



CITY COUNCIL WORK SESSION
Monday, May 19, 2025 - 10:00 AM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

Public participation for this meeting will be in person in the City Council Chambers. The meeting can be [viewed online via livestream](#) and video recordings of the meetings can be viewed on our [YouTube page](#).

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. Schedule time to book this resource, by [emailing the City](#) at least 3 days before the meeting.

1) INTRODUCTION OF NEW CITY EMPLOYEES

Michael Arat - City Forester
Kyle Gray - Parks & Special Projects Worker
Michael Leyhe - Streets Division Worker
Steven Lee - Trash & Recycle Operator
Heather Watson - Operations Assistant
Shad Lindsey - Police Officer
Landon Iacovetto - Golf Course Grounds Superintendent
Vincent Maffett - Police Officer
Travis O'Donnal - Police Officer
Derek Stickney - Police Officer
Cameron Healy - Police Officer
Tanner Leavitt - Utilities Worker

2) DISCUSSION ITEMS

- A) Energy Impact Assistance Fund Grant Application Request (10 minutes)
Staff: Community Development Director Jace Hochwalt
- B) Waterfall Canyon Pond Addition and Waterfall Canyon West Addition Annexations (10 minutes)
Staff: Senior Planner William Reis



3) GENERAL CITY COUNCIL DISCUSSION

A) Proposed Charter Amendments

4) STAFF COMMENTS



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: Jace Hochwalt, Community Development Director
Chris Ottinger, Community Development Specialist
DATE: May 19, 2025
RE: Energy Impact Assistance Fund Administrative Grant

ATTACHMENTS:

- Exhibit A: Grant Application Letter
- Exhibit B: Resolution 2025-04

City Council Consideration:

City of Montrose Staff is seeking approval from City Council to apply for an Energy Impact Assistance Fund Administrative Grant through the Colorado Department of Local Affairs. The purpose of this grant application is to complete a technical update to the Envision 2040 Comprehensive Plan and a small-scale Land Use Code update.

Background:

The City was recently awarded funding through DOLA's Housing Planning Grant Program (HPLN) to develop a Housing Action Plan and integrate a strategic growth element into our Envision 2040 Comprehensive Plan. Building on this momentum, we are now seeking support from the State to complete a broader technical update to the Envision 2040 Comprehensive Plan. This would include the addition of a water supply element as required under Colorado Senate Bill 24-174, as well as an aligned Land Use Code update to ensure consistency with new planning policies outlined in the Comprehensive Plan, Housing Action Plan, and recent State legislative mandates.

Financial Considerations:

The proposed project includes two key components:

Project Description	Project Cost	Grant Request	City
Comprehensive Plan – Technical Update	\$25,000	\$12,500	\$12,500
Land Use Code Update	\$20,000	\$10,000	\$10,000
Total	\$45,000	\$22,500	\$22,500

The City is proposing a 50% local match and has already secured consulting services with Plan Tools, LLC, selected through a competitive procurement process in accordance with City policies. Work will begin immediately upon grant award, with a project completion date expected in mid-2026. The two efforts will run concurrently to maximize efficiency and ensure alignment between technical planning goals and regulatory frameworks.



CITY OF MONTROSE



Phone: 970.240.1407
Fax: 970.240.1499

May 20, 2025

Division of Local Government
Department of Local Affairs
Patrick Rondinelli, Regional Manager

RE: Request for Administrative Planning Grant – Comprehensive Plan and Land Use Code Updates

Dear Mr. Rondinelli,

The City of Montrose respectfully submits this letter of interest for funding consideration through the Energy and Mineral Impact Assistance Fund (EIAF) Program. This request is specific to an Administrative Planning grant to further long-range planning efforts critical to housing, land use, and sustainable growth in our region.

The City was recently awarded funding through DOLA's Housing Planning Grant Program (HPLN) to develop a Housing Action Plan and integrate a strategic growth element into our Envision 2040 Comprehensive Plan. Building on this momentum, we are now seeking support to complete a broader technical update to the Envision 2040 Comprehensive Plan. This would include the addition of a water supply element as required under Colorado Senate Bill 24-174, as well as an aligned Land Use Code update to ensure consistency with new planning policies outlined in the Comprehensive Plan, Housing Action Plan, and recent State legislative mandates.

Project Scope and Budget

The proposed project includes two key components:

Project Description	Project Cost	City Match	Grant Request
Comprehensive Plan – Technical Update	\$25,000	\$12,500	\$12,500
Land Use Code Update	\$20,000	\$10,000	\$10,000
Total	\$45,000	\$22,500	\$22,500

The City is proposing a 50% local match and has already secured consulting services with Plan Tools, LLC, selected through a competitive procurement process in accordance with City policies. Work will begin immediately upon grant award, with a project completion date no later than August 2026. The two efforts will run concurrently to maximize efficiency and ensure alignment between technical planning goals and regulatory frameworks.

Urgency and Readiness

The City has already completed a Housing Needs Assessment which is in the process of being accepted by the State, as required by Colorado Senate Bill 24-174. In addition, a major Land Use Code update was completed in 2024 that is already implementing innovative housing strategies from Colorado House Bill 21-1271. The City of Montrose is prepared to continue this momentum on housing policy, and this request would help build on the work that has already been done, alongside the work that is being done as part of the Housing Planning Grant Program. Without a grant award, it is unlikely that the City of Montrose will move forward with the technical update of the comprehensive plan or the land use code update at this time (or would have to pare down the scope substantially).

Regional Energy and Mineral Impact

Montrose County has been directly impacted by the transition away from coal-dependent industry, most notably with the closure of the New Horizon Mine in 2017, and the retirement of the Nucla Station coal-fired power plant in 2019. These closures resulted in decreased revenue to local governments, specifically property taxes from coal, as well as lost jobs. The West End of Montrose County is a Tier One Just Transition community.

This grant represents continued investment in the region's transition and resilience. By supporting proactive planning related to water supply, land use, and housing, this project addresses both current and future community needs as the region transitions away from coal.

We appreciate your consideration and partnership as we continue planning for a more resilient and prosperous Montrose. Please do not hesitate to reach out with any questions or requests for further documentation.

Sincerely,

Dave Frank, Mayor
City of Montrose

RESOLUTION NO. 2025-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTROSE, COLORADO, AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO PURSUE A GRANT FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS, ENERGY AND MINERAL IMPACT ASSISTANCE FUND TO FUND A TECHNICAL UPDATE TO THE COMPREHENSIVE PLAN ALONG WITH LAND USE CODE UPDATES.

WHEREAS, the City of Montrose, Colorado, is a home rule municipality organized under the laws of the State of Colorado, committed to addressing the housing needs of its residents and promoting sustainable community development; and

WHEREAS, the Colorado General Assembly enacted Senate Bill 24-174, codified as §§ 24-32-3701 through 24-32-3711, Colorado Revised Statutes (C.R.S.), which establishes a framework for addressing housing challenges across the state and requires municipalities to create housing needs assessments, develop housing action plans and added strategic growth and water supply elements to comprehensive plans; and

WHEREAS, the Colorado Department of Local Affairs (DOLA) provides administrative planning grants to assist municipalities in funding the development of long-range planning documents and studies, including comprehensive plan and land use code updates; and

WHEREAS, the City Council of the City of Montrose recognizes the importance of proactive planning to address housing challenges and supports the pursuit of grant funding to facilitate this effort; and

WHEREAS, the Community Development Department is well-positioned to lead the application process and oversee the Comprehensive Plan and Land Use Code update process in collaboration with city staff, stakeholders, and the community;

WHEREAS, the City of Montrose requests an Administrative Grant established by the Colorado Department of Local Affairs, Energy and Mineral Impact Fund in an amount up to \$22,500 to fund a technical comprehensive plan update along with land use code updates; and

WHEREAS, the City of Montrose would commit a 1:1 match of the grant request in an amount up to \$22,500;

NOW THEREFORE, be it resolved by the City Council of the City of Montrose, Colorado as follows:

Section 1. The Community Development Department is directed to prepare and submit a grant application to DOLA and, upon award of the grant, to undertake the necessary steps to complete a technical update to the City's Envision 2040 Comprehensive Plan and updates to the City's Land Development Code, including community engagement, data analysis, and coordination with relevant stakeholders.

Section 2. The City Manager, or their designee, is authorized to execute any necessary documents related to the grant application, acceptance and subsequent contract, subject to review by the City Attorney to ensure compliance with applicable laws and regulations.

RESOLVED AND ADOPTED this 20th day of May, 2025, by the City Council of the City of Montrose.

CITY OF MONTROSE, COLORADO

Dave Frank, Mayor

ATTEST

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: May 19, 2025
RE: Waterfall Canyon Pond Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

City Council is considering the Waterfall Canyon Pond Addition annexation application and the associated zoning. Council will consider all of the information in this memo in making a decision.

Proposed schedule:

May 19:	Council Work Session Overview
June 3:	Council Resolution to set a hearing date
June 25:	Planning Commission zoning hearing
July 15:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
August 5:	2nd reading of annexation and zoning ordinances

Application Background:

The Waterfall Canyon Pond Addition is a proposed annexation approximately 8.98 acres in size. The annexation consists of Lot 1 of the Carver Exemption for Boundary Line Adjustment, northwest of the intersection of Gold Creek Dr and Alta Lake Ave. It is within the City's Urban Growth Boundary, West Montrose Sanitation District, and City of Montrose Water Service Area. The storm water system for Waterfall Canyon Subdivision drains into this pond. The property serves a City subdivision, and thus should be annexed into City limits. An Annexation Agreement is required.



