

## RESOLUTIONS -- 2002

Resolution Number	Date Signed	Name
1-2002	01-14-02	No Recreation Fees -- Federal lands
2-2002	01-14-02	Bus Purchase -- Senior
3-2002 (vacated)	03-04-02	SB-141 -- Oil & Gas
4-2002	04-15-02	Amend Land Use Code (adopted 4-8-02)
5-2002	04-15-02	Cancel Suspension of Fire Ban
6-2002	05-13-02	Sheriff Fee Schedule
7-2002	08-26-02	Foreign Terrorists Attacks 9-11-01
8-2002	09-16-02	Suspend Ban on Open Fires
9-2002	09-23-02	DeBruce -- put on Ballot
10-2002	10-07-02	CCOERA Deferred Comp Plan
11-2002	12-16-02	Supplemental Budget and Appropriation
12-2002	12-16-02	Adopt 2003 Budget
13-2002	12-16-02	Set Mill Levies
14-2002	12-16-02	Appropriate Sums of Money

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 16<sup>th</sup> day of December, 2002, with the following persons in attendance:

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

the following proceedings, among others, were taken:

Resolution # 14-2002

A RESOLUTION TO APPROPRIATE SUMS OF MONEY

WHEREAS, the Commissioners have adopted the annual budget in accordance with Local Government Budget Law on December 16, 2002, 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;

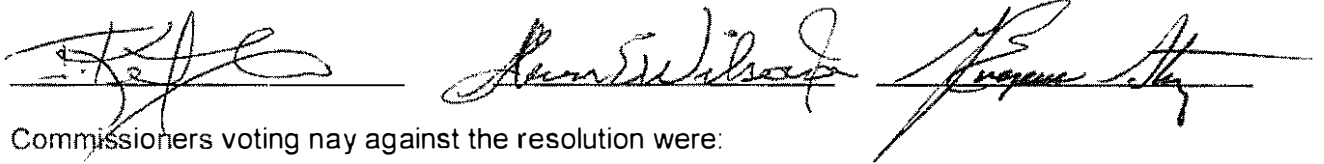
WHEREAS, it is not only required by law, but also necessary to appropriate the revenue provided in the budget to and for the purposed described below so as not to impair the operations of the County.

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	\$ 7,532,318
Road	\$ 3,408,960
Landfill	\$ 565,248
Social Services	\$ 7,100,554
Capital Fund	\$ 695,000
Clara Ormiston Fund	\$ 15,342
Conservation Trust	\$ 100,000
Emergency Telephone	\$ 90,000
Lodgers Tax	\$ 60,000
Revolving Loan Fund	\$ 0
TOTAL	\$19,567,422

Commissioners voting aye in favor of the resolution were:



Commissioners voting nay against the resolution were:

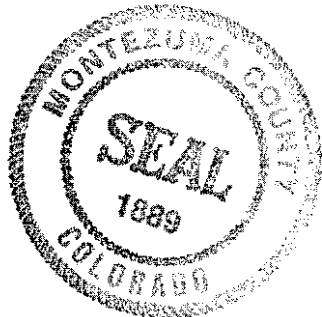
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County Clerk and Recorder  
Montezuma County, Colorado

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 16th day of December, 2002.

(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 16<sup>th</sup> day of December, 2002, with the following persons in attendance:

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

the following proceedings, among others, were taken:

Resolution # 13-2002

A RESOLUTION TO SET MILL LEVIES

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2002 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR MONTEZUMA COUNTY, COLORADO, FOR THE 2003 BUDGET.

WHEREAS, the Commissioners of Montezuma County, Colorado, have adopted the annual budget in accordance with the Local Government Budget Law on the 16<sup>th</sup> day of December, 2002, and;

WHEREAS, the 2002 valuation by the Commissioners of Montezuma County as certified by the County Assessor is \$249,298,770;

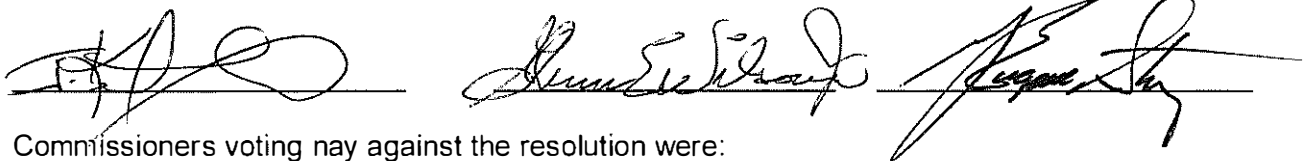
NOW THEREFORE BE IT RESOLVED by the Commissioners of Montezuma County, Colorado, that;

For the purpose of meeting all general operating expenses of Montezuma County during the 2003 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 2002.


SUMMARY OF FUNDS BUDGET 2003

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 16th day of December, 2002.

(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 16<sup>th</sup> day of December, 2002, with the following persons in attendance:

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

the following proceedings, among others, were taken:

Resolution # 12-2002

A RESOLUTION ADOPTING A BUDGET FOR MONTEZUMA COUNTY, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2003 AND ENDING ON THE LAST DAY OF DECEMBER, 2003.

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

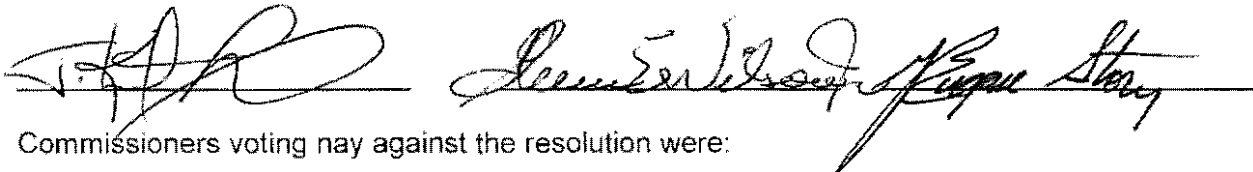
WHEREAS, Mr. Weaver has submitted a proposed budget to this governing body for its consideration, and;

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 16, 2002, 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:

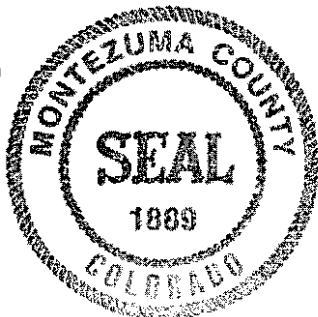
  
Commissioners voting nay against the resolution were:

  
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 16th day of December, 2002.

