

RESOLUTIONS -- 2006

Resolution Number	Date Signed	Name
1-2006	01/09/06	Re-categorizing Montezuma County
2-2006	06/12/06	Banking relationship/FNB/ new signers
3-2006	05/30/06	cancel-suspension of ban on open fires
4-2006	07/17/06	Amending Mtz. Co. Land Use Code
5-2006	07/10/06	Support of GOCO grant for equine/pedestrian trail system
6-2006	07/17/06	Preserve America Community Designation
7-2006	07/24/06	Annual Road Use Permit/ Giant Transportation
8-2006	07/31/06	Ballot question- sales/use tax road/bridge
9-2006	07/31/06	Ballot question --sales/use tax fairgrounds/racetrack
10-2006	07/31/06	Ballot question -- building codes residential structures.
11-2006	09/11/06	Suspension of ban on open fires
(1-2003 Amended)	09/11/06	Amending term limits on PC see in 2003 resolution file.
12-2006	10/02/06	Vacate Road 39
13-2006	12/18/06	Amend Land Use Code dedication of sites for schools
14-2006	11/13/06	Agreement with Stone Crushing on Road 19
15-2006	10/30/06	Ludeman,Hamilton,Wilson, and McAfee properties protection for conservation purposes including open space and agricultural values
16-2006	12/11/06	2006 amended budget
17-2006	12/11/06	Adopt 2007 budget
18-2006	12/11/06	Set mill levies
19-2006	12/11/06	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 11th day of December, 2006, with the following persons in attendance:

Commissioners:	Dewayne Findley, Gerald Koppenhafer, and Larrie Rule
Commissioners Absent:	
County Administrator:	Ashton N. Harrison
County Attorney:	Bob Slough
Clerk and Recorder:	Carol Tullis

the following proceedings, among others, were taken:

Resolution # 19-2006

A RESOLUTION TO APPROPRIATE SUMS OF MONEY

WHEREAS, the Commissioners have adopted the annual budget in accordance with Local Government Budget Law on December 11, 2006, 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	\$ 9,934,132
Road	\$ 5,058,872
Landfill	\$ 854,852
Social Services	\$ 8,002,004
Capital Fund	\$ 1,265,128
Clara Ormiston Fund	\$ 10,000
Conservation Trust	\$ 242,500
Contingent Fund	\$ 583,919
Emergency Reserve Fund	\$ 0
Emergency Telephone	\$ 129,500
Jail Bond	\$ 1,065,784
Lodgers Tax	\$ 100,000
Revolving Loan Fund	\$ 0
Sheriff Forfeiture Fund	\$ 1.00
Unallocated Reserve Fund	\$ 0

TOTAL	\$27,246,692
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Commissioners voting aye in favor of the resolution were:

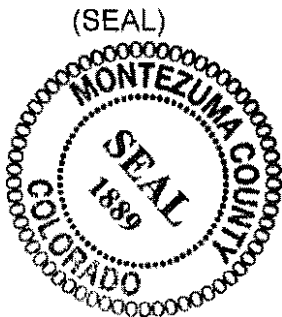
W. Wayne Fordley *Harold Kopp* *Larry D. Rupp*

Commissioners voting nay against the resolution were:

Carol Tullis
County Clerk and Recorder
Montezuma County, Colorado

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

Dated this 11th day of December, 2006.



Carol Tullis
County Clerk and Recorder
Montezuma County, Colorado

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

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 11th day of December, 2006, with the following persons in attendance:

Commissioners:	Dewayne Findley, Gerald Koppenhafer, and Larrie Rule
Commissioners Absent:	
County Administrator:	Ashton N. Harrison
County Attorney:	Bob Slough
Clerk and Recorder:	Carol Tullis

the following proceedings, among others, were taken:

Resolution # 18-2006

A RESOLUTION TO SET MILL LEVIES

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2006 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR MONTEZUMA COUNTY, COLORADO, FOR THE 2007 BUDGET.

WHEREAS, the Commissioners of Montezuma County, Colorado, have adopted the annual budget in accordance with the Local Government Budget Law on the 11th day of December, 2006, and;

WHEREAS, the 2006 valuation by the Commissioners of Montezuma County as certified by the County Assessor is \$370,087,190;

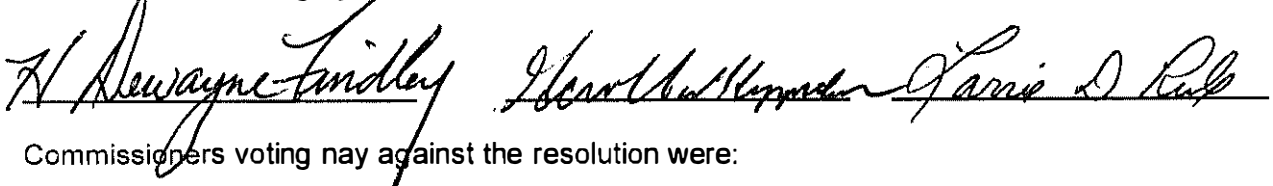
NOW THEREFORE BE IT RESOLVED by the Commissioners of Montezuma County, Colorado, that;

For the purpose of meeting all general operating expenses of Montezuma County during the 2007 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 2006.


SUMMARY OF FUNDS BUDGET 2007

County General	10.338
Social Services	1.300
Road and Bridge	2.616
TOTAL COUNTY MILL LEVY	14.254

Commissioners voting aye in favor of the resolution were:



Commissioners voting nay against the resolution were:

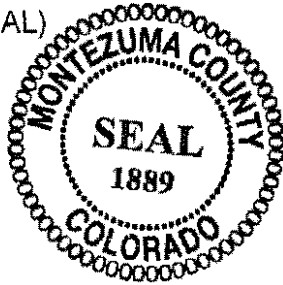


County Clerk and Recorder
Montezuma County, Colorado

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

Dated this 11th day of December, 2006.

(SEAL)



Carol Jellis

County Clerk and Recorder
Montezuma County, Colorado

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

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 11th day of December, 2006, with the following persons in attendance:

Commissioners:	Dewayne Findley, Gerald Koppenhafer, and Larrie Rule
Commissioners Absent:	
County Administrator:	Ashton N. Harrison
County Attorney:	Bob Slough
Clerk and Recorder:	Carol Tullis

the following proceedings, among others, were taken:

Resolution # 17-2006

A RESOLUTION ADOPTING A BUDGET FOR MONTEZUMA COUNTY, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2007 AND ENDING ON THE LAST DAY OF DECEMBER, 2007.

WHEREAS, the Commissioners of Montezuma County, Colorado, have appointed Ashton N. Harrison to prepare and submit a proposed budget to said governing body, and;

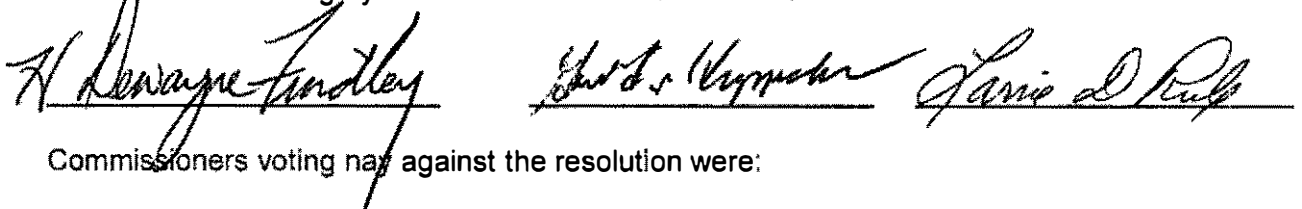
WHEREAS, Mr. Harrison has submitted a proposed budget to this governing body for its consideration, and;

WHEREAS, due to proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on December 11, 2006, and interested electors were given the opportunity to file or register any objections to said proposed budget, and;


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

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

Commissioners voting aye in favor of the resolution were:

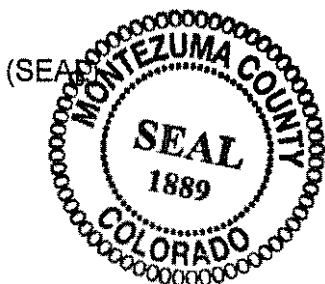



Commissioners voting nay against the resolution were:


County Clerk and Recorder
Montezuma County, Colorado

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

Dated this 11th day of December, 2006.




County Clerk and Recorder
Montezuma County, Colorado

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

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 11th day of December, 2006, with the following persons in attendance:

Commissioners:	Dewayne Findley, Gerald Koppenhafer, and Larrie Rule
Commissioners Absent:	
County Administrator:	Ashton N. Harrison
County Attorney:	Bob Slough
Clerk and Recorder:	Carol Tullis

the following proceedings, among others, were taken:

Resolution # 16-2006

WHEREAS, Montezuma County adopted an operating budget for the General Fund, Road and Bridge Fund, Landfill Fund and Miscelanous Fund in December, 2005, for the ensuing year, and;

WHEREAS, Montezuma County after adoption of the 2006 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	\$549,809.00
Clerk	10,455.00
Jail	550.00
Records	394.00
Sheriff	95,706.00
District Attorney	19,985.00
Health	37,110.00
Fairgrounds	42,334.00
Grounds & Buildings	508.00
Administration	76,468.00
Misc.	17,777.00
Computer	201,077.00
Elections	47,445.00
ROAD AND BRIDGE FUND	\$ 1,909,458.00
SOCIAL SERVICES	\$ 340.00
ETA	\$ 75,950.00
LODGERS	\$ 5,000.00
REVOLVING LOAN	\$ 21,000.00
JAIL BOND FUND	\$1,330,391.00
CAPITAL	\$ 862,559.00

Commissioners voting aye in favor of the resolution were:

H. Duwayne Furdley *Donna K. Kammeyer* *Larrie D. Rupp*

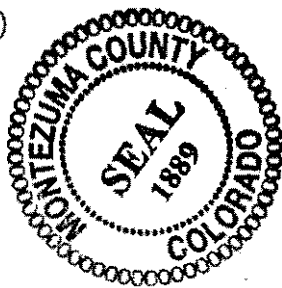
Commissioners voting nay against the resolution were:

Carol Jullis
County Clerk and Recorder
Montezuma County, Colorado

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

Dated this 11th day of December, 2006.

(SEAL)



Carol Jullis
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 30th day of October, 2006, with the following persons in attendance:

Commissioners:	Dewayne Findley, Gerald Koppenhafer, and Larrie Rule
Commissioners Absent:	
County Administrator:	Ashton N. Harrison
County Attorney:	Bob Slough
Clerk and Recorder:	Carol Tullis

the following proceedings, among others, were taken:

Resolution # 15-2006

Resolution

WHEREAS, the Montezuma County Comprehensive Land Use Plan (the Land Use Plan) recognizes the need to utilize voluntary incentives to address open space needs; and

WHEREAS, the Land Use Plan identifies the need for the continued viability of agriculture as a strong community value and the need for land use tools that protect and encourage agricultural viability; and

WHEREAS, the Land Use Plan recommends coordination of policies, plans and essential services so that landowners can make use of conservation easements, and encourages the use of voluntary conservation easements to support a landowner's decision to set aside agricultural lands, open space and wildlife habitat; and

WHEREAS, the Internal Revenue Service Code of Federal Regulations states that a formal resolution by a local governmental agency identifying the subject property as worthy of protection for conservation purposes will help meet the qualifying conservation contribution test for conservation easements; and

WHEREAS, Stephen G. Ludemann, Oscar and Barbara Hamilton, Arthur Wade Wilson, and Charles W. and Mary E. McAfee wish to voluntarily conserve the open space and agricultural values of their properties with conservation easements;

NOW THEREFORE BE IT RESOLVED THAT Montezuma County recognizes that the Ludemann, Hamilton, Wilson, and McAfee properties (see Attachment A, legal descriptions) are worthy of protection for conservation purposes, including their open space and agricultural values.

This Resolution is adopted this 30th day of October, 2006.

Board of County Commissioners of Montezuma County, Colorado

H. Dewayne Findley
H. Dewayne Findley, Chair

Commissioners voting aye in favor of the resolution were:

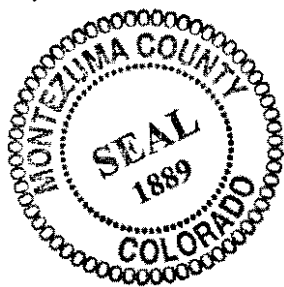
H. Dewayne Findley Gerald Adams Garrie D. Ruff

Commissioners voting nay against the resolution were:

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 30th day of October, 2006.

(SEAL)



Kelly Chisley
County Clerk and Recorder
Montezuma County, Colorado

**ATTACHMENT A:
LEGAL DESCRIPTIONS OF THE
FOUR PROPERTIES REFERENCED IN RESOLUTION # 15-2006**

BARBARA AND OSCAR HAMILTON PROPERTY:

Section 12: E1/2SW1/4 and W1/2SE1/4
Section 13: E1/2NW1/4, W1/2NE1/4 and Lots 1 and 2
All in Township 38 North, Range 17 West, N.M.P.M.
County of Montezuma
State of Colorado

STEPHEN G. LUDEMANN PROPERTY:

Section 6: SE1/4SW1/4 and SW1/4SE1/4
Section 7: W1/2NE1/4 and NE1/4
All in Township 38 North, Range 16 West, N.M.P.M.
County of Montezuma
State of Colorado

CHARLES W. AND MARY E. McAFEE PROPERTY:

Section 2: W1/2NE1/4 and a tract in the E1/2NW4
All in Township 37 North, Range 17 West, N.M.P.M.
County of Montezuma
State of Colorado

ARTHUR WADE WILSON:

Section 7: SW1/4
Section 18: E1/2NE1/4 and W1/2NW1/4
All in Township 38 North, Range 16 West, N.M.P.M.
County of Montezuma
State of Colorado

Pending Conservation Easements



3 0 3 6 Mile

-  County_roads_2006.shp
-  Existing CEs Conservationeasements_2006.shp
-  Pending CEs Pending ces.shp
-  Parcel Boundary Parcel_lyr.shp



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 13th day of November, 2006, with the following persons in attendance:

Commissioners: Dewayne Findley, Gerald Koppenhafer, and Larrie Rule
Commissioners Absent:
County Administrator: Ashton N. Harrison
County Attorney: Bob Slough
Clerk and Recorder: Carol Tullis

the following proceedings, among others, were taken:

Resolution # 14-2006

A RESOLUTION ENTERING INTO AN AGREEMENT WITH STONE CRUSHING
UPGRADING A PORTION OF COUNTY ROAD 19

WHEREAS, Stone Crushing desires to have County Road 19 upgraded to a fully-maintained gravel road; and

WHEREAS, Montezuma County has historically entered into agreements wherein the Montezuma County Road Department furnishes road material and the person(s) requesting the upgrade provides for hauling of same road material and all labor incurred; and

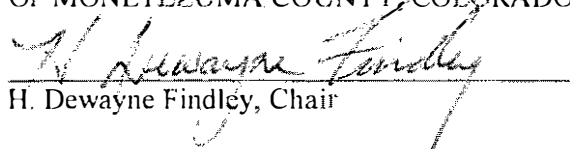
WHEREAS, the Montezuma County Road Department has determined that it is financially beneficial to Montezuma County in the present circumstance to alter the historical policy; and

WHEREAS, Stone Crushing has determined that it is in their financial best interest to agree to alternate terms to the historical policy.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS TO ENTER INTO AN AGREEMENT WITH STONE CRUSHING TO UPGRADE COUNTY ROAD 19 NORTH OF HIGHWAY 491 TO THE INTERSECTION OF COUNTY ROAD Z IN VARIATION TO THE HISTORICAL POLICY.

1. Stone Crushing will provide 3-inch base course (sandstone) and the hauling and labor for the ¾-inch finish gravel in exchange for the Montezuma County Road Department providing the ¾-inch finish gravel, culverts, and labor associated with upgrading the 3-inch base course (sandstone) and installing the culverts.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY, COLORADO


H. Dewayne Findley, Chair

Commissioners voting aye in favor of the resolution were:

K. Wayne Findley David Thompson Barrie D. Rife

Commissioners voting nay against the resolution were:

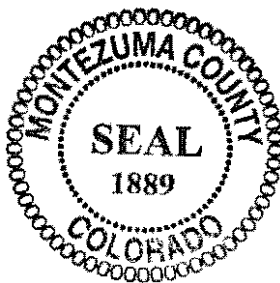
I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado and the votes upon same are true and correct.

