

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

**Resolution # 2013 - 13**  
**A Resolution Amending the 2013 Budget**

WHEREAS, Montezuma County adopted operating and capital budgets for the General Fund, Road & Bridge Fund, Conservation Trust Fund, Clara Ormiston Fund, Emergency Telephone Service Fund, Sheriff's Forfeiture Fund, Revolving Loan Fund, Lodgers Tax Fund, Jail Bond Fund, Law Enforcement Authority Fund, Capital Fund, Landfill Enterprise Fund, TABOR Emergency Reserve, Contingency Fund, and Unallocated General Fund Reserve, on December 3, 2012, for the ensuing budget year 2013; and

WHEREAS, Montezuma County, after adoption of the 2013 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 Additional Appropriations and Expenditures	\$938,579
Total General Fund Additional Transfers Out	\$15,618
Beginning General Fund Balance as of 1/1/2013	\$9,655,395

County Clerk	\$7,322	Senior Services	\$20,084
Jail	\$197,398	Conservation Trust	\$286,491
Sheriff	\$399,993	Law Enforcement Authority	\$8,001
Grounds & Buildings	\$10,800	Miscellaneous	\$8,490

**Road & Bridge Fund**

Total Road and Bridge Fund Additional Appropriations and Expenditures	\$173,748
Beginning Road & Bridge Fund Balance as of 1/1/2013	\$4,839,228

**Public Health Fund**

Total Public Health Fund Additional Appropriations and Expenditures	\$120,000
Beginning Conservation Trust Fund Balance as of 1/1/2013	\$500,000

**Conservation Trust Fund**

Total Conservation Trust Fund Additional Transfers Out	\$210,045
Beginning Conservation Trust Fund Balance as of 1/1/2013	\$151,080

**Clara Ormiston Fund**

Beginning Clara Ormiston Fund Balance as of 1/1/2013	\$29,179
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**Emergency Telephone Service Fund**

Total Emergency Telephone Service Fund Additional Transfers Out	\$601
Beginning Emergency Telephone Service Fund Balance as of 1/1/2013	\$578,097

**Sheriff's Forfeiture Fund**

Beginning Sheriff's Forfeiture Fund Balance as of 1/1/2013	\$322
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**Revolving Loan Fund**

Beginning Fund Balance as if 1/1/2013	\$143,426
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**Lodgers Tax Fund**

Total Lodgers Tax Fund Additional Appropriations and Expenditures	\$12,000
Beginning Lodgers Fund Balance as of 1/1/2013	\$106,581

**Jail Bond Fund**

Beginning Jail Bond Fund Balance as of 1/1/2013	\$349,762
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**Law Enforcement Authority Fund**

Total Law Enforcement Authority Additional Transfers Out	\$16,188
Beginning Law Enforcement Authority Fund Balance as of 1/1/2013	\$693,110

**Capital Fund**

Total Capital Fund Additional Appropriations and Expenditures	\$31,065
Beginning Capital Fund Balance as of 1/1/2013	\$2,457,740

**Landfill Enterprise Fund**

Beginning Landfill Enterprise Fund Net Assets as of 1/1/2013	\$1,286,604
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**TABOR Emergency Reserve**

No Amendment Required

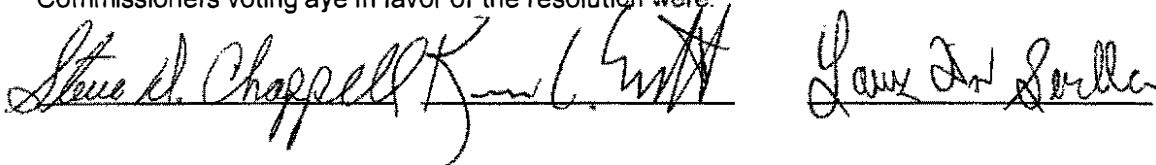
**Contingency Fund**

No Amendment Required

**Unallocated General Fund Reserve**


No Amendment Required

Commissioners voting aye in favor of the resolution were:



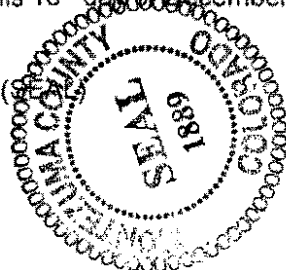
Commissioners voting nay against the resolution were:

\_\_\_\_\_

  
\_\_\_\_\_  
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 16<sup>th</sup> day of December, 2013.



  
\_\_\_\_\_  
County Clerk and Recorder  
Montezuma County, Colorado

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

**Resolution #2013-12**

**A RESOLUTION TO APPROPRIATE SUMS OF MONEY**

WHEREAS, the Commissioners have adopted the annual budget in accordance with Local Government Budget Law on December 9<sup>th</sup> 2013, 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:

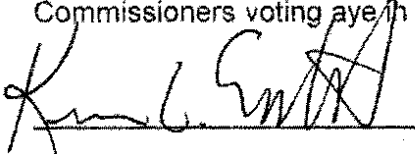
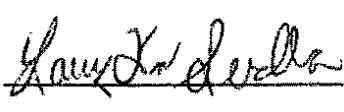
1) General Fund	\$12,403,426
2) Road & Bridge Fund	\$ 5,075,631
3) Social Services Fund	\$13,407,954
4) Public Health Fund	\$ 2,389,651
5) Landfill Enterprise Fund	\$ 1,335,020
6) Capital Fund	\$ 727,000
7) Law Enforcement Authority Fund	\$ 821,951
8) Conservation Trust Fund	\$ 91,332
9) Emergency Telephone Service Fund	\$ 199,567
10) Clara Ormiston Trust Fund	\$ 10,000
11) Lodgers Tax Fund	\$ 102,000
12) Sheriff Forfeiture Fund	\$ 0
13) TABOR Emergency Reserve Fund	\$ 0
14) Contingent Fund	\$ 0
15) Jail Bond Fund	\$ 1,200

16) Revolving Loan Fund

\$ 0


**TOTAL \$36,584,732**

Commissioners voting aye in favor of the resolution were:

  \_\_\_\_\_

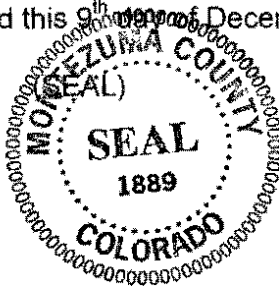
Commissioners voting nay against the resolution were:


\_\_\_\_\_

  
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 9<sup>th</sup> day of December, 2013.



  
County Clerk and Recorder  
Montezuma County, Colorado

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

**Resolution #2013-11**

**A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2013 TO HELP DEFRAY THE COSTS OF THE LAW ENFORCEMENT AUTHORITY OF MONTEZUMA COUNTY, COLORADO, FOR THE 2014 BUDGET.**

WHEREAS, the Board of County Commissioners of Montezuma County, Colorado, have adopted the annual budget in accordance with the Local Government Budget Law on the 9th day of December, 2013; and,

WHEREAS, the 2013 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 \$559,778,970.

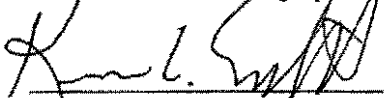
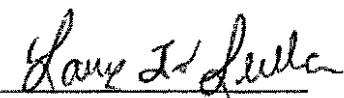
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County, Colorado, that;

For the purpose of meeting all general operating expenses of the Law Enforcement Authority of Montezuma County during the 2014 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 2013.

**SUMMARY OF FUNDS BUDGET 2014**

LAW ENFORCEMENT AUTHORITY 1.45

Commissioners voting aye in favor of the resolution were:

  \_\_\_\_\_

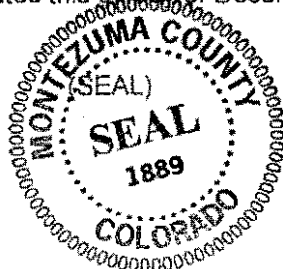
Commissioners voting nay against the resolution were:

\_\_\_\_\_

  
\_\_\_\_\_  
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 9<sup>th</sup> day of December, 2013.



  
\_\_\_\_\_  
County Clerk and Recorder  
Montezuma County, Colorado

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

**Resolution #2013-10**

**A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2013 TO HELP  
DEFRAY THE COSTS OF GOVERNMENT FOR MONTEZUMA COUNTY, COLORADO, FOR  
THE 2014 BUDGET.**

WHEREAS, the Board of County Commissioners of Montezuma County, Colorado, have adopted the annual budget in accordance with the Local Government Budget Law on the 9<sup>th</sup> day of December, 2013; and

WHEREAS, the 2013 valuation by the Board of County Commissioners for all of Montezuma County as certified by the County Assessor is \$664,294,960.

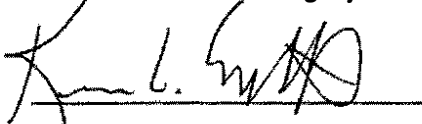
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County, Colorado, that;

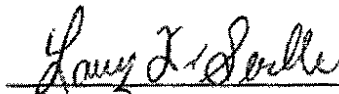
For the purpose of meeting all general operating expenses of Montezuma County during the 2014 budget year, there is hereby levied a tax of mills as stated below upon each dollar of the total valuation of assessment of all taxable property within the County for the year 2013.

**SUMMARY OF FUNDS BUDGET 2013**

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:

\_\_\_\_\_

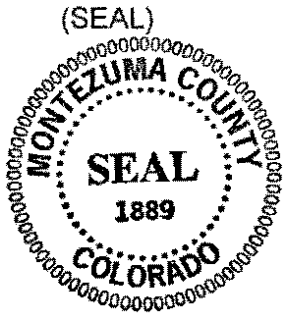
\_\_\_\_\_

\_\_\_\_\_

Carol Jullis  
County Clerk and Recorder  
Montezuma County, Colorado

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

Dated this 9<sup>th</sup> day of December, 2013.



Carol Jullis  
County Clerk and Recorder  
Montezuma County, Colorado

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

Resolution # 2013-09

**A RESOLUTION ADOPTING A BUDGET FOR MONTEZUMA COUNTY, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2014 AND ENDING ON THE LAST DAY OF DECEMBER 2014.**

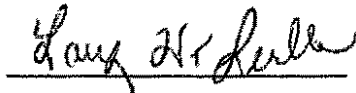
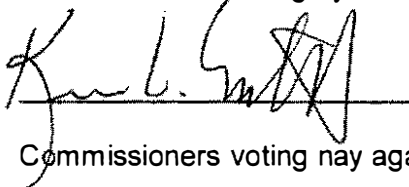
WHEREAS, the Commissioners of Montezuma County, Colorado, have appointed Melissa A. Brunner to prepare and submit a proposed budget to said governing body; and

WHEREAS, Mrs. Brunner 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 November 4, 2013 and continued to December 9, 2013, 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 2014.

Commissioners voting aye in favor of the resolution were:




Commissioners voting nay against the resolution were:

\_\_\_\_\_

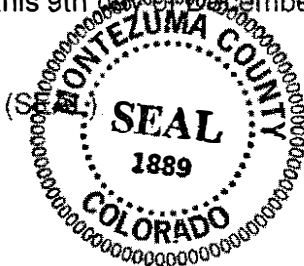
\_\_\_\_\_


\_\_\_\_\_

  
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 9th day of December, 2013.



