

**Town of Rico
Three Mile Plan for Annexation**



10.20.2010

Adopted by Resolution 2010-2

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Content Guide

Introduction..... 3

Annexation Eligibility/ Procedure..... 4

Study Area..... 6

Maps..... 16-19

- Figure 1: Official Rico Regional Master Plan- Map1*
- Figure 2: Map Silver Creek Watershed Protection area*
- Figure 3: Rico Fire Protection District Map*
- Figure 4: Town of Rico Future Regional Sewer Service Area*
- Addendum; Rico Township and Range PDF*

RICO THREE-MILE PLAN FOR ANNEXATION

I. Introduction

Purpose

The purpose of the Town of Rico 3 Mile Plan for Annexation (3- Mile Plan) is to:

- a.) Provide direction for future land use issues and potential infrastructure needs for lands within three miles of the current boundaries of the Town of Rico (Town);
- b.) Identify issues that should be addressed prior to annexation of any parcel into the Town;
- c.) Comply with the statutory requirements for annexation as outlined in Colorado Revised Statutes 31-12-105(1)(e) as amended.

The Rico Regional Master Plan expresses the Town's desire to preserve the small mountain town character as the Town grows in population and size.

The 3-Mile Plan will aid in ensuring that annexation opportunities are evaluated through careful consideration of both the current and future interests and needs of the community, in accordance with the Rico Regional Master Plan, as amended.

In this Plan, no land in unincorporated areas is specifically designated for annexation. The Plan will only identify areas that may be considered desirable for future uses, can be served by current services and facilities, are needed to preserve open space or provide utilities for the community, or will be logical for the expansion of the Rico 3-Mile Planning Area¹. The decision to petition for annexation into the Town of Rico is an individual property owner decision. Approval of annexation is at the discretion of the Town of Rico.

Much of the land within three miles of the current municipal boundary is unsuitable for annexation into Town due to topography, checkered land ownership patterns, and extreme difficulty in providing cost-effective infrastructure (i.e. road access, power, water and sewer).

Methodology

This Plan was developed by analyzing areas within a three-mile radius of the existing Town boundaries to determine which areas are suitable and desirable for annexation and future development.

In determining which lands should be included within the Town's 3-Mile Plan, a variety of land uses were considered in order to balance future population needs. Areas

¹ Rico Regional Mater Plan, Section VII, pg. 47

appropriate for planned unit developments, residential mixed-use development, single-family residential, including 3-A and 10-A residential, multi-family residential, affordable housing, light industrial, open space recreation, and public facilities have been identified².

Criteria used to evaluate and determine which areas within the three-mile radius are suitable and desirable for annexation and future development include:

- Areas that will broaden the range of housing inventory and home ownership opportunities within the Town.
- Areas that maintain or enhance the small mountain hamlet character of Town.
- Areas suitable for consideration of open space preservation
- Areas that expand the permanent, year-round population.
- Areas suitable for seasonal cabin development and light industrial development.
- Areas that have enough buildable land so that desired land uses can be accommodated in a sustainable manner.
- Areas that are, or can easily be, served by existing or planned utilities with no negative physical or financial impact to the Town.
- Areas that help strengthen the economic values desired by Town.
- Areas that include Town utilities, such as water and sewer infrastructure, and renewable energy sources.

Statutory Requirement

The Municipal Annexation Act of 1965 as amended requires that each municipality adopt a Three-mile annexation plan prior to any land annexation that describes and evaluates the suitability for annexation of areas within a three-mile radius. Three Mile Plans, once approved, must be either updated or re-adopted annually.

Colorado Revised Statutes 31-12-105(1)(e)(I) requires 3 mile plans to generally describe the proposed location, character, extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power for any annexation within three miles of the municipality.

Some of these items will not be considered or addressed by this Plan because they are not relevant to the Town (i.e. subways and aviation fields). Those relevant items will be discussed within each annexation category.

Annexation Eligibility and Procedure

Annexation petitions must meet all of the requirements of the Municipal Annexation Act of 1965, Colorado Revised Statutes Title 31, Article 12, as amended, as well as all of the requirements applicable in the Rico Land Use Code.

² Rico Regional Master Plan, Section VIII: *Future Land Use*

Annexations shall be subject to any existing Intergovernmental Agreements with Dolores County concerning annexations, subdivisions and development applications within the 3-Mile Planning Area, and other agreements that may concern, or be affected by, potential annexations.

Policies for Annexation

All proposed annexations shall be required to conform to the Colorado Municipal Annexation Act as amended, Rico Regional Master Plan, the Rico Land Use Code, building code, electric code, environmental covenants, and any additional planning documents approved by the Town of Rico.

