

# RESOLUTIONS 1 9 9 4

DATE	NUMBER	TEXT
01-17-94	RES 1-94	AMENDED BUDGET - 1994
01-24-94	RES 2-94	RETIREMENT ROAD DEPT - R. A. LEIGH
01-24-94	RES 3-94	RETIREMENT ROAD DEPT - P. L. SAPP
01-24-94	RES 4-94	RETIREMENT ROAD DEPT - J. W. STURDEVANT
01-24-94	RES 5-94	RETIREMENT ROAD DEPT - J. NORRIS
06-14-94	RES 6-94	MONTEZUMA COUNTY SUBDIVISION REGULATIONS
08-01-94	RES 7-94	PROPOSED 1% SALES AND USE TAX
08-01-94	RES 8-94	PLANNING FOR HEALTH AND HUMAN SERVICES
08-08-94	RES 9-94	BED AND BREAKFAST LIQUOR PERMIT
08-08-94	RES 10-94	OPTIONAL PREMISES LICENSE - NOT TO
08-22-94	RES 11-94	SOUTHWEST COMMUNITY RESOURCES
12-19-94	RES 12-94	TO APPROPRIATE SUMS OF MONEY
12-19-94	RES 13-94	SUMMARY OF EXPENDITURES & REVENUES
12-19-94	RES 14-94	TO SET MILL LEVIES - CORRECTED 1-3-95)
12-19-94	RES 15-94	AMENDED BUDGET 1994

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 19th day of December, 1994, with the following persons in attendance:

Commissioners: Thomas K. Colbert, Helen McClellan,  
Robert Brubaker

Commissioners Absent:

County Administrator: Thomas J. Weaver

County Attorney: Bob Slough

Clerk and Recorder: Jean DeGraff

the following proceedings, among others, were taken:

Resolution #15-94

WHEREAS, Montezuma County adopted an operating budget for the General Fund and Road and Bridge Fund in December 1993 for the ensuing year, and;

WHEREAS, Montezuma County after adoption of the 1994 budget, received unanticipated revenues or revenues not assured at the time of the adoption of the budget other than the local government's property tax mill levy;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Montezuma County, the governing board, may authorize the expenditure of such funds by enacting a supplemental budget and appropriation as follows:

GENERAL FUND

Commissioners	\$ 841.00
County Clerk	319.00
Assessor	7,145.00
Jail	3,311.00
Sheriff	28,740.00
Health	97,156.00
Misc.	226,539.00
Elections	918.00
ROAD AND BRIDGE	145,587.50

Commissioners voting aye in favor of the Resolution were:

*Helen McClellan, Robert Brubaker and Thomas K. Colbert*

Commissioners voting nay against the Resolution were:

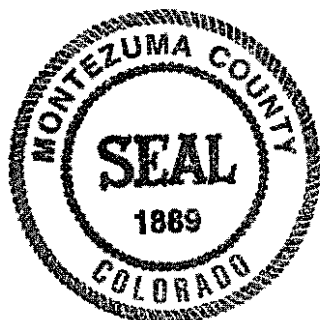
\_\_\_\_\_ and \_\_\_\_\_

*Helda Jenkins, Deputy*  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 19th day of December, 1994.

(Seal)



Nelda Jenkins, Deputy  
County Clerk and Recorder  
Montezuma County, Colorado

GENERAL FUND

02/07/94	Misc.	2800-1720	CDB Grant	\$47,713.00
02/25/94	Misc.	2800-1720	CDB Grant	7,937.00
03/07/94	Misc.	2800-1720	CDB Grant	73,149.00
04/04/94	Misc.	2800-1720	CDB Grant	51,903.00
05/16/94	Misc.	2800-1720	CDB Grant	18,088.00
05/16/94	Health	2300-1120 1160 1220 1322 1420	Immunization Grant	20,000.00
06/13/94	Commissioners	1000-1420	Preston Travel Reimbursement	640.00
06/13/94	Jail	1600-1310	Scott McVay Ins. Reimbursement	627.00
06/13/94	Jail	1600-1220	Gaming Impact	2,684.00
06/13/94	Sheriff	1700-1220	Gaming Impact	6,988.00
06/13/94	Sheriff	1700-1430	Boots Refund Wehrman	67.00
06/13/94	Health	2300-1120 1310 1420	Programs Incoming Money	62,765.00
06/13/94	Misc.	2800-1720	CDB Grant	13,699.00
07/13/94	Commissioners	1000-1429	Preston Travel Reimbursement	201.00
07/13/94	Sheriff	1700-1152 1700-1220	DEA	900.00 900.00
08/23/94	Health	2300-1130 2300-1160 2300-1220 2300-1420 2300-1530	HCBS/PATH/SLIAG	14,391.00
08/24/94	Sheriff	1700-1154 1700-1220 1700-1380	F.S. Contract	17,500.00
09/14/94	Clerk	1100-1220	Refund	319.00
09/19/94	Misc.	2800-1796	EMS Grant	14,050.00
11/14/94	Sheriff	1700-1156	Victim Response Coord.	2,385.00
12/07/94	Election	3800-1220 3800-1322	Election/RE-1	918.00
12/07/94	Assessor	1400-1120 1400-1220 1400-1322	Incoming Money	7,145.00

ROAD AND BRIDGE

05/16/94	1220	Permit Fees	11,300.00
05/16/94	1223	Dust Abatement	7,025.00
06/13/94	1420	Weed	1,521.00
07/13/94	1221	Asphalt	380.00
07/13/94	1220	Permits	4,400.00
07/13/94	1223	Dust Abatement	8,275.00
07/13/94	1231	Emergency Reserve Fund	28,273.00
07/21/94	1310 1410	Landfill Fund	41,500.00
08/03/94	1220	Permits	3,900.00
08/03/94	1223	Dust Abatement	300.00
08/23/94	1220	Permits	1,000.00
08/23/94	1223	Dust Abatement	950.00
09/14/94	1220	Permits	2,600.00
09/14/94	1221	Asphalt	513.00
09/14/94	1223	Dust Abatement	1,215.00
09/14/94	1235	Sign	120.00
09/19/94	1220	Permits	1,400.00
10/18/94	1220	Permits	9,800.00
10/18/94	1223	Dust Abatement	200.00
11/14/94	1220	Permits	3,550.00
11/14/94	1221	Asphalt	98.00
11/14/94	1224	Dolores County/ General	15,743.50
11/14/94	1226	Mosquito Control/ Gas	1,430.00
11/14/94	1235	Signs	34.00
11/14/94	1220	Weed	60.00

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 19th day of December, 1994, with the following persons in attendance:

Commissioners: Thomas K. Colbert, Helen McClellan,  
and Robert Brubaker  
Commissioners absent:  
County Administrator: Thomas J. Weaver  
County Attorney: Bob Slough  
Clerk and Recorder: Jean DeGraff

the following proceedings, among others, were taken:

Resolution #14-94 - TO SET MILL LEVIES

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 1995 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR MONTEZUMA COUNTY, COLORADO, FOR THE 1995 BUDGET.

WHEREAS, the Commissioners of Montezuma County, Colorado, have adopted the annual budget in accordance with the Local Government Budget Law, on the 19th day of December, 1994, and;

WHEREAS, the 1994 valuation assessment for Montezuma County as certified by the County Assessor is \$174,441,050.;

NOW THEREFORE BE IT RESOLVED by the Commissioners of Montezuma County, Colorado:

For the purpose of meeting all general operating expenses of Montezuma County during the 1995 budget year, there is hereby levied a tax of mills as stated below upon each dollar of the total valuation of assessment of all taxable property within the County for the year 1995.

SUMMARY ALL FUNDS BUDGET 1995

County General	11.586
Social Services	2.398
Airport	1.930
Road and Bridge	.222
TOTAL COUNTY MILL LEVY	16.136

Commissioners voting aye in favor of the Resolution were:

*Helen McClellan Robert Brubaker Thomas K. Colbert*

Commissioners voting nay against the Resolution were:

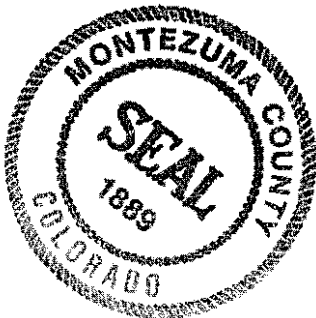
\_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_  
*Nelda Jenkins, Deputy*  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 19th day of December, 1994.

(Seal)

Hilda Jenkins, Deputy  
County Clerk and Recorder  
Montezuma County, Colorado



THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the

Resolution #13-94

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND, AND ADOPTING A BUDGET FOR MONTEZUMA COUNTY, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 1995 AND ENDING ON THE LAST DAY OF DECEMBER, 1995.

WHEREAS, the Commissioners of Montezuma County, Colorado, have appointed Thomas J. Weaver to prepare and submit a proposed budget to said governing body, and;

WHEREAS, Mr. Weaver has submitted a proposed budget to this governing body for its consideration, and;

WHEREAS, due to proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 19, 1994 and interested electors were given the opportunity to file or register any objections to said proposed budget, and;

NOW THEREFORE BE IT RESOLVED by the Commissioners of Montezuma County, Colorado, that;

The revenue, expenditures and fund balance for each fund are as follows:

FUND AND EXPENDITURES

	<u>Revenue</u>	<u>Expenditures</u>
General	4,240,801.	4,270,615.
Social Services	3,012,913.	3,049,009.
Road	1,930,991.	1,862,410.
Airport	39,751.	35,000.
Lodgers Tax	60,000.	60,000.
Revenue Sharing	-0-	11,000.
Conservation Trust	45,000.	45,000.
Landfill	400,000.	358,156.
Contingency Fund	-0-	-0-
Revolving Loan Fund	5,000.	5,000.
TOTAL	9,734,456.	9,696,190.



That the budget as submitted, and amended, hereby is approved and adopted as the budget of Montezuma County, Colorado for the year stated above.

Commissioners voting aye in favor of the Resolution were:

Robert H. Brubaker, Helen M. O'Connell and Thomas K. Collier

Commissioners voting nay against the Resolution were:

\_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_

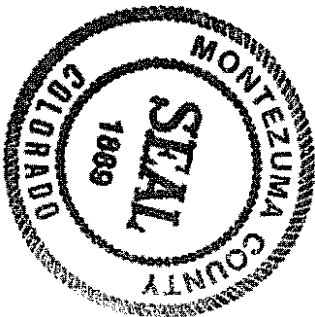
Nelda Jenkins, Deputy  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 19th day of December, 1944.

(Seal)

Nelda Jenkins, Deputy  
County Clerk and Recorder  
Montezuma County, Colorado



THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 19th day of December, 1994, with the following persons in attendance:

Commissioners: Thomas K. Colbert, Helen McClellan,  
and Robert Brubaker  
Commissioners absent:  
County Administrator: Thomas J. Weaver  
County Attorney: Bob Slough  
Clerk and Recorder: Jean DeGraff

the following proceedings, among others, were taken:

Resolution #12-94 - TO APPROPRIATE SUMS OF MONEY

WHEREAS, The Commissioners have adopted the annual budget in accordance with Local Government Budget Law on December 19, 1994, and;

WHEREAS, The Commissioners have made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenue provided in the budget to and for the purposed described below so as not to impair the operations of the County.

NOW THEREFORE BE IT RESOLVED by the Commissioners of Montezuma County, Colorado, that the following sums are hereby appropriated from the revenue of each fund, to each fund, for current operating expenses.

FUND OPERATIONS

General	4,270,615.
Social Services	3,049,009.
Road	1,862,410.
Airport	35,000.
Lodgers Tax	60,000.
Revenue Sharing	11,000.
Conservation Trust	45,000.
Landfill	358,156.
Contingency Fund	-0-
Revolving Loan Fund	5,000.
TOTAL	9,696,190.

Commissioners voting aye in favor of the Resolution were:

Helen K. Chellam, Robert D. Trubek and Thomas K. Collier

Commissioners voting nay against the Resolution were:

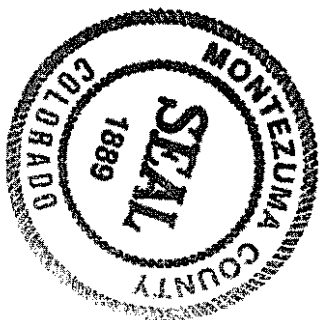
\_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_

Hilda Jenkins, Deputy  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 19~~th~~ day of December, 1994.

(Seal)



Hilda Jenkins, Deputy  
County Clerk and Recorder  
Montezuma County, Colorado

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 22nd day of August, 1994, with the following persons in attendance:

Commissioners: Thomas K. Colbert, Helen McClellan,  
and Robert Brubaker

Commissioners absent:

County Administrator: Thomas J. Weaver

County Attorney: Bob Slough

Clerk and Recorder: Jean DeGraff

the following proceedings, among others, were taken:

Resolution #11-94

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONTEZUMA COUNTY, COLORADO, APPROVING THE SOUTHWEST COMMUNITY RESOURCES REVOLVING LOAN FUND POLICIES TO GOVERN THE OPERATION OF THE 1995 LOW INCOME HOMEOWNER REHABILITATION AND REPLACEMENT PROGRAM.

WHEREAS, Southwest Community Resources has operated a multi-jurisdictional (five county) housing rehabilitation and replacement program for low income homeowners since 1983; and

WHEREAS, the operation of the program is governed by the Southwest Community Resources Revolving Loan Fund Policies; and

WHEREAS, Montezuma County is the lead (applicant) county for the 1995 program; and

WHEREAS, the program is funded by the Colorado Division of Housing with Community Development Block Grant funds in 1995; and

WHEREAS, the funding guidelines require the lead county to approve the Revolving Loan Fund Policies for the period of the contract.

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


1. That Montezuma County hereby approves the Southwest Community Resources Revolving Loan Fund Policies to govern the operation of the 1995 Low Income Homeowner Rehabilitation and Replacement program, attached hereto as Exhibit A.

Commissioners voting aye in favor of the Resolution were:



Commissioners voting nay against the Resolution were:

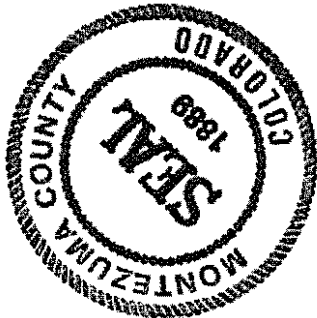
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 22nd day of August, 1944.

(SEAL)



Hilda Jenkins Deputy  
County Clerk and Recorder  
Montezuma County, Colorado

## **SOUTHWEST COMMUNITY RESOURCES**

### **EQUAL OPPORTUNITY LENDER**

SOUTHWEST COMMUNITY RESOURCES IS AN EQUAL OPPORTUNITY LENDER. SCR DOES NOT DISCRIMINATE AGAINST ANY PERSON IN ITS LENDING PRACTICES BECAUSE OF RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

### **REVOLVING LOAN FUND POLICIES AS OF 4/13/94**

#### **SCOPE:**

These policies shall cover loans made from new grants awarded to SCR for Revolving Loan Fund activities and repayments of the portion of each loan made from CDBG/HOME funds.

#### **REVOLVING LOAN COMMITTEES:**

##### **A. Structure & Membership:**

1. The County Revolving Loan Committees function under the Board of Directors of Southwest Community Resources (SCR).
2. The Revolving Loan Committee is composed of three or more voting members.

##### **B. Appointments:**

Members of the Committees are approved by the Board of Directors of SCR. Vacancies on the Committees are filled by appointment by the current Committee members, subject to the approval of the Board of Directors of SCR, as necessary to maintain representation from community residents, financial institutions, and the business community.

##### **C. Responsibility and Authority:**

The Revolving Loan Committees have the authority within these policy guidelines established by the Board of Directors of SCR to decide on all applications for loans from the funds of SCR. The actions of Committees are reported to the SCR Board at their regularly scheduled meetings.

##### **D. Procedures:**

1. The Revolving Loan Committee meets as needed to review and decide upon loan applications in a timely and efficient manner.
2. A quorum at any loan meeting consists of more than one-half of the Committee. A majority vote of the quorum present and voting at any meeting is necessary for the approval of a loan.
3. The Committee will hear appeals on applications which it has denied. Applications denied a second time by the Committee may be appealed to the Board of Directors of SCR.

4. Phone poll or written ballot may be used to conduct loan committee business in situations when it is not possible to schedule a loan meeting. Such situations may include approval of deferrals due to hardship emergencies, requests from mortgagees for change in terms and other such situations, due to time constraints, which needs to be addressed in a short time frame. All business conducted under this type of situation must be reviewed at the next scheduled loan committee meeting.

5. Members of the Committee and staff are encouraged to refer potentially controversial applications to the SCR Board of Directors for purposes of policy clarification, the discussion of possible conflicts of interest, or the resolution of differences.

**E. Conflict of Interest:**

A member of the Revolving Loan Committee cannot deliberate or render a decision on his or her own application, or the application of a member of his/her immediate family. No member of the Committee can realize private business earnings because of his/her position on the Committee.

**REVOLVING LOAN FUND (RLF):**

**A. Purpose:**

1. The RLF is operated to assist residents who cannot afford or qualify for commercial bank loans to rehabilitate and/or improve their homes. Loans are designed to meet the individuals needs and circumstances of loan applicants.
2. SCR staff refer bankable applicants to local lending institutions.

