



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, June 6, 2023 - 6:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose City Council is pleased to have residents of the community take time to attend City Council meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. Additional written comments are welcome and will be received at any time. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).

Public participation for this meeting will be in person in the City Council Chambers. The meeting can be viewed via livestream at <https://www.cityofmontrose.org/759/Live-Meetings-Viewer> and recordings of the meetings can be viewed at <https://www.youtube.com/user/MontroseCityGov>.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please email planningmail@ci.montrose.co.us at least three days before the meeting.

- 1) City Council meeting called to order by Mayor Barbara Bynum
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS

The “Call for Public Comment” agenda item is a time when concerned members of the community may publicly voice their concerns and discuss items of interest. Please note that no formal action will be taken on the matters raised during this time.

Comments made during this time should be addressed to the Council and pertain to matters of at least general importance to the City and its operations. Please be aware that neither City Council nor City staff are expected to respond or engage in discussion or debate.

Personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial or gender-oriented slurs are prohibited, as is any “disorderly conduct” which violates state or local law and shall not be permitted.



6) CONSENT AGENDA

- A) City Council consideration of the minutes of the May 16, 2023, regular City Council meeting.
- B) City Council consideration of the cancellation of the regular City Council meeting scheduled for Tuesday, July 4, 2023.

Action: Consider making a motion to approve the consent agenda as presented.

7) MAIN STREET CLOSURE APPROVAL FOR HABITAT FOR HUMANITY EVENT
(15 minutes)

City Council consideration of the approval of the closure of the 500 block of E. Main Street and Uncompahgre Avenue from North First Street to Centennial Plaza from 6 a.m. until 6 p.m. on Saturday, June 24, 2023, for the Habitat for Humanity Rock the Block event. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the closure of the 500 block of E. Main Street and Uncompahgre Avenue from North First Street to Centennial Plaza from 6 a.m. until 6 p.m. on Saturday, June 24, 2023.

8) SPECIAL EVENTS ALCOHOL PERMIT APPROVAL FOR HABITAT FOR HUMANITY EVENT (5 minutes)

City Council consideration of a Special Events Permit application from Black Canyon Boys and Girls Club to sell and serve alcohol in conjunction with the closure of the 500 block of E. Main Street for the Habitat for Humanity Rock the Block event on Saturday, June 24, 2023. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve a Special Events Permit for Black Canyon Boy and Girls Club to sell and serve alcohol in conjunction with the closure of the 500 block of E. Main Street on Saturday, June 24, 2023.

9) ORDINANCE 2628 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2628 on first reading, an Ordinance of the City of Montrose, Colorado, amending City Building and Fire Regulations and adopting by reference 2018 editions of The International Building Code; The International Mechanical Code; The International Residential Code; The International Fuel Gas Code; The International Plumbing Code; The International Existing Building Code; The International Property Maintenance Code; The International Fire Code; and The International Energy Conservation Code; and providing penalties for violations. *Staff: Chief Building Official Archie Byers, Deputy City Manager Ann Morgenthaler, City Attorney Ben Morris*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2628 on first reading as presented.

10) WASTEWATER PRETREATMENT EXPENSE AUTHORIZATION (10 minutes)

City Council consideration of the approval of \$120,000 in expenditures to assist with the construction of wastewater pretreatment infrastructure at the new Shelter Distilling headquarters. *Staff: City Manager Bill Bell*

Action: Accept public comment. Consider making a motion to approve \$120,000 in expenditures to assist with the construction of wastewater pretreatment infrastructure at the new Shelter Distilling headquarters.

11) FIORI DI LENA PRELIMINARY PLAT (10 minutes)

City Council consideration of the Fiori di Lena Preliminary Plat. *Staff: Planner II William Reis*

Action: Accept public comment. Consider making a motion to approve the Fiori di Lena Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

12) ORDINANCE 2627 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2627 on second reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of 0.14 acres located at 2370 Air Park Way from "I-2" General Industrial District to "B-3" General Commercial District. *Staff: Planner II William Reis*

Action: Hold a hearing. Consider making a motion to adopt Ordinance 2627 on second reading as presented.

13) ORDINANCE 2629 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2629 on first reading, an ordinance of the City of Montrose, Colorado, disconnecting a portion of Parcel #376716320003. *Staff: Planner II William Reis*

Action: Accept public comment. Consider making a motion to pass Ordinance 2629 on first reading as presented.

14) RESOLUTION 2023-09 (10 minutes)

City Council consideration of Resolution 2023-09 setting July 18, 2023, as the hearing date for the Dry Cedar Creek II Addition annexation. *Staff: Planner II William Reis*

Action: Accept public comment. Consider making a motion to adopt Resolution 2023-09 as presented.



15) 2023 LANDFILL AGREEMENT RECOMMENDATION (10 minutes)

City Council consideration of a contract with Waste Management of Colorado, Inc., for landfill services. *Staff: Public Works Director Jim Scheid*

Action: Accept public comment. Consider making a motion to approve a contract with Waste Management of Colorado, Inc., for landfill services as presented.

16) MCH PHASE 3 DESIGN CONTRACT AWARD (10 minutes)

City Council consideration of the award of a contract with Blythe Group in the amount of \$145,030.00 for the design of the façade replacement on City Hall. *Staff: Public Works Director Jim Scheid*

Action: Accept public comment. Consider making a motion to award a contract to Blythe Group in the amount of \$145,030.00 for the design of the façade replacement on City Hall.

17) 2023 MOVEMO SIDEWALK IMPROVEMENTS PROJECT AUTHORIZATION
(15 minutes)

City Council consideration of the authorization of expenses for sidewalk improvements as part of the 2023 MoveMo Project in the amount of \$150,000.00. *Staff: Public Works Manager Jim Scheid*

Action: Accept public comment. Consider making a motion to authorize expenses for sidewalk improvements as part of the 2023 MoveMo Project in the amount of \$150,000.00 as presented.

18) STAFF REPORTS

19) CITY COUNCIL COMMENTS

20) MOTION TO ADJOURN

A regular meeting of the Montrose City Council was held on Tuesday, May 16, 2023, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building. Said meeting was posted in accordance with the Sunshine Law.

PRESENT: Barbara Bynum, J. David Reed, Dave Frank, Doug Glaspell, Ed Ulibarri, Bill Bell, Ann Morgenthauer, Ben Morris, Chris Dowsey, Lisa DelPiccolo, Greg Story, Briceida Ortega, Matt Magliaro, Shani Wittenberg, William Reis, Scott Murphy, Matt Smith, Jim Scheid, David Bries

GUESTS: Grace Hotsenpiller, Kaye Hotsenpiller, Matt Miles, Marcie Miles

CALL TO ORDER

Mayor Barbara Bynum called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

Mayor Pro Tem J. David Reed removed Item 13, Youth City Council Report, from the agenda.

ACKNOWLEDGEMENT OF YOUTH CITY COUNCIL MAYOR GRACE HOTSENPILLER

Mayor Barbara Bynum presented a plaque to Youth City Council Mayor Grace Hotsenpiller acknowledging four years of service and leadership on the Montrose Youth City Council.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the May 2, 2023, regular City Council meeting.

A motion was made by J. David Reed, seconded by Dave Frank, to approve the minutes of the May 2, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

ORDINANCE 2625 – SECOND READING

City Council considered Ordinance 2625 on second reading, an Ordinance of the City of Montrose, Colorado, clarifying Article 1, Section 7, of the Charter of the City of Montrose, regarding qualifications for candidates to the Office of the City of Montrose Councilor.

Assistant City Attorney Matt Magliaro stated that Ordinance 2625 clarifies a section of the City Charter with the addition of a usage footnote. The added language is indicated in bold on page 12 of the meeting packet. Mr. Magliaro reported no changes to Ordinance 2625 since it was passed on first reading on May 2.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to adopt Ordinance 2625 on second reading as presented. All voted yes. Motion passed.

ORDINANCE 2626 – SECOND READING

City Council considered Ordinance 2626 on second reading, an Ordinance of the City of Montrose, Colorado, amending the Montrose Municipal Code by repealing provisions relating to the Planning Commission and land development, repealing certain chapters of the Montrose Regulations Manual relating to land development and adopting a new Title XI - Land Development Regulations for the City. A hearing was held.

Planning Manager Jace Hochwalt presented an overview of the multi-phase project to update and consolidate the City of Montrose Land Use Code. The schedule was reviewed along with the objectives of a unified code that is user friendly, consistent, and in compliance with the Envision 2040 Montrose Comprehensive Plan.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

Mayor Bynum closed the hearing.

A motion was made by J. David Reed, seconded by Dave Frank, to adopt Ordinance 2626 on second reading as presented. All voted yes. Motion passed.

WOODS CROSSING AMENDED PRELIMINARY PLAT

City Council considered the Woods Crossing Amended Preliminary Plat.

Mayor Pro Tem J. David Reed recused himself from this agenda item. Mr. Reed left the meeting at 6:21 p.m.

Planner II William Reis reported that the original preliminary plat was approved by City Council in 2021, and the southern portion of the subdivision has been final platted. The applicant is seeking changes to the northern portion which requires a separate approval process. Mr. Reis stated that the Amended Preliminary Plat consists of 108 proposed lots on either side of Hill Street in the R-2 and R-3A zoning districts. Mr. Reis said the Amended Preliminary Plat reduces the number of lots and restructures the street layout. The Planning Commission unanimously voted to recommend approval.

Mr. Reis recommended conditional approval of the Woods Crossing Amended Preliminary Plat stating that the request is in compliance with Subdivision Regulations and the Comprehensive Plan and meets the intent of the R-2 and R-3A zoning districts.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Dave Frank, to approve the Woods Crossing Amended Preliminary Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. All voted yes. Motion passed.

Mr. Reed rejoined the meeting at 6:29 p.m.

ORDINANCE 2627 – FIRST READING

City Council considered Ordinance 2627 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of 0.14 acres located at 2370 Air Park Way from "I-2" General Industrial District to "B-3" General Commercial District.

Planning Manager Jace Hochwalt reported that the applicant is SJ Development LLC and the subject property is located at the end of the cul-de-sac on Air Park Way. Mr. Hochwalt stated that the rezone is requested to avoid split zoning on a single parcel following a boundary line adjustment.

Mr. Hochwalt recommended approval stating that the proposal meets rezone criteria, is in compliance with the Comprehensive Plan, is compatible with existing uses in the surrounding area, and will resolve the split zoning issue.

Public comment was accepted. No comments were received.

A motion was made by Dave Frank, seconded by Doug Glaspell, to pass Ordinance 2627 on first reading as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report: Finance Director Shani Wittenberg provided a sales, use, and excise tax report for the month of March 2023. Ms. Wittenberg reported that total sales and use tax collections were up 6.2 percent as compared to March of 2022 with a positive budget variance of 15.5 percent. Year-to-date collections were up 5.2 percent with a positive budget variance of 14.1 percent.

First Quarter Budget Review: Finance Director Shani Wittenberg stated that the report included in the meeting packet provides a review of major funds in terms of collections and expenses. Ms. Wittenberg reported that all looks to be in order for the first quarter of the year.

CITY COUNCIL COMMENTS

City Councilor Doug Glaspell commented on a recent newspaper article regarding street repairs.

MOTION TO ADJOURN

At 6:43 p.m., a motion was made by Doug Glaspell to adjourn the meeting with no further action taken.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
CITY CLERK

MEMO

DATE: June 1, 2022
TO: City Council
FROM: Lisa DelPiccolo, City Clerk
RE: Street Closures and Special Events Permit for Rock the Block Event

An application was received from Habitat for Humanity to close the 500 block of Main Street and Uncompahgre Avenue from North First Street to Centennial Plaza for the Rock the Block event on Saturday, June 24. Including event set up and clean up afterward, the streets will be closed from 6 a.m. until 6 p.m.

Event organizers are required to notify all businesses affected by the closures, and at least 75 percent of those businesses must approve of the closures before the Events Use Permit will be approved by city staff. Documentation of the notifications was received from the applicants and is included in the meeting packet along with the event application.

Black Canyon Boys and Girls Club has applied for a Special Events Permit to sell and serve alcohol during the event. The premises were posted in compliance with state statute.

City of Montrose Regulations require City Council approval for street closures exceeding 10 hours in duration and require City Council approval of Special Events Permits to serve alcohol in conjunction with street closures.





EVENTS USE PERMIT APPLICATION - SECTION A

Part I - Event Information

Type of event:

- ☒ Main Street Closure - see page 8
☐ Parade - see page 9
☒ Street Closure - see page 9
☐ Park Shelter/Park Area

- ☒ Centennial Plaza Event - see page 10
☐ Uncompahgre Event Plaza Event - see page 11
☐ Athletic Field Event - see page 12
☐ Other

Date(s) of Event

6/24/2023

Date of Application 3/23/2023

Name of event:

Rock the Block

Desired location:

500 block of Main & Uncompahgre (see map)

Legal entity to hold permit:

Habitat for Humanity of the San Juans

Contact Person:

Amanda Gerhardt

Mailing Address:

Phone Number:

Daytime

Evening

Email Address:

Website Link: buildinglives.org

Brief description of your event:

Block party free for the public with food trucks, vendors, non-profits, kid zone, live music, beer garden. Partners: Habitat, Boys & Girls, & Just Serve

Is this a private event?

☐ Yes ☒ No

Advertised to the public? ☒ Yes ☐ No

Anticipated attendance:

Per Day: 500 +

Total: 500 +

Dates and times:

Setup:

Date: 6/24/2023

Time: 7:00 - 10:00 a.m.

Start of Event:

Date: 6/24/2023

Time: 10:00 a.m.

End of Event:

Date: 6/24/2023

Time: 4:00 p.m.

Cleanup Completed by:

Date: 6/24/2023

Time: 5:00 p.m.

Is this an annual event?

☒ Yes ☐ No

How Many Years? 1

Will admission be charged?

☐ Yes ☒ No

Amount (\$): 0

Are vendor or other fees required?

☒ Yes ☐ No

Amount (\$): \$100/per booth

Will your event include food preparation, concession and/or merchandise vendors? ☒ Yes ☐ No If yes, please see page 6. free run-profit

Please describe any mobile vending devices or other structures to be used including kiosks, carts, stands, stages, fences and barriers. (Attach diagrams or pictures if necessary.)

Will use stage, tables, fence & barriers, food trucks, Beer Garden by Boys & Girls Club so fencing & barriers.

Free advertising for your event is available at VisitMontrose.com/Events

Will alcohol beverages be sold or served at this event? ☒ Yes ☐ No

Which nonprofit organization will sponsor the liquor license? Black Canyon Boys & Girls Club

Exact time alcohol will be on location*: 10:00 (a.m./p.m.) to 4:00 (a.m./p.m.)

*These times must match the beginning and ending times specified on the State of Colorado Special Events Permit Application (form DR 8436).

Exact time alcohol will be served **: 10:00 (a.m./p.m.) to 4:00 (a.m./p.m.)

**Officers may be required to be present during the time alcohol is served. Please see page 6.

Please note: It is the responsibility of the event organizer(s) to be familiar with the laws and liabilities associated with the sale of alcohol beverages. Please review state statutes regarding the sale and service of alcohol and/or attend a City sponsored alcohol server training class.

Is electricity needed? ☒ Yes ☐ No

Time Needed: 7:00 am - 4:00 pm

If yes, please describe the equipment and appliances to be used, such as hot plates, coolers, or sound systems:

Sound system, possibly food trucks

Is domestic water needed?

☐ Yes ☒ No

If yes, please describe:

Will sound amplification be used?

☒ Yes ☐ No

If yes, please describe:

Sound system for stage

Are additional garbage cans needed? ☒ Yes ☐ No

If yes, please estimate the number of 90-gallon trash receptacles needed: 4

Please estimate the number of recycle containers needed: 0

Please note: Individual vendors are required to provide their own trash receptacles.

Will temporary structures be used? ☐ Yes ☒ No

If yes, please describe the type, size, and method of securing the structure:

Will your event include any high-risk activities such as motorcycle events, airplane/helicopter activities, or water events? ☐ Yes ☒ No If yes, please describe:

If the estimated attendance of the event is more than 200 people, please provide a brief description of the following:

Parking and Traffic Management Plan:

We have secured overflow parking @ Montrose County event center w/ shuttle + side streets & public parking available

Emergency Plan:

This event is located on Main Street. It is an open street with exits on either end. We will also work with local law enforcement to ensure all safety needs met.

Sales Tax Collection Plan (if food and/or merchandise are sold):

Each vendor/food truck will be responsible & agree they are adhering to these requirements as required by law.

Additional comments/requests:

Part II – Additional Licenses & Permits

If any items are sold at an event, a City of Montrose sales tax license is required in accordance with the Official Municipal Code of the City of Montrose and the laws of the State of Colorado. Please contact the City Sales Tax Accountant at (970)-240-1465 to obtain a City Sales Tax number.

*City sales tax license holders must maintain proper books and records of sales that may be subject to inspection and audits as applicable. (Municipal Code Section 5-15)

Additional permits may be required depending on the components of your event. Applicants and/or vendors or responsible for complying with the terms of these licenses and permits.

- ☐ Food Service License (Health Inspector 970-252-5000)
- ☐ City Sales Tax Sponsor Agreement (Sales Tax Accountant 970-240-1465)
- ☐ Transient Vendor's License (Sales Tax Accountant 970-240-1465)
- ☒ Special Events Liquor Permit (City Clerk's Office 970-240-1430)

Free advertising for your event is available at VisitMontrose.com/Events

Part III – Rules & Regulations

1. Applications must be submitted **at least 60 days** (90 days for Main Street closures) in advance of the date of the event.
2. Proof of Insurance in the amounts listed below, naming the City, its officers, agents and employees as additional insureds for claims arising from the event.

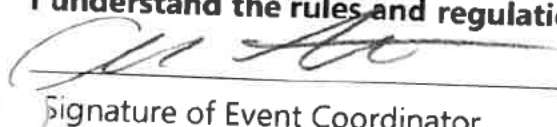
\$2,000,000	General Aggregate (Per Event/Certificate)
\$2,000,000	Products/Completed Operations Aggregate
\$1,000,000	Personal and Advertising Injury
\$1,000,000	Each Occurrence
\$1,000,000	Damage to Premises Rented to You
\$ 5,000	Medical Payments
3. **For groups planning to sell and serve alcohol beverages:**
 - a. A Special Events Permit to sell and serve alcohol beverages must be obtained through the City of Montrose and State of Colorado. (Applications are processed through City Clerk's Office).
 - b. A detailed plan on how the area will be secured for sale and consumption of alcohol will be required.
 - c. Events with a Special Events Permit to sell and serve alcohol, may be required to hire a minimum of two police officers during the time alcohol is being served. The number of officers required will be determined by the City in its sole discretion based on the nature of the event. The fee is based on the actual burdened rate of officers and sergeants, will be reviewed annually, and is subject to change.
4. Park hours are 5:00 a.m. to 11:00 p.m.
5. Noise which unreasonably annoys, injures or endangers the comfort, health, peace or safety of others is prohibited by City ordinance.
6. The rules and regulations of the Montrose City Code shall be followed at all times.
7. Permittee agrees to indemnify and hold harmless the City of Montrose, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this permit, if such injury, loss, or damage is caused in whole or in part by, or is claimed to be caused in whole or in part by, the act, omission, error, professional error, mistake, negligence, or other fault of the Permittee, or any employee of the Permittee, or which arise out of any worker's compensation claim of any employee of the Permittee. The Permittee agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims or demands at the

Free advertising for your event is available at VisitMontrose.com/Events

sole expense of the Permittee, or at the option of the City agrees to pay the City or reimburse the City for the defense costs incurred by the City in connection with, any such liability, claims or demands. The Permittee also agrees to bear all other costs and expenses related thereto, including court costs and attorney fees, whether or not any such liability, claims, or demands alleged are groundless, false, or fraudulent.

8. Permittee hereby agrees to waive any claim against the City, its officers or employees for damage to their persons or property arising out of this permit, the exercise of rights granted under this Permit, or the use of the public property granted herein by the City.
9. Permittee shall maintain and use the public property at all times in conformity with City ordinances, regulations and other applicable law, keep it in a safe and clean condition, and allow no nuisance to be created by virtue of the Permit. Permittee shall not construct any buildings or improvements upon the public property. **Temporary structures shall not be anchored to sidewalks or pavement. Permittee shall not apply any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any natural or man-made surface on public property by any means including but not limited to an aerosol paint container, a broad tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface, even if considered temporary in nature. Directional markers and distance markers for parades and walks/runs are not allowed on any public property; vinyl wire flag markers (wire no greater than 14 gauge nor longer than 24") are allowed if removed immediately following the event.** Permittee shall be held responsible for any damage incurred to the public property or adjacent surrounding area as a direct result of the event's activities, **including but not limited to loss of damage deposit, cost of repair for damages, fines and imprisonment, restitution, community service, or other sentence imposed by a court of competent jurisdiction.**
10. The City reserves the right to refuse the issuance of an Events Use Permit to any club, organization, person or persons. The City may revoke this permit at any time as deemed appropriate in the City's sole discretion; in such case, all property of the Permittee shall be removed at Permittee's expense and pre-existing conditions restored.
11. The City reserves the right to impose additional or increased requirements, terms and conditions, based upon the City's responsibility to protect and safeguard public health, peace and safety, and to preserve the security of public property. Should additional or increased requirements, terms, and conditions be imposed, they shall be sent to the permittee in writing.

I understand the rules and regulations as outlined above.


Signature of Event Coordinator

3/23/2023
Date



SECTION B – MAIN STREET CLOSURE PERMIT

- Applications for Main Street Closures must be submitted at least 90 days prior to the event. Applications received less than 90 days in advance may be approved by the City Manager if the application was received at least 45 days in advance. This decision may be appealed to City Council.
- No street closure shall be permitted in conjunction with any Special Events Permit to sell and serve alcohol, unless permission is granted by City Council. *See Part III, Item 3 on page 6.*
- Main Street closures of more than 10 hours require City Council approval.
- Thoroughfares must remain open for emergency vehicles.
- Events shall conclude by 11:00 p.m.
- The Main Street Closure Permit fee is \$250.00 for a 10-hour closure. City Council may approve additional hours for an additional fee.
- A refundable deposit of \$100.00 is required and will be returned if the street closure area and adjoining property are clean, undamaged, and litter free.
- A Certificate of Liability Insurance is required as specified on page 6, under Part III, Rules and Regulations.
- Applicants are required to notify all properties within one block of the street closure 30 days prior to the event. A Street Notification/Acknowledgement form is located on page 13 of this application.

Date of street closure: 6/24/2023

Preferred time of closure: 7:00 am

Start time of event: 10:00 a.m.

End time of event: 4:00 pm.

*Closures include the area up to, but not including the closest crosswalk. Sidewalks and crosswalks cannot be blocked to pedestrian traffic.

Main Street Closure Permit Checklist

To simplify the Main Street Closure permitting process, applicants are asked to complete the following checklist and return this form for verification by the City Clerk's Office.

- ☒ Submit a complete special event application 90 days in advance.
- ☒ Receive City Council approval for alcohol service (if applicable).
- ☒ Receive City Council approval for closures of more than 10 hours (if applicable).
- ☒ Submit Main Street Closure Permit deposit and fees.
- ☐ Submit a certificate of liability insurance.
- ☐ Notify **ALL properties within one block of the street closure area** and submit a completed Street Closure Notification/Acknowledgement form.

3/23/23
working through
B&G club

NA

Pending

In Progress



SECTION C - PARADE and/or STREET CLOSURE PERMIT

PARADE

- Throwing candy from moving vehicles is prohibited.
- Parades shall organize and stage on North Nevada and adjoining side streets; then proceed East on North First Street to Stough; then turn South on Stough; then turn West on Main Street; proceed West on Main, then turn North on Selig. (Homecoming Parade may stage on South Pythian.)
- Police Department personnel shall be assigned for traffic control during parade.
- Applications must be submitted at least sixty (60) days in advance of the date of closure.
- Attach an application fee of \$100.00.
- Attach a deposit of \$100.00 to be returned if the parade route is left clean and undamaged.
- Attach a certificate of liability insurance as specified on page 6, under Part III, Rules and Regulations.

Date of Parade: _____ Time of Parade: _____

Name of Parade: _____

STREET CLOSURE (other than Main Street – for a closure of Main Street, complete Section B)

- No street closure shall be permitted in conjunction with any Special Events Permit to sell or serve alcohol, unless permission is granted by the City Council. *See Part III on page 6.*
- Streets shall not be closed more than ten (10) hours.
- Events shall conclude by 11:00 p.m.
- Public works will deliver barricades to the street closure area during normal working hours. **Event organizers are responsible for setting up and removing barricades.**
- Application must be submitted at least sixty (60) days in advance of the date of closure.
- Attach an application fee of \$100.00.
- Attach a deposit of \$100.00 to be returned if closure area is left clean and undamaged.
- Attach a certificate of liability insurance as specified on page 6, under Part III, Rules and Regulations.
- Complete and return Street Notification/Acknowledgement with application (Page 13). Applicants will be asked to notify all properties within 75 feet of the street closure.

Date of Street Closure: 6/24/23 Start Time: 7:00 am Ending Time: 5:00 p.m.

Describe Street area to be closed:

500 block of Main (where San Juan Brews & Precedence are located)



SECTION D - CENTENNIAL PLAZA PERMIT

- Application must be submitted at least sixty (60) days in advance of the date of the event.
- Attach an application fee of \$100.00.
- Attach a deposit of \$100.00 to be returned if the Plaza and adjoining property are left clean, undamaged, and litter free.
- Attach a certificate of liability insurance as specified on page 6, under Part III, Rules and Regulations.
- Events must conclude by 11:00 p.m.
- For groups requiring a Special Events permit to sell and serve alcohol beverages:
 - Special Events Permits shall be obtained through the City of Montrose. Applications are processed through City Clerk's Office.
 - A detailed plan on how Centennial Plaza will be secured for sale and consumption of alcohol shall be required. Any requests for a street closure or parking lot use adjacent to Centennial Plaza require City Council review and approval when applying for a Special Events Permit.
 - Officers may be required at the discretion of the Montrose Police Department at a rate per hour based upon the actual burdened rate of officers and sergeants.

