



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, November 7, 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 schedule time to book this resource, please email planningmail@cityofmontrose.org at least three (3) 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) Colorado Gives/Uncompahgre Gives Proclamation
- 6) Acknowledgement of City Attorney Ben Morris
- 7) 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.

8) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the October 17, 2023, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the minutes of the October 17, 2023, regular City Council meeting as presented.

9) NEW FERMENTED MALT BEVERAGE AND WINE LICENSE APPLICATION (15 minutes)

City Council consideration of an application for a new Fermented Malt Beverage and Wine license at 113 W. Main Street for S & F Market LLC, doing business as El Patron Mexican Grocery, Beer, Wine and Smoke Shop for consumption off of the licensed premises. *Staff: City Attorney Ben Morris*

Action: Hold a hearing. Consider making a motion to approve a new Fermented Malt Beverage and Wine license at 113 W. Main Street for S & F Market LLC, doing business as El Patron Mexican Grocer, Beer, Wine and Smoke Shop for consumption off of the licensed premises.

10) OSPREY ADDITION ANNEXATION (15 minutes)

City Council will hold a hearing on the annexation of the Osprey Addition. *Staff: Planner II William Reis*

A) Resolution 2023-23: City Council consideration of Resolution 2023-23, Findings of Fact for the Osprey Addition.

Action: Accept public comment. Consider making a motion to adopt Resolution 2023-23 as presented.

B) Ordinance 2647 - First Reading: City Council consideration of Ordinance 2647 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Osprey Addition.

Action: Hold a hearing. Consider making a motion to pass Ordinance 2647 on first reading as presented.

11) ORDINANCE 2648 - FIRST READING (5 minutes)

City Council consideration of Ordinance 2648 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Osprey Addition as a "P", Public District, "R-4", High Density District, and "R-3A" Medium High Density District. *Staff: Planner II William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2648 on first reading as presented.

12) BLUFF HARBOR LOT ADDITION ANNEXATION (15 minutes)

City Council will hold a hearing on the annexation of the Bluff Harbor Lot Addition. *Staff: Planner II William Reis*

- A) Resolution 2023-24: City Council consideration of Resolution 2023-24, Findings of Fact for the Bluff Harbor Lot Addition.

Action: Accept public comment. Consider making a motion to adopt Resolution 2023-24 as presented.

- B) Ordinance 2649 - First Reading: City Council consideration of Ordinance 2649 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Bluff Harbor Lot Addition.

Action: Hold a hearing. Consider making a motion to pass Ordinance 2649 on first reading as presented.

13) ORDINANCE 2650 - FIRST READING (5 minutes)

City Council consideration of Ordinance 2650 on first reading, an Ordinance of the City of Montrose, Colorado providing for the zoning of the Bluff Harbor Lot Addition as an "MHR", Manufactured Housing Residential District. *Staff: Planner II William Reis*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2650 on first reading as presented.

14) ORDINANCE 2645 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2645 on first reading, an Ordinance of the City of Montrose, Colorado, providing and appropriating funds for defraying the expenses and liabilities of the City of Montrose, Colorado, during the fiscal year beginning January 1, 2024. *Staff: Finance Director Shani Wittenberg*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2645 on first reading as presented.

15) RESOLUTION 2023-21 (15 minutes)

City Council consideration of Resolution 2023-21, repealing and replacing Chapters 3-1-1, 3-1-2, and 3-1-3 of the City of Montrose Regulations Manual and adopting the 2024 fee schedule. *Staff: City Clerk Lisa DelPiccolo*

Action: Accept public comment. Consider making a motion to adopt Resolution 2023-21 as presented.

16) ORDINANCE 2643 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2643 on first reading, an Ordinance of the City of Montrose, Colorado, adding new sections 5, 6, and 7 to Title 1 Chapter 9 of the Official Code of the City of Montrose, Colorado concerning campaign finance regulations for the City of Montrose Municipal Elections. *Staff: City Attorney Ben Morris, and City Clerk Lisa DelPiccolo*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2643 on second reading as presented.

17) ORDINANCE 2644 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2644 on second reading, an Ordinance of the City of Montrose, Colorado, repealing and replacing Title 6 Chapter 1 Section 21 (6-1-21) regarding unreasonable noise. *Staff: Assistant City Attorney Matt Magliaro*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2644 on second reading as presented.

18) ORDINANCE 2646 - FIRST READING (10 Minutes)

City Council Consideration of Ordinance 2646 on first reading, an Ordinance of the City of Montrose, Colorado, amending Section 11-7-12 of the Official Code of the City of Montrose, concerning the zoning of new additions to the City and rezoning parcels already in the City limits. *Staff: Planning Manager Jace Hochwalt*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2646 on first reading as presented.

19) RESOLUTION 2023-22 (10 minutes)

City Council consideration of Resolution 2023-22, setting January 2, 2024, as the hearing date for the Blowers Addition annexation. *Staff: Planner II William Reis*

Action: Accept public comment. Consider making a motion to adopt Resolution 2023-22 as presented.

20) RIO GRANDE RIGHT OF WAY AND PUBLIC WORKS FACILITY PROPERTY PURCHASE (20 minutes)

City Council consideration of the purchase of 16.0± acres near the intersection of Rio Grande Avenue and East Oak Grove Road at a purchase price of \$800,000 to acquire the rights of way necessary for the southern extension of Rio Grande Avenue and for use as the City's new public works facility. *Staff: City Engineer Scott Murphy and Public Works Director Jim Scheid*



Action: Accept public comment. Consider making a motion to approve the purchase of 16.0± acres near the intersection of Rio Grande Avenue and East Oak Grove Road at a purchase price of \$800,000 as presented and to authorize the signature of the City Manager or designee on any documents necessary to execute this transaction.

21) USED TRASH TRUCK PURCHASE RATIFICATION (10 minutes)

City Council consideration of the ratification of the purchase of a used 2019 Peterbilt refuse truck from Elliot Equipment in Commerce City, Colorado, for the total purchase price of \$219,800.00. *Staff: Public Works Director Jim Scheid*

Action: Accept public comment. Consider making a motion to approve the ratification of the purchase of a used Peterbilt refuse truck from Elliot Equipment in Commerce City, Colorado, for the total purchase price of \$219,800.00 as presented.

22) TRASH TRUCK REPAIR RATIFICATION (10 minutes)

City Council consideration of the ratification of an emergency repair to a trash and recycle refuse truck for a complete engine replacement performed by Nextran Truck Center in Fruita, Colorado, in the amount of \$42,763.00. *Staff: Public Works Director Jim Scheid*

Action: Accept public comment. Consider making a motion to approve the ratification of an emergency repair to a trash and recycle refuse truck by Nextran Truck Center in Fruita, Colorado, in the amount of \$42,763.00 as presented.

23) STAFF REPORTS

24) CITY COUNCIL COMMENTS

25) MOTION TO ADJOURN



PROCLAMATION

Colorado Gives / Uncompahgre Gives ***November 1, 2023 – December 5, 2023***

WHEREAS, November 1, 2023, begins the annual month long giving campaign for Colorado Gives Day, which is Dec 5, 2023, a statewide day to promote and support our nonprofit resources; and

WHEREAS, The Colorado Gives Day campaign encourages philanthropy and generosity for the nonprofits whose services we benefit from as a community; and

WHEREAS, Through the efforts of Colorado Gives 365, and their Regional Champion Uncompahgre Gives of the Montrose Community Foundation, donors are driven to support local, participating non-profits of Ouray, Delta, and Montrose Counties; and

WHEREAS, The Montrose Community Foundation, a non-profit charitable partner for over 30 years, envisions a healthy and vibrant community for all the Uncompahgre Valley; and

WHEREAS, our area nonprofits accomplish this through our community's generosity.

NOW, THEREFORE, we, the City Council of the City of Montrose, Colorado, do hereby proclaim November 1, 2023, through December 5, 2023, as

Uncompahgre Gives for Colorado Gives Day

in the City of Montrose, to encourage the members of this community to be aware of the good our local nonprofits do for the health of our community and to find it in their hearts to give back and support their favorite local causes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official Seal of the City of Montrose, this 7th day of November, 2023.

Barbara Bynum, Mayor

A regular meeting of the Montrose City Council was held on Tuesday, October 17, 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, Ben Morris, Bill Bell, Greg Story, Lisa DelPiccolo, Shani Wittenberg, David Bries, Chris Dowsey, Tim Cox, Jace Hochwalt

GUESTS: David Schieldt, Joey Montoya Boese, Maya Haynes

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

No changes were made to the agenda.

BULLYING PREVENTION MONTH PROCLAMATION

Mayor Barbara Bynum and the Montrose City Council proclaimed October 2023 as Bullying Prevention Month in the City of Montrose. Mayor Bynum presented the proclamation to Joey Montoya Boese and Maya Haynes with PEER Kindness.

CALL FOR PUBLIC COMMENT

No comments were received.

APPROVAL OF MINUTES

City Council considered the minutes of the October 2, 2023, special City Council meeting and the October 3, 2023, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the minutes of the October 2, 2023, special City Council meeting and the October 3, 2023, regular City Council meeting as presented. All voted yes. Motion passed.

ORDINANCE 2643 – FIRST READING

City Council considered Ordinance 2643 on first reading, an Ordinance of the City of Montrose, Colorado, adding new sections 5, 6, and 7 to Title 1 Chapter 9 of the Official Code of the City of Montrose, Colorado, concerning campaign finance regulations for the City of Montrose Municipal Elections. A hearing was held.

City Attorney Ben Morris provided a summary of the proposed changes. House Bill 23-1245, adopted by the state legislature, establishes campaign finance limits and reporting deadlines for municipal elections, but home rule municipalities may establish their own requirements. City Council requested the drafting of an ordinance that would retain current practices without campaign funding limits. Mr. Morris stated that Ordinance 2643 meets that request, adopts reporting deadlines and complaint procedures, and clarifies records retention. Mr. Morris said that all aspects of campaign finance not included in the Ordinance default to state law and Secretary of State regulations.

City Clerk Lisa DelPiccolo reported that if Ordinance 2643 is adopted, procedures for candidates would not change significantly.

Mayor Barbara Bynum opened the hearing.

Public comment was accepted. No comments were received.

Mayor Bynum closed the hearing.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to pass Ordinance 2643 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2644 – FIRST READING

City Council considered Ordinance 2644 on first reading, an Ordinance of the City of Montrose, Colorado, repealing and replacing Title 6 Chapter 1 Section 21 (6-1-21) regarding unreasonable noise. A hearing was held.

Assistant City Attorney Matt Magliaro provided an overview of the amendments to the noise ordinance which would enhance the ability to prosecute violations. Mr. Magliaro stated that equipment emitting sounds could qualify as unreasonable if the noise emitted is audible within other vehicles with the windows closed or audible within occupied structures with doors and windows closed.

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 Doug Glaspell, to pass Ordinance 2644 on first reading as presented. All voted yes. Motion passed.

OTTER POND DAM WATER AND SEWER RELOCATION EXPENSE AUTHORIZATION

City Council considered \$370,000.00 in reimbursement expenditures payable to Mountain Valley Contracting for the relocation of City water and sewer utilities around the Otter Pond Dam replacement project.

Mayor Barbara Bynum stated that she resides within the neighborhood and recused herself from this agenda item. Mayor Bynum left the City Council Chambers at 6:16 p.m.

City Engineer Scott Murphy reported that the privately owned dam was constructed around 1994 and was not permitted by the Bureau of Reclamation or the State of Colorado. Mr. Murphy stated that permitting requirements fall under federal and state jurisdiction and are not within the City's purview. In 2022, Otter Pond Circle was experiencing large sink holes over the outlet works, and it was discovered that the outlet works had corroded and soil was eroding. The HOA contacted the state with concerns, and state officials ordered the reservoir level drawn down. It was then determined that the dam is under state jurisdiction and would need to be permitted and rebuilt to state standards.

Mr. Murphy stated that the City contributed \$100,000.00 in available ARPA funds in the interest of stabilizing the situation and assisting with the emergency drawdown, design, and repair of the embankment. During the design phase of the project, it was determined that the sewer line is in conflict with the outlet works, and the water and sewer utilities would need to be relocated.

Mr. Murphy said the authorization request is for \$370,000.00, with \$220,000.00 for waterline relocations and \$150,000.00 for sewer line relocations. Mr. Murphy said the HOA is conducting the dam replacement and reviewed the bid process conducted by the HOA. Under the contract for the dam replacement, the city will reimburse the contractor for the utility relocation work. The dam replacement project will begin when state approval is secured. The utility relocation will begin in 2023 and will carry over into 2024.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve \$370,000.00 in reimbursement expenditures payable to Mountain Valley Contracting for the relocation of City water and sewer utilities around the Otter Pond Dam replacement project as presented. All present voted yes. Motion passed.

Mayor Bynum rejoined the meeting at 6:28 p.m.

SANITARY SEWER CIP3 PHASE I DESIGN CONTRACT

City Council considered a professional services contract award to Del-Mont Consultants in the amount of \$124,200.00 for completion of the Sanitary Sewer CIP3 Project Phase I design.

City Engineer Scott Murphy provided an overview of the project that is intended to accommodate growth, fine tune preliminary models included in the master plan, and identify choke points in need of upgrade.

The RFQ process was reviewed. Mr. Murphy stated that Del-Mont received the highest rating and the cost is within the anticipated range. Mr. Murphy said this is Phase one of a multiple phase design. Del-Mont will conduct all survey work and modeling for the project and then transition into a detailed design with a change order to the contract.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to award a professional services contract to Del-Mont Consultants in the amount of \$124,200.00 for completion of the Sanitary Sewer CIP3 Project Phase I design as presented. All voted yes. Motion passed.

UNCOMPAHGRE RIVERWAY TRAIL LANDSCAPING IMPROVEMENTS EXPENSE AUTHORIZATION

City Council considered \$100,000.00 in reimbursement expenditures for completion of landscaping improvements alongside the Uncompahgre Riverway Trail north of North 9th Street.

City Engineer Scott Murphy reported that when the recreation trail was installed on property donated to the City within the Colorado Outdoors development, landscaping was postponed until further development occurred. Mr. Murphy reviewed the proposal to install landscaping features between the Shelter Distilling facility and the river. Mr. Murphy stated that the work will be completed as a reimbursement. Shelter Distilling has a landscaping contractor for their site which would be used for this project.

City Councilors discussed whether the project benefits the citizens and contributes to health, safety and welfare of the community.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve \$100,000.00 in reimbursement expenditures for completion of landscaping improvements alongside the Uncompahgre Riverway Trail north of North 9th Street as presented. Ed Ulibarri voted no. All others 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 August 2023. Ms. Wittenberg reported that total sales and use tax collections were up 2.7 percent as compared to August 2022 with a positive budget variance of 13.1 percent. Year-to-date collections were up 4.0 percent with a positive budget variance of 13.5 percent.

CITY COUNCIL COMMENTS

City Councilor Doug Glaspell and Mayor Barbara Bynum thanked Finance Department staff for the budget open house held earlier in the evening and for the development of the 2024 budget.

City Project Update: City Engineer Scott Murphy reported that paving projects for the year have concluded. Anderson Road, Abrams Avenue, and the 6700 Road Extension are paved, and striping is in progress on 6700 Road. Mr. Murphy said that the Miami & 6700 Road intersection will likely open this week, and the 6700 Road Extension will open within a few weeks.

MOTION TO ADJOURN

At 6:49 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

Colorado Beer and Wine License Application

This application only applies to Fermented Malt Beverage On-Premises, Fermented Malt Beverage On/Off-Premises, and Fermented Malt Beverage and Wine Retailer.

* Note that the Division will not accept cash



Paid by check



Paid online

Uploaded to
MoveIt on

Date



New License



New-Concurrent



Transfer of Ownership

• All answers must be printed in black ink or typewritten

• Applicant must check the appropriate box(es)

• Local license fee \$ _____

• Applicant should obtain a copy of the Colorado Liquor, Beer and Wine Code: SBG.Colorado.gov/Liquor

1. Applicant is applying as a/an



Corporation



Partnership (includes Limited Liability and Husband and Wife Partnerships)



Individual



Limited Liability Company



Association or Other

2. Applicant(s) If an LLC, name of LLC; if partnership, at least 2 partners' names; if corporation, name of corporation

S & F Market LLC

2a. Trade Name of Establishment (DBA)

El Patron Mexican Grocery, Beer, Wine, Smoke Shop

State Sales Tax No.

95918124

Business Telephone

3. Address of Premises (specify exact location of premises)

113 W Main St

City

Montrose

County

Montrose

State

Co

ZIP Code

81401

4. Mailing Address (Number and Street)

113 W Main St

City or Town

Montrose

State

Co

ZIP Code

81401

5. Email Address

kansophano@gmail.com

Home Phone Number

978-654-2026

6. If the premises currently has a liquor or beer license, you MUST answer the following questions

Present Trade Name of Establishment (DBA)

Present State License No.

Present Class of License

Present Expiration Date

Section A Nonrefundable Application Fees

- ☐ Application Fee for New License \$1,100.00
- ☒ Application Fee for New License - w/Concurrent Review \$1,200.00
- ☐ Application Fee for Transfer \$1,100.00

Section B Fermented Malt Beverage License Fees

- ☐ Retail Fermented Malt Beverage On-Premises (City) \$96.25
- ☐ Retail Fermented Malt Beverage On-Premises (County) \$117.50
- ☒ Retail Fermented Malt Beverage and Wine (City) \$96.25
- ☐ Retail Fermented Malt Beverage and Wine (County) \$117.50
- ☐ Retail Fermented Malt Beverage On/Off-Premises (City) \$96.25
- ☐ Retail Fermented Malt Beverage On/Off-Premises (County) \$117.50
- ☐ Master File Location Fee \$25.00 x _____ Total _____
- ☐ Master File Background \$250.00 x _____ Total _____

Questions? Visit SBG.Colorado.gov/Liquor for more information
 Do Not Write In This Space - For Department Of Revenue Use Only

Liability Information

License Account Number

Liability Date:

License Issued Through: (Expiration Date)

Total

\$

7. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?	Yes No ☐ ☒			
8. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):	☐ ☒ ☐ ☒ ☐ ☒			
(a) been denied an alcohol beverage license? (b) had an alcohol beverage license suspended or revoked? (c) had interest in another entity that had an alcohol beverage license suspended or revoked?				
If you answered yes to 8a, b or c, explain in detail on a separate sheet				
9. Has the premises to be licensed been denied within the preceding one year? If "yes," explain in detail.	☐ ☒			
10. Is the proposed Fermented Malt Beverage and Wine Retailer license within 500 feet of any public or parochial school, the principal campus of any college, university, or seminary? NOTE: The distances are to be computed using the methods outlined under C.R.S. 44-3-313(1)(d)(II). Some limited exceptions apply under C.R.S. 44-3-313.	☐ ☒			
11. Is the proposed Fermented Malt Beverage and Wine Retailer license, or On/Off premises license, within 500 feet of a Retail Liquor Store licensed under section 44-3-409 C.R.S.? Distance should be determined using guidelines outlined in 44-3-301(12)(c) C.R.S.	☐ ☒			
12. Are you applying for a Fermented Malt Beverage On and Off Premises License? If yes, answer subparts a and b. If No, go to question 13.	☐ ☒			
(a) The FMB On/Off is located in a county with a population of > 35,000.				
(b) The FMB On/Off is located in an "underserved area" within a county with population of < 35,000 but lies outside of a municipal boundaries or is a city or town with population of > 75,500.				
Note - The population is determined from the recently available United States Census Bureau.				
13. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.	☒ ☐			
Pour House Wine & Spirits				
14. Does the applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?	☒ ☐			
☒ Ownership ☐ Lease ☐ Other (Explain in Detail) _____				
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:				
Landlord <u>Quick Shop LLC</u>	Tenant <u>S & F Market LLC</u> Expires <u>2028</u>			
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question 13.	☐ ☒			
c. Attach a diagram or designate the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".				
15. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.				
Last Name	First Name	Date of Birth	FEIN or SSN	Interest
Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.				
16. Name of Manager(s) for all on premises applicants.				
Last Name	First Name	Date of Birth		
17. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.				
☐ ☒				

18. Tax Information.					Yes No
a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?					☐ ☒
b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?					☐ ☒
19. If applicant is a corporation, partnership, association or limited liability company, applicant must list all Officers, Directors, General Partners, and Managing Members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% or more in the Applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment to be fingerprinted by an approved State Vendor through the Vendor's website. See application checklist, Section IV, for details.					
Name	Home Address, City & State	Date of Birth	Position	% Owned	
Sophano Kan	1609 Hickory Drive Montrose Co 81401		Owner	100%	
Name	Home Address, City & State	Date of Birth	Position	% Owned	
Name	Home Address, City & State	Date of Birth	Position	% Owned	
Name	Home Address, City & State	Date of Birth	Position	% Owned	
** If applicant is owned 100% by a parent company, please list the designated principal officer on above. ** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable) ** If total ownership percentage disclosed here does not total 100%, applicant must check this box: ☐ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.					
Oath of Applicant					
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer and Wine Code which affect my license.					
Authorized Signature 		Printed Name and Title Sophano Kan		Date 7-25-2023	
Report and Approval of Local Licensing Authority (City/County)					
Date application filed with local authority <u>September 20, 2023</u>		Date of local authority hearing – for new license applicants cannot be less than 30 days from date of application 44-3-311(1) C.R.S. <u>Nov. 7, 2023</u>			
For Transfer Applications Only - Is the license being transferred valid?					Yes No ☐ ☐
Each person required to file DR 8404-I has been:					
☒ Fingerprinted					
☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants					
That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license.					
(Check One)					
☐ Date of Inspection or Anticipated Date _____					
☒ Upon approval of state licensing authority					
☒ New Fermented Malt Beverage Off Premises licenses, and On/Off Premises licenses, distance requirements of 44-3-301 C.R.S. are satisfied					
New Fermented Malt Beverage On/Off premises licenses must meet the qualifications of 44-4-104 C.R.S.					
The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S. and Liquor Rules. Therefore, this application is approved.					
Local Licensing Authority for		Telephone Number		☐ Town, City ☐ County	
Signature	Printed Name	Title	Date		
Signature (attest)	Printed Name	Title	Date		

**CITY OF MONTROSE
LOCAL LIQUOR LICENSING AUTHORITY**

IN THE MATTER OF THE APPLICATION FOR)
A NEW FERMENTED MALT BEVERAGE)
& WINE LIQUOR LICENSE)

**PRELIMINARY
FINDINGS AND REPORT
LIQUOR LICENSE
APPLICATIONS**

EL PATRON MEXICAN MARKET,)
BEER, WINE, SMOKE SHOP)
113 W. MAIN STREET)
MONTROSE, CO 81401)

TO THE APPLICANT ABOVE-NAMED AND OTHER INTERESTED PARTIES;
GREETINGS:

Pursuant to C.R.S. § 44-3-312, not less than five (5) days prior to the date of the hearing, the local liquor licensing authority is required to make known its findings based on its investigation in writing to the applicant and other interested parties. You are hereby advised that with regard to the above application an investigation has been made, and based on the results thereof the following have been determined:

- (1) There **has not** been a denial of an application at the same location by either the state or local licensing authority within the two years preceding the date of the application for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets. This includes premises within five hundred feet of the location for which the current application is sought per C.R.S. § 44-3-313 (1)(a)(I).
- (2) It appears from the evidence submitted that the applicant will be entitled to possession of the premises where the license is proposed to be exercised per C.R.S. § 44-3-313 (1)(b).
- (3) Selling liquor in the manner proposed in the application is not in violation of the zoning laws of the City of Montrose or any laws, rules or regulations pertaining to taverns of the State Board of Health or the State of Colorado, per C.R.S. § 44-3-313 (1)(c).
- (4) The building where the applicant proposes to sell liquor at retail **is not in violation of the 500** foot limitation from any public or parochial school or the principal campus of

any college, university, or seminary, notwithstanding the exceptions listed in C.R.S. § 44-3-313 (1)(d)(I).

- (5) The building where the applicant proposes to sell liquor at retail **is not in violation of the 500** foot limitation from any retail liquor store licensed under 44-3-409 C.R.S.
- (6) Within the neighborhood designated by the City of Montrose as the neighborhood affected by the license applied for, there are the following existing liquor outlets:

ARTS	02
BEER AND WINE	01
BREW PUB	05
FERMENTED MALT BEVERAGE & WINE	15
HOTEL & RESTAURANT	27
HOTEL & RESTAURANT/OPTIONAL PREMISES	03
LODGING & ENTERTAINMENT	06
RETAIL LIQUOR STORE	07
TAVERN	11
TOTAL	77

- (7) The following criminal history information has been brought to the attention of the Authority:

Applicant (including partners, officers, directors, over 10%

shareholders): All Clear

Applicant's employees: N/A

Persons known to assist or finance applicant: N/A

Source of information: CBI/FBI, Montrose PD

- (8) The Applicant has submitted the appropriate fees due and payable to the City of Montrose.
- (9) The Applicant has posted the appropriate signage at the premises for which the license is sought, with a photo evidencing the same on file.

The public hearing on this application will be held on November 7, at 6:00 p.m., in the Council Chambers of the Elks' Civic Building, in Montrose, Colorado. At said hearing, you will have an opportunity to be heard regarding all matters pertaining to the application, including all matters herein set forth.

Dated this 25th day of October, 2023.

LOCAL LIQUOR LICENSING
AUTHORITY, CITY OF MONTROSE,
COLORADO

Lisa Del Pardo

By: City Clerk and Secretary to Local Liquor
Licensing Authority





CITY OF MONTROSE

OFFICE OF THE CITY CLERK



Lisa DelPiccolo, MMC, City Clerk

Direct Dial: 970.240.1422

E-mail: ldelpiccolo@ci.montrose.co.us

October 25, 2023

Petitions were circulated in support of a Fermented Malt Beverage and Wine license at 113 W. Main Street for S&F Market LLC doing business as El Patron Mexican Grocery, Beer Wine and Smoke Shop.

A summary of the petitions is as follows:

110 Signatures were submitted

90 Signatures were determined to be insufficient

46 outside of city limits

26 provided insufficient addresses

5 failed to indicate the age of the signer

3 failed to provide the age of the signer and failed to indicate support or opposition

10 failed to provide the age of the signed and provided an insufficient address

20 Signatures were determined to be valid and in support of the license.

Comments received in support of the license being issued include the following:

- It has been a staple in your neighborhood and I don't understand why it is a problem.
- Please give them their liquor license.

Respectfully,

Lisa DelPiccolo, MMC

City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: November 7, 2023
RE: Osprey Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

City Council is considering this annexation application and the associated zoning, which is done by considering approval of an annexation ordinance and a zoning ordinance at a first and second reading. City Council will consider all of the information in this memo in making a decision.

Application Background:

The Osprey Addition is a proposed annexation approximately 9.53 acres in size. The property is divided into two tracts, both located on the north side of E Oak Grove Rd. Tract 1 is a residential property, currently addressed as 1665 E Oak Grove Rd. Tract 2 is a small sliver of right-of-way. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and the City of Montrose Water Service Area. An Annexation Agreement is required.

Proposed Zoning:

Tract 1 – 5.39 acres "P" Public District and 3.98 acres "R-4" High Density District.
Tract 2 – 0.16 acres "R-3A" Medium High Density District

Applicant: Tanner Rentals, LLC; Oak Grove Investments, LLC; City of Montrose



Proposed schedule:

September 18:	Council Work Session Overview
October 3:	Council Resolution to set a hearing date
October 25:	Planning Commission zoning hearing
November 7:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
November 14:	2nd reading of annexation and zoning ordinances

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 Section 4-4-31 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 for an area which is suitable for both single-family homes and duplexes, along with certain other compatible land uses.
 - c. Municipal Code, Section 11-7-5 (A) (7): The "R-4" High Density District is intended to provide for high density multiple-family residences and to allow variety in housing types.
 - d. Municipal Code, Section 11-7-5 (C) (1): The "P" Public District is intended to provide for uses and services of a public, nonprofit, or charitable nature.
 - e. 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, "R-4" High Density District, and "B-2" Highway Commercial District.
4. The Comprehensive Plan Future Land Use Map designates the area of the Osprey Addition as Residential Mixed Density Low. 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). 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.

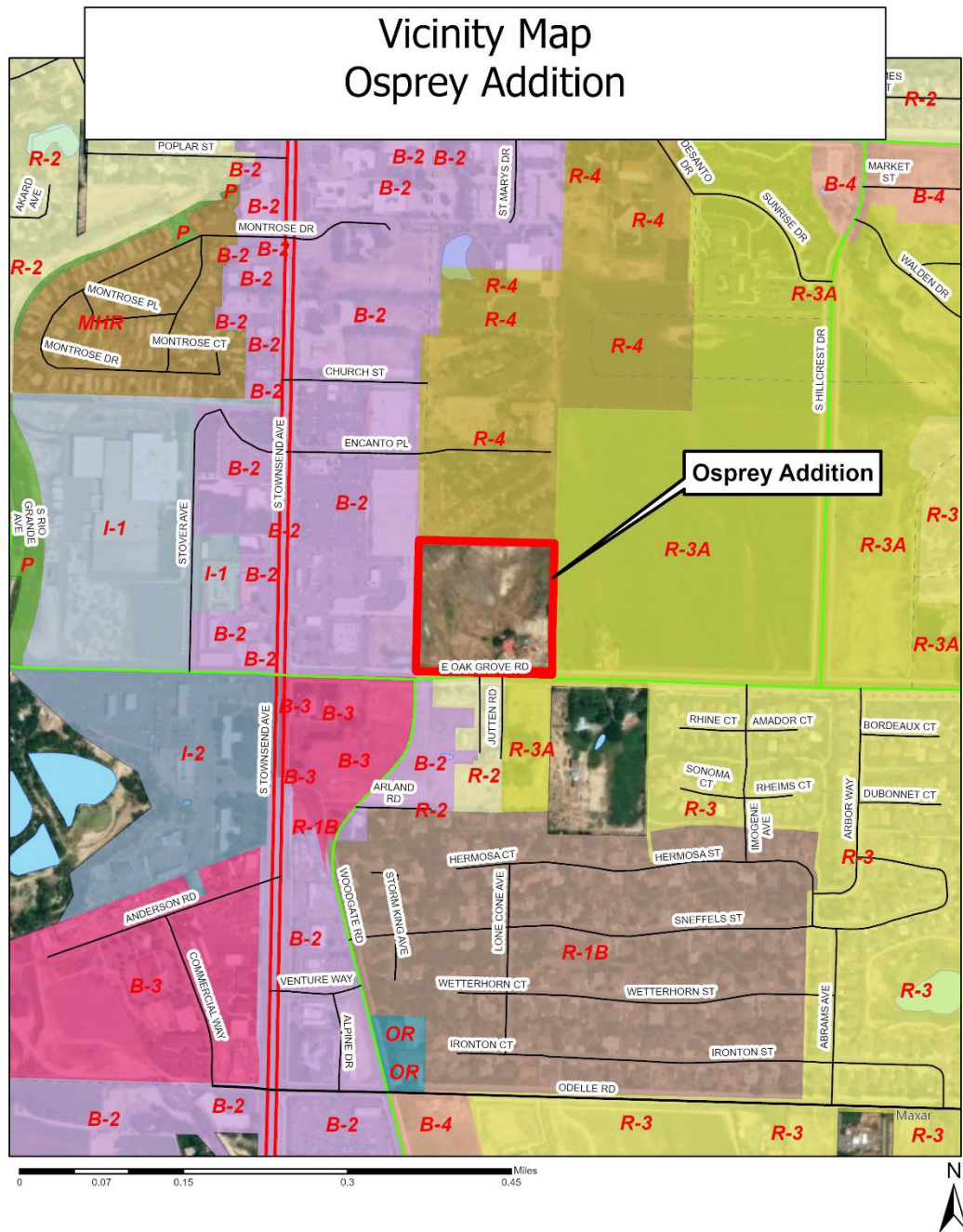
5. The property is located within Growth Area 1. According to the Comprehensive Plan, Growth Area 1 represents the most cost-efficient areas for the city to grow and comprises platted but unbuilt lots, annexed but unplatted land, and un-annexed small enclaves.
6. The proposed zoning does not appear to be adverse to the public health, safety and welfare.
7. Planning Commission made a unanimous recommendation to approve the zoning designation as presented.

