

RESOLUTIONS -- 2000

Resolution Number	Date Signed	Name
1-2000	02-07/14-00	Sales and Use Tax Bonds issuance
2-2000	04-24-00	Letter of Credit - Redstone
3-2000	05-08-00	Establishment of Community Correction Board
4-2000	06-05-00	Amend Res #86-1 - Flood Plain along Mancos River
5-2000	05-15-00	Adopt LIZ map
6-2000	06-05-00	Jail Facility - Agreement with City of Cortez
7-2000	05-22-00	Fire Ban
8-2000	07-17-00	Remove Term-limits - put on ballot
9-2000	07-24-00	Declaration of a wildfire disaster emergency
10-2000	09-11-00	Exemption to Growth Initiative - Amend #24
11-2000	09-25-00	Fire Ban suspended
12-2000	11-06-00	Amend Land Use Code
13-2000	11-13-00	LEAF Contract
14-2000	12-11-00	Amend 2000 Budget
15-2000	12-11-00	Adopt 2001 Budget
16-2000	12-11-00	Set Mill Levies 2001
17-2000	12-11-00	Appropriate Sums of Money 2001

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 11th day of December, 2000, with the following persons in attendance:

Commissioners:	G. Eugene Story, Kent Lindsay, and Glenn E. Wilson, Jr.
Commissioners Absent:	
County Administrator:	Thomas J. Weaver
County Attorney:	Bob Slough
Clerk and Recorder:	Evie Ritthaler

the following proceedings, among others, were taken:

Resolution # 17 -2000

A RESOLUTION TO APPROPRIATE SUMS OF MONEY

WHEREAS, the Commissioners have adopted the annual budget in accordance with Local Government Budget Law on December 11, 2000, 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	\$ 6,251,827
Social Services	\$ 3,825,838
Road	\$ 3,417,255
Lodgers Tax	\$ 60,000
Conservation Trust	\$ 140,000
Landfill	\$ 446,660
Revolving Loan Fund	\$ 0
Revenue Sharing	\$ 3,161
Emergency Telephone	\$ 90,000
Capital Fund	\$ 500,000
Correctional Facility	\$ 4,500,000
TOTAL	\$19,234,741

Commissioners voting aye in favor of the resolution were:

[Signature] [Signature] [Signature]

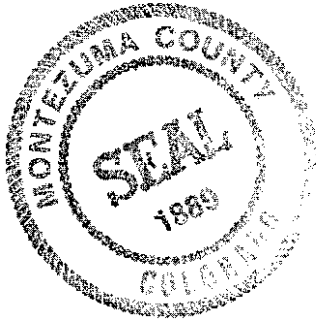
Commissioners voting nay against the resolution were:

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 11th day of December, 2000.

(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 11th day of December, 2000, with the following persons in attendance:

Commissioners:	G. Eugene Story, Kent Lindsay, and Glenn E. Wilson, Jr.
Commissioners Absent:	
County Administrator:	Thomas J. Weaver
County Attorney:	Bob Slough
Clerk and Recorder:	Evie Ritthaler

the following proceedings, among others, were taken:

Resolution # 16 -2000

A RESOLUTION TO SET MILL LEVIES

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2000 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR MONTEZUMA COUNTY, COLORADO, FOR THE 2001 BUDGET.

WHEREAS, the Commissioners of Montezuma County, Colorado, have adopted the annual budget in accordance with the Local Government Budget Law on the 11th day of December, 2000, and;

WHEREAS, the 2000 valuation by the Commissioners of Montezuma County as certified by the County Assessor is \$236,091,450;

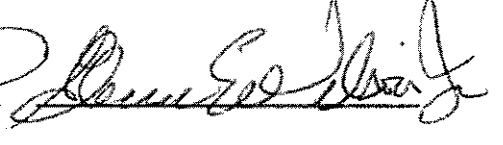
NOW THEREFORE BE IT RESOLVED by the Commissioners of Montezuma County, Colorado, that;

For the purpose of meeting all general operating expenses of Montezuma County during the 2001 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 2000.

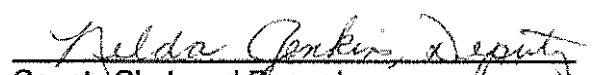
SUMMARY OF FUNDS BUDGET 2001

County General	10.338
Social Services	1.30
Road and Bridge	2.616
TOTAL COUNTY MILL LEVY	14.254

Commissioners voting aye in favor of the resolution were:



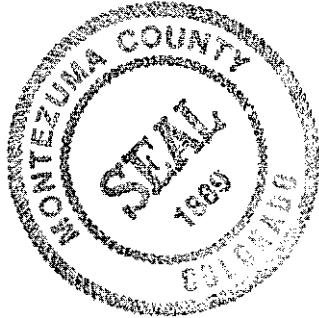
Commissioners voting nay against the resolution were:


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 11th day of December, 2000.

(SEAL)



Alda 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 11th day of December, 2000, with the following persons in attendance:

Commissioners:	G. Eugene Story, Kent Lindsay, and Glenn E. Wilson, Jr.
Commissioners Absent:	
County Administrator:	Thomas J. Weaver
County Attorney:	Bob Slough
Clerk and Recorder:	Evie Ritthaler

the following proceedings, among others, were taken:

Resolution #15-2000

A RESOLUTION ADOPTING A BUDGET FOR MONTEZUMA COUNTY, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2001 AND ENDING ON THE LAST DAY OF DECEMBER, 2001.

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

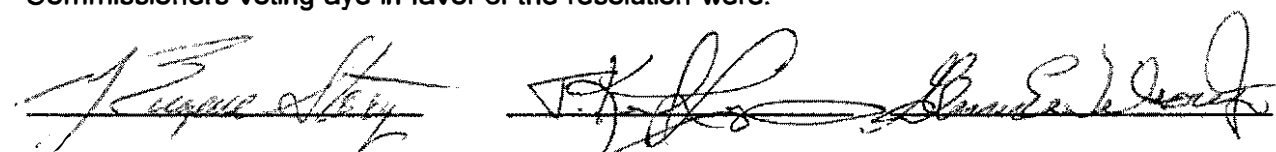
WHEREAS, Mr. Weaver has submitted a proposed budget to this governing body for its consideration, and;

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 11, 2000, 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 budget as submitted 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:

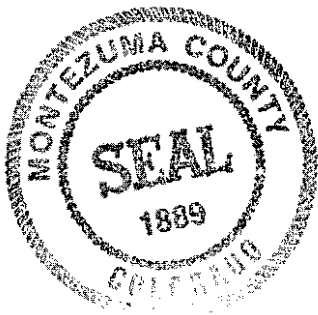

Commissioners voting nay against the resolution were:


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 11th day of December, 2000.

(SEAL)




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 11th day of December, 2000, with the following persons in attendance:

Commissioners:	G. Eugene Story, Kent Lindsay, and Glenn E. Wilson, Jr.
Commissioners Absent:	
County Administrator:	Thomas J. Weaver
County Attorney:	Bob Slough
Clerk and Recorder:	Evie Ritthaler

the following proceedings, among others, were taken:

Resolution # 14-2000

WHEREAS, Montezuma County adopted an operating budget for the General Fund, Road and Bridge Fund and Landfill Fund in December, 1999, for the ensuing year, and;

WHEREAS, Montezuma County after adoption of the 2000 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, Colorado, the governing board, may authorize the expenditure of such funds by enacting a supplemental budget and appropriation as follows;

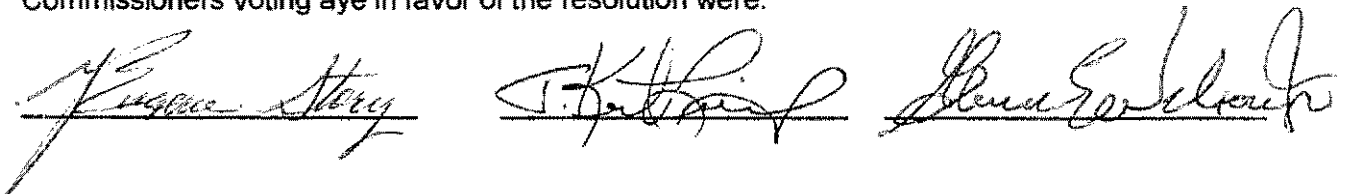
GENERAL FUND	\$ 839,436.00
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Clerk	\$ 4,051.00
Community Corrections	47,187.00
Assessor	- 3,700.00
County Attorney	41,416.00
Jail	85,939.00
Records	40,962.00
Sheriff	140,045.00
District Attorney	185.00
Health	17,300.00
Administration	90,027.00
Misc.	23,176.00
Purchasing	3,700.00
Senior Nutrition	16,800.00
Justice Building	250,000.00
Computer	60,000.00
Elections	22,348.00

ROAD AND BRIDGE FUND	\$ 566,867.00
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LANDFILL	\$ 368,987.00
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Commissioners voting aye in favor of the resolution were:



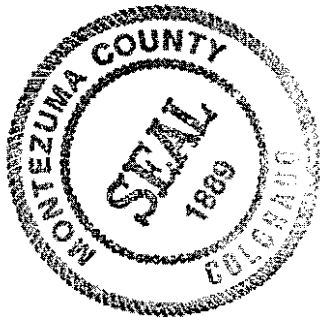
Commissioners voting nay against the resolution were:

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 11th day of December, 2000.

(SEAL)



Nelda Jenkins Deputy
County Clerk and Recorder
Montezuma County, Colorado

RESOLUTION # 13-2000

*Original
Sheriff's Office*

**A RESOLUTION APPROVING THE LAW ENFORCEMENT ASSISTANCE
FUND (LEAF) CONTRACT # L-42-1**

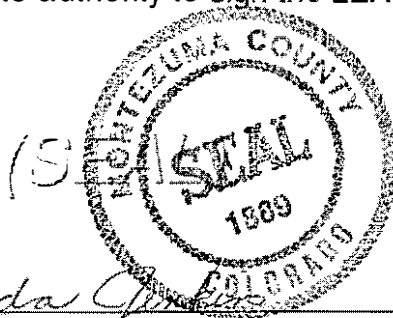
WHEREAS, the County of Montezuma, on behalf of the Montezuma County Sheriff's Office, has submitted an application to the Colorado Department of Transportation, Office of Transportation Safety for funding a LEAF project for the enforcement of laws pertaining to the driving under the influence of alcohol or other drugs, pursuant to §43-4-401 through 404, CRS and to LEAF Rules at 2CCR 602.1; and

WHEREAS, the State has approved an application and has prepared LEAF Contract which provides \$32,900; and

WHEREAS, the County of Montezuma has the authority and responsibility to fund the Montezuma County Sheriff's Office and to sign contracts on behalf of the Montezuma County Sheriff's Office; and

WHEREAS, a resolution by the County of Montezuma formally approving the LEAF Contract and authorizing the proper signature to be affixed to the Contract indicating such approval is required by the State of Colorado.

NOW, THEREFORE, BE IT RESOLVED, the County of Montezuma hereby approves the term, conditions and obligations of LEAF Contract and hereby authorizes the appropriate authority to sign the LEAF Contract on behalf of the County of Montezuma.



Nelda Jimenez
Attest

Deputy Clerk
Title

Eugene Story
Name

BOCC, Chairman
Title

**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 6th day of November, 2000, with the following persons in attendance:

Commissioners:	G. Eugene Story, Kent Lindsay, and Glenn E. Wilson, Jr.
Commissioners Absent:	
County Attorney:	Bob Slough
County Administrator:	Thomas J. Weaver
County Clerk:	Nelda Jenkins, Deputy Clerk

the following proceedings, among others, were taken:

RESOLUTION No. 12-2000

**A RESOLUTION AMENDING RESOLUTION NO. 2-98,
THE MONTEZUMA COUNTY LAND USE CODE**

WHEREAS, the Montezuma County Land Use Code was adopted on the 20th day of July, 1998, and

WHEREAS, on Thursday, October 26, 2000, during a regularly scheduled Planning Commission meeting, the Montezuma County Planning Commission certified to the Board of County Commissioners proposed amendments to said Land Use Code, and

WHEREAS, it has become necessary to amend said Land Use Code as per Addendum attached hereto.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County as follows:

MONTEZUMA COUNTY LAND USE CODE
Date Amended: November 6, 2000

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CHAPTER 1: GENERAL PROVISIONS, APPLICATION AND THRESHOLD STANDARDS

Chapter 1: Section 1 - General

1101 General.

1101.1 Short Title. This Resolution may be cited and referred to as the “Montezuma County Land Use Code, the “Land Use Code”, or the “Code”. Individual sections of this Land Use Code may have short titles which are generally applicable to the regulations contained in those sections.

1101.2 Authority. This Land Use Code is adopted pursuant to 24-65-101 et seq., C.R.S., as amended (Colorado Land Use Act); 24-67-101 et seq., C.R.S., as amended (PUD Act of 1972); 25-1-611 C.R.S., as amended (Health Regulations); 29-20-101 et seq., C.R.S., as amended, (Local Government Land Use Control Enabling Act); 30-11-101 et seq., C.R.S., as amended, (County Powers); 30-28-101 et seq., C.R.S., as amended, (County Planning and Building Codes, Zoning, and Subdivision Regulations); 30-28-401 et seq., C.R.S., as amended, (Cluster Development); and all other applicable laws.

1101.3 Application. This Land Use Code shall apply to all land in the unincorporated areas of Montezuma County. After the adoption of this Code it shall be unlawful for any person to change the use of land or subdivide property in the unincorporated areas of Montezuma County except in compliance with this Code. The approval or denial of a plat, plan, or agreement shall be supported by written findings.

1101.4 Vested Rights. A vested property right shall be deemed established with respect to any property upon final approval, with or without conditions, of a site specific development plan following notice and public hearing as provided in 24-68-101 et seq., C.R.S., as amended, and this Resolution. “Site specific development plan” means a final subdivision plat or Planned Unit Development plan or High Impact Permit as provided in this Resolution. Zoning is not part of a “site specific development plan” and shall not create any vested property rights. Publication of notice of the site specific development plan approval and creation of a vested property right shall be in accordance with 24-68-103 et seq., C.R.S., as amended. A property right which has been vested shall remain vested as provided by 24-68-104 et seq., C.R.S., as amended, subject to forfeiture as provided in 24-68-103 et seq., C.R.S., as amended.

Chapter 1: Section 2 – Threshold Standards for All Development

1201 Function of Threshold Standards. One of the major objectives of the Comprehensive Land Use Plan is to protect the rural character of the County through the enactment of development regulations appropriate for rural areas. This objective is addressed by a Landowner-Initiated Zoning system and a complementary High Impact Commercial and Industrial Permitting system, which are combined in this Land Use Code.

The Threshold Standards represent the maximum levels of development or impacts from land use activities that may occur without the approval of the County through a permitting and public hearing process. The Threshold Standards assure landowners that surrounding land uses will not exceed the established standards, unless appropriate mitigation measures have been considered and applied. Some Threshold Standards may be relaxed through the permit review process based on existing or proposed surrounding land uses.

In the Landowner-Initiated Zoning system, zoning designations are created that are based generally on lot sizes ranging from 3 acres to 80+ acres. The Threshold Standards are applied to the zoning system, but certain standards are relaxed through the definitions of the zoning designations as parcel sizes increase, reflecting the general nature of agricultural uses located on larger parcels.

Most importantly, the Threshold Standards provide continuity between the primary elements of the Land Use Code, including the High Impact Permitting system, the Landowner-Initiated Zoning system, Planned Unit Developments, and the Montezuma County Subdivision Regulations.

1202 Threshold Standards Established. The following represent the Threshold Standards for all development in the unincorporated areas of Montezuma County. They apply unless a different Threshold is established in an applicable zoning category or other development approval under these regulations. These standards are designed to ensure that development does not cause significant adverse impacts on other property in the area or conflict with applicable provisions of this Code. A significant adverse impact shall be any impact that creates an increased risk to the health, safety or welfare of the citizens of the County, a significant reduction in neighboring property values, or other unfavorable or harmful consequences.

Site, Lot and Building Standards

1	Minimum lot size	• 3 acres
2	Maximum Building Height	• 35 feet
3	Maximum Building Footprint	• 7,500 sq.ft. any one building • 15,000 sq.ft. total of all buildings
4	Building setbacks	• Primary Residence: 120' from County road and State Hwy. Rights-of-way 50' from lot lines or interior subdivision roads • Commercial/Industrial use: 50' from County road and State Hwy. Rights-of-way 100' from residential lot lines
5	New Construction and Remodeling for Commercial/Industrial And Public Buildings	• All new construction and remodeling of commercial and industrial use buildings and public buildings must be built to UBC standards or other uniform standards.
6	Livestock Fencing	• Adequate to protect from livestock encroachment. See 5103.2(c)
7	Protection of Normal Agriculture Operations	• No significant adverse impacts on normal agriculture operations. See 5103.2
8	Outdoor Storage and/or Fabrication areas	• Appropriate screening may be required

Road, Traffic, Parking and Access

9	Roads	<ul style="list-style-type: none"> • All interior roads built to County road standards. See 5105.2.B.
10	Parking/Access/Loading Areas	<ul style="list-style-type: none"> • Adequate for intended use such that traffic flow and circulation are not impeded. • Approved County or CDOT highway access permit. See 5103.4.D
11	Traffic	<ul style="list-style-type: none"> • Less than 15 vehicle round trips per business day

Health, Safety and Welfare

12	Water	<ul style="list-style-type: none"> • Proof of availability and adequate flow. See 5105.2.G.
13	Sanitary Sewer Disposal	<ul style="list-style-type: none"> • Proof of acceptance by Health Dept. for intended use (approved ISDS permit) See 5015.2.F.
14	Stormwater Control and Site Drainage	<ul style="list-style-type: none"> • No adverse impacts on any County road, state highway or adjacent land use. See 5015.2.H.
15	Solid Waste -garbage, refuse, sludge And other discarded material	<ul style="list-style-type: none"> • Proof of disposal service • No materials transferred off-site by natural forces • No on-site burning except for contained flammable domestic waste or as part of an agricultural operation or weed control program.
16	Fire and Wildfire Protection	<ul style="list-style-type: none"> • Letter of adequacy from responsible fire district may be required. See 5105.2.
17	Law Enforcement and Emergency Service	<ul style="list-style-type: none"> • Letter of adequacy from law enforcement and/or emergency service provider may be required.
18	Floodplain	<ul style="list-style-type: none"> • Compliance with the Montezuma County Floodplain Resolution No. 1-91
19	Geologic and Natural hazards	<ul style="list-style-type: none"> • Identification and avoidance or mitigation of potential hazards. See 5105.2.
20	Public Facilities for Outdoor Recreation Facilities, Camp and RV Parks and Mobile Home parks	<ul style="list-style-type: none"> • Adequate restroom: one men/women set plus one extra sink and stall per 100 weekly peak season visitors. See 4108.5.

Nuisance Standards

21	Operational Electric Disturbances	<ul style="list-style-type: none"> • No detrimental effects such as radio and television interference beyond the boundaries of the site.
22	Fire and Explosive Hazards	<ul style="list-style-type: none"> • National Fire Protection Association standards and any other fire code or standard employed by the appropriate fire district apply.
23	Glare and Heat	<ul style="list-style-type: none"> • Must be contained, enclosed or treated to make glare and heat imperceptible from any point on the boundary line.
24	Lighting	<ul style="list-style-type: none"> • All direct rays confined to site and adjacent properties protected from glare.
25	Noise	<ul style="list-style-type: none"> • Volume less than 70 decibels at any point on any boundary at any time as established by 25-12-101, et seq. C.R.S., as amended. • Adjacent to residential areas: not to exceed 55 decibels at any point on the boundary line between 7:00pm -6:59am. • Noise from normal agricultural operations is exempt.
26	Vibration	<ul style="list-style-type: none"> • Not perceptible, without instruments, at any point on any boundary line.

27	Odors	<ul style="list-style-type: none"> • Not perceptible at property boundaries. • Agriculture operations: no violation if the best practical maintenance, and control available is being used to maintain the lowest possible emission of odors.
28	Dust, Smoke and Particulate	<ul style="list-style-type: none"> • Dust and Fumes: None beyond property line (Dust control of County roads at expense of operator may be required) • Particulate matter: Less than 0.2 grain/cf flue gas at 500F stack temperature. • Smoke: USEPA Regulations: Opacity System, Method 9. • Agriculture operations: no violation if the best practical maintenance, and control is being used.
29	Radioactivity	• Subject to State and Federal Regulations
30	Water Pollution	• Subject to State and Federal Regulations
31	Noxious Weeds	• Compliance with State (35-5.5-101 et seq. C.R.S. as amended) and Montezuma County Comprehensive Weed Management Plan Resolution No. 4-93, as amended.
32	Other Significant Adverse Impacts	• Pertaining to the Health, Safety and Welfare of the Citizens of Montezuma County

1301 Permits Required. No person may change the use of land or enlarge an existing use in a manner that exceeds the Threshold Standards within the unincorporated areas of Montezuma County without first obtaining a Permit or Waiver pursuant to these regulations or other development approval under the Land Use Code, except as specifically exempted from this Permit requirement. These exemptions apply only to the Permit regulations contained in **Chapter 3**. The applicant for such approval must be the owners of the land or their authorized agent. Any such agent must have express written authority to act on behalf of the owner.

1301.1 Exemptions. The following land uses are exempt from the Permit requirement under this Land Use Code, provided that nothing in these regulations exempts an applicant from any other County requirements or from other local, state or federal requirements:

- A. Normal agricultural operations as protected by Montezuma County Right-to Farm policies and state laws.
- B. Localized agricultural water distribution systems.
- C. Land uses existing at the time of adoption of these regulations that would otherwise exceed the Threshold Standards and/or constitute a High Impact Development, unless the degree of adverse impact increases materially after the adoption of these regulations.
- D. Telecommunication equipment exempted from local regulation by the Federal Telecommunications Act of 1996.
- E. Road improvement projects by governmental entities.

1301.2 Determination of Permit Requirement. If there is any uncertainty or disagreement about a permit requirement for a proposed project, the County may determine through the Waiver Process whether the proposed project constitutes a High Impact Development project for which a permit requirement applies. This determination may be initiated at the request of the developer or the County.

1301.3 All Phases Considered. If a project is to be phased over time, it cannot be segmented to avoid the requirements of these regulations.

1301.4 Subdivision and PUD Covenants Considered. The primary responsibility for the enforcement of Subdivision and PUD covenants is the responsibility of lot owners or associations established on their behalf. The County will, however, consider Subdivision and PUD covenants in reviewing High Impact Waiver Petitions and High Impact Permit Applications. Waiver Petitions and Permit Applications which violate properly recorded Subdivision or PUD covenants shall not be approved without the signatory consent of all lot owners within the PUD or Subdivision.

2101 General Provisions.

2101.1 Short Title. The regulations contained in this section may be cited as the “High Impact Permit Regulations” or the “Permit Regulations”.

2101.2 Purposes. The general purpose of the Permit Regulations is to facilitate the identification, designation, and regulation of High Impact Development projects in the unincorporated areas of Montezuma County. This process will ensure compatibility of commercial and industrial uses with surrounding land uses. The specific purposes of these regulations are:

- A.** To protect and strengthen the established industries of agriculture, commerce, industry, tourism, recreation, and to protect property values.
- B.** To protect and strengthen the economic viability of the private and governmental sectors of the County;
- C.** To regulate development that would otherwise cause excessive noise, water or air pollution;
- D.** To ensure, to the maximum extent practicable, that growth will pay for itself, and that the present residents do not have to subsidize new growth and development;
- E.** To ensure that High Impact Development projects are sited, constructed, developed and operated in a manner that is consistent with the land use policies and regulations of Montezuma County.
- F.** To protect the rural character and visual and aesthetic resources of the County and to protect the health, safety, and welfare of the people of the County and the State of Colorado.

2101.3 Scope. This Chapter 2 applies to **all** commercial and industrial land uses in the unincorporated areas of Montezuma County. Proposed development projects or existing land uses that comply with these standards may verify compliance through a Permit Application granted by the County. Proposed development projects that exceed the Threshold Standards, or by definition constitute a High Impact Development Project shall apply for a Permit or Waiver as required under these regulations.

2101.4 High Impact Development is a commercial or industrial development, including all of its components and associated elements, involving any construction, activity, and/or ongoing operation that (a) changes the basic character or the use of the environment in which the construction, activity, or operation occurs, (b) exceeds the Threshold Standards of these regulations, or (c) involves either:

- Any commercial or industrial use that will generate a total of 15 or more round trip vehicle trips per operating day.
- Any multi-family residential development consisting of 3 or more dwelling units.
- Proposed projects involving outdoor recreation facilities, campgrounds and RV Parks, and Mobile Home Parks.

- If an existing land use already exceeds the Threshold Standards, a change or expansion that produces a measurable change of over 10% from the existing conditions regarding any Threshold Standard category.
- A major extension of an existing domestic water or wastewater treatment system, or a new water or waste water treatment system.
- Major facilities of a public or private utility; major pipelines and power lines; gravel and mining operations, oil and gas drilling, pumping disposal, gathering and transmission facilities, including coal bed methane and CO2, public or private landfills, waste disposal sites, salvage yards, and communication towers.
- Development that would cause excessive noise, water pollution, or air pollution; and development resulting in visual impacts that would substantially degrade property values.
- Projects that involve significant impacts that go beyond the surface and boundaries of the parcel owned by the applicant.

2102 Urban Influence Restrictions.

2102.1 One-Mile Area: Some business uses may be prohibited within one mile of a municipality, in accordance with 31-15-501 (1)(a) C.R.S., as amended.

2102.2 Three-Mile Area: Development may be required to conform to a major street plan of a municipality, in accordance with 31-23-212, et seq., C.R.S., as amended.

2201 Permit Application Procedure. Any landowner may voluntarily submit to the County a completed Permit Application certifying to the County that the current or proposed commercial or industrial land use is in compliance with the Threshold Standards. The Permit Application notifies the County of the land use and protects the landowner from unwarranted criticism or complaints from neighbors if the use is within the Threshold Standards.

Permit Applications filed with the County shall be available for public inspection during regular business hours. If complaints are received by the County based on existing or changed land uses, the actual land use conditions and Permit Application may be reviewed by the County to determine whether a High Impact Permit application or Waiver Petition shall be submitted by the landowner.

No landowner is required to submit a Permit Application if their land use falls within the Threshold Standards. Failure to have an approved Permit Application shall not affect the review of such use if a complaint is later made about the use or if the owner applies for another type of development permit or approval.

2201.1 Permit Application Submittal Requirements. Landowners who wish to obtain a Permit Application shall complete the form provided by the County and submit it with a site plan or map illustrating the property with current and proposed uses and structures. If the Permit Application involves a lot within a Subdivision or PUD a copy of properly recorded covenants shall be submitted with the application. County staff will review the Permit Application.

2201.2 County Commissioner Action. Staff recommendations for Permit Applications exceeding the threshold standards will be a regular agenda item for County Commissioner meetings. If the County Commissioners determine that a High Impact Permit process is warranted, and should be forwarded to the Planning Commission, specific reasons shall be stated in writing.

2201.3 Decision Criteria. The decision of the County Commissioners shall be based on whether the information submitted and other information available to the County indicates compliance with the Threshold Standards and any recorded Subdivision or PUD covenants.

2201.4 Effect of Denial. If the Permit Application is denied by the County Commissioners the applicant shall comply with the Permit or Waiver process or other development approval in order to continue pursuing the change in land use. All denials must be supported by written findings specifying the provision of this Code that the plat, plan or agreement failed to address or satisfy.

2202 Waiver Petition and Procedure. Whenever (a) it is uncertain as to whether a commercial or industrial land use or change in land use should be reviewed under these regulations, or (b) a change in land use or an enlargement of existing uses that will result in only minor impacts beyond the Threshold Standards, and those impacts are mitigated, the developer may request, on their own initiative or in response to a request from the County Commissioners, a Waiver of specific Threshold Standards.

If no significant adverse impacts are apparent, based on a review of the Waiver Petition, the County may grant a Waiver of certain Threshold Standards and allow the applicant to proceed with the activity, change in land use, or enlargement of existing uses without a High Impact Permit, with or without special conditions. The County may also allow the applicant to proceed or operate under limited conditions under a Waiver and require the applicant to apply and obtain a High Impact Permit within a certain time. The following procedure is required to obtain a Waiver:

2202.1 Waiver Petition. The petitioner shall submit a Waiver Petition to the County Commissioners in compliance with the requirements listed in **2203**.

2202.2 Planning Commission Review and Recommendations. The Waiver Petition will be referred to the Planning Commission for review at a regular Planning Commission meeting. The Planning Commission will review the application and forward any recommendations to the County Commission.

2202.3 Decision Criteria. The decision of the County Commissioners shall be based on the following:

- A. Whether the information submitted and other information available to the County indicates compliance with the Threshold Standards.
- B. Whether any minor or significant deviations from the Threshold Standards have been accurately identified.
- C. Whether any minor or significant deviations from Threshold Standards have been mitigated to adequately reduce significant adverse impacts on surrounding property owners and the County.
- D. Whether Waiver Petitions involving lots within an existing Subdivision or PUD are in compliance with recorded covenants.

2202.4 Effect of Denial of a Waiver Petition. If the Waiver Petition is denied by the County Commissioners the applicant shall comply with the full High Impact Permit process in order to continue pursuing the activity or change in land use. All denials must be supported by written findings specifying the provision of this Code that the plat, plan or agreement failed to address or satisfy.

2203 Waiver Petition Submittal Requirements.

2203.1 Petition. A Waiver Petition shall include the following information, if applicable:

- A. The names, addresses, and contact information for the applicant, and, if different, the owner and/or operator of the change in land use.
- B. A current, completed Permit Application, summarizing the level of compliance with each Threshold Standard.
- C. A copy of any recorded Subdivision or PUD covenants and a statement indicating compliance of the change in land use with those covenants.
- D. A general site plan and any preliminary plans, specifications, and design criteria or other documentation for the change in land use as are available, sufficient to indicate the level of compliance with the Threshold Standards and any recorded Subdivision or PUD covenants.
- E. Tentative planning, permitting, construction, operating schedules, estimated life of the change in land use and other information as applicable to ongoing activities.

- F. A list of all other federal, state, and local permits that will be required, and/or documentation of other permits already obtained, for the change in land use, together with any proposal for coordinating these approvals with the County permitting process.
- G. A general statement of any minor and significant adverse impacts resulting from the change in land use and actions taken, or proposed efforts, to mitigate impacts exceeding the Threshold Standards.

2204 High Impact Permit Public Hearing and Review Procedure. When a change in land use will exceed Threshold Standards, and a Waiver Petition has not been approved, a High Impact Permit is required, subject to the following procedure.

2204.1 High Impact Permit Application. A High Impact Permit Application shall be submitted in accordance with **2205.1 and 2205.2**. For projects involving the potential of high significant impacts as defined in **2205.3**, further requirements may be specified in accordance with **2205.4**. When the application is complete it shall be submitted to the County Commission, who will forward it to the Planning Commission.

2204.2 Planning Commission Review and Recommendations. At a regular Planning Commission meeting, the Planning Commission will review the application and forward recommendations to the County Commission. This is not a formal hearing, but the Planning Commission may take public comments and consider them in formulating recommendations.

2204.3 Public Hearing Before the County Commission.

- A. **Notice of Public Hearing.** Upon receipt of recommendations from the Planning Commission, the County Commission may hold a public hearing in accordance with **6101.1, Notice of Public Hearing** of this Code.
- B. **Focus of Public Hearing.** The public hearing will focus on submittals, Planning Commission recommendations, Findings of Fact and Decision Criteria as specified in **2205** along with oral comments made at the public hearing as well as written comments received at, or prior to, the public hearing.
- C. **Option to Continue Public Hearing or Schedule Additional Hearings.** Where the complexity of the issues, or the need for additional information warrant, the County Commission may continue the public hearing to a date certain, or schedule additional public hearings.
- D. **Rendering a Decision.** Upon recommendation of the Planning Commission or completion of the public hearing process, the County Commission shall render a decision on the High Impact Permit Application based on the Decision Criteria in **2205.5**.

2205 High Impact Permit Submittal Requirements. The High Impact Permit application shall include, but not be limited to, the following:

2205.1 General Requirements.

- A. The names, addresses, and contact information for the owner or representative of the owner.

- B. A current, completed Permit Application, summarizing the level of compliance with each Threshold Standard and any recorded Subdivision or PUD covenants.
- C. A site plan, including a vicinity map, indicating to the extent feasible, compliance with the applicable Threshold Standards.
- D. Detailed plans and specifications of the change in land use and conceptual or detailed plans for any potential enlargement of the development or land use.
- E. If the permit application concerns an enlargement of an existing use, the past history and expansion of the use.
- F. A list of the status of all other federal, state, and local permits and approvals that will be required for the change in land use, together with any proposal for coordinating these approvals with the County permitting process.
- G. A description of the public facilities required by the change in land use and evidence of service or specific proposals for providing facilities not currently available.
- H. Descriptions of those adverse impacts resulting from the change in land use which are not mitigated and which are irreversible and irretrievable.
- I. The applicant shall provide copies of the entire packet for distribution to appropriate reviewing agencies.

2205.2 Mitigation Plan. The application shall include a summary plan mitigating significant adverse impacts for the proposal, as applicable:

- A. Plans for mitigating conditions that exceed the Threshold Standards during its construction and operation.
- B. Plans for winding down activities and service and facility demands:
 - 1. When the construction and/or operation of the project is complete,
 - 2. In the event that the project is suspended or terminated prior to completion, and
 - 3. For controlling, restoring, and remediation of any impacts that will continue after the construction and/or operation of the change in land use is complete.
- C. Plans for controlling and remediation of hazardous, toxic, and explosive substances that are used, stored, transported, disturbed, or produced in connection with the change in land use;
- D. Plans for monitoring the effectiveness of the mitigation measures;
- E. A description of how and when the mitigation plan will be implemented and financed; and
- F. Performance Bonds, as cited in **5405.3 Improvement Agreements and Security.**

2205.3 Additional Requirements for Projects Involving the Potential of Highly Significant Impacts. If the scope and magnitude of the project involves significant impacts that go beyond the surface and boundaries of the parcel owned by the applicant, the applicant shall address any aspects of the change in land use listed below. Projects involving the potential for highly significant impacts also include, but are not limited to:

- major facilities of a public or private utility,
- major pipelines and power lines,

- gravel and mining operations,
- oil and gas drilling,
- pumping, disposal, gathering and transmission facilities, including coal bed methane and CO₂,
- public or private landfills,
- waste disposal sites,
- salvage yards,
- communication towers,
- development that would cause excessive noise, water pollution, air or soil pollution, and
- development resulting in visual or other impacts that would substantially degrade property values.

2205.4 Further Requirements. Any or all of the following may be required in the form of maps, narrative descriptions, photographs, data and studies to determine the nature and extent of potential highly significant impacts:

- A. Major Facilities of a Public or Private Utility and other Pipelines and Power lines.** Description of:
 1. Sources of power being generated or commodities being transported.
 2. Voltage and lengths of power lines, locations and sizes of substations, towers and other facilities.
 3. Diameters and lengths of pipelines and location, sizes, and noise levels of compressor stations and other facilities.
 4. A map of corridor locations, right-of-way dimensions, parcel boundaries and owners, and residential and commercial structures within 100 feet of the corridor right-of-way.
- B. Surface and ground water:** Information on immediate and long term impacts on water quality and quantity.
- C. Floodplains, Wetlands, and Riparian Areas:** Information on the impacts of the change in land use.
- D. Air Quality:** Information on impacts of the change in land use on air quality and visibility.
- E. Vegetation:** Information on potential wildfire hazards, and impacts on critical wildlife habitat.
- F. Agriculture and Grazing:** The potential for off-site impacts on the viability of crop production and grazing, including adverse impacts on irrigation and drainage patterns, resources, fences and existing facilities.
- G. Soils and Geology:** Information on natural hazards, unstable soils and the potential for significant soil erosion.
- H. Public Services and Facilities:** Description of the currently available capacities of public services and facilities, the added demand on public services and facilities relative to capacity, and how any deficiencies and added public costs resulting from the change in land use will be addressed.

- I. Property Rights:** Information on property rights that will be obtained, eliminated or impacted as a result of the change in land use including water rights, surface rights, mineral rights, rights-of-way and easements including the identity of property rights owners.
- J. Wastewater Treatment:** A description of adverse impacts on waste water treatment facilities, disposal systems, and discharges as a result of the change in land use.
- K. Socio-Economic Elements:** Information on socio-economic impacts of the change in land use which may include the appraisal of significant impacts on property values, as well as impacts on transportation, population, employment, local government revenues and expenditures, housing, education and social services.

2205.5 Findings of Fact and Decision Criteria. The Planning Commission shall make its recommendation and the County Commissioners shall render a decision on the proposed use based on the following:

- A.** The proposed use is in conformity with the Code, and
- B.** The proposed use shall not generate any significant adverse impacts on other property in the area and is consistent with this Code.
- C.** Public utilities and services are available, or can be made available, to support uses consistent with the proposed zoning.
- D.** If the applicant fails to meet these decision criteria, the permit shall either be approved with conditions, insuring compliance with the decision criteria, or it shall be denied.
- E.** The validity of an approved permit is contingent on continued compliance with the performance standards and attached conditions. Permittees that do not maintain such compliance will be subject to suspension or revocation of the permit in accordance with these regulations.

2205.6 Periodic Review. Approved High Impact Permits will be subject to review if there is any change that exceeds the standards set forth in the permit.

2205.7 Certification of Approval. Notice of each permit approval will be certified by the County Commissioners to the County Clerk and Recorder for recording.

2205.8 Approval or Denial of Plat. The approval or denial of a plat, plan, or agreement shall be supported by written findings specifying the provisions, if any, that the plat, plan or agreement failed to address or satisfy.

2206 Administrative Fees. Administrative fees shall be charged in accordance with 7102 of this Code.

CHAPTER 3: LANDOWNER-INITIATED ZONING

Chapter 3 : Section 1 - General

3101 Landowner-Initiated Zoning. Landowner-Initiated Zoning (LIZ) adapts conventional zoning concepts to the circumstances, values and goals of Montezuma County and relaxes certain Threshold Standards through the definition of the zoning designations. The Threshold Standards as defined for each zoning designation apply to all uses unless specifically defined.

3101.1 Short Title. The regulations in this chapter may be cited as “LIZ” or “Landowner-Initiated Zoning Regulations.”

3102 Purposes and Objectives. This Code is drawn in accordance with the Montezuma County Comprehensive Land Use Plan and is designed for the purpose of promoting the health, safety and welfare of the present and future inhabitants of Montezuma County, including all purposes enabled under Colorado Revised Statutes.

3102.1 Purposes. Based on the recommendations in the Comprehensive Land Use Plan, the specific purposes of the Landowner-Initiated Zoning plan are to provide:

- A.** A menu of agricultural and residential zones for landowners to choose from with lot sizes ranging up to 80+ acres.
- B.** Development standards within each zone that take into account the impact of particular uses on the allowed range of parcel sizes, potential impacts on nearby uses, and any recorded subdivision or PUD covenants.
- C.** Coordination with the High Impact Commercial and Industrial Permit systems. These are subject to the Threshold Standards which are designed to identify and mitigate high impacts to surrounding lands resulting from such uses.
- D.** A voluntary zoning sign-up period of 12 months enabling landowners to select zoning designations, or remain unzoned, followed by review and approval by the County Commissioners.

3102.2 Objectives. Based on the recommendations of the Montezuma County Comprehensive Land Use Plan, the Landowner-Initiated Zoning system is designed to achieve the following objectives:

- A. Landowner choice and responsibility.** Landowners will have the opportunity to make informed choices about the future of their land, while having the responsibility to abide by the standards of this Code, in order to mitigate any significant adverse impacts on other landowners and the County.
- B. An incentive based approach to the preservation of Open Space and productive agriculture lands.** The LIZ zones provide incentives for the preservation of Open Space and the protection of productive agricultural lands while allowing for opportunities to develop and sell homesites.
- C. Predictability concerning property rights.** Landowners who place their land in a LIZ zone will know what their development rights are and what standards will be required when they choose to develop. Landowners who choose to have their land remain unzoned may do so until they make a land use change that requires zoning, compliance with subdivision regulations, or a commercial and industrial permit, except those landowners in the A/R ES zone.

- D. Predictability concerning property values.** As landowners put their land into a LIZ zone, neighbors, potential buyers, and the public will know what kind of development to anticipate and be able to adjust expectations and plans accordingly.
- E. Opportunities to establish neighborhood goals and cooperation.** The opportunity will be provided for neighbors to work together to plan for the future of their neighborhoods.
- F. Predictability concerning the provision of infrastructure and services.** As zoning patterns are established, the County, utility and service providers, and others will be in a better position to plan for future development and to respond to growth in a more cost effective manner.

3103 Application and Scope. The zoning regulations contained in this section shall apply to all land in the unincorporated areas of Montezuma County.

3103.1 Other Regulations. Uses permitted by these regulations shall also be subject to provisions of other applicable County and state regulations.

3103.2 Enforcement and Administration. Unless as specified in this section, the provisions of this section shall be enforced and administered in accordance with **Chapter 7** and other applicable provisions of this Land Use Code.

3104 Official Zoning Map. The Official Zoning Map will be developed by the County. Existing subdivisions, as well as subdivision exemptions, will be designated on the Official Zoning Map as A/R ES (Agriculture/Residential Existing Subdivision). The A/R ES designation allows uses existing at the time that the Code is adopted to continue, notwithstanding the right of lot owners to enforce covenants through civil action. Uses undertaken after the adoption of this Code must comply with Threshold Standards, at a minimum, as well as subdivision covenants of record.

Land development applications processed during the sign-up period, including subdivision applications, will be required to concurrently zone the land pursuant to these regulations. A map of approved applications and the County designations as described above will comprise the Official Zoning Map of Montezuma County during the sign-up period. The Official Zoning Map, together with all data shown thereon, and all amendments thereto, are incorporated by reference into this Code.

3104.1 Zone District Boundaries. Except where otherwise indicated, zone designation boundaries shall follow existing parcel boundary lines.

3104.2 Management and Maintenance of Official Zoning Map. Changes in the boundary of any zone designation shall promptly be entered on the Official Zoning Map.

3104.3 Location of Official Zoning Map. The Official Zoning Map shall be located in the County Planning office with copies available for public reference.

3105 Zoning Designations Established. To carry out the purpose and provisions of these regulations, the following zoning designations are established (Specific standards for each zone are found in **Chapter 3, Section 3, Zoning Regulations**, and **Chapter 4, Section 1, Planned Unit Development Regulations**):

3105.1 A-80+	Large Scale Agriculture
3105.2 AGZ	Agricultural Use
3105.3 A/R 35	Large Scale Agriculture and Residential
3105.4 A/R 10-34	Medium Scale Agriculture and Residential
3105.5 A/R 3-9	Small Scale Agriculture and Residential
3105.6 R-3	Rural Residential
3105.7 A/R ES	Existing Subdivision
3105.8 USZ	Urban Services Zone
3105.9 INDZ	Industrial Zone
3105.10 COMZ	Commercial Zone
3105.11 UNZ	Unzoned
3105.12 Planned Unit Development Options (PUD)	
A. CIPUD	Cluster Incentive PUD
B. MHPUD	Mobile Home and RV Park PUD
C. INDPUD	Industrial PUD
D. COMPUD	Commercial PUD
E. GPUD	General PUD

3106 Land Use Categories Defined.

3106.1 Agricultural Uses Defined. Agricultural land use that involves cultivating the soil to produce and harvest crops or raise livestock, and the preparation, sale, and transportation of these products to the public market.

A. Agricultural Primary Uses:

- Farming and ranching activities
- Agricultural Buildings: barns, pole barns, sheds, equipment storage, animal shelters, to benefit a primary agricultural use
- Fish Hatchery
- Agricultural Tourism Uses: guiding, outfitting, stables and riding, theme farms, farm tours
- Agricultural Home Occupations: Retail or mail-order for farm products, canning, baking, crafts
- Timber Harvesting of on-site material
- Agricultural Facilities: Fencing, livestock feeding and handling, irrigation pipelines, ditches and structures, crop harvesting, processing, and storage facilities
- Noncommercial feedlots
- Nursery / Greenhouse / Truck farm: under 25,000 sq. ft. buildings and shelters
- Agricultural Land Stewardship: Erosion control, water impoundment, windbreaks, weed control, etc. to benefit a primary agriculture use
- On-farm agriculture product storage, packaging, transportation, shipping

B. Agriculture Accessory Uses. Normally incident to Agricultural Uses, may include, but not limited to:

- Primary single family residence
- Housing for ranch and farm operation family members and employees

C. Commercial Agribusiness Uses: may include, but are not limited to:

- Agricultural implements sales and service
- Animal sales and auction businesses conducting regular sales events that involve multiple customers
- Farm animal truck washing and cleaning
- Farm supply stores
- Fairgrounds and rodeo facilities
- Nursery / greenhouse / truck farm: 25,000 to 50,000 sq. ft. buildings and shelters
- Kennels / Animal shelters and enclosures for commercial purposes
- Veterinary clinics
- Retail outlet for agricultural products (25,000-50,000 sq. ft. building)

D. Industrial Agribusiness Uses: May include, but are not limited to:

- Commercial feed lot: 1000 animals or more
- Crop dusting operations and airstrip
- Dairy farm: based on Colorado Department of Health standards
- Meat processing facility
- Nursery / greenhouse / truck farm: over 50,000 sq. ft. buildings
- Slaughter house

3106.2 Commercial Uses Defined. A commercial use involves any type of business activity that is carried on for profit, but not including business or other activities defined as agricultural primary or accessory uses or industrial uses in these regulations. This definition does include Commercial Agribusiness Uses. For purposes of this Code commercial uses also include public and private institutional facilities.

3106.3 Industrial Uses Defined. An industrial use is a use that involves the operations of extraction, processing, assembly, fabrication, storage, repair, material handling, Industrial Agribusiness Uses, and other similar uses.

3106.4 Residential Uses Defined. Residential and Residential Accessory Uses are defined as follows:

A. Residential Uses:

- One primary single-family residence ; or,
- One mobile or modular home (subject to state and local standards); or
- One State-licensed group home for up to eight persons

B. Residential Accessory Uses:

- Guest or caretaker unit: Attached, 1,500 sq. ft. maximum
- Accessory outside storage
- Garages and carports
- Bed and breakfast
- Home occupation

- Domestic animals for family use and consumption
- Non-commercial telecommunications site
- Solar/Wind energy system for site use or utility service uses
- Gardens and orchards
- Stewardship practices

Note: The Landowner-Initiated Zoning Sign-Up Phase was completed on May 15, 2000, with the adoption of the Official Landowner-Initiated Zoning Map.

3201 List of Zoning Designations Available for Selection During Sign-Up Phase. The following categories may be applied for during the 12-month sign-up phase, subject to approval of the Planning Commission and the County Commissioners after a public hearing at the end of the sign-up phase, in accordance with 30-28-116 et seq., C.R.S., as amended.

3201.1	A-80+	Large Scale Agricultural
3201.2	A/R 35+	Large Scale Agricultural and Residential
3201.3	A/R 10-34	Medium Scale Agricultural and Residential

3202 List of Zoning Designations That May Be Indicated Only as a Preference During Sign-up Phase. The following zoning categories may be indicated on the forms during the sign-up phase, solely as a survey to be used for the planning purposes of the County. Zoning preferences listed below are voluntary and are not binding on any party unless they are adopted into the Official Zoning Map as outlined in **3203**.

3202.1	A/R 3-9	Small Scale Agricultural and Residential
3202.2	R-3	Rural Residential
3202.3	USZ	Urban Service Zone
3202.4	INDZ	Industrial Zone
3202.5	COMZ	Commercial Zone

3203 Consideration of Landowner Initiated Zoning Preferences for Adoption into Official Zoning Map.

3203.1 Establishment of Criteria for Public Hearing and Adoption. At the end of the one year sign-up period, the Planning Commission and the County Commission may elect to hold hearings on preference zone applications subject to decision criteria to be recommended by the Planning Commission and adopted by the County Commission. Subsequent to the public hearings, the Planning Commission may recommend, and the County Commission may approve, amendments to the official zoning map to incorporate preference zoning applications that meet the established decision criteria in accordance with 30-28-116, C.R.S., as amended.

3203.2 Preference Zoning Applications that are Not Adopted into the Official Zoning Map. Preference zoning applications that are not adopted into the Official Zoning Map will remain on the Preference Map and will be designated on the Official Zoning Map as Unzoned until such time as zoning is approved through the public hearing process in accordance with 30-28-116, C.R.S., as amended. Public hearing and adoption of preference zoning into the Official Zoning Map may require the submittal of a site specific development plan.

- 3204 Landowner-Initiated Zoning Sign-Up Phase Procedure.** The Landowner-Initiated Zoning sign-up phase shall be administered by the following procedure:
- 3204.1 Certification.** Sign-up forms will require certification that the person completing and filing the form is the owner of the subject property and, in the case of multiple owners, has the authority, in writing, of all owners to apply for the desired zoning category or zoning preference.
- 3204.2 Filing Responsibility of Landowner.** Completing a Landowner-Initiated Zoning form and filing it with the County is the responsibility of the landowner.
- 3204.3 Amendment by Landowner During Sign-Up Phase.** Landowners may amend their Landowner-Initiated Zoning selection(s) during the sign-up phase by filing an amended form with the County.
- 3204.4 Undesignated Parcels to Remain Unzoned.** Any and all parcels of land, excluding land designated AR/ES in compliance with **3104**, without properly filed zoning designations at the conclusion of the 12-month phase shall be determined to be "Unzoned." If the landowner later desires zoning or the use of the property changes to require zoning, the property will be subject to the establishment of a zone through the public review procedure according to the provisions and standards of these regulations.
- 3204.5 Zoning Board of Adjustment.** The Board of County Commissioners shall appoint a Zoning Board of Adjustment to consider appeals of zoning decisions in conformance with 30-28-117 and 118, C.R.S., as amended.
- 3204.6 Board of Adjustment Review of Disputes.** In situations where a landowner, or any person aggrieved, claims that a zoning designation was incorrectly made by the County, and in the case of any other dispute regarding the zoning designation process, the Board of Adjustment shall have authority to resolve the dispute pursuant to these regulations.
- 3205 Development of Landowner-Initiated Zoning Map of Montezuma County.** The Landowner-Initiated Zoning Map of Montezuma County shall be developed in the 12-month phase following the adoption of the Land Use Code, during which time landowners may apply for those zoning designations listed in **3201: List of Zoning Designations Available for Selection During Sign-Up Phase** for existing parcels of land. Zoning designations listed in **3202: List of Zoning Designations That May be Indicated as a Preference During Sign-up Phase**, may be indicated and mapped only as a preference during the sign-up phase, and will be subject to the establishment of a zone through the public review procedure and according to the provisions and standards of these regulations. Any landowner may elect to have his or her land remain unzoned until such a time as there is a change of use of the property requiring zoning.
- 3205.1 Draft Landowner-Initiated Zoning Map Available for Public Review.** In order to foster discussion and cooperation between landowners, the draft Landowner-Initiated Zoning Map shall be available for public review during regular business hours in the Planning Office at the County Courthouse during the sign-up phase.

3205.2 Regular Update of the Draft Landowner-Initiated Zoning Map. The zoning preference applications as filed with the County shall be indicated on the draft Landowner-Initiated Zoning Map, which shall be updated on a regular basis during the sign-up phase.

3206 Adoption of the Draft Landowner-Initiated Zoning Map as Official Zoning Map.

The location and boundaries of the zone districts applied for during the sign-up phase comprise the draft Landowner-Initiated Zoning Map of Montezuma County. After the LIZ sign-up phase and public hearing(s) in conformance with **3201, 3202, and 3203**, the Planning Commission will certify a copy of the draft Landowner-Initiated Zoning Map to the County Commissioners, in accordance with 30-28-112 et seq., C.R.S., as amended.

