



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, August 5, 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) Oath of Office for Municipal Court Judge
- 6) 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.

**Please note that the times listed are estimates only. Actual times may vary depending upon discussion and public comment received.*



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.

7) CONSENT AGENDA (5 minutes)

- A) City Council consideration of the minutes of the July 14, 2025, special City Council meeting and the July 15, 2025, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*
- B) City Council consideration of the cancellation of the regular City Council meeting scheduled for Tuesday, December 16, 2025.
- C) City Council consideration of Resolution 2025-11, authorizing the City of Montrose Police Department to file an application for a Victim Assistance Law Enforcement (VALE) Grant through the 7th Judicial District Victims Assistance Board for the total of \$55,150.00 to cover a portion of both the current Victim Advocate’s Salary and a new Victim Advocate's salary; authorizing the Chief of Police to act in connection with the application and to provide such additional information as required; authorizing the City Manager, Chief of Police and Finance Director to sign the grant application and reporting documents. *Staff: Police Chief Blaine Hall*
- D) City Council consideration of Resolution 2025-12 authorizing assignment to the Colorado Housing and Finance Authority of a private activity bond allocation of the City of Montrose pursuant to the Colorado Private Activity Bond Ceiling Allocation Act. *Staff: Jace Hochwalt, Community Development Director*

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

8) NEW RETAIL LIQUOR STORE LICENSE APPLICATION (15 minutes)

City Council consideration of an application for a new Retail Liquor Store liquor license at 113 W. Main Street for West Main Liquor LLC, doing business as West Main Liquor, for consumption off of the licensed premises. *Staff: City Attorney Chris Dowsey*

Action: Hold a hearing. Consider making a motion to approve a new Retail Liquor Store liquor license at 113 W. Main Street for West Main Liquor LLC, doing business as West Main Liquor, for consumption off of the licensed premises.



9) NEW HOTEL AND RESTAURANT LIQUOR LICENSE APPLICATION (15 minutes)

City Council consideration of an application for a Hotel and Restaurant liquor license at 344 and 346 E. Main Street for Typhoon Hospitality, Inc., doing business as Persimmon / Ms So, for consumption on the licensed premises. *Staff: City Attorney Chris Dowsey*

Action: Hold a hearing. Consider making a motion to approve a new Hotel and Restaurant liquor license at 344 and 346 E Main Street for Typhoon Hospitality, Inc., doing business as Persimmon / Ms So for consumption on the licensed premises.

10) 2025 CITY OF MONTROSE MASTER CONTINUITY OF OPERATIONS PLAN (10 minutes)

City Council consideration of the approval of the 2025 City of Montrose Master Continuity of Operations (COOP) Plan and promulgation signature by the City Manager. *Staff: Emergency Manager Paul Eller*

Action: Accept public comment. Consider making a motion to approve the 2025 City of Montrose Master Continuity of Operations (COOP) Plan and promulgation signature by the City Manager as presented.

11) RESOLUTION 2025-13 (10 minutes)

City Council consideration of Resolution 2025-13 setting September 16, 2025, as the hearing date for the annexation of the Black Jack Addition. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to adopt Resolution 2025-13 as presented.

12) ORDINANCE 2683 - SECOND READING (15 minutes)

City Council consideration of Ordinance 2683 on second reading, an Ordinance of the City of Montrose, Colorado, amending Title 11 Chapter 7 Section 7, regarding density standards in the B-1 zone district and front-yard garage setbacks in residential zone districts. *Staff: Community Development Director Jace Hochwalt*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2683 on second reading as presented.



13) ORDINANCE 2684 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2684 on second reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of Lot 1 of the Carrier Neutral Location Minor Subdivision from "P", Public District, to "B-1", Central Business District. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2684 on second reading as presented.

14) ORDINANCE 2685 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2685 on second reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of Lot 2 of the Klein Minor Subdivision from "MHR", Manufactured Housing District, to "R-6", Medium Density/Manufactured Housing District. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2685 on second reading as presented.

15) ORDINANCE 2686 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2686 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Waterfall Canyon Pond Addition. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2686 on second reading as presented.

16) ORDINANCE 2687 - SECOND READING (5 minutes)

City Council consideration of Ordinance 2687 on second reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Waterfall Canyon Pond Addition as an "R-3", Medium Density District. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2687 on second reading as presented.

17) ORDINANCE 2688 - SECOND READING (10 minutes)

City Council consideration of Ordinance 2688 on second reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Waterfall Canyon West Addition. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2688 on second reading as presented.

18) ORDINANCE 2689 - SECOND READING (5 minutes)

City Council consideration of Ordinance 2689 on second reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Waterfall Canyon West Addition as a "R-3", Medium Density District. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2689 on second reading as presented.

19) ORDINANCE 2690 - FIRST READING (15 minutes)

City Council consideration of Ordinance 2690 on first reading, an Ordinance of the City of Montrose, Colorado, submitting to a vote to the registered electors of the City of Montrose proposed amendments to Article I Sections 7, 8, 9, 10, 11, 14, Article II sections 2, 4, 9, Article III Sections 1, 4, 7, Article IV Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 21, 22, 23, Article V Sections 5, 19, Article VI Sections 3, 5, Article VII Sections 1, 2, 3, Article VIII Sections 1, 2, 3, 5, Article IX Sections 3, 5, 6, and Article X, Section 1 of the Charter of the City of Montrose and additions of Article IV Sections 24, 25, Article VIII Section 9 to the Charter of the City of Montrose; and setting a ballot measure for the November 4, 2025, Coordinated Election. *Staff: City Attorney Chris Dowsey*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2690 on first reading as presented.

20) 6600 ROAD WATERLINE INTERCONNECT CONSTRUCTION CONTRACT (10 minutes)

City Council consideration of a contract award to Hayes Excavating in the amount of \$757,318.89 for construction of the 6600 Road Waterline Interconnect Project. *Staff: City Engineer Scott Murphy*

Action: Accept public comment. Consider making a motion to award a contract to Hayes Excavating in the amount of \$757,318.89 for construction of the 6600 Road Waterline Interconnect Project as presented.



21) STAFF REPORTS

22) CITY COUNCIL COMMENTS

23) MOTION TO ADJOURN



MONTROSE CITY COUNCIL

July 14, 2025

A special meeting of the Montrose City Council was held on Monday, July 14, 2025, at 11:00 a.m., in the Buckhorn Conference Room located in City Hall at 400 E. Main Street. Said meeting was posted in accordance with the Sunshine Law.

PRESENT

Dave Frank, Judy Ann Files, Doug Glaspell, J. David Reed, Ed Ulibarri, Chris Dowsey, Terri Wilcox, Lisa DelPiccolo

CALL TO ORDER

Mayor Dave Frank called the special meeting to order at 11:19 a.m.

EXECUTIVE SESSION

At 11:20 a.m., a motion was made by Judy Ann Files, seconded by Ed Ulibarri, to enter into an executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f); and the following additional details are added for identification purposes: Municipal Court Judge interviews. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 1:34 p.m.

At 1:35 p.m. the meeting adjourned with no further action taken.

ATTEST:

Dave Frank, Mayor

Lisa DelPiccolo, City Clerk



MONTROSE CITY COUNCIL

July 15, 2025

A regular meeting of the Montrose City Council was held on Tuesday, July 15, 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

Dave Frank, Judy Ann Files, Doug Glaspell, J. David Reed, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Chris Dowsey, Greg Story, Lisa DelPiccolo, Paul Eller, Leeanne Whittaker, William Reis, Scott Murphy, Jace Hochwalt, Heather Watson, Blaine Hall, Greg Stunder, Tim Cox, Chris Velasquez, Jaroden Siedschlag, Jim Scheid, Matt Magliaro, Chris Velasquez, Paige Sharp, Jonathan Roberts

GUESTS

Matt Miles, Marci Miles, Rick Stayner, Deb Stayner, Linda Zeman, Liz Mauch, Susan Kroll, John Connell, Laurie Connell, Aaron Ranstrom, Flint Ogle

CALL TO ORDER

Mayor Dave Frank called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

Mayor Pro Tem Judy Ann Files reported that Item 7, New Retail Liquor Store License Application, was removed from the agenda.

SOUTH RIM FIRE UPDATE

Emergency Manager Paul Eller provided an update on the South Rim Fire at Black Canyon of the Gunnison National Park. Mr. Eller reported that the fire encompasses 3,988 acres with zero

containment as of this morning. Mr. Eller said 309 personnel from federal, state, and local organizations are working the fire. Homes in Bostwick Park were evacuated, but no homes have been lost. The Park's Visitor Center was spared by the fire, but some other structures were destroyed. Mr. Eller stated that the City provided resources and support including use of a passenger van, hydrant hookups, water supplies for helicopter drops, and traffic management at the intersection of 6700 Road and Highway 50. Mr. Eller said the firefighter teams are self-sufficient and cannot accept donations from the community.

CALL FOR PUBLIC COMMENT

Liz Mauch, president of the Montrose Botanical Society, provided an update on the Botanic Gardens. Ms. Mauch said the gardens are thriving with many visitors and volunteers. Ms. Mauch thanked the City for supporting the growth of the gardens for 30 years and thanked Pavilion and Community Events Manager Katie Riley for serving as a liaison. Ms. Mauch invited City Council to a 30th anniversary celebration on September 13 and said a major renovation of the Children's Garden is underway.

APPROVAL OF MINUTES

City Council considered the minutes of the June 30, 2025, special City Council meeting and the July 1, 2025, regular City Council meeting.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve the minutes of the June 30, 2025, special City Council meeting and the July 1, 2025, regular City Council meeting as presented. All voted yes. Motion passed.

RESOLUTION 2025-08

City Council considered Resolution 2025-08, acceptance of Grant Funds from Colorado State Forest Service - Creating Resilient Forests in Colorado.

A motion was made by J. David Reed, seconded by Doug Glaspell, to adopt Resolution 2025-08 as presented. All voted yes. Motion passed.

WATERFALL CANYON POND ADDITION ANNEXATION

A hearing was held on the annexation of the Waterfall Canyon Pond Addition.

City Councilor J. David Reed recused himself from agenda items 8 through 11 due to a conflict. Mr. Reed left the City Council Chambers at 6:10 pm.

Senior Planner William Reis reviewed the annexation schedule and stated that the 8.98 acre parcel is located within the Urban Growth Boundary, within the Montrose Sanitation District and within the City of Montrose water service area. Mr. Reis stated that the property serves as a stormwater system for existing properties and infrastructure within the city limits and should be brought within the city to avoid jurisdictional issues.

Mr. Reis reviewed the proposed zoning designation of R-3, Medium Density District. He stated that the existing pond prevents residential development, and the R-3 zoning matches adjacent zoning.

Mr. Reis recommended approval of the annexation and proposed zoning designation stating that the annexation meets state and federal regulations as well as state and city annexation requirements. An annexation agreement is required and has been signed. An annexation impact report is not required. The Planning Commission unanimously recommended approval of the proposed zoning designation on June 25.

City Engineer Scott Murphy reviewed the history of the subject property and the Waterfall Canyon Subdivision. The original stormwater plan incorporated several small ponds. The developer acquired the subject parcel with the intent to replace the multiple smaller ponds with one large pond. Mr. Murphy said material from creation of the pond was used to make gravel, but any concerns related to that process are separate from this annexation.

Mr. Murphy stated the main driver of this annexation is the jurisdictional boundaries of stormwater quality and infrastructure. The ponds are regulated by the state, and the City must ensure that the state has regulatory control. Mr. Murphy stated that the water level will fluctuate but the pond will always have water and will discharge into Happy Canyon Creek. Mr. Murphy stated that the ownership and maintenance of the pond will be under future filings of Waterfall Canyon as separate HOAs and the existing HOA will not be obligated.

