusively for use by residents of The Bluffs) between the “Phase I” residential uses and the neighboring “Fairplay Commercial Condominiums” property to the south.

This should help to buffer any noise or other impacts from adjacent light-industrial uses. That being said, residential uses are also proposed just to the east of the Fairplay Commercial Condominiums. Staff suggests that the Applicant should ensure that final landscaping plans address buffering and privacy along the common property boundary; fencing, berming, or a combination thereof, and landscape planting should be used to ensure compatibility in the future.



Design Guidelines:

The proposal includes conceptual information regarding architectural intent for residential and civic buildings. However, staff suggests that more fully developed architectural and site related design standards should be developed and presented to the Town as part of any final plan/development agreement review to ensure that the specific character intents of the Residential-Commercial Multi-Use FLUM designation are met.

Sec. 16-9-100. - Site plan review criteria; general requirements.

In addition to the common submittal requirements in Article III and Sections [16-3-40](#) and [16-3-50](#), a PUD submittal shall meet the following site plan criteria unless the application can demonstrate that one (1) or more of them are not applicable to the proposed plan. Compliance with the criteria shall be illustrated on the proposed PUD plat/plan submitted by the applicant.

(A) The PUD shall have an appropriate relationship to the surrounding area, with adverse effects on the surrounding area being minimized.

Staff Response:

The proposed PUD includes a layout that responds to and respects the surrounding areas. Specifically, the design includes appropriate setbacks on all sides, along with

landscaping, trail connections, and open spaces that should provide adequate buffering. Commercial or more intense uses are proposed in close proximity to U.S. Hwy. 285 and neighboring uses of a similar nature, while residential uses are concentrated north of Platte Drive and next to existing town-owned open lands.

- (B) The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police, fire and emergency protection is maintained; streets are named in a logical fashion to avoid confusion; and provisions for using and maintaining the streets are imposed upon the private users and approved by the Board of Trustees. Bicycle traffic shall be provided for if appropriate for the land use.*

Staff Response:

The PUD provides an adequate internal street circulation system in accordance with the Town's street design manual and requirements. Circulation includes adequate access for emergency and service vehicles, with turning radii considered as well as access to structures.

- (C) The PUD shall provide parking areas adequate in terms of location, area, circulation, safety, convenience, separation and screening.*

Staff Response:

Parking ratios have been detailed for each use and unit type contemplated within the PUD; those ratios appear to meet or exceed the minimum requirements of the Town of Fairplay Unified Development Code.

- (D) The PUD shall provide common open space adequate in terms of location, area and type of space, and the uses permitted in the PUD. The PUD shall strive for optimum preservation of the natural features of the terrain.*

Staff Response:

The PUD Plan provides 37% total, usable open space whereas the Town requires a minimum of 30%. Within the 37% open space or common areas surrounding residential development, there are numerous "improved" areas – trails, park areas, and formal "lawn" areas surrounding proposed rental housing units – very much in line with and similar to a conventional subdivision with individual lots with minimum yard requirements – to provide adequate open spaces for passive and active recreation needs of residents.

- (E) The PUD shall provide for variety in housing types and densities, other facilities and common open space.*

Staff Response:

The Bluffs of Fairplay PUD overlay zone district is planned and designed specifically to provide a variety of housing types, densities and, importantly, complimentary facilities and amenities such as individual storage units,

management office with fitness facilities, and open spaces for use of residents of the PUD.

(F) The PUD shall provide adequate privacy between dwelling units.

Staff Response:

The layout of proposed single-family, duplex, and multi-family units is in line with and very similar to a conventional subdivision where individual lots – with minimum lot areas, minimum lot frontages, and minimum setbacks – are created. In this case, even though the Applicant is not proposing to subdivide individual lots, adequate space between buildings, along with landscaped areas will be provided and maintained by a professional management company.

(G) The PUD shall provide pedestrian ways adequate in terms of safety, separation, convenience, access to points of destination, and attractiveness.

Staff Response:

Not only does the PUD Plan demonstrate adequacy of internal pedestrian ways between parking areas and buildings, as well as between common areas and buildings, the Applicant is also proposing to work with the Town of Fairplay to facilitate the construction of external pathways and trails to enhance connectivity between the PUD and the rest of the Town.

Town staff have indicated general support for trail improvements, specifically, while also highlighting concerns regarding the short- and long-term maintenance implications of such improvements. Additionally, the plans indicate an offsite trail connection leading from the PUD to the northeast where there is currently no trail connections to those lands lying east of US Hwy. 285. Further, staff is not aware of any plans by CDOT to construct any trail connections or underpasses in this area as part of planned highway improvements. Staff suggest that details regarding ownership and/or maintenance of proposed offsite trail connections, as well as opportunities to plan and fund connections under US Hwy. 285 in the future should be discussed with the Applicant during hearing process.

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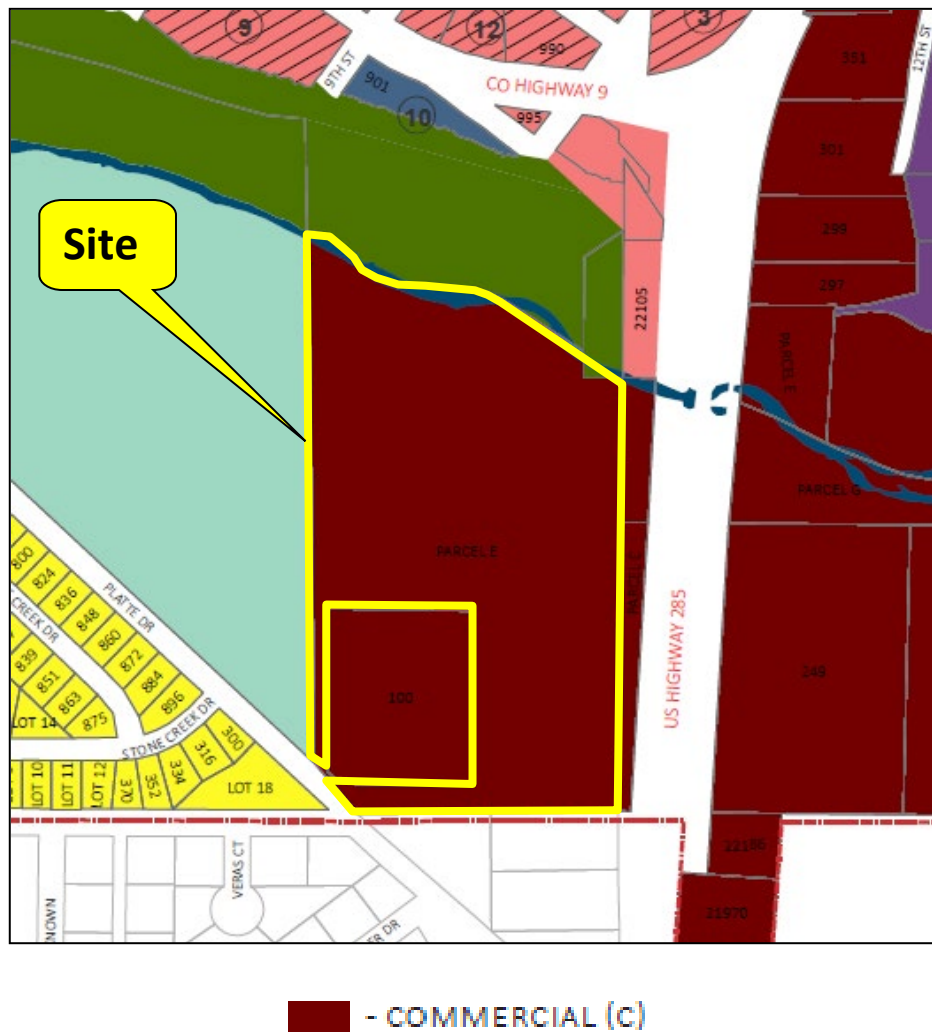
III. Zoning Analysis:

The following section provides information regarding the current Commercial zoning on the property. The purpose and objectives of the Commercial zone district are described as follows:

“Commercial adjacent to Highway 285 allows larger more intensive highway oriented commercial. Uses include grocery, restaurants, vehicle service, general retail, business/professional offices, governmental facilities, banks, medical/dental clinics, vehicle sales, motels, car wash, bowling lanes etc. Residential located in the rear of structures or on the second floor primarily serves employees and is secondary to business use. Storage is enclosed and screened with berms, landscaping and/or opaque fencing.”

- Town of Fairplay UDC Section 16-5-20 – Description of Zone Districts

Figure 1: Town of Fairplay Zoning Map



Staff Response:

The Commercial Zone District permits a variety of retail and service commercial uses, light industrial and professional uses, civic and recreational uses ‘by right,’ as well as other, similar but potentially more impactful or less compatible uses that are permitted by Special Use Permit approval.

The Commercial Zone District does permit residential uses – “*Residential in same building as business*” – as a use by right. Staff suggest that this use is intended to be limited to employee housing units associated with a business and is more akin to a mixed use or “live-work” type development (where dwelling units are located above or within a commercial or light-industrial unit).

The following matrix provides a quick reference to compare the requirements of the Commercial Zone District to those proposed for The Bluffs PUD:

Town of Fairplay UDC Standards vs. The Bluffs of Fairplay PUD Standards		
Limitation/Regulation	Town Zoning	The Bluffs PUD
Single-Family District: Front Setback Side Setback Rear Setback	15 feet 5 feet 10 feet (5' for alleys)	25 feet
Multi-Family District: Front Setback Side Setback Rear Setback	15 feet 5 feet 10 feet (5' for alleys)	10 feet
Commercial District: Front Setback Side Setback Rear Setback	25 feet 10 feet 10 feet	25 feet 10 feet 10 feet
Maximum Building Coverage: Single-Family District Multi-Family District Commercial District	40% 60% 80%	40% 60% 80%
Maximum Principal Building Height: Single-Family District Multi-Family District Commercial District	30 feet 35 feet 30 feet	30 feet 35 feet 30 feet
Minimum Building Footprint	N/A	N/A

As shown in the above matrix, the Applicant is not proposing any variances from the dimensional limitations listed for each use, particularly the underlying “Commercial” zone district standards. Therefore, no variances

IV. **2013 Town of Fairplay Comprehensive Plan Analysis:**

Applicable Comprehensive Plan Policy Goals and Objectives

Because the Town Board must make a finding that the proposed PUD is in “*substantial compliance*” and that it is “*consistent with the Town's comprehensive plan,*” the following Town of Fairplay Comprehensive Plan goals and policies, along with staff analyses are provided for reference.

Community Character, Design & Identity (p. 18)

The following passages - included within the “guiding vision” statement for this section of the Comprehensive Plan - are relevant to review of the proposal:

“Locally owned and operated businesses, ability to walk/bike around town safely, easy access to parks and open spaces, community events, spaces for community interaction, historic buildings, well-defined town center and physically compact town are all phrases that describe community character in Fairplay.

“Residential lots with front and rear yards are desired. The existing roadway grid with connecting streets, alleys and trails are important corridors for mobility. Commercial buildings front directly on streets with adjoining sidewalks. Street and structure lighting is minimized but effectively applied and incorporates historic fixtures. Traffic calming measures and pedestrian friendly improvements keep vehicles from overwhelming foot traffic on Main Street, Front Street and in residential areas. Areas adjacent to Main Street and Highway 285 include wide sidewalks, thematic signage, traffic calming, landscaping and improvements that support motorized and non-motorized movement.”

Goal CCDI-2 - Maintain a Compact Community

The following policies are relevant to the review of the proposal:

- A. Support development of existing lots and areas within existing municipal limits with techniques such as in-fill guidelines, accessory dwelling units and development on existing or new small lots.*
- C. Endorse incremental, logical and cost-effective street and/or utility extensions to serve orderly growth.*

Goal CCDI-3 - Define Community Entries and Develop Attractive Landscaped Thoroughfares

The following policies are relevant to the review of the proposal:

- C. Establish public/private partnerships to design and construct community gateways with attractive thoroughfares.*

Goal CCDI-4 - Ensure That New Development Substantially Conforms to the Comprehensive Plan

The following policies are relevant to the review of the proposal:

- A. *Staff development reports should include written recommendations about compliance with comprehensive plan.*
- B. *Trustees should make a finding of "substantial compliance" with the comprehensive plan based upon staff recommendations and application information as part of development review.*

Parks, Open Space & Trails (p. 21)

"Quality recreation, accessible parks, open space and trails are important to Fairplay. These public spaces are designed and improved based upon the function of the space and the intended use. Active parks include play structures, trees, flowers, shade structures and other improvements that will benefit the projected user population."

Goal POST-1 - Ensure That Parks, Open Space and Trail Acreages Keep Pace with Population Growth and User Demands.

The following policies are relevant to the review of the proposal:

- A. *Ensure that new development dedicates parks, trails and/or open space areas proportionate to expanding population at a ratio of 10 acres of land (or cash in lieu of) per 1,000 new residents (1.0 acres per 100 residents). In 2013, Fairplay had 94 acres of parks, open space and trails per 1,000 residents.*
- B. *Support dedication of lands for parks, open space and trails and require that those spaces are designed and built to meet community needs.*

Economy:

Relevant statements from the Economy Guiding Vision (p. 34 of the Comprehensive Plan) include:

"Support for and promotion of existing businesses in Fairplay is a proven long-term strategy for economic stability. Fairplay works with the business community to maximize commercial activity during the peak economic season. Efforts are made to strategically increase business opportunities which could be expanded during the slower winter months of the year."

"Fairplay and the business community work to maintain a diverse economy that offers products and services to area residents, support a robust job base and to maximize tourism opportunities."

Goal EC-2 – Create an Environment in Which Local Businesses Prosper

The following economic policies are relevant to the review of the proposal:

B. Maintain infrastructure to support existing business.

C. Actively support existing business retention and expansion.

Housing:

The following housing-related goal is relevant to the review of the proposal:

Goal H-1 – Support a Variety of Housing Options that Are Compatible with the Historic Mountain Mining Community Character and Which Comply with Design Guidelines.

Future Land Use:

Although the property is zoned Commercial, the Town of Fairplay Comprehensive Plan Future Land Use Map (FLUM) identifies the property as being within two FLUM designations: “Residential Commercial Multi-Use” and “Commercial.”

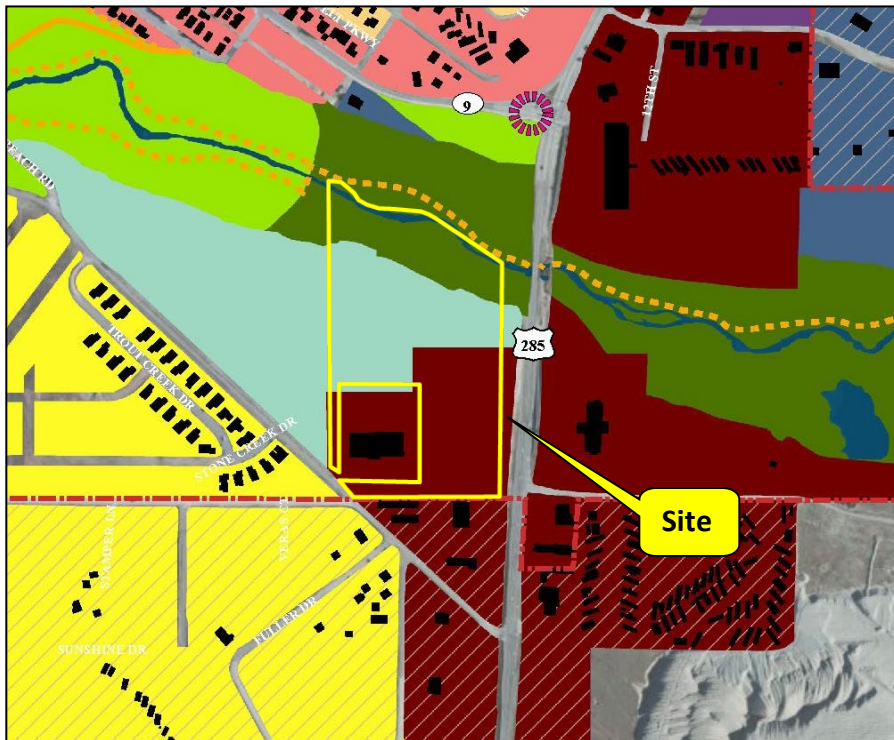


Figure 2: Town of Fairplay Future Land Use Map Excerpt

Future land use maps are just that – a vision of the future based on community master planning. They are used to direct decision making about rezoning requests, annexations, development and subdivision proposals, and infrastructure needs.

The following excerpts from the Comprehensive Plan describing the intents of both future land use designations are applicable to the review of the proposal.

Residential-Commercial Multi-Use Future Land Use Designation:

*“Residential-Commercial Multi-Use is a hybrid of Town Center and Multifamily Residential with the inclusion of recreational uses. This large area is found on the southwest bank of the Middle Fork of the South Platte River. This unique designation requires a mix of Town Center commercial uses with residential configurations. **This area deliberately supports flexibility so developers can work with Fairplay to produce a creative successful mix of uses.** Land-uses in this classification include restaurant/café, brewpubs, fishing shops, Page - 61 ski/bike/hike/sporting goods, upper floor residential uses, stand-alone multiuse structures with both residential and commercial/office uses. Architectural design of structures should likewise reflect Fairplay’s character but will allow developers creative opportunities. Rear loaded parking and/or on-street parking is preferred. Indoor/outdoor cafés overlooking the river are desired elements.*

*“Pedestrian and bicycle access and circulation elements are important characteristics to allow residents and visitors to circulate through the site, spend time in public spaces and enjoy views of the river and surrounding mountains. Exterior lighting is minimized with shielded downcast fixtures. Attractive landscaped areas provide inviting public spaces for social interaction. **This area is a ‘clean slate’ and is intended to allow the development community to work constructively with the Town to create a unique and inviting neighborhood.**”*

- Town of Fairplay Comprehensive Plan, pp. 60-61

Commercial Future Land Use Designation:

*“Commercial is situated on either side of Highway 285. **It supports larger more intensive commercial uses. This area emphasizes automobile circulation but still provides Xcellent accessibility for pedestrians and bicycles.** Architectural character is more contemporary, but still emphasizes good design, landscaped parking, attractive signage and screened storage. **Uses include grocery stores, restaurants, vehicle service stations, general retail, business/professional offices, governmental facilities, banks, medical/dental clinics, vehicle sales, motels, car wash facilities, bowling lanes and similar activities. Some residential uses are accessory to the business functions and are located on the second story or in the rear of structures. Residential uses primarily serve employees of the business.***

“Buildings are set back from Highway 285 to buffer the uses and permits highway side parking. Larger commercial facilities are made more attractive with architectural ornamentation. Articulated walls and shadow lines break up monolithic structures. Large parking areas incorporate landscaped islands and where possible, parking is located on the side or rear of businesses. Loading docks and service areas are located in the rear of structures to minimize visibility from the roadway. Enclosed storage is encouraged inside buildings. Exterior storage is well screened with berms, landscaping, attractive fencing or screening combines one or more of these techniques. Exterior lighting and street lighting utilizes downcast shielded fixtures that minimize lighting trespass, glare and is aimed to a target. As in other locations in Fairplay, exterior lighting is only used where necessary in order to protect the views of Fairplay’s night skies.”

- Town of Fairplay Comprehensive Plan, p. 60

Staff Response:

The future land use designations applicable to this property suggest that residential and commercial uses should be integrated in a more traditional “mixed-use” manner, typically meaning a vertical mix with commercial on the ground/street level with residential uses above. In this case, the proposal includes a commercial pad site – clustered at the southeast corner of the site in closer proximity to U.S. Hwy. 285 access as well as other commercial and light industrial uses - while residential use is the principal use.

Fundamentally, the proposal appears to meet the general intent of the Comprehensive Plan FLUM designations by locating commercial and residential in a “multi” vs. “mixed” use configuration in a manner that allows the Applicant the flexibility to deliver a project that should prove successful while addressing an immediate community need – *Housing*.

Multiple use, or “Multi-Use,” is generally defined as permitting varied residential, commercial, and light-industrial uses within the same development or neighborhood in a manner that promotes compatibility but not necessarily integration (i.e., multiple uses within the same building). Mixed-use developments are typically more integrated – mixing uses either vertically or horizontally in the same building or group of buildings.

In this case, staff suggests that The Bluffs PUD should be considered a “Multi-Use” development rather than a true mixed use development. Staff believes this land use pattern complies with the intent of the Town’s Comprehensive Plan.

V. Referral Agency Comments:

Pursuant to the Town's PUD review processes, The Bluffs PUD application was sent to several Town departments as well as outside agencies and/or utility providers for their review and comment. The Town received comments from 4 agencies. Referral comments are attached to this report under Exhibit "B" and the following section summarizes referral comments:

Colorado Department of Transportation (CDOT):

- New access permitting will be required prior to construction of the PUD.
- Turn lane improvements on U.S. Hwy. 285 will be required to mitigate traffic generation from the PUD.
- Additional analysis considering or accounting for weekend traffic volumes on US Hwy. 285 should be performed.

Xcel Energy:

- Xcel Energy does not provide gas service to Fairplay.
- Installation requirements provided indicate minimum setback and separation distances to be adhered to with regard to electric utility installations.
- Comments and specifications provided indicate that plans will likely need to be revised to accommodate all separation and setback requirements for location of electric infrastructure.

Northwest Fire Protection District:

- Fire separation and setback distances for buildings based on building type and height.
- Sprinkler requirements for buildings over 6,000 square feet.
- Fire lane and clearance requirements around hydrants.
- Hydrant spacing requirements.
- Suggested meeting with NWFPD and developer to review all proposed construction types and to ensure compliance with fire/life safety code requirements.

Colorado Natural Gas (CNG):

- CNG does not have sufficient capacity in the area to provide natural gas to The Bluffs.
- CNG is working with suppliers and other system upgrades in the next 5 years.

VI. Staff Observations and Findings:

The following are staff's responses to the proposal and potential issues that should be discussed:

- The 2013 Comprehensive Plan policy goals for economy, community character, and housing policies are generally supported by this proposal.

- The proposed layout and preliminary engineering designs for the PUD should result in a project that can be developed, yet additional details will be required prior to any final plan approval.
- Adequate, usable open space and other amenities such as pedestrian pathways and sidewalks are provided within the PUD, and the plans demonstrate intent by the Applicant to provide additional trail connections and open space improvements to benefit the larger community. Certain proposed connections (to the northeast under US Hwy. 285) that may not be feasible need to be addressed in conjunction with discussions regarding the short- and long-term maintenance implications of proposed offsite improvements.
- Proposed improvements to the property including grading, drainage, utility installation and landscaping are or can be designed to be in general conformance with the Town's requirements.
- The PUD is located in an area that has been identified by the Town's master plan documents as being appropriate for residential and commercial development and, importantly, the logical and efficient extension of municipal infrastructure.
- The site can be adequately served by water, sewer, and vehicular access with upgrades and/or extensions to existing infrastructure on and off-site.
- Detailed plans and specifications for on- and off-site improvements needed to serve the development, including detailed final (100% construction level) engineering drawings, final phasing plans and cost estimates, and associated forms of surety/financing will be presented separately to the Town Board as part of a Development Agreement (DA).
- The proposed layout and preliminary engineering designs for the PUD should result in a project that can be developed, yet additional details will be required prior to any final plan approval.
- The Applicant should be required to review all utility installation specifications by Xcel Energy to ensure compliance with Xcel's requirements for minimum setbacks and separation.
- The Applicant will need to work with the Town and referral agencies to ensure that all necessary code and permitting requirements are met prior to or as part of final plan approvals and development permitting processes.

VII. Staff Recommendation and Suggested Conditions:

Staff suggest that the proposed The Bluffs PUD Overlay Zone District generally meets or exceeds a preponderance of the Town's approval criteria for the establishment of a PUD zone district.

Staff is **recommending approval** with conditions.

In the event the Town Board of Trustees votes to approve The Bluffs PUD Overlay Zone District request, staff respectfully suggests the following conditions of approval.

1. The Applicant shall provide the following as part of any final plan and Development Agreement submission to the Town:

- a. A final, detailed Landscape Plan in conformance with Sec. 16-11-10 – *Applicability*; Sec. 16-11-20 – *Landscape design*; Sec. 16-11-40 – *State highway 285 corridor landscaping standards*; Sec. 16-11-60 – *Parking lot landscaping standards*; 16-11-70 – *Storm drainage facilities*; 16-11-80 – *Fences, walls and screening devices*; 16-11-90 – *Submittal standards for landscape plans*; 16-11-100 – *Prohibited plan materials list*; and 16-11-110 – *Recommended plant materials list*.
 - b. All final civil engineering plans, completed to a one hundred (100%) percent construction level design, including all grading, drainage, and stormwater management details; infrastructure and utility details; construction management and erosion control details; and revegetation details for all on- and off-site improvements.
 - c. A final phasing plan in coordination with all final civil engineering, landscaping, and public improvements plan details that is accompanied by and a final, detailed Engineer's Estimate of Probable Costs. The Phasing Plan and EEOPC shall be accompanied by proposed form of financial guarantee/securitization acceptable to the Town of Fairplay.
2. The Applicant shall address referral comments provided by the Colorado Department of Transportation (CDOT), dated October 30, 2022, including the provision of a valid CDOT access permit, as well as detailed, final design drawings completed to a one hundred (100%) construction level design for all offsite improvements deemed necessary by CDOT within the U.S. Hwy. 285 corridor prior to or concurrent with any final plan and/or development agreement submission to the Town.
 3. The Applicant shall address referral comments provided by the Northwest Fire Protection District, dated July 20, 2022, prior to or concurrent with any final plan and/or development agreement submission to the Town.
 4. The Applicant shall provide information to the Town confirming Park County requirements, if any, for any off-site improvements (on Platte Drive) necessary to serve the PUD and/or to mitigate any identified impacts on Park County infrastructure or services prior to or concurrent with the submittal of any final engineering documents, associated cost estimates, and development agreements.
 5. The Applicant shall review and address all applicable requirements and specifications by Xcel Energy to ensure compliance on all civil engineering plans for The Bluffs of Fairplay prior to any final plan/development agreement submission.
 6. The Applicant shall provide more fully developed architectural and site related design standards as part of any final plan/development agreement review to ensure that the specific character intents of the Commercial and Residential-Commercial Multi-Use FLUM designation are met.
 7. The Applicant shall work with Town staff to ensure that all proposed signs for the PUD – including those for future commercial buildings/uses facing US Hwy. 285 - comply with the requirements of the UDC prior to final approval of the PUD plan and prior to any sign permit applications are accepted by the Town as part of any and all final plan documents reviewed with any development agreement.

