

AGENDA

MISSION

The City of Durango and our employees provide efficient city services, effectively maintain city assets and manage growth, are accountable, ethical and fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.

VISION

Durango is an authentic, diverse, multigenerational, and thriving community. Our residents value and enjoy our unique natural environment and benefit from the management of our city's resources in a fiscally responsible, environmental, and socially sustainable manner.

VALUES

- Teamwork
- Dependability
- Professionalism
- Service
- Respect
- Innovation
- Well-Being

STRATEGIC GOALS

- Affordability & Economic Opportunity (AEO)
- Diversity, Equity, Inclusion (DEI)
- Effective Infrastructure Network (EIN)
- Enhanced Livability & Sense of Place (ELSP)
- Environmental Sustainability & Resilience (ESR)
- Financial Excellence & High Performing Government (FE)
- Engaged & Collaborative Governance (ECG)



The City of Durango encourages the participation of all its citizens in its public meetings. If an accommodation is needed, please contact the City of Durango ADA Coordinator at (970) 375-5005

CITY COUNCIL REGULAR MEETING
DURANGO CITY HALL, SMITH CHAMBERS
09/19/2023
5:30 PM

MAYOR

Melissa Youssef

MAYOR PRO-TEM

Jessika Buell

CITY COUNCILORS

Olivier Bosmans – David Woodruff -
Gilda Yazzie

CITY MANAGER

José Madrigal

ASSISTANT CITY MANAGER

Erin Hyder

MANAGING DIRECTOR

Bob Brammer, Public Safety

CITY ATTORNEY

Mark Morgan

CHIEF FINANCIAL OFFICER

Devon Schmidt

CITY CLERK

Faye Harmer

AIRPORT

Tony Vicari, Director

911 COMMUNICATIONS

Zeta Fail, Director

LIBRARY SERVICES

Luke Alvey-Henderson, Director

PARKS AND RECREATION

Scott McClain, Interim Director

TRANSPORTATION

Sarah Hill, Director

INFORMATION TECHNOLOGY

Justin Carlton, Director

PUBLIC WORKS

Allison Baker, Director

HUMAN RESOURCES

Bonnie Kling, Director

COMMUNITY DEVELOPMENT

Scott Shine, Director

**CITY OF DURANGO
CITY COUNCIL REGULAR MEETING
DURANGO CITY HALL, SMITH CHAMBERS
09/19/2023
5:30 PM**

1. CALL TO ORDER AND ROLL CALL - 5:30PM
2. INTRODUCTION OF TRANSLATOR
3. OPENING REMARKS BY MAYOR AND COUNCIL - Information Only
4. PRESENTATIONS/PROCLAMATIONS - Information Only
 - 4.1. Proclamation Recognizing Constitution Week 2023
 - 4.2. Proclamation Recognizing Durango Cowboy Gathering Week
5. CITY MANAGER UPDATES - Information Only - 5:45PM
 - 5.1. Community Development Customer Service Strategy Update - ECG - Submitted by the Community Development Department
6. COMMITTEE, BOARD AND LIAISON REPORTS - Information Only - 6:00PM
7. PUBLIC COMMENT ON AGENDA ITEMS ONLY (Items 8, 9 & 11)
8. CONSENT AGENDA - Action Items without discussion - 6:15PM
 - 8.1. Approval of Meeting Minutes
 - 8.1.1. Approval of Minutes City Council Regular Meeting September 5, 2023 - Submitted by Clerk's Office
 - 8.2. Final Reading of Ordinances
 - 8.2.1. An Ordinance Approving the Annexation and Initial Zoning for the Durango Mesa Addition to the City of Durango and Declaring an Effective Date - ELSP, AEO - Submitted by Vicki Vandegrift
Submitted by Vicki Vandegrift
 - 8.3. Adoption of Resolution(s) by Consent
 - 8.4. Approval of Other Administrative Items
 - 8.5. Land use and Development Action Items
9. ITEMS PULLED FROM THE CONSENT AGENDA - Action Item with discussion

This meeting is being held in a virtual/In Person format (Durango Resolution R 2022-00017 dated 4/5/2022). Link to the virtual meeting at <http://durangogov.org/zoom>. If this link fails, please copy and paste into your browser.

10. LAND USE AND DEVELOPMENT - Action Items with Discussion
11. RESOLUTIONS - CONSIDERATION OF ADOPTION - Action Items with discussion - 6:30PM
 - 11.1. A Resolution to Adopt Bylaws for the Financial Advisory Board - ECG - Submitted by Mark Morgan
 - 11.2. A Resolution Amending the 2023 Budget For Improvements Associated with the Big Picture Building - FE&HPG & EIN - Submitted by Erin Hyder
 - 11.3. A Resolution to Amend the 2023 Budget for the Purpose of Budget Adjustments to the Design of Downtown's Next Step Project - EL&SP - Submitted by Devin King
12. FIRST READING OF ORDINANCES - CONSIDERATION OF ADOPTION AND PUBLIC HEARING - Action items with discussion - 7:00PM
 - 12.1. An Ordinance Approving the Annexation and Initial Zoning for the Zick Addition Annexation to the City of Durango and Declaring an Effective Date - AEO - Submitted by Scott Shine
Submitted by Scott Shine
 - 12.2. An Ordinance Amending Chapter 11 Health and Sanitation Article IV - Stream Pollution of the Municipal Code Pertaining to Waste and Flash Flood Exposure Within Public Stream Riparian Zones and Floodplains by Adding
Section 11-74 Unlawful Presence and Activities as Follows - ES&R - Submitted by Mark Morgan
13. PUBLIC COMMENT ON NON-AGENDA ITEMS - No discussion
14. INTRODUCTION OF ORDINANCES AND REQUEST FOR PUBLIC HEARING - Action Item with limited discussion - 7:15PM
 - 14.1. Introduction and Request for Public Hearing for an Ordinance Enacting a Standing Order Regarding the Prohibition of Firearms and Other Deadly Weapons in City Buildings - EL&SP - Submitted by Mark Morgan
 - 14.2. Introduction and Request for Public Hearing for an Ordinance Approving the Cross Right-of-Way Abandonment Request - ELSP - Submitted by Scott Shine
15. OTHER NEW BUSINESS - Non-Dispositive with limited discussion
16. OTHER MATTERS - Non-Dispositive with limited discussion
 - 16.1. Requests for Excused Absences
 - 16.2. Directives
17. EXECUTIVE SESSION - 7:30PM
 - 17.1. An Executive Session to Discuss the Purchase, Acquisition, Lease, Sale or Transfer of an Interest in Real Property Located in Downtown Durango Currently Leased to the Durango and Silverton Narrow Gauge
for Parking and to Determine Positions Relative to Matters that May be Subject to Negotiation and Direct Negotiators as Permitted by C.R.S. 24-6-402(4)(a) and (e)
 - 17.2. An Executive Session for the Purpose of Discussing a Personnel Matter, Specifically to Discuss the Hiring of the Director of Parks and Recreation as Permitted in C.R.S. § 24-6-402(F)(II)

This meeting is being held in a virtual/In Person format (Durango Resolution R 2022-00017 dated 4/5/2022). Link to the virtual meeting at <http://durangogov.org/zoom>. If this link fails, please copy and paste into your browser.

18. ADJOURNMENT - 8:15PM

NOTE THAT ALL TIMES ARE APPROXIMATIONS

The public may view the meeting live on Zoom at durangogov.org/zoom or on YouTube at <https://www.youtube.com/@CityofDurango6512>. An email link for public comment is located at [DurangoGov.org/meetings](https://durangogov.org/meetings) at the top of the page as well as on the agenda itself under Public Participation. Comments must be submitted no later than noon on the Monday preceding the meeting. Each email should contain the corresponding agenda item in the subject line of the email if there is one. The sender's full name and address should be included for the record. If comment by email is not possible, comments may also be placed in the drop box located in front of City Hall no later than noon on the Monday preceding the meeting. All written comments will be provided to the Council for review. Written comments may be read into the record and/or attached to the minutes of the meeting at the direction/discretion of Council. Email comments should be directed to: PublicComment@durangogov.org.

Members of the public who wish to provide verbal comments can use the Virtual Meeting Information at the top of this agenda to join the meeting. Please ensure you have the Zoom app installed on your computer or mobile device prior to the meeting (<https://zoom.us/download>). The mayor will provide additional details during the meeting when public comment is accepted.

**Proclamation
Constitution Week 2023**

WHEREAS, September 17, 2023, marks the two hundred thirty-six anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebration which will commemorate the occasion; and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through the 23rd as Constitution Week.

NOW, THEREFORE, I, Melissa Youssef, Mayor of the City of Durango, Colorado, do proclaim September 17th through the 23rd, 2023 as

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals that the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties and remembering that lost rights may never be regained.

City of Durango

Melissa Youssef, Mayor

Attest

Faye Harmer, City Clerk

DURANGO COWBOY GATHERING WEEK

September 25th - October 1, 2023

WHEREAS, The Durango Cowboy Gathering was established in 1988 as Colorado's first Cowboy Gathering and,

WHEREAS, Monday, September 25th begins the celebration of its 35th Anniversary to commemorate and preserve the traditions, history, culture, and spirit of the American West, and

WHEREAS, the Durango Cowboy Gathering pays tribute to its western heritage by connecting the past to the future by providing authentic cowboy music, poetry and art in our community including special performances for seniors and educational programs at area schools and,

WHEREAS, through its fun filled family events such as the Cowboy Mosey, chuckwagon breakfast, motorless parade, gallery events, and performances of cowboy music and poetry at various venues throughout Durango, the Durango Cowboy Gathering provides an economic boost to all businesses in the region,

NOW, THEREFORE, I, Jessika Buell, Mayor Pro Tem of Durango, Colorado, do hereby proclaim September 25, - October 1,2023 , as Durango Cowboy Gathering Week.

City of Durango

Jessika Buell, Mayor Pro Tem
Attest

Faye Harmer, City Clerk



**Community Development Department
2024 Customer Service Strategy**

Building Community Together

This is the overarching purpose and aim of all Community Development services.

SUMMARY

To align every customer interaction with this purpose, our team will:

- Provide **professional & efficient assistance** in an **accessible environment**.
- Ensure **clear, comprehensive & consistent communication**.
- Seek to **understand the context of every customer interaction** and **facilitate solutions** which meet the unique needs of the community.

COMMITMENTS

Professional & Efficient Assistance in an Accessible Environment

- We assist you in getting relevant information to your situation and help you understand it.
- We uphold equity without favoritism.
- We seek to find the most efficient way to do things while preserving openness and accessibility.
- We conduct all interactions with a high level of professionalism.
- We use tools and methods to help processes become more convenient, transparent, predictable, and equitable.
- We love Durango and seek to cultivate connections with our customers to identify shared values.

Clear, Comprehensive & Consistent Communication

- We provide timely, accurate, and consistent answers.
- We seek to set realistic expectations regarding time, complexity, and feasibility of proposed projects.
- We can clearly communicate the reasons why certain processes and standards exist.
- We enjoy and value our work and role in the community.

Facilitating Context-Sensitive Solutions

- We understand that each project is unique.
- We respect the time, resources and energy that our customers' put into their projects.
- We help navigate the adopted standards to find a solution which achieves individual and community goals.
- We value diversity, creativity, and equity and seek to incorporate these into decision-making.
- We listen to customers and proactively seek feedback to continually enhance our services.

**CITY OF DURANGO
CITY COUNCIL REGULAR MEETING
DURANGO CITY HALL, SMITH CHAMBERS
09/5/2023
5:30 PM**

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 5:34 p.m. Present were Mayor Youssef, Mayor Pro Tem Buell and Councilors Woodruff and Yazzie. Councilor Bosmans was present virtually. Also present were City Manager José Madrigal, City Attorney Mark Morgan, Chief Deputy Clerk Ben Florine.

INTRODUCTION OF TRANSLATOR

Diego Pons of Community Language Cooperative provided translation in Spanish.

OPENING REMARKS BY MAYOR AND COUNCIL - Information Only

Mayor Youssef shouted out to the students for the challenges ahead in the upcoming school year and thanked the educators and teachers for their passions and dedication.

PRESENTATIONS/PROCLAMATIONS

City Clerk Presentation

No Items.

CITY MANAGER UPDATES

Interim Parks and Recreation Director Scott McClain gave an update on E-Bikes. Mr. McClain spoke about the challenge of allowing E-bikes on Conservation and Research parcels and offered that Parks and Recreation would be looking into alternative routes and amendments to accommodate in alternate routes.

COMMITTEE, BOARD AND LIAISON REPORTS

Councilor Woodruff reported on Creative Economy Commission and Wildfire and Watershed Protection District. Mayor Pro Tem Buell reported on the Colorado Association of Ski Towns. Councilor Yazzie reported on Library Advisory Board, Innovative Housing Projects, and the Project Moxy Program. Councilor Bosmans reported on the Bear Working Group. Mayor Youssef reported on the Retirement celebration for Elizabeth Bartley and the listening Session on Housing in Southwest Colorado.

PUBLIC COMMENT ON AGENDA ITEMS ONLY

No one from the public signed up to speak and no one spoke virtually.

CONSENT AGENDA

Chief Deputy Clerk Ben Florine read the consent agenda.

Approval of Meeting Minutes

Approval of Minutes City Council Regular Meeting August 15, 2023

Approval of Minutes City Council Joint Meeting with 9R School District August 23, 2023

Final Reading of Ordinances

No Items.

Adoption of Resolution(s) by Consent

No Items.

ITEMS OF OTHER ADMINISTRATIVE ITEMS

Discussion and Possible Action to Fill Vacancies on the Planning Commission and the Mayor's Youth Advisory Commission submitted by the Ben Florine

Land Use and Development Action Items

No Items.

ITEMS PULLED FROM THE CONSENT AGENDA

Mayor Youseff asked to remove Item 8.4.1., Discussion and Possible Action to Fill Vacancies on the Planning Commission and the Mayor's Youth Advisory Commission

Mayor Pro Tem Buell moved to approve the consent agenda, excluding item 8.4.1 The motion was seconded by Councilor Woodruff and the motion passed unanimously.

The motion passed: 5 in favor; 0 opposed; Abstain 0; Absent 0

Mayor Youseff thanked the Mayor's Youth Advisory Applicants and their commitment to serving with the Mayor's Youth Advisory Commission and was excited to get to work with the students

Mayor Youseff made a motion to approve item 8.4.1 from the consent agenda. Mayor Pro Tem Buell seconded the motion and it passed unanimously.

The motion passed: 5 in favor; 0 opposed; Abstain 0; Absent 0

RESOLUTIONS - CONSIDERATION OF ADOPTION

A Resolution Concerning the City's 2023 Private Activity Bond Allocation Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act and Providing for a Transfer of Such 2023 Allocation to the Colorado Housing and Finance Authority – AEO Submitted by Eva Henson

Housing Innovation Division Manager Eva Henson gave a presentation on the resolution to approve the 2023 Private Activity Bond state allocation to the Colorado Housing and Finance Authority. Ms. Henson spoke on the financing the Residences of Durango Project for affordable newly developed housing. She reported how the allocation functions were in accordance with the project, and about ongoing demand for affordable rental housing.

Mayor Pro Tem Buell thanked Ms. Henson for all her work and Mayor Youseff agreed.

Mayor Pro Tem Buell made a motion to approve the Resolution concerning the City's 2023 Private Activity Bond Allocation Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act and Providing for a Transfer of such 2023 Allocation to the Colorado Housing and Finance Authority. The Motion was seconded by Councilor Woodruff and the motion passed unanimously.

The motion passed: 5 in favor; 0 opposed; Abstain 0; Absent 0

FIRST READING OF ORDINANCES – CONSIDERATION OF ADOPTION AND PUBLIC HEARING

An Ordinance Approving the Annexation and Initial Zoning for the Durango Mesa Addition to the City of Durango and Declaring an Effective Date - ELSP, AEO Submitted by Vicki Vandegrift

Vicki Vandegrift gave a staff presentation on the request to annex the Durango Mesa into the city of Durango to facilitate development, creating public amenities for recreation and gathering spaces. The Planning Commission approved the proposal with a 4-0 vote. She reported on the property and development plans and explained the different ways the land had been utilized along with the potential for utilization in the future. She reported on contiguity, comprehensive plans, and community engagement.

Mayor Pro Tem Buell made a motion to approve the Ordinance Annexing Durango Mesa with initial zoning of Open Space and rural agriculture including the finding and conditions as outlined in the staff report and discussed at the Public Hearing. The motion was seconded by Councilor Woodruff.

Mayor Youssef opened the public hearing.

City Attorney Mark Morgan spoke in favor of the ordinance approving the annexation and initial zoning for the Durango Mesa Addition to the City of Durango and commented how generous and exciting of a project it was.

Mora Montrose-Compton, Executive Director of Durango Mesa Park Foundation, spoke on behalf of the Foundation. She introduced other people that contribute to the project and thanked the city for allowing flexibility with the project, and Mark Morgan for his comments.

Christina Rinderle, Durango city resident, spoke in support of the ordinance annexing Durango Mesa, and thanked the Foundation, council and staff for their work on the project.

Councilor Woodruff, Mayor Pro Tem Buell, Councilor Yazzie, and Councilor Bossman thanked everyone for their work on the project up to this point and the continued development of the project.

Mayor Youseff spoke on the positive impact that the project would provide to the community.

A roll call was taken and the motion passed unanimously.

The motion passed: 5 in favor; 0 opposed; Abstain 0; Absent 0

PUBLIC COMMENT ON NON-AGENDA ITEMS

Sweetie Marbury, city resident, spoke in support of eliminating lot sizes in relation to Accessory Dwelling Units to provide economic opportunities, specifically for young families and senior citizens.

Christina Rinderle, City Resident, spoke in favor of Accessory Dwelling Units to provide more options in the community for residents.

Jim Schneider, City Resident, spoke in favor of reinstating two public parking spots on Obrien Drive.

No One spoke virtually.

INTRODUCTION OF ORDINANCES AND REQUEST FOR PUBLIC HEARING

An Ordinance Approving the Annexation and Initial Zoning for the Zick Addition Annexation to the City of Durango and Declaring an Effective Date – AEO Submitted by Scott Shine

Scott Shine with Community Development gave a staff presentation on the ordinance approving annexation and initial zoning for the Zick Addition. He reported the property would be zoned for twelve townhomes to be developed in the future.

Mayor Pro Tem Buell made a motion to approve the Ordinance Approving the Annexation and Initial Zoning for the Zick Addition Annexation to the City of Durango and setting a Public Hearing. The motion was seconded by Councilor Woodruff.

Councilor Yazzie asked for an explanation as to what the land would be used for. Scott Shine clarified that the proposal would be to use the land to build twelve townhomes.

A roll call was taken and the motion passed unanimously.

The motion passed: 5 in favor; 0 opposed; Abstain 0; Absent 0

Councilor Bosmans said he would be leaving the meeting. He left at 6:35 p.m.

OTHER NEW BUSINESS

No Items.

OTHER MATTERS

Requests for Excused Absences

No Items.

Directives

No Items.

EXECUTIVE SESSION:

Discussion and Possible Action to Convene in Executive Session to Discuss the Purchase, Acquisition, Lease, Sale or Transfer of an Interest in Real Property Located in Downtown Durango Currently Leased to the Durango and Silverton Narrow Gauge for Parking and to Determine Positions Relative to Matters that May be Subject to Negotiation and Direct Negotiators as Permitted by C.R.S. 24-6-402(4)(a) and (e)

Councilor Woodruff made a motion to convene an executive session to discuss the purchase, acquisition, lease, sale, or transfer of an interest in real property located in downtown Durango currently leased to the Durango and Silverton Narrow Gauge for parking and to determine

positions relative to matters that may be subject to negotiation and direct negotiators as permitted by C.R.S. 24-6-402(4)(a) and (e). Mayor Pro Tem Buell seconded the motion.

A roll call was taken, and the motion passed. Councilor Bosmans had left the meeting and was absent for the roll call.

The motion passed: 4 in favor; 0 opposed; Abstain 0; Absent 1

The City Council Convened in Executive Session at 6:36 p.m.

The City Council Reconvened in the Regular City Council Meeting at 7:09 p.m. Mayor Youssef noted no decisions were made in the session and the remaining councilors agreed.

ADJOURNMENT

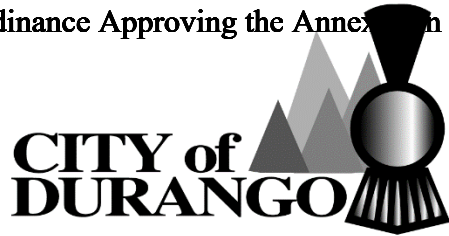
Mayor Yousseff adjourned the meeting at 7:10 p.m.

APPROVED:

ATTESTED:

Mayor

City Clerk



AGENDA DOCUMENTATION

Item 8.2.1

Meeting Date: September 5, 2023

TO: DURANGO CITY COUNCIL FROM: VICKI VANDEGRIFT, AICP
COMMUNITY DEVELOPMENT
DEPARTMENT

SUBJECT AN ORDINANCE APPROVING THE ANNEXATION AND INITIAL
ZONING FOR THE DURANGO MESA ADDITION TO THE CITY
OF DURANGO AND DECLARING AN EFFECTIVE DATE - ELSP,
AEO

RECOMMENDATION:

It is recommended that City Council, by motion, approve the Ordinance annexing Durango Mesa with initial zonings of *Open Space* and *Rural Agriculture* including the finding and conditions as outlined in the staff report and discussed at this public hearing.

BACKGROUND SUMMARY:

The applicants, Durango Mesa Park Foundation, and the City of Durango, are proposing to annex 1,928 acres into the City of Durango.

The property is within the City’s Comprehensive Plan boundary and is identified as an area to provide parks and recreation facilities. The annexation has been anticipated since the adoption of the Durango Mesa Area Plan in August of 2018. The Area Plan set the stage for this annexation and provides the framework for future development of the mesa and the preservation of associated open space.

The proposed initial zoning designations of Rural Agriculture (RA) and Open Space (OS) are consistent with the Durango Comprehensive Plan and the Durango Mesa Area Plan.

The Planning Commission reviewed the proposal at its July 24, 2023 meeting and voted 4-0 to approve the annexation and initial zonings.

Attachments: Ordinance O-2023- ____ with Exhibit A
Planning Commission Staff Report and Attachments, August 1, 2023
Annexation Impact Report with Exhibit E
Planning Commission Minutes, August 1, 2023

STRATEGIC PLAN / COMPREHENSIVE PLAN ALIGNMENT:

The proposed annexation is in conformance with the Durango Strategic Plan’s Affordability and Economic Opportunity section: “Build partnerships and commit resources to help advance key development projects such as La Posta, Durango Mesa, and Three Springs.” The annexation is also in conformance with the Strategic Plan’s Enhanced Livability & Sense of Place section: “Enhance Durango’s sense of place in ways that celebrate the community’s character, cultural heritage, outdoor roots, access to nature, and unique amenities.”

The City’s Comprehensive Plan and the Durango Mesa Area Plan both anticipated the annexation of these properties and future development.

ALTERNATIVE OPTIONS CONSIDERED:

The Durango Mesa Park Foundation, La Plata County and the City discussed if the development should start through a County Planned Unit Development process, but it was determined that annexing at this time was the best option for all parties. The Comprehensive Plan and Durango Mesa Area Plan both support the annexation of the property into the City.

FISCAL IMPACT:

The annexation of property will have fiscal impacts on the City as outlined in the Annexation Impact Report, which is attached. The Parks and Recreation Department has budgeted funds to be used for the development of the mesa and other Departments will also appropriate resources as appropriate.

POTENTIAL ADVERSE IMPACTS:

None.

NEXT STEPS AND TIMELINE:

If the annexation and ordinance is approved at this hearing, the Final Reading of the annexation will be on September 19, 2023. The ordinance shall become effective ten (10) days after its passage and final publication as provided by law. The annexation is finalized once the annexation agreement, map and ordinance are recorded.

ORDINANCE NO. O-2023-0015

AN ORDINANCE APPROVING THE ANNEXATION AND INITIAL ZONING FOR THE DURANGO MESA ADDITION TO THE CITY OF DURANGO AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Petitions for Annexation of the Durango Mesa Addition, as legally described on Exhibit 'A' have been accepted by Resolution by the City of Durango: and

WHEREAS, the Petitions for Annexation were accompanied by the required maps of said tracts of land; and

WHEREAS, the subject property is eligible for annexation and that the Petitions for Annexation meet the statutory requirements for annexation; and

WHEREAS, said Petitions are signed by the owners of one hundred percent (100%) of the property proposed to be annexed; and

WHEREAS, the City Council has determined, subsequent to the required public hearing, that the annexation of the property is in the best interests of the citizens of the City of Durango:

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. Subject to and conditioned on the execution and recording of a satisfactory Annexation Agreement and Annexation Map, the annexation of certain territory to be known as the Durango Mesa Addition to the City of Durango, which territory is legally described on Exhibit 'A' hereto attached, the contents of which are incorporated by reference herein, is hereby approved.

Section 2. The annexation of such territory to the City of Durango shall be complete and such territory shall become a part of the City of Durango following the effective date of this ordinance but not until the completion and recording of the Annexation Agreement and Annexation Map for the property. The Property, as described on the attached Exhibit 'A', shall be zoned RA (Rural Agriculture) and OS (Open Space).

Section 3. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF
DURANGO

Attest:

City Clerk

Mayor

STATE OF COLORADO

)

COUNTY OF LA PLATA

) ss.

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2023-15 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 5th day of September, 2023 and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 10th Day of September, 2023, prior to its final consideration by the City Council.

City Clerk

I further certify that said Ordinance No. O-2023-_____ was duly adopted by the Durango City Council on the 19th day of September, 2023, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the _____ day of _____, 2023.

City Clerk

DO NOT WRITE IN THIS SPACE

EXHIBIT A

LEGAL DESCRIPTIONS OF PROPERTIES TO BE ANNEXED

ANNEXATION DESCRIPTION:

A tract of land located in Sections 26, 27, 29, 32, 33 and 34, Township 35 North, Range 9 West, Sections 33 and 34, Township 34.5 North, Range 9 West, and Sections 4 and 5, Township 34 North, Range 9 West, N.M.P.M., La Plata County, Colorado, said tract being more particularly described as follows:

Beginning at the Northwest Corner of Section 33, Township 35 North, Range 9 West;
Thence N 89°26'35" E, along the north line of the NW1/4 of said Section 33, a distance of 2616.53 feet to the North 1/4 Corner of said Section 33;
Thence N 88°06'20" E, along the north line of the NE1/4 of said Section 33, a distance of 2577.58 feet to the Northeast Corner of said Section 33;
Thence N 80°37'00" E, along the north line of Lots 5, 4 and 3 of Section 34, a distance of 2505.83 feet to the North 1/4 Corner of said Section 34;
Thence N 01°25'02" E, along the west line of Lot 15 of Section 27, a distance of 1307.58 feet to the Center South 1/16 Corner of said Section 27;
Thence N 80°35'15" E, along the north line of said Lot 15 of Section 27, a distance of 1182.32 feet to the Southeast 1/16 Corner of said Section 27;
Thence N 01°14'42" E, along the west line of Lot 9 of Section 27, a distance of 1307.46 to the Center East 1/16 Corner of said Section 27;
Thence N 80°33'27" E, along the north line of said Lot 9 of Section 27, a distance of 1178.43 feet to the West 1/4 Corner of Section 26;
Thence N 88°21'52" E, along the north line of the NW1/4SW1/4 of said Section 26, a distance of 1313.59 feet to the Center West 1/16 Corner of said Section 26;
Thence N 03°31'35" E, along the west line of the SE1/4NW1/4 of said Section 26, a distance of 1283.26 feet to the Northwest 1/16 Corner of said Section 26;
Thence N 03°30'44" E, along the west line of the NE1/4NW1/4 of said Section 26, a distance of 1283.01 feet to the West 1/16 Corner common to Sections 23 and 26;
Thence N 87°29'28" E, along the north line of said NE1/4NW1/4 of said Section 26, a distance of 1245.66 feet to the North 1/4 Corner of said Section 26;
Thence N 87°30'06" E, along the north line of the NW1/4NE1/4 of said Section 26, a distance of 1245.31 feet to the East 1/16 Corner common to Sections 23 and 26;
Thence N 87°30'06" E, along the north line of the NE1/4NE1/4 of said Section 26, a distance of 1245.31 feet to the Northeast Corner of said Section 26;
Thence S 00°51'27" W, along the east line of said NE1/4NE1/4 of Section 26, a distance of 1307.42 feet to the North 1/16 Corner common to Sections 25 and 26;
Thence S 87°56'14" W, along the south line of said NE1/4NE1/4 of Section 26, a distance of 1257.39 feet to the Northeast 1/16 Corner of said Section 26;
Thence S 01°24'46" W, along the east line of the SW1/4NE1/4 of said Section 26, a distance of 1298.65 feet to the Center East 1/16 Corner of said Section 26;
Thence S 88°21'52" W, along the south line of said SW1/4NE1/4 of Section 26, a distance of 1269.55 feet to the Center 1/4 Corner of said Section 26;
Thence S 01°58'32" W, along the east line of the NE1/4SW1/4 of said Section 26, a distance of 1288.28 feet to the Center South 1/16 Corner of said Section 26;
Thence S 87°59'09" W, along the south line of said NE1/4SW1/4 of Section 26, a distance of 1292.61 feet to the Southwest 1/16 Corner of said Section 26;
Thence S 01°01'28" W, along the east line of the SW1/4SW1/4 of said Section 26, a distance of 1295.66 feet to the West 1/16 Corner common to Sections 26 and 35;
Thence S 87°35'41" W, along the south line of said SW1/4SW1/4 of Section 26, a distance of 1271.69 feet to the Northeast Corner of Section 34;
Thence S 00°47'10" W, along the east line of Lot 1 of Section 34, a distance of 2012.87 feet to the Southeast Corner of said Lot 1 of Section 34;
Thence S 82°11'47" W, along the south line of said Lot 1 and the south line of Lot 2 of Section 34, a distance of 2483.33 feet to the Southwest Corner of said Lot 2 of Section 34;
Thence S 01°40'39" W, along the east line of Lot 10 of said Section 34, a distance of 1949.00 feet to the Southeast Corner of said Lot 10 of Section 34;

Continued on Sheet 2

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126 ROCK POINT DRIVE

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DURANGO, COLORADO 81302

970.247.1705

16

DURANGO MESA PARK ANNEXATION MAP

Sections 26, 27, 29, 32, 33 and 34, Township 35 North, Range 9 West, Sections 33 and 34, Township 34.5 North, Range 9 West, Sections 4 and 5, Township 34 North, Range 9 West, N.M.P.M.

