

AGENDA
OURAY COUNTY PLANNING COMMISSION
PUBLIC HEARING/REGULAR MEETING

July 7, 2020 4:00 – 6:00 pm
Meeting to be held at the Ouray County Land Use Office
111 Mall Road, Ridgway, Colorado

Due to COVID-19, and pursuant to Resolution 2020-007 participants, including applicants as well as the public, are encouraged to attend via Virtual Meeting.

On the web: <https://zoom.us/j/93117307498>

Via telephone: (669) 900-6833

Meeting ID: 931 1730 7498

1. **4:00 Regular Meeting:**
 - A. Approve minutes from June 2nd regular meeting.
 - B. Old Business
 - C. New Business
 - D. Adjourn (Regular Meeting)
2. **4:30 Public Hearing:**
 - A. The Planning Commission will convene in a public hearing to review and make a recommendation to the Board of County Commissioners on an application for a Special Use Permit to operate a convenience store/liquor store in the existing commercial building located at: 36929 Highway 550, Colona.
 - B. Adjourn

**OURAY COUNTY PLANNING COMMISSION
WORK SESSION/REGULAR MEETING MINUTES**

June 2, 2020 4:00 pm – 6:00 pm

**Meeting held at the
Land Use/Road & Bridge Offices, Conference Room
111 Mall Road Ridgway, Colorado 81432**

Attending

Commissioners: None

Via Zoom: Boehnke, Iuppenlatz, Miller, Parker, Snowbarger, Williams, Wilson

PC Absent: None

Staff: Castrodale, Henderson

Public via Zoom: Carolina Brown

Note: Minutes are “action only” format and are not intended to be a transcription of the hearing. Comments referenced may be abbreviated and/or paraphrased. All meetings are recorded for future reference.

1. Work Session: Ouray County Planning Commission 4:05 pm

A. The Planning Commission convened a Work Session to review possible amendments to Section 5 – Special Use Permits of the Land Use Code

2. Regular Meeting: Ouray County Planning Commission 5:21 pm

A. The Planning Commission convened a Regular Meeting to discuss:

i. Old Business

ii. New Business

iii. The Regular Meeting was adjourn at 5:25 pm

Submitted By: _____ Approved By: _____

Colleen Henderson
Land Use Planner

Mark Iuppenlatz
Planning Commission Chair



LAND USE DEPARTMENT

STAFF REPORT

June 1, 2020

Application:	Special Use Permit
Project Name:	Colona Store – Special Use Permit
Applicant / Agent:	Charles Van Alsburg
Property Owner:	Angela Oberg
Parcel Name/Acres:	4.61 Acres
Property Address:	36926 Highway 550 (R004128)
Zoning District:	Colona Zone
Case Manager:	Mark Castrodale

Request:

The Applicant has applied to the Land Use Department for approval of a Special Use Permit to operate a convenience store/liquor store in the existing commercial building located at 36926 Highway 550 in Colona. (aka. "Colona Store" or "Colona Gas Station")

History:

According to Ouray County Assessor records, the Colona Store was constructed in **1950**, *prior* to the establishment of county zoning and land use regulations. The county issued a Special Use Permit in 1982, establishing the lot where the Colona Store is today as a Commercial PUD for the purpose of selling merchandise, fuel, and liquor. (ie. R004128) Staff notes that the permit was issued indefinitely with no expiration.

In 2019, the current owner of the Colona Store, Angela Oberg, applied to the Land Use Department to change the zoning designation for the subject lot (R004128) as well as for an adjacent commercial/residential property, from *Valley Zone* to *Colona Zone*. The Board of County Commissioners approved the application for a zoning change through Resolution No. 2019-044. (attached) The conditions of the resolution stated that the originally issued Special Use Permit was rescinded and that any future commercial use of the structure required prior approval of a [new] Special Use Permit.

County Referrals, Outside Agency Referrals, and Public Comments:

The subject application was referred to the following departments or agencies for review/comment:

ROAD & BRIDGE

The Road & Bridge Superintendent expressed no concerns regarding the subject application.

COUNTY ATTORNEY

The County Attorney expressed no concerns regarding the subject application.

COUNTY ADMINISTRATOR

The County Administrator expressed no concerns regarding the subject application.

BUILDING INSPECTOR

The Building Inspector expressed no concerns regarding the subject application.

SHERIFF'S DEPARTMENT

The Sheriff's Department expressed no concerns regarding the subject application.

Notification/Posting Requirements:

On-Site Posting

As required by the Land Use Code, the Applicant will post on-site notice of the in-process Special Use Permit application on the property at least 14-days prior to the date of the public hearing before the BOCC.

Adjacent/Adjoining/Abutting Owners Notification

As required by the Land Use Code, the Applicant will send written notice of the in-process Special Use Permit application to all property owners holding a fee simple interest in property abutting, adjacent, adjoining upon, or directly across a road or street from the proposed use, at least 14-days prior to the date of the hearing before the BOCC.

Comments/Concerns – Public & Neighbors

As of the date of this report, the Land Use Department has not received any questions or complaints from members of the public or neighbors to the proposed use.

Requirements – Land Use Code:

*** STAFF'S RESPONSE/COMMENTS IN BLUE**

Section 5.2(A-E)

5.2(A) Definition

'Commercial Use' is a use allowed by Special Use Permit in the Colona Zone. The Land Use Code defines Commercial Use as: "A use characterized by the selling of tangible goods, merchandise, or services, directly to the consumer."

5.2(B) Existing Conditions Map

The Applicant provided a current Google Earth photo in place of an existing conditions map.

5.2(C) Detailed Site Plan

The Applicant provided a hand-drawn site plan which is included in the packet materials.

5.2(D) Operator other than Owner

The applicant is the proposed operator of the commercial business..

5.2(E) Written Narrative

The Applicant provided a written narrative with his packet materials.

Section 5.2(E,1-15)

5.2(E,1) Description

The Applicant provided a description of the proposed use in the provided narrative.

5.2(E,2) Undue Danger, Water Pollution, Offensive Noise...

It is the opinion of Staff, after a review of the application, and several on-site inspections of the subject property and residence, that the proposed commercial use will likely not cause water pollution, nor create unreasonable amounts of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences beyond the boundaries of the property on which the proposed use is located. Should any of these issues arise, the SUP may be 'called up' by the BOCC for review. Also, Land Use Staff will follow up on any complaints that might be received in the future.

5.2(E,3) Potable Water/Sewage

As explained in the Applicant's narrative, the subject property/building has potable water provided by Tri-County Water Conservancy, electric service provided by San Miguel Power Association, and sewage disposal via an on-site OWTS or 'On-Site Wastewater Treatment System'.

5.2(E,4) Visual Impact

Although the subject property is within the county 'Visual Impact Corridor', the Applicant is not proposing any additions to the existing structure(s) or any modifications that would change the overall height or footprint of the structure.

5.2(E,5) Impact on Wildlife/Habitat

It is the opinion of Staff, after a review of the application and several on-site inspections, that the proposed application for a Bed & Breakfast will not unreasonably impact wildlife or significant wildlife habitat.

5.2(E,6) Impact on Ditches

There is an existing irrigation ditch located between the subject commercial building and the river. (*visible in aerial photo*) The Applicant is aware of the existence and location of the ditch and confirms in his narrative that there is no construction or grading planned for the property and there is no negative impact on the ditch anticipated. It is Staff's opinion that this requirement has been satisfied.

5.2(E,7) Geo-Hazards

It is the opinion of Staff, after a review of the application, several on-site inspections, and a study of the property in Google Earth, that the proposed application for a Commercial Use is not subject to any identified geo-hazards.

5.2(E,8) Site Contamination

After several on-site inspections and a review of Google Earth images, it is the opinion of Staff that subject property is not subject to any known or obvious site contamination. Any site contamination discovered in the future would trigger both an investigation by Staff as well as review of the overall permit/use by the Board of County Commissioners.

Staff also notes that the Applicant provided a copy of a letter from Colorado Department of Labor and Employment, Division of Oil and Public Safety – Petroleum Remediation Section that states: "*Based solely on the information submitted, which shows that the contamination levels are below state cleanup levels, OPS does not require any further investigation or remedial action at this time.*" (letter included in packet materials)

5.2(E,9) Compatible with Community Character

The proposed use is nearly identical to the historic use of the property for many decades as a general store and liquor store. Although the subject facility historically also offered fuel services, no fuel service/gas station is being proposed at this time.

