



**AGENDA
TOWN OF PARACHUTE
PLANNING AND ZONING COMMISSION
REGULAR MEETING
TOWN OF PARACHUTE TOWN HALL
222 GRAND VALLEY WAY
JULY 14, 2016
6:30 PM**

(A) ROLL CALL

(B) PLEDGE OF ALLEGIANCE

(C) APPROVAL OF AGENDA

(D) CONSIDERATION OF MINUTES OF REGULAR MEETING OF JUNE 9, 2016

(E) PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The Planning and Zoning Commission welcomes you and thanks you for your time and concerns.

If you wish to address the Planning and Zoning Commission, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address the Commission. Your comments will be limited to **three (3) minutes**. The Commission may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and provide direction to the appropriate member of Town Staff for follow-up. Thank you.

PLEASE SILENCE ALL CELL PHONES, PAGERS, AND HAND HELD DEVICES. THANK YOU.

PLEASE NOTE THIS MEETING IS BEING AUDIO AND VIDEO RECORDED

(F) SWEARING IN OF JUANITA WILLIAMS AS COMMISSIONER OF THE PLANNING AND ZONING COMMISSION PURSUANT TO THE PARACHUTE MUNICIPAL CODE SECTION 3.24.020 A.

3.24.020 A. THE TOWN OF PARACHUTE PLANNING COMMISSION SHALL CONSIST OF SEVEN (7) MEMBERS. THREE (3) OF THOSE MEMBERS SHALL BE EX OFFICIO MEMBERS CONSISTING OF THE MAYOR, A MEMBER OF THE BOARD OF TRUSTEES SELECTED BY THE MAYOR, AND A MEMBER OF THE BOARD OF TRUSTEES SELECTED BY A MAJORITY VOTE OF THE BOARD OF TRUSTEES.

STAFF: LUCY CORDOVA, TOWN CLERK

(G) APPOINTMENT OF VICE CHAIR TO THE PLANNING AND ZONING COMMISSION AS PURSUANT TO THE TOWN OF PARACHUTE MUNICIPAL CODE SECTION 3.24.040 A.

3.24.040 A. THE COMMISSION SHALL ELECT ITS CHAIR FROM AMONG ITS MEMBERS AND SHALL CREATE AND FILL OTHER OF ITS OFFICERS AS IT MAY DETERMINE. THE MAYOR MAY BE APPOINTED AS THE CHAIR, AND SHALL BE ENTITLED TO VOTE ON ALL ISSUES BEFORE THE COMMISSION. THE TERM OF THE CHAIR SHALL BE ONE (1) YEAR.

STAFF: STUART McARTHUR, TOWN MANAGER

(H) PUBLIC MEETING BEFORE THE PLANNING AND ZONING COMMISSION TO CONSIDER A DEVELOPMENT REVIEW APPLICATION FROM RACHEL BALERIO FOR A SPECIAL USE REVIEW TO SEEK AUTHORIZATION FROM THE TOWN OF PARACHUTE TO ESTABLISH A LICENSED HOME DAYCARE FACILITY IN A RESIDENTIALLY ZONED AREA.

APPLICANT/OWNER: Rachel Balerio
003 Aspen Ct
Parachute, CO 81635

PROJECT NAME: Public meeting for a Special Review Use to seek authorization from the Town of Parachute to establish a Licensed Home Daycare Facility.

PROJECT LOCATION: 003 Aspen Ct
Parachute, CO 81635

LEGAL DESCRIPTION(S): Section: 12
Township: 7
Range: 96
Lot: 3
County of Garfield
State of Colorado

STAFF: DAVIS FARRAR, TOWN PLANNER

(I) PRESENTATION OF STATUS OF REVISION OF THE DEVELOPMENT REVIEW PROCESS (TITLE 15 OF THE MUNICIPAL CODE) OF THE TOWN OF PARACHUTE.

PRESENTERS: MARTIN LANDERS, PLAN TOOLS, LLC
MELISSA KENDRICK, KENDRICK CONSULTING, LLC

(J) ~~PUBLIC MEETING BEFORE THE PLANNING AND ZONING COMMISSION TO CONSIDER A DEVELOPMENT REVIEW APPLICATION FROM ZONED PROPERTIES, INC. (ON BEHALF OF PARACHUTE DEVELOPMENT CORPORATION & ZONED COLORADO PROPERTIES, LLC) FOR A SPECIAL USE REVIEW FOR A VESTED PROPERTY RIGHTS AGREEMENT (VPRA), INCLUDING A SITE SPECIFIC DEVELOPMENT PLAN IN A LIGHT INDUSTRIAL ZONED AREA. (CANCELLED)~~

APPLICANT/OWNER: Zoned Properties, Inc
14300 N Northsight Blvd. Suite 208
Scottsdale, AZ 85260

PROJECT NAME: Public meeting for a Special Review Use for a Vested Property Rights Agreement, including a Site Specific Development Plan.

PROJECT LOCATION: 110 Diamond Loop
Parachute, CO 81635

LEGAL DESCRIPTION(S): Section: 12
Township: 7
Range: 96
Lot: 7 Amended Lots 1-3, 6-10, Block 2 & Lots 1-18 Block
3 REC #784960
County of Garfield
State of Colorado

STAFF: DAVIS FARRAR, TOWN PLANNER
JEFFREY CONKLIN, TOWN ATTORNEY

(K) PLANNING AND ZONING COMMISSION CONSIDERATION OF ADOPTING TECHNICAL CORRECTIONS TO THE TOWN OF PARACHUTE MUNICIPAL CODE.

STAFF: STUART McARTHUR, TOWN MANAGER
JEFFREY CONKLIN, TOWN ATTORNEY

(L) MOTION TO ADJOURN

Municipal Code
Title 15



TOWN OF PARACHUTE
P.O. BOX 100
222 GRAND VALLEY WAY
PARACHUTE, CO 81635

LAND USE APPLICATION

Name of Applicant(s): Rachael Balerio 3 Aspen Ct. 303-489-3146
(INCLUDE ADDRESS AND TELEPHONE NO.)

Project Name: Home Daycare

Project Location: 3 Aspen Ct. Parachute, CO 81635

Legal Description: MDR Section 12 Township 7 Range 96 Subdivision
Alpine Meadows
Existing Zoning: MDR Proposed Zoning: N/A Block 3 Lot 3

Type of Application (check all that apply):

- | | | | | | |
|-------------------------------------|----------------------|--------------------------|-----------------------------------|--------------------------|-------------|
| <input type="checkbox"/> | MINOR SUBDIVISION | <input type="checkbox"/> | PRELIMINARY | <input type="checkbox"/> | FINAL |
| <input type="checkbox"/> | MAJOR SUBDIVISION | <input type="checkbox"/> | PRELIMINARY | <input type="checkbox"/> | FINAL |
| <input type="checkbox"/> | RE-SUBDIVISION | <input type="checkbox"/> | PRELIMINARY | <input type="checkbox"/> | FINAL |
| <input type="checkbox"/> | P. U. D. | <input type="checkbox"/> | PRELIMINARY | <input type="checkbox"/> | FINAL |
| <input type="checkbox"/> | BUILDING DIVISIONS | <input type="checkbox"/> | PRELIMINARY | <input type="checkbox"/> | FINAL |
| <input type="checkbox"/> | AMENDED PLAT | <input type="checkbox"/> | | <input type="checkbox"/> | PRELIMINARY |
| <input type="checkbox"/> | | FINAL | | | |
| <input type="checkbox"/> | REZONING | <input type="checkbox"/> | SIGN VARIANCE | | |
| <input type="checkbox"/> | ZONING VARIANCES | <input type="checkbox"/> | FLOOD PLAIN DEVELOPMENT | | |
| <input checked="" type="checkbox"/> | SPECIAL REVIEW USE | <input type="checkbox"/> | VACATION OF STREET, ALLEY, R.O.W. | | |
| <input type="checkbox"/> | GEOLOGIC DEVELOPMENT | <input type="checkbox"/> | ANNEXATIONS | | |
| <input type="checkbox"/> | LOT CONSOLIDATION | <input type="checkbox"/> | WATERSHED PERMIT | | |

PROPERTY OWNER: Brian and Rachael Balerio
3 Aspen Ct. Parachute CO 81635 303-489-3146
(INCLUDE NAME, ADDRESS, AND TELEPHONE NO.)

PROJECT ENGINEER/SURVEYOR:
N/A
(INCLUDE NAME, ADDRESS, AND TELEPHONE NO.)

(INCLUDE NAME, ADDRESS, AND TELEPHONE NO.)

ADJACENT PROPERTY OWNERS: (attach separate sheet if needed)

Name	Address
<u>See attached sheet</u>	

MINERAL RIGHTS OWNERS & LESSEES OF SUBJECT PROPERTY (attach separate sheet if needed)

*PLEASE NOTE ALL MINERAL RIGHTS OWNERS AND LESSEES MUST BE NOTIFIED 30 DAYS IN ADVANCE TO APPLICATION REVIEW. PLEASE INDICATE ALL MINERAL RIGHTS OWNERS, & LESSEES AS (MR), OR (L)

Name

N/A

Address

DESCRIPTION OF PROPOSAL: (INCLUDE PROPOSED USE, ACREAGE, ETC.)

I would like to use my home as a licensed home daycare facility to provide care for families in the Parachute community.

Describe how this Proposed Land Use Application Complies with the Town of Parachute Land Use Regulations and the Town of Parachute Master Plan 2002.

N/A

Describe any possible Flood Plain issues:

N/A

Describe Traffic Impact Fees Proposal: (Standard Calculation or Individual Traffic Study)

N/A

Describe Land Dedication Proposal:

N/A

Describe Water Rights Dedication Proposal:

N/A

I Certify that the information and exhibits herewith are true and correct to the best of my knowledge, and that in filing this application, I am acting with knowledge and consent of those persons listed above without whose consent the requested action cannot lawfully be accomplished.

Name: (print) Rachael Balerio Brian Balerio

Address: 3 Aspen Court Parachute, CO 81635

Signature: Rachael Balerio
Brian Balerio

Date:
5/14/16
5-16-16

INSTRUCTIONS:

1. **Read application thoroughly.**
2. **Complete all of the requested information.**
3. Descriptions of property and dedication proposals on this form should be general and brief.
4. All applications must include a **CURRENT TITLE POLICY**, indicating ownership and encumbrances.
5. All applications must include **PROOF OF TAXES PAID**.
6. Applicants should review the Town of Parachute Land Use Regulations 15.01, 15.03, 15.04, 15.05, 15.06, and any other sections specified for the proposed request.
7. **All applicants who are not property owners must present a Letter of Representation, signed and notarized by the property owners.**
8. **Applications not signed and lacking any of the requested information will be deemed incomplete and will not be scheduled for a Planning and Zoning Commission review.**

ADMINISTRATIVE PERSONNEL:

APPLICATION FEE PAID/DATE: \$ 250 / 5/18/2016

APPLICATION RECEIVED DATE: 5/18/2016

COMPLETE DATE: _____

PLANNING & ZONING HEARING DATE: 7/14/2016

BOT HEARING DATE: 7/21/2016

MAILINGS DATE: _____

PUBLICATION DATE: _____

P&Z APPROVAL DATE: _____

BOT APPROVAL DATE:

May 16, 2016

To whom it may concern:

Thank you for taking the time to review this request. My name is Rachael Balerio, and I am submitting a Special Review Use application so that I can open up a licensed child care business in my home. My hope is to provide a much needed service to our town. I will be using my living room, dining room, kitchen, front yard and backyard to provide quality childcare for families in and around the Parachute area.

Thank you,

Rachael Balerio
3 Aspen Court
Parachute, CO 81635
303-489-3146
r.l.balerio@gmail.com

Property owners within 200 feet of 3 Aspen Ct.

Account Number	ParcelNo	OwnerName	In Care Of	Mailing Address	City
R007533	240912305006	CARLSON, KENNETH & CATHERINE M		0006 ALPINE LANE	PARACHUTE
R007543	240912306010	MILLER, MATTHEW W, WILLIAM W, & MARY K		PO BOX 4025	EAGLE
R007543	240912306010	MILLER, MATTHEW W, WILLIAM W, & MARY K		PO BOX 4025	EAGLE
R370513	240912301012	PARACHUTE, TOWN OF		PO BOX 100	PARACHUTE
R007527	240912304010	MEADOWS GROUP, LLC		2015 F 1/4 RD	GRAND JUNCTION
R007518	240912304001	JEWELL , DUANE M		001 ALPINE COURT	PARACHUTE
R007534	240912306001	MOON, TRESIA BETH		1 ALPINE LANE	PARACHUTE
R007540	240912306007	RICE , LANCE & BRENDA SEAVEY		007 ASPEN COURT	PARACHUTE
R007540	240912306007	RICE , LANCE & BRENDA SEAVEY		007 ASPEN COURT	PARACHUTE
R007529	240912305002	HAGENSON, SHANNON		02 ALPINE LANE	PARACHUTE
R370512	240912301011	PARACHUTE, TOWN OF		PO BOX 100	PARACHUTE
R007542	240912306009	WELLER, NICOLE A		9 ASPEN COURT	PARACHUTE
R007542	240912306009	WELLER, NICOLE A		9 ASPEN COURT	PARACHUTE
R007528	240912305001	PENNER, ROY A & KRISTEN L		PO BOX 202	PARACHUTE
R007535	240912306002	JONES, KENNETH A & IMELDA C		002 ASPEN COURT	PARACHUTE
R007535	240912306002	JONES, KENNETH A & IMELDA C		002 ASPEN COURT	PARACHUTE
R007532	240912305005	MARKLE, MICHAEL P & DARLENE L		5 ALPINE LANE	PARACHUTE
R007536	240912306003	BALERIO, BRIAN & RACHAEL	GRAUL	KUNIGUNDENSTR 59 D-80805	MUNCHEN
R007536	240912306003	BALERIO, BRIAN & RACHAEL	GRAUL	KUNIGUNDENSTR 59 D-80805	MUNCHEN
R007539	240912306006	MAYHEW , MICHAEL C		PO BOX 314	PARACHUTE
R007539	240912306006	MAYHEW , MICHAEL C		PO BOX 314	PARACHUTE
R007541	240912306008	FLORES, JAUN CARLOS & FARIAS, MARIA G		8 ASPEN COURT	PARACHUTE
R007541	240912306008	FLORES, JAUN CARLOS & FARIAS, MARIA G		8 ASPEN COURT	PARACHUTE
R007526	240912304009	SELBY, JOSHUA RYAN		605 MEADOW DRIVE	PARACHUTE
R007537	240912306004	CLARK, GREGORY R & KATHI J		610 MEADOW DRIVE	PARACHUTE
R370502	240912301001	PARACHUTE DEVELOPMENT CORPORATION		PO BOX 686	GLENWOOD SPRINGS
R370118	240912100025	RADER, HAYDEN		PO BOX 686	GLENWOOD SPRINGS
R007531	240912305004	MEADOWS GROUP, LLC		2015 F 1/4 RD	GRAND JUNCTION
R007524	240912304007	SCHALLER, EVELYN		007 ALPINE COURT	PARACHUTE
R007538	240912306005	SCHROEDER, REBECCA J		5 ASPEN COURT	PARACHUTE
R007538	240912306005	SCHROEDER, REBECCA J		5 ASPEN COURT	PARACHUTE
R007530	240912305003	MEADOWS GROUP, LLC		2015 F 1/4 RD	GRAND JUNCTION

R007525	240912304008	BROWN, JOHNNY L	8 ALPINE COURT	PARACHUTE
R007523	240912304006	STANSBURY, DAVID LEROY & PAMELA MARIE	6 ALPINE COURT	PARACHUTE

Garfield County Treasurer

Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Receipt Number
R007536	240912306003	Apr 3, 2015	2015-04-03-CA-2701

BALERIO, BRIAN & RACHAEL
 KUNIGUNDENSTR 59 D-80805
 MUNCHEN
 GERMANY

Situs Address	Payor
000003 ASPEN CT,000003 372A COUNTY RD	SERVICELINK 400 CORPORATION DRIVE ALQUIPPA, PA 15001

Legal Description
 Section: 12 Township: 7 Range: 96 Subdivision: ALPINE MEADOWS SUB-DIV Block: 3 Lot: 3

Property Code	Actual	Assessed	Year	Area	Mill Levy
SINGLE FAM.RES.-LAND - 1112	16,000	1,270	2014	048	51.468
SINGLE FAM.RES-IMPROVEMTS - 1212	78,210	6,230	2014	048	51.468

Payments Received

Check	\$193.00
Check # 60116082	

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2014	Tax	\$386.00	\$193.00	\$193.00	\$0.00
				\$193.00	\$0.00
Balance Due as of Apr 3, 2015					\$0.00

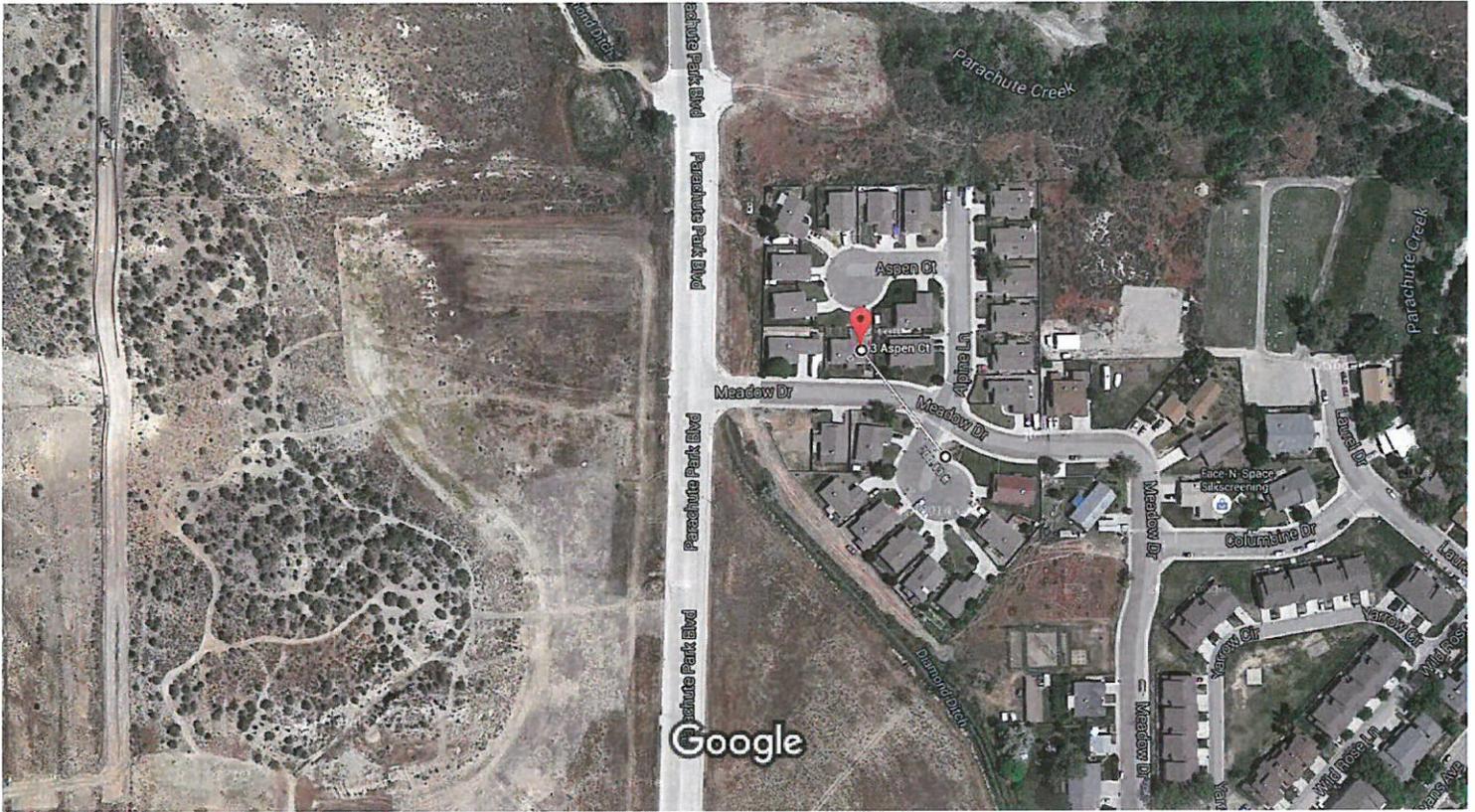
ALL CHECKS ARE SUBJECT TO FINAL COLLECTION.

Thank you for your payment!

Garfield County Treasurer
 109 8th Street, Suite 204
 Glenwood Springs, Colorado 81601
 970-945-6382
 www.garfield-county.com

Google Maps 3 Aspen Ct

Vicinity map



Imagery ©2016 DigitalGlobe, USDA Farm Service Agency, Map data ©2016 Google 100 ft



3 Aspen Ct
Parachute, CO 81635

Staff Report
Town of Parachute Planning Commission Meeting
Thursday July 14, 2016
Balerio Request for daycare Center Special Review Use

Report Date - 6/19/2016

PROJECT INFORMATION	
Name of Project:	Balerio Application for daycare Center Special Review Use
Type of Request:	Special Review Use for daycare Center
Name of Applicant:	Rachel Balerio
Address:	3 Aspen Court, Parachute, CO 81635
Phone & Email:	303-489-3146, Email - r.l.balerio@gmail.com
Property Owner:	Ryan and Rachel Balerio
Property Owner Address:	3 Aspen Court, Parachute, CO 81635
Phone:	303-489-3146
Site Address & Parcel Number	Alpine Meadows Subdivision, 3 Aspen Court, Parachute CO 81635, Parcel Number: 2409-123-06-003
Existing Zoning	Medium Density Residential (MDR)
Surrounding Zoning:	<i>North</i> - Medium Density Residential - Resource Lands, <i>East</i> - Medium Density Residential, <i>South</i> - Medium Density Residential, <i>West</i> - Medium Density Residential
Existing Land Use:	Single-Family Residential
Surrounding Land Uses:	<i>North</i> - Single-Family Residential, <i>East</i> - Single-Family Residential, <i>South</i> - Single-Family Residential, <i>West</i> - Single-Family Residential.
Proposed Use:	Daycare Center
Proposed Annexed Lot Size	6,857 square feet
Minimum Lot Size	5,000 Ft. ² per One-Family Dwelling
Property Legal Description	Section: 12 Township: 7 Range: 96 Subdivision: ALPINE MEADOWS SUB-DIV Block: 3 Lot: 3

Project Location: Directly North of Meadow Drive and South of Aspen Court.



I. Description of Application:

The applicant is requesting approval of a special review use application for a daycare center on the 6,857 square foot property. The applicant is applying for a state license for a “Regular Family Child Care Home”. The applicant proposes to use the living room, dining room, kitchen, front yard and backyard for quality childcare to serve families in and around Parachute. The business will serve up to six children aged from infant to 18 years old with no more than two children under the age of 2. The state license provides for and the applicant is requesting the ability to add 2 more to the base of six children as long as the additional two are of school age. The maximum number of children to be served at this location shall not exceed 8. Hours of operation are proposed from 6:00 AM to 6:00 PM Monday through Friday. The facility will not have any signs.

Sewer Service – Town of Parachute (existing).

Water - Town of Parachute (existing).

Electric - Not Identified

Gas - Not Identified.

Telephone - Century Link.