Proposed Zoning: “R-3” Medium Density District

Applicant: Waterfall Canyon, LLC

Staff Analysis:

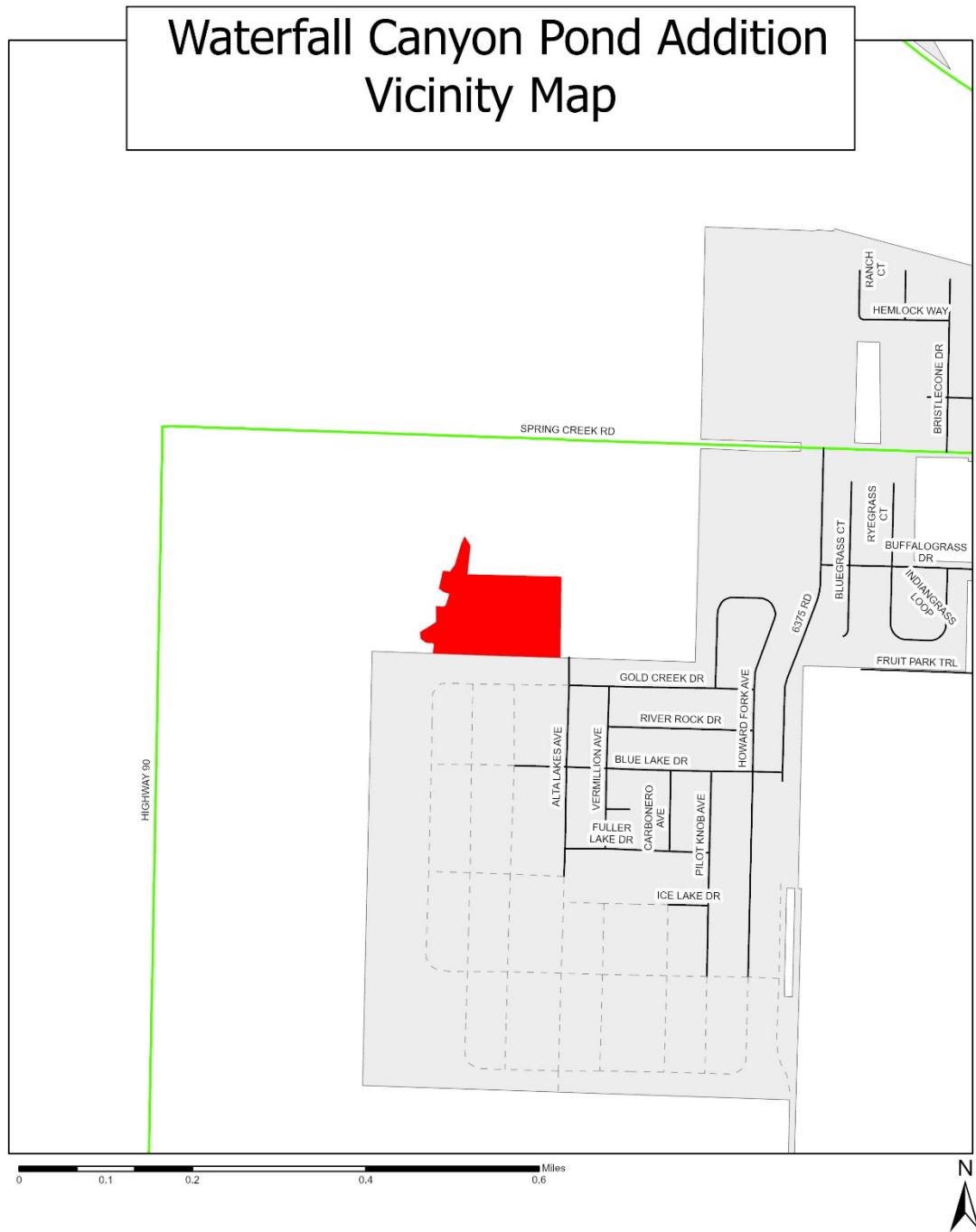
1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions. “The 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:
 - i. The amendment is not averse to the public health, safety and welfare; and
 - ii. The amendment is in substantial conformity with the Comprehensive Plan, or such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated.”
 - b. Municipal Code, Section 11-7-5: The “R-3” Medium Density District is intended to provide for an area which is suitable primarily for single-household detached, attached and duplex dwellings, along with certain other compatible land uses.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned “R-3” Medium Density District and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Waterfall Canyon Pond Addition as Residential Mixed Density Low. The Residential Mixed Density Low District provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City.



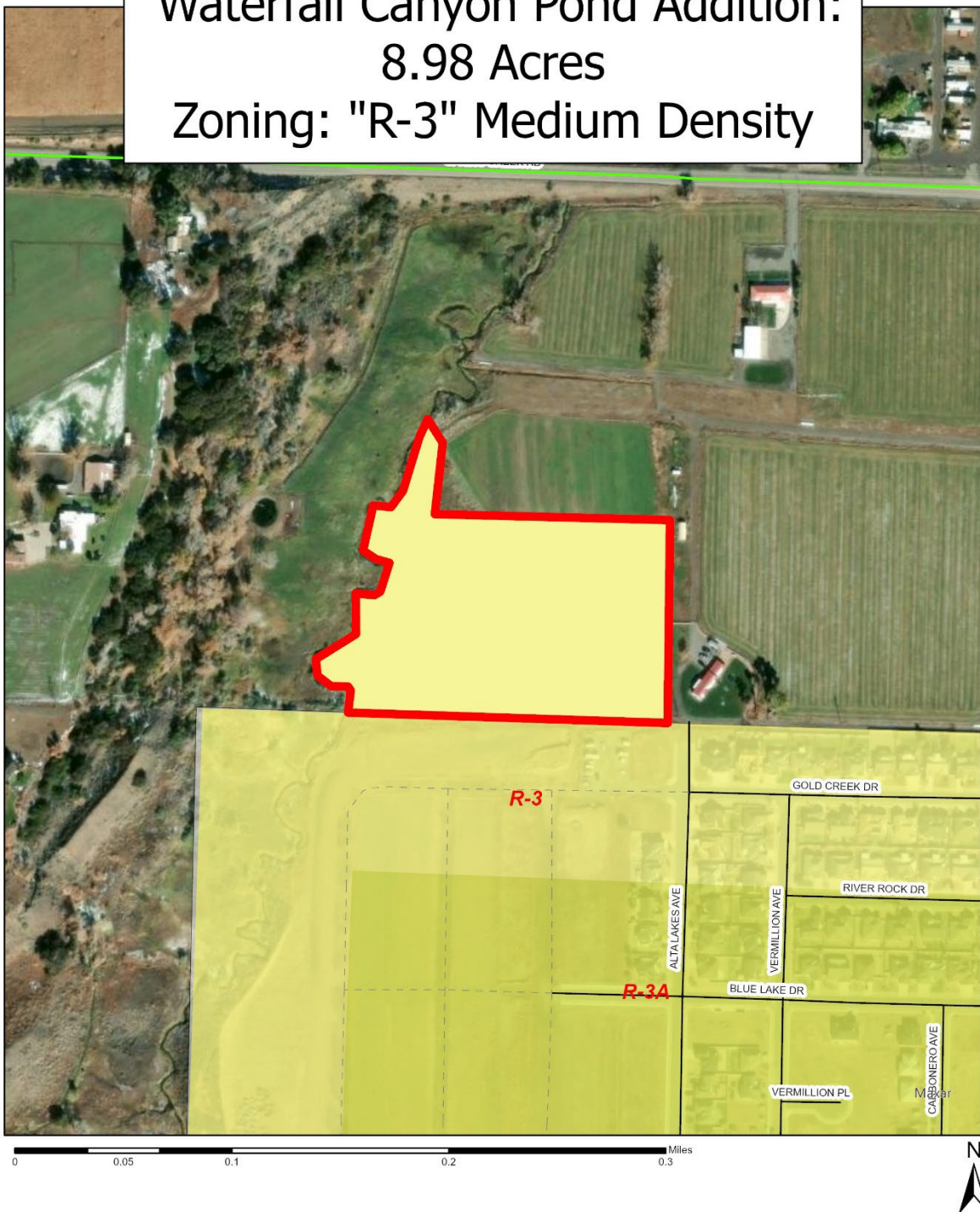
5. The property is located within Growth Area 3. According to the Comprehensive Plan, Growth Area 3 contains an area that is farther away from services and infrastructure that would pose a greater financial burden to service and maintain infrastructure.
6. The “R-3” zoning does not appear to be averse to the public health, safety and welfare.