5.2(E,10) Material Adverse Effect

It is the opinion of Staff that considering the historic use of the property as a gas station, general store, and liquor store, the current application for a *convenience store/liquor store* will not present any material adverse effect(s) on the surrounding area. Additionally, with the elimination of fuel services, modified ingress/egress, and better parking layout, it is Staff's opinion that the overall safety of the facility will be improved.

5,2(E, 11) Impacts on Existing Infrastructure

It is the opinion of Staff that the proposed application for a Commercial Use, convenience store/liquor store, should not cause any impacts on existing infrastructure, beyond what

would be created by a use-by-right. (Note: This application was referred to the Road & Bridge Department for review and comment.)

5.2(E,12) Located in a PUD – HOA Letter

The subject lot/parcel is not within a PUD or county approved subdivision.

5.2(E, 13) Notification to HOA

See Staff's response above.

5.2(E,14) Weed Mitigation Plan

After a review of the application as well as on-site visits/inspections, it is Staff's opinion that the proposed application for a convenience store/liquor store will not require a weed mitigation plan as there is no new construction, grading, or excavation being proposed at this time.

5.2(E,15)Additional Information

As of the date of this report, Staff has not required any *additional* information from the Applicant.

Section 5.3(A,1-3)

CEMETERIES, SCHOOLS, BED AND BREAKFAST OPERATIONS, CHURCHES, COMMERCIAL EQUESTRIAN ACTIVITIES, COMMERCIAL OUTDOOR RECREATION, LIVERY OR HORSE RENTAL OPERATIONS, **COMMERCIAL USES**, COMMERCIAL CAMPING, AND GUEST RANCHES, HISTORICAL MUSEUMS, AND WILDLIFE REHABILITATION FACILITIES:

5.3(B,1) Sufficient Distance

It is Staff's opinion that there *is sufficient distance* between the proposed use and abutting properties that might otherwise be damaged or diminished in value due to the operation of the convenience store/liquor store.

5.3(B,2) Properly Maintained

It is Staff's opinion that if the proposed Special Use Permit is approved, the Applicant be required to properly maintain the subject property, as confirmed through a condition proposed by Staff.

5.2(B,3) Vehicles – Hazards/Nuisance

It is the opinion of Staff that with the modified parking and ingress/egress (ie. *closing of the north-most entrance/exit*) as required by the Colorado Department of Transportation (CDOT), vehicle traffic to and from the use will not create hazards or nuisance beyond that which was present during the historical use of the structure/property.

5.2(B,4) Off-Street Parking

Staff consulted with the Building Inspector regarding required parking for the proposed use. After consulting the 2018 International Building Code, it was the determination that the subject use requires 11 parking spaces including 2 'van accessible' spaces. The Applicant's site plan shows 13 parking spaces including 2 *van accessible* spaces and 2 overflow parking spaces. It is Staff's opinion that the proposed parking is adequate and also complies with the building code.

5.4 STATE/FEDERAL COMPLIANCE

If the subject application is approved, the Applicant will be required to maintain continued compliance with all applicable State and Federal regulations.

5.5 LEASED LAND

No leased land is proposed as part of the subject application.

5.6 IMPACT FEES

No impact fees are being proposed by Staff at this time.

5.7 OUTSIDE AGENCY REVIEW

Staff notes that the application for rezone of the subject lot (in 2019) was referred to, and reviewed by, the Colorado Department of Transportation. The current application complies with the CDOT requirements regarding closure of the north-most entrance exit. It is Staff's opinion that no further review by CDOT, or any other outside agency, is necessary at this time.

is not proposing any outside agency review at this time.

Conditions from Resolution No. 2019-044:

In 2019 the Board of County Commissioners approved a rezone for the subject parcel (R004128) and an adjacent parcel (R004099) from Valley Zone to Colona Zone. As part of the approving resolution (2019-044) the BOCC set forth the following conditions:

1. The Applicant shall, within 120-days of approval by the BOCC, provide to the Land Use Department a boundary survey of the subject parcels. (*The boundary survey will be used by the GIS Administrator to update the Ouray County Zoning Map.*)
 - **Completed by property owner.**
2. The existing 1982 Special Use Permit for the Colona Store (Parcel R004128) shall be permanently rescinded upon approval by the BOCC of the change in zoning classification of the parcel. (ie. Valley Zone to Colona Zone)
 - **The Land Use Department no longer recognizes the 1982 Special Use Permit. Also, a copy of Resolution No. 2019-044 has been placed in the file for the '82 Special Use Permits with notes calling out the applicable condition.**
3. Any future commercial uses of the commercial structure (ie. Colona Store, R004128) shall require prior approval of a Special Use Permit per the processes and provisions found in the 'Uses Allowed by Special Use Permit' section of the Land Use Code.
 - **Current submitted application complies with this requirement.**
4. Due to the termination of the existing Special Use Permit, the fee for the initial (ie. first application received) Special Use Permit for the 'store' shall be reduced by 50%.

- ***The Applicant was charged 50% of the normal fee for the Special Use Permit.***
5. The existing structures on the subject lots shall be properly maintained by the current owner and any future owner. Proper maintenance shall include, but not necessarily be limited to: roof and siding upkeep, painting/staining/sealing, weed mitigation, maintenance and upkeep of parking area, and maintenance of any approved signage.
 - ***The subject lot(s) have been adequately maintained. The current Applicant addresses property maintenance in his application materials and understands that on-going maintenance of the property is required. Staff is also proposing a condition to approval regarding on-going maintenance. (see Condition #3)***
 6. Prior to reopening the commercial building (ie. Colona Store, R004128), the Applicant, property owner, or his/her designee shall follow all processes and procedures as set forth by the Colorado Department of Transportation, Region 5, to close the north most access point, as shown in **Exhibit A**.
 - ***In his application materials, the Applicant acknowledges the requirement to close the north-most access point. Staff is proposing a condition to approval that the requested Special Use Permit not be issued/activated until this work is complete and inspected by Land Use Staff. (see condition #6)***
 7. Any redevelopment or expansion of the commercial building (ie. Colona Store) shall require prior approval of a new access permit issued by The Colorado Department of Transportation, Region 5.
 - ***Staff has discussed this condition with the current owner as well as the Applicant. At this time there is no redevelopment or expansion being proposed for the subject property or structures.***

Staff Conclusions and Recommendations:

It is the opinion of the Land Use Department that the subject application meets the conditions and provisions found in Section 5 of the Land Use Code for approval of a Special Use Permit to operate a Commercial Use. Staff is recommending the Planning Commission forward the subject application to the Board of County Commissioners with a recommendation of approval and subject to the following conditions:

1. The Special Use Permit issued is good for a period of ____ years.
2. The applicant shall provide a minimum of #11 parking spaces per the 2018 International Business Code, two of which parking spaces shall be 'van accessible'.
3. The Applicant shall maintain the subject property and all associated structures.
4. The Applicant must at all times remain in compliance with all provisions found in the Ouray County Land Use Code and Ouray County Ordinance No's.: 1992-01 (Noise), 1995-01 (Rubbish), 2002-01 (Open Fires), 2007-01 (OHV's).
5. All trash and bear attractants shall be kept in bear-proof containers or in a locked building or structure.
6. The Special Use Permit will not be issued as *active* by the Land Use Department until the Applicant closes/removes the north-most access point as required by the CDOT, through the installation of a landscaped and drainage area and such area has been inspected and approved by Staff.