II. Applicable Regulations:

Special Review Use

15.05.206 Review Criteria and Planning Commission Recommendation (to Trustees).

A. **Review Criteria.** The Planning Commission shall consider all the evidence presented by the applicant and other interested parties, comments of review agencies, recommendations of the Town Administrator, and comments from the public. At a minimum, the Planning Commission shall also consider the following criteria:

1. Conformance of the proposal with the Town of Parachute Municipal Code;
2. The compatibility of the proposal with the character of the surrounding area including, but not limited to the architectural character of the neighborhood;
3. The desirability for the proposed use in the specific area of the Town;
4. The potential for adverse environmental effects that might result from the proposed use;
5. Compatibility of the proposed use and the site (or subdivision) plan with the Parachute Plan; and
6. Conformance of any plan with the requirements of the Town of Parachute Public Works Improvements Manual.
7. Additional criteria set forth for rezoning applications in Section 15.03.185.

III. Requested Actions:

The applicant is requesting a Special Review Use for a Daycare Center.

IV. Conformance with the Town of Parachute Comprehensive Plan.

The following statements relevant to this application come from the adopted 2002 Parachute Master Plan.

“It should be noted that a master plan is not zoning. The plan represents in a general manner the categories and patterns of land uses, public facilities, transportation and other elements as desired by the town as growth takes place in the future, while zoning establishes definite standards for current regulation of land and use. The effective requirement by the statute is that a master plan must be considered, and followed or revised, by the Planning Commission when making a properly justified land-use decision in the future.”

Adopted Master Plan for Future Land Use Map October 20, 2005.

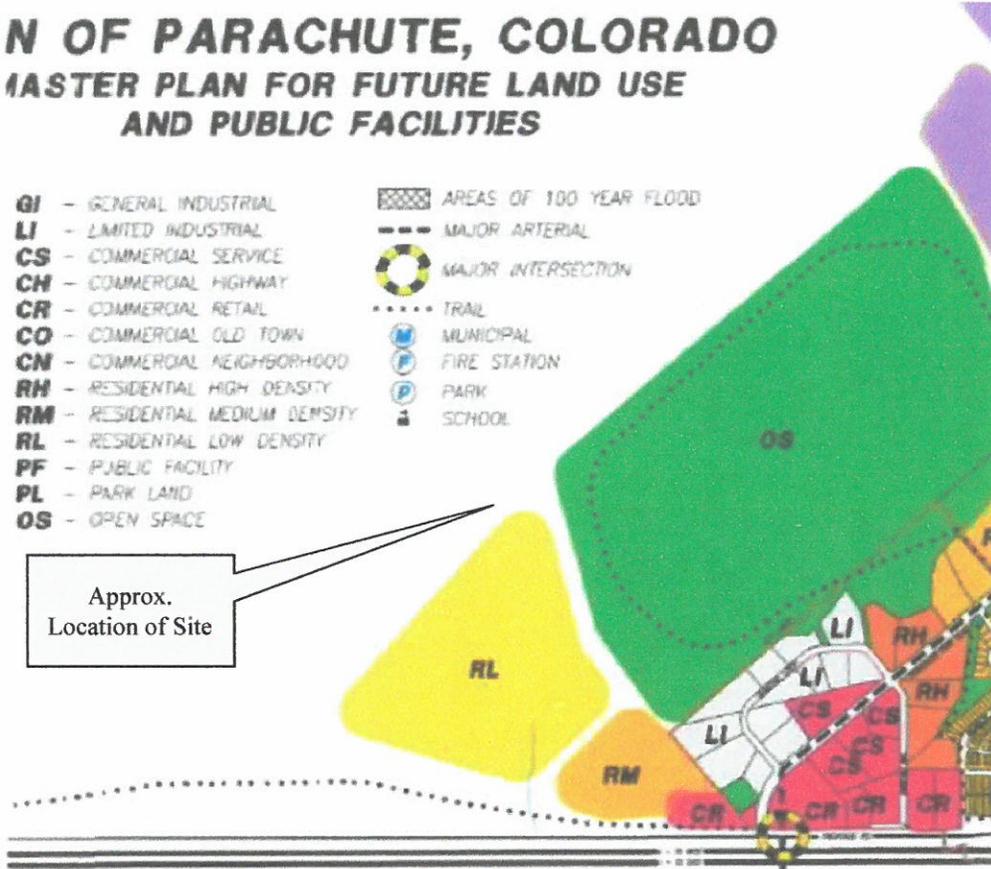
N OF PARACHUTE, COLORADO

MASTER PLAN FOR FUTURE LAND USE AND PUBLIC FACILITIES

- GI** - GENERAL INDUSTRIAL
- LI** - LIMITED INDUSTRIAL
- CS** - COMMERCIAL SERVICE
- CH** - COMMERCIAL HIGHWAY
- CR** - COMMERCIAL RETAIL
- CO** - COMMERCIAL OLD TOWN
- CN** - COMMERCIAL NEIGHBORHOOD
- RH** - RESIDENTIAL HIGH DENSITY
- RM** - RESIDENTIAL MEDIUM DENSITY
- RL** - RESIDENTIAL LOW DENSITY
- PF** - PUBLIC FACILITY
- PL** - PARK LAND
- OS** - OPEN SPACE

-  AREAS OF 100 YEAR FLOOD
-  MAJOR ARTERIAL
-  MAJOR INTERSECTION
-  TRAIL
-  MUNICIPAL
-  FIRE STATION
-  PARK
-  SCHOOL

Approx.
Location of Site



7.7 Master Plan-Land-Use Categories

Proposed Land Use Category - 7.9 Residential Medium Density.

“To accommodate mixed residential housing types, including single-family housing on smaller lots (primarily in the older part of the community) and townhouses for low scale apartment units. A maximum density of 6 to 8 units to the acre would be allowed.”

Land-Use Category – 8.4 New Residential Area, Including Tales Meadows: Parachute Park PUD, West of Parachute Creek.

The 2002 Comprehensive Plan states “Provide an area for current residential needs and innovative developments, including mixed uses and compact functional design.”

Staff Comment.

The 2002 Comprehensive Plan does not address uses on a small scale such as the daycare center proposed. The special review use process requires a public meeting with the planning commission and a noticed public hearing with the Board of Trustees. This process allows the public an opportunity to comment on the proposed use. The scale of the proposed daycare center with a maximum of 8 children should not create an adverse impact on the neighborhood. The proposed use is generally compatible with the 2002 Parachute Comprehensive Plan.

V. Special Review Use Staff Comments:

Special Review Use:

As noted previously, the Town regulations state, “The Planning Commission shall consider all the evidence presented by the applicant and other interested parties, comments of review agencies, recommendations of the Town Clerk, the Town’s consultants and comments from the public. At a minimum, the Planning Commission shall also consider the following criteria (listed below).

1. Conformance of the proposal with the Town of Parachute Municipal Code;

Staff Comment. The proposed use will conform to all applicable provisions in the Parachute Municipal Code. This includes conformance to all of the requirements of the Municipal Code, building/fire codes, electric codes and other applicable regulations.

Parking - ARTICLE 7: STREET PARKING REGULATIONS details the requirements for parking in Parachute.

15.07.106 Parking Requirements. Single-Family Detached Dwellings - 2 Spaces per Dwelling Unit. **Preschool Nurseries or Child Care Centers** - One and one-half (1.5) spaces per teacher plus one (1) space per administrative employee.

Staff Comment. The parking requirements for childcare centers appear to be addressed to larger out of home facilities. The owner of the property will be the “teacher” and there will not be any administrative employees. Only short-term parking for dropping off or picking up children during the morning and evening hours will be needed. It may be a good idea to require posting of a sign that says “15 Minute Parking Only” or something to that effect to ensure that vehicles used for delivering or picking up children are not parked for any length of time. The morning and evening hours will likely see an increase in temporary traffic volume in the neighborhood.

Access - Access to the property is off Meadow Lane onto Aspen Lane and then Aspen Court.

Staff Comment. There is easy access to Parachute Park Boulevard. The street is designed to handle significant traffic loads. Access to the property is not a significant issue.

2. The compatibility of the proposal with the character of the surrounding area including, but not limited to the architectural character of the neighborhood;

Staff Comment. The property is in a medium density residential neighborhood. Existing uses will see an increase in traffic and activity in the morning and evening drop-off/pickup hours. There will be some activity outside of the residential structure when children are playing in the yard, management and oversight of the children by the proprietor should minimize any adverse impacts to the neighborhood

3. The desirability of the proposed use in the specific area of the Town;

Staff Comment. Daycare facilities are important use in a community. A small in-home daycare center with a limit to a maximum of 8 children may be a desired use in the neighborhood. This use can serve nearby residential areas as well as areas and other parts of the community. There will be an opportunity for the neighbors to voice any concerns about impacts to the planning commission and to the Board of Trustees at the respective public meeting and public hearing. As noted, there will be some impacts to the neighborhood from additional traffic and an increase in activity on the subject property by the use, but it is not anticipated that this activity will overwhelm the neighborhood.

4. The potential for adverse environmental effects that might result from the proposed use;

Staff Comment. No adverse environmental effects are anticipated from the proposed use.

5. Conformance of any plan with appropriate engineering and design standards

Staff Comment. The site is an existing developed residential property and no design changes are proposed for the structure or the property.

6. Additional criteria set forth for rezoning applications in Section 15.03.185.

Staff Comment. This application does not include a change in zoning and this section does not apply.

VI. Review Agency Comments

Public Works - No comments received.

Town Engineer - No comments received.

Fire Department - No comments received.

Police Department - No comments received.

Utilities Department - No comments received.

VII. Staff Recommendation:

Staff recommends **APPROVAL** of the Balerio Daycare Center Special Review Use application with the following conditions.

1. If recommended by the Parachute Police Department and/or Public Works Department, the applicant shall install a sign in front of the property stating “15 Minute Parking Only”.
2. The facility shall comply with all applicable fire codes.
3. The Record of Decision by the Parachute Board of Trustees for the Balerio Daycare Center Special Review Use shall be recorded in the real estate records of the Garfield County Clerk and Recorder.
4. All representations made in the Applicant’s written materials or verbally as reflected in the minutes of the public meetings or hearings where the Application was presented to or considered by the Commission and/or Board of Trustees are considered part of the Application and binding on the Applicant.
5. Applicant shall reimburse the Town for any and all fees, including consulting costs, incurred in the review of the Application.

VI. Recommended Motion:

The recommended motion on the special review use application.

*The Planning Commission recommends **APPROVAL** of the Balerio Daycare Center Special Review Use with the staff recommended conditions.*

(Any modifications or additional conditions made by the Planning Commission should be added to the motion).

June 14, 2016

Kenneth and Catherine M. Carlson
6 Alpine Lane
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Kenneth and Catherine M. Carlson,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

TAKE NOTICE that Brian and Rachael Balerio have applied to the Town of Parachute, State of Colorado, for approval of a Special Review Use on property within the Town of Parachute.

Legal Description:

Section: 12
Township: 7
Range: 96
Subdivision: Alpine Meadows
Block: 3
Lot: 3
Town of Parachute
County of Garfield
State of Colorado

Practical Description:

3 Aspen Court Parachute, CO 81635

This application requests approval of a Special Review Use for a Home Child Care Facility.

All persons affected by the proposed Land Use Application are invited to appear and state their views, protests, or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter as the Board of Trustees will give consideration to the comments or surrounding property owners and the others affected in deciding whether to grant or deny the request. The application may be reviewed at the Town of Parachute offices located at 222 Grand Valley Way, Parachute, CO, between the hours of 7:30 a.m. and 5:30 p.m., Monday-Thursday, and 7:30 a.m. and 11:30 a.m., Friday. 970-285-7630

Public hearings on the application have been scheduled for:

Planning and Zoning Commission- July 14, 2016, and
Board of Trustees- July 21, 2016

Both meetings will be held at 6:30 p.m. in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

Sincerely,

Rachael Balerio

June 14, 2016

Matthew W. Miller, William W., and Mary K.
PO Box 4025
Eagle, CO 81631

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Matthew W. Miller, William W., and Mary K.,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

TAKE NOTICE that Brian and Rachael Balerio have applied to the Town of Parachute, State of Colorado, for approval of a Special Review Use on property within the Town of Parachute.

Legal Description:

Section: 12
Township: 7
Range: 96
Subdivision: Alpine Meadows
Block: 3
Lot: 3
Town of Parachute
County of Garfield
State of Colorado

Practical Description:

3 Aspen Court Parachute, CO 81635

This application requests approval of a Special Review Use for a Home Child Care Facility.

All persons affected by the proposed Land Use Application are invited to appear and state their views, protests, or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter as the Board of Trustees will give consideration to the comments or surrounding property owners and the others affected in deciding whether to grant or deny the request. The application may be reviewed at the Town of Parachute offices located at 222 Grand Valley Way, Parachute, CO, between the hours of 7:30 a.m. and 5:30 p.m., Monday-Thursday, and 7:30 a.m. and 11:30 a.m., Friday. 970-285-7630

Public hearings on the application have been scheduled for:

Planning and Zoning Commission- July 14, 2016, and
Board of Trustees- July 21, 2016

Both meetings will be held at 6:30 p.m. in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

Sincerely,

Rachael Balerio

June 14, 2016

Duane M. Jewell
001 Alpine Court
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Duane Jewell,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

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Sincerely,

Rachael Balerio

June 14, 2016

Meadows Group, LLC
2015 F ¼ Rd
Grand Junction, CO 81503

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Meadows Group, LLC,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

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Sincerely,

Rachael Balerio

June 14, 2016

Tresia Beth Moon
1 Alpine Lane
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Tresia Beth Moon,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

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Sincerely,

Rachael Balerio

June 14, 2016

Lance and Brenda Seavey Rice
7 Aspen Court
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Lance and Brenda Seavey Rice,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

TAKE NOTICE that Brian and Rachael Balerio have applied to the Town of Parachute, State of Colorado, for approval of a Special Review Use on property within the Town of Parachute.

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Sincerely,

Rachael Balerio

June 14, 2016

Shannon Hagenson
2 Alpine Lane
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Shannon Hagenson,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

TAKE NOTICE that Brian and Rachael Balerio have applied to the Town of Parachute, State of Colorado, for approval of a Special Review Use on property within the Town of Parachute.

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Sincerely,

Rachael Balerio

June 14, 2016

Nicole Weller
9 Aspen Court
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Nicole Weller,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

TAKE NOTICE that Brian and Rachael Balerio have applied to the Town of Parachute, State of Colorado, for approval of a Special Review Use on property within the Town of Parachute.

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Sincerely,

Rachael Balerio

June 14, 2016

Roy A. and Kristen L. Penner
PO Box 202
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Roy A. and Kristen L. Penner,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

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Sincerely,

Rachael Balerio

June 14, 2016

Kenneth A. and Imelda C. Jones
2 Aspen Court
Parachute, CO

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Kenneth A. and Imelda C. Jones,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

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Sincerely,

Rachael Balerio

June 14, 2016

Michael P. and Darlene L. Markle
5 Alpine Lane
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Michael P. and Darlene L. Markle,

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Sincerely,

Rachael Balerio

June 14, 2016

Michael C. Mayhew
PO Box 314
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Michael C. Mayhew,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

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Sincerely,

Rachael Balerio

June 14, 2016

Juan Carlos Flores and Maria G. Farias
8 Aspen Court
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Juan Carlos Flores and Maria G. Farias,

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Sincerely,

Rachael Balerio

June 14, 2016

Joshua Ryan Selby
605 Meadow Drive
Parachute, CO

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Joshua Ryan Selby,

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Sincerely,

Rachael Balerio

June 14, 2016

Gregory R. and Kathi J. Clark
610 Meadow Drive
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Gregory R. and Kathi J. Clark,

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Sincerely,

Rachael Balerio

June 14, 2016

Hayden Rader
PO Box 686
Glenwood Springs, CO 81602

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Hayden Rader,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

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Sincerely,

Rachael Balerio

June 14, 2016

Evelyn Schaller
7 Alpine Court
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Evelyn Schaller,

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Sincerely,

Rachael Balerio

June 14, 2016

Rebecca J. Schroeder
5 Aspen Court
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Rebecca J. Schroeder,

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Sincerely,

Rachael Balerio

June 14, 2016

Johnny L. Brown
8 Alpine Court
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Johnny L. Brown,

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3 Aspen Court Parachute, CO 81635

This application requests approval of a Special Review Use for a Home Child Care Facility.

All persons affected by the proposed Land Use Application are invited to appear and state their views, protests, or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter as the Board of Trustees will give consideration to the comments or surrounding property owners and the others affected in deciding whether to grant or deny the request. The application may be reviewed at the Town of Parachute offices located at 222 Grand Valley Way, Parachute, CO, between the hours of 7:30 a.m. and 5:30 p.m., Monday-Thursday, and 7:30 a.m. and 11:30 a.m., Friday. 970-285-7630

Public hearings on the application have been scheduled for:
Planning and Zoning Commission- July 14, 2016, and
Board of Trustees- July 21, 2016

Both meetings will be held at 6:30 p.m. in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

Sincerely,

Rachael Balerio

June 14, 2016

David Leroy and Pamela Marie Stansbury
6 Alpine Court
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear David Leroy and Pamela Marie Stansbury,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

TAKE NOTICE that Brian and Rachael Balerio have applied to the Town of Parachute, State of Colorado, for approval of a Special Review Use on property within the Town of Parachute.

Legal Description:

Section: 12
Township: 7
Range: 96
Subdivision: Alpine Meadows
Block: 3
Lot: 3
Town of Parachute
County of Garfield
State of Colorado

Practical Description:

3 Aspen Court Parachute, CO 81635

This application requests approval of a Special Review Use for a Home Child Care Facility.

All persons affected by the proposed Land Use Application are invited to appear and state their views, protests, or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter as the Board of Trustees will give consideration to the comments or surrounding property owners and the others affected in deciding whether to grant or deny the request. The application may be reviewed at the Town of Parachute offices located at 222 Grand Valley Way, Parachute, CO, between the hours of 7:30 a.m. and 5:30 p.m., Monday-Thursday, and 7:30 a.m. and 11:30 a.m., Friday. 970-285-7630

Public hearings on the application have been scheduled for:

Planning and Zoning Commission- July 14, 2016, and
Board of Trustees- July 21, 2016

Both meetings will be held at 6:30 p.m. in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

Sincerely,

Rachael Balerio



PUBLIC NOTICE OF MEETING
 Pursuant to Section 22A.020 of the Code of
 Nevada, Statute Chapter 22A, NOTICE
 IS HEREBY GIVEN that an application has
 been made to the Board of Trustees, State of
 Nevada, for approval of a project that would
 affect a Historic Child Care Facility on property
 within the Town of Paradise.
Applicant: Brian and Barbara Roberts
Address of Applicant: 2 Acacia Court,
 Paradise, NV 89169
Address of Project: 11000 S. 11th
 Street, Paradise, NV 89169
Year of Application: 2016
PUBLIC NOTICE IS HEREBY GIVE that two
 public hearings will be held on this
 application.
Public Hearing and Board Meeting: July 21, 2016
Board of Trustees Meeting: July 21, 2016
 Both meetings will begin at 6:30 p.m. in the
 Board of Trustees Meeting, 11000 S. 11th
 Street, Paradise, NV.
 All interested persons may appear at said
 meetings.
 Published by the State Information Desk on
 July 14, 2016.

PUBLIC NOTICE OF HEARING

Pursuant to Section 6.11.090.D of the Town of Parachute, Colorado **NOTICE IS HEREBY GIVEN** that an application has been made to the Town of Parachute, State of Colorado, for approval of a Special Use Review for a Home Child care Facility on property within the Town of Parachute.

Applicant: Brian and Rachael Balerio

**Address of Applicant: 3 Aspen Court,
Parachute, CO 81635**

**Address of Proposed Special Use: 3 Aspen
Court, Parachute, CO 81635**

Date of Application: May 20, 2016

**PUBLIC NOTICE IS HEREBY GIVEN that two
public hearings will be held on this
application on July 14, 2016 and July 21, 2016
at 6:30 p.m.** in the Board of Trustees Room,
222 Grand Valley Way, Parachute, CO.

All interested persons may appear at said hearing.

**BY ORDER OF THE LOCAL _____
TOWN OF PARACHUTE-BOARD OF TRUSTEES,
PO BOX 100, PARACHUTE, CO 81635
(970)-285-7630**

Published in the Post Independent June 17 and 25, 2016.

PUBLIC NOTICE OF MEETING

Pursuant to Section 15.01.106-D of the Town of Parachute, Colorado, Municipal Code, **NOTICE IS HEREBY GIVEN** that an application has been made to the Town of Parachute, State of Colorado, for approval of a Special Use Review for a Home Child care Facility on property within the Town of Parachute.

Applicant: Brian and Rachael Balerio

Address of Applicant: 3 Aspen Court, Parachute, CO 81635

Address of Proposed Special Use: 3 Aspen Court, Parachute, CO 81635

Date of Application: May 20, 2016

PUBLIC NOTICE IS HEREBY GIVEN that two public meetings will be held on this application:

Planning and Zoning Meeting: **July 14, 2016**

Board of Trustees Hearing: **July 21, 2016**

Both meetings will begin at 6:30 p.m. in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

All interested persons may appear at said meetings.

Published in the Post Independent June 17 and 24, 2016.

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PARACHUTE, CO 81635

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Extra Services & Fees (check box, add fee as appropriate)	\$2.70	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.47	06/16/2016
Total Postage and Fees	\$6.47	

Sent To Johnny L. Brown
 Street and Apt. No., or PO Box No.
8 Alpine Court
 City, State, ZIP+4®
Parachute, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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GLENWOOD SPRINGS, CO 81602

OFFICIAL USE

Certified Mail Fee	\$3.30	0583 03
Extra Services & Fees (check box, add fee as appropriate)	\$2.70	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.47	06/16/2016
Total Postage and Fees	\$6.47	

Sent To Hayden Rader
 Street and Apt. No., or PO Box No.
PO Box 6886
 City, State, ZIP+4®
Glenwood Springs, CO 81602

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PARACHUTE, CO 81635

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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Total Postage and Fees	\$6.47	

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605 Meadow Drive
 City, State, ZIP+4®
Parachute, CO 81635

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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Total Postage and Fees	\$6.47	

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 Street and Apt. No., or PO Box No.
5 Aspen Court
 City, State, ZIP+4®
Parachute, CO 81635

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Postage	\$0.47	06/16/2016
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7 Alpine Court
 City, State, ZIP+4®
Parachute, CO 81635

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Postage	\$0.47	06/16/2016
Total Postage and Fees	\$6.47	

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605 Meadow Drive
 City, State, ZIP+4®
Parachute, CO 81635

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7016 0750 0000 9045 4170

7016 0750 0000 9045 4149

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Total Postage and Fees \$6.47

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Kenneth and Catherine M. Carlson
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6 Alpine Lane
City, State, ZIP+4®
Parachute, CO 81635

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 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

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Total Postage and Fees \$6.47

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1 Alpine Court
City, State, ZIP+4®
Parachute, CO 81635

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GRAND JUNCTION, CO 81507

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2015 F Y Rd
City, State, ZIP+4®
Grand Junction CO 81503

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 Adult Signature Required \$0.00
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Postmark
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Postage \$0.47
Total Postage and Fees \$6.47

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Sent To
Iresia Beth Moon
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1 Alpine Lane
City, State, ZIP+4®
Parachute, CO 81635

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Sent To
Lance and Brenda Seavoy Rice
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7 Aspen Court
City, State, ZIP+4®
Parachute, CO 81635

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Shannon Hagenson
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2 Alpine Lane
City, State, ZIP+4®
Parachute, CO 81635

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7016 0750 0000 9045 4040

7016 0750 0000 9045 4064

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Total Postage and Fees	\$6.47

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 Nicole Weller
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 9 Aspen Court
 City, State, ZIP+4®
 Parachute, CO 81635
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PARACHUTE, CO 81635

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

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Postage	\$0.47
Total Postage and Fees	\$6.47

Sent To
 Roy A and Kristen L Penner
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 PO Box 202
 City, State, ZIP+4®
 Parachute, CO 81635
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PARACHUTE, CO 81635

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

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06/16/2016

Postage	\$0.47
Total Postage and Fees	\$6.47

Sent To
 Kenneth A. and Imelda C. Jones
 Street and Apt. No., or PO Box No.
 2 Aspen Court
 City, State, ZIP+4®
 Parachute, CO 81635
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

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Postmark
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06/16/2016

Postage	\$0.47
Total Postage and Fees	\$6.47

Sent To
 Michael P. and Darlene L. Markle
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 5 Alpine Lane
 City, State, ZIP+4®
 Parachute, CO 81635
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PARACHUTE, CO 81635

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

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Postage	\$0.47
Total Postage and Fees	\$6.47

Sent To
 Michael C. Mayhew
 Street and Apt. No., or PO Box No.
 PO Box 314
 City, State, ZIP+4®
 Parachute, CO 81635
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Postmark
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06/16/2016

Postage	\$0.47
Total Postage and Fees	\$6.47

Sent To
 David Leroy and Pamela Marie Stansbury
 Street and Apt. No., or PO Box No.
 6 Alpine Court
 City, State, ZIP+4®
 Parachute, CO 81635
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

June 14, 2016

Kenneth and Catherine M. Carlson
6 Alpine Lane
Parachute, CO 81635

SUBJECT: CERTIFIED NOTICE OF PUBLIC HEARINGS FOR SPECIAL REVIEW USE OF PROPERTY

Dear Kenneth and Catherine M. Carlson,

The purpose of this letter is to inform you of two public hearings that are scheduled for the Town of Parachute, Colorado.

