

- I. CALL TO ORDER
- II. ROLL CALL
- III. REVIEW AGENDA
- IV. CONSENT OF JUNE 12 & JULY 10, 2018 MINUTES
- V. MANAGER UPDATES
 - a. McLean
 - b. Oyler
 - c. Birdsey
- VI. ADJOURN

WORK SESSION (optional)

- RVs in Town/Flow Chart

POSTED 8/13/18

**PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO - A TOWN
June 12, 2018**

REGULAR MEETING

The Planning and Zoning Commission of the City of Creede - a Town, County of Mineral, State of Colorado, met in the Creede Town Hall at the hour of 6:05 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Jordan, Freer, Butler, Larson, Kehr, Vita, Krueger

Commission Chair Jordan, presiding, declared a quorum present:

Those members of staff also present were as follows: Clyde Dooley, City Manager
Randi Snead, City Clerk

AGENDA

An RV Discussion and a recommendation on Aspen Avenue was added to the agenda. Commissioner Butler moved and Commissioner Krueger seconded to approve the agenda as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried.

CONSENT OF MAY 8, 2018 MINUTES

Commissioner Butler moved and Commissioner Krueger seconded to approve the May 8, 2018 minutes as presented. The vote was unanimous. Commission Chair Jordan declared the motion carried.

NEW BUSINESS

ASPEN AVENUE TURNAROUND

Commissioner Vita moved and Commissioner Freer seconded to recommend that the Board of Trustees request an assessment and estimate from an engineer for the turnaround and consider adding funding to their 2019 budget for the project. The vote was unanimous. Commission Chair Jordan declared the motion carried.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Krueger moved and Commissioner Kehr seconded that the meeting be adjourned at 6:38 p.m. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Respectfully submitted:

/Randi Snead/

Randi Snead, City Clerk/Treasurer

**PLANNING & ZONING COMMISSION
CITY OF CREEDE, COLORADO - A TOWN
July 10, 2018**

REGULAR MEETING

The Planning and Zoning Commission of the City of Creede – a Town, County of Mineral, State of Colorado, met in the Creede Town Hall at the hour of 5:30 p.m. There being present at the call of the roll the following persons:

COMMISSIONERS PRESENT: Jordan, Freer, Butler, Larson, Kehr, Krueger
COMMISSIONERS ABSENT: Vita

Commission Chair Jordan, presiding, declared a quorum present:

Those members of staff also present were as follows: Clyde Dooley, City Manager
Randi Snead, City Clerk

AGENDA

A discussion of the Loma survey was added to the agenda. Commissioner Krueger moved and Commissioner Butler seconded to approve the agenda as amended. The vote was unanimous. Commission Chair Jordan declared the motion carried.

CONSENT OF JUNE 12, 2018 MINUTES

The wrong minutes were included in the packet and the approval of the June 12, 2018 minutes was tabled to the August meeting.

PUBLIC HEARING AND RELATED ACTIONS

CONSIDER RESOLUTION 2018-06 CREEDE BAPTIST CHURCH VARIANCE

Commission Chair Jordan opened the public hearing. There was no correspondence received and no comments for or against the variance. Commission Chair Jordan closed the public hearing. Commissioner Butler moved and Commissioner Kehr seconded to recommend that the Board of Trustees approve Resolution 2018-06 Approving a Variance for Creede Baptist Church. The vote was unanimous. Commission Chair Jordan declared the motion carried.

NEW BUSINESS

NORTH CREEDE

Property owners from North Creede were in attendance to discuss ongoing replat proposals in the area. After an extensive discussion, the Planning & Zoning Commission requested that the property owners work with the City Manager reach consensus and return to the commission with a Boundary Line Agreement draft for consideration.

TOWN HALL/MORTON/MCLEAN REPLAT

Commissioner Krueger moved and Commissioner Kehr seconded to approve the Boundary Line Agreement proposed for the replat contingent on approval of adjacent property owners Dick and Jane Morton. The vote was unanimous. Commission Chair Jordan declared the motion carried.

LOMA

The Planning & Zoning Commission was updated on the progress of the Loma Survey.