Dated this 13th day of October, 2006.

(SEAL)

Coral Tullis

County Clerk and Recorder
Montezuma County, Colorado



RESOLUTION No. 13 - 2006

**A RESOLUTION AMENDING RESOLUTION NO. 4-2006
THE MONTEZUMA COUNTY LAND USE CODE**

WHEREAS, C.R.S. 30-28-133(4)(a) provides that subdivision regulations shall include provisions governing sites and land areas for schools which are reasonably necessary to serve the proposed subdivision and the future residents thereof; and

WHEREAS, on September 6, 2006, the Mancos School District RE-6 Board of Education adopted its Mancos School District School Land Dedication/Fee Resolution, marked Exhibit I attached hereto; and

WHEREAS, on October 26, 2006, during its regularly scheduled meeting, the Montezuma County Planning Commission certified to the Board of County Commissioners said proposed amendment to the Montezuma County Land Use Code; and

WHEREAS, it has become necessary to amend said Land Use Code to comply with C.R.S. 30-28-133(4)(a).

NOW THEREFORE BE IT RESOLVED by the Montezuma County Board of Commissioners that the Montezuma County Land Use Code, Resolution No. 4-2006, be and is hereby amended by the addition of Section 5105.4 as follows:

Section 5105.4 Dedication of sites and land areas, or payments in lieu thereof, or combinations thereof, for schools.

- A. Prior to approval of any future subdivision in the unincorporated areas of Montezuma County by the Montezuma County Board of Commissioners, the subdivider or developer shall comply with C.R.S. 30-28-133(4)(a) by dedicating such sites and land areas for schools, or payments in lieu thereof, or combinations thereof, as are reasonably necessary to serve the proposed subdivision and the future residents thereof. The value of a combination shall not exceed the fair market value of the sites and land areas. Dedication of sites and land areas, or payments in lieu thereof, or combinations thereof, for schools shall be to the school district in which said subdivision is located.

- B. The Montezuma County Board of Commissioners hereby finds that the Mancos School District School Land Dedication/Fee Resolution dated September 6, 2006, marked Exhibit 1 and attached hereto and made a part hereof as an Addendum to this Code, is an appropriate method to satisfy the "reasonably necessary" requirements of C.R.S. 30-28-133(4)(a).
- C. Proof of compliance shall be provided to the Montezuma County Board of Commissioners prior to approval of any subdivision.

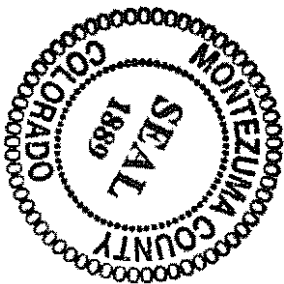
This Resolution is adopted this 18th day of December, 2006,
at 11:00 A.m.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY, COLORADO

H. Newayne Fendley
Gerald W. Koppeschauer
Garrie D. Fule

Commissioners voting aye in favor of the Resolution were: H. Newayne Fendley
Gerald W. Koppeschauer and Garrie D. Fule.

Commissioners voting nay against the Resolution were: _____,
_____ and _____.



Carol Mullis
(Deputy) County Clerk and Recorder
Montezuma County, Colorado

**Mancos School District
School Land Dedication/Fee Resolution**

WHEREAS, the Mancos School District RE-6 Board of Education believes that it is in the best interest of the Mancos School District to pursue the establishment of a school land dedication/fee in lieu requirement as a condition for approval for new subdivisions within its school district as statutorily enabled by Colorado State Statute 30-28-133; and

WHEREAS, the Mancos RE-6 School Board believes that new residential development will have an impact on the Mancos School District and facilities; and

WHEREAS, Mancos School District has hired a consultant to study the land dedication requirements for the Town and the County and to additionally examine the associated in-lieu fee for purposes of making recommendations to the District, the Town and the County regarding such matters; and

WHEREAS, the Mancos RE-6 School Board feels it is reasonable and fair that a fee of two hundred and seventy six dollars be assessed to new residential units in subdivisions within its school district; and

Whereas the Mancos School District will accept and issue receipt for all necessary land dedications/fee in lieu of dedications; and

WHEREAS the Mancos School Board has provided opportunity for public input regarding this request;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF MANCOS SCHOOL DISTRICT RE-6, IN THE COUNTY OF MONTEZUMA AND THE STATE OF COLORADO:

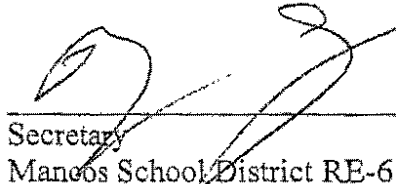
It is in the best interest of the Mancos School District that a school land dedication/fee in lieu of requirement of two hundred and seventy six dollars be paid to the Mancos School District as a condition for approval for residential units in new subdivision within its school district and respectively requests that the Town of Mancos and Montezuma County amend their subdivision review and approval process to reflect such a fee.

ADOPTED AND APPROVED this September 6, 2006.



President
Mancos School District RE-6

ATTEST:



Secretary
Mancos School District RE-6

*Exhibit 1 to Resolution
No. 13-2006*

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 18th day of December, 2006.

(Seal)



Carol Tullis
(Deputy) County Clerk and Recorder
Montezuma County, Colorado

RESOLUTION No. 12 - 2006

**A Resolution Discontinuing, Vacating, Abandoning and
Closing A Roadway**

WHEREAS, the Montezuma County Board of Commissioners is authorized to discontinue, vacate, abandon and close roadways in the unincorporated areas of Montezuma County. C.R.S. 30-11-107(1)(h) and 43-2-303(1)(b).

WHEREAS, a portion of County Road 39 is located in the SE¼ Section 1 and N½ Section 12, Township 35 North, Range 14 West N.M.P.M., County of Montezuma, State of Colorado. That portion of Road 39 is approximately one-half mile long West of County Road 39 and South of County Road G in the unincorporated area of Montezuma County as more particularly described on Exhibit A attached hereto and made a part hereof. The owner of the property upon which said roadway is located has requested the closure of said roadway which serves no public purpose because said roadway dead ends on said owner's property.

WHEREAS, notice having been given and after public hearing as provided by law;

NOW THEREFORE, BE IT RESOLVED by the Montezuma County Board of Commissioners that the roadway described above and on said Exhibit A is hereby discontinued, vacated, abandoned and closed effective immediately upon adoption of this Resolution.

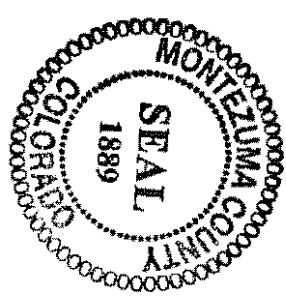
Adopted this 2nd day of October, 2006, at 11:50 P.M.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY, COLORADO

Al Lawrence Fendley
Harold W. Bergquist

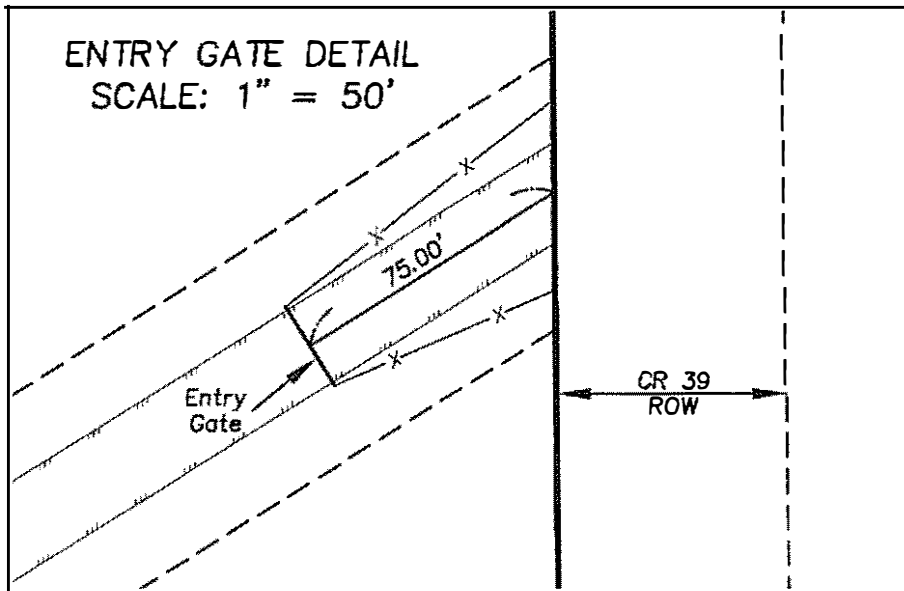
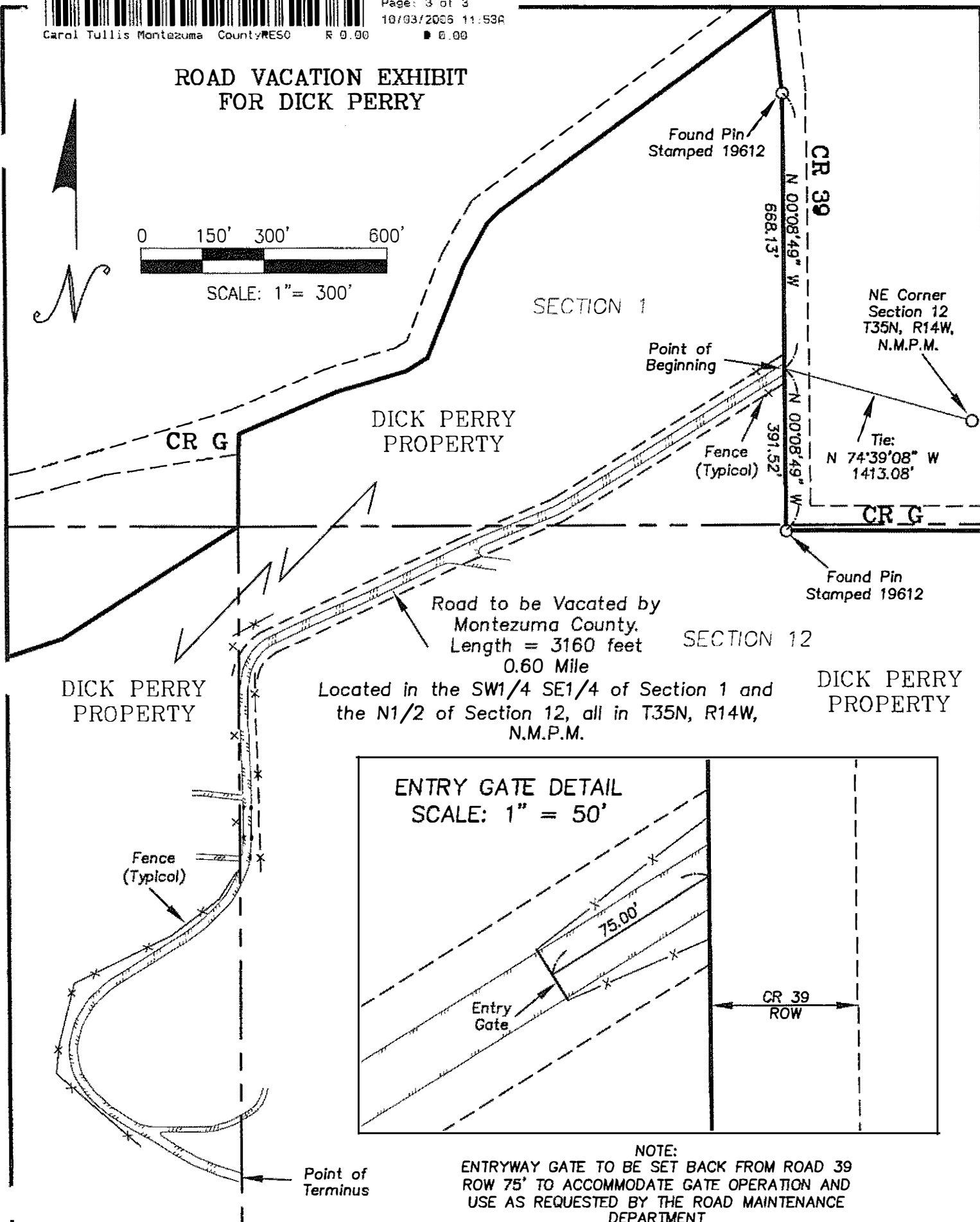


Commissioners voting aye in favor if the Resolution were: Comm. Lindley
Comm. Koppenhaver and _____
Commissioners voting nay against the Resolution were: _____
_____ and _____



Carol Tullis
County Clerk and Recorder
Montezuma County, Colorado

ROAD VACATION EXHIBIT FOR DICK PERRY



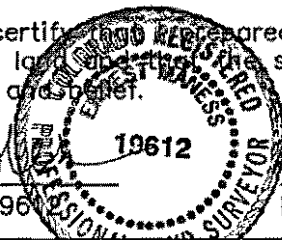
NOTE:
ENTRYWAY GATE TO BE SET BACK FROM ROAD 39 ROW 75' TO ACCOMMODATE GATE OPERATION AND USE AS REQUESTED BY THE ROAD MAINTENANCE DEPARTMENT

SURVEYOR'S CERTIFICATION:

KNOW ALL MEN BY THESE PRESENTS:

That I, Ernest E. Maness, do hereby certify that I have prepared this plat from an actual and accurate survey of the land and that the same is true and correct to the best of my knowledge and belief.

Ernest E. Maness
ERNEST E. MANESS COLORADO REG. 19612



002-06
DATE

1) According to the laws of the State of Colorado, any legal action based on any defect in this survey must commence within three (3) years after such defect was first discovered. In no event may any legal action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

MANESS & Associates Inc.
REGISTERED LAND SURVEYORS

28 S. Washington - P.O. Box 1163 - Cortez, CO. 81321
September 28, 2006 Phone: 970/565-8845 2006-09-R22

Exhibit A

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

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 11th day of September, 2006, with the following persons in attendance:

Commissioners:	Dewayne Findley, Gerald Koppenhafer and Larie D. Rule
Commissioners Absent:	
County Attorney:	Bob Slough
County Administrator:	Ashton N. Harrison
County Clerk:	Carol Tullis, County Clerk

the following proceedings, among others, were taken:

Resolution No. 01-2003 Amended

WHEREAS, Resolution No. 01-2003 was originally adopted on February 24, 2003, and


WHEREAS, the above mentioned resolution stated the Montezuma County Planning Commission would consist of seven members, serving three-year terms, for a maximum of two terms, and


WHEREAS, subsequently on December 15, 2003, during their regularly scheduled meeting the Board of County Commissioners voted to change the Term Appointment for Planning Commission Board Members to three 3-year terms.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners for Montezuma County, the following:

1. The Montezuma County Planning Commission will consist of seven members, serving three-year terms, for a maximum of three terms.
2. The Planning Commission will include three alternate members who shall be appointed for one-year terms and shall be seated in the place of regular Planning Commission members who are absent. The Chairman of the Planning Commission will seat up to three alternate members at each regular Planning Commission meeting on a rotating basis throughout their one-year term. Alternate members will receive all correspondence and meeting notices as do regular Planning Commission members and will be allowed to participate in any discussion at any regular or special Planning Commission meeting. Only those alternates seated by the Chairman will be allowed to vote.

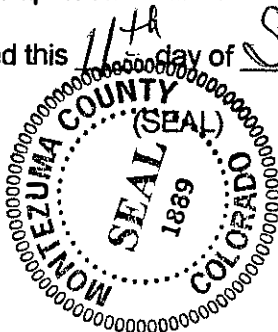
Commissioners voting aye in favor of the Resolution were:



Commissioners voting nay against the Resolution were:


County Clerk and Recorder
Montezuma County, Colorado

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

Dated this 11th day of Sept, 2006.




County Clerk and Recorder
Montezuma County, Colorado

RESOLUTION NO. 11-2006

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 11th day of SEPT, 2006 at 10:30 o'clock PM.