The County Commissioners will act to approve all or part of the draft Landowner-Initiated Zoning Map and amend the Official Zoning Map of Montezuma County to include the approved LIZ applications, in accordance with 30-28-112, C.R.S., as amended.

3301 Modification of Threshold Standards. The Threshold Standards provide the basis for the definition of each zoning designation. Some of the Threshold Standards are relaxed as specifically defined in the zoning designations, based generally on the increase in lot size. Threshold Standards apply to all land uses unless modified according to the zoning designation definition or Permit exemptions contained in **1301.1**.

3302 Urban Influence Restrictions Applicable to all Zoning and PUD Designations.

3302.1 One-Mile Area: Some business uses may be prohibited within one mile of a municipality, in accordance with 31-15-501 (1)(a) C.R.S., as amended.

3302.2 Three-Mile Area: Development may be required to conform to a major street plan of a municipality, in accordance with 31-23-212 et seq., C.R.S., as amended.

3303 A-80+: Large Scale Agricultural.

3303.1 Purpose. This zone applies to parcels of 80 acres or more. The zoning designation is designed to:

- A.** Provide a zone for landowners whose highest priority is agricultural production and who wish to remain, as much as possible, unconstrained by the impact of residential subdivisions.
- B.** Protect primary and accessory agricultural uses as defined in **3106.1** and related primary and accessory residential uses; and
- C.** Engage in more intensive agribusiness activities through the use of the High Impact Permit process.
- D.** At such time as landowners in the A-80+ zone need to undertake the development of residential lots, rezoning to A/R 35+ will be routinely approved, so long as the uses and threshold standards listed below are in compliance.

3303.2 Minimum Lot Size: 80 acres.

3303.3 Uses by Right:

- A.** Agricultural, Agricultural Accessory. See 3106.1, a and b.
- B.** Residential, Residential Accessory. See 3106.4, a and b.

3303.4 Conditional Uses:

- A.** Uses with valid High Impact Permit in accordance with **Chapter 2**.

3303.5 Threshold Standards:

- A.** Maximum Building Height 45'
- B.** Building Footprint: Maximum building footprint for any building shall be less than 20,000 square feet, 50,000 sq.ft. all buildings.
- C.** Building Setbacks: Threshold Standards
- D.** New Construction and Remodeling: UBC and other uniform codes apply to new commercial and industrial.
- E.** Livestock Fencing: Threshold Standards
- F.** Agricultural Protection: Threshold Standards
- G.** Outdoor Storage: Threshold Standards for non-ag uses
- H.** Roads, Traffic, and Access: Threshold Standards for non-ag uses
- I.** Parking and Loading Areas: Threshold Standards

- J. Health, Safety, and Welfare: Threshold Standards for non-ag uses
- K. Nuisance Standards: Threshold Standards for non-ag uses

3304 AGZ: Agricultural Use.

3304.1 Purpose. This zone applies to parcels of 35 acres or more. The zoning designation is designed to:

- A. Provide a zone for landowners whose highest priority is agricultural production.
- B. Protect primary and accessory agricultural uses as defined in **3106.1**; and
- C. Engage in more intensive agribusiness activities through the use of the High Impact Permit process.
- D. At such time as landowners in the AGZ zone need to undertake the development of residential lots, rezoning to A/R 35+ will be routinely approved, so long as the uses and threshold standards listed below are in compliance.

3304.2 Minimum Lot Size: 35 acres.

3304.3 Uses by Right:

- A. Agricultural, Agricultural Accessory. See 3106.1, a and b.
- B. Residential, Residential Accessory. See 3106.4, a and b.

3304.4 Conditional Uses:

- A. Uses with valid High Impact Permit in accordance with **Chapter 2**.

3304.5 Threshold Standards:

- A. Maximum Building Height 45'
- B. Building Footprint: Maximum building footprint for any building shall be less than 20,000 square feet, 50,000 sq.ft. all buildings.
- C. Building Setbacks: Threshold Standards
- D. New Construction and Remodeling: UBC and other uniform codes apply to new commercial and industrial.
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards for non-ag uses
- H. Roads, Traffic, and Access: Threshold Standards for non-ag uses
- I. Parking and Loading Areas: Threshold Standards
- J. Health, Safety, and Welfare: Threshold Standards for non-ag uses
- K. Nuisance Standards: Threshold Standards for non-ag uses

3305 A/R 35+: Large Scale Agricultural and Residential.

3305.1 Purpose. This zone applies to parcels of 35 acres or more. The zoning designation is designed to:

- A. Protect primary and accessory agricultural uses as defined in **3106.1**,
- B. Engage in more intensive agribusiness activities through the use of the Commercial and Industrial Permitting process; and
- C. Allow the development of up to three (3) clustered lots as home sites per 35 acres as a Cluster Incentive PUD (CIPUD), which allows limited residential development and economic security without eliminating productive agricultural land. Except that any Cluster Development under 30-28-401 et seq., C.R.S.,

as amended, shall not exceed two (2) residential units per each 35 acre increment.

- D. An additional clustered home site may be obtained per each 15 acre increment over the 35 acre minimum parcel size.
- E. For purposes of this code, "clustered lots", "clustered homesites" and the "Cluster Incentive PUD" may include the development of dispersed lots or home sites provided that the purpose of retaining 75% of the site in agricultural production or open space is met.

3305.2 Minimum Lot Size: 35 acres

3305.3 Uses by Right:

- A. Agricultural, Agricultural Accessory. See 3106.1, a and b.
- B. Residential, Residential Accessory. See 3106.4, a and b.

3305.4 Conditional Uses:

- A. Uses with valid High Impact Permit in accordance with **Chapter 2**.
- B. Planned Unit Developments: CIPUD and GPUD.

3305.5 Threshold Standards:

- A. Maximum Building Height 45'
- B. Building Footprint: Maximum building footprint for any building shall be less than 20,000 square feet, 50,000 sq.ft. all buildings.
- C. Building Setbacks: Threshold Standards
- D. New Construction and Remodeling: UBC and other uniform codes apply to new commercial and industrial.
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards for non-ag uses
- H. Roads, Traffic, and Access: Threshold Standards for non-ag uses
- I. Parking and Loading Areas: Threshold Standards
- J. Health, Safety, and Welfare: Threshold Standards for non-ag uses
- K. Nuisance Standards: Threshold Standards for non-ag uses

3306 A/R: 10-34 Medium Scale Agricultural and Residential.

3306.1 Purpose. This zone allows for agricultural use while protecting surrounding areas from higher impact through the use of the Threshold Standards.

3306.2 Minimum Lot Size: 10 acres

3306.3 Uses by Right:

- A. Agricultural, Agricultural Accessory See 3106.1, a and b.
- B. Residential, Residential Accessory See 3106.4, a and b.

3306.4 Conditional Uses:

- A. Uses with valid High Impact Permit in accordance with **Chapter 2**.
- B. Planned Unit Development: General Planned Unit Development.

3306.5 Threshold Standards:

- A. Maximum Building Height 45'
- B. Building Footprint: Maximum building footprint for any building shall be less than 10,000 square feet, 25,000 sq. ft. all buildings.
- C. Building Setbacks: Threshold Standards

- D. New Construction and Remodeling: UBC and other uniform codes apply to new commercial and industrial.
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards for non-ag uses
- H. Roads, Traffic, and Access: Threshold Standards for non-ag uses
- I. Parking and Loading Areas: Threshold Standards
- J. Health, Safety, and Welfare: Threshold Standards
- K. Nuisance Standards: Threshold Standards

3307 A/R: 3-9 Small Scale Agricultural and Residential.

3307.1 Purpose. This zoning designation is intended for residential purposes with accessory agricultural uses.

3307.2 Minimum Lot size: 3 acres

3307.3 Uses by Right:

- A. Agricultural, Agricultural Accessory. See 3106.1, a and b.
- B. Residential, Residential Accessory. See 3106.4, a and b.

3307.4 Conditional Uses:

- A. Uses with valid High Impact Permit in accordance with **Chapter 2**.
- B. Planned Unit Developments: General Planned Unit Development.

3307.5 Threshold Standards:

- A. Maximum Building Height 35'
- B. Building Footprint: Maximum building footprint for any building shall be less than 7,500 square feet, 15,000 sq. ft. all buildings.
- C. Building Setbacks: Threshold Standards
- D. New Construction and Remodeling: UBC and other uniform codes apply to new commercial and industrial.
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards
- H. Roads, Traffic, and Access: Threshold Standards
- I. Parking and Loading Areas: Threshold Standards
- J. Health, Safety, and Welfare: Threshold Standards
- K. Nuisance Standards: Threshold Standards

3308 R-3: Rural Residential.

3308.1 Purpose. This zone is intended to be a residential zone.

3308.2 Minimum Lot Size: 3 acres

3308.3 Uses by Right: Residential, Residential Accessory. See 3106.4,a and b.

3308.4 Conditional Uses: None

3308.5 Prohibited Uses:

- A. All Agricultural
- B. All Commercial
- C. All Industrial
- D. All PUD's

3308.6 Threshold Standards:

- A. Maximum Building Height 35'
- B. Building Footprint: Maximum building footprint for any building shall be less than 5,000 square feet, 7,500 sq. ft. all buildings.
- C. Building Setbacks: Threshold Standards
- D. New Construction and Remodeling: Not applicable
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards
- H. Roads, Traffic, and Access: Threshold Standards
- I. Parking and Loading Areas: Threshold Standards
- J. Health, Safety, and Welfare: Threshold Standards
- K. Nuisance Standards: Threshold Standards

3309 A/R ES: (Existing Subdivision).

3309.1 Purpose. The A/R ES Zone will be applied to platted subdivisions and exemptions existing, or under review, at the time this Code is adopted. A/R: ES zoning will be adopted as part of the official zoning map. The purpose of this zone is to protect residential subdivisions and lots existing at the time of the adoption of this Code.

3309.2 Use Standards. The use standards for the A/R: ES zone will conform with those standards established when the final plat was approved along with the covenants of record. The Threshold Standards listed in **Chapter 1, Section 1** provide minimum standards for land use changes undertaken after the adoption of the Code. Threshold Standards apply as minimum standards in order to provide for the mitigation of significant adverse impacts on other property owners and the County.

3310 USZ Urban Services Zone.

3310.1 Purpose. The Urban Services Zone allows for higher-intensity development where urban services appropriate to the intended use are available. An Urban Service Zone designation cannot be established without clear evidence that services are, or can be made available, to the site within a reasonable time without undue public costs.

3311 INDZ Industrial Zone.

3311.1 Purpose. The Industrial Zone allows for the establishment and expansion of uses that are predominately industrial. Establishment of industrial zoning requires the existence or establishment of infrastructure capable of supporting industrial uses. Industrial Zoning is also contingent on a setting where significant adverse impacts on residential and agricultural uses can be avoided or mitigated.

3311.2 Minimum Lot Size. Three acres unless modified by an approved PUD Plan or High Impact Permit.

3311.3 Uses by Right: Industrial uses that comply with Threshold Standards.

3311.4 Conditional Uses:

- A. Uses approved through the Industrial PUD or General PUD review process.
- B. Uses approved through the High Impact Permit Process.
- C. Residential or agricultural uses are allowed in this zone, but are subordinate to the industrial intent of the zone.

3311.5 Threshold Standards: Threshold standards established in **1202** of this Code apply to this zone. These Threshold Standards may be adjusted through the Industrial PUD, General PUD or High Impact Permit review and approval process provided that significant adverse impacts can be mitigated.

3312 COMZ Commercial Zone.

3312.1 Purpose. The Commercial Zone allows for the establishment and expansion of uses that are predominately commercial. Establishment of commercial zoning requires the existence or establishment of infrastructure capable of supporting commercial uses. Commercial Zoning is also contingent on a setting where significant adverse impacts on residential and agricultural uses can be avoided or mitigated.

3312.2 Minimum Lot Size. Three acres unless modified by an approved PUD Plan or High Impact Permit.

3312.3 Uses by Right: Commercial uses that comply with Threshold Standards.

3312.4 Conditional Uses:

- A. Uses approved through the Commercial PUD or General PUD review process.
- B. Uses approved through the High Impact Permit Process.
- C. Residential or agricultural uses are allowed in this zone, but are subordinated to the commercial intent of the zone.

3312.5 Threshold Standards: Threshold standards established in **1202** of this Code apply to this zone. These Threshold Standards may be adjusted through the Commercial PUD, General PUD or High Impact Permit review and approval process, provided that significant adverse impacts can be mitigated.

3313 UNZ Unzoned.

3313.1 Purpose. Except for A/R: ES zones, landowners may elect to remain unzoned by indicating this to the County or by not filing a zoning certification form with the County. Landowners in this designation may continue present uses without interruption but any change in use or enlargement of use exceeding the Threshold Standards or the subdivision of land, requires compliance with one or more of the following: the High Impact Permitting Regulations, the establishment of a zoning designation, or other development approval to allow the new use. Unzoned landowners who subdivide land will be required to comply with subdivision regulations and to concurrently establish the appropriate zoning designation.

3313.2 Minimum Lot Size: n/a

3313.3 Uses by Right: Existing uses.

3313.4 Conditional Uses: n/a

3313.5 Accessory and Temporary Uses: n/a

3313.6 Threshold Standards: Any change or enlargement from existing uses in excess of the Threshold Standards requires zoning, High Impact Permit, or other development approval.

3314 Summary Chart. On the following pages are summary charts of Montezuma County Zoning Designations and other zoning requirements, for reference purposes only.

- TS - Threshold Standards as listed in Chapter 1, Section 2
- UTS – Urban Influence Area Threshold Standards to be developed at a later time.
Available as preference only in sign-up phase
- PUD descriptions can be found in Chapter 4, Section 2
- C&I uses: Commercial and Industrial Uses
- P/C,TSM: “Plat/Covenants, Threshold Standards Minimum” in the A/R ES Zone indicates standards are based on the recorded plat and covenants, with threshold standards as minimum standards (see 3309).

SUMMARY CHART OF ZONING CHOICES – PREFERENCE ZONES

ZONING CHOICES		URBAN SERVICES ZONE	R-3	AIR 3-9	COMMERCIAL	INDUSTRIAL
Uses by Right		To Be Determined	Residential, Residential Accessory	Primary Agriculture Agriculture Accessory Residential Residential Accessory	Commercial	Industrial
Conditional Uses		To Be Determined	None	GPUD High Impact Permit	COMPUD GPUD High Impact Permit	INDPUD GPUD High Impact Permit
THRESHOLD STANDARDS						
1	Minimum lot size	UTS	3 acres	3 acres	3 acres or per approved PUD or Permit	3 acres or per approved PUD or Permit
2	Maximum building height	UTS	35'	35'	35'	35'
3	Maximum Building Footprint	UTS	5,000-7,500	7,500-15,000	TS	TS
4	Building Setbacks	UTS	TS	TS	TS	TS
5	New Construction and Remodeling for Commercial, Industrial and Public Buildings	UBC for C&I uses	N/A	UBC for C&I uses	UBC for C&I uses	UBC for C&I uses
6	Livestock Fencing	UTS	TS	TS	TS	TS
7	Protection of Normal Agricultural operations	UTS	TS	TS	TS	TS
8	Outdoor Storage	UTS	TS	TS	TS	TS
9	Roads	UTS	TS	TS	TS	TS
10	Parking / Access and Loading areas	UTS	TS	TS	TS	TS
11	Traffic	UTS	TS	TS	TS	TS
12 - 20	<u>Health, Safety and Welfare</u> (water, wastewater, storm water, solid waste, Fire protection, law enforcement, Floodplain, natural hazards, public facilities)	UTS	TS	TS	TS	TS
21 - 31	<u>Nuisance standards</u> (Electrical Disturbances, fire and explosive hazards, glare and heat, lighting, noise, and vibration)	TS	TS	TS	TS	TS
32	<u>Other Significant Adverse Impacts</u>	UTS	TS	TS	TS	TS

SUMMARY CHART OF ZONING CHOICES

ZONING CHOICES		A/R 10-34	A/R 35+	AGZ	A:80+	A/R ES Existing Subdivisions	UNZONED
Uses by Right		Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Per Recorded Plat/Covenants Threshold Standards Minimum	All existing Uses
Conditional Uses		GPUD High Impact Permit	CIPUD, GPUD High Impact Permit	High Impact Permit	High Impact Permit	Per Recorded Plat/Covenants TS Minimum	N/A
THRESHOLD STANDARDS							
1	Minimum lot size	10 acres	35 acres or PUD clusters	35 acres	80 acres	Per Recorded Plat/Covenants	3 acres
2	Maximum building Height	45'	45'	45'	45'	P/C, TSM	35'
3	Maximum Building Footprint	10,000-25,000	20,000-50,000	20,000-50,000	20,000-50,000	P/C, TSM	TS
4	Building Setbacks	TS	TS	TS	TS	P/C, TSM	TS
5	New Construction and Remodeling for Commercial, Industrial and Public Buildings	UBC for C&I uses	UBC for C&I uses	UBC for C&I uses	UBC for C&I uses	P/C, TSM	TS
6	Livestock Fencing	TS	TS	TS	TS	P/C, TSM	TS
7	Protection of Normal Agricultural operations	TS	TS	TS	TS	P/C, TSM	TS
8	Outdoor Storage	TS	TS for non ag	TS for non ag	TS for non ag	P/C, TSM	TS
9	Roads	TS	TS for non ag	TS for non ag	TS for Non ag	P/C, TSM	TS
10	Parking/Access and Loading areas	TS	TS	TS	TS	P/C, TSM	TS
11	Traffic	TS for non ag	TS for non ag	TS for non ag	TS for non ag	P/C, TSM	TS
12 - 20	<u>Health, Safety and Welfare:</u> (water, wastewater, storm water, solid waste, Fire protection, law enforcement, Floodplain, natural hazards, public facilities)	TS	TS for non ag	TS for non ag	TS for non ag	P/C, TSM	TS
21 - 31	<u>Nuisance standards</u> (Electrical disturbances, fire and explosive hazards, glare and heat, lighting, noise, and vibration)	TS	TS for non ag	TS for non ag	TS for non ag	P/C, TSM	TS
32	Other Significant Adverse Impacts	TS	TS for non ag	TS for non ag	TS for non ag	TS minimum	TS

3401 Establishing Zoning or Rezoning After Sign-Up Phase. Any landowner, or their authorized agent, may submit to the County a completed application for establishing zoning or rezoning after the sign-up phase.

3401.1 Submittal Requirements.

A. Application Form. All zoning and rezoning permit applications shall be filed by the owner(s) of the subject parcel with the County on a form provided by the County. The owner may submit a letter designating an agent to act on their behalf in the application process.

B. Map. A property location map.

3401.2 Public Hearing Before the Planning Commission. A public hearing shall be set in accordance with **6101.1 Notice of Public Hearing** of this Code.

3401.3 Findings of Fact and Decision Criteria. The Planning Commission shall make its recommendation and the County Commissioners shall render a decision on the proposed use based on the following:

A. The proposed use is in conformity with the Code, and

B. The proposed use shall not generate any significant adverse impacts on other property in the area and is consistent with this Code.

C. Public utilities and services are available, or can be made available, to support uses consistent with the proposed zoning.

CHAPTER 4: PLANNED UNIT DEVELOPMENT

Chapter 4: Section 1 – Authority, Purposes and Objectives

4101 Authority, Purposes and Objectives of PUD Development.

4101.1 Authority, Purposes, and Objectives. Planned Unit Developments as defined and authorized, pursuant to 24-67-101 et seq. C.R.S., as amended, for the following purposes and to achieve the following objectives of development:

- A.** To provide for necessary commercial, recreational and educational facilities conveniently located to housing, and
- B.** To provide for well-located, clean, safe and pleasant industrial sites involving a minimum strain on transportation facilities and minimum impact of traffic on streets and highways.
- C.** To encourage a more efficient use of land, public services and facilities.
- D.** To conserve the value of the land; and
- E.** To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural and agricultural characteristics.

4102 Scope. Applications for specific Planned Unit Development may be made for land located in any zoning designation where such PUD category is allowed. See Summary Chart at 4109.

4102.1 Not limited to one owner or parcel. A PUD application may involve more than one parcel and/or more than one landowner. Such possibilities include, but are not limited to:

- A.** Parcels in an area suited for a mix of commercial and industrial uses where common highway access, utility planning, recorded covenants, design standards, etc., would make for more orderly and effective development.
- B.** Unincorporated areas with the opportunity to develop infrastructure capable of serving more intensive or higher density commercial, industrial or residential development.
- C.** Adjacent property owners who wish to incorporate amenities such as trails and natural areas into adjoining residential development.

4103 Relationship to Subdivision, Zoning, and High Impact Commercial and Industrial Permitting.

4103.1 Applicability of Other Regulations. The Montezuma County Subdivision Regulations and this Land Use Code apply to PUD's. However, specific standards, specifications or requirements may be modified as part of the PUD approval process to meet the unique circumstances and objectives of the proposed PUD.

4103.2 Modifications Authorized. The County may waive or modify certain standards and requirements of this Code as necessary to meet the intended purpose of a PUD, so long as potentially significant adverse impacts are mitigated.

4103.3 Compatibility of Planned Unit Developments. Potentially incompatible uses within a PUD or between a PUD and surrounding uses must be mitigated for the PUD plan to be approved.

4104 CIPUD Cluster Incentive PUD.

4104.1 Intent. This PUD allows for phased residential cluster development on parcels of 35 acres or greater. The purpose is to allow for small lot home site development while retaining a minimum of 75% of the parcel in agricultural production or Common Open Space. Where this purpose can be met, “clustered lots”, “clustered home sites” and the “Cluster Incentive PUD” may include the development of dispersed lots or home sites. Development of up to three home sites per 35 acres is allowed, except that any Cluster Development under 30-28-401 et seq., C.R.S., as amended, shall not exceed two (2) residential units per each 35 acre increment.

4104.2 Underlying Zoning Designations: A/R 35+

4104.3 Land Use Categories: Agricultural, Residential.

4104.4 Conditional Uses: Commercial and Industrial Uses exceeding Threshold Standards or other applicable standards, approved through appropriate review process.

4104.5 Standards: For residential homesites, the A/R 3-9 or R-3 zoning standards apply, except that lots less than three acres may be created in the interest of preserving agricultural land or Common Open Space. Adequate sewage disposal facilities, as approved by the County Health Department, must be provided.

4104.6 Preservation of Agricultural Land and Open Space: At least 75% of the total parcel must be permanently platted for agricultural use or Common Open Space. On that portion of the parcel preserved for agricultural use, Threshold Standards for the A/R 35+ Zone, apply. Refer to 3305 of this Code.

4104.7 PUD Plan Approval and Phased Development Options. The Cluster Incentive PUD Plan must be approved and platted prior to commencement of home site development. Once the PUD Plan is approved and platted, the home sites may be developed in total or in phases. For the Cluster PUD, administrative and impact fees will also be phased as home site development occurs.

4105 INDPUD Industrial PUD.

4105.1 Intent. This PUD is designed for predominantly industrial uses.

4105.2 Underlying Zoning Designations: Industrial Zone and Urban Services Zone (USZ)

4105.3 Land Use Categories: Predominantly industrial. Residential and agricultural uses are allowed, but are subordinate to the industrial intent of this zone.

4105.4 Conditional Uses: Exceeding Threshold Standards must mitigate significant adverse impacts.

4105.5 Standards: Threshold Standards apply, but may be exceeded based on an approved PUD Plan which mitigates significant adverse impacts.

4106 Commercial PUD.

4106.1 Intent. This PUD is designed for predominantly commercial uses.

4106.2 Underlying Zoning Designations: Commercial Zone and Urban Services Zone (USZ).

4106.3 Land Use Categories: Predominantly commercial. Residential and agricultural uses are allowed, but are subordinate to the commercial intent of this zone.

4106.4 Conditional Uses: Uses exceeding Threshold Standards must mitigate significant adverse impacts.

4106.5 Standards: Threshold Standards apply, but may be exceeded based on an approved PUD Plan which mitigates significant adverse impacts.

4107 GPUD GENERAL PUD.

4107.1 Intent. A PUD is a tool to provide flexibility regarding site and design features. This PUD is applicable to small-scale mixed uses such as business/ residential combinations.

4107.2 Underlying Zoning Designations: A-80+, A/R 35+, A/R 10-34, A/R 3-9, USZ, Commercial, Industrial

4107.3 Land Use Categories: Agricultural, Residential, Commercial, Industrial, Mixed

4107.4 Conditional Uses: Commercial and Industrial Uses exceeding Threshold Standards or other applicable standards, approved through appropriate review process.

4107.5 Standards. Threshold Standards apply, but may be exceeded based on an approved PUD Plan which mitigates significant adverse impacts.

4108 MHPUD Mobile Home and RV Park PUD.

4108.1 Intent. This PUD option allows for variation from regulations for mobile home and RV parks to meet PUD design flexibility objectives.

4108.2 Underlying Zone Designation: Urban Services Zone (USZ), Commercial

4108.3 Land Use Categories: Residential

4108.4 Mobile Home Park Regulations.

- A.** A Mobile Home Park shall not be developed and operated on a site of less than three acres.
- B.** All factory built and/or mobile homes must be in compliance with applicable Colorado laws.
- C.** Mobile Home Parks or R.V. 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 shall 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.
- D.** Mobile home parks shall comply with **General Design Guidelines, 5103.**

- E. Mobile home parks or R.V. Parks located along highways and major arterials will be subject to **Design Guidelines for Development Along Highways, 5103.3.**
- F. Mobile home parks or R.V. Parks adjoining or affecting agricultural lands will be subject to **Design Guidelines for Development Affecting Agricultural Lands, 5103.2.**
- G. Mobile home parks or R.V. Parks shall conform with the following provisions from **Subdivision Regulations:** Avoidance and Mitigation of Hazardous Conditions, Drainage Systems and Livestock Fencing.
- H. No part of any mobile home park shall be used for non-residential purposes, except such uses as are required for the direct servicing and well being of the park residents.
- I. **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.
- J. **Site Setbacks:** Setbacks between the perimeter of the Mobile Home Park and any mobile home shall not be less than the following:
 - 1. Adjacent to dedicated streets, roads or highways - See **General Design Guidelines, 5103.1** , Setback from Roads.
 - 2. Adjacent to park roadways or walkways - ten (10) feet.
 - 3. Adjacent to on site driveways - five (5) feet.
- K. **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.
- L. **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.
- M. **Fencing.** Approved fencing and/or may be required to screen mobile home parks or R.V. 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.
- N. **Access and Service Roads.** The Mobile Home Park shall have direct access to public roadways 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.
- O. **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.
- P. **Lighting.** All service roads and recreation areas shall be illuminated at night with downward directed light.
- Q. **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.

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

4108.5 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, but not be limited to, the following standards:

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

1. Toilets. One toilet for each sex for every fifteen (15) dependent mobile home lots or fractional part thereof.
2. Urinals. Urinals may be substituted for up to one-third (1/3) of the required number of toilets.
3. 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.
4. Bathing or shower facilities. One for each sex for each fifteen (15) dependent mobile home lots or fractional part thereof.
5. Water hydrants shall be provided to wash service buildings, walkways, passageways and other common use areas.
6. 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.

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

1. 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.
2. 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".
3. 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.
4. 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.

5. 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.
6. 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.
7. Exterior doors in service buildings shall be provided with a landing which has a depth and width not less than the door opening.
8. 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.
9. 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.
10. 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.
11. Toilet space shall be in compliance with the Federal Americans with Disabilities Act.
12. 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.
13. 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 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.

14. Plumbing fixtures shall be maintained in good working order and in a clean and sanitary condition.
 15. 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.
 16. If service buildings are kept locked, the operator shall provide a key for dependent mobile home occupants.
 17. Clothes drying areas or mechanical dryers shall be provided for use with laundry facilities.
 18. Plumbing fixtures shall be installed in accordance with provisions of the effective edition of the Colorado Technical Plumbing Code.
 19. Swimming pools shall be operated and maintained in accordance with Colorado Department of Health Regulations and Standards Governing Swimming Pools.
- C. Operational Standards.** Mobile home parks shall be subject to the following operational requirements.
1. 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.
 2. 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 may be inspected regularly by the County Health Department and Fire Department.
 3. 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.
 4. Mobile traffic shall be restricted to not more than ten (10) m.p.h. and signs regulating same shall be posted at all service road entrances.
 5. The Mobile Home lot shall be kept clean and free of refuse and hazardous or noxious materials.
 6. Adequate storage buildings shall be provided for storage of all materials and equipment not in use in the park.
 7. Mobile Homes shall be properly installed and stabilized to insure the safety of the occupants of the park and the general public.
 8. 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.
 9. 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.

- 10.** 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.
- 11.** Rodents and insects shall be controlled by approved sanitary practices, vermin-proofing of buildings extermination and other control methods.
- 12.** Noxious weed infestations shall be controlled under provisions of the Colorado Weed Management Act and the Montezuma County Comprehensive Weed Management Plan Resolution No. 4-93, as amended.
- 13.** 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.
- 14.** A responsible attendant shall be in attendance daily in the park.
- 15.** 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.
- 16.** 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.
- 17.** Each RV camper park shall comply with the Federal Americans with Disabilities Act.

4109 Summary Chart. The following is a summary chart of Planned Unit Development District options and underlying zoning requirements, for reference purposes only. The text sections preceding the chart provide the full PUD requirements.

PUD	Underlying Zoning Designations	Land Use Categories Available	Intent
CIPUD: Cluster Incentive	♦ A/R 35+	♦ Agricultural ♦ Residential	Phased residential cluster development to allow for home site development while retaining 75% of the parcel in agricultural production or Common Open Space. Allows for development of up to 3 home sites per 35 acres. Standards for residential clusters are the same as A/R 3-9 or R-3
MHPUD: Mobile Home	♦ Urban Services Zone	♦ Residential	The MHPUD allows for variation from standards for mobile home and RV parks to meet PUD design flexibility objectives provided that significant adverse impacts are mitigated.
INDPUD: Industrial	• Industrial Zone • Urban Services Zone	• Industrial • Agricultural and Residential uses allowed, but are subordinate.	For predominantly industrial uses. Threshold Standards apply, but may be exceeded based on an approved PUD Plan that mitigates significant adverse impacts.
COMPUD: Commercial	• Commercial Zone • Urban Services Zone	• Commercial • Agricultural and Residential uses are allowed, but are subordinate	For predominantly commercial uses. Threshold Standards apply, but may be exceeded based on an approved PUD Plan that mitigates significant adverse impacts.

4201 Establishing a PUD.**4201.1 General.**

- A. A PUD is a site-specific development plan requiring an appropriate underlying zone designation. Zoning or rezoning may be established prior to, or concurrently with, the review of a PUD Plan.
- B. A decision on each PUD application shall be made by the County Commissioners after receiving a recommendation from the Planning Commission.
- C. PUD alternatives are only available in specified zoning designations. **Refer to Chapter 4, Planned Unit Development.**

4201.2 Design Flexibility for PUDs. A PUD is a tool to provide flexibility regarding site and design features, including, but not limited to:

- A. Threshold standards may be modified to meet the purposes of the PUD providing that adverse impacts can be mitigated.
- B. The clustering of development with usable Open Space areas shall be permitted to encourage common open areas and to save street and utility construction and maintenance costs.
- C. The clustering of development to preserve agricultural land.
- D. Lot size and configuration.

4201.3 PUD Submittal Requirements will consist of an application, map and plan.

- A. **Application form.** All PUD applications shall be filed by the owner(s) or their authorized agent on forms provided by the County and contain the following information on the subject parcel:
 - 1. The landowner's name and address with written consent of all owners.
 - 2. A property schedule from the Assessor's office.
 - 3. Existing zoning or requested zoning designation.
 - 4. Intended land uses.
 - 5. The objectives to be achieved by the PUD.
- B. **Map.** Map indicating the following:
 - 1. Regional location map.
 - 2. All existing and proposed roads with running surface and width indicated. Access and utility easements shall be noted.
 - 3. Property boundaries of the subject parcel with dimensions and area calculations. Include locations of existing and proposed buildings and structures on this site.
 - 4. Sufficient contours to determine lot slopes.
 - 5. All drainage, irrigation, water and other distinctive natural features.
 - 6. Delineated 100 year floodplain areas.
 - 7. Open space and no build zones.

- C. Plan.** The Plan will contain a project description indicating a broad concept of the proposed development including, but not limited to, the following:
1. A development schedule indicating the approximate dates when construction of the various phases of the PUD can be expected to begin and be completed;
 2. Maximum number of dwelling units proposed.
 3. Minimum acreage to be dedicated to Open Space, if any.
 4. The types of all uses proposed and acreages devoted to each use.
 5. Provision for water, sewer, telephone, electricity and other utilities as applicable. Provide evidence of:
 - a. The proposed water source adequate to service the PUD;
 - b. The proposed method of sewage treatment;
 6. A statement of ownership interest, including minerals, relevant to the property planned for a PUD.
 7. A request for the waiver or modification of certain Threshold or other applicable standards, and reasons why such waiver or modification is necessary.
 8. Copies of any special covenants, conditions and restrictions, which will govern the use or occupancy of the PUD.
 9. A list of owners of properties located within three hundred (300) feet of the boundaries of the PUD and their addresses;
 10. A statement of the following:
 - a. The general manner in which storm drainage will be handled.
 - b. The general manner in which provision will be made for any potential natural hazards.
 11. **Other Information.** Supporting information, plans, letters of approval, other documentation from responsible agencies and any other information to satisfy requirements listed under Threshold Standards or other applicable regulations.

4201.4 PUD Procedure. Applications to establish a PUD shall be reviewed in accordance with **Chapter 5, Section 3, Review Procedure.**

4201.5 Findings of Fact and Decision Criteria. The Planning Commission shall make its recommendation and the County Commissioners shall render a decision on the proposed use based on the following:

- A. The proposed PUD is in conformity with this Code and the PUD Act of 1972 (Article 67 of Title 24, C.R.S., as amended), and
- B. The PUD plan shall minimize significant adverse impacts on other property in the area, and
- C. The PUD plan provides access routes in compliance with the Montezuma County Road Specifications and of adequate design to accommodate traffic volume generated by the proposed use.
- D. Public utilities and services are available, or can be made available, to support uses consistent with the proposed zoning.
- E. If cluster planning principles are used, the PUD plan adequately addresses the preservation of productive agricultural land and the designation and maintenance of Common Open Space.

4202 Phased PUD Development. A PUD may be developed in phases, according to the following:

4202.1 Independent Phases. Each phase within a PUD shall be planned and developed in relation to existing surrounding and available facilities and services so that failure to proceed to a subsequent phase will not have a substantial adverse impact on the PUD or its surroundings.

4202.2 Nonresidential Uses. If a PUD contains nonresidential uses, they may be constructed in advance of residential uses if the County finds that such phasing is consistent with sound principles of ordered development and will have no substantial adverse impacts on the quality or character of the PUD or its surroundings.

4203 Ownership and Maintenance of Common Open Space.

4203.1 Maintenance and Enforcement by Owners. If a PUD includes Common Open Space, that space shall be owned and maintained by the property owners within the PUD or by an organization established by the PUD Plan, in accordance with recorded covenants approved as part of the PUD Plan. Common Open Space is a parcel or parcels of land, or a combination of undeveloped land, water, and natural features within the site designated for a Planned Unit Development, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PUD. Covenant provisions are enforceable by the property owners within the PUD.

4203.2 Conditions and Enforcement by the County. The County may also place conditions on the development and maintenance of Open Space to avoid adverse impacts. Such conditions are enforceable by the County.

CHAPTER 5: MONTEZUMA COUNTY SUBDIVISION REGULATIONS

Chapter 5: Section 1 – Development Policies, Guidelines and Regulations

5101 Development Policies, Guidelines and Regulations.

5101.1 Introduction. This article contains the standards by which proposed subdivisions, including Planned Unit Developments, in the unincorporated areas in Montezuma County will be reviewed. The following policies, design guidelines and regulations will be used by the developer, the County and the Public in reviewing, evaluating, constructing or otherwise undertaking subdivision actions. The following terms apply to this Code:

- Subdivider as defined in 30-28-101(9), C.R.S., as amended.
- Subdivision or subdivided land as defined in 30-28-101(10), C.R.S., as amended.
- Subdivision Improvement Agreement as defined in 30-28-101(11), C.R.S., as amended.

5102 Subdivision Policies. The following shall be the subdivision policies of Montezuma County:

- A.** 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.
- B.** To avoid subdivisions that result in unacceptable or unsafe traffic, noise, or dust levels on County roads.
- C.** To minimize conflicts from land subdivisions that will result in significant adverse impacts on adjoining land.
- D.** To guide development so as to provide adequate public facilities without undue costs to the taxpayers of Montezuma County.
- E.** To minimize unsightly development.
- F.** To consult with municipalities regarding any division of land within three (3) miles of their boundaries with regard to the major street plan.
- G.** To avoid development in areas that are unsafe or unsuitable due to natural hazards such as flooding, wildfire, unstable slopes; or due to the unfeasibility of providing basic services such as adequate road access, electricity, potable water, sanitation, telephone and fire protection.

5103 Design Guidelines.

5103.1 General Design Guidelines. Approval of any Subdivision, will require covenants which at a minimum contain the following Design Guidelines.

- A. Setback from Roads.** The following set-backs from roads in Montezuma County are required:
 - 1.** New fences are to be set back a minimum of 30 feet from the centerline of County roads.

2. Setbacks for dwellings are to be minimum of 120 feet from County Road rights-of-way, a minimum of 50 feet from the right-of-way of service roads or streets within a platted subdivision, and 50 feet from lot lines, where physically possible.
 3. Setbacks for barns, garages, and other auxiliary structures shall be a minimum of 25 feet from County road rights-of-way and property lines not adjacent to roads and highways where physically possible.
- B. Lighting.** All outdoor lighting shall be designed to illuminate only the premises and to minimize nuisance to adjoining land owners.
 - C. Drainage.** All open areas of any site, lot, tract or parcel shall be graded and planted as appropriate to provide proper drainage and minimize flooding, erosion and pollution.
 - D. 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.
 - E. 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 No. 4-93, as amended, and development and submittal of an approved weed management plan.
 - F.** Any public facilities shall comply with the Federal Americans with Disabilities Act.

5103.2 Design Guidelines for Development Affecting Agricultural Land.

- A.** 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.
- B.** When land is subdivided prairie dogs and other such nuisances to agricultural productivity will be controlled by suitable and enforceable covenants and deed restrictions.
- C.** 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 the 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 recorded covenants.
- D.** 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.

- E. 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.
- F. 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 No.4-93, as amended, and development and submittal of an approved weed management plan.

5103.3 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 and/or vegetation.

5103.4 Design Guidelines for Commercial Development.

- A. 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.
- B. Commercial developments located on major arterial roads shall also comply with the **Design Guidelines for Development Along Highways**.
- C. The minimum setback between commercial buildings and adjacent lot or property lines shall be:
 - 1. 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.
 - 2. Adjoining residential areas: one hundred (100) feet.
 - 3. From county road and state highway rights-of-way: fifty (50) feet.
- D. 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:
 - 1. Parking, access and circulation areas shall be designed and constructed to provide adequate space for the removal, piling and storage of snow.
 - 2. All parking facilities shall be designed with a dust-free all-weather surface and shall be graded and drained to dispose of all surface water.
 - 3. Parking facilities will be adequate to the proposed use and the anticipated demand for parking spaces. Business and commercial development, storage and parking areas that negatively impact the privacy and views of adjacent residential properties shall be screened by appropriate fencing or vegetation.
- E. If Threshold Standards are exceeded, an approved plan for mitigating adverse impacts is required.

5103.5 Design Guidelines for Residential Development.

- A. The minimum lot size for residential development must be three (3) acres. The net 3 acre lot size shall not include County road rights-of-way. The length of residential lots shall not exceed 2.5 times their width. This guideline may be modified in an approved PUD Plan.

- B. Residential development will require the following:
 - 1. Approval of septic system location and type.
 - 2. Approval of the driveway access design and location.
 - 3. Assignment of a County address.
- C. Compliance with **General Design Guidelines**.
- D. Compliance, as appropriate, with **Design Guidelines for Development Which Affects Agricultural Land**.
- E. 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 shall be set back no less than 25 feet from property lines where physically possible.
- F. 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 shall comply with setback requirements specified in **General Design Guidelines**. (120' from road right-of-way where physically possible.)
- G. All factory built and/or mobile homes must be in compliance with the UBC and HUD codes.
- H. Residential development resulting in the creation of one or more parcels of less than 35 acres will be subject to these regulations.

5103.6 Design Guidelines for Flood Plains. Flood Plain Resolution No. 1-91, as amended, is incorporated herein and made a part hereof.

5104 Impact of Subdivisions and PUDs on County Roads. To address the impacts of Subdivisions and PUDs on County Roads, the County has established a Road Impact Fee. The Road Impact Fee is applied to the improvement of County Roads directly accessing the proposed subdivision or to the improvement of the nearest County Road on the County Road Improvement Plan. The Road Impact Fee is payable by the developer prior to the final signature process by the Board of County Commissioners.

5105 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 Code.

5105.1 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.

5105.2 Avoidance and Mitigation of Hazardous Conditions. Land subject to hazardous conditions such as flooding, wildfire, or natural hazards, 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 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.

- A. Lots.** The minimum lot size for residential development must be three (3) acres unless central sewer and water is provided. The net 3 acre lot size shall not include County road rights-of-way. The length of residential lots shall not exceed 2.5 times their width.
1. Each lot shall abut a roadway or street meeting County construction standards.
 2. Lots with double frontage shall be avoided, except where essential to provide separation from major arterials or incompatible subdivisions.
- B. Street Requirements.**
1. The street or roadway layout shall conform to the Montezuma County Road and Bridge Standard Specifications. Streets shall be aligned to join with planned or existing streets as nearly as practical.
 2. Streets shall be designed to bear a logical relationship to the topography and shall provide for the non-erosive deposition of run-off waters.
 3. Streets within three (3) miles of the incorporated municipalities shall conform with the municipality's major street plan, insofar as an approved street plan is in place.
 4. Intersections of local streets with major streets shall be kept at a minimum.
 5. Intersections shall be as nearly at right angles as possible with no intersection designed at an angle of less than 60 degrees.
 6. 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.
 7. Dead end streets, with the exception of turnarounds, 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.
 8. Minimum right-of-way widths for streets shall be 60'.
 9. Roadbed construction shall meet the Montezuma County Road and Bridge Standard Specifications. Inspection of the roadway construction shall be made by the County Road Department 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.
 10. Street Names, Signage, and House Numbering.
 - a. 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 Montezuma County Road Department. Traffic control signs shall be provided and installed by the developer as prescribed by the County.
 - b. 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. The area Fire Protection District can

guide the owner with specific emergency location standards for numbering devices.

- C. 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.
- D. Utility Easements** shall be provided as determined in advance by the utility provider. They shall be designed so as to provide efficient installation of utilities.
- E. Sidewalks** shall be a minimum of four (4') feet width and four (4") inches thickness on an approved base.
- F. Sanitary Sewage Disposal.**
 - 1. All lots or parcels which are not to be connected to a public or community sanitary sewage system shall be required to have a sewage disposal system prior to the occupancy of, or use of, buildings constructed thereon.
 - 2. 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.
 - 3. The results of percolation tests will be reviewed by the County Sanitarian to determine disposal system requirements in conformance with State and County standards.
 - 4. 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.
 - 5. In the event that a public or community waste disposal system is proposed or required, State Health Department standards and procedures will apply.
 - 6. 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.
- G. Water Supply.** An adequate supply of potable water shall be available to each lot in a subdivision:
 - 1. Subdivisions that are served by existing rural or municipal water systems require a formal commitment of water service from the appropriate water supplier, and the installation of water lines by the subdivider to the boundary of each lot.
 - 2. Subdivisions to be served by the development of an on-site treatment plant must also comply with Colorado Department of Health regulations.
 - 3. If the proposed development involves well water, permit(s) from the State Water Engineer are required.
 - 4. Cisterns are only allowed in the event that a potable water supply is not otherwise available and may be installed by the lot buyer.

5. 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 Home Owners Association to maintain such source and supply in an acceptable manner.
- H. Drainage Systems.**
1. 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.
 2. 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.
 3. 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.
 4. 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.
 5. 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.
- I. 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 four wire stock fence along County roads. Refer to 5103.2(c).
- J.** Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for the disposition of the remainder of the parcel.

5201 Impact Classification.

5201.1 Introduction. The purpose of impact classification is to classify each proposed development 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 development. Average lot size and the number of lots in a proposed subdivision are major factors in determining impact classification.

5201.2 Classification Determination. Whenever it is uncertain as to which classification a development should be given, the classification which requires the more comprehensive review shall be used.

5202 Definitions of Impact.

5202.1 Development of Minor Impact. A development of minor impact 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 sale or not.

5202.2 Development of Moderate Impact: Definition. A development of moderate impact involves:

- A. 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
- B. 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.

5202.3 Development of Major Impact: Definition. A development of major impact involves one or more of the following:

- A. Six (6) or more living units, whether single-family residences, units within a multi-family residential development or any combination thereof,
- B. 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,
- C. Mobile Home Parks and RV/Camp Parks,
- D. A major conflict with the Policies and Design Guidelines contained in this Code,
- E. A major demand for additional public services, infrastructure or public funds, or
- F. A major impact on adjoining land uses.

5203 Impact Classification Procedure.

5203.1 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.

5203.2 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.

5203.3 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 ten (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.

5301 Review Procedure for Subdivisions and PUD's.

5301.1 Purpose of Review Procedure. The purpose of the review procedure is to involve the County and the Public in the establishment of zoning and the planning of a subdivision or Planned Unit Development (PUD) at an early stage. The review process involves the analysis and review of one or more of the following:

- A. Zoning Certification or Application.** The required zoning certification or application shall be filed with the Presketch Plan.
- B. Presketch Plan.** Planning Department review of the Presketch Plan is to provide the information for certifying or establishing the appropriate zoning in conjunction with a Subdivision or PUD application.
- C. 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 Code. Conflicts in applying policies, standards and guidelines shall be identified at this stage.
- D. Preliminary Plan.** Review of the preliminary plan will require the applicant to specifically address any planning and development issues identified in the sketch plan. The preliminary plan will be submitted to the appropriate reviewing agencies for comment.
 - 1. 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. A necessary extension of up to thirty (30) days may be granted with the consent of the Planning Department. The failure of any Agency to respond within thirty-five (35) calendar days or within the period of an extension shall be deemed an approval by the agency. The applicant shall review the comments and recommendations received and may submit additional information and make changes in the development proposal to meet the objections or comments of the reviewing agencies.
- E. Final Plan.** Review of the final plan will 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 recorded covenants, conditions, use restrictions and design and development criteria. A final plan or plat shall conform in all respects to the preliminary plan or plat previously reviewed and approved, including all modifications and special conditions.

5301.2 Filing of Plat. After approval of the Preliminary Plan, the applicant shall submit the required number of copies of a final plat meeting the **Submittal Requirements of Chapter 5, Section 4** to the Planning Department. All dates, signatures and information to be provided by the applicant shall be on the final plat, including necessary spaces and blanks for County approval and recording information.

5302 Minor and Moderate Impact Review Procedure.

5302.1 Presketch Plan. For a subdivision or PUD classified as minor or moderate impact, the applicant shall submit to the Planning Department at least one (1) copy of a presketch plan meeting **Submittal Requirements of Chapter 5, Section 4** which shall be reviewed as follows:

A. Planning Department Review. Upon receipt of the completed zoning certification or application and Presketch Plan, the Planning Department shall make in writing observations, comments and recommendations as may be appropriate. Comments shall contain the Department's opinion of the compatibility or conflict of the proposed zoning, PUD or subdivision with the policies and requirements contained in the **Zoning, PUD or Subdivision Policies, Standards and Guidelines** and whether or not the proposed development will significantly, adversely impact other property in the area or conflict with this Code.

5302.2 Sketch Plan. After review of the Presketch Plan, the developer shall submit the required number of copies of a sketch plan meeting the **Submittal Requirements in Chapter 5, Section 4**.

A. Planning Department Review. Upon receipt of all required sketch plan information, the Planning Department shall review the submittals for completeness and compliance with the **Zoning, PUD or Subdivision Policies, Standards and Guidelines**. The Planning Department shall make written comments, observations, and recommendations as it deems appropriate and shall refer the sketch plan application to the Planning Commission. Comments shall contain the Department's opinion of the compatibility or conflict of the proposed development or subdivision with each of the policies contained in this Code, including discussion of those conflicts that were apparent at presketch review.

B. Referral to Planning Commission. The completed Sketch Plan, including comments, shall be forwarded to the Planning Commission for its consideration at the earliest reasonable time consistent with the schedule and procedures of the Commission.

5302.3 Planning Commission Public Review and Hearing. The Planning Commission shall conduct a public hearing on the application. This will be done in accordance with the provisions of **Public Review and Hearing Procedure in Chapter 6**.

A. Comments by Reviewing Agencies. The Planning Commission may refer the Sketch Plan to agency review if it is determined that significant adverse impacts require a more detailed review process.

B. Significance of Sketch Plan Approval. Approval of a Sketch Plan shall constitute approval for the general development concept, but shall not constitute approval of any detailed design, engineering submittals or proposed solutions to specific problems. If submittals are not approved, or if specific problems are not solved, the development application shall be denied at final plan stage.

5302.4 Final Plat. After approval of the Sketch Plan by the Planning Commission the applicant shall submit the required number of copies of a Final Plat meeting the **Submittal Requirements in Chapter 5, Section 4** of this Code.

A. Planning Department Review. The Planning Department shall review the final plat for accuracy and compliance with the requirements of this Code and any conditions of Sketch Plan approval, and refer it to the Board.

B. Board Decision. The Board shall consider and render a decision on the plat within thirty-five (35) days and approve the same if said application meets all requirements.

5302.5 Filing of Plat. Following approval by the Board the Final Plat, including covenants, shall be recorded by the County in the office of the County Clerk and Recorder .

5303 Major Impact Review Procedure.

5303.1 Presketch Plan. For a subdivision or PUD classified as major impact the applicant shall submit to the Planning Department at least one (1) copy of a presketch plan meeting **Submittal Requirements in Chapter 5, Section 4** which shall be reviewed as follows:

A. Planning Department Review. Upon receipt of the completed zoning certification or application and presketch plan, the Planning Department shall make in writing observations, comments and recommendations as may be appropriate. Comments shall contain the Department's opinion of the compatibility or conflict of the proposed zoning, PUD or subdivision with the policies contained in the **Zoning, PUD or Subdivision Policies, Standards and Guidelines**.

5303.2 Sketch Plan. After review of the Presketch Plan, the developer shall submit the required number of copies of a sketch plan meeting the **Submittal Requirements in Chapter 5, Section 4**.

A. Planning Department Review. Upon receipt of all required sketch plan information, the Planning Department shall review the submittals for completeness and compliance with the **Zoning, PUD or Subdivision Policies, Standards and Guidelines**. The Planning Department shall make written comments, observations, and recommendations as it deems appropriate and shall refer the sketch plan application to the Planning Commission. Comments shall contain the Department's opinion of the compatibility or conflict of the proposed development or subdivision with each of the policies and requirements contained in this Code, including discussion of those conflicts that were apparent at presketch review and the identification of significant adverse impact on other property in the area.

B. Referral to Planning Commission. The completed Sketch Plan, including comments, shall be forwarded to the Planning Commission for its consideration at the earliest possible time consistent with the schedule and procedures of the Commission.

C. 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 Chapter 6**.

D. Significance of Sketch Plan Approval. Approval of a Sketch Plan shall constitute approval for the general development concept, but shall not constitute approval of any detailed design, engineering submittals or proposed solutions to specific problems. If submittals are not approved, or if specific problems are not solved, the development application shall be denied at preliminary plan or final plan stage.

5303.3 Preliminary Plan Application. After approval of the Sketch Plan application by the Planning Commission, the applicant shall submit the required number of copies of a preliminary plan meeting the **Submittal Requirements** in **Chapter 5, Section 4**. The 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.