PREPARED BY: SM

CHECKED BY: RT

PROJECT NO. 23-018

DATE: 05/04/2023

SHEET 1 OF 4

Page 4 of 76

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Thence S 83°53'16" W, along the south line of Lots 10 and 11 of said Section 34, a distance of 2234.98 feet to the Northeast Corner of Lot 12 of Section 34;
Thence S 03°10'55" W, along the east line of said Lot 12 of Section 34, a distance of 676.16 feet to the Southeast Corner of said Lot 12 and the South line of Township 35 North, Range 9 West, N.M.P.M.;
Thence S 08°47'35" W, along the east line of Lots 3 and 4 of Section 34, Township 34.5 North, Range 9 West, N.M.P.M., a distance of 3046.56 feet to the Southwest Corner of said Lot 34 and the South line of Township 34.5 North, Range 9 West, N.M.P.M.;
Thence S 82°40'43" W, along said South line of Section 33, a distance of 1224.30 feet to the East 1/16 Corner common to Sections 33 and 4;
Thence S 03°19'21" W, along the west line of Lot 2 of Section 4, Township 34 North, Range 9 West, N.M.P.M., a distance of 1137.68 feet to the Northeast 1/16 Corner of said Section 4;
Thence S 79°50'50" W, along the south line of said Lot 2 of Section 4, a distance of 1092.49 feet to the Center North 1/16 Corner of said Section 4;
Thence S 03°36'58" E, along the east line of the SE1/4NW1/4 of said Section 4, a distance of 1174.05 feet to the Center 1/4 Corner of said Section 4;
Thence S 76°16'52" W, along the south line of said SE1/4NW1/4 of Section 4, a distance of 1290.43 feet to the Center West 1/16 Corner of said Section 4;
Thence S 01°49'04" E, along the east line of the NW1/4SW1/4 of said Section 4, a distance of 356.98 feet, to the the northwesterly line of Tract 2 of Tarpon West Overlook Subdivision Annexations No. 1 and No. 2 and Subdivision, Reception No. 874231;
Thence S 48°30'49" W, along said northwesterly line of Tract 2, a distance of 975.14 feet to the north line of a tract of land as shown on a plat STATE OF COLORADO U.S. HIGHWAY 160-550 SOUTH ANNEXATION NO. 1, Reception No. 695831;
Thence N 41°28'06" W, along said north line, a distance of 227.35 feet;
Thence N 38°14'16" W, along said north line, a distance of 61.96 feet;
Thence N 53°35'00" E, a distance of 552.50 feet;
Thence N 45°52'01" W, a distance of 380.23 feet;
Thence S 67°45'00" W, a distance of 508.83 feet to said north line of a tract of land as shown on said plat STATE OF COLORADO U.S. HIGHWAY 160-550 SOUTH ANNEXATION NO. 1, Reception No. 695831;
Thence along said north line, along the arc of a non-tangent curve to the right with a delta angle of 20°50'16" and a radius of 1307.40 feet, a distance of 475.48 feet, the long chord bears N 17°47'01" W, a distance of 472.87 feet;
Thence N 59°03'51" W, along said north line, a distance of 304.40 feet to the westerly right-of-way of said State Highway No. 3;
Thence along the arc of a non-tangent curve to the right with a delta angle of 24°14'24" and a radius of 452.54 feet, a distance of 191.45 feet, the long chord bears N 5°53'51" E, a distance of 190.03 feet;
Thence N 18°03'00" E, along said westerly right-of-way, a distance of 632.85 feet;
Thence N 88°54'43" E, along said westerly right-of-way, a distance of 20.79 feet;
Thence N 18°00'14" E, along said westerly right-of-way, a distance of 264.82 feet to the west line of Section 4;
Thence N 01°27'54" W, along said west line of Section 4, a distance of 457.20 feet to the centerline of the Animas River;
Thence N 34°47'00" E, along the centerline of the Animas River, a distance of 432.51 feet;
Thence N 24°22'00" E, along the centerline of the Animas River, a distance of 167.00 feet;
Thence N 02°44'00" E, along the centerline of the Animas River, a distance of 150.74 feet to the north line of said Section 4;
Thence N 82°40'11" E, along said north line of Section 4, a distance of 883.60 feet to the West 1/16 Corner common to Section 4 and Section 33;
Thence N 01°11'45" E, along the west line of the E1/2SW1/4 of said Section 33, a distance of 2657.88 feet to the Center West 1/16 Corner of said section 33;
Thence N 01°11'45" E, a distance of 1096.12 feet;
Thence N 82°15'50" W, a distance of 108.42 feet;
Thence N 69°44'59" W, a distance of 197.11 feet;
Thence along the arc of a non-tangent curve to the right with a delta angle of 58°32'05" and a radius of 219.58 feet, a distance of 224.32 feet, the long chord bears N 43°08'51" W, a distance of 214.70 feet;
Thence N 15°51'03" W, a distance of 62.80 feet;
Thence N 89°59'05" W, a distance of 856.31 feet;
Thence S 01°23'15" W, a distance of 244.81 feet to the Southeast Corner of Lot 8 of Section 32;

Continued on Sheet 3

<h1 style="margin: 0;">GOFF</h1> <p style="margin: 0;">ENGINEERING + SURVEYING INC.</p> <p style="margin: 0;">126 ROCK POINT DRIVE</p> <p style="margin: 0;">PO BOX 97</p> <p style="margin: 0;">DURANGO, COLORADO 81302</p> <p style="margin: 0;">870.247.1705</p>	<h2 style="margin: 0;">DURANGO MESA PARK ANNEXATION MAP</h2>		SHEET <div style="font-size: 2em;">2</div> OF <div style="font-size: 2em;">4</div>
	Sections 26, 27, 29, 32, 33 and 34, Township 35 North, Range 9 West, Sections 33 and 34, Township 34.5 North, Range 9 West, Sections 4 and 5, Township 34 North, Range 9 West, N.M.P.M.		
PREPARED BY:	SM	CHECKED BY:	RT
PROJECT NO.	23-018	DATE:	05/04/2023

Thence S 88°23'59" W, along the south line of said Lot 8 of Section 32, a distance of 522.75 feet to the southeast corner of Tract A as shown on Exhibit A of Resolution No. 2022-06, Durango Mesa Park, Lot 7 and Lot 11 Exemption Plat, Project Number 2021-0084, Reception No. 1211181;

Thence N 34°00'00" W, along the easterly line of said Tract A, a distance of 500.00 feet to the northeast corner of said Tract A;

Thence S 82°00'00" W, along the northerly line of said Tract A, a distance of 489.87 feet;

Thence S 53°00'00" W, along the northerly line of said Tract A, a distance of 193.92 feet to the northwest corner of said Tract A and the easterly right-of way of State Highway No. 3;

Thence S 34°07'55" E, along said easterly right-of-way, a distance of 302.73 feet to the southwest corner of said Tract A;

Thence S 88°23'59" W, a distance of 695.18 feet to the centerline of the Animas River;

Thence N 31°39'28" W, along the centerline of the Animas River, a distance of 188.27 feet;

Thence N 15°51'25" W, along the centerline of the Animas River, a distance of 457.53 feet;

Thence N 27°19'27" W, along the centerline of the Animas River, a distance of 589.84 feet;

Thence N 04°13'55" W, along the centerline of the Animas River, a distance of 169.02 feet;

Thence S 89°58'40" W, a distance of 63.63 feet to the west line of the SW1/4NE1/4 of Section 32;

Thence N 00°39'56" E, along said west line of the SW1/4NE1/4 of Section 32, a distance of 996.60 feet;

Thence N 73°36'05" E, a distance of 256.71 feet to the easterly right-of-way of State Highway No. 3;

Thence along said easterly right-of-way, along the arc of a non-tangent curve to the right with a delta angle of 37°08'21" and a radius of 1768.15 feet, a distance of 1146.11 feet, the long chord bears N 2°10'15" E, a distance of 1126.15 feet;

Thence N 19°44'20" E, along said easterly right-of-way, a distance of 377.31 feet;

Thence along said easterly right-of-way, along the arc of a non-tangent curve to the left with a delta angle of 4°11'04" and a radius of 5854.60 feet, a distance of 427.57 feet, the long chord bears N 18°10'28" E, a distance of 427.48 feet;

Thence S 75°09'00" E, a distance of 345.91 feet;

Thence N 14°57'04" E, a distance of 465.33 feet;

Thence S $75^{\circ}10'44''$ E, a distance of 70.00 feet;

Thence N 14°57'35" E, a distance of 554.78 feet;

Thence S 75°03'08" E, a distance of 96.36 feet;

Thence S 00°49'36" E, a distance of 878.64 feet to the north right-of-way of County Road 237;

Thence S 67°59'49" E, along said north right-of-way, a distance of 200.92 feet;

Thence S 38°44'49" E, along said north right-of-way, a distance of 158.68 feet;

Thence along said north right-of-way, along the arc of a non-tangent curve to the left with a delta angle of 120°44'01" and a radius of 59.98 feet, a distance of 126.39 feet, the long chord bears N 89°33'07" E, a distance of 104.27 feet;

Thence N 29°00'11" E, along said north right-of-way, a distance of 73.76 feet;

Thence N 69°00'11" E, along said north right-of-way, a distance of 60.42 feet;

Thence N 89°00'11" E, along said north right-of-way, a distance of 110.83 feet;

Thence S 51°59'49" E, along said north right-of-way, a distance of 103.97 feet;

Thence along said north right-of-way, along the arc of a tangent curve to the left with a delta angle of 55°00'00" and a radius of 140.99 feet, a distance of 135.34 feet, the long chord bears S 79°29'49" E, a distance of 130.20 feet;

Thence N 73°00'11" E, along said north right-of-way, a distance of 192.19 feet;

Thence along said north right-of-way, along the arc of a tangent curve to the right with a delta angle of 46°00'00" and a radius of 147.79 feet, a distance of 118.65 feet, the long chord bears S 83°59'49" E, a distance of 115.49 feet;


Thence S 60°59'49" E, along said north right-of-way, a distance of 104.56 feet to the north line of Section 32;

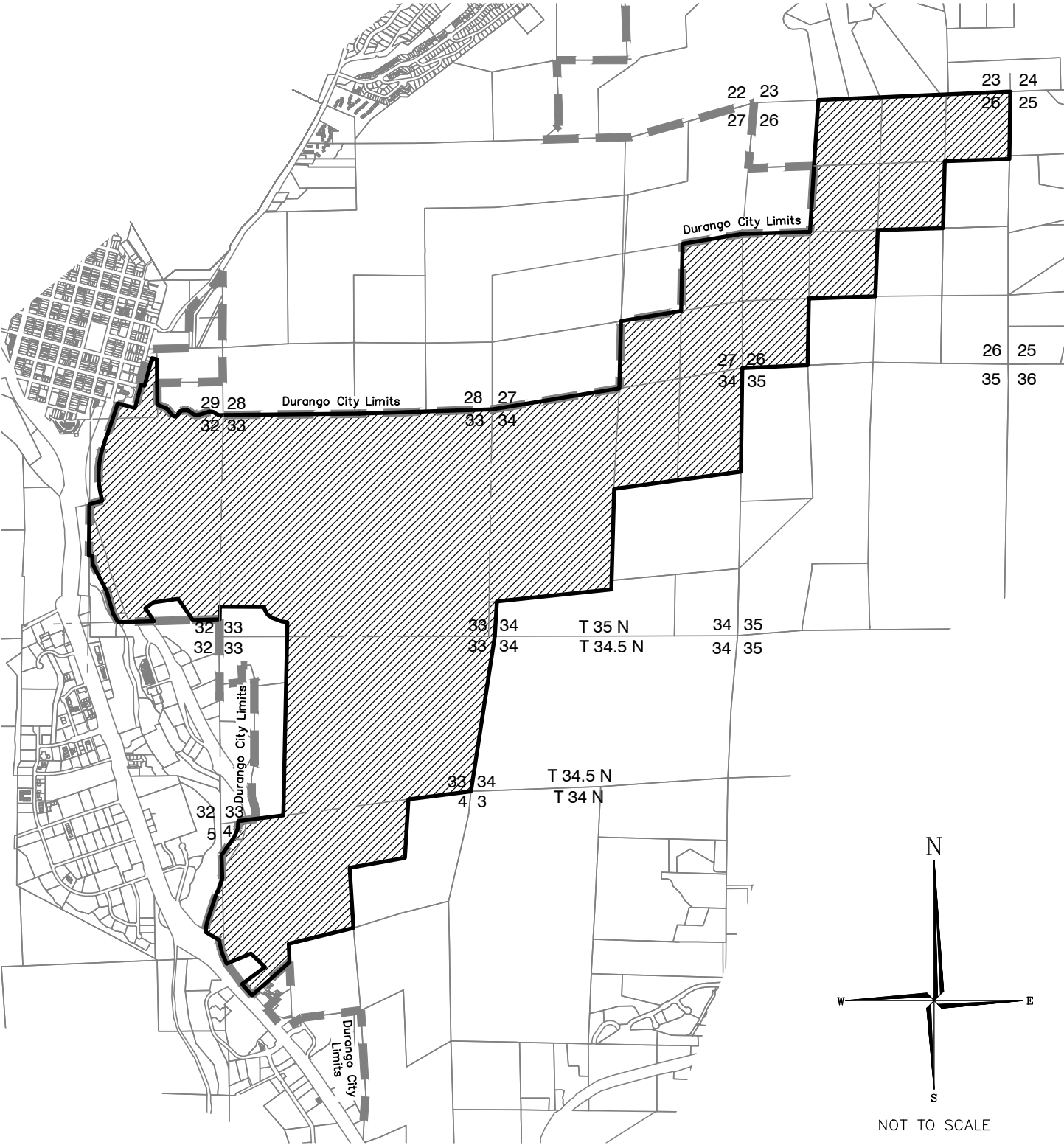
Thence N 88°15'36" E, along said north line, a distance of 115.04 feet to the point of beginning..

Contains 1,928.007 acres, more or less.

Length of Contiguity = 28,610 feet, more or less.

Total Perimeter = 72,675 feet, more or less.

 <p>ENGINEERING + SURVEYING INC. 126 ROCK POINT DRIVE PO BOX 97 DURANGO, COLORADO 81302 870.247.1705</p>	<h1>DURANGO MESA PARK ANNEXATION MAP</h1>		SHEET <div style="font-size: 48pt; font-weight: bold;">3</div> OF <div style="font-size: 48pt; font-weight: bold;">4</div>
	Sections 26, 27, 29, 32, 33 and 34, Township 35 North, Range 9 West, Sections 33 and 34, Township 34.5 North, Range 9 West, Sections 4 and 5, Township 34 North, Range 9 West, N.M.P.M.		PREPARED BY: SM PROJECT NO. 23-018
		CHECKED BY: RT DATE: 05/04/2023	Page 1



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DURANGO MESA PARK
ANNEXATION MAP

Sections 26, 27, 29, 32, 33 and 34, Township 35 North, Range 9 West,
Sections 33 and 34, Township 34.5 North, Range 9 West,
Sections 4 and 5, Township 34 North, Range 9 West, N.M.P.M.

PREPARED BY:	SM	CHECKED BY:	RT
PROJECT NO.	23-018	SCALE:	NOT TO SCALE
		DATE:	05/04/2023

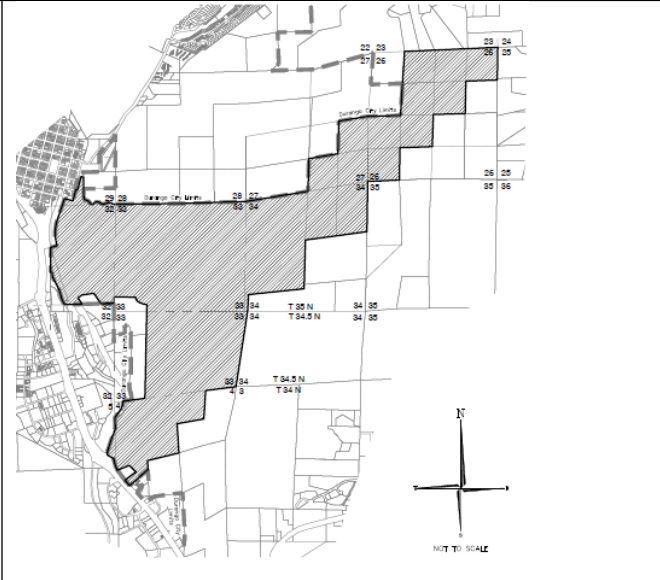
SHEET
4
OF
4

PLANNING COMMISSION STAFF REPORT COVER SHEET

PUBLIC HEARING DATE July 24, 2023	PROJECT NAME Durango Mesa Addition	PROJECT STAFF Vicki Vandegrift, AICP Planner III
PROJECT NUMBER # 23-023	PROJECT TYPE Annexation and Initial Zoning	APPLICANT (PROPERTY OWNER) Durango Mesa Park Foundation / City of Durango
PROPERTY ADDRESS/LOCATION The Property Located East of State Highway 3 and South of the Horse Gulch Open Space.		

PROJECT SUMMARY

The applicants, Durango Mesa Park Foundation and the City of Durango, are proposing to annex 1,928 acres into the City of Durango. The property is within the City’s Comprehensive Plan and is identified as an area to provide parks and recreation facilities. The annexation has been anticipated since the adoption of the Durango Mesa Area Plan in August of 2018, the plan sets the stage for this annexation and future development of the mesa and associated open space. The area plan provides the framework for development on the mesa.



CURRENT ZONING Unzoned (County)	CURRENT LAND USE Vacant / Open Space	ADJACENT ZONING OS (Open Space), RA (Rural), Unzoned and along Highway 3 CG (Commercial) and PD	COMPREHENSIVE PLAN LAND USE DESIGNATION Open Space/ Parks & Recreation	REQUIRED PUBLIC IMPROVEMENTS Emergency Egress, Road Improvements, Future Utility Extensions.
SIZE OF PROPERTY 1,928 acres	PROPOSED ZONING RA and Open Space	PROPOSED LAND USE Bike Park, Future Sports Fields, Concert Venue and Fairgrounds	PROPOSED DENSITY OR SIZE N/A	UTILITIES City of Durango and Possibly South Durango Sanitation District

PROPERTY HISTORY

The applicants, Durango Mesa Park Foundation and the City of Durango are proposing to annex 1,928 acres into the City of Durango. This property consists of the original Oakridge Development minus a 6.36-acre parcel which was previously subdivided off. A 37.14-acre open space parcel in Horse Gulch previously acquired by the City is also included in this annexation.

COMPREHENSIVE PLAN COMPATIBILITY

The Future Land Use Map designates this property as Open Space and Parks & Recreation. The proposed uses and zoning are consistent with the Comprehensive Plan.

DESIGN GUIDELINES & LUDC COMPLIANCE

The project is subject to the Annexation requirements found in Section 6-3-11 of the Land Use and Development Code (LUDC).
In the judgement of staff, the application meets all the applicable criteria.

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

CONTINUE

RECOMMENDED MOTION

Move to recommend approval of the proposed Durango Mesa Annexation & Initial Zoning of RA and Open Space with the findings and conditions as outlined in the staff report.

ATTACHMENTS	<input checked="" type="checkbox"/> STAFF REPORT	<input checked="" type="checkbox"/> CONTEXT MAP, ZONING MAP & SITE AERIAL	<input type="checkbox"/> APPLICATION	<input checked="" type="checkbox"/> SUBMITTED PLANS
	<input checked="" type="checkbox"/> ANNEXATION PETITION	<input type="checkbox"/> PUBLIC COMMENTS	<input type="checkbox"/> LUDC EXCERPTS	<input type="checkbox"/> OTHER: _____



PROJECT SUMMARY

The applicants, Durango Mesa Park Foundation and the City of Durango are proposing to annex 1,928 acres into the City of Durango. This property consists of the original Oakridge Development minus a 6.36-acre parcel which was previously subdivided off and consolidate with an existing parcel owned by the Bonds, at 1075 St Hwy 3. In return, an emergency access road and utility easements were dedicated to the Foundation and the City through this parcel as well as the adjoining Bonds properties. A 37.14-acre open space parcel in Horse Gulch previously acquired by the City is also included in this annexation as the parcel is contiguous to the Durango Mesa property.

The area is largely undeveloped. There are existing trails through the property. The historic gravel and coal mines have been reclaimed.

Background

Durango Mesa, previously known as Ewing Mesa, encompassing 1,930 acres. The majority of the property was owned by a single entity and two smaller parcels were sold off on the western edge and slopes of the Mesa. These two parcels are not part of the annexation request.

The property was historically used for mineral extraction owned over the years by Porter Fuel Company and later William D. Ewing. The property had long term mining leases for coal and gravel. Other portions of the mesa were cultivated for bean and hay fields and horse and cattle grazing. The rugged hillsides have a series of fee-simple trails that were built over the years and deeded to La Plata County. The trails have recently been deeded to the City of Durango in anticipation of annexation.

Oakridge Energy purchased the property around 1990. The owners of Oakridge Energy (Pautsky Family) had plans to develop the reserves on the mesa but also wanted to ultimately create a golf course community on the property. The Ewing Mesa Area Plan was adopted in 2004 and included approximately 2000 residential units, a business park, resort, and large area designed as mixed use, in addition to the golf course. As the property passed through the Pautsky family the interest in developing the land changed to selling the property to another developer. In 2008 the owners subdivide the property into 54 residential lots called Oakride at Durango. The lots were all in excess of 35 acres, so the subdivision was exempted from La Plata County’s land use regulations. The property owners did not sell the individual parcels.

The Katz family purchased the property in 2015 and formed Ewing Park LLC. The Katz family is a long time City of Durango family and local business owners. The family acquired the Durango Mesa property with a general vision for the property to provide space for concerts, a bike park, the County fairgrounds, and a City sports complex. In August of 2018, the Durango Mesa Area Plan was adopted that sets the stage for this annexation and future development of the mesa and associated open space. The area plan provides the framework for development on the mesa. The Area Plan can be found at this link:

<https://www.durangogov.org/DocumentCenter/View/10237/Durango-Mesa-Area-Plan?bidId=>

Following the Durango Mesa Park planning in 2017 for the La Plata County Master Plan and 2018 for the City of Durango Area Plan, Durango Mesa Park Foundation (DMPF) was created to ensure the long-term sustainability and vision for the Park. DMPF was established in 2019 with 5 board members and an executive director. The parcel formerly known as Ewing Mesa was conveyed to the Foundation by owner and founding board member Marc Katz. The board of directors for the Foundation were chosen for a variety of reasons: their extensive history of community involvement, their broad and diverse backgrounds in both work and personal pursuits, and a collective, powerful desire to realize the vision of the Park for the benefit of the entire community and advancing the area's quality of life and economic vitality.

The future land use designation of the property is Parks and Open Space for the flat portions of the mesa top and Conservation / Open Space for the steep slopes and Horse Gulch meadow per the 2017 Comprehensive Plan.

Annexation of the property was a key component of the area plan and the vision of the Katz family. Ultimately the property will be served by City water and central sewer. The intensity of use will require the need for police service. In addition, the plan envisions that the City’s Parks and Recreation Department will be responsible for many of the amenities.

Copies of the applicants’ narrative, and annexation maps are attached to this report.

ANALYSIS AND FINDINGS

The issue before the Planning Commission is the consideration of the annexation and initial zoning of the subject properties. Staff’s analysis focuses upon the proposal's ability to meet annexation eligibility criteria.



Annexation Eligibility

Annexations to the City must comply with specific State statutory eligibility requirements, including the following:

- **Contiguity:** Per State statutes, the perimeter boundary of an area to be annexed to a municipality must be at least one-sixth contiguous with the existing City limits. The properties have 53,437 feet of contiguity (73.5%) with property already within the City.
- **Community of Interest:** The area proposed for annexation lies within the City's designated annexation area and is capable of being urbanized and integrated into the City. There is also a considerable benefit to the City in the form of adding recreation and cultural resources as well as protecting open space and the continued use of the trail system that was dedicated years ago.
- **Mileage Limitation:** The area proposed for annexation meets the State's requirement of not being more than three miles from the existing City limits.
- **Plan in Place:** The City's adopted Comprehensive Plan, which describes the general development trajectory of this area, satisfies the statutory requirement that a plan be in place prior to annexation consideration.
- **Petition:** Annexation petitions meeting the State requirements have been submitted and will be accepted by City Council prior to their initiation of this annexation review.
- **Serviceability:** The property is within access of City services.
- **Water/Sewer Service:** The property can be served by City water and sewer. However, sewer may be split between the City of Durango and South Durango Sanitation District to take advantage of gravity flow. The current plan is to phase water and sewer once it is needed. Existing wells will be used in the interim. The triggers for extension of the lines will be outlined in the annexation agreement.
- **Access:** The property currently takes access off of State Highway 3 on a private road called Ewing Mesa Road. This road will be upgraded by lowering the grade widening the curve and widening the roadway. The conceptual design is complete, and the detailed engineering is underway. Intersection improvements will also be needed at the Highway 3 entrance. The design has been approved. In addition, an emergency access road will be constructed through the adjacent Bonds property as agreed to as part of the Highway 3 Third Addition to the City of Durango.
- **Police/Fire Service:** Police services are readily available to this proposed annexation area. The property currently receives fire protection from the Durango Fire Protection District.
- **Other City Services:** City services are readily available to this proposed annexation area.

Zoning

The applicants have proposed an initial zoning of Rural Agriculture (RA) and Open Space (OS) for the subject properties as shown on the attached proposed zoning map.

These are appropriate zones as they are in accordance with the City's Comprehensive Plan's Future Land Use Map as well as implement the adopted Durango Mesa Area Plan.

The two properties on the mesa that are not part of the annexation will remain as currently being used, one as a gravel pit and the other for rural residential uses including livestock. Neither property is planning any changes at this time. When future development is proposed on the mesa near these properties buffers as outlined in the area plan will be required. The mesa properties that makes up the hillsides and even down to the Animas River are not planned for development.

The large extent of land on the mesa top provides natural buffers between the existing uses and those currently planned for phase 1.

Development

This annexation is somewhat unusual, the development of the mesa will be a long-term multi-phased development pattern with seasonal recreational uses. Future phases including the potential development of the County Fairgrounds, City recreation facilities and a concert venue are not anticipated to be built for many years. Improvements will be timed with the development of the more intense uses. Until that time, it is planned that the infrastructure will be more along the lines of Lake Nighthorse than other City developments. As the intensity of use increases so will the need for more infrastructure, including the extension of municipal water and sewer service. It is not anticipated that urban level of infrastructure will be needed in Durango Mesa Park.

The plan discusses that improvements shall be phased as the level of development increases and the use of the property expands. The initial phases will consist of seasonal events that are mostly associated with the existing trails and the beginning of the construction of the bike park. Regular use will be from trail riders utilizing the new trails connecting the mesa top with the existing trails in Horse Gulch.



As more facilities get built and more events are taking place, more permanent facilities and services will be provided. Construction of larger buildings will increase the need for water storage for fire prevention and the need for municipal water.

As development begins on the different phases, the applicants will go through a site plan review process as well as any required permitting process under the LUDC. This review will verify that the new development meets the goals and intent of the Durango Mesa Area Plan, the Development and Design Standards that are being created for the mesa as part of the annexation agreement as well as applicable standards in the LUDC.

The Annexation Agreement will provide language that outlines development of the mesa.

Land Use Provisions

Land use of the Property shall be those listed in the Annexation Agreement as well as uses in listed in the Use Zoning Matrix for the Rural Agriculture Zone and the Open Space Zone within the Land Use and Development Code.

Public Improvements

The applicants will be responsible for the construction of public improvements necessary for the development on the mesa. It is anticipated that public improvements will be phased based on when required by the level of development. This was anticipated during the development of the Durango Mesa Area Plan.

Water

Currently there are several wells that can provide water on the mesa during construction and for fire suppression. The overall water plan is currently being developed but will consist of a connection to the City’s water system near the Horse Gulch trailhead.

The Durango Mesa Area Plan has the following policy on water.

Policy 3.8.1: Water infrastructure should be phased as appropriate with the level of development.

Sewer

Currently there are two composting type toilet facilities on the mesa that can be used on an interim basis. Portable restrooms can be used for special events. As more frequent and regular activities occur, the extension of a public sewer main will be required. A sewer study is underway to compare the costs associated with sewer service with three possible options. The first is to have all the sewer treated by the City of Durango, the second is to have all the sewer treated by South Durango Sanitation District and the third option is to split the sewer treatment between the two entities to utilize gravity flow in both directions.

The Durango Mesa Area Plan has the following policy on sewer.

Policy 3.8.2: Sewer service should be phased as appropriate with the level of development.

Comprehensive Plan

The Comprehensive Plan includes the following general annexation policy and Goal statements:

- ◆ Annex contiguous urban development that meets City standards;
- ◆ Any future development within the City’s planning area shall be in accordance with the development standards of the City;
- ◆ Any development annexed must meet minimum levels of public improvement and site development standards as determined by City Council on recommendation by the City Engineer and City Planning Commission;
- ◆ Major infrastructure facilities must be in place prior to or concurrent with development when they are necessary to serve that development, to protect other uses, or to protect the integrity of the infrastructure;
- ◆ Use annexation agreements to ensure that annexation areas comply with City plans and standards; and
- ◆ Annex all land within the urbanized and urbanizing areas when it satisfies the City’s annexation policies.

Goal 11 Promote a healthy, sustainable, balanced economy that capitalizes on the community's natural, recreational, cultural and human resources.

In addition, the Comprehensive Plan has the following specific language for Ewing Mesa, now called Durango Mesa.

Policy 6.2.6

Use the guidance in this policy in addition to other Plan policies to guide zoning and development of properties marked with an asterisk on the Future Land Use Map. The Future Land Use Map identifies with numbered asterisks areas for which area plans need to be developed, updated or specific policy direction provided within the Plan. These



areas include portions of Grandview Ridge, the State School Property, East Grandview, La Posta Road, Ewing Mesa, Webb Ranch, Kroeger Ranch, and the Mason Property which are subject to the following specific policies.