A.M.,

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY, COLORADO

A. Lawrence Findley
Gerald W. Koppenhaver
Larrie D. Rube

Commissioners voting aye in favor of this Resolution were:

A. Lawrence Findley, Gerald W. Koppenhaver
and Larrie D. Rube

Commissioners voting no against this Resolution were:

and _____



Carol Jullis
County Clerk and Recorder
Montezuma County, Colorado

RESOLUTION No. 10 - 2006

A Resolution Ordering An Election As To Whether Or Not A Building Code Should Be Adopted And Made Mandatory As To All Future Construction Of Residential Structures In The Unincorporated Areas Of Montezuma County.

WHEREAS, the question of the mandatory application of a Building Code to all future construction of residential structures in the unincorporated areas of Montezuma County is of general interest and concern to the People of Montezuma County; and

WHEREAS, the Montezuma County Board of Commissioners is seeking the advice of the People of Montezuma County as to whether or not a Building Code should be adopted and made mandatory as to all future construction of residential structures in the unincorporated areas of Montezuma County;

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

1. That the following question shall be submitted to the voters of Montezuma County:

SHALL A BUILDING CODE BE ADOPTED AND MADE MANDATORY AS TO ALL FUTURE CONSTRUCTION OF RESIDENTIAL STRUCTURES IN THE UNINCORPORATED AREAS OF MONTEZUMA COUNTY?

2. That said question shall be submitted to the voters of Montezuma County at the election to be held on November 7, 2006.

3. That the Montezuma County Clerk and Recorder as the designated election official shall conduct said election pursuant to the laws of the State of Colorado and report the results thereof to the Montezuma County Board of Commissioners.

This Resolution is adopted this 7th day of August, 2006, at
2:45 P.m.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY, COLORADO

H. Dewayne Findley
Gerald W. Koppenhaver
Larrie D. Rule

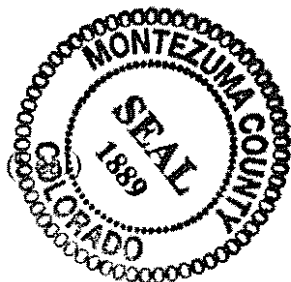
Commissioners voting aye in favor of the Resolution were: H. DEWAYNE FINDLEY
GERALD W. KOPPENHAVER and LARRIE D. RULE.

Commissioners voting nay against the Resolution were: _____,
_____ and _____.

Carol Jullis
(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 7th day of August, 2006.



Carol Jullis
(Deputy) County Clerk and Recorder
Montezuma County, Colorado

RESOLUTION NO. 9-2006

A RESOLUTION OF MONTEZUMA COUNTY IMPOSING A COUNTY-WIDE SALES AND USE TAX FOR THE SOLE PURPOSE OF FUNDING THE MONTEZUMA COUNTY FAIRGROUNDS AND RACETRACK, RESTRICTING A MINIMUM OF SEVENTY-FIVE (75%) PERCENT OF SAID REVENUE TO EXPENDITURES FOR CAPITAL AND PHYSICAL IMPROVEMENTS TO SAID PREMISES ONLY, INCLUDING ALL NECESSARY OR INCIDENTAL COSTS RELATED THERETO; SETTING THE BALLOT TITLE AND BALLOT QUESTION, REFERRING THIS RESOLUTION AT AN ELECTION TO BE HELD NOVEMBER 7, 2006, PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION AND THE BEGINNING AND ENDING DATES OF SAID TAX, AND SETTING FORTH OTHER DETAILS IN RELATION THERETO.

WHEREAS, the Board of County Commissioners (the "Board") of the County of Montezuma (the "County"), State of Colorado, desires to establish a five (5) year funding source for the Montezuma County Fairgrounds and Racetrack, restricting a minimum of seventy-five (75%) percent of said revenue to expenditures for capital and physical improvements to said premises only, including all necessary or incidental costs related thereto; and

WHEREAS, pursuant to part I of article 2 of title 29 of the Colorado Revised Statutes, Montezuma County, Colorado (the "County"), is authorized to levy a county sales tax and use tax; and

WHEREAS, the Board has formulated a plan to fund the Montezuma County Fairgrounds and Racetrack, restricting a minimum of seventy-five (75%) percent of said revenue to expenditures for capital and physical improvements to said premises only, including all necessary or incidental costs related thereto, from a county sales tax and use tax beginning January 1, 2007, and terminating December 31, 2011; and

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

WHEREAS, the Board has determined to set the ballot title and ballot question to be submitted at the election called by this Resolution.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County, Colorado, that the following proposal for a county-wide sales tax and use tax is hereby referred to the registered electors of Montezuma County.

1. The amount of tax shall be five one-hundredths (0.05%) of one percent and all revenue received by Montezuma County from said tax shall be deposited into the "Montezuma County General Fund" to be expended solely for the purpose of funding the Montezuma County Fairgrounds and Racetrack, restricting a minimum of seventy-five (75%) percent of said revenue to expenditures for capital and physical improvements to said premises only, including all necessary or incidental costs related thereto.
2. Description of the sales tax.
 - (a) Approval by the registered electors shall impose a sales tax as provided by law in the amount of five one-hundredths (0.05%) of one percent on the sale of tangible personal property at retail and the furnishing of services in Montezuma County, as provided in paragraph (d) of this subsection.
 - (b) For the purpose of this sales tax proposal, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of Montezuma County or to a common carrier for delivery to a destination outside the limits of Montezuma County. The gross receipts from such sales shall include delivery charges when such charges are subject to the State sales and use tax imposed by article 26 of title 39, C.R.S., regardless of the place to which delivery is made. If a retailer has no permanent place of business in Montezuma County, or has more than one place of business, the place at which the retail sale is consummated for the purpose of a sales tax imposed hereby shall be determined by the provisions of article 26 of title 39, C.R.S., and by rules and regulations promulgated by the department of revenue.
 - (c) The amount subject to tax shall not include the amount of any sales or use tax imposed by article 26 of title 39, C.R.S.
 - (d) The tangible personal property and services taxable pursuant hereto shall be the same as the tangible personal property and services taxable pursuant to C.R.S. 39-26-104, and subject to the same exemptions as those specified in C.R.S. 39-26-114 except C.R.S. 39-26-114(18). Sales of food, as defined in C.R.S. 39-26-102(4.5) shall be exempt. Purchases of machinery or machine tools as provided in C.R.S. 39-26-114(11) shall be exempt. Sales and purchases of farm equipment or farm equipment under lease or contract as provided in C.R.S. 39-26-114(20) shall be exempt. Pesticides that are registered by the State Commissioner of Agriculture for use in the production of agriculture and livestock products pursuant to the provisions of the "Pesticide Act", article 9 of title 35, C.R.S., and offered for sale by dealers licensed to sell such pesticides pursuant to C.R.S. 35-9-115 as provided in C.R.S. 39-26-114(23) shall be exempt. And the sales and purchases of those items in C.R.S. 39-26-114(1)(a)(XXI) shall be exempt, said items being electricity, coal, wood, gas, fuel oil, and coke sold, but not for resale, to occupants of

residences, whether owned, leased, or rented by said occupants, for the purpose of operating residential fixtures and appliances which provide light, heat, and power for such residences. "Gas" includes natural, manufactured, and liquefied petroleum gas.

- (e) All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from said sales tax when such sales meet both the following conditions:
 - (I) The purchaser is a nonresident of or has his principal place of business outside of Montezuma County; and
 - (II) Such personal property is registered or required to be registered outside the limits of Montezuma County under the laws of this State.
- (f) The existing tax rate in Cortez is 7.40%, and in Mancos is 7.35%, and in Dolores is 6.85%. Approval of the tax proposed in this Resolution shall cause the limitation of C.R.S. 29-2-108(1) to be exceeded by an additional 0.05% rate in Cortez and Mancos, and not exceeded in Dolores.
- (g) That a vendor's fee for the collection of said sales tax shall be allowed pursuant to C.R.S. 39-26-105.

3. Description of the use tax

Approval by the registered electors shall impose a use tax as provided by law in the amount of five one-hundredths (0.05%) of one percent on the storing, using or consuming in Montezuma County any motor and other vehicles purchased at retail outside Montezuma County on which registration is required.

- (a) Said use tax shall **not** apply to the storage, use, or consumption of any tangible personal property the sale of which is subject to a retail sales tax imposed by Montezuma County.
- (b) Said use tax shall **not** apply to the storage, use, or consumption of any tangible personal property purchased for resale in Montezuma County, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of business.
- (c) Said use tax shall **not** apply to the storage, use, or consumption of tangible personal property brought into Montezuma County by a nonresident thereof for his own storage, use, or consumption while temporarily within Montezuma County; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this State by a nonresident to be used in the conduct of a business in this State.

- (d) Said use tax shall **not** apply to the storage, use, or consumption of tangible personal property by the United States government, or the State of Colorado, or its institutions, or its political subdivisions in their governmental capacities only or by religious or charitable corporations in the conduct of their regular religious or charitable functions.
- (e) Said use tax shall **not** apply to the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded or furnished and the container, label, or the furnished shipping case thereof.
- (f) Said use tax shall **not** apply to the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a legally imposed sales ~~or~~ use tax of another county equal to or in excess of that imposed hereby. A credit shall be granted against the use tax imposed hereby with respect to a person's storage, use, or consumption in the subsequent county of tangible personal property purchased by him in a previous county. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of the previous county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed hereby.
- (g) Said use tax shall **not** apply to the storage, use, or consumption of tangible personal property and household effects acquired outside Montezuma County and brought into it by a nonresident acquiring residency.
- (h) Said use tax shall **not** apply to the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of Montezuma County and he purchased the vehicle outside of Montezuma County for use outside the county and actually so used it ~~for~~ a substantial and primary purpose ~~for~~ which it was acquired and he registered, titled, and licensed said motor vehicle outside Montezuma County.
- (i) Said use tax shall **not** apply to the storage, use, or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax.
- (j) Said use tax shall **not** apply to the storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to the effective date of such use tax.

- (k) That the Montezuma County Clerk and Recorder shall collect said use tax for Montezuma County and that no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage, or consumption thereof pursuant to this Resolution has been paid. Said Montezuma County Clerk and Recorder may enter into agreements with the Colorado Department of Revenue for the collection of said tax.

4. That the revenue and spending limits of Art. 10, Section 20, Colorado Constitution, and 29-1-301, Colorado Revised Statutes, as amended, and any other law shall not apply to or limit said sales and use tax and revenue therefrom or expenditure thereof and said revenue and expenditures shall not be included in any revenue and spending limitation and shall be collected and spent without limitation or condition except as herein provided.

5. An election shall be held on Tuesday, November 7, 2006, at which there shall be submitted to the eligible electors of the County a question authorizing a tax increase (the "Ballot Question"), which question shall be in substantially the form set forth hereafter.

SHALL MONTEZUMA COUNTY SALES AND USE TAXES BE INCREASED IN THE AMOUNT OF FIVE ONE-HUNDREDTHS (0.05%) OF ONE PERCENT, WHICH REPRESENTS 5 CENTS ON EACH ONE HUNDRED (\$100.00) DOLLAR PURCHASE, BEGINNING JANUARY 1, 2007, AND TERMINATING ON DECEMBER 31, 2011, WHICH IS ESTIMATED TO GENERATE THE FIRST FULL FISCAL YEAR MAXIMUM INCREASE OF REVENUE IN THE AMOUNT OF \$117,993, MORE OR LESS, AND ANNUALLY THEREAFTER FOR FIVE (5) CONSECUTIVE YEARS, TO BE EXPENDED FOR THE SOLE PURPOSE OF FUNDING THE MONTEZUMA COUNTY FAIRGROUNDS AND RACETRACK, RESTRICTING A MINIMUM OF SEVENTY-FIVE (75%) PERCENT OF SAID REVENUE TO EXPENDITURES FOR CAPITAL AND PHYSICAL IMPROVEMENTS TO SAID PREMISES ONLY, INCLUDING ALL NECESSARY OR INCIDENTAL COSTS RELATED THERETO; AND SHALL RESOLUTION NO. 9-2006 OF THE COUNTY PROVIDING FOR THE IMPOSITION OF THE SALES AND USE TAX BE APPROVED, AND SHALL ALL TAX REVENUES GENERATED FROM THE SALES AND USE TAX AUTHORIZED HEREIN AND ANY INTEREST EARNED THEREON CONSTITUTE A VOTER-APPROVED REVENUE CHANGE, AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE 10, SECTION 20 OF THE COLORADO CONSTITUTION, AND 29-1-301, COLORADO REVISED STATUTES, AS AMENDED, AND ANY OTHER LAW?

6. The election shall be conducted as a coordinated election in Montezuma County in accordance with articles 1 to 13 of title 1, C.R.S. For purposes of C.R.S. 1-11-203.5, this Resolution shall serve to set the ballot title and the ballot question for the question set forth herein and the ballot title for such question shall be the text of the question itself.

7. Should any one or more sections or provisions of this Resolution be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

8. Upon approval by a majority of the registered electors voting thereon at said election, this proposal for a sales tax and use tax shall be effective throughout the incorporated and unincorporated portions of Montezuma County beginning January 1, 2007, and terminating December 31, 2011.

9. That this Resolution and the sales and use tax provided for herein shall conform to the constitutional and statutory provisions cited herein and as amended hereafter.

10. The Montezuma County Clerk and Recorder shall publish the text of this proposal as provided in C.R.S. 29-2-104(5) and the Montezuma County Clerk and Recorder shall be the "designated election official" responsible for the running of said election including the timely mailing of all notices required by law. Upon approval by a majority of the registered electors voting thereon at said election, the Montezuma County Clerk and Recorder shall notify the State Executive Director of the Department of Revenue in accordance with C.R.S. 29-2-106(2).

This Resolution is adopted this 7th day of August, 2006, at 11:30 clock Am.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY

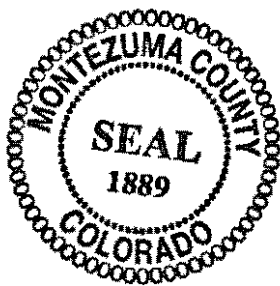
W. Lincorne Lindley
Paul W. Haggard
Garco D. Ruff

Commissioners voting aye in favor of this Resolution were:

A. DEWAYNE FINDLEY, GERALD W. KOPPENHAFFER and
LARNE D. RULE.

Commissioners voting no against this Resolution were:

_____, _____ and
_____.



Carol Tullis

County Clerk and Recorder
Montezuma County

**TABOR NOTICE
MONTEZUMA COUNTY, COLORADO**

NOTICE OF ELECTION TO INCREASE TAXES/ON A REFERRED MEASURE

Election date: November 7, 2006

Election hours: 7:00 a.m. to 7:00 p.m.

Local election office address and phone number: Montezuma County Clerk and Recorder,
109 West Main Street, Cortez, Colorado 81321 -- Telephone (970) 565-3728

Ballot title and text:

SHALL MONTEZUMA COUNTY SALES AND USE TAXES BE INCREASED IN THE AMOUNT OF FIFTY ONE-HUNDREDTHS (0.50%) OF ONE PERCENT, WHICH REPRESENTS 50 CENTS ON EACH ONE HUNDRED (\$100.00) DOLLAR PURCHASE, BEGINNING JANUARY 1, 2007, AND TERMINATING ON DECEMBER 31, 2011, WHICH IS ESTIMATED TO GENERATE THE FIRST FULL FISCAL YEAR MAXIMUM INCREASE OF REVENUE IN THE AMOUNT OF \$1,179,926, MORE OR LESS, AND ANNUALLY THEREAFTER FOR FIVE (5) CONSECUTIVE YEARS, TO BE EXPENDED FOR THE SOLE PURPOSE OF FUNDING THE CHIP SEAL CONSTRUCTION AND IMPROVEMENTS OF MONTEZUMA COUNTY ROADS INCLUDING ALL NECESSARY OR INCIDENTAL COSTS RELATED THERETO; AND SHALL RESOLUTION NO. 8-2006 OF THE COUNTY PROVIDING FOR THE IMPOSITION OF THE SALES AND USE TAX BE APPROVED, AND SHALL ALL TAX REVENUES GENERATED FROM THE SALES AND USE TAX AUTHORIZED HEREIN AND ANY INTEREST EARNED THEREON CONSTITUTE A VOTER-APPROVED REVENUE CHANGE, AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE 10, SECTION 20 OF THE COLORADO CONSTITUTION, AND 29-1-301, COLORADO REVISED STATUTES, AS AMENDED, AND ANY OTHER LAW?