Staff Recommendation:

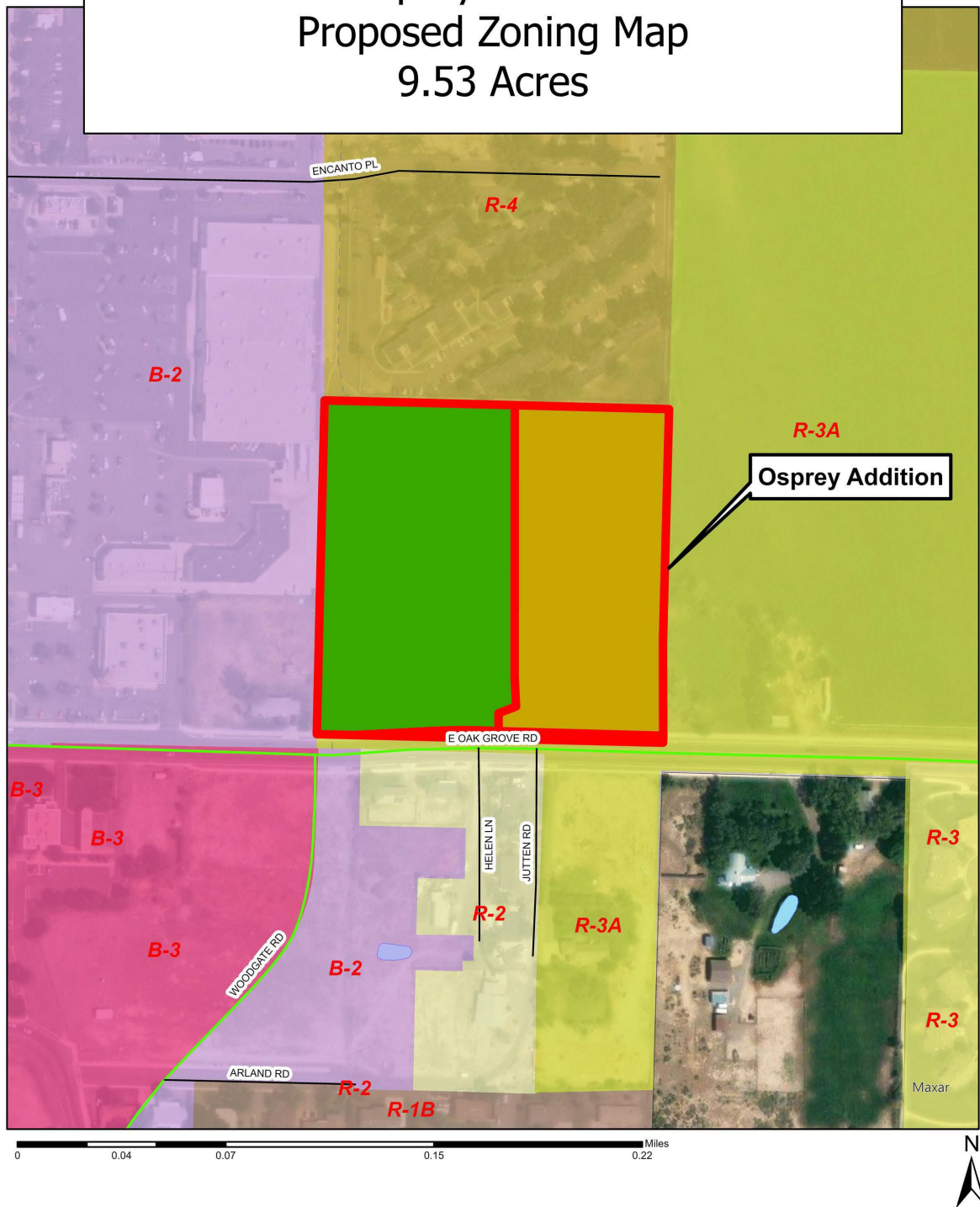
Staff recommends approval of the annexation and the “P” Public District, “R-3A” Medium High Density District, and “R-4” High Density District zoning designations.



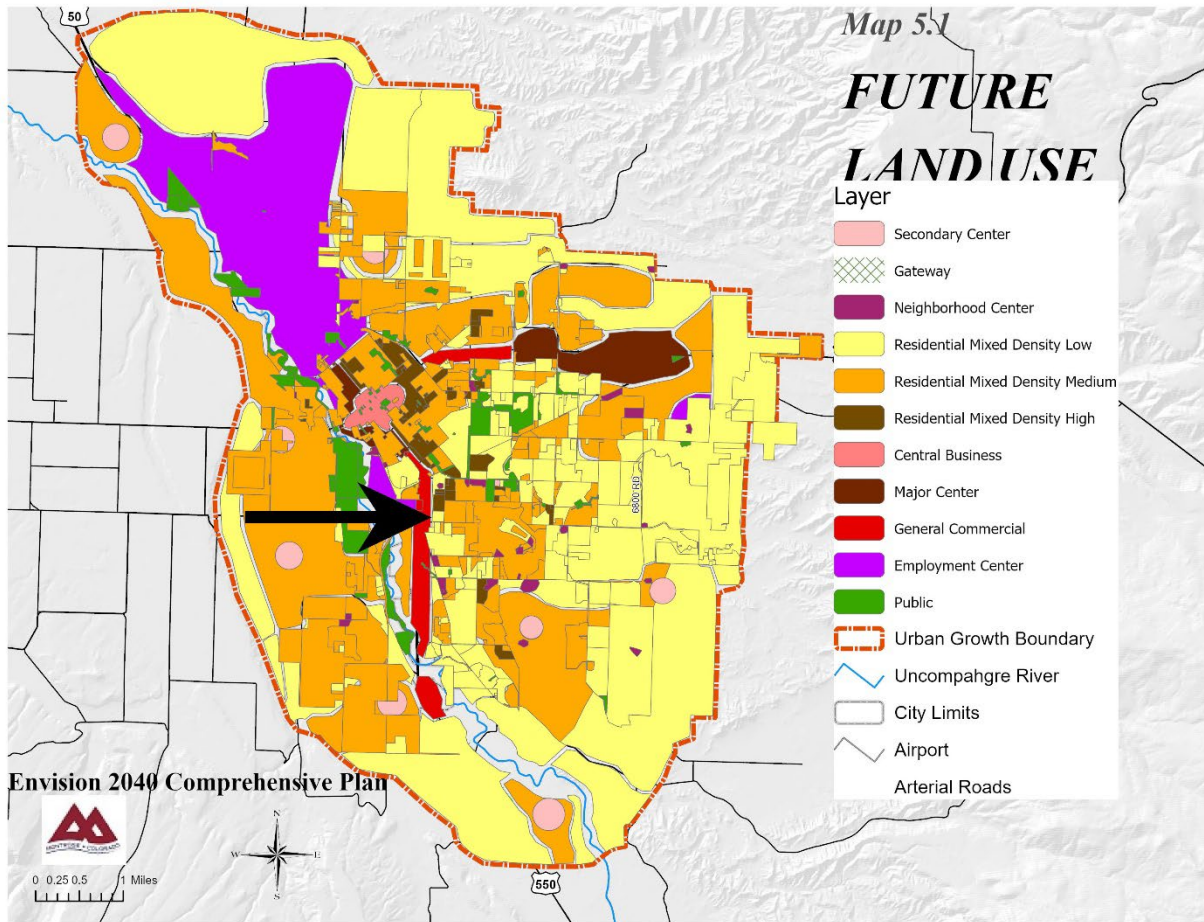
EXHIBIT A: Maps



Osprey Addition Proposed Zoning Map 9.53 Acres



Comprehensive Plan Future Land Use Map



OSPREY ADDITION

SITUATED IN SECTION 34, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
COUNTY OF MONTROSE, STATE OF COLORADO

AMENDED LINDAVISTA
ADDITION
BOOK 9 PAGE 70



VICINITY MAP
N.T.S.

LEGEND

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

CITY LIMITS

TOTAL PERIMETER = 2576.74'
PERIMETER CONTIGUOUS TO CITY LIMITS = 2576.74'

NOTE:

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

LOMAX ADDITION
RECEPTION NO. 759168

PROPERTY DESCRIPTION

Tract 1:
Lot 1, Replat K, Hollenbeck Exemption as shown on the Plat recorded September 27, 1988 in Plat Book 12 at Page 805, situated in SE1/4 SW1/4SE1/4 Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado,
Except that portion as conveyed to City of Montrose, a Colorado home rule municipal corporation in deed recorded June 5, 2014 at Reception No. 856357, described as follows:

A parcel of land lying in the SE1/4SW1/4SE1/4 of Section 34, Township 49 North, Range 9 West of the N.M. P.M., Montrose County, Colorado, being more particularly described as follows:
Commencing at Station 94/017 of the City of Montrose Geodetic Control, whence Station 94/018 bears S88°18'48"E, 51.16.44 feet; Thence S40°16'15"W, 3435.84 feet to the Southwest corner of said SE1/4SW1/4SE1/4; Thence N01°03'08"E, along the Westerly boundary the resurvey K. Hollenbeck Exemption recorded as Reception No. 551435 in the Montrose County Clerk and Recorder's Office, 26.93 feet to a point on the South line of said resurvey;
Thence S88°33'17"E, along said South line, 66.05 feet to the True Point of Beginning;
Thence S88°32'17"E, along said South line, 249.41 feet;
Thence S88°39'08"E, along said South line, 337.73 feet to a point on the East line of said SE1/4SW1/4SE1/4;
Thence N01°32'16"E, along the said East line, 13.56 feet;
Thence N88°28'55"W, 355.86 feet to the beginning of a curve to the left having a radius of 1040.00 feet and a central angle of 04°29'59";
Thence along the arc of said curve 81.68 feet, the chord of said arc bears S89°16'06"W, 81.66 feet;
Thence S87°01'06"W, 131.74 feet to the beginning of a curve to the right having a radius of 960.00 feet and a central angle of 01°05'53"; Thence along the arc of said curve 18.40 feet to the point of beginning, the chord of said arc bears S87°34'03"W, 18.40 feet,
County of Montrose, State of Colorado.

Tract 2:
A parcel of land lying in the SE1/4SW1/4SE1/4 of Section 34, Township 49 North, Range 9 West of the N.M. P.M., Montrose County, Colorado, being more particularly described as follows:
Commencing at Station 94/017 of the City of Montrose Geodetic Control, whence Station 94/018 bears S88°18'48"E, 51.16.44 feet; Thence S40°16'15"W, 3435.84 feet to the Southwest corner of said SE1/4SW1/4SE1/4; Thence N01°03'08"E, along the Westerly boundary the resurvey K. Hollenbeck Exemption recorded as Reception No. 551435 in the Montrose County Clerk and Recorder's Office, 26.93 feet to a point on the South line of said resurvey;
Thence S88°33'17"E, along said South line, 66.05 feet to the True Point of Beginning;
Thence S88°32'17"E, along said South line, 249.41 feet;
Thence S88°39'08"E, along said South line, 337.73 feet to a point on the East line of said SE1/4SW1/4SE1/4;
Thence N01°32'16"E, along the said East line, 13.56 feet;
Thence N88°28'55"W, 355.86 feet to the beginning of a curve to the left having a radius of 1040.00 feet and a central angle of 04°29'59";
Thence along the arc of said curve 81.68 feet, the chord of said arc bears S89°16'06"W, 81.66 feet;
Thence S87°01'06"W, 131.74 feet to the beginning of a curve to the right having a radius of 960.00 feet and a central angle of 01°05'53"; Thence along the arc of said curve 18.40 feet to the point of beginning, the chord of said arc bears S87°34'03"W, 18.40 feet,
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 Osprey Addition Annexation Map was prepared under my direct supervision.

PRELIMINARY

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 _____, 2023, 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 _____, 2023 under Reception No. _____

Clerk and Recorder
Montrose County, Colorado

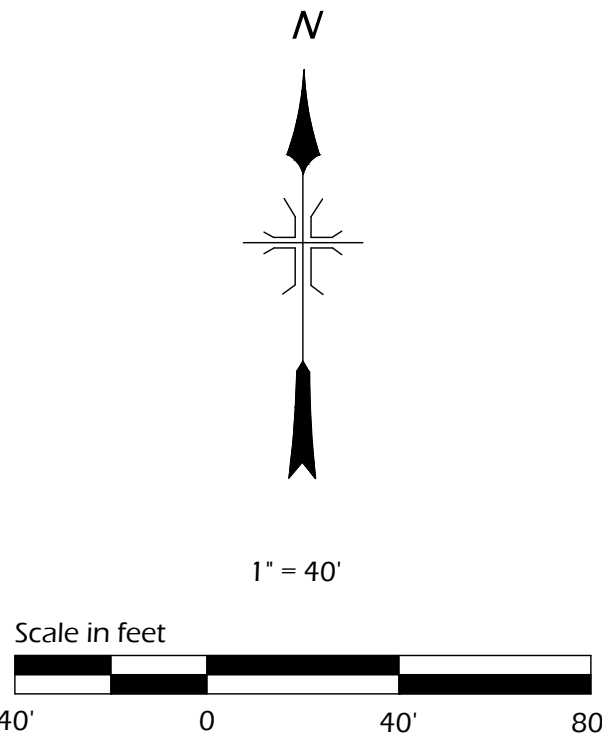
Deputy



DEL-MONT CONSULTANTS, INC.
ENGINEERING & SURVEYING
125 Colorado Ave. W. Montrose, CO 81401 ☎ (970) 249-2251
www.del-mont.com ▼ service@del-mont.com

FIELD BOOK: _____ DATE: 2023-06-27
DRAWN BY: DCC
SHEET: 1 of 1 FILE: 23016V_ANNEX
JOB NO.: 23016

TITLE: OSPREY ADDITION
CLIENT: CITY OF MONTROSE
ADDRESS & PHONE: _____
TYPE: EXHIBIT



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.

AMENDED LINDAVISTA
ADDITION
BOOK 9 PAGE 70

N01°22'16"E 634.83'

N88°30'29"W 655.06'

TRACT 1
9.37 ACRES

S01°34'26"W 620.25'

L=18.40'
R=960.00'
Δ=001°05'53"
CH=N87°34'02"E
CHD=18.40'

L=81.68'
R=1040.00'
D=004°29'59"
CH=N89°16'05"E
CHD=81.66'

LOMAX ADDITION
RECEPTION NO. 759168

E OAK GROVE ROAD

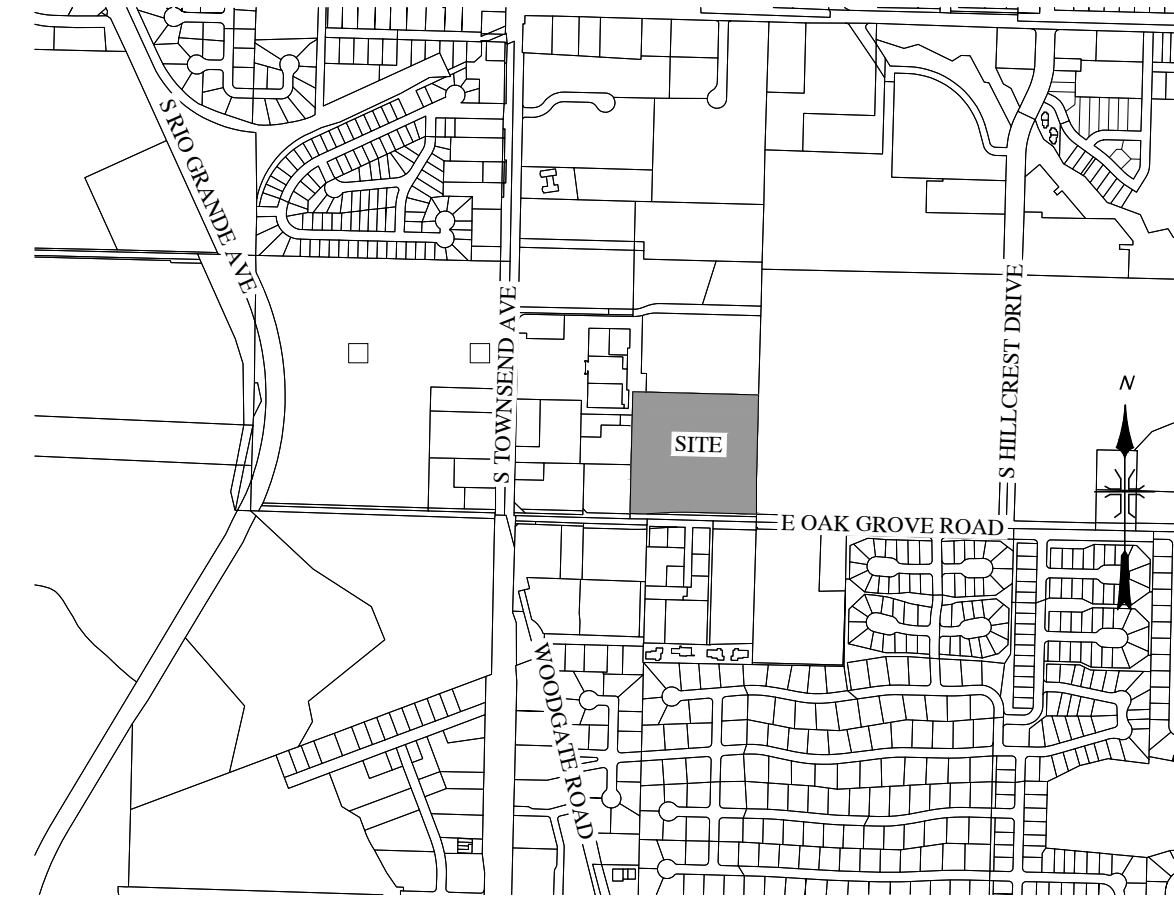
TRACT 2 0.16 ACRES

N88°39'08"W 337.73'

S01°32'16"W 13.56'

OSPREY ZONING EXHIBIT

SITUATED IN SECTION 34, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
COUNTY OF MONTROSE, STATE OF COLORADO



VICINITY MAP
N.T.S.

LEGEND

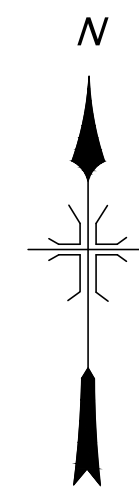
- = FD. REBAR & CAP (L.S. AS NOTED)
- ◇ = FD. GEAR TOP SPIKE

ZONING BOUNDARY DESCRIPTIONS:

ZONE P:
A parcel of land situated in Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, being more particularly described as beginning at a point on the North Right of Way of East Oak Grove, said point being N89°07'48"E 653.58 feet from the S1/4 corner of said Section 34;
Thence N01°22'16"E 634.83 feet;
Thence S88°30'29"E 375.89 feet;
Thence S01°22'16"W 495.08 feet;
Thence S01°45'00"E 80.90 feet;
Thence S63°28'45"W 35.63 feet;
Thence S01°31'05"W 27.53 feet to a point on said North Right of Way;
Thence the following five courses along said Right of Way;
1. N88°28'55"W 56.14 feet;
2. 81.68 feet along the arc of a curve to the left with a radius of 1040.00 feet, an interior angle of 04°29'59" and a chord of S89°16'05"W 81.66 feet;
3. S87°01'06"W 131.74 feet;
4. 18.40 feet along the arc of a curve to the right with a radius of 960.00 feet, an interior angle of 01°05'53" and a chord of S87°34'02"W 18.40 feet;
5. N88°32'17"W 65.90 feet to the Point of Beginning.
Containing 5.39 Acres more or less as described.
County of Montrose, State of Colorado

ZONE R-4:
A parcel of land situated in Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, being more particularly described as beginning at a point on the North Right of Way of East Oak Grove, said point being N89°06'40"E 1002.60 feet from the S1/4 corner of said Section 34;
Thence leaving said Right of Way N01°31'05"E 27.53 feet;
Thence N63°28'45"E 35.63 feet;
Thence N01°45'00"W 80.90 feet;
Thence N01°22'16"E 495.08 feet;
Thence S88°30'29"E 279.16 feet;
Thence S01°34'26"W 620.25 feet to a point on said North Right of Way;
Thence along said Right of Way N88°28'55"W 304.12 feet to the Point of Beginning.
Containing 3.98 Acres more or less as described.
County of Montrose, State of Colorado

ZONE R-3A:
A parcel of land situated in Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, being more particularly described as beginning at a point on the North Right of Way of East Oak Grove, said point being N89°20'37"E 719.43 feet from the S1/4 corner of said Section 34;
Thence the following four courses along said Right of Way;
1. 18.40 feet along the arc of a curve to the left with a radius of 960.00 feet, an interior angle of 01°05'53" and a chord of N87°34'02"E 18.40 feet;
2. N87°01'06"E 131.74 feet;
3. 81.68 feet along the arc of a curve to the right with a radius of 1040.00 feet, an interior angle of 04°29'59" and a chord of N89°16'05"E 81.66 feet;
4. S88°28'55"E 355.86 feet;
Thence leaving said North Right of Way S01°32'16"W 13.56 feet;
Thence N88°39'08"W 337.73 feet;
Thence N88°32'17"W 249.41 feet to the Point of Beginning.
Containing 0.16 Acres more or less as described.
County of Montrose, State of Colorado



06/29/23	ADJUSTING ZONING BOUNDARY
10/09/23	ADJUSTING ZONING BOUNDARY
DATE	REVISIONS

TITLE	OSPREY ZONING EXHIBIT
CLIENT	CITY OF MONTROSE
ADDRESS & PHONE	
TYPE	EXHIBIT

FIELD BOOK	DRAWN BY: DCC/PJI	DATE: 2023-10-09
SHEET: 1 of 1	FILE: 23016V_ZONING	JOB NO.: 23016

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.

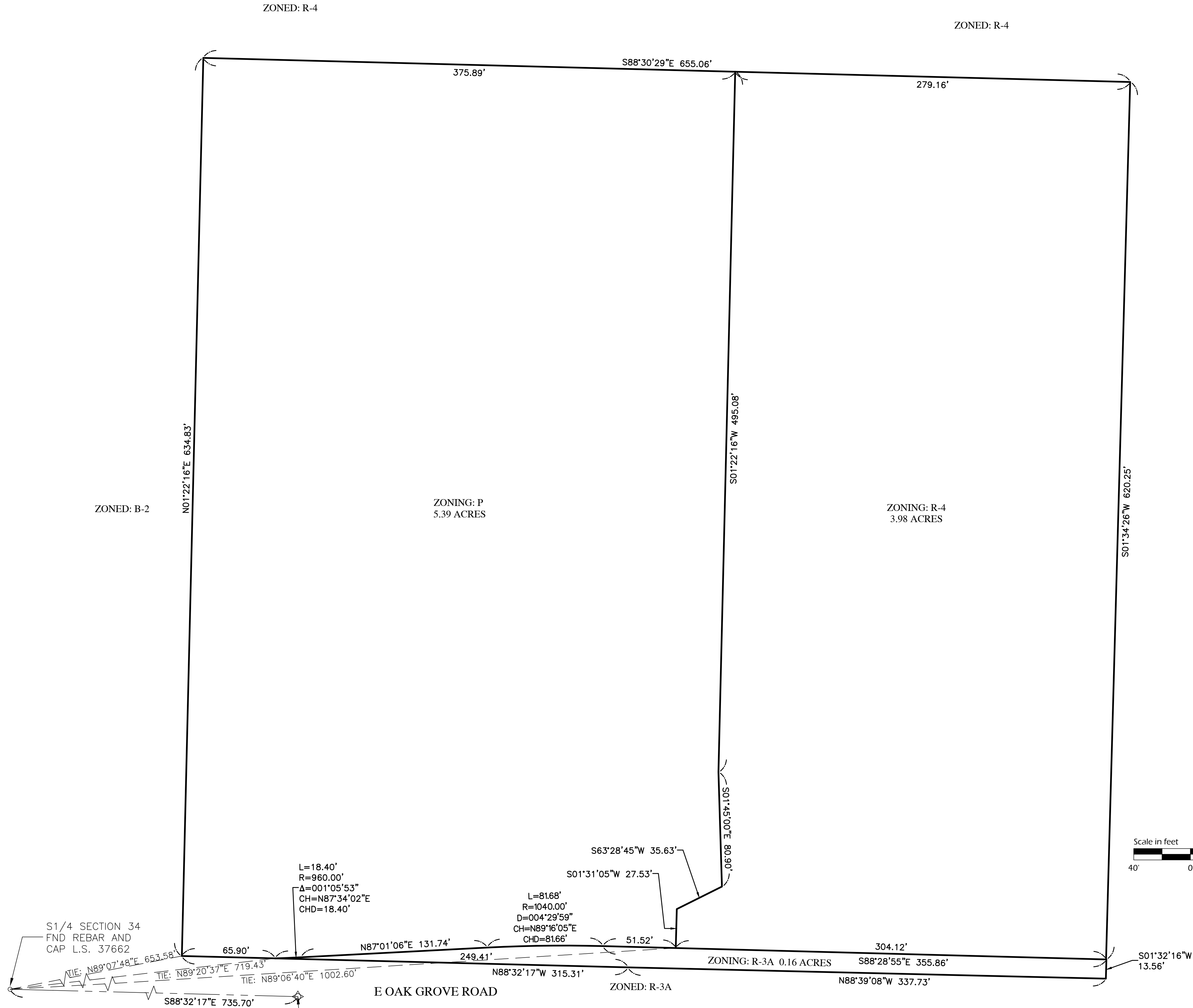


EXHIBIT B: Zoning Code Excerpt

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 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 30 days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 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	R L	R- 1	R- 1A/B	R- 2	R- 3	R- 3A	R- 4	R- 5	R- 6	MH R
<i>COMMERCIAL USES</i>										
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
<i>INSTITUTIONAL USES</i>										
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
<i>RECREATIONAL USES</i>										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
<i>RESIDENTIAL USES</i>										
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
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
<i>UTILITIES AND TELECOMMUNICATION FACILITIES</i>										
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
<i>OTHER USES</i>										
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

Legend: Use Type

P: Permitted Use

C: Conditional Use

A: Accessory Use

T: Temporary Use

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

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)



RESOLUTION NO. 2023-23

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

The City Council hereby set forth its findings of fact and conclusions based thereon with respect to the annexation of the **Osprey Addition** based on the evidence contained in the official file, the official records of the City of Montrose, Colorado and the evidence produced at the Hearing held on November 7th, 2023.

FINDINGS OF FACT

1. The requirements of the applicable parts of C.R.S. §§ 31-12-104, 105 have been met including the following:
 - A. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City as can be seen from the annexation map.
 - B. A community of interest exists between the area proposed to be annexed and the City, due to the proximity of the area to the City, the desire the owners to annex and existing City services in the area.
 - C. The area is urban or will be urbanized in the near future and the area is already substantially integrated with, and is capable of being fully integrated with the City.
 - D. It is practical to extend City services to the area on the same terms and conditions on which services are available to City citizens generally.
 - E. No land held in identical ownership has been divided into separate parts. No tract over 20 acres with a valuation of over \$200,000 has been included without written consent. No annexation proceedings concerning this area have been commenced by any other municipality.
 - F. This annexation will not result in any detachment of area from the Montrose School District No. RE-IJ. No part of the area to be annexed extends any more than three miles from the existing City boundaries. The City has in place a plan for that area as required by C.R.S. § 31-12-105.
 - G. The entire width of any streets to be annexed are included within the annexation.
 - H. Access shall be allowed to annexed portions of the street to the owners of unincorporated property adjoining annexed streets on a reasonable basis.
2. No petition for annexation election has been submitted and an election is not required pursuant to C.R.S. § 31-12-107(2).

3. The City Council has determined that additional terms and conditions are to be imposed through an annexation agreement concerning this property.
4. The Petition was signed by the owners of 100% of the property to be annexed exclusive of streets and alleys.
5. Proper notice of this hearing was published and mailed as required by C.R.S. § 31-12-108.
6. An Annexation Impact Report is not required.

CONCLUSIONS

1. The area proposed for annexation as the **Osprey Addition** is eligible for annexation pursuant to applicable parts of C.R.S. § 31-12-104.
2. None of the limitations of C.R.S. § 31-12-105 apply to restrict annexation.
3. Said Addition may be annexed by Ordinance pursuant to C.R.S. § 31-12-111, without election.

ADOPTED this 7th day of November, 2023, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

By _____
Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2647

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, FOR THE ANNEXATION OF THE OSPREY ADDITION.

WHEREAS, a petition for the annexation of a tract of land known as the **Osprey Addition** has been submitted to the City of Montrose and has been found by the City Council to be in substantial compliance with C.R.S. § 31-12-107(1); and

WHEREAS, said petition has been signed by the owners of 100% of the area proposed to be annexed exclusive of streets and alleys; and

WHEREAS, the property is eligible for annexation in accordance with the Municipal Annexation Act of 1965, as amended.