5. Ewing Mesa:

- Update the Ewing Mesa Area Plan in conjunction with the property owner and La Plata County to provide for a mix of recreational, cultural, open space uses in conjunction with the development of a new Fairgrounds site and other uses approved in the Area Plan;
- Development of Ewing Mesa will be guided by the general policies of the Plan and the specific policies developed in conjunction with the Ewing Mesa Area Plan;
- Development of Ewing Mesa should not encroach upon Horse Gulch; and
- Protect skyline Views by requiring Building Setbacks from the rim of the mesa, particularly for Lighting of the property.

Durango Mesa Area Plan Policies

The Durango Mesa Area Plan states the following about annexation.

Annexation and Development Standards: The Durango Mesa Area Plan anticipates the annexation of the Katz family property into the City of Durango to provide City services and support the future infrastructure improvements. The development standards for this unique property will be formalized during the site specific development review process. It is understood that this is a unique property and that development will be phased over many years. Seasonal and temporary uses will not have to be developed to the same standard as permanent uses. The plan also advances creating new development standards to address the types of uses proposed for Durango Mesa that do not need to meet the urban standards currently in the Land Use and Development Code.

Parks, Open Space, Trails, and Recreation Master Plan Master Plan

Durango Mesa Park has been an identified project for the City of Durango for many years and was formalized as a City project in the Durango Mesa Area Plan in August of 2018. As such, this plan was recognized and endorsed for implementation in the Durango Parks and Recreation, Parks, Open Space, Trails, and Recreation (POSTR) Master Plan that was adopted January 2020.

The POSTR Master Plan through a community survey identified what parks and recreation facilities are most important to Durango Households. The top 3 identified facilities are all trail related which the Durango Mesa Park will help address:

- Hiking and running natural surface trails
- Bike and pedestrian hard surface trails
- Biking natural surface trails

Also making the list of top 15 important facilities are Off-leash Dog Parks, Outdoor Amphitheaters, and Multipurpose Fields. The POSTR Master Plan identified Durango Mesa Park as a potential solution for some recreational limitations identified in the plan; specifically, the addition of new trails for community connectivity, trails for user specific and directional purposes, and additional turf (including artificial / synthetic turf) for soccer, lacrosse and football.

CONCLUSION AND RECOMMENDED ACTION

Staff finds that the proposal complies with the LUDC requirements for Annexations. The initial zoning of the properties fits with the existing context of the area. The annexation of Durango Mesa will benefit the community by allowing development of the Durango Mesa Park in accordance with the Durango Mesa Area Plan, the Comprehensive Plan and the Parks, Open Space, Trails, and Recreation Master Plan.

Staff has prepared the following options for the Planning Commission.

- A. **Recommend approval** of the Durango Mesa Addition Annexation with the following finding and conditions:

Findings

- a. This annexation is in general conformance with the statutory annexation eligibility requirements and the annexation policies of the City of Durango.

Conditions

1. The applicants and the City shall enter into an Annexation Agreement prior to finalization of the annexation.

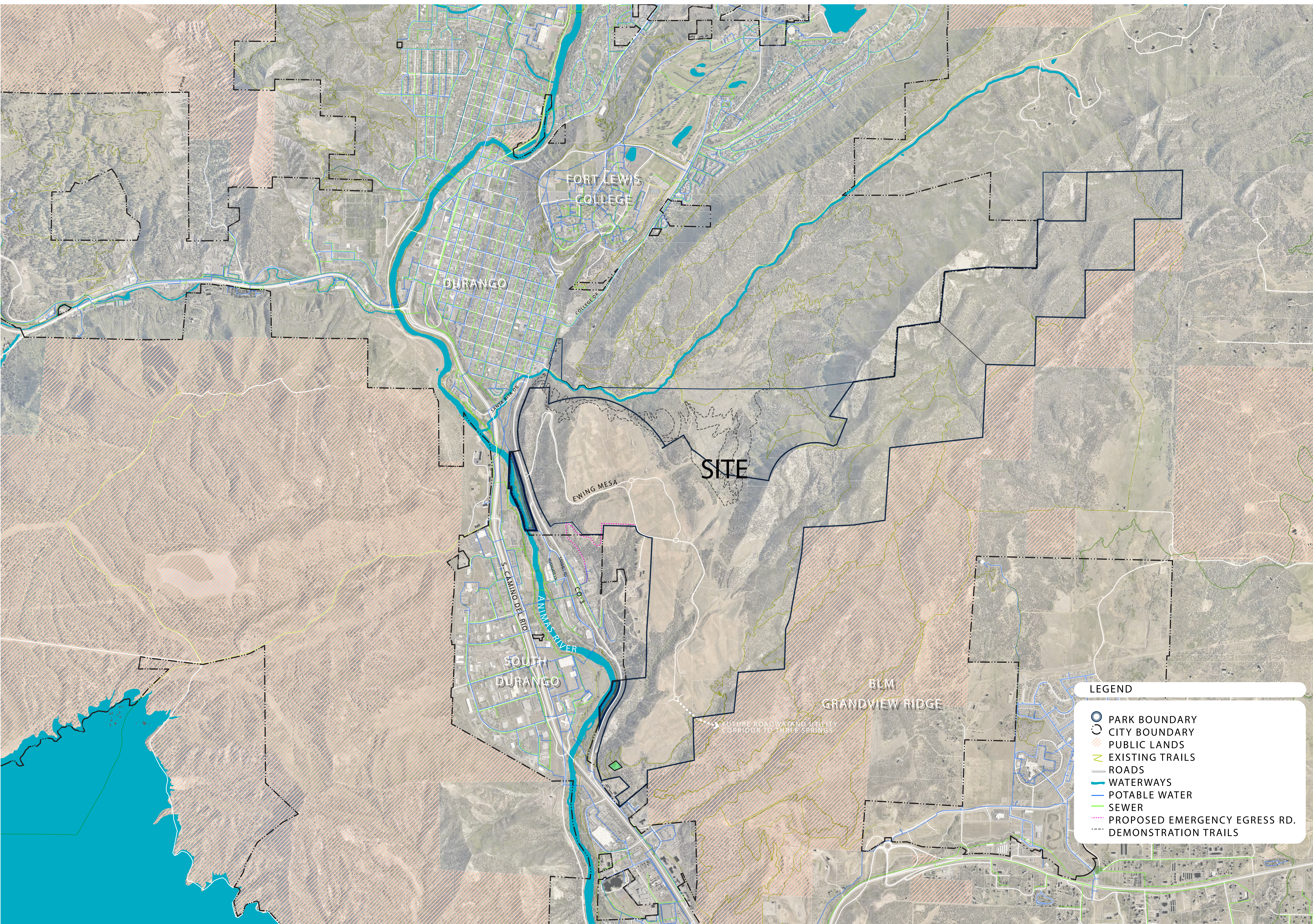


2. The initial zoning of the property shall be RA, Rural Agriculture and OS, Open Space, as shown on the attached map.
3. The final annexation map shall be in accordance with City standards.
4. All written, verbal and graphic representations of the applicants or agents shall be deemed conditions of approval.

- B. **Recommend denial** of the Durango Mesa Addition Annexation with specific reasons and findings stated.
- C. **Continue** consideration of the proposed Durango Mesa Addition Annexation with specific directions to staff and/or the applicants.

Recommended Action

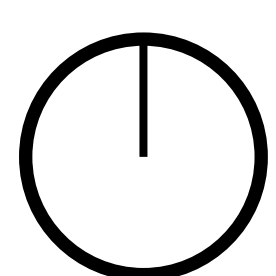
By motion, **staff recommends Alternative Action A** as stated above.



DURANGO MESA PARK - LOCATION MAP

1" = 750'

0' 750' 1,500'



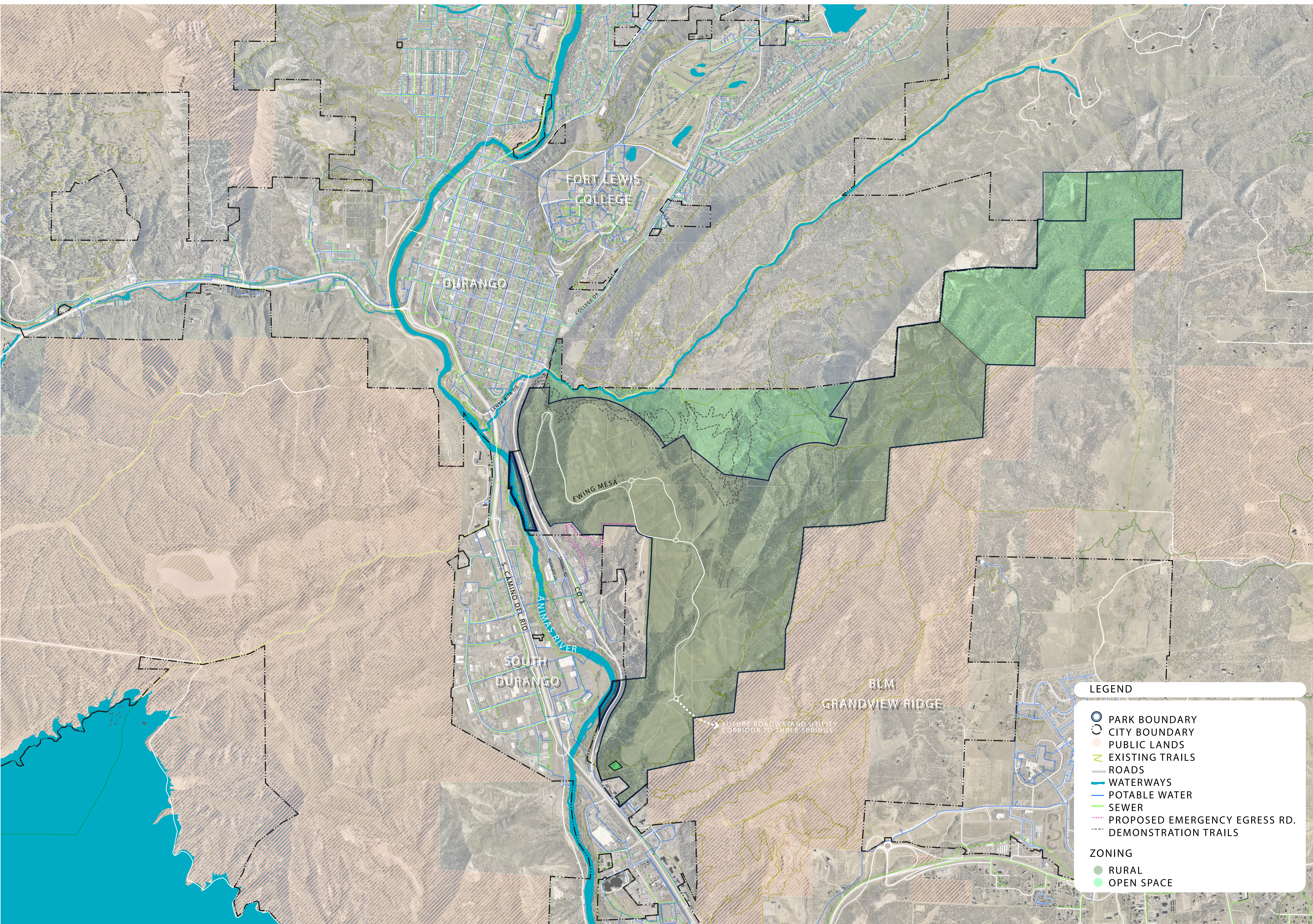
This application is for the annexation of 1,928 acres of Durango Mesa Park Foundation and City owned property on Ewing Mesa into the City of Durango. This annexation will serve the best interests of both the surrounding community and the proposed area.

Annexation of the property will allow the Durango Mesa Park Foundation, with close collaboration with the City of Durango, to design and develop Durango Mesa Park. The proposed park land offers a unique opportunity to provide park space and recreational facilities to the community. It will serve as a place for families, individuals, and groups to engage in various outdoor activities fostering healthy and active lifestyles.

The construction of access roads, meeting City requirements, will establish circulation for vehicles and pedestrians into and within the site. Utility planning and required easements have been designed with roadway layouts to minimize site disturbance. Park programming of the annexed property utilizes and works with the existing topography and includes multi-use trails, mountain bike trails, community gathering space, future sports fields, supporting parking, and open space preservation. Although the proposed park design consists of multiple uses, common design elements and clear connections through the site, will ensure that all the pieces work together as a single and cohesive Durango Mesa Park experience. It will contribute to and celebrate the cultural and natural context of the City of Durango in an authentic way.

Supporting materials for this application include required petitions, proposed zoning, design guidelines and annexation impact report for the property. The following materials are in process and will be prepared soon- utility planning, access and circulation planning, master grading and drainage plans.

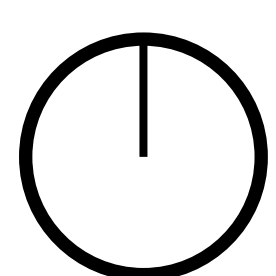
We kindly request that the receiving authority review this application and provide guidance on any further steps or requirements for the annexation process. We are more than willing to engage in discussions to address any questions or concerns that may arise.

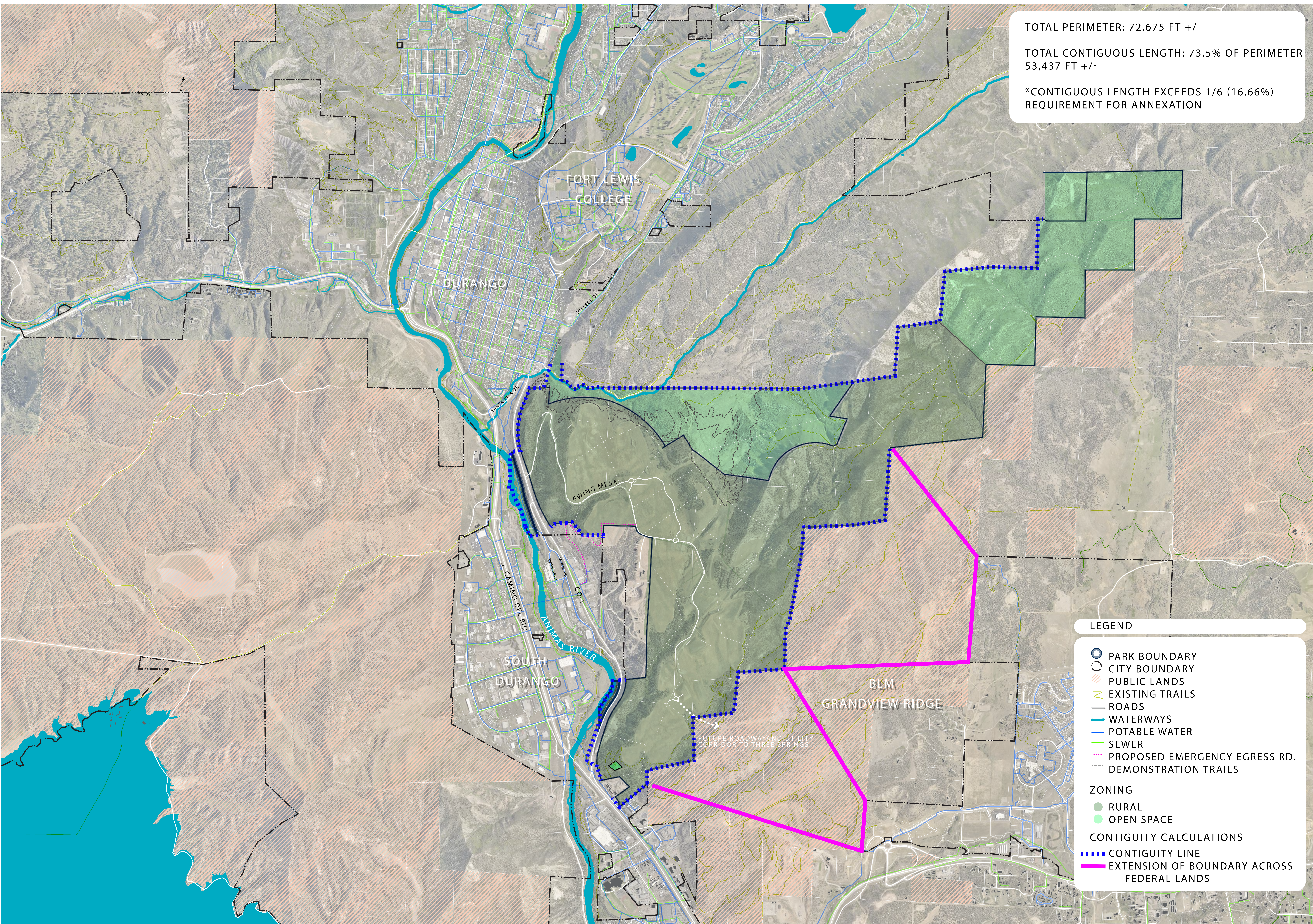


DURANGO MESA PARK - ANNEXATION BASE MAP

1" = 750'

0' 750' 1,500'





TOTAL PERIMETER: 72,675 FT +/-

TOTAL CONTIGUOUS LENGTH: 73.5% OF PERIMETER
53,437 FT +/-

*CONTIGUOUS LENGTH EXCEEDS 1/6 (16.66%)
REQUIREMENT FOR ANNEXATION

LEGEND

- PARK BOUNDARY
- CITY BOUNDARY
- PUBLIC LANDS
- EXISTING TRAILS
- ROADS
- WATERWAYS
- POTABLE WATER
- SEWER
- PROPOSED EMERGENCY EGRESS RD.
- DEMONSTRATION TRAILS

ZONING

- RURAL
- OPEN SPACE

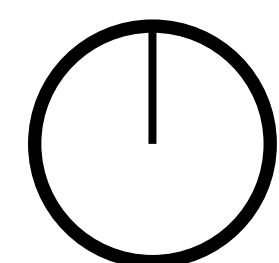
CONTIGUITY CALCULATIONS

- CONTIGUITY LINE
- EXTENSION OF BOUNDARY ACROSS FEDERAL LANDS

DURANGO MESA PARK - CONTIGUITY MAP

1" = 750'

0' 750' 1,500'



Durango Mesa Annexation Impact Report



August 2023

EXECUTIVE SUMMARY

- 1.1 This request from the Durango Mesa Park Foundation and the City of Durango is for the annexation of Durango Mesa by the City of Durango. The area includes approximately 1,928 acres. This property consists of the original Oakridge Development minus a 6.36-acre parcel which was previously subdivided off and consolidated with an existing parcel owned by the Bonds family, at 1075 St Hwy 3. An additional 37+ acre open space parcel in Horse Gulch previously acquired by the City is also included in this annexation as the parcel is contiguous to the Durango Mesa property. The annexation boundary is shown in Exhibit A.

The annexation includes the following improvements: access roads, trails, 2 composting type toilet facilities, 3 active water wells, venue space with electrical, maintenance shed, and a gravel parking lot. Also included in the overall annexation is portions of State Highway 3 and part of CR 237.

The impetus behind the annexations is twofold:

- (1) The City of Durango has acquired the open space parcels in Horse Gulch and wants to annex them into the City.
- (2) The City of Durango has agreed to partner with the Durango Mesa Park Foundation to build a bike park and other amenities on the Mesa.
- (3) The City is under negotiations to jointly manage the bike facilities and potentially take over the management responsibility in the future.
- (4) The City will be acquiring property on Durango Mesa for a future sports complex consisting of multiple f fields and other recreational uses.
- (5) The City wants the City Police Department to provide law enforcement to the area, as a part of managing the recreational facilities. The City Police Department does not have law enforcement jurisdiction outside its municipal boundaries.

1.2 Annexation Facts

- Total land for annexation: 1,928
- Total number of parcels proposed for annexation: 55
- Total dwelling units: 0
- Estimated existing population within area to be annexed: 0

- 1.3 Fiscal Impacts – The fiscal impacts associated with the Annexation of Durango Mesa Park are discussed in Section 8 of this report. In addition, a Municipal Services and Financial Plan has been prepared for the Durango Mesa Annexation and is attached as Appendix E.

- 1.4 Property Owner Support – The property owners include Durango Mesa Park Foundation and the City of Durango, and they have requested the annexation. No other property owners are involved.

- 1.5 Zoning – The property will be zoned Rural Agriculture (RA) for the majority of the mesa top and Open Space (OS) for the property owned by the City of Durango as well as the steep portions of the northeast part of the property. See Exhibit D for the proposed zoning.

2.0 BACKGROUND

Durango Mesa Park, previously known as Ewing Mesa, encompassing 1,930 acres. The majority of the property was owned by a single entity and two smaller parcels were sold off on the western edge and slopes of the Mesa. These two parcels are not part of the annexation request.

The property was historically used for mineral extraction owned over the years by Porter Fuel Company and later William D. Ewing. The property had long term mining leases for coal and gravel. Other portions of the mesa were cultivated for bean and hay fields and horse and cattle grazing. The rugged hillsides have a series of fee-simple trails that were built over the years and deeded to La Plata County. The trails have recently been deeded to the City of Durango in anticipation of annexation.

Oakridge Energy purchased the property around 1990. The owners of Oakridge Energy (Pautsky Family) had plans to develop the reserves on the mesa but also wanted to ultimately create a golf course community on the property. The Ewing Mesa Area Plan was adopted in 2004 and included approximately 2000 residential units, a business park, resort, and large area designed as mixed use, in addition to the golf course. As the property passed through the Pautsky family the interest in developing the land changed to selling the property to another developer. In 2008 the owners subdivided the property into 54 residential lots called Oakridge at Durango. The lots were all in excess of 35 acres, so the subdivision was exempted from La Plata County's land use regulations. The property owners did not sell the individual parcels.

The Katz family purchased the property in 2015 and formed Ewing Park LLC. The Katz family is a long time City of Durango family and local business owners. The family acquired the Durango Mesa property with a general vision for the property to provide space for concerts, a bike park, the County fairgrounds, and a City sports complex. In August of 2018, the Durango Mesa Area Plan was adopted that sets the stage for this annexation and future development of the mesa and associated open space. The area plan provides the framework for development on the mesa. The Area Plan can be found at this link: <https://www.durangogov.org/DocumentCenter/View/10237/Durango-Mesa-Area-Plan?bidId=>

Following the Durango Mesa Park planning in 2017 for the La Plata County Master Plan and 2018 for the City of Durango Area Plan, Durango Mesa Park Foundation (DMPF) was created to ensure the long-term sustainability and vision for the Park. DMPF was established in 2019 with 5 board members and an executive director. The parcel formerly known as Ewing Mesa was conveyed to the Foundation by owner and founding board member Marc Katz. The board of directors for the Foundation were chosen for a variety of reasons: their extensive history of community involvement, their broad and diverse backgrounds in both work and personal pursuits, and a collective, powerful

desire to realize the vision of the Park for the benefit of the entire community and advancing the area's quality of life and economic vitality.

The future land use designation of the property is Parks and Open Space for the flat portions of the mesa top and Conservation / Open Space for the steep slopes and Horse Gulch meadow per the 2017 Comprehensive Plan.

Annexation of the property was a key component of the area plan and the vision of the Katz family. Ultimately the property will be served by City water and central sewer. The intensity of use will require the need for police service. In addition, the plan envisions that the City's Parks and Recreation Department will be responsible for many of the amenities.

3.0 PURPOSE OF THE ANNEXATION IMPACT REPORT

The annexation impact report is intended to meet the requirement from the Colorado State Statutes [C.R.S. 31-12-108.5] for an annexation impact report. Statutory requirements for this report are as follows:

- a) A map or maps of the municipality and adjacent territory to show the following: (See Exhibit B, Durango Mesa Annexation Map)
 - The present and proposed boundaries of the municipality in the vicinity of the proposed annexation
 - The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation
 - The existing and proposed land use pattern in the areas to be annexed (No changes to the existing or proposed land use in the area. See Exhibit D for proposed zoning.)
- b) A copy of any draft or final preannexation agreement, if available (Note: there is no executed preannexation agreement.
- c) A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation.
- d) A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed.
- e) A statement identifying districts within the area to be annexed.
- f) A statement on the effect of annexation upon local public school district systems, including the estimated number of students generated and the capital construction required to educate such students.

4.0 ANNEXATION AREA DESCRIPTION

The annexation area is located between Downtown Durango and Three Springs. The property is almost entirely located east of Highway 3. The properties are located within the City of Durango's Comprehensive Plan's Urbanizing Area. The Annexation Area consists of approximately 1,928 acres. A map of the Annexation Area is shown in Exhibit B.



In addition to the Durango Mesa Park Foundation properties, additional properties acquired by the City of Durango in Horse Gulch are a part of this annexation.

Several improvements have already been constructed on the property that will be annexed. These improvements include trails, access road, gravel parking area, 3 active water wells and two composting type toilet facilities.

5.0 ANNEXATION PROCESS

5.1 Public Participation

The annexation process began in With a determination of the Durango Mesa Park Coordinating Committee, made up of Foundation, City and County representatives that the correct path forward for the development of Durango Mesa was through annexation rather than a Planned Development through the County process. There were a number of factors that weighed into the decision:

- Durango Mesa Area Plan direction.
- Quicker timeline.
- More certainty of process. (The County process was brand new and had not been used previously.)
- City utilities would eventually be needed, which would ultimately require annexation.
- Police service would be desirable for the City facilities and City run facilities.

Here is a summary of public outreach:



- Public meetings and hearings on the Durango Mesa Area Plan when developed in 2018.
- Presentations to City Council have occurred on a regular basis.
- Durango Mesa Park Foundation has presented to Joint Advisory Board meetings since 2019
- Meetings with the Parks and Recreation Advisory Board.
- The Foundation included stakeholder input with visioning work for the Demonstration Trail project and Bike Park Master planning in November 2021 and January 2023.
- Public Engagement Open House on March 13, 2023, with 105 attendees.
- The Foundation has made presentations to multiple business organizations and service clubs, etc. over the years.

Beginning in 2018, data was collected, and reports were written as summarized below:

- Colorado High School Cycling League Economic Impact Survey and Results from the 2018 State Championships Held in Durango:
<https://drive.google.com/file/d/1aV6akVeJFP Ae1CZQ0HAY7EcRGCt8KTRv/view>
- Colorado High School Cycling League Economic Impact Survey – 2021 Results:
<https://drive.google.com/file/d/1xTVjBuiU4U1v8tuu6ZLK3WBe1FU9XCMr/view>
- Parks and Recreation Department Economic Impact Study, January 2022:
<https://www.durangogov.org/DocumentCenter/View/22739/Parks-and-Recreation-Department-Economic-Impact-Study-Full-Report-PDF>

5.1.2 Public Hearings

On August 1, 2023, the City Council accepted the submitted petitions by resolution and set a public hearing date of September 5, 2023, to consider public comment and a course of action on the annexation.

The first public hearing for the annexation proposal was on July 24, 2023, at a City of Durango Planning Commission meeting. There was no public comment and the Planning Commission recommended approval of the annexation with a 4-0 vote.

Should the Council approve the annexation, the Council will give first and final reading to the annexation ordinance, and the annexation will become effective within either ten (10) days of publication of the ordinance in a newspaper of general circulation, or upon the date so specified by the Council in the ordinance.

5.2 Petition Method of Annexation

Colorado State Statutes provide for several methods of annexation, including:

- ♦ an election whereby all property owners within the proposed annexation area are eligible to vote;

- ◆ the petition method, whereby the majority (51%) of property owners signing petitions and the majority of the property owners comprising more than 50% of the land area execute petitions qualifies the proposed area for annexation.

The total land area to be annexed is approximately 1,928 acres. An evaluation of the petition submitted indicates that two property owners, the Durango Mesa Park Foundation and the City of Durango own 100% of the territory proposed for annexation and are requesting the annexation. Thus, the annexation can be initiated by the petition method in accordance with C.R.S. 31-12-10(1).

5.3 Authority and Findings for Annexation Eligibility

The authority under which the City of Durango may proceed with annexation of territory is Colorado Revised Statutes 32-12-101 through 123.

Annexation to the City must comply with specific state statutory eligibility requirements, including the following:

- a. **Contiguity:** Per state statutes, the perimeter boundary of an area to be annexed to a municipality must be at least one-sixth (16.66%) contiguous with the existing City limits. State law allows for jurisdictions to ignore Federal and State lands when determining contiguity. A contiguity map was provided as part of the annexation submittal by the applicants that determined the annexation meets the 1/6 (16.7%) contiguity. The property for which annexation is sought has a total of 53,437 feet contiguous to the City of Durango. The total boundary of the annexation area is 72,675 feet, which represents a 73.5% contiguity. (See Exhibit C.)
- b. **Community of Interest:** The area proposed for annexation is situated within the City's designated urbanizing area, is included in the City's Comprehensive Plan, and is capable of being integrated into the City. Therefore, a community of interest can be found to exist.
- c. **Mileage Limitation:** The annexation of the area proposed will not violate the terms of the State Statute regarding the extension of the boundary of the City by more than three miles in any one year.
- d. **Plan in Place:** The City has an adopted plan, the 2017 Comprehensive Plan in place which addresses the general annexability of this area of the community.
- e. **Petitions.** This method requires that:
 - More than 50 percent of the parcel owners either sign a petition requesting annexation into the municipality or have implied consent agreements requiring their properties to be annexed; and
 - More than 50 percent of the area of the proposed annexation area is included within the parcels.

Because the parcels are owned by two entities and both have submitted an annexation petition for the parcels they own, 100% of the property owners support the annexation of the area into the City of Durango. Annexation petitions meeting the state statutory requirements were submitted and accepted by the City Council on August 1, 2023, at which time a public hearing date was set on September 5, 2023 for Council consideration of the annexation.

Annexation Impact Report: State statutes include a requirement that an "annexation impact report" be prepared and filed with the Board of County Commissioners for annexations of greater than 10 acres unless the requirement for such a report is waived by the Board of County Commissioners. City staff did not request a waiver of the report. This report will be submitted to the Board of County Commissioners as required by state statutes.

- f. **Complies with Statutory Limitations** -- The annexation meets the requirements as to limitations on annexations as outlined in state statute.

6.0 LAND USE AND DEVELOPMENT

There are two proposed zones for the annexation area, RA (Rural Agriculture) and OS (Open Space/Conversation) as shown in Exhibit D. These are the most appropriate zone districts to address the proposed uses and a phased development approach of the land.

How the property is anticipated to be developed is outlined in the Durango Mesa Area Plan. The current phase involves completing the demonstration flow trails currently under development and finalizing the Bike Park design. Road infrastructure is also being planned, with the emergency egress road construction plans being finalized and the project going out for bid this fall, hopefully with construction in the spring. The intersection of Ewing Mesa Road and Highway 3 and the first phase of Ewing Mesa Road are in the process of final design. It is anticipated that the road work will begin next summer once the emergency egress road is complete so access to the properties on the mesa is provided when the main road is under construction.