Actual Historical And Current Estimated Fiscal Year Spending Information

Year	Fiscal Year Spending	
	Roads & Bridges	County Total
2002 (actual)	\$ 3,004,512	\$ 18,500,121
2003 (actual)	\$ 3,461,903	\$ 19,772,555
2004 (actual)	\$ 3,729,494	\$ 22,355,956
2005 (actual)	\$ 3,517,183	\$ 20,791,674
2006 (current year estimated)	\$ 3,157,258	\$ 22,569,800

Overall percentage change in fiscal year spending over the five year period from 2002 through 2006:

Roads and Bridges 5.08%

County Total 22%

Overall dollar change in fiscal year spending over the five year period from 2002 through 2006:

Roads and Bridges \$ 152,746

County Total \$ 4,069,679

Estimated 2007 fiscal year spending without taking into account the tax increase authorized by the ballot proposal:

Roads and Bridges \$ 3,251,976

County Total \$ 23,246,894

Estimated 2007 tax increase authorized by the ballot proposal: \$ 1,179,926

RESOLUTION NO. 8-2006

A RESOLUTION OF MONTEZUMA COUNTY IMPOSING A COUNTY-WIDE SALES AND USE TAX FOR THE SOLE PURPOSE OF FUNDING THE CHIP SEAL CONSTRUCTION AND IMPROVEMENTS OF MONTEZUMA COUNTY ROADS INCLUDING ALL NECESSARY OR INCIDENTAL COSTS RELATED THERETO; SETTING THE BALLOT TITLE AND BALLOT QUESTION, REFERRING THIS RESOLUTION AT AN ELECTION TO BE HELD NOVEMBER 7, 2006, PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION AND THE BEGINNING AND ENDING DATES OF SAID TAX, AND SETTING FORTH OTHER DETAILS IN RELATION THERETO.

WHEREAS, the Board of County Commissioners (the "Board") of the County of Montezuma (the "County"), State of Colorado, desires to establish a five (5) year funding source for the chip seal construction and improvements of Montezuma County roads, including all necessary or incidental costs related thereto; and

WHEREAS, pursuant to part 1 of article 2 of title 29 of the Colorado Revised Statutes, Montezuma County, Colorado (the "County"), is authorized to levy a county sales tax and use tax; and

WHEREAS, the Board has formulated a plan to fund the chip seal construction and improvements of Montezuma County roads, including all necessary or incidental costs related thereto, from a county sales tax and use tax beginning January 1, 2007, and terminating December 31, 2011; and

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

WHEREAS, the Board has determined to set the ballot title and ballot question to be submitted at the election called by this Resolution.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County, Colorado, that the following proposal for a county-wide sales tax and use tax is hereby referred to the registered electors of Montezuma County.

1. The amount of tax shall be fifty one-hundredths (0.50%) of one percent and all revenue received by Montezuma County from said tax shall be deposited into the "Montezuma County Road and Bridge Fund", and expended solely for the purpose of chip seal

construction and improvements of Montezuma County roads including all necessary or incidental costs related thereto.

2. Description of the sales tax.

- (a) Approval by the registered electors shall impose a sales tax as provided by law in the amount of fifty one-hundredths (0.50%) of one percent on the sale of tangible personal property at retail and the furnishing of services in Montezuma County, as provided in paragraph (d) of this subsection.
- (b) For the purpose of this sales tax proposal, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of Montezuma County or to a common carrier for delivery to a destination outside the limits of Montezuma County. The gross receipts from such sales shall include delivery charges when such charges are subject to the State sales and use tax imposed by article 26 of title 39, C.R.S., regardless of the place to which delivery is made. If a retailer has no permanent place of business in Montezuma County, or has more than one place of business, the place at which the retail sale is consummated for the purpose of a sales tax imposed hereby shall be determined by the provisions of article 26 of title 39, C.R.S., and by rules and regulations promulgated by the department of revenue.
- (c) The amount subject to tax shall not include the amount of any sales or use tax imposed by article 26 of title 39, C.R.S.
- (d) The tangible personal property and services taxable pursuant hereto shall be the same as the tangible personal property and services taxable pursuant to C.R.S. 39-26-104, and subject to the same exemptions as those specified in C.R.S. 39-26-114 except C.R.S. 39-26-114(18). Sales of food, as defined in C.R.S. 39-26-102(4.5) shall be exempt. Purchases of machinery or machine tools as provided in C.R.S. 39-26-114(11) shall be exempt. Sales and purchases of farm equipment or farm equipment under lease or contract as provided in C.R.S. 39-26-114(20) shall be exempt. Pesticides that are registered by the State Commissioner of Agriculture for use in the production of agriculture and livestock products pursuant to the provisions of the "Pesticide Act", article 9 of title 35, C.R.S., and offered for sale by dealers licensed to sell such pesticides pursuant to C.R.S. 35-9-115 as provided in C.R.S. 39-26-114(23) shall be exempt. And the sales and purchases of those items in C.R.S. 39-26-114(1)(a)(XXI) shall be exempt, said items being electricity, coal, wood, gas, fuel oil, and coke sold, but not for resale, to occupants of residences, whether owned, leased, or rented by said occupants, for the purpose of operating residential fixtures and appliances which provide light, heat, and power for such residences. "Gas" includes natural, manufactured, and liquefied petroleum gas.

- (e) All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from said sales tax when such sales meet both the following conditions:
 - (I) The purchaser is a nonresident of or has his principal place of business outside of Montezuma County; and
 - (II) Such personal property is registered or required to be registered outside the limits of Montezuma County under the laws of this State.
- (f) The existing tax rate in Cortez is 7.40%, and in Mancos is 7.35%, and in Dolores is 6.85%. Approval of the tax proposed in this Resolution shall cause the limitation of C.R.S. 29-2-108(1) to be exceeded by an additional 0.50% rate in Cortez and Mancos, and by 0.45% rate in Dolores.
- (g) That a vendor's fee for the collection of said sales tax shall be allowed pursuant to C.R.S. 39-26-105.

3. Description of the use tax

Approval by the registered electors shall impose a use tax as provided by law in the amount of fifty one-hundredths (0.50%) of one percent on the storing, using or consuming in Montezuma County any motor and other vehicles purchased at retail outside Montezuma County on which registration is required.

- (a) Said use tax shall **not** apply to the storage, use, or consumption of any tangible personal property the sale of which is subject to a retail sales tax imposed by Montezuma County.
- (b) Said use tax shall **not** apply to the storage, use, or consumption of any tangible personal property purchased for resale in Montezuma County, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of business.
- (c) Said use tax shall **not** apply to the storage, use, or consumption of tangible personal property brought into Montezuma County by a nonresident thereof for his own storage, use, or consumption while temporarily within Montezuma County; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this State by a nonresident to be used in the conduct of a business in this State.
- (d) Said use tax shall **not** apply to the storage, use, or consumption of tangible personal property by the United States government, or the State of Colorado, or its institutions, or its political subdivisions in their governmental capacities only or by

religious or charitable corporations in the conduct of their regular religious or charitable functions.

- (e) Said use tax shall **not** apply to the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded or furnished and the container, label, or the furnished shipping case thereof.
- (f) Said use tax shall **not** apply to the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a legally imposed sales or use tax of another county equal to or in excess of that imposed hereby. A credit shall be granted against the use tax imposed hereby with respect to a person's storage, use, or consumption in the subsequent county of tangible personal property purchased by him in a previous county. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of the previous county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed hereby.
- (g) Said use tax shall **not** apply to the storage, use, or consumption of tangible personal property and household effects acquired outside Montezuma County and brought into it by a nonresident acquiring residency.
- (h) Said use tax shall **not** apply to the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of Montezuma County and he purchased the vehicle outside of Montezuma County for use outside the county and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed said motor vehicle outside Montezuma County.
- (i) Said use tax shall **not** apply to the storage, use, or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax.
- (j) Said use tax shall **not** apply to the storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to the effective date of such use tax.
- (k) That the Montezuma County Clerk and Recorder shall collect said use tax for Montezuma County and that no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any

tax due upon the use, storage, or consumption thereof pursuant to this Resolution has been paid. Said Montezuma County Clerk and Recorder may enter into agreements with the Colorado Department of Revenue for the collection of said tax.

4. That the revenue and spending limits of Art. 10, Section 20, Colorado Constitution, and 29-1-301, Colorado Revised Statutes, as amended, and any other law shall not apply to or limit said sales and use tax and revenue therefrom or expenditure thereof and said revenue and expenditures shall not be included in any revenue and spending limitation and shall be collected and spent without limitation or condition except as herein provided.

5. An election shall be held on Tuesday, November 7, 2006, at which there shall be submitted to the eligible electors of the County a question authorizing a tax increase (the "Ballot Question"), which question shall be in substantially the form set forth hereafter.

SHALL MONTEZUMA COUNTY SALES AND USE TAXES BE INCREASED IN THE AMOUNT OF FIFTY ONE-HUNDREDTHS (0.50%) OF ONE PERCENT, WHICH REPRESENTS 50 CENTS ON EACH ONE HUNDRED (\$100.00) DOLLAR PURCHASE, BEGINNING JANUARY 1, 2007, AND TERMINATING ON DECEMBER 31, 2011, WHICH IS ESTIMATED TO GENERATE THE FIRST FULL FISCAL YEAR MAXIMUM INCREASE OF REVENUE IN THE AMOUNT OF \$1,179,926, MORE OR LESS, AND ANNUALLY THEREAFTER FOR FIVE (5) CONSECUTIVE YEARS, TO BE EXPENDED FOR THE SOLE PURPOSE OF FUNDING THE CHIP SEAL CONSTRUCTION AND IMPROVEMENTS OF MONTEZUMA COUNTY ROADS INCLUDING ALL NECESSARY OR INCIDENTAL COSTS RELATED THERETO; AND SHALL RESOLUTION NO. 8-2006 OF THE COUNTY PROVIDING FOR THE IMPOSITION OF THE SALES AND USE TAX BE APPROVED, AND SHALL ALL TAX REVENUES GENERATED FROM THE SALES AND USE TAX AUTHORIZED HEREIN AND ANY INTEREST EARNED THEREON CONSTITUTE A VOTER-APPROVED REVENUE CHANGE, AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE 10, SECTION 20 OF THE COLORADO CONSTITUTION, AND 29-1-301, COLORADO REVISED STATUTES, AS AMENDED, AND ANY OTHER LAW?

6. The election shall be conducted as a coordinated election in Montezuma County in accordance with articles 1 to 13 of title 1, C.R.S. For purposes of C.R.S. 1-11-203.5, this Resolution shall serve to set the ballot title and the ballot question for the question set forth herein and the ballot title for such question shall be the text of the question itself.

7. Should any one or more sections or provisions of this Resolution be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

8. Upon approval by a majority of the registered electors voting thereon at said election, this proposal for a sales tax and use tax shall be effective throughout the incorporated and unincorporated portions of Montezuma County beginning January 1, 2007, and terminating December 31, 2011.

9. That this Resolution and the sales and use tax provided for herein shall conform to the constitutional and statutory provisions cited herein and as amended hereafter.

10. The Montezuma County Clerk and Recorder shall publish the text of this proposal as provided in C.R.S. 29-2-104(5) and the Montezuma County Clerk and Recorder shall be the "designated election official" responsible for the running of said election including the timely mailing of all notices required by law. Upon approval by a majority of the registered electors voting thereon at said election, the Montezuma County Clerk and Recorder shall notify the State Executive Director of the Department of Revenue in accordance with C.R.S. 29-2-106(2).

This Resolution is adopted this 17th day of August, 2006, at 11:30 o'clock A m.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY

W. Lawrence Findley
Mark A. Koppelman
Larry D. Rub

Commissioners voting aye in favor of this Resolution were:

H. DEWAYNE FINDLEY, GERALD W. KOPPENHAFFER and
LARRIE D. RILEY.

Commissioners voting no against this Resolution were:

_____, _____ and
_____.



Carol Sullivan

County Clerk and Recorder
Montezuma County

**TABOR NOTICE
MONTEZUMA COUNTY, COLORADO**

NOTICE OF ELECTION TO INCREASE TAXES/ON A REFERRED MEASURE

Election date: November 7, 2006

Election hours: 7:00 a.m. to 7:00 p.m.

Local election office address and phone number: Montezuma County Clerk and Recorder,
109 West Main Street, Cortez, Colorado 81321 -- Telephone (970) 565-3728

Ballot title and text:

SHALL MONTEZUMA COUNTY SALES AND USE TAXES BE INCREASED IN THE AMOUNT OF FIVE ONE-HUNDREDTHS (0.05%) OF ONE PERCENT, WHICH REPRESENTS 5 CENTS ON EACH ONE HUNDRED (\$100.00) DOLLAR PURCHASE, BEGINNING JANUARY 1, 2007, AND TERMINATING ON DECEMBER 31, 2011, WHICH IS ESTIMATED TO GENERATE THE FIRST FULL FISCAL YEAR MAXIMUM INCREASE OF REVENUE IN THE AMOUNT OF \$117,993, MORE OR LESS, AND ANNUALLY THEREAFTER FOR FIVE (5) CONSECUTIVE YEARS, TO BE EXPENDED FOR THE SOLE PURPOSE OF FUNDING THE MONTEZUMA COUNTY FAIRGROUNDS AND RACETRACK, RESTRICTING A MINIMUM OF SEVENTY-FIVE (75%) PERCENT OF SAID REVENUE TO EXPENDITURES FOR CAPITAL AND PHYSICAL IMPROVEMENTS TO SAID PREMISES ONLY, INCLUDING ALL NECESSARY OR INCIDENTAL COSTS RELATED THERETO; AND SHALL RESOLUTION NO. 7-2006 OF THE COUNTY PROVIDING FOR THE IMPOSITION OF THE SALES AND USE TAX BE APPROVED, AND SHALL ALL TAX REVENUES GENERATED FROM THE SALES AND USE TAX AUTHORIZED HEREIN AND ANY INTEREST EARNED THEREON CONSTITUTE A VOTER-APPROVED REVENUE CHANGE, AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE 10, SECTION 20 OF THE COLORADO CONSTITUTION, AND 29-1-301, COLORADO REVISED STATUTES, AS AMENDED, AND ANY OTHER LAW?

Actual Historical And Current Estimated Fiscal Year Spending Information

Year	Fiscal Year Spending		
	Fairgrounds and Racetrack	General Fund Total	County Total
2002 (actual)	\$136,394	\$8,017,506	\$18,500,121
2003 (actual)	\$145,663	\$8,762,798	\$19,772,555
2004 (actual)	\$257,120	\$9,481,217	\$22,355,956
2005 (actual)	\$157,630	\$9,073,270	\$20,791,674
2006 (current year estimated)	\$177,186	\$8,549,396	\$22,569,800

Overall percentage change in fiscal year spending over the five year period from 2002 through 2006:

Fairgrounds and Racetrack	General Fund	County Total
29.91%	6.63%	22%

Overall dollar change in fiscal year spending over the five year period from 2002 through 2006:

Fairgrounds and Racetrack	General Fund	County Total
\$40,792	\$531,890	\$4,069,679

Estimated 2007 fiscal year spending without taking into account the tax increase authorized by the ballot proposal:

Fairgrounds and Racetrack	General Fund	County Total
\$182,502	\$8,805,878	\$23,246,894

Estimated 2007 tax increase authorized by the ballot proposal: \$ 117,993

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

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 24th day of July, 2006, with the following persons in attendance:

Commissioners:	Dewayne Findley, Larrie Rule, and Gerald Koppenhafer
Commissioners Absent:	
County Administrator:	Ashton N. Harrison
County Attorney:	Bob Slough
Clerk and Recorder:	Carol Tullis

the following proceedings, among others, were taken:

Resolution # 7-2006

Annual Road Use Permit

WHEREAS, the Board of County Commissioners for Montezuma County received an application dated July 11, 2006 requesting that Montezuma County allow Giant Transportation to operate excess weight and length vehicle combinations on County Roads BB, 9, 10 and 12; and

WHEREAS, pursuant to 42-4-510 (1) (a) C.R.S., Montezuma County Commissioners are authorized to consider this application; and

WHEREAS, an application was reviewed in the Commissioners hearing room at the Montezuma County Courthouse on Monday, July 17, 2006 at 9:15 A.M.