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

SECTION 1:

The property described in **Exhibit A**, known as the **OSPREY ADDITION**, is hereby annexed to the City of Montrose, Colorado.

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 7th day of November, 2023, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks Building, Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of November, 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 14th day of November, 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description

Tract 1:

Lot 1, Replat K, Hollenbeck Exemption as shown on the Plat recorded September 27, 1988 in Plat Book 12 at Page 805, situated in SE1/4 SW1/4SE1/4 Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado,

Except that portion as conveyed to City of Montrose, a Colorado home rule municipal corporation in deed recorded June 5, 2014 at Reception No. 856357, described as follows:

A parcel of land lying in the SE1/4SW1/4SE1/4 of Section 34, Township 49 North, Range 9 West of the N.M. P.M., Montrose County, Colorado, being more particularly described as follows:

Commencing at Station 94/017 of the City of Montrose Geodetic Control, whence Station 94/018 bears S88°18'48"E, 51.16 feet; Thence S40°16'15"W, 3435.84 feet to the Southwest corner of said SE1/4SW1/4SE1/4; Thence N01°03'08"E, along the Westerly boundary the resurvey K. Hollenbeck Exemption recorded as Reception No. 551435 in the Montrose County Clerk and Recorder's Office, 26.93 feet to a point on the South line of said resurvey;

Thence S88°33'17"E, along said South line, 66.05 feet to the True Point of Beginning;

Thence S88°32'17"E, along said South line, 249.41 feet;

Thence S88°39'08"E, along said South line, 337.73 feet to a point on the East line of said SE1/4SW1/4SE1/4;

Thence N01°32'16"E, along the said East line, 13.56 feet;

Thence N88°28'55"W, 355.86 feet to the beginning of a curve to the left having a radius of 1040.00 feet and a central angle of 04°29'59";

Thence along the arc of said curve 81.68 feet, the chord of said arc bears S89°16'06"W, 81.66 feet;

Thence S87°01'06"W, 131.74 feet to the beginning of a curve to the right having a radius of 960.00 feet and a central angle of 01°05'53"; Thence along the arc of said curve 18.40 feet to the point of beginning, the chord of said arc bears S87°34'03"W, 18.40 feet,

County of Montrose, State of Colorado.

Tract 2:

A parcel of land lying in the SE1/4SW1/4SE1/4 of Section 34, Township 49 North, Range 9 West of the N.M. P.M., Montrose County, Colorado, being more particularly described as follows:

Commencing at Station 94/017 of the City of Montrose Geodetic Control, whence Station 94/018 bears S88°18'48"E, 51.16 feet; Thence S40°16'15"W, 3435.84 feet to the Southwest corner of said SE1/4SW1/4SE1/4; Thence N01°03'08"E, along the Westerly boundary the resurvey K. Hollenbeck Exemption recorded as Reception No. 551435 in the Montrose County Clerk and Recorder's Office, 26.93 feet to a point on the South line of said resurvey;

Thence S88°33'17"E, along said South line, 66.05 feet to the True Point of Beginning;

Thence S88°32'17"E, along said South line, 249.41 feet;

Thence S88°39'08"E, along said South line, 337.73 feet to a point on the East line of said SE1/4SW1/4SE1/4;

Thence N01°32'16"E, along the said East line, 13.56 feet;

Thence N88°28'55"W, 355.86 feet to the beginning of a curve to the left having a radius of 1040.00 feet and a central angle of 04°29'59";

Thence along the arc of said curve 81.68 feet, the chord of said arc bears S89°16'06"W, 81.66 feet;

Thence S87°01'06"W, 131.74 feet to the beginning of a curve to the right having a radius of 960.00 feet and a central angle of 01°05'53"; Thence along the arc of said curve 18.40 feet to the point of beginning, the chord of said arc bears S87°34'03"W, 18.40 feet,

County of Montrose, State of Colorado.

ORDINANCE NO. 2648

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF THE OSPREY ADDITION AS A "P," PUBLIC DISTRICT, AN "R-4", HIGH DENSITY DISTRICT, AND AN "R-3A", MEDIUM HIGH DENSITY DISTRICT.

WHEREAS, the **Osprey Addition** has been recently annexed to the City of Montrose, Colorado; and

WHEREAS, the owners of such property have requested zoning which the Planning Commission has reviewed and recommended in accordance with the requirements of the City Code; and

WHEREAS, the proposed recommendation is substantially in accord with the City's Master Plan, is compatible with existing zoning in nearby or adjoining properties, and is in the public interest.

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

The Official Zoning Map is hereby amended to designate the **Osprey Addition**, according to the Official Annexation Map thereof, as a "P," Public District, an "R-4", High Density District, and an "R3-A", Medium High Density District as shown on **Exhibit A**, attached hereto.

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 7th day of November, 2023, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of November, 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 14th day of November, 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

ZONING BOUNDARY DESCRIPTIONS:

ZONE P:

A parcel of land situated in Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, being more particularly described as beginning at a point on the North Right of Way of East Oak Grove, said point being N89°07'48"E 653.58 feet from the S1/4 corner of said Section 34;

Thence N01°22'16"E 634.83 feet;

Thence S88°30'29"E 375.89 feet;

Thence S01°22'16"W 495.08 feet;

Thence S01°45'00"E 80.90 feet;

Thence S63°28'45"W 35.63 feet;

Thence S01°31'05"W 27.53 feet to a point on said North Right of Way;

Thence the following five courses along said Right of Way;

1. N88°28'55"W 56.14 feet;

2. 81.68 feet along the arc of a curve to the left with a radius of 1040.00 feet, an interior angle of 04°29'59" and a chord of S89°16'05"W 81.66 feet;

3. S87°01'06"W 131.74 feet;

4. 18.40 feet along the arc of a curve to the right with a radius of 960.00 feet, an interior angle of 01°05'53" and a chord of S87°34'02"W 18.40 feet;

5. N88°32'17"W 65.90 feet to the Point of Beginning.

Containing 5.39 Acres more or less as described.

County of Montrose, State of Colorado

ZONE R-4:

A parcel of land situated in Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, being more particularly described as beginning at a point on the North Right of Way of East Oak Grove, said point being N89°06'40"E 1002.60 feet from the S1/4 corner of said Section 34;

Thence leaving said Right of Way N01°31'05"E 27.53 feet;

Thence N63°28'45"E 35.63 feet;

Thence N01°45'00"W 80.90 feet;

Thence N01°22'16"E 495.08 feet;

Thence S88°30'29"E 279.16 feet;

Thence S01°34'26"W 620.25 feet to a point on said North Right of Way;

Thence along said Right of Way N88°28'55"W 304.12 feet to the Point of Beginning.

Containing 3.98 Acres more or less as described.

County of Montrose, State of Colorado

ZONE R-3A:

A parcel of land situated in Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado, being more particularly described as beginning at a point on the North Right of Way of East Oak Grove, said point being N89°20'37"E 719.43 feet from the S1/4 corner of said Section 34;

Thence the following four courses along said Right of Way;

1. 18.40 feet along the arc of a curve to the left with a radius of 960.00 feet, an interior angle of 01°05'53" and a chord of N87°34'02"E 18.40 feet;
2. N87°01'06"E 131.74 feet;
3. 81.68 feet along the arc of a curve to the right with a radius of 1040.00 feet, an interior angle of 04°29'59" and a chord of N89°16'05"E 81.66 feet;
4. S88°28'55"E 355.86 feet;

Thence leaving said North Right of Way S01°32'16"W 13.56 feet;

Thence N88°39'08"W 337.73 feet;

Thence N88°32'17"W 249.41 feet to the Point of Beginning.

Containing 0.16 Acres more or less as described.

County of Montrose, State of Colorado



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: November 7, 2023
RE: Bluff Harbor Lot Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

City Council is considering this annexation application and the associated zoning, which is done by considering approval of an annexation ordinance and a zoning ordinance at a first and second reading. City Council will consider all of the information in this memo in making a decision.

Application Background:

The Bluff Harbor Lot Addition is a proposed annexation approximately 0.72 acres in size. The parcel is located along Juniper Road, across from the intersection with El Camino Real Road. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and the Menoken Water Service Area. Annexation of this property will allow for connection to City utilities. An Annexation Agreement is required.

Proposed Zoning: "MHR" Manufactured Housing Residential District

Applicant: Michael Nichols and Sabely Nichols



Proposed schedule:

June 19:	Council Work Session Overview
October 3:	Council Resolution to set a hearing date
October 25:	Planning Commission zoning hearing
November 7:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
November 14:	2nd reading of annexation and zoning ordinances

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 Section 4-4-31 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: The "MHR" Manufactured Housing Residential District is intended to provide a suitable environment for single-family conventional and mobile homes and is designed to allow a high density of single-family residences and related 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 "MHR" Manufactured Housing Residential District, and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Bluff Harbor Lot Addition as Employment Center. This district is intended to encourage the development of planned light industrial, office, and business parks, as well as to identify locations for medium industrial uses such as manufacturing, warehousing and distributing, 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.
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.



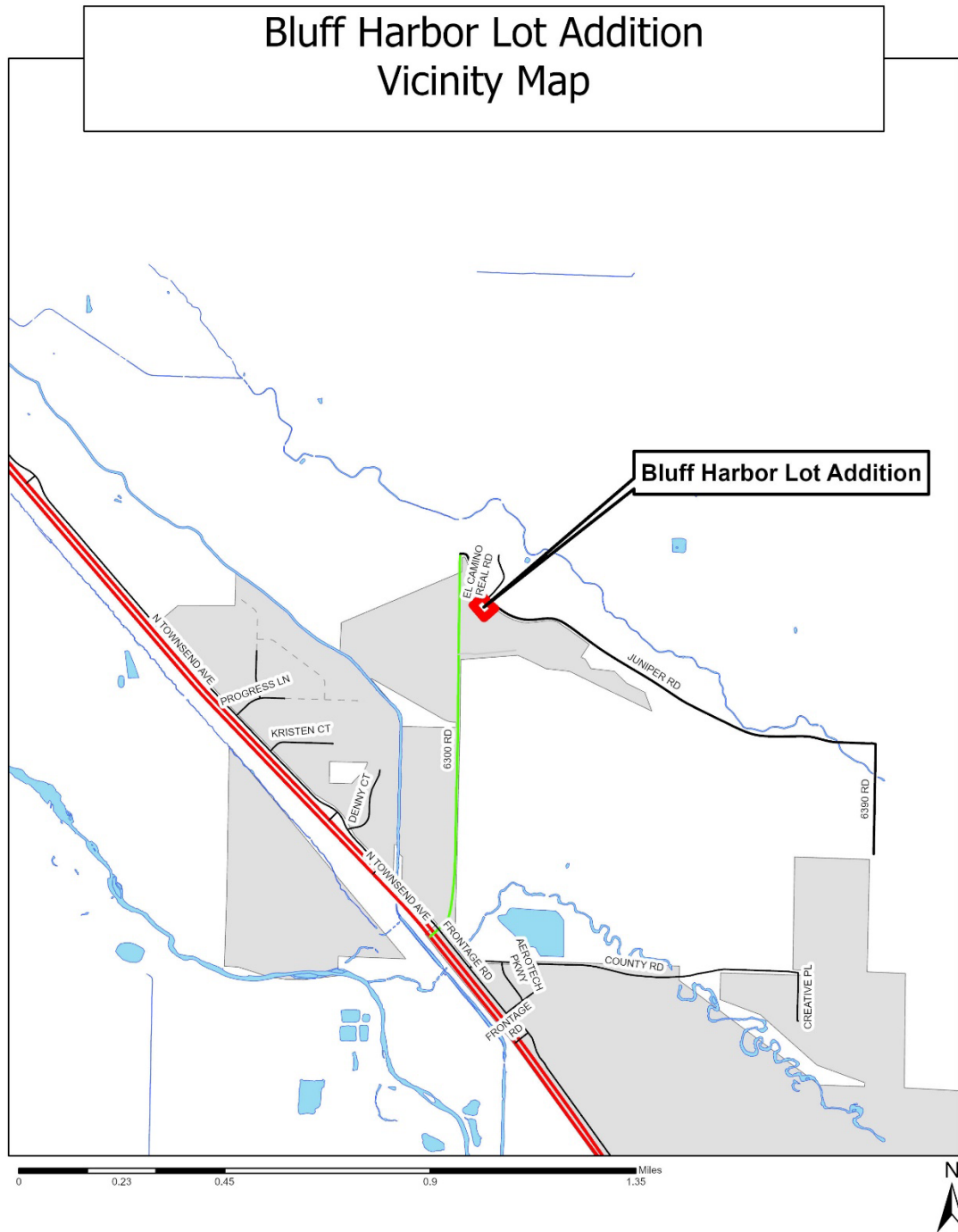
6. The “MHR” zoning does not appear to be adverse to the public health, safety and welfare.
7. Planning Commission made a unanimous recommendation to approve the zoning designation as presented.

Staff Recommendation:

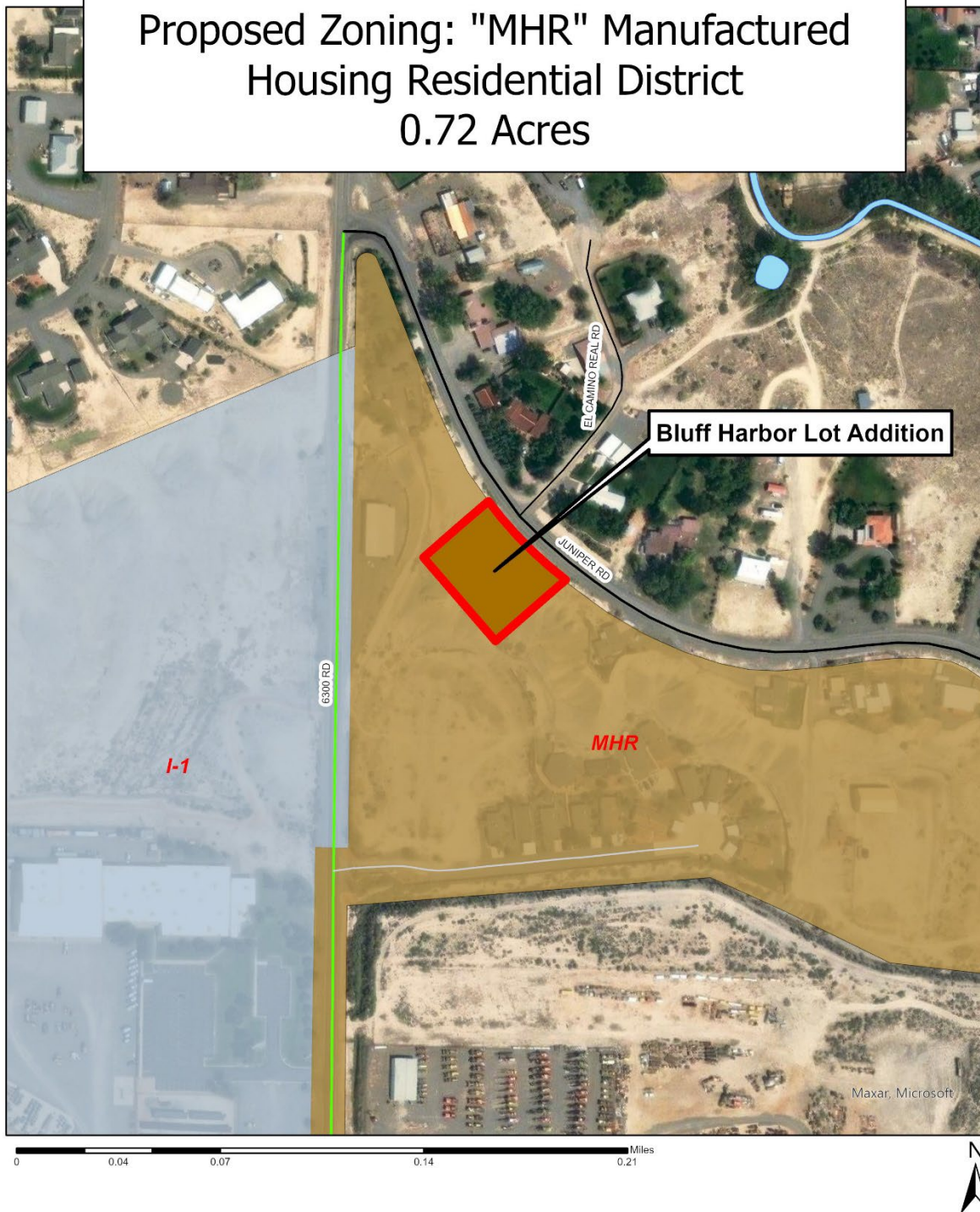
Staff recommends approval of the annexation and the “MHR” Manufactured Housing Residential District designation.



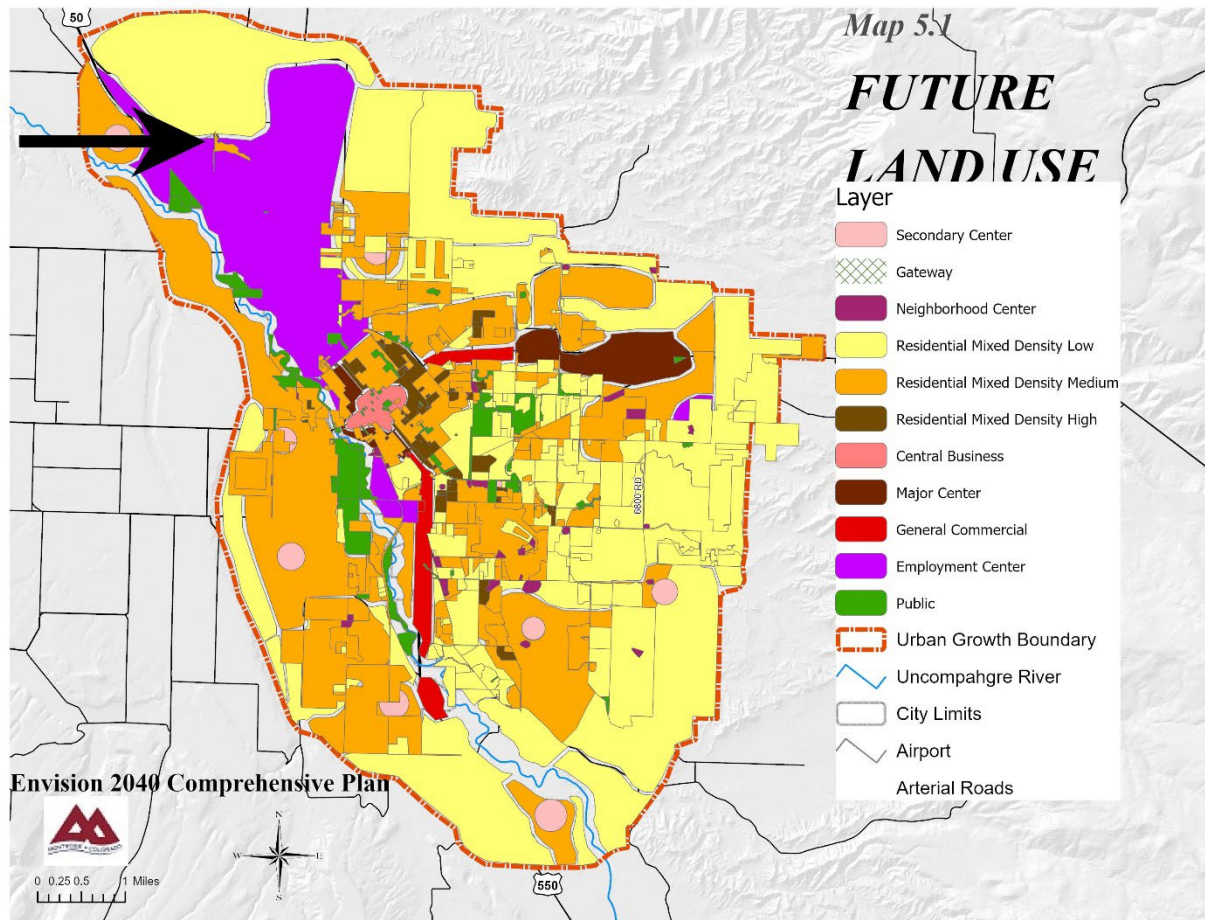
EXHIBIT A: Maps



Bluff Harbor Lot Addition
Proposed Zoning: "MHR" Manufactured
Housing Residential District
0.72 Acres



Comprehensive Plan Future Land Use Map



BLUFF HARBOR LOT ADDITION
LOCATED IN THE SW¼ OF SECTION 8, TOWNSHIP 49 NORTH, RANGE 9
WEST, OF THE NEW MEXICO PRINCIPAL MERIDIAN,
COUNTY OF MONTROSE, STATE OF COLORADO

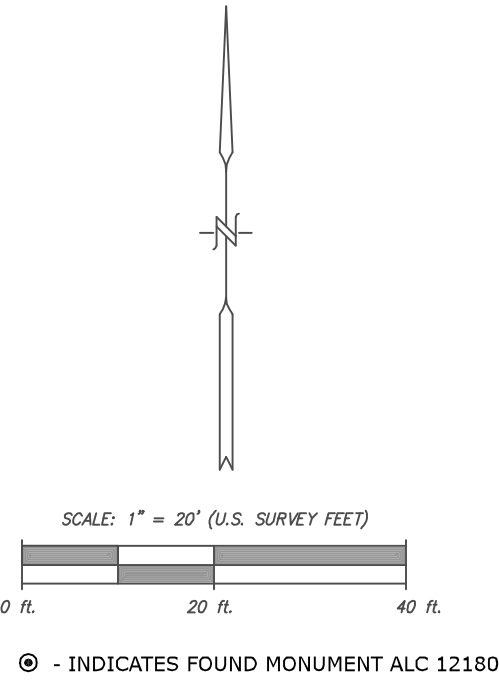
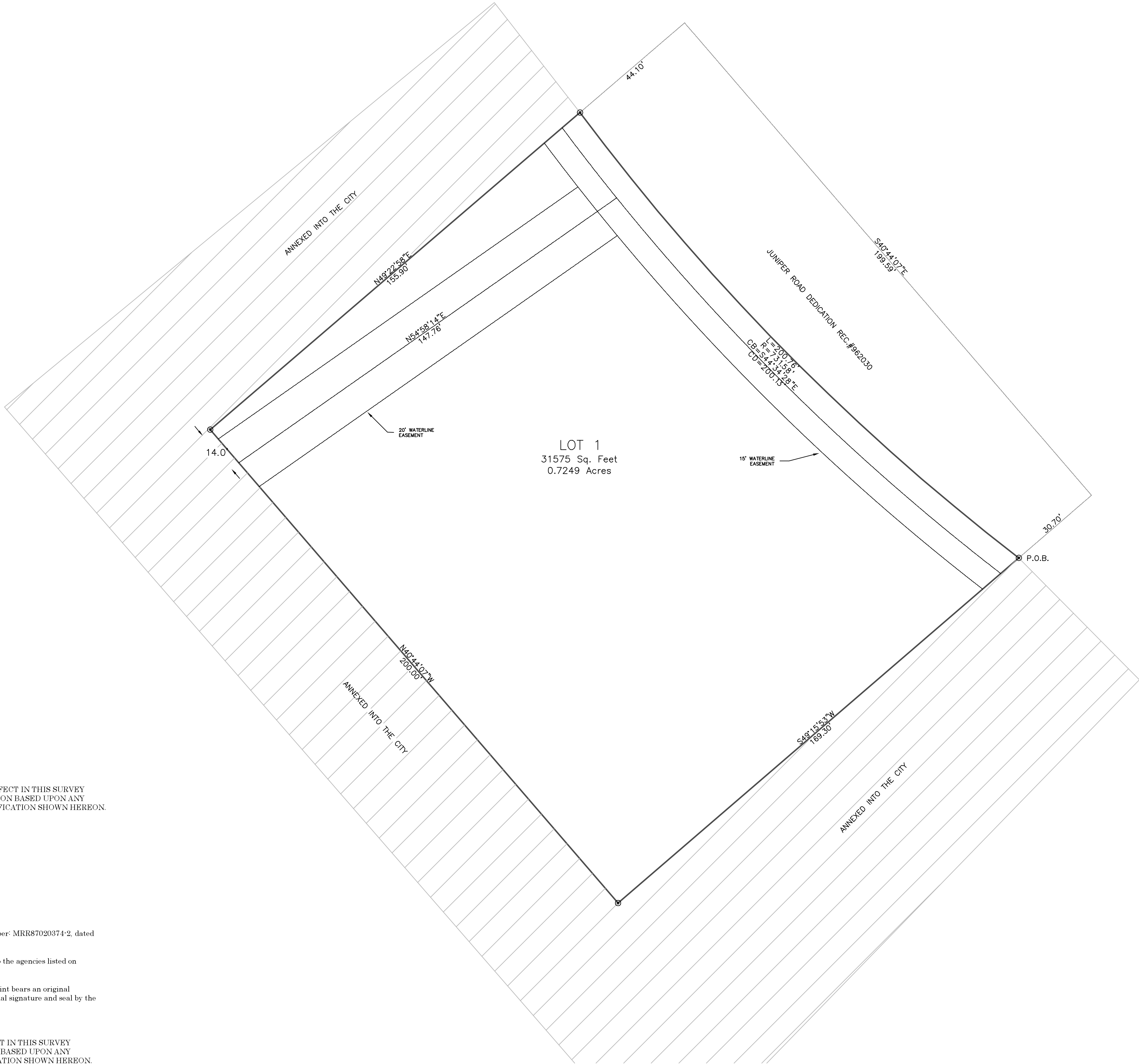
ANNEXATION DESCRIPTION

PART OF THE NW¼ SW¼ OF SECTION 8, TOWNSHIP 49 NORTH, RANGE 9 WEST, OF THE NEW MEXICO PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF JUNIPER ROAD, PER PLAT RECORDED AT RECEPTION NUMBER 9620306; WHENCE THE SOUTHWEST CORNER OF SECTION 8 IN TOWNSHIP 49 NORTH, RANGE 9 WEST OF THE NEW MEXICO PRINCIPAL MERIDIAN BEARS SOUTH 15°35'28" WEST 1454.35 FEET; THENCE SOUTH 49°15'53" WEST A DISTANCE OF 169.30 FEET; THENCE NORTH 40°44'07" WEST A DISTANCE OF 200.00 FEET; THENCE NORTH 49°22'58" EAST A DISTANCE OF 155.90 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF JUNIPER ROAD; THENCE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A LENGTH OF 200.76 FEET, RADIUS OF 731.58 FEET AND A CHORD OF SOUTH 44°34'28" EAST A DISTANCE OF 200.13 FEET TO THE POINT OF BEGINNING, COUNTY OF MONTROSE, STATE OF COLORADO.

VICINITY MAP



N.T.S.



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 _____ 2023, annexed the property hereon to the City of Montrose.

Mayor

Attest:
City Clerk

Recorder's Certificate

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

SURVEYOR'S CERTIFICATE

I, Steven A. Yelton, a Registered Land Surveyor in the State of Colorado, do hereby certify Bluff Harbor Lot Addition Annexation map was prepared under my direct supervision.

STEVEN A. YELTON PLS. # 33645
DATE: 9-18-23

ROCKY MOUNTAIN SURVEYING, LLC

2816 PRIMROSE COURT
MONTROSE, COLORADO 81401
(970)964-6105

DATA FILE NAME: 2212
DRAWN BY: SY

CITY LIMITS

TOTAL PERIMETER = 725.96 FEET
PERIMETER CONTIGUOUS TO CITY LIMITS = 525.20 FEET

NOTICE 13-80-105 C.R.S. as amended:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

GENERAL NOTES

This survey was performed with the benefit of a title commitment and by Land Title Guarantee Company, Order Number: MRR87020374-2, dated 12/28/2021 and does not constitute a title search by Steven A. Yelton or Rocky Mountain Surveying, LLC.

Surveyor's certifications hereon shall run only to the person(s) for whom this survey was prepared and on his behalf to the agencies listed on this/these sheet(s). Surveyor's certifications are not transferable to additional institutions or subsequent owners.

No guarantee as to the accuracy of the information contained within this plat is either stated or implied unless this print bears an original signature and seal of the Professional Land Surveyor hereon named. Only prints of this survey marked with an original signature and seal by the Surveyor named hereon shall be considered true, valid copies.

NOTICE 13-80-105 C.R.S. as amended:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

EXHIBIT B: 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 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 30 days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 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	R L	R- 1	R- 1A/B	R- 2	R- 3	R- 3A	R- 4	R- 5	R- 6	MH R
<i>COMMERCIAL USES</i>										
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
<i>INSTITUTIONAL USES</i>										
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
<i>RECREATIONAL USES</i>										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
<i>RESIDENTIAL USES</i>										
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
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
<i>UTILITIES AND TELECOMMUNICATION FACILITIES</i>										
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
<i>OTHER USES</i>										
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

Legend: Use Type

P: Permitted Use

C: Conditional Use

A: Accessory Use

T: Temporary Use

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



RESOLUTION NO. 2023-24

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

The City Council hereby set forth its findings of fact and conclusions based thereon with respect to the annexation of the **Bluff Harbor Lot Addition** based on the evidence contained in the official file, the official records of the City of Montrose, Colorado and the evidence produced at the Hearing held on November 7, 2023.

FINDINGS OF FACT

1. The requirements of the applicable parts of C.R.S. §§ 31-12-104, 105 have been met including the following:
 - A. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City as can be seen from the annexation map.
 - B. A community of interest exists between the area proposed to be annexed and the City, due to the proximity of the area to the City, the desire the owners to annex and existing City services in the area.
 - C. The area is urban or will be urbanized in the near future and the area is already substantially integrated with, and is capable of being fully integrated with the City.
 - D. It is practical to extend City services to the area on the same terms and conditions on which services are available to City citizens generally.
 - E. No land held in identical ownership has been divided into separate parts. No tract over 20 acres with a valuation of over \$200,000 has been included without written consent. No annexation proceedings concerning this area have been commenced by any other municipality.
 - F. This annexation will not result in any detachment of area from the Montrose School District No. RE-IJ. No part of the area to be annexed extends any more than three miles from the existing City boundaries. The City has in place a plan for that area as required by C.R.S. § 31-12-105.
 - G. The entire width of any streets to be annexed are included within the annexation.
 - H. Access shall be allowed to annexed portions of the street to the owners of unincorporated property adjoining annexed streets on a reasonable basis.
2. No petition for annexation election has been submitted and an election is not required pursuant to C.R.S. § 31-12-107(2).

