CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 10, 2017
CARBONDALE TOWN HALL
511 COLORADO AVENUE
6:00 P.M.

STUDENT OF THE MONTH
AWARD

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| 6:10  | 2. Consent Agenda  
   a. Accounts Payable  
   b. BOT 12/27/16 Regular Meeting Minutes  
   c. Resolution No. 1, Series of 2017 – Establishing Public Place for Posting Notice of Meetings  
   d. Agreement for Administrative Services – Revolving Loan Fund  
   e. Environmental Board – Request for Funding – Idling Education | ATTACHMENT A  
ATTACHMENT B  
ATTACHMENT C  
ATTACHMENT D  
ATTACHMENT E  
BOT Action Desired |
| 6:15  | 3. Persons Present Not On The Agenda | |
| 6:25  | 4. Trustee Comments | |
| 6:35  | 5. Attorney’s Comments | |
| 6:40  | 6. **Public Hearing** - Ordinance No. 1, Series of 2017 - Amendment to Unified Development Code – Allowing Drive Through Banks & Pharmacies in Commercial Zone Districts | ATTACHMENT F  
BOT Action Desired |
| 7:10  | 7. Town of Carbondale and Paul and Celia Neislanik Transfer of Property authorization | ATTACHMENT G  
BOT Action Desired |
| 7:25  | 8. CMED, LLC – Retail Marijuana Store, Retail Marijuana Cultivation, Medical Marijuana Dispensary and Medical Marijuana Cultivation License Renewal Applications | ATTACHMENT H  
BOT Action Desired |
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* Please note: times are approximate
Board of Trustees Agenda Memorandum

Item No: Attachment A
Meeting Date: 01.10.17

TITLE: Accounts Payable

SUBMITTING DEPARTMENT: Finance

ATTACHMENTS: Accounts Payable for 01.10.17

DISCUSSION: The accounts payable include payment to Garfield County for the election costs in November of $3,512.07. Colorado Municipal League dues of $5,386.00 for 2017 are being paid. The annual payment for the property/casualty insurance to CIRSA for $180,661.00 is included. A channel grinder for the sewer plant was purchased for $13,588.00. Mains at 2nd and Marble and Cooper Place were repaired for $13,667.49. The payment of $24,900.00 to Tally Ho Construction is the final payment for the rodeo grandstand roof.

The payroll for 12.30.16 was $141,088.33. Tax liability for the town was $8,088.03. Pension and Retirement liability was $9,306.83.

If you have any questions concerning the Accounts Payable, please contact me.

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**TOWN OF CARBONDALE**

Payment Approval Report - by GL No

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Page: 2

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| 01-4195-2326 | RECREATION MAINTENANCE   | 36020      | 2000 CHEVY K1500 AIR AND OIL | DECEMBER  | 24349 | 12/30/2016   | 27.28  |
| 01-4195-2326 | RECREATION MAINTENANCE   | 36020      | 2000 CHEVY K1500 WIPER BLA   | DECEMBER  | 24349 | 12/30/2016   | 42.58  |

**Total GENERAL FUND MOTOR POOL DEPT:**

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| 01-4195-2327 | PUBLIC WORKS MAINTENANCE | 36020      | 1999 JEEP CHEROKEE BATTER    | DECEMBER  | 24349 | 12/30/2016   | 122.09 |
| 01-4195-2327 | PUBLIC WORKS MAINTENANCE | 36020      | 1999 JEEP CHEROKEE OIL/AR    | DECEMBER  | 24049 | 12/30/2016   | 34.77  |

**Total GENERAL FUND MOTOR POOL DEPT:**

156.86

| 01-4210-2110 | OFFICE SUPPLIES          | 45820      | CARDS, HOOK, LABELS          | DECEMBER  | 9141  | 12/31/2016   | 36.65  |
| 01-4210-2110 | OFFICE SUPPLIES          | 45820      | BINDER, D-RING               | DECEMBER  | 9141  | 12/31/2016   | 48.83  |
| 01-4210-2110 | OFFICE SUPPLIES          | 45820      | BINDER, D-RING               | DECEMBER  | 9141  | 12/31/2016   | 48.83  |
| 01-4210-2110 | OFFICE SUPPLIES          | 45820      | NOTARY CUSTOM STAMP          | DECEMBER  | 5141  | 12/31/2016   | 20.04  |
| 01-4210-2110 | OFFICE SUPPLIES          | 45820      | NOTES, CLIP, PAD             | DECEMBER  | 9141  | 12/31/2016   | 22.55  |
| 01-4210-2110 | OFFICE SUPPLIES          | 45820      | MARKERS                      | DECEMBER  | 9141  | 12/31/2016   | 9.04   |
| 01-4210-2110 | OFFICE SUPPLIES          | 45820      | PENS, LEGAL PADS             | DECEMBER  | 9141  | 12/31/2016   | 67.99  |
| 01-4210-2110 | OFFICE SUPPLIES          | 45820      | CLIP                         | DECEMBER  | 9141  | 12/31/2016   | 70.00  |
| 01-4210-2110 | OFFICE SUPPLIES          | 45820      | CREDIT BINDER, D-RING        | DECEMBER  | 9141  | 12/31/2016   | 48.83  |
| 01-4210-2110 | OFFICE SUPPLIES          | 45820      | CREDIT NOTARY BOOK           | DECEMBER  | 9141  | 12/31/2016   | 14.06  |

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## TOWN OF CARBONDALE

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**Page:** 7  
**Jan 04, 2017 04:11PM**

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MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 27, 2016

Mayor Richardson called the Board of Trustees Regular Meeting to order on December 27, 2016 at 6:00 p.m. in the Town Hall meeting room.

ROLL CALL:

The following members were present for roll call:

Mayor
Dan Richardson
Trustees
Heather Henry
Frosty Merriott
Marty Silverstein

Arrived After Roll Call
Ben Bohmfalk

Absent
Katrina Byars

Staff Present:
Town Manager
Jay Harrington
Town Clerk
Cathy Derby
Town Attorney
Mark Hamilton
Finance Director
Renae Gustine

CONSENT AGENDA

- Accounts Payable totaling $292,112.75
- BOT 12-13-16 Regular Meeting Minutes
- BOT 12-20-16 Special Meeting Minutes
- Art Gallery Renewal Application – Carbondale Arts R2 Gallery
- Art Gallery Renewal Application – Carbondale Clay Center
- Ordinance No. 23, Series of 2017 – Amending Idling Vehicle

Trustee Silverstein commented on the Idling Ordinance and that it takes more than two (2) minutes to defrost a windshield on cold mornings. He also stated that he will not be bringing any more plastic water bottles to meetings in the new year.

Trustee Bohmfalk arrived at the meeting.

Trustee Bohmfalk stated that we need to continue to work with the Environmental Board on educating the community on the new idling restrictions. We particularly need to reach out to businesses where there is a lot of idling (banks, etc.).
Jay stated that we can borrow messaging from Garfield County.

Jay stated that the yearly check-in meeting with the Environmental Board has been scheduled for January 17, 2017.

Mayor Richardson stated that last night he attended an event with Governor Hickenlooper. The governor talked about Colorado trail systems and a lot of the conversation focused on the proposed trail to Crested Butte.

CONSENT

Trustee Henry made a motion to approve the Consent Agenda. Trustee Bohmfalk seconded the meeting and it passed with:

5 yes votes: Henry, Bohmfalk, Merriott, Richardson, Silverstein

The December 27, 2016, regular meeting adjourned at 6:10 p.m. The next regularly scheduled meeting will be held on January 10, 2017 at 6:00 p.m.

APPROVED AND ACCEPTED

__________________________
Dan Richardson, Mayor

ATTEST:

__________________________
Cathy Derby, Town Clerk
RESOLUTION NO. 1
SERIES OF 2017

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO ESTABLISHING THE PUBLIC PLACE FOR POSTING NOTICE OF MEETINGS FOR PURPOSE OF COMPLYING WITH THE PROVISIONS OF CRS 24-6-402 (2) (c)

WHEREAS:

CRS 24-6-402 (2) (c) requires that the Board of Trustees designate a public place for posting notice of meetings of any local public body as defined in the Statutes.

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

The posting place for notice of meetings shall be Carbondale Town Hall located at 511 Colorado Avenue, Carbondale, Colorado.

INTRODUCED, READ, AND PASSED THIS 10TH DAY OF JANUARY, 2017.

TOWN OF CARBONDALE

By: __________________________
Dan Richardson, Mayor

ATTEST:

______________________________
Cathy Derby, Town Clerk
AGREEMENT FOR ADMINISTRATIVE SERVICES

This Agreement made and entered into on the date hereinafter stated, between the Town of Carbondale, Colorado ("Town"), a Colorado home rule municipal corporation, and Lowenthal Consulting LLC, a limited liability corporation, for administrative services in connection with the Town of Carbondale Revolving Loan Fund ("Loan Fund") and business support.

Lowenthal Consulting will be paid $60 per hour to a maximum of $3,000 for the calendar year 2016. Material supply costs are in addition to the $60 per hour. Lowenthal Consulting agrees to administer for the period of one year, beginning January 1, 2017, the Town of Carbondale Revolving Loan Fund as follows:

- Assist in establishing and maintaining a Loan Fund committee. Solicit community members to participate in the review and selection of loans as positions become available.

- Assist the Loan Fund committee in review and update of Loan Fund documents, including standardized loan criteria and loan applications.

- Serve as the contact for community businesses requesting Loan Fund assistance.

- Coordinate Loan Fund committee review meetings – setting dates and preparing agendas and packet material needed for the committee to review and approve loan requests.

- Prepare quarterly reports to the BOT which include the number of loans, amount of the loans, loan terms and identity of business obtaining loans and how the loans will be utilized.

- Assist in grant administration, including but not limited to, accounting for grant funds received, identifying grant funds which have been utilized in the loan program, preparing reports for grantors and providing any additional information which might be requested of the grantors.

- The Town will be responsible for advertising in a local newspaper and on its website any communique necessary to facilitate the Loan Fund processes.

Contract Status: It is expressly acknowledged and understood by the parties that nothing contained in this agreement shall result in, or be construed as establishing an employment relationship and that, in performing the above services, Lowenthal Consulting shall be, and shall perform as, an independent Contractor.

Insurance: Lowenthal Consulting LLC shall obtain and maintain commercial general liability insurance, including errors and omissions coverage, in commercially reasonable amounts and shall provide evidence of such coverage to the Town with the Town listed as
additional insured. Lowenthal Consulting LLC shall also obtain and maintain worker’s compensation insurance to the extent required by Colorado law.

Immigration compliance: Lowenthal Consulting LLC shall not knowingly employ or contract with an illegal alien to perform work under this contract nor contract with any subcontractor that fails to certify to the Lowenthal Consulting that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract.

Lowenthal Consulting LLC has verified or attempted to verify through participation in the Basic Pilot Program that Lowenthal Consulting does not employ any illegal aliens. (For the purpose of this paragraph, “Basic Pilot Program” is defined to mean the basic pilot employment verification program created in Public Law 208, 104th Congress, as amended, and expanded in Public Law 156, 108th Congress, as amended, that is administered by the United States Department of Homeland Security). If Lowenthal Consulting is not accepted into the Basic Pilot Program prior to executing this contract, Lowenthal Consulting shall apply to participate in the Basic Pilot Program every three months until Lowenthal Consulting is accepted or this contract has been completed, whichever is earlier. Lowenthal Consulting shall not use the Basic Pilot Program procedures to undertake pre-employment screening of job applicants while this contract is being performed. This paragraph shall not be effective if the Basic Pilot Program is discontinued.

If Lowenthal Consulting LLC obtains actual knowledge that a subcontractor performing work under this contract knowingly employs or contracts with an illegal alien, Lowenthal Consulting shall notify the subcontractor and the Town within three days that Lowenthal Consulting has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this paragraph, the subcontractor does not stop employing or contracting with the illegal alien. Lowenthal Consulting shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Lowenthal Consulting LLC shall also comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation that the department is undertaking pursuant to C.R.S. 8-17.5-102(2).

Termination: This contract may be terminated by the Town at any time for cause or for convenience by providing seven days’ notice to Lowenthal Consulting, in which case the Town shall have no further obligations under this agreement.

ACCEPTED AND AGREED TO THIS _____day of ________________, 2014

Lowenthal Consulting LLC

By__________________________________________
Randi Lowenthal, Member

Town of Carbondale

By__________________________________________
Stacey Bernot, Mayor
January, 2nd 2017

Dear Board of Trustees,

The Carbondale Environmental Board, herein Eboard, would like to make a budget request to the Carbondale Board of Trustees, herein BOT, to spend $1,120 from the Environmental Board budget on advertising costs to run an Idling education campaign to be printed in the Sopris Sun newspaper.

These funds would allow this advertisement to be published every other week for 2 months, in both the Sopris Sun (english) and El Montanas (spanish).

The Environmental Board believes that this campaign is an efficient expenditure of funds to educate a large cross section of Carbondale citizens. After reducing the idling limit, we believe it’s important to educate our community. This is one step to get the information to the public.

Thank you for your consideration of this budget request. The Environmental Board is honored to serve a voluntary advisory role to the Board of Trustees on matters with local and regional environmental and sustainability significance.

Sincerely,

_______________________________

Natalie Fuller

Attachments: Idling Ad
HELP IMPROVE OUR AIR QUALITY!

THIS WINTER, INSTEAD OF IDLING, DRIVE TO WARM YOUR CAR UP.

NEW IDLING ORDINANCE NOW IN EFFECT FOR 2 MINUTES!

SEE CARBONDALE ORDINANCE CH. 8, ARTICLE 3, SECTION 8-3-10 OF TOWN MUNICIPAL CODE TO SEE IF YOUR CAR IS EXEMPT
Board of Trustees Agenda Memorandum

Meeting Date: 1-10-17
ITEM No. 6

TITLE: Public Hearing – Zone Text Amendment to the Unified Development Code (UDC) - Drive-Through Banks and Pharmacies

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Exhibit A – Excerpts from the UDC – Redlines
Ordinance No. 1, Series of 2017
Planning Commission Minutes 9-22-16
Planning Commission Minutes 10-20-16
Planning Commission Minutes 12-8-16

BACKGROUND

This is a public hearing for the purpose of considering an amendment to the Unified Development Code (Chapter 17 of the Carbondale Municipal Code) to allow Drive-Through Banks and Pharmacies in commercial zone districts.

The Board is required to hold a public hearing and approve or deny the amendments. The Board may also continue the public hearing.

The Planning Commission discussed the Staff-generated request to initiate a zone text amendment to allow drive-through banks at the September 22, 2016 and October 20, 2016 meetings. Staff had brought this before the Commission because there is a proposal to construct a drive-through bank in the Commercial/Retail/Wholesale (CRW) zone district. After discussion, the Commission asked Staff to determine if there was another method to allow a drive-through bank without amending the use table. In response, Staff found the following:

- Mark Hamilton, the Town Attorney, indicated that the only option to amending the UDC to allow a drive-through bank is by creating a PUD.
Section 2.7.1. of the UDC states it is not intended that variances be granted to allow a use in a zoning district where it is not permitted by the UDC so a variance was not an option.

Section 4.2.4. Classification of New and Unlisted Uses of the UDC discusses the process when considering an application for a use type that is not specifically listed in Table 4.2.1. The first option is that if the Director finds that a proposed use falls within an existing use category or use type, the Director may allow that use upon notification of the decision to the Planning Commission and the Board of Trustees. The second option is that if the Director cannot make that finding, a zone text amendment can be initiated per Section 2.4.1 Amendments to the Unified Development Code. Staff’s position is that a drive-through bank would require a zone text amendment.

Staff reviewed the minutes of the March 9, 2016 Board meeting when the UDC was adopted. At the meeting, the Board decided to prohibit drive-through restaurants. Staff’s recollection is that the Board wanted to retain the drive-through bank use; however, this is not reflected in the minutes. At the meeting, there was a motion to eliminate drive-through restaurants which passed 3-2. Staff had asked for clarification for the Board’s thoughts on drive-through banks. The Mayor at that time, Stacey Bernot, indicated the prohibition of drive-throughs was just on restaurants.

At the October 20, 2016 meeting, the Planning Commission initiated an amendment to the UDC as allowed in Section 2.4.2.B.2 of the UDC to consider drive-through banks and pharmacies.

DISCUSSION
Drive-Through Banks

Here is the current text in the UDC as it relates to drive-through banks:

Table 4.2-1 of the UDC allows banks and financial institutions as a permitted use in the Commercial/Transitional (C/T), CRW, Historic Commercial Core (HCC), and Mixed-Use (MU) zone district.

Section 4.3.4.D includes the following language:

D. Bank, Financial Institution
   1. C/T District
      Drive-throughs are only permitted with approval of a special use permit.
   2. HCC and MU Districts
      Drive-throughs are prohibited.

Staff would recommend that Section 4.3.4.D.1 be amended to allow Drive-Through Banks in the CRW zone district as a special use permit.

Staff would note that in the Planned Community Commercial (PCC) zone district, drive-throughs are allowed as a conditional use. The PCC zone district is an obsolete zone district which means no property could be rezoned to that district. However, there are
properties still zoned PCC, particularly around the intersection of Highway 133 and Main Street, which could be developed under those regulations.

Drive-Through Pharmacy

A pharmacy is considered a general retail use. General retail uses are now regulated by size rather than specific retail use as done in the former code, i.e. drugstore, sporting goods store, pet shop, etc. The allowed use table has the following:

- A general retail use less than 10,000 sq. ft. is permitted in the C/T, CRW, HCC and MU zone district.
- A general retail use more than 10,000 sq. ft. is a permitted use in the C/T and CRW zone districts and a special use permit in the HCC and MU zone districts.

Staff would recommend that Section 4.3.4.R Retail, General, Over 10,000 sq. ft., which is a use-specific standard for that use, be amended to allow drive-through pharmacies (non-marijuana) in the CRW zone district.

A new use-specific standard labeled “Retail, General, 10,000 sq. ft. or less” would need to be added which allows drive-through pharmacies (non-marijuana) in the CRW zone district.

The only change needed to the allowed use table for a drive-through pharmacy would be to add the new “use-specific standard” to the Retail, General, 10,000 sq. ft. or less use type (right hand column).

Again, drive-throughs are allowed as a conditional use in the PCC zone district so a drive-through pharmacy would be allowed on the properties zoned PCC.

PLANNING COMMISSION ACTION

The Planning Commission considered the zone text amendments at its December 8, 2016 meeting. At the meeting, the Commission recommended approval of the amendments. At the meeting, the Planning Commission asked that the amendment be revised to note that all other drive-throughs are prohibited. The minutes of the meeting are attached.

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Section 2.4.1.C.3.b. states amendments to the UDC may be approved if the Town finds that all of the following approval criteria have been met:

1. The proposed amendment will promote the public health, safety, and general welfare;

2. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code; and

3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

FISCAL ANALYSIS
There do not appear to be any fiscal impacts related to this zone text amendment.

**RECOMMENDATION**

Staff recommends the following motion: **Move to approve the zone text amendment as shown in Exhibit A with the following findings:**

**Findings:**

1. The proposed amendment will promote the public health, safety, and general welfare;

2. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of the UDC as both state that the Auto Urban designation and the purposes section in the CRW zone district indicate that this zoning is aimed at attracting and accommodating customers on-site for retail and service uses; and

3. The proposed amendment is desirable because it will allow banks and pharmacies to remain competitive, which provides a more stable economic condition.