(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 16<sup>th</sup> day of December, 2002, with the following persons in attendance:

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

the following proceedings, among others, were taken:

Resolution # 11-2002

WHEREAS, Montezuma County adopted an operating budget for the General Fund, Road and Bridge Fund and Landfill Fund in December, 2001, for the ensuing year, and;

WHEREAS, Montezuma County after adoption of the 2002 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	\$891,708.00
Clerk	7,000.00
Community Corrections	62,577.00
Treasurer	3,900.00
Assessor	350.00
Jail	1,796.00
Records	56,027.00
Sheriff	79,316.00
District Attorney	25,878.00
Extension	3,600.00
Planning	110,121.00
Health	109,348.00
Fairgrounds	25,000.00
Grounds & Buildings	37,957.00
Administration	228,113.00
Misc.	57,359.00
Senior Nutrition	81,866.00
Elections	1,500.00
 ROAD AND BRIDGE FUND	 \$367,948.00
 LANDFILL FUND	 \$235,000.00
 CORRECTIONAL FACILITY	 \$300,000.00

Commissioners voting aye in favor of the resolution were:

[Signature]      [Signature]      [Signature]

Commissioners voting nay against the resolution were:

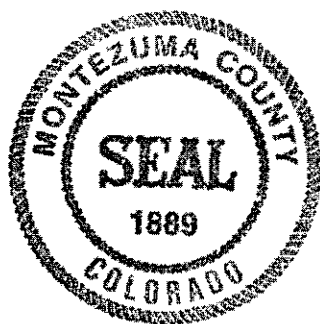
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Nelda Jenkins, Deputy  
County Clerk and Recorder  
Montezuma County, Colorado

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 16th day of December, 2002.

(SEAL)



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





MONTEZUMA COUNTY

DEFERRED COMPENSATION PLAN  
RESOLUTION TO ADOPT EGTRRA MODIFICATIONS

WHEREAS, It has been determined to be in the best interest of taxpayers and employees of the County of Montezuma (Name of Entity) to provide for retirement of employees under certain terms and conditions; and

WHEREAS, County of Montezuma (Name of Entity) has previously elected to become a part of the Colorado County Officials and Employees Retirement Association in accordance with Part 1, Article 54, Title 24, Colorado Revised Statutes, as amended, and

WHEREAS, the Montezuma County Commissioners (Governing Board) desires to enable employees to enhance their retirement security by permitting them to enter into agreements with it to defer compensation and receive benefits at retirement, death, and separation from service;

WHEREAS, CCOERA offers an eligible deferred compensation plan, pursuant to the terms of section 457 of the Internal Revenue Code; and

WHEREAS, the CCOERA's Deferred Compensation Plan has been reviewed and approved by the Internal Revenue Service in a Private Letter Ruling; and

WHEREAS, on August 16, 2002, the Governing Board of CCOERA modified the CCOERA Deferred Compensation Plan to comply with the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, Public Law 107-16;

NOW, THEREFORE, BE IT RESOLVED:

1. County of Montezuma (Name of Entity) hereby wishes to continue to make available the CCOERA Deferred Compensation Plan, established and administered pursuant to section 457 of the Internal Revenue Code; and

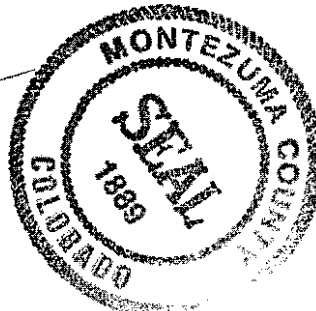
2. The CCOERA Deferred Compensation Plan, as modified on August 16, 2002, to comply with the provisions of EGTRRA, is hereby adopted.

County of Montezuma  
(Name of Entity)

A handwritten signature in dark ink, appearing to read "J. G. [unclear]", is written over a horizontal line.  
(Signature of governing board chair)

ATTEST:

Nelda Jenkins Deputy  
(Secretary of governing board or administrator) Clerk Et.



**RESOLUTION NO. 9-2002**

PROVIDED THAT THERE SHALL BE NO COUNTY TAX RATE OR MILL LEVY INCREASE WITHOUT FURTHER VOTER APPROVAL, SHALL MONTEZUMA COUNTY, COLORADO, BE AUTHORIZED TO COLLECT AND SPEND OR RESERVE ALL REVENUES AND FUNDS AS MAY BE RECEIVED FROM THE EXISTING PROPERTY TAX MILL LEVY OF 14.254 MILLS AND ANY OTHER SOURCE DURING 2002 AND EACH YEAR THEREAFTER WITHOUT FURTHER VOTER APPROVAL NOTWITHSTANDING THE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, AND 29-1-301, COLORADO REVISED STATUTES, AS AMENDED, OR ANY OTHER LAW?

WHEREAS, to freeze the existing Montezuma County property tax mill levy of 14.254 mills;

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTEZUMA COUNTY, COLORADO:

1. That the following question shall be submitted to the voters of Montezuma County at the next general election to be held on November 5, 2002. Said question is

PROVIDED THAT THERE SHALL BE NO COUNTY TAX RATE OR MILL LEVY INCREASE WITHOUT FURTHER VOTER APPROVAL, SHALL MONTEZUMA COUNTY, COLORADO, BE AUTHORIZED TO COLLECT AND SPEND OR RESERVE ALL REVENUES AND FUNDS AS MAY BE RECEIVED FROM THE EXISTING PROPERTY TAX MILL LEVY OF 14.254 MILLS AND ANY OTHER SOURCE DURING 2002 AND EACH YEAR THEREAFTER WITHOUT FURTHER VOTER APPROVAL NOTWITHSTANDING THE LIMITATIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, AND 29-1-301, COLORADO REVISED STATUTES, AS AMENDED, OR ANY OTHER LAW?

2. That the Montezuma County Clerk and Recorder is hereby designated the election official for said election.

This Resolution is adopted this 27th day of September, 2002, at 11:00 o'clock a. m.

BOARD OF COUNTY COMMISSIONERS  
OF MONTEZUMA COUNTY, COLORADO

J. Kent Lindsay

Glenn E. Wilson, Jr.

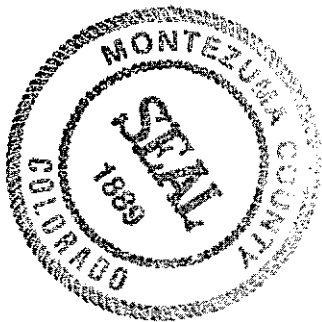
G. Eugene Story

Commissioners voting aye in favor of this Resolution were:

J. KENT LINDSAY, GLENN E. WILSON, JR.  
and G. EUGENE STORY.

Commissioners voting no against this Resolution were:

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



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

RESOLUTION NO. 8-2002

A RESOLUTION SUSPENDING THE BAN ON OPEN FIRES

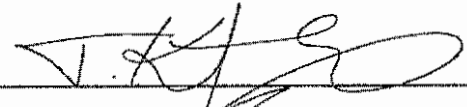
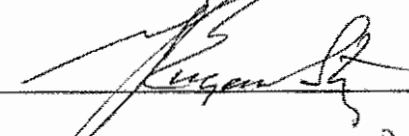
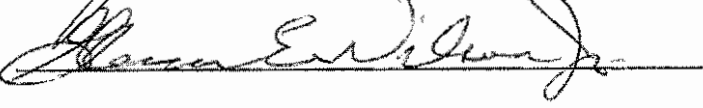
WHEREAS, Montezuma County Ordinance No. 1-96 prohibits open fires in the unincorporated areas of Montezuma County, except as the Board of County Commissioners of Montezuma County based upon competent evidence may by resolution suspend said ban on open fires from time to time to the degree and manner 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;

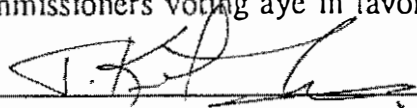
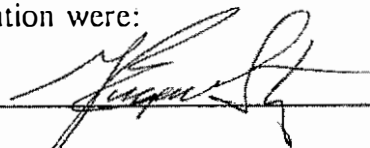
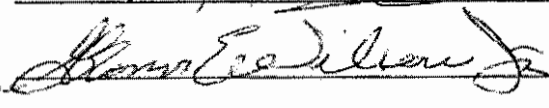
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County that said ban on open fires should be and is hereby suspended. Said suspension shall continue in effect until canceled pursuant to Montezuma County Ordinance No. 1-96.