TAKE NOTICE that Brian and Rachael Balerio have applied to the Town of Parachute, State of Colorado, for approval of a Special Review Use on property within the Town of Parachute.

Legal Description:

Section: 12
Township: 7
Range: 96
Subdivision: Alpine Meadows
Block: 3
Lot: 3
Town of Parachute
County of Garfield
State of Colorado

Practical Description:

3 Aspen Court Parachute, CO 81635

This application requests approval of a Special Review Use for a Home Child Care Facility.

All persons affected by the proposed Land Use Application are invited to appear and state their views, protests, or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter as the Board of Trustees will give consideration to the comments or surrounding property owners and the others affected in deciding whether to grant or deny the request. The application may be reviewed at the Town of Parachute offices located at 222 Grand Valley Way, Parachute, CO, between the hours of 7:30 a.m. and 5:30 p.m., Monday-Thursday, and 7:30 a.m. and 11:30 a.m., Friday. 970-285-7630

Public hearings on the application have been scheduled for:

Planning and Zoning Commission- July 14, 2016, and

Board of Trustees- July 21, 2016

Both meetings will be held at 6:30 p.m. in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

Sincerely,

Rachael Balerio
Rachael Balerio

The Carlsons @ 6 Alpine Ln will support Rachael in this process

2016-07-13

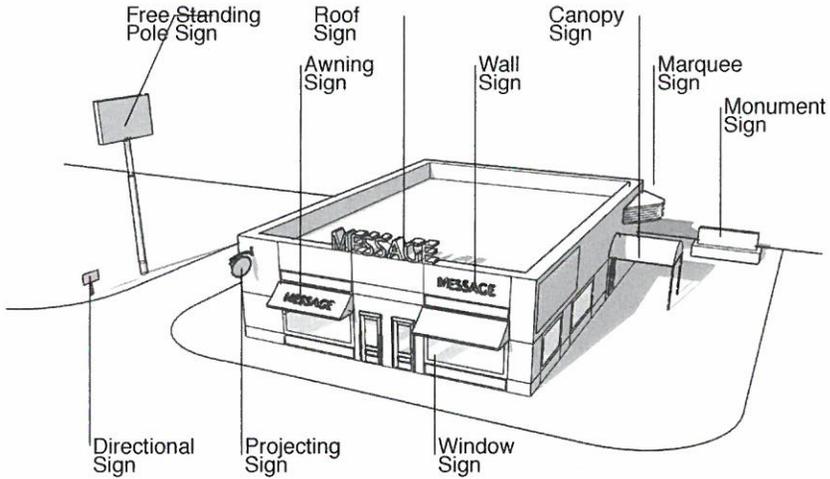


WELCOME!

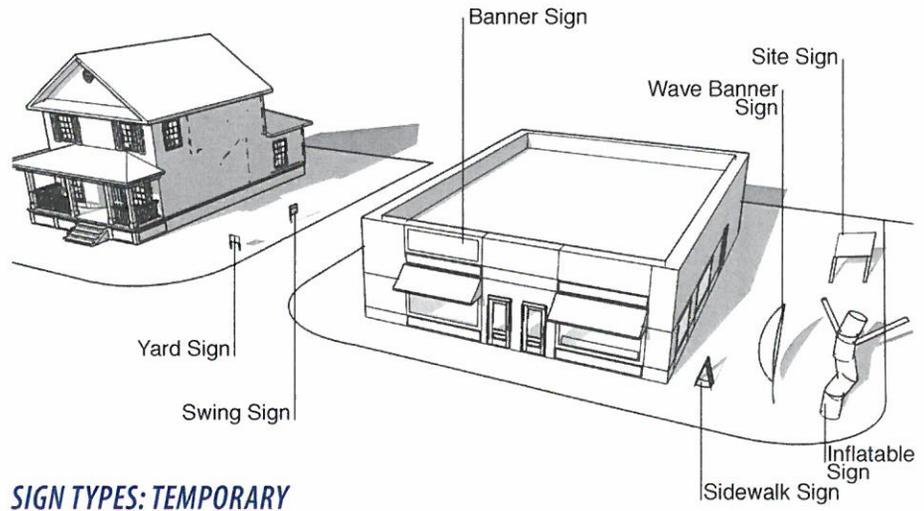
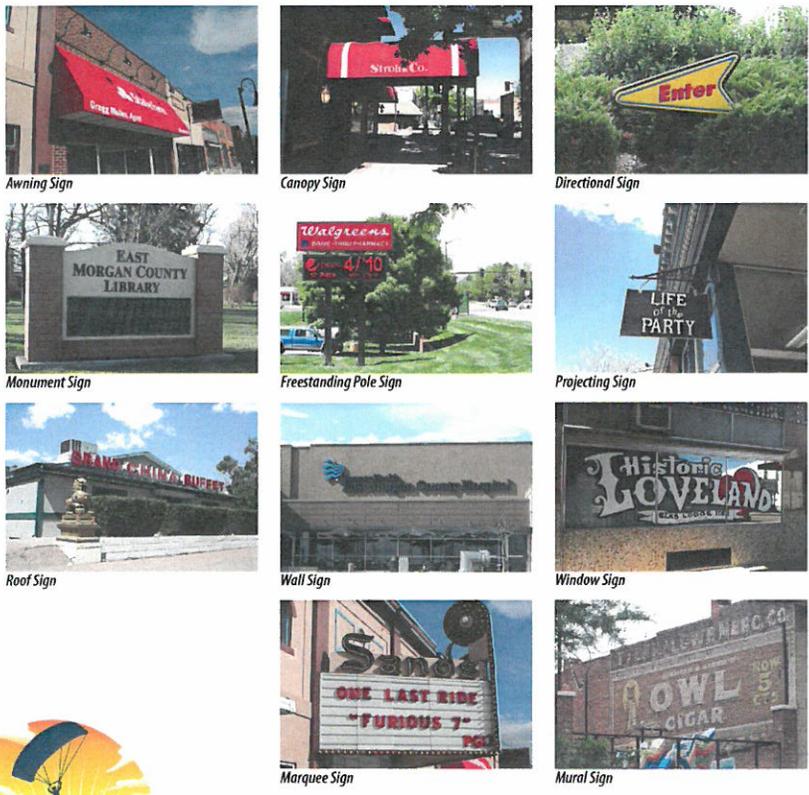
PARACHUTE DEVELOPMENT REVIEW UPDATE PROJECT

*Additional information is available on the Town of Parachute website
www.colorado.gov/parachutecolorado*

2018-07-15



SIGN TYPES: PERMANENT



SIGN TYPES: TEMPORARY



Town of Parachute Development Review Update Project

Sign Type Examples

CURRENT CODE REQUIREMENT/ISSUE	RESPONSE	DOTS
<p>The current code has standards for maximum sign height. The maximum sign height for freestanding pole signs is 30 feet.</p>	<p><u>No change</u> from current code.</p>	<p>DOTS</p>
	<p><u>Moderate change:</u> Increase pole sign height at interchange locations.</p>	 <p>DOTS</p>
	<p><u>Significant change:</u> Increase pole sign height in all commercial areas.</p>	<p>DOTS</p>
<p>The current code has standards for maximum sign area. The maximum sign area for a freestanding pole sign is 200 feet.</p>	<p><u>No change</u> from current code.</p>	<p>DOTS</p>
	<p><u>Moderate change:</u> Increase pole sign area at interchange locations only.</p>	<p>DOTS</p>
	<p><u>Significant change:</u> Increase pole sign area in all commercial areas.</p>	 <p>DOTS</p>
<p>The current code requires that sign colors, materials and finishes are to be coordinated for wall signs. Design is not addressed for other sign types.</p>	<p><u>No change</u> from current code.</p>	<p>DOTS</p>
	<p><u>Moderate change:</u> Offer incentives for quality sign design on all sign types, e.g., a 10-20% increase in sign area or height.</p>	<p>DOTS</p>
	<p><u>Significant change:</u> Add standards for quality sign design on all sign types, e.g., require use of wide pylons rather than narrow poles for freestanding signs.</p>	 <p>DOTS</p>

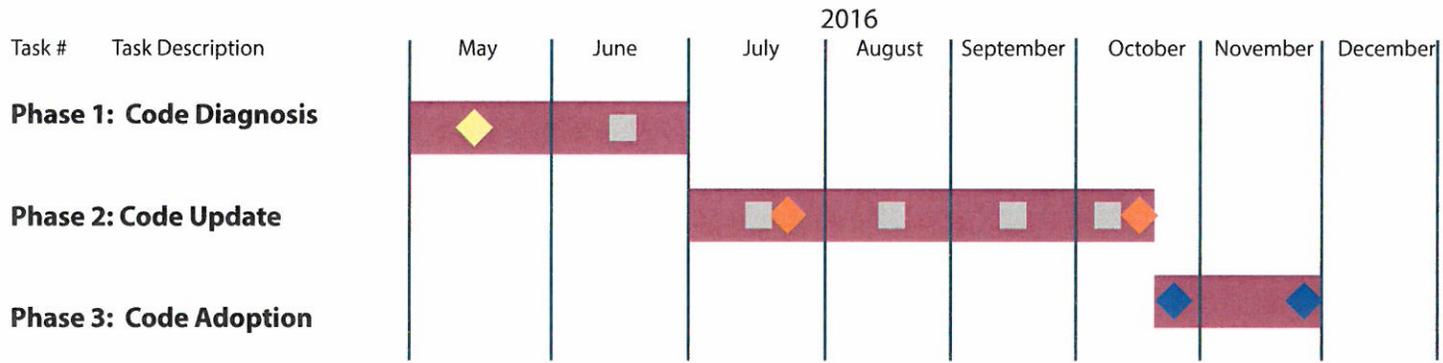


CURRENT CODE REQUIREMENT/ISSUE	RESPONSE	DOTS
The current code allows only a limited number of home occupations (office, studio, light assembly and clothing alterations) as a permitted use in a residence.	<u>No change</u> from current code.	DOTS
	<u>Moderate change:</u> Allow home day care in any residence without requiring a special use permit.	DOTS
	<u>Significant change:</u> Allow more types of home occupations and distinguish between less intensive uses (no impact on adjacent properties) and more intensive uses (potential traffic, noise and other impacts on adjacent properties).	
The current code only allows one principal building on a lot, and limits mixed uses (combining residential and non-residential uses) to commercial and industrial districts.	<u>No change</u> from current code.	DOTS
	<u>Moderate change:</u> Allow more than one building on a lot for mixed use developments.	DOTS
	<u>Significant change:</u> Create a mixed use zoning district and expand the ability to provide for mixed use development.	
The current code allows marijuana retail sales, testing and product manufacturing as a permitted use in all commercial and industrial zoning districts. Marijuana cultivation is limited to a special review use in service commercial and industrial zone districts.	<u>No change</u> from current code.	DOTS
	<u>Moderate change:</u> Provide more standards for odor control in marijuana cultivation facilities.	DOTS
	<u>Significant change:</u> Limit marijuana retail sales to commercial districts, and marijuana testing and product manufacturing to industrial districts.	



CURRENT CODE REQUIREMENT/ISSUE	RESPONSE	DOTS
<p>The lot size and square footage standards in the current code limit the type of new housing that can be constructed.</p>	<p><u>No change</u> from current code.</p>	<p>DOTS</p>
	<p><u>Moderate change:</u> Add standards for patio home development.</p>	<p>DOTS</p>
	<p><u>Significant change:</u> Allow for the construction of “tiny houses”, i.e., dwellings that are under 500 square feet in size.</p>	<p>DOTS</p> 
<p>The current code contains zoning standards that result in older neighborhood properties having non-conforming lots or structures, discouraging lot development and home renovation.</p>	<p><u>No change</u> from current code.</p>	<p>DOTS</p>
	<p><u>Moderate change:</u> Decrease the side setback in the MDR zoning district .</p>	<p>DOTS</p> 
	<p><u>Significant change:</u> Create an overlay zoning district for the original residential neighborhood north of I-70 that provides relief from non-conforming district standards.</p>	<p>DOTS</p>
<p>The current code specifies minimum architectural design standards for all building construction, including erection, restoration and alteration.</p>	<p><u>No change</u> from current code.</p>	<p>DOTS</p>
	<p><u>Moderate change:</u> Make architectural design standards for residential development optional (advisory only, not required).</p>	<p>DOTS</p> 
	<p><u>Significant change:</u> Remove architectural design standards from code and reformat as an advisory document.</p>	<p>DOTS</p>





Legend

- Stakeholder Interviews
- Planning Commission
- Public Workshop
- Adoption Hearing

Stakeholder Interviews: May 4th, 2016 and via telephone dates and times TBD

*Planning Commission Meetings: June 9th, 2016
July 14th, 2016
August 11th, 2016
September 8, 2016
October 13th, 2016*

*Public Workshops: July 14th, 2016
October 13th, 2016 (Open house events from 3 PM - 6 PM)*

*Adoption Hearings: November 10th, 2016 (Planning Commission)
November 17th, 2016 (Town Board)*

All meetings will be held at Parachute Town Hall beginning at 6:30 PM unless otherwise noted.



Town of Parachute Development Review Update Project

Project Schedule

Staff Report
Town of Parachute Planning Commission Meeting
Thursday, July 14, 2016
Zoned Properties, Inc. Request for Special Review Use and Vested
Property Rights

Report Date - 6/25/2016

PROJECT INFORMATION	
Name of Project:	Zoned Colorado Marijuana Facility
Type of Request:	Special Review Use for Retail Marijuana Cultivation Facility and Vested Property Rights
Name of Applicant:	Zoned Properties Inc. c/o Bryan McLaren
Address:	14300 N. Northside Blvd., #208, Scottsdale, AZ 85260
Phone:	c/o 480-351-8193, Email - Bryan@zonedproperties.com
Applicant Representative:	Bryan McLaren - Zoned Properties Inc.
Representative Address:	Same as above
Property Owner:	Parachute Development Corporation c/o Hayden Rader
Property Owner Address/Phone:	PO Box 686, Glenwood Springs, CO 81602, Telephone 970-948-0699, E-mail - hrader@rof.net
Lien Holder:	None Identified
Mineral Owners:	Lot #7 Parachute Park PUD - HNC, Ltd
Site Address & Parcel Number	110 Diamond Loop, Parachute, Colorado, 81635 - LOT 7 of BLOCK 3 PARACHUTE PARK P.U.D, Parcel #2409-123-02-007
Project Engineer	None Identified
Project Surveyor	None Identified
Site Planner	DAC Studios, Ltd., c/o David a Cintron, Jr.
Address	PO Box 0685, Chicago, IL 60690-0685, Telephone: 312-491-9069, E-mail: dac@daestudios.com
Existing Zoning	PUD Light Industrial
Surrounding Zoning:	<i>North</i> - Light Industrial, <i>East</i> - Service Commercial, <i>South</i> - Service Commercial, <i>West</i> - Light Industrial
Proposed Zoning	No Change
Existing Land Use:	Vacant Land
Surrounding Land Uses:	<i>North</i> - Vacant, <i>East</i> - Vacant, <i>South</i> - Vacant & Commercial, <i>West</i> - Light Industrial & Vacant
Proposed Special Review Use:	Retail Marijuana Cultivation Facility

Existing Lot Size	65,168 ft. ² (1.5 acres)
Minimum Lot Size	6,000 square feet
Property Legal Description	LOT 7 of BLOCK 3 AMENDED FINAL PLAT Lots 1-3 AND 6-10, BLOCK 2 AND LOTS 1-18, BLOCK 3, PARACHUTE PARK P.U.D. County of Garfield, State of Colorado

Project Location: North and East of Diamond Loop, East of Parachute Park Boulevard.



I. Description of Application:

The applicant is requesting approval of a special review use application for Retail Marijuana Cultivation Facility on a 65,168-ft.² property described as Lot 7 Block 3 of the Parachute Park PUD. The site is located north and east of Diamond Loop as shown in the image above. In association with the Special Review Use, the applicant is requesting Vested Property Rights (Code Section 15.01.107 - Vested Property Rights) on a Site-Specific Development Plan for a period of five years to preserve the development and expansion rights of their proposed marijuana facility. The applicants are proposing to develop the property with a single building that will include a variety of marijuana related uses. These uses include marijuana cultivation facilities, retail marijuana product manufacturing facility, retail marijuana store and a retail marijuana testing facility. The application description of these uses does not mirror the designations in the Parachute Zoning Use Table, but staff understands that their intent is to pursue the above listed uses. The following language comes directly from their submittal. "First, the proposed development use of a medical marijuana cultivation facility; second, the proposed development use of a recreational marijuana cultivation facility; third, the proposed development use of a medical marijuana production facility; fourth, the proposed development use of a recreational marijuana production facility; fifth, the proposed development use of a recreational marijuana retail store; and sixth, the proposed development use of a marijuana testing facility." The applicant notes that they may also pursue other uses in the Parachute Park PUD in the Service Commercial PUD Zone District. The only identified use that requires a special review use approval is the marijuana cultivation facility. The applicant intends to request approval of separate marijuana licenses, for the marijuana grow facility and the other uses as required by the Parachute Municipal Code. Municipal water and sewer utilities are in place and adjacent to the site.

A general site plan was submitted which shows parking, access, proposed building footprint, parking spaces, landscape, lighting, signage (not specific) and other information. The applicant proposes to submit detailed engineering for drainage, grading and detailed site plan information as part of the site plan review process detailed in Section 15.07.112. This information will be considered in conjunction with a building permit application. The following information is required as part of the Site Plan Review:

- A. Delineation of individual parking and loading spaces;
- B. Circulation area necessary to serve spaces;
- C. Access to streets and property to be served;
- D. Curb cuts;
- E. Dimensions, continuity, and substance of screening;
- F. Grading, drainage, surfacing and subgrade details;
- G. Delineation of obstacles to parking and circulation in finished parking areas;
- H. Specifications as to signs and bumper guards;
- I. Location and specifications of shielded lighting for parking areas to be used at night;
- J. Location and specifications (e.g., plants and materials) for landscaping of the parking areas;
- K. Irrigation plan for the landscaped areas; and
- L. Other pertinent data.

The subject property is in the Parachute Park PUD, which allows light industrial uses and service commercial uses, so compatibility with surrounding properties is not an issue with proper mitigation of odor, lighting impacts etc. Most of the property around Lot 7 remains undeveloped. Future development adjacent to or near the subject property and should not be adversely impacted by the grow facility as long as odor, noise and excessive lighting are mitigated. Development of the property with a the proposed marijuana uses will increase traffic on Diamond Loop and

Parachute Park Boulevard, but these roads are designed to handle industrial and commercial traffic. The applicant did not submit a traffic generation report for the proposed use or a calculation of the proposed number of employees. This information is necessary to assess the traffic generation for the grow facility.

The Commission should be aware that a major concern of Retail Marijuana Cultivation Facility facilities is smell and mitigation thereof. Carbon filtration has been shown to be the most effective method of odor mitigation at other grow operations. The applicant must address environmental impacts, landscaping details, lighting, drainage and other requirements as part of the Site Plan Review process specified in Section 15.07.112 of the land use regulations. The Planning Commission should ask about the applicant's proposal for odor mitigation, lighting and other impacts.

The applicant proposes a single sign on the property to identify the Retail Marijuana Cultivation Facility. Typically, operators of grow facilities do not advertise their facilities for security reasons. A separate sign permit application will be required for site signage.

The applicant does not propose any open space or recreation areas on the property. However, the Municipal Code requires land dedication for commercial development as noted in the following section.

"15.01.111 Land Dedication Requirements.

*A. Land Dedication -- General Requirements. For every annexation, subdivision or residential or **commercial development**, the Board of Trustees shall require the dedication of certain sites for parks and recreation use or fee in lieu of dedication, and may require reservation of sites for school and other public purposes. Land dedicated may include the one-hundred-year floodplain, national and state historical or natural features, and proposed public areas set aside in state, regional, county or city comprehensive plans. Land dedicated shall not include sites for technical, private or public schools, or public agencies, sites for service organizations which are not open to the general public, and sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements, or other features which may be harmful to the health and safety of the citizens."*

"2. In the case of commercial or industrial development, the subdivider or developer shall dedicate and convey to the Town by means of final plat dedication or deed, eight percent (8%) of the total gross lot area to be used as public recreation at locations designated by the Town."

However, the Board of Trustees in their sole discretion may accept cash in lieu of land dedication pursuant to the following section of the regulations.

"E. Cash Payment in Lieu of Dedication.

1. At the option of the Board of Trustees, the subdivider or developer may be required, on or before final passage of the ordinance approving the subdivision, to pay to the Town payment in cash or to transfer other property in lieu of land dedication. The amount of cash payment shall be as determined by this Section for the land fee. If the Board determines to accept other property instead of, or as a partial payment toward the cash payment required hereunder, the Board shall determine the value of the other property."

Project lighting should include full cutoff fixtures in the parking lot lights and on the building. A specific lighting plan must be submitted during the building permit/site plan process.

The applicant must submit a detailed landscaping plan in conjunction with the building permit process that will be subject to review and approval by the town staff. At this time, there is no estimated date for completion of the site improvements.

As noted previously, the site plan review process will occur at a staff level will address all required engineering, site improvements, drainage and other requirements.

Sewer Service – Municipal sewer is located adjacent to the property.

Water - Municipal water is located adjacent to the property.

Electric - No information provided.

Gas - No information provided.

Telephone - No information provided.

II. Applicable Regulations:

A) Relationship to the Comprehensive Plan

The application should be in general compliance with the Parachute Comprehensive Plan. This topic is discussed later in this report.

B) Special Review Uses

15.05.206 Review Criteria and Planning Commission Recommendation (to Trustees).

A. **Review Criteria.** The Planning Commission shall consider all the evidence presented by the applicant and other interested parties, comments of review agencies, recommendations of the Town Administrator, and comments from the public. At a minimum, the Planning Commission shall also consider the following criteria:

1. Conformance of the proposal with the Town of Parachute Municipal Code;
2. The compatibility of the proposal with the character of the surrounding area including, but not limited to the architectural character of the neighborhood;
3. The desirability for the proposed use in the specific area of the Town;
4. The potential for adverse environmental effects that might result from the proposed use;
5. Compatibility of the proposed use and the site (or subdivision) plan with the Parachute Plan; and
6. Conformance of any plan with the requirements of the Town of Parachute Public Works Improvements Manual.