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
REGARDING AN APPLICATION FOR CHANGE IN ZONING CLASSIFICATION FOR TWO PARCELS
CURRENTLY IN THE COLONA ZONE**

WHEREAS, on August 9, 2019, the Ouray County Land Use Department received an application by Angie Oberg, personal representative for the Estate of Harry Oberg, for a change in zoning classification for two parcels located at 36962 and 36926 Highway 550, Colona; and

WHEREAS, the Application proposes changing the zoning classification of the two parcels noted above from Valley Zone to Colona Zone; and

WHEREAS, the Land Use Department processed the application per Section 14.2 of the Land Use Code – *Procedural Requirements for Amendments to change the Zoning Classification of Parcels and/or Area of Land*; and

WHEREAS, as required by the Land Use Code, the Applicant posted on-site notice (#2 – 2’x3’ signs) of the application on the subject property, at least 15-days prior to the date of the hearing before the Planning Commission;

WHEREAS, as required by the Land Use Code, the Applicant sent written notice regarding the subject application to all property owners within 1,200 feet of the subject parcels at least 15-days prior to the date of the hearing before the Planning Commission; and

WHEREAS, the Planning Commission held a properly noticed public hearing on August 20, 2019 on the Application where a presentation was made by Staff and the Applicant and time was allowed for comments from members of the public; and

WHEREAS, the Planning Commission found that eliminating *almost* all non-conforming issues with the associated parcels/structures, as well as the historic use of the Colona Store as a commercial use, was convincing evidence in support of the request; and

WHEREAS, the Planning Commission deliberated on the subject application and at the conclusion of the hearing, voted unanimously to forward the application to the Board of County Commissioners with a recommendation of approval with conditions; and

WHEREAS, on November 19, 2019, the BOCC reviewed the Application in a properly noticed public hearing where they heard a presentation from Staff and the Applicant and time was allowed for comments from members of the public; and

WHEREAS, the BOCC determined that the following constituted compelling evidence to support approval of the subject rezone:

1. The Applicant had no objections to the County rescinding the standing historical Special Use Permit approved for the 'store' and that in the future any commercial use would require approval of a new Special Use Permit per the provisions of the Land Use code.
2. There was apparently oversight on the part of the county and the subject parcels should have been included in the Colona Zone when established in 1986.
3. Land Use Staff recommended approval of the subject request.
4. The Planning Commission voted unanimously to forward the request to the BOCC with a recommendation of approval.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

The Board of County Commissioners, after considering testimony provided by the Applicant and Staff, as well as a unanimous recommendation of approval from the Planning Commission, hereby approves the subject request to rezone the following parcels: R004128/36926 Highway 550 and R004099/36962 Highway 550, from Valley Zone to Colona Zone, with the following conditions:

Resolution No. 2019-044

1. The Applicant shall, within 120-days of approval by the BOCC, provide to the Land Use Department a boundary survey of the subject parcels. (The boundary survey will be used by the GIS Administrator to update the Ouray County Zoning Map.)
2. The existing 1982 Special Use Permit for the Colona Store (Parcel R004128) shall be permanently rescinded upon approval by the BOCC of the change in zoning classification of the parcel. (ie. Valley Zone to Colona Zone)
3. Any future commercial uses of the commercial structure (ie. Colona Store, R004128) shall require prior approval of a Special Use Permit per the processes and provisions found in the 'Uses Allowed by Special Use Permit' section of the Land Use Code.
4. Due to the termination of the existing Special Use Permit, the fee for the initial (ie. first application received) Special Use Permit for the 'store' shall be reduced by 50%.
5. The existing structures on the subject lots shall be properly maintained by the current owner and any future owner. Proper maintenance shall include, but not necessarily be limited to: roof and siding upkeep, painting/staining/sealing, weed mitigation, maintenance and upkeep of parking area, and maintenance of any approved signage.
6. Prior to reopening the commercial building (ie. Colona Store, R004128), the Applicant, property owner, or his/her designee shall follow all processes and procedures as set forth by the Colorado Department of Transportation, Region 5, to close the north most access point, as shown in "Exhibit A."
7. Any redevelopment or expansion of the commercial building (ie. Colona Store) shall require prior approval of a new access permit issued by The Colorado Department of Transportation, Region 5.

APPROVED AND ADOPTED THIS 10TH DAY OF December, 2019.

Voting for: COMMISSIONERS PETERS, TISDEL + BATCHELDER
Voting against: NONE

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



John E. Peters, Chair



Ben Tisdell, Vice-Chair



Don Batchelder, Commissioner

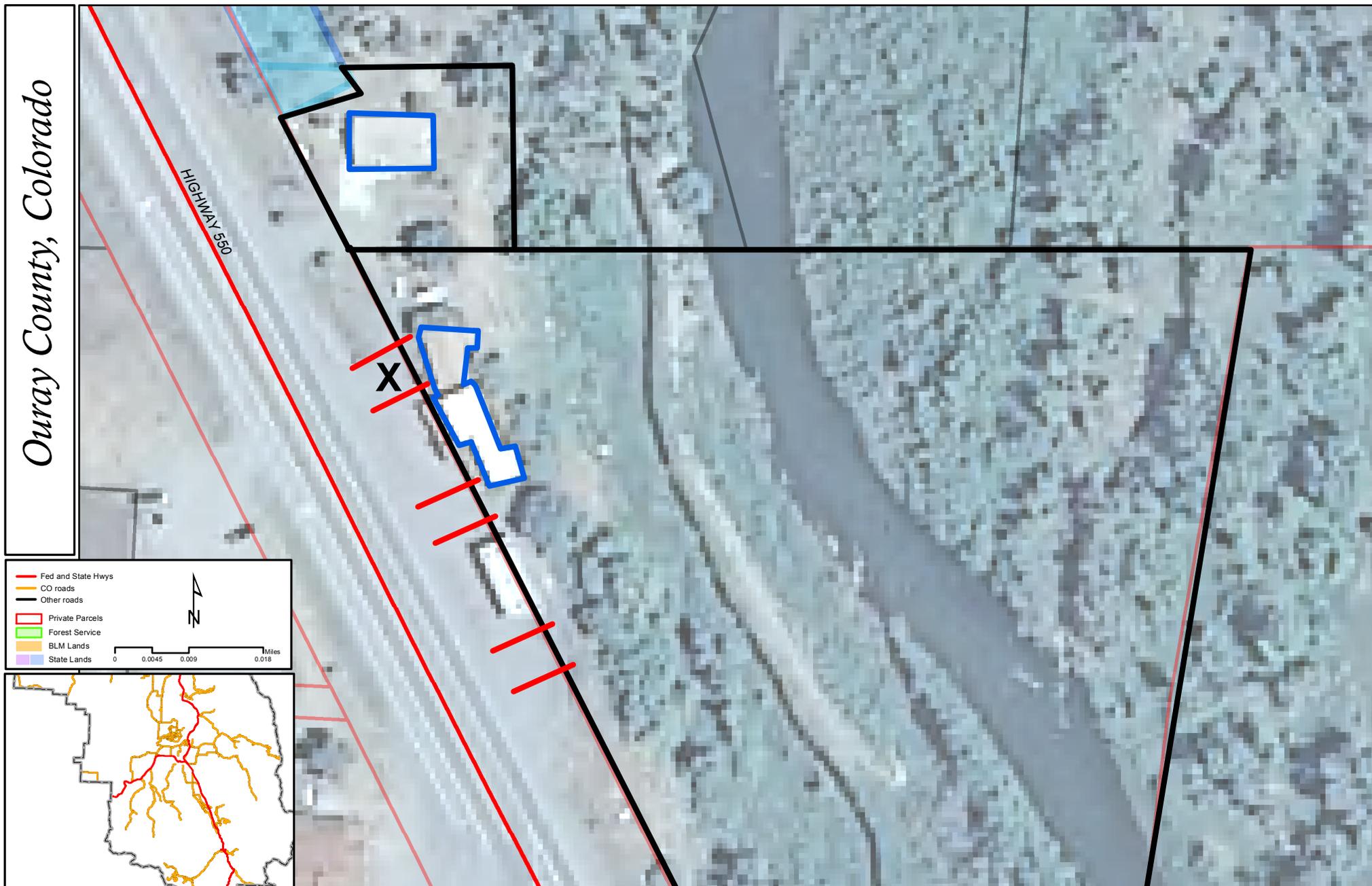




Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board

Exhibit A - Rezoning of 36926 and 36962 Highway 550.

Note: Northmost entrance marked with 'X' to be closed per CDOT standards prior to reopening of store.