STUDY AREA

This Plan addresses lands within a three-mile radius of the Town of Rico that are located within the 3-Mile Planning Area in the Official Rico Regional Master Plan Map *Figure 1*, adopted on August 18, 2004.

The following areas are included within the Town of Rico 3-Mile Plan for Annexation³:

- Bedrock and Up Valley Area
- Newman Hill and Apex Estate Area
- Twilight Estates and Ute Trail Area
- Telescope Mountain Estates
- Campground PUD
- San Juan National Forest Lands
- Silver Creek Drainage Area

The location of each of the areas within the Town of Rico 3-Mile Planning Area is identified on the Official Rico Regional Master Plan map. The general character of each of these areas is described and classified according to the following categories:

- Description
- Land Use
- Community Services
- Transportation
- Utility Provisions
- Open Space, Parks & Recreation

The six (6) areas included within the Town of Rico 3-Mile Planning Area are generally eligible for annexation into the Town of Rico under the provisions of the Municipal Annexation Act of 1965, as amended. Inclusion in this plan does not assume properties will be annexed into the Town, or guarantee a successful annexation, should property owners request it.

BEDROCK AND UP VALLEY AREA

Description: T40N R11W S25

This area, approximately 8.7 acres, extends from the northern boundary of Town, to forest service lands that stand adjacent to the town and the border of Telescope Mountain Estates, and along the floodplain of the Dolores River. Land parcels encompass patented and, unpatented mining claims and national forest lands. Existing characteristics of land in this area include geothermal hot springs, and geysers, portions of the Dolores River, an abandoned water treatment facility, and an abandoned mine adit for the Saint Louis Tunnel. As part of the topography, a series of settling ponds exist intended to treat metals loading from water exiting the Saint Louis Tunnel, an adit to the Nora Lilly mining claim, beaver ponds and riparian habitat are present as well as, a primary lead soil repository, a gravel pit study area and steep mountain slopes. These areas contribute to the watershed run off into either side the Dolores River within the flood plain.

³ Rico Regional Master plan, Section IX. Rico Renaissance Development Master Plan map- Future Regional Sewer Service Area, pg. 56

Land Uses

Dolores County currently has no zoning. The proposed land use designation upon annexation should generally be Light Industrial, Public Facilities and/ or Open Space. Because these identified areas are located near or within avalanche paths, only open space, commercial and public facility uses should be allowed. Lands with wetland characteristics and sensitive wildlife habitat should be preserved as Open Space.

Areas within the 100-year flood plain, and areas characterized by wetlands should be preserved as Open Space. According to the Rico Regional Master Plan, the Town desires to pursue potential federal funding for Brownfields projects in the area to promote the environmental improvement and redevelopment of areas around the Saint Louis Tunnel adit as potential for light industrial. The Town also desires to place a maintenance barn for municipal heavy equipment in the same area. Additionally, the Town is interested in researching and promoting both the improvement of general water quality and the use of geothermal resources located within the area for public benefit.

San Juan National Forest Lands adjacent to Town Boundary in this area consists of an approximately 40 acres. This area sits adjacent to a mix of private and national forest lands and is bordered by town limits and the Bedrock and Telescope areas. Land parcels include a mix of private ownership, patented and potential unpatented mining claims, and National Forest lands. Existing characteristics of this land include suitable to maintain public access to open space areas as well as potential for light industrial use to aid in continuity with the Bedrock and Telescope areas. The area is also suitable for access to potential geothermal areas, the Dolores River, and may assist with protection of critical watershed areas well as maximizing the potential community benefit of wetlands improvement, open space and wildlife habitat.

Community Services

This area currently lies within the Dolores County School District and the W ½ Section 25 of the Rico Fire Protection District. These agencies would continue to serve this property upon annexation. Public safety and enforcement would change from the Dolores County Sheriff's Department to the Town of Rico Municipal Public Safety.

Transportation

The north areas are accessed on the east side of Dolores River from a County dirt road that branches off of Highway 145 just north of the Town boundary. The road is currently sufficient for heavy equipment, but may need to be improved depending on the types and quantity of development and access proposed.

Utility Provisions

Currently, properties can be serviced by private water wells and individual septic systems. Extension of water lines would be required if light industrial development were to occur. Extension of sewer lines would be required for light industrial and commercial development if and when a sewer system is financially feasible to be constructed to serve the Town of Rico.

Open Space, Parks and Recreation

Open Space should be preserved along the Dolores River flood plain, in wetlands, and up the slopes of Telescope Mountain in identified avalanche high hazard areas. Recreational opportunities could include hot springs baths, hiking, Nordic skiing and other passive recreation trails along the river and across Telescope Mountain.

