



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, May 20, 2025 - 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 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) City Council meeting called to order by Mayor Dave Frank
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS

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



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

Please refrain from any personal attacks and disagreements, personnel and employment matters, the use of profanity or ethnic, racial, or gender-oriented slurs as they may be considered "disorderly conduct" which violates state or local law.

6) APPROVAL OF MINUTES (5 minutes)

City Council consideration of the minutes of the May 5, 2025, special City Council meeting and the May 6, 2025, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*

Action: Consider making a motion to approve the minutes of the May 5, 2025 special City Council meeting and the May 6, 2025, regular City Council meeting as presented.

7) ORDINANCE 2682 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2682 on second reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of Lot 11 of the Richards Subdivision Final Plat Filing No. 5 from "B-3," General Commercial District to "P," Public District. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2682 on second reading as presented.

8) BEAR CREEK SUBDIVISION FILING NO. 9A FINAL PLAT (10 minutes)

City Council consideration of the Bear Creek Subdivision Filing No. 9A Final Plat to create 18 residential lots and associated easements and rights-of-way. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to approve the Bear Creek Subdivision Filing No. 9A Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.



9) BROWN RANCH SUBDIVISION FILING NO. 9 FINAL PLAT (10 minutes)

City Council consideration of the Brown Ranch Subdivision Filing No. 9 Final Plat to create 24 residential lots and associated easements and rights-of-way. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to approve the Brown Ranch Subdivision Filing No. 9 Final Plat expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and Municipal Code provisions are met and that the applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

10) RESOLUTION 2025-04 (10 minutes)

City Council consideration of Resolution 2025-04, a Resolution of the City Council of the City of Montrose, Colorado, authorizing the Community Development Department to pursue an Energy Impact Assistance Fund Administrative grant from the Department of Local Affairs to fund a technical update to the Envision 2040 Comprehensive Plan and Land Use Code update. *Staff: Community Development Director Jace Hochwalt*

Action: Accept public comment. Consider making a motion to adopt Resolution 2025-04 as presented.

11) PUBLIC WORKS IRRIGATION RELOCATION AND PRELIMINARY SITE FILL CHANGE ORDER NO. 1 (20 minutes)

City Council consideration of Change Order No. 1 in the amount of \$1,275,000 to Williams Construction's Public Works Irrigation Relocation and Preliminary Site Fill Contract for placement of additional fill. *Staff: City Engineer Scott Murphy*

Action: Accept public comment. Consider making a motion to award a change order in the amount of \$1,275,000 to Williams Construction's Public Works Irrigation Relocation and Preliminary Site Fill Contract as presented.

12) STAFF REPORTS

- A) Sales, Use, and Excise Tax Report (5 minutes)
Staff: Sales Tax Manager Leeanne Whittaker



- B) First Quarter Budget Review (5 minutes)
Staff: Finance Director Shani Wittenberg

13) CITY COUNCIL COMMENTS

14) MOTION TO ADJOURN



MONTROSE CITY COUNCIL

May 5, 2025

A special meeting of the Montrose City Council was held on Monday, May 5, 2025, at 12:00 p.m., or immediately following the work session, in the City Council Chambers located in the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT

J. David Reed, Dave Frank, Judy Ann Files, Doug Glaspell, Ed Ulibarri, Bill Bell, Ann Morgenthauer, Chris Dowsey, Matt Magliaro, Greg Stunder, Jace Hochwalt, Tim Cox, Lisa DelPiccolo

CALL TO ORDER

Mayor J. David Reed called the special meeting to order at 10:58 a.m.

EXECUTIVE SESSION

At 10:59 a.m., a motion was made by Judy Ann Files, seconded by Dave Frank, to enter into an executive session for a conference with the City attorney for the purpose of receiving legal advice pursuant to C.R.S. Section 24-6-402(4)(b); to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a) and the following additional details are provided for identification purposes: litigation update; property acquisition. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 12:07 p.m.

At 12:08 p.m. a motion was made by Dave Frank, seconded by Doug Glaspell, to adjourn the meeting with no further action taken. All voted yes. Motion passed.

ATTEST:

Dave Frank, Mayor

Lisa DelPiccolo, City Clerk



MONTROSE CITY COUNCIL

May 6, 2025

A regular meeting of the Montrose City Council was held on Tuesday, May 6, 2025, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT

J. David Reed, Dave Frank, Judy Ann Files, Doug Glaspell, Ed Ulibarri, Graysen Vidmar, Bill Bell, Ann Morgenthaller, Chris Dowsey, Greg Story, Lisa DelPiccolo, David Bries, Gunnison Clamp, Tim Cox, Leeanne Whittaker, Jace Hochwalt, Scott Murphy, William Reis, Greg Stunder, Matt Magliaro, Jim Scheid

GUESTS

Debbie Reed, Jim Haugsness, Carlton Mason, Anne Hepp, Kendra Stucki, John Brown, Michael Badagliacco, Ricardo Perez, Jamie Hurst, Leah Vandersluis, Dulce Marisol Luna-Garcia

CALL TO ORDER

Mayor J. David Reed 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.

MENTAL HEALTH AWARENESS MONTH PROCLAMATION

Mayor J. David Reed and the Montrose City Council proclaimed the month of May 2025 as Mental Health Awareness Month in the City of Montrose. Mayor Reed presented the proclamation to Jamie Hurst with Tri-County Health Network.

CALL FOR PUBLIC COMMENT

Leah Vandersluis and John Brown spoke in support of a non-sanctuary city declaration by City Council.

Kendra Stucki, with the Uncompahgre Valley Alliance, thanked the city for supporting the Earth Action Celebration held at Flex Park in Colorado Outdoors during Earth Week.

Jim Haugsness raised concerns regarding electric bicycles traveling at high rates of speed on park trails and sidewalks and creating safety hazards.

APPROVAL OF MINUTES

City Council considered the minutes of the March 31, 2025, special City Council Meeting and the March 31, 2025, regular City Council meeting.

A motion was made by Dave Frank, seconded by Doug Glaspell, to approve the minutes of the March 31, 2025, special City Council meeting and the March 31, 2025, regular City Council meeting as presented. All voted yes. Motion passed.

APPOINTMENT OF MAYOR AND MAYOR PRO TEM

Mayor J. David Reed presided over the selection of mayor and mayor pro tem for the 2025-2026 mayoral term.

Mayor Reed thanked the citizens, City Council, and City staff for the privilege of serving as mayor.

A motion was made by J. David Reed, seconded by Judy Ann Files, to nominate Dave Frank as Mayor for the 2025-2026 mayoral term. All voted yes. Motion passed.

A motion was made by Dave Frank, seconded by Doug Glaspell, to nominate Judy Ann Files as Mayor Pro Tem for the 2025-2026 mayoral term. All voted yes. Motion passed.

PRESENTATION TO OUTGOING MAYOR

Mayor Dave Frank acknowledged J. David Reed for his service as mayor of the City of Montrose for the 2024-2025 mayoral term.

YOU MAKE A DIFFERENCE AWARD PRESENTATION

Mayor Dave Frank presented a You Make a Difference Award to Carlton Mason, executive director of CASA of the 7th Judicial District.

NEW HOTEL AND RESTAURANT LIQUOR LICENSE APPLICATION

City Council considered an application for a new Hotel and Restaurant liquor license at 1019 E. Main Street for D'Luna Restaurant LLC, doing business as D'Luna Restaurant, for consumption on the licensed premises. A hearing was held.

City Attorney Chris Dowsey reported that the file is in order, the fees have been paid, and a staff review of the application found no issues that would prevent the license from being issued.

Applicant Dulce Marisol Luna-Garcia gave an overview of her plan to open a Mexican restaurant with unique flavors and said she would like to offer alcohol beverages to complement the meals. Ms. Luna-Garcia agreed to the designation of the city limits as the neighborhood and said granting a liquor license for her restaurant would help meet the needs and desires of the neighborhood.

Mr. Dowsey reviewed the results of a petition process. A total of 94 signatures were submitted with 75 signatures determined to be valid and in support of the license.

Ms. Luna-Garcia said customers would be asked for identification before alcohol is served and stated that all owners, managers, and servers would attend the City's alcohol server training.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by J. David Reed, seconded by Ed Ulibarri, to approve a new Hotel and Restaurant liquor license at 1019 E. Main Street for D'Luna Restaurant LLC, doing business as D'Luna Restaurant, for consumption on the licensed premises. All voted yes. Motion passed.

ORDINANCE 2682 – FIRST READING

City Council considered Ordinance 2682 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of Lot 11 of the Richards Subdivision Final Plat Filing No. 5 from "B-3," General Commercial District to "P," Public District. A hearing was held.

Senior Planner William Reis reported that this rezone is associated with the new public works facility. Two other parcels were recently annexed and zoned "P," Public District. This third parcel is already within city limits and must be zoned separately. Mr. Reis reviewed the location of the 16.2 acres at the end of Anderson Road as well as the current zoning designation of "B-3," General Commercial District. Mr. Reis reviewed the intended uses of the "P" zoning designation and said most city-owned properties are zoned "P."

Mr. Reis recommended approval stating that the proposal meets rezone criteria, is in compliance with the Comprehensive Plan, and is compatible with existing uses in the surrounding area. The Planning Commission unanimously recommended approval on March 26.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to pass Ordinance 2682 on first reading as presented. All voted yes. Motion passed.

PAVEMENT MARKING CONTRACT EXTENSION

City Council considered the extension of an existing contract with Stripe-a-Lot LLC for pavement marking services for the total contract amount of \$300,000.00.

Public Works Director Jim Scheid stated that the City has contracted with Stripe-a-Lot over multiple years for pavement marking on all streets and parking lots. Mr. Scheid said the contract was rebid in 2024 and requested a one-year extension of the existing contract. The 2025 budget includes \$300,000.00 for pavement marking services.

Public comment was accepted. No comments were received.

A motion was made by Judy Ann Files, seconded by Doug Glaspell, to approve the extension of an existing contract with Stripe-a-Lot LLC for pavement marking services for the total contract amount of \$300,000.00 as presented. All voted yes. Motion passed.

SANITARY SEWER CIP 3 DESIGN CHANGE ORDER NO. 1

City Council considered Change Order No. 1 in the amount of \$97,800.00 for completion of the Sanitary Sewer CIP3 Project Phase 2 Design.

City Engineer Scott Murphy reported that CIP3 is the next large sewer trunk line capital project. Phase 1 of the design process is completed, and Phase 2 will finalize the design for construction to move forward. Mr. Murphy said the cost is for time and materials on a not-to-exceed basis. The 2025 budget includes \$250,000.00 for Phase 2 of the design, and the balance will remain in the Sewer Fund for other projects. Mr. Murphy said the construction portion of the project is anticipated to begin in late 2026 and will span multiple years.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve Change Order No. 1 in the amount of \$97,800.00 for completion of the Sanitary Sewer CIP3 Project Phase 2 Design as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use, and Excise Tax Report

Sales Tax Manager Leeanne Whittaker provided a sales, use, and excise tax report for the month of February, 2025. Ms. Whittaker reported that total sales and use tax collections were down 4.0 percent as compared to February of 2024 with a negative budget variance of 3.9 percent. Year-to-date collections were up 0.5 percent with a negative budget variance of 0.4 percent.

YOUTH CITY COUNCIL COMMENTS

Youth City Council Mayor Pro Tem Graysen Vidmar recapped the accomplishments of the Youth City Council over the 2024-2025 term. Highlights included organizing and hosting a nonprofit showcase, conducting a street clean-up during Earth Week, participating in a legislative trip to Denver, and attending the National League of Cities Youth Summit.

CITY COUNCIL COMMENTS

City Councilor Ed Ulibarri echoed safety concerns raised during public comment regarding electric bikes. Mr. Ulibarri also acknowledged the Youth City Council for the success of the nonprofit showcase.

City Engineer Scott Murphy provided an update on projects. Mr. Murphy said paving for the Ogden Road project and E. Oak Grove adjacent to Walgreen's is scheduled for next week. Mr. Murphy also reported that the West Main and E. Oak Grove roundabout projects are progressing well.

Mayor Dave Frank thanked City Councilors for being engaged and cooperative. In response to public comments earlier in the meeting, Mayor Frank stated that the City of Montrose has never been a sanctuary city and has no intention of becoming a sanctuary city.

ADJOURNMENT

At 7:02 p.m., the meeting adjourned with no further action taken.

ATTEST:

Dave Frank, Mayor

Lisa DelPiccolo, City Clerk



TO: City Council
FROM: William Reis, Senior Planner
DATE: May 20, 2025
RE: New Public Works Rezone
ATTACHMENTS:

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

City Council Consideration:

City Council is considering the approval of the New Public Works Rezone. City Council shall consider all of the information in this memo in making a decision.

Applicant: City of Montrose

Application Background:

The proposal is to rezone Lot 11 of the Richards Subdivision Final Plat Filing No. 5 from “B-3” General Commercial District to “P” Public District. The property is located at the end of Anderson Road. The site is anticipated to be a part of the overall site of the new Public Works facility.

The Planning Commission unanimously voted to recommend approval of this rezone request at the March 26, 2025 Planning Commission meeting.

Proposed Zoning: “P” Public District



Staff Analysis:

1. Municipal Code, Section 11-7-12(A), Rezoning.
“Amendments to the Official Zoning Map involving any change in the boundaries of an existing zoning district, or changing the designation of a district, shall be allowed only upon findings as follows:
 - a) The amendment is not adverse to the public health, safety and welfare; and
 - b) The amendment is in substantial conformity with the master plan; or
 - i. The existing zoning is erroneous; or
 - ii. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.”
2. The City Council should consider the merits of the proposed rezone only and make a recommendation to City Council based on whether it should be rezoned to “P” Public District. The current zoning is “B-3” General Commercial District.
 - Zoning Regulations. The "P" Public District is intended to provide for uses and services of a public, nonprofit, or charitable nature.
3. This property is adjacent to properties that are zoned “P” Public District, “B-2” Highway Commercial District, and “B-3” General Commercial District.
4. General Conformance with the Comprehensive Plan:
 - The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Residential Mixed Density Medium and River Corridor. The Residential Mixed Density Medium district provides for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed. The River Corridor land use designation identifies the approximate location of the Uncompahgre River corridor. The river corridor may include a variety of uses related to outdoor recreation, housing, restaurants and/or small retail centers.
 - Staff finds that the proposed zoning meets the goals and objectives of the Comprehensive Plan.
5. The “P” zoning designation does not appear to be adverse to the public health, safety and welfare, and is consistent with Municipal Code requirements, zoning in the surrounding area, and the Comprehensive Plan.

Staff Recommendation:

Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "P" Public District.

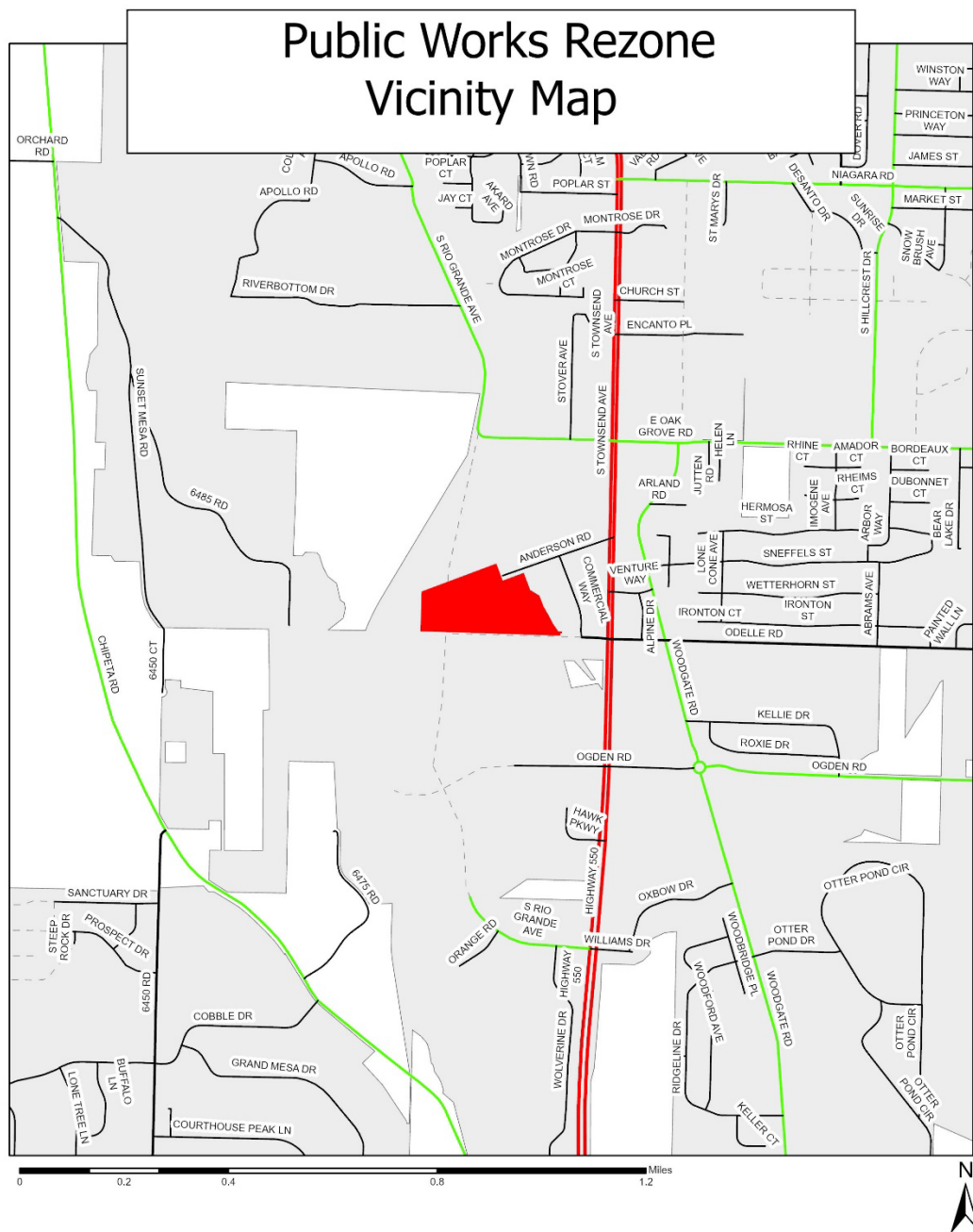


City Council Options:

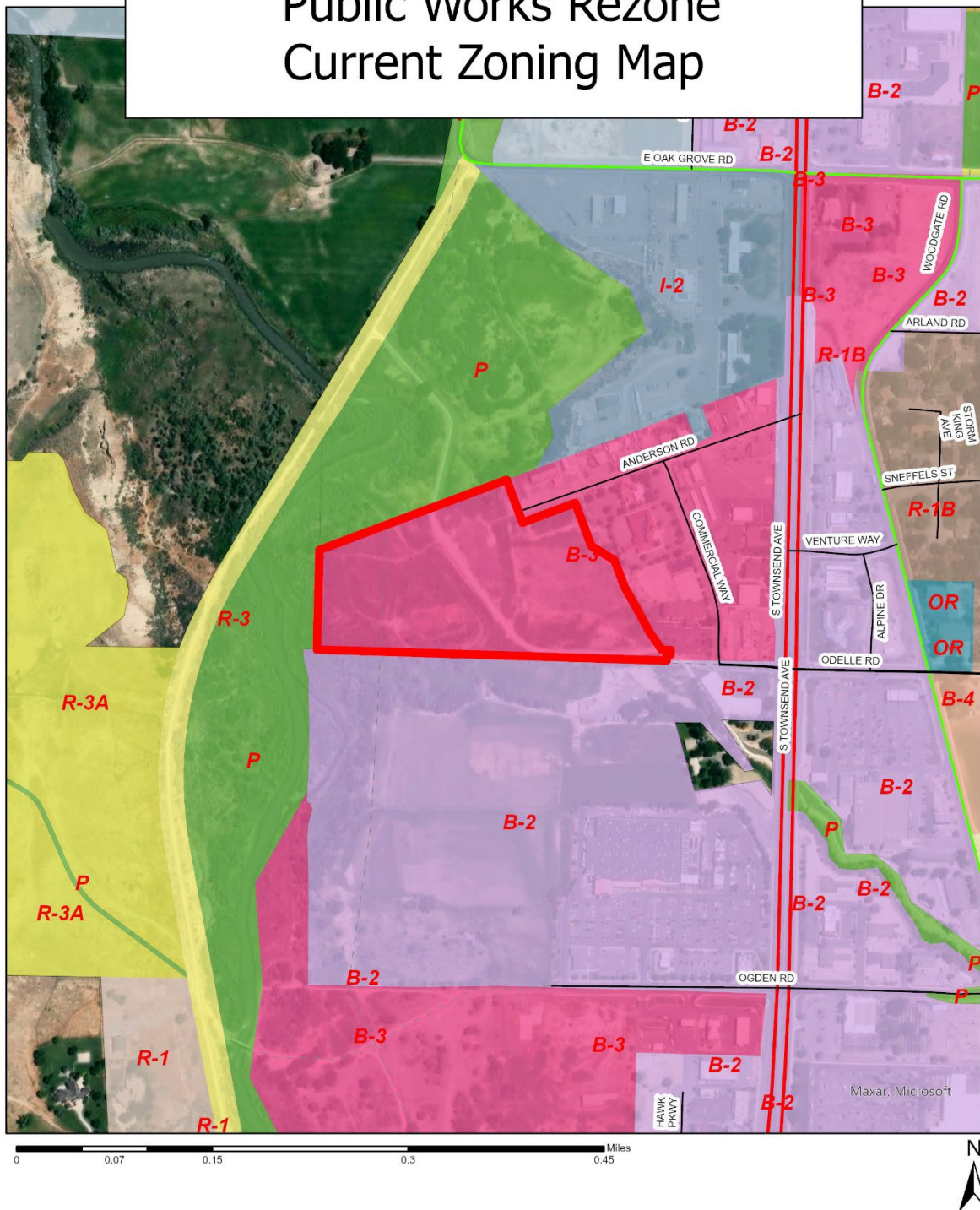
1. Accept the Planning Commission recommendation and approve the rezone.
2. Deny the request for a rezone and schedule a de novo hearing. The hearing date should be established in consultation with the City Attorney.



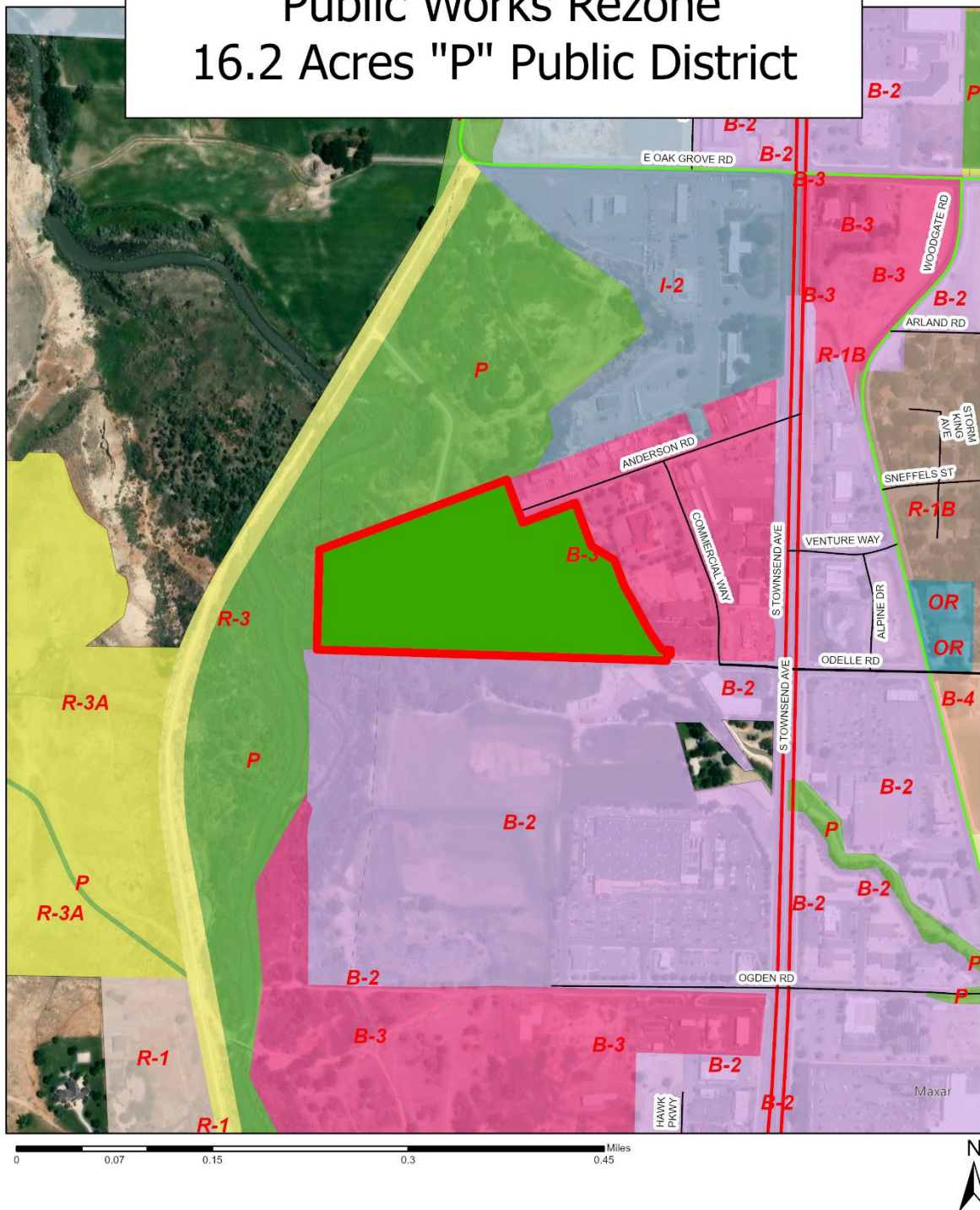
EXHIBIT A: Maps



Public Works Rezone Current Zoning Map



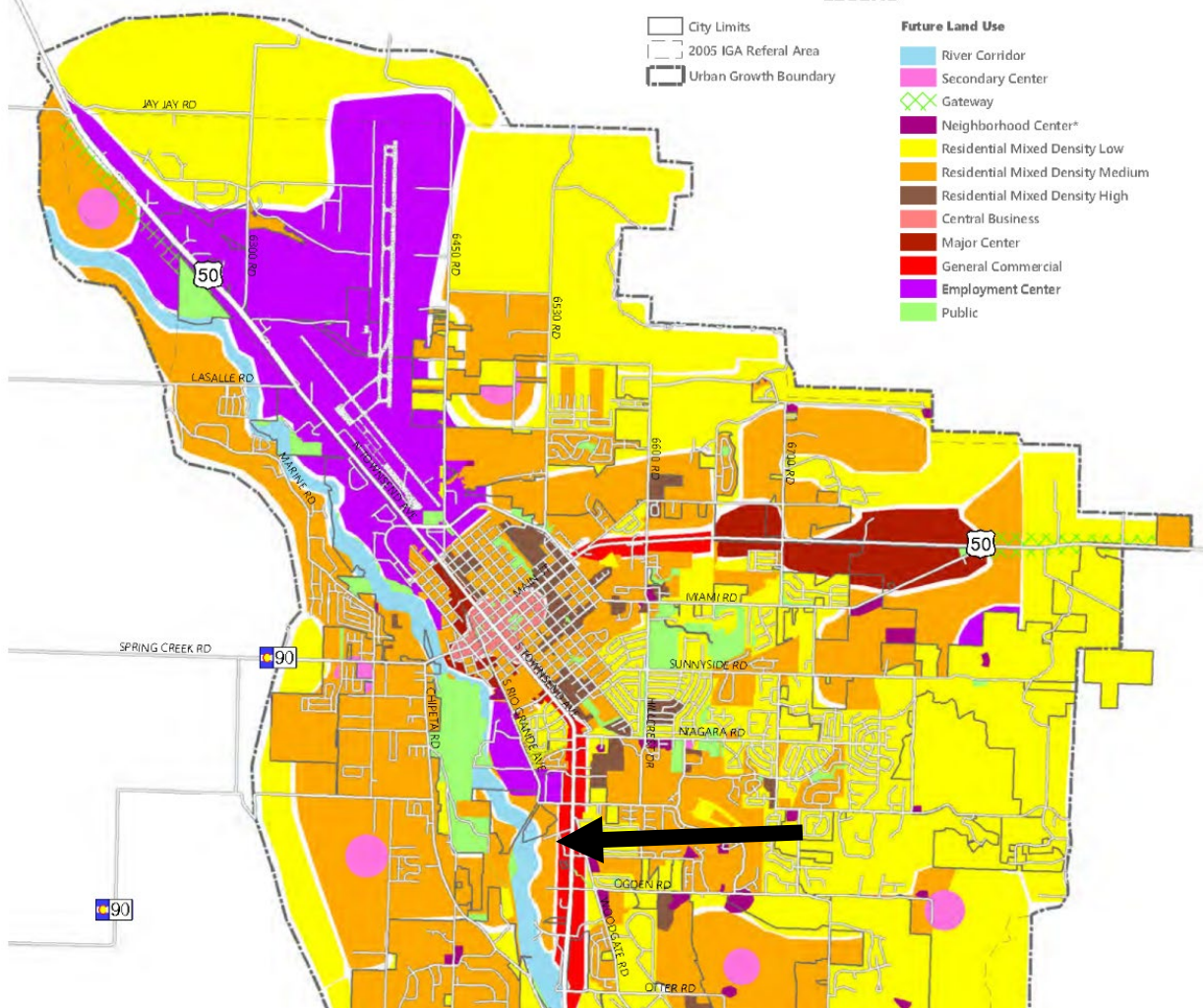
Public Works Rezone 16.2 Acres "P" Public District



Comprehensive Plan Future Land Use Map

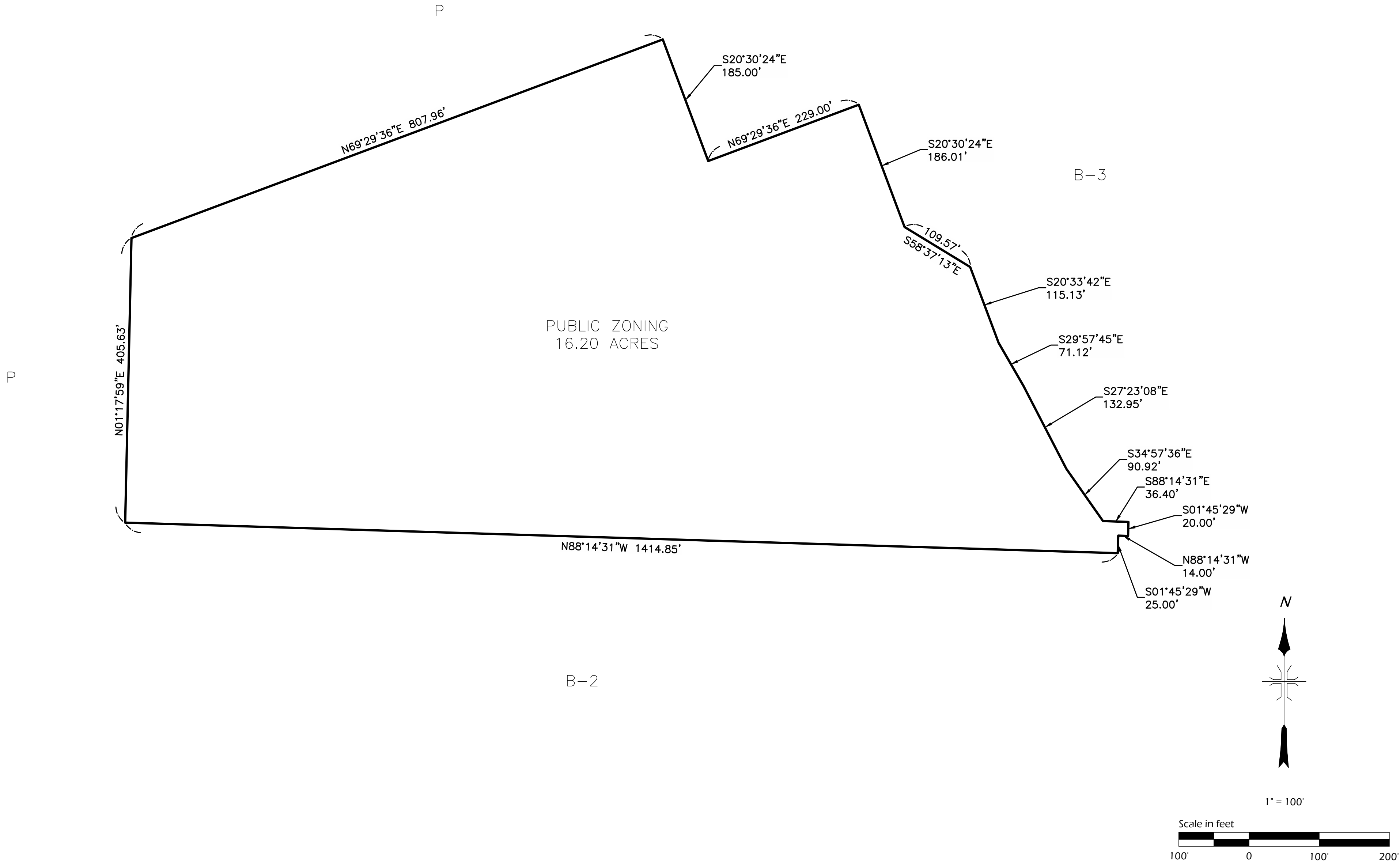
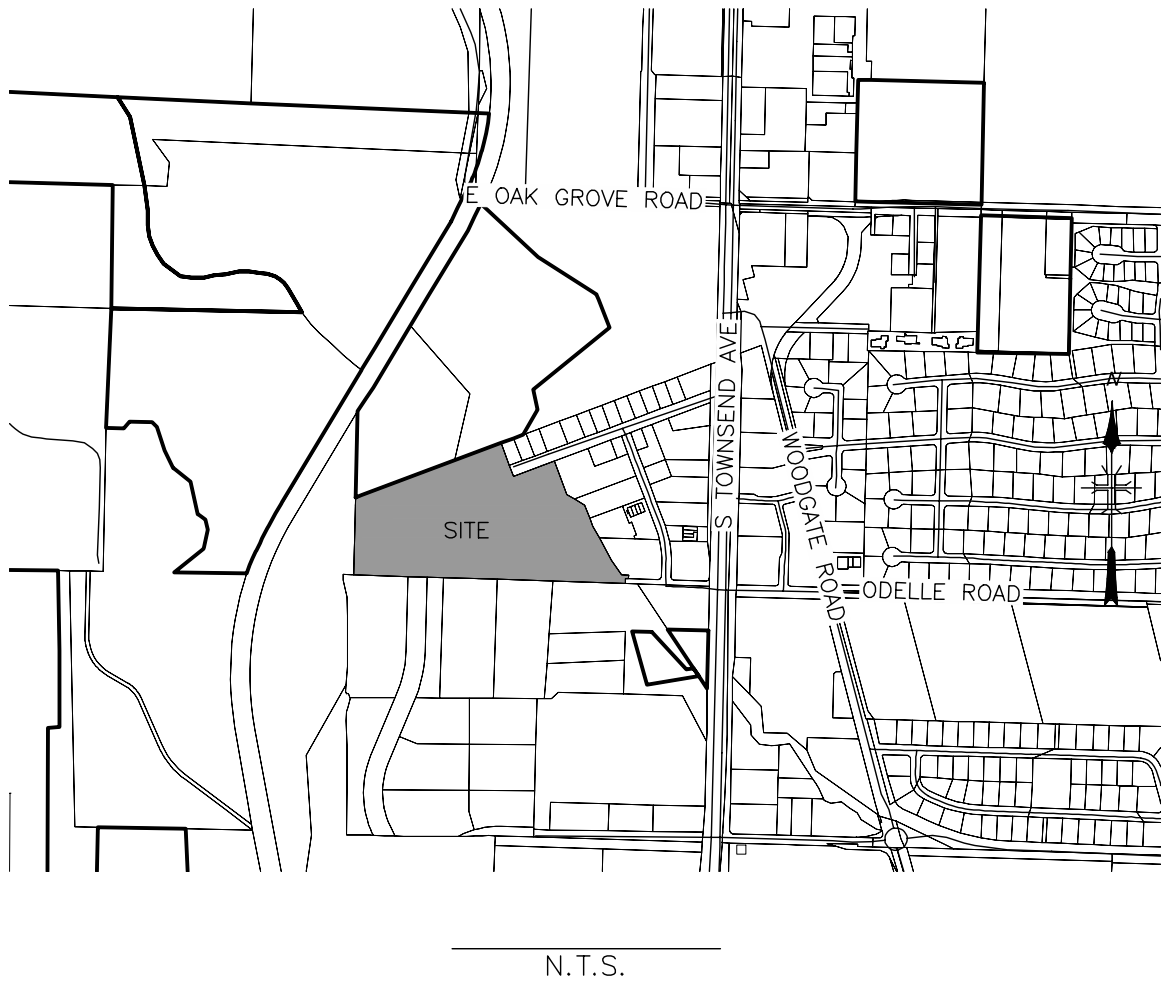
FUTURE LAND USE

MAP 5.1



PUBLIC WORKS ZONING MAP

SITUATED IN SECTION 4, TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



PROPERTY DESCRIPTION:
Lot 11, Richards' Subdivision, Final Plat Filing No. 5, an official act of the City of Montrose, according to the Plat recorded 890271, County of Montrose, State of Colorado

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

				DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (870) 249-2251 www.del-mont.com ▼ service@del-mont.com				TITLE PUBLIC WORKS ZONING MAP	
FIELD BOOK:				DRAWN BY: DCC		DATE: 2025-02-19		CLIENT: CITY OF MONTROSE	
SHEET: 1 of 1				FILE: 24040V_REZONE		JOB NO.: 24040		ADDRESS & PHONE:	
								TYPE: ZONING MAP	

CHAPTER 11-7. ZONING REGULATIONS¹

Sec. 11-7-1. General provisions.