La Plata County is determining if they are going to become a partner and move the fairground to the mesa as proposed in the Durango Mesa Area Plan and the La Plata County's Multi-Event Center 2017 Master Plan. If they move up to the mesa, the first phase will consist of an outdoor arena with seating, stalls, parking, covered pavilion, and equestrian trails.

The City is planning to move the BMX tract to the bike park sometime in the next two years. The City will also be a partner in managing the bike park,

Other first phase projects include adding a frisbee golf course and a dog park.

Future phases include the concert venues, community barn, and sports fields.

Comprehensive Plan Policies:

Policy 10.2.3: Prior to annexation requiring City commitments to invest in public facilities, prepare an annexation plan that evaluates the costs and benefits of the proposed annexation to the City and the property owners and addresses land use, public improvements and other development issues.

Policy 10.2.4 Use annexation agreements to assign responsibility for resolving infrastructure and design issues and to ensure that development in the areas complies with City plans and standards.

Goal 22: Develop and maintain a trail system throughout the planning area that serves as a recreational amenity and transportation facility.

Objective 22.1: Provide a variety of trail experiences for trail users.

Goal 11: Promote a healthy, sustainable, balanced economy that capitalizes on the community's natural, recreational, cultural and human resources.

In addition, the Comprehensive Plan has the following specific language for Ewing Mesa, now called Durango Mesa Park.

Policy 6.2.6

Use the guidance in this policy in addition to other Plan policies to guide zoning and development of properties marked with an asterisk on the Future Land Use Map. The Future Land Use Map identifies with numbered asterisks areas for which area plans need to be developed, updated or specific policy direction provided within the Plan. These areas include portions of Grandview Ridge, the State School Property, East Grandview, La Posta Road, Ewing Mesa, Webb Ranch, Kroeger Ranch, and the Mason Property which are subject to the following specific policies.

5. Ewing Mesa:

- Update the Ewing Mesa Area Plan in conjunction with the property owner and La Plata County to provide for a mix of recreational, cultural, open space uses in conjunction with the development of a new Fairgrounds site and other uses approved in the Area Plan;
- Development of Ewing Mesa will be guided by the general policies of the Plan and the specific policies developed in conjunction with the Ewing Mesa Area Plan;
- Development of Ewing Mesa should not encroach upon Horse Gulch; and

- Protect skyline views by requiring building setbacks from the rim of the mesa, particularly for lighting of the property.

7.0 APPLICABILITY OF CITY LAND USE REGULATIONS AND DEVELOPMENT STANDARDS

Upon annexation, the laws of the City of Durango are in effect for the properties annexed. The City and the Durango Mesa Park Foundation will enter into an annexation agreement which will outline how the property will be governed. In addition, the City will be working with the foundation to establish standards that shall apply to future development. In general, the property is not being developed at an urban density and should not have to meet urban development standards.

8.0 SERVICEABILITY

This annexation, if approved, will be by definition, serviced by the City of Durango. The actual extension of municipal facilities (e.g., street, water, sewer, and storm drainage systems) shall be in accordance with City standards.

8.1 CITY'S ABILITY TO DELIVER SERVICES

State law (31-12-108.5) directs that the City provide 'a statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation.'

The Statute also directs that the City provide 'a statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed.'

The applicants, which includes the City of Durango, will be responsible for the construction of public improvements necessary for the development on the mesa. It is anticipated that public improvements will be phased based on when required by the level of development.

This annexation is unusual in that utility services will not be needed until a later date. The designs for both water and sewer service are being developed along with a phasing schedule of when the services are needed based on development and usage.

Road maintenance (including sweeping, plowing, and repair) will be provided by the City once the City accepts the roads after construction. Since the main road is being rebuilt, and the mesa will have seasonal closures, the costs associated with maintenance for the first 5 years will be minimal.

Other City services that are anticipated include refuse collection, law enforcement, and parks and recreation services. The types and levels of services to be delivered by the City are described in the following sections.

8.1.1 WATER SERVICE

Durango Mesa will not be served by a public water service during the first few years of operation. Initially, the existing wells on the property will be used as the water source for construction and for fire suppression. It is anticipated that a water tank will be installed to store water for use on the mesa.

Currently, there are 3 active wells on the property.

- Well 297983, location: lot 17, drilled in 2015, depth 380' produces 4 gpm. Currently, used for irrigating venue trees seasonally.
- Well 296113/(201564 map#), location: lot 27, drilled in 1994, reestablished 2023, depth 307' produces 20 gpm. Currently, used for demonstration trail construction, future bike park construction and maintenance, and irrigation for future landscaping and maintenance.
- Well 296114/(202084,26846 map#), location: lot 34, drilled in 1984, (currently inactive but will be reestablished for the future bike park) depth 480' produced 150gpm (1984) 2021 results 19gpm. Will be used for bike park construction and irrigation for future landscaping and maintenance activities.

The overall water plan is currently being developed but will consist of a connection to the City's water system near the Horse Gulch trailhead. The water main is in a conceptual design process, and it is anticipated that the water line will run partially along Ewing Mesa Road. The current plan is to install this portion of the pipe as part of the road construction project.

Ultimately the water main will connect to the Three Springs water tank according to the City of Durango's Water Master Plan. The City will be responsible for upsizing the water main in accordance with City policies in anticipation of the future connection.

The Durango Mesa Area Plan has the following policy on water.

Policy 3.8.1: Water infrastructure should be phased as appropriate with the level of development.

8.1.2 SEWER SERVICE

Currently there are two composting type toilet facilities on the mesa that can be used on an interim basis. Portable restrooms can be used for special events. As more frequent and regular activities occur, the extension of a public sewer main will be required. A sewer study is underway to compare the costs associated with sewer service with three possible options. The first is to have all the sewer treated by the City of Durango, the second is to have all the sewer treated by South Durango Sanitation District and the third option is to split the sewer treatment between the two entities to utilize gravity flow in both directions.

The Durango Mesa Area Plan has the following policy on sewer.

Policy 3.8.2: Sewer service should be phased as appropriate with the level of development.

8.1.3 STORMWATER

Stormwater facilities must be constructed in accordance with the City of Durango's Storm Drainage Design Criteria. The drainage from Ewing Mesa Road will ultimately be the responsibility of the Street Division once the roadway is accepted as a city street.

Stormwater facilities for individual uses will be designed and reviewed as part of the site plan process. Owners of the property will be responsible for maintenance of the individual facilities.

8.1.4 REFUSE COLLECTION/RECYCLING

The project will be serviced by City refuse collection trucks. The operating budget includes provision for trash service. The City estimates that two – three dumpsters will be provided, with once or twice weekly pick up depending on the time of year. The cost for servicing the dumpsters will be paid for by the entity providing the activities needing the dumpsters.

Special events will need to make arrangements for refuse collection and recycling services for their events and will be responsible for the costs associated with the event.

8.1.5 ELECTRIC AND FIBER OPTIC

Utilities for the first two phases of development will utilize the existing 15kV electric line and existing phone lines on the mesa. Fiber and additional electric service will be needed for future phases. The applicants are working with La Plata Electric to discuss options for additional electric service and fiber connectivity.

8.1.6 STREET CONSTRUCTION/MAINTENANCE/SNOW PLOWING

State Highway 3 Intersection Improvements

Access to Durango Mesa is by a private drive currently called Ewing Mesa Road off of Highway 3. CDOT issued an access permit to Durango Mesa Park on June 30th, 2021, upon completion of a traffic impact study for the intersection of State Highway 3 (SH 3) and Ewing Mesa Road. The permit is still active and a notice to proceed for construction from CDOT must be secured prior to June 30, 2024. The access permit requires the following improvements to be made at the intersection of Ewing Mesa Road and SH 3; left turn deceleration lane, right turn deceleration lane, right turn acceleration lane, and the subsurface infrastructure to add a traffic signal in future phases when traffic signal warrants are met by the park's activity. Durango Mesa Park Foundation plans to construct the intersection in the spring of 2024 with the following intersection

improvements; median islands, turn lanes, signal caissons and conduits. The traffic signal poles, signal cabinet and components will be added later when the signal warrant is met.

Ewing Mesa Road Construction

The current Ewing Mesa Road is a paved roadway that varies in width from about 22 to 30 feet. The first three quarters of a mile are on a steep climbing grade with one switch back curve. The climbing grade varies from 7.5% to over 13% along this stretch of roadway and the existing switchback radius is a tight 85 feet. The proposed improvements, in coordination with City engineering staff, is to reconstruct the climbing grade to a consistent 8% for most of the climb, to reduce the grade to 4.5% through the switchback curve, and to increase the switchback curve radius to a larger 125-foot radius. The newly constructed roadway will consist of hot mix asphalt paved 11-foot lanes and 6-foot shoulders built to a park standard with traditional slopes and ditches transitioning into the natural landscape. To have more of a park feel on top of the mesa the roadway will tend to follow the undulations of the terrain to have a gentle rolling roadway feel. The entire roadway through the park will ultimately be built to the paved 34-foot width. Major intersections within the park will be constructed as compact roundabouts, with three roundabouts initially planned for the Ewing Mesa roadway to help slow and calm traffic in the park. Minor intersections will be traditional at grade intersections with no turn lanes.

Ewing Mesa Road Maintenance

For the near future the mesa will be closed during the winter so there will be no routine snow plowing provided. If it is necessary to access the mesa, the Parks and Recreation vehicles will be outfitted with plows and can plow the necessary area. If the mesa reaches a point of being open year-round, the Streets Department will plow on a regular basis.



At the top of the mesa, the road will continue along its existing alignment for approximately .3 miles. The road is proposed to be realigned at this point allowing the existing road to remain as a potential entrance to the fairground. This road will also continue to provide access to the two privately held parcel on the mesa.

County Road 237

La Plata County has indicated that they are considering vacating the western portion of CR 237. The Parks and Recreation Department has indicated that

they would consider taking over the maintenance of the road as a trail that can serve as an emergency access but did not have the equipment to maintain CR 237 as a road.

Emergency Egress

An emergency egress is also planned to be constructed through the Bonds property to provide for access during construction of the main road as well as emergency egress once the mesa is open to the public. The easement for access and utilities was acquired when the Foundation traded a 6.36-acre parcel, which was being used by the Bonds, for the easement.

Parking

A gravel parking area has been established for the events that have been held on the mesa, including Meltdown on the Mesa and a number of biking events. Additional parking areas will be developed as needed.

The Durango Mesa Area Plan outlines a number of parking policies to guide the development of parking areas on the mesa. The plan encourages shared parking, phased parking improvements and the allowance of gravel lots for seasonal uses, overflow parking and horse trailer parking. In addition, the use of temporary unimproved lots for major festivals and events is allowed.

New parking lots will be constructed as needed to serve the mesa. Parking will be provided before new uses on the mesa are open to the public. The parking will be paid by the applicant providing the use. However, all parking will be shared and the total amount of parking on the mesa will be much less than it would be with individual developments providing their own parking.

Traffic monitoring will be used to verify the assumptions of the traffic study and to update the study as necessary. The traffic monitoring will occur prior to each additional phase of development.

8.1.7 TRANSIT SERVICE

The City of Durango is not proposing to provide any scheduled transit service to Durango Mesa at this time. However, transit can be utilized for special events through a separate agreement with the City's Transportation Department.

8.1.8 POLICE PROTECTION/LAW ENFORCEMENT

The City Police Department will provide law enforcement services to Durango Mesa. In fact, the provision of City law enforcement is one of the reasons Durango Mesa is being annexed into the City.

The first few years the mesa is open will mostly be for bike riders accessing the new trails. The activity will be consistent with other trail systems in Durango. There will also be special events that will increase the need for law enforcement, however, these will be addressed on a case-by-case basis.

The Police Department is proposing to increase the number of park rangers in the City from one full time employee to four full time employees. It is anticipated that one additional park ranger will be added this year and two more are anticipated to be hired in 2024. The Police Department will use the park rangers in all of the City's open space areas including Lake Nighthorse, the mountain parks, river put-ins, and Durango Mesa. The costs associated with the increase in the number of park rangers was included in the Durango Mesa Park Municipal Services and Financial Plan, prepared by RPI Consulting, August 2023, Exhibit E.

The Police Department estimated that 30% of the park rangers time will be attributable to the annexation of Durango Mesa.

In addition, the City Parks and Recreation Department staff will be on site much of the time the park is open. The City staff will be available to provide assistance to supplement the Police Rangers.

The Durango Mesa area currently uses the La Plata County Sheriff's Department to provide law enforcement. Annexation of Durango Mesa will allow the La Plata County Sheriff's office to not have to respond to calls within the 1,928 acres.

8.1.9 PARKS AND RECREATION SERVICES

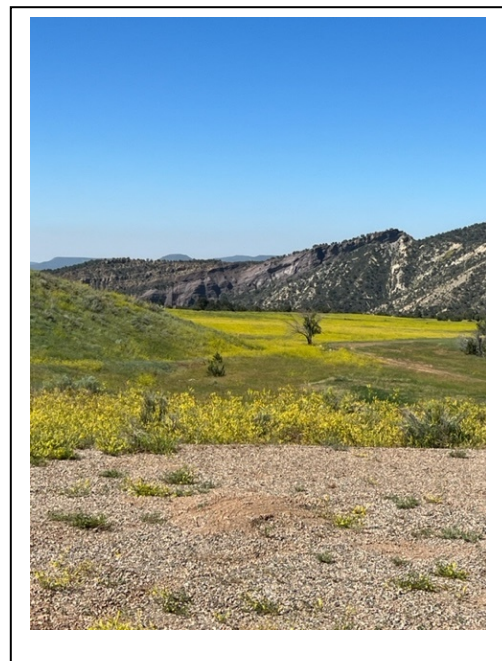
The Parks and Recreation Department will be involved in the development, maintenance, and management of portions of the Durango Mesa property.

The City currently owns 287.273 acres of the property being annexed. A total of 247.983 acres in Horse Gulch, purchased from the Durango Mesa Foundation, and a 37.141 parcel previously purchased. This property is already managed and maintained by the City.

The City will take ownership of the Foundation property being annexed and zoned as Open Space when the property is replatted later this year.

The Durango Mesa Area Plan has identified the southwest portion of the property for sports fields. The land is large enough for approximately 11 fields. The fields will not be built for a number of years, but the land will be reserved for this use and transferred to the City when the sports fields are developed.

The Parks and Recreation Department and the Foundation are currently negotiating an agreement for the



construction, management and maintenance of the facilities that will be built during Phase I. It is anticipated that the City will be fully responsible for the BMX track that is moving to the mesa as well as a partner to fund the bike park that is anticipated to be constructed next year. The Parks and Recreation Department has money budgeted this year and next year to fund these projects.

8.2 FUNDING

Funding expenses and revenues were studied by RPI Consulting in the Durango Mesa Park Municipal Services and Financial Plan, completed in August 2023, Exhibit E.

Although not quantified, opening Durango Mesa will provide an economic stimulus to the City and County. The reports that have been generated for special events show that they attract additional visitors and generate additional spending.

The City and the Foundation are working on a cost sharing agreement for constructing and maintaining the infrastructure on the mesa. If La Plata County decides to become a partner in the development of the mesa, the costs for infrastructure will be split into thirds.

9.0 IMPACTS

The State Statute also call for there to be 'a statement identifying existing districts within the area to be annexed' and 'a statement on the effect of annexation upon local public school district systems, including the estimated number of students generated and the capital construction required to educate such students.'

9.1 IMPACTS ON SPECIAL DISTRICTS

Durango Mesa is located within several Tax Districts. Special districts that assess taxes on properties that are within these districts include:

Authority	Authority Id	Tax Rate	Amount
LA PLATA COUNTY GENERAL	001	7.3480	\$0.00
SOUTHWESTERN WATER CONSV	003	0.4070*	\$0.00
DURANGO SCHOOL DISTRICT	004	19.1900	\$0.00
ANIMAS MOSQUITO CONTROL	011	1.4000	\$0.00
ANIMAS-LA PLATA WATER CON	038	0.3720*	\$0.00
LA PLATA COUNTY R & B	056	0.7100	\$0.00
LA PLATA COUNTY HUMAN SVS	057	0.4420	\$0.00
DURANGO SCHOOL DIST BOND	059	5.7760	\$0.00
DURANGO FIRE PROTECTION DIS	077	8.2000	\$0.00
Taxes Billed 2023			\$0.00

* Credit Levy

The property is owned by a non-profit or the City of Durango and is not subject to taxes. This will not change with the annexation of the property. The districts have not been collecting taxes since the land was transferred to the Foundation, so the annexation does not change the status quo.

9.2 IMPACTS ON THE 9R SCHOOL DISTRICT

There will be no impact on the 9R School District.

9.3 IMPACTS ON THE DURANGO FIRE PROTECTION DISTRICT

There will be some impacts to the Durango Fire Protection District (DFPD), not because of the annexation but because of the opening of the recreation area. Of the 1,928 acres of land being annexed, much of the land will remain as open space with no active use. These parcels will not change the need for fire protection but are not anticipated to generate a significant need for emergency medical services.

Durango Fire Protection District, the Foundation and the City of Durango are working on an emergency response plan. The plan will be completed prior to the opening of Durango Mesa to the public. In addition, the City will have personnel working on the Mesa, overseeing the Bike Park, once it is open. While not full time, when present, the trained staff can assist in any emergency that occurs. DFPD will be needed to assist in major medical cases, transporting patients through the ambulance service and responding to all calls dealing with fire.

The City believes that the fiscal impact to the DFPD will not be significantly increased as there will be City staff available on the property to assist with minor injuries. The City believes that Durango Mesa should function similarly to the other open space areas that the City owns (Lake Nighthorse, Horse Gulch, Durango Mountain Park, etc.) that are currently served by DFPD.

The City of Durango pays the Fire District under contract for services provided.

List of Exhibits

- A – Durango Mesa Annexation Boundary Map
- B – Durango Mesa Annexation Map
- C – Durango Mesa Contiguity Boundary Map
- D – Durango Mesa Proposed Zoning Map

E – Durango Mesa Park Municipal Services and Financial Plan, RPI Consulting, August 2023.

Exhibit E

Durango Mesa Park

Municipal Services and Financial Plan

August 2023

Prepared by:

Gabe Preston, RPI Consulting

Durango, CO

Table of Contents

Summary 3

City of Durango Municipal Services and Financial Plan 3

Special Districts Covering Durango Mesa Park.....12

Summary

The purpose of this report is to describe how the City of Durango would serve Durango Mesa Park, how much it would cost and how much sales tax revenue it would generate for City funds. The report also includes a descriptive analysis of potential costs to Durango Fire Protection District for EMS services.

By 2025, Durango Mesa Park will cost the city \$494k per year for operations and maintenance. This includes operations and maintenance costs for the Parks and Recreation Department, the Police Department, Solid Waste Collection and administrative departments.

The one-time capital expenditures for the elements of the project for which cost estimates are available total almost \$21 million. In addition to the annual operations and maintenance costs, the Parks and Recreation Department staff also estimated one-time capital costs of \$302,700 for equipment needed to manage Durango Mesa Park. The Police Department also estimated one-time costs of \$11,100 attributable to Durango Mesa Park for equipment needed to outfit park rangers. Capital costs for constructing the access road will be just under \$12 million. Cost sharing with Durango Mesa Park and La Plata County means that the City of Durango will spend \$4.5 million to build the access road. Water and sewer lines to serve the project will cost \$8.9 million. Cost sharing for the waterline means that the city will pay \$3.9 million of the \$6.2 million water line costs.

From a purely monetary perspective, Durango Mesa Park is expected to contribute to more economic activity than it costs the city to operate. At the low end, attendees at cycling and other events held at Durango Mesa Park are projected to spend at least \$578k per year and as much as \$3.1 million per year as more events are set. These sales would generate at least \$20k in sales tax per year and could bring as much as \$109k.

Future phases will include an outdoor performance venue and the long-term vision includes a new fairgrounds and multi-event center. These additions will provide opportunities for a diversity of year-round events. Additional events at Durango Mesa Park will bring in visitor spending by those attending the events. This spending will generate additional sales tax that will further cover the operations and maintenance expenditures by the city.

The role that recreation assets play in economic development extends well beyond the immediate benefit of attracting and providing quality experiences for visitors. Quality recreation assets contribute to the day to day lives of Durango area residents and provide a competitive advantage for business. Local economic and business development groups showcase Durango's outdoor recreation assets as a key component of the core infrastructure that makes Durango especially suitable and attractive for startups and businesses seeking to relocate or expand their operations.

City of Durango Municipal Services and Financial Plan

Three departments would provide direct services to Durango Mesa Park: Parks and Recreation, Police and Streets. Each of these departments was analyzed separately using information provided by department heads as well as city budgets and other financial information. The additional employees and expenditures required by these three departments to provide direct services at Durango Mesa Park will affect the administrative departments as well because it represents an

expansion of services provided by the city. Durango Mesa Park foundation staff provided a projection of the number and type of special events and number of participants expected. The special events will lead to an increase in visitor spending and City of Durango sales tax collections.

City of Durango Parks and Recreation Department Costs

The cost of operating and maintaining Durango Mesa Park will increase incrementally as the components of the park are developed. This assumes that planning and design stages will begin in 2023 and that phase 1 will reach a level of completion in 2025.

During 2023 (year 1) the Parks and Recreation Department would hire a full time Durango Mesa Park operations supervisor, pending approval from the City. Maintenance of demonstration trails and identifying and establishing workflow for maintenance of other park components would need to occur during this first year. Year 1 tasks will also include scheduling the development of park components such as flow lines, jumps, paved pump track and BMX facility. Another year 1 task will be to develop and implement Durango Mesa Park branding and marketing and to build community awareness around new trails, future trail plans, and potential for events.

During 2024 (year 2), construction of the park components will be underway. Duties will include overseeing park operations and maintenance of features as they are completed including the bike park, trails, dog park, frisbee golf, camping and other facilities. It will also be time to finalize plans for building the BMX facility and transitioning BMX programs. This workload will require a second full time position starting in the 3rd quarter of the year as well as utilization of the seasonal maintenance crew as needed.

Figure 1 – Estimated Operations and Maintenance Costs for Parks and Recreation Department 2023-2025

	2023	2024	2025
Staffing/Payroll	\$64,447	\$153,114	\$248,036
Operations and Maintenance Expenses	\$35,981	\$51,005	\$51,065
Total Annual Cost	\$100,428*	\$204,119	\$299,101

Source: Durango Parks and Recreation Department

* Estimated costs for 2023 are pending approval from the City. It is based on the full year and will be adjusted depending on timing of the agreement within the calendar year.

By the end of 2025 (year 3), the bike park will be fully operational and it is anticipated that there will be regularly scheduled events and programming using the park. During this third year, the BMX facility will be completed and BMX programming will move to the new facility.

City of Durango Police Department Costs

An analysis conducted by the Durango Police Department concluded that Durango Mesa Park will require .3 of a ranger FTE. Payroll for one ranger FTE costs \$87,000 per year plus and additional \$2,000 per year in other expenses. By 2024 the cost of staffing the .3 ranger FTE will be \$26,700 per year plus an additional \$600 per year in other expenses. These services are anticipated to begin roughly halfway through the year in 2023, meaning the cost will be just over 50% of a full year.

Figure 2 - Estimated Operations and Maintenance Costs to Police Department 2023-2025

	2023	2024	2025
Ranger staffing/payroll	\$13,050	\$26,100	\$26,100
Additional expenses	\$600	\$600	\$600
Total	\$13,650	\$26,700	\$26,700

Source: City of Durango Police Department

City of Durango Streets Division Costs

The access road to Durango Mesa Park will be a city street 2.81 miles long, 34 feet wide, with a paved surface. The street will have a “local” function classification. The project will add to the inventory of streets maintained by the streets division and will therefore add to the Streets Division annual operations and maintenance costs. Maintenance costs until the road is accepted will be assumed by the applicants through a cost share with the Foundation and the City.

Durango’s Department of Public Works recommends allocating \$20,000/mile/year for the maintenance of the road with plans to sweep the road at least monthly during non snow months, to prevent sediment accumulations that ultimately impact the river. Other maintenance needs include: annual striping of center and edge lines and markings, crack sealing every 3-4 years in preparation for seal coat application at year 5. Operations at Durango Mesa Park will occur during the non-snow seasons and will not require snow removal on the access street.

Figure 3 – Estimated Operations and Maintenance Cost for Streets Division to Serve Durango Mesa Park

Average Cost per Mile	\$20,000
Durango Mesa Park Miles New Street	2.81
Estimated Annual Operations and Maintenance Cost Base Year 2023	\$56,200
Estimated Annual Operations and Maintenance Cost 2024	\$57,886
Estimated Annual Operations and Maintenance Cost 2025	\$59,622*

Source: Durango Public Works Department

* Costs will not be incurred by the City until the road is accepted.

Given that the proposed street accessing Durango Mesa Park is 2.81 miles long and that it costs \$20,000 per year per mile to maintain city streets, it will cost the streets division an estimated \$56k per year to maintain and operate the proposed new street in Durango Mesa Park. With a 3% annual inflation factor, the cost will increase to \$59,622 in 2025. This increase in workload means the streets division will need an additional .4 FTE.

Administrative Departments

The analysis above shows that Durango Mesa Park will increase the workload and staffing demands for the three departments providing direct services at the park. The additional volume of business conducted by these core city departments means that the city’s administrative departments will also see an incremental increase in demand for services.

Figure 4 – City of Durango Administrative Departments and 2023 Expenditures

Administrative Departments	2023 Expenditures
General Government	\$1,964,433
Human Resources	\$719,534
City Clerk	\$1,078,651
Media and Community Engagement	\$588,642
Information Technology	\$3,308,871
Finance	\$2,645,079
Community Development	\$1,863,747
Buildings	\$693,390
Total	\$12,862,347

Source: City of Durango 2023 Budget

The analysis in the prior sections shows that the Police Department will need add .3 FTEs, the Parks and Recreation Department will need 2 additional full-time employees and an unknown increase in seasonal maintenance staff while the Streets Division will need to add .4 FTE for a total of 2.7 additional FTEs.

The additional FTEs indicate the additional amount of work and business conducted by the city as a direct result of serving Durango Mesa Park. According to the city's adopted 2023 budget, there are currently 408 full-time equivalent employees working for the city. The 2.7 additional employees needed to serve Durango Mesa Park represent a .66% increase in the city staff. The additional employees are expected to result in a proportionate increase in administrative department expenses of \$85,118 per year.

Figure 5 – Estimated Cost for Administrative Departments to Serve Durango Mesa Park

City FTES in 2023	408
Estimated Additional FTEs to Serve Durango Mesa Park	2.7
% of Total City Full Time	0.66%
Estimated Additional Administrative Department Costs to Serve Durango Mesa Park	\$85,118

Source: City of Durango 2023 Budget, Police Department, Parks and Recreation Department, Streets Division webpage

Solid Waste Collection

City of Durango Solid Waste department makes two collections per week at Lake Nighthorse during the busy season. Durango Mesa Park would have similar requirements for up to 9 months per year. The current rate for one 300-gallon container collected two times per week is \$81.38. Solid waste is an enterprise fund, so the rate represents the true cost of providing the service. Assuming that Durango Mesa Park would require 2 containers, the annual cost of solid waste collection would be \$1,465

Water and Wastewater

Durango Mesa Park does not include central water nor does it include central wastewater infrastructure. Future phases of the park will include central water and wastewater as master plan elements are added to the park. Untreated site well water will be used to minimize central water usage at the bike park and other master plan elements where possible.

City of Durango Operation and Maintenance Cost Summary

Costs start to materialize in the Parks and Recreation and Police Departments during start-up in 2023 and by 2025 when Durango Mesa Park is fully operational, annual operations and maintenance costs for city of Durango are expected to reach \$494k per year and continue at this level.

Figure 6 – Annual Operations and Maintenance Costs to Serve Durango Mesa Park

	2023	2024	2025
Parks and Recreation	\$100,428	\$204,119	\$299,101
Police	\$13,650	\$26,700	\$26,700
Streets		\$77,006	\$81,472
Administrative Departments		\$85,118	\$85,118
Solid Waste Collection		\$1,465	\$1,465
Total	\$114,078	\$394,408	\$493,857

Capital Expenditure Summary

In addition to the annual operations and maintenance costs, the Parks and Recreation Department staff also estimated one-time costs of about \$300k associated with the start-up and management of Durango Mesa Park:

Figure 7 – One-time equipment and supplies costs for Parks and Recreation Department

Item	Cost
Hand Tools	\$1,000
Power Tools: Trimmer, Blower,	\$1,200
Plate Compactor	\$3,000
Storage Container	\$7,200
Water Tank	\$800
Solar setup with water pump	\$3,000
Water haul Trailer	\$1,000
Chevy Pickup	\$37,000
Bobcat UTV	\$14,000
Toolcat	\$69,000
Skidsteer & Mini Excavator	\$160,000
Brush Attachment	\$3,000
Laptop	\$2,500
Total	\$302,700

Source: City of Durango Parks and Recreation Department

In addition to the annual operations and maintenance costs, the Police Department cost estimates include the cost to outfit Rangers with equipment and a vehicle. A new vehicle costs \$62,000 and the department needs one vehicle per two rangers. Other equipment costs \$6,000 per ranger. The one-time costs associated with the with the .3 FTE Ranger that will be needed to manage users at Durango Mesa Park will cost a total of \$11,100.

Figure 8 - One-time equipment and supplies costs for Police Department

Vehicle purchase and setup	\$9,300
One-time set-up cost for 3 rangers	\$1,800
Total	\$11,100

Source: City of Durango Police Department

Capital costs for constructing the access road will be just under \$11.8 million. The access road will be built in phases.

Figure 9 – Streets Conceptual Capital Cost

	Design Engineering	Construction Admin.	Construction Costs	Total
Phase 1 - SH 3 Intersection	\$190,000	\$160,000	\$930,000	\$1,280,000
Phase 2 - Emergency Egress	\$86,400	\$154,000	\$720,000	\$960,400
Phase 3 - Access to Mesa	\$225,000	\$250,000	\$2,900,000	\$3,375,000
Phase 4 - Mesa and Roundabouts	\$275,000	\$250,000	\$2,200,000	\$2,725,000
Phase 5 - South Mesa to Bike Park	\$300,000	\$250,000	\$2,900,000	\$3,450,000
Total Cost				\$11,790,400

Source: HDR, 2023

Cost sharing means that the City of Durango is projected spend \$3.93 million on the access road, the Durango Mesa Park foundation will spend \$3.93 million and the county will spend \$3.93 million.