This Resolution is adopted this 16th day of September, at 11:00 o'clock a.m.

BOARD OF COUNTY COMMISSIONERS  
OF MONTEZUMA COUNTY, COLORADO

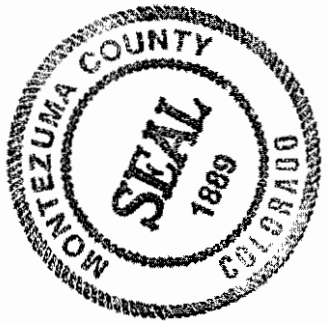
  
  



Commissioners voting aye in favor of this Resolution were:

Commissioners voting no against this Resolution were:

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



  
County Clerk and Recorder  
Montezuma County, Colorado

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 26th day of August, 2002, with the following persons in attendance:

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

the following proceedings, among others, were taken:

**RESOLUTION NO. 7-2002**

**WHEREAS**, on September 11, 2001, America was suddenly and brutally attacked by foreign terrorists, and;

**WHEREAS**, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, a third into the Pentagon outside Washington, DC, and the fourth into a field in Somerset County, Pennsylvania, and;

**WHEREAS**, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders, and;

**WHEREAS**, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve, and;

**WHEREAS**, these horrific events have affected all Americans. It is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud,

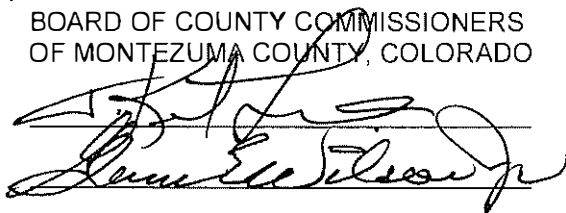
**NOW, THEREFORE BE IT RESOLVED**, that the Board of County Commissioners for Montezuma County condemns the cowardly and deadly actions of these terrorists, and;

**BE IT FURTHER RESOLVED**, that the Board of County Commissioners for Montezuma County supports the President of the United States, as he works with his national security team to defend against additional attacks, and find the perpetrators to bring them to justice, and;

**BE IT STILL FURTHER RESOLVED**, that the Board of County Commissioners for Montezuma County recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation center.

This resolution is hereby adopted this 26th day of August, 2002, at 4:00 o'clock p.M.

BOARD OF COUNTY COMMISSIONERS  
OF MONTEZUMA COUNTY, COLORADO

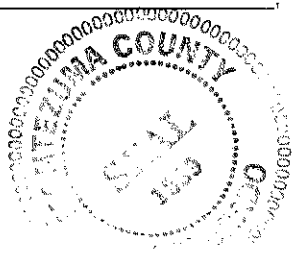


Commissioners voting aye in favor of this Resolution were:

G. Kent Lindsay, \_\_\_\_\_ and Glenn E. (Kent) Wilson, Jr.

Commissioners voting no against this Resolution were:

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



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

**RESOLUTION *No. 6-2002***  
**Of**  
**Montezuma County Commissioners**

Faced with the rising costs of providing services to County residents, and in order to make the fees collected by the County Sheriff coincide with the updated fees as set forth in the Colorado Revised Statutes of §30-1-104, the Commissioners of Montezuma County hereby adopt by resolution the following fee schedule as set forth in §30-1-104, Colorado Revised Statutes:

**Fees of sheriff**

(1) Fees collected by sheriffs shall be as follows:

(a) For serving and returning a summons or other writ of process in a criminal action, actual expenses, but not more than fifteen dollars;

(a.5) For serving and returning a summons or other writ of process in other than criminal action not specified, actual expenses, but not more than thirty-five dollars;

(b) For making a return on a summons in a criminal action not served, actual expenses, but not more than five dollars;

(b.5) For making a return on a summons in other than a criminal action not served, actual expenses, but not more than sixteen dollars;

(c) For serving and returning each subpoena in a criminal action on each witness, actual expenses, but not more than seven dollars and fifty cents;

(c.5) For serving and returning each subpoena in other than criminal action,

actual expenses, but not more than sixty dollars;

(d) For making a return on a subpoena in a criminal action not served, five dollars;

(d.5) For making a return on a subpoena in other than criminal action not served, actual expenses, but not more than sixteen dollars;

(e) For serving each juror, ten dollars;

(f) For serving and returning writ of attachment or replevin on each party, actual expenses, but not more than seventy-five dollars;

(g) For serving garnishee summons on each party, actual expenses, but not more than twenty dollars;

(h) Mileage for each mile actually and necessarily traveled in serving each writ, subpoena, or other process in a criminal action, not less than twelve cents no more than the maximum mileage allowance provided for state officers and employees under section 24-9-104 C.R.S. as determined by resolution of the board of county commissioners of each county or as shall be allowed in all cases; the actual mileage only shall be allowed such officer, and the actual mileage shall be apportioned among the several warrants served on the trip;

(h.5) Mileage for each mile actually and necessarily traveled in serving each writ, subpoena, or other process in a criminal action, thirty-six cents; actual and not constructive, the actual mileage only shall be allowed such officer, and the actual mileage shall be apportioned among the several warrants served on the trip;

(i) For making demand for payment on executions when payment is not

made, one dollar;

(j) For levying execution or writ of attachment, besides actual custodial and transportation costs necessarily incurred, actual expenses, but not more than seventy-five dollars;

(k) For levying writ of replevin, besides actual custodial and transportation costs necessarily incurred, actual expenses, but not more than seventy-five dollars;

(l) No custodian shall be appointed by the sheriff to take custody of goods by him or her attached, unless the plaintiff or his or her attorney shall request the appointment of such custodian in writing;

(m) For making and filing for record a certificate of levy on attachment or other cases, actual expenses, but not more than thirty dollars;

(n) For advertising property for sale, besides the actual cost of the advertising, actual expenses, but not more than thirty dollars;

(o) For making certificates of sale previous to execution of deed, or on sales of personal property, actual expenses, but not more than thirty dollars;

(p) For executing and acknowledging deed of sale of real estate, actual expenses, but not more than forty dollars;

(q) For his or her services in sales of real estate on an execution or decree, order of court, or other court process, besides actual expenses, on all bids under three thousand dollars, twenty dollars; and on all sums bid over three thousand dollars, one percent; but such commission shall in no case exceed the sum of one hundred dollars;



(r) For money collected by sale of personal property, on all sums bid under five hundred dollars, five percent; on all sums bid over five hundred dollars and under one thousand dollars, six percent; and on all sums bid over one thousand dollars, seven percent; but no fee shall be charged for an auctioneer or other person for making sales of personal property; and in no case shall such commission exceed the sum of one hundred dollars;