**B. Permissible Uses and Priorities:**

The Revolving Loan Committee may consider and approve loans for a wide variety of rehabilitation, repair and/or replacement measures. Priority is given to:

1. Rehab or replacement of mechanical or structural systems related to health and safety problems.
2. Rehab of kitchens, baths, etc., as related to health and safety problems.
3. Energy conservation improvement.
4. Historic preservation.
5. Cosmetic improvements.
6. Purchase of land or options on lots or development sites and payment of property taxes on owned land and/or lots.
7. Pre-development costs related to site assessment (due diligence) such as soils or water tests.
8. Limited gap financing for low-income first-time home buyers.
9. Emergency loans for repairs, i.e. water supply, sewer/septic problems, including owners of mobile homes, who are eligible under current income guidelines through unsecured promissory notes or liens subject to guidelines and loan or grant limits, as approved by the SCR Board of Directors.

10. Loan guarantees in conjunction with local banks.

C. Types of Loans:

The Revolving Loan Committee may consider and make, but is not limited to, the following types of loans:

1. Deferred payments loans where no payment is due until a specific date, or when the property is sold or changes ownership.
2. Fully amortized loans at varying interest rates.
3. Tandem loans; where two loans are made, one by a commercial lender and/or by a federal or state agency and one by SCR. If a loan is a tandem loan made in conjunction with another agency, that agency's loan application may be used in place of SCR's, i.e. FmHA's 502 loan.

D. Interest Rates and Terms:

1. Interest rates and terms are determined by the Revolving Loan Committee based on the individual applicant's needs and circumstances. Interest rates may vary from zero to the prevailing commercial rate.
2. Interest rates are calculated on a simple interest basis.

E. Loan Processing:

1. Loan applications are submitted to the Revolving Loan Committee on SCR's Loan Application packet (which incorporates some FNMA forms).
2. In accordance with provisions of the Equal Credit Opportunity Act, there shall be no discrimination against the applicant on the basis of age, source of income, sex, race, marital status, national origin, religion or handicap. Information obtained by the staff and used by the Revolving Loan Committee to evaluate a loan application is kept confidential.
3. An Ownership & Encumbrance (O&E) report on the applicant's property is obtained from a local title company to verify ownership and mortgages/liens.
4. Costs incurred for loan processing are included in the loan amount and is a set amount of \$175 per loan under item LOF (Loan Origination Fee).
5. All loans are closed out with a Modified Note & Deed of Trust to reflect the exact cost of the job.

F. Security:

1. All loans must be secured by a Promissory Note. Loans exceeding \$1,000 must also be secured by a Deed of Trust or other security interest document(s).
2. Fire insurance is required on all improvements made with loan funds. If the applicant cannot afford such insurance, the first year's premium may be included as part of the loan.



**G Loan Servicing and Collection:**

1. Loan payments are due on either the 1st or 10th of each month, unless otherwise specified on the note. The first payment on a new loan is due the first month following the final disbursement of loan funds. Loans may be prepaid at any time without penalty.
2. The Revolving Loan Committee may, at its discretion, take the following actions with regard to delinquent loans:

If the needs and circumstances of the borrower have changed in such a manner as to make payments on the loan difficult or impossible, the Committee may renegotiate the loan payment to alleviate financial hardship on the loan recipient, i.e. reduce or defer payment, etc.

If the Committee determines that the reasons for the delinquency are not justifiable, the Committee will authorize SCR's loan officer to initiate collection efforts in accordance with the following schedule:

30 Days - The borrower is sent a late notice. A second late notice is sent after another 30 days has passed.

90 Days - SCR's attorney will send a letter to the borrower(s) stating that SCR will exercise its option to accelerate the loan if payments necessary to bring the loan current are not received by a specified date. If the mortgagee is not able to bring the delinquent loan balance current within the period specified, at the Loan Committee's option, a repayment schedule for the delinquent balance may be approved.

180 Days - In the absence of any effort of behalf of the mortgagee to cure the delinquency SCR's Loan Officer orders a new O&E to ascertain whether or not any new liens have been put on the property. The Revolving Loan Committee will then be consulted to see if they recommend foreclosure proceedings. If they do, their recommendation will be brought to the SCR Board's attention. If the Board's decision is to initiate foreclosure, the matter will be placed in the hands of SCR's attorney. A Deed in Lieu of foreclosure is the preferred option in these cases in order to contain foreclosure costs.

3. All loans contain a Due On Sale clause. In the event that title to the property changes hands, the Revolving Loan Committee may, at its discretion, exercise the Due on Sale clause or renegotiate the loan should the buyer be a qualified low-income applicant in accordance with the purpose of the the Revolving Loan Fund as set forth in this policy.

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the ~~First~~ <sup>Eighth</sup> day of August, 1994, with the following persons in attendance:

Commissioners: Thomas K. Colbert, Helen McClellan, and Robert Brubaker  
Commissioners absent: None  
County Administrator: Thomas J. Weaver  
County Attorney: Bob Slough  
Clerk and Recorder: Nelda Jenkins, Deputy

the following proceedings, among others, were taken:

RESOLUTION # 10-94

WHEREAS, Colorado State Revised Statutes 12-47-135.5 provides for Optional premises license, and

WHEREAS, this CRS 12-47-135.5 states that "No optional premises license shall be issued unless the governing body of the county has adopted by resolution, specific standards for the issuance of optional premises licenses or for optional premises for a hotel and restaurant license. No municipality or county shall be required to adopt such standards or make such licenses available within its jurisdiction."

WHEREAS, the Board of Commissioners of Montezuma County deem it to be in the best interests of Montezuma County to NOT issue any optional premises license,

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners, Montezuma County, acting as the Liquor Licensing Authority for Montezuma County, that there will be no optional premise license issued in Montezuma County.

Commissioners voting aye in favor of the Resolution were:

Robert A. Brubaker, Helen McClellan and Thomas K. Colbert

Commissioners voting nay against the Resolution were: None

Nelda Jenkins  
Deputy County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this <sup>Eighth</sup> ~~First~~ day of August, 1994.

(SEAL)



Nelda Jenkins  
Deputy County Clerk and Recorder  
Montezuma County, Colorado

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the ~~First~~ <sup>Eighth</sup> day of August, 1994, with the following persons in attendance:

Commissioners: Thomas K. Colbert, Helen McClellan, and Robert Brubaker  
Commissioners absent: None  
County Administrator: Thomas J. Weaver  
County Attorney: Bob Slough  
Clerk and Recorder: Nelda Jenkins, Deputy

the following proceedings, among others, were taken:

RESOLUTION # 9-94

WHEREAS, Colorado State Revised Statutes 12-47-103 provides for a Bed and Breakfast liquor permit, and

WHEREAS, this CRS 12-47-103 states that a "Bed and Breakfast means an overnight lodging establishment that provides at least one meal per day at no charge other than a charge for overnight lodging and does not sell alcoholic beverages by the drink."

WHEREAS, 12-47-118.5 CRS states (1) "In lieu of a Hotel and Restaurant License, a person operating a bed and breakfast with not more than twenty sleeping rooms that offers complimentary alcoholic beverages for consumption only on the premises and only by overnight guests may be issued a bed and breakfast permit. A bed and breakfast permittee shall not sell alcoholic beverages by the drink and shall not serve alcoholic beverages for more than four hours in any one day."

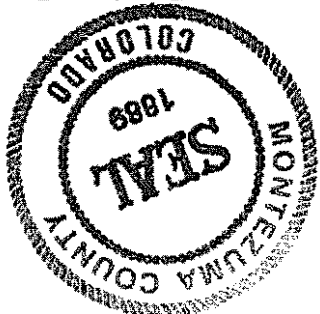
WHEREAS, 12-47-118.5(3) CRS further states "a local licensing authority may, at its option, determine that bed and breakfast permits are not available within its jurisdiction."

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners, Montezuma County, acting as the Liquor Licensing Authority for Montezuma County, WILL issue Bed and Breakfast permits if all requirements are met and will collect a \$25.00 application fee for the County above the \$25.00 fee for the County permit fee and \$25.00 for the State permit fee as set by State law *for a total of \$75.00.*

Commissioners voting aye in favor of the Resolution were:

*Robert A. Brubaker Helen McClellan and Thomas K. Colbert*

Commissioners voting nay against the Resolution were: None

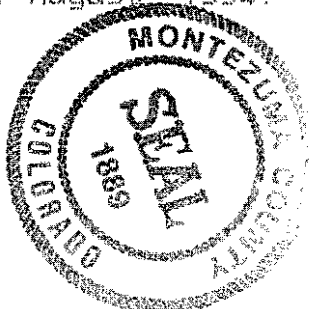


*Nelda Jenkins*  
Deputy County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this <sup>Eighth</sup> ~~First~~ day of August, 1994.

(SEAL)



*Nelda Jenkins*  
Deputy County Clerk and Recorder  
Montezuma County, Colorado

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 1st day of August, 1994, with the following persons in attendance:

Commissioners:	Thomas K. Colbert, Helen McClellan, and Robert Brubaker
Commissioners absent:	
County Administrator:	Thomas J. Weaver
County Attorney:	Bob Slough
Clerk and Recorder:	Jean DeGraff

the following proceedings, among others, were taken:

Resolution # 8-94

WHEREAS, House Bill 94-1005 was signed into law and,

WHEREAS, House Bill 94-1005 charges the Montezuma County Commissioners with determining the local geographic assessment and planning for Health and Human Services and,

WHEREAS, House Bill 94-1005 requires the designation to be completed before August 1, 1994.

NOW THEREFORE, be it resolved that the Montezuma County Commissioners designate Archuleta County, Dolores County, La Plata County, Montezuma County, and San Juan County as the designated assessment and planning areas.

Commissioners voting aye in favor of the Resolution were:

*Robert Brubaker, Thomas K. Colbert and Helen McClellan*

Commissioners voting nay against the Resolution were:

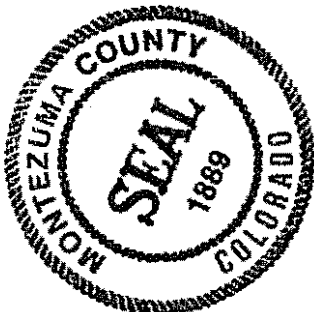
\_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_

*Helda Jenkins, Deputy*  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 1st day of August, 1994.

*Helda Jenkins, Deputy*  
County Clerk and Recorder  
Montezuma County, Colorado



RESOLUTION 94-9

A RESOLUTION DESIGNATING HEALTH AND HUMAN SERVICES PLANNING AREAS

WHEREAS, State of Colorado House Bill 94-1005 was signed into law; and

WHEREAS, House Bill 94-1005 charges the Board of Commissioners of San Juan County with determining the local geographic assessment and planning areas for Health and Human Services; and

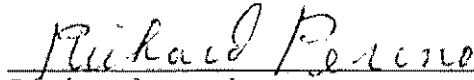
WHEREAS, House Bill 94-1005 requires the determination and designation of such area to be completed before August 1, 1994.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, that Archuleta County, Dolores County, La Plata County, Montezuma County, and San Juan County be designated as the assessment and planning areas for Health and Human Services.

APPROVED and ADOPTED this 25th day of July, A.D. 1994

  
Ernest Kuhlman, Chairman

Attest:

  
Richard Perino

  
Dorothy Zanoni  
Clerk and Recorder

  
Terry Rhodes

RESOLUTION NO. 7-94

Shall Montezuma County Taxes Be Increased For County Road And Bridge Construction And Maintenance Purposes And General County Purposes By The Proposed One (1%) Percent Sales And Use Tax Which Is Estimated To Generate The First Full Fiscal Year Increase Of \$1,400,000 And Annually Thereafter, More Or Less, To Be Allocated And Expended One-Half (1/2) For County Road And Bridge Construction And Maintenance Purposes And One-Half (1/2) For General County Purposes, And The Revenue And Spending Limits Of Art. 10, §20, Colorado Constitution, Shall Not Apply To Said Tax And Proceeds Therefrom.

WHEREAS, actual revenue to Montezuma County in 1990 was \$9,001,236 and spending was \$8,718,529, in 1991 revenue was \$9,873,494 and spending was \$8,964,541, in 1992 revenue was \$9,931,390 and spending was \$9,995,472, in 1993 revenue was \$9,989,228 and spending was \$9,757,305, and the estimated revenue for 1994 is \$10,139,424 and spending is \$10,779,574. The overall percentage and dollar change in spending is 23.6% or \$2,061,045.

AND WHEREAS, it is further estimated that without the revenue proposed by this Resolution that fiscal year 1995 revenue and spending will be approximately \$9,800,824. The spending percentage and dollar change from 1994 to 1995 would be a reduction of 9% or \$978,750.

AND WHEREAS, because of said reduction in revenue, services provided by Montezuma County must be reduced in 1995 and subsequent years unless the voters approve additional revenue;

AND WHEREAS, Montezuma County is authorized to levy a county sales tax and use tax in accordance with 29-2-101, C.R.S., et seq.;

AND WHEREAS, no proposal for a county sales tax and use tax shall become effective until approved by a majority of the registered electors of the county voting on such proposal pursuant to section 29-2-104, C.R.S.;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County that the following proposal for a countywide sales tax and use tax is hereby referred to the registered electors of Montezuma County:

1. The amount of tax shall be one (1%) percent and all revenue received by Montezuma County from said tax shall be allocated and expended as follows:

(a) one-half (1/2) for County road and bridge construction and maintenance purposes; and

(b) one-half (1/2) for general county purposes.

2. Description of the sales tax

(a) Approval by the registered electors shall impose a sales tax in the amount of one (1%) percent on the sale of tangible personal property at retail or the furnishing of services, as provided in paragraph (d) of this subsection, in Montezuma County.

(b) For the purpose of this sales tax proposal, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of Montezuma County or to a common carrier for delivery to a destination outside the limits of Montezuma County. The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by article 26 of title 39, C.R.S., regardless of the place to which delivery is made. If a retailer has no permanent place of business in Montezuma County, or has more than one place of business, the place at which the retail sales are consummated for the purpose of a sales tax imposed hereby shall be determined by the provisions of article 26 of title 39, C.R.S., and by rules and regulations promulgated by the department of revenue.

(c) The amount subject to tax shall not include the amount of any sales or use tax imposed by article 26 of title 39, C.R.S.

(d) The tangible personal property and services taxable pursuant hereto shall be the same as the tangible personal property and services taxable pursuant to section 39-26-104, C.R.S., and subject to the same exemptions as those specified in section 39-26-114, C.R.S. Sales of food, as defined in section 39-26-102(4.5), C.R.S., shall be exempt. Purchases of machinery or machine tools as provided in section 39-26-114(11), C.R.S., shall be exempt. And the sales and purchases of those items in section 39-26-114(1)(a)(XXI), C.R.S., shall be exempt.

(e) All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from said sales tax when such sales meet both the following conditions:

(I) The purchaser is a nonresident of or has his principal place of business outside of Montezuma County; and

(II) Such personal property is registered or required to be registered outside the limits of Montezuma County under the laws of this state.

(f) The seven percent limitation provided in section 29-2-108, C.R.S., will be exceeded by one-half percent in the City of Cortez, and by one-half percent in the Town of Dolores, and by zero percent in the Town of Mancos.



3. Description of the use tax

Approval by the registered electors shall impose a use tax in the amount of one (1%) percent on the storing, using or consuming in Montezuma County any motor and other vehicles purchased at retail outside Montezuma County on which registration is required.

(a) Said use tax shall not apply to the storage, use, or consumption of any tangible personal property the sale of which is subject to a retail sales tax imposed by Montezuma County;

(b) Said use tax shall not apply to the storage, use, or consumption of any tangible personal property purchased for resale in Montezuma County, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of business;

(c) Said use tax shall not apply to the storage, use, or consumption of tangible personal property brought into Montezuma County by a nonresident thereof for his own storage, use, or consumption while temporarily within Montezuma County; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this state by a nonresident to be used in the conduct of a business in this state;

(d) Said use tax shall not apply to the storage, use, or consumption of tangible personal property by the United States government, or the state of Colorado, or its institutions, or its political subdivisions in their governmental capacities only or by religious or charitable corporations in the conduct of their regular religious or charitable functions;

(e) Said use tax shall not apply to the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof;

(f) Said use tax shall not apply to the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a legally imposed sales or use tax of another county equal to or in excess of that imposed hereby. A credit shall be granted against the use tax imposed hereby with respect to a person's storage, use, or consumption in the subsequent county of tangible personal property purchased by him in a previous county. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of the previous county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed hereby.

(g) Said use tax shall not apply to the storage, use, or consumption of tangible personal property and household effects acquired outside Montezuma County and brought into it by a nonresident acquiring residency;

(h) Said use tax shall not apply to the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of Montezuma County and he purchased the vehicle outside of Montezuma

County for use outside the county and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed said motor vehicle outside Montezuma County;

(i) Said use tax shall not apply to the storage, use, or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax;

(j) Said use tax shall not apply to the storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to the effective date of such use tax.

4. That the revenue and spending limits of Art. 10, §20, Colorado Constitution, shall not apply to said sales and use tax and proceeds therefrom.

