

## RESOLUTIONS -- 2009

Resolution Number	Date Signed	Name
01-2009	Jan. 19, 2009	Categorize Montezuma County as Class III
02-2009	Jan. 26, 2009	Planning & Zoning Commission
03-2009	Feb. 23, 2009	County ROA Applications
04-2009	Feb. 23, 2009	Authorizing the Chairman to enter into agreement with State Department of Transportation
05-2009	April 20, 2009	Service Plan approval for Goodman Point Water Dist.
06-2009	June 1, 2009	Supporting 7 federal Judges to Dist. Court
06A-2009	June 29, 2009	Mtz. County Road Naming and Address System Standards
07-2009	August 3, 2009	Coordinated Mail Ballot Election
8-2009	August 17, 2009	Cancelling the suspension of Fire Ban
9-2009	August 24, 2009	Assignment of County's allocation to the Co. Housing Aut.
10-2009	Sept. 21, 2009	Suspension of Fire Ban
11-2009	Nov. 2, 2009	\$278,000. loan from capital to landfill enterprise fund
12-2009	Nov. 16, 2009	Amending Land Use Code
13-2009	Dec. 14, 2009	Amending 2009 Budget
14-2009	Dec. 14, 2009	Adopting 2010 Budget
15-2009	Dec. 14, 2009	Levying Property taxes for 2009
16-2009	Dec. 14, 2009	Levying LEA property taxes for 2009
17-2009	Dec. 14, 2009	Appropriate sums of money
18-2009	Dec. 28, 2009	Term limits for Planning Comm. Replaces 2-2009

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 28<sup>th</sup> day of December, 2009, with the following persons in attendance:

Commissioners:	Larrie Rule, Gerald Koppenhafer and Steve Chappell
Commissioners Absent:	None
County Administrator:	Ashton N. Harrison
County Attorney:	Bob Slough
Clerk and Recorder:	Carol Tullis

the following proceedings, among others, were taken:

Resolution # 18-2009)

WHEREAS, Resolution No. P70-1 was originally adopted on April 6, 1970; Resolution No. 01-2003 was adopted on February 24, 2003; Resolution No. 01-2003 Amended was adopted on September 11, 2006; Resolution No. 2-2009 was adopted January 26, 2009;

WHEREAS, it has become necessary to amend said Resolution;

NOW BE IT RESOLVED by the Board of County Commissioners of the County of Montezuma, State of Colorado, that the following Resolution is and is hereby adopted and enacted;

**SECTION 1: PERSONNEL OF PLANNING COMMISSION:**

(1) The Planning Commission shall consist of five (5) to seven (7) members. Each member of the said Planning Commission shall be a resident of the County of Montezuma, Colorado. If any member of said Planning Commission ceases to reside in the County of Montezuma his membership on said Commission shall immediately terminate;

**SECTION 2: ORGANIZATION OF PLANNING COMMISSION POWERS AND DUTIES:**

(1) The Planning Commission shall elect a Chairman from among its members whose term shall be one year, and the Chairman shall have all the powers, duties and authorities as provided for under C.R.S. 30-28-104, as amended;

**SECTION 3: VACANCIES - REMOVAL OF MEMBERS:**

(a) Any vacancy occurring among the members of said Planning Commission shall be filled by the Board of County Commissioners appointing any qualified individual;

(b) Any member of said Planning Commission may be removed as a member of said Commission: For conflict of interest, or for malfeasance, or nonperformance of his duties as a Member of said Planning Commission, or for conviction of a felony, or upon being elected or appointed and qualifying to serve to a public office, or ceasing to be a resident of said County. Removal of a Member of said Planning Commission shall be in the following manner: By said Planning Commission or Board of County Commissioners making its findings and determination that a Member should be removed for one or more of the foregoing reasons by a majority vote of its members after hearing thereon with Member to be removed given the opportunity to appear and defend. If such findings are made by said Planning Commission, they shall be filed in writing within 10 days with said Board of County Commissioners. At said Board's next regular meeting after filing of said findings said Board shall make its findings as to the sufficiency or insufficiency of the findings and determinations of the Planning Commission and shall enter its order of removal of said Member or dismissing and setting aside the findings and determinations of said Planning Commission;

SECTION 4: COMPENSATION - EXPENSES: Compensation of the Planning Commission members and associate members shall be annually established, set and budgeted for by said Board of County Commissioners. Such members shall be reimbursed for their actual expenses incurred according to the said Commission's budget, and appropriations therefore;

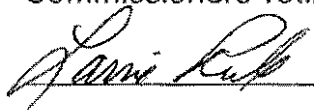
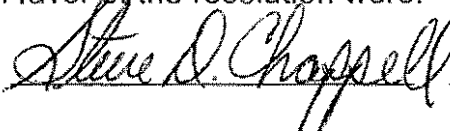
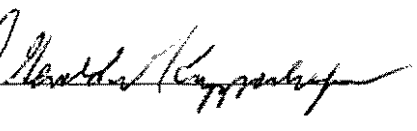
SECTION 5: PLANNING COMMISSION TERMS:

- (1) The term of appointed members shall be 3 years; and
- (2) Terms for appointment of the Planning Commission Members shall be staggered by making the appointments so that approximately one-third (1/3) of the members' terms expire each year.

DATED this 28<sup>th</sup> day of December, 2009

  
Larrie Rule, Chair

Commissioners voting aye in favor of the resolution were:


  

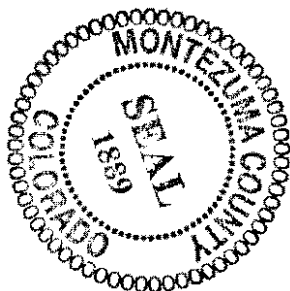
Commissioners voting nay against the resolution were:

\_\_\_\_\_

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 28<sup>th</sup> day of December, 2009  
(SEAL)

  
County Clerk and Recorder  
Montezuma County, Colorado



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

**Resolution # 17 - 2009**

**A RESOLUTION TO APPROPRIATE SUMS OF MONEY**

WHEREAS, the Commissioners have adopted the annual budget in accordance with Local Government Budget Law on December 14, 2009, 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 Board of County Commissioners of Montezuma County, Colorado, that the following sums are hereby appropriated from the revenue of each fund, to each fund, for current operating and capital expenses:

1) General Fund	\$14,775,924
2) Road & Bridge Fund	\$4,112,661
3) Social Services Fund	\$12,153,864
4) Conservation Trust Fund	\$130,000
5) Clara Ormiston Fund	\$0
6) Emergency Telephone Service Fund	\$122,501
7) Sheriff Forfeiture Fund	\$0
8) Revolving Loan Fund	\$0
9) Lodgers Tax Fund	\$114,000
10) Jail Bond Fund	\$1,096,041
11) Law Enforcement Authority Fund	\$648,787
12) Capital Fund	\$1,414,496
13) Landfill Enterprise Fund	\$1,044,810

14) TABOR Emergency Reserve Fund	\$0
15) Contingency Fund	\$0
16) Fiscal Emergency Reserve Fund	\$0
<b>TOTAL</b>	<b>\$35,613,084</b>

Commissioners voting aye in favor of the resolution were:

*Ross D. Bell*      *Steve D. Chapell*      *Heather Bergman*

Commissioners voting nay against the resolution were:

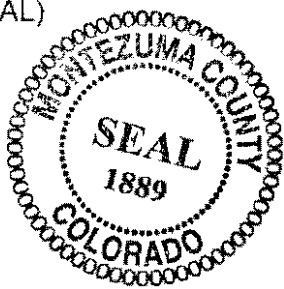
\_\_\_\_\_

*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 14<sup>th</sup> day of December, 2009.

(SEAL)



*Carol Tullis*  
County Clerk and Recorder  
Montezuma County, Colorado

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

**Resolution # 16 - 2009**

**A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2009 TO HELP  
DEFRAY THE COSTS OF THE LAW ENFORCEMENT AUTHORITY OF MONTEZUMA  
COUNTY, COLORADO, FOR THE 2010 BUDGET.**

WHEREAS, the Commissioners of Montezuma County, Colorado, have adopted the annual budget in accordance with the Local Government Budget Law on the 14<sup>th</sup> day of December, 2009; and,

WHEREAS, the 2009 valuation by the Board of County Commissioners for the unincorporated areas of Montezuma County only as certified by the County Assessor for the Law Enforcement Authority is \$494,302,742.

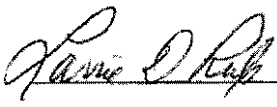
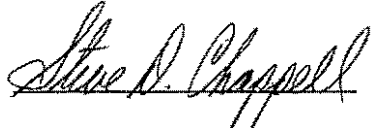
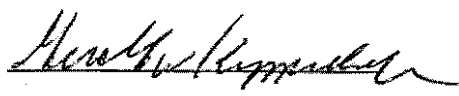
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County, Colorado, that;

For the purpose of meeting all general operating expenses of the Law Enforcement Authority of Montezuma County during the 2010 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 unincorporated areas only of Montezuma County for the year 2009.

SUMMARY OF FUNDS BUDGET 2010

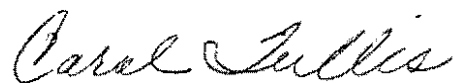
LAW ENFORCEMENT AUTHORITY                      1.45

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 14<sup>th</sup> day of December, 2009.

(SEAL)



A handwritten signature in cursive script, reading "Carol Jullis".

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County Clerk and Recorder  
Montezuma County, Colorado

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

**Resolution # 15 - 2009**

**A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2009 TO HELP DEFRAID THE COSTS OF GOVERNMENT FOR MONTEZUMA COUNTY, COLORADO, FOR THE 2010 BUDGET.**

WHEREAS, the Commissioners of Montezuma County, Colorado, have adopted the annual budget in accordance with the Local Government Budget Law on the 14<sup>th</sup> day of December, 2009; and

WHEREAS, the 2009 valuation by the Board of County Commissioners for all of Montezuma County as certified by the County Assessor is \$610,129,616.

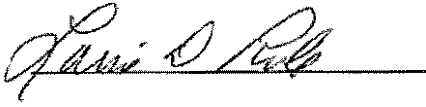
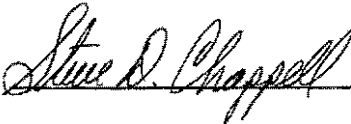

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County, Colorado, that;

For the purpose of meeting all general operating expenses of Montezuma County during the 2010 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 2009.

SUMMARY OF FUNDS BUDGET 2010

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:

\_\_\_\_\_



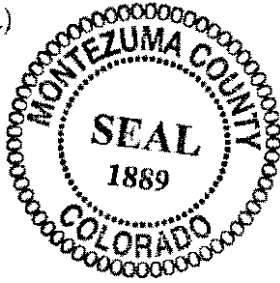
*Carol Tullis*

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 14<sup>th</sup> day of December, 2009.

(SEAL)



*Carol Tullis*

County Clerk and Recorder  
Montezuma County, Colorado

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

Resolution # 14 - 2009

**A RESOLUTION ADOPTING A BUDGET FOR MONTEZUMA COUNTY, COLORADO FOR  
THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2010 AND ENDING  
ON THE LAST DAY OF DECEMBER 2010.**

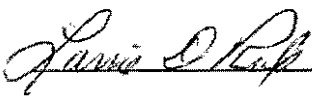
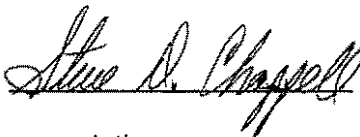
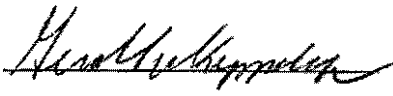
WHEREAS, the Commissioners of Montezuma County, Colorado, have appointed Ashton N. Harrison to prepare and submit a proposed budget to said governing body; and

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 14, 2009, and interested electors were given the opportunity to file or register any objections to said proposed budget.


NOW THEREFORE BE IT RESOLVED by the Board of County 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 2010.

Commissioners voting aye in favor of the resolution were:

Commissioners voting nay against the resolution were:

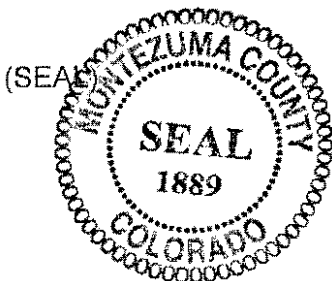
\_\_\_\_\_



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 14<sup>th</sup> day of December, 2009.





County Clerk and Recorder  
Montezuma County, Colorado

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

**Resolution # 13 - 2009**  
**A Resolution Amending the 2009 Budget**

WHEREAS, Montezuma County adopted operating and capital budgets for the General Fund, Road & Bridge Fund, Social Services Fund, Conservation Trust Fund, Clara Ormiston Fund, Emergency Telephone Service Fund, Sheriff Forfeiture Fund, Revolving Loan Fund, Lodgers Tax Fund, Jail Bond Fund, Law Enforcement Authority Fund, Capital Fund, and Landfill Enterprise Fund, on December 15, 2008, for the ensuing budget year 2009; and

WHEREAS, Montezuma County, after adoption of the 2009 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, authorizes the expenditure of such funds by enacting a supplemental budget and appropriation as follows:

**General Fund**

Total General Fund Expenditures	\$1,040,896
Total General Fund Transfers Out	\$1,638,603
Beginning General Fund Balance as of 1/1/2009	\$4,243,693

Clerk & Recorder	\$7,419	Attorney	\$5,170
Treasurer	\$800	Public Health	\$70,996
Assessor	\$442	Fairgrounds	\$28,788
Jail	\$288,201	Grounds & Buildings	\$1,449
Sheriff	\$557,247	Administration	\$20,226
District Attorney	\$1,343	Miscellaneous	\$44,483
Elections	\$14,332		

**Road & Bridge Fund**

Total Road and Bridge Fund Expenditures	\$758,971
Beginning Road & Bridge Fund Balance as of 1/1/2009	\$2,221,923

**Social Services Fund**

Beginning Social Services Fund Balance as of 1/1/2009	\$1,423,376
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**Conservation Trust Fund**

Beginning Conservation Trust Fund Balance as of 1/1/2009	\$91,113
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**Clara Ormiston Fund**

Total Clara Ormiston Fund Expenditures	\$3,600
Beginning Clara Ormiston Fund Balance as of 1/1/2009	\$27,447

**Emergency Telephone Service Fund**

Beginning Emergency Telephone Service Fund Balance as of 1/1/2009	\$579,894
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**Sheriff's Forfeiture Fund**

Beginning Sheriff's Forfeiture Fund Balance as of 1/1/2009 \$320

**Revolving Loan Fund**

Beginning Fund Balance as if 1/1/2009 \$136,777

**Lodgers Tax Fund**

Total Lodgers Tax Fund Expenditures \$4,000  
Beginning Lodgers Fund Balance as of 1/1/2009 \$145,438

**Jail Bond Fund**

Beginning Jail Bond Fund Balance as of 1/1/2009 \$2,549,143

**Law Enforcement Authority Fund**

Beginning Law Enforcement Authority Fund Balance \$389,527

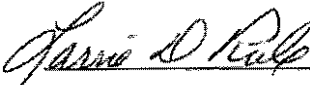

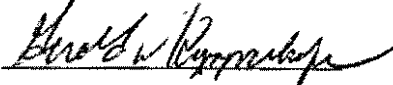
**Capital Fund**

Capital Fund Expenditures \$382,032  
Beginning Capital Fund Balance as of 1/1/2009 \$1,815,854

**Landfill Enterprise Fund**

Total Landfill Enterprise Fund Expenditures \$80,500  
Beginning Landfill Enterprise Fund Net Assets as of 1/1/2009 \$1,279,063

Commissioners voting aye in favor of the resolution were:

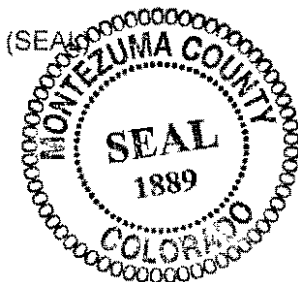
Commissioners voting nay against the resolution were:

\_\_\_\_\_

  
\_\_\_\_\_  
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 14<sup>th</sup> day of December, 2009.



  
\_\_\_\_\_  
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 16th day of November, 2009, with the following persons in attendance:

Commissioners:	Larrie D. Rute, Steve Chappell and Gerald W. Koppenhafer
Commissioners Absent:	
County Attorney:	Bob Slough
County Administrator:	Ashton N. Harrison
County Clerk:	Carol Tullis

the following proceedings, among others, were taken:

**RESOLUTION No. 12-2009**

**A RESOLUTION AMENDING RESOLUTION NOS. 2-98, 12-2000, 4-2002, 10-2003, 17-2003,  
13-2004, 4-2006, 11-2007 and 7-2008**

**THE MONTEZUMA COUNTY LAND USE CODE**

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

**WHEREAS**, the Montezuma County Land Use Code was amended on the 6<sup>th</sup> day of November, 2000 by Resolution No. 12-2000, the 8<sup>th</sup> day of April, 2002 by Resolution No. 4-2002, the 15<sup>th</sup> day of September, 2003 by Resolution No. 10-2003, the 15<sup>th</sup> day of December, 2003 by Resolution No. 17-2003, the 18<sup>th</sup> day of October, 2004, by Resolution No. 13-2004, the 17<sup>th</sup> of July, 2006, by Resolution No. 4-2006, the 18<sup>th</sup> day of December, 2006, by Resolution No. 13-2006; the 29<sup>th</sup> day of October, 2007, by Resolution No. 11-2007; and subsequently amended on the 21<sup>st</sup> day of July 2008;

**WHEREAS**, on Tuesday, February 12, 2008; Thursday, February 21, 2008; Thursday March 27, 2008; and Thursday, July 10, 2008, during scheduled Planning Commission meetings, 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.

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

**8105.4 Repeal.** That Resolution No. 15-78, dated July 17, 1978 declaring that certain matters shall not be regulated is hereby repealed.

**8105.5 Effective Date.** This Code is necessary for the immediate preservation of the public health, safety and welfare, and shall be effective immediately upon adoption.

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

Adopted this 16<sup>th</sup> day of November, 2009, at 2:58 o'clock p.m.

Board of County Commissioners  
of Montezuma County, Colorado

James D. Rube  
Chairman of Board

Commissioners voting aye in favor of this Resolution were:

James D. Rube and Steve D. Chappell

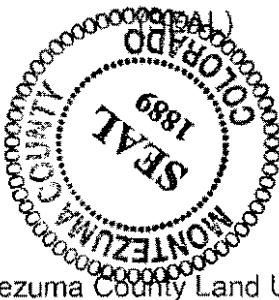
Commissioners voting no against this Resolution were:

\_\_\_\_\_ 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 16<sup>th</sup> day of November, 2009.