A. Planning Department Review. Upon receipt of the required preliminary plan information, the Planning Department shall review the submittals for accuracy, completeness and compliance with the **Zoning, PUD, or Subdivision Policies, Standards and Guidelines** and for compliance with any conditions imposed by the Planning Commission 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 as provided in 30-28-136 et seq., C.R.S., as amended and to any other agencies appropriate to review the particular proposal.

B. 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. A necessary extension of up to thirty (30) days may be granted with the consent of the Planning Commission. The failure of any Agency to respond within thirty-five (35) calendar days or within the period of an extension shall be deemed an approval by the agency. The applicant shall review the comments and recommendations received and may submit additional information and make changes in the development proposal to meet the objections or comments of the reviewing agencies.

C. Planning Commission Review. The Planning Commission shall review the Preliminary Plan at the next regularly scheduled meeting after receiving comments from the reviewing agencies. The Planning Commission shall render a decision based on:

1. Compliance with the **Zoning, PUD, or Subdivision Policies, Standards and Guidelines**,
2. The Preliminary Plan complies with the approved mitigation measures and other conditions, and
3. The proposal will not cause any significant adverse impact on other property in the area and does not conflict with any applicable provision of this Code.

5303.4 Final Plat. After approval of the Preliminary Plan, the applicant shall submit the required number of copies of a final plat meeting the **Submittal Requirements of Chapter 5, Section 4** to the Planning Department. All dates, signatures and information to be provided by the applicant shall be on the final plat, including necessary spaces and blanks for County approval and recording information.

A. Planning Department Review. The Planning Department shall review the Final Plat for accuracy and for compliance with the requirements of this Code and for any conditions of the Preliminary Plan.

B. Referral to Board. The Planning Department may make comments, observations and recommendations regarding the Final Plat upon referral to the Board.

C. Board Approval. The Board shall consider and render a decision on the plat within thirty (30) days and approve the same if said application meets all requirements.

5303.5 Filing of Plat. Following approval by the Board the Final Plat, including protective covenants, shall be recorded by the County in the office of the County Clerk and Recorder .

5401 Submittal Requirements.

5401.1 Purpose. This article sets forth the minimum information which must be submitted by the applicant. The Planning Commission or the Board of County Commissioners may require additional information as they deem necessary.

5401.2 Application for Subdivision or Planned Unit Development. An application for minor, moderate or major impact as defined in this Code shall be made on forms provided by Montezuma County which shall include the following information:

- A.** 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 consents to the filing of the application.
- B.** The name and address of the adjoining surface owners and mineral owners upon which the proposed development is located.
- C.** The legal description of the proposed development
- D.** Existing or requested zoning designation.
- E.** A brief description of adjacent land usage.
- F.** A brief description of the proposed development including number and type of living units, type of industrial, business or commercial use proposed, general description of planned or future expansion and acreage dedicated to Open Space, if any.
- G. Application Completeness.** An application will be considered complete if it is submitted in the required number and form, includes all mandatory information and is accompanied by the applicable fee. The determination of application completeness shall be made within fifteen (15) days of application filing. If an application is determined to be incomplete the Planning Director shall supply written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within thirty (30) days, the application shall be considered withdrawn and the application shall be returned to the applicant.

5401.3 Presketch Plan. The applicant shall submit sufficient copies of a presketch plan which shows the general location of the development in sufficient detail to evaluate 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.** Subdivision or PUD Application.
- B.** Zoning application or certification.
- C.** Site Map to include:
 - 1.** The location of proposed development areas upon the site.
 - 2.** Total acreage, abutting land uses and zoning designations, abutting land owners names and addresses.
 - 3.** Existing roads, streets and highways.

4. Major physical features including structures, buildings, boundary fencing, irrigation ditches and pipelines, utilities, topography, drainage, wetlands, noxious weed infestations and location of natural hazards.

5402 Sketch Plan Submittals for Minor, Moderate or Major Impact.

5402.1 Sketch Plan. If the proposed development is one of minor, moderate or major impact as defined in this Code, the applicant shall submit a copy of the Sketch Plan which shall relate to all of the area proposed for immediate or future development. This information shall also build on the requirements of the Presketch Plan.

5402.2 Map. Maps shall show the name of the development, date of preparation, scale, and arrows designating true north. Maps shall be of a scale to permit adequate review. The sheet size shall be twenty-four (24) inches by thirty-six (36) inches. Maps shall include:

A. Development Layout.

1. The location, dimensions and acreages of all parcels or homesites.
2. Square footage and uses of all existing and proposed buildings, structures, storage yards, waste disposal areas, parking areas, major utility installations and other major features of the development.
3. Location and associated easements of boundary fences, irrigation ditches, pipelines and utilities, proposed and existing, associated with the proposed development.

B. Road Layout.

1. Location of all access easements and rights-of-way.
2. Road surface, width, curve radii and other dimensions of all proposed and existing roads.

C. Natural Features. Indicate the location of streams, lakes, wetlands, natural hazard areas, one hundred year floodplain, topography (sufficient to determine lot slope) and vegetation, including areas of noxious weed infestation on the proposed development site.

5402.3 Development Plan. The Development Plan is intended to provide written narrative and supporting documentation addressing the issues outlined below. Where Development Plan information can best be presented on a map, it may be included in the Map required in **5402.2** or attached to the narrative as a separate map.

A. Development Schedule. The plan shall include a development schedule indicating the approximate dates when construction can be expected to begin and be completed.

B. Waiver or Modification Requests. Any requests for the waiver or modification of certain **Threshold Standards, 1202** or **Design Guidelines, 5103**, shall justify the reasons why such waiver or modification is necessary. The applicant may show how variations in Threshold Standards and Design Guidelines will be addressed in subdivision or P.U.D. covenants.

C. Traffic and Parking. A narrative report or submittals including:

1. Driveway permits from County Road Department or highway access permit from Colorado Department of Transportation.

2. Estimated existing traffic flow on streets, roads or highways serving or related to the proposed development.
 3. The estimated increase in traffic flow resulting from the proposed development.
 4. Visibility at existing and proposed intersections.
 5. The total number of proposed off-street parking spaces for Commercial and/or Industrial development.
 6. The maximum number of vehicles that can reasonably be expected to be parked in the area at any one time because of activities related to the proposed development.
- D. Water Supply.** The plan 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. The 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. 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.
 - b. A permit from the State Water Engineer, and a favorable report from a qualified hydrologist, or results from a pumping test.
 3. Evidence concerning the potability of the proposed water supply if the water is intended for human consumption.
 4. Cisterns are only permitted in the event that rural water is not available.
 - a. In the instance that cisterns are proposed as the primary water supply, provisions for fire protection within the proposed development must be approved by the appropriate fire protection district.
- E. Sewage and Waste Management.** The Plan shall include a narrative report describing:
1. 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.
 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.
- F. 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.

- G. Estimated Costs.** The plan 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 other utilities as may be required of the developer by the County.
- H. Soils and Natural Hazards.** A geologic survey shall address potentially hazardous conditions and shall indicate the suitability of types of soil.
- I. 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 the owner of any agricultural land adjoining or possibly impacted by the proposed land use change.
 - 2. The location, name, name of owner, size and decree of any agricultural irrigation ditch or pipeline crossing 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.
 - 5. The location of existing and proposed boundary fences.

5403 Preliminary Plan Submittals for Major Impact.

5403.1 Preliminary Plan. If the proposed development is one of major impact as defined in this Code, and if the Planning Commission has approved a sketch plan for the proposed development, the applicant shall submit a preliminary plan consistent with these requirements.

- A.** The Planning Department shall determine the number of copies of the Preliminary Plan for department and agency review.
- B.** The Preliminary plan may relate to all or part of the area approved by the Sketch Plan.
- C.** Written submittals shall be bound in an order specified by the Planning Department.

5403.2 Relationship to Sketch Plan. If the Preliminary Plan represents significant variations from the approved Sketch Plan, those variations shall be clearly identified and described. If variations from the approved Sketch Plan substantially change the impact of the project, the applicant may be required to file, and obtain approval of, an amended Sketch Plan.

5403.3 Preliminary Plan Maps.

- A.** The map shall be drawn to a scale not less than one inch equals two hundred (200) feet, or as otherwise approved by the Commission.
- B.** 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.
- C.** 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.

- D. In addition to the requirements of the Sketch Plan map, the following information will be included:
1. Elevation contour certified by a professional engineer or land surveyor drawn at sufficient intervals to determine lot slope.
 2. References to permanent survey monuments with a tie to a section corner or quarter section corner.
 3. The location, size (in square feet and/or acres) and numbering sequence of lots and blocks within subdivisions.

5403.4 Soils and Drainage.

- A. The preliminary plan shall discuss the methods proposed by the applicant to deal with problems arising from soil characteristics within the development.
- B. If drainage impacts are potentially significant, 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.
- C. 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.
- D. If drainage impacts are potentially significant, 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.

5403.5 Roads. In all developments where streets 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 meet the Montezuma County Road and Bridge Standard Specifications. Driveway permit(s) from the Road Department or a highway access permit from Colorado Department of Transportation are required.

5403.6 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 and hazardous wastes, where applicable.

5403.7 Sewage Treatment. The Preliminary Plan must address the proposed method of sewage treatment.

- A. If the lots within a development are utilizing individual sewage disposal systems, the plan shall comply with 25-10-101 C.R.S., et. seq., and Montezuma County Resolution Nos. 86-1 and 4-97, as amended.
- B. If the proposed development will utilize a centralized sewer system the applicant shall submit a letter of agreement from any existing sewage treatment service committing to service the proposed development.
- C. New central sewage disposal systems which are part of a development proposal must be evaluated and approved by the Colorado Department of Health. This approval must be included in the Preliminary Plan submittals. The location of proposed facilities must be included on the Preliminary Plan Map.

- 5403.8 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. For development proposals involving a new centralized water treatment system, the system must be evaluated and approved by the Colorado Department of Health. This approval must be included in the Preliminary Plan submittals. The location of the proposed facilities must be included on the Preliminary Plan map.
- 5403.9 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.
- 5403.10 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 that the applicant is the owner of record or the applicant has the written consent of the owner of record.
- 5403.11 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. Threshold Standards will be incorporated as applicable. Proof shall be provided of the establishment of any association, district or group which will enforce or administer such covenants, declarations and restrictions.
- 5403.12 Common Areas.** The Preliminary Plan shall identify any areas which will be set aside as common areas and shall include a plan for these areas. Maintenance shall be assured on a continual basis.
- 5403.13 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 any hazards.
- 5403.14 Developments Having Impact on Agricultural and Other Land.** 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.
- 5403.15 Noxious Weed Management Plan.** Noxious weeds shall be inspected, identified, diagrammed and submitted with the sketch plan and 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.
- 5403.16 Additional Information.** If any other conditions were placed on approval of the Sketch Plan to achieve compatibility between the proposed development and surrounding uses and with the policies, standards and guidelines of this Code, the Preliminary Plan shall describe and identify those features of the Preliminary Plan design which fulfill these conditions.

5404 Final Plat Submittals for Minor, Moderate and Major Impact.

5404.1 Final Plat. After the Board has approved the Sketch Plan of a development of minor or 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 one (1) blueline or blackline print of the mylar plat.

5404.2 Conformity with Approved Plan.

- A.** Any Final Plat shall conform in all respects to the approved Sketch Plan for a development of minor or moderate impact or the approved Preliminary Plan for a development of major impact.
- B.** Any Final Plat shall incorporate all modifications and special conditions previously specified by the Planning Commission and Board as necessary to comply with the subdivision policies, standards and guidelines of this Code and all applicable laws, rules and regulations.
- C.** Any changes between the previously approved plan and the submitted final plat 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.

5404.3 Required Accompanying Data. All written submittals included with the Final Plat shall be approved according to the impact level submittal and review requirements of the development. These will include, as applicable:

- A.** Application
- B.** Zoning certification
- C.** Development plan: presketch, sketch, preliminary
- D.** Map: presketch, sketch, preliminary
- E.** Waiver/Mitigation plan
- F.** High Impact permit
- G.** Water plan
- H.** Sewage and waste management plan
- I.** Fire Protection plan
- J.** Access permits: County or state
- K.** Geologic survey: soils and natural hazards
- L.** Noxious weed plan
- M.** Compliance with major street plan within 3 miles of a municipality
- N.** Statement of ownership
- O.** Covenants
- P.** Estimated costs
- Q.** Solid and Hazardous wastes for Commercial and Industrial developments
- R.** Road inspection and final approval
- S.** Bond for improvements, as required in an form and amount satisfactory to the County, and
- T.** Any plat notes and covenants specified during review process.

5405 General Requirements for Maps, Plans and Plats.

5405.1 Any map, plan or plat submitted with a final plan application shall comply with the following:

- A.** 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.
- B.** Sheet sizes for all maps, plans or plats shall be twenty-four (24) by thirty-six (36) inches.
- C.** 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.
- D.** 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.
- E.** The point of beginning shall be indicated and its proper reference to the monumented perimeter survey shall be delineated on the drawing.
- F.** 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, et seq., C.R.S., as amended. When the plat is bounded by an irregular shoreline or body of water, the bearings and distances of a closing intermediate traverse shall be given and a notation made that the plat includes all land to the water's edge or otherwise.
- G.** Excepted parcels shall be marked "Not included in this plat" and the boundary completely indicated by bearings and distances.
- H.** All streets, walkways, alleys, and any other public common areas shall be designated as such and named, bearings and dimensions must be given.
- I.** 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.
- J.** 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.
- K.** 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.
- L.** All dimensions of irregularly shaped lots shall be indicated in each lot.
- M.** 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.
- N.** Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgment.
- O.** Other information on the plat shall include but not be limited to:

1. Name of subdivision, true north line and date.
 2. Name of owner or owners and address.
 3. Total acreage of tract and total number of lots.
 4. Township, Range, Section and Quarter Section.
 5. Block and Lot numbers.
 6. Graphic and written scale.
- P. Permanent reference monuments shall be located and set as required by 38-51-101 et seq., C.R.S., as amended.
- Q. 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.
- R. All utilities and easements shall be shown on the Final Plat along with certification from utility companies showing their approval.
- S. Signature block for municipality stating compliance with current major street plan.

5405.2 Subdivision Plats. In addition to the requirements of the foregoing section, subdivision plats intended for recording shall comply with 30-28-133 et seq., C.R.S., as amended, including the following:

- A. All lots, blocks or spaces shall be consecutively numbered.
- B. All covenants, conditions and restrictions shall be filed with the plat and the plat shall contain a reference to the book and page and reception number where the covenants, conditions and restrictions are recorded.
- C. All curve data may be shown on the plat which shall include radii, internal angles and lengths of all arcs. Points of all curvature shall be shown on the plat.
- D. 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.

5405.3 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.

5405.4 Covenants Provided by Seller. Developments 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 recorded covenants shall be provided by the seller to all future purchasers of lots in the subdivision or P.U.D.

6101 Public Review and Hearing Procedure. The Board of County Commissioners shall hold a public hearing on High Impact Permits. A public hearing before the Planning Commission shall be required for the establishment of, or change of zoning, to review PUDs and subdivisions. If there are any unresolved issues the Board of County Commissioners may order a public hearing for the purpose of resolving said issues. The intent of the Public Hearing Process is to arrive at conditions which will make a proposed development compatible with Zoning, Subdivision and P.U.D. regulations, Threshold Standards and Design Guidelines, and with existing land uses that will be impacted by the proposed development.

6101.1 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 either zoning change, subdivision, P.U.D. or High Impact Permit for a public hearing to be given in accordance with the following provisions:

- A.** The notice of public hearing shall clearly set forth adequate information to persons whose rights could be adversely affected by the proposed development. The public notice shall contain:
 - 1. A description of the location of such proposed development 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 development or by reference to quarter-section, township and range.
 - 2. A brief description of the proposal.
 - 3. The date, time and place of the public hearing.
 - 4. A statement that interested persons may attend and give input at such hearing.
 - 5. The phone number and address of the Planning Office where additional information may be obtained.
- B.** The Notice of Application and Public Hearing before the Planning Commission shall be given at least ten (10) days prior to the hearing.
- C.** The Notice of Application and Public Hearing shall be given:
 - 1. By at least one publication in a newspaper of general circulation within Montezuma County.
 - 2. Posting a sign by the landowner at one or more locations on the proposed development at least ten (10) days prior to the hearing. The location of the sign(s) shall be identified by the Planning Department and shall be readily visible from roads or streets serving the area of the proposed development.
 - 3. And as to PUD's, written notice to adjoining landowners at least fifteen (15) days prior to the hearing.

6101.2 Planning Commission Review/Public Hearing. If the development proposal involves a parcel with approved zoning, review and public comment shall be limited to issues of compliance with applicable Threshold Standards, Design Guidelines and Regulations.

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

1. The applicant or applicant's representative shall inform persons at the hearing of the nature, location and scope of the proposed development.
2. Members of the Planning Commission may ask questions of the applicant concerning the proposed development.
3. The interested public will be given an opportunity to ask questions and comment upon the proposed development, within the framework of **Development Policies, Standards and Guidelines** in this Code. Written comments will also be accepted and read.
4. The Planning Commission and staff may conduct discussions with the applicant and the interested public seeking agreement on conditions that would make the proposed development reasonably compatible with existing land uses, and the Development Policies and Guidelines.
5. Agreements and conditions arrived at through these discussions will, at the direction of the Planning Commission, become recommended conditions for the approval of the proposed development .
6. 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.
7. If the Planning Commission recommends denial of the development, the developer has thirty (30) days from the date of the Planning Commission hearing to petition for a public hearing before the Board of County Commissioners.
8. If there are unresolved issues, the Planning Commission may forward the application to the Board of County Commissioners for further review.
9. At the direction of the Planning Commission the Planning staff will prepare Findings.
10. Findings will be forwarded to the Board of Commissioners within 35 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.

6101.3 County Commission Hearing on Sketch Plan (Optional).

- A.** In the event that there are unresolved issues from the Sketch Plan hearing before the Planning Commission, the County Commission may announce a public hearing in conformance with **6101.1**.
- B.** The public hearing will focus on the unresolved issues including relevant submittals and findings along with written and oral public comments made at the Planning Commission Hearing.
- C.** Upon conclusion of the public hearing, the County Commission shall render a decision regarding the Sketch Plan.

6101.4 County Commission Review and Approval of Final Plat shall be conducted in accordance with **5304.4** of this Code.

CHAPTER 7: ADMINISTRATION
Enforcement, Fees, Miscellaneous Provisions

7101 Enforcement.

7101.1 Enforcement.

- A.** Any person, firm, or corporation violating any regulation or provision of this Code shall be subject to criminal and civil actions and proceedings and penalties as provided in 25-1-611 and 613, C.R.S. as amended; and 30-28-124, C.R.S., and that portion of Senate Bill 98-055, codified as 30-28-124.5, C.R.S., as amended.
- B.** The Board of County Commissioners may bring an action to enjoin any person, firm or corporation from selling subdivided land before a final plan for such subdivided land has been approved by the Board of County Commissioners.
- C.** Subdivision Improvements Agreements may be required as provided in 30-28-101 (11) C.R.S., as amended, and shall be enforceable by appropriate legal action.
- D.** Conditions of Approval. In approving applications the Planning Commission and/or Board of County Commissioners shall be authorized to impose such reasonable conditions as may be necessary to reduce or minimize any significant adverse impact upon other property in the area and to comply with applicable provisions of this Code which shall be enforceable by appropriate legal action.

7102 Administrative Fees.

7102.1 Statement of Intent. For the cost of reviewing and processing applications for zoning, subdivisions, and permits each applicant shall pay the fees set forth by the Board.

7102.2 Fees Charged by Review Agencies. If a proposed Land Use change will be sent for a review to any agency which assesses a fee, such fee shall be paid to the County at the time of the preliminary plan submittal or when such costs are incurred.

- A. Additional Fees.** If, after receipt of the sketch, preliminary plan, or permit application, the Board determines that the demand for additional public funds resulting from the review of the proposed development 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.

7103 Non-Conforming Uses and Previous Approvals and Exemptions.

7103.1 Existing and Non-conforming Uses. Except as hereinafter provided in this section, the lawful use of any building, structure or land existing at the time of the enactment of this Code may be continued even though it does not conform to the requirements of this Code, but if abandoned or destroyed any subsequent use must be in compliance with this Code.

7103.2 Previous Approvals. The adoption of this Code shall not affect, cancel or invalidate any approval previously granted under prior Montezuma County Subdivision Regulations.

7103.3 Exemptions. The Board of County Commissioners may grant exemptions as provided by 30-28-101 (10) (d) C.R.S., as amended.

7104 Correction, Amendment and Vacation of Existing Subdivision.

7104.1 Correction of Plats. The Board may approve a correction plat of a subdivision if:

- A.** All affected lot owners in the subdivision sign on the corrected plat approving said correction.
- B.** The sole purpose of such correction plat is to correct one or more technical errors in the plat; and
- C.** The correction plat is consistent with an approved preliminary plan or where no preliminary plan was presented, an approved sketch plan.

7104.2 Amendment of Plats.

- A.** The amendment of an approved plat shall be done in accordance with the provisions of this Code; provided, however, that submittals utilized in the original application may be utilized for the amendment where appropriate.
- B.** All lot owners in the subdivision or PUD must sign on the amended plat approving said amendment.

7104.3 Vacation of Plats.

- A.** A person may make application to the Board to vacate any undeveloped subdivision plat of record.
- B. Procedure.** The owner or owners shall present a petition signed by all owners of all the land in the undeveloped subdivision or PUD to the Board containing the legal description of the development and requesting vacation thereof. The Board shall approve or deny the petition.

7105 Resolution Amendments Interpretation and Review.

7105.1 Amendments. This Resolution may be amended, supplemented, changed, modified or repealed by the Board in accordance with the provisions of this section.

- A. Initiation.** The Planning Commission or the Board may initiate such amendment procedure.
- B. Review.** Any application for an amendment, supplement, change, modification or repeal of this Resolution shall be considered in the following manner:
 - 1. 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.

2. **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 newspaper of general circulation in Montezuma County at least fifteen (15) days prior to the date set for the public hearing. A decision will be rendered by the Board at the conclusion of the public hearing.

7105.2 Severability. If any provision of this Resolution is held invalid with respect to its application to any person or factual situation, all other provisions shall continue to apply, and to that end the provisions of this Resolution are hereby declared severable.

7105.3 Judicial Review. The adoption of this Resolution is a legislative function. Judicial review of a final judicial or quasi-judicial local land use decision shall be as provided by 13-51.5-101 to 103 et seq., C.R.S., as amended.

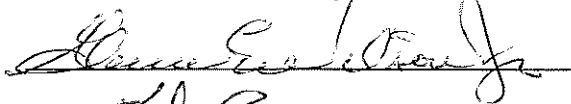

7105.4 Repeal. That Resolution No. 15-78, dated July 17, 1978 declaring that certain matters shall not be regulated is hereby repealed.

7105.5 Effective Date. This Code is necessary for the immediate preservation of the public health, safety and welfare, and shall be effective immediately upon adoption.

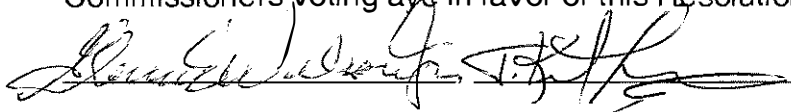
NOW THEREFORE BE IT RESOLVED that this Code is hereby amended.

Adopted this 6th day of November, 2000, at 2:00 o'clock p.m.

Board of County Commissioners
of Montezuma County, Colorado

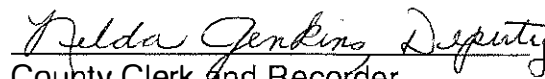



Commissioners voting aye in favor of this Resolution were:

 and _____

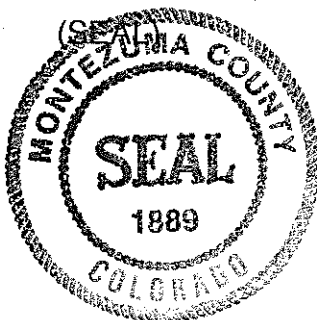
Commissioners voting no against this Resolution were:


_____, _____ and _____


County Clerk and Recorder
Montezuma County, Colorado

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

Dated this 6th day of November, 2000.




County Clerk and Recorder
Montezuma County, Colorado

ADDEI IM TO MONTEZUMA COUNTY LAND U. CODE
NOVEMBER 6, 2000

1202 Chart of Threshold Standards: Add: #32 Other Significant Adverse Impacts. Pertaining to the Health, Safety and Welfare of the citizens of Montezuma County.

Chapter 2: Change all "Letter Permit" phrases to "Permit Application"

Chapter 2: Section 2 2201.2 – 2201.4:

- ♦ Move "County staff will review the Letter Permit Application" to the end of 2201.1
- ♦ Delete "and the County Commissioners will approve or deny it" in the first sentence in second paragraph.
- ♦ 2201.1 Delete "A public hearing shall be set in accordance with 6101.1 Notice of Public Hearing of this Code".
- ♦ 2201.2 Insert "exceeding the Threshold Standards" after Staff recommendations for letter permit applications".
- ♦ Delete rest of 2201.2
- ♦ Insert " If the County Commissioners determine that a High Impact Permit process is warranted, and should be forwarded to the Planning Commission, specific reasons shall be stated in writing".

2204.3A Replace "will announce" with "may hold"

- ♦ Add " Notice of Public Hearing of this Code" at the end of "A" after 6101.1.

2204.3D After Upon add: "recommendation of the Planning Commission or"

2205.2E Delete "a" at end of sentence

3105.2 Add "AGZ" Agricultural Use Zone. Use same criteria as A-80 except minimum lot size is 35 acres

3106.4B Delete "detached"

Chapter 3, Section 2: Sign-Up Phase

- ♦ Add: "Note: The Landowner-Initiated Sign-Up Phase was completed on May 15, 2000 with the adoption of the Official Landowner-Initiated Zoning Map.

3301 Change 2101 to 1301.1. This is the correct citing

- ♦ 3303.1B Delete "above" after 3106.1

3304 Add criteria for AGZ

- ♦ 3305.1,D: Added to note the incremental home site over 15 additional acres
- ♦ 3304.1A Delete "above" after 3106.1

3307.3 Citing should be 3106.4

3313 Summary Charts/Threshold Standards Table: Add #32 Other Significant Adverse Impacts

- ♦ End of page: Add "P/C, TSM" to note Plat Covenants, Threshold Standards Minimum in the Zoning Chart for the AREES designation
- ♦ Revise charts: Add AGZ column and standards
- ♦ Under A80: change minimum lot size to 80 from 35

3401.2 Insert: Notice of Public Hearing

- ♦ 3401.2 becomes 3401.3

4104.2 Delete A80

4104.6 Change 3304 to 3305

ADDITIONAL AMENDMENTS TO MONTEZUMA COUNTY LAND USE CODE
NOVEMBER 6, 2000

Chapter 5: Section 3: Combine the Minor Subdivision process with the Moderate Subdivision process

- ◆ Delete 5302 Minor Impact Review Procedure and add the minor process to the moderate process.
- ◆ 5302 Change to: Minor and Moderate Impact Review Procedure
- ◆ 5302.1, 5402: Add "Minor"
- ◆ 5302.3 Revise to read " Planning Commission shall conduct a public hearing on the application. This will be done in accordance with the provisions of Public Review and Hearing Procedure in Chapter 6.
- ◆ Add "A": Comments by Reviewing Agencies. The Planning Commission may refer the Sketch Plan to agency review if it is determined that significant adverse impacts require a more detailed review process
- ◆ A becomes B

5404 Insert "Minor" after Final Plat Submittals

- ◆ 5404.1 Add "minor or" before moderate
- ◆ delete last sentence "for final plat submittals for development of minor impact, see 5302.5.
- ◆ 5404.2 A Add "minor or" before moderate impact

6101 Delete in first line "subdivisions of minor impact and"

- ◆ In second line, delete "of moderate or major impact"

6101.2 Add No. 7: If the Planning Commission recommends denial of the development, or there are unresolved issues, the developer has thirty (30) days from the date of the Planning Commission hearing to petition for a public hearing before the Board of County Commissioners.

6101.4 Revise to read: **County Commission Review and Approval of Final Plat** shall be conducted in accordance with **5304.4** of this Code.

6101.1 b and C2: change from 15 days to 10 days for Notice of Application and Public Hearing before the Planning Commission

**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 6th day of November, 2000, with the following persons in attendance:

Commissioners:	G. Eugene Story, Kent Lindsay, and Glenn E. Wilson, Jr.
Commissioners Absent:	
County Attorney:	Bob Slough
County Administrator:	Thomas J. Weaver
County Clerk:	Nelda Jenkins, Deputy Clerk

the following proceedings, among others, were taken:

RESOLUTION No. 12-2000

**A RESOLUTION AMENDING RESOLUTION NO. 2-98,
THE MONTEZUMA COUNTY LAND USE CODE**

WHEREAS, the Montezuma County Land Use Code was adopted on the 20th day of July, 1998, and

WHEREAS, on Thursday, October 26, 2000, during a regularly scheduled Planning Commission meeting, the Montezuma County Planning Commission certified to the Board of County Commissioners proposed amendments to said Land Use Code, and

WHEREAS, it has become necessary to amend said Land Use Code as per Addendum attached hereto.

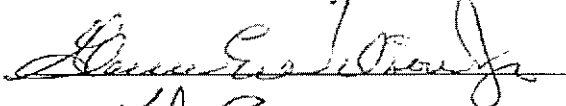
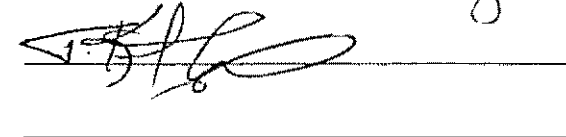
NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County as follows:

*See Minutes
of Nov 6th
for complete
Amendment*

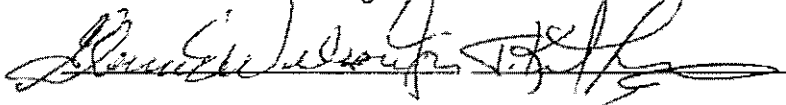
NOW THEREFORE BE IT RESOLVED that this Code is hereby amended.

Adopted this 6th day of November, 2000, at 2:00 o'clock p.m.

Board of County Commissioners
of Montezuma County, Colorado

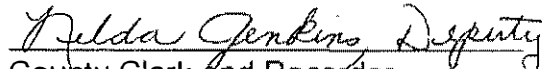



Commissioners voting aye in favor of this Resolution were:

 and _____

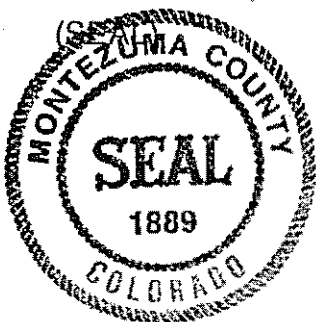
Commissioners voting no against this Resolution were:

_____ and _____


County Clerk and Recorder
Montezuma County, Colorado

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

Dated this 6th day of November, 2000.




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 6th day of November, 2000, with the following persons in attendance:

Commissioners:	G. Eugene Story, Kent Lindsay, and Glenn E. Wilson, Jr.
Commissioners Absent:	
County Attorney:	Bob Slough
County Administrator:	Thomas J. Weaver
County Clerk:	Nelda Jenkins, Deputy Clerk

the following proceedings, among others, were taken:

RESOLUTION No. 12-2000

**A RESOLUTION AMENDING RESOLUTION NO. 2-98,
THE MONTEZUMA COUNTY LAND USE CODE**

WHEREAS, the Montezuma County Land Use Code was adopted on the 20th day of July, 1998, and

WHEREAS, on Thursday, October 26, 2000, during a regularly scheduled Planning Commission meeting, the Montezuma County Planning Commission certified to the Board of County Commissioners proposed amendments to said Land Use Code, and

WHEREAS, it has become necessary to amend said Land Use Code as per Addendum attached hereto.

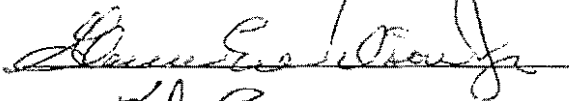
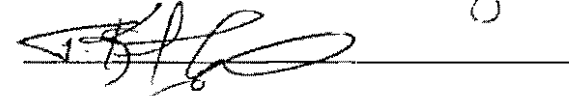
NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County as follows:

*See Minutes
of Nov 6th
for complete
Amendment*

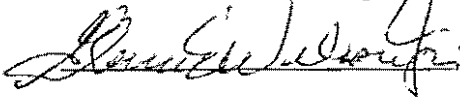
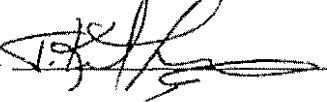
NOW THEREFORE BE IT RESOLVED that this Code is hereby amended.

Adopted this 6th day of November, 2000, at 2:00 o'clock p.m.

Board of County Commissioners
of Montezuma County, Colorado

Commissioners voting aye in favor of this Resolution were:

  and _____

Commissioners voting no against this Resolution were:


_____ and _____


County Clerk and Recorder
Montezuma County, Colorado

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

Dated this 6th day of November, 2000.




County Clerk and Recorder
Montezuma County, Colorado

MONTEZUMA COUNTY LAND USE CODE
Date Amended: November 6, 2000

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1101 General.

1101.1 Short Title. This Resolution may be cited and referred to as the "Montezuma County Land Use Code, the "Land Use Code", or the "Code". Individual sections of this Land Use Code may have short titles which are generally applicable to the regulations contained in those sections.

1101.2 Authority. This Land Use Code is adopted pursuant to 24-65-101 et seq., C.R.S., as amended (Colorado Land Use Act); 24-67-101 et seq., C.R.S., as amended (PUD Act of 1972); 25-1-611 C.R.S., as amended (Health Regulations); 29-20-101 et seq., C.R.S., as amended, (Local Government Land Use Control Enabling Act); 30-11-101 et seq., C.R.S., as amended, (County Powers); 30-28-101 et seq., C.R.S., as amended, (County Planning and Building Codes, Zoning, and Subdivision Regulations); 30-28-401 et seq., C.R.S., as amended, (Cluster Development); and all other applicable laws.

1101.3 Application. This Land Use Code shall apply to all land in the unincorporated areas of Montezuma County. After the adoption of this Code it shall be unlawful for any person to change the use of land or subdivide property in the unincorporated areas of Montezuma County except in compliance with this Code. The approval or denial of a plat, plan, or agreement shall be supported by written findings.

1101.4 Vested Rights. A vested property right shall be deemed established with respect to any property upon final approval, with or without conditions, of a site specific development plan following notice and public hearing as provided in 24-68-101 et seq., C.R.S., as amended, and this Resolution. "Site specific development plan" means a final subdivision plat or Planned Unit Development plan or High Impact Permit as provided in this Resolution. Zoning is not part of a "site specific development plan" and shall not create any vested property rights. Publication of notice of the site specific development plan approval and creation of a vested property right shall be in accordance with 24-68-103 et seq., C.R.S., as amended. A property right which has been vested shall remain vested as provided by 24-68-104 et seq., C.R.S., as amended, subject to forfeiture as provided in 24-68-103 et seq., C.R.S., as amended.

Chapter 1: Section 2 – Threshold Standards for All Development

1201 Function of Threshold Standards. One of the major objectives of the Comprehensive Land Use Plan is to protect the rural character of the County through the enactment of development regulations appropriate for rural areas. This objective is addressed by a Landowner-Initiated Zoning system and a complementary High Impact Commercial and Industrial Permitting system, which are combined in this Land Use Code.

The Threshold Standards represent the maximum levels of development or impacts from land use activities that may occur without the approval of the County through a permitting and public hearing process. The Threshold Standards assure landowners that surrounding land uses will not exceed the established standards, unless appropriate mitigation measures have been considered and applied. Some Threshold Standards may be relaxed through the permit review process based on existing or proposed surrounding land uses.

In the Landowner-Initiated Zoning system, zoning designations are created that are based generally on lot sizes ranging from 3 acres to 80+ acres. The Threshold Standards are applied to the zoning system, but certain standards are relaxed through the definitions of the zoning designations as parcel sizes increase, reflecting the general nature of agricultural uses located on larger parcels.

Most importantly, the Threshold Standards provide continuity between the primary elements of the Land Use Code, including the High Impact Permitting system, the Landowner-Initiated Zoning system, Planned Unit Developments, and the Montezuma County Subdivision Regulations.

1202 Threshold Standards Established. The following represent the Threshold Standards for all development in the unincorporated areas of Montezuma County. They apply unless a different Threshold is established in an applicable zoning category or other development approval under these regulations. These standards are designed to ensure that development does not cause significant adverse impacts on other property in the area or conflict with applicable provisions of this Code. A significant adverse impact shall be any impact that creates an increased risk to the health, safety or welfare of the citizens of the County, a significant reduction in neighboring property values, or other unfavorable or harmful consequences.

Site, Lot and Building Standards

1	Minimum lot size	• 3 acres
2	Maximum Building Height	• 35 feet
3	Maximum Building Footprint	• 7,500 sq.ft. any one building • 15,000 sq.ft. total of all buildings
4	Building setbacks	• Primary Residence: 120' from County road and State Hwy. Rights-of-way 50' from lot lines or interior subdivision roads • Commercial/Industrial use: 50' from County road and State Hwy. Rights-of-way 100' from residential lot lines
5	New Construction and Remodeling for Commercial/Industrial And Public Buildings	• All new construction and remodeling of commercial and industrial use buildings and public buildings must be built to UBC standards or other uniform standards.
6	Livestock Fencing	• Adequate to protect from livestock encroachment. See 5103.2(c)
7	Protection of Normal Agriculture Operations	• No significant adverse impacts on normal agriculture operations. See 5103.2
8	Outdoor Storage and/or Fabrication areas	• Appropriate screening may be required

Road, Traffic, Parking and Access

9	Roads	• All interior roads built to County road standards. See 5105.2.B.
10	Parking/Access/Loading Areas	• Adequate for intended use such that traffic flow and circulation are not impeded. • Approved County or CDOT highway access permit. See 5103.4.D
11	Traffic	• Less than 15 vehicle round trips per business day

Health, Safety and Welfare

12	Water	• Proof of availability and adequate flow. See 5105.2.G.
13	Sanitary Sewer Disposal	• Proof of acceptance by Health Dept. for intended use (approved ISDS permit) See 5015.2.F.
14	Stormwater Control and Site Drainage	• No adverse impacts on any County road, state highway or adjacent land use. See 5015.2.H.
15	Solid Waste -garbage, refuse, sludge And other discarded material	• Proof of disposal service • No materials transferred off-site by natural forces • No on-site burning except for contained flammable domestic waste or as part of an agricultural operation or weed control program.
16	Fire and Wildfire Protection	• Letter of adequacy from responsible fire district may be required. See 5105.2.
17	Law Enforcement and Emergency Service	• Letter of adequacy from law enforcement and/or emergency service provider may be required.
18	Floodplain	• Compliance with the Montezuma County Floodplain Resolution No. 1-91
19	Geologic and Natural hazards	• Identification and avoidance or mitigation of potential hazards. See 5105.2.
20	Public Facilities for Outdoor Recreation Facilities, Camp and RV Parks and Mobile Home parks	• Adequate restroom: one men/women set plus one extra sink and stall per 100 weekly peak season visitors. See 4108.5.

Nuisance Standards

21	Operational Electric Disturbances	• No detrimental effects such as radio and television interference beyond the boundaries of the site.
22	Fire and Explosive Hazards	• National Fire Protection Association standards and any other fire code or standard employed by the appropriate fire district apply.
23	Glare and Heat	• Must be contained, enclosed or treated to make glare and heat imperceptible from any point on the boundary line.
24	Lighting	• All direct rays confined to site and adjacent properties protected from glare.
25	Noise	• Volume less than 70 decibels at any point on any boundary at any time as established by 25-12-101, et seq. C.R.S., as amended. • Adjacent to residential areas: not to exceed 55 decibels at any point on the boundary line between 7:00pm -6:59am. • Noise from normal agricultural operations is exempt.
26	Vibration	• Not perceptible, without instruments, at any point on any boundary line.

27	Odors	<ul style="list-style-type: none"> • Not perceptible at property boundaries. • Agriculture operations: no violation if the best practical maintenance, and control available is being used to maintain the lowest possible emission of odors.
28	Dust, Smoke and Particulate	<ul style="list-style-type: none"> • Dust and Fumes: None beyond property line (Dust control of County roads at expense of operator may be required) • Particulate matter: Less than 0.2 grain/cf flue gas at 500F stack temperature. • Smoke: USEPA Regulations: Opacity System, Method 9. • Agriculture operations: no violation if the best practical maintenance, and control is being used.
29	Radioactivity	<ul style="list-style-type: none"> • Subject to State and Federal Regulations
30	Water Pollution	<ul style="list-style-type: none"> • Subject to State and Federal Regulations
31	Noxious Weeds	<ul style="list-style-type: none"> • Compliance with State (35-5.5-101 et seq. C.R.S. as amended) and Montezuma County Comprehensive Weed Management Plan Resolution No. 4-93, as amended.
32	Other Significant Adverse Impacts	<ul style="list-style-type: none"> • Pertaining to the Health, Safety and Welfare of the Citizens of Montezuma County

1301 Permits Required. No person may change the use of land or enlarge an existing use in a manner that exceeds the Threshold Standards within the unincorporated areas of Montezuma County without first obtaining a Permit or Waiver pursuant to these regulations or other development approval under the Land Use Code, except as specifically exempted from this Permit requirement. These exemptions apply only to the Permit regulations contained in **Chapter 3**. The applicant for such approval must be the owners of the land or their authorized agent. Any such agent must have express written authority to act on behalf of the owner.

1301.1 Exemptions. The following land uses are exempt from the Permit requirement under this Land Use Code, provided that nothing in these regulations exempts an applicant from any other County requirements or from other local, state or federal requirements:

- A. Normal agricultural operations as protected by Montezuma County Right-to Farm policies and state laws.
- B. Localized agricultural water distribution systems.
- C. Land uses existing at the time of adoption of these regulations that would otherwise exceed the Threshold Standards and/or constitute a High Impact Development, unless the degree of adverse impact increases materially after the adoption of these regulations.
- D. Telecommunication equipment exempted from local regulation by the Federal Telecommunications Act of 1996.
- E. Road improvement projects by governmental entities.

1301.2 Determination of Permit Requirement. If there is any uncertainty or disagreement about a permit requirement for a proposed project, the County may determine through the Waiver Process whether the proposed project constitutes a High Impact Development project for which a permit requirement applies. This determination may be initiated at the request of the developer or the County.

1301.3 All Phases Considered. If a project is to be phased over time, it cannot be segmented to avoid the requirements of these regulations.

1301.4 Subdivision and PUD Covenants Considered. The primary responsibility for the enforcement of Subdivision and PUD covenants is the responsibility of lot owners or associations established on their behalf. The County will, however, consider Subdivision and PUD covenants in reviewing High Impact Waiver Petitions and High Impact Permit Applications. Waiver Petitions and Permit Applications which violate properly recorded Subdivision or PUD covenants shall not be approved without the signatory consent of all lot owners within the PUD or Subdivision.

2101 General Provisions.

2101.1 Short Title. The regulations contained in this section may be cited as the “High Impact Permit Regulations” or the “Permit Regulations”.

2101.2 Purposes. The general purpose of the Permit Regulations is to facilitate the identification, designation, and regulation of High Impact Development projects in the unincorporated areas of Montezuma County. This process will ensure compatibility of commercial and industrial uses with surrounding land uses. The specific purposes of these regulations are:

- A.** To protect and strengthen the established industries of agriculture, commerce, industry, tourism, recreation, and to protect property values.
- B.** To protect and strengthen the economic viability of the private and governmental sectors of the County;
- C.** To regulate development that would otherwise cause excessive noise, water or air pollution;
- D.** To ensure, to the maximum extent practicable, that growth will pay for itself, and that the present residents do not have to subsidize new growth and development;
- E.** To ensure that High Impact Development projects are sited, constructed, developed and operated in a manner that is consistent with the land use policies and regulations of Montezuma County.
- F.** To protect the rural character and visual and aesthetic resources of the County and to protect the health, safety, and welfare of the people of the County and the State of Colorado.

2101.3 Scope. This Chapter 2 applies to **all** commercial and industrial land uses in the unincorporated areas of Montezuma County. Proposed development projects or existing land uses that comply with these standards may verify compliance through a Permit Application granted by the County. Proposed development projects that exceed the Threshold Standards, or by definition constitute a High Impact Development Project shall apply for a Permit or Waiver as required under these regulations.

2101.4 High Impact Development is a commercial or industrial development, including all of its components and associated elements, involving any construction, activity, and/or ongoing operation that (a) changes the basic character or the use of the environment in which the construction, activity, or operation occurs, (b) exceeds the Threshold Standards of these regulations, or (c) involves either:

- Any commercial or industrial use that will generate a total of 15 or more round trip vehicle trips per operating day.
- Any multi-family residential development consisting of 3 or more dwelling units.
- Proposed projects involving outdoor recreation facilities, campgrounds and RV Parks, and Mobile Home Parks.

- If an existing land use already exceeds the Threshold Standards, a change or expansion that produces a measurable change of over 10% from the existing conditions regarding any Threshold Standard category.
- A major extension of an existing domestic water or wastewater treatment system, or a new water or waste water treatment system.
- Major facilities of a public or private utility; major pipelines and power lines; gravel and mining operations, oil and gas drilling, pumping disposal, gathering and transmission facilities, including coal bed methane and CO2, public or private landfills, waste disposal sites, salvage yards, and communication towers.
- Development that would cause excessive noise, water pollution, or air pollution; and development resulting in visual impacts that would substantially degrade property values.
- Projects that involve significant impacts that go beyond the surface and boundaries of the parcel owned by the applicant.

2102 Urban Influence Restrictions.

2102.1 One-Mile Area: Some business uses may be prohibited within one mile of a municipality, in accordance with 31-15-501 (1)(a) C.R.S., as amended.

2102.2 Three-Mile Area: Development may be required to conform to a major street plan of a municipality, in accordance with 31-23-212, et seq., C.R.S., as amended.

2201 Permit Application Procedure. Any landowner may voluntarily submit to the County a completed Permit Application certifying to the County that the current or proposed commercial or industrial land use is in compliance with the Threshold Standards. The Permit Application notifies the County of the land use and protects the landowner from unwarranted criticism or complaints from neighbors if the use is within the Threshold Standards.

Permit Applications filed with the County shall be available for public inspection during regular business hours. If complaints are received by the County based on existing or changed land uses, the actual land use conditions and Permit Application may be reviewed by the County to determine whether a High Impact Permit application or Waiver Petition shall be submitted by the landowner.

No landowner is required to submit a Permit Application if their land use falls within the Threshold Standards. Failure to have an approved Permit Application shall not affect the review of such use if a complaint is later made about the use or if the owner applies for another type of development permit or approval.

2201.1 Permit Application Submittal Requirements. Landowners who wish to obtain a Permit Application shall complete the form provided by the County and submit it with a site plan or map illustrating the property with current and proposed uses and structures. If the Permit Application involves a lot within a Subdivision or PUD a copy of properly recorded covenants shall be submitted with the application. County staff will review the Permit Application.

2201.2 County Commissioner Action. Staff recommendations for Permit Applications exceeding the threshold standards will be a regular agenda item for County Commissioner meetings. If the County Commissioners determine that a High Impact Permit process is warranted, and should be forwarded to the Planning Commission, specific reasons shall be stated in writing.

2201.3 Decision Criteria. The decision of the County Commissioners shall be based on whether the information submitted and other information available to the County indicates compliance with the Threshold Standards and any recorded Subdivision or PUD covenants.

2201.4 Effect of Denial. If the Permit Application is denied by the County Commissioners the applicant shall comply with the Permit or Waiver process or other development approval in order to continue pursuing the change in land use. All denials must be supported by written findings specifying the provision of this Code that the plat, plan or agreement failed to address or satisfy.

2202 Waiver Petition and Procedure. Whenever (a) it is uncertain as to whether a commercial or industrial land use or change in land use should be reviewed under these regulations, or (b) a change in land use or an enlargement of existing uses that will result in only minor impacts beyond the Threshold Standards, and those impacts are mitigated, the developer may request, on their own initiative or in response to a request from the County Commissioners, a Waiver of specific Threshold Standards.

If no significant adverse impacts are apparent, based on a review of the Waiver Petition, the County may grant a Waiver of certain Threshold Standards and allow the applicant to proceed with the activity, change in land use, or enlargement of existing uses without a High Impact Permit, with or without special conditions. The County may also allow the applicant to proceed or operate under limited conditions under a Waiver and require the applicant to apply and obtain a High Impact Permit within a certain time. The following procedure is required to obtain a Waiver:

2202.1 Waiver Petition. The petitioner shall submit a Waiver Petition to the County Commissioners in compliance with the requirements listed in **2203**.

2202.2 Planning Commission Review and Recommendations. The Waiver Petition will be referred to the Planning Commission for review at a regular Planning Commission meeting. The Planning Commission will review the application and forward any recommendations to the County Commission.

2202.3 Decision Criteria. The decision of the County Commissioners shall be based on the following:

- A.** Whether the information submitted and other information available to the County indicates compliance with the Threshold Standards.
- B.** Whether any minor or significant deviations from the Threshold Standards have been accurately identified.
- C.** Whether any minor or significant deviations from Threshold Standards have been mitigated to adequately reduce significant adverse impacts on surrounding property owners and the County.
- D.** Whether Waiver Petitions involving lots within an existing Subdivision or PUD are in compliance with recorded covenants.

2202.4 Effect of Denial of a Waiver Petition. If the Waiver Petition is denied by the County Commissioners the applicant shall comply with the full High Impact Permit process in order to continue pursuing the activity or change in land use. All denials must be supported by written findings specifying the provision of this Code that the plat, plan or agreement failed to address or satisfy.

2203 Waiver Petition Submittal Requirements.

2203.1 Petition. A Waiver Petition shall include the following information, if applicable:

- A.** The names, addresses, and contact information for the applicant, and, if different, the owner and/or operator of the change in land use.
- B.** A current, completed Permit Application, summarizing the level of compliance with each Threshold Standard.
- C.** A copy of any recorded Subdivision or PUD covenants and a statement indicating compliance of the change in land use with those covenants.
- D.** A general site plan and any preliminary plans, specifications, and design criteria or other documentation for the change in land use as are available, sufficient to indicate the level of compliance with the Threshold Standards and any recorded Subdivision or PUD covenants.
- E.** Tentative planning, permitting, construction, operating schedules, estimated life of the change in land use and other information as applicable to ongoing activities.

- F. A list of all other federal, state, and local permits that will be required, and/or documentation of other permits already obtained, for the change in land use, together with any proposal for coordinating these approvals with the County permitting process.
- G. A general statement of any minor and significant adverse impacts resulting from the change in land use and actions taken, or proposed efforts, to mitigate impacts exceeding the Threshold Standards.

2204 High Impact Permit Public Hearing and Review Procedure. When a change in land use will exceed Threshold Standards, and a Waiver Petition has not been approved, a High Impact Permit is required, subject to the following procedure.

2204.1 High Impact Permit Application. A High Impact Permit Application shall be submitted in accordance with **2205.1 and 2205.2.** For projects involving the potential of high significant impacts as defined in **2205.3**, further requirements may be specified in accordance with **2205.4.** When the application is complete it shall be submitted to the County Commission, who will forward it to the Planning Commission.

2204.2 Planning Commission Review and Recommendations. At a regular Planning Commission meeting, the Planning Commission will review the application and forward recommendations to the County Commission. This is not a formal hearing, but the Planning Commission may take public comments and consider them in formulating recommendations.