(s) For money collected or settlements made without sale, after writ of execution, attachment, or replevin has been placed in his or her hands and levy or demand for payment has been made on the proper party, on all amounts under five hundred dollars, three percent; on all amounts over five hundred dollars and under one thousand dollars, two percent; and on all amounts over one thousand dollars, one and one-half percent; but the fee in no case shall exceed the sum of one hundred and fifty dollars; and the plaintiff or any person making any settlement shall be liable to the sheriff for such fees;

(t) For serving and returning writ of ne exeat or body attachment, in counties of every class, actual expenses, but not more than twenty dollars;

(u) For serving copy of execution when making levy on shares of stock under execution, on each party served, actual expenses, but not more than sixty dollars;

(v) For making certificates of levy on shares, or otherwise, actual expenses, but not more than thirty dollars;

(w) For making return on execution, actual expenses, but not more than sixty dollars;

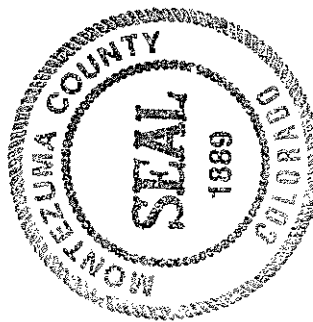
(x) For executing certificate of redemption, actual expenses, but not more than thirty dollars;

(y) For service of any writ of restitution or order of possession of premises, besides actual transportation costs necessarily incurred, actual expenses, but not more than sixty dollars; if execution of any such writ or order is required, an additional fee of actual expenses not to exceed two hundred dollars plus such transportation costs may be charged but only after the sheriff has provided a detailed accounting of his or her actual expenses to the person requesting such service;

(2) "Actual expenses" means those personnel and processing costs incurred in typing, processing, filing, and serving said process papers but does not included mileage. Subject to the limitations contained in this section, the fee for each type of service shall be fixed by ordinance or resolution.

The Sheriff is hereby authorized and directed to amend his fee schedule to comply with this resolution.

Dated: May 13, 2002



County Commissioners by:

*Attest*  
*Nelda Jenkins*  
*Deputy Clerk*

5-13-02

RESOLUTION NO. 5-2002

**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;

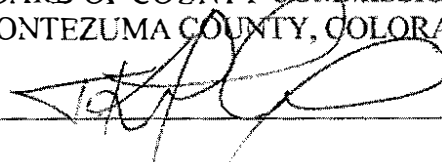
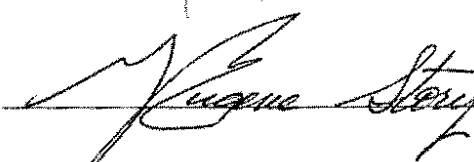
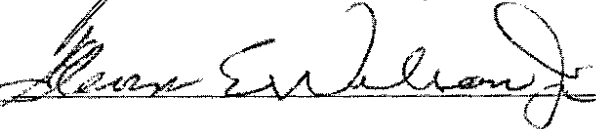
**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Montezuma County as follows:

1. That Resolution No. 09-2001 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.

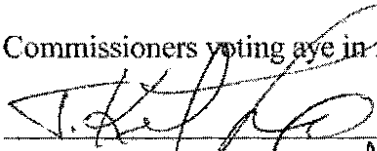
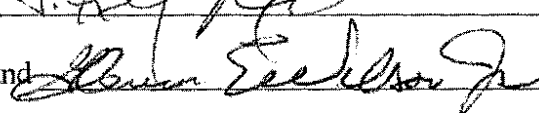
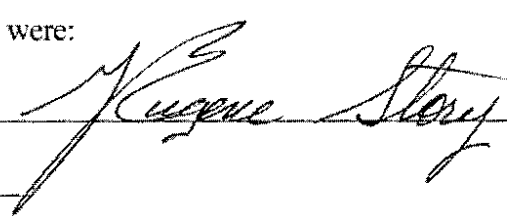
**NOW THEREFORE BE IT RESOLVED** that this resolution is hereby adopted effective immediately.

Adopted this 15<sup>th</sup> day of April, 2002, at 11:35 o'clock a. m.


BOARD OF COUNTY COMMISSIONERS OF  
MONTEZUMA COUNTY, COLORADO

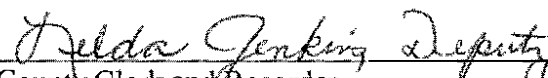
  
  


Commissioners voting aye in favor of this Resolution were:

  
and  

Commissioners voting no against this Resolution were:

  
and \_\_\_\_\_

  
County Clerk and Recorder  
Montezuma County, Colorado

**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 8<sup>th</sup> day of April, 2002, with the following persons in attendance:

Commissioners:	J. Kent Lindsay, G. Eugene Story, 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. 4-2002**

**A RESOLUTION AMENDING RESOLUTION NOS. 2-98 and 12-2000,  
THE MONTEZUMA COUNTY LAND USE CODE**

**WHEREAS**, the Montezuma County Land Use Code was adopted on the 20<sup>th</sup> day of July, 1998, and

**WHEREAS**, the Montezuma County Land Use Code was amended on the 6<sup>th</sup> day of November, 2000 by Resolution No. 12-2000, and

**WHEREAS**, on Thursday, January 24, 2002, 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 dated April 8, 2002, 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: April 8, 2002

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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.

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**Chapter 1: Section 2 – Threshold Standards for All Development**

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**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 according to the Uniform Building Code, 1997 Edition.
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 • Merchandise displays are exempt

## 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 <b>except</b> 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 visitor. See 4108.5.

## Nuisance Standards

21	Operational Electric Disturbances	<ul style="list-style-type: none"> <li>No detrimental effects such as radio and television interference beyond the boundaries of the site.</li> </ul>
22	Fire and Explosive Hazards	<ul style="list-style-type: none"> <li>National Fire Protection Association standards and any other fire code or standard employed by the appropriate fire district apply.</li> </ul>
23	Glare and Heat	<ul style="list-style-type: none"> <li>Must be contained, enclosed or treated to make glare and heat imperceptible from any point on the boundary line.</li> </ul>
24	Lighting	<ul style="list-style-type: none"> <li>All direct rays confined to site and adjacent properties protected from glare.</li> </ul>
25	Noise	<ul style="list-style-type: none"> <li>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.</li> <li>Adjacent to residential areas: not to exceed 55 decibels at any point on the boundary line between 7:00pm -6:59am.</li> <li>Noise from normal agricultural operations is exempt.</li> </ul>
26	Vibration	<ul style="list-style-type: none"> <li>Not perceptible, without instruments, at any point on any boundary line.</li> </ul>
27	Odors	<ul style="list-style-type: none"> <li>Not perceptible at property boundaries.</li> <li>Agriculture operations: no violation if the best practical maintenance, and control available is being used to maintain the lowest possible emission of odors.</li> </ul>
28	Dust, Smoke and Particulate	<ul style="list-style-type: none"> <li>Dust and Fumes: None beyond property line (Dust control of County roads at expense of operator may be required)</li> <li>Particulate matter: Less than 0.2 grain/cf flue gas at 500F stack temperature.</li> <li>Smoke: USEPA Regulations: Opacity System, Method 9.</li> <li>Agriculture operations: no violation if the best practical maintenance, and control is being used.</li> </ul>
29	Radioactivity	<ul style="list-style-type: none"> <li>Subject to State and Federal Regulations</li> </ul>
30	Water Pollution	<ul style="list-style-type: none"> <li>Subject to State and Federal Regulations</li> </ul>
31	Noxious Weeds	<ul style="list-style-type: none"> <li>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.</li> </ul>
32	Other Significant Adverse Impacts	<ul style="list-style-type: none"> <li>Pertaining to the Health, Safety and Welfare of the Citizens of Montezuma County</li> </ul>



**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 Planned Unit Development (PUD) Covenants Considered.** The primary responsibility for the enforcement of subdivision and planned unit development 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 planned unit development 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 CO<sub>2</sub>, 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 planned unit development 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 planned unit development 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 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 planned unit development 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 planned unit development 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 highly 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 planned unit development 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 CO<sub>2</sub>,
- 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.