Date(s) of Use: 6/24/23

Time(s) of Use: 2:00 p.m. - 10 p.m. *Events must be completely concluded by 11:00 p.m.

Centennial Plaza Equipment Needs

Will sound equipment be needed? ☒ yes ☐ no

Microphones (2) ☒ Monitors (2) ☒

- The City Clerk will issue a code to the locked electrical and sound system boxes.
- Arrangements for sound equipment training and key pick up can be made by calling 240-1422.

Will restrooms need to be opened earlier than 8:00 a.m.? ☐ yes ☒ no

Additional Needs:

Electricity

The undersigned hereby agrees to comply with all conditions stated above, and confirms that all statements on this application are true and accurate to the best of Permittee's knowledge.

[Signature]
Permittee

6/24/2023
Date

Total Due for Event:

Events Use Permit Fee – All venues except Main Street	<u>2</u>	\$100.00
Main Street Closure Permit Fee	<u>1</u>	\$250.00
Event Deposit	<u>1</u>	\$100.00

TOTAL AMOUNT DUE: \$ 550.00

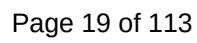
Section Below for City Use Only

Conditions:

Date: _____

Signature

Notifications Sent	<u>4/14/2023</u>
Fees Received	
Insurance Certificate Received	
Street Closure Notifications Received	



Business Name	Address	Date	Comment	Yes/No	Letter Mailed
San Juan Brews	512 Main	02/2023	Major Partner	Yes	5.19.2023
Precedence	513 Main	02/2023	Major Partner	Yes	5.19.2023
The Real Estate Store	500 E Main	05/15/2023	No issues, would like to be open. Excited.	Yes	5.19.2023
Fancy Rooster	508 Main	05/17/2023	Attempted a visit on 05/15/23, 05/17/23. Called 5/17/2023 no answer. Letter		5.19.2023
Brooks & Brooks (attorney)	516 Main	05/15/2023	No issues, closed. Said we did a great job last year and they were happy.	Yes	5.19.2023
Western Group Insurance	540 Main	05/15/2023	No issues, closed.	Yes	5.19.2023
Lavish Beauy Bar	542 Main	05/15/2023	No issues, mostly closed. Really excited, will send a business announcement.	Yes	5.19.2023
Hartman Borhers Inc	531 Main	05/15/2023	No issues, closed.	Yes	5.19.2023
Montrose Community Foundation	525 Main	05/15/2023	Major Partner	Yes	5.19.2023
Express Employment	525 Main	05/15/2023	No issues	Yes	5.19.2023
			Business owner has had bad experience before, mostly with parade last July where people broke things and stole. Talked at length about partnering and will meet again soon to set a plan. Offered volunteers as well to help that day in the store and we will look at what they would want to do with people day of. He is not against our event, but wanted to be heard about what happened during parade last year. He will be partnering now, we are just identifying how. *****PARTNER: Provide 1 volunteer day of. He will also run a special sale and ad during the event	Yes	5.19.2023
Tortoise and Hare	523 Main	05/15/2023			
High Country Capital Management	521 Main		Attempted a visit on 05/15/23, 05/17/23. Called 5/17/2023 no answer. Letter		5.19.2023
			Had concern around drop off and pick up. Offered our services and volunteers. Talked about her Girls and Guns club and she is excited to have those gals come down and set up outside her store. She does not oppose the event and we will check in soon to see what we can help with day of to alleviate the concern they had. She will now be a partner and have a booth.		
Charlie Golf One LLC (Pawn Shop)	517 Main	05/15/2023	****PARTNER: Confirmed booth for day of event	Yes	5.19.2023
Coker Homes	501 Main	05/15/2023	No issues, closed.	Yes	5.19.2023
Over the Rainbow	18 N Uncompahgre	05/15/2023	No issues.	Yes	5.19.2023
Lion's Mane	22 N Uncompahgre	05/15/2023	No issues, closed that day.	Yes	5.19.2023
Best Connections	22 N Uncompahgre	05/15/2022	No issues, they said they are good. Liked the event!	Yes	5.19.2023
Montrose Myo, LLC	22 N Uncompahgre		Attempted a visit on 05/15/23, 05/17/23. Called 5/17/2023 no answer. Letter (Building neighbor indicated she is rarely in and wouldn't have an issue though.)		5.19.2023
Hunter's Barbershop	22 N Uncompahgre	05/15/2022	No issue, closed.	Yes	5.19.2023
Soak Wellness Spa	24 N Uncompahgre	05/15/2023	Excited for event, Partner! Wants us to follow up on their donation if I don't hear in a couple weeks	Yes	5.19.2023
HAP	504 W 1st	05/15/2023	Send non profit booth agreement, partner!	Yes	5.19.2023
			Spoke at length about the event and partnering. They are concerned about their parking and that if kids are around his customer won't want to come in. He did say though that they are family friendly. As we talked brainstormed ideas of lay outs that would help his buisness and how they may want to be incorporated. Also, let him know to contact Lisa at City for festival permit that could allow him to use more outside of his business. He was excited about that. He wants to work with us, but will discuss with his partner and I will follow up in one week! *****MAJOR PARTNER NOW- Live DJ, cornhole tournament to benefit habitat,		
Sidelines	35 N Uncompahgre	05/15/2023	food	Yes	5.19.2023
Brazilian Jiu Jitsu	33 N Uncompahgre	05/17/2023	No issues	Yes	5.19.2023

7 Summits	33 N Uncompahgre	05/17/2023	No issues, excited to come to the event!	Yes	5.19.2023
Black Canyon Engineers	447 Main	05/17/2023	No issues, closed.	Yes	5.19.2023
Guru's	448 Main	05/17/2023	No issues, parking in front of their business will be open.	Yes	5.19.2023
Color Connection	510 Main	05/15/2023	No issues, closed.	Yes	5.19.2023
Mega Pixel	509 Main	05/17/2023	No issues, allowing us to plug power in for music.	Yes	5.19.2023
The Temple	513 Main		Attempted a visit on 05/15/23, 05/17/23. Called 5/17/2023 no answer. Letter		5.19.2023
P & C Insurance Agency	17 N Uncompahgre	05/17/2023	No issues, Loves Habitat and is very excited. We will partner on future projects!	Yes	5.19.2023
Total # Businesses	30				
70% is	21				
Number Green or Pale Yellow	26				
Number Red	0				
Percent Approved	86.67%				
Percent unable to reach in person or over the phone	13.33%	100.00%			
Pale Yellow- Concern, but not a no. Working to problem solve. They want to try to work with us.					
Bright Green= Major Partner					
Bright Yellow= Unable to reach so far, letter					
Light Green= No issues					
Red= No, opposed					



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STREET CLOSURE NOTIFICATION / ACKNOWLEDGEMENT

Name of Event: Rock the Block

Location of street closure: 500 block of Main & Uncompahgre

Time of closure: Event: 10 am to 4 pm (Street: 6 am to 6 pm) 6/24/23

Name of circulator: Habitat for Humanity Signature: [Signature]
Amanda Gerhardt

	NAME and/or BUSINESS	ADDRESS	DATE
1.	San Juan Brews	512 Main	Feb. 2023
	Comments: Partnering!		
2.	Precedence	513 Main	Feb. 2023
	Comments: Partnering!		
3.	The Real Estate Store	500 E. Main	5/15/23
	Comments: Christine Kersen - No issue - will try to be open w/booth!		
4.	Fancy Rooster - Closed today	508 Main	5/15/23
	Comments:		
5.	Brooks & Brooks (Hwy)	516 Main	5/15/23
	Comments: Closed today		
6.	Western Group Inc	540 E Main	5-15-23
	Comments: (Judy) * NO ISSUES		
7.	Lavish Beauty Bar	542 E. Main St.	5/15/23
	Comments: Nicole Metzger EXCITED! Closed! Wants ad run!		
8.	Hartman Brothers Inc - 531 E Main St.	Dianella CSR	5/15/23
	Comments: Sara Plumhoff Partnering.		
9.	Montrose Community Foundation	525 E Main St Montrose CO 81402	
	Comments: Nina / Shari Hancock		
10.	Express Employment	525 E Main St "	81402
	Comments:		



STREET CLOSURE NOTIFICATION / ACKNOWLEDGEMENT

Name of Event: Rock the Block 6/4/2023
 Location of street closure: 500 Block of Main & Uncompahgre
 Time of closure: Event: 10-4pm (street: 6am-6pm)
 Name of circulator: Habitat for Humanity Signature: [Signature]

	NAME and/or BUSINESS	ADDRESS	DATE
1.	Crystal Bradburn / Soak Wellness Spa	24 N Uncompahgre	5/15/23
	Comments: (will donate, contact if you don't hear) Partnering!		
2.	HAP	504 W. 1st	5/15/23
	Comments: Follow up w/ non profit agreement for booth		
3.	Sidelines		5/15/23
	Comments: Music or vendors please - Adrian - follow up in 1 wk		
4.	Brazilian Jiu-Jitsu	33 N unc	5/15/23
	Comments: No one there Letter		
5.	T Summits	33 N unc	5/15/23
	Comments: No one there letter		
6.	Black Canyon Engineer	447 main	5/15/23
	Comments: Closed - no one there letter		
7.	Guru's - Closed - no one there	448 Main	5/15/23
	Comments: letter		
8.	Thomas Carrasco	510 Main	5/15/23
	Comments: No issues essentially closed		
9.	Aaron J. Brooks (Brooks & Brooks)	516 Main	5/15/23
	Comments: no issues essentially closed		
10.	Mega Pixel	509 Main	5/15/23
	Comments: Closed - call & letter		



STREET CLOSURE NOTIFICATION / ACKNOWLEDGEMENT

Name of Event: Rock the Block 6/24/2023
 Location of street closure: 500 Block of Main & Uncompahgre
 Time of closure: Event: 10-4pm Street 10am-6pm
 Name of circulator: Habitat for Humanity Signature: [Signature]

	NAME and/or BUSINESS	ADDRESS	DATE
1.	Tortoise & the Hare	523 Main	5/15/23
	Comments: Kevin Reddin - Brainstorm Partnership - follow up		
2.	High Country Capital Management	521 Main	5/15/
	Comments: closed - no one in - letter		
3.	Charlie Golf One LLC	517 E MAIN ST	5/15/23
	Comments: Follow up re: Group booth		
4.	Coker Homes	501 E Main St	5/15/23
	Comments: closed		
5.	Drew the Rainbow	18 N. Unc	5/15/23
	Comments: Brittney - letter too to owner		
6.	Lion's Mane	22 N. Unc	5/15/23
	Comments: Jodi closed that day		
7.	closed		
	Comments:		
8.	Best Connections	22 N Uncompahgre	5/15/23
	Comments: we are good.		
9.	Montrose Myo, LLC - closed		5/15/23
	Comments: letter		
10.	Hunter's Barbershop	22 N Unc	
	Comments: Brooke		



STREET CLOSURE NOTIFICATION / ACKNOWLEDGEMENT

Name of Event: Rock the Block 6/24/23

Location of street closure: 500 Block of main & Uncompahgre

Time of closure: Event: 10-4 Street: 6am to 6p

Name of circulator: Habitat Signature: [Signature]
Amanda

	NAME and/or BUSINESS	ADDRESS	DATE
1.	<u>The Temple</u>	<u>513 Main</u>	<u>5/15/23</u>
	Comments: <u>Closed - call (Partnering)</u>		
2.			
	Comments:		
3.			
	Comments:		
4.			
	Comments:		
5.			
	Comments:		
6.			
	Comments:		
7.			
	Comments:		
8.			
	Comments:		
9.			
	Comments:		
10.			
	Comments:		



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STREET CLOSURE NOTIFICATION / ACKNOWLEDGEMENT

Name of Event:

Rock the Block 6/24/2023

Location of street closure:

500 Block of Main & N Unc

Time of closure:

Event: 10-4 (Street: 6am to 6pm)

Name of circulator:

Habitat
Amanda

Signature:

	NAME and/or BUSINESS	ADDRESS	DATE
1.	Black Canyon Engineers	447 E. MAIN ST	5/17/23
	Comments: BUSINESS CLOSED, HAVE FUN!		
2.	P&C Insurance Agency	17 Uncompahgre Ave Suite A	5/17/23
	Comments: Loves it! Fully Support!		
3.	7summits Physical Therapy	33 N uncomphgre Ave	5/17/23
	Comments: Brazilian Jiu Jitsu & Men's Health = No issues		
4.	Guru's	448 Main	5/17/23
	Comments: Juntava, no issues		
5.	Mega Pixel	509 E Main	5/17/23
	Comments: No issue		
6.	Montrose Myo, LLC	22 N Unc	5/17/23
	Comments: Came by 5/15 & 5/17, left vm 5/17, letter		
7.			
	Comments:		
8.			
	Comments:		
9.			
	Comments:		
10.			
	Comments:		

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You **Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following** (See back for details.)

- | | | |
|------------------------------------|--|---|
| ☐ Social | ☐ Athletic | ☐ Philanthropic Institution |
| ☐ Fraternal | ☒ Chartered Branch, Lodge or Chapter | ☐ Political Candidate |
| ☐ Patriotic | ☐ National Organization or Society | ☐ Municipality Owned Arts Facilities |
| ☐ Political | ☐ Religious Institution | |

LIAB Type of Special Event Applicant is Applying for: 2110 ☒ Malt, Vinous And Spirituous Liquor Fee: \$100.00 per event 2170 ☐ Fermented Malt Beverage Payable to the City of Montrose	DO NOT WRITE IN THIS SPACE Liquor Permit Number
--	---

1. Name of Applicant Organization or Political Candidate Black Canyon Boys & Girls Club	State Sales Tax Number (Required)
---	-----------------------------------

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) PO box 1907 Montrose, CO 81402	3. Address of Place to Have Special Event (include street, city/town and ZIP) 512 E Main St, Montrose, CO 81401
---	--

4. Authorized Representative of Qualifying Organization or Political Candidate Bud Taylor	Date of Birth [REDACTED]	Phone Number [REDACTED]
---	-----------------------------	----------------------------

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

5. Event Manager Bud Taylor	Date of Birth [REDACTED]	Phone Number [REDACTED]
---------------------------------------	-----------------------------	----------------------------

Event Manager Home Address (Street, City, State, ZIP) [REDACTED]	Email Address of Event Manager btaylor@bcbgc.org
---	--

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? ☐ No ☒ Yes How many days? <u>2</u>	7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? ☒ No ☐ Yes License Number _____
--	---

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? ☒ Yes ☐ No

List Below the Exact Date(s) for Which Application is Being Made for Permit									
Date 06/24/23	Date	Date	Date	Date					
Hours From 10:00a.m. To 4:00p.m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.					
Date	Date	Date	Date	Date					
Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.					
Date	Date	Date	Date	Date					
Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.					

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature <i>Bud Taylor</i>	Title CEO	Date 04/26/23
--------------------------------	---------------------	-------------------------

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	☐ City ☐ County	Telephone Number of City/County Clerk
--	--	---------------------------------------

Signature	Title	Date
-----------	-------	------

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information			
License Account Number	Liability Date	State	Total
		-750 (999)	\$.

Rock the Block

Alcohol area and setup for Rock the Block as presented by Black Canyon Boys & Girls Club



Google Earth

Legend

- Feature 1
- Music
- San Juan Brews
- Vendor

100 ft

Special Event Permit Questionnaire

1. Name of Event: Rock The Block
2. Type of Event (i.e., annual, quarterly, benefit, etc.): Annual Benefit for Habitat for Humanity of the San Juan
3. Explain in detail the nature of your organization, its function, and who or what benefits from its operations (attach a separate sheet if necessary): Black Canyon Boys & Girls club is a youth non-profit organization supporting youth
4. Who or what organization will be the recipient of funds derived from this event? Black Canyon Boys & Girls Club
5. How many attendees are expected at this event? 150
6. Describe the premises of this event: Main St. from Park St. to Uncomphagre
7. If this is an outdoor event, describe how the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.):
The Club will work with the City to set up orange netting to make a boundry around main st.
8. What type of entertainment, if any, will be provided at this event? There will be music playing and a craft bazaar
9. What method will be used to check identification for proper age of attendees (i.e., at the door, at the bar, etc.), and how will underage patrons be identified so as not to be served alcohol beverages (i.e., stamp or mark on the hand, etc.)?
We will have two entryways into the alcohol area. people will be ID checked at those location and a over 21 band will be given, and anyone under 21 will have another band with under 21 on the band.
10. How will the conduct and level of intoxication of attendees be monitored, and by whom? BCBGC has three people who are tipps trained and will monitor the situation. The attendees will get beverages at one location.
11. Have volunteers or members of your organization been trained in the sale/service of alcohol beverages? If yes, what training have they received, and by whom? Yes, Tipps trained by the City of Montrose, there are three of us trained.
12. What types of alternate beverages and food/snacks will be available? Food trucks will be on site to provide food.
13. Have State and City Sales Tax Numbers been initiated by you or a member of your organization? If yes, please provide the numbers in the space provided. N/A
14. Explain how this event will be marketed by describing what kinds of advertising material will be distributed and the targeted recipients of such material. Facebook and flyers



CITY OF MONTROSE

MEMO

TO: Honorable Mayor Bynum and Montrose City Council
FROM: Ann Morgenthaler, Deputy City Manager
DATE: June 6, 2023 Council Meeting
RE: Proposed 2018 Building and Energy Codes Adoption

City Council Consideration

In December, 2022 City Council directed staff to begin drafting an ordinance to adopt the 2018 International Building and Energy Codes. Staff is now presenting the proposed ordinance for Council's consideration.

City staff hosted a public open house on May 22, 2023. Council will consider the ordinance on first reading on June 6, 2023 and second reading on June 20, 2023.

Background

In July 2005, the City of Montrose adopted the 2003 International Building Codes, published by the International Code Council (ICC). These include the 2003 versions of the International Building Code (IBC), the International Mechanical Code (IMC), the International Residential Code (IRC), the International Fuel Gas Code (IFGC), the International Plumbing Code (IPC), the International Existing Building Code (IEBC), the International Property Maintenance Code (IPMC), and the International Fire Code (IFC). In 2008, the City adopted the 2003 version of the International Energy Conservation Code (IECC).

Regional local governments have had the shared goal of adopting the same version of Building Codes, in order to provide consistent standards for the professional building community, who work in multiple jurisdictions. Please see the attached table for a list of regional governments, their current Building Codes, and the codes they plan to adopt soon (if applicable). The majority of regional local governments have adopted the 2018 Building Codes and do not have plans to adopt more recently published codes.

In addition to the goal of regional consistency, State of Colorado legislation (HB22-1362) requires that if a local government adopts new Building Codes prior to July 1, 2023, that either the 2015, 2018, or 2021 International Energy Conservation Code (IECC) is also adopted. If a municipality adopts a new Building Code after July 1, 2023, the local government must adopt an

Energy Code that is equivalent to the 2021 version of the IECC. Please see attached information from the Colorado Municipal League for additional information about the requirements associated with this legislation.

Notable Updates

Adopting the 2018 suite of Building and Energy Codes will include some noticeable changes including:

- IRC automatic sprinkler requirement
- Increased Fire separation distance (from 3 to 5 feet) for fire resistant construction requirement
- Basement/crawlspaces lids required to be drywalled when fueled fired appliances are located in basement or crawlspace
- Increased insulation values or energy heels (trusses)
- Mechanical ventilation requirements
- Lighting efficacy increases
- Duct and blower door testing for air leakage testing

Currently, pursuant to the 2003 Building Codes, the City of Montrose does not require interior residential sprinklers in single-family, duplex, or townhouse structures. The 2018 Building Codes require that single-family, duplex, and townhouse structures are built to include interior residential sprinklers. However, a local government may make amendments when adopting the codes in order to modify such requirements. The staff recommend, and the proposed adoption ordinance include language specifying, that these requirements for interior residential sprinklers are eliminated. This would be consistent with other regional local governments and would accomplish staff's goal of providing an incremental, and not drastic, update to the Building Codes.

Recommendation

City of Montrose staff recommend City Council adopt the 2018 suite of ICC Building Codes and the 2018 version of the Energy Code. This will increase consistency with other regional local governments and will allow for reasonable – but not overly burdensome or overly expensive – updates to requirements for builders. Adopting the 2018 Building and Energy Codes prior to July 1, 2023 will allow the City to make this incremental update to the 2018 suite of Codes, as opposed to being required to adopt the 2021 Energy Code if we adopt new codes after July 1, 2023.

A local government may adopt different versions of Building and Energy Codes, for example by adopting the 2018 suite of Building Codes and the 2021 Energy Code, but doing so can create confusion and require additional local modifications to ensure consistency between codes.



Area Comparison of Adopted Codes and Plans for Future Updates

Jurisdiction	Current Code	Next adoption
City of Montrose	2003	code update prior to 7/1/23
Montrose County	2009	no update pending
Town of Ridgway	2018	no update pending
City of Ouray	2009	code update to 2018 Prior to 7/1/23
Ouray County	2018	no update pending
City of Delta	2018	no update pending
Delta County		No adopted building code
City of Gunnison	2015	under review for 2021
Gunnison County	2015	status unknown
Town of Mountain Village	2018	no update pending
Town of Telluride	2018	no update pending
San Miguel County	2018	no update pending
Mesa County & Grand Junction	2018	no update pending

Area Comparison of IRC Interior Sprinkler Requirements

	Code Year	One-Family Dwelling (sfr)	Two-Family Dwelling	Townhouses	Detached Garages
Montrose County	2009	No	No	No	No
Town of Ridgway	2018	No	No	Yes	No
City of Ouray	2009	No	No	per building inspector	silent
Ouray County	2018	No	No	Yes	No
City of Delta	2018	No	No	No	No
Delta County	NO ADOPTED BUILDING CODE				
City of Gunnison	2015	No	Yes	Yes	silent
Gunnison County	2015	Yes when > 3,600 sf	Yes when > 3,600 sf	No	silent
Town of Mountain Village	2018	Yes when > 3,600 sf	Yes when > 3,600 sf	Yes	silent
Town of Telluride	2018	Yes	Yes	Yes	silent
San Miguel County	2018	Yes when > 3,600 sf	Yes when > 3,600 sf	Yes	silent
Mesa County	2018	No	No	No	No



Colorado Municipal League Summary of HB22-1362

HB22-1362

Building Greenhouse Gas Emissions

<https://leg.colorado.gov/bills/hb22-1362>

The act establishes minimum energy codes that local governments must adopt when they are adopting or updating their building codes. HB22-1362 also creates an Energy Code Board which includes local government officials. The Board will meet to create a model solar energy code, a model electric ready code, and a model low energy and carbon code. The Board is dissolved on September 1, 2027.

The timelines are below:

- When adopting or updating a building code prior to July 1, 2023, the municipality must adopt and enforce an energy code that achieves equivalent or better energy performance than one of the three most recent editions of the International Energy Conservation Code.
- A municipality that has adopted and enforced one or more building codes, and that updates one or more building codes after July 1, 2023, and before July 1, 2026, must adopt and enforce an energy code that achieves equivalent or better energy performance than the 2021 International Energy Code and the model electric ready code and the solar ready code developed by the Energy Code Advisory Board.
- A municipality that has adopted and enforced one or more building codes, and that updates one or more building codes after July 1, 2026, must adopt and enforce an energy code that achieves equivalent or better energy and carbon emissions performance than the model low energy and carbon code created by the Energy Code Board.

Two grant programs are also created:

- The building electrification for public buildings grant program to provide grants to local governments, school districts, state agencies, and special districts for the installation of high-efficiency electric heating equipment; and
- The high-efficiency electric heating and appliances grant program to provide grants to local governments, utilities, nonprofit organizations, and housing developers for the installation of high-efficiency electric heating equipment in multiple structures within a neighborhood. **Effective: June 2, 2022.** Lobbyist: Meghan Dollar.



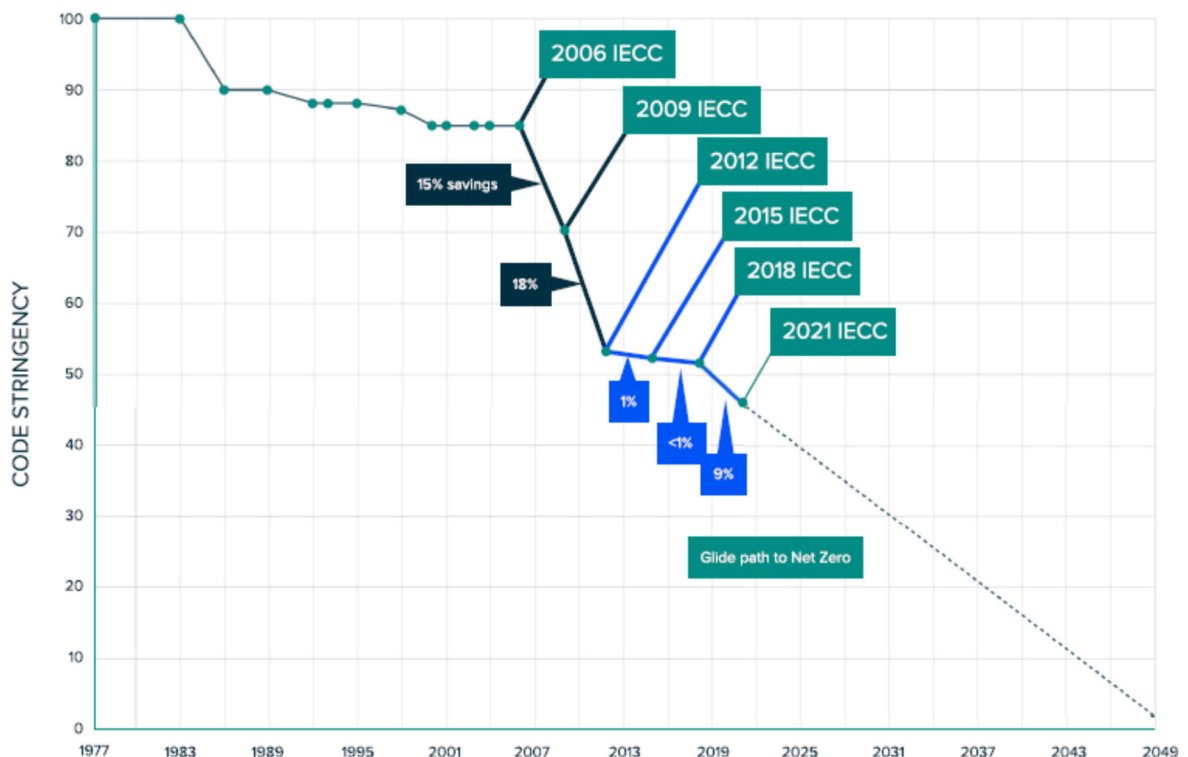
History of the International Conservation Code (IECC)

From: <https://energyefficientcodes.org/iecc/>

For nearly two decades, successive versions of the IECC and its predecessor, the Model Energy Code (MEC), made only 1 to 2 percent gains in energy efficiency. That changed in 2009 and 2012, when the Energy-Efficient Codes Coalition (EECC) brought together government and business leaders, regional energy efficiency alliances, academics, think tanks, utilities, conservation groups, low-income housing groups and energy consumers to support a 30+ percent energy efficiency boost, as can be seen in the adjacent graph.