Carol Jullis  
County Clerk and Recorder  
Montezuma County, Colorado

# MONTEZUMA COUNTY LAND USE CODE

Date Amended: November 16, 2009

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**1101 General.**

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

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

**1101.3 Application.**

**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 Preliminary Plan 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"><li>• 3 acres</li><li>• 10 acres within the Dolores River Valley</li></ul>
2	Maximum Building Height	<ul style="list-style-type: none"><li>• 35 feet</li></ul>
3	Maximum Building Footprint	<ul style="list-style-type: none"><li>• Maximum building footprint overall shall not exceed 12 percent of the lot size.</li><li>• 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.</li></ul>



4	Building setbacks	<ul style="list-style-type: none"> <li>• Primary Residence : See 5103.1 50' from County road and State Hwy. 50' from lot lines or interior subdivision roads</li> <li>• Commercial/Industrial use: See 5103.4 50' from County road and State Hwy. Rights-of-way 50' from residential lot lines and 25' from non-residential lot lines</li> <li>• Within the Dolores River Valley: All new commercial and residential construction, including I.S.D.S, set back 100' from existing stream bank.</li> </ul>
5	New Construction and Remodeling for Commercial, Industrial And Public Buildings	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
6	Livestock Fencing	<ul style="list-style-type: none"> <li>• Adequate to protect from livestock encroachment. 5103.2(c)</li> </ul>
7	Protection of Normal Agriculture Operations	<ul style="list-style-type: none"> <li>• No significant adverse impacts on normal agriculture operations. 5103.2</li> </ul>
8	Outdoor Storage and/or Fabrication areas	<ul style="list-style-type: none"> <li>• Appropriate screening may be required</li> <li>• Merchandise displays are exempt</li> </ul>

### Road, Traffic, Parking and Access

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

### Health, Safety and Welfare

12	Water	<ul style="list-style-type: none"> <li>• Proof of availability and adequate flow. See 5105.3.G.</li> </ul>
13	Sanitary Sewer Disposal	<ul style="list-style-type: none"> <li>• Compliance with 5103.1.F; 5105.3.F; and 5402.3.E</li> </ul>
14	Stormwater Control and Site Drainage	<ul style="list-style-type: none"> <li>• No adverse impacts on any County road, state highway or adjacent land use. See 5105.3.H.</li> </ul>
15	Solid Waste -garbage, refuse, sludge and other discarded material	<ul style="list-style-type: none"> <li>• Proof of disposal service</li> <li>• No materials transferred off-site by natural forces</li> <li>• No on-site burning <b>except</b> for contained flammable domestic waste or as part of an agricultural operation or weed control program.</li> </ul>
16	Fire and Wildfire Protection	<ul style="list-style-type: none"> <li>• Compliance with 5103.1. G; 5105.2.A; 5402.3.J; and 5404.3.W.</li> </ul>
17	Law Enforcement and Emergency Service	<ul style="list-style-type: none"> <li>• Letter of adequacy from law enforcement and/or emergency service provider may be required.</li> </ul>
18	Floodplain	Compliance with County Floodplain Resolution 12-08, as amended. Any development that is in an area identified by FEMA as a floodplain area shall require the developer to submit evidence of compliance with the County Floodplain Resolution.
19	Geologic and Natural hazards	<ul style="list-style-type: none"> <li>• Identification and avoidance or mitigation of potential hazards. See 5105.2.</li> </ul>
20	Public Facilities for Outdoor Recreation Facilities, Camp and RV Parks and Mobile Home parks	<ul style="list-style-type: none"> <li>• Adequate restroom: one men/women set plus one extra sink and stall per 100 weekly peak season visitor. See 4108.5.A.</li> </ul>

### Nuisance Standards

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

### Other Standards

32	Other Significant Adverse Impacts	<ul style="list-style-type: none"> <li>♦ Pertaining to the Health, Safety and Welfare of the Citizens of Montezuma County</li> </ul>
33	Other Federal, State, and Local requirements	<ul style="list-style-type: none"> <li>♦ Federal, State, and Local required permits must be obtained</li> <li>♦ Per 2203.1 (F).</li> </ul>

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

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

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

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

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

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

**2101 General Provisions.**

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

**2101.2 Purposes.** The general purpose of the Permit Regulations is to facilitate the identification, designation, and regulation of High Impact Development projects in the unincorporated areas of Montezuma County. This process will ensure compatibility of Commercial 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.

**2101.5 Impact of Commercial or Industrial Use on County Roads.** High Impact Land Use Effects on County Roads. To address the effects of high impact land use on County Roads, the County has established a Road Impact Fee relative to trips per day in excess of the Threshold Standards. The Road Impact Fee is applied to the improvement of County Roads directly accessing the property or to the improvement of the nearest County Road on the County Road Improvement Plan. The Road Impact Fee is payable by the High Impact Permit applicant prior to the final signature process by the Board of County Commissioners.

## **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 A. Certification of a Commercial or Industrial Use which is in compliance with the Threshold Standards.**

1. A Landowner shall submit to the County a completed Permit Application certifying to the County that the proposed commercial or industrial use is in compliance with the Threshold Standards. The Permit Application notifies the County of the proposed land use.

2. Permit Applications filed with the County will be reviewed by the Planning Department staff to determine if the changed land use requires further review by the County, pursuant to the requirements of this Chapter.

**B. Prior to Commencement of Construction:** Permits shall be obtained prior to site preparation, excavation, erection, construction, reconstruction, development, redevelopment, occupancy, alteration, relocation, change of use or intensification of use of any development and/or structure, except for specifically exempted development, and it shall be unlawful for any person to do or cause any of the above without a High Impact Permit. All developments shall be required to provide adequate water, sewer, and access, except where specifically exempted for temporary uses. Granting of a county land use permit for a specific development shall not exempt the development from compliance with any and all applicable state or federal statutory or regulatory requirements, including the issuance of any required state or federal permits.

**C. Fees.** Fees assessed for the processing of land use permit applications shall be according to the fee schedule adopted by the Board of County Commissioners, as amended from time to time.

**D. Failure to Certify to the County a Commercial or Industrial Use or Obtain a Permit.** Failure to certify to the County any/all proposed Commercial or Industrial Uses or obtaining any/all required permits shall constitute a violation(s) of this chapter. The Planning Director, or his/her designee, upon finding an alleged violation(s), will notify the landowner(s) of the alleged violation(s) by letter. The letter will specify the details of the alleged violation(s), the procedure by which the alleged violation(s) may be corrected, and a deadline by which the alleged violation(s) is/are to be corrected. If the alleged violation(s) continues beyond the deadline established, as determined by the Planning Director, the Board of County Commissioners may hold a public hearing to review the non-permitted/permitted use(s) and alleged violation(s).

**E. Public Notice Procedure.** Public Hearing before the Board of County Commissioners

1. **Notice of Public Hearing.** Upon receipt of recommendations from the Planning Director, the County Commission may hold a public hearing

a. The notice of Application and review will be given by written notice by certified mail to the landowner(s) and/or operators conducting said use, and the Planning Department will cause written notice to be sent to all adjacent property owners and mineral interest owners by US Mail United States Postal Service at least, and including, ten (10) days prior to the public hearing.

b. Public Notice will be published in a newspaper of general circulation within Montezuma County. The Planning Department shall draft said notice and cause same to be published at least, and including ten (10) days prior to the hearing.

2. **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.

3. **Rendering a Decision.** Upon recommendation of the Planning Department or completion of the public hearing process, the County Commission shall render a

decision on the existing or proposed use(s) based on the Decision Criteria in **2201.3** of this Code.

**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 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.

**2202.1 High Impact Permit Application.** A High Impact Permit Application shall be submitted in accordance with **2201** and **2203**. For projects involving the potential of highly significant impacts as defined in **2203.3**, further requirements may be specified in accordance with **2203.4**. When the application is complete it shall be submitted to the County Commission, who will forward it to the Planning Commission.

**2202.2 Notice of Planning Commission Review**

**A.** The notice of Application and review shall be given:

- 1.** By written notice. Applicants shall cause written notice to be sent to all adjacent property owners and mineral interest owners by Certified Mail, United States Postal Service at least, and including, ten (10) days prior to the review by the Planning Commission Board. Any Planned Unit Development Application will require fifteen (15) days notice prior to the review. A list of Mineral Owner(s) can be obtained by Applicant through deed records recorded in the Montezuma County Clerk & Records Office. Proof of mailing shall be submitted to the Planning Department prior to the scheduled review.

**B.** At a regular Planning Commission meeting, the Planning Commission will review the application and forward their recommendations to the County Commission. This is not a public hearing, but the Planning Commission will take public comments and consider them in formulating their recommendations.

### **2202.3 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 **2203.5** 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 **2203.5**.

**2203 High Impact Permit Submittal Requirements.** The High Impact Permit application shall include, but not be limited to, the following:

#### **2203.1 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. It is the responsibility of the applicant to obtain all other required permits.
- 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.

**2203.2 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**.

**2203.3 Additional Requirements for Projects Involving the Potential of Highly Significant Impacts.** If the scope and magnitude of the project involves significant impacts that go beyond the surface and boundaries of the parcel owned by the applicant, the applicant shall address any aspects of the change in land use listed below. Projects involving the potential for highly significant impacts also include, but are not limited to:

- major facilities of a public or private utility,
- major pipelines and power lines,
- gravel and mining operations,
- oil and gas drilling,
- pumping, disposal, gathering and transmission facilities, including coal bed methane and CO<sub>2</sub>,
- public or private landfills,
- waste disposal sites,
- salvage yards,
- communication towers,
- development that would cause excessive noise, water pollution, air or soil pollution, and
- development resulting in visual or other impacts that would substantially degrade property values.

**2203.4 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 County Floodplain Resolution 12-08, as amended. Any development that is in an area identified by FEMA as a floodplain area shall require the developer to submit evidence of compliance with the County Floodplain Resolution.
  - 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.
- 2203.5 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. Permits that do not maintain such compliance will be subject to suspension or revocation of the permit in accordance with these regulations.

**2203.6 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.

**2203.7 Certification of Approval.** Notice of each permit approval will be certified by the County Commissioners to the County Clerk and Recorder for recording.

**2203.8 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.

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## CHAPTER 3: LANDOWNER-INITIATED ZONING

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### Chapter 3 : Section 1 - General

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**3101 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.

**3101.1 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 list 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.

**3101.2 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.

**3102 Application and Scope.** The zoning regulations contained in this section shall apply to all land in the unincorporated areas of Montezuma County.

**3102.1 Other Regulations.** Uses permitted by these regulations shall also be subject to provisions of other applicable County and state regulations.

**3102.2 Enforcement and Administration.** Unless as specified in this section, the provisions of this section shall be enforced and administered in accordance with **Chapter 8** and other applicable provisions of this Land Use Code.

**3103 Official Zoning Map. Development of Landowner-Initiated Zoning Map of Montezuma County.** The Landowner-Initiated Zoning Map of Montezuma County was originally adopted on May 15, 2000, wherein existing subdivisions and subdivision exemptions were designated on the Official Zoning Map as A/R ES (Agriculture/Residential Existing Subdivision). The end of the sign-up period, during LIZ, was January 31, 2000, at which time a public hearing was held before the Board of County Commissioners wherein all parcels signed up for A80, AR35+ and AR10-34 were adopted into the official zoning map showing approved applications and the County designations as described above. Approval of any other zoning preferences required a separate hearing. Parcels with zoning preferences that were not adopted into the official zoning map, during the public hearing, are considered unzoned. The Official Zoning Map, together with all data shown thereon, and all amendments thereto, incorporated by reference into this Code.

**3103.1 Zone District Boundaries.** Except where otherwise indicated, zone designation boundaries shall follow existing parcel boundary lines.

**3103.2 Management and Maintenance of Official Zoning Map.** Changes in the boundary of any zone designation shall promptly be entered on the Official Zoning Map.

**3103.3 Location of Official Zoning Map.** The Official Zoning Map shall be located in the County Planning office with copies available for public reference.

**3104 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**):

<b>3104.1</b>	<b>A-80+</b>	<b>Large Scale Agriculture</b>
<b>3104.2</b>	<b>AGZ</b>	<b>Agricultural Use</b>
<b>3104.3</b>	<b>A/R 35</b>	<b>Large Scale Agriculture and Residential</b>
<b>3104.4</b>	<b>A/R 10-34</b>	<b>Medium Scale Agriculture and Residential</b>
<b>3104.5</b>	<b>A/R 3-9</b>	<b>Small Scale Agriculture and Residential</b>
<b>3104.6</b>	<b>R-3</b>	<b>Rural Residential</b>
<b>3104.7</b>	<b>A/R ES</b>	<b>Existing Subdivision</b>
<b>3104.8</b>	<b>USZ</b>	<b>Urban Services Zone</b>
<b>3104.9</b>	<b>INDZ</b>	<b>Industrial Zone</b>
<b>3104.10</b>	<b>COMZ</b>	<b>Commercial Zone</b>
<b>3104.11</b>	<b>UNZ</b>	<b>Unzoned</b>

**3104.12 Planned Unit Development (PUD) Options:**

<b>A.</b>	<b>CIPUD</b>	<b>Cluster Incentive Planned Unit Development</b>
<b>B.</b>	<b>MHPUD</b>	<b>Mobile Home and RV Park Planned Unit Development</b>
<b>C.</b>	<b>INDPUD</b>	<b>Industrial Planned Unit Development</b>
<b>D.</b>	<b>COMPUD</b>	<b>Commercial Planned Unit Development</b>
<b>E.</b>	<b>GPUD</b>	<b>General Planned Unit Development</b>

### **3105 Land Use Categories Defined.**

**3105.1 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

**3105.2 Commercial Uses Defined.** Commercial development shall mean any land development activity except development activity intended solely for residential, agricultural or industrial uses.

**3105.3 Industrial Uses Defined.** Light Industrial development shall mean uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Heavy industrial uses shall mean uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industry shall also mean those uses engaged in the operation, parking and maintenance of heavy equipment and trucks, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yards, container storage), mining and extracting industries, petrochemical industries, rubber refining, and primary metal or related industries.

**3105.4 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: 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.

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

**3202 Establishing Zoning or Rezoning.** Any landowner, or their authorized agent, may submit to the County a completed application for establishing zoning or rezoning.

**3202.1 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. A Presketch Plan.** For Development involving a potential for significant impacts, a Sketch Plan may also be required, and
- E. Fee.**

**3202.2 Public Hearing Before the Planning Commission.** A public hearing shall be set in accordance with **6101.1 Notice of Public Hearing** of this Code.

**3202.3 Public Hearing Before the County Commission.**

- A. Notice of Public Hearing.** Upon receipt of recommendations from the Planning Commission, the County Commission will 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 **3202.4** 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 Board of County Commissioners may continue the public hearing to a date certain, or schedule additional public hearings.
- D. Rendering a Decision.** Upon recommendation of the Planning Commission and completion of the public hearing process, the County Commission shall



render a decision on the Zoning Application based on the Decision Criteria in 3202.4.

**3202.4 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.

**3203 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.

**3203.1 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.

**3203.2 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.

**3204 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.

**3205 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. Short Title.**

**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 **3105.1** and related primary and accessory residential uses; and
- C. Allow for Special uses as defined in 3303.4.
- 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 3105.1, a and b.
- B. Residential, Residential Accessory. See 3105.4, a and b.

**3303.4 Conditional Uses-Special Use Permit:** Purposes and Objectives. To allow sufficient flexibility for special uses that may include any or all of the following; temporary or interim in use, created by nature, permitted by law or regulation, have a potentially greater impact than Uses by Right or are of unusual circumstance such that said use can be accommodated without the possible detrimental long-term effects that a change to commercial or industrial zoning could have on the neighborhood. Judicial authority for such is the case of Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983). That judicial holding is the intent and goal sought to be achieved herein.

- A. Said special uses must meet the requirements of Chapter 2 of this code and comply with Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983), including the following conditions: Such use does not create any danger to safety in surrounding areas, does not

cause water pollution, and does not create excessive noise, vibration, smoke, dust, odors, heat glare, snow storage problems, does not aggravate an existing wildfire hazard or create a wildfire hazard to structures on adjacent property, does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties, and does not create or increase geologic hazard or subject adjacent properties to geologic hazard. Said special uses include the following:

1. Commercial or Industrial Agribusiness as defined in 3105.1, c and d
2. Water systems
3. Sewage systems
4. Public or private utility facilities
5. Oil, Gas, or CO2 drilling and production wells
6. Pipelines
7. Power Lines
8. Seismograph testing for natural resources
9. Gravel mining and crushing operations
10. Mobile Asphalt Plants, to date certain
11. Concrete Batch Plants, to date certain
12. Communication Towers
13. Special events including, but not limited to, outdoor music concerts, motorcycle rallies, Off Highway Vehicle Events and similar events.
14. Retreat/Guest Ranch

**B.** Planned Unit Developments: Cluster Incentive PUD and General PUD.

**C.** 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 impacts: evidence that the proposed use(s) shall not destroy visual amenities, that it include a plan for land reclamation, and that it is in conformance with commercial and industrial performance standards promulgated by the county, where necessary.

### **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 **3105.1**; and
- C.** Allow for Special uses as defined in 3304.4.
- 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 3105.1, a and b.
- B.** Residential, Residential Accessory. See 3105.4, a and b.

**3304.4 Conditional Uses-Special Use Permit:** Purposes and Objectives. To allow sufficient flexibility for special uses that may include any or all of the following; temporary or interim in use, created by nature, permitted by law or regulation, have a potentially greater impact than Uses by Right or are of unusual circumstance such that said use can be accommodated without the possible detrimental long-term effects that a change to commercial or industrial zoning could have on the neighborhood. Judicial authority for such is the case of *Hudspeth v. Board of County Commissioners of the County of Routt*, 667 P.2d 775 (Colo.App.1983). That judicial holding is the intent and goal sought to be achieved herein.

- A.** Said special uses must meet the requirements of Chapter 2 of this code and comply with *Hudspeth v. Board of County Commissioners of the County of Routt*, 667 P.2d 775 (Colo.App.1983), including the following conditions: Such use does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create excessive noise, vibration, smoke, dust, odors, heat glare, snow storage problems, does not aggravate an existing wildfire hazard or create a wildfire hazard to structures on adjacent property, does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties, and does not create or increase geologic hazard or subject adjacent properties to geologic hazard. Said special uses include the following:

1. Commercial or Industrial Agribusiness as defined in 3105.1, c and d
2. Water systems
3. Sewage systems
4. Public or private utility facilities
5. Oil, Gas, or CO2 drilling and production wells
6. Pipelines
7. Power Lines
8. Seismograph testing for natural resources
9. Gravel mining and crushing operations
10. Mobile Asphalt Plants, to date certain
11. Concrete Batch Plants, to date certain

- 12. Communication Towers
- 13. Special events including, but not limited to, outdoor music concerts, motorcycle rallies, Off Highway Vehicle Events and similar events.
- 14. Retreat/Guest Ranch

**B.** Planned Unit Developments: Cluster Incentive PUD and General PUD.

**C.** 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 impacts: evidence that the proposed use(s) shall not destroy visual amenities, that it include a plan for land reclamation, and that it is in conformance with commercial and industrial performance standards promulgated by the county, where necessary.

#### **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 **3105.1**,
- B.** Allow for Special uses as defined in 3305.4; 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 3105.1, a and b.
- B.** Residential, Residential Accessory. See 3105.4, a and b.

**3305.4 Conditional Uses-Special Use Permit:** Purposes and Objectives. To allow sufficient flexibility for special uses that may include any or all of the following; temporary or interim in use, created by nature, permitted by law or regulation, have a potentially greater impact than Uses by Right or are of unusual circumstance such that said use can be accommodated without the possible detrimental long-term effects that a change to commercial or industrial zoning could have on the neighborhood. Judicial authority for such is the case of Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983). That judicial holding is the intent and goal sought to be achieved herein.

**A.** Said special uses must meet the requirements of Chapter 2 of this code and comply with Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983), including the following conditions: Such use does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create excessive noise, vibration, smoke, dust, odors, heat glare, snow storage problems, does not aggravate an existing wildfire hazard or create a wildfire hazard to structures on adjacent property, does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties, and does not create or increase geologic hazard or subject adjacent properties to geologic hazard. Said special uses include the following:

1. Commercial or Industrial Agribusiness as defined in 3105.1, c and d
2. Water systems
3. Sewage systems
4. Public or private utility facilities
5. Oil, Gas, or CO2 drilling and production wells
6. Pipelines
7. Power Lines
8. Seismograph testing for natural resources
9. Gravel mining and crushing operations
10. Mobile Asphalt Plants, to date certain
11. Concrete Batch Plants, to date certain
12. Communication Towers
13. Special events including, but not limited to, outdoor music concerts, motorcycle rallies, Off Highway Vehicle Events and similar events.
14. Retreat/Guest Ranch

**B.** Planned Unit Developments: Cluster Incentive PUD and General PUD.

**C.** 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 impacts: evidence that the proposed use(s) shall not destroy visual amenities, that it include a plan for land reclamation, and that it is in conformance with commercial and industrial performance standards promulgated by the county, where necessary.

### **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. This zone also allows for Special uses as defined in 3306.4.

#### **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, as amended

#### **3306.3 Uses by Right:**

- A.** Agricultural, Agricultural Accessory See 3105.1, a and b.
- B.** Residential, Residential Accessory See 3105.4, a and b.