3. The City Council has determined that additional terms and conditions are to be imposed through an annexation agreement concerning this property.
4. The Petition was signed by the owners of 100% of the property to be annexed exclusive of streets and alleys.
5. Proper notice of this hearing was published and mailed as required by C.R.S. § 31-12-108.
6. An Annexation Impact Report is not required.

CONCLUSIONS

1. The area proposed for annexation as the **Bluff Harbor Lot Addition** is eligible for annexation pursuant to applicable parts of C.R.S. § 31-12-104.
2. None of the limitations of C.R.S. § 31-12-105 apply to restrict annexation.
3. Said Addition may be annexed by Ordinance pursuant to C.R.S. § 31-12-111, without election.

ADOPTED this 7th day of November, 2023, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

By _____
Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2649

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, FOR THE ANNEXATION OF THE BLUFF HARBOR LOT ADDITION.

WHEREAS, a petition for the annexation of a tract of land known as the **Bluff Harbor Lot Addition** has been submitted to the City of Montrose and has been found by the City Council to be in substantial compliance with C.R.S. § 31-12-107(1); and

WHEREAS, said petition has been signed by the owners of 100% of the area proposed to be annexed exclusive of streets and alleys; and

WHEREAS, the property is eligible for annexation in accordance with the Municipal Annexation Act of 1965, as amended.

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

SECTION 1:

The property described in **Exhibit A**, known as the **BLUFF HARBOR LOT ADDITION**, is hereby annexed to the City of Montrose, Colorado.

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 7th day of November, 2023, at the hour of 6:00 p.m. at the Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of November, 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 14th day of November, 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description

A tract of land in the NW1/4SW1/4 of Section 8, Township 49 North, Range 9 West, of the New Mexico Principal Meridian, being more particularly described as follows:

Beginning at a point on the Southerly right of way of Juniper Road, whence the SW Corner of said Section 8 bears South 15° 35' 28" West a distance of 1,454.35 feet;

THENCE South 49° 15' 53" West a distance of 169.30 feet;

" North 40° 44' 07" West a distance of 200.00 feet;

" North 49° 22' 58" East a distance of 155.90 feet to the Southerly right of way of Juniper Road;

" along said right of way, along a curve to the left having a length of 200.76 feet, radius of 731.58 feet and a chord of South 44° 34' 28" East a distance of 200.13 feet to the point of beginning, County of Montrose, State of Colorado.

As known by street and number as: TBD JUNIPER Road
Montrose, CO 81401

ORDINANCE NO. 2650

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF THE BLUFF HARBOR LOT ADDITION AS AN "MHR," MANUFACTURED HOUSING RESIDENTIAL DISTRICT.

WHEREAS, the **Bluff Harbor Lot Addition** has been recently annexed to the City of Montrose, Colorado; and

WHEREAS, the owners of such property have requested zoning which the Planning Commission has reviewed and recommended in accordance with the requirements of the City Code; and

WHEREAS, the proposed recommendation is substantially in accord with the City's Master Plan, is compatible with existing zoning in nearby or adjoining properties, and is in the public interest.

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

The Official Zoning Map is hereby amended to designate the **Bluff Harbor Lot Addition**, according to the Official Annexation Map thereof, as an "MHR," Manufactured Housing Residential District.

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 7th day of November, 2023, at the hour of 6:00 p.m. at the Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 7th day of November, 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 14th day of November, 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2645

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO PROVIDING AND APPROPRIATING FUNDS FOR DEFRAYING THE EXPENSES AND LIABILITIES OF THE CITY OF MONTROSE, COLORADO DURING THE FISCAL YEAR BEGINNING JANUARY 1, 2024

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

SECTION 1:

That for the purpose of paying the expenses and liabilities of the City of Montrose for the fiscal year beginning January 1, 2024, there is hereby appropriated the following amounts from the various funds:

Fund	FUND TITLE	FUND APPROPRIATION
100	GENERAL FUND	36,476,886
150	PUBLIC SAFETY FUND	15,248,217
200	RETAIL SALES ENHANCEMENT	754,357
290	TOURISM PROMOTIONAL FUND	913,132
222	OPPORTUNITY BUSINESS LOANS	40,000
225	PUBLIC/EDUCATION/GOVERNMENT	6,849
260	MONTROSE URBAN RENEWAL AUTH	350,000
270	SPECIAL BENEFIT FUND	114,007
370	GOVERNMENTAL DEBT PAYMENTS	1,530,651
420	CEMETERY PERPETUAL CARE	4,400
440	IMPROVEMENT DISTRICTS	1,200
460	WEST SIDE ARTERIAL PROJECTS	250,000
465	CAPITAL/FACILITY IMPROVEMENT FUNDS	12,950,000
500	WATER FUND	8,747,943
510	SEWER FUND	6,081,715
550	TRASH & RECYCLING FUND	2,782,051
580	BLACK CANYON GOLF COURSE	1,561,043
600	INTERNAL SERVICE FUNDS	8,941,257
610	HEALTH/DENTAL INSURANCE	3,317,500
700	MRD TAX CUSTODIAL FUND	2,778,136
	TOTAL APPROPRIATIONS	103,099,344

SECTION 2:

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 First reading on Tuesday, November 7, 2023, at the hour of 6:00 p.m. at the City Council Chambers, Elks' Civic Building, in Montrose, Colorado.

INTRODUCED, READ, and PASSED on first reading this 7th day of November 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ, AND ADOPTED on second reading this 14th day of November 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
CITY CLERK

MEMO

DATE: October 31, 2023
TO: City Council
RE: Proposed Fee Schedule Revisions

Listed below is a summary of proposed revisions to the fee schedule effective January 1, 2024.

3-1-1 (D) Land Use Fees

Land Use Fees were aligned with the 2023 Land Use Code updates

3-1-1 (F) Parks/Private Use of Public Property

Amphitheater use fees were updated to incorporate use of ice provided by the city

3-1-1 (H) Building Code Fees

Plumbing Permits and Gas Permits were standardized to one fee for commercial and residential

A Mechanical Permit fee was added

A Solar Permit Fee was added

A Re-Roof Permit Fee was added

A Demolition Permit Fee was added

The Fire Protection District fee schedule was added as Exhibit A to the fee schedule

3-1-2 Pavilion Fee Schedule

Fees that are no longer applicable were removed

Use fees were increased to align with other event venues in the area

3-1-3 Fee Schedule for Water, Sewer and Trash

Water and sewer connection fees were increased by 5 percent

The water usage fee per 1,000 gallons was increased by 5 percent plus a .50 increase from Project 7 to fund the additional water treatment facility.

An E-One Pump Maintenance fee was added

Trash and Recycling fees were increased by 20 percent



RESOLUTION NO. 2023-21

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

WHEREAS, the City of Montrose has established a Fee Schedule to be part of the City of Montrose Regulations Manual for the efficient administration of applications, permits, licenses, and services; and

WHEREAS, the City Council has determined that some fees specific to business operations are insufficient to cover City expenses associated with the processing of applications, licenses, and permits and providing services; and

WHEREAS, updates to the fee schedule are necessary; and

WHEREAS, the City Council has determined that the following changes are in furtherance of the public health, safety and welfare.

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

- Chapters 3-1, 3-2 and 3-3 of the City's Regulations Manual are hereby repealed.
- The Fee Schedule attached as Exhibit A is hereby adopted

ADOPTED this 7th day of November, 2023, by the Montrose City Council.

CITY OF MONTROSE, COLORADO

BY: _____
Barbara Bynum, Mayor

ATTEST

Lisa DelPiccolo, City Clerk

EXHIBIT A

Sec. 3-1-1. Fee schedule.

(A) Administrative Fees.

Application Permit/License	Fee	Code Reference
Carnival License	\$250.00 per day	5-1-1(C) MC, Res. No. 2003-13, Ord. No. 1944
Commercial Rafting Permit	\$200.00 per year	9-10-2 MC, Ord. No. 2355, Res. No. 2018-32
Commercial Solicitation Permit	\$50.00 permit fee	Ord. No. 2331, 12/3/2013, Res. No. 2018-32
	\$10.00 fee per badge	
	\$50.00 deposit per badge	
False Alarms	First one free each year beginning May 1, then \$45.00 for each false alarm thereafter	5-3-5(D) MC, Res. No. 2007-9, Ord. No. 2153
Firearms/Agricultural Use	\$30.00	6-1-13(B)(5) MC, Res. No. 2018-32 , Ord. No. 1944
Fireworks Display	\$50.00	7-4-6(A) MC, Res. No. 2003-13, Ord. No. 1944
Fireworks Stands	\$50.00	7-4-6(H)(3) MC, Res. No. 2003-13, Ord. No. 1944
Gasfitter's License	\$60.00	4-1-4(A)(3)(a) MC, Res. No. 2018-32 , Ord. No. 1944
	\$60.00 for gasfitter test	
Home Occupation	\$25.00	11-11-3 MC, Res. No. 2018-32, Ord. No. 2626
Mobile Food Vendor Permit		Res. No. 2022-14
Private property only	\$50.00 per year	
City right of way and parks	\$20.00 per month for the months the permit is active	
Private property, city right of way and parks.	\$20.00 per month for the months the permit is active	
Use of electricity in Demoret Park, Centennial Plaza and designated Main Street vending locations.	\$50.00 per year	
Nuisance Abatement	\$50.00 administrative fee plus actual cost of abatement.	6-4-3(E) MC, Res. No. 2018-32, Ord. No. 1992
Pawnbroker License	\$200.00	5-11-1(B)(1) MC, Res. No. 2007-9, Ord. No. 2153
Pellet Gun Permit	\$25.00	6-1-13(B)(3) MC, Res. No. 2018-32, Ord. No. 1944
Plumber's License	\$40.00	4-1-4(B)(3)(a) MC, Res. No. 2018-32 Ord. No. 1944
Records Request	City fees shall equal the maximum allowed under 24-72-205 C.R.S. and as posted on the website of the general assembly.	Res. No. 2014-10, Res. No. 2021-23, Res. No. 2022-14
	In instances where legal review exceeds 15 minutes, a legal review charge may be assessed to partially defray the cost of time in excess of	

	the first quarter hour. The hourly rate will be billed at \$100.00 an hour, in quarter hour increments.	
Returned Check Fee (Dishonored Check Policy)	\$30.00 for each check returned	5-9-3(A)(1) Regs., Res. No. 2003-55, Ord. No. 1992
Sales Tax License	\$35.00	5-15-3(A) MC, Res. No. 2003-13, Res. No. 2018-32, Ord. No. 1944
	\$15.00 renewal	
	\$10.00 paper filing fee	
Sign Installation (no trespass)	\$25.00 for each sign	6-1-11(A)(2) MC, Res. No. 2007-9, Ord. No. 1992
	\$35.00 for installation	
	\$35.00 for each post	
Special Waste Collection	Non-scheduled residential and commercial collections will be billed the actual costs for time, equipment and landfill fees where applicable.	6-1-4(A) Regs., Res. No. 2007-9, Res. No. 2007-17, Res. No. 2018-32, Ord. No. 1992, Res. No. 2020-26, Res. No. 2022-14
	\$20.00 Freon disposal fee (in addition to any applicable collection fee)	
	\$50.00 for 350-gallon trash container—includes delivery and one empty. \$45.00 for each additional empty.	
	\$25.00 for 90-gallon trash container—includes delivery and one empty. \$25.00 for each additional empty.	
Transient Vendor's License	\$75.00	5-6-2(C) MC, Res. No. 2018-32, Ord. No. 1944
Trash collection and water service "Lock and Leave" fee	\$30.00 to discontinue and reinstate service.	3-1-7(D) MC, Res. No. 2018-32, Ord. No. 2140
Tree Trimming License	\$50.00	3-4-9(C) Regs. 9-3-2(B) MC, Res. No. 2009-1, Ord. No. 1974
Water & Sewer Service Deposit	\$50.00; interest thereon is earned and payable per § 3-5-2(D) of the City of Montrose Municipal Code	3-5-2(B), (D) MC, 3-5-16(G) MC, Ord. No. 2113
Water & Sewer Delinquency Fee	\$50.00	3-5-16(G) MC, Ord. 2113

(B) *Animal Control Fees.*

Application Permit/License	Fee	Code Reference
Dog Variance Application	\$50.00 fee for Home Inspection and database administration.	Res. No. 2018-32
Impound Fee	When reclaiming a pet from the Animal Shelter on the same day that it was impounded for running at large, the fee will be \$20.00 if the pet was vaccinated by the Shelter. Otherwise, pets reclaimed the same day of impoundment will be free.	3-16-4 Regs., Res. No. 2009-1, Res. No. 2018-32

	Other impounds are a \$20.00 fee plus \$5.00 per day boarding fee for all pets reclaimed after the first day.	
Interagency Fees	Covered under separate agency contracts.	Res. No. 2004-17
Relinquishment Fees for personal pets	\$20.00 Cats (over 1 year of age)	3-16-3(A) Regs., Res. No. 2009-1, Res. No. 2018-32
	\$10.00 Kitten (under 1 year of age)	
	\$35.00 Dogs (over 1 year of age)	
	\$25.00 Puppy (under 1 year of age)	
Pet Dog and Cat Adoption Fees		
Dogs 8 weeks to 1 year of age	\$100.00 per dog adopted	3-16-1 Regs., Res. No. 2018-32
Dogs over 1 year of age	\$75.00 per dog adopted	3-16-1 Regs., Res. No. 2018-32
Cats 8 weeks to 1 year of age	\$50.00 per cat adopted	3-16-1 Regs., Res. No. 2009-1
Cats over 1 year of age	\$30.00 per cat adopted	3-16-2 Regs., Res. No. 2006-8

(C) *Cemetery Fees.*

Application Permit/License	Fee	Code Reference
Cemetery	\$600.00 lot sale *40 percent of lot cost is perpetual care	3-3-4 Regs. 3-3-5, 3-3-6, Res. No. 2003-35, Res. No. 2018-32, Ord. No. 1974, Res. No. 2019-28, Res. No. 2022-14
	\$650.00 open/close	
	\$200.00 open/close for cremains	
	\$300.00 open/close for two sets of cremains, simultaneous, same lot	
	\$175.00 additional fee for full burial Saturdays or weekdays after 4:00 p.m.	
	\$100.00 additional fee for burial of cremains on Saturday or weekdays after 4:00 p.m.	
	\$2,000.00 disinterment	
	\$500.00 disinterment of cremains	
Columbarium	\$350.00 niche space	3-3-8(A)(H) Regs., Res. No. 2004-17, Res. No. 2018-32, Res. No. 2021-23
	Niche Plate—actual cost (\$325.00—\$375.00)	
	Date Scroll—actual cost (\$105.00—\$125.00)	
	\$100.00 each open/close including disinterment	
	\$100.00 additional fee for Saturdays or weekdays after 4:00 p.m.	

(D) *Land Use Fees.*

Application Permit/License	Fee	Code Reference
Administrative Planned Development	\$100.00	11-7-8 (D) MC, Ord. No. 2626, Res. No. 2023-21
Administrative Review Hearing	\$50.00	11-5-7 MC, Res. No. 2004-15, Ord. No. 2626
Annexations	\$900.00	C.R.S., 11-4-10 MC, Res. No. 2005-60, Ord. No. 2626
Conditional Use Permit	\$300.00	11-7-6 (B) MC, Res. No. 2003-3, Ord. 2626
De Novo Hearing (Review Hearing Before City Council)	\$100.00	11-6-4(A) MC, Res. No. 2007-9, Ord. 2626
Fence Permit	\$10.00	11-8-6 MC, Res. No. 2019-28, Ord. 2626
Floodplain Development Permit	No Fee	11-6-3 MC, Res. No. 2004-15, Ord. 2626
Historic Preservation	Historic Property Designation—No fee	11-3-4 – 11-3-7 MC, Res. No. 2019-28, Ord. 2626
	Historic Property Alteration—No fee	
	Historic Property Relocation—No fee	
	Historic Structure Demolition—No fee	
Large Retail Site Development	\$1,000.00	11-8-9 MC, Res. No. 2009-1, Ord. 2626
Major Subdivision (Including Major Subdivision Amendments)	Sketch Plan - \$300.00	11-5-2 & 11-5-4 MC, Res. No. 2003-3, 2004-25, Ord. 2626, Res. No. 2023-21
	Preliminary Plat - \$300.00	11-5-2 & 11-5-5 MC, Res. No. 2003-3, 2004-25, Ord. 2626, Res. No. 2023-21
	Final Plat - \$300.00	11-5-2 & 11-5-6 MC, Res. No. 2003-3, 2004-25, Ord. 2626, Res. No. 2023-21
Minor Subdivision	\$150.00	11-5-3 MC, Res. No. 2003-3, Res. 2004-25, Res. 2005-60, Res. No. 2020-26, Ord. 2626, Res. No. 2023-21
Mobile Home Park Permit	\$300.00	11-13-4 MC, Res. No. 2004-15, Ord. 2626
Mobile Home Set Up Permit	\$30.00	11-13-2 MC, Res. No. 2004-15, Ord. 2626
Planned Development (Includes all steps of the process including Sketch Plan, Preliminary Plat/Plat, & Final Plan/Plat)	\$100.00	11-7-8 MC, Res. No. 2005-60, Ord. No. 2626
REDO Overlay Zone Administrative Review	\$50.00	11-7-9 MC, Res. No. 2008-31, Ord. No. 2626
Revocable Right-of-Way Encroachment	\$50.00	3-5-4(D) Regs., Res. No. 2009-1, Ord. No. 1974, Res. No. 2020-26

Rezone	\$300.00	11-7-12(A) MC, Res. No. 2003-3, Ord. 2626
Sign Permit	Primary Sign - \$30.00 per sign	11-10-4 – 11-10-6 MC, Res. No. 2008-2, Ord. No. 2179, Ord. 2626, Res. No. 2023-21
	Secondary Sign - \$15.00 per sign	
Site Development	\$100.00	11-8-1 MC, Res. No. 2004-15, Ord. No. 2626
Street Excavation Permit		9-7-7 MC, Res. No. 2004-15, Res. No. 2007-17, Res. No. 2018-32, Ord. No. 1999, Res. No. 2022-14
Application deposit	\$200.00	
Excavation inspection fee	\$70.00 / 500 Sq. Ft., \$70 minimum	
Boring inspection fee	\$0.40 / LF, \$50.00 minimum	
Utility locate potholing fee	\$25.00 per pothole	
Surface impact fee *boring exempt	\$ _____	
	Surface Type x Cost/Sq. Ft.	
	*Asphalt	\$3.25
	Concrete	\$3.75
	Gravel/Road Base	\$0.45
	Earth	\$0.25
	*Impact fee will be tripled if pavement is less than 5 years old	
Street Name Change	\$100.00	3-21-1(A)(1) Regs., Res. No. 2004-20
Telecommunication Tower Siting (And Antenna Replacement)	\$150.00	11-14-3(A) MC, Res. No. 2004-15, Ord. No. 2626
Temporary Permit for Structure	\$50.00	4-1-3(A)(10) MC, Res. No. 2004-15, Ord. No. 2628
Temporary Use Permit	No fee	11-7-6 (E) MC, Res. No. 2004-15
Travel Home Park Permit (RV Park)	\$300.00	11-13-8 MC, Res. No. 2004-15, Ord. 2626
Travel Home Set Up Permit	\$50.00	11-13-7 MC, Res. No. 2004-15, Ord. 2626, Res. No. 2023-21
Variance	\$100.00	11-7-13 MC, Res. No. 2003-3, Ord. 2626

(E) *Liquor Fees.*

Application Permit/License	Fee	Code Reference
Liquor Licensing	City fees shall equal the maximum fee allowed by Colorado State Statute or regulation, as amended from time to time.	5-12-1(C) MC, Res. No. 2007-15, Ord. No. 1944

(F) *Parks/Private Use of Public Property.*

Application Permit/License	Fee	Code Reference
Alcohol Consumption Permit	\$50.00 \$100.00 deposit	3-6-2(D) Regs., Res. No. 2003-35, Ord. No. 1974

Special Events Alcohol Permit in conjunction with an Events Use 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.	3-6-1(G)(2) Regs., Res. No. 2018-32 Ord. No. 1974
Entertainment Permit	No Fee	3-5-7 Regs, Res. No. 2005-32, Res. No. 2019-28
Events Use Permit	\$100.00 Events Use Permit Fee For all facilities/venues, including street closures and parades.	3-6-1(C) Regs., Res. No. 2012-11, Res. No. 2018-32 , Ord. No. 1974
	\$100.00 deposit required for all events	
	Certificate of insurance required.	
	Additional fees are required if alcohol permits are issued.	
Insurance Certificate	Actual cost of insurance certificate through the City's insurance provider, added to permit fee.	3-6-1(E) Regs., Res. No. 2003-55, Ord. No. 1992
Lion's Community Building	\$25.00 w/o kitchen for five hours, \$5.00 per hour thereafter \$40.00 w/ kitchen for five hours, \$5.00 per hour thereafter \$100.00 deposit required	3-6-5(P)(4) Regs., Res. No. 2003-35, Ord. No. 1974
Main Street Closure Permit	\$250.00 permit fee, maximum of ten hours. City Council may approve additional hours for additional fees. \$100.00 deposit required. Surety bond and/or insurance certificate required.	Res. No. 2010-41, Res. No. 2018-32
Memorial Bench	\$2,000.00 downtown and park locations, includes bench, plaque, and installation	Res. No. 2019-28, Res. No. 2020-26, Res. No. 2021-23
Montrose Rotary Amphitheater		Res. No. 2021-23, Res. No. 2023-21
Stage Only	\$100.00/24 hr. booking window	
Stage, Wings and Backstage Area	\$600.00 /24 hr. booking window	
Full Facility Including Vendor Area	\$1,200.00 /24 hr. booking window	
Deposit	50% of total rental fees	
Overhead Main Street Banner Installation	\$200.00 for one banner \$380.00 for two banners	Res. No. 2019-28, Res. No. 2021-23
Park Shelter Reservation	\$25.00 per day (includes electricity)	3-6-2(C) Regs., Res. No. 2018-32, Ord. No. 1974, Res. No. 2021-23
Parks Use Permit (for private use for areas excluding the shelters)	No fee	3-6-2 Regs., Res. No. 2003-35, Ord. No. 1974
Right-of-Way Use Permit	No Fee	3-5-3 Regs., Res. No 2019-28
Stage Rental	\$50.00 for stage without canopy.	Res. No. 2018-32
	\$100.00 for stage with canopy.	
	\$100.00 deposit required.	
Street Closure	\$100.00 \$100.00 deposit. Insurance certificate required	3-5-2(C) Regs., Res. No. 2003-35, Res. No. 2018-32 , Ord. No. 1974
Tree Legacy Program Plaque	Actual Cost (\$270.00-\$350.00)	Res. No. 2021-23

(G) *Police Department Administrative Fees.*

Application Permit/License	Fee	Code Reference
Administrative Fees—Copies	\$10.00 for each police report	3-20-1 Regs. 3-20-2, Res. No. 2009-1, Ord. No. 1992, Res. No. 2021-23
	\$10.00 for each criminal history report	
	\$0.25 per page for hard copies of documents	
Administrative Fees—Impound Fees	\$4.00 per day for vehicles impounded in the City lot	3-20-4 Regs., Res. No. 2003-55, Ord. 1992
Administrative Fees—Sex Offender Registration	\$40.00 initial registration fee \$20.00 annual registration fee	3-20-5 Regs., Res. No. 2004-39
Administrative Fees—Staff Time (Research, Redaction, etc.)	\$10.00 per hour for first hour \$30.00 per hour after the first hour	Res. No. 2021-23
Administrative Fees—Specialized document production or specialized skills required to fully comply with request (Public Safety Attorney, Special SW/HW, System Admin, Crime Analyst etc.)	\$30.00 per hour Fees for legal review as noted in Section 3-1-1 (A) Records Requests may apply.	Res. No. 2021-23
Administrative Fees—Towing	Varies based on City contract	3-20-4 Regs., Res. No. 2009-1, Ord. No. 1992, 3-20-3 Regs., Res. No. 2003-55, Ord. No. 1992
Administrative Fees—VIN Inspections	\$10.00 VIN Inspection, at Police Dept.	
	\$15.00 VIN Inspection at residence within City Limits set by C.R.S. Certified VIN Inspection	

(H) *Building Code Fees.*

Application Permit/License	Fee		Code Reference
Building Permit Fees	Total Valuation	Fee	4-1-2(D) MC Res. No. 2005-45 Ord. No. 2069 Res. No. 2018-32
	\$1.00 to \$500.00	\$23.50	
	\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000.00	
	\$2001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00	
	\$25,001.00 to \$50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1000.00, or fraction thereof, to and including \$50,000.00	
	\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1000.00, or fraction thereof, to and including \$100,000.00	

	\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00	
	\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00	
	\$1,000,000.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof	
Plan Review Fees	Commercial—65 percent of building permit fee		4-1-2(D) MC Res. No. 2005-45 Ord. No. 2069 Res. No. 2018-32
	Residential—50 percent of building permit fee		
Investigation Fees: Work without a permit	Equal to building permit fee		4-1-2(D) MC Res. 2005-45 Ord. No. 2069 Res. No. 2018-32
Plumbing Permit Fee	\$50.00		4-1-2(D) MC Res. No. 2005-45 Ord. No. 2069 Res. No. 2018-32, Res. No. 2023-21
Gas Permit Fee	\$50.00		4-1-2(D) MC Res. No. 2005-45 Ord. No. 2069 Res. No. 2018-32, Res. No. 2023-21
Mechanical Permit Fee	\$50.00		Res. No. 2023-21
Solar Permit Fee	\$50.00		Res. No. 2023-21
Re-Roof Permit Fee	\$50.00		Res. No. 2023-21
Demolition Permit Fee	\$50.00		Res. No. 2023-21
	*Fire Protection District Fees are included in Exhibit A		Res. No. 2023-21

(I) *Municipal Court Fees.*

Service	Fee	Code Reference
Court Costs	\$25.00 Court Costs will be assessed in each case following a conviction except in those cases in which a written waiver and guilty plea is entered and a fine paid at the Office of the Court Clerk or on CitePay USA	Res. No. 2022-14
Useful Public Service Fee	A \$100.00 Useful Public Service Fee shall be assessed in each case in which Useful Public Service is ordered	Res. No. 2022-14
Bench Warrant Fee	A \$30.00 Bench Warrant Fee shall be assessed in each case in which a bench warrant is issued.	Res. No. 2022-14
Teen Court Fee	A \$100.00 fee shall be assessed in all Teen Court cases	Res. No. 2022-14
Bad Check Fee	A \$25.00 bad check fee shall be assessed for all checks returned for insufficient funds or written on a closed account.	Res. No. 2022-14

The foregoing fees are in addition to any fees imposed by statute and may be waived by the Court for good cause or the indigency of the defendant.

Sec. 3-1-2. Pavilion fee schedule.

(A) *Pavilion Fee Schedule.*

Service	Fee	Code Reference
<i>AV Equipment</i>		
CD Player	No charge	Res. No. 2009-1, Res. No. 2023-21
Full Sound System	\$400.00	Res. No. 2009-1, Res. No. 2023-21
Small Sound System (8 ch)	\$90.00	Res. No. 2009-1, Res. No. 2023-21
Cordless Microphone Receiver	\$15.00	Res. No. 2009-1, Res. No. 2023-21
DVD Player	No charge	Res. No. 2009-1, Res. No. 2023-21
Phone Connection	\$125.00 each	Res. No. 2009-1
Electric Plug Connections	No Charge	Res. No. 2009-1, Res. No. 2023-21
Laser Pointer	No Charge	Res. No. 2009-1, Res. No. 2023-21
Audio Recording of Concerts (auditorium only)	\$45.00	Res. No. 2009-1
<i>Furniture</i>		
Marley Dance Floor (auditorium only)	\$250.00	Res. No. 2009-1, Res. No. 2023-21
Pitt Cover Removal	\$1,200.00	Res. No. 2009-1, Res. No. 2023-21
Podium with Wired Microphone	\$15.00	Res. No. 2009-1, Res. No. 2023-21
Portable Bar	\$50.00	Res. No. 2009-1
Portable Dance Floor	\$125.00	Res. No. 2009-1, Res. No. 2023-21
Portable Stage	\$15.00	Res. No. 2009-1
Pipe and Drape Section (8' x 9'5")	\$20.00	Res. No. 2009-1, Res. No. 2022-14
Screen 12 x 12	\$20.00	Res. No. 2009-1
Chairs	No charge	Res. No. 2009-1
Tables	No charge	Res. No. 2009-1
Use of Pianos	Tuning fee plus 50%	Res. No. 2009-1
<i>Linens</i>		
Napkins	\$1.00 per each	Res. No. 2009-1, Res. No. 2021-23
Tablecloth	\$10.00 per each	Res. No. 2009-1, Res. No. 2021-23
<i>Administrative Services</i>		
Copies (black and white)	\$0.20 per each	Res. No. 2009-1
Internet Connection	\$10.00	Res. No. 2009-1
Flipchart and Paper	\$15.00	Res. No. 2009-1
<i>Beverages</i>		
Alcohol	20% increase, Call for quote	Res. No. 2009-1, Res. No. 2023-21
Coffee Service for approx. 30	\$15.00	Res. No. 2009-1
Hot Tea Service for approx. 30	\$15.00	Res. No. 2009-1
Hot Cocoa Service for approx. 30	\$15.00	Res. No. 2009-1, Res. No. 2023-21
Hot Cider Service for approx. 30	\$15.00	Res. No. 2009-1, Res. No. 2023-21
Iced Tea Service for approx. 30	\$15.00	Res. No. 2009-1
Lemonade Service for approx. 30	\$20.00	Res. No. 2009-1, Res. No. 2023-21
Fruit Punch for approx. 30	\$20.00	Res. No. 2009-1, Res. No. 2023-21
Soda Pop assorted	\$2.00 per each	Res. No. 2009-1, Res. No. 2023-21
Bottled Water	\$2.00 per each	Res. No. 2009-1, Res. No. 2023-21
<i>Bars</i>		
Portable Bar with Bartender	\$17.00 per hour	Res. No. 2009-1, Res. No. 2023-21

<i>Catering Fees</i>		
Catering Fee	Full Service - \$3.50 per person	Res. No. 2009-1, Res. No. 2022-14, Res. No. 2023-21
	Buffet Service - \$2.50 per person	
	Drop Off Service - \$1.50 per person	
<i>Room Rentals</i>		
Fee for first 8-hour period, additional fees apply for additional hours.		
Auditorium with Technician	\$726.00	Res. No. 2018-32, Res. No. 2023-21
Commons/Front Lawn	\$264.00	Res. No. 2018-32, Res. No. 2023-21
"Rain or Shine Performance/Event Only" rate, if an inclement weather plan requires inside performance/event, the inside room rate for required space will be charged.		
Center Room	\$275.00	Res. No. 2018-32, Res. No. 2023-21
Courtyard/Patio	\$275.00	Res. No. 2018-32, Res. No. 2023-21
Exhibit Gallery/Lobby	\$275.00	Res. No. 2018-32, Res. No. 2023-21
Full Conference	\$896.00	Res. No. 2018-32, Res. No. 2023-21
North Room	\$412.00	Res. No. 2018-32, Res. No. 2023-21
North to Center	\$687.00	Res. No. 2018-32, Res. No. 2023-21
Ballroom with Full Conference	\$1,182.00	Res. No. 2018-32, Res. No. 2023-21
Ballroom with Lobby	\$891.00	Res. No. 2018-32, Res. No. 2023-21
Ballroom	\$682.00	Res. No. 2018-32, Res. No. 2023-21
South Room	\$275.00	Res. No. 2018-32, Res. No. 2023-21
South to Center	\$577.00	Res. No. 2018-32, Res. No. 2023-21

- (B) *Resident Discount.* For the purposes of subsections (A) and (B) of this section, the term "resident" means a natural person with a permanent, fixed domicile which is intended to be its residence within the City limits of the City of Montrose; or the term "resident" shall also mean any lawful business entity authorized by all applicable provisions of Colorado law, and the City of Montrose Municipal Code and Regulations Manual to do business within the City of Montrose. The discount applicable to residents as defined herein shall be 35 percent.
- (C) *Additional Hours.* Each additional hour after eight hours of scheduled event time shall be surcharged at \$75.00 U.S. Dollars per hour.