Summary

This area is easily accessible from Highway 145 and the previously identified County road. There are no perceived difficulties in servicing the area with utilities or other community services. It is the Town's policy to make development pay for the extension and/or expansion of infrastructure in order to prevent adverse financial consequences to the town and its citizens.

NEWMAN HILL AND APEX ESTATES AREA

Description: T40N R11W S36

The Newman Hill and Apex Estates Area, approximately 288 acres, is located directly east and southeast of Town, and rises up Newman Hill to the east. The area is bordered to the south by Deadwood Gulch and to the north by The Spear Slide. Land parcels include patented mining claims, unpatented mining claims and National Forest lands. Existing characteristics of this land include heavily forested steep slopes and flat benches, avalanche hazards, wetland areas, wildlife habitat, wildfire hazards, geologic hazards, mine shafts, mine dumps, and mine tailings.

Land Uses

Dolores County currently has no zoning. The Rico Regional Master Plan states that the proposed land use designation upon annexation is Open Space, with the ability to support "future single-family development on Newman Hill" (p. 55). Lands with wetland characteristics, sensitive wildlife habitat, and lands within high and moderate avalanche hazard areas should be preserved as Open Space if single-family residential land use is allowed in the area.

Community Services

The majority of this area currently lies within the Dolores County School District and in the West ½ Section 36 of the current Rico Fire Protection District. These agencies would continue to serve this property upon annexation. Public safety and enforcement would change from the Dolores County Sheriff's Department to the Town of Rico Municipal Public Safety. If this area were to be zoned single-family residential in the future, significant road improvements should be required in order to allow adequate access for emergency service vehicles.

Transportation

Highway 145 borders this area to the west. There are no major thoroughfares within the Newman Hill and Apex Estates Area. The area is currently serviced by a forest service four-wheel drive road, which provides limited access. Roads would need to be engineered and constructed according to Town Road Standards prior to development.

Utility Provisions

Currently, properties can be serviced by private water wells and individual septic systems. Extension of water lines would be required were single-family residential development to occur. Extension of sewer lines would be required for single-family residential development, if and when a sewer system is financially feasible to be constructed to serve the Town of Rico.

Open Space, Parks and Recreation

Open Space should be preserved in the avalanche high hazard areas, in areas with wetlands, and areas with sensitive wildlife habitat. Recreational opportunities could include historic interpretation sites, pocket parks, hiking, Nordic skiing, and other passive recreation trails linking the Newman Hill and Apex Estates Area to national forest trails, and to Rico's Historic Commercial Core.

Summary

This area would be suitable and desirable for annexation for Open Space, Park and Recreational uses. Because this area is surrounded by National Forest and includes a significant number of mining claims with no utilities and limited access, the provisions of roads, utilities and community services could be difficult. It is the Town's policy to make development pay for the extension and/or expansion of infrastructure through excise taxes and financing tools, such as special improvement districts, in order to prevent adverse financial consequences to the Town and its citizens.

TWILIGHT ESTATES AND UTE TRAIL AREA

Description: T39N R11W S35

The Twilight Estates and Ute Trail Area, approximately 140 acres, are located directly west and southwest of Town. This Area encompasses Sulphur Creek on the southern end and the Smuggler Claim on the north end. Land parcels include patented mining claims, unpatented mining claims and national forest lands. Existing characteristics of this land include heavily forested steep slopes and flat benches, wetland areas, wildlife habitat, wildfire hazards, geologic hazards, mine shafts, mine dumps, and mine tailings.

Land Uses

Dolores County currently has no zoning. The proposed land use designation upon annexation is single-family residential. Lands with wetland characteristics and sensitive wildlife habitat should be preserved as Open Space.

Community Services

This Area currently lies within the Dolores County School District and portions of the East ½ Section 26 of the Rico Fire Protection District. These agencies would continue to serve this property upon annexation. Public safety and enforcement would change from the Dolores County Sheriff's Department to the Town of Rico Municipal Public Safety.

Transportation

There are no major thoroughfares within the Twilight Estates and Ute Trail Area. The area is serviced by an undetermined road, which provides limited access. Roads would need to be engineered and constructed according to Town Road Standards prior to development.

Utility Provisions

Currently, properties can be serviced by private water wells and individual septic systems. Extension of water lines would be required were single-family residential development to occur. Extension of sewer lines would be required for single-family residential development, if and when a sewer system is financially feasible to be constructed to serve the Town of Rico.