Prepared By: Janet Buck, Planning Director
ORDINANCE NO. 1
SERIES OF 2017

AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING ZONING CHANGES AND USE-SPECIFIC STANDARDS TO
ALLOW DRIVE-THROUGH BANKS AND PHARMACIES TO BE PERMITTED
AS A SPECIAL USE WITHIN THE COMMERCIAL RETAIL WHOLESALE
(CRW) ZONE DISTRICT

WHEREAS, pursuant to Section 2.4.1.C.3.b of Chapter 17.02 of the Carbondale
Municipal Code, the Town of Carbondale Planning Director initiated an application to
amend Chapters 17.04 (Use Regulations) and 17.08 (Definitions) of the Municipal Code
so that drive-through banks and pharmacies can be authorized as a special use the
Commercial Retail Wholesale (CRW) Zone District to allow, all as more specifically set
forth in the amended zoning code provisions attached hereto as Exhibit A; and

WHEREAS, whereas, after required public notices, the Planning and Zoning
Commission held a public hearing on this application on December 8, 2016, after which
the Planning and Zoning Commission recommended to the Board of Trustees that this
application be approved, with conditions; and

WHEREAS, after all required public notices, the Board of Trustees held a public
hearing on this matter on January 10, 2017 and heard from Town staff and any other
interested parties; and

WHEREAS, pursuant to Section 2.4.1.C.3.b of Chapter 17.02 of the Municipal
Code, the Board of Trustees finds and determines that:

1. These proposed amendments will promote the public health, safety, and
general welfare;

2. These proposed amendments are consistent with the Comprehensive Plan and
the stated purposes of the Unified Development Code; and

3. These proposed amendments are necessary or desirable because of changing
conditions, new planning concepts, or other social or economic conditions.

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

The revised zone district text set forth on Exhibit A is hereby adopted and
approved, and Chapters 17.04 (Use Regulations) and 17.08 (Definitions) of the
Carbondale Municipal Code shall be deemed amended accordingly upon the date that this
Ordinance becomes effective,
INTRODUCED, READ AND PASSED this ____ day of January, 2017.

THE TOWN OF CARBONDALE

By: _________________________________
Dan Richardson, Mayor

ATTEST:

______________________________
Cathy Derby, Town Clerk

Attachment (Exhibit A—revised zoning code provisions)

POSTED: ____________
PUBLISHED: ____________
EFFECTIVE: ____________
the time of a new violation, and a "continuing violation" shall mean a violation of any provision set forth in this section lasting for three or more consecutive days.

d. Notwithstanding any other remedies at law or equity, the Town may bring an action in the District Court for Garfield County for an injunction against the operation of such establishments in a manner that violates any of the provisions set forth in this section.

8. Display of Specified Anatomical Areas or Non-Live Entertainment or Performances; Establishments Serving and/or Selling Liquor

a. No retail licensee for on-premises consumption of liquor shall suffer or permit any person to appear on such licensed premises displaying specified anatomical areas or non-live performances or entertainment exhibiting specified sexual activities, as defined in Section 9.26.010.

b. Any person who shall violate any provision of this subsection shall be guilty of an offense against the Town, punishable as provided in Section 9.26.360.

c. If the owner, operator, licensee, lessor, lessee, manager, employee, or any other person participating in the operation of a commercial establishment located within the Town where alcoholic beverages are offered for sale for consumption on the premises shall be convicted of any of the offenses in this subsection, then the Board of Trustees may take appropriate action, including but not limited to, suspension and revocation of the establishment's respective liquor license.

B. Any Commercial Use Involving Hazardous Materials

Commercial uses involving hazardous materials as defined in Chapter 17.08: Definitions, shall require a special use permit.

C. Automotive Fuel Sales

1. The following types of additions or changes to existing automotive fuel sales establishments shall obtain a permit from the Town and approval by the Carbondale and Rural Fire Protection District prior to any construction:

a. Change of the location or type of fuel pumps;

b. Change to the number of fuel pumps;

c. Addition of 24-hour charge card service; and

d. Change in the type of service or location of bulk fuel tanks.

2. A change in the type of fuel sold or the addition of a new type of fuel to be sold shall require a special use permit.

D. Bank, Financial Institution

1. C/T and CRW Districts

Drive-throughs are only permitted with approval of a special use permit. All other drive-throughs, with the exception of drive-through pharmacies in the CRW zone district, are prohibited.

2. HCC and MU Districts

Drive-throughs are prohibited.
2. I District
   Office space shall be limited to 20 percent of the gross leasable area of other
   allowed uses on the site.

3. PF District
   Only government or quasi-public agency offices are permitted.

Q. Restaurant, with Outdoor Dining Facility
   1. Pedestrian Access
      a. Outdoor dining facilities shall not block pedestrian access to any public or
         private door.
      b. Outdoor dining facilities located on a sidewalk shall leave a minimum width of
         four feet sidewalk for unobstructed pedestrian traffic.

2. Vehicular Access
   Outdoor dining facilities shall not interfere with vehicular access.

3. Parking Calculation
   The square footage and/or number of seats within an outdoor dining facility shall
   be included in the calculation for required parking.

R. Retail, General, 10,000 sf or less
   1. CRW District
      Drive-through pharmacies (non-marijuana) are only permitted with approval of a
      special use permit. All other drive-throughs, with the exception of drive-through
      banks in the CRW zone district, are prohibited.

2. HCC, CT and MU District
   Drive-through pharmacies are prohibited.

R.S. Retail, General, Over 10,000 sf

See site and building design standards in Section 5.7.

1. CRW District
   Drive-through pharmacies (non-marijuana) are only permitted with approval of a
   special use permit. All other drive-throughs, with the exception of drive-through
   banks in the CRW zone district, are prohibited.

2. HCC, CT and MU Districts
   Drive-through pharmacies are prohibited.

S.T. Retail Marijuana

1. Generally
   a. Retail marijuana establishments shall only operate from a permanent and
      fixed location.
b. Any applicant seeking land use approval for any retail marijuana establishment shall provide complete information about the use of the following:
   i. Artificial lights;
   ii. Utility needs with capability of existing facility and any plans to increase capacity;
   iii. Waste products and all methods of disposal including soil;
   iv. Ventilation system;
   v. Odor control system;
   vi. Necessary water including availability and disposal;
   vii. Use of energy and renewable energy sources;
   viii. Use of products and chemicals to enhance growth and control pests and weeds including application methods and disposal; and
   ix. If in a multi-tenant building, evidence that a blower door test has been conducted, verifying no leakage between adjacent tenant spaces.

c. To prevent potential adverse impacts to the Town of Carbondale, any special use permit shall only be granted upon showing of evidence that the proposed use will sufficiently control or minimize potential negative impacts, including but not limited to odor, waste water, harmful mold, and hazardous materials. Applicants shall provide a plan that includes a description of the ventilation system, lighting system, storage system, system for the control of marijuana odors for the premises, and any other information to demonstrate that the plan submitted adequately minimizes potential negative impacts that may affect adjacent properties and persons. This sub-section is to be construed to protect the public interest over the interests of a particular retail marijuana establishment.

d. The Town of Carbondale Board of Trustees may impose additional criteria for the purposes of protecting public health, safety, and welfare.

e. Retail marijuana stores are prohibited in certain locations, as set forth in Chapter 5.26 of the Municipal Code (e.g., within 500 feet of any school or day care; within 400 feet of any other retail marijuana store or medical marijuana center, located on Main Street between Snowmass Drive and 7th Street; and within 500 feet of any alcohol or drug treatment facility). In addition, any ordinance governing a planned unit development may prohibit or further restrict retail marijuana stores consistent with the Municipal Code.

f. Retail marijuana cultivation facilities and retail marijuana products manufacturing facilities are prohibited in certain locations, as set forth in Chapter 5.26 of the Municipal Code (e.g., within 500 feet of any school or day care and within 500 feet of any alcohol or drug treatment facility). In addition, no retail marijuana cultivation facility may be located within 400 feet of any optional medical marijuana cultivation premises or other retail marijuana cultivation facility, as provided in Chapter 5.26 of the Municipal Code.

g. Retail marijuana testing facilities may not occur as a home occupation, under Section 4.4.4.C of the Municipal Code.
2. Extraction of Marijuana Concentrate Prohibited
   a. Except as provided in Paragraph c of this Section, it shall be unlawful for any person to process or manufacture marijuana concentrate within the Town.
   b. Except as provided in Paragraph c of this Section, it shall be unlawful for any person who owns, manages, operates, or otherwise controls the use of any licensed medical or retail marijuana facility within the Town to allow marijuana concentrate to be processed or manufactured on such facility.
   c. It shall not be an offense under Paragraphs a and b if:
      i. The production of marijuana concentrate is done by licensed personnel in a licensed medical marijuana infused products manufacturing facility or in a licensed retail marijuana products manufacturing facility and in compliance with applicable state and local laws, including any and all necessary permits; or
      ii. The production of marijuana concentrate is done by means of water-based extraction or food-based extraction methods outside of a licensed medical marijuana infused products manufacturing facility or a licensed retail marijuana processing facility, and is done in full compliance with applicable state and local laws, including any and all necessary permits; or
      iii. The marijuana concentrate is processed or manufactured using alcohol or ethanol outside of a licensed medical marijuana infused products manufacturing facility or licensed retail marijuana products manufacturing facility in compliance with applicable state and local laws, including any and all necessary permits; where, the production of marijuana concentrate is done without the application of any heat from a fuel-fired or electrified source and uses no more than 16 ounces of alcohol or ethanol during each extraction process.

3. Marijuana Odor
   No person, tenant, occupant, or property owner shall permit the emission of marijuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marijuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standard of a reasonable person of normal sensitivity.

4. Compliance with State and Local Retail Marijuana Laws
   Any retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturing facility, or retail marijuana testing facility shall comply with the requirements set forth in article XVIII of the Colorado Constitution, the Colorado Retail Marijuana Code, § 12-43.4-103, C.R.S., as amended, and Chapter 5.26 of this Municipal Code.

T.U. Sale of Produce and Plants Raised on Premises

1. Permitted Sales
   The sale of produce and plants (not including retail or medical marijuana) shall only include those grown on-site.
### Table 4.2-1: Allowed Uses - Town of Carbondale

<table>
<thead>
<tr>
<th>Use Category</th>
<th>Use Type</th>
<th>Residential Districts</th>
<th>Commercial and Mixed-Use Districts</th>
<th>Other Non-Residential Districts</th>
<th>Use-Specific Standards</th>
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<tbody>
<tr>
<td><strong>Educational Facilities</strong></td>
<td>School, public or private</td>
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<td>Vocational school or training center</td>
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<td><strong>COMMERCIAL USES</strong></td>
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<td><strong>Agriculture and Animal-Related Services</strong></td>
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Effective May 9, 2016
Page 131

Carbondale, Colorado
Unified Development Code

ATTACHMENT F
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<thead>
<tr>
<th>Use Category</th>
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<th>Commercial and Mixed-Use Districts</th>
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<td></td>
<td>Grocery store</td>
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CHAPTER 17.08: DEFINITIONS

8.3. Other Terms Defined

Finished Grade
The final elevation of the ground surface after completion of authorized development and associated man-made alterations of the ground surface such as grading, grubbing, fillings, or excavating.

Fixture
An assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Fixture Height or Mounting Height
Height of the fixture shall be the vertical distance from the ground or paved surface, whichever is lower, directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.

Flammable Liquid
A liquid that has a flash point below 100 degrees Fahrenheit and includes all forms of alcohol and ethanol.

Food-Based Extraction
Producing marijuana concentrate by extracting cannabinoids from marijuana through the use of propylene, glycol, glycerin, butter, olive oil, or other typical cooking fats. Except as otherwise provided in 4.3.4.1.4, flammable liquids may not be used in food-based extraction.

Forecourt
A courtyard or open space area located in front of a building or group of buildings that is intended as an entry feature or as a way to buffer the building entrance from street traffic.

Floodplain Designation and Flood Damage Prevention
See Section 3.5.3.A.

Floor Area
The sum of the gross area for each of a building’s stories under roof measured from the exterior limits or faces of the building.

Floor Area Ratio
A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the lot area.
Commissioners Present: 
Yuani Ruiz
Marina Skiles
Ken Harrington
Lauren Suhrbier, 2nd Alternate

Commissioners Absent:
Jennifer Gee DiCuollo
Gavin Brooke, Chair
Jeff Davlyn, 1st Alternate

Other Persons Present
Mark Chain, 811 Garfield Avenue
Rusty Jones, 100 Village Lane
Rick Balentine, 70 Medicine Bow Road, Aspen
David Warner, 701 E. Valley Road, Basalt
Matt Rubsamen, 1001 Grand Avenue, Ste 201, Glenwood Springs

A motion was made by Lauren to appoint Yuani Ruiz as Chair for the September 22, 2016 meeting. Ken seconded the motion and he was approved unanimously.

The meeting was called to order at 7:01 p.m. by Yuani.

September 8, 2016 Minutes:

Ken made a motion to approve the September 8, 2016 minutes. Lauren seconded the motion and they were approved unanimously with Marina abstaining.

Public Comment-Persons present not on the agenda

There was no public comment.

Continued Public Hearing - Zone Text Amendment – Commercial/Office Zone District Crystal Village PUD

Janet said that this is a continued public hearing for an amendment to the Commercial/Office (C/O) Zone District of the Crystal Village PUD. She stated that the purpose of the amendment is to allow ground floor residential in the zone district as well as to modify other standards.

Janet said that a redline of the original PUD was included in the packet. She explained that the main revisions are:
1. Revised the purpose section to acknowledge mixed-use, commercial or residential uses.

2. Excluded some uses which are outdated or may not be compatible with residential development.

3. Prohibited uses including short-term rentals, sale of marijuana products, and commercial kennels.

4. Revised the regulations regarding noise timelines to match up with the Municipal Code.

5. Aligned the procedure and criteria for Special Review with the UDC.

6. Eliminated the square feet of lot area required for each residential unit.

7. Required that the parking comply with the UDC.

8. Added regulations that campers and trailers not be stored outside of buildings. Prohibited storage of inoperable vehicles. The prohibitions must be included in any covenants.

9. Amended the “Uses Not Listed” section to comply with the UDC.

Janet said that it is required that new development or redevelopment of any lot be subject to the Site Plan Review process and criteria in the UDC. She remarked that one of the criteria requires that a site plan must comply with all development and design standards in the UDC. She added that this includes landscaping, building design, solar access and private open space.

Janet stated that at the last several meetings, some issues have been brought up by Staff and the public which she would like to cover;

Trash Dumpsters – A condition of approval has been included that any new or existing dumpsters be enclosed per the UDC prior to recordation of the rezoning ordinance. Also, the dumpster on the Lines Plaza must be relocated to a different area of the property so it doesn’t block the Town’s access and utility easement.

20 ft. Access and Utility Easement on Lines Plaza Property – A condition has been added that the easement cannot be used for future private open space.

Occupancy Limits – The Town currently has occupancy limits in the Code. It allows 200 sq. ft. of habitable space for the first occupant and 150 sq. ft. for each additional occupant.

Deed Restrictions – There are no deed restricted affordable housing units in Lines Plaza or Lines II. Both developments pre-dated the adoption of the affordable housing
regulations. The applicant offered to deed restrict units which are converted from commercial to residential in the original application. It was unclear how the deed restriction would be handled if the unit were converted back to commercial and it seemed to reduce the flexibility. Because of that, I did not include deed restrictions for converted units in the staff report. But I added condition that any new development or redevelopment of a property must comply with the Town affordable housing regulations. The Commission should weigh in on this topic.

Resident Occupied (RO) Units – One of the advantages to this would be a more active HOA since the property owner would live on the property, but this would not allow rental units. I’d like to hear the Commission’s thoughts on this one.

Number of Potential Dwelling Units - Any condominimization of a unit would have to go before the Town for approval at a public hearing.

Summary:

Janet recommended approval of the revised zone text amendment with the findings and conditions in the staff report.

Janet said that the Building Official stated that a mixed use building would be required to have sprinklers. She stated that the covenants shall be amended to allow for accessibility to other units for installation of the sprinklers.

Janet stated that there are two emails that have been handed out tonight supporting the zone text amendment to the Crystal Village C/O PUD.

Lauren asked Janet for clarification with regards to further subdivision of the units in the existing buildings.

Janet explained that further division would require an application to go before the P&Z. She added that the majority of the HOA would have to approve the condominimization as well as amend their covenants.

Lauren asked if the minimum square footage per dwelling unit was still applicable.

Janet said that minimum square footage would be part of the building permit application.

Lauren asked if the number of units for the lot size was still applicable.

Janet said that the 3000 SF of lot area per dwelling unit would not apply and that it is being taken out.

Mark Chain, on behalf of the applicant George Lines, stated that he was looking forward to the approval from the P&Z and going on to the Board of Trustees. He said that he is not sure about the sprinklers and that sometimes there are other options.
Mark asked that the zone text amendment approval not be contingent on the revisions to the covenants. He said that the revisions to the covenants could take some time. He added that there is a vacant lot suitable for building so he would not want the covenants to hold up that process.

Mark stated that he had met with a neighbor of the Lines Plaza building and that he would be contacting the property manager of that building to get some issues resolved.

In closing Mark stated that he hopes that the P&Z can concur with Janet’s recommendation for approval of the zone text amendment.

Ken stated that everything has been well covered in the last three meetings.

Lauren asked Mark if there would be additional trash receptacles if there were additional residential units.

Mark stated that the current trash receptacles would be upgraded.

Lauren asked if, at the time of the building permit for a residential unit, the trash would be addressed.

Mark stated that it could be and that he was hoping to tighten up the covenants, especially related to occupancy numbers per residential units.

**Motion to open the public hearing**

Ken made a motion to open the public hearing. Marina seconded the motion and it was approved unanimously.

**Rusty Jones**, 100 Village Lane, he said that he and his wife Jo still have concerns with the trash and the lack of open space with respect to the density, at the Lines Plaza building. He thanked the Town for addressing these issues. Rusty also hopes that the easement behind the Lines Plaza would be kept clear of parking as well as fencing. He stated that having the residential units be owner occupied would be the best solution as owners take pride in their property and that it would create a lot more stability in the neighborhood. He added that owner occupancy would make for more participation in the HOA. Rusty stated that they wouldn’t want parking overflowing and impacting the neighborhood if there were more residential units.

**Motion to close the Public Hearing**

A motion was made by Ken to close the Public Hearing. Marina seconded the motion and it was approved unanimously.

Ken thought that deed restrictions for affordable housing were not necessary in the two existing buildings but that it might be a topic for discussion.
Lauren asked Janet if there was some sort of hybrid deed restriction in the event that a unit was converted to residential so that a deed restriction would then apply. She stated that there were deed restriction requirements in new developments.

Janet stated that the two existing buildings were built prior to the Town’s affordable housing regulations so they are grand fathered. She noted the restrictions would reduce flexibility.

Lauren asked if there was a redevelopment of these properties if they would be required to provide affordable housing.

Janet said yes that they would if the buildings were demolished and redeveloped.

Marina remarked that she appreciates the Staff report and that she supports the application.

**Motion**

Ken made a motion to approve the Crystal Village C/O PUD zone text amendment with the findings and conditions listed below. Lauren seconded the motion and it was approved unanimously.

Yes: Marina, Ken, Yuani, Lauren
No: none

**Findings:**

1. The amendment will promote the public health, safety, and general welfare as residential uses are compatible in the C/O PUD zone district and will provide additional residential housing units near commercial areas;

2. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code; specifically, the amendment allows for a flexible mix of commercial and multiple story mixed-use buildings (Comprehensive Plan-New Urban) and the amendment conserves the value of buildings and property and encourages the most appropriate use of land in this zone district (UDC);

3. The amendment is consistent with the stated purpose of the proposed zoning district as increased residential uses would be compatible with the existing single family zone district along Clearwater Drive and Village Lane;

4. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated by ensuring adequate parking and water rights are available if residential units are constructed rather than commercial units;
5. The amendment is not likely to result in material adverse impacts to other property adjacent to or in the vicinity of the subject property, and in fact, may have less impact than commercial uses; and

6. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are available to serve the subject property while maintaining adequate levels of service to existing development.

Conditions:

1. The applicant shall submit a plat amendment application to remove the subdivision plat note prohibiting residential development on Lot A. The applications shall include a request to extinguish the language in Ordinance No. 25, Series of 2003, which allows all residential development for Lots B-H and prohibits residential development on Lot A.

2. The applicant shall submit draft covenants for the two existing mixed-use buildings for the Town Attorney’s review and approval. The covenants shall include the following:

   a. Allow lower floor access to sprinkle and install fire-rating separation for the conversion of lower floor units from commercial to residential.

   b. Prohibit storage of campers, trailers, recreational vehicles, and inoperable vehicles outside of any building.