Sec. 3-1-3. Fee schedule for water, sewer and trash.

(A) Water Rates and Fees.

Service	Fee				Code Reference
Deposit	\$50.00				MC section 3-5-2(B), Res. No. 2018-32
Maintenance to the City's facilities as a convenience to the customer	\$25.00 minimum fee				MC section 3-5-4(G), Res. No. 2018-32
"REDO" Overlay Zone water distribution tap fee for accessory dwelling units	\$330.75				MC section 3-5-12(A), Res. No. 2018-32, Res. No. 2022-14, Res. No. 2023-21
Water connection fees	Size of tap	Tap fee	Capacity fee	Total Charge	MC section 3-5-12(D), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
	¾"	\$ 873.00	\$2,179.00	\$3,052.00	
	1"	\$1,162.00	\$3,631.00	\$4,793.00	
	1½"	\$1,452.00	\$7,261.00	\$8,713.00	
	2"	\$2,179.00	\$11,617.00	\$13,796.00	
	3"	\$2,904.00	\$21,782.00	\$24,686.00	
	4"	\$3,921.00	\$43,565.00	\$47,486.00	
	6"	\$7,261.00	\$76,962.00	\$84,223.00	
Connection charges per unit or a private fire system	\$ 4,016.40				MC section 3-5-12(E), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
Private water distribution additional unit charge	\$1,016.40				MC section 3-5-12(H), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
Monthly water rates—Residential	Base Charge \$ 20.94 Per 1,000 gallons of usage \$ 4.40				MC section 3-5-13(A), Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
Monthly water rates—Residential—outside	Base Charge \$31.42 Per 1,000 gallons of usage \$ 6.60				Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
Monthly water rates—Nonresidential	Meter Size, Inches	Amount			MC section 3-5-13(B), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
	⅝	\$37.00			
	¾	\$49.00			
	1	\$75.00			
	1 ½	\$140.00			
	2	\$266.00			
	3	\$619.00			
	4	\$963.00			
	Customer type	\$ per 1,000 gallons			
	Nonresidential	\$2.86			
	Water Company	\$4.42			
	Meter Base Charge	\$20.94			
	Per 1,000 gallons	\$4.40			

Private fire system	\$20.00	MC section 3-5-13(C), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
New construction for each separate building Buildings with more than three units shall pay additional	Minimum fee of \$65.00 \$20.00 each additional unit	MC section 3-5-13(E)(1), Res. No. 2018-32, Res. No. 2023-21
Delinquent fee	\$50.00	MC section 3-5-15(G), Res. No. 2018-32
Hydrant meter deposit	\$500.00	MC section 3-5-17(C), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14

(B) *Sanitary Sewer Rates and Fees.*

Service	Fee				Code Reference
Sanitary Sewer connection fees	Tap Fee	Meter Size	Capacity Fee	Total Charge	MC section 3-5-12(G)(1), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
	\$320.00	¾"	\$4,501.00	\$4,821.00	
	\$320.00	¾"	\$6,826.00	\$7,146.00	
	\$320.00	1"	\$11,326.00	\$11,646.00	
	\$320.00	1 ½"	\$22,508.00	\$22,828.00	
	\$320.00	2"	\$36,012.00	\$36,332.00	
	\$320.00	3"	\$67,524.00	\$67,844.00	
	\$320.00	4"	\$135,048.00	\$135,368.00	
	\$320.00	6"	\$281,422.00	\$281,742.00	
	\$320.00	8"	\$405,144.00	\$405,464.00	
Sanitary sewer charges per unit	\$3,195				MC section 3-5-12 (G)(2), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
Sanitary sewer monthly charges	Base Charge			Amount	MC section 3-5-20(A), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
	Residential			\$25.86	
	Nonresidential			\$19.51	
	Volume Charge per 1,000 gallons			\$2.48	
	Extra strength charge per 1,000 gallons				
	Rate Code				
	900			\$0.68	
	901			\$0.94	
	902			\$1.30	
	903			\$1.85	
	904			\$2.39	
	905			\$2.77	
	906			\$3.51	
	907			\$4.62	
	908			\$5.93	
	909			\$0.68	
	910			\$2.39	
	920 (\$ per bill)			\$72.65	

E-One Pump Maintenance		\$5.00 per month	Res. No. 2023-21
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(C) *Trash and Recycling Rates and Fees.*

Service	Fee		Code Reference
Rates for Residential customers	Number of 90 gallon containers	Amount for one (1) pickup per week	MC section 3-1-7(A), Res. No. 2018-32, Res. No. 2020-26, Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
	1	\$21.95	
Rates for Commercial/Multi-Family customers	\$0.03 per gallon		MC section 3-1-7(B), Res. No. 2018-32, Res. No. 2020-26, Res. No. 2021-23, Res. No. 2022-14, Res. No. 2023-21
Rates for Misc. Recycling Items	Vehicle Tires	\$4.50 each	Res. No. 2020-26, Res. No. 2022-14
	Large tires	\$9.00 each	
	Monitor/TV with glass screen	\$30.00 each	
	Fluorescent light bulb, intact, any length and CFLs	No cost for City of Montrose residential trash customers. \$1.00/bulb for all others	
Return trip or Additional Pick Up for Trash or Recycle 90 Gallon Can	\$35.00		Res. No. 2020-26

EXHIBIT A

Montrose Fire Protection District Permit and Service Fee Schedule

Effective February 1, 2020

Automatic Fire Suppression Systems

New Installation (13 & 13R)	\$225+\$2.25/Head Includes 4 site visits
New Installation (13D)	\$125+\$2.25/Head Includes 3 site visits
Tenant Finish or Remodel	\$125+\$2.25/Head Includes 3 site visits
Small Project/Remodel	\$100<20 heads Includes 2 site visits
Underground Fire Line	\$200 Includes 3 site visits
Standpipe Systems	\$200/Riser
Additional Required Site Visits:	\$50/visit

Fire Alarm Systems

New Installation (Commercial)	\$200+\$2.25/device Includes 3 site visits
New Installation (Residential)	\$125+\$2.25/device Includes 2 site visits
Tenant Finish or Remodel	\$125+\$2.25/device Includes 2 site visits
Small Project/Remodel	\$100< 5 devices Includes 2 site visits
Additional Required Site Visits:	\$50/visit

Other Extinguishing Systems

Commercial Hood/Duct Suppression Systems	\$200 Includes 2 site visits
Food Vendor Hood Suppression Systems	\$100 Includes 1 site visit
Alt. Suppression Systems (Clean Agent, etc.)	\$225 Includes 2 site visits
Additional Required Site Visits:	\$50/visit

Miscellaneous Permits

Propane Exchange	\$125 Includes 1 site visit
Installation/Removal of Tank (ABST, UGST)	\$150 + \$50/tank after initial
Fireworks Sales	\$125/Stand/Occasion
Fireworks Public Display	\$200/Event
Explosives/Blasting Agents Use	\$200 annual or single blast
Circus/Carnival Permit	\$100
Indoor Pyrotechnics	\$200
Radio Amplification	\$200 Includes 2 site visits
Additional Required Site Visits:	\$50/visit

Miscellaneous Fees

Re-Inspection Fee	\$100
Misc./Special Inspection	\$50
Out of District Inspections	\$50/Hour (includes travel time)
Work performed without permit	Double regular fee
Fire Watch	Current OT Rate (min. 2 hours)
Apparatus Standby & out of district Fire Suppression	Current CRFF Rate+ OT/Staff

Sec. 3-1-1. Fee schedule.

(A) Administrative Fees.

Application Permit/License	Fee	Code Reference
Carnival License	\$250.00 per day	5-1-1(C) MC, Res. No. 2003-13, Ord. No. 1944
Commercial Rafting Permit	\$200.00 per year	9-10-2 MC, Ord. No. 2355, 4/21/2015, Res. No. 2018-32
Commercial Solicitation Permit	\$50.00 permit fee	Ord. No. 2331, 12/3/2013, Res. No. 2018-32
	\$10.00 fee per badge	
	\$50.00 deposit per badge	
False Alarms	First one free each year beginning May 1, then \$45.00 for each false alarm thereafter	5-3-5(D) MC, Res. No. 2007-9, Ord. No. 2153
Firearms/Agricultural Use	\$30.00	6-1-13(B)(5) MC, Res. No. 2018-32 , Ord. No. 1944
Fireworks Display	\$50.00	7-4-6(A) MC, Res. No. 2003-13, Ord. No. 1944
Fireworks Stands	\$50.00	7-4-6(H)(3) MC, Res. No. 2003-13, Ord. No. 1944
Gasfitter's License	\$60.00	4-1-4(A)(3)(a) MC, Res. No. 2018-32 , Ord. No. 1944
	\$60.00 for gasfitter test	
Home Occupation	\$25.00	4-4-23(A)(1) 11-11-3 MC, Res. No. 2003-13, Ord. No. 1944 2626
Mobile Food Vendor Permit		Res. No. 2022-14
Private property only	\$50.00 per year	
City right of way and parks	\$20.00 per month for the months the permit is active	
Private property, city right of way and parks.	\$20.00 per month for the months the permit is active	
Use of electricity in Demoret Park, Centennial Plaza and designated Main Street vending locations.	\$50.00 per year	
Nuisance Abatement	\$50.00 administrative fee plus actual cost of abatement.	6-4-3(E) MC, Res. No. 2018-32 , Ord. No. 1992
Pawnbroker License	\$200.00	5-11-1(B)(1) MC, Res. No. 2007-9, Ord. No. 2153
Pellet Gun Permit	\$25.00	6-1-13(B)(3) MC, Res. No. 2018-32 , Ord. No. 1944
Plumber's License	\$40.00	4-1-4(B)(3)(a) MC, Res. No. 2018-32 , Ord. No. 1944
Records Request	City fees shall equal the maximum allowed under 24-72-205 C.R.S. and as posted on the website of the general assembly.	Res. No. 2014-10, Res. No. 2021-23, Res. No. 2022-14
	In instances where legal review exceeds 15 minutes, a legal review charge may be assessed to partially defray the cost of time in excess of	

	the first quarter hour. The hourly rate will be billed at \$100.00 an hour, in quarter hour increments.	
Returned Check Fee (Dishonored Check Policy)	\$30.00 for each check returned	5-9-3(A)(1) Regs., Res. No. 2003-55, Ord. No. 1992
Sales Tax License	\$35.00	5-15-3(A) MC, Res. No. 2003-13, Res. No. 2018-32 , Ord. No. 1944
	\$15.00 renewal	
	\$10.00 paper filing fee	
Sign Installation (no trespass)	\$25.00 for each sign	6-1-11(A)(2) MC, Res. No. 2007-9, Ord. No. 1992
	\$35.00 for installation	
	\$35.00 for each post	
Special Waste Collection	Non-scheduled residential and commercial collections will be billed the actual costs for time, equipment and landfill fees where applicable.	6-1-4(A) Regs., Res. No. 2007-9, Res. No. 2007-17, Res. No. 2018-32, Ord. No. 1992, Res. No. 2020-26, Res. No. 2022-14
	\$20.00 Freon disposal fee (in addition to any applicable collection fee)	
	\$50.00 for 350-gallon trash container—includes delivery and one empty. \$45.00 for each additional empty.	
	\$25.00 for 90-gallon trash container—includes delivery and one empty. \$25.00 for each additional empty.	
Transient Vendor's License	\$75.00	5-6-2(C) MC, Res. No. 2018-32, Ord. No. 1944
Trash collection and water service "Lock and Leave" fee	\$30.00 to discontinue and reinstate service.	3-1-7(D) MC, Res. No. 2018-32, Ord. No. 2140
Tree Trimming License	\$50.00	3-4-9(C) Regs. 9-3-2(B) MC, Res. No. 2009-1, Ord. No. 1974
Water & Sewer Service Deposit	\$50.00; interest thereon is earned and payable per § 3-5-2(D) of the City of Montrose Municipal Code	3-5-2(B), (D) MC, 3-5-16(G) MC, Ord. No. 2113
Water & Sewer Delinquency Fee	\$50.00	3-5-16(G) MC, Ord. 2113

(B) *Animal Control Fees.*

Application Permit/License	Fee	Code Reference
Dog Variance Application	\$50.00 fee for Home Inspection and database administration.	Res. No. 2018-32
Impound Fee	When reclaiming a pet from the Animal Shelter on the same day that it was impounded for running at large, the fee will be \$20.00 if the pet was vaccinated by the Shelter. Otherwise, pets reclaimed the same day of impoundment will be free.	3-16-4 Regs., Res. No. 2009-1, Res. No. 2018-32

	Other impounds are a \$20.00 fee plus \$5.00 per day boarding fee for all pets reclaimed after the first day.	
Interagency Fees	Covered under separate agency contracts.	Res. No. 2004-17
Relinquishment Fees for personal pets	\$20.00 Cats (over 1 year of age)	3-16-3(A) Regs., Res. No. 2009-1, Res. No. 2018-32
	\$10.00 Kitten (under 1 year of age)	
	\$35.00 Dogs (over 1 year of age)	
	\$25.00 Puppy (under 1 year of age)	
Pet Dog and Cat Adoption Fees		
Dogs 8 weeks to 1 year of age	\$100.00 per dog adopted	3-16-1 Regs., Res. No. 2018-32
Dogs over 1 year of age	\$75.00 per dog adopted	3-16-1 Regs., Res. No. 2018-32
Cats 8 weeks to 1 year of age	\$50.00 per cat adopted	3-16-1 Regs., Res. No. 2009-1
Cats over 1 year of age	\$30.00 per cat adopted	3-16-2 Regs., Res. No. 2006-8

(C) Cemetery Fees.

Application Permit/License	Fee	Code Reference
Cemetery	\$600.00 lot sale *40 percent of lot cost is perpetual care	3-3-4 Regs. 3-3-5, 3-3-6, Res. No. 2003-35, Res. No. 2018-32, Ord. No. 1974, Res. No. 2019-28, Res. No. 2022-14
	\$650.00 open/close	
	\$200.00 open/close for cremains	
	\$300.00 open/close for two sets of cremains, simultaneous, same lot	
	\$175.00 additional fee for full burial Saturdays or weekdays after 4:00 p.m.	
	\$100.00 additional fee for burial of cremains on Saturday or weekdays after 4:00 p.m.	
	\$2,000.00 disinterment	
	\$500.00 disinterment of cremains	
Columbarium	\$350.00 niche space	3-3-8(A)(H) Regs., Res. No. 2004-17, Res. No. 2018-32, Res. No. 2021-23
	Niche Plate—actual cost (\$325.00—\$375.00)	
	Date Scroll—actual cost (\$105.00—\$125.00)	
	\$100.00 each open/close including disinterment	
	\$100.00 additional fee for Saturdays or weekdays after 4:00 p.m.	

(D) Land Use Fees.

Application Permit/License	Fee	Code Reference
Administrative Planned Development	\$100.00	11-7-8(D) MC, Ord. No. 2626
Administrative Review Hearing	\$50.00	4-7-11(A) 11-5-7 MC, Res. No. 2004-15, Ord. No. 2626 1999
Amended Plat	\$200.00	4-7-10 MC, Res. No. 2020-26
Amended Preliminary Plat	\$200.00	4-7-10 MC, Res. No. 2020-26
Annexations	\$900.00	C.R.S., 11-4-10 MC, Res. No. 2005-60, Ord. No. 2626 1940
Big Box Retail	\$1,000.00	4-1-16(E)(3) MC, Res. No. 2003-3, Ord. No. 1490
Boundary/Lot Line Adjustment	\$100.00	Res. No. 2005-60, Ord. No. 1940
Change in Non-Conforming Use	\$100.00	4-4-29(I) MC, Res. No. 2005-60, Ord. No. 1940
Conditional Use Permit	\$300.00	4-4-29(I) 11-7-6(B) MC, Res. No. 2003-3, Ord. No. 2626 1940
De Novo Hearing (Review Hearing Before City Council)	\$100.00	4-4-29(I) 11-6-4(A) MC, Res. No. 2007-9, Ord. No. 2626 1999
Development Permit for Flood Plain	No fee	4-2-2(B) MC, Res. No. 2004-15
Fence Permit	\$10.00	4-4-21(A)(1) 11-8-6 MC, Ord. No. 2366, Res. No. 2019-28, Ord. No. 2626
Floodplain Development Permit	No Fee	11-6-3 MC, Res. No. 2004-15, Ord. No. 2626
Final Plat	\$300.00	4-7-5(C)1(c) MC, Res. No. 2003-3, 2004-25, Ord. No. 2005
Historic Preservation	Historic Property Designation—No fee	4-15-4 4-15-7 MC, Ord. No. 2451 Res. No. 2019-28, Ord. No. 2626
	Historic Property Alteration—No fee	
	Historic Property Relocation—No fee	
	Historic Structure Demolition—No fee	
Large Retail Site Development	\$1,000.00	4-1-16(E)(3) 11-8-9 MC, Res. No. 2009-1, Ord. No. 2005
Major Subdivision (Including Major Subdivision Amendments)	Sketch Plan - \$300.00	11-5-2 & 11-5-4 MC, Res. No. 2003-3, 2004-25, Ord. 2626
	Preliminary Plat - \$300.00	11-5-2 & 11-5-4 MC, Res. No. 2003-3, 2004-25, Ord. 2626
	Final Plat - \$300.00	11-5-2 & 11-5-4 MC, Res. No. 2003-3, 2004-25, Ord. 2626
Minor Subdivision Plat Filing	\$200.00 \$150.00	4-7-9(B) 11-5-3 MC, Res. No. 2003-3, 2004-25, Ord. No. 2005 , Res. No. 2020-26, Ord. No. 2626
Mobile Home Park Permit	\$300.00	4-12-5(E) 11-13-4 MC, Res. No. 2004-15, Ord. No. 1999 2626
Mobile Home Set Up Permit	\$30.00	4-12-11(A) 11-13-2 MC, Res. No. 2004-15, Ord. No. 1999 2626

Planned Development (Includes all steps of the process including Sketch Plan, Preliminary Plat/Plat, & Final Plan/Plat)	\$100.00	4-4-29(B) 11-7-8 MC, Res. No. 2005-60, Ord. No. 26261940
Preliminary Plat	\$300.00 plus \$50.00 per acre for all acreage platted, rounded to the nearest half-acre, and subject to a maximum of \$5,000.00, shall be submitted upon filing of the Preliminary Plat. The \$50.00 per acre fee shall not apply to acreage reserved for future development in another filing.	4-7-5(B)(1) MC, Res. No. 2003-3, 2004-25, Ord. No. 2005
REDO Overlay Zone Administrative Review	\$50.00	11-7-9 MC, Res. No. 2008-31, Ord. No. 22002626
Review Hearing before City Council	\$50.00	4-7-11(A) MC, Res. No. 2004-15, Ord. No. 1999
Revised Preliminary Plat	\$200.00	Res. No. 2003-3, Res. No. 2004-25, Res. No. 2005-60, Ord. No. 1940, Ord. No. 2005
Revocable Right-of-Way Encroachment	\$50.00	3-5-4(D) Regs., Res. No. 2009-1, Ord. No. 1974, Res. No. 2020-26
Rezone	\$300.00	4-4-29(I) 11-7-12(A) MC, Res. No. 2003-3, Ord. No. 19402626
Sketch Plan	\$300.00	4-7-5(A)(4) MC, Res. No. 2003-3, 2004-25, Ord. No. 2005
Sign Permit, Real Estate and Construction: for real estate and construction signs over six square feet (6 ft ²) in size	\$15.00 per sign	4-4-25(C) MC, Res. No. 2008-2, Ord. No. 2472
Sign Permit—Primary	Primary Sign - \$30.00 per sign Secondary Sign - \$15.00 per sign	4-4-22(C)(1) 11-10-4 – 11-10-6 MC, Res. No. 2008-2, Ord. No. 21792626
Sign Permit—Secondary	\$15.00 per sign	4-4-22(C)(1) MC, Res. No. 2008-2, Ord. No. 2179
Site Development	\$100.00	4-1-12(B) 11-8-1 MC, Res. No. 2004-15, Ord. No. 19992626
Street Excavation Permit		9-7-7 MC, Res. No. 2004-15, Res. No. 2007-17, Res. No. 2018-32, Ord. No. 1999, Res. No. 2022-14
Application deposit	\$200.00	
Excavation inspection fee	\$70.00 / 500 Sq. Ft., \$70 minimum	
Boring inspection fee	\$0.40 / LF, \$50.00 minimum	
Utility locate potholing fee	\$25.00 per pothole	
Surface impact fee *boring exempt	\$ _____	
Surface Type x Cost/Sq. Ft.		
	*Asphalt	\$3.25
	Concrete	\$3.75
	Gravel/Road Base	\$0.45
	Earth	\$0.25

	*Impact fee will be tripled if pavement is less than 5 years old	
Street Name Change	\$100.00	3-21-1(A)(1) Regs., Res. No. 2004-20
Temporary Location or Occupancy of Travel Home	\$50.00	4-12-4(A) MC, Res. No. 2004-15, Ord. No. 1999
Telecommunication Tower Siting (And Antenna Replacement)	\$150.00	11-14-3(A) MC, Res. No. 2004-15, Ord. No. 2626
Temporary Permit for Structure	\$50.00	4-1-3(N)(3)(g) 4-1-3(A)(10) MC, Res. No. 2004-15, Ord. No. 1999 2628
Temporary Use Permit for Premises	Permit process is pending. No fee	4-4-23(G) 11-7-6(E) MC, Res. No. 2004-15, Ord. No. 2626
Third Primary Sign	\$25.00	4-4-22 (C)(1) MC, Res. No. 2003-3, Ord. No. 1940
Tower Siting	\$150.00	4-4-23(J)(5)(vii), Res. No. 2004-15, Ord. No. 1999
Travel Home Park Permit (RV Park)	\$300.00	4-12-7(E) 11-13-8 MC, Res. No. 2004-15, Ord. No. 1999 2626
Travel Home Set Up Permit	\$50.00	11-13-7 MC, Res. No. 2004-15, Ord. 2626
Variance	\$100.00	4-4-29(H) 11-7-13 MC, Res. No. 2003-3, Ord. No. 1940 & 1999 2626

(E) *Liquor Fees.*

Application Permit/License	Fee	Code Reference
Liquor Licensing	City fees shall equal the maximum fee allowed by Colorado State Statute or regulation, as amended from time to time.	5-12-1(C) MC, Res. No. 2007-15, Ord. No. 1944

(F) *Parks/Private Use of Public Property.*

Application Permit/License	Fee	Code Reference
Alcohol Consumption Permit	\$50.00 \$100.00 deposit	3-6-2(D) Regs., Res. No. 2003-35, Ord. No. 1974
Special Events Alcohol Permit in conjunction with an Events Use 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.	3-6-1(G)(2) Regs., Res. No. 2018-32 , Ord. No. 1974
Entertainment Permit	No Fee	3-5-7 Regs, Res. No. 2005-32, Res. No. 2019-28
Events Use Permit	\$100.00 Events Use Permit Fee For all facilities/venues, including street closures and parades.	3-6-1(C) Regs., Res. No. 2012-11, Res. No. 2018-32 , Ord. No. 1974
	\$100.00 deposit required for all events	
	Certificate of insurance required.	

	Additional fees are required if alcohol permits are issued.	
Insurance Certificate	Actual cost of insurance certificate through the City's insurance provider, added to permit fee.	3-6-1(E) Regs., Res. No. 2003-55, Ord. No. 1992
Lion's Community Building	\$25.00 w/o kitchen for five hours, \$5.00 per hour thereafter \$40.00 w/ kitchen for five hours, \$5.00 per hour thereafter \$100.00 deposit required	3-6-5(P)(4) Regs., Res. No. 2003-35, Ord. No. 1974
Main Street Closure Permit	\$250.00 permit fee, maximum of ten hours. City Council may approve additional hours for additional fees. \$100.00 deposit required. Surety bond and/or insurance certificate required.	Res. No. 2010-41, Res. No. 2018-32
Memorial Bench	\$2,000.00 downtown and park locations, includes bench, plaque, and installation	Res. No. 2019-28, Res. No. 2020-26, Res. No. 2021-23
Montrose Rotary Amphitheater		Res. No. 2021-23, Res. No. 2023-21
Stage Only	\$100.00/24 hr. booking window	
Stage, Wings and Backstage Area	\$500.00 \$600.00 /24 hr. booking window	
Full Facility Including Vendor Area	\$1,000.00 \$1,200.00 /24 hr. booking window	
Deposit	50% of total rental fees	
Overhead Main Street Banner Installation	\$200.00 for one banner \$380.00 for two banners	Res. No. 2019-28, Res. No. 2021-23
Park Shelter Reservation	\$25.00 per day (includes electricity)	3-6-2(C) Regs., Res. No. 2018-32, Ord. No. 1974, Res. No. 2021-23
Parks Use Permit (for private use for areas excluding the shelters)	No fee	3-6-2 Regs., Res. No. 2003-35, Ord. No. 1974
Right-of-Way Use Permit	No Fee	3-5-3 Regs., Res. No. 2019-28
Stage Rental	\$50.00 for stage without canopy.	Res. No. 2018-32
	\$100.00 for stage with canopy.	
	\$100.00 deposit required.	
Street Closure	\$100.00 \$100.00 deposit. Insurance certificate required	3-5-2(C) Regs., Res. No. 2003-35, Res. No. 2018-32, Ord. No. 1974
Tree Legacy Program Plaque	Actual Cost (\$270.00-\$350.00)	Res. No. 2021-23

(G) Police Department Administrative Fees.

Application Permit/License	Fee	Code Reference
Administrative Fees—Copies	\$10.00 for each police report	3-20-1 Regs. 3-20-2, Res. No. 2009-1, Ord. No. 1992, Res. No. 2021-23
	\$10.00 for each criminal history report	
	\$0.25 per page for hard copies of documents	

Administrative Fees—Impound Fees	\$4.00 per day for vehicles impounded in the City lot	3-20-4 Regs., Res. No. 2003-55, Ord. 1992
Administrative Fees—Sex Offender Registration	\$40.00 initial registration fee \$20.00 annual registration fee	3-20-5 Regs., Res. No. 2004-39
Administrative Fees—Staff Time (Research, Redaction, etc.)	\$10.00 per hour for first hour \$30.00 per hour after the first hour	Res. No. 2021-23
Administrative Fees—Specialized document production or specialized skills required to fully comply with request (Public Safety Attorney, Special SW/HW, System Admin, Crime Analyst etc.)	\$30.00 per hour Fees for legal review as noted in Section 3-1-1 (A) Records Requests may apply.	Res. No. 2021-23
Administrative Fees—Towing	Varies based on City contract	3-20-4 Regs., Res. No. 2009-1, Ord. No. 1992, 3-20-3 Regs., Res. No. 2003-55, Ord. No. 1992
Administrative Fees—VIN Inspections	\$10.00 VIN Inspection, at Police Dept.	
	\$15.00 VIN Inspection at residence within City Limits set by C.R.S. Certified VIN Inspection	

(H) *Building Code Fees.*

Application Permit/License	Fee		Code Reference
Building Permit Fees	Total Valuation	Fee	4-1-2(D) MC Res. No. 2005-45 Ord. No. 2069 Res. No. 2018-32
	\$1.00 to \$500.00	\$23.50	
	\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000.00	
	\$2001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00	
	\$25,001.00 to \$50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1000.00, or fraction thereof, to and including \$50,000.00	
	\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1000.00, or fraction thereof, to and including \$100,000.00	
	\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00	
	\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00	
	\$1,000,000.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof	

Plan Review Fees	Commercial—65 percent of building permit fee	4-1-2(D) MC Res. No. 2005-45 Ord. No. 2069 Res. No. 2018-32
	Residential—50 percent of building permit fee	
Investigation Fees: Work without a permit	Equal to building permit fee	4-1-2(D) MC Res. 2005-45 Ord. No. 2069 Res. No. 2018-32
Plumbing Permit Fees	Residential—\$50.00	4-1-2(D) MC Res. No. 2005-45 Ord. No. 2069 Res. No. 2018-32
	Commercial—\$100.00	
Gas Permit Fees	Residential—\$50.00	4-1-2(D) MC Res. No. 2005-45 Ord. No. 2069 Res. No. 2018-32
	Commercial—\$100.00	
Mechanical Permit Fee	\$50.00	
Solar Permit Fee	\$50.00	
Re-Roof Permit Fee	\$50.00	
Demolition Permit Fee	\$50.00	
	*Fire Protection District Fees are included in Exhibit A	

(I) *Municipal Court Fees.*

Service	Fee	Code Reference
Court Costs	\$25.00 Court Costs will be assessed in each case following a conviction except in those cases in which a written waiver and guilty plea is entered and a fine paid at the Office of the Court Clerk or on CitePay USA	Res. No. 2022-14
Useful Public Service Fee	A \$100.00 Useful Public Service Fee shall be assessed in each case in which Useful Public Service is ordered	Res. No. 2022-14
Bench Warrant Fee	A \$30.00 Bench Warrant Fee shall be assessed in each case in which a bench warrant is issued.	Res. No. 2022-14
Teen Court Fee	A \$100.00 fee shall be assessed in all Teen Court cases	Res. No. 2022-14
Bad Check Fee	A \$25.00 bad check fee shall be assessed for all checks returned for insufficient funds or written on a closed account.	Res. No. 2022-14

The foregoing fees are in addition to any fees imposed by statute and may be waived by the Court for good cause or the indigency of the defendant.