EXHIBIT A: Maps



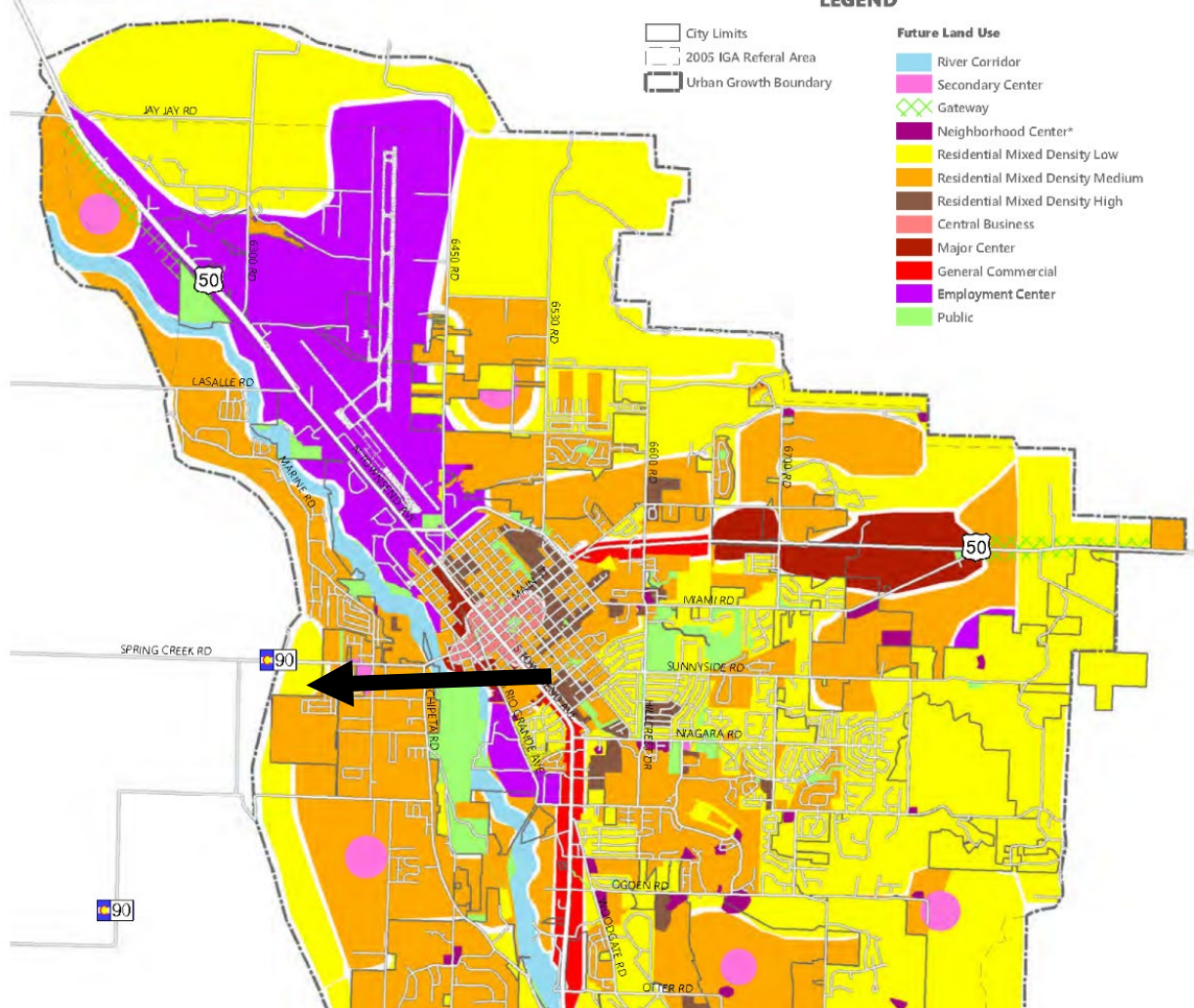
Waterfall Canyon Pond Addition:
8.98 Acres
Zoning: "R-3" Medium Density



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



WATERFALL CANYON POND ADDITION

SITUATED IN SECTION 32, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
COUNTY OF MONTROSE, STATE OF COLORADO

LEGEND

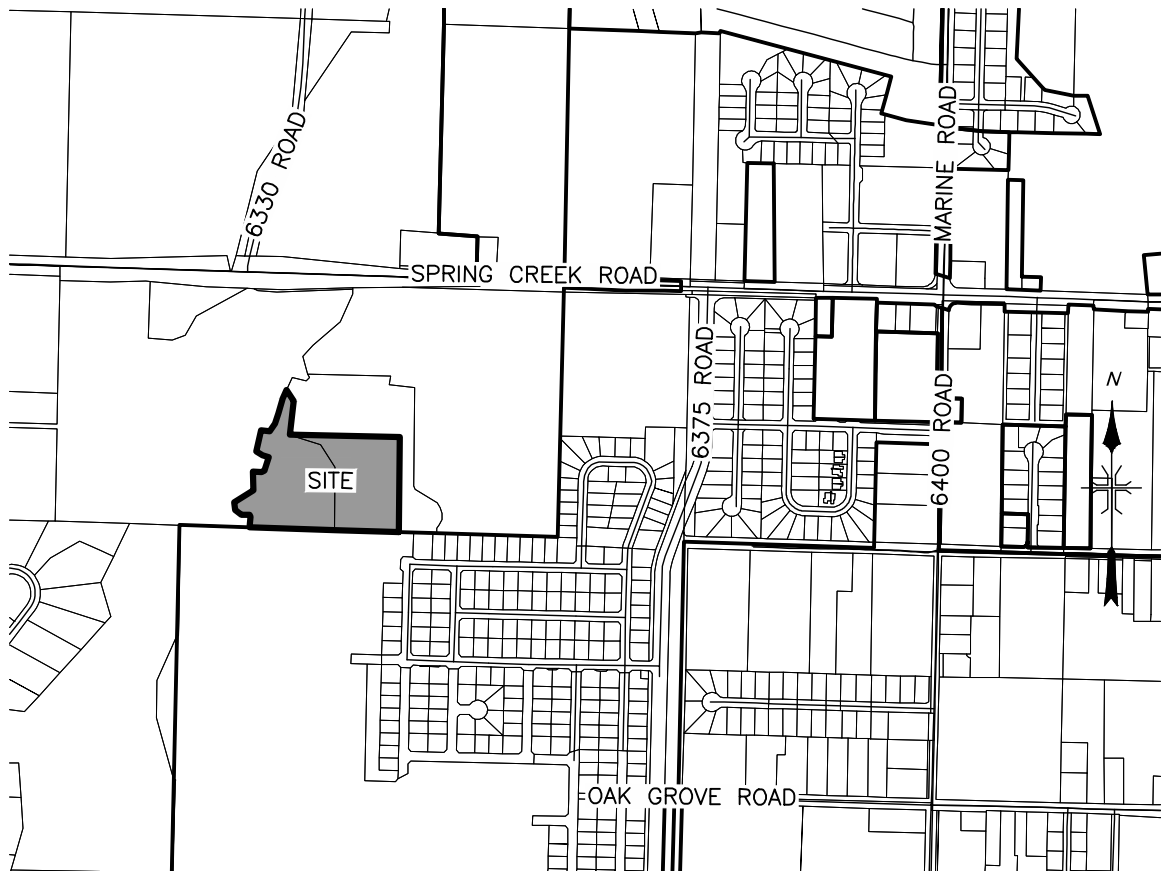
- //// CITY LIMITS
— PROPERTY BOUNDARY / LIMITS OF ANNEXATION

CITY LIMITS

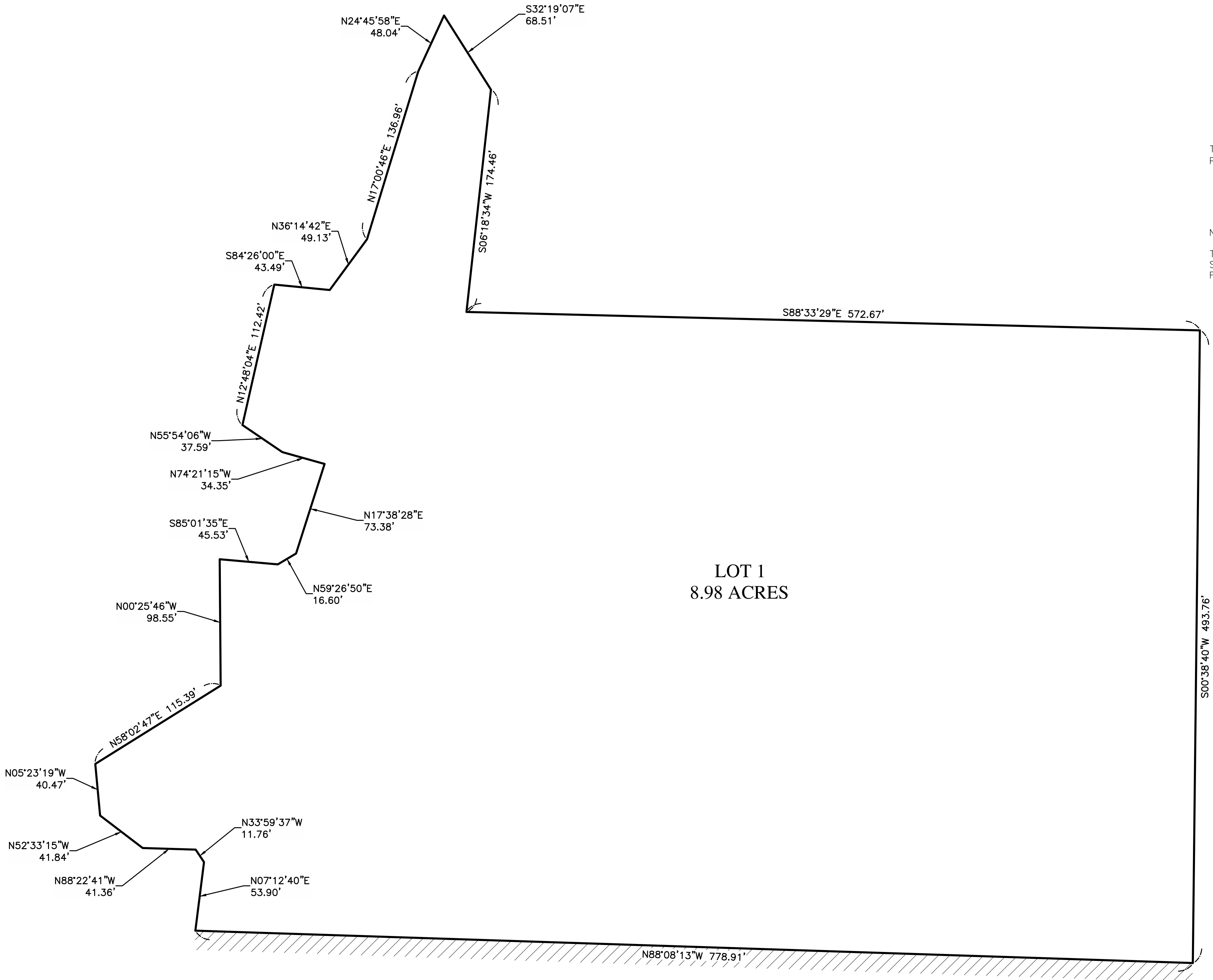
TOTAL PERIMETER = 3089.06'
PERIMETER CONTIGUOUS TO CITY LIMITS = 778.91'

NOTE:

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



VICINITY MAP
N.T.S.