3. The applicant shall provide information regarding the increased consumption of water as it relates to water rights.

4. Any new or existing dumpsters shall be enclosed per Section 5.4.5 Screening of the UDC prior to recordation of the zoning ordinance. The dumpster on the Lines Plaza property shall be relocated to a different area of the lot so as not to block the Town’s access and utility easement prior to recordation of the zoning ordinance.

5. The 20 ft. access and utility easement dedicated to the Town on the Lines Plaza Condominium Plat shall not be utilized for future private outdoor space.

Public Hearing – Balentine Special Review – Mixed Use Building to all residential
Applicant: Balentine Carbondale Holdings, LLC – Location: 2601 Dolores Way

John said before you is a Special Review for Site Plan and Architectural Review as allowed under Section F of the Amended and Restated Zone Text for the Kay Planned Unit Development. He stated that the request is to allow ground floor residential units.
John continued by saying that the special review is to “allow property owners/developers the opportunity to propose projects that require certain flexibility from the specific regulations and standards of this Planned Unit Development to further the goals of the community with respect to transit oriented development, live/work arrangements and community entryway enhancements.”

John remarked that this request is to allow ground floor residential units; ground floor residential units are normally not allowed.

John explained that Lot 12 was originally split into two separate lots, 12 A and 12 B in 2005, prior to being purchased by Mr. Balentine.

John added that in 2007 a development plan was approved by the P&Z for the lots through the special review process for a mix of ground floor commercial and upper floor residential.

John stated that this approval included 16 dwelling units, 9 units in building A and 7 units in Building B. He said that all of the affordable housing units were to be placed in building B for a total of 7 units.

John further explained that the Town had requested that two units be held back in Building A from free market sale as an assurance if building B was not built. John said that these units were to be rented to employees. He stated that if building B was not built, then a permanent deed restriction was to be recorded on these units. John continued by saying that certain time frames were placed on the agreement and that it was extended by request and that the approval was the first through third housing agreements.

John said that the fourth agreement allowed Balentine to pursue a free market sale of one of the units only if a 2% RETA was recorded against the unit for each sale.

John stated that Staff has been made aware that the unit is currently under contract and that it would require the RETA be recorded.

John said that the original Community Housing Requirement was approved by the Board and that it would need to be either amended by the Board or a new housing plan submitted and approved by the Board.

John noted that in the approval criteria, a developer requesting the Special Review shall demonstrate that they exceed the affordable housing requirements as required in the UDC. He added that this requirement is to provide 20% of the total units as AMI units and shall include 15% of the total bedrooms.

John stated that this would work out to a project wide total of 5.4 units, one unit remains in Building A and the developer is offering 4 units in Building B. He said that this is below the original CHA of 7 units.
John explained that the parking requirements as proposed, exceeds the requirements, with a total of 58 parking spaces for building B.

John stated that the Special Review shall only be approved upon findings that the project is consistent with all of the approval criteria, 1 to 16.

He said that items 1 and 3 will need to be addressed through a housing plan.

John added that item 4 requires 10% private outdoor space; the applicant is proposing 9.6%

John said in closing that items 2 and 5 to 16 are in compliance.

John stated that Staff recommends the following motion: Motion to Approve the Special Review for Lot 12 B, Kay PUD, Contingent upon approval of a housing plan by the Board of Trustees.

Marina asked for clarification of the outside space.

John answered that it is required to be 10 percent but that it was only 9.6 percent.

Mark Chain explained the open space break downs per floor, he said that the two bedroom units end up being .4 percent short on open space. He said that there are two or three units that would need to extend out 3-4 inches to get the necessary private open space.

Ken asked if it was possible to extend the private open spaces.

David Warner said that the plans were drafted incorrectly and that it should be six inches longer. He said that it was not a problem and that it could be corrected.

Ken asked for clarification on which units were non-compliant.

John stated that only the affordable units were non-compliant.

Marina asked for clarification with the required affordable housing units.

John stated that they are proposing 4 affordable housing units and the requirement is 5.4 units.

Marina asked if the 5.4 is really 6 units since the number is rolled up, which means they are short 2 units.

John stated that it correct.

Mark Chain introduced his team;
Rick Balentine, Owner/Developer
David Warner, Architect
Matt Rubsamen, Realtor

Mark began his presentation with clarification that Rick Balentine had purchased Lot 12 after it had been split into A and B. He stated that there is currently one affordable housing unit in building A and that their proposal was to have all the affordable housing in building B. Mark continued by saying that there is one unit in building A that has the deed restriction for the real estate transfer tax will remain because it is in perpetuity.

Mark explained the work that has been completed to date, referencing the bike path that connects to the park and ride as well as the easements that required legal costs. He explained the history of the original building A. He said that the proposed building B with a reduced height of twenty seven feet, in front of the Carbondale Community School, meets the criteria. He also pointed to the path that extends from the proposed building B out to Dolores Way.

David began his presentation with a Power Point of the site plan and design of the proposed building. He explained that the new building would have the same shape and vocabulary of the first building. He continued by showing some of the design elements with the ground floor and second floor having eight foot windows. His presentation displayed elevations from all sides, with consideration of the red rock backdrop and the chosen color of the red rock stucco, which also matches the existing building A. David said that the stairways would be the same kiosk design attached to the building on either side as building A. He also referenced the parking garages in the front facade of the building.

Mark gave a comparison between the design from 2007 and the proposed design. He explained that in order to obtain moderate pricing that the finishes would not have the high-end design elements of the original building which was from the Balentine Collection. He explained that Rick’s original intent was to provide housing for his employees. Mark added that if this application is approved that a revised landscape and civil engineering plan would be submitted.

Mark explained the original affordable housing break down with seven units, 3 AMI and 4 R/O. He stated that the current proposal does not meet the criteria for affordable housing. He said that Rick has revised his plan to include three AMI units and three RO units in order to meet the Town’s standards. He said that the free market units would fall into category 1 and category 2.

Matt followed Mark by stating that the proposed layout would be one and two bedroom units alternating. He continued by saying that the free market units will be priced such that they would fall into category one and two. He added that these units would not be $500,000 condos but instead affordable and attainable units for the Carbondale work force.

Rick gave the history of his original development and his intention of providing affordable housing for his employees. He concluded the presentation by saying that he
would also like to have the first right of refusal and provide housing firstly to fireman as well as police. He said that they are still crunching numbers and that even if his application is approved that he is not sure that this project will be attainable. He commented that his design intention was to blend into the red rock skyline and that the purple building to the southeast blew him away. In closing he said that he wants to provide housing for the community and he will see what the possibilities are.

Yuani asked for clarification on the affordable housing.

Rick said that he had decided today that he would like to comply with the Town’s standards and that if the numbers work he will be able to move forward with his project. He added that there would be nine bedrooms with six being deed restricted including three R/O’s and three AMI’s.

Marina confirmed that they did not have the change in front of them.

Mark stated no, that this proposal was just changed as of tonight.

Marina asked how the units would get divided with Ricks request for his employee’s to attain these units.

Rick answered that the developer would get the first right of refusal for all of the deed restricted units and then the remaining would be available to those in building A, then fire, police, etc. down the progression chain. He stated that the Town would be getting six units total plus the RETA unit in building A, which is under contract and that the Town would be receiving $8500 in two weeks.

Public Comment

There was no public comment.

Motion to close the Public Hearing

A motion was made by Ken to close the Public Hearing. Marina seconded the motion and it was approved unanimously.

Lauren asked if the two bedroom units were 810 square feet and did they fit into category 2.

Matt said yes they were at $335 a square foot and that as square footage decreases that the price per SF increases. He referenced a one bedroom unit that had just sold in Carbondale for $321,000.

Marina asked if the Garfield Housing Authority would govern these affordable housing units.

John said yes they would.
Rick explained that when these two buildings were designed in 2007 that the two bedroom units were 1500 SF. He said that they reduced their size for building B in order for them to be more attainable. He stated that they were both originally designed to be mixed-use which simply does not work anymore. He said that they found out that potential owners could not get financing unless there was less than twenty-five percent commercial in the same building.

Marina asked for clarification and stated that financing could not be obtained for the residential units in a building with more than twenty five percent commercial.

Matt said yes and that is why the current residential units have not been sold.

Marina added that this is a flaw in the system.

Lauren asked about the design comments with respect to this application.

John stated that the design comments were within the PUD.

**Motion**

Ken made a motion to approve the Special Review for Lot 12 B, Kay PUD, contingent upon approval of a housing plan by the Board of Trustees. Marina seconded the motion and it was approved unanimously.

**Amendment to the UDC – Drive-through banks and financial institutions**

Janet stated that Staff recently attended a pre-application meeting for a proposal to construct a drive-through Bank in the Commercial/Retail/Wholesale (CRW) zone district.

Janet explained that table 4.2-1 of the UDC allows banks and financial institutions as a permitted use in the Commercial/Transitional (C/T), CRW, Historic Commercial Core (HCC), and Mixed-Use (MU) zone district.

Janet stated that Section 4.3.4.D. includes the following language:

D. Bank, Financial Institution
   1. C/T District
      Drive-throughs are only permitted with approval of a special use permit.
   2. HCC and MU Districts
      Drive-throughs are prohibited.

She continued by saying that it appears that a drive-through for a bank in the CRW is not allowed. Janet stated that Staff is inclined to think that this was an oversight and not intentional.

Janet said that if the Planning Commission agrees with Staff, Section 2.4.2.B.2 of the UDC allows the Planning Commission to initiate an amendment to the UDC. She stated that if the Commission elects to initiate a zone text amendment to allow drive-through
banks in the CRW zone district, a public hearing would be scheduled before the Planning Commission. Janet concluded that the Commission would then make a recommendation to the Board of Trustees for its consideration.

Further discussion ensued about drive-throughs.

Yuani asked if there was a way to approve a drive-through with a variance.

Janet said no that a variance does not apply to a use.

Lauren was of the camp to have an ATM that was not in the drive-through but rather at the entrance so that it was more biker friendly.

Ken suggested that the zone text amendment for drive-throughs apply to pharmacies as well.

Yuani suggested that there be two questions answered, the legality of drive-throughs in CRW and the exclusion of other drive-throughs. He asked Janet if there was any way to approve the zone text amendment with the current code.

Janet said that she would talk to the Town Attorney, Mark Hamilton. She said that she would bring back further information to the Commission at a meeting to follow.

**Staff Comments**

Janet said that City Market has requested a plat recordation extension to February 20, 2017.

She said that Commissioner interviews were scheduled for October 6th, 2016.

**Commissioner Comments**

Marina said that she had completed designs for tiny homes for Telluride, and that they do not meet the building code. She said that they are 169 SF.

A motion was made by Ken to adjourn, Lauren seconded the motion and the meeting was adjourned at 8:24 p.m.
MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday, October 20, 2016

Commissioners Present:  
Yuani Ruiz  
Ken Harrington  
Jeff Davlyn, 1st Alternate  
Michael Durant, Chair Pro Tem

Staff Present:  
Janet Buck, Planning Director  
Mary Sikes, Planning Assistant

Commissioners Absent:  
Marina Skiles  
Jennifer Gee DiCuollo  
Gavin Brooke, Chair  
Lauren Suhrbier, 2nd Alternate

Other Persons Present:  
Mayla Sunshine Davlyn, P&Z Intern  
Jim Neu, 1021 Pitkin Avenue  
Doc Philip, 75 S. 3rd Street

The meeting was called to order at 7:10 p.m. by Michael Durant.

September 22, 2016 Minutes:

Ken made a motion to approve the September 22, 2016 minutes. Yuani seconded the motion and they were approved unanimously with Michael and Jeff abstaining.

October 6, 2016 Minutes:

Michael made corrections, that all comments made by "Michaels" have last names.

Jeff made a motion to approve the October 6, 2016 minutes. Ken seconded the motion and they were approved unanimously with Ken and Yuani abstaining.

Resolution No. 11, Series of 2016 – 564 Grace Drive - Minor Site Plan Review for an ADU

Ken made a motion to approve Resolution No. 11, Series of 2016 – 564 Grace Drive – Minor Site Plan Review. Jeff seconded the motion and it was approved unanimously with Yuani abstaining.

Yes – Jeff, Ken, Michael  
No - None
Public Comment-Persons present not on the agenda

There was no public comment.

**PUBLIC HEARING – Short Term Rentals – Zone Text Amendment - Applicant: Town of Carbondale**

Janet began by saying that this is a public hearing for the purpose of considering an amendment to the UDC. She said that the Commission is required to hold a public hearing and recommend approval of the amendments or recommend denial. She added that the Commission may also continue the public hearing.

Janet stated that earlier this year, the Board asked Staff and the Commission discuss short-term rentals. She said that in August, the Board reviewed the Planning Commission’s recommendations. She continued by saying that the Board indicated that there should be no requirements for owner occupied rentals other than a sales tax license. She said that the Board asked that non-owner occupied rentals should be treated the same as a Bed and Breakfast.

Janet said that she put together a memo which intended to be a starting point which contained the following:

**Owner-Occupied Properties**

**Table of Uses**

Include “Short-Term Rentals – Owner Occupied” as a permitted use in all zone districts under Residential Uses-Household Living

**Add the following definition:**

“Short-Term Rentals – Owner Occupied: A short-term rental is a dwelling unit or portion of a unit, or ADU that is advertised for compensation for stays of 30 days or less. The short-term rental shall be accessory to a dwelling unit which is owner occupied. This means that the owner must reside in the dwelling unit for at least 270 days during each calendar year. The bedrooms rented to guests must be within the dwelling unit the resident occupies.”

**Add the following use specific standards:**

Lodging Tax Required

There shall be no more than two persons per bedroom or not more than 10 people.

Require smoke and CO2 detector, fire hydrant, and ingress/egress windows.

There shall be indoor property posting of manager and existing laws regarding noise, occupancy, trash, parking, etc.

All required parking spaces must be available for parking.
A local responsible party on file with the Town who is available 24/7

**Non-Owner-Occupied Properties**

**Section 4.2.5 – Table of Uses**

Include “Short-Term Rentals – Non-Owner Occupied” in all zone districts under Lodging Facilities.

- Permitted – C/T, HCC, MU
- Conditional – AG, R/MD, R/HD, CRW
- Special Review – OTR, R/LD

Note: This reflects use table for Bed and Breakfast Establishments

**Chapter 17.08 Definitions – Add the following definition:**

“Short-Term Rentals – Non-Owner Occupied: A short-term rental is a dwelling unit or portion of a unit, or ADU that is advertised for compensation for stays of 30 days or less.”

**Section 4.3 – Use Specific Standards - add the following standards:**

Janet said she included the same standards as owner-occupied.

B&B’s - This raises a question of how to handle B&Bs. Non-owner occupied short-rentals can’t comply with the definition of a B&B. B&Bs must be owner-occupied.

How do they differ from owner-occupied short-term rentals? Should B&Bs be eliminated from the UDC and folded into short-term rentals?

**Occupancy** - There is also the question regarding the occupancy in a dwelling unit. The definition of family which governs occupancy limits allows no more than four unrelated persons.

Short-term rentals would be required to comply with these regulations. B&Bs would be exempt from this threshold because it is considered a commercial use.

**PUDs** – A location map of short-term rentals was included in the packet. About half are located in PUDs. Right now, the UDC is silent on short-term rentals and they operate throughout the Town. If regulations are established in the UDC, it will not allow short-term rentals in PUDs. Right now, the Town taxes short-term rentals throughout Town. With the establishment of regulations, how are short-term rentals in PUDs affected? Does it affect the Town’s collection of a tax in PUDs?

Janet stated that she recommends that the Commission discuss the proposed amendments and continue the public hearing to November 17th.

Ken asked if there were regulations that supersede PUD’s in the UDC.

Janet answered that if the PUD is silent with the absence of its own regulations, that it would then fall back on the UDC.
Ken asked if there was a regulation that enhances a PUD town-wide, i.e., lighting. He also stated that we should take the owner-occupied requirement away from B&B’s. He added that he wondered why it was in there.

Janet said that it was a regulation in the old code and that with the internet as well as technology that there are now key cards which make it easier to have it be non-owner occupied.

Yuani said that he thought that short term rentals should have conditional use permits for both owner-occupied and non-owner-occupied.

Janet suggested that in forming a recommendation, the Commission could consider the previous P&Z recommendation which was for a conditional use permit for all short term rentals.

Ken added that the conditions of the conditional use permit were occupancy numbers, life-safety/egress windows, parking, smoke/co detectors and that that these were legitimate concerns.

Janet said that administering whether the property was owner-occupied or non-owner-occupied would be the challenge. She stated that it would be hard to track who was living there.

**Public Comment**

Jim Neu, 1021 Pitkin Avenue, Glenwood Springs, stated that he owns properties at 286 and 296 7th Street in Carbondale. He said that he built a house at 296 7th Street for his future residence. He said that seventy-five percent of his rentals have a connection to Carbondale. He continued by saying that the management of his rentals takes more time than long term rentals and that it did not make as much money as long term rentals.

Jim explained that 286 7th Street is not in a PUD and that 296 7th Street was part of the Lincoln PUD. He suggested the following:

1) License with the Town  
2) Require a conditional use permit  
3) Half of the short term rentals would be lost if not allowed in the PUD’s, allow short term rentals in PUD’s  
4) Inspect for life safety issues

Jim further commented that complaint mechanisms would apply to all rentals, short or long term. He also added that B&B’s are on short term websites and that they are renting 4-5 bedrooms to unrelated renters so there is not really much of a difference between short rentals and B&B’s.
Jim also said that there could be a separate short term rental section in the UDC that allows them in PUD’s.

Jeff asked what the distinction would be between owner-occupied versus non-owner-occupied.

Jim answered it would be either investor based and/or the owner living in the home or not living there.

Jeff asked if there would be different conditional use permits with the two distinctions.

Jim suggested licensing the short term rentals to see where they are located as well as how they are working. He said that if there are issues that the regulations could be changed.

Motion to close the Public Hearing

A motion was made by Ken to close the Public Hearing. Jeff seconded the motion and it was approved unanimously.

Ken commented that B&B’s include food preparation which might be possible with an owner-occupied short term rental and that there would need to be health standards. He added that B&B’s are restricted to specific zone districts. He said that he thought short term rentals that are owner-occupied verses non-owner-occupied is confusing.

Michael said that he was struggling with the problem we are trying to solve. He said that rents on short term rentals are higher but that the vacancy is higher too. He continued by saying that that he doesn’t see a financial windfall happening. Michael said that a two bedroom rental is going for $1800/month. He said that if we want to regulate short term rentals, that we are opening a can of worms, including administration.

Ken said that public safety, occupancy, parking and nuisance are the things we should limit our discussions to. He said that how it is rented is a non-issue.

Michael asked if we have a problem; he said we have regulations on parking and noise. He said that the Town has a number of different ordinances available that would apply.

Janet explained the occupancy code referencing four persons unrelated by blood could be living in the same home.

Ken said that we would not want to overregulate and that is should be with a lighter hand.

Yuani said that it wasn’t up to us to say if there is a problem; the Board of Trustees said that there was, therefore they are asking for our recommendations.

Janet suggested researching other communities in lieu of changing the use table.
Michael said to look for conflicts and understand what the Board of Trustees is trying to do. He said that he hasn’t completely thought it through.

**Motion**

Jeff made a motion to continue the public hearing for short term rentals to November 17, 2016. Yuani seconded the motion and it was approved unanimously.

The Chair Pro Tem asked that the next item be moved up on the agenda.

**Initiate Zone Text Amendment to allow bank drive-throughs in CRW**

Janet explained that the Planning Commission discussed the Staff-generated request to initiate a zone text amendment to allow drive-through banks at the September 22, 2016 meeting. She said that Staff had brought this before the Commission because there currently is a proposal to construct a drive-through bank in the Commercial/Retail/Wholesale (CRW) zone district. She stated that after discussion, the Commission asked Staff to determine if there was another method to allow a drive-through bank without amending the use table.