Sec. 3-1-2. Pavilion fee schedule.

(A) *Pavilion Fee Schedule.*

Service	Fee	Code Reference
<i>AV Equipment</i>		
CD Player	\$12.00 No charge	Res. No. 2009-1
Full Sound System	\$375.00 \$400.00	Res. No. 2009-1
Small Sound System (8 ch)	\$62.00 \$90.00	Res. No. 2009-1
Cordless Microphone Receiver	\$10.00 \$15.00	Res. No. 2009-1
DVD Player	\$18.00 No charge	Res. No. 2009-1
Phone Connection	\$125.00 each	Res. No. 2009-1
Electric Plug Connections	\$5.00 each No Charge	Res. No. 2009-1
Laser Pointer	\$5.00 No Charge	Res. No. 2009-1
Audio Recording of Concerts (auditorium only)	\$45.00	Res. No. 2009-1
<i>Furniture</i>		
Marley Dance Floor (auditorium only)	\$200.00 \$250.00	Res. No. 2009-1
Pitt Cover Removal	\$250.00 \$1,200.00	Res. No. 2009-1
Podium with Wired Microphone	\$10.00 \$15.00	Res. No. 2009-1
Portable Bar	\$50.00	Res. No. 2009-1
Portable Dance Floor	\$100.00 \$125.00	Res. No. 2009-1
Portable Stage	\$15.00	Res. No. 2009-1
Pipe and Drape Section (8' x 9'5")	\$20.00	Res. No. 2009-1, Res. No. 2022-14
Screen 12 x 12	\$20.00	Res. No. 2009-1
Chairs	No charge	Res. No. 2009-1
Tables	No charge	Res. No. 2009-1
Use of Pianos	Tuning fee plus 50%	Res. No. 2009-1
<i>Linens</i>		
Napkins	\$1.00 per each	Res. No. 2009-1, Res. No. 2021-23
Tablecloth	\$10.00 per each	Res. No. 2009-1, Res. No. 2021-23
<i>Administrative Services</i>		
Copies (black and white)	\$0.20 per each	Res. No. 2009-1
Internet Connection	\$10.00	Res. No. 2009-1
Flipchart and Paper	\$15.00	Res. No. 2009-1
<i>Beverages</i>		
Alcohol	15% 20% increase, Call for quote	Res. No. 2009-1
Coffee Service for approx. 30	\$15.00	Res. No. 2009-1
Hot Tea Service for approx. 30	\$15.00	Res. No. 2009-1
Hot Cocoa Service for approx. 30	\$1.00 \$15.00	Res. No. 2009-1
Hot Cider Service for approx. 30	\$1.00 \$15.00	Res. No. 2009-1
Iced Tea Service for approx. 30	\$15.00	Res. No. 2009-1
Lemonade Service for approx. 30	\$18.75 \$20.00	Res. No. 2009-1
Fruit Punch for approx. 30	\$18.75 \$20.00	Res. No. 2009-1
Soda Pop assorted	\$1.00 \$2.00 per each	Res. No. 2009-1
Bottled Water	\$1.00 \$2.00 per each	Res. No. 2009-1
<i>Bars</i>		
Portable Bar (Soda Fountains)	\$50.00 (no longer available)	Res. No. 2009-1
Portable Bar with Bartender	\$12.65 \$17.00 per hour	Res. No. 2009-1
<i>Food Service</i>		

Sweet Rolls	\$1.75 (no longer available)	Res. No. 2009-1
Cookies	\$18.75 per dozen (no longer available)	Res. No. 2009-1
<i>Catering Fees</i>		
Catering Fee	Full Service - \$3.00 \$3.50 per person	Res. No. 2009-1, Res. No. 2022-14
	Buffet Service - \$2.00 \$2.50 per person	
	Drop Off Service - \$1.00 \$1.50 per person	
<i>Room Rentals</i>		
Fee for first 8-hour period, additional fees apply for additional hours.		
Auditorium with Technician	\$660.00 \$726.00	Res. No. 2018-32
Auditorium Rehearsal (non-event day)	\$60.00	Res. No. 2018-32
Commons/Front Lawn	\$240.00 \$264.00	Res. No. 2018-32
"Rain or Shine Performance/Event Only" rate, if an inclement weather plan requires inside performance/event, the inside room rate for required space will be charged.		
Center Room	\$250.00 \$275.00	Res. No. 2018-32
Courtyard/Patio	\$250.00 \$275.00	Res. No. 2018-32
Exhibit Gallery/Lobby	\$250.00 \$275.00	Res. No. 2018-32
Full Conference	\$815.00 \$896.00	Res. No. 2018-32
North Room	\$375.00 \$412.00	Res. No. 2018-32
North to Center	\$625.00 \$687.00	Res. No. 2018-32
Ballroom with Full Conference	\$1,075.00 \$1,182.00	Res. No. 2018-32
Ballroom with Lobby	\$810.00 \$891.00	Res. No. 2018-32
Ballroom	\$620.00 \$682.00	Res. No. 2018-32
South Room	\$250.00 \$275.00	Res. No. 2018-32
South to Center	\$525.00 \$577.00	Res. No. 2018-32
Founders Room	\$220.00	Res. No. 2018-32
Load In/Load Out/Rehearsals/Set-up—Non-Event Day	\$50.00	Res. No. 2009-1

- (B) *Resident Discount.* For the purposes of subsections (A) and (B) of this section, the term "resident" means a natural person with a permanent, fixed domicile which is intended to be its residence within the City limits of the City of Montrose; or the term "resident" shall also mean any lawful business entity authorized by all applicable provisions of Colorado law, and the City of Montrose Municipal Code and Regulations Manual to do business within the City of Montrose. The discount applicable to residents as defined herein shall be 35 percent.
- (C) *Additional Hours.* Each additional hour after eight hours of scheduled event time shall be surcharged at ~~\$50.00~~ \$75.00 U.S. Dollars per hour.

Sec. 3-1-3. Fee schedule for water, sewer and trash.

(A) Water Rates and Fees.

Service	Fee				Code Reference
Deposit	\$50.00				MC section 3-5-2(B), Res. No. 2018-32
Maintenance to the City's facilities as a convenience to the customer	\$25.00 minimum fee				MC section 3-5-4(G), Res. No. 2018-32
"REDO" Overlay Zone water distribution tap fee for accessory dwelling units	\$315.00 <u>\$330.75</u>				MC section 3-5-12(A), Res. No. 2018-32, Res. No. 2022-14
Water connection fees	Size of tap	Tap fee	Capacity fee	Total Charge	MC section 3-5-12(D), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14
	¾"	\$831.00 <u>873</u>	\$2,075.00 <u>2,179</u>	\$2,906.00 <u>3,052</u>	
	1"	\$1,107.00 <u>1,162</u>	\$3,458.00 <u>3,631</u>	\$4,565.00 <u>4,793</u>	
	1½"	\$1,383.00 <u>1,452</u>	\$6,915.00 <u>7,261</u>	\$8,298.00 <u>8,713</u>	
	2"	\$2,075.00 <u>2,179</u>	\$11,064.00 <u>11,617</u>	\$13,139.00 <u>13,796</u>	
	3"	\$2,766.00 <u>2,904</u>	\$20,745.00 <u>21,782</u>	\$23,511.00 <u>24,686</u>	
	4"	\$3,734.00 <u>3,921</u>	\$41,490.00 <u>43,565</u>	\$45,224.00 <u>47,486</u>	
	6"	\$6,915.00 <u>7,261</u>	\$73,297.00 <u>76,962</u>	\$80,212.00 <u>84,223</u>	
Connection charges per unit or a private fire system	\$968.00 <u>4,016.40</u>				MC section 3-5-12(E), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14
Private water distribution additional unit charge	\$968.00 <u>1,016.40</u>				MC section 3-5-12(H), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14
Monthly water rates—Residential	Base Charge \$19.94 <u>20.94</u> Per 1,000 gallons of usage \$3.71 <u>4.40</u>				MC section 3-5-13(A), Res. No. 2021-23, Res. No. 2022-14
Monthly water rates—Residential—outside	Base Charge \$29.92 <u>31.42</u> Per 1,000 gallons of usage \$5.50 <u>6.60</u> <u>27</u>				Res. No. 2021-23, Res. No. 2022-14
Monthly water rates—Nonresidential	Meter Size, Inches	Amount			MC section 3-5-13(B), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14
	⅝	\$35.29 <u>37.00</u>			
	¾	\$46.40 <u>49.00</u>			
	1	\$71.68 <u>75.00</u>			
	1 ½	\$133.37 <u>140.00</u>			
	2	\$253.05 <u>266.00</u>			
	3	\$589.83 <u>619.00</u>			
	4	\$916.73 <u>963.00</u>			
Customer type		\$ per 1,000 gallons			

	Nonresidential	\$2.25 <u>2.86</u>	
	Water Company	\$3.744 <u>.42</u>	
	Meter Base Charge	\$19.94 <u>20.94</u>	
	Per 1,000 gallons	\$3.714 <u>.40</u>	
Private fire system	\$16.80 <u>\$20.00</u>		MC section 3-5-13(C), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14
New construction for each separate building Buildings with more than three units shall pay additional	Minimum fee of \$60.00 <u>\$65.00</u>		MC section 3-5-13(E)(1), Res. No. 2018-32
	\$20.00 each additional unit		
Delinquent fee	\$50.00		MC section 3-5-15(G), Res. No. 2018-32
Hydrant meter deposit	\$500.00		MC section 3-5-17(C), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14

(B) Sanitary Sewer Rates and Fees.

Service	Fee				Code Reference
Sanitary Sewer connection fees	Tap Fee	Meter Size	Capacity Fee	Total Charge	MC section 3-5-12(G)(1), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14
	\$305.00 <u>320</u>	5/8"	\$4,287.00 <u>4,501</u>	\$4,592.00 <u>4,821</u>	
	\$305.00 <u>320</u>	3/4"	\$6,501.00 <u>6,826</u>	\$6,806.00 <u>7,146</u>	
	\$305.00 <u>320</u>	1"	\$10,787.00 <u>11,326</u>	\$11,092.00 <u>11,646</u>	
	\$305.00 <u>320</u>	1 1/2"	\$21,436.00 <u>22,508</u>	\$21,741.00 <u>22,828</u>	
	\$305.00 <u>320</u>	2"	\$34,297.00 <u>36,012</u>	\$34,602.00 <u>36,332</u>	
	\$305.00 <u>320</u>	3"	\$64,309.00 <u>67,524</u>	\$64,614.00 <u>67,844</u>	
	\$305.00 <u>320</u>	4"	\$128,617.00 <u>135,048</u>	\$128,922.00 <u>135,368</u>	
	\$305.00 <u>320</u>	6"	\$268,021.00 <u>281,422</u>	\$268,326.00 <u>281,742</u>	
Sanitary sewer charges per unit	\$3,043.00 <u>3,195</u>				MC section 3-5-12 (G)(2), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14
Sanitary sewer monthly charges	Base Charge			Amount	MC section 3-5-20(A), Res. No. 2018-32, Res. No. 2021-23, Res. No. 2022-14
	Residential			\$24.63 <u>25.86</u>	
	Nonresidential			\$18.58 <u>19.51</u>	
	Volume Charge per 1,000 gallons			\$2.36 <u>2.48</u>	
	Extra strength charge per 1,000 gallons				
	Rate Code				
	900			\$0.65 <u>68</u>	

	901	\$0. 89 94	
	902	\$ 1.24 1.30	
	903	\$ 1.76 1.85	
	904	\$ 2.28 2.39	
	905	\$ 2.64 2.77	
	906	\$ 3.34 3.51	
	907	\$ 4.40 4.62	
	908	\$ 5.65 5.93	
	909	\$0. 65 68	
	910	\$ 2.28 2.39	
	920 (\$ per bill)	\$ 69.20 72.65	
E-One Pump Maintenance		\$5.00 per month	

(C) *Trash and Recycling Rates and Fees.*

Service	Fee		Code Reference
Rates for Residential customers	Number of 90 gallon containers	Amount for one (1) pickup per week	MC section 3-1-7(A), Res. No. 2018-32, Res. No. 2020-26, Res. No. 2021-23, Res. No. 2022-14
	1	\$ 18.30 21.95	
Rates for Commercial/Multi-Family customers	\$0.0 28 3 per gallon		MC section 3-1-7(B), Res. No. 2018-32, Res. No. 2020-26, Res. No. 2021-23, Res. No. 2022-14
Rates for Misc. Recycling Items	Vehicle Tires	\$4.50 each	Res. No. 2020-26, Res. No. 2022-14
	Large tires	\$9.00 each	
	Monitor/TV with glass screen	\$30.00 each	
	Fluorescent light bulb, intact, any length and CFLs	No cost for City of Montrose residential trash customers. \$1.00/bulb for all others	
Return trip or Additional Pick Up for Trash or Recycle 90 Gallon Can	\$35.00		Res. No. 2020-26

EXHIBIT A

Montrose Fire Protection District Permit and Service Fee Schedule

Effective February 1, 2020

Automatic Fire Suppression Systems

New Installation (13 & 13R)	\$225+\$2.25/Head Includes 4 site visits
New Installation (13D)	\$125+\$2.25/Head Includes 3 site visits
Tenant Finish or Remodel	\$125+\$2.25/Head Includes 3 site visits
Small Project/Remodel	\$100<20 heads Includes 2 site visits
Underground Fire Line	\$200 Includes 3 site visits
Standpipe Systems	\$200/Riser
Additional Required Site Visits:	\$50/visit

Fire Alarm Systems

New Installation (Commercial)	\$200+\$2.25/device Includes 3 site visits
New Installation (Residential)	\$125+\$2.25/device Includes 2 site visits
Tenant Finish or Remodel	\$125+\$2.25/device Includes 2 site visits
Small Project/Remodel	\$100< 5 devices Includes 2 site visits
Additional Required Site Visits:	\$50/visit

Other Extinguishing Systems

Commercial Hood/Duct Suppression Systems	\$200 Includes 2 site visits
Food Vendor Hood Suppression Systems	\$100 Includes 1 site visit
Alt. Suppression Systems (Clean Agent, etc.)	\$225 Includes 2 site visits
Additional Required Site Visits:	\$50/visit

Miscellaneous Permits

Propane Exchange	\$125 Includes 1 site visit
Installation/Removal of Tank (ABST, UGST)	\$150 + \$50/tank after initial
Fireworks Sales	\$125/Stand/Occasion
Fireworks Public Display	\$200/Event
Explosives/Blasting Agents Use	\$200 annual or single blast
Circus/Carnival Permit	\$100
Indoor Pyrotechnics	\$200
Radio Amplification	\$200 Includes 2 site visits
Additional Required Site Visits:	\$50/visit

Miscellaneous Fees

Re-Inspection Fee	\$100
Misc./Special Inspection	\$50
Out of District Inspections	\$50/Hour (includes travel time)
Work performed without permit	Double regular fee
Fire Watch	Current OT Rate (min. 2 hours)
Apparatus Standby & out of district Fire Suppression	Current CRFF Rate+ OT/Staff



CITY OF MONTROSE
CITY CLERK

MEMO

DATE: October 17, 2023
TO: City Council
FROM: City Attorney Ben Morris and City Clerk Lisa DelPiccolo
RE: House Bill 23-1245 Regarding Campaign Finance

In response to House Bill 23-1245 which becomes effective January 1, 2024, proposed changes are requested regarding campaign finance requirements for municipal elections. Home rule municipalities can operate under the existing statutes, set their own policies and procedures, or opt to have no requirements.

Adoption of Ordinance 2643 would exempt municipal candidates from contribution limits imposed by the new legislation and would enact the changes outlined below.

- Changes to reporting dates: Required donation and expenditure reports will be due on March 15, March 31, and May 5. If an account remains open, annual reports will be due on May 5.
- Retention of required reports: Reports will be kept for 10 years from the date of filing, and for 6 years after a successful candidate leaves office.
- Establishment of a complaint procedure: A new section would be added to the Municipal Code outlining a complaint procedure and associated penalties.

All other aspects of municipal elections and campaign finance would remain unchanged.



ORDINANCE NO. 2643

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, ADDING NEW SECTIONS 5, 6, AND 7 TO TITLE 1 CHAPTER 9 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO CONCERNING CAMPAIGN FINANCE REGULATIONS FOR CITY OF MONTROSE MUNICIPAL ELECTIONS

WHEREAS, the Official Code of the City of Montrose, Colorado does not contain provisions relating to campaign finance; and

WHEREAS, the Colorado Legislature by and through HB 23-1245, has created new campaign finance laws applicable to Colorado Municipalities, in the absence of local regulations; and

WHEREAS, the City Council finds and declares that local regulations concerning campaign finance funding limits, reporting, and complaints are in the best interest of the public health, safety, and welfare, and will further the City's policy goals of retaining local control over its affairs.

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

Section 1:

A new Section 5 is hereby added to Title 1 Chapter 9 of the Official Code of the City of Montrose, Colorado to read in full as follows:

Sec. 1-9-5. Campaign finance.

- (A) All applicable provisions of the Colorado Constitution, requirements of the Fair Campaign Practices Act, C.R.S. § 1-45-101, *et seq*, and regulations promulgated by the Colorado Secretary of State, 8 CCR 1505-1, 6, all as amended from time-to-time, shall apply to City of Montrose elections, except when the Official Code of the City of Montrose asserts a different requirement, in which case said Code shall control.
- (B) The Complaint procedure set forth herein shall apply to violations and alleged violations of the aforementioned laws and regulations, including those set forth within the Official Code of the City of Montrose, as they pertain to City of Montrose municipal elections.
- (C) Public disclosure of campaign finance-related activities: all candidates, committees, and any other person or entity required by law to report campaign finance-related activities shall file public disclosure statements, on forms provided by and acceptable to the City Clerk, as follows:

- (1) The first filing is due on March 15th of the year in which the election is to be held.
 - (2) The second filing is due March 31st of the year in which the election is to be held.
 - (3) The third filing is due on May 5th of the year in which the election is to be held.
 - (4) Deadlines which fall on a weekend or City-observed holiday shall default to the next business day.
 - (5) The City Clerk shall post a schedule of similar deadlines in advance for special elections.
- (D) Post-election activity: after a municipal election, all committees, and any other person or entity required by law to report campaign finance-related activities with a checking account containing campaign-related funds shall either:
- (1) Close the checking account and file a termination report on forms acceptable to the City Clerk; or
 - (2) If the account remains open, file an account report on forms acceptable to the City Clerk annually on or before May 5th.
- (E) No funding limits are provided for City Council candidates, committees, and any other person or entity required by law to report campaign finance-related activities.
- (F) The City Manager, by and through the City Clerk, shall develop and administer the use of all forms required by this Chapter.
- (1) The City Clerk may reject any filing for failure to use the proper form, or for failure to properly complete such form, or otherwise cooperate with the administration of these provisions.

Section 2:

A new Section 6 is hereby added to Title 1 Chapter 9 of the Official Code of the City of Montrose, Colorado to read in full as follows:

Sec. 1-9-6. Complaint procedure pertaining to campaign finance.

- (A) Any elector for City of Montrose municipal elections who believes that a violation of this Chapter by any candidate, committee, or any other person or entity required by law to report campaign finance-related activities has occurred in a City election may file a written complaint with the City Clerk in conformance with subsection (B) below. A written complaint shall be filed with the City Clerk no later than thirty (30) days after such elector knew or should have known, by the exercise of reasonable diligence, of the alleged violation. This § 1-9-6 shall apply to violations arising out of a municipal campaign finance matter, which refers to any matter exclusively related to a municipal campaign, including

matters involving a candidate for a municipal office; a municipal ballot issue or ballot question; and contributions or expenditures made by any person, committee, or group to support or oppose any candidate for municipal office, or municipal ballot issue or ballot question.

- (B) Written complaints shall be filed on a form provided by the City Clerk and shall include the following:
 - (1) The name, address, e-mail address, telephone number, and signature of the complainant (and, if complainant is represented by legal counsel, legal counsel's name, address, e-mail address, telephone number, and signature); and
 - (2) The name and, if known, the telephone number and address of the person alleged to have committed a violation (the "respondent"); and
 - (3) The particulars of the violation and any available documentation or evidence supporting the allegation.
- (C) If an incomplete complaint is received, the date on which the originally filed complaint was received is considered the filed date if a complete copy is received within three (3) business days of notification from the City Clerk that the complaint was incomplete.
- (D) Initial Review. The City Clerk shall review the complaint within ten (10) business days of receipt and within such timeframe shall take one (1) or more of the following actions:
 - (1) The City Clerk shall dismiss a complaint if the City Clerk determines, upon consultation with the City Attorney, that the complaint:
 - (a) Was not timely filed under § 1-9-6 (A); or
 - (b) Has not identified one or more specific violations of this Chapter pertaining to a municipal campaign finance matter, or any policies or regulations promulgated by the City concerning municipal campaign finance matters; or
 - (c) Does not allege specific facts or provide information sufficient to support a legal and factual basis for the complaint.
 - (2) In the case of dismissal, the City Clerk shall notify the complainant and respondent of the reasons for dismissal in writing. The City Clerk's dismissal is a final decision, and subject to review under Rule 106 of the Colorado Rules of Civil Procedure.
 - (3) If the City Clerk determines that the complaint alleges one (1) or more curable violations, the City Clerk will notify the respondent and provide an opportunity to cure in accordance with Subsection (E).
 - (4) If the City Clerk determines that the complaint alleges one (1) or more violations, asserts facts, or provides information sufficient to support the alleged violations but

that may require additional factual finding(s) or legal interpretation, and that the asserted violations may not be curable as described in Subsection (E), the City Clerk will take the actions set forth in Subsection (F).

(E) Curing violations.

- (1) Upon the City Clerk's determination that a complaint alleges a failure to file or otherwise disclose required information, or other curable violation, the City Clerk will notify the respondent by e-mail, or by registered mail or certified mail, return receipt requested, if e-mail is unavailable, of the curable deficiencies alleged in the complaint.
- (2) Respondent shall have ten (10) business days from the date the notice is mailed to cure any deficiencies specified in the notice.
- (3) The City Clerk may ask the respondent to provide additional information and may grant extension(s) of time upon written request by the respondent.
- (4) After the period for cure, the City Clerk will determine, within five (5) business days, whether the respondent cured the violation(s), and if so, whether the respondent substantially complied with respondent's legal obligations under this Chapter pertaining to municipal campaign finance matters ("legal requirements").
 - (a) If the City Clerk determines that the respondent substantially complied with the legal requirements, the City Clerk will dismiss the complaint.
 - (b) If the City Clerk determines that the respondent did not substantially comply with the legal requirements, the City Clerk will take action as set forth in Subsection (F).
 - (c) The City Clerk's determination under this Subsection (E)(4) is a final decision and subject to review under Rule 106 of the Colorado Rules of Civil Procedure.
- (5) In determining whether respondent "substantially complied" pursuant to this Subsection (E), the City Clerk shall consider:
 - (a) The extent of the noncompliance; and
 - (b) The purpose of the provision violated and whether that purpose was substantially achieved despite the noncompliance; and
 - (c) Whether the noncompliance can properly be viewed as an intentional attempt to mislead the electorate or election officials.

(F) Hearing officer, hearing, and determination.

- (1) When the City Clerk is required to take further action as set forth in Subsections (D)(4) or (E)(4)(b), the City Clerk shall notify the City Manager of the complaint, and the

City Manager, in consultation with the City Clerk and the City Attorney, shall refer the complaint to an independent hearing officer to hear and determine such complaint. Such referral shall occur within ten (10) business days of the City Clerk's determination pursuant to Subsections (D)(4) or (E)(4)(b).

- (2) The hearing officer shall schedule a hearing to be held within fifteen (15) business days of referral of the complaint to the hearing officer.
- (3) The City Clerk shall send notice of the hearing and any applicable rules governing the hearing process to the complainant and to the respondent, who shall also receive a copy of the complaint received by the City Clerk, within two (2) business days of the date of referral of the complaint to the hearing officer. The City Clerk may send notice by e-mail to the address of the complainant shown on the complaint form and to the respondent at the address provided by respondent. If e-mail is unavailable, the City Clerk shall send notice by registered mail or certified mail, return receipt requested.
- (4) Upon the request of either party, the hearing officer may issue an administrative subpoena requiring the attendance of a witness or party in relation to an alleged municipal campaign finance violation, which shall be served on the party to whom it is directed by the requesting party pursuant to Rule 304 of the Colorado Rules of Civil Procedure. It shall be unlawful for a witness or party to fail to comply with such a subpoena, and any person convicted of a violation thereof may be punished in accordance with § 1-2-3 of this Code.
- (5) The hearing officer may grant the respondent a continuance of up to thirty (30) calendar days upon a showing of good cause.
- (6) The hearing shall be electronically audibly recorded. Procedure for such hearing shall be in substantial accordance with § 24-4-105, C.R.S., except when in conflict with the provisions of this Chapter, in which case this Chapter shall control. Additional rules of procedure may be promulgated by the City Manager. At the hearing, complainant shall have the burden of proof to establish that a violation occurred under a preponderance of the evidence standard. Respondent and complainant may present evidence to the hearing officer in the form of testimony, documents, rebuttal testimony, and may elect to make opening and closing statements.
- (7) Following the hearing, the hearing officer shall issue a written decision within ten (10) business days.
- (8) If the hearing officer determines that respondent violated the provisions of this Chapter, the hearing officer's order shall include any appropriate order, sanction, or relief authorized hereunder and may include, without limitation, sanctions as follows:
 - (a) Impose a civil penalty of at least double, and up to five (5) times, the amount contributed, received, or spent in violation of any contribution prohibition or limitation or in violation of a contribution reporting requirement.

- (b) Impose a civil penalty of twenty-five dollars (\$25.00) per day for each day that a statement or other information required to be filed pursuant to this Chapter is not filed by the close of business on the day due.
 - (c) Order disclosure of the source and amount of any undisclosed contributions or expenditures.
 - (d) Order the return to the donor of any contribution made that was the subject of the violation.
 - (e) Any amounts collected as a penalty for violation of these campaign finance regulations shall be deposited into the City's general fund.
- (9) The hearing officer's determination is a final decision subject to review under Rule 106 of the Colorado Rules of Civil Procedure.
- (G) Personal liability. Candidates shall be personally liable for penalties imposed upon the candidate's committee.
- (1) If more than one individual is the legal agent of a candidate committee or issue committee, such individuals may be held jointly and severally liable for any penalty when they have acted with complicity as defined in § 6-1-1 to violate these provisions.
- (H) Collection of penalties. The City may collect civil penalties in accordance with applicable law, and may engage the use of a private collection agency.
- (I) Rules and regulations. The City Manager shall be authorized to adopt rules and regulations as may be required to implement the provisions of this § 1-9-6.

Section 3:

A new Section 7 is hereby added to Title 1 Chapter 9 of the Official Code of the City of Montrose, Colorado to read in full as follows:

Sec. 1-9-7. Records retention pertaining to campaign finance.

- (A) Records pertaining to campaign finance shall be retained as required by C.R.S. § 1-45-101, *et seq.*, as amended, or other applicable law. (B) The record pertaining to any hearing held pursuant to § 1-9-6 (F) of this Chapter shall be retained for a period of ten (10) years from the date a final decision was rendered by the hearing officer.
- (1) Such record shall include: the original or certified copies of any pleadings, applications, evidence, exhibits, and other papers presented to or considered by the hearing officer, rulings upon exceptions, and the decision, findings, and action of such hearing officer, along with a digital audio recording of the proceedings, if any were held, and any transcript thereof.

Section 4:

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 5:

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 by having local regulations governing campaign finance reporting, limits, and complaints for municipal elections.

Section 6:

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 7:

If any provision of this Ordinance or the application thereof to any person or circumstance 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 8:

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

Section 9:

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 17th day of October, 2023, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading October 17, 2023.

ATTEST:



Lisa DelPiccolo, City Clerk




Barbara Bynum, Mayor

INTRODUCED, READ and ADOPTED on second reading this 7th day of November, 2023.

ATTEST:

Lisa DelPiccolo, City Clerk

Barbara Bynum, Mayor

ORDINANCE NO. 2644

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 21 (6-1-21) REGARDING UNREASONABLE NOISE.

WHEREAS, the City's Police Regulations are updated from time to time; and

WHEREAS, the City Council of the City of Montrose has determined that the changes to the Municipal Code will further the health, safety, and welfare of the people of the City of Montrose.

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

SECTION 1:

Title 6, Chapter 1 Section 21. (6-1-21.(D)) (Unreasonable noise.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

6-1-21. - Unreasonable noise.

(D) If sound broadcast from speakers or emitted from any equipment from a motor vehicle is audible within other motor vehicles on the road with the windows up, or audible within an occupied structure with the doors and windows closed, it shall be prima facie evidence that such sound is unreasonable noise for the purposes of Subsection (A) of this Section. It is immaterial for the purposes of this provision whether the equipment emitting the sound was originally installed on the vehicle, installed subsequently, modified subsequently, or is emitting sound due to damage or defect.

SECTION 2:

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 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.

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 17th day of October, 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 17th day of October, 2023.


Barbara Bynum, Mayor

ATTEST:


Lisa DelPiccolo, City Clerk



INTRODUCED, READ and ADOPTED on second reading this 7th day of November, 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: Jace Hochwalt, Planning Manager
DATE: November 7, 2023
RE: Proposed Amendments to Municipal Code Section 11-7-12

ATTACHMENTS:

- Exhibit A: Section 11-7-12 with Proposed Redlines
- Exhibit B: Proposed Ordinance

City Council Consideration

The consideration of legislative code amendments to Section 11-7-12 of the Land Development Regulations of the City of Montrose related to rezoning and the zoning of additions. The purpose of the proposed code amendments is to eliminate ambiguity and clarify the current rezoning process and initial zoning process as it relates to the decision-making procedures and roles of both the Planning Commission and the City Council.