**3306.4 Conditional Uses-Special Use Permit: Purposes and Objectives.** To allow sufficient flexibility for special uses that may include any or all of the following; temporary or interim in use, created by nature, permitted by law or regulation, have a potentially greater impact than Uses by Right or are of unusual circumstance such that said use can be accommodated without the possible detrimental long-term effects that a change to commercial or industrial zoning could have on the neighborhood. Judicial authority for such is the case of Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983). That judicial holding is the intent and goal sought to be achieved herein.

- A.** Said special uses must meet the requirements of Chapter 2 of this code and comply with Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983), including the following conditions: Such use does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create excessive noise, vibration, smoke, dust, odors, heat glare, snow storage problems, does not aggravate an existing wildfire hazard or create a wildfire hazard to structures on adjacent property, does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties, and does not create or increase geologic hazard or subject adjacent properties to geologic hazard. Said special uses include the following:

1. Commercial or Industrial Agribusiness as defined in 3105.1, c and d
2. Water systems
3. Sewage systems
4. Public or private utility facilities
5. Oil, Gas, or CO2 drilling and production wells
6. Pipelines
7. Power Lines
8. Seismograph testing for natural resources
9. Gravel mining and crushing operations
10. Mobile Asphalt Plants, to date certain
11. Concrete Batch Plants, to date certain
12. Communication Towers
13. Special events including, but not limited to, outdoor music concerts, motorcycle rallies, Off Highway Vehicle Events and similar events.
14. Retreat/Guest Ranch

**B.** Planned Unit Developments: Cluster Incentive PUD and General PUD.

**C.** 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 impacts: evidence that the proposed use(s) shall not destroy visual amenities, that it include a plan for land reclamation, and that it is in conformance with commercial and industrial performance standards promulgated by the county, where necessary.

**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 3105.1, a and b.
- B.** Residential, Residential Accessory. See 3105.4, a and b.

**3307.4 Conditional Uses:**

- A.** 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 3105.4,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-Special Use Permit:** Purposes and Objectives. To allow sufficient flexibility for special uses that may include any or all of the following: temporary or interim in use, created by nature, permitted by law or regulation, have a potentially greater impact than Uses by Right or are of unusual circumstance such that said use can be accommodated without the possible detrimental long-term effects that a change to commercial or industrial zoning could have on the neighborhood. Judicial authority for such is the case of *Hudspeth v. Board of County Commissioners of the County of Routt*, 667 P.2d 775 (Colo.App.1983). That judicial holding is the intent and goal sought to be achieved herein.

**A.** Said special uses must meet the requirements of Chapter 2 of this code and comply with *Hudspeth v. Board of County Commissioners of the County of Routt*, 667 P.2d 775 (Colo.App.1983), including the following conditions: Such use does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create excessive noise, vibration, smoke, dust, odors, heat glare, snow storage problems, does not aggravate an existing wildfire hazard or create a wildfire hazard to structures on adjacent property, does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties, and does not create or increase geologic hazard or subject adjacent properties to geologic hazard. Said special uses include the following:

1. Commercial or Industrial Agribusiness as defined in 3105.1, c and d
2. Water systems
3. Sewage systems
4. Public or private utility facilities
5. Oil, Gas, or CO2 drilling and production wells
6. Pipelines
7. Power Lines

8. Seismograph testing for natural resources
9. Gravel mining and crushing operations
10. Mobile Asphalt Plants, to date certain
11. Concrete Batch Plants, to date certain
12. Communication Towers
13. Special events including, but not limited to, outdoor music concerts, motorcycle rallies, Off Highway Vehicle Events and similar events.
14. Retreat/Guest Ranch

**B. Planned Unit Developments:** Cluster Incentive PUD and General PUD.

**C.** 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 impacts: evidence that the proposed use(s) shall not destroy visual amenities, that it include a plan for land reclamation, and that it is in conformance with commercial and industrial performance standards promulgated by the county, where necessary.

**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

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	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	Health, Safety and Welfare (water, wastewater, storm water, solid waste, Fire protection, law enforcement, Floodplain, natural hazards, public facilities)		TS	TS	TS	TS
21 - 31	Nuisance standards (Electrical Disturbances, fire and explosive hazards, glare and heat, lighting, noise, and vibration)		TS	TS	TS	TS
32	Other Significant Adverse Impacts		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"> <li>1. Curb and gutters</li> <li>2. Sidewalks</li> <li>3. 2½" asphalt and 8" gravel</li> <li>4. 36' wide (32' asphalt &amp; 2x2' curb and gutter)</li> </ol>	<ol style="list-style-type: none"> <li>1. No curb and gutter or sidewalks required</li> <li>2. 36' wide gravel base (8")</li> <li>3. 28' wide asphalt (2½") &amp; 4' gravel shoulder or chip seal to county standards</li> </ol>
Storm Water	<ol style="list-style-type: none"> <li>1. Curbs to inlets</li> <li>2. Storm piping to major drainways</li> <li>3. Culverts sized as needed</li> <li>4. Easements for drainage</li> </ol>	<ol style="list-style-type: none"> <li>1. Side ditches—owner maintained</li> <li>2. Culverts sized as needed in drainage study</li> <li>3. Easements for drainage</li> </ol>
Water Piping <sup>1</sup>	<ol style="list-style-type: none"> <li>1. 6" main minimum—C900 DR14 (200 psi)</li> <li>2. Pumper and 2 hose connections on hydrants</li> <li>3. 1 fire hydrant w/in 500' and 2 w/in 1000'</li> <li>4. In-line valve 800' min. spacing</li> </ol>	<ol style="list-style-type: none"> <li>1. 6" main minimum—C900 DR14 (200 psi)</li> <li>2. Pumper and 2 hose connections on hydrants</li> <li>3. 1 fire hydrant w/in 500' and 2 w/in 1000'<sup>1</sup></li> <li>4. In-line valve 800' min. spacing</li> </ol>
Fire Protection	<ol style="list-style-type: none"> <li>1. Developer will be required to construct water lines with pipe sizes adequate to convey required future fire flows</li> </ol>	<ol style="list-style-type: none"> <li>1. Developer will be required to construct water lines with pipe sizes adequate to convey required future fire flows</li> </ol>
Right-Of-Ways	<ol style="list-style-type: none"> <li>1. 60' minimum for residential</li> <li>2. 80' minimum for collector</li> </ol>	<ol style="list-style-type: none"> <li>1. 60' minimum for residential</li> <li>2. 80' minimum for collector</li> </ol>
Building Codes	<ol style="list-style-type: none"> <li>1. Uniform Building Code, 1997 Edition and the municipality's Fire Marshal<sup>2</sup>. Includes: <ol style="list-style-type: none"> <li>A. Commercial and Industrial development</li> <li>B. Residential development on less than three acres.</li> </ol> </li> <li>2. Landowner-Initiated Zoning, administered by Montezuma County</li> </ol>	<ol style="list-style-type: none"> <li>1. Uniform Building Code, 1997 and the municipality's Fire Marshal<sup>2</sup>. Includes, <ol style="list-style-type: none"> <li>A. Commercial and Industrial development</li> <li>B. Residential development on less than three acres.</li> </ol> </li> <li>2. Landowner-Initiated Zoning, administered by Montezuma County</li> </ol>
Density	<ol style="list-style-type: none"> <li>1. Any development under three acres must be connected to the municipality's sanitation system</li> </ol>	<ol style="list-style-type: none"> <li>1. Any development under three acres must be connected to the municipality's sanitation system</li> </ol>
Sanitation	<ol style="list-style-type: none"> <li>1. Attached to District if lot sizes are under three acres</li> </ol>	<ol style="list-style-type: none"> <li>1. Attached to District if lot sizes are under three acres</li> </ol>
Road Maintenance	<ol style="list-style-type: none"> <li>1. Homeowners association required with annual fees</li> </ol>	<ol style="list-style-type: none"> <li>1. Homeowners association required with annual fees</li> </ol>
Setbacks and Building Heights	<ol style="list-style-type: none"> <li>1. 20' min. front yard<sup>3</sup>, 7' min. side and rear yard<sup>4</sup></li> <li>2. 35' max. height for principal structures</li> <li>3. 15' max. height for accessory structures</li> </ol>	<ol style="list-style-type: none"> <li>1. 50' min. front yard<sup>3</sup>, 50' min. side yard<sup>4</sup>, 25' min. rear yard<sup>4</sup></li> <li>2. 35' max. height for principal structures</li> <li>3. 15' max. height for accessory structures</li> </ol>
Buffering Between Development Types	<p>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.</p>	

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

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

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

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

# SUMMARY CHART OF ZONING CHOICES

ZONING CHOICES		A/R 10-34	A/R 35+	AGZ	A:80+	A/R ES Existing Subdivisions	UNZONED
Uses by Right		Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Per Recorded Plat/Covenants Threshold Standards Minimum	All existing Uses
Conditional Uses		GPUD, Special Use Permit with a valid High Impact Permit	CIPUD, GPUD Special Use Permit with a valid High Impact Permit	Special Use Permit with a valid High Impact Permit	Special Use Permit with a valid High Impact Permit	Per Recorded Plat/Covenants TS Minimum	Special Use Permit with a valid High Impact Permit
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

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## CHAPTER 4: PLANNED UNIT DEVELOPMENT

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### Chapter 4: Section 1 – Authority, Purposes and Objectives

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#### **4101 Authority, Purposes and Objectives of PUD Development.**

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

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

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

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

- A.** Parcels in an area suited for a mix of Commercial 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 clean able, non-absorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) feet from any mobile home and within three hundred (300) feet of any dependent mobile home served.
2. Separate rooms containing required plumbing fixtures shall be provided for each sex. If located in the same building, they shall be separated by a solid wall extending from floor to ceiling and shall be clearly marked for "Men" and "Women".
3. The floors of service buildings shall have a smooth, impermeable and easily clean able surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove waste water and to facilitate cleaning. The walls and partitions shall have a smooth, nonabsorbent, light colored, easily clean able surface extending to a height of four feet in toilet rooms and six feet in shower rooms.
4. Rooms in service buildings shall have a ceiling height of not less than seven and one-half (7 1/2) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least 50 percent of the rooms and no portion of any room having a ceiling height of less than five feet shall be considered as contributing to the minimum required areas.
5. Service rooms shall be provided with light and ventilation by means of windows or by artificial light and mechanical ventilation. The window area in each service room shall be equivalent to at least 10 percent of the floor area with at least one half of the required window area openable to the

outside air. Windows shall be installed so they do not create safety hazards. In lieu of the required window area in each service room, an approved mechanical ventilation system may be installed which will provide at least five (5) air changes per hour, be vented directly to the outside, and be connected to the electrical lighting system.

6. When necessary for exclusion of flies, mosquitoes and other insects, exterior openings of service buildings shall be protected with fly screening of not less than sixteen (16) mesh per square inch unless other approved protection devices are provided. Doors shall be provided with self-closing devices.
7. Exterior doors in service buildings shall be provided with a landing which has a depth and width not less than the door opening.
8. Each service room shall have at least one double convenience outlet adjacent to lavatories and one ceiling light fixture to provide thirty (30) foot candles at lavatory level. At least one light fixture, operated by switch, shall be provided at each entrance and shall be lighted during hours of darkness unless the yard lighting provided light levels of at least five (5) foot candles.
9. Service buildings shall be provided with approved heating facilities properly installed, maintained in a safe working condition, and capable of providing and maintaining a room temperature of 68 degrees.
10. Toilets and showers shall be partitioned so they are individually accessible. Each toilet and shower compartment shall have a self-closing door, except that showers may be equipped with a water-proof curtain.
11. Toilet space shall be in compliance with the Federal Americans with Disabilities Act.
12. Shower stalls shall be in compliance with the Federal Americans with Disabilities Act and shall be constructed to prevent water flowing into the dressing spaces. Shower floors shall be impervious and skid resistant or provided with a non-slip impervious mat. Wooden racks (duck boards) are prohibited. Dry dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with clothes hooks and benches.
13. Hot and cold water under pressure shall be supplied to all required plumbing fixtures except that cold water only shall be supplied to water closets. The system shall be designed to prevent discharge of water in excess of 120 degrees Fahrenheit at the shower heads. The water heating facilities shall have the capacity to supply hot water at the minimum rate of three gallons per hour per each dependent mobile home lot. Such facilities shall be approved types and shall be properly installed and maintained.
14. Plumbing fixtures shall be maintained in good working order and in a clean and sanitary condition.
15. Toilet paper, soap, single service towels, and trash receptacles shall be provided in all common use or centralized toilet and lavatory facilities. The use of common towels is prohibited.
16. If service buildings are kept locked, the operator shall provide a key for dependent mobile home occupants.

17. Clothes drying areas or mechanical dryers shall be provided for use with laundry facilities.
  18. Plumbing fixtures shall be installed in accordance with provisions of the effective edition of the Colorado Technical Plumbing Code.
  19. Swimming pools shall be operated and maintained in accordance with Colorado Department of Health Regulations and Standards Governing Swimming Pools.
- C. Operational Standards.** Mobile home parks shall be subject to the following operational requirements.
1. 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.
  2. 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 accepted in part.
  3. 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.
  4. The Mobile Home lot shall be kept clean and free of refuse and hazardous or noxious materials.
  5. Adequate storage buildings shall be provided for storage of all materials and equipment not in use in the park.
  6. Mobile Homes shall be properly installed and stabilized to insure the safety of the occupants of the park and the general public.
  7. 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.
  8. 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.
  9. 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.

10. Rodents and insects shall be controlled by approved sanitary practices, vermin-proofing of buildings extermination and other control methods.
11. 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.
12. 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.
13. A responsible attendant shall be in attendance daily in the park.
14. 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.
15. 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.
16. 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	<ul style="list-style-type: none"> <li>• AR35+</li> <li>• AR10-34</li> <li>• AR3-9</li> <li>• USZ</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural</li> <li>• Residential</li> <li>• Commercial</li> <li>• Industrial</li> <li>• Mixed</li> </ul>	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	<ul style="list-style-type: none"> <li>• Commercial Zone</li> <li>• Urban Services Zone</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Agricultural and Residential uses are allowed, but are subordinate</li> </ul>	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

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**CHAPTER 5: MONTEZUMA COUNTY SUBDIVISION REGULATIONS**

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

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**5101 Development Policies, Guidelines and Regulations.**

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

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

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

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

**5103 Design Guidelines.**

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

- A. 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.
- F. Sanitation.** Percolation tests or soils analysis, as determined by a Colorado Registered Professional Engineer, shall be required to adequately determine the type of standards for on-lot disposal systems. Prior to commencing construction, any person who wishes to install, alter, or repair an individual sewage disposal system in the County shall obtain a permit from the County Health Department.
- G. Wildfire Mitigation.** All new subdivisions which are located completely or partially within areas identified on *A or B Community at Risk Map*, or other areas that fall outside of the A or B zone of the *Community at Risk Map* that have native vegetative cover deemed to be a wildfire risk, will require the submittal of a Comprehensive Wildfire Mitigation Plan. This Wildfire Mitigation Plan shall define defensible space standards to be met in the subdivision as recommended in *Colorado State University Fact Sheet No. 6.302, "Creating Wildfire Defensible Zones."* **Planning Department Review and Waiver.** All new subdivisions which are not located completely or partially within areas identified on the *A or B Community at Risk Map*, or are located within the A or B *Community at Risk Map* but do not have vegetative cover may request a waiver from the Planning Department. Upon review and approval of the waiver request, the applicant may submit an affidavit with directional photographs of the property for which a development application was submitted. This affidavit shall define defensible space standards to be met in the subdivision as recommended in *Colorado State University Fact Sheet No. 6.302, "Creating Wildfire Defensible Zones."*
1. The developer will be required to complete fuels mitigation in the subdivision, as defined in the Plan, to the following standards:
  2. Fuels mitigation to Zone 3 standards on all land within the development boundary.
  3. Fuels mitigation to Zone 2 standards on all land within existing and proposed roadway and utility easements.

### **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 Official Green Signed County road rights-of-way. Developer shall demonstrate a buildable/developable footprint area on each lot. The developer can accomplish this by many ways.
1. Create building envelopes with predetermined building footprint
  2. Create lots of sufficient size or shape to accommodate appropriate building footprint

Each lot, regardless of size, shall have a buildable/developable footprint where a 230' diameter circle can fit entirely into each lot, and shall also comply with the Montezuma County Road and Bridge Standards, as amended.

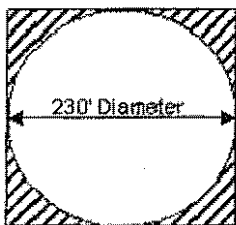


Figure A: Compliant lot; a 230' Diameter circle can fit inside the lot.

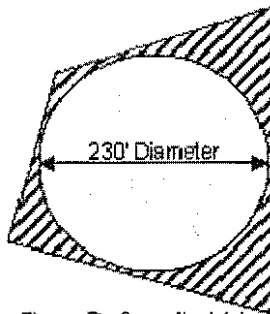


Figure B: Compliant lot; a 230' Diameter circle can fit inside the lot.

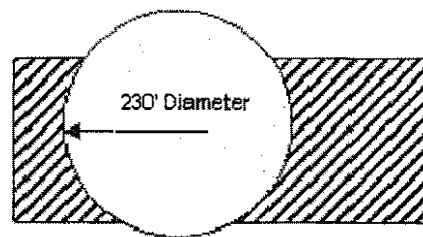


Figure C: Non-compliant lot; a 230' Diameter circle will not fit inside the lot.

- 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, as amended.

- 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.** Compliance with County Floodplain Resolution 12-08, as amended. Any development that is in an area identified by FEMA as a floodplain area shall require the developer to submit evidence of compliance with the County Floodplain Resolution.

**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 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 in the Colorado State University Fact Sheet No. 6.302, "Creating Wildfire Defensible Zones."

**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 Official Green Signed County road rights-of-way. Developer shall demonstrate a buildable/developable footprint area on each lot. The developer can accomplish this by many ways.

- o Create building envelopes with predetermined building footprint
- o Create lots of sufficient size or shape to accommodate appropriate building footprint

Each lot, regardless of size, shall have a buildable/developable footprint where a 230' diameter circle can fit entirely into each lot, and shall also comply with the Montezuma County Road and Bridge Standards, as amended.

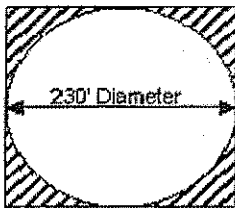


Figure A: Compliant lot; a 230' Diameter circle can fit inside the lot.

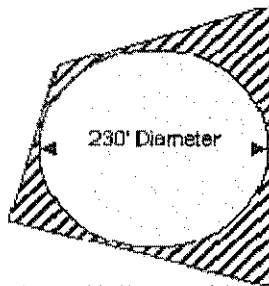


Figure B: Compliant lot; a 230' Diameter circle can fit inside the lot.

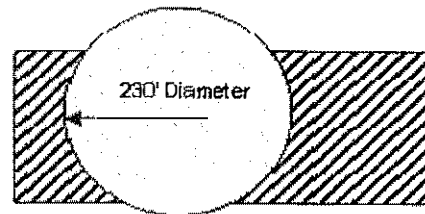


Figure C: Non-compliant lot; a 230' Diameter circle will not fit inside the lot.

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, as amended.
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 Road Addressing system. Prescribed fees for road signs and traffic control signs required within the development shall be paid by the subdivider. Signage materials and the installation thereof shall be provided by the Montezuma County Road Department.
  - b. It shall be the responsibility of the developer or homeowners' association of said development to maintain the visibility of all road name and traffic control signs. It shall furthermore be the responsibility of the subdivider or homeowners' association to pay the County the prescribed fees for the replacement of any and all missing or damaged road name or traffic control signs within the subdivision. Replacement signs and their installation shall be provided by the County Road Department.
  - c. House numbering shall also be assigned by the County in compliance with the County Road Addressing System. Address numbers must be posted at the point at which the private driveway intersects a named County Road. In order to ensure that visual consistency and the uniform placement of address markers throughout the County, Montezuma County will furnish and install an "Address Marker" at said location once the property owner has paid the prescribed fee.
  - d. If a development consists of five or more tracts, the subdivider shall install a County-Approved Subdivision House Number Map at the entrance point(s) of the subdivision to ensure that emergency responders can locate properties and their residents in a timely manner. The subdivision map shall identify all interior roads and the County-assigned address number for each lot.
  - e. These provisions shall be followed in accordance with and in addition to the Montezuma County Road Naming and Address System Standards, as adopted by Resolution No. 6-2009, as amended.

