



**AGENDA
TOWN OF PARACHUTE
BOARD OF TRUSTEES REGULAR MEETING
JULY 21, 2016
222 GRAND VALLEY WAY, PARACHUTE, CO
6:30 P.M.**

The Town of Parachute will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 285-7630, x-104 for assistance.

(A) CALL TO ORDER AND ROLL CALL

(B) PLEDGE OF ALLEGIANCE

(C) APPROVE AGENDA

(D) CONSENT AGENDA:

- (1) MINUTES FROM THE JUNE 23, 2016, REGULAR MEETING
- (2) EXPENDITURES PAID FROM JUNE 9, 2016, TO JULY 13, 2016

(E) COMMENTS FROM CITIZENS REGARDING ITEMS NOT ON THE AGENDA

The Board of Trustees welcomes you and thanks you for your time and concerns.

If you wish to address the Board of Trustees, 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 Board. Your comments will be limited to **three (3) minutes**. The Board 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) DEPARTMENTAL REPORTS:

- (1) Mayor and Board of Trustees Mayor and Trustees
- (2) Town Manager Monthly Update..... Stuart McArthur, Town Manager
- (3) Community Development Report Stuart McArthur, Town Manager
- (4) Public Works Department Monthly Update.....Mark King, Public Works Director
- (5) Police Department Monthly Update Cary Parmenter, Police Chief

~~**(G) PRESENTATION OF AND BOARD CONSIDERATION OF ACCEPTING THE TOWN OF PARACHUTE'S 2015 FINANCIAL AUDIT REPORT.**~~

~~PRESENTER: STEVEN PLUTT, DAZZIO & PLUTT, LLC~~

(G) BOARD CONSIDERATION OF INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE GARFIELD COUNTY SCHOOL DISTRICT 16 REGARDING THE AFTER CONSTRUCTION REPAIR OF CARDINAL WAY AT THE GRAND VALLEY HIGH SCHOOL AND APPROVE MAYOR TO SIGN.

STAFF: STUART McARTHUR, TOWN MANAGER

(H) PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES 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 HEARING FOR A SPECIAL REVIEW USE TO SEEK AUTHORIZATION FROM THE TOWN OF PARACHUTE TO ESTABLISH A LICENSED HOME DAYCARE FACILITY IN A RESIDENTIALLY ZONED AREA.

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
STUART McARTHUR, TOWN MANAGER

(Hh) BOARD CONSIDERATION OF RESOLUTION NO. 2016-16

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO, APPROVING A SPECIAL REVIEW USE PERMIT FOR RACHEL BALERIO TO OPERATE A HOME DAY CARE CENTER

STAFF: STUART McARTHUR, TOWN MANAGER

(I) PUBLIC HEARING BEFORE THE BOARD OF TRUSTEES TO CONSIDER A DEVELOPMENT REVIEW APPLICATION FROM THE TOWN OF PARACHUTE FOR A TEXT AMENDMENT TO SEEK AUTHORIZATION TO ALLOW ALL ZONING TEMPORARY USES/SPECIAL EVENTS PERMITS.

APPLICANT/OWNER: TOWN OF PARACHUTE
222 GRAND VALLEY WAY
PARACHUTE, CO 81635

PROJECT NAME: PUBLIC HEARING FOR A TEXT AMENDMENT TO SEEK AUTHORIZATION FROM THE TOWN OF PARACHUTE TO ALLOW ALL ZONING TEMPORARY USES/SPECIAL EVENTS PERMITS.

PROJECT LOCATION: N/A

LEGAL DESCRIPTION(S): N/A

STAFF: STUART McARTHUR, TOWN MANAGER

(ii) BOARD CONSIDERATION OF EMERGENCY ORDINANCE NO. 704-2016

AN EMERGENCY ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING SECTION 15.03.215 OF THE PARACHUTE MUNICIPAL CODE CONCERNING THE SCHEDULE OF

USES PERMITTED IN ZONE DISTRICTS RELATED TO TEMPORARY USES AND CHAPTERS 15.05 AND 15.06 OF THE PARACHUTE MUNICIPAL CODE CONCERNING REVIEW PROCESS FOR TEMPORARY USES

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

(J) BOARD CONSIDERATION OF ORDINANCE NO. 705-2016

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

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

(K) BOARD CONSIDERATION OF ORDINANCE NO. 699-2016

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ADDING A NEW CHAPTER 12.03 TO THE PARACHUTE MUNICIPAL CODE AUTHORIZING AND REGULATING THE USE OF OFF-HIGHWAY VEHICLES WITHIN THE TOWN.

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

(L) BOARD CONSIDERATION OF RESOLUTION NO. 2016-15

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO SETTING AN ELECTION DATE ON THE INITIATED ORDINANCE TO PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES AND TO SET A BALLOT TITLE.

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

(M) BOARD CONSIDERATION OF AGREEMENT BETWEEN THE TOWN OF PARACHUTE AND MARK CHAIN CONSULTING, LLC TO PROVIDE PROFESSIONAL SERVICES FOR PLANNING AND APPROVE MAYOR TO SIGN.

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

(N) BOARD CONSIDERATION OF INTERGOVERNMENTAL AGREEMENT FOR MOSQUITO CONTROL BETWEEN THE TOWN OF PARACHUTE AND THE BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY AND APPROVE MAYOR TO SIGN.

STAFF: STUART McARTHUR, TOWN MANAGER
MARK KING, PUBLIC WORKS DIRECTOR

(O) OTHER MATTERS

(1) HISTORICAL SOCIETY THANK YOU

(P) EXECUTIVE SESSION (IF NECESSARY)

(Q) MOTION TO ADJOURN



MINUTES
TOWN OF PARACHUTE
BOARD OF TRUSTEES SPECIAL MEETING
JUNE 23, 2016

Meeting called to order by Mayor Pro Tem Williams at 6:30 pm

(A) CALL TO ORDER AND ROLL CALL

TRUSTEES PRESENT: John Loschke
Fred Andersen
Tim Olk
Tom Rugaard
Juanita Williams

MAYOR ABSENT: Roy McClung

TRUSTEES ABSENT: Travis Sproles

STAFF PRESENT: Town Manager, Stuart McArthur
Town Clerk, Lucy Cordova
Public Works Director, Mark King
Police Chief, Cary Parmenter
Finance Director, Lynn Stroud
Admin Assistant

AUDIENCE LIST ATTACHED

(B) PLEDGE OF ALLEGIANCE

(C) APPROVE AGENDA

MOTION 1:

Moved and seconded by Trustees Loschke / Olk to approve agenda with no changes.
Vocal Vote passed unanimously

(D) CONSENT AGENDA:

- (1) MINUTES FROM THE MAY 19, 2016, REGULAR MEETING
- (2) EXPENDITURES PAID IN MAY 2016

MOTION 2:

Moved and seconded by Trustees Olk / Ruggard to approve the consent agenda.
Motion passed unanimously with a 5-0 vote in favor.

(E) COMMENTS FROM CITIZENS REGARDING ITEMS NOT ON THE AGENDA

Judith Hayward, 180 S. 2nd Ct. Parachute
Judith spoke on behalf of the Historical Society. Mrs. Hayward thanked the Town for the contribution that was made and spoke on all the things the Historical Society is working on.

(F) DEPARTMENTAL REPORTS:

- (1) Mayor and Board of Trustees..... Mayor and Trustees

- There was no update from the Board.
- (2) Town Manager Monthly Update Stuart McArthur, Town Manager
Town Manager McArthur went over his monthly report, and spoke regarding Sales Tax Revenue for the Town.
 - (3) Community Development Report Stuart McArthur, Town Manager
Town McArthur went over Community Development monthly report, and spoke about community cleanup day, Grand Valley Days, and Oktoberfest.
 - (4) Public Works Department Monthly Update..... Mark King, Public Works Director
Public Works Director King went over his monthly report, and spoke on water leaks, pouring concrete, mosquito control, sprinkler maintenance, and irrigation.
 - (5) Police Department Monthly Update..... Cary Parmenter, Police Chief
Police Chief Parmenter went over his monthly report and spoke on the 19% decrease in service calls.
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(G) COLORADO INTERGOVERNMENTAL RISK SHARING AGENCY (CIRSA) PRESENTATION OF ELECTED OFFICIAL TRAINING

PRESENTER: TAMI TANOUE

(H) BOARD CONSIDERATION AND APPOINTMENT AND SWEARING-IN OF LUZELENA CORDOVA AS TOWN CLERK

STAFF: JUANITA WILLIAMS, MAYOR PRO TEM

MOTION 3:

Moved and seconded by Trustees Ruggard / Olk to approve Luzelena Cordova as the Town Clerk.
Motion passed unanimously with a 5-0 vote in favor.

(I) BOARD CONSIDERATION OF CONTRACT BETWEEN SCHMUESER GORDON MEYER, INC, A COLORADO CORPORATION (DOING BUSINESS AS "SGM"), AND THE TOWN OF PARACHUTE TO PROVIDE GENERAL ENGINEERING, CONSULTING, AND RELATED SERVICES TO THE TOWN FOR ONGOING ENGINEERING SERVICES AND APPROVE MAYOR TO SIGN.

STAFF: STUART McARTHUR, TOWN MANAGER

MOTION 4:

Moved and seconded by Trustees Ruggard / Olk to approve SGM Contract and approve Mayor Pro Tem to sign.
Motion passed unanimously with a 5-0 vote in favor.

(J) BOARD CONSIDERATION OF EASEMENT DEED AND AGREEMENT BETWEEN GARFIELD COUNTY SCHOOL DISTRICT 16 AND THE TOWN OF PARACHUTE, COLORADO, A COLORADO HOME RULE MUNICIPALITY AND APPROVE MAYOR TO SIGN.

STAFF: STUART McARTHUR, TOWN MANAGER

MOTION 5:

Moved and seconded by Trustees Ruggard / Olk to approve Easement Deed and Agreement between GCSD 16 and the Town of Parachute and approve Mayor Pro Tem to sign.
Motion passed unanimously with a 5-0 vote in favor.

(K) BOARD CONSIDERATION OF ORDINANCE NO. 703-2016

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING CHAPTER 6.11 OF THE PARACHUTE MUNICIPAL CODE CONCERNING HOURS OF OPERATION OF RETAIL MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA ESTABLISHMENTS

STAFF: STUART McARTHUR, TOWN MANAGER

MOTION 6:

Moved and seconded by Trustees Loschke / Andersen to approve Ordinance No. 703-2016

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING CHAPTER 6.11 OF THE PARACHUTE MUNICIPAL CODE CONCERNING HOURS OF OPERATION OF RETAIL MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA ESTABLISHMENTS

Motion passed unanimously with a 5-0 vote in favor.

(L) BOARD CONSIDERATION OF RESOLUTION NO. 2016-13

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO, APPROVING AND ADOPTING A COMPREHENSIVE MASTER PLAN FOR THE TOWN OF PARACHUTE.

STAFF: STUART McARTHUR, TOWN MANAGER

MOTION 7:

Moved and seconded by Trustees Olk / Loschke to approve Resolution No. 2016-13

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO, APPROVING AND ADOPTING A COMPREHENSIVE MASTER PLAN FOR THE TOWN OF PARACHUTE

Motion passed unanimously with a 5-0 vote in favor.

(M) APPOINT A BOARD OF TRUSTEES MEMBER TO THE PLANNING AND ZONING COMMISSION ACCORDING TO PARACHUTE MUNICIPAL CODE.

3.24.020B - THE TERM OF EACH EX OFFICIO MEMBER SHALL CORRESPOND TO THAT INDIVIDUAL'S OFFICIAL TENURE. THE TERM OF EACH OTHER MEMBER SHALL BE FOUR (4) YEARS, OR UNTIL HIS OR HER SUCCESSOR TAKES OFFICE. THE PROVISIONS IN THIS SECTION WHICH REDUCE THE TERM OF OFFICE FROM SIX (6) TO FOUR (4) YEARS SHALL BE IMPLEMENTED UPON THE EXPIRATION OF THE TERM OF THE AFFECTED MEMBER CURRENTLY SERVING, OR UPON THE RESIGNATION OR REMOVAL OF ANY CURRENT MEMBER.

STAFF: STUART McARTHUR, TOWN MANAGER

MOTION 8:

Moved and seconded by Trustees Loschke / Olk to appoint Juanita Williams to the Planning and Zoning Commission.

Motion passed unanimously with a 5-0 vote in favor.

(N) BOARD CONSIDERATION OF NEW TOWN LOGO AND MOTTO.

STAFF: STUART McARTHUR, TOWN MANAGER

The Board had a discussion regarding the potential new Logo and Motto for the Town. All trustees agreed on which logo they preferred and suggested adding "Western" to the motto. The Board agreed on Logo 1 with motto of "Western Gateway to the Rockies"

(O) OTHER MATTERS

- (1) PARACHUTE-BATTLEMENT MESA AREA CHAMBER OF COMMERCE THANK YOU
 - (2) WEST SLOPE COLORADO OIL & GAS ASSOCIATION (COGA) THANK YOU
 - (3) GRAND VALLEY / PARACHUTE KIWANIS FOUNDATION THANK YOU
-

(P) EXECUTIVE SESSION

FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS REGARDING PROPERTY SALE UNDER C.R.S. 24-6-402(4)(E) – LAND SALE

MOTION 9:

Moved and seconded by Trustees Ruggard / Olk to move into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding property sale under C>R.S 24-6-402(4)(E)- land use.

Motion passed unanimously with a 5-0 vote in favor.

Moved into Executive Session at 7:43 pm

Mayor Pro Tem Williams moved out of executive session and called the public meeting to order at 7:52 p.m.

Town Manager McArthur stated he received direction from the Board on how to proceed.

Motion to Adjourn

MOTION 10:

Moved and seconded by Trustees Olk / Ruggard to adjourn
Vocal Vote passed unanimously.