NOW, THEREFORE, be it resolved that this permit is hereby issued to Giant Transportation to use county roads BB, 9, 10, and 12 for the above stated purposes:

BE IT FURTHER RESOLVED that the overall length shall not exceed 105 feet, and the gross vehicle weight shall not exceed 129,000 pounds and a strict speed limit of 25 miles per hour shall be enforced and any person violating same shall be subject to criminal penalties as provided in 42-4-510 (12), C.R.S.; and

BE IT FURTHER RESOLVED that this permit is issued and conditioned upon Giant Transportation immediately compensating Montezuma County for any injury or damage to said roads and roadways caused by Giant Transportation. Failure to so compensate shall cause said permit to be revoked or suspended; and

BE IT FURTHER RESOLVED that this permit will expire on July 31, 2007 unless renewal prior to that date. Permit may be revoked or suspended for safety reasons.

Commissioners voting aye in favor of the resolution were:

Al Lemaire *James W. [unclear]* *Garrie D. [unclear]*

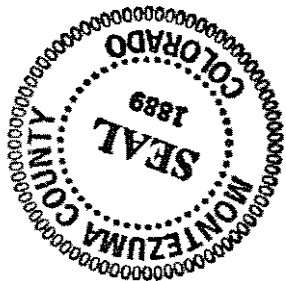
Commissioners voting nay against the resolution were:

Carol Willis
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 27th day of July, 2006.

(SEAL)



Carol Willis
County Clerk and Recorder
Montezuma County, Colorado

GIANT

INDUSTRIES, INC.
SAN JUAN REGIONAL OFFICE

July 11, 2006

Mr. Ashton Harrison
County Administrator
Montezuma County
Cortez, Colorado

Re: LVC Permit Application

Dear Mr. Harrison,

Please consider this letter as our application for a Long Vehicle Combination permit as outlined below.

Giant Transportation is requesting a LVC permit for operation of Long Vehicle Combination units with in Montezuma County, Colorado on County Road BB, County Road 9, County Road 10, and County Road 12 pursuant to 42-4-510 (1) (a) C.R.S.

Permit will allow for LVC units, not to exceed 105 feet in over all length, and the gross vehicle weight shall not exceed 129,000 pounds. Furthermore, all permitted LVC units will not exceed a maximum speed limit of 25 mph on above-mentioned roads.

As consideration for said permit, Giant Transportation will continue to participate in the annual dust abatement program at the levels outlined in the 2004-2005 project description for as long as the permit is in force and deemed necessary for Giant Transportations daily operation.

I would like to thank you in advance for your consideration and look forward to growing our current working relationship. If there are any questions or concerns, please call me direct, at 1-505-632-4061.

Thank you,

A handwritten signature in black ink, appearing to read 'C. Johnson', with a long horizontal line extending to the right.

Chuck Johnson
General Manager
Giant Transportation

Preserve America Community Designation Resolution

6-2006

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

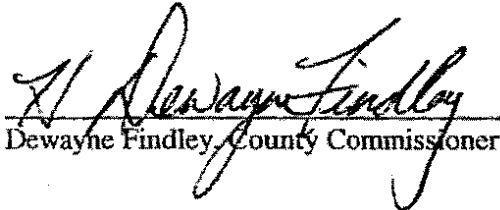
WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historical resources; now therefore be it

RESOLVED, that the Montezuma County Commissioners will apply for the designation of Montezuma County as a *Preserve America* Community; and be it further

RESOLVED, that Montezuma County Commissioners will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.


Dewayne Findley, County Commissioner

7-17-06

Date

**PRESERVE AMERICA
COMMUNITIES PROGRAM: 2006 COMMUNITY APPLICATION**

Application Form

1. GENERAL INSTRUCTIONS

Communities must consult with their State Historic Preservation Officer (SHPO) during development of this application and send a copy of the completed application to the SHPO when it is submitted. (Not required for tribal submissions.)

☒ Check this box to signify that you have done so.

SHPO names and addresses can be found at www.ncshpo.org or by calling (202) 624-5465.

Applications must be submitted in hard copy and will not be returned. Please provide two original copies of all materials and three to five related images as described on page 4. Model application documents are available at www.PreserveAmerica.gov/communities.html. Submission well in advance of one of the quarterly deadlines (March 1, June 1, September 1, December 1) will facilitate timely review.

Submit applications to:

Preserve America Communities
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 809
Washington, DC 20004

Sources of additional information:

Office of Preservation Initiatives
Advisory Council on Historic Preservation
(202) 606-8503
Web site: www.PreserveAmerica.gov

2. COMMUNITY INFORMATION

All communities, incorporated or unincorporated, and federally recognized Indian tribes are eligible to seek designation as *Preserve America Communities*.

City: _____ County: Montezuma Congressional District: 3
State: Colorado Indian tribe: _____ Zip: 81321 - 3138

3. APPLICANT INFORMATION

Application for designation can only be submitted by one of the following:

- Mayor or equivalent elected governing official of an incorporated community;
- County executive or equivalent elected governing official of the appropriate jurisdiction of an unincorporated community; or
- Tribal governing official.

Applicant's Name: Dewayne Findley Title: County Commissioner

Mailing Address: Box 1498

City: Dolores State: CO Zip: 81323

Phone: 970-882-4638 Fax: 970-565-3420 E-mail: mfindley@Centurytel.net

Street/Delivery Address (No Post Office Boxes): 109 W. Main

City: Cortez State: CO Zip: 81321

Attn: Dewayne Findley Phone: 970-565-8317 E-mail: mfindley@Centurytel.net

For more information, contact: Lynn Dyer Title: Tourism Director

Phone: 970-565-8227 Fax: 970-565-1155 E-mail: lynn.d@mesaverocounty.com

4. DESIGNATION CRITERIA AND REQUIRED DOCUMENTATION

A community will qualify for designation as a *Preserve America* Community if:

- A. The community has supported (within the last three years) a historic or cultural preservation project that promotes heritage tourism or otherwise fosters economic vitality. The project must have involved a public-private partnership between government entities and at least one civic association, non-profit organization, or business enterprise. *(Please provide a written description of a specific project, documenting how it fulfills these requirements. Do not exceed 500 words.)*
- B. The governing body of the community has recently adopted a resolution indicating its commitment to the preservation of its heritage assets. *(Please include a signed and dated copy of the resolution.)*
- C. The community meets at least five of the criteria outlined below (with at least one from each specified category). *(Please check the criteria below under which you are seeking Preserve America Community designation. For each criterion, please provide a written description of no more than 250 words explaining how your community meets the criterion.)*

Category 1: Discovering Heritage Through Historic Places

- ☐ An ongoing, publicly available inventory of historic properties.
- ☒ A community-supported museum, interpretive facility, archive, or local history records collection (private or public).
- ☒ Active citizen volunteer involvement, such as a docent or guide program for interpretation of local history and culture, or volunteer participation in improving the condition of heritage assets within the community.
- ☒ Opportunities for children to learn about local heritage in the schools, through either established curriculum or special outreach activities.

Category 2: Protecting Historic Resources

- ☒ A local governmental body, such as a board or a commission, charged with leading historic preservation activities within the community.
- ☐ An adopted community-wide historic preservation plan that is being implemented.
- ☐ A historic preservation review ordinance and volunteer or professional staff to implement it.

Category 3: Promoting Historic Assets

- ☒ A local heritage tourism program or active participation in a regional program, with such promotional material as a walking/driving trail or tour itinerary, map of historic resources, etc.
- ☒ A regularly scheduled heritage observance or event.
- ☐ A historic preservation awards or recognition program.

- D. Submit three to five images that show people using and enjoying your historic cultural and natural resources (CD with digital images with a resolution of 300 dpi or greater, 4" x 6" color photographs, or slides) and provide caption and credit information for each.
- E. Provide approximately 100-200 words on the history of your community, including founding date, key events, evolution of the economy, and current population. This information will be edited and incorporated into profiles of designated communities (for examples see www.preserveamerica.gov/PACommunities.html).

5. ADDITIONAL SUPPORTING MATERIAL

Written endorsements by preservation organizations, civic organizations, members of Congress, and other elected officials are encouraged. *(Please provide copies of any letters of endorsement.)*

Documenting participation in other nationwide preservation programs is encouraged. *(Please let us know if your community is a Certified Local Government, a Main Street Community, a recipient of funds under the Save America's Treasures program, a recipient of Transportation Enhancements funding for historic preservation, etc.)*

(Brochures, additional photos, reports, publications, etc. may be appended if desired.)

6. RELEASE AUTHORIZATION

The undersigned gives the ACHP and the Preserve America Communities program absolute right to use, in whole and in part, all material submitted in furtherance of this application. All submitted materials become the property of Preserve America. Materials may be used in program activities, including publications and Web sites. Preserve America is given permission to make any editorial changes and/or additions to the subject material. The undersigned guarantees to have on file all necessary individual agreements and signatures to ensure Preserve America unencumbered use of all associated material.

7. SIGNATURE OF APPLICANT

The elected governing official of the community must sign and date this form.

Signatures must be original and in ink.

Signature: H. Dewayne Findley Date: 7-17-06
Name (please print): Dewayne Findley

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 10th day of July, 2006, with the following persons in attendance:

Commissioners:	Dewayne Findley, Gerald Koppenhafer, and Larrie Rule
Commissioners Absent:	
County Administrator:	Ashton N. Harrison
County Attorney:	Bob Slough
Clerk and Recorder:	Carol Tullis

the following proceedings, among others, were taken:

RESOLUTION # 5-2006

A RESOLUTION SUPPORTING THE AGREEMENT BETWEEN MONTEZUMA COUNTY AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR THE MONTEZUMA COUNTY EQUINE/PEDESTRIAN TRAIL SYSTEM AND EQUESTRIAN CENTER.

WHEREAS, Montezuma County supports the completion of the Montezuma County Equine/Pedestrian Trail System and Equestrian Center.

WHEREAS, Montezuma County received a grant from Great Outdoors Colorado to fund the Montezuma County Equine/Pedestrian Trail System and Equestrian Center, subject to the execution of a grant agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTEZUMA COUNTY THAT:

SECTION 1: The BOARD OF COUNTY COMMISSIONERS of MONTEZUMA COUNTY hereby authorizes Commissioner Dewayne Findley to sign the grant agreement with Great Outdoors Colorado.

SECTION 2: The BOARD OF COUNTY COMMISSIONERS of MONTEZUMA COUNTY hereby authorizes the expenditure of funds as necessary to meet the terms and obligations of the grant agreement and application in the amount not to exceed \$40,400.00 inclusive of cash match, in-kind services, and grant funds.

SECTION 3: This resolution to be in full force and effect from and after its passage and approval.

Commissioners voting aye in favor of the resolution were:

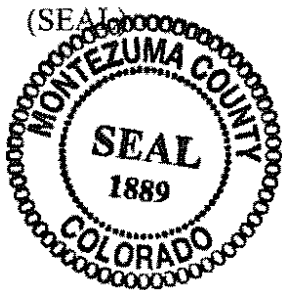
W. Wayne Findley, Howler/Komman, Larrie D. R.

Commissioners voting nay against the resolution were:

Carol Jullis
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 10th day of June, 2006.



Carol Jullis
County Clerk and Recorder
Montezuma County, Colorado

GREAT OUTDOORS
COLORADO

June 20, 2006

VIA FACSIMILE - (970) 565-8791 - 1 Page

Ms. Sue McWilliams
Project Assistant,
Montezuma County
P.O. Box 131
Cortez, CO 81321

Re: Montezuma County Equine/Pedestrian Trail System and Equestrian Center,
GOCO Log #06379

Dear Ms. McWilliams:

Thank you for submitting a grant request to Great Outdoors Colorado. GOCO's Board was pleased by both the quantity and quality of requests. We received 7 applications requesting a total of over \$308,944, which greatly exceeded the approximately \$258,910 in funds available for this cycle.

I am pleased to inform you that on 6/20/2006, the Board approved your project at a grant amount up to \$28,000. In all, the Board approved \$258,910 for 6 projects. We will discuss with you the anticipated payment schedule for your grant award. Please keep in mind that the financial distribution period is dependent upon sufficient net lottery proceeds being available to the Board. This will be reflected in the grant agreement GOCO staff will mail to you within approximately three weeks. Please use the GOCO-assigned log number above in any future correspondence or communication concerning this grant.

Great Outdoors Colorado will be issuing news releases regarding these grant awards. If you have questions or concerns regarding the releases or the timing of them, please call Nate Forst at 303-226-4531.

Thank you for participating in the Great Outdoors Colorado grant program. We look forward to working with you and your community in the future. Please feel free to contact me with any questions or concerns you may have.

Sincerely,

Brenda Bennett
Grants Program Coordinator

STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND
1600 BROADWAY • SUITE 1650 • DENVER, CO 80202
TELEPHONE 303-226-4500 • FACSIMILE 303-863-7517

E-MAIL: info@gnocolor.org

**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 17th day of July, 2006, with the following persons in attendance:

Commissioners:	H. Dewayne Findley, Gerald W. Koppenhafer and Larrie D. Rule
Commissioners Absent:	
County Attorney:	Bob Slough
County Administrator:	Ashton N. Harrison
County Clerk:	Carol Tullis

the following proceedings, among others, were taken:

RESOLUTION No. 4-2006

**A RESOLUTION AMENDING RESOLUTION NOS. 2-98, 12-2000, 4-2002 and 17-2003
THE MONTEZUMA COUNTY LAND USE CODE**

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

WHEREAS, the Montezuma County Land Use Code was amended on the 6th day of November, 2000 by Resolution No. 12-2000, the 8th day of April, 2002 by Resolution No. 4-2002, and subsequently amended on the 15th day of December, 2003 by Resolution No. 17-2003, and

WHEREAS, on Thursday, April 27, 2006, 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 July 17, 2006, 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: July 17, 2006

Table of Contents

CHAPTER 1: GENERAL PROVISIONS, APPLICATION AND THRESHOLD STANDARDS

Chapter 1: Section 1 -- General.....	1
1101 General	1
1101.1 Short Title	
1101.2 Authority	
1101.3 Application	
1101.4 Vested Rights	
Chapter 1: Section 2 -- Threshold Standards for All Development	1
1201 Function of Threshold Standards	1
1202 Threshold Standards Established	2
Chapter 1: Section 3 -- Permits Required.....	5
1301 Permits Required.....	5
1301.1 Exemptions	
1301.2 Determination of Permit Required	
1301.3 All Phases Considered	
1301.4 Subdivision and PUD Covenants Considered	

CHAPTER 2: HIGH IMPACT COMMERCIAL AND INDUSTRIAL PERMITTING

Chapter 2: Section 1 -- General Provisions	6
2101 General Provisions.....	6
2101.1 Short Title	
2101.2 Purposes	
2101.3 Scope	
2101.4 High Impact Development	
2102 Urban Influence Restrictions.....	7
2102.1 One-Mile Area	
2102.2 Three-Mile Area	
Chapter 2: Section 2 -- Permit Procedures.....	8
2201 Permit Procedure.....	8
2201.1 Permit Application Submittal Requirements	
2201.2 County Commissioner Action	
2201.3 Decision Criteria	
2201.4 Effect of Denial	
2202 Waiver Petition and Procedure	
2202.1 Waiver Petition.....	9
2202.2 Planning Commission Review and Recommendations	
2202.3 Decision Criteria	
2202.4 Effect of Denial of a Waiver Petition	
2203 Waiver Petition Submittal Requirements.....	9
2203.1 Petition	

2204	High Impact Permit Public Hearing and Review Procedure.....	10
2204.1	High Impact Permit Application	
2204.2	Planning Commission Review and Recommendations	
2204.3	Public Hearing Before the County Commission	
2205	High Impact Permit Submittal Requirements.....	10
2205.1	General Requirements	
2205.2	Mitigation Plan.....	11
2205.3	Additional Requirements for Projects Involving the Potential of Highly Significant Impacts	
2205.4	Further Requirements.....	12
2205.5	Findings of Fact and Decision Criteria.....	13
2205.6	Periodic Review	
2205.7	Certification of Approval	
2205.8	Approval or Denial of Plat	
2206	Administrative Fees.....	13