She said that as a reminder, the current text in the UDC as it relates to drive-through banks states:

Table 4.2-1 of the UDC allows banks and financial institutions as a permitted use in the Commercial/Transitional (C/T), CRW, Historic Commercial Core (HCC), and Mixed-Use (MU) zone districts.

Section 4.3.4.D. includes the following language:

D. Bank, Financial Institution
   1. C/T District
      Drive-throughs are only permitted with approval of a special use permit.
   2. HCC and MU Districts
      Drive-throughs are prohibited.

Janet continued by saying that it appears that a drive-through for a bank in the CRW is not allowed. She said that Staff is inclined to think that this was an oversight and not intentional.

Janet said that she reviewed the minutes of the March 9, 2016 Board meeting (attached). She said that this is the meeting where the UDC was adopted. Janet stated that at the meeting, the Board decided to prohibit drive-through restaurants. She stated that her recollection is that the Board wanted to retain the drive-through bank use; however, this is not reflected in the minutes. She said that she listened to the recording of the meeting. Janet stated that at the meeting, Allyn Harvey made a motion to eliminate drive-through restaurants and that AJ seconded the motion. She said that the motion passed 3-2. She said that for clarification, she asked about drive-through banks. Janet stated that Stacey Bernot, the mayor, indicated the prohibition of drive-throughs was just on restaurants.
Janet said that she spoke to Mark Hamilton, the Town Attorney, regarding the Planning Commission’s request to find an alternative method to amending the UDC. She explained that Mark indicated that the only option to amending the UDC to allow a drive-through bank is by creating a PUD.

Janet said that she reviewed Section 2.7.1. Variances. She stated that this section indicates it is not intended that variances be granted to allow a use in a zoning district where it is not permitted by the UDC, so a variance is not an option.

Janet read the following;

Section 4.2.4. Classification of New and Unlisted Uses of the UDC discusses the process when considering an application for a use type that is not specifically listed in Table 4.2.1. The first option is that if the Director finds that a proposed use falls within an existing use category or use type, the Director may allow that use upon notification of the decision to the Planning Commission and the Board of Trustees. The second option is that if the Director cannot make that finding, a zone text amendment can be initiated per Section 2.4.1 Amendments to the Unified Development Code. Staff’s position is that a drive-through bank would require a zone text amendment.

Janet reiterated that she believes that the exclusion of a drive-through bank in the CRW zone district was an oversight and not intentional. She said that if the Planning Commission agrees with Staff, Section 2.4.2.B.2 of the UDC allows the Planning Commission to initiate an amendment to the UDC. Janet stated that if the Commission elects to initiate a zone text amendment to allow drive-through banks in the CRW zone district, a public hearing would be scheduled before the Planning Commission. She stated that the Commission would then make a recommendation to the Board of Trustees for its consideration.

Ken suggested that drive-thru pharmacies be allowed as well as banks. He said that it makes sense for Carbondale and that we should amend to include both.

**Motion**

Ken made a motion to initiate a zone text amendment to allow bank and pharmacy drive-throughs in the CRW zone district. Yuani seconded the motion and it was approved unanimously.

**Doc Philp – Request to Appear Re: UDC & Third Street**

Doc introduced himself and stated that he had read all 357 pages of the UDC. He said that Carbondale is now designed to be different.

The following are points that Doc made;

- Lessen congestion in the streets
- There needs to be more stop signs on 3rd Street
- The speed limit should be 10 mph on 3rd Street
- He wants to plant more trees
- If curbs and bumper guards are put in front of his property then cars are going to be 2-3 feet into the public-right-of-way
Parallel parking on 3rd Street would be better than perpendicular
- Light behind Near New and across from the Village Smithy is failing, he referenced the recent assaults
- New happy fun town with the UDC
- Dumb and dumber
- We need parking for housing to make it a fun place to be

Michael asked if Doc had participated in the 3rd Street streetscape.

Doc said the P&Z had a hard job and that he admired and appreciated them.

**Staff Comments**

Janet said that Thompson Park Phase 2 and the Crystal Village zone text amendment as well as the appointment of Jay Engstrom to the P&Z was going before the Board next week.

Janet said that she had just completed the quarterly Administrative report for the Planning Department and noted that it has been a very busy summer for P&Z and Staff.

**Commissioner Comments**

A motion was made by Jeff to adjourn, Yuani seconded the motion and the meeting was adjourned at 8:17 p.m.
MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday, December 8, 2016

Commissioners Present:
Lauren Suhrbier, 1st Alternate
Marina Skiles
Michael Durant, Chair Pro Tem
Jay Engstrom, 2nd Alternate
Yuani Ruiz
Gavin Brooke, Chair

Staff Present:
Janet Buck, Planning Director
John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:
Ken Harrington
Jeff Davlyn
Jennifer Gee DiCuollo

Other Persons Present
Megan & Jeremy Vrano, 4075 Dolores Way
Paul and Celia Nieslanik, 481 County Road 100
Mark Chain, 811 Garfield Avenue

The meeting was called to order at 7:00 p.m. by Gavin Brooke.
Lauren arrived at 7:03 p.m.

Public Comment-Persons present not on the agenda
There was no public comment

PUBLIC HEARING – Minor Site Plan Review for ADU
Applicant: Jeremy and Megan Vrano – Location: 4075 Dolores Way

John said that this is an application for a Minor Site Plan Review. He stated that the Commission is required to hold a public hearing and approve the application, deny it or continue the public hearing.

John stated that the applicant is proposing to renovate an unfinished space above the attached garage into an assessor dwelling unit. He added that this renovation will only require internal changes to the structure.

John outlined the following:

Under the UDC, a proposed ADU in the R/LD zone district must go through a minor site plan review before the Planning and Zoning Commission who will issue a decision and findings on the application.
Zoning
4075 Dolores Way is entirely within the R/LD zone district where an ADU is allowed by special use permit/minor site plan review.

An ADU is allowed to be up to 850 square feet and a minimum of 300 square feet. The proposed ADU is 529 square feet in size.

Setbacks

The required setbacks in the R/LD zone district have been met.

Maximum Impervious Surface

The allowed maximum impervious surface has been met.

Building Height

No changes in building height are proposed.

Parking

Section 5.8.3. of the UDC requires 2 parking spaces for the main dwelling, and 2 spaces for an ADU.

Two spaces are provided in the garage with an additional three spaces in front of the garage for a total of 5 parking spaces.

Landscaping

The landscaping is existing.

Building Design

The proposed changes are internal and do not affect the building exterior.

Bulk Storage

Bulk storage requirements have been met at approximately 303 cubic feet of storage not including any areas within the garage.

Solar Access

Section 5.12 Solar Access discusses the provision of adequate light to allow solar access on adjacent properties.

The renovations to the structure do not affect solar access.

Site Plan Review Criteria
A site plan may be approved upon a finding that the application meets all of the following criteria:

1. The site plan is consistent with the Comprehensive Plan.

2. The site plan is consistent with any previously approved subdivision plat, planned unit development, or any other precedent plan or land use approval as applicable;

3. The site plan complies with all applicable development and design standards set forth in this Code; or

4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale, or the decision-making body finds that such traffic impacts will be sufficiently mitigated.

Megan Vrono explained that they have lived in the valley for five years and that they have their future ADU reserved for a teacher.

Michael asked if the door to the ADU was to the right of the entrance and if the three windows above the garage were in the ADU.

Megan replied yes to both and that there were three windows in the bedroom and three windows in the living room.

Lauren commented that when this home was previously listed, it was advertised that it was pre-plumbed in the space above the garage and she wondered how the plumbing could have preceded this ADU approval.

John answered that this home was before his time and that an ADU was allowed on this lot.

Jeremy explained that they had talked to the builder and that the plumbing roughs were covered by framing and drywall so they would need to find the plumbing.

Gavin added that it was as if it were a bandit unit being advertised.

**Public Comment**

There was no public comment.

**Motion to close the Public Hearing**

A motion was made by Michael to close the public hearing. Yuani seconded the motion and it was approved unanimously.
Motion

Michael made a motion to approve the minor site plan review for an accessory dwelling unit to be located at 4075 Dolores Way with the following conditions and findings listed below. Yuani seconded the motion and it was approved unanimously.

1. The Accessory Dwelling Unit shall not have separate water or sewer service.

2. All other representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.

3. The Applicant shall also pay and reimburse the town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code.

4. The applicant shall apply for and receive a building permit as required.

Findings for Approval - Site Plan Review Criteria

1. The site plan is consistent with the Comprehensive Plan.

2. The site plan is consistent with any previously approved subdivision plat, and any other land use approval as applicable;

3. The site plan complies with all applicable development and design standards set forth in this Code

4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale.

Yes: Marina, Gavin, Yuani, Lauren, Jay and Michael
No: none

PUBLIC HEARING – Nieslanik/Town- Subdivision Exemption
Applicant: Town of Carbondale
Location: Parcel Located east of Merrill Ave. & north of the Rio Grande ROW.

Mark Chain introduced himself and said that he was here to present this application on behalf of the Town. He disclosed that there were three applications involved in this land swap;

1) Lot line adjustment from the Nieslanik’s to convey to the Town
2) A subdivision exemption
3) A minor plat amendment

Mark stated that the Town’s role is to sign the plat. He continued by explaining that Mark Hamilton, the Town Attorney, was going to process this application but that he
was busy. He said that it was also more cost effective for a Planner to be processing this application.

Mark disclosed that the Board of Trustees have already signed a contract for the land exchange.

Mark gave the background and the history of these properties.

John gave the Staff report and stated that this is an application for a Subdivision Exemption that requires a public hearing. He said that the Planning Commission may approve, deny, continue, or approve the exemption with conditions.

John explained that the Town would like to split a Town owned 1.962-acre parcel into two lots. He continued by saying that this parcel is located to the east of Merrill Avenue and to the south of the southern edge of the Delaney Nature Park/Dog Park.

John stated that it should be noted that this parcel is not part of the Delaney Nature Park. He said that the reasoning behind this split is so that the Town may convey a 1.38-acre parcel/lot to Paul and Celia Nieslanik. He continued by saying that the Town in return would receive a 1.38-acre parcel from the Nieslanik’s to expand the Hillcrest Cemetery, also known as the White Hill Cemetery, located on White Hill. John said that each of the lots created will be zoned industrial, with no changes in zoning proposed. He said that the appraisal breaks this out to be a straight swap. He disclosed that the Town has been in negotiation with the Nieslanik’s for about a year.

John outlined the following:

The application proposes to split the 1.962-acre into two lots:

Lot 1  20,502 sq ft (0.471 acres) Industrial Zoning
Lot 2  60,176 sq ft (1.381 acres) Industrial Zoning

In addition to the above lot areas there is a portion of the 4th Street Right-of-Way

4th Street ROW  4798 sq ft (0.110 acres)

These areas are represented on the plat documents provided.

Easements

There is a portion of Lot 2 that will be dedicated as an easement over a portion of the Town Ditch.

Eligibility for Subdivision Exemption

A Subdivision Exemption must meet the applicability standards as set forth in section 2.6.6 B items 1a to e as noted in the staff report.

Marina said that she did not see the information about the property on White Hill and she asked how the swap works out.

Michael asked if the land swap would go before the Board of Trustees.

Gavin said that he got derailed on that.
John explained that the Town has been under contract since July 2016.

Jay asked if the utilities are supposed to be available to the lot.

Mark Chain gave his presentation and showed the site plans. He said that the Industrial Zone District would not be changing with this proposal. He stated that there were no non-conformities. He said that Lot 1 might become Open Space (O/S) in the future but that Lot 2 would stay industrial. Mark said that the lots meet the criteria for a lot split.

Gavin asked if there were easements to or from the lots.

Mark replied that there was an easement for a Town ditch.

Gavin asked what is the square footage of developable land.

Mark stated that is was approximately 15,000 square feet.

Gavin asked what the cost of a cemetery plot was.

John stated that if you lived in Carbondale proper that the plots were $250 each and that if you were in the 81623 zip code outside of Town that they were $1000 and $2000 for anyone else.

Gavin said he had obtained a copy of the contract. He stated that he had reservations:

1) The first one was that there was a complicated neighborhood which has no access, except over the railroad tracks. He said that if there was a possibility of a right-of-way (ROW) that the Town could be trading away a piece of property that could be a connector.

2) The second was the loss of control at the edge of the Delaney property.

3) The third was making a connection to a mini-PUD. He said that he has wanted to get rid of PUD’s and that this is a missed opportunity. He continued by saying that Staff is missing opportunities and should be catching PUDs in the beginning of the process. He said that Staff should note it in the Staff reports.

Mark stated that the Town could condemn property for a ROW in the future.

Gavin explained that all of the swaps would happen simultaneously and that he had discussed this with Mark Hamilton.

Public Comment

There was no public comment.

Motion to close the Public Hearing

A motion was made by Michael to close the public hearing. Yuani seconded the motion and it was approved unanimously.

Gavin thanked the Nieslaniks for being good neighbors.

Marina questioned whether there really was a missed opportunity. She said that it was a steep property.

Gavin said that it was steep.
Michael agreed that it was a sloped piece of property and that he didn’t see the potential.

Marina said that she thought that there was minimal opportunity for future development.

Michael said that there was a small triangle of property that is sloped.

John said to add the fourth condition:

Approval of Subdivision Exemption is contingent upon approval from Mark Hamilton and minor plat amendment and recording of both actions as well as sales contract at the same time.

**Motion**

Michael made a motion to approve the Town of Carbondale Subdivision Exemption with the recommended conditions 1-3 and approvals below, and the addition of condition #4; Approval of Subdivision Exemption is contingent upon approval from Mark Hamilton and the minor plat amendment and recording of both actions as well as sales contract simultaneously. Marina seconded the motion and it was approved unanimously.

**Recommended Conditions:**

1. All representations of the Applicant and Applicant’s representatives at the Public Hearing shall be considered conditions of approval of this subdivision exemption.

2. The Applicant shall apply for and receive approval for a Minor Plat Amendment to merge Lot 2 with the Nieslanik Mini PUD.

3. The Subdivision Exemption Plat shall be in a form acceptable to and approved by Town staff and the Town Attorney prior to recording. Applicant shall execute and record the plat with the Garfield County Clerk and Recorder within three (3) months of approval by the Planning Commission.

**Recommended Findings**

Subdivision:

The property is suitable for subdivision; public utilities are in place to serve the properties; each lot has the necessary dedicated public access; the subdivision is comprised of not more than three lots; and the area has not been previously subdivided.

Yes: Marina, Gavin, Yuani, Lauren, Jay and Michael
No: none

**PUBLIC HEARING – Zone Text Amendment – Drive Through Banks & Pharmacies in Commercial Zone Districts**

**Applicant: Town of Carbondale**

Janet stated that this is a public hearing for the purpose of considering an amendment to the UDC to allow Drive-Through Banks and Pharmacies in commercial zone districts.
She said that the Commission is required to hold a public hearing and recommend approval or recommend denial. She stated that the Commission may also continue the hearing.

Janet remarked that at the October 20th meeting, the Commission initiated a zone text amendment to consider this amendment.

Janet outlined the following:

**Drive-Through Banks**

Currently, the UDC allows banks as a permitted use in the C/T, CRW, HCC, and MU zone districts.

Drive through banks are permitted in the C/T zone district as a special review use. They are prohibited in the MU and HCC zone districts.

She said that she would recommend that the use specific standard for banks be amended to allow Drive-Through Banks in the CRW zone district as a special use permit in addition to CT.

**Drive-Through Pharmacy**

A pharmacy is considered a general retail use. General retail uses are now regulated by size.

A retail use less than 10,000 sq. ft. is permitted in the C/T, CRW, HCC and MU zone district.

A retail use more than 10,000 sq. ft. is a permitted use in the C/T and CRW zone districts and a special use in the HCC and MU zone districts.

Janet stated that she would recommend revising the use specific standard for retail over 10,000 sq. ft. to allow drive-through pharmacies in the CRW zone district. She said that she recommended prohibiting them in the HCC, CT and MU zone districts.

Janet continued by saying that a new use-specific standard for retail 10,000 sq. ft. or less would need to be added. She said that it would allow drive-through pharmacies in the CRW zone district. She stated that they would be prohibited in the HCC, CT and MU zone district.

Janet clarified that she had intended to note that drive-throughs for marijuana uses would not be allowed but didn’t. She said that we may want to add that to Exhibit A.

Janet said amendments to the UDC may be approved if the Town finds that:

1. The proposed amendment will promote the public health, safety, and general welfare;

2. The proposed amendment is consistent with the Comprehensive Plan and the purposes of this Unified Development Code; and

3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.
Michael commented that the red lines use tables and to use specific standards.

Janet replied that the red lines will be redone as well as headers and footers.

Marina asked about City Market’s pharmacy drive-through which was approved previously.

Janet explained that it was approved under the old code, prior to the UDC.

Gavin suggested the wording be; any other drive-throughs are strictly prohibited. He added that S.3 should be S.1 then S.2 and S.3. He suggested allowing omission clarification or correction could be done with new criteria.

**Public Comment**

There was no public comment.

**Motion to close the Public Hearing**

A motion was made by Michael to close the public hearing. Marina seconded the motion and it was approved unanimously.

**Motion**

Michael made a motion to approve the zone text amendment with changes to R.1 and S.1 adding the phrase; any other drive-throughs are strictly prohibited, Exhibit A with changes, and the findings 1-3 below. Lauren seconded the motion and it was approved unanimously.

**Findings:**

1. The proposed amendment will promote the public health, safety, and general welfare;

2. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of the UDC as both state that the Auto Urban designation and the purposes section in the CRW zone district indicate that this zoning is aimed at attracting and accommodating customers on-site for retail and service uses; and

3. The proposed amendment is desirable because it will allow banks and pharmacies to remain competitive, which provides a more stable economic condition.

Yes: Marina, Gavin, Yuani, Lauren, Jay and Michael
No: none
**Zoning Map Draft**

Janet said that it has been a goal for a long time to update the zoning map. She explained that the last zoning map was adopted in 1993 and that it did not reflect a number of neighborhoods including Hendrick Ranch and RVR.

Janet stated that the Town hired Nathan Baier, Roaring Fork Geospatial, to assist in preparing the zoning map. She said that the source data – the parcels and streets - is from Garfield County GIS. Janet stated that we used the 1993 zoning map as a starting point, the recorded documents for PUDs, and other documents to build the zoning database and create the zoning district map. She said that she collected all of the zoning ordinances from 1993 to 2016 to be sure the map is accurate. Janet noted that this step is currently in process.

Janet stated that the zoning map reflects the zone districts already established by the Town and that are currently in place. She said that it does not rezone any properties.

Janet said that this is the initial review of the zoning district map and to get any feedback from the Commission. She stated that the zoning map will come back to the P&Z, most likely in January, at a public hearing. She said that the P&Z would make a recommendation to the Board on adoption.

Janet continued by saying that if the zoning district map is adopted, that it will be incorporated into the UDC as the official "Zoning District Map of the Town of Carbondale."

In closing, Janet said that she would like to get feedback in order to incorporate it into the map.

John explained that updates by the County could also be linked to Carbondale’s GIS map so that changes would stay updated.

Further discussion ensued about the zoning map draft.

**Staff Comments**

Janet said that City Market was still planning a spring build. She stated that 1st Bank has submitted a Site Plan Review, prior to the drive-through amendment approval. She also remarked that Crystal Village Office/Commercial Lot A is under contract slated to be 100% residential. Janet told the Commission that the Thompson Park Phase 2 approved application has been withdrawn with a new application to be forthcoming. She said in closing that she has a pre-application meeting scheduled with RE-1 on December 16, 2016 for teacher housing on Third Street which entails rezoning and a site plan review. She said that they are proposing approximately eighteen units.

John said that the Housing Guidelines will be going before the Board of Trustees next Tuesday. He stated that there is a Tool Kit meeting with Garfield County Planners tomorrow as well as a monthly Mayor’s meeting.
Commissioner Comments

Lauren said that in her home town of Oxford, Mississippi that they are building tiny homes.

Jay added that there is a new ICC section that targets tiny homes.