2204.3 Public Hearing Before the County Commission.

- A. **Notice of Public Hearing.** Upon receipt of recommendations from the Planning Commission, the County Commission may hold a public hearing in accordance with **6101.1, Notice of Public Hearing** of this Code.
- B. **Focus of Public Hearing.** The public hearing will focus on submittals, Planning Commission recommendations, Findings of Fact and Decision Criteria as specified in **2205** along with oral comments made at the public hearing as well as written comments received at, or prior to, the public hearing.
- C. **Option to Continue Public Hearing or Schedule Additional Hearings.** Where the complexity of the issues, or the need for additional information warrant, the County Commission may continue the public hearing to a date certain, or schedule additional public hearings.
- D. **Rendering a Decision.** Upon recommendation of the Planning Commission or completion of the public hearing process, the County Commission shall render a decision on the High Impact Permit Application based on the Decision Criteria in **2205.5.**

2205 High Impact Permit Submittal Requirements. The High Impact Permit application shall include, but not be limited to, the following:

2205.1 General Requirements.

- A. The names, addresses, and contact information for the owner or representative of the owner.

- B. A current, completed Permit Application, summarizing the level of compliance with each Threshold Standard and any recorded Subdivision or PUD covenants.
- C. A site plan, including a vicinity map, indicating to the extent feasible, compliance with the applicable Threshold Standards.
- D. Detailed plans and specifications of the change in land use and conceptual or detailed plans for any potential enlargement of the development or land use.
- E. If the permit application concerns an enlargement of an existing use, the past history and expansion of the use.
- F. A list of the status of all other federal, state, and local permits and approvals that will be required for the change in land use, together with any proposal for coordinating these approvals with the County permitting process.
- G. A description of the public facilities required by the change in land use and evidence of service or specific proposals for providing facilities not currently available.
- H. Descriptions of those adverse impacts resulting from the change in land use which are not mitigated and which are irreversible and irretrievable.
- I. The applicant shall provide copies of the entire packet for distribution to appropriate reviewing agencies.

2205.2 Mitigation Plan. The application shall include a summary plan mitigating significant adverse impacts for the proposal, as applicable:

- A. Plans for mitigating conditions that exceed the Threshold Standards during its construction and operation.
- B. Plans for winding down activities and service and facility demands:
 - 1. When the construction and/or operation of the project is complete,
 - 2. In the event that the project is suspended or terminated prior to completion, and
 - 3. For controlling, restoring, and remediation of any impacts that will continue after the construction and/or operation of the change in land use is complete.
- C. Plans for controlling and remediation of hazardous, toxic, and explosive substances that are used, stored, transported, disturbed, or produced in connection with the change in land use;
- D. Plans for monitoring the effectiveness of the mitigation measures;
- E. A description of how and when the mitigation plan will be implemented and financed; and
- F. Performance Bonds, as cited in **5405.3 Improvement Agreements and Security.**

2205.3 Additional Requirements for Projects Involving the Potential of Highly Significant Impacts. If the scope and magnitude of the project involves significant impacts that go beyond the surface and boundaries of the parcel owned by the applicant, the applicant shall address any aspects of the change in land use listed below. Projects involving the potential for highly significant impacts also include, but are not limited to:

- major facilities of a public or private utility,
- major pipelines and power lines,

- gravel and mining operations,
- oil and gas drilling,
- pumping, disposal, gathering and transmission facilities, including coal bed methane and CO₂,
- public or private landfills,
- waste disposal sites,
- salvage yards,
- communication towers,
- development that would cause excessive noise, water pollution, air or soil pollution, and
- development resulting in visual or other impacts that would substantially degrade property values.

2205.4 Further Requirements. Any or all of the following may be required in the form of maps, narrative descriptions, photographs, data and studies to determine the nature and extent of potential highly significant impacts:

A. Major Facilities of a Public or Private Utility and other Pipelines and Power lines. Description of:

1. Sources of power being generated or commodities being transported.
2. Voltage and lengths of power lines, locations and sizes of substations, towers and other facilities.
3. Diameters and lengths of pipelines and location, sizes, and noise levels of compressor stations and other facilities.
4. A map of corridor locations, right-of-way dimensions, parcel boundaries and owners, and residential and commercial structures within 100 feet of the corridor right-of-way.

B. Surface and ground water: Information on immediate and long term impacts on water quality and quantity.

C. Floodplains, Wetlands, and Riparian Areas: Information on the impacts of the change in land use.

D. Air Quality: Information on impacts of the change in land use on air quality and visibility.

E. Vegetation: Information on potential wildfire hazards, and impacts on critical wildlife habitat.

F. Agriculture and Grazing: The potential for off-site impacts on the viability of crop production and grazing, including adverse impacts on irrigation and drainage patterns, resources, fences and existing facilities.

G. Soils and Geology: Information on natural hazards, unstable soils and the potential for significant soil erosion.

H. Public Services and Facilities: Description of the currently available capacities of public services and facilities, the added demand on public services and facilities relative to capacity, and how any deficiencies and added public costs resulting from the change in land use will be addressed.

- I. **Property Rights:** Information on property rights that will be obtained, eliminated or impacted as a result of the change in land use including water rights, surface rights, mineral rights, rights-of-way and easements including the identity of property rights owners.
- J. **Wastewater Treatment:** A description of adverse impacts on waste water treatment facilities, disposal systems, and discharges as a result of the change in land use.
- K. **Socio-Economic Elements:** Information on socio-economic impacts of the change in land use which may include the appraisal of significant impacts on property values, as well as impacts on transportation, population, employment, local government revenues and expenditures, housing, education and social services.

2205.5 Findings of Fact and Decision Criteria. The Planning Commission shall make its recommendation and the County Commissioners shall render a decision on the proposed use based on the following:

- A. The proposed use is in conformity with the Code, and
- B. The proposed use shall not generate any significant adverse impacts on other property in the area and is consistent with this Code.
- C. Public utilities and services are available, or can be made available, to support uses consistent with the proposed zoning.
- D. If the applicant fails to meet these decision criteria, the permit shall either be approved with conditions, insuring compliance with the decision criteria, or it shall be denied.
- E. The validity of an approved permit is contingent on continued compliance with the performance standards and attached conditions. Permittees that do not maintain such compliance will be subject to suspension or revocation of the permit in accordance with these regulations.

2205.6 Periodic Review. Approved High Impact Permits will be subject to review if there is any change that exceeds the standards set forth in the permit.

2205.7 Certification of Approval. Notice of each permit approval will be certified by the County Commissioners to the County Clerk and Recorder for recording.

2205.8 Approval or Denial of Plat. The approval or denial of a plat, plan, or agreement shall be supported by written findings specifying the provisions, if any, that the plat, plan or agreement failed to address or satisfy.

2206 Administrative Fees. Administrative fees shall be charged in accordance with 7102 of this Code.

CHAPTER 3: LANDOWNER-INITIATED ZONING

Chapter 3 : Section 1 - General

3101 Landowner-Initiated Zoning. Landowner-Initiated Zoning (LIZ) adapts conventional zoning concepts to the circumstances, values and goals of Montezuma County and relaxes certain Threshold Standards through the definition of the zoning designations. The Threshold Standards as defined for each zoning designation apply to all uses unless specifically defined.

3101.1 Short Title. The regulations in this chapter may be cited as “LIZ” or “Landowner-Initiated Zoning Regulations.”

3102 Purposes and Objectives. This Code is drawn in accordance with the Montezuma County Comprehensive Land Use Plan and is designed for the purpose of promoting the health, safety and welfare of the present and future inhabitants of Montezuma County, including all purposes enabled under Colorado Revised Statutes.

3102.1 Purposes. Based on the recommendations in the Comprehensive Land Use Plan, the specific purposes of the Landowner-Initiated Zoning plan are to provide:

- A.** A menu of agricultural and residential zones for landowners to choose from with lot sizes ranging up to 80+ acres.
- B.** Development standards within each zone that take into account the impact of particular uses on the allowed range of parcel sizes, potential impacts on nearby uses, and any recorded subdivision or PUD covenants.
- C.** Coordination with the High Impact Commercial and Industrial Permit systems. These are subject to the Threshold Standards which are designed to identify and mitigate high impacts to surrounding lands resulting from such uses.
- D.** A voluntary zoning sign-up period of 12 months enabling landowners to select zoning designations, or remain unzoned, followed by review and approval by the County Commissioners.

3102.2 Objectives. Based on the recommendations of the Montezuma County Comprehensive Land Use Plan, the Landowner-Initiated Zoning system is designed to achieve the following objectives:

- A. Landowner choice and responsibility.** Landowners will have the opportunity to make informed choices about the future of their land, while having the responsibility to abide by the standards of this Code, in order to mitigate any significant adverse impacts on other landowners and the County.
- B. An incentive based approach to the preservation of Open Space and productive agriculture lands.** The LIZ zones provide incentives for the preservation of Open Space and the protection of productive agricultural lands while allowing for opportunities to develop and sell homesites.
- C. Predictability concerning property rights.** Landowners who place their land in a LIZ zone will know what their development rights are and what standards will be required when they choose to develop. Landowners who choose to have their land remain unzoned may do so until they make a land use change that requires zoning, compliance with subdivision regulations, or a commercial and industrial permit, except those landowners in the A/R ES zone.

- D. Predictability concerning property values.** As landowners put their land into a LIZ zone, neighbors, potential buyers, and the public will know what kind of development to anticipate and be able to adjust expectations and plans accordingly.
- E. Opportunities to establish neighborhood goals and cooperation.** The opportunity will be provided for neighbors to work together to plan for the future of their neighborhoods.
- F. Predictability concerning the provision of infrastructure and services.** As zoning patterns are established, the County, utility and service providers, and others will be in a better position to plan for future development and to respond to growth in a more cost effective manner.

3103 Application and Scope. The zoning regulations contained in this section shall apply to all land in the unincorporated areas of Montezuma County.

3103.1 Other Regulations. Uses permitted by these regulations shall also be subject to provisions of other applicable County and state regulations.

3103.2 Enforcement and Administration. Unless as specified in this section, the provisions of this section shall be enforced and administered in accordance with **Chapter 7** and other applicable provisions of this Land Use Code.

3104 Official Zoning Map. The Official Zoning Map will be developed by the County. Existing subdivisions, as well as subdivision exemptions, will be designated on the Official Zoning Map as A/R ES (Agriculture/Residential Existing Subdivision). The A/R ES designation allows uses existing at the time that the Code is adopted to continue, notwithstanding the right of lot owners to enforce covenants through civil action. Uses undertaken after the adoption of this Code must comply with Threshold Standards, at a minimum, as well as subdivision covenants of record.

Land development applications processed during the sign-up period, including subdivision applications, will be required to concurrently zone the land pursuant to these regulations. A map of approved applications and the County designations as described above will comprise the Official Zoning Map of Montezuma County during the sign-up period. The Official Zoning Map, together with all data shown thereon, and all amendments thereto, are incorporated by reference into this Code.

3104.1 Zone District Boundaries. Except where otherwise indicated, zone designation boundaries shall follow existing parcel boundary lines.

3104.2 Management and Maintenance of Official Zoning Map. Changes in the boundary of any zone designation shall promptly be entered on the Official Zoning Map.

3104.3 Location of Official Zoning Map. The Official Zoning Map shall be located in the County Planning office with copies available for public reference.

3105 Zoning Designations Established. To carry out the purpose and provisions of these regulations, the following zoning designations are established (Specific standards for each zone are found in **Chapter 3, Section 3, Zoning Regulations**, and **Chapter 4, Section 1, Planned Unit Development Regulations**):

3105.1 A-80+	Large Scale Agriculture
3105.2 AGZ	Agricultural Use
3105.3 A/R 35	Large Scale Agriculture and Residential
3105.4 A/R 10-34	Medium Scale Agriculture and Residential
3105.5 A/R 3-9	Small Scale Agriculture and Residential
3105.6 R-3	Rural Residential
3105.7 A/R ES	Existing Subdivision
3105.8 USZ	Urban Services Zone
3105.9 INDZ	Industrial Zone
3105.10 COMZ	Commercial Zone
3105.11 UNZ	Unzoned
3105.12 Planned Unit Development Options (PUD)	
A. CIPUD	Cluster Incentive PUD
B. MHPUD	Mobile Home and RV Park PUD
C. INDPUD	Industrial PUD
D. COMPUD	Commercial PUD
E. GPUD	General PUD

3106 Land Use Categories Defined.

3106.1 Agricultural Uses Defined. Agricultural land use that involves cultivating the soil to produce and harvest crops or raise livestock, and the preparation, sale, and transportation of these products to the public market.

A. Agricultural Primary Uses:

- Farming and ranching activities
- Agricultural Buildings: barns, pole barns, sheds, equipment storage, animal shelters, to benefit a primary agricultural use
- Fish Hatchery
- Agricultural Tourism Uses: guiding, outfitting, stables and riding, theme farms, farm tours
- Agricultural Home Occupations: Retail or mail-order for farm products, canning, baking, crafts
- Timber Harvesting of on-site material
- Agricultural Facilities: Fencing, livestock feeding and handling, irrigation pipelines, ditches and structures, crop harvesting, processing, and storage facilities
- Noncommercial feedlots
- Nursery / Greenhouse / Truck farm: under 25,000 sq. ft. buildings and shelters
- Agricultural Land Stewardship: Erosion control, water impoundment, windbreaks, weed control, etc. to benefit a primary agriculture use
- On-farm agriculture product storage, packaging, transportation, shipping

B. Agriculture Accessory Uses. Normally incident to Agricultural Uses, may include, but not limited to:

- Primary single family residence
- Housing for ranch and farm operation family members and employees

C. Commercial Agribusiness Uses: may include, but are not limited to:

- Agricultural implements sales and service
- Animal sales and auction businesses conducting regular sales events that involve multiple customers
- Farm animal truck washing and cleaning
- Farm supply stores
- Fairgrounds and rodeo facilities
- Nursery / greenhouse / truck farm: 25,000 to 50,000 sq. ft. buildings and shelters
- Kennels / Animal shelters and enclosures for commercial purposes
- Veterinary clinics
- Retail outlet for agricultural products (25,000-50,000 sq. ft. building)

D. Industrial Agribusiness Uses: May include, but are not limited to:

- Commercial feed lot: 1000 animals or more
- Crop dusting operations and airstrip
- Dairy farm: based on Colorado Department of Health standards
- Meat processing facility
- Nursery / greenhouse / truck farm: over 50,000 sq. ft. buildings
- Slaughter house

3106.2 Commercial Uses Defined. A commercial use involves any type of business activity that is carried on for profit, but not including business or other activities defined as agricultural primary or accessory uses or industrial uses in these regulations. This definition does include Commercial Agribusiness Uses. For purposes of this Code commercial uses also include public and private institutional facilities.

3106.3 Industrial Uses Defined. An industrial use is a use that involves the operations of extraction, processing, assembly, fabrication, storage, repair, material handling, Industrial Agribusiness Uses, and other similar uses.

3106.4 Residential Uses Defined. Residential and Residential Accessory Uses are defined as follows:

A. Residential Uses:

- One primary single-family residence ; or,
- One mobile or modular home (subject to state and local standards); or
- One State-licensed group home for up to eight persons

B. Residential Accessory Uses:

- Guest or caretaker unit: Attached, 1,500 sq. ft. maximum
- Accessory outside storage
- Garages and carports
- Bed and breakfast
- Home occupation

- Domestic animals for family use and consumption
- Non-commercial telecommunications site
- Solar/Wind energy system for site use or utility service uses
- Gardens and orchards
- Stewardship practices

Note: The Landowner-Initiated Zoning Sign-Up Phase was completed on May 15, 2000, with the adoption of the Official Landowner-Initiated Zoning Map.

3201 List of Zoning Designations Available for Selection During Sign-Up Phase. The following categories may be applied for during the 12-month sign-up phase, subject to approval of the Planning Commission and the County Commissioners after a public hearing at the end of the sign-up phase, in accordance with 30-28-116 et seq., C.R.S., as amended.

3201.1	A-80+	Large Scale Agricultural
3201.2	A/R 35+	Large Scale Agricultural and Residential
3201.3	A/R 10-34	Medium Scale Agricultural and Residential

3202 List of Zoning Designations That May Be Indicated Only as a Preference During Sign-up Phase. The following zoning categories may be indicated on the forms during the sign-up phase, solely as a survey to be used for the planning purposes of the County. Zoning preferences listed below are voluntary and are not binding on any party unless they are adopted into the Official Zoning Map as outlined in **3203**.

3202.1	A/R 3-9	Small Scale Agricultural and Residential
3202.2	R-3	Rural Residential
3202.3	USZ	Urban Service Zone
3202.4	INDZ	Industrial Zone
3202.5	COMZ	Commercial Zone

3203 Consideration of Landowner Initiated Zoning Preferences for Adoption into Official Zoning Map.

3203.1 Establishment of Criteria for Public Hearing and Adoption. At the end of the one year sign-up period, the Planning Commission and the County Commission may elect to hold hearings on preference zone applications subject to decision criteria to be recommended by the Planning Commission and adopted by the County Commission. Subsequent to the public hearings, the Planning Commission may recommend, and the County Commission may approve, amendments to the official zoning map to incorporate preference zoning applications that meet the established decision criteria in accordance with 30-28-116, C.R.S., as amended.

3203.2 Preference Zoning Applications that are Not Adopted into the Official Zoning Map. Preference zoning applications that are not adopted into the Official Zoning Map will remain on the Preference Map and will be designated on the Official Zoning Map as Unzoned until such time as zoning is approved through the public hearing process in accordance with 30-28-116, C.R.S., as amended. Public hearing and adoption of preference zoning into the Official Zoning Map may require the submittal of a site specific development plan.

- 3204 Landowner-Initiated Zoning Sign-Up Phase Procedure.** The Landowner-Initiated Zoning sign-up phase shall be administered by the following procedure:
- 3204.1 Certification.** Sign-up forms will require certification that the person completing and filing the form is the owner of the subject property and, in the case of multiple owners, has the authority, in writing, of all owners to apply for the desired zoning category or zoning preference.
- 3204.2 Filing Responsibility of Landowner.** Completing a Landowner-Initiated Zoning form and filing it with the County is the responsibility of the landowner.
- 3204.3 Amendment by Landowner During Sign-Up Phase.** Landowners may amend their Landowner-Initiated Zoning selection(s) during the sign-up phase by filing an amended form with the County.
- 3204.4 Undesignated Parcels to Remain Unzoned.** Any and all parcels of land, excluding land designated AR/ES in compliance with **3104**, without properly filed zoning designations at the conclusion of the 12-month phase shall be determined to be "Unzoned." If the landowner later desires zoning or the use of the property changes to require zoning, the property will be subject to the establishment of a zone through the public review procedure according to the provisions and standards of these regulations.
- 3204.5 Zoning Board of Adjustment.** The Board of County Commissioners shall appoint a Zoning Board of Adjustment to consider appeals of zoning decisions in conformance with 30-28-117 and 118, C.R.S., as amended.
- 3204.6 Board of Adjustment Review of Disputes.** In situations where a landowner, or any person aggrieved, claims that a zoning designation was incorrectly made by the County, and in the case of any other dispute regarding the zoning designation process, the Board of Adjustment shall have authority to resolve the dispute pursuant to these regulations.
- 3205 Development of Landowner-Initiated Zoning Map of Montezuma County.** The Landowner-Initiated Zoning Map of Montezuma County shall be developed in the 12-month phase following the adoption of the Land Use Code, during which time landowners may apply for those zoning designations listed in **3201: List of Zoning Designations Available for Selection During Sign-Up Phase** for existing parcels of land. Zoning designations listed in **3202: List of Zoning Designations That May be Indicated as a Preference During Sign-up Phase**, may be indicated and mapped only as a preference during the sign-up phase, and will be subject to the establishment of a zone through the public review procedure and according to the provisions and standards of these regulations. Any landowner may elect to have his or her land remain unzoned until such a time as there is a change of use of the property requiring zoning.
- 3205.1 Draft Landowner-Initiated Zoning Map Available for Public Review.** In order to foster discussion and cooperation between landowners, the draft Landowner-Initiated Zoning Map shall be available for public review during regular business hours in the Planning Office at the County Courthouse during the sign-up phase.

3205.2 Regular Update of the Draft Landowner-Initiated Zoning Map. The zoning preference applications as filed with the County shall be indicated on the draft Landowner-Initiated Zoning Map, which shall be updated on a regular basis during the sign-up phase.

3206 Adoption of the Draft Landowner-Initiated Zoning Map as Official Zoning Map. The location and boundaries of the zone districts applied for during the sign-up phase comprise the draft Landowner-Initiated Zoning Map of Montezuma County. After the LIZ sign-up phase and public hearing(s) in conformance with **3201, 3202, and 3203**, the Planning Commission will certify a copy of the draft Landowner-Initiated Zoning Map to the County Commissioners, in accordance with 30-28-112 et seq., C.R.S., as amended.

The County Commissioners will act to approve all or part of the draft Landowner-Initiated Zoning Map and amend the Official Zoning Map of Montezuma County to include the approved LIZ applications, in accordance with 30-28-112, C.R.S., as amended.

3301 Modification of Threshold Standards. The Threshold Standards provide the basis for the definition of each zoning designation. Some of the Threshold Standards are relaxed as specifically defined in the zoning designations, based generally on the increase in lot size. Threshold Standards apply to all land uses unless modified according to the zoning designation definition or Permit exemptions contained in **1301.1**.

3302 Urban Influence Restrictions Applicable to all Zoning and PUD Designations.

3302.1 One-Mile Area: Some business uses may be prohibited within one mile of a municipality, in accordance with 31-15-501 (1)(a) C.R.S., as amended.

3302.2 Three-Mile Area: Development may be required to conform to a major street plan of a municipality, in accordance with 31-23-212 et seq., C.R.S., as amended.

3303 A-80+: Large Scale Agricultural.

3303.1 Purpose. This zone applies to parcels of 80 acres or more. The zoning designation is designed to:

- A.** Provide a zone for landowners whose highest priority is agricultural production and who wish to remain, as much as possible, unconstrained by the impact of residential subdivisions.
- B.** Protect primary and accessory agricultural uses as defined in **3106.1** and related primary and accessory residential uses; and
- C.** Engage in more intensive agribusiness activities through the use of the High Impact Permit process.
- D.** At such time as landowners in the A-80+ zone need to undertake the development of residential lots, rezoning to A/R 35+ will be routinely approved, so long as the uses and threshold standards listed below are in compliance.

3303.2 Minimum Lot Size: 80 acres.

3303.3 Uses by Right:

- A.** Agricultural, Agricultural Accessory. See 3106.1, **a** and **b**.
- B.** Residential, Residential Accessory. See 3106.4, **a** and **b**.

3303.4 Conditional Uses:

- A.** Uses with valid High Impact Permit in accordance with **Chapter 2**.

3303.5 Threshold Standards:

- A.** Maximum Building Height 45'
- B.** Building Footprint: Maximum building footprint for any building shall be less than 20,000 square feet, 50,000 sq.ft. all buildings.
- C.** Building Setbacks: Threshold Standards
- D.** New Construction and Remodeling: UBC and other uniform codes apply to new commercial and industrial.
- E.** Livestock Fencing: Threshold Standards
- F.** Agricultural Protection: Threshold Standards
- G.** Outdoor Storage: Threshold Standards for non-ag uses
- H.** Roads, Traffic, and Access: Threshold Standards for non-ag uses
- I.** Parking and Loading Areas: Threshold Standards

- J. Health, Safety, and Welfare: Threshold Standards for non-ag uses
- K. Nuisance Standards: Threshold Standards for non-ag uses

3304 AGZ: Agricultural Use.

3304.1 Purpose. This zone applies to parcels of 35 acres or more. The zoning designation is designed to:

- A. Provide a zone for landowners whose highest priority is agricultural production.
- B. Protect primary and accessory agricultural uses as defined in **3106.1**; and
- C. Engage in more intensive agribusiness activities through the use of the High Impact Permit process.
- D. At such time as landowners in the AGZ zone need to undertake the development of residential lots, rezoning to A/R 35+ will be routinely approved, so long as the uses and threshold standards listed below are in compliance.

3304.2 Minimum Lot Size: 35 acres.

3304.3 Uses by Right:

- A. Agricultural, Agricultural Accessory. See 3106.1, a and b.
- B. Residential, Residential Accessory. See 3106.4, a and b.

3304.4 Conditional Uses:

- A. Uses with valid High Impact Permit in accordance with **Chapter 2**.

3304.5 Threshold Standards:

- A. Maximum Building Height 45'
- B. Building Footprint: Maximum building footprint for any building shall be less than 20,000 square feet, 50,000 sq.ft. all buildings.
- C. Building Setbacks: Threshold Standards
- D. New Construction and Remodeling: UBC and other uniform codes apply to new commercial and industrial.
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards for non-ag uses
- H. Roads, Traffic, and Access: Threshold Standards for non-ag uses
- I. Parking and Loading Areas: Threshold Standards
- J. Health, Safety, and Welfare: Threshold Standards for non-ag uses
- K. Nuisance Standards: Threshold Standards for non-ag uses

3305 A/R 35+: Large Scale Agricultural and Residential.

3305.1 Purpose. This zone applies to parcels of 35 acres or more. The zoning designation is designed to:

- A. Protect primary and accessory agricultural uses as defined in **3106.1**,
- B. Engage in more intensive agribusiness activities through the use of the Commercial and Industrial Permitting process; and
- C. Allow the development of up to three (3) clustered lots as home sites per 35 acres as a Cluster Incentive PUD (CIPUD), which allows limited residential development and economic security without eliminating productive agricultural land. Except that any Cluster Development under 30-28-401 et seq., C.R.S.,

as amended, shall not exceed two (2) residential units per each 35 acre increment.

- D. An additional clustered home site may be obtained per each 15 acre increment over the 35 acre minimum parcel size.
- E. For purposes of this code, “clustered lots”, “clustered homesites” and the “Cluster Incentive PUD” may include the development of dispersed lots or home sites provided that the purpose of retaining 75% of the site in agricultural production or open space is met.

3305.2 Minimum Lot Size: 35 acres

3305.3 Uses by Right:

- A. Agricultural, Agricultural Accessory. See 3106.1, a and b.
- B. Residential, Residential Accessory. See 3106.4, a and b.

3305.4 Conditional Uses:

- A. Uses with valid High Impact Permit in accordance with **Chapter 2**.
- B. Planned Unit Developments: CIPUD and GPUD.

3305.5 Threshold Standards:

- A. Maximum Building Height 45’
- B. Building Footprint: Maximum building footprint for any building shall be less than 20,000 square feet, 50,000 sq.ft. all buildings.
- C. Building Setbacks: Threshold Standards
- D. New Construction and Remodeling: UBC and other uniform codes apply to new commercial and industrial.
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards for non-ag uses
- H. Roads, Traffic, and Access: Threshold Standards for non-ag uses
- I. Parking and Loading Areas: Threshold Standards
- J. Health, Safety, and Welfare: Threshold Standards for non-ag uses
- K. Nuisance Standards: Threshold Standards for non-ag uses

3306 A/R: 10-34 Medium Scale Agricultural and Residential.

3306.1 Purpose. This zone allows for agricultural use while protecting surrounding areas from higher impact through the use of the Threshold Standards.

3306.2 Minimum Lot Size: 10 acres

3306.3 Uses by Right:

- A. Agricultural, Agricultural Accessory See 3106.1, a and b.
- B. Residential, Residential Accessory See 3106.4, a and b.

3306.4 Conditional Uses:

- A. Uses with valid High Impact Permit in accordance with **Chapter 2**.
- B. Planned Unit Development: General Planned Unit Development.

3306.5 Threshold Standards:

- A. Maximum Building Height 45’
- B. Building Footprint: Maximum building footprint for any building shall be less than 10,000 square feet, 25,000 sq. ft. all buildings.
- C. Building Setbacks: Threshold Standards

- D. New Construction and Remodeling: UBC and other uniform codes apply to new commercial and industrial.
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards for non-ag uses
- H. Roads, Traffic, and Access: Threshold Standards for non-ag uses
- I. Parking and Loading Areas: Threshold Standards
- J. Health, Safety, and Welfare: Threshold Standards
- K. Nuisance Standards: Threshold Standards

3307 A/R: 3-9 Small Scale Agricultural and Residential.

3307.1 Purpose. This zoning designation is intended for residential purposes with accessory agricultural uses.

3307.2 Minimum Lot size: 3 acres

3307.3 Uses by Right:

- A. Agricultural, Agricultural Accessory. See 3106.1, a and b.
- B. Residential, Residential Accessory. See 3106.4, a and b.

3307.4 Conditional Uses:

- A. Uses with valid High Impact Permit in accordance with **Chapter 2**.
- B. Planned Unit Developments: General Planned Unit Development.

3307.5 Threshold Standards:

- A. Maximum Building Height 35'
- B. Building Footprint: Maximum building footprint for any building shall be less than 7,500 square feet, 15,000 sq. ft. all buildings.
- C. Building Setbacks: Threshold Standards
- D. New Construction and Remodeling: UBC and other uniform codes apply to new commercial and industrial.
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards
- H. Roads, Traffic, and Access: Threshold Standards
- I. Parking and Loading Areas: Threshold Standards
- J. Health, Safety, and Welfare: Threshold Standards
- K. Nuisance Standards: Threshold Standards

3308 R-3: Rural Residential.

3308.1 Purpose. This zone is intended to be a residential zone.

3308.2 Minimum Lot Size: 3 acres

3308.3 Uses by Right: Residential, Residential Accessory. See 3106.4,a and b.

3308.4 Conditional Uses: None

3308.5 Prohibited Uses:

- A. All Agricultural
- B. All Commercial
- C. All Industrial
- D. All PUD's

3308.6 Threshold Standards:

- A.** Maximum Building Height 35'
- B.** Building Footprint: Maximum building footprint for any building shall be less than 5,000 square feet, 7,500 sq. ft. all buildings.
- C.** Building Setbacks: Threshold Standards
- D.** New Construction and Remodeling: Not applicable
- E.** Livestock Fencing: Threshold Standards
- F.** Agricultural Protection: Threshold Standards
- G.** Outdoor Storage: Threshold Standards
- H.** Roads, Traffic, and Access: Threshold Standards
- I.** Parking and Loading Areas: Threshold Standards
- J.** Health, Safety, and Welfare: Threshold Standards
- K.** Nuisance Standards: Threshold Standards

3309 A/R ES: (Existing Subdivision).

3309.1 Purpose. The A/R ES Zone will be applied to platted subdivisions and exemptions existing, or under review, at the time this Code is adopted. A/R: ES zoning will be adopted as part of the official zoning map. The purpose of this zone is to protect residential subdivisions and lots existing at the time of the adoption of this Code.

3309.2 Use Standards. The use standards for the A/R: ES zone will conform with those standards established when the final plat was approved along with the covenants of record. The Threshold Standards listed in **Chapter 1, Section 1** provide minimum standards for land use changes undertaken after the adoption of the Code. Threshold Standards apply as minimum standards in order to provide for the mitigation of significant adverse impacts on other property owners and the County.

3310 USZ Urban Services Zone.

3310.1 Purpose. The Urban Services Zone allows for higher-intensity development where urban services appropriate to the intended use are available. An Urban Service Zone designation cannot be established without clear evidence that services are, or can be made available, to the site within a reasonable time without undue public costs.

3311 INDZ Industrial Zone.

3311.1 Purpose. The Industrial Zone allows for the establishment and expansion of uses that are predominately industrial. Establishment of industrial zoning requires the existence or establishment of infrastructure capable of supporting industrial uses. Industrial Zoning is also contingent on a setting where significant adverse impacts on residential and agricultural uses can be avoided or mitigated.

3311.2 Minimum Lot Size. Three acres unless modified by an approved PUD Plan or High Impact Permit.

3311.3 Uses by Right: Industrial uses that comply with Threshold Standards.

3311.4 Conditional Uses:

- A. Uses approved through the Industrial PUD or General PUD review process.
- B. Uses approved through the High Impact Permit Process.
- C. Residential or agricultural uses are allowed in this zone, but are subordinate to the industrial intent of the zone.

3311.5 Threshold Standards: Threshold standards established in **1202** of this Code apply to this zone. These Threshold Standards may be adjusted through the Industrial PUD, General PUD or High Impact Permit review and approval process provided that significant adverse impacts can be mitigated.

3312 COMZ Commercial Zone.

3312.1 Purpose. The Commercial Zone allows for the establishment and expansion of uses that are predominately commercial. Establishment of commercial zoning requires the existence or establishment of infrastructure capable of supporting commercial uses. Commercial Zoning is also contingent on a setting where significant adverse impacts on residential and agricultural uses can be avoided or mitigated.

3312.2 Minimum Lot Size. Three acres unless modified by an approved PUD Plan or High Impact Permit.

3312.3 Uses by Right: Commercial uses that comply with Threshold Standards.

3312.4 Conditional Uses:

- A. Uses approved through the Commercial PUD or General PUD review process.
- B. Uses approved through the High Impact Permit Process.
- C. Residential or agricultural uses are allowed in this zone, but are subordinated to the commercial intent of the zone.

3312.5 Threshold Standards: Threshold standards established in **1202** of this Code apply to this zone. These Threshold Standards may be adjusted through the Commercial PUD, General PUD or High Impact Permit review and approval process, provided that significant adverse impacts can be mitigated.

3313 UNZ Unzoned.

3313.1 Purpose. Except for A/R; ES zones, landowners may elect to remain unzoned by indicating this to the County or by not filing a zoning certification form with the County. Landowners in this designation may continue present uses without interruption but any change in use or enlargement of use exceeding the Threshold Standards or the subdivision of land, requires compliance with one or more of the following: the High Impact Permitting Regulations, the establishment of a zoning designation, or other development approval to allow the new use. Unzoned landowners who subdivide land will be required to comply with subdivision regulations and to concurrently establish the appropriate zoning designation.

3313.2 Minimum Lot Size: n/a

3313.3 Uses by Right: Existing uses.

3313.4 Conditional Uses: n/a

3313.5 Accessory and Temporary Uses: n/a

3313.6 Threshold Standards: Any change or enlargement from existing uses in excess of the Threshold Standards requires zoning, High Impact Permit, or other development approval.

3314 Summary Chart. On the following pages are summary charts of Montezuma County Zoning Designations and other zoning requirements, for reference purposes only.

- TS - Threshold Standards as listed in Chapter 1, Section 2
- UTS – Urban Influence Area Threshold Standards to be developed at a later time. Available as preference only in sign-up phase
- PUD descriptions can be found in Chapter 4, Section 2
- C&I uses: Commercial and Industrial Uses
- P/C,TSM: “Plat/Covenants, Threshold Standards Minimum” in the A/R ES Zone indicates standards are based on the recorded plat and covenants, with threshold standards as minimum standards (see 3309).

SUMMARY CHART OF ZONING CHOICES – PREFERENCE ZONES

ZONING CHOICES		URBAN SERVICES ZONE	R-3	AGR 3-9	COMMERCIAL	INDUSTRIAL
Uses by Right		To Be Determined	Residential, Residential Accessory	Primary Agriculture Agriculture Accessory Residential Residential Accessory	Commercial	Industrial
Conditional Uses		To Be Determined	None	GPUD High Impact Permit	COMPUD GPUD High Impact Permit	INDPUD GPUD High Impact Permit
THRESHOLD STANDARDS						
1	Minimum lot size	UTS	3 acres	3 acres	3 acres or per approved PUD or Permit	3 acres or per approved PUD or Permit
2	Maximum building height	UTS	35'	35'	35'	35'
3	Maximum Building Footprint	UTS	5,000-7,500	7,500-15,000	TS	TS
4	Building Setbacks	UTS	TS	TS	TS	TS
5	New Construction and Remodeling for Commercial, Industrial and Public Buildings	UBC for C&I uses	N/A	UBC for C&I uses	UBC for C&I uses	UBC for C&I uses
6	Livestock Fencing	UTS	TS	TS	TS	TS
7	Protection of Normal Agricultural operations	UTS	TS	TS	TS	TS
8	Outdoor Storage	UTS	TS	TS	TS	TS
9	Roads	UTS	TS	TS	TS	TS
10	Parking / Access and Loading areas	UTS	TS	TS	TS	TS
11	Traffic	UTS	TS	TS	TS	TS
12 - 20	<u>Health, Safety and Welfare</u> (water, wastewater, storm water, solid waste, Fire protection, law enforcement, Floodplain, natural hazards, public facilities)	UTS	TS	TS	TS	TS
21 - 31	<u>Nuisance standards</u> (Electrical Disturbances, fire and explosive hazards, glare and heat, lighting, noise, and vibration)	TS	TS	TS	TS	TS
32	<u>Other Significant Adverse Impacts</u>	UTS	TS	TS	TS	TS

SUMMARY CHART OF ZONING CHOICES

ZONING CHOICES		A/R 10-34	A/R 35+	AGZ	A:80+	A/R ES Existing Subdivisions	UNZONED
Uses by Right		Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Per Recorded Plat/Covenants Threshold Standards Minimum	All existing Uses
Conditional Uses		GPUD High Impact Permit	CIPUD, GPUD High Impact Permit	High Impact Permit	High Impact Permit	Per Recorded Plat/Covenants TS Minimum	N/A
THRESHOLD STANDARDS							
1	Minimum lot size	10 acres	35 acres or PUD clusters	35 acres	80 acres	Per Recorded Plat/Covenants	3 acres
2	Maximum building Height	45'	45'	45'	45'	P/C, TSM	35'
3	Maximum Building Footprint	10,000-25,000	20,000-50,000	20,000-50,000	20,000-50,000	P/C, TSM	TS
4	Building Setbacks	TS	TS	TS	TS	P/C, TSM	TS
5	New Construction and Remodeling for Commercial, Industrial and Public Buildings	UBC for C&I uses	UBC for C&I uses	UBC for C&I uses	UBC for C&I uses	P/C, TSM	TS
6	Livestock Fencing	TS	TS	TS	TS	P/C, TSM	TS
7	Protection of Normal Agricultural operations	TS	TS	TS	TS	P/C, TSM	TS
8	Outdoor Storage	TS	TS for non ag	TS for non ag	TS for non ag	P/C, TSM	TS
9	Roads	TS	TS for non ag	TS for non ag	TS for Non ag	P/C, TSM	TS
10	Parking/Access and Loading areas	TS	TS	TS	TS	P/C, TSM	TS
11	Traffic	TS for non ag	TS for non ag	TS for non ag	TS for non ag	P/C, TSM	TS
12 - 20	Health, Safety and Welfare: (water, wastewater, storm water, solid waste, Fire protection, law enforcement, Floodplain, natural hazards, public facilities)	TS	TS for non ag	TS for non ag	TS for non ag	P/C, TSM	TS
21 - 31	Nuisance standards (Electrical disturbances, fire and explosive hazards, glare and heat, lighting, noise, and vibration)	TS	TS for non ag	TS for non ag	TS for non ag	P/C, TSM	TS
32	Other Significant Adverse Impacts	TS	TS for non ag	TS for non ag	TS for non ag	TS minimum	TS

3401 Establishing Zoning or Rezoning After Sign-Up Phase. Any landowner, or their authorized agent, may submit to the County a completed application for establishing zoning or rezoning after the sign-up phase.

3401.1 Submittal Requirements.

A. Application Form. All zoning and rezoning permit applications shall be filed by the owner(s) of the subject parcel with the County on a form provided by the County. The owner may submit a letter designating an agent to act on their behalf in the application process.

B. Map. A property location map.

3401.2 Public Hearing Before the Planning Commission. A public hearing shall be set in accordance with **6101.1 Notice of Public Hearing** of this Code.

3401.3 Findings of Fact and Decision Criteria. The Planning Commission shall make its recommendation and the County Commissioners shall render a decision on the proposed use based on the following:

A. The proposed use is in conformity with the Code, and

B. The proposed use shall not generate any significant adverse impacts on other property in the area and is consistent with this Code.

C. Public utilities and services are available, or can be made available, to support uses consistent with the proposed zoning.

CHAPTER 4: PLANNED UNIT DEVELOPMENT

Chapter 4: Section 1 – Authority, Purposes and Objectives

4101 Authority, Purposes and Objectives of PUD Development.

4101.1 Authority, Purposes, and Objectives. Planned Unit Developments as defined and authorized, pursuant to 24-67-101 et seq. C.R.S., as amended, for the following purposes and to achieve the following objectives of development:

- A.** To provide for necessary commercial, recreational and educational facilities conveniently located to housing, and
- B.** To provide for well-located, clean, safe and pleasant industrial sites involving a minimum strain on transportation facilities and minimum impact of traffic on streets and highways.
- C.** To encourage a more efficient use of land, public services and facilities.
- D.** To conserve the value of the land; and
- E.** To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural and agricultural characteristics.

4102 Scope. Applications for specific Planned Unit Development may be made for land located in any zoning designation where such PUD category is allowed. See Summary Chart at 4109.

4102.1 Not limited to one owner or parcel. A PUD application may involve more than one parcel and/or more than one landowner. Such possibilities include, but are not limited to:

- A.** Parcels in an area suited for a mix of commercial and industrial uses where common highway access, utility planning, recorded covenants, design standards, etc., would make for more orderly and effective development.
- B.** Unincorporated areas with the opportunity to develop infrastructure capable of serving more intensive or higher density commercial, industrial or residential development.
- C.** Adjacent property owners who wish to incorporate amenities such as trails and natural areas into adjoining residential development.

4103 Relationship to Subdivision, Zoning, and High Impact Commercial and Industrial Permitting.

4103.1 Applicability of Other Regulations. The Montezuma County Subdivision Regulations and this Land Use Code apply to PUD's. However, specific standards, specifications or requirements may be modified as part of the PUD approval process to meet the unique circumstances and objectives of the proposed PUD.

4103.2 Modifications Authorized. The County may waive or modify certain standards and requirements of this Code as necessary to meet the intended purpose of a PUD, so long as potentially significant adverse impacts are mitigated.

4103.3 Compatibility of Planned Unit Developments. Potentially incompatible uses within a PUD or between a PUD and surrounding uses must be mitigated for the PUD plan to be approved.

4104 CIPUD Cluster Incentive PUD.

4104.1 Intent. This PUD allows for phased residential cluster development on parcels of 35 acres or greater. The purpose is to allow for small lot home site development while retaining a minimum of 75% of the parcel in agricultural production or Common Open Space. Where this purpose can be met, "clustered lots", "clustered home sites" and the "Cluster Incentive PUD" may include the development of dispersed lots or home sites. Development of up to three home sites per 35 acres is allowed, except that any Cluster Development under 30-28-401 et seq., C.R.S., as amended, shall not exceed two (2) residential units per each 35 acre increment.

4104.2 Underlying Zoning Designations: A/R 35+

4104.3 Land Use Categories: Agricultural, Residential.

4104.4 Conditional Uses: Commercial and Industrial Uses exceeding Threshold Standards or other applicable standards, approved through appropriate review process.

4104.5 Standards: For residential homesites, the A/R 3-9 or R-3 zoning standards apply, except that lots less than three acres may be created in the interest of preserving agricultural land or Common Open Space. Adequate sewage disposal facilities, as approved by the County Health Department, must be provided.

4104.6 Preservation of Agricultural Land and Open Space: At least 75% of the total parcel must be permanently platted for agricultural use or Common Open Space. On that portion of the parcel preserved for agricultural use, Threshold Standards for the A/R 35+ Zone, apply. Refer to 3305 of this Code.

4104.7 PUD Plan Approval and Phased Development Options. The Cluster Incentive PUD Plan must be approved and platted prior to commencement of home site development. Once the PUD Plan is approved and platted, the home sites may be developed in total or in phases. For the Cluster PUD, administrative and impact fees will also be phased as home site development occurs.

4105 INDPUD Industrial PUD.

4105.1 Intent. This PUD is designed for predominantly industrial uses.

4105.2 Underlying Zoning Designations: Industrial Zone and Urban Services Zone (USZ)

4105.3 Land Use Categories: Predominantly industrial. Residential and agricultural uses are allowed, but are subordinate to the industrial intent of this zone.

4105.4 Conditional Uses: Exceeding Threshold Standards must mitigate significant adverse impacts.

4105.5 Standards: Threshold Standards apply, but may be exceeded based on an approved PUD Plan which mitigates significant adverse impacts.

4106 Commercial PUD.

4106.1 Intent. This PUD is designed for predominantly commercial uses.

4106.2 Underlying Zoning Designations: Commercial Zone and Urban Services Zone (USZ).

4106.3 Land Use Categories: Predominantly commercial. Residential and agricultural uses are allowed, but are subordinate to the commercial intent of this zone.

4106.4 Conditional Uses: Uses exceeding Threshold Standards must mitigate significant adverse impacts.

4106.5 Standards: Threshold Standards apply, but may be exceeded based on an approved PUD Plan which mitigates significant adverse impacts.

4107 GPUD GENERAL PUD.

4107.1 Intent. A PUD is a tool to provide flexibility regarding site and design features. This PUD is applicable to small-scale mixed uses such as business/ residential combinations.

4107.2 Underlying Zoning Designations: A-80+, A/R 35+, A/R 10-34, A/R 3-9, USZ, Commercial, Industrial

4107.3 Land Use Categories: Agricultural, Residential, Commercial, Industrial, Mixed

4107.4 Conditional Uses: Commercial and Industrial Uses exceeding Threshold Standards or other applicable standards, approved through appropriate review process.

4107.5 Standards. Threshold Standards apply, but may be exceeded based on an approved PUD Plan which mitigates significant adverse impacts.

4108 MHPUD Mobile Home and RV Park PUD.

4108.1 Intent. This PUD option allows for variation from regulations for mobile home and RV parks to meet PUD design flexibility objectives.

4108.2 Underlying Zone Designation: Urban Services Zone (USZ), Commercial

4108.3 Land Use Categories: Residential

4108.4 Mobile Home Park Regulations.

- A.** A Mobile Home Park shall not be developed and operated on a site of less than three acres.
- B.** All factory built and/or mobile homes must be in compliance with applicable Colorado laws.
- C.** Mobile Home Parks or R.V. 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 shall 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.
- D.** Mobile home parks shall comply with **General Design Guidelines, 5103.**

- E. Mobile home parks or R.V. Parks located along highways and major arterials will be subject to **Design Guidelines for Development Along Highways, 5103.3.**
- F. Mobile home parks or R.V. Parks adjoining or affecting agricultural lands will be subject to **Design Guidelines for Development Affecting Agricultural Lands, 5103.2.**
- G. Mobile home parks or R.V. Parks shall conform with the following provisions from **Subdivision Regulations:** Avoidance and Mitigation of Hazardous Conditions, Drainage Systems and Livestock Fencing.
- H. No part of any mobile home park shall be used for non-residential purposes, except such uses as are required for the direct servicing and well being of the park residents.
- I. **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.
- J. **Site Setbacks:** Setbacks between the perimeter of the Mobile Home Park and any mobile home shall not be less than the following:
 - 1. Adjacent to dedicated streets, roads or highways - See **General Design Guidelines, 5103.1** , Setback from Roads.
 - 2. Adjacent to park roadways or walkways - ten (10) feet.
 - 3. Adjacent to on site driveways - five (5) feet.
- K. **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.
- L. **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.
- M. **Fencing.** Approved fencing and/or may be required to screen mobile home parks or R.V. 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.
- N. **Access and Service Roads.** The Mobile Home Park shall have direct access to public roadways 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.
- O. **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.
- P. **Lighting.** All service roads and recreation areas shall be illuminated at night with downward directed light.
- Q. **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.

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

4108.5 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, but not be limited to, the following standards:

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

1. Toilets. One toilet for each sex for every fifteen (15) dependent mobile home lots or fractional part thereof.
2. Urinals. Urinals may be substituted for up to one-third (1/3) of the required number of toilets.
3. 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.
4. Bathing or shower facilities. One for each sex for each fifteen (15) dependent mobile home lots or fractional part thereof.
5. Water hydrants shall be provided to wash service buildings, walkways, passageways and other common use areas.
6. 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.

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

1. 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.
2. 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".
3. 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.
4. 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.

5. 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.
6. 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.
7. Exterior doors in service buildings shall be provided with a landing which has a depth and width not less than the door opening.
8. 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.
9. 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.
10. 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.
11. Toilet space shall be in compliance with the Federal Americans with Disabilities Act.
12. 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.
13. 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 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.

14. Plumbing fixtures shall be maintained in good working order and in a clean and sanitary condition.
 15. 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.
 16. If service buildings are kept locked, the operator shall provide a key for dependent mobile home occupants.
 17. Clothes drying areas or mechanical dryers shall be provided for use with laundry facilities.
 18. Plumbing fixtures shall be installed in accordance with provisions of the effective edition of the Colorado Technical Plumbing Code.
 19. Swimming pools shall be operated and maintained in accordance with Colorado Department of Health Regulations and Standards Governing Swimming Pools.
- C. Operational Standards.** Mobile home parks shall be subject to the following operational requirements.
1. 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.
 2. 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 may be inspected regularly by the County Health Department and Fire Department.
 3. 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.
 4. Mobile traffic shall be restricted to not more than ten (10) m.p.h. and signs regulating same shall be posted at all service road entrances.
 5. The Mobile Home lot shall be kept clean and free of refuse and hazardous or noxious materials.
 6. Adequate storage buildings shall be provided for storage of all materials and equipment not in use in the park.
 7. Mobile Homes shall be properly installed and stabilized to insure the safety of the occupants of the park and the general public.
 8. 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.
 9. 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.

10. 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.
11. Rodents and insects shall be controlled by approved sanitary practices, vermin-proofing of buildings extermination and other control methods.
12. Noxious weed infestations shall be controlled under provisions of the Colorado Weed Management Act and the Montezuma County Comprehensive Weed Management Plan Resolution No. 4-93, as amended.
13. 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.
14. A responsible attendant shall be in attendance daily in the park.
15. 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.
16. 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.
17. Each RV camper park shall comply with the Federal Americans with Disabilities Act.

4109 Summary Chart. The following is a summary chart of Planned Unit Development District options and underlying zoning requirements, for reference purposes only. The text sections preceding the chart provide the full PUD requirements.

PUD	Underlying Zoning Designations	Land Use Categories Available	Intent
CIPUD: Cluster Incentive	♦ A/R 35+	♦ Agricultural ♦ Residential	Phased residential cluster development to allow for home site development while retaining 75% of the parcel in agricultural production or Common Open Space. Allows for development of up to 3 home sites per 35 acres. Standards for residential clusters are the same as A/R 3-9 or R-3
MHPUD: Mobile Home	♦ Urban Services Zone	♦ Residential	The MHPUD allows for variation from standards for mobile home and RV parks to meet PUD design flexibility objectives provided that significant adverse impacts are mitigated.
INDPUD: Industrial	• Industrial Zone • Urban Services Zone	• Industrial • Agricultural and Residential uses allowed, but are subordinate.	For predominantly industrial uses. Threshold Standards apply, but may be exceeded based on an approved PUD Plan that mitigates significant adverse impacts.
COMPUD: Commercial	• Commercial Zone • Urban Services Zone	• Commercial • Agricultural and Residential uses are allowed, but are subordinate	For predominantly commercial uses. Threshold Standards apply, but may be exceeded based on an approved PUD Plan that mitigates significant adverse impacts.

4201 Establishing a PUD.**4201.1 General.**

- A.** A PUD is a site-specific development plan requiring an appropriate underlying zone designation. Zoning or rezoning may be established prior to, or concurrently with, the review of a PUD Plan.
- B.** A decision on each PUD application shall be made by the County Commissioners after receiving a recommendation from the Planning Commission.
- C.** PUD alternatives are only available in specified zoning designations. **Refer to Chapter 4, Planned Unit Development.**

4201.2 Design Flexibility for PUDs. A PUD is a tool to provide flexibility regarding site and design features, including, but not limited to:

- A.** Threshold standards may be modified to meet the purposes of the PUD providing that adverse impacts can be mitigated.
- B.** The clustering of development with usable Open Space areas shall be permitted to encourage common open areas and to save street and utility construction and maintenance costs.
- C.** The clustering of development to preserve agricultural land.
- D.** Lot size and configuration.