After the progressive gains made to the 2009 and 2012 IECCs, progress stalled as anti-efficiency lobbyists successfully halted further progress during the 2015 and 2018 code cycles. These lost opportunities for efficiency gains in the 2015 and 2018 IECCs set us behind and have cost homeowners and business owners thousands in lost revenue due to buildings being constructed to weaker standards than is feasible today.

The 2021 code cycle once again resulted in significant progress, with an efficiency boost of more than 10% over the 2018 IECC.



ORDINANCE NO. 2628

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING CITY BUILDING AND FIRE REGULATIONS AND ADOPTING BY REFERENCE 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE; THE INTERNATIONAL MECHANICAL CODE; THE INTERNATIONAL RESIDENTIAL CODE; THE INTERNATIONAL FUEL GAS CODE; THE INTERNATIONAL PLUMBING CODE; THE INTERNATIONAL EXISTING BUILDING CODE; THE INTERNATIONAL PROPERTY MAINTENANCE CODE; THE INTERNATIONAL FIRE CODE; AND THE INTERNATIONAL ENERGY CONSERVATION CODE; AND PROVIDING PENALTIES FOR VIOLATIONS

WHEREAS, the City of Montrose adopted the 2003 editions of the International Building Code, the International Mechanical Code, the International Residential Code, the International Fuel Gas Code, the International Plumbing Code, the International Existing Building Code, the International Property Maintenance Code, and the International Fire Code in 2005, as described in Ordinance number 2069; and

WHEREAS, the City of Montrose adopted the 2003 edition of the International Energy Conservation Code in 2008 as described in Ordinance number 2199; and

WHEREAS, the City of Montrose desires to adopt more current editions of the above-referenced Codes, in order to ensure that construction meets contemporary standards, as well as to provide consistent code adoptions between regional jurisdictions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

SECTION 1:

Section 4-1-1 (Adoption and application of codes.) of the Official Code of the City of Montrose, Colorado is amended to read in its entirety as follows:

- (A) There is hereby adopted for the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare The International Building Code, 2018 Edition, including Appendix I, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy, and use

and the demolition of such structures; and providing for the issuance of permits and collection of fees therefor.

- (B) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Mechanical Code, 2018 Edition, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, and the issuance of permits and collection of fees therefor.
- (C) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Residential Code, 2018 Edition, including Appendices E, F, H, J, and Q, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached and two family dwellings and multiple single family dwellings (townhouses) not more than three (3) stories in height, with separate means of egress, and the issuance of permits and collection of fees therefor.
- (D) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Fuel Gas Code, 2018 Edition, including Appendices A, B, and C, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing fuel gas systems and gas-fired appliances, and the issuance of permits and collection of fees therefor.
- (E) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Plumbing Code, 2018 Edition, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor.
- (F) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Existing Building Code, 2018 Edition, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; including Appendix B and Resource A; the subject matter of which is regulations governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, and providing for the issuance of permits and collection of fees therefor.
- (G) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Energy Conservation Code, 2018 Edition, as published by the International Code Council, 4051 Flossmoor Road, County Club Hills, Illinois 60478-5795; the subject matter of which is regulations governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and

power systems, and providing for the issuance of permits and collection of fees therefor.

- (H) There is hereby adopted for the purpose of providing minimum standards to protect persons and property The International Property Maintenance Code, 2018 Edition, as published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795; the subject matter of which is regulations governing, the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy, and use and the demolition of such structures; and providing for the issuance of permits and collection of fees therefor.
- (I) Pursuant to C.R.S. § 12-115-107, an electrical code, enforced by the State of Colorado, shall apply to all electrical work within the City. As the State of Colorado has preempted local governments in setting minimum standards in this area, the City shall not be required to separately adopt any electrical code.
- (J) One (1) copy of the aforementioned Code is on file in the office of the City Clerk, and may be inspected during regular business hours. The City will provide information upon request for purchase of an electronic copy of the aforementioned Code.

SECTION 2:

Section 4-1-2 (Administration.) of the Official Code of the City of Montrose, Colorado is amended to read in its entirety as follows:

- (A) The City Manager shall be responsible for the enforcement of this Chapter, and the Codes adopted herein by reference. The City Manager may appoint a Building Official or one or more inspectors who shall enforce, interpret, and administer the provisions of this Chapter, and the Codes adopted herein by reference. Provided, however, the state electrical code shall be administered and enforced in accordance with State law by the State Electrical Inspector.
- (B) The City Manager and State Electrical Inspector and their designated representatives shall have the right of entry to inspect and enforce the provisions of this Chapter, a state electrical code and any of the Codes adopted herein by reference in accordance with the procedures and provisions of Subsection 104.6 of The International Building Code, 2018 Edition, in addition to any other provisions provided by law.
- (C) Whenever, in any of the Codes adopted or applied in this Chapter, it is provided that anything must be done, subject to the approval or discretion of an inspector or official, this shall be construed to give such official or inspector only the discretion to determine whether rules or standards established by such Codes have been complied with, and no such provisions shall be construed as giving any official or

inspector any arbitrary or discretionary power to require conditions not prescribed by said Codes or to enforce the Codes in an arbitrary or discriminatory manner.

- (D) Permit and related fees for the Codes adopted by reference herein shall be as adopted by City Council Resolution.
- (E) The owner, lessee, manager, sublessee, and occupant(s) of property shall be jointly and severally responsible and liable for compliance with the provisions of this Chapter and the Codes adopted by reference herein, notwithstanding any lease or agreement among them.
- (F) The City Manager is hereby authorized to promulgate additional regulations for the interpretation, administration and enforcement of this Chapter and any other Codes adopted by reference herein.

SECTION 3:

Section 4-1-3 (Deletions, modifications, and exceptions to the Codes adopted by reference.) of the Official Code of the City of Montrose, Colorado is amended to read in its entirety as follows:

- (A) The International Building Code, 2018 Edition, is amended as follows:
 - (1) References to “jurisdiction” in § 101.1 and elsewhere shall mean the City.
 - (2) The flood insurance study and maps referred to in § 1612 are as adopted by Chapter 11-6 of the Official Code of the City of Montrose, Colorado.
 - (3) Sections 103, 104.7, 104.8, 113, 114.1, 114.3, and 114.4, are deleted.
 - (4) Section 105.2 is amended to exempt the following from permit requirements:
 - (a) Replacement of sinks, faucets, showers, tubs, dishwashers, garbage disposals, and lawn sprinkler systems.
 - (b) Window and door replacement.
 - (c) Re-siding of buildings regulated by this Code.
 - (d) Re-roofing less than 200 square feet.
 - (5) All foundations submitted for habitable structures or additions to habitable structures, shall be site specific, stamped and signed by an engineer registered in the state of Colorado. One (1) story detached accessory use structures less than 500 square feet in floor area, patio covers and carports need only comply with The International Building Code, 2018 Edition.

- (6) The exemption from permit requirements for accessory buildings in § 105.2, is amended to read as follows: “Building. No more than a single, one-story detached accessory structure for each premises such as tool and storage sheds, playhouses and similar uses, provided the floor area cannot exceed 200 square feet.”
- (7) For purposes of complying with HB 21-1222, §§ 305.2, 305.2.2, and 305.2.3, are amended by deleting five (5) and replacing it with 12.
- (8) For purposes of complying with HB 21-1222, §§ 308.5, 308.5.1, and 308.5.3, are amended by deleting five (5) and replacing it with 12.
- (9) For purposes of complying with HB 21-1222, § 310.4.1, is amended by deleting five (5) and replacing it with 12. Also, the following language is deleted from this section: “provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of the International Residential Code.”
- (10) Subsection 3103 of The International Building Code, 2018 Edition, is amended to include the following additional provisions:
 - (a) Buildings or structures moved into or within the City shall comply with the provisions of this Code for new buildings or structures, except as otherwise provided herein.
 - (b) Temporary structures such as reviewing stands and fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire- resistive time periods required by this Code. Such temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.
 - (c) Temporary permits may be issued for certain structures and mobile homes which meet the criteria of this paragraph, subject to the conditions and criteria set out herein.
 - (d) The maximum period of any temporary permit unless otherwise authorized by a City Council approved permit, shall be the lesser of the following: Six (6) months within any calendar year; six (6) continuous months including time within a prior calendar year; or a number of months so that the total number of months for all temporary structures on the premises in any calendar year does not exceed six (6) months. At the end of the permitted period, the entire structure must be removed from the premises or taken down and properly stored out of view.
 - (e) Unless otherwise authorized by a City Council-approved permit, the use of any structure permitted herein is limited to use for retail sales, storage, pool or tennis court covers or accessory uses to residences. These structures shall not be permitted for manufacturing, repair, welding, painting or workshop uses.

- (f) All structures shall comply with all applicable provisions of City ordinances and regulations and state and federal law, including but not limited to building setback, off-street parking and other provisions of City Sign, Zoning and Land Use Regulations, State electrical code and City Sales and Use Tax Regulations. Provided however, temporary off-street parking spaces need not be paved.
- (g) Any manufactured structure shall be erected and maintained in accordance with the manufacturer's recommendations and instructions. All temporary structures shall be constructed, erected, and maintained in a good and skillful manner, in a good and safe condition and shall create no fire or safety hazard, or nuisance.
- (h) When required by applicable laws, permanent restrooms shall be available complying with applicable laws. If water and/or sewer are provided, nonrefundable purchase of taps with payment of system investment and connection charges is required.
- (i) Applications for temporary permits shall be submitted on forms provided by the City, which may require all information necessary and convenient for the administration of these provisions, including a Site Plan and Construction Plans, and shall be accompanied by an application fee as set forth in § 3-1 of the City of Montrose Regulations Manual and payment of City Sales and Use Tax due on the structure, and any equipment or taxable personal property to be used on the premises. The permit shall be issued subject to conditions necessary to ensure compliance with all applicable laws and this Paragraph (i). No use or occupancy shall be made of the structure until it has been inspected and an Occupancy Permit issued as being in apparent compliance with terms and conditions of the permit. Permits may be revoked following reasonable notice and hearing by the City Manager on account of a failure to comply with the conditions of the permit, this Paragraph (i) or any applicable laws. Following revocation of any permit, no similar permit shall be issued to the Permittee, or for the affected premises for a period of three (3) years.
- (j) The Building Official may issue permits pursuant to this section except when Council approval is also required as set out herein above. Council approved permits are limited to temporary uses incidental to construction projects and the uses set out above.
- (k) Tents and fabric canopies, erected for less than five (5) days, or with less than 120 square feet of roof area, may be erected and used without a permit.

(B) The International Residential Code, 2018 Edition, is amended as follows:

- (1) Chapters 34 through 43 and §§ R103, R104.7, R104.8, R112, R113.1, R113.3, and R113.4 are deleted.

(2) References to “jurisdiction” in § R101.1 and elsewhere shall mean the City.

(3) Section R105.2 is amended to exempt the following from permit:

- (a) Replacement of sinks, faucets, showers, tubs, dishwashers, garbage disposals, and lawn sprinkler systems.
- (b) Window and door replacement.
- (c) Re-siding of buildings regulated by this Code.
- (d) Re-roofing less than 200 square feet.

(4) Table R301.2 (1) Climatic and Geographic Design Criteria, is adopted as follows:

2018 IRC
Climatic and Geographic Design Criteria
Table R301.2(1)

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ^d	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^g	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^j	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^k
	Speed ^a (mph)	Topographic effects ^b	Special Wind Region ^l	Wind- borne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c					
30	115	NO	NO	NO	C	Severe	20"	Slight	7°	YES	July 17, 1986	1031	49°
MANUAL J DESIGN CRITERIAⁿ													
Elevation		Latitude		Winter heating		Summer cooling		Altitude correction factor	Indoor design temperature		Design temperature cooling		Heating temperature difference
5807		39°		4°		92°		0.84	70°		75°		63°
Cooling temperature difference		Wind velocity heating		Wind velocity cooling		Coincident wet bulb		Daily range	Winter humidity		Summer humidity		--
19		15 mph		7.5 mph		60		H	30%		50%		--

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, “negligible,” “moderate,” or “severe” for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(3)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official. [Also see Figure R301.2(1).]
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES.” Otherwise, the jurisdiction shall fill in this part of the table with “NO.”
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99-percent) value on the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32° F).”
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index-USA Method (Base 32° F).”
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with “YES.” Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- l. In accordance with Figure R301.2(3)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with “YES” and identify any specific requirements. Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2(6).

(5) Section R309.5 Fire Sprinklers, is deleted.

- (6) Sections R313.1 and R313.2 Automatic Fire Sprinkler Systems, are amended by replacing the word “shall” with the word “may.”
- (7) Section 326.1 Swimming Pools, Spas and Hot Tubs, is deleted.
- (8) Section G2406.2 Prohibited Locations, exception numbers 3 and 4, are deleted.
- (9) Section G2445 Unvented Room Heaters, is deleted.
- (10) All foundations submitted for habitable structures or additions to habitable structures, shall be site specific, stamped and signed by an engineer registered in the state of Colorado. One (1) story detached accessory use structures less than 500 square feet in floor area, patio covers and carports need only comply with The International Residential Code, 2018 Edition.
- (11) Subsection P2603.5.1 is amended to specify: “**Sewer depth.** *Building sewers* that connect to private sewage disposal systems shall be not less than 12 inches below finished grade at the point of septic tank connection. *Building sewers* shall be not less than 4 inches below grade.”
- (12) The exception from permit requirements for accessory buildings in subsection R105.2 is amended to read as follows: Building. No more than a single, one-story detached accessory structure for each premises such as tool and storage sheds, playhouses and similar uses, provided the floor area cannot exceed 200 square feet.

(C) The International Plumbing Code, 2018 Edition, is amended as follows:

- (1) Sections 103, 104.4, 104.7, 106.6.2, 106.6.3, 108.1, 108.3, 108.4, 108.6, and 109 are deleted.
- (2) References to “jurisdiction” in § 101.1 and elsewhere shall mean the City.
- (3) Section 106.2 is amended to exempt the following from permit requirements: Replacement of sinks, faucets, showers, tubs, dishwashers, garbage disposals and lawn sprinkler systems.
- (4) Subsection 305.4.1 is amended to specify: “**Sewer depth.** *Building sewers* that connect to private sewage disposal systems shall be not less than 12 inches below finished grade at the point of septic tank connection. *Building sewers* shall be not less than 4 inches below grade.”
- (5) Section 604.8 is amended to read as follows: “Excessive water pressure: for all new construction with water services, a water pressure regulator, conforming to ASSE 1003, preceded by an adequate strainer shall be installed to reduce the static pressure to 80 pounds per square inch (552 kPa) or less. This regulator must be installed in an accessible place and in no case greater than 15 feet from a crawl space access.”

- (6) Section 903.1 is amended to specify: “Open vent pipes that extend through a roof shall be terminated not less than 12 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet (2134 mm) above the roof.”

(D) The International Mechanical Code, 2018 Edition, is amended as follows:

- (1) Sections 103, 104.4, 104.7, 106.5.2, 106.5.3, 108.1, 108.2, 108.3, 108.4, 108.5, 108.6, and 109 are deleted.
- (2) References to “jurisdiction” in § 101.1 and elsewhere shall mean the City.

(E) The International Fuel Gas Code, 2018 Edition, is amended as follows:

- (1) Sections 103, 104.4, 104.7, 106.6.2, 106.6.3, 108.1, 108.2, 108.3, 108.4, 108.5, 108.6, and 109 are deleted.
- (2) Reference to “jurisdiction” in § 101.1 and elsewhere shall mean the City.

(F) The International Property Maintenance Code, 2018 Edition, is amended as follows:

- (1) Sections 103, 104.2, 104.4, 104.6, 106, 107.1, 107.2, 107.3, 107.4, 107.5, 109.6, 110.2, and 111 are deleted.
- (2) Reference to “jurisdiction” in § 101.1 and elsewhere shall mean the City.

(G) The International Existing Building Code, 2018 Edition, is amended as follows:

- (1) Sections 103, 104.4, 104.5, 104.7, 104.8, 108, 112, and 113 are deleted.
- (2) Reference to “jurisdiction” in § 101.1 and elsewhere shall mean the City.

(H) The International Energy Conservation Code, 2018 Edition, is amended as follows:

- (1) References to “jurisdiction” in §§ C101.1 and R101.1 and elsewhere shall mean the City.

SECTION 4:

Section 4-1-6 (Appeals.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

- (A) To hear and decide appeals of orders, decisions or determinations made by the City Manager, or designee, or the Fire Chief of the Montrose Fire Protection District, or designee, relative to the application or interpretation of the Codes adopted by the City in Chapters 4-1 and 7-4 herein, there shall be and is hereby created a Board of

Appeals.

- (B) The Board of Appeals shall be appointed by motion of the City Council on an *ad hoc* basis as the need arises, and the Board members so appointed shall hold office at the Council's pleasure. The City Manager or designee shall be an *ex officio* member of said Board, but shall have no vote on any matter before the Board.
- (C) The Board of Appeals shall consist of five (5) members who are residents of the City, and who are appointed as set forth above. Said members shall be qualified by experience or training to pass upon matters pertaining to the building trades, or who are qualified on matters pertaining to hazards of fire, explosions, hazardous conditions, or fire protection systems, if relevant to the matter to be decided. Such members shall not be employees of the City or the Montrose Fire Protection District.
- (D) The decision of the City Manager, or designee, or the Fire Chief of the Montrose Fire Protection District, or designee, may be appealed to the Board of Appeals by filing a written appeal with the City Manager's Office on forms provided by the City within 15 days of the date of such decision.
 - (1) An application for appeal shall set forth in full the reasons for the appeal, and shall specify the relief requested.
 - (2) An application for appeal shall be based on a claim that the intent of the Codes adopted by the City in Chapters 4-1 and 7-4 herein have been incorrectly interpreted, the provisions of said Codes do not fully apply, or an equivalent method of protection or safety is proposed.
 - (3) The Board of Appeals shall have no authority to waive requirements of said Codes or to grant variances.
- (E) Procedures of the Board of Appeals shall be as follows:
 - (1) Three (3) members of the Board shall constitute a quorum to do business. In rendering any decision on an appeal hereunder, not less than three (3) affirmative votes shall be required. No member shall act in a case where such member has a personal interest.
 - (2) Once appointed, the Board shall select a chairperson who shall preside over its meetings, and the Board may establish such rules as it deems appropriate for its own procedure by motion duly made at a meeting thereof.
 - (3) The Board shall meet at such date and time as is determined by the City Manager, who shall coordinate the setting of such meeting within a reasonable period after the filing of an appeal, provided that such hearing date shall be not more than 45 days from the date the appeal was filed, unless otherwise agreed by the appellant.
 - (4) The City Manager or a designated representative shall act as clerk to the Board of Appeals without vote, and shall set forth in writing the reasons for the Board's decision, the vote of each member participating therein, the absence of any

member, and the failure of any member to vote. All meetings of the Board shall also be electronically recorded, unless an exception applies as per C.R.S. § 24-6-401, *et seq.*, as amended.

- (5) The Board shall render its decisions and findings in writing to the appellant with a duplicate copy to the City Manager, and also to the Fire Chief of the Montrose Fire Protection District, if applicable. Such decisions shall be rendered not more than 15 days from the date of the hearing, unless written notice is provided to the appellant of the need for an extension of such time. The Board's decisions and findings shall be open to public inspection.
- (6) Decisions of the Board shall be final.

SECTION 5:

Section 4-1-7 (Enforcement.) of the Official Code of the City of Montrose, Colorado is amended as follows:

- (A) It shall be unlawful to violate any provision of this Chapter, the state electrical code, any of the Codes adopted by reference herein, or any stop order or other order issued by the City pursuant to said Codes or this Chapter. Any person convicted of a violation of any provision of this Chapter shall be punished in accordance with § 1-2-3, of the Official Code of the City of Montrose, Colorado. Each day during which any violation is committed or permitted to continue shall be considered as a separate offense.
- (B) Continuing violation of the provisions of this Chapter or the Codes adopted herein by reference, the state electrical code, or of any order issued pursuant to this Chapter or the Codes adopted by this Chapter is hereby declared to be a nuisance and may be abated in accordance with law.
- (C) In addition to any other remedy the City may have, it may maintain an action in a Court of competent jurisdiction to enjoin any violation of any provision of this Chapter, the state electrical code, or of the Codes adopted herein by reference.
- (D) The City may refuse to issue any permits required by this Chapter, or by the Codes adopted herein by reference if the applicant is in violation of any provisions of this Chapter, the state electrical code, any of the Codes adopted herein by reference, or any stop order or other order issued pursuant thereto.

SECTION 6:

Chapter 4-3 (Electrical Code.) is hereby repealed in its entirety, and shall be reserved for future use.

SECTION 7:

Section 7-4-1 (Adoption of Code.) of the Official Code of Montrose, Colorado is hereby amended to read in its entirety as follows:

- (A) There is hereby adopted for the purpose of providing minimum standards to prevent fires, protect persons and property and to promote the public health, safety and welfare, The International Fire Code, 2018 Edition, including Appendices B, and C, published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478-5795, the subject matter of which is regulations for safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and the issuance of permits and fees therefore. Appendix D shall be used as a non-binding reference only.
- (B) One (1) copy of the aforementioned Code is on file in the office of the City Clerk, and may be inspected during regular business hours. The City will provide information upon request for purchase of an electronic copy of the aforementioned Code.

SECTION 8:

Sections 7-4-2 (B) and (C) (General provisions.) of the Official Code of Montrose, Colorado are hereby amended to read in their entirety as follows:

- (B) Whenever the term "jurisdiction" is used in The International Fire Code, 2018 Edition, it shall mean the City.
- (C) The following amendments or clarifications to The International Fire Code, 2018 Edition, shall apply:
 - (1) Section 105.1 is amended by the addition of the following paragraph:

“The requirements for permits from other agencies or departments shall not waive the requirements for permits required by this Code.”
 - (2) Section 106.2 Schedule of permit fees, is amended to read as follows:

“106.2 Schedule of permit fees. A schedule of permit fees shall be established by the Montrose Fire Protection District and approved by the City, which fee schedule may be amended from time to time upon prior City approval. The schedule shall be available at the Montrose Fire Protection District and codified in the City’s Fee Schedule.”

- (3) Chapter 2, Definitions, is amended by the addition of the following terms and definitions:

“TUNNEL is any thoroughfare, public way, walkway, or mechanical/electrical service conduit of sufficient dimensions to permit human occupancy for the purpose of service or repair, or conveyance of goods and persons, and which is constructed below grade and cannot be classified as the basement or first story of a building.”

- (4) Section 903.4.1 Monitoring, is amended to include an exception as follows:

“EXCEPTION: Occupancies that are not electrically monitored shall provide an approved identification sign below each outside horn and strobe or water valve bell, which reads “WHEN ALARM SOUNDS - CALL 9-1-1.” This sign shall be of durable material with permanent lettering having a two (2) inch minimum height on a contrasting background.”

- (5) Section 3501.1 Scope, is amended to include an exception as follows:

“EXCEPTION: Group R-3 and U occupancies.”

- (6) A new § 5601.2.2.1 Fireworks - Permits for Sale and Storage of Fireworks, is added to read as follows:

“The sale and storage and public display of fireworks within the City limits shall require a permit from the Montrose Fire Protection District.”

- (7) A new § 5604.1.1 is added to read as follows:

“Explosive materials shall be stored only in areas zoned and approved for such use, and shall be subject to approval by the Fire Chief.”

SECTION 9:

Section 7-4-3 (Amendments to International Fire Code.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

- (A) Reference to “jurisdiction” in § 101.1 and elsewhere shall mean the City.
- (B) Sections 103, 104.1, 104.2, 104.4, 104.6, 109, and 110 are deleted.

SECTION 10:

Section 7-4-5 (International Fire Code Violations and penalties.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in

its entirety as follows:

- (A) It shall be unlawful to violate any provision of this Chapter, the state electrical code, The International Fire Code, 2018 Edition, adopted by reference herein, or any stop order or other order issued by the City or the Montrose Fire Protection District pursuant to said Code or this Chapter. Any person convicted of a violation of any provision of this Chapter shall be punished in accordance with § 1-2-3, of the Official Code of the City of Montrose, Colorado. Each day during which any violation is committed or permitted to continue shall be considered as a separate offense.
- (B) Continuing violation of the provisions of this Chapter or the Code adopted herein by reference, the state electrical code, or of any order issued pursuant to this Chapter or the Code adopted by this Chapter is hereby declared to be a nuisance and may be abated in accordance with law.
- (C) In addition to any other remedy the City or the Montrose Fire Protection District may have, it may maintain an action in a Court of competent jurisdiction to enjoin any violation of any provision of this Chapter, the state electrical code, or of the Code adopted herein by reference.
- (D) The City or the Montrose Fire Protection District may refuse to issue any permits required by this Chapter, or by the Code adopted herein by reference if the applicant is in violation of any provisions of this Chapter, the state electrical code, the Code adopted herein by reference, or any stop order or other order issued pursuant thereto.