VIII. Suggested Motions:

The Town Board of Trustees may take action to approve, approve with conditions, deny, or table The Bluffs of Fairplay Planned Unit Development Overlay rezoning request. Staff provides the following suggested language to guide any motion by the Board:

Motion to Approve:

“I move the Town of Fairplay Board of Trustees approve The Bluffs of Fairplay Planned Unit Development Overlay rezoning request as presented, with no conditions, and authorize staff to present a resolution memorializing the Board’s action pursuant to Sec. 16-9-70 of the Town of Fairplay Unified Development Code (UDC) because the rezoning request meets the requirements and standards of the UDC.”

Motion to Approve, with Conditions:

“I move the Town of Fairplay Board of Trustees approve The Bluffs of Fairplay Planned Unit Development Overlay rezoning request with the following conditions, and authorize staff to present a resolution memorializing the Board’s action pursuant to Sec. 16-9-70 of the Town of Fairplay Unified Development Code (UDC) because, as conditioned, the rezoning request meets the requirements and standards of the UDC.” [List conditions of approval following recital of motion]

Motion to Deny:

“I move the Town of Fairplay Board of Trustees deny The Bluffs of Fairplay Planned Unit Development Overlay rezoning request as presented and authorize staff to present a resolution memorializing the Board’s action pursuant to Sec. 16-9-70 of the Town of Fairplay Unified Development Code (UDC), because the rezoning request does not meet one or more of the requirements and standards of the UDC.”

Motion to Table:

“I move the Town of Fairplay Board of Trustees table The Bluffs of Fairplay Planned Unit Development Overlay rezoning request as presented to allow the Applicant additional time to address outstanding issues or to provide additional information, reports, plans or analyses to the Town prior to final action on the rezoning request.” [List additional information/reports/plans required prior to the next meeting].

IX. Exhibits:

- Exhibit A: The Bluffs of Fairplay PUD Plan Document
- Exhibit B: The Bluffs of Fairplay Preliminary Engineer Plan Set
- Exhibit C: The Bluffs of Fairplay Preliminary Drainage Report
- Exhibit D: Referral Responses

The Bluffs of Fairplay Planned Unit Development

Concept Plan Submittal 4
December 2022

PROJECT INTRODUCTION

FP Land, LLC (Owner) is a Colorado based company with a focus on residential and commercial land development with operations in the Summit and Park County area. Steve Crozier is the Managing Partner for FP Land, LLC, and has over 30 years of experience in most facets of real estate development. Most recently, he founded the Berkshire-Hathaway Real Estate office in Summit County. He and his wife now reside in Fairplay. Steve's partners in FP Land LLC also have extensive backgrounds in real estate and are highly regarded within the industry.

Steve and his partners are passionate in their desire to provide affordable housing options for both fellow residents and to attract additional residents to assist the understaffed workforce demand that currently exists within Park County. The proposed Planned Unit Development (PUD) project will provide long-term rental housing and speculative commercial space for the growing demand in the region.



FP Land, LLC

The Bluffs of Fairplay

PROJECT TEAM

Owner

FP Land, LLC
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Email: scrozier1@gmail.com

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PROJECT OVERVIEW

The Bluffs of Fairplay PUD is a single family and multi-family residential and commercial mixed-use development planned for a 10.72-acre, commercial zoned property on the southern bank of the Middle Fork of the South Platte River, just southwest of the intersection of Colorado State Highway 285 and Highway 9. FP Land LLC plans to develop and operate a user-friendly rental community where residents are excited to live and have easy access to beautiful open green spaces, trails connecting to the existing businesses and public amenities in Fairplay, and all the outdoor activities that make the Colorado Rockies famous. The PUD will provide an alternative housing option not currently found in and around Fairplay, and shovel-ready commercial properties fronting onto Highway 285.

GENERAL LOCATION AND DESCRIPTION

The subject property is located less than ½ mile southeast of Downtown Fairplay, west of Highway 285, and south of the Middle Fork of the South Platte River. Fairplay River Park sits to the west, and Platte Drive is to the south. Directly south of the property is the Fairplay Commercial Condominiums and some commercial development within the Spruce Hill Filing 1 development. In general, the current land use to the south of Platte Drive and west of the subject property is single-family residential with some commercial along the highway.

Approximately ½ mile south of Platte Drive is the Mountain View Waste Systems Fairplay Transfer Station and a North-West Fire Protection District Fire Station. To the east of Highway 285 is commercial development along the highway frontage, and east of those lots is a mobile home park and large gravel quarry. The Fairplay River Park is currently a natural open space park extending approximately 0.25 miles west of the site, north of Platte Drive, to the Fairplay Beach, a public recreational area on the river. At the beach there is a trail network, accessible from Beach Road via a pedestrian bridge, connecting to Front Street and Main Street in Downtown Fairplay, but the trail network does not extend east through the park. The subject property sits in a developing area of Fairplay with access to existing utility infrastructure adequate to support future growth.



FP Land, LLC

The Bluffs of Fairplay



LAND USE SUMMARY	
TAX DESCRIPTION:	T09 R77 S33 SE4 PART OF SE4 SECT 33 AND PART OF SW4 SECT 34 IN 9-77 AS DESC IN PLAT R684096 KNOWN AS PARCEL E LARSON MINOR SUBDIVISION
PARCEL NUMBER:	318
LOT SIZE:	10.72 ACRES
ZONING:	COMMERCIAL (C)

PROPOSED PUD DEVELOPMENT

The Bluffs of Fairplay is envisioned as an affordable long-term mixed residential rental community with commercial space for potential ancillary businesses. The location is very attractive for people moving to the area due to the proximity to Downtown Fairplay, Fairplay River Park, and the Fairplay Beach. The development will remain under single ownership and a full-time professional management company will be contracted to operate the development and maintain the grounds. The ownership intends to integrate The Bluffs with Fairplay River Park and Fairplay Beach by connecting the internal sidewalks to a trail leading through the park and down to the beach. As a part of the PUD development, they will provide the trail along with a pavilion, dog park, and public restrooms attached to The Bluffs Clubhouse. As a first-class community The Bluffs of Fairplay offers high quality, maintenance free living for residents to enjoy all that Fairplay has to offer.

A major subdivision will combine the two existing parcels into one buildable lot. The lot encompasses the 10-acre residential portion of the PUD, and 0.72-acre commercial pads at the southeast corner of the property. Easements will also be dedicated for the needed potable water and sanitary sewer system extensions, stormwater drainage infrastructure, and emergency access. Along the southern property line is an existing 60' and 80' Utility and Access Easement that will be utilized to construct an access road along the south side of the proposed development.

SITE PLAN LEGEND	
---	SITE PROPERTY LINE
---	NEIGHBOR LOTS PROPERTY LINE
PHASE 1:	
	DETACHED SINGLE FAMILY DWELLINGS
	DUPLEX TOWNHOUSES
	4-PLEX TOWNHOUSES
	3-STORY BLDG. APARTMENTS
	RESIDENTIAL WALKUP STORAGE UNITS
	MANAGEMENT OFFICE & FITNESS CENTER (+/- 2,000 SF)
	BIKE PARKING
1	PUBLIC RESTROOMS (+/- 600 SF)
2	PAVILION (+/- 900 SF)
3	DOG PARK (+/- 6,000 SF)
4	COMMUNITY PARK
5	MONUMENT SIGN
PHASE 2:	
	DETACHED SINGLE FAMILY DWELLINGS
	DUPLEX TOWNHOUSES
	4-PLEX TOWNHOUSES
	3-STORY BLDG. APARTMENTS



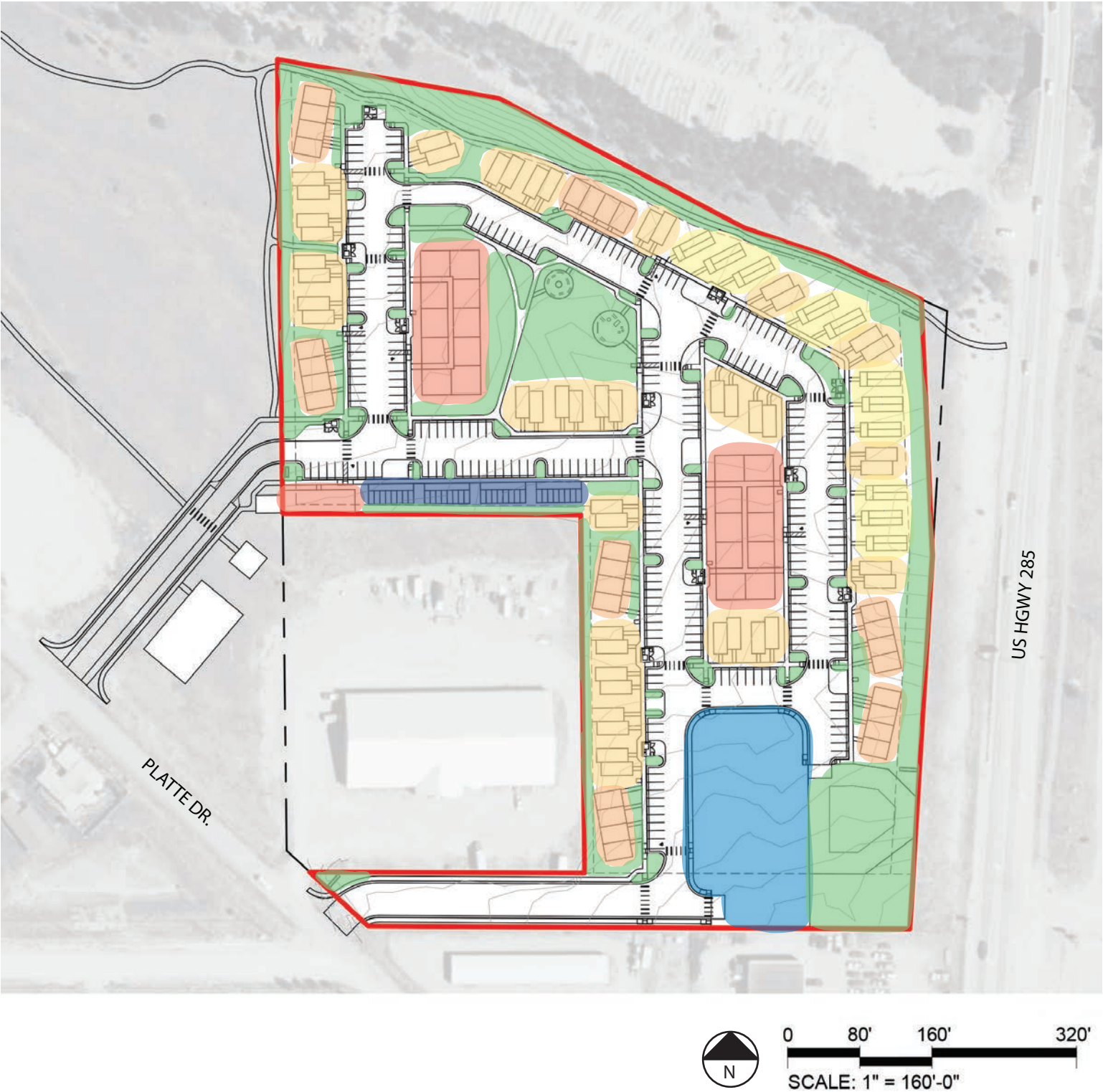
NOT TO SCALE
SEE MASTER PLAN PDF ATTACHED WITH THIS SUBMITTAL

LEGEND	TOTAL AREA	MAX. LOT COVERAGE	DENSITY
Single Family	0.63 acres	11,000 s.f.	17.5 dwelling units/acre
Multi-family: Duplex	1.65 acres	43,200 s.f.	29.1 dwelling units/acre
Multi-family: 4-plex	1.28 acres	33,600 s.f.	21.8 dwelling units/acre
Multi-family: Apartments	1.45 acres	36,000 s.f. + 2,400 s.f. leasing office	43.8 dwelling units/acre
Light Industrial	0.27 acres	10,600 s.f.	0.25:1 FAR
Commercial	0.68 acres	-	3:1 FAR
Open Space	4.05 acres	-	-
Total = 136,800 s.f.			

PROPOSED USES

Uses proposed within this PUD plan are as follows:

- SF zoning for the single family residential homes .
- MF zoning for the townhomes and multifamily residential including duplex structures along with apartment buildings. One duplex is proposed to also serve as the leasing center for the complex.
- C zoning for the commercial pad sites to be developed for retail uses dependent on demand in the future.
- LI zoning for the light industrial for a single story structure to provide small rentable storage units.



PROPOSED USES

The residential development will include single family homes, duplexes, townhouses, and apartments, with a common park located in the center, a clubhouse with attached management office and public restroom for Fairplay River Park, and rentable storage units for Bluffs residents to the east of the office. On-site parking is provided per Town of Fairplay Unified Development Code (UDC) Article X, section 16-10-20, meeting the dimensional requirements per UDC section 16-10-140 and International Fire Code (IFC) Appendix D requirements. Parking stalls will be oriented perpendicular to the 26-foot-wide drive lanes and located as close as practical to the intended units. As the final site design is completed, the parking will be arranged based on the final building locations, bedroom count in each unit, and intended circulation patterns. The parking lot and drive lane layout and drainage design will include areas for snowplows to pile snow in the winter without blocking internal circulation.

OPEN SPACE

30% required
140,176 sf required = 3.21 acres

180,668.5 sf total grass/open area provided within property, of which:

- 120,000 sf true commons space
- 16,051 sf common yard space (within “lots”)
- 4,125 sf single family fenced private space (not counted towards open space)

176,543.5 sf of open space provided within property = 4.05 acres = 37%

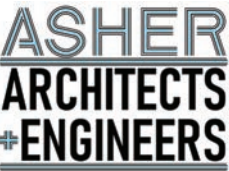
Open space provided within Town of Fairplay property:

- 20,715.3 sf of trails = 0.47 acres
- 11,000 sf dog park, pavilion and public restrooms = 0.25 acres

Total = 0.72 acres

The Bluffs of Fairplay PUD consists of single-family lots, multi-family lots, light industrial lots for resident’s storage, and commercial lots. The following table is a summary of the proposed land uses within the PUD:

PROPOSED LAND USE					
Land use type	Single Family Res.	Multi-family Res.	Commercial	Light Industrial	Open Space
Total land area	0.63 acres	4.38 acres	0.68 acres	0.27 acres	4.05 acres
Number of units	11 dwl. units	138 dwl. units	-	32 units	-
Average lot density/FAR	17.5 units/ac	31.5 units/ac	3:1 FAR	0.25:1 FAR	-
Gross density	14.1 units/ac	14.1 units/ac	-	-	-
Min. land area	2,500 sf	3,000 sf	30,000 sf	11,825 sf	-
Max. land area	2,500 sf	30,000 sf	30,000 sf	11,825 sf	-
Building height	30’	35’	30’	20’	-
Max. lot coverage	40%	60%	80%	80%	-
Front setback	15’	15’	25’	15’	-
Rear setback	10’	10’	10’	10’	-
Side setback	5’	10’	10’	10’	-



SINGLE FAMILY RESIDENTIAL

11 units
2,500 s.f. of land to be provided per single family dwelling unit.
27,500 sf total = 0.63 acres
DENSITY = 17.5 dwelling units/acre
Minimum Lot Width = 25'
Maximum Lot Coverage = 40% = 1,000 s.f. per unit = 11,000 s.f. total
Minimum Lot Coverage = 450 s.f.

This rental community has been designed as if it were an owned community. Each single family dwelling unit has been provided with at least 1,500 s.f. of open yard space immediately adjacent to the home. The majority of the yard around single family homes is to remain open without fences. Renters will be allowed to provide a maximum of 375 s.f. of fenced backyard area for children or pets if they choose. Fence types and maintenance details are discussed within the PUD documents. The intent of this PUD is for single family homes to share open space with the community. Rear setbacks are adequately provided for based on the rear setback. Theoretical side setbacks are provided by ensuring at least 10' between single family homes. Theoretical front setbacks are provided from the sidewalk or curb to ensure adequate front yards.

MULTI-FAMILY RESIDENTIAL

Duplex structure:

24 structures = 48 units total
3,000 s.f. of land provided per duplex structure
72,000 sf total = 1.65 acres
DENSITY = 29.1 dwelling units/acre
Minimum Lot Width = 30'
Maximum Lot Coverage = 60% = 1,800 s.f. = 43,200 s.f.
Minimum Lot Coverage = 450 s.f.

The duplex structure is designed with (2) 2 bedroom units. Rear setbacks are provided based on the property lines and theoretical front setbacks are provided to the sidewalk or curb. Side setbacks are provided by maintaining adequate distance between structures.

4-plex structure:

7 structures = 28 units
8,000 s.f. of land provided per 4-plex structure
56,000 sf total = 1.28 acres
DENSITY = 21.8 dwelling units/acre
Minimum Lot Width = 30'
Maximum Lot Coverage = 60% = 3,180 s.f. = 33,600 s.f.
Minimum Lot Coverage = 450 s.f.

4-plex structures are designed with (2) 2 bedroom units and (2) 3 bedroom units. Rear setbacks are provided based on the property lines and theoretical front setbacks are provided to the sidewalk or curb. Side setbacks are provided by maintaining adequate distance between structures.

30 unit apartment structure:

2 structures = 60 units
30,000 s.f. Provided per apartment structure
60,000 sf total = 1.37 acres
DENSITY = 43.8 dwelling units/acre
Minimum Lot Width = 30'
Maximum Lot Coverage = 60% = 18,000 s.f. = 36,000 s.f.
Minimum Lot Coverage = 450 s.f.

Apartment structures are designed with (15) 1 bedroom units and (15) 2 bedroom units. Setbacks are provided based on theoretical property lines or actual property lines in compliance with Table 16-5-40 within the UDC.

On-site management office:

1 structure with 2 dwelling units and one office space
3,000 s.f. Required
3,826 sf provided = 0.08 acres
Minimum Lot Width = 50'
Maximum Lot Coverage = 80% = 2,400 s.f.
Minimum Lot Coverage = N/A

The leasing office is designed as a duplex dwelling unit with the ability to provide an office space for lease signing and an on site manager. Each side of the duplex provides a 2 bedroom unit. Rear setbacks are provided based on the property lines and theoretical front setbacks are provided to the sidewalk or curb. Side setbacks are provided by maintaining adequate distance between structures.

Total Multi-family area = 4.38 acres
Total Units = 138
Average Density = 31.5 dwelling units/acre

COMMERCIAL

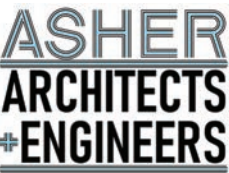
30,000 sf total = 0.68 acres
3:1 FAR

All structure setbacks, parking, and details for the commercial pad units are to be determined in the future during Site Development Plan review.

LIGHT INDUSTRIAL - STORAGE

32 storage units = 2,250 sf
11,825 sf lot area = 0.27 acres
0.25:1 FAR
Minimum Lot Size = 6,000
Minimum Lot Width = 50'
Maximum Lot Coverage = 80% = 10,600 s.f.
Minimum Lot Coverage = N/A

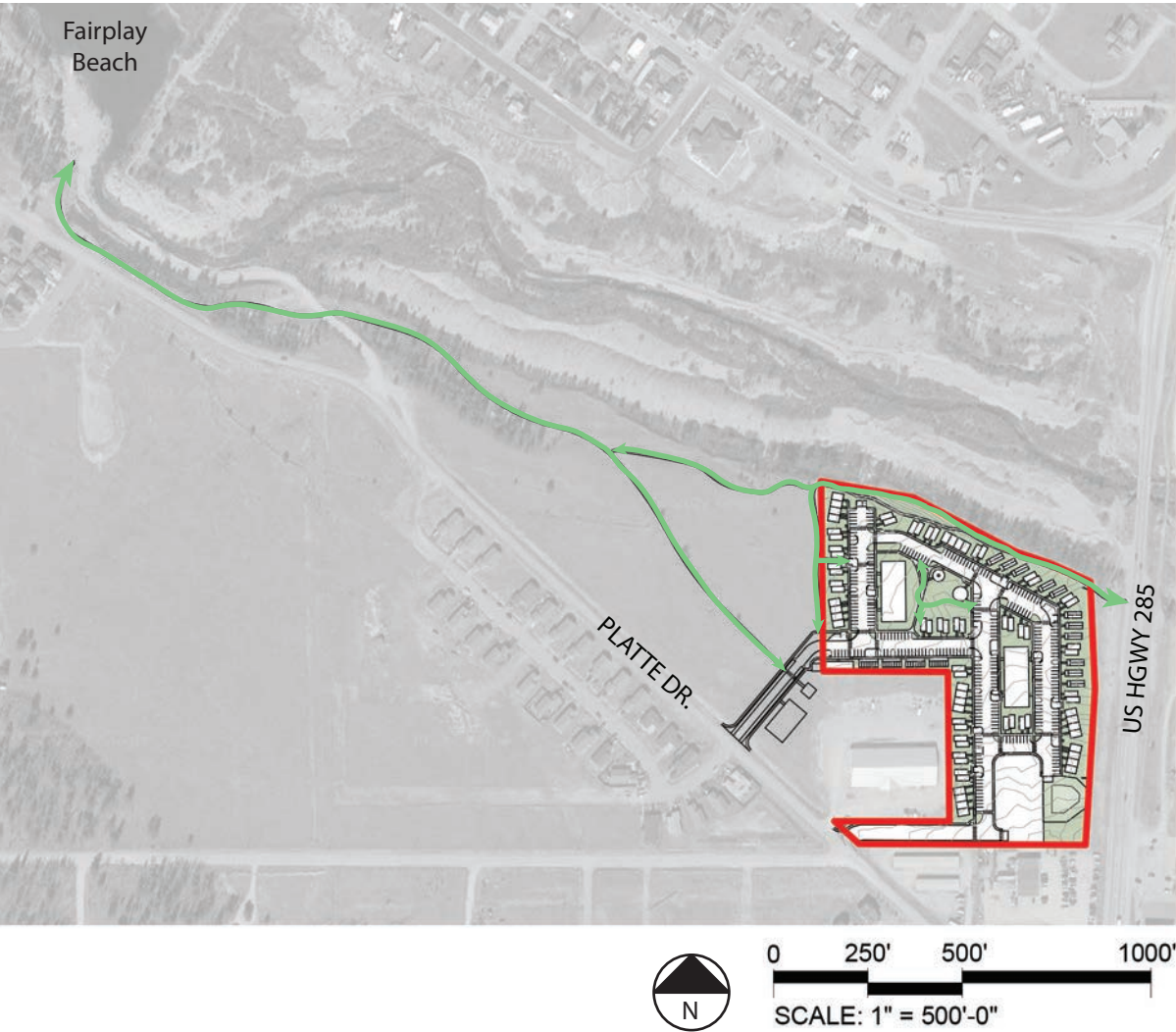
Storage units are intended to only be utilized by residents of the Bluffs. Parking is available near the storage unit doors and items are to be carried to the unit doors. All storage units are small from 25 to 50 s.f. Units will have roll up doors. No large items are anticipated to be stored.