4201.3 PUD Submittal Requirements will consist of an application, map and plan.

- A. Application form.** All PUD applications shall be filed by the owner(s) or their authorized agent on forms provided by the County and contain the following information on the subject parcel:
 - 1. The landowner's name and address with written consent of all owners.
 - 2. A property schedule from the Assessor's office.
 - 3. Existing zoning or requested zoning designation.
 - 4. Intended land uses.
 - 5. The objectives to be achieved by the PUD.
- B. Map.** Map indicating the following:
 - 1. Regional location map.
 - 2. All existing and proposed roads with running surface and width indicated. Access and utility easements shall be noted.
 - 3. Property boundaries of the subject parcel with dimensions and area calculations. Include locations of existing and proposed buildings and structures on this site.
 - 4. Sufficient contours to determine lot slopes.
 - 5. All drainage, irrigation, water and other distinctive natural features.
 - 6. Delineated 100 year floodplain areas.
 - 7. Open space and no build zones.

C. Plan. The Plan will contain a project description indicating a broad concept of the proposed development including, but not limited to, the following:

1. A development schedule indicating the approximate dates when construction of the various phases of the PUD can be expected to begin and be completed;
2. Maximum number of dwelling units proposed.
3. Minimum acreage to be dedicated to Open Space, if any.
4. The types of all uses proposed and acreages devoted to each use.
5. Provision for water, sewer, telephone, electricity and other utilities as applicable. Provide evidence of:
 - a. The proposed water source adequate to service the PUD;
 - b. The proposed method of sewage treatment;
6. A statement of ownership interest, including minerals, relevant to the property planned for a PUD.
7. A request for the waiver or modification of certain Threshold or other applicable standards, and reasons why such waiver or modification is necessary.
8. Copies of any special covenants, conditions and restrictions, which will govern the use or occupancy of the PUD.
9. A list of owners of properties located within three hundred (300) feet of the boundaries of the PUD and their addresses;
10. A statement of the following:
 - a. The general manner in which storm drainage will be handled.
 - b. The general manner in which provision will be made for any potential natural hazards.
11. **Other Information.** Supporting information, plans, letters of approval, other documentation from responsible agencies and any other information to satisfy requirements listed under Threshold Standards or other applicable regulations.

4201.4 PUD Procedure. Applications to establish a PUD shall be reviewed in accordance with **Chapter 5, Section 3, Review Procedure.**

4201.5 Findings of Fact and Decision Criteria. The Planning Commission shall make its recommendation and the County Commissioners shall render a decision on the proposed use based on the following:

- A.** The proposed PUD is in conformity with this Code and the PUD Act of 1972 (Article 67 of Title 24, C.R.S., as amended), and
- B.** The PUD plan shall minimize significant adverse impacts on other property in the area, and
- C.** The PUD plan provides access routes in compliance with the Montezuma County Road Specifications and of adequate design to accommodate traffic volume generated by the proposed use.
- D.** Public utilities and services are available, or can be made available, to support uses consistent with the proposed zoning.
- E.** If cluster planning principles are used, the PUD plan adequately addresses the preservation of productive agricultural land and the designation and maintenance of Common Open Space.

4202 Phased PUD Development. A PUD may be developed in phases, according to the following:

4202.1 Independent Phases. Each phase within a PUD shall be planned and developed in relation to existing surrounding and available facilities and services so that failure to proceed to a subsequent phase will not have a substantial adverse impact on the PUD or its surroundings.

4202.2 Nonresidential Uses. If a PUD contains nonresidential uses, they may be constructed in advance of residential uses if the County finds that such phasing is consistent with sound principles of ordered development and will have no substantial adverse impacts on the quality or character of the PUD or its surroundings.

4203 Ownership and Maintenance of Common Open Space.

4203.1 Maintenance and Enforcement by Owners. If a PUD includes Common Open Space, that space shall be owned and maintained by the property owners within the PUD or by an organization established by the PUD Plan, in accordance with recorded covenants approved as part of the PUD Plan. Common Open Space is a parcel or parcels of land, or a combination of undeveloped land, water, and natural features within the site designated for a Planned Unit Development, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PUD. Covenant provisions are enforceable by the property owners within the PUD.

4203.2 Conditions and Enforcement by the County. The County may also place conditions on the development and maintenance of Open Space to avoid adverse impacts. Such conditions are enforceable by the County.

CHAPTER 5: MONTEZUMA COUNTY SUBDIVISION REGULATIONS

Chapter 5: Section 1 – Development Policies, Guidelines and Regulations

5101 Development Policies, Guidelines and Regulations.

5101.1 Introduction. This article contains the standards by which proposed subdivisions, including Planned Unit Developments, in the unincorporated areas in Montezuma County will be reviewed. The following policies, design guidelines and regulations will be used by the developer, the County and the Public in reviewing, evaluating, constructing or otherwise undertaking subdivision actions. The following terms apply to this Code:

- Subdivider as defined in 30-28-101(9), C.R.S., as amended.
- Subdivision or subdivided land as defined in 30-28-101(10), C.R.S., as amended.
- Subdivision Improvement Agreement as defined in 30-28-101(11), C.R.S., as amended.

5102 Subdivision Policies. The following shall be the subdivision policies of Montezuma County:

- A.** 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.
- B.** To avoid subdivisions that result in unacceptable or unsafe traffic, noise, or dust levels on County roads.
- C.** To minimize conflicts from land subdivisions that will result in significant adverse impacts on adjoining land.
- D.** To guide development so as to provide adequate public facilities without undue costs to the taxpayers of Montezuma County.
- E.** To minimize unsightly development.
- F.** To consult with municipalities regarding any division of land within three (3) miles of their boundaries with regard to the major street plan.
- G.** To avoid development in areas that are unsafe or unsuitable due to natural hazards such as flooding, wildfire, unstable slopes; or due to the unfeasibility of providing basic services such as adequate road access, electricity, potable water, sanitation, telephone and fire protection.

5103 Design Guidelines.

5103.1 General Design Guidelines. Approval of any Subdivision, will require covenants which at a minimum contain the following Design Guidelines.

- A. Setback from Roads.** The following set-backs from roads in Montezuma County are required:
 - 1.** New fences are to be set back a minimum of 30 feet from the centerline of County roads.

2. Setbacks for dwellings are to be minimum of 120 feet from County Road rights-of-way, a minimum of 50 feet from the right-of-way of service roads or streets within a platted subdivision, and 50 feet from lot lines, where physically possible.
 3. Setbacks for barns, garages, and other auxiliary structures shall be a minimum of 25 feet from County road rights-of-way and property lines not adjacent to roads and highways where physically possible.
- B. Lighting.** All outdoor lighting shall be designed to illuminate only the premises and to minimize nuisance to adjoining land owners.
- C. Drainage.** All open areas of any site, lot, tract or parcel shall be graded and planted as appropriate to provide proper drainage and minimize flooding, erosion and pollution.
- D. 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.
- E. 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 No. 4-93, as amended, and development and submittal of an approved weed management plan.
- F.** Any public facilities shall comply with the Federal Americans with Disabilities Act.

5103.2 Design Guidelines for Development Affecting Agricultural Land.

- A.** 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.
- B.** When land is subdivided prairie dogs and other such nuisances to agricultural productivity will be controlled by suitable and enforceable covenants and deed restrictions.
- C.** 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 the 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 recorded covenants.
- D.** 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.

- E. 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.
- F. **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 No.4-93, as amended, and development and submittal of an approved weed management plan.

5103.3 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 and/or vegetation.

5103.4 Design Guidelines for Commercial Development.

- A. 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.
- B. Commercial developments located on major arterial roads shall also comply with the **Design Guidelines for Development Along Highways.**
- C. The minimum setback between commercial buildings and adjacent lot or property lines shall be:
 - 1. 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.
 - 2. Adjoining residential areas: one hundred (100) feet.
 - 3. From county road and state highway rights-of-way: fifty (50) feet.
- D. 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:
 - 1. Parking, access and circulation areas shall be designed and constructed to provide adequate space for the removal, piling and storage of snow.
 - 2. All parking facilities shall be designed with a dust-free all-weather surface and shall be graded and drained to dispose of all surface water.
 - 3. Parking facilities will be adequate to the proposed use and the anticipated demand for parking spaces. Business and commercial development, storage and parking areas that negatively impact the privacy and views of adjacent residential properties shall be screened by appropriate fencing or vegetation.
- E. If Threshold Standards are exceeded, an approved plan for mitigating adverse impacts is required.

5103.5 Design Guidelines for Residential Development.

- A. The minimum lot size for residential development must be three (3) acres. The net 3 acre lot size shall not include County road rights-of-way. The length of residential lots shall not exceed 2.5 times their width. This guideline may be modified in an approved PUD Plan.

- B. Residential development will require the following:
 - 1. Approval of septic system location and type.
 - 2. Approval of the driveway access design and location.
 - 3. Assignment of a County address.
- C. Compliance with **General Design Guidelines**.
- D. Compliance, as appropriate, with **Design Guidelines for Development Which Affects Agricultural Land**.
- E. 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 shall be set back no less than 25 feet from property lines where physically possible.
- F. 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 shall comply with setback requirements specified in **General Design Guidelines**. (120' from road right-of-way where physically possible.)
- G. All factory built and/or mobile homes must be in compliance with the UBC and HUD codes.
- H. Residential development resulting in the creation of one or more parcels of less than 35 acres will be subject to these regulations.

5103.6 Design Guidelines for Flood Plains. Flood Plain Resolution No. 1-91, as amended, is incorporated herein and made a part hereof.

5104 Impact of Subdivisions and PUDs on County Roads. To address the impacts of Subdivisions and PUDs on County Roads, the County has established a Road Impact Fee. The Road Impact Fee is applied to the improvement of County Roads directly accessing the proposed subdivision or to the improvement of the nearest County Road on the County Road Improvement Plan. The Road Impact Fee is payable by the developer prior to the final signature process by the Board of County Commissioners.

5105 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 Code.

5105.1 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.

5105.2 Avoidance and Mitigation of Hazardous Conditions. Land subject to hazardous conditions such as flooding, wildfire, or natural hazards, 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 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.

- A. Lots.** The minimum lot size for residential development must be three (3) acres unless central sewer and water is provided. The net 3 acre lot size shall not include County road rights-of-way. The length of residential lots shall not exceed 2.5 times their width.
1. Each lot shall abut a roadway or street meeting County construction standards.
 2. Lots with double frontage shall be avoided, except where essential to provide separation from major arterials or incompatible subdivisions.
- B. Street Requirements.**
1. The street or roadway layout shall conform to the Montezuma County Road and Bridge Standard Specifications. Streets shall be aligned to join with planned or existing streets as nearly as practical.
 2. Streets shall be designed to bear a logical relationship to the topography and shall provide for the non-erosive deposition of run-off waters.
 3. Streets within three (3) miles of the incorporated municipalities shall conform with the municipality's major street plan, insofar as an approved street plan is in place.
 4. Intersections of local streets with major streets shall be kept at a minimum.
 5. Intersections shall be as nearly at right angles as possible with no intersection designed at an angle of less than 60 degrees.
 6. 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.
 7. Dead end streets, with the exception of turnarounds, 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.
 8. Minimum right-of-way widths for streets shall be 60'.
 9. Roadbed construction shall meet the Montezuma County Road and Bridge Standard Specifications. Inspection of the roadway construction shall be made by the County Road Department 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.
 10. Street Names, Signage, and House Numbering.
 - a. 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 Montezuma County Road Department. Traffic control signs shall be provided and installed by the developer as prescribed by the County.
 - b. 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. The area Fire Protection District can

guide the owner with specific emergency location standards for numbering devices.

- C. 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.
- D. Utility Easements** shall be provided as determined in advance by the utility provider. They shall be designed so as to provide efficient installation of utilities.
- E. Sidewalks** shall be a minimum of four (4') feet width and four (4") inches thickness on an approved base.
- F. Sanitary Sewage Disposal.**
 - 1. All lots or parcels which are not to be connected to a public or community sanitary sewage system shall be required to have a sewage disposal system prior to the occupancy of, or use of, buildings constructed thereon.
 - 2. 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.
 - 3. The results of percolation tests will be reviewed by the County Sanitarian to determine disposal system requirements in conformance with State and County standards.
 - 4. 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.
 - 5. In the event that a public or community waste disposal system is proposed or required, State Health Department standards and procedures will apply.
 - 6. 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.
- G. Water Supply.** An adequate supply of potable water shall be available to each lot in a subdivision:
 - 1. Subdivisions that are served by existing rural or municipal water systems require a formal commitment of water service from the appropriate water supplier, and the installation of water lines by the subdivider to the boundary of each lot.
 - 2. Subdivisions to be served by the development of an on-site treatment plant must also comply with Colorado Department of Health regulations.
 - 3. If the proposed development involves well water, permit(s) from the State Water Engineer are required.
 - 4. Cisterns are only allowed in the event that a potable water supply is not otherwise available and may be installed by the lot buyer.

5. 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 Home Owners Association to maintain such source and supply in an acceptable manner.

H. Drainage Systems.

1. 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.
 2. 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.
 3. 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.
 4. 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.
 5. 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.
- I. 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 four wire stock fence along County roads. Refer to 5103.2(c).
- J.** Where an entire parcel is not subdivided, the subdivider must indicate his intended plans for the disposition of the remainder of the parcel.

5201 Impact Classification.

5201.1 Introduction. The purpose of impact classification is to classify each proposed development 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 development. Average lot size and the number of lots in a proposed subdivision are major factors in determining impact classification.

5201.2 Classification Determination. Whenever it is uncertain as to which classification a development should be given, the classification which requires the more comprehensive review shall be used.

5202 Definitions of Impact.

5202.1 Development of Minor Impact. A development of minor impact 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 sale or not.

5202.2 Development of Moderate Impact: Definition. A development of moderate impact involves:

- A. 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
- B. 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.

5202.3 Development of Major Impact: Definition. A development of major impact involves one or more of the following:

- A. Six (6) or more living units, whether single-family residences, units within a multi-family residential development or any combination thereof,
- B. 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,
- C. Mobile Home Parks and RV/Camp Parks,
- D. A major conflict with the Policies and Design Guidelines contained in this Code,
- E. A major demand for additional public services, infrastructure or public funds, or
- F. A major impact on adjoining land uses.

5203 Impact Classification Procedure.

5203.1 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.

5203.2 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.

5203.3 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 ten (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.

5301 Review Procedure for Subdivisions and PUD's.

5301.1 Purpose of Review Procedure. The purpose of the review procedure is to involve the County and the Public in the establishment of zoning and the planning of a subdivision or Planned Unit Development (PUD) at an early stage. The review process involves the analysis and review of one or more of the following:

- A. Zoning Certification or Application.** The required zoning certification or application shall be filed with the Presketch Plan.
- B. Presketch Plan.** Planning Department review of the Presketch Plan is to provide the information for certifying or establishing the appropriate zoning in conjunction with a Subdivision or PUD application.
- C. 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 Code. Conflicts in applying policies, standards and guidelines shall be identified at this stage.
- D. Preliminary Plan.** Review of the preliminary plan will require the applicant to specifically address any planning and development issues identified in the sketch plan. The preliminary plan will be submitted to the appropriate reviewing agencies for comment.
 - 1. 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. A necessary extension of up to thirty (30) days may be granted with the consent of the Planning Department. The failure of any Agency to respond within thirty-five (35) calendar days or within the period of an extension shall be deemed an approval by the agency. The applicant shall review the comments and recommendations received and may submit additional information and make changes in the development proposal to meet the objections or comments of the reviewing agencies.
- E. Final Plan.** Review of the final plan will 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 recorded covenants, conditions, use restrictions and design and development criteria. A final plan or plat shall conform in all respects to the preliminary plan or plat previously reviewed and approved, including all modifications and special conditions.

5301.2 Filing of Plat. After approval of the Preliminary Plan, the applicant shall submit the required number of copies of a final plat meeting the **Submittal Requirements of Chapter 5, Section 4** to the Planning Department. All dates, signatures and information to be provided by the applicant shall be on the final plat, including necessary spaces and blanks for County approval and recording information.

5302 Minor and Moderate Impact Review Procedure.

5302.1 Presketch Plan. For a subdivision or PUD classified as minor or moderate impact, the applicant shall submit to the Planning Department at least one (1) copy of a presketch plan meeting **Submittal Requirements of Chapter 5, Section 4** which shall be reviewed as follows:

A. Planning Department Review. Upon receipt of the completed zoning certification or application and Presketch Plan, the Planning Department shall make in writing observations, comments and recommendations as may be appropriate. Comments shall contain the Department's opinion of the compatibility or conflict of the proposed zoning, PUD or subdivision with the policies and requirements contained in the **Zoning, PUD or Subdivision Policies, Standards and Guidelines** and whether or not the proposed development will significantly, adversely impact other property in the area or conflict with this Code.

5302.2 Sketch Plan. After review of the Presketch Plan, the developer shall submit the required number of copies of a sketch plan meeting the **Submittal Requirements in Chapter 5, Section 4.**

A. Planning Department Review. Upon receipt of all required sketch plan information, the Planning Department shall review the submittals for completeness and compliance with the **Zoning, PUD or Subdivision Policies, Standards and Guidelines.** The Planning Department shall make written comments, observations, and recommendations as it deems appropriate and shall refer the sketch plan application to the Planning Commission. Comments shall contain the Department's opinion of the compatibility or conflict of the proposed development or subdivision with each of the policies contained in this Code, including discussion of those conflicts that were apparent at presketch review.

B. Referral to Planning Commission. The completed Sketch Plan, including comments, shall be forwarded to the Planning Commission for its consideration at the earliest reasonable time consistent with the schedule and procedures of the Commission.

5302.3 Planning Commission Public Review and Hearing. The Planning Commission shall conduct a public hearing on the application. This will be done in accordance with the provisions of **Public Review and Hearing Procedure in Chapter 6.**

A. Comments by Reviewing Agencies. The Planning Commission may refer the Sketch Plan to agency review if it is determined that significant adverse impacts require a more detailed review process.

B. Significance of Sketch Plan Approval. Approval of a Sketch Plan shall constitute approval for the general development concept, but shall not constitute approval of any detailed design, engineering submittals or proposed solutions to specific problems. If submittals are not approved, or if specific problems are not solved, the development application shall be denied at final plan stage.

5302.4 Final Plat. After approval of the Sketch Plan by the Planning Commission the applicant shall submit the required number of copies of a Final Plat meeting the **Submittal Requirements** in **Chapter 5, Section 4** of this Code.

A. Planning Department Review. The Planning Department shall review the final plat for accuracy and compliance with the requirements of this Code and any conditions of Sketch Plan approval, and refer it to the Board.

B. Board Decision. The Board shall consider and render a decision on the plat within thirty-five (35) days and approve the same if said application meets all requirements.

5302.5 Filing of Plat. Following approval by the Board the Final Plat, including covenants, shall be recorded by the County in the office of the County Clerk and Recorder .

5303 Major Impact Review Procedure.

5303.1 Presketch Plan. For a subdivision or PUD classified as major impact the applicant shall submit to the Planning Department at least one (1) copy of a presketch plan meeting **Submittal Requirements** in **Chapter 5, Section 4** which shall be reviewed as follows:

A. Planning Department Review. Upon receipt of the completed zoning certification or application and presketch plan, the Planning Department shall make in writing observations, comments and recommendations as may be appropriate. Comments shall contain the Department's opinion of the compatibility or conflict of the proposed zoning, PUD or subdivision with the policies contained in the **Zoning, PUD or Subdivision Policies, Standards and Guidelines**.

5303.2 Sketch Plan. After review of the Presketch Plan, the developer shall submit the required number of copies of a sketch plan meeting the **Submittal Requirements** in **Chapter 5, Section 4**.

A. Planning Department Review. Upon receipt of all required sketch plan information, the Planning Department shall review the submittals for completeness and compliance with the **Zoning, PUD or Subdivision Policies, Standards and Guidelines**. The Planning Department shall make written comments, observations, and recommendations as it deems appropriate and shall refer the sketch plan application to the Planning Commission. Comments shall contain the Department's opinion of the compatibility or conflict of the proposed development or subdivision with each of the policies and requirements contained in this Code, including discussion of those conflicts that were apparent at presketch review and the identification of significant adverse impact on other property in the area.

B. Referral to Planning Commission. The completed Sketch Plan, including comments, shall be forwarded to the Planning Commission for its consideration at the earliest possible time consistent with the schedule and procedures of the Commission.

C. 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 **Chapter 6**.

D. Significance of Sketch Plan Approval. Approval of a Sketch Plan shall constitute approval for the general development concept, but shall not constitute approval of any detailed design, engineering submittals or proposed solutions to specific problems. If submittals are not approved, or if specific problems are not solved, the development application shall be denied at preliminary plan or final plan stage.

5303.3 Preliminary Plan Application. After approval of the Sketch Plan application by the Planning Commission, the applicant shall submit the required number of copies of a preliminary plan meeting the **Submittal Requirements** in **Chapter 5, Section 4**. The 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.

- A. Planning Department Review.** Upon receipt of the required preliminary plan information, the Planning Department shall review the submittals for accuracy, completeness and compliance with the **Zoning, PUD, or Subdivision Policies, Standards and Guidelines** and for compliance with any conditions imposed by the Planning Commission 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 as provided in 30-28-136 et seq., C.R.S., as amended and to any other agencies appropriate to review the particular proposal.
- B. 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. A necessary extension of up to thirty (30) days may be granted with the consent of the Planning Commission. The failure of any Agency to respond within thirty-five (35) calendar days or within the period of an extension shall be deemed an approval by the agency. The applicant shall review the comments and recommendations received and may submit additional information and make changes in the development proposal to meet the objections or comments of the reviewing agencies.
- C. Planning Commission Review.** The Planning Commission shall review the Preliminary Plan at the next regularly scheduled meeting after receiving comments from the reviewing agencies. The Planning Commission shall render a decision based on:
 - 1. Compliance with the **Zoning, PUD, or Subdivision Policies, Standards and Guidelines**,
 - 2. The Preliminary Plan complies with the approved mitigation measures and other conditions, and
 - 3. The proposal will not cause any significant adverse impact on other property in the area and does not conflict with any applicable provision of this Code.

5303.4 Final Plat. After approval of the Preliminary Plan, the applicant shall submit the required number of copies of a final plat meeting the **Submittal Requirements of Chapter 5, Section 4** to the Planning Department. All dates, signatures and information to be provided by the applicant shall be on the final plat, including necessary spaces and blanks for County approval and recording information.

A. Planning Department Review. The Planning Department shall review the Final Plat for accuracy and for compliance with the requirements of this Code and for any conditions of the Preliminary Plan.

B. Referral to Board. The Planning Department may make comments, observations and recommendations regarding the Final Plat upon referral to the Board.

C. Board Approval. The Board shall consider and render a decision on the plat within thirty (30) days and approve the same if said application meets all requirements.

5303.5 Filing of Plat. Following approval by the Board the Final Plat, including protective covenants, shall be recorded by the County in the office of the County Clerk and Recorder .

5401 Submittal Requirements.

5401.1 Purpose. This article sets forth the minimum information which must be submitted by the applicant. The Planning Commission or the Board of County Commissioners may require additional information as they deem necessary.

5401.2 Application for Subdivision or Planned Unit Development. An application for minor, moderate or major impact as defined in this Code shall be made on forms provided by Montezuma County which shall include the following information:

- A. 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 consents to the filing of the application.
- B. The name and address of the adjoining surface owners and mineral owners upon which the proposed development is located.
- C. The legal description of the proposed development
- D. Existing or requested zoning designation.
- E. A brief description of adjacent land usage.
- F. A brief description of the proposed development including number and type of living units, type of industrial, business or commercial use proposed, general description of planned or future expansion and acreage dedicated to Open Space, if any.
- G. **Application Completeness.** An application will be considered complete if it is submitted in the required number and form, includes all mandatory information and is accompanied by the applicable fee. The determination of application completeness shall be made within fifteen (15) days of application filing. If an application is determined to be incomplete the Planning Director shall supply written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within thirty (30) days, the application shall be considered withdrawn and the application shall be returned to the applicant.

5401.3 Presketch Plan. The applicant shall submit sufficient copies of a presketch plan which shows the general location of the development in sufficient detail to evaluate 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. Subdivision or PUD Application.
- B. Zoning application or certification.
- C. Site Map to include:
 - 1. The location of proposed development areas upon the site.
 - 2. Total acreage, abutting land uses and zoning designations, abutting land owners names and addresses.
 - 3. Existing roads, streets and highways.

4. Major physical features including structures, buildings, boundary fencing, irrigation ditches and pipelines, utilities, topography, drainage, wetlands, noxious weed infestations and location of natural hazards.

5402 Sketch Plan Submittals for Minor, Moderate or Major Impact.

5402.1 Sketch Plan. If the proposed development is one of minor, moderate or major impact as defined in this Code, the applicant shall submit a copy of the Sketch Plan which shall relate to all of the area proposed for immediate or future development. This information shall also build on the requirements of the Presketch Plan.

5402.2 Map. Maps shall show the name of the development, date of preparation, scale, and arrows designating true north. Maps shall be of a scale to permit adequate review. The sheet size shall be twenty-four (24) inches by thirty-six (36) inches. Maps shall include:

A. Development Layout.

1. The location, dimensions and acreages of all parcels or homesites.
2. Square footage and uses of all existing and proposed buildings, structures, storage yards, waste disposal areas, parking areas, major utility installations and other major features of the development.
3. Location and associated easements of boundary fences, irrigation ditches, pipelines and utilities, proposed and existing, associated with the proposed development.

B. Road Layout.

1. Location of all access easements and rights-of-way.
2. Road surface, width, curve radii and other dimensions of all proposed and existing roads.

C. Natural Features. Indicate the location of streams, lakes, wetlands, natural hazard areas, one hundred year floodplain, topography (sufficient to determine lot slope) and vegetation, including areas of noxious weed infestation on the proposed development site.

5402.3 Development Plan. The Development Plan is intended to provide written narrative and supporting documentation addressing the issues outlined below. Where Development Plan information can best be presented on a map, it may be included in the Map required in **5402.2** or attached to the narrative as a separate map.

A. Development Schedule. The plan shall include a development schedule indicating the approximate dates when construction can be expected to begin and be completed.

B. Waiver or Modification Requests. Any requests for the waiver or modification of certain **Threshold Standards, 1202** or **Design Guidelines, 5103**, shall justify the reasons why such waiver or modification is necessary. The applicant may show how variations in Threshold Standards and Design Guidelines will be addressed in subdivision or P.U.D. covenants.

C. Traffic and Parking. A narrative report or submittals including:

1. Driveway permits from County Road Department or highway access permit from Colorado Department of Transportation.

2. Estimated existing traffic flow on streets, roads or highways serving or related to the proposed development.
 3. The estimated increase in traffic flow resulting from the proposed development.
 4. Visibility at existing and proposed intersections.
 5. The total number of proposed off-street parking spaces for Commercial and/or Industrial development.
 6. The maximum number of vehicles that can reasonably be expected to be parked in the area at any one time because of activities related to the proposed development.
- D. Water Supply.** The plan 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. The 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. 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.
 - b. A permit from the State Water Engineer, and a favorable report from a qualified hydrologist, or results from a pumping test.
 3. Evidence concerning the potability of the proposed water supply if the water is intended for human consumption.
 4. Cisterns are only permitted in the event that rural water is not available.
 - a. In the instance that cisterns are proposed as the primary water supply, provisions for fire protection within the proposed development must be approved by the appropriate fire protection district.
- E. Sewage and Waste Management.** The Plan shall include a narrative report describing:
1. 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.
 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.
- F. 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.

- G. Estimated Costs.** The plan 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 other utilities as may be required of the developer by the County.
- H. Soils and Natural Hazards.** A geologic survey shall address potentially hazardous conditions and shall indicate the suitability of types of soil.
- I. 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 the owner of any agricultural land adjoining or possibly impacted by the proposed land use change.
 - 2. The location, name, name of owner, size and decree of any agricultural irrigation ditch or pipeline crossing 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.
 - 5. The location of existing and proposed boundary fences.

5403 Preliminary Plan Submittals for Major Impact.

5403.1 Preliminary Plan. If the proposed development is one of major impact as defined in this Code, and if the Planning Commission has approved a sketch plan for the proposed development, the applicant shall submit a preliminary plan consistent with these requirements.

- A.** The Planning Department shall determine the number of copies of the Preliminary Plan for department and agency review.
- B.** The Preliminary plan may relate to all or part of the area approved by the Sketch Plan.
- C.** Written submittals shall be bound in an order specified by the Planning Department.

5403.2 Relationship to Sketch Plan. If the Preliminary Plan represents significant variations from the approved Sketch Plan, those variations shall be clearly identified and described. If variations from the approved Sketch Plan substantially change the impact of the project, the applicant may be required to file, and obtain approval of, an amended Sketch Plan.

5403.3 Preliminary Plan Maps.

- A.** The map shall be drawn to a scale not less than one inch equals two hundred (200) feet, or as otherwise approved by the Commission.
- B.** 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.
- C.** 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.

- D. In addition to the requirements of the Sketch Plan map, the following information will be included:
1. Elevation contour certified by a professional engineer or land surveyor drawn at sufficient intervals to determine lot slope.
 2. References to permanent survey monuments with a tie to a section corner or quarter section corner.
 3. The location, size (in square feet and/or acres) and numbering sequence of lots and blocks within subdivisions.

5403.4 Soils and Drainage.

- A. The preliminary plan shall discuss the methods proposed by the applicant to deal with problems arising from soil characteristics within the development.
- B. If drainage impacts are potentially significant, 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.
- C. 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.
- D. If drainage impacts are potentially significant, 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.

5403.5 Roads. In all developments where streets 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 meet the Montezuma County Road and Bridge Standard Specifications. Driveway permit(s) from the Road Department or a highway access permit from Colorado Department of Transportation are required.

5403.6 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 and hazardous wastes, where applicable.

5403.7 Sewage Treatment. The Preliminary Plan must address the proposed method of sewage treatment.

- A. If the lots within a development are utilizing individual sewage disposal systems, the plan shall comply with 25-10-101 C.R.S., et. seq., and Montezuma County Resolution Nos. 86-1 and 4-97, as amended.
- B. If the proposed development will utilize a centralized sewer system the applicant shall submit a letter of agreement from any existing sewage treatment service committing to service the proposed development.
- C. New central sewage disposal systems which are part of a development proposal must be evaluated and approved by the Colorado Department of Health. This approval must be included in the Preliminary Plan submittals. The location of proposed facilities must be included on the Preliminary Plan Map.

- 5403.8 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. For development proposals involving a new centralized water treatment system, the system must be evaluated and approved by the Colorado Department of Health. This approval must be included in the Preliminary Plan submittals. The location of the proposed facilities must be included on the Preliminary Plan map.
- 5403.9 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.
- 5403.10 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 that the applicant is the owner of record or the applicant has the written consent of the owner of record.
- 5403.11 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. Threshold Standards will be incorporated as applicable. Proof shall be provided of the establishment of any association, district or group which will enforce or administer such covenants, declarations and restrictions.
- 5403.12 Common Areas.** The Preliminary Plan shall identify any areas which will be set aside as common areas and shall include a plan for these areas. Maintenance shall be assured on a continual basis.
- 5403.13 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 any hazards.
- 5403.14 Developments Having Impact on Agricultural and Other Land.** 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.
- 5403.15 Noxious Weed Management Plan.** Noxious weeds shall be inspected, identified, diagrammed and submitted with the sketch plan and 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.
- 5403.16 Additional Information.** If any other conditions were placed on approval of the Sketch Plan to achieve compatibility between the proposed development and surrounding uses and with the policies, standards and guidelines of this Code, the Preliminary Plan shall describe and identify those features of the Preliminary Plan design which fulfill these conditions.

5404 Final Plat Submittals for Minor, Moderate and Major Impact.

5404.1 Final Plat. After the Board has approved the Sketch Plan of a development of minor or 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 one (1) blue-line or blackline print of the mylar plat.

5404.2 Conformity with Approved Plan.

- A.** Any Final Plat shall conform in all respects to the approved Sketch Plan for a development of minor or moderate impact or the approved Preliminary Plan for a development of major impact.
- B.** Any Final Plat shall incorporate all modifications and special conditions previously specified by the Planning Commission and Board as necessary to comply with the subdivision policies, standards and guidelines of this Code and all applicable laws, rules and regulations.
- C.** Any changes between the previously approved plan and the submitted final plat 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.

5404.3 Required Accompanying Data. All written submittals included with the Final Plat shall be approved according to the impact level submittal and review requirements of the development. These will include, as applicable:

- A.** Application
- B.** Zoning certification
- C.** Development plan: presketch, sketch, preliminary
- D.** Map: presketch, sketch, preliminary
- E.** Waiver/Mitigation plan
- F.** High Impact permit
- G.** Water plan
- H.** Sewage and waste management plan
- I.** Fire Protection plan
- J.** Access permits: County or state
- K.** Geologic survey: soils and natural hazards
- L.** Noxious weed plan
- M.** Compliance with major street plan within 3 miles of a municipality
- N.** Statement of ownership
- O.** Covenants
- P.** Estimated costs
- Q.** Solid and Hazardous wastes for Commercial and Industrial developments
- R.** Road inspection and final approval
- S.** Bond for improvements, as required in an form and amount satisfactory to the County, and
- T.** Any plat notes and covenants specified during review process.

5405 General Requirements for Maps, Plans and Plats.

5405.1 Any map, plan or plat submitted with a final plan application shall comply with the following:

- A.** 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.
- B.** Sheet sizes for all maps, plans or plats shall be twenty-four (24) by thirty-six (36) inches.
- C.** 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.
- D.** 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.
- E.** The point of beginning shall be indicated and its proper reference to the monumented perimeter survey shall be delineated on the drawing.
- F.** 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, et seq., C.R.S., as amended. When the plat is bounded by an irregular shoreline or body of water, the bearings and distances of a closing intermediate traverse shall be given and a notation made that the plat includes all land to the water's edge or otherwise.
- G.** Excepted parcels shall be marked "Not included in this plat" and the boundary completely indicated by bearings and distances.
- H.** All streets, walkways, alleys, and any other public common areas shall be designated as such and named, bearings and dimensions must be given.
- I.** 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.
- J.** 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.
- K.** 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.
- L.** All dimensions of irregularly shaped lots shall be indicated in each lot.
- M.** 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.
- N.** Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgment.
- O.** Other information on the plat shall include but not be limited to:

1. Name of subdivision, true north line and date.
 2. Name of owner or owners and address.
 3. Total acreage of tract and total number of lots.
 4. Township, Range, Section and Quarter Section.
 5. Block and Lot numbers.
 6. Graphic and written scale.
- P. Permanent reference monuments shall be located and set as required by 38-51-101 et seq., C.R.S., as amended.
- Q. 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.
- R. All utilities and easements shall be shown on the Final Plat along with certification from utility companies showing their approval.
- S. Signature block for municipality stating compliance with current major street plan.

5405.2 Subdivision Plats. In addition to the requirements of the foregoing section, subdivision plats intended for recording shall comply with 30-28-133 et seq., C.R.S., as amended, including the following:

- A. All lots, blocks or spaces shall be consecutively numbered.
- B. All covenants, conditions and restrictions shall be filed with the plat and the plat shall contain a reference to the book and page and reception number where the covenants, conditions and restrictions are recorded.
- C. All curve data may be shown on the plat which shall include radii, internal angles and lengths of all arcs. Points of all curvature shall be shown on the plat.
- D. 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.

5405.3 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.

5405.4 Covenants Provided by Seller. Developments 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 recorded covenants shall be provided by the seller to all future purchasers of lots in the subdivision or P.U.D.

6101 Public Review and Hearing Procedure. The Board of County Commissioners shall hold a public hearing on High Impact Permits. A public hearing before the Planning Commission shall be required for the establishment of, or change of zoning, to review PUDs and subdivisions. If there are any unresolved issues the Board of County Commissioners may order a public hearing for the purpose of resolving said issues. The intent of the Public Hearing Process is to arrive at conditions which will make a proposed development compatible with Zoning, Subdivision and P.U.D. regulations, Threshold Standards and Design Guidelines, and with existing land uses that will be impacted by the proposed development.

6101.1 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 either zoning change, subdivision, P.U.D. or High Impact Permit for a public hearing to be given in accordance with the following provisions:

- A.** The notice of public hearing shall clearly set forth adequate information to persons whose rights could be adversely affected by the proposed development. The public notice shall contain:
 - 1. A description of the location of such proposed development 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 development or by reference to quarter-section, township and range.
 - 2. A brief description of the proposal.
 - 3. The date, time and place of the public hearing.
 - 4. A statement that interested persons may attend and give input at such hearing.
 - 5. The phone number and address of the Planning Office where additional information may be obtained.
- B.** The Notice of Application and Public Hearing before the Planning Commission shall be given at least ten (10) days prior to the hearing.
- C.** The Notice of Application and Public Hearing shall be given:
 - 1. By at least one publication in a newspaper of general circulation within Montezuma County.
 - 2. Posting a sign by the landowner at one or more locations on the proposed development at least ten (10) days prior to the hearing. The location of the sign(s) shall be identified by the Planning Department and shall be readily visible from roads or streets serving the area of the proposed development.
 - 3. And as to PUD's, written notice to adjoining landowners at least fifteen (15) days prior to the hearing.

6101.2 Planning Commission Review/Public Hearing. If the development proposal involves a parcel with approved zoning, review and public comment shall be limited to issues of compliance with applicable Threshold Standards, Design Guidelines and Regulations.

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

1. The applicant or applicant's representative shall inform persons at the hearing of the nature, location and scope of the proposed development.
2. Members of the Planning Commission may ask questions of the applicant concerning the proposed development.
3. The interested public will be given an opportunity to ask questions and comment upon the proposed development, within the framework of **Development Policies, Standards and Guidelines** in this Code. Written comments will also be accepted and read.
4. The Planning Commission and staff may conduct discussions with the applicant and the interested public seeking agreement on conditions that would make the proposed development reasonably compatible with existing land uses, and the Development Policies and Guidelines.
5. Agreements and conditions arrived at through these discussions will, at the direction of the Planning Commission, become recommended conditions for the approval of the proposed development .
6. 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.
7. If the Planning Commission recommends denial of the development, the developer has thirty (30) days from the date of the Planning Commission hearing to petition for a public hearing before the Board of County Commissioners.
8. If there are unresolved issues, the Planning Commission may forward the application to the Board of County Commissioners for further review.
9. At the direction of the Planning Commission the Planning staff will prepare Findings.
10. Findings will be forwarded to the Board of Commissioners within 35 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.

6101.3 County Commission Hearing on Sketch Plan (Optional).

- A.** In the event that there are unresolved issues from the Sketch Plan hearing before the Planning Commission, the County Commission may announce a public hearing in conformance with **6101.1**.
- B.** The public hearing will focus on the unresolved issues including relevant submittals and findings along with written and oral public comments made at the Planning Commission Hearing.
- C.** Upon conclusion of the public hearing, the County Commission shall render a decision regarding the Sketch Plan.

6101.4 County Commission Review and Approval of Final Plat shall be conducted in accordance with **5304.4** of this Code.

CHAPTER 7: ADMINISTRATION
Enforcement, Fees, Miscellaneous Provisions

7101 Enforcement.

7101.1 Enforcement.

- A.** Any person, firm, or corporation violating any regulation or provision of this Code shall be subject to criminal and civil actions and proceedings and penalties as provided in 25-1-611 and 613, C.R.S. as amended; and 30-28-124, C.R.S., and that portion of Senate Bill 98-055, codified as 30-28-124.5, C.R.S., as amended.
- B.** The Board of County Commissioners may bring an action to enjoin any person, firm or corporation from selling subdivided land before a final plan for such subdivided land has been approved by the Board of County Commissioners.
- C.** Subdivision Improvements Agreements may be required as provided in 30-28-101 (11) C.R.S., as amended, and shall be enforceable by appropriate legal action.
- D.** Conditions of Approval. In approving applications the Planning Commission and/or Board of County Commissioners shall be authorized to impose such reasonable conditions as may be necessary to reduce or minimize any significant adverse impact upon other property in the area and to comply with applicable provisions of this Code which shall be enforceable by appropriate legal action.

7102 Administrative Fees.

7102.1 Statement of Intent. For the cost of reviewing and processing applications for zoning, subdivisions, and permits each applicant shall pay the fees set forth by the Board.

7102.2 Fees Charged by Review Agencies. If a proposed Land Use change will be sent for a review to any agency which assesses a fee, such fee shall be paid to the County at the time of the preliminary plan submittal or when such costs are incurred.

- A. Additional Fees.** If, after receipt of the sketch, preliminary plan, or permit application, the Board determines that the demand for additional public funds resulting from the review of the proposed development 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.

7103 Non-Conforming Uses and Previous Approvals and Exemptions.

7103.1 Existing and Non-conforming Uses. Except as hereinafter provided in this section, the lawful use of any building, structure or land existing at the time of the enactment of this Code may be continued even though it does not conform to the requirements of this Code, but if abandoned or destroyed any subsequent use must be in compliance with this Code.

7103.2 Previous Approvals. The adoption of this Code shall not affect, cancel or invalidate any approval previously granted under prior Montezuma County Subdivision Regulations.

7103.3 Exemptions. The Board of County Commissioners may grant exemptions as provided by 30-28-101 (10) (d) C.R.S., as amended.

7104 Correction, Amendment and Vacation of Existing Subdivision.

7104.1 Correction of Plats. The Board may approve a correction plat of a subdivision if:

- A.** All affected lot owners in the subdivision sign on the corrected plat approving said correction.
- B.** The sole purpose of such correction plat is to correct one or more technical errors in the plat; and
- C.** The correction plat is consistent with an approved preliminary plan or where no preliminary plan was presented, an approved sketch plan.

7104.2 Amendment of Plats.

- A.** The amendment of an approved plat shall be done in accordance with the provisions of this Code; provided, however, that submittals utilized in the original application may be utilized for the amendment where appropriate.
- B.** All lot owners in the subdivision or PUD must sign on the amended plat approving said amendment.

7104.3 Vacation of Plats.

- A.** A person may make application to the Board to vacate any undeveloped subdivision plat of record.
- B. Procedure.** The owner or owners shall present a petition signed by all owners of all the land in the undeveloped subdivision or PUD to the Board containing the legal description of the development and requesting vacation thereof. The Board shall approve or deny the petition.

7105 Resolution Amendments Interpretation and Review.

7105.1 Amendments. This Resolution may be amended, supplemented, changed, modified or repealed by the Board in accordance with the provisions of this section.

- A. Initiation.** The Planning Commission or the Board may initiate such amendment procedure.
- B. Review.** Any application for an amendment, supplement, change, modification or repeal of this Resolution shall be considered in the following manner:
 - 1. 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.

2. 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 newspaper of general circulation in Montezuma County at least fifteen (15) days prior to the date set for the public hearing. A decision will be rendered by the Board at the conclusion of the public hearing.

7105.2 Severability. If any provision of this Resolution is held invalid with respect to its application to any person or factual situation, all other provisions shall continue to apply, and to that end the provisions of this Resolution are hereby declared severable.

7105.3 Judicial Review. The adoption of this Resolution is a legislative function. Judicial review of a final judicial or quasi-judicial local land use decision shall be as provided by 13-51.5-101 to 103 et seq., C.R.S., as amended.

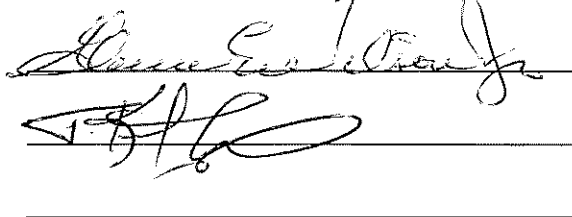
7105.4 Repeal. That Resolution No. 15-78, dated July 17, 1978 declaring that certain matters shall not be regulated is hereby repealed.

7105.5 Effective Date. This Code is necessary for the immediate preservation of the public health, safety and welfare, and shall be effective immediately upon adoption.

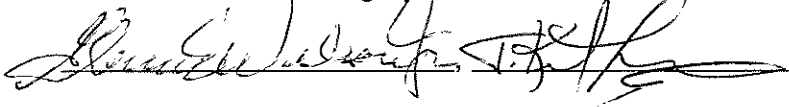
NOW THEREFORE BE IT RESOLVED that this Code is hereby amended.

Adopted this 6th day of November, 2000, at 2:00 o'clock p.m.

Board of County Commissioners
of Montezuma County, Colorado




Commissioners voting aye in favor of this Resolution were:

 and _____

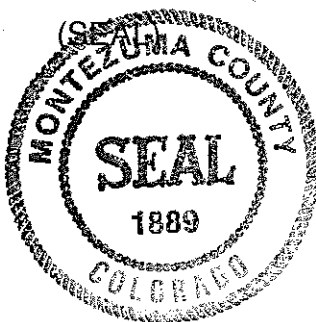
Commissioners voting no against this Resolution were:

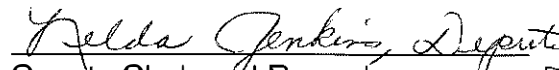
_____, _____ and _____


County Clerk and Recorder
Montezuma County, Colorado

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

Dated this 6th day of November, 2000.




County Clerk and Recorder
Montezuma County, Colorado

ADDEI IM TO MONTEZUMA COUNTY LAND U. CODE
NOVEMBER 6, 2000

1202 Chart of Threshold Standards: Add: #32 Other Significant Adverse Impacts. Pertaining to the Health, Safety and Welfare of the citizens of Montezuma County.

Chapter 2: Change all "Letter Permit" phrases to "Permit Application"

Chapter 2: Section 2 2201.2 – 2201.4:

- ♦ Move "County staff will review the Letter Permit Application" to the end of 2201.1
- ♦ Delete "and the County Commissioners will approve or deny it" in the first sentence in second paragraph.
- ♦ 2201.1 Delete "A public hearing shall be set in accordance with 6101.1 Notice of Public Hearing of this Code".
- ♦ 2201.2 Insert "exceeding the Threshold Standards" after Staff recommendations for letter permit applications".
- ♦ Delete rest of 2201.2
- ♦ Insert " If the County Commissioners determine that a High Impact Permit process is warranted, and should be forwarded to the Planning Commission, specific reasons shall be stated in writing".

2204.3A Replace "will announce" with "may hold"

- ♦ Add " Notice of Public Hearing of this Code" at the end of "A" after 6101.1.

2204.3D After Upon add: "recommendation of the Planning Commission or"

2205.2E Delete "a" at end of sentence

3105.2 Add "AGZ" Agricultural Use Zone. Use same criteria as A-80 except minimum lot size is 35 acres

3106.4B Delete "detached"

Chapter 3, Section 2: Sign-Up Phase

- ♦ Add: "Note: The Landowner-Initiated Sign-Up Phase was completed on May 15, 2000 with the adoption of the Official Landowner-Initiated Zoning Map.

3301 Change 2101 to 1301.1. This is the correct citing

- ♦ 3303.1B Delete "above" after 3106.1

3304 Add criteria for AGZ

- ♦ 3305.1,D: Added to note the incremental home site per 15 additional acres
- ♦ 3304.1A Delete "above" after 3106.1

3307.3 Citing should be 3106.4

3313 Summary Charts/Threshold Standards Table: Add #32 Other Significant Adverse Impacts

- ♦ End of page: Add "P/C, TSM" to note Plat Covenants, Threshold Standards Minimum in the Zoning Chart for the AR ES designation
- ♦ Revise charts: Add AGZ column and standards
- ♦ Under A80: change minimum lot size to 80 from 35

3401.2 Insert: Notice of Public Hearing

- ♦ 3401.2 becomes 3401.3

4104.2 Delete A80

4104.6 Change 3304 to 3305

ADDEI. JM TO MONTEZUMA COUNTY LAND USE CODE
NOVEMBER 6, 2000

Chapter 5: Section 3: Combine the Minor Subdivision process with the Moderate Subdivision process

- ♦ Delete 5302 Minor Impact Review Procedure and add the minor process to the moderate process.
- ♦ 5302 Change to: Minor and Moderate Impact Review Procedure
- ♦ 5302.1, 5402: Add "Minor"
- ♦ 5302.3 Revise to read " Planning Commission shall conduct a public hearing on the application. This will be done in accordance with the provisions of Public Review and Hearing Procedure in Chapter 6.
- ♦ Add "A": Comments by Reviewing Agencies. The Planning Commission may refer the Sketch Plan to agency review if it is determined that significant adverse impacts require a more detailed review process
- ♦ A becomes B

5404 Insert "Minor" after Final Plat Submittals

- ♦ 5404.1 Add "minor or" before moderate
- ♦ delete last sentence "for final plat submittals for development of minor impact, see 5302.5.
- ♦ 5404.2 A Add "minor or" before moderate impact

6101 Delete in first line "subdivisions of minor impact and"

- ♦ In second line, delete "of moderate or major impact"

6101.2 Add No. 7: If the Planning Commission recommends denial of the development, or there are unresolved issues, the developer has thirty (30) days from the date of the Planning Commission hearing to petition for a public hearing before the Board of County Commissioners.

6101.4 Revise to read: **County Commission Review and Approval of Final Plat** shall be conducted in accordance with **5304.4** of this Code.

6101.1 b and C2: change from 15 days to 10 days for Notice of Application and Public Hearing before the Planning Commission

RESOLUTION NO. 11-2000

A RESOLUTION SUSPENDING THE BAN ON OPEN FIRES

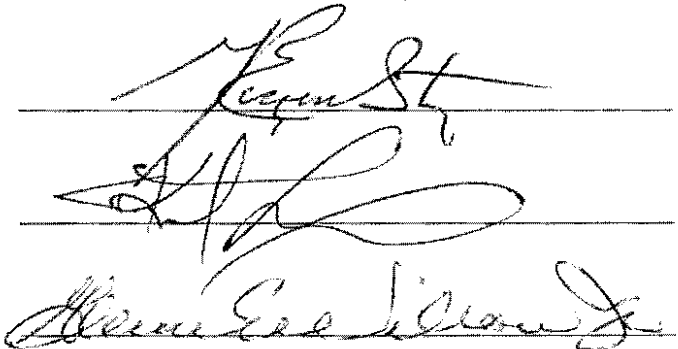
WHEREAS, Montezuma County Ordinance No. 1-96 prohibits open fires in the unincorporated areas of Montezuma County, except as the Board of County Commissioners of Montezuma County based upon competent evidence may by resolution suspend said ban on open fires from time to time to the degree and manner consistent with existing wildfire dangers; and

WHEREAS, competent evidence having been presented of sufficient rainfall throughout Montezuma County temporarily reducing existing wildfire dangers to more normal conditions;

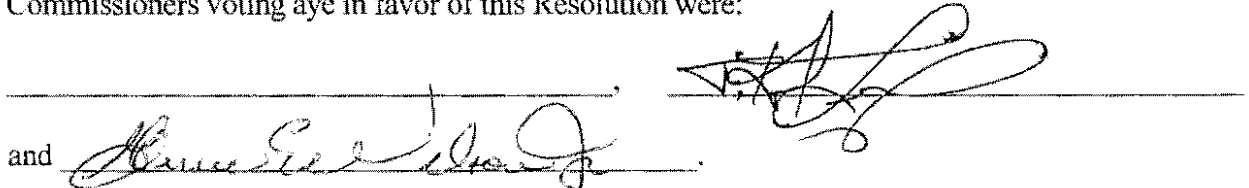
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County that said ban on open fires should be and is hereby suspended. Said suspension shall continue in effect until canceled pursuant to Montezuma County Ordinance No. 1-96.