LOT 1
8.98 ACRES

FLOWER ADDITION #2
RECEPTION NO: 735600

PROPERTY DESCRIPTION

Lot 1, Carver Exemption for Boundary Line Adjustment, Reception No. 968207,
County of Montrose, State of Colorado

SURVEYOR'S CERTIFICATE

I, Nicholas Barrett a Registered Land Surveyor in the State of Colorado, do hereby certify Waterfall Canyon Pond Addition Annexation Map was prepared under my direct supervision.

PRELIMINARY

Nicholas Barrett, P.L.S.
Registration No. 38037

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. _____ adapted on the _____ day of _____, 202____, annexed the property hereon to the City of Montrose.

Mayor

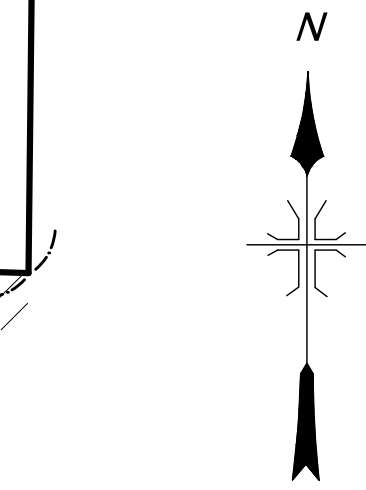
Attest:
City Clerk

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 _____, 202____ under Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

Deputy



1" = 50'



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.
\\DMS14\PROJECTS\ACTIVE PROJECTS\2025\25013-WATERFALL NORTH POND ANNEXATION\C3D\25013V_ANNEX.DWG

TITLE: WATERFALL CANYON POND ADDITION			
CLIENT: LEADERSHIP CIRCLE		DATE: 2025-02-05	
ADDRESS & PHONE:		TYPE: ANNEXATION	
FIELD BOOK:	DRAWN BY: DCC	JOB NO.: 25013	
SHEET: 1 of 1	FILE: 25013V_ANNEX		

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	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
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
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
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
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
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

Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E)(1-3))	T	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4))	T	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6(2))		T	T	T	T	T	T	T	T	T

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

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

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

least 20 feet from any street right-of-way line.									
Funeral homes			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facilities, self-service				P	P	P	P		
Mobile and travel home sales or service establishments					P	P			
Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.	P								
Offices not allowed as a use by right.	C								
Travel home parks and campgrounds (See Sec. 11-13)				C	C	C			
Rental businesses					P	P			
Restaurants			P	P	P	P	P		P
Restaurants, drive-in or drive-through			C	C	C	C	C		
Retail sales and services establishments which cater to the general shopping public	C								
Retail stores, business and professional offices, and service establishments which cater to the general shopping public.			P	P	P	P	P		P
Retail stores, business and service establishments serving the general public but which also involve				C	C	C			

limited manufacturing of the products supplied									
Sexually oriented business (See Sec. 11-12-1)									P
Short-term rentals	P		P	P	P	P	P	P	P
Taverns			P	P	P	P	C		
Theaters			P	P	P	P			
Veterinary clinics or hospitals for small animals				P	P	P			
Veterinary clinics or hospitals for large animals					P	P			
Above ground storage facilities for hazardous fuels						P			P
Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.								P	P
Construction and contractor's office and equipment storage facilities						P			P
Feed storage and sales establishments						P			P
Manufacturing and non-manufacturing uses including: food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities. (See Sec. 11-11-4)					C	C		P	P
Other industrial uses									P
Storage facilities, indoor			C	P	P	P	C		P
Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operations			C	C	C	C		P	P
Airport								P	P
Assisted living facilities	C			P	P	P			
Childcare facilities	P	C	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			

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



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

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





CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: May 19, 2025
RE: Waterfall Canyon West Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

City Council is considering the Waterfall Canyon West Addition annexation application and the associated zoning. Council will consider all of the information in this memo in making a decision.

Proposed schedule:

May 19:	Council Work Session Overview
June 3:	Council Resolution to set a hearing date
June 25:	Planning Commission zoning hearing
July 15:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
August 5:	2nd reading of annexation and zoning ordinances

Application Background:

The Waterfall Canyon West Addition is a proposed annexation approximately 1.21 acres in size. The annexation consists of a portion of Outlot 5 of the Waterfall Canyon Subdivision Filing No. 6, west of the Waterfall Canyon Subdivision. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and Chipeta Water Service Area. A boundary line adjustment was completed that resulted in a small portion of this property lying outside of City limits, and this annexation would move the City limits to match with the new boundary. An Annexation Agreement is required.



Proposed Zoning: “R-3” Medium Density District

Applicant: Waterfall Canyon, LLC

Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions. “The 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:
 - i. The amendment is not averse to the public health, safety and welfare; and
 - ii. The amendment is in substantial conformity with the Comprehensive Plan, or such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated.”
 - b. Municipal Code, Section 11-7-5: The “R-3” Medium Density District is intended to provide for an area which is suitable primarily for single-household detached, attached and duplex dwellings, along with certain other compatible land uses.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned “R-3” Medium Density District and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Waterfall Canyon West Addition as Residential Mixed Density Low. The Residential Mixed Density Low District provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City.



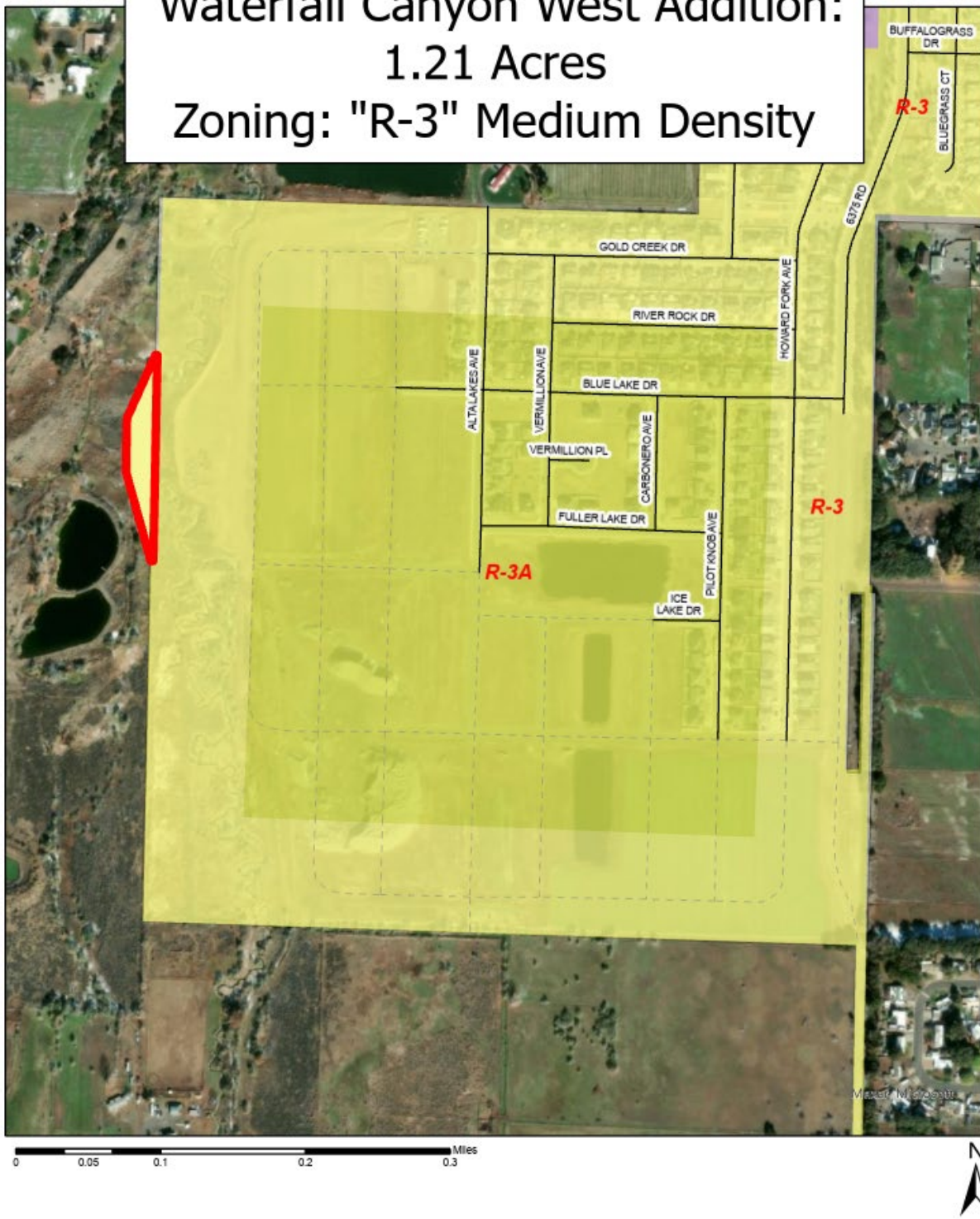
5. The property is located within Growth Area 3. According to the Comprehensive Plan, Growth Area 3 contains an area that is farther away from services and infrastructure that would pose a greater financial burden to service and maintain infrastructure.
6. The “R-3” zoning does not appear to be averse to the public health, safety and welfare.