Open Space, Parks and Recreation

Open Space should be preserved in the avalanche high hazard areas, in areas with wetlands, and areas with sensitive wildlife habitat. Recreational opportunities could include historic interpretation sites, pocket parks, hiking and Nordic ski trails linking the Twilight Estates and Ute Trail Area to national forest trails, Rico river trails, and to the residential areas of West Rico and Piedmont.

Summary

This area should be suitable for annexation for single-family residential and Open Space, Park and Recreational uses. Because this area is surrounded by National Forest and includes a significant number of mining claims with no utilities and limited access, the provisions of roads, utilities and community services could be difficult. It is the Town's policy to make development pay for the extension and/or expansion of infrastructure through excise taxes and financing tools, such as special improvement districts, in order to prevent adverse financial consequences to the Town and its citizens.

TELESCOPE MOUNTAIN ESTATES

Description: T40N R11W S25

The Telescope Mountain Estates Area, approximately 150 acres, is located north of Town. This area sits on Telescope Mountain and is bordered by the Up Valley area to the south, the Dolores River to the west, and the S Curves to the north. Land parcels include patented mining claims, unpatented mining claims and National Forest lands. Existing characteristics of this land include steep slopes and flat benches, wetland areas, wildlife habitat, wildfire hazards, geologic hazards, mine shafts, mine dumps, and mine tailings.

Land Uses

Dolores County currently has no zoning. The proposed land use designation upon annexation should be single-family residential. Lands with wetland characteristics and sensitive wildlife habitat should be preserved as Open Space.

Community Services

This area currently lies within the Dolores County School District and outside of the Rico Fire Protection District. These agencies would seek to serve this property upon annexation. Public safety and enforcement would change from the Dolores County Sheriff's Department to the Town of Rico Municipal Public Safety. If this area were to be zoned single-family residential in the future, major road construction and improvements should be required in order to allow adequate access for emergency service vehicles.

Transportation

Highway 145 borders this area to the west. There are no major thoroughfares within the Telescope Mountain Estates area. Roads would need to be engineered and constructed according to Town Road Standards prior to development.

Utility Provisions

Currently, properties can be serviced by private water wells and individual septic systems. Extension of water lines would be required were single-family residential development to occur. According to the Rico Regional Master Plan; "This area will include large-lot single family residential sites that will be served by septic systems" (p.55).

Open Space, Parks and Recreation

Open Space should be preserved in areas with wetlands and areas with sensitive wildlife habitat. Recreational opportunities could include historic interpretation sites, pocket parks, hiking, Nordic ski, and other passive recreation trails linking the Telescope Mountain Estates Area to National Forest trails.

Summary

This area would be suitable and desirable for annexation for Open Space, Park and Recreational, with portions available for Single-Family Residential uses. Because this area is surrounded by National Forest and includes a significant number of mining claims with no utilities and limited access, the provisions of roads, utilities and community services could be difficult. It is the Town's policy to make development pay for the extension and/or expansion of infrastructure through excise taxes and financing tools, such as special improvement districts, in order to prevent adverse financial consequences to the Town and its citizens.

CAMPGROUND PUD

Description: T39N R11W S2

Campground PUD is approximately 100 acres, and is located south of Town. This area sits on a mix of private and National Forest lands. Land parcels include private ownership, potential unpatented mining claims and national forest lands. Existing characteristics of this land include suitable areas for Open Space, opportunity to maintain public access to the Dolores River, as well as preservation opportunities that aid in maximizing the potential community benefit of passive recreation, wetlands improvement, open space and wildlife habitat.

Land Use

Dolores County currently has no zoning. The proposed land use designation upon annexation is single-family residential with opportunities for Open Space, Park and Recreational. Lands with wetland characteristics, close proximity to flood plain areas, and sensitive wildlife habitat should be preserved as Open Space.

Community Services

This area currently lies within the Dolores County School District and within the East ½ Section 26 of the Rico Fire Protection District. These agencies would seek to serve this property upon annexation. Public safety and enforcement would change from the Dolores County Sheriff's Department to the Town of Rico Municipal Public Safety. If this area were to be zoned single-family residential in the future, major road construction and improvements should be required in order to allow adequate access for emergency service vehicles. This area also hosts adjacent access for proposed future sewer development as well as currently occupied gravesites.

Transportation

Highway 145 borders this area to the east. There are no major thoroughfares within the Campground PUD area. Roads would need to be engineered and constructed according to Town Road Standards prior to development if determined necessary.

Utility Provisions

Currently, properties can be serviced by private water wells and individual septic systems. Extension of water lines would be required were single-family residential development to occur. According to the Rico Regional Master Plan, the area could aid in enhancing public asset of the Dolores River, natural beauty and recreational potential. This area could include projects focused around preservation of historic mining resources, environmental protection and enhancement of sensitive areas within the corridor.