  
County Clerk and Recorder  
Montezuma County, Colorado



## County Administrator Authorization Resolution

Resolution # 2013-09A

### A RESOLUTION AFFIRMING AND AUTHORIZING THE EMPLOYMENT OF A COUNTY ADMINISTRATOR

WHEREAS, pursuant to Colorado Revised Statutes, Section 30-11-107 (1)(n), the Montezuma County Board of County Commissioners ("Board") is authorized to create, by resolution duly adopted, the office of county manager or such other offices as the Board deems required for the efficient management of the business and concerns of the County; and

WHEREAS, to further the efficient and effective management of County affairs;

WHEREAS, the Board is authorized to make appointments to the offices so created and to prescribe duties to be performed by such appointees; and

WHEREAS, pursuant to Section 30-11-107(1)(n), C.R.S., Montezuma County Board of County Commissioners ("Board") is authorized to employ a county administrator; and

WHEREAS, the Board desires to affirm said appointment of a County Administrator and authorize the Execution of this Resolution;

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

1. The Chairman of the Board is authorized to sign and execute on behalf of Montezuma County and all other documents necessary to complete the appointment.
2. The duties of the county administrator shall be as described in the attached Montezuma County Job Description, and as described in exhibit "A".
3. The County Administrator is also appointed as the Montezuma County Budget Officer, under C.R.S. § 30-11-107 and C.R.S. § 29-1-104.

The effective date hereof shall be the date of the adoption of this Resolution.

ADOPTED THIS 7th day of October, 2013.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF MONTEZUMA, COLORADO

Coral Melis  
Clerk & Recorder

Steve R. Chappell  
Chairman



Ken C. Smith  
Commissioner

Yancy D. Sullivan  
Commissioner

RESOLUTION NO. 8-2013

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

WHEREAS, Montezuma County Ordinance 1-2008 prohibits open fires and the use of fireworks in unincorporated Montezuma County, except as the Board of County Commissioners, based upon competent evidence, may by resolution suspend the ban if consistent with existing wildfire danger; and

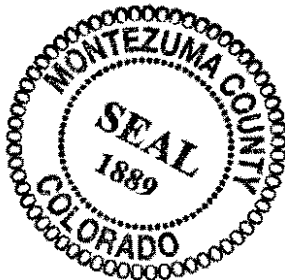
WHEREAS, there is competent evidence of sufficient moisture in Montezuma County that reduces wildfire danger;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners that the ban on open fires and the use of fireworks is suspended. This suspension continues in effect until canceled under Ordinance 1-2008.

Adopted this 5<sup>th</sup>, day of August, 2013.

BOARD OF COUNTY COMMISSIONERS,  
MONTEZUMA COUNTY, COLORADO

Carol Tuller  
County Clerk and Recorder  
Montezuma County, Colorado



Steve D. Chappell

Kenny D. Lusk

Jim L. Smith

RESOLUTION NO. 7-2013

**A RESOLUTION EXPRESSING SUPPORT FOR THE RIGHT TO BEAR ARMS**

**WHEREAS**, the Colorado Constitution, Article II, Section 13 states that “the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called into question”; and

**WHEREAS**, the United States Constitution, Second Amendment states that “a well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”; and

**WHEREAS**, self-defense, defense of others, and the rights to hunting and sport shooting are deeply rooted in our history and tradition; and

**WHEREAS**, these rights are incorporated into the Due Process clauses of the Colorado and United States Constitutions;

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

1. That the Board expresses its support for the right to bear arms; and
2. That the Board urges all lawmaking bodies to reject legislation infringing on

the right to bear arms.

Adopted this 24<sup>th</sup>, day of June, 2013.

BOARD OF COUNTY COMMISSIONERS,  
MONTEZUMA COUNTY, COLORADO

Steve D. Chappell  
Kim L. Gentry  
Glenn Z. Scheller

Commissioners voting aye in favor of this Resolution were:

KEENE ERTTEL, LARRY DON SUCKLA,  
and STEVE D CHAPPELL.

Commissioners voting no against this Resolution were:

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

\_\_\_\_\_  
County Clerk and Recorder  
Montezuma County, Colorado

RESOLUTION NO. 2013-6

**A RESOLUTION CANCELING 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. 2012-11 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 10, day of June, 2013.

BOARD OF COUNTY COMMISSIONERS,  
MONTEZUMA COUNTY, COLORADO

Steve D. Chappell  
Kim L. Galt  
Gary J. Soderwa

Commissioners voting aye in favor of this Resolution were:

Steve D. Chappell, Geran Eitel,  
and Larry Don Sucka.

Commissioners voting no against this Resolution were:

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

Ken Russell Chief Deputy Clerk  
County Clerk and Recorder  
Montezuma County, Colorado

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

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 6th day of May, 2013, with the following persons in attendance:

Commissioners Present: Steve D. Chappeli, Keenan Ertel and Larry Don Suckla  
Commissioners Absent:  
County Attorney: John C. Baxter  
County Administrator:  
County Clerk: Carol Tullis

the following proceedings, among others, were taken:

**RESOLUTION No. 5-2013**

**A RESOLUTION AMENDING RESOLUTION NOS. 2-98, 12-2000, 4-2002, 10-2003, 17-2003,  
13-2004, 4-2006, 11-2007, 7-2008, 12-2009, 09-2010 and 2012-6**

**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 6th 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; the 21<sup>st</sup> day of July 2008 by Resolution No. 7-2008; the 16<sup>th</sup> day of November 2009 by Resolution No. 12-2009, the 13<sup>th</sup> day of September, 2010 by Resolution No. 09-2010 and subsequently amended on the 7<sup>th</sup> day of May 2011 by Resolution No. 2012-6;

**WHEREAS**, on January 24, 2013; February 6, 2013 and February 28, 2013, during scheduled Planning and Zoning Commission meetings, the Montezuma County Planning and Zoning 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:



# MONTEZUMA COUNTY LAND USE CODE

Date Amended: May 6, 2013

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**LAND USE CODE**  
**CHAPTER 1: SECTION 1-GENERAL PROVISIONS, APPLICATION AND THRESHOLD**  
**STANDARDS**

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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 that 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 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.

**1102 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 that has been vested shall remain vested as provided by 24-68-104 et seq., C.R.S., as amended, subject to forfeiture as provided in 24-68-103 et seq., C.R.S., as amended.

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

### 1201 General

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 zoning system and a complementary High Impact Commercial or Industrial Permitting system, which are combined in this Land Use Code.

**1201.1 Function of Threshold Standards.** The Threshold Standards assure landowners that surrounding land uses will not exceed the established standards unless appropriate mitigation measures have been approved and applied. Some Threshold Standards may be relaxed through the permit review process, based on existing or proposed surrounding land uses. 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. In the original Landowner-Initiated Zoning system, zoning designations were created that were based generally on lot sizes ranging from 3 acres to 80+ acres. The Threshold Standards were applied to the zoning system, but certain standards were relaxed through the definitions of the various zones as parcel sizes increase, reflecting the general nature of agricultural uses located on larger parcels.

**1201.2 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 and in accordance with <b>5101.5</b> of this Code.</li></ul>
4	Building setbacks	<ul style="list-style-type: none"><li>♦ Primary Residence: See <b>5101.3(A)(1-3)</b><ul style="list-style-type: none"><li>50' from County road and State Hwy</li><li>50' from lot lines or interior subdivision roads</li></ul></li><li>♦ Barns, garages, and other auxiliary structures shall be a minimum of 25'</li></ul>

		<p>from County Road rights-of-way and property lines not adjacent to roads and highways.</p> <ul style="list-style-type: none"> <li>Commercial/Industrial use: See <b>5101.6(C)</b> <ul style="list-style-type: none"> <li>50' from County road and State Hwy. rights-of-way</li> <li>50' from residential lot lines and 25' from non-residential lot lines</li> </ul> </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 or a more stringent code at the discretion of the Applicant(s).</li> </ul>
6	Livestock Fencing	<ul style="list-style-type: none"> <li>Adequate to protect from livestock encroachment. <b>5101.4</b></li> </ul>
7	Protection of Normal Agriculture Operations	<ul style="list-style-type: none"> <li>No significant adverse impacts on normal agriculture operations. <b>5101.4</b></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. <b>5103.3 &amp; 5305.5</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. <b>5101.6</b></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 <b>5103.3(G) &amp; 5304(D)</b></li> </ul>
13	Sanitary Sewer Disposal	<ul style="list-style-type: none"> <li>Compliance with <b>5101.7; 5103.3(F); and 5304(E)</b></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 <b>5103.3(H)</b></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 <b>5101.3(G); 5304(J); and 5304.3.W.</b></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	<p>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.</p>
19	Geologic and Natural hazards	<ul style="list-style-type: none"> <li>Identification and avoidance or mitigation of potential hazards. See <b>5103.2.</b></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 <b>4106.5.A.</b></li> </ul>

### Nuisance Standards

21	Operational Electrical 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 7:00 pm-6:59 am.</li> <li>♦ Noise from normal agricultural operations is exempt.</li> </ul>
26	Vibration	<ul style="list-style-type: none"> <li>♦ Not perceptible, without instruments, at any point on any boundary line.</li> </ul>
27	Odors	<ul style="list-style-type: none"> <li>♦ Not perceptible at property boundaries.</li> <li>♦ Agriculture operations: no violation if the best practical maintenance and control available is being used to maintain the lowest possible emission of odors.</li> </ul>
28	Dust, Smoke and Particulate	<ul style="list-style-type: none"> <li>♦ Dust and Fumes: None beyond property line (dust control of County roads at expense of operator may be required)</li> <li>♦ Particulate matter: Less than 0.2 grain/cf flue gas at 500 F 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 <b>2202.4 (F)</b>.</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 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 2. The applicant for such approval must be the owner(s) of the land or their authorized agent. Any such agent must have express written authority to act on behalf of the owner(s).

**1302 Determination of Permit Requirement.** If there is any uncertainty or disagreement about a permit requirement for a proposed project, the County may determine 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.

**1302.1 All Phases Considered.** If a project is to be phased over time, it cannot be segmented to avoid the requirements of these regulations.

**1302.2 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 Permit Applications. Permit Applications that 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.

**1302.3 Exemptions.** The following land uses are exempt from the Permit requirements 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.** Nonnal 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 the adoption of these regulations on July 20, 1998, 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.

## CHAPTER 2: HIGH IMPACT COMMERCIAL OR INDUSTRIAL PERMITTING

### Chapter 2: Section 1 – General Provisions

#### 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.** 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 as required under these regulations.

**2101.4 Definition. 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 is not a use-by-right through zoning which: (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 any of the following:

- Any commercial or industrial use that will generate a total of 15 or more vehicle round-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 wastewater treatment system.