Resolution 2025-09

City Council considered Resolution 2025-09, findings of fact for the Waterfall Canyon Pond Addition annexation.

City Attorney Chris Dowsey reviewed the findings of fact and the statutory requirements for annexations.

Public comment was accepted. No comments were received.

A motion was made by Judy Ann Files, seconded by Doug Glaspell, to adopt Resolution 2025-09 as presented. All present voted yes. Motion passed.

Ordinance 2686 - First Reading

City Council considered Ordinance 2686 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Waterfall Canyon Pond Addition. A hearing was held.

Mayor Dave Frank opened the hearing.

Public comment was accepted.

Susan Kroll spoke regarding concerns that the existing HOA could be liable for any accidents until the future HOAs are formed.

John Connell spoke regarding the excavation of gravel from the pond and expressed concerns regarding the proposed zoning designation.

Laurie Connell spoke in opposition to the annexation due to concerns regarding potential liability and cost.

City Engineer Scott Murphy reviewed the required installation of an outlet control structure to settle runoff and control the outflow and said the pond is designed to meet effluent requirements.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to pass Ordinance 2686 on first reading as presented. Ed Ulibarri voted no. All others present voted yes. Motion passed.

ORDINANCE 2687 – FIRST READING

City Council considered Ordinance 2687 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Waterfall Canyon Pond Addition as an "R-3", Medium Density District. A hearing was held.

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 2687 on first reading as presented. Ed Ulibarri voted no. All others present voted yes. Motion passed.

WATERFALL CANYON WEST ADDITION ANNEXATION

A hearing was held on the annexation of the Waterfall Canyon West Addition.

Senior Planner William Reis reviewed the annexation timeline and reported that the 1.21 acre site is located on west side of Waterfall Canyon subdivision. Mr. Reis said that this parcel does not share a common boundary with the Waterfall Canyon Pond Addition, so a separate annexation is required. Mr. Reis stated that the property is located within the Urban Growth Boundary, within the City of Montrose sewer service area, and within the Chipeta Water service area. Mr. Reis said that this parcel is the result of a boundary line adjustment between a city property and a county property.

Mr. Reis reviewed the proposed zoning designation of R-3, Medium Density District. The parcel cannot be developed due to the existence of a creek, but the proposed zoning, matches the existing zoning on the remainder of the property.

Mr. Reis recommended approval stating that the proposal meets state and city annexation requirements. An annexation agreement is required, and an annexation impact report is not required. The Planning Commission unanimously recommended approval of the proposed zoning designation on June 25.

Developer Matt Miles stated that the property line adjustment occurred approximately 10 years ago, and he accepted the offer of the property to allow for the installation of a trail along the creek.

Resolution 2025-10

City Council considered Resolution 2025-10, findings of fact for the Waterfall Canyon West Addition annexation.

Public comment was accepted.

Laurie Cannell spoke regarding the lack of public access to the trail.

Aaron Ranstrom spoke regarding the lack of public access to the trail. Mr. Ranstrom questioned whether a public zoning designation would be more appropriate. Mr. Ranstrom spoke in favor of additional access points for the Waterfall Canyon Subdivision.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to adopt Resolution 2025-10 as presented. All present voted yes. Motion passed.

Ordinance 2688 First Reading

City Council considered Ordinance 2688 on first reading, an Ordinance of the City of Montrose, Colorado, for the annexation of the Waterfall Canyon West Addition. A hearing was held.

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 2688 on first reading as presented. All present voted yes. Motion passed.

ORDINANCE 2689 – FIRST READING

City Council considered Ordinance 2689 on first reading, an Ordinance of the City of Montrose, Colorado, providing for the zoning of the Waterfall Canyon West Addition as a "R-3", Medium Density District. A hearing was held.

Mayor Dave Frank opened the hearing.

Public comment was accepted.

John Cannell questioned why property that cannot be built upon would be annexed.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by Judy Ann Files, to pass Ordinance 2689 on first reading as presented. All present voted yes. Motion passed.

City Councilor J. David Reed rejoined the meeting at 7:58 p.m.

ORDINANCE 2683 – FIRST READING

City Council considered Ordinance 2683 on first reading, an Ordinance of the City of Montrose, Colorado, amending Title 11 Chapter 7 Section 7, regarding density standards in the B-1 zone district and front-yard garage setbacks in residential zone districts. A hearing was held.

Community Development Director Jace Hochwalt provided an overview of two proposed Municipal Code amendments. The first Code amendment would remove density standards within the B-1 zoning designation and the requirement to comply with the density standards of the R-3A zone. Mr. Hochwalt said this allows greater flexibility within the downtown core and supports a vibrant mixed-use. Mr. Hochwalt stated that there are currently no parking requirements and none are proposed within this update.

The second proposed amendment reduces garage setbacks within residential zones from 25 feet to 20 feet. Mr. Hochwalt stated that a 20-foot set back is in compliance with the Comprehensive Plan and the Housing Needs Assessment, and 20 feet tends to be the industry standard.

Mayor Dave Frank opened the hearing.

Public comment was accepted.

Flint Ogle, owner and developer of Spruce Point Patio Homes, spoke in support of the proposed updates.

Mayor Frank closed the hearing.

A motion was made by Judy Ann Files, seconded by Doug Glaspell, to pass Ordinance 2683 on first reading as presented. Ed Ulibarri voted no. All others voted yes. Motion passed.

ORDINANCE 2684 – FIRST READING

City Council considered Ordinance 2684 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of Lot 1 of the Carrier Neutral Location Minor Subdivision from “P”, Public District, to “B-1”, Central Business District. A hearing was held.

Senior Planner William Reis reported that the 0.48 acre parcel has an address of 433 S. First Street and is within the historic City Hall Annex building. Mr. Reis stated that a segment of the building was retained by the City of Montrose and contains IT infrastructure while the remainder of the facility transferred to private ownership. Mr. Reis stated that the portion no longer owned by the city needs to be rezoned to B-1, Central Business District.

Mr. Reis reviewed rezone criteria and the proposed B-1, Central Business District, designation.

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 June 25.

City Attorney Chris Dowsey stated that deed restrictions are in place on the use of the property with the condition that it will remain in public use. The building is also on the city, state and national historic registers which impose additional restrictions.

Mayor Dave Frank opened the hearing.

Public comment was accepted.

Chad Horning thanked City Council for considering the rezone and said the plans for the building are in compliance with the agreements and rules in place.

Mayor Frank closed the hearing.

A motion was made by J. David Reed, seconded by Doug Glaspell, to pass Ordinance 2684 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2685 – FIRST READING

City Council considered Ordinance 2684 on first reading, an Ordinance of the City of Montrose, Colorado, amending the zoning district designation of Lot 2 of the Klein Minor Subdivision from "MHR", Manufactured Housing District, to "R-6", Medium Density/Manufactured Housing District. A hearing was held.

Senior Planner William Reis reviewed the location of the one-acre site which has the address 675 6600 Road. Mr. Reis said the property owner requested the rezone to allow for an accessory dwelling unit on the property.

Mr. Reis reviewed rezone criteria and the requested R-6, Medium Density/Manufactured Housing District, zoning designation.

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 June 25.

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 Ed Ulibarri, to pass Ordinance 2685 on first reading 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 May 2025. Ms. Whittaker reported that total sales and use tax collections were up 3.4 percent as compared to May of 2024 with a positive budget variance of 1.6 percent. Year-to-date collections were up 3.4 percent with a positive budget variance of 2.2 percent.

Project Updates

City Engineer Scott Murphy reported that the intersection of Rio Grande and E. Oak Grove will be closed the morning of Wednesday, July 16, to allow for utility trenching.

Public Works Director Jim Scheid reported that chip seal projects are being completed and slurry seal projects are set to begin. Striping will be conducted within a few days of the slurry coating. Information is available on the city website.

CITY COUNCIL COMMENTS

No comments were provided.

ADJOURNMENT

At 7:32 p.m., the meeting adjourned with no further action taken.

ATTEST:

Dave Frank, Mayor

Lisa DelPiccolo, City Clerk

RESOLUTION 2025-11

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

WHEREAS the Montrose Police Department continues to see an increase in the need to employ two Victim Services staff.; and

WHEREAS the Montrose Police Department has seen an increase in Victim Rights cases by 37% within the last 5 years; and

WHEREAS we continue to see a steady number of crime victims that we assist annually with 524 victims served in 2024; and

WHEREAS the Victim Services staff have assisted 7 times the number of victims obtain emergency financial assistance from this time last year to June 30th of this year; and

WHEREAS, the State of Colorado has passed legislation in 2021 requiring suspects to be Advised within 48 hours of arrest, beginning in April 2022, which requires Victim Services to contact crime victims on Weekends to discuss their rights, inform them of the protective order, and ensure they have the ability to exercise their right to be present and speak; and

WHEREAS the Montrose Police Department wishes to continue to improve upon the services provided to include Victim Services availability 7 days a week in the office, Weekend Advisement coverage, helping victims with obtaining civil protection orders, apply for Crime Victim Compensation or access other community resources, regular follow up with crime victims; and

WHEREAS the Montrose Police Department wishes to reduce the burnout caused by vicarious trauma and maintain longevity with future advocates and employees within this type of position; and

WHEREAS the Montrose Police Department is mandated by the Colorado Constitution to guarantee certain rights to victims of violent crimes, employs a full time Victim Services Coordinator and one full time Victim Advocate to ensure compliance and to provide services to crime victims, and wish to apply for a portion of the Victim Services Coordinator's in the amount of \$30,150 and Victim Advocate's salary in the amount of \$25,000.00;

NOW, THEREFORE, the City Council of the City of Montrose:

- Authorizes the City of Montrose Police Department to file a Victim Assistance Law Enforcement (VALE) Grant through the 7th Judicial District Victims Assistance Board for the total of \$55,150.00, to cover a portion of both the current Victim Advocate's Salary and a new Victim Advocates salary.
- Authorizes the Chief of Police to act in connection with the application and to provide such additional information as required.
- Authorizes the City Manager, Chief of Police and Finance Director to sign the grant application and reporting documents.

ADOPTED this 5th day of August, 2025, by the Montrose City Council

CITY OF MONTROSE, COLORADO

By _____
Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Community Development Department

MEMO

TO: City Council
FROM: Christopher Ottinger, Community Development Specialist
DATE: August 5, 2025
RE: Allocating Private Activity Bonds to CHFA

INTRODUCTION

For the past seven years, the City of Montrose has assigned our allocation of Private Activity Bonds (PAB) to the Colorado Housing and Finance Authority (CHFA), and CHFA in turn puts the PAB to use in our community. We ask the City Council to again consider assigning this year's PAB allocation to CHFA.

BACKGROUND

The IRS allocates a per capita bonding authority annually for housing to each state, also known as PAB Volume Capacity or "Cap". Colorado in turn allocates this authority to statewide authorities and local governments. We have seen our cap steadily increase as our population has grown. The allocation for 2025 is \$1,396,014, a 5% increase from last year.

The City of Montrose has not desired to issue bonds directly, as there is risk and administrative burden in doing so. Allocating the PAB directly to CHFA allows our community to benefit from the PAB allocation without the City directly issuing bonds. Examples of PAB at work include in 2020, CHFA worked with the City of Montrose to use the City's PAB allocation to support Steele Properties, LLC's rehabilitation of San Juan Apartments, which serves Senior (62+ years old) Section 8 and residents with disabilities. In their single family homeownership program for 2023, CHFA funded 21 loans that amounted to \$6.0 Million, averaging \$304,385 per loan that housed 52 people at an average Area Median Income of 107% or \$69,385. For 2024, 19 loans were funded that amounted to \$6.3 Million with the median loan amount of \$330,896 that helped 52 people buy a house at an average Area Median Income of 144% or \$97,319.