A motion was made by Michael to adjourn, Yuani seconded the motion and the meeting was adjourned at 8:44 p.m.
MEMORANDUM

TO: Mayor Dan Richardson  
    Members of the Carbondale Board

FROM: Mark Chain  

DATE: 1/4/17

RE: Acceptance of plats for Mayor’s Signature

The purpose of this agenda item is to present to you two plats which will have to be signed by the Mayor on behalf of the Board of Trustees as owners of the properties contained on each plat. As an FYI, I’ve been hired by the Town for the purposes of working with the property owners (the Town and Paul and Celia Nieslanik) and with Sopris Engineering in getting these plats processed and approved. There is no public hearing in front of the Board associated with either of these plats and the Board is not evaluating these related to a land-use action or land use approval criteria.

These plats have been prepared for recording so that a land-use swap between the Town and Nieslaniks can be completed. As you may remember, the Town and the Nieslaniks are in the process of trying to exchange 1.38 acre parcels; one parcel owned by the Town adjacent to the Delaney Park and the Overlook/Carbondale Industrial Park which is intended to be conveyed to the Nieslaniks for a 1.38 acres adjacent to the Hillcrest Cemetery (White Hill Cemetery). A quick summary of these plats is below:

Plat 1: Town/Nieslanik Subdivision Exemption and Lot Line Adjustment
The Town purchased a 1.92 acre parcel from Mesa Verde Associates at the same time that it purchased the Delaney Park Parcel in the late 1990’s. This plat divides the 1.92 acre parcel into two lots and also dedicates a small portion of this land as part of the 4th Street right-of-way. This lot split (subdivision exemption) was approved by the Planning Commission at their December 8 meeting. A resolution of approval will be adopted by the Commission at their January 12 meeting. A second land-use action included in this plat merges 1.38 acres with the existing Nieslanik Mini-Storage/Dairy site. The merger is a separate administrative land-use action which is approved by Planning Staff. Application has been made and this merger/lot line adjustment is being evaluated by staff.

Plat 2: Hillcrest cemtery Boundary Line Adjustment Map
The Nieslaniks own approximately 172 acres adjacent to the Hillcrest Cemetery. The purpose of this plat is to adjust the boundary between the Nieslaniks and the Town’s Cemetery parcel so that 1.38 acres can be added to the Cemetery for
expansion this plat/Boundary Line Adjustment is a Garfield County land-use action and is processed and approved by the County Assessor’s Department. I’ve had two meetings with the Assessor’s Office on this application. They have signed off on this application and the final documents just need to be submitted prior to recordation.

**Recommendation**

That the following motion be made: Move to authorize the Mayor to sign both plats as owners of land contained on each plat, to sign the Town/Nieslanik Subdivision Exemption and Lot Line Adjustment Plat for purposes of dedicating land to the 4th Street right-of-way, and to allow the Mayor to sign the deed correction agreement and other miscellaneous deeds/documents required by the title company to complete the land swap and re-platting processes.

I will be happy to answer any questions you may have at the January 10 meeting.
Disclaimer

This is a compilation of records as they appear in the Garfield County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.
SUBDIVISION EXEMPTION AND BOUNDARY LINE ADJUSTMENT PLAT OF:
TOWN OF CARBONDALE AND PAUL R. NIESLANIK
AND CELIA R. NIESLANIK PROPERTIES

A PARCEL OF LAND SITUATED IN LOTS 6, 7, 10 AND 11 OF SECTION 34,
township 7 south, range 88 west of the 6th principal meridian, Garfield County, Colorado

CERTIFICATE OF DEED AND OWNERSHIP

THE UNDERSIGNED RICHARDSON, MARK, being sole owner of the real property located in Garfield County, Colorado, described as follows:

PARCEL OF LAND DESCRIBED IN BOOK 480 AT PAGE 353 OF SAID RECORDS OF THE CLERK AND RECORDER OF GARFIELD COUNTY;
BEGINNING AT THE NORTHWEST CORNER OF THE PATCH SUBDIVISION AS FILED IN THE RECORDS OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COUNTY OF GARFIELD, STATE OF COLORADO, AND IN THE NORTH-WEST CORNER OF SAID PARCEL OF LAND CONTAINING 1.962 ACRES, MORE OR LESS, WEST OF THE SIXTH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO, A PARCEL OF LAND SITUATE IN LOTS 6, 7, 10 AND 11 OF SECTION 34, TOWNSHIP 7 SOUTH, RANGE 88 WEST OF THE SIXTH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO
AND A PARCEL OF LAND SITUATE IN LOTS 6, 7, 10 AND 11 OF SECTION 34, TOWNSHIP 7 SOUTH, RANGE 88 WEST OF THE SIXTH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO

THE PURPOSE OF THIS PLAT IS TO RECONFIGURE THE SUBJECT PROPERTIES AND DEDICATE RIGHT OF WAY TO 4TH STREET AS SHOWN HEREON

ATTEST:

R. NIESLANIK, JOINT TENANTS.

EXECUTED THIS ___ DAY OF __________________, A.D., 20__.

PLAN PURPOSE NOTE:

1. THE BOUNDARY LINE ADJUSTMENT APPROVED BY THIS PLAT DOES NOT CREATE A SEPARATE PARCEL BECAUSE THE TRANSFER PARCEL OF THE SUBDIVISION EXEMPTION IS BEING MERGED WITH THE PAUL R. NIESLANIK AND CELIA R. NIESLANIK PARCEL TO FORM LOT 2, PER THIS PLAT. NO PROPERTY IS BEING REZONED PURSUANT TO THIS PLAT.
2. THE TOWN OF CARBONDALE HAS RESERVED UNTO ITSELF THE "DITCH EASEMENT" AS SHOWN ON SHEETS 2 AND 3 HEREOF.

PLAT NOTES:

1. THIS SURVEY HAS REDIRECTED THE TIE CALLS TO THE EXISTING TOWN MONUMENT AT THE INTERSECTION OF SECOND STREET AND MAIN STREET, FOUND AS MAIN BOTH BEING FOUND #5 REBARS.
2. THE TOWN OF CARBONDALE ORDER APPROVING NIESLANIK MINI-PUD RECORDED JANUARY 20, 1994 AS RECEPTION NO. 458258; THE DEED RECORDED NOVEMBER 3, 1975 IN BOOK 480 AT PAGE 353; VARIOUS DOCUMENTS OF RECORD AND THE SURVEY MONUMENTS FOUND IN PLACES SHOWN.

SURVEY NOTES

2) DATE OF PREPARATION:  SEPTEMBER - DECEMBER 2016.
5) SCALE: 1"=2000'.
6) PREPARED BY: SOPRIS ENGINEERING, LLC.
7)  THE RECORD TIES CALL TO A MONUMENT AT THE INTERSECTION OF FOURTH STREET AND MAIN STREET IN CARBONDALE, WHICH IS NO LONGER IN PLACE.
8) THE SURVEY WAS COMPLETED USING THE FEDERAL AIDE TO SURVEY ARTIFACTS SUPPLEMENTAL DIAGRAM OF CLAIMS AS ACCEPTED ON JANUARY 25, 1890 BOTH WITHIN TOWNSHIP 7 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO.
9) THE UNDERSIGNED RICHARDSON, MARK, BEING SOLE OWNER(S) IN FEE SIMPLE OF ALL THAT REAL PROPERTY SITUATED IN GARFIELD COUNTY, DESCRIBED AS FOLLOWS:

DAN RICHARDSON, MAYOR

TOWN OF CARBONDALE

502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311 SOPRIS@sopriseng.com

SOPRIS ENGINEERING - LLC

APPENDIX A

SURVEY CERTIFICATE

THE UNDERSIGNED RICHARDSON, MARK, REGISTERED LAND SURVEYOR, WHICH IS HERBY CERTIFIED TO THE ABOVE-DESCRIBED PROPERTY, TO THE BEST OF HIS KNOWLEDGE AND BELIEF, AND TO THE EXCLUSION OF WHICH THERE ARE NO OTHER TIES CALLING TO OR CONNECTED WITH THE PROPERTY, WHICH IS IN ACCORDANCE WITH THE SURVEY MONUMENTS FOUND IN PLACES SHOWN.

PLAT APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF CARBONDALE, GARFIELD COUNTY, STATE OF COLORADO, THIS ____DAY OF ________________, 20__.

M. RICHARDSON, STS, PE.

PLANNING AND ZONING COMMISSION CERTIFICATE


CERTIFICATE NO. 28643

M. RICHARDSON, STS, PE.

CLERK AND RECORDER'S CERTIFICATE

THE TOWN OF CARBONDALE HAS FILED THE PRESENTED PLAN FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER, AT ___________ O'CLOCK M., ON THE ____ DAY OF ________________, 20__, AND IT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER AT ___________ O'CLOCK M., ON THE ____ DAY OF ________________, 20__, AND IT IS ON FILE FOR EXAMINATION AND RECORD.

MARK S. BECKLER, CLERK AND RECORDER

GARFIELD COUNTY

502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311 SOPRIS@sopriseng.com

SOPRIS ENGINEERING - LLC
SUBDIVISION EXEMPTION AND BOUNDARY LINE ADJUSTMENT PLAT OF:

TOWN OF CARBONDALE AND PAUL R. NIESLANIK
AND CELIA R. NIESLANIK PROPERTIES

A PARCEL OF LAND SITUATED IN LOTS 6, 7, 10 AND 11 OF SECTION 34,
TOWNSHIP 7 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO

SHEET 2 OF 3

SUBDIVISION EXEMPTION TO CREATE LOT 1 AND LOT 2

THE PURPOSE OF THIS PLAT IS TO RECONFIGURE THE SUBJECT PROPERTIES AND DEDICATE RIGHT OF WAY TO 4TH STREET AS SHOWN HEREON. SEE SHEET 3 FOR LOT DIMENSIONS AND DETAILS PER THIS PLAT.

GRAPHIC SCALE

AREA TABLE

SOPRIS ENGINEERING - LLC
502 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311 SOPRISENG@SOPRISENG.COM

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
SUBDIVISION EXEMPTION AND BOUNDARY LINE ADJUSTMENT PLAT OF:

TOWN OF CARBONDALE AND PAUL R. NIESLANIK
AND CELIA R. NIESLANIK PROPERTIES

A PARCEL OF LAND SITUATED IN LOTS 6, 7, 10 AND 11 OF SECTION 34,
TOWNSHIP 7 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO

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

BOUNDARY LINE ADJUSTMENT TO MERGE LOT 2 AND NIESLANIK "MINI-PUD"

PURPOSE NOTE:

THE PURPOSE OF THIS PLAT IS TO RECONFIGURE THE SUBJECT PROPERTIES AND DEDICATE RIGHT OF WAY TO 4TH STREET AS SHOWN HEREON.

GRAPHIC SCALE

1 inch =         ft.

SOPRIS ENGINEERING - LLC
CIVIL CONSULTANTS
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(970) 704-0311 SOPRISENG@SOPRISENG.COM

ATTACHMENT G

74 of 114
HILLCREST CEMETERY AND P&C NIESLANIK LLLP PROPERTIES

BOUNDARY LINE ADJUSTMENT MAP OF:

A PARCEL OF LAND SITUATED IN THE NW 1/4 OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO

SHEET 1 of 2

DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

NOTARY PUBLIC
EXECUTED THIS ___ DAY OF __________________, A.D., 20__.

BOOK 913 AT PAGE 406 OF THE GARFIELD COUNTY RECORDS, DOES HEREBY RELEASE AND FOREVER QUITCLAIM ANY INTEREST IN AND TO SAID EASEMENT AS IT
COUNTY OF GARFIELD                  )
______________________________
(Seal)

EXECUTED THIS ___ DAY OF __________________, A.D., 20__.

BY:_________________________________

DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE NW1/4 OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO;
SAID PARCEL OF LAND CONTAINING 172.770 ACRES, MORE OR LESS.

THE FOREGOING CERTIFICATE OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS ______ DAY OF ___________, A.D., 20__, BY PAUL R. NIESLANIK
TOWN CLERK
___________________________________
THE UNDERSIGNED P&C NIESLANIK LLLP, BEING SOLE OWNER(S) IN FEE SIMPLE OF ALL THAT REAL PROPERTY SITUATED IN GARFIELD COUNTY, DESCRIBED AS FOLLOWS:


THE TOWNSHIP OF CARBONDALE, COUNTY OF GARFIELD, DESCRIBED AS FOLLOWS:

BY:_________________________________

THE UNDERSIGNED TOWNSHIP OF CARBONDALE, A MUNICIPAL CORPORATION, BEING SOLE OWNER IN THE NAME OF ALL THAT REAL PROPERTY SITUATED IN GARFIELD COUNTY, DESCRIBED AS FOLLOWS:


TREVOR SULLIVAN, TOWNSHIP OF CARBONDALE, COUNTY OF GARFIELD, DESCRIBED AS FOLLOWS:


THE FOREGOING CERTIFICATE OF DISPOSITION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THE _____ DAY OF ___________, A.D., 20__, BY PAUL R. NIESLANIK
TOWN CLERK
___________________________________
THE UNDERSIGNED P&C NIESLANIK LLLP, BEING SOLE OWNER(S) IN FEE SIMPLE OF ALL THAT REAL PROPERTY SITUATED IN GARFIELD COUNTY, DESCRIBED AS FOLLOWS:

A PART OF THE NW1/4 OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO; THE AREA OF WHICH IS
COUNTY, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND SITUATED IN THE NW1/4 OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO;
SAID PARCEL OF LAND CONTAINING 172.770 ACRES, MORE OR LESS.

THE FOREGOING CERTIFICATE OF DISPOSITION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THE _____ DAY OF ___________, A.D., 20__, BY PAUL R. NIESLANIK
TOWN CLERK
___________________________________
THE UNDERSIGNED P&C NIESLANIK LLLP, BEING SOLE OWNER(S) IN FEE SIMPLE OF ALL THAT REAL PROPERTY SITUATED IN GARFIELD COUNTY, DESCRIBED AS FOLLOWS:

A PART OF THE NW1/4 OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO; THE AREA OF WHICH IS
BOUNDARY LINE ADJUSTMENT MAP OF:
HILLCREST CEMETERY AND P&C NIESLANIK LLLP PROPERTIES
A PARCEL OF LAND SITUATED IN THE NW 1/4 OF SECTION 2,
TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO
SHEET 2 OF 2

PURPOSE NOTE:
THE PURPOSE OF THIS BOUNDARY LINE ADJUSTMENT MAP IS TO TRANSFER A PORTION OF P&C NIESLANIK LLLP PROPERTY TO THE TOWN OF CARBONDALE.

REFERENCE MAP:
CARBONDALE CEMETARY AND P&C NIESLANIK LLLP PROPERTIES

PURCHASED PROPERTY:
A PARCEL OF LAND SITUATED IN THE NW 1/4 OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
IN THAT DOCUMENT RECORDED AT RECEPTION NO. 558988, OF THE GARFIELD COUNTY RECORDS, WHENCE THE WITNESS CORNER TO THE N1/4 CORNER BETWEEN THE TOWN OF CARBONDALE MONUMENTS AT INTERSECTIONS OF EIGHTH & MAIN AND SECOND & MAIN BOTH BEING FOUND #5 REBARS; CORRECTION DEED RECORDED IN RECEPTION NO. ___________ (COLLECTIVELY, THE TOWN CEMETARY) AND A PORTION OF THAT PROPERTY DESCRIBED IN THAT DOCUMENT RECORDED AS RECEPTION NO. 558988

EXCEPT A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
A PARCEL OF LAND SITUATED IN THE NW 1/4 OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE TOWN CEMETARY, ACCORDING TO THAT DEED RECORDED IN BOOK 125 AT PAGE 292 AND THAT CORRECTION DEED RECORDED IN RECEPTION NO. ___________ OF THE GARFIELD COUNTY RECORDS, WHENCE THE WITNESS CORNER TO THE N1/4 CORNER BETWEEN THE TOWN OF CARBONDALE MONUMENTS AT INTERSECTIONS OF EIGHTH & MAIN AND SECOND & MAIN BOTH BEING FOUND #5 REBARS;

SOPRIS ENGINEERING - LLC
552 MAIN STREET, SUITE A3
CARBONDALE, COLORADO 81623
(970) 704-0311 SOPRISENG@SOPRISENG.COM

HILLCREST CEMETARY

DRAWN TO SCALE: 1 INCH = 200 FEET

GRAPHIC SCALE
1 inch =         ft.

AREA TABLE

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HILLCREST CEMETARY AND P&C NIESLANIK LLLP PROPERTIES

PURCHASED PROPERTY:
A PARCEL OF LAND SITUATED IN THE NW 1/4 OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 88 WEST OF THE 6TH PRINCIPAL MERIDIAN, GARFIELD COUNTY, COLORADO; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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The meeting was called to order at 7:00 p.m. by Gavin Brooke.

Lauren arrived at 7:03 p.m.

Public Comment-Persons present not on the agenda

There was no public comment

PUBLIC HEARING – Minor Site Plan Review for ADU
Applicant: Jeremy and Megan Vrano – Location: 4075 Dolores Way

John said that this is an application for a Minor Site Plan Review. He stated that the Commission is required to hold a public hearing and approve the application, deny it or continue the public hearing.

John stated that the applicant is proposing to renovate an unfinished space above the attached garage into an assessorial dwelling unit. He added that this renovation will only require internal changes to the structure.

John outlined the following:

Under the UDC, a proposed ADU in the R/LD zone district must go through a minor site plan review before the Planning and Zoning Commission who will issue a decision and findings on the application.
Zoning
4075 Dolores Way is entirely within the R/LD zone district where an ADU is allowed by special use permit/minor site plan review.
An ADU is allowed to be up to 850 square feet and a minimum of 300 square feet. The proposed ADU is 529 square feet in size.

Setbacks
The required setbacks in the R/LD zone district have been met.

Maximum Impervious Surface
The allowed maximum impervious surface has been met.

Building Height
No changes in building height are proposed.

Parking
Section 5.8.3. of the UDC requires 2 parking spaces for the main dwelling, and 2 spaces for an ADU.

Two spaces are provided in the garage with an additional three spaces in front of the garage for a total of 5 parking spaces.

Landscaping
The landscaping is existing.

Building Design
The proposed changes are internal and do not affect the building exterior.

Bulk Storage
Bulk storage requirements have been met at approximately 303 cubic feet of storage not including any areas within the garage.

Solar Access
Section 5.12 Solar Access discusses the provision of adequate light to allow solar access on adjacent properties.

The renovations to the structure do not affect solar access.

Site Plan Review Criteria
A site plan may be approved upon a finding that the application meets all of the following criteria:

1. The site plan is consistent with the Comprehensive Plan.

2. The site plan is consistent with any previously approved subdivision plat, planned unit development, or any other precedent plan or land use approval as applicable;

3. The site plan complies with all applicable development and design standards set forth in this Code; or

4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale, or the decision-making body finds that such traffic impacts will be sufficiently mitigated.

Megan Vrono explained that they have lived in the valley for five years and that they have their future ADU reserved for a teacher.

Michael asked if the door to the ADU was to the right of the entrance and if the three windows above the garage were in the ADU.

Megan replied yes to both and that there were three windows in the bedroom and three windows in the living room.

Lauren commented that when this home was previously listed, it was advertised that it was pre-plumbed in the space above the garage and she wondered how the plumbing could have preceded this ADU approval.

John answered that this home was before his time and that an ADU was allowed on this lot.

Jeremy explained that they had talked to the builder and that the plumbing roughs were covered by framing and drywall so they would need to find the plumbing.

Gavin added that it was as if it were a bandit unit being advertised.

**Public Comment**

There was no public comment.

**Motion to close the Public Hearing**

A motion was made by Michael to close the public hearing. Yuani seconded the motion and it was approved unanimously.
Motion

Michael made a motion to approve the minor site plan review for an accessory dwelling unit to be located at 4075 Dolores Way with the following conditions and findings listed below. Yuani seconded the motion and it was approved unanimously.