LEGEND

Proposed trail

Open Space



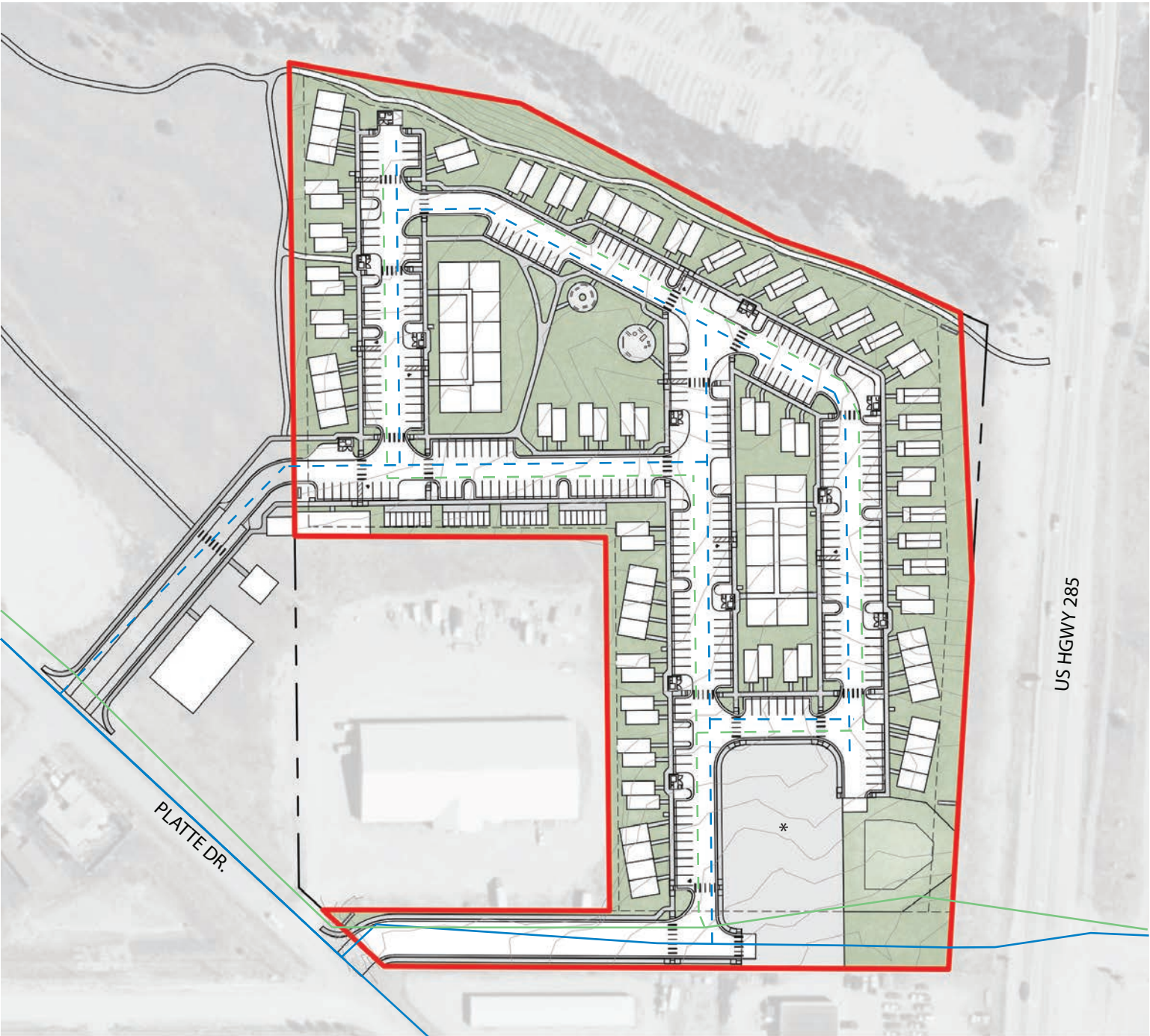
LEGEND

EXISTING	PHASE 1
Water line	Proposed water line
Sanitary sewer line	Proposed sanitary sewer line

* Utilities for the commercial pads will be designed and developed at a later time.

EXISTING UTILITIES

The Town of Fairplay has sanitary sewer collection and potable water distribution mains in Platte Drive, and a 60' wide easement on the southern boundary of the subject property. Per discussions with the Town of Fairplay Public Works Department, the existing utility infrastructure in the area and wastewater treatment plant has adequate capacity to supply the proposed development. Based on flow measurements collected by Public Works, the existing water system in Platte Drive has a typical system pressure of 130-150 psi within the 8" to 10" diameter mains. The existing 8" diameter sanitary sewer collection mains on the southern edge of the property flow east to a pump station on the east side of the Fairplay River Business Park development. From there flows are pumped across the river into the 10" trunk line feeding directly into the wastewater treatment plant.



PROPOSED UTILITIES

To serve the development, 8-inch potable water and sanitary sewer mains will be extended into the subject property, under the proposed internal roads, from the existing mains along the southern property line and in Platte Drive. The potable water distribution will be constructed to create a hydraulic loop from a point under the proposed eastern site access road, north through the property, and connecting back into the existing 10" distribution main at the intersection of Platte Drive and Stone Creek Drive. The proposed hydraulic loop on-site will provide a level of service resiliency in the event a pipe breaks or there is a scheduled maintenance shut down and reduces the overall impact of the additional demand and pipe length to average system pressures within the existing network. Gate valves will be placed so that each side of the loop and interior branches can be isolated without a total loss of service to the overall development. Fire hydrants will be distributed throughout the development so that no residential building is further than 200 feet, or commercial building 150 feet away from a hydrant per Town of Fairplay Public Works Manual (PWM), published 2022, § 3, part 3.01. Achieving the minimum fire flow for building fire services of 1,000-1,500 gpm per IFC Tables B105.1(1) & 105.1(2), and 1,750 gpm for a fire hydrant per IFC Table C102.1, or close to, is possible with a hydraulic loop given the higher than typical system pressures, <100 psi, in this area of Fairplay.

The sanitary sewer collection system extension will parallel the proposed water lines to the north and west sides of Lot 1 with one connection to the existing 8" collection main near the middle of the southern property line. The PUD development can be served with 8" pipes set at the minimum slope of 0.40% per Fairplay Sanitation District Design Criteria, Technical Specifications and Construction Details (FSDDC), adopted September 21, 2015, § 3.0, Table 2, based on the sanitary sewer demands calculated using Table 1 residential design flow values as presented below.

RESIDENTIAL SEWER DESIGN DEMAND

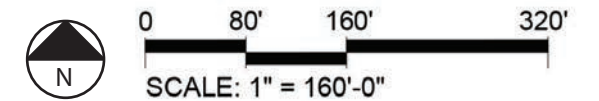
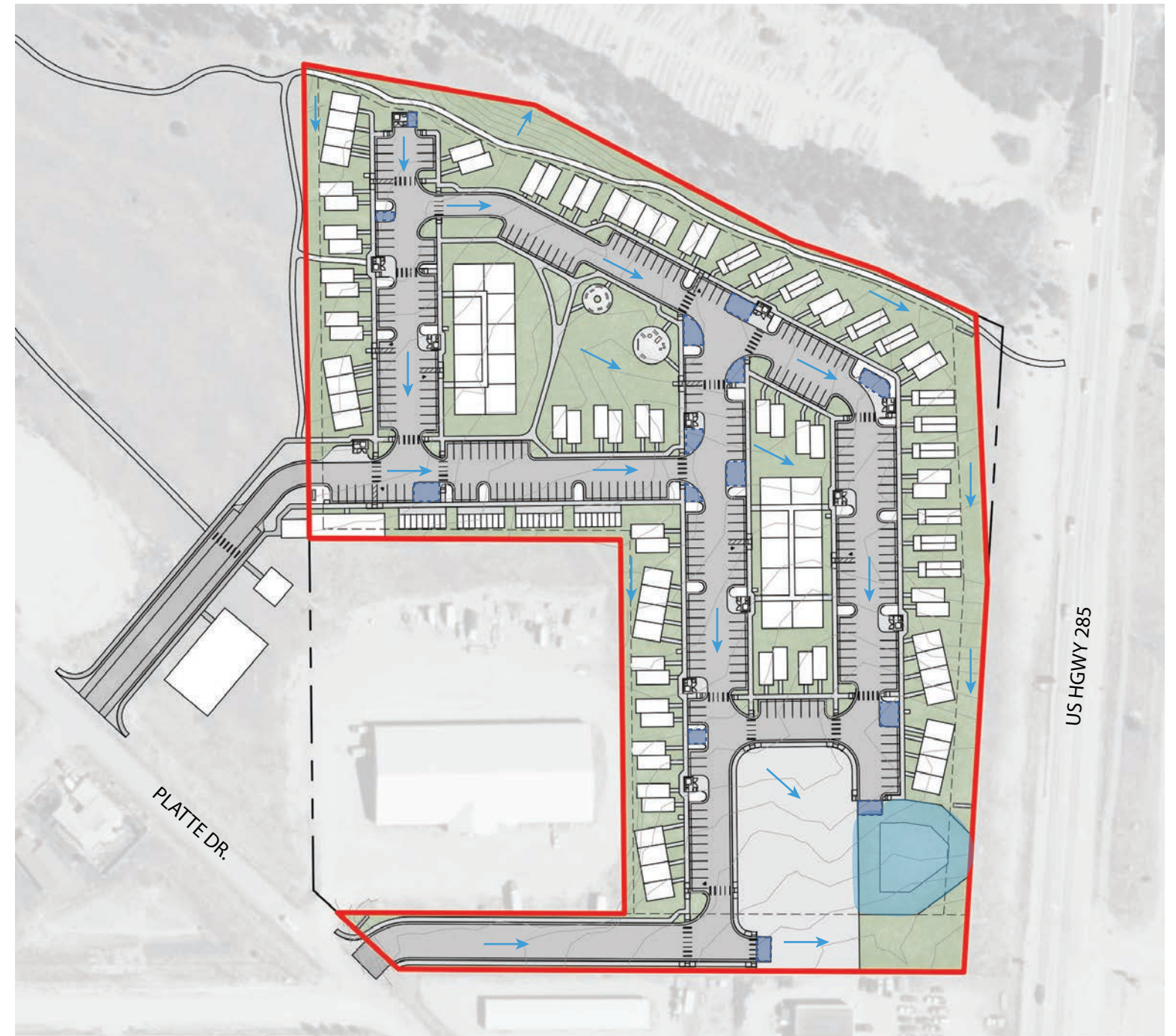
- Residential Demand = 100 gallons per capita day (gpcd), § 3.2-Table 1
- Occupancy per Dwelling Unit = 3 persons, § 3.2-Table 1
- Total Residential Dwelling Units = 149 d.u. (single-family+multi-family)
- Total Residential Population (P) = 447 persons
- Peaking Factor (pF) = 1.56, § 3.2(B.1)
- Average Daily Demand = 44,700 gpd
- Total System Length = 2,120 lf, (2,014 lf of 8" pipe + (9) 5' Manholes)
- Infiltration/Inflow = 320 gpd, § 3.3(C)
- Minimum Slope (S_o) = 0.40%, § 3.5-Table 2
- Max d/D = 0.50, § 3.4(B)
- Allowable Capacity of 8" PVC Pipe = 170 gpm (pipe material & age dependent)
- Average Base Flow = 31.3 gallons per minute (gpm); d/D = 0.20
- Average Velocity = 1.36 ft/s
- Est. Peak Flow = 48.8 gpm; d/D = 0.26
- Peak Velocity = 1.55 ft/s

The existing sewer main line slope was located with surveyed measurements and the 8-inch main being connected to for this development has a downstream slope of 0.68% before the main increases in size to a 10-inch pipe with a slope of 0.44% approximately 25 feet downstream of the connection. The invert depth of the main at the selected connection point is approximately 10 feet.

Demands for commercial development are based on Equivalent Residential Units (EQR) calculated using a floor plan for each specific commercial building, reference FSDDC Appendix A, Policy C. With the wide ranges of potential demand from the variety of possible commercial users it would be difficult to estimate commercial demands at this point in the PUD, however based on the analysis using FSDDC criteria there is adequate capacity in the collection main for both residential and commercial uses. Also, the area served by the collection main is not highly developed and, per the comprehensive plan, will likely develop as low density residential upstream of the subject property leaving capacity in the pipe for more dense development in the downstream portion of the sewer basin.

LEGEND

-  Snow storage locations
-  Detention pond location
-  Stormwater flow



SITE DRAINAGE

Stormwater detention will be incorporated with the open space landscaped area at the southeast corner of the property. The natural topography will be utilized to ensure storm runoff is efficiently routed away from the proposed structures, off sidewalks, parking stalls and into the internal drive lanes where it will be routed into the detention pond via the network of curb & gutter, valley pans, and cross pans. To prevent causing surface erosion of the southern riverbank, no runoff will be directed to the north side of Lot 1, and the site grading design will direct landscape irrigation water south in this area. Pedestrian routes, including the open space trail, will comply with the American with Disabilities Act (ADA), published September 15, 2010, Chapter 4 – Accessible Routes standards which set the maximum permissible cross slope (2%) and running slope (5%) for sidewalks, standard ramp slopes and dimensions, and per Chapter 2 a maximum slope in any direction for ADA parking area (2%). The sidewalks and pavement will all drain away from the proposed structures into valley pans and gutters along the backside of the parking stalls with a goal of maintaining a 2% minimum and 5% maximum slope throughout to reduce possible ice build-up during winter months and extend the life of the sidewalks and pavement as much as possible without becoming too steep.

The planned detention pond is sized to mitigate development generated stormwater runoff exceeding the historic 10-year and 100-year calculated site runoff events using the Rational Method per PWM, § 2.03. A preliminary detention pond size was calculated using Intensity- Duration-Frequency data from the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 online National Weather Service Hydrometeorological Design Studies Center and using an overall site Imperviousness (I) of 61 percent calculated from the preliminary site plan using values from the Mile High Flood District provided Urban Storm Drainage Criteria Manual Volume I, Chapter 6, Table 6.3. A total storage volume of 40,240 ft³ (0.924 acre-ft) is provided for in the development plans. To preserve the historic drainage pattern, the discharge point for site stormwater drainage will be the west roadside ditch along Highway 285.

SURVEYING AND DRAINAGE INFORMATION

A topographic and boundary survey of the subject property was performed by PLS Land Surveying. The property is currently made up of two separate parcels that will be combined into one large property. The data collected shows that the property has a relatively uniform slope from the west-southwest to the east at a typical slope of 1-5%. There are no major topographical obstacle or drainage infrastructure on the property impacting development. Per the USDA WebSoils Survey, downloaded April 13, 2022, the soils found on the subject property is Hodden Sandy Loam which has no limitations for development, but is very gravelly and can be difficult to excavate in.

The property is currently vacant with native grass and brush vegetation cover most of the area with a few evergreen trees towards the northern half. Beyond the northern property line is the southern bank of the Middle Fork of the South Platte River which is covered with a mix of evergreen and deciduous trees. The riverbank and eastern property embankment along Highway 285 are too steep to support vegetative cover, other than trees and bushes, and are mainly bare earth.

The subject property is in Flood Zone X, area of minimal risk, per FEMA Firm Map Panels 08093C485C and 08093C505C, effective 12/18/2009. Per the maps published, the river channel is large enough to convey up the 500-year flood flows.

LEGEND

Phase 1

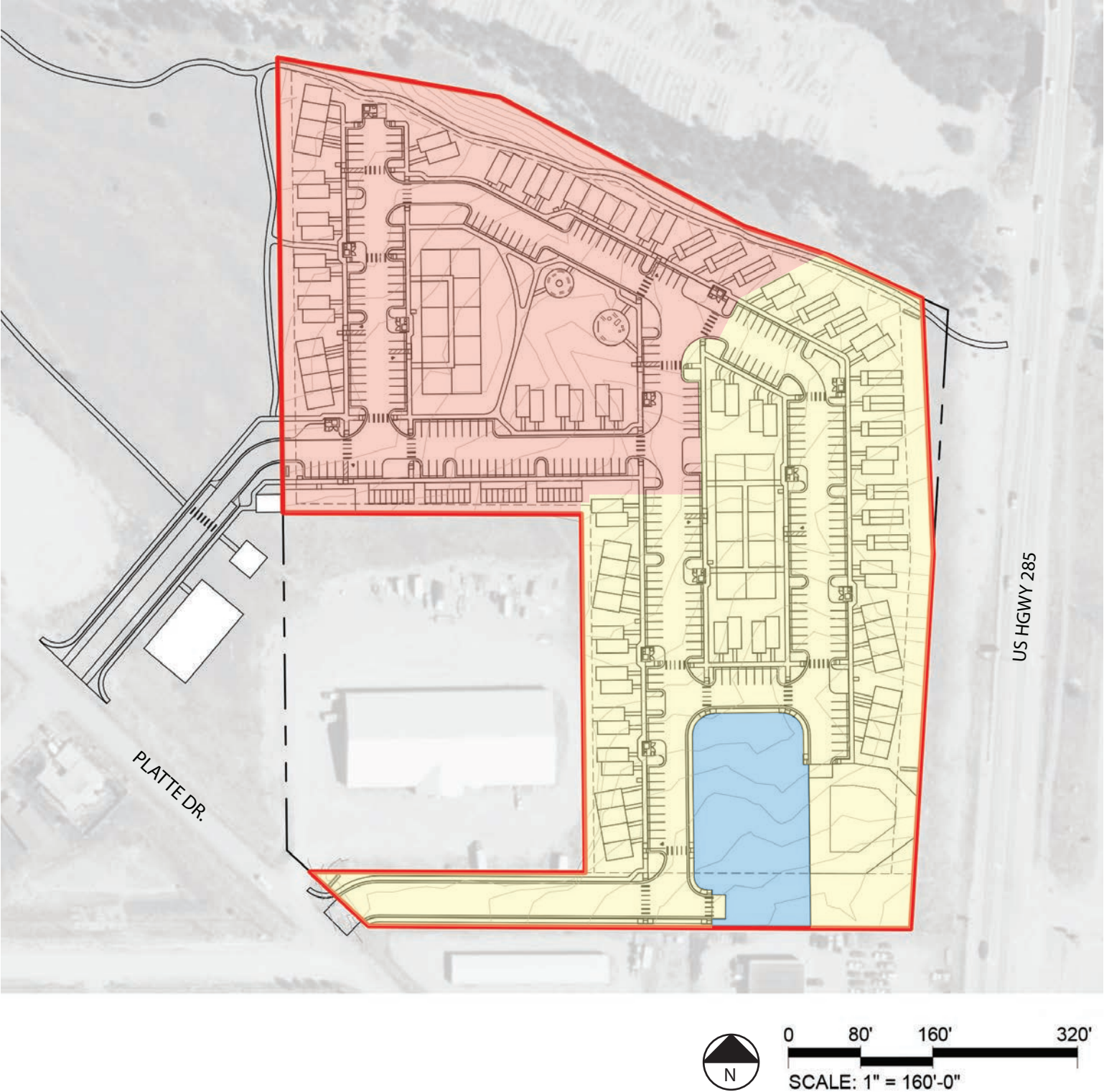
Phase 2

Commercial Phase

PROJECT PHASING

The development of the lot will happen in two phases. Phase I will include constructing all the necessary roads, intersections with Platte Drive, utilities, and overall grading & drainage improvements for the whole development along with constructing the clubhouse, (32) thirty-two resident storage units, (3) three single-family units, (36) thirty-six townhomes and (30) thirty apartment units in the northwest portion of the property. Phase II will finish the residential development with another (8) eight single-family units, (42) forty-two townhomes and (30) thirty apartment units. The commercial lots will be available for development after the necessary infrastructure is constructed during Phase I. Site specific plans for commercial development will be submitted once a user is determined. A preliminary development schedule is provided below:

PRELIMINARY RESIDENTIAL PHASING SCHEDULE			
Phase	Timeline	Land Use	
		Single Family	Multi-family
Phase I	Spring '23 – Spring '24	3 dwl. units	66 dwl. units
Phase II	Spring '24 – Spring '25	8 dwl. units	72 dwl. units
Total dwelling units		11 dwl. units	138 dwl. units



EXISTING ROADWAY CONDITIONS

On the south side of the river, Platte Drive is the only collector roadway serving the properties west of Highway 285. Platte Drive connects to Highway 285 within 1,000 ft of the south property line, and to Highway 9 approximately 3 miles north of Highway 285. Platte Drive is an old two-lane collector county road. Portions of the Platte Drive west of Highway 285 are within the current Fairplay municipal boundary and maintenance coverage, and some of the road is still in unincorporated area under Park County maintenance coverage. There is a mix of paved and gravel accesses on Platte drive due to the variations in jurisdiction and development code over the last +40 years that the surrounding area has developed. The intersection of Platte Drive and Highway 285 is currently controlled with two-way stop signs, and Highway 285 is a two-lane highway with a center turn lane. CDOT has provided plans for improving Highway 285 through Fairplay that include improving the Platte Drive intersection to include turning lanes and signalized controls. There is ROW for a frontage road on the west side of the highway that extends north and south of Platte Drive a short distance before dead ending in the parking lots of the existing business. The northern stretch of the frontage road is a gravel road that ends at the southern line of the subject property.

PROPOSED IMPROVEMENTS

Access roads to the subject property will be constructed to connect to Platte Drive in two locations. The first road will be built between the existing western frontage road along Highway 285 and Platte Drive at the intersection with Thompson Park Road, and the second access road will be built between the southwest corner of the proposed Lot 1 and Platte Drive at the intersection of Stone Creek Drive. This configuration will provide the development with two separate access locations, as required by the IFC, and both proposed access locations will line up with the opposing roads to avoid creating conflicting traffic patterns making the safest possible intersections with Platte Drive to serve the properties north of the road. Existing accesses to the adjacent commercial property and the parking lot for the park can also be relocated to the proposed roads to further improve traffic flow on Platte Drive. An easement will be requested from the Town of Fairplay for the proposed access road connection between the southwest corner of the proposed Lot 1 and Platte Drive at the intersection with Stone Creek Drive. Trails and sidewalks will be constructed on-site and connecting to the existing sidewalk network at Fairplay Beach. This will allow residents to easily access the businesses located on Front Street by foot or bike.

Note: During the land acquisition, FP Land LLC worked with the prior owner and agreed to allow a small portion of the State Hwy 285 frontage to be deeded to CDOT to assist with the pending highway expansion. In addition, FP Land LLC has received bids from three (3) traffic engineers to perform a Traffic Impact Study (TIS). FP Land is proceeding with one of these engineers who is now engaged in conversation with CDOT to begin the process of a TIS.

REQUIRED PARKING

Parking is provided based on Section 16-10-20 of the UDC:

- Single family: 2 spaces per dwl. unit
- Multi-family:
 - 1.5 spaces per 1 bedroom unit
 - 1.75 spaces per 2 bedroom unit
 - 2 spaces per 3 bedroom unit
- Storage/Warehouses: 1 space per 1,000 s.f.

SINGLE FAMILY RESIDENTIAL

11 units total
Parking requirement = 2 spaces per dwelling unit
Parking provided = 22 parking spaces provided adjacent to the single family homes.

MULTI-FAMILY RESIDENTIAL

Duplex structure:

24 structures = 48 units total
Parking requirement = 3.5 spaces per duplex = 84 parking spaces required
Parking provided = 84 parking spaces provided

4-plex structure:

7 structures = 28 units
Parking requirement = 7.5 spaces per 4-plex = 52.5 parking spaces required
Parking provided = 53 parking spaces provided

30 unit apartment structure:

2 structures = 60 units
Parking requirement = 48.75 spaces per 30 unit apartment = 97.5 spaces required
Parking provided = 98 parking spaces provided

On-site management office:

1 structure with 2 dwelling units and one office space
3,000 s.f. required
Parking requirement = 2 spaces per dwelling unit and 2 for the office use
Parking provided = 6 parking spaces provided adjacent to the office.

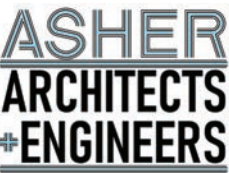
LIGHT INDUSTRIAL - STORAGE

32 storage units = 2,250 sf
Parking Requirement = 1 space per 1,000 s.f. = 2.25
Parking provided = 3 parking spaces provided

TOTAL PARKING PROVIDED

Total parking required = 266
Total parking provided = 267
Of which 7 are ADA accessible.

Total ADA parking provided = 5 standard + 2 van accessible



PAVILION EXAMPLES



DOG PARK EXAMPLES



FENCING EXAMPLES



Yard fencing: cedar split rail fence w/ pig wire, 42" h.
For single family units only, 375 sf max. of fenced yard for each unit



Community fencing: powder coated black steel fence, 5'-6' h.
Along North edge of property for pedestrian safety along the trail

CONCEPTUAL ARCHITECTURAL REFERENCES



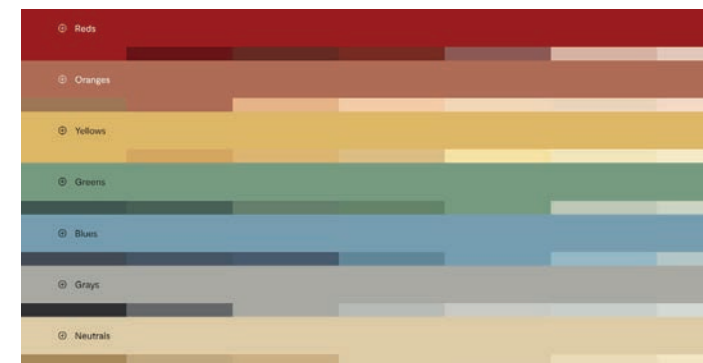
Horizontal siding

Vertical board & batt

Natural stone veneer



Cedar

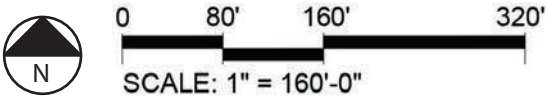
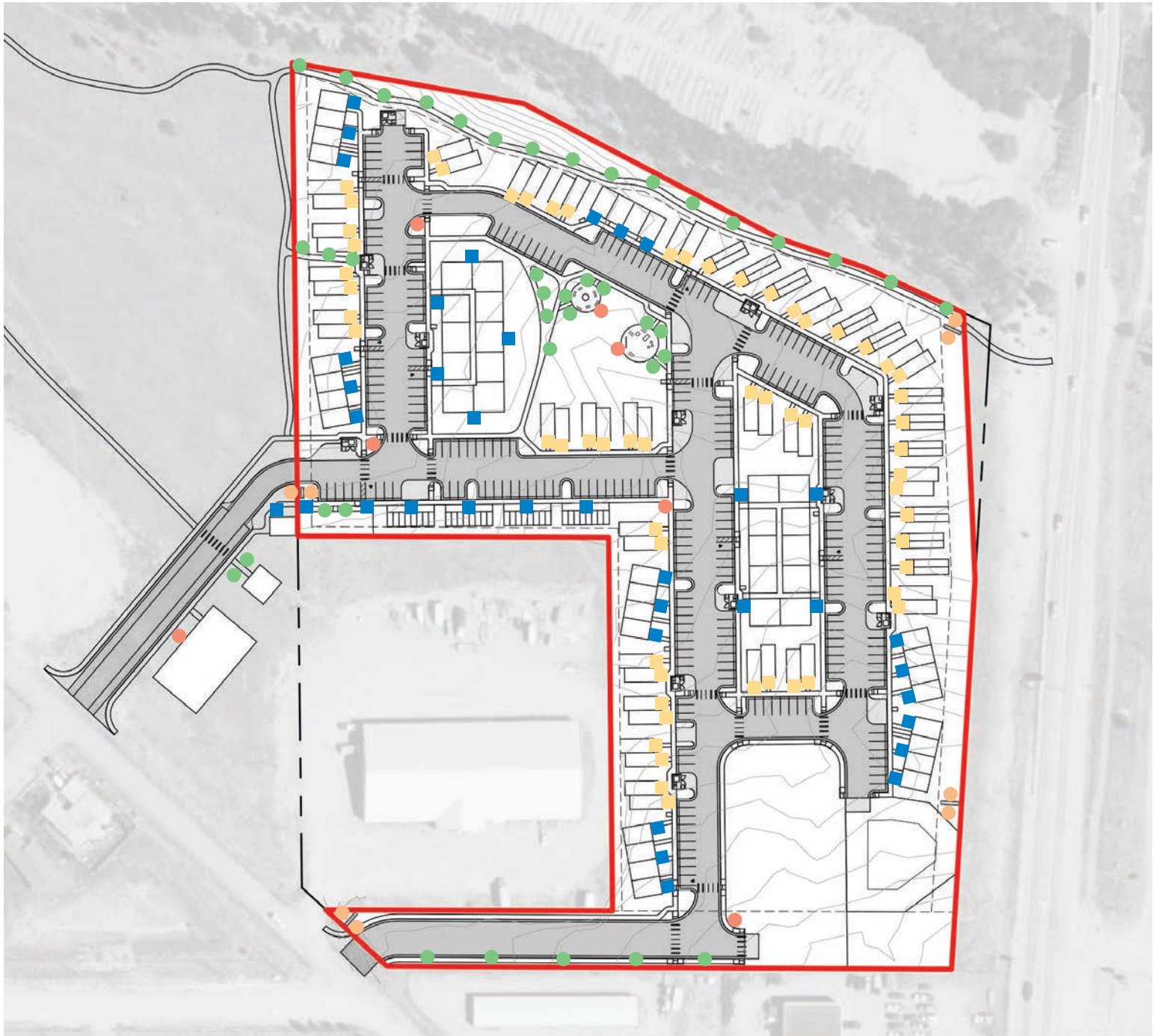


Siding colors to be determined during construction from Benjamin Moore historical collection paints.