1. In regard to gravel operations: a flood mitigation plan will be prepared as part of the reclamation plan for the gravel operations. The flood mitigation plan should address, at a minimum, the existing and post-mining areas of the floodplain; the location, type and size of any temporary or permanent levee systems; the location and quantity of material stockpiles; any temporary or permanent flood protection measures; and compliance with the Montezuma County Floodplain Resolution 1-91.
2. Flood Mitigation Plan may be required for other High Impact Permit proposals.

**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.

**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 planned unit development 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 (PUD) Options:	
	A. CIPUD	Cluster Incentive Planned Unit Development
	B. MHPUD	Mobile Home and RV Park Planned Unit Development
	C. INDPUD	Industrial Planned Unit Development
	D. COMPUD	Commercial Planned Unit Development
	E. GPUD	General Planned Unit Development

**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

**3201 List of Zoning Designations Available for Selection.** The following zoning designations may be applied for subject to a public hearing before the Planning Commission, and recommendation by the same to the County Commissioners, in accordance with 30-28-116 et seq., C.R.S., as amended.

<b>3201.1</b>	<b>A-80+</b>	<b>Large Scale Agricultural</b>
<b>3201.2</b>	<b>AGZ</b>	<b>Agricultural Use</b>
<b>3201.3</b>	<b>A/R 35+</b>	<b>Large Scale Agricultural and Residential</b>
<b>3201.4</b>	<b>A/R 10-34</b>	<b>Medium Scale Agricultural and Residential</b>
<b>3201.5</b>	<b>A/R 3-9</b>	<b>Small Scale Agricultural and Residential</b>
<b>3201.6</b>	<b>R-3</b>	<b>Rural Residential</b>
<b>3201.7</b>	<b>USZ</b>	<b>Urban Service Zone</b>
<b>3201.8</b>	<b>INDZ</b>	<b>Industrial Zone</b>
<b>3201.9</b>	<b>COMZ</b>	<b>Commercial Zone</b>

**3202 Establishment of Criteria for Zoning Public Hearing.** On Monday, July 10, 2000, the Planning Commission recommended, and the County Commission approved, the following decision criteria for public hearings concerning zoning requests:

- A.** Those landowners who applied for a zoning designation during the sign-up phase and are ready to initiate development or rezoning process, or
- B.** Those landowners who did not previously zone their property and wish to zone or initiate a development plan.

**3203 Establishing Zoning or Rezoning.** Any landowner, or their authorized agent, may submit to the County a completed application for establishing zoning or rezoning.

**3203.1 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.
- C. Site Specific Development Plan,** where applicable, and
- D. Fee.**

**3203.2 Public Hearing Before the Planning Commission.** A public hearing shall be set in accordance with **6101.1 Notice of Public Hearing** of this Code.

**3203.3 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.

**3204 Development of Landowner-Initiated Zoning Map of Montezuma County.** The Landowner-Initiated Zoning Map of Montezuma County was developed in the 12-month phase following the adoption of the Land Use Code, during which time landowners applied for zoning designations.

**3204.1 Official Landowner-Initiated Zoning Map Available for Public Review.** In order to continue to foster discussion and cooperation between landowners, the Landowner-Initiated Zoning Map is available for public review during regular business hours in the Planning Office at the County Courthouse.

**3204.2 Regular Update of the Official Landowner-Initiated Zoning Map.** The zoning applications as filed with the County shall be indicated on the Official Landowner-Initiated Zoning Map, which shall be updated on a regular basis.

**3205 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.

**3206 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.

**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 Planned Unit Development 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: Uniform Building Code, 1997 Edition.
- E.** Livestock Fencing: Threshold Standards
- F.** Agricultural Protection: Threshold Standards
- G.** Outdoor Storage: Threshold Standards for non-agricultural uses
- H.** Roads, Traffic, and Access: Threshold Standards for non-agricultural uses
- I.** Parking and Loading Areas: Threshold Standards
- J.** Health, Safety, and Welfare: Threshold Standards for non-agricultural uses
- K.** Nuisance Standards: Threshold Standards for non-agricultural 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: Uniform Building Code, 1997 Edition.
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards for non-agricultural uses
- H. Roads, Traffic, and Access: Threshold Standards for non-agricultural uses
- I. Parking and Loading Areas: Threshold Standards
- J. Health, Safety, and Welfare: Threshold Standards for non-agricultural uses
- K. Nuisance Standards: Threshold Standards for non-agricultural 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 Planned Unit Development (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 Planned Unit Development" 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: Cluster Incentive PUD and General PUD.

**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: Uniform Building Code, 1997 Edition.
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards for non-agricultural uses
- H. Roads, Traffic, and Access: Threshold Standards for non-agricultural uses
- I. Parking and Loading Areas: Threshold Standards
- J. Health, Safety, and Welfare: Threshold Standards for non-agricultural uses
- K. Nuisance Standards: Threshold Standards for non-agricultural 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: Uniform Building Code, 1997 Edition.
- E. Livestock Fencing: Threshold Standards
- F. Agricultural Protection: Threshold Standards
- G. Outdoor Storage: Threshold Standards for non-agricultural uses
- H. Roads, Traffic, and Access: Threshold Standards for non-agricultural 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: Uniform Building Code, 1997 Edition.
- 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 Planned Unit Developments

**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
- Planned Unit Development descriptions can be found in Chapter 4, Section 2
- 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	A/R 3-9	COMMERCIAL	INDUSTRIAL
Uses by Right			Residential, Residential Accessory	Primary Agriculture Agriculture Accessory Residential Residential Accessory	Commercial	Industrial
Conditional Uses			None	General PUD High Impact Permit	Commercial PUD General PUD High Impact Permit	Industrial PUD General PUD High Impact Permit
THRESHOLD STANDARDS						
1	Minimum lot size	Standards for the areas adjacent to the municipalities apply. See page 27.	3 acres	3 acres	3 acres or per approved Planned Unit Development or Permit	3 acres or per approved Planned Unit Development or Permit
2	Maximum building height		35'	35'	35'	35'
3	Maximum Building Footprint		5,000-7,500	7,500-15,000	TS	TS
4	Building Setbacks		TS	TS	TS	TS
5	New Construction and Remodeling for Commercial, Industrial and Public Buildings		N/A	UBC, 1997 Edition for Commercial and Industrial Uses	UBC, 1997 Edition for Commercial and Industrial Uses	UBC, 1997 Edition for Commercial and Industrial Uses
6	Livestock Fencing		TS	TS	TS	TS
7	Protection of Normal Agricultural operations		TS	TS	TS	TS
8	Outdoor Storage		TS	TS	TS	TS
9	Roads		TS	TS	TS	TS
10	Parking / Access and Loading areas		TS	TS	TS	TS
11	Traffic		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)		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
32	<u>Other Significant Adverse Impacts</u>		TS	TS	TS	TS

