



AGENDA
HAYDEN TOWN COUNCIL MEETING
THURSDAY, JULY 7, 2016
7:30 P.M.
HAYDEN TOWN HALL – 178 WEST JEFFERSON AVENUE

WORK SESSION 7:00 P.M. – 7:30 P.M.

1. STAFF REPORTS

REGULAR MEETING – 7:30 P.M.

1a. CALL TO ORDER

1b. OPENING PRAYER

1c. PLEDGE OF ALLEGIANCE

1d. ROLL CALL

2. CONSIDERATION OF MINUTES

- A. Regular Meeting June 16, 2016

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3. CONSIDERATION OF BILLS

- A. Consideration of payment bill vouchers

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4. PUBLIC COMMENTS

5. PROCLAMATIONS/PRESENTATIONS

6. CONSENT ITEMS

7. OLD BUSINESS

- A. Public Hearing: Ord 676 Street Vacation
B. Decision: 2nd Reading Ord 676 Street Vacation

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8. NEW BUSINESS

- A. Public Hearing: Resolution 2016-20 Conditional Use Permit for Bayou Breeze Marijuana Cultivation Facility
B. Decision: Resolution 2016-20 Conditional Use Permit for Bayou Breeze Marijuana Cultivation Facility
C. Discussion: JVA Presentation on Street Improvement Bond Issue
D. Decision: Resolution 2016-19 A Resolution of the Town of Hayden, Colorado adopting a Fee Schedule

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NOTICE: Agenda is subject to change. If you require special assistance in order to attend any of the Town's public meetings or events, please notify the Town of Hayden at (970) 276-3741 at least 48 hours in advance of the scheduled event so the necessary arrangements can be made.

9. PULLED CONSENT ITEMS

10. STAFF AND COUNCILMEMBER REPORTS (CONTINUED, IF NECESSARY)

11. EXECUTIVE SESSION

12. ADJOURNMENT

Staff & Councilmember Reports

Greg Tuliszewski reported on the following

Public Works Department:

- Crack sealing will be finished on Thursday
- Triple Crown has started and in full swing
- Parks is continuing maintenance on lawn care of parks and ballfields
- Weed Eating around the Pump Houses

Water/Sewer Department

Water

- vmSCADA was installed and we are working through the "bugs". Browns Hill was here to change out some communication equipment which has been alarming in the middle of the night calling out the on-call employee.
- Water production is ramped up for summer.
- Walker Ditch is on and now filling the Dry Creek Park pond. This should help the recently stocked fish survive.
- We are keeping a close eye on water quality to make sure that Seneca Hill water is not having an adverse effect on the water in the down town zone. We are concern that there could be an increase in water age cascading back into town.
- Tank divers were here today to clean, inspect and make repairs to the Hospital Hill Tank. Tomorrow they will finish repairs to Hospital Hill then dive Seneca Hill Tank to inspect for warranty purposes.

Sewer

- Blower #2 is fully operational finally! Browns Hill installed a new soft start which replaced the original from 1985.
- RV dump sewer line is backed up and we are working with the county to figure out a solution
- We are working with CDPHE to use some of the remaining funds from the outfall project to make additional improvements around the wastewater plant

Police Department:

- Code enforcement has increased warnings and compliance checks as it relates to various code violations – Weeds, grass, yards, junk vehicles and nuisance ordinance violations. So far there has been a majority of residents that have complied with the requests.
- Calls for service have stayed about level with the prior two weeks. The officers are, on the average, dealing with approximately 7-10 calls for service per day. Many of these are not crime related calls, but citizen requests, follow ups on prior crime calls, and requests for assistance from residents.
- Our Records Management System received an upgrade from our vender. This is part of our annual fees. The new upgrade features several new tools that help the officers with research on persons and previous calls.

Draft minutes subject to editing and approval prior to becoming official record.

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- Hayden Raceway – First race happened on June 11th, 2016 and there were no noted problems.

Administration:

- On June 9th, the Planning Commission met to discuss, review, and approve the both the Bayou Breeze Conditional Use Permit and the Cleveland St Vacation. McCarty Annexation and Bayou Breeze will be forward to Town Council for public hearing and consideration for approval. The Planning Commission did an outstanding job of reviewing the application, making sure that the Town's ordinance had been adhered to, and unanimously voted to recommend approval to the Town Council.
- RG & Associates representative, Ross Culbertson was in Town Hall on Thursday and part of Friday to meet with various people that had planning items or questions for the planning process. The idea is to be able to put a face with a name and have personal contact in the beginning of the process. RG & Associates is planning on doing this a couple times a month during the busy time of year.
- The Town Hall security upgrade – The re-purposed DVR and Camera's for Town Hall have been installed and are functioning. Since this is a repurposed piece of equipment, it has limited ability. The DVR is a 4 channel recorder and so the Town ordered and installed 4 cameras. These are focused on the front halls, the back door with one set up for the parking lot. There was some concern with staff about the positioning of the cameras and their uses.
 - The Cameras are more for a deterrent and to assist in following up if an incident occurs at Town Hall.
 - Per discussions with Council in February about the concerns raised by staff of the potential safety concerns for the Town Hall employees, several have been addressed within the available unplanned budget resources.
 - Outstanding on the list is a "panic button" alarm, which will be incorporated into next budget cycle as a means of furthering safety and providing a means for Town Staff to summons help, in the event they are unable to use the phone.
- Town Manager Recruitment Process update – add was placed nationally on June 2nd and will run until the first week in July. No idea yet as to the number of applicants or results, but this is consistent with the process from last time.
- On July 7th, Council Meeting Staff and JVA engineers will present the Street Improvement Estimated Costs for Council's consideration to move forward with the Bonding Process and placing the Bond Funding question on the November Ballot. This will be an estimate in order to obtain the bond amounts so that an accurate ballot question can be formulated. The presentations will include the improvements for Vista Verde, Hospital Hill –stabilization, surface repair, curb and gutter and a walking path for the Hill. Also improvements for Lincoln, Third St., and Fifth St.

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- July 7th will also be the 1st Reading of the Conditional Use Permit for Bayou Breeze.
- Mosquito Spraying occurred this Tuesday, June 14, 2016 and is scheduled again for June 28, 2016.

Hayden Parks and Recreation:

- Softball and baseball programs end in June. There was difficulty in finding umpires and Tim Redmond stepped up and assisted with the games.
- Huck Finn Day had thirty-nine (39) kids participating and only 6 fish were caught. Thirty (30) people ate.
- Hayden Daze is scheduled for July 15 and July 16. The Hayden Parks and Recreation has received four thousand dollars (\$4000.00) in donations and twenty-one (21) vendors will be participating to date. There is a new event sponsored by the Hayden School District Health Committee, Color Blaze.
- Routt County Fairgrounds Dump Station needs maintenance. The Town of Hayden is working with Routt County to repair and restore use.

Bill Hayden

- The Yampa Valley Regional Airport Advisory Board is working on a direct flight from California. General Aviation is due for expansion in 2017 with an increase of 170 percent.

Lorraine Johnson

- The Yampa Valley Regional Airport will be hosting a retreat in August and would like the Hayden Town Council to participate. The discussion will be on economic development around the airport.

Charles Forrest

- Charles apologized for his lateness due to coaching Little League Baseball for his son.

Tim Redmond

- Tim recommended that the Town Council take time to go see the kitchen at Dry Creek Park and the progress made to making it a commercial grade facility.

Staff reports will continue at the end of the meeting.

Town Clerk Sharon Johnson called the regular meeting of the Hayden Town Council to order at 7:30 p.m. Councilmember Hayden moved to have Councilmember Hagins reside as Chair for the meeting. Councilmember Johnson seconded. Roll Call Vote. Councilmember Johnson – aye. Councilmember Redmond –aye. Councilmember Hagins – aye. Councilmember Forrest – aye. Councilmember Hayden – aye. Motion carried. Mayor Haskins and Mayor Pro Tem Robinson absent. Councilmember Johnson, Redmond, Hayden, Hagins and Forrest present. Also present were Interim Town Manager and Police Chief, Greg Tuliszewski, Town Clerk, Sharon Johnson and Recreation

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Coordinator, Jill Delay.

Opening Prayer Councilmember and Chair Hagins offered the opening prayer.

Pledge of Allegiance Councilmember and Chair Hagins led the Pledge of Allegiance.

**Minutes –
June 2, 2016** Councilmember Johnson moved to approve the minutes of the Regular Town Council Meeting held on June 2, 2016. Councilmember Redmond seconded. Roll call vote. Councilmember Redmond – aye. Councilmember Johnson – aye. Councilmember Hayden – aye. Councilmember Forrest – aye. Councilmember Hagins – aye. Motion carried.

**Consideration of Bill
Payment Voucher
dated June 9, 2016** Councilmember Forrest moved to approve the bill payment voucher dated June 9, 2016 in the amount of \$107,787.55. Councilmember Redmond seconded. Roll call vote. Councilmember Johnson – aye. Councilmember Hayden – aye. Councilmember Redmond – aye. Councilmember Forrest – aye. Councilmember Hagins – aye. Motion carried.

**Proclamations/
Presentations** None

Public Comments None

Consent Items

1. Consideration for Wolf Mountain Liquor License Renewal
 2. Consideration to approve parade and street closure for Hayden Daze Parade
 3. Consideration to approve Special Events Liquor License for Hayden Daze
 4. Consideration to waive Special Events Liquor License fee for Hayden Daze
- Councilmember Johnson moved to approve consent items. Councilmember Redmond seconded. Roll call vote. Councilmember Hayden – aye. Councilmember Hagins – aye. Councilmember Redmond – aye. Councilmember Forrest – aye. Councilmember Johnson – aye. Motion carried.

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Old Business

Public Hearing:
Ordinance 672 An
Ordinance approving
the annexation of
certain territory to
the Town of Hayden,
Colorado

Chair Hagins opened the Public Hearing at 7:36 p.m.
Chair Hagins closed the Public Hearing at 7:37 p.m.

Decision: 2nd Reading
Ordinance 672 An
Ordinance approving
the annexation of
certain territory to
the Town of Hayden,
Colorado

Councilmember Hayden moved to approve the 2nd Reading of Ordinance 672 An Ordinance approving the annexation of certain territory to the Town of Hayden, Colorado. Councilmember Redmond seconded. Roll call vote. Councilmember Hagins – aye. Councilmember Forrest – aye. Councilmember Redmond – aye. Councilmember Hayden – aye. Councilmember Johnson – aye. Motion carried.

Public Hearing:
Ordinance 673 An
Ordinance
establishing the
zoning designation
for property annexed
to the Town of
Hayden, Colorado
designated as the
McCarty Annexation
II

Chair Hagins opened the Public Hearing at 7:38 p.m.
Chair Hagins closed the Public Hearing at 7:39 p.m.

Decision: 2nd Reading
Ordinance 673 An
Ordinance
establishing the
zoning designation
for property annexed
to the Town of
Hayden, Colorado
designated as the
McCarty Annexation
II

Councilmember Redmond moved to approve 2nd Reading Ordinance 673 An Ordinance establishing the zoning designation for property annexed to the Town of Hayden, Colorado designated as the McCarty Annexation II. Councilmember Johnson seconded. Roll call vote. Councilmember Hayden – aye. Councilmember Hagins – aye. Councilmember Redmond – aye. Councilmember Forrest – aye. Councilmember Johnson – aye. Motion carried.

Public Hearing:

Chair Hagins opened the Public Hearing at 7:40 p.m.

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Ordinance 674 An Ordinance of the Town of Hayden, Colorado submitting to the registered electors voting in the general election to be held November 8, 2016, a ballot issue concerning the imposition of an increase in the sales tax from 4.0% to 4.5% and, upon elector approval, amending the Hayden Municipal Code to provide for the same

Chair Hagins closed the Public Hearing at 7:44 p.m.

Decision: 2nd Reading Ordinance 674 An Ordinance of the Town of Hayden, Colorado submitting to the registered electors voting in the general election to be held November 8, 2016, a ballot issue concerning the imposition of an increase in the sales tax from 4.0% to 4.5% and, upon elector approval, amending the Hayden Municipal Code to provide for the same

Councilmember Redmond moved to approve: 2nd Reading Ordinance 674 An Ordinance of the Town of Hayden, Colorado submitting to the registered electors voting in the general election to be held November 8, 2016, a ballot issue concerning the imposition of an increase in the sales tax from 4.0% to 4.5% and, upon elector approval, amending the Hayden Municipal Code to provide for the same. Councilmember Hagins seconded. Roll call vote. Councilmember Johnson – aye. Councilmember Hayden – nay. Councilmember Redmond – aye. Councilmember Forrest – aye. Councilmember Hagins – aye. Motion carried.

Public Hearing:
Ordinance 675 An Ordinance of the Town of Hayden,

Chair Hagins opened the Public Hearing at 7:46 p.m.
Chair Hagins closed the Public Hearing at 7:51 p.m.

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Colorado submitting to the registered electors voting in the regular town election to be held November 8, 2016, a ballot issue concerning the imposition of an increase in the real property tax mill levy from 25.067 to 32.587

Decision: 2nd Reading Ordinance 675 An Ordinance of the Town of Hayden, Colorado submitting to the registered electors voting in the regular town election to be held November 8, 2016, a ballot issue concerning the imposition of an increase in the real property tax mill levy from 25.067 to 32.587

Councilmember Johnson moved to approve the 2nd Reading Ordinance 675 An Ordinance of the Town of Hayden, Colorado submitting to the registered electors voting in the regular town election to be held November 8, 2016, a ballot issue concerning the imposition of an increase in the real property tax mill levy from 25.067 to 32.587. Councilmember Hayden seconded. Roll call vote. Councilmember Redmond – aye. Councilmember Hayden – aye. Councilmember Johnson – aye. Councilmember Forrest – aye. Councilmember Hagins – aye. Motion carried.

New Business

Decision: 1st Reading Ordinance 676 An Ordinance vacating a portion of First street and Cleveland Avenue, as described in Attachment 1, and reserving an easement to the town of hayden for maintenance, repair and construction of water lines on, over

Councilmember Redmond moved to approve the 1st Reading of Ordinance 676 An Ordinance vacating a portion of First street and Cleveland Avenue, as described in Attachment 1, and reserving an easement to the town of hayden for maintenance, repair and construction of water lines on, over and under the real property described in Attachment 2 and set a Public Hearing for July 7, 2016 at Town Council regular meeting. Councilmember Forrest seconded. Roll call vote. Councilmember Redmond – aye. Councilmember Hayden – aye. Councilmember Johnson – aye. Councilmember Forrest – aye. Councilmember Hagins – aye. Motion carried.

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and under the real property described in Attachment 2

Decision: Resolution 2016-17 A Resolution for the acceptance of substantial completion of the WWTF Outfall lift station and forcemain project awarded to Native Excavating, Inc.

Councilmember Johnson moved to approve Resolution 2016-17 A Resolution for the acceptance of substantial completion of the WWTF Outfall lift station and forcemain project awarded to Native Excavating, Inc. Councilmember Redmond seconded. Roll call vote. Councilmember Hayden – aye. Councilmember Forrest – aye. Councilmember Johnson – aye. Councilmember Hagins – aye. Councilmember Redmond – aye. Motion carried.