- (A) This Chapter, as amended from time to time, and the Official Zoning Map of the City, as amended from time to time, may be cited as the City's Zoning Regulations or Zoning Ordinance.
- (B) The purpose of these Zoning Regulations is to promote the public health, safety and welfare of the present and future inhabitants of Montrose, as described at Section 11-1-4 of this Title.
- (C) The City hereby declares that the regulation and development of land, including regulation by these Zoning Regulations, is exclusively a matter of local and municipal concern, and any provisions of any Statute or regulation of the state in conflict with the provisions of these Zoning Regulations, or any limitation imposed by any Statute or regulation of the state otherwise applicable are hereby superseded; provided, however, the City shall retain all powers authorized by state law with respect to land development regulations and zoning even though not specified within this Chapter, and such powers may be exercised in any lawful manner free from any limitations imposed by State Statute or regulation.
- (D) No business or use involving the sale or distribution of products or services, or the pursuit of activities, whether for profit or not for profit, which is in contravention of any federal, state or local law or regulation, shall be considered a use by right, a conditional use, or a lawful nonconforming use under this Chapter, in any zoning district within the City limits.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-2. Official zoning map.

- (A) The March, 2016 Revised Zoning Map of the City, as such may be amended from time to time, may be known or cited as the Official Zoning Map of the City.
- (B) Amendments to the Official Zoning Map may be made by an ordinance enacting a revised map or by an ordinance amending portions of the Official Zoning Map by specifying the legal description of the property to be rezoned. The City Manager may cause technical corrections to the Official Zoning Map to be made without any requirement that they first be approved by ordinance, provided such corrections simply implement the terms of previously-approved rezoning ordinances and are consistent with the zone district boundary rules of interpretation in Section 11-7-3.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

¹Ord. No. 2677, § 1(exh. A), adopted Dec. 17, 2024, repealed the former Ch. 11-7, §§ 11-7-1—11-7-13, and enacted a new Ch. 11-7 as set out herein. The former Ch. 11-7 pertained to similar subject matter and derived from Ord. No. 2626, § 3(exh. A), adopted May 16, 2023; Ord. No. 2646, §§ 1, 2, adopted Nov. 14, 2023; and Ord. No. 2672, §§ 1, 2, adopted Sept. 17, 2024.

Sec. 11-7-3. Zone district boundaries.

The regulations for the various residential, mixed use, commercial and industrial districts provided for in this Chapter shall apply within the boundaries of each such district as indicated on the Official Zoning Map. In establishing the boundaries of the zoning districts shown on the Official Zoning Map, the following rules shall apply:

- (1) *General Rules of Interpretation.* For unsubdivided property or where a zoning boundary divides a property, or if the zoning boundaries cannot otherwise be determined, the boundaries on the Official Zoning Map shall be based upon the individual zoning or rezoning map approved for the property.
- (2) *Lot or Block Lines.* Where no rights-of-way exist and the zoning boundaries are indicated as approximately following lot, tract, block or subdivision boundary lines, such limits shall be considered as the zoning district boundaries.
- (3) *Rights-of-Way.* Unless otherwise indicated, the zoning district boundaries are the centerlines of streets, alleys, waterways, and railroad rights-of-way. The area within any of the rights-of-way is not granted any of the use rights associated with the overlying or adjacent zoning district(s).
- (4) *Vacated Rights-of-Way.* Whenever a public street, alley or other right-of-way has been vacated, the zoning district adjoining each side of the right-of-way shall be extended to include the portion of the vacated street, alley, or other right-of-way adjacent to such adjoining property.
- (5) *City Boundaries.* Boundaries indicated as approximately following the City limits shall be considered as following the City limits.
- (6) *Other Boundaries.* Boundaries indicated as approximately parallel to or extensions of centerlines, lot, or tract lines, City limits, or similar geographic lines shall be considered as the boundaries when no or other reliable documentation is available.
- (7) *Map Discrepancies.* Should an actual street layout or stream course vary from that shown on the map or any other uncertainty remain as to the location of a zoning district boundary, the City Manager shall interpret the map based on the best information available and according to the intent of this title and any other applicable provisions of the Municipal Code.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-4. Zoning annexed land.

All annexed land shall be zoned within 90 days of annexation following the procedure for rezoning at Section 11-7-12. Zoning of property proposed for annexation may be processed simultaneously with the petition for annexation, provided no ordinance zoning such property may be finally adopted prior to final adoption of an ordinance or ordinances annexing such property.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-5. Districts established.

- (A) The residential districts described below are established to promote stability in residential neighborhoods; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land. Certain other uses are permitted which are compatible with residential dwellings.

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- (1) 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.
 - (2) The "R-1" Very Low Density District is intended to provide for large lot rural residential development with a maximum density of one dwelling unit per acre.
 - (3) The "R-1A" Large Estate District and "R-1B" Small Estate District are intended to provide for large single-household detached dwelling residential lots within a semi-rural environment.
 - (4) The "R-2" Low Density District is intended to provide primarily for development of single-household detached and duplex dwellings, along with certain other compatible land uses.
 - (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.
 - (6) The "R-3A" Medium High Density District is intended to provide for an area which is suitable primarily for single household attached, triplex, fourplex and other medium density multi-household dwellings, along with certain other compatible land uses.
 - (7) The "R-4" High Density District is intended to provide primarily for high density multi-household dwellings and to allow variety in higher density single household and duplex dwellings and other forms of innovative housing development types.
 - (8) The "R-5" Low Density/Manufactured Housing District is intended to provide primarily for low density development of single-household detached and duplex manufactured home dwellings, along with certain other compatible land uses.
 - (9) The "R-6" Medium Density/Manufactured Housing District is intended to provide primarily for medium-density development for single-household attached,, triplex and fourplex manufactured home dwellings, along with certain other compatible land uses.
 - (10) The "MHR" Manufactured Housing Residential District is intended to provide a suitable environment for manufactured housing developments or tiny home communities, along with certain other compatible land uses.
- (B) The mixed-use district described below is established to promote stability in areas in transition; to protect such property from incompatible land uses; to protect property values; and to encourage the appropriate use of such land.
- (1) The "OR" Office-Residential District is intended to provide for a mix of offices and residential dwellings in areas adjacent to commercial zones or in areas in transition from residential to commercial uses.
- (C) The commercial districts described below are established to provide a location for convenient exchange of goods and services in a reasonable and orderly manner.
- (1) The "P" Public District is intended to provide for uses and services of a public, nonprofit, or charitable nature.
 - (2) The "B-1" Central Business District is intended to reflect the character of the original Downtown while allowing additional uses that will strengthen and expand the core of the City.
 - (3) The "B-2" Highway Commercial District is intended to provide for businesses oriented toward serving the motoring public, encouraging the convenient exchange of goods and services along the major thoroughfares of the City.
 - (4) "B-2A" Regional Commercial District is intended to provide for a full spectrum of goods and service uses along the major thoroughfares of the City.

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- (5) The "B-3" General Commercial District is intended to provide for a large variety of goods and services including outdoor storage areas and a limited group of commercial/industrial uses.
 - (6) The "B-4" Neighborhood Shopping District is intended to provide for small scale retail shopping and services convenient to residential neighborhoods.
 - (D) The industrial districts described below are established to provide for normal manufacturing activities and related uses.
 - (1) The "I-1" Light Industrial District is intended to provide for a limited group of research and manufacturing uses promoting the creation and maintenance of an employment center which will serve the mutual interests of the community as a whole.
 - (2) The "I-2" General Industrial District is intended to provide for most industrial and manufacturing uses, subject to performance standards.
 - (E) Dimensional requirements are set out in Section 11-7-7.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

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 averse to the 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.* Except where specifically modified by this Chapter, accessory uses shall comply with all requirements for the principal use, and the following additional limitations:

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- (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) *Permit Required.* The City Manager may issue a temporary use permit authorizing a temporary use of premises in a district for a use which is otherwise not allowed in such a district for a limited period of time in accordance with this Subsection. The temporary use permit may be issued by the City Manager only after it determines 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.
- (2) *Permit Conditions.* The City Manager may approve a temporary use permit subject to conditions appropriate to ensure compliance with this Subsection. Such conditions may include, but are not limited to, setting requirements for, or imposing restrictions upon, size, massing, location, open space, landscaping, buffering, screening, lighting, noise, signage, traffic and pedestrian circulation and control, parking design and operations, duration, hours of operation, setbacks, building materials and architectural design, sanitation, trash removal, dust control, drainage, erosion control, and provision of utilities and services.
- (3) *Permit Renewal.* A temporary use permit will generally not be renewed unless the use is a seasonal use; a temporary improvement associated with an established business; or associated with a construction activity; or as stated otherwise herein. These applications may be renewed for up to one year at any one time using the same procedures as for an initial application.
- (4) *Exempt Activities.* The following temporary activities are exempt from these regulations:
 - (a) Storage or moving containers for a business or residence actively moving or a related activity and not exceeding 14 days in any one year.
 - (b) Dumpsters for a business or residence actively undergoing construction or a related activity and not exceeding 14 days in any one year.
 - (c) Temporary uses, structures, and/or vehicles/trailers needed as the result of a natural disaster or other health and/or safety emergency are allowed for the duration of the emergency or as needed to address conditions caused by the emergency.
- (5) *Prohibited Uses or Activities.* The following uses and activities are prohibited due to negative visual or other impacts:
 - (a) Storage in trailers or roll-off containers for longer than 14 days unless associated with an active construction site or a non-residential use, business or residence in the process of moving.
 - (b) Outdoor storage other than accessory storage for an active construction site. Any other outdoor storage shall conform to the requirements for the zone district in which the property is located.
 - (c) Outdoor sales of durable goods as a principal use not associated with a farmer's market, special event, business promotional event, or with an approved site plan, unless the operation meets the requirements for a mobile vendor in accordance with the Montrose Regulations Manual.
- (6) *Allowed Uses and Activities.* Temporary uses of land are permitted subject to the specific zone districts and time periods listed in Table 7.1. The City Manager may approve other temporary uses and activities if it is determined that such uses meet the intent and criteria of this section.

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- (2) In a block where a setback line has been established by existing structures 50 percent or more of the block, the average setback of the existing buildings may be used as the minimum setback.
 - (3) Garage doors which face an alley require a five-foot minimum setback.
 - (4) In zone districts where residential front setbacks are 15 feet or less, the garage setback shall be a minimum of 25 feet.
 - (5) Accessory structures shall not be located in the front yard of a principal structure, except for minor and commonplace accessory structures such as public utility installations, mail boxes, lamp posts and structures of a like nature.
 - (6) Lot depth and width is determined through the subdivision process in Section 11-5-13(b)(3) of these regulations.
 - (7) Other permitted exceptions and encroachments into required setbacks and height limits are specified in Section 11-8-10 of this title.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-8. Planned Development (PD).

- (A) *Intent.* The intent of this Section is to encourage the development of tracts of land in accordance with an overall development plan by providing flexibility with respect to dimensional requirements of residential units.
- (B) *General Provisions.*
 - (1) A planned development must be in substantial conformity with the Comprehensive Plan.
 - (2) A minimum of 20 percent of the gross area of the planned development must be preserved as useable open space, as defined in Section 11-15-2. The 20 percent useable open space requirement shall not apply to a proposed PD containing six or fewer units and processed under Subsection C(5).
 - (3) Planned developments in the "RL" zoning district must consider and reasonably minimize adverse impacts on existing agricultural uses or other property in the area.
 - (4) Residential dwellings may be clustered, including the use of single-household dwelling, duplex and multi-household dwellings.
 - (5) Affordable housing, as defined in Section 11-15-2, may be included in a planned development.
 - (6) Approval of a planned development by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the developer does not accept all conditions, that development must adhere to standard subdivision and zoning requirements.
- (C) *Permitted Uses in a PD.*
 - (1) Any use permitted in the underlying zone district, limited as to its status as a use by right, a conditional use, or a temporary use, unless otherwise limited or permitted on the PD plan.
- (D) *Administrative PD Procedure.* This procedure is applicable for planned developments containing six or fewer units:
 - (1) All lots or tracts are adjacent to a dedicated and accepted public street;
 - (2) The lots are part of a subdivision or PD plat that has been previously approved and/or accepted by the City and recorded in the Montrose County Records;

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- (3) All improvements required by applicable City ordinances and regulations, including those related to PD Plans, are already in existence and available to serve each lot, or secured;
 - (4) No part of the Administrative PD has been approved as part of an Administrative PD within three years prior to the date of submission of the Administrative PD plat;
 - (5) No material changes to prior restrictions or easements are proposed; and
 - (6) Provisions of Section 11-5-3(B) through and including (E) of this Title shall apply.
 - (7) Approval of an Administrative PD by the City is purely discretionary. If the City and the applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the applicant does not accept all conditions, that development must adhere to standard subdivision or PD requirements, and proceed through the applicable approval process.
 - (8) Prior to any review of the Administrative PD, the applicant shall provide written consent of all property owners within the proposed Administrative PD plan area. To the extent only a portion of a prior-approved Administrative PD plan area is proposed to be amended by the Administrative PD Plan application, then only the consent of the property owners within such portion shall be required.
 - (9) Amendments to Administrative PDs may be submitted for review and approval in the same manner as the initial Administrative PD.

(E) *Dimensional Requirements, Densities.*

- (1) Dimensional requirements, except those relating to overall residential density, which would otherwise be required by the City Zoning Regulations, or other City regulations for the district affected, may be deviated from in accordance with the plan as approved, if the Review Board determines that such deviations are in compliance with the Comprehensive Plan and will promote the public health, safety and welfare.
- (2) The Review Board may impose conditions as necessary or appropriate. The total number of residential units shall not exceed the area of the site divided by the minimum lot sizes specified for the zoning districts included.

(F) *Review of Sketch, Preliminary and Final PD Plan.*

- (1) The sketch plan, preliminary plan and final PD plans shall be reviewed pursuant to the procedures and requirements for subdivisions as set out in Chapter 11-5 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process. For the approval of any preliminary PD Plan or a substantial amendment to a PD plan, a hearing shall be held before City Council.
- (2) Prior to any review of the Sketch, Preliminary and Final PD Plan, the applicant shall provide written consent of all property owners within the proposed PD plan area. For the purposes of this Section, "PD plan area" is the entirety of the territory proposed to be included in a PD plan; provided, however, that for applications for PD plan amendments, only the portion of the PD plan area being amended or affected shall constitute the PD plan area for such application for purposes of consent; nevertheless, all owners of property within the PD must be given notice of the public hearing at which the amendment is to be considered.
- (3) Conditions may be imposed as appropriate to assure that the PD plan is consistent with the Comprehensive Plan and promotes the public health, safety and welfare.
- (4) The plan shall show the location, size, number of dwelling units, and other uses, and shall further set out the location of all parks, open space, parking areas, streets, sidewalks, trails, bike paths and other improvements and structures. All information necessary to show compliance with the requirements of

this Section shall be submitted. Where appropriate, in lieu of exact locations, numbers and sizes, parameters or limits may be set out.

(5) The PD Plan as approved shall be recorded.

(6) The final PD plan may be treated as a vested right pursuant to the procedure in 11-4-9.

(G) *Required Improvements.*

(1) All PDs shall provide the same improvements as required for subdivisions in Chapter 11-5 of this Title, and security therefore shall be provided as set out in Section 11-5-12 of this Title.

(2) All improvements shall be constructed in accordance with standard City design and construction specifications and standards, in substantial conformity with the PD plan, and in accordance with subdivision design standards as set out in Chapter 11-5 of this Title, except as modified by the PD plan.

(3) An entity shall be established or provided for ownership and maintenance of all facilities and open spaces, which are approved for common ownership or not dedicated to the City.

(4) Flexibility in the scope and design of required improvements and design standards may be allowed to provide for innovative urban design which promotes the public health, safety and welfare. A public street shall be dedicated to the City and developed at the developer's cost to provide direct access to each building with residential units or to the parking lot serving the building.

(H) *Enforcement and Amendments.*

(1) The PD plan may be enforced in accordance with or in the same manner as the provisions of the Planned Unit Development Act of 1972, as amended, C.R.S. 1973, § 24-67-101 et seq., as amended or in any lawful manner. In addition, no occupancy permit shall be issued for any building unless all site improvements to serve that unit and any commonly-owned facilities have been completed and approved unless security for completion is provided substantially similar to the security required for subdivision improvements by 11-5-12 of this Title, except that cash must be placed in the escrow account prior to issuance of the occupancy permit.

(2) Amended PD plans may be submitted for review and approval in the same manner as the initial PD Plan. An applicant for an Amended PD plan shall submit written consent of the property owners of the portion of the PD plan area to which the application applies, prior to and as a condition of the initiation of review of the application. Written consent from all property owners within the prior-approved PD plan area is not required as part of the Amended PD plan application. Advance notice of any review of an Amended PD plan application by the Planning Commission shall occur pursuant to Chapter 11-4 of this Title, with the added requirement that advance written notice shall be provided to all property owners of record within the prior-approved PD plan area, in addition to all property owners of record adjoining or within 300 feet of the proposed Amended PD plan area.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-9. "REDO" Redevelopment Overlay Zoning District.

(A) *Intent.*

(1) The "REDO" Overlay Zoning District is intended to alleviate certain hardships associated with redevelopment. The district is designed to encourage residential development and redevelopment of existing properties in the core downtown area, with allowances for increased densities compatible with the character of the area.

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- (2) This overlay district allows reduced dimensional standards and a larger variety of housing types than the underlying zoning. Any development making use of the reduced dimensional requirements must meet all applicable criteria in this Section.

(B) *Applicability.*

- (1) The boundaries of the "REDO" Overlay Zoning District shall be as set forth by ordinance of the City Council, may be shown on the City's Official Zoning Map, and shall be fixed in the manner prescribed by Section 11-7-3.
- (2) The "REDO" Overlay Zoning District's provisions shall not be applicable to any property within the boundaries of said district, unless the owner of property therein shall deliver written notice to the City, in the manner set forth at subsection 11-7-9(C) of this Section, of said owner's intent to utilize the "REDO" Overlay Zoning District.
- (3) When selected by a property owner in the manner set forth herein, the "REDO" Overlay Zoning District shall supersede the provisions of the underlying zone for all matters addressed by said "REDO" Overlay Zoning District's provisions; the provisions of the underlying zone shall control all matters not addressed by the "REDO" Overlay Zoning District's provisions.
- (4) Any requests for use of these "REDO" Overlay Zoning District provisions that involve private use of City property, including rights-of-way, shall be entirely subject to the City's discretion, and shall also be subject to the City's ordinances and regulations pertaining to encroachments and permits for the same.
- (5) The provisions of the "REDO" Overlay Zoning District shall have no effect whatsoever unless selected in the manner set forth herein.

(C) *Procedure.*

- (1) Use of the REDO District is initiated by filing an application in the form maintained by the Community Development Department and payment of the application fee.
- (2) The application shall be reviewed as a minor site development plan under the procedure in Section 11-8-1(I). In the event the application also proposes to subdivide real property, a minor subdivision under Section 11-5-3 shall be applied for and processed at the same time.

(D) *Standards.*

- (1) All applications shall be subject to the development standards below. To the extent these standards are inapplicable, the standards of the underlying zone apply.
- (2) Minimum Lot Size: Lots shall be no less than 2,075 square feet in size.
- (3) Minimum setbacks are as follows: Five feet side, rear, and front yard setbacks. See also Section 11-7-7(B)5.
- (4) Height: The height of a building shall be as set forth in the underlying zone.
- (5) Accessory Dwelling Units in the REDO District:
 - (a) ADUs within the REDO District shall comply with the requirements and standards set forth in Section 11-11-5 with the exception of the ADU size limitations in 11-11-5(2), and provided that ADUs may be conveyed separately from the primary dwelling unit.
 - (b) Lots with ADUs shall be no less than 3,125 square feet.
 - (c) An ADU shall not be subject to the 30 percent rear yard area coverage maximum.

(E) *Design Criteria.*

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- (1) All lots within the "REDO" Overlay Zoning District shall be required to have not less than ten feet of street frontage. It is contemplated that lots having a "panhandle" shape may be allowed.
 - (2) If an alley is present, any garage shall be set back a minimum of five feet, when practicable, from the nearest right-of-way line of said alley.
 - (3) Please refer to Section 3-5-12(A)(1) of the Official Code of the City for the water Tap Fees, system investment (capacity) fees, and unit charges for accessory dwelling units in need of new water service, located on the same lot as the primary dwelling in the "REDO" Overlay Zoning District.
 - (4) Please refer to Section 3-5-12(G)(4) of the Official Code of the City for the sewer Tap Fees, system investment (capacity) fees, and unit charges for accessory dwelling units in need of new sewer service, located on the same lot as the primary dwelling in the "REDO" Overlay Zoning District.
- (F) *Variances.* Variance applications may be considered as to any requirements set forth in Subsections (D) and (E) of this Section. Use of the "REDO" Overlay Zoning District is expressly declared to be elective on the part of the property owner, and is entirely at the property owner's discretion.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-10. Uncompahgre river buffer overlay zone.

The Uncompahgre River Buffer Zone (URBZ) applies to all land lying within 100 feet of the HWM of the Uncompahgre River, as defined above. The standards of the URBZ and its two sub-areas are not applicable to parcels to which stricter standards may apply via separate agreements (e.g., a pre-annexation agreement).

- (1) The purpose of the URBZ is to establish minimal acceptable requirements for the design of buffers to protect the Uncompahgre River, its wetlands, and floodplains within the City limits; to protect the water quality of the Uncompahgre River within said jurisdiction; to protect riparian and aquatic ecosystems within said jurisdiction; and to provide for the environmentally sound use of land resources within said jurisdiction. Nothing in this Section shall be used as consideration in a pre-annexation agreement or in a negotiation for annexation of land into the City.
- (2) Measurement of the 100 feet URBZ, the two sub-areas within it, and all other related measurements shall be taken as follows: distance is measured horizontally from the HWM, as defined herein, to the location in question. The HWM location used for any given measurement shall be taken from the side of the river closest to the building or other development in issue.
 - (a) The following graphic illustrates how to measure the URBZ:
 - (b) The URBZ provisions shall apply to:
 - (i) Any new development requiring a building permit, except for additions less than 20 percent of the existing building size that do not include any changes to an existing parking lot;
 - (ii) Any new development requiring site development approval;
 - (iii) Subdivision or the division of a tract or parcel of land into two or more parcels;
 - (iv) The improvement of property for any purpose involving construction;
 - (v) Combination of any two or more lots, tracts, or parcels of property for any purpose;
 - (vi) Placement of temporary structures that do not require a building permit or site development plan from the City;
 - (vii) The preparation of land for any of the above purposes.

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- (c) Specific submittal requirements are listed in Appendix One. Upon submittal of the complete application, with all supporting documentation as may be required, City staff shall provide a review of the same. Following City staff review, administrative approval may be granted if the development proposal is an allowed use in the URBZ or applicable URBZ sub-zone, or is a use by right in the URBZ or applicable URBZ sub-zone, and meets all applicable standards. Development proposals which are not allowed uses or uses by right in the URBZ or applicable URBZ sub-zone, or do not meet all the applicable standards, shall be forwarded to the City Planning Commission for review and approval, under procedures set forth below, accompanied by any comments and recommendations from City staff.
 - (d) All proposals shall identify on a site plan the designated Disturbance Envelope for that portion of the project that is proposed to encroach into the URBZ.
 - (e) The applicant shall mark and identify the Disturbance Envelope on the ground in the field and shall maintain construction barrier fencing around the entire perimeter of the Disturbance Envelope throughout the period of construction, until final landscaping is completed. The applicant shall ensure that all surface disturbances are contained within the designated and marked Disturbance Envelope.
 - (f) The URBZ consists of two sub-areas, as follows:
 - (i) *Streamside Zone*. This area is intended to preserve the natural riparian environment. In order to accomplish this goal, there is hereby established a 40-foot buffer area, measured as described above from the HWM. Development in the Streamside Zone is subject to all other applicable permits. Setbacks created herein for the Streamside Zone are in addition to any setbacks which may be applied through the underlying zoning of a parcel.
 - (1) The following are subject to a 40-foot setback from the HWM (i.e., the following shall not be placed or performed within the 40-foot Streamside Zone):
 - (a) Planting of non-native grass turf;
 - (b) Removal of native vegetation;
 - (c) Erection of fences;
 - (d) Construction of hard-surfaced trails that parallel the river;
 - (e) Construction of buildings, other than irrigation pump houses;
 - (f) Construction of parking lots (paved or gravel);
 - (g) Construction or installation of lighting fixtures;
 - (h) Construction or installation of engineered/structural water runoff treatment facilities (such as concrete vaults);
 - (i) Concrete rip-rap;
 - (j) Construction or installation of any other facility not listed in the allowed uses below, and not reasonably compatible with the riparian environment.
 - (2) The following actions, or construction of the following facilities or structures, are permitted within the 40-foot Streamside Zone:
 - (a) Government buildings and facilities;
 - (b) Hard-surfaced trails roughly perpendicular to the river;

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- (c) Soft-surfaced trails (crushed gravel, etc.) whether parallel or perpendicular to the river;
 - (d) Irrigation facilities (including pump houses);
 - (e) Boat put-ins (boat ramps should be soft-surfaced);
 - (f) Planting of native vegetation;
 - (g) Bank stabilization, and river or wildlife habitat restoration;
 - (h) Other uses may be permitted that are directly related to the river, and that do not conflict with the intent of this Section.
 - (3) Exceptions to the above regulations for the Streamside Zone shall be granted or denied through the variance procedures set forth in Section 11-7-13.
- (ii) *Outer Zone.* This area is intended to serve as a buffer between the Streamside Zone, and areas outside the URBZ. Most uses allowed within the underlying zoning district are permitted within the Outer Zone, though certain uses have specific performance standards.
- (1) Uses by right in the Outer Zone:
 - (a) Water runoff treatment structures using swales, native vegetation, and similar measures;
 - (b) Government buildings and facilities;
 - (c) Fences which allow the passage of wildlife; said fences shall be designed as follows:
 - (i) No more than 40 inches in height;
 - (ii) A smooth bottom wire at least 16 inches above ground;
 - (iii) At least 12 inches between the top two wires;
 - (iv) No sharp edges, barbs, or similar devices are permitted;
 - (v) Sheep or woven-wire and wrought-iron style fences with spiked tips are not permitted.
 - (d) Landscaping employing native vegetation types and compatible with the riparian environment;
 - (e) Single household detached dwellings;
 - (f) Recreation trails (all types);
 - (g) Buildings and facilities complying with the underlying zoning district and complying with all of the following performance standards:
 - (i) Structures with windows occupying a minimum of 50 percent of the linear river frontage of the building; and
 - (ii) At least one public entrance directly facing the river; and
 - (iii) Outdoor common areas, seating and/or dining areas; and
 - (iv) High quality building finishes such as brick or stone, or earth tone colors having matte finishes; and
 - (v) Well concealed trash dumpsters; and

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- (vi) Total building facade length shall be less than 50 feet in length parallel to the river; and
 - (vii) Buildings and facilities complying with these performance standards are exempt from the river buffer screening requirements set forth below;
 - (viii) Single household detached dwellings are exempt from these performance standards, except for Subsection (2)(f)(ii)(1)(c) of this Section, as well as the Outer Zone performance standards set forth below.
- (2) The following uses shall not be considered a use by right in the Outer Zone, and are subject to review as Conditional Uses under Section 11-7-6(B) and Chapter 11-4 of this Title:
- (a) Loading docks;
 - (b) Landscaping with non-native vegetation;
 - (c) Engineered or structural water runoff treatment facilities (such as concrete vaults);
 - (d) Other industrial uses;
 - (e) Water treatment facilities employing structural vaults or similar technology are not permitted within the Outer Zone;
 - (f) Parking lots, whether paved or gravel;
 - (g) All other uses not listed in this Subsection.
- (3) *Outer Zone Performance Standards.* If the use or structure does not meet the performance standards in Subsection (2)(f)(ii)(1)(g) of this Section, the following shall be required:
- (a) A minimum 30-foot-wide vegetated buffer with extensive vertical plantings of native vegetation. Said vegetated buffer shall not overlap the 40-foot Streamside Zone.
 - (b) Tree height at maturity shall be as high or higher than the buildings being screened, and vegetation at maturity shall obscure any buildings or other facilities to the maximum extent possible.
 - (c) Said vegetated buffer shall be contiguous to the Streamside Zone, and located between the Streamside Zone, and any parking lot or building.
- (4) *General Standards Applicable within the Outer Zone.*
- (a) Removal of native vegetation is discouraged. Where removal of native vegetation is unavoidable, the removed area shall be mitigated by planting replacement native vegetation, at a minimum 1:1 ratio (measured in square feet, with a result that an equal amount of vegetation is planted, as was removed) within the URBZ.
 - (b) All setbacks oriented toward the river, applicable to or within the Outer Zone, shall be measured from the boundary line between the Streamside Zone, and the Outer Zone.

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- (c) For those zoning districts underlying the URBZ with no side or rear setbacks, the minimum side or rear setbacks shall be ten feet.
 - (d) New buildings, expansions to existing buildings, or parking lots, or driveways shall have a minimum setback of 20 feet from an existing or proposed trail or path.
 - (5) Exceptions to the standards and requirements regarding the Outer Zone shall be approved or denied through the procedures applicable to Conditional Uses, as set forth in Section 11-7-6(B) and Chapter 11-4 of this Title.
 - (6) The following uses and structures are prohibited within the URBZ and its two sub-areas:
 - (a) Confined animal feedlots;
 - (b) Storage of hazardous materials or chemical fuels;
 - (c) Aboveground or underground petroleum storage facilities;
 - (d) Septic systems;
 - (e) Solid waste landfills;
 - (f) Junkyards, and salvage yards;
 - (g) Land application of biosolids;
 - (h) Subsurface discharges from wastewater treatment plants.
 - (7) All development within the URBZ shall obtain all applicable local, state and federal permits prior to undertaking any construction or land-disturbing activity.
 - (8) The provisions of the URBZ shall supersede the provisions of the underlying zone, and any other applicable overlay zone, when the provisions of the URBZ are more restrictive.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-7-11. Nonconforming uses, lots and structures

- (A) Any use, building or structure which at the effective date of the ordinance from which this Title is derived or at the time of annexation, if annexed subsequent to the effective date of the ordinance from which this Title is derived, was lawfully existing and maintained in accordance with the previously applicable County or City regulations and ordinances but which does not conform or comply with all of the regulations provided in this Chapter, may continue to be maintained and used as a lawful nonconforming use only in compliance with the provisions and limitations imposed by this Section. Uses, structures, or buildings which were unlawful or illegal and not in compliance with previously applicable regulations shall remain unlawful, illegal, and subject to abatement or other enforcement action.
- (B) If a use, building or structure is lawfully nonconforming in that it is not a use by right, or a conditional use which has been approved pursuant to the review provisions of Sections 11-7-6(B) and 11-4-2 of this Title, the following shall apply:
 - (1) If the building or structure involved in the use is destroyed or damaged so that repair or reconstruction will cost more than 50 percent of the fair market value of the building or structure after repair, it shall

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- no longer be lawful to use the building or premises except in compliance with the use regulations for the district within which it is located.
- (2) If the nonconforming use is abandoned or discontinued for a period of six months, then the premises may only be used in compliance with the use regulations for the district within which it is located.
 - (3) The use may be continued only substantially as its effective date of the ordinance from which this Chapter is derived or of annexation, and no material change in the type of use shall be allowed, unless the Planning Commission determines, following the review procedure provided in Section 11-4-2 of this Title, that the criteria set out in Section 11-7-6(B) will be met, and that the new use is a more restrictive use than the existing nonconforming use. Any change in use allowed pursuant to this provision shall not affect the future status of the use as a nonconforming use for all purposes of this Section.
 - (4) The extent or area of the premises utilized for or by the nonconforming use, building or structure, may not be materially extended or enlarged, or substantially structurally altered, unless the Planning Commission determines, following the review procedure of Section 11-4-2 of this Title, that the criteria set out in Section 11-7-6(B) will be met.
- (C) If the use, building or structure is in compliance with the use regulations for the district within which it is located and is nonconforming only with respect to dimensional requirements, off-street parking requirements, or the regulations governing fences, hedges, walls, or canopies, the following provisions shall apply:
- (1) If the nonconformity of the building, use, or structure is abandoned, removed, or corrected for any length of time, such nonconformity may not be re-established.
 - (2) If the building or structure is damaged so that the cost of replacing or restoring it is greater than 50 percent of its fair market value after replacement, the building or structure may be repaired or replaced only in compliance with these Zoning Regulations.
 - (3) If the building or structure is damaged in such a way as to remove the nonconformity, the nonconforming feature may not be re-established by any repair or reconstruction, unless it is unfeasible to repair the building without re-establishing the nonconforming feature.
 - (4) No alteration may be made to the use, building, or structure which would increase the amount or degrees of the nonconforming feature. Changes in the use, building, or structure may be made which will decrease the degrees or amount of deviation from the requirements of this Chapter.
- (D) *Nonconforming Lots of Record.*
- (1) In any district in which single-household detached dwellings are permitted, a single-household detached dwelling and customary accessory buildings may be erected on any single lot of record, provided that the lot is in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though the lot fails to meet the dimensional requirements of the district in which it is located for area, width or both; provided, however, that the requirements of the district for minimum yard dimensions and lot coverage shall be met.
 - (2) If two or more lots or combinations of lots and portion of lots with continuous frontage in single ownership are of record, and part or all of the lots do not meet the requirements of the district in which they are located as to minimum area or frontage or both, the property together shall be considered to be an undivided parcel and no portion of the parcel shall be sold or used in a manner which diminishes compliance with minimum lot width and area requirements.
- (E) This Section shall not apply to signs. Nonconforming signs shall be governed by the provisions of Section 11-10-3 of this Title.

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 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 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 shall not impose conditions on a rezone unless otherwise required by this Title.

(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 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.

(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.

Sec. 11-7-13. Variances.

- (A) The Planning Commission may grant a variance from the requirements set out in this Chapter, if it determines, following the review procedures of Chapter 11-4 of this Title, that the criteria of this Section will be met. Provided, however, no variance shall be granted from provisions restricting uses by right, accessory and conditional uses within any zoning district.
- (B) Variances shall be granted only if all the following criteria are met:
 - (1) The variance will not adversely affect the public health, safety and welfare.
 - (2) Unusual physical circumstances shall exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property, and violations of code shown by clear and convincing evidence that they were made in good faith, which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.
 - (3) The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their or his predecessors in interest.
 - (4) The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.
 - (5) The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.
- (C) The burden shall be on the applicant to show that these criteria have been met.
- (D) Variances shall be granted for sign regulations only if all of the following criteria are met, in lieu of the criteria of Subsection (B) of this Section.
 - (1) The variance will not adversely affect the public health, safety and welfare.
 - (2) The variance requested is the minimum variance that will afford relief.
 - (3) The variance will not result in signage incompatible with other properties in the area and will not affect or impair the value, use or development of such properties.
 - (4) Strict compliance with the regulation presents practical difficulties or unnecessary hardships, and the variance sought falls within the spirit of the sign regulations (Chapter 10 of this Title) as a whole.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

ORDINANCE NO. 2682

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF LOT 11 OF RICHARD'S SUBDIVISION FROM "B-3," GENERAL COMMERCIAL DISTRICT TO "P," PUBLIC DISTRICT.

WHEREAS, the Planning Commission met on March 26, 2025, to consider a rezoning of a 16.2 acre lot within the Richard's Subdivision in the City of Montrose; and

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

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

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

SECTION 1:

The Official Zoning Map is amended to designate Lot 11 of the Richard's Subdivision, more particularly described on **Exhibit A**, attached hereto, as an "P," Public District, according to the Official Zoning Map.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 6th day of May, 2025, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

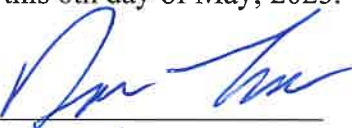
INTRODUCED, READ and PASSED on first reading this 6th day of May, 2025.