Open Space, Parks and Recreation

Open Space should be preserved in areas with wetlands, and areas with sensitive wildlife habitat. Recreational opportunities could include historic interpretation sites, pocket parks, hiking, Nordic ski and other passive recreation trails linking the Little Ada area to other residential areas and National Forest public lands and trails.

Summary

This area would be suitable and desirable for annexation for Open Space, Park and Recreational uses. Because this area is surrounded by National Forest and includes a significant number of gravesites and open space with no utilities and limited access, the provisions of roads, utilities and community services could be difficult. It is the Town's policy to make development pay for the extension and/or expansion of infrastructure through excise taxes and financing tools, such as special improvement districts, in order to prevent adverse financial consequences to the Town and its citizens.

SAN JUAN NATIONAL FOREST LAND ADJACENT TO TOWN BOUNDARY

Description: T38N R11W S1 & S2

Cemetery Area

The second San Juan National Forest Lands Adjacent to the Town Boundary consists of one parcel that is approximately 17 acres and sits adjacent to a mix of private and national forest lands and is bordered by town limits and the Apex Estates and Campground PUD areas. Existing characteristics of this land include current gravesite occupation and historic preservation. The proposed land use designation upon annexation is Open Space. Lands with wetland characteristics and sensitive wildlife habitat should be preserved as Open Space. A second parcel exists east of Hwy 145 and is approximately 24 acres. Existing characteristics of this land include current gravesite occupation and historic preservation. The proposed land use designation upon annexation should be Open Space. Lands with wetland characteristics and sensitive wildlife habitat should be preserved as Open Space.

Land Use

Rico Land Use Code requirements for subdivision applications will be adhered to prior to any development approvals. Current working agreements in the form of an active Memorandum of Understanding between the Town of Rico and San Juan Public Lands/ San Juan National Forest, will also be adhered to prior to any proposed development approvals.

Community Services

Both areas currently lie within the Dolores County School District and within the W ½ Section 25 of the Rico Fire Protection District. These agencies would seek to serve this property upon annexation. Public safety and enforcement would change from the Dolores County Sheriff's Department to the Town of Rico Municipal Public Safety. If these area were to be zoned single-family residential in the future, major road construction and improvements should be required in order to allow adequate access for emergency service vehicles.

Transportation

Highway 145 runs through these areas. Any additional development of roads would need to be engineered and constructed according to Town Road Standards prior to development if determined necessary and appropriate for any subsequent uses.

Utility Provisions

Currently, properties can be serviced by private water wells and individual septic systems. Extension of water lines would be required where single-family residential development or light industrial were to occur. According to the Rico Regional Master Plan, the area could aid in enhancing a public asset, and support increasing the natural beauty and recreational potential. These areas could include projects focused around preservation of historic mining resources, environmental protection and enhancement of sensitive areas within the river corridor.

Open Space, Parks and Recreation

Open Space should be preserved in areas with wetlands, and areas with sensitive wildlife habitat. Recreational opportunities could include historic interpretation sites and other passive recreation trails linking the north and south Town boundaries to other annexation areas.

Summary

These areas would be suitable and desirable for annexation for Light Industrial and Open Space uses. Because these areas are adjacent to other annexation areas, include acreage with a significant number of gravesites and Open Space with no utilities, and currently have limited access, the provisions of roads, utilities and community services could be difficult. It is the Town's policy to make development pay for the extension and/or expansion of infrastructure through excise taxes and financing tools, such as special improvement districts, in order to prevent adverse financial consequences to the Town and its citizens.

SILVER CREEK DRAINAGE AREA

Description; T40N R10W Sections; S30, S32, S19, S20, S29, S24, S28, S33

The Silver Creek drainage is located directly east of the Town of Rico and consists of a mixture of privately owned mining claims and National Forest Service properties. The area is accessed via an unimproved Forest Service road. This road eventually connects to the Colorado Trail and other public lands and wilderness.

The area immediately adjacent to the Town of Rico was formerly mined extensively and has been the site of a Voluntary Clean-up action through the State of Colorado.

The Silver Creek drainage area is the site of the Town's water treatment facility. The Town's point of diversion for municipal drinking water is located along Silver Creek, approximately one mile from the Town boundary. Silver Creek is a tributary to the Dolores River.

Community Services

Community Services for this area would focus on preservation of the Town of Rico's water treatment facility W1/2 Section 36. No other specific improvements are foreseen for this area.

Transportation

This area is accessed via an unimproved National Forest dirt road, and it is unlikely that this road would be substantially improved even with annexation of the property. This road is currently used to access the Town's water collection facility and for recreational purposes, including access to adjacent National Forest Service lands and wilderness areas.