5. This proposal shall be submitted at the next regular general election to be held on November 8, 1994, under the following ballot title:

SHALL MONTEZUMA COUNTY TAXES BE INCREASED FOR COUNTY ROAD AND BRIDGE CONSTRUCTION AND MAINTENANCE PURPOSES AND GENERAL COUNTY PURPOSES BY THE PROPOSED ONE (1%) PERCENT SALES AND USE TAX WHICH IS ESTIMATED TO GENERATE THE FIRST FULL FISCAL YEAR INCREASE OF \$1,400,000 AND ANNUALLY THEREAFTER, MORE OR LESS, TO BE ALLOCATED AND EXPENDED ONE-HALF (1/2) FOR COUNTY ROAD AND BRIDGE CONSTRUCTION AND MAINTENANCE PURPOSES AND ONE-HALF (1/2) FOR GENERAL COUNTY PURPOSES, AND THE REVENUE AND SPENDING LIMITS OF ART. 10, §20, COLORADO CONSTITUTION, SHALL NOT APPLY TO SAID TAX AND PROCEEDS THEREFROM.

YES \_\_\_\_\_

NO \_\_\_\_\_

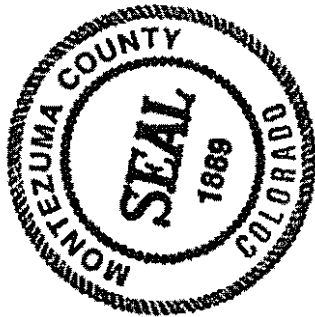
A voter desiring to vote for this proposal shall make a cross mark (X) in the blank space to the right and opposite the word "yes"; a voter desiring to vote against this proposal shall make a cross mark (X) in the blank space to the right and opposite the word "no".

6. Upon approval by a majority of the registered electors voting thereon at said election, this proposal for a sales tax and use tax shall be effective throughout the incorporated and unincorporated portions of Montezuma County on January 1, 1995.

7. The Montezuma County Clerk and Recorder shall publish the text of this proposal as provided in 29-2-104(5), C.R.S., and the Montezuma County Clerk and Recorder shall be the "designated election official" responsible for the running of said election.

This Resolution is adopted this 1 day of AUGUST, 1994, at 3:58 o'clock P.m.

BOARD OF COUNTY COMMISSIONERS  
OF MONTEZUMA COUNTY, COLORADO



Thomas K. Colbert

Robert D. Brubaker

Helen M. Clellan

Commissioners voting aye in favor of this Resolution were:

Thomas K. Colbert, Robert D. Brubaker and  
Helen M. Clellan.

Commissioners voting no against this Resolution were:

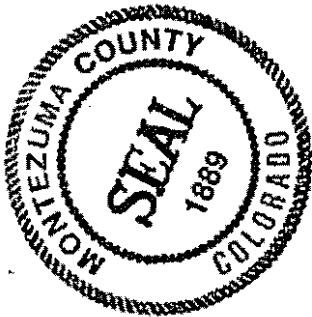
\_\_\_\_\_, \_\_\_\_\_ and  
\_\_\_\_\_.

Helda Jenkins Deputy  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 1st day of August, 1994.

Helda Jenkins, Deputy  
County Clerk and Recorder  
Montezuma County, Colorado



RECORDED AT 10:00 O'CLOCK A M JUN 21 1994  
RECEIVED NO 440879 DEAN C. GRAFT, RECORDER MONTUZUMA CO. COLO. CA

BOOK 0692 PAGE 697

MONTUZUMA COUNTY SUBDIVISION RESOLUTION ~~6~~-94

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**RESOLUTION NO. 7-94****A RESOLUTION PROVIDING FOR SUBDIVISION OF LAND IN MONTEZUMA COUNTY AND MOBILE HOME PARK REGULATIONS.**

**WHEREAS**, the Board of County Commissioners of Montezuma County, State of Colorado, finds that subdivision of land affects the public health, safety and welfare and this Resolution is necessary to protect same;

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Montezuma County that:

**SHORT TITLE AND STATEMENT OF PURPOSE**

**SHORT TITLE.** This Resolution may be cited as the "Montezuma County Subdivision Resolution and Mobile Home Park Regulations."

**PURPOSE AND INTENT.** In adopting this Resolution the Montezuma County Board of Commissioners exercises the power and authority granted in the "Local Government Subdivision Control Enabling Act of 1974" (CRS 29-20-101, et seq.), The "Planned Unit Development Act of 1972" (CRS 24-67-101, et seq.), "Senate Bill 35" (CRS 30-28-101, et seq.), And the "Colorado Subdivision Act of 1974" (CRS 1973 24-65-101, et seq.), CRS 24-68-101, et seq., and other relevant statutes to plan for and regulate the use of land:

1. To guide the orderly subdivision and development of land in the unincorporated areas of Montezuma County.
2. To attempt to assure the provision of adequate services and facilities to subdivisions within Montezuma County while avoiding undue costs to the taxpayer.
3. To protect and promote the attractiveness of Montezuma County as a place to live, do business, visit and retire.
4. To protect and promote the public health, safety and welfare.

**ARTICLE 1****PART 1****DEVELOPMENT POLICIES, GUIDELINES AND REGULATIONS**

**Section 1-100. INTRODUCTION.** This article contains the standards by which subdivision proposals will be reviewed and approved. The following policies, design guidelines and regulations will be used by the developer, the County, and the Public in reviewing, evaluating and constructing or otherwise undertaking subdivision in non-incorporated areas under the jurisdiction of Montezuma County.

**SUBDIVISION POLICIES**

**Section 1-101. SUBDIVISION POLICIES.** The following shall be the subdivision policies of Montezuma County:

1. To guide subdivision of agricultural land to attempt to protect irrigation and drainage patterns; and provide for ditch easements, stock drives, fencing, control of noxious weed infestations and animal control so commercial farming and ranching operations are not disrupted.
2. To minimize subdivisions that result in unacceptable or unsafe traffic, noise, or dust levels on county roads.
3. To minimize conflicts from land subdivisions that will result in significant adverse impacts on adjoining land.
4. To guide development so as to avoid undue costs to the taxpayers of Montezuma County.
5. To minimize unsightly development.
6. To consult with municipalities regarding any division of land within two miles of their boundaries.
7. To avoid development in areas that are unsafe or unsuitable due to natural hazards such as flooding, wildfire, unstable slopes; or due to the infeasibility of providing basic services such as adequate road access, electricity, potable water, sanitation, telephone and fire protection.

**PART 2****DESIGN GUIDELINES**

**Section 1-201. GENERAL DESIGN GUIDELINES.** Approval of any Subdivision, will require covenants which at a minimum contain the following Design Guidelines

**1. *Setback from Roads.*** The following set-backs from roads in Montezuma County are required:

**a.** New fences are to be set back a minimum of 30 feet from the centerline of County roads.

**b.** Setbacks for dwellings are to be minimum of 120 feet from County Road right-of-ways, and a minimum of 25 feet from the right-of-way of service roads or streets within a platted subdivision where physically possible.

**c.** Setbacks for barns, garages, and other auxiliary structures should be a minimum of 25 feet from County road right-of-ways and property lines not adjacent to roads and highways where physically possible.

**2. *Lighting.*** All outdoor lighting should be designed to illuminate only the premises and to minimize nuisance to adjoining land owners.

**3. *Drainage.*** All open areas of any site, lot, tract or parcel should be graded and planted as appropriate to provide proper drainage and minimize flooding, erosion and pollution.

**4. *Views and Sunlight.*** Buildings and structures constructed in a subdivision shall be placed, so as to minimize undue obstruction of views and sunlight to existing dwellings on adjacent properties.

**5. *Noxious Weed Control.*** Any subdivision will require inspection for noxious weed infestation under provisions of the Colorado Weed Management Act, the Montezuma County Comprehensive Weed Management Plan Resolution 4-93 and development and submittal of an approved weed management plan.

**6.** Any public facilities shall comply with the Federal Americans with Disabilities Act.

**Section 1-202. DESIGN GUIDELINES FOR DEVELOPMENT AFFECTING AGRICULTURAL LAND.**

1. When land is subdivided, dogs and other pets will not be permitted to interfere with livestock or the care of livestock on adjoining agricultural lands. Suitable covenants or deed restrictions will be provided therefor.
2. When land is subdivided noxious weeds, prairie dogs and other such nuisances to agricultural productivity will be controlled by suitable and enforceable covenants and deed restrictions.
3. Fences shall be constructed which separate the development from adjoining agricultural lands, stock drives or public roads used as stock drives. Existing fences along stock drives or roads used as stock drives shall not be removed or, if removed, shall be replaced by a minimum four barbed wire fence with substantial posts set at a distance of approximately 12' apart, and sufficient to turn ordinary horses and cattle, with all gates equally as good as the fence, or any other fence of like efficiency. Such newly constructed fences and existing fences serving the same purpose shall be maintained and any breaks in such fence shall be at a properly maintained gate or cattle guard. A method of notification of the lot owner's duty to maintain such fences shall be provided on subdivision plats and in suitable covenants.
4. Where irrigation ditches and/or pipelines cross or adjoin the land proposed to be developed, adequate provisions shall be made to insure that the use of such irrigation ditches and/or pipelines, including the maintenance thereof, can continue uninterrupted. Ditch rights of way shall not be interfered with and an adequate maintenance easement including gates at fences crossing ditch easements shall be provided.
5. Existing historical easements utilized to gain access to irrigation ditches and/or pipelines, headgates and fences for maintenance or operational purposes shall be preserved or replaced with alternate easements suitable for a continuation of historic use.
6. Noxious Weed Control. Any subdivision of land will require inspection for noxious weed infestation under provisions of the Colorado Weed Management Act, the Montezuma County Comprehensive Weed Management Plan Resolution 4-93 and development and submittal of an approved weed management plan.

**Section 1-203. DESIGN GUIDELINES FOR DEVELOPMENT ALONG HIGHWAYS.**

In addition to other applicable design guidelines unattractive development or storage along highways or major arterial roads which causes visual distractions, visual pollution, and detracts from the beauty of the landscape will be prohibited or screened by appropriate fencing or vegetation.

**Section 1-204. DESIGN GUIDELINES FOR COMMERCIAL DEVELOPMENT.**

1. Business and commercial developments, shall be designed and constructed for safe and convenient pedestrian circulation within the development; and, where possible, easy pedestrian access to the development.
2. Commercial developments located on major arterial thoroughfares shall also comply with the **DESIGN GUIDELINES FOR DEVELOPMENT ALONG HIGHWAYS.**
3. The minimum yard space between commercial buildings and adjacent lot or property lines shall be:
  - a. Adjoining all other non residential uses: twenty-five (25) feet unless adjoining uses enter into agreements permitting the construction of adjoining buildings to the common lot line.
  - b. Adjoining residential areas: one hundred (100 ) feet.
4. Business and commercial development shall provide for off-street parking facilities sufficient to minimize traffic congestion and provide safe vehicular access and circulation, subject to the following guidelines:
  - a. Parking, access and circulation areas shall be designed and constructed to provide adequate space for the removal, piling and storage of snow.
  - b. All parking facilities should be designed with a dust-free all-weather surface and shall be graded and drained to dispose of all surface water.
  - c. Parking facilities will be adequate to the proposed use and the anticipated demand for parking spaces.
5. Business and commercial development, storage and parking areas that negatively impact the privacy and views of adjacent residential properties should be screened by appropriate fencing or vegetation.

**Section 1-205. DESIGN GUIDELINES FOR RESIDENTIAL DEVELOPMENT.**

1. The minimum lot size for residential development must be three (3) acres. The length of residential lots should not exceed 2.5 times their width.
2. Residential development will require the following:
  - a. Approval of septic system location and type.
  - b. Approval of the driveway access design and location.
  - c. Assignment of a County address.
  - d. Compliance with **GENERAL DESIGN GUIDELINES**.
  - e. Compliance, as appropriate, with **DESIGN GUIDELINES FOR DEVELOPMENT WHICH AFFECTS AGRICULTURAL LAND**.
3. Siting of residential structures, including accessory structures, so as to minimize the obstruction of views, sunlight, and privacy for adjacent property owners is strongly encouraged. At a minimum, residential and accessory structures should be set back no less than 25 feet from property lines where physically possible.
4. Siting of residential structures at an adequate distance from roads to significantly reduce current and future traffic noise, dust and hazards is strongly encouraged. At a minimum, residential fences and structures should comply with setback requirements specified in **GENERAL DESIGN GUIDELINES**. (120' from road right-of-way where physically possible.)
5. All factory built and/or mobile homes must be in compliance with the UBC and HUD codes.
6. Residential development resulting in the creation of two or more parcels of less than 35 acres will be subject to these regulations.

**Section 1-206. DESIGN GUIDELINES FOR FLOOD PLAINS.**

1. Flood Plain Resolution 9-91 and any amendment thereto is incorporated herein and made a part hereof.

## PART 3

## ROAD STANDARDS FOR TRAFFIC LEVELS.

**1-301. ROAD STANDARDS.** Any subdivision which will cause traffic levels on roads providing access to the development to increase beyond the design capacity of the road may require the developer to bring impacted roads up to an acceptable standard. The following guidelines will apply:

**a. Minimum Widths for Design Speeds.**

<b>Design Speed:</b>	20 MPH	30 MPH	40 MPH
<b>Traveled Way:</b>	24 feet	26 feet	28 feet

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**b. Design Standards by Traffic Volume.**

<b><u>Average Daily Traffic:</u></b>	<50	50-150	151-250	251-500
<b><u>Residential Units:</u> <u>(3.4 ADT per unit)</u></b>	<15	15-44	45-74	75-150
<b><u>Surface Type:</u></b>	Gravel	Gravel w/ dust abate or bitumen near residence	Bituminous	Bituminous
<b><u>Traveled Way:</u></b>	24 ft.	26 ft	28 ft.	28 ft.
<b><u>Subgrade Width:</u></b>	28 ft.	30 ft.	32 ft.	32 ft.
<b><u>Structure Loading:</u> <u>bridges, cattle guards,</u> <u>culverts</u></b>	H-20	H-20H-20	H-20	H-20/HS-16
<b><u>Structure Clear Width:</u></b>	24 ft	26 ft.	28 ft.	28 ft.
<b><u>Vertical Clearance:</u></b>	14'6"	14'6"	14'6"	14'6"



## PART 4

### REGULATIONS

**Section 1-401. SUBDIVISION REGULATIONS.** Any tract of less than 35 acres created by a division of land shall be platted with protective covenants. Such tracts shall also be subject to the design guidelines, standards, regulations and review procedures contained in this resolution.

**1. *Preservation of Site Assets.*** The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil and trees.

**2. *Avoidance and Mitigation of Hazardous Conditions.*** Land subject to hazardous conditions such as flooding, wildfire, open quarries, earth slides, rock falls, or other geologic conditions causing a hazard, and polluted or non-potable water supply shall not be subdivided until the hazards have been eliminated or will be eliminated or satisfactorily modified by subdivision and construction plans. Control of wildfire may be by creating firebreaks, restricting developments in relation to slope and fire chimneys, vegetation thinning or such other fuel modification as may be recommended by the Colorado State Forest Service.

**3. *Lots.*** The minimum lot size for residential development must be three (3) acres. The length of residential lots should not exceed 2.5 times their width.

**a.** Each lot shall abut a roadway or street meeting county construction standards.

**b.** Lots with double frontage shall be avoided, except where essential to provide separation from major arterials or incompatible subdivisions.

#### **4. *Street Requirements***

**a.** The street or roadway layout shall conform to the road and bridge standards and specifications of this county. Streets shall be aligned to join with planned or existing streets as nearly as practical.

**b.** Streets shall be designed to bear a logical relationship to the topography, and shall provide for the non-erosive deposition of run-off waters.

**c.** Local streets shall be laid out to discourage through traffic.

**d.** Intersections of local streets with major streets shall be kept at a minimum.

**e.** Intersections shall be as nearly at right angles as possible with no intersection designed at an angle of less than 60 degrees.

**f.** Cul-de-sac streets shall only be permitted when subdivision design cannot accommodate a through street and still utilize to a reasonable degree the available land area. The drainage shall be toward the intersecting street or a drainage shall be required.

**g.** Dead end streets, with the exception of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land, in which case a temporary turnaround easement may be permitted if written agreement is obtained from the adjoining landowner.

**h.** Minimum right-of-way widths for streets shall be 60'.

**i.** Roadbed construction shall meet the Road and Bridge Standards and Specifications required by the County. Inspection of the roadway construction shall be made by the County Engineer in three phases: Phase 1 - road grade and structures. Phase 2 - Base material and application. Phase 3 - finish roadway. No work shall begin on the next phase until the previous phase has been completed and approved.

**j.** Street Names, Signage, and House Numbering. The County shall assign street and road numbering in accordance with the county system. The subdivider will furnish such signs in compliance with the county numbering system and the material and type shall be approved by the county. House numbering shall also be assigned by the county in compliance with the county system. It shall be the responsibility of the owner to furnish such numbering devices as approved by the county as to be plainly visible from the road or street. Traffic control signs shall be provided and installed by the subdivider as prescribed by the County.

**5. Blocks** shall be not less than three hundred (300) feet or more than one thousand (1000) feet. The total design shall provide for convenient access and circulation of emergency vehicles.

**6. Driveways.** Each subdivision lot shall have a driveway access. Said driveway shall not have a grade exceeding 12%. Entrance driveways into public roads and streets shall intersect at as near 90 degrees as possible.

**7. Utility Easements** shall follow rear and side lot lines wherever practical and shall have a minimum total width of thirty (30) feet apportioned equally in abutting properties. They shall be designed so as to provide efficient installation of utilities. Special guying easements shall be so located as to permit multiple installations within the easements.

