



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

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 17th day of November, 2020, with the following persons in attendance:

Commissioners Present:	Jim Candelaria, Kent Lindsay and Gerald Koppenhafer
Commissioners Absent:	
County Attorney:	Stephen Tarnowski
County Administrator:	Travis Anderson
County Clerk:	Kim Percell

The following proceedings, among others, were taken:

RESOLUTION No. 5-2025

A RESOLUTION AMENDING RESOLUTION NOS. 2-1998, 12-2000, 4-2002, 10-2003, 17-2003, 13-2004, 4-2006, 11-2007, 7-2008, 12-2009, 09-2010, 2012-6, 3-2015 and 21-2020

THE MONTEZUMA COUNTY LAND USE CODE

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

WHEREAS, the Montezuma County Land Use Code was amended on the 6th day of November, 2000 by Resolution No. 12-2000, the 8th day of April, 2002 by Resolution No. 4-2002, the 15th day of September, 2003 by Resolution No. 10-2003, the 15th day of December, 2003 by Resolution No. 17-2003, the 18th day of October, 2004, by Resolution No. 13-2004, the 17th of July, 2006, by Resolution No. 4-2006, the 18th day of December, 2006, by Resolution No. 13-2006; the 29th day of October, 2007, by Resolution No. 11-2007; the 21st day of July 2008 by Resolution No. 7-2008; the 16th day of November 2009 by Resolution No. 12-2009; the 13th day of September, 2010 by Resolution No. 09-2010; the 7th day of May 2011 by Resolution No. 2012-6; the 5th of May 2013 by Resolution 5-2013; the 2nd day of March 2015 by Resolution 3-2015 and subsequently amended on the 17th day of November 2020 by Resolution 21-2020.

WHEREAS, on February 13, 2025, during a scheduled Planning and Zoning Commission meeting, the Montezuma County Planning and Zoning Commission reviewed and discussed a draft Variance section recommendation for the Board of County Commissioners regarding proposed amendments to the Montezuma County Land Use Code; and

WHEREAS, it has become necessary to amend said Land Use Code to add a Variance section.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County that the Land Use Code is amended as follows:

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

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 24-67-101 et seq., C.R.S., (PUD Act); 29-20-101 et seq., C.R.S., (Local Government Land Use Control Enabling Act); 30-11-101 et seq., C.R.S., (County Powers); 30-28-101 et seq., C.R.S., (County Planning and Building Codes, Zoning, and Subdivision Regulations); 30-28-401 et seq., C.R.S., (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.

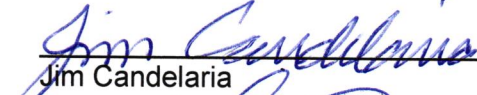
1102 Vested Rights


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.

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

Adopted this 8th day of April, 2025.


Board of County Commissioners
of Montezuma County, Colorado


Jim Candelaria


Kent Lindsay


Gerald Koppenhafer




County Clerk and Recorder
Montezuma County, Colorado

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Kim Percell Clerk/Recorder, Montezuma County, Co