EXHIBIT A: Maps



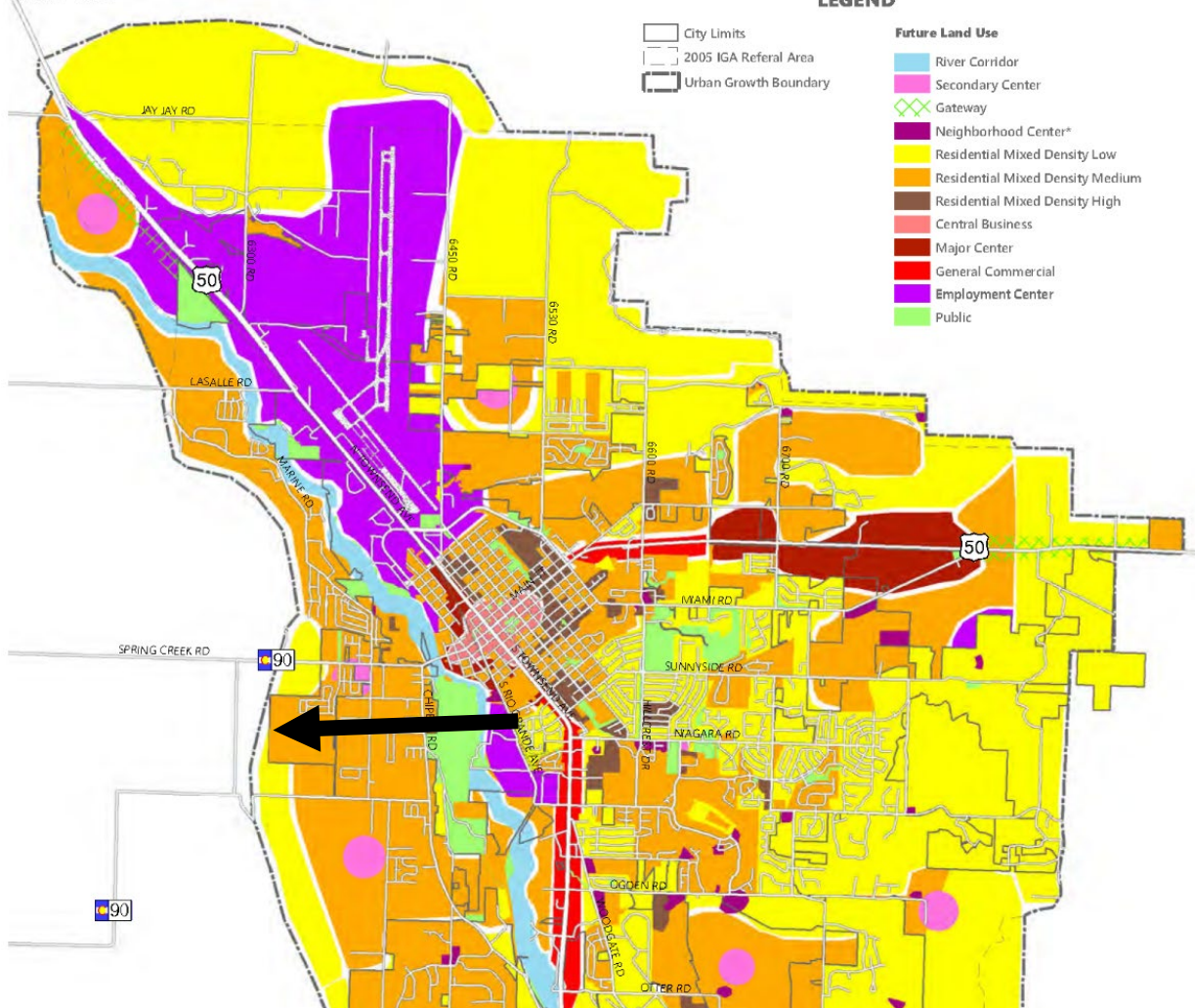
Waterfall Canyon West Addition:
1.21 Acres
Zoning: "R-3" Medium Density



Comprehensive Plan Future Land Use Map

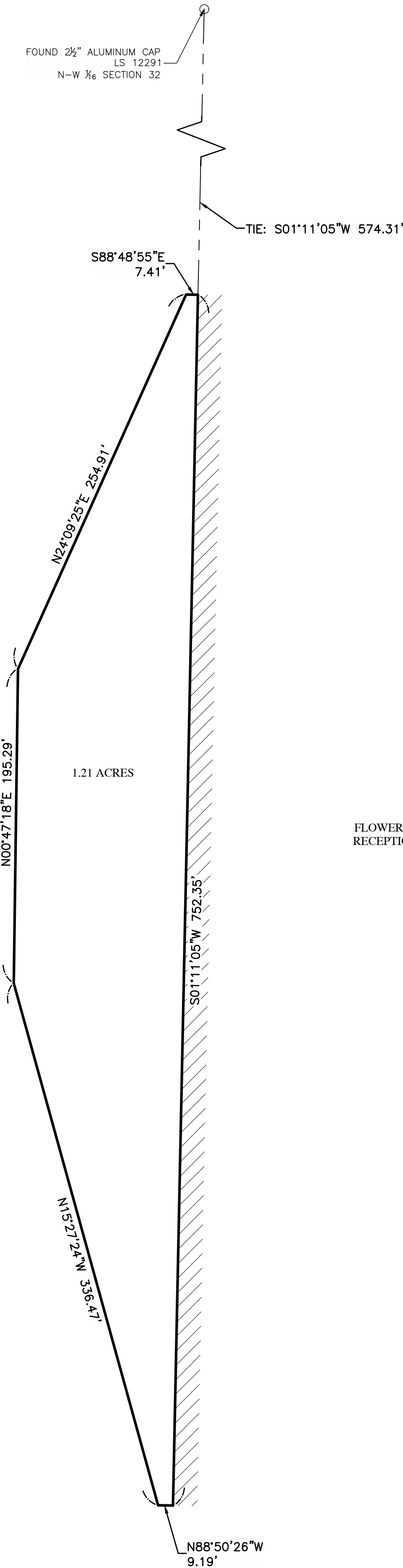
FUTURE LAND USE

MAP 5.1

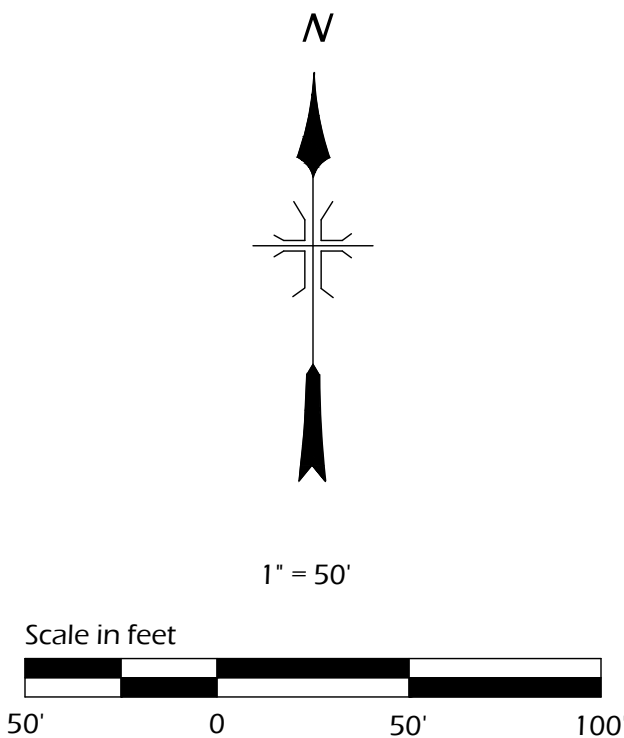


WATERFALL CANYON WEST ADDITION

SITUATED IN SECTION 32, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
COUNTY OF MONTROSE, STATE OF COLORADO



FLOWER ADDITION #2
RECEPTION NO: 735600



LEGEND

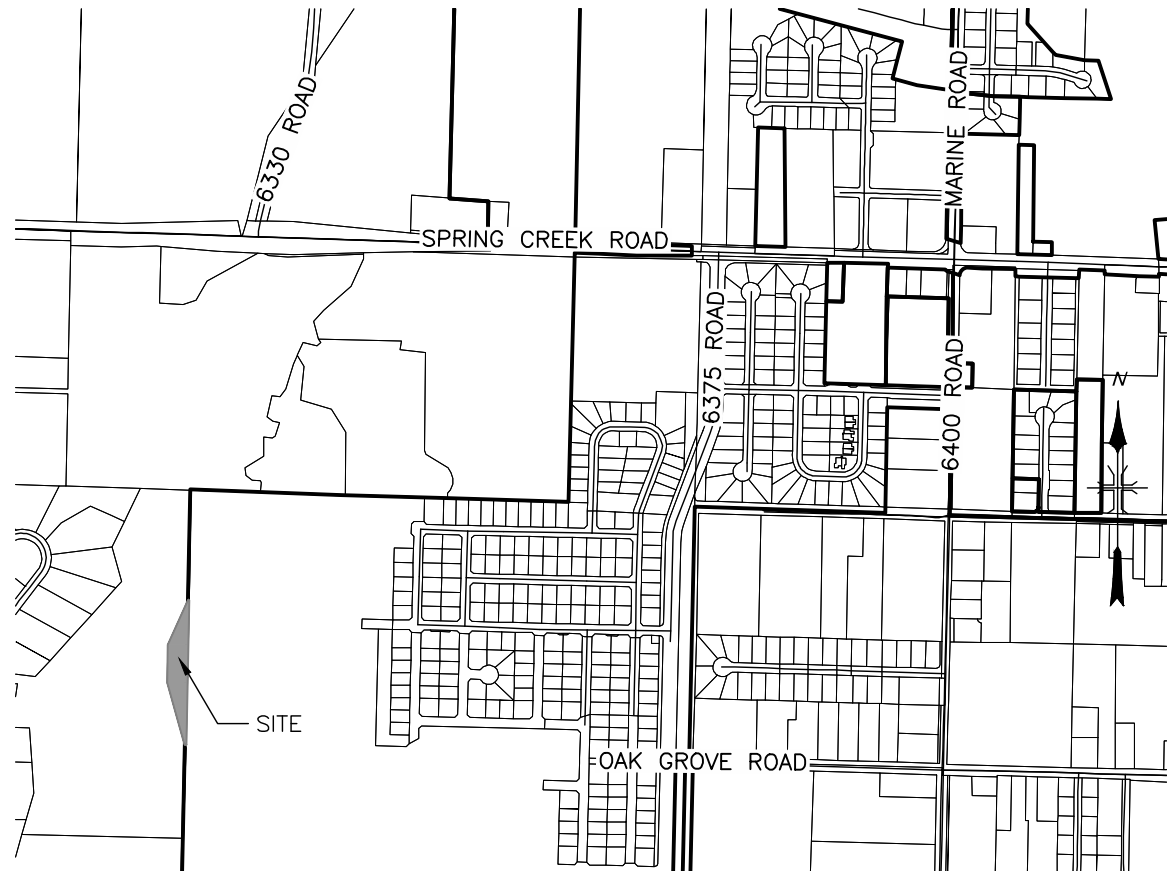
- //// CITY LIMITS
- PROPERTY BOUNDARY / LIMITS OF ANNEXATION

CITY LIMITS

TOTAL PERIMETER = 1555.62'
PERIMETER CONTIGUOUS TO CITY LIMITS = 752.35'

NOTE:

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



VICINITY MAP
N.T.S.