ADJOURN

There being no further business to come before the Planning and Zoning Commission at this time, Commissioner Kehr moved and Commissioner Krueger seconded that the meeting be adjourned at 6:21 p.m. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Respectfully submitted:

 / Randi Snead /
Randi Snead, City Clerk/Treasurer

DRAFT

To: Planning & Zoning Commission
From: Clyde
Date: 8/9/18

ARE WE MORE GUILTY OF NOT WORKING WITH PEOPLE TO CLEAN UP THEIR PROPERTY BOUNDARIES or LETTING THEM USE PUBLIC PROPERTY FOR NOTHING?;

We've been asking ourselves that question since I got here in 2003 and we've swung from one pendulum to the other. We've gone from: you pay for the survey, pay the due process fee of \$500 and we'll give you the property – to we'll pay for the survey, you pay the due process fee of \$500 and we'll charge you \$10.00 a square foot. We've also had larger parcels appraised to make everyone feel more comfortable. We're currently asking for \$4.92 a square foot with the survey cost negotiated if it involves a public street and/or if other property owners are involved.

People generally survey and/or seek a boundary adjustment because they have to. Most often initiated by development or a lending institution involved with a property transfer, sale. So the “deals” offered a few years ago are not necessarily what a new Board wants today.

There has been a lot of ambiguity in original ownership of property marked off on a map that was within the railroad right-of-way. The railroad was here before The City of Creede or the Town of Creede was incorporated, but not before there was a “Creede Camp”. So by the time the railroad abandoned rail service and ended up abandoning their right-of-way in 1969 and 2008, people questioned whether the property fell under private or public ownership. I could easily bore and/or overwhelm you notes and declarations. And that's one of the reasons we told the SLB we'd work with the property owners to clear their titles and work towards the best uses of the land.

Our boundaries rarely pass a clean title search or comfort a lending institutions and that's why we've been forced to help people. And of course no two situations are exactly the same. One process made sense then, but not necessarily now. Encroachments always play a big part in the negotiations. The railroad sometimes sold their structures to adjacent property owners before abandoning the right-of-way and people assumed the land came with it. But of course that's not true in all cases. We've seen some of the quick land deals made in the mid to late 60's when Homestake came to town. Similar, but not near as catastrophic as the mining rush of the 1890's, with three counties sparring for jurisdiction, but still a nightmare.

Frank made a good point about a survey/replat for property along a street/alley. Two of the edges greatly benefit the city – when we don't have that street/alley surveyed and the other two edges benefit the private property owner(s).

Resolution No. 2018-__

THE RE-PLAT OF TRACT 3R, BLOCK 14 , CREEDMOOR

WHEREAS, the City of Creede is a municipality in the State of Colorado; and has the statutory and legal authority to enact, enforce, and amend or suspend, ordinances, resolutions and regulations; and

WHEREAS, Allan and Clare McLean are the owners of “The East 80 feet of Lot 1, and all of Lot 2, Block 14, Creedmoor, City of Creede, County of Mineral, State of Colorado”. The property they’ve occupied over the years includes a portion of property platted as Loma Street and a fenced portion of the north portion of Lot 3, Block 14, Creedmoor, City of Creede, County of Mineral, State of Colorado; and

WHEREAS, Richard and Jane Morton are the owners of Lots 3 and 4, and the North 6feet, 2 inches of Lot 5, Block 14, and the South 18 feet, 10 inches of Lot 5, all of Lot 6, and the North 8.2 feet of Lot 7 in Block 14, Creedmoor, City of Creede, County of Mineral, State of Colorado; and

WHEREAS, The City of Creede, Allan and Clare McLean, and Richard and Jane Morton (herein “Parties”) signed and agreed to have Tract 3R, Block 14, Creedmoor, City of Creede, County of Mineral, State of Colorado surveyed and replatted with a Boundary Line Agreement (herein “Agreement”) approved by the Board of Trustees on August 7, 2018, and

WHEREAS, the “Parties” agreed to exchange quit-claim deeds in the “Agreement” in order to clarify the ownership of Tract 3R, Block 14, Creedmoor, City of Creede, County of Mineral, State of Colorado with a process following this Resolution.