ADJOURNED at 8:02 PM

Roy B McClung, Mayor

ATTEST:

Town Clerk

Report Criteria:
Summary report type printed

Vendor Number	Name	Description	Check Amount	Check Number	Check Issue Date
117	AFLAC	SUPPLEMENTAL INSURANCE	523.64	20637	07/05/2016
160	AUSTIN CIVIL GROUP, INC.	PEDESTRIAN CROSSING	5,525.51	20597	06/16/2016
423	ALLY	QUARTERLY LEASE PAYMENT	3,082.96	20595	06/16/2016
424	ALLY	QTRLY LEASE PYMT	2,162.63	20594	06/16/2016
450	AMERICAN JANITOR	MAY/JUNE JANITORIAL	650.00	20596	06/16/2016
880	BATTLEMENT MESA METROPOLITAN DISTRICT	SEWER SERVICE CONTRACT	11,238.00	20598	06/16/2016
1646	CEBT	HEALTH, LIFE, DENTAL	20,773.45	20590	06/01/2016
		HEALTH, LIFE, DENTAL & VISION	17,371.50	20638	07/05/2016
1671	CENTRAL DISTRIBUTING	CINCO DE MAYO BEER	632.00	20550	05/19/2016
2040	CITY OF RIFLE	INMATE TRANSPORTATION	250.00	20601	06/16/2016
2375	COLORADO MOTOR VEHICLES	OJW QTRLY REPORT	180.00	20602	06/16/2016
2495	CBI	BLOOD / DRUG TESTING	1,290.00	20600	06/16/2016
2686	COMMERCIAL SPECIALISTS, INC.	PROGRAM NEW ACCESS CARDS	568.50	20604	06/16/2016
3021	COLORADO WATER CONSERVATION BOARD	ANNUAL LOAN PYMT WATER PLANT	11,118.80	20603	06/16/2016
3302	U.S. TRACTOR & HARVEST, INC.	777 MAX ZTRAK W/72 MOWER REPAIR	1,184.07	20632	06/16/2016
3360	DESKTOP CONSULTING, INC.	MO QUARANTINE	120.00	20605	06/16/2016
3478	DIESEL SERVICES, INC	POT HOLE MACHINE REPAIR	5,477.65	20606	06/16/2016
4120	FIRE AND POLICE PENSION ASSOC.	POLICE PENSION & D&D	1,756.99	70100138	06/15/2016
		POLICE PENSION & D&D	1,756.99	70100124	07/05/2016
4143	FIREWORKS WEST INTERNATIONALE	OKTOBERFEST FIREWORKS	10,000.00	20609	06/16/2016
4597	GRAND RIVER HOSPITAL DISTRICT	PHYSICAL, JAY GRAHAM	200.00	20610	06/16/2016
4950	HACH	CHLORINE FOR WATER PLANT	940.76	20611	06/16/2016
5000	HILL AND ROBBINS P.C.	SPECIAL WATER COUNSEL	259.75	20612	06/16/2016
5878	KANSAS CITY LIFE INS.	DISABILITY INS.	1,011.23	70100125	07/05/2016
5897	KENNETH JONES	06/15/16 MANUAL PAYROLL CHECK	279.09	20593	06/15/2016
5898	KARP, NEU, HANLON P.C.	GENERAL LEGAL	9,170.04	20613	06/16/2016
5916	KIM WISDOM	CONTRACTED COURT SERVICES	507.00	20614	06/16/2016
5932	KONICA MINOLTA	CONTRACT PAYMENT & OVERAGE	757.70	20572	05/19/2016
		CONTRACT PYMT & OVERAGE	2,110.29	20615	06/16/2016
6219	LIBERTY NATIONAL LIFE INSURANCE CO.	SUPPLEMENTAL LIFE INSURANCE	127.98	70100126	07/06/2016
6822	METCALF EXCAVATION INC.	NOXIOUS WEED MGMT	1,619.15	20616	06/16/2016
7628	ORCHARD TRUST COMPANY, LLC	Retirement & Deferred Comp.	2,717.91	20617	06/16/2016
		Retirement & Deferred Comp.	2,717.91	20643	07/05/2016
		Retirement & Deferred Comp./ ROTH	2,270.45	20460	03/17/2016
7690	OVERTON RECYCLING	ELECTRONIC RECYCLING	1,926.00	20618	06/16/2016
7850	PAYLOCITY CORP	NET WAGES - DIRECT DEPOSIT	24,840.30	70100127	06/15/2016
		STATE WITHHOLDING PAYABLE	8,339.09	70100128	06/15/2016
		PAYLOCITY PAYROLL FEE	99.80	70100129	06/15/2016
		NET WAGES - CHECK	110.82	70100131	06/30/2016
		STATE WITHHOLDING PAYABLE	9,809.73	70100132	06/30/2016
		PAYLOCITY PAYROLL FEE	129.50	70100133	06/30/2016
		STATE UNEMPLOYMENT PAYABLE	573.84	70100134	07/01/2016
		NET WAGES - DIRECT DEPOSIT	29,263.81	70100130	06/30/2016
7906	PAYFLEX SYSTEMS, USA INC.	HRA REIMB	6,804.00	70100137	06/14/2016
		ADMIN FEE HRA REIMBURSEMENT	150.00	20619	06/16/2016
		HRA REIMB	100.75	70100123	06/20/2016
7908	PLAN TOOLS, LLC	DEVELOPMENT REVIEW	5,397.98	20621	06/16/2016
7944	PROVELOCITY	MONTHLY IT SERVICE	2,025.88	70100136	06/13/2016
8010	PWT	WATER PLANT CHEMICALS	1,129.59	20622	06/16/2016
8160	XCEL ENERGY	TOWN OF PARACHUTE UTILITY SERVICE	3,791.52	70100140	06/27/2016
		Street Light & West Interchange	3,209.03	70100121	06/27/2016
8180	R & S SALES & WELDING SERVICE	Oxy - Tank Rental	12.00	20623	06/16/2016
8345	REDI SERVICES, LLC	CINCO DE MAYO PORTA POTTY'S	862.00	20624	06/16/2016
8571	ROBERT ROBERSON	REFUND BOND WARRANT LESS: FINES/FEES	641.00	20625	06/16/2016

Vendor Number	Name	Description	Check Amount	Check Number	Check Issue Date
8590	EmTech INC.	PUMP REPAIR	520.23	20808	06/16/2016
8907	SAFEBUILT, INC.	INSPECTION FEES	3,484.08	20626	06/16/2016
9212	STEVEN A. NOFZIGER	PD TOWING SERVICES	300.00	20627	06/16/2016
9281	STUART S. MCARTHUR	EXP REPORT MILEAGE	299.98	20628	06/16/2016
9390	SWALLOW OIL COMPANY	CAR WASH	54.67	20629	06/16/2016
9440	TAPCO	SCHOOL SIGNAGE - GRANT	13,880.00	20630	06/16/2016
9820	TRI COUNTY FIRE EXTINGUISHERS	ANNUAL INSPECTION AND NEW EXTINGUISHERS	1,036.00	20631	06/16/2016
9965	UMB - CREDIT CARD	CREDIT CARD PURCHASES	27,917.72	70100139	06/28/2016
9999	WAGNER EQUIPMENT CO.	CATERPILLAR 305E2	62,788.00	20634	06/16/2016
10167	UNIVAR USA INC.	Chemical for Water Plant	1,091.83	20633	06/16/2016
10397	WELLS FARGO	MERCHANT SERVICES	358.27	70100135	06/10/2016
10398	WELLS FARGO	OKTOBERFEST- 50% DEPOSIT CHASE RICE	50,000.00	20635	06/16/2016
10610	WEX, INC.	FUEL	2,097.68	70100122	06/14/2016

Report Criteria:

Summary report type printed



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

DATE: July 24, 2016

TO: Board of Trustees

FROM: Stuart S. McArthur, Town Manager

SUBJECT: TOWN MANAGER MONTHLY REPORT – JULY 2016

The purpose of this memo is to report to the Board of Trustees the activities of the Town during the past month and to review issues for upcoming meetings.

1. Sales tax report showing current month (June receipts for April sales) sales tax and comparing the last three years and the 2016 budget is attached to this report. You will note that sales tax YTD is slightly down (3.8%) from last year at this time. The sales tax receipts are down by 22.6% for the month compared to 2015 actuals.

Of the \$72,329.49 tax receipt figure, \$15,103 is from the sale of recreation marijuana, representing about 20.5% of all sales tax. Without these sales, the revenue would be down 6.53% from 2015. A value of \$57,225.49. Without the marijuana sales tax and the nearly 10.0% growth in the 18 largest sales tax payers, the Town’s economy is down by 7.13% from 2015. There was also two unexpected sales tax receipts for an amount of nearly \$6,500.

We are yet to receive the Town’s portion of the State of Colorado Sales Tax.

2. YTD Financial Statements and 2016 Budget status will be provided at the meeting.
3. As of the writing of this report (Thursday, July 14, 2016), the prices for energy commodities are:

WTI Crude Oil	\$45.52 (June - \$51.53) – Down 12.0%
Natural Gas (Nymex)	\$2.74 (June - \$2.15) – Up 28.0%

4. I am attempting to establish contacts with the BLM, the Forest Service, and private land owners regarding plans for potential access for off-road vehicles, bicycles, and hikers to the Battlements. This will take some time to get through the County and Battlement Mesa Service Association.
5. I have submitted a letter application over the Mayor’s signature to the Colorado State Department of Local Affairs (DOLA) requesting a \$25,000 grant to apply toward Town

efforts of economic development. I have suggested that we continue to work with Better Cities, the consulting team that developed our comprehensive plan since they have already initiated contacts with companies on the Town's behalf. Does the Board support matching the grant request with another \$25,000? (\$5,000 of which would come from the budgeted amount for RREDC.)

6. I have entered into an agreement with the Colorado Center for Community Development (CCCD) in the College of Architecture and Planning at the University of Colorado. They are funded by DOLA and work out of Grand Junction. The contract amount for the Town will be \$2,905, matched by a grant from DOLA. The CCCD will:
 - a) Design the site for the boat ramp area for our planned outdoor recreation "business;"
 - b) Prepare a concept development plan for the entire proposed "Central Park" with a master plan of the planned the amenities desired.
7. GOCO and DOLA came to the Town of Parachute for a meeting regarding the potential of the "Central Park" concept and the acceptability of grant applications for the acquisition of the land. They were very impressed with our planning efforts; not only for the park, but for the idea of a multiplex sports park, and the events center up CR215. We will proceed with the appraisal of the property and working the concepts for the grant applications later this year.
8. We also received a \$10,000 grant through Live Well Colorado to go toward the engineering for the proposed sidewalk across I-70 and the railroads. SGM will begin the engineering of this project as soon as an executed agreement from DOLA is received.
9. I attended the CML conference in Vail. During the conference I learned of several initiatives that we will pursue, including classifications of marijuana manufacturing.
10. The Town hosted a ribbon cutting for the official opening of Parachute Park Boulevard and County Road 215. It was attended by Mayor Pro Tem Juanita Williams, representatives from the natural gas industry, and by board members of the Garfield County Federal Mineral Lease District.
11. An open house was held last week regarding the rewrite of the Town's development review section of the municipal code. The project is proceeding well.
12. Mark King and I made a "working" tour of the Colorado River from Cottonwood Park to the Una Bridge. We are excited about opening this up to the public and will be working toward the acquisition of the outdoor recreation equipment and the rental "business." Does the Board support abandoning the idea of a ramp near Town Hall at this time and moving forward to work with CPW in acquiring the permits to improve the ramp at Cottonwood Park?
13. Other items of direction:
 - a. School District: I have worked with the school district to commit \$150,000 to restore Cardinal Way at the high school and improve it to the standard it should be.
 - b. Cardinal Way: I am working with Puckett Land Company regarding their properties west of Town. Part of the discussion is the need to identify the exact routing of Cardinal Way. Does the Board support engaging SGM (Town Engineers) to evaluate re-routing Cardinal Way so that it does not go through the

high school property?

14. Upcoming Issues:

Agenda Items:

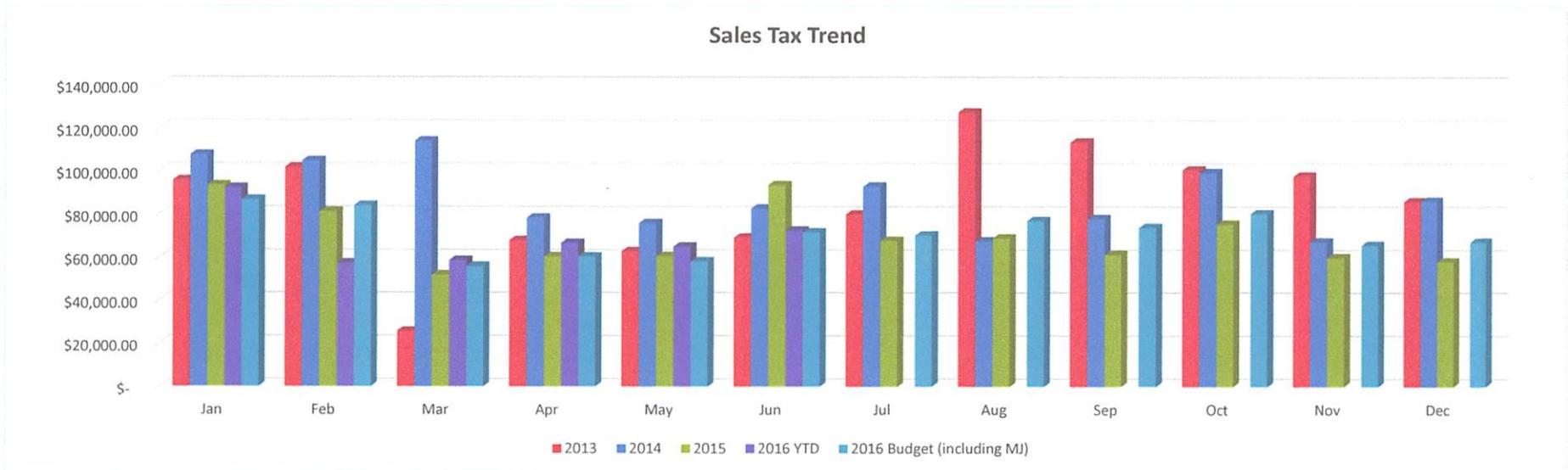
- i. Upcoming retail marijuana license applications.
- ii. Annexation zoning for prior annexations
- iii. Survey and easements for Town water/electric/road facilities within the Battlement Mesa Company property
- iv. Court Fees Revision
- v. Vested Rights Application

If you have questions or concerns, contact me at 970.285.7630 or stuartmc@parachutecolorado.com.

**Town of Parachute
Sales Tax Trend Analysis - 2016**

		Actuals									
Month Received	Month Paid*	2013	2014	2015	2015 YTD 2016	2016 YTD	2016 Budget (including MJ)	% Over / -Under Budget	YTD % Compared to 2015	Actual Compared to Budget	
Jan	Nov	\$ 95,706.59	\$ 107,541.87	\$ 93,340.02	\$ 93,340.02	\$ 92,154.37	\$ 86,586.24	6.43%	-1.27%	6.43%	
Feb	Dec	\$ 101,588.06	\$ 104,702.30	\$ 81,163.74	\$ 81,163.74	\$ 57,244.56	\$ 83,919.54	-31.79%	-29.47%	-31.79%	
Mar	Jan	\$ 25,564.29	\$ 113,904.74	\$ 51,821.09	\$ 51,821.09	\$ 58,553.69	\$ 55,845.37	4.85%	12.99%	4.85%	
Apr	Feb	\$ 67,891.55	\$ 78,277.62	\$ 60,420.09	\$ 60,420.09	\$ 66,537.75	\$ 60,311.81	10.32%	10.13%	10.32%	
May	Mar	\$ 62,753.99	\$ 75,764.05	\$ 60,555.16	\$ 60,555.16	\$ 64,923.68	\$ 58,117.56	11.71%	7.21%	11.71%	
Jun	Apr	\$ 69,165.79	\$ 82,490.46	\$ 93,419.42	\$ 93,419.42	\$ 72,328.49	\$ 71,547.56	1.09%	-22.58%	1.09%	
Jul	May	\$ 79,877.98	\$ 92,727.04	\$ 67,717.37	\$ -	\$ -	\$ 70,159.88	0.00%	#DIV/0!	0.00%	
Aug	Jun	\$ 127,189.55	\$ 67,447.53	\$ 68,804.28	\$ -	\$ -	\$ 76,909.25	0.00%	#DIV/0!	0.00%	
Sep	Jul	\$ 113,405.91	\$ 77,887.19	\$ 61,204.69	\$ -	\$ -	\$ 73,714.37	0.00%	#DIV/0!	0.00%	
Oct	Aug	\$ 100,377.26	\$ 99,147.71	\$ 75,283.71	\$ -	\$ -	\$ 80,227.83	0.00%	#DIV/0!	0.00%	
Nov	Sep	\$ 97,548.24	\$ 67,147.25	\$ 59,887.91	\$ -	\$ -	\$ 65,565.03	0.00%	#DIV/0!	0.00%	
Dec	Oct	\$ 85,800.99	\$ 86,001.23	\$ 58,023.81	\$ -	\$ -	\$ 67,095.57	0.00%	#DIV/0!	0.00%	
Total		\$ 1,026,870.20	\$ 1,053,038.99	\$ 831,641.29	\$ 440,719.52	\$ 411,742.54	\$ 850,000.00		-3.83%	0.44%	

* There is a two month delay of when sales tax paid and when received by the Town.