- 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, as amended.
  - 2. 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 No's. 86-1 and 4-97, as amended.
  - 3. In the event that a public or community waste disposal system is proposed or required, State Health Department standards and procedures will apply.
- 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 for all developments 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 major impact developments 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 major impact developments 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.

#### **5105.4 Dedication of Sites and Land Areas or Payments in Lieu 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.
  1. The Montezuma County Board of Commissioners hereby finds that the Mancos School District School Land Dedication/Fee Resolution dated September 6, 2006, 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).
  2. The Montezuma County Board of Commissioners hereby finds that the Montezuma-Cortez RE-1 School District School Land Dedication/Fee Resolution dated July 10, 2007, 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).

3. The Montezuma County Board of Commissioners hereby finds that the Dolores RE-4 School District School Land Dedication/Fee Resolution dated February 28, 2008, 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.

**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 covenant requirements describing:
- a. Prior to commencing construction, each lot owner will submit a Septic Application to the County Health Department for an individual sewage disposal system permit, a Sanitarian or a Colorado Registered Professional Engineer shall visit the applicant's property to make a preliminary investigation on behalf of the Department, consisting of:
    1. Inspection of the premise.
    2. Soil percolation or hydraulic conductivity tests when necessary.
    3. General geological conditions.
    4. The determination of the suitability of the site and of the proposed design based upon the land use and population density in the area; the use to which the property is to be put; the size of the lot, depth verification of the ground water table, suitable soil, and depth to bedrock; the location of water supply systems; and the location of the disposal system with reference to well, streams lakes, ditches, structures, and other geographical features, in accordance with Montezuma County Resolution No. 86-1, as amended. This requirement shall become part of the covenants of the property and be filed with, and noted on, the plat.

- 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.
- J. Wildfire Mitigation Plan.** As recommended in Colorado State University Fact Sheet No. 6.302, "Creating Wildfire Defensible Zones," attached hereto and made a part hereof as an addendum to this Code, a wildfire mitigation plan shall be submitted defining fuels mitigation requirements to be met within the development boundary. The plan will require certification that the recommendations have been completed prior to final approval of the development.

#### **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) blueline or blackline print of the mylar plat.

**5404.2 Conformity with Approved Plan.**

- A. Any Final Plat shall conform in all respects to the approved Sketch Plan for a development of minor or moderate impact or the approved Preliminary Plan for a development of major impact.
- B. Any Final Plat shall incorporate all modifications and special conditions previously specified by the Planning Commission and Board as necessary to comply with the subdivision policies, standards and guidelines of this Code and all applicable laws, rules and regulations.
- C. Any changes between the previously approved plan and the submitted final plat shall be identified in a statement provided by the applicant. If the Board determines that such changes are substantial in nature, they shall refer the application back to the Planning Commission for further review.

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

- A. Application
- B. Zoning certification
- C. Development plan: presketch, sketch, preliminary
- D. Map: presketch, sketch, preliminary
- E. Waiver/Mitigation plan
- F. High Impact permit
- G. Water plan
- H. Sewage and waste management plan
- I. Fire Protection plan
- J. Access permits: County or state
- K. Geologic Investigation: soils and natural hazards
- L. 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.
- W. Wildfire Mitigation Plan with signature of Colorado State Forest Service certified wildfire mitigation specialist verifying completion of fuels mitigation. If plan author performs their own wildfire mitigation work, they shall not sign off on their own plans. If a Waiver is approved by the Planning Department then a signature of a certified wildfire mitigation specialist verifying completion of fuels mitigation will not be required.

#### **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 Notice Procedure.** Public hearings shall be required for the establishment of, or change of zoning, to review planned unit developments, subdivisions, High Impact Permits and Special Use Permits. The intent of the Public Hearing Process is to arrive at conditions which will make a proposed development compatible with Zoning, minor, moderate, and major Development and Planned Unit Development regulations and High Impact Permits, 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 public hearing, it shall cause public notice of the application for either establishment or change in zoning, minor, moderate, or major subdivision development, planned unit development or High Impact Permit:

- A.** The notice of public hearing shall be prepared at the direction of the Planning Director and include the following:
  - 1. A description of the location of such proposed development by reference to known landmarks such as, road intersections, existing towns and developments, addresses; and 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 shall be given:
  - 1. By written notice. Applicant shall cause written notice to be sent to all adjacent property owners and mineral interest owners by Certified Mail, United States Postal Service at least, and including, ten (10) days prior to the Public Hearing. Any Planned Unit Development Application will require fifteen (15) days notice prior to the Public Hearing. A list of Mineral Owner(s) can be obtained by Applicant through deed records recorded in the Montezuma County Clerk & Records Office. Proof of mailing shall be submitted to the Planning Department prior to the scheduled Public Hearing.
  - 2. By at least one publication in a newspaper of general circulation within Montezuma County. The Planning Department shall draft said notice and cause same to be published at least, and including, ten (10) days prior to the hearing. Any Planned Unit Development Application will require notice to be published at least fifteen (15) days prior to the Public Hearing.
  - 3. By posting public hearing notice sign(s) on the subject property. The Planning Department shall prepare the sign(s) to be posted. Applicant shall post the sign(s) on the proposed development at least, and including, ten (10) days prior to the public hearing. Any Planned Unit Development Application will require notice to be posted at least and including fifteen (15) days prior to the Public Hearing.

4. 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. Applicant shall maintain and keep sign posted for the duration of the ten (10) days and Planned Unit Developments for (15) days.
  5. **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.
- C. 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.
- 6101.2 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.

**6101.3 County Commission Review and Approval of Final Plat** shall be conducted in accordance with **5303.4** of this Code.

**7101 General Purpose.**

**7101.1 Short Title.** TDR regulations contained in this section may be cited as "Transferable Development Rights" or "TDRs".

**7101.2 Scope.** This Chapter 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.

**7101.3 Purposes.** This Chapter 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.

**7102 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.

### **7103 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 7.

**7104 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.

**D.** Within the Dolores River Valley any Accessory Residential Unit including guest and caretaker units shall meet the TDR requirements in this Chapter 7 for a Residential Unit.

**DOLORES RIVER VALLEY TDR CHART**

Type of Establishment	Per Unit Effluent Only	Unit	Number of Units per TDR
<b><u>Residential</u></b>			
Single-Family House	1	1 Home	1
Apartment Complex	0.91	1 Apartment	1
Mobile Home Parks	1	1 Space	1
<b><u>Resorts, Hotels, Motels</u></b>			
Luxury Resort with restaurants	0.52	1 Room	2
Hotels and Motels	0.33	1 Room	3
<b><u>Recreational and Seasonal</u></b>			
Travel Trailer Parks	0.26	Space	4
<b><u>Institutional</u></b>			
Churches	0.04	Seat	105
<b><u>Commercial</u></b>			
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

**Exhibit 1**

The Dolores River Valley Map is also available for examination in the Montezuma County Planning Office, 109 West Main, Room 305, Cortez, Colorado.

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**CHAPTER 8: ADMINISTRATION**  
**Enforcement, Fees, Miscellaneous Provisions**

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**8101 Enforcement.**

**8101.1 Enforcement.**

**A.** The Planning Director, or his/her designee, upon finding an alleged violation(s), will notify the landowner(s) of the alleged violation(s) by letter. The letter will specify the details of the alleged violation(s), the procedure by which the alleged violation(s) may be corrected, and a deadline by which the alleged violation(s) is/are to be corrected. If the alleged violation(s) continues beyond the deadline established, as determined by the Planning Director, the Board of County Commissioners may hold a public hearing to review the non-permitted/permitted use(s) and alleged violation(s) in accordance with the public notice procedure in 2201(E) of this Code.

**B.** 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.

**C.** The Board of County Commissioners may bring an action to enjoin any person, firm or corporation from selling subdivided land before a final plat for such subdivided land has been approved by the Board of County Commissioners.

**D.** 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.

**E. 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.

**8102 Administrative Fees.**

**8102.1 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.

**8102.2 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.

**8102.3 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.

**8103 Non-Conforming Uses and Previous Approvals and Exemptions.**

**8103.1 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.

#### **A. Continuation.**

1. Nonconforming uses or structures shall not be expanded or extended in any way except by compliance with all permit and zoning requirements of this Code.
2. One nonconforming use or structure shall not be succeeded by another.
3. If a nonconforming use or structure is discontinued for a period of 12 consecutive months, it shall thereafter conform to the provisions of Chapter 2.
4. A nonconforming use or non-single-family structure which has been destroyed or damaged by fire, explosion, flood, act of God or by a public enemy to the extent of 50 percent or more of its market value shall thereafter conform to the provisions of Chapter 2. If a building is damaged to less than 50 percent of market value, or if a damaged building was devoted solely to a single-family use, such building may be restored to the same nonconforming use as existed before such damage as long as the nonconforming use is not enlarged or extended. The term "market value," for purposes of this section shall mean fair market appraised value as of the time of the damage or destruction.

**8103.2 Previous Approvals.** The adoption of this Code shall not affect, cancel or invalidate any approval previously granted under prior Montezuma County Subdivision Regulations.

**8103.4 Exemptions.** The Board of County Commissioners may grant exemptions as provided by 30-28-101 (10) (d) C.R.S., as amended.

**8103.4 Change or Expansion of Use:** Major changes to an approved permit shall require the landowner to conform to the provisions of Chapter 2. Major changes shall include, but are not limited to, changes in use exceeding a measurable 10 percent of the permitted or historic use, change of use, layout, any condition of approval, any change resulting in increased offsite impacts, and any similar changes. Minor changes to an approved permit may be approved by the director. This shall include relocation of a building site in special circumstances where there is no potential for new and increased adverse impacts associated with such a change, corrections of minor drafting errors, modifications of the configuration of structures resulting in not more than a measurable 10 percent increase or decrease in square footage, reconfiguration of parking areas resulting in no net loss of spaces, and similar minor changes. An application to amend an approved permit for a major change shall be a condition precedent to a High Impact Permit review process and warrants zoning the property for its use or, in certain types of use, a request for a Special Use Permit.

#### **8104 Correction, Amendment and Vacation of Existing Subdivision.**

**8104.1 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.

#### **8104.2 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.

#### **8104.3 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.

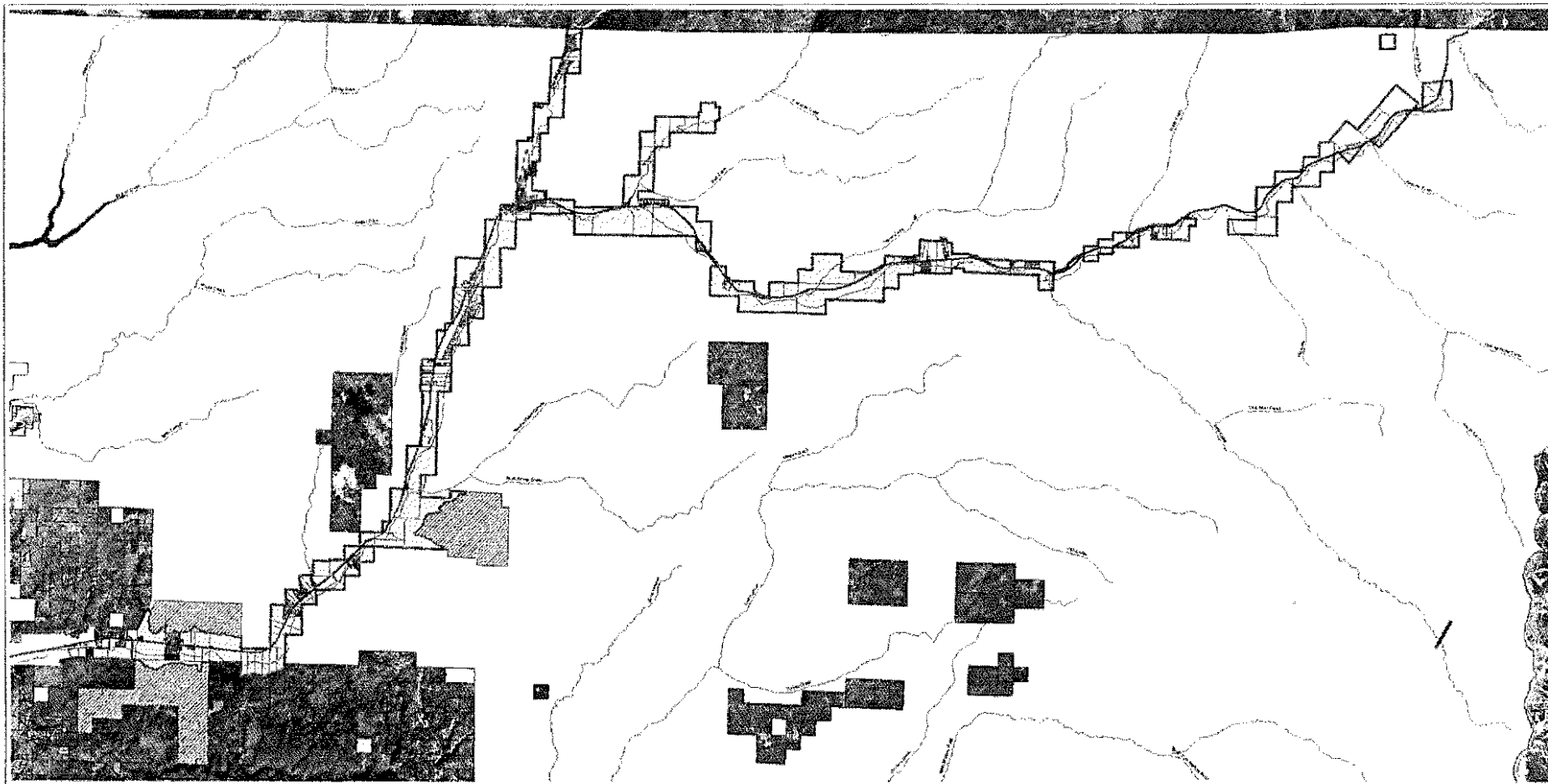
### **8105 Resolution Amendments Interpretation and Review.**

**8105.1 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.

**8105.2 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.

**8105.3 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.



The map is intended to be used as a planning and informational tool. It is not intended to be used as a legal document. The map is not intended to be used as a legal document. The map is not intended to be used as a legal document.



# **Exhibit 1** **The Dolores River Valley Map for the** **Montezuma County Land Use Code** **Includes This Document And The** **Attached Compact Disc**



**Legend**

Symbol	Description
[Symbol]	Public Lands
[Symbol]	State Lands
[Symbol]	County Lands
[Symbol]	Private Lands
[Symbol]	Water
[Symbol]	Roads
[Symbol]	Boundaries
[Symbol]	Other



Approved and Accepted by the  
 County Board of Commissioners  
 on this 15th day of December, 2003.  
  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



## **Montezuma-Cortez School District Re-1 School Land Dedication/Fee Resolution**

WHEREAS, the Montezuma-Cortez School District Re-1 Board of Education believes that it is in The best interest of the Montezuma-Cortez School District Re-1 to pursue the establishment of a school land dedication/fee in lieu requirement as a condition for approval for a new subdivisions within its school district as statutorily enabled by Colorado State Statute 30-28-133;  
and

WHEREAS, The Montezuma Cortez School District RE-1 School Board believes that new residential development will have an impact on the Montezuma Cortez School District Re-1 facilities; and

WHEREAS, Montezuma-Cortez School District Re-1 has hired a consultant to study the, kind dedication requirements for the County and to additionally examine the associated in-lieu fee for purposes of making recommendations to the District, and the County regarding such matters; and

WHEREAS, the Montezuma-Cortez School District Re-1 School Board feels it is reasonable and fair that a fee of eight hundred seventeen dollars and eighty seven cents for single family dwelling, nine hundred twenty dollars and forty three cents for multi family dwellings and five hundred seven dollars and fifty eight cents for a mobile home be assessed to units in Subdivisions within the school district boundary; and

WHEREAS, the Montezuma-Cortez School District Re-1 will accept and issue receipt for all necessary land dedications/fee in lieu of dedications; and

WHEREAS, the Montezuma Cortez School District Re-1 School Board has provided Opportunity for public input regarding this request;

**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 requirements 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 requirement 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;

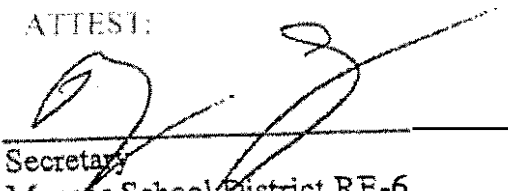
NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF EDUCATION OF MANCOS SCHOOL DISTRICT RE-6, IN THE COUNTY OF MONTEZUMA AND THE STATE OF COLORADO:

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

Dolores School District Re-4A  
School Land Dedication/Fee Resolution

**WHEREAS**, the Dolores School District Re-4A Board of Education believes that it is in the best interest of the Dolores 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 Dolores School District Re-4A School Board believes that new residential development will have an impact on the Dolores School District and facilities; and

**WHEREAS**, Dolores School District Re-4A 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 Dolores School District Re-4A feels it is reasonable and fair that a fee of five hundred thirty five dollars be assessed to new residential units in subdivisions within its school district; and

**WHEREAS**, the Dolores School District Re-4A will accept and issue receipt for all necessary land dedications/fee in lieu of dedications; and

**WHEREAS**, the Dolores School District Re-4A has provided opportunity for public input regarding this request;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF DOLORES SCHOOL DISTRICT RE-4A, IN THE COUNTY OF MONTEZUMA AND THE STATE OF COLORADO:**

It is in the best interest of Dolores School District Re-4A that a school land dedication/fee in lieu of requirement of five hundred and thirty five dollars be paid to Dolores School District as a condition for approval for residential units in new subdivision within its school district and respectively requests that the Town of Dolores and Montezuma County amend their subdivision review and approval process to reflect such a fee.

**ADOPTED AND APPROVED** this 28<sup>th</sup> day of February 2008.

  
\_\_\_\_\_  
President – Dolores School District Re-4A

ATTEST:

  
\_\_\_\_\_  
Secretary – Dolores School District Re-4A

EXHIBIT "4"

# FORESTRY

## Creating Wildfire-Defensible Zones no. 6.302

by F.C. Dennis <sup>1</sup>



### Quick Facts...

Wildfire will find the weakest links in the defense measures you have taken on your property.

The primary determinants of a home's ability to survive wildfire are its roofing material and the quality of the "defensible space" surrounding it.

Even small steps to protect your home and property will make them more able to withstand fire.

Consider these measures for all areas of your property, not just the immediate vicinity of the house.

Fire is capricious. It can find the weak link in your home's fire protection scheme and gain the upper hand because of a small, overlooked or seemingly inconsequential factor. While you may not be able to accomplish all measures below (and there are no guarantees), each will increase your home's, and possibly your family's, safety and survival during a wildfire.

Start with the easiest and least expensive actions. Begin your work closest to your house and move outward. Keep working on the more difficult items until you have completed your entire project.

### Defensible Space

Two factors have emerged as the primary determinants of a home's ability to survive wildfire. These are the home's roofing material and the quality of the "defensible space" surrounding it.

Use fire-resistive materials (Class C or better rating), not wood or shake shingles, to roof homes in or near forests and grasslands. When your roof needs significant repairs or replacement, do so with a fire-resistant roofing material. Check with your county building department. Some counties now restrict wood roofs or require specific classifications of roofing material.

Defensible space is an area around a structure where fuels and vegetation are treated, cleared or reduced to slow the spread of wildfire towards the structure. It also reduces the chance of a structure fire moving from the building to the surrounding forest. Defensible space provides *room for firefighters to do their jobs*. Your house is more likely to withstand a wildfire if grasses, brush, trees and other common forest fuels are managed to reduce a fire's intensity.

The measure of fuel hazard refers to its continuity, both horizontal (across the ground) and vertical (from the ground up into the vegetation crown). Fuels with a high degree of both vertical and horizontal continuity are the most hazardous, particularly when they occur on slopes. Heavier fuels (brush and trees) are more hazardous (i.e. produce a more intense fire) than light fuels such as grass.