STANDARD FOR THE URBAN SERVICES ZONE AGREEMENT FOR AREAS ADJACENT TO THE MUNICIPALITIES		
Improvements	Proposed County Urban Services Zone Standards— Moderate Residential—2+ units per acre	Proposed County Urban Services Zone Standards—Light Residential— 1 unit per acre
Street Standards	<ol style="list-style-type: none"> <li>1. Curb and gutters</li> <li>2. Sidewalks</li> <li>3. 2½" asphalt and 8" gravel</li> <li>4. 36' wide (32' asphalt &amp; 2x2' curb and gutter)</li> </ol>	<ol style="list-style-type: none"> <li>1. No curb and gutter or sidewalks required</li> <li>2. 36" wide gravel base (8")</li> <li>3. 28" wide asphalt (2½") &amp; 4" gravel shoulder or chip seal to county standards</li> </ol>
Storm Water	<ol style="list-style-type: none"> <li>1. Curbs to inlets</li> <li>2. Storm piping to major drainways</li> <li>3. Culverts sized as needed</li> <li>4. Easements for drainage</li> </ol>	<ol style="list-style-type: none"> <li>1. Side ditches—owner maintained</li> <li>2. Culverts sized as needed in drainage study</li> <li>3. Easements for drainage</li> </ol>
Water Piping <sup>1</sup>	<ol style="list-style-type: none"> <li>1. 6" main minimum—C900 DR14 (200 psi)</li> <li>2. Pumper and 2 hose connections on</li> <li>3. hydrants</li> <li>4. 1 fire hydrant w/in 500' and 2 w/in 1000'</li> <li>5. In-line valve 800' min. spacing</li> </ol>	<ol style="list-style-type: none"> <li>1. 6" main minimum—C900 DR14 (200 psi)</li> <li>2. Pumper and 2 hose connections on hydrants</li> <li>3. 1 fire hydrant w/in 500' and 2 w/in 1000'<sup>1</sup></li> <li>4. In-line valve 800' min. spacing</li> </ol>
Fire Protection	1. Developer will be required to construct water lines with pipe sizes adequate to convey required future fire flows	1. Developer will be required to construct water lines with pipe sizes adequate to convey required future fire flows
Right-Of-Ways	<ol style="list-style-type: none"> <li>1. 60' minimum for residential</li> <li>2. 80' minimum for collector</li> </ol>	<ol style="list-style-type: none"> <li>1. 60' minimum for residential</li> <li>2. 80' minimum for collector</li> </ol>
Building Codes	<ol style="list-style-type: none"> <li>1. Uniform Building Code, 1997 Edition and the municipality's Fire Marshal<sup>2</sup>. Includes: <ol style="list-style-type: none"> <li>A. Commercial development</li> <li>B. Residential development on less than three acres.</li> </ol> </li> <li>2. Landowner-Initiated Zoning, administered by Montezuma County</li> </ol>	<ol style="list-style-type: none"> <li>1. Uniform Building Code, 1997 and the municipality's Fire Marshal<sup>2</sup>. Includes, <ol style="list-style-type: none"> <li>A. Commercial development</li> <li>B. Residential development on less than three acres.</li> </ol> </li> <li>2. Landowner-Initiated Zoning, administered by Montezuma County</li> </ol>
Density	1. Any development under three acres must be connected to the municipality's sanitation system	1. Any development under three acres must be connected to the municipality's sanitation system
Sanitation	1. Attached to District if lot sizes are under three acres	1. Attached to District if lot sizes are under three acres
Road Maintenance	1. Homeowners association required with annual fees	1. Homeowners association required with annual fees
Setbacks and Building Heights	<ol style="list-style-type: none"> <li>1. 20' min. front yard<sup>3</sup>, 7' min. side and rear yard<sup>4</sup></li> <li>2. 35' max. height for principal structures</li> <li>3. 15' max. height for accessory structures</li> </ol>	<ol style="list-style-type: none"> <li>1. 50' min. front yard<sup>3</sup>, 50' min. side yard<sup>4</sup>, 25' min. rear yard<sup>4</sup></li> <li>2. 35' max. height for principal structures</li> <li>3. 15' max. height for accessory structures</li> </ol>
Buffering Between Development Types	All proposed development can only be approved if the type of development is contiguous or compatible with the adjacent existing development (i.e. manufactured housing with manufactured housing). Any development not contiguous or compatible with the adjacent area shall include a buffer zone along the perimeter or edge of the development including, but not limited to, berming, landscaping, screening, solid wall construction, or other forms of mitigation of adverse impacts. The buffer zone between developments shall be evaluated on a case-by-case basis by the Montezuma County Planning Commission. Where single-family or duplex dwelling units are adjacent to a low-density residential area, there shall be a minimum forty (40) foot buffer zone. Where multi-family or non-residential buildings or structures are adjacent to a low-density residential area, there shall be a minimum sixty (60) foot buffer zone. These threshold numbers can be decreased by the Planning Commission depending on the buffering tools that are utilized.	

<sup>1</sup>Future negotiations with 3<sup>rd</sup> party water providers for standards are necessary

<sup>2</sup>Adoption of resolution by County Commissioners for enforcement is necessary

<sup>3</sup>Measured from edge of future right-of-way

<sup>4</sup>Measured from side or rear property line

# 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, 1997 Edition for Commercial and Industrial Uses	UBC, 1997 Edition for Commercial and Industrial Uses	UBC, 1997 Edition for Commercial and Industrial Uses	UBC, 1997 Edition for Commercial and Industrial 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-agricultural uses	TS for non-agricultural uses	TS for non-agricultural Uses	P/C, TSM	TS
9	Roads	TS	TS for non-agricultural uses	TS for non-agricultural uses	TS for non-agricultural uses	P/C, TSM	TS
10	Parking/Access and Loading areas	TS	TS	TS	TS	P/C, TSM	TS
11	Traffic	TS for non-agricultural uses	TS for non-agricultural uses	TS for non-agricultural uses	TS for non-agricultural uses	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-agricultural uses	TS for non-agricultural uses	TS for non-agricultural uses	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-agricultural uses	TS for non-agricultural uses	TS for non-agricultural uses	P/C, TSM	TS
32	Other Significant Adverse Impacts	TS	TS for non-agricultural uses	TS for non-agricultural uses	TS for non-agricultural uses	TS minimum	TS



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**CHAPTER 4: PLANNED UNIT DEVELOPMENT**  
**Chapter 4: Section 1 – Authority, Purposes and Objectives**

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**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 planned unit development 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 planned unit developments. However, specific standards, specifications or requirements may be modified as part of the planned unit development 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 planned unit development, 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 planned unit development and surrounding uses must be mitigated for the PUD plan to be approved.