ATTEST:



Lisa DelPiccolo, City Clerk




_____, Mayor

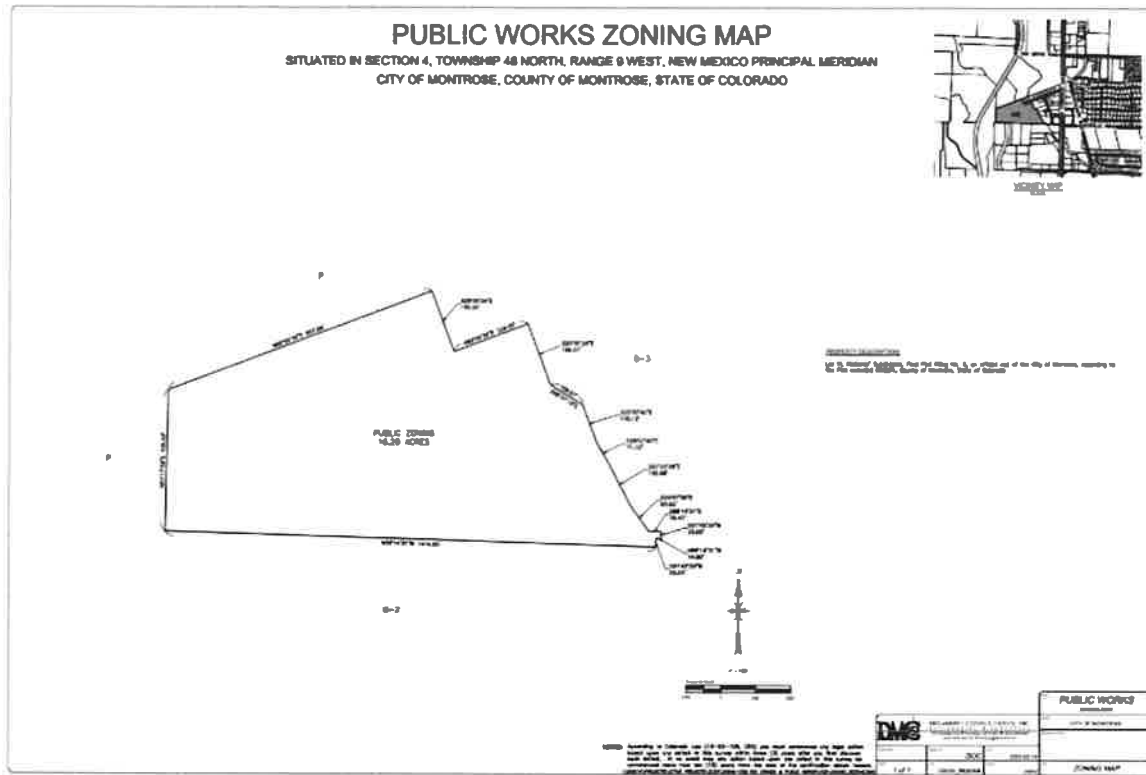
INTRODUCED, READ and ADOPTED on second reading this 20th day of May, 2025.

ATTEST:

_____, Mayor

Lisa DelPiccolo, City Clerk

EXHIBIT A





CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: May 20, 2025
RE: Bear Creek Subdivision Final Plat Filing No. 9A
ATTACHMENTS
• Exhibit A: Maps
• Exhibit B: Code Excerpts for Subdivisions

City Council Consideration:

City Council is considering approval of this final plat application. Council will consider all of the information in this memo in making a decision.

Application Background:

The Bear Creek Subdivision is located in northern Montrose, on the southeast corner of 6530 Rd and Lincoln Rd. The property is approximately 35.91 acres in size, and is zoned “R-3A” Medium High Density District and “R-5” Low Density/Manufactured Housing District. City Council approved the Bear Creek Subdivision Amendment 4 Preliminary Plat on September 7, 2021. This final plat application would formally create 18 residential lots, along with associated rights of way and easements.

Applicant: Bear Creek Land & Development, LLC

Staff Analysis:

1. Lots/blocks:
 - a. All lots meet the minimum lot size required according to the Bear Creek PD Plan Amendment 3, at Reception #729479, recorded on December 1, 2004.



2. Streets

- a. Surrounding streets must be in place, inspected and approved by the City Engineer prior to final approval. Improvements will receive a Preliminary Letter of Infrastructure Completion.

3. Utilities

- a. Easements are shown.
- b. City sewer and other utilities must be installed and available to serve all lots prior to final approval.

Staff Recommendation: Conditional Approval

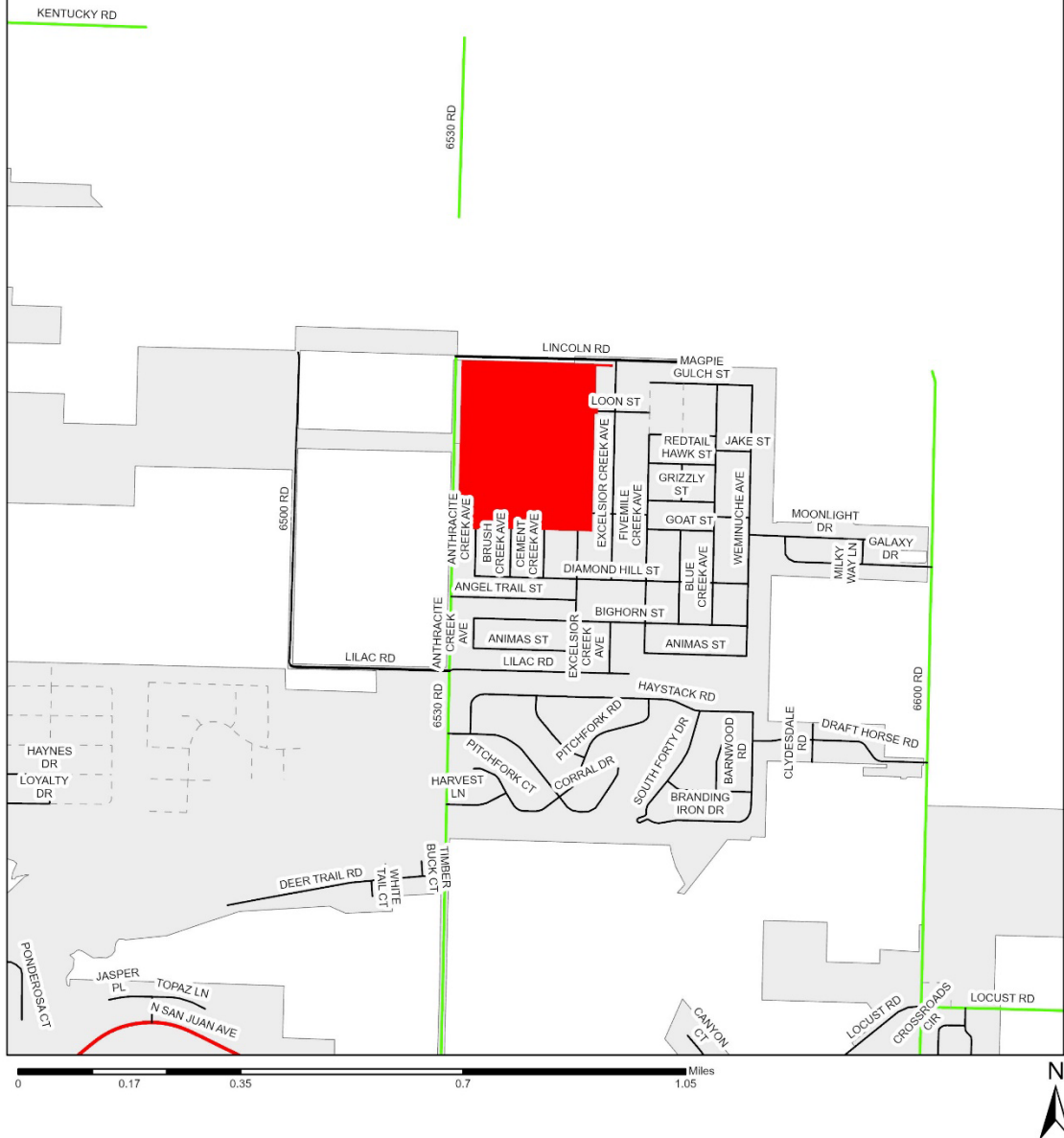
Conditions:

1. [Standard Condition]: The approval of this Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.

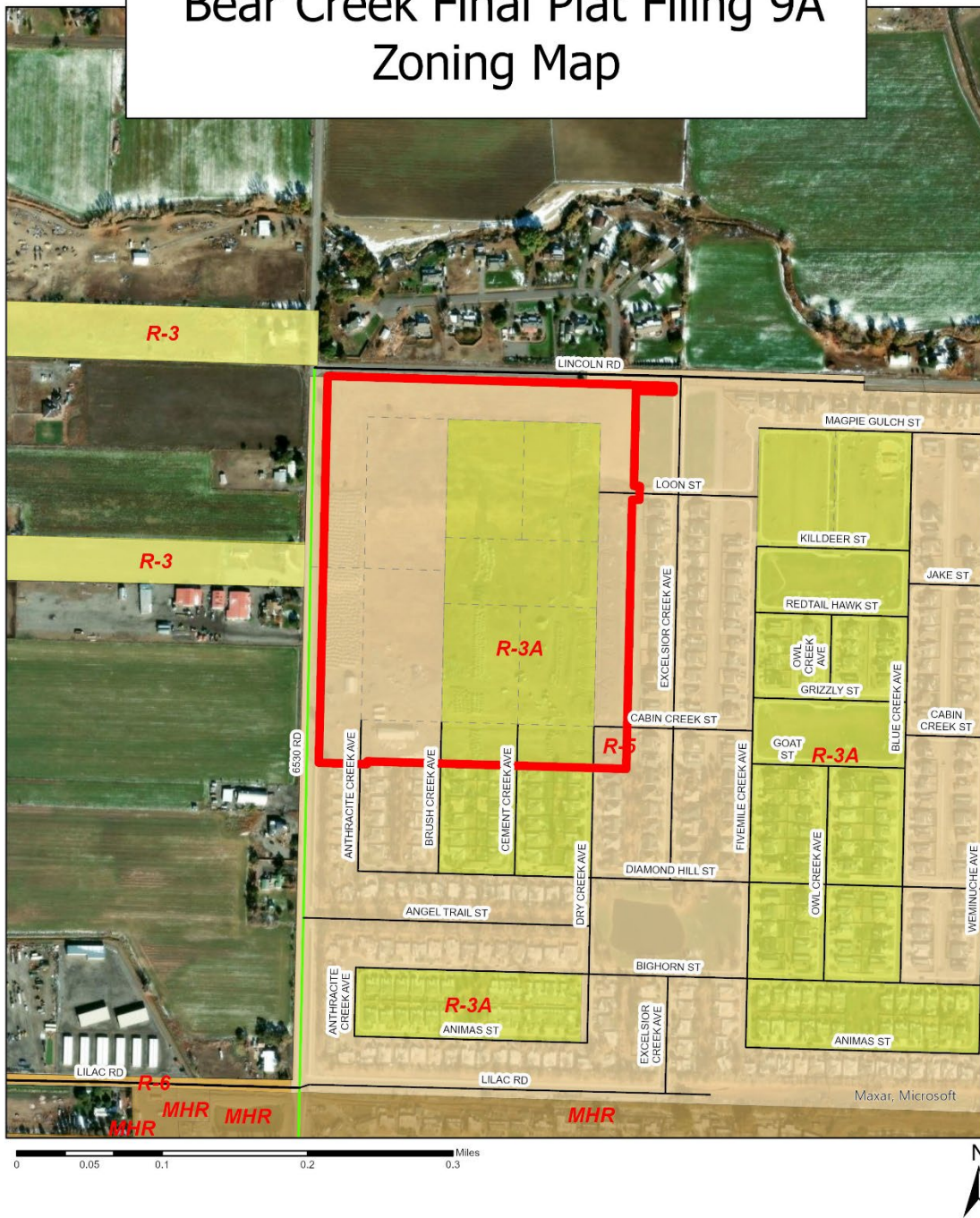


EXHIBIT A: Area Maps

Bear Creek Final Plat Filing 9A Vicinity Map



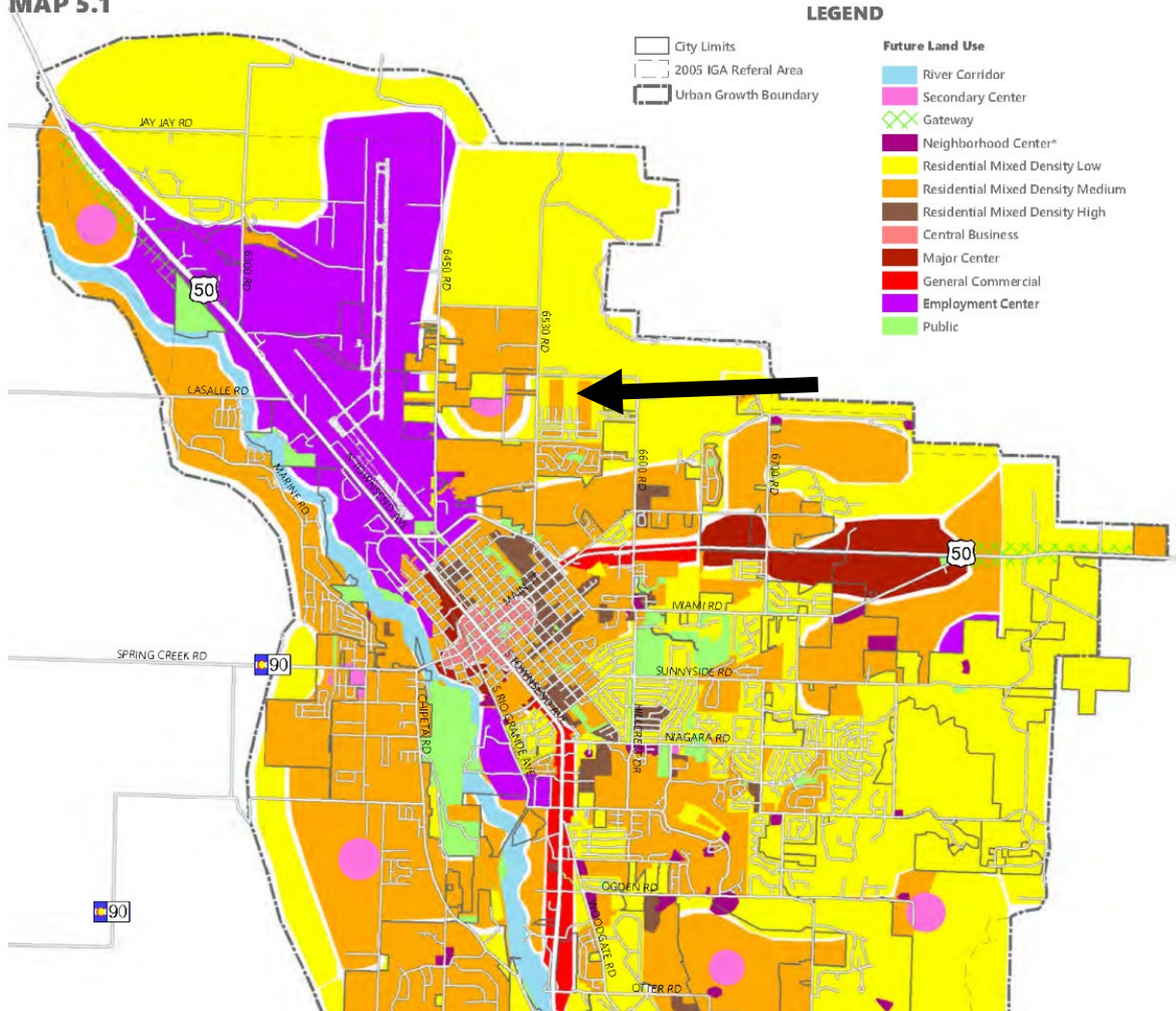
Bear Creek Final Plat Filing 9A Zoning Map



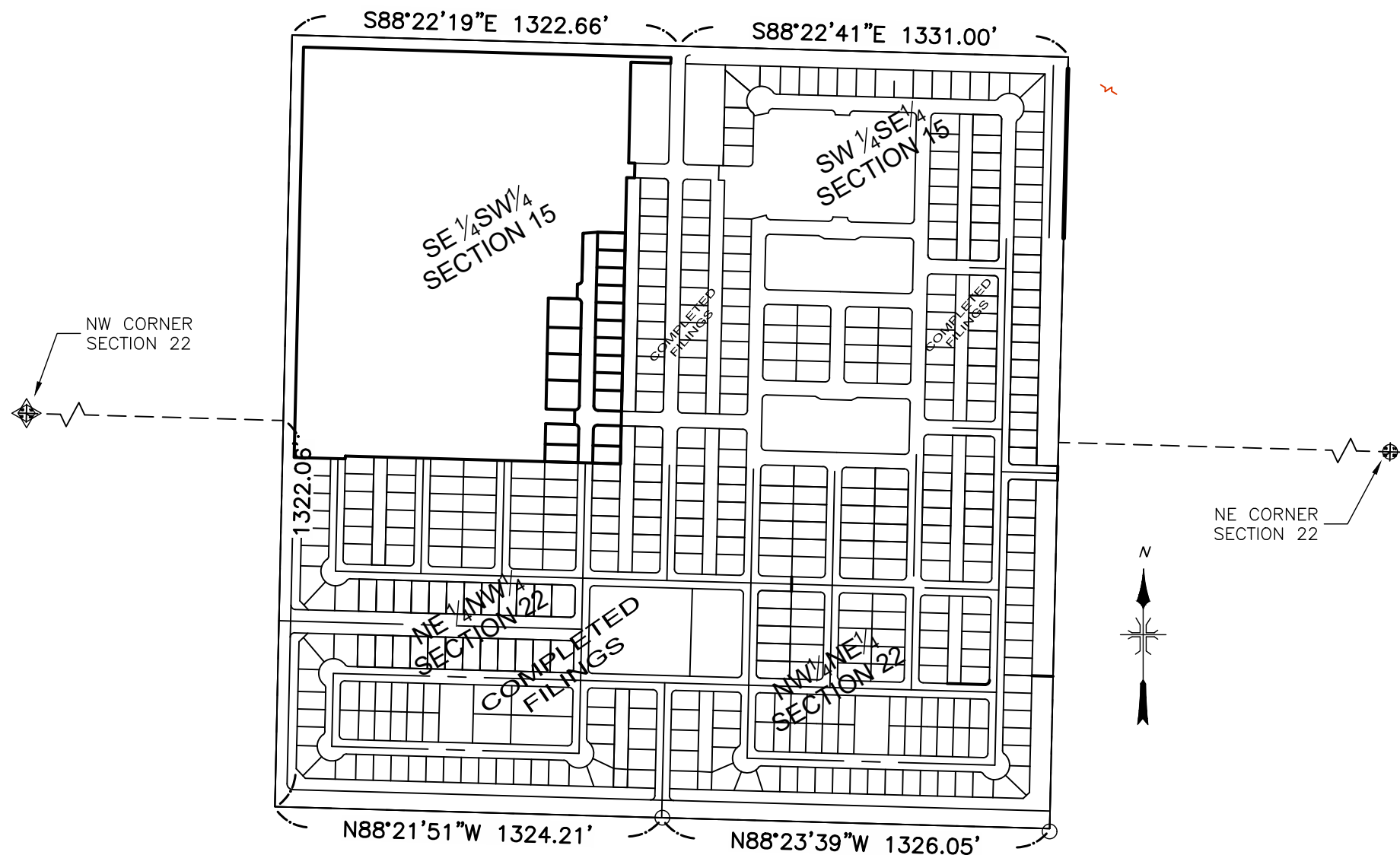
Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



SITUATED IN SE¹/₄SW¹/₄ SECTION 15 AND NE¹/₄NW¹/₄ SECTION 22,
TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



NOT TO SCALE

DEVELOPER: BEAR CREEK LAND AND DEVELOPMENT, LLC
P.O. BOX 239
MONTROSE, CO 81402

Diagram illustrating the minimum setbacks for a building envelope. The setbacks are defined as follows:

- 15 ft. Rear Yard Setback**
- 25 ft. Front Yard Setback @ Garage From Back of Concrete**
- 15 ft. Front Yard Setback**
- 30 ft. Greenbelt Area**
- 10 FT. Min. (R3A) / 12 FT. Min. (R-5) Building Separation**
- 6 ft. Side Yard Setback (R-5) / 5 ft. Side Yard Setback (R3A)**
- 6 ft. Side Yard Setback (R3A)**

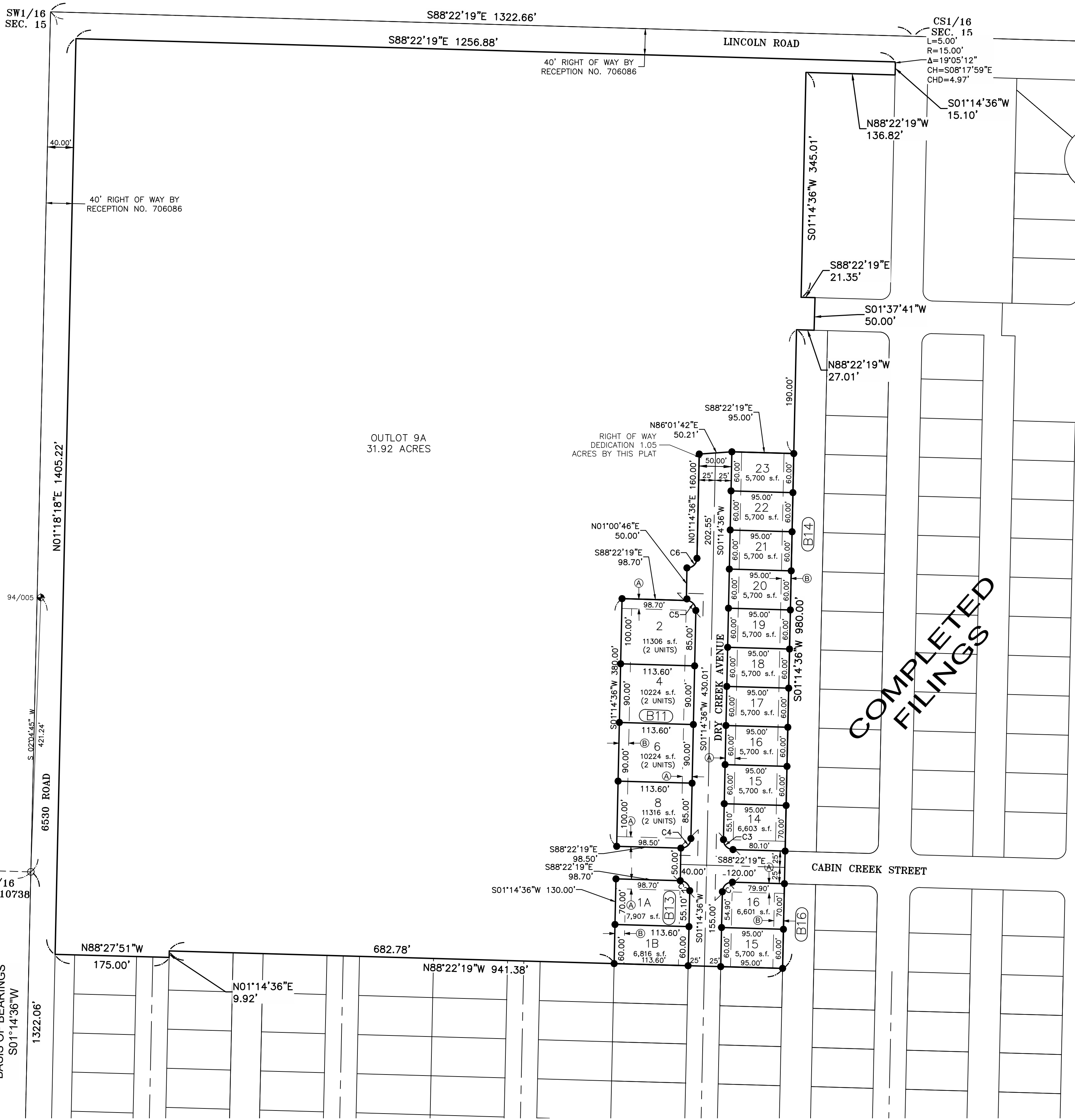
The diagram also shows the **ACCESSORY BUILDING SETBACK** and **0 ft. Limited to Rear Yard**. The setbacks are measured from the **Lot Line** and the **50 ft. R.O.W.** (Right of Way). The diagram is divided into **CONDITION A** and **CONDITION B**.

Per P.D. Plan Bear Creek Subdivision Rec. No. 720865
NOT TO SCALE

TYPE: *FINAL PLAT*

BEAR CREEK SUBDIVISION FILING NO. 9A

SITUATED IN SE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 15 AND NE $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 22,
TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



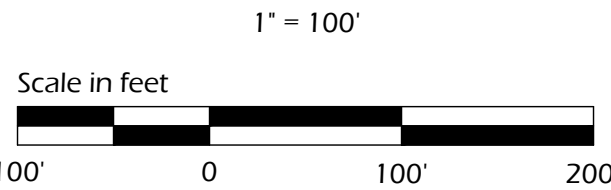
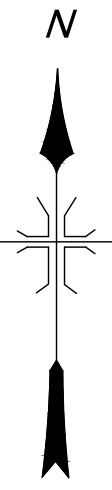
LEGEND

- = FOUND 5/8" X 18" REBAR WITH 1 1/2" CAP (L.S. 16840)
- = FOUND 5/8" X 18" REBAR WITH 1 1/2" CAP (L.S. 38037)
- = SET 5/8"x18" REBAR W/ 1 1/2" ALUMINUM CAP (L.S. 38037)
- ◇ = MONUMENT AS NOTED
- Ⓐ = 15' UTILITY EASEMENT
- Ⓑ = 15' DRAINAGE EASEMENT (CONTINUES TO STREET)
- 40' = SIGHT TRIANGLE PER CITY OF MONTROSE SUBDIVISION REGULATIONS
- (B28) = BLOCK NUMBERS

NOTE: FOR LOTS 2-8 IN BLOCK 11 THERE WILL BE NO MORE THAN 2 DWELLING UNITS ON EACH LOT, IN ANY CONFIGURATION, INCLUDING BUT NOT LIMITED TO ATTACHED UNITS, DETACHED UNITS, SINGLE OWNERSHIP OR FURTHER SUBDIVISION INTO INDIVIDUAL LOTS.

CURVE DATA

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	23.66'	15.00'	090°23'05"	S46°26'09"W	21.28'
C2	23.46'	15.00'	089°36'55"	N43°33'51"W	21.14'
C3	23.46'	15.00'	089°36'55"	S43°33'51"E	21.14'
C4	23.66'	15.00'	090°23'05"	N46°26'09"E	21.28'
C5	23.46'	15.00'	089°36'55"	N43°33'51"W	21.14'
C6	23.66'	15.00'	090°23'05"	N46°26'09"E	21.28'



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\2021\21020-LEADERSHIP CIRCLE-BEAR CREEK AMD #4 PRELIM PLAT\C3D\SHEETS\PHASE 9A 24049\24049V_PLAT-F9A.DWG

DMC DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. W Montrose, CO 81401 W (970) 249-2251 www.del-mont.com service@del-mont.com				TITLE BEAR CREEK SUBDIVISION FILING NO. 9A	
FIELD BOOK: 766				CLIENT: BEAR CREEK LAND AND DEVELOPMENT, LLC	
DRAWN BY: DCC				ADDRESS & PHONE: P.O. BOX 239 MONTROSE, CO 81402	
DATE: 2025-04-08				TYPE: FINAL PLAT	
SHEET: 2 of 2				JOB NO.: 24049	
FILE: 24049V_PLAT-F9A					

CHAPTER 11-5. SUBDIVISION REGULATIONS¹

Sec. 11-5-1. General provisions.

- (A) This Chapter, as amended from time to time may be cited and referred to as the City's subdivision regulations.
 - (B) The purposes of these subdivision regulations are to:
 - (1) Promote and protect public health, safety and welfare;
 - (2) Encourage the harmonious, orderly and progressive development of land;
 - (3) Ensure the development of economically sound and compatible neighborhoods;
 - (4) Require the construction of necessary improvements and utilities;
 - (5) Ensure safe and convenient circulation of vehicular and pedestrian traffic;
 - (6) Ensure that parks, open spaces, school sites and land needed for other public purposes are either reserved or dedicated;
 - (7) Ensure development is in accordance with the requirements of the City's Comprehensive Plan as such may be amended from time to time; and
 - (8) Ensure that new development bears its fair share of the costs of providing improvements and services necessitated by, or resulting from, the development of subdivisions.
 - (C) References in this Chapter to the term "lot" include, as the context requires, "tracts" or "parcels" of real property, to the extent the same are or can be legally described and capable of individual transfer.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-2. Major subdivisions.

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

¹Ord. No. 2677, § 1(exh. A), adopted Dec. 17, 2024, repealed the former Ch. 11-5, §§ 11-5-1—11-5-14, and enacted a new Ch. 11-5 as set out herein. The former Ch. 11-5 pertained to similar subject matter and derived from Ord. No. 2626, § 3(exh. A), adopted May 16, 2023.

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- (C) *Procedure.* The major subdivision procedure shall consist of three separate phases, sketch plan, preliminary plat and final plat, in accordance with Sections 11-5-4, 11-5-5, and 11-5-6, respectively.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-3. Minor subdivisions.

- (A) *New Subdivisions.* A parcel of land is eligible for subdivision through the minor subdivision process if it meets the following criteria:
- (1) The subdivision results in no more than three lots except as permitted within a common interest community subdivision. See Subsection (B) below.
 - (2) All lots are adjacent to a dedicated and accepted public street.
 - (3) The public improvements required by these regulations are:
 - (a) Already in existence and available to serve each lot, or
 - (b) Individual lot service line stub improvements are completed and services are available at each lot, or
 - (c) Only for lots in commercial zoning districts with no existing building on the lot, and such improvements may be deferred until construction of a building on said lot. A Certificate of Occupancy shall not be issued until the improvements required by these regulations for said lot are installed, inspected, and approved by the City. The plans for such improvements shall be reviewed and approved by the City prior to commencement of construction. The plat shall specify what improvements are so required, and may include additional easements, plat notes or restrictions as appropriate to implement these provisions, or
 - (d) For minor subdivisions creating only two lots in which one lot is already devoted to use as a single household dwelling and to which services for that lot are already in place. The remaining lot may not be issued any building or construction permits until the public improvements necessary to serve the same have been installed, inspected and approved by the City, or the lot is approved for further subdivision.
 - (4) Each proposed lot will meet requirements of Chapter 7, Zoning, without the necessity for any variance.
 - (5) No part of the subdivision has been approved as part of a minor subdivision within three years prior to the date of submission of the minor subdivision plat.
 - (6) No material changes to prior plat notes, restrictions or easements are proposed.
- (B) *Common Interest Community Subdivisions.* A common interest community subdivision may be processed as a minor subdivision if all of the following criteria are met:
- (1) Is proposed for development of properties contained within a previously approved and recorded subdivision plat.
 - (2) Meets all applicable conditions of the plat governing the original subdivision.
 - (3) Complies with the required City platting conditions in Subsection (A) above.
 - (4) Complies with the requirements of C.R.S. § 38-33.3-101 et seq. (sublots and common interest community units are not lots for purposes of compliance with this Section).
 - (5) Is consistent with the representations made by the property owner and/or applicant for subdivision approval which created the lot proposed to be further subdivided as a common interest community subdivision.

-
- (6) Results in a change of ownership or marketing regime consistent with the basis upon which creation of the lot being proposed for common interest community subdivision was based.
- (C) *Minor Plat Amendments.* Previously-approved subdivision plats may be amended through the minor subdivision process if they meet the following criteria:
- (1) The plat, as amended, reduces the number of lots within the subdivision, i.e., a lot consolidation; or the nature of the amendment is de minimis, e.g., a boundary line adjustment, lot line correction, duplex conversion, easement adjustment, or similar minor plat modification.
 - (2) All lots are adjacent to a dedicated public street.
 - (3) The lots are part of a subdivision plat which has been approved and/or accepted by the City and recorded in the Montrose County Records.
 - (4) The improvements required by these regulations are already in existence and available to serve each lot, or if not yet constructed, are secured as a part of the original subdivision approval.
 - (5) Each lot will meet requirements of the applicable City zoning regulations without the necessity for any variance. No material changes to prior plat notes, restrictions or easements are proposed.
- (D) *Procedure.* Submittals of sketch plans and preliminary plats are not required for minor subdivisions. The minor subdivision application shall conform to all applicable final plat requirements. All fees related to this Section shall be as set forth in Chapter 3-1 of the City of Montrose Regulations Manual. The final plat for a minor subdivision shall contain certification on forms approved by the City to document approval of the plat.
- (1) The City Manager may either approve, disapprove or conditionally approve the final plat subject to compliance with any minimum design standards; dedication of additional right-of-way, easements, open space or park land; or installation of additional improvements. Final plats shall not be recorded until required public and private improvements are installed and approved by the City.
 - (2) Upon approval by the City land use staff, the plat of the minor subdivision shall be submitted in final form on one reproducible mylar, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
- (E) *Limitation of Eligibility.* Any subdivision not qualifying as a minor subdivision is a major subdivision. For the purpose of interpreting the requirements of this Section, any proposed minor subdivision which is clearly intended to evade the major subdivision regulations or would result in a de facto major subdivision through the combination of previous contiguous and/or consecutive minor subdivisions is not eligible for minor subdivision. A minor subdivision shall only be used one time on a previously unsubdivided parcel of land.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-4. Sketch plan.

- (A) *Purpose.* Sketch plan review provides an opportunity to determine whether an application will comply with the City's subdivision review and approval criteria, and to address any issues of concern early in the review process. The sketch plan is a conceptual version of the preliminary plat showing the general subdivision layout, access, street and lot pattern, location of parks, open space tracts, trail corridors, and other tracts for utilities or services.
- (B) *Review Procedure.* The sketch plan application shall be reviewed by the City in accordance with Section 11-4-2 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process.
- (C) *Review Criteria.* A sketch plan shall comply with the following review criteria:

-
- (1) The proposal shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed, considering the following at a minimum:
 - (a) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
 - (b) Availability of water, means of sewage collection and treatment, stormwater drainage, access and other utilities and services;
 - (c) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - (d) Adjacent streets and traffic flow, including pedestrian access; and
 - (e) Availability of fire, police and other emergency services protection.
 - (2) An applicant intending to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing their present plans for its eventual development.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-5. Preliminary plat.

- (A) *Purpose.* The purpose of the preliminary plat is to provide the City with an overall master plan for the proposed subdivision. The preliminary plat is more detailed than the sketch plan and should incorporate the comments and guidance provided during the sketch plan process. It includes the layout of the subdivision, engineering design studies, and final engineering design, with all bearings, distances and survey monumentation.
- (B) *Review Procedure.* The preliminary plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A preliminary plat shall comply with the following review and approval criteria:
 - (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access and efficient emergency response to all lots proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for compatibility with unique or distinctive natural areas, scenic areas and views, natural landmarks, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and

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(Supp. No. 11, Update 2)

-
- (9) The preliminary plat and proposed improvements shall comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.
- (D) *Notice to Proceed.* No construction of the required subdivision improvements shall commence until approval of the preliminary plat by the City Council and submittal of both a reproducible mylar of the preliminary plat, as finally approved with signed certificates as required by the City, and a copy of the preliminary plat in a digital format acceptable to the City and compatible with City computer systems. Upon approval and submittal of the reproducible mylar of the preliminary plat, and supporting documentation as required, the City shall provide signed copies of the preliminary plat which shall serve as notice to proceed with construction of the required subdivision improvements, both public and private.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-6. Final plat.

- (A) *Purpose.* The purpose of the final plat is to complete the subdivision of land in conformance with all the applicable requirements and standards of the City. The final plat shall correspond in every significant respect with the preliminary plat as previously approved. A complete review is conducted of the final subdivision design, with all bearings and distances, survey monumentation, and certificates of approval included on a document suitable for recordation.
- (B) *Review Procedure.* The final plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A final plat shall comply with the following review and approval criteria:
- (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access and efficient emergency response to all lots proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for the preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings and unique landforms, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and

-
- (9) The final plat is generally consistent with the preliminary plat, as applicable and proposed improvements comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.