CHAPTER 3: LANDOWNER-INITIATED ZONING

Chapter 3: Section 1 – General.....	14
3101 Landowner-Initiated Zoning.....	14
3101.1 Short Title	
3102 Purposes and Objectives.....	14
3102.1 Purposes	
3102.2 Objectives	
3103 Application and Scope.....	15
3103.1 Other Regulations	
3103.2 Enforcement and Administration	
3104 Official Zoning Map.....	15
3104.1 Zone District Boundaries	
3104.2 Management and Maintenance of Official Zoning Map	
3104.3 Location of Official Zoning Map	
3105 Zoning Designations Established.....	16
3105.1 A-80+ Large Scale Agricultural	
3105.2 AGZ Agricultural Use	
3105.3 A/R 35+ Large Scale Agricultural and Residential	
3105.4 A/R 10-34 Medium Scale Agricultural and Residential	
3105.5 A/R 3-9 Small Scale Agricultural and Residential	
3105.6 R-3 Rural Residential	
3105.7 AR:ES Existing Subdivision	
3105.8 USZ Urban Services Zone	
3105.9 INDZ Industrial Zone	
3105.10 COMZ Commercial Zone	
3105.11 UNZ Unzoned	
3105.12 Planned Unit Development Options (PUD)	
3106 Land Use Categories Defined.....	16
3106.1 Agricultural Uses Defined	
3106.2 Commercial Uses Defined.....	17
3106.3 Industrial Uses Defined	
3106.4 Residential Uses Defined	

Chapter 3: Section 2 -- Establishment of Zoning.....	18
3201 List of Zoning Designations Available for Selection.....	18
3201.1 A-80 Large Scale Agricultural	
3201.2 AGZ Agricultural Use	
3201.3 A/R 35+ Large Scale Agricultural and Residential	
3201.4 A/R 10-34 Medium Scale Agricultural and Residential	
3201.5 A/R 3-9 Small Scale Agricultural and Residential	
3201.6 R-3 Rural Residential	
3201.7 USZ Urban Services Zone	
3201.8 INDZ Industrial Zone	
3201.9 COMZ Commercial Zone	
3202 Establishment of Criteria for Zoning Public Hearing.....	18
3203 Establishing Zoning or Rezoning.....	18
3203.1 Submittal Requirements	
3203.2 Public Hearing Before the Planning Commission	
3203.3 Findings of Fact and Decision Criteria	
3204 Development of Landowner-Initiated Zoning Map of Montezuma County.....	19
3204.1 Official Landowner-Initiated Zoning Map Available for Public Review	
3204.2 Regular Update of the Official Landowner-Initiated Zoning Map	
3204.3 Amendment by Landowner During Sign-Up Phase	
3205 Zoning Board of Adjustment.....	19
3206 Board of Adjustment Review of Disputes.....	19
Chapter 3: Section 3 -- Zoning Regulations.....	20
3301 Modification of Threshold Standards.....	20
3302 Urban Influence Restrictions Applicable to all Zoning and PUD Designations.	20
3302.1 One-Mile Area	
3302.2 Three-Mile Area	
3303 A-80+ Large Scale Agricultural.....	20
3303.1 Purpose	
3303.2 Minimum Lot Size: 80 Acres	
3303.3 Uses by Right	
3303.4 Conditional Uses	
3303.5 Threshold Standards	
3304 AGZ Agricultural Use.....	21
3304.1 Purpose	
3304.2 Minimum Lot Size: 80 Acres	
3304.3 Uses by Right	
3304.4 Conditional Uses	
3304.5 Threshold Standards	
3305 A/R: 35+ Large Scale Agricultural and Residential.....	21
3305.1 Purpose	
3305.2 Minimum Lot Size: 35 Acres.....	22
3305.3 Uses by Right	
3305.4 Conditional Uses	
3305.5 Threshold Standards	
3306 A/R: 10-34 Medium Scale Agricultural and Residential.....	22
3306.1 Purpose	
3306.2 Minimum Lot Size: 10 acres	
3306.3 Uses by Right	
3306.4 Conditional Uses	
3306.5 Threshold Standards	

3307	A/R: 3-9	Small Scale Agricultural and Residential.....	23
	3307.1	Purpose	
	3307.2	Minimum Lot Size: 3 acres	
	3307.3	Uses by Right	
	3307.4	Conditional Uses	
	3307.5	Threshold Standards	
3308	R-3	Rural Residential.....	23
	3308.1	Purpose	
	3308.2	Minimum Lot Size: 3 acres	
	3308.3	Uses by Right	
	3308.4	Conditional Uses	
	3308.5	Prohibited Uses	
	3308.6	Threshold Standards	
3309	A/R:ES	Existing Subdivisions	24
	3309.1	Purpose	
	3309.2	Use Standards	
3310		Urban Services Zone.....	24
	3310.1	Purpose	
	3310.2	Use Standards	
3311		Industrial Zone.....	24
	3311.1	Purpose	
	3311.2	Minimum Lot Size	
	3311.3	Uses by Right	
	3311.4	Conditional Uses	
	3311.5	Threshold Standards	
3312		Commercial Zone.....	25
	3312.1	Purpose	
	3312.2	Minimum Lot Size	
	3312.3	Uses by Right	
	3312.4	Conditional Uses	
	3312.5	Threshold Standards	
3313	UNZ	Unzoned.....	25
	3313.1	Purpose	
	3313.2	Minimum Lot Size: N/A	
	3313.3	Uses by Right	
	3313.4	Conditional Uses	
	3313.5	Accessory and Temporary Uses	
	3313.6	Threshold Standards	
3314		Summary Chart.....	25
		Summary Chart of Zoning Choices - Preference Zones.....	26
		Standards for the Urban Services Zone Agreement for Areas Adjacent to the Municipalities.....	27
		Summary Chart of Zoning Choices.....	28
 CHAPTER 4: PLANNED UNIT DEVELOPMENT			
Chapter 4: Section 1 – Authority, Purposes and Objectives.....			29
4101		Authority, Purposes and Objectives of PUD Development.....	29
	4101.1	Authority, Purposes and Objectives	
4102		Scope.....	29
	4102.1	Not Limited To One Owner or Parcel	

4103	Relationship to Subdivision, Zoning and High Impact Commercial and Industrial Permitting.....	29
4103.1	Applicability of Other Regulations	
4103.2	Modifications Authorized	
4103.3	Compatibility of Planned Unit Developments	
4104	CIPUD Cluster Incentive PUD.....	30
4104.1	Intent	
4104.2	Underlying Zoning Designations	
4104.3	Land Use Categories	
4104.4	Conditional Uses	
4104.5	Standards	
4104.6	Preservation of Agricultural Land and Open Space	
4104.7	PUD Plan Approval and Phased Development Options	
4105	INDPUD Industrial PUD.....	30
4105.1	Intent	
4105.2	Underlying Zoning Designations	
4105.3	Land Use Categories	
4105.4	Conditional Uses	
4105.5	Standards	
4106	COMPUD Commercial PUD.....	31
4106.1	Intent	
4106.2	Underlying Zoning Designations	
4106.3	Land Use Categories	31
4106.4	Conditional Uses	
4106.5	Standards	
4107	GPUD GENERAL PUD.....	31
4107.1	Intent	
4107.2	Underlying Zoning Designations	
4107.3	Land Use Categories	
4107.4	Conditional Uses	
4107.5	Standards	
4108	MHPUD Mobile Home PUD and RV Park PUD.....	31
4108.1	Intent	
4108.2	Underlying Zoning Designations	
4108.3	Land Use Categories	
4108.4	Mobile Home Park Regulations	
4108.5	RV/Camper Park Regulations.....	33
4109	Summary Chart.....	37
Chapter 4: Section 2 – Establishment of Planned Unit Developments.....		38
4201	Establishing a PUD.....	38
4201.1	General	
4201.2	Design Flexibility for PUDs	
4201.3	PUD Submittal Requirements	
4201.4	PUD Procedure.....	39
4201.5	Findings of Fact and Decision Criteria	
4202	Phased PUD Development.....	40
4202.1	Independent Phases	
4202.2	Nonresidential Uses	40
4203	Ownership and Maintenance of Common Open Space.....	40
4203.1	Maintenance and Enforcement by Owners	
4203.2	Conditions and Enforcement by the County	

CHAPTER 5: MONTEZUMA COUNTY SUBDIVISION REGULATIONS

Chapter 5: Section 1 – Development Policies, Guidelines and Regulations.....	41
5101 Development Policies, Guidelines and Regulations.....	41
5101.1 Introduction	
5102 Subdivision Policies.....	41
5103 Design Guidelines.....	41
5103.1 General Design Guidelines.....	41
5103.2 Design Guidelines for Development Affecting Agricultural Land.....	42
5103.3 Design Guidelines for Development Along Highways.....	43
5103.4 Design Guidelines for Commercial Development	
5103.5 Design Guidelines for Residential Development	
5103.6 Design Guidelines for Flood Plains.....	44
5103.7 Design Guidelines for Single Lot Development that is not intended to Circumvent the Subdivision Regulations	
5104 Impact of Subdivisions and PUDs on County Roads.....	44
5105 Subdivision Regulations.....	44
5105.1 Preservation of Site Assets.....	45
5105.2 Avoidance and Mitigation of Hazardous Conditions	
5105.3 Development Criteria	
Chapter 5: Section 2 – Impact Classification.....	49
5201 Impact Classification.....	49
5201.1 Introduction	
5201.2 Classification Determination	
5202 Definitions of Impact.....	49
5202.5 Single Lot Development will be reviewed as a minor impact	
5202.1 Development of Minor Impact	
5202.2 Development of Moderate Impact: Definition	
5202.3 Development of Major Impact: Definition	
5203 Impact Classification Procedure.....	49
5203.1 Determination of Impact Classification	
5203.2 Change of Impact Classification	
5203.3 Appeal of Impact Classification.....	50
Chapter 5: Section 3 – Review Procedure for Subdivisions and PUD's.....	51
5301 Review Procedure for Subdivisions and PUD's.....	51
5301.1 Purpose of Review Procedure	
5301.2 Filing of Plat	
5302 Minor and Moderate Impact Review Procedure.....	52
5302.1 Presketch Plan	
5302.2 Sketch Plan	
5302.3 Final Plat.....	53
5302.4 Filing of Plat	
5303 Major Impact Review Procedure.....	53
5303.1 Presketch Plan	
5303.2 Sketch Plan	
5303.3 Preliminary Plan Application.....	54
5303.4 Final Plat.....	55
5303.5 Filing of Plat	

Chapter 5: Section 4 – Submittal Requirements.....	56
5401 Submittal Requirements.....	56
5401.1 Purpose	
5401.2 Application for Subdivision or Planned Unit Development	
5401.3 Presketch Plan	
5402 Sketch Plan Submittals for Minor, Moderate or Major Impact.....	57
5402.1 Sketch Plan	
5402.2 Map	
5402.3 Development Plan	
5403 Preliminary Plan Submittals.....	59
5403.1 Preliminary Plan	
5403.2 Relationship to Sketch Plan	
5403.3 Preliminary Plan Maps	
5403.4 Soils and Drainage.....	60
5403.5 Roads	
5403.6 Solid and Hazardous Waste Materials	
5403.7 Sewage Treatment	
5403.8 Water Supply	
5403.9 Fire Protection	
5403.10 Statement of Ownership.....	61
5403.11 Covenants or Restrictions	
5403.12 Common Areas	
5403.13 Developments Within Hazard Areas	
5403.14 Developments Having Impact on Agricultural and Other Land	
5403.15 Noxious Weed Management Plan	
5403.16 Additional Information	
5404 Final Plat Submittals for Minor, Moderate and Major Impact.....	61
5404.1 Final Plat	
5404.2 Conformity with Approved Plan	
5404.3 Required Accompanying Data.....	62
5405 General Requirements for Maps, Plans and Plats.....	62
5405.1 General Requirements for Maps, Plans and Plats	
5405.2 Subdivision Plats.....	64
5405.3 Improvement Agreements and Security	
5405.4 Covenants Provided by Seller	

CHAPTER 6: PUBLIC REVIEW AND HEARING PROCEDURE

6101 Public Review and Hearing Procedure.....	65
6101.1 Notice of Public Hearing	
6101.2 Planning Commission Review/Public Hearing.....	66
6101.3 County Commission Hearing on Sketch Plan (Optional)	
6101.4 County Commission Review and Approval of Final Plat	

CHAPTER 7: ADMINISTRATION

7101 Enforcement.....	67
7101.1 Enforcement	
7102 Administrative Fees.....	67
7102.1 Statement of Intent	
7102.2 Fees Charged by Review Agencies	

7103	Non-Conforming Uses and Previous Approvals.....	67
7103.1	Existing and Non-Conforming Uses	
7103.2	Previous Approvals	
7103.3	Exemptions.....	68
7104	Correction, Amendment and Vacation of Existing Subdivision.....	68
7104.1	Correction of Plats	
7104.2	Amendment of Plats	
7104.3	Vacation of Plats	
7105	Resolution Amendments Interpretation and Review.....	68
7105.1	Amendments	
7105.2	Severability.....	69
7105.3	Judicial Review	
7105.4	Repeal	
7105.5	Effective Date	

RESOLUTION NO. 13-2004

A RESOLUTION AMENDING THE MONTEZUMA COUNTY LAND USE CODE BY PROVIDING A METHOD FOR TRANSFERRING DEVELOPMENT RIGHTS IN THE DOLORES RIVER VALLEY.....	70
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CHAPTER 8: TRANSFERABLE DEVELOPMENT RIGHTS (TDRs)

8101	General Purpose.....	70
8101.1	Short Title	
8101.2	Scope	
8101.3	Purposes	
8102	Regulations for Establishment and Conveyance of Transferable Development Rights.....	71
8103	Regulations for Acquiring and Landing TDRs in a Receiving Site.....	71
8104	Other TDR Regulations include the following.....	72
	Dolores River Valley TDR Chart.....	73

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.

A. 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.

B. Because the Dolores River Valley is the primary water source for the People in the Town of Dolores, the City of Cortez, and much of the unincorporated areas of Montezuma County, it is absolutely essential that the quality of the water in the Dolores River be preserved. Therefore, to preserve said water quality it is necessary that some of the generally applicable regulations in this Land Use Code be modified for application in the Dolores River Valley. Said regulations as so modified shall govern development in the Dolores River Valley. For the purposes of this Land Use Code, the Dolores River Valley is the geographical area delineated by the Dolores River Valley Map marked Exhibit 1, attached hereto and made part hereof. Said area shall hereinafter be referred to in this Land Use Code as the Dolores River Valley.

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.

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 or 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	<ul style="list-style-type: none">• 3 acres• 10 acres within the Dolores River Valley
2	Maximum Building Height	<ul style="list-style-type: none">• 35 feet
3	Maximum Building Footprint	<ul style="list-style-type: none">• Maximum building footprint overall shall not exceed 12 percent of the lot size.• Building footprint does not apply to Commercial or Industrial zoned parcels immediately adjacent to a state or federal highway with an approved CDOT access permit and in accordance with 5103.4 A-E of this Code.

4	Building setbacks	<ul style="list-style-type: none"> • Primary Residence : See 5103.1 50' from County road and State Hwy. 50' from lot lines or interior subdivision roads • Commercial/Industrial use: See 5103.4 50' from County road and State Hwy. Rights-of-way 50' from residential lot lines • Within the Dolores River Valley: All new commercial and residential construction, including I.S.D.S, set back 100' from existing stream bank.
5	New Construction and Remodeling for Commercial, industrial And Public Buildings	• All new construction and remodeling of commercial or 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. 5103.2(c)
7	Protection of Normal Agriculture Operations	• No significant adverse impacts on normal agriculture operations. 5103.2
8	Outdoor Storage and/or Fabrication areas	<ul style="list-style-type: none"> • Appropriate screening may be required • Merchandise displays are exempt

Road, Traffic, Parking and Access

9	Roads	• All interior roads built to County road standards. 5105.3.B.
10	Parking/Access/Loading Areas	<ul style="list-style-type: none"> • Adequate for intended use such that traffic flow and circulation are not impeded. 5103.4.D • Approved County or CDOT highway access permit.
11	Traffic	• Less than 15 vehicle round trips per day.

Health, Safety and Welfare

12	Water	• Proof of availability and adequate flow. See 5105.3.G.
13	Sanitary Sewer Disposal	• Proof of acceptance by Health Dept. for intended use (approved ISDS permit) See 5105.3.F.
14	Stormwater Control and Site Drainage	• No adverse impacts on any County road, state highway or adjacent land use. See 5105.3.H.
15	Solid Waste -garbage, refuse, sludge and other discarded material	<ul style="list-style-type: none"> • Proof of disposal service • No materials transferred off-site by natural forces • No on-site burning except for contained flammable domestic waste or as part of an agricultural operation or weed control program.
16	Fire and Wildfire Protection	• 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 and completion of a Floodplain Development Plan Permit, where applicable.
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.A.