LEGEND

- A - Light poles
- B - Building mounted
- C - Gooseneck lighting
- D - Bollard lights
- E - Monument sign light





D-Series Size 1
Legacy LED Area Luminaire

d'series

Buy American

Catalog Number

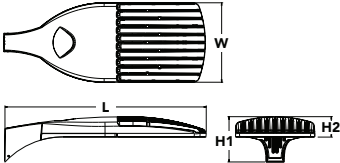
Notes

Type

A - Light poles

Specifications

EPA: 1.01 ft² (0.09 m²)
Length: 33" (83.8 cm)
Width: 13" (33.0 cm)
Height H1: 7-1/2" (19.0 cm)
Height H2: 3-1/2"
Weight (max): 27 lbs (12.2 kg)



Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment. The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. It is ideal for replacing up to 750W metal halide in pedestrian and area lighting applications with typical energy savings of 65% and expected service life of over 100,000 hours.

Ordering Information			EXAMPLE: DSX1 LED P7 40K T3M MVOLT SPA NLTAIR2 PIRHN DDBXD G1							
DSX1 LED										
Series	LEDs	Color temperature	Distribution			Voltage	Mounting			
DSX1 LED	Forward optics		30K	3000 K	T1S	Type I short (Automotive)	TSVS	Type V very short ¹	MVOLT ⁵	Shipped included SPA Square pole mounting RPA Round pole mounting ¹⁰ WBA Wall bracket ⁴ SPUMBA Square pole universal mounting adaptor ¹¹ RPUMBA Round pole universal mounting adaptor ⁹ Shipped separately KMAS DDBXD U Mast arm mounting bracket adaptor (specify finish) ¹²
	P1	P4 ¹ P7 ¹	40K	4000 K	T2S	Type V short ¹	TSS	Type V short ¹	XVOLT (27V-48V) ^{4,13}	
	P2	P5 ¹ P8	50K	5000 K	T2M	Type II short	TSM	Type V medium ¹	120 ⁹	
	P3	P6 ¹ P9 ¹			T2W	Type II medium	TSW	Type V wide ¹	208 ⁹	
	Rotated optics				T3S	Type III short	BLC	Backlight control ⁴	240 ⁹	
	P10 ²	P12 ²			T3M	Type III medium	LCCO	Left corner cutoff ⁴	277 ⁹	
	P11 ²	P13 ^{1,2}			T4M	Type IV medium	RCCO	Right corner cutoff ⁴	347 ⁹	
					TFTM	Forward throw medium			480 ⁹	
Control options			Other options			Finish (required)			Generation (required)	
Shipped installed			Shipped installed			Shipped installed			G1 Generation 1	
NLTAIR2	nLight AIR generation 2 enabled ¹³		PIR	High/low, motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 5ft. ^{10,12}		HS	House-side shield ¹¹		DDBXD Dark bronze	
PIRHN	Network, high/low motion/ambient sensor ¹⁴		PIRH	High/low, motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 5ft. ^{10,12}		SF	Single fuse (120, 277, 347V) ⁹		DNAXD Natural aluminum	
PER	NEMA twist-lock receptacle only (controls ordered separately) ¹⁵		PIRH	High/low, motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 5ft. ^{10,12}		DF	Double fuse (208, 240, 480V) ⁹		DWHXD White	
PER5	Five-pin receptacle only (controls ordered separately) ^{15,16}		PIR1FC3V	High/low, motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1ft. ^{10,12}		L90	Left rotated optics ²		DDBTXD Textured dark bronze	
PER7	Seven-pin receptacle only (controls ordered separately) ^{15,16}		PIR1FC3V	High/low, motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1ft. ^{10,12}		R90	Right rotated optics ²		DBLBXD Textured black	
DMG	0-10v dimming wires pulled outside fixture (for use with an external control, ordered separately) ¹⁷		PIR1FC3V	Bi-level, motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1ft. ^{10,12}		HA	50°C ambient operations ¹		DNATXD Textured natural aluminum	
DS	Dual switching ^{18,19,20}		FAO	Field adjustable output ^{20,21}		BAA	Buy America(h) Act Compliant		DWHGXD Textured white	
						Shipped separately				
						BS Bird spikes ²⁴				
						EGS External glare shield				



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DSX1 LED G1
Rev. 08/11/22
Page 1 of 8



D-Series Size 1
LED Wall Luminaire

d'series

Buy American

Catalog Number

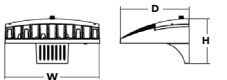
Notes

Type

B - Building mounted

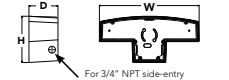
Specifications

Width: 13-3/4" (34.9 cm)
Depth: 10" (25.4 cm)
Height: 6-3/8" (16.2 cm)



Back Box (BBW, E20WC)

Width: 13-3/4" (34.9 cm)
Depth: 4" (10.2 cm)
Height: 6-3/8" (16.2 cm)



Introduction

The D-Series Wall luminaire is a stylish, fully integrated LED solution for building-mount applications. It features a sleek, modern design and is carefully engineered to provide long-lasting, energy-efficient lighting with a variety of optical and control options for customized performance.

With an expected service life of over 20 years of nighttime use and up to 74% in energy savings over comparable 250W metal halide luminaires, the D-Series Wall is a reliable, low-maintenance lighting solution that produces sites that are exceptionally illuminated.

Ordering Information			EXAMPLE: DSXW1 LED 20C 1000 40K T3M MVOLT DDBTXD							
DSXW1 LED										
Series	LEDs	Drive Current	Color temperature	Distribution	Voltage	Mounting	Control Options			
DSXW1 LED	10C 10 LEDs (one engine)	350 350 mA	30K 3000 K	T2S Type II Short	MVOLT ²	Shipped included (blank) Surface mounting bracket BBW Surface-mounted back box (for conduit entry) ¹	Shipped installed PE Photoelectric cell, button type ⁴ DMG 0-10v dimming wires pulled outside fixture (for use with an external control, ordered separately) PIR 180° motion/ambient light sensor, <15' mtg ht. ¹⁷ PIR180° motion/ambient light sensor, 15-30' mtg ht. ¹⁷ PIR1FC3V Motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1ft. ¹² PIR1HFC3V Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1ft. ¹² E20WC Emergency battery backup (includes external component enclosure), CA Title 20 compliant ¹⁹			
		530 530 mA	40K 4000 K	T2M Type II Medium	120 ³					
		700 700 mA	50K 5000 K	T3S Type III Short	208 ³					
		20C 20 LEDs (two engines) ¹	1000 1000 mA (1 A) ¹	AMBPC Amber phosphor converted	T3M Type III Medium			240 ³		
					T4M Type IV Medium			277 ³		
				TFTM Forward Throw Medium	347 ¹⁴ 480 ¹⁴					
	Other Options		Finish (required)		Finish (required)					
	Shipped installed		Shipped separately ¹¹		DDBXD			Dark bronze	DSXD	Sandstone
	SF	Single fuse (120, 277 or 347V) ^{1,10}	BSW	Bird-deterrent spikes	DBBXD			Black	DBBTXD	Textured dark bronze
	DF	Double fuse (208, 240 or 480V) ^{1,10}	VG	Vandal guard	DNAXD			Natural aluminum	DBLBXD	Textured black
HS	House-side shield ¹¹	DDL	Diffused drop lens	DWHXD	White			DNATXD	Textured natural aluminum	
SPD	Separate surge protection ¹²									

Accessories	NOTES
DSXW1G U House-side shield (one per light engine)	1 20C 1000 is not available with PIR, PIRH, PIR1FC3V or PIRH1FC3V.
DSXW1BSW U Bid-deterrent spikes	2 MVOLT driver operates on any line voltage from 120-277V (50/60 Hz).
DSXW1TNG U Vandal guard accessory	3 Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option.
	4 Only available with 20C, 700mA or 1000mA. Not available with PIR or PIRH.
	5 Back box ships installed on fixture. Cannot be field installed. Cannot be ordered as an accessory.
	6 Photocontrol (PE) requires 120, 208, 240, 277 or 347 voltage option. Not available with motion/ambient light sensors (PIR or PIRH).
	7 Reference Motion Sensor table on page 3.
	8 Same as old ELCW. Cold weather (-20C) rated. Not compatible with conduit entry applications. Not available with BBW mounting option. Not available with fusing. Not available with 347 or 480 voltage options. Emergency components located in back box housing. Emergency mode IES files located on product page at www.lithonia.com .
	9 Not available with SPD.
	10 Not available with E20WC.
	11 Also available as a separate accessory; see Accessories information.
	12 Not available with E20WC.



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DSXW1-LED
Rev. 3/07/22



TECHNICAL DATA SHEET

Project Name Catalog #
Comments Date

Fovero RLM - Warehouse/Barn Shade With Gooseneck

Features

C - Gooseneck lighting



- Fovero RLM's are manufactured using premium cold rolled steel and die cast zinc, which is then electrostatically sprayed, prior to being oven baked with reliable UV stabilized paint suitable for indoor and outdoor use.
- Each shade comes with a wire length of 96 in.
- Gooseneck Arms I.D. 3/4" with 1-14 Thread
- Takes up to 200W A21 Incandescent Bulb, or any E26 Medium Base LED Bulb.
- Fovero RLM's are UL Listed for Wet Locations [E502113] when using Gooseneck Arms



Specifications

SKU	Description	Dimensions
SBL14-BK	14" Satin Black RLM Barn Shade	Ø14" x 8" H
SBL14-BZ	14" Architectural Bronze RLM Barn Shade	
SBL14-GA	14" Galvanized Painted RLM Barn Shade	
SBL14-WH	14" White RLM Barn Shade	

SKU	Description	Dimensions
SBL17-BK	17" Satin Black RLM Barn Shade	Ø17" x 9" H
SBL17-BZ	17" Architectural Bronze RLM Barn Shade	
SBL17-GA	17" Galvanized Painted RLM Barn Shade	
SBL17-WH	17" White RLM Barn Shade	

SKU	Description
SGN10-XX	10" Gooseneck Arm With Height of 6" w/ Mounting Plate
SGN13-XX	13" Straight Arm With Height of 2" w/ Mounting Plate
SGN15-XX	14-1/2" Gooseneck Arm With Height of 8" w/ Mounting Plate
SGN22-XX	22" Gooseneck Arm With Height of 7-1/2" w/ Mounting Plate
SGN24-XX	24" Gooseneck Arm With Height of 17" w/ Mounting Plate



HTM Lighting Solutions
6420 Benjamin Road,
Tampa, FL 33634

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Rev. V0619

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FP Land, LLC

The Bluffs of Fairplay



D-Series
LED Bollard

   Buy American

d-series

Specifications

Diameter: 8" Round
(20.3 cm)

Height: 42"
(106.7 cm)

Weight (max): 27 lbs
(12.25 kg)



Introduction

The D-Series LED Bollard is a stylish, energy-saving, long-life solution designed to perform the way a bollard should—with zero uplight. An optical leap forward, this full cut-off luminaire will meet the most stringent of lighting codes. The D-Series LED Bollard's rugged construction, durable finish and long-lasting LEDs will provide years of maintenance-free service.

Catalog Number

Notes

Type **D - Bollard lights**

Hit the Tab key or mouse over the page to see all interactive elements.

Ordering Information		EXAMPLE: DSXB LED 16C 700 40K SYM MVOLT DDBXD								
Series	LEDs	Drive current		Color temperature		Distribution	Voltage	Control options	Other options	Finish (required)
DSXB LED	Asymmetric 12C 12 LEDs ¹	350	350 mA	30K	3000 K	ASY Asymmetric ¹ SYM Symmetric ²	MVOLT ³ 120 ⁴ 208 ⁵ 240 ⁶ 277 ⁷ 347 ⁸	Shipped installed PE Photoelectric cell, button type DMG 00-10v dimming wires pulled outside fixture (for use with an external control, ordered separately) ELCW Emergency battery backup ⁸	Shipped installed SF Single fuse (120, 277, 347V) ^{1,7} DF Double fuse (208, 240V) ^{1,7} H24 24" overall height H30 30" overall height H36 36" overall height FG Ground-fault festoon outlet L/AB Without anchor bolts L/AB4 4-bolt retrofit base without anchor bolts ¹	DWHXD White
		450	450 mA ^{1,4}	40K	4000 K					DNAXD Natural aluminum
	Symmetric 16C 16 LEDs ²	530	530 mA	50K	5000 K	AMBPC Amber phosphor converted	AMBLW Amber limited wavelength ^{1,4}			DDBXD Dark bronze
		700	700 mA	AMBLW	AMBLW Amber limited wavelength ^{1,4}	DBLXD Black				
									DOBXD Textured dark bronze	
									DBLBXD Textured black	
									DNATXD Textured natural aluminum	
									DWHGXD Textured white	

Accessories

Ordered and shipped separately.

MRAB U Anchor bolts for DSXB¹

NOTES

1 Only available in the 12C, ASY version.

2 Only available in the 16C, SYM version.

3 Only available with 450 AMBLW version.

4 Not available with ELCW.

5 MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120, 208, 240 or 277 options only when ordering with fusing (SF, DF optional), or photocontrol (PE optional).

6 Not available with 347V. Not available with fusing. Not available with 450 AMBLW.

7 Single fuse (SF) requires 120, 277, or 347 voltage option. Double fuse (DF) requires 208 or 240 voltage option.

8 MRAB U not available with L/AB4 option.



Contractor Select™
QTE LED
Floodlights



Catalog Number

Notes

Type **E - Monument sign light**



The QTE LED floodlight is ideal to replace up to 500W Quartz Halogen lamps, and comes with knuckle or yoke mount options. This is an extremely cost effective solution, great for illuminating yards, driveways, signage, patios, warehouses as well as for security applications.

FEATURES:

- Replaces up to 500W Quartz Halogen or 250W Metal Halide, saves 85% energy
- Knuckle and yoke mount options available, good for ground mount as well!
- Cost effective and energy efficient, payback within one year



Catalog Number	UPC	Description	Replaces Up To	Lumens	Input Watts	CCT	Voltage	Finish	Pallet Qty
QTE LED P1 40K 120 THK DDB M2	191848090787	FLOODLIGHTS	150W HALOGEN	2,500	25W	4000K	120V	DARK BRONZE	163

CONTRACTOR SELECT QTE LED

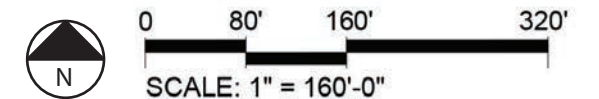
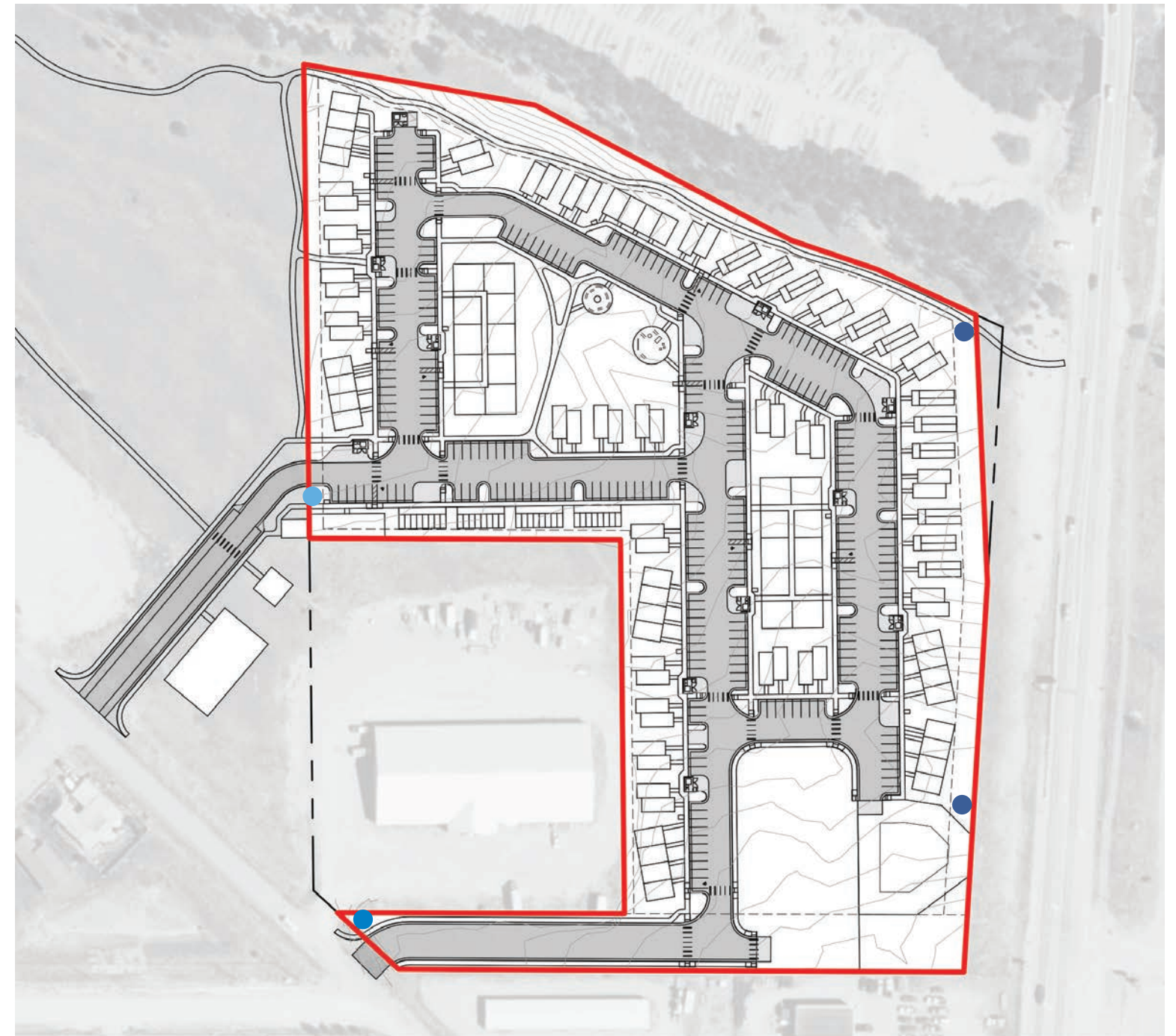
Page 1 of 2

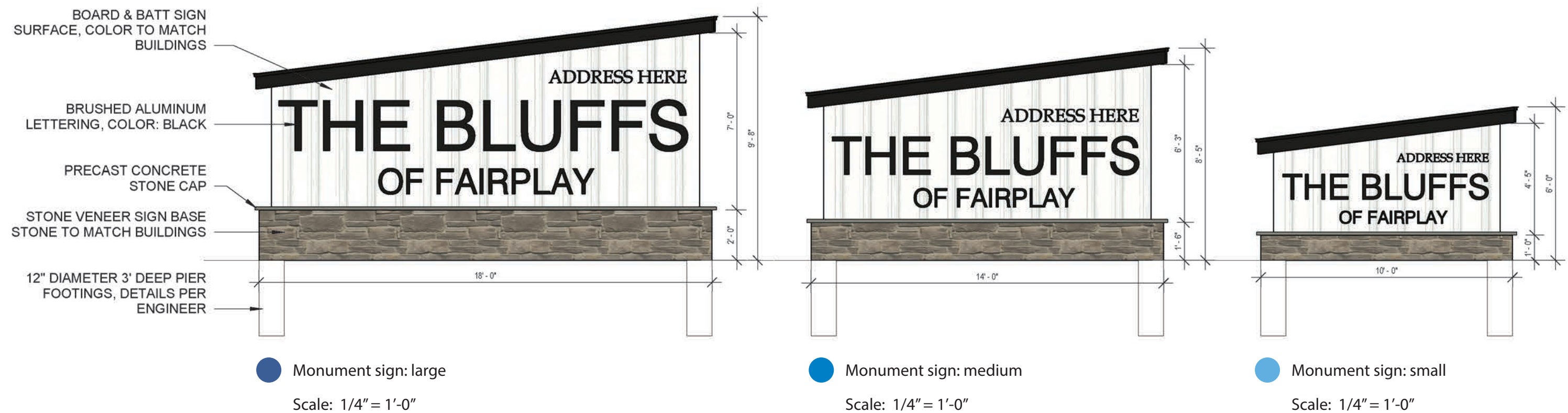
LEGEND

- Monument sign: large
- Monument sign: medium
- Monument sign: small

MONUMENT SIGN NOTES

- Actual signage and logo to be determined. Sign shown as general proposal.
- Double sided stone and board & batt monument with metal roof and fascia. All materials and colors to match buildings.
- Monument sign dimensions:
Large: 18' wide x 9'-8" tall
Medium: 14' wide x 8'-5" tall
Small: 10' wide x 6' tall
- Metal stand-off lettering:
Large: 10'-5"x2', 8'-5"x1', . Sign area 100 s.f.
Medium: 12'-5"x1'-6", 6'-5"x9". Sign area 70 s.f.
Small: 8'-3"x1', 4'-3"x6". Sign area 35 s.f.
- Signage to be reviewed under separate sign permit. Drawings to be provided at that time.





Goal CCDI-2, Policy A. Support development of existing lots and areas within existing municipal limits with techniques such as in-fill guidelines, accessory dwelling units and development on existing or new small lots.

Goal CCDI-2, Policy C. Endorse incremental, logical and cost-effective street and/or utility extensions to serve orderly growth.

Goal POST-1, Policy A. Ensure that new development dedicates parks, trails and/or open space areas proportionate to expanding population at a ratio of 10 acres of land (or cash in-lieu of) per 1,000 new residents (1.0 acres per 100 residents).

Goal POST-2, Policy C. Provide spaces for social interaction and public use that encourage people to intermingle and regularly use the spaces.

Goal POST-3, Policy A. Strive to include a variety of play structures, recreational fields, picnic areas, restroom facilities, shelters and other park improvements based upon requirements and available funding.

Goal T-1, Policy D. Ensure that new development delivers well-designed trails and sidewalk networks that serves the development and includes linkages to surrounding areas.

Goal T-2, Policy B. New development should include roadway and trail linkages to adjacent properties that integrate with the overall community access network.

Goal E-1, Policy E. New or expanding existing development shall avoid areas of known sensitive wildlife habitat and mitigate such areas to avoid adverse impacts.

Goal H-1, Policy B. Pursue strategies that include collaboration with housing agencies and private developers to create and maintain affordable rental housing.

Goal H-1, Policy C. Development with 5 or more residential units should include a variety of housing types, densities and sizes to ensure a diversity of unit type and pricing which serves the community.

Goal EC-2, Policy A. Promote Fairplay as business friendly.

Goal EC-4, Policy B. Maintain a good balance of zone districts (residential, commercial, industrial, etc.) to avoid any single district from dominating.

Goal CSI-1, Policy A. The vision, goals and policies of the comprehensive plan and smart growth practices should be implemented through the land-use code to avoid urban sprawl, inappropriate infrastructure expansion and excessive service costs.

Goal CSI-3, Policy B. Adhere to land-use policies that direct growth from the existing town core in logical steps outward to avoid expensive and inefficient utility extensions.

Goal CSI-3, Policy C. New development shall be responsible for all costs of utility extensions.