**8. Sidewalks** shall be a minimum of four (4') feet width and four (4") inches thickness on an approved base.

## **9. Sanitary Sewage Disposal**

- a.** All lots or parcels which are not to be connected to a public or community sanitary sewage system shall be provided with an on-lot sewage disposal system prior to the occupancy of, or use of, buildings constructed thereon.
- b.** Percolation tests shall be required to adequately determine the type and standards of on-lot disposal systems. These tests must be supervised and certified by a registered professional engineer or by a qualified sanitarian.
- c.** The results of percolation tests will be reviewed by the County Planning Department and the County Sanitarian to determine disposal system requirements in conformance with State and County standards.
- d.** Once on-lot disposal system standards are determined, the subdivider shall either install such facilities or require by deed restrictions, or otherwise, as a condition of the sale of each lot or parcel with such subdivision that the on-lot sewage disposal facilities be installed by the purchaser of said lot at the time that the principal building is constructed.
- e.** In the event that a public or community waste disposal system is proposed or required, State Health Department standards and procedures will apply.
- f.** Where construction or expansion of public sanitary sewers may serve the subdivision area within a reasonable time, the County may require the installation and capping of sanitary sewer mains and house connections in addition to the installation of temporary individual on-lot sanitary disposal system.

## **10. Water Supply**

- a.** An adequate supply of potable water shall be available to each lot in the proposed subdivision. Design and installation of all systems shall be the responsibility of the subdivider with the exception of individual wells or cisterns proposed on each lot. The water system design shall be reviewed by the County Engineer. Well permits shall be obtained from the State Water Engineer, and permits for on site water treatment facilities shall be obtained from the State Health Department.
- b.** A review of the water supply for fire control shall be made by the appropriate fire department, and the County. The review shall determine the most feasible fire control water source. The developer shall provide for such source supplies and it shall be the responsibility of the subdivider or a Subdivision Land Owners Association to maintain such source and supply in an acceptable manner.

## **1. Drainage Systems**

**a.** Drainage systems shall be designed to permit the unimpeded flow of natural courses; to insure adequate drainage of all low points; and to control, as nearly as possible, storm waters generated from a one hundred year storm.

**b.** Drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the state of Colorado and qualified to perform such work.

**c.** The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and "upstream" from the subdivision itself. Potentially negative impacts on "downstream" properties and improvements, both public and private, shall be mitigated to a reasonable degree.

**d.** All existing drainage features which are to be incorporated in the design shall be so identified, and all appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations shall be included in the drainage plans.

**e.** If the Final Plat for the parcel is to be presented in phases, a general drainage plan for the entire area shall be presented with the first section and appropriate development stages for the drainage system for each stage shall be indicated.

**12. Livestock Fencing.** Whenever a livestock fence is removed or altered between subdivision and a County Road, State Highway, Federal lands, a stock drive, or a working livestock unit, the fence shall be replaced by adequate fencing and gates to contain the type of animal to be controlled and a minimum three wire stock fence along county roads. (See 1-202-3)

**13.** Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for the disposition of the remainder of the parcel.

### **Section 1-402. MOBILE HOME PARK REGULATIONS.**

1. A Mobile Home Park shall not be developed and operated on a site of less than three acres.
2. All factory built and/or mobile homes must be in compliance with applicable Colorado laws.
3. Mobile Home Parks shall be developed at densities reasonably comparable to adjacent residential uses or have adequate landscape buffering, fencing or open space to avoid adverse influence on adjacent uses. Likewise, mobile home parks should be sited so that adverse influences from adjacent subdivisions such as noxious industrial uses, heavily traveled highways, airport runways, and other intolerable noise and safety problems are avoided or mitigated.
4. Mobile home parks or subdivision shall comply with **GENERAL DESIGN GUIDELINES** in regard to setbacks, lighting, and road standards for traffic levels generated.
5. Mobile home parks or subdivisions located along highways and major arterials will be subject to **DESIGN GUIDELINES FOR DEVELOPMENT ALONG HIGHWAYS.**
6. Mobile home parks or subdivisions adjoining or affecting agricultural lands will be subject to **DESIGN GUIDELINES FOR DEVELOPMENT AFFECTING AGRICULTURAL LANDS.**
7. Mobile home parks or subdivisions shall conform with the following provisions from **SUBDIVISIONS REGULATIONS:** Avoidance and Mitigation of Hazardous Conditions, Drainage Systems and Livestock Fencing.
8. No part of any mobile home park or subdivision shall be used for non-residential purposes, except such uses as are required for the direct servicing and well being of the park residents.
9. **Minimum Lot Area:** Each standard mobile home lot shall have a minimum area of 3,500 square feet. In no case shall the lot be less than 2.5 times the area of said lot covered by the mobile home thereon.
10. **Site Setbacks:** Setbacks between the perimeter of the Mobile Home Park and any mobile home shall not be less than the following:
  - a. Adjacent to dedicated streets, roads or highways - See **GENERAL DESIGN GUIDELINES**, Setback from Roads.
  - b. Adjacent to any side or rear park perimeter - fifteen (15) feet.
  - c. Adjacent to park roadways or walkways - ten (10) feet.

d. Adjacent to on site driveways - five (5) feet.

**11. Distance between Mobile Homes:** A minimum distance of thirty (30) feet shall be maintained between mobile home and accessory structures and those on adjacent lots.

**12. Recreation Facilities:** A recreational area or areas designed for joint usage of all mobile home inhabitants shall be provided at a ratio of not less than three hundred (300) square feet of area for each lot provided in the Mobile Home Park. The recreational area(s) shall be sited in safe and convenient location(s) within the Park or Subdivision.

**13. Fencing.** Approved fencing may be required in lieu of or in addition to vegetation to screen mobile home parks from the view of highway corridors or adjacent properties. Fencing may also be required to provide for the health and safety of park applicants and the general public.

**14. Access and Service Roads.** The Mobile Home Park shall have direct access to public roadway or highways. No dead end access roads shall be permitted in a Mobile Home Park. Each Mobile Home Park lot shall have direct access to a park service road. All access or service roads shall conform to county road standards.

**15. Utilities.** Provisions shall be made to provide at each lot electric service, central potable water service and central sewage disposal. The main water service line shall be looped to prevent service interruption, and keep it to a minimum during breaks and repairs.

**16. Lighting.** All service roads and recreation areas shall be illuminated at night.

**17. Lot Numbering.** Each lot in a Mobile Home Park shall have displayed the lot number in a fashion to make it readily visible by day or night.

**18.** Each mobile home park shall comply with the Federal Americans with Disabilities Act.

**Section 1-403. RV/CAMPER PARK REGULATIONS.** RV/Camper Park lots, or such lots in a mobile home park may be a minimum of 1,000 square feet with a maximum density of 25 units per gross acre. With the exception of lot size, RV/Camper Parks and lots shall meet the standards outlined in Section 2-303 including:

**1. Sanitary Facilities Dependent Mobile Homes.** In every Mobile Home Park accommodating dependent Mobile Homes, sanitary facilities shall be provided as follows:

a. **Toilets.** One toilet for each sex for every fifteen (15) dependent mobile home lots or fractional part thereof.

**b. Urinals.** Urinals may be substituted for up to one-third (1/3) of the required number of toilets.

**c. Lavatories.** One lavatory for each sex for every fifteen (15) dependent mobile home lots or fractional part thereof. Laundry tubs, kitchen sinks, and bath tubs shall not be acceptable substitutes for lavatories.

**d. Bathing or shower facilities.** One for each sex for each fifteen (15) dependent mobile home lots or fractional part thereof.

**e.** Water hydrants shall be provided to wash service buildings, walkways, passageways and other common use areas.

**f.** Drinking fountains, when provided, shall not be located in service rooms or connected to water faucets or lavatories. Drinking fountains shall be the approved angle-jet above the bowl rim type with adequate water pressure.

**2. Service Buildings.** Service buildings accommodating dependent mobile homes shall conform to the following standards.

**a.** Service buildings and rooms housing required sanitary facilities in parks accommodating dependent mobile homes, shall be constructed of easily clean able, non-absorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) feet from any mobile home and within three hundred (300) feet of any dependent mobile home served.

**b.** Separate rooms containing required plumbing fixtures shall be provided for each sex. If located in the same building, they shall be separated by a solid wall extending from floor to ceiling and shall be clearly marked for "Men" and "Women".

**c.** The floors of service buildings shall have a smooth, impermeable and easily clean able surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove waste water and to facilitate cleaning. The walls and partitions shall have a smooth, nonabsorbent, light colored, easily clean able surface extending to a height of four feet in toilet rooms and six feet in shower rooms.

**d.** Rooms in service buildings shall have a ceiling height of not less than seven and one-half (7 1/2) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least 50 percent of the rooms and no portion of any room having a ceiling height of less than five feet shall be considered as contributing to the minimum required areas.

**e.** Service rooms shall be provided with light and ventilation by means of windows or by artificial light and mechanical ventilation. The window area in each service room shall be equivalent to at least 10 percent of the floor area with at least one half of the required window area openable to the outside air. Windows shall be installed so they do not create safety hazards. In lieu of the required window area in each service room, an approved mechanical ventilation system may be installed which will provide at least five (5) air changes per hour, be vented directly to the outside, and be connected to the electrical lighting system.

**f.** When necessary for exclusion of flies, mosquitoes and other insects, exterior openings of service buildings shall be protected with fly screening of not less than sixteen (16) mesh per square inch unless other approved protection devices are provided. Doors shall be provided with self-closing devices.

**g.** Exterior doors in service buildings shall be provided with a landing which has a depth and width not less than the door opening.

**h.** Each service room shall have at least one double convenience outlet adjacent to lavatories and one ceiling light fixture to provide thirty (30) foot candles at lavatory level. At least one light fixture, operated by switch, shall be provided at each entrance and shall be lighted during hours of darkness unless the yard lighting provided light levels of at least five (5) foot candles.

**i.** Service buildings shall be provided with approved heating facilities properly installed, maintained in a safe working condition, and capable of providing and maintaining a room temperature of 68 degrees.

**j.** Toilets and showers shall be partitioned so they are individually accessible. Each toilet and shower compartment shall have a self-closing door, except that showers may be equipped with a water-proof curtain.

**k.** Toilet space shall be in compliance with the Federal Americans with Disabilities Act.

**l.** Shower stalls shall be in compliance with the Federal Americans with Disabilities Act and shall be constructed to prevent water flowing into the dressing spaces. Shower floors shall be impervious and skid resistant or provided with a non-slip impervious mat. Wooden racks (duck boards) are prohibited. Dry dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with clothes hooks and benches.



**m.** Hot and cold water under pressure shall be supplied to all required plumbing fixtures except that cold water only shall be supplied to water closets. The system shall be designed to prevent discharge of water in excess of 120 degrees Fahrenheit at the shower heads. The water heating facilities shall have the capacity to supply hot water (140 degrees Fahrenheit) at the minimum rate of three gallons per hour per each dependent mobile home lot. Such facilities shall be approved types and shall be properly installed and maintained.

**n.** Plumbing fixtures shall be maintained in good working order and in a clean and sanitary condition.

**o.** Toilet paper, soap, single service towels, and trash receptacles shall be provided in all common use or centralized toilet and lavatory facilities. The use of common towels is prohibited.

**p.** If service buildings are kept locked, the operator shall provide a key for dependent mobile home occupants.

**q.** Clothes drying areas or mechanical dryers shall be provided for use with laundry facilities.

**r.** Plumbing fixtures shall be installed in accordance with provisions of the effective edition of the Colorado Technical Plumbing Code.

**s.** Swimming pools shall be operated and maintained in accordance with Colorado Department of Health Regulations and Standards Governing Swimming Pools.

**3. Operational Standards.** Mobile home parks shall be subject to the following operational requirements.

**a. Certificate of Occupancy.** Prior to any occupancy of the proposed park there must be a Certificate of Occupancy signed by a designated official of the County, the County Health Department and the Colorado Electrical Inspector.

**b.** The Park shall be maintained in a clean sanitary condition at all times. Grasses, weeds, and other vegetation not considered a part of the ornamental landscape, shall be mowed or trimmed regularly and in no case permitted to exceed twelve (12) inches high. Sanitary facilities, washrooms and storage areas will be inspected regularly by the County Health Department and Fire Department.

**c.** A Mobile Home shall not be occupied for dwelling purposes in a park unless it is properly placed on a conforming Mobile Home lot, and connected to all utility services including water, sewage and electricity. Dependent mobile homes may be excepted in part.

- d.** Mobile traffic shall be restricted to at least ten (10) m.p.h. and signs regulating same shall be posted at all service road entrances.
- e.** The Mobile Home lot shall be kept clean and free of refuse and hazardous or noxious materials.
- f.** Adequate storage buildings shall be provided for storage of all materials and equipment not in use in the park.
- g.** Mobile Homes shall be properly installed and stabilized to insure the safety of the occupants of the park and the general public.
- h.** Mobile Homes occupying a park shall have adequate heating systems, have evidence of safe electrical and gas wiring and piping as well as safe equipment.
- i.** Where skirting of Mobile Homes is installed, readily openable doors or access panels shall be provided to permit convenient access to services under the mobile home.
- j.** Mobile homes occupying a park shall not have the running gears removed including wheels. Tires may be removed to prevent deterioration. Mobile homes used for fixed facilities such as an office or other administrative or service facility may be placed on a permanent foundation to accommodate its permanent nature.
- k.** The storage, collection and disposal of refuse in a mobile home park shall be so conducted as to control odors, rodents, insects, accidents, fire hazards, air pollution, or other nuisance conditions. Durable, washable, and non-absorbent metal or plastic containers with tight fitting lids shall be provided at each mobile home lot or at a central storage area conveniently located not more than 200 feet from any mobile home lot. Refuse containers shall be provided at the rate of at least one 30 gallon container for each mobile home lot or an equivalent storage capacity in centralized storage facilities. The number of containers used and the frequency of collection shall be sufficient to prevent over filled containers. Refuse shall be routinely collected and removed from the premises not less than once weekly. Refuse shall be disposed of at a lawful disposal site in accordance with requirements of the Colorado Solid Wastes Disposal Site and Facilities Act.
- l.** Rodents and insects shall be controlled by approved sanitary practices, vermin-proofing of buildings extermination and other control methods.
- m.** Noxious weed infestations shall be controlled under provisions of the Colorado Weed Management Act and the Montezuma County Comprehensive Weed Management Plan.

**n.** Where services are provided for dependent mobile homes all service buildings shall have plumbing fixtures in operation at all times, adequate supplies of toilet paper, soap, single service towels, and trash containers. The use of common towels is prohibited.

**o.** A responsible attendant shall be in attendance daily in the park.

**p.** Qualified inspectors for both the State and County must be permitted to make proper inspections during regular weekday hours from 8:00 a.m. to 5:00 p.m.

**q.** Violations of these operating procedures when first noted will result in a written notice of such violations and a period for correction cited. Appeals for violations may be referred to the Board of County Commissioners. Continued violations or refusal to correct a noted violation may result in withdrawal of the permit by the Board of County Commissioners after formal hearing for such matters. Appeals to decisions of the Board of County Commissioners shall thence be carried to the court of proper jurisdiction.

**r.** Each RV camper park shall comply with the Federal Americans with Disabilities Act.

## ARTICLE 2

### IMPACT CLASSIFICATION

#### **Section 2-100. INTRODUCTION**

1. The purpose of impact classification is to classify each proposed subdivision in terms of its impact on the economic, social, governmental and environmental systems of the County. The impact classification provision makes the amount of information and review required by the County proportional to the impacts that will be generated by the proposed subdivision. Average lot size and the number of lots in a proposed subdivision are major factors in determining impact classification

2. Whenever it is uncertain as to which classification a development should be given, the classification which requires the more comprehensive review shall be used.

### PART 1

#### DEFINITIONS OF IMPACT

**Section 2-101. DEVELOPMENT OF MINOR IMPACT.** A development of minor impact is a subdivision which involves the division of land into two (2) or three (3) parcels, lots, tracts, spaces or interests, with an average lot size of ten (10) or more acres, all of which can be separately accessed and served with existing roads and utilities, whether intended for eventual sole or not.

**Section 2-102. DEVELOPMENT OF MODERATE IMPACT: DEFINITION.** A development of moderate impact is a subdivision which involves:

1. At least two (2) but not more than five (5) living units, whether single-family residences, units within a multi-family residential development or any combination thereof; or
2. The division of land into at least two (2) and not more than five (5) lots, tracts, parcels, interests or spaces any of which is less than thirty-five (35) acres.

**Section 2-103. DEVELOPMENT OF MAJOR IMPACT: DEFINITION.** A development of major impact is a subdivision which involves one or more of the following.

1. Six (6) or more living units, whether single-family residences, units within a multi-family residential development or any combination thereof.
2. The division of land into six (6) or more lots, tracts, parcels, interests or spaces any of which is less than thirty-five (35) acres.

3. Mobile Home Parks and RV/Camp Parks.
4. A major conflict with the Policies and Design Guidelines contained in this Resolution.
5. A major demand for additional public services, infrastructure or public funds.
6. A major impact on adjoining land uses.

## PART 2

### IMPACT CLASSIFICATION PROCEDURE

**Section 2-201. DETERMINATION OF IMPACT CLASSIFICATION.** Impact classification is initially determined in an informal discussion with the planning staff at which time the required submittals and procedures will be outlined.

**Section 2-202. CHANGE OF IMPACT CLASSIFICATION.** The classification as determined by the planning staff can be changed by the Planning Commission at the initial Commission Review and Public Hearing if in the judgment of the commission, taking into account input from the applicant and/or the public, a reduced or increased classification or level of review is warranted.