DEREK WINGFIELD
COMMUNITY DEVELOPMENT

Integrity • Respect • Teamwork • Pride • Innovation • Diversity

222 GRAND VALLEY WAY • PARACHUTE, CO 81635 • (970) 285-7630

STAFF REPORT

DATE: June 21, 2016
TO: Town of Parachute Board of Trustees
FROM: Derek Wingfield, Community Development
SUBJECT: JUNE MONTHLY UPDATE

June brought more updates and security upgrades to our IT systems and operations. Our exchange email was updated to comply with security protocols with passwords, which might have caused some of you confusion. Your passwords will require resets every 90 days. When this occurs I can help you with the reset as it is required on a network computer. This was done to lower liabilities of the Town with our records.

The Wi-Fi in the Town is also being upgraded for security and performance purposes. The big win is now any Town networks (Town Hall, water plant, eventually the rest stop) networks will all automatically authenticate Town staff/board member devices. This change was finished in Town Hall, if you need help please contact me and I will get your iPad and any other devices you might need on the Wi-Fi network. This closed and partitioned our server from the "guest" network for security and liability purposes.

Grand Valley Days and the S.T.A.G event are approaching and I have worked to facilitate the events. The area Chamber of Commerce will be partnering with the Town during the event which if successful will generate some revenue for the Town and the expense and risk is being taken by the Chamber in operating and expense of the "Beer" garden.

We had a great push on Oktoberfest by our headliner and the Nashville marketing. Chase Rice has his own national tour and press releases were made. This has created a great deal of publicity for the Town's event. Tickets went on sale July 15th at 10:00a.m., for all aspects of the event. Oktoberfestco.com also went live to promote the event. Lauralee has done a fantastic job with the social media and the trending and following is going great! We have worked to produce more promotional materials which are soon to come to promote and draw crowds.

We also “branded” the logo so we own files and copyrights. This has helped greatly with our web promotions and social media. This logo is was created in two schemes for print purposes.



The building department/code enforcement has been busy this month as well as battles with our code and its interpretation. On voluntary compliance of weed growth most properties are working and getting progress. There are still several properties that are causing some issues and I am working on gaining compliance with those owners, which is slowed by geography and most are not local to the area.



Mark King
Public Works Director

Integrity • Respect • Teamwork • Pride • Innovation • Diversity

222 GRAND VALLEY WAY • PARACHUTE, CO 81635 • (970) 285-7630

Date: June 16th, 2016
To: Board of Trustees
From: Mark King, Public Works Director
Subject: June Monthly Report 

The purpose of this memo is to provide the Board of Trustees with the Public Works updates for the past month.

We have repaired all but one of the water leaks in town; we had an 8" irrigation water main rupture on south Railroad Ave. We will be extending that irrigation line to the east side of the road to service three additional properties. In addition we will install a blow off valve at the end of the new line to help with flushing the irrigation main. The other three lines that were repaired were all ¾" potable water service lines.

Town staff has been working on the 1st street water line replacement project. We received the bids for the project Thursday July 7th 2016.

The bids are as follows:

1- JC Excavation	\$892,053.01
2- Mountain Valley Contractors	467,878.80
3- Upland Companies	633,566.30

We had \$440,000 budgeted for the project. If we went with the low bid with engineering and contingency we would be \$556,896.18 this is over our bid by \$116,896.18. We have requested additional monies from Federal Mineral Lease District and it is my opinion that this project is tabled until additional funds are available.

The Garfield County Mosquito Control District has been fogging and spraying barrier around Cottonwood Park. They also fogged the north side of town and plan on spraying barrier there also to get some of the mosquitoes that escape the fogging.

Over the next few weeks the public works staff will be installing the flashing school speed limit signs around the Early Learning Center and the High School, this should get people's attention as they are going to be 18' tall when installed.

If you have any questions or concerns you can contact me at 970-986-1821.



CARY PARMENTER
POLICE CHIEF

Integrity • Respect • Teamwork • Pride • Innovation • Diversity

222 GRAND VALLEY WAY • PARACHUTE, CO 81635 • (970) 285-7630

To: Board of Trustees

From: Cary Parmenter, Police Chief

Date: 07/14/16

Ref: Report

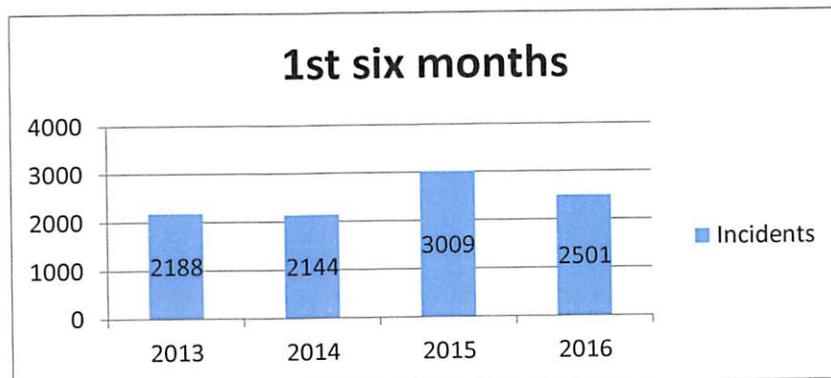
We have been going through applications for several weeks now looking to fill the opening that will be created when Officer Graham leaves for Minnesota. Graham's official last day will be August 15th, however to prevent him from getting tied up on an investigation or delayed for court he will be taken out of the rotation on July 15th. He will use the last two weeks of July to finalize any outstanding reports, close out cold cases and turn in equipment. We wish Graham the best with his new job in Minnesota.

With Graham off the schedule we are switching to a modified schedule. Officers will be splitting the on call and working 8 hours a day 5 days a week instead of the 12 hour shift we usually work.

I have narrowed the applicants down to two; both have prior law enforcement experience, one of which has over seven years on with the Garfield County Sheriff's Office. I hope to have the position filled by August 15th.

In the first six months of 2016, officers responded to 2,501 incidents, compared to the 3,009 in 2015. If you look at the chart below, comparing 2013 through 2016 the number of incidents are pretty close, with the exception of 2015, this is due to us participating in the HVE (High Visibility Enforcement) campaign last year.

Thank you



POLICE ACTIVITY BLOTTER

DATE	SUMMARY
06/01/16	Traffic Violation An Officer conducted a traffic stop in the 500 block of County Road 215. The driver, Thomas Richards 37, of Grand Junction was cited for Speeding 50/35 and Driving under Revocation.
06/03/16	DUI An Officer conducted a traffic stop in the area of Highway 6 and County Road 215. The driver, Brian Jones 20, of Grand Junction was arrested for a Defective License Plate Light, MIP, Driving w/o a License, and DUI.
06/04/16	Traffic Violation An Officer conducted a traffic stop in the area of mile marker 73 in the westbound lanes of I-70. The driver, Eric Brown 56, of Fort Collins was summonsed for Speeding 104/75.
06/04/16	Sex Offense An Officer investigated a call for a sex offense for a male party sending lewd pictures to underage victims. The case was turned over to another agency.
06/05/16	DUI An Officer conducted a traffic stop in the area mile marker 73 on I-70 after receiving a REDDI report. The driver, Jessica Piencikowski 34 of Madison WI, was arrested for Careless Driving, DUI, and Possession of a Controlled Substance
06/06/16	Theft An Officer responded to 28 Cardinal Way for a theft report. The suspect was not located.
06/07/16	Accident/DUI An officer responded to an accident at I-70 and County Road 300. The driver, Brien Addenbrooke 51 of Deltona FL, was later contacted and arrested for Careless Driving, Duty to Report, and DUI.
06/10/16	Traffic Violation/Warrant An Officer conducted a traffic stop in the area of the 200 block of County Road 215. The driver, Amber Pennington 21, of Glenwood Springs was arrested for Careless Driving, NPOI, and Possession of a Controlled Substance, Possession of Drug Paraphernalia, and a Warrant.
06/11/16	Sex Offense Officers responded to 200 Colorado Avenue for a report of a party sexually assaulting an underage victim. Richard Barclay 37 of Parachute, CO was arrested for Sexual Assault on a Child by a Person in a Position of Trust, Unlawful Sexual Contact, and Child Abuse.

- 06/12/16 Traffic/Weapon Violation**
An officer conducted a traffic stop in the area of the alley between Hill St. and E. 2nd St. The driver, a 17 yoa minor, was arrested for Driver's Vision Obstructed, MIP, Defective Muffler, NPOI, DUR, Possession of a Handgun by a Juvenile.
- 06/14/16 Traffic Violation**
An Officer conducted a traffic stop in the area of I-70 and County Road 300. The driver, Reinaldo Castillo 52, of Grand Junction was summonsed for Failure to Obey a Traffic Control Device, NPOI, and Driving w/o a License
- 06/17/16 Abandoned Vehicle**
An officer discovered an abandoned vehicle blocking the westbound I-70 mile marker 75 exit ramp. The vehicle was impounded and the registered owner of the vehicle, Roy Laws 59 of Littleton CO a warrant has been issued for the violation.
- 06/18/16 DUI**
An Officer conducted a traffic stop in the area mile marker 74 on I-70 for speeding 91/75. Upon contacting the driver, Noe Medellin 30 of Edwards, CO was later arrested for DUI, DUR HTO, and Child Abuse.
- 06/20/16 Criminal Mischief**
An Officer responded to 315 Fisher Ave. for a report of damage to a motor vehicle.
- 06/20/16 Abandoned Vehicle**
An officer discovered an abandoned vehicle in the 100 block of Railroad Avenue. The vehicle was later towed away and a warrant has been issued for the registered owner, Preston Haynes 32 of Grand Junction for the violation.
- 06/20/16 Traffic Violation**
An Officer contacted a party in the area of the eastbound mile marker 72 I-70 exit ramp for a report of a possible accident. The driver, Justin Bell 26, of Delta was summonsed for Driving under Revocation.
- 06/22/16 Traffic Violation/Drug**
An officer conducted a traffic stop on Co Rd 300 and Grand Valley Way. The driver, David Jimenez-Cobain, 19 of Rifle, CO was contacted for speeding 40/30. During the course of investigative stop, the passenger, Geovany Munoz-Azcorra, 20 of Rifle, CO was summonsed for MIP of marijuana.
- 06/24/16 Traffic Violation**
An officer conducted a traffic stop in the 10 block of Cardinal Way. The driver, Jaime Suarez-Borja 26 of Parachute, CO was summonsed for Failure to Yield Right of Way and for Driving w/o a License.

- 06/24/16 Traffic Violation**
An officer conducted a traffic stop in the area of mile marker 73 on I-70. The driver, Clayra Lozano-Lizarraga 42 of Las Vega, NV was summonsed for Speeding 90/75 and Driving under Restraint.
- 06/24/16 Traffic Violation**
An officer conducted a traffic stop in the area of mile marker 73 on I-70. The driver, Luis Martinez 50 of Chicago, IL was summonsed for Defective Vehicle and Driving w/o a License.
- 06/26/16 Traffic Violation**
An officer conducted a traffic stop in the area of mile marker 73 on I-70. The driver, Kenia Vallejo-Gallo 18 of Denver, CO was summonsed for Speeding 104/75, Open Container, and Driving under Revocation.
- 06/29/16 Domestic Violence**
Officers were called to the 100 block of South 2nd Court on a report of Domestic disturbance. The suspect, Steven Kracht 32, of Parachute fled the scene prior to the officer's arrival. A warrant has been issued for charges of Harassment X2, Violation of a Protection Order, and Domestic Violence.
- 06/30/16 Traffic Violation/Warrant**
An officer conducted a traffic stop in the area of mile marker 73 on I-70. The driver, Jaime Gonzalez-Hernandez 42 of Rifle, CO was summonsed for Speeding 90/75. In addition, the driver was found to have an active Parachute Municipal Court warrant for Failure to Appear and was arrested for the warrant.

26 Traffic Citations June 2016

Thank you

Cary Parmenter
Police Chief

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"/> | | <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
See attached sheet

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
N/A	

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



STATE DOCUMENTARY FEE
Date: April 21, 2009
\$ 21.50

WARRANTY DEED

THIS DEED, Made on this day of April 21, 2009, between
ALEXANDER PUTZ

of the _____ County of _____ and State of CO, of the Grantor(s), and
BRIAN BALERIO AND RACHAEL BALERIO

whose legal address is : 3 ASPEN COURT PARACHUTE, CO 81635
of the _____ County of GARFIELD and State of COLORADO, of the Grantee(s):

WITNESS, That the Grantor(s), for and in consideration of the sum of (\$215,000.00)
*** Two Hundred Fifteen Thousand and 00/100 *** DOLLARS

the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee(s), their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property, together with improvements, if any, situate, lying and being in the _____ County of GARFIELD and State of Colorado, described as follows:

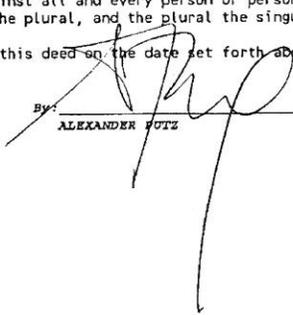
LOT 3
BLOCK 3
ALPINE MEADOWS
ACCORDING TO THE PLAT THEREOF RECORDED APRIL 20, 2001 AS RECEPTION NO. 579640.
COUNTY OF GARFIELD
STATE OF COLORADO

also known as street number 3 ASPEN COURT PARACHUTE CO 81635

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

TO HAVE AND TO HOLD the said premises above bargained and described with appurtenances, unto the Grantee(s), their heirs and assigns forever. The Grantor(s), for himself, his heirs and personal representatives, does covenant, grant, bargain, and agree to and with the Grantee(s), their heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, Subject to general taxes for the year 2009 and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8.1 (Title Review) of the Contract to Buy and Sell Real Estate relating to the above described property; distribution utility easements (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8.2 (Matters not Shown by the Public Records) and Section 8.3 (Survey Review) of the Contract to Buy and Sell Real Estate relating to the above described real property; inclusion of the Property within any special tax district; and, the benefits and burdens of any recorded declaration and party wall agreements, if any and other NONE
The Grantor(s) shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the Grantee(s), his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, and the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF the Grantor(s) has executed this deed on the date set forth above.