Nuisance Standards

21	Operational Electric Disturbances	<ul style="list-style-type: none"> No detrimental effects such as radio and television interference beyond the boundaries of the site.
22	Fire and Explosive Hazards	<ul style="list-style-type: none"> National Fire Protection Association standards and any other fire code or standard employed by the appropriate fire district apply.
23	Glare and Heat	<ul style="list-style-type: none"> Must be contained, enclosed or treated to make glare and heat imperceptible from any point on the boundary line.
24	Lighting	<ul style="list-style-type: none"> All direct rays confined to site and adjacent properties protected from glare.
25	Noise	<ul style="list-style-type: none"> Volume less than 70 decibels at any point on any boundary at any time as established by 25-12-101, et seq. C.R.S., as amended. Adjacent to residential areas: not to exceed 55 decibels at any point on the boundary line between 7:00pm -6:59am. Noise from normal agricultural operations is exempt.
26	Vibration	<ul style="list-style-type: none"> Not perceptible, without instruments, at any point on any boundary line.
27	Odors	<ul style="list-style-type: none"> Not perceptible at property boundaries. Agriculture operations: no violation if the best practical maintenance, and control available is being used to maintain the lowest possible emission of odors.
28	Dust, Smoke and Particulate	<ul style="list-style-type: none"> Dust and Fumes: None beyond property line (Dust control of County roads at expense of operator may be required) Particulate matter: Less than 0.2 grain/cf flue gas at 500F stack temperature. Smoke: USEPA Regulations: Opacity System, Method 9. Agriculture operations: no violation if the best practical maintenance, and control is being used.
29	Radioactivity	<ul style="list-style-type: none"> Subject to State and Federal Regulations
30	Water Pollution	<ul style="list-style-type: none"> Subject to State and Federal Regulations
31	Noxious Weeds	<ul style="list-style-type: none"> Compliance with State (35-5.5-101 et seq. C.R.S. as amended) and Montezuma County Comprehensive Weed Management Plan Resolution No. 4-93, as amended.
32	Other Significant Adverse Impacts	<ul style="list-style-type: none"> Pertaining to the Health, Safety and Welfare of the Citizens of Montezuma County

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

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

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

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

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

1301.4 Subdivision and 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 or 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 or 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 percent from the existing conditions regarding any Threshold Standard category.

- A major extension of an existing domestic water or wastewater treatment system, or a new water or waste water treatment system.
- Major facilities of a public or private utility; major pipelines and power lines; gravel and mining operations, oil and gas drilling, pumping disposal, gathering and transmission facilities, including coal bed methane and CO2, public or private landfills, waste disposal sites, salvage yards, and communication towers.
- Development that would cause excessive noise, water pollution, or air pollution; and development resulting in visual impacts that would substantially degrade property values.
- Projects that involve significant impacts that go beyond the surface and boundaries of the parcel owned by the applicant.

2102 Urban Influence Restrictions.

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

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

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

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

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

2201.1 Permit Application Submittal Requirements. Landowners who wish to obtain a Permit Application shall complete the form provided by the County and submit it with a site plan or map illustrating the property with current and proposed uses and structures. If the Permit Application involves a lot within a subdivision or 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 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 CO₂,
- public or private landfills,
- waste disposal sites,
- salvage yards,
- communication towers,

- development that would cause excessive noise, water pollution, air or soil pollution, and
- development resulting in visual or other impacts that would substantially degrade property values.

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

- A. Major Facilities of a Public or Private Utility and other Pipelines and Power lines.** Description of:
 1. Sources of power being generated or commodities being transported.
 2. Voltage and lengths of power lines, locations and sizes of substations, towers and other facilities.
 3. Diameters and lengths of pipelines and location, sizes, and noise levels of compressor stations and other facilities.
 4. A map of corridor locations, right-of-way dimensions, parcel boundaries and owners, and residential and commercial structures within 100 feet of the corridor right-of-way.
- B. Surface and ground water:** Information on immediate and long term impacts on water quality and quantity.
- C. Floodplains, Wetlands, and Riparian Areas:** Information on the impacts of the change in land use.
 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.
 2. Compliance with the Montezuma County Floodplain Resolution No. 1-91 and completion of a Floodplain Development Plan Permit, where applicable.
- 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. that do not maintain such compliance will be subject to suspension or revocation of the permit in accordance with these regulations.

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

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

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

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

CHAPTER 3: LANDOWNER-INITIATED ZONING

Chapter 3 : Section 1 - General

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

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

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

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

- A. A menu of agricultural and residential zones for landowners to choose from with lot sizes ranging up to 80+ acres.
- B. Development standards within each zone that take into account the impact of particular uses on the allowed range of parcel sizes, potential impacts on nearby uses, and any recorded subdivision or planned unit development covenants.
- C. Coordination with the High Impact Commercial or 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 home sites.
- 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 or 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-Authority, Purposes and Objectives**):

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:

- One guest or caretaker unit: Attached, 1,500 sq. ft. maximum, subject to the Montezuma County Individual Sewage Disposal System Rules and Regulations.
- 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.

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

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. **Proof of Ownership** in the form of a Certificate of Ownership from a title company or a title opinion from an attorney showing that the applicant is the owner of record.
- D. **Site Specific Development Plan**, where applicable, and
- E. **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 overall shall not exceed 12 percent of the lot size.
- 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 overall shall not exceed 12 percent of the lot size.
- 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 or 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 percent 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 overall shall not exceed 12 percent of the lot size.
- 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

- A. Within the Dolores River Valley an allowable 10-acre lot must include a minimum of 30 percent developable land. Developable land includes slopes less than 30 degrees, capable of supporting an engineer designed septic system per Montezuma County Resolution No. 4-97.

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 overall shall not exceed 12 percent of the lot size.
- 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

A. This zoning is not allowable within the Dolores River Valley.

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 overall shall not exceed 12 percent of the lot size.

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

A. This zoning is not allowable within the Dolores River Valley.

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 overall shall not exceed 12 percent of the lot size.

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/R3-9	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		TS	TS	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 or Industrial Uses	UBC, 1997 Edition for Commercial or Industrial Uses	UBC, 1997 Edition for Commercial or 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

STANDARDS 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"> 1. Curb and gutters 2. Sidewalks 3. 2½" asphalt and 8" gravel 4. 36' wide (32' asphalt & 2x2' curb and gutter) 	<ol style="list-style-type: none"> 1. No curb and gutter or sidewalks required 2. 36' wide gravel base (8") 3. 28' wide asphalt (2½") & 4' gravel shoulder or chip seal to county standards
Storm Water	<ol style="list-style-type: none"> 1. Curbs to inlets 2. Storm piping to major drainways 3. Culverts sized as needed 4. Easements for drainage 	<ol style="list-style-type: none"> 1. Side ditches—owner maintained 2. Culverts sized as needed in drainage study 3. Easements for drainage
Water Piping ¹	<ol style="list-style-type: none"> 1. 6" main minimum—C900 DR14 (200 psi) 2. Pumper and 2 hose connections on 3. hydrants 4. 1 fire hydrant w/in 500' and 2 w/in 1000' 5. In-line valve 800' min. spacing 	<ol style="list-style-type: none"> 1. 6" main minimum—C900 DR14 (200 psi) 2. Pumper and 2 hose connections on hydrants 3. 1 fire hydrant w/in 500' and 2 w/in 1000'¹ 4. In-line valve 800' min. spacing
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"> 1. 60' minimum for residential 2. 80' minimum for collector 	<ol style="list-style-type: none"> 1. 60' minimum for residential 2. 80' minimum for collector
Building Codes	<ol style="list-style-type: none"> 1. Uniform Building Code, 1997 Edition and the municipality's Fire Marshal². Includes: <ol style="list-style-type: none"> A. Commercial development B. Residential development on less than three acres. 2. Landowner-Initiated Zoning, administered by Montezuma County 	<ol style="list-style-type: none"> 1. Uniform Building Code, 1997 and the municipality's Fire Marshal². Includes, <ol style="list-style-type: none"> A. Commercial development B. Residential development on less than three acres. 2. Landowner-Initiated Zoning, administered by Montezuma County
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"> 1. 20' min. front yard³, 7' min. side and rear yard⁴ 2. 35' max. height for principal structures 3. 15' max. height for accessory structures 	<ol style="list-style-type: none"> 1. 50' min. front yard³, 50' min. side yard⁴, 25' min. rear yard⁴ 2. 35' max. height for principal structures 3. 15' max. height for accessory structures
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.	

¹Future negotiations with 3rd party water providers for standards are necessary

²Adoption of resolution by County Commissioners for enforcement is necessary

³Measured from edge of future right-of-way

⁴Measured 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 Permtt	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	TS	TS	TS	TS	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 or industrial Uses	UBC, 1997 Edition for Commercial and Industrial Uses	UBC, 1997 Edition for Commercial or industrial Uses	UBC, 1997 Edition for Commercial or 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

CHAPTER 4: PLANNED UNIT DEVELOPMENT

Chapter 4: Section 1 – Authority, Purposes and Objectives

4101 Authority, Purposes and Objectives of PUD Development.

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

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

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

4102.1 Not limited to one owner or parcel. A 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 or 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 or 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 percent 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 or industrial Uses exceeding Threshold Standards or other applicable standards, approved through appropriate review process.

4104.5 Standards: For residential home sites, 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 percent 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, plat notes will state:

1. "Future home sites to be developed and replatted at a later date."
2. "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 or 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 cleanable, 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 cleanable 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 cleanable 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	♦ AR 35+	♦ Agricultural ♦ Residential	Phased residential cluster development to allow for home site development while retaining 75 percent 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 ♦ Commercial 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.
GPUD: General	• AR35+ • AR10-34 • AR3-9 • USZ	• Agricultural • Residential • Commercial • Industrial • Mixed	Allows for flexible design and mixed 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. Proof of ownership in the form of a Certificate of Ownership from a title company or title opinion from an attorney showing that the applicant is the owner of record.
 - 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 is 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

CHAPTER 5: MONTEZUMA COUNTY SUBDIVISION REGULATIONS

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

5101 Development Policies, Guidelines and Regulations.

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

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

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

- A. To guide subdivision of agricultural land to attempt to protect irrigation and drainage patterns; and provide for ditch easements, stock drives, fencing, control of noxious weed infestations and animal control so commercial farming and ranching operations are not disrupted.
- B. To avoid subdivisions that result in unacceptable or unsafe traffic, noise, or dust levels on County roads.
- C. To minimize conflicts from land subdivisions that will result in significant adverse impacts on adjoining land.
- D. To guide development so as to provide adequate public facilities without undue costs to the taxpayers of Montezuma County.
- E. To minimize unsightly development.
- F. To consult with municipalities regarding any division of land within three (3) miles of their boundaries with regard to the major street plan.
- G. To avoid development in areas that are unsafe or unsuitable due to natural hazards such as flooding, wildfire, unstable slopes; or due to the unfeasibility of providing basic services such as adequate road access, electricity, potable water, sanitation, telephone and fire protection.

5103 Design Guidelines.

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

- A. Setbacks.** The following setbacks 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 a minimum of 50 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.

3. Setbacks for barns, garages, and other auxiliary structures shall be a minimum of 25 feet from County road rights-of-way and property lines not adjacent to roads and highways.
 4. Within the Dolores River Valley all new commercial and residential construction, including Individual Sewage Disposal Systems, shall be set back 100 feet from the existing stream bank.
- 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.
- 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, head gates and fences for maintenance or operational purposes shall be preserved or replaced with alternate easements suitable for a continuation of historic use.

- F. Noxious Weed Control. Any subdivision of land will require inspection for noxious weed infestation under provisions of the Colorado Weed Management Act, the Montezuma County Comprehensive Weed Management Plan Resolution No. 4-93, as amended, and development and submittal of an approved weed management plan.

5103.3 Design Guidelines for Development Along Highways. In addition to other applicable design guidelines, unattractive development or storage along highways or major arterial roads which causes visual distractions, visual pollution and detracts from the beauty of the landscape will be prohibited or screened by appropriate fencing and/or vegetation.

5103.4 Design Guidelines for Commercial Development.

- A. Business and commercial developments shall be designed and constructed for safe and convenient pedestrian circulation within the development; and, where possible, easy pedestrian access to the development.
- B. Commercial developments located on major arterial roads shall also comply with the **Design Guidelines for Development Along Highways**.
- C. The minimum setback between commercial buildings and adjacent lot or property lines shall be:
 - 1. Adjoining all other non-residential uses: twenty-five (25) feet unless adjoining uses enter into agreements permitting the construction of adjoining buildings to the common lot line.
 - 2. Adjoining residential areas: fifty (50) 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 or 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. Within the Dolores River Valley the minimum lot size for residential development must be ten (10) acres. An allowable 10 acre lot must include a minimum of 30 percent developable land. Developable land includes slopes less than 30 degrees, capable of supporting an engineer designed septic system per Montezuma County Resolution No. 4-97.
 - C. 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.
 - D. Compliance with **General Design Guidelines**.
 - E. Compliance, as appropriate, with **Design Guidelines for Development Which Affects Agricultural Land**.
 - F. 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, accessory structures shall be set back no less than 25 feet from property lines.
 - G. 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**.
 - H. All factory built and/or mobile homes must be in compliance with the Uniform Building Code, 1997 Edition and HUD codes.
 - I. 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 and completion of a Floodplain Development Plan Permit, where applicable.
- 5103.7 Design Guidelines for Single Lot Development that is not intended to circumvent the Subdivision Regulations.**
- A. To qualify for a Single Lot Development the remaining acreage must be in excess of 35 acres or adjoined to an adjacent property to create a tract with a minimum of 35 acres.
 - B. The lot must meet all development and design criteria as outlined in the Montezuma County Land Use Code.

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.

A. 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.

5105.3 Development Criteria.

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. Within the Dolores River Valley the minimum lot size for residential development must be ten (10) acres. An allowable 10 acre lot must include a minimum of 30 percent developable land. Developable land includes slopes less than 30 degrees, capable of supporting an engineer designed septic system per Montezuma County Resolution No. 4-97.

2. Each lot shall abut a roadway or street meeting County construction standards.

3. 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 near 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 percent. 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 connected to a public sanitary sewage system shall have a sewage disposal system prior to occupancy of buildings constructed thereon.
 - a. Within the Dolores River Valley Individual Sewage Disposal Systems shall be constructed in accordance with Montezuma County Resolution No. 4-97.
 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. If a subdivision is developed in phases, the remaining property must retain at least 35 acres.

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.

5202.50 Single Lot Development will be reviewed as a minor 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 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 Department. 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.
- 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 from the owner, the name of the owner of the property together with evidence of ownership in the form of a Certificate of Ownership from a title company or title opinion from an attorney, and 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 fees. 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 home sites.
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.

5403.1 Preliminary Plan. 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. A title commitment or title policy from a title insurance company or title opinion from a licensed Colorado attorney showing that the applicant is the owner of record or the applicant has the written consent of the owner of record.

5403.11 Covenants or Restrictions. The preliminary plan shall include a preliminary draft of protective covenants and deed restrictions along with any other conditions imposed during the review process. Threshold Standards will be incorporated as applicable. Proof shall be provided of the establishment of any association, district or group which will enforce or administer such covenants, declarations and restrictions.

5403.12 Common Areas. The Preliminary Plan shall identify any areas which will be set aside as common areas and shall include a plan for these areas. Maintenance shall be assured on a continual basis.

5403.13 Developments within Hazard Areas. If the Sketch Plan revealed that part or all of the proposed development is within an area subject to hazardous conditions, the Preliminary Plan shall include sufficient design detail and information to demonstrate adequate engineering and design solutions to the problems caused by any hazards.

5403.14 Developments Having Impact on Agricultural and Other Land. If the development has impact upon agricultural lands or other subdivisions, the Preliminary Plan shall describe and identify those features of the Preliminary Plan design which eliminate or mitigate adverse impacts on adjoining or impacted land uses.