Figure 10 – Streets Capital Cost Sharing

	Durango Mesa Park Share	City Share	County Share
Phase 1 - SH 3 Intersection	\$426,666	\$426,666	\$426,666
Phase 2 - Emergency Egress	\$320,133	\$320,133	\$320,133
Phase 3 - Access to Mesa	\$1,125,000	\$1,125,000	\$1,125,000
Phase 4 - Mesa and Roundabouts	\$908,332	\$908,332	\$908,332
Phase 5 - South Mesa to Bike Park	\$1,150,000	\$1,150,000	\$1,150,000
Total	\$3,930,131	\$3,930,131	\$3,930,131

Source: HDR, 2023

Water and sewer lines to serve the project will cost \$8.9 million. Cost sharing for the waterline means that the city will pay \$3.9 million of the \$6.2 million water line costs. Cost sharing for the sewer line capital costs is unknown.

Figure 11 – Water and Sewer Conceptual Capital Costs

	Total Capital Cost	Durango Mesa Park Share	City Share	County Share
Water Lines	\$6,241,250	\$1,159,374	\$3,922,499	\$1,159,374
Sewer Lines*	\$2,651,125			
Total	\$8,892,375			

Source: HDR, 2023

* Sewer line capital costs are being confirmed at the time of publishing this document. The estimate provided is the highest of 3 options. The City of Durango Utilities Department and HDR are coordinating the location of the sewer line and the cost presented here may go down if another option is selected.

Visitor Spending and City Sales Tax Revenue

Durango Mesa Park will provide new opportunities for outdoor recreation events with parking areas and facilities for event staging. One of the long-standing challenges for hosting cycling and other outdoor sports is that during event season, parking is a challenge and constraint. An additional benefit is on-site camping, which will further expand the possibilities for events. At Coler

Mountain Bike Preserve in Bentonville, Arkansas, campsites rent from \$17 to \$30 per night and the occupancy rate is around 70%. Other improvement such as storage facilities will make a big difference for event organizers.

Durango Mesa Park Foundation representatives expect the number and diversity of events to build over the first years of operations. The park is expected generate between 3,425 and 18,950 participants/competitors once the venue is completed and fully operational.

Figure 12 – Events and Participation Estimates at Durango Mesa Park

Type of event	Annual Number of Events (range)	Number of Participants (Range)	Minimum Participants	Maximum Participants
Regional cycling events	10	250-800	2,500	8,000
National/International cycling events	1-4	500-2000	500	8,000
Cycling camps/ride days/clinics	5-10	25	125	1,250
Off-road running events	1-3	150 -300	150	900
Frisbee golf events	1-2	50-100	50	200
Social and professional events	5-6	20 -100	100	600
Total			3,425	18,950

Source: Durango Mesa Park Foundation

According to research conducted by Durango Mesa Park Foundation, 70% of attendees to regional and national/international cycling events are visitors from outside of the area. This percentage was multiplied by the projected participants in those events to get the expected number of visitors from out of the area. Similarly, the City of Durango Parks and Recreation Economic Impact Study (2022) found that 33% of participants in a range of special events managed by the Parks and Recreation Department are visitors from outside of the area. This percentage was multiplied by the aggregate of the other events to get the expected number of visitors those events would bring to Durango. This means that between 2,240 and 18,270 of the participants in the projected events at Durango Mesa Park will be visitors from outside of the area. Durango Mesa Park Foundation research shows that one event participant has an average of .5 companions who are traveling with them. This means that between 3,360 and 18,270 total visitors per year will be attributable to events held at Durango Mesa Park.

Figure 13 – Durango Mesa Park Special Event Visitor Spending

	Minimum	Maximum
Regional and National/International Cycling Events	3,000	16,000
Other Events	425	2,950
Total Event Participants	3,425	18,950
Visitor Participants (Non-Local)	2,240	12,180
Total Visitors Including Companions	3,360	18,270
Annual Visitor Spending	\$578,100	\$3,131,600

Source: City of Durango Parks and Recreation Economic Impact Study, 2022; Durango Mesa Park Foundation research; Colorado High School League Economic Impact Study of Durango Mesa Pursuit XC, 2021, RRC Associates

Colorado High School League Economic Impact Study by RRC Associates found that the average spending was \$174 per participant and per companion at the 2021 Durango Mesa Pursuit XC. This spending estimate was multiplied by the estimated visitor participants at regional and national/international cycling events. The City of Durango Parks and Recreation Economic Impact Study (2022) found that the average spending per visitor attending a range of special events was \$142 per attendee. This spending estimate was multiplied by the attendees at the other types of events to be held at Durango Mesa Park. The result is that Durango Mesa Park event attendees are expected to spend at least \$578k and as much as \$3.13 million annually.

Sales in the visitor services sector will be subject to City of Durango sales tax. Applying the estimated sales to the sales tax rates shows that Durango Mesa Park event attendees would generate at least \$20k and as much as \$109k annually in sales tax revenue.

Figure 14 – City Sales Tax Generated by Durango Mesa Park Event Attendee Spending

City Sales Tax Fund	Tax Rate	Minimum Revenue	Maximum Revenue
General Fund	2.00%	\$11,560	\$62,630
2019 Streets	0.50%	\$2,890	\$15,660
2015 Parks/Multimodal	0.50%	\$2,890	\$15,660
2005 Parks	0.25%	\$1,450	\$7,830
2005 Capital Improvement	0.25%	\$1,450	\$7,830
Total	3.50%	\$20,240	\$109,610

Source: City of Durango, City of Durango Parks and Recreation Economic Impact Study, 2022; Durango Mesa Park Foundation research; Colorado High School League Economic Impact Study of Durango Mesa Pursuit XC, 2021, RRC Associates

Key Findings from 2022 City of Durango Parks and Recreation Economic Impact Study

Outdoor recreation facilities in City of Durango get over 261,000 user days per year. Animas River use is much higher than the commercial rafting numbers included in this estimate, but the actual number is unknown.

Figure 15 – User Days for City of Durango Outdoor Recreation Facilities

Facility	Annual User Days
City Trails	159,500
Chapman Ski Hill	8,880
Lake Nighthorse	67,960
Commercial Rafting, Animas River	24,900
Total	261,240

Source: City of Durango Parks and Recreation Economic Impact Study, 2022

Trails accommodate the most users of any of the outdoor recreation facilities. The additional trails and mountain bike facilities will likely attract visitors not related to a special event, but at this time it is unknown how many additional visitors the park would attract that would not otherwise come to the Durango area to use the trails. Durango Mesa Park planning currently does not include user fees.

Figure 16 –Findings from City of Durango Parks and Recreation Economic Impact Study

City Trails Peak Season Users	159,500
Percent of Peak Season User Who Were Visitors	14%
Peak Season Visitors Who Used City Trails	22,000
Spending per Visitor	\$397
Total Spending by Visitors Who Used City Trails	\$8,744,100
Miles of City Trails	110
Miles of New Trail at Durango Mesa Park	6

Source: City of Durango Parks and Recreation Economic Impact Study, 2022

The City of Durango Parks and Recreation Economic Impact Study intercept surveys found that 14% of trail users are visitors and that each trail user visitor spends \$397. In total, City of Durango trails generate \$8.74 million in annual spending. Six miles of trails at Durango Mesa Park and a new trailhead would be part of the inventory of trails that would contribute to this economic activity, but aside from the spending generated by special event attendees, it is not currently known how much of an increase in overall tourist visitation and activity would be attributable to the additional trails to be built at Durango Mesa Park.

The role that outdoor recreation plays in economic development extends well beyond the immediate benefit of attracting and providing quality experiences for visitors. Quality recreation assets are a competitive advantage and are a centerpiece of Durango's value proposition. Local economic and business development groups showcase Durango's outdoor recreation assets as a key component of the core infrastructure that makes Durango especially suitable and attractive for startups and businesses seeking to relocate or expand their operations.

Special Districts Covering Durango Mesa Park

Durango Fire Protection District

Durango Fire Protection District (DFPD) will provide service to Durango Mesa Park on an ongoing annual basis by responding to calls for service and other reported incidents. Increasing calls for service are the primary driver of increased demand and therefore of increased operations and maintenance costs for the district.

According an analysis of calls/incidents during study period 2017-2021, DFPD responded to 26,735 calls/incidents. Of those calls/incidents, 1,534 or 5.74% were assigned land classification codes that indicate that those incidents likely occurred on natural lands, open space or parks.

Figure 17 – Proportion of DFPD Calls/Incidents to Natural Lands, Open Space, Parks

Calls/Incidents Land Classification	Percent of Calls/Incidents 2017-2021
Amusement center: indoor/outdoor	0.02%
Beach	0.01%
Campsite with utilities	0.32%
Fixed-use recreation places, other	0.65%
Forest, timberland, woodland	0.70%
Lake, river, stream	0.32%
Open land or field	1.99%
Outside or special property, other	0.89%
Playground	0.41%
Swimming facility: indoor or outdoor	0.06%
Variable-use amusement, recreation places, other	0.33%
Water area, other	0.02%
Total Outdoor Calls	5.74%

Source: Durango Fire Protection District

The demand for Fire Protection and EMS services is driven by calls/incidents. The higher the volume of calls, the more resources it takes to protect the district. The 2023 operating budget for the district is \$18,155,800 so it follows that responding to the 5.74% of total calls/incidents at natural lands, open space and parks costs 5.74% of the annual operating budget or \$1,041,740 per year.

Figure 18 – Calculation of Estimated Annual Cost to DFPD to Serve all Natural Lands, Open Space and Parks Currently in the District

% of Calls to Outdoor Recreation Areas	5.7%
District Operating Expenditures 2023	\$18,155,800
Operating Costs for Outdoor Recreation Areas	\$1,041,740

Sources: Calls data and budget expenditure data from Durango Fire Protection District

Providing services to natural lands, open space and parks in the district costs DFPD over a million dollars per year. Durango Mesa Park will add 1,850 acres of open space for outdoor recreation and events. Clearly this will increase the calls for service and expenses for DFPD, but it is unknown how much additional demand the open space, trails and biking facilities at Durango Mesa Park will generate.

Other Taxing District Covering Durango Mesa Park

There are three taxing districts in addition to Durango Fire Protection District (see above) that cover portions of Durango Mesa Park:

Animas La Plata Water Conservancy District has a mill levy of .372 and development and operations at Durango Mesa Park will have no effect on demand for services or expenses for the district.

Animas Mosquito Control District has a mill levy of 1.4 development and operations at Durango Mesa Park will have no effect on demand for services or expenses for the district.

Durango School District 9R has a mill levy of 19.199 and will not be financially affected by development and operations of Durango Mesa Park because it is not anticipated to affect student enrolment.

South Durango Sanitation District covers 9 acres of Durango Mesa Park. The District has no mill levy which means it covers operations, maintenance and capital costs with revenue generated by its monthly service charges and its connection fees.

Beyond these taxing districts, an amenity such as Durango Mesa Park would attract permanent residents who would see this as a reason to select Durango as a permanent residence.

**DURANGO PLANNING COMMISSION
VIRTUAL MEETING
MONDAY, JULY 24th, 2023
5:00 PM
DURANGO, COLORADO**

DRAFT M I N U T E S

MEMBERS PRESENT: Susan Ulery, Alma Evans, Sarah Pritchard, Brian Devine

MEMBERS ABSENT: Matt Payne

STAFF PRESENT: Vicki Vandegrift, Bryce Bierman, Scott Shine, Daniel Murray

- 1. Call To Order/Roll Call Vice-Chair Ulery called the meeting to order at 5:00 pm. As a first point of order, the Planning Commission (PC) appointed Susan Ulery as Vice Chair. Commissioner Evans made a motion, Commissioner Devine seconded.
- 2. Announcements None
- 3. Public Participation None
- 4. Consent Agenda

4.1. Approval of Minutes of May 22nd, 2023

Commissioner Evans proposed a revision on page 6 to change the seconding of the motion from Geoff to Susan, this was in regard to agenda item 5.3 Florida Road Future Map Amendments. Commissioner Evans motioned to approve the meeting minutes with this change. Commissioner Devin seconded. Minutes were approved unanimously. Pritchard abstained on account of not being appointed at the time.

- 5. Public Hearings

5.1. CONTINUED TO AUGUST 28TH: EAST 5TH STREET ROW ABANDONMENT

Due to an error in the public notice, this project will be continued date certain to the August 28, 2023 Planning Commission. Public notice will occur prior to the hearing. Motion to continue date certain by Commissioner Devine, second by Commissioner Pritchard. Approved unanimously.

5.2. Durango Mesa Annexation and Initial Zoning

Planner Vicki Vandegrift presented the project summary. The applicants, Durango Mesa Park Foundation and the City of Durango, are proposing to annex 1,928 acres into the City of Durango. The property is withing the City’s Comprehensive Pan and is identified as an area to provide parks and recreation facilities. The annexation has been anticipated since the adoption of the Durango Mesa Area Plan in August of 2018, the plan sets the stage for this annexation and future development of the mesa and associated open space. The area plan provides the framework for development on the mesa. The City owned property and the northeast portion of the Foundation property will be zoned Open Space. The remaining Foundation property will be zoned Rural. Staff provided aerial images, photos, and maps of the mesa existing and conceptual site plans. Staff reviewed the criteria for annexation both statutorily and by the LUDC. Infrastructure such as the main access road and emergency access road are under design. Contiguity is 73.5% which exceeds 16% requirement. The proposal is consistent with both the Strategic Plan and the Comprehensive Plan. The annexation is consistent with the Durango Mesa Area Plan and there is discussion of phasing and tailoring the development standards to

PLANNING COMMISSION MINUTES
Monday, July 24th, 2023 -- PAGE 2

recreational/park type uses. This has gone through extensive public engagement before Council, P&R Advisory Board, and neighborhood meetings.

Applicant, Moira Montrose Compton spoke on behalf of the Durango Mesa Foundation. The property was purchased in 2015 by the Katz Family with the intent to give it back to the community, including all the uses show on the maps. Total cost was estimated to be 150M, and therefore the primary focus thus far was creating a Phase 1 for approximately 20M for critical infrastructure. The applicants decided to request annexation into the City to advance the use of the property.

PC Discussion

Commissioner Evans asked if annexation would make the property public or when will that occur? Vicki Vandegrift clarified that it will still be private property once annexed, but annexation does clarify City Police has jurisdiction. Commissioner Pritchard clarified this is just for annexation, not the uses in the plan.

Vice Chair opened the meeting for public comment.
There was no public comment.

Findings & Recommendation

Recommended Motion:

“Approval of the Durango Mesa Addition Annexation with the following finding and conditions:

Findings

a. This annexation is in general conformance with the statutory annexation eligibility requirements and the annexation policies of the City of Durango.

Conditions

- 1. The applicants and the City shall enter into an Annexation Agreement prior to finalization of the annexation.*
- 2. The initial zoning of the property shall be RA, Rural Agriculture and OS, Open Space, as shown on the attached map.*
- 3. The final annexation map shall be in accordance with City standards.*
- 4. All written, verbal and graphic representations of the applicants or agents shall be deemed conditions of approval.*

Commissioner Evans motioned to approve the proposed with the findings and conditions as outlined in the amended staff report and discussed at this public hearing. Seconded by Commissioner Pritchard. The motion was approved 4-0..



September 5, 2023

Durango Mesa Annexation
and Initial Zoning

City Council

Vicki Vandegrift

Community Development

ELSP and AEO



Mission (Why we exist)

“The City of Durango and our employees provide, efficient city services, effectively maintain city assets and manage growth, are accountable, ethical, fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.”

Vision (What we want to be)

“Durango is an authentic, diverse, multigenerational, and thriving community. Our Residents value and enjoy our unique natural environment and benefit from the management of our City’s resources in a fiscally responsible, environmental, and socially sustainable manner.”

Values (What we believe in)

Teamwork | Dependability | Professionalism | Service |
Respect | Innovation | Well-Being

- **This is a request to annex Durango Mesa into the City of Durango to facilitate development, creating public amenities for recreation and gathering spaces.**
- **Planning Commission is recommending approval with conditions of the application.**

DURANGO MESA

Annexation and Initial Zoning

September 5, 2023

Strategic Plan Alignment

Affordability and Economic Opportunity

2.1 Build partnerships and commit resources to help advance key development projects such as La Posta, Durango Mesa, and Three Springs.

Enhanced Livability and Sense of Place

3. Enhance Durango's sense of place in ways that celebrate the community's character, cultural heritage, outdoor roots, access to nature, and unique amenities.

Project Summary and Process

Annexation and Initial Zoning of Rural Agriculture (RA) and Open Space (OS).

Planning Commission
Hearing



City Council
Hearing



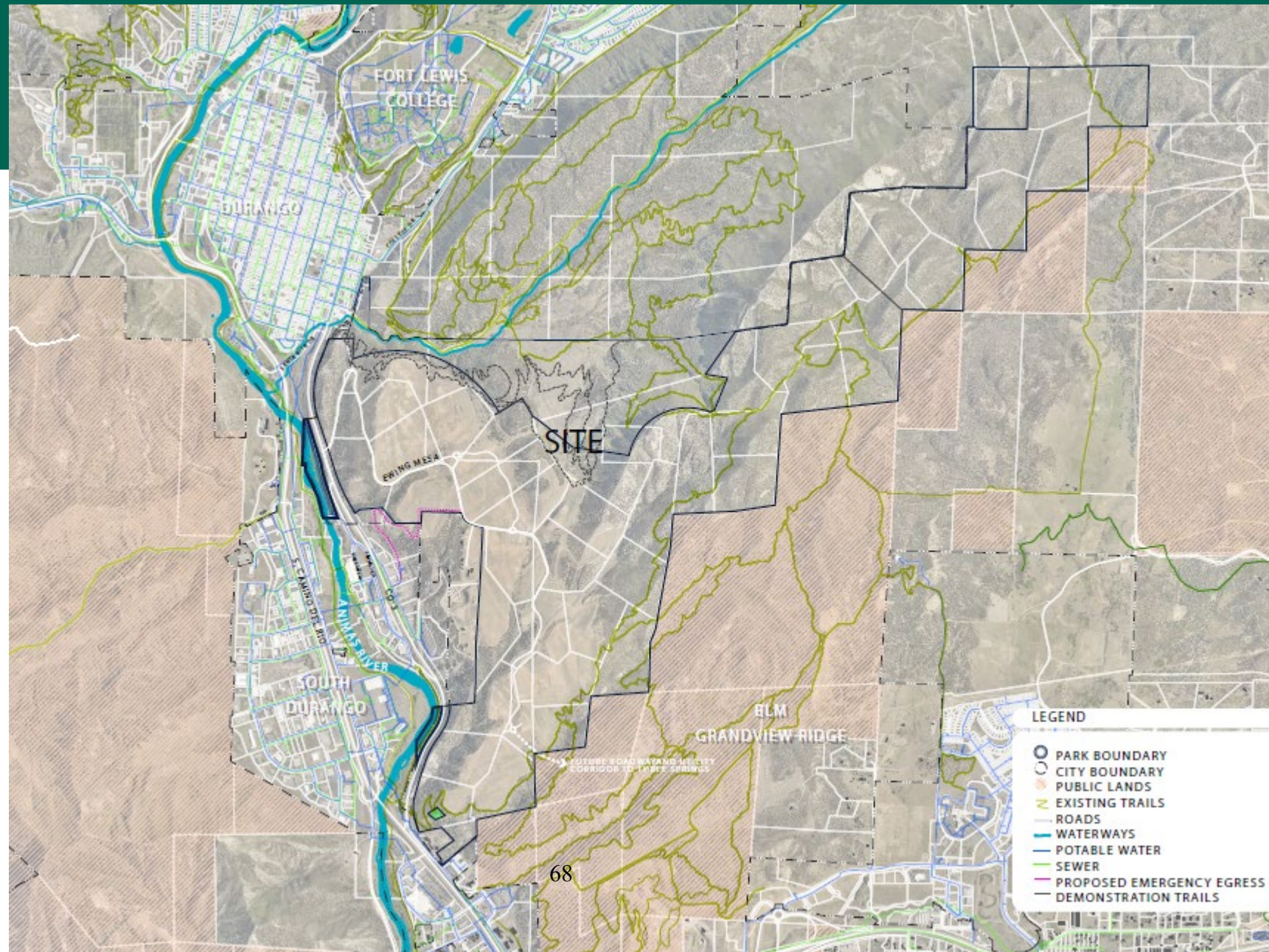
Ordinance

The annexation of 1,928 acres of property owned by Durango Mesa Park Foundation and the City of Durango. The land will be used for a variety of recreational amenities and preservation of open space. Currently additional trails are under construction and the bike park is under final design.

Site Aerial



Context Map



Site Photo



Site Photo



Site Photos



Site Photos



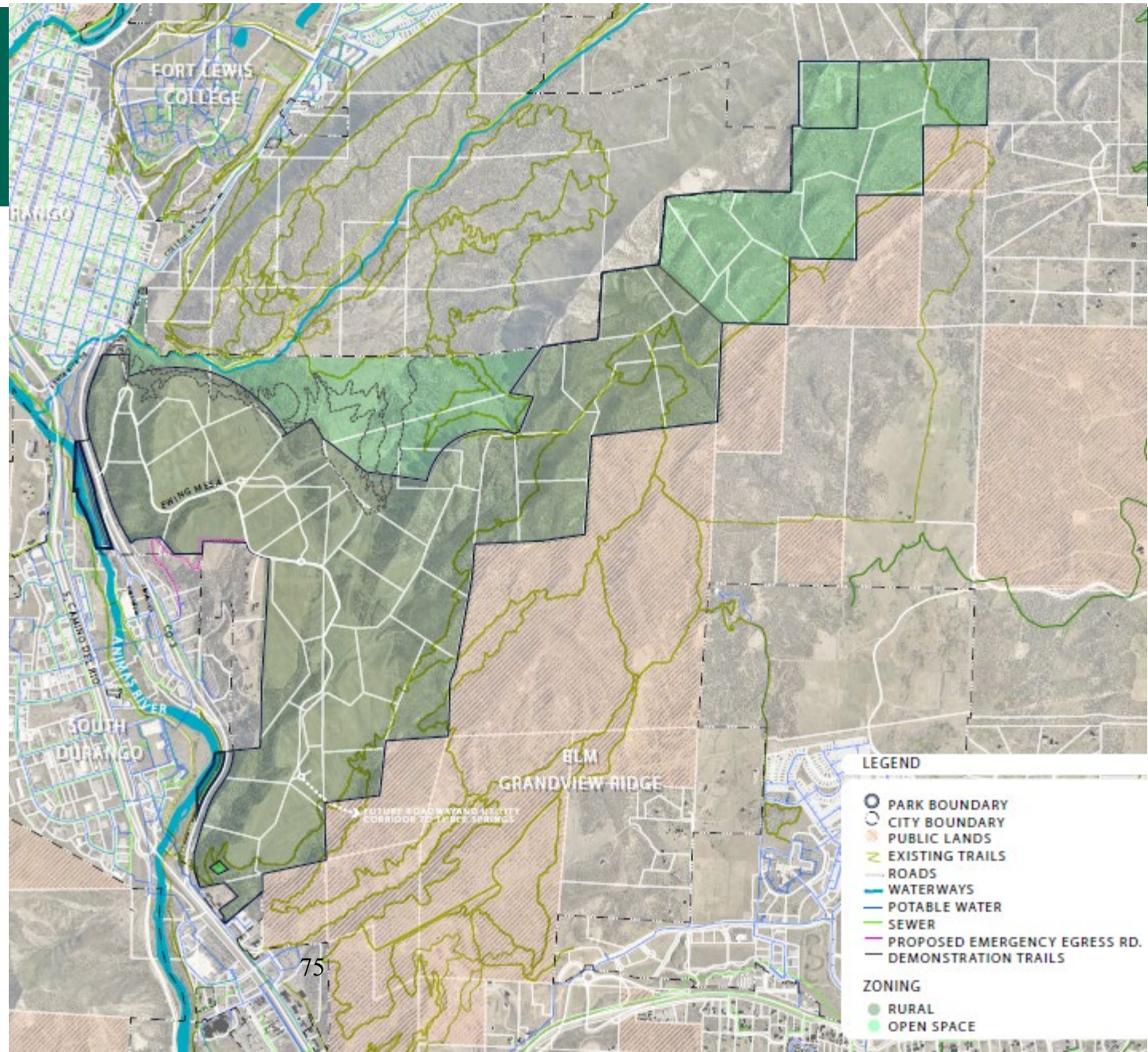
Events



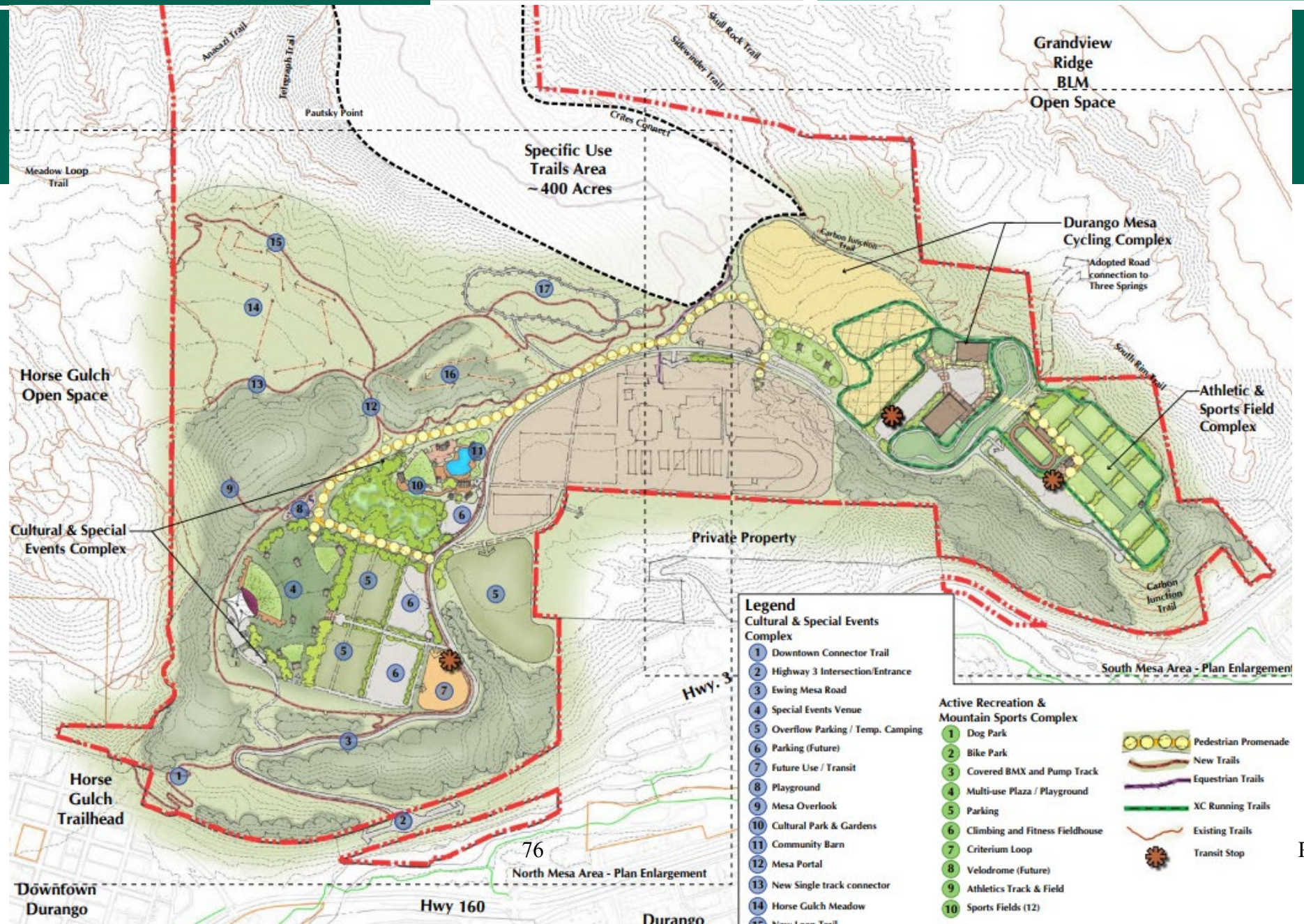
Project Description

- Annexation of 1,928 acres.
- Zoning of City Property and the Northeast Stairsteps – Open Space.
- Zoning of the Foundation Property is Rural.
 - Holding Zone
 - Allows the Recreational Uses, Bike Park. Etc.