The above described Tract, contain approximately 4,776 square feet, more or less and is subject to any and all easements of whatsoever nature.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, THAT:

SECTION 1: The Board of Trustees have determined that it is in the best interest of the citizens of the City to authorize the requested replat.

SECTION 2: The Board has determined that all requirements for submitting the replat have been met by the applicants.

SECTION 3: The above described property has been replatted and will be recorded as “**Tract 3R”, Block 14, Creedmoor, City of Creede, and Mineral County, Colorado** as shown on “**Exhibit A**”.

APPROVED AND ADOPTED by the Board of Trustees this 7th day of August 2018.

CITY OF CREEDE:

ATTEST:

Mayor Date
Jeffrey Larson

City Clerk Date
Randi Snead

June 28, 2018

City of Creede
Planning and Zoning Board
Creede, CO 81130

RE: Oyler re-plat/ re-zoning
1151 Rio Grande Ave, Creede, CO

Dear Planning and Zoning Board,

I have submitted the attached re-plat/ re-zoning request on behalf of Tom Oyler. Mr Oyler purchased this property in May 15, 2017. His goal in the purchase is to supply some much needed housing to Creede residents and our summer employees. Currently Arps restaurant is leasing the existing trailer house along with a sweet studio which was recently remodeled by our own Zack Jones.

The first request for this application is to re-plat the property. I have attached a preliminary survey for your reference. The re-plat would match the re-plat approved on the property to the south now owned by Avery Augur.

Secondly, the property currently has 2 zonings, B2 and R1. Mr. Oyler is requesting the entire property be zoned B2. Mr. Oyler with the help of his architect are working on a site plan for further development pending a re-plat and re-zoning and hope to have that to you by your July meeting.

Thank you in advance for your careful consideration of our request.

Best regards,

Broken Arrow Ranch & Land Co., LLC.
Anne M. Pizel, Broker/owner

PRELIMINARY

REPLAT NO. 2 Block 33 SOUTH CREEDE

The South Half of Lots 9-13, Block 33, and
The North Half of vacated Eleventh Street abutting said Lots 9 - 13, Block 33, and
The East 15 Feet of Depot Street
That abuts the West Line of the S½ of Lot 9 and
The N½ of Eleventh Street,
South Creede,
Located in the E½ Section 36,
Township 42 North, Range 1 West,
New Mexico Principal Meridian,
City of Creede,
Mineral County,
Colorado.

CERTIFICATE OF OWNERSHIP AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT Tom Oyer is the owner of that real property known as the S½ of Lots 9-13, Block 33, and N½ of vacated Eleventh Street abutting said Lots 9-13, South Creede, Mineral County, Colorado, as described in Reception No. 70374 in the records of the Mineral County Clerk and Recorder AND the City of Creede having jurisdiction of the platted streets within the City of Creede do hereby consolidate said lots with the N½ of vacated Eleventh Street immediately adjacent to the S½ of Lots 9-13, Block 33, and East 15 Feet of Depot Street immediately adjacent to the S½ of Lot 9, Block 33 and the N½ of vacated Eleventh Street.

THAT they have caused this property to be replatted, resubdivided, and designated as LOT 9R, REPLAT NO. 2, BLOCK 33, SOUTH CREEDE more particularly described below, and do hereby dedicate and set apart all streets, alleys, and other public ways and places, as shown hereon, for the use of the public forever and do hereby dedicate those portions of said real property which are indicated as easements on the plot as existing and/or implied.

Exterior Boundary 'LOT 9R, REPLAT NO. 2, BLOCK 33, SOUTH CREEDE'

A parcel of land containing the S½ of Lots 9-13, Block 33, South Creede, a portion of vacated Eleventh Street, and a portion of Depot Street, located in the E½ Section 36, T. 42N., R. 1W., N.M.P.M., City of Creede, Mineral County, Colorado, which parcel contains 0.22 acres, more or less, being more particularly described by metes and bounds as follows:
Beginning at the NE corner of the S½ of Lot 13, Block 33, South Creede; thence S37°43'36"E, along the East line of said Lot 9 and its southerly projection, a distance of 74.93 feet to its intersection with the center of vacated Eleventh Street; thence S76°14'41"W, along the center of vacated Eleventh Street and its westerly projection, a distance of 120.38 feet to its intersection with the West line of the East 15 feet of Depot Street; thence N27°43'41"W, along the said West line of the East 15 feet of Depot Street, a distance of 77.06 feet; thence N76°11'03"E, along the North line of the S½ of Lots 9-13, Block 33, and its westerly projection, a distance of 139.06 feet to the place of beginning.