**Section 2-203. APPEAL OF IMPACT CLASSIFICATION.** Once a request for a change of impact classification has been decided by the Planning Commission, the applicant or any aggrieved party may appeal by filing a written request with the Board of County Commissioners within (10) days of the decision. The Board will consider the appeal as soon as the schedule of the Board allows after written notice of the time and place for reconsideration to the applicant and any other person requesting such reconsideration. The Board shall only address the question of impact classification, and its decision shall be final.

## ARTICLE 3

### REVIEW PROCEDURE

**Section 3-100. PURPOSE OF REVIEW PROCEDURE.** The purpose of the review procedures contained in this Resolution is to involve the County and the Public in the planning of a subdivision at an early stage prior to the commitment of substantial resources to any given development proposal.

The required submittals and the staff, Commission and public review of these submittals are commensurate with the Impact Classification and its reflection of the degree of impact that will be generated by the proposed subdivision on the surrounding property owners, the County government and the well being of the community at large. The review process involves the analysis and review of one or more of the following.

1. ***Presketch Plan.*** The presketch plan contemplates an informal review of the development concept with a minimum of required information. The review may be accomplished at one or more meetings or work sessions between the staff, the Commission and the applicant.
2. ***Sketch Plan.*** Sketch plan review procedures contemplate a process of joint planning and negotiation between the County and the applicant to promote development and land subdivision which is consistent with the intent and purpose of this Resolution. Conflicts in applying the policies and guidelines of this Resolution should be identified at this stage.
3. ***Preliminary Plan.*** The purpose of the preliminary plan review procedure is to require the applicant to specifically address those planning and development criteria and development problems identified in the sketch plan review and to formulate detailed, well-engineered solutions to those criteria and problems. The burden at the preliminary plan stage is on the applicant to provide detailed information and mitigation procedures to be evaluated by the County and other reviewing agencies.
4. ***Final Plan.*** The purpose of the final plan review procedure is to provide a permanent and accurate public record of the development plan - exact size, shape and location of lots, blocks, streets, easements and other parcels of land within the development, together with all applicable covenants, conditions, use restrictions and design and development criteria. A final plan or plot shall conform in all respects to the preliminary plan or plot previously reviewed and approved by the Board and shall incorporate all modifications and special conditions required by the Board.

## PART 1

### MINOR IMPACT REVIEW PROCEDURE

**Section 3-101. PRESKETCH PLAN.** For a subdivision classified as minor impact, the applicant shall submit to the Planning Department at least one (1) copy of a presketch plan meeting submittal requirements of Article 4 of this Resolution.

**Section 3-102. PLANNING DEPARTMENT REVIEW.** Upon receipt of the completed presketch plan, the Planning Department shall review the same and in writing make such observations, comments and recommendations as may be appropriate. At a minimum such comments shall contain a written statement of the Department's opinion of the compatibility or conflict of the proposed development or subdivision with the policies contained in the **SUBDIVISION POLICIES AND DESIGN GUIDELINES**. In the event that the subdivision will affect water deliveries by an irrigation ditch, irrigation company or water conservancy district, a copy of the pre-sketch plan will be forwarded to such entities.

**Section 3-103. WAIVER OF PLANNING COMMISSION REVIEW AND PUBLIC HEARING.** The Planning Commission Review/Public Hearing may be waived for minor impact development or subdivision of land upon a finding by the Planning Staff that the proposed development conforms with the **SUBDIVISION POLICIES AND DESIGN GUIDELINES** contained in this Resolution and will not adversely impact adjacent land owners.

**Section 3-104. PLANNING COMMISSION REVIEW AND PUBLIC HEARING.** For development of minor impact which may have issues of compatibility that need to be resolved with adjacent subdivisions or the policies and design guidelines of this Resolution, a review and public hearing before the Planning Commission, and, if required, before the Board of County Commissioners shall be announced and conducted in accordance with the provisions of Article 5, PUBLIC HEARING PROCEDURE.

**Section 3-105. BOARD DECISION.** At the next regular meeting after completion of the Public Review and Hearing Procedure, or the finding which waives said Procedure, the Board shall render a decision to grant the application in whole or in part, or to deny same; and stating any conditions attendant to approval.

**Section 3-106. FINAL PLAN FOR DEVELOPMENT OF MINOR IMPACT.** After approval of the Presketch Plan, a subdivision of minor impact will require submittal of a land survey plat including the following information:

1. A scale drawing of the boundaries of the land parcel;
2. Recorded and apparent rights-of-ways and easements;

3. All dimensions necessary to establish boundaries in the field;
4. A statement by the land surveyor that the survey was performed by him or under his direct responsibility, supervision and checking;
5. A statement by the land surveyor explaining how bearings, if used, were determined.
6. A description of all monuments, both found and set, which mark the boundaries of the property, and a description of all control monuments used in conducting the survey.
7. A statement of the scale or representative fraction of the drawing, and a bar-type graphical scale;
8. North arrow;
9. Title, description or reference thereto;
10. Any other such information as specified by the staff, Commission or Board at the Presketch review stage; and
11. Signature and seal of land surveyor.

**Section 3-107. FILING OF PLAT OR PLAN.**

1. Immediately following approval of the Final Plan application by the Board, the applicant shall file the Final Plat in the office of the County Clerk and Recorder. Approved protective covenants shall be recorded in the office of the Clerk and Recorder at the same time the plat to which they relate is filed in that office.

**PART 2**

**MODERATE IMPACT REVIEW PROCEDURE**

**Section 3-201. PRESKETCH PLAN.** For a subdivision classified as moderate impact, the applicant shall submit to the Planning Department at least one (1) copy of a presketch plan meeting submittal requirements of Article 4 the Presketch Plan Shall be reviewed as follows:

**1. PLANNING DEPARTMENT REVIEW.** Upon receipt of the completed presketch plan, the Planning Department shall review the same and in writing make such observations, comments and recommendations as may be appropriate. At a minimum such comments shall contain a written statement of the Department's opinion of the compatibility with the **DESIGN GUIDELINES**.



**Section 3-202. SKETCH PLAN.** After the Planning Department's review of the Presketch Plan, the developer shall submit the required number of copies of a sketch plan meeting the **SUBMITTAL REQUIREMENTS** of Article 4 of this Resolution.

**1. PLANNING DEPARTMENT REVIEW.** Upon receipt of all required sketch plan information, the Planning Department shall review the submittal for completeness and for compliance with the policies, guidelines and design criteria contained in this Resolution.

The Planning Department shall make such written comments, observations, and recommendations as it deems appropriate and shall refer such comments and the sketch plan application to the Planning Commission. At a minimum, such comments shall contain a written statement of the Department's opinion of the compatibility or conflict of the proposed development or subdivision with each of the policies contained in this Resolution, including discussion of those conflicts that were apparent at presketch review.

**2. REFERRAL TO PLANNING COMMISSION.** The completed Sketch Plan, together with the Planning Department's comments, shall then be forwarded to the Planning Commission for its consideration at the earliest possible time consistent with the schedule and procedures of the Commission. The sketch plan will also be forwarded to any irrigation company, water conservancy district, or other organizations or agencies that may be affected by the subdivision.

**3. PLANNING COMMISSION PUBLIC REVIEW AND HEARING.** A Review and Public Hearing before the Planning Commission, and, if required, before the Board of County Commissioners shall be announced and conducted in compliance with the **PUBLIC REVIEW AND HEARING PROCEDURE**, (Article 5).

**4. BOARD DECISION.** Within thirty-five (35) days after the completion of the Public Review and Hearing Procedure, the Board shall render a decision making a final determination as to the impact classification and approving the Sketch Plan as submitted, denying the same, or approving the same with conditions. The Board's decision shall be entered into the official minutes of the meeting and shall contain the necessary findings of fact and reasons to support the decision. If the Board does not make separate findings of fact, it shall be presumed to have adopted the findings of the Planning Commission.

**5. SIGNIFICANCE OF SKETCH PLAN APPROVAL.** Approval of a Sketch Plan shall constitute a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design and engineering submittals or proposed solutions to specific problems revealed in the review process. If such submittals are not approved or if such specific problems are not solved, the development application shall be denied at final plan stage.

**6. EXPIRATION OF SKETCH PLAN APPROVAL.** Failure to proceed with the Final Plan application within six (6) months of Sketch Plan approval shall require the applicant to commence the Sketch Plan review procedure anew. The Board may extend the time period for filing the Final Plan application for good cause shown and upon a finding by the Board of no substantial change in circumstances of Sketch Plan approval. Before such finding is made, the Planning Commission shall make a recommendation thereon.

**Section 3-203. FINAL PLAN.** After approval of the Sketch Plan by the Board, the applicant shall submit the required number of copies of a Final Plan application meeting the **SUBMITTAL REQUIREMENTS** of Article 4 of this Resolution. All dates, signatures and information to be provided by the applicant shall be on the final plan at the time of presentation to the Planning Commission. Necessary spaces and blanks for County approval and recording information may be left blank. The Final Plan may represent all or part of the development which has received Sketch Plan approval.

**1. PLANNING DEPARTMENT REVIEW.** Upon receipt of the required Final Plan application, the Planning Department shall review the application for accuracy and for compliance with the requirements of this Resolution and for any conditions of Sketch Plan approval.

**2.** The Planning Department shall make such written comments, observations and recommendations as it deems appropriate and shall refer such comments to the Planning Commission and the final plan application to the Board.

**3. BOARD DECISION.** The Board shall consider the application within thirty-five (35) days and approve the same if said application meets all legal requirements. No changes, erasures, modifications or revisions shall be made on a Final Plan after approval has been given by the Board. Approval of the Final Plan by the Board does not constitute acceptance of maintenance responsibility for any dedicated streets, alleys or other public lands or an agreement to remove snow from such areas, nor does approval automatically constitute acceptance of any dedication of any public areas including streets, roads or alleys.

**Section 3-204. FILING OF PLAT OR PLAN.**

**1.** Immediately following approval of the Final Plan application by the Board, the applicant shall file the Final Plat in the office of the County Clerk and Recorder. Approved protective covenants shall be recorded in the office of the Clerk and Recorder at the same time the plat to which they relate is filed in that office.

## PART 3

## MAJOR IMPACT REVIEW PROCEDURE

**Section 3-301. PRESKETCH PLAN.** For a subdivision change classified as one of major impact as defined in this Resolution, the applicant shall submit to the Planning Department at least one (1) copy of a presketch plan meeting **SUBMITTAL REQUIREMENTS** in Article 4. The Presketch Plan shall be reviewed as follows:

**1. PLANNING DEPARTMENT REVIEW.** Upon receipt of the completed Presketch Plan, the Planning Department shall review the same and in writing make such observations, comments and recommendations as may be appropriate. At a minimum such comments shall contain a written statement of the Department's opinion of the compatibility or conflict of the proposed development of subdivision with the **SUBDIVISION POLICIES** contained in this Resolution.

**Section 3-302. SKETCH PLAN.** After the Planning Department's review of the Presketch Plan, the developer shall submit the required number of copies of a Sketch Plan meeting the **SUBMITTAL REQUIREMENTS** of this Resolution.

**1. PLANNING DEPARTMENT REVIEW.** Upon receipt of all required Sketch Plan information, the Planning Department shall review the submittal for completeness and for compliance with the policies, guidelines and design criteria contained in this Resolution.

The Planning Department shall make such written comments, observations, and recommendations as it deems appropriate and shall refer such comments and the sketch plan application to the Planning Commission. At a minimum, such comments shall contain a written statement of the Department's opinion of the compatibility or conflict of the proposed development or subdivision with each of the policies contained in this Resolution, including discussion of those conflicts that were apparent at presketch review.

**2. REFERRAL TO PLANNING COMMISSION.** The completed Sketch Plan, together with the Planning Department's comments, shall then be forwarded to the Planning Commission for its consideration at the earliest possible time consistent with the schedule and procedures of the Commission.

**3. PLANNING COMMISSION PUBLIC REVIEW AND HEARING.** A Review and Public Hearing before the Planning Commission shall be announced and conducted in compliance with the **PUBLIC REVIEW AND HEARING PROCEDURE** in Article 5.

**4. BOARD DECISION.** Within thirty five (35) days after the completion of the Public Review and Hearing Procedure, the Board shall render a written decision making a final determination as to the impact classification and approving the Sketch Plan as submitted, denying the same, or approving the same with conditions. The decision

shall contain the necessary findings of fact and reasons to support the decision. If the Board does not make separate findings of fact, it shall be presumed to have adopted the findings of the Planning Commission.

**5. SIGNIFICANCE OF SKETCH PLAN APPROVAL.** Approval of a Sketch Plan shall constitute a final decision of approval for the general development concept only, but shall not constitute approval of any detailed design and engineering submittals or proposed solutions to specific problems revealed in the review process. If such submittals are not approved or if such specific problems are not solved, the development application shall be denied at preliminary plan or final plan stage.

**6. EXPIRATION OF SKETCH PLAN APPROVAL.** Failure to proceed with the preliminary plan application within six (6) months of sketch plan approval shall require the applicant to commence the sketch plan review procedure anew. The Board may extend the time period for filing the final plan application for good cause shown and upon a finding by the Board of no substantial change in circumstances of sketch plan approval. Before such finding is made, the Planning Commission shall make a recommendation thereon.

**Section 3-303. PRELIMINARY PLAN APPLICATION.** After approval of the Sketch Plan application by the Board, the applicant shall submit the required number of copies of a preliminary plan meeting the **SUBMITTAL REQUIREMENTS** in Article 4 of this Resolution. Such Preliminary Plan may relate to all or part of the approved Sketch Plan. If the Preliminary Plan does relate to only part of the development, the appropriate phase number shall be used to identify the development in addition to the name.

**1. PLANNING DEPARTMENT REVIEW.** Upon receipt of the required preliminary plan information, the Planning Department shall review the submittal for accuracy, completeness and compliance with the policies, guidelines and specifications contained in this Resolution and for compliance with any conditions imposed by the Board in its Sketch Plan approval. When the Planning Department is satisfied that all necessary information has been submitted, it shall refer the preliminary plan to the Planning Commission and to the appropriate reviewing agencies, including affected schools, homeowners associations, neighborhood associations, irrigation companies and water conservancy districts.

**2. COMMENTS BY REVIEWING AGENCIES.** The reviewing agencies which are sent copies of the Preliminary Plan shall make recommendations within thirty-five (35) days after the mailing by the Planning Department of such plan. A necessary extension of up to thirty (30) days can be granted with the consent of the Board of County Commissioners. The failure of any Agency to respond within thirty-five (35) days or within the period of an extension shall, for the purpose of hearing the plan, be deemed an approval of such plan by the agency.

The applicant shall have the right to review the comments and recommendations received and to submit additional information and to make changes in the development proposal to meet the objections or comments of the review agencies; provided, however, that if such change is substantial or significantly alters the nature, character or extent of the development, such change shall be considered to be an amendment to the Preliminary Plan involving another review period.

**3. PLANNING COMMISSION REVIEW.** At the next regularly scheduled Planning Commission meeting after receiving comments from the reviewing agencies, the Planning Commission shall review the Preliminary Plan. Upon completion of its review, the Planning Commission shall submit to the Board its written comments and recommendations regarding the Preliminary Plan which shall contain at a minimum:

**a.** A finding as to compliance with the policies, guidelines and specifications of this Resolution.

**b.** A recommendation to approve or deny the Preliminary Plan application and, if the recommendation is to deny, the reasons therefor.

**c.** A recommendation as to what improvements should be installed or constructed by the developer and included in the improvements completion agreement. Such improvements should include:

**(1)** Those necessary to comply with or mitigate conflicts with County policies, guidelines, and specifications.

**(2)** Those necessary to meet conditions of Sketch Plan approval.

**(3)** All roads and utilities and other improvements required by the **DESIGN GUIDELINES**.

**4. BOARD REVIEW/PUBLIC HEARING.** Upon receipt of the comments and recommendations of the Planning Commission, the Board shall determine whether or not to hold a public hearing on the preliminary plan application. If the Board determines to hold a public hearing, it shall be held within 14 days. Notice of the hearing shall be given in accordance with the **PUBLIC REVIEW AND HEARING PROCEDURE**.

**5. BOARD DECISION.** Within thirty-five (35) days after the public hearing, if no hearing is held within thirty-five (35) days after receipt of the Planning Commission's recommendation, the Board shall render a decision approving the preliminary plan application or denying the preliminary plan application. The Board's decision shall be entered into the official minutes of the meeting and shall contain the necessary findings of fact and reasons to support the decision. If the Board does not make separate findings, it shall be presumed to have adopted the findings of the Planning Commission, including the Commission's recommendations as to the improvements to be included in an improvements completion agreement.

**6. EXPIRATION OF APPROVAL.** Failure to proceed with the Final Plan application within six (6) months of Preliminary Plan approval shall require the applicant to commence the Sketch Plan review procedure anew. The Board may extend the time period for filing the final plan application for good cause shown and upon a finding by the Board of no substantial change in the circumstances of Preliminary Plan approval. Before such finding is made, the Planning Commission shall make a recommendation thereon.

**Section 3-304. FINAL PLAN APPLICATION.** After approval of the Preliminary Plan by the Board, the applicant shall submit the required number of copies of a final plan application meeting the SUBMITTAL REQUIREMENTS of Article 4 of this Resolution. All dates, signatures and information to be provided by the applicant shall be on the final plan at the time of presentation to the Planning Commission. Necessary spaces and blanks for County approval and recording information may be left blank. The Final Plan may represent all or part of the development which has received Preliminary Plan approval.