RECOMMENDATION

City staff this year again recommends that City Council consider assigning our PAB allocation to CHFA, and request that CHFA use the PABs if there is the opportunity to support a multifamily affordable housing project, and/or use the allocation to support CHFA's homeownership program known as First Step or the newest program to support Coloradans who have not previously owned a home, and whose parents or guardians were not homeowners. CHFA FirstGenerations and FirstGeneration Plus offer up to \$25,000 in down payment assistance and a fixed-rate 30-year home mortgage loan to eligible borrowers. The

program also serves those raised in the foster care system who have not previously owned a home. If the City Council allocates PABs to CHFA, it will ensure funding will continue to benefit the residents of the City of Montrose.



RESOLUTION 2025 - 12
AUTHORIZING ASSIGNMENT TO THE COLORADO HOUSING
AND FINANCE AUTHORITY OF A PRIVATE ACTIVITY BOND
ALLOCATION OF THE CITY OF MONTROSE PURSUANT TO THE
COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION
ACT

WHEREAS, the City of Montrose is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing qualified residential rental projects for low- and moderate-income persons and families; and

WHEREAS, the City of Montrose is authorized and empowered under the laws of the State to issue revenue bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City of Montrose has an allocation of the 2025 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2025 (the "2025 Allocation"); and

WHEREAS, the City of Montrose has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the City of Montrose and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2025 Allocation; and

WHEREAS, City of Montrose has determined that the 2025 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds") or for the issuance of mortgage credit certificates; and

WHEREAS, the City Council of City of Montrose has determined to assign \$1,396,014.00 of its 2025 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City of Montrose and the Authority (the "Assignment of Allocation").

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Montrose as follows:

1. The assignment to the Authority of \$1,396,014.00 of City of Montrose's 2025 Allocation be and hereby is approved.

2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the City Council be and hereby is authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as they shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.

3. The City Council of the City of Montrose be and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of City of Montrose and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.

4. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

5. This resolution shall be in full force and effect upon its passage and approval.

PASSED, ADOPTED AND APPROVED this 5th day of August 2025.

Assignor:

David Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

Colorado Liquor Retail License Application

* Note that the Division will not accept cash ☒ Paid by Check Date Uploaded to MoveIt

☐ Paid Online

[☐ New License ☒ New-Concurrent ☐ Transfer of Ownership ☐ State Property Only ☐ Master file

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: SBG.Colorado.gov/Liquor

Applicant is applying as a/an ☐ Individual ☒ Limited Liability Company ☐ Association or Other
☐ Corporation ☐ Partnership (includes Limited Liability and Married Couple Partnerships)

Applicant Name If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation

West Main Liquor LLC

FEIN Number

39-2103175

State Sales Tax Number

96783120

Trade Name of Establishment (DBA)

West Main Liquor

Business Telephone

Address of Premises (specify exact location of premises, include suite/unit numbers)

113 W Main Street

City

Montrose

County

Montrose

State

Co

ZIP Code

81401

Mailing Address (Number and Street)

113 West Main Street

City or Town

Montrose

State

Co

ZIP Code

81401

Email Address

westmainliquor2022@gmail.com

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

Present Trade Name of Establishment (DBA)

El Patron Mexican Grocer, Beer, Wine, Smoke Shop

Present State License Number

04-01909

Present Class of License

FMB+W

Present Expiration Date

11.20.25

Section A Nonrefundable application fees*

☒ Application Fee for New License	\$1,100.00
☐ Application Fee for New License with Concurrent Review	\$1,200.00
☐ Application Fee for Transfer.....	\$1,100.00

Section B Liquor License Fees*

☐ Add Optional Premises to H & R	\$100.00 X		Total	
☐ Add Sidewalk Service Area.....				\$75.00
☐ Arts License (City).....				\$308.75
☐ Arts License (County)				\$308.75
☐ Beer and Wine License (City).....				\$351.25
☐ Beer and Wine License (County).....				\$436.25
☐ Brew Pub License (City).....				\$750.00
☐ Brew Pub License (County).....				\$750.00
☐ Campus Liquor Complex (City)				\$500.00
☐ Campus Liquor Complex (County)				\$500.00
☐ Campus Liquor Complex (State)				\$500.00
☐ Club License (City).....				\$308.75
☐ Club License (County).....				\$308.75
☐ Distillery Pub License (City).....				\$750.00
☐ Distillery Pub License (County)				\$750.00
☐ Entertainment Facility License (City).....				\$500.00
☐ Entertainment Facility License (County).....				\$500.00
☐ Hotel and Restaurant License (City).....				\$500.00
☐ Hotel and Restaurant License (County)				\$500.00
Hotel and Restaurant License with one optional premises (City).....				\$600.00
Hotel and Restaurant License with one optional premises (County).....				\$600.00

Section B Liquor License Fees* (Continued)

☐	Liquor-Licensed Drugstore (City).....	\$227.50
☐	Liquor-Licensed Drugstore (County).....	\$312.50
☐	Lodging Facility License (City).....	\$500.00
☐	Lodging Facility License (County)	\$500.00
☐	Manager Registration - H & R	\$30.00
☐	Manager Registration - Tavern	\$30.00
☐	Manager Registration - Lodging & Entertainment	\$30.00
☐	Manager Registration - Campus Liquor Complex	\$30.00
☐	Optional Premises License (City)	\$500.00
☐	Optional Premises License (County).....	\$500.00
☐	Racetrack License (City)	\$500.00
☐	Racetrack License (County)	\$500.00
☐	Resort Complex License (City).....	\$500.00
☐	Resort Complex License (County).....	\$500.00
☐	Related Facility - Campus Liquor Complex (City).....	\$160.00
☐	Related Facility - Campus Liquor Complex (County)	\$160.00
☐	Related Facility - Campus Liquor Complex (State)	\$160.00
☐	Retail Gaming Tavern License (City).....	\$500.00
☐	Retail Gaming Tavern License (County).....	\$500.00
☐	Retail Liquor Store License - Additional (City).....	\$227.50
☐	Retail Liquor Store License - Additional (County).....	\$312.50
☒	Retail Liquor Store (City).....	\$227.50

Section B Liquor License Fees* (Continued)

☐ Retail Liquor Store (County).....	\$312.50
☐ Tavern License (City).....	\$500.00
☐ Tavern License (County).....	\$500.00
☐ Vintners Restaurant License (City).....	\$750.00
☐ Vintners Restaurant License (County).....	\$750.00

Questions? Visit: SBG.Colorado.gov/Liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information

License Account Number

Liability Date

License Issued Through (Expiration Date)

Total

\$

1. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?..... ☐ Yes ☒ No

2. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):

a. Been denied an alcohol beverage license?..... ☐ Yes ☒ No

b. Had an alcohol beverage license suspended or revoked?..... ☐ Yes ☒ No

c. Had interest in another entity that had an alcohol beverage license suspended or revoked?..... ☐ Yes ☒ No

If you answered yes to a, b or c above, explain in detail on a separate sheet.

3. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years?..... ☐ Yes ☒ No

If "yes", explain in detail.

4. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? ☐ Yes ☒ No

or

Waiver by local ordinance? ☐ Yes ☐ No

Other

5. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? **NOTE:** The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS..... ☐ Yes ☐ No

6. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? **NOTE:** The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS..... ☐ Yes ☐ No

For additional Retail Liquor Store only.

- a. Was your Retail Liquor Store License issued on or before January 1, 2016?.... ☐ Yes ☒ No
- b. Are you a Colorado resident?..... ☒ Yes ☐ No
7. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any **current** financial interest in said business including any loans to or from a licensee..... ☐ Yes ☒ No
8. Does the applicant, as listed on line 2 of this application, **have legal possession of the premises by ownership**, lease or other arrangement?..... ☐ Yes ☒ No

☐ Ownership ☒ Lease ☐ Other (Explain in detail)

- a. If leased, list name of landlord and tenant, and date of expiration, **exactly** as they appear on the lease:

Landlord	Tenant	Expires
E & E Property LLC	West Main Liquor LLC	05/31/2029

- b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question on page 9..... ☐ Yes ☒ No
- c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8½" X 11".

9. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.

Last Name Sokhun		First Name Chan	
Date of Birth (MM/DD/YY) [REDACTED]	FEIN or SSN Number [REDACTED]	Interest/Percentage 100%	
Last Name [REDACTED]		First Name [REDACTED]	
Date of Birth (MM/DD/YY) [REDACTED]	FEIN or SSN Number [REDACTED]	Interest/Percentage [REDACTED]	
Last Name [REDACTED]		First Name [REDACTED]	
Date of Birth (MM/DD/YY) [REDACTED]	FEIN or SSN Number [REDACTED]	Interest/Percentage [REDACTED]	

Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

10. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:

Has a local ordinance or resolution authorizing optional premises been adopted?.... ☐ Yes ☐ No

Number of additional Optional Premise areas requested. (See license fee chart)

For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.

11. Liquor Licensed Drugstore (LLDS) applicants, answer the following:

a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?..... ☐ Yes ☐ No

If "yes" a copy of license must be attached.

12. Club Liquor License applicants answer the following: **Attach a copy of applicable documentation**

a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?..... ☐ Yes ☐ No

b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?..... ☐ Yes ☐ No

c. How long has the club been incorporated?.....

d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?..... ☐ Yes ☐ No

13. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:

a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)..... ☐ Yes ☐ No

14. Campus Liquor Complex applicants answer the following:

a. Is the applicant an institution of higher education?..... ☐ Yes ☐ No

b. Is the applicant a person who contracts with the institution of higher education to provide food services?..... ☐ Yes ☐ No

If "yes" please provide a copy of the contract with the institution of higher education to provide food services.

15. For all on-premises applicants.

a. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.

Last Name of Manager

First Name of Manager

16. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number..... ☐ Yes ☐ No

Name

Type of License

Account Number

17. Related Facility - Campus Liquor Complex applicants answer the following:

- a. Is the related facility located within the boundaries of the Campus Liquor Complex?..... ☐ Yes ☐ No

If yes, please provide a map of the geographical location within the Campus Liquor Complex.

If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.

b. Designated Manager for Related Facility - Campus Liquor Complex

Last Name of Manager

First Name of Manager

18. Entertainment Facility License

If Applicant is applying for an Entertainment Facility License, you affirm that your business model and aligns with the statutory privileges and requirements: ☐ Yes ☐ No

Pursuant to 44-3-103(15.5) C.R.S., an Entertainment Facility means an establishment in which the primary business is to provide the public with sports or entertainment activities within its licensed premises; and that, incidental to its primary business, sells and serves alcohol beverages at retail for consumption on the licensed premises; and has sandwiches and light snacks available for consumption on the licensed premises.

☐☐

If Applicant is applying for a Lodging Facility License, you affirm that your business model and aligns with the statutory privileges and requirements: ☐ Yes ☐ No

Pursuant to 44-3-103(29) C.R.S., a Lodging Facility means an establishment in which the primary business is to provide the public with sleeping rooms and meeting facilities; and that sells and serves alcohol beverages at retail for consumption on the licensed premises; and has sandwiches and light snacks available for consumption on the licensed premises.

19. Tax Information.

- a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?..... ☐ Yes ☒ No

- b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?..... ☐ Yes ☒ No

If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the applicant**. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.