#### **4104 CIPUD Cluster Incentive Planned Unit Development.**

**4104.1 Intent.** This planned unit development 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 Planned Unit Development" 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 Incentive PUD, administrative and impact fees may also be phased as home site development occurs.

**A.** In the event the administrative and impact fees are phased, a plat note will state "the developer is responsible for payment of appropriate fees regarding development and infrastructure".

#### **4105 INDPUD Industrial Planned Unit Development.**

**4105.1 Intent.** This planned unit development 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 COMPUD Commercial Planned Unit Development.**

**4106.1 Intent.** This planned unit development 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 which mitigates significant adverse impacts.

**4107 GPUD General Planned Unit Development.**

**4107.1 Intent.** A planned unit development 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 Planned Unit Development.**

**4108.1 Intent.** This planned unit development option allows for variation from regulations for mobile home and RV parks to meet planned unit development 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 planned unit development requirements.

Planned Unit Development	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 Mobile Home Planned Unit Development 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 Planned Unit Development.**

**4201.1 General.**

- A. A planned unit development 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 planned unit development application shall be made by the County Commissioners after receiving a recommendation from the Planning Commission.
- C. Planned unit development alternatives are only available in specified zoning designations. **Refer to Chapter 4, Planned Unit Development.**

**4201.2 Design Flexibility for Planned Unit Developments.** A planned unit development 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 planned unit development 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 Planned Unit Development 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 planned unit development.
- 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 planned unit development 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 planned unit development;
    - b. The proposed method of sewage treatment;
  6. A statement of ownership interest, including minerals, relevant to the property planned for a planned unit development.
  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 planned unit development.
  9. A list of owners of properties located within three hundred (300) feet of the boundaries of the planned unit development 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 Planned Unit Development Procedure.** Applications to establish a planned unit development 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 planned unit development may be developed in phases, according to the following:

**4202.1 Independent Phases.** Each phase within a planned unit development 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 planned unit development 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 planned unit development 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 planned unit development. 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.

3. Setbacks 1. 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.
- B. **Lighting.** All outdoor lighting shall be designed to illuminate only the premises and to minimize nuisance to adjoining landowners.
- 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.

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**CHAPTER 5: MONTEZUMA COUNTY SUBDIVISION REGULATIONS**  
**Chapter 5: Section 1 – Development Policies, Guidelines and Regulations**

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**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.

- 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. All new, and any change or enlargement, of commercial and industrial uses require a Permit as outlined in Chapter 1, Section 3 of this Code. 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.
- 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).
- G. All factory built and/or mobile homes must be in compliance with the Uniform Building Code, 1997 Edition 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 Planned Unit Developments on County Roads.** To address the impacts of Subdivisions and Planned Unit Developments 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 Planned Unit Developments.**

**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 planned unit development 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 planned unit development 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, planned unit development or subdivision with the policies and requirements contained in the **Zoning, Planned Unit Development 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, Planned Unit Development 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.

**C. 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**.

**D. 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.

**E. 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.

**5302.3 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.

**5302.4 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 planned unit development 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, planned unit development or subdivision with the policies contained in the **Zoning, Planned Unit Development 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, Planned Unit Development 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, Planned Unit Development, 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 twenty-one (21) 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 twenty-one (21) 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, Planned Unit Development, 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 Planned Unit Development 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 PUD 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 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 investigation 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 Investigation: 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 planned unit development.

**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 planned unit developments 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 Planned Unit Development 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, planned unit development 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 planned unit developments, 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.

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**CHAPTER 7: ADMINISTRATION**  
**Enforcement, Fees, Miscellaneous Provisions**

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**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 plan, 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 planned unit development must sign on the amended plat approving said amendment, except when lot owners are combining adjacent subdivision lots to their existing lot, then only the signatures of the affected lot owners are required.

**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 planned unit development 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.



## ADDENDUM TO MONTEZUMA COUNTY LAND USE CODE

Date: April 8, 2002

### Table of Contents

2201 Delete "Letter" before Permit Procedure

### Land Use Code

1202 Designate Uniform Building Code, 1997 Edition:  
Chart of Threshold Standards: No. 5: and delete "or other uniform standards".  
3303.5.D 3304.5.D 3305.5.D 3306.5.D 3307.5.D  
Page 26: Threshold Standard No. 5 and delete "or other uniform standards".  
Page 27: Urban Services Standards  
Page 28: Threshold Standard No. 5 and delete "or other uniform standards".  
5103.5.G

Chart of Threshold Standards: No. 8: Outdoor Storage and/or Fabrication Areas:  
"Merchandise Displays are Exempt" was deleted in error in the previous amendment. Add back in.

1301.4 Planned Unit Development and PUD. Changes were made in the following with regard to the terms "Planned Unit Development" and "PUD", as requested by the Planning Commission.

2201.1	2201.3	2203.1.C & D	2205.1.B	3102.1.B
3105.12.A-E	3302	3305.1.C & E	3305.4.B	3308.5.D
3314, Page 26 Conditional Uses and Threshold Standards				
4102.1	4103.1-3	4104	4104.1	4105
4105.1	4106	4106.1	4107	4107.1
4108	4108.1	4109	4201	4201.1.A,B & C
4201.2	4201.2.A	4201.3	4201.3.A.5	4201.3.C.5,6,8 & 9
4201.4	4202	4202.1 & 2	4203.1	5104
Ch.5, Sec. 3	5301.1.B	5302.1	5302.1.A	5302.2.A
5303.1	5303.1.A	5303.3.A	5303.3.C.1	5401.3.A
5405.4	6101	6101.1	6101.1.C.3	7104.2.
7104.3.B				

2205.4 C.1 Add: In regard to gravel operations: a flood mitigation plan will be prepared as part of the reclamation plan for the gravel operations. The flood mitigation plan should address, at a minimum, the existing and post-mining areas of the floodplain; the location, type and size of any temporary or permanent levee systems; the location and quantity of material stockpiles; any temporary or permanent flood protection measures; and compliance with the Montezuma County Floodplain Resolution No. 1-91.

2205.4 C.2 Add: Flood Mitigation Plan may be required for other High Impact Permit proposals.

Chapter 3, Sections 2 and 4 are blended into Chapter 3, Section 2.