- Major facilities of a public or private utility; major pipelines and power lines; gravel and mining operations; oil and gas drilling; pumping, disposal, gathering and transmission facilities, including coal bed methane and CO<sub>2</sub>; public or private landfills; waste disposal sites; salvage yards; and communication towers.
- Development that would cause excessive noise, water pollution, and (or) air pollution.
- 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.** To address the effects of Commercial and Industrial uses-by-right and high impact land use(s) 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 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 Permit Procedures**

**2201.1 Commercial or Industrial Use that is in Compliance with Threshold Standards or is otherwise permitted through zoning uses-by-right.**

**A. Certification of a Commercial or Industrial Use that is in compliance with the Threshold Standards or is otherwise permitted through zoning uses-by-right; mitigation Plan per Section 2202.5 is required for proposed commercial or industrial uses failing to meet 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 or is otherwise permitted through zoning uses-by-right. The Permit Application notifies the County of the proposed land use.
2. For proposed commercial or industrial uses that are deemed a use-by-right through zoning that fail to meet any threshold standard(s), a mitigation plan pursuant to Section 2202.5 shall be required.
3. 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 and or any other County permits, pursuant to the requirements of Chapter 2 and Chapter 3 of this Code.

**B. Prior to Commencement of Construction:** Certification to the County of the proposed use and (or) 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 Board of County Commissioners 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 at least 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, 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 Board of County Commissioners 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 Board of County Commissioners shall render a decision on the existing or proposed use(s) based on the Decision Criteria in **2202.8** of this Code.

**2201.2 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.

**2201.3 Board of County Commissioner's Action.** Staff recommendations for permit Applications exceeding the threshold standards will be a regular agenda item for County Commissioner meetings. If the Board of County Commissioners determines that a High Impact Permit process is warranted, and should be forwarded to the Montezuma County Planning and Zoning Commission, specific reasons shall be stated in writing.

**2201.4 Decision Criteria.** The decision of the Board of 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.

**2201.5 Effect of Denial.** If the Permit Application is denied by the Board of County Commissioners, the applicant shall comply with the Permit 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.

## **2201 High Impact Permits**

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.

**2201.1 High Impact Permit Application.** A High Impact Permit Application shall be submitted in accordance with **2201 and 2202**. For projects involving the potential of highly significant impacts as defined in **2202.6**, further requirements may be specified in accordance with **2202.7**. When the application is complete it shall be submitted to the Board of County Commissioners, who will forward it to the Planning and Zoning Commission.

### **2201.2 Notice of Planning and Zoning 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 ten (10) days prior to the review by the Planning and Zoning 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 and Zoning Commission meeting, the Commission will review the application and forward their recommendations to the Board of County Commissioners. This is not a public hearing, but the Planning and Zoning Commission will take public comments and consider them in formulating their recommendations.

### **2201.3 Public Hearing Before the Board of County Commissioners.**

- A. Notice of Public Hearing.** Upon receipt of recommendations from the Planning and Zoning Commission, the Board of County Commissioners may hold a public hearing in accordance with **7101.1, 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 **2202.8**, 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 and Zoning Commission or completion of the public hearing process, the Board of County Commissioners shall render a decision on the High Impact Permit Application based on the Decision Criteria in **2202.8**.

**2201.4 High Impact Permit Submittal Requirements.** The High Impact Permit application shall include, but not be limited to, the following:

- 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 of the use and any 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 that are not mitigated and that are irreversible and (or) irretrievable.
- I. The applicant shall provide copies of the entire packet for distribution to appropriate reviewing agencies.

**2201.5 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 completed.
- 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 **5307.3**

**2201.6 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.

**2201.7 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; and 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 wastewater 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.

**2201.8 Findings of Fact and Decision Criteria.** The Planning and Zoning Commission shall make its recommendation, and the Board of County Commissioners shall render a decision on the proposed use based on the following:

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

**2201.9 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. The Board of County Commissioners may also set a periodic review requirement as part of the approved permit.

**2201.10 Certification of Approval.** Notice of each permit approval will be certified by the Board of County Commissioners to the County Clerk and Recorder for recording.

**2201.11 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: ZONING

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### Chapter 3 : Section 1 - General

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#### 3101 Purposes and Objectives of Zoning

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 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 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 zones and the Commercial and Industrial Overlay Areas 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 will have a zoning category that defines what their development rights are and what standards will be required when they choose to develop. Landowners may request rezoning of their property when development is proposed that meets the subdivision regulations, or a Commercial or Industrial permit.
- D. **Predictability concerning property values.** Zoning designations will assist neighbors, potential buyers, and the public in recognizing 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 Special Use Permit (SUP) Purposes and Objectives.** To allow sufficient flexibility for special uses that may include any or all of the following uses listed below, temporary or interim uses created by nature or permitted by law or regulation, that 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
  - Cause water pollution
  - Create excessive noise, vibration, smoke, dust, odors, heat, glare, snow storage problems
  - Aggravate an existing wildfire hazard or create a wildfire hazard to structures on adjacent property
  - Aggravate an existing flood hazard or increase flood hazard to upstream or downstream properties
  - Create or increase geologic hazard or subject adjacent properties to geologic hazard.

**B.** Said special uses include the following and similar uses:

1. Commercial or Industrial agribusiness as defined in **3106.1, c & d**
2. Water systems
3. Sewage systems
4. Public or private utility facilities
5. Oil, gas, or CO<sub>2</sub> 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

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

**D.** Any or all of the following may be required to support a Special Use Permit application: 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; a plan for land reclamation; and evidence that it is in conformance with Commercial and Industrial performance standards promulgated by the County, where necessary.

### **3103 Application and Scope of Zoning**

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

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

**3103.2 Enforcement and Administration.** Unless as specified in this section, the provisions of this section shall be enforced and administered in accordance with **Chapter 9** and other applicable provisions of this Land Use Code.

### **3104 Official Zoning Map**

#### **3104.1 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 Landowner-Initiated Zoning (LIZ), was January 31, 2000, at which time a public hearing was held before the Board of County Commissioners and all parcels that were 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 were considered zoned "unzoned."** In 2012 the Unzoned Zoning Designation was named HISTZ, the Historic Use Zone. The Official Zoning Map, together with all data shown thereon, and all amendments thereto, are incorporated by reference into this Code.

**3104.2 Zone Boundaries.** Except where otherwise indicated, zone designation boundaries shall follow existing parcel boundary lines.

**3104.3 Commercial and (or) Industrial Overlay Areas.** The location of the Overlay Areas herein established are shown on the Official Zoning Map and any amendments made thereafter pursuant to law.

**3104.4 Management and Maintenance of Official Zoning Map.** Changes in the boundary of any zone designation and (or) overlay area shall promptly be entered on the Official Zoning Map and on the County Website.

**3104.5 Location of Official Zoning Map.** The Official Zoning Map shall be located in the County Planning office with copies available for public reference in person or through the County Website.

### **3105 Zoning Designations Established**

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

<b>3105.1</b>	<b>A-80+</b>	<b>Large Scale Agriculture</b>
<b>3105.2</b>	<b>AGZ</b>	<b>Agricultural Use</b>
<b>3105.3</b>	<b>A/R 35+</b>	<b>Large Scale Agriculture and Residential</b>
<b>3105.4</b>	<b>A/R 10-34</b>	<b>Medium Scale Agriculture and Residential</b>



3105.5	A/R 3-9	Small Scale Agriculture and Residential
3105.6	R-3	Rural Residential
3105.7	A/R ES	Existing Subdivision
3105.8	USZ	Urban Services Zone
3105.9	INDHZ	Heavy Industrial Zone
3105.10	INDLZ	Light Industrial Zone
3105.11	COMZ	Commercial Zone
3105.12	HISTZ	Historical Use Zone
3105.13	<b>Planned Unit Development (PUD) Options:</b>	
A.	CIPUD	Cluster Incentive Planned Unit Development
B.	MHPUD	Mobile Home and RV Park Planned Unit Development
C.	INDPUD	Industrial Planned Unit Development
D.	COMPUD	Commercial Planned Unit Development
E.	GPUD	General Planned Unit Development

### **3106 Land Use Categories Defined**

**3106.1 Agricultural Uses Defined.** Agricultural land use means 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, and shipping

#### **B. Agriculture Accessory Uses.** Normally incident to primary agricultural uses, may include, but not limited to:

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

#### **C. Commercial Agribusiness Uses.** May include, but are not limited to:

- Agricultural implements sales and service
- Animal sales and auction businesses conducting regular sales events that involve multiple customers

- Farm animal truck washing and cleaning
- Farm supply stores
- Fairgrounds and rodeo facilities
- Nursery / greenhouse / truck farm: 25,000 to 50,000 sq. ft. buildings and shelters
- Kennels / animal shelters and enclosures for commercial purposes
- Veterinary clinics
- Retail outlet for agricultural products (25,000-50,000 sq. ft. building)

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

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

**3106.2 Commercial Uses Defined.** Commercial Uses shall mean uses engaged in the sale, rental, service, and distribution of goods, and the provision of services other than those classified under other use types, specifically those identified solely for residential, agricultural, and light and heavy industrial use.

**3106.3 Light 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.

**3106.4 Heavy Industrial Uses Defined.** 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 involve hazardous conditions. Heavy Industrial 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.

**3106.5 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
- Barns

### **3107 Commercial and (or) Industrial Overlay Areas**

An Overlay Zoning Area is a supplemental zoning area that overlays any standard zoning. It does not change the underlying zoning category assigned to the property. Rezoning property to Commercial and (or) Industrial would still require a developer to submit a rezoning application to the County which shall comply with Chapter 3. A zoning overlay provides designated areas for Commercial, Light Industrial and Heavy Industrial uses (as defined in **3106.2 – 3106.4**) by providing incentives to developers who wish to propose a commercial and (or) industrial activity in those areas that have an overlay and to achieve the following objectives:

- To implement the goals of the County Comprehensive Plan;
- To provide a guide for the growth and development of unincorporated areas of the County;
- To encourage urban level growth in appropriate urban areas and ensure the orderly transition from rural to urban development.
- To encourage clustering of commercial and industrial development adjacent to existing development.
- Provide adequate, logically placed and convenient locations for commercial, light industrial and heavy industrial establishments in relation to residential housing and rural agricultural production.

**3201 Rezoning of HISTZ Historic Use Zoned Parcels:** The Planning Department Staff must provide a notice of recommended rezoning to landowners with land zoned HISTZ, which may be rezoned according to their historic use and size. The Notice will provide landowners with their recommended zoning category indicating how their property may be rezoned, an opportunity to respond, the process by which they may respond, the date and time of the public hearing in which the Board of County Commissioners may rezone said parcel or parcels. The failure of any landowner to request another zoning designation shall be deemed an approval of the recommended zoning by the County as provided for in their notice from the County. The Montezuma County Board of County Commissioners will then be authorized to rezone parcels zoned HIST, Historic Use Zone.

**3202 ZONING OF TRACTS OF LAND DISPOSED OF BY FOREST SERVICE, BLM OR OTHER GOVERNMENT ENTITY INTO PRIVATE OWNERSHIP:** The Montezuma County Board of County Commissioners shall zone any tract(s) of land created through the disposal of property from public lands into private ownership. Planning Department Staff will provide a Notice of Recommended Zoning to landowners of property acquired from a government agency. This Notice will provide landowners with the recommended zoning category, an opportunity to respond, the process by which to respond, and the date and time of the public hearing in which the Board of County Commissioners will zone said parcel(s). The failure of any landowner to request an alternate zoning designation shall be deemed an approval of the recommended zoning by the County. Said parcel(s) shall be zoned according to their parcel size and existing use.