Name		Date of Birth (MM/DD/YY)	
Sokhun Chan			
Street Address			
City	State	ZIP Code	Position
Montrose	Co	81401	Owner
		% Owned	
		100%	
Name		Date of Birth (MM/DD/YY)	
Street Address			
City	State	ZIP Code	Position
		% Owned	
Name		Date of Birth (MM/DD/YY)	
Street Address			
City	State	ZIP Code	Position
		% Owned	
Name		Date of Birth (MM/DD/YY)	
Street Address			
City	State	ZIP Code	Position
		% Owned	
Name		Date of Birth (MM/DD/YY)	
Street Address			
City	State	ZIP Code	Position
		% Owned	
Name		Date of Birth (MM/DD/YY)	
Street Address			
City	State	ZIP Code	Position
		% Owned	

** If applicant is owned 100% by a parent company, please list the designated principal officer on above.

** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)

** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

☒ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

I would like to apply for a Two-Year Renewal..... Yes No

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer and Wine Code which affect my license.

Sokhun Chan
Printed Name

Owner
Title

Authorized Signature Somy

05/09/2025
Date (MM/DD/YY)

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

June 5, 2025
Date application filed with local authority

Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)

July 15, 2025

For Transfer Applications Only - Is the license being transferred valid?..... Yes No

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:

☒ Fingerprinted

Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license

(Check One)

☐

☒ Date of inspection or anticipated date

Will conduct inspection upon approval of state licensing authority

Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?

Yes

☒ No

☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,0000? ☐ Yes ☐ No

NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS. ☐ ☐

Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period? ☐ Yes ☐ No

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. **Therefore, this application is approved.** ☐ ☐

Local Licensing Authority Approves this license for a two-year renewal..... ☐ Yes ☐ No

If "No", please cite the law, regulation, local ordinance or resolution that gives the local licensing authority the ability to deny the applicant and grounds for denial. Also, please provide any and all investigative reports, and administrative or criminal action that relate or justify this denial.

Proof of Violation ☐

☐	☐
-----------------------	-----------------------

Local Licensing Authority for	Telephone Number	5-9-2025	Town, City
			County

Printed Name

Title

Signature

Date (MM/DD/YY)

Printed Name

Title

Signature

Date (MM/DD/YY)



CITY OF MONTROSE

OFFICE OF THE CITY CLERK



Lisa DelPiccolo, MMC, City Clerk

Direct Dial: 970.240.1422

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

July 9, 2025

Petitions were circulated in support of a Retail Liquor Store liquor license at 113 W. Main Street for West Main Liquor LLC, doing business as West Main Liquor.

A summary of the petitions is as follows:

299 Signatures were submitted

192 Signatures were determined to be insufficient

123 outside of city limits

57 provided an insufficient address

5 failed to provide the age of the signer

2 failed to provide a signature

1 person signed twice

3 provided an insufficient address and failed to sign

1 provided an insufficient address and did provide the age of the signer

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

Comments received in support of the license being issued:

- My go-to store
- It has been a liquor store for so long, I think they should be able to keep the tradition going.
- Please
- I like when I can get my liquor convenient
- Please keep them in business as is
- Keep liquor out of big grocery stores/keep local!
- Give it to them now
- We need more liquor stores
- Support small businesses
- Support local



July 10, 2025
Page 2

Respectfully,

A handwritten signature in blue ink that reads "Lisa DelPiccolo".

Lisa DelPiccolo, MMC
City Clerk

Colorado Liquor Retail License Application

* Note that the Division will not accept cash ☒ Paid by Check Date Uploaded to MoveIt

☐ Paid Online

☒ New License ☒ New-Concurrent ☐ Transfer of Ownership ☐ State Property Only ☐ Master file

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: SBG.Colorado.gov/Liquor

Applicant is applying as a/an ☐ Individual ☐ Limited Liability Company ☐ Association or Other
☒ Corporation ☐ Partnership (includes Limited Liability and Married Couple Partnerships)

Applicant Name If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation

Typhoon Hospitality Inc

FEIN Number

99-4454309

State Sales Tax Number

Trade Name of Establishment (DBA)

Persimmon / Ms So

Business Telephone

970-325-3443

Address of Premises (specify exact location of premises, include suite/unit numbers)

344 & 346 E Main Street

City

Montrose

County

Montrose County

State

Co

ZIP Code

81401

Mailing Address (Number and Street)

12 S Cascade, Suite 104

City or Town

Montrose

State

Co

ZIP Code

81401

Email Address

alia.eyres@typhoon.group

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

Present Trade Name of Establishment (DBA)

Present State License Number

Present Class of License

Present Expiration Date

Section A Nonrefundable application fees*

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

Section B Liquor License Fees*

- ☐ Add Optional Premises to H & R\$100.00 X Total
- ☐ Add Sidewalk Service Area.....\$75.00
- ☐ Arts License (City).....\$308.75
- ☐ Arts License (County)\$308.75
- ☐ Beer and Wine License (City).....\$351.25
- ☐ Beer and Wine License (County).....\$436.25
- ☐ Brew Pub License (City)\$750.00
- ☐ Brew Pub License (County).....\$750.00
- ☐ Campus Liquor Complex (City)\$500.00
- ☐ Campus Liquor Complex (County)\$500.00
- ☐ Campus Liquor Complex (State)\$500.00
- ☐ Club License (City)\$308.75
- ☐ Club License (County)\$308.75
- ☐ Distillery Pub License (City).....\$750.00
- ☐ Distillery Pub License (County)\$750.00
- ☐ Entertainment Facility License (City).....\$500.00
- ☐ Entertainment Facility License (County).....\$500.00
- ☒ Hotel and Restaurant License (City).....\$500.00
- ☐ Hotel and Restaurant License (County)\$500.00
- ☐ Hotel and Restaurant License with one optional premises (City).....\$600.00
- ☐ Hotel and Restaurant License with one optional premises (County).....\$600.00

Section B Liquor License Fees* (Continued)

☐ Liquor-Licensed Drugstore (City).....	\$227.50
☐ Liquor-Licensed Drugstore (County).....	\$312.50
☐ Lodging Facility License (City).....	\$500.00
☐ Lodging Facility License (County)	\$500.00
☐ Manager Registration - H & R	\$30.00
☐ Manager Registration - Tavern	\$30.00
☐ Manager Registration - Lodging & Entertainment	\$30.00
☐ Manager Registration - Campus Liquor Complex	\$30.00
☐ Optional Premises License (City)	\$500.00
☐ Optional Premises License (County).....	\$500.00
☐ Racetrack License (City)	\$500.00
☐ Racetrack License (County)	\$500.00
☐ Resort Complex License (City).....	\$500.00
☐ Resort Complex License (County).....	\$500.00
☐ Related Facility - Campus Liquor Complex (City).....	\$160.00
☐ Related Facility - Campus Liquor Complex (County)	\$160.00
☐ Related Facility - Campus Liquor Complex (State)	\$160.00
☐ Retail Gaming Tavern License (City).....	\$500.00
☐ Retail Gaming Tavern License (County).....	\$500.00
☐ Retail Liquor Store License - Additional (City).....	\$227.50
☐ Retail Liquor Store License - Additional (County).....	\$312.50
☐ Retail Liquor Store (City)	\$227.50

Section B Liquor License Fees* (Continued)

- ☐ Retail Liquor Store (County).....\$312.50
- ☐ Tavern License (City).....\$500.00
- ☐ Tavern License (County).....\$500.00
- ☐ Vintners Restaurant License (City).....\$750.00
- ☐ Vintners Restaurant License (County).....\$750.00

Questions? Visit: SBG.Colorado.gov/Liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information

License Account Number

Liability Date

License Issued Through (Expiration Date)

Total

\$

1. Is the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers under the age of twenty-one years?..... ☐ Yes ☒ No

2. Has the applicant (including any of the partners if a partnership; members or managers if a limited liability company; or officers, stockholders or directors if a corporation) or managers ever (in Colorado or any other state):

a. Been denied an alcohol beverage license?..... ☐ Yes ☒ No

b. Had an alcohol beverage license suspended or revoked?..... ☐ Yes ☒ No

c. Had interest in another entity that had an alcohol beverage license suspended or revoked?..... ☐ Yes ☒ No

If you answered yes to a, b or c above, explain in detail on a separate sheet.

3. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years?..... ☐ Yes ☒ No

If "yes", explain in detail.

4. Are the premises to be licensed within 500 feet, of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? ☐ Yes ☒ No

or

Waiver by local ordinance? ☐ Yes ☐ No

Other

5. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of greater than (>) 10,000? **NOTE:** The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS..... ☐ Yes ☒ No

6. Is your Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of less than (<) 10,000? **NOTE:** The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS..... ☐ Yes ☒ No

For additional Retail Liquor Store only.

- a. Was your Retail Liquor Store License issued on or before January 1, 2016?.... ☐ Yes ☐ No
- b. Are you a Colorado resident?..... ☐ Yes ☐ No

7. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any **current** financial interest in said business including any loans to or from a licensee..... ☐ Yes ☒ No

8. Does the applicant, as listed on line 2 of this application, **have legal possession of the premises by ownership, lease or other arrangement?**..... ☒ Yes ☐ No

☒ Ownership ☐ Lease ☐ Other (Explain in detail)

- a. If leased, list name of landlord and tenant, and date of expiration, **exactly** as they appear on the lease:

Landlord

TYPHOON PROPERTIES II LLC

Tenant

TYPHOON HOSPITALITY INC

Expires

30 JUNE 2027

- b. Is a percentage of alcohol sales included as compensation to the landlord? If yes, complete question on page 9..... ☐ Yes ☒ No

- c. Attach a diagram that designates the area to be licensed in black bold outline (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8½" X 11".

9. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies) will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business? Attach a separate sheet if necessary.

Last Name		First Name	
Date of Birth (MM/DD/YY)	FEIN or SSN Number	Interest/Percentage	

Last Name		First Name	
Date of Birth (MM/DD/YY)	FEIN or SSN Number	Interest/Percentage	

Last Name		First Name	
Date of Birth (MM/DD/YY)	FEIN or SSN Number	Interest/Percentage	

Attach copies of all notes and security instruments and any written agreement or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

10. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:

Has a local ordinance or resolution authorizing optional premises been adopted?.... ☐ Yes ☐ No

Number of additional Optional Premise areas requested. (See license fee chart)

For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), include a diagram of the service area and documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.

11. Liquor Licensed Drugstore (LLDS) applicants, answer the following:

a. Is there a pharmacy, licensed by the Colorado Board of Pharmacy, located within the applicant's LLDS premise?..... ☐ Yes ☐ No

If "yes" a copy of license must be attached.

12. Club Liquor License applicants answer the following: **Attach a copy of applicable documentation**

a. Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?..... ☐ Yes ☐ No

b. Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?..... ☐ Yes ☐ No

c. How long has the club been incorporated?.....

d. Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?..... ☐ Yes ☐ No

13. Brew-Pub, Distillery Pub or Vintner's Restaurant applicants answer the following:

a. Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)..... ☐ Yes ☐ No

14. Campus Liquor Complex applicants answer the following:

a. Is the applicant an institution of higher education?..... ☐ Yes ☐ No

b. Is the applicant a person who contracts with the institution of higher education to provide food services?..... ☐ Yes ☐ No

If "yes" please provide a copy of the contract with the institution of higher education to provide food services.

15. For all on-premises applicants.

a. For all Liquor Licensed Drugstores (LLDS) the Permitted Manager must also submit an Manager Permit Application - DR 8000 and fingerprints.

Last Name of Manager

First Name of Manager

16. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number..... ☐ Yes ☒ No

Name

Type of License

Account Number

17. Related Facility - Campus Liquor Complex applicants answer the following:

- a. Is the related facility located within the boundaries of the Campus Liquor Complex?**..... ☐ Yes ☐ No

If yes, please provide a map of the geographical location within the Campus Liquor Complex.