Utility Provisions

Even with an annexation, installation of utilities would likely be those directly related to operation of the Town's water treatment facility and corresponding infrastructure. At

some point in the future, the Town may exercise its discretion and annex the water treatment facility and corresponding infrastructure in compliance with Colorado statutory requirements.

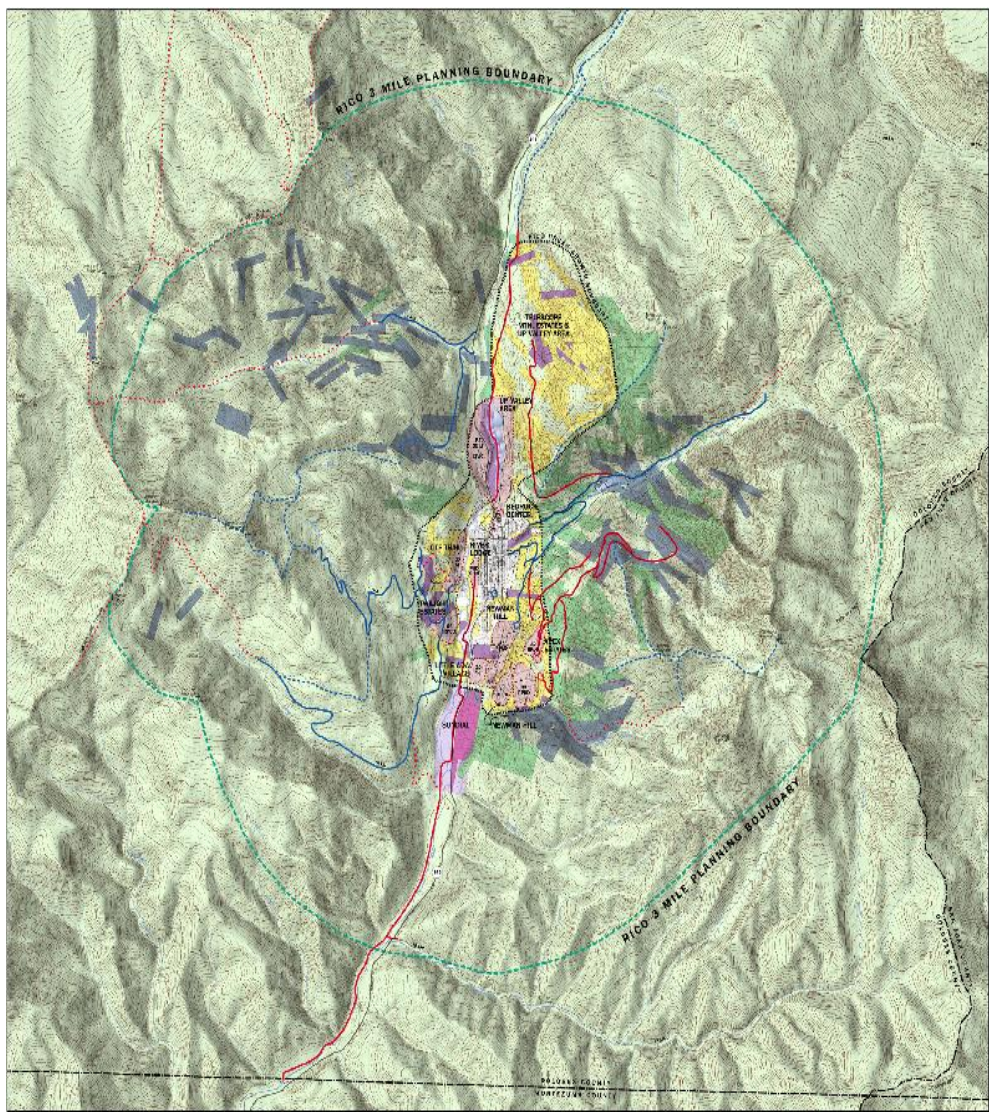
Open Space, Parks and Recreation

Open Space should be preserved in areas with wetlands, and areas with sensitive wildlife habitat such as this area. Recreational opportunities could include historic interpretation sites, hiking, Nordic ski, and other passive recreation trails which link the area to adjacent National Forest lands.

Summary

This area may be suitable for annexation to ensure the protection of the Town's municipal water source of diversion as well as its water treatment facility. The facility is accessed via a National Forest Service dirt road, which is currently unimproved.

Figure 1: Official Rico Regional Master Plan- Map 1



Official Rico Regional Master Plan - Map 1

Adopted by the Rico Planning Commission on Jun 29th, 2004.