Proposed Zoning



Area Plan



Site Photo



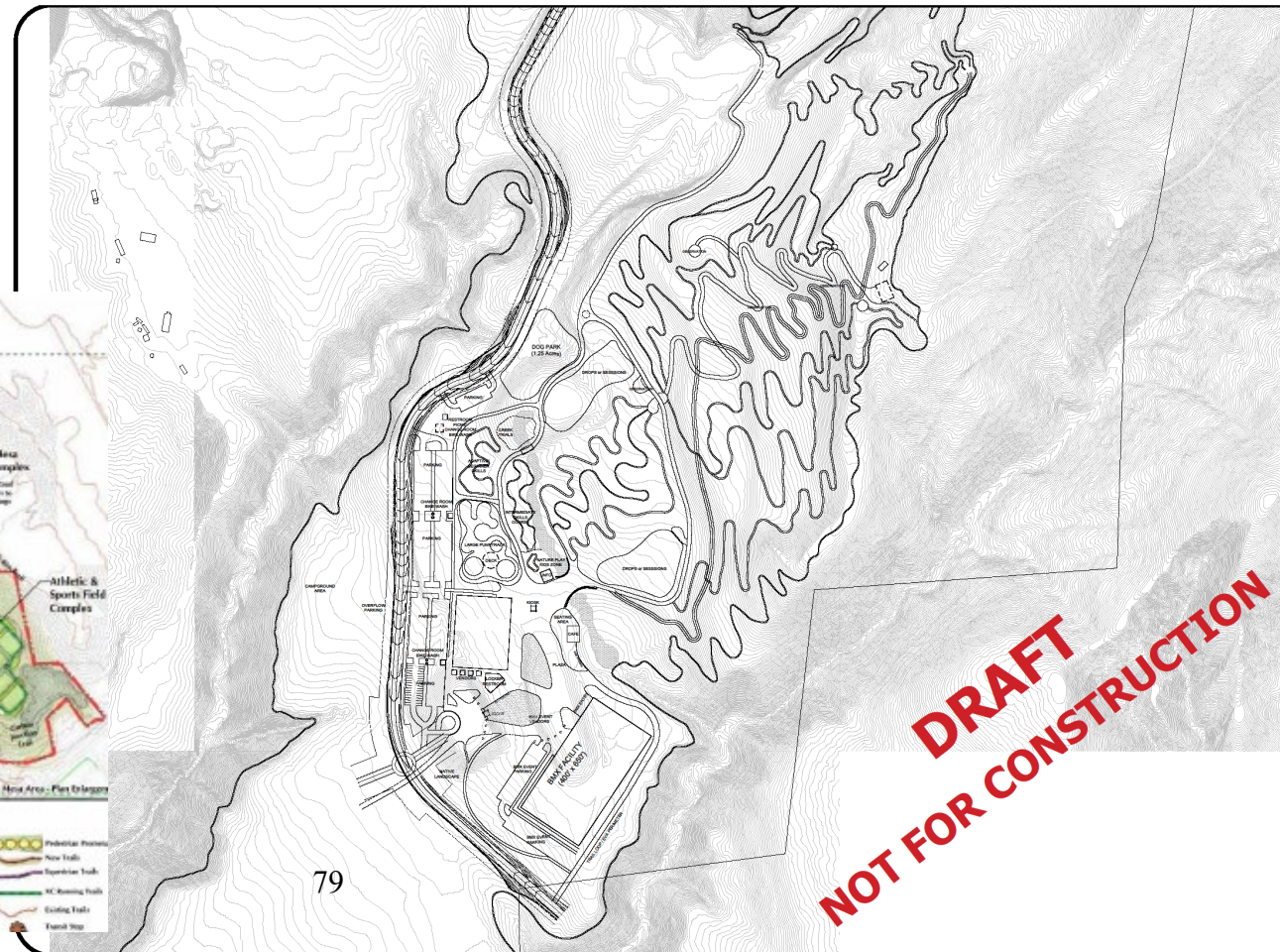
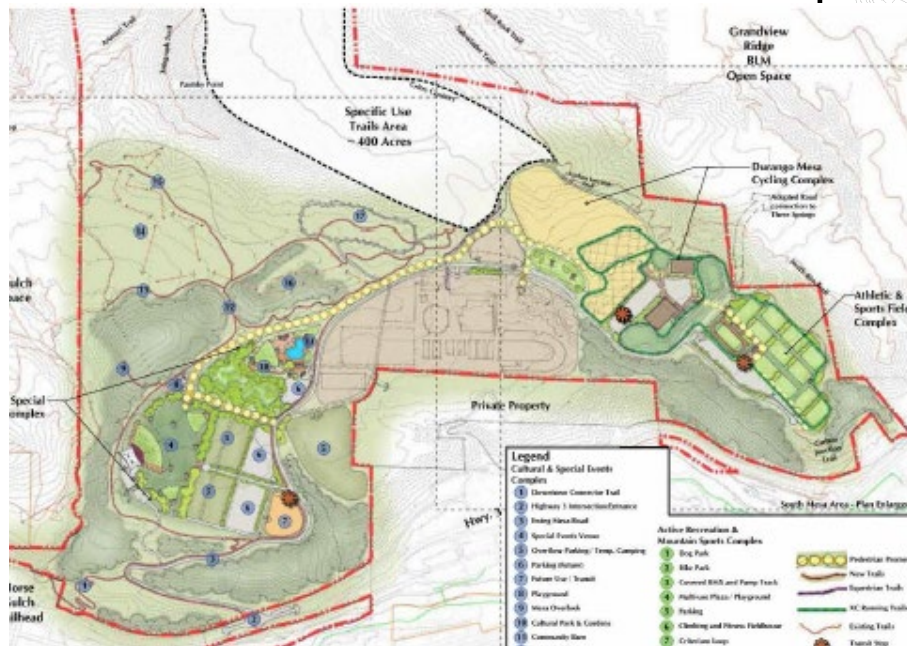
DURANGO MESA PARK PROJECT

Trail Construction



DURANGO MESA PARK PROJECT

Bike Park Design



DRAFT
NOT FOR CONSTRUCTION

DURANGO MESA BIKE PARK
Durango, Colorado

No.	REVISION / ISSUE	DATE

PROGRESSIVE TRAIL DESIGN
400 S.W. A Street #4
Durango, CO 81301
(970) 364-0012
EMAIL: info@progressivedesign.com
www.progressivedesign.com

DURANGO MESA BIKE PARK
PRELIM GRADING PLAN

Sheet	Date	Scale
001	2/15/2023	PTD

Review Criteria

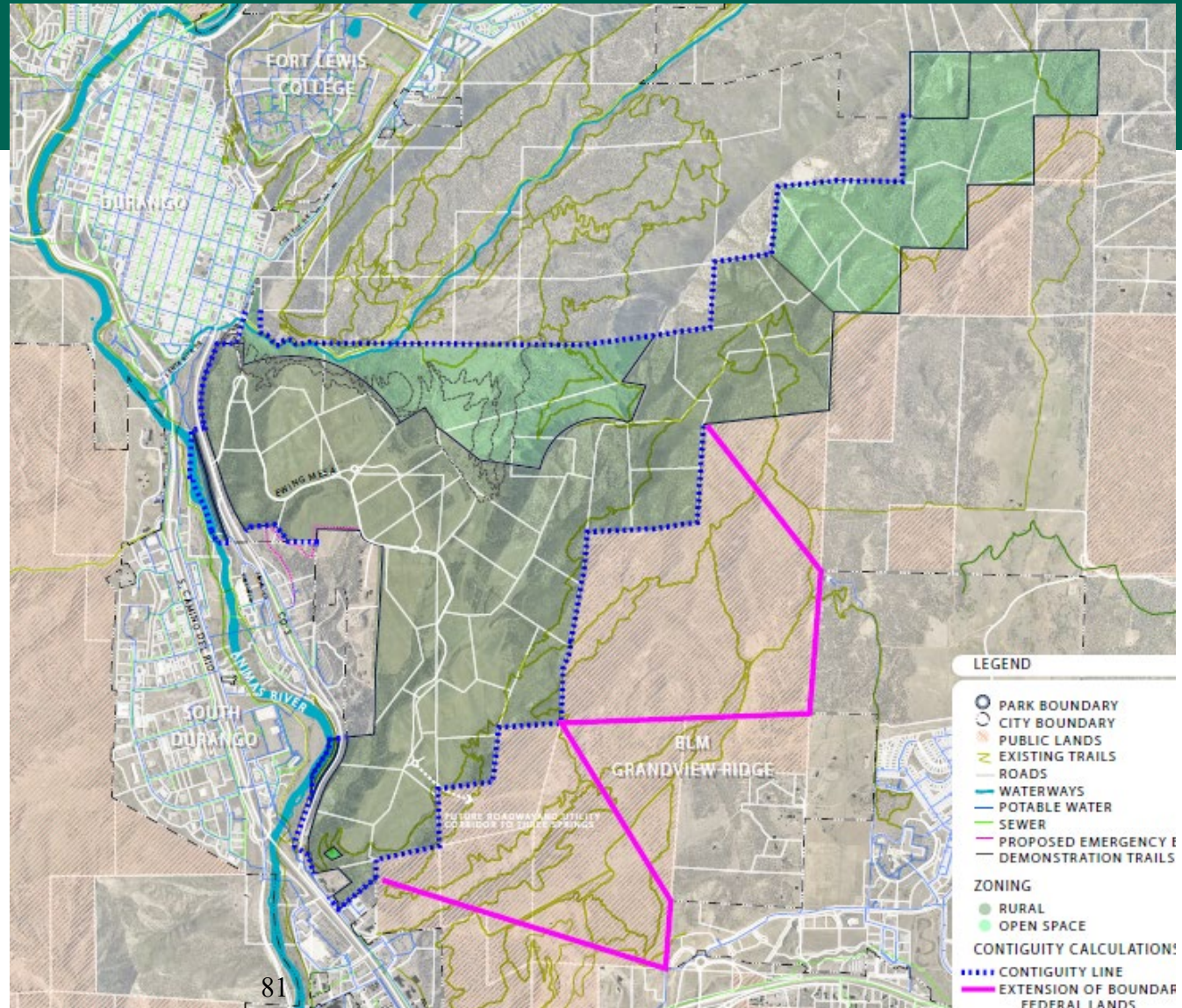
- LUDC criteria are derived from State statutory requirements for Annexations, and include:
 - Contiguity
 - Process requirements (petition for Annexation)
 - Serviceability for utilities, policing, fire prevention, etc.
 - Access
- The proposed annexation meets the LUDC Criteria.
- The proposed annexation also aligns with the Comp Plan's general annexation policies, which encourage public improvements, serviceability, and the use of annexation agreements.

CONTIGUITY MAP

TOTAL PERIMETER: 72,675 FT +/-

TOTAL CONTIGUOUS LENGTH: 73.5% OF PERIMETER
53,437 FT +/-

*CONTIGUOUS LENGTH EXCEEDS 1/6 (16.66%)
REQUIREMENT FOR ANNEXATION



Comprehensive Plan

Comprehensive Plan

Policy 6.2.6 states in part:

5. Ewing Mesa:

- Update the Ewing Mesa Area Plan in conjunction with the property owner and La Plata County to provide for a mix of recreational, cultural, open space uses in conjunction with the development of a new Fairgrounds site and other uses approved in the Area Plan;
- Development of Ewing Mesa should not encroach upon Horse Gulch; and
- Development of Ewing Mesa will be guided by the general policies of the Plan and the specific policies developed in conjunction with the Ewing Mesa Area Plan;
- Protect skyline Views by requiring Building Setbacks from the rim of the mesa, particularly for lighting of the property.

Comprehensive Plan

Comprehensive Plan

The Durango Mesa Area Plan states the following about annexation.

Annexation and Development Standards: The Durango Mesa Area Plan anticipates the annexation of the Katz family property into the City of Durango to provide City services and support the future infrastructure improvements. The development standards for this unique property will be formalized during the site specific development review process. It is understood that this is a unique property and that development will be phased over many years. Seasonal and temporary uses will not have to be developed to the same standard as permanent uses. The plan also advances creating new development standards to address the types of uses proposed for Durango Mesa that do not need to meet the urban standards currently in the Land Use and Development Code

Staff finds that the project generally conforms with the Comprehensive Plan, Durango Mesa Area Plan and the POSTR Master Plan.

Community Engagement

- Public meetings and hearings on the Durango Mesa Area Plan when it was developed in 2018.
- Presentations to City Council have occurred on a regular basis.
- Durango Mesa Park Foundation has presented to Joint Advisory Board meetings since 2019 and P&R advisory board.
- The Foundation included stakeholder input with visioning work for Demonstration Trail project and Bike Park Master planning November 2021 and January 2023.
- Public Engagement Open House on March 13, 2023 with 105 attendees.
- The Foundation has made presentations to business organizations and service clubs, etc. over the years.

Summary

Staff finds that the proposal complies with the LUDC requirements for Annexations. The initial zoning of the properties fits with the existing context of the area. The annexation of Durango Mesa will benefit the community by allowing development of the Durango Mesa Park in accordance with the Durango Mesa Area Plan, the Comprehensive Plan and the Parks, Open Space, Trails, and Recreation Master Plan.

Recommended Motion

“I move to approve the Ordinance Annexing Durango Mesa with initial zonings of Open Space and Rural Agriculture including the finding and conditions as outlined in the staff report and discussed at this public hearing.”

QUESTIONS



September 5, 2023

Durango Mesa Annexation
and Initial Zoning

City Council

Vicki Vandegrift

Community Development

ELSP and AEO



Meeting Date: September 19, 2023

FROM: MARK MORGAN
CITY ATTORNEY

SUBJECT: DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION TO ADOPT BYLAWS FOR THE FINANCIAL ADVISORY BOARD

It is recommended that City Council, by motion,

BACKGROUND SUMMARY:

STRATEGIC PLAN ALIGNMENT:

ALTERNATIVE OPTIONS CONSIDERED:

FISCAL IMPACT:

POTENTIAL ADVERSE IMPACTS:

NEXT STEPS AND TIMELINE:

Page 1 of 4

RESOLUTION 2023-## A RESOLUTION TO ADOPT BYLAWS FOR THE FINANCIAL ADVISORY BOARD

WHEREAS the City Council adopted Resolution 2023-0016 creating the Financial Advisory Board.

WHEREAS the City Council desires to define the duties and responsibilities of the Financial Advisory Board to ensure efficiency and efficacy with their future operations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Durango, Colorado, in regular meeting assembled, that the Financial Advisory Board operate under the bylaws as follows:

1. AUTHORITY

The Financial Advisory Board (FAB) is established by Resolution 2023-0016 which repeals Resolutions R-2018-7, R-2018-8, R-2018-9, R-2019-39, R-2019-40.

2. COMPLIANCE WITH RULES AND PROCEDURES

All activities of the FAB shall conform to the “City of Durango Rules and Procedures for Boards and Commissions, March 2022” as adopted by the City Council. Any conflict between the rules and procedures for boards and commissions and these bylaws is resolved in favor of these bylaws.

3. MISSION

The City of Durango Financial Advisory Board serves as the official advisory board to the Durango City Council on specifically designated financial matters and after soliciting and considering input from the citizens of Durango, shall make recommendations to the City Council on all expenditures of the 2005, 2015, and 2019 sales tax funds, and future Capital Improvements Project sales tax funds and/or bond issues approved by a vote of the registered electors of the City of Durango. The City of Durango Financial Advisory Board shall assist the City of Durango in providing efficient city services, effectively maintaining city assets, and managing growth. The Financial Advisory Board shall assist the City of Durango in being accountable, ethical, and fiscally responsible in order to improve the quality of life for our entire community. The Financial Advisory Board shall assist the City of Durango in fulfilling the obligations of voter-approved funding as set forth in the related ballot language.

4. DUTIES AND RESPONSIBILITIES

The Financial Advisory Board shall fulfill the following duties and responsibilities:

- a) To make financial recommendations to the City Council on the expenditures of the 2005, 2015, and 2019 sales tax funds, and future Capital Improvements Projects sales tax funds approved by a vote of the registered electors of the City of Durango; and
- b) To make financial recommendations to the City Council on the maintenance and support for the multi-modal transportation system within the general community; and
- c) To make financial recommendations to the City Council on the maintenance of funding support for capital and operating needs for bicycle, pedestrian, and transit facilities; and
- d) To make financial recommendations to the City Council on the construction, operations, or maintenance of recreation facilities, parks, trails, pedestrian and bicycle improvements, maintenance facilities used by the parks and recreation department, and the urban forest; and

- e) To make financial recommendations to the City Council on expenditures for funding the construction, operation, and maintenance of streets, alleys, curbs, gutters, sidewalks, storm drainage in the right of way, and related street improvements; and
- f) To make financial recommendations to the City Council on expenditures for preservation, acquisition, and maintenance of natural lands, including, but not limited to, land to preserve water quality in rivers and streams, wildlife habitat, land for hiking and biking, and the creation and maintenance of parks and trails; and
- g) To make financial recommendations to the City Council on expenditures for water & sewer projects.

The Financial Advisory Board shall also perform such other duties and responsibilities as may be designated by the Durango City Council from time to time.

5. RELATIONSHIP WITH CITY MANAGER'S OFFICE

The FAB will work closely with the City Manager's Office and the City Council to examine topics pertinent to the expenditure of tax funds subject to the recommendation of the FAB. The City Manager's Office will provide all necessary information to the FAB to fully inform the public and to make recommendations to the City Council. The City Manager's Office shall also provide all supplemental and follow-up information requested by the FAB.

6. RELATIONSHIP WITH THE PUBLIC

The City Manager's Office shall assist and provide opportunities for the FAB to actively solicit, engage, and consider the opinions of the citizens of the City of Durango. The FAB shall consider public comment in their evaluation and recommendations to the City Council.

7. RELATIONSHIP WITH CITY COUNCIL

The FAB shall make recommendations to the City Council as described in Section 4. In addition, the FAB shall consider and make recommendations concerning any other matters referred to it by the City Council through the City Manager's Office. Recommendations shall be made without input from any member of the City Council who will consider recommendations of the FAB at a regular or special meeting of the City Council. The Chair of the FAB or their designee shall deliver the recommendation of the FAB to the City Council at least 7 days prior to the meeting where the recommendation will be considered. This time delay may be waived by a majority vote of the City Council.

8. MEMBERSHIP

- i. Seven (7) members and one (1) alternate shall be appointed by majority vote of the City Council and a quorum of the FAB shall be four (4).
- ii. Qualifications: The seven (7) members and a single alternate shall have expertise and experience in either finance, budgeting, strategic plan development, capital project development, and maintenance in one or some of the following areas: Parks and Recreation, Natural Lands, Streets and Roads, and Multimodal Transportation, or such comparable experience or expertise as determined by the City Council for service on the FAB.
- iii. Ex-Officio Member: The Finance Director or their designee shall be the ex-officio non-voting member of the Financial Advisory Board. The FAB will coordinate and meet with the appropriate Directors in connection with the FAB's annual review and recommendations concerning the use of the aforementioned sales tax funds.
- iv. The Financial Advisory Board shall not have a City Council Liaison.
- v. Four members shall initially serve three-year terms. Three members and the alternate shall initially serve a two-year term. Thereafter, all members and

the alternate shall serve three-year terms. The initial members shall determine by formal vote which members' initial terms will be two years. Member term limits shall be governed by the applicable City of Durango Boards and Commissions policies.

9. MEETINGS

- i. All regular meetings of the FAB shall be open to the public with a public participation agenda item.
- ii. Study sessions with the City Manager's Office where no formal recommendation is considered are permissible.
- iii. All meetings of the FAB shall comply with the Open Meeting Laws established under C.R.S 24-6-402.
- iv. The Financial Advisory Board will meet on a monthly basis with an established date and time to be determined at the first board meeting.



AGENDA DOCUMENTATION

Meeting Date: September 19, 2023

TO: DURANGO CITY COUNCIL FROM: ERIN HYDER, ASSISTANT CITY MANAGER

SUBJECT A RESOLUTION AMENDING THE 2023 BUDGET FOR IMPROVEMENTS ASSOCIATED WITH THE BIG PICTURE BUILDING

RECOMMENDATION:

It is recommended that City Council, by motion, approve the budget resolution to amend the 2023 budget for the associated work on the Big Picture Building for the City of Durango.

BACKGROUND SUMMARY:

In August 2023, City Council approved the purchase of the Durango Fire Protection District (DFPD) Property at 201 E. 12th Street and 215 E. 12th street, formerly known as the 9R Administration and Big Picture High School, and sale of River City Hall (RCH) to DFPD. Following the anticipated sale closing in late fall, DFPD intends to begin immediate work on their new fire station, including the demolition of the RCH site that currently houses the City Community Development and Engineering teams. City staff continues to partner closely with DFPD to accommodate the start of their project by identifying a solution that supports our teams moving out of RCH as quickly as possible.

The Big Picture High School facility has been identified as an appropriate space for relocation of the Community Development and Engineering teams. RCH is approximately 10,000 SF, housing approximately 27 employees, and the identified space for renovation in Big Picture is approximately 12,000 SF. The facility is currently vacant. In addition to being able to use the purchased asset, requiring relatively minor improvements, it allows the City to activate the community engagement space in advance of the anticipated City Civic Center.

As it became clear that ownership of the RCH property was going to be transferred, staff explored multiple options to re-locate the team members currently housed in the RCH building. These options included leasing a privately-owned building or relocating to another City-owned facility. There are no other City-owned facilities that have space to accommodate these employees or adequately serve customers. When investigating a lease of a private building, it quickly became clear that the costs of that option would far exceed the costs of updating the Big Picture building. Only one property was identified that was large enough to meet the identified needs. This property was not located in the downtown core and did not align with the direction of the Strategic Plan and Comprehensive Plan regarding City facilities. At a lease rate of \$15/SF annually, it would have cost the City more than \$171,555 per year to rent an 11,437 SF building, not including remodel costs, utilities, and maintenance. This analysis clearly indicates that renovation of the Big Picture building is the most prudent and cost-effective way to relocate RCH employees and meet the expectations of the public regarding provision of services over the next 4-6 years.

The renovation approach has been keenly focused on creating a no-frills, functioning space for the Community Development and Engineering teams for the next 4-6 years with a strong sense of frugality. The 4-6 year use timeframe is based on the anticipated construction period of the City Civic Center.

FCI Contractors have been selected, through Reynolds Ash & Associates, to manage the renovation related projects in coordination with an internal CIP project manager. The renovation space is limited to the south half of Big Picture (1st and 2nd floor) to accommodate the teams' space needs, allowing community access from 12th Street and maintaining the north half of Big Picture for future construction staging areas.

The key elements of the renovation project include:

- IT and power infrastructure
- Addressing HVAC operations
- Creating office spaces within open classroom space, customer reception area, conference room space
- Paint, carpet and lighting replacements

To note, several of the IT and power infrastructure items will remain in place as part of the City Civic Center project.

The initial forecasted construction timeline is 4 months, however, staff is working in partnership with FCI to reduce the total project timeline to less than 90 days.

Although not related to renovation projects costs, the team is working on finalizing a parking plan to accommodate the short-term visitor parking spots off 12th Street and employee and city vehicle parking within the established parking lot.

STRATEGIC PLAN ALIGNMENT:

Financial Excellence & High Performing Government and Effective Infrastructure Network

ALTERNATIVE OPTIONS CONSIDERED:

Staff did explore other options including leasing commercial space, with similar square footage to the RCH space, described above. The few options available meeting space requirements were not in the downtown district and annualized lease costs were considerable, prior to any required tenant improvements.

FISCAL IMPACT:

The fiscal impact of the work on the Big Picture Building for the River City Hall move, including design, construction, and other associated improvements, will amount to \$1,200,000. The \$1.2 Million budget will be funded by the ¼ cent 2005 Capital Improvements Fund revenues as this is an allowable cost per the ballot language. The 2005 Capital Improvement Fund will receive supplemental funding from the Road Impact Fee Fund of \$696,623 for Florida Road payments, an allowable use of the Road Impact Fees. This will free up sales tax revenues from the ¼ cent of the 2005 Capital Improvement Fund. The net effect on the 2005 Capital Improvement Fund balance will be (\$503,377) leaving an ending fund balance of approximately \$475k.

POTENTIAL ADVERSE IMPACTS:

None have been identified at this time.

NEXT STEPS AND TIMELINE:

Once approved, the above renovation-related projects will begin immediately to provide for our Community Development and Engineering teams to move into the renovated Big Picture space (known as City Civic Center – Phase I) in late November, aligning with the projected property close date.

RESOLUTION R-2023-0039

A RESOLUTION TO AMEND THE 2023 BUDGET FOR THE PURPOSE OF BUDGET ADJUSTMENTS TO THE 2023 APPROPRIATIONS

WHEREAS, under the provisions of Article V, Section 10 of the Durango City Charter, the City Council may make additional appropriations during the budget year for unanticipated expenditures required by the city not exceeding, however, actual revenues and unappropriated surplus; and

WHEREAS, to accomplish the goals of City Council and foster a team oriented working environment resulted in budget impacts and incorporates several unanticipated budget adjustments increasing, transferring, or amending the appropriations for expenditures and revenues; and

WHEREAS, there exists sufficient funds within fund balance;

NOW, THEREFORE, BE IT RESOLVED, as follows

Section 1. That the City Council of the City of Durango, in regular meeting assembled, that 2023 budget shall reflect the changes and the appropriations for 2023 are increasing, transferring, or amending according to the tables below:

Road Impact Fee Fund				
			Budget Increase/(Decrease)	
Account Number	Project Number	Account Description	One-Time	Recurring
22-1000-64379		Transfer to the 2005 Capital Projects Fund for Florida Road payments.	696,623	
Net Effect on Fund Balance			(696,623)	

2005 Capital Improvements Fund				
			Budget Increase/(Decrease)	
Account Number	Project Number	Account Description	One-Time	Recurring
49-1000-66629	0811	Transfer to the 2005 Capital Projects Fund for the facility improvements of the Big Picture Building for the River City Hall move.	696,623	
49-5201-31499	0811	Budget for the facility improvements of the Big Picture Building for the River City Hall move.	1,200,000	
Net Effect on Fund Balance			(503,377)	

Approved and adopted this 19th day of September, 2023.

CITY OF DURANGO,
COLORADO

By: _____
Mayor

ATTEST:

By: _____
Faye Harmer, City Clerk



September 19, 2023

Big Picture Building Improvements

Erin Hyder, Assistant City Manager

Strategic Plan goals:

Financial Excellence and High Performing
Government

Effective Infrastructure Network

Mission (Why we exist)

"The City of Durango and our employees provide, efficient city services, effectively maintain city assets and manage growth, are accountable, ethical, fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community."

Vision (What we want to be)

"Durango is an authentic, diverse, multigenerational, and thriving community. Our Residents value and enjoy our unique natural environment and benefit from the management of our City's resources in a fiscally responsible, environmental, and socially sustainable manner."

Values (What we believe in)

Teamwork | Dependability | Professionalism | Service | Respect |
Innovation | Well-Being

A budget resolution related
to Big Picture Improvements



PROJECT
BACKGROUND



RENOVATION
PROJECT FOCUS



APPROPRIATION

FEW KEY AREAS

PROJECT BACKGROUND

DFPD intends to begin their construction project as soon as possible post-closing date. Focused on moving out of RCH as quickly as possible to accommodate DFPD's project timeline needs.

RCH site currently houses approximately 27 employees on City Community Development and Engineering teams. Big Picture building is currently vacant.

Staff did explore other options, including leasing commercial space, with similar square footage to the RCH space. The few options available meeting space requirements were not in the downtown district and annualized lease costs were considerable, prior to any required tenant improvements.

The renovation approach has been keenly focused on creating a no-frills, functioning space for the Community Development and Engineering teams for the next 4-6 years while activating the location in preparation for the City Civic Center

RENOVATION PROJECT FOCUS & TIMELINE

CommDev/Engineering space for next 4-6



CONSTRUCTION

- IT and security infrastructure needs including network, power, badge and physical access
- Addressing HVAC
- Creating office spaces within open classroom space, customer reception area, conference room space
- Paint, carpet and lighting replacement

60-120 DAY TIMELINE

TOTAL PROJECT BUDGET = \$1.2 MILLION

OPTIONS CONSIDERED:

Leasing includes leasing commercial space with similar square footage to the RCH space. The few options available meeting space requirements were not in the downtown district, and annualized lease costs were considerable.

$$\begin{array}{c} \$15 \\ \text{Square Foot} \end{array} \times \begin{array}{c} 11,437 \\ \text{Square Feet} \end{array} = \begin{array}{c} \$171\text{K} \\ \text{a year} \end{array}$$

*This cost does not include initial tenant improvements.

Costs to apply frugal upgrades to make Big Picture functional:

$$\begin{array}{c} \$1.2 \\ \text{million} \end{array} \div \begin{array}{c} 6 \\ \text{years} \end{array} = \begin{array}{c} \$200 \\ \text{K a year} \end{array}$$

BUDGET RESOLUTION

Road Impact Fee Fund

			Budget Increase/(Decrease)	
Account Number	Project Number	Account Description	One-Time	Recurring
22-1000-64379		Transfer to the 2005 Capital Projects Fund for Florida Road payments.	696,623	
Net Effect on Fund Balance			(696,623)	

2005 Capital Improvements Fund

			Budget Increase/(Decrease)	
Account Number	Project Number	Account Description	One-Time	Recurring
49-1000-66629	0811	Transfer to the 2005 Capital Projects Fund for the facility improvements of the Big Picture Building for the River City Hall move.	696,623	
49-5201-31499	0811	Project total for Big Picture Building allowable cost out of the 2005 Capital Projects Fund per the Ballot language.	1,200,000	
Net Effect on Fund Balance			(503,377)	

RECOMMENDATION/ MOTION

- I move to approve resolution R2023-____ amending the 2023 budget for improvements associated with the big picture building.

QUESTIONS?



AGENDA DOCUMENTATION

Meeting Date: September 19, 2023

TO: DURANGO CITY COUNCIL FROM: DEVIN KING, MULTIMODAL MANAGER

SUBJECT: A RESOLUTION TO AMEND THE 2023 BUDGET FOR THE PURPOSE OF BUDGET ADJUSTMENTS TO THE DESIGN OF DOWNTOWN'S NEXT STEP PROJECT – EIN

RECOMMENDATION:

It is the recommendation that the City Council, by motion approve the attached resolution authorizing an additional appropriation to the Downtown’s Next Step Design project budget, 21-520231499-0262.

BACKGROUND SUMMARY:

City Council adopted \$400,000 in the 2022 Budget for engineering design of the Downtown’s Next Step pedestrian improvement project. The project was advertised for design engineering bids in July 2022 once the conceptual public process was completed by Community Development. Two bids were received, and both were approximately \$1.2 million for complete design of the corridor. After negotiations with the selected bidding contractor and discussion with the Multimodal Advisory Board (MAB), city staff brought a MAB recommendation to City Council at the November 1, 2022, meeting to move forward with design in 3 phases. The initial phase was approved to include full site analysis, inventory, and traffic study of the entire corridor to ensure the project was designed holistically and efficiently. City Council approved MAB’s recommendation.

The project was contracted in November 2022 with MIG Inc for full site analysis, inventory, traffic study, and engineering design of as many blocks as the remaining budget allowed. MIG started the site inventorying and analysis phase in December 2022. Some surveying was delayed due to deep snow in December and January. Utility surveying, preliminary drainage study, geotechnical report, tree inventory, ADA evaluation, and preliminary traffic study were completed in the summer of 2023.

Upon relative completion of the site inventory and analysis, city staff and the MIG team determined the first phase of design should begin on the 600 and 700 blocks of Main Avenue due to the crash data and business activity on these blocks. Additionally, these blocks act as the southern gateway for Main Avenue and have a high level of pedestrian use and sidewalk activity. Due to the complexity of these blocks, including the College Drive and Main Avenue intersection, multiple underground basements and coal chutes in the area, the need for water quality treatments, and determining the general street sections in regard to existing trees, furnishings, and utilities, staff is presenting a midyear budget adjustment request to the City Council based on the September 5, 2023 study session presentation findings and the Financial Advisory Board’s recommendation at their July 25 meeting. This request does not increase the overall estimated design cost.

STRATEGIC PLAN ALIGNMENT:

Effective Infrastructure Network 1.1: Improve safety and connectivity for all modes of transportation.