(D) *Additional Provisions.*

- (1) No land shall be subdivided, or any parcel thereof sold or conveyed, until a final plat has been approved and either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued in accordance with this Section.
- (2) Any conditions or improvements imposed on the applicant by the City Council under the preliminary plat approval must be shown on the final plat and either completed, or accompanied by the appropriate security under Section 11-5-12, prior to approval by the City Council.
- (3) The final plat may be submitted for a portion of the preliminary plat, or phased, subject to the following conditions:
 - (a) The applicant has submitted a phasing plan that has been approved as a part of the preliminary plat, or if subsequent to that time, as an amendment of the approved preliminary plat.
 - (b) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, or outlot.
 - (c) In instances where completion of required improvements, utilities or road infrastructure within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to complete said improvements, utilities or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, stormwater drainage system, trails and park development.
- (4) No final plat shall be approved by the City Council until:
 - (a) All of the public improvements required by these subdivision regulations have been installed, inspected and approved by the City Engineer, or properly secured in accordance with the provisions of Section 11-5-12 on forms approved by the City.
 - (b) As-built plans, supporting documentation, certificates and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer and provided in a digital format acceptable to the City and compatible with City computer systems. All as-built plans, supporting documentation, certificates and data for completed utility and infrastructure improvements shall be signed and stamped by a registered Colorado professional engineer.
 - (c) The final plat has been submitted in final form on reproducible mylars, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
 - (d) Payment to the City of any atypical costs incurred by the City within the subdivision review process, which costs are specifically subject to reimbursement.
 - (e) The security for the two-calendar year construction warranty has been provided by the subdivider in a form acceptable to the City.
- (5) Following City Council approval of the final plat and verification that the documentation has met all applicable codes and regulations, the final plat shall be executed by the appropriate City staff and recorded with due diligence.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-7. Reserved.

Sec. 11-5-8. Issuance of building permits.

- (A) Until any required public improvements are accepted by the City, the City shall not be obliged to issue any building permits within a subdivision, except as provided herein. Provided that all other applicable City codes and regulations have been satisfied, building permits may be issued only to the subdivider for any property with an approved Preliminary Plat. The subdivision must have sufficient access and water to allow for adequate fire protection as determined by the fire protection district. No certificates of occupancy, temporary or otherwise, shall be issued unless and until:
- (1) All required public and private on- and off-site improvements have been completed;
 - (2) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued by the City; and
 - (3) A final plat has been approved and recorded.
- (B) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion shall evidence City inspection and approval.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-9. Land dedication and fees in lieu.

- (A) *Purpose and Intent.*
- (1) The purpose of the land dedication requirement is to provide public park, open space, trail, and school facilities and/or services made necessary as a consequence of a subdivision, in an amount roughly proportional to the impact of the subdivision upon such facilities and/or services or the increased need for them brought about by a subdivision. New residential subdivisions require these services provided through municipal facilities which are constructed, in part, through dedication of land necessary to construct the facilities. Absent land dedication by new subdivisions, sufficient land may not be made available at the time of subdivision to provide necessary services to new residents. In order to provide public services, the City requires certain dedications of land or in the appropriate circumstances, payment of fees-in-lieu of such dedication.
 - (2) It is the intent of this Section to preserve natural and scenic areas and provide for the public health, recreational, and educational needs by ensuring that school, recreational, and open space land and trails are available to the residents and/or employees of developments in conformance with the City's Comprehensive Plan as updated from time to time.
- (B) *Dedication Procedure.*
- (1) The amount, location, and nature of land interests to be dedicated shall be established prior to final subdivision plat approval. Land dedications and/or conveyances shall be made as a condition of final plat approval and shall be implemented in one or more of the following ways, as appropriate and as provided in the final plat approval:
 - (a) A fee simple dedication to the City granted via plat note on the final plat;
 - (b) A fee simple conveyance to the City granted via general warranty deed;
 - (c) A fee simple dedication to the school district of a school site via plat note on the final plat;

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- (d) A fee simple conveyance to the school district via general warranty deed; and/or
 - (e) Payment of fees-in-lieu of land dedications where permitted and approved by the City.
- (2) Whenever a subdivision application involves land that is to be dedicated and/or conveyed to the City, the applicant shall submit, with the final plat application, a title insurance commitment indicating the land is owned by the applicant free and clear from all liens, encumbrances and restrictions.
- (a) Title insurance shall be provided by the applicant in an amount equal to the approximate value of the property to be dedicated and/or conveyed, as approved by the City.
 - (b) The executed deed, if applicable, and the payment of the premium for the title insurance policy shall be delivered to the City prior to the recording of the final plat.
- (C) *Land Dedication Standards.*
- (1) *General Requirements.* Every approved subdivision shall convey land for the purpose of providing parks, open space, trails, school sites, and other public uses. The standards herein are minimum standards and the City may require dedications and improvements greater than the minimum to adequately meet the needs created by the development.
- (a) The City Council shall determine the suitability of the land and improvements proposed for dedication in consideration of the intended purpose of the dedication.
 - (b) The City may consider recommendations from other agencies which would be directly involved in the development and service of those areas.
 - (c) Parks, open space, and trails shall be dedicated to the City in conformance with the requirements herein and the adopted standards of the City Comprehensive Plan as may be updated from time to time.
 - (d) Parks, open space and trails shall be situated within floodplains instead of developed lots when reasonable to do so.
- (2) *Improvement Required.* Any land to be dedicated to the City shall be improved by the developer per the timetable specified at time of final plat subdivision approval for use as park, open space, and/or trails.
- (D) *Park Land Standards.* Dedication of land for park purposes shall be based upon the following standards. In the event the subdivider disagrees with the calculation provided by the City, the subdivider may request continuation of final plat review and fund an independent study under Section 11-5-9(I):
- (1) Subdividers shall dedicate to the City developed park land based upon a formula of seven acres of developed and usable park land per density of 1,000 residents, calculated at build-out of the proposed subdivision. For the purpose of this calculation, it shall be assumed that each residential unit shall house an average of two and one-half residents.
 - (2) Those developments that dedicate adequate quantities and qualities of park land acceptable to the City, in the City's sole discretion, shall not be required to pay the money in lieu of park land dedication. Only park land dedicated to the City of Montrose, and approved by the City, in the City's sole discretion, that meets the City's Comprehensive Plan, the minimum design standards as set forth herein, and that is improved to meet the City's park standards and specifications, shall qualify to relieve the subdivider of payment of money in lieu of park land dedication.
 - (3) Developed park land proposed for dedication or conveyance to the City shall require prior submittal and approval of a park plan by the City, which plan shall address the City's park standards and specifications.

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- (4) When authorized by the City, the required dedication of developed park land may be partially or wholly substituted by alternative dedication and/or preservation of open space areas such as riparian habitat, wetlands habitat, wildlife habitat and view corridors as approved by the City.
 - (5) Parks that are sized, developed, and located to meet the needs of the City and constructed in accordance with City standards and specifications may be dedicated to the City, and if so dedicated, shall be available for use by the public.
- (E) *Trail and Sidewalk Standards.*
- (1) Trails shall be dedicated as needed to serve the recreational and transportation needs of the subdivision in conformance with the Comprehensive Plan, and shall provide links to schools, the local and regional trail system, parks and open space areas, commercial and employment areas, public transit, community facilities such as libraries, and other destinations. Trails should be provided adjacent to or within natural and scenic areas and open space areas, when possible, in a manner that provides a recreational corridor without degrading the natural or scenic resource.
 - (2) Sidewalks and recreation trails shall be integrated with existing and planned sidewalks and recreation trails in accordance with the City's Comprehensive Plan. The owner of each project shall dedicate the appropriate easements and/or rights-of-way consistent with said plans.
 - (3) All sidewalk and recreational trails shall be available for use by the public.
- (F) *Open Space and Watercourse Standards.*
- (1) If required by the City, open space shall be dedicated as necessary to preserve significant natural areas such as buttes, bluffs, and other geologic formations, water bodies/resources, wildlife habitat areas, fragile ecosystems (wetlands) riparian areas, floodplains, native trees and shrubs and/or other significant native vegetation. Open space shall also be dedicated as necessary to preserve lands which preserve significant views, provide transitions between different densities and uses (buffers) and otherwise serve to give shape and form to the proposed development and surrounding community.
 - (2) Public access is not required for open space dedications.
 - (3) Natural watercourses may be developed and preserved consistent with City floodplain management regulations, Storm Drainage Requirements and Federal Clean Water Act Section 404 Permit requirements, to minimize safety, environmental, and other hazards, and shall be integrated with the City's Comprehensive Plan for such watercourses whenever feasible.
- (G) *Fees in Lieu of Dedication.*
- (1) In the event the dedication of required park land is not deemed suitable or not in the public interest within the development, the City Manager is hereby authorized to require the applicant, in-lieu thereof, to pay the City a fee-in-lieu-of land based on the amount of required land dedication as calculated in Section 11-5-9(D) above, and pro-rated using the average value of land in the City plus the cost per acre of constructing the improvements for that type of facility. Such fee may be updated from time to time to reflect current market land values and costs of the improvements and shall be adopted by Resolution and included in the City's fee schedule.
 - (2) Alternatively, and if approved by the City Manager, the subdivider may develop or contribute to the improvement of an off-site facility if said facility conforms to the adopted standards in the Comprehensive Plan. Nothing contained herein shall be construed to prevent the City Manager from requiring that part of the park land dedication requirement be made in the form of dedicated land, and that part of such requirement be made in the form of cash in-lieu of the remaining requirements for such land.
 - (3) When in-lieu payments are permitted, the following standards apply:

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- (a) Lot or Unit x 0.0175 (acres park land per lot or unit) x \$90,000.00 (value per developed park land acre, based upon \$25,000.00 per acre undeveloped land value plus \$65,000.00 park land development cost) = \$1,575.00 per lot or unit.
 - (b) Monies collected in lieu of park land dedication shall be collected at time of issuance of building permit, and placed into a City park development fund to be earmarked for future acquisition or development of parks, opens space, or trails. No security as set forth in Section 11-5-12 shall be required.
 - (4) Monies paid in lieu of park land dedication pursuant to this Section are to enable the City to provide parks in the proper locations, and of the proper sizes to serve the citizens of the City.
- (H) *Relationship to Useable Open Space.*
- (1) Useable open space, as defined in Section 11-15-2 of this Title, shall not be a substitute for the dedication of park land, or money in lieu of park land dedication.
 - (2) All non-public common areas, parks and open spaces shall be held in private ownership and maintained in perpetuity, with appropriate platted restrictions on use and covenants for ownership and maintenance in accordance with the provisions of Section 11-5-11(B).
 - (3) For useable open space within Planned Developments, see Section 11-7-8(B)(2).
- (I) *Site Specific Dedication Study.*
- (1) In the event that the applicant disagrees with the City's determination concerning dedication of land and/or payment in lieu of dedication, the applicant may request a continuation of any subdivision processing and review by the City, in order for the applicant to prepare a private study evaluating the demand for public facilities made necessary or generated by the proposed development. Upon receipt by the City of the applicant-funded study, the subdivision review process shall recommence.
 - (2) Such study shall be undertaken at the applicant's cost by a licensed professional engineer or other professional approved in advance by the City.
 - (3) To the greatest extent possible, the study shall include an evaluation of the City's present supply or capacity and present demand for all public facilities and/or services required by the proposed development.
 - (4) The study shall identify and quantify the additional demand placed upon such public facilities and/or services by the proposed development.
 - (5) The study shall identify the necessary public land and improvements required to be dedicated or constructed by the applicant in order to serve the demand generated by the proposed development.
 - (6) Such study shall be considered by the City in determining the required dedication of land.
- (J) *School Land Dedication Requirements.*
- (1) Based upon conversations with both the City staff and School District staff during the pre-application phase of any project at the time of filing a sketch plan or preliminary plat for approval, the applicant shall, as part of such filing, either:
 - (a) Designate the general area or areas the applicant proposes to set aside for school site(s) and shall indicate the number of acres proposed for such uses and the number of proposed dwelling units in the development; or
 - (b) Agree to make payment of cash-in-lieu of land in an amount as set forth in Section 3-1 of the City of Montrose Regulations Manual; or

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- (c) Request waiver of the requirement to provide for school land dedication or payment in lieu, per Section 11-5-9(K) below.
 - (2) The preliminary plat and final plat of a proposed subdivision shall designate specific areas proposed for use as school sites, the number of acres so designated, and the proposed number of lots by dwelling unit type in the subdivision; or, the waiver of this requirement and agreement to provide cash in-lieu-of land; or a plat note indicating that no children will be generated by the development.
 - (3) School sites dedicated through this procedure shall conform to the school site size requirements and site criteria policy adopted by the School District and incorporated herein by this reference.
 - (4) *Determination of School Land Dedication.* If the City Council determines that the dedication of land for school purposes is appropriate, then the applicant shall convey the property and all improvements located thereon in the manner permitted by Section 11-5-9(B) to the School District at the time of recording of the final plat.
 - (5) *Fees in-Lieu of Land or Guarantee of Future Land Dedication.* When, after recommendation of the School District, dedication of all or portions of required school lands is not deemed feasible or in the public interest, in that event the City Council shall require the payment of fees in-lieu thereof.
 - (6) Monies collected in lieu of school land dedication shall be collected at time of issuance of building permit (or Certificate of Occupancy for those buildings commenced prior to final plat approval) and disbursed to the School District on a quarterly basis. No security as set forth in Section 11-5-12 shall be required.
 - (7) The following shall be exempted from school land dedication requirements or payment in-lieu-of fees:
 - (a) Skilled nursing facilities as defined in the Section 11-15-2 of this Title;
 - (b) City-approved subdivisions that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling may be classified as housing for older persons pursuant to the Federal Fair Housing Amendments Act of 1988.
- (K) *Waiver of Requirements.*
- (1) The City Council may waive the required dedication of land or the payment in lieu of dedication of open space, parks, trails and/or school lands in the following cases:
 - (a) When the project has already been fully developed and the subdivision of land is necessary to bring the land into conformance with the as-built or as-constructed development;
 - (b) When the development does not result in any increase in demand for parks, trails, or open space; or
 - (c) With respect to school land dedication, the School District approves a waiver request under Section 11-5-9(J).

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-10. Required public improvements.

- (A) All subdivisions shall be provided, at the expense of the subdivider, and subject to applicable zoning criteria, with the following public improvements as required to serve the subdivision and to mitigate its impacts.
 - (1) Street improvements:
 - (a) Paved streets;
 - (b) Paved alleys, if required by the City;

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- (c) Street signs;
 - (d) Street lights; and
 - (e) On- and off-site traffic mitigation improvements as identified in the subdivision's Traffic Impact Study as necessary to safely support the development.
- (2) Curbs, gutters, sidewalks and accessibility ramps.
 - (3) Parks, open space and recreation trails.
 - (4) Public utilities:
 - (a) A water system including fire hydrants and fire mains;
 - (b) A sanitary sewer system;
 - (c) A stormwater system; and
 - (d) Other public utilities, including gas, electricity, and a minimum of three conduits for telecommunications.
 - (5) Drainage facilities and waterways.
 - (6) Survey monuments.
 - (7) As applicable, off-street parking, mailbox location areas and bus stops with accessibility ramps.
- (B) Other improvements required as a condition of approval and found to be roughly proportional to the impacts being mitigated. All public improvements shall be subject to applicable City minimum design standards, regulations and specifications.
 - (C) Public improvements shall be secured by warranty and security instruments as required by Section 11-5-12.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-11. Private improvements.

- (A) The subdivider may provide, or may be required to provide as a condition of certain private improvements, as specifically referenced below, to serve the subdivision and to mitigate its impacts, and in accordance with duly adopted City standards, if applicable, to include:
 - (1) Recreational facilities, parks, open space and trails;
 - (2) Drainage facilities and waterways;
 - (3) Mailbox location areas;
 - (4) Berms, screening and buffers; and
 - (5) Other private improvements required as a condition of approval.
 - (B) Such improvements shall be privately-owned and/or -maintained, and the plat shall contain appropriate restrictions and/or covenants, in form approved by the City Attorney, governing use, ownership and maintenance in perpetuity enforceable by the City, providing for recovery of the City's costs by liens or assessment against the property in the subdivision. Such improvements shall be completed prior to issuance of building permits pursuant to Section 11-5-8.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-12. Security, warranty and acceptance of improvements.

- (A) If the subdivider wishes to have the final plat approved prior to the installation, inspection and approval of all required improvements, the subdivider must provide security incorporated into a subdivision improvement agreement to guarantee the completion of all required improvements within one year, and all landscaping improvements within two calendar years after approval of the final plat in accordance with this Section.
- (1) Said security shall be in the form of:
- (a) A subdivision improvements agreement, in a form approved by the City Attorney, in an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the improvements necessary to serve said lots; or
 - (b) A cash escrow deposited with the City or a clear irrevocable letter of credit in an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the improvements necessary to serve said lots.
- (2) Funds in any escrow account shall be returned to the subdivider upon the issuance of either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances.
- (3) Security shall not be required for money in lieu of payments relative to park land and school land dedications provided in Section 11-5-9(D) and (J), as such money payments shall be collected upon issuance of building permits relative to subdivided lots or units.
- (4) Even though a final plat will have been recorded, when a subdivider chooses to secure required improvements with a subdivision improvement agreement, as a part of that agreement, the subdivider shall agree not to sell, transfer, offer for sale or otherwise convey any portion of the property, including lot, unit or outlot, prior to the issuance of a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances. A sale or other transfer of the entire subdivision is permitted once the purchaser has provided the necessary security.
- (B) The subdivider shall complete all required improvements within one year, and all landscaping improvements within two calendar years of the approval of the final plat by the City Council. In the event that all necessary on- and off-site improvements are not completed, inspected and approved within two calendar years of the date of the approval of the final plat by the City Council, no further building permits, occupancy permits, water taps or sewer taps shall be allowed by the City in such subdivision until such improvements are completed. It shall then be unlawful to sell any further lots in the subdivision until all necessary on- and off-site improvements are completed.
- (C) The City Council may authorize extensions of time to complete all improvements beyond the one and two-year limitations as set forth herein.
- (D) Following the completion of required improvements and submission of the as-built plans, the City Engineer shall conduct an inspection and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion as provided herein.
- (1) A Letter of Substantial Completion may be issued when only landscaping and irrigation facilities are incomplete and secured as provided in Subsection 11-5-12(A) of this Section.
- (a) In the case of subdivisions that have been issued a Letter of Substantial Completion, upon completion of the outstanding improvements and submission of the as-built plans therefor; the City Engineer shall conduct an inspection and shall issue a Preliminary Letter of Infrastructure

Completion, if all required improvements are in accordance with the requirements of these and other applicable codes and regulations and good engineering and construction standards.

- (2) The subdivider shall warrant the public improvements against defects or failures in workmanship or materials for a period of two calendar years from the date of the Preliminary Letter of Infrastructure Completion. During this two-calendar-year construction warranty period, the City will, as applicable, assume the responsibility for snow removal within public rights-of-way in regard thereto, but the subdivider shall remain responsible for all other maintenance and to correct all defects or failures that appear in any such public improvements during the construction warranty period.
- (a) The City shall determine what constitutes a defect or failure in its sole discretion, provided that such are not the result of public abuse, misuse or normal wear from use. The City Engineer shall notify the subdivider in writing of such defect or failure, setting forth a list of specific deficiencies. If within 30 days after the City has notified the subdivider of a defect or failure, the subdivider has not started or completed the required repairs, provided construction drawings and a proposed repair schedule for City review and approval, or submitted a written objection to the to the City's request for repair work, the City is hereby authorized to make the repairs or replacements or to order the work be done by a third party. The City may authorize a temporary repair if necessary due to weather conditions or materials availability. The subdivider shall pay the cost of any repair work. Any appeal of the City Engineer's repair or replacement requirements shall follow the appeal process pursuant to Chapter 4-1-6 of the City Code.
- (b) At the end of the warranty period, the subdivider shall request, in writing, that the City Engineer perform a final inspection of the improvements to facilitate the completion of the construction warranty.
- (i) The City Engineer shall conduct an inspection of all public improvements, and upon final approval, as evidenced by the City's issuance of a Letter of Infrastructure Completion and Acceptance, the City shall accept the improvements, and the security held by the City shall be returned to the subdivider.
- (ii) All public improvements, including all physical facilities constructed by the subdivider necessary for the extension, maintenance and repair of municipal utility services and other public facilities constructed by the subdivider in public rights-of-way, easements, streets or alleys shall become the property of the City immediately upon the issuance of the Letter of Infrastructure Completion and Acceptance by the City Engineer.
- (iii) Following such conveyance, the City shall be solely responsible for the maintenance of such public improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period.
- (c) Any repairs or replacements noted in the final inspection shall be completed prior to the issuance of the Letter of Infrastructure Completion and Acceptance.
- (i) Upon notification, the subdivider shall promptly make all repairs or replacements in accordance with a repair plan prepared by the subdivider and approved by the City, which repair or replacement, in the opinion of the City, arose out of defects or failures and became necessary during the construction warranty period.
- (ii) The subdivider shall warrant each repaired and/or replaced improvement or any portion or phase thereof for one calendar year following acceptance of such repair and/or replacement.
- (iii) Inspection of any improvements does not constitute a waiver by the City of any rights or remedies that it may have on account of any defect in or failure of the improvements that

are detected. The construction warranty shall continue until the Letter of Infrastructure Completion and Acceptance is provided in writing to the subdivider.

- (3) The subdivider may, at the subdivider's option, provide the City financial security for the two-calendar year construction warranty in one or a combination of the following forms only:
- (a) A cash escrow in the amount of 15 percent of the total construction cost of all public improvements required by the final plat.
 - (b) A letter or letters of credit on forms acceptable to the City, in the amount of 15 percent of the total construction cost of all public improvements required by the final plat.
 - (c) It is the responsibility of the subdivider to maintain the necessary amount of security at all times until all public improvements are completed and accepted by the City.
 - (d) The City shall not be obligated to administer burdensome security arrangements.
 - (e) The City shall require a construction warranty backed by financial security prior to issuance of a Preliminary Letter of Infrastructure Completion.
 - (f) The security shall be available for the City to use to correct any defects or failures in accordance with City specifications during or after the construction warranty period in the event the subdivider is unable or unwilling to perform any repair or replacement of the improvements in a timely fashion. The use of the proceeds from the security is a remedy that is cumulative in nature and is in addition to any other remedies that the City has at law or in equity.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-13. Minimum design standards.

- (A) *Minimum Standards, Conformity to Preliminary Plat, and Approval Required.* All public improvements shall be constructed in accordance with the minimum standards set forth below or other applicable City design and construction specifications and standards, and other applicable City ordinances or regulations. All public and private improvements shall be in substantial conformity with the preliminary plat as approved, the City Comprehensive Plan and amendments thereto, and in accordance with good engineering and construction practices. All plans must be approved in advance by the City Engineer.
- (B) *Minimum Standards.*
- (1) *Streets.*
 - (a) Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and/or other areas outside the subdivision or any filing thereof being considered, including, but not limited to, curbs, gutters, sidewalks and street paving improvements, when the subdivision and developments thereof will directly create a need for said improvements outside the subdivision itself, if necessary to properly serve the subdivision.
 - (b) In those cases where the City determines that the immediate improvement of the abutting street, or other on-site or off-site improvements, is not currently practical, or should be delayed, or the costs of such improvements should be shared with additional property likely to use and be benefited by the improvements, the developer may be allowed to execute recordable covenants on the plat or separately in a form provided by the City, binding the lots in the subdivision to future assessments or participation in an improvement district for the construction of such improvements.

- (c) Wherever topography will permit, the arrangement of the streets shall provide for the dedication and construction of street stubs to align with existing or future streets to adjoining developing or developable areas.
- (d) Cul-de-sacs shall terminate in a circular turn-around having a minimum right-of-way of at least 100 feet in diameter, and a paved turn-around with a minimum outside diameter of 80 feet. Cul-de-sacs shall be not less than 100 feet long, and not more than 500 feet long, as measured from the center of the cul-de-sac bulb to the center of the intersecting street; use of cul-de-sacs is limited to places where street connections would be impractical.
 - (i) Cul-de-sacs longer than 300 feet shall require a recreation trail connection at the end that provides connectivity to the nearest City street.
- (e) Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a temporary turn-around having a diameter of at least 80 feet.
- (f) Whenever a new street is proposed along the edge of the subdivision, the entire street shall be dedicated and improved within the subdivision.
- (g) No more than two streets shall intersect at any point. Intersections shall be as near as practicable to 90 degrees. A street shall have a minimum straight distance of 100 feet from the intersection before it may be curved.
- (h) A straight section of 100 feet shall be provided between reverse curves on all streets.
- (i) All lots in the subdivision shall have direct access to a dedicated street, subject to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access for up to no more than four dwelling units each, subject to City Manager approval, in residential zoning districts. Shared access drives shall not be used as an extension of a cul-de-sac.
 - (ii) Reciprocal access easements may be approved to accommodate subdivisions with multiple commercial units sharing a contiguous parking area in commercial zoning districts.
- (j) Any two local streets which intersect a common third local or collector street shall have centerlines no closer than 175 feet from one another. Any two local streets which intersect a common third minor arterial or major arterial street, shall have centerlines no closer than 350 feet from one another.
 - (i) The City may limit access to major arterial or minor arterial streets to facilitate traffic flows, or to promote public safety.
- (k) The maximum block length, as measured from the centerline of the nearest intersecting streets, shall be a maximum of 700 feet.
- (l) Street names must be approved by the City and respective 911 authority.
- (m) Streets shall be developed in accordance with the City's Comprehensive Plan roadway cross sections, the City's engineering specifications, as applicable, and the table below. The minimum dedicated rights-of-way and street widths shall be as shown in Table 5.1.

Table 5.1
Minimum Dedicated Rights-Of-Way and Street Widths

Street Classification	Minimum Right-of-Way	Minimum Street Width Urban = Width (Distance Between Curb Flowlines)
Major Arterial	124 feet*	92 feet

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Minor Arterial	80 feet*	Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths
Collector	70 feet	46 feet
Local	50 feet	28 feet with detached 5-foot sidewalk; 36 feet with attached 6-foot sidewalk
Planned Developments	40 feet	27 feet with attached 6-foot sidewalks. Supplemental off-street parking may be required.

- (n) Subdivisions which include any part of an existing platted street which does not conform to the minimum right-of-way requirements of these regulations may be required to provide additional width necessary to meet the minimum right-of-way requirements of these regulations.
- (o) No street grade shall be less than one-half of one percent or exceed the maximum grade shown in Table 5.2.

Table 5.2 Maximum Street Grade

Street Classification	Maximum Percent Grade	Minimum Radius of Curve	Minimum Sight Distance*
Major Arterial	5 percent	400 feet	500 feet
Minor Arterial	5 percent	400 feet	500 feet
Collector	8 percent	300 feet	300 feet
Local	8 percent	100 feet	200 feet

- (p) Alleys shall be provided at the rear of lots within the commercial zoning districts, or as otherwise approved by the City. Alleys shall be 20 feet in width and shall be paved in accordance with City specifications.
- (2) *Curb, Gutter, Sidewalks and Trails.*
 - (a) Curb, gutter, and sidewalks or recreation trails shall be provided along all roadways consistent with the City's Comprehensive Plan.
 - (i) Six-foot detached concrete sidewalks are required on collector streets.
 - (ii) Five-foot detached or six-foot attached concrete sidewalks are required for local streets.
 - (iii) A ten-foot wide concrete recreation trail on one side and 6 foot detached concrete sidewalk are required on the other side of major and minor arterial roadways, as directed by the City.
 - (iv) Recreation trails with alternative non-hard surfaces and narrower widths may be approved in those instances where such trails are secondary to existing or proposed concrete recreation trails, and do not serve as connectors to the City's recreation trail system, as denoted within the City's Comprehensive Plan.
 - (b) Sidewalks shall be located and constructed as necessary to interconnect the subdivision and lots therein with the network of City sidewalks and recreation trails.
 - (c) Accessibility ramps shall be provided in accordance with the U.S. Access Board Public Right-of-Way Accessibility Guidelines (PROWAG).
 - (d) The City may elect to require over-sizing of any sidewalk and participate in cost sharing thereof.

-
- (e) The City may require any sidewalk to be wider than those standards set forth herein, upon a finding that such greater widths are necessary to serve the subdivision, due to:
 - (i) High density of the subdivision;
 - (ii) Special needs of the residents of the subdivision; or
 - (iii) Connection to existing wider sidewalks or recreation trails.
- (3) *Blocks and Lots.*
- (a) In residentially zoned districts, blocks shall be wide enough to permit two lots between lengthwise streets.
 - (b) The building line for residential lots on collector streets shall be set back 25 feet from the front property line.
 - (c) The building line on corner lots shall be set back 25 feet from both street front property lines.
 - (d) Lots which abut a street in the front and the rear shall be avoided except where a railroad right-of-way, a major arterial or minor arterial street is located to the rear of the lot, in which case such a lot shall have a minimum depth of 125 feet.
 - (e) Every lot shall front on a designated collector or local street, subject however, to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts. Shared access drives shall not be used as an extension of a cul-de-sac.
 - (ii) Private access easements may be provided, subject to City approval, in subdivisions within commercial zoning districts across parking lot areas;
 - (iii) In such instances, the shared access improvements shall be subject to City specifications and the restrictions set forth in Section 11-5-11(B).
 - (f) No residential lot shall front on a major arterial or minor arterial street. No access shall be permitted directly from a residential lot to a major arterial or minor arterial street.
 - (g) The lot depth shall not be more than three times the lot width at the front of the building line of the principal structure.
 - (h) Access drives and intersections shall comply with City access standards and the transportation plan. In addition, accesses onto County roads shall comply with applicable County regulations.
 - (i) Lots shall be at least 50 feet in width at the front of the building line of the principal structure. Lots abutting cul-de-sacs shall have at least 25 feet of linear frontage to the cul-de-sac.
 - (j) Sight triangles shall be shown on the plat as per the engineering specifications.
- (4) *Public Utilities.*
- (a) All utilities shall be installed underground unless the City Engineer determines that soil or topographic conditions make that impracticable.
 - (b) Utilities shall be installed prior to the paving of any street under which they are to be located and the individual service lines shall be connected and stubbed out prior to paving, in order to avoid the necessity of cutting into the pavement to connect any abutting lots.
 - (c) Utilities will be sized and placed as necessary to facilitate connection with future subdivisions and developments. With the exception of terminal lines and fire hydrant laterals where sufficient

hydraulic capacity can be demonstrated, all water mains shall be a minimum eight inches diameter in all zoning districts. At a minimum, eight-inch diameter sewer main lines shall be provided in all zoning districts. Individually conveyable lots shall each require a singular water and sewer lateral connection to a public main line.

- (d) The City may elect to require over-sizing of the extended utility and pay for the cost of such materials accordingly.
 - (e) City water and sewer systems shall be provided except where the City has required an alternative supplier by service area agreement with such alternative provider. In cases where alternative utilities are provided on a temporary basis, connection to City services shall be required at such time they are made available to the subject property.
 - (f) In the event that City sewer service will not be available within a reasonable time period following final plat approval, engineered individual sewage disposal systems may be authorized by the City for those subdivisions occurring within the residential rural living zoning districts with lot sizes of five acres or greater. Advance City approval shall be required in each case.
 - (g) All extension of City utilities shall require City approval and proper execution of City utility extension agreements. The extension of utilities shall be at the sole expense of the subdivider.
 - (h) Prior to any installation or construction of utility extensions, the subdivider shall first submit proposed alignment location maps and engineered drawings for City approval. The subdivider shall acquire all necessary easements for the proposed utility location from all affected properties. The easements shall be conveyed to the City and executed on applicable City forms.
 - (i) All utility extensions shall be subject to City inspection and approval.
 - (j) All utility main line extensions, once approved by the City, shall be dedicated to the City with applicable utility easements. As-built plans and data shall be provided on hard copy in accordance with these provisions and in a digital format compatible with City computer systems.
 - (k) Following the completion of any utility extension and submission of the as-built plans, the City Engineer shall conduct an inspection, and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion.
 - (i) For a period of two calendar years thereafter, the subdivider shall be responsible for correcting all defects or failures that appear in such improvements.
 - (ii) At the completion of this two-calendar-year construction warranty period, upon written request from the subdivider, all public and necessary on- and off-site improvements shall again be inspected by the City Engineer, and upon final approval, may be accepted by the City, as evidenced by issuance of a Letter of Infrastructure Completion and Acceptance. The provisions set forth in Section 11-5-12(D) shall apply to improvements and construction covered by this Section.
- (5) *Piped Drainage Facilities and Waterways.*
- (a) Stormwater discharge improvements shall be engineered and approved in accordance with City specifications, stormwater retention on site shall be discouraged. When feasible to do so and when requested by the City Engineer, all ditches shall be piped and subject to platted easements to be dedicated either to the City or to the applicable owner of the ditch facilities. The City may elect to allow the location of piped ditch facilities within its rights-of-way at its discretion. Perpetual maintenance shall be provided pursuant to plat notes and/or City-approved covenants.

-
- (b) Permission shall be acquired, in writing, from all applicable owners of ditch facilities prior to improvements thereto.
 - (c) No discharges of urban stormwater into any irrigation supply facilities shall be allowed. No discharges of urban stormwater into agricultural drainage ditch facilities shall be allowed, unless approved in writing by the owning interest in said drainage facilities.
- (6) *Monuments.* Monument quantity, type, and location shall be established and set in accordance with to Section 38-51-105, Colorado Revised Statutes, as amended from time to time.
- (7) *Street Lights.*
- (a) In all subdivisions, except for residential zoned rural living and estate subdivisions, streetlights shall be provided at all intersections.
 - (b) In residential rural living zoning districts and estate subdivisions, street lights shall only be required at street intersections with major or minor arterials.
 - (c) All streetlights shall conform to City standards and specifications, and with Chapter 11-9 of this Title.
- (8) *Outdoor Lighting.* All outdoor and exterior lighting shall conform with Chapter 11-9 of this Title.
- (9) *Flood Hazard Prevention.* All subdivision proposals shall conform to the flood hazard reduction standards in Section 11-6-5(G) of this Title.
- (10) Nonfunctional turf, artificial turf, or invasive plant species. On and after January 1, 2026, no subdivision approved under this Chapter shall permit the installation, planting, or placing of any nonfunctional turf, artificial turf, or invasive plant species as a public or private improvement within the subdivision, except for residential property or as otherwise permitted by C.R.S. § 37-99-101 et seq.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-14. Deviations from standards.

The Planning Commission may recommend to the City Council a deviation from the standards of Section 11-5-13 during preliminary or final plat review, if one or more of the below criteria are met. The City Council may accept or deny the recommendation accordingly.

- (1) Unusual topography or a non-financial hardship exists;
- (2) Alternative standards will more effectively protect the quality of the subdivision and the public welfare and more effectively achieve the purposes of these regulations;
- (3) Alternative standards will more effectively implement provisions of the City's Comprehensive Plan; or
- (4) Alternative standards will more effectively conform to existing improvements within the subdivision, which existing improvements have been previously approved by either the City or the County of Montrose in accordance with applicable laws and regulations.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: May 20, 2025
RE: Brown Ranch Subdivision Final Plat Filing No. 9
ATTACHMENTS

- Exhibit A: Maps
- Exhibit B: Code Excerpts for Subdivisions

City Council Consideration:

City Council is considering approval of this final plat application. Council will consider all of the information in this memo in making a decision.

Application Background:

The Bear Creek Subdivision is located in southeastern Montrose, east of 6725 Rd. The property is approximately 378.73 acres in size, and is zoned “R-2” Low Density District and “B-4” Neighborhood Shopping District. City Council approved the Brown Ranch Subdivision Amendment 4 Preliminary Plat on June 7, 2022. This final plat application would formally create 24 residential lots, along with associated rights of way and easements.

Applicant: Sunshine of Montrose, Inc

Staff Analysis:

1. Lots/blocks:
 - a. All lots meet the minimum lot size required according to the “R-2” Low Density District zoning designation.
2. Streets
 - a. Surrounding streets must be in place, inspected and approved by the City Engineer prior to final approval. Improvements will receive a Preliminary Letter of Infrastructure Completion.



3. Utilities

- a. Easements are shown.
- b. City sewer and other utilities must be installed and available to serve all lots prior to final approval.