Mitigation of wildfire hazards focuses on breaking up the continuity of horizontal and vertical fuels. Additional distance between fuels is required on slopes.

Creating an effective defensible space involves developing a series of management zones in which different treatment techniques are used. See Figure 1 for a general view of the relationships among these management zones. Develop defensible space around each building on your property. Include detached garages, storage buildings, barns and other structures in your plan.

The actual design and development of your defensible space depends on several factors: size and shape of buildings, materials used in their construction, the slope of the ground on which the structures are built, surrounding topography, and sizes and types of vegetation on your property. These factors all affect your

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Extension

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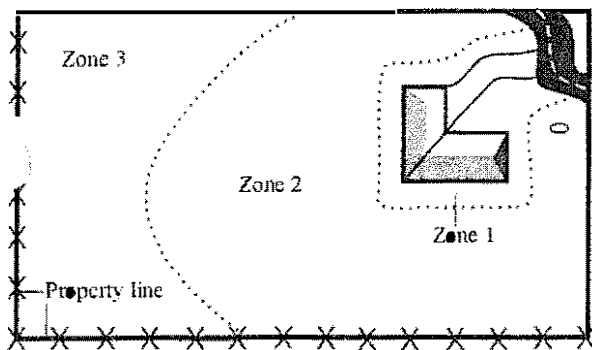


Figure 1: Forested property showing the three fire-defensible zones around a home or other structure.

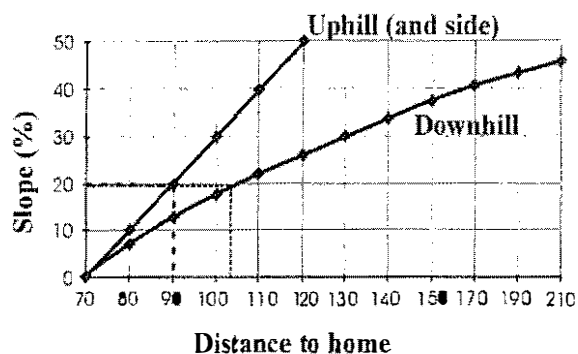


Figure 2: This chart indicates the minimum recommended dimensions for defensible space from the home to the outer edge of Zone 2. For example, if your home is situated on a 20 percent slope, the minimum defensible space dimensions would be 90 feet uphill and to the sides of the home and 104 feet downhill from the home.

design. You may want to request additional guidance from your local Colorado State Forest Service (CSFS) forester or fire department. (See the Special Recommendations section of this fact sheet for shrubs, lodgepole pine, Engelmann spruce, and aspen.)

## Defensible Space Management Zones

**Zone 1** is the area of maximum modification and treatment. It consists of an area of 15 feet around the structure in which all flammable vegetation is removed. This 15 feet is measured from the outside edge of the home's eaves and any attached structures, such as decks.

**Zone 2** is an area of fuel reduction. It is a transitional area between Zones 1 and 3. The size of Zone 2 depends on the slope of the ground where the structure is built. Typically, the defensible space should extend *at least* 75 to 125 feet from the structure. See Figure 2 for the appropriate distance for your home's defensible space. Within this zone, the continuity and arrangement of vegetation is modified. Remove stressed, diseased, dead or dying trees and shrubs. Thin and prune the remaining larger trees and shrubs. Be sure to extend thinning along either side of your driveway all the way to your main access road. These actions help eliminate the continuous fuel surrounding a structure while enhancing homesite safety and the aesthetics of the property.

**Zone 3** is an area of traditional forest management and is of no particular size. It extends from the edge of your defensible space to your property boundaries.

## Prescriptions

### Zone 1

The size of Zone 1 is 15 feet, measured from the edges of the structure. Within this zone, several specific treatments are recommended.

Plant nothing within 3 to 5 feet of the structure, particularly if the building is sided with wood, logs or other flammable materials. Decorative rock, for example, creates an attractive, easily maintained, nonflammable ground cover.

If the house has noncombustible siding, widely spaced foundation plantings of low growing shrubs or other "fire wise" plants are acceptable. Do not plant directly beneath windows or next to foundation vents. Be sure there are no areas of continuous grass adjacent to plantings in this area.

Frequently prune and maintain plants in this zone to ensure vigorous growth and a low growth habit. Remove dead branches, stems and leaves.

Do not store firewood or other combustible materials in this area.

Enclose or screen decks with metal screening. Extend the gravel coverage under the decks. Do not use areas under decks for storage.

Ideally, remove all trees from Zone 1 to reduce fire hazards. If you do keep a tree, consider it part of the structure and extend the distance of the entire defensible space accordingly. Isolate the tree from any other surrounding trees. Prune it to at least 10 feet above the ground. Remove any branches that interfere with the roof or are within 10 feet of the chimney. Remove all "ladder fuels" from beneath the tree. Ladder fuels are vegetation with vertical continuity that allows fire to burn from ground level up into the branches and crowns of trees. Ladder fuels are potentially very hazardous but are easy to mitigate. No ladder fuels can be allowed under tree canopies. In all other areas, prune all branches of shrubs or trees up to a height of 10 feet above ground (or 1/2 the height, whichever is the least).

Tree Diameter	Average Stem Spacing Between Trees
3	10
4	11
5	12
6	13
7	14
8	15
9	16
10	17
11	19
12	21
13	23
14	24
15	26
16	28
17	29
18	31
19	33
20	35
21	36
22	38
23	40
24	42

Figure 5: Minimum tree spacing for Zone 3.

Dispose of slash (limbs, branches and other woody debris) from your trees and shrubs through chipping or by piling and burning. Contact your local CSFS office or county sheriff's office for information about burning slash piles. If neither of these alternatives is possible, lop and scatter slash by cutting it into very small pieces and distributing it over the ground. Avoid heavy accumulations of slash. Lay it close to the ground to speed decomposition. If desired, no more than two or three small, widely spaced brush piles may be left for wildlife purposes. Locate these towards the outer portions of your defensible space.

### Zone 3

This zone is of no specified size. It extends from the edge of your defensible space to your property lines. A gradual transition into this zone from defensible space standards to other management objectives you may have is suggested. Typical management objectives for areas surrounding homesites or subdivisions are: provide optimum recreational opportunities; enhance aesthetics; maintain tree health and vigor; provide barriers for wind, noise, dust and visual intrusions; support limited production of firewood, fence posts and other forest commodities; or grow Christmas trees or trees for transplanting.

Specific requirements will be dictated by your objectives for your land and the kinds of trees present. See Figure 5 for the *minimum* suggested spacing between "leave" trees. Forest management in Zone 3 is an opportunity for you to increase the health and growth rate of the forest in this zone. Keep in mind that root competition for available moisture limits tree growth and ultimately the health of the forest.

A high canopy forest reduces the chance of a surface fire climbing into the tops of the trees and might be a priority for you if this zone slopes steeply. The healthiest forest is one that has multiple ages, sizes, and species of trees where adequate growing room is maintained over time. Remember to consider the hazards of ladder fuels. Multiple sizes and ages of trees might increase the fire hazard from Zone 3 into Zone 2, particularly on steep slopes.

A greater number of wildlife trees can remain in Zone 3. Make sure that dead trees pose no threat to power lines or fire access roads.

While pruning generally is not necessary in Zone 3, it may be a good idea from the standpoint of personal safety to prune trees along trails and fire access roads. Or, if you prefer the aesthetics of a well-manicured forest, you might prune the entire area. In any case, pruning helps reduce ladder fuels within the tree stand, thus enhancing wildfire safety.

Mowing is not necessary in Zone 3.

Any approved method of slash treatment is acceptable for this zone, including piling and burning, chipping or lop-and-scatter.

## Special Recommendations

Tree spacing guidelines do not apply to *mature* stands of aspen trees where the recommendations for ladder fuels have been complied with. In areas of aspen regeneration and young trees, the spacing guidelines should be followed.

### Brush and shrubs

Brush and shrubs are woody plants, smaller than trees, often formed by a number of vertical or semi-upright branches arising close to the ground. Brush is smaller than shrubs and can be either woody or herbaceous vegetation.

On nearly level ground, minimum spacing recommendations between clumps of brush and/or shrubs is 2 1/2 times the height of the vegetation. Maximum diameter of clumps should be 2 times the height of the vegetation. As with tree crown spacing, all measurements are made from the edges of vegetation crowns (Figure 3).

For example: For shrubs 6 feet high, spacing between shrub clumps should be 15 feet or more apart (measured from the edges of the crowns of vegetation clumps). The diameter of shrub clumps should not exceed 12 feet (measured from the edges of the crowns). Branches should be pruned to a height of 3 feet.

### Grasses

Keep dead, dry or curing grasses mowed to less than 6 inches. Defensible space size where grass is the predominant fuel can be reduced (Figure 5) when applying this practice.

### Windthrow

In Colorado, certain locations and tree species, including lodgepole pine and Engelmann spruce, are especially susceptible to damage and uprooting by high winds (windthrow). If you see evidence of this problem in or near your forest, or have these tree species, consider the following adjustments to the defensible space guidelines. It is highly recommended that you contact a professional forester to help design your defensible space.

**Adjustments:** If your trees or homesite are susceptible to windthrow and the trees have never been thinned, use a stem spacing of diameter plus five instead of the guides listed in the Zone 3 section. Over time (every 3 to 5 years) *gradually* remove additional trees. The time between cutting cycles allows trees to “firm up” by expanding their root systems. Continue this periodic thinning until the desired spacing is reached.

Also consider leaving small clumps of trees and creating small openings on their lee side (opposite of the predominant wind direction). Again, a professional forester can help you design the best situation for your specific homesite and tree species. Remember, with species such as lodgepole pine and Engelmann spruce, the likelihood of a wildfire running through the tree tops or crowns (crowning) is closely related to the overabundance of fuels on the forest floor. Be sure to remove downed logs, branches and excess brush and needle buildup.

slope	D-space size (uphill, downhill, sidehill)
0 - 20 %	30'
21 - 40%	50'
> 40%	70'

Figure 6: Minimum defensible space size for grass fuels.

## Maintaining Your Defensible Space

Your home is located in a forest that is dynamic, always changing. Trees and shrubs continue to grow, plants die or are damaged, new plants begin to grow, and plants drop their leaves and needles. Like other parts of your home, defensible space requires maintenance. Use the following checklist each year to determine if additional work or maintenance is necessary.

### Defensible Space and FireWise Annual Checklist

- ☐ Trees and shrubs are properly thinned and pruned within the defensible space. Slash from the thinning is disposed of.
- ☐ Roof and gutters are clear of debris.
- ☐ Branches overhanging the roof and chimney are removed.
- ☐ Chimney screens are in place and in good condition.
- ☐ Grass and weeds are mowed to a low height.

## Zone 2

Zone 2 is an area of fuel reduction designed to reduce the intensity of any fire approaching your home. Follow these recommended management steps.

Thin trees and large shrubs so there is at least 10 feet between crowns. Crown separation is measured from the furthest branch of one tree to the nearest branch on the next tree (Figure 3). On steep slopes, allow more space between tree crowns. (See Figure 4 for *minimum recommended* spacing for trees on steep slopes.) Remove all ladder fuels from under these remaining trees. Carefully prune trees to a height of at least 10 feet.

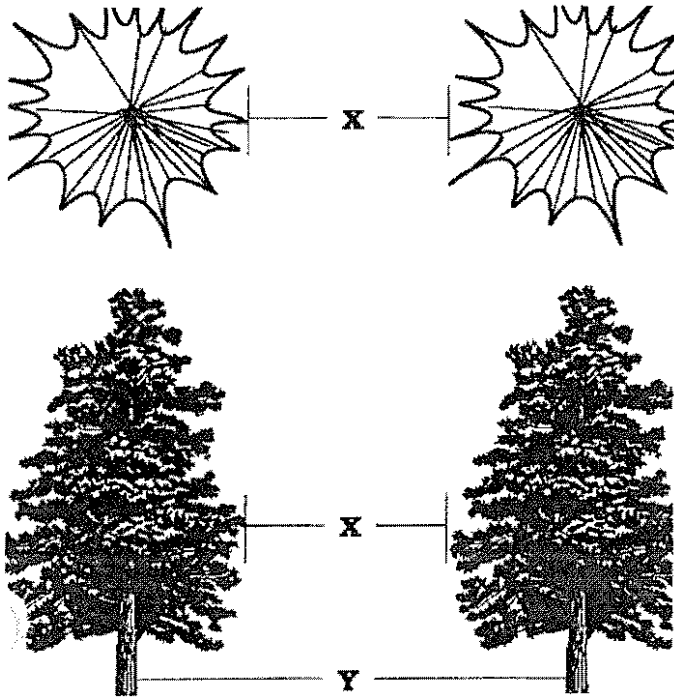


Figure 3: X = crown spacing; Y = stem spacing. Do not measure between stems for crown — measure between the edges of tree crowns.

Small clumps of 2 to 3 trees may be occasionally left in Zone 2. Leave more space between the crowns of these clumps and surrounding trees.

Because Zone 2 forms an aesthetic buffer and provides a transition between zones, it is necessary to blend the requirements for Zones 1 and 3. Thin the portions of Zone 3 adjacent to Zone 2 more heavily than the outer portions.

Isolated shrubs may remain, provided they are not under tree crowns. Prune and maintain these plants periodically to maintain vigorous growth. Remove dead stems from trees and shrubs annually. Where shrubs are the primary fuel in Zone 2, refer to the Special Recommendations section of this fact sheet.

Limit the number of dead trees (snags) retained in this area. Wildlife needs only one or two snags per acre. Be sure any snags left for wildlife cannot fall onto the house or block access roads or driveways.

Mow grasses (or remove them with a weed trimmer) as needed through the growing season to keep them low, a maximum of 6 to 8 inches. This is extremely critical in the fall when grasses dry out and cure or in the spring after the snow is gone but before the plants green up.

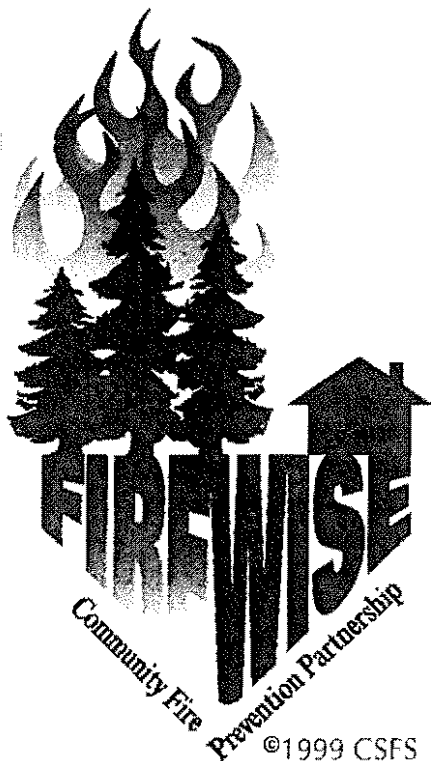
Stack firewood and woodpiles uphill or on the same elevation as the structure but at least 30 feet away. Clear and keep away flammable vegetation within 10 feet of these woodpiles. Do not stack wood against your house or on or under your deck, even in winter. Many homes have burned from a woodpile that ignited as the fire passed. Wildfires can burn at almost any time in Colorado.

Locate propane tanks at least 30 feet from any structures, preferably on the same elevation as the house. You don't want the LP container below your house — if it ignites, the fire would tend to burn uphill. On the other hand, if the tank is above your house and it develops a leak, LP gas will flow downhill into your home. Clear and keep away flammable vegetation within 10 feet of these tanks. Do not screen propane tanks with shrubs or vegetation.

% slope	Tree Crown Spacing	Brush and Shrub Clump Spacing
0 - 10 %	10'	2 1/2 x shrub height
11 - 20%	15'	3 x shrub height
21 - 40%	20'	4 x shrub height
> 40%	30'	6 x shrub height

Figure 4: Minimum tree crown and shrub clump spacing.





FIREWISE is a multi-agency program that encourages the development of defensible space and the prevention of catastrophic wildfire.

- ☐ An outdoor water supply is available, complete with a hose and nozzle that can reach all parts of the house.
- ☐ Fire extinguishers are checked and in working condition.
- ☐ The driveway is wide enough. The clearance of trees and branches is adequate for fire and emergency equipment. (Check with your local fire department.)
- ☐ Road signs and your name and house number are posted and easily visible.
- ☐ There is an easily accessible tool storage area with rakes, hoes, axes and shovels for use in case of fire.
- ☐ You have practiced family fire drills and your fire evacuation plan.
- ☐ Your escape routes, meeting points and other details are known and understood by all family members.
- ☐ Attic, roof, eaves and foundation vents are screened and in good condition. Stilt foundations and decks are enclosed, screened or walled up.
- ☐ Trash and debris accumulations are removed from the defensible space.
- ☐ A checklist for fire safety needs inside the home also has been completed. This is available from your local fire department.

## References

Colorado State Forest Service, Colorado State University, Fort Collins, CO 80523-5060; (970) 491-6303:

- *FireWise Construction — Design and Materials*
- *Home Fire Protection in the Wildland Urban Interface*
- *Wildfire Protection in the Wildland Urban Interface*
- *Landowner Guide to Thinning* from Colorado State University Cooperative Extension, 115 General Services Bldg., Fort Collins, CO 80523-4061; (970) 491-6198; E-mail: cerc1@ur.colostate.edu.
- 6.303, *Fire-Resistant Landscaping*
- 6.304, *Forest Home Fire Safety*
- 6.305, *FireWise Plant Materials*
- 6.306, *Grass Seed Mixes to Reduce Wildfire Hazard*
- 7.205, *Pruning Evergreens*
- 7.206, *Pruning Shrubs*
- 7.207, *Pruning Deciduous Trees*

**Colorado  
State  
FOREST  
SERVICE**

This fact sheet was produced in cooperation with the Colorado State Forest Service.

Wildfire Hazard Mitigation Coordinator,  
Colorado State Forest Service.

Issued in furtherance of Cooperative Extension work, Acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, Milan A. Rewerts, Director of Cooperative Extension, Colorado State University, Fort Collins, Colorado. Cooperative Extension programs are available to all without discrimination. No endorsement of products mentioned is intended nor is criticism implied of products not mentioned.

- 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. Permits that do not maintain such compliance will be subject to suspension or revocation of the permit in accordance with these regulations.

**2203.6 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.

**2203.7 Certification of Approval.** Notice of each permit approval will be certified by the County Commissioners to the County Clerk and Recorder for recording.

**2203.8 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.

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## CHAPTER 3: LANDOWNER-INITIATED ZONING

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### Chapter 3 : Section 1 - General

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**3101 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.

**3101.1 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 list 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.

**3101.2 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.

**3102 Application and Scope.** The zoning regulations contained in this section shall apply to all land in the unincorporated areas of Montezuma County.

**3102.1 Other Regulations.** Uses permitted by these regulations shall also be subject to provisions of other applicable County and state regulations.

**3102.2 Enforcement and Administration.** Unless as specified in this section, the provisions of this section shall be enforced and administered in accordance with **Chapter 8** and other applicable provisions of this Land Use Code.

**3103 Official Zoning Map. Development of Landowner-Initiated Zoning Map of Montezuma County.** The Landowner-Initiated Zoning Map of Montezuma County was originally adopted on May 15, 2000, wherein existing subdivisions and subdivision exemptions were designated on the Official Zoning Map as A/R ES (Agriculture/Residential Existing Subdivision). The end of the sign-up period, during LIZ, was January 31, 2000, at which time a public hearing was held before the Board of County Commissioners wherein all parcels signed up for A80, AR35+ and AR10-34 were adopted into the official zoning map showing approved applications and the County designations as described above. Approval of any other zoning preferences required a separate hearing. Parcels with zoning preferences that were not adopted into the official zoning map, during the public hearing, are considered unzoned. The Official Zoning Map, together with all data shown thereon, and all amendments thereto, incorporated by reference into this Code.

**3103.1 Zone District Boundaries.** Except where otherwise indicated, zone designation boundaries shall follow existing parcel boundary lines.

**3103.2 Management and Maintenance of Official Zoning Map.** Changes in the boundary of any zone designation shall promptly be entered on the Official Zoning Map.