SPECIAL USE PERMIT APPLICATION

Land Use Department, 111 Mall Road, Ridgway CO - 970.626.9773

|| - Check here if renewal application

|| - Check here if SUP amendment application

Parcel #: 404117300007 Job Site Address: 36926 HWY 550
City: MONTROSE, CO Zip Code: 81403
Legal Description of Property: Qtr. Sections: NW 1/4 SW 1/4 Section: 17 Zone: COLONA
Town: 47 Range: 8 Subdivision Name:
Filing: Lot Name/Number: Directions to job site from nearest County Road:
ON EAST SIDE OF INTERSECTION OF HWY 550 + COUNTY ROAD 1

*Parcel number is available from the Ouray County Assessor's Office - (970) 325-4371 or online at www.ouraycountyassessor.org

Owner(s) Name: COUNTY LINE MERCANTILE, LLC
Mailing Address: 1496 COUNTY ROAD 1A City/ST/Zip: MONTROSE, CO 81403
Phone: 239-220-2946 Email Address: CV@CCVAN.NET

Authorized Agent's Name: CHARLES VAN ALSBURG
Mailing Address: 1496 COUNTY ROAD 1A City/ST/Zip: MONTROSE, CO 81403
Phone: 239-220-2946 Email Address: CV@CCVAN.NET

Brief Description of Request (see requirements on reverse of this form):

TO REOPEN EXISTING INACTIVE RETAIL LIQUOR/
CONVIENCE STORE AND SINGLE FAMILY APARTMENT

I certify that I am the landowner or an agent authorized by the landowner and am hereby making application for approval of the above request. I further understand that if there are extenuating circumstances concerning this application, there may be additional fees required to process my application, and that the County will advise me of additional fees and receive my approval before proceeding with my application. I hereby certify that I have read this application completely and that all information provided is correct to the best of my knowledge. All laws, regulations, and ordinances governing the scope of the project contemplated by this application will be complied with, whether or not specifically described within this application. I understand that providing false or misleading information may result in any permit(s) issued being revoked. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the scope of the project contemplated by this application.

I understand that this application may be open for public inspection as required by the Colorado Open Records Law (C.R.S. 24-72-202, et seq.) and that my personal information contained on this application may be available to the public for review.

Signature of Owner(s) or Agent

26 MAY 2020
Date



I/we, the undersigned owner(s) of the following described real property located in Ouray County, Colorado hereby authorize:

Agent:

Name: CHARLES VAN ALSBURG Phone: 239-220-2946

E-Mail: CV@CCVAN.NET

Name of Business or Entity: COUNTY LINE MERCANTILE LLC

Address: 1496 COUNTY RD. 1A

City: MONTROSE State: CO Zip: 81403

to act in my/our behalf in applying for permits from the County of Ouray.

Legal Property Description:

Parcel or Account Number: 404/17300007

Section: 17 Township: 47 Range: 8 Quarter Section(s): NW 1/4 OF SW 1/4

Permit(s) Applied For: TO REOPEN LIQUOR/CONVENIENCE STORE

Signature(s) of Property Owners of Record:

By my signature I hereby certify that I have read any applications and other materials completely and that all information provided is correct to the best of my knowledge. All laws, regulations, and ordinances governing the scope of the project contemplated by this application will be complied with, whether or not specifically described within this application. I understand that providing false or misleading information may result in any permit(s) issued being revoked. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the scope of the project contemplated by this application.

I understand that this application may be open for public inspection as required by the Colorado Open Records Law (C.R.S. 24-72-202, et seq.) and that my personal information contained on this application may be available to the public for review.

I understand that Ouray County is overall a rural county located in rough and difficult terrain with a limited transportation network and County services may be unavailable or service may be untimely in some or all areas of the County. I am aware that approval of a site development permit or any other permit does not constitute and shall not be considered as conferring any guarantee or expectation of the provision of any County service (including emergency services).

Signature: Angela Oberg Date: 05/26/2020

Printed Name: Angela Oberg

Signature: _____ Date: _____

Printed Name: _____

Account: R004128

Location

Situs Address 36926 HIGHWAY 550
 City Montrose
 Tax Area Id 304 - 304
 Parcel Number 404117300007
 Legal Summary S: 17 T: 47 R: 8 TRACT
 IN NW1/4SW1/4

Owner Information

Owner Name OBERG HARRY T
 In Care Of Name ANGELA OBERG
 Owner Address 2237 SAINT GEORGE
 DRIVE
 CONCORD, CA 94520-1328

Assessment History

Actual (2020) \$350,480
 Assessed \$61,060
 Tax Area: 304 Mill Levy: 50.043

Type	Actual	Assessed	Acres	SQFT	Units
Improvements	\$155,480	\$24,170	0.000	3098.000	2.000
Land	\$195,000	\$36,890	3.880		0.000

Transfers

Reception Number	Sale Date	Sale Price	Doc Description
<u>224905</u>		<u>\$0</u>	<u>BOUNDARY ADJUSTMENT SURVEY</u>
<u>224348</u>			<u>MISCELLANEOUS</u>
<u>165963</u>	<u>06/04/1997</u>	<u>\$0</u>	<u>QUIT CLAIM</u>
<u>165101</u>	<u>07/21/1997</u>	<u>\$0</u>	<u>QUIT CLAIM</u>

Tax History

Images

Tax Year	Taxes
*2020	\$3,055.62
2019	\$1,254.08

- [Google Map \(May not be accurate\)](#)
- [Photo](#)
- [Sketch](#)
- [GIS](#)

* Estimated



EXPLANATION OF PROPOSED USE

County Line Mercantile, LLC requests a Special Use Permit for the property at: 36926 Highway 550, Colona, CO. The following is a narrative describing the proposed use pursuant to Ouray County Land Use Code, Section 5, Uses Allowed by Special Use Permit (headings are references to specific code provisions).

Section 5.2 (E)(1): County Line Mercantile, LLC proposes to use the existing buildings as a mixed-use commercial and residential property to operate a retail liquor store, separate retail convenience store, and two bedroom upstairs apartment. The property was previously used for these same purposes for many years. The liquor store and convenience store are located within the same building but have separate entrances only accessible from the outside of the building. The existing two bedroom apartment above the convenience store will be used as a single family residence. As part of the proposed use, applicant intends to improve the exterior and interior condition and appearance of the premises by repairing exterior siding, painting, improving the landscaping, and general cleaning, so as to make the premises have a first-class appearance but maintaining the current rustic nature of the building.

Section 5.2 (E)(2): Since the proposed use is consistent with prior use of the property and is a retail store and residential establishment, the use will not create an undue danger in any surrounding areas. The use will not pollute any water source since no discharge from the property will occur. The proposed use does not involve manufacturing or any industrial-type use, restaurant or the like, and will be utilized as retail store for short-term, convenience stops by patrons so it will not produce noise, vibration, smoke (except from occasional use of an existing wood stove in garage building), dust (the parking area is paved), odor, heat, glare, or any other objectionable influence beyond the boundaries of the property.

Section 5.2 (E)(3): There will be parking for 13 cars including 2 disabled permit spaces. The northernmost entrance from Highway 550 will be blocked and rendered unusable per request of CDOT through the installation of barriers and/or landscaping (see attached Site Plan for parking and access detail). The remaining two ingress/egress access points will remain useable as set forth in the Site Plan. The proposed use has potable water provided by Tri-County Water District and electric provided by San Miguel Power Association and operates on a stand-alone septic system. The property has more than adequate utility service for the proposed use.

Section 5.2 (E)(4): Inapplicable.

Section 5.2 (E)(5): The proposed use, being consistent with prior use, will not unreasonably impact wildlife or wildlife habitat. No new construction or grading will occur at the property other than repair, maintenance, and general visual improvement of the property.

Section 5.2 (E)(6): An existing irrigation ditch as depicted on the attached Existing Conditions document runs through the property. The proposed use will not interfere with said ditch or any other water use infrastructure, as there will be no new construction or grading on the property.

Section 5.2 (E)(7): The property lies adjacent to a relatively flat stretch of Colorado Highway 550 and has no known geohazards. The east portion of the property slopes down to the Uncompahgre River, said slope is stable and consists mostly of solid rock.

Section 5.2 (E)(8): The prior use at the property included a gas station, and the new proposed use

will not include such use. The attached Tank Closure Report evidences that there is no current chemical contamination at the property.

Section 5.2 (E)(9): The proposed use is consistent with the community character of the Colona Zone as it is consistent with a longstanding use that was in the same location for many years. The proposed use will provide both the local community and travelers with a retail convenience stop and liquor store. The proposed use will have a positive effect on the local area as well as provide sales tax revenue for the county and state; it will have no adverse impact on the surrounding area.

Section 5.2 (E)(10): Inapplicable.

Section 5.2 (E)(11): The proposed use will not impact current infrastructure in a detrimental way as the use is consistent with prior longstanding use of the property.