C) Vested Property Rights

15.01.107 Vested Property Rights.

A. **Purpose.** The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, Colorado Revised Statutes, which Article establishes a vested property right to undertake and complete development and use of real property under the terms and conditions of a site-specific development plan.

B. **Definitions.** Unless modified in this subsection, the terms used in this Section shall have the same meaning as set forth in Section 24-68-102, C.R.S. As used in this Section, unless the context otherwise requires:

1. "Site specific development plan" means a plan that has been submitted to the Town by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, which plan shall create a vested property right. The following shall be considered site-specific development plans:

DEVELOPMENT REVIEW PROCEDURE	SITE SPECIFIC DEVELOPMENT PLAN
a. Special Use Review pursuant to Section 15.03.165	Special Review Use approval by the Town Board
b. Subdivision Review pursuant to Articles 15.04 and 15.05, including major subdivisions, minor subdivisions, resubdivisions, and division of property into condominium or townhouse units.	Final Plat, as approved by the Town Board

If not indicated above, a site-specific development plan shall mean the final approval step, irrespective of the name or designation of such approval, which occurs prior to building permit application.

Provided, however, the Town Board may by agreement with the applicant designate an approval step other than those indicated above, or the final approval step, to serve as the site specific development plan approval for a specific project.

The following are specifically excluded from, and shall not constitute, a site specific development plan: variances issued by the Board of Adjustment, sketch plans, preliminary plans, business licenses, floodway or flood plain permits, franchises, temporary use permits, any comprehensive master plan element, creation of improvement districts, zoning or rezoning, final architectural plans, or final construction drawings and related documents specifying materials and methods for construction of improvements.

2. "Vested property right" means the right to undertake and complete development and use of property under the terms and conditions of a site-specific development plan.

III. Requested Actions:

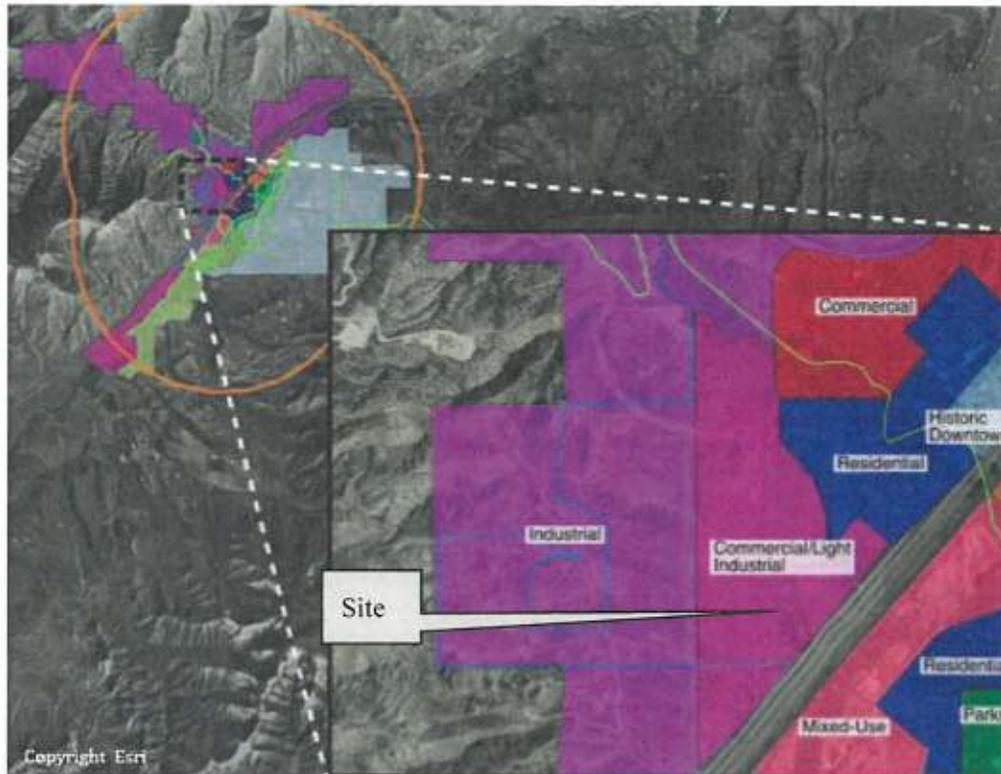
The applicant is requesting approval of a Special Review Use for a Retail Marijuana Cultivation Facility and Vested Property Rights on the Special Review Use.

IV. Special Review Use Staff Comments:

Conformance with the Town of Parachute Comprehensive Plan.

The following statements relevant to this application come from the recently adopted 2015 Parachute Comprehensive Plan completed by the Better City consultants.

Better City 2016 Parachute Comprehensive Plan - Land-Use Category - Commercial/Light Industrial



The recently adopted 2016 Parachute Comprehensive Plan states, "***Land Use Designations***

The land use zones designated herein are done in accordance with the economic diversification strategy outlined in Chapter 1 of the Comprehensive Plan and is designed to generate the greatest amount of future economic development opportunities. Where possible, the proposed land use designations follow existing property lines so as to avoid the conflict of having a single parcel with dual designations. In some instances, land use designations cross current parcels, and in such cases, it is recommended that the Town begin working with landowners to contemplate lot-line adjustments to prevent dual designation. The proposed designations also take into consideration current land use, and in some cases discusses a transition from the current use into the most appropriate use for future generations. The following land use designations are utilized and anticipated permitted uses for each zone are briefly described.

Commercial/Light Industrial – The Commercial/Light Industrial is anticipated to allow the same uses permitted within the Commercial category, along with the addition of light industrial uses such as light manufacturing, production, assembly, indoor farms, etc. The Town may consider adding language to the zoning code that permits and further defines light industrial uses based on the anticipated noise and pollution that may be created by a business or entity within the area.

Industrial – The Industrial designation is anticipated to allow both light and heavy manufacturing, natural resource collection and refining, and other similarly focused entities. The industrial designation may also be overlaid with an agricultural designation to allow current agricultural activities to continue within the zone.”

West Central

The west central section of Town will serve as the site for future Industrial, Light Industrial, and Commercial development. Convenient access along Parachute Park Blvd. will be a major benefit to new businesses in this region of Town. The Commercial/Light Industrial zone will be most appropriate for light manufacturing, business parks, light industrial parks, and agribusiness related industries. Development of new businesses in the Industrial zone to the west will be difficult due to unfavorable slope.

The Commercial zone located to the north of the Residential zone may take some time before it is fully utilized, but it is anticipated to become a commercial corridor that connects the Historic Downtown with the major businesses up the canyon toward the north.

Part of the land within the proposed Industrial and Commercial/Light Industrial zones are currently located outside Town limits. These sections should be considered for future annexation.

Staff Comment. This property is shown in the adopted 2016 Parachute Comprehensive Plan as Commercial Light Industrial and is intended to offer a variety of uses as noted above. The site is located within an existing Planned Unit Development (PUD) that allows the proposed Retail Marijuana Cultivation Facility. The proposed use will be compatible with the PUD Zone District as long as the impacts of size, odor, lighting and traffic are adequately addressed.

The following map shows the existing uses on and around the subject property.



Parachute Zoning Around Proposed Site



Special Review Use Review Requirements:

As noted previously, the town regulations state, “The Planning Commission shall consider all the evidence presented by the applicant and other interested parties, comments of review agencies, recommendations of the Town Clerk, the Town’s consultants and comments from the public. At a minimum, the Planning Commission shall also consider the following criteria (listed below).” The land-use regulations state, *“It is the intent of these Regulations to provide a review of special review uses so that the community is assured that any proposed special review uses are suitable for the proposed location and are compatible with the surrounding land uses.”*

1. Conformance of the proposal with the Town of Parachute Municipal Code;

Staff Comment. The proposed use will be required to conform to all applicable provisions in the Parachute Municipal Code. This includes conformance to all of the requirements of the Municipal Code, building/fire codes, electric codes and other applicable regulations. In addition to the issues identified previously in this memorandum, the applicant must address all of the applicable Code sections in more detail in their site plan submittal. The applicant requests that the details of these requirements be addressed during the site plan review process, which takes place at a staff level in conjunction with a request for a building permit. The following items are excerpts from the land-use code that are applicable to the subject property and must be complied with as part of the site plan review process.

Landscaping - 15.03.197 General Requirements for all Business, Commercial and Industrial Uses.

- B. All outdoor storage, trash receptacles and activities associated with permitted uses shall be entirely enclosed by building walls or by a solid masonry wall not less than seven feet (7') in height located at the front setback line. On all other property lines said uses shall be enclosed by buildings, solid masonry walls, vine covered chain-link fences, or uniformly compact evergreen hedges, continuously maintained and not less than seven feet (7') in height. Items stored within one hundred feet (100') of a dedicated street or residential zone shall not be stacked higher than six feet (6').
- D. All business, commercial and industrial facilities adjacent to residential uses shall be screened from the residential use with landscaping and fencing of a minimum height of six feet (6') subject to review and approval of the Town Administrator. No side or rear yards are required except where adjoining a residential zone, the side and rear yard(s) shall be a minimum of one hundred feet (100'). Said yards may be used for parking, loading, and accessways. A solid masonry wall not less than seven feet (7') in height shall be installed along the property line abutting the residential zone. (Amended Ord. 580 §9, 2008)
- G. In all front yards, the equivalent of one (1) tree per thirty (30) lineal feet of interior property line shall be provided; in all rear and side yards, visible from adjacent streets or residential neighborhoods, one (1) tree for each thirty (30) lineal feet of combined rear and side interior property lines shall be planted in either a lineal or grouped manner. In addition, a five-foot (5'), net (clear of curb), interior property line landscaped strip shall be provided. This landscaping shall be continuous along all interior property lines. Landscaping shall be held back from the property line or intersection with driveways or streets so as not to hinder traffic visibility.
- H. All yards between the public street curbing and the property line are to be professionally landscaped and maintained with drought tolerant landscaping, incorporating native shrubs and trees.

- I. All unpaved or undeveloped areas of a site for which a development application has not been submitted, shall be planted with a ground cover and/or shrub material as a condition of project approval. Undeveloped areas, which are proposed for future expansion, shall be kept in a weed free condition.
- K. Parking lot lighting fixtures are to have an overall maximum height that is consistent with the height of the buildings themselves. Walkway lighting fixtures are to have an overall maximum height of fourteen feet (14').
- L. Cut-off exterior light fixtures and their location shall be submitted on a plan for review.
- M. Security lighting fixtures are not to project above the fascia or parapet of the building and are to be shielded or recessed in the building walls to provide cut-off at the property line.
- N. The storage of combustible materials shall be not less than twenty feet (20') from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time.
- O. No materials or wastes shall be deposited upon a subject lot in such form or manner that they may be transferred off the lot by natural causes or forces. All waste materials shall be stored in an enclosed area and shall be accessible to service vehicles.
- P. Wastes, which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored only in closed containers in required enclosures.
- Q. Trash enclosure location shall be subject to the approval of the Building and Planning Department. Trash enclosure shall be of masonry construction or approved alternate material.

(Ord. 351, 1994; Amended Ord. 439 §1, 2001; Amended Ord. 501 §1, 2004; Amended Ord. 580 §10, 2008)

15.03.199 Building Exterior Design Standards.

- A. Purposes and Intent. The purposes and intent of this Section are to:
 - 1. Provide for the minimum protection and enhancement of the historic character of the Old Town Area of the Town of Parachute as expressed in the external appearance and siting of buildings both present and as previously existed in the community; and
 - 2. Enhance and maintain the appearance and quality of the various newer neighborhoods throughout the Town by limiting the use of certain building materials and designs.
- B. Application. In order to comply with the purposes and intent of this Section, the following subsections specify minimum design standards for all buildings constructed in the Town.
- C. Standards for Exterior Building Design and Construction Applicable in All Areas of the Town of Parachute. Except as otherwise provided herein, any land surface and any work or improvements upon any real property within the Town of Parachute shall be erected, removed, restored, altered or demolished in such a manner so as to maintain, protect and compliment the historic character and qualities of buildings, structures and properties.

All construction is subject to the requirements of any building code adopted by the Town, the Town of Parachute Land Use Regulations and any other applicable ordinances or provisions of the Town of Parachute Municipal Code.

- 3. New construction within the Town shall be designed in relation to the historical characteristics of the Town of Parachute, so that the exterior features of such

construction shall blend with the characteristics established herein.

7. Commercial and industrial buildings and associated accessory buildings must have siding material that is made of non-glare and non-reflective material or finish. All exterior siding shall be certified by the manufacturer to withstand deterioration from any atmospheric elements for a minimum of ten (10) years.
8. All roof mounted mechanical equipment and/or ductwork, which projects vertically more than one and one-half feet (1.5') above the roof or roof parapet and is visible from an adjoining street is to be screened by an enclosure, which is detailed consistently with the building.
 - a. All roof mounted mechanical equipment and/or ductwork, which projects one and one-half feet (1.5') or more above the roof or roof parapet is to be painted in its entirety consistent with the color scheme of the building in all cases.
 - b. No mechanical equipment except for emergency equipment is to be exposed on the wall surface of a building.
 - c. Plans for cyclone blowers, bag houses, tanks, etc., shall be reviewed at the time of preliminary plan check to determine design integration with buildings and adjacent area. Furthermore, they shall be painted to match the surface to which attached.
 - d. Incinerator vents are to be located on the rear or "hidden" side of the building whenever possible. (Amended Ord. 580 §11, 2008)

As noted previously in this report and as requested in the application submittal, the town requires a site plan review process prior to issuance of a building permit. The following excerpt from the Parachute land-use regulations outlines the information that must be submitted for the site plan review process.

"15.07.112 Site Plan Review. Prior to the issuance of a building permit for all uses except single-family residences, a site plan must be submitted as required by Section 15.01.114. In addition to the building permit requirements, the following information shall be submitted for a parking lot or parking area:

- A. Delineation of individual parking and loading spaces;
- B. Circulation area necessary to serve spaces;
- C. Access to streets and property to be served;
- D. Curb cuts;
- E. Dimensions, continuity, and substance of screening;
- F. Grading, drainage, surfacing and subgrade details;
- G. Delineation of obstacles to parking and circulation in finished parking area;
- H. Specifications as to signs and bumper guards;
- I. Location and specifications of shielded lighting for parking areas to be used at night;
- J. Location and specifications (e.g., plants and materials) for landscaping of the parking area;
- K. Irrigation plan for the landscaped areas; and
- L. Other pertinent data.

The Town Administrator shall make the initial determination of whether or not the plans and specifications comply with the provisions of this Chapter. Appeals from the Town Administrator's decision may be taken by any aggrieved party to the Board of Adjustment within fourteen (14) days after such decision."

Other applicable code sections that apply to this submittal are listed below.

J. Parking Lot Landscaping.

5. Interior Landscaping Requirement. Landscaping is required in the interior of parking lots to direct traffic, to reduce heat and glare and to screen cars from adjacent properties. The interior of all parking lots shall be landscaped as follows:
 2. Dual texturing of building facades or a five-foot (5') strip of building perimeter landscaping shall be required, with the exception of rear or side walls abutting other existing buildings.
 4. Parking lots shall be landscaped as required by this Section. In cases of hardship or to increase safety, the Board of Trustees may permit a portion of the required landscaping to be relocated or allowed other deviation from the parking landscaping to be relocated or allow other deviation from the parking landscaping requirements.
 5. Interior Landscaping Requirement. Landscaping is required in the interior of parking lots to direct traffic, to reduce heat and glare and to screen cars from adjacent properties. The interior of all parking lots shall be landscaped as follows:
 7. Parking Lot Perimeter. Landscaping is required around the entire perimeter of a parking lot to assist in the shading of cars, to assist in the abatement of heat and to reduce the amount of glare from glass and metal, and to assist in the screening of cars from adjacent properties.
- k. Screening from Residential Lots. All off-street parking areas with six (6) or more spaces shall be adequately screened from any adjoining residential lot by landscaping and opaque six foot (6') fencing. The landscaping and fencing shall be maintained in good condition at all times. (Amended Ord. 580 §§18, 19, 2008)

Staff Comment. The applicants is required to address all of these items as part of the site plan review process unless they request and are approved for a variance to one or more of these items.

Lighting - 15.03.197 General Requirements for all Business, Commercial and Industrial Uses.

K. Parking lot lighting fixtures are to have an overall maximum height that is consistent with the height of the buildings themselves. Walkway lighting fixtures are to have an overall maximum height of fourteen feet (14').

M. Security lighting fixtures are not to project above the fascia or parapet of the building and are to be shielded or recessed in the building walls to provide cut-off at the property line.

15.06.104 Site Plan Requirements. In addition to the requirements of Sections 15.06.102 and 15.06.103, any site plan required in these Regulations shall include:

G. *The location and type of outdoor lighting;*

Staff Comment. The included site plan generally addresses some but not all of these points. The applicant is required to meet all requirements of the Town of Parachute lighting standards identified above. A complete lighting plan should be submitted for staff review and approval prior to issuance of a building permit.

Parking - ARTICLE 7: STREET PARKING REGULATIONS details the requirements for parking in Parachute.

15.07.106 Parking Requirements for Uses not Listed. For specific uses not listed in Section 15.07.102 above, the Town Administrator shall determine the appropriate number of parking spaces required based upon the type of activity, intensity, number of employees and similarity to listed uses.

Staff Comment. The parking requirements for wholesale commercial uses and warehouses are “One (1) space for every one thousand square feet (1,000 sq. ft.) of floor area or one and one-half (1.5) spaces per employee whichever results in more parking spaces.” The parking regulations do not list Retail Marijuana Cultivation Facility as a use. Parking should be based on the maximum number of anticipated employees, a loading area with parking for deliveries/pickups and space for facility visitors (inspectors, law enforcement, town personnel or others). The applicant should submit an accurate estimate of maximum employees anticipated at peak employment/operations. The applicant must comply with all parking requirements. This information should be provided to the town staff for review and approval prior to issuance of a building permit.

In addition to the required parking, “A minimum loading area of three hundred square feet (300 sq. ft.) shall be provided for all commercial or industrial uses that have a building area in excess of two thousand square feet (2,000 sq. ft.), with the exception of office and similar uses.” Again, the applicant shall be required to demonstrate compliance with this code provision.

Parking and loading areas shall be designed in accordance with all requirements and the requirements of the Town of Parachute Manual of Public Works Improvements. All parking spaces must be surfaced with asphalt or concrete; including the loading area.

Access - Access to the property is Diamond Loop off Parachute Parkway.

Staff Comment. All access to the site shall conform to all Town of Parachute requirements. Compliance with access requirements shall be demonstrated prior to initiation of the business operation or issuance of a certificate of occupancy.

Storm Drainage Facilities - Storm drainage should be addressed for the site to ensure proper function. An engineered drainage plan should be submitted to the town engineer for review and approval.

Staff Comment. The application did not include any storm drainage calculations. The town engineer will need the engineered details of site drainage prior to issuance of the building permit.

The compatibility of the proposal with the character of the surrounding area including, but not limited to the architectural character of the neighborhood;

Staff Comment. The property is bordered on the west by light industrial and vacant lots. Existing and future uses could be impacted by odor, light, noise or other activities unless these impacts are properly buffered mitigated in the project design. Properly mitigated, the proposed grow facility will be compatible nearby uses. Because of the undeveloped nature of much of the land surrounding lot 7, the architectural character the neighborhood has not been established. The Encana office building to the northwest sets a standard for an office building. The applicant should present building elevation drawings in conjunction with the site plan review process at the time of building permit application. The Planning Commission may have feedback they wish to offer the applicant before they initiate their building design process.

The desirability of the proposed use in the specific area of the Town;

Staff Comment. The proposed grow operation is compatible with surrounding uses provided adequate mitigation is implemented for the adjacent and future uses. The applicant is processing this request as a Special Review Use consistent with the zoning requirements and the public will have notice of and an opportunity to comment on the proposed request. The proposed use with proper mitigation is in staff’s opinion, desirable in this specific area of town.

The potential for adverse environmental effects that might result from the proposed use;

Staff Comment. The applicant is required to effectively mitigate impacts in regards to storm water management, noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences as

required by the Town of Parachute Land Use Regulations Section 15.03.212.” The application does not provide any detailed descriptions of environmental mitigation and does not include any specifics on chemicals used, chemical storage, protections to the water/sewer utilities, odor removal, details on lighting fixtures/levels or other potential environmental impactors. Compliance with the applicable Parachute and other regulations to avoid adverse environmental effects will require submittal of more detailed materials addressing each of these topics. Adequate environmental mitigation must be addressed by the applicant at the time of site plan review and subject to review and approval by the staff prior to issuance of a building permit.

Conformance of any plan with appropriate engineering and design standards

Staff Comment. The site is an undeveloped property in Parachute. Site engineering and design work is necessary in order for the staff/consultants to determine if the project conforms to all applicable engineering design standards in the Municipal Code. The Town Engineer and Public Works Department should comment on compliance with applicable town engineering, utility and street access standards.

Additional criteria set forth for rezoning applications in Section 15.03.185.

Staff Comment. This is not a rezoning application and the section is not applicable.

Parkland Dedication

The municipal code requires that “For every annexation, subdivision or residential or **commercial development**, the Board of Trustees shall require the dedication of certain sites for parks and recreation use or fee in lieu of dedication, and may require reservation of sites for school and other public purposes.”

Staff Comment. The applicant will have to address this requirement. Eight percent of 1.5 acres is 0.12 acres (5,227.2 ft.²) of parkland dedication. The Trustees in their sole discretion may accept cash in lieu of land based upon the average value of undeveloped residential land in the town limits. “A minimum of 80% of land dedicated shall lend itself to utilization for public recreation purposes which includes, but is not limited to, the following: play fields, tennis courts, picnic sites and boating areas.” Staff recommends that the applicant provide cash in lieu of land because of the location and proposed use of this site. The location and use on the property is not compatible with municipal recreation.

VI. Vested Property Rights Review Criteria

When vested property rights are requested, they must be considered in conjunction with a “Site Specific Development Plan”. As noted previously in this report, Trustee approval of a special review use qualifies as a site-specific development plan. State statute and the Parachute land-use regulations allow a minimum of three (3) years vested property rights which upon and applicant’s request and approval by the Town may be extended for a longer timeframe. Vested property rights afford protection to a developer as a “property right to undertake and complete development and use of real property under the terms and conditions of a site-specific development plan.” In other words, a developer would be protected from any changes imposed by the Town to their land-use approval specific to their “development plan” for the timeframe approved by the Town. In this specific case, if the Town of Parachute acts on a land-use application to approve a special review use for a retail marijuana cultivation facility and grants a vested property right for five years, then the applicant would be protected from any land-use action by the Town to eliminate or modify the approval for the five-year timeframe. An exception to this limitation would be an action by the Town of Parachute to approve an ordinance of uniform applicability to the entire community or an ordinance that is necessary to protect public health and safety. An ordinance of that nature would also apply to this application because that action falls outside of the protections afforded under

vested property rights. The Town Attorney should expand upon this explanation if requested by the Planning Commission or the Parachute Trustees.

A vested property right approval is independent from and does not change or restrict the required licensing procedure for marijuana uses. In other words, a developer may be protected from any changes in the land-use regulations specific to their property for a period of five years, but Parachute would retain the right to approve or deny an annual marijuana license for a facility without adversely affecting vested property rights granted through the land-use process.