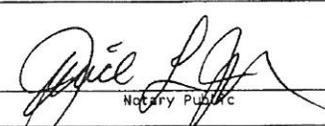
By: 
ALEXANDER PUTZ

STATE OF COLORADO)
) ss.
County of GARFIELD)

The foregoing instrument was acknowledged before me on this day of April 21, 2009,
by ALEXANDER PUTZ



My commission expires _____
Witness my hand and seal
4/15/2012
ANGIE JOHNSON
NOTARY PUBLIC
STATE OF COLORADO


Notary Public

Name and Address of Person Creating Party Created Legal Description (38-35-106.5, C.R.S.)
My Commission Expires 04/15/2012

Escrow# GW63003980 When Recorded Return to: BRIAN BALERIO AND RACHAEL BALERIO
Title# GW63003980 3 ASPEN COURT PARACHUTE, CO 81635 Printed: March 26, 2009 (7686241)
Form 96 08/29/04 WDJT1 WARRANTY DEED (Joint Tenants)

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 ALIQUIPPA, 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

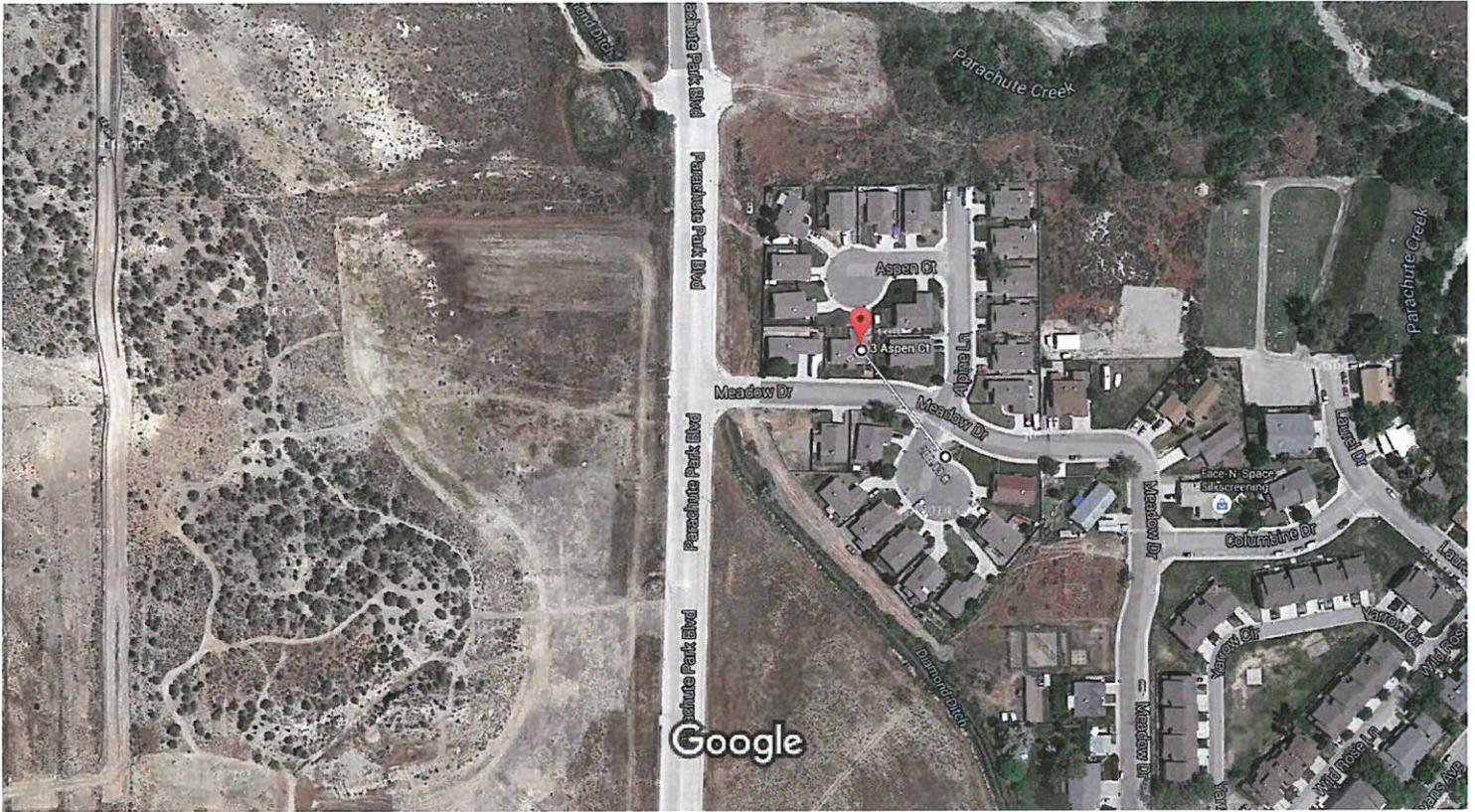
ALL CHECKS ARE SUBJECT TO FINAL COLLECTION.

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.

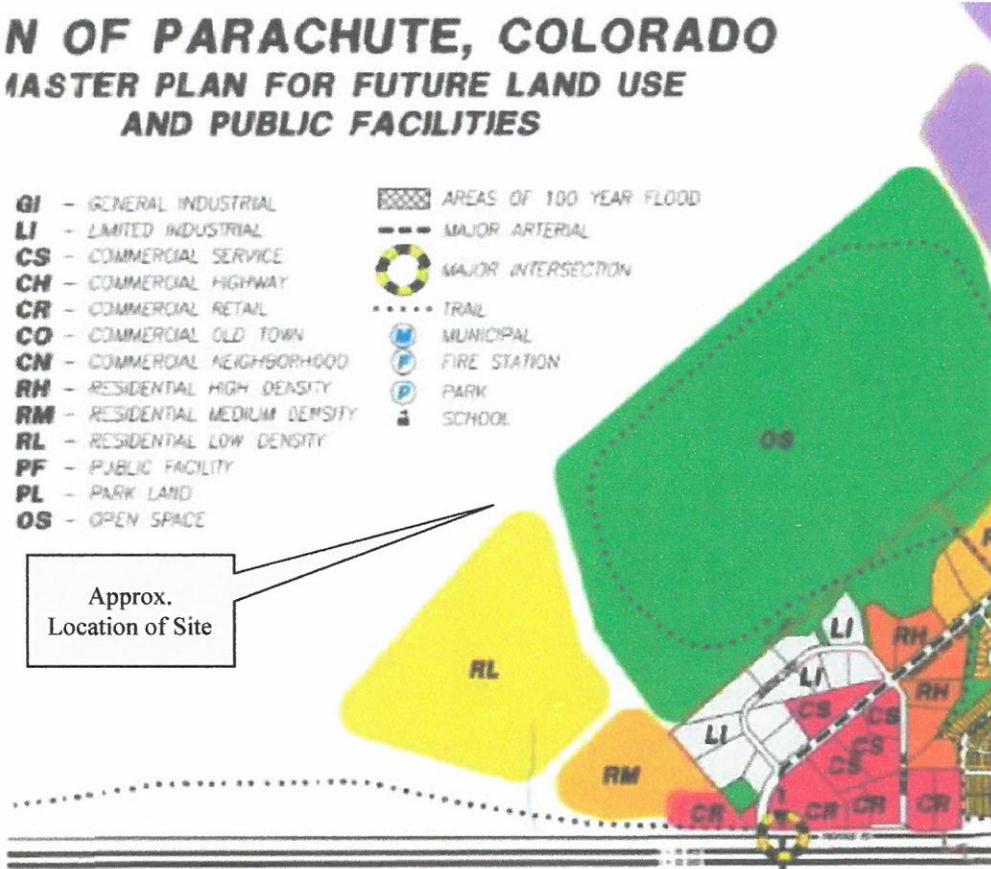
N OF PARACHUTE, COLORADO

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.

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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,

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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.

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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.

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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.

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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,

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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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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

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.

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:

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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

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,

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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Town of Parachute
County of Garfield
State of Colorado

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3 Aspen Court Parachute, CO 81635

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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

Joshua Ryan Selby
605 Meadow Drive
Parachute, CO

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

Dear Joshua Ryan Selby,

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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Board of Trustees- July 21, 2016

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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,

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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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

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.

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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County of Garfield
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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,

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

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,

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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Board of Trustees- July 21, 2016

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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,

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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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.

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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 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.

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

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

PARACHUTE, CO 81635

OFFICIAL USE

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

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

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com®.

GLENWOOD SPRINGS, CO 81602

OFFICIAL USE

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

Sent To: Hayden Rader
 Street and Apt. No., or PO Box No. PO Box 686
 City, State, ZIP+4® Glenwood Springs, CO 81602

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

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PARACHUTE, CO 81635

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.47	
Total Postage and Fees	\$6.47	06/16/2016

Sent To: Gregory R. and Kathi J. Clark
 Street and Apt. No., or PO Box No. 605 Meadow Drive
 City, State, ZIP+4® Parachute, CO 81635

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.47	
Total Postage and Fees	\$6.47	06/16/2016

Sent To: Rebecca Schroeder
 Street and Apt. No., or PO Box No. 5 Aspen 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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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.47	
Total Postage and Fees	\$6.47	06/16/2016

Sent To: Evelyn Schaller
 Street and Apt. No., or PO Box No. 7 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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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.47	
Total Postage and Fees	\$6.47	06/16/2016

Sent To: Joshua Ryan Selby
 Street and Apt. No., or PO Box No. 605 Meadow Drive
 City, State, ZIP+4® Parachute, CO 81635

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

7016 0750 0000 9045 4187
 7016 0750 0000 9045 4170
 7016 0750 0000 9045 4149

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PARACHUTE, CO 81635

Certified Mail Fee \$3.30
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 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

0583
03

Postmark
Here

Postage \$0.47
Total Postage and Fees \$6.47

06/16/2016

Sent To
Kenneth and Catherine M. Carlson
Street and Apt. No., or PO Box No.
6 Alpine Lane
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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 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

0583
03

Postmark
Here

Postage \$0.47
Total Postage and Fees \$6.47

06/16/2016

Sent To
Diane M. Jewell
Street and Apt. No., or PO Box No.
1 Alpine Court
City, State, ZIP+4®
Parachute, CO 81635

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

7016 0750 0000 9045 403E

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

GRAND JUNCTION, CO 81507

Certified Mail Fee \$3.30
\$2.70
Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

0583
03

Postmark
Here

Postage \$0.47
Total Postage and Fees \$6.47

06/16/2016

Sent To
Meadows Group LLC
Street and Apt. No., or PO Box No.
2015 F Y Rd
City, State, ZIP+4®
Grand Junction CO 81503

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

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

0583
03

Postmark
Here

Postage \$0.47
Total Postage and Fees \$6.47

06/16/2016

Sent To
Iresia Beth Moon
Street and Apt. No., or PO Box No.
1 Alpine Lane
City, State, ZIP+4®
Parachute, CO 81635

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

7016 0750 0000 9045 4057

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

0583
03

Postmark
Here

Postage \$0.47
Total Postage and Fees \$6.47

06/16/2016

Sent To
Lance and Brenda Seavoy Rice
Street and Apt. No., or PO Box No.
7 Aspen Court
City, State, ZIP+4®
Parachute, CO 81635

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Postage \$0.47
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06/16/2016

Sent To
Shannon Hagenson
Street and Apt. No., or PO Box No.
2 Alpine Lane
City, State, ZIP+4®
Parachute, CO 81635

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7016 0750 0000 9045 4075

7016 0750 0000 9045 4040

7016 0750 0000 9045 4064

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<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

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Postmark
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Postage	\$0.47
Total Postage and Fees	\$6.47

06/16/2016

Sent To
Nicole Weller
Street and Apt. No., or PO Box No.
9 Aspen Court
City, State, ZIP+4®
Parachute, CO 81635
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

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Postmark
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Postage	\$0.47
Total Postage and Fees	\$6.47

06/16/2016

Sent To
Roy A and Kristen L Penner
Street and Apt. No., or PO Box No.
PO Box 202
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
Here

Postage	\$0.47
Total Postage and Fees	\$6.47

06/16/2016

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
Here

Postage	\$0.47
Total Postage and Fees	\$6.47

06/16/2016

Sent To
Michael P. and Darlene L. Markle
Street and Apt. No., or PO Box No.
5 Alpine Lane
City, State, ZIP+4®
Parachute, CO 81635
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<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

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03
Postmark
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Postage	\$0.47
Total Postage and Fees	\$6.47

06/16/2016

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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OFFICIAL USE

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

0583
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Postmark
Here

Postage	\$0.47
Total Postage and Fees	\$6.47

06/16/2016

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

7016 0750 0000 9045 4095

7016 0750 0000 9045 4118

7016 0750 0000 9045 4388

7016 0750 0000 9045 4101

7016 0750 0000 9045 4125

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*

2016-07-21

Page 68 of 147

**TOWN OF PARACHUTE, COLORADO
RESOLUTION NO. 2016-16**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO, APPROVING A SPECIAL REVIEW USE PERMIT FOR RACHEL BALERIO TO OPERATE A HOME DAY CARE CENTER

WHEREAS, Brian and Rachel Balerio (the “Applicant”) wish to operate a home day care center on property located at 3 Aspen Court, Parachute, CO 81635, identified as Garfield County Parcel No. 2409-123-06-003 (the “Property”);

WHEREAS, the Property is zoned Medium Density Residential (MDR);

WHEREAS, MDR zoning allows for a home day care center as a special review use and, therefore, Applicant has applied for a special review use permit for such use on the Property, known as the Balerio Day Care Center (the “Application”);

WHEREAS, Section 15.05 of the Parachute Municipal Code (the “Code”) allows for special review use to be approved as follows:

Uses designated as special review uses are contingent uses which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relationship to surrounding land uses and its impact on traffic capacities, potential environmental effects, compatibility with the neighborhood, and conformance with the Parachute Plan. 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.

WHEREAS, the Planning Commission of the Town of Parachute reviewed the Application and has recommended approval, subject to the conditions set forth in Exhibit A which is incorporated herein (the “Conditions”); and

WHEREAS, the Board of Trustees has reviewed the Applicant’s Application for a Special Review Use Permit to allow for a home day care center to be located on the Property and finds that it conforms with the terms and conditions of Chapter 15.05 of the Code subject to the subject to Conditions, which are incorporated herein, and, therefore, wishes to approve such permit.

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

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

Section 2. The Board hereby approves Applicant’s Application for a special review

use permit for a home day care center on the Property subject to the Conditions set forth in Exhibit A and authorizes the Town Manager to negotiate and approve a cash payment in lieu of land dedication pursuant to Section 15.01.111 of the Code.

Section 3. This Resolution may be recorded in the public records of Garfield County, Colorado.

INTRODUCED, PASSED, ADOPTED, AND APPROVED by a vote of ___ to ___ of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 21st day of July, 2016 and approved by the Mayor on the 21st day of July, 2016.

**BOARD OF TRUSTEES OF THE
TOWN OF PARACHUTE, COLORADO**

By _____
Roy B. McClung, Mayor

ATTEST:

Town Clerk

EXHIBIT A - 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.



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

LAND USE APPLICATION

Name of Applicant(s): Town of Parachute, 222 Grand Valley Way, Parachute, CO, 81635,
(INCLUDE ADDRESS AND TELEPHONE NO.)

Project Name: Text Amendment to allow all Zoning Temporary uses/Special Events Permits

Project Location: NA

Legal Description: NA

Existing Zoning: ALL Proposed Zoning: Temporary Use/Special Event

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"/> | 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 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 | |
| <input checked="" type="checkbox"/> Other: <u>Text Amendment</u> | | |

PROPERTY OWNER: _____
(INCLUDE NAME, ADDRESS, AND TELEPHONE NO.)

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

(INCLUDE NAME, ADDRESS, AND TELEPHONE NO.)

ADJACENT PROPERTY OWNERS: (attach separate sheet if needed)

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

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
NA	

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

Change use table to allow Temporary Uses "Circuses, Carnivals, other special events in all zones. See use page attached.

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

This event will promote economic development as it brings visitors into the Town for the event who will be contributing to the tax revenues of the Town.