If no, this license type is not available for issues outside the geographical location of the Campus Liquor Complex.

- b. Designated Manager for Related Facility - Campus Liquor Complex**

Last Name of Manager

First Name of Manager

18. Entertainment Facility License

If Applicant is applying for an Entertainment Facility License, you affirm that your business model and aligns with the statutory privileges and requirements: ☐ Yes ☐ No

Pursuant to 44-3-103(15.5) C.R.S., an Entertainment Facility means an establishment in which the primary business is to provide the public with sports or entertainment activities within its licensed premises; and that, incidental to its primary business, sells and serves alcohol beverages at retail for consumption on the licensed premises; and has sandwiches and light snacks available for consumption on the licensed premises.

If Applicant is applying for a Lodging Facility License, you affirm that your business model and aligns with the statutory privileges and requirements: ☐ Yes ☐ No

Pursuant to 44-3-103(29) C.R.S., a Lodging Facility means an establishment in which the primary business is to provide the public with sleeping rooms and meeting facilities; and that sells and serves alcohol beverages at retail for consumption on the licensed premises; and has sandwiches and light snacks available for consumption on the licensed premises.

19. Tax Information.

- a. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?**..... ☐ Yes ☒ No

- b. Has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?**..... ☐ Yes ☒ No

If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the applicant**. All persons listed below must also attach form DR 8404-I (Individual History Record), and make an appointment with an approved State Vendor through their website. See application checklist, Section IV, for details.

Name			Date of Birth (MM/DD/YY)	
Alia Eyres				
Street Address				
City	State	ZIP Code	Position	% Owned
			Owner	100
Name			Date of Birth (MM/DD/YY)	
Street Address				
City	State	ZIP Code	Position	% Owned
Name			Date of Birth (MM/DD/YY)	
Street Address				
City	State	ZIP Code	Position	% Owned
Name			Date of Birth (MM/DD/YY)	
Street Address				
City	State	ZIP Code	Position	% Owned
Name			Date of Birth (MM/DD/YY)	
Street Address				
City	State	ZIP Code	Position	% Owned
Name			Date of Birth (MM/DD/YY)	
Street Address				
City	State	ZIP Code	Position	% Owned

** If applicant is owned 100% by a parent company, please list the designated principal officer on above.

** Corporations - the President, Vice-President, Secretary and Treasurer must be accounted for above (Include ownership percentage if applicable)

** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

☒ Applicant affirms that no individual other than these disclosed herein owns 10% or more of the applicant and does not have financial interest in a prohibited liquor license pursuant to Article 3 or 5, C.R.S.

I would like to apply for a Two-Year Renewal..... ☒ Yes ☐ No

Oath Of Applicant

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer and Wine Code which affect my license.

Printed Name

Alia E Eyres

Title

Owner

Authorized Signature



Date (MM/DD/YY)

06/11/25

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

Date application filed with local authority

July 2, 2025

Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application)

August 5, 2025

For Transfer Applications Only - Is the license being transferred valid?..... ☐ Yes ☐ No

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) or a DR 8000 (Manager Permit) has been:

☒ Fingerprinted

☒ Subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with and aware of, liquor code provisions affecting their class of license

(Check One)

☐ Date of inspection or anticipated date

☒ Will conduct inspection upon approval of state licensing authority

☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 1,500 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of > 10,000?

☐ Yes ☐ No

- ☐ Is the Liquor Licensed Drugstore (LLDS) or Retail Liquor Store (RLS) within 3,000 feet of another retail liquor license for off-premises sales in a jurisdiction with a population of < 10,000? ☐ Yes ☐ No

NOTE: The distance shall be determined by a radius measurement that begins at the principal doorway of the LLDS/RLS premises for which the application is being made and ends at the principal doorway of the Licensed LLDS/RLS.

- ☐ Does the Liquor-Licensed Drugstore (LLDS) have at least twenty percent (20%) of the applicant's gross annual income derived from the sale of food, during the prior twelve (12) month period? ☐ Yes ☐ No

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 44, Article 4 or 3, C.R.S., and Liquor Rules. **Therefore, this application is approved.**

Local Licensing Authority Approves this license for a two-year renewal..... ☐ Yes ☐ No

If "No", please cite the law, regulation, local ordinance or resolution that gives the local licensing authority the ability to deny the applicant and grounds for denial. Also, please provide any and all investigative reports, and administrative or criminal action that relate or justify this denial.

Proof of Violation

Local Licensing Authority for Telephone Number ☐ Town, City
☐ County

Printed Name	Title
Signature	Date (MM/DD/YY)
Printed Name	Title
Signature	Date (MM/DD/YY)



***Typhoon Hospitality Inc.
d/b/a Persimmon/Ms So***

**344 & 346 E. Main St.,
Montrose, CO 81401**

**Hotel and Restaurant
Liquor License**



PETITION SURVEYS

**Liquor Licensing
Marijuana Licensing**

July 23, 2025

Liquor Licensing Authority
Montrose, Colorado

Re: Petition/Opinion Poll to Determine Needs and Desires
of the Defined Neighborhood in the Application of:

Typhoon Hospitality Inc. d/b/a Persimmon/Ms So

344 & 346 E. Main St., Montrose, CO 81401

Hotel and Restaurant Liquor License

PETITION/OPINION POLL PROCEDURE

1. Under the direction and control of Oedipus Petitioning LLC management, the Oedipus Petitioning LLC contractors were briefed on the application.
2. The contractors carried a clipboard with the following:
 - A. Maps and cover pages of the area denoting the proposed location of the license and the boundaries of the defined neighborhood;
 - B. Petition signature pages allowing individuals contacted to indicate their opinion; and
 - C. A statistics sheet to record the opinion of those not signing and not-at-homes.
3. Business and residential petitioning was conducted on July 21, 2025, within the designated area prescribed by the City of Montrose (see maps). The circulation packets have cover maps, and the areas in which each petition circulation/polling took place are outlined in highlighter. Included in this Report is a master circulation map outlining all areas where circulation/polling was conducted.
4. Individuals who were available in areas not posted as “No Soliciting, Private Property/No Trespassing” were contacted on a random sampling basis, were screened to identify them as parties in interest, and were asked their opinion after they had been informed of the applicant, site location, and type of license being applied for. Their opinion was either recorded on the petition format or on the statistics sheet.

5. Two (2) petition packets (one packet representing businesses and one packet representing residences) were pre-filed electronically with this Report on July 23, 2025, to Lisa DelPiccolo, City Clerk, to comply with the pre-filing deadline.

PETITION/OPINION POLL RESULTS

1.	<u>Total Doorknocks:</u>		
	Not-at-Homes and/or Business Owners/Managers Not Available	75	
	Not Qualified to Sign	17	
	Neutral to Outcome	1	
	Preferred to Not Participate	8	
	Parties in Interest that Participated	135	
	Deleted Signatures	<u>27</u>	
	Total Base Figure	263	
2.	<u>Qualified Contacts:</u>		
A.	<u>Signatures</u>		
	Signatures Favoring Issuance	133	
	Businesses	48	
	Residences	85	
	Signatures Opposing Issuance	2	
	Businesses	2	
	Residences	0	
	Total Contacts	135	
	<u>B. Breakdown of Reasons of Signatures in Opposition:</u>		
	Not Needed or Desired	0	
	Abhorrence of Alcohol	1	
	Religious Objections	0	
	Usage Objections	0	
	Miscellaneous Reasons	0	
	No Reason Given	<u>1</u>	
	Total Signatures	2	
C.	<u>Breakdown of Signatures Favoring and Opposing:</u>		
	Favoring Issuance (Based on Needs/Desires)	133	= 98.52%
	Opposing Issuance (Based on Needs/Desires)	0	= 0.00%
	Abhorrence of Alcohol	1	= 0.74%

Religious Objections	0	=	0.00%
Usage Objections	0	=	0.00%
Other Miscellaneous Reasons	0	=	0.00%
No Reason Given	<u>1</u>	=	<u>0.74%</u>
Total Base Figure	135	=	100.00%

3. Needs and Desires Signatures:

Signatures Favoring Issuance (Based on Needs/Desires)	133	=	100.00%
Signatures Opposing Issuance (Based on Needs/Desires)	<u>0</u>	=	<u>0.00%</u>
Total Base Figure	133	=	100.00%

The petition packets are presented as follows: Cover maps, petitions, and affidavit.

#1 & #2 / Benjamyn Barton / Businesses & Residences

CATEGORIES OF SIGNATURES IN OPPOSITION

NN NEEDS & DESIRES CRITERIA:

Individuals opposed to the license application based on needs and desires criteria per the Colorado Liquor/Beer Codes (currently existing licensed establishments of a same or similar type of license now located within the defined neighborhood are meeting the reasonable requirements of the adult inhabitants of the defined neighborhood at this time).

N/A NON-USAGE OF ALCOHOL / ABHORRENCE OF ALCOHOL:

Individuals opposed to the license application because they do not drink alcohol beverages, do not approve of alcohol consumption, and/or abhor alcohol.

RO RELIGIOUS OBJECTIONS:

Individuals opposed to the license application based on religious beliefs/reasons.

OBJ USAGE OBJECTIONS:

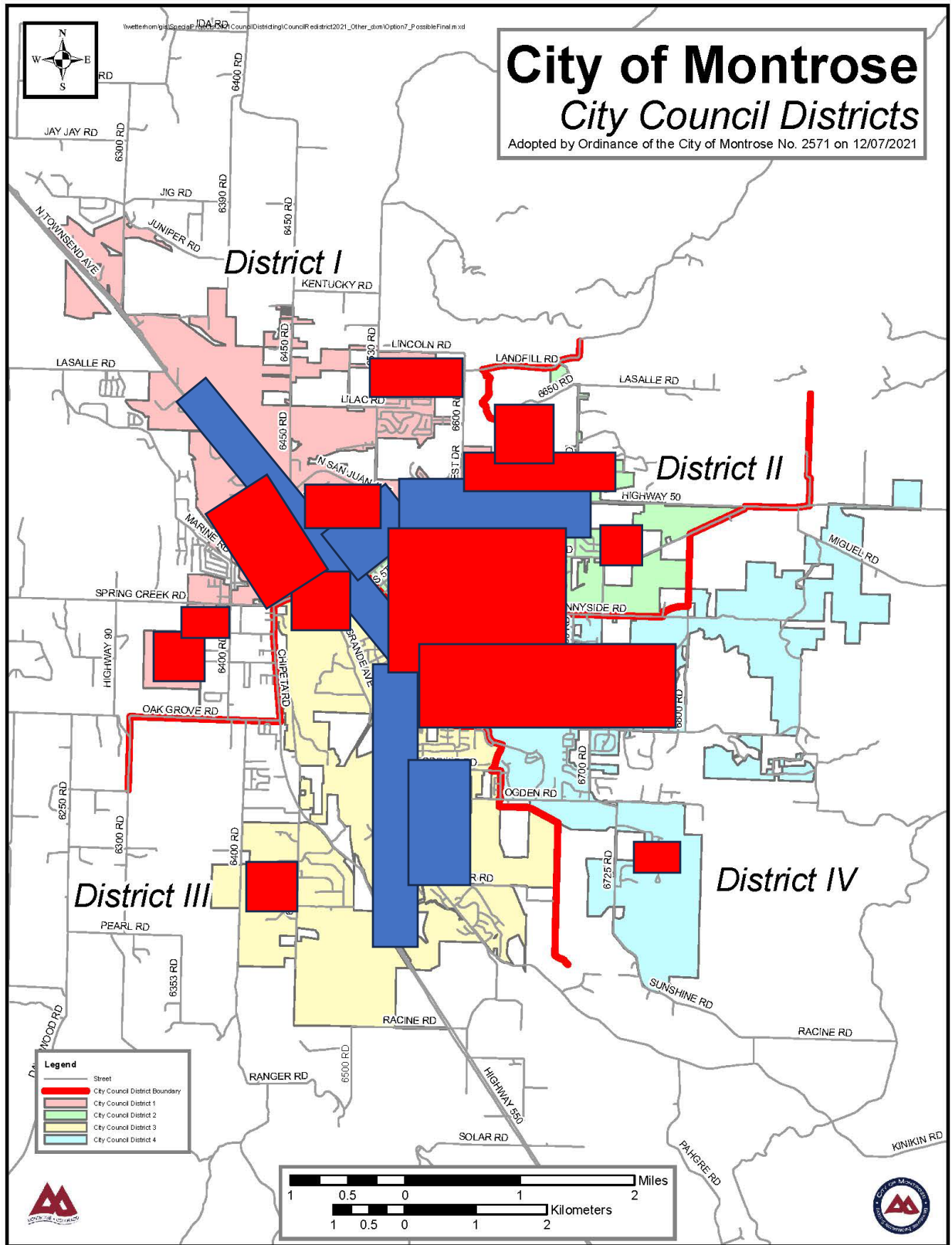
Individuals opposed to the license application because of their fear or concern for the potential of parking problems, traffic problems, crime, noise, littering, undesirable people drawn to the area, loss of property value; or individuals who opposed this type of business or applicant, any type of commercial usage in the neighborhood, any new growth in the neighborhood; or, individuals who think this type of business (if issued a liquor/beer license) should not be located near a residential neighborhood, church, or school, etc.; or, individuals who opposed because they are against any alcohol service at this type of facility, location, or atmosphere; or, individuals who favor the service of beer and wine but oppose the service of distilled spirits (on H&R applications).