IN WITNESS WHEREOF this instrument is executed this _____ day of _____, 20____, A.D. by:

Signed: _____
Tom Oyer, Owner

Signed: _____
Mayor of the City of Creede

Attest: _____
Town Clerk



ACKNOWLEDGMENT

State of Colorado) SS
County of Mineral)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Tom Oyer, Owner and the Mayor of the City of Creede, as attested to by the City of Creede, Town Clerk.

Notary Public

My Commission Expires _____

PLANNING COMMISSION CERTIFICATE

Approved this _____ day of _____, 20____, A.D., Planning Commission for the City of Creede, Mineral County, Colorado.

Signed: _____
Chairman

BOARD OF TRUSTEE'S CERTIFICATE

Approved this _____ day of _____, 20____, A.D., Board of Trustees for the City of Creede, Mineral County, Colorado.

Signed: _____
Mayor of the City of Creede

Attest: _____
Town Clerk

SURVEYOR'S STATEMENT

I, Wm. D. Kitterman, a duly registered land surveyor in the State of Colorado, do hereby certify that this plat was prepared by me from the data of a survey made by me or under my direct supervision and is true and accurate to the best of my knowledge and belief.

CLERK AND RECORDER'S CERTIFICATE

State of Colorado) SS
County of Mineral)

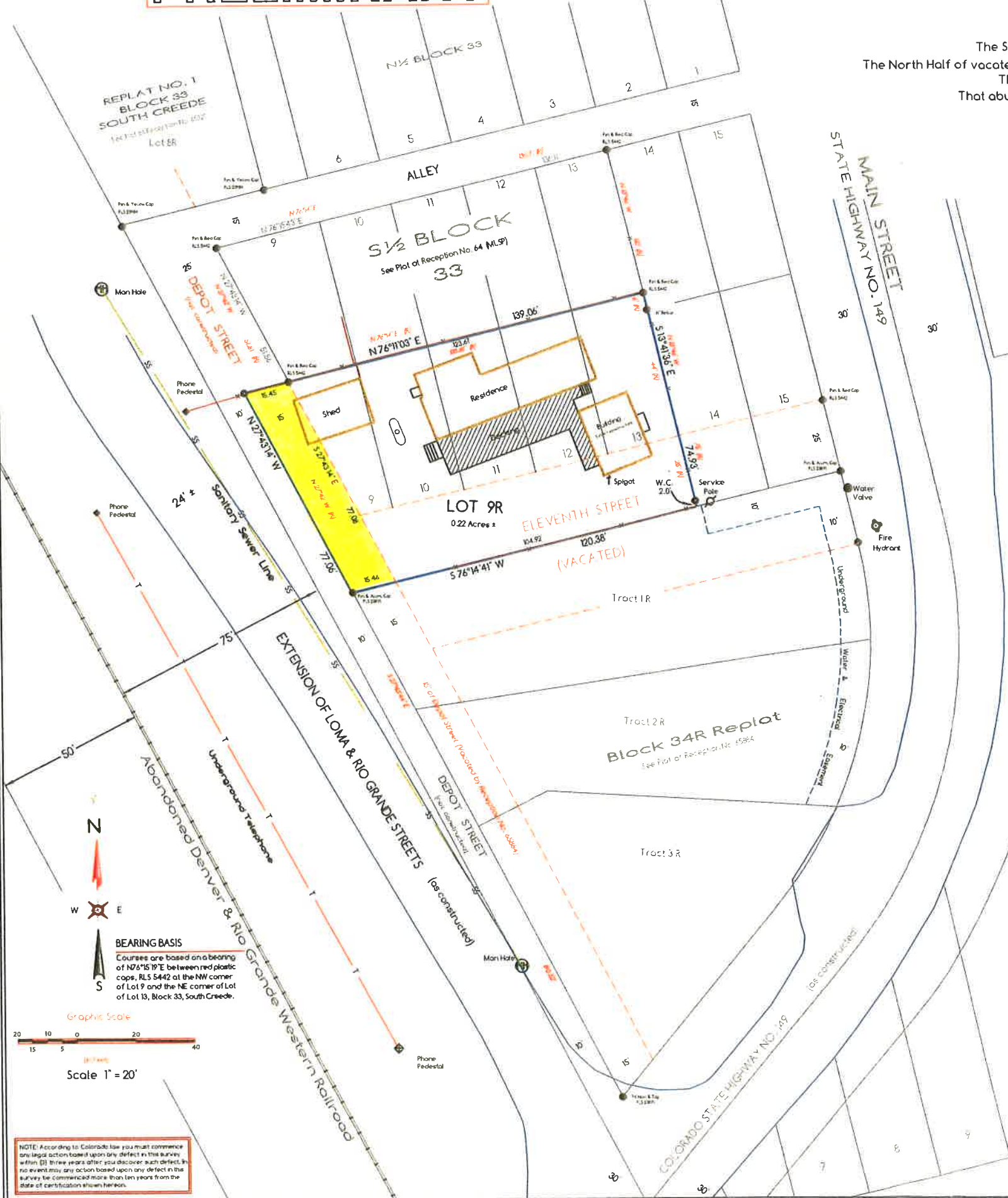
I hereby certify that this instrument was filed in my office at _____ O'Clock _____ M., this _____ day of _____, 20____, A.D. under Reception Number _____ in Map Book _____ of _____