PROPERTY DESCRIPTION

A parcel of land situated in Section 32, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado being better described as:
Beginning at a point S01°11'05"W 574.31 feet from the NW1/16 corner of said Section 32;
Thence S01°11'05"W 752.35 feet;
Thence N88°50'26"W 9.19 feet;
Thence N15°27'24"W 336.47 feet;
Thence N00°47'18"E 195.29 feet;
Thence N24°09'25"E 254.91 feet;
Thence S88°48'55"E 7.41 feet to the Point of Beginning.
Containing 1.21 Acres more or less as described.

SURVEYOR'S CERTIFICATE

I, Nicholas Barrett a Registered Land Surveyor in the State of Colorado, do hereby certify Waterfall Canyon West Addition Annexation Map was prepared under my direct supervision.

Nicholas Barrett, P.L.S.
Registration No. 38037

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 _____, 202____, 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 _____, 202____ under Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

Deputy

PRELIMINARY

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.

\\\\DMS14\\PROJECTS\\ACTIVE PROJECTS\\2025\\25013-WATERFALL NORTH POND ANNEXATION\\C3D\\25013V_ANNEX-WEST.DWG

FIELD BOOK:		DRAWN BY: DCC	DATE: 2025-02-17
SHEET: 1 of 1		FILE: 25013V_ANNEX-WEST	JOB NO.: 25013
TITLE: WATERFALL CANYON WEST ADDITION		CLIENT: LEADERSHIP CIRCLE	
ADDRESS & PHONE:		TYPE: ANNEXATION	

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	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
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
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
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
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
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

Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E)(1-3))	T	T	T	T	T	T	T	T	T	T
Temporary Construction or Sales Office (See Sec. 11-7-6(E)(4))	T	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6(2))		T	T	T	T	T	T	T	T	T

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

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

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



least 20 feet from any street right-of-way line.									
Funeral homes			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facilities, self-service				P	P	P	P		
Mobile and travel home sales or service establishments					P	P			
Offices for medically related and professional service providers including doctors, dentists, chiropractors, lawyers, engineers, surveyors, accountants, bookkeepers, secretarial services, title companies, social service providers and other similar professional service providers.	P								
Offices not allowed as a use by right.	C								
Travel home parks and campgrounds (See Sec. 11-13)				C	C	C			
Rental businesses					P	P			
Restaurants			P	P	P	P	P		P
Restaurants, drive-in or drive-through			C	C	C	C	C		
Retail sales and services establishments which cater to the general shopping public	C								
Retail stores, business and professional offices, and service establishments which cater to the general shopping public.			P	P	P	P	P		P
Retail stores, business and service establishments serving the general public but which also involve				C	C	C			

limited manufacturing of the products supplied									
Sexually oriented business (See Sec. 11-12-1)									P
Short-term rentals	P		P	P	P	P	P	P	P
Taverns			P	P	P	P	C		
Theaters			P	P	P	P			
Veterinary clinics or hospitals for small animals				P	P	P			
Veterinary clinics or hospitals for large animals					P	P			
Above ground storage facilities for hazardous fuels						P			P
Aircraft support services, including, but not limited to, aircraft maintenance and passenger and crew services.								P	P
Construction and contractor's office and equipment storage facilities						P			P
Feed storage and sales establishments						P			P
Manufacturing and non-manufacturing uses including: food processing; metal finishing and fabrication; paper, plastic and wood manufacturing (excluding processing of any raw materials), fabric manufacturing and similar activities. (See Sec. 11-11-4)					C	C		P	P
Other industrial uses									P
Storage facilities, indoor			C	P	P	P	C		P
Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operations			C	C	C	C		P	P
Airport								P	P
Assisted living facilities	C			P	P	P			
Childcare facilities	P	C	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			

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



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

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



CHARTER REVIEW COMMITTEE

WORKING REDLINE (THIS VERSION WAS TAKEN FROM THE CITY'S WEBSITE)

ARTICLE I. - GOVERNMENTAL POWERS AND LEGISLATIVE OFFICIALS

Sec. 7. - Qualifications.

Every elector may be a candidate for the office of Councilor, if he or she such elector has never been convicted of a felony, and has resided within the City, and in the case of the four Councilors to be elected from Council districts, within the City and the district from which he or she the elector is to be elected, for a period of at least 12 consecutive months immediately preceding the date of election or of appointment in the case of a vacancy. Residency within territory annexed to the City or within territory changed from one district to another shall count towards the residency requirements in the City and the district in which such territory is included.

(Art. I, Section 7 amd., Ord. No. 1084, 7-3-1980; Res. No. 2014-06, 1(Att.), 2-4-2014)

Sec. 8. - Term of office.

- (a) The term of office of the Council Members shall commence at the first regular Council meeting following the certification of their election and shall continue be for a period of two and four years as hereinafter provided and until their successors are duly elected and qualified. They Council Members shall qualify to take office by the first regular Council meeting following the certification of their election.
- (b) The regular term for City Council Members filling a district seat shall be four (4) years. The regular term for the City Council Member filling the at-large seat shall be two (2) years.
- (c) The term limit for a City Council Member filling a district seat shall be no longer than two (2) consecutive four (4) year terms, or a maximum of eight (8) consecutive years in office if the Council Member held a combination of at-large and district seats, excluding any partial term.
- (d) The term limit for a City Council Member filling the at-large seat shall be four (4) consecutive two (2) year terms. Terms for the at-large and district seats may be combined in any sequence, so long as the resulting maximum time in office does not exceed eight (8) consecutive years, excluding any partial term.

- (e) A waiting period of four (4) years shall apply before any City Council Member who has served the maximum term in office is eligible to serve again on the City Council.

(Art. I, Section 8 amd., Ord. No. 1486, 1-2-1994; Res. No. 2014-06, 1(Att.), 2-4-2014)

(Res. No. 2014-06, 1(Att.), 2-4-2014)

Sec. 9. - Compensation

The members of the Council shall receive such compensation, and the Mayor such additional compensation as the Council shall by ordinance prescribe; provided, however, that they shall neither increase nor decrease the compensation of any member during his or hersuch member's term of office, except members of the Council whose terms do not expire at the next regular City election, who shall receive the same salary as that provided for incoming members for the remainder of their term of office. The Mayor and Councilors may, upon order of the Council, be paid such necessary bona fide expenses incurred in service on behalf of the City as are authorized and itemized.

(Res. No. 2014-06, 1(Att.), 2-4-2014)

Sec. 10. - Mayor.

The Mayor and Mayor Pro-tem shall be elected by Council at the first meeting upon taking office, and shall serve at the pleasure of the Council. The Mayor shall preside at meetings of the Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon him or herthe Mayor by this Charter or the ordinances of the City. He or sheThe Mayor shall have all of the powers, rights and privileges of a Council Member. He or sheThe Mayor shall be recognized as the head of the City Government for all ceremonial purposes, by the courts for ~~serving-receiving~~ civil process and by the government for the purposes of military law. In case of a vacancy in the office of Mayor, the Council shall choose his or hera successor. In the absence of the Mayor, the Mayor Pro-tem shall perform all duties and have all powers of Mayor.

(Res. No. 2014-06, 1(Att.), 2-4-2014)

Sec. 11. – Vacancies.

An elective office shall become vacant whenever any Councilor is recalled, dies, becomes incapacitated, resigns, ceases to be a resident of the City, or ceases to be a resident of the district for which he or shethe Councilor is elected, ~~or is convicted of a felony~~. In addition, any member of the Council or other officer, when notified of a request for his or herthat person's attendance, fails to attend three consecutive Council meetings without being excused by the Council, shall forfeit his or her the office held. Such request for attendance shall be made by not less than a majority of the members of the Council. In case of a vacancy, the remaining Councilors shall choose by a majority vote, and within 30 days after such vacancy occurs, a duly qualified person to fill such vacancy. He or she-The person chosen shall serve until a successor is elected at the next ensuing special or

general municipal election, whichever first occurs, and has been duly qualified and takes office. If three or more vacancies exist simultaneously, the remaining Councilors shall, at the next regular meeting of the Council, call for a special election to fill such vacancies, provided that there will not be a general election within 90 days.

~~(Art. I, Sec. 11 amd., Ord. No. 1084, 7-3-1980; Res. No. 2014-06, 1(Att.), 2-4-2014)~~

Sec. 14. – Oaths.

The Elected Officials, ~~the City Manager, Assistant City Manager, City Attorney, Assistant City Attorney, Police Chief and Officers, the Municipal Judge and Assistant Municipal Judge,~~ shall take an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, the ~~Charter~~ charter and ordinances of the City and faithfully perform the duties of the office upon which they are about to enter.

~~(Res. No. 2014-06, 1(Att.), 2-4-2014)~~

ARTICLE II. – COUNCIL PROCEDURE

Sec. 2. – Meetings.