**3203 List of Zoning Designations Available for Selection**

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

<b>3203.1</b>	<b>A-80+</b>	<b>Large Scale Agricultural</b>
<b>3203.2</b>	<b>AGZ</b>	<b>Agricultural Use</b>
<b>3203.3</b>	<b>A/R 35+</b>	<b>Large Scale Agricultural and Residential</b>
<b>3203.4</b>	<b>A/R 10-34</b>	<b>Medium Scale Agricultural and Residential</b>
<b>3203.5</b>	<b>A/R 3-9</b>	<b>Small Scale Agricultural and Residential</b>
<b>3203.6</b>	<b>R-3</b>	<b>Rural Residential</b>
<b>3203.7</b>	<b>USZ</b>	<b>Urban Service Zone</b>
<b>3203.8</b>	<b>INDHZ</b>	<b>Heavy Industrial Zone</b>
<b>3203.9</b>	<b>INDLZ</b>	<b>Light Industrial Zone</b>
<b>3203.10</b>	<b>COMZ</b>	<b>Commercial Zone</b>

**3204 Establishing Zoning or Rezoning**

Any landowner, or their authorized agent, may submit to the County a completed application for rezoning their property.

**3204.1 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, as determined by the Planning Department, a Sketch Plan may also be required, and
- E. Fee.**

**3204.2 Public Hearing Before the Planning and Zoning Commission.** A public hearing shall be set in accordance with **7101.1 Notice of Public Hearing** of this Code.

**3204.3 Public Hearing Before the Board of County Commissioners.**

- A. Notice of Public Hearing.** Upon receipt of recommendations from the Planning and Zoning Commission, the Board of County Commissioners will hold a public hearing in accordance with **7101.1, Notice of Public Hearing** of this Code.
- B. Focus of Public Hearing.** The public hearing will focus on submittals, Planning and Zoning Commission recommendations, Findings of Fact and Decision Criteria as specified in **3203.4**, 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 Board of County Commissioners shall render a decision on the Zoning Application based on the Decision Criteria in **3203.4**.

**3204.4 Findings of Fact and Decision Criteria.** The Planning and Zoning Commission shall make its recommendation and the Board of County Commissioners shall render a decision on the proposed use based on the following:

- A.** The proposed use is in conformity with the Code;
- B.** The proposed use shall not generate any significant adverse impacts on other property in the area; and
- C.** Public utilities and services are available, or can be made available, to support uses consistent with the proposed zoning.

### **3205 Development of Zoning Map of Montezuma County**

The Landowner-Initiated Zoning Map of Montezuma County was originally developed in the 12-month phase following the adoption of the Land Use Code, during which time landowners applied for zoning designations. A revised map that shows the current status of zoning in the County has replaced this original Zoning Map.

**3205.1 Official Zoning Map Available for Public Review.** In order to continue to foster discussion and cooperation between landowners, the Zoning

Map is available for public review during regular business hours in the Planning Office at the County Courthouse or on the County Website.

**3205.2 Regular Update of the Official Zoning Map.** The zoning applications, as approved by the County, shall be indicated on the Zoning Map, which shall be updated on a regular basis.

**3206 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.

**3207 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 **Section 1301.4**.

**3302 Commercial and (or) Industrial Overlay Areas**

An Overlay Zoning Area is a supplemental zoning area that overlays any standard zoning. It does not change the underlying zoning category assigned to the property. Rezoning property to Commercial and (or) Industrial would still require a developer to submit a rezoning application to the County that shall comply with Chapter 3. A zoning overlay provides designated areas for commercial, light industrial and heavy industrial uses by providing incentives to developers who wish to propose a commercial and (or) industrial activity in those areas.

**3303 Urban Influence Restrictions**

**3303.1 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.

**3303.2 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.

**3304 A-80+: Large Scale Agricultural Use**

**3304.1 Purpose.** This zone applies to parcels of 80 acres or more. The zoning designation is designed to:

- A. Provide a zone for landowners whose highest priority is agricultural production and who wish to remain, as much as possible, unconstrained by the impact of residential subdivisions.
- B. Protect primary and accessory agricultural uses as defined in **3106.1** and related primary and accessory residential uses; and
- C. Allow for Special uses as defined in **3304.4**. 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.

**3304.2 Minimum Lot Size: 80 acres**

**3304.3 Uses by Right:**

- A. Agricultural, Agricultural Accessory. **See 3106.1, a & b.**
- B. Residential, Residential Accessory. **See 3106.5, a & b.**
- C. Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. **See 1302.3 C & 8103.1, A., 3.**

**3304.4 Conditional Uses:**

- A. Planned Unit Developments: Cluster Incentive PUD and General PUD.
- B. Special Use Permit. **See 3102**

**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: Not applicable
- 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 AGZ: Agricultural Use**

**3305.1 Purpose.** This zone applies to parcels of 20 acres or more. The zoning designation is designed to:

- A. Provide a zone for landowners whose highest priority is agricultural production.
- B. Protect primary and accessory agricultural uses as defined in **3106.1**; and
- C. Allow for Special uses as defined in **3305.4**.
- 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 on 35+ acres, so long as the uses and threshold standards listed below are in compliance.

**3305.2 Minimum Lot Size: 20 acres.**

**3305.3 Uses by Right:**

- A. Agricultural, Agricultural Accessory. See **3106.1, a & b.**
- B. Residential, Residential Accessory. See **3106.5, a & b.**
- C. Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. See **1302.3 C & 8103.1, A., 3.**

**3305.4 Conditional Uses:**

- A. Planned Unit Developments: Cluster Incentive PUD and General PUD.
- B. Special Use Permit. See **3102.**

**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 or a more stringent Code, at the discretion of the Applicant(s). Livestock fencing: Threshold Standards
- E. Agricultural protection: Threshold Standards
- F. Outdoor storage: Threshold Standards for non-agricultural uses
- G. Roads, traffic, and access: Threshold Standards for non-agricultural uses
- H. Parking and Loading Areas: Threshold Standards
- I. Health, safety, and welfare: Threshold Standards for non-agricultural uses
- J. Nuisance standards: Threshold Standards for non-agricultural uses



**3306 A/R 35+: Large Scale Agricultural and Residential Use**

**3306.1 Purpose.** This zone applies to parcels of 35 acres or more. The zoning designation is designed to:

- A. Protect primary and accessory agricultural uses as defined in **3106.1**,
- B. Allow for Special uses as defined in **3306.4**; 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. 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 home sites" 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.

**3306.2 Minimum Lot Size: 35 acres**

**3306.3 Uses by Right:**

- A. Agricultural, Agricultural Accessory. See **3106.1, a & b**.
- B. Residential, Residential Accessory. See **3106.5, a & b**.
- C. Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. See **1302.3 C & 8103.1, A., 3**.

**3306.4 Conditional Uses:**

- A. Planned Unit Developments: Cluster Incentive PUD and General PUD.
- B. Special Use Permit. See **3102**.

**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: Not applicable
- 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

**3307 A/R 10-34: Medium Scale Agricultural and Residential Use**

**3307.1 Purpose.** This zone allows for residential and 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 **3307.4**.

**3307.2 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, and capable of supporting an engineer-designed septic system per Montezuma County Resolution No. 4-97, as amended.

**3307.3 Uses by Right:**

- A. Agricultural, Agricultural Accessory **See 3106.1, a & b.**
- B. Residential, Residential Accessory **See 3106.5, a & b.**
- C. Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. **See 1302.3 C & 8103.1, A., 3.**

**3307.4 Conditional Uses:**

- A. Planned Unit Developments: Cluster Incentive PUD and General PUD.
- B. Special Use Permit. **See 3102.**

**3307.5 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: Not applicable
- 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

**3308 A/R 3-9: Small Scale Agricultural and Residential Use**

**3308.1 Purpose.** This zoning designation is intended for residential purposes with accessory agricultural uses.

**3308.2 Minimum Lot size: 3 acres**

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

**3308.3 Uses by Right:**

- A. Agricultural, Agricultural Accessory. **See 3106.1, a & b.**
- B. Residential, Residential Accessory. **See 3106.5, a & b.**
- C. Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. **See 1302.3 C & 8103.1, A., 3.**

**3308.4 Conditional Uses:**

- A. Planned Unit Developments: General Planned Unit Development.
- B. Special Use Permit. **See 3102.**

**3308.5 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: 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 R-3: Rural Residential Use**

**3309.1 Purpose.** This zone is intended to be a residential zone.

**3309.2 Minimum Lot Size: 3 acres**

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

**3309.3 Uses by Right:**

- A. Residential, Residential Accessory. **See 3106.4, a & b.**
- B. Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. **See 1302.3 C & 8103.1, A., 3.**

**3309.4 Conditional Uses:**

- A. Special Use Permit. **See 3102.**

**3309.5**

**3309.6 Prohibited Uses:**

- A. All Agricultural
- B. All Commercial
- C. All Industrial
- D. All Planned Unit Developments

**3309.7 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

**3310 A/R ES: Existing Subdivisions**

**3310.1 Purpose.** The A/R ES zone was applied to platted subdivisions and exemptions existing, or under review, at the time this Code was originally adopted in 1998. A/R ES zoning was 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 original adoption of this Code.

**3310.2 Use Standards.** The use standards for the A/R ES zone must 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 2** 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.

**3310.3 Uses by Right:**

- A. Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. **See 1302.3 C & 8103.1, A., 3.**

**3310.4 Conditional Uses:**

- A. Special Use Permit. **See 3102.**

**3310.5 Availability:** This zone is no longer a zoning designation available for selection.

**3311 USZ Urban Services Zone**

**3311.1 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.

**3311.2 Uses by Right:**

- A. Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. **See 1302.3 C & 8103.1, A., 3.**

**3311.3 Conditional Uses:**

- A. Special Use Permit. **See 3102.**

**3312 INDHZ Heavy Industrial Zone**

**3312.1 Purpose.** The Industrial Zone allows for the establishment and expansion of uses that are predominately industrial. Establishment of heavy industrial zoning requires the existence or establishment of infrastructure capable of supporting heavy industrial uses. Heavy Industrial 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:**

- A. The following Heavy Industrial Uses by Right are subject to Section 2202 of the Land Use Code and certification requirements as outlined in Section 2201-Permit Procedures (it should be noted that certain uses-by-right do not waive any other permit requirements required by other agencies even though it may be a "Use by Right" through zoning):

1. Processing, refining and storage of oils, shortenings and fats (edible),
2. Bulk storage and redistribution of petroleum products or propane,
3. Pipe yards, oil and gas or extractive industries equipment storage,
4. Construction yards and heavy equipment storage, materials,
5. Heavy equipment storage, services, repair and rentals,
6. Transportation facilities including truck terminals, container storage, transfer stations and recycling establishments,
7. Sawmills, lumber and plywood manufacturing and wood preserving treatment, excelsior, fiber and pulp production,
8. Paint, oil, shellac, turpentine, varnish, glues and adhesives, manufacture, processing or storage,
9. Rubber refining or recycling,
10. Automobile wrecking, salvage yards, landfills
11. Forges, foundries and primary metal processing,

12. Manufacture, processing or storage of Insecticides, fungicides, disinfectants or related industrial or household chemical compounds,
13. Aviation, airports, heli-pads (subject to state, local and federal regulations)
14. Manufactured housing and accessory building fabrication and assembly,
15. Building supply fabrication, (trusses etc.)
16. Renewable Energy, hydroelectric, solar or wind farms,
17. Communication towers (subject to state, local and federal regulations)
18. Federal State or County equipment & maintenance yards,
19. Outdoor shooting ranges,
20. Light Industrial and Commercial Uses-by-right; and
21. Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Planning Director or the Board of County Commissioners if referred by the Planning Director. If aggrieved by the Director's determination, the Applicant(s) may appeal the determination by requesting a review of the information submitted by the Board of County Commissioners.