Map No. _____ Fees Paid _____

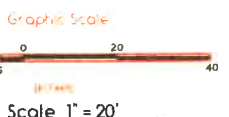
Signed: _____
Clerk and Recorder

LEGEND

- Found Monument (as described)
- Parcel Boundary
- Set Pin & Plastic Cap
- x x Established Fence Line
- Existing Structure
- T - Telephone Line
- - - Vacated Street Line
- Phone Pedestal
- Edge of Asphalt Street
- SS Sanitary Sewer Line



BEARING BASIS
Courses are based on a bearing of N76°15'19"E between red plastic caps, RLS 5442 at the NW corner of Lot 9 and the NE corner of Lot of Lot 13, Block 33, South Creede.



NOTE: According to Colorado law you must commence any legal action based upon any defect in this survey within (3) three years after you discover such defect, in no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

Rincon Associates, Inc.
P.O. Box 102 • Alamosa, CO 81810 (719) 587-3444

**REPLAT NO. 2
Block 33
SOUTH CREEDE**

The South Half of Lots 9-13, Block 33, and
The North Half of vacated Eleventh Street abutting said Lots 9 - 13, Block 33 and
The East 15 Feet of Depot Street
That abuts the West Line of the S½ of Lot 9 and
The N½ of Eleventh Street,
South Creede,
Located in the E½ Section 36,
Township 42 North, Range 1 West,
New Mexico Principal Meridian,
City of Creede,
Mineral County,
Colorado.

Drawn by: MJK March 2009
Job No. 2009-001 Sheet 1 of 1

City of Creede
Board of Trustees and Planning Commission
City Manager - Clyde Dooley
2223 N. Main Street
P.O. Box 457
Creede, CO 81130

July 11, 2018

City of Creede,

My wife and I are submitting this Re-plat / Boundary Application to straighten the property line on the West side of the property, match the North property line with the fence that has been in place for as long as I have been alive (long time) and to match the South property line with the Bassler re-plat. By making these changes the property lines will match up to the Bassler re-plat with the property on the far East of the block and straighten up the property line on the West side.

Our property located 107 E First Street is split by two different sub-divisions. The North side is in the CreedMoor subdivision and the South side is located in the South Creede subdivision.

1. The West property line:

- a. South Creede subdivision: The South Creede sub-division property line runs at a diagonal into the flume. We would like to straighten the property line to run parallel with the flume. We would like to give the flume section of the property to city of Creede and obtain a portion from the city Creede so that the property line is parallel to the flume.
- b. Creedmoor subdivision (north side): We would like obtain the property from the city of Creede so that the property line is consistent with the South side and parallel to the flume.
- c. By doing this the West property line will be straight and parallel with the Flume.