Effective Infrastructure Network 1.7: Advance community accessibility and walkability.

ALTERNATIVE OPTIONS CONSIDERED:

There were 4 design alternatives originally evaluated during the conceptual design. Originally there was vocal community interest in designing the corridor as a pedestrian mall, closed to vehicle traffic. After an extensive public process that took all concerns into account, the preferred concept continues to meet the safety and accessibility goals in the Strategic Plan while maintaining community priorities such as parking. The chosen design addressed the various needs and goals for the project the best out of the 4 design alternatives based on public feedback, data analysis, and business input.

FISCAL IMPACT:

The total Downtown’s Next Step pedestrian improvement design is estimated at \$1.2 million. Phase 1 design of the project was budgeted for \$400,000 in 2022, and \$371,581 of this budget was reappropriated in 2023. As of May 2023, \$198,358.05 has been spent since the beginning of the project in 2022 on site inventory and analysis. An additional \$120,000 is necessary to complete the design of 2 blocks in phase 1 of the project. This is due to upfront costs of site analysis, inventory, design elements, and water quality for the entire corridor and is not an increase of the entire project design cost estimate.

POTENTIAL ADVERSE IMPACTS:

Design is being carefully coordinated to mitigate impacts to business access and operations. There is potential for construction impacts in the future; however, the plan is to phase construction and work with businesses to mitigate impacts. City staff have also discussed promotion opportunities for impacted businesses to drive further business during construction times.

NEXT STEPS AND TIMELINE:

Upon budget adjustment approval, the project will proceed with engineering design of the 600 and 700 blocks. A public meeting will be held in the fall of 2023 to receive public feedback on the design. City staff will further engage business owners and stakeholders regarding their needs. Phase 2 of the engineering design is being recommended for the 2024 Budget. It is anticipated that the phases will be constructed in phases as designed.

RESOLUTION R-2023-0040

A RESOLUTION TO AMEND THE 2023 BUDGET FOR THE PURPOSE OF BUDGET ADJUSTMENTS TO THE 2023 APPROPRIATIONS

WHEREAS, under the provisions of Article V, Section 10 of the Durango City Charter, the City Council may make additional appropriations during the budget year for unanticipated expenditures required by the city not exceeding, however, actual revenues and unappropriated surplus; and

WHEREAS, to accomplish the goals of City Council and foster a team oriented working environment resulted in budget impacts and incorporates several unanticipated budget adjustments increasing, transferring, or amending the appropriations for expenditures and revenues; and

WHEREAS, there exists sufficient funds within fund balance;

NOW, THEREFORE, BE IT RESOLVED, as follows

Section 1. That the City Council of the City of Durango, in regular meeting assembled, that 2023 budget shall reflect the changes and the appropriations for 2023 are increasing, transferring, or amending according to the tables below:

2015 Sales Tax Fund				
			Budget Increase/(Decrease)	
Account Number	Project Number	Account Description	One-Time	Recurring
21-5202-31499	0262	Downtown's Next Step (Pedestrian Improvement) Design	120,000	
Net Effect on Fund Balance			(120,000)	

Approved and adopted this 19th day of September, 2023.

CITY OF DURANGO, COLORADO

By: _____
Mayor

ATTEST:

By: _____
Faye Harmer, City Clerk

Meeting Date: September 19, 2023

**FROM: MARK WILLIAMS, PLANNER II,
COMMUNITY DEVELOPMENT
DEPARTMENT**

RECOMMENDATION:

BACKGROUND SUMMARY:

STRATEGIC PLAN ALIGNMENT:

AFFORDABILITY & ECONOMIC OPPORTUNITY:

- ### **ALTERNATIVE OPTIONS CONSIDERED:**

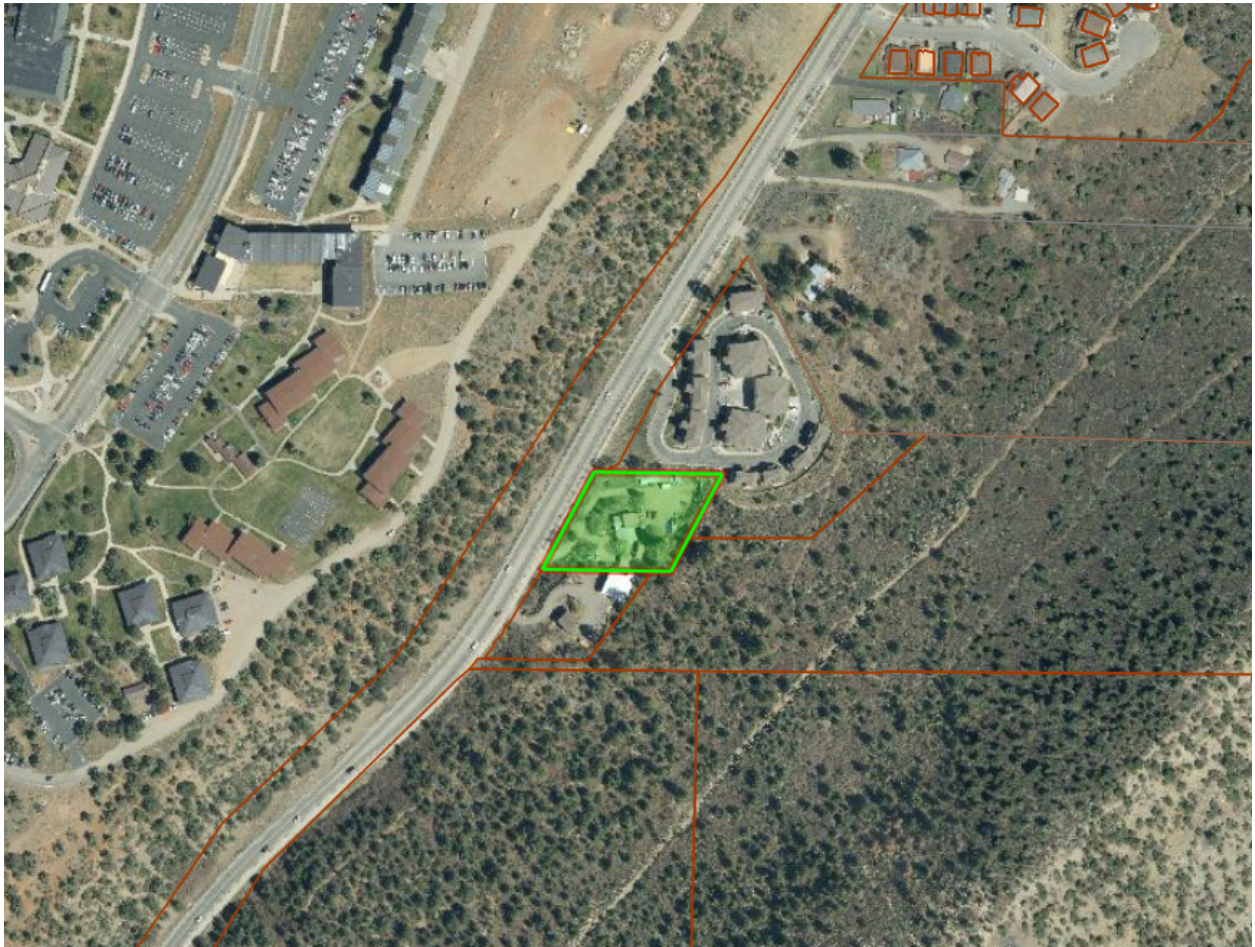
FISCAL IMPACT:

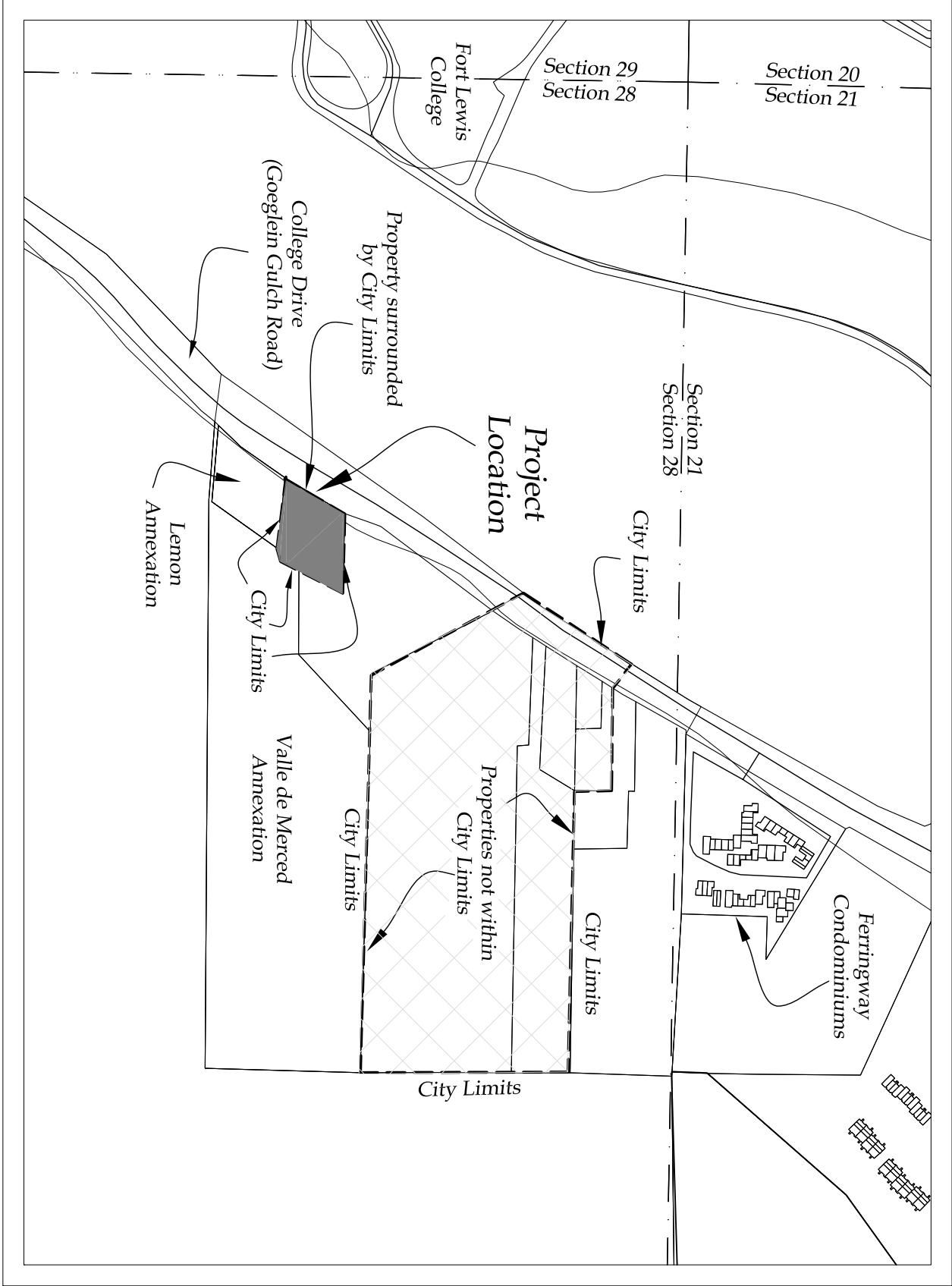
POTENTIAL ADVERSE IMPACTS:

NEXT STEPS AND TIMELINE:

Page 1 of 15

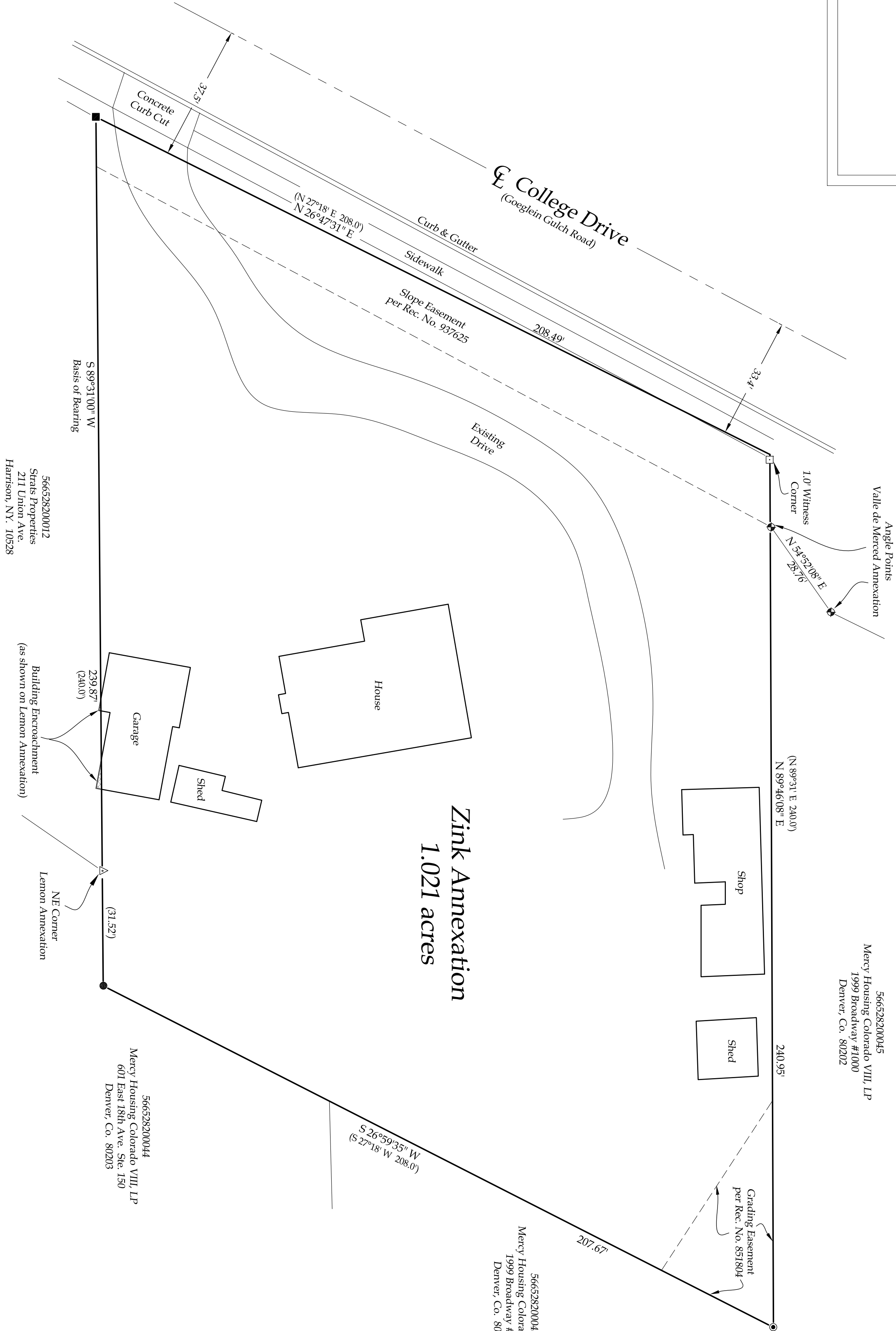
Zick Annexation Vicinity Map





ZICK ANNEXATION TO THE CITY OF DURANGO

located in NW¹/₄ of Section 28, T35N, R9W, N.M.P.M. La Plata County, Colorado



CERTIFICATE OF OWNERS:
KNOW ALL MEN BY THESE PRESENTS,
That Samuel McCullough and Tracy L. Reynolds, whose legal address is P.O. Box 4234, Durango, Co. 81301, being the
legal and record owners of the following described tract of land:

LEGAL DESCRIPTION:
A tract of land lying and being in the NE¹/₄ of Section 28, Township 35 North,
Range 9 West, N.M.P.M., and being more particularly described as follows, to-wit:
BEGINNING at the Southwest Corner of said tract, said Southwest Corner being apoint on the East
right of way line of the County Road, whence the North ¹/₄ Corner of said Section 28 bears North 55°18'
East, 1988.53 feet;
Thence running from said point of beginning, along said East right of way line of the County Road,
" " North 27°18' East, 208.0 feet;
" " North 89°31' East, 240.0 feet;
" " South 27°18' West, 208.0 feet;
" " South 89°31' West, 240.00 feet to the point of beginning.

This caused the same to be annexed into the City of Durango as the ZICK ANNEXATION TO THE CITY OF
DURANGO, as shown hereon, and further declares that:

The research for recorded easement was conducted by Colorado Title & Closing Services, LLC per Order No.
LP21818357.

This annexation is pursuant to Ordinance _____ and is subject to the terms and conditions reflected in the
Annexation Agreement recorded in the Office of the La Plata County, Colorado, Clerk and Recorder at Reception
No. _____

THIS PLAT IS HEREBY EXECUTED BY THE FOLLOWING PARTIES
By: _____ By: Tracy L. Reynolds
Samuel McCullough
State of Colorado:
County of La Plata:
This plat was acknowledged before me by Samuel McCullough and Tracy L. Reynolds
on this _____ day of _____, 2018, for the aforementioned purposes.

My commission expires: _____ Notary: _____

This plat and the statements hereon are approved by the City Council of the City of
Durango, Colorado, on this _____ day of _____, 2018.

By: _____ Date: _____
Mayor, City of Durango
Attest: _____ Date: _____
City Clerk, City of Durango

REVIEWED BY AND APPROVED BY:
City Engineer _____ Date _____
Community Development Director _____ Date _____
Fire Marshall, Durango Fire Protection District _____ Date _____
Century Link _____ Date _____
La Plata Electric Association _____ Date _____
Altos Energy Services _____ Date _____
Charter Communications _____ Date _____

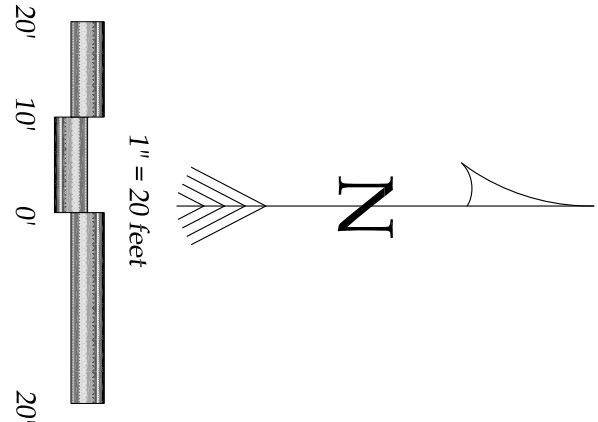
SURVEYORS STATEMENT
I hereby state that this survey and plat was prepared by me or under my direct
responsibility, supervision and checking, and that, in my professional opinion, it is
standards of care of Professional Land Surveyors practicing in the State of Colorado
and is not a guarantee or warranty, either expressed or implied.

John E. Meyer, P.L.S.
Colorado Registration No. 37660

(N 89°31' E 240.0') Denotes record bearing and/or distance

- Denotes found 1/2" rebar with a 1 1/2" aluminum cap stamped "LS 4973"
- ▲ Denotes found 3/8" rebar with a 1 1/2" aluminum cap stamped "LS 12027"
- Denotes found 3/8" rebar with a 1 1/2" aluminum cap stamped "PLS 37060"
- ⬇ Denotes found 3/8" rebar with a 2" aluminum cap stamped "PLS 34996"
- ☐ Denotes found 3/8" rebar with a 2" aluminum cap stamped "LE/PLS 33870"
- Denotes found 3/8" rebar with a 1" plastic cap stamped "PLS 37060"
- Denotes set 3/8" x 24" rebar with a 1 1/2" aluminum cap stamped "PLS 37060"

Reference Bearing: S 89°31'00" W
The U.S. Survey Foot was the unit of measurement used in conducting this survey.



ANNEXATION TABLE

Total Perimeter: 886.98 feet
Length of Contiguity: 886.98 feet
% of Contiguity: 100%
Total Acreage: 1.021 Acres

STATE OF COLORADO } SS
LA PLATA COUNTY
I hereby state that this instrument was
filed for record at _____ O'clock _____ M
Reception Number _____ and duly filed
THOMPSON LEE PARKER, Recorder _____ Deputy

Mountain Man Surveying

P.O. Box 636
Durango, Colorado, 81302
970-375-6358

ZICK ANNEXATION TO THE CITY OF DURANGO

located in NW¹/₄ of Section 28, T35N, R9W, N.M.P.M.
La Plata County, Colorado

Prepared By: J.E.M.
Checked By: J.E.M.
Date: 11-9-18
Scale: 1"=20'
Project No.: 18431ANEX

ORDINANCE NO. O-2023-

AN ORDINANCE APPROVING THE ANNEXATION AND
INITIAL ZONING FOR THE ZICK ADDITION TO THE
CITY OF DURANGO AND DECLARING AN EFFECTIVE
DATE.

WHEREAS, Petition for Annexation of the Zick Addition has been accepted by Resolution by the City of Durango: and

WHEREAS, the Petition for Annexation was accompanied by the required map of said tract of land and the property legal description, as shown on ‘Exhibit A’; and

WHEREAS, the subject property is eligible for annexation and that the Petition for Annexation meets the statutory requirements for annexation; and

WHEREAS, said Petition is signed by the owner of one hundred percent (100%) of the property proposed to be annexed; and

WHEREAS, the City Council has determined, subsequent to the required public hearing, that the annexation of the property is in the best interests of the citizens of the City of Durango:

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. Subject to and conditioned on the execution and recording of a satisfactory Annexation Agreement and Annexation Plat, the annexation of certain territory to be known as the Zick Addition to the City of Durango, which territory is legally described on Exhibit ‘A’ hereto attached, the contents of which are incorporated by reference herein, is hereby approved.

Section 2. The annexation of such territory to the City of Durango shall be complete and such territory shall become a part of the City of Durango following the effective date of this ordinance but not until the completion and recording of the Annexation Agreement and Annexation Plat for the property. The Property, as described on the attached Exhibit ‘A’, shall be zoned RM (Residential Medium).

Section 3. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF
DURANGO

Attest:

City Clerk

Mayor

STATE OF COLORADO)
) ss.
COUNTY OF LA PLATA)

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2023-__ was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 5th day of September 2023, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the ____ day of September 2023, prior to its final consideration by the City Council.

City Clerk

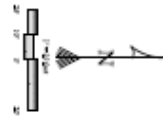
I further certify that said Ordinance No. O-2023-____ was duly adopted by the Durango City Council on the 3rd day of October 2023, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the ____ day of September 2023.

City Clerk

EXHIBIT A

Legal Description:

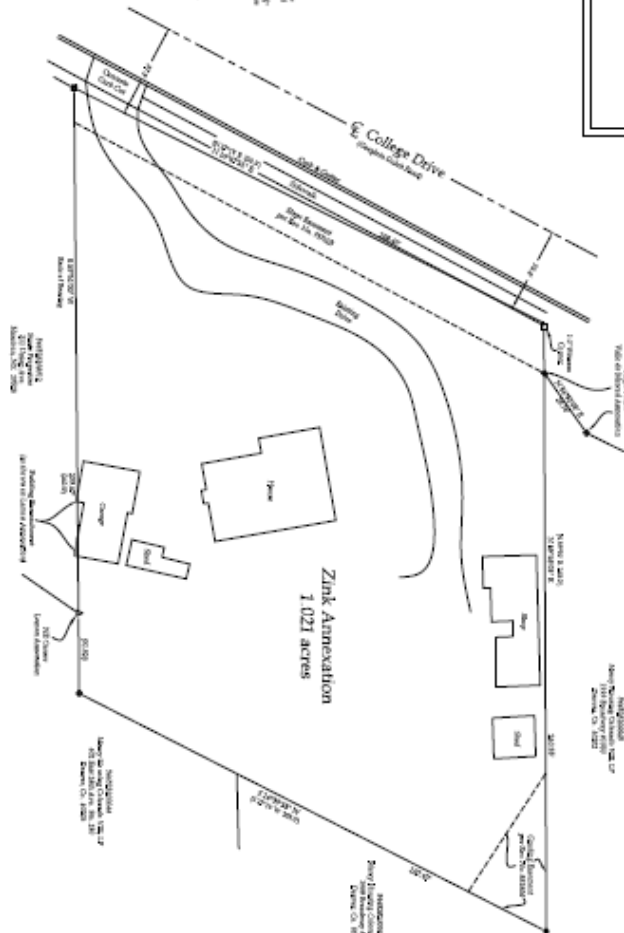
Section: 28 Township: 35 Range: 9 PT NE/4 NW/4 & NW/4 NW/4 756 CR 238
DURANGO 81301

[illegible][illegible]

- [illegible]

protein is **glycyl**. Cysteine would be added only for disulfide

NOTES: According to Colorado law, you must maintain any legal action based upon any defect in this survey within three years after you first discovered such defect. As a result, any any action based upon any defect in this survey be commenced more than two years from the date of the notification shown herein.



Nonmetallic Pavers
Test Dimensions: 12 in. by 12 in.
Length of Conduity: 400 in.
of Conduity: 3000
Total Average: 1.811 above

I hereby state that this statement was made for the purpose of _____ and that I am _____

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10020-1346.

A second hand biopsy was taken in the RTG/RTW and the RTW/RTW at Section 28. Transverse 30 Micron Bunge's stain, Nissl's stain, and being most particularly associated in this case, to wit:

© 2005 Blackwell Publishing Ltd, *Journal of Internal Medicine* 257: 146–155

Received 12 May 2004; accepted 12 July 2004

Correspondence: Dr S. H. Jorgensen, Department of Internal Medicine, Copenhagen University Hospital, Copenhagen, Denmark (fax: +45 33 66 22 11; e-mail: soren.jorgensen@regionh.dk).

© 2005 Blackwell Publishing Ltd, *Journal of Internal Medicine* 257: 146–155

*The product for manual operation was registered by Olympus 2016 at United States Patent Office as US Patent No. 8,970,000 B2.

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By _____
Margaret M. Wright

By _____
Terry L. Wright

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How many miles did you travel? _____

City _____

State _____

Zip _____

FOR CREDIT, COMPLETE ONE OF THE FOLLOWING

City Manager	Date
Community Development Director	Date
City Manager, Emergency Management	Date
City Clerk	Date
La Plata County Assessor	Date
Active Board Member	Date
Other Comments	Date

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Myrtle E. Johnson, P.L.H.
Colorado Registration No. 37701

**Mountain Man
Surveying**

**ZICK ANNEXATION
TO THE CITY OF DURANGO**

located in NW 1/4 of Section 26, T25N, R30W, N.M.P.M.

Prepared by: <u>RLM</u>	Study: <u>J-497</u>
Checked by: <u>RLM</u>	Project No: <u>00000000</u>
Date: <u>11-4-88</u>	



September 19, 2023

FIRST READING OF THE
ZICK ADDITION
ANNEXATION AND
INITIAL ZONING
ORDINANCE

AFFORDABILITY & ECONOMIC
OPPORTUNITY

Scott Shine, Community
Development Director



Mission (Why we exist)

“The City of Durango and our employees provide, efficient city services, effectively maintain city assets and manage growth, are accountable, ethical, fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.”

Vision (What we want to be)

“Durango is an authentic, diverse, multigenerational, and thriving community. Our Residents value and enjoy our unique natural environment and benefit from the management of our City’s resources in a fiscally responsible, environmental, and socially sustainable manner.”

Values (What we believe in)

Teamwork | Dependability | Professionalism | Service |
Respect | Innovation | Well-Being

- ACTION TO FINALIZE ANNEXATION OF A ONE-ACRE PROPERTY TO FACILITATE DEVELOPMENT OF 12 TOWNHOMES.

Project Summary



City Council accepted annexation petitions and supported this annexation in Spring 2022. The project is now ready to proceed with development.



The project on the Zick property will be zoned 'Residential Medium'.



The project is called 238 East Village and contains 12 townhouses.



No public comments received during the Council's previous public hearing.

Context Map



Relevant Strategic Plan Goals

Affordability & Economic Opportunity

Create housing opportunities to support a multigenerational & mixed-income community workforce and increase affordability to bridge the disparity between income and home/rental prices.

Recommended Motion

“I move to approve Ordinance #_____ to annex the Zick property with a zoning of Residential Medium.”



September 19, 2023

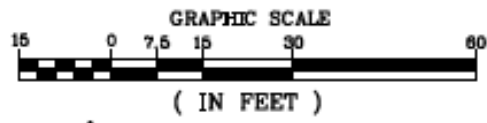
FIRST READING OF THE
ZICK ADDITION
ANNEXATION AND
INITIAL ZONING
ORDINANCE

AFFORDABILITY & ECONOMIC
OPPORTUNITY

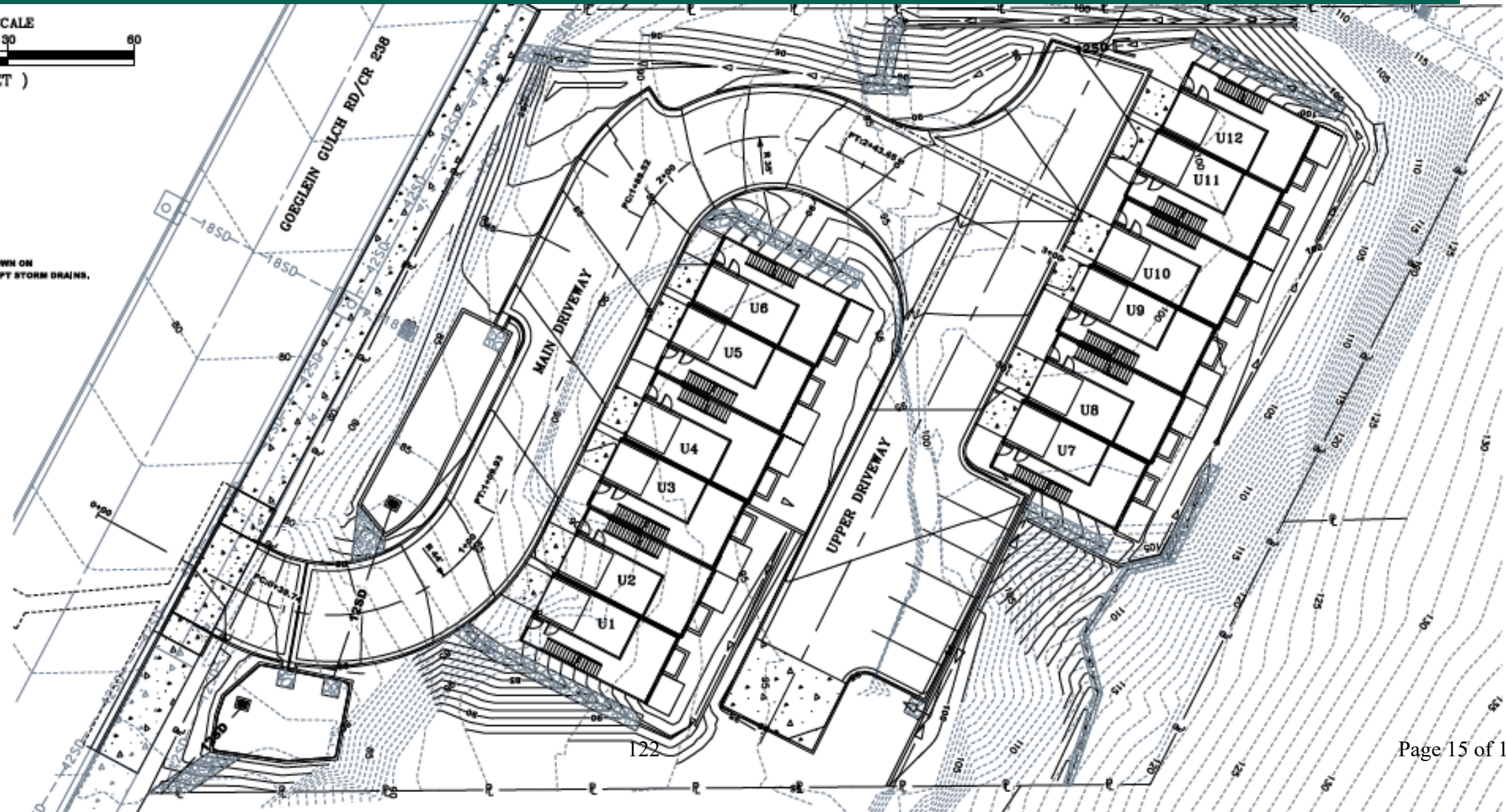
Scott Shine, Community
Development Director



Site Plan



NOTES:
1. UNDERGROUND UTILITIES ARE NOT SHOWN ON THIS SHEET FOR DRAWING CLARITY, EXCEPT STORM DRAINS.