MS MISCELLANEOUS OBJECTIONS:

Individuals opposed to the license application for other miscellaneous reasons to include: fear or concern for the possibility of drunk drivers in the area, fear or concern of resulting behavioral problems, individuals who would purchase alcohol beverages then drink and drive, sales to minors/underaged drinking, the location becoming a teen hang-out and the problems that can arise from this, and the effect it could have on family values or their family in general because they have young children or teens; or, individuals who opposed because competition is not desired or how said business may affect the livelihood of existing businesses; or, individuals who compared the “needs and desires” criteria to existing licensed outlets other than the type of license applied for.

NR NO REASON GIVEN:

Individuals who preferred to not state a reason for opposing.



 - **BUSINESSES**  - **RESIDENCES**



PLAN APPROVAL RECOMMENDATION

July 7, 2025

To: Honorable Mayor, City Council
From: Paul Eller, Emergency Manager
Date: July 7, 2025
Subject: Recommended approval of the 2025 City of Montrose Master Continuity of Operations Plan (COOP)

Recommendation

Council approval of the 2025 City of Montrose Master Continuity of Operations Plan (COOP) and Promulgation Signature by, City Manager, William Bell.

Background

Continuity of Operations Plans (COOP) are a crucial process for local governments to ensure that they can maintain essential functions, services, and governmental operations during and after a wide range of disruptive events.

Continuity of Operations Plans ensure that the City will maintain and provide essential services and critical functions to the community regardless of the disruption, hazard, or threat. Maintaining a Continuity of Operations Plan ensures that the City of Montrose is prepared for such disruptions, thus minimizing the effects and downtime associated with these types of disruptions.

Over the past year, City of Montrose Staff have developed Department specific Continuity of Operations Plans culminating in the City of Montrose Master Continuity of Operations Plan. The 2025 City of Montrose Continuity of Operations Plan provides the authorities, policies, and procedures, for continuity of operations planning, preparedness, devolution, reconstitution, training and exercising, during disruptive events.

Financial Impact

Approval and implementation of the 2025 City of Montrose Continuity of Operations Plan has no fiscal impact to the City of Montrose.

A handwritten signature in black ink, appearing to read 'Paul L. Eller', written in a cursive style.

Paul L. Eller
Emergency Manager



City of Montrose Continuity of Operations/ Continuity of Government Plan

July 2025

(Blank)

Table of Contents

Promulgation Statement	4
Distribution – Record of Changes.....	5
Basic Plan Introduction	6
Plan Purpose	6
Applicability and Scope	7
COOP/COG Organization	7
Situations and Assumptions	8
Roles and Responsibilities	9
Concept of Operations	11
Objectives	11
Alert & Notification.....	17
Mission Essential Functions	17
Order of Succession.....	18
Delegation of Authority	18
Critical Resources	19
Essential Records	19
Continuity Facilities	20
Communications	21
Devolution of Control	22
Risks, Vulnerabilities, and Mitigation Strategies	23
Multiyear Strategy and Program Management	25
Plan Maintenance	26
Test, Training and Exercise	27
Training	27
New Personnel	27
Testing Program	27
Exercises	28
After Action Report	28
Glossary	29
Acronyms	29
Definitions	29
Authorities and References	31
State of Colorado COOP Authorities	34
Local COOP Authorities	34
Appendix A: City Mission Essential Functions	35
Appendix B: Continuity of Operations/Government Plan Activation Job Aids	45

Promulgation Statement

Continuity of operations ensures the continuation of government and the performance of essential functions during and after a disaster, or other disruption to normal government operations. As the county seat for the County of Montrose, the City of Montrose plays an integral role in determining the needs of the public and in providing essential services on a day-to-day basis. Through continuity planning, the City of Montrose will further demonstrate its steadfast commitment to the continuation of these services during an emergency or disaster, and the safety and protection of its citizens, employees, and visitors.

Continuity programs and operations are fundamental practices that allow critical services to remain operational under all conditions. Continuity planning establishes the framework to ensure that each City of Montrose department or division has the ability to carry out its critical mission, regardless of the circumstances that may result from any natural, technological, or intentional disaster.

The City of Montrose's governing body has reviewed and approved this plan, verifying its content to ensure it contains required information and guidance for the City of Montrose to sustain its essential services and to minimize potential impacts during and following an emergency.

William Bell, City Manager

Date

Distribution List

Department Division	Date
City Manager's Office	
City Clerk	
City Council	
Information Services	
Community Development	
Engineering	
Finance	
Human Resources	
Legal	
Municipal Court	
Pavilion	
Police Department	
Animal Control	
Public Works	
Utilities	

Record of Changes

Date	Change	Page Number

Basic Plan Introduction

The goal of the all-hazards approach to continuity of operations / government planning is to maintain the City's ability to operate and provide vital services regardless of the emergency. This approach includes preparing for natural emergencies such as earthquakes and flooding as well as technological emergencies and intentional incidents, such as acts of terrorism.

Plan Purpose

All participating City departments and divisions have the responsibility to plan for and respond to disasters. During a COOP/COG activation, departments may be required to operate from a continuity location and may overextend their resources.

The purpose of the COOP/COG is to provide the framework for City departments and divisions to restore mission essential functional operations if an emergency disrupts operations. In doing so, the COOP/COG establishes the City's COOP/COG program for addressing three types of disruptions:

- Inaccessibility to a facility (for example, due to building damage)
- Inability to provide full services due to a reduced workforce (for example, due to Pandemic influenza)
- Inability to provide services due to equipment or systems failure (for example, due to IT systems failure)

The City's COOP/COG program also provides policy and guidance to implement actions to continue mission essential functions within the recovery priority time frames established by the COOP/COG Planning Team and to maintain mission essential functions for up to 30 days.

The City is committed to the safety and protection of its employees, operations, and facilities. This COOP/COG provides the City's departments and personnel with a framework that is designed to minimize impact during an emergency. Further, the City COOP/COG establishes procedures that the City leadership can use to strategically minimize risk to its employees, operations, and facilities.

Applicability and Scope

COOP/COG planning ensures the preservation and reconstitution of the City's mission essential functions. An emergency (such as a fire, loss of critical infrastructure, natural disaster, or hazardous materials incident) may require the evacuation of one or more department locations with little or no notice. Building evacuation, if required, is accomplished via implementation of the standard operating procedures for each location. This COOP/COG is not an evacuation plan or an emergency management plan. The purpose of this plan is to facilitate the restoration of daily functions.

The COOP provides the foundation for continuity of critical services and functions across its jurisdiction and is augmented by departmental COOP plans developed by key department and division personnel. The following plans are a component of the City's COOP/COG:

- City Manager's Office
- City Council
- City Clerk
- City Attorney's Office
- Community Development Department
- Engineering Department
- Finance Department
- Human Resources Department
- Information Technology Department
- Municipal Courts
- Police Department
- Public Works Department
- Utilities Department

COOP/COG Organization

The City of Montrose COOP/COG overarching plan provides the framework for City departments to restore mission essential functions for their staff and citizens if an emergency affects its operations. The COOP/COG plans provide a guide for each department and division to maintain mission essential functions if an emergency denies access to or destroys the department's or division's primary location, or significantly reduces the capacity to provide services because of workforce reduction or failure of equipment or critical systems. The department COOP plans supplement this document.

Situations and Assumptions

Situations and assumptions are documented to describe current operating conditions and to establish the parameters under which the plan may be activated.

Situation

- The City of Montrose is a city in and the county seat of Montrose County.
- Montrose is the second largest city on the western slope of Colorado.
- Montrose is the regional hub supporting the surrounding rural and frontier communities.
- The City of Montrose occupies 18.48 square miles of land mass.
- The estimated population of the City of Montrose is 21,000 as of 2023.
- The City of Montrose is vulnerable to several hazards, including natural, technological, and human-caused.
- The major traffic arteries in the City of Montrose are U.S. Highway 50 and U.S. Highway 550.
- The City of Montrose is served by the Montrose Regional Airport.
- The City of Montrose is in FEMA Region 8.

Assumptions

- The COOP/COG may be activated as a result of an emergency response and implementation of the Emergency Operations Plan. Activation of the COOP/COG will occur at the level necessary to resolve the situation.
- During COOP/COG activation, full or partial, the impacted Departments will defer all non-mission essential functions, as directed by the City Manager.
- During a COOP/COG activation, full or partial, the impacted Departments will perform only the mission essential functions outlined in their respective plans.
- Some members in COOP/COG positions serve in other roles during disasters, such as the Emergency Operations Center (EOC) or department operations center during an activation.
- During multiple activations, COOP/COG activities will be coordinated through the EOC.
- The City has mutual aid agreements with surrounding jurisdictions that can be activated in the event the City needs assistance in providing critical services in emergencies.
- The City will continue to be exposed to the hazards and risks identified in the COOP/COG as well as other hazards or risks that may develop in the future.
- In the event of a disaster, departments and divisions may rely on each other for assistance.
- In the event of a disaster, resources and personnel may be extremely limited. Resumption of essential services may need to be prioritized, and time phased.

Roles and Responsibilities

During COOP/COG activation, key positions have been identified to fulfill important roles and responsibilities. Each City Department has a COOP plan that highlights the specifics for their program, with the big-picture response being summarized in this COOP Overarching Plan.

COOP Assessment Team

In the event of a crisis, the City Manager will notify key department directors and/or management personnel to convene the COOP Assessment Team (CAT). The CAT initially analyzes the situation and determines if the City COOP/COG, or a departmental COOP/COG plan will be activated. The CAT may also provide further support through management of the crisis or COOP/COG activation, identifying additional risks and exposures, providing direction and guidance to departments and the organization, and protecting stakeholder interests in response to the incident or disaster. The CAT primarily focuses on:

- Detecting the early signs of an expanding crisis.
- Identifying the problem areas and appropriate solutions.
- Preparing a crisis management plan for the immediate emergency situation.
- Determining what internal/external resources are needed in order to continue essential functions for the City or affected department(s).