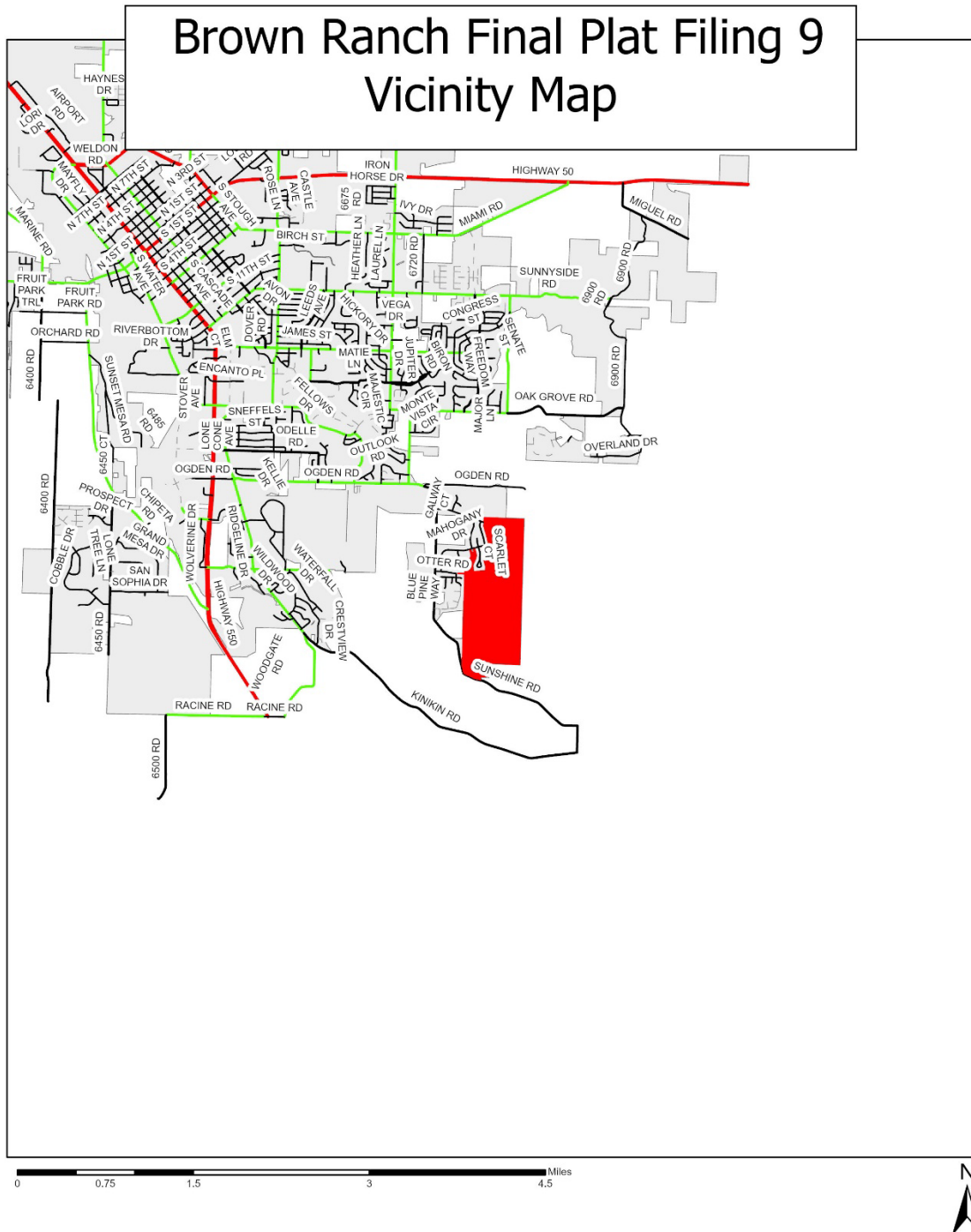
Staff Recommendation: Conditional Approval

Conditions:

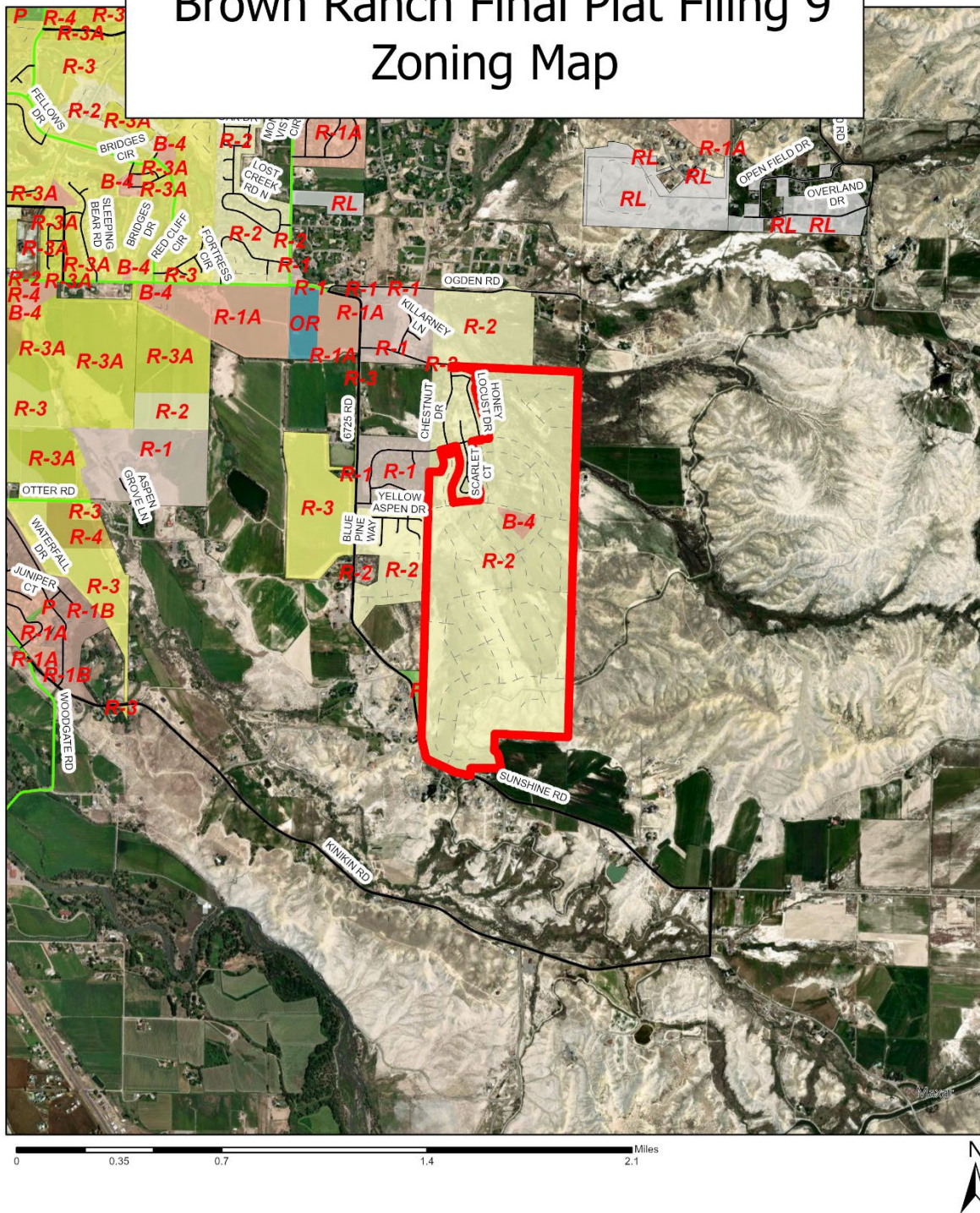
1. [Standard Condition]: The approval of this Final Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied.



EXHIBIT A: Area Maps



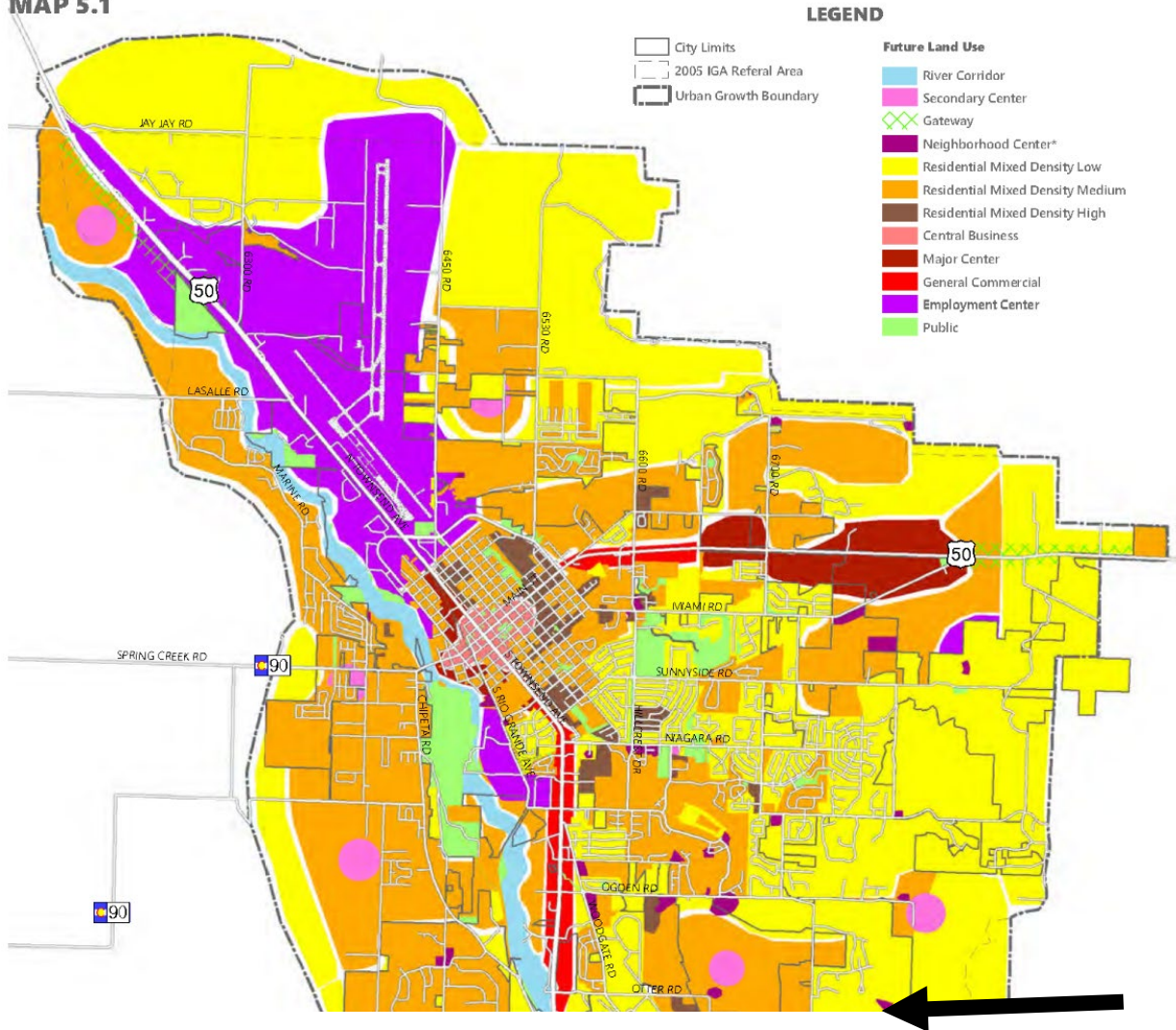
Brown Ranch Final Plat Filing 9 Zoning Map



Comprehensive Plan Future Land Use Map

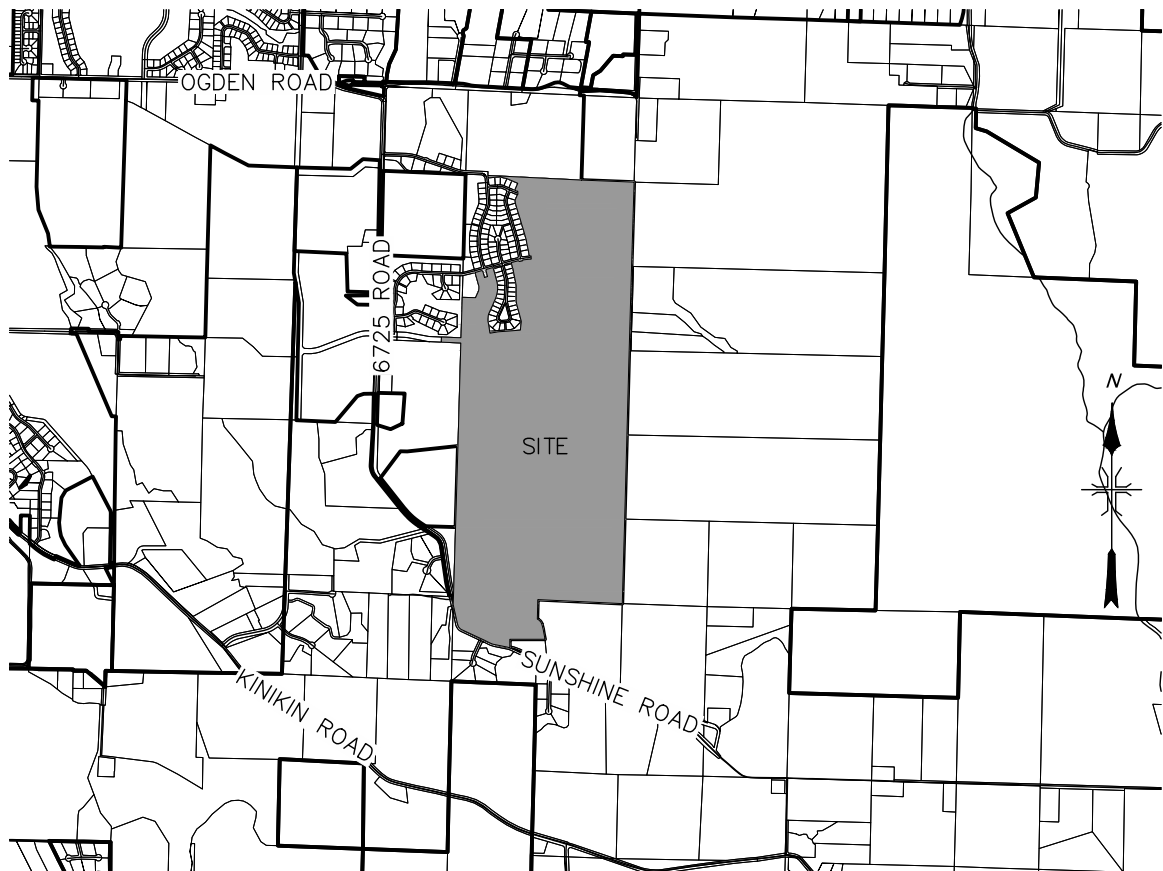
FUTURE LAND USE

MAP 5.1



BROWN RANCH SUBDIVISION FILING NO. 9

SITUATED IN GOVERNMENT LOT 14, AND THE NW ¼SE ¼ OF SECTION 2,
TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



VICINITY MAP
N.T.S.

AREA SUMMARY

OUTLOT C = 372.069 ac.
LOTS C1–C24 = 5.597 ac.
RIGHT-OF WAY = 1.06 ac.
BROWN RANCH SUBDIVISION
FILING NO. 9 TOTAL AREA = 378.725 ac.

CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL YE BY THESE PRESENTS that the undersigned being the owners of certain lands in the City of Montrose, County of Montrose and State of Colorado to wit:

Outlot B, Otter Road Dedication An Official Act of the City of Montrose, Reception No. 961145, Montrose County Records

Have by these presents laid out, platted and subdivided the same into lots, as shown on this plat, under the name and style of Brown Ranch Subdivision Filing No. 9, and do hereby dedicate, grant and convey to the City of Montrose, Colorado, for the use of the public, Chestnut Drive, as hereon shown.

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

Executed this _____ day of _____, 20____,

Sunshine of Montrose, Inc.

John T. Moir / Vice President

STATE OF COLORADO)
) ss.
COUNTY OF MONTROSE)

The above Certificate of Dedication was acknowledged before me on this _____ day of _____, 20____, by _____

Witness my hand and official seal.
My commission expires _____

Notary (SEAL)

SCHOOL LAND DEDICATION

Outlot #1, Brown Ranch Filing #1, recorded 5 December, 2003 under Reception No. 713206, and amended by Brown Ranch Filing #1 Amended Plat of Outlot 1, recorded on 9 July, 2007 under Reception No. 776816, is dedicated and conveyed to Montrose County School District RE–1J by warranty deed recorded on 7/9/2007, under Reception No. 776817, in the records of the Montrose County Recorder, for use as a site for an elementary school. The Owner, Sunshine of Montrose, Inc., and its successors in interest, retains first right of refusal to repurchase the site from School District RE–1J in the event the District should decide not to construct a school on the site, and offers the site for sale. Dedication of this site satisfies the requirement by the City of Montrose for school land dedication or payment of fees in lieu thereof for the first 835 lots or residential units to be platted in this project. Additional payment to the City may be required beginning with lot #836, unless lots or individual residential units are, or previously have been, exempted under terms of City Code.

FIRE DISTRICT LAND DEDICATION

Outlot 3A, Brown Ranch Filing #1, recorded 5 December, 2003 under Reception No. 713206, and amended by Brown Ranch Filing #1 Amended Plat of Outlot #1 and Outlot #3A, recorded on 9 July, 2007 under Reception No. 776816, is reserved for dedication to the Montrose Fire District as specified in the terms and conditions in the dedication language on said Amended Plat.

OFFSITE IMPROVEMENT AGREEMENT

All residential units constructed hereon shall be subject to an assessment of Two Thousand One Hundred Thirty One dollars and two cents (\$2,131.02) per unit to be paid at the time of building permit issuance, which assessment shall represent the unit's total cost assessment to construct offsite road infrastructure improvements in accordance with City specifications as follows: Approximately 9,200 linear feet of Ogden Road located between 67.25 Road and Woodgate Road to be constructed as a minor arterial street; approximately 3300 linear feet of 67.10 Road located between Ogden Road and East Oak Grove Road to be constructed as a minor arterial street; and approximately 3,800 linear feet of 67.25 Road located between Ogden Road and Otter Road to be constructed as a collector street. Such offsite improvements shall include curb, gutter, sidewalk, base, pavement, and related improvements. The assessment as provided herein shall be subject to an annual adjustment for inflation, to be applied on or after January 1st of each calendar year commencing in the year 2017, said adjustment being equal to the percentage increase in the Denver / Boulder Consumer Price Index for the previous year.

All lots or units that have made payments of such assessments shall be exempt from participation in local improvement districts with respect to those specific improvements described above. Assessments collected in accordance with this requirement shall be placed in an interest bearing account designated by the City of Montrose and reserved for such improvements. It is anticipated that such improvements will be constructed incrementally as sufficient funds are collected.

BASIS OF BEARINGS

The bearing along the North line of Government Lot 14, Section 2, Township 48 North, Range 9 West, New Mexico Principal Meridian between the found rebar and survey cap LS 12062 at the Northwest Corner of said Government Lot 14 and the found rebar and survey cap LS 12062 at the Northeast corner of said Government Lot 14 bears S81°23'20"E (ASSUMED)

LINEAL UNITS STATEMENT

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

SURVEYOR'S CERTIFICATE

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

C.R.S. Section 38–51–106 Statement: this plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this plat may be found in the title report issued by _____, dated _____, bearing policy number _____.

Colorado Registered Land Surveyor

Registration No. 38037

Date: _____

Bearing Policy No: _____

ATTORNEY'S CERTIFICATE

I, _____, an attorney at Law, duly licensed to practice in Colorado, do hereby certify that I have examined the title of all land herein platted and described in the above Certificate of Ownership, and that title to such land is in the owners; and that the title to all dedicated property therein described, is free and clear of all liens and encumbrances, except:

Attorney
Registration No. _____

Date: _____

ENGINEER'S CERTIFICATE

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

David W. Schieldt, P.E.
Registration No. 47195

Date: _____

CERTIFICATE OF COMPLETED IMPROVEMENTS

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

City Engineer
Registration No. _____

Date: _____

APPROVAL OF CITY MANAGER

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

Deputy City Manager

APPROVAL OF CITY COUNCIL

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

Mayor

APPROVAL OF CITY ATTORNEY

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

City Attorney

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 _____, under Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

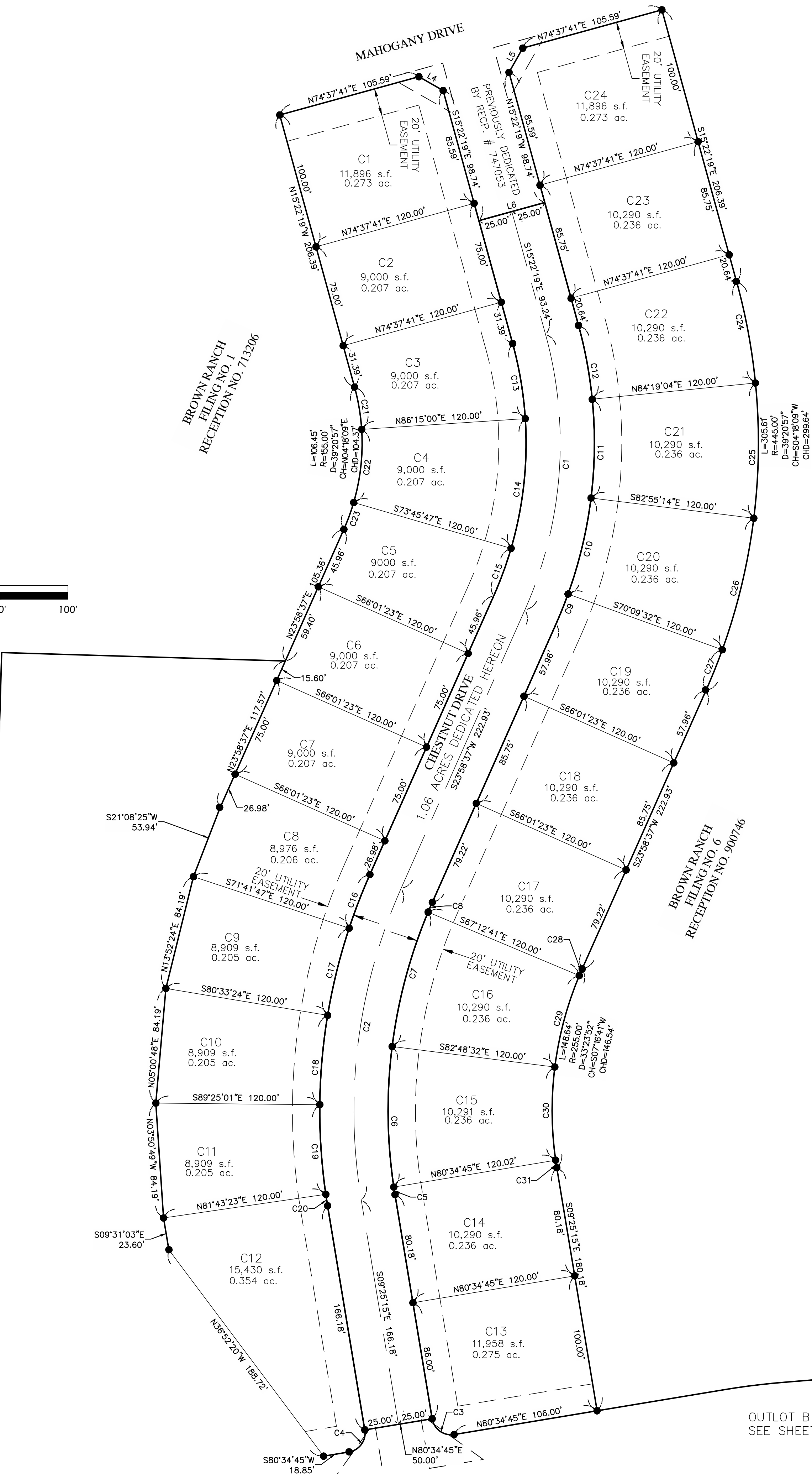
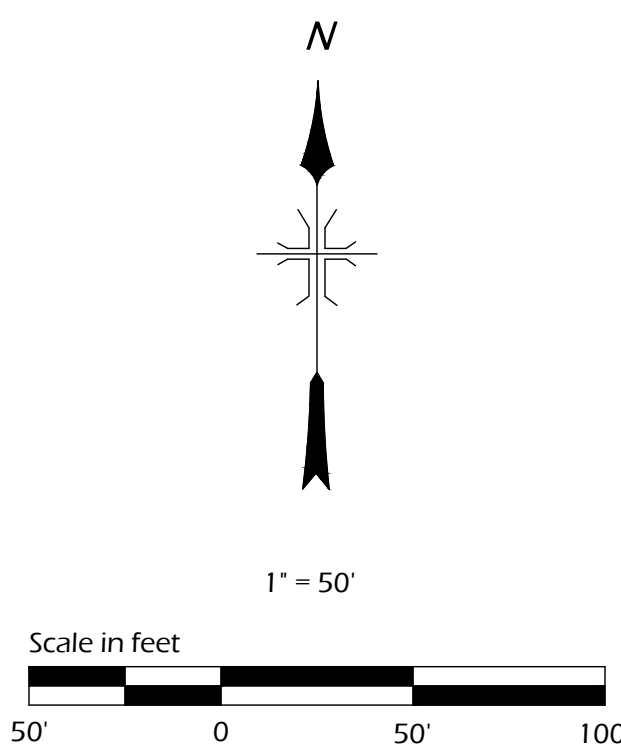
Clerk and Recorder
Montrose County, Colorado

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\2024\24124. BROWN RANCH CHESTNUT DRIVE\C3D\24124V_PLAT–F9.DWG

FIELD BOOK:				DRAWN BY: DCC		DATE: 2025-05-13	
SHEET: 1 of 3				FILE: 24124V_PLAT-F9		JOB NO.: 24124	
DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. W Montrose, CO 81401 T (970) 249-2251 www.del-mont.com service@del-mont.com				TITLE: BROWN RANCH SUBDIVISION FILING NO. 9			
CLERK: SUNSHINE OF MONTROSE INC				CLERK: SUNSHINE OF MONTROSE INC			
ADDRESS & PHONE:				TYPE: FINAL PLAT			

BROWN RANCH SUBDIVISION FILING NO. 9

SITUATED IN GOVERNMENT LOT 14, AND THE NW ¼SE ¼ OF SECTION 2,
TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



LINE TABLE		
LINE #	DIRECTION	LENGTH
L4	S60°22'19"E	20.38'
L5	N29°37'41"E	20.38'
L6	N74°37'41"E	50.00'

LEGEND

- = SET 5/8" REBAR, 18" LONG, WITH A 1 1/2" ALUMINUM CAP STAMPED "DEL-MONT, PLS 38037"
- 40' = SIGHT TRIANGLE PER CITY OF MONTROSE SUBDIVISION REGULATIONS

CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	206.03'	300.00'	039°20'57"	S04°18'09"W	202.01'
C2	233.16'	400.00'	033°23'52"	S07°16'41"W	229.87'
C3	21.99'	14.00'	090°00'00"	S54°25'15"E	19.80'
C4	21.99'	14.00'	090°00'00"	N35°34'45"E	19.80'
C5	5.57'	375.00'	000°51'40"	S08°59'44"E	5.57'
C6	103.16'	375.00'	015°45'40"	S00°41'23"E	102.83'
C7	102.09'	375.00'	015°35'52"	S14°59'23"W	101.77'
C8	7.78'	375.00'	001°11'18"	S23°22'58"W	7.78'
C9	23.46'	325.00'	004°08'09"	N21°54'33"E	23.45'
C10	72.39'	325.00'	012°45'42"	N13°27'37"E	72.24'
C11	72.39'	325.00'	012°45'42"	N00°41'55"E	72.24'
C12	54.96'	325.00'	009°41'23"	N10°31'37"W	54.90'
C13	55.78'	275.00'	011°37'19"	N09°33'40"W	55.69'
C14	95.93'	275.00'	019°59'13"	N06°14'36"E	95.44'
C15	37.15'	275.00'	007°44'25"	N20°06'25"E	37.12'
C16	42.08'	425.00'	005°40'25"	S21°08'25"W	42.07'
C17	65.72'	425.00'	008°51'37"	S13°52'24"W	65.66'
C18	65.72'	425.00'	008°51'37"	S05°00'48"W	65.66'
C19	65.72'	425.00'	008°51'37"	S03°50'49"E	65.66'
C20	8.48'	425.00'	001°08'38"	S08°50'56"E	8.48'
C21	31.44'	155.00'	011°37'19"	N09°33'40"W	31.39'
C22	54.07'	155.00'	019°59'13"	N06°14'36"E	53.80'
C23	20.94'	155.00'	007°44'25"	N20°06'25"E	20.92'
C24	75.26'	445.00'	009°41'23"	N10°31'37"W	75.17'
C25	99.12'	445.00'	012°45'42"	N00°41'55"E	98.91'
C26	99.12'	445.00'	012°45'42"	N13°27'37"E	98.91'
C27	32.12'	445.00'	004°08'09"	N21°54'33"E	32.11'
C28	5.29'	255.00'	001°11'18"	S23°22'58"W	5.29'
C29	69.42'	255.00'	015°35'52"	S14°59'23"W	69.20'
C30	68.36'	255.00'	015°21'39"	S00°29'22"E	68.16'
C31	5.57'	255.00'	001°15'04"	S08°47'43"E	5.57'

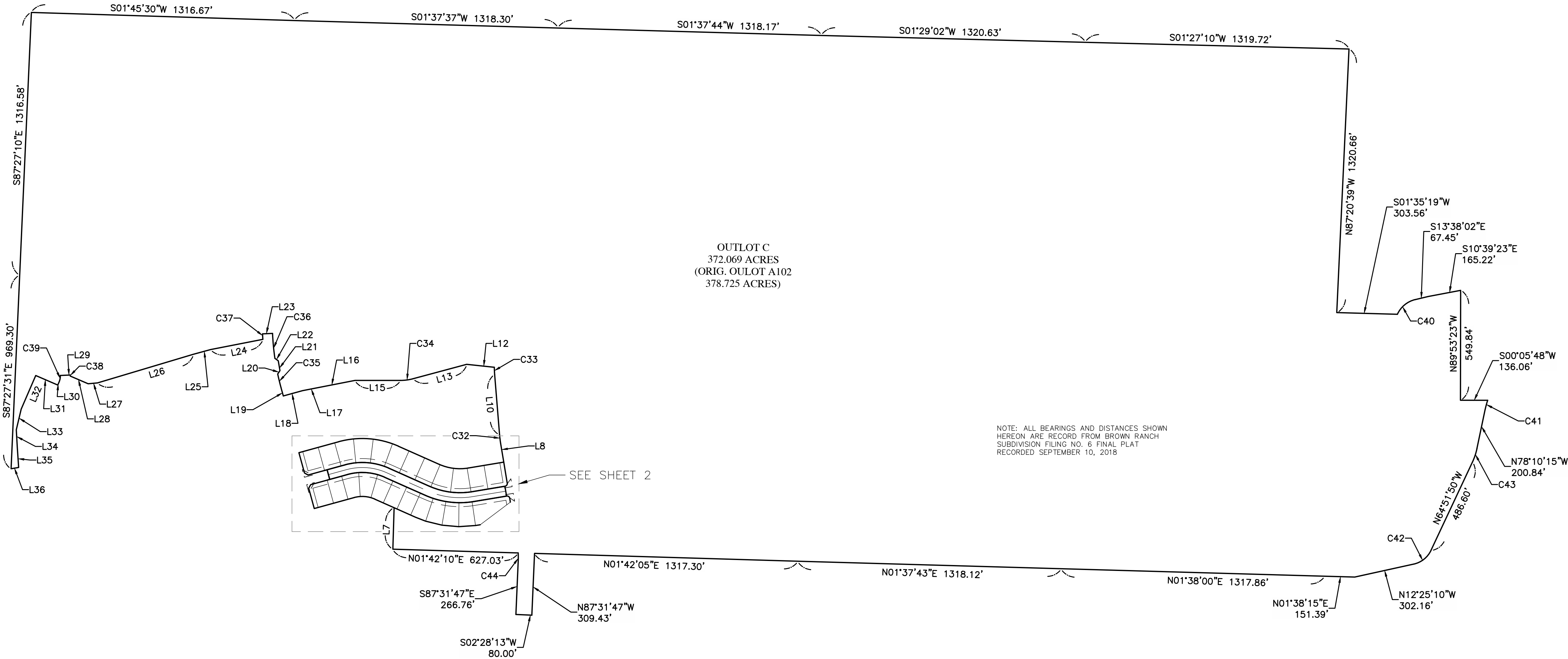
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FIELD BOOK:		DRAWN BY:	DATE:	TITLE:	
SHEET: 2 of 3		DCC	2025-05-13	BROWN RANCH SUBDIVISION FILING NO. 9	
FILE:		JOB NO.:	24124	CLIENT:	SUNSHINE OF MONTROSE INC
24124V_PLAT-F9		TYPE:	FINAL PLAT	ADDRESS & PHONE:	

BROWN RANCH SUBDIVISION

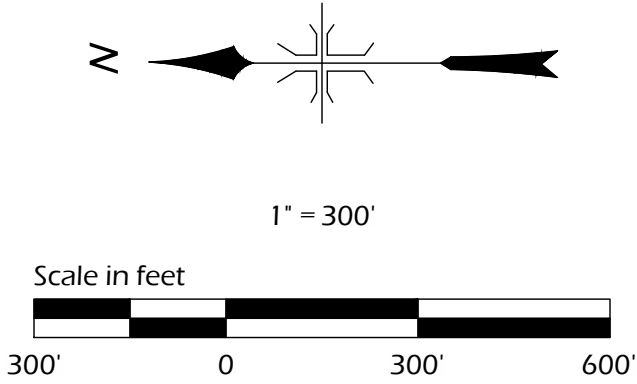
FILING NO. 9

SITUATED IN GOVERNMENT LOT 14, AND THE NW ¼SE ¼ OF SECTION 2,
TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



LINE TABLE		
LINE #	DIRECTION	LENGTH
L7	S88°17'50\"E	207.67'
L8	N80°34'45\"E	94.07'
L10	N85°19'54\"E	301.34'
L12	N06°08'15\"E	138.92'
L13	N15°02'13\"W	277.68'
L15	N00°00'00\"E	227.15'
L16	N11°04'11\"W	185.00'
L17	N11°04'11\"W	82.06'
L18	N15°22'19\"W	100.00'
L19	N74°37'41\"E	41.90'
L20	S56°32'24\"E	20.55'
L21	N80°19'45\"E	50.01'
L22	N35°18'20\"E	20.86'
L23	N02°26'48\"W	50.00'
L24	N11°03'32\"W	265.89'
L25	N15°18'11\"W	90.21'
L26	N16°38'45\"W	500.00'
L27	N05°10'50\"W	46.94'
L28	N23°15'15\"E	97.40'
L29	N02°31'15\"W	50.00'
L30	N66°33'19\"W	16.19'
L31	N23°26'41\"E	120.00'
L32	N66°33'19\"W	183.33'
L33	N76°42'05\"W	106.12'
L34	S86°43'32\"W	88.34'
L35	S86°11'00\"W	100.89'
L36	N09°16'16\"W	38.24'

CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C32	44.79'	540.00'	004°45'09\"	N82°57'19\"E	44.78'
C33	37.24'	540.00'	003°57'05\"	N87°18'26\"E	37.23'
C34	64.30'	245.00'	015°02'13\"	N07°31'06\"W	64.11'
C35	71.22'	1225.00'	003°19'52\"	S76°17'37\"W	71.21'
C36	125.36'	1225.00'	005°51'48\"	S84°37'18\"W	125.30'
C37	27.54'	1275.00'	001°14'15\"	S86°56'05\"W	27.54'
C38	5.27'	125.00'	002°25'03\"	N88°41'17\"E	5.27'
C39	33.99'	75.00'	025°57'56\"	S79°32'17\"E	33.70'
C40	118.78'	131.01'	051°56'45\"	N39°36'24\"W	114.75'
C41	46.23'	365.73'	007°14'33\"	N74°32'59\"W	46.20'
C42	114.42'	125.00'	052°26'40\"	S38°38'30\"E	110.46'
C43	73.25'	315.37'	013°18'26\"	S71°31'03\"E	73.08'
C44	41.62'	460.00'	005°11'04\"	N89°52'41\"E	41.61'



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.

DMC DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. W Montrose, CO 81401 T (970) 249-2251 www.del-mont.com service@del-mont.com			
FIELD BOOK:		DRAWN BY: DCC	DATE: 2025-05-13
SHEET: 3 of 3		FILE: 24124V_PLAT-F9	JOB NO.: 24124
TITLE: BROWN RANCH SUBDIVISION FILING NO. 9		CLIENT: SUNSHINE OF MONTROSE INC ADDRESS & PHONE: TYPE: FINAL PLAT	

CHAPTER 11-5. SUBDIVISION REGULATIONS¹

Sec. 11-5-1. General provisions.

- (A) This Chapter, as amended from time to time may be cited and referred to as the City's subdivision regulations.
- (B) The purposes of these subdivision regulations are to:
- (1) Promote and protect public health, safety and welfare;
 - (2) Encourage the harmonious, orderly and progressive development of land;
 - (3) Ensure the development of economically sound and compatible neighborhoods;
 - (4) Require the construction of necessary improvements and utilities;
 - (5) Ensure safe and convenient circulation of vehicular and pedestrian traffic;
 - (6) Ensure that parks, open spaces, school sites and land needed for other public purposes are either reserved or dedicated;
 - (7) Ensure development is in accordance with the requirements of the City's Comprehensive Plan as such may be amended from time to time; and
 - (8) Ensure that new development bears its fair share of the costs of providing improvements and services necessitated by, or resulting from, the development of subdivisions.
- (C) References in this Chapter to the term "lot" include, as the context requires, "tracts" or "parcels" of real property, to the extent the same are or can be legally described and capable of individual transfer.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-2. Major subdivisions.