Section 5.2 (E)(12): Inapplicable.

Section 5.2 (E)(13): Inapplicable.

Section 5.2 (E)(14): Inapplicable. Should a weed mitigation or revegetation plan be required, applicant will comply with said requirement. Applicant plans to clean and maintain the current vegetation at the property.

Section 5.3 (B)(1): No abutting properties will be damaged or diminished in value as a result of the proposed use. From the ingress/egress points at the property to the nearest abutting property is in excess of 250 feet in each direction. The proposed use is consistent with longstanding prior use of the property, no access across abutting property will be utilized, and the use is contained to a relatively small portion of the 4.75 acres that encompasses the entire property.

Section 5.3 (B)(2): As set forth above, the property will be maintained in a clean and first-class manner.

Section 5.3 (B)(3): Vehicle traffic to and from the use is consistent with the longstanding prior use except that the northernmost access point will be permanently closed and replaced with vegetation pursuant to CDOT request as set forth in attached Site Plan. Vehicle traffic will not create a hazard or nuisance at the property as there is adequate road area and shoulder for vehicular ingress and egress. Of the two remaining access points, the south one will be marked entry and the north one marked exit.

Section 5.3 (B)(4): The planned off-street parking at the property is sufficient as it consists of 11+2 Disabled parking spots as set forth in the Site Plan. This should comply with parking requirements for the short-term transient nature of liquor / convenience store parking.

Applicant will supplement the Explanation of Proposed Use should Staff or the Board desire additional information.

**ARTICLES OF ORGANIZATION
OF
COUNTY LINE MERCANTILE, LLC**

I. NAME

The name of the Company is COUNTY LINE MERCANTILE, LLC, a Colorado limited liability company.

II. ADDRESS OF PRINCIPAL PLACE OF BUSINESS; REGISTERED AGENT

The address of the principal place of business of the Company is 1496 County Road 1A, Montrose, Colorado 81403, and the name and address of the Registered Agent of the Company for service of process on the Company is Charles C. Van Alsborg, whose address is 1496 County Road 1A, Montrose, Colorado 81403.

III. NUMBER OF MEMBERS

At the time that the Company is formed, there will be two (2) Members of the Company.

IV. DURATION

The duration of the Company's life is perpetual.

V. MANAGEMENT

Management of the Company is vested in and reserved to the Members.

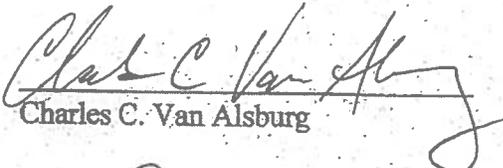
VI. NAMES AND ADDRESSES OF MEMBERS

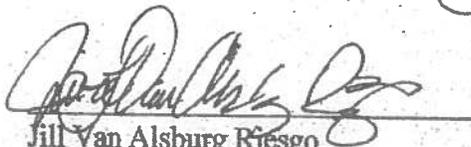
The names and addresses of the individuals forming the Company and the Members of the Company at the time of its formation are:

Charles C. Van Alsborg
1496 County Road 1A
Montrose, Colorado 81403

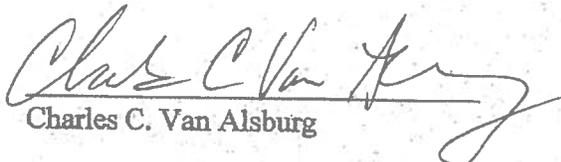
Jill Van Alsborg Riesgo
1496 County Road 1A
Montrose, Colorado 81403

IN WITNESS WHEREOF, for the purpose of forming this Company under the laws of the State of Colorado, we, Charles C. Van Alsborg and Jill Van Alsborg-Riesgo, the undersigned, have executed these Articles of Organization this 22nd day of May, 2020.


Charles C. Van Alsborg


Jill Van Alsborg Riesgo

I, Charles C. Van Alsborg, having been designated to act as Registered Agent, hereby consent to act in that capacity until removed or my resignation is submitted in accordance with Colorado Law.


Charles C. Van Alsborg



Colorado Secretary of State
 Date and Time: 05/22/2020 12:29 PM
 ID Number: 20201441255

Document must be filed electronically.
 Paper documents are not accepted.
 Fees & forms are subject to change.
 For more information or to print copies
 of filed documents, visit www.sos.state.co.us.

Document number: 20201441255
 Amount Paid: \$50.00

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-90-301 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

County Line Mercantile, LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

1496 County Road 1A

(Street number and name)

Montrose

(City)

CO

(State)

81403

(ZIP/Postal Code)

United States

(Country)

(Province - if applicable)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province - if applicable)

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Van Alsborg

(Last)

Charles

(First)

C

(Middle)

(Suffix)

or

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

1496 County Road 1A

(Street number and name)

Montrose

(City)

CO

(State)

81403

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO _____
(State) (ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual) Van Alsburg Charles C
(Last) (First) (Middle) (Suffix)
or

(if an entity)
(Caution: Do not provide both an individual and an entity name.) _____

Mailing address 1496 County Road 1A
(Street number and name or Post Office Box information)

Montrose CO 81403
(City) (State) (ZIP/Postal Code)
United States
(Province - if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in
(Mark the applicable box.)

one or more managers.

or

the members.

6. (The following statement is adopted by marking the box.)

There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

<u>Van Alsburg</u>	<u>Charles</u>	<u>C</u>	
<i>(Last)</i>	<i>(First)</i>	<i>(Middle)</i>	<i>(Suffix)</i>
<u>1496 County Road 1A</u>			
<i>(Street number and name or Post Office Box information)</i>			
<hr/>			
<u>Montrose</u>	<u>CO</u>	<u>81403</u>	
<i>(City)</i>	<i>(State)</i>	<i>(ZIP/Postal Code)</i>	
<u>United States</u>			
<i>(Province - if applicable)</i>		<i>(Country)</i>	

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).



Colorado
Department of State
Public Records



For this Record...

- Filing history and documents
- Get a certificate of good standing
- File a form
- Subscribe to email notification
- Unsubscribe from email notification

Business Home
Business Information
Business Search

FAQs, Glossary and Information

Summary

Details			
Name	County Line Mercantile, LLC		
Status	Good Standing	Formation date	05/22/2020
ID number	20201441255	Form	Limited Liability Company
Periodic report month	May	Jurisdiction	Colorado
Principal office street address	1496 County Road 1A, Montrose, CO 81403, United States		
Principal office mailing address	n/a		

Registered Agent	
Name	Charles C Van Alsborg
Street address	1496 County Road 1A, Montrose, CO 81403, United States
Mailing address	n/a

[Filing history and documents](#)

[Get a certificate of good standing](#)

[Get certified copies of documents](#)

[File a form](#)