Decision: Resolution 2016-18 A Resolution approving an agreement for use of the Dry Creek Park concession facilities

Councilmember Forrest moved to approve Resolution 2016-18 A Resolution approving an agreement for use of the Dry Creek Park concession facilities. Councilmember Hagins seconded. Roll call vote. Councilmember Johnson – aye. Councilmember Hagins – aye. Councilmember Redmond – aye. Councilmember Hayden – aye. Councilmember Forrest – aye.

Discussion: Planning Review Update

RG & Associates representative Ross Culbertson updated Town Council on two (2) projects in the beginning of the planning process. The first project was for Bear River Inn located at the corner of Walnut and Jefferson Avenue. The applicant has provided a design which does not include the required parking spaces for the hotel and restaurant. The applicant believes the parking analysis completed in 2014 indicated that there was enough parking in Downtown Hayden to accommodate the new hotel and restaurant without additional parking. The Town Council reviewed the site plan and parking analysis and believes the development application should go through the established process and meet the current land use code for the Town of Hayden. Ross presented a second inquiry regarding Sonesta Park subdivision. The inquirer was seeking to use the site plan from the original developers in 1989. There were some questions regarding grading and road maintenance. The Town Council reviewed the original recorded plat, landscape and site plan and the grading plan. The Town Council would love to see the subdivision developed and believes a new site plan would need to be submitted with the project.

Pulled Consent Items None.

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Staff and
Councilmember
Reports Continued

None.

Executive Session

None.

Adjournment

Mayor Pro Tem Robinson adjourned the meeting at 8:30 p.m.

Recorded by:

Sharon Johnson, Town Clerk

APPROVED THIS 7th DAY OF JULY, 2016.

James M. Haskins, Mayor

Space for Payment Approval Report



Town Council Agenda Item

MEETING DATE: July 7, 2016

AGENDA ITEM TITLE: **HOLD A PUBLIC HEARING AND CONSIDER A 2nd READING OF ORDINANCE NO. 676, regarding Routt County Street ROW Vacation – Portions of 1st Street and Cleveland Avenue adjacent the Routt County Fairgrounds**

AGENDA SECTION: **New Business, with Public Hearing**

PRESENTED BY: **Greg Tuliszewski / Ross Culbertson**

CAN THIS ITEM BE RESCHEDULE: **Not Recommended**

BACKGROUND REVIEW:

The applicant, Ms. Jill Delay (c/o Routt County), submitted a request to vacate approximately 0.85 acres (or 37,028 square feet) of street right-of-way (ROW) for portions of 1st Street and Cleveland Avenue adjacent the Routt County Fairgrounds. The purpose is to facilitate the development of a Recreational Vehicle (RV) Park with nine RV pad sites; in addition to providing access to new public parking and improved pedestrian pathways for access to the Routt County Fairgrounds.

The Town Council approved Resolution No. 2015-36 on November 19, 2015, and gave final approval a Conditional Use Permit (CUP) for a RV Park at the Routt County Fairgrounds. The CUP was approved; conditioned that South 1st Street and Cleveland Avenue ROW vacations are to be approved by the Town Council for the CUP to be effective and that no development of the site occurs until this condition along with other pending conditions were met. Planning Staff is in coordination with the applicant and the applicant's consultants on completing the CUP's other outstanding conditions. The ROW Vacation request is a coinciding project to the CUP project and is being reviewed and approved separately.

Routt County has applied for a Great Outdoors Colorado (GOCO) Grant to improve the fiscal viability of the Fairgrounds by developing the RV Park as an ancillary use to the Fairgrounds. Prior Town Council approval of the CUP establishing the RV Park as a secondary use changed the nature of the Routt County property from needing to solely maintain the streets (identified as dedicated ROW only and not physical streets on the ground) as pre-emptive access to the Routt County property. The Planning Commission and Planning Staff finds redevelopment of the site is a more substantial benefit for the town than place-holding or maintaining ownership to the street ROW's on the Fairground's property. Upon approval of the vacated ROW's by Ordinance, vacated land will be portioned back as equal distant land from the centerline of each ROW to adjacent property ownerships. Adjacent ownership to the east and west of 1st Street and additionally to the north and south of Cleveland Avenue is Routt County.

On June 16, 2016, the Town Council considered a 1st Reading of Ordinance No. 676 and determined the Ordinance was in final form to be considered for a 2nd Reading with a Public Hearing. No project changes were made from the Town Council's 1st Reading.

RECOMMENDATION:

Based on observations and findings as stated in the Staff Report and presented to the Hayden Planning Commission on June 9, 2016; the Commission recommends approval to the Town Council for the Routt County Street ROW Vacation project as it is in compliance with the Town Land Use Code and Comprehensive Plan with the following condition:

1. Routt County shall grant the Town of Hayden rights to a 20 foot Public Water Easement for maintenance of Town water lines on Routt County property.

NOTICE OF UPDATE: The 20 foot Public Water Easement has been granted and is included as an attachment to Ordinance No. 676.

The Town Council may choose to take the following actions after the Public Hearing:

1. Approve as submitted and adopt Ordinance No. 676.
2. Approve subject to conditions.
3. Deny the project.
4. Postpone consideration to a date certain.

Attachments

Planning Commission Staff Report
Routt County Request for ROW Vacation
Routt County Street ROW Vacation Exhibit
Routt County Site Pictures
Routt County RV Park Site Plan
Routt County RV Water Easement Document
Ordinance No. 676

MANAGER'S RECOMMENDATION/COMMENTS: I would recommend that Council approve and adopt this ordinance.



Town of Hayden

Planning Commission

Staff Report

Project: **Routt County Street ROW Vacation - Portions of 1st Street and Cleveland Avenue adjacent the Routt County Fairgrounds**

Address: **365 South Poplar Street**

Applicant: **Ms. Jill Delay c/o Routt County**

Prepared by: **Ross Culbertson, Hayden Consulting Planner**

Hearing Date: **June 9, 2016**

Background

The applicant has submitted a request to vacate approximately 0.85 acres (or 37,028 square feet) of street right-of-way (ROW) for portions of 1st Street and Cleveland Avenue adjacent the Routt County Fairgrounds. The purpose is to facilitate the development of a Recreational Vehicle (RV) Park with nine RV pads; in addition to providing access to new public parking and improved pedestrian pathways for access to the Routt County Fairgrounds.

The Town Council at their regular meeting on Thursday, November 19, 2015, approved Resolution No. 2015-36 regarding a Conditional Use Permit (CUP) for a RV Park at the Routt County Fairgrounds. The CUP was approved with a condition that South 1st Street and Cleveland Avenue ROW vacations were to be approved by the Town Council for the CUP to be effective and that no development of the site occur until all nine conditions were met.

Staff Analysis

The submitted Routt County Street Vacation Exhibit (attached to this report) depicts the boundary of the street ROW vacation request. The vacated alignment resembles a reversed "L" shape, comprised of an 80 foot wide ROW section of 1st Street, south of South Poplar Street, and an 80 foot wide section of Cleveland Avenue. The vacated area containing the Cleveland Avenue leg terminates at the surveyed alley which separates Routt County property from private property owned by Mr. Bruce J. Daniel. For the purpose of the Routt County request, the Cleveland Avenue termination spot encompass all land area required for the future RV Park development. A portion of Cleveland Avenue from the alley to

South Poplar Street will remain as Hayden ROW until such time a separate street vacation request is made.

The Routt County Street Vacation Exhibit also indicates surveyed Town of Hayden water lines will remain in service as shown with the effective ROW vacation. Routt County will grant the Town a 20 foot wide water line easement by means of a separate instrument document for continued use and maintenance of the utility.

Upon approval of the vacated ROW's, vacated land will be portioned back as equal distance land from the centerline of each ROW to adjacent property ownerships. Adjacent ownership to the east and west of 1st Street and additionally to the north and south of Cleveland Avenue is Routt County.

Compliance with Review Criteria

The applicant is initiating the request under *Title 12 Streets and Sidewalk, Subsection 12.05.010.B & C* of the Hayden Town Code which reads:

Street or alley vacation shall only be allowed if the applicant/petitioner demonstrates by clear and convincing evidence that said vacation is necessary because one or more of the following reasons:

B. The land surrounding the vacant street or alley has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or a new approach to development.

Routt County has applied for a Great Outdoors Colorado (GOCO) Grant to improve the fiscal viability of the Fairgrounds by developing the RV Park as an ancillary use to the Fairgrounds. The CUP's approval by Town Council changed the nature of the Routt County property from a need to strictly maintain the streets as a principle means of vehicular access to Routt County property. Allowing for the site's redevelopment is in staff's opinion a more substantial benefit for the Town than not supporting the street vacation. Staff finds the proposal is in compliance with this standard.

C. The proposed vacation is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the Town's Comprehensive Plan, and that such vacation will be consistent with the policies and goals of the Comprehensive Plan.

Hayden citizens and those within the surrounding communities support and utilize the Routt County Fairgrounds as a local park and community event center. The proposed street vacations will allow for the full development of the RV Park as a year round extension of the Fairgrounds as a community related use. Utilizing and promoting the Fairgrounds as a regional community gathering spot supports the Policy and Action step 7.5 within the Town's Comprehensive Plan for implementing the Recreation Master Plan.

Referral Agency and Department Comments

The proposed Street ROW Vacation request was referred to the following agencies for a development review:

1. Planning Consultants – planning review of the Street ROW Vacation request (including exhibits) is complete.
2. Public Works Department (incl. Water & Sewer) comments included:
 - 2a. Dedicate a 20 foot wide Public Water Easement by plat or by separate instrument
 - 2b. Include all of Cleveland Avenue to South Poplar Street within the vacation request.
 - 2c. Identify location of the sewer line in Poplar Street adjacent to 1st Street to insure easements needed to preserve the line are provided.

Public Input

As required by the Town Code, a notice was sent to property owners within 150 feet of the property, a sign was posted on the property and a public notice was placed in the newspaper at least 15 days prior to this Planning Commission public hearing date. No comments or concerns regarding the Street ROW Vacation of portions of 1st Street and Cleveland Avenue have been received by Planning Staff or the Town Clerk to date.

Staff Recommendation

Based on the above observations and findings of compliance with the Hayden Town Codes, staff recommends:

Approval of the Street ROW Vacation request, subject to the following condition:

1. Routt County shall grant the Town of Hayden rights to a 20 foot Public Water Easement for maintenance of water lines on Routt County property.

Planning Commission Recommending Options

The Planning Commission may choose to:

1. Recommend to the Town Council approval as submitted with staff's conditions.
2. Recommend to the Town Council approval subject to staff conditions and additional Planning Commission Conditions.
3. Recommend to the Town Council project denial.

Attachments

Routt County Request for ROW Vacation
Routt County Street ROW Vacation Exhibit
Routt County Site Pictures
Routt County RV Park Site Plan

DOWLING LAND SURVEYORS, LLC

P.O. BOX 954

HAYDEN, COLORADO 81639

(970) 276-3613

Fax (970) 276-4695

dowling@plotz.biz

EXHIBIT 'A'

TOWN OF HAYDEN/ROUTT COUNTY FAIRGROUNDS WATER LINE EASEMENTS

APRIL 21, 2016

PUBLIC WATER LINE EASEMENT

A twenty (20) foot wide strip of land located in portions of 1st Street, Cleveland Avenue and Block 35, West Hayden Townsite Company Addition to the Town of Hayden, Routt County, Colorado, being more particularly described as follows: COMMENCING at a point being the intersection of the projected South line of Cleveland Avenue and the East line of First Street; thence N 88°15'37" W along the projected South line of Cleveland Avenue, a distance of 24.89 feet, to the true POINT OF BEGINNING; thence N 2°51'38" E a distance of 357.56 feet, to a point on the South line of Poplar Street (Routt County Road No. 53); thence S 52°11'59" W along said South line a distance of 26.37 feet; thence S 2°51'38" W a distance of 37.85 feet; thence N 87°08'22" W a distance of 44.06 feet, to a point on said South line of Poplar Street; thence S 52°11'59" W along said South line a distance of 30.69 feet; thence S 87°08'22" E a distance of 67.35 feet; thence S 2°51'38" W a distance of 282.92 feet; thence S 88°15'37" E a distance of 20.00 feet, to the POINT OF BEGINNING.

PRIVATE WATER LINE EASEMENT

A twenty (20) foot wide strip of land located in portions of Cleveland Avenue and 1st Street, West Hayden Townsite Company Addition to the Town of Hayden, Routt County, Colorado, being more particularly described as follows: COMMENCING at the Southwest Corner of Lot 18, Block 35, said West Hayden Townsite Company Addition; thence S 1°28'00" W a distance of 2.50 feet, to the TRUE POINT OF BEGINNING; thence S 88°15'37" E a distance of 161.93 feet; thence S 2°51'38" W a distance of 20.00 feet; thence N 88°15'37" W a distance of 161.44 feet; thence N 1°28'00" E a distance of 20.00 feet, to the POINT OF BEGINNING.