This Resolution is adopted this 25th day of September, 2000, at 3:00 o'clock p.m.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY, COLORADO



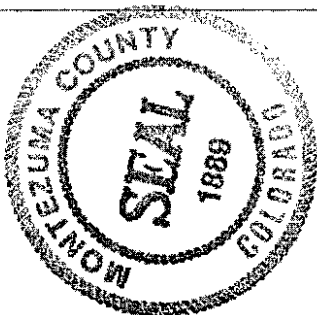
Commissioners voting aye in favor of this Resolution were:




Commissioners voting no against this Resolution were:



and 




County Clerk and Recorder
Montezuma County, Colorado

RESOLUTION NO. 10-2000

**Shall Montezuma County And All Local Governments
Within Said County Be Exempt For A Maximum
Period Of Four (4) Years From All Requirements Of
Growth Ballot Initiative Number 256, Also Known As
Amendment 24?**

WHEREAS, Growth Ballot Initiative Number 256 is appearing on the statewide ballot this November 7, 2000, as a proposed amendment to the Colorado Constitution to be known as Article XXVIII;

AND WHEREAS, if Growth Ballot Initiative Number 256 is defeated in the statewide election said Initiative and its requirements will not apply to Montezuma County. However, because the result of that election is unknown at this time and the possible consequences so drastic, it is necessary to submit this exemption proposal to the voters of Montezuma County to address the contingency of said Growth Initiative's possible adoption;

AND WHEREAS, said Growth Ballot Initiative Number 256 provides for exemption from all its requirements for a maximum period of four (4) years;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County that the following proposal is hereby referred to the registered electors of Montezuma County:

1. Shall Montezuma County and all local governments within said county be exempt for a maximum period of four (4) years from all requirements of Growth Ballot Initiative Number 256, also known as Amendment 24?

2. This proposal shall be submitted at the next regular general election to be held on November 7, 2000, under the following ballot title:

**Shall Montezuma County And All Local Governments
Within Said County Be Exempt For A Maximum
Period Of Four (4) Years From All Requirements Of
Growth Ballot Initiative Number 256, Also Known As
Amendment 24?**

YES _____

NO _____


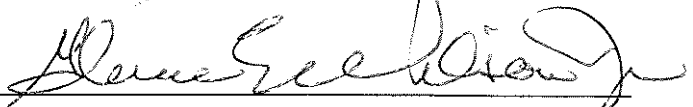
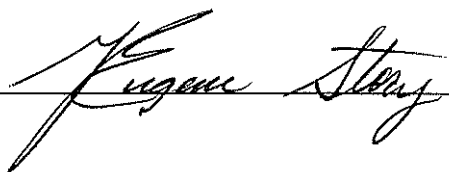
A voter desiring to vote for this proposal shall make a cross mark (X) in the blank space to the right and opposite the word "yes"; a voter desiring to vote against this proposal shall make a cross mark (X) in the blank space to the right and opposite the word "no".

3. Upon approval by a majority of the registered electors voting thereon at said election this proposal shall be effective.

4. The Montezuma County Clerk and Recorder shall publish the text of this proposal as provided by law, 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 11th day of September, 2000, at 10:41
o'clock a.m.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY

Commissioners voting aye in favor of this Resolution were:

[Signature], [Signature] and

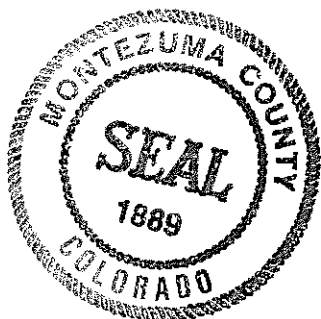
[Signature].

Commissioners voting no against this Resolution were:

_____, _____ and

_____.

[Signature]
County Clerk and Recorder
Montezuma County



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 July, 2000, with the following persons in attendance:

Commissioners:	G. Eugene Story, Kent Lindsay and Glenn E. Wilson, Jr.
Commissioners Absent:	
County Attorney:	Bob Slough
County Administrator:	Thomas J. Weaver
County Clerk:	Nelda Jenkins, Deputy Clerk

the following proceedings, among others, were taken:

RESOLUTION NO. 9-2000

WHEREAS, wildfires have burned approximately 22,000 acres on Federal, State and private lands in Montezuma County in the last four (4) days; and

WHEREAS, efforts by all agencies fighting said wildfires have exhausted all local resources and are near the breaking point; and

WHEREAS, adverse weather and extremely dry conditions continue; and

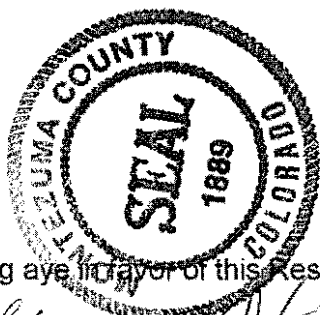
WHEREAS, Mesa Verde National Park is closed due to wildfire and as the main tourist attraction in the area is having a severe financial impact on the economy in this area; and

WHEREAS, because outside resources are absolutely necessary,

NOW, THEREFORE, the Board of County Commissioners of Montezuma County hereby declares a wildfire disaster emergency and request State and Federal resources because the suppression of said wildfires is beyond the resources of Montezuma County and all local governments and agencies and individuals.

This resolution is hereby adopted this 24th day of July, 2000, at 2:30 o'clock P. M.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY, COLORADO



Eugene Story
Kent Lindsay
Glenn E. Wilson, Jr.

Commissioners voting aye in favor of this Resolution were:

Eugene Story, Kent Lindsay and Glenn E. Wilson, Jr.

Commissioners voting no against this Resolution were:

_____ and _____

RESOLUTION NO. 8-1000

Shall The Term Limits Imposed By State Law On Elected Officials Of Montezuma County Be Eliminated Pursuant To Article XVIII, Section 11(2), Of The Colorado Constitution, So That Said Elected Officials May Continue To Serve Without Limitation As To Number Of Terms For So Long As The Voters Of Montezuma County Choose To Re-Elect Them To Office?

WHEREAS, Article 18, Section 11(1), Colorado Constitution, imposes limitations on terms of office;

AND WHEREAS, Article 18, Section 11(2), Colorado Constitution, provides that the voters may eliminate such limitations;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County that the following proposal is hereby referred to the registered electors of Montezuma County:

1. Shall the term limits imposed by state law on elected officials of Montezuma County be eliminated pursuant to Article XVIII, Section 11(2), of the Colorado Constitution, so that said elected officials may continue to serve without limitation as to number of terms for so long as the voters of Montezuma County choose to re-elect them to office?

2. This proposal shall be submitted at the next regular general election to be held on November 7, 2000, under the following ballot title:

Shall The Term Limits Imposed By State Law On Elected Officials Of Montezuma County Be Eliminated Pursuant To Article XVIII, Section 11(2), Of The Colorado Constitution, So That Said Elected Officials May Continue To Serve Without Limitation As To Number Of Terms For So Long As The Voters Of Montezuma County Choose To Re-Elect Them To Office?

YES _____

NO _____

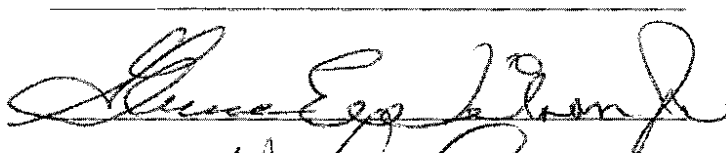
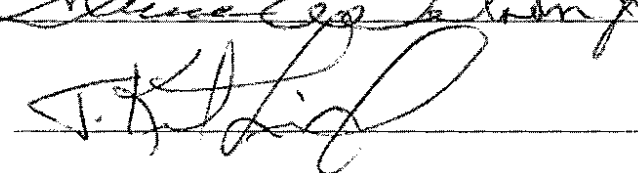
A voter desiring to vote for this proposal shall make a cross mark (X) in the blank space to the right and opposite the word "yes"; a voter desiring to vote against this proposal shall make a cross mark (X) in the blank space to the right and opposite the word "no".

3. Upon approval by a majority of the registered electors voting thereon at said election this proposal shall be effective.

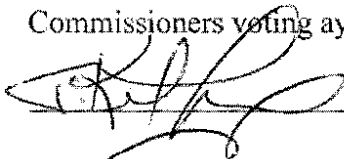
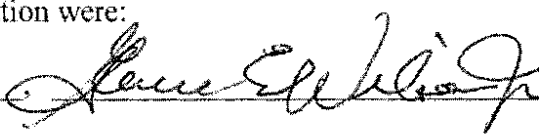
4. The Montezuma County Clerk and Recorder shall publish the text of this proposal as provided by law, and the Montezuma County Clerk and Recorder shall be the "designated election official" responsible for the running of said election.

This Resolution is adopted this 17th day of July, 2000, at 9:50 o'clock A.m.


BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY

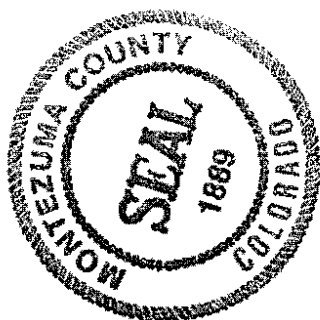



Commissioners voting aye in favor of this Resolution were:

  and

Commissioners voting no against this Resolution were:

 and



Nelda Jenkins, Deputy
County Clerk and Recorder
Montezuma County

RESOLUTION NO. 7-2000

**A RESOLUTION CANCELLING THE SUSPENSION
OF THE BAN ON OPEN FIRES**

WHEREAS, the Board of County Commissioners of Montezuma County, State of Colorado, based upon competent evidence, finds that the danger of forest and grass fires is high throughout the unincorporated areas of Montezuma County and that to protect the public health, safety and welfare it is necessary to reduce the danger of wildfires within those areas;

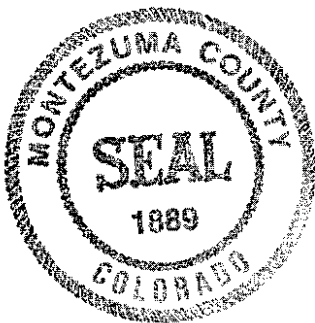
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County as follows:

1. That Resolution No. 4-99 and the suspension of the ban on open fires is hereby canceled pursuant to Montezuma County Ordinance No. 1-96.
2. That the ban on open fires pursuant to Ordinance No. 1-96 continues in full force and effect.

NOW THEREFORE BE IT RESOLVED that this resolution is hereby adopted effective immediately.

Adopted this 22nd day of May, 2000, at 9:40 o'clock A. m.

BOARD OF COUNTY COMMISSIONERS OF
MONTEZUMA COUNTY, COLORADO



[Signature]
[Signature]
[Signature]

Commissioners voting aye in favor of this Resolution were:

[Signature], [Signature]
and [Signature]

Commissioners voting no against this Resolution were:

and _____

[Signature]
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 May, 2000, with the following persons in attendance:

Commissioners:	G. Eugene Story, Kent Lindsay and Glenn E. Wilson, Jr.
Commissioners Absent:	
County Attorney:	Bob Slough
County Administrator:	Thomas J. Weaver
County Clerk:	Nelda Jenkins, Deputy Clerk

the following proceedings, among others, were taken:

RESOLUTION NO. 6-2000

WHEREAS, Montezuma County purchased approximately thirty-seven (37) acres of land at the corner of Mildred Road and Empire Street for the purpose of constructing a new jail facility; and

WHEREAS, the bond issue for the construction of the jail facility passed; and

WHEREAS, it becomes necessary to construct streets and other public utilities; and

WHEREAS, it is in the best interest of Montezuma County to cooperate with the City of Cortez for the construction of said street and utility improvements.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Montezuma County the following:

1. Montezuma County will donate Block 3, 8.04 acres and Block 4, 2.11 acres to the City of Cortez for a future business park. This business park will be for new business development to the City of Cortez. The object is to encourage new jobs to the City and County.
2. Montezuma County will donate 4.80 acres of open space behind the proposed jail facility in Block 1 for the Parks and Recreation Department. This will be the only trail and will be located on the north edge of this property. This donation will satisfy the public land donation.
3. In Block 1 Montezuma County will build their new jail facility on 15.05 acres.
4. Block 2, which is 7.98 acres, will be held by Montezuma County for future County use.
5. The City of Cortez will build an extension of Park Street to Driscoll Street. The City of Cortez will also build Driscoll Street from Mildred Road to the jail site. The City of Cortez will pay for the cost of pavement, curb and gutter and sidewalks for these two streets. Montezuma County will be responsible for sidewalks in Block 1.
6. Montezuma County will develop the gas supply to the County jail from Empire Street through Park and Driscoll Streets. There will be connections to Blocks 2, 3 and 4 for future gas supply to these lots.
7. The City of Cortez will place a water line in Park and Driscoll Streets to serve the new County jail and connections for future development of Blocks 2, 3 and 4.
8. Montezuma County will develop a sewer service connection to the sanitary sewer north of the jail at their cost.

11. Montezuma County will work with Empire Electric to provide electric feed to the new County jail. The City of Cortez and Montezuma County will work cooperatively for connections for future electric needs in Blocks 2, 3 and 4. The City of Cortez will pay for the connections for Blocks 3 and 4.
12. Montezuma County will survey Blocks 3 and 4, and provide the survey monuments to the City of Cortez for future platting. Montezuma County will make this donation to the City of Cortez. The City of Cortez will utilize this land for a future business park for new job development to the City of Cortez and Montezuma County.
13. The City of Cortez will provide fire hydrants on Park Street.

This resolution is hereby adopted this 5th day of June, 2000, at 3:25 o'clock p.M.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY, COLORADO

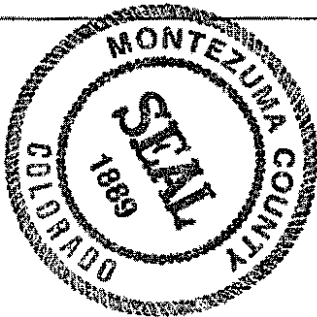
Fugene Story
[Signature]
[Signature]

Commissioners voting aye in favor of this Resolution were:

Fugene Story, [Signature] and [Signature]

Commissioners voting no against this Resolution were:

_____ and _____



Nelda Gentini (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 15th day of May, 2000, with the following persons in attendance:

Commissioners:	G. Eugene Story, Kent Lindsay, and Glenn E. Wilson, Jr.
Commissioners Absent:	
County Attorney:	Bob Slough
County Administrator:	Thomas J. Weaver
County Clerk:	Nelda Jenkins, Deputy Clerk

the following proceedings, among others, were taken:

RESOLUTION No. 5-2000

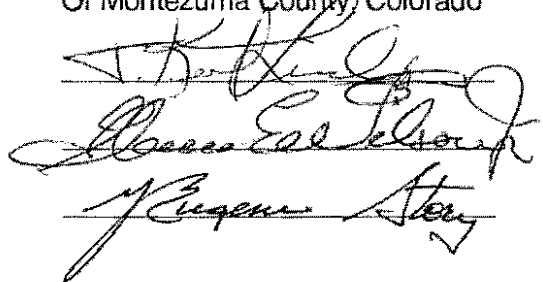
WHEREAS, on the 20th day of July, 1998, The Montezuma County Board of Commissioners adopted Resolution No. 2-98, the Montezuma County Land Use Code, and

WHEREAS, said Land Use Code provides for the development of a Landowner Initiated Zoning Map, see Exhibit A and documents referenced therein;

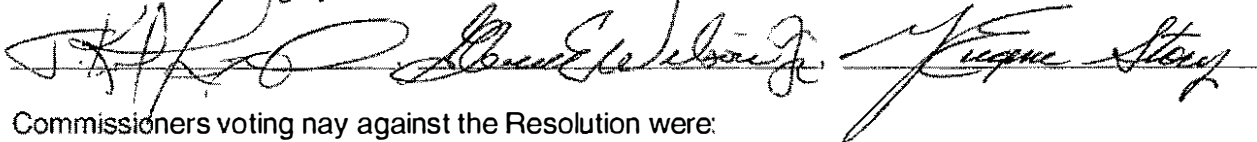
NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Montezuma County that the Landowner Initiated Zoning Map, a copy of which is attached hereto and made a part hereof, is hereby adopted as the Official Zoning Map of Montezuma County and made a part of said Land Use Code.

Dated this 15th day of May, 2000, at 2:16 o'clock p.m.


Board of County Commissioners
Of Montezuma County, Colorado



Commissioners voting aye in favor of the Resolution, were:



Commissioners voting nay against the Resolution were:








County Clerk and Recorder
Montezuma County, Colorado

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

Official Landowner Initiated Zoning Map of Montezuma County, Colorado






5-15-00

Zones








	AR80
	AR35
	AR10
	AR3
	COMZ
	INDZ
	R3
	USZ
	UNZ
	AR ES

	Citys
	Lake
	Highway

County Roads

	Dirt
	Gravel
	Non-County RD
	Paved
	Unknown

Exempt Parcels

	BUREAU OF LAND MANAGEMENT
	HOVENWEEP NATIONAL MONUMENT
	MESA VERDE NATIONAL PARK
	McPHEE RESERVOIR
	SAN JUAN NATIONAL FOREST
	STATE LAND
	UTE MOUNTAIN INDIAN RESERVATION

See actual map

<u>ZONE</u>	<u>TOTAL ACRES</u>	<u># parcels</u>
AR 3-9 +6	14,841.40	299
AR 3-9 -6	631.96	149
AR 10-34	19,195.67	289
AR 35+	55,602.32	384
A80	23,535.86	124
COMZ	692.45	60
INDZ	687.63	19
USZ	754.75	12
TOTALS:	115,942.04	1336
 ALL SUBS ARES	 <u>6,541.34</u> 122,483.38	

**SPECIAL MEETING
MONTEZUMA COUNTY PLANNING COMMISSION
April 12, 2000
7:00 p.m.**

A special meeting of the Montezuma County Planning Commission was called to certify the Draft Landowner-Initiated Zoning Map to the Board of County Commissioners. The meeting was held on Wednesday, April 12, 2000 at 7:00 p.m. at the Montezuma County Courthouse in the Extension Room. The following members of the Planning Commission were present: Joe Arado, Cindy Dvergsten, Andy Logan, Dudley Millard, Darrell Veach and Lawrence Wallington. Also present were Jim Dietrich, Loretta Murphy and Karen Welch of the Planning Department and County Administrator Tom Weaver.

The meeting was called to order by Darrell Veach.

Discussion was held concerning the different zone classifications and the public hearing process.

Gary Shaw was present and stated he had tried to make a zoning application on his 16.41 acre tract that lies in Summit Lake West, Unit II, Lot 16. He wanted to zone his land AR 3-9, preference zoning and had been told by the Planning Department that he was considered AR ES (Agriculture/Residential Existing Subdivision). Mr. Shaw wanted to go on record as requesting this zone during the initial sign-up phase in the event state laws and/or county regulations changed. Mr. Shaw's request was noted and he was encouraged to appear at the public hearing and make his request part of the public record.

Motion by Dudley Millard to certify the Draft Landowner-Initiated Zoning Map to the Montezuma County Board of County Commissioners. Second by Lawrence Wallington. Motion carried.

Motion for adjournment by Dudley Millard. Second by Lawrence Wallington. Meeting adjourned.

5069							
	Bangs	AR10	300.64	Z-733-00		5075	OK
						5077	OK
5071						5079	OK
	Murphy	AR10	9.67	Z-190-99		5081	OK
	Adams	AR10	5.34	Z-173-99		5083	OK
	Murphy	AR10	5.00	Z-241-99		5085	OK
	Murphy	AR10	5.00	Z-80-99		5329	OK
	Hughes	AR10	41.46	Z-760-00		5331	OK
	Hughes	AR10	80.00	Z-757-00		5333	OK
	Hughes	AR10	73.57	Z-758-00		5349	OK
	Sanchez	AR10	22.54	Z-931-00		5351	OK
	Rosenbaum	AR10	42.45	Z-930-00		5363	OK
	Murphy	AR10	20.00	Z-81-99		5367	OK
						5603	OK
5073						5617	OK
	Hughes	AR10	60.98	Z-761-00		5619	OK
	Hughes	AR10	94.99	Z-759-00		5621	OK
	Ragsdale	AR10	75.00	Z-1008-00		5623	OK
	Seelig	AR10	13.36	E-33-99		5625	OK
	Todd	AR10	80.00	Z-694-00		5627	OK
						5629	OK
5335						5631	OK
	Vanhemelryck	AR10	13.00	Z-441-00		5639	OK
						5641	OK
5337		AR10				5643	OK
	Butler	AR10	18.00	Z-581-00		5647	OK
	Butler	AR10	33.00	Z-582-00		5651	OK
	Butler	AR10	22.00	Z-584-00			
	Parrish	AR10	15.32	Z-02-98			
	Horton	AR10	16.00	Z-877-00			
5339							
	Hopkins	AR10	10.00	Z-119-00			
	Odell	AR10	19.38	Z-505-00			
	Goodall	AR10	97.70	Z-202-99			
	Mathies	AR10	120.00	Z-237-00			
	Cline	AR10	1,080.00	Z-229-99			
	Totman	AR10	37.22	Z-437-00			
5341							
	Daves	AR10	80.00	Z-728-00			
	Daves	AR10	240.00	Z-729-00			
	Hobbs	AR10	24.89	Z-194-00			
	Daves	AR10	148.02	Z-730-00			
	Oliver	AR10	159.00	Z-629-00			
	Oliver	AR10	47.00	Z-630-00			
	Tangle Iron	AR10	135.24	Z-948-00			
	Wood	AR10	40.00	Z-959-00			
	Wood	AR10	28.90	Z-960-00			
	Kennedy	AR10	77.38	Z-673-00			
	Ives	AR10	80.00	Z-880-00			
	Honaker	AR10	10.26	Z-613-00			

5341							
	Harris	AR10	12.00	Z-0602-00			
	lexander	AR10	12.00	Z-576-00			
5343							
	S&S Farming	AR10	311.59	Z-067-00			
	Daves	AR10	153.40	Z-731-00			
	Daves	AR10	267.09	Z-834-00			
	Daves	AR10	168.00	Z-835-00			
	Daves	AR10	193.96	Z-836-00			
	Jacobs	AR10	80.00	Z-55-99			
	Watson	AR10	80.00	Z-46-99			
5345							
	Daves	AR10	160.00	Z-732-00			
5353							
	Secrist	AR10	208.36	Z-513-00			
5355							
	Gardner	AR10	33.30	Z-258-99			
	Pickens	AR10	24.85	Z-920-00			
	Pickens	AR10	35.18	Z-919-00			
	Merritt	AR10	162.26	Z-200-00			
	Merritt	AR10	199.12	Z-199-00			
	Merritt	AR10	312.44	Z-202-00			
	Chappell	AR10	20.00	Z-050-00			
	Merritt	AR10	78.91	Z-172-00			
	Gilliland	AR10	240.00	Z-203-99			
	Secrist	AR10	40.52	Z-251-00			
	Goodall	AR10	80.00	Z-383-00			
5357							
	Adair	AR10	154.53	Z-573-00			
	McAfee	AR10	13.27	Z-902-00			
	Branson	AR10	71.83	Z-293-00			
	Vinger	AR10	8.17	Z-473-00			
	Bertram	AR10	33.38	Z-514-00			
	Williford	AR10	40.00	Z-1019-00			
	Beck	AR10	20.00	Z-521-00			
	Beck	AR10	11.14	Z-522-00			
	Worth	AR10	24.49	E-16-98			
	Marotta	AR10	25.14	Z-49-99			
	Gamewell	AR10	32.06	Z-0340-00			
	Hensler	AR10	15.87	Z-430-00			
	Sturdevant	AR10	10.06	Z-218-00			
	Black	AR10	32.94	Z-011-00			
	Spore	AR10	44.50	Z-941-00			
	Hutchison	AR10	40.00	Z-10-99			
	Noyes	AR10	80.00	Z-301-00			
	Sanchez	AR10	10.04	Z-932-00			

5357							
	King	AR10	10.03	Z-341-00			
	Turner	AR10	80.00	Z-1068-00			
	Tanner	AR10	32.42	Z-490-00			
	Tanner	AR10	35.00	Z-495-00			
	Tanner	AR10	35.00	Z-493-00			
	Tanner	AR10	39.90	Z-491-00			
	Aiken	AR10	112.08	Z-166-99			
	Aiken	AR10	14.31	E-05-99			
	Young	AR10	26.16	Z-1020-00			
	Oasis Trust	AR10	14.87	Z-123-99			
	Neal	AR10	12.56	E-17-99			
	Williams	AR10	27.45	Z-956-00			
	Sparks	AR10	10.00	Z-120-00			
	Pierce	AR10	15.15	Z-922-00			
	Weitzel	AR10	10.34	Z-253-00			
	Carver	AR10	55.50	Z-400-00			
	Youngs	AR10	80.00	Z 450-00			
	Green	AR10	10.34	Z-362-00			
	Rohr	AR10	80.00	Z-1073-00			
	Melvin	AR10	80.00	Z-17-99			
	Melvin	AR10	548.00	Z-18-99			
	Kraft	AR10	80.00	Z-520-00			
	Hughes	AR10	12.65	Z-429-00			
	Black er	AR10	30.22	Z-344-00			
	Ethington	AR10	28.45	Z-266-99			
	Sprenger	AR10	42.97	Z-026-00			
	Ford	AR10	20.37	Z-136-99			
	Richey	AR10	22.08	Z-1065-00			
	Lee	AR10	10.00	Z-567-00			
	Lee	AR10	19.94	Z-569-00			
	Yates	AR10	15.00	Z-703-00			
	Elliott	AR10	21.00	Z-349-00			
	Brown	AR10	27.00	Z-823-00			
	Hoehn	AR10	73.76	Z-611-00			
	Johnson	AR10	3.26	Z-615-00			
	Johnson	AR10	18.00	Z-614-00			
	Montgomery	AR10	21.97	Z-237-99			
5359							
	Hull	AR10	123.49	Z-321-00			
	Merritt	AR10	29.22	Z-254-00			
	Merritt	AR10	12.78	Z-255-00			
	Vermeule	AR10	8.00	Z-232-99			
	Taylor	AR10	10.00	Z-37-99			
	Kuckelman	AR10	17.84	Z-651-00			
	McCann	AR10	50.00	Z-275-00			
	Conifer, Inc.	AR10	21.40	Z-303-00			
	Underwood	AR10	36.86	Z-949-00			
	VanPelt	AR10	200.00	Z-268-99			
	Forman	AR10	4.03	Z-178-00			

5359							
	Beaty	AR10	23.55	Z-019-00			
	Petrose	AR10	5.47	Z-517-00			
	Wood	AR10	14.67	Z-214-99			
	Marion	AR10	10.80	Z-161-00			
	Conner	AR10	4.99	Z-177-00			
	Evans	AR10	9.52	Z-844-00			
5361							
	Chesson	AR10	224.50	Z-1078-00			
	Nickson	AR10	20.00	Z-1024-00			
	Garon	AR10	20.99	E-16-99			
5365							
	Nuessle	AR10	80.00	Z-628-00			
5605							
	Lindus	AR10	159.85	Z-195-00			
	Humiston	AR10	123.00	Z-993-00			
	Simmons	AR10	98.66	Z-693-00			
	Smith	AR10	150.00	Z-408-00			
	Robbins	AR10	273.83	Z-106-00			
	Robbins	AR10	40.00	Z-107-00			
	Robbins	AR10	137.07	Z-108-00			
	Robbins	AR10	167.08	Z-791-00			
	Melsness	AR10	20.00	Z-626-00			
	Parsons	AR10	27.50	Z-198-00			
	Hillebrand	AR10	22.07	Z-60-99			
	Sanders	AR10	20.91	Z-067-66			
	Connors	AR10	14.00	Z-72-99			
	Marcum	AR10	8.00	Z-132-99			
	Knight	AR10	21.65	E-15-98			
5607							
	Goodman	AR10	60.00	Z-004-00			
	Archibeque	AR10	10.00	Z-087-00			
	Hervol	AR10	18.01	Z-208-99			
	McCall	AR10	15.91	Z-039-00			
	Short	AR10	12.53	Z-211-99			
	Booten	AR10	30.33	Z-577-00			
	Barton	AR10	18.00	Z-63-99			
	Hurst	AR10	40.00	Z-364-00			
	Heath	AR10	10.00	Z-50-99			
	Spore	AR10	10.03	E-21-99			
	Kay	AR10	153.56	Z-247-99			
	Henneman	AR10	24.76	E-18-99			
	Henneman	AR10	80.00	Z-989-00			
5609							
	Heyl	AR10	65.01	Z-58-99			
	Lovegrove	AR10	35.04	Z-122-99			

5609						
	McAlister	AR10	16.44	Z-040-00		
	Jiles	AR10	26.00	Z-56-99		
	Sutherland	AR10	17.93	Z-1071-00		
	Nunn	AR10	96.50	Z-782-00		
	Petrose	AR10	6.71	Z-516-00		
	Carver	AR10	23.67	Z-511-00		
	Chadwick	AR10	31.78	Z-971-00		
	Gilpin	AR10	10.93	Z-095-00		
	Baker	AR10	20.00	Z-382-00		
	Baker	AR10	30.00	Z-381-00		
	Cunningham	AR10	31.46	Z-158-00		
	Hoffman	AR10	10.00	Z-875-00		
	Ledford	AR10	10.00	Z-534-00		
	Sanchez	AR10	40.00	Z-933-00		
	Wilson	AR10	30.93	Z-71-99		
	Brown	AR10	29.68	Z-1031-00		
5611						
	Leighton Estate	AR10	459.48	Z-777-00		
	Frazier	AR10	20.09	E-02-98		
	Keeling	AR10	57.35	Z-126-00		
	Gustafson	AR10	23.60	Z-404-00		
	Stone	AR10	30.00	Z-452-00		
	Sattley	AR10	30.00	Z-689-00		
	Preston	AR10	8.17	Z-27-99		
	Brubaker	AR10	20.00	Z-461-00		
	Pickens	AR10	38.00	Z-921-00		
	Peterson	AR10	10.00	Z-480-00		
	King	AR10	8.92	Z-125-00		
	Comisky	AR10	36.16	Z-973-00		
	Samora	AR10	28.95	Z-687-00		
	Sprague	AR10	20.00	Z-273-00		
	Berry	AR10	17.44	Z-13-99		
	Comisky	AR10	30.03	Z-974-00		
	Combs	AR10	30.00	Z-081-00		
	Finley	AR10	9.65	Z-130-99		
	Four Corners Farms	AR10	16.26	Z-68-99		
	Crain	AR10	13.78	Z-235-99		
	Sanchez	AR10	42.00	Z-936-00		
	Neely	AR10	62.98	Z-1029-00		
	Sturdevant	AR10	11.02	Z-946-00		
	Grip	AR10	13.01	Z-862-00		
	Lichliter	AR10	292.70	Z-1060-00		
	Logan	AR10	26.00	Z-01-98		
	Lichliter	AR10	31.62	Z-1061-00		
	Hoffman	AR10	10.95	Z-876-00		
	Hughes	AR10	35.00	Z-879-00		
	Porter	AR10	36.51	Z-1007-00		
	Claycomb	AR10	19.63	Z-127-00		
	Leighton Estate	AR10	52.60	Z-775-00		

5611						
	Applin	AR10	14.98	E-09-99		
	Leighton Estate	AR10	48.80	Z-776-00		
	Boyce Resource	AR10	60.52	Z-120-99		
	Akin	AR10	28.77	Z-116-00		
5613						
	Fury	AR10	50.00	Z-735-00		
	Gardner	AR10	10.02	Z-260-99		
	Duran	AR10	40.00	Z-1027-00		
	Atchison	AR10	10.00	Z-969-00		
	Oliver	AR10	41.44	Z-631-00		
	Poe	AR10	160.00	Z-373-00		
	Siglin	AR10	40.00	Z-018-00		
	Kingery	AR10	119.19	Z-101-99		
	Stone	AR10	20.00	Z-402-00		
	Poe	AR10	400.00	Z-376-00		
	Poe	AR10	80.00	Z-374-00		
	Poe	AR10	80.00	Z-375-00		
	Daly	AR10	40.00	Z-1080-00		
	Hensley	AR10	40.00	Z-1076-00		
	Stanley	AR10	87.63	Z-551-00		
	Poe	AR10	160.00	Z-377-00		
	Poe	AR10	480.00	Z-378-00		
	Dobbins	AR10	40.00	Z-591-00		
	Hollenbeck	AR10	16.00	Z-023-00		
	Tratlener	AR10	3.01	Z-1016-00		
	Hoffman/Poe	AR10	102.00	Z-612-00		
	Hamilton	AR10	23.90	E-07-98		
5615						
	Werth	AR10	20.00	Z-954-00		
	Nettleton	AR10	10.00	Z-1002-00		
	Buchanan	AR10	59.18	Z-715-00		
	Lee	AR10	20.81	Z-128-00		
	Womack	AR10	25.01	Z-296-00		
5633						
	Montgomery	AR10	13.00	Z-1075-00		
	Kuenzler	AR10	160.00	Z-425-00		
	Porter	AR10	155.98	Z-442-00		
5635						
	Watkins	AR10	22.89	E-08-98		
5637						
	Porter	AR10	48.02	Z-226-00		
	McClellan	AR10	16.84	Z-778-00		
	Turner	AR10	70.59	Z-206-00		
	Turner	AR10	49.08	Z-1069-00		
	Floyd	AR10	78.16	Z-848-00		
	Williams	AR10	101.55	Z-808-00		

RESOLUTION NO. 5-2000

5069							
	Baumgartner	AR35	160.00	Z-531-00		5077	OK
	White	AR35	160.00	Z-40-99		5081	OK
						5083	OK
5071						5329	OK
	Dennison	AR35	160.00	Z-838-00		5331	OK
	Hollen Farms	AR35	149.10	Z-746-00		5335	OK
	Hollen, R.R. etal	AR35	320.00	Z-747-00		5341	OK
	Wilson	AR35	154.33	Z-642-00		5349	OK
	Lancaster Family	AR35	309.88	Z-887-00		5363	OK
	Schaak	AR35	160.00	Z-277-00		5367	OK
	Schaak	AR35	178.00	Z-278-00		5617	OK
	Adams	AR35	151.42	Z-985-00		5619	OK
						5621	OK
5073						5623	OK
	Kipp	AR35	75.00	Z-884-00		5625	OK
	Weber	AR35	160.00	Z-279-00		5627	OK
	Koskie	AR35	160.00	Z-562-00		5629	OK
	Todd	AR35	149.68	Z-10-00		5631	OK
	Howard	AR35	27.65	E-04-99		5639	OK
	Koskie	AR35	160.00	Z-563-00		5643	OK
	Hughes	AR35	600.00	Z-428-00		5651	OK
	Neely	AR35	75.00	Z-219-99			
	Neely	AR35	230.37	Z-222-99			
5079							
	Aebersold	AR35	37.52	Z-36-99			
5085							
	Stocks	AR35	40.00	Z-185-00			
5333							
	Coppinger	AR35	240.00	Z-449-00			
5337							
	Churan	AR35	40.02	Z-722-00			
	Churan	AR35	35.53	Z-721-00			
	Churan	AR35	323.95	Z-723-00			
	Hindmarsh	AR35	158.55	Z-1081-00			
	Becher	AR35	80.00	Z-387-00			
	Butler	AR35	63.85	Z-579-00			
5339							
	Geiser	AR35	60.00	Z-121-99			
	Odell	AR35	152.56	Z-508-00			
	Brubaker	AR35	40.00	Z-41-99			
	Odell	AR35	119.89	Z-504-00			
	Oliver	AR35	42.69	Z-188-99			
	Oliver	AR35	80.00	Z-187-99			
	Koskie	AR35	35.00	Z-566-00			

5339	Koskie	AR35	40.00	Z-565-00			
	Koskie	AR35	400.00	Z-564-00			
	Oliver	AR35	280.00	Z-189-99			
	Oliver	AR35	222.82	Z-186-99			
	Gilliand	AR35	160.00	Z-859-00			
	Gilliand	AR35	360.00	Z-858-00			
	Wilson	AR35	200.00	Z-699-00			
	Kennedy	AR35	320.00	Z-672-00			
	Hollstien	AR35	320.09	Z-751-00			
	Wood	AR35	231.93	Z-958-00			
5343	Hartle	AR35	314.99	Z-335-00			
	Brubaker	AR35	80.00	Z-824-00			
	Wilson	AR35	160.00	Z-644-00			
	Wilson	AR35	468.68	Z-700-00			
	White	AR35	152.00	Z-357-00			
	Cherr	AR35	133.33	Z-559-00			
	Hollen	AR35	320.00	Z-748-00			
	Bartolino	AR35	40.00	Z-157-99			
	Carman	AR35	40.00	Z-53-99			
	Donovan	AR35	320.00	Z-169-99			
	Mahaffey	AR35	155.00	Z-469-00			
	Donovan	AR35	158.51	Z-170-99			
	Donovan	AR35	160.00	Z-171-99			
	Hartle	AR35	318.00	Z-333-00			
	Dennison	AR35	40.00	Z-837-00			
	Dennison	AR35	80.00	Z-840-00			
	Grist	AR35	40.00	Z-70-99			
	Cassady	AR35	120.00	Z-255-99			
	Gardner	AR35	640.00	Z-254-99			
	Naylor	AR35	494.18	Z-526-00			
	Lancaster	AR35	15.61	Z-530-00			
	Watson	AR35	160.00	Z-216-99			
	Tucker	AR35	160.00	Z-640-00			
	Wilson	AR35	160.00	Z-702-00			
	Fetterman	AR35	60.00	Z-543-00			
	Watson	AR35	80.00	Z-215-99			
	Masco	AR35	160.00	Z-486-00			
5345	White	AR35	160.09	Z-358-00			
	Kuenzler	AR35	158.10	Z-426-00			
	Crow	AR35	154.14	Z-725-00			
	Pock	AR35	120.00	Z-04-98			
	Pock	AR35	40.00	Z-03-98			
	White	AR35	409.56	Z-39-99			
	White	AR35	83.00	Z-38-99			
	White	AR35	163.30	Z-359-00			
	Pock	AR35	160.00	Z-05-98			

5345							
	Lancaster	AR35	190.00	Z-678-00			
	McClellan	AR35	80.00	Z-386-00			
	Williams	AR35	500.00	Z-305-00			
	Powell	AR35	160.00	Z-261-00			
	McClellan	AR35	40.00	Z-23-99			
	Henes Farms	AR35	151.80	Z-76-99			
	Henes Farms	AR35	351.90	Z-77-99			
	Henes Farms	AR35	156.80	Z-78-99			
	Henes Farms	AR35	212.53	Z-79-99			
	Gardner	AR35	387.18	Z-592-00			
5351							
	Gardner	AR35	198.82	Z-593-00			
5353							
	Clemens	AR35	44.48	Z-460-00			
	Harris	AR35	80.01	Z-604-00			
	Reed	AR35	160.00	Z-786-00			
	Harris	AR35	40.00	Z-605-00			
	Reed	AR35	160.00	Z-785-00			
	Callis	AR35	146.92	Z-261-99			
	Mahaffey	AR35	160.00	Z-621-00			
	Wilson	AR35	140.00	Z-701-00			
	Harris	AR35	160.00	Z-599-00			
5355							
	Majors	AR35	234.50	Z-392-00			
	Majors	AR35	3.00	Z-394-00			
	Honaker	AR35	71.94	Z-869-00			
	McAfee	AR35	40.00	Z-899-00			
	Gafford	AR35	74.93	Z-74-99			
	Wright	AR35	138.26	Z-810-00			
	Masco	AR35	337.45	Z-487-00			
	Masco	AR35	280.70	Z-488-00			
	Mahaffey	AR35	286.31	Z-622-00			
	Mahaffey	AR35	158.54	Z-623-00			
	Gilliland	AR35	160.00	Z-423-00			
	Duncan	AR35	239.50	Z-87-99			
	Gafford	AR35	160.00	Z-73-99			
	Gafford	AR35	96.00	Z-75-99			
	Odell	AR35	40.00	Z-506-99			
	Majors	AR35	80.00	Z-393-00			
	Johnson	AR35	37.90	Z-972-00			
	Muscanell	AR35	56.10	Z-242-99			
	Tanner	AR35	54.80	Z-489-00			
	Tanner	AR35	160.00	Z-494-00			
	Snyder	AR35	600.00	Z-271-00			
	Oliver	AR35	309.19	Z-908-00			
	Fulks	AR35	125.27	Z-099-00			
	Fulks	AR35	34.73	Z-100-00			

5355						
	Likes	AR35	6.15	Z-891-00		
	Pearson	AR35	119.92	Z-915-00		
	Becker	AR35	128.66	Z-012-00		
	Gray	AR35	40.00	Z-390-00		
	Chappell	AR35	80.00	Z-046-00		
	Chappell	AR35	160.00	Z-047-00		
	Chappell	AR35	280.00	Z-065-00		
	Chappell	AR35	35.17	Z-048-00		
	Chappell	AR35	160.00	Z-049-00		
	Hudson	AR35	210.64	Z-878-00		
	Chappell	AR35	100.00	Z-064-00		
	Chappell	AR35	97.40	Z-051-00		
	Walters	AR35	128.00	Z-1017-00		
	Walters	AR35	320.00	Z-1018-00		
	Wilson	AR35	240.00	Z-130-00		
	Rogers	AR35	80.00	Z-413-00		
	Rogers	AR35	40.00	Z-414-00		
	Tanner	AR35	20.00	Z-799-00		
	Tanner	AR35	20.00	Z-800-00		
	Tanner	AR35	20.00	Z-801-00		
	Rogers	AR35	617.24	Z-415-00		
	Gray	AR35	80.00	Z-391-00		
	Flanagan	AR35	160.00	Z-176-00		
	Chappell	AR35	160.00	Z-052-00		
	Gray	AR35	120.00	Z-389-00		
	Martin	AR35	40.00	Z-361-00		
	McKeon	AR35	120.00	Z-1064-00		
	Rohr	AR35	80.00	Z-1072-00		
	Chappell	AR35	333.37	Z-053-00		
	Chappell	AR35	160.00	Z-054-00		
	Chappell	AR35	149.99	Z-055-00		
	Chappell	AR35	160.00	Z-056-00		
	Wilson	AR35	268.14	Z-129-00		
	Wilson	AR35	80.00	Z-133-00		
	Uranga	AR35	160.00	Z-244-00		
	Flanagan	AR35	80.00	Z-557-00		
	Wilson	AR35	67.56	Z-134-00		
	Ramsey	AR35	18.26	Z-147-00		
	Ramsey	AR35	235.61	Z-096-00		
	Gardner	AR35	79.00	Z-256-99		
	Wilson	AR35	50.00	Z-135-00		
	Gardner	AR35	80.00	Z-257-99		
5357						
	Worth	AR35	257.00	Z-710-00		
	Stocks	AR35	75.50	Z-201-99		
	Snyder	AR35	144.34	Z-302-00		
	Bilger & Pitts	AR35	148.00	Z-024-00		
	Sparks	AR35	77.00	Z-738-00		
	Stocks	AR35	40.00	Z-186-00		
	Ragland & Sons	AR35	157.00	Z-925-00		

5357							
	Worth	AR35	199.66	Z-710-00			
	Gray	AR35	108.91	Z-388-00			
	Worth	AR35	56.71	Z-709-00			
	Parker	AR35	227.73	Z-263-99			
	Cole	AR35	82.24	Z-829-00			
	Weitzenkamp	AR35	36.16	Z-248-00			
	Frye	AR35	35.90	Z-850-00			
	Phelps	AR35	80.00	Z-272-00			
	Ryan	AR35	39.94	Z-267-99			
	Tanner	AR35	20.01	Z-798-00			
	Rogers	AR35	37.21	Z-416-00			
	Osterfeld	AR35	52.80	Z-116-99			
	Hampson	AR35	40.00	Z-124-00			
	Hodges	AR35	40.42	Z-873-00			
	Hodges	AR35	30.00	Z-872-00			
	Hodges	AR35	30.00	Z-871-00			
	Penman	AR35	35.00	Z-916-00			
	Penman	AR35	31.70	Z-917-00			
	Johnson	AR35	73.00	Z-165-99			
	Holaday	AR35	40.00	Z-161-99			
	Holaday	AR35	40.00	Z-162-99			
	Sattley	AR35	39.70	Z-463-00			
	Sattley	AR35	80.00	Z-464-00			
	Hodges	AR35	39.00	Z-870-00			
	Hodges	AR35	79.09	Z-874-00			
	Rogers	AR35	80.00	Z-417-00			
	Saunders	AR35	202.66	Z-141-99			
	Merritt	AR35	33.25	Z-173-00			
	Lee	AR35	35.00	Z-568-00			
	Rogers	AR35	171.80	Z-418-00			
	Herrmann	AR35	83.00	Z-65-99			
	Saunders	AR35	214.54	Z-144-99			
	Miller	AR35	34.78	Z-627-00			
5359							
	Hindmarsh	AR35	381.53	Z-1082-00			
	Majors LLC	AR35	255.86	Z-395-00			
	Majors	AR35	2.10	Z-396-00			
	Osterfeld	AR35	52.07	Z-115-99			
	O'Brien	AR35	120.00	Z-217-99			
	Watkins	AR35	621.52	Z-207-99			
	Brumley	AR35	35.04	Z-003-00			
	Brumley	AR35	46.95	Z-139-99			
	King	AR35	160.00	Z-677-00			
	King	AR35	263.85	Z-675-00			
	Linnen	AR35	48.73	Z-384-00			
	Elliott	AR35	57.67	Z-980-00			
	Cain	AR35	41.47	Z-007-00			
	McEvoy	AR35	78.60	Z-965-00			
	Youngquist	AR35	40.00	Z-964-00			

5359							
	Dericks	AR35	44.44	Z-590-00			
	Ewing	AR35	160.00	Z-845-00			
	Brunner	AR35	272.00	Z-082-00			
	McCabe	AR35	42.88	Z-681-00			
	Hampson	AR35	36.76	Z-1066-00			
	Lincoln	AR35	54.60	Z-07-98			
	West	AR35	57.00	Z-952-00			
	Morlan	AR35	38.00	Z-168-00			
	Gardner	AR35	80.00	Z-595-00			
	Gellatly	AR35	35.65	Z-171-00			
	Conner	AR35	37.17	Z-176-00			
	Jumbo	AR35	40.00	Z-1051-00			
5361							
	Saunders	AR35	1,412.00	Z-142-99			
	King	AR35	399.02	Z-676-00			
	Nelson	AR35	40.00	Z-210-99			
	King	AR35	466.08	Z-674-00			
5365							
	Gawthorp	AR35	483.92	Z-982-00			
5603							
	Lewis	AR35	35.70	Z-484-00			
5605							
	Pilcher	AR35	106.80	Z-633-00			
	Alexander	AR35	67.70	Z-575-00			
	Wolcott	AR35	301.74	Z-704-00			
	Gawthorp	AR35	73.50	Z-981-00			
	Sehnert	AR35	60.97	Z-938-00			
	Robbins	AR35	168.00	Z-793-00			
	Robbins	AR35	53.29	Z-795-00			
	Robbins	AR35	130.42	Z-794-00			
	Bement	AR35	160.00	Z-196-99			
	Conklin	AR35	40.00	Z-587-00			
	Bement	AR35	272.05	Z-195-99			
	Humiston	AR35	198.56	Z-992-00			
	Bement	AR35	35.02	Z-198-99			
	Bement	AR35	160.00	Z-197-99			
	Sehnert	AR35	348.41	Z-1011-00			
	Jones	AR35	100.00	Z-346-00			
	Lewis	AR35	47.00	Z-482-00			
	Carlson	AR35	80.55	Z-825-00			
	Heath	AR35	34.00	Z-986-00			
	Krajack	AR35	345.83	Z-1063-00			
	Bader	AR35	40.00	Z-114-99			
	Johnson	AR35	395.73	Z-213-99			

5607							
	Mattson	AR35	40.00	Z-266-00			
	Munson	AR35	35.00	Z-244-99			
	Scott	AR35	37.20	Z-145-99			
	Scott	AR35	49.71	Z-146-99			
	Malcolm	AR35	36.90	Z-99-99			
	Gustafson	AR35	40.00	Z-51-99			
	Bement	AR35	160.00	Z-197-99			
	Bement	AR35	35.02	Z-198-99			
	Bement	AR35	272.05	Z-195-99			
	Bement	AR35	160.00	Z-196-99			
	Phillips	AR35	36.28	Z-654-00			
	Davis	AR35	41.74	Z-060-00			
	Janz	AR35	40.00	Z-888-00			
	Janz	AR35	200.00	Z-881-00			
	Wolcott	AR35	240.00	Z-705-00			
	Burk	AR35	19.07	Z-001-00			
	Burk	AR35	25.30	Z-002-00			
5609							
	Wilderson	AR35	47.45	Z-485-00			
	Ball	AR35	108.75	Z-317-00			
	Combee	AR35	131.21	Z-832-00			
	Bakula	AR35	40.00	Z-203-00			
	Olson	AR35	75.50	Z-1003-00			
	Hindmarsh	AR35	80.00	Z-1083-00			
	Story	AR35	67.01	Z-1034-00			
	Johnson	AR35	30.50	Z-256-00			
	Story	AR35	104.33	Z-451-00			
	McWilliams	AR35	146.46	Z-906-00			
	Noland	AR35	20.00	Z-233-00			
	Noland	AR35	22.36	Z-222-00			
	Wilson	AR35	37.03	Z-269-00			
	Jensen	AR35	36.50	Z-119-99			
	Hindmarsh	AR35	375.01	Z-1084-00			
	Brown	AR35	63.22	Z-1030-00			
	Hassell	AR35	76.00	Z-121-00			
	Veach	AR35	60.00	Z-14-99			
	McDonald	AR35	155.78	Z-1026-00			
	Varrone	AR35	36.27	Z-118-99			
5611							
	Weiland	AR35	36.14	Z-324-00			
	Morris	AR35	44.35	Z-229-00			
	Fisher	AR35	162.52	Z-342-00			
	Brooks	AR35	41.92	Z-401-00			
	Walker	AR35	43.51	Z-474-00			
	Hoffman	AR35	54.87	Z-459-00			
	Lichliter	AR35	75.27	Z-205-00			
	Adelson	AR35	36.16	Z-764-00			
	Beck	AR35	40.00	Z-365-00			
	Cole	AR35	75.93	Z-015-00			

5611						
	Garland	AR35	35.05	Z-736-00		
	Brace	AR35	80.00	Z-294-00		
	Ballard	AR35	60.00	Z-032-99		
5613						
	Williams	AR35	112.72	Z-306-00		
	Williams	AR35	3.01	Z-307-00		
	Dunn	AR35	40.00	Z-979-00		
	Wilson	AR35	121.00	Z-132-00		
	Fulks	AR35	150.00	Z-098-00		
	Wilson	AR35	151.83	Z-136-00		
	Chappell	AR35	121.85	Z-057-00		
	Chappell	AR35	74.00	Z-058-00		
	Oliver	AR35	158.56	Z-183-99		
	Oliver	AR35	160.00	Z-184-99		
	Story	AR35	248.00	Z-292-00		
	Oliver	AR35	160.00	Z-185-99		
	Oliver	AR35	148.00	Z-182-99		
	Allsup	AR35	40.00	Z-711-00		
	Englehart	AR35	25.03	Z-843-00		
	Jessee	AR35	40.00	Z-813-00		
	Wilson	AR35	160.00	Z-131-00		
	Branson	AR35	40.00	Z-555-00		
	Chappell	AR35	203.22	Z-059-00		
5615						
	Harris	AR35	182.20	Z-603-00		
	Majors	AR35	490.93	Z-397-00		
	Wiseman	AR35	35.00	Z-481-00		
	Porter	AR35	158.99	Z-006-99		
	Porter	AR35	40.00	Z-006-99		
	Oliver	AR35	620.00	Z-180-99		
	Oliver	AR35	40.00	Z-181-99		
5633						
	Rohman	AR35	38.00	Z-380-00		
	Curtis	AR35	109.55	Z-466-00		
	Molzahn	AR35	160.00	Z-079-00		
5635						
	Schwindt	AR35	40.00	Z-213-00		
	Schwindt	AR35	207.25	Z-214-00		
	Schwindt	AR35	145.00	Z-212-00		
	Portez	AR35	159.27	Z-008-99		
	Weyand	AR35	157.00	Z-212-99		
5637						
	Scharnhorst	AR35	51.92	Z-635-00		
	Church First Born	AR35	40.00	Z-510-00		
	Peters	AR35	50.71	Z-355-00		