**3103.3 Location of Official Zoning Map.** The Official Zoning Map shall be located in the County Planning office with copies available for public reference.

**3104 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**):

<b>3104.1</b>	<b>A-80+</b>	<b>Large Scale Agriculture</b>
<b>3104.2</b>	<b>AGZ</b>	<b>Agricultural Use</b>
<b>3104.3</b>	<b>A/R 35</b>	<b>Large Scale Agriculture and Residential</b>
<b>3104.4</b>	<b>A/R 10-34</b>	<b>Medium Scale Agriculture and Residential</b>
<b>3104.5</b>	<b>A/R 3-9</b>	<b>Small Scale Agriculture and Residential</b>
<b>3104.6</b>	<b>R-3</b>	<b>Rural Residential</b>
<b>3104.7</b>	<b>A/R ES</b>	<b>Existing Subdivision</b>
<b>3104.8</b>	<b>USZ</b>	<b>Urban Services Zone</b>
<b>3104.9</b>	<b>INDZ</b>	<b>Industrial Zone</b>
<b>3104.10</b>	<b>COMZ</b>	<b>Commercial Zone</b>
<b>3104.11</b>	<b>UNZ</b>	<b>Unzoned</b>

**3104.12 Planned Unit Development (PUD) Options:**

<b>A.</b>	<b>CIPUD</b>	<b>Cluster Incentive Planned Unit Development</b>
<b>B.</b>	<b>MHPUD</b>	<b>Mobile Home and RV Park Planned Unit Development</b>
<b>C.</b>	<b>INDPUD</b>	<b>Industrial Planned Unit Development</b>
<b>D.</b>	<b>COMPUD</b>	<b>Commercial Planned Unit Development</b>
<b>E.</b>	<b>GPUD</b>	<b>General Planned Unit Development</b>

### **3105 Land Use Categories Defined.**

**3105.1 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

**3105.2 Commercial Uses Defined.** Commercial development shall mean any land development activity except development activity intended solely for residential, agricultural or industrial uses.

**3105.3 Industrial Uses Defined.** Light Industrial development shall mean uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Heavy industrial uses shall mean uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industry shall also mean those uses engaged in the operation, parking and maintenance of heavy equipment and trucks, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yards, container storage), mining and extracting industries, petrochemical industries, rubber refining, and primary metal or related industries.

**3105.4 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: 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.

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

**3202 Establishing Zoning or Rezoning.** Any landowner, or their authorized agent, may submit to the County a completed application for establishing zoning or rezoning.

**3202.1 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. A Presketch Plan.** For Development involving a potential for significant impacts, a Sketch Plan may also be required, and
- E. Fee.**

**3202.2 Public Hearing Before the Planning Commission.** A public hearing shall be set in accordance with **6101.1 Notice of Public Hearing** of this Code.

**3202.3 Public Hearing Before the County Commission.**

- A. Notice of Public Hearing.** Upon receipt of recommendations from the Planning Commission, the County Commission will 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 **3202.4** 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 Board of County Commissioners may continue the public hearing to a date certain, or schedule additional public hearings.
- D. Rendering a Decision.** Upon recommendation of the Planning Commission and completion of the public hearing process, the County Commission shall

render a decision on the Zoning Application based on the Decision Criteria in **3202.4.**

**3202.4 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.

**3203 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.

**3203.1 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.

**3203.2 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.

**3204 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.

**3205 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. Short Title.**

**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 **3105.1** and related primary and accessory residential uses; and
- C.** Allow for Special uses as defined in 3303.4.
- 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 3105.1, a and b.
- B.** Residential, Residential Accessory. See 3105.4, a and b.

**3303.4 Conditional Uses-Special Use Permit:** Purposes and Objectives. To allow sufficient flexibility for special uses that may include any or all of the following; temporary or interim in use, created by nature, permitted by law or regulation, have a potentially greater impact than Uses by Right or are of unusual circumstance such that said use can be accommodated without the possible detrimental long-term effects that a change to commercial or industrial zoning could have on the neighborhood. Judicial authority for such is the case of Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983). That judicial holding is the intent and goal sought to be achieved herein.

- A.** Said special uses must meet the requirements of Chapter 2 of this code and comply with Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983), including the following conditions: Such use does not create any danger to safety in surrounding areas, does not

cause water pollution, and does not create excessive noise, vibration, smoke, dust, odors, heat glare, snow storage problems, does not aggravate an existing wildfire hazard or create a wildfire hazard to structures on adjacent property, does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties, and does not create or increase geologic hazard or subject adjacent properties to geologic hazard. Said special uses include the following:

1. Commercial or Industrial Agribusiness as defined in 3105.1, c and d
2. Water systems
3. Sewage systems
4. Public or private utility facilities
5. Oil, Gas, or CO2 drilling and production wells
6. Pipelines
7. Power Lines
8. Seismograph testing for natural resources
9. Gravel mining and crushing operations
10. Mobile Asphalt Plants, to date certain
11. Concrete Batch Plants, to date certain
12. Communication Towers
13. Special events including, but not limited to, outdoor music concerts, motorcycle rallies, Off Highway Vehicle Events and similar events.
14. Retreat/Guest Ranch

**B.** Planned Unit Developments: Cluster Incentive PUD and General PUD.

**C.** 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 impacts: evidence that the proposed use(s) shall not destroy visual amenities, that it include a plan for land reclamation, and that it is in conformance with commercial and industrial performance standards promulgated by the county, where necessary.

### **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 **3105.1**; and
- C. Allow for Special uses as defined in 3304.4.
- 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 3105.1, a and b.
- B. Residential, Residential Accessory. See 3105.4, a and b.

**3304.4 Conditional Uses-Special Use Permit:** Purposes and Objectives. To allow sufficient flexibility for special uses that may include any or all of the following; temporary or interim in use, created by nature, permitted by law or regulation, have a potentially greater impact than Uses by Right or are of unusual circumstance such that said use can be accommodated without the possible detrimental long-term effects that a change to commercial or industrial zoning could have on the neighborhood. Judicial authority for such is the case of Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983). That judicial holding is the intent and goal sought to be achieved herein.

- A. Said special uses must meet the requirements of Chapter 2 of this code and comply with Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983), including the following conditions: Such use does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create excessive noise, vibration, smoke, dust, odors, heat glare, snow storage problems, does not aggravate an existing wildfire hazard or create a wildfire hazard to structures on adjacent property, does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties, and does not create or increase geologic hazard or subject adjacent properties to geologic hazard. Said special uses include the following:

1. Commercial or Industrial Agribusiness as defined in 3105.1, c and d
2. Water systems
3. Sewage systems
4. Public or private utility facilities
5. Oil, Gas, or CO2 drilling and production wells
6. Pipelines
7. Power Lines
8. Seismograph testing for natural resources
9. Gravel mining and crushing operations
10. Mobile Asphalt Plants, to date certain
11. Concrete Batch Plants, to date certain

12. Communication Towers
13. Special events including, but not limited to, outdoor music concerts, motorcycle rallies, Off Highway Vehicle Events and similar events.
14. Retreat/Guest Ranch

**B.** Planned Unit Developments: Cluster Incentive PUD and General PUD.

**C.** 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 impacts: evidence that the proposed use(s) shall not destroy visual amenities, that it include a plan for land reclamation, and that it is in conformance with commercial and industrial performance standards promulgated by the county, where necessary.

**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 **3105.1**,
- B.** Allow for Special uses as defined in 3305.4; 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 3105.1, a and b.
- B.** Residential, Residential Accessory. See 3105.4, a and b.

**3305.4 Conditional Uses-Special Use Permit:** Purposes and Objectives. To allow sufficient flexibility for special uses that may include any or all of the following; temporary or interim in use, created by nature, permitted by law or regulation, have a potentially greater impact than Uses by Right or are of unusual circumstance such that said use can be accommodated without the possible detrimental long-term effects that a change to commercial or industrial zoning could have on the neighborhood. Judicial authority for such is the case of Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983). That judicial holding is the intent and goal sought to be achieved herein.

**A.** Said special uses must meet the requirements of Chapter 2 of this code and comply with Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983), including the following conditions: Such use does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create excessive noise, vibration, smoke, dust, odors, heat glare, snow storage problems, does not aggravate an existing wildfire hazard or create a wildfire hazard to structures on adjacent property, does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties, and does not create or increase geologic hazard or subject adjacent properties to geologic hazard. Said special uses include the following:

1. Commercial or Industrial Agribusiness as defined in 3105.1, c and d
2. Water systems
3. Sewage systems
4. Public or private utility facilities
5. Oil, Gas, or CO2 drilling and production wells
6. Pipelines
7. Power Lines
8. Seismograph testing for natural resources
9. Gravel mining and crushing operations
10. Mobile Asphalt Plants, to date certain
11. Concrete Batch Plants, to date certain
12. Communication Towers
13. Special events including, but not limited to, outdoor music concerts, motorcycle rallies, Off Highway Vehicle Events and similar events.
14. Retreat/Guest Ranch

**B.** Planned Unit Developments: Cluster Incentive PUD and General PUD.

**C.** 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 impacts: evidence that the proposed use(s) shall not destroy visual amenities, that it include a plan for land reclamation, and that it is in conformance with commercial and industrial performance standards promulgated by the county, where necessary.

### **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. This zone also allows for Special uses as defined in 3306.4.

#### **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, as amended

#### **3306.3 Uses by Right:**

- A. Agricultural, Agricultural Accessory See 3105.1, a and b.
- B. Residential, Residential Accessory See 3105.4, a and b.

**3306.4 Conditional Uses-Special Use Permit:** Purposes and Objectives. To allow sufficient flexibility for special uses that may include any or all of the following; temporary or interim in use, created by nature, permitted by law or regulation, have a potentially greater impact than Uses by Right or are of unusual circumstance such that said use can be accommodated without the possible detrimental long-term effects that a change to commercial or industrial zoning could have on the neighborhood. Judicial authority for such is the case of Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983). That judicial holding is the intent and goal sought to be achieved herein.

- A. Said special uses must meet the requirements of Chapter 2 of this code and comply with Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983), including the following conditions: Such use does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create excessive noise, vibration, smoke, dust, odors, heat glare, snow storage problems, does not aggravate an existing wildfire hazard or create a wildfire hazard to structures on adjacent property, does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties, and does not create or increase geologic hazard or subject adjacent properties to geologic hazard. Said special uses include the following:

1. Commercial or Industrial Agribusiness as defined in 3105.1, c and d
2. Water systems
3. Sewage systems
4. Public or private utility facilities
5. Oil, Gas, or CO2 drilling and production wells
6. Pipelines
7. Power Lines
8. Seismograph testing for natural resources
9. Gravel mining and crushing operations
10. Mobile Asphalt Plants, to date certain
11. Concrete Batch Plants, to date certain
12. Communication Towers
13. Special events including, but not limited to, outdoor music concerts, motorcycle rallies, Off Highway Vehicle Events and similar events.
14. Retreat/Guest Ranch

**B.** Planned Unit Developments: Cluster Incentive PUD and General PUD.

**C.** 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 impacts: evidence that the proposed use(s) shall not destroy visual amenities, that it include a plan for land reclamation, and that it is in conformance with commercial and industrial performance standards promulgated by the county, where necessary.

**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 3105.1, a and b.
- B.** Residential, Residential Accessory. See 3105.4, a and b.

**3307.4 Conditional Uses:**

- A.** 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 3105.4,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-Special Use Permit: Purposes and Objectives.** To allow sufficient flexibility for special uses that may include any or all of the following; temporary or interim in use, created by nature, permitted by law or regulation, have a potentially greater impact than Uses by Right or are of unusual circumstance such that said use can be accommodated without the possible detrimental long-term effects that a change to commercial or industrial zoning could have on the neighborhood. Judicial authority for such is the case of Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983). That judicial holding is the intent and goal sought to be achieved herein.

**A.** Said special uses must meet the requirements of Chapter 2 of this code and comply with Hudspeth v. Board of County Commissioners of the County of Routt, 667 P.2d 775 (Colo.App.1983), including the following conditions: Such use does not create any danger to safety in surrounding areas, does not cause water pollution, and does not create excessive noise, vibration, smoke, dust, odors, heat glare, snow storage problems, does not aggravate an existing wildfire hazard or create a wildfire hazard to structures on adjacent property, does not aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties, and does not create or increase geologic hazard or subject adjacent properties to geologic hazard. Said special uses include the following:

1. Commercial or Industrial Agribusiness as defined in 3105.1, c and d
2. Water systems
3. Sewage systems
4. Public or private utility facilities
5. Oil, Gas, or CO2 drilling and production wells
6. Pipelines
7. Power Lines

8. Seismograph testing for natural resources
9. Gravel mining and crushing operations
10. Mobile Asphalt Plants, to date certain
11. Concrete Batch Plants, to date certain
12. Communication Towers
13. Special events including, but not limited to, outdoor music concerts, motorcycle rallies, Off Highway Vehicle Events and similar events.
14. Retreat/Guest Ranch

**B. Planned Unit Developments:** Cluster Incentive PUD and General PUD.

**C.** 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 impacts: evidence that the proposed use(s) shall not destroy visual amenities, that it include a plan for land reclamation, and that it is in conformance with commercial and industrial performance standards promulgated by the county, where necessary.

**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).

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### SUMMARY CHART OF ZONING CHOICES

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	Commercial PUD General PUD High Impact Permit	Industrial PUD General PUD High Impact Permit
<b>THRESHOLD STANDARDS</b>						
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"> <li>1. Curb and gutters</li> <li>2. Side walks</li> <li>3. 2% asphalt and 8" gravel</li> <li>4. 36' wide (32' asphalt &amp; 2x2' curb and gutter)</li> </ol>	<ol style="list-style-type: none"> <li>1. No curb and gutter or side walks required</li> <li>2. 35" wide gravel base (8")</li> <li>3. 28' wide asphalt (2Y &amp; 4' gravel shoulder or chip seal to county standards)</li> </ol>
Storm Water	<ol style="list-style-type: none"> <li>1. Curbs to inlets</li> <li>2. Storm piping to major drainways</li> <li>3. Culverts sized as needed</li> <li>4. Easements for drainage</li> </ol>	<ol style="list-style-type: none"> <li>1. Side ditches- owner maintained</li> <li>2. Culverts sized as needed in drainage study</li> <li>3. Easements for drainage</li> </ol>
Water Piping <sup>1</sup>	<ol style="list-style-type: none"> <li>1. 6" main minimum- C900 DR 14 (200 psi)</li> <li>2. Pumper and 2 hose connections on hydrants</li> <li>3. 1 fire hydrant w/in 500' and 2 w/in 1000'</li> <li>4. In-line valve 800' min. spacing</li> </ol>	<ol style="list-style-type: none"> <li>1. 6" main minimum- C900 DR 14 (200 psi)</li> <li>2. Pumper and 2 hose connections on hydrants</li> <li>3. 1 fire hydrant w/in 500' and 2 w/in 1000'</li> <li>4. In-line valve 800' min. spacing</li> </ol>
Fire Protection	<ol style="list-style-type: none"> <li>1. Developer will be required to construct water lines with pipe sizes adequate to convey required future fire flows</li> </ol>	<ol style="list-style-type: none"> <li>1. Developer will be required to construct water lines with pipe sizes adequate to convey required future fire flows</li> </ol>
Right-Of-Ways	<ol style="list-style-type: none"> <li>1. 60' minimum for residential</li> <li>2. 80' minimum for collector</li> </ol>	<ol style="list-style-type: none"> <li>1. 60' minimum for residential</li> <li>2. 80' minimum for collector</li> </ol>
Building Codes	<ol style="list-style-type: none"> <li>1. Uniform Building Code, 1997 Edition and the municipality's Fire Marshal. Includes: <ol style="list-style-type: none"> <li>A. Commercial and Industrial development</li> <li>B. Residential development on less than three acres.</li> </ol> </li> <li>2. Landowner-Initiated Zoning, administered by Montezuma County</li> </ol>	<ol style="list-style-type: none"> <li>1. Uniform Building Code, 1997 and the municipality's Fire Marshal. Includes, <ol style="list-style-type: none"> <li>A. Commercial and Industrial development</li> <li>B. Residential development on less than three acres.</li> </ol> </li> <li>2. Landowner-Initiated Zoning, administered by Montezuma County</li> </ol>
Density	<ol style="list-style-type: none"> <li>1. Any development under three acres must be connected to the municipality's sanitation system</li> </ol>	<ol style="list-style-type: none"> <li>1. Any development under three acres must be connected to the municipality's sanitation system</li> </ol>
Sanitation	<ol style="list-style-type: none"> <li>1. Attached to District II lot sizes are under three acres</li> </ol>	<ol style="list-style-type: none"> <li>1. Attached to District I lot sizes are under three acres</li> </ol>
Road Maintenance	<ol style="list-style-type: none"> <li>1. Homeowners association required with annual fees</li> </ol>	<ol style="list-style-type: none"> <li>1. Homeowners association required with annual fees</li> </ol>
Setbacks and Building Heights	<ol style="list-style-type: none"> <li>1. 20' min. front yard<sup>3</sup>, 7' min. side and rear yard<sup>4</sup></li> <li>2. 35' max. height for principal structures</li> <li>3. 15' max. height for accessory structures</li> </ol>	<ol style="list-style-type: none"> <li>1. 50' min. front yard<sup>3</sup>, 5' min. side yard<sup>4</sup>, 25' min. rear yard<sup>4</sup></li> <li>2. 35' max. height for principal structures</li> <li>3. 15' max. height for accessory structures</li> </ol>
Buffering Between Development Types	<p>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.</p>	

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

<sup>2</sup>A adoption of resolution by County Commissioner for enforcement is necessary

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

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

# SUMMARY CHART OF ZONING CHOICES

ZONING CHOICES		A/R 10-34	A/R 35+	AGZ	A:80+	A/R ES Existing Subdivisions	UNZONED
Uses by Right		Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential, Residential Accessory	Primary Agriculture, Agriculture Accessory, Residential Residential Accessory	Per Recorded Plat/Covenants Threshold Standards Minimum	All existing Uses
Conditional Uses		GPUD, Special Use Permit with a valid High Impact Permit	CIPUD, GPUD Special Use Permit with a valid High Impact Permit	Special Use Permit with a valid High Impact Permit	Special Use Permit with a valid High Impact Permit	Per Recorded Plat/Covenants TS Minimum	Special Use Permit with a valid High Impact Permit
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

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## CHAPTER 4: PLANNED UNIT DEVELOPMENT

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### Chapter 4: Section 1 – Authority, Purposes and Objectives

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#### **4101 Authority, Purposes and Objectives of PUD Development.**

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

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

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

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

- A.** Parcels in an area suited for a mix of Commercial 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 clean able, non-absorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) feet from any mobile home and within three hundred (300) feet of any dependent mobile home served.
2. Separate rooms containing required plumbing fixtures shall be provided for each sex. If located in the same building, they shall be separated by a solid wall extending from floor to ceiling and shall be clearly marked for "Men" and "Women".
3. The floors of service buildings shall have a smooth, impermeable and easily clean able surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove waste water and to facilitate cleaning. The walls and partitions shall have a smooth, nonabsorbent, light colored, easily clean able surface extending to a height of four feet in toilet rooms and six feet in shower rooms.
4. Rooms in service buildings shall have a ceiling height of not less than seven and one-half (7 1/2) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least 50 percent of the rooms and no portion of any room having a ceiling height of less than five feet shall be considered as contributing to the minimum required areas.
5. Service rooms shall be provided with light and ventilation by means of windows or by artificial light and mechanical ventilation. The window area in each service room shall be equivalent to at least 10 percent of the floor area with at least one half of the required window area openable to the

outside air. Windows shall be installed so they do not create safety hazards. In lieu of the required window area in each service room, an approved mechanical ventilation system may be installed which will provide at least five (5) air changes per hour, be vented directly to the outside, and be connected to the electrical lighting system.