2. The South property line: We would like to obtain property from the city of Creede that matches the Bassler re-plat (far East of the Block). This will also be consistent with the property adjacent to ours on the East.

3. The North Property Line: We would like to obtain the property on the North side of the property to match where the original fence is located and the Bassler re-plat (Far East of the block).

4. In summary: By changing the property lines, the lines will be straight and consistent with re-plat of the Bassler property. An added benefit is that the two remaining properties in the middle of the block can be easily re-plated to match the West and East properties on the block. Once that is done, the property lines will be straight on the North and South side and the whole block will be complete, consistent and re-sellable with no hassles.

Submitted is the warranty deed with the description of the property and a preliminary survey of the property from Bill Kitterman.

The preliminary survey describes the changes that we are asking to take place. The survey PDF was emailed to Clyde. If need be, you zoom in on the PDF to read the wording. I can also email the information to anyone that would like it.

1. We were very surprised when the survey did not match up with the original fence on the north side. The original fence has been there many years and lines up with the late Margie Hosselkus's House and the Trading Post (looking at it with the naked eye). For many years family barbeques have taken place and kids enjoyed playing in this area that was known to be their property.
2. When we purchased the property the seller told us he owned from road to road on the north and south side.
3. We decided to survey the property to insure that there was no issues with the Margie Hosselkus property, only to find out that the North property line did not match the fence line.
4. Our goal is to retire in Creede and return to our childhood home of Creede, Colorado and to make the property a beautiful place for the eyes of the community and tourists.

To my knowledge there is no accurate municipal map that clearly defines the properties in Creede. I also believe that it has been very difficult to correctly record the property sales etc that have occurred in the past. No fault of anyone, that is the way of life in historical mining towns. I would like to ask that we do not have to re-pay for land that the previous owners had believed was theirs and in their minds paid for.

Thank you for considering this application, we look forward to working with you.

Sincerely,

Randy and Geniel Birdsey
1615 Spring Water Ln
Highlands Ranch, CO 80129
Randy's Cell 303.941.4038 (I do not take my cell phone at work)
Randy's Work 720.922.5839
Geniel's Cell 303.514.9432
Email: birdseyrk@gmail.com grbirdsey@gmail.com

As discussed, I've included the changes to RV definitions we proposed last year as part of tiny home legislation. Some is too specific to tiny homes to make sense without accompanying changes, but it's a good starting place to differentiate between RVs and tent/temporary camping...

Section 22: In Section 9-06-10 the following definition shall be added:

Non-residential camping structure means a camping unit primarily designed as temporary living quarters for recreational, camping, or travel use. The following shall be considered a non-residential camping structure:

- (a) *Camping trailer.* A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.
- (b) *Pickup coach.* A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.
- (c) *Tent.* Protective fabric erected to provide protection from the elements.
- (d) *Travel trailer.* A towable vehicle designed as a temporary dwelling for travel and recreation.
- (e) *Travel trailer, self-contained.* A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Section 23: In 9-06-10, RV Parks, the following definition shall be amended:

Recreational vehicle means a vehicular type unit primarily designed as ~~temporary~~ living quarters for residential, recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):

(a) *Motorized home, motor home and/or recreational bus or van.* A recreational vehicle consisting of a portable dwelling to be used for residential, travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the vehicle but also have the ability to connect to water and sewer systems outside the vehicle.

(b) *Travel trailer.* A towable vehicular dwelling to be used for residential, travel, recreation and vacation uses. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.

(c) *Tiny homes.* A dwelling to be used for residential, travel, recreation and vacation uses which is licensed as a recreational vehicle by the Colorado Department of Motor Vehicles. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.

(d) Residential use of recreational vehicles in excess of 6 months requires a Certificate of Occupancy from the Creede Building Department. A Certificate of Occupancy will only be issued to safely inhabitable vehicles with either a Recreational Vehicle Inspection Association plaque or a National Organization of Alternative Housing certification seal.