All meetings of the City Council may be held in the Council chambers, except that when said Council chambers facilities are not available or are inadequate, Council may designate a suitable place for such meetings within the City and shall post notice thereof at or near the front door of the City Hall and if time permits shall publish notice of same on a public website of the City in conformity with the Colorado Open Meetings Law, C.R.S. § 24-6-401, et seq., or as amended in the newspaper in which other official City publications are made. Regular meetings of the City Council may be held twice monthly during the first and third weeks on the day of the week to be designated by Council by ordinance. The City Council shall prescribe the time of its meetings, and the manner in which special meetings shall be called, providing all Council Members shall be notified thereof. A majority of all the members shall constitute a quorum to do business and enter executive session, but a lesser number may adjourn to a definite date. All regular and special meetings of the City Council shall be open to the public and a journal shall be kept of its proceedings which shall be a public record.

~~(Res. No. 2014-06, 1(Att.), 2-4-2014)~~

Sec. 4. – Voting.

The vote by “yes” and “no” shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the Council proceedings. Every ordinance shall require the affirmative vote of the majority of the membership of the entire Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the members present. Council Members may be present physically or electronically as allowed by Colorado Statute. No member of the Council shall vote on any question in

which ~~he or she~~such member has a financial interest, other than the common public interest, or any question concerning ~~his or her~~such member's own conduct, but on all other questions, each member who is present shall vote electronically or by voice vote, ~~when his or her name is called~~ unless excused by the unanimous consent of the remaining members present. Council Members may recuse themselves to avoid any appearance of impropriety.

~~(Res. No. 2014-06, 1(Att.), 2-4-2014)~~

Sec. 9. – Disposition of ordinances.

A true copy of every ordinance, as adopted by City Council shall be numbered and recorded in the official records of the City. Its adoption and publication shall be authenticated by the signature of the Mayor, or Mayor Pro-tem, and the City Clerk, and by the certificate of publication. A true copy of every ordinance, as adopted by the vote of the ~~qualified~~ electors of the City, shall be separately numbered and recorded commencing with Peoples' Ordinance No. 1.

ARTICLE III. - ELECTIONS

Sec. 1. - Term of office.

~~Council Members whose terms are to expire following the general municipal elections which would have been scheduled for November of 1995 and 1997 shall serve until their successors are qualified and take office following the general municipal elections of April 1996 and 1998 respectively. At the general municipal election of April 1996 and at each general municipal election thereafter, two Council Members shall be elected to four-year terms and one Council Member shall be elected to a two-year term.~~

~~The Council Members resident in Council districts 3 and 4 shall be elected in 1996 and each four years thereafter. Council Members resident in district 1 and 2 shall be elected in 1998 and each four years thereafter. The Council Member without a district residence requirement shall serve a two-year term.~~

Council Members for Council Districts I and II shall be elected in 2026, 2030, and every four (4) years thereafter. Council Members for Council Districts III and IV shall be elected in 2024, 2028, and every four (4) years thereafter. A Council Member for the at-large seat shall be elected in 2024, 2026, and every two (2) years thereafter. All of the foregoing elections shall be conducted at the regularly scheduled municipal election.

~~(Art. III, Section 1 amd., Ord. No. 1484, 1-1-1993)~~

Sec. 4. - Laws governing elections.

Special and general municipal elections shall be governed by Statutes of the State of Colorado as now existing or hereafter amended or modified, except as otherwise provided in this Charter or as Council may prescribe by ordinance. The Council may, by ordinance, establish the method for the registration of electors; the number qualifications and compensation for election Judges and Clerks; and the boundaries of election precincts. The Council may, by ordinance, establish an election commission with such powers, duties, terms and qualifications as provided by ordinance.

Editor's note—~~Ordinance 1486 incorrectly states, "The Council Members resident in Council districts 1 and 2 shall be elected in 1996 and each 4 years thereafter. Council Members resident in district 1 and 2 shall be elected in 1998 and each 4 years thereafter."~~

Sec. 7. - Procedure.

The procedure hereunder to ~~effect~~affect the recall of any elective Officer, or appointive Officer subject to recall, shall be as follows: One or more ~~qualified~~ electors shall file with the City Clerk an affidavit of not more than 200 words, stating the reasons for the recall of the Officer sought to be removed. The City Clerk shall, within 48 hours after the filing of said affidavit, mail a copy by registered mail to the Officer sought to be recalled, who may file with the City Clerk a sworn statement in defense of the charges made against ~~him or her~~such Officer. After the affidavit has been filed the City Clerk shall issue a petition for recall of the Officers and said petition may be circulated and ~~must~~shall be signed by a number of ~~qualified~~ electors equal to at least ~~15-25~~ percent of the total number of ~~qualified~~ electors voting in the last general municipal election. After one (1) recall petition and election, no further recall petition shall be filed against the same Officer during the term for which such Officer was elected, unless the number of electors signing such recall petition shall equal at least fifty percent (50%) of the total number of electors voting in the last general municipal election.

The recall petition shall be filed with the requisite information and signatures with the City Clerk within 60 days after issuance. If said petition is filed within the time specified, and is proper in all respects, the City Council shall set a date for a recall election to be held within 60 days, unless a general municipal election or a special municipal election will be held within 120 days following the filing of the petition. The ballot upon which such proposed recall is submitted shall set forth the following question:

Shall (name of person against whom the recall petition is filed) be recalled from the office of (Title of office)?

Following such question shall be the terms "yes" or "no."

In the event that an Officer is recalled by a majority vote of those voting on the question, the office shall be deemed vacant and shall be filled as provided in this Charter for the filling of vacancies. The City Council shall make such additional rules and regulations as are necessary to implement the above procedures.

ARTICLE V. - FINANCE, APPROPRIATIONS AND TAXATION

Sec. 5. – Budget procedure.

The City Manager shall prepare and submit to the [City](#) Council on or before the 15th of October of each year a recommended budget covering the next fiscal year, and shall include therein at least the following information:

- (a) Detailed estimates with ~~his or her~~[the City Manager's](#) supporting explanations of all proposed expenditures for legal and judiciary, for each department, office, and agency of the City, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to June 30th and estimated expenditures for the balance of the current year;

Sec. 19. - Limitation on tax powers of City.

No income tax ~~or~~, sales tax or cigarette tax hereinafter enacted shall become effective ~~or parking meters installed on property owned by the City~~, until the ordinance authorizing the same shall have been approved by a majority of the ~~qualified~~ electors of the City voting on the question at a regular or special election. After the effective date of any such ordinance, any subsequent amendment to that ordinance, need not be again approved by a majority of the ~~qualified~~ electors voting on the question at a regular or special election, unless the amendatory ordinance imposes an increase in the rate of the income tax ~~or~~, sales tax or cigarette tax. ~~Nothing contained in this section shall be construed as prohibiting the imposition of any occupation tax, hotel room tax, or any other type of use or excise tax without the approval of a majority of the qualified electors as provided in this section.~~

ARTICLE VI. - MUNICIPAL BORROWING

Sec. 3. - General obligation bonds.

No bonds or other evidences of indebtedness payable in whole or in part from the proceeds of general (ad valorem) property taxes or to which the full faith and credit of the City are pledged (sometimes referred to in this Article as "General Obligation Bonds") shall be issued, except in pursuance of an ordinance, or until the question of their issuance shall at a special or general election be submitted to a vote of the electors and approved by a majority of those voting on the question except as provided in Sections 6, 9, 10 and 11; provided that such General Obligation Bonds issued for acquiring water and rights thereto, or acquiring, improving or extending a municipal water system, or any combination of such purposes (sometimes referred to in this Article as "Water Purposes"), may be so issued without an election. The payment of such General Obligation Bonds may be additionally secured by a pledge of all or a portion of the proceeds to be derived from any sales tax, cigarette tax, occupation tax, hotel room tax or other specified revenues which are not derived from general (ad valorem) taxes or any combination of the foregoing (which may be sometimes referred to in this Article as "Additional Security"). No election shall be necessary to authorize general obligation bonds for Water Purposes, either with or without Additional Security, unless a petition requesting that an election be held is

filed with the City Clerk within 20 days of the date of publication on final passage of the ordinance authorizing the issuance of said bonds, and signed by electors at least equal in number to ten per cent of the total number of **qualified** electors voting at the last preceding general municipal election. When the City Council receives such a petition and finds it to be valid in the manner provided by Article IX of this Charter, and all laws thereunto enabling, the City Council shall submit the question of issuing such General Obligation Bonds for the specific Water Purposes to the electors at the next general municipal election, or at a special election called for that or any other purpose. In the event a petition is so filed, the General Obligation Bonds for the specified Water Purpose shall not be issued unless approved by a majority of the electors voting on the question.

Sec. 5. - Revenue bonds.

The City in pursuance of an ordinance may borrow money, issue bonds or otherwise extend its credit for the purpose of purchasing, constructing, condemning, otherwise acquiring, extending, or improving a water, communications, electric, gas or sewer system or other public utility or income producing project; provided that the bonds or other obligations shall be made payable solely out of the net revenues derived from the operation of such system, utility or other such project (said bonds or other securities being sometimes referred to herein as "Utility Revenue Bonds"; and provided, further, that any two or more such systems, utilities or projects may be combined, operated and maintained as joint municipal systems, utilities or projects, in which case such bonds or other obligations may be made payable solely out of the net revenues derived from the operation of such joint systems utilities or projects. The net revenues of any such system, utility or project may be cross-pledged to pay any Utility Revenue Bonds payable primarily from another system, utility or project without combining, operating and maintaining them as a single joint system, utility or project. The City may additionally borrow money, issue bonds or otherwise extend its credit for any municipal purpose and may make them payable solely from the gross or net revenues received from any municipal occupation tax, sales tax, cigarette tax or any other excise or use tax. The proceeds of any such municipal occupation tax, sales tax, cigarette tax or any other excise tax or use tax may also be pledged as additional security for the payment of the aforesaid Utility Revenue Bonds. No election shall be necessary to authorize the bonds under this Section unless a petition requesting that an election be held is filed with the City Clerk within 20 days of the date of publication of the ordinance on final passage authorizing the issuance of the bonds, and signed by ~~_qualified~~ electors at least equal in number to ten percent of the number of ~~_qualified~~ electors voting at the last preceding general municipal election. When the City Council receives such a petition and finds it to be valid in the manner provided by Article IX of this Charter and all laws thereunto enabling, the City Council shall submit the question of issuing such revenue bonds to the ~~_qualified~~ electors at the next general municipal election, or at a special election called for that or any purpose. In the event a petition is so filed, the revenue bonds shall not be issued unless approved by a majority of the ~~_qualified~~ electors voting on the question. No revenue bonds shall be issued for the acquisition of such system, utility or income producing project unless the acquisition thereof has been authorized as provided in Article IV of this Charter.