3203.3.C Add "Site specific development plan, where applicable, and"

3203.3.D Add "Fee"

3204.1 Add "to continue"

3303.5 Change "non-ag" to "non-agricultural uses". Changes were made throughout the Code at the following places:  
3303.5.G,H,J & K 3304.5.G,H,J & K 3305.5.G,H,J & K 3306.5.G & H  
Pg. 28 Threshold Standards: 8, 9, 11, 12-32

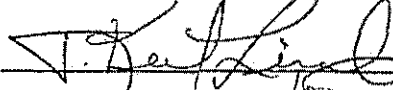

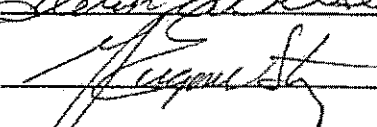
ADDENDUM     MONTEZUMA COUNTY LAND USE CODE  
Date: April 8, 2002

- 3314            Summary Chart. Delete "UTS – Urban Influence Area Threshold Standards to be developed at a later time. Available as preference only in sign-up phase".  
Delete "C/I uses – Commercial and Industrial Uses"  
Summary Chart of Zoning Choices – Preference Zones.  
Urban Services Zone: Add:  
Standards for the areas adjacent to the municipalities apply
- Add Page 27: Standards For The Urban Services Zone Agreement For Areas Adjacent To The Municipalities
- 4104.7           Change "will" to "may" in last sentence.  
Add A: In the event the administrative and impact fees are phased, a plat note will state "the developer is responsible for payment of appropriate fees regarding development and infrastructure".
- 5103.1A.2 & 3   Delete "where physically possible".
- 5103.4.E           Add "All new, and any change or enlargement, of commercial and industrial uses require a Permit as outlined in Chapter 1, Section 3, of this Code."
- 5103.5.E & F     Delete "where physically possible".
- 5302            Change 5302.3 to C  
A becomes D  
B becomes E  
5302.4 becomes 5302.3  
5302.5 becomes 5302.4
- 5303.3.B           Change 35 days to 21 days for agency review per 30-28-136.2 CRS
- 5402.3.G           Change "survey" to "investigation".  
5404.3.K           Change "survey" to "investigation".
- 7102.2.A           Add "plan" after sketch
- 7104.2.B           Add "except when lot owners are combining adjacent subdivision lots to their existing lot, then only the signatures of the affected lot owners are required".

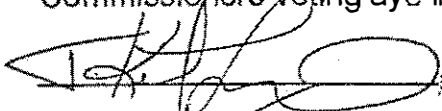
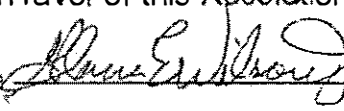
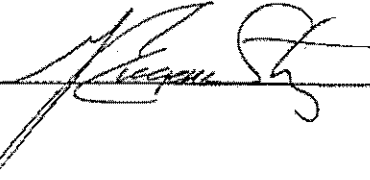
NOW THEREFORE BE IT RESOLVED that this Code is hereby amended.

Adopted this 8<sup>th</sup> day of April, 2002 at 1:55 o'clock p.m.

Board of County Commissioners  
of Montezuma County, Colorado

Commissioners voting aye in favor of this Resolution were:

  
 and 

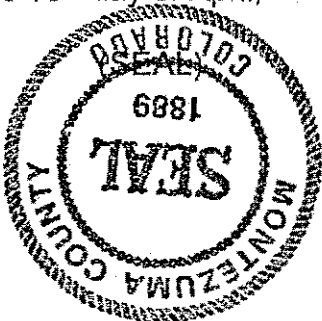
Commissioners voting no against this Resolution were:

\_\_\_\_\_ 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 15<sup>th</sup> day of April, 2002.



  
County Clerk and Recorder  
Montezuma County, Colorado

Res No 3-2002

See min. 3-4-02

Revised 4-22-02

Resolution NO. 2-2002

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE DEPARTMENT OF TRANSPORTATION, DIVISION OF TRANSPORTATION DEVELOPMENT, FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES IN NONURBANIZED AREAS.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONTEZUMA COUNTY, COLORADO.

Section 1. Said Board finds,

- A. It has the power to enter into intergovernmental agreements under state statute,
- B. The State of Colorado, State Department of Transportation, Division of Transportation Development, has obtained certain unencumbered Federal funds for the provision of public transportation services in non urbanized areas: and ,
- C. The State Department of Transportation, Division of Transportation Development, is responsible for the disbursement of these funds: and,
- D. Montezuma County is desirous of obtaining said funds for the provision of public transportation services to residents of, and has filed an application with the State for this purpose; and,
- E. The state has proposed and intergovernmental agreement with Montezuma County of provide funds for such services; and,
- F. Montezuma County desires to accept the funds for such services pursuant to the conditions of the agreement; and,
- G. Montezuma County desires to work together with the State Department of Transportation to effect said services as provided in the agreement.

Section 2. Montezuma County hereby approves the attached contract with the State Department of Transportation, agrees with the terms and conditions stated therein, and authorizes its chairman to sign said contract

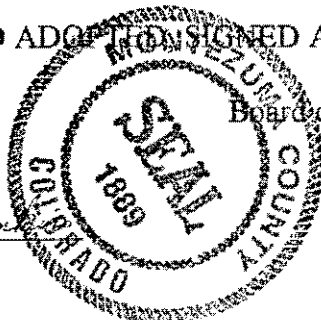
Section 3. Montezuma County hereby obligates its local funds share of \$16,800 as required by Exhibit A

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 14<sup>th</sup> DAY OF JANUARY, 2002

ATTEST:

Board of Commission for Montezuma County

*Nelida J. Gentry*  
Deputy Clerk



By:

*[Signature]*  
Chairman

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 14th day of January, 2002, with the following persons in attendance:

Commissioners:	G. Eugene Story, James Kent Lindsay, and Glenn E. Wilson, Jr.
Commissioners Absent:	None
County Administrator:	Thomas J. Weaver
Clerk and Recorder:	Nelda Jenkins, Deputy

the following proceedings, among others, were taken:

RESOLUTION #1 -2002

WHEREAS, in 1996 Congress authorized the Recreational Fee Demonstration Program, which allows the United States Forest Service and Bureau of Land Management to charge visitors daily and yearly fees for recreation on publicly owned land under their management ; and

WHEREAS, several Fee Demo programs have actually been implemented in Colorado, including Yankee Boy Basin, Vail Pass, the Gunnison Gorge, Mount Evans, and others; and

WHEREAS, it is reasonable to expect that the Fee Demo program will be extended to the numerous nearby recreation areas on federal land managed by the U.S. Forest Service, BLM, National Park Service and/or U.S. Fish and Wildlife Service, on which the economy and prosperity of our city depends; and

WHEREAS, recreational fees constitute double taxation which bears no relationship to the actual cost of recreation such as hiking, picnicking, observing wildlife or scenic driving on county roads; and


WHEREAS, while the original intent of the Fee Demo program was to generate revenue to address maintenance backlogs and enhance visitor services, it has instead limited public access and garnered strong public criticism; and

WHEREAS, while the controversy over Demo Fees continues, the core issue of providing adequate funding for public land maintenance remains unresolved; and

WHEREAS, since the purchase of a Fee Demo pass is counted by the federal land management agencies as support of the program, but no means of expressing opposition is provided except to avoid the fee area, we are concerned that some citizens may be deterred from visiting and enjoying the public lands near Montezuma County.

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Montezuma County hereby requests that no recreational fees be imposed on Federal lands in our vicinity under the Recreational Fee Demonstration Program.

Commissioners voting aye in favor of the Resolution were:

 Eugene Story

Commissioners voting nay against the Resolution were:



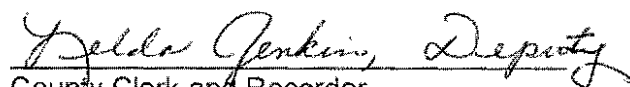
  
County Clerk and Recorder  
Montezuma County, Colorado

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 14th day of January, 2002.

(SEAL)



  
County Clerk and Recorder  
Montezuma County, Colorado