**B.** Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. **See 1302.3 C & 8103.1, A., 3.**

**C.** Special Use Permit. **See 3102.**

#### **3312.4 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.

**3312.5 Threshold Standards:** Threshold standards established in **1201.2** 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.

### **3313 INDLZ Light Industrial Zone**

**3313.1 Purpose.** The Light Industrial Zone allows for the establishment and expansion of uses that are predominately light industrial. Establishment of industrial zoning requires the existence or establishment of infrastructure capable of supporting light industrial uses. Industrial zoning is also contingent on a setting where significant adverse impacts on residential and agricultural uses can be avoided or mitigated.

**3313.2 Minimum Lot Size.** Three acres unless modified by an approved PUD Plan or High Impact Permit.

#### **3313.3 Uses by Right:**

**A.** The following Light Industrial uses by Right are subject to Section 2202 of the Land Use Code and certification requirements as outlined in Section 2201-Permit Procedures (it should be noted that certain uses-by-right do not waive any other permit requirements required by other agencies even though it may be a Use by Right" through zoning).

1. Administrative and professional offices,
2. Manufacturing uses: manufacturing, compounding, processing, packaging, storage, treatment, or assembly of products such as medical, dental, or optical equipment and small appliances.
3. Manufacturing of clothing, shoes, or outdoor recreation equipment,
4. Manufacturing ceramic products, pottery, figurines, and glazed tile,

5. Fabrication or restoration of autos, truck, trailers, farm equipment or supplies,
  6. Furniture and cabinetry manufacture and repair,
  7. Flooring or counter top fabrication including wood and stone,
  8. Building, electrical, plumbing, irrigation supplies,
  9. Janitorial or restaurant supplies,
  10. Warehousing, mini-storage or other storage buildings or wholesale distribution facilities except those storing flammable or explosive materials.
  11. Outdoor storage in conjunction with permitted uses provided, 1.) Storage is in the rear portion of the lot. or; 2.) Storage is completely screened by a fence or wall not less than 6 feet in height.
  12. Metal fabrication/ Welding shops,
  13. Machine shops,
  14. Printing and publishing, service uses of blue printing, duplicating, mailing, and graphic arts,
  15. Auto or small engine repair services,
  16. Equipment rental,
  17. Veterinarian clinics, pet grooming, kennels
  18. Taxidermist,
  19. Meat /Game processing,
  20. Research and design laboratories,
  21. Pharmaceuticals, drugs, toiletries or cosmetics manufacturing,
  22. Food or beverage processing or preparation,
  23. Food storage lockers and ice making facilities,
  24. Distillery (alcoholic), breweries and alcoholic spirits, except retail,
  25. Indoor shooting ranges,
  26. Motorsports, recreation fields, rodeo facilities,
  27. Commercial Uses-by-right Fire stations; and
  28. Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Planning Director or the Board of County Commissioners if referred by the Planning Director. If aggrieved by the Director's determination, the Applicant(s) may appeal the determination by requesting a review of the information submitted by the Board of County Commissioners.
- B.** Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. **See 1302.3 C & 8103.1, A.,**
- C.** Special Use Permit. **See 3102.**

#### **3313.4 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.

**3313.5 Threshold Standards:** Threshold standards established in **1201.2** 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

**3313.6 Minimum Lot Size.** Three that significant adverse impacts can be mitigated.

### **3314 COMZ Commercial Zone**

**3314.1 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.

**3314.2 Minimum Lot Size.** Three acres unless modified by an approved PUD Plan or High Impact Permit.

#### **3314.3 Uses by Right:**

**A.** The following Commercial Uses by Right are subject to Section 2202 of the Land Use Code and certification requirements as outlined in Section 2201-Permit Procedures (it should be noted that certain uses-by-right do not waive any other permit requirements required by other agencies even though it may be a Use by Right" through zoning):

1. Administrative and professional offices, banks, financial services,
2. Medical Services, hospitals, clinics, counseling,
3. Retail Sales,
4. Lumber yards, retail and supply yard establishments with outdoor storage,
5. Restaurants, Food and Beverage Sales, Bars and Taverns,
6. Gasoline stations, convenience stores,
7. Motor vehicle repair and services,
8. Lodging,
9. Home furnishings and appliances, repair, service and sales,
10. Auto sales, rentals, services,
11. Transportation services, (taxi, limousine services)
12. Manufactured home sales,
13. RV, boat, motorcycle and ATV sales,
14. Utility equipment sales and rentals,
15. Personal services, (hair salons etc.)
16. Entertainment facilities (theaters, mini golf etc.)
17. Churches,
18. RV Parks, (except park models),
19. Laundries and dry cleaning,
20. Trade schools, schools,
21. Group homes, long term care facilities, multi-family dwellings,
22. Car washes,
23. Child care centers,
24. Funeral homes,
25. Health clubs,
26. Clubs and Lodges,
27. Limited outdoor recreation facilities, tour guides and outfitting, ; and
28. Uses not explicitly enumerated in this section as permitted uses, but closely similar thereto as determined by the Planning Director or the Board of County Commissioners if referred by the Planning Director. If aggrieved by the Director's determination, the Applicant(s) may appeal

the determination by requesting a review of the information submitted by the Board of County Commissioners.

**B.** Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. **See 1302.3 C & 8103.1, A.,**

**C.** Special Use Permit. **See 3102.**

**3314.4 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 subordinate to the commercial intent of the zone.

**3314.5 Threshold Standards:** Threshold standards established in **1201.2** 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.

**3315 HISTZ Historic Use Zone.**

**3315.1 Purpose.** Except for A/R ES zones, landowners may elect to remain zoned "HISTZ" by indicating this to the County. Landowners in this designation may continue documented actual uses as of July 20, 1998 and continuing to date of termination of said use by property owner (**See 1301.1(C)**) 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, rezoning or other development approval to allow the new use. Landowners in the Historic Use Zone who subdivide land will be required to comply with subdivision regulations and to concurrently establish the appropriate zoning designation.

**3315.2 Minimum Lot Size:** Not applicable

**3315.3 Uses by Right:** Existing use

**A.** Any documented actual use existing on July 20, 1998 and continuing to date of termination of said use by property owner. **See 1302.3 C & 8103.1, A., 3.**

**B.** Special Use Permit. **See 3102.**

**3315.4 Accessory Uses:** Not applicable

**3315.5 Threshold Standards:** Any change or enlargement from existing uses in excess of the Threshold Standards requires rezoning, a High Impact Permit, or other development approval.

**3316 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**
- 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 3310**).



## SUMMARY CHART OF ZONING CHOICES

ZONING CHOICES		URBAN SERVICES ZONE	R-3	A/R 3-9	COMMERCIAL	INDUSTRIAL
Uses by Right			Residential, Residential Accessory	Primary Agriculture Agriculture Accessory Residential Residential Accessory	Commercial	Industrial
Conditional Uses		SUP	SUP	General PUD SUP	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 32.	3 acres	3 acres	3 acres or per approved PUD or Permit	3 acres or per approved PUD 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 or a more stringent Code at the discretion of the Applicant(s) for Commercial or Industrial Uses	UBC, 1997 Edition or a more stringent Code at the discretion of the Applicant(s) for Commercial or Industrial Uses	UBC, 1997 Edition or a more stringent Code at the discretion of the Applicant(s) 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>2</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/ n 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 or a more stringent Code at the discretion of the Applicant(s), and the municipality's Fire Marshal<sup>2</sup>. Includes: A. Commercial and Industrial development B. Residential development on less than three acres.</li> <li>2. General Zoning, administered by Montezuma County</li> </ol>	<ol style="list-style-type: none"> <li>1. Uniform Building Code, 1997 Edition or a more stringent Code at the discretion of the Applicant(s) and the municipality's Fire Marshal<sup>2</sup>. Includes: A. Commercial and Industrial development B. Residential development on less than three acres.</li> <li>2. General 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>	

1. Future negotiations with 3<sup>rd</sup> party water providers for standards are necessary.
2. Adoption of resolution by the Board of County Commissioners for enforcement is necessary.
3. Measured from edge of future right-of-ways.
4. 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/RES Existing Subdivisions
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
Conditional Uses		GPUD, SUP with a valid High Impact Permit	CIPUD, GPUD SUP valid High Impact Permit	SUP with a valid High Impact Permit	SUP with a valid High Impact Permit	Per Recorded Plat/Covenants TS Minimum SUP
THRESHOLD STANDARDS						
1	Minimum Lot Size	10 acres	35 acres or PUD clusters	20 acres	80 acres	Per Recorded Plat/Covenants
2	Maximum Building Height	45'	45'	35' and 45' for 35+ acres	45'	P/C, TSM
3	Maximum Building Footprint	TS	TS	TS	TS	P/C, TSM
4	Building Setbacks	TS	TS	TS	TS	P/C, TSM
5	New Construction and Remodeling for Commercial, Industrial and Public Buildings	UBC, 1997 Edition for Commercial or industrial Uses or a more stringent standard at the discretion of the Applicant(s)	UBC, 1997 Edition for Commercial and Industrial Uses or a more stringent standard at the discretion of the Applicant(s)	UBC, 1997 Edition for Commercial or industrial Uses or a more stringent standard at the discretion of the Applicant(s)	UBC, 1997 Edition for Commercial or industrial Uses or a more stringent standard at the discretion of the Applicant(s)	P/C, TSM
6	Livestock Fencing	TS	TS	TS	TS	P/C, TSM
7	Protection of Normal Agricultural Operations	TS	TS	TS	TS	P/C, TSM
8	Outdoor Storage	TS	TS for non-agricultural uses	TS for non-agricultural uses	TS for non-agricultural Uses	P/C, TSM
9	Roads	TS	TS for non-agricultural uses	TS for non-agricultural uses	TS for non-agricultural uses	P/C, TSM
10	Parking/Access and Loading Areas	TS	TS	TS	TS	P/C, TSM
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
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
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
32	Other Significant Adverse Impacts	TS	TS for non-agricultural uses	TS for non-agricultural uses	TS for non-agricultural uses	TS minimum

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## CHAPTER 4: PLANNED UNIT DEVELOPMENT

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### Chapter 4: Section 1 – Authority, Purpose, Objectives, and Types

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#### 4101 PUD Development

**4101.1 Authority, Purposes, and Objectives.** Planned Unit Developments are 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 that 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.