SECTION 11:

Section 7-4-6 (H)(4) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

- (4) No permit shall be issued unless the City determines that the following criteria are met:
 - (a) The applicant has a City sales and use tax license, and neither the applicant nor its agents, employees or principals have failed to pay or remit City sales or use tax in previous years.
 - (b) Any applicable provisions of the City's transient merchant regulations have been met.
 - (c) The City's Building Inspector has approved the plans for the stand pursuant to Section 3103 of The International Building Code, 2018 Edition.
 - (d) A clear zone of at least 50 feet shall be maintained around the stand.

- (e) The stand shall have at least one (1) exit door a minimum of 20 inches in width and six (6) feet in height, which swings out in the direction of egress. Stands over 25 feet in length shall have at least two (2) such doors.
- (f) Each stand shall be provided with one 4A 10BC Multi-Purpose Dry Chemical Fire Extinguisher with a current annual inspection. Stands over 25 feet in length shall have a fire extinguisher at each end.
- (g) Vegetation around the stand shall be no more than two (2) inches above grade except for trees and shrubs.
- (h) No smoking or burning shall be allowed within 50 feet of any stand. No fireworks shall be discharged within 50 feet of any stand.
- (i) On-site storage containers shall be provided with a 2A Water Fire Extinguisher with a current annual inspection.

SECTION 12:

Except as specifically amended hereby, the Official Municipal Code of the City of Montrose, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

SECTION 13:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof.

SECTION 14:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

SECTION 15:

The City Attorney, in consultation with City staff, is authorized and directed to make such non-substantive corrections to sections amended or promulgated by this Ordinance for spelling, correction of cross references, section numbering, formatting, and clarity in order to render the same for proper codification.

SECTION 16:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 17:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 18:

This Ordinance shall become effective as set forth in the City of Montrose Charter.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 6th day of June, 2023, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 6th day of June, 2023.

ATTEST:

Lisa DelPiccolo, City Clerk

Barbara Bynum, Mayor

INTRODUCED, READ and ADOPTED on second reading this 20th day of June, 2023.

ATTEST:

Lisa DelPiccolo, City Clerk

Barbara Bynum, Mayor

PROJECT EXPENSE AUTHORIZATION



TO: Honorable Mayor and Members of the City Council
FROM: William Bell, *City Manager*
Scott Murphy, *City Engineer*
DATE: May 23, 2023
RE: Shelter Distilling Wastewater Pretreatment Expense Authorization
CC: Shani Wittenberg, David Bries

Action

Consider the approval of \$120,000 in expenditures to assist with the construction of wastewater pretreatment infrastructure at the new Shelter Distilling headquarters.

Background

Shelter Distilling (www.shelterdistilling.com) has broken ground on their new 15,000 square foot distillery, brewery, and restaurant within the Colorado Outdoors campus. During the design process for this new facility, the owners of Shelter hired a brewery wastewater consultant and worked closely with the City's engineering and utilities staff to design an industrial wastewater pretreatment system for its production and restaurant elements. Without pre-treatment on site, wastewater effluent from the Shelter facility would contribute large amounts of organic loading to the City's wastewater treatment plant that could total more than 10 percent of the City's total treatment capacity. Although the Shelter facility would pay for all organic loading contributed to the treatment plant, a 10 percent jump in usage would be considered excessive and would accelerate the need for its eventual expansion. As a best practice, it is desirable for the City to protect treatment plant capacity to the extent practicable given the large capital cost of adding to it.

Back in June of 2022, the City entered into a wastewater pretreatment memorandum of understanding (MOU) with the owner of Shelter Distilling. This MOU outlined operational requirements for the facility and its design (side streaming, waste handling, flow equalization, pH adjustment, heated water re-use, and grease separation), effluent limits (biochemical oxygen demand, temperature, and pH), effluent sampling and analyses, utility billing, and permitting considerations. The MOU's framework resulted in a practical, state of the art operation with regard to wastewater pretreatment that will be used as a model for future industrial developments within the City.

In the interest of protecting the City's interests at the wastewater plant and as a business-development incentive for Shelter Distilling's investment in Montrose, the City Manager's office negotiated a potential contribution of \$120k to assist with construction of the facility's wastewater pretreatment system. This included \$100k towards the production facility's pretreatment and \$20k towards a grease interceptor on the restaurant side. Budget discussions and planning documents for the 2023 budget included these expenditures; however, final timing of the project was uncertain at the time of budget adoption. As a result, these items were not included in the final 2023 budget. Once timing was determined, it was planned to bring these expenditures before council for approval. The expenditures would be paid using available fund reserves and/or an end-of-year budget supplement if necessary. The project reimbursements will be managed by the City's engineering department.



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: June 6, 2023
RE: Fiori di Lena Subdivision Preliminary Plat

ATTACHMENTS

- Exhibit A: Maps
- Exhibit B: Excerpt from City of Montrose Municipal Code

City Council Consideration:

City Council is considering approval of the Fiori di Lena Subdivision Preliminary Plat. City Council will consider all of the information in this memo in making a decision.

Applicant: Ben and Paul DeJulio and City of Montrose

Application Background:

The Fiori di Lena Subdivision is a proposed residential development located on either side of the proposed extension of 6700 Rd, south of the intersection of Miami Rd and 6700 Rd. The property is approximately 6.6 acres in size, and is zoned "R-1A" Large Estate District. This subdivision will include 12 residential lots.

The Planning Commission voted to approve the Fiori di Lena Subdivision Preliminary Plat during the May 10, 2023 meeting. A Final Plat will also be required within five (5) years of approval of this Preliminary Plat.



Staff Analysis:

1. Subdivision Application Details & Review Standards:

The City of Montrose Municipal Code outlines the process and standards for Subdivision applications. The preliminary plat and proposed improvements shall comply with all requirements of the subdivision regulations and other applicable City design and construction specifications and standards. The Planning Commission should consider whether the project meets the standards outlined within Section 11-5-5 (C) and summarized below: (See Exhibit B)

- The proposal shall be consistent with the Master Plan, City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed considering the following at a minimum:
 - a. Conformance with the master plan and zoning regulations;
 - b. Relationship of development to topography, soils, drainage, flooding, potential hazard areas and other physical characteristics;
 - c. Availability of water, means of sewage collection and treatment, storm water drainage, access and other utilities and services;
 - d. Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - e. Adjacent streets and traffic flow, including pedestrian access;
 - f. Availability of fire, police and other emergency services protection;
 - g. Impacts on area schools.

2. The Comprehensive Plan Future Land Use Map designates the area as Residential Mixed Density Low. This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City. This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes).

3. Zoning Regulations:

- Municipal Code, Section 11-7-5 (A) (3): The "R-1A" Large Estate District is intended to provide an area of large single-family residential lots with a semi-rural environment.
- The proposed residential use is a use-by-right in these zoning districts. The current zoning is compatible with general conditions in the area. The property is adjacent to properties that are zoned "R-1A" Large Estate District, "R-2" Low Density District, "R-3A" Medium High Density District, "P" Public District, and properties outside of City limits.



4. The Fiori di Lena Subdivision Preliminary Plat does not appear to be adverse to the public health, safety and welfare and is in compliance with the City's Subdivision Regulations.

Planning Commission Recommendation:

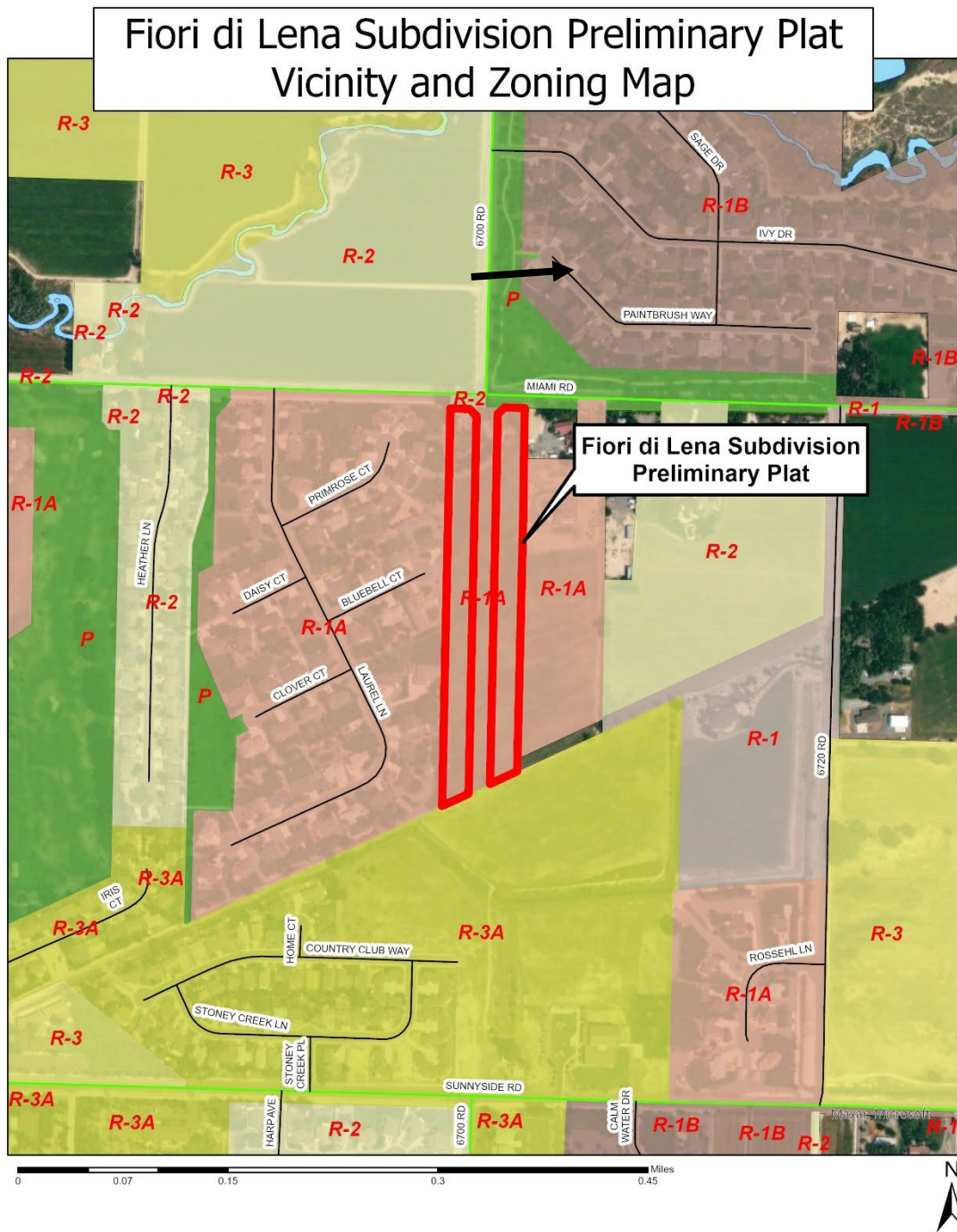
The Planning Commission recommended approval of the Fiori di Lena Preliminary Plat at the May 10, 2023 meeting. It was a unanimous vote. "The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied."

City Council Options:

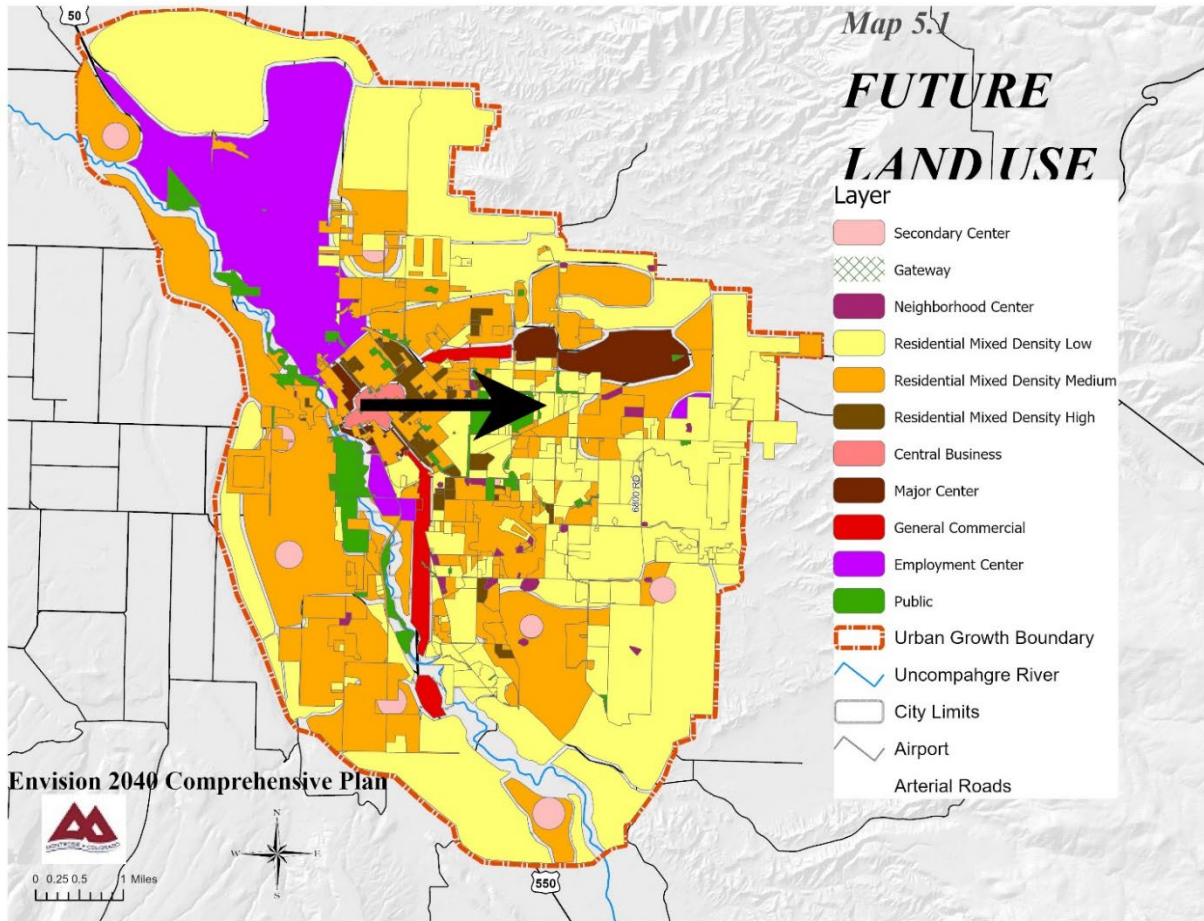
1. Accept the Planning Commission recommendation and approve the Fiori di Lena Preliminary Plat with the following condition. "The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied."
2. Approve the preliminary plat subject to conditions necessary to implement the provisions of Chapter 11-5 – Subdivision Regulations.
3. Disapprove the plat if Council finds the requirements of these regulations have not been met.



EXHIBIT A: Area Maps
Vicinity and Zoning Map



Comprehensive Plan Future Land Use Map



FIORI DI LENA SUBDIVISION

PRELIMINARY PLAT

SITUATED IN SECTIONS 25 & 26, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



VICINITY MAP
N.T.S.

ENGINEER'S CERTIFICATE

I, David Schieldt, a Registered Engineer in the State of Colorado, do hereby certify that the sanitary sewer system, water distribution system and the storm drainage system shown on the accompanying plans of this Subdivision are properly designed, meet City of Montrose specifications, and are adequate to properly serve the Subdivision shown hereon. I further certify that the sanitary sewer system, water distribution system, storm drainage system, streets, parks, and other improvements are designed and constructed in accordance with applicable City specifications and regulations.

David W. Schieldt, P.E.
Registration No. 47195
Date: _____

ATTORNEY'S CERTIFICATE

I, Paul Kosnik, an attorney at Law, duly licensed to practice in Colorado, do hereby certify that I have examined Title Policy No. 598-F0713757-397-DGO, issued by Fidelity National Title Company, and dated January 19, 2022 (the "Title Policy"), which applies to the Land herein platted and described in the above Certificate of Dedication and Ownership, and that, based solely on my review of the Title Policy, title to such land is in the Owners and Dedicators, and that the title to the Land dedicated hereon, including the dedication for utility easements, is free and clear of all liens and encumbrances except as specifically set forth in the Title Policy.

Attorney
Atty. Reg. No. _____
Date: _____

CERTIFICATE OF COMPLETED IMPROVEMENTS

I, Scott Murphy, City Engineer, certify that all improvements and utilities required by the current Subdivision Regulations of the City of Montrose, have been constructed, inspected and approved in this Subdivision in accordance with applicable City ordinances, regulations and specifications, and a Letter of Substantial Completion has been issued, as required by the City's Municipal Code.

City Engineer
Registration No. _____
Date: _____

APPROVAL OF CITY MANAGER

Approved this _____ day of _____, 20____, by _____, Deputy City Manager
of the City of Montrose.

City Manager

APPROVAL OF CITY ATTORNEY

Approved for recording this _____ day of _____, 20____, by _____, City Attorney
of the City of Montrose.

City Attorney
Atty. Reg. No. _____

APPROVAL OF CITY COUNCIL

Approved this _____ day of _____, 20____, by _____, Mayor
of the City of Montrose; all conveyances of interests in real property made on this plat are hereby accepted by the City.

Mayor

RECORDER'S CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of
_____, on the _____ day of _____, 20____ under Reception No. _____

Clerk and Recorder
Montrose County, Colorado

Deputy

PLAT NOTES:

- Covenants, conditions, and agreements presented in the 6700 DeJulio Addition Annexation and Development Agreement recorded as Reception No. 953429 shall run with the land on this plat.
- With the exception of the following variations or exceptions and/or as otherwise expressly approved by the City, any future development of Fiori Di Lena shall be performed in accordance with applicable City standards and specifications, subdivision regulations, and any other applicable local, state, or federal regulations in place at the time of development. The following variations and exceptions to the Land Use Code are agreed upon:
 - A minimum lot depth of no less than 90 feet shall be allowed. This minimum lot depth allowance shall be vested pursuant to Colorado Revised Statutes Title 24-68-103(1) in perpetuity.
 - A minimum front setback of no less than 20 feet shall be allowed. This minimum setback allowance shall be vested pursuant to Colorado Revised Statutes Title 24-68-103(1) in perpetuity.
 - Only one shared driveway access to 6700 Road shall be allowed for every two platted lots. Driveways shall be configured with a turnaround area as to avoid the need for vehicles to back onto 6700 Road.
- Each individual lot within the Fiori Di Lena Subdivision shall provide on-site retention and infiltration of stormwater and/or be graded as to discharge stormwater to the 6700 Road right of way and storm drainage system..
- Money in lieu of School Land Dedication
All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to § 4-7-7(C)(7) of the Municipal Code. Payments shall be made to the City, to be later disbursed to the RE-1J School District.
- Money in lieu of Park Land Dedication
All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of park land dedication, at the time of issuance of building permit relative to improvements upon said lot. The payment of money in lieu of park land dedication is subject to §4-7-7(C)(4) of the Municipal Code.
- Irrigation Easements
The irrigation easement(s) shown hereon shall be maintained by the owner of lots encumbered by the irrigation easement and shall not be impeded or altered in any way so as to impact the historic delivery of water, unless otherwise agreed by all owners of interest in said easements or any water rights associated therewith. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any irrigation pipelines, improvements or ditches as located within said easements. Upon failure to properly maintain the irrigation easement(s) shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owner(s), and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

- Driveway/Right-of-Way Reciprocal Access Easements
The Owner(s) denoted on the CERTIFICATE OF DEDICATION AND OWNERSHIP, hereon, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to the respective lot owners in the Fiori Di Lena Subdivision, their respective heirs, successors and assigns, a perpetual and reciprocal right-of-way easement, over said portions so selected and reserved for use as driveways for ingress and egress. These reciprocal easements shall be appurtenant to each of the two lots adjoining reciprocal access easement in Fiori Di Lena, which right shall run with the land, and shall be a benefit and a burden to each of the said adjoining lots, their owners, and all parties claiming by, through, or under them.
- Driveway Maintenance
Any driveways jointly owned by the owners of more than one division of real property located in the Fiori Di Lena subdivision, or 2) subject to a reciprocal driveway use or access agreement or plat note, shall be jointly responsible for the maintenance of said driveways, unless said maintenance responsibilities are addressed by this subdivision's Covenants Conditions and Restrictions, if any, filed with the Montrose County Clerk and Recorder's Office for the County of Montrose, Colorado, in which case said driveway maintenance shall be as set forth in said Covenants Conditions and Restrictions. This provision shall run with the land in the Fiori Di Lena subdivision, and shall be a benefit and a burden to the owners of all lots final platted thereon, and shall be applicable to said owners, their successors, heirs, and assigns, and all parties claiming by through or under them.
- Final Plat Conditional Approval
The approval of the Fiori Di Lena final plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met, and that the Applicant adequately addresses all of staff's concerns.

SURVEYOR'S CERTIFICATE

I, Frederick Ballard, a Registered Land Surveyor in the State of Colorado, do hereby certify that there are no roads, pipelines, irrigation ditches or other easements or rights-of-way in evidence or known to me to exist on or across said property except as shown on this plat. I certify that I have made the survey represented by this plat and that this plat accurately represents said survey, and conforms to all applicable requirements of the City Subdivision Regulations and applicable law. I further certify that all monuments shown hereon actually exist and their positions are as shown.

C.R.S. Section 38-51-106 Statement: this plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this plat may be found in the title commitment issued by Fidelity National Title Insurance Company, dated January 19,2022, bearing policy number 598-F0713757-397-DGO.

PRELIMINARY

Frederick Ballard, P.L.S.
Registration No. 37690

Date: _____

LINEAL UNITS STATEMENT:

The Lineal Unit used on this plat is U.S. Survey Feet.

BASIS OF BEARINGS:

The bearing between the 1/4 corner common to Sections 25 & 26, Township 49 North, Range 9 West, New Mexico Principal Meridian, and the found 1 1/2" aluminum cap at the Southeast corner of said Section 26 bears S01°13'53"W (Colorado South Modified State Plane Coordinates)

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS that the undersigned being the Owner(s) of certain lands in the City of Montrose, County of Montrose and State of Colorado to wit:

Outlot A and Outlot B, 6700 Road Right of Way An Official Act of the City of Montrose, Reception No. 953434, Montrose County Records

Have by these presents laid out, platted and subdivided into lots, as shown on this plat, under the name and style of FIORI DI LENA SUBDIVISION.

The utility easements shown on this plat are dedicated, granted, and conveyed to the City of Montrose, Colorado for public utility purposes including but not limited to water, sewer, electrical, telephone, gas, communication and CATV lines, public irrigation and drainage easements specifically labeled for dedication, together with a perpetual right of ingress and egress for installation, maintenance and replacement of such facilities. The dedication of easements as herein provided shall not include those easements exclusively utilized for irrigation improvements, if any, or otherwise subject to a previously recorded conveyance.

Executed this _____ day of _____, 20____.

Ben DeJulio

STATE OF COLORADO)

)ss.

COUNTY OF MONTROSE)

The above Certificate of Dedication and Ownership was acknowledged before me on this ____ day of _____, 20____, by Ben DeJulio.

Witness my hand and official seal.

My commission expires _____

Notary

Executed this _____ day of _____, 20____.

Paul DeJulio

STATE OF COLORADO)

)ss.

COUNTY OF MONTROSE)

The above Certificate of Dedication and Ownership was acknowledged before me on this ____ day of _____, 20____, by Paul DeJulio.

Witness my hand and official seal.

My commission expires _____

Notary

APPROVAL OF PRELIMINARY PLAT

City Engineer _____ Date _____
Scott Murphy, P.E.