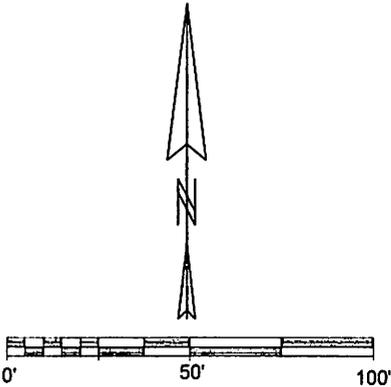
Bearings based on the Town of Hayden Datum

rcfgwatr 4-21-16.doc

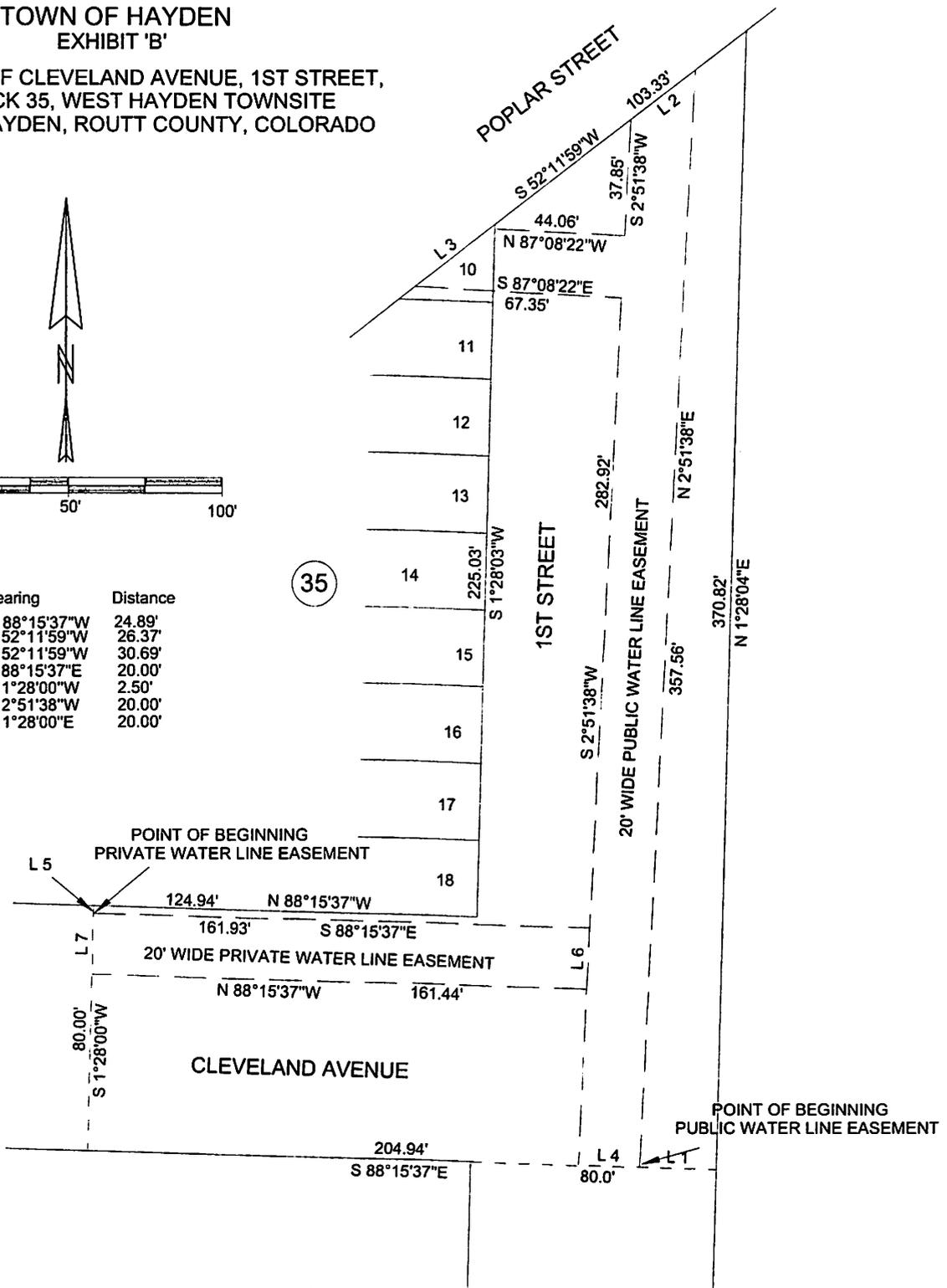
Gordon R. Dowling
PLS #30090

TOWN OF HAYDEN
EXHIBIT 'B'

PORTIONS OF CLEVELAND AVENUE, 1ST STREET,
AND BLOCK 35, WEST HAYDEN TOWNSITE
TOWN OF HAYDEN, ROUTT COUNTY, COLORADO



Line	Bearing	Distance
1	N 88°15'37"W	24.89'
2	S 52°11'59"W	26.37'
3	S 52°11'59"W	30.69'
4	S 88°15'37"E	20.00'
5	S 1°28'00"W	2.50'
6	S 2°51'38"W	20.00'
7	N 1°28'00"E	20.00'



NOTICE: According to Colorado Law, you must commence any legal action based on any defect in this survey within three years after you first discover such defect, in no event may any action be commenced more than ten years from the date of certification shown hereon.

TOWN OF HAYDEN					EXHIBIT 'B'		DOWLING LAND SURVEYORS, LLC P.O. BOX 954 HAYDEN, COLORADO 81639 (970) 276-3613 dowling@plotz.biz
					PORTIONS OF CLEVELAND AVENUE, 1ST STREET, & BLOCK 35 WEST HAYDEN TOWNSITE		
TOWN OF HAYDEN, ROUTT COUNTY, COLORADO							
SCALE	DRG	DATE	FILE				
1" = 50'	GRD	4/20/16	RCFGWATR				



Routt County Fairgrounds; Street Vacation Request March 2016

ORDINANCE NO. 676

AN ORDINANCE VACATING A PORTION OF FIRST STREET AND CLEVELAND AVENUE, AS DESCRIBED IN ATTACHMENT 1, AND RESERVING AN EASEMENT TO THE TOWN OF HAYDEN FOR MAINTENANCE, REPAIR AND CONSTRUCTION OF WATER LINES ON, OVER AND UNDER THE REAL PROPERTY DESCRIBED IN ATTACHMENT 2

RECITALS

1. Routt County, Colorado (“Routt County”) has requested that the Town of Hayden (the “Town”) vacate such portions of First Street and Cleveland Avenue, as described in Attachment 1 (the “Vacated Area”), in order to expand portions of the Routt County Fairgrounds; and,
2. The Town has existing water lines within the Vacated Area and needs to reserve an easement for maintenance, repair and construction of water lines on, over and under the real property described in Attachment 2; and ,
3. The Town has determined that the vacation of the Vacated Area will not negatively impact the proper development of surrounding properties; and,
4. Vacation of the Vacated Area will not be contrary to Hayden Land Use Code; and,
5. The Board of Trustees has held a public hearing on the request to vacate the Vacated Area and has approved said vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO:

Section 1. Vacation. That portion of First Street and Cleveland Avenue, as described in Attachment 1, is hereby vacated, subject to and reserving in the Town an easement for maintenance, repair and construction of water lines on, over and under the real property described in Attachment 2.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance, immediately on final passing and adoption, shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk. This Ordinance shall be in full force and effect fifteen (15) days after its publication in accordance with Section 3-3h of the Hayden Home Rule Charter.

Section 5. Public Hearing. A public hearing on this Ordinance will be held on the 7th day July, 2016, at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Ave, Hayden, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SUBSECTION 3-3(d) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 16th DAY OF JUNE, 2016.

Mayor

ATTEST

Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SUBSECTIONS 3-3 (e) through (h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 7th DAY OF JULY, 2016.

Mayor

ATTEST

Town Clerk



Town Council Agenda Item

MEETING DATE: July 7, 2016

AGENDA ITEM TITLE: **HOLD A PUBLIC HEARING AND CONSIDER RESOLUTION 2016-20, Approving Bayou Breeze Grow Warehouse Conditional Use Permit (CUP)**

AGENDA SECTION: **New Business, with Public Hearing**

PRESENTED BY: **Greg Tuliszewski**

CAN THIS ITEM BE RESCHEDULE: **Not Recommended**

BACKGROUND REVIEW:

The applicant, Mr. Rodney McGowen (c/o Petra General Contractors, Inc.) submitted a request to establish a Conditional Use Permit (CUP) for a 5,600 square foot, one-story warehouse facility for marijuana cultivation and growing on approximately 0.5 acres of land. The property is located on the north side of Commerce Street, approximately 100 feet east of Capital Street (within the Valley View Business Park on Lot 26). The business park was designed to accommodate independent industrial businesses. The subject property for the marijuana cultivation facility is zoned within a Light Industrial (I-1) district which permits marijuana operations with approval of a CUP.

The proposed business will be housed in an enclosed and secured building and will contain four grow rooms, three vegetative rooms for plant maturation, a cutting and trimming room, a storage room, and water supply areas. Additionally, there will be an internal office, security room, and shipping area. Outside there is a secured chain-linked trash enclosure protecting waste materials. Refer to the Building Plan and Site Plan exhibits attached to this report for further details of the building's operation and site layout.

Staff has worked with the applicant and his consulting team to thoroughly review the project in accordance to all applicable codes to present the project to the Planning Commission. In determining the appropriateness of the proposed use, staff evaluated the CUP based upon the criteria listed within the Town's local marijuana ordinance (Ordinance No. 666) in addition to general compliance with the Conditional Use Review Criteria of the Hayden Land Use Code (16.03.070.C).

PUBLIC INPUT

As required by the Town Code, a notice was sent to property owners within 150 feet of the property, a sign was posted on the property and a public notice was placed in the newspaper at least 15 days prior to

this Planning Commission public hearing date. No comments or concerns regarding the CUP request for a marijuana cultivation facility have been received by Planning Staff or the Town Clerk to date.

RECOMMENDATION:

Based on observations and findings as stated in the Staff Report and presented to the Hayden Planning Commission on June 9, 2016; the Commission recommends approval to the Town Council for the Bayou Breeze Grow Warehouse Conditional Use Permit (CUP) as it is in compliance with the Town Land Use Code and Comprehensive Plan with the following condition:

1. Approval of a future Building Permit.
2. Provide evidence of a waste water filtration system that prevents contaminants from entering the Town's waste water treatment plant with a future Building Permit.
3. Approval of a State of Colorado Marijuana Cultivation Facility License.
4. Approval of a Town of Hayden Marijuana Cultivation Facility License.

The Town Council may choose to take the following actions after the Public Hearing:

1. Approve as submitted (with listed conditions) and adopt Resolution 2016-20.
2. Approve subject to conditions.
3. Deny the project.
4. Postpone consideration to a date certain.

Attachments

Planning Commission Staff Report
CUP Site Plan
CUP Elevations
CUP Building Plan
CUP Can Filter Cut Sheet
Resolution 2016-20

MANAGER'S RECOMMENDATION/COMMENTS: I would respectfully recommend that the Town Council of Hayden hold the Public Hearing, and afterwards, if there are no major objections, adopt and approve the Conditional Use Permit for the business, Bayou Breeze, as outlined in Resolution 2016-20 as recommended by the Town of Hayden Planning Commission, the Town of Hayden Planning Consultant, and Town Staff.



Town of Hayden

Planning Commission

Staff Report

Project: Bayou Breeze Grow Warehouse Conditional Use Permit (CUP)
Address: 412 Commerce Street (Valley View Business Park, Lot 26)
Applicant: Mr. Rodney McGowen c/o Petra General Contractors, Inc.
Prepared by: Ross Culbertson, Hayden Consulting Planner
Hearing Date: June 9, 2016

Background

The applicant has submitted a request to establish a Conditional Use Permit (CUP) for a 5,600 square foot, one-story warehouse facility for marijuana cultivation and growing on approximately 0.5 acres of land. The property is located on the north side of Commerce Street, approximately 100 feet east of Capital Street (within the Valley View Business Park on Lot 26). The business park was designed to accommodate independent industrial businesses. The subject property for the marijuana cultivation facility is zoned within a Light Industrial (I-1) district which permits marijuana operations with approval of a CUP.

The proposed business will be housed in an enclosed and secured building and will contain four grow rooms, three vegetative rooms for plant maturation, a cutting and trimming room, a storage room, and water supply areas. Additionally, there will be an internal office, security room, and shipping area. Outside there is a secured chain-linked trash enclosure protecting waste materials. Refer to the Building Plan and Site Plan exhibits attached to this report for further details of the building's operation and site layout.

State of Colorado Constitutional Amendment for Marijuana

Amendment 64 (Article XVII, Section 16) - The State of Colorado adopted Amendment 64 to the Colorado Constitution on December 10, 2012, after the November 6, 2012, State ballot initiative; authorizing the use, possession, growth, transport and transfer of marijuana in limited amounts and under limited circumstances, and further authorizes the conduct of business to cultivate, produce, test and sell marijuana and marijuana products.

Title 12-43.3-202, Colorado Revised Statutes (C.R.S) - This Subsection of the State Statutes defines application of the Colorado Medical Marijuana Code as amended from time to time, and any rules or regulations promulgated thereunder.

Title 12-43.4-202, Colorado Revised Statutes (C.R.S) - This Subsection of the State Statutes defines application of the Colorado Retail Marijuana Code as amended from time to time, and any rules or regulations promulgated thereunder.

Town of Hayden's Marijuana Ordinances

Ordinance No. 666 - The Town Council passed, approved, and ordered published this Ordinance on August 6, 2015; permitting, regulating and licensing the cultivation of retail and medical marijuana under limited circumstances and making conforming amendments to Subsections 8.08.080.A, to Sections 8.35.010, 8.35.040, 16.03.040.I.3, and 16.03.040.J.3, and to Titles 5 and 16 of the Hayden Municipal Code.

Ordinance No. 668 - The Town Council passed, approved, and ordered published this Ordinance on September 3, 2015; imposition of an excise tax of 7.5 percent in 2016 and up to 15 percent thereafter on the wholesale of marijuana and contingent upon elector approval, amending the Hayden Municipal Code.

The Town of Hayden also held a Special Municipal Election on Tuesday, January 26, 2016, by a Mail Ballot to decide, "Should the Town of Hayden, CO Permit, Regulate, and License the Cultivation of Retail and Medical Marijuana under Limited Circumstances as Approved by the Town Council in Ordinance 666?" The resulting vote confirmed citizen support for the Ordinance in permitting, regulating, and licensing cultivation of retail and medical marijuana.

Staff Analysis

Staff has worked with the applicant and his consulting team to thoroughly review the project in accordance to all applicable codes. In determining the appropriateness of the proposed use, staff evaluated the CUP based upon the criteria listed within the Town's local marijuana ordinance (Ordinance No. 666) in addition to general compliance with the Conditional Use Review Criteria of the Hayden Land Use Code (16.03.070.C). Below are *italicized* criteria sections from the guiding Marijuana Ordinances and non-italicized statements are staff's findings of the CUP's compliance.

Ordinance No. 666 CUP Compliance for Non-Residential Cultivation

Section 14.080 identifies Non-Residential Cultivation Restrictions and compliance criteria for marijuana grow facilities in the Town of Hayden:

A. It shall be unlawful to possess or cultivate more than 12 marijuana plants on any premises or within any structure in any zone district in the Town without an approved Conditional Use Permit and without the license required for such a cultivation facility under Chapter 5.22 of this Code.

The applicant is requesting to cultivate 1,800 plants under a *Tier-1* facility and will apply for a future state license documenting the same. Approval of a CUP is required to cultivate over the minimum threshold of 12 plants. The CUP will not take effect until the state license is issued.

B. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises to allow more than 12 marijuana plants to be possessed or cultivated on the premises without approval of a Conditional Use Permit and without the license required for such a cultivation facility under Chapter 5.22 of this Code.

The applicant will own, manage, and operate a facility that processes 1,800 plants under a *Tier-1* facility and will apply for a future state license documenting the same. Approval of a CUP is required to possess or cultivate over the minimum threshold of 12 plants. The CUP will not take effect until the state license is issued.

C. It shall be unlawful to cultivate marijuana outside of a completely enclosed locked structure.

1. *Nothing in this section shall be construed to allow the cultivation of marijuana in any number, manner, or location that is in conflict with the cultivation restrictions imposed in this Article within single family and multi-family residential dwelling units.*

2. *For purposes of this section:*

a. *“Completely enclosed locked structures” means a structure as defined by the zoning code accessible only to the persons cultivating the marijuana through one or more doors secured by a locked mechanism designed to limit access such as with a key or combination lock, and with walls and roofing that must be constructed of solid materials. Such structure must remain secure at all times and any window must be locked to prevent access by children, visitors, or a casual passerby.*

b. *“Cultivate” means the planting, growing, harvesting, storing, drying, trimming, or processing of marijuana plants.*

The applicant’s Site Plan and Building Plan indicate the structure is an enclosed and secured building. Public access is limited to only the office room which will have badge and key access to interior portions to the building. Fire doors will have “panic hardware” for egress from inside the building only. All doors and windows will have alarm and video surveillance. Additional building details and security specifications will be made with a future Building Permit.