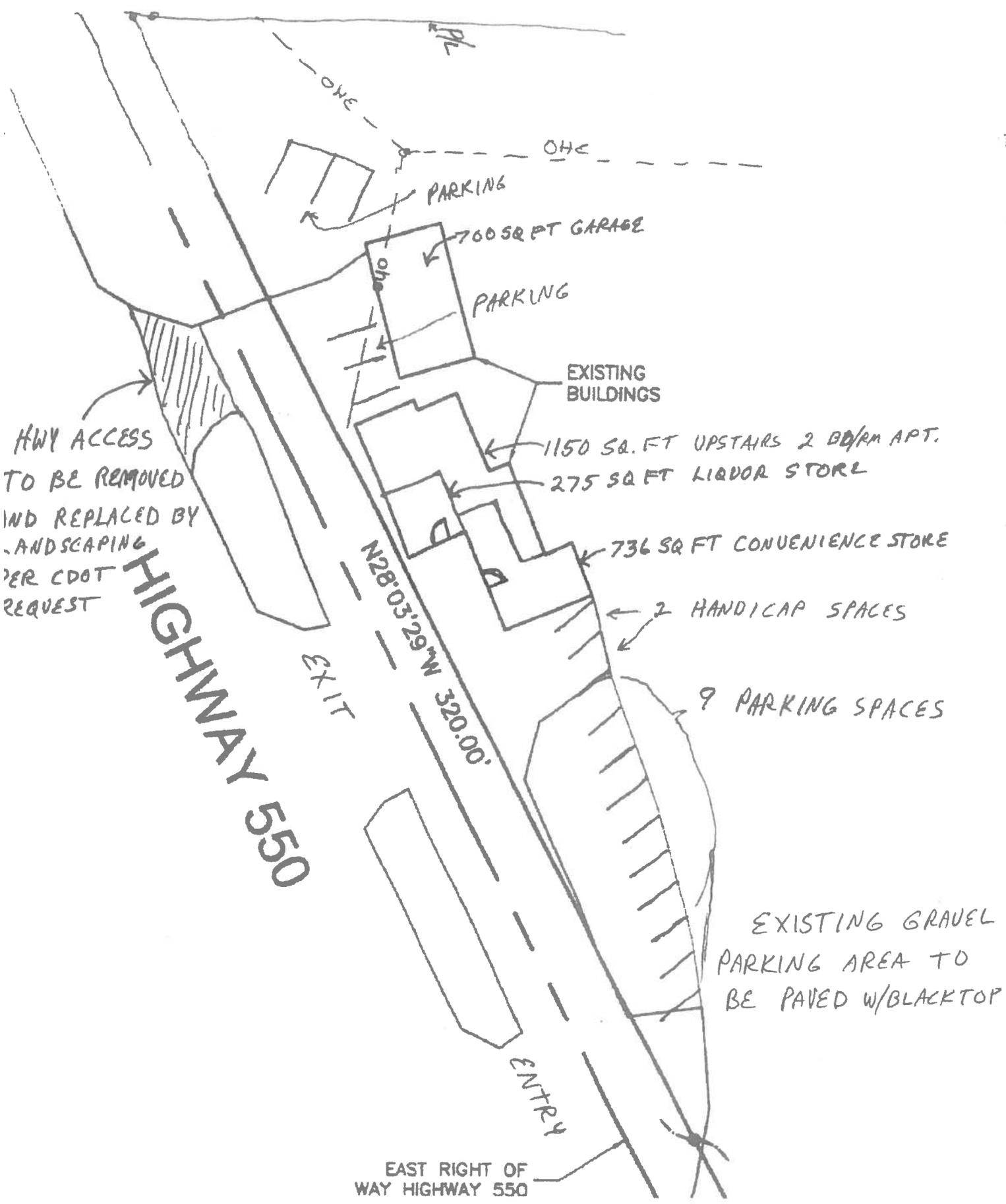
[Set up secure business filing](#)

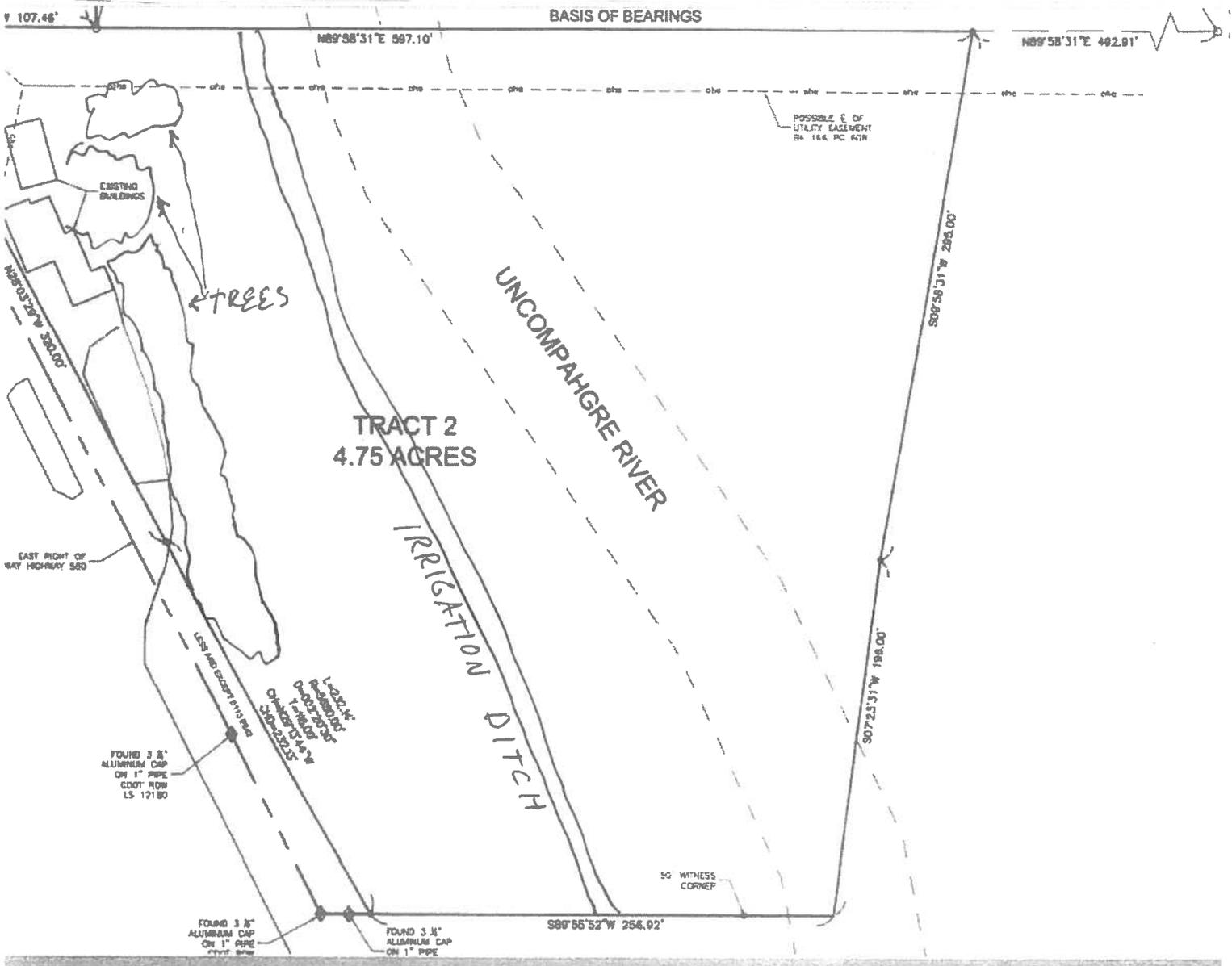
[Subscribe to email notification](#)

[Unsubscribe from email notification](#)

[Back](#)

SITE PLAN







Existing Conditions

Write a description for your map.