**4101.2 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 **4107**.

**4101.3 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.

#### **4101.4 Relationship to Subdivision, Zoning, and High Impact Commercial or Industrial Permitting.**

- A. **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.
- B. **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.
- C. **Compatibility of Planned Unit Developments.** Potentially incompatible uses within a PUD or between a Planned Unit Development and surrounding uses must be mitigated in order for the PUD plan to be approved.

## **4102 CIPUD Cluster Incentive Planned Unit Development**

**4102.1 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.

**4102.2 Underlying Zoning Designations:** A/R 35+

**4102.3 Land Use Categories:** Agricultural, Residential

**4102.4 Conditional Uses:** Commercial or Industrial uses exceeding Threshold Standards or other applicable standards, approved through appropriate review process.

**4102.5 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.

**4102.6 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 **3306** of this Code.

**4102.7 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."

## **4103 INDPUD Industrial Planned Unit Development**

**4103.1 Intent.** This planned unit development is designed for predominantly industrial uses.

**4103.2 Underlying Zoning Designations:** Industrial Zone and Urban Services Zone (USZ)

**4103.3 Land Use Categories:** Predominantly industrial. Residential and agricultural uses are allowed, but are subordinate to the industrial intent of this zone.

**4103.4 Conditional Uses:** Uses exceeding Threshold Standards must mitigate significant adverse impacts.

**4103.5 Standards:** Threshold Standards apply, but may be exceeded based on an approved PUD plan that mitigates significant adverse impacts.

#### **4104 COMPUD Commercial Planned Unit Development**

**4104.1 Intent.** This planned unit development is designed for predominantly commercial uses.

**4104.2 Underlying Zoning Designations:** Commercial Zone and Urban Services Zone (USZ).

**4104.3 Land Use Categories:** Predominantly commercial. Residential and agricultural uses are allowed, but are subordinate to the commercial intent of this zone.

**4104.4 Conditional Uses:** Uses exceeding Threshold Standards must mitigate significant adverse impacts.

**4104.5 Standards:** Threshold Standards apply, but may be exceeded based on an approved PUD that mitigates significant adverse impacts.

#### **4105 GPUD General Planned Unit Development**

**4105.1 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.

**4105.2 Underlying Zoning Designations:** A-80+, AGZ, A/R 35+, A/R 10-34, A/R 3-9, USZ, Commercial, Industrial

**4105.3 Land Use Categories:** Agricultural, Residential, Commercial, Industrial, Mixed

**4105.4 Conditional Uses:** Commercial or industrial uses exceeding Threshold Standards or other applicable standards, approved through appropriate review process.

**4105.5 Standards.** Threshold Standards apply, but may be exceeded based on an approved PUD plan that mitigates significant adverse impacts.

#### **4106 MHPUD Mobile Home and RV Park Planned Unit Development**

**4106.1 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.

**4106.2 Underlying Zone Designation:** Urban Services Zone (USZ), Commercial

**4106.3 Land Use Categories:** Residential

**4106.4 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, 5101.**

- E. Mobile home parks or R.V. Parks located along highways and major arterials will be subject to **Design Guidelines for Development Along Highways, 5101.5.**
- F. Mobile home parks or R.V. Parks adjoining or affecting agricultural lands will be subject to **Design Guidelines for Development Affecting Agricultural Lands, 5101.4.**
- G. Mobile home parks or R.V. Parks shall conform to the following provisions from **Subdivision Regulations: Avoidance and Mitigation of Hazardous Conditions, Drainage Systems and Livestock Fencing, 5103.**
- 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, 5101.3**, 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) compliance with **5101.4(C)** and **5103.3(I)** 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 interruption 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.

**4106.5 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 for 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 bathtubs shall not be acceptable substitutes for lavatories.
4. Bathing or shower facilities. One for each sex for each fifteen (15) dependent mobile home lots or fractional part thereof.
5. Water hydrants shall be provided to wash service buildings, walkways, passageways and other common use areas.
6. Drinking fountains, when provided, shall not be located in service rooms or connected to water faucets or lavatories. Drinking fountains shall be the approved angle-jet above the bowl rim type with adequate water pressure.

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

1. Service buildings and rooms housing required sanitary facilities in parks accommodating dependent mobile homes, shall be constructed of easily cleanable, non-absorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) feet from any mobile home and within three hundred (300) feet of any dependent mobile home served.
2. Separate rooms containing required plumbing fixtures shall be provided for each sex. If located in the same building, they shall be separated by a solid wall extending from floor to ceiling and shall be clearly marked for "Men" and "Women".
3. The floors of service buildings shall have a smooth, impermeable and easily cleanable surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove wastewater and to facilitate cleaning. The walls and partitions shall have a smooth, nonabsorbent, light colored, easily cleanable surface extending to a height of four (4) feet in toilet rooms and six (6) 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 (5) 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



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 that has a depth and width not less than the door opening.
8. Each service room shall have at least one (1) double convenience outlet adjacent to lavatories and one ceiling light fixture to provide thirty (30) foot candles at lavatory level. At least one (1) light fixture, operated by switch, shall be provided at each entrance and shall be lighted during hours of darkness unless the yard lighting provides 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 Fahrenheit.
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 waterproof 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 showerheads. The water heating facilities shall have the capacity to supply hot water at the minimum rate of three (3) 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 and 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, and 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. 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.

#### 4107 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.

Planned Unit Development	Underlying Zoning Designations	Land Use Categories Available	Intent
INDPUD: Industrial	<ul style="list-style-type: none"> <li>Industrial Zone</li> <li>Urban Services Zone</li> </ul>	<ul style="list-style-type: none"> <li>Industrial</li> <li>Agricultural and Residential uses allowed, but are subordinate.</li> </ul>	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>A80</li> <li>AGZ</li> <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.** The County Commissioners shall make a decision on each Planned Unit Development application after receiving a recommendation from the Planning and Zoning 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 the 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 6, Review Procedure.**

**4201.5 Findings of Fact and Decision Criteria.** The Planning and Zoning Commission shall make its recommendation and the Board of 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),
- B. The PUD Plan shall minimize significant adverse impacts on other property in the area,
- 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, and
- 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 Common 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 Subdivision Policies, Guidelines and Regulations**

**5101.1 Introduction.** This Chapter 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, and 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.

**5101.2 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 to 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 their 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.

**5101.3 General Design Guidelines.** Approval of any subdivision will require covenants that 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 of the Dolores River.
- 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 water 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 as the *A* or *B* zone on the *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 Forest Service, Creating Wildfire-Defensible Zones, Fire 2012-1*.

**1. Planning Department Review and Waiver.** All new subdivisions which are not located completely or partially within areas identified as the *A* or *B* zone on the *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 Forest Service, Creating Wildfire-Defensible Zones, Fire 2012-1*.

**2. Submittal Requirements.**

The developer will be required to complete fuels mitigation in the subdivision, as defined in the Wildfire Mitigation Plan, to the following standards:

- a. Fuels mitigation to Zone 3 standards on all land within the development boundary.
- b. Fuels mitigation to Zone 2 standards on all land within existing and proposed roadway and utility easements.

#### **5101.4 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 must therefore be provided.
- B.** When land is subdivided, suitable and enforceable covenants will be used to control prairie dogs and other such nuisances to agricultural productivity.
- C.** Fences shall be constructed that 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 of four-strand 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.

**5101.5 Design Guidelines for Development Along Highways.** In addition to other applicable design guidelines, unattractive development or storage along highways or major arterial roads that causes visual distractions, visual pollution and detracts from the beauty of the landscape will be prohibited or screened by appropriate fencing and (or) vegetation.

#### **5101.6 Design Guidelines for Commercial and Industrial 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, 5101.5**
- 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 users 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 2** of this Code. If Threshold Standards are exceeded, an approved plan for mitigating adverse impacts is required.

#### 5101.7 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:
- Creating building envelopes with predetermined building footprint; and (or)
  - Creating 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.

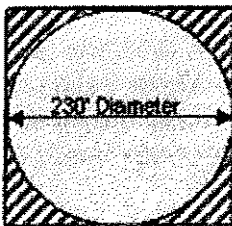


Figure A: Compliant lot; a 230' Diameter circle can fit inside the lot.

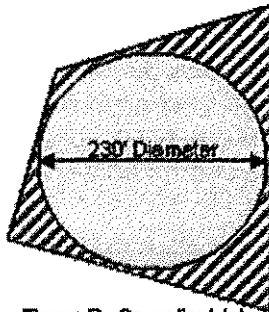


Figure B: Compliant lot; a 230' Diameter circle can fit inside the lot.

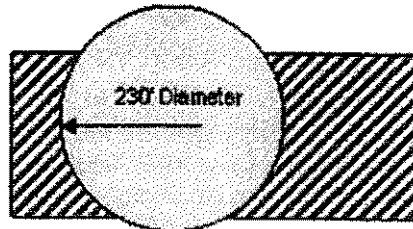


Figure C: Non-compliant lot; a 230' Diameter circle will not fit inside the lot.

- 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, which are 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, 5101.3.**
- E. Compliance, as appropriate, with **Design Guidelines for Development Which Affects Agricultural Land, 5101.4.**
- 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, 5103.1.**
- H. All factory-built and (or) mobile homes must be in compliance with the Uniform Building Code, 1997 Edition, a more stringent Code at the discretion of the Applicant(s) and (or) 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.

**5101.8 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.

**5101.9 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.

## **5102 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.

**5103 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.

**5103.1 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.

**5103.2 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 Forest Service, "Creating Wildfire-Defensible Zones, Fire 2012-1".

**5103.3 Development Criteria.**

**A. Lots.**

1. Lots must conform to the Design Guidelines in **Section 5101.7**.
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 nearly as practical.
2. Streets shall be designed to bear a logical relationship to the topography and shall provide for the non-erosive deposition of run-off waters.
3. Streets within three (3) miles of the incorporated municipalities shall conform to 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 90 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 system 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 - finished 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. The subdivider shall pay prescribed fees for road signs and traffic control signs required within the

development. 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) The County shall assign House numbering 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 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 10 percent +/- 3 percent for 15 feet from shoulder of Road. Entrance driveways into public roads and streets shall intersect at as near 90 degrees as possible and no less than 60 degrees.
- 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 that 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. The appropriate fire department and the County shall make a review of the water supply for fire control. 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 (100) 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 of four-strand wire stock fence along County roads. Refer to **5101.4(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.

**5103.4 Dedication of Sites and Land Areas or Payments in Lieu Thereof for Schools.**

**A.** Prior to approval of any new 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.

**1. Mancos RE-6 School District:**

The Montezuma County Board of Commissioners hereby finds that the Mancos RE-6 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. Cortez RE-1 School District:**

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. Dolores RE-4 School District:**

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).

**B.** Proof of compliance shall be provided to the Montezuma County Board of Commissioners prior to approval of any subdivision.