The CAT may also be disbanded due to the establishment of ICS in the field and the appropriate emergency response department assumes management of the incident. During a disaster of such magnitude that the Emergency Operations Center (EOC) has been activated, the CAT may convene to determine if the COOP activation will be managed through the EOC, or if separate operations would be beneficial.

COOP/COG City Manager Responsibilities

- Approve overall policy directions, guidance, and objectives for COOP/COG planning and activation.

COOP/COG Coordinator Responsibilities

- Coordinate the COOP/COG planning process.
- Serve as the principal representative to internal and external stakeholders and groups during implementation of the COOP/COG.
- Initiate COOP/COG maintenance meetings.
- Coordinate test, training, and exercises of the COOP/COG.
- Serve as the COOP/COG program point-of-contact.
- Facilitate the COOP/COG Planning Team.

COOP/COG Planning Team Responsibilities

- Provide overall recommendations and objectives for COOP/COG planning.
- Coordinate with leadership personnel on policy, development, approval, and maintenance of the COOP/COG and integration of other emergency plans.
- Provide departmental information on essential functions, systems, personnel, and records for COOP/COG planning.
- Conduct reviews of COOP/CPG documents, materials, and the plan.
- Keep the organization informed of any changes to the COOP/COG.
- Establish, coordinate, and participate in the COOP/COG test, training and exercise program.
- Identify issues that may affect the frequency of changes required to the COOP/COG.
- Develop an improvement plan for addressing risk mitigation recommendations to mitigate continuity-specific risks.

Reconstitution Manager

- A reconstitution manager may be assigned as needed and has the following responsibilities:
- Report to the COOP/COG Administrator.
- Form a reconstitution team.
- Develop space allocation and location requirements to meet occupancy regulations.
- Coordinate with regional partners to find suitable space if the primary locations are unusable.
- Develop a plan for reconstitution listing functions and projects in order of priority.
- Assign appropriate staff to ensure the buildings are structurally safe.

Responsibilities of Department Leadership

- Identify those functions that can be deferred or temporarily stopped during a COOP/COG activation.
- Consult with and advise appropriate officials during implementation of the COOP/COG.
- Provide direction, guidance, and objectives during an incident for the implementation of the COOP/COG.
- Aid continuity efforts at the continuity facility.
- Participate in training, testing, and exercises of the COOP/COG.
- Initiate appropriate notifications during COOP/COG implementation.
- Provide input on the execution of essential functions.
- Initiate recovery of the organization as part of reconstitution.

- Designate personnel to assist security officials in securing office equipment and files at primary facilities when implementing the COOP/COG.
- Coordinate with leadership personnel for movement of key personnel to continuity facilities when the COOP/COG is activated.

Concept of Operations

A Continuity of Operations / Continuity of Government (COOP/COG) plan must be maintained at a high level of preparedness and must be ready to be implemented without significant warning. The City of Montrose COOP/COG is designed to be fully implemented no later than 12 hours after activation and provides guidance to sustain operations for up to 30 days.

The broad objective of the City's COOP/COG is to provide for the safety and well-being of City personnel and the general public. In addition, this plan will facilitate the execution of mission essential functions during any crisis or emergency in which one or more department locations are threatened or inaccessible. Specific plan objectives include the following:

- Enable staff to perform mission essential functions to prepare for and respond to all threats or emergencies, including natural, technological, and human-caused disasters.
- Identify essential employees and support staff who will relocate.
- Ensure the continuity facility can support the operations.
- Protect and maintain essential records and databases.

Objectives

Emergencies often occur with little or no warning, requiring immediate activation of the COOP/COG and commitment of resources. The COOP/COG planning concept of operations is expressed in four operational phases:

- Readiness and Preparedness
- Activation and Relocation
- Continuity Operations
- Reconstitution and Recovery

Readiness and Preparedness

Readiness is the ability of an organization to respond effectively to any event that threatens its ability to continue mission essential functions. It is the responsibility of an organization's leadership to ensure that an organization can perform its mission essential functions before, during, and after all-hazards emergencies or disasters. Readiness and preparedness activities develop the response capabilities needed during an emergency. Planning, training, and exercising are among the activities conducted under this phase. Feedback from these activities should be focused on improving and maintaining the COOP/COG. Mitigation is also a viable part of this phase. Mitigation activities lessen the impact of unavoidable hazards. The Montrose County Hazard Mitigation Plan guides and prioritizes mitigation activities that the City will need to undertake.

The City of Montrose is establishing a continuity readiness posture through the development of this continuity plan, assigning COOP/COG Leads and Alternates, forming a Continuity Planning Team, a COOP Assessment Team, conducting COOP/COG planning and training, and other continuity readiness and preparedness activities. These activities include the review and revision of COOP/COG related plans, conducting tests, training, and exercises, and risk management.

COOP/COG Activation

Activation occurs after a disruption to business operations triggers the need to activate COOP/COG.

An executive decision must be made after a quick and accurate assessment of the situation to determine the best course of action for the City. Each department has identified a procedure to notify personnel during on-duty emergencies, off-duty emergencies and for ongoing communications in their COOP/COG plan.

COOP/COG Activation Triggers

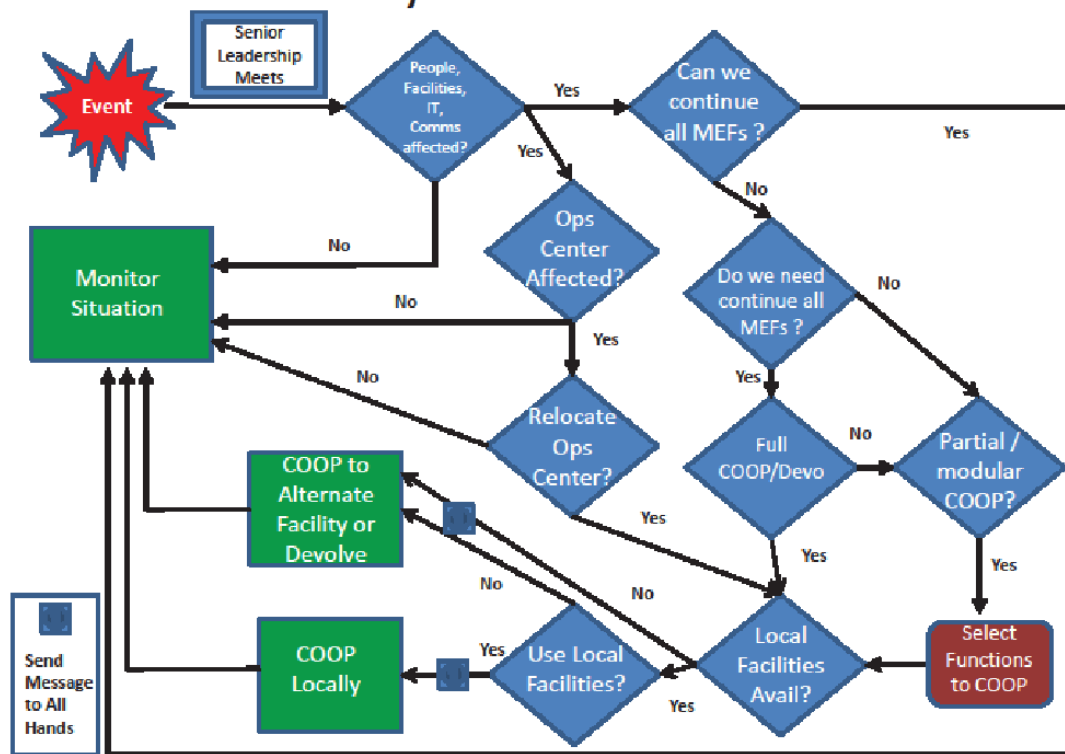
The following criteria should be considered when determining the level of COOP/COG activation required for each City Department. These criteria allow for scalable levels of COOP/COG activation, when a full COOP/COG activation focusing on only the City Mission Essential Functions is not warranted. Each criterion may be assessed individually or in combination with the impact they may potentially have on each City Department's services. Use these when evaluating which services may need to be limited or temporarily discontinued.

Decision Process

The decision to activate this Plan, all or in part, will be made by the City Manager and COOP Activation Team. This decision will be made based upon the following factors:

Category	Description	Potential Event	Impact to Essential Services	Decisions
Alert	Normal day-to-day operations. Identified as a non-emergency situation.	An event with notice, such as severe weather forecasts to impact the area; scheduled software upgrades to essential systems or essential equipment maintenance / upgrades.	An actual or anticipated event that might have an adverse impact on a portion of the department, staff, or equipment / systems for a period of time that exceeds recovery time objectives but does not require any specific response beyond what is normally available.	Continuity Plan implementation not required.
Stand-by	Controlled emergency situations without the potential of serious threat to life, health, or property. The event requires some action from the response organization and may require assistance from the facility management	A winter storm event approaching the area; system or equipment failure expected to last less than 24 hours; possible public health emergency reported with minimal impact to staff.	An actual or anticipated event estimated to have a minimal impact on operations that might require minimal assistance beyond what is normally available.	Limited Continuity Plan implementation depending on individual division requirements.
Partial Activation	Limited emergency situation with some threat to life, health, or property, but confined to limited area or system. This situation can be mitigated by local emergency response personnel.	Small fire localized to one wing or floor of the building; system or equipment failure expected to last more than one day; public health emergency declared with moderate impact to staff.	An actual event estimated to disrupt the operations of essential functions for more than the established recovery time objectives or 24 hours.	Partial Implementation of the Continuity Plan.
Full Activation	Full emergency situation with major threat to life, health, or property, involving the majority of the facility and staff. This is a potential catastrophic event with serious consequences.	Extensive structural damage: system or equipment failure expected to last for an extended period of time; public health emergency declared with significant staff impact.	An actual event that significantly disrupts the operations of multiple MEFs for a period of time exceeding the MEF recovery time objectives.	Full implementation of the Continuity Plan approved by the City Manager's Office.

Continuity Executive Decision Tree



Continuity Executive Decision Flowchart

Factors Affecting COOP/ COG Activation

	During Duty Hours	During Non-Duty Hours
Event with Warning	• Essential staff is alerted via on-duty notification procedure prior to activation. • Partial activation with notification and deployment of key personnel. • Dissemination of messages to City staff and the public. • IT issues guidance to City staff for protection of data and equipment. • Essential staff will assemble essential records, software, hardware, and other documents and equipment to perform essential functions to prepare for potential activation. • Essential staff will back up essential automated databases and prepare designated essential equipment for possible activation.	• Essential staff is alerted via off-duty notification procedure prior to activation. • Recall of key personnel to report to work for partial/full activation. • City staff are provided a briefing on the situation once they arrive at work. • IT issues guidance to City staff for protection of data and equipment. • Essential staff will report to primary work location to assemble essential records, software, hardware, and other documents and equipment to perform essential functions for potential activation. • Essential staff will back up essential automated databases and prepare designated essential equipment for possible activation.
Event without Warning	• Depending on systems status, essential staff is notified of activation. • Depending on the status of primary facilities, staff may evacuate and relocate to a continuity facility. • Depending on the status of primary facilities, essential staff may be sent home. • IT will take whatever measures possible to protect data and equipment. • If possible, essential staff will take essential records, software, hardware, and other documents and equipment in order to perform essential functions if activated. • If time permits, essential staff will back up essential automated databases and prepare designated essential equipment for activation.	• Depending on systems status, essential staff are notified to report to work for partial/full activation. • Depending on the status of the primary facilities, essential staff may report directly to a continuity facility. • Depending on the status of primary facilities, nonessential staff may be sent home. • IT will report to the City to take whatever measures possible to protect data and equipment. • If possible, essential staff will report to the primary facility to retrieve essential records, software, hardware, and other documents and equipment in order to perform essential functions. • IT will report to the City to back up databases and prepare designated essential equipment for activation.