1. The Accessory Dwelling Unit shall not have separate water or sewer service.

2. All other representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.

3. The Applicant shall also pay and reimburse the town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code.

4. The applicant shall apply for and receive a building permit as required.

Findings for Approval - Site Plan Review Criteria

1. The site plan is consistent with the Comprehensive Plan.

2. The site plan is consistent with any previously approved subdivision plat, and any other land use approval as applicable;

3. The site plan complies with all applicable development and design standards set forth in this Code

4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale.

Yes: Marina, Gavin, Yuani, Lauren, Jay and Michael

No: none

PUBLIC HEARING – Nieslanik/Town- Subdivision Exemption

Applicant: Town of Carbondale

Location: Parcel Located east of Merrill Ave. & north of the Rio Grande ROW.

Mark Chain introduced himself and said that he was here to present this application on behalf of the Town. He disclosed that there were three applications involved in this land swap;

1) Lot line adjustment from the Nieslanik’s to convey to the Town

2) A subdivision exemption

3) A minor plat amendment

Mark stated that the Town’s role is to sign the plat. He continued by explaining that Mark Hamilton, the Town Attorney, was going to process this application but that he
was busy. He said that it was also more cost effective for a Planner to be processing this application.

Mark disclosed that the Board of Trustees have already signed a contract for the land exchange

Mark gave the background and the history of these properties.

John gave the Staff report and stated that this is an application for a Subdivision Exemption that requires a public hearing. He said that the Planning Commission may approve, deny, continue, or approve the exemption with conditions.

John explained that the Town would like to split a Town owned 1.962-acre parcel into two lots. He continued by saying that this parcel is located to the east of Merrill Avenue and to the south of the southern edge of the Delaney Nature Park/Dog Park. John stated that it should be noted that this parcel is not part of the Delaney Nature Park. He said that the reasoning behind this split is so that the Town may convey a 1.38-acre parcel/lot to Paul and Celia Nieslanik. He continued by saying that the Town in return would receive a 1.38-acre parcel from the Nieslanik’s to expand the Hillcrest Cemetery, also known as the White Hill Cemetery, located on White Hill. John said that each of the lots created will be zoned industrial, with no changes in zoning proposed. He said that the appraisal breaks this out to be a straight swap. He disclosed that the Town has been in negotiation with the Nieslanik’s for about a year.

John outlined the following;

The application proposes to split the 1.962-acre into two lots:

Lot 1  20,502 sq ft (0.471 acres) Industrial Zoning
Lot 2  60,176 sq ft (1.381 acres) Industrial Zoning

In addition to the above lot areas there is a portion of the 4th Street Right-of-Way

4th Street ROW  4798 sq ft (0.110 acres)

These areas are represented on the plat documents provided.

Easements

There is a portion of Lot 2 that will be dedicated as an easement over a portion of the Town Ditch.

Eligibility for Subdivision Exemption

A Subdivision Exemption must meet the applicability standards as set forth in section 2.6.6 B items 1a to e as noted in the staff report.

Marina said that she did not see the information about the property on White Hill and she asked how the swap works out.

Michael asked if the land swap would go before the Board of Trustees. Gavin said that he got derailed on that.
John explained that the Town has been under contract since July 2016.

Jay asked if the utilities are supposed to be available to the lot.

Mark Chain gave his presentation and showed the site plans. He said that the Industrial Zone District would not be changing with this proposal. He stated that there were no non-conformities. He said that Lot 1 might become Open Space (O/S) in the future but that Lot 2 would stay industrial. Mark said that the lots meet the criteria for a lot split.

Gavin asked if there were easements to or from the lots.

Mark replied that there was an easement for a Town ditch.

Gavin asked what is the square footage of developable land.

Mark stated that is was approximately 15,000 square feet.

Gavin asked what the cost of a cemetery plot was.

John stated that if you lived in Carbondale proper that the plots were $250 each and that if you were in the 81623 zip code outside of Town that they were $1000 and $2000 for anyone else.

Gavin said he had obtained a copy of the contract. He stated that he had reservations:

1) The first one was that there was a complicated neighborhood which has no access, except over the railroad tracks. He said that if there was a possibility of a right-of-way (ROW) that the Town could be trading away a piece of property that could be a connector.

2) The second was the loss of control at the edge of the Delaney property.

3) The third was making a connection to a mini-PUD. He said that he has wanted to get rid of PUD’s and that this is a missed opportunity. He continued by saying that Staff is missing opportunities and should be catching PUDs in the beginning of the process. He said that Staff should note it in the Staff reports.

Mark stated that the Town could condemn property for a ROW in the future.

Gavin explained that all of the swaps would happen simultaneously and that he had discussed this with Mark Hamilton.

Public Comment

There was no public comment.

Motion to close the Public Hearing

A motion was made by Michael to close the public hearing. Yuani seconded the motion and it was approved unanimously.

Gavin thanked the Nieslaniks for being good neighbors.

Marina questioned whether there really was a missed opportunity. She said that it was a steep property.

Gavin said that it was steep.
Michael agreed that it was a sloped piece of property and that he didn’t see the potential.

Marina said that she thought that there was minimal opportunity for future development.

Michael said that there was a small triangle of property that is sloped.

John said to add the fourth condition:

Approval of Subdivision Exemption is contingent upon approval from Mark Hamilton and minor plat amendment and recording of both actions as well as sales contract at the same time.

**Motion**

Michael made a motion to approve the Town of Carbondale Subdivision Exemption with the recommended conditions 1-3 and approvals below, and the addition of condition #4; Approval of Subdivision Exemption is contingent upon approval from Mark Hamilton and the minor plat amendment and recording of both actions as well as sales contract simultaneously. Marina seconded the motion and it was approved unanimously.

**Recommended Conditions:**

1. All representations of the Applicant and Applicant’s representatives at the Public Hearing shall be considered conditions of approval of this subdivision exemption.

2. The Applicant shall apply for and receive approval for a Minor Plat Amendment to merge Lot 2 with the Nieslanik Mini PUD.

3. The Subdivision Exemption Plat shall be in a form acceptable to and approved by Town staff and the Town Attorney prior to recording. Applicant shall execute and record the plat with the Garfield County Clerk and Recorder within three (3) months of approval by the Planning Commission.

**Recommended Findings**

Subdivision:

The property is suitable for subdivision; public utilities are in place to serve the properties; each lot has the necessary dedicated public access; the subdivision is comprised of not more than three lots; and the area has not been previously subdivided.

Yes: Marina, Gavin, Yuani, Lauren, Jay and Michael

No: none

**PUBLIC HEARING – Zone Text Amendment – Drive Through Banks & Pharmacies in Commercial Zone Districts**

**Applicant: Town of Carbondale**

Janet stated that this is a public hearing for the purpose of considering an amendment to the UDC to allow Drive-Through Banks and Pharmacies in commercial zone districts.
She said that the Commission is required to hold a public hearing and recommend approval or recommend denial. She stated that the Commission may also continue the hearing.

Janet remarked that at the October 20th meeting, the Commission initiated a zone text amendment to consider this amendment.

Janet outlined the following:

**Drive-Through Banks**

Currently, the UDC allows banks as a permitted use in the C/T, CRW, HCC, and MU zone districts.

Drive through banks are permitted in the C/T zone district as a special review use. They are prohibited in the MU and HCC zone districts.

She said that she would recommend that the use specific standard for banks be amended to allow Drive-Through Banks in the CRW zone district as a special use permit in addition to CT.

**Drive-Through Pharmacy**

A pharmacy is considered a general retail use. General retail uses are now regulated by size.

A retail use less than 10,000 sq. ft. is permitted in the C/T, CRW, HCC and MU zone district.

A retail use more than 10,000 sq. ft. is a permitted use in the C/T and CRW zone districts and a special use in the HCC and MU zone districts.

Janet stated that she would recommend revising the use specific standard for retail over 10,000 sq. ft. to allow drive-through pharmacies in the CRW zone district. She said that she recommended prohibiting them in the HCC, CT and MU zone districts.

Janet continued by saying that a new use-specific standard for retail 10,000 sq. ft. or less would need to be added. She said that it would allow drive-through pharmacies in the CRW zone district. She stated that they would be prohibited in the HCC, CT and MU zone district.

Janet clarified that she had intended to note that drive-throughs for marijuana uses would not be allowed but didn’t. She said that we may want to add that to Exhibit A.

Janet said amendments to the UDC may be approved if the Town finds that:

1. The proposed amendment will promote the public health, safety, and general welfare;

2. The proposed amendment is consistent with the Comprehensive Plan and the purposes of this Unified Development Code; and

3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.
Michael commented that the red lines use tables and to use specific standards.

Janet replied that the red lines will be redone as well as headers and footers.

Marina asked about City Market’s pharmacy drive-through which was approved previously.

Janet explained that it was approved under the old code, prior to the UDC.

Gavin suggested the wording be; any other drive-throughs are strictly prohibited. He added that S.3 should be S.1 then S.2 and S.3. He suggested allowing omission clarification or correction could be done with new criteria.

**Public Comment**

There was no public comment.

**Motion to close the Public Hearing**

A motion was made by Michael to close the public hearing. Marina seconded the motion and it was approved unanimously.

**Motion**

Michael made a motion to approve the zone text amendment with changes to R.1 and S.1 adding the phrase; any other drive-throughs are strictly prohibited, Exhibit A with changes, and the findings 1-3 below. Lauren seconded the motion and it was approved unanimously.

**Findings:**

1. The proposed amendment will promote the public health, safety, and general welfare;

2. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of the UDC as both state that the Auto Urban designation and the purposes section in the CRW zone district indicate that this zoning is aimed at attracting and accommodating customers on-site for retail and service uses; and

3. The proposed amendment is desirable because it will allow banks and pharmacies to remain competitive, which provides a more stable economic condition.

Yes: Marina, Gavin, Yuani, Lauren, Jay and Michael
No: none
Zoning Map Draft

Janet said that it has been a goal for a long time to update the zoning map. She explained that the last zoning map was adopted in 1993 and that it did not reflect a number of neighborhoods including Hendrick Ranch and RVR.

Janet stated that the Town hired Nathan Baier, Roaring Fork Geospatial, to assist in preparing the zoning map. She said that the source data – the parcels and streets - is from Garfield County GIS. Janet stated that we used the 1993 zoning map as a starting point, the recorded documents for PUDs, and other documents to build the zoning database and create the zoning district map. She said that she collected all of the zoning ordinances from 1993 to 2016 to be sure the map is accurate. Janet noted that this step is currently in process.

Janet stated that the zoning map reflects the zone districts already established by the Town and that are currently in place. She said that it does not rezone any properties.

Janet said that this is the initial review of the zoning district map and to get any feedback from the Commission. She stated that the zoning map will come back to the P&Z, most likely in January, at a public hearing. She said that the P&Z would make a recommendation to the Board on adoption.

Janet continued by saying that if the zoning district map is adopted, that it will be incorporated into the UDC as the official "Zoning District Map of the Town of Carbondale."

In closing, Janet said that she would like to get feedback in order to incorporate it into the map.

John explained that updates by the County could also be linked to Carbondale's GIS map so that changes would stay updated.

Further discussion ensued about the zoning map draft.

Staff Comments

Janet said that City Market was still planning a spring build. She stated that 1st Bank has submitted a Site Plan Review, prior to the drive-through amendment approval. She also remarked that Crystal Village Office/Commercial Lot A is under contract slated to be 100% residential. Janet told the Commission that the Thompson Park Phase 2 approved application has been withdrawn with a new application to be forthcoming. She said in closing that she has a pre-application meeting scheduled with RE-1 on December 16, 2016 for teacher housing on Third Street which entails rezoning and a site plan review. She said that they are proposing approximately eighteen units.

John said that the Housing Guidelines will be going before the Board of Trustees next Tuesday. He stated that there is a Tool Kit meeting with Garfield County Planners tomorrow as well as a monthly Mayor’s meeting.
**Commissioner Comments**

Lauren said that in her home town of Oxford, Mississippi that they are building tiny homes.

Jay added that there is a new ICC section that targets tiny homes.

A motion was made by Michael to adjourn, Yuani seconded the motion and the meeting was adjourned at 8:44 p.m.
Board of Trustees Agenda Memorandum

Item No: 8
ATTACHMENT H

Meeting Date: 1/10/2017

TITLE: CMED, LLC, dba as Rocky Mountain High (RMH) Medical and Retail Marijuana Cultivation Renewal Applications; Medical Dispensary and Retail Store Renewal Applications

SUBMITTING DEPARTMENT: Manager

ATTACHMENTS: Medical and Retail Marijuana Cultivation, Medical Dispensary and Retail Store Renewal Applications, Email From Holy Cross Verifying Purchase of Wind Energy

BACKGROUND: Rocky Mountain High's (RMH) Medical and Retail Marijuana Cultivation licenses, retail store and medical dispensary licenses expire on January 8, 2017. RMH has had no major changes in their business organization so the applicant was permitted to apply on the one page renewal application.

Medical and Retail Marijuana Cultivations are required to provide 30% of the energy they consume in the form of renewable energy. RMH purchases 150 blocks of wind power per month from Holy Cross which calculates to 30% of their 2015-2016 electric purchase.

Staff has received several substantiated odor complaints regarding the operation of RMH. The building official required that the owner re-engineer the ventilation system. After the installation of the new ventilation system it appears to be functioning adequately.

FISCAL ANALYSIS: All required fees have been paid.
RECOMMENDATION: Staff recommends that the Board make the following motion:
move to approve CMED, LLC dba as Rocky Mountain High’s, Medical and Retail
Marijuana Cultivation and Retail and Medical Marijuana Store Renewal applications.

Prepared By: Cathy Derby, Town Clerk

______________________________
Jay Harrington Town Manager
Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623
Retail Marijuana Facility Renewal Application

Annual Fee: $2,000.00
Renewal License Fee $500

TOTAL DUE $2,500

Applicant is renewing a:
☐ Store
☐ Cultivation
☐ Other (Please Specify)
☐ Manufactured Infused Products (MIP)

Licensee Name (ie. Corporation Name): CMED LLC
Trade Name (DBA): Rocky Mountain High
Sales Tax No.: 001732

Street Address: 115 Buggy Cir, Unit D, Carbondale, CO 81623
Business Phone: 970.913.4269

Mailing Address: 1000 E. Stapleton Dr S, Denver, CO 80210
Email Address: mhwmike@gmail.com

Operating Manager: Amanda Taylor
Home Address: Rifle, CO 81650
Phone: 315-500

1. Do you have legal possession of the premises at the street address above? Yes ☐ No ☐
Is the premises owned or rented ☐ Owned ☐ Rented. If rented, expiration date of lease _____________
2. Is the establishment within 500 ft. of a school? Yes ☐ No ☐
3. Since the date of filing of the last annual application, has there been any change in the financial
interest (loans, etc.) or organizational structure (change of officers, managing members, etc.)? If yes,
explain in detail and provide documentation. Yes ☐ No ☐
4. Since the date of the filing of the last annual application, has the applicant or any of its agents, owners
managers been convicted of a felony? If yes, attach a detailed explanation ☐ Yes ☐ No ☐
5. Since the date of the filing of the last annual application, has the applicant hired any new
employees? ☐ Yes ☐ No ☐ If yes, have they been fingerprinted ☐ Yes ☐ No ☐ Had a background check performed? ☐ Yes ☐ No

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are
true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and
the responsibility of my agents and employees to comply with the provisions of the Town of Carbondale
Municipal Code, which affects my license.

Applicant Signature: [Signature]
Date: 11/4/19
Title: Director of Compliance & Licensing

Has the local authority conducted a site visit to ensure that the premises is in compliance with
Town Code ☐ Yes ☐ No

THIS APPLICATION HAS BEEN: ☐ Approved ☐ Denied

Authorized Signature: [Signature]
Title:
Date:

Attest: [Signature]
Title:
Date:
Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623
Retail Marijuana Facility Renewal Application

Annual Fee: $2,000.00 $2,000
Renewal License Fee $500 $500
TOTAL DUE $2,500

Applicant is renewing a:
- [ ] Store
- [ ] Cultivation
- [ ] Manufactured Infused Products (MIP)

Licensee Name: (ie., Corporation Name) L'MED LLC
Trade Name (DBA): Rocky Mountain High
Sales Tax No.: 0011702

Street Address: 1715 Buggy Cir., Unit D
Business Phone: 719.963.4609

Mailing Address: 1844 E Stapleton Dr S, Denver, CO 80210
Email Address: mhwmike@gmail.com

Operating Manager: Amanda Taylor
Home Address: RAP, CO 81650
Phone: 

1. Do you have legal possession of the premises at the street address above? Yes [x] No [ ]
Is the premises owned or rented? [ ] Owned [x] Rented. If rented, expiration date of lease ________

2. Is the establishment within 500 ft. of a school? [ ] Yes [ ] No

3. Since the date of filing of the last annual application, has there been any change in the financial interest (loans, etc.) or organizational structure (change of officers, managing members, etc.)? If yes, explain in detail and provide documentation. [x]

4. Since the date of the filing of the last annual application, has the applicant or any of its agents, owners managers been convicted of a felony? If yes, attach a detailed explanation. [x] Yes [ ] No

5. Since the date of the filing of the last annual application, has the applicant hired any new employees? [ ] Yes [ ] No If yes, have they been fingerprinted? [x] Yes [ ] No
Had a background check performed? [x] Yes [ ] No

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Town of Carbondale Municipal Code, which affects my license.

Applicant Signature: [Signature]
Date: 11.4.16
Title: Director of Compliance & Licensing

Has the local authority conducted a site visit to ensure that the premises is in compliance with Town Code [ ] Yes [ ] No

THIS APPLICATION HAS BEEN: [x] Approved [ ] Denied

Authorized Signature: [Signature]
Title: [Title]
Date: [Date]

Attest
Title: [Title]
Date: [Date]
Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623
Medical Marijuana Facility Renewal Application

Annual Educational Fee: $1,000.00
Renewal Application Fee $500

TOTAL DUE $1,500

Applicant is renewing a:
- [ ] Store
- [ ] Lab
- [ ] Cultivation
- [ ] Other (Please Specify)
- [ ] Manufactured Infused Products (MIP)

Licensee Name: (ie. Corporation Name)
CMED LLC

Trade Name (DBA)
Rocky Mountain High

Sales Tax No.
001702

Street Address:
615 Baggy Cir, Unit D, Carbondale, CO 81623

Business Phone:
970-943-4869

Mailing Address:
800 E Stapleton Dr, Denver, CO 80210

Email Address:
mhwmike@gmail.com

Operating Manager:
Amanda Taylor

Home Address:
Rifle, CO 81650

Phone:

1. Do you have legal possession of the premises at the street address above? Yes [x] No [ ]
   Is the premises owned or rented [ ] Owned [x] Rented. If rented, expiration date of lease

2. Is the establishment within 500 ft. of a school? [ ] Yes [x] No

3. Since the date of filing of the last annual application, has there been any change in the financial
   interest (loans, etc.) or organizational structure (change of officers, managing members, etc.)? If yes,
   explain in detail and provide documentation. [x] Yes [ ] No

4. Since the date of the filing of the last annual application, has the applicant or any of its agents, owners
   managers been convicted of a felony? If yes, attach a detailed explanation [ ] Yes [x] No

5. Since the date of the filing of the last annual application, has the applicant hired any new
   employees? [x] Yes [ ] No If yes, have they been fingerprinted? [x] Yes [ ] No
   Had a background check performed? [x] Yes [ ] No

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are
true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and
the responsibility of my agents and employees to comply with the provisions of the Town of Carbondale
Municipal Code, which affects my license.