By: Tom Bennett, Chairperson

Attest: Linda Yellowman, Planning Commission Secretary

Adopted by the Board of Trustees as the Official Rico on August 18th, 2004

By: Thomas A Clark, Mayor

Attest: Linda Yellowman, Town Clerk

RICO
LEGEND

- Rico Renaissance RFLUD Road
- Rico Renaissance Open Space
- Non-Renaissance (within the Urban Growth Boundary)
- Other Property Owners (within the Urban Growth Boundary)
- Sundial PUD Area
- Single Family Residential (1 residence per 3 acres)
- Single Family Residential (1 residence per 10 acres)
- Forest Service Lands
- Rico 3 Mile Planning Boundary
- Rico Urban Growth Boundary
- Rico Renaissance PUD
- Motorized Multi-Use Jeep Trail
- Non-motorized Multi-use Wide Trail
- Non-motorized Single Track Trail
- Future Non-motorized Single Track Trail
- Trail Connections
- County Line
- Existing Town Boundary
- Asphalt Roads
- Gravel Roads
- Forest Service Trail
- Stream
- Lake



August 27, 2004

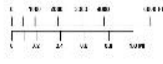


Figure 2: Silver Creek Watershed Protection Area

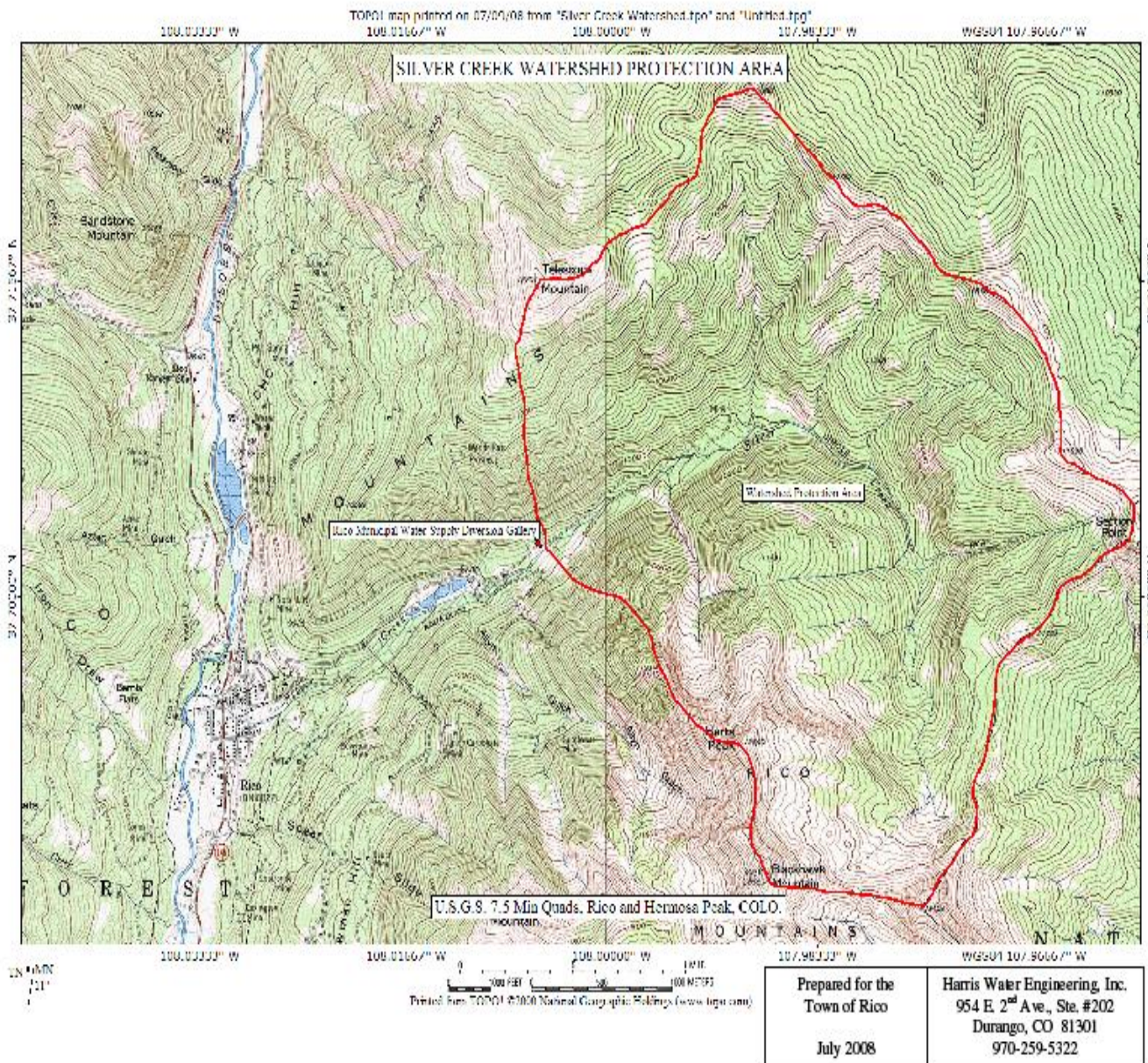


Figure 3: Rico Fire Protection District Map

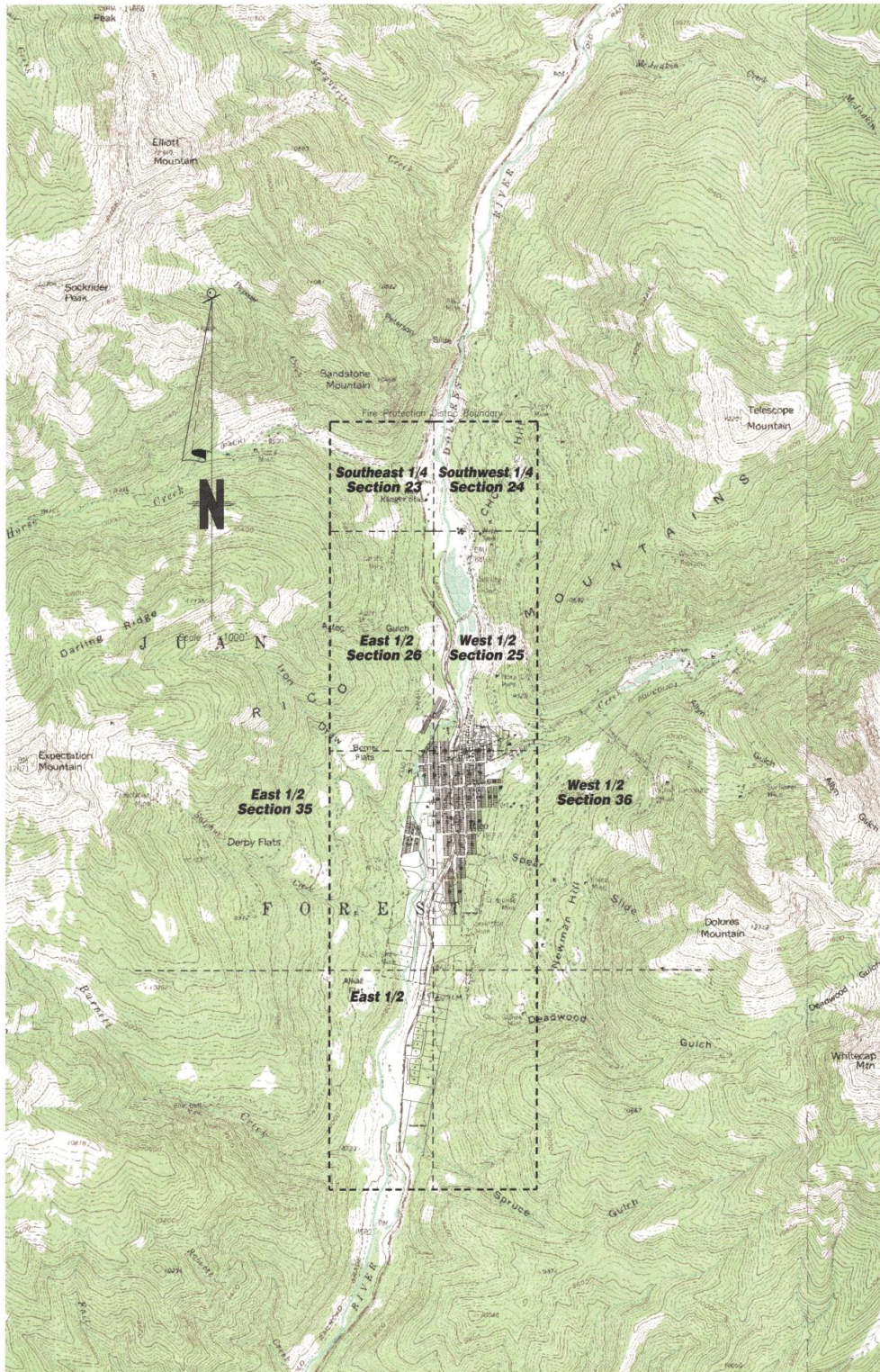


Figure 4: Town of Rico Future Regional Sewer Service Area