**1. PLANNING DEPARTMENT REVIEW.** Within (30) days after receipt of the required Final Plan application, the Planning Department shall review the application for accuracy and for compliance with the requirements of this Resolution and for any conditions of Preliminary Plan approval.

**2. COMMENTS.** The Planning Department shall make such written comments, observations and recommendations as it deems appropriate and shall refer such comments and the Final Plan application to the Board.

**3. BOARD APPROVAL.** The Board shall consider the application within thirty-five (35) days and approve the same if said application meets all legal requirements. No changes, erasures, modifications or revisions shall be made on a Final Plan after approval has been given by the Board. Approval of the Final Plan by the Board does not constitute acceptance of maintenance responsibility for any dedicated streets, alleys or other public lands or an agreement to remove snow from such areas, nor does approval automatically constitute acceptance of any dedication of any public areas including streets, roads or alleys.

**Section 3-305. FILING OF PLAT OR PLAN.**

**1.** Immediately following approval of the Final Plan application by the Board, the applicant shall file the Final Plat in the office of the County Clerk and Recorder. Approved protective covenants shall be recorded in the office of the Clerk and Recorder at the same time the plat to which they relate is filed in that office.

## ARTICLE 4

### SUBMITTAL REQUIREMENTS

**Section 4-100. PURPOSE.** This article sets forth the minimum information which must be submitted by an applicant. The Planning Commission or the Board of County Commissioners may require such additional information as they deem necessary for proper review, but shall at all times be guided by the stated purpose of the review procedure.

#### PART 1

#### PRESKETCH PLAN SUBMITTALS FOR MINOR, MODERATE OR MAJOR IMPACT

**Section 4-101. APPLICATION FOR SUBDIVISION.** Any person desiring to engage in any development or subdivision of minor, moderate or major impact as defined in this Resolution shall make application upon forms provided by Montezuma County which shall, at a minimum provide the following information:

1. Applicant's name, address and telephone number and, if different than the applicant, the name of the owner of the property together with evidence that the owner is aware of and consents to the filing of the application. If applicable, the name and address of the applicant's representative shall also be given.
2. The name and current address of the owner of the surface estate upon which the proposed development is located and all adjoining surface owners.
3. A legal description of the proposed development and the location of the development site on a United States Geological Survey 7 1/2' quadrangle or recorded plat if the proposed development is within an approved subdivision.
4. A brief description of the existing subdivision and the general character of the use of adjacent lands.
5. A brief description of the proposed development including number and type of living units, type of industrial, business or commercial use proposed, and general description of planned or future expansion.
6. If the proposed subdivision creates ten (10) or more tracts or interests, the developer must comply with C.R.S. 12-61-Part 4 and, if applicable, a certificate of compliance from the State of Colorado shall be provided to the County. The applicant shall provide the County with the following information in addition to items 1-5 above at the time of the initial subdivision application:
  - a. The principle office of the applicant and location of the principle office and any branches in the State of Colorado.

**b.** The length of time and locations where the applicant has been engaged in the business of real estate sales or development.

**c.** The names and residence and business addresses and specification of capacity or title of all persons financially interested in the proposed development as principle, partner, officer, director, stockholder or investor.

**d.** if the applicant is a corporate developer, a copy of the certificate of authority to do business in Colorado or a certificate of incorporation issued by the Secretary of State is required.

**7.** Such other information as may be necessary to determine the impact classification of the proposed development.

**Section 4-102. PRESKETCH PLAN.** In addition to the information outlined above, the applicant shall submit a presketch plan which shows the general location of the development in sufficient detail to permit the evaluation of the relationship between the development and the physical features of the land and abutting lands. The presketch plan shall relate to all of the land proposed for immediate or future development. At a minimum, the presketch plan shall include a site analysis consisting of a map, or plot plan showing:

1. Total acreage, abutting land uses, land owners and address, and subdivisions.
2. Roads, streets, highways and utilities that will service the proposed development.
3. The location of proposed development areas upon the site.
4. Major physical features including irrigation ditches and pipelines, utilities, drainages, wetlands, noxious weed infestations and location of natural hazards and their relationship to the proposed development.

## **PART 2**

### **SKETCH PLAN SUBMITTALS FOR MODERATE OR MAJOR IMPACT**

**Section 4-201. SKETCH PLAN APPLICATION.** If the proposed development is one of moderate or major impact as defined in this Resolution, the applicant shall submit at least 4 copies of a Sketch Plan application. Additional copies may be required depending on the number of reviewing agencies.

1. The Sketch Plan shall relate to all of the area proposed for immediate or future development.



2. Maps shall be of a scale to permit adequate review. The sheet size shall be twenty-four (24) inches by thirty-six (36) inches.

3. Written submittals shall be arranged in the order that follows and shall be stapled or otherwise bound together with consecutively numbered pages and a table of contents.

**Section 4-202. TOPOGRAPHY AND VEGETATION.** The Sketch Plan application shall contain a report on and a description of the streams, lakes, wetlands, topography and vegetation, including areas of noxious weed infestation on the proposed development site.

**Section 4-203. SOILS.** The Sketch Plan application shall include maps and tables concerning suitability of types of soil for the proposed development in accordance with any standard soil classification and procedure for proposed use.

**Section 4-204. DEVELOPMENT LAYOUT.** In addition to the other maps required for Sketch Plan, the application shall include a plat and other documentation relating to the entire area proposed for development showing the layout or plan of development including, where applicable, the following information:

1. The total development area.
2. The total number of proposed parcels, dwelling units and/or other units.
3. The location and approximate dimensions and acreages of all parcels, as well as the square footage of all nonresidential buildings and other structures, storage yards, waste disposal areas, parking areas, major utility installations and other major features of the development.
4. Location of irrigation ditches, pipelines and utilities, proposed and existing, which cross or adjoin the proposed development.

**Section 4-205. TRAFFIC AND PARKING.** A narrative report, together with maps and diagrams where appropriate, shall be included which shall show:

1. Estimated existing traffic flow on streets, roads or highways serving or related to the proposed subdivision.
2. The estimated increase in traffic flow resulting from the proposed subdivision.
3. Visibility at existing and proposed intersections.
4. The total number of proposed off-street parking spaces excluding, however, parking and parking spaces associated with single-family residential lots.

5. The maximum number of vehicles that can reasonably be expected to be parked in the area at any one time because of activities in, on or related to the proposed subdivision.

**Section 4-206. SEWAGE AND WASTE MATERIALS.** The Sketch Plan application shall include a narrative report describing:

1. The estimated daily number of gallons of sewage generated by the proposed development.
2. A general description or discussion of the proposed method of treatment or disposal including the estimated capacity and location of any proposed waste treatment facility or system.
3. If on site sewage disposal systems will be used the results of soil percolation tests performed and signed by an engineer or sanitarian shall be submitted in writing. The number and location of tests shall be necessary to produce reliable results for the whole area to be platted.

**Section 4-207. WATER SUPPLY.** The application shall include appropriate evidence that a water supply sufficient in terms of quality, quantity and dependability will be available to insure an adequate supply of water for the type of development proposed. Such evidence may include, but shall not be limited to:

1. Estimated water requirements in gallons per day for non-agricultural uses specifying potable and non-potable uses.
2. Evidence that the proposed water source or sources will actually supply adequate quantities of water to the proposed development, such as:
  - a. A permit from the State Water Engineer, and a favorable report from a qualified hydrologist, or results from a pumping test.
  - b. Evidence that a public or private water supplier can and will supply water to the proposed development, stating the amount of water available for use within the development and a commitment to extending service to that area. In determining the amount of water available, the supplier must consider existing commitments to supply water at a future date to users other than the applicant.
  - c. Evidence concerning the potability of the proposed water supply if the water is intended for human consumption.
  - d. In the instance that cisterns are proposed as the primary water supply mode, provisions for fire protection within the proposed development must be approved by the appropriate fire protection district.

**Section 4-208. DRAINAGE PLAN.** The application shall contain general maps and plans for storm drainage facilities to prevent storm waters in excess of historic runoff, caused by the proposed development, from damaging or exceeding the carrying capacity of existing natural or man made drainage ways or structures both on and off site.

**Section 4-209. ESTIMATED COSTS.** The application shall also include an estimate of the construction costs and proposed method of financing of streets and related facilities, a water distribution system, any sewage collection system, storm drainage facilities and such other utilities as may be required of the developer by the County.

**Section 4-210. NATURAL HAZARDS.** The application shall identify and address potentially hazardous conditions such as flooding, pollution, radiation, wildfire, open quarries, earth slides, rock falls or other geologic conditions causing a potential hazard.

**Section 4-211. DEVELOPMENTS IMPACTING AGRICULTURAL LANDS.** If a proposed development adjoins or has impact upon agricultural lands, the Sketch Plan shall identify, in written or graphic form, the following:

1. The location and name of owner of any agricultural land adjoining or possibly impacted by the proposed subdivision change.
2. The location, name, name of owner, size and decreed capacity of any agricultural irrigation ditch and pipeline crossing or adjoining the development property.
3. The location of historical easements utilized to gain access to headgates, irrigation ditches, pipelines and fences for maintenance and operational purposes.
4. The location of any established stock drive crossing or adjoining the development property, including the location of any existing fences along, and the location of new fences or other obstacles proposed to be built across such stock drives.

### PART 3

#### PRELIMINARY PLAN SUBMITTALS FOR MAJOR IMPACT

**Section 4-301. PRELIMINARY PLAN APPLICATION.** If the proposed development is one of major impact as defined in this Resolution, and if the Board of County Commissioners has approved a sketch plan for the proposed development, the applicant shall submit a preliminary plan consistent with the requirements of this part.

1. The Planning Department shall determine the number of copies of the Preliminary Plan are necessary for review.
2. The Preliminary plan may relate to all or part of the area approved by the Sketch Plan.

3. The plan shall be drawn to a scale not less than one inch equals two hundred (200) feet, or as otherwise approved by the Commission.
4. In the case of large development requiring more than two (2) sheets at the required scale, the applicant shall also submit a total area plan showing the entire development on a single sheet at an appropriate scale.
5. The size of the Preliminary Plan shall be at a scale to permit adequate review. The sheet size shall be twenty-four (24) inches by thirty-six (36) inches.
6. Written submittals shall be arranged in an order consistent with the arrangement of this Part and shall be stapled or otherwise bound together with consecutively numbered pages and a table of contents.

**Section 4-302. RELATION TO SKETCH PLAN.** If the Preliminary Plan represents a significant variation from the approved sketch plan or if it represents a selection of alternative methods of development discussed in the sketch plan, such variation or alternative shall be clearly and completely identified or described. In all other respects, the preliminary plan shall comply with and be consistent with the approved sketch plan. If the variation consists of a significant departure from the approved sketch plan, the applicant may be required to file an amended sketch plan application which must be approved in accordance with the provisions of this Resolution. In the alternative, the preliminary Plan application may be denied as not in conformance with the approved sketch plan.

**Section 4-303. SOILS AND DRAINAGE.**

1. The preliminary plan shall discuss these methods proposed by the applicant to deal with problems arising from soil characteristics within the development. Such discussion shall include, but not be limited to, methods to reduce or eliminate erosion of soils during and after construction within the development.
2. The Preliminary Plan shall also contain a drainage study certified by a registered engineer showing all existing watercourses, irrigation ditches, pipelines, wetlands, limits of tributary areas, computations of expected tributary flows and the results indicated.
  - a. Where applicable, the limits of the one-hundred year flood shall be studied and plotted. Where permanent flood control dams have been built, their effects shall be noted.
  - b. Location and sizes of all culverts, bridges, underground drainage facilities, drainage ditches, pipelines, channels and easements required to prevent major damage on and off site from a twenty-five year storm shall be shown.

**Section 4-304. PRELIMINARY PLAN MAPS AND PLATS.** The Preliminary Plan shall also include maps or plats of the proposed development, each of which shall show the name of the development, date of preparation, scale, and arrows designating true north. Such maps shall include:

1. A contour map certified by a professional engineer or land surveyor at a scale of two hundred (200) feet equals one (1) inch. Elevation contours may be drawn on the preliminary or a supplemental plat. Contours shall be drawn at five (5) foot intervals. In special cases two (2) foot contour intervals may be required if so determined at the Sketch Plan phase.
2. A slope analysis map, setting forth by areas, the following percent of slope:
  - a. 0 to 7 percent;
  - b. 8 to 15 percent;
  - c. 16 to 30 percent;
  - d. 31 to 40 percent;
  - e. 41 percent and over.
3. A development plat identifying the location of the development by reference to permanent survey monuments with a tie to a section corner or quarter section corner showing:
  - a. The location, size (in square feet and/or acres) and numbering sequence of lots and blocks within developments which are subdivisions.
  - b. Street layouts with street names, width, curves, radii and other dimensions.
  - c. Gross acreage within the development.

**Section 4-305. STREETS, ROADS AND DRIVEWAYS.** In all developments where the streets and/or roads are intended for use by the general public, by lot or unit owners, or by anyone other than the applicant, the preliminary plan shall contain:

1. Construction detail, including typical cross sections, showing base, drainage structures, type of surface, slope of cuts and fills, and similar information sufficient to show that the development's roads will meet applicable County standards and requirements of the development.

2. Centerline profiles of streets and roads plotted with sufficient accuracy to insure that street designs will conform to the prescribed standards approved by the County Engineer. All centerline profiles shall be drawn at a scale of five (5) feet vertical and fifty (50) feet horizontal to the inch.

3. An engineer's certification, giving design detail, where appropriate, that there is driveway access for all lots and building areas within the development.

**Section 4-306. SOLID AND HAZARDOUS WASTE MATERIALS.** The preliminary plan shall describe, in narrative form the method to be utilized by the development for the disposal of solid wastes.

**Section 4-307. SEWAGE TREATMENT.**

1. In large area development, the preliminary plan shall include a feasibility study for the provision of central sanitary sewer service to the entire area planned for inclusion in the proposed development. Such study shall be prepared by a qualified licensed engineer.

2. If a central sewage disposal system is to be provided, the following information shall be submitted in written form:

a. An estimated total number of gallons of sewage per day to be treated.

b. A detailed description of the proposed central sewage disposal system prepared in a form adequate to fully inform the County and the State of the ability of such system to collect, treat and dispose of the sewage which would be generated by the development. Such description shall include the location of the sewage treatment plant and collection lines.

3. The applicant may submit an agreement from any existing sewage treatment service giving authorization for service to the proposed development and an engineer's certification that the existing service has the capacity to treat the sewage generated by the proposed development.

4. If the lots within a development will utilize individual sewage disposal systems, the following information shall be submitted in written form:

a. The results of soil percolation tests performed and signed by an engineer, geologist or sanitarian. The number and location of tests shall be necessary to produce reliable results for the whole area to be platted.

b. The maximum seasonal ground water level whether such ground water is caused by irrigation or natural causes.

**Section 4-308. WATER SUPPLY.** The Preliminary Plan application shall contain evidence that definite provisions have been made for a water supply that is sufficient in terms of quantity, quality and dependability to provide an appropriate supply of water for the type of development proposed. Provisions for supplying water shall be in accordance with those approved in the Sketch Plan.

1. In large area developments, where existing water suppliers are unable to provide for an adequate water supply, or the developer elects not to contract with existing water suppliers, the Preliminary Plan shall include a feasibility study for central water service to the entire area planned for inclusion in the proposed development. Such study shall be prepared by a qualified licensed engineer.

2. If a central water system is to be provided, the following information shall be submitted in written form:

a. The estimated total number of gallons of water per day necessary to supply the development.

b. Court decrees, permits, binding agreements and any other legally required documents securing the use of an adequate source and supply of water for the proposed development.

c. A report by a qualified engineer, geologist or hydrologist discussing the amount, reliability and seasonal variations in the source of water intended for use in the development.

d. The water storage capacity that will be required to provide the development with adequate water, including water for fire protection.

e. A detailed description, including plans, design features and design specifications, necessary to show the ability of such system to collect, purify and distribute an ample amount of water to the development in a manner that is consistent with the requirements and provisions of Colorado law.

**Section 4-309. FIRE PROTECTION.** If the proposed development includes a central water system or other features which will be utilized for fire suppression purposes, the preliminary plan shall include a map showing hydrants and other fire suppression features.

**Section 4-310. STATEMENT OF OWNERSHIP.** The Preliminary Plan shall include a title commitment or title policy from a title insurance company or title opinion from a licensed Colorado attorney showing:

1. The applicant is the owner of record or the applicant has the consent of the owner of record.

2. All mortgages, deeds of trust and similar encumbrances against the property and the details thereof. The County may require the holders or owners of all such encumbrances to either join as applicants or submit written acknowledgment and approval of the application for subdivision.

**Section 4-311. COVENANTS OR RESTRICTIONS.** The preliminary plan shall include a preliminary draft of protective covenants and deed restrictions along with any other conditions imposed during the review process.

**Section 4-312. SCHOOLS, PARKS AND COMMON AREAS.** The Preliminary Plan shall identify any areas which will be set aside for schools, parks or common areas and shall include a plan for the construction of parks and common areas. Maintenance shall be assured on a continual basis and costs shall be borne by the development.

**Section 4-313. DEVELOPMENTS WITHIN HAZARD AREAS.** If the Sketch Plan revealed that part or all of the proposed development is within an area subject to hazardous conditions, the Preliminary Plan shall include sufficient design detail and information to demonstrate adequate engineering and design solutions to the problems caused by such hazard.