Town of Fairplay

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STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: New Business Item A – Resolution No. 7, Series of 2023 - Adoption of Updated Fee Schedule

DATE: March 6, 2023

BACKGROUND/ANALYSIS:

The Board of Trustees previously discussed an amended Town of Fairplay Fee Schedule on January 9, 2023, January 23, 2023 and February 6, 2023. At both the January 23 and February 6 meetings, the Board discussed several fees that they felt or had received comments from citizens on that the charges exceeded the level of work required by Staff to approve or the actual total project cost compared to the permit expenses being prohibitive, or a deterrent for some homeowners, to consider applying for a permit and opting to do the work illegally instead and potentially jeopardizing health, safety and welfare. At the February 6 meeting, the Board requested that the Town Administrator and Building Official meet to come up with a solution.

After some investigation of what other jurisdictions charge for similar permits and holding a discussion with Mike Theissen, Charles Abbott Associates, LLC Chief Building Official, Staff is proposing the implementation of an “Easy Permit” system as follows:

<u>Easy Permits</u>	
Fence	\$75.00
Residential Mechanical	\$75.00
Siding Replacement	\$75.00
Sign (No foundation)	\$75.00
Residential Air Conditioner/Evaporative Cooler	\$75.00
Residential Water Heater Replacement*	\$75.00
Residential Window Replacement (2 or more)	\$75.00
Window Replacement (single)	\$25.00
Repair or replace Existing Gas or Water Line for SFD	\$65.00

*Replacement with similar unit type and same fuel source

With an Easy Permit, the homeowner can call in or stop by Town Hall to pay for and obtain the permit. There are no plan review requirements and Building Official Kyle Parag will conduct a field inspection following completion. The percentage charged to the Town by Charles Abbott does not change at this time. However, if it becomes evident that the costs of permitting and inspection outweigh the fee(s) charged, Staff may be coming back to the Board to readdress the matter.

There were no other changes made to any of the previously approved fees and Staff feels this proposal satisfies the Board's prior concerns and intentions.

STAFF RECOMMENDATION

Following any questions or discussion, Staff recommends the Board approve Resolution No. 7, Series of 2023, as presented/amended by motion, second and a roll call vote to adopt updated Building Inspection Fees.

Attachments:

- Resolution No. 7, Series of 2023 with Exhibit A – "Schedule of Building Permit Fees"

TOWN OF FAIRPLAY, COLORADO**RESOLUTION NO. 7****Series of 2023****A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING AN AMENDED SCHEDULE OF FEES FOR BUILDING DEPARTMENT SERVICES.**

WHEREAS, the Town of Fairplay is authorized to establish and amend fees charged by the Town for various services, permits and licenses; and

WHEREAS, the Board of Trustees approved an agreement with Charles Abbott and Associates, LLC to provide Building Department Services for the Town of Fairplay, Colorado; and

WHEREAS, the Board of Trustees previously adopted a schedule of fees for the term of the agreement with Charles Abbott and Associates, LLC on June 20, 2022 and now desires to update said fees.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO THAT:

Section 1. Building Department Fees as outlined in attached Exhibit “A” are hereby adopted and incorporated into the Town of Fairplay Schedule of Fees and shall become effective immediately upon adoption.

RESOLVED, APPROVED AND ADOPTED THIS 6TH day of MARCH, 2022.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor**ATTEST:**

Janell Sciacca, Town Clerk

EXHIBIT A

Building Permits, Fees and Taxes

The determination of value or valuation for purposes of determining and assessing the applicable building permit fee shall be made by the building official. The value of a project will be based on the stated value on the building permit application or by applying the most recent valuation table located on ICC's website. If an applicant's stated cost is greater than the estimates used in this table, the higher amount will be used to calculate the permit fee. The valuation shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment and including profit and labor.

The fee(s) for each building permit shall be as follows:

A. Building Permit Application Fees

Building Permit	Rate
1.) Permit Application Fee	Determined by Building Permit Fee Schedule for valuation listed below for each type of work.
2.) Initial Plan Review Fee	65% of total permit fees.

Plan Review Fee: When a plan or other data is required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review of structures requiring a review shall be **65% of the building permit fee** as set forth above.

B. Building Permit Fee Schedule — Table 1a

Total Valuation	Rate
1.) \$0 to \$2,000	\$85.40
2.) \$2,001 to \$25,000	\$85.40 for the first \$2,000, plus \$15.77 for each additional \$1,000, or fraction thereof, including \$25,000.
3.) \$25,001 to \$50,000	\$448.11 for the first \$25,000 plus \$11.49 for each additional \$1,000, or fraction thereof, to and including \$50,000.
4.) \$50,001 to \$100,000	\$735.36 for the first \$50,000 plus \$7.88 for each additional \$1,000, or fraction thereof, to and including \$100,000.

5.) \$100,001 to \$500,000	\$1,129.36 for the first \$100,000 plus \$6.30 for each additional \$1,000, or fraction thereof, to and including \$500,000.
6.) \$500,001 to \$1,000,000	\$3,649.36 for the first \$500,000 plus \$5.35 for each additional \$1000, or fraction thereof, to and including \$1,000,000.
7.) \$1,000,001 and up	\$6,324.36 for the first \$1,000,000 plus \$4.11 for each additional \$1,000, or fraction thereof.

C. Specialized Permit Fee Schedule and Other Fees

Permit Type	Rate
1.) Permit fee if work commenced before required permit issuance.	Double the otherwise applicable fee.
2.) Uncovered Raised Deck	\$200.00
3.) Non-structural Re-roof	\$200.00
4.) Demolition	\$165.00
<u>Easy Permits</u>	
5.) Fence	\$75.00
6.) Residential Mechanical	\$75.00
7.) Siding Replacement	\$75.00
8.) Sign (No foundation)	\$75.00
9.) Residential Air Conditioner/Evaporative Cooler	\$75.00
10.) Residential Water Heater Replacement*	\$75.00
11) Residential Window Replacement (2 or more)	\$75.00
12) Window Replacement (single)	\$25.00
12.) Repair or replace Existing Gas or Water Line for SFD	\$65.00

**Replacement with similar unit type and same fuel source*

Inspections	Rate
13.) Building Permits for which no fee is specifically indicated (Administrative use only)	\$60.00 per inspection
14.) Inspections outside of normal inspection days and hours. (Note: Fees to be charged directly to applicant. 2 hours minimum.)	\$120.00 hourly
15.) Re-inspection Fees (Work not ready for inspection or called for when corrections weren't made.)	\$80.00
16.) Inspections and/or Code Enforcement/investigation for which no fee is specified.	\$120.00 hourly
17.) Additional Plan Review required by changes, additions, or revisions to the approved plans.	\$100.00 hourly
18.) Stock/Same as Plan Review- No Change. Plan Review Fee	\$140.00
19.) Stock/Same as Plan Review- Minor Change. Plan Review Fee	\$280.00

D. Factory Built Home, Manufactured Homes and Mobile Home Permit Fee Schedule:

Permit	Rate
1.) Pre-Move Inspections- Within 30 miles of Town.	\$220.00
2.) Pre-Move Inspections- Over 30 miles from Town.	Based on Travel Costs
3.) Block & Tie	\$480.00
4.) Temporary/Accessory	\$100.00
5.) Permanent Foundation	Fee will be calculated on valuation of foundation, any finishes other than the premanufactured structure, and any accessory structures such as decks, garages, etc. PLUS \$480.00.

E. Electrical Permit Fees:

Residential: This includes single family dwellings, site-built and modular/factory-built homes, duplexes, condominiums, and townhouses. New, remodel, and addition.

Type	Rate
1.) Equal to or less than 1,000 square feet.	\$129.95
2.) Over 1,000 square feet and not more than 1,500 square feet.	\$195.50
3.) Over 1,500 square feet and not more than 2,000 square feet.	\$262.20

4.) Greater than 2,001 square feet (\$262.20 + \$11.50 each additional 100 square foot.)	2,000 square foot base fee plus \$11.50 each additional 100 square feet.
5.) Residential Solar Device	\$500.00

Commercial: This includes some residential installations that are not based on square footage (not living area, i.e. garage, shop, SFD, etc.) Fees in this section are calculated from the total cost to customer, (contract price) including electrical material, items, and labor — whether provided by the contractor or property owner.

Type	Rate
1.) Equal to or less than \$2,000	\$129.95
2.) Greater than \$2,001. (Always round up to the next \$1,000).	Add \$11.50 per thousand of job valuation to the base fee of \$129.95.
3.) Mobile/Modular/Manufactured Home Set (Per Unit)	\$129.95
4.) Temporary Heat Release	\$129.95
5.) Spas/Hot Tubs	Based on table 1a plus elec. fee
6.) Commercial Solar Device	\$1,000.00



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STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: New Business Item B – Resolution No. 9, Series of 2023 – Water Model Agreement with SGM

DATE: March 6, 2023

BACKGROUND/ANALYSIS:

In 2022, the Board of Trustees and Staff discussed the Town’s water production capacity and limits at what seemed like every meeting. This was mainly due to the ongoing project to bring online an additional well and a dormant infiltration gallery in order to meet the ever-increasing consumption needs of the community and provide for redundancy in the system.

During presentations on January 23, 2023, regarding proposed Water Tap Fee increases and a required public hearing for the State Revolving Fund (SRF) Loan the Town is applying for to fund the improvements related to the additional well and infiltration gallery, the Town’s Water Engineer Ken Hardesty pointed out that the Town could benefit from and should consider creating a Water Model to more accurately determine the Town system’s capabilities and limitations as it relates to current usage and also its ability to provide service to new development. The Town’s contract engineering firm SGM has mentioned the value of this tool in the past and their willingness to develop it utilizing Staff resources and their existing knowledge of the Town’s water rights and system, and subsequently prepared the attached formal proposal for the Board’s review and consideration. The Town is also working with SGM to conduct a GPS inventory of the Town’s water and sewer infrastructure for the continued buildout of the Town’s GIS system so they already have access to our system maps and, as previously stated, are very familiar with the Town’s system and rights from previous work done on the Town’s behalf.

Staff feels the Water Distribution Model Agreement is imperative to help ensure the Town’s system is able to meet current demands while also assessing how much future demand can be added without maxing out supply and rights. This is an unbudgeted expense for the Utility Fund but Staff will be looking to apply for a DOLA grant to reduce the total impact.

STAFF RECOMMENDATION

Following any questions or discussion, Staff recommends the Board approve Resolution No. 7, Series of 2023, as presented/amended by motion, second and a roll call vote to approve an Independent Services Agreement with SGM for Water Distribution System Model.

Attachments:

- Resolution No. 7, Series of 2023, with Exhibit A – “Proposal for Water Distribution System Modeling”

“Where History Meets the High Country”

TOWN OF FAIRPLAY, COLORADO

**RESOLUTION NO. 9
(Series of 2023)**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING AN INDEPENDENT SERVICES AGREEMENT WITH SGM FOR THE DEVELOPMENT OF A WATER DISTRIBUTION SYSTEM MODEL.

WHEREAS, the Town of Fairplay is a Colorado Statutory Town and has the authority to enter into contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101; and

WHEREAS, the Board of Trustees realizes the importance of water to its community and desires to more fully understand the current production capacity and usage and predict impacts of new development in order to ensure adequate supply for the Town; and

WHEREAS, the Town's Engineering firm SGM has presented a proposal to develop said Water Distribution System Model and represents it is qualified to perform the desired services for the Town of Fairplay, and

WHEREAS, the Board of Trustees of the Town of Fairplay desires to enter into an Independent Services Agreement for these services.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, that:

SECTION 1. The Independent Services Agreement attached hereto as "**EXHIBIT A**" is approved and the Mayor of the Board of Trustees of the Town of Fairplay is hereby authorized to execute the same.

RESOLVED, APPROVED, and ADOPTED this 6TH day of March, 2023.

TOWN OF FAIRPLAY, COLORADO

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk

EXHIBIT A

TOWN OF FAIRPLAY INDEPENDENT SERVICES AGREEMENT

THIS AGREEMENT FOR INDEPENDENT SERVICES (“Agreement”) is made and entered into this 6th day of March, 2023 by and between the TOWN OF FAIRPLAY, COLORADO, a Colorado municipal corporation (“Town”), and **SGM** (“Contractor”), whose address is **118 W. Sixth St, Suite 200, Glenwood Springs, CO 81601**.

WHEREAS, the Town desires that Contractor perform the Services of developing a **Water Distribution System Model** as an independent contractor, in accordance with the provisions of this Agreement, and more fully described in **Section 1** of this Agreement; and

WHEREAS, Contractor is customarily engaged in an independent trade, occupation, profession, or business related to the services to be provided pursuant to this Agreement, and is ready, qualified, willing, and able to provide such services to the Town; and

WHEREAS, Contractor desires to perform such duties pursuant to the terms and conditions provided for in this Agreement; and

WHEREAS, the parties hereto desire to set forth certain understandings regarding the services in writing.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Services. The Town agrees to retain Contractor to provide the services set forth herein, further specified asset forth in “Exhibit A” (“Services”) attached hereto, and Contractor agrees to so serve. Contractor warrants and represents that it has the requisite authority, capacity, experience, and expertise to perform the Services in compliance with the provisions of this Agreement and all applicable laws and agrees to perform the Services on the terms and conditions set forth herein.

All equipment, tools, materials and supplies required for the performance of services under this Agreement shall be furnished by the Contractor.

2. Compensation. The Town agrees to compensate Contractor, in the following amount/rate/calculation \$28,900.00, The Town shall make payment within thirty (30) days of receipt and approval of invoices submitted by Contractor, which invoices shall be submitted to the Town not more frequently than monthly and which shall identify the specific Services performed for which payment is requested.

3. Term. The Term of this Agreement shall be effective as of the date of its execution by both parties, as dated above until the Agreement is terminated pursuant to Section 8 of this Agreement; provided, however, that to the extent that the term of this Agreement exceeds

one fiscal year, the obligations described herein shall be subject to annual appropriation by the Town Council, at its sole discretion.

4. Outside Support Services and Sub-Contractor. Any sub-contractors shall be pre-approved by the Town. A rate sheet for each sub-contractor shall be provided to the Town.

5. Independent Contractor. The parties agree that the Contractor is an independent contractor and shall not be considered an employee, agent, or servant of the Town for any purpose. Contractor is not entitled to workers' compensation benefits from the Town and is obligated to pay federal and state income tax on any money earned pursuant to this Agreement. The parties further agree and understand that as an independent contractor, Contractor does not receive the protections of the Colorado Government Immunity Act, that the Contractor is responsible for their own liability insurance, and that the Town's insurance coverage does not extend to independent contractors or to the Contractor.

6. Insurance Requirements. Contractor shall procure and keep in force during the duration of this Agreement a policy of comprehensive general liability insurance insuring Contractor and naming the Town as an additional insured against any liability for personal injury, bodily injury, damages to property, or death arising out of the performance of the Services with at least One Million Dollars (\$1,000,000) each occurrence. The limits of said insurance shall not, however, limit the liability of Contractor hereunder.

7. Indemnification. Contractor hereby covenants and agrees to indemnify, save, and hold harmless the Town, its officers, employees, and agents from any and all liability, loss, costs, charges, obligations, expenses, attorney's fees, litigation, judgments, damages, claims, and demands of any kind whatsoever arising from or out of any negligent act or error and omission or other tortious conduct of Contractor, its officers, subcontractors, employees, or agents in the performance or nonperformance of its obligations under this Agreement.

8. Termination. The Town or the Contractor may terminate this Agreement at any time by providing a minimum thirty (30) calendar days' written notice to the other party. If the parties have mutually determined that the work has become infeasible, the parties agree to terminate the Agreement in accordance with this Section. In the event this Agreement is terminated, the Contractor shall be compensated for all work performed to date based on estimated percentage of completion, including the percentage of any and all work items begun but not completed.

9. Entire Agreement. This Agreement, along with any addendums and attachments hereto, constitutes the entire agreement between the parties. The provisions of this Agreement may be amended at any time by the mutual consent of both parties. The parties shall not be bound by any other agreements, either written or oral, except as set forth in this Agreement.

10. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and venue for any action instituted pursuant to this Agreement shall be in the County of Park, State of Colorado.

11. Authority. Each person signing this Agreement, and any addendums or attachments hereto, represents and warrants that said person is fully authorized to enter into and execute this Agreement and to bind the party it represents to the terms and conditions hereof.

12. Governmental Immunity Act. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*

13. Assignability. Contractor shall not assign this Agreement without the Town's prior written consent.

14. Binding Effect. This Agreement shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective heirs, personal representatives, successors, and assigns.

15. Survival Clause. The "Indemnification" provision set forth in this Agreement shall survive the completion of the Services and the satisfaction, expiration, or termination of this Agreement.

17. Severability. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

17. Notices. Any written notices required to be given under this Agreement shall be delivered as follows:

To the Town: Town Administrator
 Town of Fairplay
 901 Main Street
 Fairplay, CO 80440

To the Contractor: Public Sector Lead
 Chad Paulson
 118 W. Sixth St, Suite 200,
 Glenwood Springs, CO 81601

18. Authority. Each person signing this Agreement, and any addendums or attachments hereto, represents and warrants that said person is fully authorized to enter into and execute this Agreement and to bind the party it represents to the terms and conditions hereof.

19. Attorneys' Fees. Should this Agreement become the subject of litigation between the Town and Contractor, the prevailing party shall be entitled to recovery of all actual costs in connection therewith, including but not limited to attorneys' fees and expert witness fees. All rights concerning remedies and/or attorneys' fees shall survive any termination of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

TOWN OF FAIRPLAY, COLORADO

By: _____
Frank Just, Mayor

SGM:

By: _____
Chad Paulson
Public Sector Lead

SGM INDEPENDENT SERVICES AGREEMENT - EXHIBIT A

January 16, 2023

Janell Sciacca, Town Administrator
Town of Fairplay
PO Box 267
Fairplay, CO 80440

Re: Proposal for Water Distribution System Modeling

Dear Janell,

SGM prepared this proposal to develop a distribution system model and then model the system based upon our discussions with you.

We will leverage the GIS map created by SGM to developing the water model. We understand that additional feature capture is being conducted this spring under separate contract. Work will begin once this vital information gathering is complete.

SGM specializes in assisting our clients in planning, optimizing, and maintaining community infrastructure, and provides all these services in-house. We have attempted to put together a scope of work that demonstrates how we will partner with you to provide thoughtful, useful, and truly strategic engineering support for the Town.

The scope of work, schedule, and fee is attached. Please review and let us know if you have any questions. I can be reached at 970.384.9036 or chadp@sgm-inc.com.

On behalf of the SGM team, thank you for the opportunity to submit this proposal.

Sincerely,

SGM



Chad Paulson, PE
Public Sector Leader

Project Understanding

The Town's operates approximately 64,000 feet of water lines ranging in size from 2 inch to 12 inch with roughly 71 fire hydrants. The Town needs to understand the existing system limitations. The community also desires growth so the Town must understand the system's ability to serve proposed developments and any necessary infrastructure improvements. The ultimate goals of this project are to ensure the Town has the information necessary provide reliable, long-term water service to the community and has the ability to evaluate development proposals.

Proposed Scope

Task 1. Project Management

Task 1 includes sub-tasks necessary to manage project execution efficiently and effectively, keeping Town staff and team members well-informed of project status:

- Setup internal project management resources
- Manage monthly invoicing process, including subconsultant invoices
- Perform monthly project progress, budget, and schedule checks
- Perform miscellaneous internal and external communication and coordination

Deliverables

Meeting summaries, monthly progress reports, and invoices.

Task 2. Site Visits and Kickoff Meeting

Task 2 includes site visits to review the project and tour the major components of the water systems. It is estimated site visits will be needed with Town staff to:

- Define key project goals, issues, etc.
- Review high-priority system needs/challenges
- Define water system level-of-service goals
 - Water quality
 - Pressures
 - Service reliability and infrastructure redundancy
 - Storage volumes
 - Fire flow availability
 - Capacity expansion accommodations
- Define proposed schedule

SGM has electronic system maps and GIS information that will be used for model development.

Deliverables

Summary of site visit, photos, and kickoff meeting notes.

Task 3. Water System Analysis

We will conduct an analysis of various Town-owned water system components and summarize our findings in a report. Any privately owned water distribution components will not be analyzed. The purpose of this evaluation will be to identify data gaps and key issues within the existing system. The analysis will include a review of all background data received and be supplemented with visual observations and information obtained during the site visits. We will identify key performance, reliability, and risk-related advantages for the various system improvement options. Once fully developed, the model will calculate service flows and pressures across the system.

The physical condition and performance of the water treatment plant, tanks and any pumping are not included in this scope.

Task 3.1 Model Development, Validation and Calibration

A water model will be developed from existing ACAD mapping of the existing system and the SGM GIS data. The base model will provide a geospatial representation of the town system, complete with pipe segments, pipe sizes, fire hydrant locations and storage tank locations. Model analyses will be conducted to predict and evaluate system operation under average day, max day, and peak hour scenarios.

Once a functional model is established, field work will be conducted to calibrate and validate model results. Evaluation steps include:

- Review of Town water production records and customer use data will for appropriate demand assignment across the network.
- Model validation using readily available elevation and as-built data
- Select flow testing locations and develop field testing plan
- Model tests in InfoWater
- Review test plan with Town and make necessary revisions
- Conduct field testing alongside Town Staff
- Process results and calibrate model
- Summarize results in technical memorandum

Task 3.2 Water Transmission and Distribution Evaluation

Specific sub-tasks include:

- Fire flow availability analysis
- Review vulnerable portions of distribution system
- Produce and model recommendations for water system improvements: looping, upsizing, PRV installation, etc.
- Produce exhibits documenting improvement recommendations
- Evaluate any additional system operational improvements.
- Adequacy of the existing water storage volumes for emergency, fireflow, and operational storage

- Summarize results in technical memorandum

Deliverable

SGM will summarize the findings of the water system evaluation in a report. A list of recommended actions and next steps will be included in this document for review and consideration by the Town.

Proposed Fee

A breakdown of our proposed fee to complete the project as currently scoped is provided in Table 1. SGM will work on a time-and-materials basis with fees estimated at **\$28,900**. Given this context and the fact that this is an evaluation project, we note that the project direction and scope may evolve along the way. We will be sure to bring to your attention any scope/fee changes we believe to be necessary for the benefit of the project in advance of moving forward whenever possible. The 2023 Fee Schedule is attached for your reference. SGM revisits fees on an annual basis.

Table 1. Estimated Fee

Task 01	Project Management		\$ 1,900
Task 02	Site Visits and Kickoff Meeting		\$ 4,600
Task 03	Water System Analysis		\$ 22,400
	Task 3.1	Model Development, Calibration and Validation	\$ 13,500
	Task 3.2	Water Transmission and Distribution Evaluation	\$ 8,900
Total	Tasks 01 thru 03		\$ 28,900



Town of Fairplay

400 Front Street •
P.O. Box 267
Fairplay, Colorado
80440
(719) 836-2622 phone
(719) 836-3279 fax
www.fairplayco.us

STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Janell Sciacca, Town Administrator

RE: New Business Item C – Resolution No. 10, Series of 2023 – Opioid Settlement Agreements

DATE: March 6, 2023

BACKGROUND/ANALYSIS:

The Board of Trustees originally discussed this matter on October 18, 2021, and subsequently approved Resolution No. 23, Series of 2021, agreeing to participate in the Colorado Memorandum of Understanding related to federal settlement agreements being pursued by Attorney General Phil Weiser with pharmaceutical companies. With that MOU, the Town also agreed to specific settlements that had already been reached with specific pharmaceutical companies.

Early this year, 2023, the Town was notified that settlements had now been reached with five additional pharmaceutical companies requiring further action by the Board of Trustees. The companies in these settlements are: Teva Pharmaceutical Industries Ltd. and Allergan Finance, LLC/Allergan Limited, Walmart Inc., CVS Health Corporation/CVS Pharmacy, Inc., and Walgreen Co. In order for Colorado to maximize its share of the settlement proceeds, these opioid settlements (*like prior opioid settlements*) require that Colorado's Local Governments participate in the settlements by releasing their opioid-related legal claims against the settling Defendants.

The Town Attorney reviewed the current agreements and the prior Resolution and felt the initial approval did not include or authorize new settlement agreement participation. Hence, Staff is presenting Resolution 10, Series of 2023. Unfortunately, the amount of money the Town of Fairplay would receive in of the settlements is not significant so the Town elected to allow its amounts to be received over the specified years to go to the region. The Town can change that election if it so desires annually.

STAFF RECOMMENDATION

Following any questions or discussion, Staff recommends the Board approve Resolution No. 10, Series of 2023, as presented/amended by motion, second and a roll call vote to approve the Town of Fairplay's participation in the five noted Opioid settlement agreements.

- Resolution No. 10, Series of 2023 with Exhibit A – "Settlement Agreements"
- Regional Allocation Breakdown

"Where History Meets the High Country"

TOWN OF FAIRPLAY, COLORADO

**RESOLUTION NO. 10
(Series of 2023)**

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING ADDITIONAL SETTLEMENTS WITH PHARMACEUTICAL COMPANIES WHICH ARE RELATED TO THE COLORADO OPIOIDS SETTLEMENT MEMORANDUM OF UNDERSTANDING (MOU) PREVIOUSLY APPROVED ON OCTOBER 18, 2021 BY ADOPTION OF RESOLUTION NO. 23, SERIES OF 2023.