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

¹Ord. No. 2677, § 1(exh. A), adopted Dec. 17, 2024, repealed the former Ch. 11-5, §§ 11-5-1—11-5-14, and enacted a new Ch. 11-5 as set out herein. The former Ch. 11-5 pertained to similar subject matter and derived from Ord. No. 2626, § 3(exh. A), adopted May 16, 2023.

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- (C) *Procedure.* The major subdivision procedure shall consist of three separate phases, sketch plan, preliminary plat and final plat, in accordance with Sections 11-5-4, 11-5-5, and 11-5-6, respectively.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-3. Minor subdivisions.

- (A) *New Subdivisions.* A parcel of land is eligible for subdivision through the minor subdivision process if it meets the following criteria:
- (1) The subdivision results in no more than three lots except as permitted within a common interest community subdivision. See Subsection (B) below.
 - (2) All lots are adjacent to a dedicated and accepted public street.
 - (3) The public improvements required by these regulations are:
 - (a) Already in existence and available to serve each lot, or
 - (b) Individual lot service line stub improvements are completed and services are available at each lot, or
 - (c) Only for lots in commercial zoning districts with no existing building on the lot, and such improvements may be deferred until construction of a building on said lot. A Certificate of Occupancy shall not be issued until the improvements required by these regulations for said lot are installed, inspected, and approved by the City. The plans for such improvements shall be reviewed and approved by the City prior to commencement of construction. The plat shall specify what improvements are so required, and may include additional easements, plat notes or restrictions as appropriate to implement these provisions, or
 - (d) For minor subdivisions creating only two lots in which one lot is already devoted to use as a single household dwelling and to which services for that lot are already in place. The remaining lot may not be issued any building or construction permits until the public improvements necessary to serve the same have been installed, inspected and approved by the City, or the lot is approved for further subdivision.
 - (4) Each proposed lot will meet requirements of Chapter 7, Zoning, without the necessity for any variance.
 - (5) No part of the subdivision has been approved as part of a minor subdivision within three years prior to the date of submission of the minor subdivision plat.
 - (6) No material changes to prior plat notes, restrictions or easements are proposed.
- (B) *Common Interest Community Subdivisions.* A common interest community subdivision may be processed as a minor subdivision if all of the following criteria are met:
- (1) Is proposed for development of properties contained within a previously approved and recorded subdivision plat.
 - (2) Meets all applicable conditions of the plat governing the original subdivision.
 - (3) Complies with the required City platting conditions in Subsection (A) above.
 - (4) Complies with the requirements of C.R.S. § 38-33.3-101 et seq. (sublots and common interest community units are not lots for purposes of compliance with this Section).
 - (5) Is consistent with the representations made by the property owner and/or applicant for subdivision approval which created the lot proposed to be further subdivided as a common interest community subdivision.

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- (6) Results in a change of ownership or marketing regime consistent with the basis upon which creation of the lot being proposed for common interest community subdivision was based.
- (C) *Minor Plat Amendments.* Previously-approved subdivision plats may be amended through the minor subdivision process if they meet the following criteria:
- (1) The plat, as amended, reduces the number of lots within the subdivision, i.e., a lot consolidation; or the nature of the amendment is de minimis, e.g., a boundary line adjustment, lot line correction, duplex conversion, easement adjustment, or similar minor plat modification.
 - (2) All lots are adjacent to a dedicated public street.
 - (3) The lots are part of a subdivision plat which has been approved and/or accepted by the City and recorded in the Montrose County Records.
 - (4) The improvements required by these regulations are already in existence and available to serve each lot, or if not yet constructed, are secured as a part of the original subdivision approval.
 - (5) Each lot will meet requirements of the applicable City zoning regulations without the necessity for any variance. No material changes to prior plat notes, restrictions or easements are proposed.
- (D) *Procedure.* Submittals of sketch plans and preliminary plats are not required for minor subdivisions. The minor subdivision application shall conform to all applicable final plat requirements. All fees related to this Section shall be as set forth in Chapter 3-1 of the City of Montrose Regulations Manual. The final plat for a minor subdivision shall contain certification on forms approved by the City to document approval of the plat.
- (1) The City Manager may either approve, disapprove or conditionally approve the final plat subject to compliance with any minimum design standards; dedication of additional right-of-way, easements, open space or park land; or installation of additional improvements. Final plats shall not be recorded until required public and private improvements are installed and approved by the City.
 - (2) Upon approval by the City land use staff, the plat of the minor subdivision shall be submitted in final form on one reproducible mylar, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
- (E) *Limitation of Eligibility.* Any subdivision not qualifying as a minor subdivision is a major subdivision. For the purpose of interpreting the requirements of this Section, any proposed minor subdivision which is clearly intended to evade the major subdivision regulations or would result in a de facto major subdivision through the combination of previous contiguous and/or consecutive minor subdivisions is not eligible for minor subdivision. A minor subdivision shall only be used one time on a previously unsubdivided parcel of land.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-4. Sketch plan.

- (A) *Purpose.* Sketch plan review provides an opportunity to determine whether an application will comply with the City's subdivision review and approval criteria, and to address any issues of concern early in the review process. The sketch plan is a conceptual version of the preliminary plat showing the general subdivision layout, access, street and lot pattern, location of parks, open space tracts, trail corridors, and other tracts for utilities or services.
- (B) *Review Procedure.* The sketch plan application shall be reviewed by the City in accordance with Section 11-4-2 of this Title. The Planning Commission shall take no formal action at the conclusion of its public hearing on the sketch plan; however, comments by the public and the Commission shall be reflected in the minutes of the hearing as a part of the record on the application as it moves through the entire review process.
- (C) *Review Criteria.* A sketch plan shall comply with the following review criteria:

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- (1) The proposal shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations and will be reviewed, considering the following at a minimum:
 - (a) Relationship of development to topography, soils, drainage, flooding, potential natural hazard areas and other physical characteristics;
 - (b) Availability of water, means of sewage collection and treatment, stormwater drainage, access and other utilities and services;
 - (c) Compatibility with the natural environment, wildlife, vegetation and unique natural features;
 - (d) Adjacent streets and traffic flow, including pedestrian access; and
 - (e) Availability of fire, police and other emergency services protection.
 - (2) An applicant intending to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing their present plans for its eventual development.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-5. Preliminary plat.

- (A) *Purpose.* The purpose of the preliminary plat is to provide the City with an overall master plan for the proposed subdivision. The preliminary plat is more detailed than the sketch plan and should incorporate the comments and guidance provided during the sketch plan process. It includes the layout of the subdivision, engineering design studies, and final engineering design, with all bearings, distances and survey monumentation.
- (B) *Review Procedure.* The preliminary plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A preliminary plat shall comply with the following review and approval criteria:
 - (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access and efficient emergency response to all lots proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for compatibility with unique or distinctive natural areas, scenic areas and views, natural landmarks, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and

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(Supp. No. 11, Update 2)

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- (9) The preliminary plat and proposed improvements shall comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.
- (D) *Notice to Proceed.* No construction of the required subdivision improvements shall commence until approval of the preliminary plat by the City Council and submittal of both a reproducible mylar of the preliminary plat, as finally approved with signed certificates as required by the City, and a copy of the preliminary plat in a digital format acceptable to the City and compatible with City computer systems. Upon approval and submittal of the reproducible mylar of the preliminary plat, and supporting documentation as required, the City shall provide signed copies of the preliminary plat which shall serve as notice to proceed with construction of the required subdivision improvements, both public and private.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-6. Final plat.

- (A) *Purpose.* The purpose of the final plat is to complete the subdivision of land in conformance with all the applicable requirements and standards of the City. The final plat shall correspond in every significant respect with the preliminary plat as previously approved. A complete review is conducted of the final subdivision design, with all bearings and distances, survey monumentation, and certificates of approval included on a document suitable for recordation.
- (B) *Review Procedure.* The final plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A final plat shall comply with the following review and approval criteria:
- (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access and efficient emergency response to all lots proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for the preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings and unique landforms, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and

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- (9) The final plat is generally consistent with the preliminary plat, as applicable and proposed improvements comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.

(D) *Additional Provisions.*

- (1) No land shall be subdivided, or any parcel thereof sold or conveyed, until a final plat has been approved and either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued in accordance with this Section.
- (2) Any conditions or improvements imposed on the applicant by the City Council under the preliminary plat approval must be shown on the final plat and either completed, or accompanied by the appropriate security under Section 11-5-12, prior to approval by the City Council.
- (3) The final plat may be submitted for a portion of the preliminary plat, or phased, subject to the following conditions:
 - (a) The applicant has submitted a phasing plan that has been approved as a part of the preliminary plat, or if subsequent to that time, as an amendment of the approved preliminary plat.
 - (b) All required improvements, utilities and road infrastructure must be accessible to the remaining aggregate of unsubdivided land, or outlot.
 - (c) In instances where completion of required improvements, utilities or road infrastructure within the outlot is determined by the City to be necessary as a condition of approval of that final plat, the developer shall be required to complete said improvements, utilities or road infrastructure upon approval of that final plat. This may include, but not be limited to, completion of necessary road infrastructure, stormwater drainage system, trails and park development.
- (4) No final plat shall be approved by the City Council until:
 - (a) All of the public improvements required by these subdivision regulations have been installed, inspected and approved by the City Engineer, or properly secured in accordance with the provisions of Section 11-5-12 on forms approved by the City.
 - (b) As-built plans, supporting documentation, certificates and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer and provided in a digital format acceptable to the City and compatible with City computer systems. All as-built plans, supporting documentation, certificates and data for completed utility and infrastructure improvements shall be signed and stamped by a registered Colorado professional engineer.
 - (c) The final plat has been submitted in final form on reproducible mylars, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
 - (d) Payment to the City of any atypical costs incurred by the City within the subdivision review process, which costs are specifically subject to reimbursement.
 - (e) The security for the two-calendar year construction warranty has been provided by the subdivider in a form acceptable to the City.
- (5) Following City Council approval of the final plat and verification that the documentation has met all applicable codes and regulations, the final plat shall be executed by the appropriate City staff and recorded with due diligence.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-7. Reserved.

Sec. 11-5-8. Issuance of building permits.

- (A) Until any required public improvements are accepted by the City, the City shall not be obliged to issue any building permits within a subdivision, except as provided herein. Provided that all other applicable City codes and regulations have been satisfied, building permits may be issued only to the subdivider for any property with an approved Preliminary Plat. The subdivision must have sufficient access and water to allow for adequate fire protection as determined by the fire protection district. No certificates of occupancy, temporary or otherwise, shall be issued unless and until:
- (1) All required public and private on- and off-site improvements have been completed;
 - (2) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued by the City; and
 - (3) A final plat has been approved and recorded.
- (B) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion shall evidence City inspection and approval.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-9. Land dedication and fees in lieu.

(A) *Purpose and Intent.*

- (1) The purpose of the land dedication requirement is to provide public park, open space, trail, and school facilities and/or services made necessary as a consequence of a subdivision, in an amount roughly proportional to the impact of the subdivision upon such facilities and/or services or the increased need for them brought about by a subdivision. New residential subdivisions require these services provided through municipal facilities which are constructed, in part, through dedication of land necessary to construct the facilities. Absent land dedication by new subdivisions, sufficient land may not be made available at the time of subdivision to provide necessary services to new residents. In order to provide public services, the City requires certain dedications of land or in the appropriate circumstances, payment of fees-in-lieu of such dedication.
- (2) It is the intent of this Section to preserve natural and scenic areas and provide for the public health, recreational, and educational needs by ensuring that school, recreational, and open space land and trails are available to the residents and/or employees of developments in conformance with the City's Comprehensive Plan as updated from time to time.

(B) *Dedication Procedure.*

- (1) The amount, location, and nature of land interests to be dedicated shall be established prior to final subdivision plat approval. Land dedications and/or conveyances shall be made as a condition of final plat approval and shall be implemented in one or more of the following ways, as appropriate and as provided in the final plat approval:
 - (a) A fee simple dedication to the City granted via plat note on the final plat;
 - (b) A fee simple conveyance to the City granted via general warranty deed;
 - (c) A fee simple dedication to the school district of a school site via plat note on the final plat;

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- (d) A fee simple conveyance to the school district via general warranty deed; and/or
 - (e) Payment of fees-in-lieu of land dedications where permitted and approved by the City.
- (2) Whenever a subdivision application involves land that is to be dedicated and/or conveyed to the City, the applicant shall submit, with the final plat application, a title insurance commitment indicating the land is owned by the applicant free and clear from all liens, encumbrances and restrictions.
- (a) Title insurance shall be provided by the applicant in an amount equal to the approximate value of the property to be dedicated and/or conveyed, as approved by the City.
 - (b) The executed deed, if applicable, and the payment of the premium for the title insurance policy shall be delivered to the City prior to the recording of the final plat.
- (C) *Land Dedication Standards.*
- (1) *General Requirements.* Every approved subdivision shall convey land for the purpose of providing parks, open space, trails, school sites, and other public uses. The standards herein are minimum standards and the City may require dedications and improvements greater than the minimum to adequately meet the needs created by the development.
- (a) The City Council shall determine the suitability of the land and improvements proposed for dedication in consideration of the intended purpose of the dedication.
 - (b) The City may consider recommendations from other agencies which would be directly involved in the development and service of those areas.
 - (c) Parks, open space, and trails shall be dedicated to the City in conformance with the requirements herein and the adopted standards of the City Comprehensive Plan as may be updated from time to time.
 - (d) Parks, open space and trails shall be situated within floodplains instead of developed lots when reasonable to do so.
- (2) *Improvement Required.* Any land to be dedicated to the City shall be improved by the developer per the timetable specified at time of final plat subdivision approval for use as park, open space, and/or trails.
- (D) *Park Land Standards.* Dedication of land for park purposes shall be based upon the following standards. In the event the subdivider disagrees with the calculation provided by the City, the subdivider may request continuation of final plat review and fund an independent study under Section 11-5-9(I):
- (1) Subdividers shall dedicate to the City developed park land based upon a formula of seven acres of developed and usable park land per density of 1,000 residents, calculated at build-out of the proposed subdivision. For the purpose of this calculation, it shall be assumed that each residential unit shall house an average of two and one-half residents.
 - (2) Those developments that dedicate adequate quantities and qualities of park land acceptable to the City, in the City's sole discretion, shall not be required to pay the money in lieu of park land dedication. Only park land dedicated to the City of Montrose, and approved by the City, in the City's sole discretion, that meets the City's Comprehensive Plan, the minimum design standards as set forth herein, and that is improved to meet the City's park standards and specifications, shall qualify to relieve the subdivider of payment of money in lieu of park land dedication.
 - (3) Developed park land proposed for dedication or conveyance to the City shall require prior submittal and approval of a park plan by the City, which plan shall address the City's park standards and specifications.

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- (4) When authorized by the City, the required dedication of developed park land may be partially or wholly substituted by alternative dedication and/or preservation of open space areas such as riparian habitat, wetlands habitat, wildlife habitat and view corridors as approved by the City.
 - (5) Parks that are sized, developed, and located to meet the needs of the City and constructed in accordance with City standards and specifications may be dedicated to the City, and if so dedicated, shall be available for use by the public.
- (E) *Trail and Sidewalk Standards.*
- (1) Trails shall be dedicated as needed to serve the recreational and transportation needs of the subdivision in conformance with the Comprehensive Plan, and shall provide links to schools, the local and regional trail system, parks and open space areas, commercial and employment areas, public transit, community facilities such as libraries, and other destinations. Trails should be provided adjacent to or within natural and scenic areas and open space areas, when possible, in a manner that provides a recreational corridor without degrading the natural or scenic resource.
 - (2) Sidewalks and recreation trails shall be integrated with existing and planned sidewalks and recreation trails in accordance with the City's Comprehensive Plan. The owner of each project shall dedicate the appropriate easements and/or rights-of-way consistent with said plans.
 - (3) All sidewalk and recreational trails shall be available for use by the public.
- (F) *Open Space and Watercourse Standards.*
- (1) If required by the City, open space shall be dedicated as necessary to preserve significant natural areas such as buttes, bluffs, and other geologic formations, water bodies/resources, wildlife habitat areas, fragile ecosystems (wetlands) riparian areas, floodplains, native trees and shrubs and/or other significant native vegetation. Open space shall also be dedicated as necessary to preserve lands which preserve significant views, provide transitions between different densities and uses (buffers) and otherwise serve to give shape and form to the proposed development and surrounding community.
 - (2) Public access is not required for open space dedications.
 - (3) Natural watercourses may be developed and preserved consistent with City floodplain management regulations, Storm Drainage Requirements and Federal Clean Water Act Section 404 Permit requirements, to minimize safety, environmental, and other hazards, and shall be integrated with the City's Comprehensive Plan for such watercourses whenever feasible.
- (G) *Fees in Lieu of Dedication.*
- (1) In the event the dedication of required park land is not deemed suitable or not in the public interest within the development, the City Manager is hereby authorized to require the applicant, in-lieu thereof, to pay the City a fee-in-lieu-of land based on the amount of required land dedication as calculated in Section 11-5-9(D) above, and pro-rated using the average value of land in the City plus the cost per acre of constructing the improvements for that type of facility. Such fee may be updated from time to time to reflect current market land values and costs of the improvements and shall be adopted by Resolution and included in the City's fee schedule.
 - (2) Alternatively, and if approved by the City Manager, the subdivider may develop or contribute to the improvement of an off-site facility if said facility conforms to the adopted standards in the Comprehensive Plan. Nothing contained herein shall be construed to prevent the City Manager from requiring that part of the park land dedication requirement be made in the form of dedicated land, and that part of such requirement be made in the form of cash in-lieu of the remaining requirements for such land.
 - (3) When in-lieu payments are permitted, the following standards apply:

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- (a) Lot or Unit x 0.0175 (acres park land per lot or unit) x \$90,000.00 (value per developed park land acre, based upon \$25,000.00 per acre undeveloped land value plus \$65,000.00 park land development cost) = \$1,575.00 per lot or unit.
 - (b) Monies collected in lieu of park land dedication shall be collected at time of issuance of building permit, and placed into a City park development fund to be earmarked for future acquisition or development of parks, opens space, or trails. No security as set forth in Section 11-5-12 shall be required.
 - (4) Monies paid in lieu of park land dedication pursuant to this Section are to enable the City to provide parks in the proper locations, and of the proper sizes to serve the citizens of the City.
- (H) *Relationship to Useable Open Space.*
- (1) Useable open space, as defined in Section 11-15-2 of this Title, shall not be a substitute for the dedication of park land, or money in lieu of park land dedication.
 - (2) All non-public common areas, parks and open spaces shall be held in private ownership and maintained in perpetuity, with appropriate platted restrictions on use and covenants for ownership and maintenance in accordance with the provisions of Section 11-5-11(B).
 - (3) For useable open space within Planned Developments, see Section 11-7-8(B)(2).
- (I) *Site Specific Dedication Study.*
- (1) In the event that the applicant disagrees with the City's determination concerning dedication of land and/or payment in lieu of dedication, the applicant may request a continuation of any subdivision processing and review by the City, in order for the applicant to prepare a private study evaluating the demand for public facilities made necessary or generated by the proposed development. Upon receipt by the City of the applicant-funded study, the subdivision review process shall recommence.
 - (2) Such study shall be undertaken at the applicant's cost by a licensed professional engineer or other professional approved in advance by the City.
 - (3) To the greatest extent possible, the study shall include an evaluation of the City's present supply or capacity and present demand for all public facilities and/or services required by the proposed development.
 - (4) The study shall identify and quantify the additional demand placed upon such public facilities and/or services by the proposed development.
 - (5) The study shall identify the necessary public land and improvements required to be dedicated or constructed by the applicant in order to serve the demand generated by the proposed development.
 - (6) Such study shall be considered by the City in determining the required dedication of land.
- (J) *School Land Dedication Requirements.*
- (1) Based upon conversations with both the City staff and School District staff during the pre-application phase of any project at the time of filing a sketch plan or preliminary plat for approval, the applicant shall, as part of such filing, either:
 - (a) Designate the general area or areas the applicant proposes to set aside for school site(s) and shall indicate the number of acres proposed for such uses and the number of proposed dwelling units in the development; or
 - (b) Agree to make payment of cash-in-lieu of land in an amount as set forth in Section 3-1 of the City of Montrose Regulations Manual; or

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- (c) Request waiver of the requirement to provide for school land dedication or payment in lieu, per Section 11-5-9(K) below.
 - (2) The preliminary plat and final plat of a proposed subdivision shall designate specific areas proposed for use as school sites, the number of acres so designated, and the proposed number of lots by dwelling unit type in the subdivision; or, the waiver of this requirement and agreement to provide cash in-lieu-of land; or a plat note indicating that no children will be generated by the development.
 - (3) School sites dedicated through this procedure shall conform to the school site size requirements and site criteria policy adopted by the School District and incorporated herein by this reference.
 - (4) *Determination of School Land Dedication.* If the City Council determines that the dedication of land for school purposes is appropriate, then the applicant shall convey the property and all improvements located thereon in the manner permitted by Section 11-5-9(B) to the School District at the time of recording of the final plat.
 - (5) *Fees in-Lieu of Land or Guarantee of Future Land Dedication.* When, after recommendation of the School District, dedication of all or portions of required school lands is not deemed feasible or in the public interest, in that event the City Council shall require the payment of fees in-lieu thereof.
 - (6) Monies collected in lieu of school land dedication shall be collected at time of issuance of building permit (or Certificate of Occupancy for those buildings commenced prior to final plat approval) and disbursed to the School District on a quarterly basis. No security as set forth in Section 11-5-12 shall be required.
 - (7) The following shall be exempted from school land dedication requirements or payment in-lieu-of fees:
 - (a) Skilled nursing facilities as defined in the Section 11-15-2 of this Title;
 - (b) City-approved subdivisions that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling may be classified as housing for older persons pursuant to the Federal Fair Housing Amendments Act of 1988.
- (K) *Waiver of Requirements.*
- (1) The City Council may waive the required dedication of land or the payment in lieu of dedication of open space, parks, trails and/or school lands in the following cases:
 - (a) When the project has already been fully developed and the subdivision of land is necessary to bring the land into conformance with the as-built or as-constructed development;
 - (b) When the development does not result in any increase in demand for parks, trails, or open space; or
 - (c) With respect to school land dedication, the School District approves a waiver request under Section 11-5-9(J).

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-10. Required public improvements.

- (A) All subdivisions shall be provided, at the expense of the subdivider, and subject to applicable zoning criteria, with the following public improvements as required to serve the subdivision and to mitigate its impacts.
 - (1) Street improvements:
 - (a) Paved streets;
 - (b) Paved alleys, if required by the City;

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- (c) Street signs;
 - (d) Street lights; and
 - (e) On- and off-site traffic mitigation improvements as identified in the subdivision's Traffic Impact Study as necessary to safely support the development.
 - (2) Curbs, gutters, sidewalks and accessibility ramps.
 - (3) Parks, open space and recreation trails.
 - (4) Public utilities:
 - (a) A water system including fire hydrants and fire mains;
 - (b) A sanitary sewer system;
 - (c) A stormwater system; and
 - (d) Other public utilities, including gas, electricity, and a minimum of three conduits for telecommunications.
 - (5) Drainage facilities and waterways.
 - (6) Survey monuments.
 - (7) As applicable, off-street parking, mailbox location areas and bus stops with accessibility ramps.
 - (B) Other improvements required as a condition of approval and found to be roughly proportional to the impacts being mitigated. All public improvements shall be subject to applicable City minimum design standards, regulations and specifications.
 - (C) Public improvements shall be secured by warranty and security instruments as required by Section 11-5-12.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-11. Private improvements.

- (A) The subdivider may provide, or may be required to provide as a condition of certain private improvements, as specifically referenced below, to serve the subdivision and to mitigate its impacts, and in accordance with duly adopted City standards, if applicable, to include:
 - (1) Recreational facilities, parks, open space and trails;
 - (2) Drainage facilities and waterways;
 - (3) Mailbox location areas;
 - (4) Berms, screening and buffers; and
 - (5) Other private improvements required as a condition of approval.
 - (B) Such improvements shall be privately-owned and/or -maintained, and the plat shall contain appropriate restrictions and/or covenants, in form approved by the City Attorney, governing use, ownership and maintenance in perpetuity enforceable by the City, providing for recovery of the City's costs by liens or assessment against the property in the subdivision. Such improvements shall be completed prior to issuance of building permits pursuant to Section 11-5-8.
- (Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-12. Security, warranty and acceptance of improvements.

- (A) If the subdivider wishes to have the final plat approved prior to the installation, inspection and approval of all required improvements, the subdivider must provide security incorporated into a subdivision improvement agreement to guarantee the completion of all required improvements within one year, and all landscaping improvements within two calendar years after approval of the final plat in accordance with this Section.
- (1) Said security shall be in the form of:
- (a) A subdivision improvements agreement, in a form approved by the City Attorney, in an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the improvements necessary to serve said lots; or
 - (b) A cash escrow deposited with the City or a clear irrevocable letter of credit in an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the improvements necessary to serve said lots.
- (2) Funds in any escrow account shall be returned to the subdivider upon the issuance of either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances.
- (3) Security shall not be required for money in lieu of payments relative to park land and school land dedications provided in Section 11-5-9(D) and (J), as such money payments shall be collected upon issuance of building permits relative to subdivided lots or units.
- (4) Even though a final plat will have been recorded, when a subdivider chooses to secure required improvements with a subdivision improvement agreement, as a part of that agreement, the subdivider shall agree not to sell, transfer, offer for sale or otherwise convey any portion of the property, including lot, unit or outlot, prior to the issuance of a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances. A sale or other transfer of the entire subdivision is permitted once the purchaser has provided the necessary security.
- (B) The subdivider shall complete all required improvements within one year, and all landscaping improvements within two calendar years of the approval of the final plat by the City Council. In the event that all necessary on- and off-site improvements are not completed, inspected and approved within two calendar years of the date of the approval of the final plat by the City Council, no further building permits, occupancy permits, water taps or sewer taps shall be allowed by the City in such subdivision until such improvements are completed. It shall then be unlawful to sell any further lots in the subdivision until all necessary on- and off-site improvements are completed.
- (C) The City Council may authorize extensions of time to complete all improvements beyond the one and two-year limitations as set forth herein.
- (D) Following the completion of required improvements and submission of the as-built plans, the City Engineer shall conduct an inspection and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion as provided herein.
- (1) A Letter of Substantial Completion may be issued when only landscaping and irrigation facilities are incomplete and secured as provided in Subsection 11-5-12(A) of this Section.
- (a) In the case of subdivisions that have been issued a Letter of Substantial Completion, upon completion of the outstanding improvements and submission of the as-built plans therefor; the City Engineer shall conduct an inspection and shall issue a Preliminary Letter of Infrastructure

Completion, if all required improvements are in accordance with the requirements of these and other applicable codes and regulations and good engineering and construction standards.

- (2) The subdivider shall warrant the public improvements against defects or failures in workmanship or materials for a period of two calendar years from the date of the Preliminary Letter of Infrastructure Completion. During this two-calendar-year construction warranty period, the City will, as applicable, assume the responsibility for snow removal within public rights-of-way in regard thereto, but the subdivider shall remain responsible for all other maintenance and to correct all defects or failures that appear in any such public improvements during the construction warranty period.
- (a) The City shall determine what constitutes a defect or failure in its sole discretion, provided that such are not the result of public abuse, misuse or normal wear from use. The City Engineer shall notify the subdivider in writing of such defect or failure, setting forth a list of specific deficiencies. If within 30 days after the City has notified the subdivider of a defect or failure, the subdivider has not started or completed the required repairs, provided construction drawings and a proposed repair schedule for City review and approval, or submitted a written objection to the to the City's request for repair work, the City is hereby authorized to make the repairs or replacements or to order the work be done by a third party. The City may authorize a temporary repair if necessary due to weather conditions or materials availability. The subdivider shall pay the cost of any repair work. Any appeal of the City Engineer's repair or replacement requirements shall follow the appeal process pursuant to Chapter 4-1-6 of the City Code.
- (b) At the end of the warranty period, the subdivider shall request, in writing, that the City Engineer perform a final inspection of the improvements to facilitate the completion of the construction warranty.
- (i) The City Engineer shall conduct an inspection of all public improvements, and upon final approval, as evidenced by the City's issuance of a Letter of Infrastructure Completion and Acceptance, the City shall accept the improvements, and the security held by the City shall be returned to the subdivider.
- (ii) All public improvements, including all physical facilities constructed by the subdivider necessary for the extension, maintenance and repair of municipal utility services and other public facilities constructed by the subdivider in public rights-of-way, easements, streets or alleys shall become the property of the City immediately upon the issuance of the Letter of Infrastructure Completion and Acceptance by the City Engineer.
- (iii) Following such conveyance, the City shall be solely responsible for the maintenance of such public improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period.
- (c) Any repairs or replacements noted in the final inspection shall be completed prior to the issuance of the Letter of Infrastructure Completion and Acceptance.
- (i) Upon notification, the subdivider shall promptly make all repairs or replacements in accordance with a repair plan prepared by the subdivider and approved by the City, which repair or replacement, in the opinion of the City, arose out of defects or failures and became necessary during the construction warranty period.
- (ii) The subdivider shall warrant each repaired and/or replaced improvement or any portion or phase thereof for one calendar year following acceptance of such repair and/or replacement.
- (iii) Inspection of any improvements does not constitute a waiver by the City of any rights or remedies that it may have on account of any defect in or failure of the improvements that

are detected. The construction warranty shall continue until the Letter of Infrastructure Completion and Acceptance is provided in writing to the subdivider.

- (3) The subdivider may, at the subdivider's option, provide the City financial security for the two-calendar year construction warranty in one or a combination of the following forms only:
- (a) A cash escrow in the amount of 15 percent of the total construction cost of all public improvements required by the final plat.
 - (b) A letter or letters of credit on forms acceptable to the City, in the amount of 15 percent of the total construction cost of all public improvements required by the final plat.
 - (c) It is the responsibility of the subdivider to maintain the necessary amount of security at all times until all public improvements are completed and accepted by the City.
 - (d) The City shall not be obligated to administer burdensome security arrangements.
 - (e) The City shall require a construction warranty backed by financial security prior to issuance of a Preliminary Letter of Infrastructure Completion.
 - (f) The security shall be available for the City to use to correct any defects or failures in accordance with City specifications during or after the construction warranty period in the event the subdivider is unable or unwilling to perform any repair or replacement of the improvements in a timely fashion. The use of the proceeds from the security is a remedy that is cumulative in nature and is in addition to any other remedies that the City has at law or in equity.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-13. Minimum design standards.

- (A) *Minimum Standards, Conformity to Preliminary Plat, and Approval Required.* All public improvements shall be constructed in accordance with the minimum standards set forth below or other applicable City design and construction specifications and standards, and other applicable City ordinances or regulations. All public and private improvements shall be in substantial conformity with the preliminary plat as approved, the City Comprehensive Plan and amendments thereto, and in accordance with good engineering and construction practices. All plans must be approved in advance by the City Engineer.
- (B) *Minimum Standards.*
- (1) *Streets.*
 - (a) Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and/or other areas outside the subdivision or any filing thereof being considered, including, but not limited to, curbs, gutters, sidewalks and street paving improvements, when the subdivision and developments thereof will directly create a need for said improvements outside the subdivision itself, if necessary to properly serve the subdivision.
 - (b) In those cases where the City determines that the immediate improvement of the abutting street, or other on-site or off-site improvements, is not currently practical, or should be delayed, or the costs of such improvements should be shared with additional property likely to use and be benefited by the improvements, the developer may be allowed to execute recordable covenants on the plat or separately in a form provided by the City, binding the lots in the subdivision to future assessments or participation in an improvement district for the construction of such improvements.

- (c) Wherever topography will permit, the arrangement of the streets shall provide for the dedication and construction of street stubs to align with existing or future streets to adjoining developing or developable areas.
- (d) Cul-de-sacs shall terminate in a circular turn-around having a minimum right-of-way of at least 100 feet in diameter, and a paved turn-around with a minimum outside diameter of 80 feet. Cul-de-sacs shall be not less than 100 feet long, and not more than 500 feet long, as measured from the center of the cul-de-sac bulb to the center of the intersecting street; use of cul-de-sacs is limited to places where street connections would be impractical.
 - (i) Cul-de-sacs longer than 300 feet shall require a recreation trail connection at the end that provides connectivity to the nearest City street.
- (e) Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a temporary turn-around having a diameter of at least 80 feet.
- (f) Whenever a new street is proposed along the edge of the subdivision, the entire street shall be dedicated and improved within the subdivision.
- (g) No more than two streets shall intersect at any point. Intersections shall be as near as practicable to 90 degrees. A street shall have a minimum straight distance of 100 feet from the intersection before it may be curved.
- (h) A straight section of 100 feet shall be provided between reverse curves on all streets.
- (i) All lots in the subdivision shall have direct access to a dedicated street, subject to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access for up to no more than four dwelling units each, subject to City Manager approval, in residential zoning districts. Shared access drives shall not be used as an extension of a cul-de-sac.
 - (ii) Reciprocal access easements may be approved to accommodate subdivisions with multiple commercial units sharing a contiguous parking area in commercial zoning districts.
- (j) Any two local streets which intersect a common third local or collector street shall have centerlines no closer than 175 feet from one another. Any two local streets which intersect a common third minor arterial or major arterial street, shall have centerlines no closer than 350 feet from one another.
 - (i) The City may limit access to major arterial or minor arterial streets to facilitate traffic flows, or to promote public safety.
- (k) The maximum block length, as measured from the centerline of the nearest intersecting streets, shall be a maximum of 700 feet.
- (l) Street names must be approved by the City and respective 911 authority.
- (m) Streets shall be developed in accordance with the City's Comprehensive Plan roadway cross sections, the City's engineering specifications, as applicable, and the table below. The minimum dedicated rights-of-way and street widths shall be as shown in Table 5.1.

Table 5.1
Minimum Dedicated Rights-Of-Way and Street Widths

Street Classification	Minimum Right-of-Way	Minimum Street Width Urban = Width (Distance Between Curb Flowlines)
Major Arterial	124 feet*	92 feet

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Minor Arterial	80 feet*	Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths
Collector	70 feet	46 feet
Local	50 feet	28 feet with detached 5-foot sidewalk; 36 feet with attached 6-foot sidewalk
Planned Developments	40 feet	27 feet with attached 6-foot sidewalks. Supplemental off-street parking may be required.

- (n) Subdivisions which include any part of an existing platted street which does not conform to the minimum right-of-way requirements of these regulations may be required to provide additional width necessary to meet the minimum right-of-way requirements of these regulations.
- (o) No street grade shall be less than one-half of one percent or exceed the maximum grade shown in Table 5.2.

Table 5.2 Maximum Street Grade

Street Classification	Maximum Percent Grade	Minimum Radius of Curve	Minimum Sight Distance*
Major Arterial	5 percent	400 feet	500 feet
Minor Arterial	5 percent	400 feet	500 feet
Collector	8 percent	300 feet	300 feet
Local	8 percent	100 feet	200 feet

- (p) Alleys shall be provided at the rear of lots within the commercial zoning districts, or as otherwise approved by the City. Alleys shall be 20 feet in width and shall be paved in accordance with City specifications.
- (2) *Curb, Gutter, Sidewalks and Trails.*
 - (a) Curb, gutter, and sidewalks or recreation trails shall be provided along all roadways consistent with the City's Comprehensive Plan.
 - (i) Six-foot detached concrete sidewalks are required on collector streets.
 - (ii) Five-foot detached or six-foot attached concrete sidewalks are required for local streets.
 - (iii) A ten-foot wide concrete recreation trail on one side and 6 foot detached concrete sidewalk are required on the other side of major and minor arterial roadways, as directed by the City.
 - (iv) Recreation trails with alternative non-hard surfaces and narrower widths may be approved in those instances where such trails are secondary to existing or proposed concrete recreation trails, and do not serve as connectors to the City's recreation trail system, as denoted within the City's Comprehensive Plan.
 - (b) Sidewalks shall be located and constructed as necessary to interconnect the subdivision and lots therein with the network of City sidewalks and recreation trails.
 - (c) Accessibility ramps shall be provided in accordance with the U.S. Access Board Public Right-of-Way Accessibility Guidelines (PROWAG).
 - (d) The City may elect to require over-sizing of any sidewalk and participate in cost sharing thereof.