550

Hwy-550

1

IPERKATION

Legend

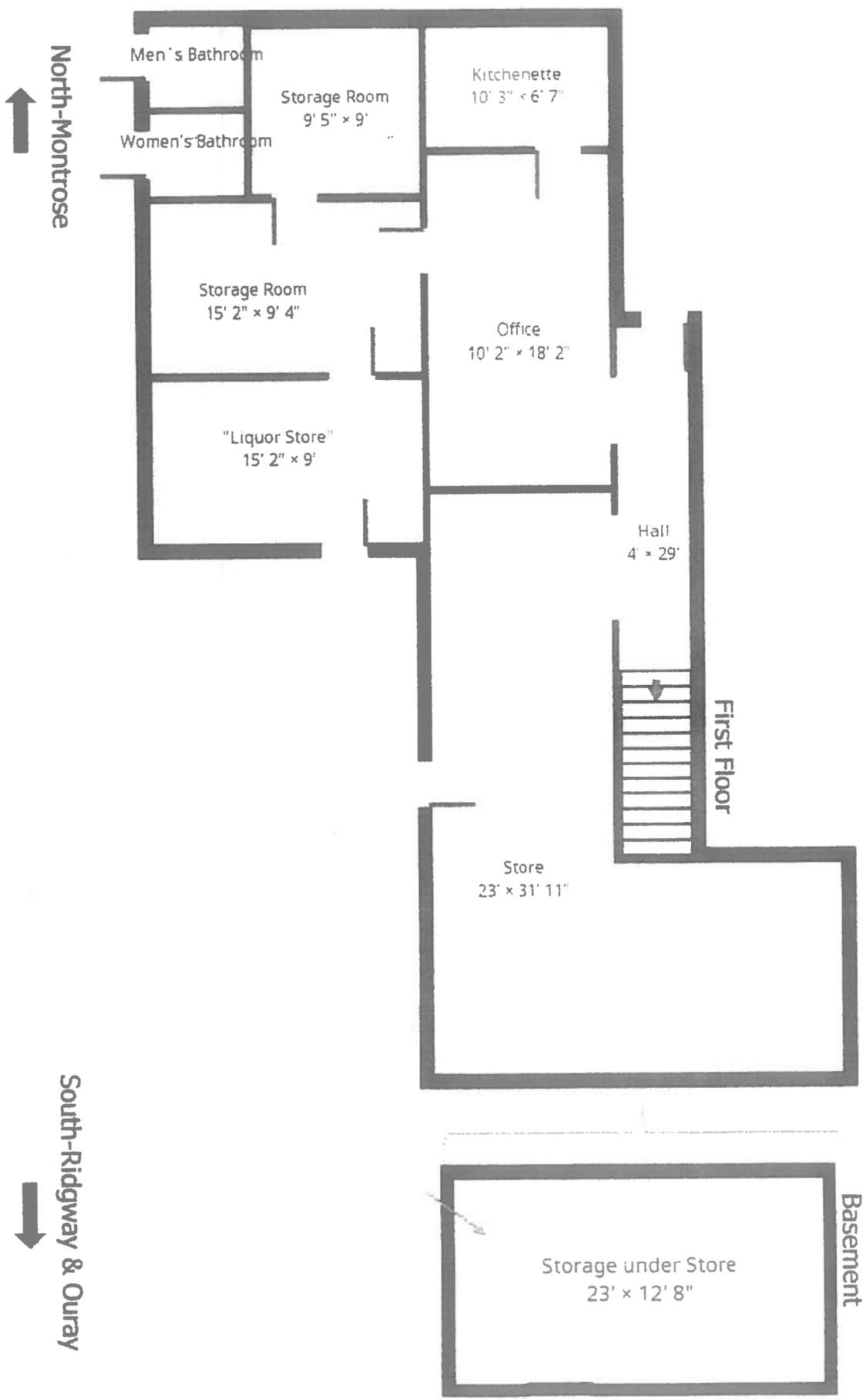
Google Earth

© 2020 Google

200 ft



Floor Plan ~ Store



North-Montrose



HWY 550

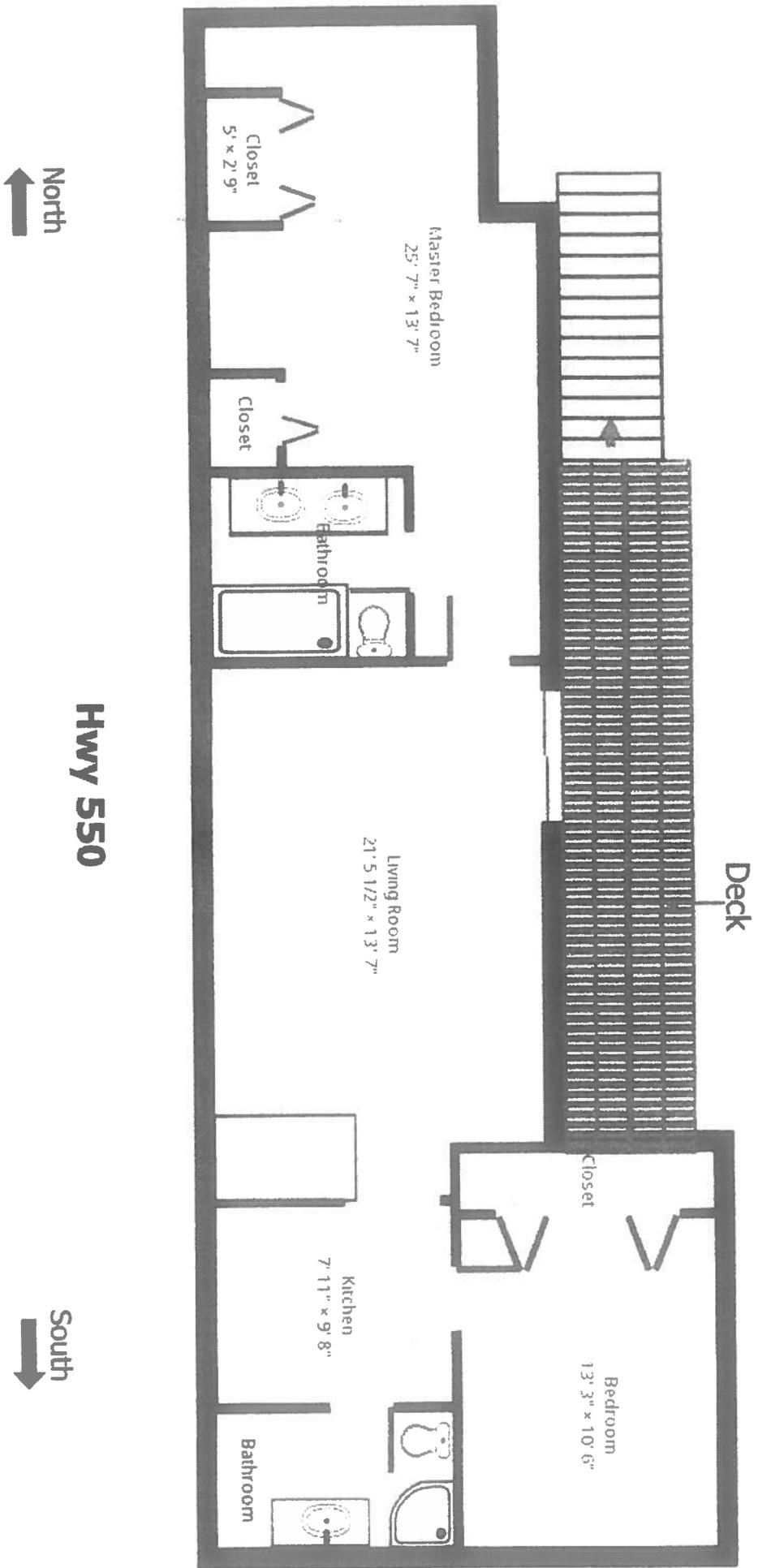
South-Ridgway & Ouray



MLS# 10/9923,
768045 & 768046

FLOOR PLAN - Apartment (SECOND FLOOR)

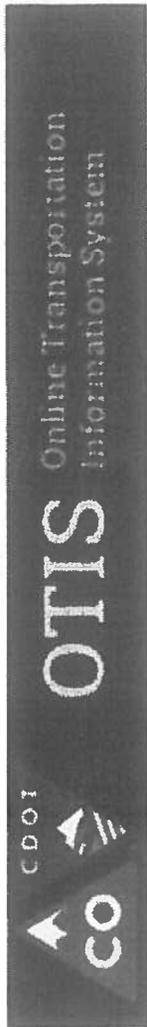
768045 & 768046



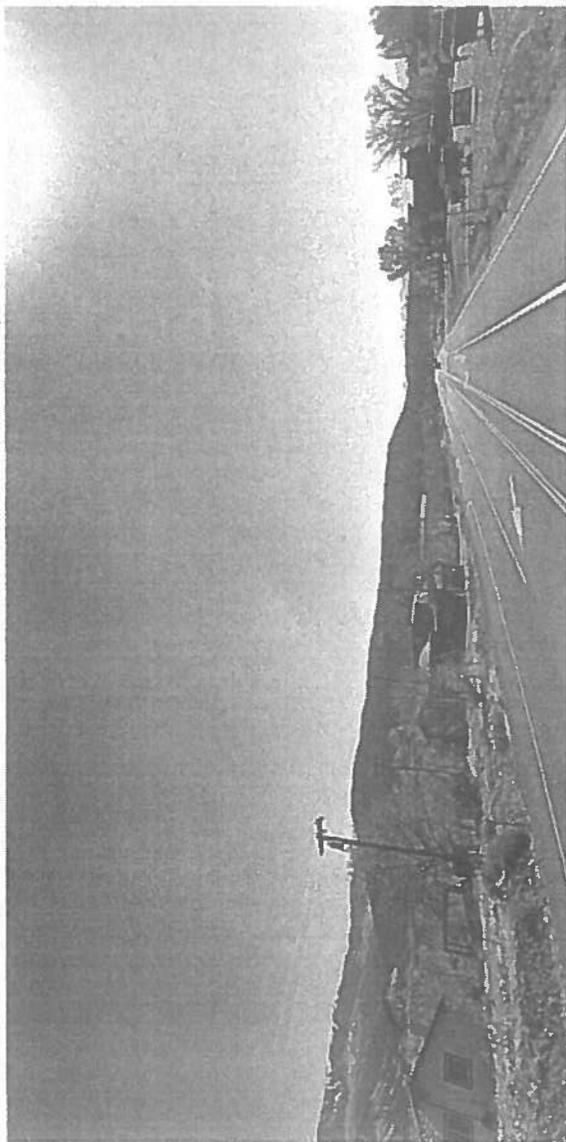
North
→

HWY 550

South
→



Colorado Department of Transportation (CDOT) Traffic Count*



DAILY TRAFFIC (03/31/2020)

Dir	0h	1h	2h	3h	4h	5h	6h	7h	8h	9h	10h	11h	12h	13h	14h	15h	16h	17h	18h	19h	20h	21h	22h	23h
P	9	1	5	1	7	25	37	106	133	164	191	192	205	206	215	241	300	275	154	68	38	20	7	6
S	2	2	3	2	10	35	151	238	228	200	184	173	203	198	190	162	168	154	111	73	36	20	12	6

P = Primary Direction: The direction of increasing mile posts (generally traffic heading to the north or east).