Describe any possible Flood Plain issues:

NA

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

NA

Describe Land Dedication Proposal:

NA

Describe Water Rights Dedication Proposal:

NA

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) Derek Wingfield/Town of Parachute

Address: 222 Grand Valley Way, Parachute, CO, 81635

Signature:  _____ Date: May 17, 2016

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: _____

APPLICATION RECEIVED DATE: MAY 17 2016 08:26

COMPLETE DATE: _____

PLANNING & ZONING HEARING DATE: _____

BOT HEARING DATE: _____

MAILINGS DATE: _____

PUBLICATION DATE: _____

P&Z APPROVAL DATE: _____

BOT APPROVAL DATE: _____

EXHIBIT "A"

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
AGRICULTURAL USE											
Agricultural uses including crops, grazing, ranching	P										
Agricultural-related business	S							S	S		
Equestrian stable with or without training facility	S										
Greenhouse and /or nursery without retail sales	P							P	S	S	
Greenhouse and/or nursery with retail sales	S							P	S	S	
Landscape business including equipment sales/rental, landscape & hardscape materials	S							S	P	P	
Poultry hatcheries, fish hatcheries, commercial ranching and dairy farms or animals raised or kept for profit or production	P								S	S	
Riding academies and stables	P							S	S	S	S
Rodeo grounds	S										S
Soil amendments packaging and processing such as peat moss, top soil and composted manure; but excluding raw manure or chemical fertilizers	S								P	P	
ANIMAL SERVICES											
Animal boarding and training	P								S	S	S
Animal hospital, large; without outside kennels	S							S	P	S	
Animal hospital, small; without outside kennels	P							P	P	P	
Outside Kennels in association with animal hospital or veterinary use	S							S	S	S	
Veterinary offices or clinics; without outside kennels	P							P	P	P	
COMMERCIAL / RETAIL USES											
Bakeries – Retail					P	P	P	P	P		
Bakeries - Commercial					S		S	S	P	P	
Business services, courier services, catering and others	P	S	S	S	P	P	P	P	P	P	
Car washes							S	P	P	S	
Commercial parking lots or garages						S	S	S	P	P	
Convenience retail stores					P	P	P	P	P	S	
Convenience retail stores with more than four fueling stations							S	S	P	S	

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
Convenience retail stores with or without motor vehicle fuel sales (maximum four fuel pumps)							P	P	P	S	
Convenience retail stores without motor vehicle fuel sales					P	S	P	P	P		
Drive-in banks							P	P	P		
Farmers' and flea markets	P				S	S	S	S	P		
Financial institutions					P	S	P	P			
Grocery stores							P	P	P		
Hotels and motels							P	P			
Laundromats and dry cleaning facilities					P	P	P	P	P		
Laundry - commercial									P	P	
Manufactured and modular home sales								S	P	P	
Medical Marijuana Optional Premises Cultivation Operation								S	S	S	
Medical Marijuana Infused Products Manufacturer					P	P	P	P	P	P	
Medical Marijuana Testing Facility					P	P	P	P	P	P	
Mixed-use commercial uses and multiple commercial uses in the same building					P	S	P	P	P	P	S
Other food retail (delicatessen, retail bakery, specialty food market)					P	P	P	P	P	S	
Outdoor retail display and sales					P	S	P	P	P	P	
Outfitter/guide business	S				S		S	S	P	S	
Pawnshops					P		P	P	P		
Personal service establishments					P	P	P	P	P	S	
Pet shop - Retail					P	P	P	P	S		
Printing and bookbinding - commercial					S	S	P	P	P	S	
Rental services					S		S	S	P	P	
Repair, furniture and major household appliance					S	S	P	P	P	P	
Repair, Small equipment, Appliances					P	S	P	P	P	P	
Restaurant, other					P	S	P	P	P	S	
Restaurants - fast food type with drive through pick-up facilities							P	P	P	S	
Retail establishments					P	S	P	P	S	S	
Retail marijuana cultivation facility								S	S	S	
Retail marijuana product manufacturing facility					P	P	P	P	P	P	
Retail marijuana store					P	P	P	P	P	P	
Retail marijuana testing facility					P	P	P	P	P	P	
Sexually oriented business									S	S	

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
Wholesale retail sales in conjunction with wholesaling								S	P	P	
Wholesaling Business								S	P	P	
CLUBS AND LODGES											
Clubs and lodges, fraternal organizations					P	S	P	P	S		
COMMUNITY SERVICES											
Assembly hall or exhibition facilities					S	S	P	P	S		P
Cultural facilities	S				P	S	P	P			P
Events center	S				S		P	P	P		P
INDUSTRIAL USES											
Auction house or yard							S	S	P	P	
Building materials and services							S	S	P	P	
Commercial trash business without trash storage or trash transfer operations									P	P	
Concrete products production									P	P	
Contractor yards - heavy equipment									P	P	
Contractors shops (carpentry, machine, electrical, plumbing)							S	S	P	P	
Custom crafts	S	S	S	S	P	P	P	P	P	S	
Dry cleaning - large scale non-retail								S	P	P	
Food and beverage processing								S	P	P	
Frozen food lockers								P	P	P	
General machine shops							S	P	P	P	
Light trade and technical uses					S	S	P	P	P	P	
Manufacturing, fabrication and assembly operations or industrial uses subject to limitations of subsection 15.03.209								S	P	P	
Meat processing plant									P	P	
Mixed industrial uses and multiple uses in the same building or on the same lot									S	S	
Natural Gas or Oil Extraction Support Facilities	S					S	S	S	P	P	S
Natural gas production and warehousing						S	S	S	P	P	S
Oil/petroleum product production, warehousing and storage						S	S	S	P	P	S
Open sales yards								S	P	P	
Paint and body shops								S	P	P	
Primary manufacturing, assembly, finishing or fabrication								S	P	P	
Publishing facility					S	S	P	P	P	P	
Recycling facilities, large									S	P	

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
Refining or initial processing of basic raw materials									S	P	
Refuse collection facilities									S	P	
Retail firewood storage and sales								S	P	P	
Salvage operations									S	S	
Sand and gravel, stone, and mineral extraction and processing									S	S	
Sand and gravel, stone, mineral - extraction and processing - excluding asphalt production	S								S	S	
Secondary manufacturing, assembly, finishing or fabrication								S	P	P	
Warehousing and distribution									P	P	
Waste-related uses, trash transfer station									P	P	
Wholesale establishments								S	P	P	
LABORATORY, RESEARCH AND DEVELOPMENT											
General research and development					S	S	S	P	P	P	
Laboratory: medical, dental, optical, scientific					P	S	P	P	P	S	
MEDICAL FACILITIES											
Medical, dental or other health-related offices					P	S	P	P	S		
Hospital					S		P	P	P		P
MOTOR VEHICLE-RELATED SALES AND SERVICE OPERATIONS											
Automobile rentals							P	P	P	P	
Automobile washing facility						S	P	P	P	P	
Equipment sales and service with associated storage							S	S	P	P	
Limited equipment rental						S	P	P	P	P	
Major vehicle/equipment repair							S	S	P	P	
Motor vehicle dealer/sales, new and/or used							P	P	P	P	
Recreational vehicle sales and service							S	P	P	P	
Service stations						S	P	P	P	P	
Truck stops							S	S	P	P	
Truck washes							S	S	P	P	
Vehicle repair							S	S	P	P	
Vehicle fueling facilities with minor repair							S	S	P	P	
Vehicle or automobile wrecking or salvage yard									S	P	
Vehicle storage									P	P	

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
Vehicle towing services and associated storage									P	P	
Vehicle/equipment sales and rentals					S		S	S	P	P	
OTHER USES											
Ambulance service					S	S	P	P	P	P	S
Cemetery	S	S	S	S							S
Day care center, adult or child	S	S	S	S	S	S	S	P			
Funeral homes and mortuaries					P		P	P	P		
Government facilities with or without associated operations	S	S	S	S	P	P	P	P	P	P	P
Heliports/helistops	S							S	S	S	S
Home occupations	P	P	S	S		P					
Overnight campground and travel trailer parking	S						S	S	S		S
Public assembly - indoor	S				P	S	P	P	P		P
State licensed day care facilities	P	P	S	S	S	P	P	P			
Uses Not Itemized / Similar Usage	S	S	S	S	S	S	S	S	S	S	S
Zoos, arboretum, botanical gardens	S	S				S	P	P	P		S
OFFICE, CLERICAL AND SERVICES NOT RELATED TO GOODS OR MERCHANDISE											
Administrative and executive; business and professional; and general offices					P	P	P	P	P	P	
Financial services no drive-in facilities					P	P	P	P	P		
Financial services with drive-in facilities						S	P	P	P		
Instructional services, studies	S				P	P	P	P	P	P	
Offices - business or professional					P	P	P	P	P	P	
RESIDENTIAL											
Accessory Dwelling Unit (ADU)	S	S									P
Assisted living facility					S	S	S	P			
Bed and Breakfast accommodations	S	S	S	S	P	P	P	P			
Dwelling unit accessory to a permitted business use	S				S	P	P	P	P	S	
Dwelling unit accessory to permitted uses and located in the same building or on the same lot as the principal use	S				S	S	S	S	S	S	
Employee housing provided employees are in the employ of property owner	S				S	P	P	P	P	P	S
Group homes for the developmentally disabled or for persons sixty years of age or older		S	S	S		S	S	S			
Mobile home parks			S	S							
Mobile homes			S	S							

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
Multiple-family dwelling and townhouses		S	P	P	S	S	S	S			
Nursing home			S	S	S	S					
One-family dwelling (Single-family dwelling)	P	P	P	P	S	S		S	S	S	
Rooming, lodging or boarding houses			S	P	S	S	S	S			
Two-family dwelling		S	P	P	S	S		S			
RESTAURANT FOOD SERVICE											
Bar, tavern, nightclub					P	P	P	P	S		
Eating and/or drinking establishments excluding fast food restaurants					P	S	P	P	P		
Fast food w/o drive thru					P	P	P	P	P		
Fast food with drive-thru					S	S	P	P	P		
RECREATION OR AMUSEMENT FACILITIES, PRIVATE OR PUBLIC											
Events / Indoor Recreation Center	S				S	S	S	S	S		
Golf course	S										S
Indoor recreation facilities	S				S		P	P	P	P	P
Outdoor Recreation, not including ballparks	S				S		S	S	S	S	P
Outdoor Recreation (ballparks, etc.)	S										P
Parks	P	P	P	P	P	P	P	P			P
Public Recreation facilities with supporting accessory uses such as sports shops, snack shops, restaurants and equipment rental	S	S	S	S	S	S	P	P			S
RELIGIOUS INSTITUTIONS											
Religious assembly and worship	P	P	P	P	P	P	P	P	P	P	P
SCHOOLS											
Educational facilities	S	S	S	S	S	S	S	S	S		P
Elementary and secondary education school	S	S	S	S	S	S	S	S			P
Postsecondary colleges, universities and technical schools	S	S	S	S	S	S	S	S	S	S	P
Private business, trade and vocational school	S	S	S	S	S	S	S	S	S	S	S
Schools - private	S	S	S	S	S	S	S	S	S	S	
Schools of special instruction	S	S	S	S	S	S	S	S	S	S	
STORAGE											
Indoor storage	P					S	P	P	P	P	P
Outside storage - Unscreened	S					S	S	S	P	P	S
Outside storage - Screened	P					S	P	P	P	P	S
Personal storage units (Mini-storage)						S		S	P	P	
TEMPORARY USES											

Land Use	RA	LDR	MDR	HDR	OTC	NC	HT	SC	LI	GI	P
Circuses, carnivals, concerts, festivals, other special events, and associated uses	TM				TM	TM	TM	TM	TM		TM
Contractor's office/temporary construction uses	TM										
Temporary Construction Facilities with or without outdoor storage	TM										
Temporary real estate sales office	TM										
Other temporary uses	TM										
TELECOMMUNICATIONS FACILITIES AND SATELLITE DISH ANTENNAS											
Cellular communications facilities	S							S	S	S	S
Freestanding tower	S							S	S	S	S
Radio and television transmission towers	S								S	S	S
Telecommunication facilities other	S	S							S	S	S
TRANSPORTATION FACILITIES											
Passenger terminal					S		S	S	P	S	S
Private automobile parking lots or parking garages as a principal use					S		S	S	P	P	
Public automobile park 'n' ride lots	S						S	S	P	S	S
UTILITIES											
Above Ground electric transmission lines 110 kV or more	S	S	S	S	S	S	S	S	S	S	S
Electric substations	S								S	S	S
Public utilities, major	S								P	P	P
Public utilities, minor	P	P	P	P	P	P	P	P	P	P	P
Public utility facilities - above ground	S	S	S	S	S	S	S	S	S	S	S
Public utility facilities - underground	P	P	P	P	P	P	P	P	P	P	P

P: Permitted Use

S: Use by Special Review

TM: **Town Manager Review**

“ “: Uses not designated as “P” or “S” are not allowed in the respective zoning category.

EXHIBIT "B"

Town Manager Review:

- A. Applications for Town Manager review shall be submitted in accordance with any current application form.**
- B. The Town Manager's review and approval shall be based upon, but not limited to, the following criteria:**
 - a. Compatibility with surrounding area and uses.**
 - b. Public health and safety;**
 - c. Vehicle and pedestrian ingress/egress and circulation;**
 - d. Refuse collection and disposal;**
 - e. Provision for utilities (if needed);**
 - f. Toilet facilities;**
 - g. Assurances that the site is capable of being restored to a satisfactory condition; and**
 - h. Obtaining a special event permit (if needed).**
- C. Town Manager may approve, approve with conditions, or deny any application. Town Manager may also impose conditions on any approval to mitigate any anticipated adverse impacts.**
- D. The follow provisions shall apply to temporary uses:**
 - a. Applications must be submitted at least 14 days in advance of the commencement of the proposed temporary use.**
 - b. Temporary uses shall only be permitted for the time period specified in the approval.**
 - c. Two (2) renewals of a temporary use may be granted.**
 - d. Failure to terminate such temporary use by the specified time shall constitute a violation of this Chapter.**

12128841

Ad Ticket #5

Acct: 1003196
Phone: (970)285-7630
E-Mail: LCORDOVA@PARACHUT
Client:
Caller: Lucy Cordova
Receipt

Name: Town of Parachute
Address: PO BOX 100

City: Parachute
State: CO
Zip: 81635

Ad Name: 12128841A

Original Id: 0

Editions: 8PI/8PIN/

Class: 0990

Start: 05/25/16

Stop: 05/25/16

Color:

Issue 1

Copyline: pi PN Schedule of Uses Table

Rep: PI Legals

PUBLIC NOTICE

TAKE NOTICE that the Town of Parachute, State of Colorado, is proposing to make revisions to its Municipal Code: Title 15 (Town of Parachute Land Use Regulations) to add Temporary Uses and Special Events to the Schedule of Uses Table and adopt code language for those uses.

All persons affected by the proposed Town of Parachute Municipal Code change 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 changes 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 with questions or concerns.

A public meeting and a public hearing on the proposed changes have been scheduled for:

Planning and Zoning Commission
 June 9, 2016 at 6:30 PM

Board of Trustees
 June 16, 2016 at 6:30 PM

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

Published in the Glenwood Springs Post Independent May 25, 2016. (12128841)

Ad shown is not actual print size

Lines:	41
Depth:	3.43
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	20.75
Payment	0.00

**TOWN OF PARACHUTE
ORDINANCE NO. 704-2016**

AN EMERGENCY ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING SECTION 15.03.215 OF THE PARACHUTE MUNICIPAL CODE CONCERNING THE SCHEDULE OF USES PERMITTED IN ZONE DISTRICTS RELATED TO TEMPORARY USES AND CHAPTERS 15.05 AND 15.06 OF THE PARACHUTE MUNICIPAL CODE CONCERNING REVIEW PROCESS FOR TEMPORARY USES.