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- (e) The City may require any sidewalk to be wider than those standards set forth herein, upon a finding that such greater widths are necessary to serve the subdivision, due to:
 - (i) High density of the subdivision;
 - (ii) Special needs of the residents of the subdivision; or
 - (iii) Connection to existing wider sidewalks or recreation trails.
- (3) *Blocks and Lots.*
- (a) In residentially zoned districts, blocks shall be wide enough to permit two lots between lengthwise streets.
 - (b) The building line for residential lots on collector streets shall be set back 25 feet from the front property line.
 - (c) The building line on corner lots shall be set back 25 feet from both street front property lines.
 - (d) Lots which abut a street in the front and the rear shall be avoided except where a railroad right-of-way, a major arterial or minor arterial street is located to the rear of the lot, in which case such a lot shall have a minimum depth of 125 feet.
 - (e) Every lot shall front on a designated collector or local street, subject however, to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts. Shared access drives shall not be used as an extension of a cul-de-sac.
 - (ii) Private access easements may be provided, subject to City approval, in subdivisions within commercial zoning districts across parking lot areas;
 - (iii) In such instances, the shared access improvements shall be subject to City specifications and the restrictions set forth in Section 11-5-11(B).
 - (f) No residential lot shall front on a major arterial or minor arterial street. No access shall be permitted directly from a residential lot to a major arterial or minor arterial street.
 - (g) The lot depth shall not be more than three times the lot width at the front of the building line of the principal structure.
 - (h) Access drives and intersections shall comply with City access standards and the transportation plan. In addition, accesses onto County roads shall comply with applicable County regulations.
 - (i) Lots shall be at least 50 feet in width at the front of the building line of the principal structure. Lots abutting cul-de-sacs shall have at least 25 feet of linear frontage to the cul-de-sac.
 - (j) Sight triangles shall be shown on the plat as per the engineering specifications.
- (4) *Public Utilities.*
- (a) All utilities shall be installed underground unless the City Engineer determines that soil or topographic conditions make that impracticable.
 - (b) Utilities shall be installed prior to the paving of any street under which they are to be located and the individual service lines shall be connected and stubbed out prior to paving, in order to avoid the necessity of cutting into the pavement to connect any abutting lots.
 - (c) Utilities will be sized and placed as necessary to facilitate connection with future subdivisions and developments. With the exception of terminal lines and fire hydrant laterals where sufficient

hydraulic capacity can be demonstrated, all water mains shall be a minimum eight inches diameter in all zoning districts. At a minimum, eight-inch diameter sewer main lines shall be provided in all zoning districts. Individually conveyable lots shall each require a singular water and sewer lateral connection to a public main line.

- (d) The City may elect to require over-sizing of the extended utility and pay for the cost of such materials accordingly.
 - (e) City water and sewer systems shall be provided except where the City has required an alternative supplier by service area agreement with such alternative provider. In cases where alternative utilities are provided on a temporary basis, connection to City services shall be required at such time they are made available to the subject property.
 - (f) In the event that City sewer service will not be available within a reasonable time period following final plat approval, engineered individual sewage disposal systems may be authorized by the City for those subdivisions occurring within the residential rural living zoning districts with lot sizes of five acres or greater. Advance City approval shall be required in each case.
 - (g) All extension of City utilities shall require City approval and proper execution of City utility extension agreements. The extension of utilities shall be at the sole expense of the subdivider.
 - (h) Prior to any installation or construction of utility extensions, the subdivider shall first submit proposed alignment location maps and engineered drawings for City approval. The subdivider shall acquire all necessary easements for the proposed utility location from all affected properties. The easements shall be conveyed to the City and executed on applicable City forms.
 - (i) All utility extensions shall be subject to City inspection and approval.
 - (j) All utility main line extensions, once approved by the City, shall be dedicated to the City with applicable utility easements. As-built plans and data shall be provided on hard copy in accordance with these provisions and in a digital format compatible with City computer systems.
 - (k) Following the completion of any utility extension and submission of the as-built plans, the City Engineer shall conduct an inspection, and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion.
 - (i) For a period of two calendar years thereafter, the subdivider shall be responsible for correcting all defects or failures that appear in such improvements.
 - (ii) At the completion of this two-calendar-year construction warranty period, upon written request from the subdivider, all public and necessary on- and off-site improvements shall again be inspected by the City Engineer, and upon final approval, may be accepted by the City, as evidenced by issuance of a Letter of Infrastructure Completion and Acceptance. The provisions set forth in Section 11-5-12(D) shall apply to improvements and construction covered by this Section.
- (5) *Piped Drainage Facilities and Waterways.*
- (a) Stormwater discharge improvements shall be engineered and approved in accordance with City specifications, stormwater retention on site shall be discouraged. When feasible to do so and when requested by the City Engineer, all ditches shall be piped and subject to platted easements to be dedicated either to the City or to the applicable owner of the ditch facilities. The City may elect to allow the location of piped ditch facilities within its rights-of-way at its discretion. Perpetual maintenance shall be provided pursuant to plat notes and/or City-approved covenants.

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- (b) Permission shall be acquired, in writing, from all applicable owners of ditch facilities prior to improvements thereto.
 - (c) No discharges of urban stormwater into any irrigation supply facilities shall be allowed. No discharges of urban stormwater into agricultural drainage ditch facilities shall be allowed, unless approved in writing by the owning interest in said drainage facilities.
- (6) *Monuments.* Monument quantity, type, and location shall be established and set in accordance with to Section 38-51-105, Colorado Revised Statutes, as amended from time to time.
- (7) *Street Lights.*
- (a) In all subdivisions, except for residential zoned rural living and estate subdivisions, streetlights shall be provided at all intersections.
 - (b) In residential rural living zoning districts and estate subdivisions, street lights shall only be required at street intersections with major or minor arterials.
 - (c) All streetlights shall conform to City standards and specifications, and with Chapter 11-9 of this Title.
- (8) *Outdoor Lighting.* All outdoor and exterior lighting shall conform with Chapter 11-9 of this Title.
- (9) *Flood Hazard Prevention.* All subdivision proposals shall conform to the flood hazard reduction standards in Section 11-6-5(G) of this Title.
- (10) Nonfunctional turf, artificial turf, or invasive plant species. On and after January 1, 2026, no subdivision approved under this Chapter shall permit the installation, planting, or placing of any nonfunctional turf, artificial turf, or invasive plant species as a public or private improvement within the subdivision, except for residential property or as otherwise permitted by C.R.S. § 37-99-101 et seq.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)

Sec. 11-5-14. Deviations from standards.

The Planning Commission may recommend to the City Council a deviation from the standards of Section 11-5-13 during preliminary or final plat review, if one or more of the below criteria are met. The City Council may accept or deny the recommendation accordingly.

- (1) Unusual topography or a non-financial hardship exists;
- (2) Alternative standards will more effectively protect the quality of the subdivision and the public welfare and more effectively achieve the purposes of these regulations;
- (3) Alternative standards will more effectively implement provisions of the City's Comprehensive Plan; or
- (4) Alternative standards will more effectively conform to existing improvements within the subdivision, which existing improvements have been previously approved by either the City or the County of Montrose in accordance with applicable laws and regulations.

(Ord. No. 2677, § 1(exh. A), 12-17-2024)



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: Jace Hochwalt, Community Development Director
Chris Ottinger, Community Development Specialist
DATE: May 20, 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

CHANGE ORDER REQUEST

TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: May 1, 2025
RE: Public Works Irrigation Relocation and Preliminary Site Fill
Change Order No. 1



Recommendation

Consider the award of Change Order No. 1 to Williams Construction in the amount of \$1,275,000 for the placement of additional fill on the Public Works Irrigation Relocation and Preliminary Site Fill Project.

Background

In January of 2025, Montrose City Council approved the award of a construction contract to Williams Construction in the amount of \$4.38M for implementation of the Irrigation Relocation and Preliminary Site Fill project at the City's new public works site. This project includes the following two major components:

1. Relocation of an existing irrigation ditch that ran through the center of the site into a piped delivery network, outside of proposed building areas.
2. The placement of fill to bring the new public works site up to preliminary grade. This includes the import of structural fill within the future building footprint as well as common fill for parking lot areas and the future extension of Rio Grande Avenue.

The preliminary site fill project aims to prepare the project area for construction of the new public works facility which is scheduled to begin around September of 2025. The first phase of the Rio Grande Extension and a roundabout at the intersection of Rio Grande Avenue and East Oak Grove Road are also scheduled to start the following spring.

Progress to Date and Change Order Driver

The original site fill project was scheduled for completion in October of 2025; however, the project is progressing well ahead of schedule and is likely to be complete by mid-summer. Since starting on the preliminary fill project, design of the final site grading has also been completed. With the project ahead of schedule and final site design complete, this has created the opportunity to utilize the existing site fill contractor to continue with project fill and bring the site closer to its final design grade.

Change Order Scope of Work

Change Order No. 1 is proposed to include the following scope of work:

- Import an additional foot± of common fill to bring the site to the bottom of the parking lot's structural section (immediately below pavement and parking lot aggregate base course). The original fill project stopped short of this elevation pending final parking lot grading design.
- Complete grading improvements to integrate the new public works site fill into the Bureau of Land Management (BLM) campus located immediately east of the public works site. The City has been working to obtain permission from the BLM to integrate the two lots with proper grading and avoid the need for retaining walls along the adjoining lot line. This will save between \$500k and \$750k in retaining wall expenditures and result in a more natural transition between the two lots.

- Construct the utility corridor soil embankment along the public works facility frontage. Construction of this embankment will allow for the facility contractor to start on utility service construction immediately upon mobilization.
- Place preliminary fill for a future trailhead to be situated at the location shown in Figure 1. As design of the site progressed, this area was selected as an ideal location for a future Uncompahgre Riverway Trailhead. The team felt it best to fill the area now while access and pricing is most favorable.
- Approximately \$100k of the proposed change order will be utilized for additional structural fill beneath the building footprint. Although soil conditions within the project area have generally been as expected, it was necessary to extend the structural fill excavations deeper than anticipated to ensure that the building fill pad was founded on stable and undisturbed soils. This resulted in the need for additional structural fill to bring the area up to the proposed footing elevation.

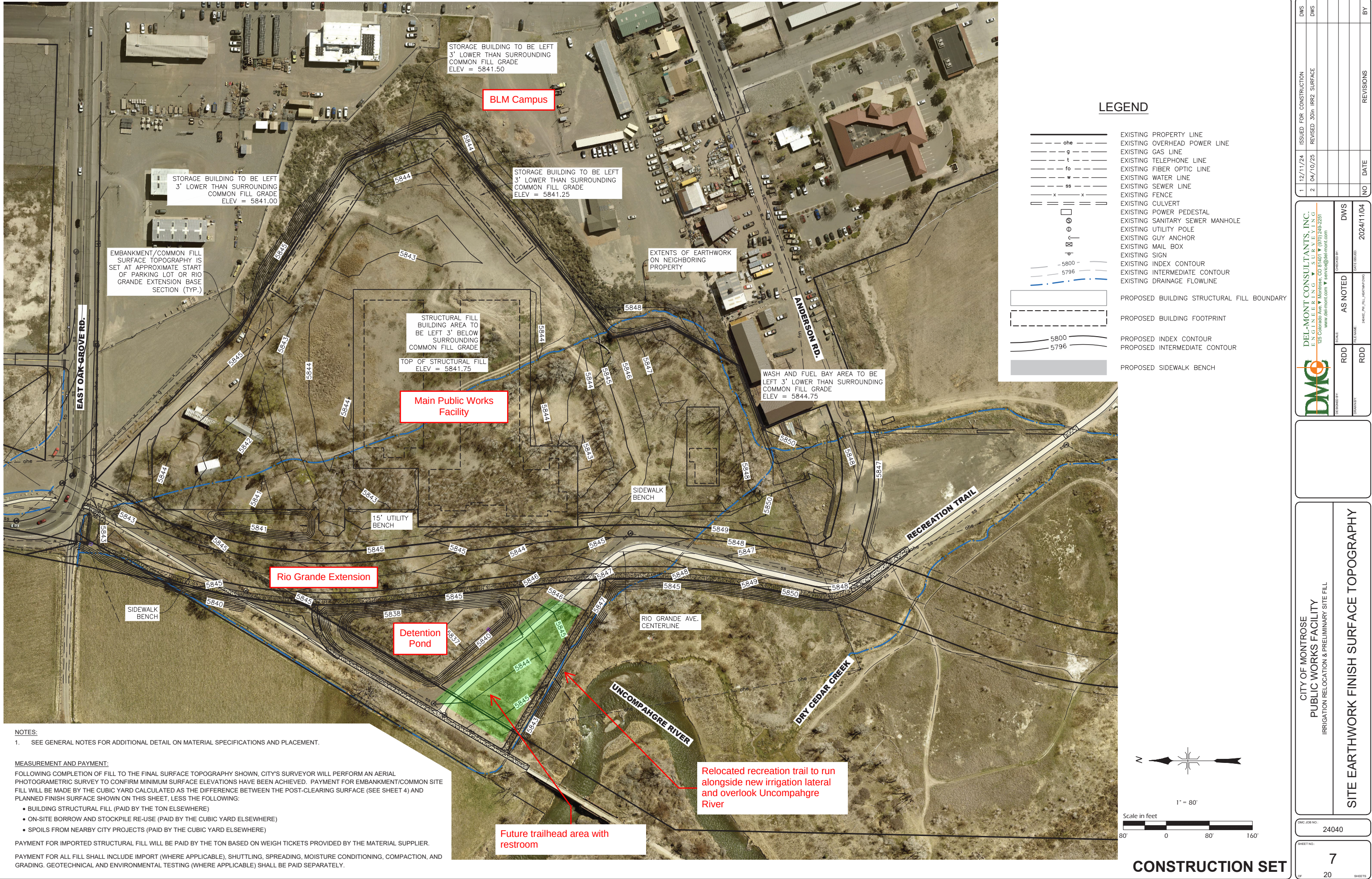
Project Financials

All change order work is proposed to utilize existing contract unit rates for the continued import of fill materials. These unit rates were established with the original fill project bid which included six bidders.

The Change Order No. 1 scope of work has been included in the overall facility scope and budget throughout its design and planning phases. As a result, it does not change the overall bottom-line project budget. The change order allows this work to be performed earlier in the project schedule and at a lower cost than if performed through the main facility's construction contract.

Funding for Change Order 1 is proposed as part of the Certificate of Participation (COP) borrowing approved for the overall public works facility project. It is our understanding that this funding is expected to be finalized within the next 6 to 8 weeks.

FIGURE 1: SITE OVERVIEW



NOTES:

1. SEE GENERAL NOTES FOR ADDITIONAL DETAIL ON MATERIAL SPECIFICATIONS AND PLACEMENT.

MEASUREMENT AND PAYMENT:

FOLLOWING COMPLETION OF FILL TO THE FINAL SURFACE TOPOGRAPHY SHOWN, CITY'S SURVEYOR WILL PERFORM AN AERIAL PHOTOGRAMETRIC SURVEY TO CONFIRM MINIMUM SURFACE ELEVATIONS HAVE BEEN ACHIEVED. PAYMENT FOR EMBANKMENT/COMMON SITE FILL WILL BE MADE BY THE CUBIC YARD CALCULATED AS THE DIFFERENCE BETWEEN THE POST-CLEARING SURFACE (SEE SHEET 4) AND PLANNED FINISH SURFACE SHOWN ON THIS SHEET, LESS THE FOLLOWING:

- BUILDING STRUCTURAL FILL (PAID BY THE TON ELSEWHERE)
- ON-SITE BORROW AND STOCKPILE RE-USE (PAID BY THE CUBIC YARD ELSEWHERE)
- SPOILS FROM NEARBY CITY PROJECTS (PAID BY THE CUBIC YARD ELSEWHERE)

PAYMENT FOR IMPORTED STRUCTURAL FILL WILL BE PAID BY THE TON BASED ON WEIGH TICKETS PROVIDED BY THE MATERIAL SUPPLIER.

PAYMENT FOR ALL FILL SHALL INCLUDE IMPORT (WHERE APPLICABLE), SHUTTLING, SPREADING, MOISTURE CONDITIONING, COMPACTION, AND GRADING. GEOTECHNICAL AND ENVIRONMENTAL TESTING (WHERE APPLICABLE) SHALL BE PAID SEPARATELY.

DWS	ISSUED FOR CONSTRUCTION	12/11/24	REVISED 30m IRR2 SURFACE	04/10/25	NO	DATE	REVISIONS	BY
DWS	2							

DEL-MONT CONSULTANTS, INC.
ENGINEERING & SURVEYING
125 Colorado Ave. Montrose, CO 81401 (970) 249-2291
www.delmont.com

DESIGNED BY: DWS
CHECKED BY: DWS
SCALE: AS NOTED
FILE NAME: 24040_PWL_AIRBORNE.DWG
DATE: 2024/11/04

PROJECT: CITY OF MONTROSE
PUBLIC WORKS FACILITY
IRRIGATION RELOCATION & PRELIMINARY SITE FILL

SHEET NO.: 7
OF 20 SHEETS

SITE EARTHWORK FINISH SURFACE TOPOGRAPHY

CONSTRUCTION SET

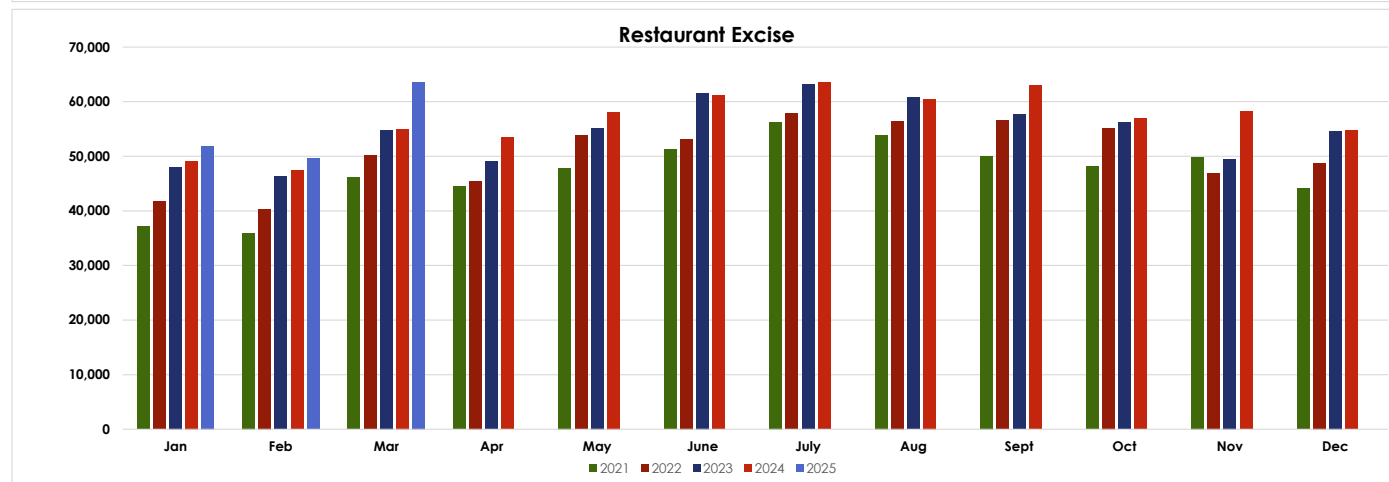
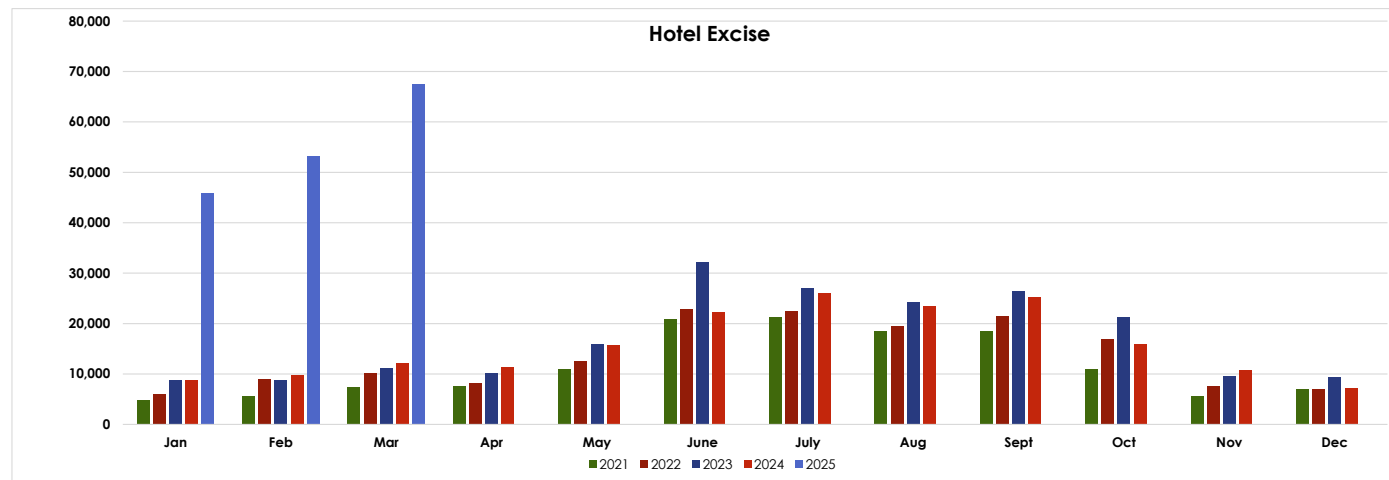
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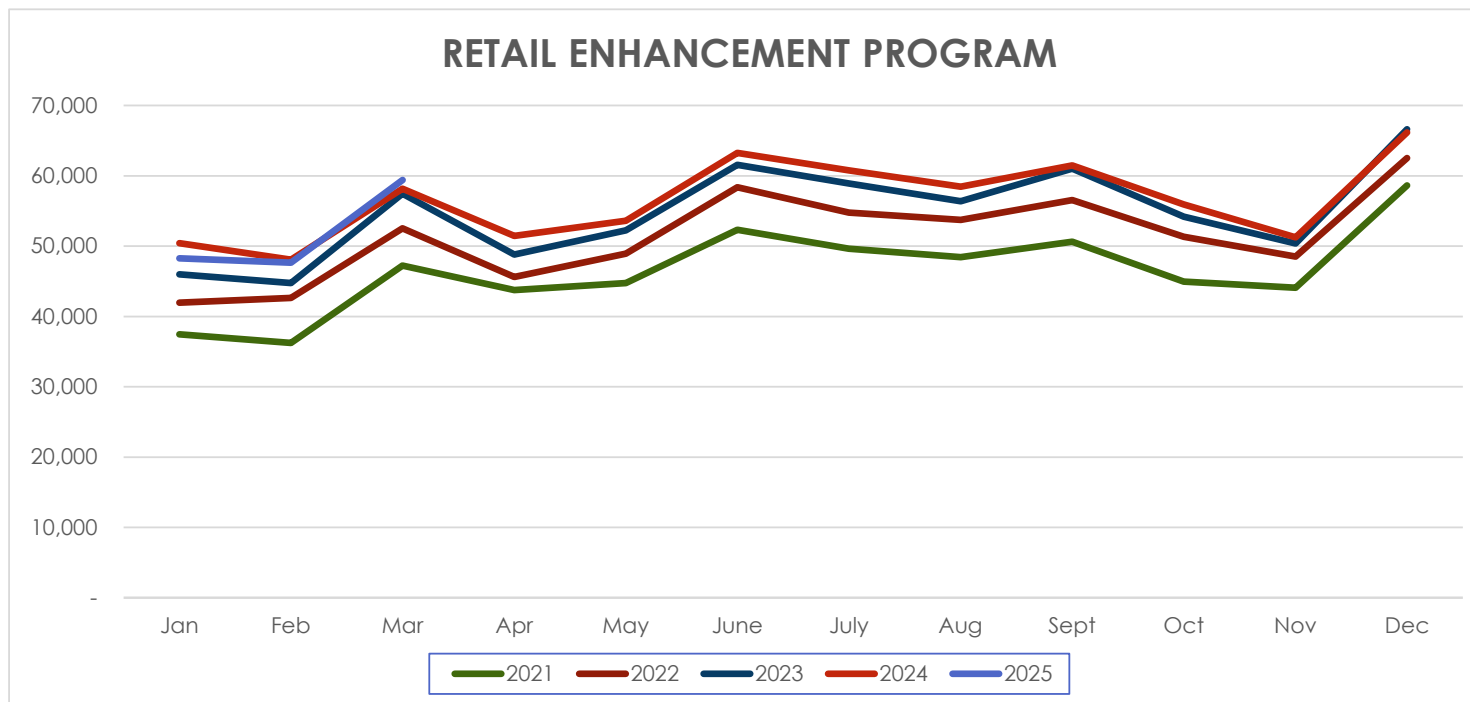
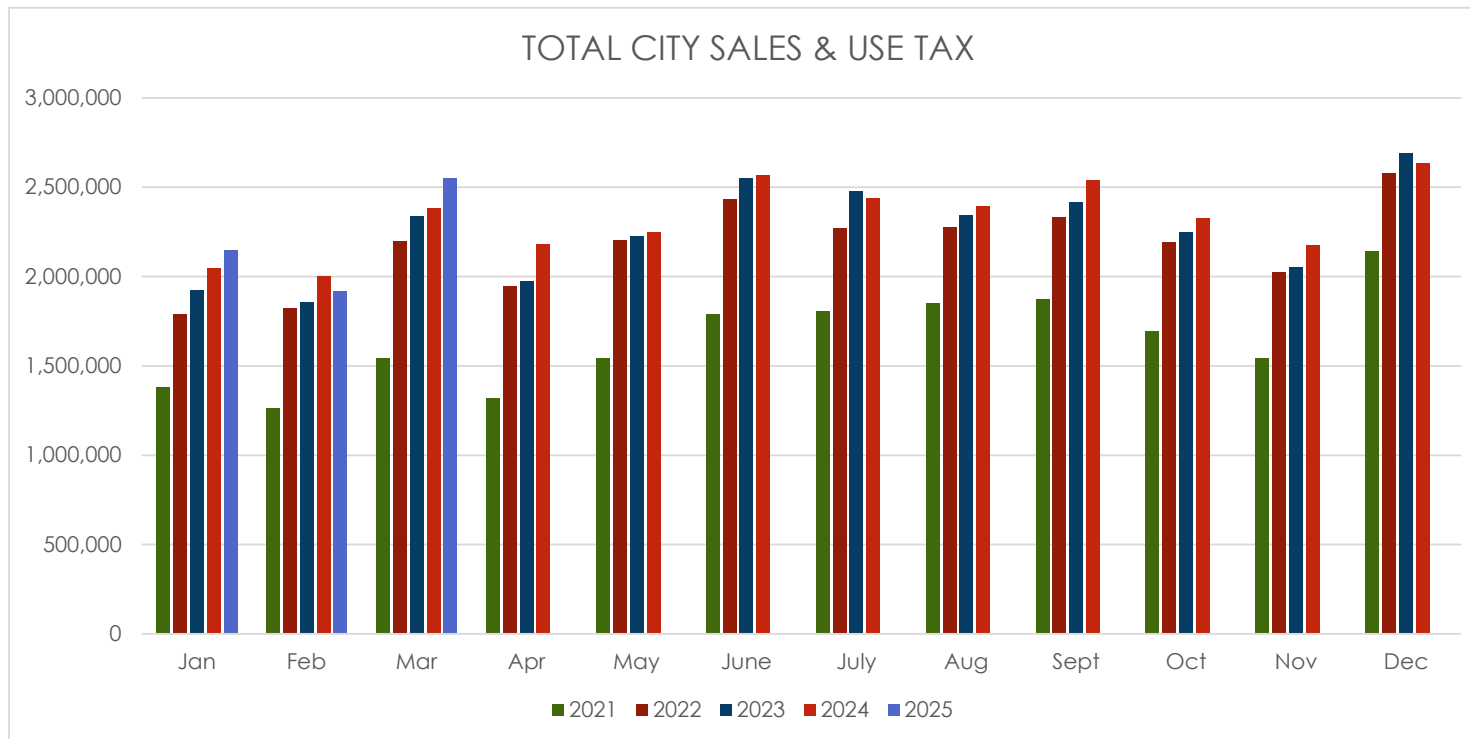
2025 CITY OF MONTROSE SALES, USE AND EXCISE TAX COLLECTIONS

	GF Retail Sales Tax			GF Const Use Tax			GF Use & Auto Tax			Total Collected GF Sales and Use Tax 3.0%			Sales and Use Budget		MURA TIF		
Month	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Budget 2025	Budget Variance	Current Year 2025	Prior Year 2024	% Increase/decrease
January	1,922,808	1,902,813	1.1%	94,018	37,669	149.6%	130,665	107,432	21.6%	2,147,491	2,047,914	4.9%	2,087,299	2.9%	20,877	5,585	273.81%
February	1,790,588	1,840,914	-2.7%	30,200	34,964	-13.6%	98,320	122,714	-19.9%	1,919,108	1,998,591	-4.0%	1,997,584	-3.9%	23,689	4,042	486.08%
March	2,253,550	2,199,714	2.4%	80,558	37,629	114.1%	217,072	143,622	51.1%	2,551,180	2,380,965	7.1%	2,422,204	5.3%	37,444	4,898	664.46%
April																	
May																	
June																	
July																	
August																	
September																	
October																	
November																	
December																	
YTD Total	5,966,946	5,943,441	0.4%	204,776	110,262	85.7%	446,057	373,767	19.3%	6,617,779	6,427,470	3.0%	6,507,087	1.7%	82,010	14,525	464.61%

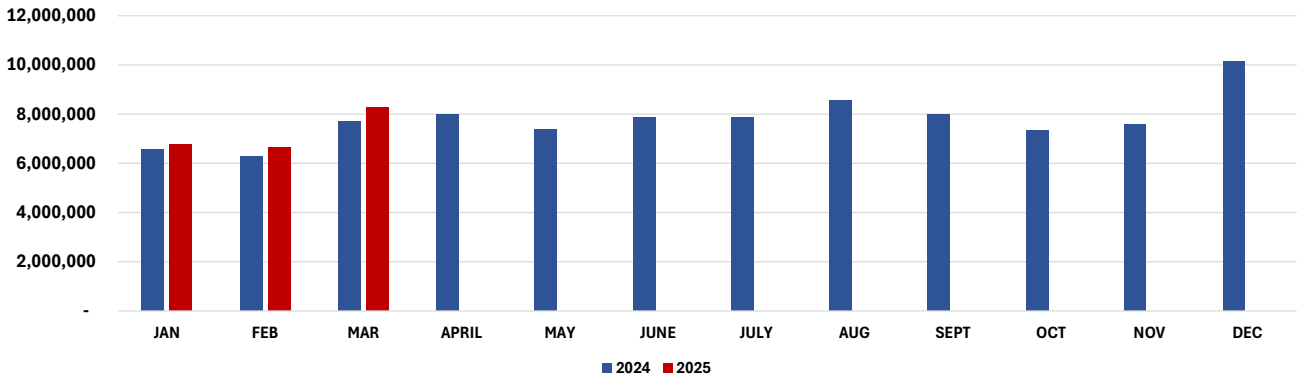
	PSST Retail Sales Tax			PSST Const Use Tax			PSST Use & Auto Tax			Total Collected PSST Sales and Use Tax .58%			PSST SALES and USE BUDGET		Montrose Recreation District 0.3%		
Month	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Budget 2025	Budget Variance	Current Year 2025	Prior Year 2024	% Increase/decrease
January	374,894	368,943	1.6%	19,926	7,273	174.0%	25,262	20,770	21.6%	420,082	396,986	5.8%	398,482	5.4%	217,285	205,370	5.8%
February	350,063	356,549	-1.8%	6,007	7,064	-15.0%	19,009	23,725	-19.9%	375,079	387,338	-3.2%	389,356	-3.7%	194,007	200,512	-3.2%
March	442,162	426,040	3.8%	17,315	9,064	91.0%	41,967	27,767	51.1%	501,444	462,871	8.3%	464,532	7.9%	259,371	239,299	8.4%
April																	
May																	
June																	
July																	
August																	
September																	
October																	
November																	
December																	
YTD Total	1,167,119	1,151,532	1.4%	43,248	23,401	84.8%	86,238	72,262	19.3%	1,296,605	1,247,195	4.0%	1,252,370	3.5%	670,663	645,181	3.9%

	Hotel Excise Tax 6%			Restaurant Excise Tax .8%			Total Collected Hotel & Restaurant Tax			Hotel & Restaurant Budget		Retail Enhancement Program			MURA TIF Hotel & Restaurant		
Month	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease	Budget 2025	Budget Variance	Current Year 2025	Prior Year 2024	% Increase/decrease	Current Year 2025	Prior Year 2024	% Increase/decrease
January	45,955	8,742	425.7%	51,895	49,121	5.6%	97,850	57,863	69.1%	59,809	63.6%	48,263	50,401	-4.2%	16,236	548	2861%
February	53,147	9,744	445.4%	49,588	47,369	4.7%	102,735	57,113	79.9%	59,125	73.8%	47,643	48,068	-0.9%	16,652	561	2867%
March	67,431	12,244	450.7%	63,597	54,984	15.7%	131,028	67,227	94.9%	69,817	87.7%	59,401	58,145	2.2%	23,185	604	3737%
April																	
May																	
June																	
July																	
August																	
September																	
October																	
November																	
December																	
YTD	166,533	30,729	441.9%	165,080	151,474	9.0%	331,613	182,203	82.0%	188,752	75.7%	155,307	156,614	-0.8%	56,073	1,714	3172%



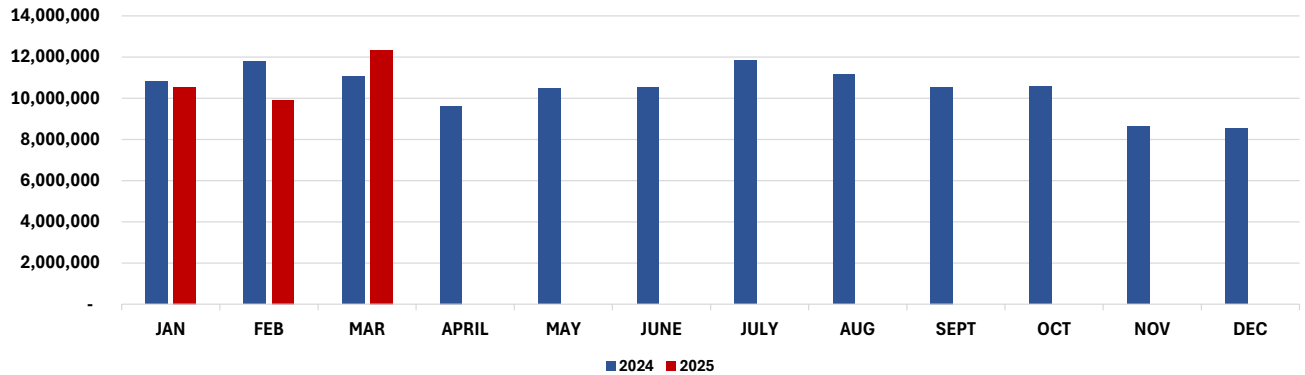


Total Taxable Retail Sales Downtown



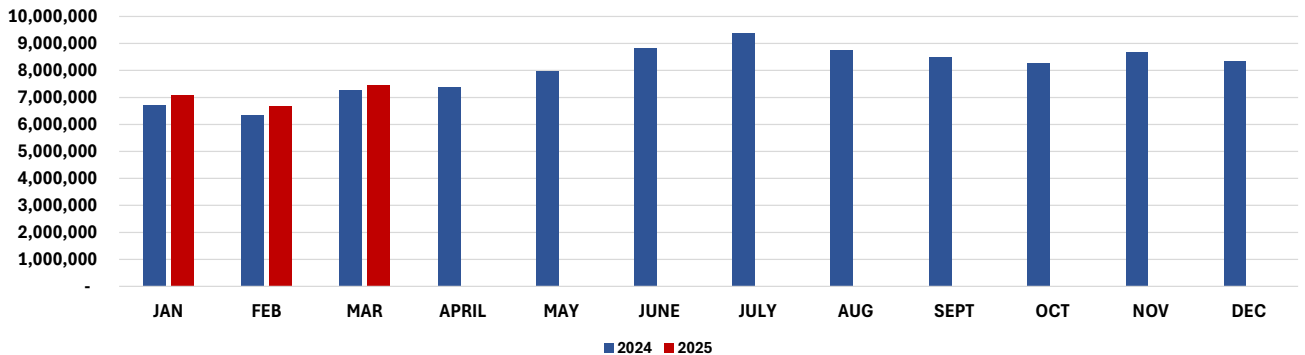
AREA 1: DOWNTOWN BOUNDAR

Total Taxable Retail Sales North Townsend



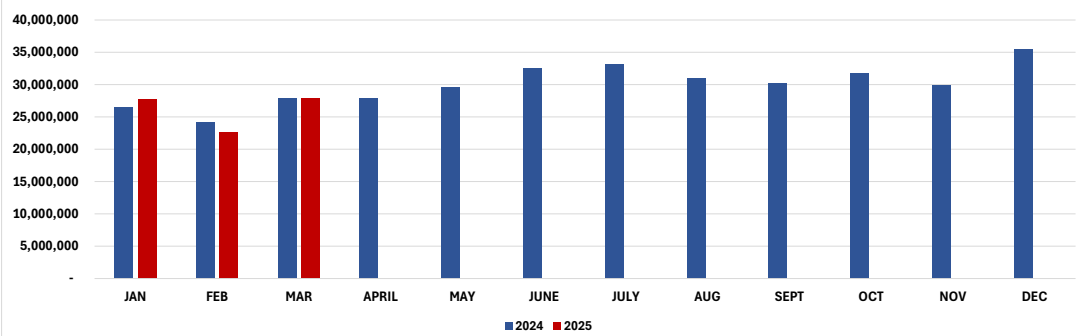
AREA 2: NORTH CITY LIMIT TO NORTH 2ND STREET