City Attorney _____ Date _____
Ben Morris

City Planning Commission Chair _____ Date _____
David Fishing

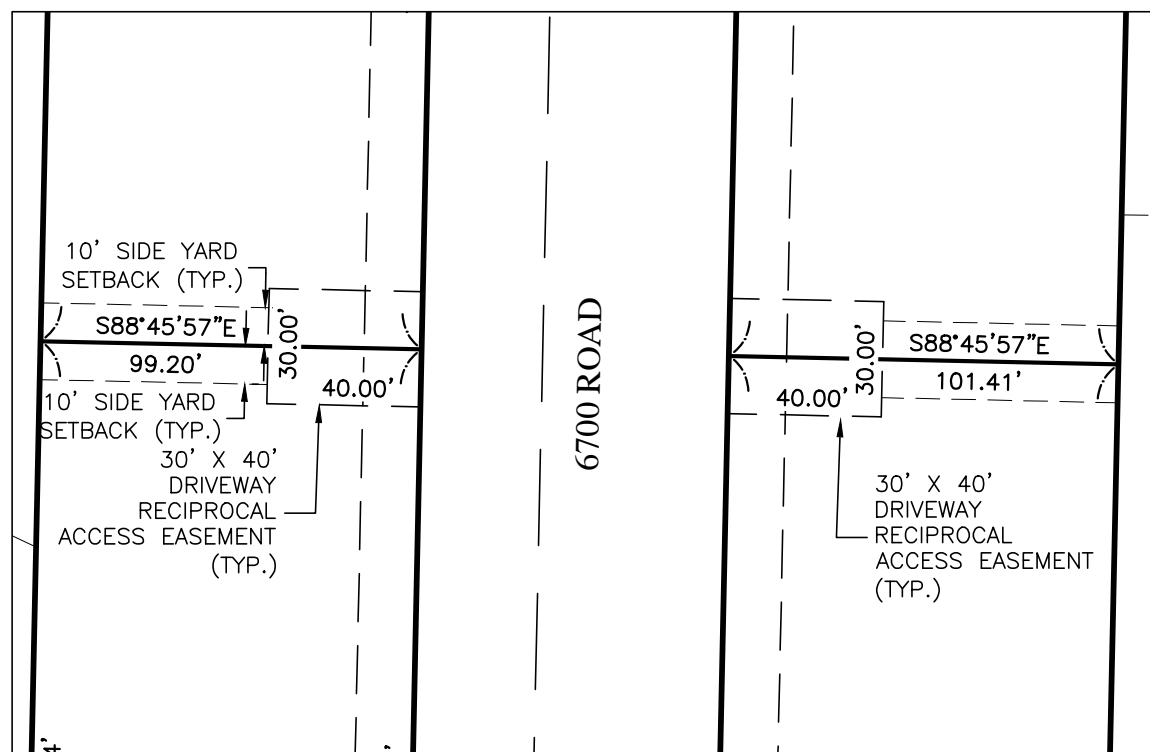
City Mayor _____ Date _____
Barbara Bynum

DMC		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 240-2251 • (970) 240-2242 FAX www.del-mont.com • service@del-mont.com	
FIELD BOOK: 897	DRAWING: DCC	DATE: 2023-04-19	TITLE: FIORI DI LENA SUBDIVISION
SHEET: 1 of 2	FILE: 22082V_PLAT-PRE	JOB NO.: 22082	CLIENT: CITY OF MONTROSE
			ADDRESS & PHONE: 433 S 1ST STREET MONTROSE, CO 81401 970-240-1400
			TYPE: PRELIMINARY PLAT

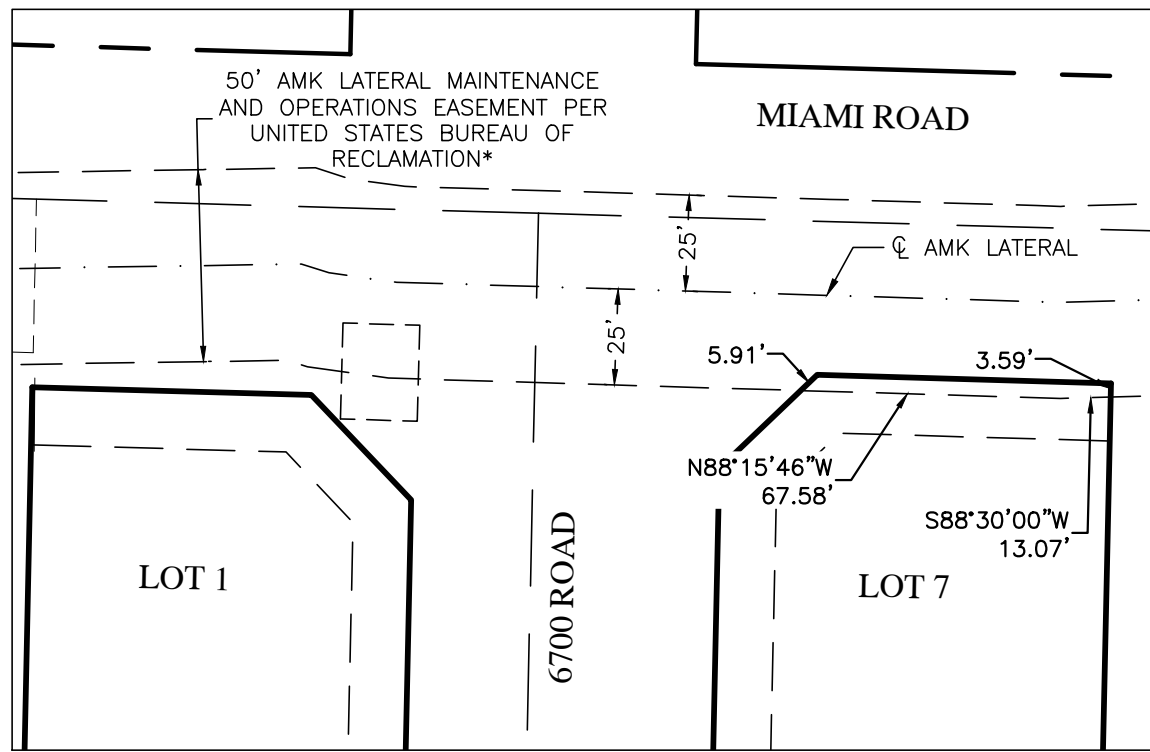
FIORI DI LENA SUBDIVISION

PRELIMINARY PLAT

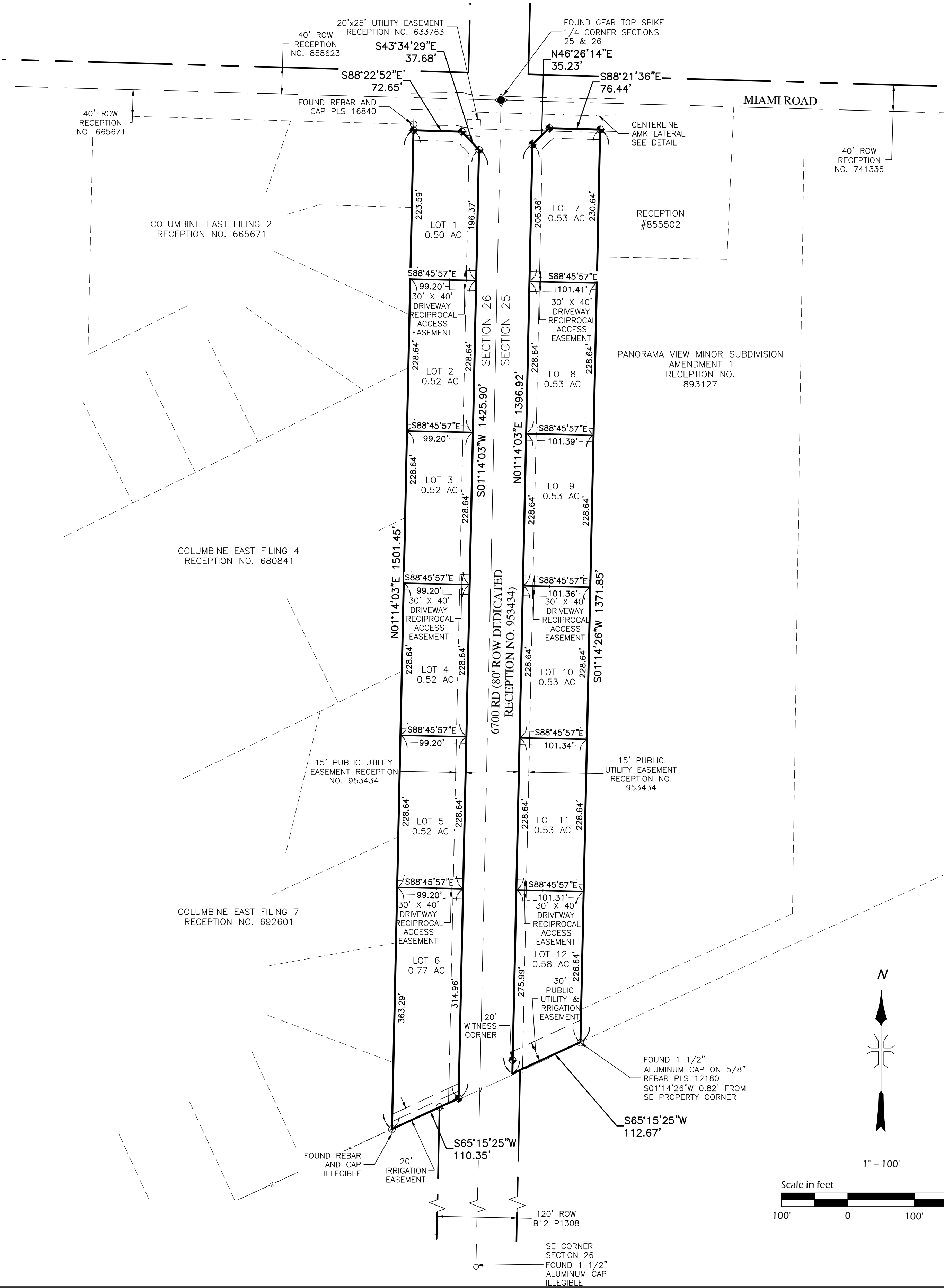
SITUATED IN SECTIONS 25 & 26, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



DETAIL
1" = 50'



AMK LATERAL DETAIL
1" = 50'



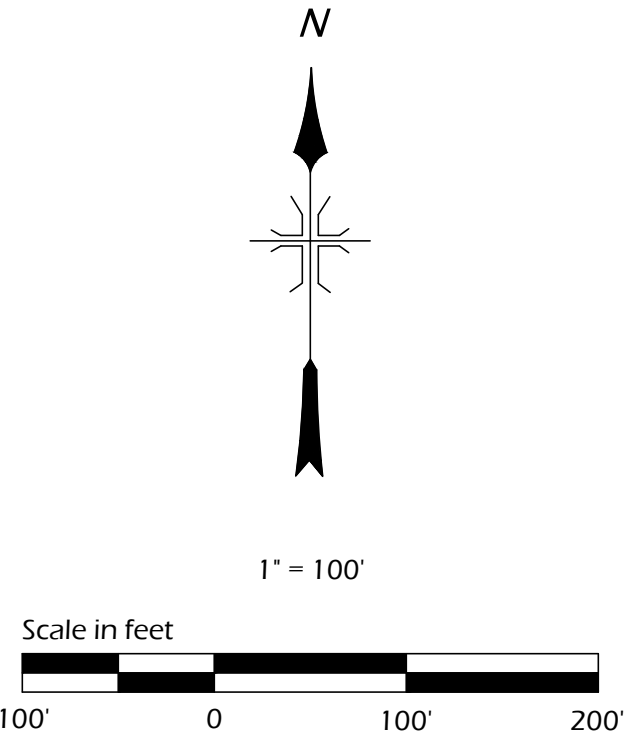
LEGEND

- ◆ = FOUND 5/8" REBAR & 1 1/2" ALUMINUM CAP (P.L.S. 37690)
- = SET 5/8"x18" REBAR W/ 1 1/2" ALUMINUM CAP (P.L.S. 37690)

* NOTE: PLACEMENT OF ANY INFRASTRUCTURE WITHIN AMK LATERAL EASEMENT SHALL REQUIRE PERMITTING/ LICENSING WITH THE UNITED STATES BUREAU OF RECLAMATION

NOTE: THE UTILITY EASEMENT RECORDED AT RECEPTION NO. 848242 HAS BEEN RELEASED PER RECEPTION NO. 960053.

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.



FIELD BOOK: 897				DRAWN BY: DCC		DATE: 2023-04-19		TITLE: FIORI DI LENA SUBDIVISION	
SHEET: 2 of 2				FILE: 22082V_PLAT-PRE		JOB NO.: 22082		CLIENT: CITY OF MONTROSE	
								ADDRESS & PHONE: 433 S 1ST STREET MONTROSE, CO 81401 970-240-1400	
								TYPE: PRELIMINARY PLAT	

EXHIBIT B: Code Excerpts for Subdivisions

Sec. 11-5-1. General provisions.

- (A) This Chapter, as amended from time to time may be cited and referred to as the City's subdivision regulations.
- (B) The purposes of these subdivision regulations are to:
 - (1) promote and protect public health, safety and welfare;
 - (2) to encourage the harmonious, orderly and progressive development of land;
 - (3) to ensure the development of economically sound and compatible neighborhoods;
 - (4) to require the construction of necessary improvements and utilities;
 - (5) to ensure safe and convenient circulation of vehicular and pedestrian traffic;
 - (6) to ensure that parks, open spaces, school sites and land needed for other public purposes are either reserved or dedicated;
 - (7) to ensure development is in accordance with the requirements of the City's Comprehensive Plan as such may be amended from time to time; and to ensure that new development bears its fair share of the costs of providing improvements and services necessitated by, or resulting from, the development of subdivisions.

Sec. 11-5-2. Major subdivisions.

- (A) *New Subdivisions.* A subdivision shall be classified as a major subdivision and governed by this Section when an applicant proposes to create four or more new tracts, lots, or interests; or less than four new tracts, lots or interests if not eligible as a minor subdivision in accordance with Section 11-5-3.
- (B) *Resubdivisions or Major Plat Amendments.* Resubdivisions and major plat amendments are reviewed in the same manner as a major subdivision with the same purposes. A major plat amendment is any plat amendment that does not qualify as a minor plat amendment under Section 11-5-3 (C). To the extent that submittal information was submitted as part of the original subdivision proposal and is adequate by current standards, the applicant for approval of a resubdivision or major plat amendment does not need to submit the information again and may reference such submittal information in the new application. The City Manager will determine the technical adequacy of previously submitted information.
- (B) *Procedure.* The major subdivision procedure shall consist of three (3) separate phases - sketch plan, preliminary plat and final plat - in accordance with Sections 11-5-4, 11-5-5, and 11-5-6, respectively.

Sec. 11-5-4. Sketch plan.

- (A) *Purpose.* Sketch plan review provides an opportunity to determine whether an application will comply with the City's subdivision review and approval criteria, and to address any issues of concern early in the review process. The sketch plan is a conceptual version of the preliminary plat showing the general subdivision layout, access, street and lot pattern, location of parks, open space tracts, trail corridors, and other tracts for utilities or services.



- (B) *Review Procedure.* The sketch plan application shall be reviewed by the City in accordance with Section 11-4-2 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process.
- (C) *Review Criteria.* A sketch plan shall comply with the following review criteria:
- (1) The proposal shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed, considering the following at a minimum.
 - (a) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
 - (b) Availability of water, means of sewage collection and treatment, stormwater drainage, access and other utilities and services;
 - (c) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - (d) Adjacent streets and traffic flow, including pedestrian access; and
 - (e) Availability of fire, police and other emergency services protection.
 - (2) An applicant who intends to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing their present plans for its eventual development.

Sec. 11-5-5. Preliminary plat.

- (A) *Purpose.* The purpose of the preliminary plat is to provide the City with an overall master plan for the proposed subdivision. The preliminary plat is more detailed than the sketch plan and should incorporate the comments and guidance provided during the sketch plan process. It includes the layout of the subdivision and final engineering design, with all bearings, distances and survey monumentation.
- (B) *Review Procedure.* The preliminary plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A preliminary plat shall comply with the following review and approval criteria:
- (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;



- (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for compatibility with unique or distinctive natural areas, scenic areas and views, natural landmarks, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
 - (9) The preliminary plat and proposed improvements shall comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.
- (D) *Notice to Proceed.* No construction of the required subdivision improvements shall commence until approval of the preliminary plat by the City Council and submittal of both a Mylar of the preliminary plat, as finally approved with signed certificates as required by the City, and a copy of the preliminary plat in a digital format acceptable to the City and compatible with City computer systems. Upon approval and submittal of the Mylar, and supporting documentation as required, the City shall then issue a written notice to proceed.

Sec. 11-5-6. Final plat.

- (A) *Purpose.* The purpose of the final plat is to complete the subdivision of land in conformance with all the applicable requirements and standards of the City. The final plat shall correspond in every significant respect with the preliminary plat as previously approved. A complete review is conducted of the final subdivision design, with all bearings and distances, survey monumentation, and certificates of approval included on a document suitable for recordation.
- (B) *Review Procedure.* The final plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A final plat shall comply with the following review and approval criteria:
 - (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;



- (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
- (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
- (8) The plat design provides for the preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings and unique landforms, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
- (9) The final plat is generally consistent with the preliminary plat, as applicable.

(D) *Additional Provisions.*

- (1) No land shall be subdivided, or any parcel thereof sold or conveyed, until a final plat has been approved and either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued in accordance with this Section.
- (2) Any conditions or improvements imposed on the applicant by the City Council under the preliminary plat approval must be shown on the final plat and either completed, or accompanied by the appropriate security under Section 11-5-12, prior to approval by the City Council.
- (3) The final plat may be submitted for a portion of the preliminary plat, or phased, subject to the following conditions:
 - (a) The applicant has submitted a phasing plan that has been approved by the City.
 - (b) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, or outlot.
 - (c) In instances where completion of required improvements, utilities or road infrastructure within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to complete said improvements, utilities or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, stormwater drainage system, trails and park development.
 - (d) In instances where the dedication of land for public purposes within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to dedicate said lands upon approval of that final plat. This may include, but not be limited to, the dedication and development of land for parks, trails, open space, rights-of-way and easements.
- (4) No final plat shall be approved by the City Council until:
 - (a) All of the improvements required by these subdivision regulations have been installed, inspected and approved by the City Engineer, or properly secured in accordance with the provisions of Section 11-5-12 on forms approved by the City.



- (b) As-built plans, supporting documentation, certificates and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer, and also provided in a digital format acceptable to the City and compatible with City computer systems. All as-built plans, supporting documentation, certificates and data for completed utility improvements shall be signed and stamped by a licensed professional engineer.
 - (c) The final plat has been submitted in final form on reproducible Mylars, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
 - (d) Payment to the City of any atypical costs incurred by the City within the subdivision review process, which costs are specifically subject to reimbursement.
 - (e) The security for the two-calendar year construction warranty has been provided by the subdivider in a form acceptable to the City.
- (5) Following City Council approval of the final plat and verification that the documentation has met all applicable codes and regulations, the final plat shall be executed by the appropriate City staff and recorded with due diligence.





CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: Jace Hochwalt, Planning Manager
DATE: June 6, 2023
RE: Air Park Way Rezone

ATTACHMENTS:

- Exhibit A: Maps & Illustrations
- Exhibit B: Photos of Project Area
- Exhibit C: Zoning Code Excerpt

City Council Consideration:

City Council is considering approval of the Air Park Way Rezone located at 2370 Air Park Way. City Council will consider all of the information in this memo in making a decision.

Applicant: S&J Development, LLC

Application Background:

The Applicant is proposing to rezone a portion of the property at 2370 Air Park Way totaling approximately 0.14 acres from I-2 (General Industrial) to B-3 (General Commercial). The property owner just completed a boundary line adjustment with the neighboring property to the west, and to avoid having any parcels split-zoned, a rezone is proposed so that each lot has a clearly distinguished zoning boundary. The Planning Commission recommended approval of the rezone request at their April 26th meeting. The property is more particularly described as follows:



A portion of Lot 1 of Gordon Minor Subdivision, as recorded at Reception Number 718789 at the Montrose County Clerk and Recorder, situate in the Northwest Quarter of Section 20, Township 49 North, Range 9 West of the New Mexico Principal Meridian, City of Montrose, County of Montrose, State of Colorado, said portion being more particularly described as follows;

BEGINNING at the southerly common corner to said Lot 1 and Lot 1 of Air Park Way Minor Subdivision, as recorded at Reception Number 944239, whence common line between said Lot 1 of Gordon Minor Subdivision and said Lot 1 of Air Park Minor Subdivision bears North 22°25'17" West, as shown on the plat of said Air Park Way Minor Subdivision, with all bearings contained herein relative thereto;

Thence North 22°25'17" West along said common line a distance of 187.74 feet to the northerly point on said common line, being on a ditch centerline; thence North 85°43'35" East along said ditch centerline, being the northerly line of said Lot 1 of Gordon Minor Subdivision, a distance of 84.11 feet;
Thence South 10°23'09" East, a distance of 40.56 feet to a point of cusp with a curve concave to the southeast, having a radius of 51.46 feet and a central angle of 85°11'45" and being subtended by a chord which bears South 31°04'09" West 69.66 feet;
Thence westerly along said curve, a distance of 76.52 feet;
Thence South 11°31'44" East tangent to said curve, a distance of 81.91 feet to said southerly common corner and the POINT OF BEGINNING.

Proposed Zoning: "B-3" General Commercial

Staff Analysis:

1. Municipal Code, Section, 11-7-12 (A), Rezoning.
"Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:
 - The amendment is not adverse to the public health, safety and welfare; and
 - The amendment is in substantial conformity with the master plan or,
 - i. The existing zoning is erroneous, or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned."
2. The Planning Commission should consider the merits of the proposed rezone only and make a recommendation to City Council based on whether it should be rezoned to "B-3" General Commercial District. The current zoning is "I-2" General Industrial District.



- Zoning Regulations. The "B-3" General Commercial District is intended for a large variety of uses that require large storage areas to conveniently serve customers. (Section 11-7-5)
 - Exhibit C includes an excerpt from the Municipal Code showing uses by right in the "B-3" General Commercial District.
3. The properties zoned immediately adjacent to the north and east are I-2 (General Industrial) while the properties to the south and west is zoned P (Public).
 4. General Conformance with the Comprehensive Plan:
 - The Comprehensive Plan Future Land Use Map (Chapter 5) designates the areas to be rezoned Employment Center. The Employment Center designation is intended to encourage development of planned light industrial, office, and business parks, as well as to identify locations for medium industrial uses such as manufacturing, warehousing and distribution, and indoor and outdoor storage. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, childcare, and housing.
 - Goal LU (Land Use) 3: The Comprehensive Plan and land use plan are living documents that are kept current and will change over time.
 - Objective 2.3: Access the City's land use regulations to determine whether the regulations are encouraging desired development types.
 - Objective 2.5: Continue the City's commitment to encouraging growth through timely and reasonable development review processes.
 5. The "B-3" zoning designation to avoid a split-zone of a single parcel does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements, zoning in the surrounding area, and the Comprehensive Plan.

Recommendation:

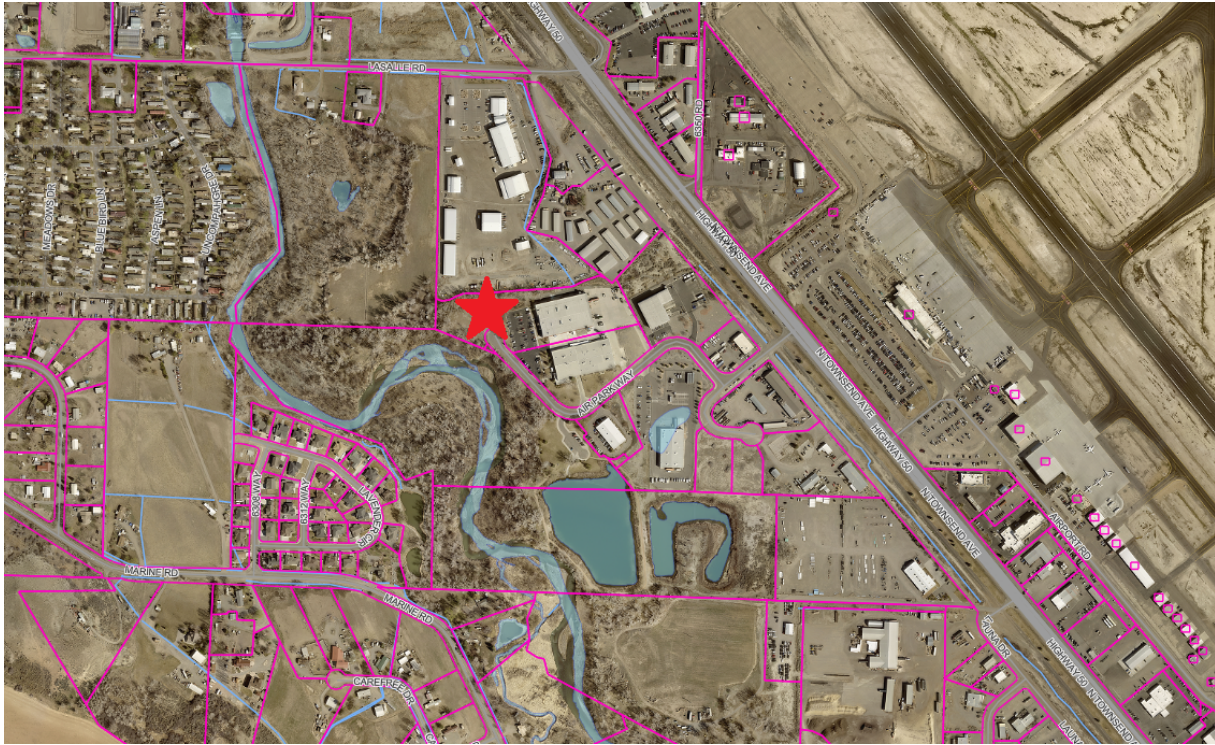
Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "B-3" General Commercial District. Planning Commission recommended approval of the rezone request at their April 26, 2023 meeting.

City Council Options:

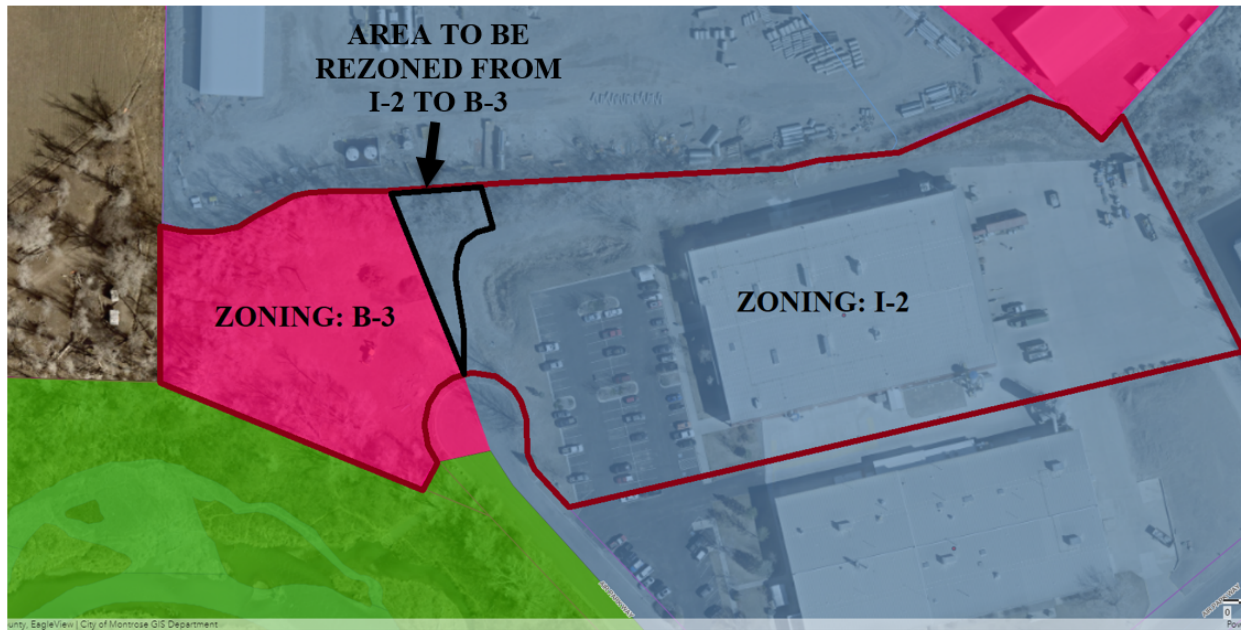
1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.