Applicant Signature: Juan [X] Date: 11/4/16 Title: Director of Compliance & Licensing

Has the local authority conducted a site visit to ensure that the premises is in compliance with
Town Code [x] Yes [ ] No

THIS APPLICATION HAS BEEN: [x] Approved [ ] Denied

Authorized Signature: [ ] Title:

Attest: [ ] Title:


Town of Carbondale  
511 Colorado Avenue 
Carbondale, CO 81623  
Medical Marijuana Facility Renewal Application

| Annual Educational Fee: $1,000.00 | $1000 |
| Renewal Application Fee $500 | $500 |
| **TOTAL DUE** | $1500 |

Applicant is renewing a:
- [ ] Store
- [ ] Cultivation
- [ ] Manufactured Infused Products (MIP)
- [ ] Lab
- [ ] Other (Please Specify)

| Licensee Name (ie. Corporation Name) | Trade Name (DBA) | Sales Tax No. |
| CMED LLC | Rocky Mountain High | 001702 |

| Street Address | Business Phone | Mailing Address | Mailing Address |
| 105 Buggy Cir, Unit D, Carbondale, CO 81623 | 970.963.4609 | 10800 E Stapleton Dr S, Denver, CO 80247 | |

| Operating Manager | Home Address | Email |
| Amanda Taylor | Rifle, CO 81650 | mhwmife@gmail.com |

| Phone |
|  |

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1. Do you have legal possession of the premises at the street address above? Yes [ ] No [ ]

- Is the premises owned or rented? Yes [ ] No [ ]
- Rented. If rented, expiration date of lease [ ]

2. Is the establishment within 500 ft. of a school? Yes [ ] No [ ]

3. Since the date of filing of the last annual application, has there been any change in the financial interest (loans, etc.) or organizational structure (change of officers, managing members, etc.)? If yes, explain in detail and provide documentation. Yes [ ] No [ ]

4. Since the date of the filing of the last annual application, has the applicant or any of its agents, owners, managers been convicted of a felony? If yes, attach a detailed explanation. Yes [ ] No [ ]

5. Since the date of the filing of the last annual application, has the applicant hired any new employees? Yes [ ] No [ ] If yes, have they been fingerprinted? Yes [ ] No [ ]

- Had a background check performed? Yes [ ] No [ ]

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**OATH OF APPLICANT**

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Town of Carbondale Municipal Code, which affects my license.

**Applicant Signature:**  
[Signature]  
11.4.16  
**Title:** Director of Compliance & Licensing  

Has the local authority conducted a site visit to ensure that the premises is in compliance with Town Code? Yes [ ] No [ ]

**THIS APPLICATION HAS BEEN:**  
- [ ] Approved  
- [ ] Denied

**Authorized Signature:**  
[Signature]  
**Title:**  
**Date:**

**Attest:**  
[Signature]  
**Title:**  
**Date:**
LEASE EXTENSION

This Lease Extension made and entered into this 4th day of January, 2016 by and between 615 BUGGY CIRCLE, LLC, as Landlord, and CMED, LLC as Tenant

WHEREAS, Landlord and Tenant entered into a Lease dated November 1, 2013; and

WHEREAS, the parties wish to extend the term of said Lease.

NOW, THEREFORE, in consideration of the sum of DOLLARS and other good and valuable consideration, the mutual receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

1. The term of said Lease is hereby extended for a period of five years commencing December 1, 2016 and terminating on November 30, 2021.

2. Rent shall at the rate of for the first year, with annual 4% increases each year thereafter.

3. Tenant is hereby granted one five year extension of said Lease.

4. All other terms and conditions of the original Lease are hereby re-ratified and reconfirmed.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above mentioned.

LANDLORD
615 BUGGY CIRCLE, LLC

BY
Michael H. Wessner
Managing Member

TENANT
CMED, LLC

BY
Michael H. Wessner
Managing Member
BUSINESS LEASE

This Lease, dated the 1st day of November, 2013, is between 615 BUGGY CIRCLE, LLC, and CMED, LLC, Tenant.

In consideration of the payment of the rent and the performance of the covenants and agreements by the Tenant set forth herein, the Landlord does hereby lease to the Tenant the following described premises known as 615 Buggy Circle, Unit D, Carbondale, CO 81623.

Said premises, with all the appurtenances, are leased to the Tenant from the date of November 1, 2013 until the date of November 30, 2016 at and for a rental of $6,530.00 per month, due on the first day of each calendar month during the term of this Lease, payable at 20155 NE 38 Court, Suite 201, Aventura, Florida, 33180, without notice.

THE TENANT, IN CONSIDERATION OF THE LEASING OF THE PREMISES AGREE AS FOLLOWS:

1. The Tenant shall pay the rent for the premises above-described.
2. The Tenant shall, at the expiration of this Lease, surrender the premises in as good a condition as when the Tenant originally entered the premises under its prior lease, ordinary wear and tear excepted. The Tenant shall keep all sidewalks on and around the premises free and clear and ice and snow; keep the entire exterior premises free from all litter, dirt, debris and obstructions; and keep the premises in a clean and sanitary condition as required by the ordinances of the city and county in which the property is situate.
3. Landlord represents that the premises consist of approximately 3,000 square feet.
4. Tenant shall have the right at any time and from time to time during the term of this Lease to make changes and alterations in the premises provided that such changes are not structural in nature. Any change or alteration shall be made in good workmanlike manner and shall not create a zoning or building code violation. Tenant shall promptly pay for all changes and alterations and shall in no circumstance allow a lien to be placed upon the premises.
5. The Tenant shall not sublet any part of the premises, nor assign the Lease, or any interest therein, without the written consent of the Landlord, which consent shall not be unreasonably withheld.
6. The Tenant shall use the premises as a State licensed center for the growing and sale of medical marijuana and/or recreational marijuana and shall not use the premises for any purposes prohibited by the laws of the State of Colorado, or of the ordinances of the city or town in which said premises are located, and may use the premises for any other purpose permitted by the City of Carbondale and/or the State of Colorado, and shall neither permit nor suffer any disorderly conduct, noise or nuisance having a tendency to annoy or disturb any persons occupying adjacent premises.
7. The Tenant shall neither hold, nor attempt to hold, the Landlord, its agents, contractors and employees, liable for any injury, damage, claims or loss to person or property occasioned by any accident, condition or casualty to, upon or about the premises including, but not limited to, defective wiring, the breaking or stopping of the plumbing or sewage upon the premises, unless such accident, condition or casualty is directly caused by intentional or reckless acts or omissions of the Landlord. Notwithstanding any duty the Landlord may have hereunder to repair or maintain the premises, in the event that the improvements upon the premises are damaged by the negligent, reckless or intentional act or omission of the Tenant or any employees, agents, invitees, licensees or contractors, the Tenant shall bear the full cost of such repair or replacement. The Tenant shall hold Landlord, Landlord’s agents and their respective successors and assigns, harmless and indemnified from all injury, loss, claims or
damage to any person or property while on the demised premises or any other part of Landlord's property, or arising in any way out of Tenant's business, which is occasioned by an act or omission of tenant, its employees, agents, invitees, licensees or contractors. The Landlord is not responsible for any damage or destruction to the Tenant's personal property.

8. The Tenant shall allow the Landlord to enter upon the premises at any reasonable hour with a 24 hour advance notice and only in the company of the Tenant.

IT IS EXPRESSLY UNDERSTOOD AND AGREED BETWEEN LANDLORD AND TENANT AS FOLLOWS:

9. The Tenant shall be responsible for paying the following: Electric, Gas, Phone and Janitorial Services. The Landlord agrees to keep all the improvements upon the premises, including but not limited to, structural components, interior and exterior walls, floor, ceiling, roofs, sewer connections, plumbing, wiring and glass in good maintenance and repair at their expense. In the event the Landlord is responsible for repair of the premises, the Tenant shall be obliged to notify the Landlord of any condition upon the premises requiring repair and the Landlord shall be provided a reasonable time to accomplish said repair.

10. No assent, express or implied, to any breach or default of any one or more of the agreements hereof shall be deemed or taken to be a waiver of any succeeding or other breach or default.

11. If, after the expiration of this Lease, the Tenant shall remain in possession of the premises and continue to pay rent without a written agreement as to such possession, then such tenant shall be required as a month-to-month tenancy, at a monthly rental, payable in advance, equivalent to the last month's rent paid under this lease and subject to all the terms and conditions of this lease.

12. If the premises are left vacant and any part of the rent reserved hereunder is not paid, then the Landlord may, without being obligated to do so, and without terminating this Lease, repossess possession of the said premises and rent the same for such rent, and upon such conditions as the Landlord may think best, making such changes and repairs as may be required, giving credit for the amount of rent so received less all expenses of such changes and repairs, and the tenant shall be liable for the balance of the rent herein reserved until the expiration of the term of this Lease.

13. If the Tenant shall be in arrears in payment of any installment of rent, or any portion thereof, or in default of any other covenants or agreements set forth in this Lease, and the default remains uncorrected for a period of ten (10) days after the Landlord has given written notice thereof pursuant to applicable law, then the Landlord may, at the Landlord's option, undertake any of the following remedies without limitation: (a) pursue breach of contract remedies; and/or (b) pursue any and all available remedies in law or equity. In the event possession is terminated by a reason of default prior to expiration of the term, the Tenant shall be responsible for the rent occurring for the remainder of the term, subject to the Landlord's duty to mitigate such damages, pursuant to applicable law (13-40-104.5(5) and 13-40-107.5, C.R.S.) which is incorporated by this reference.

14. If the property or the premises shall be destroyed in whole or in part by fire, the elements or other casualty and if, in the opinion of the Landlord, they cannot be repaired within forty-five (45) days from said injury and the Landlord informs the Tenant of said decision; or if the premises are damaged in any degree and the Landlord informs the Tenant it does not desire to repair same and desires to terminate this Lease; then this Lease shall terminate forty-five (45) days after the date of such injury. In the event of such termination, the Tenant shall surrender the possession of the premises and all rights therein to the Landlord, and Tenant shall not be liable for rent accruing subsequent to said event. The Landlord shall have the right to immediately enter and take possession of the premises and shall not be liable for any loss.
damage or injury to the property or person of the Tenant or occupany of, in or upon the premises. If the Landlord repairs the premises within forty-five (45) days, this Lease shall continue in full force and effect and the Tenant shall not be required to pay rent for any portion of said forty-five (45) days during which the premises are wholly unfit for occupancy.

15. In the event any dispute arises concerning the terms of this Lease or the non-payment of any sums under this Lease, and the matter is turned over to an attorney, the party prevailing in such dispute shall be entitled, in addition to other damages or costs, to receive reasonable attorney’s fees from the other party.

16. In the event of a condemnation or other taking by any governmental agency, all proceeds shall be paid to the Landlord hereunder, the Tenant waiving all right to any such payments.

17. This Lease is made with the express understanding and agreement that in the event the Tenant become insolvent, the Landlord may declare this Lease ended, and all rights of the Tenant hereunder shall terminate and cease.

18. Landlord covenants and agrees that Tenant upon paying the basic gross rent and utility charges herein provided for and so long as Tenant is observing and keeping the covenants, agreements and conditions of this lease on its part, Tenant shall lawfully and quietly hold, occupy and enjoy the demised premises during the term of this Lease without hindrance or molestation or termination by anyone claiming by, through or under Landlord.

19. Notwithstanding anything to the contrary, Tenant shall have a right to assign this Lease to a parent company or wholly owned subsidiary.

20. All notices shall be in writing and be personally delivered or sent by certified mail, return receipt requested or overnight delivery unless otherwise provided by law, to the respective parties, and shall be deemed received when delivered.

If to Landlord at: 615 Buggy Circle, LLC
20155 NE 38 Court, Suite 201
Aventura, FL 33180

If to Tenant at: CMED, LLC
615 Buggy Circle
Carbondale, CO 81623

21. If any term or provision of this Lease shall be invalid or unenforceable, the remainder of this Lease shall not be affected thereby and shall be valid and enforceable to the full extent permitted by law.

22. This Lease shall only be modified by amendment signed by both parties.

23. This Lease shall be binding on the parties, their personal representatives, successors and assigns.

24. When used herein, the singular shall include the plural.

25. Tenant is granted an option to extend the Lease for an additional five year term with a rental increase of 3% from the prior year. Tenant shall exercise its option by giving Landlord notice at least sixty (60) days before the lease expires.

26. In the event Tenant is required by a Federal, State or local municipality to close its business at the premises, the Lease shall terminate as of the date specified in said notice.

27. The parties acknowledge that this Lease was executed with respect to a property located in the City of Carbondale, County of Garfield, State of Colorado, and the parties hereby designate Garfield County for purposes of venue.

28. Each party has had an opportunity to seek its own independent counsel and acknowledges that they understand all of the terms and conditions contained herein and that they believe that said Lease is fair and equitable and there shall be no negative inference drawn against the
preparer of the Lease.

LANDLORD:  
B.I.S. BUGGY CIRCLE, LLC

MICHAEL H. WEISSER

TENANT:  
CMED, LLC

BY:  
MICHAEL H. WEISSER, Managing Member
Cathy Derby

From: Steve Casey <scasey@holycross.com>
Sent: Tuesday, December 13, 2016 9:11 AM
To: Cathy Derby
edevoe@weissercompanies.com
Subject: FW: Colomed Center - Renewable Energy Compliance

Good Morning Cathy,

You did not receive my original email transmittal this past Thursday as I had your email address as cderby@carbondale.co.net.

I apologize for the error.

Steve

From: Steve Casey
Sent: Thursday, December 8, 2016 3:29 PM
To: ‘cderby@carbondale.co.net’ <cderby@carbondale.co.net>
Subject: Colomed Center - Renewable Energy Compliance

Good Afternoon Cathy,

The purpose of this email is to verify that our member, Colomed Center, with a business operation address of 615 Buggy Circle – Lot 56, remains in compliance with the Town of Carbondale’s requirement that 30% of their electric energy use be through renewables.

Effective November 26, 2014, our member added 150 blocks of wind energy (each blocks representing 100 kilowatt-hours) to their account. Based on average monthly consumption history records, for the billing periods of December 2015 through November 2016, the 150 block allocation of wind energy is satisfying the Town’s requirement.

If you have any questions regarding this matter, please contact me at your earlier convenience.

Respectfully,

Stephen B. Casey
Manager Member Services
Holy Cross Energy
P.O. Box 2150
Glenwood Springs, CO 81602-2150
(970) 947-5430 – Direct
(970) 947-5455 – Fax

scasey@holycross.com
www.holycross.com
TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623

Board Trustees Agenda Memorandum

Meeting Date:

TITLE: Ordinance No. 2, Series of 2017 – Amending Marijuana Regulations for Renewals

SUBMITTING DEPARTMENT: Manager

ATTACHMENTS: Ordinance No. 2, Series of 2017

BACKGROUND: Staff has discovered that an error was made in Ordinance 15, Series of 2016, which outlines additional procedural processes for marijuana licensing. A paragraph was mislabeled "e" and inadvertently cancelled subsection (e) in Section 6-4-140 and 6-5-180 the Municipal Code. Both subsections (e) required marijuana establishments to renew 60 days prior to expiration, or pay a $1,000 fee if the licensing process goes beyond the expiration date while the Town completes the renewal licensing process. Ordinance No. 2, Series of 2017 will reestablish the 60 day renewal requirement.

FINANCIAL: None

DESIRED OUTCOME: Staff recommends the Board of Trustees make a motion to approve Ordinance No. 2, Series of 2017 approving additions to Chapter 6 of the Municipal Code with regard to the duration and renewal of medical and retail marijuana licenses.

Prepared By: Cathy Derby

Town Manager
ORDINANCE NO. 2
SERIES OF 2017

AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO, APPROVING ADDITIONS TO CHAPTER 6 OF THE MUNICIPAL CODE OF THE TOWN OF CARBONDALE WITH REGARD TO THE DURATION AND RENEWAL OF MEDICAL AND RETAIL MARIJUANA LICENSES

WHEREAS, the Town has licensed and regulated retail and medical marijuana establishments for approximately the past four years;

WHEREAS, the Board of Trustees seeks to clarify and confirm the duration of, and required timeline and fees for renewals of, both medical and retail marijuana licenses;

WHEREAS, the Board of Trustees finds, determines, and declares that it has the power to adopt this Ordinance pursuant to Article XX of the Colorado Constitution and the Home Rule Charter of the Town of Carbondale; and

WHEREAS, the Board of Trustees finds that it is in the interest of public health, safety, and welfare to adopt these revisions to Chapter 6 in order to more effectively regulate retail and medical marijuana establishments.

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

1. A new sub-section (g) is hereby added to Section 6-4-140 of the Carbondale Municipal Code, to read as follows:

   (g) Any local license issued pursuant to this Article shall be valid for a period of one year from the date of issuance and shall automatically expire after the one-year period has run. A license holder must apply for the renewal of an existing license at least 60 days prior to the license's expiration date. If the license holder fails to timely file a renewal application, the licensee must provide a written explanation detailing the circumstances surrounding the late filing. If the Town accepts the application, then it may elect to administratively continue the license beyond the expiration date, but for no longer than 60 days after the expiration date, while the Town completes the renewal licensing process, in which case, the license holder shall pay an additional $1,000.00 fee to the Town prior to issuance of the renewed license.

2. A new sub-section (g) is hereby added to Section 6-5-180 of the Carbondale Municipal Code, to read as follows:

   (g) Any local license issued pursuant to this Article shall be valid for a period of one year from the date of issuance and shall automatically expire after the one-year period has run. A license holder must apply for the renewal of an existing license at least 60 days prior to the license's expiration date. If
the license holder fails to timely file a renewal application, the licensee must provide a written explanation detailing the circumstances surrounding the late filing. If the Town accepts the application, then it may elect to administratively continue the license beyond the expiration date, but for no longer than 60 days after the expiration date, while the Town completes the renewal licensing process, in which case, the license holder shall pay an additional $1,000.00 fee to the Town prior to issuance of the renewed license.

3. Except as amended herein, Articles 4 and 5 of Chapter 6 of the Carbondale Municipal Code shall remain in full force and effect.

INTRODUCED, READ AND PASSED this ____ day of ______________, 2017.

THE TOWN OF CARBONDALE

__________________________
Dan Richardson, Mayor

ATTEST:

__________________________
Cathy Derby, Town Clerk

POSTED: ____________
PUBLISHED: ____________
EFFECTIVE: ____________
Board Trustees Agenda Memorandum

Meeting Date: 01/10/2017

TITLE: TRIDENT History

SUBMITTING DEPARTMENT: Police Department

ATTACHMENTS: TRIDENT Stats

BACKGROUND: The Board requested that TRIDENT (Two Rivers Drug Enforcement Team) be placed on the agenda for discussion for the January 10th meeting. We were asked to provide a brief history of TRIDENT and our involvement.

History: In 1988, Congress created the Anti-Drug Abuse Act which facilitated the HIDTA (High Intensity Drug Trafficking Areas) program. The program provides assistance to federal, state and local law enforcement agencies operating in areas determined to be in critical drug-trafficking regions of the United States.

The purpose of the program is to reduce drug trafficking and production in the United States by:

- Facilitating cooperation among the federal, state, local and tribal law enforcement agencies to share information and implement coordinated enforcement activities.

- Enhancing law enforcement intelligence sharing among the agencies listed above.

- Enhancing reliable law enforcement intelligence sharing among the agencies listed above as integral to design effective enforcement strategies.

- Supporting coordinated law enforcement strategies to maximize available resources to reduce the supply of illegal drugs in designated areas and in the United States as a whole.
Locally, in about 1993 and 1994, agencies such as the Garfield Sheriff's Department, Glenwood Springs Police Department and the Carbondale Police began to see the need to form a local task force (TRIDENT). HIDTA grants became available as resources for the region because of the I-70 corridor (a major traffic route), resort area drug demand and local area trends with drug use. The local agencies and the 9th Judicial District Attorney recognized some significant problems with enforcing drug laws and partnered with the local Drug Enforcement Agency (DEA). It was apparent that the following concerns needed to be addressed:

Drug dealers do not pay attention to state, county or municipal jurisdictional lines. This provides particularly problematic barriers for prosecuting what can become very complicated and far reaching illicit businesses.

Drug case investigations are very time consuming and tedious.

Specialized training and expensive equipment is required due to the dangerous and technical nature of the investigations.

A dedicated team would take pressure off of street officers who are busy maintaining the local everyday needs in Law enforcement.

The mission of (TRIDENT) was to address street level drug dealing. At that time, the District Attorney's office had a dedicated prosecutor assigned to the task force. The task force and its participating agencies enjoyed great success for many years. Even agencies who could not afford to assist enjoyed the benefits of the task force.