D. The marijuana plants must be cultivated, produced, processed and possessed within the building approved as part of a Conditional Use Permit process.

The applicant’s Site Plan and Building Plan indicate all plant cultivation, production, and processing will be solely within the building envelope. The proposal is in compliance to this standard.

E. The cultivation, production, processing and possession of marijuana plants must not be conducted in an open and public manner meaning it must not be perceptible from the exterior of the building on the subject site, and such activity shall not cause or create any of the following:

- 1. Regularly occurring or persistent unusual odors, smells, fragrances, or other olfactory stimulus detectable by any person with a normal sense of smell upon or within any adjacent unit or property;*

The business will implement and operate a closed loop system for air purification. There will be no exhaust air leaving the facility at any time. A circular movement of cleaned air (through Can Filters) will flow from grow rooms to the hallway being contained within the building. See Item "F" below for more detail.

- 2. Light pollution, glare, or brightness that unreasonably disturbs others in the use or enjoyment of their property, or constitutes a nuisance; or*

The applicant's Site Plan indicates parking is being provided in accordance to the Land Use Code. Yet, the amount of parking is minimal and not over burdensome to the site. Lighting of parking areas will be made from the building and not with lighting standards. A Photometric Lighting Plan will be submitted with a future Building Permit to verify light levels at the property line.

- 3. Excessive noise.*

The business will comply with existing Town regulation and limit excessive noise levels.

F. All marijuana cultivation facilities must employ and maintain ventilation and odor control that is adequate for the size of the facility to effectively eliminate odor from the facility escaping the facility so as to be detected by a person with a normal sense of smell at the exterior of the premises, in the surrounding neighborhood or in adjacent units.

The applicant indicates the business will implement and operate a closed loop system for air purification. There will be no exhaust air leaving the facility at any time. Each Flowering and Growing Room, Vegetative Room, Cutting Room, Hanging Rack Room, Shipping & Receiving Area (all spaces except the Office Room) will contain either a Can Filter 75 or Can Filter 50 unit with a total of 20 cans throughout the building for air filtration. The Can Filter 75 unit contains a 2.5" bed depth of pure virgin-activated carbon to which air and odor is filtered and cleaned at a rate of 1200 CFM (cubic feet per minute) and releases or exhausts into the building at a rate of 420 CFM. Similarly, the Can Filter 50 unit cleans at a rate of 840 CFM and releases or exhausts into the building at a rate of 420 CFM. All air filtration will occur within the closed environment. A circular movement of cleaned air will flow from grow rooms to the hallway being contained within the building. The applicant will follow all manufacturer specifications of the Can Filters to ensure optimum performance and will conduct a

“contact film test” of the Can Filters every six months to verify integrity of the filters and replace as needed.

G. Marijuana plants shall not be cultivated, produced, processed or possessed in any accessory structure.

The applicant’s Site Plan and Building Plan indicate all plant cultivation, production, and processing will be solely within the building envelope. No accessory structure outside of the enclosed building will be used or constructed. The proposal is in compliance to this standard.

H. The cultivation, production, processing or possession of marijuana plants shall meet the requirements of all adopted Town building and life/safety codes.

The CUP is being reviewed under the guiding Town Codes and Ordinances. Applicable Building Codes will be applied to the facility with a future Building Permit review.

I. The use of any compressed flammable gas as a solvent in the extraction of tetrahydrocannabinols or other cannabinoids is prohibited.

The applicant’s Building Plan and project narrative indicates this operation will not use any compressed flammable gas for extraction method. The proposal is in compliance to this standard.

J. The total load for a single branch circuit shall not exceed the ampacity for the entire cultivation area within the building.

The applicant has consulted with Yampa Valley Electric Association regarding the electric needs of this operation and the electric load for cultivation areas will not exceed ampacity. The proposal is in compliance to this standard.

K. Marijuana waste shall be rendered unusable prior to leaving the facility by grinding and incorporating the material with non-consumable solid wastes such as food waste, soil or other compostable materials.

The waste by-products will consist of stems and fan leaves from the plant materials. They will be rendered unusable by grinding and mixing with a 50/50 percent ratio with soil or other compostable materials. All plant waste will be stored within the building until it is ready to be disposed of in accordance to the local and state laws by placing it into a locked dumpster behind a secured and surveillance monitored fence. The locked dumpster containing the waste/soil mixture will be removed from the site regularly and be additionally composted on private land off Breeze Basin Road in Hayden.

L. Cultivation facilities shall not be located with 500 feet of any public or parochial school or the principal campus of any college, university, or seminary; any public park; or any commercial child care center. Distances described in this paragraph shall be calculated by measuring the distance from the nearest

property line of the school, park or commercial child care center to the building in which the medical marijuana center is located.

The subject site for the cultivation operation is within an industrial business park and does not have proximity to nor is located within 500 feet of any existing or planned school, park, or commercial child care center. The proposal is in compliance to this standard.

M. Retail marijuana cultivation uses shall not operate in a manner that adversely affects the public health, safety, and welfare of the immediate neighborhood in which the retail marijuana cultivation use is located.

The subject site and the business operation has been reviewed and evaluated for any conditions that may affect the public. The site's location within the Valley View Business Park, being an industrial park, is located on the eastern edge of the town. Industrial uses, including marijuana cultivation will not have immediate impacts on adjacent neighborhoods. The proposal is in compliance to this standard.

Section 14.090 identifies Control of Emissions and compliance criteria for marijuana grow facilities in the Town of Hayden:

In accordance with Town of Hayden Code Title 8: Health and Safety Section 8.08 Nuisances, sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a cultivation facility must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a cultivation facility, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state, and local laws and regulations.

The applicant indicates the facility will produce three categories of waste; liquid, plant, and soil. **Section 14.080.K** above, states the applicant's compliance to rendering plant and soil wastes inactive. Concerning water or liquid waste, the facility will produce general bathroom waste water, irrigation runoff and cleaning waste water. The applicant indicates there will be no hazardous material released to the Town's sewer system. Irrigation runoff will constitute no more than 5% of the water usage and cleaning waste water will be released by floor drains after pressure washing the grow rooms at harvest. Per the Town's Waste Water Codes, synthetic organics, organic matter, and pesticides are prohibited to enter the waste water treatment plant. Staff finds the applicant has not completely evidenced or satisfied this requirement and the CUP will be conditioned upon giving more detail to systems that prevent waste water contamination or pollutants entering the waste water treatment plant. The applicant has stated waste water will be monitored for conformance to the *MED Permanent Rules Section R307 Waste Disposal Section A, for All Applicable Laws and Section B, for Liquid Waste.*

All cultivation facilities must employ and maintain ventilation and odor control that is adequate for the size of the facility to effectively eliminate the pungent odor from the operation so that the odor does not

migrate in and around the marijuana cultivation site and is not detected by a person with a normal sense of smell at the exterior of the premises, in the surrounding neighborhood and/or in adjacent units.

Section 14.080.E.1 and F above, states the applicant's compliance to mitigate and filter internal air for odor elimination. The applicant knows the facility will be under scrutinized monitoring by the citizens and is confident with the Can Filter system will control odors from lingering outside of the facility and escaping into the public air.

Conditional Use Review Criteria of the Hayden Land Use Code

Section 16.03.070.C lists the criteria to evaluate Conditional Use Permits (CUP's):

1. *The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.*

The CUP's requested use can and will meet this requirement. The use is proposed on property that has been platted as a Lot and is recorded as such with Routt County. The CUP Site Plan has been reviewed per the zoning code. Applicable Building Codes will be applied to the facility with a future Building Permit review. No variances have been applied for. The proposal is in compliance to this standard.

2. *The conditional use will conform with or further the goals, policies and strategies set forth in the Town of Hayden Comprehensive Plan.*

The CUP's requested use was not specifically addressed within the goals, policies and strategies within the Hayden Comprehensive Plan. However, this use does contribute to policy statements found within Section 3.2: *Fiscally Balanced Growth*, and Section 4.1: *Stage One Growth – Business/Light Industrial Uses*. The proposal is in compliance to this standard.

3. *The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.*

The CUP's requested use will be served by the Town's public utilities and public services. Since this is the first implemented marijuana cultivation facility within Hayden, any public complaints or inquiry into violations to Town Ordinances will be met with swift investigation by town authorities and proper communication made to the owner and or operator for compliance measures.

4. *The conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.*

The CUP's requested use is located within the Valley View Business Park (an industrial park) and is compatible with adjacent uses and does not jeopardize additional development. It would be advisable to locate any future marijuana cultivation business within this industrial development as

the area is zoned appropriately under the Light Industrial zoning district and accommodates the necessary infrastructure requirements for this type of use.

5. *The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.*

The CUP's requested use and site plan shows all vehicular access and movement will be on-site and will not adversely impact adjacent properties. The proposal is in compliance to this standard.

6. *Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:*
 - a. *Traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.*

The CUP's requested use has been reviewed in conjunction with a Site Plan and Building Elevations which were vetted in compliance to the *Land Use Code, Article 2 – Community Design Standards, and Article 3 – Zoning*. The building will internally house all components of the marijuana cultivation business and is designed to be a non-descriptive building as not to bring undue attention to its operation. No additional screening of the use is required within the Light Industrial zoning district. The proposal is in compliance to this standard.

7. *The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.*

The applicant is coordinating in addition to the CUP request, both a local and state marijuana cultivation facility license which must be issued prior to operating the facility.

Zoning and Land Use

The subject property is zoned Light Industrial (I-1) and all adjacent lots within the industrial park are zoned Light Industrial:

North: Property to the north across Crandell Avenue (Hayden Cemetery) is zoned Agriculture and Forestry (AF) under Routt County Jurisdiction.

South: Property to the south is vacant and zoned Light Industrial (I-1) within the Valley View Business Park.

East: Property to the east across Hawthorne Street is vacant and zoned Agriculture and Forestry (AF) under Routt County Jurisdiction.

West: Property to the west is vacant and zoned Light Industrial (I-1) within the Valley View Business Park.

Referral Agency and Department Comments

The proposed annexation request was referred to the following agencies for a development review:

1. Planning Consultants – planning review of the CUP request (including exhibits) is complete.
2. Public Works Department (incl. Water & Sewer) – review of the CUP request is complete. Town services can be provided to the property.
3. Building Inspections Consultants – review of the CUP request is complete. A more thorough review of building plans will be made at the time of future commercial building permits.
4. Fire District - review of the CUP request is complete.
5. Police Department - review of the CUP request is complete.
6. Engineering Consultants - review of the CUP request is complete. A more thorough review of civil engineering plans will be made at the time of future commercial building permits.

Public Input

As required by the Town Code, a notice was sent to property owners within 150 feet of the property, a sign was posted on the property and a public notice was placed in the newspaper at least 15 days prior to this Planning Commission public hearing date. No comments or concerns regarding the CUP request for a marijuana cultivation facility have been received by Planning Staff or the Town Clerk to date.

Staff Recommendation

Based on the above observations and findings of compliance with the Hayden Town Codes, staff recommends:

Approval of the Conditional Use Permit for the Bayou Breeze Grow Warehouse subject to the following four conditions:

1. Approval of a future Building Permit.
2. Provide evidence of a waste water filtration system that prevents contaminates from entering the Town’s waste water treatment plant with a future Building Permit.
3. Approval of a State of Colorado Marijuana Cultivation Facility License.
4. Approval of a Town of Hayden Marijuana Cultivation Facility License.

Planning Commission Recommending Options

The Planning Commission may choose to:

1. Recommend to the Town Council approval as submitted with staff’s conditions.
2. Recommend to the Town Council approval subject to staff conditions and additional Planning Commissioned Conditions.
3. Recommend to the Town Council project denial.

Attachments

CUP Site Plan CUP Building Plan
CUP Elevations CUP Can Filter Cut Sheet
Ordinance No. 666

WELCOME TO HIGH TECH GARDEN SUPPLY

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Can-Filters has been manufacturing carbon air filters for over 15 years. With time comes experience and professionalism which has enabled the manufacture of a high quality, no maintenance, carbon air filter for the ultimate in air purification, particulate removal and extreme odor control, up to 99.5%. If you've ever tried to garden with organic fertilizers in a greenhouse environment, or suffered through allergies due to pollen, you'll see why we offer these amazing filters. All carbons are not the same. Can-Filters uses a custom specified Virgin Activated Coal Based Carbon (CKVA) to ensure longest possible performance. Whether utilized for commercial, industrial, or residential use, you can be sure that the proper carbon type, carbon weight, and bed width has been chosen for maximum effectiveness.

Can-Filters Activated Carbon Filters are constructed with a "packed bed" design to give consistent performance, long life (12 to 18 months), and are completely maintenance free. The packed bed design prevents the formation of preferential channels which can allow untreated air through the system. This unique design gives Can-Filters a larger surface area for significantly lowered pressure drops. Effective treatment requires the exchange of air in the growing area in a period of 5 minutes. **Compute your requirements by multiplying the width times the length times the height of your growing area to obtain the total cubic feet. Divide this number by 5 to determine the proper filter size needed.** For example, if your growing area is 8 feet long by 8 feet wide by 8 feet tall, it contains a total of 512 cubic feet. To treat this area in five minutes, you would need to use a fan with a CFM (cubic feet per minute) rating of approximately 102.

Max Recirculating (Scrubbing) CFM: 340 cfm / 1426 m³/h
 Max Exhaust CFM: 420 cfm / 1713 m³/h
 @ 0.1 sec. contact time
 Recommended Min Airflow: 210 cfm / 316 m³/h
 Pre-filter: Yes
 Flange: 6", 8", 10"
 Dimensions (with pre-filter)
 Outside Diameter: 42cm / 16.5"
 Height: 50cm / 19.7"
 Total Weight: 25kg / 55lbs.
 Carbon Weight: 19kg / 42lbs.
 Carbon Bed Depth: 6.5cm / 2.56"
 Max Operating Temp: 80°C
 Pressure drop at max cfm: 160pa / .75"wg

Recommended Can-Fan:	Watts Consumed	Filtered Air CFM
FAN		
Max-Fan 10"	212 Watts	572 CFM
Can-Fan 10" HO	280 Watts	515 CFM
Max-Fan 8"	152 Watts	478 CFM
Can-Fan 8" HO	285 Watts	475 CFM
Can-Fan 6"	134 Watts	365 CFM
Can-Fan 6" HO	137 Watts	312 CFM

Customize your product

Flange:

- No Flange (\$0.00)
- 6 inch Flange (\$12.50)
- 8 inch Flange (\$13.50)
- 10 inch Flange (\$15.95)

Hang Your Filter With Rope Ratchets:

- No Rope Ratchets (\$0.00)
- 1/8" Rope Ratchets - 75lb Max (\$11.00)

Price: \$222.08

Quantity:

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RESOLUTION 2016-20

A RESOLUTION OF THE TOWN COUNCIL FOR HAYDEN, COLORADO APPROVING A CONDITIONAL USE PERMIT FOR 412 COMMERCE STREET, LOT 26 VALLEY VIEW (RODNEY MCGOWAN D/B/A BAYOU BREEZE GROW WAREHOUSE)

RECITALS

1. Rodney McGowan d/b/a Bayou Breeze Grow Warehouse desires to operate a marijuana cultivation facility at 412 Commerce Street, located in the Light Industrial District (I-1).
2. Licensed marijuana cultivation facilities are permitted in the (I-1) as a conditional use if approved by the Town Council following review and recommendation(s) by the Planning Commission and the holding of a public hearing by the Town Council.
3. The Planning Commission met on June 9, 2016 with the petitioners to review the Conditional Use criteria of the Hayden Town Code Section 16.03.070.C and Ordinance 666 and determined:
 - A. The requested conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations.
 - B. The requested conditional use will conform with or further the goals, policies and strategies set forth in the Town of Hayden Comprehensive Plan.
 - C. The requested conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and will not impose an undue burden above and beyond those of the permitted uses of the district.
 - D. The requested conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.
 - E. The requested conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
 - F. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control, as set forth in Ordinance 666.
 - G. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.
4. The Planning Commissioners recommended to the Town Council approval of the Conditional Use Permit subject to the following conditions:
 - A. Approval by Town of a future Building Permit for the structure in which the grow facility is located.
 - B. The Applicant's providing satisfactory evidence of a waste water filtration system that prevents contaminants from entering the Town's waste water treatment plant.
 - C. Approval of a State of Colorado Marijuana Cultivation Facility License.