**5201 Subdivision 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 that requires the more comprehensive review shall be used.

**5202 Definitions of Subdivision Impact**

**5202.05 Single Lot Development: Definition.** A development that involves the division of a single lot wherein the remaining acreage is in excess of 35 acres 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 Department, 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 and Zoning 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 and Zoning 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 of County Commissioners will consider the appeal as soon as the schedule of the Board of County Commissioners allows after written notice of the time and place for reconsideration to the applicant and any other person requesting such reconsideration. The Board of County Commissioners shall only address the question of Impact Classification and its decision shall be final.

**5301 Subdivision Application**

**5301.1 Purpose.** This Section sets forth the minimum information that must be submitted by the applicant to affect zoning. The Planning and Zoning Commission or the Board of County Commissioners may require additional information as they deem necessary.

**5301.2 Application for Subdivision or Planned Unit Development.** An application for Minor, Moderate or Major impact as defined in this Code in **Chapter 5, Section 2, 5202** shall be made on forms provided by Montezuma County and 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 Common 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 filing of the application. 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.

**5302 Presketch Plan**

The applicant shall submit sufficient copies of a Presketch Plan that 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, which must include:
  - 1.** The location of proposed development areas on 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.

### **5303 Sketch Plan Submittals for Minor, Moderate or Major Impact**

**5303.1 Sketch Plan.** If the proposed development is one of Minor, Moderate or Major impact as defined in **Chapter 5, Section 2, 5202**, 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 include the information required in the Presketch Plan.

**5303.2 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.** Location of streams, lakes, wetlands, natural hazard areas, one-hundred (100) year floodplain, topography (sufficient to determine lot slope) and vegetation, including areas of noxious weed infestation on the proposed development site.

### **5304 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 **5303.2** 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, 1201.2**, or **Design Guidelines, 5101**, 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, the appropriate fire protection district must approve provisions for fire protection within the proposed development.
- E. Sewage and Waste Management.** The Plan shall include covenant requirements, as follows:
- a. Prior to commencing construction, each lot owner shall submit a Septic Application to the County Health Department for an individual sewage disposal system permit, and 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 premises.
    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 groundwater 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 Final 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 and building sites. .
- 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 head gates, 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.
- K. Wildfire Mitigation Plan.** As recommended in Colorado State Forest Service, "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.

### **5305 Preliminary Plan Submittals**

**5305.1 Preliminary Plan.** After the Planning and Zoning 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.

**5305.2 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.

**5305.3 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 Planning and Zoning Commission.
- B. In the case of large developments 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.

**5305.4 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 Colorado 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 (100) 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 (25) year storm shall be shown.

**5305.5 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.

**5305.6 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.

**5305.7 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 that 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.

**5305.8 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.

**5305.9 Fire Protection.** If the proposed development includes a central water system or other features that will be utilized for fire suppression purposes, the preliminary plan shall include a map showing hydrants and other fire suppression features.

**5305.10 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.

**5305.11 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 that will enforce or administer such covenants, declarations and restrictions.

**5305.12 Common Areas.** The Preliminary Plan shall identify any areas that will be set aside as common areas and shall include a plan for these areas. Maintenance shall be assured by the developer and (or) Home Owners Association on a continual basis.

**5305.13 Developments within Hazard Areas.** If the Sketch Plan reveals 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.

**5305.14 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 that eliminate or mitigate adverse impacts on adjoining or impacted land uses.

**5305.15 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 Final Plat.



**5305.16 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 that fulfill these conditions.

**5306 Final Plat Submittals for Minor, Moderate and Major Impact**

**5306.1 Final Plat.** After the Board of County Commissioners 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 Final Plat drawn on Mylar and one (1) blueline or blackline print of the Mylar Plat.

**5306.2 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 and Zoning Commission and Board of County Commissioners 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 plans and the submitted Final Plat shall be identified in a statement provided by the applicant. If the Board of County Commissioners determines that such changes are substantial in nature, they shall refer the application back to the Planning and Zoning Commission for further review.

**5306.3 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,
- V. Any plat notes and covenants specified during review process and
- W. Wildfire Mitigation Plan with signature of a 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.

## **5307 General Requirements for Maps, Plans and Plats**

**5307.1 Final Plat Requirements.** 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.

**5307.2 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 Final 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 Final 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.

**5307.3 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 of County Commissioners 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.

**5307.4 Covenants Provided by Seller.** Developments of Minor, Moderate and Major impact shall include protective covenants and deed restrictions to be filed with the Final Plat. Covenants shall run with the land, and the seller shall provide a copy of the recorded covenants to all future purchasers of lots in the subdivision or Planned Unit Development.

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## Chapter 6: Review Procedure for Subdivisions and Planned Unit Developments

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### 6101 Review Procedure for Subdivisions and Planned Unit Developments

**6101.1 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 and Plat.** 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. The Final Plan and Plat shall conform in all respects to the Preliminary Plan previously reviewed and approved, including all modifications and special conditions.

**6101.2 Filing of Plat.** After approval of the Preliminary Plan, the applicant shall submit the required number of copies of a Final Plat which meets the **Submittal Requirements of Chapter 5, Section 3, 5306** 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.

### 6102 Minor and Moderate Impact Review Procedure

**6102.1 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 3, 5302** 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 in Chapter 4 and (or) Chapter 5** and whether or not the proposed development will significantly adversely impact other property in the area or conflict with this Code.

**6102.2 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 3.**

**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 in Chapter 4 and (or) Chapter 5.** The Planning Department shall make written comments, observations, and recommendations as it deems appropriate and shall refer the Sketch Plan application to the Planning and Zoning 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 and Zoning Commission.** The completed Sketch Plan, including comments, shall be forwarded to the Planning and Zoning Commission for its consideration at the earliest reasonable time consistent with the schedule and procedures of the Commission.

**C. Planning and Zoning Commission Public Review and Hearing.** The Planning and Zoning 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 7.**

**D. Comments by Reviewing Agencies.** The Planning and Zoning 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.

**6102.3 Final Plat.** After approval of the Sketch Plan by the Planning and Zoning Commission, the applicant shall submit the required number of copies of a Final Plat which meets the **Submittal Requirements in Chapter 5, Section 3** 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 of County Commissioners.

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

**6102.4 Filing of Plat.** Following approval by the Board of County Commissioners, the Final Plat, including covenants, shall be recorded by the County in the office of the County Clerk and Recorder.

### **6103 Major Impact Review Procedure**

**6103.1 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 3** 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**.

**6103.2 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 3**.

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

**C. Planning and Zoning Commission Public Review and Hearing.** A Review and Public Hearing before the Planning and Zoning Commission shall be announced and conducted in compliance with the **Public Review and Hearing Procedure** in **Chapter 7**.

**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.

**6103.3 Preliminary Plan Application.** After approval of the Sketch Plan application by the Planning and Zoning Commission, the applicant shall submit the required number of copies of a Preliminary Plan meeting the **Submittal Requirements** in **Chapter 5, Section 3**. 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 and Zoning 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 and Zoning 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 and Zoning 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 and Zoning Commission Review.** The Planning and Zoning Commission shall review the Preliminary Plan at the next regularly scheduled meeting after receiving comments from the reviewing agencies. The Planning and Zoning 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.

**6103.4 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 3** 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 of County Commissioners.

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

**6103.5 Filing of Plat.** Following approval by the Board of County Commissioners, the Final Plat, including protective covenants, shall be recorded by the County in the office of the County Clerk and Recorder.

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## CHAPTER 7: PUBLIC NOTICE PROCEDURE

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**7101 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.

**7101.1 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.
- C. The Planning and Zoning Commission Review/Public Hearing.** The 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 and Zoning 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 Chapter 5: Section 1**, written comments will also be accepted and read.
  4. The Planning and Zoning Commission and Planning Department 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 in Chapter 5: Section 1**.
  5. Agreements and conditions arrived at through these discussions will, at the direction of the Planning and Zoning Commission, become recommended conditions for the approval of the proposed development.
  6. In the event that the Planning and Zoning 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 and Zoning Commission recommends denial of the development, the developer has thirty (30) days from the date of the Planning and Zoning Commission hearing to petition for a public hearing before the Board of County Commissioners.
  8. If there are unresolved issues, the Planning and Zoning Commission may forward the application to the Board of County Commissioners for further review.
  9. At the direction of the Planning and Zoning Commission, the Planning Department staff will prepare Findings.
  10. Findings will be forwarded to the Board of County 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.
  11. **Planning and Zoning Commission Review/Public Hearing.** If the development proposal involves a parcel with approved zoning, review and public comment may be limited to issues of compliance with applicable Threshold Standards, Design Guidelines and Regulations.
- 7101.2 Board of County Commissioner's Hearing on Sketch Plan (Optional).**
- A.** In the event that there are unresolved issues from the Sketch Plan hearing before the Planning and Zoning Commission, the Board of County Commissioners may announce a public hearing in conformance with **Chapter 6 and Chapter 7**.

- 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 and Zoning Commission hearing.
- C. Upon conclusion of the Public Hearing, the County Commission shall render a decision regarding the Sketch Plan.

**7101.3** Board of **County Commissioner's Review and Approval of Final Plat** shall be conducted in accordance with **6103.4** of this Code.

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## CHAPTER 8: TRANSFERABLE DEVELOPMENT RIGHTS (TDRs)

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### 8101 General Purpose

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

**8101.2 Scope.** This Chapter 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 the 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. The Dolores River Valley Map is also available for examination in the Montezuma County Planning Office, 109 West Main, Room 305, Cortez, Colorado.

**8101.3 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 that exceeds the base density of one residential unit per ten acres, by purchasing development rights and by utilizing development rights attached to the property proposed for development.

### 8102 Regulations for Establishment and Conveyance of Transferable Development Rights

TDRs are a real property right for property owners within the Dolores River Valley who 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:

**8102.1 Allocation of TDRs.** 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.

**8102.2 Survey Required.** The establishment of TDRs shall require a legal survey that addresses the above criteria, and plats specific parcels of land.

**8102.3 Deed Required.** 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.

**8102.4 Severance.** 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.

**8102.5 Slope Restrictions.** 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.

### **8103 Regulations for Acquiring and Landing TDRs in a Receiving Site**

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

**8103.1 Size Requirements.** 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.

**8103.2 Receiving Site.** The landing of TDRs shall require the establishment of a TDR Receiving Site. Receiving Sites can only be designated within the Dolores River Valley as delineated by the Dolores River Valley Map. 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.

**8103.3 Restrictions.** 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 cannot be adequately mitigated, shall be denied. 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.

**8103.4 Floodplain Requirements.** 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 be in 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.

**8103.5 Minimum Parcel Size for Residential Development.** 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.

**8103.6 Landing and Recording of TDRs.** 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.

**8103.7 Transfer of TDRs.** TDRs may be transferred within a tract subject to the requirements in this Chapter.

#### **8104 Other TDR Regulations**

**8104.1 Use of TDRs.** 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.

**8104.2 Severed TDRs.** Severed TDRs may float until such time as the owner wishes to land them through the High Impact Permit and (or) Subdivision process.