In approximately 1998, Carbondale pulled its task force officer because the task force drifted somewhat from the primary mission of local street level drug enforcement. Task force officers were being pulled away to assist the DEA on bigger cases all over the state. For approximately 12 months, Carbondale handled its own drug cases. TRIDENT operated on a limited basis and assisted Carbondale with several cases in and outside of town limits. We still needed support with our cases.

The support we received began with the use of a surveillance vehicle and later an undercover vehicle that TRIDENT loaned us. TRIDENT assisted us with both staff and equipment to make controlled purchases. When cases concluded with a search warrant and arrests, both TRIDENT staff and our own officers were used.

At about this time, Carbondale developed its first ever narcotics K9 program. Lt. Wurtsmith purchased “Raven” a black Lab, German Shepheard mix from Sgt. Robertson of the Glenwood Springs Police Department. Raven served as Glenwood’s narcotics K9 until Glenwood opted for a dual purpose K9. Raven worked for the Town of Carbondale for about 6 years before retiring. Education was a prime focus with the program and we did several demonstrations with the local schools. We also assisted several other local agencies. Raven was able to assist in a great many cases. When Raven retired, we obtained grant funding to replace Raven and two other officers took over the program, one after the other.
The program ended when the last K9 handler went to work for Glenwood P.D. and his K9 went with him.

TRIDENT STRUCTURE: TRIDENT operates under the authority of an executive board. The board consists of the Garfield County Sheriff and the Chiefs for Glenwood P.D., Rifle, Silt and Carbondale. The board meets regularly to be briefed on open and closed cases by the TRIDENT commander (currently a Carbondale officer). The TRIDENT board directs the commander on case direction, budget and major decisions regarding case status.

The TRIDENT commander works with dedicated officers of the Garfield County Sheriff’s Department, Glenwood Springs, Rifle and agents with the DEA (Drug Enforcement Agency). Garfield County Sheriff’s Department also employs an analyst that the other agencies contribute to funding. The analyst works entirely with TRIDENT to assist with information gathering. Carbondale currently does not contribute to the analyst position. TRIDENT officers and DEA agents work together on cases but the board maintains control of TRIDENT to ensure it remains focused on the mission to make an impact on street level drug dealing in our communities.

Methodology: Two of the main enforcement tools for the task force are covert controlled purchases and a tremendous amount of surveillance. Intelligence gathering can get complicated with contacts leading all over the region. Safety is the number one concern as weapons and violence are often associated with drug cases.

Drugs: With the legalization of Marijuana in Colorado, it has become a lower priority drug of concern, unless there are exceptional factors. Cocaine, heroin and methamphetamines are among a number of illicit drugs that are prevalent in the valley to varying degrees. The Task force will work on cases involving these as well as prescription drugs that are not used in accordance with law.

Methamphetamines have been increasing in popularity in the valley at an alarming rate including the under 18 crowd. Meth is very affordable and has frightening addiction rates and behavioral effects. Methamphetamines are high on our list for concern and interdiction efforts.

Goals: Everyone acknowledges that drug task force work is a challenging to say the least. However, if we can make an impact to even the smallest degree, we might save some lives and keep some drugs out of the hands of children. The TRIDENT task force is our combined effort to reduce drug related crime, violence, drug production, distribution and availability. Resources for rehabilitation are very difficult to find for many people. Experience has shown us that those who enter our judicial system (can) get some mandated help and testing through probation. Many people are able to get the help and motivation they need if they so choose.
Locations that are known to be a source for illicit drugs often bring with it violence and property crimes. Experience has shown us that a great many thefts can be attributed to maintenance of drug habits as well as drug dealing itself.

FINANCIAL: Carbondale has one officer dedicated to the task force who is currently serving as it's commander. His salary and benefits cost the town between 90 and 95 thousand. If Carbondale shared the expense of the Analyst mentioned above, it would cost Carbondale approximately 10 thousand.

Should the Board determine it wanted to pull our officer out, we feel that a reasonable time frame would be needed to transition responsibilities and complete active cases.

ATTACHMENTS: Attached you will find statistics going back to 2013. The 2016 statistics do not show arrest or conviction rates as there are many cases yet pending and active.

RECOMMENDATION: We recommend that the Board continue to support TRIDENT and a dedicated officer to the task force.

Prepared By: Chris Wurtsmith
TRIDENT STATISTICS 2013

Drugs Seized:

<table>
<thead>
<tr>
<th>DRUG TYPE</th>
<th>DRY</th>
<th>LIQUID</th>
<th>PILLS/DOSES/PLANTS</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heroin</td>
<td>2.8g</td>
<td></td>
<td></td>
<td>$450.00</td>
</tr>
<tr>
<td>Cocaine</td>
<td>2,829.4g</td>
<td></td>
<td></td>
<td>$169,000.00</td>
</tr>
<tr>
<td>Marijuana Concentrate (Hashish)</td>
<td>2,721.5g</td>
<td></td>
<td></td>
<td>$20,800.00</td>
</tr>
<tr>
<td>Marijuana</td>
<td>8,235.3g</td>
<td></td>
<td></td>
<td>$54,000.00</td>
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<tr>
<td>Marijuana Plant (indoor grow)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Marijuana Plant (outdoor grow)</td>
<td></td>
<td>128 plants</td>
<td></td>
<td>$256,000.00</td>
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<tr>
<td>Methamphetamine</td>
<td>4,949.2g</td>
<td></td>
<td></td>
<td>$491,600.00</td>
</tr>
<tr>
<td>Club Drugs*</td>
<td>18.8g</td>
<td></td>
<td>179 doses</td>
<td>$27,500.00</td>
</tr>
<tr>
<td>Hallucinogens**</td>
<td>573.5g</td>
<td></td>
<td>93 doses</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>Pharmaceutical</td>
<td></td>
<td>34 vials</td>
<td>7 Xanax, 6 Amphetamine, 25 oxycodone</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>Other (Spice, Synthetics, Presumptive +)</td>
<td>1,154.6g</td>
<td>1 pill, 12 doses of 125i</td>
<td>$25,150.00</td>
<td></td>
</tr>
</tbody>
</table>

Total: $1,055,000.00

* MDMA, GHB, Ketamine, Rohypnol
** LSD, FCP, Peyote, Mescaline, Psilocybin

Assets Seized:

<table>
<thead>
<tr>
<th>Cash: $172,525.00</th>
<th>Vehicles: $107,226.00</th>
<th>Real Property: $300.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other (specify):</td>
<td></td>
<td>Total: $280,051.00</td>
</tr>
</tbody>
</table>

Total: $280,051.00

Weapons Seized:

<table>
<thead>
<tr>
<th>Handguns:</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rifles/Shotguns:</td>
<td>2</td>
</tr>
<tr>
<td>Machine Guns/Assault Weapons:</td>
<td>1</td>
</tr>
<tr>
<td>Number of Explosive Devices:</td>
<td>1</td>
</tr>
<tr>
<td>Other:</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>11</td>
</tr>
</tbody>
</table>
TRIDENT STATISTICS 2013

Arrests by City Area:

<table>
<thead>
<tr>
<th>CITY AREA</th>
<th>ARRESTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenwood Springs</td>
<td>20</td>
</tr>
<tr>
<td>Rifle</td>
<td>30</td>
</tr>
<tr>
<td>Carbondale</td>
<td>2</td>
</tr>
<tr>
<td>New Castle</td>
<td>1</td>
</tr>
<tr>
<td>Parachute</td>
<td>3</td>
</tr>
<tr>
<td>Silt</td>
<td>1</td>
</tr>
<tr>
<td>Vail</td>
<td>22</td>
</tr>
<tr>
<td>Other</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>96</strong></td>
</tr>
</tbody>
</table>

Cases by City Area:

<table>
<thead>
<tr>
<th>CITY AREA</th>
<th>CASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenwood Springs</td>
<td>26</td>
</tr>
<tr>
<td>Rifle</td>
<td>31</td>
</tr>
<tr>
<td>Carbondale</td>
<td>3</td>
</tr>
<tr>
<td>New Castle</td>
<td>1</td>
</tr>
<tr>
<td>Parachute</td>
<td>1</td>
</tr>
<tr>
<td>Silt</td>
<td>3</td>
</tr>
<tr>
<td>Vail</td>
<td>14</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>85</strong></td>
</tr>
</tbody>
</table>

TRIDENT statistics: 2013
Drugs Seized:

<table>
<thead>
<tr>
<th>DRUG TYPE</th>
<th>DRY</th>
<th>LIQUID</th>
<th>PILLS/ PLANTS</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heroin</td>
<td>39.5g</td>
<td></td>
<td></td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Cocaine</td>
<td>19,866.3</td>
<td></td>
<td></td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Marijuana Concentrate (Hashish)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana</td>
<td>14,981g</td>
<td></td>
<td></td>
<td>$100,000.00</td>
</tr>
<tr>
<td>Marijuana Plant (indoor grow)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana Plant (outdoor grow)</td>
<td></td>
<td></td>
<td>2,636 plants</td>
<td>$800,000.00</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>4,577.8g</td>
<td>1ml; 26cc</td>
<td></td>
<td>$121,000.00</td>
</tr>
<tr>
<td>Club Drugs*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hallucinogens**</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pharmaceutical</td>
<td></td>
<td>1 vial Xylocaine</td>
<td>11 Methylphenidate/4</td>
<td>$48,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Alprazolam/4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Amphetamine/14</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Drazepam/39</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Oxycodone/1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hydrocodone/1250</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Carisoprodol/</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1,000 oxandrolone/13</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Tapentadol/</td>
<td></td>
</tr>
<tr>
<td>Other (Spice, Synthetics, Presumptive +)</td>
<td></td>
<td>250ml testosterone</td>
<td></td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1,579,500.00</td>
</tr>
</tbody>
</table>

* MDMA, GHB, Ketamine, Rohypnol
** LSD, PCP, Peyote, Mescaline, Psilocybin

Assets Seized:

<table>
<thead>
<tr>
<th>Cash: $44,355.00</th>
<th>Vehicles: $36,425.00</th>
<th>Real Property: $36,546.51</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other (specify): $</td>
<td><strong>Total: $117,326.51</strong></td>
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</tr>
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</table>

Weapons Seized:
<table>
<thead>
<tr>
<th>Guns/Weapons</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handguns</td>
<td>1</td>
</tr>
<tr>
<td>Rifles/Shotguns</td>
<td>2</td>
</tr>
<tr>
<td>Machine Guns/Assault Weapons</td>
<td></td>
</tr>
<tr>
<td>Number of Explosive Devices</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5</strong></td>
</tr>
</tbody>
</table>

Arrests by City Area: (Dispos reflect dispositions for each charge for each arrest)

<table>
<thead>
<tr>
<th>CITY AREA</th>
<th>ARRESTS</th>
<th>DISPOSITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenwood Springs</td>
<td>12</td>
<td>1 arrest - 1 Charge dismissed</td>
</tr>
<tr>
<td>Rifle</td>
<td>21</td>
<td>6 arrests - 5 Charges dismissed, 2 Felonies, 4 offenders pending</td>
</tr>
<tr>
<td>Carbondale</td>
<td>11</td>
<td>1 arrest - 1 Charge dismissed</td>
</tr>
<tr>
<td>New Castle</td>
<td>2</td>
<td>Unavailable</td>
</tr>
<tr>
<td>Parachute</td>
<td>5</td>
<td>3 arrests - 6 charges Dismissed, 1 Deferred, 3 Felonies</td>
</tr>
<tr>
<td>Silt</td>
<td>3</td>
<td>1 arrest - 1 plea to another pending case</td>
</tr>
<tr>
<td>Vail</td>
<td>4</td>
<td>Unavailable</td>
</tr>
<tr>
<td>Other</td>
<td>19</td>
<td>Unavailable</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>77</strong></td>
<td><strong>13 charges dismissed, 1 deferred, 5 felonies, 1 plea, 4 pending</strong></td>
</tr>
</tbody>
</table>

Cases by City Area: (Dispos reflect dispositions for each charge in each case)

<table>
<thead>
<tr>
<th>CITY AREA</th>
<th>CASES</th>
<th>DISPOSITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenwood Springs</td>
<td>26</td>
<td>1 case - 1 Dismissed</td>
</tr>
<tr>
<td>Rifle</td>
<td>11</td>
<td>3 cases - 5 Dismissed, 2 Felonies</td>
</tr>
<tr>
<td>Carbondale</td>
<td>4</td>
<td>1 case - 1 Dismissed</td>
</tr>
<tr>
<td>New Castle</td>
<td>2</td>
<td>Unavailable</td>
</tr>
<tr>
<td>Parachute</td>
<td>4</td>
<td>3 cases - 6 Dismissed, 1 Deferred, 3 Felonies</td>
</tr>
<tr>
<td>Silt</td>
<td>2</td>
<td>1 case - 1 plea to another pending case</td>
</tr>
<tr>
<td>Vail</td>
<td>1</td>
<td>Unavailable</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>Unavailable</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>52</strong></td>
<td><strong>13 Dismissed, 1 Deferred, 5 Felonies, 1 plea</strong></td>
</tr>
</tbody>
</table>
Drugs Seized:

<table>
<thead>
<tr>
<th>DRUG TYPE</th>
<th>DRY</th>
<th>LIQUID</th>
<th>PILLS/PLANTS</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heroin</td>
<td>61.6g</td>
<td>3 syringes</td>
<td></td>
<td>$12,920.00</td>
</tr>
<tr>
<td>Cocaine</td>
<td>55.7g</td>
<td></td>
<td></td>
<td>$4,200.00</td>
</tr>
<tr>
<td>Marijuana Concentrate (Hashish)</td>
<td>31.1g</td>
<td></td>
<td></td>
<td>$1,555.00</td>
</tr>
<tr>
<td>Marijuana</td>
<td>2,446.5g</td>
<td></td>
<td></td>
<td>$48,930.00</td>
</tr>
<tr>
<td>Marijuana Plant (indoor grow)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana Plant (outdoor grow)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>6,385.2g</td>
<td>4 syringes</td>
<td></td>
<td>$638,940.00</td>
</tr>
<tr>
<td>Club Drugs*</td>
<td>2.2g</td>
<td></td>
<td></td>
<td>$220.00</td>
</tr>
<tr>
<td>Hallucinogens**</td>
<td>20.2g</td>
<td></td>
<td>23 doses</td>
<td>$4,385.00</td>
</tr>
<tr>
<td>Pharmaceutical</td>
<td></td>
<td></td>
<td>213 pills: 48 alprazolam/5 naloxone hydrochloride/4 bupropion hydrochloride/1 morphine sulfate/3 xanax/1 oxycodone/1 norco/150 various pills</td>
<td>$4,260.00</td>
</tr>
</tbody>
</table>

Other (Spice, Synthetics, Presumptive +)  

Total: $715,410.00

* MDMA, GHB, Ketamine, Rohypnom  ** LSD, PCP, Peyote, Mescaline, Psilocybin

Assets Seized:

<table>
<thead>
<tr>
<th>Cash: $41,314.00</th>
<th>Vehicles: $</th>
<th>Real Property: $2,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other (specify):</td>
<td>Total: $43,314.00</td>
<td></td>
</tr>
</tbody>
</table>

Weapons Seized:
Handguns: 9
Rifles/Shotguns: 9
Machine Guns/Assault Weapons:  
Number of Explosive Devices: 1  
Other: 1  
**Total:** 19

**Arrests by City Area:** (Dispos reflect dispositions for each charge for each arrest. Note: many dispos have not occurred yet.)

<table>
<thead>
<tr>
<th>CITY AREA</th>
<th>ARRESTS</th>
<th>DISPOSITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenwood Springs</td>
<td>22</td>
<td>11 dismissed; 3 guilty</td>
</tr>
<tr>
<td>Rifle</td>
<td>63</td>
<td>13 dismissed; 6 guilty</td>
</tr>
<tr>
<td>Carbondale</td>
<td>1</td>
<td>1 dismissed; 1 guilty</td>
</tr>
<tr>
<td>New Castle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parachute</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Silt</td>
<td>3</td>
<td>4 dismissed; 1 guilty</td>
</tr>
<tr>
<td>Vail</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>92</td>
<td></td>
</tr>
</tbody>
</table>

**Cases by City Area**

<table>
<thead>
<tr>
<th>CITY AREA</th>
<th>CASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenwood Springs</td>
<td>24</td>
</tr>
<tr>
<td>Rifle</td>
<td>17</td>
</tr>
<tr>
<td>Carbondale</td>
<td>2</td>
</tr>
<tr>
<td>New Castle</td>
<td>1</td>
</tr>
<tr>
<td>Parachute</td>
<td>2</td>
</tr>
<tr>
<td>Silt</td>
<td>2</td>
</tr>
<tr>
<td>Vail</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>51</td>
</tr>
</tbody>
</table>
### Drugs Seized:

<table>
<thead>
<tr>
<th>DRUG TYPE</th>
<th>DRY</th>
<th>LIQUID</th>
<th>PILLS/ PLANTS</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heroin</td>
<td>85.8g</td>
<td></td>
<td></td>
<td>$12,750.00</td>
</tr>
<tr>
<td>Cocaine</td>
<td>62.8g</td>
<td></td>
<td></td>
<td>$6,200.00</td>
</tr>
<tr>
<td>Marijuana Concentrate (Hashish)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana</td>
<td>57.196g</td>
<td></td>
<td></td>
<td>$275,000.00</td>
</tr>
<tr>
<td>Marijuana Plant (indoor grow)</td>
<td></td>
<td></td>
<td>242 plants</td>
<td>$484,000.00</td>
</tr>
<tr>
<td>Marijuana Plant (outdoor grow)</td>
<td></td>
<td></td>
<td>69 plants</td>
<td>$151,800.00</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>1,702g</td>
<td>518ml</td>
<td></td>
<td>$133,200.00</td>
</tr>
<tr>
<td>Club Drugs*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hallucinogens**</td>
<td>46.5g</td>
<td></td>
<td></td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Pharmaceutical</td>
<td></td>
<td></td>
<td>12 pills Focalin XR/2 pills Clonazepam/10 pills Alprazolam/2 pills Oxycodone</td>
<td>$338.00</td>
</tr>
<tr>
<td>Other (Spice, Synthetics, Presumptive +)</td>
<td>7.6oz unknown substance; 64oz methadone</td>
<td></td>
<td>$1,500.00</td>
<td></td>
</tr>
</tbody>
</table>

* MDMA, GHB, Ketamine, Rohypnol  ** LSD, PCP, Peyote, Mescaline, Psilocybin

**Total: $1,065,788.00**

### Assets Seized:

- Cash: $143,625.00
- Vehicles: $
- Real Property: $550.00
- Other (specify): $

**Total: $144,175.00**
### Weapons Seized:

<table>
<thead>
<tr>
<th>Weapon Type</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handguns</td>
<td>4</td>
</tr>
<tr>
<td>Rifles/Shotguns</td>
<td></td>
</tr>
<tr>
<td>Machine Guns/Assault Weapons</td>
<td></td>
</tr>
<tr>
<td>Number of Explosive Devices</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7</strong></td>
</tr>
</tbody>
</table>

### Arrests by City Area

<table>
<thead>
<tr>
<th>CITY AREA</th>
<th>ARRESTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenwood Springs</td>
<td>33</td>
</tr>
<tr>
<td>Rifle</td>
<td>15</td>
</tr>
<tr>
<td>Carbondale</td>
<td>5</td>
</tr>
<tr>
<td>New Castle</td>
<td></td>
</tr>
<tr>
<td>Parachute</td>
<td>1</td>
</tr>
<tr>
<td>Silt</td>
<td>5</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>61</strong></td>
</tr>
</tbody>
</table>

### Cases by City Area

<table>
<thead>
<tr>
<th>CITY AREA</th>
<th>CASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glenwood Springs</td>
<td>33</td>
</tr>
<tr>
<td>Rifle</td>
<td>21</td>
</tr>
<tr>
<td>Carbondale</td>
<td>7</td>
</tr>
<tr>
<td>New Castle</td>
<td>1</td>
</tr>
<tr>
<td>Parachute</td>
<td>4</td>
</tr>
<tr>
<td>Silt</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>72</strong></td>
</tr>
</tbody>
</table>