- D. Approval of a Town of Hayden Marijuana Cultivation Facility License.
- 5. The Hayden Town Council shall hold a public hearing on the conditional use application. Following the public hearing, the Council may approve, conditionally approve or deny the conditional use application based on the conditional use review criteria. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Council may prescribe. Conditions may include, but shall not be limited to: satisfaction of the requirements contained in paragraph 4, above, requirements concerning special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds, and prescription of development schedules.

NOW, THEREFORE BE IT RESOLVED BY THE HAYDEN TOWN COUNCIL AS FOLLOWS:

- Section 1. That the Town Council held a public hearing on the conditional use application at 7:30 p.m. on the 7th day of July 2016.
- Section 2. That the Town Council approves the conditional use application subject to the following conditions:
 - A. Approval of a future Building Permit.
 - B. Provide evidence of a waste water filtration system that prevents contaminates from entering the Town's waste water treatment plant.
 - C. Approval of a State of Colorado Marijuana Cultivation Facility License.
 - D. Approval of a Town of Hayden Marijuana Cultivation Facility License

Section 3. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, APPROVED, AND RESOLVED THIS 7th DAY OF JULY 2016.

James M. Haskins, Mayor

ATTEST:

Sharon Johnson, Town Clerk



Town Council Agenda Item

MEETING DATE: July 7th, 2016

AGENDA ITEM TITLE: Roadway Repair and Improvement Project

AGENDA SECTION: New Business

PRESENTED BY: Greg Tuliszewski

JVA Engineers – Kevin Vecchiarelli / Raul Morales

CAN THIS ITEM BE RESCHEDULED: No

BACKGROUND REVIEW: As discussed over the past several years, the Town is in need of some significant roadway improvements. Lincoln from Walnut to Poplar, Washington from Walnut to Poplar, Walnut (face of hill from Washington to South Spruce, all of Vista Verde, and the east end of View Drive. Since the Town does not have the money in the bank to achieve this it will have to go to the citizens for a vote on whether to bond this issue this November. The Town had budgeted \$100,000.00 for the design engineering for this project in the 2016 budget in order to have an estimate for the bond amounts and to move forward with this process. At the April meeting the Council approved the contract with JVA to proceed with this engineering study. It should be noted that NWCC has recommended the Town analyze the face of the hill (Walnut / Hospital Hill) and see exactly what is going on below the surface. Public Works advised JVA to plan for the worst in case it is a total reconstruct so the design work would reflect that amount so if the bond passes we would have enough money to complete the entire project.

Over the past several months, JVA along with Town Staff have worked to provide the needed information, survey work, and review in order to obtain a rough estimated cost in order to proceed to the bond ballot question, start the bond process, and have enough information in order to proceed with the much needed and in several places, required repairs and replacements.

JVA completed studies and estimates on the following roadways:

- West Lincoln Ave (Poplar St to Walnut St) Approx 750 Linear Feet
- Washington Ave (Poplar St to Walnut St) Approx 750 Linear Feet
- East View Drive – Roadway Repair
- Hospital Hill (Walnut Street) – this is broken down into three estimates
 - Minimal Repairs and stabilizations
 - Repairs, stabilizations and Pedestrian Pathway
 - Repairs, Stabilization, and Pedestrian Pathway up to Pine St (Linking the sidewalk from the top of Hospital Hill to Washington)



- North 5th Street (West Jefferson to Lincoln Ave) 500 Linear Feet
- North Spruce St (East Jefferson to E Lincoln Ave) 330 Linear Feet
- Vista Verde Dr, Escalante, Santa Fe St Repairs and Improvements

These locations have been identified as deteriorating or will be unrepairable within the next year or two and if not repaired will probably result in the asphalt having to be removed and gravel / roadbase replacing the asphalt in several to the locations. This will result in additional maintenance costs, erosion, snow removal issues, dust concerns and citizen concerns. Due to the past economic constraints, the recession and delayed maintenance these roadways are or about to become critical capital improvement needs.

JVA's engineers and consultants will present to Council in more detail the method used, results of their surveys and engineering evaluations, and recommendations on each of the listed areas, as well as detail the costs associated with each area.

MANAGER'S RECOMMENDATION/COMMENTS:

This matter is time sensitive as it involves drafting the ordinance for Bonding, referral to the voters of Hayden, public hearing requirements, and filing of the question with the County and State for a Ballot Question. I would recommend that the Council, review, discuss and move forward with this issue so as to be placed on the Ballot in November of 2016.



JVA, Incorporated
 47 Cooper Creek Way
 Winter Park, CO 80482
 Suite 328
 Ph: 303.444.1951

Job Name: Hayden Roadway Improvements
 Job Number: 2292.7c
 Date: 6/28/2016
 By: SAR/RMM

Opinion of Probable Costs
 for
West Lincoln Avenue (Poplar Street to Walnut Street, 750LF)
Town of Hayden, CO

General Sitework	Quantity	Units	Unit Cost	Total
Mobilization/Demobilization	1	LS	\$18,255.00	\$18,255.00
Traffic Control	1	LS	\$4,500.00	\$4,500.00
Demo Existing Asphalt	2,600	SY	\$5.00	\$13,000.00
Pavement Subgrade Prep - 8" Scarify,Recompact	575	CY	\$7.50	\$4,312.50
General Sitework Subtotal				\$40,067.50
Pavements				
Asphalt Paving - 5.5"	780	TONS	\$135.00	\$105,300.00
Concrete - 8' Cross Pan (8" thick, reinforced)	78	LF	\$80.00	\$6,240.00
Concrete - Curb & Gutter - 4" mountable curb, 16" Pan	1,500	LF	\$26.00	\$39,000.00
Pavements Subtotal				\$150,540.00
Utility - Water				
Valve Adjustment	4	EA	\$375.00	\$1,500.00
Utility - Water Subtotal				\$1,500.00
Utility - Sanitary Sewer				
Rim Adjustment	3	EA	\$650.00	\$1,950.00
Utility - Sanitary Sewer Subtotal				\$1,950.00
Utility - Stormwater				
Area Inlet Adjustment	6	EA	\$375.00	\$2,250.00
Utility -Stormwater Subtotal				\$2,250.00
Erosion Control				
BMPs	1	LS	\$4,500.00	\$4,500.00
Erosion Control Subtotal				\$4,500.00

Subtotal	\$198,557.50
Contingency (20%)	\$39,715.00
Contractor's OH&P (10%)	\$23,830.00
Bidding & Construction Observation (4%)	\$10,485.00
ESTIMATED PROJECT TOTAL	\$272,587.50

Assumptions:

- 1) This estimates utilized 2015 unit prices
- 2) Remove and Replace Existing 5.5" Asphalt
- 3) Scarify and Recompact 8" of existing road base
- 4) Adding Curb and Gutter on Both sides of the Street
- 5) Mountable Curb and Gutter Per Town of Hayden Standard Drawings

Engineer's opinions of probable Construction Cost provided for herein are to be made on the basis of Engineer's experience and qualifications and represent Engineer's best judgment as an experienced and qualified professional generally familiar with the industry. However, since the Engineer has no control over the cost of labor, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. Actual required quantities will vary from this estimate. Owner/Contractor to verify all required quantities and other estimate items, permits, fees, etc. not included above that may be specified in the Construction documents. If Owner wishes to greater assurance as to probable Construction Cost, Owner shall employ an independent cost estimator.



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Job Name: Hayden Roadway Improvements
 Job Number: 2292.7c
 Date: 6/28/2016
 By: SAR/RMM

Opinion of Probable Costs
 for
Washington Avenue (Poplar Street to Walnut Street, 750LF)
Town of Hayden, CO

	Quantity	Units	Unit Cost	Total
General Sitework				
Mobilization/Demobilization	1	LS	\$12,710.00	\$12,710.00
Traffic Control	1	LS	\$4,000.00	\$4,000.00
Demo Existing Asphalt	2,300	SY	\$5.00	\$11,500.00
Pavement Subgrade Prep - 8" Scarify.Recompact	550	CY	\$7.50	\$4,125.00
	General Sitework Subtotal			\$32,335.00
Pavements				
Asphalt Paving - 5.5"	740	TONS	\$135.00	\$99,900.00
	Pavements Subtotal			\$99,900.00
Utility - Water				
Valve Adjustment	3	EA	\$375.00	\$1,125.00
	Utility - Water Subtotal			\$1,125.00
Utility - Sanitary Sewer				
Rim Adjustment	3	EA	\$650.00	\$1,950.00
	Utility - Sanitary Sewer Subtotal			\$1,950.00
Erosion Control				
BMPs	1	LS	\$4,500.00	\$4,500.00
	Erosion Control Subtotal			\$4,500.00

Subtotal	\$139,810.00
Contingency (20%)	\$27,965.00
Contractor's OH&P (10%)	\$16,780.00
Bidding & Construction Observation (4%)	\$7,385.00
ESTIMATED PROJECT TOTAL	\$191,940.00

Assumptions:

- 1) This estimates utilized 2015 unit prices
- 2) Remove and Replace Existing 5.5" Asphalt
- 3) Scarify and Recompact 8" of existing road base

Engineer's opinions of probable Construction Cost provided for herein are to made on the basis of Engineer's experience and qualifications and represent Engineer's best judgment as an experienced and qualified professional generally familiar with the industry. However, since the Engineer has no control over the cost of labor, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. Actual required quantities will vary from this estimate. Owner/Contractor to verify all required quantities and other estimate items, permits, fees, etc. not included above that may be specified in the Construction documents. If Owner wishes to greater assurance as to probable Construction Cost, Owner shall employ an independent cost estimator.



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Job Name: Hayden Roadway Improvements
 Job Number: 2292.7c
 Date: 6/28/2016
 By: SAR/RMM

**Opinion of Probable Costs
 for
 East View Drive Improvements
 Town of Hayden, CO**

	Quantity	Units	Unit Cost	Total
General Sitework				
Mobilization/Demobilization	1	LS	\$7,704.00	\$7,704.00
Demo Existing Curb & Gutter	100	LF	\$8.00	\$800.00
Demo Existing Sidewalk	50	SY	\$16.70	\$835.00
Demo Existing Asphalt	175	SY	\$5.00	\$875.00
T-Patch - Asphalt	73	LF	\$5.00	\$365.00
Sawcut - Asphalt	73	LF	\$5.00	\$365.00
Export Excess Cut (Existing 11" Sidewalk Subgrade)	18	CY	\$18.00	\$324.00
Export Excess Cut (Existing 11" Road Base)	55	CY	\$18.00	\$990.00
Import Fill Material (18" Pit Run CDOT Class 2)	200	TONS	\$26.00	\$5,200.00
Export Unstable Clay Soil - 14"	90	CY	\$20.00	\$1,800.00
Pavement Subgrade Prep - 8" Scarify and Recompact	55	CY	\$7.50	\$412.50
Landscape Restoration	1	LS	\$2,000.00	\$2,000.00
Remove and Reset Light Pole	1	LS	\$1,000.00	\$1,000.00
Traffic Control	1	LS	\$2,000.00	\$2,000.00
	General Sitework Subtotal			\$24,670.50
Pavements				
Road Base - 6" "Recycle in Place" Asphalt/base mix	55	TONS	\$75.00	\$4,125.00
Concrete - Curb & Gutter - 4" mountable curb, 16" Pan	100	LF	\$26.00	\$2,600.00
Sidewalk Base Course 6" (ABC CDOT Class 6)	20	TONS	\$28.50	\$570.00
Concrete Sidewalk (4")	50	SY	\$55.00	\$2,750.00
12" Sidewalk Chase	5	LF	\$400.00	\$2,000.00
Driveway Adjustment/Repair Allowance	3	EA	\$1,500.00	\$4,500.00
Asphalt Paving - 4"	40	TONS	\$135.00	\$5,400.00
	Pavements Subtotal			\$21,945.00
Utility - Water				
Valve Adjustment	1	EA	\$375.00	\$375.00
Adjust Water Service	1	EA	\$750.00	\$750.00
	Utility - Water Subtotal			\$1,125.00
Utility - Sanitary Sewer				
Rim Adjustment	1	EA	\$650.00	\$650.00
	Utility - Sanitary Sewer Subtotal			\$650.00
Erosion Control				
Silt Fence	150	LF	\$4.50	\$675.00
Seeding and Mulching	1	LS	\$1,000.00	\$1,000.00
Inlet Protection	2	EA	\$500.00	\$1,000.00
Erosion Control Maintenance (months)	8	EA	\$1,000.00	\$8,000.00
	Erosion Control Subtotal			\$10,675.00

Subtotal	\$59,065.50
Contingency (20%)	\$11,815.00
Contractor's OH&P (10%)	\$7,090.00
Bidding & Construction Observation (4%)	\$3,120.00
ESTIMATED PROJECT TOTAL	\$81,090.50

Assumptions:

- 1) All pavement would be 4" thick
- 2) This estimates utilized 2015 unit prices
- 3) Asphalt Section: 4" Asphalt, 6" pulverized existing asphalt mixed with road base, 18" pit run subbase, 8" scarify and recompact subgrade
- 4) Existing Section: 3" Asphalt, 11" Road base
- 5) Mountable Curb and Gutter Per Town of Hayden Standard Drawings

Engineer's opinions of probable Construction Cost provided for herein are to be made on the basis of Engineer's experience and qualifications and represent Engineer's best judgment as an experienced and qualified professional generally familiar with the industry. However, since the Engineer has no control over the cost of labor, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. Actual required quantities will vary from this estimate. Owner/Contractor to verify all required quantities and other estimate items, permits, fees, etc. not included above that may be specified in the Construction documents. If Owner wishes to greater assurance as to probable Construction Cost, Owner shall employ an independent cost estimator.