**8104.3 Restricted Use.** 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. Urban Services Zoning or the availability of centralized sewer cannot circumvent TDR regulations.

**8104.4 Accessory Residential Use.** Within the Dolores River Valley, any Accessory Residential Unit, including guest and caretaker units, shall meet the TDR requirements in this Chapter for a Residential Unit.

**Exhibit 1. DOLORES RIVER VALLEY TDR CHART**

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

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**CHAPTER 9: ADMINISTRATION**  
**Enforcement, Fees, Miscellaneous Provisions**

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**9101 Enforcement Policy**

**9101.1 Violations.** 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 **2201.1(E)** of this Code.

**9101.2 Penalties.** 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.

**9101.3 Board Actions.** The Board of County Commissioners may bring an action to enjoin any person, firm or corporation from selling subdivided land before the Board of County Commissioners has approved a Final Plat for such subdivided land.

**9101.4 Other Requirements.** 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.

**9101.5 Conditions of Approval.** In approving applications the Planning and Zoning 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.

**9102 Administrative Fees**

**9102.1 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 of County Commissioners.

**9102.2 Fees Charged by Review Agencies.** If a proposed Land Use change will be sent for a review to any agency that 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.

**9102.3 Additional Fees.** If, after receipt of the Sketch Plan, Preliminary Plan, or Permit application, the Board of County Commissioners determines that the demand for additional public funds resulting from the review of the proposed development is likely to be substantial, the Board of County Commissioners 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.

**9103 Non-Conforming Uses and Previous Approvals and Exemptions**

**9103.1 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.

**9103.2 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.

**9103.3 Previous Approvals.** The adoption of this Code shall not affect, cancel or invalidate any approval previously granted under prior Montezuma County Subdivision regulations.

**9103.4 Exemptions.** The Board of County Commissioners may grant exemptions as provided by 30-28-101 (10) (d) C.R.S., as amended.

**9103.5 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; and 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 Planning Department. 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.

**9104 Correction, Amendment and Vacation of Existing Subdivision**

**9104.1 Correction of Plats.** The Board of County Commissioners 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.

**9104.2 Amendment of Plats.**

- A. The amendment of an approved Final 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.

**9104.3 Vacation of Plats.**

- A. A person may make application to the Board of County Commissioners 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 of County Commissioners containing the legal description of the development and requesting vacation thereof. The Board of County Commissioners shall approve or deny the petition.

**9105 Resolution Amendments Interpretation and Review**

**9105.1 Amendments.** This Resolution may be amended, supplemented, changed, modified or repealed by the Board of County Commissioners in accordance with the provisions of this section.

- A. **Initiation.** The Planning and Zoning Commission or the Board of County Commissioners 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 and Zoning Commission Recommendation.** Every proposed amendment, supplement, change, modification or repeal of this Resolution shall be referred to the Planning and Zoning 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 of County Commissioners.
  - 2. **Public Hearing.** Upon receipt of the recommendation of the Planning and Zoning Commission, the Board of County Commissioners 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. The Board at the conclusion of the Public Hearing will render a decision.

**9105.2 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.

**9105.3 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.

**9105.4 Repeal.** That Resolution No. 15-78, dated July 17, 1978 declaring that certain matters shall not be regulated is hereby repealed.

**9105.5 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 6<sup>th</sup> day of May, 2013, at 1:35 o'clock p.m.

Board of County Commissioners  
of Montezuma County, Colorado

Steve D. Chappell  
K. L. Gwalt  
Larry L. Seelha

Commissioners voting aye in favor of this Resolution were:

Steve D. Chappell, K. L. Gwalt and Larry L. Seelha

Commissioners voting no against this Resolution were:

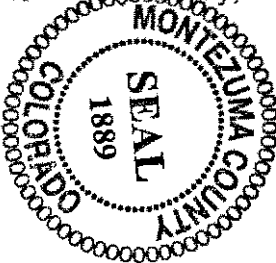
\_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_

Carol Sullivan  
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 6<sup>th</sup> day of May, 2013.

(SEAL)



Carol Sullivan  
County Clerk and Recorder  
Montezuma County, Colorado

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

Resolution # 2013 - 4

A Resolution Authorizing the Issuance of Credit Cards

WHEREAS, the First National Bank of Cortez requires the governing body of organizations to approve the issuance of credit cards for their organization; and

WHEREAS, the Montezuma County Board of County Commissioners is the governing body of the county of Montezuma, state of Colorado.

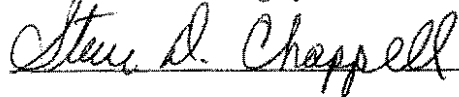
Now therefore, be it resolved that:

- 1) The Board of County Commissioners authorizes its County Finance Officers to execute the credit card agreement with the First National Bank of Cortez; and
- 2) The Board of County Commissioners authorizes its County Finance Officers to identify and issue credit cards to personnel he or she deems needs a credit cards; and
- 3) The Board of County Commissioners authorizes its County Administrator and Finance Officers to be the contact persons for said accounts with First National Bank of Cortez, and
- 4) No single credit card shall have a limit of more than \$5,000.00 unless otherwise expressly approved by the Board of County Commissioners.

Board of County Commissioners  
of Montezuma County, Colorado

  
Steve D. Chappell, Chair

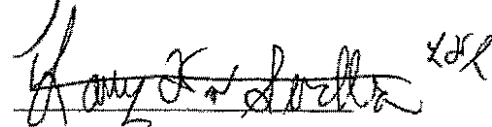

Commissioners voting aye in favor of the resolution were:

  
\_\_\_\_\_

   
\_\_\_\_\_

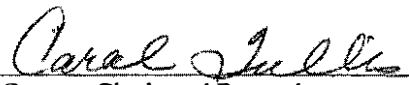
Commissioners voting nay against the resolution were:

\_\_\_\_\_  
\_\_\_\_\_

   
\_\_\_\_\_

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.

Date:  22 day of April, 2013.

  
County Clerk and Recorder  
Montezuma County, Colorado

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

Resolution # 2013 -3

Road Use Permit for Western Refining

WHEREAS, the Board of County Commissioners for Montezuma County received an application dated April 22, 2013 requesting that Montezuma County allow Western Refining to operate excess weight and length vehicle combinations on County Roads BB, 9, 10 and 12; and

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

WHEREAS, an application was reviewed in the Commissioners hearing room at the Montezuma County Courthouse on Monday, April 22, 2013 at 9:30 A.M.

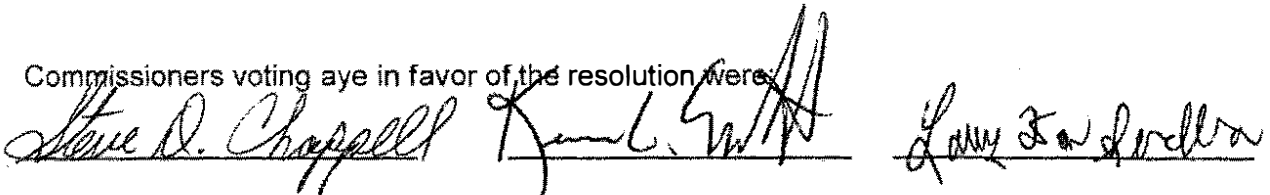
NOW, THEREFORE, be it resolved that this permit is hereby issued to Western Refining to use county roads BB, 9, 10, and 12 for the above stated purposes:

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

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


BE IT FURTHER RESOLVED that this permit will expire on April 30, 2014 unless renewal prior to that date. Permit may be revoked or suspended for safety reasons.

Commissioners voting aye in favor of the resolution were:



Commissioners voting nay against the resolution were:

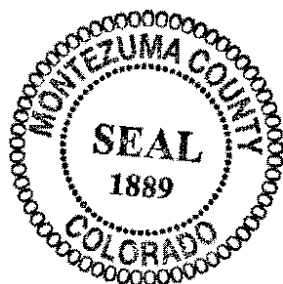
\_\_\_\_\_

  
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 22 day of April, 2013.

(SEAL)



Carol Tullis  
County Clerk and Recorder  
Montezuma County, Colorado

**The Board of County Commissioners  
of the County of Montezuma  
State of Colorado**

**Resolution #2013-2**

**A Resolution Appointing Mark Reider as Special County Attorney for Montezuma County,  
Montezuma County Board of County Commissioners, Montezuma Board of Social Services,  
and Montezuma Department of Social Services for Child Support Matters**

**Whereas;** C.R.S. 19-3-206 reads: "In all proceedings brought under this article, the petitioner shall be represented by a county attorney, special county attorney, or city attorney of a city and county"; and

**Whereas;** the Montezuma County Board of County Commissioners entered into an agreement with Mark Reider to represent Montezuma County, Montezuma County Board of County Commissioners, Montezuma County Board of Social Services, and Montezuma County Department of Social Services on February 25, 2013; and

**Now therefore,** be it resolved that: the Montezuma County Board of County Commissioners hereby appoints Mark Reider as special county attorney to represent Montezuma County, Montezuma County Board of County Commissioners, Montezuma County Board of Social Services, and Montezuma County Department of Social Services for child support matters effective immediately.

Board of County Commissioners  
of Montezuma County, Colorado

  
Steve D. Chappell, Chair

  
Keenan G. Ertel, Commissioner

  
Larry Don Suckla, Commissioner

I certify that the above Resolution is a true and correct copy of the 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 25<sup>th</sup> Day of February, 2013

(SEAL)



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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 #2013-1**

**A Resolution Appointing Dennis Golbricht as Special County Attorney for Montezuma County, Montezuma County Board of County Commissioners, Montezuma Board of Social Services, and Montezuma Department of Social Services for Dependency and Neglect Matters**

**Whereas;** C.R.S. 19-3-206 reads: "In all proceedings brought under this article, the petitioner shall be represented by a county attorney, special county attorney, or city attorney of a city and county"; and

**Whereas;** the Montezuma County Board of County Commissioners entered into an agreement with Dennis Golbricht to represent Montezuma County, Montezuma County Board of County Commissioners, Montezuma County Board of Social Services, and Montezuma County Department of Social Services on January 18, 2013; and

**Now therefore,** be it resolved that: the Montezuma County Board of County Commissioners hereby appoints Dennis Golbricht as special county attorney to represent Montezuma County, Montezuma County Board of County Commissioners, Montezuma County Board of Social Services, and Montezuma County Department of Social Services for dependency and neglect matters effective immediately.

Board of County Commissioners  
of Montezuma County, Colorado

  
\_\_\_\_\_  
Steve D. Chappell, Chair

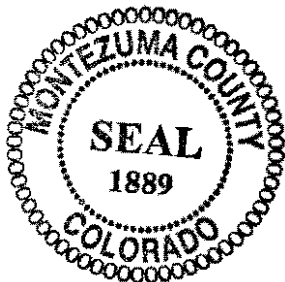
  
\_\_\_\_\_  
Keenan G. Ertel, Commissioner

  
\_\_\_\_\_  
Larry Don Suckla, Commissioner

I certify that the above Resolution is a true and correct copy of the 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 January, 2013

(SEAL)



*Carol Jullis*

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County Clerk and Recorder  
Montezuma County, Colorado