**Section 4-314. DEVELOPMENTS HAVING IMPACT UPON AGRICULTURAL AND OTHER LANDS.** If the development has impact upon agricultural lands, or other subdivisions, the Preliminary Plan shall describe and identify those features of the Preliminary Plan design which eliminate or mitigate adverse impacts on adjoining or impacted land uses.

**Section 4-315. NOXIOUS WEED MANAGEMENT PLAN.** Noxious weeds that have been inspected, identified, diagrammed and submitted with the sketch plan, must have an approved weed management plan submitted with the preliminary plan. This plan will become part of the covenants of the property and be filed with and noted on the plat.

**Section 4-316. ADDITIONAL INFORMATION.** If any other conditions were placed on approval of the Sketch Plan to achieve compatibility between the proposed development and other subdivisions and with the policies and guidelines of this Resolution, the Preliminary Plan shall describe and identify those features of the Preliminary Plan design which fulfill these conditions.



## PART 4

## FINAL PLAN SUBMITTALS FOR MODERATE AND MAJOR IMPACT

**Section 4-401. FINAL PLAN APPLICATION.** After the Board has approved the Sketch Plan of a development of moderate impact or the Preliminary Plan of a development of major impact, the applicant shall submit one (1) copy of a Final Plan consistent with the requirements of this part, two (2) copies of the plat drawn on mylar and four (4) blue-line or blackline prints of said mylar plat. For final plan submittals for development of minor impact, see Section 4-206.

**Section 4-402. CONFORMITY WITH APPROVED PLAN.**

1. Any Final Plan application shall conform in all respects to the approved Sketch Plan for a development of moderate impact or the approved Preliminary Plan for a development of major impact; provided, however, that phasing may be permitted.
2. Any Final Plan shall incorporate all modifications and special conditions previously specified by the Commission and Board as necessary to comply with the subdivision policies and design guidelines of this Resolution.
3. Any changes between the previously approved plan and the submitted final plan shall be identified in a statement provided by the applicant. If the Board determines that such changes are substantial in nature, they shall refer the application back to the Planning Commission for further review.

**Section 4-403. REQUIRED ACCOMPANYING DATA.** All written submittals submitted with the Final Plan shall be arranged in an order consistent with the provisions of this Part and shall be stapled or otherwise bound together with consecutively numbered pages and a table of contents. Unless previously submitted and approved at Sketch or Preliminary Plan, such written submittals shall include:

1. Adequate evidence which may be a final court decree, deed or other written document showing ownership and/or right to use water proposed to supply the development.
2. All protective covenants, requirements and deed restrictions imposed upon the development and, if applicable, recorded with the Final Plat.
3. Proof of the establishment of any association, district or group which will enforce or administer such covenants, declarations and restrictions. If proof of such establishment is not submitted with the Final Plan application, establishment shall be guaranteed through provisions in the development improvement agreement.

4. Engineering plans, descriptions and cost estimates for streets, roads, drainage facilities, utility systems, bridges and other improvements proposed to be installed by the developer or required by the County including:

- a. Profile and typical cross section drawings of roads and bridges.
- b. Grading and drainage plan. Such contours shall be at five (5) foot intervals. The Board may in special cases require contours of two (2) feet.

5. Where a portion of existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement of right-of-way acceptable to the Board must be submitted when requested.

6. When a new street will intersect with a State Highway, a copy of the state highway permit shall be submitted.

7. Subdividers shall furnish the Board a certificate from a Title Insurance Company or an attorney's opinion showing that names of owners of the property covered are listed as well as a list of all mortgages, judgments, liens, easements, and agreements of record in the county which shall affect the property covered by such plats. All parties with interest of record may be required to join in and approve the application for subdivision before the plat shall be acted upon by the Board of County Commissioners.

**Section 4-404. ADDITIONAL SUBMITTALS.** In addition to the data, plans, plats and maps required by this Part, any Final Plan Application shall be accompanied by:

- 1. Payment of subdivision fee.
- 2. A warranty deed conveying land to County, school district or other entity which will acquire title to the land set aside for school or park purposes; or payment in full for monies in lieu of land.
- 3. Two (2) copies of a signed statement from the developer agreeing to provide the Montezuma County Assessor with the following information prior to November 30th of each year:
  - a. A description of all lots or parcels sold within the development.
  - b. The name and address of each purchaser.
  - c. The purchase price of each lot or parcel sold.

**Section 4-405. GENERAL REQUIREMENTS FOR MAPS, PLANS AND PLATS.** Any map, plan or plat submitted with a final plan application shall comply with the following:

1. Scale shall be two hundred (200) feet to the inch unless a larger scale is determined at the Sketch Plan stage in which case one hundred (100) feet or fifty (50) feet to the inch may be required.
2. Sheet sizes for all maps, plans or plats shall be twenty-four (24) by thirty-six (36) inches.
3. A Final Plat may be submitted in sections covering representative and reasonable portions of the subdivision tract at the appropriate scale. In such cases submission shall include a key map of the same size and material as the Final Plat indicating the sections, their relationships and order.
4. Each sheet shall contain a scale (written and graphic), north arrow and a heading containing the name of the development, and the location of the development by reference to a quarter section, township and range.
5. The point of beginning shall be indicated and its proper reference to the monumented perimeter survey shall be delineated on the drawing.
6. All bearings and distances of boundary lines shall be indicated outside the boundary line, not inside with the lot dimensions, and all dimensions necessary to establish the boundaries in the field shall be shown; and such other survey requirements as required by 38-51-102, C.R.S. When the plat is bounded by an irregular shoreline or body of water, the bearings and distances of a closing intermediate traverse should be given and a notation made that the plat includes all land to the water's edge or otherwise.
7. Excepted parcels shall be marked "Not included in this plat" and the boundary completely indicated by bearings and distances.
8. All streets, all walkways, all alleys, and any other public common areas shall be designated as such and named, bearings and dimensions must be given.
9. All easements and rights of way including irrigation ditches, pipelines, boundary fences, utility lines, roads and paths or trails shall be designated as such and bearings and dimensions given.
10. Planned or existing, recorded or apparent easements, the closing or changing of which might affect the rights of others shall be indicated and the bearings and dimensions given.
11. All lands within the boundaries of the plat shall be accounted for either by lots, walkways, streets, alleys or other public common area, or excepted parcels.

12. All dimensions of irregularly shaped lots shall be indicated in each lot.
13. Bearings shall be given for all lot lines, except that bearings need not be given for interior lot lines where the bearings are the same as those of both exterior lot lines.
14. Parcels not contiguous shall not be included in one plat, nor shall more than one plot be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plot, provided that all owners join in the dedication and acknowledgment.
15. Other information on the plat shall include but not be limited to:
  - a. Name of subdivision, true north line and date.
  - b. Name of owner or owners and address
  - c. Total acreage of tract and total number of lots.
  - d. Township, Range, Section and Quarter Section.
  - e. Block and Lot numbers.
  - f. Graphic and written scale.
16. Permanent reference monuments shall be located and set as required by 38-51-101, C.R.S.
17. The surveyor making a plat shall certify on the plat that it is correct and that the monuments described in it have been placed as described. He shall affix his name and seal.
18. All utilities and easements shall be shown on the Final Plat along with certification from utility companies showing their approval.

**Section 4-406. SUBDIVISION PLATS.** In addition to the requirements of the foregoing section, subdivision plats intended for recording shall comply with the following.

1. All lots, blocks or spaces shall be consecutively numbered.
2. All covenants, conditions and restrictions shall be filed with the plat and the plat shall contain a reference to the book and page where the covenants, conditions and restrictions are recorded.

3. All curve data shall be shown on the plat in chart form which shall include radii, internal angles and lengths of all arcs. Points of all curvature shall be shown on the plat.

4. Where the subdivider is to dedicate land for roads, parks, easements and other public purposes, a dedication statement acceptable to the County shall be shown on the Final Plat.

**Section 4-407. IMPROVEMENT AGREEMENTS AND SECURITY.** No final plat showing improvements not yet completed shall be approved until the developer has submitted a development improvement agreement or a contract approved by the Board guaranteeing the construction of required public improvements, as well as performance of all terms and conditions as set forth in presketch, sketch or preliminary plan approval. The development improvement agreement shall accompany the Final Plan and be subject to one of the following alternatives:

1. The developer may agree not to sell any lots or units or initiate commercial or industrial operations prior to completion of all improvements stipulated in the improvement agreement.

2. The developer may provide suitable collateral, in an amount stipulated in the development improvement agreement. Said collateral shall be in the form of corporate surety bonds, certified check, bank letter of credit, or other legal assurance acceptable to the Board to guarantee the completion of said improvements.

As improvements are completed, the developer may apply to the Board for proportionate release of collateral. If said improvements comply with specifications collateral will be released. Any deficiencies shall be sited in writing for correction prior to release of collateral. If the Board determines that the developer has not completed any or all of the required public improvements in accordance with specifications, the Board upon thirty days notice may withdraw and employ from the collateral such funds as are necessary to construct the required public improvements.

**Section 4-408. COVENANTS PROVIDED BY SELLER.** The Final Plan for subdivisions of minor, moderate and major impact shall include protective covenants and deed restrictions to be filed with the Plat. Covenants shall run with the land, and a copy of the approved covenants shall be provided by the seller to all future purchasers of lots in the subdivision.

## ARTICLE 5

### PUBLIC REVIEW AND HEARING PROCEDURE FOR MINOR, MODERATE AND MAJOR IMPACT

**Section 5-100. INTRODUCTION.** A public hearing before the Planning Commission will be required for developments of moderate impact or major impact and may be required for developments of minor impact. A second hearing may also be required before the Board of County Commissioners.

The intent of the Public Hearing Process is to arrive at conditions which will make a proposed development compatible with Subdivision Regulations and Design Guidelines, and existing land uses that will be impacted by the proposed subdivision. In the event that reasonable compatibility cannot be achieved, all or part of an application for change of subdivision may be denied.

To the extent that reasonable compatibility can be achieved through the establishment of conditions in the Planning Commission review and public hearing process, the Board of County Commissioners will review Commission findings and give final approval.

In the event that there are unresolved policy, design, or public issues, OR a change in impact classification that is contested by the applicant, the Board shall conduct a second public hearing to determine a reasonable resolution of contested issues. The outcome of the Board review or public hearing shall be binding on the applicant. In the case of any development classified as one of Major Impact, a hearing before the Board will be automatic.

**Section 5-101. NOTICE OF PUBLIC HEARING.** After the Planning Department has received the required submittals, and scheduled an application for Planning Commission review, it shall cause public notice of the application for subdivision change and public hearing to be given in accordance with the following provisions:

1. The notice of public hearing concerning a proposed subdivision shall clearly set forth adequate information to persons whose rights could be adversely affected by the proposed subdivision. The public notice as posted, published, and mailed shall contain:

**a.** A description of the location of such proposed subdivision by reference to known landmarks, road intersections, existing towns and developments, addresses or other similar methods; and by reference to lot, block and filing number if in an approved subdivision or by reference to quarter-section, township and range.

**b.** A brief description of the proposed subdivision.

**c.** The date, time and place of the public hearing.

**d.** A statement that the public hearing is for purposes of considering the proposed subdivision, and that interested persons may attend and give input at such hearing.

**e.** The phone number and address of the Planning Office where additional information may be obtained.

**2.** The Notice of Application and Public Hearing before the Planning Commission shall be given at least ten (10) days prior to the hearing.

**3.** The Notice of Application and Public Hearing shall be given:

**a.** By at least one publication in a newspaper of general circulation within Montezuma County.

**b.** By posting of a sign by the landowner at one or more locations on or near the proposed subdivision by the landowner. The location or locations of the signs shall be identified by the Planning Department, and shall be readily visible from roads or streets adjoining or serving the area of the proposed development. The sign will be provided by the Planning Department.

#### **Section 5-102. PLANNING COMMISSION REVIEW/PUBLIC HEARING.**

**1.** The Planning Commission Review/Public Hearing shall be conducted as follows:

**a.** The applicant or applicant's representative shall make a presentation in a manner that will inform persons at the hearing of the nature, location and scope of the proposed subdivision including planned or proposed future phases where applicable.

**b.** Members of the Planning Commission may ask questions of the applicant concerning the proposed development.

**c.** Planning Department staff will review written observations, comments, and recommendations.

**d.** The interested public will be given an opportunity to ask questions and comment upon the proposed subdivision, within the framework of **DEVELOPMENT POLICIES AND DESIGN GUIDELINES AND REGULATIONS** in Article 1 of this Resolution. Written comments will also be accepted and read.

**e.** The Planning Commission and staff will conduct discussions with the applicant and the interested public seeking agreement on conditions that would make the proposed subdivision reasonably compatible with existing land uses, and the Development Policies and Guidelines in Article 1.

**f.** While every attempt will be made to conduct compatibility discussions in a informal and open manner, the Chairman may impose a more formal speaking order and time limits in the interest of orderly and timely deliberations.

**g.** Agreements and conditions arrived at through these discussions will, at the direction of the Planning Commission, become recommended conditions for the approval of the subdivision .

**h.** The Planning Commission may find that the development should be re-classified as to impact. In that event, the application and review procedure for the designated classification shall be followed. The applicant may appeal the reclassification decision to the Board of County Commissioners.

**i.** In the event that the Planning Commission needs more information or time to deliberate the proper resolution of outstanding issues the Public Hearing may be continued to a time certain.

**j.** The Planning Commission will direct the Planning staff to prepare Findings which outline the following:

**(1)** Issues raised by the Planning Commission, Planning Staff, and interested public about compliance of the proposed development with Development Policies Design Guidelines and Regulations in Article 1.

**(2)** Agreements and conditions arrived at to achieve compatibility with policies, design guidelines, and related public concerns; and Planning Commission recommendations for approval, and conditions for approval.

**(3)** Any unresolved issues, and Planning Commission recommendations for resolving said issues or denying the application in part or in full.

**(4)** Reasons for any impact reclassification.

**j.** Findings will be forwarded to the Board of Commissioners within 10 days after the completion of the Public Hearing. Findings will also be sent to the applicant, and will be available for inspection by the interested public.

### **Section 5-103. BOARD OF COUNTY COMMISSIONERS REVIEW OR PUBLIC HEARING.**

**1.** In the event that there are no unresolved policy, design or public issues, and the Planning Commission recommends approval of the proposed development and the conditions for approval, the Board of County Commissioners shall, within 10 days of the Planning Commission's review, render a final decision.



2. In the event that there are unresolved policy, design or public issues, OR the applicant wishes to contest a reclassification of impact OR the proposed development is classified as one of Major Impact, the following procedures shall be followed:

a. A public hearing shall be scheduled and announced in accordance with the above provisions for NOTICE OF PUBLIC HEARING (6-101).

3. Upon conclusion of the public hearing, the Board shall within 10 days after the close of the public hearing render a decision.

## ARTICLE 6

### ENFORCEMENT, FEES AND MISCELLANEOUS PROVISIONS

#### PART 1

#### ENFORCEMENT

**Section 6-100. ENFORCEMENT OF GUIDELINES STANDARDS AND REGULATIONS.** The Design Guidelines, Road Standards and Regulations contained in Article 1 of this resolution shall apply to all land subdivisions, and are enforceable by the County together with any other conditions specified during the review and approval process. Protective covenants and deed restrictions that exceed said Guidelines, Standards, Regulations and specified conditions are enforceable by the developer and/or the property owners or owner's association.

**Section 6-101. CIVIL REMEDIES.** In addition to any criminal penalties imposed by Colorado law:

1. The Board of County Commissioners may bring an action to enjoin any subdivider from selling subdivided land before a final plan for such subdivided land has been approved by the Board of County Commissioners.
2. In case any subdivision change is commenced without compliance with the provisions of this Resolution, the Board -- in addition to other remedies provided by law - may institute an injunction, or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful subdivision change.
3. In addition a civil penalty of one hundred dollars (\$100) per day may be assessed by the Board against any person for every day said person is in violation hereof.

#### PART 2

#### FEES

**Section 6-200. STATEMENT OF INTENT.** In order to compensate the County for the cost of reviewing and processing applications for subdivisions, each applicant shall pay the fees set forth in this section. The fee schedule is designed to make the amount of the fee proportional to the amount of expense likely to be incurred by the County in reviewing and processing the application.

Upon a finding by the Board that the fees charged herein are disproportionate to the actual cost of review, the Board may grant a partial refund or waiver of such fees.

**Section 6-201. FEES CHARGED BY REVIEW AGENCIES.** If a proposed subdivision change will be sent for a review to the Colorado Geological Survey or any other review agency which assesses a fee or charge for its review services, such fee or charge shall be paid to the County at the time of the preliminary plan submittal. If the Planning Department or Commission determines that a proposal should be reviewed at sketch plan or presketch plan, the fee shall be paid at that time. If such fee is not paid, no further County review shall take place.

**Section 6-202. COUNTY FEE SCHEDULE.** Except as otherwise provided herein, subdivision fees shall be as follows:

- |  |   |
|--|---|
| 1. <b><u>Subdivision Fee:</u></b>        | Minor Impact:       \$300 per unit or lot |
|  | Moderate Impact: \$400 per unit or lot.   |
|  | Major Impact:       \$500 per unit or lot |
| 2. <b><u>Correction of Plat Fee:</u></b> | \$50 per plat.                            |
| 3. <b><u>Amended Plat Fee:</u></b>       | \$200 per lot changed.                    |
| 4. <b><u>Vacation of Plat Fee:</u></b>   | \$50.00 per lot.                          |

**Section 6-203. ADDITIONAL FEES.** If, after receipt of the sketch plan, the Board determines that the demand for additional public funds resulting from the proposed subdivision is likely to be substantial the Board may, after consultation and discussion with the applicant, assess additional fees. Such additional fees shall be set in an amount that will, as far as can be determined, cover the public costs. In determining the additional fees, the Board may consider, among other things:

1. The impact which is likely to be associated with the development.
2. The likelihood that proper review will require the County to retain outside professional assistance either to review the application or to perform original study and research.
3. The likelihood that additional staff will be required by the County to review the application.
4. The involvement in the review process of other governmental agencies either through a joint review process agreement, federal environmental review or other procedure.
5. The likelihood that extraordinary travel and transportation costs will be incurred by the County during the review.
6. The likelihood of extraordinary communication, duplication or publication costs arising from the review.