6. When necessary for exclusion of flies, mosquitoes and other insects, exterior openings of service buildings shall be protected with fly screening of not less than sixteen (16) mesh per square inch unless other approved protection devices are provided. Doors shall be provided with self-closing devices.
7. Exterior doors in service buildings shall be provided with a landing which has a depth and width not less than the door opening.
8. Each service room shall have at least one double convenience outlet adjacent to lavatories and one ceiling light fixture to provide thirty (30) foot candles at lavatory level. At least one light fixture, operated by switch, shall be provided at each entrance and shall be lighted during hours of darkness unless the yard lighting provided light levels of at least five (5) foot candles.
9. Service buildings shall be provided with approved heating facilities properly installed, maintained in a safe working condition, and capable of providing and maintaining a room temperature of 68 degrees.
10. Toilets and showers shall be partitioned so they are individually accessible. Each toilet and shower compartment shall have a self-closing door, except that showers may be equipped with a water-proof curtain.
11. Toilet space shall be in compliance with the Federal Americans with Disabilities Act.
12. Shower stalls shall be in compliance with the Federal Americans with Disabilities Act and shall be constructed to prevent water flowing into the dressing spaces. Shower floors shall be impervious and skid resistant or provided with a non-slip impervious mat. Wooden racks (duck boards) are prohibited. Dry dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with clothes hooks and benches.
13. Hot and cold water under pressure shall be supplied to all required plumbing fixtures except that cold water only shall be supplied to water closets. The system shall be designed to prevent discharge of water in excess of 120 degrees Fahrenheit at the shower heads. The water heating facilities shall have the capacity to supply hot water at the minimum rate of three gallons per hour per each dependent mobile home lot. Such facilities shall be approved types and shall be properly installed and maintained.
14. Plumbing fixtures shall be maintained in good working order and in a clean and sanitary condition.
15. Toilet paper, soap, single service towels, and trash receptacles shall be provided in all common use or centralized toilet and lavatory facilities. The use of common towels is prohibited.
16. If service buildings are kept locked, the operator shall provide a key for dependent mobile home occupants.

17. Clothes drying areas or mechanical dryers shall be provided for use with laundry facilities.
  18. Plumbing fixtures shall be installed in accordance with provisions of the effective edition of the Colorado Technical Plumbing Code.
  19. Swimming pools shall be operated and maintained in accordance with Colorado Department of Health Regulations and Standards Governing Swimming Pools.
- C. Operational Standards.** Mobile home parks shall be subject to the following operational requirements.
1. 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.
  2. 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 accepted in part.
  3. 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.
  4. The Mobile Home lot shall be kept clean and free of refuse and hazardous or noxious materials.
  5. Adequate storage buildings shall be provided for storage of all materials and equipment not in use in the park.
  6. Mobile Homes shall be properly installed and stabilized to insure the safety of the occupants of the park and the general public.
  7. 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.
  8. 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.
  9. 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.

10. Rodents and insects shall be controlled by approved sanitary practices, vermin-proofing of buildings extermination and other control methods.
11. 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.
12. 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.
13. A responsible attendant shall be in attendance daily in the park.
14. 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.
15. 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.
16. 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	<ul style="list-style-type: none"> <li>• AR35+</li> <li>• AR10-34</li> <li>• AR3-9</li> <li>• USZ</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural</li> <li>• Residential</li> <li>• Commercial</li> <li>• Industrial</li> <li>• Mixed</li> </ul>	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	<ul style="list-style-type: none"> <li>• Commercial Zone</li> <li>• Urban Services Zone</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial</li> <li>• Agricultural and Residential uses are allowed, but are subordinate</li> </ul>	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.

**RESOLUTION NO. 10-2009**

**A RESOLUTION SUSPENDING THE BAN ON OPEN FIRES  
AND THE USE OF FIREWORKS**

**WHEREAS**, Montezuma County Ordinance No. 1-2008 prohibits open fires and the use of fireworks 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 from time to time to the degree and manner consistent with existing wildfire dangers; and

**WHEREAS**, competent evidence having been presented of sufficient moisture 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 and the use of fireworks should be and is hereby suspended. Said suspension shall continue in effect until canceled pursuant to Montezuma County Ordinance No. 1-2008.

This Resolution is adopted this 21<sup>st</sup> day of September, 2009, at 11:20 o'clock A.m.

BOARD OF COUNTY COMMISSIONERS  
OF MONTEZUMA COUNTY, COLORADO

Larry D. Rob

Steve D. Chappell

Commissioners voting aye in favor of this Resolution were:

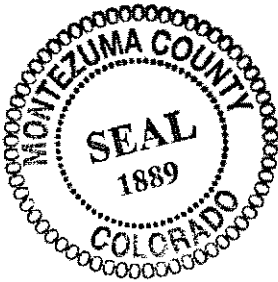
Garrie D. Rule, Steve Chappell

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

Commissioners voting no against this Resolution were:

\_\_\_\_\_

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



Carol Jullis  
County Clerk and Recorder  
Montezuma County, Colorado

RESOLUTION No. 9 - 2009

**A Resolution Pursuant to The Colorado Private Activity  
Bond Ceiling Allocation Act Authorizing Assignment Of  
Montezuma County's Allocation to The Colorado Housing  
And Finance Authority**

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority"), and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under C.R.S. 24-32-1706 of the Allocation Act, Montezuma County has an allocation of the 2009 State Ceiling (the "2009 Allocation"); and

WHEREAS, Montezuma County has determined that, in order to increase the availability of adequate affordable housing for low-and moderate-income persons and families within the County and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2009 Allocation; and

WHEREAS, Montezuma County has determined that the 2009 Allocation can be utilized most efficiently by assigning it to the Authority to issue tax-exempt Private Activity Bonds for the purpose of increasing affordable housing for low-and moderate-income persons and families; and

WHEREAS, Montezuma County Board of Commissioners has determined to assign \$1,150,245.00 of its 2009 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the County and the Authority.

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

1. The assignment to the Authority of \$1,150,245.00 of Montezuma County's 2009 Allocation be and is hereby approved.
2. The form and substance of the Assignment of Allocation is hereby approved and shall be executed and delivered to said Authority.

3. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

4. This resolution shall be in full force and effect upon adoption.

Adopted this 24<sup>th</sup> day of August, 2009, at 10:40 A..m.

BOARD OF COUNTY COMMISSIONERS  
OF MONTEZUMA COUNTY, COLORADO

Steve D. Chappell

Gerald W. Koppeschaper

Commissioners voting aye in favor if the Resolution were: Steve D.

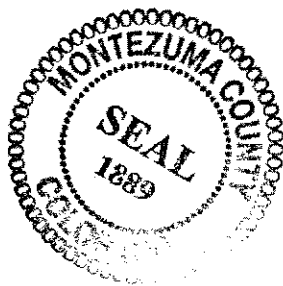
Chappell

and

Gerald W. Koppeschaper

Commissioners voting nay against the Resolution were: \_\_\_\_\_,

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



Carol Mullis  
County Clerk and Recorder  
Montezuma County, Colorado

## ASSIGNMENT OF ALLOCATION

This Assignment of Allocation (the "Assignment"), dated this 24 day of August, 2009, is between Montezuma County (the "Assignor") and the Colorado Housing and Finance Authority (the "Assignee").

### WITNESSETH

WHEREAS, the Assignee is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing qualified residential rental projects for low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Assignee and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Assignee; and

WHEREAS, pursuant to an allocation under C.R.S. 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 2009 State Ceiling (the "2009 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within Montezuma County and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the allocation; and

WHEREAS, the Assignor has determined that the 2009 Allocation can be utilized most efficiently by assigning it to the Assignee to issue tax-exempt Private Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low- and moderate income persons and families or, if not feasible or practical, to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds"), and the Assignee has expressed its willingness to attempt to issue Revenue Bonds with respect to the 2009 Allocation; and

WHEREAS, the Montezuma County Board of Commissioners has determined to assign to the Assignee \$1,150,245.00 of its 2009 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$1,150,245.00 of its 2009 Allocation, subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.

2. The Assignee hereby accepts the assignment to it by the Assignor of \$1,150,245.00 of Assignor's 2009 Allocation, subject to the terms and conditions contained herein. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds in said amount, in one or more series, and to make proceeds of such Revenue Bonds available from time to time during the period of two (2) years from the date of the Assignment to finance multi-family rental housing projects located in Montezuma County, Colorado, or, if not feasible, to issue Revenue Bonds for the purpose of providing mortgage loans to low- and moderate-income persons and families in Montezuma County, Colorado, or to finance single-family mortgage loans in any particular amount or at any particular interest rate or to use any particular percentage of the proceeds of its Revenue Bonds to provide mortgage loans to finance single-family housing facilities located in Montezuma County.

3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carryforward purpose.

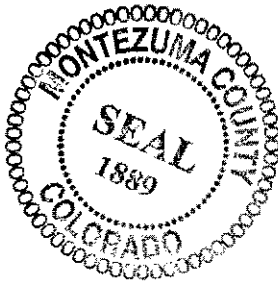
4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.

5. Nothing contained in this Assignment shall obligate the Assignee to finance any particular project located in Montezuma County or elsewhere.

6. This Assignment is effective upon execution and is irrevocable.

IN WITNESS WHEREOF, the parties hereto have duly executed this Assignment on the date first written above.

BOARD OF COUNTY COMMISSIONERS  
OF MONTEZUMA COUNTY, COLORADO



(SEAL)

ATTEST;

Carol Dullis  
Montezuma County Clerk & Recorder

Steve D. Chappell  
Herold W. Koppert

COLORADO HOUSING AND FINANCE  
AUTHORITY

(SEAL)

ATTEST:

By: \_\_\_\_\_  
Executive Director

By: \_\_\_\_\_  
Assistant Secretary



CERTIFICATE OF MONTEZUMA COUNTY, COLORADO  
CONCERNING ASSIGNMENT OF  
PRIVATE ACTIVITY BOND VOLUME CAP ALLOCATION

I, the undersigned, hereby certify that I am the duly chosen and qualified County Attorney of Montezuma County, Colorado (the "County"), and that:

1. The County is a legally and regularly created, established, organized, and existing county under the Constitution and laws of the State of Colorado, its full corporate name being "Montezuma County, Colorado."

2. The County has been previously notified that, pursuant to Section 24-32-1706 of the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), it has an allocation of the State ceiling (as defined in the Allocation Act) for 2009 in the amount of \$ 1,150,245.00 (the "2009 Allocation").

3. Attached hereto as Exhibit A is a true and correct copy of a resolution and the related minutes thereto (the "Resolution") authorizing the assignment to the Colorado Housing and Finance Authority (the "Authority") of all or a portion of the 2009 Allocation in an amount equal to \$ 1,150,245.00 (the "Assigned Allocation"), and authorizing the execution and delivery of an Assignment of Allocation dated as of August 24, 2009 (the "Assignment of Allocation") between the County and the Authority in connection therewith, which Resolution was duly adopted by the Board of County Commissioners of the County (the "Board") at a meeting thereof held on August 24, 2009, at which meeting a quorum was present and acting throughout and which Resolution has not been revoked, rescinded, repealed, amended or modified and is in full force and effect on the date hereof.

4. The meeting of the Board at which action has been taken with respect to the Assignment of Allocation was a regular meeting properly called and open to the public at all times.

5. With respect to the Assigned Allocation, the County has not heretofore: (a) issued private activity bonds; (b) assigned the Assigned Allocation to another "issuing authority," as defined in the Allocation Act; (c) made a mortgage credit certificate election; or (d) treated the Assigned Allocation as an allocation for a project with a carryforward purpose, as defined in the Allocation Act.

6. The Assignment of Allocation, attached hereto as Exhibit B, is in the form presented to and approved by the Board at the meeting thereof held on August 24, 2009.

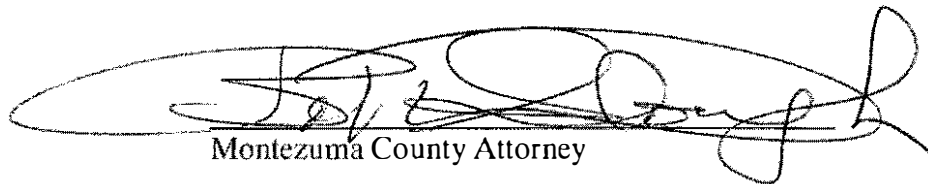
7. On or before the date hereof, counterparts of the Assignment of Allocation were officially executed by the Chair of the Board of County Commissioners and the County Clerk of the County. On the date of such signing, such persons were the duly sworn, qualified and acting officers of the County authorized to execute the Assignment of Allocation and holding the offices of the Chair of the Board of County Commissioners and County Clerk, respectively.

8. The County has authorized the execution, delivery and due performance of the Assignment of Allocation, and the execution and delivery of the Assignment of Allocation and the compliance by the County with the provisions thereof, will not, to the best of my knowledge, conflict with or constitute on the part of the County a breach of or a default under any existing Colorado law, County resolution, court or administrative regulation, decree or order or any agreement or other instrument to which the County is subject or by which it is bound.

9. To the best of my knowledge, there does not exist any action, suit, proceeding or investigation pending, or threatened against the County, contesting (a) the corporate existence of the County, (b) the title of its present officers or any of them to their respective offices, including, without limitation, the members of the Board, (c) the validity of the Assignment of Allocation or (d) the power of the County to execute, deliver or perform the Assignment of Allocation.

10. No referendum petition has been filed concerning the Resolution; and to the best of my knowledge none is being circulated or planned for circulation.

WITNESS my hand this August 24, 2009.



Montezuma County Attorney

RESOLUTION NO. 8-2009

**A RESOLUTION CANCELLING THE SUSPENSION  
OF THE BAN ON OPEN FIRES AND THE USE OF FIREWORKS**

**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. 20-2008 and the suspension of the ban on open fires and the use of fireworks is hereby canceled pursuant to Montezuma County Ordinance No. 1-2008.
2. That the ban on open fires and the use of fireworks pursuant to Ordinance No. 1-2008 continues in full force and effect.

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

Adopted this 17<sup>th</sup> day of August, 2009, at 11:05 o'clock A. m.

BOARD OF COUNTY COMMISSIONERS OF  
MONTEZUMA COUNTY, COLORADO

Gavin D. Rieb

Steve Chappell

Gerard W. Kyman

Commissioners voting aye in favor of this Resolution were:

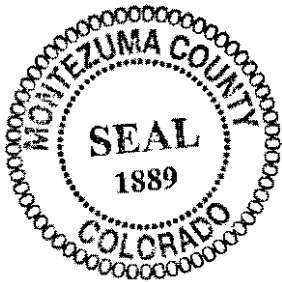
Larry D. Rife, Steve Chappell

and, Gerald W. Kopenhagen.

Commissioners voting no against this Resolution were:

\_\_\_\_\_

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



Carol J. Miller  
County Clerk and Recorder  
Montezuma County, Colorado

**RESOLUTION OF  
THE MONTEZUMA COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION # 7 - 2009**

**This resolution is for the approval to conduct a Coordinated Mail Ballot  
Election on November 3, 2009**

WHEREAS, the County Commissioners of Montezuma County, State of Colorado at a regular meeting of said Board of County Commissioners, held on the 3rd day of August, 2009 authorizes the November 3, 2009 coordinated election be a mail ballot election.

WHEREAS, the Colorado Election Code was changed in 1991 requiring the County Clerk and Recorder to conduct elections beginning in 1993 for School Districts, Special Districts, Ballot Issues, and Municipal Elections conducted as part of a Coordinated Election, and other authorized elections, and;

WHEREAS, since the election of November 3, 2009, will have issues from the School Districts RE-1, RE-4A, and RE-6, and the Pleasant View Fire Protection District and the Goodman Point Water District;

WHEREAS, since January 1, 1991, the Mail Ballot Election Act has allowed political subdivisions of the State of Colorado, including counties to conduct certain elections in accordance with the Mail Ballot Election Act, and;

WHEREAS, the Montezuma County Clerk and Recorder will present a plan to the Secretary of State for approval to conduct a Mail Ballot election, and;

WHEREAS, pursuant to C.R.S. 1-7.5-104, it is the option of the governing board of any political subdivision to determine if an election, which is otherwise eligible, shall be by mail ballot, and;

WHEREAS, the Montezuma County Clerk and Recorder's estimation is that by conducting a mail ballot election, a savings to the taxpayers of Montezuma County may result.

NOW, THEREFORE, BE IT RESOLVED that the election called for on November 3, 2009, shall be conducted in accordance with the Mail Ballot Election Act and the regulations of the Secretary of State promulgated hereunder.

NOW, THEREFORE, BE IT RESOLVED that this resolution is hereby adopted this 3<sup>rd</sup> day of August, 2009, at 10:15 o'clock A.m.

BOARD OF COUNTY COMMISSIONERS  
OF MONTEZUMA COUNTY, COLORADO

Gavin D. Rob

Steve Chappell

Gerald W. Koppelman

Commissioners voting aye in favor of this resolution were:

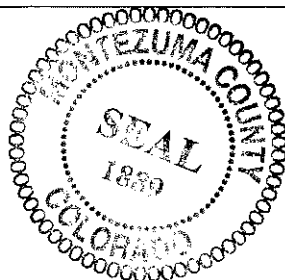
Gavin D. Rob, Steve Chappell,

And Gerald W. Koppelman.

Commissioners voting no against the Resolution were:

\_\_\_\_\_

And \_\_\_\_\_.



Carol Willis  
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 21<sup>st</sup> day of June, 2009, with the following persons in attendance:

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

the following proceedings, among others, were taken:

Resolution # ( 64 2009)

**MONTEZUMA COUNTY ROAD NAMING AND ADDRESS SYSTEM STANDARDS**

**WHEREAS**, Resolution 22-2008 was adopted on December 22, 2008 whereby the County will continue to utilize its grid-based road naming and addressing system;

**WHEREAS**, per Resolution 22-2008, the Montezuma County Planning Department, Addressing Office, is charged with the responsibility in the assignment of all new addresses within the unincorporated areas of Montezuma County in accordance with the County road naming and addressing system.

**WHEREAS**, per Resolution 22-2008, the Montezuma County Planning Department, Addressing Section is charged with the responsibility of identifying and correcting all rural property addresses that do not conform to the County road naming and addressing system.

**WHEREAS**, in the interest of public safety this Resolution is necessary to ensure that corrections to the County Road Address System and the ongoing assignment of new addresses will uniformly meet emergency response requirements.

**NOW, THEREFORE, BE IT RESOLVED**, by the Montezuma County Board of Commissioners that this Resolution is adopted to approve and authorize the implementation of these "**Montezuma County Road Naming and Address System Standards**", attached herewith.

**DATED** this 21<sup>st</sup> day of June, 2009.

Larrie D. Rule  
Larrie D. Rule, Chair

Commissioners voting aye in favor of the resolution were:

Larrie D. Rule Steve Chappell Gerald Koppenhafer

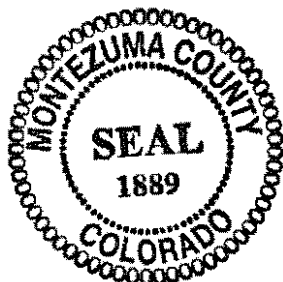
Commissioners voting nay against the resolution were:

\_\_\_\_\_

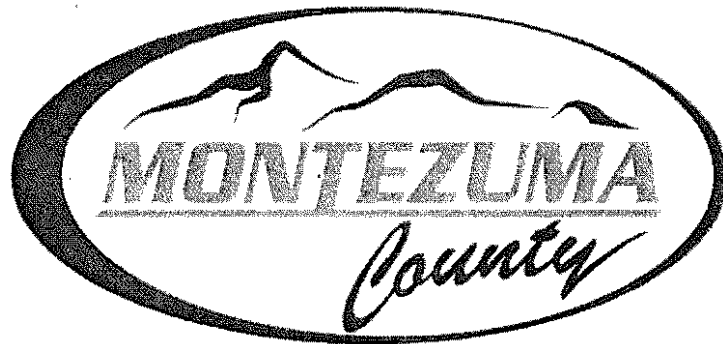
I certify that the above Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado and the votes upon same are true and correct.