(Res. No. ~~2014-06~~, ~~1(Att.)~~, ~~2-4-2014~~)

ARTICLE VII. - COURTS AND LEGAL SERVICES

Sec. 1. - Municipal Court.

- (a) There is hereby established a municipal court vested with original jurisdiction of all causes arising under the Charter, ordinances of the City of Montrose, Colorado, and as may be conferred by law.
- (b) The municipal court shall have the right to compel the attendance of witnesses by subpoena and to enforce this power by contempt of court.
- (c) The City Council shall appoint a Municipal Judge who shall hold office during the pleasure of the City Council and shall serve until ~~his or hersuch~~ Judge's successor is appointed and qualified, subject, however, to the recall provisions of this Charter.
- (d) The Municipal Judge may appoint one or more assistant municipal judges, with the advice and consent of the City Council, who shall serve in the absence of the Municipal Judge, and who shall hold ~~their~~ office during the pleasure of the City Council. The Municipal Judge shall provide for the authority and responsibility of the ~~m~~Municipal ~~c~~Court, including the annual budget, court personnel and regulations.
- (e) Neither the City Council nor any of its committees or members shall direct the appointment of any person to, or ~~his or hersuch person's~~ removal from, or employment by the City Manager, or in any manner take part in the appointment or removal of employees in the administrative service of the City, except as otherwise provided in this Charter. The City Council and its members, except for the purpose of inquiry, shall deal with that portion of the administrative service for which the City Manager is responsible, solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any employee of the City either publicly or privately. ~~Each judge or assistant judge of the municipal court shall be a resident of the County of Montrose, and shall be an attorney-at-law licensed to practice in the State of Colorado.~~
- (f) Each ~~municipal~~ judge shall receive a fixed salary or compensation not dependent upon the outcome of the matters to be decided by ~~him or her~~that judge and to be fixed by resolution of City Council from time to time.
- (g) All jurors serving in the municipal court shall be ~~qualified~~ electors of the City of Montrose, Colorado, and shall possess such other qualifications as may be provided by ordinance. Said jurors shall be chosen from a panel which shall be selected by some random method established by resolution of the City Council.

~~(Res. No. 2014-06, 1(Att.), 2-4-2014)~~

Sec. 2. - City Attorney.

- (a) The City Council shall appoint a City Attorney who shall hold office at the pleasure of the City Council and shall be an attorney-at-law licensed to practice in the State of Colorado. The City Attorney shall advise the City Council and City

Officials in matters relating to their official powers and duties, and perform such other duties as the City Council may prescribe by ordinance or resolution. ~~The Council may provide the City Attorney such Assistant City Attorney as Council may deem necessary, and The City Council~~ may on its own motion or upon request of the City Attorney in special cases employ special counsel ~~to who shall~~ serve under the jurisdiction of the City Attorney. The City Attorney shall have the authority to hire, promote, demote, transfer, discipline, or discharge, in accordance with the provisions of the Municipal Code, this Charter, and City personnel policies, any employee in the City Attorney's Office.

~~(a)~~(b) City Council shall, by ~~resolution~~motion, establish compensation for the City Attorney. Any agreement for compensation to special counsel shall be made only upon approval of the City Council and prior to the service being rendered.

Sec. 3. Oath of Office.

The ~~City Manager, Assistant City Manager,~~ City Attorney, Assistant City Attorney, ~~Police Chief and Officers, the~~ Municipal Judge and Assistant Municipal Judge, shall take an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, the charter and ordinances of the City and faithfully perform the duties of the office upon which they are about to enter.

ARTICLE VIII. - ADMINISTRATIVE SUPERVISION AND DEPARTMENTS

Sec. 1. - City Manager.

The City Council shall, within a reasonable time, whenever a vacancy occurs, upon a vote of the majority of the entire City Council, appoint a City Manager who shall be the Chief Executive and Administrative Officer of the City. Such appointment shall be without definite term at salary to be fixed by City Council. At the time of ~~his or her~~the City Manager's appointment, the City Manager need not be a resident of ~~the~~the City, County or State, but during ~~his or her~~any tenure of office ~~he or she~~the City Manager shall reside within the City No Councilor shall be appointed City Manager during or within one year after the termination of ~~his or her~~the Councilor's term as a member of the City Council.

~~(Res. No. 2014-06, 1(Att.), 2-4-2014)~~

~~**Editor's note**—Res. No. 2014-06, 1(Att.), adopted Feb. 4, 2014, amended § 16 and in doing so changed the title of said as set out herein.~~

Sec. 2. - Absence of City Manager.

To perform the duties during his or her temporary absence or disability, the City Manager, with the approval of the City Council, shall delegate a qualified city employee to serve in ~~his or her~~the City Manager's absence. In event of failure or inability of the City Manager to make such a designation, the City Council may by resolution appoint a qualified administrative City employee to perform the duties of the City Manager until ~~he or she~~the City Manager's ~~shall~~ return, or ~~his or her~~until any disability shall cease.

~~(Res. No. 2014-06, 1(Att.), 2-4-2014)~~

~~Editor's note — Res. No. 2014-06, 1(Att.), adopted Feb. 4, 2014, amended § 16 and in doing so changed the title of said as set out herein.~~

Sec. 3. - Powers and duties.

The City Manager, with ~~the~~ approval of the City Council, shall create and administer such departments as shall be deemed necessary to perform the functions of said City. The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City placed in ~~his or her~~the City Manager's charge, and to that end ~~he or she~~such person shall have the power and duty and be required to:

- (e) Prepare and submit to the City Council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year, and upon request of the City Council make written or verbal reports at any time concerning the affairs of the City under ~~his or her~~the City Manager's supervision;
- (f) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations to the City Council for adoption as ~~he or she~~the City Manager may deem necessary or expedient;
- (g) Exercise supervision and control over all executive and administrative departments and recommend to the City Council any proposal ~~he or she~~the City Manager thinks advisable to establish, consolidate or abolish administrative departments;
- (m) Perform such other duties as may be prescribed by this Charter, or by ordinance, or required of ~~him or her~~the City Manager by the City Council, and not inconsistent with this Charter.

~~(Res. No. 2014-06, 1(Att.), 2-4-2014)~~

Sec. 5. - Council not to interfere.

Neither the City Council nor any of its committees or members shall direct the appointment of any person to, or ~~his or her~~such person's removal from, or employment by the City Manager, or in any manner take part in the appointment or removal of employees in the administrative service of the City, except as otherwise provided in this Charter. The City Council and its members, except for the purpose of inquiry, shall deal with that portion of the administrative service for which the City Manager is responsible, solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any employee of the City either publicly or privately.

~~(Res. No. 2014-06, 1(Att.), 2-4-2014)~~

Sec. 9. Oath of Office.

The City Manager, Deputy City Manager, Assistant City Manager, Police Chief and Police Officers, shall take an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, the charter and ordinances of the City and faithfully perform the duties of the office upon which they are about to enter.

ARTICLE IX. - INITIATIVE AND REFERENDUM

Sec. 3. - Referral on Council motion.

The City Council, on its own motion, shall have the power to submit at a general or special election any proposed ordinance or question to ~~the a~~ vote of the ~~qualified~~ electors, ~~by~~ causing said proposed ordinance to be published once at least 20 days before such election and with the ballot on the question to be in conformity with the provisions of Section 2 of this Article.

Sec. 5. - Adequacy and amendment of petition.

Within ~~ten-fourteen~~ days of the filing of any initiative or referendum petition, the City Clerk shall ascertain whether the petition is signed by the requisite number of registered electors and if it otherwise complies with the requirements of law for such a petition. If the petition is sufficient and complying, the City Clerk shall attach a certificate of sufficiency showing the result of such examination and refer it to the City Council. If the petition is insufficient, the City Clerk shall notify, in writing, the person filing the petition, if known, or one or more of the petitioners of such insufficiency and no further action shall be taken. If the only insufficiency was an insufficient number of signatures, the petition may be refiled with additional signatures, but the date of the refiled shall be controlling with respect to the requirement to file a referendum petition within 30 days after final passage by the City Council. If the petition is insufficient for other reasons, new petitions for the same purpose may be recirculated and filed, but the date of the new filing shall be controlling.

~~(Art. IX, Sec. 5 amd., Ord. No. 1202, 9-15-1983)~~

Sec. 6. - Limitation on amendment of direct legislation.

An ordinance adopted by the ~~qualified~~ electors may not be amended or repealed for a period of 6 months after the date of the election at which it was adopted, and an ordinance repealed by the ~~qualified~~ electors may not be re-enacted for a period of 6 months after the date of the election at which it was repealed, provided however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this Charter, or if submitted to the ~~qualified~~ electors by the Council on its own motion.

ARTICLE X. - MISCELLANEOUS PROVISIONS

Sec. 1. - Definitions.

As used in this Charter, the following words shall have the following meanings:

(f)"Elector" ~~and "qualified elector"~~ means any person who, under the Statutes of the State of Colorado, is entitled to vote for candidates for municipal office ~~in municipalities~~ within ~~the State of Colorado~~ the City of Montrose.

~~(Res. No. 2014-06, 1(Att.), 2-4-2014)~~