This applicant is requesting a vested property right for five (5) years from the date of approval (if granted) by the Board of Trustees.

Staff Comment. Staff supports the request for a five-year vested property right because it provides the applicant protection for a reasonable timeframe during which they will develop their property. In addition, the Town is afforded additional protections through the marijuana licensing process.

VI. Review Agency Comments

Public Works - No comments received.

Town Engineer - No comments received.

Fire Department - No comments received.

Police Department - No comments received.

Utilities Department - No comments received.

VII. Staff Recommendations:

A) - Special Review Use Recommendation

Staff recommends **APPROVAL** of the Zoned Properties Inc. **Retail Marijuana Cultivation Facility Special Review Use** application with the following conditions.

1. The applicant shall conform to the land dedication requirements specified in Section 15.01.111.
2. The applicant shall conform to the landscaping requirements applicable for all businesses, commercial and industrial uses specified in Section 15.03.197, and a detailed plan addressing the items in this section shall be submitted for review and approval by the town prior to issuance of a building permit.
3. The applicant shall conform to Section 15.03.199 - Building Exterior Design Standards and shall submit detailed plans subject to staff review and approval prior to issuance of a building permit.
4. The applicant shall conform to the applicable lighting requirements in Parachute Land Use Code Design Standards in Section 15.06.104 and other applicable sections and shall submit a lighting plan for all exterior lighting, which shall be subject to staff review and approval prior to issuance of a building permit.
5. All parking spaces (including loading areas) shall conform to the Town of Parachute parking requirements and shall be surfaced with asphalt or concrete.
6. As required by the Parachute Municipal Code, the applicant shall submit a detailed site plan subject to review and conformance with Section 15.07.112 Site Plan Review.
7. All access to the site shall conform to all Town of Parachute requirements. Compliance with access requirements shall be demonstrated prior to issuance of a building permit.

8. Applicant shall utilize odor control technology to mitigate marijuana odors to Town staff's satisfaction the odors associated with the Retail Marijuana Cultivation Facility use when smelled at the property line of the parcel.
9. The applicant shall conform to the requirements of the Parachute Sign Code for which, a separate sign permit application is required.
10. Applicant shall submit reports prepared by a qualified Colorado-licensed engineer on water demands, wastewater generation, site drainage, traffic generation, and other related site impacts for review and approval by staff prior to issuance of a building permit.
11. All development on the site shall comply with the adopted fire codes applicable to the Town of Parachute.
12. The Record of Decision by the Parachute Board of Trustees for the Zoned Properties, Inc. Retail Marijuana Cultivation Facility Special Review Use shall be recorded in the real estate records of the Garfield County Clerk and Recorder.
13. All representations made in the Applicant's written materials or verbally as reflected in the minutes of the public meetings or hearings where the Application was presented to or considered by the Commission and/or Board of Trustees are considered part of the Application and binding on the Applicant.
14. Applicant shall reimburse the Town for any and all fees, including consulting costs, incurred in the review of the Application.

B) - Five-year Vested Property Right Recommendation

Staff recommends **APPROVAL** of the Zoned Properties Inc. five-year **Vested Property Right** application based upon the **Special Review Use** for a **Marijuana Cultivation Facility Site-Specific Development Plan**.

VIII. Recommended Planning Commission Motions:

The recommended motion on the **Special Review Use Application**.

FIRST MOTION

*The Planning Commission recommends **APPROVAL** of the Zoned Properties, Inc. application for a Retail Marijuana Cultivation Facility Special Review Use with the staff recommended conditions. (Any modifications or additional conditions made by the Planning Commission should be added to this motion).*

The recommended motion on the **Five-Year Vested Property Rights Application**.

SECOND MOTION

*The Planning Commission recommends **APPROVAL** of the Zoned Properties, Inc. application for a five-year vested property right based upon the Site-Specific Development Plan Special Review Use Application for a Retail Marijuana Cultivation Facility.*

(Any modifications or additional conditions made by the Planning Commission should be added to these motions).



TOWN OF PARACHUTE
PO BOX 100
222 GRAND VALLEY WAY
PARACHUTE, CO 81635

LAND USE APPLICATION

Name of Applicant: Zoned Properties, Inc. (on behalf of Parachute Development Corporation & Zoned Colorado Properties, LLC)
(INCLUDE ADDRESS AND TELEPHONE NO.)

Project Name: Zoned Colorado Marijuana Facility

Project Location: See **Exhibit B** attached to this Application

LEGAL DESCRIPTION: See **Exhibit A** attached to this Application

Existing Zoning: Light Industrial

Proposed Zoning: Light Industrial

Type of Application (check all that apply):

SUBDIVISION:

- | | | |
|--|--|--------------------------------|
| <input type="checkbox"/> MINOR SUBDIVISION | <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> FINAL |
| <input type="checkbox"/> MAJOR SUBDIVISION | <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> FINAL |
| <input type="checkbox"/> RE-SUBDIVISION | <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> FINAL |
| <input type="checkbox"/> P. U. D. | <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> FINAL |
| <input type="checkbox"/> BUILDING DIVISIONS | <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> FINAL |
| <input type="checkbox"/> AMENDED PLAT | <input type="checkbox"/> PRELIMINARY | <input type="checkbox"/> FINAL |
| <input type="checkbox"/> REZONING | <input type="checkbox"/> SIGN VARIANCE | |
| <input type="checkbox"/> ZONING VARIANCES | <input type="checkbox"/> FLOOD PLAIN DEVELOPMENT | |
| <input checked="" type="checkbox"/> SPECIAL REVIEW USE | <input type="checkbox"/> VACATION OF STREET, ALLEY, R.O.W. | |
| <input type="checkbox"/> GEOLOGIC DEVELOPMENT | <input type="checkbox"/> ANNEXATIONS | |
| <input type="checkbox"/> LOT CONSOLIDATION | <input type="checkbox"/> WATERSHED PERMIT | |

PROPERTY OWNER: Parachute Development Corporation

(INCLUDE NAME, ADDRESS, AND TELEPHONE NO.)

PROJECT ENGINEER/SURVEYOR:

N/A

(INCLUDE NAME, ADDRESS, AND TELEPHONE NO.)

N/A

(INCLUDE NAME, ADDRESS, AND TELEPHONE NO.)

ADJACENT PROPERTY OWNERS: (attach separate sheet if needed)

Name	Address
Please See Attachments	
_____	_____
_____	_____
_____	_____
_____	_____

MINERAL RIGHTS OWNERS & LESSEES OF SUBJECT PROPERTY (attach separate sheet if needed) ***PLEASE NOTE ALL MINERAL RIGHTS OWNERS AND LESSEES MUST BE NOTIFIED 30 DAYS IN ADVANCE TO APPLICATION REVIEW. PLEASE INDICATE ALL MINERAL RIGHTS OWNERS, & LESSEES AS (MR), OR (L)**

Name	Address
Please see Attachments	
_____	PARACHUTE DEVELOPMENT CORPORATION
_____	PO BOX 686
_____	Glenwood Springs, CO 81602
_____	_____

DESCRIPTION OF PROPOSAL: (INCLUDE PROPOSED USE, ACREAGE, ETC.)

Please see attached Introduction Letter, Project Narrative, and Exhibits

Describe how this Proposed Land Use Application Complies with the Town of Parachute Land Use Regulations and the Town of Parachute Master Plan 2002.

Please see attached Introduction Letter, Project Narrative, and Exhibits

Describe any possible Flood Plain issues:

Describe Traffic Impact Fees Proposal: (Standard Calculation or Individual Traffic Study)

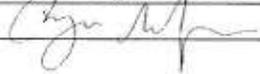
Describe Land Dedication Proposal:

Describe Water Rights Dedication Proposal:

I Certify that the information and exhibits herewith are true and correct to the best of my knowledge, and that in filing this application, I am acting with knowledge and consent of those persons listed above without whose consent the requested action cannot lawfully be accomplished.

Name:(print) Bryan McLaren

Address: 14300 N. Northsight Blvd #208 Scottsdale, AZ 85260

Signature:  Date: 06/01/16

INSTRUCTIONS:

1. **Read both sides of application thoroughly.**
2. **Complete all of the requested information.**
3. Descriptions of property and dedication proposals on this form should be general and brief.
4. All applications must include a **CURRENT TITLE POLICY**, indicating ownership and encumbrances.
5. All applications must include **PROOF OF TAXES PAID**.
6. Applicants should review the Town of Parachute Land Use Regulations 15.01, 15.03, 15.04, 15.05, 15.06, and any other sections specified for the proposed request.
7. **All applicants who are not property owners must present a Letter of Representation, signed and notarized by the property owners.**
8. **Applications not signed and lacking any of the requested information will be deemed incomplete and will not be scheduled for a Planning and Zoning Commission review.**

ADMINISTRATIVE PERSONNEL:

APPLICATION FEE: _____

APPLICATION RECEIVED DATE: _____

COMPLETE DATE: _____

PLANNING & ZONING HEARING: _____

BOT HEARING: _____

MAILINGS DATE: _____

PUBLICATION DATE: _____

P&Z APPROVAL DATE: _____

BOT APPROVAL DATE: _____

April 15, 2016

Mr. Bryan McLaren
Chief Executive Officer
Zoned Properties, Inc.
Zoned Colorado Properties, LLC
14300 N. Northsight Blvd #208
Scottsdale, Az 85260

LETTER OF AUTHORIZATION

Dear Mr. McLaren:

Parachute Development Corporation (the "Company") is the owner of the land and properties located at Diamond Loop Parachute, CO 81635 United States (the "Parachute Property"). The Company would like to extend this Authorization Letter in support of the proposed Licensed Marijuana Facilities to be located at the Parachute Property.

We have reviewed the Town of Parachute's application process and understand that this Letter of Authorization is required in order to submit the comprehensive application materials.

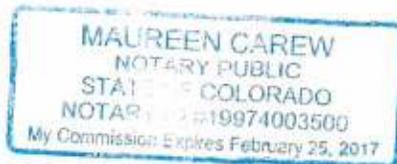
Please contact me if you have any questions or comments. We look forward to working collaboratively with your organization on the prospective facility to be developed at our Parachute Property. Please let us know how we can help to work with Town of Parachute Staff, Planning & Zoning Commission and the Board of Trustees to create development strategies, which will serve the interests of the local community and the proposed Marijuana Facilities.

Sincerely,



Hayden Rader
Parachute Development Corporation

STATE OF COLORADO
County of Garfield } ss. Colorado
The foregoing instrument was acknowledged before me this 18th day of April, 2016,
by Hayden Rader
My commission expires: 2-25-2017
Witness my hand and official seal. Maureen Carew
Notary Public



www.zonedproperties.com

Via Email

June 01, 2016

Mr. Stuart S. McArthur
Town Manager
Town of Parachute
222 Grand Valley Way
Parachute, CO 81635

Dear Mr. McArthur:

Zoned Properties, Inc. on behalf of Parachute Development Corporation & Zoned Colorado Properties, LLC ("Property Owners") is pleased to submit to you the attached Project Narrative and Vested Property Rights Agreement ("VPRA"). The submittal includes a Site Plan Rendering that represents the Site Specific Development Plan ("SSDP") in support of our request to the Town of Parachute ("Town") for a Five (05) year Vested Property Rights Agreement with the Town of Parachute Board of Trustees. Material documents are attached herein.

We have reviewed the Town's Fees and understand that the established fee for this type of application may be equated with a standard Land Use Application. Please confirm the application fee amount for this proposal, and we will be happy to submit a check to the Town of Parachute.

It is our understanding that at the February 18th, 2016 Board of Trustees Meeting, the Board discussed and approved a number of proposed changes to the Parachute Ordinance (692.2016) regarding Retail ("RMJ") and Medical Marijuana ("MMJ"). As you are aware, over the past few months our development team has been meeting with town representatives regarding these changes and, more specifically, how a VPRA including an SSDP in the form of a Site Plan can be used to preserve the development and expansion rights of our proposed Licensed Marijuana Facility development in the Town of Parachute. It might be appropriate to include discussion and action of the attached VPRA on the agenda for the upcoming Planning and Zoning meeting on July 14th, 2016 and use the included Land Use Application for a VPRA as an example for analysis and conversation to be formally approved by the Board of Trustees at their meeting on July 21st, 2016. In our opinion, approval of this VPRA by the Board of Trustees will "provide the procedures necessary to implement the provisions of Article 68 of Title 24, Colorado Revised Statutes, which Article establishes a vested property right to undertake and complete development and use of real property under the terms and conditions of a Site Specific Development Plan" (15.01.107(A)).

Thank you for your review of the enclosed materials. Please contact me at (480) 351-8193 or Del Dawson at (970) 250-8400 if you have any questions or comments. We look forward to working collaboratively with Town Staff, the Planning & Zoning Board and the Board of Trustees to create development strategies, which will serve the interests of the local community and the Property Owners.

Sincerely,

Bryan McLaren
Zoned Properties, Inc.

www.zonedproperties.com

**VESTED PROPERTY RIGHTS AGREEMENT
PROJECT NARRATIVE
For Approximately 1.5 ACRES**

Parachute Park P.U.D. LOT 7 of BLOCK 3

Submitted on behalf of:
Parachute Development Corporation
&
Zoned Colorado Properties, LLC

Submitted by:
Bryan McLaren
Zoned Properties, Inc.,
14300 N. Northsight Blvd., Suite 208
Scottsdale, AZ 85260
480 351 8193
Bryan@zonedproperties.com

Submitted to:
The Town of Parachute ("Town")
Community Development Department
Planning and Development Division
222 Grand Valley Way
Parachute, CO 81635

Submitted: June 01, 2016

www.zonedproperties.com

Purpose of Request

Zoned Properties, Inc. on behalf of Parachute Development Corporation and Zoned Colorado Properties, LLC ("Property Owners"), is pleased to submit this Project Narrative to the Town of Parachute in support of an application for a Vested Property Rights Agreement ("VPRA") based upon the attached Site Specific Development Plan ("SSDP") shown in **Exhibit B**, which has been submitted in the form of a Special Review Land Use Application. The VPRA includes this Project Narrative and all exhibits described herein. The SSDP includes the property formally known as Lot 7, Block 3 of the Parachute Park P.U.D. ("the Property"). A legal description for the Property is attached as **Exhibit A**.

The Property Owners are submitting this application for a VPRA based upon the attached SSDP consistent with the enabling authority available to the Town as per Title 15 Land Use Regulations 15.01.107 and Colorado Revised Statute CRS 24.68.101 which reads, "It is necessary and desirable, as a matter of public policy, to provide for the establishment of vested property rights in order to ensure reasonable certainty, stability, and fairness in the land use planning process and in order to stimulate economic growth, secure the reasonable investment-backed expectations of landowners, and foster cooperation between the public and private sectors in the area of land use planning."

Description of Proposal

As shown on the Site Specific Development Plan as part of the Vested Property Rights Agreement herein, **Exhibit B** of this narrative, the Property Owners are proposing to develop the existing Property as a single building site including multiple uses within the Property as described below. The SSDP is represented as a general site plan. At a future time, the Property Owners will submit a more detailed site plan in the form of an application for building permits pursuant to municipal code requirements. The detailed site plan will include details as required by municipal code for lighting and landscaping. It is anticipated that the project will be completed by January of 2017. There are currently no proposed open space or recreation spaces on the property. The proposed development uses, described below, may be selected individually or as co-located uses.

The following proposed development uses are included within the SSDP and deemed vested rights within this VPRA: first, the proposed development use of a medical marijuana cultivation facility; second, the proposed development use of a recreational marijuana cultivation facility; third, the proposed development use of a medical marijuana production facility; fourth, the proposed development use of a recreational marijuana production facility; fifth, the proposed development use of a recreational marijuana retail store; and sixth, the proposed development use of a marijuana testing facility. Ancillary commercial development uses traditionally permitted within the Light Industrial and Service Commercial zoning designation may also be proposed.

Each proposed development use included within this VPRA will not be required to be completed prior to an additionally proposed development use commencing. A detailed plan for each proposed development use shall be submitted by the Property Owners for approval by the Town Manager or by Special Use Review prior to the development use commencing in order to obtain construction and development permits; of which such approval shall not be unreasonably withheld.

Relationship to Surrounding Properties and Existing Zoning

The primary project site, Lot 7, is located on the northwest side of Interstate Highway 70, in the center portion of the previously subdivided property between Diamond Loop Road and Parachute Park Blvd. As depicted by the SSDP included in **Exhibit B**, the project site is bound by roadways on four sides, and is surrounded by Light Industrial or Service Commercial properties. There are no residentially zoned properties surrounding the primary project site at Lot 7. The mineral rights associated with Lot 7 are owned by HMC, Ltd.

	Zoning Classification	Use
Project Site	Light Industrial	Licensed Marijuana Facilities
North	Light Industrial	Vacant Development
South	Service Commercial	Commercial Development
East	Service Commercial	Commercial Development
West	Light Industrial	Vacant Development

Development Schedule

The development schedule for the attached SSDP could be materially affected by changes to the rules and regulation under Colorado State Statute. Per CRS 24-68-104 (1)&(2) "A property right which has been vested as provided for in this article shall remain vested for a period of three years;" however, "local governments are hereby authorized to enter into development agreements with landowners providing that property rights shall be vested for a period exceeding three years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions." The Property Owners propose the adoption of the vested rights to be granted over a period of five (05) years given relevant circumstances and risks inherent to the industry.

Public Utilities and Services

Utilities and services to the development will be provided as follows:

Utility	Provider
Water	Town of Parachute
Wastewater	Town of Parachute
Electricity	EXCL
Gas	EXCL
Trash	Town of Parachute
Police	Parachute Police Department
Fire	Grand Valley Fire Protection District

Development Team

Applicant: Zoned Properties, Inc.
14300 N. Northsight Blvd., Suite 208
Scottsdale, AZ 85260
Bryan McLaren
(480) 351-8193
Bryan@zonedproperties.com

Property Owners: Parachute Development Corporation
Zoned Colorado Properties, LLC
c/o Zoned Properties, Inc.
14300 N. Northsight Blvd., Suite 208
Scottsdale, AZ 85260
Bryan McLaren

Real Estate Broker: Del Dawson
RE/MAX Country
175 Columbine Court
Parachute, CO. 81635
(970) 250-8400
Deldawson@remax.net

Effective Date

Pursuant to CRS 24-68-103, this Vested Property Rights Agreement will be deemed established and effective upon approval of the attached SSDP "following notice and public hearing, by the local government in which the property is situated." Approval of the attached SSDP by the Town of Parachute Board of Trustees will have taken place as per Board vote at the Board meeting having taken place on July 21, 2016.

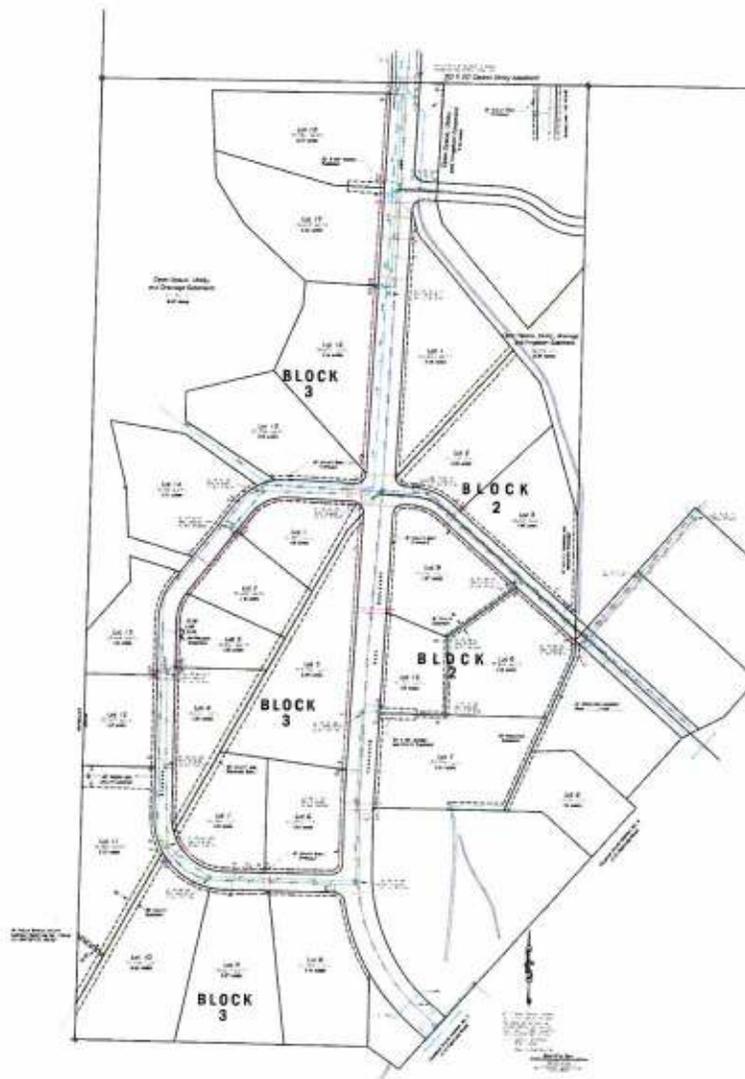
Conclusion

Approval of this VPRA based upon the attached SSDP will allow for the continued development of a well-designed commercial enterprise, which includes renewable energy sources, Licensed Medical Marijuana Facilities and Licensed Retail Marijuana Facilities. The Property Owners look forward to working with the Town of Parachute to develop the planning and legal framework, which will implement this economic development vision.

EXHIBIT A

LEGAL DESCRIPTION

LOT 7, of BLOCK 3 AMENDED FINAL PLAT Lots 1-3 AND 6-10, BLOCK 2 AND LOTS 1-18, BLOCK 3, PARACHUTE PARK P.U.D. County of Garfield, State of Colorado



www.zonedproperties.com

EXHIBIT B

SITE SPECIFIC DEVELOPMENT PLAN

“Site Specific Development Plan means a plan that has been submitted to a local government by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but need not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a specially planned area, a planned building group, a general submission plan, a preliminary or general development plan, a conditional or special use plan, a development agreement, or any other land use approval designation as may be utilized by a local government” (CRS 24-68-102 (4)(a)).