Project Background:

With the recent code consolidation efforts and amendments that took place earlier in the year, the Land Development Regulations section (Title 11 of the Montrose Municipal Code) was consolidated for the purposes of modernization and elimination of redundancy. With the consolidation efforts now complete, staff will continue to refine the code to eliminate ambiguity where applicable. One section specifically flagged by City staff is Section 11-7-12, which relates to the rezoning of property within the City limits, as well as the initial zoning of property being annexed into the City limits. The general process for a rezone of property within City limits is as follows:

- 1) An applicant proposes a new zoning designation after discussions with City staff, and that request goes to a hearing in front of the Planning Commission.
- 2) The Planning Commission either recommends approval or denial of the applicant's



requested zoning district to the City Council.

- 3) The City Council holds a hearing on the rezone request made by the applicant, and either ratifies the Planning Commission's decision, or reverses it.
- 4) If a change in zoning is approved, a rezoning ordinance is signed into effect.

To clear up any confusion as to how the code currently reads, City staff is proposing amendments in 11-7-12 (A)(2) to clarify this process. In addition, Staff is proposing to amend the wording of 11-7-12 (A)(3) to clarify when conditions can be imposed on a rezone. There were approved rezones in the past that had very specific conditions set within the zoning ordinance. Since zoning ordinances are not recorded and do not always carry with a title report, a zoning ordinance with specific conditions can add confusion to property owners and staff alike as properties transfer ownership. Other mechanisms such as a Planned Development or an Annexation Agreement are better tools for imposing conditions.

In addition to the rezone section, City staff has recognized some ambiguity that exists specific to the zoning of additions (property that is being annexed into the City limits). There is some confusion as it relates to the authority of the Planning Commission and their zoning recommendation when it comes to the initial zoning of additions. As such, staff is proposing to amend the wording of Section 11-7-12 (B)(1) to reflect a similar process to the rezone process, as reflected in more detail below.

- 1) An applicant applies for the annexation of property into the City limits and requests a City zoning designation after discussions with staff.
- 2) While the annexation request does not go before the Planning Commission, the Planning Commission does hold a hearing specific to the applicant's requested initial zoning designation of the property to be annexed.
- 3) The Planning Commission would then either recommend approval or denial of the applicant's requested zoning district to the City Council.
- 4) Following the Planning Commission hearing on the initial zoning request, there is a City Council hearing to approve or deny the annexation request, as well as a hearing specific to the initial zoning, whereby the City Council can then ratify the Planning Commission's decision, or reverse it in favor of a separate zoning district.
- 5) An ordinance is signed into effect if the annexation request is approved, and a separate ordinance is signed into effect for the initial zoning designation that is approved.

While the proposed amendments may appear substantive, their primary purpose is to clarify the existing procedures of both the rezone process and initial zoning process within the City, and clear up any ambiguity as to the roles of Planning Commission and City Council.



Sec. 11-7-12. Rezoning.

(A) Rezoning.

- (1) 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:
 - (a) The amendment is not averse to the public health, safety and welfare; and
 - (b) The amendment is in substantial conformity with the Comprehensive 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) Rezoning may be requested or initiated by the City Manager or the owner of any legal ~~or equitable~~ interest in the property or ~~his~~ such owner's representative. The rezoning shall be reviewed for compliance with the criteria of this Subsection in accordance with the review procedures of Chapter 11-4 of this Title. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The City Council may initiate rezoning on its own motion, in which case the Council shall hold a hearing either in conjunction with second reading of a rezoning ordinance, or separately, in substantial compliance with the review procedures of Chapter 11-4 of this Title.
- (3) ~~—The City may impose conditions as necessary to ensure that the above criteria are met. The City shall not impose conditions on a rezone unless otherwise required by this Title.~~

(B) Zoning of Additions.

- (1) ~~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 procedures set out in Chapter 11-4 of this Title 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. The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:~~
 - ~~(a) The amendment is not averse to the public health, safety and welfare; and~~
 - ~~(b) The amendment is in substantial conformity with the Comprehensive Plan.~~
~~_____ or~~
 - ~~(i) Such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated.~~

(2) ~~The City may impose conditions on the zoning necessary to ensure that the above criteria are met and as appropriate to ensure comparability with the City's Comprehensive Plan. The City shall not impose conditions on the zoning of an addition unless otherwise required by this Title.~~

(C) *Legislative Zoning.* Comprehensive review and re-enactment of all or a significant portion of the Official Zoning Map shall be a legislative action, and shall not be subject to the review procedures of Chapter 11-4 of this Title or any criteria set out in this Section.

(D) *Enactment by Ordinance.* No amendment, addition to or re-enactment of the Official Zoning Map shall become effective until enacted by an ordinance.

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)

ORDINANCE NO. 2646

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING TITLE 11 CHAPTER 7 SECTION 12 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO, CONCERNING THE ZONING OF NEW ADDITIONS TO THE CITY AND REZONING PARCELS ALREADY IN CITY LIMITS

WHEREAS, the Official Code of the City of Montrose, Colorado addresses the zoning of new additions to the City of Montrose; and

WHEREAS, the current regulations allow the Planning Commission to select any zoning district designation, so long as such zone complies with the Official Code of the City of Montrose; and

WHEREAS, the City Council finds and declares that amending the Official Code of the City of Montrose to require either approval or denial of a zoning request pertaining to a new annexation is in the best interest of the public health, safety, and welfare, and will further the City's policy goals of retaining local control over its affairs.

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

Section 1:

Sections 11-7-12 (A)(2), (3) of the Official Code of the City of Montrose, Colorado are hereby amended to read in full as follows:

Sec. 11-7-12 (A). *Rezoning.*

- (2) Rezoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. The rezoning shall be reviewed for compliance with the criteria of this Subsection in accordance with the review procedures of Chapter 11-4 of this Title. The Planning Commission shall either recommend approval or denial of the requested zoning to City Council, which can either ratify the Planning Commission's decision, or reverse it. The City Council may initiate a rezoning on its own motion, in which case the Council shall hold a hearing either in conjunction with second reading of a rezoning ordinance, or separately, in substantial compliance with the review procedures of Chapter 11-4 of this Title.
- (3) The City shall not impose conditions on a rezone unless otherwise required by this Title.

Section 2:

Section 11-7-12 (B) of the Official Code of the City of Montrose, Colorado is hereby amended to read in full as follows:

Sec. 11-7-12 (B). *Zoning of Additions.*

- (1) The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:
 - (a) The amendment is not averse to the public health, safety and welfare; and
 - (b) The amendment is in substantial conformity with the Comprehensive Plan; or
 - (i) Such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated.
- (2) The City shall not impose conditions on the zoning of an addition unless otherwise required by this Title.

Section 3:

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 4:

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 by having a more predictable procedure for the zoning of new additions to the City of Montrose.

Section 5:

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 6:

If any provision of this Ordinance or the application thereof to any person or circumstance 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 7:

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

Section 8:

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 ____ day of _____, 2023, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading the _____ day of _____, 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this ____ day of _____, 2023.

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Planner II
DATE: November 7, 2023
RE: Blowers Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

City Council is considering setting a hearing date for the proposed Blowers Addition annexation application. A Resolution establishing the date, time, and place must be approved by City Council in accordance with the Annexation provisions of the Colorado Constitution and Colorado Revised Statutes. The hearing must not be held less than 30 days nor more than 60 days after the effective date of this resolution setting the hearing. City Council will consider all of the information in this memo in making a decision.

Proposed schedule:

October 16:	Council Work Session Overview
November 7:	Council Resolution to set a hearing date
November 8:	Planning Commission zoning hearing
January 2:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
January 16:	2nd reading of annexation and zoning ordinances



Application Background:

The Blowers Addition is a proposed annexation approximately 15.22 acres in size. The annexation consists of three parcels located on the west side of 6450 Road, south of its intersection with Lincoln Road. 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: "RL" Rural Living District

Applicant: Donnie D. Blowers, Barbara A. Blowers, Joallen L. Blowers

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 Section 4-4-31 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: The "RL" Rural Living District is intended to provide for farms, ranches, and clustered development with open space, and is designed to dovetail with allowed County residential densities.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned "RL" Rural Living District, "R-6" Medium Density/Manufactured Housing District, "I-1" Light Industrial District, and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Blowers Addition as Residential Mixed Density Low and Employment Center. 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. The Employment Center district is intended to encourage the

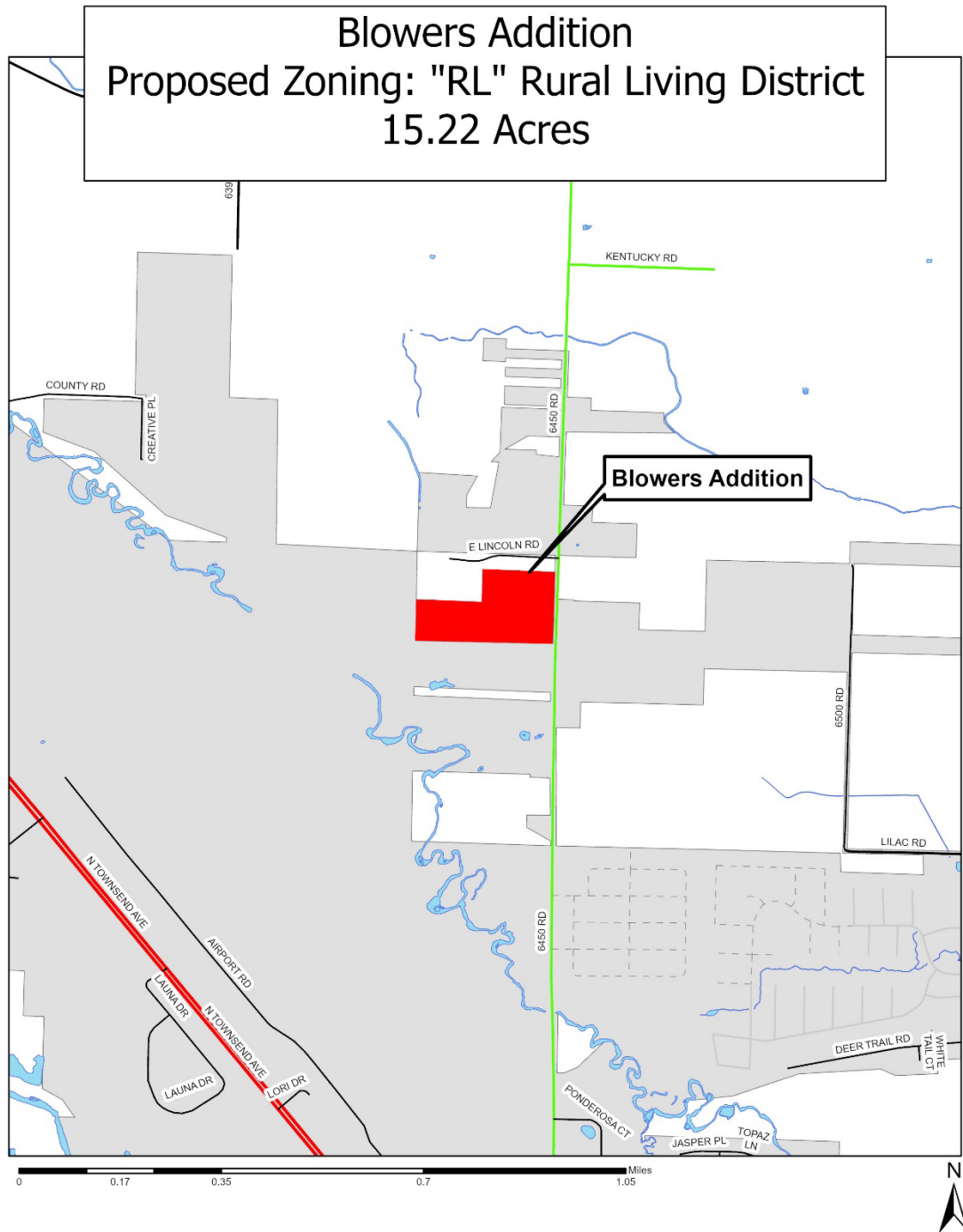


development of planned light industrial, office, and business parks, as well as to identify locations for medium industrial uses such as manufacturing, warehousing and distributing, and indoor and outdoor storage. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, childcare, and housing.

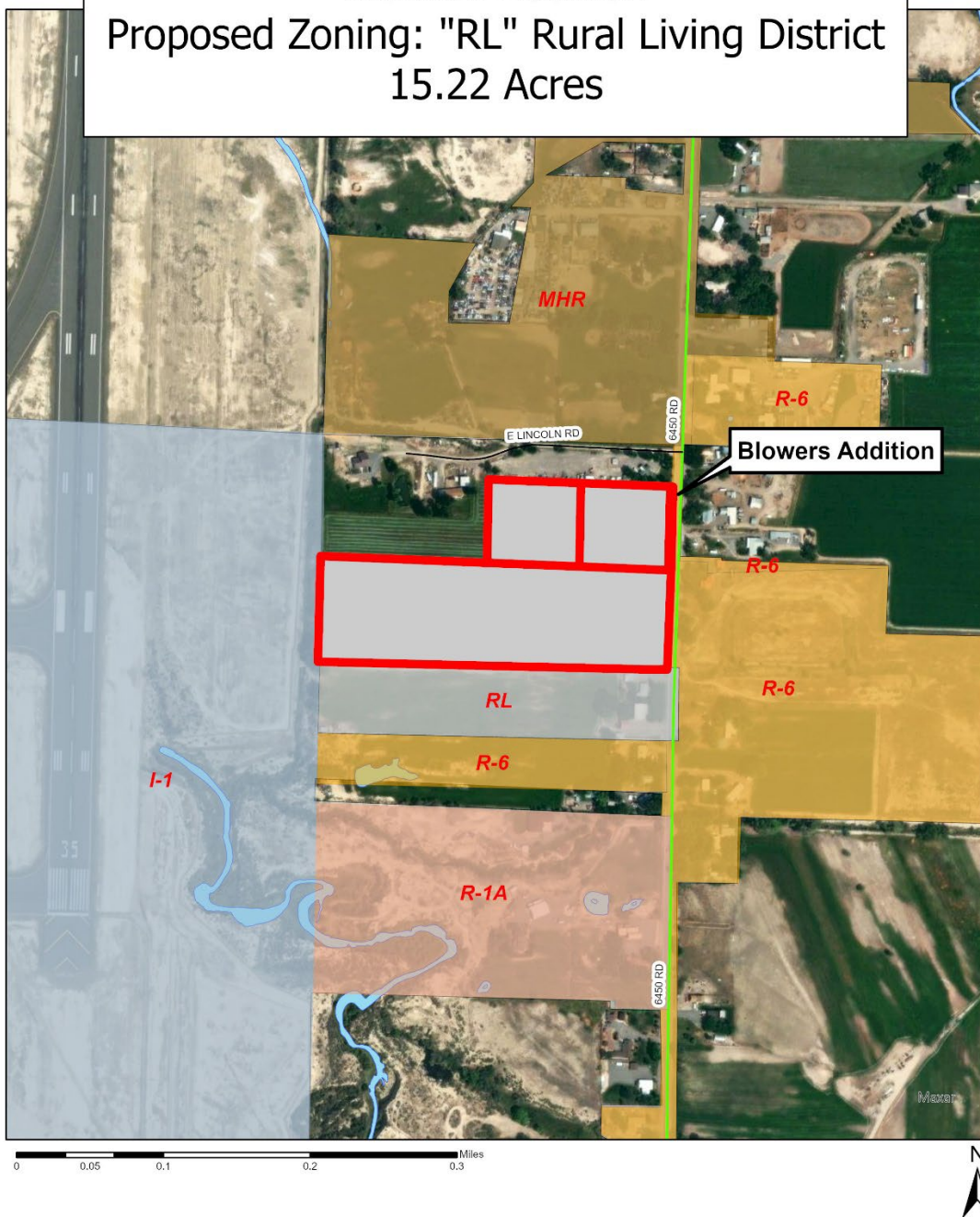
5. The property is located within Growth Area 1. According to the Comprehensive Plan, Growth Area 1 represents the most cost-efficient areas for the city to grow and comprises platted but unbuilt lots, annexed but unplatted land, and un-annexed small enclaves.
6. The “RL” zoning does not appear to be adverse to the public health, safety and welfare.



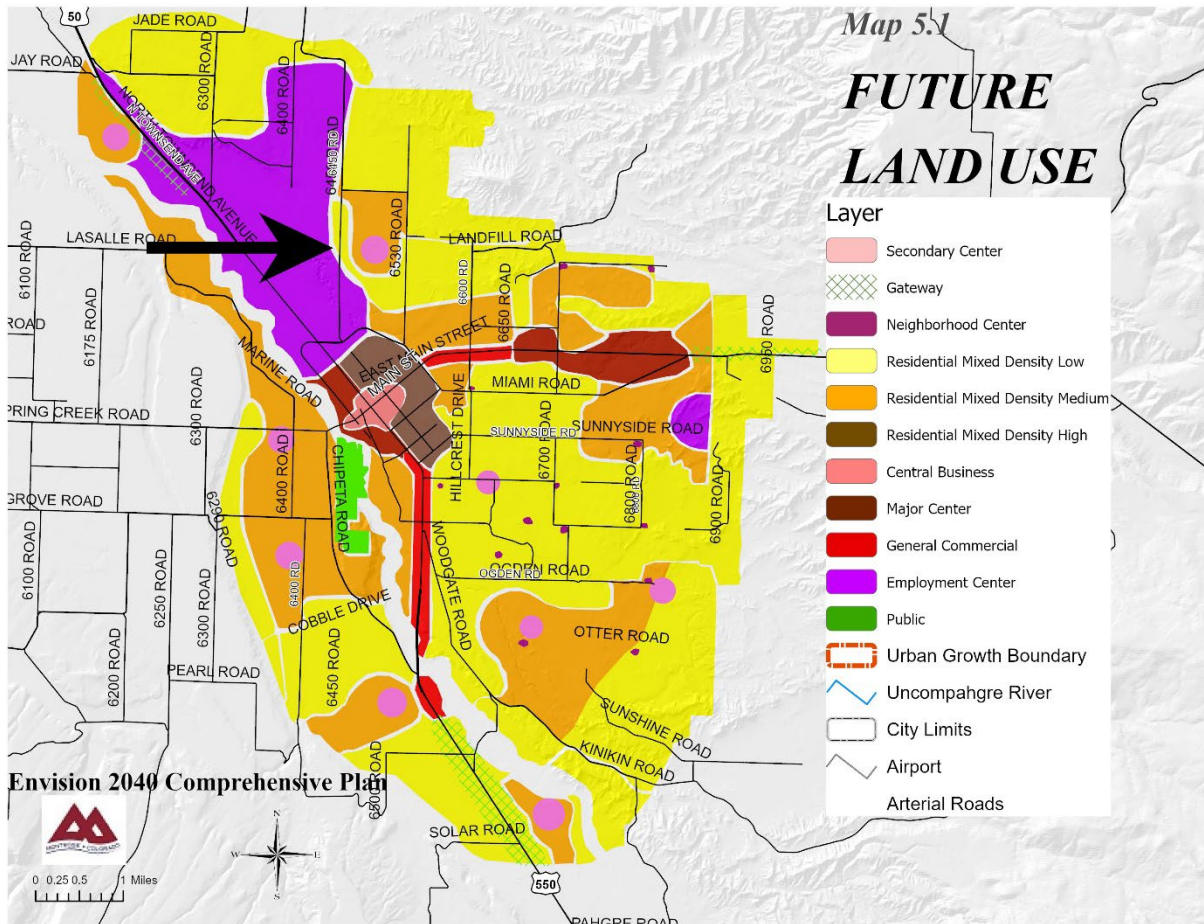
EXHIBIT A: Maps



Blowers Addition
 Proposed Zoning: "RL" Rural Living District
 15.22 Acres

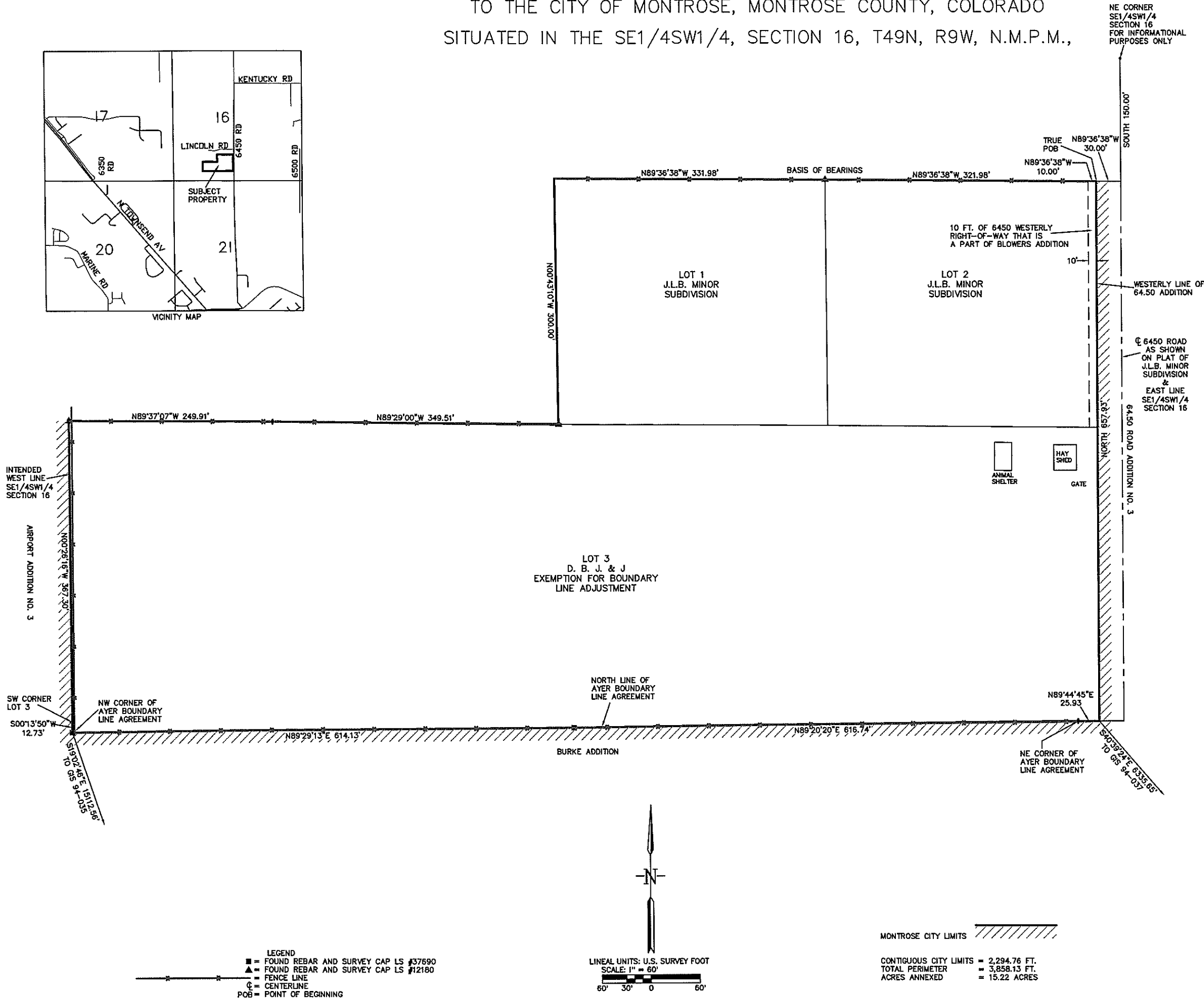
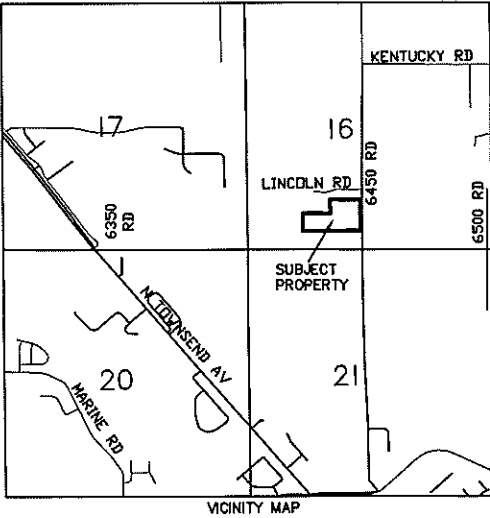


Comprehensive Plan Future Land Use Map



BLOWERS ADDITION

TO THE CITY OF MONTROSE, MONTROSE COUNTY, COLORADO
SITUATED IN THE SE1/4SW1/4, SECTION 16, T49N, R9W, N.M.P.M.,



BLOWERS ADDITION PROPERTY DESCRIPTION

A tract of land situated in the SE1/4SW1/4, Section 16, Township 49 North, Range 9 West, N.M.P.M., and being more particularly described as follows: Commencing at the northeast corner of said SE1/4SW1/4, Section 16; thence South along the east line of said SE1/4SW1/4, a distance of 150.00 ft.; thence N89°36'38\"/>

SURVEYOR'S CERTIFICATE

I, William D. Wiley a Registered Land Surveyor licensed under the laws of the State of Colorado, do hereby certify that this Annexation map of Blowers Addition was made under my direct supervision and that the information hereon is correct to the best of my knowledge and belief.

William D. Wiley
Colorado Registered Land Surveyor
Registration No. 12180

Date _____

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 this _____ day of _____, 20____, A.D. annexed the property described hereon to the City of Montrose.

Mayor, City of Montrose

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. _____

_____, by _____
Clerk & Recorder Deputy
Montrose County, Colorado

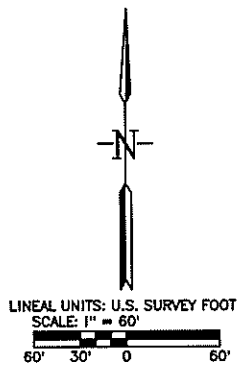
NOTE: All apparent or recorded rights of way and easements which may burden this property are not shown.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three 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 years from the date of the certification shown hereon.

CF: 23-69 BLOWERS ADD Plot Scale 1" = 100' Book 783 Page 25 DATE 8/9/23 REVISIONS:	BLOWERS ADDITION TO THE CITY OF MONTROSE, MONTROSE COUNTY, COLORADO SITUATED IN THE SE1/4SW1/4, SECTION 16, T49N, R9W, N.M.P.M., FOR: DON BLOWERS MESA SURVEYING INC. P.O. Box 1287 Montrose, CO 81402 (970)-240-9994 Sheet 1 of 1 File No. 23-69
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LEGEND

- = FOUND REBAR AND SURVEY CAP LS #37690
- ▲ = FOUND REBAR AND SURVEY CAP LS #12180
- = FENCE LINE
- ⊙ = CENTERLINE
- POB = POINT OF BEGINNING



MONTROSE CITY LIMITS

CONTIGUOUS CITY LIMITS = 2,294.76 FT.
TOTAL PERIMETER = 3,858.13 FT.
ACRES ANNEXED = 15.22 ACRES

EXHIBIT B: 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 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 30 days of the decision being appealed.
 - (b) The City Council shall consider the appeal at a public hearing held within 30 days of receipt of the written appeal, notice of which shall be given to the appellant by US mail at least 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	R L	R- 1	R- 1A/B	R- 2	R- 3	R- 3A	R- 4	R- 5	R- 6	MH R
<i>COMMERCIAL USES</i>										
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
<i>INSTITUTIONAL USES</i>										
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
<i>RECREATIONAL USES</i>										
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
<i>RESIDENTIAL USES</i>										
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
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
<i>UTILITIES AND TELECOMMUNICATION FACILITIES</i>										
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
<i>OTHER USES</i>										
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

Legend: Use Type

P: Permitted Use

C: Conditional Use

A: Accessory Use

T: Temporary Use

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

(Ord. No. 2626 , § 3(exh. A), 5-16-2023)



RESOLUTION NO. 2023-22

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 **BLOWERS 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 2nd day of January, 2024, 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 7th day of November, 2023.

CITY OF MONTROSE, COLORADO

Barbara Bynum, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description:

A tract of land situated in the SE1/4 SW1/4, Section 16, Township 49 North, Range 9 West, N.M.P.M., and being more particularly described as follows: Commencing at the northeast corner of said SE1/4 SW1/4, Section 16; thence South along the east line of said SE1/4 SW1/4, a distance of 150.00 ft.; thence N89°36'38"W, 30.00 ft. to a point on the westerly line of the 64.50 Addition No. 3 to the City of Montrose and the true point of beginning; thence leaving said westerly line N89°36'38"W, 10.00 ft. to the northeast corner of Lot 2, J.L.B. Minor Subdivision; thence N89°36'38"W, 321.98 ft. to the northeast corner of Lot 1, said J.L.B. Minor Subdivision; thence N89°36'38"W, 331.98 ft. to the northwest corner of said Lot 1; thence S00°43'10"E, 300.00 ft. to the southwest corner of said Lot 1 also being a point on the north line of Lot No. 3, D.B.J. & J. Exemption for Boundary Line Adjustment; thence the following two courses along said north line: N89°29'00"W, 349.51 ft.; N89°37'07"W, 249.91 ft. to the northwest corner of said Lot No. 3; thence S00°26'16"E, 367.30 ft. to the southwest corner of said Lot No. 3; thence S00°13'50"W, 12.73 ft. to the northwest corner of the Ayer Boundary Line Agreement; thence the following two courses along the north line of said Ayer Boundary Line Agreement: N89°29'13"E, 614.13 ft; N89°20'20"E, 616.74 ft. to the northeast corner of said Ayer Boundary Line Agreement; thence leaving said Boundary Agreement Line N89°44'45"E, 25.93 ft. to the southeast corner of the aforementioned Lot 3, D.B.J. & J. Exemption for Boundary Line Adjustment, being a point on the westerly right-of-way line 6450 Road, as shown on said Exemption Plat, also being a point on the westerly line of said 64.50 Road Addition No. 3; thence North, 657.93 ft. to the true point of beginning containing 15.22 acres.