WHEREAS, the Board of the Town of Fairplay, Colorado, along with various other Colorado local governments and the State of Colorado, are party Plaintiffs in federal litigation against various pharmaceutical manufacturers and distributors (party “Defendants”) regarding the national opioid crisis; and

WHEREAS, on August 26, 2021, Colorado Attorney General Philip J. Weiser signed an MOU governing the allocation, distribution, expenditure on behalf of the State of Colorado; and

WHEREAS, the Board of Trustees of the Town of Fairplay, Colorado approved and signed the same MOU on October 18, 2021 to allow settlement proceeds to be used for services, programs and other purposes as set forth therein; and

WHEREAS, the Board of Trustees of the Town of Fairplay, Colorado also approved and signed associated settlement agreements that had been reached at that time; and

WHEREAS, the Town of Fairplay, Colorado has now been advised of five new settlements that have been reached with Teva Pharmaceutical Industries Ltd. and Allergan Finance, LLC/Allergan Limited, Walmart Inc., CVS Health Corporation/CVS Pharmacy, Inc., and Walgreen Co, and the Town must now also approve and sign the associated settlement agreements to release releasing its opioid-related legal claims against the settling Defendants;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO

1. Hereby formally approves the Settlement Participation Forms attached hereto as Exhibit K and consisting of Attachments A-E and authorizes the Mayor of the Board of Trustees for the Town of Fairplay to execute the same.
2. And furthermore hereby approves all future Settlement Participation Forms, following review by the Town Attorney, and authorizes the Mayor of the Board of Trustees for the Town of Fairplay to execute the same.

RESOLVED, APPROVED, AND ADOPTED this 6th day of March, 2023.

TOWN OF FAIRPLAY, COLORADO

ATTEST:

Frank Just, Mayor

Janell Sciacca, Town Clerk

Exhibit K
Subdivision and Special District Settlement Participation Form

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Teva Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Teva Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.



8. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Teva Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by Released Entities and the Governmental Entity to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teva Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Teva Settlement.
11. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

12. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Attachment B: Allergan Settlement Participation Form

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Allergan Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.



I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Attachment C: Walmart Settlement Participation Form

EXHIBIT K**Subdivision Participation Form**

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 (“Walmart Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopiodsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Attachment D: CVS Settlement Participation Form

EXHIBIT K**Subdivision Participation and Release Form**

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 (“*CVS Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Attachment E: Walgreens Settlement Participation Form

EXHIBIT K**Subdivision Participation and Release Form**

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 (“*Walgreens Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____





Colorado Opioid Settlement Distribution Funds -
Teva, Allergan, CVS, Walgreens, & Walmart Settlements

Estimated Allocation to Regions for maximum Local Government Participation

Account	Total New Regional Allocations	Teva Regional Total (13 years)	Allergan Regional Total (7 years)	CVS Regional Total (10 years)	Walgreens Regional Total (14 years)	Walmart Regional Total (6 years)
Region 1- Northwest	\$ 2,085,632.32	\$ 408,470.42	\$ 243,347.22	\$ 540,311.87	\$ 587,532.57	\$ 305,970.24
Region 2- Larimer	\$ 11,406,887.39	\$ 2,234,035.19	\$ 1,330,931.83	\$ 2,955,111.76	\$ 3,213,374.58	\$ 1,673,434.03
Region 3- Weld	\$ 7,046,017.27	\$ 1,379,960.20	\$ 822,114.60	\$ 1,825,368.11	\$ 1,984,896.66	\$ 1,033,677.70
Region 4- Northeast	\$ 3,563,677.51	\$ 697,945.09	\$ 415,802.47	\$ 923,219.88	\$ 1,003,904.95	\$ 522,805.12
Region 5- I-70 Mountain	\$ 3,806,377.72	\$ 745,477.83	\$ 444,120.21	\$ 986,094.74	\$ 1,072,274.76	\$ 558,410.18
Region 6- Boulder	\$ 13,313,880.96	\$ 2,607,519.25	\$ 1,553,435.86	\$ 3,449,144.80	\$ 3,750,583.77	\$ 1,953,197.28
Region 7- Broomfield	\$ 1,745,785.73	\$ 341,911.57	\$ 203,694.64	\$ 452,269.91	\$ 491,796.16	\$ 256,113.45
Region 8- Adams	\$ 20,147,580.66	\$ 3,945,897.12	\$ 2,350,777.69	\$ 5,219,509.11	\$ 5,675,669.56	\$ 2,955,727.18
Region 9- Arapahoe	\$ 21,779,095.73	\$ 4,265,428.82	\$ 2,541,139.46	\$ 5,642,175.62	\$ 6,135,275.14	\$ 3,195,076.69
Region 10- GROC	\$ 18,794,619.32	\$ 3,680,920.08	\$ 2,192,916.98	\$ 4,869,005.78	\$ 5,294,533.90	\$ 2,757,242.58
Region 11- Denver	\$ 26,157,497.56	\$ 5,122,937.40	\$ 3,052,002.25	\$ 6,776,461.11	\$ 7,368,691.81	\$ 3,837,404.99
Region 12- Douglas	\$ 8,428,267.93	\$ 1,650,673.54	\$ 983,392.72	\$ 2,183,459.24	\$ 2,374,283.27	\$ 1,236,459.16
Region 13- Mesa	\$ 5,667,938.87	\$ 1,110,063.99	\$ 661,323.28	\$ 1,468,357.87	\$ 1,596,685.41	\$ 831,508.32
Region 14- SWCORC	\$ 3,188,916.40	\$ 624,548.24	\$ 372,076.11	\$ 826,132.84	\$ 898,332.96	\$ 467,826.25
Region 15- Central Region	\$ 2,818,547.64	\$ 552,011.64	\$ 328,862.26	\$ 730,183.71	\$ 793,998.31	\$ 413,491.72
Region 16- El Paso/Teller	\$ 28,919,171.73	\$ 5,663,810.38	\$ 3,374,228.63	\$ 7,491,910.95	\$ 8,146,668.60	\$ 4,242,553.17
Region 17- SWORD	\$ 3,303,420.85	\$ 646,973.90	\$ 385,436.26	\$ 855,796.80	\$ 930,589.41	\$ 484,624.48
Region 18- San Luis Valley	\$ 2,521,400.74	\$ 493,815.51	\$ 294,191.77	\$ 653,203.69	\$ 710,290.63	\$ 369,899.14
Region 19- Southeast	\$ 15,589,254.70	\$ 3,053,150.49	\$ 1,818,921.69	\$ 4,038,611.78	\$ 4,391,567.41	\$ 2,287,003.33
Total	\$ 200,283,971.03	\$ 39,225,550.66	\$ 23,368,715.93	\$ 51,886,329.57	\$ 56,420,949.86	\$ 29,382,425.01



Town of Fairplay

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Fairplay, Colorado 80440
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(719) 836-3279 fax
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STAFF REPORT

TO: Mayor and Board of Trustees

FROM: Nina P. Williams, Town Attorney

RE: Discussion Item – An Ordinance Creating a New Article 29 of Chapter 16, Unified Development Code, of the Fairplay Municipal Code, Establishing Inclusionary Housing

DATE: March 6, 2023

BACKGROUND/ANALYSIS:

At your February 13, 2023 affordable workforce housing work session, you discussed various potential options to address the specific issues and urgent needs of your local community and workforce as it relates to housing. One of the ideas presented was inclusionary housing, which would require all new residential development to set aside a certain amount of housing units as deed-restricted and permanently affordable.

Based upon the Board's informal consensus and interest, we drafted the attached Inclusionary Housing Ordinance. You will notice that certain numbers and specifics are [bracketed]. We are looking for your feedback on these bracketed sections, as well as your guidance on the Ordinance as a whole. This item is on for discussion, so that you can share if we are on the right track, and any other policy or community-specific direction you may have.

STAFF REQUEST

Staff recommends the Board give further guidance regarding this draft Inclusionary Housing Ordinance, so that the Town Attorney can finalize a draft suitable for presentation and official consideration at an upcoming meeting.

Attachments:

- Ordinance No. 1, Series 2023
- Inclusionary Housing Worksheet

“Where History Meets the High Country”

Inclusionary Housing Ordinance Worksheet

What is Inclusionary Housing?

- Definition: Requirement that all new residential development (either for sale or rent) contribute X percent of the total housing units as permanently affordable to households earning Y percent to Z percent of the Area Median Income (AMI).

Purpose and Objectives of Inclusionary Housing Ordinance:

- Implement the housing goals, initiatives and policies of the Town and the Town of Fairplay Comprehensive Plan
- Promote the construction of housing that is affordable to the community's workforce
- Retain opportunities for people that work in the Town to also live in the Town
- Maintain a balanced, economically diverse community that provides housing for individuals of all income levels

Threshold for Applicability of Inclusionary Housing Ordinance:

What should "trigger" the requirement to provide affordable units and the applicability of the Inclusionary Housing Ordinance?

- What **applications and types of development** should trigger affordable housing and inclusionary housing requirements?
 - PUDs?
 - Annexations?
 - Major/minor Subdivisions?
 - Rezones?
 - Any new residential development requiring plan approval?
- **Minimum number of housing units** which trigger applicability of inclusionary housing requirements?
 - Any triggering development/application with 5 or more units is subject to the inclusionary housing ordinance and must provide affordable housing?
 - Minimum of 10 units? 4? 2? 1?

What percentage of units in a development should be set aside for affordable housing?

- 10% of all units in development must be set aside and deed restricted as permanently affordable?
- 12.5% of all units? (1 out of 8)
- 16.5% of all units? (1 out of 6)
- 15%, 20% or 25% of all units?
- Option: Percentage of required set asides depends on AMI level
 - Eg: fewer units required to be provided if such units are affordable to households earning a lower percentage of AMI; more units required if affordable to higher AMI

What are Potential Options/Alternatives for Satisfying the Inclusionary Housing Requirements?

- Provide the permanently affordable units on-site
- Dedicate or provide newly constructed or existing units off-site as permanently affordable

- Dedicate land on-site to a non-profit housing developer or housing authority for the construction of permanently affordable housing units
- Dedicate vacant land off-site for affordable unit development
- Make a cash contribution to a “Housing Fund” in lieu providing inclusionary affordable units (“Fee-in-lieu”)
- Require affordable units on-site, and only permit alternatives in very limited circumstances
- Allow payment of a Fee-in-lieu as an alternative only where: (1) the calculation for required affordable units results in a fraction of a dwelling unit; or (2) the development is under 5 units
- Provide fewer units, but which area affordable to households earning at a lower AMI level
- Require units to be of a certain or minimum square footage or bedroom size off-site

For what Area Median Income (AMI) level(s) should the units be set aside?

- Inclusionary housing ordinances require housing to be affordable to a variety of AMI levels
- This is very location specific, depending on the needs of that particular community
- AMI levels in other local governments’ codes range from 60% AMI to 180% AMI
- Some ordinances require a different income level (or range) for rental units versus for-sale units
- Salida Example:
 - For-sale units shall not exceed prices greater than what is affordable to households earning 120%, 140% or 160% of the County AMI
 - Average of AH units cannot exceed 140%
 - Not eligible: Studio units above 120% AMI or one bedroom units above 140%
 - Rental units shall not exceed prices greater than what is affordable to households earning 80% or 100% of the County AMI
 - At least half of the units shall be at 80% AMI
 - Not eligible: Studio units above 80% AMI

What Area Median Incomes and Maximum rents/payments make sense in Fairplay?

- In other words, where is the need for housing, or “gap” for the missing middle?
- What income ranges for the workforce currently have no options for available housing within the community?

Attachments:

- City of Salida Inclusionary Housing ordinance

**TOWN OF FAIRPLAY, COLORADO
ORDINANCE NO. 1
(SERIES 2023)**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE BY CREATING A NEW ARTICLE 29 OF CHAPTER 16, UNIFIED DEVELOPMENT CODE, ESTABLISHING INCLUSIONARY HOUSING

WHEREAS, the Town of Fairplay, Colorado (the “Town”), is a statutory town, duly organized and existing under the laws of the State of Colorado;

WHEREAS, the Board of Trustees (the “Board”) has the authority, pursuant to C.R.S. §31-16-101, *et seq.*, to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory;

WHEREAS, pursuant to C.R.S. §31-23-301 *et seq.*, the Town also possesses the authority to adopt and enforce zoning regulations;

WHEREAS, the community is currently experiencing a severe housing shortage for the local workforce, due to exacerbated pricing and limited availability in the local housing market;

WHEREAS, pursuant to its authority, the Board desires to establish certain specific rules and regulations to address the significant need for a diverse and affordable housing stock within the community, implement the housing goals of the Town Comprehensive plan, promote the construction of housing that is attainable to the community's workforce, retain opportunities for people that work in the Town to also live in the Town, and maintain a balanced community that provides housing for people of all income levels;

WHEREAS, the Board finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its citizens to amend Chapter 16 of the Code, to establish regulations for inclusionary housing.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AS FOLLOWS:

Section 1. The above and foregoing recitals are adopted as express findings and determinations of the Town of Fairplay Board of Trustees.

Section 2. A new Article 29 of Chapter 16, entitled Inclusionary Housing, is hereby adopted to read as follows:

ARTICLE XXIX - Inclusionary Housing

Sec. 16-29-10. Purpose and Objectives.

To ensure and promote residential development that provides a range of housing opportunities for all identifiable economic segments of the population, including households of

low-and moderate-income and to retain opportunities for people that work in the Town to also live in that Town, with the goal of maintaining a balanced community and affordability to the community's workforce.

Sec. 16-29-20. General Requirements.

- (A) Any land use application for projects of two (2) or more residential housing units brought under the annexation, planned unit development, rezoning, subdivision, subdivision exemption, condominium, condominium exemption, special use, site plan development review or multi-family site plan review sections of this Chapter are required to include at least [fifty (50)] percent of the total number of residential dwelling units as affordable dwelling units, pursuant to requirements set forth in this Article, and subject to the following standards:
 - (1) The prices for sale or rents charged for permanently affordable priced dwelling units shall not exceed a price that is affordable to a household earning the applicable percentage of Area Median Income (AMI) for Park County as defined annually by the United States Department of Housing and Urban Development (HUD), at the time such unit is sold or rented, and as further specified in Sections 16-29-50 and 16-29-60.
 - (2) Affordable dwelling units shall be permanently restricted as defined by the Town regulations, unless a different timeframe is required as part of a Low Income Housing Tax Credit project.
 - (3) If the calculations for inclusionary housing results in a fraction of a dwelling unit, the fraction of the unit shall be provided as a complete affordable unit or a fee-in-lieu shall be provided per section 16-29-40.
- (B) Units built as affordable in the project should be comparable to the market rate housing units in exterior finish and design and integrated into the overall project.
- (C) Income Eligibility Required. No person shall sell, rent, purchase or lease an affordable dwelling unit created pursuant to this Article except to a program eligible household. A private owner of a single affordable unit may rent the unit in accordance with the provisions of this Article as set forth in section 16-29-50. All sales, rentals, purchases and leases shall comply with provisions of this Article.
- (D) Deed Restriction Required. No person offering an affordable dwelling unit for rent or sale pursuant to this Article shall fail to lawfully reference in the grant deed conveying title of any such unit, and record with the County Clerk and Recorder, a covenant or declaration of restrictions in a form provided and approved by the Town Attorney. Such deed restriction shall reference applicable contractual arrangements, covenants and resale restrictions as are necessary to carry out the purposes of this Article.
- (E) Good Faith Marketing Required. All sellers or owners of affordable dwelling units shall engage in good faith marketing and public advertising efforts each time an affordable

dwelling unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance to become informed of the availability of such units.

(F) Required Agreements. Those applicants creating residential developments under this Chapter shall enter into an inclusionary housing development agreement with the Board of Trustees. Such agreements may be part of a development agreement, annexation agreement or subdivision agreement and shall document how the applicant will meet the requirements of this Article including:

- (1) Defining the inclusionary housing development, including the total number of units; the total number of affordable housing units required; and the total number of affordable housing units provided;
- (2) Design standards to assure the affordable units will be comparable to market rate units and are integrated into the development;
- (3) The requirement that each required affordable housing unit must receive its certificate of occupancy before development of every sixth market-rate housing unit within the development, unless an alternative schedule is approved by the Town; and
- (4) The deed restrictions and additional agreements, in a form acceptable to the Town, as necessary to carry out the purposes of this Article.

(G) Accessory dwelling units shall not be considered inclusionary housing for the purpose of compliance with the requirements of this Article.

(H) An applicant shall not be eligible to submit for a building permit until the affordable housing agreement and any required deed restrictions are approved by the Board of Trustees and recorded by the Park County Clerk and Recorder.

Sec. 16-29-30. Options for Satisfaction of Inclusionary Housing Requirement.

An applicant may seek an alternative to providing the required percentage of affordable housing under this Article by any of the following methods:

- (A) Providing the Required Housing Off-Site. This may be met only through the dedication of land to the Town or a qualified housing developer as approved by the Town, with guarantee that the land to be dedicated will allow for, and be developed with, the number of required affordable housing units, and that such units will be deed-restricted as provided for in this Article.
- (B) Dedicating Land Within the Project. Provided it is large enough and located appropriately to accommodate at least the minimum number of required affordable units, land within a project may be dedicated to the Town or a qualified housing developer as approved by the Town. The units to be built within the project shall be comparable to the market rate

housing units in exterior finish and design to blend into the overall project, and such units shall be deed-restricted as provided for in this Article.

- (C) Paying a Fee in Lieu of Providing Units as Defined in Section 16-29-40 and in the amounts set forth in the Town Fee Schedule, adopted and amended by the Board of Trustees from time to time. This alternative is only available if the calculation for inclusionary housing results in a fraction of a dwelling unit or if the development is for [five (5)] units or less.
- (D) Providing fewer units, but which are affordable to households earning [fifty (50)] percent or less of the AMI for Park County for the HUD. For the purposes of this option, an affordable dwelling unit at [fifty (50)] percent or less AMI shall equal [one and a half (1.5)] units at [sixty (60)] percent or less AMI.
- (E) Any alternatives shall be approved by agreement with the Board of Trustees as described in this Section.

Sec. 16-29-40. In-Lieu Fee.

If an in-lieu fee is permitted and chosen for all or part of the inclusionary housing required for the project, the fee shall be calculated as described in the Town's fee schedule, established, adopted and amended by the Board of Trustees from time to time, and be due prior to the issuance of the certificate of occupancy.

Sec. 16-29-50. Program Requirements for For-Sale Units.

- (A) Affordable Unit Price. The prices charged for any affordable units shall not exceed prices greater than what is affordable to households earning [sixty (60)] percent the Area Median Income (AMI) for Park County.
- (B) Approved Purchases for Affordable Dwelling Units. A developer or owner shall sell to a qualified purchaser after completing a good faith marketing and selection process approved by the Town and/or applicable housing authority.
- (C) Sale Restriction. No person shall sell an affordable dwelling unit except to a person that meets the income asset and other eligibility requirements of this Article or any asset and income eligibility requirement that is included in any applicable contract, deed restriction or any other agreements to which the Town is a party or beneficiary.
- (D) Resale Restriction. All affordable ownership dwelling units developed under this Article shall be subject to following restrictions:
 - (1) Approved Purchasers. A seller of an affordable dwelling unit must select an income-eligible purchaser by a method that complies with the good faith marketing and selection process defined by the applicable housing administrative regulations and deed restriction. All purchasers of affordable dwelling units shall be part of program eligible households.

(2) Resale Price. The resale price of any affordable dwelling unit shall not exceed the purchase price paid by the owner of that unit with the following exceptions:

- a. Closing Costs. Customary closing costs and costs of sale, which may include customary realtor fees, as reviewed and approved by the Town Administrator.
- b. Permanent Capital Improvements. Consideration of eligible permanent capital improvements installed by the seller that have been approved in advance by either the Town Administrator or Board of Trustees in accordance with Town Code, deed restriction, applicable housing authority regulations or administrative rules and guidance.
- c. Resale Price. The resale price may include an inflationary factor or shared appreciation factor as applied to the original sale price pursuant to rules as may be established by the Town Administrator, deed restriction, applicable housing authority regulations or administrative rules and guidance to provide for such consideration. In developing rules, the Town may consider the purposes of this Article, common private, nonprofit and governmental lending practices, as well as any applicable rules or guidelines issued by federal or state agencies affecting the provision or management of affordable housing. In the event that the Town has not adopted rules that contemplate a particular arrangement for the use of an inflationary factor or shared appreciation factor, the Town Administrator is authorized to approve a resale price formula that is consistent with the purposes of this Article, common private, nonprofit and governmental lending practices, as well as any applicable rules or guidelines issued by federal or state agencies affecting the provision or management of affordable housing.

(3) Special Fees. The seller of an affordable dwelling unit shall neither levy nor charge any additional fees or any finder's fee nor demand any other monetary consideration other than provided in this Article.

(E) Ownership Associations. When accepting for-sale unit as meeting the inclusionary housing obligation, the Town Administrator and/or applicable housing authority may review the condominium association declaration to assess the impact on buyers of affordable units. The Town Administrator and/or applicable housing authority is authorized to establish rules regarding allowable terms in condominium declarations in order to ensure that the purposes of this Article are accomplished.

(F) Rental restrictions. The owner of an affordable unit may rent the unit to an income eligible renter by a method that complies with the administrative regulations and/or applicable deed restriction. At no point shall rent price exceed a price that is affordable to a household earning sixty (60) percent of the Area Median Income (AMI) for Park County, as defined annual by HUD.

Sec. 16-29-60. Program Requirements for Rental Units.

Maximum Rent. Rents charged for any affordable unit shall not exceed a price greater than what is affordable to households earning [sixty (60)] percent of the AMI for Park County, as defined annually by HUD.

Sec. 16-29-70. Administrative Regulations.

The Town Administrator is authorized to adopted administrative regulations to be utilized in the enforcement of the provisions of this Article. To the extent the Town Administrator deems necessary, rules and regulations pertaining to this Article will be developed and approved by the Board of Trustees, and thereby maintained and enforced in order to assure that the purposes of this Article are accomplished. No person shall violate any rule or regulation issued by the Town Administrator under this Article.

Section 3. Severability. If any section, sentence, clause, phrase, word, or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this 6TH day of MARCH, 2023.

TOWN OF FAIRPLAY

Frank Just, Mayor

ATTEST:

Janell Sciacca, Town Clerk

MONTHLY REPORT

TO: Mayor and Board of Trustees
 FROM: Janell Sciacca, Town Administrator / Clerk
 RE: Monthly Report
 DATE: February, 2023 Monthly Report



PROJECTS

1. RIVER PARK PHASE 2
 - The Board opted not to enter into any agreement outside the MMOF Grant with DHM for Environmental work or plan revisions.
 - I am working with our Local Agency Coordinator on next steps.
 - I also attended a CDOT Transportation Alternatives Program (TAP) grant pre-application meeting and Staff will most likely submit for match money for the MMOF and wait to apply for Park County LWTF monies for another project. If the TAP grant is not received, Staff will then submit to the LWTF.
2. INFILTRATION GALLERY / WELL #4
 - The Filters have been installed and plumbed in at the Beaver Creek Water Plant and Staff is collecting radiological samples required by CDPHE.
 - The State Revolving Fund Loan application was submitted on February 15 and we hope to hear the results in March.
3. 501 MAIN
 - Staff has begun researching grants to reduce out-of-pocket expenses by the Town on interior renovations.
 - Staff will begin obtaining estimates in March so we have the best idea of the costs to bring that building up to code for use by the community and for housing much-needed services and programs
4. TRANSIT STUDY AND TRANSIT PROGRAM
 - The Transit Study has halted temporarily due to indication that the County cannot support a transit system and is hesitant to survey residents when it will not be able to really provide for any service that might be desired.
 - The Study team will meet on Thursday, March 9 to regroup.
 - CDOT is still working on getting the Town its final title for one of the buses the Town accepted.
 - Initial contact was made with Alma to inquire if they may be interested in partnering with the Town to provide service between Fairplay and Alma.
 - Town Staff is meeting with the County, School District and Summit Stage Staff discussing options for housing all the different entity's buses with the anticipated demolition of the Hathaway Barn. When notice is given to vacate, the Summit Stage will deadhead from the Summit County facility until the weather become nice enough to store the buses outside.
 - Summit Stage is utilizing full-size buses as of February due to the high demand of ridership and crowding complaints.

EVENTS AND ACTIVITIES

- ✓ As of the end of February there are still only 15 Short Term Rental permits that have been issued. However, I take daily calls from prospective residents that are looking for properties in the Town and wanting to be able to VRBO a property if they purchase it. Alex and Kyle will be conducting annual inspections starting in March.
- ✓ The Town VoIP (Voice Over Internet Protocol) phone system went live on Tuesday, February 21. Overall, it will provide Staff with additional communication tools but there are some technicalities we are working through. If the Board is interested in being on the network with dedicated numbers, I can sit down with each of you and show you how the phone application works and all its capabilities.
- ✓ Staff will be working in March to submit multiple Grant applications for all the projects and priorities the Town wants to accomplish in 2023 that were outlined in the February 20 Work Session.
- ✓ Mardi Gras was held on Saturday, February 25, and while the turnout was down from the prior year, it was a great time with great food and the amazing generosity of the Fairplay community was clearly seen with the amount of money raised by the King & Queen candidates.
- ✓ The ChargePoint charging stations have been Unavailable for the last 2 weeks of February and Staff has scheduled a meeting with Xcel to discuss the installation of additional units around the Town so that drivers do not become stranded in Town with no ability to charge their vehicles.
- ✓ Scot Hunn has graciously provided the Town free registration for the DCI (Downtown Colorado Inc.) conference in Denver in April. Alex will be attending since I will be attending the Colorado City and County Managers Association (CCCMA) Conference earlier in the month and cannot be away from the office for 2 separate weeks.
- ✓ Alex is working on courses that will allow him to eventually become a Certified Floodplain Administrator for the Town.
- ✓ Reinstatement of the Park County Intergovernmental Meeting was achieved on February 28. IT issues resulted in the County not being able to attend, but elected representatives and Staff from Alma, Fairplay and the School District met and discussed topics of mutual concern or interest. The next meeting will be hosted on Park County on Tuesday, May 23.