GARFIELD COUNTY TREASURER

Certificate of Taxes Due

Account Number R370520
Parcel 240912302007

Certificate Number 2016-00674
Acres 1.50
Order Number
Vendor ID 1
Compass Mountain Land Use
PO Box 86
Glenwood Springs, CO 81602

Assessed To
PARACHUTE DEVELOPMENT CORPORATION
PO BOX 686
GLENWOOD SPRINGS, CO 81602

Legal Description Situs Address
Section: 12 Township: 7 Range: 96 Subdivision: PARACHUTE PARK P.U.D. Block: 3 Lot: 7
AMENDED LOTS 1-3, 6-10, BLOCK 2 & LOTS 1-18, BLOCK 3 REC #784960

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2015	\$1,096.08	\$0.00	\$0.00	\$0.00	\$1,096.08
Total Tax Charge					\$1,096.08
Lien					
2014 Lien: 2014-024	\$2,566.77	\$171.12	\$0.00	\$0.00	\$2,737.89
2013 Lien: 2014-024	\$2,514.31	\$356.19	\$0.00	\$0.00	\$2,870.50
2013	\$0.00	\$0.00	\$7.00	\$0.00	\$7.00
Total Lien					\$5,615.39
GRAND TOTAL					\$6,711.47
Grand Total Due as of 03/28/2016					\$6,711.47

Tax Billed at 2015 Rates for Tax Area 048 - 16-6(T) - 048

Authority	Mill Levy	Amount	Values	Actual	Assessed
GARFIELD COUNTY	10.9050000	\$221.84	VACANT	\$70,150	\$20,340
GARFIELD COUNTY - R & B	1.5000000	\$30.50	COMMERCIAL LOTS		
GARFIELD COUNTY - DHS FUND	1.2500000	\$25.42	Total	\$70,150	\$20,340
TOWN OF PARACHUTE - GENERAL	13.5620000	\$275.85			
GRAND VALLEY AND RURAL FIRE	3.2670000	\$66.45			
BLUESTONE WATER CONS	0.0050000*	\$0.10			
COLO RIVER WATER CONS	0.2430000*	\$4.94			
GRAND RIVER HOSPITAL	5.5970000*	\$113.84			
GRAND VALLEY CEMETERY	0.0070000*	\$0.14			
SCHOOL DIST 16	8.5550000	\$174.00			
COLORADO MTN COLLEGE	3.9970000	\$81.30			
PARA/BATTLEMENT PARK & REC	4.0000000	\$81.36			
GARFIELD COUNTY PUBLIC LIBR	1.0000000	\$20.34			
Taxes Billed 2015	\$3,888,000	\$1,096.08			

* Credit Levy

All Tax Lien Sale amounts are subject to change due to endorsement of current taxes by the lienholder or to advertising and distraint warrant fees. Changes may occur and the Treasurer's Office will need to be contacted prior to remittance after the following dates: Personal Property and Mobile Homes - September 1, 2016, Real Property - September 1, 2016. TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.

Special taxing districts and the boundaries of such districts may be on file with the Board of County Commissioners, the County Clerk, or the County Assessor.

This certificate does not include land or improvements assessed under a separate account number, personal property taxes, transfer tax or misc. tax collected on behalf of other entities, special or local improvement district assessments or mobile homes, unless specifically mentioned.

I, the undersigned, do hereby certify that the entire amount of taxes due upon the above described parcels of real property and all outstanding sales for unpaid taxes as shown by the records in my office from which the same may still be redeemed with the amount required for redemption are as noted herein. In witness whereof, I have hereunto set my hand and seal.

GARFIELD COUNTY TREASURER
Certificate of Taxes Due

SEAL OF GARFIELD COUNTY
COUNTY CLERK
[Signature]
SEAL OF GARFIELD COUNTY
COUNTY CLERK

669938 08/30/2002 04:28P B1382 P788 H RL500RF
 1 of 3 R 10.00 D 0.00 GARFIELD COUNTY CO

ROYALTY DEED

KNOW ALL MEN BY THESE PRESENTS that HMC, Ltd., a Colorado Limited Partnership (hereinafter "Grantor"), for and in consideration of the sum of Ten Dollars, cash in hand paid by each of those parties whose names and addresses are listed below (hereinafter collective referred to as "Grantees" or individually as a "Grantee"), the receipt of which is hereby acknowledged, has granted, sold, conveyed, assigned, and delivered, and by these presents does grant, sell, convey, assign, set over, and deliver unto each Grantee an undivided interest, the amount of which is indicated beside their respective names as follows:

Grantees:			
Hayden C. Rader P.O. Box 686 Glenwood Springs, CO 81602	41.50%	Michael Stascavage 617 Night Shade Court New Castle, CO 81647	20.75%
Chelmers I. Morse 307 Sable Oak Drive Vero Beach, FL 32963-3821	20.75%	Bryan Barnes 2245 Blake Street Denver, CO 80205	3.00%
Groze Rader P.O. Box 307 Glenwood Springs, CO 81602	2.00%	Treacy Weiner 4 Bear Hill Lane Windham, NH 03087	1.00%
Charlotte M. Thomas 10091 East Powder Horn Place Tucson, AZ 85749	1.00%	E.A. Schumacher Cedar Crest Ranch 0475 County Road 112 Carbondale, CO 81623	1.00%
Morgan Haynes, Jr. c/o Mr. R. Anderson P.O. Box 100 Tryon, NC 28782	1.00%	Judith Day 335116 County Road 43A Steamboat Springs, CO 80487	1.00%
Larry Green c/o Delaney & Balcomb, P.C. P.O. Drawer 790 Glenwood Springs, CO 81602	1.00%	Raul Gawiya 100 Elk Run Drive, Suite 222 Basalt, CO 81621	1.00%
Walter Brown 1120 Grand Avenue Glenwood Springs, CO 81601	1.00%	Dieter Cantrop 0745 Heather Lane Glenwood Springs, CO 81601	1.00%
David A. Dee 61 Timber Lane Avon, CT 06001	1.00%	Katherine Burchell 4333 Cattle Creek Road Carbondale, CO 81623	.50%
Mark Simon 4333 Cattle Creek Road Carbondale, CO 81623	.50%	Ken Dunham 51241 Hwy 6 & 24, Suite 2 Glenwood Springs, CO 81601	.34%
Patricia Sell P.O. Box 557 New Castle, CO 81647	.33%	Linda Hodges 1124 Westmoor Drive Colorado Springs, CO 80904	.33%

In and to all of the royalty paid on oil, gas, and casinghead gas, casinghead gasoline, and any other minerals of whatsoever kind or nature that may be produced and saved from or attributed to those lands situated in the County of Garfield, State of Colorado which are described on the attached Exhibit "A" (hereinafter the "Property"):

The Property or portions thereof, is now under and subject to an oil and gas lease from HMC, Ltd. to Barrett Resources Corporation, as the same may be amended from time to time, and it is understood and agreed that this conveyance is made subject to the terms of said lease but covers and includes the same interests as first hereinabove named, of all the royalty from oil, gas, casinghead gas, casinghead gasoline, and any other minerals or products, due and to be paid under the terms of said lease, only insofar as it covers the Property.

Return
to

Hayden Rader
PO Box 686
Glenwood Springs, CO 81602

A18
15

000038 00/30/2002 BA:23P 01382 P787 H RLSDORF
2 of 3 R 18.00 D 0.00 GARFIELD COUNTY CO

And it is further understood and agreed that Grantor reserves solely unto itself all rights to execute any and all future leases of any kind or nature covering the Property and the rights to receive in its own name and stand all bonuses and rentals payable thereon, and the Grantee does not by these presents acquire any right to participate in the making of future oil and gas or other mineral leases on the Property or on any portion thereof not at this date under lease, nor of participating in the making of future leases, should any existing or future lease for any reason become cancelled or forfeited, nor of participating in any bonus or bonuses which Grantor may receive for any future lease, nor of participating in any rental to be paid for the privilege of deferring the commencement of a well under any lease, now or hereafter. Provided, however, that Grantor shall not execute any future oil and gas lease covering the Property or any portion thereof which provides for a royalty of less than one-eighth (1/8) of the production attributed to the Property or any portion thereof.

TO HAVE AND TO HOLD the above described royalty interest, together with all and singular the rights and appurtenances thereto belonging, unto the said Grantees and each Grantee's heirs, administrators, executors, successors, and assigns forever.

WITNESS 30th hand this Aug day of _____, 2002.

HMC, Ltd., a Colorado Limited Partnership

By: Hayden Rader
Hayden Rader, General Partner

STATE OF Colorado)
COUNTY OF Garfield) ss. ACKNOWLEDGMENT - INDIVIDUAL

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this 30th day of August, 2002, personally appeared Hayden Rader, General Partner of HMC Ltd., a Colorado Limited Partnership, to me known to be the identical person described in and who executed the within and foregoing instrument of writing and acknowledged to me that he duly executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: 11-14-05

Kristy M. Spink
Notary Public



MEMORANDUM

TO: BRYAN MCLAREN
FROM: DAVIS FARRAR - PARACHUTE PLANNER
SUBJECT: ZONED PROPERTIES SPECIAL REVIEW USE AND VESTED RIGHTS APPLICATION COMPLETENESS REVIEW
DATE: 6/6/2015
CC: STUART MCARTHUR - TOWN MANAGER

The Zoned Colorado Marijuana Facility application for Zoned Properties, Inc. on behalf of Parachute Development Corporation Special Review Use and Vested Property Rights was received on June 1, 2016 and additional submittals were made June 3, 2016. The application consisted of the following items:

- ✓ Application form.
- ✓ Application fee.
- ✓ Letter of authorization.
- ✓ Names and addresses of owners of the property within 200 ft.
- ✓ Names and addresses owners or lessees of mineral rights for the property.
- ✓ Statement of Taxes Due.
- ✓ Project narrative.
- ✓ Vested property rights agreement project narrative.
- ✓ Legal description of the property.
- ✓ Proof of Ownership.
- ✓ Owner Authorization for Zoned Properties, Inc. to Process the Application.
- ✓ Vicinity map.
- ✓ Site Plan dated 6/1/16

It is understood that s detailed site plan will be submitted at the time of building permit and will be subject to staff/consultant review and approval prior to issuance of building permit in conformance with the following requirements. "15.07.112 Site Plan Review". Prior to the issuance of a building permit for all uses except single-family residences, a site plan must be submitted as required by Section 15.01.114. In addition to the building permit requirements, the following information shall be submitted for a parking lot or parking area:



LiveWell Garfield CO Mini Grant Contract

LiveWell Garfield County (Granting Party) and the Town of Parachute (Grant Recipient) agree:

The Grant Recipient agrees to conduct the operations and perform the services described below:

Scope of Work

- Use the \$10,000 LiveWell grant money to complete the following project identified in the 2016 Garfield County Built Environment Needs Assessment:
 - Surveying and engineering of the pedestrian path and sidewalk across I-70
- Submit all receipts and invoices on or before June 27, 2017 to receive grant check.

*Failure to comply will result in ineligibility to apply for future funding.
Grant funds must be spent by June 27, 2017.*

This grant award is for expenditures specifically identified on the mini grant application. Written approval by the LiveWell Garfield County Coordinator must be acquired for any changes to use of mini grant funds. If the granted funds are not being properly utilized by the Grant Recipient pursuant to the terms of the grant, the Granting Party may immediately terminate the grant for unsatisfactory performance and request reimbursement of funds.

In witness whereof, the parties hereto have entered into this Agreement as of the day, month and year written hereof, 27 June 2016.

LiveWell Garfield County

Signature: _____

Printed Name: _____

Title: _____

Grant Recipient

Signature: Stuart McArthur

Printed Name: STUART McARTHUR

Title: TOWN MANAGER



LiveWell Garfield CO Mini Grant Contract

LiveWell Garfield County (Granting Party) and the Town of Parachute (Grant Recipient) agree:

The Grant Recipient agrees to conduct the operations and perform the services described below:

Scope of Work

- Use the \$10,000 LiveWell grant money to complete the following project identified in the 2016 Garfield County Built Environment Needs Assessment:
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Grant funds must be spent by June 27, 2017.*

This grant award is for expenditures specifically identified on the mini grant application. Written approval by the LiveWell Garfield County Coordinator must be acquired for any changes to use of mini grant funds. If the granted funds are not being properly utilized by the Grant Recipient pursuant to the terms of the grant, the Granting Party may immediately terminate the grant for unsatisfactory performance and request reimbursement of funds.

In witness whereof, the parties hereto have entered into this Agreement as of the day, month and year written hereof, 27 June 2016.

LiveWell Garfield County

Signature: _____

Printed Name: _____

Title: _____

Grant Recipient

Signature: 

Printed Name: STUART McARTHUR

Title: Town Manager

ADJACENT PROPERTY OWNERS

Account Number	ParcelNo	OwnerName	Address 2	City	State	ZipCode	Situs House Number	Street Name	Designation	City	Zip Code
R370524	240912302011	PARACHUTE DEVELOPMENT CORPORATION	PO BOX 686	GLENWOOD SPRINGS	CO	81602		211 DIAMOND	LOOP	PARACHUTE	81635
R370520	240912302007	PARACHUTE DEVELOPMENT CORPORATION	PO BOX 686	GLENWOOD SPRINGS	CO	81602		110 DIAMOND	LOOP	PARACHUTE	81635
R370522	240912302009	C & B LAND HOLDINGS LLC	PO BOX 3045	GRAND JUNCTION	CO	81502		109 DIAMOND	LOOP	PARACHUTE	81635
R370517	240912302004	PARACHUTE DEVELOPMENT CORPORATION	PO BOX 686	GLENWOOD SPRINGS	CO	81602		212 DIAMOND	LOOP	PARACHUTE	81635
R370525	240912302012	TLC PIPELINE CONSTRUCTION INC	213 DIAMOND LOOP	PARACHUTE	CO	81635		213 DIAMOND	LOOP	PARACHUTE	81635
R370521	240912302008	PARACHUTE DEVELOPMENT CORPORATION	PO BOX 686	GLENWOOD SPRINGS	CO	81602		107 DIAMOND	LOOP	PARACHUTE	81635
R370518	240912302005	PARACHUTE DEVELOPMENT CORPORATION	PO BOX 686	GLENWOOD SPRINGS	CO	81602		210 PARACHUTE PARK	BLVD	PARACHUTE	81635
R370523	240912302010	PARACHUTE DEVELOPMENT CORPORATION	PO BOX 686	GLENWOOD SPRINGS	CO	81602		111 DIAMOND	LOOP	PARACHUTE	81635
R370519	240912302006	C & B LAND HOLDINGS LLC	PO BOX 3045	GRAND JUNCTION	CO	81502		100 DIAMOND	LOOP	PARACHUTE	81635

Via Certified Mail – Return Receipt Requested

June 15, 2016

Dear Property Owner,

Zoned Properties, Inc. is a real estate development firm that aims to identify, develop, and manage sophisticated, safe, and sustainable properties in emerging industries, including the licensed marijuana industry. We have a strong focus on the social, economic, and environmental factors that are a part of each development project. Our team has identified the Town of Parachute as a potential site for our next Marijuana Business Park. Together we can set a responsible standard for the marijuana industry that not only reaps the economic development benefits associated with the proposed Marijuana Business Park, but also maximizes community prosperity and stakeholder return.

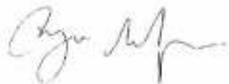
In accordance with Chapter 15.01.107 of the Town of Parachute's Municipal Code (Vested Property Right Agreements), please allow this letter to serve as public notice regarding our application for a Vested Property Rights Agreement with the Town of Parachute. As required by the Municipal Code we have published notice in the local newspaper, posted the hearing notice on the premises and notified property owners within 200 feet of the property line of the proposed VPRA.

Attached to this letter please find the notice of public hearing, scheduled for July 21, 2016 at 6:30 PM in the Board Room of Parachute Town Hall, 222 Grand Valley Way, Parachute, CO 81635.

Zoned Properties, Inc. on behalf of Parachute Development Corporation & Zoned Colorado Properties, LLC ("Property Owners") is pleased to have submitted its Project Narrative and Vested Property Rights Agreement ("VPRA") including a Site Specific Development Plan ("SSDP") in support of our request to the Town of Parachute ("Town") for a five (05) year Vested Property Rights Agreement with the Town.

Please contact me at (480) 351-8193 or Del Dawson at (970) 250-8400 if you have any questions or comments. We look forward to working collaboratively with Town Staff, the Planning & Zoning Board, and the Board of Trustees to create development strategies, which will serve the interests of the local community and the Property Owners.

Sincerely,



Bryan McLaren
Zoned Properties, Inc.
(480) 351-8193
Bryan@zonedproperties.com

www.zonedproperties.com

PUBLIC NOTICE

TAKE NOTICE that Zoned Properties, Inc. on behalf of Parachute Development Corporation & Zoned Colorado Properties, LLC ("Property Owners") is pleased to have submitted its Project Narrative and Vested Property Rights Agreement ("VPRA") including a Site Specific Development Plan ("SSDP") in support of our application to the Town of Parachute ("Town") for a five (05) year Vested Property Rights Agreement with the Town. The proposed VPRA and SSDP are located on a single property represented by the following legal description.

LOT 7 of BLOCK 3 AMENDED FINAL PLAT Lots 1-3 AND 6-10, BLOCK 2 AND LOTS 1-18, BLOCK 3, PARACHUTE PARK P.U.D. County of Garfield, State of Colorado

All persons affected by the proposed Vested Property Rights Agreement ("VPRA") and Site Specific Development Plan ("SSDP") are invited to appear and state their views, protests, or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter as the Planning & Zoning Commission and the Board of Trustees will give consideration to the comments of property owners and the others affected in deciding whether to grant or deny the request.

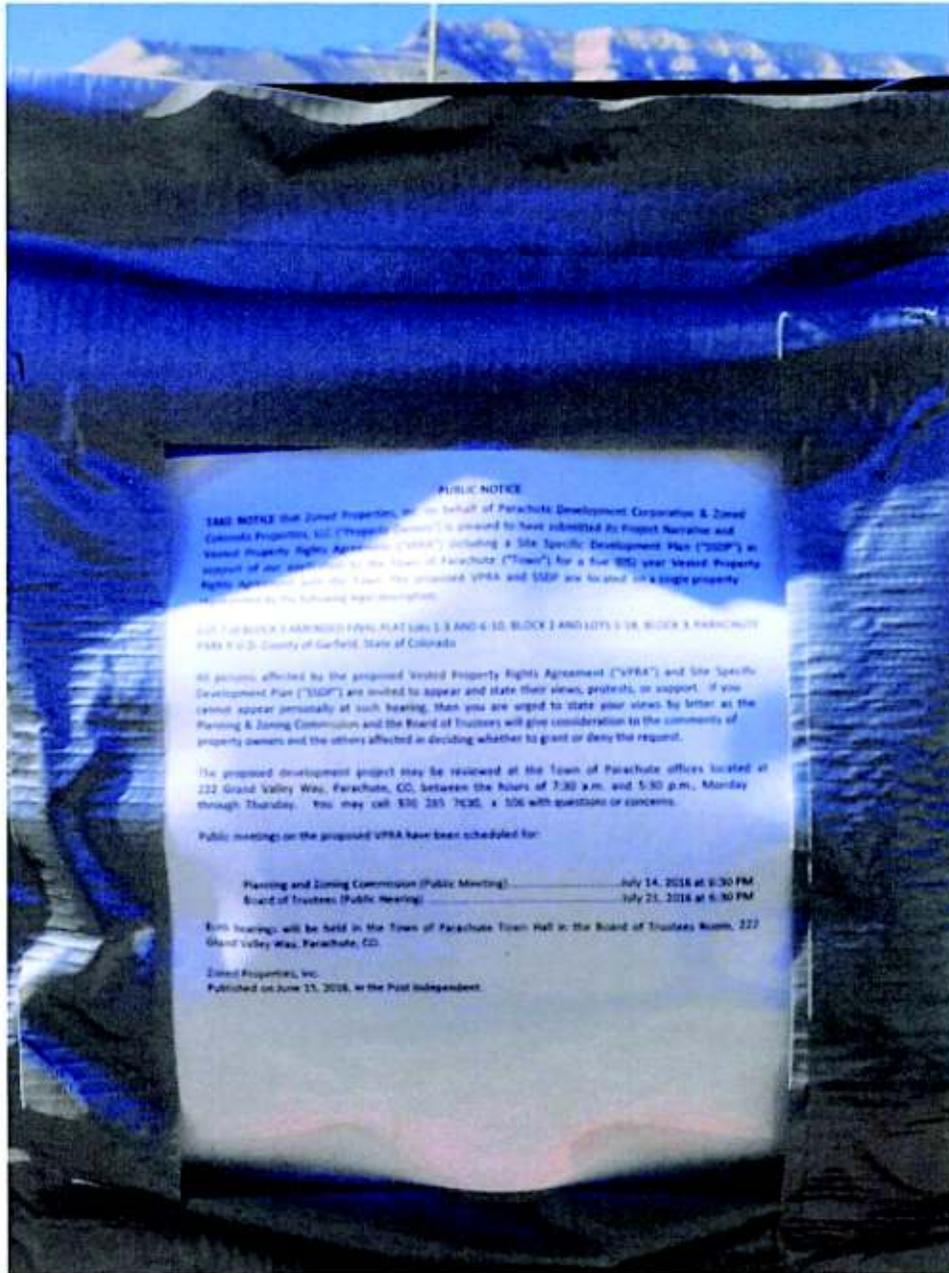
The proposed development project may be reviewed at the Town of Parachute offices located at 222 Grand Valley Way, Parachute, CO, between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday. You may call 970 285 7630, x 106 with questions or concerns.

Public meetings on the proposed VPRA have been scheduled for:

Planning and Zoning Commission (Public Meeting).....July 14, 2016 at 6:30 PM
Board of Trustees (Public Hearing)July 21, 2016 at 6:30 PM

Both hearings will be held in the Town of Parachute Town Hall in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

Zoned Properties, Inc.
Published on June 15, 2016, in the Post Independent.



PUBLIC NOTICE

PLEASE NOTE that Zoned Properties, on the behalf of Parachute Development Corporation & Zoned Colorado Properties, LLC ("Proposed Owners") is pleased to have submitted its Project Narrative and Vested Property Rights Agreement ("VPRAs") detailing a Site Specific Development Plan ("SSDP") in support of our application to the Town of Parachute ("Town") for a four (8) year Vested Property Rights Agreement with the Town. The proposed VPRAs and SSDP are located on a single property as described by the following legal description:

LOT 7 of BLOCK 3 ANNEXED PINK PLATONS 1, 3 AND 4 10, BLOCK 1 AND LOTS 5, 16, BLOCK 3 PARACHUTE PARK # 0-2, County of Garfield, State of Colorado

All persons affected by the proposed Vested Property Rights Agreement ("VPRAs") and Site Specific Development Plan ("SSDP") are invited to appear and state their views, protests, or support. If you cannot appear personally at such hearing, then you are urged to state your views by letter as the Planning & Zoning Commission and the Board of Trustees will give consideration to the comments of property owners and the others affected in deciding whether to grant or deny the request.

The proposed development project may be reviewed at the Town of Parachute offices located at 222 Grand Valley Way, Parachute, CO, between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday. You may call 970 255 7630, x 106 with questions or concerns.

Public meetings on the proposed VPRAs have been scheduled for:

Planning and Zoning Commission (Public Meeting) July 14, 2016 at 9:30 PM
Board of Trustees (Public Hearing) July 21, 2016 at 6:30 PM

Both hearings will be held in the Town of Parachute Town Hall in the Board of Trustees Room, 222 Grand Valley Way, Parachute, CO.

Zoned Properties, Inc.
Published on June 15, 2016, in the Post Independent.