Item 12.2

TO: DURANGO CITY COUNCIL

SUBJECT: DISCUSSION AND POSSIBLE ACTION TO ADOPT AN ORDINANCE AMENDING CHAPTER 11 HEALTH AND SANITATION ARTICLE IV – STREAM POLLUTION OF THE MUNICIPAL CODE PERTAINING TO WASTE AND FLASH FLOOD EXPOSURE WITHIN PUBLIC STREAM RIPARIAN ZONES AND FLOODPLAINS BY ADDING SECTION 11-74 UNLAWFUL PRESENCE AND ACTIVITIES

adopt the proposed ordinance amending Chapter 11 Health and Sanitation, Article IV – Stream Pollution of the Municipal Code pertaining to waste and flash flood exposure within public stream riparian zones and floodplains by adding section 11-74 Unlawful Presence and Activities.

There is a need for the City Council to adopt this ordinance to ensure the health and safety of our waterways and our community.

Engaged and Collaborative Governance ECG

None

Unknown at this time

Unknown at this time

Unknown at this time

AN ORDINANCE AMENDING CHAPTER 11 HEALTH AND SANITATION ARTICLE IV – STREAM POLLUTION OF THE MUNICIPAL CODE PERTAINING TO WASTE AND FLASH FLOOD EXPOSURE WITHIN PUBLIC STREAM RIPARIAN ZONES AND FLOODPLAINS BY ADDING SECTION 11-74 UNLAWFUL PRESENCE AND ACTIVITIES AS FOLLOWS;

Sec. 11-74 UNLAWFUL PRESENCE AND ACTIVITIES

- (a) Prohibited activities associated with waste deposit and/or flash flood exposure within 100 feet of public stream/public stream riparian zone/floodplain.

(1) Definitions. For purposes of this section, certain terms are defined as follows:

Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Stationing means to use the public device and occupying temporary and/or unauthorized permanent shelter, such as tents, nets, motor vehicles, tarps, or other temporary and/or unauthorized permanent structure that provides cover or protection from the elements, the presence or use of a campfire, camp stove or other heating source or cooking device, and keeping or storing personal property.

Storm drainage system means publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention, and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stream means natural, altered, or improved channels that have seasonal or continuous water flows as a result of surface sources, storm water runoff or groundwater influx, or naturally occurring or manmade bodies of water surrounded by land in which water is confined. Streams include channels, canals, streambeds, streambanks, drainage ways, floodways, holding and silting basins, reservoirs, lakes, and ponds.

Stream Riparian Zone means the terrain alongside a stream between which the flow of water or body of water is confined.

Waste includes but is not limited to, any and all rubbish, unused, rejected and/or discarded material(s), feces, urine, temporary shelter, personal belongings, garbage, trash, debris, or other foreign substances, solid or liquid of every form, size, kind, and description.

- (2) Stationing. It is unlawful for any person to station inside of storm drainage systems or within 100 feet of any public stream and/or public stream riparian zone and/or floodplain, except as may be specifically authorized by the appropriate government authority.

- (3) Sleeping. It shall be unlawful for any person to sleep or make preparations to sleep, including the lying down of bedding for the purpose of sleeping inside of storm drainage systems or within 100 feet of any public stream and/or public stream riparian zone and/or floodplain, except as may be specifically authorized by the appropriate government authority.

(4) Waste. It is unlawful for any person to knowingly or recklessly deposit, place or permit to be deposited or placed any waste inside of storm drainage system or within 100 feet of any public stream and/or public stream riparian zone and/or floodplain unless:

- a. The area is designated by the State or any of its agencies or political subdivisions, including the City, for the disposal of the waste and the person is authorized by the proper public authority to so use the property; or
- b. The waste is placed in a receptacle or container designated by the State or any of its agencies or political subdivisions, including the City, for the disposal of the waste and the person is authorized by the proper public authority to so use the property and the receptacle or container is used within the area for the purpose of waste collection.

(5) Notice. No person shall be cited for a violation of subsections 2 and/or 3 of this section unless the person engages in conduct prohibited by subsections 2 and/or 3 of this section after having received notice by a law enforcement officer that such conduct violates subsections 2 and/or 3 of this section. Upon receiving notice of violation, the person engaging in conduct prohibited by subsections 2 and/or 3 of this section shall have up to twelve (12) hours to vacate and remove all items from the public storm drainagesystem and/or stream and/or public stream riparian zone and/or floodplain.

(b) Violation; PENALTY.

Violations of subsections 2 ,3, and 4 of this sections shall be punishable as provided for in section 1-16 of this code.

(c) Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction as invalid, such judgment shall not affect the remaining provisionsof this ordinance.

WHEREAS, the City Council of the City of Durango ("City") desires to protect and maintain the health, safety and welfare of all persons within the City; and

WHEREAS, persons unlawfully within storm drainage systems and/or public streams and/or public stream riparian zones and/or flood prone areas create a public health and safety hazard because persons lingering or remaining within a storm drainage system and/or public stream and/or public stream riparian zone and/or floodplain may be swept away by sudden floodwaters and/or drown; and

WHEREAS, waste, whether discarded materials, human excrement or any other foreign substance in streams or other water sources, also creates a public health and safety hazard becausewaste may lead to the contamination of the City's water supply; and

WHEREAS, the City Council desires to protect the streams and water sources of the City; and

WHEREAS, local and downstream water quality is affected by the pattern and content ofstorm water and floodwater drainage into streams from storm drainage systems and stream riparian zones, and

WHEREAS, persons unlawfully within the boundaries of public storm drainage systems, streams, public stream riparian zones and/or floodplains may urinate, defecate, bathe in, wash clothes and dishes, or otherwise contaminate stream waters and water sources, resulting inunsanitary and unhealthy conditions; and

WHEREAS, of particular concern is the possibility that, absent regulation, the City's watershed may be subject to contamination from *E. coli*, which is a type of fecal coliform bacteria commonly found in the intestines of animals and humans; and

WHEREAS, other regulatory agencies such as the National Forest Service and the National Park Service regularly prohibit camping and related activities within 100 feet or further from a streambank to protect the natural environment and public health and safety.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF DURANGO, COLORADO THAT CHAPTER 11 HEALTH AND SANITATION ARTICLE IV – STREAM POLLUTION OF THE MUNICIPAL CODE PERTAINING WASTE AND FLASH FLOOD EXPOSURE WITHIN PUBLIC STREAM RIPARIAN ZONES AND FLOODPLAINS BE AMENDED BY ADDING SECTION 11-74 UNLAWFUL PRESENCE AND ACTIVITIES AS FOLLOWS;

Sec. 11-74 UNLAWFUL PRESENCE AND ACTIVITIES

- (b) Prohibited activities associated with waste deposit and/or flash flood exposure within 100 feet of public stream/public stream riparian zone/floodplain.

(6) Definitions. For purposes of this section, certain terms are defined as follows:

Floodplain or flood-prone area means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Stationing means to use the public area for occupying temporary and/or unauthorized permanent shelter, such as tents, nets, motor vehicles, tarps, or other temporary and/or unauthorized permanent structure that provides cover or protection from the elements, the presence or use of a campfire, camp stove or other heating source or cooking device, and keeping or storing personal property.

Storm drainage system means publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention, and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stream means natural, altered, or improved channels that have seasonal or continuous water flows as a result of surface sources, storm water runoff or groundwater influx, or naturally occurring or manmade bodies of water surrounded by land in which water is confined. Streams include channels, canals, streambeds, streambanks, drainage ways, floodways, holding and silting basins, reservoirs, lakes, and ponds.

Stream Riparian Zone means the terrain alongside a stream between which the flow of water or body of water is confined.

Waste includes but is not limited to, any and all rubbish, unused, rejected and/or discarded material(s), feces, urine, temporary shelter, personal belongings, garbage, trash, debris, or other foreign substances, solid or liquid of every form, size, kind, and description.

- (7) Stationing. It is unlawful for any person to station inside of storm drainage systems or within 100 feet of any public stream and/or public stream riparian zone and/or floodplain, except as may be specifically authorized by the appropriate government authority.

(8) Sleeping. It shall be unlawful for any person to sleep or make preparations to sleep, including the lying down of bedding for the purpose of sleeping inside of storm drainage systems or within 100 feet of any public stream and/or public stream riparian zone and/or floodplain, except as may be specifically authorized by the appropriate government authority.

(9) Waste. It is unlawful for any person to knowingly or recklessly deposit, place or permit to be deposited or placed any waste inside of storm drainage system or within 100 feet of any public stream and/or public stream riparian zone and/or floodplain unless:

- a. The area is designated by the State or any of its agencies or political subdivisions, including the City, for the disposal of the waste and the person is authorized by the proper public authority to so use the property; or
- b. The waste is placed in a receptacle or container used within the area for the purpose of waste collection.

(10) Notice. No person shall be cited for a violation of subsections 2 and/or 3 of this section unless the person engages in conducted prohibited by subsections 2 and/or 3 of this section after having received notice by a law enforcement officer that such conduct violates subsections 2 and/or 3 of this section. Upon receiving notice of violation, the person engaging in conduct prohibited by subsections 2 and/or 3 of this section shall have up to twelve (12) hours to vacate and remove all items from the public storm drainage system and/or stream and/or public stream riparian zone and/or floodplain.

(b) – Violation; PENALTY.

Violations of subsections 2 ,3, and 4 of this sections shall be punishable as provided for in section 1-16 of this code.

(c) Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction as invalid, such judgment shall not affect the remaining provisions of this ordinance.

This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF
THE CITY OF DURANGO

Attest:

City Clerk

Mayor

STATE OF COLORADO

)

) ss.

COUNTY OF LA PLATA

)

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2023- was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the ____ day of August, 2023, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the ____ day of August, 2023, prior to its final consideration by the City Council

City Clerk

I further certify that said Ordinance No. O-2023- was duly adopted by the Durango City Council on the ____ day of August 2023, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the ____ day of August 2023.

ATTEST:

CITY OF DURANGO

Faye Harmer, City Clerk

Melissa Youssef, Mayor

Approved as to form:

Approved as to Content

Mark Morgan, City Attorney

José Madrigal, City Manager

Meeting Date: September 19, 2023

FROM: MARK MORGAN
CITY ATTORNEY

RECOMMENDATION:

adopt the proposed ordinance enacting a standing order regarding the prohibition of firearms and other deadly weapons in city buildings

There is a need for the City Council to adopt this ordinance to ensure the safety of the public, city personnel, elected officials, and any others who are conducting business with the City.

Engaged and Collaborative Governance ECG

None

Unknown at this time

Unknown at this time

Unknown at this time

ORDINANCE NO. O-2023-_____

AN ORDINANCE ENACTING A STANDING ORDER REGARDING THE
PROHIBITION OF FIREARMS AND OTHER DEADLY WEAPONS IN
CITY BUILDINGS

Sec. 17-121 FIREARMS AND OTHER DEADLY WEAPONS IN PUBLIC
BUILDINGS PROHIBITED

- (a) Prohibited activities associated with open and concealed carry of firearms and other deadly weapons in public buildings

(1) Definitions. For purposes of this section, certain terms are defined as follows:

Concealed Carry means when a person carries a firearm or other deadly weapon concealed on or about their person.

Deadly Weapon(s) means a knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, as well as chemical agents such as mace, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

Firearm(s) means any loaded or unloaded handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

Open Carry means when a person carries a firearm or other deadly weapon openly on or about their person.

Peace Officer means a person who meets all standards imposed by law and, at a minimum, is certified by the peace officers' standards and training board pursuant to C.R.S. § 24-31-3 and has the authority to enforce all laws of the state of Colorado while acting within the scope of their authority and in the performance of their duties.

Public Buildings means any building owned by the City and open to the public.

- (2) Concealed Carry. It is unlawful for any person, other than a peace officer, to concealed carry any firearm or other deadly weapon in any public building if the City Manager has posted a sign to that effect at every public entrance to the building pursuant to C.R.S. § 18-12-214. No permit authorizing the carrying of concealed weapons shall be construed as abrogating or affecting this order.

- (3) Open Carry. It is unlawful for any person, other than a peace officer, to open carry any firearm or other deadly weapon in any public building if the City Manager has posted a sign to that effect at every public entrance to the building pursuant to C.R.S. § 18-12-214.

- (4) Authorized Personnel. All peace officers, in uniform or plain clothes, who are authorized to carry firearms in performance of their duties and who are on-duty, shall bring firearms or other deadly weapons, concealed or otherwise, into public buildings. Upon entry, authorized peace officers will be required to present valid credentials as well as personal identification and to state their business to security officers within the public buildings.

- (5) Peace Officer. It is unlawful for a peace officer, whether on-duty or off-duty, shall not carry or possess a firearm or other deadly weapon or other dangerous items if the peace officer is entering a public building for non-official or personal business which includes, but is not limited to, the following:

- a. Jury duty.
- b. The officer is party to a court case.
- c. The officer is providing support to a friend or relative who is conducting personal business within public buildings.
- d. The officer is serving as a witness in a court case.
- e. The officer is a spectator or appearing on any personal business that is not directly related to official law enforcement duties.

(6) Enforcement. The Durango Police shall have the authority to enforce this ordinance by implementing peace officers and/or electronic weapons screening devices to determine whether the person entering is carrying a firearm or other deadly weapon of any kind, pursuant to C.R.S. § 18-12-214.

- a. Peace officers may require each person to leave the premises and prohibit reentry until the person returns unarmed.
- b. Peace officers are not required to offer storage of firearms or deadly weapons for the person while that person is in the building.

(7) Notice. No person shall be cited for a violation of subsections 2, 3 and/or 5 of this section unless the person engages in conduct prohibited by subsections 2, 3 and/or 5 of this section after having received notice by a peace officer that such conduct violates subsections 2, 3 and/or 5 of this section. Upon receiving notice of this violation, the person engaging in conduct prohibited by subsection 2, 3 and/or 5 of this section shall immediately leave the premises and shall not return unless the person is unarmed.

(b) Violation; PENALTY.

Violations of subsections 2, 3, and 5 of this section shall be punishable as provided for in section 1-10 of this code.

(c) Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction as invalid, such judgment shall not affect the remaining provisions of this ordinance.

WHEREAS, the City Council of the City of Durango ("City") recognizes that there have been past incidents of violence, or threat of violence, in Colorado and the four corners region. For example, there were very serious incidents, involving serious injury and death in Farmington, New Mexico, Mesa County, and Arapahoe County and a simulated improvised explosive device was found near Durango City Hall; and

WHEREAS, governmental proceedings, such as litigation and legislation, by its very nature may create strong feelings in participants, which can be conducive to violence or the threat of violence; and

WHEREAS, city personnel, the public, elected officials, and other participants in city governance or conducting business with the City are entitled to feel safe and secure in public buildings. People are entitled to come to public buildings to conduct business with the City, no matter how high the emotions of the participants or how volatile the subject matter of the business, they are personally safe from violence, abuse, or the threat of same. Violence, or the threat of violence, in public buildings, would inhibit the free exercise of the Constitutional rights of our citizens; and

WHEREAS, this assurance of safety cannot be given if firearms or other deadly weapons are allowed into public buildings; and

WHEREAS, the efficient, effective, and fair administration of city business requires that the public have confidence in the safety and security of public buildings; and

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF DURANGO, COLORADO THAT CHAPTER 17 OFFENSES ARTICLE VIII – OFFENSES RELATING TO WEAPONS BE AMENDED BY ADDING SECTION 17-134 FIREARMS AND OTHER DEADLY WEAPONS IN PUBLIC BUILDINGS PROHIBITED AS FOLLOWS;

Sec. 17-134 FIREARMS AND OTHER DEADLY WEAPONS IN PUBLIC BUILDINGS PROHIBITED

- (a) Prohibited activities associated with open and concealed carry of firearms and other deadly weapons in public buildings

(1) Definitions. For purposes of this section, certain terms are defined as follows:

Concealed Carry means when a person carries a firearm or other deadly weapon concealed on or about their person.

Deadly Weapon(s) means a knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, as well as chemical agents such as mace, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

Firearm(s) means any loaded or unloaded handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

Open Carry means when a person carries a firearm or other deadly weapon openly on or about their person.

Peace Officer means a person who meets all standards imposed by law and, at a minimum, is certified by the peace officers' standards and training board pursuant to C.R.S. § 24-31-3 and has the authority to enforce all laws of the state of Colorado while acting within the scope of their authority and in the performance of their duties.

Public Buildings means any building owned by the City and open to the public.

(2) Concealed Carry. It is unlawful for any person, other than a peace officer, to concealed carry any firearm or other deadly weapon in any public building if the City Manager has posted a sign to that effect at every public entrance to the building pursuant to C.R.S. § 18-12-214. No permit authorizing the carrying of concealed weapons shall be construed as abrogating or affecting this order.

(3) Open Carry. It is unlawful for any person, other than a peace officer, to open carry any firearm or other deadly weapon in any public building if the City Manager has posted a sign to that effect at every public entrance to the building pursuant to C.R.S. § 18-12-214.

(4) Authorized Personnel. All peace officers, in uniform or plain clothes, who are authorized to carry firearms in performance of their duties and who are on-duty, shall bring firearms or other deadly weapons, concealed or otherwise, into public buildings. Upon entry, authorized peace officers will be required to present valid credentials as well as personal identification and to state their business to security officers within the public buildings.

(5) Peace Officer. It is unlawful for a peace officer, whether on-duty or off-duty, shall not carry or possess a firearm or other deadly weapon or other dangerous items if the peace officer is entering a public building for non-official or personal business which includes, but is not limited to, the following:

a. Jury duty.

- b. The officer is party to a court case.
- c. The officer is providing support to a friend or relative who is conducting personal business within public buildings.
- d. The officer is serving as a witness in a court case.
- e. The officer is a spectator or appearing on any personal business that is not directly related to official law enforcement duties.

(6) Enforcement. The Durango Police shall have the authority to enforce this ordinance by implementing peace officers and/or electronic weapons screening devices to determine whether the person entering is carrying a firearm or other deadly weapon of any kind, pursuant to C.R.S. § 18-12-214.

- a. Peace officers may require each person to leave the premises and prohibit reentry until the person returns unarmed.
- b. Peace officers are not required to offer storage of firearms or deadly weapons for the person while that person is in the building.

(7) Notice. No person shall be cited for a violation of subsections 2, 3 and/or 5 of this section unless the person engages in conduct prohibited by subsections 2, 3 and/or 5 of this section after having received notice by a peace officer that such conduct violates subsections 2, 3 and/or 5 of this section. Upon receiving notice of this violation, the person engaging in conduct prohibited by subsection 2, 3 and/or 5 of this section shall immediately leave the premises and shall not return unless the person is unarmed.

(b) Violation; PENALTY.
Violations of subsections 2 ,3, and 5 of this section shall be punishable as provided for in section 1-10 of this code

(c) Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction as invalid, such judgment shall not affect the remaining provisions of this ordinance.

This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CIT
Y COUNCIL OF
THE CITY OF DURANGO

Attest:

City Clerk

Mayor

STATE OF COLORADO)
) ss.
COUNTY OF LA PLATA)

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2023- was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the ____ day of August, 2023, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the ____ day of August, 2023, prior to its final consideration by the City Council

City Clerk

I further certify that said Ordinance No. O-2023- was duly adopted by the Durango City Council on the ____day of August 2023, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the ____ day of August 2023.

ATTEST:

CITY OF DURANGO

Faye Harmer, City Clerk

Melissa Youssef, Mayor

Approved as to form:

Approved as to Content

Mark Morgan, City Attorney

José Madrigal, City Manager

DRAFT



AGENDA DOCUMENTATION

Meeting Date: September 19, 2023

TO: DURANGO CITY COUNCIL FROM: BRYCE BIERMAN, CITY PLANNER

**SUBJECT INTRODUCTION AND REQUEST FOR A PUBLIC HEARING
FOR AN ORDINANCE APPROVING THE CROSS RIGHT-OF-
WAY ABANDONMENT REQUEST - ELSP**

RECOMMENDATION:

It is the recommendation of the Planning Commission and Community Development staff that the City Council, by motion,

Approve the Cross Right-of-Way Abandonment Request, as depicted in the attached documentation, and direct the City Attorney to prepare an ordinance authorizing the abandonment of this right-of-way for a public hearing and first reading at a regularly scheduled Council meeting.

BACKGROUND SUMMARY:

This is a request from the resident Ben Cross to abandon approximately ten feet of right-of-way along the south side of E. 5th Street, between E. 8th Avenue and E. 9th Avenue.

STRATEGIC PLAN ALIGNMENT:

The proposal is compatible with the Strategic Plan goal of an Enhanced Livability and Sense of Place.

ALTERNATIVE OPTIONS CONSIDERED:

Alternative options will be addressed in the supporting documentation and presentation for the public hearing. Alternative actions include the option to continue or deny the proposal.

FISCAL IMPACT:

There is no fiscal or budgetary impact associated with this request for Public Hearing.

POTENTIAL ADVERSE IMPACTS:

Potential adverse impacts will be addressed in the supporting documentation and presentation for the public hearing.

NEXT STEPS AND TIMELINE:

If City Council approves this request for an abandonment of right-of-way there would be a first reading of the new ordinance at the October 3 City Council meeting, and the second reading of the ordinance would be held at the October 17 City Council meeting. Once the second reading of the ordinance is complete staff will work with the applicant to record the new plat map with the La Plata County Clerk & Recorder to memorialize the change.

Ordinance NO. O-2023-XX

AN ORDINANCE VACATING AND ABANDONING A PORTION OF THE PUBLIC RIGHT-OF-WAY ON EAST 30TH STREET AND DECLARING AN EFFECTIVE DATE

WHEREAS, a request has been made to the City to vacate and abandon a portion of the public right-of-way on East 5th Street, east of East 8th Avenue and west of East 9th Avenue; and

WHEREAS, the request for abandonment involves a 10-foot strip of right-of-way, on the southerly side of East 5th Street, east of East 8th Avenue for a length of approximately 325 feet, approximately 3,250 square feet; and

WHEREAS, the vacation and abandonment of the designated right-of-way and easements is in conformance with the criteria outlined in the City's Land Use and Development Code and is consistent with the Comprehensive Plan Policy; and

WHEREAS, the Durango Planning Commission has recommended approval of the requested vacation and abandonment; and

WHEREAS, the Council has determined that the portions of right-of-way and utility easements to be vacated are not necessary for the continued use for utilities as described in C.R.S, § 43-2-303(3), except as shown below; and

WHEREAS, a public hearing has heretofore been held before the City Council of the City of Durango, and the Council has determined, subsequent to said hearing, that the granting of the requested abandonments would not be detrimental to the interests of the citizens of the City of Durango;

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. That the City of Durango does hereby vacate and abandon those portions of the described public right-of-way of E. 5th Street, east of E. 8th Avenue and west of E. 9th Avenue, as depicted and described on Exhibit A, hereto attached, the contents of which are incorporated herein. The City reserves an access and maintenance easement for utilities within area of right-of-way to be abandoned.

Section 2. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF DURANGO

Attest:

City Clerk

Mayor

STATE OF COLORADO)
) SS.
COUNTY OF LA PLATA)

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2023-XX was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 19th day of September, 2023, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 13th day of September, 2023, prior to its final consideration by the City Council.

City Clerk

I further certify that said Ordinance No. O-2023-XX was duly adopted by the Durango City Council on the 17th day of October, 2023, and that in accordance with the instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the 13th day of September, 2023.

City Clerk

Exhibit A

A parcel of land located in the southeast quarter of section 29, Township 35 North, Range 9 West, New Mexico Principle Meridian, in the City of Durango, La Plata County Colorado, being more particularly described as follows:

The southerly ten foot (10-ft) of the existing right-of-way of East 5th Street abutting Lots 17, 18, 19, 25 and 26, Block 18 of the Mountain View Annexation to the City of Durango, according to the plat filed for record on the 5th day of July , 1892 , at the office of the La Plata County Clerk & Recorder under Reception Number 20005 ,

Also the southerly ten foot (10-ft) of the existing right-of-way of East 5th Street abutting Lot 1-A of the Thomas Eskew Minor Subdivision as filed in the office of said La Plata County Clerk & Recorder on the 4th day of May, 2004, under Reception Number 908289,

Also the southerly ten foot (10-ft) of the existing right-of-way of East 5th Street abutting Lots A and B of the Boundary Adjustment between Lots 20, 21 & 22, Block 18 Mountain View Addition, as recorded in the office of said La Plata County Clerk & Recorder on the 6th day of August, 2001 under Reception Number 810804.





AGENDA DOCUMENTATION

Item 17.1

Meeting Date: September 5, 2023

TO: DURANGO CITY COUNCIL FROM: MARK MORGAN
CITY ATTORNEY

SUBJECT EXECUTIVE SESSION TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, SALE, OR TRANSFER OF AN INTEREST IN REAL PROPERTY LOCATED IN DOWNTOWN DURANGO THAT IS CURRENTLY LEASED TO THE DURANGO AND SILVERTON NARROW GAUGE RAILROAD COMPANY FOR PARKING, AND TO DETERMINE POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATION AND DIRECT NEGOTIATORS, AS PERMITTED BY C.R.S. 24-6-402 (4)(a) AND (e).

RECOMMENDATION:

There is a need for City Council to meet in Executive Session

to discuss the lease, transfer, or sale of real property located in downtown Durango that is currently leased to the Durango and Silverton Narrow Gauge Railroad Company for parking, and to determine positions relative to matters that may be subject to negotiation and direct negotiators, as permitted by C.R.S. 24-6-402 (4)(a) and (e).

BACKGROUND SUMMARY:

The City is the owner of real property consisting of approximately 62,000 square feet located at the corner of Camino del Rio and West College Drive. The City and the Durango & Silverton Narrow Gauge Railroad ("D&SNGRR") entered into a Ground Lease Agreement dated January 21, 2020 (the "Lease") for D&SNGRR's to lease the property which it uses as a parking lot for train customers. Both the city and the rail road have obtained appraisals for the leased property.

STRATEGIC PLAN ALIGNMENT:

Financial Excellence and High Performing Government

ALTERNATIVE OPTIONS CONSIDERED:

None

FISCAL IMPACT:

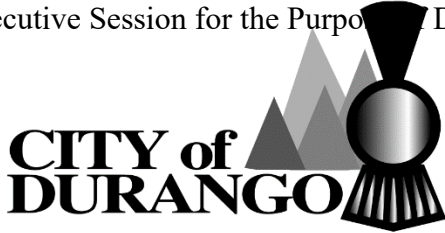
The Lessee pays a monthly rent in the amount of \$8,333.00 during the short term Lease extension

POTENTIAL ADVERSE IMPACTS:

Unknown at this time

NEXT STEPS AND TIMELINE:

It is the recommendation that City Council, by motion, convene in Executive Session to discuss the lease, sale, or transfer of an interest in real property located in downtown Durango that is currently leased to the Durango and Silverton Narrow Gauge Railroad Company for parking, and to determine positions relative to matters that may be subject to negotiation and direct negotiators, as permitted by C.R.S. 24-6-402 (4)(a) and (e).



AGENDA DOCUMENTATION
Item 17.2

Meeting Date: September 19, 2023

TO: DURANGO CITY COUNCIL FROM: MARK MORGAN
CITY ATTORNEY

**SUBJECT An Executive Session for the Purpose of Discussing a Personnel Matter,
Specifically to Discuss the Hiring of the Director of Parks and Recreation as
Permitted in C.R.S. §24-6-402(f)(II)**

RECOMMENDATION:

There is a need for City Council to meet in Executive Session to discuss a personnel matter, specifically to discuss the hiring of the Director of Parks and Recreation as permitted in C.R.S. §24-6-402(f)(II).

State Law requires that two thirds of the quorum present must vote in the affirmative in order to convene in Executive Session.

BACKGROUND SUMMARY:

The position of Director for Parks and Recreation within the City needs to be filled. The City has hosted interviews with candidates and is in need of discussing the personnel matter with the City Council before making any decisions on appointment of the new Director.

STRATEGIC PLAN ALIGNMENT:

Financial Excellence and High Performing Government

ALTERNATIVE OPTIONS CONSIDERED:

None

FISCAL IMPACT:

Unknown at this time

POTENTIAL ADVERSE IMPACTS:

Unknown at this time

NEXT STEPS AND TIMELINE:

It is the recommendation that City Council, by motion, convene in Executive Session to discuss the hiring of the Director of Parks and Recreation as permitted in C.R.S. §24-6-402(f)(II).