DEVELOPMENT / LAND USE

- ★ Staff held its monthly Development Review Meeting on February 21 which focused mainly on preparations for a PUD Public Hearing scheduled for March 6 and the CDOT Workforce Housing project that is slated to get underway in the next few months.
- ★ I am trying to set up a meeting with the County Development Services Director in order to introduce him to Town Planner Scot Hunn and discuss how we can work better together regarding County development adjacent to Town limits and vice-versa.
- ★ Scot Hunn is hoping to be ready to bring forth a draft UDC revision to the Board at the last meeting in March or the first meeting in April.
- ★ One new application for an Exemption Plat – Lot Line Adjustment was received, and comments were returned to the developer but there has been no further movement.
- ★ Staff has scheduled a ZOOM meeting with the new owner of Stone Creek and his development team in early March.



MEMORANDUM

TO: Town of Fairplay Board of Trustees

FROM: Donovan Graham, Director of Public Works

RE: Staff Report

DATE: March 6, 2023

Well #4 is plumbed in to the cartridge system and the final water samples have been performed and sent out for testing, we're just needing final approval to bring online.

I would just like the Board to be aware of the ball field road being closed due to a massive ice dam covering 1/3 the length of the road. This road will have to remain closed until the ice melts and the Town will be looking at putting in a gate this spring/summer to cut down on vandalism.

The Town has a plugged storm drain at the corner of 9th and Main and Public Works staff is unable to resolve the issue because we do not have the necessary equipment (Vac-truck and Steamer). Snowbridge Mechanical has been called in to fix it.

Public Works is continuing training. Chris was unable to test for his water distribution license due to cancellation because of weather conditions, but rescheduled for the end of this month.

Town of Fairplay - Water Loss Evaluation

FEBUARY, 2023

Year/Month	Gallons of Water Produced	Water Gallons Billed	Bulk Water Filled Gallons Sold	Gallons Not Billed (Non-revenue)	% Loss	Influent Intake Gallons Sanitation Plant	Usage/Leakage (Gallons)
23-Feb	3,643,134	2,892,000	4000	755,134	20.73%	2,647,201	1,595,933
23-Jan	3,204,152	1,958,000	3,000	1,249,152	38.99%	3,036,092	768,060
22-Dec	2,959,297	2,077,000	3,000	885,297	29.92%	2,935,749	623,548
22-Nov	2,636,174	1,705,000	2,800	933,974	35.43%	2,725,199	510,975
22-Oct	3,107,087	1,672,000	3,000	1,432,087	46.09%	3,119,062	588,025
22-Sep	3,520,790	2,020,000	2,900	1,497,890	42.54%	2,748,647	1,372,143
22-Aug	4,422,770	2,731,000	6,500	1,685,270	38.10%	3,016,516	2,006,254
22-Jul	4,084,981	2,407,000	6,975	1,671,006	40.91%	3,129,599	1,555,382
22-Jun	3,472,184	2,157,000	3,200	1,311,984	37.79%	2,782,182	1,290,002
22-May	2,705,715	1,760,000	1,400	944,315	34.90%	2,801,428	504,287
22-Apr	2,573,411	1,670,000	1,100	902,311	35.06%	2,873,579	299,832
22-Mar	2,589,242	2,067,000	2,750	519,492	20.06%	3,073,850	115,392
22-Feb	2,333,009	1,832,000	2,700	498,309	21.36%	2,758,731	174,278
22-Jan	2,537,579	1,679,000	1,400	857,179	33.78%	3,092,156	45,423
21-Dec	2,552,299	1,939,000	1,000	612,299	23.99%	2,966,896	185,403
21-Nov	2,509,249	1,780,000	2,450	726,799	28.96%	2,677,502	431,747
21-Oct	3,298,065	2,422,000	2,850	873,215	26.48%	2,958,659	939,406
21-Sep	4,125,110	2,439,000	2,700	1,683,410	40.81%	3,028,952	1,696,158
21-Aug	4,396,735	2,781,000	1,700	1,614,035	36.71%	3,072,321	1,924,414
21-Jul	4,495,697	3,231,000	1,800	1,262,897	28.09%	3,498,456	1,597,241
21-Jun	3,939,138	2,577,000	5,025	1,357,113	34.45%	3,294,293	1,244,845
21-May	2,950,224	2,323,000	330	626,894	21.25%	3,282,436	267,788
21-Apr	2,567,775	2,046,000	1,690	520,085	20.25%	3,098,238	69,537
	TOTAL 70,980,683	TOTAL 47,273,000	TOTAL 60,270	TOTAL 23,665,013	Avg Loss 32.54%	TOTAL 65,970,543	Avg Usage 827,734

Averages

3,226,395

2,148,773

2,740

1,075,682

2,998,661

Notes:

49 meters need to be repaired or replaced*

1. water leak found and fixed early november meadow dr.

* The Town has been waiting for ordered meters since summer.

21 need to be checked (vacant lots)

NWFPD has been requested to keep track of and report all tanker fills

American Leak Detection will complete their inspection the week of 11/7

Usage/Leakage assumes approx. 600,000 gal per month from Spruce Hill and the Trailer Park and no I&I

Town of Fairplay - Individual Well Production Data

	Well 1 (gal)	Well 2 (gal)	Well 3 (gal)	Monthly (gal)
Feb-23	1,107,855	997,272	1,538,007	3,643,134
Jan-23	989,695	842,890	1,371,567	3,204,152
Dec-22	925,458	740,169	1,293,670	2,959,297
Nov-22	788,747	713,701	1,133,726	2,636,174
Oct-22	880,870	845,956	1,380,261	3,107,087
Sep-22	943,018	966,788	1,610,984	3,520,790
Aug-22	1,270,994	1,147,087	2,004,689	4,422,770
Jul-22	1,338,854	953,189	1,792,938	4,084,981
Jun-22	1,181,982	784,967	1,505,235	3,472,184
May-22	937,356	607,968	1,160,391	2,705,715
Apr-22	901,205	579,729	1,092,477	2,573,411
Mar-22	911,916	586,701	1,090,625	2,589,242
Feb-22	828,909	531,882	972,218	2,333,009
Jan-22	901,541	583,894	1,052,144	2,537,579
Dec-21	914,759	576,695	1,060,845	2,552,299
Nov-21	876,563	583,714	1,048,972	2,509,249
Oct-21	1,085,427	779,760	1,432,878	3,298,065
Sep-21	1,304,614	956,774	1,863,722	4,125,110
Aug-21	1,100,385	1,300,920	1,995,430	4,396,735
Jul-21	1,069,883	1,396,690	2,029,124	4,495,697
Jun-21	1,204,249	1,122,587	1,612,302	3,939,138
May-21	1,237,321	707,596	1,005,307	2,950,224
Apr-21	1,119,949	603,099	844,727	2,567,775
TOTAL	22,713,695 32.00%	17,912,756 25.24%	30,354,232 42.76%	70,980,683

Chief Bo Schlunsen
FAIRPLAY POLICE DEPARTMENT



To: Fairplay Board of Trustees
From: Police Chief Bo Schlunsen
Date: 2 March, 2023
Re: March report to the Board

For February, we had 13 case reports. We had 20 VIN checks, 1 animal call, 16 agency assists, 125 directed patrols, 24 traffic stops, 20 traffic citations, 2 arrests, 3 traffic crashes, 127 business checks, 10 citizen assists, 2 code violations, 6 alarms, 4 mental health calls and a few other type calls. Unfortunately, the big bull moose around town was killed in a crash.

We all completed a six hour firearms class and qualification.

Amanda Orcutt left the Department on 2-25 and took a detective position with the Park County Sheriff's Office. We've adjusted our schedules to have as much coverage time as is feasible.



901 Main St ~ PO Box 267 Fairplay, CO 80440
P: 719-836-2840 F: 719-836-2849 Email: bschlunsen@fairplayco.us



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

114

Owner	Contractor	Project Description	Amount	Valuation
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Project Type: ADDITION

Address	210 MAIN ST	ADDITION OF OFFICE IN	\$288.92	\$5,000
Permit #	2022-058	BASEMENT OF EXISTING SINGLE		
Status	FINALED	FAMILY HOME		
Use	RESIDENTIAL - SFR			
Issued	7/19/2022			
Finaled	11/15/2022			
New Sq Ft				

Project Type: ADDITION & REMODEL

Address	455 MAIN ST	ADDITION OF BASEMENT AND	\$2,108.54	\$225,000
Permit #	2022-050	RENOVATION OF EXISTING		
Status	ISSUED	SINGLE FAMILY HOME TO		
Use	RESIDENTIAL - SFR	INCLUDE BUSINESS USE		
Issued	7/7/2022			
Finaled				
New Sq Ft				

Project Type: DEMOLITION

Address	550 FIFTH ST	County of Park	DEMOLITION OF EXISTING 4,165	
Permit #	2022-065		SQFT COMMERCIAL BUILDING	
Status	ISSUED			
Use	COMMERCIAL			
Issued	8/18/2022			
Finaled				
New Sq Ft				



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

115

	Owner	Contractor	Project Description	Amount	Valuation
Project Type: ELECTRICAL					
Address 1271 CASTELLO, C	South Park Brewing		CHANGE OF USE, MINOR ELECTRICAL UPGRADES	\$149.45	\$2,000
Permit # 2022-085					
Status ISSUED					
Use COMMERCIAL					
Issued 11/22/2022					
Finaled					
New Sq Ft					
Address 1255 MEADOWS DR			ELECTRICAL SERVICE TO MODULAR BUILDING	\$215.06	
Permit # 2023-001					
Status ISSUED					
Use RESIDENTIAL - SFR					
Issued 1/5/2023					
Finaled					
New Sq Ft					
Address 901 MAIN ST		Winn-Marion Barber	REPLACE VEHICLE CHARGING STATIONS WITH UPGRADED UNITS	\$142.95	
Permit # 2022-090					
Status ISSUED					
Use COMMERCIAL					
Issued 1/6/2023					
Finaled					
New Sq Ft					



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

116

Owner	Contractor	Project Description	Amount	Valuation
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Project Type: FENCE

Address	200 SIXTH ST	NEW FENCE EXTENSION ONTO ADJACENT PROPERTY	\$93.50	\$5,000
Permit #	2022-067			
Status	ISSUED			
Use	COMMERCIAL			
Issued	9/19/2022			
Finaled				
New Sq Ft				
Address	230 1/4 THIRD ST	REPLACEMENT OF EXISTING DAMAGED FENCE	\$187.00	
Permit #	2022-074			
Status	ISSUED			
Use	RESIDENTIAL - SFR			
Issued	12/1/2022			
Finaled				
New Sq Ft				

Project Type: FURNACE

Address	549 FRONT ST	NEW WALL MOUNT FURNACE		
Permit #	2022-051			
Status	ISSUED			
Use	RESIDENTIAL - SFR			
Issued	7/7/2022			
Finaled				
New Sq Ft				



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

117

Owner	Contractor	Project Description	Amount	Valuation
Project Type: MECHANICAL				
Address 620 FIFTH ST		REPLACING WOOD STOVE WITH	\$220.00	\$8,172
Permit # 2022-072		GAS STOVE.		
Status FINALED				
Use RESIDENTIAL - SFR				
Issued 9/21/2022				
Finaled 1/4/2023				
New Sq Ft				
Address 610 FRONT ST	Chimney Doctors	NEW WOOD STOVE AND	\$220.00	\$9,151
Permit # 2023-003		CHIMNEY		
Status FINALED				
Use RESIDENTIAL - SFR				
Issued 1/18/2023				
Finaled 2/7/2023				
New Sq Ft				
Project Type: NEW SINGLE FAMILY RESIDENCE				
Address 198 S SIXTH ST		NEW SINGLE FAMILY	\$2,766.90	\$320,000
Permit # BP-05-2022		RESIDENCE		
Status ISSUED				
Use RESIDENTIAL - SFR				
Issued 7/1/2022				
Finaled				
New Sq Ft				



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

118

	Owner	Contractor	Project Description	Amount	Valuation
Address 410 FIFTH ST Permit # 2022-059 Status ISSUED Use RESIDENTIAL - SFR Issued 8/15/2022 Finaled New Sq Ft	DARRON DANIELS	DARRON DANIELS	CONSTRUCTION OF SINGLE FAMILY HOME. CONTINUANCE OF OLDER PERMIT THAT HAS SINCE EXPIRED.	\$781.35	\$25,000
Address 521 CASTELLO Permit # 2022-080 Status ISSUED Use RESIDENTIAL - SFR Issued 11/28/2022 Finaled New Sq Ft			HABITAT FOR HUMANITY	\$4,071.13	\$290,000
Address 519 CASTELLO Permit # 2022-083 Status ISSUED Use RESIDENTIAL - SFR Issued 11/29/2022 Finaled New Sq Ft			HABITAT FOR HUMANITY	\$2,847.42	\$290,000



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

119

	Owner	Contractor	Project Description	Amount	Valuation
Address 517 CASTELLO AVE			NEW SINGLE FAMILY HOME	\$2,987.42	\$290,000
Permit # 2023-002					
Status ISSUED					
Use RESIDENTIAL - SFR					
Issued 1/11/2023					
Finaled					
New Sq Ft					
Project Type: REROOF					
Address 402 HATHAWAY ST			REROOF EXISTING BUILDING -	\$220.00	\$5,000
Permit # 2022-052			FLAT ROOF SECTION WITH		
Status ISSUED			EDPM		
Use RESIDENTIAL - SFR					
Issued 7/7/2022					
Finaled					
New Sq Ft					
Address 100 FOURTH ST			REROOF STAGE COACH	\$220.00	\$10,000
Permit # 2022-054			BUILDING		
Status ISSUED					
Use COMMERCIAL					
Issued 7/25/2022					
Finaled					
New Sq Ft					



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

120

Owner	Contractor	Project Description	Amount	Valuation
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Address	100 FOURTH ST	REROOF DENTIST OFFICE	\$220.00	\$10,000
Permit #	2022-055			
Status	FINALED			
Use	COMMERCIAL			
Issued	7/25/2022			
Finaled	9/8/2022			
New Sq Ft				
Address	100 FOURTH ST	REROOF RANGER STATION	\$220.00	\$10,000
Permit #	2022-056			
Status	FINALED			
Use	COMMERCIAL			
Issued	7/25/2022			
Finaled	9/8/2022			
New Sq Ft				
Address	724 FRONT ST	REROOF OF SINGLE FAMILY HOME	\$220.00	\$10,000
Permit #	2022-057			
Status	FINALED			
Use	RESIDENTIAL - SFR			
Issued	7/26/2022			
Finaled	8/16/2022			
New Sq Ft				



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

121

		Owner	Contractor	Project Description	Amount	Valuation
Address	809 CRAWFORD LN			COMPLETE TEAR OFF, REPLACE SHEATHING IF NECESSARY. RE ROOF WITH NEW SHINGLES.	\$220.00	\$12,674.64
Permit #	2022-063					
Status	FINALED					
Use	RESIDENTIAL - SFR					
Issued	8/4/2022					
Finaled	8/16/2022					
New Sq Ft						
Address	723 CRAWFORD LN		Bone dry roofing	REROOF SINGLE FAMILY HOME AND ADJACENT STRUCTURES	\$220.00	\$20,000
Permit #	2022-066					
Status	FINALED					
Use	RESIDENTIAL - SFR					
Issued	9/13/2022					
Finaled	9/29/2022					
New Sq Ft						
Address	640 BOGUE ST		R and R Roofing	REROOF OF SINGLE FAMILY HOME WITH GAF SHINGLES. 16SQ	\$220.00	\$12,000
Permit #	2022-061					
Status	FINALED					
Use	RESIDENTIAL - SFR					
Issued	9/13/2022					
Finaled	10/11/2022					
New Sq Ft						



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

122

	Owner	Contractor	Project Description	Amount	Valuation
Address 980 MAIN ST Permit # 2022-069 Status ISSUED Use COMMERCIAL Issued 9/13/2022 Finaled New Sq Ft		Mines roofing PO Box 1634 FAIRPLAY, CO 80440	REROOF MODULAR OFFICE STRUCTURE WITH METAL ROOFING SYSTEM REMOVE THE DECKING TO THE RAFTERS AND REINSULATE THE ROOF SYSTEM	\$220.00	\$23,000
Address 200 CASTELLO AVE Permit # 2022-070 Status ISSUED Use RESIDENTIAL - SFR Issued 9/20/2022 Finaled New Sq Ft	Lindsay Breece PO Box 1324 FAIRPLAY, CO 80440	Leos Roofing and Remodeling PO Box 3246 COWDREY, CO 80434	REROOF SINGLE FAMILY RESIDENTIAL STRUCTURE. REMOVE DECKING AND REPLACE ENTIRE ROOF SURFACE	\$220.00	\$40,000
Address 320 PINE DRIVE HTS Permit # 2022-082 Status FINALED Use RESIDENTIAL - SFR Issued 10/28/2022 Finaled New Sq Ft	KEITH CHISOLM PO BOX 1262 FAIRPLAY, CO 80440		TEAR OFF, FULL ICE AND WATER, REROOF.	\$220.00	



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

123

	Owner	Contractor	Project Description	Amount	Valuation
Address 550 CASTELLO AVE Permit # 2022-081 Status FINALED Use RESIDENTIAL - MFR Issued 11/16/2022 Finaled 12/13/2022 New Sq Ft	TOM ROWE PO BOX 5617 BRECKENRIDGE, CO 80424	BONE DRY ROOFING 1301 E MULBERRY FORT COLLINS, CO 80524	FULL TEAR OFF, REPLACE DECKING AS NEEDED, REROOF	\$220.00	
Address 22186 HWY 285 Permit # 2022-078 Status FINALED Use COMMERCIAL Issued 11/22/2022 Finaled New Sq Ft		R and R Roofing	REMOVE EXISTIN METAL & EODM ROOFING, INTALL NEW SHIGLE ROOFING.	\$220.00	\$44,000
Address 422 HATHAWAY ST Permit # 2022-088 Status ISSUED Use RESIDENTIAL - SFR Issued 12/6/2022 Finaled New Sq Ft			REROOF SINGLE FAMILY STRUCTURE	\$220.00	\$6,000



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

124

	Owner	Contractor	Project Description	Amount	Valuation
Address 610 FRONT ST	AMANDA SALASIN	CARPENTER	REPLACE 18.5 SQR WITH PRO	\$220.00	\$15,000
Permit # 2022-077		ROOFING	PANEL METAL ROOFING		
Status FINALED					
Use RESIDENTIAL - SFR					
Issued 1/30/2023					
Finaled 1/31/2023					
New Sq Ft					

Project Type: RESIDING

Address 425 MAIN ST	Park County Handman	RESIDING OF RESIDENTIAL	\$220.00	\$5,000
Permit # 2022-068	886 Georgia	STRUCTURE		
Status FINALED	JEFFERSON, CO			
Use RESIDENTIAL - SFR	80456			
Issued 9/13/2022				
Finaled 10/3/2022				
New Sq Ft				

Project Type: SIGN

Address 701 MAIN ST	INSERT OF ROOF MOUNTED	\$88.00	\$1,000
Permit # 2022-084	SIGN		
Status ISSUED			
Use COMMERCIAL			
Issued 11/4/2022			
Finaled			
New Sq Ft			



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

125

		Owner	Contractor	Project Description	Amount	Valuation
Address	706 MAIN ST			REPLACEMENT FREESTANDING SIGN	\$364.96	\$5,000
Permit #	2022-079			INSERT IS 7'X2' MAXIMUM		
Status	ISSUED					
Use	COMMERCIAL					
Issued	11/4/2022					
Finaled						
New Sq Ft						
Address	501 HWY 285, 1A	SOUTH PARK BEAUTY		NEW SIGN FOR NEW TENANT SPACE	\$88.00	
Permit #	2022-092	5601 Hwy 285				
Status	FINALED	FAIRPLAY, CO 80440				
Use	COMMERCIAL					
Issued	1/2/2023					
Finaled	1/31/2023					
New Sq Ft						
Project Type: SOLAR PANELS						
Address	300 THIRD ST			NEW SOLAR PANELS ON SINGLE FAMILY HOME	\$550.00	\$10,000
Permit #	2022-053					
Status	FINALED					
Use	RESIDENTIAL - SFR					
Issued	7/21/2022					
Finaled	8/16/2022					
New Sq Ft						



Town of Fairplay
Building Department
Permit Report
2/1/2022 - 2/28/2023

126

	Owner	Contractor	Project Description	Amount	Valuation
Address 652 CRAWFORD LN	KALLIE KIRSTEN	Jeremy Burks	INSTALL NEW SOLAR PANELS	\$550.00	\$15,000
Permit # 2022-091		9959 E Geddes Ave	ON SINGLE FAMILY HOME		
Status ISSUED		CO			
Use RESIDENTIAL - SFR					
Issued 2/15/2023					
Finaled					
New Sq Ft					
Project Type: WATER HEATER					
Address 1317 MEADOW DR	SCOTT DODGE	PLATTE RIVER	REPLACEMENT OF ELECTRIC	\$220.00	\$750
Permit # 2022-076	1317 MEADOWS	PLUMBING & HEATING WATER HEATER.			
Status FINALED	DRIVE	PO BOX 341			
Use RESIDENTIAL - SFR	FAIRPLAY, CO 80440	FAIRPLAY, CO 80440			
Issued 10/6/2022					
Finaled 2/14/2023					
New Sq Ft					

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
MARCH 6, 2023**

CALL TO ORDER

A Regular Meeting of the Board of Trustees for the Town of Fairplay was called to order by Mayor Frank Just on Monday, March 6, 2023, at 6:00 p.m. in the Board Room located in the Fairplay Town Hall at 901 Main Street, having previously been posted in accordance with Colorado Open Meetings law.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Just proceeded with the pledge of allegiance, followed by the roll call, which was answered by Mayor Frank Just, Mayor Pro Tem Dodge, and Trustees Ray Douglas, Josh Voorhis and Pete Lynn.

Staff in attendance in person were Town Administrator / Town Clerk Janell Sciacca, Public Works Director Donovan Graham, Town Treasurer Kim Wittbrodt, Town Planner Scot Hunn, and Town Attorney Nina Williams while Staff in attendance remotely by ZOOM were Building Official Kyle Parag and Town Engineer Deron Dirksen.

APPROVAL OF AGENDA

Motion #1 by Trustee Voorhis, seconded by Trustee Lynn, that the agenda be adopted as written. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

CONSENT AGENDA

- A. APPROVAL OF MINUTES** – January 23, 2023 Regular Meeting.
- B. APPROVAL OF MINUTES** – February 6, 2023 Regular Meeting.
- C. APPROVAL OF EXPENDITURES** – Approval of paid bills for Town Funds in the amount of **\$144,624.11**.

Town Administrator/Clerk Sciacca noted several corrections in spellings, tenses and titles along with one correction to Board of Trustee reports made in the January 23 meeting that were attributed to Trustee Douglas to reflect they were actually made by Trustee Voorhis. She stated that none of the changes were substantive.

Motion #2 by Trustee Voorhis, seconded by Trustee Douglas, that the consent agenda be approved with the expenditures as stated and the noted corrections to minutes. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

CITIZEN COMMENTS – None.

PROCLAMATIONS, PRESENTATIONS AND UPDATES

- A.** Presentation from Park County Coroner David Kintz Jr. regarding Mass Fatality Exercise and request to utilize Town-owned property.

Town Administrator Sciacca reported that Kintz appeared just prior to the meeting advising he was being called out to an event in another community and would not be able to attend. She briefly advised that Kintz was requesting authorization to utilize a portion of the Town's Beach area for a Mass Casualty exercise that was being planned for the summer and would involve all Park County first responders. She noted that the exercise would not preclude use of the area by anyone else, and if approved, the Town

would publicize the event throughout the community to get the word out that it was only an exercise. Trustee Douglas added that the event was scheduled for Wednesday, July 21, 2023 and revolved around a wildfire situation. The Board generally felt the exercise would be beneficial and agreed to allow for the use but asked that Kintz be invited back to attend a Board meeting prior to the event to provide specifics and answer questions.

PUBLIC HEARINGS

- A. Consideration of a rezoning application from FP Land, LLC to create a Planned Unit Development (PUD) Overlay Zone District designation for a mixed-use development of Single Family, Multi-family, Light Industrial, and Commercial uses on a 10.72-acre parcel of land currently zoned Commercial within the Town of Fairplay, and located at the Northwest Corner of Platte Drive and US Highway 285 and legally described as T09 R77 S33 SE4 Part of SE4 Section 33 and part of SW4 Section 34 in 9-77 as described in plat R684096 and known as Parcel E Larson Minor Subdivision.?"

Mayor Just opened the Public Hearing at 6:20 PM and introduced the zoning application by providing an opening statement detailing the subject, format and jurisdiction for the hearing. There were no objections to the jurisdiction or the format. Mayor Just requested that any Board member that may have had ex parte communications with the applicant or member of the public on the matter make such a disclosure. Hearing none, Just then requested Staff present the case.

Town Planner Scot Hunn provided an introduction and stated he worked for the Town for almost six years and this was the first PUD he had been presented during that time that came forth to hearing. Hunn advised that the applicant and his team had spent a lot of time working with Staff and reminded the hearing was only for PUD Overlay Zoning and that the Town and applicant were not at final detailed 100% construction-ready drawings to talk about. He reported that the primary focus of the Staff Report was relative to the standards or criteria for approval of a new zone district or planned unit development and is this development proposal consistent with the purpose of a PUD. Following review of the proposal overview, Hunn reviewed the Staff Recommendation on page 7 of the report advising that overall, the Bluffs was viewed favorably by Staff and the consultant team members for its overall conformance with the goals and policies of the Town of Fairplay Comprehensive Plan and general adherence to the dimensional limitations and zoning requirements of the underlying zone district. Hunn then focused on the issues and topics of discussion starting on page 4 of the Staff Report related to utilities, off-site improvements, final drawings and cost estimates, landscaping plans, setbacks and signage. There was brief discussion regarding landscaping and how changes to an approved PUD are accomplished. Hunn advised landscaping details would be worked out at the Staff level in a final landscape plan and contractor's responsibilities, warranty period, etc. would typically be covered in a related development agreement. He then advised there was a provision in the Town code that allows for PUD amendments, but there were not many criteria that go along with it. However, he felt the Town could build a site-specific development plan into any development agreement at this stage. Hunn cautioned that there are typically major and minor PUD amendment processes where minor things like technical drawings or engineering issues are addressed while major things like changing proposed uses within an entire area of the PUD that would affect traffic generation and open space provisions are addressed, but the Town's code is not that specific. Therefore, he suggested the Town think about those things during the drafting of any development agreement. Mayor Just thanked Hunn and then felt it was worthy of note to make the statement that these things are why these types of developments march at a slower pace than some others that the public is more familiar with and it is to everyone's benefit to approach them cautiously and carefully and with much forethought as to all that is involved with a PUD.