S = Secondary Direction: The direction of decreasing mile posts (generally traffic heading to the south or west).

FUTURE TRAFFIC (Projection Year 2039)

AAAT	Year	Single Trucks	Combined Trucks	% Trucks	DHV	Projected AADT	Projected Single Trucks	Projected Combined Trucks
	2018	300	220	6.2	12	10,433	373	273

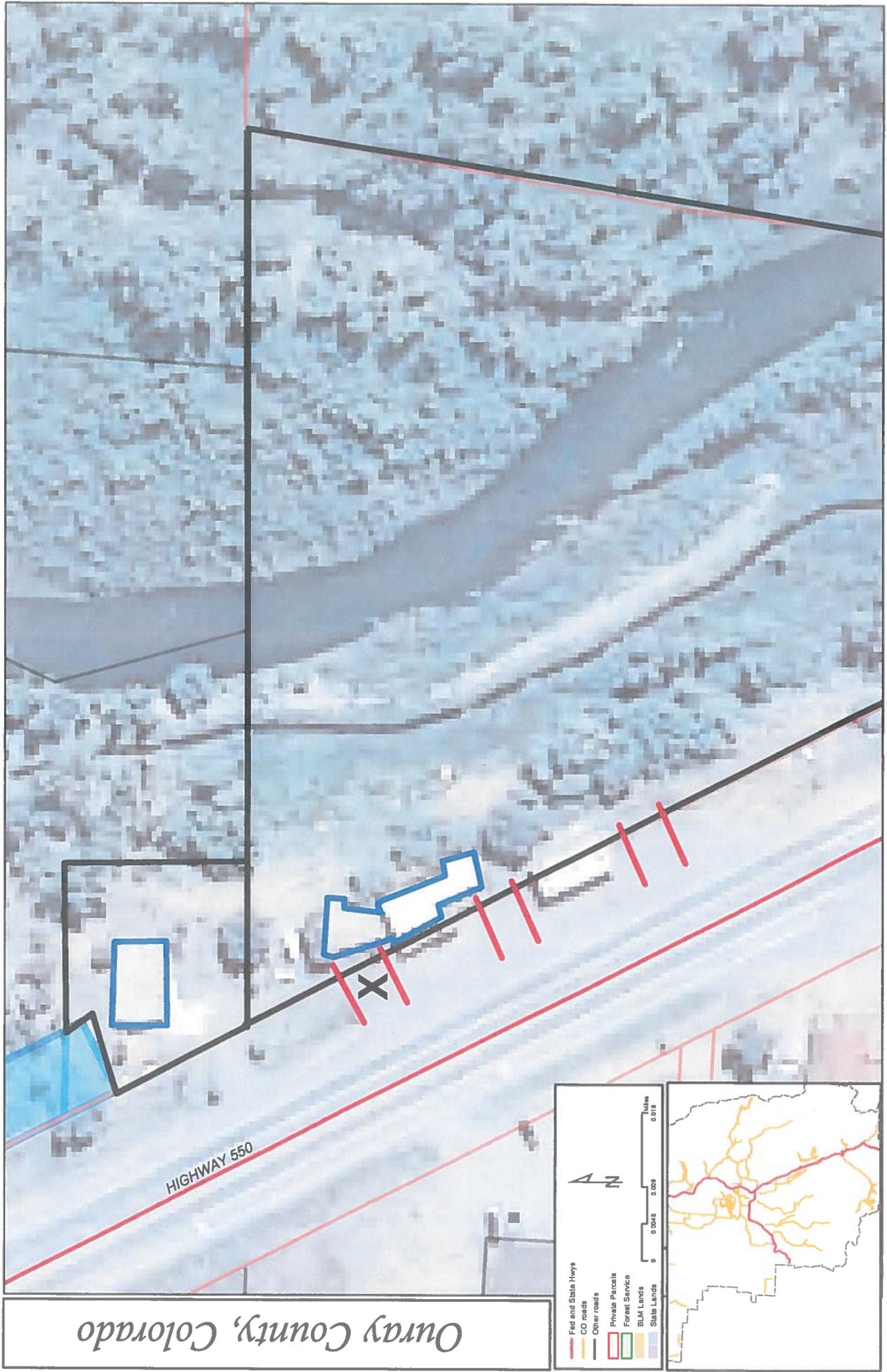
AAAT: Annual average daily traffic is the total volume of highway vehicles for a year divided by 365 days. It is a useful and simple measurement of how busy the road is.

*Raw Data taken from <http://ctdapps.coloradodot.info/Otis/>

Information deemed reliable, but not guaranteed and should be verified.

Exhibit A - Rezoning of 36926 and 36962 Highway 550.

Note: Northmost entrance marked with 'X' to be closed per CDOT standards prior to reopening of store.



Name COUNTY LINE MERCANTILE LLC		Type of License RETAIL LIQUOR		Account Number		
Oath Of Applicant						
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.						
Authorized Signature		Printed Name and Title		Date		
Report and Approval of Local Licensing Authority (City/County)						
Date application filed with local authority		Date of local authority hearing (for new license applicants, cannot be less than 30 days from date of application)				
The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:						
<input type="checkbox"/> Fingerprinted <input type="checkbox"/> Subject to background investigation, including NCIC/CCIC check for outstanding warrants						
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license						
(Check One)						
<input type="checkbox"/> Date of inspection or anticipated date _____ <input type="checkbox"/> Will conduct inspection upon approval of state licensing authority						
<input type="checkbox"/> Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,0000?					Yes <input type="checkbox"/>	No <input type="checkbox"/>
<input type="checkbox"/> Is the Liquor Licensed Drugstore(LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000?					<input type="checkbox"/>	<input type="checkbox"/>
NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.						
<input type="checkbox"/> Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period?					<input type="checkbox"/>	<input type="checkbox"/>
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. Therefore, this application is approved.						
Local Licensing Authority for			Telephone Number		<input type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature		Print		Title		Date
Signature		Print		Title		Date



COLORADO
Department of
Labor and Employment

Division of Oil and Public Safety - Petroleum Remediation Section
633 17th Street, Suite 500
Denver, CO 80202-3610
303-318-8525 | www.colorado.gov/ops

December 26, 2018

VIA EMAIL

The Estate of Harry Oberg
c/o Angela Oberg
2237 Saint George Drive
Concord CA 94250

Re: No Further Action (NFA) Determination for Colona Country Store, 36926 S Hwy 550, Montrose, Ouray County, Colorado. (Event ID 13193, Facility ID 5699)

Dear Ms. Oberg:

The Division of Oil and Public Safety (OPS) has reviewed the No Further Action Request for the above-referenced site received December 19, 2018.

Based solely upon the information submitted, which shows that contamination levels are below state cleanup levels, OPS does not require any further investigation or remedial action at this time. If conditions change, OPS reserves the right to determine if any additional actions are necessary. This NFA letter is in reference to the removal of three underground storage tanks (5699-1, 5699-2 and 5699-3) on November 15 and 19, 2018.

OPS cannot release you from any liability that may be associated with any contamination at or from this site.

Please address correspondence regarding this site to me and if you have any questions, please contact me at (303) 318-8535 or via email at tom.fox@state.co.us.

Sincerely,

Thomas Fox

Thomas Fox, PG
Environmental Protection Specialist
Petroleum Program

cc: Brett Redd, STTI, via email