WHEREAS, Title 15 of the Parachute Municipal Code (the “Code”) contains the Town of Parachute’s land use regulations;

WHEREAS, Section 15.03.215 of the Code contains the Schedule of Uses in Zone Districts (“Schedule of Uses”);

WHEREAS, the Board of Trustees of the Town of Parachute (the “Board”) wishes to amend the Schedule of Uses to set forth new temporary uses and review requirements for temporary uses in the Town’s zone districts;

WHEREAS, the Board finds that allowing for delegated administrative review of temporary uses pursuant to Section 15.05.212 of the Code, and additional criteria adopted by this ordinance, will serve to more timely accommodate such temporary uses, while still ensuring the life, health, and safety of the Town and its residents;

WHEREAS, the Board initiated an application for text amendment to Title 15 pursuant to Section 15.01.110 and 15.05.202 of the Code (the “Text Amendment”);

WHEREAS, the Town Manager determined the Text Amendment was complete pursuant to Section 15.05.203 of the Code;

WHEREAS, the Town of Parachute Planning and Zoning Commission reviewed the Text Amendment at a public meeting held on June 9, 2016 pursuant to Sections 15.05.205 and 15.05.206 of the Code;

WHEREAS, a public hearing before the Board of Trustees scheduled and noticed for June 16, 2016 was unable to be heard due to lack of a quorum;

WHEREAS, the Board considered the Text Amendment at a public hearing on July 21, 2016 pursuant to Section 15.05.208 of the Code and said hearing was properly noticed in accordance with Section 15.01.106 of the Code;

WHEREAS, Section 1-12 of the Town Charter authorizes the Board of Trustees to enact an emergency ordinance that is immediately necessary for the preservation of public peace, health, or safety by the affirmative vote of every member of the Board of Trustees present or by affirmative

votes equal to a quorum plus one (1), whichever is less;

WHEREAS, pursuant to Section 15.01.110 and Chapter 15.05 of the Code, the Board finds and determines the proposed amendments to the Schedule of Uses and the designated administrative review procedure for temporary uses to be desirable and in the best interests of the Town and wishes to amend the Schedule of Uses adopt the review procedure in accordance with the Text Amendment; and

WHEREAS, the Board further finds that it is necessary to declare an emergency for the preservation of public peace, health, and safety to amend the Schedule of Uses and adopt the designated administrative review procedure for temporary uses to ensure timely review of temporary uses and special events.

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

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

Section 2. Section 15.05.103 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.

D. *Delegated Administrative ~~Review Approval of Boundary Line Adjustments.~~* Boundary line adjustments, **minor subdivisions, and other applications over which the Town Manager has discretion to review** are approved by the Town Manager who will utilize the Town staff, consultants and review agencies as necessary to review and approve or deny boundary line adjustments. On a case-by-case basis, the Town Manager may refer the ~~boundary line adjustment~~ **application** to the Planning Commission and **or, as applicable,** the Board of Trustees for a decision.

Section 3. Section 15.05.212 of the Parachute Municipal Code is hereby amended as follows, with additions shown in **bold, underlined text** and ~~strike through language deleted~~:

15.05.212 Delegated administrative ~~review decision.~~

A. *Review Procedures.* The Town Manager, **or his/her designee,** will review complete applications for boundary line adjustments, minor subdivisions, and other applications over which the Town Manager has discretion to review and render a decision to approve, approve with conditions, or deny the application within thirty (30) calendar days of receipt of a complete

application and satisfaction of notice requirements under PMC 15.01.106 and 15.05.213. Alternatively, the Town Manager may, on a case-by-case basis, refer the application to the Planning Commission and/or, as applicable, the Board of Trustees for review and decision under the provisions of PMC 15.05.201.

B. *Review Criteria.* The Town Manager, **or his/her designee**, shall consider all the evidence presented by the applicant and other interested parties, comments of review agencies, recommendations of the Town Engineer, staff and consultants and comments from the public. At a minimum, the Town Manager, **or his/her designee**, 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 plan with the Parachute Plan;
6. Conformance of any minor subdivision and/or boundary line adjustment with the requirements of the Town of Parachute public works improvements manual; and
7. **Additional criteria that may apply to a specific application.** ~~Verification that the minor subdivision and/or boundary line adjustment will not result in a nonconforming lot or any other deviation from Town zoning and land use requirements.~~
8. ~~Verification that the minor subdivision will conform to the requirements of Chapter 15.04 PMC.~~

C. *Additional Review Criteria for Minor Subdivision and Boundary Line Adjustment Applications.* **In addition to the review criteria of Section 15.05.212.B PMC, the Town Manager, or his designee, shall consider the following criteria for review of minor subdivision and boundary line adjustment applications:**

1. **Verification that the minor subdivision and/or boundary line adjustment will not result in a nonconforming lot or any other deviation from Town zoning and land use requirements.**

2. Verification that the minor subdivision will conform to the requirements of Chapter 15.04 PMC.

D. Additional Review Criteria for Temporary Use Applications. In addition to the review criteria of Section 15.05.212.B PMC, the Town Manager, or his designee, shall consider the following criteria for review of temporary use applications minor subdivision and boundary line adjustment applications

- 1. Ability to protect public health and safety;**
- 2. Proper vehicle and pedestrian ingress/egress and circulation;**
- 3. Sufficient refuse collection and disposal;**
- 4. Provision for utilities and toilet facilities;**
- 5. Assurances that the site is capable of being restored to a satisfactory condition; and**
- 6. Obtaining any other necessary permits.**

Section 4. Chapter 15.06 of the Parachute Municipal Code is hereby amended by the addition of a new Section 15.06.215 as follows:

15.06.215. Temporary Uses.

A. Applications for temporary uses shall be submitted in accordance with any current application form and include the submittal requirements contained at Section 15.06.102, except as may be waived by the Town Manager, or his/her designee, on a case-by-case basis.

B. Town Manager, or his/her designee, may approve, approve with conditions, or deny any application. Town Manager may also impose conditions on any approval to mitigate any anticipated adverse impacts

C. Temporary uses shall only be permitted for the time period specified in the approval. Failure to terminate an approved temporary use by the specified time shall constitute a violation of this Chapter.

D. Two (2) renewals of an approved temporary use may be granted.

Section 5. The Schedule of Uses contained in Section 15.03.215 of the Code shall be amended to read as set forth in Exhibit A enclosed herewith and incorporated herein by this reference.

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 a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 16th day of June, 2016 and approved by the Mayor on the ___ day of June, 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 EMERGENCY ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING SECTION 15.03.215 OF THE PARACHUTE MUNICIPAL CODE CONCERNING THE SCHEDULE OF USES PERMITTED IN ZONE DISTRICTS RELATED TO TEMPORARY USES AND CHAPTERS 15.05 AND 15.06 OF THE PARACHUTE MUNICIPAL CODE CONCERNING REVIEW PROCESS FOR TEMPORARY USES.

was introduced before the Board of Trustees on July 21, 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 July 21, 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 July, 2016.

TOWN OF PARACHUTE

Town Clerk

**TOWN OF PARACHUTE
ORDINANCE NO. 705-2016**

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. 705 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</u> (450400) fifty square feet of floor area.

Indoor restaurants, eating and drinking establishments	One (1) space for every one hundred fifty <u>150</u> 250 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-~~114704~~**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



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 24, 2016
TO: Town of Parachute Board of Trustees
FROM: Stuart S. McArthur, Town Manager
SUBJECT: OFF HIGHWAY VEHICLES (OHV'S) ON TOWN STREETS

Background

A bill was passed during this legislative session (SB 16-008) that addresses the ability to allow Off Highway Vehicles (OHV) to use Town streets and cross state highways. SB-16-008 fixes the gap in local government management of recreational OHVs by allowing municipal regulation of OHV crossing state highways. The bill was amended to ensure collaboration between municipalities and the Colorado Department of Transportation (CDOT) by requiring municipalities to request the approval of the CDOT regional office. That way, a municipality can work with CDOT to address traffic safety issues.

Garfield County is also considering changes to allow OHV's to drive on some County Roads.

Staff Analysis

Allowing OHV's to drive on Town streets is essential to our future plans for economic growth through the recreation industry.

Attorney Review

The Town Attorney has evaluated the potential of OHV's to drive on Town streets and has prepared an ordinance for the Board's consideration to allow such use.

Recommendations

Staff recommends that the Board consider and approve Ordinance 699-2016. This ordinance, if adopted, would permit off-highway vehicles to operate on all local streets and county roads within the borders of the Town. The Town would work with the State of Colorado Department of Transportation (CDOT) to designate official crossings of State Highways and would cooperate with the County to use only those county roads allowed.

If you have any additional questions or concerns, please contact me at 970-285-7630, x106.

**TOWN OF PARACHUTE
ORDINANCE NO. 699-2016**

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, ADDING A NEW CHAPTER 12.03 TO THE PARACHUTE MUNICIPAL CODE AUTHORIZING AND REGULATING THE USE OF OFF-HIGHWAY VEHICLES WITHIN THE TOWN.

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

WHEREAS, pursuant to Title 33, Article 14.5, C.R.S., the Town is authorized to permit “the operation of off-highway vehicles on city streets or county roads” by ordinance or resolution, and to enact regulations for the operation of the same, if consistent with the applicable Colorado statutes and regulations;

WHEREAS, Section 33-14.5-110, C.R.S., was adopted by Senate Bill 2016-008, signed into law on March 16, 2016, and authorizes the Town to require off-highway vehicle operators to be licensed and to carry liability insurance for use on local streets and county roads within the Town’s borders;

WHEREAS, Section 33-14.5-110, C.R.S., further provides that the Town may exercise local control for the safe crossing of state highways upon written request to the regional office of the Colorado Department of Transportation;

WHEREAS, C.R.S. § 30-15-401(1)(h) authorizes the Town to control and regulate the movement and parking of vehicles and motor vehicles on public property; and

WHEREAS, the Town of Parachute Board of Trustees finds and believes that it is in the interest of the public welfare and safety to authorize the use of off-highway vehicles on all local streets and county roads within the Town.

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

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

Section 2. Pursuant to C.R.S. § 30-14.5-110, the Town of Parachute hereby exercises local control and regulation concerning the operation of off-highway vehicles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries

Section 3. The Town of Parachute hereby designates and permits off-highway vehicles to operate on all local streets and county roads within the borders of the Town, and amends the Parachute Municipal Code by the addition of a new Chapter 12.02 as follows:

Chapter 12.03 OFF-HIGHWAY VEHICLES

12.03.110 Definitions.

Whenever the following words or phrases are used in this Section, they shall have the following meaning:

“Off-highway vehicle” means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. “Off-highway vehicle” does not include:

- i. Vehicles designed and used primarily for travel on, over, or in the water;
- ii. Snowmobiles;
- iii. Privately owned military vehicles;
- iv. Golf carts;
- v. Vehicles designed and used to carry disabled persons;
- vi. Vehicles designed and used specifically for agricultural, logging, or mining purposes; or
- vii. Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

12.03.111 Purpose; applicability.

Off-highway vehicles shall be allowed on local streets located within the Town of Parachute to access recreational trails located outside the Town of Parachute, subject to the restrictions provided herein. The provisions of the Model Traffic Code, as amended in the Parachute Municipal Code, concerning reckless driving, careless driving, eluding a police officer, accidents and accident reports, and impaired driving shall apply throughout the Town.

12.03.112 Designated Routes.

Off-highway vehicles may be operated on local streets in order to access recreational trails located outside the Town of Parachute limits via County Roads 215 and 300, consistent with the following:

- A. For all areas north of Interstate 70, off-highway vehicles must use the most direct route to Parachute Avenue or Parachute Park Boulevard, whichever is closest to the operator’s point of origin, to access County Road 215.

B. For all areas south of Interstate 70, off-highway vehicles must use the most direct route to County Road 300.

C. No operator of an off-highway vehicle may cross or traverse the combined Interstate 70 and US Highway 6, the frontage roads thereof, or use the Interstate 70/County Road 215 interchange.

12.03.113 Restrictions.

A. Any person operating an off-highway vehicle in the incorporated areas of the Town of Parachute shall comply with all rules and regulations applicable to such vehicles adopted by the State of Colorado and or the Federal Government, including, but not limited to, Article 14.5 of Title 33, C.R.S., and the following:

1. Any person operating an off-highway vehicle on any local street or county road within the Town of Parachute must be at least 16 years of age and have in their possession a valid current driver's license issued by the State of Colorado, or by any other state.

2. All off-highway vehicles operating within the Town shall be registered with Colorado Parks and Wildlife through the Colorado Department of Motor Vehicles as provided in C.R.S. § 42-6-103. Such registration shall at all times be visible on or in the possession of the operator of the off-highway vehicle.

3. When operated on any local street or county road within the Town, off-highway vehicles shall be considered to be "motor vehicles" as defined in the Colorado Motor Vehicle Financial Responsibility Law, Title 42, Article 7, C.R.S., and shall be required to maintain, and produce upon request by any law enforcement officer, liability insurance equal to at least the minimum amount required by law.

4. Off-highway vehicles operated within the Town shall be equipped with:

- a. A muffler in constant operation and properly maintained;
- b. A spark arrestor in good working order which has been approved by the U.S. Forest Service as evidenced by a bona fide permanent marking of "qualified" or "approved" on the spark arrestor;
- c. A braking system that may be operated by hand or foot, capable of producing deceleration of 14 feet per second on level ground at a speed of 20 miles per hour; and
- d. At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Division of Parks and Wildlife while being operated between the hours of sunset and sunrise.
- e. At least one rear-view mirror.

f. At least one functioning brake-light.

5. Operators of off-highway vehicles within the Town shall use proper hand signals to warn other drivers of their intentions such as to turn or stop.

B. It shall be unlawful to operate an off-highway vehicle within the Town in any of the following manners:

1. In excess of 25 miles per hour or the posted speed limit, whichever is less;
2. On any portion of any street except the far right portion of the street;
3. To drive together in any pattern except single file;
4. Without appropriate head and eye protection;
5. Upon any state-highway under the jurisdiction of the Colorado Department of Transportation;
6. Notwithstanding any other portion of this Section, off-highway vehicles may be driven in the left portion of the street when preparing for a left turn;
7. To tow objects or people behind such vehicle;
8. To carry more people than such vehicle is designed to carry;
9. To operate such vehicle on sidewalks within the Town;
10. And in a manner inconsistent with Section 12.03.112.

12.03.114 Safety Requirements.

A. Notwithstanding any other provision of this Chapter, the requirements of Section 42-4-1501 through 42-4-1504 shall apply to the use of off-highway vehicles within the Town of Parachute.

B. Any operator or passenger of an off-highway vehicle must at all times be equipped with the following:

1. A functioning protective helmet of a type and design manufactured for use by operators of off-highway vehicles or motorcycles which conforms to the specifications of C.R.S. § 42-4-1502.
2. Protective eye-wear.

12.03.115 Special Events.

For the purposes of a prearranged organized special event and upon a showing that safety will be reasonably maintained, the Town Manager may grant a special permit exempting the operation of an off-highway vehicle from any requirement of this Chapter 12.03.

12.03.116 Enforcement.

A. *Penalties.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who violates any of the provisions of this Chapter commits a Class B municipal offense. Any person who violates any other provision of this Chapter, not resulting in appreciable damage to the property of another or any injury or death to any person, commits a non-criminal municipal offense. Any violation of this Chapter which does result in appreciable damage to the property of another or an injury or death to any person shall be deemed a Class B municipal offense. The municipal judge is hereby authorized to promulgate a penalty assessment schedule for violations of this Chapter in accordance with Rule 210(b)(5) of the Colorado Municipal Court Rules of Procedure.