Mayor just then invited the applicant to make a presentation. Steve Crozier, Managing General Partner, advised his team had worked with the Town Staff on this matter for about 18 months to fine-tune it. He then presented an overview of a PowerPoint presentation detailing the location, overall site plan, mix of units, amenities, potential architectural look, current sales market, market rent comps, proposed homebuilder Bonna Villa, and the executive team. He introduced David Stranahan and TJ Heupel of Asher Architects and CPA – Financial Analyst Stewart Wedge who were in attendance stating the team had done many developments similar to this one. He stated the overall intent was to create a dynamic residential community that is synergistic with the neighbors and helps to connect the community. Crozier stated that the Bluffs was proposed as a long-term build-to-rent community. Nothing would be for sale and it will all be for rent, and not for tourists, not short-term rental or VRBO, with one-year minimum leases. The goal was to provide housing options and help with housing for the school system to get teachers and administrators and coaches as well as first responders, police, fire, EMS, and medical personnel. Crozier stated that he talked to restaurant and business owners and school officials that were tickled pink about the project and the potential of housing for employees. Crozier ended by stating the rental prices they were shooting for, in about 1 year, were going to be at the \$2.15 to \$2.25 per square foot range or about \$1,000 per bedroom. Discussion took place relative to traffic impacts and improvements at US 285 and Platte and whether or not there was truly need for workforce housing in the area before Mayor Just redirected everyone to the matter at hand returning to the meeting protocol lined out at the start.

Just opened the floor to public comment in support of the application. The following people spoke in favor of the PUD zoning providing their individual comments:

- Joshua Dixon, 544 Abandoned Rail Road, currently residing in a lock-off basement apartment and didn't like it spoke in favor of the rental options the project would provide.
- Victoria Dupree, Gold Pan Mobile Home Park US 285, and Alma Diner Manager liked the proposal stating it would help provide housing for much-needed workers.
- Derek Kopunec, 187 Ice Axe Court, Alma, was in favor in order to help keep people that could not afford to buy a home and couldn't find housing from living in their cars, vans or RVs.
- Tracy Curtis, Gold Pan Mobile Home Park US 285, and Alma Diner owner purchased housing for her employees in Fairplay and Hartsel and didn't like them commuting back and forth, especially during winter, and also felt the added housing would allow her and other businesses to hire more employees, serve more people and bring more business to the area.
- Jo Ann Hageman, 520 Busch Run, felt \$1,200 in rent was affordable in the current environment and would keep people from having to live in a mobile home behind the gas station where they still had to pay for water, sewer and HOA/lot fees.
- Cindy Bear, 307 Hathaway and Superintendent of Schools, felt it was difficult to attract employees when there was no place for them live but was also concerned about impacts on the School and providing space for added students in an already cramped campus.

The following 2 letters of support were noted for the record along with one phone call as follows:

- Mark Thomas, owner of 3 Fairplay Commercial Condos and acting HOA President, was not opposed to the project but requested there be no adverse impacts on their property or inhibit their ability to develop Phase II of the commercial condos.
- Jesse Golomb, M41 Real Estate Founding Principal and Platte Fairplay Storage Owner, spoke to Crozier and was in agreement with the project and felt more housing would be great for Fairplay and he liked the large amount of outdoor space and trails.

- Pat Stoinski, Business Connection owner, called Town Hall to voice support for The Bluffs application and added housing for the community.

Mayor Just then opened the floor to comments in opposition of the application. The following people asked questions for clarification or spoke in opposition of the PUD zoning providing their individual comments:

- Laurence Burnett, 490 8th Street, was neither in favor or opposed and questioned responsibilities for snow removal and upkeep of the dog park, pavilion and bathrooms and the Town's ability to provide water and sewer.
- Sisto Ortega, 780 Trout Creek Drive, felt there would be increased traffic impacts on Platte Drive making the already bad road worse, more speeders and people using Platte Drive to access Hwy 9 instead of using US 285, additional impacts on Police, Fire and EMS, rising costs of living and increased demand on water and sewer.

The applicant was provided time to rebut comments in opposition, but Town Staff first clarified the developer would be responsible for snow removal and maintenance of all amenities, that sewer service was not an issue and the current plant had more than enough capacity, and with the Town's current Infiltration Gallery and Well project which should be in operation before the project was built out, there would be water for the development also. It was also clarified that the part of Platte Drive with all the potholes was the responsibility of Park County and complaints should be addressed to the Park County Commissioners. Mayor Just also noted that the Town did repair the potholes last year because they were not being fixed by the County. The applicant replied to the comments in opposition agreeing that the developer would be responsible for the maintenance and upkeep of the subdivision along with its amenities. He also clarified that the project was not creating demand but rather addressing existing demand which also helps people that have businesses and those that are trying to educate children in the community.

The following public members were allowed to ask questions as follows:

- Jenny Harrison, 755 Trout Creek Drive, inquired if there would be any requirement to live and work in Fairplay for residents.
- Andy Porter, 412 Castello, stated a concern that the storage units permitted under light industrial zoning would allow someone to open a business out of the units.
- Tiger Kulesza, 870 Steinfeld Parkway, questioned if there would any cap on rents to keep them from going up and up and up prohibiting people from being able to work and live in Town.

Crozier replied the project was not a Workforce Housing project and that there was no requirement for working in Fairplay but he had spoken to the Superintendent of Schools about potentially working with full-time employees to waive the first month's rent or something similar as an incentive. Crozier also advised the storage units would only be 5'x 8' and were not large enough to accommodate a business and were intended to be rented by residents for extra belongings only. It was also clarified that the zoning would also prohibit the businesses Porter was concerned about from occurring. Just reminded that Crozier stated this would be a market-driven project and was not workforce or affordable housing with rents dictated by AMI, deed restrictions, etc.

Just then again reminded the public in attendance that the application being considered was for PUD zoning only and that many of the items being brought up were not pertinent to the current application but would rather be addressed at final plan with a very specific improvement agreement. He stated that Fairplay needs rental units and to have a developer that wants to provide them in the magnitude that FP Land is offering was very unique.

Just then opened the floor to questions and comments from Board members. Trustee Voorhis voiced his like for the trails, accessibility, mixed residential and overall architectural style of the structures. He also stated confusion about what he read from Colorado Natural Gas relative to a minimum five years due to lack of gas availability, yet the notes said expected build-out of the Bluffs would be in 2026. Crozier replied that there would be conversations with Colorado Natural Gas but if they were not able to supply gas the units would all start out as electric only. Voorhis then questioned whether or not 100% rentals was the most desirable path and voiced concerns over school impacts, water availability and costs of providing water, traffic impacts and a guarantee or warranty to complete the project. He also voiced his valuing of dark skies. Mayor Just stated that there is a housing issue in Fairplay and the Town needs inventory which has been talked about for years so that folks like the ladies who spoke earlier are not forced to live where they really don't want to live or pay \$3,000 a month for a trailer house. The developer is proposing to have 149 units and if he can't rent them, he's going to take note and something will change which is the bottom line because rents will be market driven. Mayor Pro Tem Dodge echoed similar comments to Voorhis and also agreed with Just that there is a housing inventory issue, rentals are needed, and the market will drive rents. Dodge was also concerned about traffic impacts but clarified there are other developments in that area, both inside and outside the Town, that will also add to the impacts. He also noted similar traffic impacts on the other side of Town. He then stated his belief that the amenities should be moved to the River Park or Cohen Park instead of having them next to an industrial area. Just then reminded again that the application at hand was for PUD zoning and specifics of what the applicant intends to develop are not the focus. Dodge then added he was also concerned about water, school and childcare impacts but could hopefully work out a few of these things in order to make something happen. Just reminded one more time that the application under consideration was for PUD Zoning and the Town has codes written for developers to follow and it has a planner and staff that works with the developers to make sure those codes are followed. He stressed that opinion and things of that nature really need to take a backseat but if the Board members were not in favor of the rezoning, then certainly they needed to voice that with specific justification. Trustee Douglas stated that a lot of what was heard this evening was putting the cart before the horse and the Board needed to focus on the zoning. He stated he had a lot of questions but they were not applicable at the time. Town Planner Hunn clarified that this is a rezoning and the questions are whether it conforms with the comprehensive plan, and is it compatible, but does it also meet the intent of the PUD regulations? As far as Staff is concerned, the position is Yes, Yes and Yes. The PUD Plan and site-specific development pieces will be refined moving forward during final plan review. Just then stated he had some of the same concerns that other Board members had expressed but tonight the Board needed to determine what it felt was appropriate in that area and he felt the most logical zoning for the subject property was PUD.

- Jo Ann Hageman, 520 Busch Run, stated her opinion that the Board approving a PUD in that area could lead to further positive improvements such as the redevelopment of the old Pizza Hut building. Many in attendance generally supported this opinion.
- Cindy Bear, 307 Hathaway, felt it was also important that everyone know that there were many students in school that live in homes with no running water and she supported the project if it meant there was even a small chance that those kids would have a decent place to live.

Discussion and comments continued and then Mayor Just reminded everyone in attendance to focus on the facts at hand and the business owners begging for help because their employees have no place to live.

He reminded that most everyone who lived in Fairplay moved to the community from somewhere else and even though each secured their place to live, it did not allow them to deny that opportunity to someone else and growth was inevitable. With that said, he encouraged the board to vote their conscience and opened the floor for a motion to approve a rezoning application from FP Land LLC .

Motion #3 by Mayor Pro Tem Dodge to approve the application from FP Land, LLC to create a Planned Unit Development (PUD) Overlay Zone District designation for a mixed-use development of Single Family, Multi-family, Light Industrial, and Commercial uses on a 10.72-acre parcel of land currently zoned Commercial within the Town of Fairplay, and located at the Northwest Corner of Platte Drive and US Highway 285 and legally described as T09 R77 S33 SE4 Part of SE4 Section 33 and park of SW4 Section 34 in 9-77 as described in plat R684096 and known as Parcel E Larson Minor Subdivision subject to the 7 conditions listed in the Staff Report. Mayor Just seconded the motion.

Trustee Voorhis requested discussion of the motion stating his confusion with condition number 2 and who would be responsible for paying for the improvements on US 285. Hunn clarified the intent is that this is what we need to get to the negotiation table with the development agreement. Who's going to pay for what? When is it going to happen? Just reminded this is not the first blush and there was a Work Session quite a while ago, now zoning and the next step will be a final plan and development agreement months from now. Town Administrator Sciacca then requested that the Board utilize the motion recommended in Hunn's report for the record. Dodge asked if the motion needed to be retracted and Sciacca clarified it could be amended. Trustee Douglas then felt he should also voice some of his concerns stating the current proposal could lead to the percentage of renters in Fairplay going up from 35% to 57% of 254 people renting to 447 renting which he felt was quite high. He questioned the need for that many rentals what the community would feel like. Both Just and Sciacca questioned the figures and math. Town Attorney Williams interrupted and reminded the Board was conducting a quasi-judicial process and it was important that a decision be based only on the objective code factors contained in Planner Hunn's report. Mayor Just then closed the floor to any further comment and discussion at approximately 8:20 p.m.

Amended Motion #3 by Mayor Pro Tem Dodge, and seconded again by Mayor Just, to approve The Bluffs of Fairplay Planned Unit Development Overlay rezoning request with the following conditions, and authorize Staff to present a resolution memorializing the Board's action pursuant to Sec. 16-9-70 of the Town of Fairplay Unified Development Code (UDC) because, as conditioned, the rezoning request meets the requirements and standards of the UDC:

1. The Applicant shall provide the following as part of any final plan and Development Agreement submission to the Town:
 - a. A final, detailed Landscape Plan in conformance with Sec. 16-11-10 – *Applicability*; Sec. 16-11-20 – *Landscape design*; Sec. 16-11-40 – *State highway 285 corridor landscaping standards*; Sec. 16-11-60 – *Parking lot landscaping standards*; 16-11-70 – *Storm drainage facilities*; 16-11-80 – *Fences, walls and screening devices*; 16-11-90 – *Submittal standards for landscape plans*; 16-11-100 – *Prohibited plan materials list*; and 16-11-110 – *Recommended plant materials list*.
 - b. All final civil engineering plans, completed to a one hundred (100%) percent construction level design, including all grading, drainage, and stormwater management details; infrastructure and utility details; construction management and erosion control details; and revegetation details for all on- and off-site improvements.

- c. A final phasing plan in coordination with all final civil engineering, landscaping, and public improvements plan details that is accompanied by and a final, detailed Engineer's Estimate of Probable Costs. The Phasing Plan and EEOPC shall be accompanied by proposed form of financial guarantee/securitization acceptable to the Town of Fairplay
2. The Applicant shall address referral comments provided by the Colorado Department of Transportation (CDOT), dated October 30, 2022, including the provision of a valid CDOT access permit, as well as detailed, final design drawings completed to a one hundred (100%) construction level design for all offsite improvements deemed necessary by CDOT within the U.S. U.S. Hwy. 285 corridor prior to or concurrent with any final plan and/or development agreement submission to the Town.
3. The Applicant shall address referral comments provided by the Northwest Fire Protection District, dated July 20, 2022, prior to or concurrent with any final plan and/or development agreement submission to the Town.
4. The Applicant shall provide information to the Town confirming Park County requirements, if any, for any off-site improvements (on Platte Drive) necessary to serve the PUD and/or to mitigate any identified impacts on Park County infrastructure or services prior to or concurrent with the submittal of any final engineering documents, associated cost estimates, and development agreements.
5. The Applicant shall review and address all applicable requirements and specifications by Xcel Energy to ensure compliance on all civil engineering plans for The Bluffs of Fairplay prior to any final plan/development agreement submission.
6. The Applicant shall provide more fully developed architectural and site related design standards as part of any final plan/development agreement review to ensure that the specific character intents of the Commercial and Residential-Commercial Multi-Use FLUM designation are met.
7. The Applicant shall work with Town staff to ensure that all proposed signs for the PUD – including those for future commercial buildings/uses facing US Hwy. 285 - comply with the requirements of the UDC prior to final approval of the PUD plan and prior to any sign permit applications are accepted by the Town as part of any and all final plan documents reviewed with any development agreement.

A roll call vote was taken: Douglas – nay, Dodge – aye, Just – aye, Voorhis – nay, Lynn – aye. Motion carried 3 to 2.

Mayor Just called for a 10-minute recess.

NEW BUSINESS

- A. **FIRST READING:** Resolution No. 7, Series of 2023, entitled, **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING AN UPDATED TOWN OF FAIRPLAY 2023 FEE SCHEDULE.”?**

Town Administrator Sciacca presented an overview of the Staff Report reminding of the progression to this point and the Board's request on February 6 for Staff to look at the definitions, fees and inspection costs and anything that might be exempt from permit and bring a recommendation back to the Board. She reviewed the recommendation for East Permits and felt it met the Board intentions. Parag added that he really felt this would streamline everything and make it a lot simpler for everybody involved. Mayor Just commented that Sciacca and Parag took the directive of the Board and worked out a solution to what they considered a significant issue to a degree he was happy with. He did add he would like to see where the permits could be obtained and paid for online.

Motion #4 by Trustee Voorhis, seconded by Trustee Lynn, to approve Resolution No. 7, Series of 2023, as presented to adopt updated Building Inspection Fees. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

B. FIRST READING: Resolution No. 9, Series of 2023, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING AN INDEPENDENT SERVICES AGREEMENT WITH SGM FOR DEVELOPMENT OF A WATER MODEL.”?

Town Administrator Sciacca presented an overview of the Staff Report reminding of all the discussions since her arrival at the Town in September of 2021 relative to the Town water system due to the infiltration gallery and well project and potential development. She also reminded that both SGM and the Town’s water project engineer Ken Hardesty had mentioned at one time or another the benefits to the Town and the Board directed Staff to bring back a proposal for their consideration. She noted the expense was unbudgeted, but that Staff would be trying to obtain a DOLA grant to reduce the total budgetary cost and she recommended approval. SGM and Town Engineer Deron Dirksen added that he was glad the Town was considering this and looked forward to working with the Town on the project. Mayor Just reported that he first suggested water modeling for the Town back in 2012, and the Town has gone all that time without making an attempt to understand what its system is really capable of. He also felt the pricing was fair. Sciacca reported that Hardesty had also reviewed the proposal and expressed the same. Just questioned the time to complete the project and Sciacca replied it was associated with a GPS inventory that was included in the budget and her understanding was that some of the work had to wait for better weather, but Staff would be working in the interim on anything that could be done to the GIS system to support both and hopefully finish the project in summer.

Motion #5 by Trustee Douglas, seconded by Trustee Dodge, to approve Resolution No. 9 Series of 2023 to approve an Independent Services Agreement with SGM for a Water Distribution System Model as presented. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

C. FIRST READING: Resolution No. 10, Series of 2023, entitled, “A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING FIVE (5) OPIOID SETTLEMENT AGREEMENTS NOT PREVIOUSLY INCLUDED IN THE INITIAL SETTLEMENT DOCUMENTS APPROVED IN 2021.”?

Town Administrator Sciacca presented an overview of Staff Report reminding that the Board discussed this matter on October 18, 2021, and subsequently approved Resolution No. 23, Series of 2021, agreeing to participate in the Colorado Memorandum of Understanding related to federal settlement agreements being pursued by Attorney General Phil Weiser. She reported that Attorney Williams advised that the first approval did not cover new settlement agreements and recommended subsequent action. She recommended approval of Resolution No. 10 to approve the latest agreements as well as any future agreements.

Motion #6 by Trustee Voorhis, seconded by Trustee Douglas, to approve Resolution No. 10, Series of 2023, as presented to approve the Town of Fairplay’s participation in the five new Opioid settlement agreements and subsequent future agreements that may be reached. A roll call vote was taken: Douglas – aye, Dodge – aye, Just – aye, Voorhis – aye, Lynn – aye. Motion carried unanimously.

DISCUSSION ITEMS

- A. Review and discussion of new Ordinance No. 1, Series of 2023 entitled, “AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AMENDING THE FAIRPLAY MUNICIPAL CODE BY CREATING A NEW ARTICLE 29 OF CHAPTER 16, UNIFIED DEVELOPMENT CODE, ESTABLISHING INCLUSIONARY HOUSING.”**

Town Attorney Williams presented an overview of the Staff Report and led discussions on the proposed ordinance. She stated that all feedback would be incorporated into an Ordinance that would be presented to the Board at a future meeting and public hearing. Discussions ensued relative to the AMI level, percentage of set aside units and alternatives for satisfying inclusionary housing requirements. Mayor Just reminded that the Board directed Staff to obtain data from at least 20 locals to establish a Fairplay AMI. Sciacca advised that was yet to be done and she needed additional guidance from the Town Attorney before proceeding.

The Board generally felt that instead of a fee in lieu for housing or other specified items, it was better to leave the requirement general so when an application were brought before the Board they could discuss and set those parameters on a case-by-case basis so the Board had more negotiation leverage. It was also agreed the AMI would be addressed when the local data was obtained from people who live and work in Fairplay, not that live in Fairplay but work elsewhere. Williams then stated that some things in the ordinance are just legal things recommended to protect the Town, such as the deed restriction requirements and Staff will bring the matter back when AMI data is available, but she shouldn't need to make many other changes to it. Mayor Just stated that he hoped everybody understood what the Board was doing with the ordinance to help control growth and have as much say in the growth and type of growth that we provide for in the Town of Fairplay. Williams then stated that requiring 50% of dwelling units to be affordable was forward-thinking and the highest she had seen was 25%. Hunn agreed that 25% was the highest he had seen but also agreed it could provide the ability to negotiate and if the Board had other things in mind, whether it's another public benefit or some other alternative means to satisfy the requirements, then he believed it was the right path. He did caution the Board to anticipate many discussions with developers who say they cannot meet the 50% requirement and Just replied that they also do not have to build in Fairplay. It was also clarified that if the ordinance was approved with the 50% affordability requirement, anyone wanting to develop 2 or more residential units would be subject to the requirements and the Town Attorney was going to write language that is general enough the Town can navigate with strength and with teeth, and the Board can sit here and say, that the developer is going to help supplement costs for the additional water line or whatever else. Williams stated she had what she needed to move forward and then clarified she would be drafting ordinances relative to a density bonus program, reduced parking requirements, and expedited review and also connect Sciacca with someone in Salida to discuss their infrastructure fund program funding.

STAFF AND BOARD OF TRUSTEE REPORTS

Town Administrator Sciacca reported March was grants month and Staff would be working to submit multiple grant applications for multiple Town projects. She noted the ChargePoint units had been Unavailable for several weeks and were now being replaced and due to these issues she was talking with Xcel about the potential of placing several other units throughout the Town. She also reported that the Town was able to get the quarterly newsletter into the monthly utility bills for a nominal fee saving Staff time and mailing costs and hopefully reaching a wider audience. She then noted that a solicitation for volunteers to sit on PPACG Boards, Committees and Commissions for Fairplay and Park County was on the last page of the newsletter. Finally, she provided an update on the potential adoption of consistent burro race rules by Leadville, Buena Vista and the Western Pack Burro Association. She reported that Buena

Vista was not having its race in 2023 and that the WPBA was currently surveying its membership about the rules, but Leadville was expected to adopt almost identical rules to what Fairplay adopted and that Julie reassumed the position of Race Director and the Board would make all future appointments. She also reported that the Summit Stage would be deadheading from Summit County due to the fact that increased ridership and space complaints had forced them to utilize actual buses that did not fit in the Hathaway barn and Staff was working with them, the School and the County to hopefully locate space to build a joint storage and maintenance facility. Lastly, Sciacca reported that the Intergovernmental Meeting was held on February 28 with a good turnout of representatives from the Towns of Fairplay and Alma and the School District but no one from the County due to County IT issues and the Commissioners not receiving details on the location. The group that attended designated the County as the next host. She also noted the Town of Alma did ask if Fairplay was willing to reopen discussions with them about a potential sewer line from their Town to the Fairplay plant. Alma was also willing to discuss the potential of partnering on a Transit program for the benefit of their residents. The Board generally agreed to meet with Alma to discuss sewer service, transit and other topics of mutual concern and benefit and directed Sciacca to set up a time with the Alma Town Administrator.

Public Works Director Graham noted the Water Loss and Production reports and Mayor Just reported that the Gold Pan trailer park paid for 1.5 million gallons of water and associated wastewater fees to the tune of over \$8,000. It was reported that the owner has committed to repairing the park's infrastructure properly or the Town will do it and bill him since this has been an ongoing problem.

Mayor Pro Tem Dodge asked that Staff take a look at the pedestrian bridge at the Beach between where the river is and the crossing to inspect for nails that are working their way out in the railings.

Trustee Voorhis questioned the need to discuss school, water and other impact fees. Sciacca reported that she, Hunn and Williams were discussing these as part of changes to the UDC and Mayor Just felt the first thing that needed to be done for the School was the development and implementation of an IGA.

Mayor Just stated that the sidewalks on 6th needed to be plowed and then Dodge noted that TBK had not plowed its sidewalk during the latest storm. Graham stated he would give them a call in the morning. Just also reported that a fraudulent towing company was advertising on Facebook, and this was noted by multiple residents and the Flume newspaper was doing an article on it. Sciacca reported that Staff received a complaint on the same thing, and it was referred to the Police Department for investigation.

Trustee Douglas reminded that when he was appointed to the Board, he stated his desire to see some kind of a beautification program implemented. Sciacca advised Staff was working on incorporating that into Town cleanup and a potential adopt-a-block program.

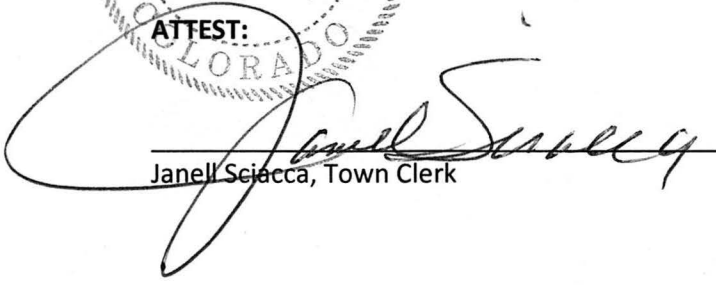
Sciacca added that the Town was now providing the opportunity for citizens to attend meetings remotely and there would be a link on all future agendas. She did note the need for a different microphone and dedicated computer, but felt the improvements were positive even though no one took advantage of it for this meeting other than Staff.

ADJOURNMENT

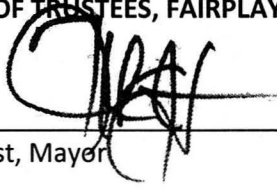
There being no further business before the Fairplay Board of Trustees, Mayor Just declared the meeting adjourned at approximately 9:42 p.m.



ATTEST:


Janell Sciacca, Town Clerk

BOARD OF TRUSTEES, FAIRPLAY, COLORADO



Frank Just, Mayor