EXHIBIT A: Maps & Illustrations
Vicinity Map



Zoning Map



Comprehensive Plan Future Land Use Map



Survey Exhibit

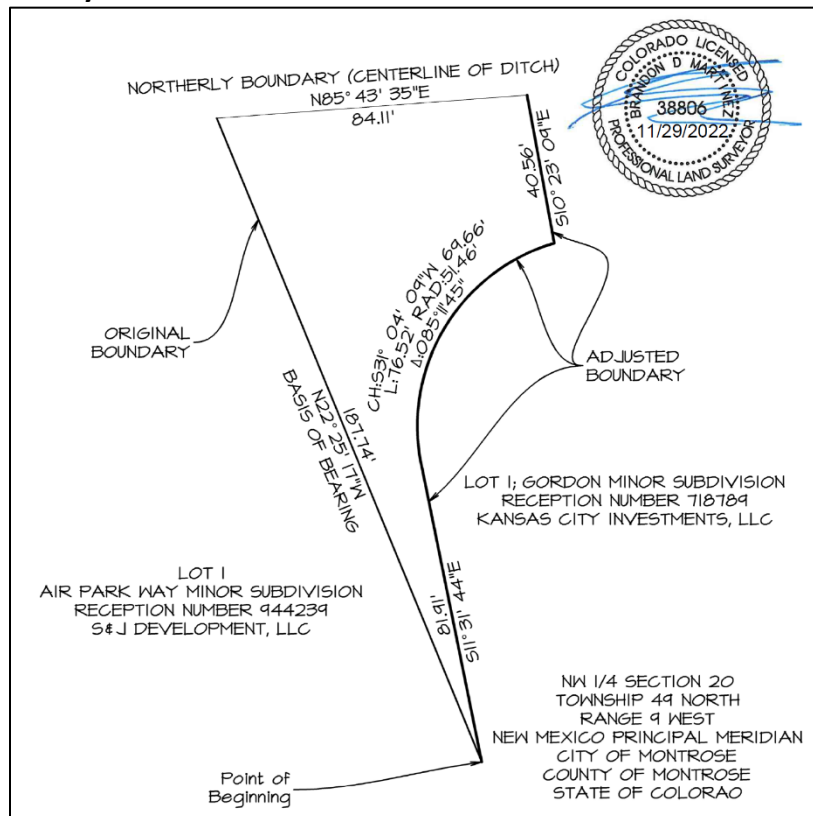


EXHIBIT B: Photos of Project Area



Exhibit C: Zoning Code Excerpt

Sec. 11-7-6. District uses.

- (A) *Permitted uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6 (G) and 11-7-6 (H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6 (G) and 11-7-6 (H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
- (1) The use will not be contrary to the public health, safety, or welfare.
 - (2) The use is not materially adverse to the City's Comprehensive Plan.
 - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
 - (5) The use will not have an adverse effect upon other property values.
 - (6) Adequate off-street parking will be provided for the use.
 - (7) The location of curb cuts and access to the premises will not create traffic hazards.
 - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
 - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one (1) principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory uses.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following limitations:
- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
 - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
 - (3) An accessory use shall be located on the same lot as a principal use.



(E) *Temporary Use Permits.*

- (1) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.
- (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.
- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(F) *Uses Not Listed.*

- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
- (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
 - (a) The appeal must be made in writing and filed within thirty (30) days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within thirty (30) days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least fifteen (15) days prior to the hearing.
 - (c) The City Council shall approve or deny the appeal.
 - (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.



(G) Schedule of Residential Zone District Uses.

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
COMMERCIAL USES										
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.	P									
Rental storage units with a maximum rental unit size of 200 square feet.										C
Short-term rentals	P	P	P	P	P	P	P	P	P	P
INSTITUTIONAL USES										
Assisted living facilities					C	C	C		C	C
Childcare facilities	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	C	C	C	C	P	P	P	C	C	P
Schools	C	C	C	C	C	C	C	C	C	C
RECREATIONAL USES										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
RESIDENTIAL USES										
Duplex					P	P	P		P	
Group homes - handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P



Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Group homes - handicapped/disabled > 9 persons (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured housing				¹				P	P	P
Mobile homes (See Sec. 11-13)										P
Mobile home parks (See Sec. 11-13)										P
Modular housing								P	P	P
Multi-family dwelling					C	P	P		C	
Single-family dwelling	P	P	P	P	P	P	P	P	P	P
UTILITIES AND TELECOMMUNICATION FACILITIES										
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C
OTHER USES										
Accessory uses (See Sec. 11-7-6 (D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6 (E) (1-3))	T	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6 (E)(4))	T	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6 (2))		T	T	T	T	T	T	T	T	T

¹ Manufactured housing is prohibited except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.



Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Legend: Zoning Districts RL: Rural Living R-1: Very Low Density R-1A: Large Estate R-1B: Small Estate R-2: Low Density R-3: Medium Density R-3A: Medium High Density R-4: High Density R-5: Low Density/Manufacture Housing R-6: Medium Density/Manufacture Housing MHR: Manufactured Housing Residential				Legend: Use Type P: Permitted Use C: Conditional Use A: Accessory Use T: Temporary Use Note: Any uses not listed in a zone district are prohibited – see Sec. 11-7-6 (F)(1).						



(H) Schedule of Mixed Use, Commercial and Industrial Zone District Uses.

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
COMMERCIAL USES									
Automobile and vehicle sales, repair or service establishments			C	C	P	P			
Automobile body shops			C	C	P	P			
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials businesses			C	P	P	P			
Car washes				P	P	P	C		
Commercial businesses		C							
Commercial uses other than the uses by right in this zone district which comply with the performance standards of Chapter 11-11-4 and are consistent with Sec. 11-7-5 (D) (1).								C	
Farm implement sales or service establishments					P	P			
Fueling stations or other retail uses having fuel pumps which comply with the following criteria: (a) All fuel storage, except propane, shall be located underground. (b) All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.			P	P	P	P	C		
Funeral homes			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facilities, self-service				P	P	P	P		
Mobile and travel home sales or service establishments					P	P			

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.	P								
Offices not allowed as a use by right.	C								
Travel home parks and campgrounds (See Sec. 11-13)				C	C	C			
Rental businesses					P	P			
Restaurants			P	P	P	P	P		P
Restaurants, drive-in or drive-through			C	C	C	C	C		
Retail sales and services establishments which cater to the general shopping public	C								
Retail stores, business and professional offices, and service establishments which cater to the general shopping public.			P	P	P	P	P		P
Retail stores, business and service establishments serving the general public but which also involve limited manufacturing of the products supplied				C	C	C			
Sexually oriented business (See Sec. 11-12-1)									P
Short-term rentals	P		P	P	P	P	P	P	P
Taverns			P	P	P	P	C		
Theaters			P	P	P	P			
Veterinary clinics or hospitals for small animals				P	P	P			
Veterinary clinics or hospitals for large animals					P	P			

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
INDUSTRIAL USES									
Above ground storage facilities for hazardous fuels						P			P
Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.								P	P
Construction and contractor's office and equipment storage facilities						P			P
Feed storage and sales establishments						P			P
Manufacturing and non-manufacturing uses including: food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities. (See Sec. 11-11-4)					C	C		P	P
Other industrial uses									P
Storage facilities, indoor			C	P	P	P	C		P
Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operations			C	C	C	C		P	P
INSTITUTIONAL USES									
Airport								P	P
Assisted living facilities	C			P	P	P			
Childcare facilities	P	C	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, “daytime” shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. “Night” shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospitals	P								
Libraries		P	P	P	P	P			
Museums and visitor centers		P	P	P	P	P			
Parking facilities	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P			
Religious assembly	P	P	P	P	P	P	P		
Schools	C	P	C	C	C	C	C		
RECREATIONAL USES									
Golf courses		C							
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P
Private recreation facilities		P							
RESIDENTIAL USES									



Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Duplex	P		P	P	P	P	P	P	P
Group homes - handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P		P	P	P	P	P	P	P
Group homes - handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group homes, other (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Multifamily dwelling	C	C	P	P	P	P	P	P	P
Single-family dwelling	P	C	P	P	P	P	P	P	P
Supportive housing	C					C		C	
UTILITIES AND TELECOMMUNICATION FACILITIES									
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
OTHER USES									
Accessory uses (See Sec. 11-7-6 (D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6 (E) (1-3))	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6 (E)(4))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6 (2))	T		T	T	T	T	T	T	T



Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Legend: Zoning District OR: Office-Residential P: Public B-1: Central Business B-2: Highway Commercial B-2A: Regional Commercial B-3: General Commercial B-4: Neighborhood Shopping I-1: Light Industrial I-2: General Industrial			Legend: Use Type P: Permitted Use C: Conditional Use A: Accessory Use T: Temporary Use Note: Any uses not listed in a zone district are prohibited – see Sec. 11-7-6 (F)(1).						



ORDINANCE NO. 2627

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF A PORTION OF THE PROPERTY AT 2370 AIR PARK WAY FROM "I-2," GENERAL INDUSTRIAL DISTRICT TO "B-3," GENERAL COMMERCIAL DISTRICT

WHEREAS, Planning Commission met on April 26, 2023, to consider a rezoning of a 0.14-acre portion of the property at 2370 Air Park Way, City of Montrose; and

WHEREAS, the motion carried and Planning Commission has recommended to the City Council the zoning changes provided herein; and

WHEREAS, the City Council has determined that such zoning will be consistent with the public health, safety and welfare, the City's Master Plan and changed conditions in the area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, that:

SECTION 1:

The Official Zoning Map is amended to designate 2370 Air Park Way, more particularly described as:

A portion of Lot 1 of Gordon Minor Subdivision, as recorded at Reception Number 718789 at the Montrose County Clerk and Recorder, situate in the Northwest Quarter of Section 20, Township 49 North, Range 9 West of the New Mexico Principal Meridian, City of Montrose, County of Montrose, State of Colorado, said portion being more particularly described as follows;

BEGINNING at the southerly common corner to said Lot 1 and Lot 1 of Air Park Way Minor Subdivision, as recorded at Reception Number 944239, whence common line between said Lot 1 of Gordon Minor Subdivision and said Lot 1 of Air Park Minor Subdivision bears North 22°25'17" West, as shown on the plat of said Air Park Way Minor Subdivision, with all bearings contained herein relative thereto;

Thence North 22°25'17" West along said common line a distance of 187.74 feet to the northerly point on said common line, being on a ditch centerline; thence North 85°43'35" East along said ditch centerline, being the northerly line of said Lot 1 of Gordon Minor Subdivision, a distance of 84.11 feet;
Thence South 10°23'09" East, a distance of 40.56 feet to a point of cusp with a curve concave to the southeast, having a radius of 51.46 feet and a central angle of 85°11'45" and being subtended by a chord which bears South 31°04'09" West 69.66 feet;
Thence westerly along said curve, a distance of 76.52 feet;
Thence South 11°31'44" East tangent to said curve, a distance of 81.91 feet to said southerly common corner and the POINT OF BEGINNING.

as a "B-3," General Commercial District, according to the Official Zoning Map.

INTRODUCED, READ and PASSED on first reading this 16th day of May, 2023.

ATTEST:


Lisa DelPiccolo, City Clerk




Barbara Bynum, Mayor

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Tuesday, the 6th day of June, 2023, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 6th day of June, 2023.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: June 6, 2023
RE: Blowers Disconnection from City Limits

ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Letter of Request
- Exhibit C: Disconnection Exhibit
- Exhibit D: Boundary Line Agreement (Recorded)

City Council Consideration:

This request is to allow a portion of property that is currently within the Montrose City limits to revert back to being outside of the City limits. This process is known as a disconnection or deannexation from the city limits of Montrose. The property is located adjacent to the north of 2335 6450 Road (Exhibit A).

Applicant: Donnie and Barbara Blowers

Application Background:

The City recently received a request from Donnie and Barbara Blowers that a small portion of their property located adjacent to the north 2335 6450 Road be disconnected from the City limits of Montrose. The reasoning for this is due to a recent boundary line dispute due to a fence line location. This boundary dispute was resolved with a Boundary Line Agreement recorded in February of 2023 (Exhibit D). The property located at 2335 6450 Road (Montrose County Parcel number 376716300065) is within the City limits, while the property adjacent to the north which is not currently addressed (Montrose County Parcel number 376716320003) is outside of City limits. Due to the Boundary Line Agreement, there is a small sliver of the



northern parcel that is technically in the City limits. In order to clean this up, the property owner has requested for a disconnection of this small sliver so there is no misinterpretation of whether the lot is situated within the jurisdiction of the City of Montrose or in unincorporated Montrose County. This is further outlined in the letter submitted by the Applicant as attached as Exhibit B, and the exhibit of the exact area requesting to be disconnected in attached as Exhibit C. The property requesting to be disconnected is further described below.

A strip of land situated in Section 16, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado being better described as beginning at a point S01°25'23"W 2130.88 from the CW1/16 corner of said Section 16;
Thence S87°26'23"E 1231.12 feet;
Thence S01°51'49"W 1.61 feet to an existing fence line;
Thence the following two (2) courses along said fence line
1. N88°43'06"W 616.74 feet;
2. N88°37'58"W 614.13 feet to a point on the West line of the E1/2SW1/4 of said Section 16;
Thence N01°25'23"E 28.17 feet to the Point of Beginning.
Containing 0.43 Acres more or less as described.

BASIS OF BEARINGS:

The bearing between the 2" aluminum cap on 3/4" rebar PLS 37690 at the W1/16 corner common to Sections 16 and 21, Township 49 North, Range 9 West, New Mexico Principal Meridian and the found 2" aluminum cap on 3/4" rebar PLS 37690 at the CW1/16 corner of said Section 16 bears N01°25'23"E (ASSUMED).

Process:

The ordinance provided in this packet is the City of Montrose's procedure for processing such a request. This procedure requires the adoption of an ordinance if City Council approves that the best interests of the City will not be negatively affected by the disconnection from the City limits.

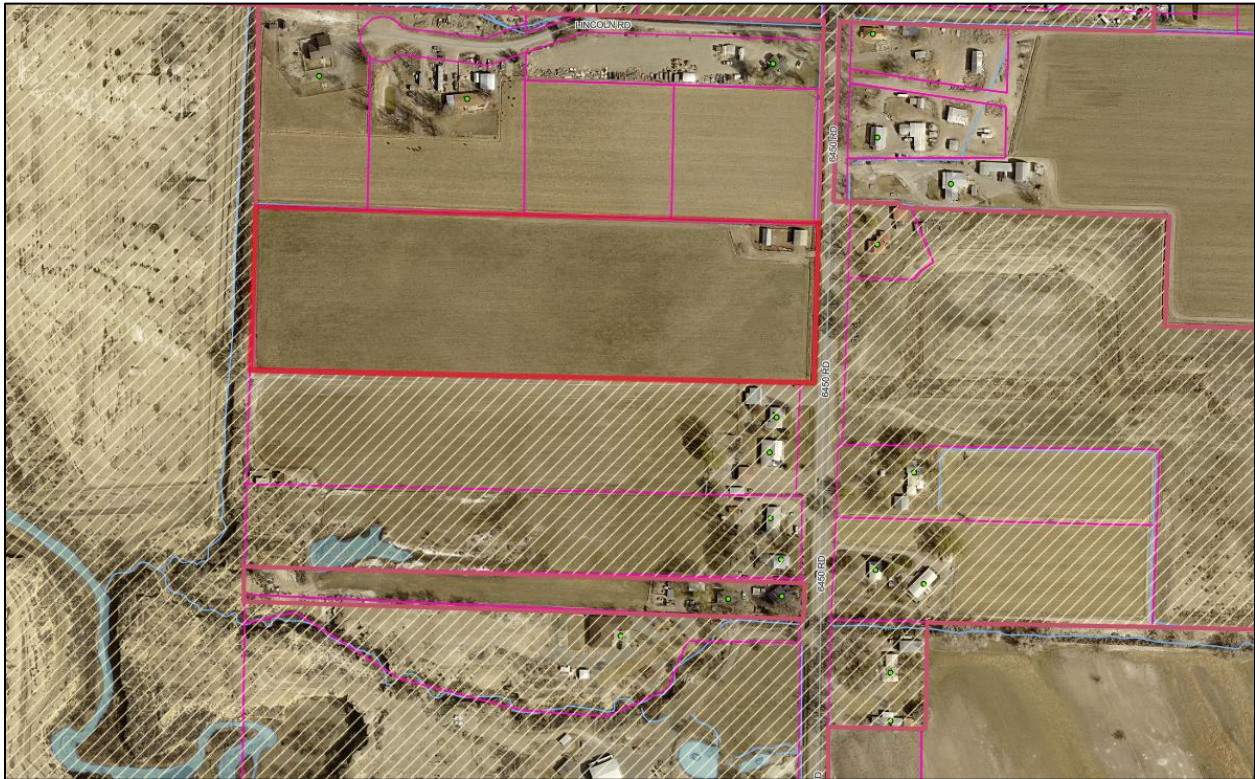
Recommendation:

City staff is recommending approval of the request for disconnection from City limits.



Exhibit A: Maps

Vicinity Map (hatching reflects City limits)



Disconnection area shaded in green

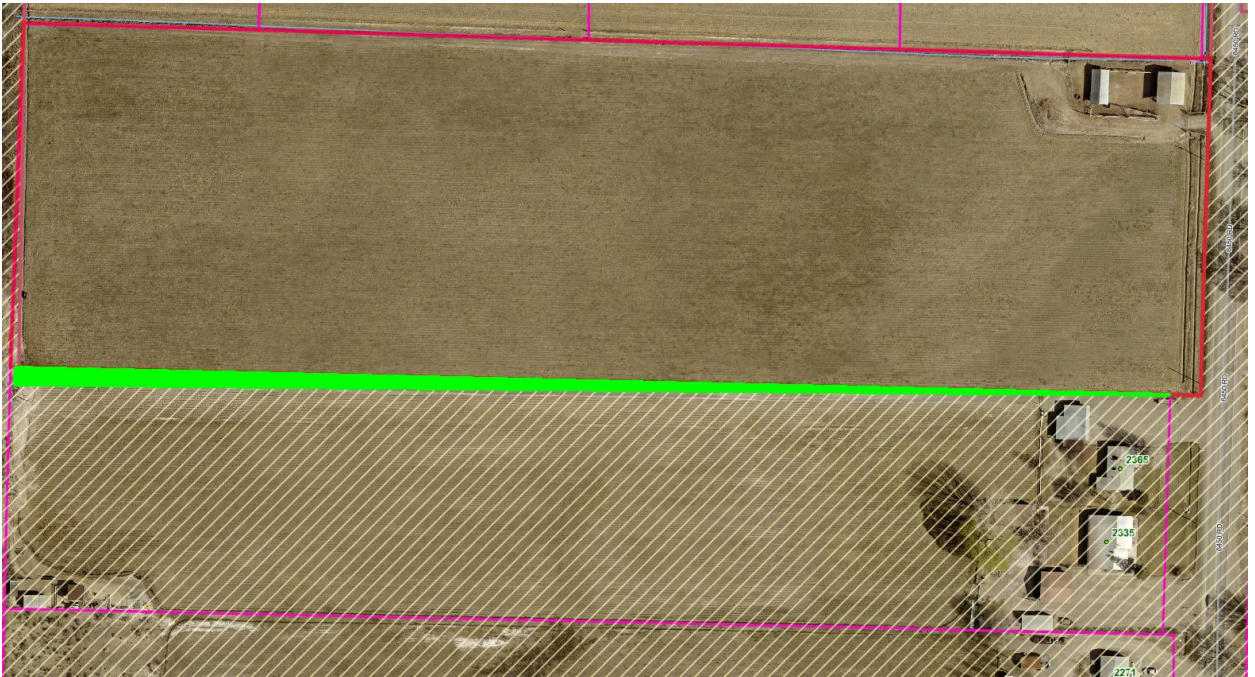


Exhibit B - Letter of Request



DEL-MONT CONSULTANTS, INC.
ENGINEERING ▼ SURVEYING

125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251 ▼ (970) 249-2342 FAX
www.del-mont.com ▼ service@del-mont.com

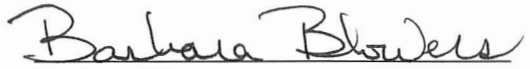
06 February, 2023

RE: Deannexation of a part of the Blowers property.

To whom it may concern:

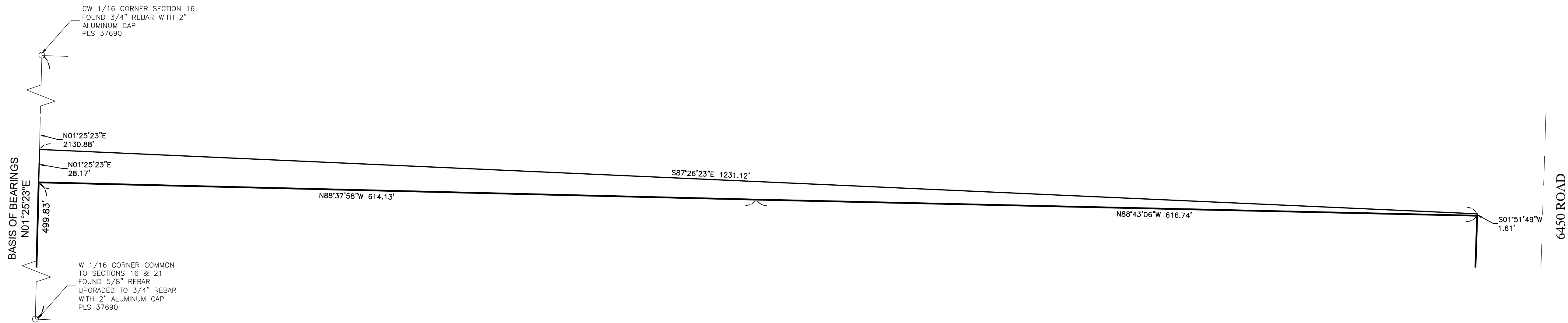
The property line common to parcel 376716300065 owned by Timothy & Debra Ayer and parcel 376716320003 owned by Donnie & Barbara Blowers has recently been agreed upon per CRS, Section 38-44-112 an existing fence line. The previous line as described in a Quit Claim Deed at Reception No. 954694 is the current line separating the City of Montrose and the County of Montrose. The majority of the Blowers parcel is in the county, while the sliver created due to the Boundary Line Agreement recorded at Reception No. 959055 is still a part of the City of Montrose. We would like for that sliver to be deannexed and become a part of the County of Montrose with the rest of the Blowers property.


Donnie Blowers


Barbara Blowers

DEANNEXATION EXHIBIT

SITUATED IN SECTION 16, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

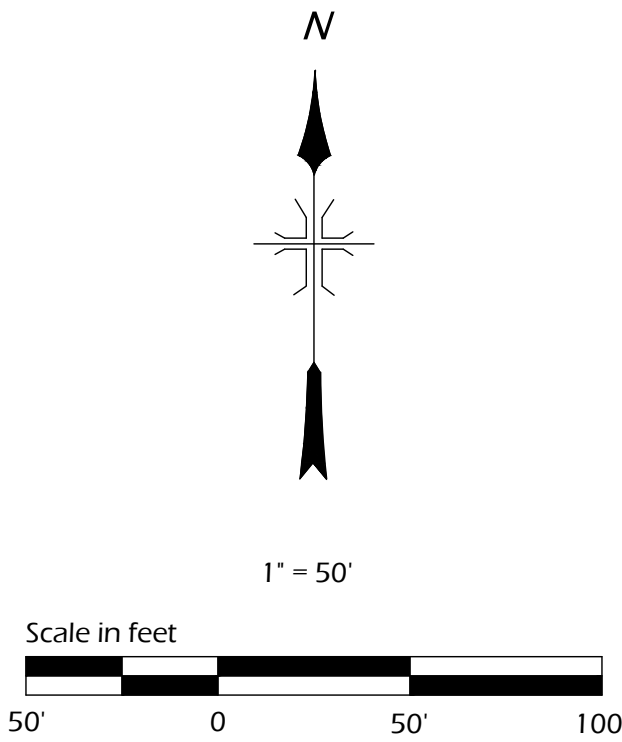


DEANNEXATION DESCRIPTION:

A strip of land situated in Section 16, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado being better described as beginning at a point S01°25'23\"W 2130.88 from the CW1/16 corner of said Section 16;
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2. N88°37'58\"W 614.13 feet to a point on the West line of the E1/2SW1/4 of said Section 16;
Thence N01°25'23\"E 28.17 feet to the Point of Beginning.
Containing 0.43 Acres more or less as described.

BASIS OF BEARINGS:

The bearing between the 2\" aluminum cap on 3/4\" rebar PLS 37690 at the W1/16 corner common to Sections 16 and 21, Township 49 North, Range 9 West, New Mexico Principal Meridian and the the found 2\" aluminum cap on 3/4\" rebar PLS 37690 at the CW1/16 corner of said Section 16 bears N01°25'23\"E (ASSUMED).



NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

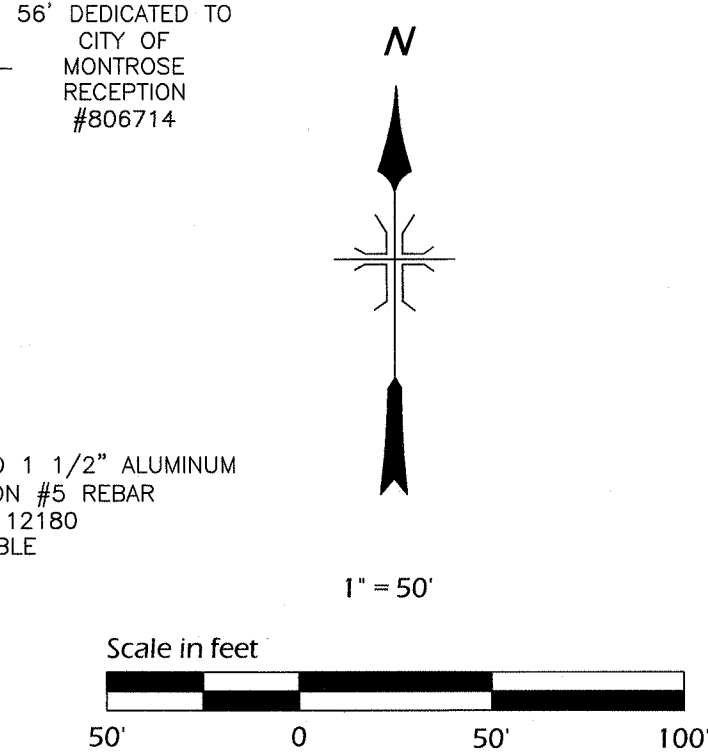
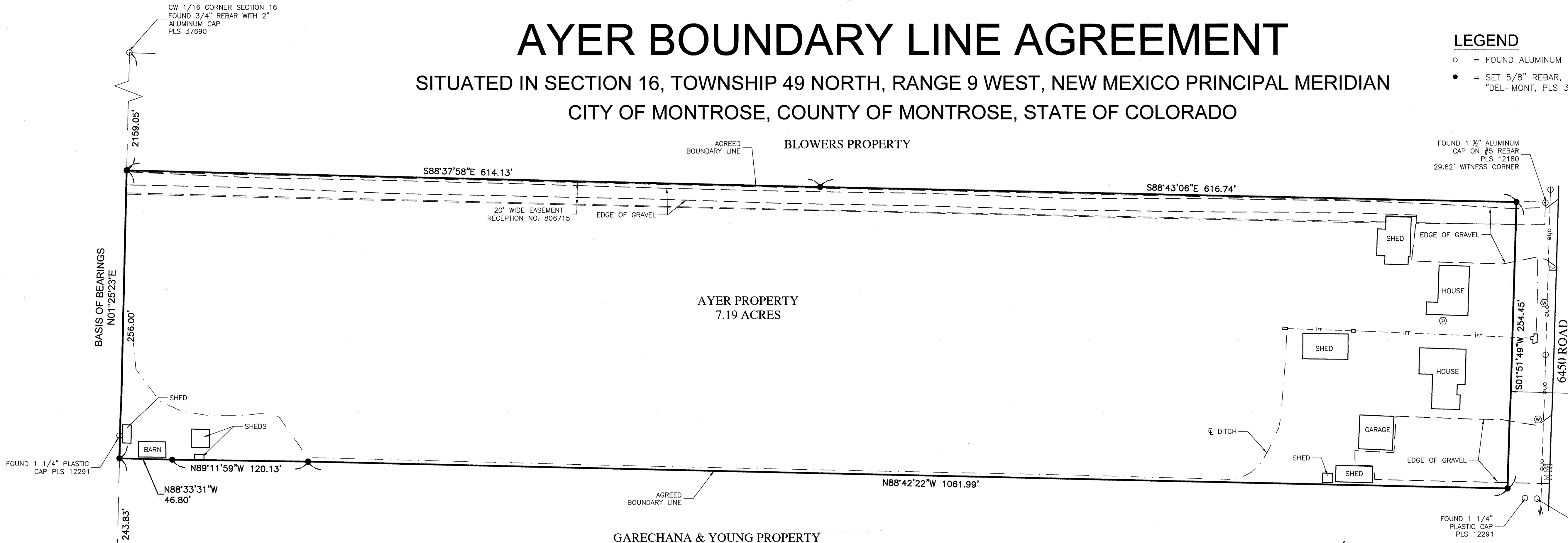
 DEL-MONT CONSULTANTS, INC. ENGINEERING ▼ SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 245-2251 • (970) 245-2342 FAX www.del-mont.com ▼ service@del-mont.com				TITLE: DEANNEXATION EXHIBIT			
				CLIENT: LUKE AYER			
				ADDRESS & PHONE: 2365 6450 ROAD MONTROSE, CO 81401 970-275-2181			
				TYPE: BLA			
FIELD BOOK: 902	DRAWN BY: DCC	DATE: 2023-01-11					
SHEET: 1 of 1	FILE: 22182V_BLA	JOB NO.: 22182					

AYER BOUNDARY LINE AGREEMENT

SITUATED IN SECTION 16, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

LEGEND

- = FOUND ALUMINUM CAP ON REBAR AS NOTED
- = SET 5/8" REBAR, 18" LONG, WITH A 1 1/2" ALUMINUM CAP STAMPED "DEL-MONT, PLS 37690"



In accordance with CRS, Section 38-44-112, the undersigned agree that the Boundary Agreement Lines, as indicated on this plat, is hereby determined and permanently established as the boundary between their respective properties. Each party hereby grants, sells, and conveys to the other party such of his or her property as may line on the other party's side of the agreed boundary.

Donnie D. Blowers
Donnie D. Blowers

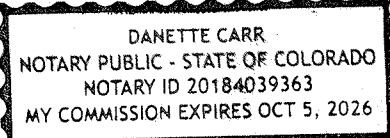
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023, by Donnie D. Blowers.

My commission expires Oct. 5, 2026

Witness my hand and official seal Danette Carr

Notary Public



Barbara A. Blowers
Barbara A. Blowers

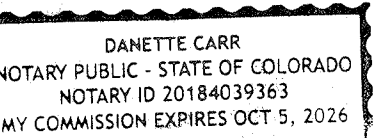
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023, by Barbara A. Blowers.

My commission expires Oct. 5, 2026

Witness my hand and official seal Danette Carr

Notary Public



Timothy Ayer
Timothy Ayer

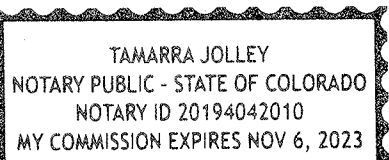
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023, by Timothy Ayer.

My commission expires November 6, 2023

Witness my hand and official seal Sammy Jolley

Notary Public



Debra Ayer
Debra Ayer

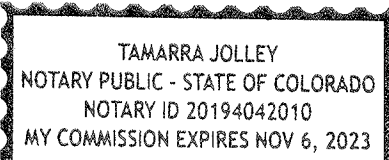
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023, by Debra Ayer.

My commission expires November 6, 2023

Witness my hand and official seal Sammy Jolley

Notary Public



Ronald David Garechana
Ronald David Garechana

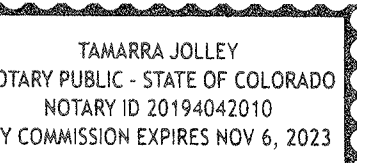
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 1st day of February, 2023, by Ronald David Garechana.

My commission expires November 6, 2023

Witness my hand and official seal Sammy Jolley

Notary Public



Kenneth Gregory Garechana
Kenneth Gregory Garechana

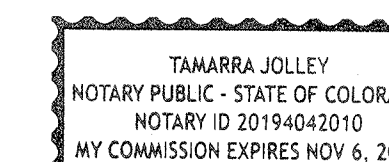
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023, by Kenneth Gregory Garechana.

My commission expires November 6, 2023

Witness my hand and official seal Sammy Jolley

Notary Public



NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

Christina Young
Christina Young

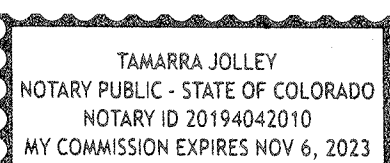
STATE OF COLORADO)
)ss.
COUNTY OF MONTROSE)

The above Boundary Line Agreement was acknowledged before me on this 30 day of January, 2023 by Christina Young.

My commission expires November 6, 2023

Witness my hand and official seal Sammy Jolley

Notary Public



BASIS OF BEARINGS:

The bearing between the 2" aluminum cap on 3/4" rebar PLS 37690 at the W1/16 corner common to Sections 16 and 21, Township 49 North, Range 9 West, New Mexico Principal Meridian and the the found 2" aluminum cap on 3/4" rebar PLS 37690 at the CW1/16 corner of said Section 16 bears N01°25'23"E (ASSUMED).

LINEAL UNITS STATEMENT:

The Lineal Unit used on this plat is U.S. Survey Feet

SURVEYORS CERTIFICATE:

I Frederick A. Ballard, hereby certify that I am a Professional Land Surveyor of the State of Colorado, that this map consisting of 1 sheet, correctly represents a survey made under my supervision, that all monuments shown hereon actually exist and their positions are as shown. This survey does not include easements except those specifically shown hereon.



Frederick A. Ballard P.L.S. 37690

RECORDER'S CERTIFICATE:

This plat was filed for record in the office of the Clerk and Recorder of Montrose County at 9:58 am. on the 2 day of February, 2023, Reception No. 959055.

Jessamine Spitzer, by Joan Light-Kraft
County Clerk & Recorder Deputy

AYER BOUNDARY LINE AGREEMENT			
CLIENT:		LUKE AYER	
ADDRESS & PHONE:		2365 6450 ROAD MONTROSE, CO 81401 970-275-2181	
FIELD BOOK:	DRAWN BY:	DATE:	TYPE:
902	DCC	2023-01-27	BLA
SHEET:	FILE:	JOB NO.:	
1 of 1	22182V_BLA	22182	



VICINITY MAP
N.T.S.

ORDINANCE NO. 2629

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, DISCONNECTING PROPERTY FROM THE CITY.

WHEREAS, the City of Montrose, Colorado, (the “City”), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, property owners, holding ownership of property described below within the limits of the City, submitted a formal request to be removed from the City’s jurisdiction; and

WHEREAS, this is a small piece of land that was subject to a boundary line adjustment between land owners, of which one is located in the county and one is within the City limits; and

WHEREAS, this request for disconnection presents unique circumstances where the property is not on the City’s water or sewer services, and disconnection of this property will have no material long term adverse effects on the City; and

WHEREAS, City Council finds it in the best interest of the City that this property be disconnected from the jurisdiction of the City of Montrose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO that:

Section 1:

The following described property situated in Montrose County, Colorado, is hereby disconnected from the City:

DENANNEXATION DESCRIPTION:

A strip of land situated in Section 16, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado being better described as beginning at a point S01°25’23”W 2130.88 from the CW1/16 corner of said Section 16;
Thence S87°26’23”E 1231.12 feet;
Thence S01°51’49”W 1.61 feet to an existing fence line;
Thence the following two (2) courses along said fence line
1. N88°43’06”W 616.74 feet;
2. N88°37’58”W 614.13 feet to a point on the West line of the E1/2SW1/4 of said Section 16;
Thence N01°25’23”E 28.17 feet to the Point of Beginning.
Containing 0.43 Acres more or less as described.

BASIS OF BEARINGS:

The bearing between the 2” aluminum cap on 3/4” rebar PLS 37690 at the W1/16 corner common to Sections 16 and 21, Township 49 North, Range 9 West, New Mexico Principal Meridian and the the found 2” aluminum cap on 3/4” rebar PLS 37690 at the CW1/16 corner of said Section 16 bears N01°25’23”E (ASSUMED).

Section 2:

The City Clerk is hereby directed to record this ordinance in the Montrose County Records and file copies thereof, with Colorado's Department of Revenue and Department of Local Affairs, and provide copies to appropriate local entities and utilities.

Section 3:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof.

Section 4:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the City of Montrose Charter.

Section 5:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6:

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 7:

This Ordinance shall become effective as set forth in the City of Montrose Charter.

INTRODUCED, READ and PASSED on first reading this 6th day of June, 2023.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Tuesday, the 20th day of June, 2023, at the hour of 6:00 p.m. in the City Council Chambers of the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and ADOPTED on second reading this 20th day of June, 2023.

ATTEST:

Barbara Bynum, Mayor

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: June 6, 2023
RE: Dry Cedar Creek II Addition Annexation
ATTACHMENTS:

- Exhibit A: Maps
- Exhibit B: Zoning Code Excerpt

City Council Consideration:

City Council is considering the Dry Cedar Creek II Addition annexation application and the associated zoning. Council will consider all of the information in this memo in making a decision.

Proposed schedule:

May 15:	Council Work Session Overview
June 6:	Council Resolution to set a hearing date
June 14:	Planning Commission zoning hearing
July 18:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
August 1:	2nd reading of annexation and zoning ordinances

Application Background:

The Dry Cedar Creek II Addition is a proposed annexation approximately 5.06 acres in size. The parcel is located along Ogden Road, southeast of its intersection with Kellie Drive. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and City of Montrose Water Service Area. Annexation of this property will allow for connection to City utilities. An Annexation Agreement is required.



Proposed Zoning: “R-3A” Medium High Density District

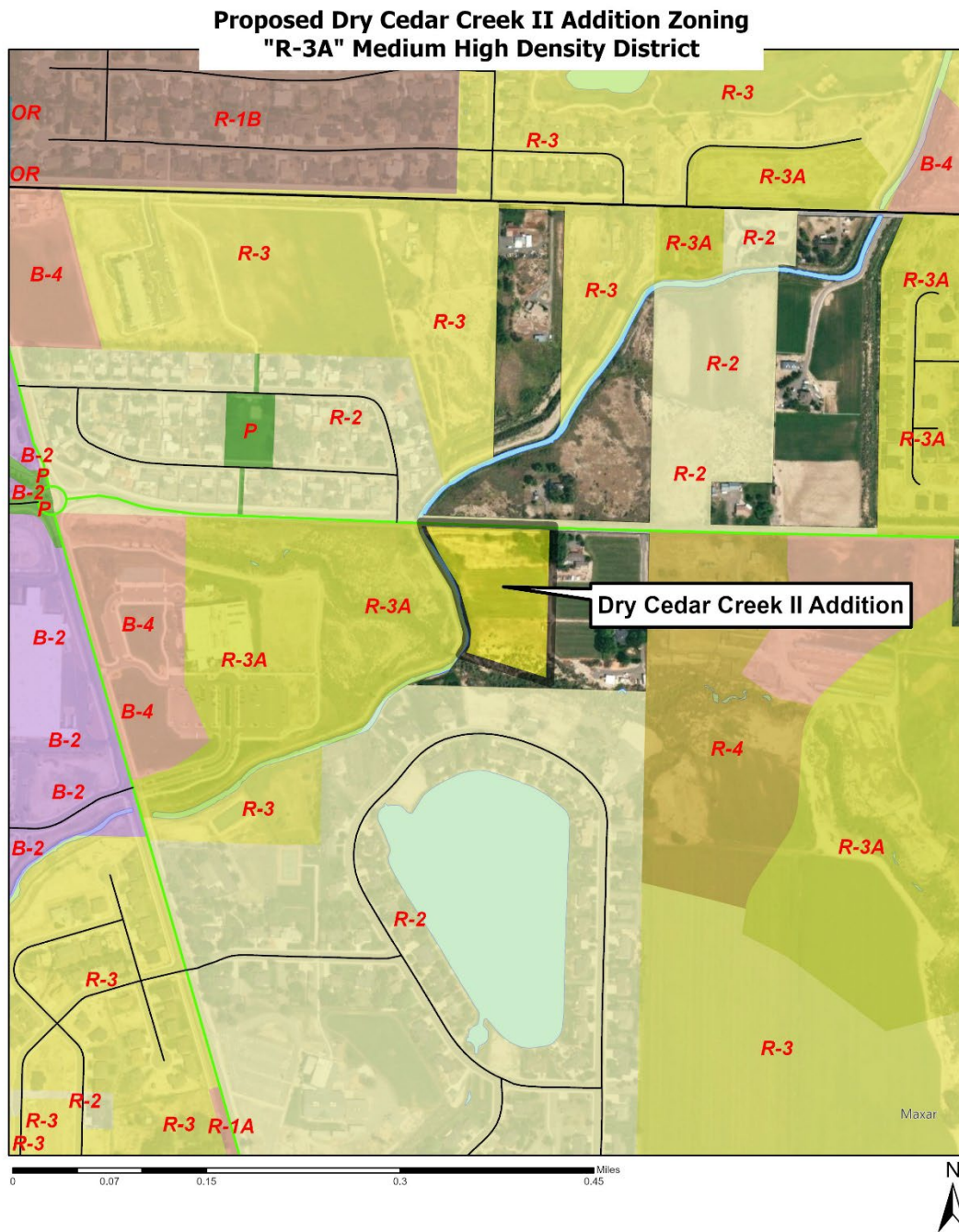
Applicant: RealAmerica, LLC

Staff Analysis:

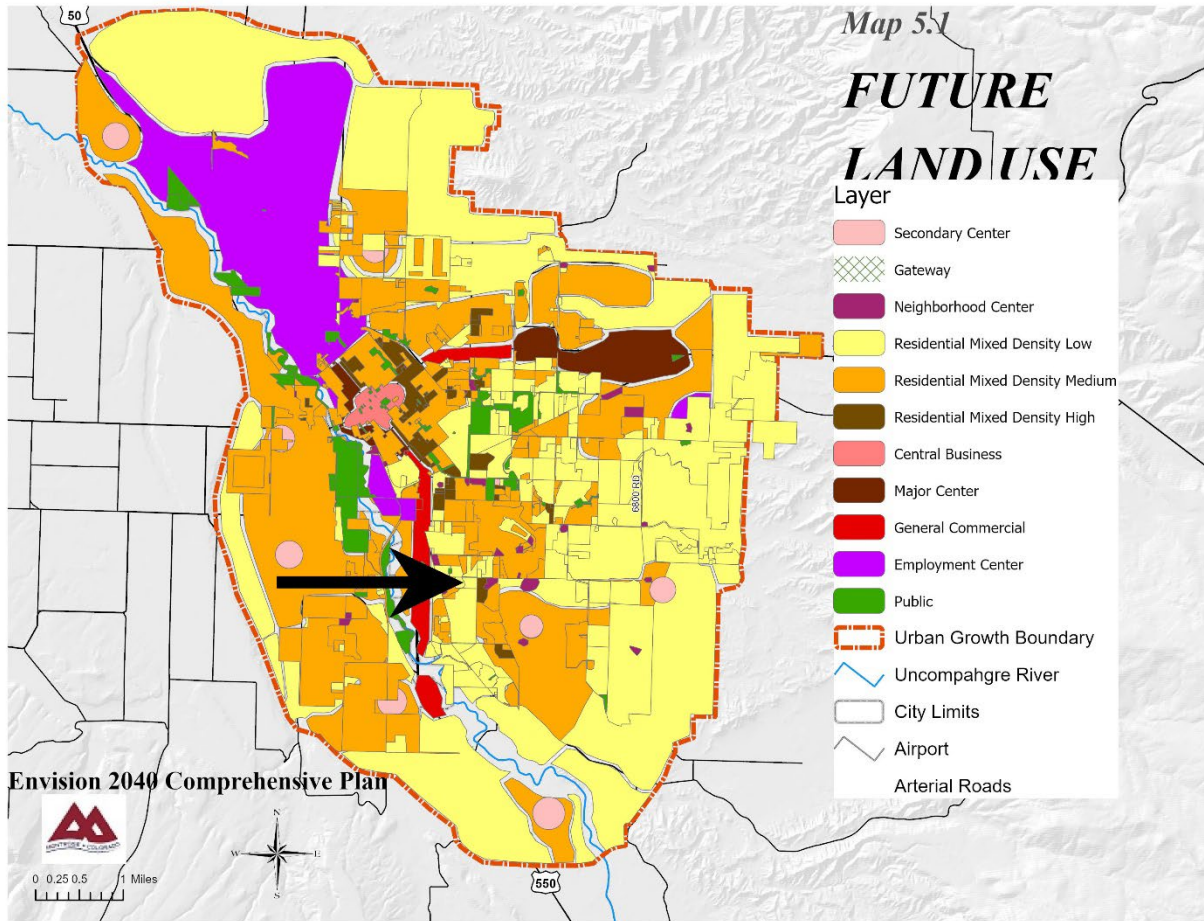
1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions. “The Planning Commission shall recommend to the Council a zoning district designation for all property annexed to the City not previously subject to City zoning, and shall follow the review procedure set out in Chapter 11-4 in arriving at its recommendation. Proceedings concerning the zoning of property to be annexed may be commenced at any time prior to the effective date of the annexation ordinance or thereafter. *The zoning designation for newly annexed property shall not adversely affect the public health, safety and welfare* (emphasis added).”
 - b. Municipal Code, Section 11-7-5 (A) (6): The “R-3A” Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned “R-2” Low Density District, “R-3A” Medium High Density District, and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Dry Cedar Creek II Addition as Residential Mixed Density Low. The Residential Mixed Density Low District provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City.
5. The property is located within Growth Area 1. According to the Comprehensive Plan, Growth Area 1 represents the most cost-efficient areas for the city to grow and comprises platted but unbuilt lots, annexed but unplatted land, and un-annexed small enclaves.
6. The “R-3A” zoning does not appear to be adverse to the public health, safety and welfare.



EXHIBIT A: Maps



Comprehensive Plan Future Land Use Map

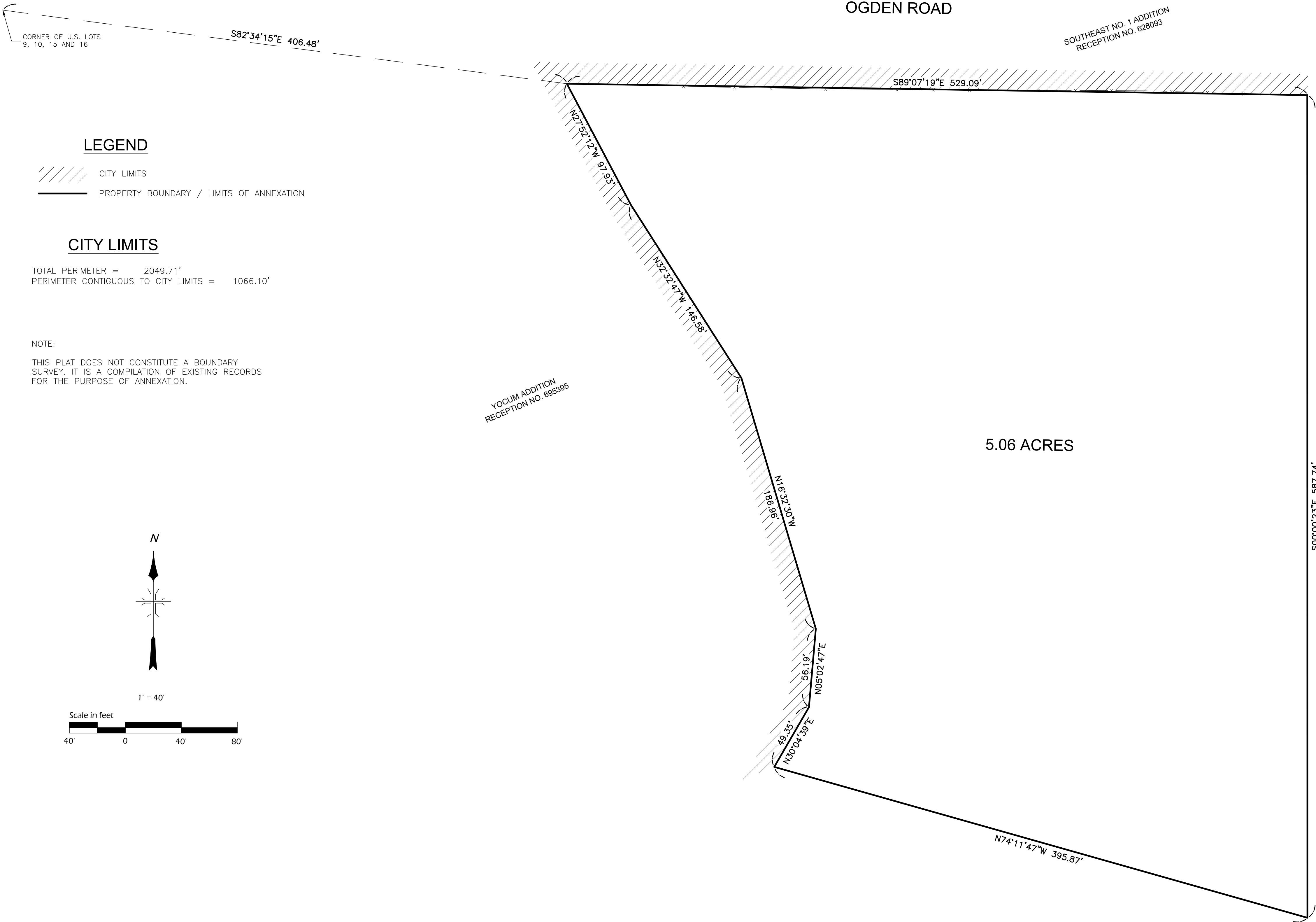


DRY CEDAR CREEK II ADDITION

SITUATED IN SECTION 4, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



VICINITY MAP
N.T.S.



LEGEND

- ////// CITY LIMITS
———— PROPERTY BOUNDARY / LIMITS OF ANNEXATION

CITY LIMITS

TOTAL PERIMETER = 2049.71'
PERIMETER CONTIGUOUS TO CITY LIMITS = 1066.10'

NOTE:
THIS PLAT DOES NOT CONSTITUTE A BOUNDARY SURVEY. IT IS A COMPILATION OF EXISTING RECORDS FOR THE PURPOSE OF ANNEXATION.