PROPERTY PURCHASE CONSIDERATION



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
Jim Scheid, *Public Works Director*
DATE: October 25, 2023
RE: Purchase of 16.0 Acres for the Southern Extension of Rio Grande Ave and the New Public Works Facility
CC: William Bell, Shani Wittenberg

Action

Consider the purchase of 16.0± acres near the intersection of Rio Grande Avenue and East Oak Grove Road at a purchase price of \$800,000 to acquire the rights of way necessary for the southern extension of Rio Grande Avenue and for use as the City's new public works facility.

Project Background – South Rio Grande Extension

In order to stay ahead of long-term traffic growth, the City's comprehensive plan calls for the eventual extension of Rio Grande Avenue as a minor arterial to connect between East Oak Grove Road and the River Landing commercial area as shown in the attached project overview drawing. To that end, the City has been working to secure the necessary rights of way for completion of this extension across four tracts of land to be crossed. Over the last six years and in partnership with the landowners, the City has been able to secure the rights of way needed on three of the four tracts. The last tract needed is at the northern end of the alignment and is proposed for purchase hereon.

Project Background – Public Works Facility

City Staff have been working on the long-range planning and design of a replacement public works facility since 2016. The existing facility located at 1221 6450 Road was built in the 1960's and has essentially reached the end of its useful life. Planning efforts for a new facility indicated that the existing site would not be large enough for the long-term growth needs of the public works department. As a result, the City has been searching for an alternate site. While considering purchase of the property needed for the Rio Grande right of way, it was also determined that purchase of the remainder of the parcel would be possible. The site is ideal for the new public works facility given its central location, large size, and fit with the surrounding area (surrounded by BLM, USFS, BOR, WAPA, and Tri-State campuses).

Proposed Purchase and Determination of Value

The property proposed for purchase includes 0.4 acres of right of way cleanup and expansion along the existing Rio Grande roadway and a larger 15.6 acre parcel that will be used for both the public works facility and future extension of Rio Grande Avenue as shown in the attached drawing. Detailed descriptions of the properties to be purchased are included as Exhibits A through C.

The purchase price was negotiated with the landowner based on an adjacent appraisal performed in 2017 for a partial land purchase in support of the Connect Initiative recreation trail. The purchase price of \$800,000 includes this base land value plus some additional compensation to the owner to help with relocation of five tenants living in rental trailers on the property.

Purchase Agreement

The property is being bought through a purchase agreement with the landowners. This agreement includes the following key elements:

- If approved by council, the purchase funds would be deposited with Fidelity Title (Montrose, CO) shortly after.
- Closing is scheduled to occur no later than six months from the effective date of the purchase agreement.
- The agreement calls for the land to be vacant at the time of closing.
- If desired by the owners, existing trailers may be left on site to be abated and demolished by the City following closing.
- Purchase of the land does not include any water rights for the property. Since most landscaping of the site would be drip irrigation once developed (which requires cleaner treated water), the City does not have any need for the water rights on these parcels.

Project Financials

Purchase of this property was not a formal line in the City's annual budget appropriation. This is typical of real estate expenditures as the timing of the purchase is typically uncertain and listing the City's budget parameters could put the City at a disadvantage in pricing negotiations. The property is planned to be purchased using available general ARPA funds included in the 2023 budget.

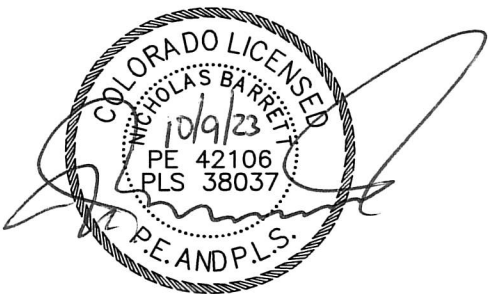
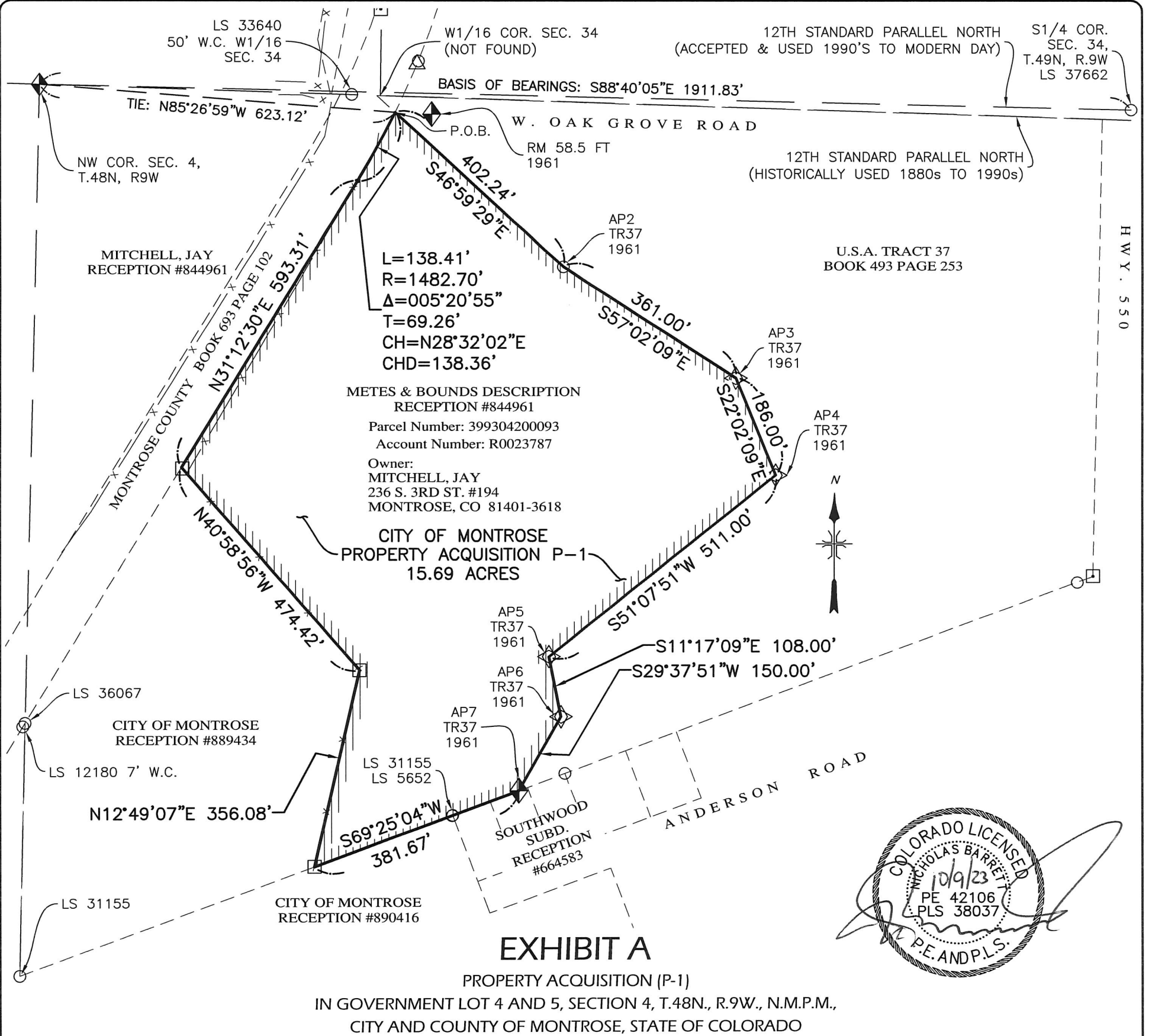
Path Forward for the Site

The City's 2024 budget proposes the following projects related to the purchased site:

1. **Site Clearing and Preparation.** Following closing, the City would work to abate asbestos on any remaining structures, demolish or relocate the structures, secure the site, perform the initial clearing, and prepare a pad for the site to further develop once construction projects are ready to move forward.
2. **Design of the Rio Grande Extension between East Oak Grove and River Landing.** This will be necessary to inform the design of the public works site but also sets this extension project up for implementation through a phased approach or through the use of large transportation grant funding in the future.
3. **Design of the Public Works Shop Facility and Site.** This project would update the space needs analyses and work towards final design of the new public works facility. This will include cost estimation and evaluations of funding alternatives in order to support the creation of a multi-year execution and funding plan for the project.



			REFERENCE DRAWINGS			REVISIONS												 CITY OF MONTROSE ENGINEERING DEPARTMENT 1221 14th St. N. MONTROSE, CO 81401 PH: 248-1480 FAX: 232-4780 WWW.CITYOFMONTROSE.ORG	DATE: 10/3/2023		RIO-GRANDE EXTENSION & PUBLIC WORKS SHOP MONTROSE, COLORADO PROJECT OVERVIEW AND PURCHASE AREA	Sheet: 1
CITY AERIAL		2022	◇										◇			Of: 1						
			◇										◇									



LEGEND

- = FOUND 1-1/2" ALUMINUM CAP ON REBAR (L.S./MARKINGS AS NOTED)
- ◆ = FOUND 1-1/2" BRASS CAP ON REBAR (L.S./MARKINGS AS NOTED)
- x — = EXISTING FENCE
- — — — = ADJOINING PROPERTY LINE
- ◆ = FOUND 3-1/4" BLM BRASS CAP ON 2-1/2" PIPE
- = FOUND SPIKE

PROPERTY DESCRIPTION

A tract of land situated in Government Lot 4 and 5, Section 4, Township 48 North, Range 9 West, New Mexico Principal Meridian, City of Montrose, County of Montrose, State of Colorado, being a part of a metes and bounds description Reception No. 844961 in the Montrose County Clerk and Recorder's Office, more particularly described as follows:

Beginning at an intersecting point common to Montrose County parcel Book 693 Page 102 and United States Tract 37 Book 493 Page 253 from whence the Northwest corner of said Section 4 bears N85°26'59"W 623.12 feet; Thence coinciding with the Westerly line of said Tract 37 the following six courses: 1) S46°59'29"E 402.24 feet to an 1-1/2" aluminum cap stamped AP2 TR37 1961; 2) S57°02'09"E 361.00 feet to an 1-1/2" brass cap stamped AP3 TR37 1961; 3) S22°02'09"E 186.00 feet to an 1-1/2" brass cap stamped AP4 TR37 1961; 4) S51°07'51"W 511.00 feet to an 1-1/2" brass cap stamped AP5 TR37 1961; 5) S11°17'09"E 108.00 feet to an 1-1/2" brass cap stamped AP6 TR37 1961; 6) S29°37'51"W 150.00 feet to a 3-1/4" brass cap stamped AP7 TR37 1961 and a point on the Northerly line of Southwood Subdivision Reception No. 664583; Thence coinciding with said Northerly line and extension thereof of the Northerly line of a City of Montrose parcel Reception No. 890416, S69°25'04"W 381.67 feet to a found spike; Thence coinciding with a City of Montrose parcel Reception No. 889434 the following two courses: 1) N12°49'07"E 356.08 feet; 2) N40°58'56"W 474.42 feet to a point on a Montrose County parcel Book 693 Page 102; Thence coinciding with said Montrose County Parcel the following two courses: 1) N31°12'30"E 593.31 feet; 2) 138.41 feet along the arc of a curve to the left with a radius of 1482.70 feet, an interior angle of 05°20'55", and a chord of N28°32'02"E 138.36 feet to the POINT OF BEGINNING. Said tract contains 15.69 acres as described.

BASIS OF BEARINGS:

The bearing between the found 3-1/4" BLM brass cap at the Northwest corner of Section 4, Township 48 North, Range 9 West, and the found rebar and cap L.S. 37662 at the South 1/4 Corner of Section 34, Township 49 North, Range 9 West, bears S88°40'05"E (ASSUMED).

LINEAL UNITS STATEMENT:

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



DEL-MONT CONSULTANTS, INC.
ENGINEERING & SURVEYING
125 Colorado Ave. Montrose, CO 81401
www.del-mont.com

DESIGNED BY:	SCALE:
PJI/NEB	1"=200'
CHECKED BY:	FILE NAME:
NEB	23016V_EXHIBIT-MITCHELL

CITY OF MONTROSE
PROPERTY ACQUISITION EXHIBIT
JAY MITCHELL
MONTROSE, COLORADO

D.M. JOB NO.:	23016
DATE ISSUED:	10/9/2023
SHEET:	1 of 1

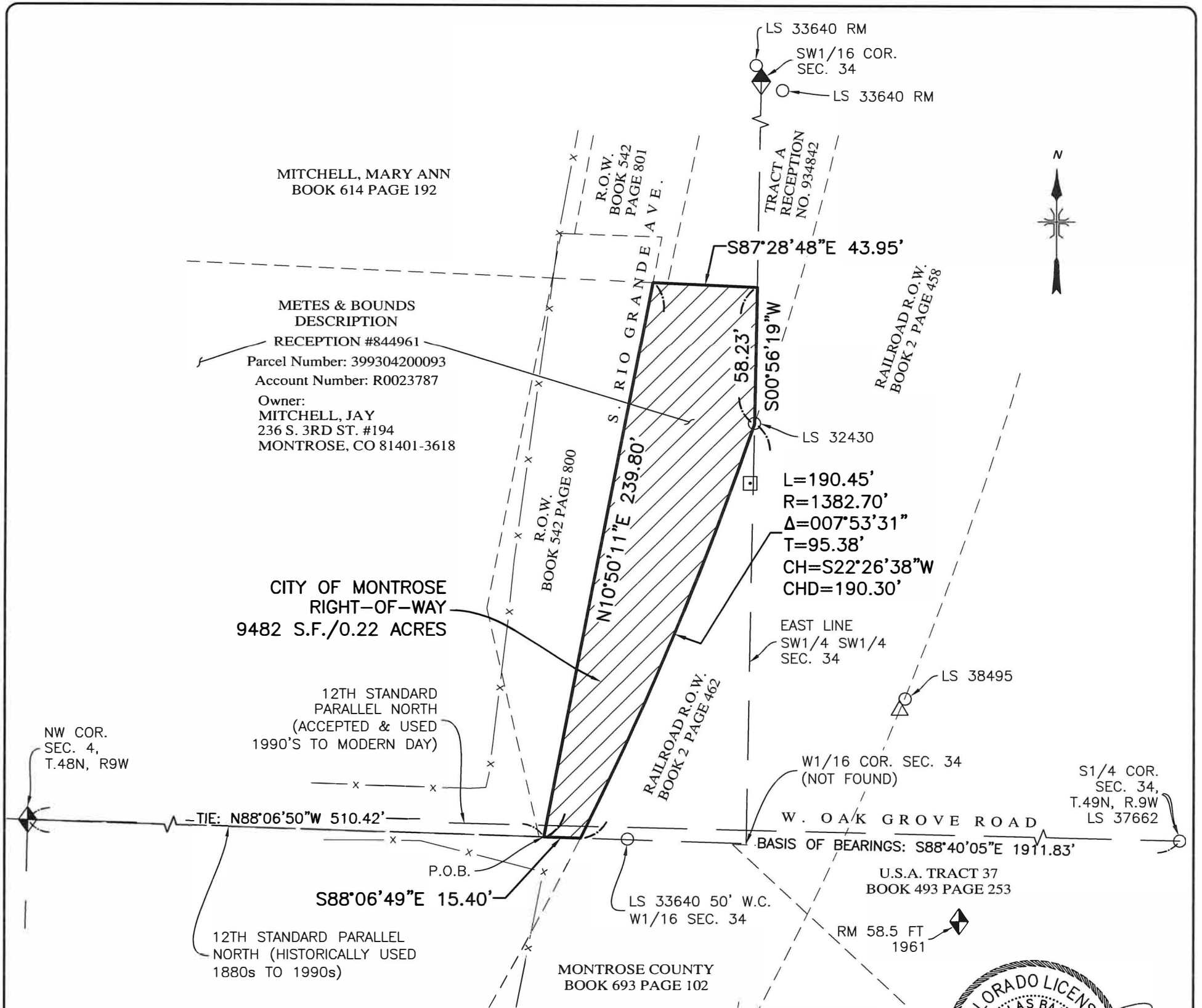
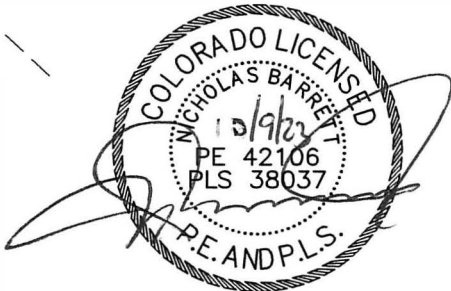


EXHIBIT B
RIGHT-OF-WAY (RW-1)
IN THE SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34, T.49N., R.9W., N.M.P.M.
CITY AND COUNTY OF MONTROSE, STATE OF COLORADO



LEGEND

- = FOUND 1-1/2" ALUMINUM CAP ON REBAR (L.S./MARKINGS AS NOTED)
- ◈ = FOUND 1-1/2" BRASS CAP ON REBAR (L.S./MARKINGS AS NOTED)
- x — = EXISTING FENCE
- - - - = ADJOINING PROPERTY LINE
- ◈ = FOUND 3-1/4" BLM BRASS CAP ON 2-1/2" PIPE
- ◈ = FOUND 2-1/2" ALUMINUM CAP
- ◻ = FOUND SPIKE
- △ = FOUND REBAR

RIGHT-OF-WAY DESCRIPTION

A tract of land situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 49 North, Range 9 West, New Mexico Principal Meridian, City of Montrose, County of Montrose, State of Colorado, being a part of a metes and bounds description Reception No. 844961 in the Montrose County Clerk and Recorder's Office, more particularly described as follows:

Beginning at a point on the historically used 12th Standard Parallel North line and the Southeast corner of a dedicated Right-of-Way Book 542 Page 800 from whence the Northwest corner of Section 4, Township 48 North, Range 9 West, New Mexico Principal Meridian bears N88°06'50"W 510.42 feet; Thence N10°50'11"E 239.80 feet coinciding with the Easterly line of said dedicated Right-of-Way to a point on the North line of said Reception No. 844961; Thence S87°28'48"E 43.95 feet coinciding with the North line of said Reception No. 844961 to a point on the East line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$. Thence S00°56'19"W 58.23 feet coinciding with said East line to a point on the Westerly line of the Railroad Right-of-Way Book 2 Page 458 and Book 2 Page 462, to an 1-1/2" aluminum cap LS 32430; Thence coinciding with said Westerly line 190.45 feet along the arc of a curve to the right with a radius of 1382.70 feet, an interior angle of 07°53'31", and a chord of S22°26'38"W 190.30 feet to a point on the historically used 12th Standard Parallel North line. Thence N88°06'49"W 15.40 feet along said 12th Standard Parallel North line to the POINT OF BEGINNING. Said Right-of-Way contains 9,482 square feet, or 0.22 acres as described.

BASIS OF BEARINGS:

The bearing between the found 3-1/4" BLM brass cap at the Northwest corner of Section 4, Township 48 North, Range 9 West, and the found rebar and cap L.S. 37662 at the South 1/4 Corner of Section 34, Township 49 North, Range 9 West, bears S88°40'05"E (ASSUMED).

LINEAL UNITS STATEMENT:

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

 DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • P (970) 249-2251 • F (970) 249-2242 FAX www.del-mont.com • service@del-mont.com		CITY OF MONTROSE RIGHT-OF-WAY EXHIBIT JAY MITCHELL MONTROSE, COLORADO		D.M. JOB NO.: 23016
DESIGNED BY: PJI/NEB	SCALE: 1"=50'			DATE ISSUED: 10/9/2023
CHECKED BY: NEB	FILE NAME: 23016V_EXHIBITMITCHELL			SHEET: 1 of 1

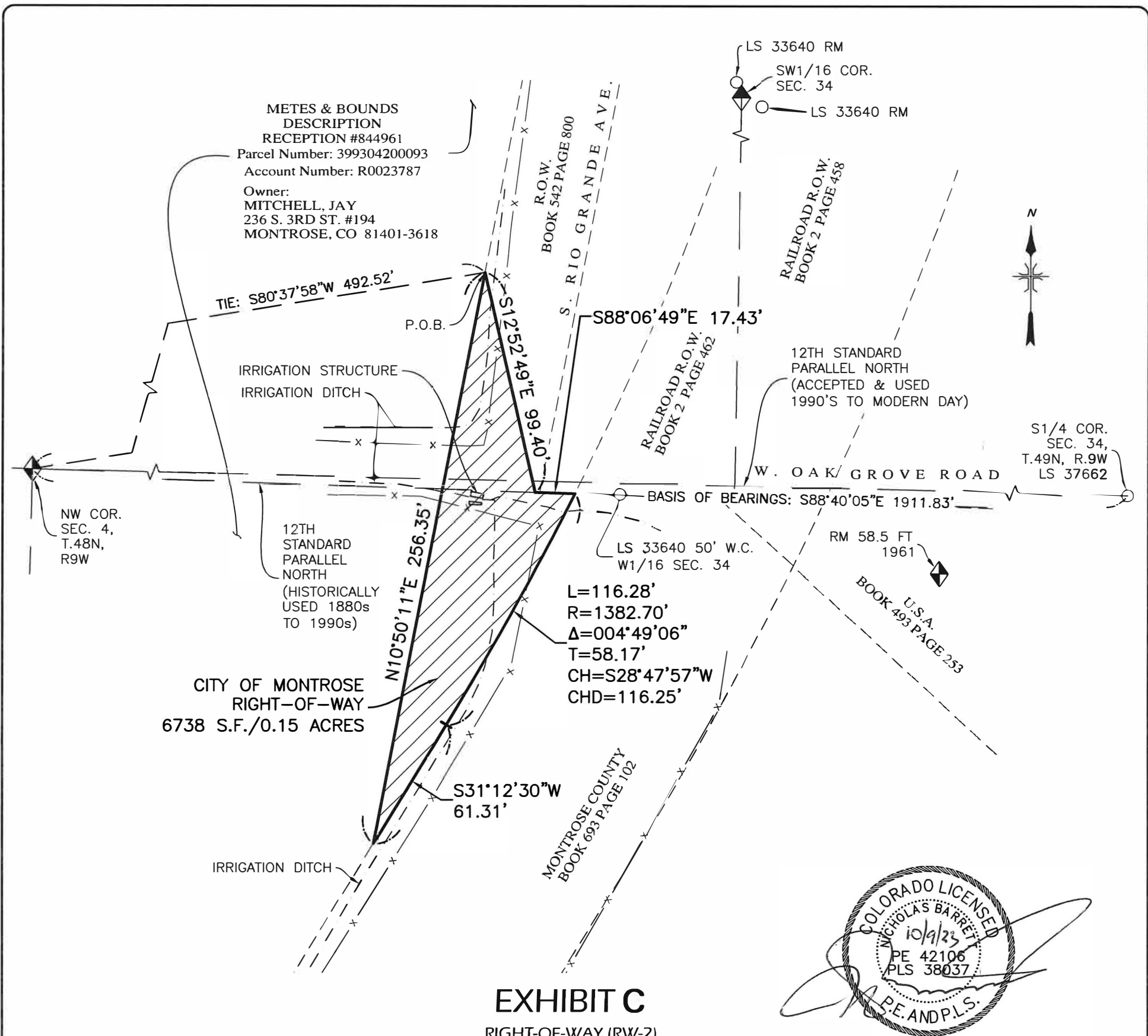


EXHIBIT C
RIGHT-OF-WAY (RW-2)
IN THE SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34, T.49N., R.9W., N.M.P.M.
AND IN GOVERNMENT LOT 4, SECTION 4, T.48N., R.9W., N.M.P.M.,
CITY AND COUNTY OF MONTROSE, STATE OF COLORADO

LEGEND

- | | |
|---|---|
| ○ = FOUND 1-1/2" ALUMINUM CAP ON REBAR (L.S./MARKINGS AS NOTED) | ◆ = FOUND 3-1/4" BLM BRASS CAP ON 2-1/2" PIPE |
| ◇ = FOUND 1-1/2" BRASS CAP ON REBAR (L.S./MARKINGS AS NOTED) | ◆ = FOUND 2-1/2" ALUMINUM CAP |
| — x — = EXISTING FENCE | □ = FOUND SPIKE |
| --- = ADJOINING PROPERTY LINE | △ = FOUND REBAR |

RIGHT-OF-WAY DESCRIPTION

A tract of land situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 49 North, Range 9 West, and in Government Lot 4, Section 4, Township 48 North, Range 9 West, New Mexico Principal Meridian, City of Montrose, County of Montrose, State of Colorado, being a part of a metes and bounds description Reception No. 844961 in the Montrose County Clerk and Recorder's Office, more particularly described as follows:

Beginning at the Southwest corner of a dedicated Right-of-Way Book 542 Page 800 from whence the Northwest corner of said Section 4, bears S80°37'58"W 492.52 feet; Thence S12°52'49"E 99.40 feet coinciding with the Southwesterly line of said dedicated Right-of-Way to a point on the historically used 12th Standard Parallel North line; Thence S88°06'49"E 17.43 feet coinciding with said 12th Standard Parallel North line to the Northwest corner of a Montrose County parcel Book 693 Page 102; Thence coinciding with the Westerly line of said Montrose County parcel the following two courses: 1) 116.28 feet along the arc of a curve to the right with a radius of 1382.70 feet, an interior angle of 04°49'06", and a chord of S28°47'57"W 116.25 feet; 2) S31°12'30"W 61.31 feet; Thence leaving said Westerly line N10°50'11"E 256.35 feet to the POINT OF BEGINNING. Said Right-of-Way contains 6,738 square feet, or 0.15 acres as described.

BASIS OF BEARINGS:

The bearing between the found 3-1/4" BLM brass cap at the Northwest corner of Section 4, Township 48 North, Range 9 West, and the found rebar and cap L.S. 37662 at the South 1/4 Corner of Section 34, Township 49 North, Range 9 West, bears S88°40'05"E (ASSUMED).

LINEAL UNITS STATEMENT:

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



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www.dml-inc.com * service@delmont.com

DESIGNED BY:
PJI/NEB

SCALE:
1"=50'

CHECKED BY:
NEB

FILE NAME:
23016V_EXHIBIT-MITCHELL

CITY OF MONTROSE
RIGHT-OF-WAY EXHIBIT
JAY MITCHELL
MONTROSE, COLORADO

D.M. JOB NO.:	23016
DATE ISSUED:	10/9/2023
SHEET:	1 of 1

PURCHASE RECOMMENDATION

TO: Honorable Mayor and Members of the City Council
FROM: Jim Scheid, Public Works Director
Cc: William Bell, City Manager
Ann Morgenthaler, Deputy City Manager
Shane Brandt, Fleet Division Superintendent
DATE: October 16, 2023
Subject: Used Trash Truck Purchase



Recommendation

Consider the ratification of a purchase of a used 2019 Peterbilt refuse truck with a Scorpion body for \$219,800.00 from Elliot Equipment in Commerce City, CO.

Background

The City has budgeted for and ordered a total of three (3) refuse trucks since 2021 and due to several delays, these trucks have not arrived as of the end of 2023 and are optimistically projected for arrival in late 2024. The delay of the new trucks has severely impacted the trash and recycle collection operation that the City of Montrose provides. The trucks that were due for replacement in 2022 are wearing out and are having major breakdowns including full engine replacements. The overall maintenance costs for Trash and Recycle vehicles is up about 50% since 2021 and continues to climb. This situation has pushed our Fleet and Trash and Recycle divisions to research other opportunities to help remedy the operational pressures. Recently the City has received a quote from Elliot Equipment for the purchase of a used trash truck. This used truck is a 2019 Peterbilt with a scorpion body. This make and model of truck and body matches several of the other trash trucks in the fleet and is what was originally ordered in 2021. This truck would be available to the City in about 30 days which will be great timing to help with upcoming Holiday weeks. The Holiday week collections will be extra difficult and nearly impossible with one or more trash trucks out of operation. This purchase was authorized by City Management to allow the truck to be put on hold and delivered to Montrose as soon as possible. Since this purchase is over \$50,000.00 it is being presented to Montrose City Council as a ratification of the purchase due to the time sensitive nature of the purchase.

Net Financial Impact

This purchase of an additional Trash and Recycle refuse truck was budgeted in the 2022 budget and was approved by the City Council for award in late 2021. This truck would take the place of the additional truck that is included in that award. The three (3) trucks that remain as part of that order will remain on order and will become the replacement trucks for the 2022, 2023 and 2024 trucks to be replaced. There was \$350,000.00 included in the 2022 budget for this purchase which has remained in the Trash and Recycle Fund since then for this purchase. The purchase price of \$219,800.00 is \$130,200.00 under that budgeted amount. It is recommended that the \$130,200.00 savings be applied to the Fleet Fund for the replacement of the truck to be purchased.



EMERGENCY REPAIR RECOMMENDATION

TO: Honorable Mayor and Members of the City Council
FROM: Jim Scheid, Public Works Director
Cc: William Bell, City Manager
Ann Morgenthaler, Deputy City Manager
Shane Brandt, Fleet Division Superintendent
DATE: September 28, 2023
Subject: Trash Truck Repair Recommendation



Recommendation

Consider the ratification of an emergency repair to a trash and recycle refuse truck (unit number 364) for a complete engine replacement performed by Nextran Truck Center in Fruita, CO in the amount of \$42,763.00. The repair was quoted at \$38,875.00, since there are a few unknown variables there is a 10% contingency included in the overall amount of \$42,763.00

Background

Unit 364 refuse truck was to be replaced in 2022 and the delivery of the replacement vehicle has been delayed a few times. The age of this vehicle is causing it to have major mechanical failures. Unfortunately, the replacement truck is scheduled for arrival at the end of 2024 so the refuse trucks that are in operation will need to continue until the replacements arrive. This does mean that the repair of this truck is needed and unfortunately time is of the essence. The other trucks in operation will cover for what this truck is missing while it is down. The trash and recycle collection operation on Holiday weeks requires an additional truck be put into the routes. This is what brings this repair to the level of an emergency. Nextran is anticipating a turnaround time of about 45 days on this repair. If the repair is initiated quickly, the truck may be back into operation by Thanksgiving Holiday week. This repair is a large purchase that is not specifically mentioned in the 2023 Budget and will exceed the amount included in the Trash and Recycle Budget for unanticipated repairs. This emergency repair recommendation has been approved by City Management due to the critical nature of the repair and will be presented to the City Council for ratification of the expense.

Net Financial Impact

This is an unbudgeted and unanticipated purchase in 2023, this would be applied to the Trash and Recycle Interfund Lease to the Fleet for repair. This may require a supplemental budget in 2023.