Dated this 21<sup>st</sup> day of June, 2009.  
(SEAL)

Ken Rorcell Deputy  
County Clerk and Recorder  
Montezuma County, Colorado



# Montezuma County Colorado



## Road Naming and Address System Standards

Adopted by Resolution 6-2009



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## **I. DESCRIPTION OF THE STANDARDS**

### **A. TITLE AND PURPOSE**

1. Purpose: Montezuma County establishes these Standards in order to provide for the uniform assignment of property address numbers, to provide for the naming of new roads and renaming of existing roads in order to provide for efficient emergency services and provide for the safety of the residents of Montezuma County, and to provide for the enforcement of these Standards.
2. Short Title: For the purposes of identification, these regulations will be known as the “Road Naming and Addressing Standards”.

### **B. AUTHORITY**

*The legal authority to promulgate these Standards is derived from:*

1. The State of Colorado, which by statute, authorizes the Board of County Commissioners to administer the County Road System, to include, but not be limited to, planning, design, construction, maintenance and traffic regulation. County jurisdiction extends to all roads within unincorporated lands of Montezuma County, other than State or Federal Highways.
2. The adoption of *Resolution # 22-2008, on December 22, 2008, “Montezuma County Road Address System”*, by the Montezuma County Board of Commissioners, authorizing the Addressing Office and the GIS Mapping Department to correct and maintain all rural addressing of the county road grid system.

### **C. APPLICABILITY**

These Standards will apply to all unincorporated areas of Montezuma County per authority set forth in Section I. B. above.

## **D. GENERAL PROVISIONS**

1. Only the Board of County Commissioners or its appointed representatives of the Addressing Office and the GIS Mapping Department may assign, approve, or change the components of an address.
2. The Addressing Office will be responsible for the administration of the address numbering provisions of these Standards and will process applications for address number assignments and for the correction or reassignment of addresses.

The Addressing Office will be given reasonable discretion to apply these Addressing Standards to enable efficient and timely emergency response throughout the unincorporated area of Montezuma County.

3. The GIS Mapping Department will be responsible for the maintenance of all maps and data related to addressing, including the Road Name List and Maps and will also be given reasonable discretion in the application of the requirements of these Addressing Standards.

## II. ROAD SYSTEMS, MAPPING AND ADMINISTRATION

The road system in Montezuma County consists of state highways, county roads, and other public and private road systems.

### 1. The County Road Map

- 1.1 The Board of County Commissioners has adopted a Montezuma County Road Map showing all roads that have been officially made a part of the County Road System. This map is updated annually or as needed to reflect all additions, deletions and alterations to the County Road System. All open, used and maintained public highways in the unincorporated area of the county are shown. For informational purposes, all platted non-maintained public roads are shown as well as several non-maintained dirt trails.
- 1.2 The County Road System consists of a primary system of county roads. All those roads designated on the County Road Map as “official green signed” constitute the County's Primary System and as such form an integrated road system.
- 1.3 The County does not accept any liability for any maintenance or signage by the naming of private roads. The naming of private, “red signed” roads is done in the interest of public safety.

## 2. Street Names, Signage, and House Numbering:

- 2.1 The County will 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 will be approved by the Montezuma County Road Department. Traffic control signs will be paid for by the developer and installed by the County as prescribed by County policy.
- 2.2 House numbering will also be assigned by the County in compliance with the County system. It will be the responsibility of the owner to furnish and attach such numbering devices on their structures or dwellings in accordance with Section 2.2.2. Address number markers can be ordered through the Montezuma County Planning Department. No other entity or individual has the authority to assign address numbers within the unincorporated Montezuma County.
- 2.2.1 Address number markers will be posted at the point at which a private driveway intersects a named county road.
- a. Driveway address markers will be furnished and installed by the County at no charge to the property owner, **if funds are available**, when a new address is assigned or corrected by the County to ensure the visual consistency and accurate placement of address number markers throughout the county.
  - b. Standardized Address markers provided by the County are the sole property of Montezuma County. The property owner(s) will pay the County the proscribed fee for the replacement of a damaged or missing address marker.
- 2.2.2 Address numbers and unit numbers will also be posted by property owners on the structure or residence near the main entrance door, yet clearly visible from the driveway.
- a. Unit numbers are applicable to property addresses when two or more dwellings on a property share a common driveway.
  - b. When unit numbering is necessary, the Addressing Official will have the discretion to assign unit numbers in a manner and sequence that best conforms with in-bound traffic from the shared driveway entrance.
  - c. Address numbers and unit numbers will be a minimum of 3" in height. Address numbers must use Arabic numerals. Unit numbers will be in block lettering only. Address numbers and unit numbers must be on a contrasting background, preferably using reflective characters.
  - d. In a situation where unit numbers are assigned, only the unit number needs to be posted on the residence.

- 2.2.3 On corner lots, the address number will only be displayed to face the road upon which the property is addressed. Corner-lot addresses must conform with the location where installed driveways intersect a highway or county road.
- 2.2.4 Any numbers previously displayed which could be confused with or mistaken for the assigned address number, will be removed from any mailbox, structure and property.
- 2.2.5 It will be the duty of each property owner to comply with this chapter within 30 days of the habitation of a structure on their property or when notice to comply is given by the County. Furthermore, it is the responsibility of the property owner to maintain address signs and inform the County if any damage has occurred to the "Official Driveway Address Marker".
- 2.2.6 Address number signs will display only the county-assigned address number.
- 2.2.7 Address numbers will not be assigned to vacant properties or to agricultural properties on which there are no structures, but will be designated "TBD" (To Be Determined) until a driveway location is determined.
  - a. Past practice of the universal assignment of "guess address numbers" to vacant properties will no longer be employed.
  - b. Properties are exempted from this provision when specific address numbers are required for septic permits, for utility services or for other reasons allowed at the discretion of the Addressing Office.
  - c. Address number signage will not be required on vacant or agricultural properties. Exceptions to this provision may be granted by the Addressing Office in instances referenced in Section 2.2.7a.
  - d. Each new subdivision lot will be addressed "TBD" until a permanent driveway location is verified by the Addressing Office.

RESOLUTION NO 6 - 2009

**A RESOLUTION SUPPORTING THE APPOINTMENT OF AT LEAST TWO  
MORE ARTICLE III JUDGES FOR THE UNITED STATES DISTRICT COURT,  
FOR THE DISTRICT OF COLORADO**

**WHEREAS**, the Montezuma County Board of Commissioners is responsible for the advancement and protection of the County's interests and the interests of its residents; and

**WHEREAS**, the United States Federal District Court for the District of Colorado is located in Denver, Colorado, over 400 miles from Montezuma County, Colorado; and

**WHEREAS**, according to the Chief Judge Daniel, the number of full-time Article III Judges needed by the Court is seven, but currently only five are seated; and

**WHEREAS**, in order to best accommodate the assignment of a full-time Article III Judge in the Four Corners region, there should be a full complement of judges within the Court; and

**WHEREAS**, the Montezuma County Board of Commissioners believes that supporting the appointment of two more full-time Article III Judges to the Court would be in the County's best interests.

**NOW THEREFORE BE IT RESOLVED** that the Montezuma County Board of Commissioners hereby supports the efforts of Chief Judge Daniel to acquire the appointment of two more full-time U.S. Constitution Article III Judges for the United States District Court, District of Colorado; and

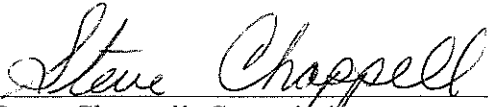
**BE IT FURTHER RESOLVED** that the Montezuma County Board of Commissioners urges its United States Congressional representatives to support the appointment of the Judges and to take actions necessary to implement the appointments.

**DONE AND ADOPTED IN CORTEZ, MONTEZUMA COUNTY,  
COLORADO** this 2<sup>nd</sup> day of June 2009.

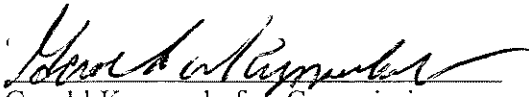
BOARD OF COUNTY COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO



Larrie Rule, Chair



Steve Chappell, Commissioner



Gerald Koppenhafer, Commissioner



**MONTENZUMA COUNTY  
BOARD OF COMMISSIONERS**

County Commissioners:  
Steve Chappell  
Gerald Koppenhafer  
Larrie Rule

109 West Main Street, Room 302  
Cortez, Colorado 81321  
(970) 565-8317  
(970) 565-3420 FAX

County Administrator:  
Ashton N. Harrison

June 2, 2009

La Plata County  
Board of County Commissioners  
1060 E. 2<sup>nd</sup> Ave.  
Durango, CO 81301

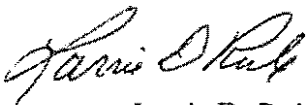
Dear Commissioners:

Enclosed is a copy of Resolution 6-2009 passed by the Montezuma County Board of County Commissioners on June 2, 2009, supporting the appointment of at least two more Article III judges for the United States Federal District Court, District of Colorado. We appreciate the La Plata County Board of County Commissioners spearheading this important effort.

If you have any questions, please do not hesitate to contact us.

Warm Regards,


Montezuma County  
Board of County Commissioners



Larrie D. Rule



Gerald W. Koppenhafer



Steve D. Chappell

**RESOLUTION NO. 5 - 2009**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MONTEZUMA COUNTY, COLORADO, APPROVING THE SERVICE PLAN FOR THE GOODMAN POINT WATER DISTRICT.**

**WHEREAS**, § 32-1-202(1) of the Colorado Revised Statutes provides that a Service Plan for the formation of a special district shall be submitted to the board of county commissioners where the proposed district is located; and

**WHEREAS**, a Service Plan has been submitted to Montezuma County, Colorado for the proposed Goodman Point Water District (the "District") pursuant to Part 2, Article 1, Title 32, C.R.S.; and

**WHEREAS**, the territory of the proposed District is located within the boundaries of Montezuma County, Colorado; and

**WHEREAS**, upon notice in accordance with § 32-1-204(1), C.R.S., the Board of County Commissioners of Montezuma County, Colorado (the BOCC) has conducted a public hearing on the Service Plan for the District in accordance with § 32-1-202(1), C.R.S.; and

**WHEREAS**, based upon the evidence and testimony presented at the public hearing, the BOCC hereby determines to approve the Service Plan of the Goodman Point Water District with all the limitations and restrictions set forth therein.

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

Section 1. The Board of County Commissioners hereby makes the following findings concerning the Districts' Service Plan:

- a. There is sufficient existing and projected need for organized service in the area to be serviced by the proposed District;
- b. The existing service in the area to be served by the proposed District is inadequate for present and projected needs;
- c. The proposed District is capable of providing economical and sufficient service to the area within their proposed boundaries;
- d. The area included within the proposed District has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis;
- e. Adequate service is not, and will not, be available to the area to be served by the District through the County or other existing special districts within a reasonable time and on a comparable basis;

- f. The facility and service standards of the proposed District is compatible with the facility and service standards of the County;
- g. The proposal is in substantial compliance with any duly adopted master plans;
- h. The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area; and
- i. The creation of the proposed District will be in the best interest of the area proposed to be served.

Section 2. Based on the foregoing, the BOCC hereby approves the Service Plan of the Goodman Point Water District.

**DONE AND ADOPTED IN CORTEZ, MONTEZUMA COUNTY, COLORADO,**  
this 20<sup>th</sup> day of April, 2009.

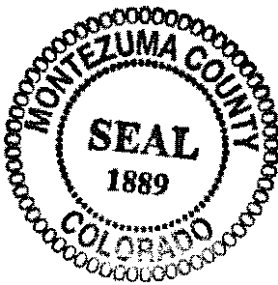
BOARD OF COUNTY COMMISSIONERS  
MONTEZUMA COUNTY, COLORADO

(SEAL)

ATTEST:

*Carol Mullis*  
Clerk to the Board

*Garrett D. Bell*  
Chairman



Montezuma County /5311

RESOLUTION 4 - 2009

MONTEZUMA COUNTY

*Resolution*  
AN ~~ORDINANCE~~ AUTHORIZING THE BOARD ~~PRESIDENT~~ *Chairman* TO ENTER INTO AN AGREEMENT WITH THE STATE DEPARTMENT OF TRANSPORTATION, DIVISION OF TRANSPORTATION DEVELOPMENT, FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES IN NONURBANIZED AREAS.

*Resolved*  
BE IT ~~ORDAINED~~ BY THE BOARD OF DIRECTORS OF MONTEZUMA COUNTY.

Section 1. The Board of Montezuma County finds:

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

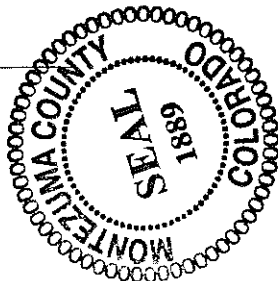
Section 2. Montezuma County hereby approves the attached contract between Montezuma County and the State Department of Transportation, agrees with the terms and conditions stated therein, and authorizes its ~~president~~ *Chairman* to sign said contract.

Section 3. Montezuma County hereby obligates the local fund share of \$42,800.00, as required by Exhibit A.

PASSES AND ADOPTED, SIGNED AND APPROVED THIS 23<sup>rd</sup> DAY OF Feb., 2009.

ATTEST: MONTEZUMA COUNTY

*Carol Julius*  
Secretary



By: *Larry D. Rife*  
Chairman of Board of Commissioners

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 23<sup>rd</sup> day of February, 2009, with the following persons in attendance:

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

the following proceedings, among others, were taken:

Resolution # (3-2009)

**WHEREAS**, Resolution No. 11-95 was originally adopted on June 26, 1995; and Resolution No. 20-91 was adopted on October 21, 1991;

**WHEREAS**, The Montezuma County Road Supervisor shall create County Road Rights-of-Way Applications in regards to any disturbance within any/all rights-of-way for County Roads in order to facilitate companies and individuals needing to dig in or disturb a county rights-of-way, and;

**WHEREAS**, at a minimum, the applications shall set forth fees, terms, conditions and guidelines for activities occurring in the county rights-of-way, and;

**NOW THEREFORE BE IT RESOLVED**, Resolution No. 11-95 and Resolution No. 20-91 are hereby repealed; this resolution is hereby adopted; and, the Montezuma County Board of County Commissioners assigns the County Road Supervisor to adopt, implement and amend all applications aforementioned in this resolution.

**DATED** this 23<sup>rd</sup> day of February, 2009

Larrie D. Rule  
Larrie D. Rule, Chair

Commissioners voting aye in favor of the resolution were:

Larrie D. Rule Steve D. Chappell Gerald N. Koppenhafer

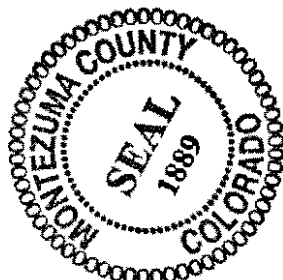
Commissioners voting nay against the resolution were:

\_\_\_\_\_

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 23<sup>rd</sup> day of February, 2009  
(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 26<sup>th</sup> day of January, 2009, with the following persons in attendance:

Commissioners:	Larrie Rule, Gerald Koppenhafer and Steve Chappell
Commissioners Absent:	None
County Administrator:	Ashton N. Harrison
County Attorney:	Bob Slough
Clerk and Recorder:	Carol Tullis

the following proceedings, among others, were taken:

Resolution # (2 -2009)

WHEREAS, Resolution No. P70-1 was originally adopted on April 6, 1970; Resolution No. 01-2003 was adopted on February 24, 2003; Resolution No. 01-2003 Amended was adopted on September 11, 2006;

WHEREAS, it has become necessary to amend said Resolution;

NOW BE IT RESOLVED by the Board of County Commissioners of the County of Montezuma, State of Colorado, that the following Resolution is and is hereby adopted and enacted;

**SECTION 1: PERSONNEL OF PLANNING COMMISSION:**

The Planning Commission shall consist of five (5) to seven (7) members. Each member of the said Planning Commission shall be a resident of the County of Montezuma, Colorado. If any member of said Planning Commission ceases to reside in the County of Montezuma his membership on said Commission shall immediately terminate;

**SECTION 2: ORGANIZATION OF PLANNING COMMISSION POWERS AND DUTIES:**

The Planning Commission shall elect a Chairman from among its members whose term shall be one year, and the Chairman shall have all the powers, duties and authorities as provided for under C.R.S. 30-28-104, as amended;

**SECTION 3: VACANCIES - REMOVAL OF MEMBERS:**

(a) Any vacancy occurring among the members of said Planning Commission shall be filled by the Board of County Commissioners appointing any qualified individual;

(b) The Board of County Commissioners shall remove from the Planning Commission any member of said Commission for any one of the following reasons: conflict of interest, or malfeasance, or nonperformance of his duties as a member of said Planning Commission, or conviction of a felony, or upon being elected or appointed to a public office, or ceasing to be a resident of Montezuma County. The removal process may be initiated by the Board of County Commissioners or the Planning Commission.

If removal is initiated by the Board of County Commissioners, said Board of County Commissioners shall notify said member of the allegations in writing, set a hearing for presentation of evidence regarding the allegations and provide said member an opportunity to appear and defend, and after said hearing and considering the evidence, the Board of County Commissioners shall make its decision.

If the removal process is initiated by the Planning Commission, said Planning Commission shall submit its allegations to the Board of County Commissioners in writing. Said Board of County Commissioners shall then evaluate said allegations and proceed according to the above.

SECTION 4: COMPENSATION - EXPENSES: Compensation of the Planning Commission members and associate members shall be annually established, set and budgeted for by said Board of County Commissioners. Such members shall be reimbursed for their actual expenses incurred according to the said Commission's budget, and appropriations therefore;

SECTION 5: PLANNING COMMISSION TERMS:

- (1) The term of appointed members shall be 3 years. No member shall serve more than three 3 terms; and
- (2) Terms for appointment of the Planning Commission Members shall be staggered by making the appointments so that approximately one-third (1/3) of the members' terms expire each year.

DATED this 26<sup>th</sup> day of January, 2009

*Larrie Rule*  
Larrie Rule, Chair

Commissioners voting aye in favor of the resolution were:

*Larrie Rule*      *Steve D. Chappell*      *Michael W. Haggard*

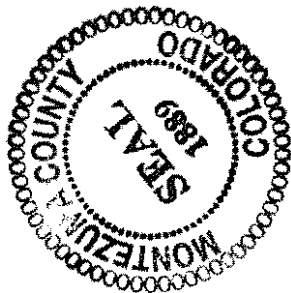
Commissioners voting nay against the resolution were:

\_\_\_\_\_

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 26<sup>th</sup> day of January, 2009  
(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 19<sup>th</sup> day of January, 2009, with the following persons in attendance:

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

the following proceedings, among others, were taken:

**Resolution #1-2009**

**A Resolution Requesting the State Legislature Categorize Montezuma County from a Class IV County to a Class III County**

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 had a 2007 population of 25,561 according to the Colorado Department of Local Affairs; and

Whereas, the 2007 taxable assessed valuation of Montezuma County was \$456,713,156; 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; and

Whereas, the workloads in all Montezuma County departments are directed impacted by the population of the county.

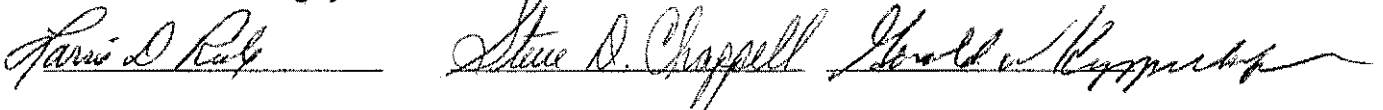
Now therefore, be it resolved that: the Montezuma County Board of Commissioners hereby unanimously approves this resolution requesting the Colorado State Legislature to initiate legislation that will change Montezuma County from a Category IV county to a Category III county.

Board of County Commissioners  
of Montezuma County, Colorado



Larrie D. Rule, Chair

Commissioners voting aye in favor of the resolution were:

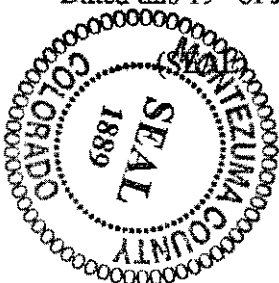


Commissioners voting nay against the resolution were:

\_\_\_\_\_

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 19<sup>th</sup> of January, 2009



County Clerk and Recorder  
Montezuma County, Colorado