Every reasonable effort shall be made to secure the consent and agreement of the applicant to the additional fee. If such agreement cannot be obtained, the Board may proceed to establish the fee by itself on a good-faith basis.

### PART 3

#### NON-CONFORMING USES, PREVIOUS APPROVALS AND EXEMPTIONS

**Section 6-301. EXISTING AND ABANDONED NON-CONFORMING USES.** Except as hereinafter provided in this Part 3, the lawful use of any building, structure or land existing at the time of the enactment of this Resolution may be continued even though it does not conform to the requirements of this Resolution, and if destroyed by fire or natural causes must be reconstructed in compliance with this Resolution.

**Section 6-302. PREVIOUS APPROVALS.** The adoption of this Resolution shall not affect, cancel or invalidate any approval previously granted under the terms of the existing Montezuma County Subdivision Regulations, or Mobile Home Park Regulations; provided, however, that any approval which would have expired under the terms of the previous regulations shall not be continued by this subsection beyond the date such approval would have otherwise expired.

**Section 6-303. EXEMPTIONS.** The Board of County Commissioners may grant exemptions as provided by CRS 30-28-101 (10) (d).

### PART 4

#### CORRECTION, AMENDMENT AND VACATION OF EXISTING SUBDIVISION

**Section 6-401. CORRECTION OF PLATS.** The Board may approve a correction plat of a subdivision without otherwise complying with the review and referral requirements of this Resolution if:

1. The original subdivision plat was approved and recorded subsequent to October, 1973; and
2. All lot owners in the subdivision must sign on the amended plat approving said correction.
3. The sole purpose of such correction plat is to correct one or more technical errors in the plat; and
4. The correction plat is consistent with an approved preliminary plan or where no preliminary plan was presented, an approved sketch plan.

**Section 6-402. AMENDMENT OF PLATS.**

1. The change or amendment of an approved plat shall be done in accordance with the provisions of this Resolution; provided, however, that submittals utilized in the original application may be utilized for the amendment where appropriate.
2. For any change or amendment of an approved plat, all lot owners must join in, or consent to, the amendment

**Section 6-403. VACATION OF PLATS.**

1. Condition. A person may make application to the Board to vacate any plat of record owned by such person or any part thereof, under the following conditions:

a. All lot owners in the subdivision to be vacated must join in or consent to the vacation.

b. The plat to be vacated is a legal plat of record.

c. Vacation of the plat or any part thereof will not interfere with the use of, nor deny access via public thoroughfare to public land, adjoining properties, utility service corridors or other improvements.

d. Vacation of the plat or any part thereof will not be contrary to this Resolution.

e. The plat vacation will not result in damage to any individual lot owner.

2. Procedure. The owner shall present a petition to the Board containing the legal description of the development and requesting vacation thereof. The Board shall approve or deny the petition. If the petition is approved, the petition and a resolution of approval shall be recorded in the office of the County Clerk and Recorder. All fees for the recording of such vacation shall be paid by the person seeking the vacation.

**PART 5****RESOLUTION AMENDMENTS INTERPRETATION AND REVIEW**

**Section 6-501. AMENDMENTS.** This Resolution may be amended, supplemented, changed, modified or repealed by the Board in accordance with the provisions of this section.

1. *Initiation.* The Planning Commission or the Board, may initiate such amendment procedure.

2. *Review.* Any application for an amendment, supplement, change, modification or repeal of this Resolution shall be considered in the following manner.

**a. Planning Commission Recommendation.** Every proposed amendment, supplement, change, modification or repeal of this Resolution shall be referred to the Planning Commission for its study and recommendation. Within 35 days of the receipt thereof, the Commission shall submit its recommendations for approval or disapproval and any suggestions thereon to the Board.

**b. Public Hearing.** Upon receipt of the recommendation of the Commission, the Board shall schedule a public hearing on the proposed amendment, supplement, change, modification or repeal of this Resolution. Notice of said public hearing setting forth the time, place and purpose thereof shall be published in a local newspaper at least 14 days prior to the date set for the public hearing.

**c. Decision.** Any proposed amendment, supplement, change, modification or repeal of this Resolution shall require the affirmative vote of a majority of the membership of the Board.

**Section 6-502. INTERPRETATION.** When not inconsistent with the context, words in the present tense include the future, words in the plural number include the singular number and the masculine gender includes the feminine gender.

The provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion and protection of the public health, safety and welfare.

**Section 6-503. SEVERABILITY.** If any section, sentence, clause, phrase, word or other provision of this Resolution is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remainder of this Resolution, it being the legislative intent that this Resolution shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, word or provision thereof.

**Section 6-504. JUDICIAL REVIEW.** For purposes of judicial review of this Resolution or any decision pursuant to this Resolution, no "final action" under Rule 106(b) of the Colorado Rules of Civil Procedure shall be deemed to have been made until a subdivision change permit has been granted or denied by the County. The mere adoption of this Resolution without specific decision as to the uses permitted on a specific parcel of land shall not be deemed to constitute a "final action" under Rule 106(b).

**Section 6-505. EFFECTIVE DATE.** This Resolution is necessary for the immediate preservation of the public health, safety and welfare, and is effective immediately upon adoption.

**NOW THEREFORE BE IT ORDAINED** that this Resolution is hereby adopted.

Adopted this 14 day of June, 1994, at 12 o'clock P.m.

Board of County Commissioners  
of Montezuma County, Colorado

Thomas K. Colbert  
Helen McClellan  
Robert W. Brubaker

Commissioners voting aye in favor of this Resolution were:

Robert W. Brubaker, Helen McClellan  
Thomas K. Colbert



Commissioners voting no against this Resolution were:

\_\_\_\_\_ and  
\_\_\_\_\_

Nelda Jenkins, Deputy  
County Clerk and Recorder  
Montezuma County, Colorado

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 24th day of January, 1994, with the following persons in attendance:

Commissioners: Thomas K. Colbert, Helen McClellan,  
and Robert Brubaker

Commissioners absent:

County Administrator: Thomas J. Weaver

County Attorney: Bob Slough

Clerk and Recorder: Jean DeGraff

the following proceedings, among others, were taken:

Resolution # 5-94

WHEREAS, Jack Norris has been employed by Montezuma County for 9 years, and;

WHEREAS, such long dedicated service to Montezuma County should be recognized officially by the County, and;

WHEREAS, the Montezuma County Board of Commissioners desires to express on behalf of Montezuma County its appreciation for such loyal service;

NOW THEREFORE BE IT RESOLVED that the Montezuma County Board of Commissioners hereby congratulates and expresses appreciation to Jack Norris for his 9 years of valuable service to the citizens of Montezuma County.

Commissioners voting aye in favor of the Resolution were:

Robert H. Brubaker, Helen McClellan and \_\_\_\_\_

Commissioners voting nay against the Resolution were:

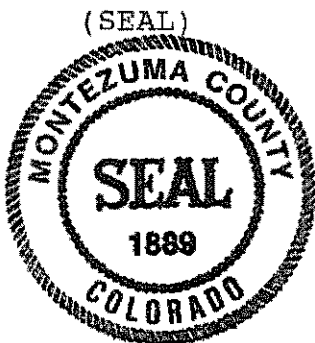
\_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_

Jean DeGraff  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 24 day of January, 1994.

Jean DeGraff  
County Clerk and Recorder  
Montezuma County, Colorado





THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 24th day of January, 1994, with the following persons in attendance:

Commissioners: Thomas K. Colbert, Helen McClellan,  
and Robert Brubaker

Commissioners absent:

County Administrator: Thomas J. Weaver

County Attorney: Bob Slough

Clerk and Recorder: Jean DeGraff

the following proceedings, among others, were taken:

Resolution # 4-94

WHEREAS, John W. Sturdevant has been employed by Montezuma County for 15 years, and;

WHEREAS, such long dedicated service to Montezuma County should be recognized officially by the County, and;

WHEREAS, the Montezuma County Board of Commissioners desires to express on behalf of Montezuma County its appreciation for such loyal service;

NOW THEREFORE BE IT RESOLVED that the Montezuma County Board of Commissioners hereby congratulates and expresses appreciation to John W. Sturdevant for his 15 years of valuable service to the citizens of Montezuma County.

Commissioners voting aye in favor of the Resolution were:

Helen McClellan and Robert Brubaker

Commissioners voting nay against the Resolution were:

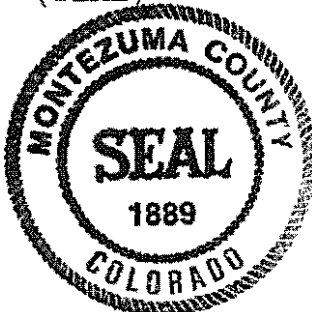
\_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_

Jean DeGraff  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 24 day of January, 1994.

(SEAL)



Jean DeGraff  
County Clerk and Recorder  
Montezuma County, Colorado

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 24th day of January, 1994, with the following persons in attendance:

Commissioners: Thomas K. Colbert, Helen McClellan,  
and Robert Brubaker

Commissioners absent:

County Administrator: Thomas J. Weaver

County Attorney: Bob Slough

Clerk and Recorder: Jean DeGraff

the following proceedings, among others, were taken:

Resolution # 3-94

WHEREAS, Philip L. Sapp has been employed by Montezuma County for 42 years, and;

WHEREAS, such long dedicated service to Montezuma County should be recognized officially by the County, and;

WHEREAS, the Montezuma County Board of Commissioners desires to express on behalf of Montezuma County its appreciation for such loyal service;

NOW THEREFORE BE IT RESOLVED that the Montezuma County Board of Commissioners hereby congratulates and expresses appreciation to Philip L. Sapp for his 42 years of valuable service to the citizens of Montezuma County.

Commissioners voting aye/in favor of the Resolution were:

Robert Brubaker, Helen McClellan and \_\_\_\_\_

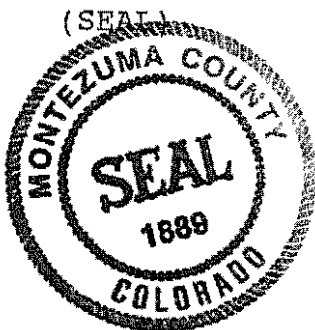
Commissioners voting nay against the Resolution were:

\_\_\_\_\_ and \_\_\_\_\_

Jean DeGraff  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 24 day of January, 1994.



Jean DeGraff  
County Clerk and Recorder  
Montezuma County, Colorado

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 24th day of January, 1994, with the following persons in attendance:

Commissioners: Thomas K. Colbert, Helen McClellan,  
and Robert Brubaker

Commissioners absent:

County Administrator: Thomas J. Weaver

County Attorney: Bob Slough

Clerk and Recorder: Jean DeGraff

the following proceedings, among others, were taken:

Resolution # 2-94

WHEREAS, Royal Archie Leigh has been employed by Montezuma County for 45 years, and;

WHEREAS, such long dedicated service to Montezuma County should be recognized officially by the County, and;

WHEREAS, the Montezuma County Board of Commissioners desires to express on behalf of Montezuma County its appreciation for such loyal service;

NOW THEREFORE BE IT RESOLVED that the Montezuma County Board of Commissioners hereby congratulates and expresses appreciation to Royal Archie Leigh for his 45 years of valuable service to the citizens of Montezuma County.

Commissioners voting aye in favor of the Resolution were:

Helen McClellan Robert Brubaker

Commissioners voting nay against the Resolution were:

\_\_\_\_\_ and \_\_\_\_\_

Jean DeGraff  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 24 day of January, 1994.

(SEAL)

Jean DeGraff  
County Clerk and Recorder  
Montezuma County, Colorado



THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTEZUMA  
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 10th day of January, 1994, with the following persons in attendance:

Commissioners: Thomas K. Colbert, Helen McClellan,  
and Robert Brubaker

Commissioners absent:

County Administrator: Thomas J. Weaver

County Attorney: Bob Slough

Clerk and Recorder: Jean DeGraff

the following proceedings, among others, were taken:

Resolution # 1-94

WHEREAS, Montezuma County adopted an operating budget for the General Fund and Road and Bridge Fund in December 1992 for the ensuing year, and;

WHEREAS, Montezuma County after adoption of the 1993 budget, received unanticipated revenues or revenues not assured at the time of the adoption of the budget other than the local government's property tax mill levy;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners of Montezuma County, the governing board, may authorize the expenditure of such funds by enacting a supplemental budget and appropriation as follows:

GENERAL FUND

Commissioners	13,324.00
County Clerk	6,603.00
Treasurer	4,610.00
Jail	92.00
Sheriff	21,963.00
Health	33,705.00
Administration	5,680.00
Miscellaneous	276,611.00
Senior Nutrition	1,000.00
Computer	1,000.00
Casino	<44,545.00>
ROAD AND BRIDGE FUND	123,014.00

Commissioners voting aye in favor of the Resolution were:

*Helen McClellan, Robert Brubaker and Thomas K. Colbert*

Commissioners voting nay against the Resolution were:

\_\_\_\_\_ and \_\_\_\_\_

Nelda Jenkins, Deputy  
County Clerk and Recorder  
Montezuma County, Colorado

I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 17th day of January, 1994.

(SEAL)

Nelda Jenkins, Deputy  
County Clerk and Recorder  
Montezuma County, Colorado



GENERAL FUNDCOMMISSIONERS

1000-1120  
1000-1160

1000-1310

CLERK

1100-1130  
1100-1322  
1100-1420

TREASURER

1300-1220

JAIL

1600-1222

SHERIFF

1700-1220  
1700-1152  
1700-1152  
1700-1220  
1700-1420  
1700-1154  
1700-1220  
1700-1380  
1700-1220  
1700-1420  
1700-1420  
1700-1430  
1700-1500  
1700-1220  
1700-1220  
1700-1360

HEALTH

2300-1130  
2300-1145  
2300-1160  
2300-1310  
2300-1530  
2300-1310

INCOMING MONEY

FARM BILL GRANT/G.S.I.  
8,000.00  
150.00

ESCROW FUNDS/CRS, INC.  
5,174.00

INCOMING MONEY

VIN FEES  
2,500.00  
POSTAGE ELECTION  
4,103.00  
TRANSFER FROM 1220  
650.00

INCOMING MONEY

TAX SALE REIMBURSEMENT  
4,610.00

INCOMING MONEY

EXPENSE RETURNED  
92.00

INCOMING MONEY

EXPENSE RETURNED  
140.00  
B.L.M. CONTRACT  
1,000.00  
D.E.A. GRANT  
1,000.00  
600.00  
200.00  
FOREST SERVICE CONTRACT  
16,600.00  
900.00  
500.00  
EXPENSE RETURNED  
63.00  
EXPENSE RETURNED  
107.00  
EXPENSE RETURNED  
150.00  
EXPENSE RETURNED  
40.00  
EXPENSE RETURNED  
15.00  
SEARCH & RESCUE REFUND  
145.00  
EXPENSE RETURNED  
7.00  
EXPENSE RETURNED  
496.00

INCOMING MONEY

PATH GRANT & WIC CONTRACT  
8,485.00  
2,388.00  
832.00  
COLORADO ACTION FOR HEALTHY PEOPLE  
900.00  
1,100.00  
MEDICARE, MEDICAID & 3RD PARTY PAYORS  
20,000.00

GENERAL FUND

ADMINISTRATION

2700-2000

INCOMING MONEY

EMERGENCY RESERVE FUND/LIGHTING/P.C.  
5,680.00

MISCELLANEOUS

2800-1790

2800-1720

2800-1725

INCOMING MONEY

1992 CARRY-OVER  
12,000.00  
CDBG-HOUSING REHAB  
227,111.00  
FARM BILL GRANT/MANCOS  
37,500.00

SENIOR NUTRITION

3100-1380

INCOMING MONEY

1992 CARRY-OVER  
1,000.00

COMPUTER

3600-1550

INCOMING MONEY

1992 CARRY-OVER  
1,000.00

CASINO

3700

BUDGET CUT

PROVIDING LESS SERVICE  
(44,545.00)

ROAD AND BRIDGE FUND

5000-1221

5000-1221

5000-1223

5000-1224

5000-1226

5000-1231

5000-1235

5000-1410

5000-2000

5100-1511

5100-1320

5100-1330

INCOMING MONEY

EMERGENCY RESERVE FUND  
35,000.00  
INDIVIDUAL REFUNDS  
363.00  
DUST ABATEMENT REFUNDS  
9,727.00  
EMERGENCY RESERVE FUND/C.R.L.  
30,000.00  
FUEL REFUND  
1,473.00  
INS. REFUND ON WRECKED CAT  
12,311.00  
INDIVIDUAL REFUND ON SIGNS  
110.00  
EXPENSE RETURNED  
1,947.00  
BELLY DUMP SALE & 1992 CARRY-OVER  
30,000.00  
EXPENSE RETURNED  
508.00  
775.00  
800.00