5637							
	Wright	AR35	320.00	Z-957-00			
	Church First Born	AR35	232.30	Z-509-00			
	Belcher	AR35	80.00	Z-1021-00			
	Koppenhafer	AR35	305.25	Z-995-00			
	Koppenhafer	AR35	129.75	Z-996-00			
	Decker	AR35	545.39	Z-754-00			
	Gustin	AR35	152.39	Z-372-00			
	Ashbaugh	AR35	49.19	Z-449-00			
	Mullane	AR35	45.00	Z-468-00			
	Coppinger	AR35	83.40	Z-497-00			
	Belcher	AR35	80.00	Z-1038-00			
	Belcher	AR35	311.80	Z-1022-00			
	Coppinger	AR35	67.74	Z-496-00			
	Coppinger	AR35	292.00	Z-498-00			
	Claxton	AR35	35.82	Z-434-00			
5641							
	Hindmarsh	AR35	920.00	Z-1085-00			
	Hindmarsh	AR35	320.00	Z-1086-00			
	Hindmarsh	AR35	482.50	Z-1087-00			
	Hindmarsh	AR35	320.00	Z-1088-00			
5645							
	White	AR35	90.94	Z-347-00			
	Wolcott	AR35	108.33	Z-706-00			
	Pickens	AR35	45.92	Z-1006-00			
	Kieth	AR35	175.00	Z-671-00			
	Malinsky	AR35	193.18	Z-893-00			
	Willburn	AR35	275.00	Z-698-00			
	Colbe t	AR35	40.00	Z-657-00			
	Wolcott	AR35	385.10	Z-707-00			
5649							
	Witthans	AR35	120.00	Z-179-00			
	Surber	AR35	32.62	Z-797-00			
	Koppenhafer	AR35	71.83	Z-997-00			
	Robb Enterprises	AR35	86.00	Z-787-00			
	Robb Enterprises	AR35	141.30	Z-788-00			
	Cummings	AR35	61.07	Z-465-00			
	Robb Enterprises	AR35	199.79	Z-789-00			
	White	AR35	103.21	Z-348-00			
	Stringer	AR35	52.65	Z-945-00			
	Robb Enterprises	AR35	283.00	Z-790-00			

5069						5077	OK
	Klein	A80	325.39	Z-153-99		5079	OK
5071						5081	OK
						5083	OK
	Murphy	A80	160.00	Z-192-99		5329	OK
	Murphy	A80	546.25	Z-193-99		5331	OK
	Daves	A80	65.00	Z-976-00		5333	OK
	Stack	A80	158.92	Z-097-99		5335	OK
	Daves	A80	80.50	Z-977-00		5349	OK
	Berrada	A80	80.00	Z-204-99		5361	OK
	Berrada	A80	143.17	Z-205-99		5365	OK
	Wilson	A80	160.00	Z-143-00		5367	OK
	Murphy	A80	110.20	Z-191-99		5603	OK
	Carver	A80	240.00	Z-512-00		5617	OK
5073						5619	OK
						5621	OK
	Stack	A80	155.83	Z 098-99		5623	OK
	Aulston	A80	80.00	Z-518-00		5625	OK
	Hill	A80	320.00	Z-744-00		5627	OK
	Aulston	A80	320.00	Z-519-00		5629	OK
	McAfee	A80	320.00	Z-610-00		5631	OK
	Oliver	A80	240.00	Z-632-00		5635	OK
5075						5639	OK
						5643	OK
	Harris	A80	320.00	Z-600-00		5647	OK
5085						5651	OK
	Snyder	A80	330.65	Z-172-99			
5337							
	Butler	A80	120.51	Z-580-00			
5339							
	Hill	A80	240.00	Z-745-00			
	Wilson	A80	240.00	Z-144-00			
	Wilson	A80	313.65	Z-008-98			
	Wilson	A80	240.00	Z-009-98			
5341							
	Schurr	A80	160.00	Z-092-99			
	Schurr	A80	160.00	Z-090-99			
	B tler	A80	160.00	Z-117-99			
	Bane	A80	115.00	Z-817-00			
	Jarmon	A80	160.00	Z-086-99			
	Mahaffey	A80	312.00	Z-095-99			
	Mahaffey	A80	4.00	Z-085-00			
	Mahaffey	A80	160.00	Z-096-99			
	Wagon Wheel	A80	160.00	Z-536-00			
	Wilson	A80	40.00	Z-1059-00			
	Mahaffey	A80	151.73	Z-089-00			

5341						
	Oliver	A80	160.00	Z-783-00		
	Wilson	A80	160.00	Z-154-00		
	Hawkins	A80	114.70	Z-1028-00		
	McAfee	A80	318.80	Z-896-00		
5343						
	Pedigo	A80	132.97	Z-458-00		
	Pedigo	A80	165.00	Z-457-00		
	Bartolino	A80	160.00	Z-156-99		
	Harris	A80	200.00	Z-607-00		
	Pedigo	A80	240.00	Z-455-00		
	Wilson	A80	160.00	Z-155-00		
	Fetterman	A80	160.00	Z-544-00		
5345						
	Baumgartner	A80	81.50	Z-532-00		
	Murphy	A80	324.82	Z-194-99		
	Pedigo	A80	160.00	Z-456-00		
	Pedigo	A80	824.12	Z-454-00		
	Oliver	A80	479.96	Z-68 -00		
	McClellan	A80	80.00	Z-025-99		
	McRum	A80	120.05	Z-024-99		
	Murphy	A80	80.00	Z-082-99		
	S & S Farms	A80	80.00	Z-069-00		
5351						
	S & S Farms	A80	489.35	Z-070-00		
	S & S Farms	A80	480.15	Z-071-00		
	Baumgartner	A80	320.00	Z-533-00		
	Kuwamura	A80	473.84	Z-886-00		
5353						
	Fetterman	A80	42.46	Z-539-00		
	Fetterman	A80	33.63	Z-540-00		
	Wilson	A80	80.00	Z-157-00		
	Wilson	A80	160.00	Z-156-00		
	Mahaffey	A80	160.00	Z-090-00		
	Harris	A80	480.00	Z-597-00		
	Harris	A80	320.00	Z-598-00		
5355						
	Woodruff	A80	160.00	Z-026-99		
	Moise	A80	160.00	Z-419-00		
	McAfee	A80	309.11	Z-901-00		
	Duncan	A80	514.98	Z-152-99		
	Mahaffey	A80	78.58	Z-091-00		
	Fetterman	A80	141.00	Z-545-00		
	Fetterman	A80	80.08	Z-541-00		
	McAfee	A80	248.35	Z-900-00		
	McAfee	A80	80.00	Z-898-00		

5357						
	Stephenson	A80	20.00	Z-329-00		
	Wofford	A80	111.23	Z-646-00		
	Stephenson	A80	240.00	Z-330-00		
	Blackmer	A80	151.86	Z-343-00		
	Blackmer	A80	121.38	Z-345-00		
	Taylor	A80	80.00	Z-439-00		
	Frans	A80	79.67	Z-245-00		
5359						
	Simmons	A80	84.62	Z-045-99		
	Watkins	A80	116.09	Z-047-99		
	Wagon Rod Ranch	A80	309.83	Z-009-00		
	Henr	A80	9.17	Z-008-00		
	Stephenson	A80	80.00	Z-331-00		
	Stephenson	A80	74.00	Z-332-00		
	Vieira	A80	80.00	Z-030-99		
5363						
	Michaels	A80	208.86	Z-105-99		
5605						
	Knight	A80	114.76	Z-765-00		
	Culp	A80	120.00	Z-318-00		
	Michaels	A80	53.98	Z-106-99		
5607						
	Spore	A80	274.00	Z-066-99		
	Malcolm	A80	135.00	Z-100-99		
	Allum Properties	A80	590.14	Z-128-99		
5609						
	Sanford	A80	104.00	Z-031-99		
	Hendrickson	A80	120.00	Z-558-00		
	Hendrickson	A80	320.00	Z-221-00		
	Manning	A80	160.00	Z-410-00		
5611						
	Jeter	A80	7.37	Z-232-00		
	Larson	A80	358.57	Z-031-00		
	McComb	A80	160.00	Z-903-00		
	Hinton	A80	76.09	Z-444-00		
5613						
	Schott	A80	80.00	Z-085-99		
	Headley	A80	80.00	Z-030-00		
	Lawrence	A80	156.29	Z-385-00		
5615						
	Tomac	A80	799.27	Z-432-00		
	Sutcliffe	A80	80.00	Z-183-00		

5633							
	Jones	A80	227.40	Z-258-00			
5637							
	Greenlee	A80	200.00	Z-446-00			
	Jones	A80	36.22	Z-259-00			
	Koppenhafer	A80	99.80	Z-187-00			
	Koppenhafer	A80	74.00	Z-188-00			
	Ashbaugh	A80	75.52	Z-448-00			
	Bradley	A80	80.00	Z-865-00			
	Maness	A80	181.83	Z-011-99			
5641							
	Moise	A80	73.52	Z-421-00			
	Hinton	A80	69.56	Z-445-00			
5645							
	Koppenhafer	A80	239.58	Z-189-00			
	Koppenhafer	A80	320.00	Z-190-00			
	Koppenhafer	A80	211.00	Z-236-00			
	Mitchell	A80	95.00	Z-295-00			
5649							
	Eppich	A80	90.00	Z-131-99			

RESOLUTION NO. 4-2000

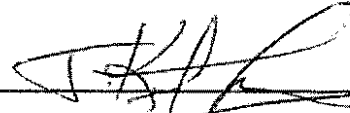
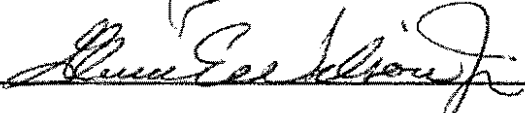
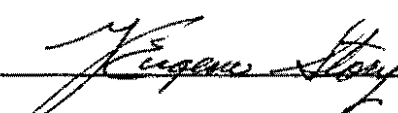
A RESOLUTION AMENDING MONTEZUMA COUNTY RESOLUTION NUMBER 86-1 AS TO INDIVIDUAL SEWAGE DISPOSAL SYSTEMS WITHIN THE 100 YEAR FLOOD PLAIN TO SIXTEEN (16) FEET ABOVE SAID FLOOD PLAIN ALONG THE MANCOS RIVER.

WHEREAS, the Board of County Commissioners of Montezuma County, State of Colorado, finds that maintaining the water quality in the Mancos River is necessary for the preservation of the public health and safety;


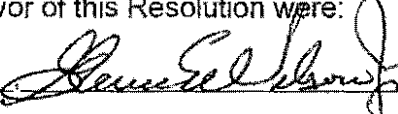
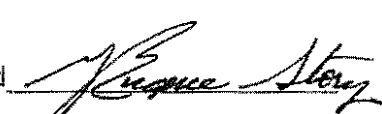
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County pursuant to 25-10-101, C.R.S., et seq., that Montezuma County Resolution Number 86-1 is amended as follows:

1. That within the 100 year flood plain to an elevation of sixteen (16) feet above said Flood Plain along the Mancos River, a sewage system must be designed by a Registered professional engineer as defined in 25-10-103 (16), C.R.S., and based upon the permitted volume of sewage, the system shall be one of the following or a combination thereof as appropriate:
 - a) A vault for limited use only. A watertight covered receptacle which is designed to receive and store excreta or wastes either from a sewer or from a privy. After the contents have been pumped out of said vault, said contents must be hauled to a treatment plant for further processing.
 - b) Septic Tanks and Evapotranspiration Beds. Septic tanks are designed based on the number of bedrooms and the number of plumbing fixtures. The required evapotranspiration bed size is a level area lined with 20 to 30 mil P.V.C. liner filled with clean sand. Said liner must be guaranteed by the manufacturer to last the projected life of the system. All the septic tank effluent evaporates so it is a "no discharge" system. They can have only limited landscaping. Leak testing is required throughout the life of the system.
 - c) Septic Tank Followed by a Mound System. An absorption system that is installed above the original grade of the ground. Because the material that makes up the mound is imported the Engineer designing the system can predict how the effluent percolating through it will react.
 - d) Composting Toilets With Gray Water Systems. A unit which consists of a toilet seat and cover over a riser which connects to a compartment or a vault that contains or will receive composting materials sufficient to reduce waste by aerobic decomposition. Composting toilets are used in conjunction with a gray water system. Because 40% of the water used in the normal house involves toilet flushing, the gray water system needs only 60% of the leach area that would ordinarily be required. However, gray water must be handled in the same manner as sewage.
 - e) Intermittent Sand Filter with Underdrain. This system involves pumping septic tank effluent to the top of a clean sand filter. An underdrain system collects the effluent and pumps it to a subsurface percolation system with small diameter pipes. A typical system consists of a 1200 to 1500 gallon septic tank, a S.T.E.P. pump inside the system that pumps only 1" to 2" of effluent from the clear zone of the septic tank to a 10' x 36' x 36' deep flush with the ground lined sand filter. An underdrain system flows to a sump where a pump is used to pressure distribute the clean effluent to a subsurface leach field.
2. This resolution is necessary for the immediate preservation of the public peace, health, and safety.

Board of County Commissioners
of Montezuma County , Colorado

Commissioners voting aye in favor of this Resolution were:

  and 


Commissioners voting no against this Resolution were:

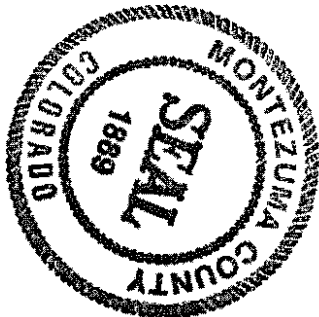
_____ and _____


(Deputy) County Clerk and Recorder
Montezuma County, Colorado

I certify that the above and foregoing 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 5th day of June, 2000.


County Clerk and Recorder
Montezuma County, Colorado



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

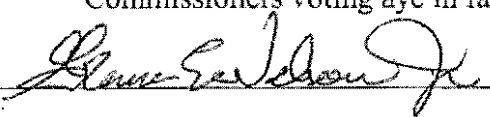
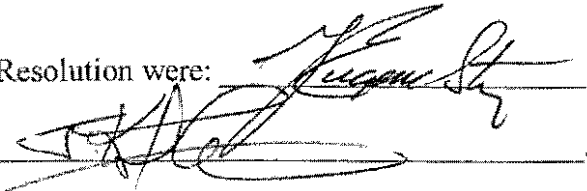
RESOLUTION NO. 3-2000

WHEREAS, 17-27-101 et seq., C.R.S., provides for the establishment and operation of community corrections programs; and

NOW THEREFORE BE IT RESOLVED by the Montezuma County Board of Commissioners that a Community Corrections Board is hereby established for the purpose of establishing and operating community corrections programs within Montezuma County pursuant to 17-27-103, C.R.S. Said Community Corrections Board shall be functionally independent as to establishing and operating community corrections programs, except that said Community Corrections Board shall be subject to and operate in accordance with the budget to be established by the Montezuma County Board of Commissioners. Further, said Community Corrections Board shall not hire any employees, and services necessary for the operation of said community corrections programs shall be provided by the Montezuma County Sheriff subject to and in accordance with the budget established by the Montezuma County Board of Commissioners. And further, all funds received for said community corrections programs shall be deposited with the Montezuma County Treasurer, and all expenditures shall be submitted to the Montezuma County Board of Commissioners for approval and payment.


Said Community Corrections Board shall be appointed by the Montezuma County Board of Commissioners and shall not exceed nineteen (19) members. The term of a Board member shall be three (3) years. The initial Board membership shall have staggered terms of three (3), two (2) and one (1) years as per appointment.

Commissioners voting aye in favor of the Resolution were:

 and 

Commissioners voting nay against the Resolution were: _____,

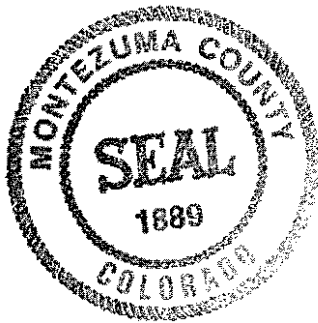
_____ and _____.


County Clerk and Recorder
Montezuma County, Colorado

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

Dated this 8th day of May, 2000.

(Seal)



Nelda Jenkins
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 April, 2000, with the following persons in attendance:

Commissioners:	G. Eugene Story, Kent Lindsay, and Glenn E. Wilson, Jr.
Commissioners Absent:	
County Attorney:	Bob Slough
County Administrator:	Thomas J. Weaver
County Clerk:	Nelda Jenkins, Deputy Clerk

the following proceedings, among others, were taken:

RESOLUTION No. 2-2000

WHEREAS, The Montezuma County Board of Commissioners is the governing body of Montezuma County, Colorado, and has the authority to take this action on behalf of Montezuma County.

NOW THEREFORE BE IT RESOLVED THAT this draft by Montezuma County is drawn under Letter of Credit dated September 3, 1998, of Litchfield Financial Corporation, Williamstown, MA. 01267, and demand is made for payment in the amount of Seventy-five Thousand (\$75,000.00) Dollars. The amount of our draft represents funds to be used for the construction of a firehouse on the Cedar Mesa Ranches project only.

Commissioners voting aye in favor of the Resolution were:

Eugene Story, Kent Lindsay, and Glenn E. Wilson, Jr.

Commissioners voting nay against the Resolution were:

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

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

Dated this 24th day of April, 2000.

(SEAL)



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

copy
RESOLUTION NO. 1 - 2000

A RESOLUTION OF THE MONTEZUMA COUNTY, COLORADO, AUTHORIZING THE ISSUANCE OF THE COUNTY'S SALES AND USE TAX REVENUE BONDS, SERIES 2000, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$6,260,000, FOR THE PURPOSES SET FORTH IN THE BALLOT QUESTION AUTHORIZING THE BONDS; PRESCRIBING THE FORM OF THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS FROM A PLEDGE OF THE SALES AND USE TAX REVENUES DEPOSITED IN THE CAPITAL IMPROVEMENT FUND; AND PROVIDING OTHER DETAILS AND APPROVING OTHER DOCUMENTS IN CONNECTION WITH THE BONDS.

WHEREAS, Montezuma County, Colorado (the "County"), is a duly organized and validly existing county and political subdivision of the State of Colorado; and

WHEREAS, pursuant to Resolution No. 5-99 (the "Sales and Use Tax Resolution") duly adopted by the Board of County Commissioners of the County (the "Board") and approved by the eligible electors of the County as set forth below, the County currently imposes a 0.45% Sales and Use Tax (the "Sales and Use Tax"); and

WHEREAS, the Sales and Use Tax Resolution provides that the revenues received from the Sales and Use Tax shall be deposited into the Montezuma County Sales and Use Tax Capital Improvement Trust Fund (the "Capital Improvement Fund") and the "Montezuma County Jail Operations Fund" (the "Jail Operations Fund"); and

WHEREAS, the County is authorized by Title 29, Article 2, Part 1, Colorado Revised Statutes to issue revenue bonds payable from a capital improvement fund into which all or any part of the revenues from the Sales and Use Tax are deposited, subject to obtaining voter approval of a ballot proposal authorizing such tax and creating such fund; and

WHEREAS, Article X, Section 20 of the Colorado Constitution provides that voter approval in advance is required for any new tax or the creation of any direct or indirect debt or other multiple-fiscal year financial obligation whatsoever; and

WHEREAS, pursuant to an election held on November 2, 1999, the electors of the County voted in favor of the following ballot question (the "Ballot Question"):

SHALL MONTEZUMA COUNTY DEBT BE INCREASED BY AN AMOUNT NOT TO EXCEED \$6,260,000, WITH A MAXIMUM REPAYMENT COST OF \$10,950,000, AND SHALL MONTEZUMA COUNTY TAXES BE INCREASED \$975,000 (FIRST FULL FISCAL YEAR DOLLAR INCREASE); SUCH DEBT TO CONSIST OF SALES AND USE TAX REVENUE BONDS OR OTHER FINANCIAL OBLIGATIONS ISSUED SOLELY FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING A COUNTY JAIL,

INCLUDING THE REMODEL OF EXISTING FACILITIES TO ACCOMMODATE THE JUSTICE BUILDING TREATMENT UNIT, AND ALL NECESSARY OR INCIDENTAL COSTS RELATED THERETO, AND TO BE ISSUED, DATED AND SOLD AT SUCH TIMES, AND AT SUCH PRICES (AT OR ABOVE PAR) AND CONTAINING SUCH TERMS, NOT INCONSISTENT HEREWITH, AS THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE; SUCH TAX INCREASE TO CONSIST OF A COUNTY-WIDE SALES AND USE TAX OF 0.45% (FORTY-FIVE ONE- HUNDREDTHS OF ONE PERCENT, WHICH REPRESENTS 45 CENTS ON EACH 100 DOLLAR PURCHASE) BEGINNING JANUARY 1, 2000, WITH A TERMINATION OF SUCH TAX INCREASE FOLLOWING THE PAYMENT OF ALL BONDS OR REFUNDING BONDS AUTHORIZED BY THIS BALLOT ISSUE; SHALL THE COUNTY BE AUTHORIZED TO ESTABLISH A CAPITAL IMPROVEMENT FUND AND TO DEPOSIT INTO SAID FUND SUCH AMOUNT OF SALES AND USE TAX REVENUES AS DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS TO BE NECESSARY FOR PAYMENT OF THE BONDS AUTHORIZED HEREIN; SHALL THE REMAINING PORTION OF THE SALE AND USE TAX REVENUES BE DEPOSITED INTO A COUNTY JAIL OPERATIONS FUND TO BE UTILIZED SOLELY FOR THE PURPOSE OF FUNDING OPERATION, MAINTENANCE, REPAIR AND IMPROVEMENT OF THE COUNTY JAIL; SHALL RESOLUTION NO. 5 - 99 OF THE COUNTY PROVIDING FOR THE IMPOSITION OF THE SALES AND USE TAX BE APPROVED; AND SHALL ALL TAX REVENUES GENERATED FROM THE SALES AND USE TAX AUTHORIZED HEREIN AND FROM ANY EARNINGS FROM THE INVESTMENT OF SUCH REVENUES AND THE PROCEEDS OF SUCH BONDS CONSTITUTE A VOTER-APPROVED REVENUE CHANGE, AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE 10, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

WHEREAS, pursuant to the above referenced authorization, the Board has established and created the Capital Improvement Fund and the Jail Operations Fund in accordance with the terms and provisions of the Sales and Use Tax Resolution and the Ballot Question; and

WHEREAS, the Board has heretofore determined and does hereby determine that it is necessary to provide for the improvements authorized in the Ballot Question (the "Project"); and

WHEREAS, the Board hereby determines that it is in the best interests of the County, and the residents thereof, to issue the Montezuma County, Colorado, Sales and Use Tax Revenue Bonds, Series 2000 (the "Bonds") for the purpose of funding the Project; and

WHEREAS, the Bonds shall be revenue obligations of the County payable solely from the Capital Improvement Fund; and

WHEREAS, Financial Security Assurance Inc. has issued its offer to insure (the "Commitment"), by which it is offering to commit to issue a municipal bond insurance policy insuring the payment when due of the principal of and interest on or in connection with the Bonds; and

WHEREAS, the Board has previously approved a proposal, in the form of a bond purchase agreement, to purchase the Bonds from Bigelow & Company, of Denver, Colorado, upon the terms and conditions set forth in said agreement; and

WHEREAS, the Board hereby reaffirms that the sale of the Bonds to Bigelow & Company is in the best advantage of the County and the residents thereof; and

WHEREAS, none of the members of the Board have any potential conflicting interests in connection with the authorization, issuance, or sale of the Bonds, or the use of the proceeds thereof; and

WHEREAS, there has been presented to this meeting of the Board the Preliminary Official Statement, the Commitment and the Bond Purchase Agreement (all as defined hereafter); and

WHEREAS, the Board desires to authorize the issuance and sale of the Bonds and the execution of the foregoing documents;

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTEZUMA COUNTY, COLORADO:

Section 1. *Definitions.* The following terms shall have the following meanings as used in this Resolution:

"*Act*" means Part 1 of Article 2 of Title 29, C.R.S., or any successor thereto.

"*Ballot Question*" means the Ballot Question approved by County voters, which is set forth and defined as such in the preambles hereto.

"*Beneficial Owner*" means any person for which a Participant acquires an interest in the Bonds.

"*Board*" means the Board of County Commissioners of the County.

"*Bond Account*" means the "Capital Improvement Fund Bond Account" created in the section hereof entitled "Reaffirmation of Funds; Establishment of Accounts."

"*Bond Counsel*" means (a) as of the date of issuance of the Bonds, Kutak Rock LLP, and (b) as of any other date, Kutak Rock LLP or such other attorneys selected by the County with nationally recognized expertise in the issuance of municipal bonds.

"*Bond Insurance Policy*" means the insurance policy issued by the Bond Insurer guaranteeing the scheduled payment of principal of and interest on the Bonds when due.

“Bond Insurer” means Financial Security Assurance Inc., a New York stock insurance company, or any successor thereto or assignee thereof.

“Bond Purchase Agreement” means the Bond Purchase Agreement, dated February 3, 2000, between the County and the Purchaser concerning the purchase of the Bonds by the Purchaser.

“Bonds” means the Sales and Use Tax Revenue Bonds, Series 2000, dated February 15, 2000, authorized hereby.

“Business Day” means any day other than (a) a Saturday or Sunday or (b) a day on which banking institutions in the State are authorized or obligated by law or executive order to be closed for business.

“Capital Improvement Fund” means the “Montezuma County Sales and Use Tax Capital Improvement Trust Fund”, created by Resolution No. 5-99 of the County.

“Cede” means Cede & Co., the nominee of DTC as record owner of the Bonds, or any successor nominee of DTC with respect to the Bonds.

“Certified Public Accountant” means an independent certified public accountant within the meaning of § 12-2-115, C.R.S. and any amendment thereto, licensed to practice in the State.

“Code” means the Internal Revenue Code of 1986, as amended. Each reference to a section of the Code herein shall be deemed to include the United States Treasury Regulations proposed or in effect thereunder and applicable to the Bonds or the use of proceeds thereof, unless the context clearly requires otherwise.

“Combined Maximum Annual Principal and Interest Requirements” means an amount equal to the maximum amounts required to be paid in any single current or future calendar year as the principal of (including any mandatory sinking fund requirements) and interest on the Bonds and any Parity Lien Bonds outstanding, excluding any such bonds which have been defeased pursuant to the terms of the authorizing documents. For purposes of calculating the Combined Maximum Annual Principal and Interest Requirements in any calendar year in which any issue of Bonds and Parity Lien Bonds finally mature, there shall be subtracted from the final principal payment for said bonds any cash or the present value of any investments deposited in a reserve fund or account established pursuant to the authorizing documents which are properly allocable to said bonds.

“Commitment” means that certain offer to issue the Bond Insurance Policy by the Bond Insurer.

“Continuing Disclosure Undertaking” means the Continuing Disclosure Undertaking of the County executed and delivered by the County in connection with the issuance of the Bonds to facilitate compliance with Securities and Exchange Commission Rule 15c2-12 (17 C.F.R. § 240.15c2-12).

“*C.R.S.*” means the Colorado Revised Statutes, as amended and supplemented as of the date hereof.

“*County*” means Montezuma County, Colorado.

“*Depository*” means any securities depository as the County may provide and appoint, in accordance with the guidelines of the federal Securities and Exchange Commission, which shall act as securities depository for the Bonds.

“*DTC*” means the Depository Trust Company, New York, New York, and its successors and assigns, which shall act as the initial securities depository of the Bonds.

“*DTC Blanket Letter of Representations*” means the agreement between the County and DTC whereby the County agrees to comply with DTC’s operational requirements.

“*Event of Default*” means any of the events specified in the section hereof entitled “Events of Default.”

“*Federal Securities*” means bills, certificates of indebtedness, notes, bonds or similar securities which are direct non-callable obligations of the United States of America or which are fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America.

“*Interest Sub-Account*” means a sub-account of the Bond Account established by the provisions hereof for the purpose of paying the interest on the Bonds and any Parity Lien Bonds.

“*Jail Operations Fund*” means the “Montezuma County Jail Operations Fund”, created by Resolution No. 5-99 of the County.

“*Letter of Instructions*” means the Letter of Instructions, dated the date of issuance of the Bonds, delivered by Bond Counsel to the County, as it may be superseded or amended in accordance with its terms.

“*Official Statement*” means the final version of the Preliminary Official Statement.

“*Outstanding*” means, as of any date, all Bonds, except the following:

(a) Any Bond cancelled by the County or the Paying Agent, or otherwise on the County’s behalf, at or before such dates;

(b) Any Bond held by or on behalf of the County;

(c) Any Bond for the payment or the redemption of which moneys or Federal Securities sufficient to meet all of the payment requirements of the principal of, interest on, and any premium due in connection with the redemption of such Bond to the date of maturity or any redemption date thereof, shall have theretofore been deposited in trust for such purpose in accordance with the section hereof entitled “Defeasing”; and

(d) Any lost, apparently destroyed, or wrongfully taken Bond in lieu of or in substitution for which another bond or other security shall have been executed and delivered.

“*Owner*” or “*Owners*” means the Person or Persons in whose name or names a Bond is registered on the registration books maintained by the Paying Agent pursuant hereto.

“*Parity Lien Bonds*” means any bonds or other obligations (which may or may not be multiple-fiscal year financial obligations) permitted to be issued pursuant to the section hereof entitled “Conditions to Issuance of Parity Lien Bonds,” with a lien that is equal and on a parity with the lien of the Bonds on the Pledged Revenues and the moneys on deposit from time-to-time in the Capital Improvement Fund.

“*Participant*” or “*Participants*” means any broker-dealer, bank, or other financial institution from time to time for which DTC or another Depository holds the Bonds.

“*Paying Agent*” means The Bank of Cherry Creek, N.A., in Denver, Colorado and its successors in interest or assigns approved by the County, which shall act as paying agent, bond registrar, and authenticating agent for the Bonds.

“*Permitted Investments*” means all of the following which are permitted under State law at the time of investment:

1. Direct obligations (other than an obligation subject to variation in principal repayment) of the United States of America (“United States Treasury Obligations”), (b) obligations fully and unconditionally guaranteed as to timely payment of principal and interest by the United States of America, (c) obligations fully and unconditionally guaranteed as to timely payment of principal and interest by any agency or instrumentality of the United States of America when such obligations are backed by the full faith and credit of the United States of America, or (d) evidences of ownership of proportionate interests in future interest and principal payments on obligations described above held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor, and the underlying government obligations are not available to any person claiming through the custodian or to whom the custodian may be obligated (collectively, the “Governmental Obligations”).

2. Federal Housing Administration debentures.

3. The listed obligations of government-sponsored agencies which are not backed by the full faith and credit of the United States of America:

- (a) Federal Home Loan Mortgage Corporation (FHLMC)

- (b) Participation certificates (excluded are stripped mortgage securities which are purchased at prices exceeding their principal amounts) - Senior Debt obligations

- (c) Farm Credit Banks (formerly: Federal Land Banks, Federal Intermediate Credit Banks and Banks for Cooperatives) Consolidated system-wide bonds and notes

(d) Federal Home Loan Banks (FHL Banks) Consolidated debt obligations

(e) Federal National Mortgage Association (FNMA) Senior debt obligations Mortgage-backed securities (excluded are stripped mortgage securities which are purchased at prices exceeding their principal amounts)

(f) Student Loan Marketing Association (SLMA) Senior debt obligations (excluded are securities that do not have a fixed par value and/or whose terms do not promise a fixed dollar amount at maturity or call date)

(g) Financing Corporation (FICO) Debt obligations

(h) Resolution Funding Corporation (REFCORP) Debt obligations

4. Unsecured certificates of deposit, time deposits, and bankers' acceptances (having maturities of not more than 30 days) of any bank, the short-term obligations of which are rated "A-1" or better by S&P.

5. Deposits the aggregate amount of which are fully insured by the Federal Deposit Insurance Corporation (FDIC), in banks which have capital and surplus of at least \$5 million.

6. Commercial paper (having original maturities of not more than 270 days) rated "A-1+" by S&P and "Prime-1" by Moody's.

7. Money market funds rated "A-Am" or "A-Am-G" by S&P, or better.

8. "State Obligations," which means:

(a) Direct general obligations of any state of the United States of America or any subdivision or agency thereof to which is pledged the full faith and credit of a state, the unsecured general obligation debt of which is rated "A3" by Moody's and "A" by S&P, or better, or any obligation fully and unconditionally guaranteed by any state, subdivision or agency whose unsecured general obligation debt is so rated.

(b) Direct general short-term obligations of any state agency or subdivision or agency thereof described in (a) above and rated "A-1+" by S&P and "MIG-1" by Moody's.

(c) Special Revenue Bonds (as defined in the United States Bankruptcy Code) of any state, state agency or subdivision described in (a) above and rated "AA" or better by S&P and "Aa" or better by Moody's.

9. Pre-refunded municipal obligations rated "AAA" by S&P and "Aaa" by Moody's meeting the following requirements:

(a) the municipal obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for the municipal obligations has been given irrevocable instructions

concerning their call and redemption and the issuer of the municipal obligations has covenanted not to redeem such municipal obligations other than as set forth in such instructions;

(b) the municipal obligations are secured by cash or United States Treasury Obligations which may be applied only to payment of the principal of, interest and premium on such municipal obligations;

(c) the principal of and interest on the United States Treasury Obligations (plus any cash in the escrow) has been verified by the report of independent certified public accountants to be sufficient to pay in full all principal of, interest, and premium, if any, due and to become due on the municipal obligations ("Verification");

(d) the cash or United States Treasury Obligations serving as security for the municipal obligations are held by an escrow agent or trustee in trust for owners of the municipal obligations;

(e) no substitution of a United States Treasury Obligation shall be permitted except with another United States Treasury Obligation and upon delivery of a new Verification; and

(f) the cash or United States Treasury Obligations are not available to satisfy any other claims, including those by or against the trustee or escrow agent.

10. Repurchase agreements:

With (a) any domestic bank, or domestic branch of a foreign bank, the long-term debt of which is rated at least "A" by S&P and Moody's; or (b) any broker-dealer with "retail customers" or a related affiliate thereof, which broker-dealer has, or the parent company (which guarantees the provider) of which has, long-term debt rated at least "A" by S&P and Moody's, which broker-dealer falls under the jurisdiction of the Securities Investors Protection Corporation; or (c) any other entity rated "A" or better by S&P and Moody's and acceptable to the Insurer, provided that:

(i) The market value of the collateral is maintained at levels and upon such conditions as would be acceptable to S&P and Moody's to maintain an "A" rating in an "A" rated structured financing (with a market value approach);

(ii) The Trustee or a third party acting solely as agent therefor or for the County (the "Holder of the Collateral") has possession of the collateral or the collateral has been transferred to the Holder of the Collateral in accordance with applicable state and federal laws (other than by means of entries on the transferor's books);

(iii) The repurchase agreement shall state and an opinion of counsel shall be rendered at the time such collateral is delivered that the Holder of the Collateral has a perfected first priority security interest in the collateral, any substituted collateral and all

proceeds thereof (in the case of bearer securities, this means the Holder of the Collateral is in possession);

(iv) All other requirements of S&P in respect of repurchase agreements shall be met; and

(v) The repurchase agreement shall provide that if during its term the provider's rating by either Moody's or S&P is withdrawn or suspended or falls below "A-" by S&P or "A3" by Moody's, as appropriate, the provider must, at the direction of the Board or the Paying Agent (who shall give such direction if so directed by the Bond Insurer), within 10 days of receipt of such direction, repurchase all collateral and terminate the agreement, with no penalty or premium to the Board or Paying Agent.

Notwithstanding the above, if a repurchase agreement has a term of 270 days or less (with no evergreen provision), collateral levels need not be as specified in (i) above, so long as such collateral levels are 103% or better and the provider is rated at least "A" by S&P and Moody's, respectively.

11. Investment agreements with a domestic or foreign bank or corporation (other than a life or property casualty insurance company), the long-term debt of which, or, in the case of a guaranteed corporation the long-term debt, or, in the case of a monoline financial guaranty insurance company, claims paying ability, of the guarantor is rated at least "AA" by S&P and "Aa" by Moody's; provided that, by the terms of the investment agreement:

(a) interest payments are to be made to the Paying Agent at times and in amounts as necessary to pay debt service (or, if the investment agreement is for the Capital Projects Fund, construction draws) on the Series 2000A Bonds;

(b) the invested funds are available for withdrawal without penalty or premium, at any time upon not more than seven days' prior notice; the Board and the Paying Agent hereby agree to give or cause to be given notice in accordance with the terms of the investment agreement so as to receive funds thereunder with no penalty or premium paid;

(c) the investment agreement shall state that is the unconditional and general obligation of, and is not subordinated to any other obligation of, the provider thereof or, if the provider is a bank, the agreement or the opinion of counsel shall state that the obligation of the provider to make payments thereunder ranks pari passu with the obligations of the provider to its other depositors and its other unsecured and unsubordinated creditors;

(d) the Board or the Paying Agent receives the opinion of domestic counsel (which opinion shall be addressed to the Board and the Bond Insurer) that such investment agreement is legal, valid, binding and enforceable upon the provider in accordance with its terms and of foreign counsel (if applicable) in form and substance acceptable, and addressed to, the Bond Insurer;

(e) the investment agreement shall provide that if during its term

(i) the provider's rating by either S&P or Moody's falls below "AA-" or "Aa3," respectively, the provider shall, at its option, within 10 days of receipt of publication of such downgrade, either (i) collateralize the investment agreement by delivering or transferring in accordance with applicable state and federal laws (other than by means of entries on the provider's books) to the County, the Trustee or a third party acting solely as agent therefor (the "Holder of the Collateral") collateral free and clear of any third-party liens or claims the market value of which collateral is maintained at levels and upon such conditions as would be acceptable to S&P and Moody's to maintain an "A" rating in an "A" rated structured financing (with a market value approach); or (ii) repay the principal of and accrued but unpaid interest on the investment, and

(ii) the provider's rating by either S&P or Moody's is withdrawn or suspended or falls below "A-" or "A3," respectively, the provider must, at the direction of the Board or the Paying Agent (who shall give such direction if so directed by the Bond Insurer), within 10 days of receipt of such direction, repay the principal of and accrued but unpaid interest on the investment, in either case with no penalty or premium to the Board or Paying Agent;

(f) The investment agreement shall state and an opinion of counsel shall be rendered, in the event collateral is required to be pledged by the provider under the terms of the investment agreement, at the time such collateral is delivered, that the Holder of the Collateral has a perfected first priority security interest in the collateral, any substituted collateral and all proceeds thereof (in the case of bearer securities, this means the Holder of the Collateral is in possession); and

(g) the investment agreement must provide that if during its term

(i) the provider shall default in its payment obligations, the provider's obligations under the investment agreement shall, at the direction of the Board or the Paying Agent (who shall give such direction if so directed by the Bond Insurer), be accelerated and amounts invested and accrued but unpaid interest thereon shall be repaid to the Board or Paying Agent, as appropriate, and

(ii) the provider shall become insolvent, not pay its debts as they become due, be declared or petition to be declared bankrupt, etc. ("event of insolvency"), the provider's obligations shall automatically be accelerated and amounts invested and accrued but unpaid interest thereon shall be repaid to the County.

(h) any other investment specifically requested to be included by the County which the Bond Insurer consents to in writing.

“Person” means a corporation, firm, other body corporate, partnership, association or individual and also includes an executor, administrator, trustee, receiver or other representative appointed according to law.

“Pledged Revenues” means the County’s Sales and Use Tax revenues required to be deposited in the Capital Improvement Fund pursuant to the section hereof entitled “Deposit of Sales and Use Tax Revenues.” The Pledged Revenues are pledged solely for capital improvement purposes in accordance with the Act.

“Preliminary Official Statement” means the Preliminary Official Statement dated January 27, 2000, concerning the Bonds and the County.

“Principal Sub-Account” means a sub-account of the Bond Account established by the provisions hereof for the purpose of paying the principal of and premium, if any, on the Bonds and any Parity Lien Bonds.

“Pro Rata Portion” means the dollar amount derived by dividing the amount of principal or interest to come due on the next principal or interest payment date by the number of monthly credits required to be made prior to such payment date.

“Project” means any purpose for which proceeds of the Bonds may be expended under the Ballot Question.

“Project Account” means the “Series 2000 Project Account” created in the section hereof entitled “Reaffirmation of Funds; Establishment of Accounts.”

“Project Costs” means the County’s costs properly attributable to the Project or any part thereof, including without limitation: (a) the costs of labor and materials, machinery, furnishings, equipment, and the restoration of property damaged or destroyed in connection with construction work; (b) the costs of surveys, appraisals, plans, designs, specifications, and estimates; (c) the costs, fees, and expenses of printers, engineers, architects, financial consultants, legal advisors, or other agents or employees; (d) the costs of issuing the Bonds; (e) the costs of demolition, removal, and relocation; and (f) all other lawful costs as determined by the Board.

“Purchaser” means Bigelow & Company, of Denver, Colorado, the original purchaser of the Bonds

“Rating Agency” means Standard & Poor’s Ratings Services, a Division of The McGraw-Hill Companies, Inc.

“Record Date” means the last day of the calendar month next preceding each interest payment date.

“Reserve Account” means the “Sales and Use Tax Capital Improvement Fund Reserve Account” created in the section hereof entitled “Reaffirmation of Funds; Establishment of Accounts.”

“Reserve Account Contract” means a surety bond, insurance policy, letter of credit, investment agreement, investment contract or similar instrument.

“Reserve Account Requirement” means (i) with respect to the Bonds, \$531,067.50 as of the date of delivery of the Bonds and, on any date thereafter on which it is calculated, the maximum annual debt service in any calendar year on the Outstanding Bonds; provided, however, that the Reserve Account Requirement may be reduced if, in the opinion of Bond Counsel, the funding or maintenance of it at the level otherwise determined pursuant to this definition will adversely affect the exclusion from gross income tax for federal income tax purposes of interest on any of the Bonds and (ii) with respect to Parity Lien Bonds, the maximum amount which may be deposited to the Reserve Account and allow such account to qualify as a “reasonably required reserve or replacement fund” under Section 148(d) of the Code.

“Resolution” means this Resolution which authorizes the issuance of the Bonds, including any amendments properly made hereto.

“Sales and Use Tax” means the 0.45% Sales and Use Tax of the County, as imposed by the County pursuant to the Sales and Use Tax Resolution and in effect as of the date hereof. The term “Sales and Use Tax” does not include any increase in the rate of Sales and Use Tax from the present rate of 0.45% and does not include any other legally available excise tax unless otherwise provided by the Board.

“Sales and Use Tax Resolution” means Resolution No. 5-99 of the County, duly adopted by the Board and approved by the eligible electors of the County at an election held on November 2, 1999.

“Special Record Date” means the record date for determining Bond ownership for purposes of paying defaulted interest, as such date may be determined pursuant to this Resolution.

“State” means the State of Colorado.

Section 2. ***Authorization and Purpose of the Bonds.*** Pursuant to and in accordance with the Act and the Ballot Question, the County hereby authorizes, approves and orders that there shall be issued the “Montezuma County, Colorado, Sales and Use Tax Revenue Bonds, Series 2000” in the aggregate principal amount of \$6,260,000 for the purpose of paying Project Costs.

Section 3. ***Bond Details.***

(a) *Registered Form, Denominations, Original Dated Date and Numbering.* The Bonds shall be issued as fully registered bonds in denominations of \$5,000 or any integral multiple thereof, shall be dated as of an original dated date of February 15, 2000, shall be consecutively numbered in the manner determined by the Paying Agent and shall be registered in the names of the Persons identified in the registration books of the County maintained by the Paying Agent.

(b) *Maturity Dates, Principal Amounts and Interest Rates.* The Bonds shall mature on December 15 of the years and in the principal amounts, and shall bear interest

at the rates per annum (calculated based on a 360-day year of twelve 30-day months), set forth below:

<u>Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2000	\$ 205,000	4.30%
2001	195,000	4.40
2002	205,000	4.70
2003	215,000	4.80
2004	225,000	4.90
2005	240,000	5.00
2006	245,000	5.10
2007	260,000	5.15
2008	275,000	5.20
2009	285,000	5.25
2010	300,000	5.35
2011	320,000	5.40
2012	335,000	5.50
2013	355,000	5.55
2014	375,000	5.65
2019	2,225,000	5.90

(c) *Accrual and Dates of Payment of Interest.* Interest on the Bonds shall accrue at the rates set forth above from the later of the original dated date or the latest interest payment date (or in the case of defaulted interest, the latest date) to which interest has been paid in full and shall be payable on June 15 and December 15 of each year, commencing June 15, 2000.

(d) *Manner and Form of Payment.* Principal of, premium, if any, and the final installment of interest on each Bond shall be payable to the Owner thereof upon presentation and surrender of such bond at the principal operations office of the Paying Agent or at such other location as identified by the Paying Agent. Interest (other than the final installment of interest) on each Bond shall be payable by check or draft of the Paying Agent mailed on the interest payment date to the Owner thereof as of the Record Date. All payments of the principal of, premium, if any, and interest on the Bonds shall be made in lawful money of the United States of America.

(e) *Book-Entry Registration.* The Bonds shall be initially issued in the form of a single, certificate, fully registered Bond for each maturity. Upon initial issuance, the ownership of each such Bond shall be registered in the registration books kept by the Bond Registrar in the name of Cede, and principal of, premium if any, and interest on the Bonds shall be paid to DTC in accordance with the DTC Blanket Letter of Representations; provided, however, if at any time the Paying Agent determines, and notifies the County of its determination, that DTC is no longer able to act as, or is no longer satisfactorily performing its duties as, securities depository for the Bonds, the County may, at its sole and absolute discretion, either (A) designate a substitute securities depository for DTC and reregister the Bonds as directed by

such substitute securities depository or (B) terminate the book-entry registration system and reregister the Bonds in the names of the Beneficial Owners thereof. Neither the County nor the Paying Agent shall have any liability to DTC, Cede, any substitute securities depository, any Beneficial Owner, any Person in whose name the Bonds are reregistered at the direction of any substitute securities depository, or any other Person for any action taken to implement the County's discretionary determination set forth above that is taken pursuant to any direction of or in reliance on any information provided by DTC, Cede, any substitute securities depository, any Beneficial Owner, or any Person in whose name the Bonds are reregistered.

Section 4. ***Form of the Bonds.*** The Bonds shall be in substantially the form set forth in Appendix A hereto, with such changes thereto, not inconsistent herewith, as may be necessary or desirable and approved by the officials of the County executing the same (whose manual or facsimile signatures thereon shall constitute conclusive evidence of such approval). Although attached as an appendix for the convenience of the reader, Appendix A is an integral part of this Resolution and is incorporated herein as if set forth in full in the body of this Resolution.

Section 5. ***Execution, Authentication and Delivery of the Bonds.***

(a) ***Execution.*** The Bonds shall be executed in the name and on behalf of the County with the manual or facsimile signature of the Chairman of the Board, shall bear a manual or facsimile of the seal of the County and shall be attested by the manual or facsimile signature of the County Clerk and Recorder both of whom are hereby authorized and directed to prepare and execute the Bonds in accordance with the requirements hereof. Should any officer whose manual or facsimile signature appears on the Bonds cease to be such officer before delivery of any Bond, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes.

(b) ***Authentication.*** When the Bonds have been duly executed, the officers of the County are authorized to, and shall, deliver the Bonds to the Paying Agent for authentication. No Bond shall be secured by or entitled to the benefit of this Resolution, or shall be valid or obligatory for any purpose, unless the certificate of authentication of the Paying Agent has been manually executed by an authorized signatory of the Paying Agent. The executed certificate of authentication of the Paying Agent upon any Bond shall be conclusive evidence, and the only competent evidence, that such Bond has been properly authenticated hereunder.

(c) ***Delivery.*** Upon the authentication of the Bonds, the Paying Agent shall deliver the same to DTC in accordance with the provisions of the DTC Blanket Letter of Representations. Upon receipt of the agreed purchase price of the Bonds from the Purchaser and issuance of the approving opinion of Bond Counsel, DTC shall be directed to release the Bonds to the Beneficial Owners.

Section 6. ***Registration, Transfer and Exchange of the Bonds.***

(a) ***Registration.*** The Paying Agent shall maintain registration books in which the ownership, transfer and exchange of Bonds shall be recorded. The person in whose name any Bond shall be registered on such registration books shall be deemed to be the absolute owner

thereof for all purposes, whether or not payment on any Bond shall be overdue, and neither the County nor the Paying Agent shall be affected by any notice or other information to the contrary.

(b) *Transfer and Exchange.* The Bonds may be transferred or exchanged, at the principal office of the Paying Agent at the location identified in the definition of Paying Agent in the section hereof entitled "Definitions," for a like aggregate principal amount of Bonds of other authorized denominations of the same maturity and interest rate, upon payment by the transferee of a transfer fee, any tax or governmental charge required to be paid with respect to such transfer or exchange and any cost of printing bonds in connection therewith. Upon surrender for transfer of any Bond, duly endorsed for transfer or accompanied by an assignment duly executed by the Owner or his or her attorney duly authorized in writing, the County shall execute and the Paying Agent shall authenticate and deliver in the name of the transferee a new Bond.

(c) *Limitations on Transfer.* The County and Paying Agent shall not be required to issue or transfer any Bonds: (i) during a period beginning at the close of business on the Record Date and ending at the opening of business on the first Business Day following the ensuing interest payment date, or (ii) during the period beginning at the opening of business on a date forty-five (45) days prior to the date of any redemption of Bonds and ending at the opening of business on the first Business Day following the day on which the applicable notice of redemption is mailed. The Paying Agent shall not be required to transfer any Bonds selected or called for redemption.

Section 7. *Replacement of Lost, Destroyed or Stolen Bonds.* If any Bond shall become lost, apparently destroyed, stolen or wrongfully taken, it may be replaced in the form and tenor of the lost, destroyed, stolen or taken bond and the County shall execute and the Paying Agent shall authenticate and deliver a replacement Bond upon the Owner furnishing, to the satisfaction of the Paying Agent: (a) proof of ownership (which shall be shown by the registration books of the Paying Agent), (b) proof of loss, destruction or theft, (c) an indemnity to the County and the Paying Agent with respect to the Bond lost, destroyed or taken, and (d) payment of the cost of preparing and executing the new bond or bonds.

Section 8. *Redemption of Bonds Prior to Maturity.*

(a) *Optional Redemption.* The Bonds maturing on and before December 15, 2009 are not subject to redemption prior to their respective maturity dates. The Bonds maturing on and after December 15, 2010 are subject to redemption prior to maturity at the option of the County, in whole or in part in integral multiples of \$5,000, and if in part in such order of maturities as the County shall determine and by lot within a maturity, on December 15, 2009 and on any date thereafter, at a redemption price equal to the principal amount of the redeemed Bonds (with no redemption premium), plus accrued interest to the redemption date.

(b) *Mandatory Sinking Fund Redemption.* The Bonds maturing on December 15, 2019 are subject to mandatory sinking fund redemption by lot on December

15 of the years and in the principal amounts specified below, at a redemption price equal to the principal amount thereof (with no redemption premium), plus accrued interest to the redemption date:

<u>Years</u>	<u>Principal Amount</u>
2015	\$395,000
2016	420,000
2017	445,000
2018	470,000
2019 (final maturity)	495,000

At its option, to be exercised on or before the forty fifth day next preceding each sinking fund redemption date, the County may (i) deliver to the Paying Agent for cancellation any Bonds with the same maturity date as the Bonds subject to such sinking fund redemption and (ii) receive a credit in respect of its sinking fund redemption obligation for any Bonds with the same maturity date as the Bonds subject to such sinking fund redemption which prior to such date have been redeemed (otherwise than through the operation of the sinking fund) and cancelled by the Paying Agent and not theretofore applied as a credit against any sinking fund redemption obligation. Each Bond so delivered or previously redeemed shall be credited by the Paying Agent at the principal amount thereof to the obligation of the County on such sinking fund redemption date, and the principal amount of Bonds to be redeemed by operation of such sinking fund on such date shall be accordingly reduced.