B. *Impoundment of Off-highway Vehicles.* The Town of Parachute Police Department is hereby authorized to impound any off-highway vehicle which the Department has probable cause to believe is being operated within the Town in violation of the provisions of this Chapter. Unless otherwise determined by the Parachute Municipal Court or the Chief of Police, any vehicle so impounded shall remain impounded until such time as the operator of such impounded off-highway vehicle is found guilty of a violation under this Chapter, pleads guilty to a violation under this Chapter, or is found not guilty by the Parachute Municipal Court of violating a provision in this Chapter. In the event an off-highway vehicle is impounded pursuant to this Section, the owner of such vehicle shall pay an impoundment fee of one hundred dollars (\$100.00) and after five (5) days following impoundment of the vehicle, the owner shall also pay a storage fee of twenty-five dollars (\$25.00) per day for each day that said vehicle remains in the custody and control of the Parachute Police Department.

Section 4. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part of portion found to violate the law. All other provisions shall be deemed severable and shall continue 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 a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 16th day of June, 2016 and approved by the Mayor on the ____ day of June, 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, ADDING A NEW CHAPTER, 12.03 TO THE PARACHUTE MUNICIPAL CODE AUTHORIZING AND REGULATING THE USE OF OFF-HIGHWAY VEHICLES WITHIN THE TOWN.

was introduced before the Board of Trustees on June 16, 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 June 16, 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 June, 2016.

TOWN OF PARACHUTE

Town Clerk

**TOWN OF PARACHUTE, COLORADO
RESOLUTION NO. 2016-15**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO SETTING AN ELECTION DATE ON THE INITIATED ORDINANCE TO PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES AND TO SET A BALLOT TITLE.

WHEREAS, the provisions of Article VI of the Town Charter and Article V, Section 1(1) of the Colorado Constitution provide the electors of the Town of Parachute the power to initiate ordinances to the Board of Trustees for the Town;

WHEREAS, in 2015, a Petitioners Committee was formed and the Committee submitted to the Town Clerk a Citizens' Initiated Petition with the following title:

AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES; AND REPEALING IN ITS ENTIRETY ORDINANCE NO. 683 AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, REPEALING SECTION 11.08.150 OF THE PARACHUTE MUNICIPAL CODE PROHIBITING CRIMINALIZING THE OPERATION OF RETAIL MARIJUANA FACILITIES AND ADDING A NEW CHAPTER 6.11 TO TITLE 6 OF THE PARACHUTE MUNICIPAL CODE TO GOVERN LICENSING, AND OPERATION OF RETAIL MARIJUANA CULTIVATION FACILITIES, TESTING FACILITIES, PRODUCT MANUFACTURING FACILITIES, AND STORES

(the "Initiated Ordinance");

WHEREAS, the Initiated Ordinance was placed on the agenda for the Board of Trustees regular meeting on September 17, 2015, at which, the Board of Trustees voted to not adopt the Initiated Ordinance and for the Initiated Ordinance be placed on the ballot of the November 2016 general election, as prescribed by paragraph (5)(F) of Section 16 of Article XVIII of the Colorado Constitution;

WHEREAS, the Board of Trustees wishes to set the election date for the Initiated Ordinance and set the ballot title for the Initiated Ordinance; and

WHEREAS, the Board of Trustees finds that the adoption of this Resolution is necessary to conduct an initiative election, as prescribed by Colorado law.

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

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

Section 2. Date of Election.

The Board of Trustees hereby sets **November 8, 2016** as the date of an election on the Initiated Ordinance

Section 3. Ballot Title.

The Board of Trustees here by sets the following ballot title for the Initiated Ordinance to be placed on the ballot for the November 8, 2016 election:

“Shall the Town of Parachute prohibit the licensing and operation of retail marijuana cultivation facilities, retail marijuana product manufacturing facilities, retail marijuana testing facilities, and retail marijuana stores?”

Yes _____

No _____

Section 4. Direction to Town Staff.

Town Staff is hereby authorized and directed to take such actions as are necessary and proper to conduct an initiative election, including but not limited to, preparing official ballots in accordance with C.R.S. § 31-11-101, *et seq*, conducting this election as part of a coordinated general election, and all other necessary and prudent actions and/or obligations of the Town to conduct an election in accordance with Colorado law.

INTRODUCED, PASSED, APPROVED, AND ADOPTED by a vote of ___ to ___ of the Board of Trustees of the Town of Parachute, Colorado at a special meeting held at the Town Hall in the Town of Parachute, Colorado 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 B. McClung, Mayor

ATTEST:

Town Clerk

**AGREEMENT BETWEEN THE TOWN OF PARACHUTE
AND MARK CHAIN CONSULTING, LLC
TO PROVIDE PROFESSIONAL SERVICES FOR PLANNING**

DATE: JULY 22, 2016

PARTIES: TOWN OF PARACHUTE, a Colorado municipal corporation, 222 Grand Valley Way, Parachute Colorado 81635 (Town).

MARK CHAIN CONSULTING, LLC, a corporation, 811 Garfield Avenue, Carbondale, CO 81623 (Consultant).

RECITALS:

Town wishes to engage Consultant to provide planning services as needed and as further set forth in the Scope of Services (which services are hereinafter referred to as the “Services”).

TERMS:

Section 1. Scope of Services. Consultant shall provide the Services as described in the attached *Exhibit A*, which is incorporated herein by reference. Town shall not be obligated to use Consultant for any specific project or for any projects at all during the term of this Agreement. Consultant shall bill Town on a monthly basis for professional services actually completed and costs incurred at the time of billing rendered at the hourly rates designated in *Exhibit A*. Consultant’s schedule of fees may be updated from time to time upon approval of the Town Board of Trustees, in which case a revised Exhibit A shall be appended to this Agreement. In its sole discretion, the Town may contract with other consultants to provide the same or similar services during the term of this Agreement.

Section 2. Term. The term of this Agreement shall commence upon the signing of this Agreement by the Town. Town shall have the right to terminate this Agreement at any time with 30 days written notice to Consultant by providing written notice to Consultant of termination. The Town’s only obligation in the event of termination shall be payment of fees and expenses incurred up to and including the effective date of termination.

Consultant shall have the right to terminate this Agreement at any time with 30 days written notice to Town by providing written notice to Town of termination.

Section 3. Assignment. This Agreement shall not be assigned by Consultant without the written consent of the Town.

Section 4. Notice. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth on the first page of this Agreement, or at such other address as has

been previously furnished in writing to the other party or parties. Such notice shall be deemed given when deposited in the United States mail.

Section 5. Exhibits. All exhibits referred to in this Agreement are, by reference, incorporated herein for all purposes.

Section 6. Delays. Any delays in or failure of performance by any party of his or its obligations under this Agreement shall be excused if such delays or failure are a result of acts of God, fires, floods, strikes, labor disputes, accidents, regulations or orders of civil or military authorities, shortages of labor or materials, or other causes, similar or dissimilar, which are beyond the control of such party.

Section 7. Additional Documents. The parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.

Section 8. Entire Agreement. This Agreement represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties. If any other provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

Section 9. Time of the Essence. Time is of the essence. If any payment or any other condition, obligation, or duty is not timely made, tendered or performed by either party, then this Agreement, at the option of the party who is not in default, may be terminated by the non-defaulting party, in which case, the non-defaulting party may recover such damages as may be proper.

Section 10. Waiver. A waiver by any party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either party.

Section 11. Governing Law. This Agreement shall be governed by the laws of the State of Colorado.

Section 12. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns; provided, however, that nothing in this paragraph shall be construed to permit the assignment of this Agreement except as otherwise expressly authorized herein.

Section 13. Indemnification. Consultant expressly agrees to indemnify and hold harmless Town or any of its officers or employees from any and all claims, damages, liability, or court awards including attorney's fees that are or may be awarded as a result of any loss, injury or damage sustained or claimed to have been sustained by anyone, including, but not limited to, any person, firm, partnership, or corporation, to the extent caused by the negligent acts, errors or omissions of Consultant or any of their employees or agents in performing work pursuant to this

Agreement. In the event that any such suit or action is brought against Town, Town will give notice within ten (10) days thereof to Consultant.

Section 14. Insurance. Consultant shall at its own expense keep in full force and effect during the term of this Agreement insurance in the following minimum amounts:

Consultant agrees to secure, at its own expense, a policy or policies of insurance sufficient to insure against the liability assumed by Consultant pursuant to the provisions of this paragraph. Consultant shall provide Town with a certification, by a properly qualified representative of the insurer, which any policy purchased pursuant to this Agreement complies with the conditions required by this Agreement.

Consultant shall not be relieved of any liability assumed pursuant to the foregoing paragraph by reason of its failure to secure insurance as required by this Agreement or by reason of its failure to secure insurance in sufficient amounts of sufficient durations, or sufficient types to cover such liability. The required policy shall meet the following conditions:

- a. The policy limits shall be as follows:
 1. The limit for an injury to one person in any single occurrence shall be not less than \$150,000 and the limit for an injury to two or more persons in any single occurrence shall be not less than \$600,000. Costs of defense shall not be included within such limits. However, if costs of defense are included, the minimum limits shall be \$250,000 for injury to one person in any single occurrence and \$800,000 for injuries to two or more persons in any single occurrence.
 2. Professional liability insurance with a limit of not less than \$1,000,000.
- b. The policy shall include Town as an additional insured on Consultant's general liability and automobile liability insurance policies. The parties hereto understand and agree that Town is relying on and does not waive or intend to waive by this Agreement, any provision hereof, including the provisions of this paragraph, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. Section 24-10-101, et seq., as from time to time amended, or otherwise available to Town.
- c. The insurer shall give Town notification of any cancellation or termination by refusal to renew the policy or any change in coverage of the policy in the manner provided by law. If no such notification is provided by law, the insurer shall give Town at least 30 days prior written notification of any cancellation or termination by refusal to renew the policy or of any material change by endorsement in coverage of the policy.
- d. Consultant shall be responsible for any deductible losses under the policy.

- e. If the policy is a claims made policy, the Consultant agrees to renew such policy for at least two years after the expiration of this Agreement.
- f. If the policy is a claims made policy, the retroactive date of any renewal of such policy shall be not later than the date this Agreement is signed by the parties hereto.
- g. If Consultant purchases a subsequent claims made policy in place of any prior policy, the retroactive date of such subsequent policy shall be no later than the date the Agreement is signed by the parties hereto.

Triplicate copies of the policies or certificates of insurance acceptable to Town shall be filed with Town within seven (7) calendar days after the Agreement is signed by the parties hereto. The policies or certificates shall be issued by Consultant and name as the insured Consultant and any of its designated employees or agents.

Section 15. Worker's Compensation. Consultant shall at its own expense keep in full force and effect during the term of this Agreement Statutory Worker's Compensation Insurance.

Section 16. Subcontractors. Consultant may utilize subcontractors identified in its Qualifications submittal to assist with non-specialized works as necessary to complete projects. Consultant will submit any proposed sub-contractor and the description of their services to the Town for approval. The Town will not work directly with the subcontractors.

Section 17. Independent Contractor. Consultant and Town hereby represent that Consultant is an independent contractor for all purposes hereunder. As such, Consultant is not covered by any worker's compensation insurance or any other insurance maintained by Town except as would apply to members of the general public. Consultant shall not create any indebtedness on behalf of the Town.

Section 18. No Third Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Town and Consultant, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than Town or Consultant receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

Section 19. Prohibition Against Hiring Illegal Aliens. Consultant shall not knowingly employ or contract with an illegal alien to perform work under this contract. Consultant shall not enter into a contract with a subcontractor that fails to certify to the Consultant that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract.

Consultant will participate in either the E-verify program or the Department program, as defined in C.R.S. § § 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the public contract for services. Consultant is prohibited from using the E-verify program

or the Department program procedures to undertake pre-employment screening of job applicants while this contract is being performed.

If Consultant obtains actual knowledge that a subcontractor performing work under this contract for services knowingly employs or contracts with an illegal alien, Consultant shall:

- a. Notify the subcontractor and the Town within three days that the Consultant has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
- b. Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this paragraph the subcontractor does not stop employing or contracting with the illegal alien; except that the Consultant shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Consultant shall comply with any reasonable request by the Department of Labor and Employment made in the course of an investigation that the Department is undertaking pursuant to the authority established in C.R.S. § 8-17.5-102(5).

If Consultant violates a provision of this Contract required pursuant to C.R.S. § 8-17.5-102, Town may terminate the contract for breach of contract. If the contract is so terminated, the Consultant shall be liable for actual and consequential damages to the Town.

TOWN OF PARACHUTE:

Roy B. McClung, Mayor

ATTEST:

Lucy Cordova, Town Clerk

CONSULTANT:

By: _____
as _____

STATE OF)
) ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____ as _____ for _____.

Witness my official hand and seal.

My commission expires: _____.

(S E A L)

Notary Public

**Consultant's Pre-Contract Certification
Regarding Employing Illegal Aliens**

The undersigned hereby certifies as follows:

That at the time of providing this certification, the undersigned does not knowingly employ or contract with an illegal alien; and that the undersigned will participate in the E-Verify program or the Department program, as defined in C.R.S. §§ 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform under the public contract for services.

Consultant:

By _____ as _____ of _____.

Signature

Date

Exhibit “A”

Scope of Work

(Letter of Engagement Follows on the Next Page.)

Mark Chain Consulting, LLC

June 24, 2016

Stuart McArthur, Town Manager
Town of Parachute
PO Box 100
222 Grand Valley Way
Parachute, CO 80635

RE: Planning Consultant Services

Dear Stuart:

Thanks for our discussion earlier this week. I am submitting a Letter of Engagement for the purposes of providing general planning services for the Town of Parachute as well as my resume. I have kept the letter as short and simple as possible, laying out in bullet point fashion the general planning services I think you may need. There may be certain projects or issues that I am not aware of and we can add these as necessary. Proposed planning services are:

- General planning services.
- Review of any land use applications.
- Provide comment/review of any Land Use Code Updates.
- Review of proposed Planning Related Ordinances.
- Enforcement of Town Ordinances (??- as requested or if needed).
- Preparing initial draft of approval documents (in order to keep legal bills in line).
- Grant writing, if requested.
- Conducting Community Meetings on planning related projects/ issues.
- Act as representative to other local governments or organizations (Community Liaison) if requested or as necessary.
- Other planning services as requested.
- Attend Planning Commission and Board Meetings as requested.

I would propose to provide any of the above services or others at your direction at the rate of \$60 per hour, my government/non-profit rate. Travel time would be charged at one- half hourly rate. Invoices would be provided on a monthly basis. Reimbursable expenses, such as copying would be charged back at cost.

I would also consider receiving a monthly fee of an agreed upon amount for providing a certain number of hours a month – and the time spent could float over the year as long as a limit is not exceeded.

Work would be performed under the guidance and supervision of the Town Manager.

If you have any questions, please don't hesitate to call me 309-3655 (cell) or my home office at 963-0385.

Sincerely,

Mark Chain

Mark Chain, Planner

Mark A. Chain

811 Garfield Avenue

Carbondale, CO 81623

970.963.0385

mchain@sopris.net

OBJECTIVE

To provide planning and land use consulting services to small Towns in Colorado where I can utilize my extensive land use experience in helping the community solve land use, development related and quality of life issues.

ABILITIES/SKILL SET/ACCOMPLISHMENTS

- Well developed analytical and organizational skills.
- Staff representative to many governmental and quasi-judicial boards such as Planning Commissions and City Councils.
- Team Player.
- Significant experience as coordinator for review teams for development related projects in Roaring Fork Valley as Planning Director.
- Public Speaking and Presentation Skills.
- New set of skills learned consistently as field of City Planning, technical support and mandates from higher levels of governments change over time.
- Well developed analysis and report writing skills on complicated issues.
- Negotiating Agreements as representative of public entity (municipal governments).
- Experience advising Board on potential courses of action on full range of projects – from the sublime to the complex and controversial.
- Review and analysis of complicated Community Issues.
- Excellent experience communicating with individuals and members of groups as part of the planning process and running small town government, oftentimes in private settings, sometimes in heated, public forums.
- Owner and operator of small land use consulting firm in Roaring Fork Valley.
- Administrator of departmental budgets while working for various governmental agencies.
- Coordinator of all facets of land use entitlement projects for private developers.