5403.15 Noxious Weed Management Plan. Noxious weeds shall be inspected, identified, diagrammed and submitted with the sketch plan and must have an approved weed management plan submitted with the preliminary plan. This plan will become part of the covenants of the property and be filed with, and noted on, the plat.

5403.16 Additional Information. If any other conditions were placed on approval of the Sketch Plan to achieve compatibility between the proposed development and surrounding uses and with the policies, standards and guidelines of this Code, the Preliminary Plan shall describe and identify those features of the Preliminary Plan design which fulfill these conditions.

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

5404.1 Final Plat. After the Board has approved the Sketch Plan of a development of minor or moderate impact or the Preliminary Plan of a development of major impact, the applicant shall submit one (1) copy of a Final Plan consistent with the requirements of this part, two (2) copies of the plat drawn on mylar and one (1) blue line or blackline print of the mylar plat.

5404.2 Conformity with Approved Plan.

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

- C. Any changes between the previously approved plan and the submitted final plat shall be identified in a statement provided by the applicant. If the Board determines that such changes are substantial in nature, they shall refer the application back to the Planning Commission for further review.

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

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

CHAPTER 7: ADMINISTRATION
Enforcement, Fees, Miscellaneous Provisions

7101 Enforcement.

7101.1 Enforcement.

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

7102 Administrative Fees.

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

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

- A. Additional Fees.** If, after receipt of the sketch 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.

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 or amending a common lot line, 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.

Exhibit 1

The Dolores River Valley Map is not included in this copy. It is available for examination in the Montezuma County Planning Office, 109 West Main, Room 305, Cortez, Colorado.

RESOLUTION NO. 13-2004

A RESOLUTION AMENDING THE MONTEZUMA COUNTY LAND USE CODE BY PROVIDING A METHOD FOR TRANSFERRING DEVELOPMENT RIGHTS IN THE DOLORES RIVER VALLEY.

WHEREAS, the Dolores River Valley is the primary water source for the People in the Town of Dolores, the City of Cortez, and much of the unincorporated areas of Montezuma County, and it is absolutely essential that the quality of the water in the Dolores River be preserved; and

WHEREAS, providing a fair and just method for real property owners to transfer development rights protects said property rights and resulting economic benefits while helping to limit the overall density of new development in the Dolores River Valley protects the interests and safety of the public in preserving the quality of water in the Dolores River.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County, Colorado, that Resolution No. 17-2003, also known as the Montezuma County Land Use Code, be and is hereby amended by the addition of Chapter 8, page numbers 71, 72, 73, 74 and 75 as follows:

CHAPTER 8 TRANSFERABLE DEVELOPMENT RIGHTS (TDRs)

8101 General Purpose.

8101.1 Short Title. TDR regulations contained in this section may be cited as "Transferable Development Rights" or "TDRs".

8101.2 Scope. This Chapter 8 notwithstanding, existing parcels of land legally created shall retain such development rights as provided under the Montezuma County Land Use Code unless such rights are transferred hereunder. TDR regulations apply to the Dolores River Valley, which for purposes of this Land Use Code is a geographical area delineated by the Dolores River Valley Map, Exhibit 1 of the Montezuma County Land Use Code.

8101.3 Purposes. This Chapter 8 provides a method for transferring development rights from one parcel of land in the Dolores River Valley to another parcel of land in the Dolores River Valley. The General Purpose of TDRs in the Dolores River Valley is to allow commercial development and/or residential development that exceeds one residential unit per ten acres, provided that the proposed development is approved through the High Impact Permit process and/or the Subdivision process which shall include proof that the required number of TDRs have been acquired, or are under contract to be acquired, by the applicant. The specific purposes of these regulations are:

A. To preserve the quality of water in the Dolores River Valley, the primary water source for the People in the Town of Dolores, the City of Cortez, and much of the unincorporated areas of Montezuma County by limiting the overall density of new development in the Dolores River Valley to the equivalent of one residential unit per ten acres.

B. To provide a mechanism by which property owners in the Dolores River Valley with a minimum of ten undeveloped acres can voluntarily sever and convey development rights.

C. To provide a mechanism by which commercial or residential development can be undertaken which exceeds the base density of one residential unit per ten acres by purchasing development rights and by utilizing development rights attached to the property proposed for development.

8102 Regulations for Establishment and Conveyance of Transferable Development Rights.

TDRs are a real property right for property owners within the Dolores River Valley that own ten or more acres of undeveloped land. Such properties constitute the Dolores River Valley TDR Sending Area. TDRs are calculated and may be sold or otherwise transferred as follows:

A. Parcels within the Dolores River Valley on slopes of less than 30 degrees are allocated one TDR per ten acres of land outside of the floodplain, and 1.5 TDRs per ten acres of land within the floodplain. Those portions of parcels on slopes of 30 degrees or more retain development rights in conformance with the Montezuma County Land Use Code, but have no TDR value.

B. The transfer of a TDR shall include all commercial and residential development rights. The number of TDRs allocated to a sending parcel shall be calculated in increments of one-tenth of a TDR on parcels of ten acres or more.

C. The establishment of TDRs shall require a legal survey which addresses the above criteria, and plats specific parcels of land.

D. Property owners are under no requirement to plat TDRs unless they intend to transfer TDRs. TDRs shall be transferred and conveyed by Deed. Said Deed shall be recorded in the Deed Records of the Montezuma County Clerk and Recorder.

E. Once TDRs are severed from a parcel, the parcel is restricted from future commercial or residential development, unless additional TDRs are purchased and landed on the parcel.

8103 Regulations for Acquiring and Landing TDRs in a Receiving Site.

Commercial Development within the Dolores River Valley or Residential Development that exceeds one unit per 10 acres will require the purchase and landing of TDRs in conformance with the following:

A. The number of TDRs required for new development exceeding one residential unit per 10 acres shall be in accordance with the Dolores River Valley TDR Chart, attached hereto and made a part hereof. The TDR requirement for types of development not listed on the TDR Chart shall be determined by applying the same standards for effluent volume and strength utilized in developing the TDR Chart.

B. The landing of TDRs shall require the establishment of a TDR Receiving Site.

C. Receiving Sites can only be designated within the Dolores River Valley as delineated by the Dolores River Valley Map.

E. Receiving Sites shall be designated as part of the High Impact Permit process and/or the Subdivision Review process. Receiving Site approval is contingent on meeting other High Impact Permit and Subdivision Regulation Requirements.

F. The minimum Receiving Site for Condominium and Residential Development shall be 10 acres as to any tract created after the date of this amendment. There is no minimum parcel size for landing TDRs required for commercial development on a Receiving Site, provided the development meets the requirements of the High Impact Permit review and approval process. Proposed development, in which the impacts established in the review process can not be adequately mitigated, shall be denied.

G. For Residential and Condominium Development outside of the floodplain, one TDR is required for each unit that exceeds a density of one unit per 10 acres.

H. TDRs transferred into the floodplain shall require the floodplain ratio of 1.5 TDRs per unit of development. New residential development that does not require TDRs may be developed at a density of up to one unit per 10 acres in compliance with the Subdivision Regulations in this Code. All development within the floodplain shall require a Floodplain Development Plan Permit.

I. The minimum parcel size for residential development shall be three acres provided that TDRs are purchased and landed for each unit that exceeds the one unit per 10 acre density.

J. TDRs are landed by attaching a copy of the TDR Deed to the High Impact Permit or Subdivision Plat approving the proposed development, and Recording the same in the Deed Records of the Montezuma County Clerk and Recorder.

K. TDRs may be transferred within a tract subject to the requirements in this Chapter 8.

8104 Other TDR Regulations include the following:

A. The use of a Development Right in a development shall make said Development Right non-transferable unless and until said development ceases to exist and the property has been reclaimed to its predevelopment condition.

B. Severed TDRs may float until such time as the owner wishes to land them through the High Impact Permit and/or Subdivision Process.

C. TDR Regulations shall be the controlling mechanism for exceeding densities of one residential unit per 10 acres in the Dolores River Valley outside of the Town of Dolores. TDR regulations can not be circumvented by Urban Services Zoning or the availability of centralized sewer.

C. Within the Dolores River Valley any Accessory Residential Unit including guest and caretaker units shall meet the TDR requirements in this Chapter 8 for a Residential Unit.

DOLORES RIVER VALLEY TDR CHART

Type of Establishment	Per Unit Effluent Only	Unit	Number of Units per TDR
<u>Residential</u>			
Single-Family House	1	1 Home	1
Apartment Complex	0.91	1 Apartment	1
Mobile Home Parks	1	1 Space	1
<u>Resorts, Hotels, Motels</u>			
Luxury Resort with restaurants	0.52	1 Room	2
Hotels and Motels	0.33	1 Room	3
<u>Recreational and Seasonal</u>			
Travel Trailer Parks	0.26	Space	4
<u>Institutional</u>			
Churches	0.04	Seat	105
<u>Commercial</u>			
18-Hole Golf Course (200 operational days; excluding shop, restaurant, etc.)		Operational days/year	25
Restaurant	0.13	Seat	8
Cocktail Bar	0.04	Seat	26
Retail Store		1,500 square feet	1
Service Station		4 toilets, 750 square feet	1

NOW THEREFORE BE IT RESOLVED that this Resolution is hereby adopted and said Montezuma County Land Use Code is so amended.

Adopted this 17th day of July, 2006 at _____ o'clock p.m.

Board of County Commissioners
of Montezuma County, Colorado

Commissioners voting aye in favor of this Resolution were:

Alwayne Findley, Charles Thompson and Larrin D. Rude

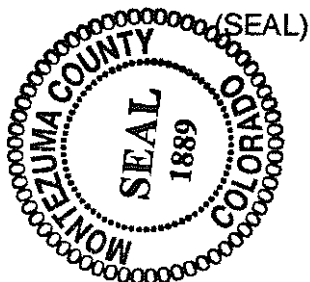
Commissioners voting no against this Resolution were:

_____, _____ and _____

Carol Jullis
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 17th day of July, 2006.



Carol Jullis
County Clerk and Recorder
Montezuma County, Colorado

ADDENDUM TO MONTEZUMA COUNTY LAND USE CODE
DATE: JULY 17, 2006

- Page 2, 1201. Change all Commercial and Industrial to Commercial or Industrial
- Page 2, Threshold Standard No. 3, Maximum Building Footprint. Regarding Commercial or Industrial zoned parcels.
 - Add: Building footprint does not apply to Commercial or Industrial zoned parcels immediately adjacent to a state or federal highway, with an approved CDOT access permit, and in accordance with 5103.4 A – E of this Code.
- Page 18, 32031.E. and
Page 38, 4201.3.A.2
Add "Proof of Ownership in the form of a Certificate of Ownership from a title company or title opinion from an attorney showing that the applicant is the owner of record.
- Pg. 44, 5103.7.A. Add after excess of 35 acres "or adjoined to an adjacent property to create a parcel with a minimum of 35 acres."
- Page 48, J: Add: "If a subdivision is developed in phases, the remaining property must be at least 35 acres.
- Page 56, 5401.2. A: Change to "Applicant's name, address and telephone number, and if different from the owner, the name of the owner of the property together with evidence of ownership in the form of a Certificate of Ownership from a title company or title opinion from an attorney, and that the owner consents to the filing of the application.
- Page 59 5403 Preliminary Plan Submittals for Major Impact. Delete "for Major Impact"
- Page 68 7104.2 Amendment of plats. Add to B: "or amending a common lot line"

RESOLUTION NO. 3-2006

**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. 13-2005 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 30th day of May, 2006, at 9:50 o'clock A. m.

BOARD OF COUNTY COMMISSIONERS OF
MONTEZUMA COUNTY, COLORADO

H. Dewayne Findley

Gerald W. Koppert

Tamara D. Rupp

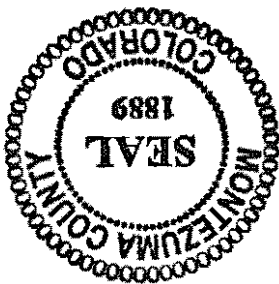
Commissioners voting aye in favor of this Resolution were:

Comm. H. Devayne Findley, Comm. Gerald W. Koppenhaver and
Comm. Larice D. Rule.

Commissioners voting no against this Resolution were:

_____, _____ and

_____.



Carol Tullis
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 12th day of June, 2006, with the following persons in attendance:

Commissioners:	Dewayne Findley, Gerald Koppenhafer, and Larrie Rule
Commissioners Absent:	
County Administrator:	Ashton N. Harrison
County Attorney:	Bob Slough
Clerk and Recorder:	Carol Tullis

the following proceedings, among others, were taken:

Resolution # 2-2006

WHEREAS, Montezuma County shall maintain a banking relationship with First National Bank, Cortez; and

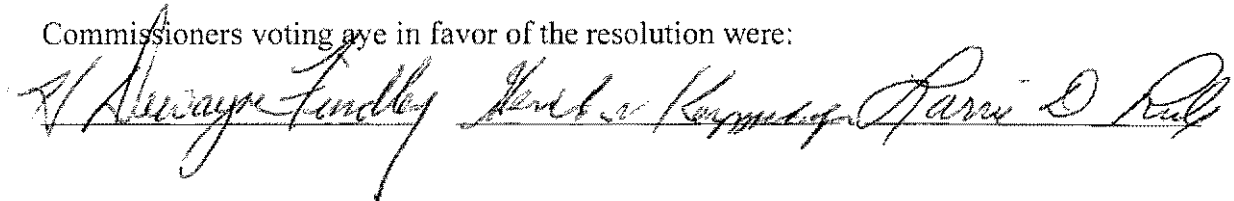
WHEREAS, the following individuals and only the following individuals are authorized to execute documents necessary to open account(s) and to sign checks, drafts or withdrawals.

NOW THEREFORE BE IT RESOLVED THAT THIS RESOLUTION REPLACES AND RENDERS VOID ANY PREVIOUS RESOLUTION TO ESTABLISH A BANKING RELATIONSHIP AND APPOINT SIGNERS AT FIRST NATIONAL BANK, CORTEZ.

ASHTON N. HARRISON, ADMINISTRATOR

MARY ANN SANDERS, FINANCE OFFICER

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 12th day of June, 2006.

(SEAL)



Carol Tullis

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 9th day of January, 2006, with the following persons in attendance:

Commissioners:	Dewayne Findley, Gerald Koppenhafer, and Larrie Rule
Commissioners Absent:	
County Administrator:	Thomas J. Weaver
County Attorney:	Bob Slough
Clerk and Recorder:	Carol Tullis

the following proceedings, among others, were taken:

Resolution # 1-2006

WHEREAS, the Colorado State Legislature establishes the appropriate County Category for all Colorado Counties based largely on population and assessed valuation data; and

WHEREAS, Montezuma County currently has a population of approximately 25,000 people; and

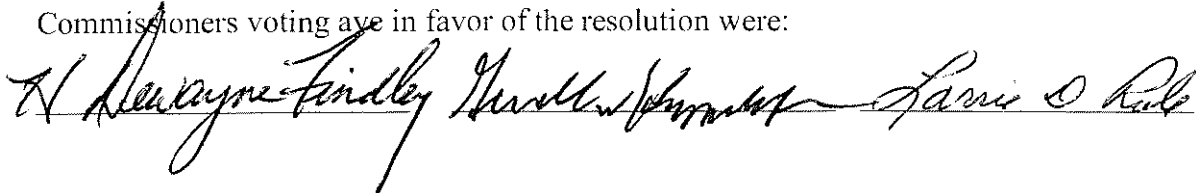
WHEREAS, Montezuma County's 2005 taxable assessed valuation is in excess of \$304,000,000; and

WHEREAS, both the population and assessed valuation data for Montezuma County clearly fit into the Category III designation when compared to all other Category III counties.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for Montezuma County that it be recommended to the State Legislature that a bill be introduced and passed re-categorizing Montezuma County from a Category IV county to a Category III county.

CPS 30-2-102 Not

Commissioners voting ~~aye~~ in favor of the resolution were:

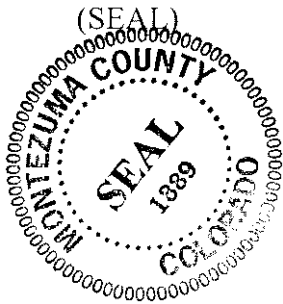


Commissioners voting nay against the resolution were:

Carol Tullis
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 9th day of January, 2006.



Carol Tullis
County Clerk and Recorder
Montezuma County, Colorado