(c) *Redemption Procedures.* Notice of any redemption of Bonds shall be given by the Paying Agent in the name of the County by sending a copy of such notice by first-class, postage prepaid mail, not less than 30 days prior to the redemption date, to the Owner of each Bond being redeemed. Such notice shall specify the number or numbers of the Bonds so to be redeemed (if redemption shall be in part) and the redemption date. If any Bond shall have been duly called for redemption and if, on or before the redemption date, there shall have been deposited with the Paying Agent in accordance with this Resolution funds sufficient to pay the redemption price of such Bond on the redemption date, then such Bond shall become due and payable at such redemption date, and from and after such date interest will cease to accrue thereon. Failure to deliver any redemption notice or any defect in any redemption notice shall not affect the validity of the proceeding for the redemption of Bonds with respect to which such failure or defect did not occur. Any Bond redeemed prior to its maturity by prior redemption or otherwise shall not be reissued and shall be cancelled.

Section 9. *Reaffirmation of Funds; Establishment of Accounts.* There is hereby reaffirmed the Capital Improvement Fund. Moneys deposited in the Capital Improvement Fund shall not thereafter be available to be pledged or expended for any general county purpose. There also is hereby established within the Capital Improvement Fund the following accounts:

(a) the Bond Account, within which there are established the Interest Sub-Account and the Principal Sub-Account;

- (b) the Reserve Account; and
- (c) the Project Account.

Section 10. *Application of Proceeds of the Bonds; Funding of Reserve Account.*

(a) *Application of Bond Proceeds.* Upon payment to the County of the purchase price of the Bonds in accordance with the Bond Purchase Agreement, the proceeds received by the County from the sale of the Bonds shall be applied as a supplemental appropriation of the County as follows:

- (i) accrued interest on the Bonds from the dated date thereof to the date of issuance shall be deposited into the Interest Sub-Account;
- (ii) to the Reserve Account, an amount equal to the Reserve Account Requirement; and
- (iii) all remaining proceeds shall be deposited into the Project Account.

Section 11. *Deposit of Sales and Use Tax Revenues.*

(a) *Deposit to Capital Improvement Fund.* Except as otherwise permitted in paragraph (b) of this Section, immediately upon receipt of Sales and Use Tax revenues, the County shall deposit the Sales and Use Tax revenues into the Capital Improvement Fund in the following order of priority:

First, to the credit of the Interest Sub-Account, the amounts required by the section hereof entitled "Bond Account";

Second, to the credit of the Principal Sub-Account, the amounts required by the section hereof entitled "Bond Account";

Third, to the credit of the Reserve Account, the amounts required by the section hereof entitled "Reserve Account";

Fourth, to the Bond Insurer, any amounts due the Bond Insurer not paid pursuant to First, Second or Third above.

Fifth, to the credit of any other fund or account hereafter established for the payment of the principal of, premium if any, and interest on subordinate lien obligations as described in paragraph (c) of the section hereof entitled "Pledge and Lien for Payment of Bonds," including any sinking fund, reserve fund, or similar fund or account established therefor, the amounts required by the Resolution or other enactment authorizing issuance of said subordinate lien obligations; and

Sixth, to the credit of any other account hereafter established by the County solely for capital improvement purposes.

(b) *Deposit to Jail Operations Fund.* The County shall be permitted to deposit Sales and Use Tax revenues into the Jail Operations Fund during any period of time in which the following conditions are satisfied:

(i) the amount of money in the Bond Account and the Reserve Account, as provided in the Sections hereof entitled “Bond Account” and “Reserve Account”, is equal to or greater than the amount then required to be deposited therein, and

(ii) an Event of Default has not occurred and is ongoing.

Section 12. ***Bond Account.***

(a) *Use of Moneys in Bond Account.* Moneys deposited in the Bond Account shall be used solely for the purpose of paying the principal of, premium if any, and interest on the Bonds and any Parity Lien Bonds. The Principal Sub-Account shall be used to pay the principal of and premium, if any, on the Bonds and any Parity Lien Bonds, and the Interest Sub-Account shall be used to pay the interest on the Bonds and any Parity Lien Bonds.

(b) *Deposits to Interest Sub-Account.* On or before the last day of each month, commencing in the month next succeeding the date of issuance of the Bonds, the County shall credit to the Interest Sub-Account, from the Pledged Revenues and any interest income to be deposited in the Interest Sub-Account pursuant to the terms hereof, an amount equal to the Pro Rata Portion of the interest to come due on the Bonds and any Parity Lien Bonds on the next succeeding interest payment date.

(c) *Deposits to Principal Sub-Account.* On or before the last day of each month, commencing in the month next succeeding the date of issuance of the Bonds, the County shall credit to the Principal Sub-Account, from the Pledged Revenues and any interest income to be deposited in the Principal Sub-Account pursuant to the terms hereof, an amount equal to the Pro Rata Portion of the principal coming due on the Bonds and on any Parity Lien Bonds on the next succeeding principal payment date.

(d) *Investments.* Moneys deposited in the Bond Account may be invested or deposited in securities or obligations that are Permitted Investments. The investment of moneys deposited in the Bond Account shall, however, be subject to the covenants and provisions of the section hereof entitled “Covenants Regarding Exclusion of Interest on Bonds from Gross Income for Federal Income Tax Purposes.” Except to the extent otherwise required by such section, all interest income from the investment or reinvestment of moneys deposited in any sub-account of the Bond Account shall remain in and become part of such sub-account.

Section 13. ***Reserve Account.***

(a) *Use of Moneys in Reserve Account.* Moneys in the Reserve Account shall be used, if necessary, only to prevent a default in the payment of the principal of, premium if any, and interest on the Bonds and any Parity Lien Bonds when due. Moneys on deposit in the Reserve Account, proceeds of the liquidation of Permitted Investments on deposit in the

Reserve Account or moneys available from a Reserve Account Contract shall be transferred to the Bond Account on any date on which a payment of principal of, premium, if any, or interest on the Bonds and any Parity Lien Bonds is due to the extent the amount on deposit in the Bond Account is insufficient to make such payment.

- (b) *Funding and Maintenance of Reserve Account Requirement.* The Reserve Account Requirement shall be funded and maintained by any one of or any combination of (i) cash; (ii) Permitted Investments which have an averaged weighted maturity of five years or less; and (iii) a Reserve Account Contract which provides for payments when and as required for purposes of the Reserve Account and is issued by an obligor whose obligations such as the Reserve Account Contract are either (A) rated by a Rating Agency as investment grade or (B) if a rating has been obtained on the Bonds or any Parity Lien Bonds whose obligations are rated by each Rating Agency that then maintains a rating on the Bonds or any Parity Lien Bonds in a category (or comparable classification) equal to or higher than the category, if any, in which the Bonds or any Parity Lien Bonds are rated.
- (c) (c) *Valuation of Deposits.* Cash shall satisfy the Reserve Account Requirement by the amount of cash on deposit. Permitted Investments shall satisfy the Reserve Account Requirement by the value of such investments. The value of each Permitted Investment on deposit in the Reserve Account shall be (i) its purchase price from the date of purchase until the first date thereafter on which the Reserve Account Requirement is calculated pursuant to paragraph (d) of this section and (ii) following each date on which the Reserve Account Requirement is calculated pursuant to paragraph (d) of this section until the next date on which the Reserve Account Requirement is so calculated, its fair market value determined as of such calculation date. A Reserve Account Contract shall satisfy the Reserve Account Requirement by the amount payable to the County pursuant to such contract.
- (d) *Calculation of Reserve Account Requirement and Transfers Resulting from Calculation.* The Reserve Account Requirement shall be calculated as of (i) the date of issuance of the Bonds, (ii) the date of issuance of each series of Parity Lien Bonds and (iii) not less than every five years. If at any time the calculated amount of the Reserve Account is less than the Reserve Account Requirement or transfers are made from the Reserve Account as provided in paragraph (a) hereof, then the County shall deposit to the Reserve Account from the Pledged Revenues, amounts sufficient to bring the amount deposited in the Reserve Account to the Reserve Account Requirement. If at any time the calculated amount of the Reserve Account is more than the Reserve Account Requirement, then the County shall transfer to the Bond Account such amount which is in excess of the Reserve Account Requirement. Such deposits shall be made as soon as possible after such use or calculation, but in accordance with and subject to the limitations of the section hereof entitled "Deposit of Sales and Use Tax Revenues."

(e) *Transfer of Interest Income to Bond Account.* The investment of moneys deposited in the Reserve Account shall be subject to the covenants and provisions of the section hereof entitled "Covenants Regarding Exclusion of Interest on Bonds from Gross Income for Federal Income Tax Purposes." Except to the extent otherwise required by such section, interest income from the investment or reinvestment of moneys deposited in the Reserve Account shall be transferred to the Bond Account.

Section 14. *Project Account.*

(a) *Use of Moneys in Project Account.* All moneys deposited in the Project Account shall be applied solely to the payment of the Project Costs. Upon the determination of the Board that all Project Costs have been paid or are determinable, any balance remaining in the Project Account (less any amounts necessary to pay Project Costs not then due and owing) shall be transferred to the Bond Account.

(b) *Investments.* Moneys deposited in the Project Account may be invested or deposited in securities or obligations that are Permitted Investments. The investment of moneys deposited in the Project Account shall, however, be subject to the covenants and provisions of the section hereof entitled "Covenants Regarding Exclusion of Interest on Bonds from Gross Income for Federal Income Tax Purposes." Except to the extent otherwise required by such section, interest income from the investment or reinvestment of moneys deposited in the Project Account shall remain in and become part of the Project Account.

Section 15. *Pledge and Lien for Payment of Bonds.*

(a) *Pledge of Revenues.* The County hereby pledges for the payment of the principal of, premium, if any, and interest on the Bonds and Parity Lien Bonds at any time Outstanding, and grants a first lien (but not necessarily an exclusive first lien) for such purpose on (i) the Pledged Revenues and (ii) all moneys on deposit from time-to-time in the Capital Improvement Fund.

(b) *Superior Liens Prohibited.* The County shall not pledge or create any other lien on the revenues and moneys pledged pursuant to paragraph (a) of this Section that is superior to the pledge thereof or lien thereon pursuant to such paragraphs.

(c) *Subordinate Liens Permitted.* Nothing herein shall prohibit the County from issuing subordinate lien obligations and pledging or creating a lien on the revenues and moneys pledged and the lien created pursuant to paragraph (a) of this section that is subordinate to the pledge thereof or lien thereon pursuant to such paragraph, provided that no Event of Default shall have occurred and be continuing.

(d) *No Prohibition on Additional Security.* Nothing herein shall prohibit the County from depositing any legally available revenues from the Sales and Use Tax that are not Pledged Revenues or any other moneys into any account of the Capital Improvement Fund pledged to the payment of the Bonds and Parity Lien Bonds (and thereby subjecting the moneys so deposited to the pledge made and lien granted in paragraph (a) of this section).

(e) *Bonds are Special, Limited Obligations of the County.* The Bonds are special, limited obligations of the County payable solely from the Capital Improvement Fund and secured solely by the sources provided in this Resolution. The Bonds shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation.

Section 16. *Conditions to Issuance of Parity Lien Bonds.* The County shall not issue Parity Lien Bonds unless all of the following conditions are satisfied:

(a) *Historical and Expected Sales and Use Tax Test; Special Test for Refundings.* A Certified Public Accountant certifies in writing that either:

(i) the Sales and Use Tax for any 12 consecutive months in the 18 months immediately preceding the month in which such certification is delivered (referred to in this paragraph as the “test period”) have been equal to at least 200% of the sum of the Combined Maximum Principal and Interest Requirements due or to become due on the Bonds and the proposed Parity Lien Bonds during each calendar year following the date of issuance of the proposed Parity Lien Bonds, provided that in calculating the Sales and Use Tax during the test period, the County shall add the amount by which the County reasonably estimates the Sales and Use Tax would have been increased during the test period from any increase in the rate of the County’s Sales and Use Tax that (A) is effective on or prior to the date such certification is delivered and (B) is pledged to the payment of principal of, premium, if any, and interest on the Bonds; or

(ii) the proceeds of the proposed Parity Lien Bonds will be used to refund the Bonds and the aggregate principal of and interest due on the proposed Parity Lien Bonds is not greater than the aggregate principal of and interest due on the Bonds that will be refunded.

(b) *Accrued Interest Deposited in Bond Account.* Moneys (which may but need not be proceeds of the proposed Parity Lien Bonds) in an amount equal to the interest accrued on the proposed Parity Lien Bonds from their dated date to their date of issuance are deposited into the Bond Account.

(c) *Reserve Account Deposit.* The Reserve Account is funded in the amount of Reserve Account Requirement in accordance with the section hereof entitled “Reserve Account.”

(d) *No Event of Default.* The Chairman of the Board certifies in writing that no Event of Default has occurred and is continuing

Section 17. *Additional General Covenants.* In addition to the other covenants of the County contained herein, the County hereby further covenants for the benefit of Owners of the Bonds and the Bond Insurer that:

(a) *Maintenance of Sales and Use Tax.* The County will not reduce the rate of the Sales and Use Tax or alter, exempt or modify the transactions, properties or items subject to

the Sales and Use Tax in any manner that the County expects will materially reduce the amounts available for deposit into the Capital Improvement Fund. Further, any such reduction in the rate of the Sales and Use Tax or alteration, exemption or modification of the transactions, properties or items subject to the Sales and Use Tax shall be subject to the prior written consent of the Bond Insurer.

(b) *Efficient Collection and Enforcement of the Sales and Use Tax.* The County will manage the collection and enforcement of the Sales and Use Tax in the most efficient and economical manner practicable.

(c) *Inspection of Records.* The County will keep or cause to be kept such books and records showing the proceeds of the Sales and Use Tax, in which complete entries shall be made in accordance with generally accepted accounting principles, as applicable to governmental entities, and the Owner of any Bond and the Bond Insurer shall have the right at all reasonable times to inspect all non-confidential records, accounts, actions and data of the County relating to the Bonds, the Sales and Use Tax and the Capital Improvement Fund.

(d) *Annual Audit.* The County will cause an annual audit to be made of the books relating to the Sales and Use Tax each year by a certified public or registered accountant and shall furnish a copy thereof to the Purchaser at its request and to any Owner who so requests and agrees to pay the cost of reproduction and mailing. The annual audit of the County's general purpose financial statements shall be deemed to satisfy this covenant.

(e) *Replacement of the Sales and Use Tax.* If the Sales and Use Tax is replaced by another tax or revenue source, the revenues, net of collection and enforcement costs, received by the County from the replacement in an amount sufficient to pay the principal of, premium, if any, and interest on the Bonds and to make the deposits to the accounts required hereunder are hereby pledged for the benefit of the Owners of the Bonds in the same manner and on the same terms as the Pledged Revenues are pledged therefor hereunder.

Section 18. *Covenants Regarding Exclusion of Interest on Bonds from Gross Income for Federal Income Tax Purposes.* For purposes of ensuring that the interest on the Bonds is and remains excluded from gross income for federal income tax purposes, the County hereby covenants that:

(a) *Prohibited Actions.* The County will not use or permit the use of any proceeds of the Bonds or any other funds of the County from whatever source derived, directly or indirectly, to acquire any securities or obligations and shall not take or permit to be taken any other action or actions, which would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code, or would otherwise cause the interest on any Bond to be includible in gross income for federal income tax purposes.

(b) *Affirmative Actions.* The County will at all times do and perform all acts permitted by law that are necessary in order to assure that interest paid by the County on the Bonds shall not be includible in gross income for federal income tax purposes under the Code or any other valid provision of law. In particular, but without limitation, the County represents,

warrants and covenants to comply with the following rules unless it receives an opinion of Bond Counsel stating that such compliance is not necessary: (i) gross proceeds of the Bonds will not be used in a manner that will cause the Bonds to be considered “private activity bonds” within the meaning of the Code; (ii) the Bonds are not and will not become directly or indirectly “federally guaranteed”; and (iii) the County will timely file Internal Revenue Form 8038-G which shall contain the information required to be filed pursuant to Section 149(e) of the Code.

(c) *Letter of Instructions.* The County will comply with the Letter of Instructions delivered to it on the date of issuance of the Bonds, including but not limited by the provisions of the Letter of Instructions regarding the application and investment of Bond proceeds, the calculations, the deposits, the disbursements, the investments and the retention of records described in the Letter of Instructions; provided that, in the event the original Letter of Instructions is superseded or amended by a new Letter of Instructions drafted by, and accompanied by an opinion of Bond Counsel stating that the use of the new Letter of Instructions will not cause the interest on the Bonds to become includible in gross income for federal income tax purposes, the County will thereafter comply with the new Letter of Instructions.

(d) *Bank Qualified.* The County hereby designates the Bonds as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code.

Section 19. *Defeasance.* Any Bond shall not be deemed to be Outstanding hereunder if it shall have been paid and cancelled or if cash or Federal Securities shall have been deposited in trust for the payment thereof (whether upon or prior to the maturity of such Bond, but if such Bond is to be paid prior to maturity, the County shall have given the Paying Agent irrevocable directions to give notice of redemption as required by this Resolution, or such notice shall have been given in accordance with this Resolution). In computing the amount of the deposit described above, the County may include interest to be earned on the Federal Securities. If less than all the Bonds are to be defeased pursuant to this section, the County, in its sole discretion, may select which of the Bonds shall be defeased.

Notwithstanding anything herein to the contrary, in the event that principal of and/or interest due on the Bonds shall be paid by the Bond Insurer pursuant to the Bond Insurance Policy, the Bonds shall remain Outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the District, and all covenants, agreements and other obligations of the District to the Owners shall continue to exist and shall run to the benefit of the Bond Insurer, and the Bond Insurer shall be subrogated to the rights of such Owners.

Section 20. *Events of Default.* Each of the following events constitutes an Event of Default:

(a) *Nonpayment of Principal, Premium or Interest.* Failure to make any payment of principal of, premium, if any, or interest on the Bonds when due hereunder;

(b) *Breach or Nonperformance of Duties.* Breach by the County of any material covenant set forth herein or failure by the County to perform any material duty imposed on it hereunder and continuation of such breach or failure for a period of 60 days after receipt by the County Attorney of the County of written notice thereof from the Paying Agent or from the Owners of at least 10% in principal amount of the Outstanding Bonds, provided that such 60 day period shall be extended with the consent of the Bond Insurer so long as the County has commenced and continues a good faith effort to remedy such breach or failure; or

(c) *Appointment of Receiver.* An order or decree is entered by a court of competent jurisdiction appointing a receiver for all or any portion of the revenues and moneys pledged for the payment of the Bonds pursuant hereto is entered with the consent or acquiescence of the County or is entered without the consent or acquiescence of the County but is not vacated, discharged or stayed within 30 days after it is entered.

Section 21. *Remedies for Events of Default.*

(a) *Remedies.* Upon the occurrence and continuance of any Event of Default, the Owners of not less than 25% in principal amount of the Bonds then Outstanding, including, without limitation, a trustee or trustees therefor, may proceed against the County to protect and to enforce the rights of any Owner of Bonds under this Resolution by mandamus, injunction or by other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction: (i) for the payment of interest on any installment of principal of any Bond that was not paid when due at the interest rate borne by such bond, (ii) for the appointment of a receiver or an operating trustee, (iii) for the specific performance of any covenant contained herein, (iv) to enjoin any act that may be unlawful or in violation of any right of any Owner of any Bond, (v) to require the County to act as if it were the trustee of an express trust, (vi) for any other proper legal or equitable remedy as such Owner may deem most effectual to protect their rights or (vii) any combination of such remedies or as otherwise may be authorized by any statute or other provision of law; provided, however, that acceleration of any amount not yet due on the Bonds according to their terms shall not be an available remedy. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners of Bonds then Outstanding. Any receiver or operating trustee appointed in any proceedings to protect the rights of Owners of Bonds hereunder may collect, receive and apply all revenues and moneys pledged for the payment of the Bonds pursuant hereto arising after the appointment of such receiver or operating trustee in the same manner as the County itself might do.

Anything in this Resolution to the contrary notwithstanding, upon the occurrence and continuance of an Event of Default, the Bond Insurer shall be entitled to control and direct the enforcement of all rights and remedies granted to the Owners under this Resolution and pursuant to State law.

(b) *Failure to Pursue Remedies Not a Release; Rights Cumulative.* The failure of any Owner of any Bond then Outstanding to proceed in any manner herein provided shall not relieve the County of any liability for failure to perform or carry out its duties hereunder. Each

right or privilege of any such Owner (or trustee therefor) is in addition and is cumulative to any other right or privilege, and the exercise of any right or privilege by or on behalf of any Owner shall not be deemed a waiver of any other right or privilege thereof. Each Owner of any Bond shall be entitled to all of the privileges, rights and remedies provided or permitted in this Resolution and as otherwise provided or permitted by law or in equity.

(c) *Obligations of County and Paying Agent in Connection with Events of Default.* Upon the occurrence and continuation of any of Events of Default: (i) the County shall take all proper acts to protect and preserve the security for the payment of the Bonds and to insure the payment of debt service on the Bonds promptly when due; (ii) the County and the Paying Agent shall give the Owners of the Bonds then Outstanding notice by first class mail of (A) any default in the payment of, premium, if any, or interest on the Bonds immediately after discovery thereof and (B) any other Event of Default within 30 days after discovery thereof. During the continuation of any Event of Default, except to the extent it may be unlawful to do so, all revenues and moneys pledged for the payment of the Bonds pursuant hereto shall be held for and applied to the debt service on all Bonds on an equitable and prorated basis. If the County fails or refuses to proceed as provided in this paragraph, the Owners of not less than 25% in principal amount of the Bonds then Outstanding, after demand in writing, may proceed to protect and to enforce the rights of the Owners of the Bonds as provided in this paragraph; and to that end any such rights of Owners of Bonds then Outstanding shall be subrogated to all rights of the County under any agreement or contract involving the revenues and moneys pledged for the payment of the Bonds pursuant hereto that was entered into prior to the effective date of this Resolution or thereafter while any of the Bonds are Outstanding. Nothing herein requires the County to proceed as provided in this paragraph if it determines in good faith and without any abuse of its discretion that such action is likely to affect materially and prejudicially the Owners of the Bonds then Outstanding.

(b) *Bond Insurer Third-Party Beneficiary.* To the extent that this Resolution confers upon or gives or grants to the Bond Insurer any right, remedy or claim under or by reason of this Resolution, the Bond Insurer is hereby explicitly recognized as being a third-party beneficiary hereunder and may enforce any such right, remedy or claim conferred, given or granted hereunder.

Section 22. *Amendment of Resolution.*

(a) *Amendments Permitted without Notice to or Consent of Owners.* The County may, without the consent of or notice to the Owners of the Bonds, but with the consent of the Bond Insurer, adopt one or more Resolutions amending or supplementing this Resolution (which Resolutions shall thereafter become a part hereof) for any one or more or all of the following purposes:

(i) to cure any ambiguity or to cure, correct or supplement any defect or inconsistent provision of this Resolution;

(ii) to subject to this Resolution additional revenues, properties or collateral or provide for a pledge of State or County Sales and Use Taxes as

permitted by subsection (a) of the section hereof entitled "Additional General Covenants";

(iii) to facilitate the designation of a substitute securities depository or to terminate the book-entry registration system for the Bonds in accordance with the section hereof entitled "Bond Details";

(iv) to facilitate the issuance of Parity Lien Bonds permitted to be issued pursuant to the section hereof entitled "Conditions to Issuance of Parity Lien Bonds";

(v) to facilitate the funding of the Reserve Account or the substitution of one source of funding of the Reserve Account for another permitted source in accordance with the section hereof entitled "Reserve Account";

(vi) to maintain the then existing or to secure a higher rating of the Bonds by any nationally recognized securities rating agency; or

(vii) to make any other change that does not materially adversely affect the Owners of the Bonds.

(b) *Amendments Requiring Notice to and Consent of Owners.* Except for amendments permitted by paragraph (a) of this section, this Resolution may only be amended (i) by an Resolution of the County amending or supplementing this Resolution (which, after the consents required therefor, shall become a part hereof) and (ii) with the written consent of the Owners of at least 66 2/3% in aggregate principal amount of the Bonds then Outstanding; provided that any amendment that makes any of the following changes with respect to any Bond shall not be effective without the written consent of the Owner of such bond: (A) a change in the maturity of such bond; (B) a reduction of the interest rate on such bond; (C) a change in the terms of redemption of such bond; (D) a delay in the payment of principal of, premium, if any, or interest on such bond; (E) the creation of any pledge of or lien upon any revenues or moneys pledged for the payment of such bond hereunder that is superior to the pledge and lien for the payment of such bond hereunder; (F) a relaxation of the conditions to the issuance of Parity Lien Bonds or to the creation of any pledge of or lien upon any revenues or moneys pledged for the payment of such bond hereunder that is equal to or on a parity with the pledge and lien for the payment of such bond hereunder; (G) a reduction of the principal amount or percentage of Bonds whose consent is required for an amendment to this Resolution; or (H) the establishment of a priority or preference for the payment of any amount due with respect to any other Bond over such bond.

(c) *Procedure for Notifying and Obtaining Consent of Owners.* Whenever the consent of an Owner or Owners of Bonds is required under paragraph (b) of this Section, the County shall mail a notice to such Owner or Owners at their addresses as set forth in the registration books maintained by the Paying Agent and to the Purchaser, which notice shall briefly describe the proposed amendment and state that a copy of the amendment is on file in the office of the County Clerk and Recorder for inspection. Any consent of any Owner of any

Bond obtained with respect to an amendment shall be in writing and shall be final and not subject to withdrawal, rescission or modification for a period of 60 days after it is delivered to the County unless another time period is stated for such purpose in the notice mailed pursuant to this paragraph.

(d) *Consent of Bond Insurer in Addition to Consent of Owners.* The Bond Insurer's consent shall be required in addition to the consent of Owners, when required, for the following purposes: (i) execution and delivery of any supplemental Resolution or any amendment, supplement or change to or modification of the Resolution; (ii) removal of the Paying Agent and selection and appointment of a successor; and (iii) initiation or approval of any action not described in (i) or (ii) above which requires the consent of Owners.

Section 23. *Findings and Determinations.* Having been fully informed of and having considered all the pertinent facts and circumstances, the Board does hereby find, determine, and declare:

(a) Voter approval of the Ballot Question was obtained in accordance with all applicable provisions of law and, in accordance with the Ballot Question (i) the principal amount of the Bonds will not exceed \$6,260,000 and (ii) the maximum repayment cost of the Bonds will not exceed \$10,950,000. In accordance with the notice mailed to all registered electors of the County pursuant to the requirement of Article X, Section 20 of the State Constitution, the maximum annual repayment cost of the Bonds will not exceed \$650,000;

(b) The County will enter into a DTC Letter of Representations which will govern the book-entry registration system for the Bonds;

(c) The issuance of the Bonds and all procedures undertaken incident thereto are in full compliance and conformity with all applicable requirements, provisions and limitations prescribed by the Constitution and laws of the State, including the Act, and all conditions and limitations of other applicable law relating to the issuance of the Bonds have been satisfied; and

(d) It is to the best advantage of the County and its residents that the Bonds be authorized, sold, issued and delivered at the time, in the manner and for the purposes provided in this Resolution.

Section 24. *Appointment and Duties of Paying Agent.* The Paying Agent is hereby appointed as paying agent, registrar and authenticating agent for the Bonds unless and until the County removes it as such and appoints a successor Paying Agent, in which event such successor shall automatically succeed to the duties of the Paying Agent hereunder and its predecessor shall immediately turn over all its records regarding the Bonds to such successor. The Paying Agent, by accepting its duties as such, agrees to perform all duties and to take all actions assigned to it hereunder in accordance with the terms hereof. The appointment and acceptance of the duties of Paying Agent hereunder may be affected through the execution of a certificate or agreement by the Paying Agent.

Section 25. *Claims Upon the Bond Insurance Policy and Payments by and to the Bond Insurer; Subrogation.*

(a) *Claim Made.* If, on the third business day prior to the related scheduled interest payment date or principal payment date ("Payment Date") there is not on deposit with the Paying Agent, after making all transfers and deposits required under this Resolution, moneys sufficient to pay the principal of and interest on the Bonds due on such Payment Date, the Paying Agent shall give notice to the Bond Insurer and to its designated agent (if any) (the "Insurer's Fiscal Agent") by telephone or telecopy of the amount of such deficiency by 12:00 noon, New York City time, on such Business Day. If, on the second Business Day prior to the related Payment Date, there continues to be a deficiency in the amount available to pay the principal of and interest on the Bonds due on such Payment Date, the Paying Agent shall make a claim under the Bond Insurance Policy and give notice to the Bond Insurer of the Insurer's Fiscal Agent (if any) by telephone of the amount of such deficiency, and the allocation of such deficiency between the amount required to pay interest on the Bonds and the amount required to pay principal of the Bonds, confirmed in writing to the Bond Insurer and the Insurer's Fiscal Agent by 12:00 noon, New York City time, on such second Business Day by filling in the form of Notice of Claim and Certificate delivered with the Bond Insurance Policy.

(b) *Payment of Claim.* In the event the claim to be made is for a mandatory sinking fund redemption installment, upon receipt of the moneys due, the Paying Agent shall authenticate and deliver to affected Owners who surrender their Bonds a new Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered. The Paying Agent shall designate any portion of payment of principal on Bonds paid by the Bond Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Bonds registered to the then current Owner, whether DTC or its nominee or otherwise, and shall issue a replacement Bond to the Bond Insurer, registered in the name of Financial Security Assurance Inc., in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Paying Agent's failure to so designate any payment or issue any replacement Bond shall have no effect on the amount of principal or interest payable by the County on any Bond or the subrogation rights of the Bond Insurer.

(c) *Records.* The Paying Agent shall keep a complete and accurate record of all funds deposited by the Bond Insurer into the Policy Payments Account and the allocation of such funds to payment of interest on and principal paid in respect of any Bond. The Bond Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Paying Agent.

(d) *Policy Payments Account.* Upon payment of a claim under the Bond Insurance Policy the Paying Agent shall establish a separate special purpose trust account for the benefit of Owners referred to herein as the "Policy Payments Account" and over which the Paying Agent shall have exclusive control and sole right of withdrawal. The Paying Agent shall receive any amount paid under the Bond Insurance Policy in trust on

behalf of Owners and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Paying Agent to Owners in the same manner as principal and interest payments are to be made with respect to the Bonds under the sections hereof regarding payment of Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments.

Funds held in the Policy Payments Account shall not be invested by the Paying Agent and may not be applied to satisfy any costs, expenses or liabilities of the Paying Agent.

Any funds remaining in the Policy Payments Account following a Bond payment date shall promptly be remitted to the Bond Insurer.

(e) *Subrogation.* The Bond Insurer shall, to the extent it makes any payment of principal or interest on the Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Bond Insurance Policy.

Section 26. *Authorization of Bond Insurance Policy; Special Provisions Relating to Municipal Bond Insurance.* The officers of the County are hereby authorized and directed to take all actions necessary to cause the Bond Insurer to issue the Bond Insurance Policy in accordance with the Commitment, including without limitation, payment of the premium due in connection therewith. The execution of the Commitment by the appropriate officer of the County is hereby ratified and approved. The provisions of this Section shall govern the circumstances in which they apply so long as the Bond Insurer is not in default of its payment obligations under the Bond Insurance Policy, notwithstanding anything to the contrary set forth elsewhere in this Resolution.

(a) The prior written consent of the Bond Insurer shall be a condition precedent to the deposit of any credit instrument provided in lieu of a cash deposit into the Reserve Account.

(b) The Bond Insurer shall be deemed to be the sole holder of the Bonds insured by it for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the holders of the Bonds are entitled to take pursuant to this Resolution. In such instances, the Paying Agent shall take no action except with the consent, or at the direction, of the Bond Insurer.

(c) No grace period for a covenant default shall exceed 30 days, nor be extended for more than 60 days, without the prior written consent of the Bond Insurer.

(d) The Bond Insurer shall be granted the right to remove the Paying Agent.

(e) The Bond Insurer shall be a third party beneficiary to this Resolution.

(f) No modification, amendment or supplement to this Resolution or any other Related Document (defined below) may become effective except upon obtaining the prior written consent of the Bond Insurer.

(g) Copies of any modification or amendment to this Resolution, the Sales and Use Tax Resolution or any other Related Document shall be sent to Standard & Poor's Ratings Services at least 10 days prior to the effective date thereof.

(h) Rights of the Bond Insurer to direct or consent to County, Paying Agent or Owner actions under this Resolution shall be suspended during any period in which the Bond Insurer is in default in its payment obligations under the Bond Insurance Policy (except to the extent of amounts previously paid by the Bond Insurer and due and owing to the Bond Insurer) and shall be of no force or effect in the event the Bond Insurance Policy is no longer in effect or the Bond Insurer asserts that the Insurance Policy is not in effect or the Bond Insurer shall have provided written notice that it waives such rights.

(i) The rights granted to the Bond Insurer under this Resolution or the Sales and Use Tax Resolution (the "Related Documents") to request, consent to or direct any action are rights granted to the Bond Insurer in consideration of its issuance of the Bond Insurance Policy. Any exercise by the Bond Insurer of such rights is merely an exercise of the Bond Insurer's contractual rights and shall not be construed or deemed to be taken for the benefit or on behalf of the Owners nor does such action evidence any position of the Bond Insurer, positive or negative, as to whether Owner consent is required in addition to consent of the Bond Insurer.

(j) To accomplish defeasance the County shall cause to be delivered (1) a report of an independent firm of nationally recognized certified public accountants or such other accountant as shall be acceptable to the Bond Insurer ("Accountant") verifying the sufficiency of the escrow established to pay the Bonds in full on the maturity or redemption date ("Verification"), (2) an escrow deposit agreement (which shall be acceptable in form and substance to the Bond Insurer), and (3) an opinion of nationally recognized bond counsel to the effect that the Bonds are no longer "Outstanding" under this Resolution; each Verification and defeasance opinion shall be acceptable in form and substance, and addressed, to the County, the Paying Agent and the Bond Insurer. In the event a forward purchase agreement will be employed in the refunding, such agreement shall be subject to the approval of the Bond Insurer and shall be accompanied by such opinions of counsel as may be required by the Bond Insurer. The Bond Insurer shall be provided with final drafts of the above-referenced documentation not less than five business days prior to the funding of the escrow. Bonds shall be deemed "Outstanding" under this Resolution unless and until they are in fact paid and retired or the above criteria are met.

(k) Amounts paid by the Bond Insurer under the Bond Insurance Policy shall not be deemed paid for purposes of this Resolution and shall remain outstanding and continue to be due and owing until paid by the County in accordance with this Resolution.

(l) This Resolution shall not be discharged unless all amounts due or to become due to the Bond Insurer have been paid in full or duly provided for.

(m) The County shall pay or reimburse the Bond Insurer any and all charges, fees, costs and expenses which the Bond Insurer may reasonably pay or incur in connection with (1) the administration, enforcement, defense or preservation of any rights or security in respect of any Related Document, (2) the pursuit of any remedies under this Resolution or any other Related Document or otherwise afforded by law or equity, (3) any amendment, waiver or other action with respect to, or related to, this Resolution or any other Related Document whether or not executed or completed, (4) the violation by the County of any law, rule or regulation, or any judgment, order or decree applicable to it or (5) any litigation or other dispute in connection with this Resolution or any other Related Document or the transactions contemplated thereby, other than amounts resulting from the failure of the Bond Insurer to honor its obligations under the Bond Insurance Policy. The Bond Insurer reserves the right to charge a reasonable fee as a condition to executing any amendment, waiver or consent proposed in respect of this Resolution or any other Related Document.

(n) Payments required to be made to the Bond Insurer shall be payable solely from the Pledged Revenue and shall be paid (i) prior to an event of default, to the extent not paid from the Bond Account, after required deposits to the Reserve Account and (ii) after an event of default, with respect to amounts other than principal and interest on the Bonds, on the same priority as payments to the Paying Agent for expenses. The obligations to the Bond Insurer shall survive discharge or termination of the Related Documents.

(o) The Bond Insurer shall be entitled to pay principal or interest on the Bonds that shall become Due for Payment but shall be unpaid by reason of Nonpayment by the County (as such terms are defined in the Bond Insurance Policy) whether or not the Bond Insurer has received a Notice of Nonpayment (as such terms are defined in the Bond Insurance Policy) or a claim upon the Bond Insurance Policy.

(p) The notice address of the Bond Insurer is: Financial Security Assurance Inc., 350 Park Avenue, New York, New York 10022-6022, Attention: Managing Director-Surveillance-Re: Policy No. _____, Telephone: (212) 826-0100; Telecopier: (212) 339-3529. In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of General Counsel and shall be marked to indicate "URGENT MATERIAL ENCLOSED."

(q) The Bond Insurer shall be provided with the following information:

(1) Annual audited financial statements within 120 days after the end of the County's fiscal year and the County's annual budget within 30 days after the approval thereof;

(2) Notice of any draw upon the Reserve Account within two Business Days after knowledge thereof other than (i) withdrawals of amounts in excess of the Required Reserve and (ii) withdrawals in connection with a refunding of the Bonds;

(3) Notice of any default known to the Paying Agent or the County within five Business Days after knowledge thereof;

(4) Prior notice of the advance refunding or redemption of any of the Bonds, including the principal amount, maturities and CUSIP numbers thereof;

(5) Notice of the resignation or removal of the Paying Agent and the appointment of, and acceptance of duties by, any successor thereto;

(6) Notice of the commencement of any proceeding by or against the County commenced under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding");

(7) Notice of the making of any claim in connection with any Insolvency Proceeding seeking the avoidance as a preferential transfer of any payment of principal of, or interest on, the Bonds;

(8) A full original transcript of all proceedings relating to the execution of any amendment or supplement to the Related Documents; and

(9) All reports, notices and correspondence to be delivered under the terms of the Related Documents.

(r) No contract shall be entered into nor any action taken by which the rights of the Bond Insurer or security for or sources of payment of the Bonds may be impaired or prejudiced except upon obtaining the prior written consent of the Bond Insurer.

Section 27. *Approval of Official Statement and Miscellaneous Documents.* The Board hereby ratifies and approves the distribution and use of the Preliminary Official Statement; authorizes and directs the County staff to prepare a final Official Statement for use in connection with the sale of the Bonds in substantially the form thereof presented to the Board at the meeting at which this Resolution is adopted, with such changes therein, if any, not inconsistent herewith, as are approved by the County; and authorizes and approves the execution of the DTC Blanket Letter of Representations and the Continuing Disclosure Undertaking. The Chairman of the Board is hereby authorized and directed to execute the final Official Statement and the Chairman of the Board, the County Clerk and Recorder and all other officers of the County are hereby authorized and directed to execute all documents and certificates necessary or desirable to effectuate the issuance of the Bonds and the transactions contemplated hereby.

Section 28. *Ratification of Prior Actions.* All actions heretofore taken (not inconsistent with the provisions of this Resolution or the Act) by the Board or by the officers and employees of the County directed toward the issuance of the Bonds for the purposes herein set forth, including but not limited to approval of the Bond Purchase Agreement are hereby ratified, approved and confirmed.

Section 29. ***Events Occurring on Days That Are Not Business Days.*** Except as otherwise specifically provided herein with respect to a particular payment, event or action, if any payment to be made hereunder or any event or action to occur hereunder which, but for this section, is to be made or is to occur on a day that is not a Business Day shall instead be made or occur on the next succeeding day that is a Business Day.

Section 30. ***Headings.*** The headings to the various sections and paragraphs to this Resolution have been inserted solely for the convenience of the reader, are not a part of this Resolution, and shall not be used in any manner to interpret this Resolution.

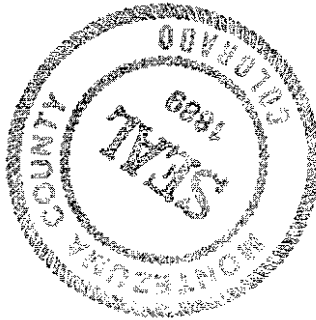
Section 31. ***Resolution Irrepealable.*** After any of the Bonds have been issued, this Resolution shall constitute a contract between the Owners and the County, and shall be and remain irrepealable until the Bonds and the interest accruing thereon shall have been fully paid, satisfied, and discharged, as herein provided.

Section 32. ***Severability.*** It is hereby expressly declared that all provisions hereof and their application are intended to be and are severable. In order to implement such intent, if any provision hereof or the application thereof is determined by a court or administrative body to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision hereof or the application of the provision in question to any other situation; and if any provision hereof or the application thereof is determined by a court or administrative body to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

Section 33. ***Repealer.*** All orders, bylaws, and resolutions of the County, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed to the extent only of such inconsistency or conflict.

Section 34. **Effective Date.** This Resolution shall be in full force and take effect immediately upon its adoption.

This Resolution is adopted this 7th day of February, 2000, at 11:28 o'clock pm



BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY, COLORADO

[Signature]
[Signature]
[Signature]

Commissioners voting aye in favor of this Resolution were:

G. Eugene Story, Kent Lindsay and
Glenn E. Wilson SR.

Commissioners voting no against this Resolution were:

_____, _____ and
_____.

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

APPENDIX A

FORM OF THE BOND

EXCEPT AS OTHERWISE PROVIDED IN THE HEREINAFTER DEFINED RESOLUTION, THIS GLOBAL BOOK-ENTRY BOND MAY BE TRANSFERRED, IN WHOLE BUT NOT IN PART, ONLY TO ANOTHER NOMINEE OF THE SECURITIES DEPOSITORY (AS DEFINED HEREIN) OR TO A SUCCESSOR SECURITIES DEPOSITORY OR TO A NOMINEE OF A SUCCESSOR SECURITIES DEPOSITORY.

UNITED STATES OF AMERICA

**MONTEZUMA COUNTY, COLORADO
SALES AND USE TAX REVENUE BONDS
SERIES 2000**

INTEREST RATE: MATURITY DATE: ORIGINAL DATED DATE: CUSIP:

%

February 15, 2000

REGISTERED OWNER:

PRINCIPAL SUM:

DOLLARS

MONTEZUMA COUNTY, a duly organized and validly existing county and political subdivision of the State of Colorado (the "County"), for value received, hereby promises to pay to the order of the registered owner named above or registered assigns, solely from the special funds as hereinafter set forth, on the maturity date stated above, the principal sum stated above, in lawful money of the United States of America, with interest thereon from the original dated date stated above, at the interest rate per annum stated above, payable on June 15 and December 15 of each year, commencing June 15, 2000, the principal of and premium, if any, and the final installment of interest on this bond being payable to the registered owner hereof upon presentation and surrender of this bond at the principal operations office of The Bank of Cherry Creek, N.A., as Paying Agent (the "Paying Agent"), in Denver, Colorado, or at such other location as identified by the Paying Agent, and the interest hereon (other than the final installment of interest hereon) to be paid by check or draft of the Paying Agent mailed on the interest payment date to the registered owner hereof as of the close of business on the last day of the calendar month (whether or not such day is a Business Day) next preceding each interest payment date, except that so long as Cede & Co. is the registered owner of this bond, the principal of, premium, if any, and interest on this bond shall be paid by wire transfer to Cede & Co.

This bond is one of an issue of bonds of the County designated Sales and Use Tax Revenue Bonds, Series 2000, issued in the principal amount of \$6,260,000 (the "Bonds"). The

Bonds are being issued by the County for the purpose of constructing and equipping a county jail, including the remodel of existing facilities to accommodate the justice building treatment unit, pursuant to and in full conformity with the Constitution and laws of the State of Colorado and a Resolution (the "Resolution") duly adopted by the County prior to the issuance hereof.

The Bonds maturing on and before December 15, 2009 are not subject to redemption prior to their respective maturity dates. The Bonds maturing on and after December 15, 2010 are subject to redemption prior to maturity at the option of the County, in whole or in part in integral multiples of \$5,000, and if in part in such order of maturities as the County shall determine and by lot within a maturity, on December 15, 2009 and on any date thereafter, at a redemption price equal to the principal amount of the redeemed Bonds (with no redemption premium), plus accrued interest to the redemption date.

The Bonds maturing on December 15, 2019 are subject to mandatory sinking fund redemption by lot on December 15 of the years and in the principal amounts specified below, at a redemption price equal to the principal amount thereof (with no redemption premium), plus accrued interest to the redemption date:

<u>Years</u>	<u>Principal Amount</u>
2015	\$395,000
2016	420,000
2017	445,000
2018	470,000
2019 (final maturity)	495,000

At its option, to be exercised on or before the forty fifth day next preceding each sinking fund redemption date, the County may (i) deliver to the Paying Agent for cancellation any Bonds with the same maturity date as the Bonds subject to such sinking fund redemption and (ii) receive a credit in respect of its sinking fund redemption obligation for any Bonds with the same maturity date as the Bonds subject to such sinking fund redemption which prior to such date have been redeemed (otherwise than through the operation of the sinking fund) and cancelled by the Paying Agent and not theretofore applied as a credit against any sinking fund redemption obligation. Each Bond so delivered or previously redeemed shall be credited by the Paying Agent at the principal amount thereof to the obligation of the County on such sinking fund redemption date, and the principal amount of Bonds to be redeemed by operation of such sinking fund on such date shall be accordingly reduced.

Notice of any redemption of Bonds shall be given by the Paying Agent in the name of the County by sending a copy of such notice by first-class, postage prepaid mail, not less than 30 days prior to the redemption date, to the Owner of each Bond being redeemed. Such notice shall specify the number or numbers of the Bonds so to be redeemed (if redemption shall be in part) and the redemption date. If any Bond shall have been duly called for redemption and if, on or before the redemption date, there shall have been deposited with the Paying Agent in accordance with this Resolution funds sufficient to pay the redemption price of such Bond on the redemption date, then such Bond shall become due and payable at such redemption date, and from and after such date interest will cease to accrue thereon. Failure to deliver any redemption notice or any defect in any redemption notice shall

not affect the validity of the proceeding for the redemption of Bonds with respect to which such failure or defect did not occur. Any Bond redeemed prior to its maturity by prior redemption or otherwise shall not be reissued and shall be cancelled.

At its option, to be exercised on or before the forty fifth day next preceding each sinking fund redemption date, the County may (a) deliver to the Paying Agent for cancellation any Bonds with the same maturity date as the Bonds subject to such sinking fund redemption and (b) receive a credit in respect of its sinking fund redemption obligation for any Bonds with the same maturity date as the Bonds subject to such sinking fund redemption which prior to such date have been redeemed (otherwise than through the operation of the sinking fund) and cancelled by the Paying Agent and not theretofore applied as a credit against any sinking fund redemption obligation. Each Bond so delivered or previously redeemed shall be credited by the Paying Agent at the principal amount thereof to the obligation of the County on such sinking fund redemption date, and the principal amount of Bonds to be redeemed by operation of such sinking fund on such date shall be accordingly reduced.

Notice of any redemption of Bonds shall be given by the Paying Agent in the name of the County by sending a copy of such notice by first-class, postage prepaid mail, not less than 30 days prior to the redemption date, to the Owner of each Bond being redeemed. Such notice shall specify the number or numbers of the Bonds so to be redeemed (if redemption shall be in part) and the redemption date. If any Bond shall have been duly called for redemption and if, on or before the redemption date, there shall have been deposited with the Paying Agent in accordance with this Resolution funds sufficient to pay the redemption price of such Bond on the redemption date, then such Bond shall become due and payable at such redemption date, and from and after such date interest will cease to accrue thereon. Failure to deliver any redemption notice or any defect in any redemption notice shall not affect the validity of the proceeding for the redemption of Bonds with respect to which such failure or defect did not occur. Any Bond redeemed prior to its maturity by prior redemption or otherwise shall not be reissued and shall be cancelled.

The Paying Agent shall maintain registration books in which the ownership, transfer and exchange of the Bonds shall be recorded. The person in whose name this bond shall be registered on such registration books shall be deemed to be the absolute owner hereof for all purposes, whether or not payment on this bond shall be overdue, and neither the County nor the Paying Agent shall be affected by any notice or other information to the contrary. This bond may be transferred or exchanged, at the principal operations office of the Paying Agent in Denver, Colorado, or at such other location as identified by the Paying Agent, for a like aggregate principal amount of the Bonds of other authorized denominations (\$5,000 or any integral multiple thereof) of the same maturity and interest rate, upon payment by the transferee of a transfer fee, any tax or governmental charge required to be paid with respect to such transfer or exchange and any cost of printing bonds in connection therewith.

The Bonds are special, limited obligations of the County payable solely from and secured solely by the sources provided in the Resolution and shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation. Pursuant to the Resolution the County pledged for the payment of the principal of, premium, if any, and interest on the Bonds at any time outstanding, and granted a lien for such purpose on (i) all of the County's Sales and Use

Tax revenues required to be deposited in the Sales and Use Tax Capital Improvement Fund (the "Pledged Revenues"), and (ii) all moneys on deposit from time-to-time in the Sales and Use Tax Capital Improvement Fund. The County is authorized to pledge and grant a lien, on a parity with the lien for the payment of the Bonds, on the Pledged Revenues and the moneys on deposit in the Sales and Use Tax Capital Improvement Fund for the payment of other bonds or obligations upon satisfaction of certain conditions set forth in the Resolution.

This bond is issued under authority of Section 29-2-112, Colorado Revised Statutes, as amended. This bond, including the interest hereon, is payable solely from and secured solely by the special funds provided in the Resolution and shall not constitute a debt of the County within the meaning of any constitutional or statutory debt limitation or provision.

THE RESOLUTION CONSTITUTES THE CONTRACT BETWEEN THE REGISTERED OWNER OF THIS BOND AND THE COUNTY. THIS BOND IS ONLY EVIDENCE OF SUCH CONTRACT AND, AS SUCH, IS SUBJECT IN ALL RESPECTS TO THE TERMS OF THE RESOLUTION, WHICH SUPERSEDES ANY INCONSISTENT STATEMENT IN THIS BOND.

The County agrees with the owner of this bond and with each and every person who may become the owner hereof, that it will keep and perform all the covenants and agreements contained in the Resolution.

The Resolution may be amended or supplemented from time-to-time with or without the consent of the registered owners of the Bonds as provided in the Resolution.

It is hereby certified that all conditions, acts and things required by the constitution and laws of the State of Colorado, and the Resolutions of the County, to exist, to happen and to be performed, precedent to and in the issuance of this bond, exist, have happened and have been performed, and that the Bonds do not exceed any limitations prescribed by said Constitution or laws of the State of Colorado, or the resolutions of the County.

This Bond shall not be entitled to any benefit under the Resolution, or become valid or obligatory for any purpose, until the Paying Agent shall have signed the certificate of authentication hereon.

IN WITNESS WHEREOF, Montezuma County, Colorado, has caused this Bond to be signed in the name and on behalf of the County with the manual or facsimile signature of the Chairman of the Board, to be sealed with the seal of the County or a facsimile thereof and to be attested by the manual or facsimile signature of the County Clerk and Recorder.

[MANUAL OR FACSIMILE SEAL]

MONTEZUMA COUNTY, COLORADO

By (Manual or Facsimile Signature)
Chairman, Board of County Commissioners

ATTEST:

By (Manual or Facsimile Signature)
County Clerk and Recorder

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds described in the within-mentioned Resolution.

THE BANK OF CHERRY CREEK, N.A., as
Paying Agent

By _____
Authorized Representative

Date of Authentication: _____

STATEMENT OF INSURANCE

Financial Security Assurance, Inc. ("Financial Security"), New York, New York, has delivered its municipal bond insurance policy with respect to the scheduled payments due of principal of and interest on this bond to The Bank of Cherry Creek, N.A., Denver, Colorado, or its successor, as paying agent for the Bonds (the "Paying Agent"). Said Policy is on file and available for inspection at the principal office of the Paying Agent and a copy thereof may be obtained from Financial Security or the Paying Agent.

CERTIFICATE OF TRANSFER

FOR VALUE RECEIVED, _____, the undersigned, hereby sells, assigns and transfers unto _____ (Tax Identification or Social Security No. _____) the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

TRANSFER FEE MAY BE REQUIRED