7014 2120 0000 0735 5171

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

GLENWOOD SPRINGS, CO 81602

Postage	\$3.30	0583
Certified Fee	\$2.70	03
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$6.47	06/15/2016

Sent To
 Street & Apt. No., or PO Box No. HMC LTD
P.O. Box 1610
 City, State, ZIP+4 Glenwood Springs, CO 81602
 PS Form 3800, July 2014 See Reverse for Instructions

7014 2120 0000 0735 5069

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

GLENWOOD SPRINGS, CO 81602

Postage	\$3.30	0583
Certified Fee	\$2.70	03
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$6.47	06/15/2016

Sent To
 Street & Apt. No., or PO Box No. Pharmaceutical Development Corp.
P.O. Box 1816
 City, State, ZIP+4 Glenwood Springs, CO 81602
 PS Form 3800, July 2014 See Reverse for Instructions

7014 2120 0000 0735 5164

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

PARACHUTE, CO 81635

Postage	\$3.30	0583
Certified Fee	\$2.70	03
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$6.47	06/15/2016

Sent To
 Street & Apt. No., or PO Box No. TIC Pipeline Construction Inc
213 Diamond Loop
 City, State, ZIP+4 Parachute, CO 81635
 PS Form 3800, July 2014 See Reverse for Instructions

7014 2120 0000 0735 5300

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

GRAND JUNCTION, CO 81502

Postage	\$3.30	0583
Certified Fee	\$2.70	03
Return Receipt Fee (Endorsement Required)	\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$6.47	06/15/2016

Sent To
 Street & Apt. No., or PO Box No. C&B Holdings
P.O. Box 3041
 City, State, ZIP+4 Grand Junction, CO 81502
 PS Form 3800, July 2014 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HMC LTD
P.O. Box 666
Arlenwood Springs, CO 81602



9590 9402 1434 5329 1400 15

2. Article Number (Transfer from service label)

7014 2120 0000 0735 5171

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Certified Mail

- A Certified Mail receipt (signature) that is required for a specific service.
 - A unique identifier for delivery.
 - Electronic verification.
 - A record of delivery (signature) that is required for a specific service.
- Important Reminders**
- You may purchase Certified Mail, First-Class Mail®, First-Class Mail® Service, or Priority Mail Service.
 - Certified Mail service is international mail.
 - Insurance coverage is purchase with Certified Mail.
 - The purchase of Certified Mail includes certain insurance coverage. For an additional fee, the following services are available:
 - Return receipt sent with a record of delivery.
 - recipient's signature.
 - hardcopy return receipt.
 - verification for a hardcopy PS Form 3811.
 - Receipt attach PS Form 3800, July 2011.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. SOLD SEPARATELY.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

C & B Land Holdings
P.O. Box 3045
Fruita Junction, CO 81502



9590 9402 1434 5329 1413 88

2. Article Number (Transfer from service label)

7014 2120 0000 0735 5300

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

2016-07-13

ADJACENT PROPERTY OWNERS

Account Number	ParcelNo	OwnerName	Address 2	City	State	ZipCode	Situs House Number	Street Name	Designation	City	Zip Code
R460071	240913200026	CARNAHAN, JESSE J	8495 HIGHWAY 6 & 24	PARACHUTE	CO	81635	8495	G HWY		PARACHUTE	81635
R460070	240913200025	MARTINEZ, EFRAIN	8469 HIGHWAY 6 & 24	PARACHUTE	CO	81635	8469 6 & 24	HWY		PARACHUTE	81635
R260363				PARACHUTE	CO	81635-0626				PARACHUTE	81635
R370506				GRAND JUNCTION	CO	81501				PARACHUTE	81635
R370505	240912433004	STAUFER, HERMANN	PO BOX 5000	VAIL	CO	81658-5000				PARACHUTE	81635
R370189	240912429001	ENERGY RESOURCES TECHNOLOGY LAND INC	229 TERRY STREET	LONGMONT	CO	80501				PARACHUTE	81635
R041818	240912428033	ANDERSON, JAMES	209 MEADOW DRIVE	PARACHUTE	CO	81635	209 MEADOW	DR		PARACHUTE	81635
R040458	240912428031	BRUBACHER, STEVEN R, CYNTHIA V & ROY G	PO BOX 655	PARACHUTE	CO	81635	243 MEADOW	DR		PARACHUTE	81635
R006616	240912428029	BRUBACHER, STEVEN R & CYNTHIA V & BRUBACHER, ROY G	PO BOX 40	PARACHUTE	CO	81635-0040	241 MEADOW	DR		PARACHUTE	81635
R370421	240912428025	LOGSDON, PATRICIA A	4317 CEYLON COURT	DENVER	CO	80249	225 MEADOW	DR		PARACHUTE	81635
R370271	240912400052	GREENSTONE, LLC	866 24 ROAD	GRAND JUNCTION	CO	81505	8743 6 & 24	HWY		PARACHUTE	81635
R007538	240912306005	SCHROEDER, REBECCA J	5 ASPEN COURT	PARACHUTE	CO	81635	5 ASPEN	CT		PARACHUTE	81635
R007537	240912306004	CLARK, GREGORY R & KATHI J	610 MEADOW DRIVE	PARACHUTE	CO	81635	610 MEADOW	DR		PARACHUTE	81635
R007536	240912306003	BALERIO, BRIAN & RACHAEL	KUNIGUNDENSTR 59 D-80805	MUNCHEN	GERMANY		3 ASPEN	CT		PARACHUTE	81635
R007527	240912304010	MEADOWS GROUP, LLC	2015 F 1/4 RD	GRAND JUNCTION	CO	81503	615 MEADOW	DR		PARACHUTE	81635
R007526	240912304009	SELBY, JOSHUA RYAN	605 MEADOW DRIVE	PARACHUTE	CO	81635	605 MEADOW	DR		PARACHUTE	81635
R007525	240912304008	BROWN, JOHNNY L	8 ALPINE COURT	PARACHUTE	CO	81635	8 ALPINE	CT		PARACHUTE	81635
R007524	240912304007	SCHALLER, EVELYN	007 ALPINE COURT	PARACHUTE	CO	81635	7 ALPINE	CT		PARACHUTE	81635
R007523	240912304006	STANSBURY, DAVID LEROY & PAMELA MARIE	6 ALPINE COURT	PARACHUTE	CO	81635	6 ALPINE	CT		PARACHUTE	81635
R007522	240912304005	BOWEN, HOLLY & ERIC	5 ALPINE COURT	PARACHUTE	CO	81635	5 ALPINE	CT		PARACHUTE	81635
R007521	240912304004	BECK, DENNIS C & EILEEN K	4 ALPINE COURT	PARACHUTE	CO	81635-9672	4 ALPINE	CT		PARACHUTE	81635
R007520	240912304003	KNIGHT, JOHN NELSON	020 COUNTY ROAD 316	SILT	CO	81652	3 ALPINE	CT		PARACHUTE	81635
R370532	240912302019	PARACHUTE, TOWN OF	PO BOX 100	PARACHUTE	CO	81635-0100				PARACHUTE	81635
R370530	240912302017	ENTERPRISE GAS PROCESSING LLC	PO BOX 4038	HOUSTON	TX	77210		PARACHUTE PBLVD		PARACHUTE	81635
R370525	240912302012	TLC PIPELINE CONSTRUCTION INC	213 DIAMOND LOOP	PARACHUTE	CO	81635	213 DIAMOND	LOOP		PARACHUTE	81635
R370523	240912302010	PARACHUTE DEVELOPMENT CORPORATION	PO BOX 686	GLENWOOD SPRINGS	CO	81602	111 DIAMOND	LOOP		PARACHUTE	81635
R370522	240912302009	C & B LAND HOLDINGS LLC	PO BOX 3045	GRAND JUNCTION	CO	81502	109 DIAMOND	LOOP		PARACHUTE	81635
R081181	240912301013	LEX PARACHUTE LP	ONE PENN PLAZA SUITE 4015	NEW YORK	NY	10119	143 DIAMOND	AVE		PARACHUTE	81635
R041328	240912300013	C&C ENERGY CAPITAL LLC	213 DIAMOND LOOP	PARACHUTE	CO	81635	8501 6 & 24	HWY		PARACHUTE	81635
R260356	240912300005	STATE OF COLORADO DEPARTMENT OF HIGHWAYS	4201 E ARKANSAS AVENUE	DENVER	CO	80222-3406				PARACHUTE	81635

**SITE-SPECIFIC DEVELOPMENT PLAN AND
VESTED PROPERTY RIGHTS AGREEMENT**

THIS SITE-SPECIFIC DEVELOPMENT PLAN AND VESTED PROPERTY RIGHTS AGREEMENT (“Agreement”) is made and entered into by and between the Town of Parachute, Colorado, a home rule municipality whose address is 222 Grand Valley Way, P.O. Box 100, Parachute, Colorado 81635 (the “Town”) and

Parachute Development Corporation, a Colorado corporation whose address is P.O. Box 686, Glenwood Springs, CO 81602 (“Property Owner”)

Zoned Properties, Inc., an Arizona corporation whose address is 14300 N. Northsight Blvd., Suite 208, Scottsdale, AZ 85260 (the “Developer”)

Zoned Colorado Properties, LLC, a Colorado limited liability company, whose address is 14300 N. Northsight Blvd., Suite 208, Scottsdale, AZ 85260 (the “Developer”)

(individually, a “Party”; collectively, the “Parties”).

WITNESSETH:

WHEREAS, Section 15.01.107 of the Parachute Municipal Code (the “Code”) provides the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., which article establishes a vested property right to undertake and complete development and use of real property under the terms and conditions of a site specific development plan;

WHEREAS, Section 15.01.107.B.1 of the Code defines a “site specific development plan” as “a plan that has been submitted to the Town by a landowner or such landowner’s representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, which plan shall create a vested property right,” which includes including applications for “special review use approval by the Town Board”;

WHEREAS, Sections 15.01.107.B.1 and 15.01.107.G.1 of the Code establish special review use approvals as a site-specific development plans establishing vested property rights for a period of three years, which may be extended by agreement where warranted in the light of all relevant circumstances;

WHEREAS, Chapter 6.11 of the Code regulates the licensing of “Retail Marijuana Establishments” (Retail Marijuana Store, Retail Marijuana Cultivation Facility, Retail Marijuana Testing Facility, and Retail Marijuana Product Manufacturing Facility) and “Medical Marijuana Establishments” (Medical Marijuana-Infused Products Manufacturer, Optional Premises Cultivation Operation, and Medical Marijuana Testing Facility) in the Town;

WHEREAS, Section 15.03.215 of the Code contains the Schedule of Uses for Zone Districts within the Town, including Retail and Medical Marijuana Establishment uses;

WHEREAS, Property Owner owns certain real property located in the Town of Parachute, Colorado identified as Lot 7, Block 3 of the Parachute Park P.U.D., according to the Amended Plat thereof, recorded in the public records of Garfield County, Colorado at Reception No. _____ (the "Property");

WHEREAS, the Developer, with authorization of the Property Owner, filed a Land Use Application for Special Review Use and Vested Property Rights as well as a Vested Property Rights Agreement Project Narrative (collectively, the "Application") with the Town on June 1, 2016, Exhibit A, attached and incorporated by this reference, seeking to develop the Property with a single building site, as depicted on Exhibit B, for multiple potential marijuana uses, including a Medical Marijuana-Infused Products Manufacturer, an Optional Premises Cultivation Operation, a Medical Marijuana Testing Facility, a Retail Marijuana Store, a Retail Marijuana Cultivation Facility, Retail Marijuana Testing Facility, and/or Retail Marijuana Product Manufacturing Facility (collectively, "Marijuana Uses"), subject to necessary and appropriate licensure and approvals;

WHEREAS, the Planning Commission for the Town of Parachute (the "Planning Commission") reviewed the Application at a public meeting held on July 14, 2016 and the Board of Trustees of the Town of Parachute (the "Board of Trustees") reviewed the Application at a duly-noticed public hearing on July 21, 2016, at which the Board of Trustees approved the Application subject to certain terms and conditions, including entering this Agreement; and

WHEREAS, pursuant to such approval, the Board of Trustees desires to grant to the Developer a vested property right for a site-specific development plan for development of a single building site on the Property, as depicted on Exhibit B, for Marijuana Uses for a period of five years, which property right shall terminate if the Developer fails to obtain any necessary licensure or approval by such time, and subject to the terms and conditions contained herein,

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

1. Recitals. The foregoing recitals are incorporated herein as material representations and acknowledgments of the Parties.

2. Purposes and Intent. The Parties desire, by this Agreement, to balance the Town's obligation to protect and promote the public health, safety, welfare, and vitality of the Town of Parachute, its citizens, and visitors, with its desire to facilitate the highest and best use of property in the Town. The purpose of this Agreement is to set forth the terms and conditions to be met by the Developer and approvals granted by the Town. All terms and conditions contained herein are in addition to all requirements of the Parachute Municipal Code, and state statutes, and are not intended to supersede any requirements contained therein, except where specifically provided in this Agreement.

3. Vested Rights. Pursuant to Section 15.01.107 of the Parachute Municipal Code, the Town and the Developer agree that the Board of Trustees's special review use approval to

develop a single building site on the Property, as depicted on Exhibit B, for Marijuana Uses constitutes the approval of a "Site Specific Development Plan," subject to the conditions of development set forth herein. Pursuant to the special review use approval for the Property by the Board of Trustees, the Town grants vested property rights for the Property for a period of five (5) years from the effective date of the Town's approval of this Agreement and the special review use for the Property upon the condition that Developer comply with all of the terms and conditions of this Agreement, the special review use approval the Property, and the Application. Such rights shall also be subject to the provisions of Parachute Municipal Code § 15-1-101, *et. seq.* The Developer shall at its expense publish the vested rights notice required by C.R.S. § 24-68-103(1) and Parachute Municipal Code § 15.01.107.E.

4. Property. The Parties agree that the rights granted through this Agreement extend only to the Property, and to no other real property in the Town.

5. Specific Conditions. The Developer agrees to the following conditions:

- a. All representations of the Developer made in the Application and in statements during the public meeting before the Planning Commission and public hearing before Board of Trustees shall be considered conditions of approval with which the Developer shall comply.
- b. In addition to all requirements of the Parachute Municipal Code and any requirements imposed by operation of state or local law, no building permits shall be issued for the Property until Developer submits and the Town approves a more detailed site plan in conformance with Sections 15.06.104, 15.06.112, and 15.01.114 of the Code.
- c. Prior to placing the Property to any Marijuana Uses, Developer shall be required to obtain the necessary license for a Retail Marijuana Establishment or Medical Marijuana Establishment, as applicable, under Chapter. 6.11 of the Code.
- d. Prior to the commencement of any construction activities or subsequent uses, Developer shall obtain all necessary and required permits and approvals.
- e. In addition, any and all conditions of approval of the Application imposed by the Board of Trustees.

6. Cost Reimbursement. In addition to any fees enacted by any ordinance of general applicability in the Town, the Developer hereby agrees to pay the Town the actual costs to the Town for legal, planning, engineering, surveying and other services rendered in connection with the Application, this Agreement, and any future exercise of the rights granted hereunder. Interest shall be imposed at rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement provided to the Developer. In addition to any and all remedies available to the Town and in the event the Town is forced to pursue collection of any amounts due and unpaid under this provision or under this Agreement, the Town shall be entitled to collect attorney's fees and costs incurred in said collection efforts in addition to the amount due and unpaid. The

Developer shall, further, pay the Town the actual cost of any litigation arising under this Agreement or the Developer's exercise of the property rights granted herein.

7. No Obligation to Use. Notwithstanding anything to the contrary, the Developer is under no obligation to exercise the rights granted by this Agreement.

8. Voluntary Action of Developer. The Developer agrees that all terms and conditions of this Agreement, including specifically the payment of fees, are agreed to and constitute the voluntary actions of the Developer.

9. Breach by Developer; Town's Remedies. In the event of any default or breach by the Developer of any term, condition, covenant, or obligation under this Agreement, the Town Board shall be notified immediately. The Town may take such action as it deems necessary to protect the public health, safety, and welfare; and to protect the citizens of the Town from hardship. The Town's remedies include the Town's refusal to issue to the Developer any special use permit, site-specific development plan approval, or license necessary to the Developer's planned use.

10. Assignment. This Agreement may not be assigned by the Developer without the prior written consent of the Town, which consent shall not be unreasonably withheld. In the event the Developer desires to assign its rights and obligations herein, it shall so notify the Town in writing together with the proposed assignee's written agreement to be bound by the terms and conditions contained herein.

11. Indemnification. The Developer agrees to indemnify and hold the Town harmless from any and all claims or losses of any nature whatsoever incurred by the Town arising under or resulting from development of the Property and this Agreement. This indemnification shall include actual attorneys' fees incurred in the event that any party brings an action against the Town for any of the approvals described herein. The Parties intend not to duplicate any legal services or other costs associated with the defense of any claims against either Party described in this section. Therefore, the Parties agree to cooperate in full to prevent duplicative expenses incurred as a result of the indemnification herein described.

12. Waiver of Defects. In executing this Agreement, the Developer waives all objections it may have concerning defects, if any, in the formalities whereby it is executed, or concerning the power of the Town to impose conditions on the Developer as set forth herein, and concerning the procedure, substance, and form of the ordinances or resolutions adopting this Agreement.

13. Final Agreement. This Agreement supersedes and controls all prior written and oral agreements and representations of the Parties and is the total integrated agreement between the parties.

14. Modifications. This Agreement shall not be amended, except by subsequent written agreement of the Parties.

15. Release of Liability. It is expressly understood that the Town cannot be legally bound by the representations of any of its officers or agents or their designees except in accordance with the Town of Parachute Municipal Code and Ordinances and the laws of the State of Colorado, and that the Developer, when dealing with the Town, acts at its own risk as to any representation or undertaking by the Town officers or agents or their designees which is subsequently held unlawful by a court of law.

16. Captions. The captions in this Agreement are inserted only for the purpose of convenient reference and in no way define, limit, or prescribe the scope or intent of this Agreement or any part thereof.

17. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective heirs, successors, and assigns.

18. Invalid Provision. If any provisions of this Agreement shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision hereof, all of which other provisions shall remain in full force and effect. It is the intention of the parties hereto that, if any provision of this Agreement is capable of two constructions, one of which would render the provision void, and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

19. Governing Law. The laws of the State of Colorado shall govern the validity, performance, and enforcement of this Agreement. Should either Party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that the venue of such suit or action shall be in Garfield County, Colorado.

20. Attorneys' Fees; Survival. Should this Agreement become the subject of litigation, the substantially prevailing Party shall be entitled to, and the failing Party shall pay, all reasonable attorneys' fees, expenses, and court costs. All rights concerning remedies and/or attorneys shall survive any termination of this Agreement.

21. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed one and the same instrument.

22. No Agency, Joint Venture, or Partnership. It is specifically understood and agreed to that the Parties that this Agreement does not create any agency, joint venture, or partnership relationship between the Parties. The Town has no interest in responsibility for, or duty to, third parties concerning any provision of this Agreement.

23. Notice. All notices required under this Agreement shall be in writing and shall be hand-delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the addresses of the parties herein set forth. All notices so given shall be considered effective seventy-two (72) hours after deposit in the United States mail with the proper address as set forth below. Either Party by notice so given may change the address to which future notices shall be sent.

Notice to Town:

Town of Parachute
222 Grand Valley Way
P.O. Box 100
Parachute, CO 81635

With copy to:

Karp Neu Hanlon, P.C.
P. O. Drawer 2030
Glenwood Springs, CO 81602

Notice to Developer:

Zoned Properties, Inc.
Attn.: Bryan McLaren
14300 N. Northsight Blvd, Suite 208
Scottsdale, AZ 85260

WHEREFORE, the Parties hereto have executed duplicate originals of this Agreement on the day and year of the final signature hereto.

TOWN OF PARACHUTE, COLORADO

By:

Roy B. McClung, Mayor

ATTEST:

Town Clerk

ZONED PROPERTIES, INC.

By: _____
Bryan McLaren, Manager

STATE OF COLORADO)
) ss.
COUNTY OF)

Acknowledged, subscribed, and sworn to before me this ____ day of _____, 20__,
by Bryan McLaren as Manager of Zoned Properties, Inc.

WITNESS my hand and official seal.

My Commission expires: _____.

Notary Public



Town of Parachute

A Safe Place to Land

Stuart S. McArthur, Town Manager

Integrity • Respect • Teamwork • Pride • Innovation • Diversity

222 Grand Valley Way • Parachute, CO 81635 • (970) 285-7630

STAFF REPORT

DATE: July 14, 2016
TO: Town of Parachute Planning and Zoning Commission
FROM: Stuart S. McArthur, Town Manager
SUBJECT: ADOPTING TECHNICAL CORRECTIONS TO THE TOWN OF PARACHUTE MUNICIPAL CODE

Background

In 2015, the Town of Parachute entered into an agreement with Code Publishing Company (CPC) to have the Town's municipal code codified and made available on the Internet via the Town's website.

During the process of providing the written code and ordinances to CPC, several questions arose for which staff provided answers and clarifications to minor technical errors and omissions.

Staff Analysis

Staff has reviewed the information provided to CPC and has requested that the Town Attorney provide an ordinance that formally corrects these technical errors and omissions.

Attorney Review

The Town Attorney has provided a draft ordinance for the Planning and Zoning Commission to review and recommend to the Board of Trustees.

“AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, PUBLISHING THE PARACHUTE MUNICIPAL CODE THROUGH CODE PUBLISHING COMPANY AND ADOPTING TECHNICAL CORRECTIONS TO THE CODE.”

Recommendations

Staff recommends that the Planning and Zoning Commission recommends Ordinance 701-2016 to the Board of Trustees to correct the Town of Parachute Municipal Code and to adopt the code overall.

If you have any additional questions or concerns, please contact me at 970-285-7630.

**TOWN OF PARACHUTE
ORDINANCE NO. 701**

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, PUBLISHING THE PARACHUTE MUNICIPAL CODE THROUGH CODE PUBLISHING COMPANY AND ADOPTING TECHNICAL CORRECTIONS TO THE CODE.

WHEREAS, the Town of Parachute (“Parachute” or the “Town”) is a Colorado home rule municipality organized under Article XX of the Colorado Constitution and through the Town of Parachute Home Rule Charter;

WHEREAS, the Town has adopted and maintains the Parachute Municipal Code (the “Code”), to provide for the public health, safety, and welfare through the enforcement and administration of Town ordinances provided therein;

WHEREAS, the Town maintains and provides copies of the Code to public for sufficient notice of the requirements therein;

WHEREAS, the Parachute Board of Trustees finds and believes that it is in the interest of the public to increase the accessibility and usability of the Town Code through the use of online media;

WHEREAS, the Town Board has deemed it necessary to recodify, revise, and rearrange the Ordinances of the Town by and through the Code’s publication through the Code Publishing Company; and

WHEREAS, upon review of the Code by Code Publishing Company, several minor, technical errors or omissions were discovered that required correction and, through this Ordinance are hereby adopted as set forth in the re-codified code and as set forth below.

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

Section 1. Recitals. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Re-adoption. Pursuant to the provisions of §§ 31-16-201 through 31-16-207, C.R.S., as amended, the Board of Trustees hereby re-adopts the “Parachute Municipal Code” to be published by Code Publishing Company, Seattle, Washington.

Section 3. Title; Citation; Reference. The Code shall continue to be known as the “Parachute Municipal Code” and it shall be sufficient to refer to said code as the “Parachute Municipal Code” or the “Town Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any portion thereof as an addition to,

amendment to, correction or repeal of the “Parachute Municipal Code” or the “Town Code”. Further reference may be had to the titles, chapters, sections, and subsections of the Code and such references shall apply to that numbered title, chapter, section, or subsection as it appears in the Code.

Section 4. Ordinances passed prior re-adoption for publication. All Ordinances of the Town passed prior to the Code’s re-adoption for publication provided for by this Ordinance No. **701** are hereby integrated into the Town Code for publication by the Code Publishing Company.

Section 5. Authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the Town of Parachute, Colorado, codified pursuant to the provisions of §§ 31-16-201 through 31-16-207, C.R.S.

Section 6. References apply to entire Code. Whenever a reference is made to this Code as the “Parachute Municipal Code”, the “Town Code”, or to any portion thereof, or to any ordinance of the Town of Parachute, Colorado, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

Section 7. Title, chapter, and section headings. Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any title, chapter, or section hereof.

Section 8. Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which are therein specifically designated by number or otherwise and which are within the code, but such reference shall be construed to apply to the corresponding provisions contained within the code.

Section 9. Effect of code on past actions and obligations. Neither the re-adoption of this code nor the repeal or amendments or any ordinance or part or portion of any ordinance of the Town shall in any manner affect the prosecution of violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

Section 10. Section 6.02.070(G)(2) of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

6.02.070 Classification of Licenses.

G. *Electrical*

2. Any person desiring to engage in the business of contracting for the installation, altering or repairing of electrical wiring and apparatus of any kind or nature shall first register with the **Community Development Department**~~division~~ stating the name of the person making the application, such person's place of business, the master electrician's name and the master electrician's license number.