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 47 Cooper Creek Way
 Winter Park, CO 80482
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 Ph: 303.444.1951

Job Name: Hayden Roadway Improvements
 Job Number: 2292.7c
 Date: 6/28/2016
 By: SAR/RMM

**Opinion of Probable Costs
 for
 Hospital Hill (Walnut Street) Roadway Improvements
 Town of Hayden, CO**

	Quantity	Units	Unit Cost	Total
General Sitework				
Mobilization/Demobilization	1	LS	\$9,639.00	\$9,639.00
Demo Existing Asphalt	1,500	SY	\$5.00	\$7,500.00
T-Patch - Asphalt	100	LF	\$5.00	\$500.00
Sawcut - Asphalt	100	LF	\$5.00	\$500.00
Pavement Subgrade Prep - 8" Scarify, Recompact	350	CY	\$7.50	\$2,625.00
Export Unstable Clay Soil - 18" (Road)	825	CY	\$20.00	\$16,500.00
Import Fill Material (18" Pit Run CDOT Class 2) (Road)	1,500	TONS	\$26.00	\$39,000.00
Traffic Control	1	LS	\$7,000.00	\$7,000.00
	General Sitework Subtotal			\$83,264.00
Pavements				
Road Base - 12" (ABC CDOT Class 6)	900	TONS	\$28.50	\$25,650.00
Asphalt Paving - 5"	500	TONS	\$135.00	\$67,500.00
Concrete - Curb & Gutter - 4" mountable curb, 16" Pan	550	LF	\$26.00	\$14,300.00
	Pavements Subtotal			\$107,450.00
Erosion Control				
Silt Fence	600	LF	\$4.50	\$2,700.00
Inlet Protection	2	EA	\$500.00	\$1,000.00
Erosion Control Maintenance	8	EA	\$1,000.00	\$8,000.00
	Erosion Control Subtotal			\$11,700.00

Subtotal	\$202,414.00
Contingency (20%)	\$40,485.00
Contractor's OH&P (10%)	\$24,290.00
Bidding & Construction Observation (8%)	\$21,380.00
ESTIMATED PROJECT TOTAL	\$288,569.00

Assumptions:

- 1) This estimates utilized 2015 unit prices
- 2) Asphalt Section: 5" Asphalt, 12" Aggregate Base Course, 18" Remove and Replace Unstable Clay Soil with Pit Run Subbase, 8" Scarify and Recompact Subgrade
- 3) Existing Section: 5" Asphalt, 12" Road Base

Engineer's opinions of probable Construction Cost provided for herein are made on the basis of Engineer's experience and qualifications and represent Engineer's best judgment as an experienced and qualified professional generally familiar with the industry. However, since the Engineer has no control over the cost of labor, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. Actual required quantities will vary from this estimate. Owner/Contractor to verify all required quantities and other estimate items, permits, fees, etc. not included above that may be specified in the Construction documents. If Owner wishes to greater assurance as to probable Construction Cost, Owner shall employ an independent cost estimator.



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Job Name: Hayden Roadway Improvements
 Job Number: 2292.7c
 Date: 6/28/2016
 By: SAR/RMM

Opinion of Probable Costs
 for
Hospital Hill (Walnut Street) Roadway & Pedestrian Improvements To Pine Street
 Town of Hayden, CO

	Quantity	Units	Unit Cost	Total
General Sitework				
Mobilization/Demobilization	1	LS	\$34,534.00	\$34,534.00
Demo Existing Asphalt	1,500	SY	\$5.00	\$7,500.00
T-Patch - Asphalt	100	LF	\$5.00	\$500.00
Sawcut - Asphalt	100	LF	\$5.00	\$500.00
Pavement Subgrade Prep - 8" Scarify, Recompact	550	CY	\$5.00	\$2,750.00
Export Excess Cut*	1,000	CY	\$18.00	\$18,000.00
Export Unstable Clay Soil - 18" (Sidewalk)*	275	CY	\$20.00	\$5,500.00
Export Unstable Clay Soil - 18" (Road)	825	CY	\$20.00	\$16,500.00
Import Fill Material (18" Pit Run CDOT Class 2) (Sidewalk)*	450	TONS	\$26.00	\$11,700.00
Import Fill Material (18" Pit Run CDOT Class 2) (Road)	1,500	TONS	\$26.00	\$39,000.00
MSE Wall*	2,400	SFF	\$95.00	\$228,000.00
Temporary Shoring Allowance for MSE Wall Construction	1	EA	\$25,000.00	\$25,000.00
Traffic Control	1	LS	\$7,000.00	\$7,000.00
	General Sitework Subtotal			\$396,484.00
Pavements				
Road Base - 12" (ABC CDOT Class 6)	1,500	TONS	\$28.50	\$42,750.00
Asphalt Paving - 5"	500	TONS	\$135.00	\$67,500.00
Asphalt Repair (2" Mill and Overlay)	2,750	SY	\$12.00	\$33,000.00
Concrete Curb Wall	425	LF	\$52.00	\$22,100.00
Concrete - Curb & Gutter - 4" mountable curb, 16" Pan	1,400	LF	\$26.00	\$36,400.00
Concrete Sidewalk - 9' wide, 6" Depth, control joint	450	SY	\$82.50	\$37,125.00
Concrete Sidewalk - 5' wide, 4" Depth, control joint	450	SY	\$55.00	\$24,750.00
	Pavements Subtotal			\$263,625.00
Utility				
Waterline Adjustment Allowance	1	EA	\$10,000.00	\$10,000.00
CMP Culvert Adjustment Allowance	1	EA	\$5,000.00	\$5,000.00
Relocate Light Pole*	1	EA	\$25,000.00	\$25,000.00
	Utility - Electric Subtotal			\$40,000.00
Erosion Control				
Silt Fence	1,000	LF	\$4.50	\$4,500.00
Slope Protection Mat*	450	SY	\$18.00	\$8,100.00
Seeding and Mulching*	1	LS	\$3,500.00	\$3,500.00
Inlet Protection	2	EA	\$500.00	\$1,000.00
Erosion Control Maintenance	8	EA	\$1,000.00	\$8,000.00
	Erosion Control Subtotal			\$25,100.00

(*) Costs associated with pedestrian trail \$324,550.00

Subtotal	\$725,209.00
Contingency (20%)	\$145,045.00
Contractor's OH&P (10%)	\$87,030.00
Bidding & Construction Observation (8%)	\$76,585.00
ESTIMATED PROJECT TOTAL	\$1,033,869.00

Assumptions:

- 1) This estimates utilized 2015 unit prices
- 2) Asphalt Section: 5" Asphalt, 12" Aggregate Base Course, 18" Remove and Replace Unstable Clay Soil with Pit Run Subbase, 8" Scarify and Recompact Subgrade
- 3) Existing Section: 5" Asphalt, 12" Road Base

Engineer's opinions of probable Construction Cost provided for herein are to be made on the basis of Engineer's experience and qualifications and represent Engineer's best judgment as an experienced and qualified professional generally familiar with the industry. However, since the Engineer has no control over the cost of labor, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. Actual required quantities will vary from this estimate. Owner/Contractor to verify all required quantities and other estimate items, permits, fees, etc. not included above that may be specified in the Construction documents. If Owner wishes to greater assurance as to probable Construction Cost, Owner shall employ an independent cost estimator.



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Job Name: Hayden Roadway Improvements
 Job Number: 2292.7c
 Date: 6/28/2016
 By: SAR/RMM

Opinion of Probable Costs
 for
Hospital Hill (Walnut Street) Roadway & Pedestrian Improvements
Town of Hayden, CO

	Quantity	Units	Unit Cost	Total
General Sitework				
Mobilization/Demobilization	1	LS	\$28,950.00	\$28,950.00
Demo Existing Asphalt	1,500	SY	\$5.00	\$7,500.00
T-Patch - Asphalt	100	LF	\$5.00	\$500.00
Sawcut - Asphalt	100	LF	\$5.00	\$500.00
Pavement Subgrade Prep - 8" Scarify,Recompact	450	CY	\$7.50	\$3,375.00
Export Excess Cut*	1,000	CY	\$18.00	\$18,000.00
Export Unstable Clay Soil - 18" (Sidewalk)*	275	CY	\$20.00	\$5,500.00
Export Unstable Clay Soil - 18" (Road)	825	CY	\$20.00	\$16,500.00
Import Fill Material (18" Pit Run CDOT Class 2) (Sidewalk)*	450	TONS	\$26.00	\$11,700.00
Import Fill Material (18" Pit Run CDOT Class 2) (Road)	1,500	TONS	\$26.00	\$39,000.00
MSE Wall*	2,400	SFF	\$95.00	\$228,000.00
Temporary Shoring Allowance for MSE Wall Construction	1	EA	\$25,000.00	\$25,000.00
Traffic Control	1	LS	\$7,000.00	\$7,000.00
	General Sitework Subtotal			\$391,525.00
Pavements				
Road Base - 12" (ABC CDOT Class 6)	1,200	TONS	\$28.50	\$34,200.00
Asphalt Paving - 5"	500	TONS	\$135.00	\$67,500.00
Concrete Curb Wall	425	LF	\$0.00	\$0.00
Concrete - Curb & Gutter - 4" mountable curb, 16" Pan	550	LF	\$26.00	\$14,300.00
Concrete Sidewalk - 9' wide, 6" Depth, control joint	450	SY	\$82.50	\$37,125.00
	Pavements Subtotal			\$153,125.00
Utility				
Waterline Adjustment Allowance	1	EA	\$10,000.00	\$10,000.00
CMP Culvert Adjustment Allowance	1	EA	\$5,000.00	\$5,000.00
Relocate Light Pole*	1	EA	\$25,000.00	\$25,000.00
	Utility - Electric Subtotal			\$40,000.00
Erosion Control				
Silt Fence	600	LF	\$4.50	\$2,700.00
Slope Protection Mat*	450	SY	\$18.00	\$8,100.00
Seeding and Mulching*	1	LS	\$3,500.00	\$3,500.00
Inlet Protection	2	EA	\$500.00	\$1,000.00
Erosion Control Maintenance	8	EA	\$1,000.00	\$8,000.00
	Erosion Control Subtotal			\$23,300.00

(*) Costs associated with pedestrian trail

	\$336,925.00
Subtotal	\$607,950.00
Contingency (20%)	\$121,590.00
Contractor's OH&P (10%)	\$72,955.00
Bidding & Construction Observation (8%)	\$64,200.00
ESTIMATED PROJECT TOTAL	\$866,695.00

Assumptions:

- 1) This estimates utilized 2015 unit prices
- 2) Asphalt Section: 5" Asphalt, 12" Aggregate Base Course, 18" Remove and Replace Unstable Clay Soil with Pit Run Subbase, 8" Scarify and Recompact Subgrade
- 3) Existing Section: 5" Asphalt, 12" Road Base

Engineer's opinions of probable Construction Cost provided for herein are made on the basis of Engineer's experience and qualifications and represent Engineer's best judgment as an experienced and qualified professional generally familiar with the industry. However, since the Engineer has no control over the cost of labor, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. Actual required quantities will vary from this estimate. Owner/Contractor to verify all required quantities and other estimate items, permits, fees, etc. not included above that may be specified in the Construction documents. If Owner wishes to greater assurance as to probable Construction Cost, Owner shall employ an independent cost estimator.



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Job Name: Hayden Roadway Improvements
 Job Number: 2292.7c
 Date: 6/28/2016
 By: SAR/RMM

Opinion of Probable Costs
 for
North 5th Street (West Jefferson Avenue to Lincoln Avenue,500LF)
Town of Hayden, CO

	Quantity	Units	Unit Cost	Total
General Sitework				
Mobilization/Demobilization	1	LS	\$9,233.00	\$9,233.00
Traffic Control	1	LS	\$3,000.00	\$3,000.00
Demo Existing Asphalt	1,900	SY	\$5.00	\$9,500.00
Pavement Subgrade Prep - 8" Scarify,Recompact	410	CY	\$7.50	\$3,075.00
	General Sitework Subtotal			\$24,808.00
Pavements				
Asphalt Paving - 5.5"	550	TONS	\$135.00	\$74,250.00
	Pavements Subtotal			\$74,250.00
Erosion Control				
BMPs	1	LS	\$2,500.00	\$2,500.00
	Erosion Control Subtotal			\$2,500.00

Subtotal	\$101,558.00
Contingency (20%)	\$20,315.00
Contractor's OH&P (10%)	\$12,190.00
Bidding & Construction Observation (4%)	\$5,365.00
ESTIMATED PROJECT TOTAL	\$139,428.00

Assumptions:

- 1) This estimates utilized 2015 unit prices
- 2) Remove and Replace Existing 5.5" Asphalt
- 3) Scarify and Recompact 8" of existing road base

Engineer's opinions of probable Construction Cost provided for herein are to be made on the basis of Engineer's experience and qualifications and represent Engineer's best judgment as an experienced and qualified professional generally familiar with the industry. However, since the Engineer has no control over the cost of labor, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. Actual required quantities will vary from this estimate. Owner/Contractor to verify all required quantities and other estimate items, permits, fees, etc. not included above that may be specified in the Construction documents. If Owner wishes to greater assurance as to probable Construction Cost, Owner shall employ an independent cost estimator.



JVA, Incorporated
 47 Cooper Creek Way
 Winter Park, CO 80482
 Suite 328
 Ph: 303.444.1951

Job Name: Hayden Roadway Improvements
 Job Number: 2292.7c
 Date: 6/28/2016
 By: SAR/RMM

Opinion of Probable Costs
 for
North Spruce Street (East Jefferson Avenue to E Lincoln Avenue,330LF)
Town of Hayden, CO

	Quantity	Units	Unit Cost	Total
General Sitework				
Mobilization/Demobilization	1	LS	\$7,262.50	\$7,262.50
Traffic Control	1	LS	\$3,000.00	\$3,000.00
Demo Existing Asphalt	1,500	SY	\$5.00	\$7,500.00
Pavement Subgrade Prep - 8" Scarify,Recompact	300	CY	\$7.50	\$2,250.00
	General Sitework Subtotal			\$20,012.50
Pavements				
Asphalt Paving - 5.5"	425	TONS	\$135.00	\$57,375.00
	Pavements Subtotal			\$57,375.00
Erosion Control				
BMPs	1	LS	\$2,500.00	\$2,500.00
	Erosion Control Subtotal			\$2,500.00

Subtotal	\$79,887.50
Contingency (20%)	\$15,980.00
Contractor's OH&P (10%)	\$9,590.00
Bidding & Construction Observation (4%)	\$4,220.00
ESTIMATED PROJECT TOTAL	\$109,677.50

Assumptions:

- 1) This estimates utilized 2015 unit prices
- 2) Remove and Replace Existing 5.5" Asphalt
- 3) Scarify and Recompact 8" of existing road base

Engineer's opinions of probable Construction Cost provided for herein are to made on the basis of Engineer's experience and qualifications and represent Engineer's best judgment as an experienced and qualified professional generally familiar with the industry. However, since the Engineer has no control over the cost of labor, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. Actual required quantities will vary from this estimate. Owner/Contractor to verify all required quantities and other estimate items, permits, fees, etc. not included above that may be specified in the Construction documents. If Owner wishes to greater assurance as to probable Construction Cost, Owner shall employ an independent cost estimator.