Total Taxable Retail Sales Mid-Townsend



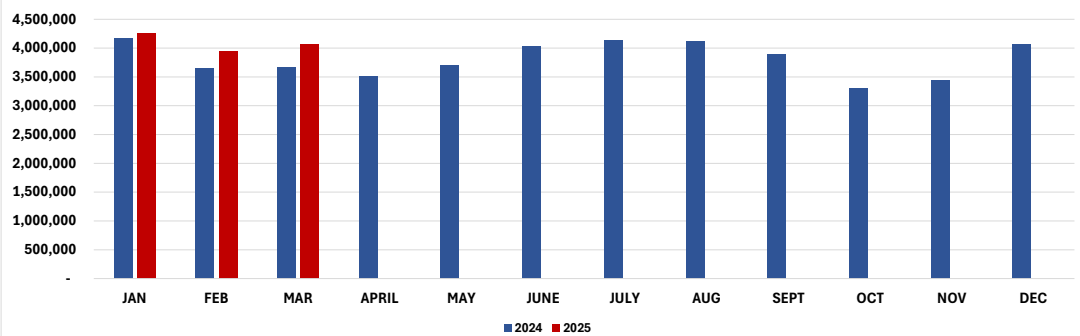
AREA 3: MID TOWNSEND SOUTH 2ND STREET TO E OAK GROVE RD

Total Taxable Retail Sales
South Townsend



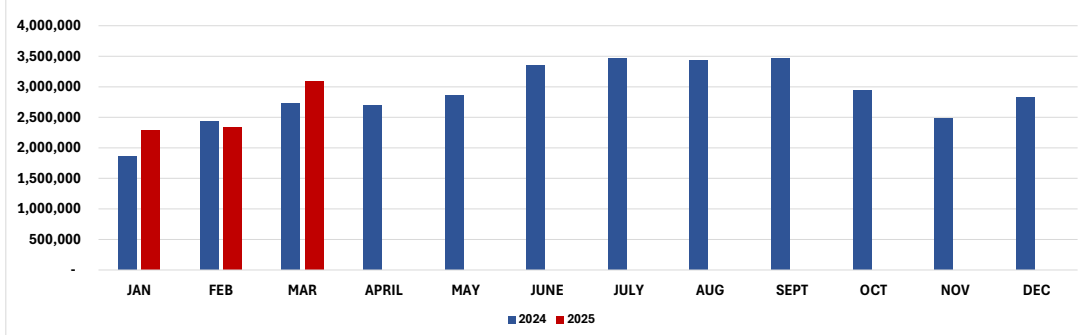
AREA 4: SOUTH TOWNSEND E OAK GROVE RD TO SOUTH CITY LIMIT

Total Taxable Retail Sales
East Main



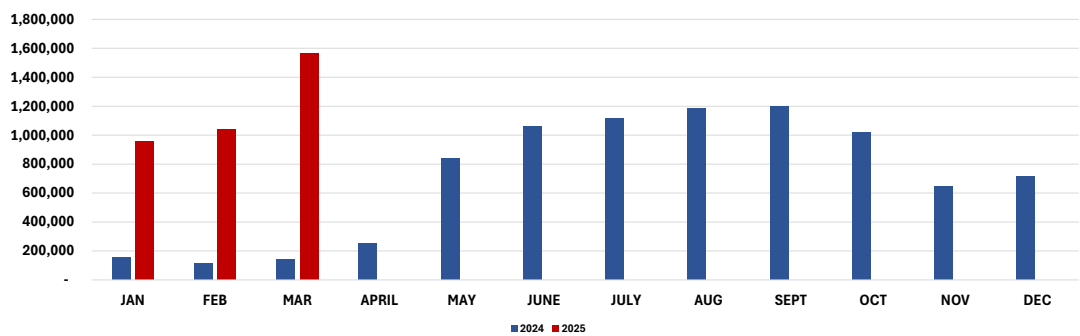
AREA 5: EAST MAIN SAN JUAN AVENUE TO EAST CITY LIMIT

Total Taxable Retail Sales
All Other Locations in City Limits of Montrose

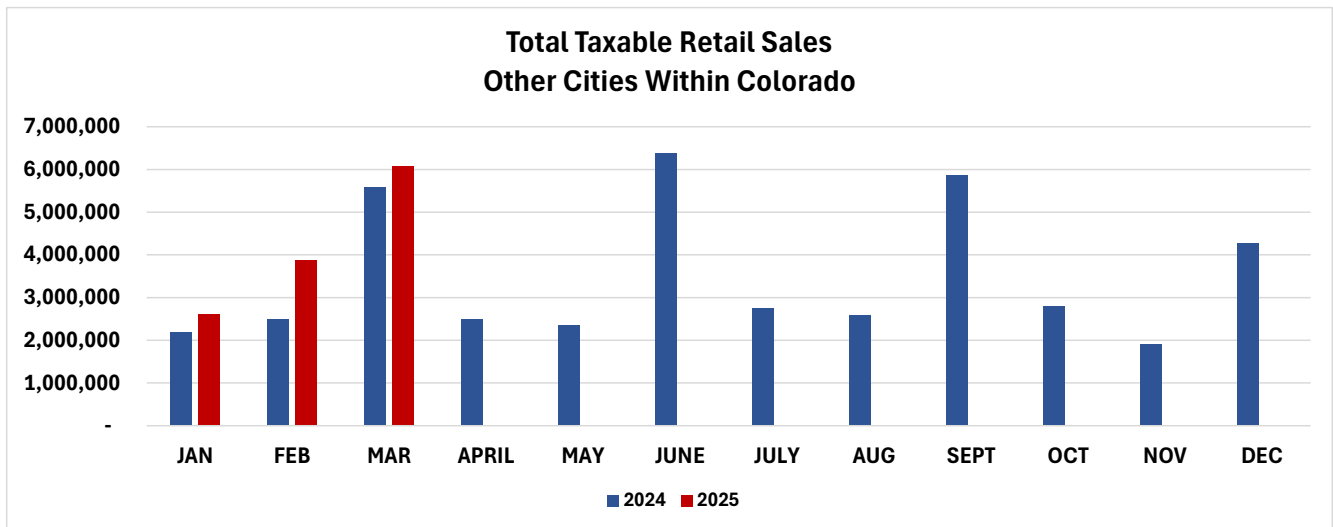


AREA 6: ALL OTHERS IN MONTROSE

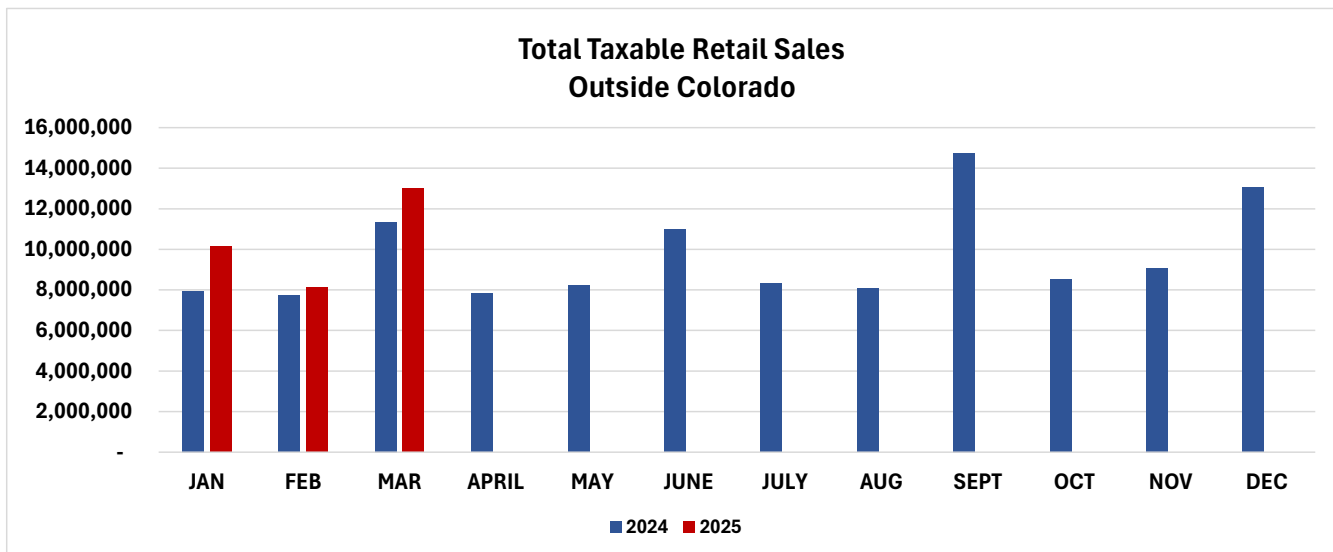
Total Taxable Retail Sales
MURA/Colorado Outdoors



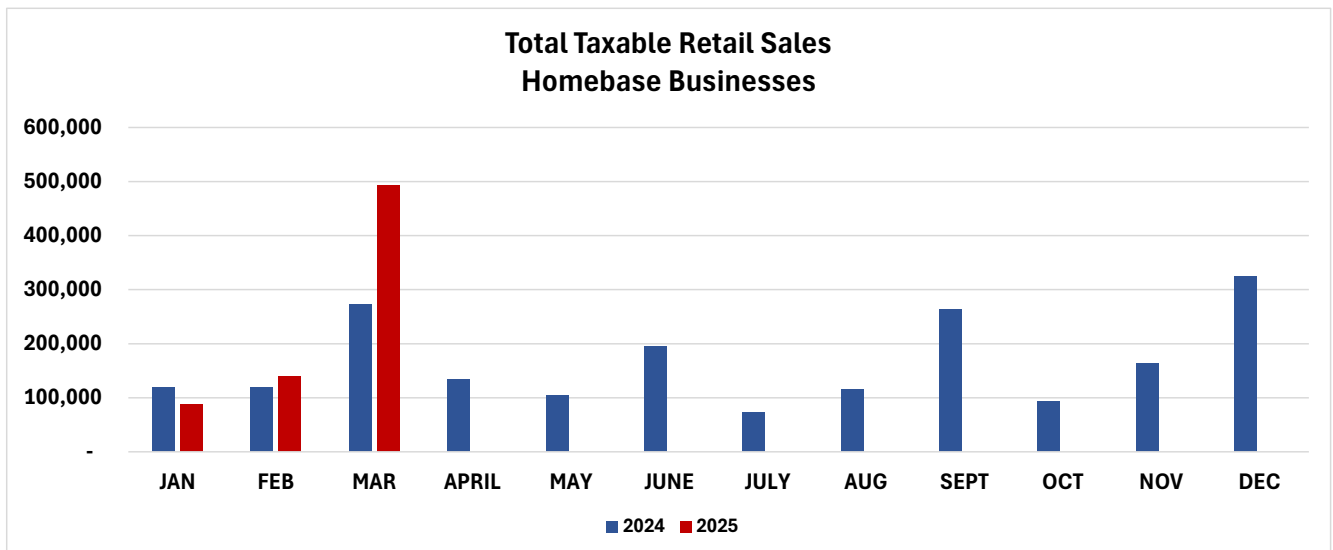
AREA 12: MURA/COLORADO OUTDOORS



AREA 7: OTHER CITIES WITHIN COLORADO



AREA 8: OUTSIDE COLORADO



AREA 9: HOME BASE BUSINESSES

City of Montrose Quarterly Budget Report

First Quarter Ending March 31, 2025

May 20, 2025

The attached Financial Report represents **unaudited** revenues and expenditures as of the end of the first quarter of 2025 with a comparison to the budget.

The main operating fund of the city is the General Fund. Revenues were collected at 23.9% and 21.7% of the expenditure was expended. Sales and Use Taxes at 3% comprise more than 85% of the total revenue in the General Fund and no mill levy/property tax is assessed or collected. Compared to 2024 collections, retail sales tax and total sales and use tax collections through March increased by .4% and 1.7% respectively.

On November 5, 2019, the voters approved an increase of .58% to the sales and use tax rate to fund public safety. Compared to 2024 sales and use tax collections through March for the Public Safety fund increased 4.0%. Public safety revenues have been collected at 24.2% and 21.0% has been expended through March 2025.

On April 1, 2014, voters approved an additional .3% sales and use tax to be collected by the city which has been used by the Montrose Recreation District to fund the new community recreation center on Woodgate Road. Collections for 2025 through March total \$670,663 which is an increase of 3.9% over 2024 collections.

The following capital projects were budgeted in the Governmental Funds for 2025.

- Improvements in city parks
- Banner Poles
- Childcare Facility Renovations
- “Keep Montrose Moving” deferred maintenance projects
- West Main Revitalization
- Woodgate Rd/East Oak Grove Roundabout

	Revenues collected YTD compared to Budget for 2025	Expenses paid YTD compared to Budget for 2025
Water Fund	17.7%	19.7%
Sewer Fund	18.5%	9.3%
Trash & Recycling Fund	25.9%	16.2%
Black Canyon Golf Course	40.9%	15.6%

Water Fund Capital improvement projects include:

- Sunnyside tank instrumentation Building
- Valve and hydrant replacement
- Waterline replacement in conjunction with street improvement projects
- Water line replacement San Juan – Townsend

Sewer Fund Capital improvement projects include:

- Sewer rehabilitation/replacement
- Manhole rehabilitation & H2S lining
- CIP 3 Sewer Design NE Trunkline
- WWTP – Engineering and Design of needed improvements

This report is provided to give the City Council an overall feel for how the city’s funds are performing. Please contact Shani Wittenberg, Finance Director, with any questions.

UNAUDITED Treasurer's Report as of March 31, 2025

Description	Checking	Savings	*CD's	Total	**Restricted	
					Funds	Available Totals
General Fund	14,083,690.19	6,893,571.51	5,641,697.69	26,618,959.39	909,492.29	25,709,467.10
Public Safety Fund	1,505,824.02	2,713,081.35		4,218,905.37	63,125.22	4,155,780.15
Retail Sales Enhancement	672,342.97	298,561.66		970,904.63	970,904.63	
Tourism	226,978.06	56,521.63	55,643.48	339,143.17	339,143.17	
Water Fund	285,770.17	3,865,979.35	-	4,151,749.52	-	4,151,749.52
Sewer Fund	157,152.58	1,723,198.93	1,252,421.56	3,132,773.07		3,132,773.07
Trash/Recycling Fund	1,131,106.33	529,572.21	-	1,660,678.54		1,660,678.54
Black Canyon Golf Course	770,497.81	57,228.33		827,726.14		827,726.14
Internal Service Funds	1,259,243.16	2,655,357.67	574,784.97	4,489,385.80		4,489,385.80
Health/Dental Mgmt	142,656.04	2,272,395.93		2,415,051.97		2,415,051.97
Total Operating	20,235,261.33	21,065,468.57	7,524,547.70	48,825,277.60	2,282,665.31	46,542,612.29
Downtown Improvement	-	970.37	-	970.37	970.37	
Downtown Opportunity Loan	96,135.27	94,606.59		190,741.86	190,741.86	
Public Education Government	1,931.53	32,228.39	-	34,159.92	34,159.92	
Surplus & Deficiency Fund	66,409.03	-	0.03	66,409.06	66,409.06	
Conservation Trust	51,547.92	246,611.87		298,159.79	298,159.79	
Pavilion Capital	6,298.42	11,445.68		17,744.10	17,744.10	
Montrose Urban Renewal	(3,981,431.09)	-		(3,981,431.09)	(3,981,431.09)	
Special Benefit Fund	347,317.93	242,265.12	-	589,583.05	589,583.05	
2010 Excise Tax Bonds	935,689.31			935,689.31	935,689.31	
EDA Fireflow Loan	-			-	-	
Demoret Trust	2,161.90	343,797.34	340,453.21	686,412.45	686,412.45	
Cemetery Perpetual	8,786.03	137,172.92		145,958.95	145,958.95	
SID Revolving	24,513.20	160,205.98	21,122.33	205,841.51	205,841.51	
Grand/Rio Grande	251,385.08	1,082,002.18	529,731.40	1,863,118.66	1,863,118.66	
Capital Improvements	10,514.04	100,393.16	-	110,907.20	110,907.20	
Total Non-Operating	(2,178,741.43)	2,451,699.60	891,306.97	1,164,265.14	1,164,265.14	
Grand Total	18,056,519.90	23,517,168.17	8,415,854.67	49,989,542.74	3,446,930.45	46,542,612.29

*CD's are available upon maturity.

**Restricted funds are in accordance with Council action, grant, State or Federal Mandate.

Savings Interest Rate 4.44%

CD Interest Rates Range from 3% to 4.51%

CITY OF MONTROSE
REVENUE & EXPENDITURE SUMMARY
as of March 31, 2025 - unaudited

	March	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
GENERAL FUND					
REVENUE					
TAXES (SALES & FRANCHISE)	2,739,636	7,174,192	29,666,753	22,492,561	24.2%
LICENSES & PERMITS	58,824	148,590	613,353	464,763	24.2%
INTERGOVERNMENTAL REVENUES	38,585	83,109	1,296,093	1,212,984	6.4%
CHARGES FOR SERVICES	15,658	17,740	47,571	29,831	37.3%
PAVILION REVENUES	10,583	21,098	135,000	113,902	15.6%
BASEBALL REVENUES	3,200	1,017	14,000	12,983	7.3%
FINES & FORFEITURES	8,962	24,454	101,500	77,046	24.1%
LEASES & RENTAL OF CITY FACILITIES	74,121	121,202	89,860	(31,342)	134.9%
TRANSFERS FROM OTHER FUNDS	53,317	159,952	639,807	479,855	25.0%
INCOME FROM INVESTMENTS	17,030	48,012	300,000	251,988	16.0%
OTHER FINANCING SOURCES	2,689	8,066	32,262	24,197	25.0%
TOTAL REVENUE	3,022,606	7,807,432	32,936,199		23.9%
TRANSFER FROM RESERVES		640,055	5,701,884		
TOTAL REVENUE AND RESERVES	3,022,606	8,447,487	38,638,083		
EXPENDITURES					
CITY COUNCIL	21,271	82,715	183,392	100,677	45.1%
YOUTH COUNCIL	600	1,445	13,000	11,555	11.1%
ECONOMIC DEVELOPMENT & COMMUNITY PROG	4,465	62,402	410,500	348,098	15.2%
CITY ATTORNEY	37,120	81,357	514,540	433,183	15.8%
CITY MANAGER	29,167	91,565	462,524	370,959	19.8%
COMMUNICATIONS	14,420	40,067	188,029	147,962	21.3%
COMPETITIVE SPORTS	2,440	7,623	70,296	62,673	10.8%
HUMAN RESOURCES	37,041	157,820	617,900	460,080	25.5%
PAVILION	54,916	162,849	757,388	594,539	21.5%
GEOGRAPHIC INFORMATION SERVICE	36,646	101,617	474,952	373,335	21.4%
FINANCE	65,096	188,900	997,469	808,569	18.9%
MUNICIPAL COURT	28,428	73,598	390,338	316,740	18.9%
TEEN COURT	-	-	5,300	5,300	0.0%
PLANNING	35,008	103,194	505,337	402,143	20.4%
INNOVATION & COMM ENGAGEMENT	2,752	9,814	53,733	43,919	18.3%
CITY CLERK	31,227	81,895	397,872	315,977	20.6%
BUILDING	31,665	82,701	496,620	413,919	16.7%
ENGINEERING	34,768	122,525	455,532	333,007	26.9%
PUBLIC WORKS ADMIN	65,536	153,265	651,586	498,321	23.5%
STREETS	329,804	648,839	4,265,412	3,616,573	15.2%
STREET CLEANING	74,760	164,257	698,180	533,923	23.5%
PARKS	148,101	332,431	3,017,839	2,685,408	11.0%
TREE PROGRAM	4,963	5,847	100,000	94,153	5.8%
SUNSET MESA MAINTENANCE	27,674	44,545	287,032	242,487	15.5%
CEMETERY	24,314	35,628	442,258	406,630	8.1%
TRANSFERS TO OTHER FUNDS	1,836,228	5,508,684	21,907,016	16,398,332	25.1%
INSURANCE AND GF FLEET LEASE	7,472	42,330	274,038	231,708	15.4%
TOTAL EXPENDITURES	2,985,951	8,388,301	38,638,083		21.7%
REVENUE OVER(UNDER) EXP.	36,655	59,185	-		

	March	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
PUBLIC SAFETY FUND					
REVENUE					
SALES AND USE TAXES	501,633	1,296,935	5,510,962	4,214,027	23.5%
GRANTS	6,389	24,157	160,661	136,504	15.0%
CHARGES FOR SERVICES	(6,494)	10,115	113,712	103,597	8.9%
INSURANCE CLAIMS AND DONATIONS	-	2,329	55,005	52,676	4.2%
INTEREST INCOME	5,436	15,949	1,000	(14,949)	1594.9%
TRANSFER FROM GENERAL FUND	700,087	2,100,261	8,395,898	6,295,637	25.0%
DRUG TASKFORCE	703	1,892	13,700	11,808	13.8%
TOTAL REVENUE	1,207,754	3,451,638	14,250,938		24.2%
TRANSFER FROM RESERVES	51,685	219,270	3,268,281		
TOTAL REVENUE AND RESERVES	1,259,439	3,670,908	17,519,219		
EXPENDITURES					
POLICE PATROL	782,542	2,416,740	11,104,314	8,687,574	21.8%
POLICE ADMINISTRATION	351,530	904,832	4,554,200	3,649,368	19.9%
DRUG TASKFORCE	45,635	125,587	626,858	501,271	20.0%
CODE ENFORCEMENT	13,507	32,249	142,308	110,059	22.7%
POLICE ACADEMY	22,190	65,573	249,529	183,956	26.3%
ANIMAL SERVICES	44,035	125,927	842,010	716,083	15.0%
TOTAL EXPENDITURES	1,259,439	3,670,909	17,519,219		21.0%
REVENUE OVER/UNDER EXP	(0)	(0)	-		
RETAIL SALES ENHANCEMENT FUND					
REVENUE					
TAXES	59,401	155,306	684,700	529,394	22.7%
GRANTS	-	-	-	-	
OTHER REVENUE	1,037	3,670	33,300		
TRANSFER FROM GENERAL FUND	5,076	15,227	60,909		
TRANSFER FROM RESERVES			4,069		
TOTAL REVENUE	65,513	174,204	782,978	529,394	22.2%
EXPENDITURES					
DART/BUSINESS OPERATIONS	43,566	79,352	746,878	667,526	10.6%
MONTROSE UNIVERSITY	-	-	36,100	36,100	0.0%
TOTAL EXPENDITURES	43,566	79,352	782,978	703,626	10.1%
REVENUE OVER(UNDER) EXP.	21,947	94,851	-		
PUBLIC/EDUCATION/GOVERNMENT					
REVENUE					
PEG FEE	295	445	16,600	16,156	2.7%
INTEREST INCOME	181	531	1,603	1,072	
TOTAL REVENUE	476	976	18,203	17,227	5.4%
TRANSFER FROM RESERVE	1227	1,721			
TOTAL REVENUE AND RESERVES	1,703	2,697	18,203	-	14.8%
EXPENDITURES	1,702	2,696	5,964	3,268	45.2%
REVENUE OVER(UNDER) EXP.	0	0	12,239		

	March	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
CONSERVATION TRUST FUND					
REVENUE					
LOTTERY REVENUE	-	-	134,100	134,100	0.0%
INCOME FROM INVESTMENTS	1,260	3,488	16,600	13,112	21.0%
TRANSFER FROM RESERVES			49,300		
TOTAL REVENUE	1,260	3,488	200,000	147,212	1.7%
EXPENDITURES					
CONSERVATION TRUST	-	-	200,000	200,000	
REVENUE OVER(UNDER) EXP.	1,260	3,488	-		
MURA - COLORADO OUTDOORS					
REVENUE					
INTERGOVERNMENTAL REVENUES	325,005	405,155	740,000	334,845	54.8%
INTEREST INCOME	-	-	-	-	
OTHER FINANCING SOURCES	-	-	-	-	
TOTAL REVENUE	325,005	405,155	740,000	334,845	54.8%
EXPENDITURES					
PROFESSIONAL FEES	6,248	6,312	-	(6,312)	
TRAIL DEVELOPMENT - RIVER	-	-	-	-	
UNCOMPAHGRE RIVER WORK	-	-	-	-	
BUSINESS DEVELOPMENT - PUBLIC IMP	-	-	-	-	
TOTAL EXPENDITURES	6,248	6,312	-	(6,312)	
REVENUE OVER(UNDER)EXP.	318,757	398,843	740,000	341,157	
SPECIAL BENEFIT FUND					
REVENUE					
GRANTS	-	-	-	-	
CHARGES FOR SERVICES	1,575	20,475	39,000	18,525	52.5%
DONATIONS FROM THE COMMUNITY	1,461	5,138	20,000	14,862	25.7%
INTEREST INCOME	181	531	100	(431)	531.0%
TRANSFER FROM RESERVE	4,601	-	84,000	-	
TOTAL REVENUES	7,818	26,144	143,100	32,956	18.3%
EXPENDITURES					
CARE OF ANIMALS	7,818	11,646	143,100	131,454	8.1%
SUNSET MESA IMPROVEMENTS	-	-	-	-	
TOTAL EXPENDITURES	7,818	11,646	143,100	131,454	8.1%
REVENUE OVER(UNDER) EXP.	0	14,499	-		
TOURISM PROMOTIONAL FUND					
REVENUE					
EXCISE TAX	79,014	201,668	911,500	709,832	22.1%
SPECIAL EVENTS	-	-	1,000	1,000	0.0%
VISITOR GUIDE AD/MERCHANDISE SALES	3,781	7,806	11,000	3,194	71.0%
INTEREST INCOME	3	9	1,000	991	0.9%
TOTAL REVENUE	82,799	209,483	924,500	715,017	22.7%
TRANSFER FROM RESERVES	30,351	15,512			
TOTAL REVENUE AND RESERVES	113,150	224,995	924,500		24.3%
EXPENDITURES					
MARKETING	62,254	94,277	416,873	322,596	22.6%
VISITOR CENTER OPERATIONS	9,593	29,397	149,010	119,613	19.7%
SPECIAL EVENT OPERATIONS	39,803	98,321	333,160	234,839	29.5%
SPORTS TOURISM	1,500	3,000	11,250	8,250	26.7%
TOTAL EXPENDITURES	113,150	224,995	910,293	685,298	24.7%
REVENUE OVER(UNDER) EXP.	(0)	(0)	14,207		

	March	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
GENERAL DEBT SERVICE					
REVENUE					
OTHER FINANCING SOURCES	153,125	459,375	1,534,251	1,074,876	29.9%
TRANSFER FROM RESERVE					
TOTAL REVENUES	153,125	459,375	1,534,251	1,074,876	
EXPENDITURES					
2020 PUBLIC SAFETY CERTIFICATE OF PARTICIPATION	-	-	903,394	903,394	0.0%
2017 INFRASTRUCTURE IMPROVEMENT LOAN	-	-	627,857	627,857	0.0%
TOTAL EXPENDITURES	-	-	1,531,251	1,531,251	
REVENUE OVER(UNDER) EXP.	153,125	459,375	3,000		
CEMETERY PERPETUAL CARE FUND					
REVENUE					
CHARGES FOR SERVICES	240	1,920	2,000	80	96.0%
INCOME FROM INVESTMENTS	509	1,494	3,100	1,606	48.2%
TOTAL REVENUE	749	3,414	5,100	1,686	
EXPENDITURES					
CEMETERY PERPETUAL CARE	225	675	2,700	2,025	25.0%
REVENUE OVER(UNDER) EXP.	524	2,739	2,400		
SPECIAL IMPROVEMENTS REVOLVING					
REVENUE					
MONTHLY PRINCIPAL AND INTEREST	-	-	59,400	59,400	0.0%
INCOME FROM INVESTMENTS	1,701	4,994	11,700	6,706	42.7%
TOTAL REVENUE	1,701	4,994	71,100	66,106	
TRANSFER FROM RESERVES			-		
TOTAL REVENUE AND RESERVES	1,701	4,994	71,100		
EXPENDITURES					
COUNTY COLLECTION FEE	146	152	-	(152)	#DIV/0!
WATER LINE RELOCATION	-	-	-	-	
TOTAL EXPENDITURES	146	152	-	(152)	
REVENUE OVER(UNDER) EXP.	1,556	4,842	71,100		
WEST SIDE ARTERIAL PROJECT					
REVENUE					
INTERGOVERNMENTAL REVENUES	-	-	-	-	
INCOME FROM INVESTMENTS	3,843	11,281	27,776	16,495	
TOTAL REVENUE	3,843	11,281	27,776	16,495	
EXPENDITURES					
ARTERIAL CONSTRUCTION	-	-	-	-	
REVENUE OVER(UNDER) EXP.	3,843	11,281	27,776		
CAPITAL and FACILITY IMPROVEMENT FUND					
REVENUE					
INTERGOVERNMENTAL REVENUES	-	-	1,750,000	1,750,000	
GRANT MATCH FROM OTHER ENTITIES	(275)	(275)	-	275	
INCOME FROM INVESTMENTS	6,666	19,573	160,898	141,325	12.2%
TRANSFER FROM GENERAL FUND	1,016,667	3,050,000	12,200,000	9,150,000	25.0%
TOTAL REVENUE	1,023,058	3,069,298	14,110,898	11,041,600	21.8%
TRANSFER FROM RESERVES	57,971			-	
TOTAL REVENUE AND RESERVES	1,081,029	3,069,298	14,110,898		
EXPENDITURES					
FACILITY IMPROVEMENTS	496,743	1,453,702	600,000	(853,702)	242.3%
CURB/GUTTER/SIDEWALK	1,574	7,805	100,000	92,195	7.8%
CAPITAL IMPROVEMENTS	461,906	751,678	10,200,000	9,448,322	7.4%
CONNECT TRAIL	4,787	79,990	3,000,000	2,920,010	
BALDRIDGE PARK IMPROVEMENTS	77	12,231	-	(12,231)	
DOWNTOWN SALES TAX TIF	-	-	-	-	
TOTAL EXPENDITURES	965,088	2,305,407	13,900,000	11,594,593	16.6%
REVENUE OVER(UNDER) EXP.	115,942	763,891	210,898		

	March	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
WATER FUND					
REVENUE					
INTERGOVERNMENTAL REVENUES	-	-	9,368	9,368	0.0%
WATER REVENUES	498,078	1,468,929	9,037,807	7,568,878	16.3%
WATER CAPACITY FEES	9,152	69,774	381,572	311,798	18.3%
INCOME FROM INVESTMENTS	19,480	57,166	231,247	174,081	24.7%
TOTAL REVENUE	526,710	1,595,869	9,659,994	8,064,125	17.7%
TRANSFER FROM RESERVES		362,047	253,528		
TOTAL REVENUE AND RESERVES	526,710	1,957,916	9,913,522	8,064,125	
EXPENDITURES					
RECORDS & COLLECTION	22,665	65,860	292,100	226,240	22.5%
WATER DIST & ADMIN	278,518	1,892,056	9,621,422	7,729,366	19.7%
WATER DEBT SERVICE	-	-	-	-	
TOTAL EXPENDITURES	301,183	1,957,916	9,913,522	7,955,606	19.7%
REVENUE OVER(UNDER) EXP.	225,527	0	-		
SEWER FUND					
REVENUE					
CHARGES FOR SERVICES	3,536	8,941	33,600	24,659	26.6%
SEWER REVENUES	303,600	918,011	4,355,419	3,437,408	21.1%
SEWER LEASE & CAPACITY FEES	33,274	109,799	1,275,118	1,165,319	8.6%
INCOME FROM INVESTMENTS	6,426	18,854	50,000	31,146	37.7%
TOTAL REVENUE	346,836	1,055,605	5,714,137		18.5%
TRANSFER FROM RESERVES			2,177,307		
TOTAL REVENUE AND RESERVES	346,836	1,055,605	7,891,444		
EXPENDITURES					
RECORDS & COLLECTION	3,941	11,124	54,363	43,239	20.5%
SEWER LINE MAINT & ADMIN	119,983	307,571	3,289,675	2,982,104	9.3%
SEWER TREATMENT	157,004	405,622	4,521,981	4,116,359	9.0%
INDUSTRIAL PRETREATMENT	4,101	7,566	25,425	17,859	29.8%
SEWER DEBT SERVICE	-	-	-	-	
TOTAL EXPENDITURES	285,029	731,884	7,891,444		9.3%
REVENUE OVER(UNDER) EXP.	61,808	323,721	-		
TRASH & RECYCLING FUND					
REVENUE					
CHARGES FOR SERVICES	290,076	870,081	3,375,367	2,505,286	25.8%
SALE OF SUPPLIES	819	3,755	5,096	1,341	73.7%
INCOME FROM INVESTMENTS	1,689	4,961	9,846	4,885	
TOTAL REVENUE	292,584	878,797	3,390,309		25.9%
TRANSFER FROM RESERVES					
TOTAL REVENUE AND RESERVES	292,584	878,797	3,390,309		
EXPENDITURES					
RECORDS & COLLECTION	4,776	13,397	66,944	53,547	20.0%
SANITATION OPER & ADMIN	216,832	505,598	3,144,787	2,639,189	16.1%
TOTAL EXPENDITURES	221,608	518,995	3,211,731	2,692,736	16.2%
REVENUE OVER(UNDER) EXP.	70,976	359,802	178,578		
BLACK CANYON GOLF COURSE					
REVENUE					
GOLF ROUNDS	59,196	111,396	348,800	237,404	31.9%
ANNUAL MEMBERSHIPS	19,550	146,764	149,600	2,836	98.1%
OTHER SALES	7,251	10,367	393,600	383,233	2.6%
TRANSFER FROM GENERAL FUND	-	526,337	1,052,674	526,337	50.0%
Transfer from Reserves	22,590				
TOTAL REVENUE	108,587	794,864	1,944,674		40.9%
EXPENDITURES					
TURF MAINTENANCE OPERATIONS	52,802	110,229	692,360	582,131	15.9%
BUSINESS OPERATIONS/CLUBHOUSE	45,392	110,965	655,635	544,670	16.9%
RUSTY PUTTER RESTAURANT	13,092	36,789	308,454	271,665	11.9%
TOTAL EXPENDITURES	111,287	257,983	1,656,449	1,398,466	15.6%
REVENUE OVER(UNDER) EXP.	(2,700)	536,882	288,225		

	March	YTD ACTUAL	ANNUAL BUDGET	VARIANCE	% of Budget
INTERNAL SERVICE FUNDS					
REVENUE					
SHARED SERVICES	0	75,820	65,003	(10,817)	
CHARGES FOR SERVICE	(0)	214	2,351	2,137	
SALE OF ASSETS & EQUIPMENT USAGE	978,394	2,520,139	10,903,243	8,383,104	23.1%
INCOME FROM INVESTMENTS	10,112	29,685	51,193	21,508	
TOTAL REVENUE	988,506	2,625,858	11,021,790		23.8%
TRANSFER FROM RESERVE					
TOTAL REVENUE AND RESERVES	988,506	2,625,858	11,021,790		
EXPENDITURES					
FLEET MANAGEMENT	100,048	596,001	4,012,713	3,416,712	14.9%
INFORMATION SERVICES	213,037	712,715	2,857,238	2,144,523	24.9%
FACILITY MANAGEMENT	152,603	359,150	2,417,692	2,058,542	14.9%
TOTAL EXPENDITURES	465,688	1,667,865	9,287,643	7,619,778	
REVENUE OVER(UNDER) EXP.	522,818	957,993	1,734,147		
HEALTH & DENTAL MGMT FUND					
REVENUE					
WESTCO PREMIUMS	23,807	74,556	293,275	218,719	25.4%
REFUNDS & REBATES	73,928	220,290	435,324	215,034	50.6%
INCOME FROM INVESTMENTS	8,115	24,244	51,448	27,204	47.1%
FROM OTHER FUNDS WITHIN THE CITY	153,841	470,031	2,164,739	1,694,708	21.7%
TRANSFER FROM RESERVES		510,315	443,975		
TOTAL REVENUE	259,691	1,299,436	3,388,761		38.3%
HEALTH & DENTAL PREMIUMS & CLAIMS	225,783	1,299,436	3,388,761	2,089,325	38.3%
REVENUE OVER(UNDER) EXP.	33,908	0	-		
MRD SALES AND USE TAX					
REVENUE	259,471	670,762	2,778,136	2,107,374	24.1%
EXPENDITURE	259,471	670,762	2,778,136	2,107,374	24.1%
REVENUE OVER(UNDER) EXP	0	(0)	-	0	