EMPLOYMENT HISTORY

Mark Chain Consulting, LLC. Carbondale, CO. January 2005 to Present
Owner and operator of one man land use consulting firm in the Roaring Fork Valley.

Town Of Carbondale, CO 1983 to January 2005

Planning Director of Town. Responsible for all Planning related activities, formulation of Community Plans and review of current planning projects. Acted as liaison with other communities as well as departments within the Town government.

Town of Basalt, Co 1985-1989

Town Planner. Started and organized first full time Planning Department for the Town.

Henderson, Young & Company, Boulder CO. 1981-1983

Associate in budgeting and governmental consulting business

Creative Land Use, Boulder CO. 1978-1981

Associate in land use and community energy efficiency consulting business

EDUCATION

B.A., Political Science

Univ. of Pennsylvania, Philadelphia, PA.

Masters of Regional Planning

Cornell University, Ithaca, NY

AFFILIATIONS/CERTIFICATIONS/COMMUNITY PARTICIPATION

- American Institute of Certified Planners. 1988 through 2005.
- Board of Directors, Carbondale & Rural Fire Protection District. 2006 to 2014.
- Board of Directors, Mount Sopris Nordic Council (cross-county ski area 7 miles west of Carbondale). 2001-2012.
- Ambulance Driver (and EMT) for Carbondale Fire Department every Sunday night (6 PM to 8 AM). 2011 – March 2013
- Director of Annual Sports Sale for Nordic Council.
- Projectionist at Crystal Theater, Carbondale, CO on Monday evenings.
- National Registry of Emergency Medical Technicians, Registry No. B2090248.
- CPR certification, BLS for Health Care Professionals through 2-28-17.

INTERESTS

Running, road cycling, cross-country skiing, bridge, reading, gardening

PERSONAL

Married, one grandchild



COUNTY ATTORNEY'S OFFICE

108 8th Street, Suite 219
Glenwood Springs, CO 81601
Tele: (970) 945-9150
Fax: (970) 384-5005

June 17, 2016

Jay Harrington, Town Manager
Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

Tom Baker, Town Administrator
Town of New Castle
Box 90
New Castle, CO 81647

Stuart McArthur, Town Administrator
Town of Parachute
Box 100
Parachute, CO 81635

Debra Figueroa, City Manager
City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601

Pamela Woods, Town Administrator
Town of Silt
Box 70
Silt, CO 81652

Matt Sturgeon, City Manager
City of Rifle
Box 1908
Rifle, CO 81650

Re: 2016 IGA – Mosquito Control

Dear Parties:

Enclosed, please find one (1) full copy and (6) copies of the signature page of the 2016 Intergovernmental Agreement for Mosquito Control for your review, consideration and submittal to your City or Town Council for authorization for signature and attestation by the City or Town Clerk..

After execution by the appropriate officials, please return one (1) fully executed IGA and six (6) additional executed signature pages to, "Attention: Mary Lynn Stevens" at the above address.

LETTER TO PARTIES

Mosquito IGA

PAGE 2

June 17, 2016

Once this office receives all of the signature pages from all entities and after signature by the Chairman of the Board, you will be sent a fully executed original for your files

If you have any questions, please do not hesitate to contact this office.

Sincerely,



MARY LYNN STEVENS
PARALEGAL / OFFICE MANAGER

MLS

Attachments (IGA & 6 signature pages)

cc: Steve Anthony, Director, Vegetation Mgmt.

ATTEST:

City Clerk

**CITY OF RIFLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF SILT
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF NEW CASTLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF PARACHUTE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

City Clerk

ATTEST:

Town Clerk

ATTEST:

Town Clerk

ATTEST:

Town Clerk

**CITY OF RIFLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

**TOWN OF SILT
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

**TOWN OF NEW CASTLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

**TOWN OF PARACHUTE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

City Clerk

**CITY OF RIFLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF SILT
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF NEW CASTLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

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STATE OF COLORADO**

By: _____
Mayor

Dated: _____

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City Clerk

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STATE OF COLORADO**

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Dated: _____

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STATE OF COLORADO**

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Mayor

Dated: _____

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STATE OF COLORADO**

By: _____
Mayor

Dated: _____

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Town Clerk

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STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

City Clerk

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STATE OF COLORADO**

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Mayor

Dated: _____

ATTEST:

Town Clerk

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STATE OF COLORADO**

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Dated: _____

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Town Clerk

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STATE OF COLORADO**

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Mayor

Dated: _____

ATTEST:

Town Clerk

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STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

City Clerk

**CITY OF RIFLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF SILT
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF NEW CASTLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF PARACHUTE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

INTERGOVERNMENTAL AGREEMENT FOR MOSQUITO CONTROL - 2016

THE PARTIES to this Intergovernmental Agreement for Mosquito Control ("IGA") are the **BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, STATE OF COLORADO**, (hereinafter referred to as "County"); the **CITY OF GLENWOOD SPRINGS, STATE OF COLORADO**, (hereinafter referred to as "Glenwood"); the **TOWN OF CARBONDALE, STATE OF COLORADO**, (hereinafter referred to as "Carbondale"); the **CITY OF RIFLE, STATE OF COLORADO**, (hereinafter referred to as "Rifle"); the **TOWN OF SILT, STATE OF COLORADO**, (hereinafter referred to as "Silt"); the **TOWN OF NEW CASTLE, STATE OF COLORADO**, (hereinafter referred to as "New Castle"); and the **TOWN OF PARACHUTE, STATE OF COLORADO**, (hereinafter referred to as "Parachute").

WHEREAS, the parties to this IGA are authorized by Section 29-1-201, et seq., C.R.S., as amended, to provide for joint funding and cooperation to provide services and functions which each is otherwise lawfully authorized to provide; and

WHEREAS, the parties to this IGA desire to cooperate in funding and making available a County-wide mosquito control and education program; and

WHEREAS, a coordinated effort by the County and the municipalities within the County will permit a more effective mosquito control and education program and specifically will aid control of the mosquito species responsible for the spread of West Nile Virus.

NOW, THEREFORE, in mutual consideration of the premises and the covenants and promises set forth below, the parties to this IGA agree as follows:

1. PROJECT. The Project that is the subject of this IGA is a comprehensive integrated larval and adult mosquito control program, on public and private property throughout Garfield County that will be designed specifically for Garfield County and the municipalities by an independent contractor. The Project will provide surveillance, identifying mosquito breeding habitats and areas with high numbers of mosquito larvae and adults, with an emphasis on Culex mosquitoes. Surveillance will include the use of GIS mapping technology. The Project will include the use of chemical pesticides for adult and larval mosquito control in a manner safe to citizens, the environment and pets. Chemical applications will only be done when the elected officials of each pertinent jurisdiction, or their designated staff member, determine that mosquito levels have reached a threshold that poses a public health risk. Each jurisdiction is responsible for working with the Contractor to

insure that their jurisdiction is in compliance with the Federal Clean Water Act and the Colorado Discharge Permit System as administered by the Colorado Department of Public Health and Environment. The independent contractor will also provide community outreach and public education.

2. PROJECT COSTS. The cost for the entire Project that is the subject of this IGA shall not exceed One Hundred Sixty-Three Thousand Five Hundred Sixty-Three Dollars and Fifty-Four Cents (\$163,563.54), with each town and city contributing the amounts set forth below for a total contribution of Forty-Seven Thousand Three Hundred Ninety-Five Dollars (\$47,395.00) of the Project Cost. The remainder will be contributed by the County for the thirty-four (34) square miles of service area outside of the municipalities.

3. COUNTY RESPONSIBILITIES. The County shall be the coordinating entity and the contracting and fiscal authority for the Project. The County's responsibilities shall include the creation of the Request For Proposals ("RFP"), management of the RFP process, selection of the contractor and management of the contract. The County shall also continue its leadership role in the functioning of the informal West Nile Working Group. The County shall pay an amount not to exceed One Hundred Sixteen Thousand One Hundred Sixty-Eight Dollars and Fifty-Four Cents (\$116,168.54) of the total Project Cost of One Hundred Sixty-Three Thousand Five Hundred Sixty-Three Dollars and Fifty-Four Cents (\$163,563.54), unless emergency services are required.

4. GLENWOOD SPRINGS RESPONSIBILITIES. Glenwood Springs shall be responsible for payment to the County of \$4,920.00.

5. CARBONDALE RESPONSIBILITIES: Carbondale shall be responsible for payment to the County of \$6,500.00.

6. RIFLE RESPONSIBILITIES: Rifle's proportionate share is \$17,750.00.

7. SILT RESPONSIBILITIES: Silt shall be responsible for payment to the County of \$4,715.00.

8. NEW CASTLE RESPONSIBILITIES: New Castle shall be responsible for payment to the County of \$5,360.00.

9. PARACHUTE RESPONSIBILITIES: Parachute shall be responsible for payment to the County of \$8,150.00.

10. PARTY RESPONSIBILITIES: All parties to this IGA shall cooperate with and assist the independent contractor chosen by the County to perform the work of the Project.

11. REMEDIES. If any of the cities or towns, identified in Paragraphs 4 through 9 above, fails to perform their payment obligation(s), the County may assume responsibility for the defaulting payment(s), and all other obligations of this IGA shall remain in full force and effect.

12. CONTRACT AWARD. The contract anticipated to define the Scope of Work needed for the Project shall be awarded by Garfield County pursuant to the terms of its Procurement Manual. The Notice to Proceed may be awarded prior to the payment obligations of the municipalities and towns being met.

13. INDEMNIFICATION. The parties acknowledge each is subject to the constitutional prohibitions against indemnification in Colo. Const. art XI, § 1. Neither can indemnify the other.

Nothing herein shall be interpreted as a waiver of governmental immunity to which each party would otherwise be entitled under Section 24-10-101, et seq., C.R.S., as amended.

14. APPROPRIATION. This IGA is contingent upon appropriation and budgeting for the costs required for the Project. Should any party fail to appropriate or have available sufficient funds to pay for the costs of its obligations set forth herein, this IGA shall be considered of no force or effect, except to the extent that the County has assumed the obligations of another party, as set forth herein. This IGA is not intended to, nor does it create a multi-year fiscal obligation as defined by Section 20, Article X of the Constitution of the State of Colorado.

15. EFFECTIVE DATE. This IGA shall be effective January 1, 2016 through December 31, 2016, no matter the date of execution.

16. AMENDMENT. This IGA may be amended by the parties solely through a written agreement signed by each.

17. FACSIMILES AND COUNTERPARTS. This IGA may be signed in counterparts, and facsimile signatures may be substituted for original signatures.

18. GOVERNING LAW. The laws of the State of Colorado shall govern the validity, performance and enforcement of this IGA. Venue for any action instituted pursuant to this IGA shall lie in Garfield County, Colorado.

19. AUTHORITY. Each person signing this IGA represents and warrants that said person is fully authorized to enter into and execute this IGA and to bind the party represented to the terms and conditions hereof.

20. NOTICE. All notices required under this IGA 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 set forth below. Notice addresses may be changed without amendment to this IGA.

Notice to County: Board of County Commissioners
Attn: County Manager
108 8th Street, Suite 213
Glenwood Springs, CO 81601
Phone: (970) 945-9150
Fax: (970) 384-5005

Notice to Glenwood: City of Glenwood Springs
Attn: City Manager
101 W. 8th St.
Glenwood Springs, CO 81601
Phone: 384-6400

Notice to Carbondale: Town of Carbondale
Attn: Town Manager
511 Colorado Avenue
Carbondale, CO 81623
Phone: (970) 963-2733
Fax: (970) 963-9140

Notice to Rifle: City of Rifle
Attn: City Manager
202 Railroad Avenue
P.O. Box 1908
Rifle, CO 81650
Phone: (970) 625-2121

Notice to Silt: Town of Silt
Attn: Town Administrator
231 N. 7th St., Box 70
Silt, CO 81652
Phone: (970) 876-2353

Notice to New Castle:

Town of New Castle
Attn: Town Administrator
450 W. Main
P.O. Box 90
New Castle, CO 81647
Phone: (970) 984-2311

Notice to Parachute:

Town of Parachute
Attn: Town Administrator
222 Grand Valley Way
Box 100
Parachute, CO 81635
Phone: (970) 285-7630

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF GARFIELD COUNTY, COLORADO**

Clerk to the Board

By: _____
Chairman

Dated: _____

ATTEST:

**CITY OF GLENWOOD SPRINGS,
STATE OF COLORADO**

City Clerk

By: _____
Mayor

Dated: _____

ATTEST:

**TOWN OF CARBONDALE
STATE OF COLORADO**

Town Clerk

By: _____
Mayor

Dated: _____

ATTEST:

City Clerk

**CITY OF RIFLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF SILT
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

ATTEST:

Town Clerk

**TOWN OF NEW CASTLE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____

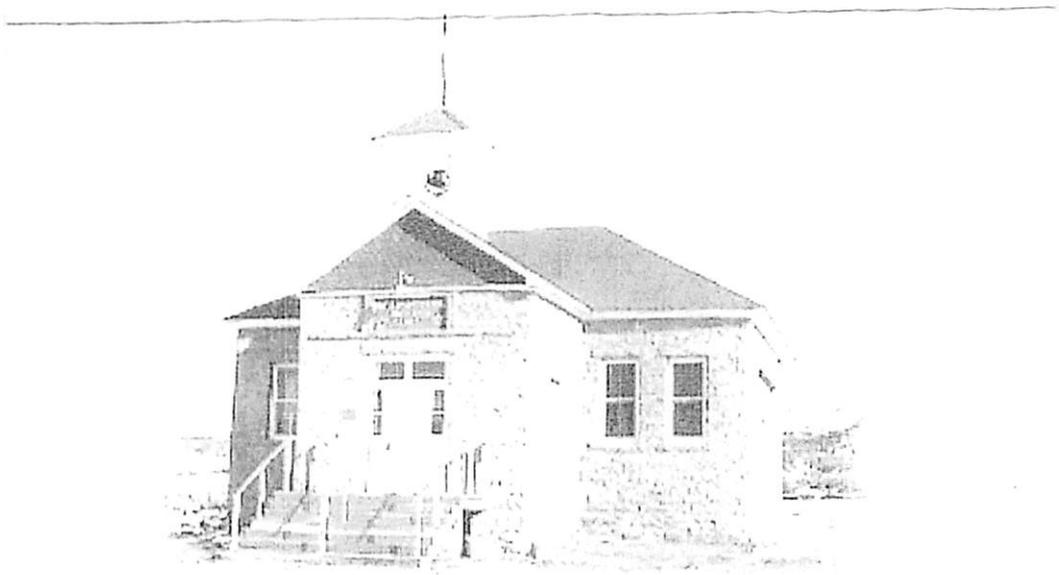
ATTEST:

Town Clerk

**TOWN OF PARACHUTE
STATE OF COLORADO**

By: _____
Mayor

Dated: _____



On behalf of the Grand Valley Historical Society I wish to thank you for your support of our organization through your membership. Your support will make possible the many activities, projects and programs we present as well as help maintain the historic schoolhouse and Glover Cabin. I deeply appreciate your thoughtfulness and generosity.

*Thank you for
your continuous
support!*

Karen Klink

Karen Klink

Membership Chairman