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 47 Cooper Creek Way
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 Suite 328
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Job Name: Hayden Roadway Improvements
 Job Number: 2292.7c
 Date: 6/28/2016
 By: SAR/RMM

Opinion of Probable Costs
 for
Vista Verde Dr, Escalate, Santa Fe Street Roadway Improvements
 Town of Hayden, CO

	Quantity	Units	Unit Cost	Total
General Sitework				
Mobilization/Demobilization	1	LS	\$55,102.00	\$55,102.00
Demo Existing Curb & Gutter	4,200	LF	\$8.00	\$33,600.00
Demo Existing Conc Sidewalk	240	SY	\$16.70	\$4,008.00
Demo Existing Asphalt	6,500	SY	\$5.00	\$32,500.00
Demo Existing Valley Pan	125	LF	\$22.80	\$2,850.00
T-Patch - Asphalt	140	LF	\$5.00	\$700.00
Sawcut - Asphalt	140	LF	\$5.00	\$700.00
Export Excess Cut (Existing 9" Sidewalk Subgrade)	450	CY	\$18.00	\$8,100.00
Export Excess Cut (Existing 9" Road Base)	1,800	CY	\$18.00	\$32,400.00
Import Fill Material (18" Pit Run CDOT Class 2)	7,762	TONS	\$26.00	\$201,812.00
Export Unstable Clay Soil - 23"	5,500	CY	\$20.00	\$110,000.00
Pavement Subgrade Prep - 8" Scarify, Recompact	2,000	CY	\$7.50	\$15,000.00
Dry Utility Coordination (existing dry utilities)	1	LS	\$20,000.00	\$20,000.00
Landscape Restoration	1	LS	\$25,000.00	\$25,000.00
Traffic Control	1	LS	\$20,000.00	\$20,000.00
	General Sitework Subtotal			\$561,772.00
Pavements				
Road Base - 4" (ABC CDOT Class 6)	1,180	TONS	\$28.50	\$33,630.00
Road Base - 8" (Pit Run CDOT Class 2)	2,350	TONS	\$26.00	\$61,100.00
Concrete - Curb & Gutter - 4" mountable curb, 16" Pan	4,182	LF	\$26.00	\$108,732.00
Concrete Sidewalk - 4' wide, control joint separated	1,800	SY	\$55.00	\$99,000.00
Concrete - 8' Pan (8" thick, reinforced)	125	LF	\$80.00	\$10,000.00
Driveway Adjustment/Repair Allowance	26	EA	\$1,500.00	\$39,000.00
Asphalt Paving - 4"	1,415	TONS	\$135.00	\$191,025.00
	Pavements Subtotal			\$542,487.00
Utility - Water				
Valve Adjustment	5	EA	\$375.00	\$1,875.00
	Utility - Water Subtotal			\$1,875.00
Utility - Sanitary Sewer				
Rim Adjustment	8	EA	\$650.00	\$5,200.00
	Utility - Sanitary Sewer Subtotal			\$5,200.00
Utility - Stormwater				
Curb Inlet Adjustment	4	EA	\$500.00	\$2,000.00
Storm manhole adjustment	4	EA	\$650.00	\$2,600.00
	Utility -Stormwater Subtotal			\$4,600.00
Erosion Control				
Silt Fence	3,600	LF	\$4.50	\$16,200.00
Seeding and Mulching	1	LS	\$15,000.00	\$15,000.00
Inlet Protection	4	EA	\$500.00	\$2,000.00
Erosion Control Maintenance (months)	8	EA	\$1,000.00	\$8,000.00
	Erosion Control Subtotal			\$41,200.00
	Subtotal			\$1,157,134.00
	Contingency (20%)			\$231,430.00
	Contractor's OH&P (10%)			\$138,860.00
	Bidding & Construction Observation (8%)			\$122,195.00
	ESTIMATED PROJECT TOTAL			\$1,649,619.00

Assumptions:

- 1) This estimates utilized 2015 unit prices
- 2) All pavement would be 4" thick
- 3) Asphalt Section: 4" Asphalt, 4" Aggregate Base Course, 8" pit run subbase, 18" Remove Unstable Clay Soils and Replace With Pit Run Subbase, 8" Scarify and Recompact Subgrade
- 4) Existing Section: 2" Asphalt, 9" Road base
- 5) Mountable Curb and Gutter Per Town of Hayden Standard Drawings

Engineer's opinions of probable Construction Cost provided for herein are to be made on the basis of Engineer's experience and qualifications and represent Engineer's best judgment as an experienced and qualified professional generally familiar with the industry. However, since the Engineer has no control over the cost of labor, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. Actual required quantities will vary from this estimate. Owner/Contractor to verify all required quantities and other estimate items, permits, fees, etc. not included above that may be specified in the Construction documents. If Owner wishes to greater assurance as to probable Construction Cost, Owner shall employ an independent cost estimator



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Job Name: Hayden Roadway Improvements
 Job Number: 2292.7c
 Date: 6/28/2016
 By: SAR/RMM

Approximate Unit Costs
 for
Hayden Roadway Improvements
Town of Hayden, CO

	Quantity	Units	Unit Cost	
General Sitework				
Demo Existing Curb & Gutter		LF	\$8.00	
Demo Existing Conc Sidewalk		SY	\$16.70	
Demo Existing Asphalt		SY	\$5.00	
Demo Existing Valley Pan		LF	\$22.80	
Temporary Shoring Allowance for MSE Wall Construction		EA	\$25,000.00	\$45/SFF
MSE Wall		SFF	\$95.00	
T-Patch - Asphalt		LF	\$5.00	
Sawcut - Asphalt		LF	\$5.00	
Pavement Subgrade Prep - Scarify,Recompact		CY	\$7.50	
Export Unstable Clay Soil		CY	\$20.00	
Export Excess Cut		CY	\$18.00	
Pavements				
Road Base - (ABC CDOT Class 6)		TONS	\$28.50	
Road Base - (Pit Run CDOT Class 2)		TONS	\$26.00	
Driveway Adjustment/Repair Allowance		EA	\$1,500.00	
Crack Sealing		LF	\$5.00	
Road Base - 6" "Recycle in Place" Asphalt/base mix		TONS	\$75.00	
Asphalt Repair (2" Mill and Overlay)		SY	\$12.00	
Asphalt Paving		TONS	\$135.00	
Concrete - 8' Pan (8" thick, reinforced)		LF	\$80.00	
Concrete Sidewalk - 6"		SY	\$82.50	
Concrete Sidewalk - 4"		SY	\$55.00	
Concrete Curb Wall		LF	\$52.00	
Concrete - Curb & Gutter - 4" mountable curb, 16" Pan		LF	\$26.00	
Utility - Water				
Valve Adjustment		EA	\$375.00	
Utility - Sanitary Sewer				
Rim Adjustment		EA	\$650.00	
Utility - Storm Drainage System				
Curb Inlet Adjustment		EA	\$500.00	
Storm Manhole Adjustment		EA	\$650.00	
Erosion Control				
Silt Fence		LF	\$4.50	
Inlet Protection		EA	\$500.00	
Erosion Control Maintenance (months)		EA	\$1,000.00	
Slope Protection Mat		SY	\$18.00	

Engineer's opinions of probable Construction Cost provided for herein are to be made on the basis of Engineer's experience and qualifications and represent Engineer's best judgment as an experienced and qualified professional generally familiar with the industry. However, since the Engineer has no control over the cost of labor, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual Construction Cost will not vary from opinions of probable Construction Cost prepared by Engineer. Actual required quantities will vary from this estimate. Owner/Contractor to verify all required quantities and other estimate items, permits, fees, etc. not included above that may be specified in the Construction documents. If Owner wishes to greater assurance as to probable Construction Cost, Owner shall employ an independent cost estimator.



Town Council Agenda Item

MEETING DATE: July 7, 2016

AGENDA ITEM TITLE: 2016 Fee Schedule Adoption / Resolution 2016-19

AGENDA SECTION: New Business

PRESENTED BY: Sharon Johnson, Town Clerk

CAN THIS ITEM BE RESCHEDULED: No

BACKGROUND REVIEW: In January 2015, the State Licensing Authority reduced the new liquor application fee. This was done because the liquor cash fund reserves were above the 16.5% statutory limit.

The cash reserve fund is now below this limit and it is now necessary to adjust the fees upward to reflect the direct and indirect costs of the Liquor Enforcement Division and the State Licensing Authority pursuant to 12-47-501(d), C.R.S.

Therefore, on June 15, 2016, the State Licensing Authority filed an emergency rule with the Colorado Secretary of State's Office for a fee increase for new/transfer liquor applications and for new liquor applications with concurrent review, *effective July 1, 2016*.

Since the emergency rule is only valid for 120 days, the Divisions filed a notice for permanent rulemaking to adjust the fees permanently.

In the same permanent rule making notice, the Liquor Enforcement Division also requested an elimination in the product registration fee to move towards an online only registration process for brand registration.

RECOMMENDATION: Move to approve Resolution 2016-19 A Resolution of the Town of Hayden, Colorado Adopting a Fee Schedule for the year 2016.

MANAGER RECOMMENDATION/COMMENTS: *I concur with the recommendation.*

RESOLUTION NO. 2016-19

**A RESOLUTION OF THE TOWN OF HAYDEN, COLORADO ADOPTING A
FEE SCHEDULE**

RECITALS

1. On October 6, 2005, the Board of Trustees passed an Ordinance establishing rate, fees and charges for the Town of Hayden.
2. The Ordinance provided that a Fee Schedule may be adopted by Resolution and be amended as needed from time to time by Resolution.
3. Changes to the 2016 Fee Schedule Appendix A reflect changes to the Colorado State Department of Liquor Authority application and license fee effective July 1, 2016
4. The 2016 Fee Schedule Appendix B has not been modified from the 2015 Fee Schedule.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF HAYDEN, COLORADO THAT:**

Section 1. An amended 2016 Fee Schedule, Appendix A and Appendix B: *Fees, Rates and Charges Imposed Pursuant to the Hayden Town Code*, and attached hereto, are hereby adopted.

Section 2. This Resolution shall be in full force and effect upon its adoption.

PASSED, APPROVED AND RESOLVED THIS 7th DAY OF July 2016.

James M. Haskins, Mayor

ATTEST:

Sharon Johnson, Town Clerk

**2016
FEE SCHEDULE
TOWN OF HAYDEN
APPENDIX A**

Fees, Rates and Charges Imposed Pursuant to the Hayden Town Code

Administration	Amount	Description
Copies	\$0.15	Per page
Copies - Senior Citizen	\$0.10	Per page
Color Copies	\$1.00	Per page
Fax	\$0.50	Per page
Notary Fee	\$5.00	1st document
Notary Fee	\$2.00	Each additional document (during same visit)
NSF or Account Closed Fee	\$35.00	Per incident
Open Records Request:		
Certified Copies	\$1.25	Per page
Copies	\$0.25	Per page
Town Attorney	\$140.00	Per hour
Department Heads	\$40.00	Per hour
Administrative Personnel	\$30.00	Per hour; first hour is free.
Town Code	\$100.00	Copies or CD
Land Use Code	\$50.00	Copies or CD
Comprehensive Plan	\$50.00	Each
Zoning Map	\$10.00	Each
Court	Amount	Description
Court Cost	\$25.00	
Court Cost	\$50.00	Deferrals
Land Use	Application Fees	Deposit/Development Agreement Required
Conditional Use permit	\$200.00	Yes
Textual Amendment to Land Use Code	\$200.00	Yes
Zoning Map Amendment	\$400.00	Yes
Variance	\$200.00	Yes
Planned Unit Development (PUD) Review:		
Sketch Plan	\$1,000 + \$10/lot/dwelling unit/5 acres non residential	Yes
Preliminary Plat	\$1,000 + \$10/lot/dwelling unit/5 acres non residential	Yes
Final Plat	\$750.00	Yes
Concurrent Rezoning	\$300.00	
Subdivision Fees:		
Sketch Plan	\$750 + \$15/lot or dwelling unit	Yes
Preliminary Plat	\$750 + \$15/lot or dwelling unit	Yes
Final Plat	\$500.00	Yes
Minor Subdivision Plat	\$350.00	
Site Plan Fees:		
Commercial	\$200 + .05/sq. ft. for gross bldg. floor area	Yes
Industrial	\$400.00	Yes
Multi Family Residential	\$150 + \$10/unit	Yes

NOTE: In the event of a conflict between the fees, rates and charges listed in this Appendix A and the text of any individual section of the Town Code, the provisions of this Appendix shall control.

**2016
FEE SCHEDULE
TOWN OF HAYDEN
APPENDIX A**

Fees, Rates and Charges Imposed Pursuant to the Hayden Town Code

Signage and other Plans	\$50.00		
Annexation	\$1,000.00	Yes	
Appeal Charge	\$50.00		
Replat	\$250.00	Yes	
Liquor License Fees			
	Local	State	
New Application Fee	\$1,000.00	\$920.00	
Concurrent Review Fee		\$100.00	
3.2% Beer on Premises	\$3.75	\$96.25	
Hotel & Restaurant License	\$75.00	\$500.00	
Retail Liquor Store	\$22.50	\$227.50	
Brew-Pub	\$75.00	\$750.00	
Tavern	\$75.00	\$500.00	
Other License Types	Per State Schedule	Per State Schedule	
Background Investigation	\$7.00		
CBI Fingerprint Fee	\$10.00	\$38.50	
Hotel/Tavern Manager Registration	\$75.00	\$75.00	
Change of Trade Name/Corporate Name		\$50.00	
Corporate/LLC Change (per person)	\$100.00	\$100.00	
Change of Location	\$750.00	\$150.00	
Modification of Premises		\$150.00	
Special Event - 3.2% Beer	\$100.00		
Special Event - Liquor	\$100.00		
Renewal Fee	\$100.00		
Late Renewal Fee	\$500.00		
Temporary Permit	\$100.00		
Transfer of Ownership Fee	\$750.00	\$920.00	
Other Fees	Per State Schedule	Per State Schedule	
Marijuana License Fee			
New	Application Fee	License Fee	
Pre-application Meeting Fee	\$250.00		
Retail/Medical Cultivation Application	\$2,500.00		
Retail/Medical Cultivation License		\$1,000.00	
Renewal	Application Fee	License Fee	Total Due at Application
Cultivation (up to 1800 plants)	\$250.00	\$2,000.00	\$2,250.00
Cultivation Extended Plant Count Tier 2 (1801-3600 plants)	\$250.00	\$1,000.00	\$1250 + \$2250 = \$3500
Cultivation Extended Plant Count Tier 3 (1801-6000 plants)	\$250.00	\$2,000.00	\$2250 + \$2250 = \$4500
Cultivation Extended Plant Count Tier 4 (6001 - 10200 plants)	\$250.00	\$4,000.00	\$4250 + \$2250 = \$6500
Cultivation Extended Plant Count Tier 5 (10001-13800 plants)	\$250.00	\$8,000.00	\$8250 + \$2250 = \$10500
Cultivation Extended Plant Count Tier 5+ (13801 - ? in increments of 3600 plants)	\$250.00	1000 per add'l 3600 plants over 13800 +\$10500	
Late Renewal Application Fee	\$500.00		
Individual License Fee			

NOTE: In the event of a conflict between the fees, rates and charges listed in this Appendix A and the text of any individual section of the Town Code, the provisions of this Appendix shall control.