Section 11. Section 6.10.010 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

6.10.010 Findings of Fact.

The Parachute Board of Trustees finds it necessary for the public health, safety and welfare to establish regulations governing the operations of sexually oriented businesses to provide uniform procedures for the issuance, suspension and revocation of business licenses issued by the Town for sexually oriented business establishments, and **to establish reasonable and uniform regulations to prevent the deleterious location, design and concentration of sexually oriented businesses within the Town, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this Article are not intended to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials. It is not the intent of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or the Colorado Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.**

Section 12. Section 6.10.360 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

6.10.360 Hearings.

The Licensing Officer or his designee shall conduct hearings for suspension or revocation of licenses granted pursuant to PMC ~~6.10.350~~~~6.40.010 to 6.40.090~~. The Licensing Officer shall make findings of fact and conclusions concerning the revocation or suspension of a license. The Licensing Officer shall transmit a copy of the final findings of fact and conclusion to the licensee as provided hereafter.

Section 13. Section 7.10.180 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

7.10.180 Penalty assessment schedule for criminal and traffic offenses.

A penalty assessment schedule for criminal offenses may be established by the Parachute Board of Trustees. In the event the Board of Trustees has not established such a schedule, the ~~Court, by order of the Board,~~**Municipal Judge** may promulgate such a schedule. A penalty

assessment schedule for noncriminal traffic offenses shall be promulgated by the Municipal Judge as provided in the Model Traffic Code.

Section 14. Section 9.15.030 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

9.15.030 Definitions

“Tributary” means any watercourse, stream, creek, spring or drainage area which provides a source of supply to the Town’s potable water diversion points **Revelle Springs, the Colorado River, and other points of diversion that may be established.** ~~on ** and the Colorado River.~~

Section 15. Section 11.08.090 of the Parachute Municipal Code is hereby amended to include a new subsection R, as follows:

11.08.090 Illegal possession or consumption of ethyl alcohol or marijuana by an underage person – Illegal possession of marijuana paraphernalia by an underage person.

R. Official records of the Colorado Department of Public Health And Environment relating to the certification of breath test instruments, certification of operators and operator instructors of breath test instruments, certification of standard solutions, and certification of laboratories shall be official records of the State. Copies of such records, attested by the Executive Director of the Department of Public Health and Environment or his or her designee and accompanied by a certificate bearing the official seal for said Department, which state that the Executive Director of the Department has custody of such records, shall be admissible in the Municipal Court and shall constitute prima facie evidence of the information contained in such records. The official seal of the Department described in this subsection (R) may consist of a watermark of the State seal within the document.

Section 16. Section 13.20.010 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

13.20.010 Adopted by reference.

A. Pursuant to the power and authority conferred by the laws of the state of Colorado, there is adopted by reference thereto, the International Building Code, 2003 Edition, together with the chapters of the appendix as set forth below, promulgated by the International Code Council, Inc., ~~5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401~~ (hereinafter “IBC” or “International Building Code”). The purpose of the IBC is to provide minimum standards to safeguard life and limb, health, property and the public welfare by regulating and controlling

various matters including, but not limited to, the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town.

Section 17. Section 13.30.010 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike-through language deleted~~:

13.30.010 Adopted by reference.

A. Pursuant to the power and authority conferred by the laws of the state of Colorado, there is adopted by reference thereto, the International Mechanical Code, 2003 Edition, together with the chapter of the appendix set forth below, promulgated by the International Code Council, Inc., ~~5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401~~ (hereinafter “IMC” or “International Mechanical Code”). The purpose of this code is to regulate the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use and maintenance of mechanical systems, including heating, ventilating, cooling and refrigeration systems, within the Town of Parachute.

Section 18. Section 13.40.010 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike-through language deleted~~:

13.40.010 Adopted by reference.

A. Pursuant to the power and authority conferred by the laws of the state of Colorado, there is adopted by reference thereto, the International Plumbing Code, 2003 Edition, with the Appendices described below, promulgated by the International Association of Plumbing and Mechanical Officials, ~~20001 Walnut Drive South, Walnut, CA 91789~~ (hereinafter “IPC” or “International Plumbing Code”). The purpose of the IPC is to protect the safety of residents of the Town by prescribing minimum standards for plumbing installation, alteration, addition, repair, relocation, replacement, maintenance or use of any plumbing systems.

Section 19. Section 13.50.010 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike-through language deleted~~:

13.50.010 Adopted by reference.

A. Pursuant to the power and authority conferred by the laws of the state of Colorado, there is adopted by reference thereto, the International Fuel Gas Code, 2003 Edition, together with the chapters of the appendix set forth below, promulgated by the International Code Council, Inc., ~~5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401~~ (hereinafter “IFGC” or “International Fuel Gas Code”). The purpose of the IFGC is to protect the safety of residents of the Town by prescribing minimum standards for the installation and maintenance of gas and fuel burning appliances and related piping within the Town of Parachute.

Section 20. Section 13.60.010 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike-through language deleted~~:

13.60.010 Adopted by reference.

A. Pursuant to the power and authority conferred by the laws of the state of Colorado, there is adopted by reference thereto, the International Fuel Gas Code, 2003 Edition, together with the chapters of the appendix set forth below, promulgated by the International Code Council, Inc., ~~5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401~~ (hereinafter “IFGC” or “International Fuel Gas Code”). The purpose of the IFGC is to protect the safety of residents of the Town by prescribing minimum standards for the installation and maintenance of gas and fuel burning appliances and related piping within the Town of Parachute.

Section 21. Section 13.65.010 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

13.65.010 Adopted by reference.

Pursuant to the power and authority conferred by the laws of the state of Colorado, there is hereby adopted by reference thereto, the ASME Safety Code for Elevators and Escalators, A17.1-2007 Edition; the ASME Safety Code for Existing Elevators and Escalators, A17.3-2005 Edition; and the ASME Safety Standards for Platform Lifts and Stairway Chairs, A18.1-2005 Edition, all promulgated by the American Society of Mechanical Engineers, ~~Three Park Avenue, New York, NY 10016-5990~~, and standards promulgated by the Director of the Division of Oil and Public Safety within the Colorado Department of Labor and Employment, ~~633-17th Street, Suite 500, Denver, CO 80202~~, pursuant to § 9-5.5-112, C.R.S. The purpose of these codes is to provide for the safety of life and limb, and promote the public welfare by regulating the installation, alteration, addition, repair, relocation, and use of elevators and escalators. The provisions of these codes are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability and safety to those prescribed by these codes, providing that there is technical documentation to demonstrate the equivalency of the system, method, or device.

Section 22. Section 14.10.030 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

14.10.030 Public behavior and preservation of public property and resources.

A. The following acts are prohibited within any park, recreation area, or recreation site:

8. Operating or using any audio devices, including radios, televisions or musical instruments, or any other noise-producing devices such as an electrical generating **equipment** ~~plant~~ in such a manner and at such times so as to disturb other persons using the recreation area or park;

Section 23. Section 15.13.103 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

15.05.103 General procedures.

C. *Other Reviews.* Variances to the provisions of the flood hazard regulations found in ~~Section 15.10.111~~ **this title** are reviewed by the Board of Trustees. Variances to the provisions of Chapter 15.13 PMC, Sign Regulations, are reviewed by the Board of Trustees.

Section 24. Section 15.07.102 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

15.07.102 Minimum number of off-street parking spaces required.

Unless specifically exempted or variations are permitted in accordance with these regulations, all land uses in the Town of Parachute shall include, at a minimum, the number of vehicle off-street parking spaces specified in the following table of these regulations.

B. Commercial	

Motor vehicle sales and service	One (1) space per ten percent (10%) of vehicle outside display area plus one (1) space per four hundred <u>fifty (450400)</u> fifty square feet of floor area.

Indoor restaurants, eating and drinking establishments	One (1) space for every one hundred fifty <u>(150250)</u> square feet of floor area or one (1) space per three (3) seats whichever results in more parking spaces.

Section 25. Section 15.07.113 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

15.07.113 Design Requirements.

J. *Parking Lot Landscaping.*

5. Parking lots shall be landscaped as required by this section. In cases of hardship or to increase safety, the Board of Trustees may permit a portion of the required landscaping ~~to be relocated or allowed other deviation from the parking landscaping to be relocated or allow other deviation from the parking landscaping requirements.~~

Section 26. Section 15.13.140 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

15.13.140 Freestanding and ground sign requirements.

C. Size, Height and Location.

1. Freestanding signs shall comply with the following requirements with respect to size, height and location:

REQUIREMENTS FOR FREESTANDING SIGNS ONLY

Distance from Street Right-of-Way Line (feet)	Maximum Height Above Grade (feet)	Maximum Size Allowed per Side (square feet)
***	***	***
400	<u>2826</u>	160

Section 27. Section 5.10.010 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

5.10.010 Sales tax imposed.

In accordance with § 29-2-105, C.R.S., as amended, there is hereby imposed a tax on the sale of tangible personal property at retail and the furnishing of services. Said tax shall be levied and collected on the same tangible personal property and services taxable pursuant to the Colorado sales tax, § 39-26-104, C.R.S., as amended, and subject to the same exemptions as those specified in § 39-26-414**704**, C.R.S., as amended.

Section 28. Title 11 of the Parachute Municipal Code is hereby amended such that all references to “§ 12-22-303, C.R.S.” shall be replaced with “§18-18-102,C.R.S.”

Section 29. Section 12.02.080 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

12.02.080 Abandoned and inoperable vehicles – Private tow.

D. Within five (5) working days of the receipt of an ownership report from the Department of Revenue, the operator shall notify the owner of record and any lienholder by certified mail or by personal delivery. The operator shall send a copy of the notice by certified

mail or by personal delivery to the Police Department. Such notice shall contain the following information:

2. The claim, if any, of a lien under § 42-~~42~~-1806, C.R.S.;

Section 30. Effective date. This code shall become effective on the date the ordinance re-adopting this code as the “Parachute Municipal Code” shall become effective.

Section 31. Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of _____ to _____ of the Board of Trustees of the Town of Parachute, Colorado at its regular meeting held at Town Hall in the Town of Parachute on the _____ day of _____ 2016 and approved by the Mayor on the ____ day of _____, 2016.

BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO

By: _____
Roy McClung, Mayor

ATTEST:

Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, PUBLISHING THE PARACHUTE MUNICIPAL CODE THROUGH CODE PUBLISHING COMPANY AND ADOPTING TECHNICAL CORRECTIONS TO THE CODE.

was introduced before the Board of Trustees on _____, 2016; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Board of Trustees held on _____, 2016, and approved by the Mayor on _____, 2016.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this ____ day of _____ 2016.

TOWN OF PARACHUTE

Town Clerk

1. PMC 6.02.050(C) and 6.02.060 include references to PMC 6.02.070. We have changed this reference to PMC 6.02.080.

OK

2. PMC 6.02.070(G)(2) reads:

Any person desiring to engage in the business of contracting for the installation, altering or repairing of electrical wiring and apparatus of any kind or nature shall first register with the [division] stating the name of the person making the application, such person's place of business, the master electrician's name and the master electrician's license number.

Should the division (e.g., town, department, state) be specified? We will leave it as is for now.

Community Development Division

3. PMC 6.10.010 reads:

The Parachute Board of Trustees finds it necessary for the public health, safety and welfare to establish regulations governing the operations of sexually oriented businesses to provide uniform procedures for the issuance, suspension and revocation of business licenses issued by the Town for sexually oriented business establishments, and [...]

The sentence is missing text and ends where the brackets indicate. Ordinance 442 may provide the missing text.

... to establish reasonable and uniform regulations to prevent the deleterious location, design and concentration of sexually oriented businesses within the Town, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this Article are not intended to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials. It is not the intent of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or the Colorado Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.

4. PMC 6.10.190(A)(2) reads as follows: "On any Monday other than a Monday which falls on January 1st, from 12:00 a.m. until 7:00 a.m." We have made the indicated change.

OK

5. PMC 6.10.360 reads, in part, "The Licensing Officer or his designee shall conduct hearings for suspension or revocation of licenses granted pursuant to [PMC 6.40.010 to 6.40.090]." The bracketed references do not exist in the Parachute Municipal Code. Should the references be changed to PMC 6.10.350 or another section? We will leave it as is for now.

Change to 6.10.350

6. PMC 6.11.160 reads, in part, "Should a violation have been found to exist, the authority may deny the renewal or may renew the license with conditions." We have made the indicated change.

OK

7. Chapter 6.12 PMC. Ordinances 680 and 686 both adopt Chapter 6.12. Since Ordinance 686 does not specifically repeal Ordinance 680, we will treat the Ordinance 680 as superseded by 686. We will include a note regarding prior legislation in a disclaimer at the beginning of the chapter.

OK

8. Ordinance 686. PMC 6.12.060(B), 6.12.070(A), 6.12.090 and 6.12.130(F) include a cross-reference to PMC 6.12.160 and the application and license fees referenced therein. The subject matter of PMC 6.12.160 is the issuance of licenses. We have changed the reference to 6.12.170, Application fees.

OK

9. PMC 7.10.180 reads, in part, "In the event the Board of Trustees has not established such a schedule, the Court, by order of the Court Board, may promulgate such a schedule." We have made the indicated changes.

Municipal Judge

10. PMC 8.01.110. We have changed the cross-reference from PMC 8.01.020 to PMC 8.01.010, Definitions.

OK

11. PMC 9.15.030. The definition for "Tributary" reads as follows: "'Tributary' means any watercourse, stream, creek, spring or drainage area which provides a source of supply to the Town's potable water diversion points on [**] and the Colorado River." What text should take the place of the bracketed asterisks? We will leave it as is for now. Ordinance 492 may provide the missing text.

at the Revelle Springs and on the Colorado River

12. PMC 9.20.280. We have changed a cross-reference from PMC 9.20.280 to PMC 9.20.290, Termination.

OK

13. PMC 9.30.030. The definition for equivalent residential unit reads, in part, "The EQR unit value assigned to such uses is set forth in a table of EQR units in the Town of Parachute Water and Sewer Tap Ordinance of 1984, Ordinance No. 229, as such table may be amended." This ordinance appears to no longer be a part of the code. Should the reference be changed? For example, PMC 9.20.030(C) reads as follows: "The Town Manager will calculate a tap fee based upon the definition of "EQR" (equivalent residential unit) as determined by the Battlement Mesa Metropolitan District."

Leave as is. The code will have to be amended to include the table for EQR's.

14. PMC 9.30.080. We have changed subsection lettering as follows (any cross-references affected by these changes will be fixed accordingly):

Previously	Now
(C) through (D)	(B)(1) through (3)
(F)	(C)
(H) through (K)	(C)(1) through (5)
(L)	(D)
(M) through (Y)	(D)(1) through (13)
(Z) through (II)	(E) through (N)

Previously	Now
(C) through (E)	(B)(1) through (3)
(F)	(C)
(G) through (K)	(C)(1) through (5)
(L)	(D)
(M) through (Y)	(D)(1) through (13)
(Z) through (II)	(E) through (N)

15. Please let us know if this re-lettering and renumbering is an acceptable change. In addition, the paragraph following subsection (B)(3) (formerly subsection (E)) reads, in part, “The Town shall determine whether any such water rights in [subsections (1) and/or (2) above] offered to the Town for dedication will be accepted, rejected or accepted in part by the Town for dedication.” The bracketed reference has been changed to subsections (B)(1) and (2).

OK

16. PMC 9.30.100(B)(3)(c) reads, in part, “During the ninety-day notice period provided for in subsection [(C)(2)] ...” We have changed the highlighted reference to subsection (B)(3)(b).

OK

17. Ordinance 677. Sections 1 through 3 of this ordinance rename section 11.08.080 to “Unlawful purchase of alcohol by an underage person” and repeal subsections (A)(2), (B)(3) and (4), and (C) through (I) of 11.08.080. Section 5 of the ordinance repeals section 11.08.080 in its entirety and replaces it with a new section 11.08.080, titled “Illegal possession or consumption of ethyl alcohol or marijuana by an underage person – Illegal possession of marijuana paraphernalia by an underage person.” Should section 5 instead repeal and replace 11.08.090 (as amended by Ordinance 655), “Possession or use of marijuana by an underage person – Prohibited”?

OK

18. In addition to the item above regarding Ordinance 677, our copy of the ordinance appears to be missing text. Page 6 of the ordinance starts in the middle of a paragraph. Subsection Q is the last paragraph on page 5 and the first subsection on page 6, following the incomplete paragraph, is subsection S. Could you please send us the missing text?

R. Official records of the Colorado Department of Public Health And Environment relating to the certification of breath test instruments, certification of operators and operator instructors of breath test instruments, certification of standard solutions, and certification of laboratories shall be official records of the State. Copies of such records, attested by the Executive Director of the Department of Public Health and Environment or his or her designee and accompanied by a certificate bearing the official seal for said Department, which state that the Executive Director of the Department has custody of such records, shall be admissible in the Municipal Court and shall constitute prima facie evidence of the information contained in such records. The official seal of the Department described in this subsection (R) may consist of a watermark of the State seal within the document.

19. Ordinance 650 repeals and replaces Chapter 12.01 PMC. Among the new sections it adds is PMC 11.04.060, Interpretation. We have renumbered this section as PMC 12.01.070 to match the chapter number and to avoid duplication of numbering (PMC 12.01.060 already exists in the ordinance).

OK

20. PMC Title 13 adopts, by reference, the International Building Code, 2003 Edition, International Mechanical Code, 2003 Edition, International Plumbing Code, 2003 Edition, International Fuel Gas Code, 2003 Edition, International Residential Code, 2003 Edition, and ASME Safety Code for Elevators and Escalators, A17.1-2007 Edition. At some point, the town may want to pass legislation to update these references to the latest versions of the codes. The references also include mailing addresses to the governing bodies of each code that no longer appear to be correct. It would be good to update the addresses or remove all of them.

OK

21. PMC 13.20.020(RR) amends the Uniform Building Code by adding a new section and subsection to Section 1704. It's a bit unclear if the new section and subsection are missing from the text or the additions to Section 1704 are the amendments made by PMC 13.20.020(SS) and (TT). We will leave this as is for now.

OK

22. PMC 13.20.020(BB), definition for "Kitchen" reads "Kitchen. A room or area that is designated to be used for the preparation of food, and which contains more than [than] one standard size kitchen appliance or fixture." We have made the indicated change.

OK

23. PMC 13.60.020(U), definition for "Building" reads:

Building. Building shall mean any one- and two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include. A minimum building dimension of twenty feet (20') wide and twenty feet (20') long.

Should we make the indicated change?

Include a minimum building dimension of twenty feet (20') wide and twenty feet (20') long.

24. The table in PMC 13.80.075(D) includes a total valuation entry for “[\$24,001.00] to \$50,000.00.” We have changed the bracketed dollar amount to \$25,001.00.

OK

25. The table in PMC 13.80.075(D) reads, in part, “Reinspection fees assessed under provisions of [Section 305.8]” What code is this citation referring to? We will leave this reference as is for now.

OK

26. PMC 14.10.030(A)(8) reads:

Operating or using any audio devices, including radios, televisions or musical instruments, or any other noise-producing devices such as an [electrical generating plant] in such a manner and at such times so as to disturb other persons using the recreation area or park.

Is the bracketed text correct? We have left it as is for now.

Electrical Generating Equipment

27. PMC 14.10.060. We have changed the cross-reference from PMC 11.14.010 to PMC 14.10.010.

OK

28. Section 15 of Ordinance 685 replaces references to the “Town Administrator” with “Town Manager” throughout Title 15 PMC. Chapter 15.13 PMC contains many generic references to an administrator of the sign regulations that is defined as follows: “‘Administrator’ means the [Town Administrator] or another Town official designated by the [Town Administrator].” We will change the bracketed instances of Town Administrator to Town Manager. Generic references of administrator in that chapter will be left as is. We will, however, change references of “Town Administrator” throughout the rest of the code.

OK

29. PMC 15.03.195. Ordinance 630 adds subsection (J), “Cultivation of Medical Marijuana by Patients and Primary Caregivers in Residential Dwelling Units,” to PMC 15.03.195. Ordinance 657 adds subsections (J), and (K) to PMC 15.03.195. Should the subsections added by 657 be re-lettered to (K) and (L)? Or should the addition of the already existing subsection (J) be considered an amendment? For now, we will re-letter the subsections added by Ordinance 657.

Re-letter

30. Ordinances 630 and 657 add entries to the tables in PMC 15.03.215 and 15.03.216 regarding the cultivation of marijuana for personal use and medical marijuana for patients and caregivers. These uses are not included in the schedule of uses in Attachment A of Ordinance 679. We will add the entries under the Agricultural land use category.

OK

31. PMC 15.05.103(C) references Chapter 6.02 PMC, Sign Code. We have changed this reference to Chapter 15.13 PMC, Sign Regulations; the subject matter of Chapter 6.02 PMC is contractor licenses and regulations.

OK

32. Ordinance 653, which repeals and replaces Chapter 15.10 PMC, includes several cross-references to Chapter 15.04 PMC. The cross-references, as presented in the ordinance, do not exist in Chapter 15.04. The chapter in the references will be changed to 15.10, as appears to be the intent.

OK

33. PMC 15.13.010 reads, in part:

It is the intent of these Regulations to provide for the proper control of signs within the Town of Parachute. ~~It is the intent of these Regulations to provide for the proper control of signs within the Town of Parachute.~~

The struck out text is duplicative and has been removed.

OK

34. PMC 15.05.103(C) refers to 15.10.111 which does not exist. We have changed to “found in this title”:

OK

35. PMC 15.06.206 states in part “all applications for approval of a geologic hazard permit shall include all information required for a geologic hazard permit before construction begins.” We wonder whether the second use of “geologic hazard permit” should be to some other permit.

Don't know

36. PMC 15.07.102 table. Should it be 400 or 450 square feet:

Motor vehicle sales and service	One (1) space per ten percent (10%) of vehicle outside display area plus one (1) space per [four hundred fifty (400) square feet] of floor area.
---------------------------------	--

450

Should it be 150 or 250 square feet:

Indoor restaurants, eating and drinking establishments	One (1) space for every [one hundred fifty (250)] square feet of floor area or one (1) space per three (3) seats whichever results in more parking spaces.
--	--

150

37. PMC 15.07.113(J)(5) (in ms. as (J)(4)) appears to have redundant or duplicative text:

(5) Parking lots shall be landscaped as required by this section. In cases of hardship or to increase safety, the Board of Trustees may permit a portion of the required landscaping to be relocated or allowed other deviation from the parking landscaping ~~to be relocated or allow other deviation from the parking landscaping~~ requirements.

Strike out as above.

38. In PMC 15.13.140, the entry for Distance from Street Right-of-Way Line for 40 feet shows Miximum Height Above Grade of 28 feet. Should "28" be "26"?

Looks like 26.

39. The following references to the Colorado Revised Statutes will need to be updated:

Code Location	Citation	Status
5.10.010	C.R.S. 39-26-114	repealed
5.50.070(A)	C.R.S. 39-12-110.5	broken
6.10.360	PMC 6.40.010 to 6.40.090	broken
11.06.080(B)(5)	C.R.S. 12-22-303	broken
11.06.120(A)(7)	C.R.S. 12-22-303	broken
11.06.130(A)	C.R.S. 12-22-303	broken
11.10.020, "Gambling" (5)	C.R.S. 12-47-128	broken
12.02.080(D)(2)	C.R.S. 42-2-1806	broken

OK