ANNEXATION DESCRIPTION

A TRACT OF LAND SITUATED IN THE N1/2 OF LOT 16, SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH LINE OF THE SOUTHEAST ADDITION 1 RECEPTION NO. 628093, SAID POINT BEING S82°34'15"E 406.48 FEET FROM THE CORNER OF U.S. LOTS 9, 10, 15 AND 16, AS MONUMENTED BY A WITNESS CORNER (BK. 1, PG. 606), THENCE ALONG SAID SOUTH LINE S89°07'19"E 529.09 FEET; THENCE SOUTH 00°00'23" EAST FOR 587.74 FEET; THENCE NORTH 74°11'47" WEST FOR 395.87 FEET TO THE CENTERLINE OF THE 100' EASEMENT FOR SAID CANAL, AND THENCE ALONG THE CENTERLINE OF SAID EASEMENT FOR THE FOLLOWING CALLS: NORTH 30°04'39" EAST FOR 49.35 FEET; NORTH 05°02'47" EAST FOR 56.19 FEET; NORTH 16°32'30" WEST FOR 186.96 FEET; NORTH 32°32'47" WEST FOR 146.58 FEET; NORTH 27°52'12" WEST FOR 97.93 FEET TO THE POINT OF BEGINNING, COUNTY OF MONTROSE, STATE OF COLORADO.

SURVEYOR'S CERTIFICATE

I, Frederick A. Ballard, a Registered Land Surveyor in the State of Colorado, do hereby certify DRY CEDAR CREEK II ADDITION Annexation Map was prepared under my direct supervision.

Frederick A. Ballard, P.L.S.
Registration No. 37690

MAYOR'S CERTIFICATE

This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado has by its Ordinance No. _____ adopted on the _____ day of _____, 20____, annexed the property hereon to the City of Montrose.

Mayor

Attest:
City Clerk

CLERK AND RECORDER'S CERTIFICATE

This map was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of _____, on the _____ day of _____, 20____ under Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

Deputy

DMC		DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 245-2251 • (970) 245-2342 FAX www.del-mont.com • service@del-mont.com	
FIELD BOOK:		DRAWN BY: DCC	DATE: 2023-01-26
SHEET: 1 of 1		FILE: 23010V_ANNEX	JOB NO.: 23010
TITLE: DRY CEDAR CREEK II ADDITION		CLIENT: MICHAEL SURAK	ADDRESS & PHONE:
		TYPE: ANNEXATION	

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

Exhibit C: Zoning Code Excerpt

Sec. 11-7-6. District uses.

- (A) *Permitted uses.* Those uses designated as permitted uses on the schedule of uses in Subsections 11-7-6 (G) and 11-7-6 (H) are allowed as a matter of right subject to approval of a site development plan per Section 11-8-1 of this Title.
- (B) *Conditional uses.* Uses listed as conditional uses on the schedule of uses in Subsections 11-7-6 (G) and 11-7-6 (H) shall be allowed only if the Planning Commission determines, following review pursuant to Chapter 11-4 of this Title, that the following criteria are substantially met with respect to the type of use and its dimensions:
- (1) The use will not be contrary to the public health, safety, or welfare.
 - (2) The use is not materially adverse to the City's Comprehensive Plan.
 - (3) Streets, pedestrian facilities, and bikeways in the area are adequate to handle traffic generated by the use with safety and convenience.
 - (4) The use is compatible with existing uses in the area and other allowed uses in the district.
 - (5) The use will not have an adverse effect upon other property values.
 - (6) Adequate off-street parking will be provided for the use.
 - (7) The location of curb cuts and access to the premises will not create traffic hazards.
 - (8) The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of adjacent property.
 - (9) Landscaping of the grounds and the architecture of any buildings will be reasonably compatible with that existing in the neighborhood.
- (C) *Principal uses.* The primary use of a lot is referred to as a principal use which may be a land use or a structure. Only one (1) principal use per lot is allowed except where a mix of residential and nonresidential uses may be permitted in a specified zone district.
- (D) *Accessory uses.* Accessory uses shall comply with all requirements for the principal use, except where specifically modified by this Chapter, and shall also comply with the following limitations:
- (1) An accessory use shall be clearly incidental, customary to and commonly associated with the operation of the permitted use.
 - (2) An accessory use shall be operated and maintained under the same ownership as the permitted use.
 - (3) An accessory use shall be located on the same lot as a principal use.



(E) *Temporary Use Permits.*

- (1) The City Manager or his designee may issue a permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a period of up to one year in accordance with this Subsection.
- (2) The temporary use permit may be issued by the City Manager only after it determines that unusual circumstances exist, not created by the applicant, such as damage, destruction or delay in construction of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.
- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(F) *Uses Not Listed.*

- (1) Uses not listed in a zone district are prohibited except that such uses may be approved by the City Manager provided such uses are found to be similar to a permitted use.
- (2) Any person aggrieved by a decision of the City Manager pursuant to this Subsection may appeal that decision to the City Council under the following procedure:
 - (a) The appeal must be made in writing and filed within thirty (30) days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within thirty (30) days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least fifteen (15) days prior to the hearing.
 - (c) The City Council shall approve or deny the appeal.
 - (d) The decision of the City Council shall be the final decision of the City on the matter, appealable only to the district court.



(G) Schedule of Residential Zone District Uses.

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
COMMERCIAL USES										
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.	P									
Rental storage units with a maximum rental unit size of 200 square feet.										C
Short-term rentals	P	P	P	P	P	P	P	P	P	P
INSTITUTIONAL USES										
Assisted living facilities					C	C	C		C	C
Childcare facilities	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	C	C	C	C	P	P	P	C	C	P
Schools	C	C	C	C	C	C	C	C	C	C
RECREATIONAL USES										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
RESIDENTIAL USES										
Duplex					P	P	P		P	
Group homes - handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P



Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Group homes - handicapped/disabled > 9 persons (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured housing				¹				P	P	P
Mobile homes (See Sec. 11-13)										P
Mobile home parks (See Sec. 11-13)										P
Modular housing								P	P	P
Multi-family dwelling					C	P	P		C	
Single-family dwelling	P	P	P	P	P	P	P	P	P	P
UTILITIES AND TELECOMMUNICATION FACILITIES										
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C
OTHER USES										
Accessory uses (See Sec. 11-7-6 (D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6 (E) (1-3))	T	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6 (E)(4))	T	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6 (2))		T	T	T	T	T	T	T	T	T

¹ Manufactured housing is prohibited except for the following subdivision which was under development on July 1, 1998: Rainbow Meadows Subdivision.

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Legend: Zoning Districts RL: Rural Living R-1: Very Low Density R-1A: Large Estate R-1B: Small Estate R-2: Low Density R-3: Medium Density R-3A: Medium High Density R-4: High Density R-5: Low Density/Manufacture Housing R-6: Medium Density/Manufacture Housing MHR: Manufactured Housing Residential				Legend: Use Type P: Permitted Use C: Conditional Use A: Accessory Use T: Temporary Use Note: Any uses not listed in a zone district are prohibited – see Sec. 11-7-6 (F)(1).						



(H) Schedule of Mixed Use, Commercial and Industrial Zone District Uses.

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
COMMERCIAL USES									
Automobile and vehicle sales, repair or service establishments			C	C	P	P			
Automobile body shops			C	C	P	P			
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials businesses			C	P	P	P			
Car washes				P	P	P	C		
Commercial businesses		C							
Commercial uses other than the uses by right in this zone district which comply with the performance standards of Chapter 11-11-4 and are consistent with Sec. 11-7-5 (D) (1).								C	
Farm implement sales or service establishments					P	P			
Fueling stations or other retail uses having fuel pumps which comply with the following criteria: (a) All fuel storage, except propane, shall be located underground. (b) All fuel pumps, lubrication and service facilities shall be located at least 20 feet from any street right-of-way line.			P	P	P	P	C		
Funeral homes			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facilities, self-service				P	P	P	P		
Mobile and travel home sales or service establishments					P	P			

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.	P								
Offices not allowed as a use by right.	C								
Travel home parks and campgrounds (See Sec. 11-13)				C	C	C			
Rental businesses					P	P			
Restaurants			P	P	P	P	P		P
Restaurants, drive-in or drive-through			C	C	C	C	C		
Retail sales and services establishments which cater to the general shopping public	C								
Retail stores, business and professional offices, and service establishments which cater to the general shopping public.			P	P	P	P	P		P
Retail stores, business and service establishments serving the general public but which also involve limited manufacturing of the products supplied				C	C	C			
Sexually oriented business (See Sec. 11-12-1)									P
Short-term rentals	P		P	P	P	P	P	P	P
Taverns			P	P	P	P	C		
Theaters			P	P	P	P			
Veterinary clinics or hospitals for small animals				P	P	P			
Veterinary clinics or hospitals for large animals					P	P			

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
INDUSTRIAL USES									
Above ground storage facilities for hazardous fuels						P			P
Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.								P	P
Construction and contractor's office and equipment storage facilities						P			P
Feed storage and sales establishments						P			P
Manufacturing and non-manufacturing uses including: food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities. (See Sec. 11-11-4)					C	C		P	P
Other industrial uses									P
Storage facilities, indoor			C	P	P	P	C		P
Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operations			C	C	C	C		P	P
INSTITUTIONAL USES									
Airport								P	P
Assisted living facilities	C			P	P	P			
Childcare facilities	P	C	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Daytime social service activities by a social service provider, to include food storage; food distribution without monetary remuneration as a food pantry and/or food service without monetary remuneration as a soup kitchen; laundry facilities not for profit; showers; and counseling to include alcohol and/or substance abuse counseling. This use by right expressly excludes the overnight sheltering of people. For the purposes of this use by right authorization, “daytime” shall mean from 6:00 a.m. to 6:00 p.m. Mountain Standard Time. “Night” shall mean from 6:00 p.m. to 6:00 a.m. Mountain Standard Time.			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospitals	P								
Libraries		P	P	P	P	P			
Museums and visitor centers		P	P	P	P	P			
Parking facilities	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P			
Religious assembly	P	P	P	P	P	P	P		
Schools	C	P	C	C	C	C	C		
RECREATIONAL USES									
Golf courses		C							
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P
Private recreation facilities		P							
RESIDENTIAL USES									



Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Duplex	P		P	P	P	P	P	P	P
Group homes - handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P		P	P	P	P	P	P	P
Group homes - handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group homes, other (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Multifamily dwelling	C	C	P	P	P	P	P	P	P
Single-family dwelling	P	C	P	P	P	P	P	P	P
Supportive housing	C					C		C	
UTILITIES AND TELECOMMUNICATION FACILITIES									
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
OTHER USES									
Accessory uses (See Sec. 11-7-6 (D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6 (E) (1-3))	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6 (E)(4))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6 (2))	T		T	T	T	T	T	T	T

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Legend: Zoning District OR: Office-Residential P: Public B-1: Central Business B-2: Highway Commercial B-2A: Regional Commercial B-3: General Commercial B-4: Neighborhood Shopping I-1: Light Industrial I-2: General Industrial			Legend: Use Type P: Permitted Use C: Conditional Use A: Accessory Use T: Temporary Use Note: Any uses not listed in a zone district are prohibited – see Sec. 11-7-6 (F)(1).						



RESOLUTION NO. 2023-09

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, as follows:

1. The City Council hereby finds that the Annexation Petition submitted for the annexation of the property denominated as the **DRY CEDAR CREEK II ADDITION**, as described on **Exhibit A** hereto, is in substantial compliance with the requirements of C.R.S. § 31-12-107(1), as amended.
2. The City Council shall hold a hearing to determine if the proposed annexation complies with C.R.S. §§ 31-12-104, 105, or such parts thereof as may be required to establish eligibility for annexation under the terms of C.R.S. Part 1, Article 12, Title 31. The hearing shall be held on the 18th day of July, 2023, in the Montrose City Council Chambers at the Elks Civic Building at 6:00 P.M.

ADOPTED by the City Council of the City of Montrose, Colorado, this 6th day of June, 2023.

CITY OF MONTROSE, COLORADO

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description:

A tract of land situated in the N1/2 of Lot 16, Section 4, Township 48 North, Range 9 West, New Mexico Principal Meridian described as follows:

Beginning at a point on the south line of the Southeast Addition 1 Reception No. 628093, said point being S82°34'15"E 406.48 feet from the corner of U.S. Lots 9, 10, 15 and 16, as monumented by a witness corner (Bk. 1, Pg. 606), thence along said south line S89°07'19"E 529.09 feet; thence south 00°00'23" east for 587.74 feet;

Thence north 74°11'47" west for 395.87 feet to the centerline of the 100' easement for said canal, and thence along the centerline of said easement for the following calls: North 30°04'39" east for 49.35 feet; North 05°02'47" east for 56.19 feet; North 16°32'30" west for 186.96 feet; North 32°32'47" west for 146.58 feet; North 27°52'12" west for 97.93 feet to the point of beginning,

County of Montrose, State of Colorado

CONTRACT AWARD RECOMMENDATION

TO: Honorable Mayor and Members of the City Council
FROM: Jim Scheid, Public Works Director
DATE: May 15, 2023
RE: 2023 Landfill Agreement
CC: William Bell, Ann Morgenthaler, Shani Wittenberg



Action

Consider the award of a contract with Waste Management of Colorado, Inc for Landfill services.

Background

The City's Trash and Recycle Division has collected and hauled the solid waste of City residents to the landfill located northeast of the City for many years. The landfill is operated by Waste Management and in the past Waste Management has been the only option available to the City for landfill services. The City's existing agreement with Waste Management is due to expire in June of 2023 and to renew this agreement the City has issued an RFP and publicly opened bids on May 4th, 2023. There were 2 qualified bids received as detailed below.

Bidder	Location	Total Tipping Fee (\$/Ton)
Waste Management	Montrose, CO	\$60.68
Bruin Waste	Montrose, CO	\$66.50

Although it is great to see competition in this market, City Staff recommend awarding a contract to Waste Management for Landfill Services. Waste Management has performed well in the past and has the lowest cost per ton for tipping fees.

Contract Administration and Project Financials

The Trash and Recycle Division budgeted \$730,000.00 in disposal fees in 2023. Disposal fees include tipping fees for solid waste and for recyclable materials. The bid price of \$60.68/ton is the same price as the City currently pays Waste Management so there is no increase to the disposal fee as a result of this RFP. The disposal fees did however increase 11% starting in January of 2023 which is an unprecedented increase based on the CPI index. The increase noticed in solid waste and recycle tipping fees will likely cause the City's overall disposal fees to exceed the budgeted amount of \$730,000.00.

CONTRACT AWARD RECOMMENDATION

TO: Honorable Mayor and Members of the City Council
FROM: Jim Scheid, Public Works Director
DATE: May 15, 2023
RE: Montrose City Hall Façade Design Contract Award
CC: William Bell, Ann Morgenthaler, Shani Wittenberg



Action

Consider the award of a contract with Blythe Group in the amount of \$145,030.00 for the design of the façade replacement on City Hall.

Background

The City has worked with Blythe Group on 2 phases of interior remodeling of the new City Hall. These 2 phases are complete, and the facility is currently being utilized by City Staff. To continue the renovation project, the City has requested a proposal from Blythe to complete the design of the façade replacement of the facility, also known as Phase 3. This design work is to be completed mostly in 2023, allowing for a potential construction start in the spring of 2024.

Blythe Group has already completed some concept design work on the façade portion of the project as part of their scope in phase 2. This preliminary concept work allowed for cost estimating to be performed which has allowed for discussion with City Staff and City Council to be able to determine the scope and budget that phase 3 design should be targeting. After the design team begins work, City Staff will procure a CMGC to assist with pre-con services during the design process to ensure that the design stays in alignment with the target project budget.

As part of Blythe's design scope they would participate in Stakeholder Meetings and Community Meetings. Blythe would be the lead of a design team including various engineers and consultants to ultimately provide Construction Documents (CDs) for the façade replacement.

Contract Administration and Project Financials

This design project was not budgeted in 2023 and would be funded from General Fund Reserves. This contract is billed on a Time and Material basis as work is performed with a Not-to-Exceed amount of \$145,030.00.

PROJECT EXPENSE AUTHORIZATION

TO: Honorable Mayor and Members of the City Council
FROM: Jim Scheid, Public Works Director
DATE: May 15, 2023
RE: **Concrete Project Expense Authorization REV 1**
CC: William Bell, Ann Morgenthaler, Shani Wittenberg



Action

Consider the authorization of expenses for sidewalk improvements as part of the 2023 MoveMo Project in the amount of \$150,000.00.

Background

The City of Montrose has requested formal bids through the Invitation for Bid process for on-call concrete construction services. The successful bidders, Avila Concrete, Bull Basin, OEC Construction, and Agave Construction are responsible for providing on-call concrete services on an as-needed basis at various locations throughout the City. Each portion of sidewalk repairs are broken down into small projects that we can insert into the bid tab to determine which contractor will be the lowest cost. Across many of the line items on the bid tab, Avila Concrete Construction was our lowest bidder. If Avila is unable to accommodate the work, the project will be presented to the next lowest bidder until a contractor agrees to take the scope of work. All the qualified bidders were awarded an on-call contract to perform concrete work for the City.

The concrete projects associated with the sidewalk improvements are comprised of multiple undertakings across Maintenance Zone B (shown in Exhibit A - Street Maintenance Plan Overview). The Streets Division performed a detailed survey of sidewalk condition in this zone in 2022 to determine which areas could be milled down (ground) and which areas needed to be replaced. The grinding of the sidewalk is a separate scope of work and is scheduled to be completed in June of 2023. The areas identified as needing replacement (as shown in the Exhibit B - Survey) will be separated into smaller projects and Public Works will utilize the most economical bidder from our On-call Concrete contract to perform the work.

The City of Montrose Public Works and Engineering Departments utilize the On-call contracts to complete concrete work throughout the City from several different sections of the annual City Budget. Below are the totals for concrete work budgeted in 2023.

MoveMo sidewalk improvements (proposed in this document) = \$150k
50/50 Sidewalk Replacement Program = \$50k
ADA Accessibility Program = \$50k
North 6th Street Sidewalk Improvement = \$75k
Missing Sidewalk Link on Townsend = \$75k
Concrete work as part of the Street Improvements portion of MoveMo = \$30k
Concrete Trail Improvements = \$20k

Total for 2023 = \$450,000

Contract Administration and Project Financials

In the 2023 Capital Improvements Budget, there is \$150,000.00 allocated for Sidewalk Improvements within the MoveMo Contracted Street Maintenance. The concrete work to be performed will be managed by the Public Works Department and work will be performed on a priority basis until the \$150,000.00 has been consumed.

Exhibit A - Street Maintenance Plan Overview



Street Maintenance Plan
Overview 2022-2030

Zone A (41.4 Lane Miles)
2027 Patching
2028 Crack-Seal
2029 Major Street Improvements
2030 Sidewalk Improvements

Zone B (38.1 Lane Miles)
2028 Patching
2029 Crack-Seal
2022 Major Street Improvements
2023 Sidewalk Improvements

Zone C (35.8 Lane Miles)
2021 Patching
2022 Crack-Seal
2023 Major Street Improvements
2024 Sidewalk Improvements

Zone D (36.1 Lane Miles)
2022 Patching
2023 Crack-Seal
2024 Major Street Improvements
2025 Sidewalk Improvements

Zone E (33.7 Lane Miles)
2023 Patching
2024 Crack-Seal
2025 Major Street Improvements
2026 Sidewalk Improvements

Zone F (40.4 Lane Miles)
2024 Patching
2025 Crack-Seal
2026 Major Street Improvements
2027 Sidewalk Improvements

Zone G (31.3 Lane Miles)
2025 Patching
2026 Crack-Seal
2027 Major Street Improvements
2028 Sidewalk Improvements

Zone H (36.4 Lane Miles)
2026 Patching
2027 Crack-Seal
2028 Major Street Improvements
2029 Sidewalk Improvements

City Road
County Road
Stream/River
Pond/Lake
Park

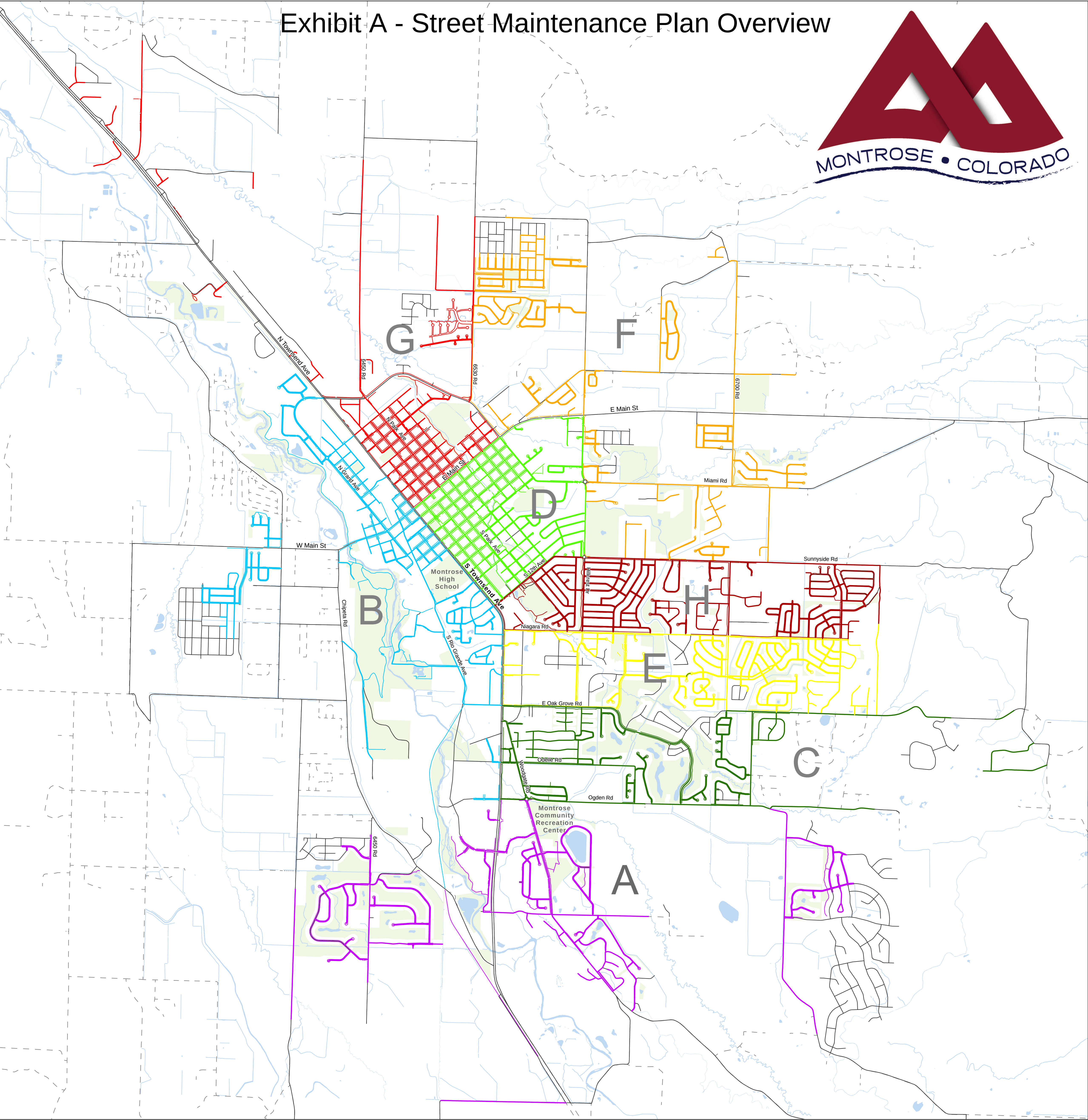
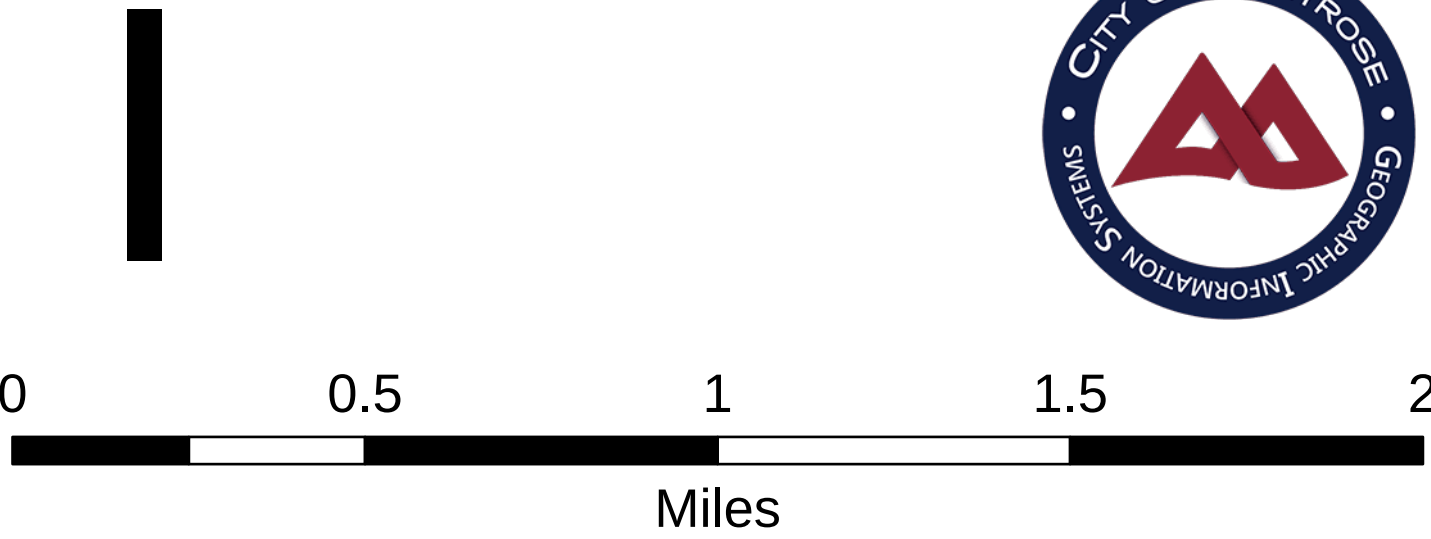


Exhibit B - Survey