**2016
FEE SCHEDULE
TOWN OF HAYDEN
APPENDIX A**

Fees, Rates and Charges Imposed Pursuant to the Hayden Town Code

Associated Key/Owner	\$1,000.00	One Year License
Occupational Support	\$150.00	Two Year License
Occupational Key	\$300.00	Two Year License
Individual Renewal License Fee		
Associated Key/Owner	\$200.00	
Occupational Support	\$75.00	
Occupational Key	\$150.00	
Nuisances		
Administrative Citation:	Amount	Description
1st Offense	\$35.00	Per Calendar Year
2nd Offense	\$70.00	Per Calendar Year
3rd Offense or more	\$150.00	Per Calendar Year
Administrative Appeal Fee	Actual Cost plus \$50.00	Deposit of \$200.00 required at time of filing appeal
False Alarm:		
4th Offense	\$35.00	Per Calendar Year
5th Offense	\$70.00	Per Calendar Year
6th Offense or more	\$150.00	Per Calendar Year
Late Fee	\$20.00 plus 18% per annum	
Public Safety		
	Amount	Description
Fingerprints	\$10.00	Per card
Police Report	\$5.00	Photos \$1.00 each
Impound Fee	\$30.00	Each
Animal License - Altered	\$5.00	Per year
Animal License - Unaltered	\$10.00	Per year
Photos	\$1.00	Per photo
Sex Offender Registration	\$75.00	Each
Sex Offender Re-Registration	\$25.00	Each
Off Highway Vehicles	\$30.00	31
Public Works		
	Amount	Description
Meter Deposit	\$75.00	
Disconnect Fee	\$30.00	Per incident
Reconnect Fee	\$30.00	Per incident
Water Meter	Actual cost of meter	
Water Tap Fee	\$7,300.00	Per EQR - see 13.08
Sewer Tap Fee	\$5,900.00	Per EQR - see 13.08
Street Cuts	\$50.00	Plus \$0.25/linear foot
Vacation of Street/Alley	\$100.00	Each
Hourly Rate for Personnel	\$52.00 / hr	Per worker
Vehicle(s) on the job site	\$40.00 / hr	Per vehicle
Taxes and Licenses		
	Amount	Description
Sales Tax License	\$25.00	Per year
Animal License - Altered	\$5.00	Per year
Animal License - Unaltered	\$10.00	Per year
Entertainment License	\$5.00	Per event
Peddlers License	\$25.00	Per day
Fireworks License	\$500.00	Bond

NOTE: In the event of a conflict between the fees, rates and charges listed in this Appendix A and the text of any individual section of the Town Code, the provisions of this Appendix shall control.

**2016
FEE SCHEDULE
TOWN OF HAYDEN
APPENDIX A**

Fees, Rates and Charges Imposed Pursuant to the Hayden Town Code

Telephone Utility Tax	\$1,200.00 Per year
Cable TV Fee	3% Gross Sales
Sales Tax - Town	4%
Use Tax	2% On total valuation upon issuance of Building Permit
Vehicle Rental Tax	3.5% Of rental price of vehicle
Accommodations Tax	3.5% Of purchase price for accommodations
Natural Gas Fee	1% per Ordinance 644
Excise Tax on Marajuana Cultivation	7.5% per Ordinance 668

NOTE: In the event of a conflict between the fees, rates and charges listed in this Appendix A and the text of any individual section of the Town Code, the provisions of this Appendix shall control.

Appendix B: Fees, Rates and Charges Imposed Pursuant to the Hayden Town Code

BUILDING PERMIT AND BUILDING DEPARTMENT SERVICES FEE SCHEDULE

VALUATION DATA, BUILDING PERMIT AND PLAN REVIEW FEES

The determination of value or valuation for purposes of determining and assessing the applicable building permit fee shall be made by the building official. The value of a project will be based on the stated value on the building permit application, or by applying the most recent Building Valuation Data* from the "Building Safety Magazine" published by The International Conference of Building Officials, whichever is greater. The valuation shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment and including profit and labor.

BUILDING PERMIT AND PLAN REVIEW FEES

BUILDING PERMIT FEES:

Total Valuation	Fee
• \$1.00 to \$500.00	\$23.50
• \$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, up to and including \$2,000.00
• \$2001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
• \$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, up to and including \$50,000.00
• \$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, up to and including \$100,000.00
• \$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
• \$500,001.00 to \$1,000,000.00	\$3233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
• \$1,000,001.00 and up	\$5608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00 or fraction thereof

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

NOTE: in the event of a conflict between the fees, rates and charges listed in this Appendix B and the text of any individual section of the Town Code the provisions of this Appendix shall control.

Appendix B: Fees, Rates and Charges Imposed Pursuant to the Hayden Town Code
Additional Valuation Square Foot Construction Costs*

Type of Structure	Cost Per Square Foot
Unfinished Basement	\$19.20
Carports	\$17.30
Pole Barns	\$17.30
Decks	\$17.30

ELECTRICAL PERMIT FEES

Electrical fees charged by the Town of Hayden will be scaled at 1.15 from current version of the State of Colorado Fee Schedule per Colorado Revised Statutes, Article 23, Section 12-23-117 which states: Because electrical inspections are matters of statewide concern, the maximum fees, established annually, chargeable for electrical inspection by any city, town, county, or city and county shall not be more than fifteen percent above those provided for in this section, and no such local government shall impose or collect any other fee or charge related to electrical inspections or permits.

GRADING PLAN REVIEW FEES

- 50 cubic yards No Fee
- 50 to 100 cubic yards \$26.50
- 100 to 1,000 cubic yards \$42.00
- 1,000 to 10,000 cubic yards \$55.00
- 10,000 to 100,000 cubic yards – \$55.00 for the first 10,000 cubic yards, plus \$27.50 for each additional 10,000 cubic yards or fraction thereof.
- 100,000 to 200,000 cubic yards - \$302.50 for the first 100,000 cubic yards, plus \$14.85 for each additional 10,000 cubic yards or fraction thereof.
- 200,000 cubic yards or more - \$451.00 for the first 200,000 yards, plus \$8.15 for each additional 10,000 cubic yards or fraction thereof.

GRADING PERMIT FEES

- 0 to 100 cubic yards \$50.00
- 100 to 1,000 cubic yards - \$50.00 for the first 100 cubic yards, plus \$20.00 for each additional 100 cubic yards or fraction thereof.
- 1,000 to 10,000 cubic yards - \$230.00 for the first 1,000 cubic yards, plus \$16.50 for each additional 1,000 cubic yards or fraction thereof.
- 10,000 to 100,000 cubic yards - \$378.50 for the first 10,000 cubic yards, plus \$75.00 for each additional 10,000 cubic yards or fraction thereof.
- 100,000 cubic yards or more - \$1,053.50 for the first 100,000 cubic yards plus \$42.00 for each additional 10,000 cubic yards or fraction thereof.

OTHER FEES

Inspections outside of normal business hours	\$100.00 hourly
Note: Fees to be charged directly to applicant (2 hour minimum)	

NOTE: in the event of a conflict between the fees, rates and charges listed in this Appendix B and the text of any individual section of the Town Code the provisions of this Appendix shall control.

Appendix B: Fees, Rates and Charges Imposed Pursuant to the Hayden Town Code

Reinspection Fees (work not ready for inspection or called for corrections not made)	\$75.00
Inspections for which no fee is specifically indicated	\$100.00 hourly
Additional plan review required by changes, additions or revisions to or revisions to the approved plans Note: Fees to be charged directly to the applicant.	\$100.00 hourly
Stock/Same As Plan Review – No Change	\$250.00
Stock/Same As Plan Review – Minor Change	\$500.00
Investigative Services / Testimony	\$100.00 hourly
Pre-Move Inspections – Within 30 miles of Hayden	\$200.00
Pre-Move Inspections – Over 30 miles from Hayden	\$400.00
Single Stop Fees:	
Air Conditioner	\$100.00
Demolition	\$ 75.00
Fence (over 6 feet in height)	\$ 75.00
Furnace/Boiler	\$100.00
Hot Tub & Spa's	\$150.00
Lawn Sprinkler System	\$ 75.00
Water Heater	\$ 75.00
Window Replacement (if structural changes are to be made)	\$100.00

FACTORY-BUILT HOME, MANUFACTURED HOMES AND MOBILE HOME PERMIT FEE SCHEDULE:

Block & Tie	\$450.00
Temporary / Accessory	\$250.00
Permanent Foundation	Fee will be calculated on valuation of foundation plus \$450.00.

BUILDING PERMIT FEES:

For each factory-built home \$100.00 per section plus Building Permit and Plan Review Fees as determined based on the valuation (*material and labor*) for foundation systems, porches, decks and stairs or other permanent construction which are not components of the factory-built home as produced.

ELECTRICAL PERMIT FEES:

NOTE: in the event of a conflict between the fees, rates and charges listed in this Appendix B and the text of any individual section of the Town Code the provisions of this Appendix shall control.

Appendix B: Fees, Rates and Charges Imposed Pursuant to the Hayden Town Code

For hookup of each factory-built home\$115.00

Fees for additions, remodels and repairs to factory-built home electrical systems shall be as determined for Electrical Permit Fees.

PLUMBING PERMIT FEES:

For the issuance of each permit\$15.00

For hookup of each factory-built home plumbing system.....\$9.00

Fees for additions, remodels and repairs to factory-built home plumbing systems shall be as determined for Plumbing Permit Fees.

MECHANICAL PERMIT FEES:

For the issuance of each permit\$15.00

For hookup of fuel gas system to each factory-built home\$9.00

Fees for additions, remodels and repairs to factory-built home mechanical systems shall be as determined for Mechanical Permit Fees.

ELEVATOR PERMIT FEES

Northwest Colorado Council of Government (NWCCOG) is the inspection agency for all elevator installations in Hayden. Contact NWCCOG at (970) 468-0295 ext.108 for fee information on elevator permits.

FIRE SUPPRESSION AND DETECTION PERMIT FEES

The West Routt Fire Protection District has access and fire prevention review authority for buildings constructed in their district. Contact the district for application submittal information and permit fees.

NOTE: in the event of a conflict between the fees, rates and charges listed in this Appendix B and the text of any individual section of the Town Code the provisions of this Appendix shall control.



COLORADO
Department of Revenue

Executive Director's Office

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Colorado Department of Revenue
Liquor Enforcement Division
Adoption of Revised Rule on an Emergency Basis
Colorado Liquor Rules, 1 C.C.R. 203-2

Emergency Rule

Regulation 47-506 – Fees

Statement of Emergency Justification and Adoption

Pursuant to sections 24-4-103, 12-47-202, and 12-47-501, C.R.S., I, Barbara J. Brohl, Executive Director of the Department of Revenue and State Licensing Authority, hereby adopt the aforementioned revised Colorado Liquor Rule which is attached hereto.

Section 24-4-103(6), C.R.S., authorizes the State Licensing Authority to issue an emergency rule if the State Licensing Authority finds that the immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

I find: (1) the adoption of this revised rule effective July 1, 2016, is necessary to comply with the statutory mandates of the Colorado Liquor Code sections 12-47-101 to -1002, C.R.S.; (2) the adoption of this revised rule is necessary to preserve the public health, safety, and welfare; and (3) compliance with the notice and public hearing requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

Statutory Authority

The statutory authority for this revised rule is found at subsections 12-47-202(1)(b), 12-47-202(2)(a)(1), 12-47-501(1.5), 12-47-501(2)(d), 24-75-402(4)(a), C.R.S.

Purpose

The purpose of the revision to this rule on an emergency basis is to update the fee levels in accordance with statutory requirements and the needs of the Liquor Enforcement Division. Pursuant to subsection 12-47-501(2)(d), C.R.S. the fees established pursuant to section 12-47-501, C.R.S. shall be reviewed at least annually and adjusted to reflect the direct and indirect costs of the Liquor Enforcement Division and the state licensing authority. Effective January 1, 2015, pursuant to 12-47-501(1.5) the Executive Director by rule reduced the fees to avoid exceeding the statutory limit of uncommitted reserves in administrative agency cash funds under subsection 24-75-402(3), C.R.S. Pursuant to subsection 12-47-501(2)(d), C.R.S. and in accordance with subsection 24-75-402(4)(a), C.R.S., having achieved a reduction in the uncommitted cash reserves under the prior rule, it is now necessary to adjust the fees upward to reflect the direct and indirect costs of the Liquor Enforcement Division and the State Licensing Authority pursuant to 12-47-501(2)(d), C.R.S.

The State Licensing Authority filed a permanent rulemaking notice for this rule on June 15, 2016. A public hearing on the proposed permanent rule will take place on July 15, 2016. That process will include the opportunity for substantial stakeholder and public participation.

Adoption

The State Licensing Authority is adopting this revised rule on an emergency basis to assure the public is provided with notice of the fees that the State Licensing Authority currently collects. Adoption of these emergency rules will clarify the fee schedule for applicants and licensees.

This emergency rule is effective July 1, 2016. The prior version of Regulation 47-506, 1 C.C.R. 203-2 is hereby repealed and replaced by the attached emergency rule which will remain in effect until its expiration upon 120 days from the effective date unless sooner terminated or replaced by a permanent rule.



Barbara J. Brohl
Executive Director
Colorado Department of Revenue
State Licensing Authority



Date

**COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
CHANGES TO EXISTING RULES**

1 C.C.R. 203-2

Filed June 2016

Regulation 47-506. Fees.

Below are the fees set by the State Licensing Authority pursuant to Sections 12-47-501(2) and 12-47-501(3), C.R.S.

Alternating Proprietor Licensed Premises	\$150.00
Application for New License	\$600.00 \$920.00
Application for New License with Concurrent Review	\$700.00 \$1020.00
Application for Transfer License.....	\$600.00 \$920.00
Art Gallery Permit.....	\$71.25
Bed & Breakfast Permit.....	\$50.00
Branch Warehouse or Warehouse Storage Permit.....	\$100.00
Change of Corporate or Trade Name.....	\$50.00
Change of Location	\$150.00
Corporate/LLC Change (Per Person)	\$100.00
Duplicate Liquor License	\$50.00
Limited Liability Change	\$100.00
Manager Registration (Hotel/Restaurant or Tavern)	\$75.00
Master File Background	\$250.00
Master File Location Fee (Per Location)	\$25.00
Modification of License Premises (City or County)	\$150.00
New Product Registration (Per Unit)	\$5.00 NO CHARGE
Optional Premises Added to H&R License (Per Unit)	\$100.00
Retail Warehouse Storage Permit	\$100.00
Wine Festival Permit Wine	\$25.00
Direct Shipment Permit	\$50.00
Subpoena Testimony (Per Hour)	\$50.00

Minimum of four (4) hours of appearance or on-call or travel time to court and mileage, meals, and lodging at state employee per-diem rate. Actual hourly rate for all hours in excess of four (4) hours.