COOP/COG Relocation

Relocation to an alternate facility occurs when a primary facility is damaged and rendered inoperable or unsafe and staff must evacuate. Each department plan lists potential alternate continuity facilities in the event relocation is necessary.

Continuity Operations

The operations phase focuses on continuing mission essential functions:

- Accounting for all personnel
- Performing essential functions
- Establishing communications
- Preparing for reconstitution of all functions

Once the incident has ended, normal business functions can be resumed.

Reconstitution

Reconstitution is the transition back to normal operations in the primary operating facility. Leadership may designate a reconstitution manager to deal with the complexity of reconstitution issues. Reconstitution focuses on restoring business operations to normal or improved services. This phase is initiated once all mission essential functions have been restored. Activities associated with reconstitution include:

- Supervising an orderly return to the normal operating facility, a move to another temporary facility, or a move to a new permanent operating facility.
- Verifying that all systems, communications, and other required capabilities are available and operational, and ensuring the capability to accomplish all essential functions and operations at the new or restored facility.
- Identifying if any records were affected by the incident and ensuring the effective transition or recovery of essential records and databases.

The table below lists the departments that will lead reconstitution efforts.

Situation	Lead Reconstitution Department
Loss of Building	Public Works/ Facilities/ Engineering
Loss of Personnel	Human Resources
Loss of network infrastructure	Information Services

Alert and Notification Process

Alert Procedures

Depending on the situation, essential staff may be put on alert. Procedures for alerting and notifying staff are in each departmental plan.

Notification Procedures

During an event that triggers COOP/COG activation, each department plan contains the procedures to notify personnel for on-duty emergencies, off-duty emergencies, and ongoing communications.

Mission Essential Functions

Mission essential functions enable each department to provide vital services for staff and citizens. Each COOP/COG plan is centered on the department's mission essential functions. It serves as an operational guide to facilitate the relocation of department staff to a continuity facility and the backup of critical systems and vital records so that mission essential functions may continue. The level and manner of support needed to continue mission essential functions depends on the nature of an incident. Each plan includes a list of the department's mission essential functions. For each mission essential function identified, the list also identifies personnel required to execute the function, the level of priority assigned to the function, and the resources required to support the function. Appendix A includes a matrix of the City's essential functions.

Guidelines and Criteria for Prioritization of Mission Essential Functions

In addition to identifying which functions are necessary to support City operations, the recovery time objective (RTO) should be determined for each mission essential function. The RTO is the maximum amount of time the function can be interrupted before it must be restored to an acceptable level of operation after an incident. To ensure that mission essential functions are restored in the order of their time criticality, functions should be categorized using a tier classification system. The following system has been established to prioritize the City of Montrose mission essential functions according to time criticality.

Recovery Time Objective Matrix

Tier	Ratings	Priority
1	IMMEDIATE: These functions have a direct and immediate effect on the organization to ensure the safety of individuals and protect property. These functions must be established within the first 12 hours up to 24 hours.	0-12 Hours
2	CRITICAL: These functions can be delayed until Tier 1 functions are restored but must be operational within 72 hours.	12-72 Hours
3	NECESSARY: These functions can be delayed until Tier 1 and Tier 2 functions are restored but must be operational within 1 week.	72Hrs -1 Week
4	IMPORTANT: These functions can be delayed until Tier 1, Tier 2, and Tier 3 functions are restored but must be established within 30 days.	1 Wk-30 Days

If a function is necessary to keep another function operating, then it should have a shorter priority RTO. Such functions include IT systems, building maintenance, and human resources.

Orders of Succession

Orders of succession are activated when leadership is unable or unavailable to execute their duties during an emergency. Departments must establish, disseminate, and maintain their orders of succession by COOP/COG critical positions. Orders of succession are addressed through internal policy or City Charter. Key personnel for City of Montrose leadership and their successors have been identified in each plan.

Delegations of Authority

Delegations of authority are specified by City Charter, policies, and position descriptions. Certain incumbents in positions specified in the orders of succession are delegated authority to perform all duties and responsibilities of the department head or leadership when this is required. Delegations of authority for each department are listed in the Department COOP Plans. Delegation of authority should be exercised only when immediate action is required, and a superior is unable and unavailable to exercise the authority. An individual acting as successor should be relieved of his or her authority once a superior on the list becomes available, is able, and assumes the role of the successor. An individual exercising the authority of a superior should record important actions taken and the period during which the authority is exercised. Planning for delegations of authority involves the following:

- Identifying which authorities can and should be delegated.
- Describing the circumstances under which the delegation would be exercised, including when it would become effective and when it would be terminated.
- Identifying limitations of the delegation.
- Documenting to whom authority should be delegated.
- Ensuring designees are trained to perform their emergency duties.

Each departmental plan has identified the authority to be delegated, position holding authority, and limitations to their authority. Delegations of authority for key leadership for the City of Montrose are identified in each plan.

Critical Resources

Critical resources are the staff, equipment, and systems required to support mission essential functions. During the planning process, the designated COOP Lead coordinated the evaluation of mission essential functions and listed the corresponding equipment and systems. COOP Planning Team members must ensure that unique critical equipment and critical information system requirements are considered in planning and, if appropriate, identified as capabilities to be provided by support functions at the continuity facilities. Departments and divisions should maintain all necessary and up-to-date files, computer software, and databases required to carry out mission essential functions. Each plan lists the critical systems and critical equipment necessary to reestablish the department's mission essential functions.

Essential Records

Essential records are records that, if damaged or destroyed, would disrupt operations and information flow and require replacement or re-creation at considerable expense or inconvenience. In continuity of operations planning, vital records are those records that are necessary to carry out mission essential functions. Content, not media, determines their criticality. Essential records are frequently in one of the following three formats: paper, electronic files, or microfiche. The City of Montrose COOP Planning Team has identified systems to protect and recover essential records during emergencies and normal operations. Through the planning process, the departments and divisions documented and detailed their vital records. The departments assessed the existing essential records maintenance program and continue to address deficiencies.

The following maintenance strategy has been identified by the COOP Planning Team for departments and divisions to protect essential records:

- There are currently 2 data centers in the City that provide redundancy in the back up of data.
- Server and application backups are performed nightly.
- The City uses backup servers and data, then mirroring to save backups from one datacenter to the other, as well as pushed to offsite cloud storage.
- Information Services performs a backup of the City's financial system to the Cloud, nightly.

City of Montrose personnel are advised to:

- Save data to Google Drive or network drives.
- Scan hardcopy documents to Goggle Drive or network drives.
- Manage and retain records as required by state law.

Continuity Facilities

Each department recognizes that normal operations may be disrupted and that there may be a need to perform mission essential functions at a continuity facility. Each department will coordinate with the Crisis Assessment Team to establish suitable continuity facilities.

Continuity Facility Assumptions

Selecting continuity facilities is one of the fundamental elements of a COOP/COG. However, the potential costs for ensuring that a continuity facility is available and ready when needed can be significant. Due to the criticality of the continuity facility and the possible costs associated with the site, it is important that the COOP/COG provide departments and divisions with a consistent set of planning assumptions for use in planning for and assessing the viability of continuity facilities.

The following considerations should be made when planning for continuity facilities:

- Ensure that only mission essential functions are performed at the continuity facility.
- Pool resources among departments and divisions to acquire space for a continuity facility.
- Co-locate with another department while providing each with individually designated space to meet continuity facility needs.
- Offer work from home, if the essential function allows, as a short-term solution.

The following conditions are necessary for relocation to a continuity facility:

- The department's primary location has been destroyed or will be unavailable for an extended period.
- Staff are available to perform mission essential functions defined in the COOP.
- Off-site storage facilities and materials survived the event.
- Surface transportation in the local area is possible.
- Staff can be notified and can report to the continuity facility to perform recovery and reconstruction activities.
- Like and kind essential resources have been pre-positioned or are available at the continuity facility.
- An adequate supply of critical supplies and provisions is available at the continuity facility or offsite storage.

- Manual processes are documented for mission essential functions where Recovery Time Objectives will not be met due to delays in restoring mechanized systems.
- IS services for a particular mission essential function may not be available.
- The City has control over the continuity facility and/or has pre-positioned contracts to use the location/resource.

Communications

Communications, or the ability for personnel to communicate internally and externally, is critical during emergencies. The list below identifies communications systems available to the City to communicate with other departments, emergency response units, the media, and external stakeholder agencies and organizations:

- Land line phone (voice/fax) system
- Cell phones
- Google Chat
- Gmail
- City website
- Social Media
- Two-way radios (public safety.)
- Amateur radios.
- Genesys Alert.
- Emergency Alert Notification System.
- Alerts on radio stations or television stations.

Critical information systems used to accomplish mission essential functions during normal operations at the primary location must be accessible at the continuity facility. In addition, City personnel should make sure that critical data is stored in such a way that it can be backed up regularly. Each department will coordinate with the IT Department on the specific technical support needed during COOP/COG activation.

Access to critical information systems used to accomplish mission essential functions. The following chart describes each of the communication systems that might be used, the department responsible for maintaining the system, and the key personnel responsible for updating and implementing these systems when needed.

City Communication Matrix

Communication System	System Description	Responsible Department
Land Line Phone	Office Phones used as primary source of communication	Information Services
Cell Phones	Cell phones used as primary source of communication	Information Services
Gmail	Access through City IS System (Computers/Internet)	Information Services
Google Chat	Access through City IS System (Computers/Internet) Can be used for group emergency messaging	Information Services
Public Safety Radios	Two-way Radios	OPSC/ WestCo/ PD
City Website	Access through City IS System (Computers/Internet)	Information Services
Genesys Alert	County emergency notification system. Free subscriber-based notification system for emergency notifications.	Montrose County Office of Emergency Management
Emergency Alert System	National emergency alert system for emergency messaging.	Montrose County Office of Emergency Management
Radio & Television Alerts	Part of EAS and can be used for community informational messaging.	OEM/ PD
Amateur Radio	The use of radio frequency spectrum for purposes of nonpublic safety commercial exchange of messages.	City Office of Emergency Management

Devolution of Command and Control

Devolution is the transfer of legal and statutory obligations from one entity to another entity at a continuity facility or devolution site. The devolution option may be used when the organization's primary operating facility, alternate site, and/or staff are not available. Devolution requires the transition of roles and responsibilities for performance of essential functions through pre-authorized delegations of authority and responsibility. The authorities are delegated from an organization's primary operating staff to other employees internal or external to the organization in order to sustain essential functions for an extended period. Devolution supports the overall COOP/COG and ensures the continuation of mission essential functions. In this situation, management and leadership responsibility, and mission essential functions will devolve to the designated devolution department or agency.

Risks, Vulnerabilities, and Mitigation Strategies

The FEMA Continuity Guidance for Non-Federal Governments recommends a risk assessment of the vulnerability of the organization and its essential functions to the identified hazards be completed (CGC 1 Annex B, Page B-5). The City of Montrose vulnerability depends on the probability of an event occurring and the impact the event could have on personnel, facilities, infrastructure, operations, and the performance of essential functions.

The City of Montrose Community Profile Plan conducts a quantitative assessment of how each hazard affects the city and critical facilities. A vulnerability and risk assessment can be found in the City of Montrose community Profile Plan.

The hazards that pose a threat to the City of Montrose include:

Natural Hazards	Technological Hazards	Human Caused Hazards
• Severe Weather Event • Flooding • Conflagration Fire • Wildland Fire	• Cyber Attack • Extended Power Outage • Water Outage • Natural Gas Outage • Internet Outage	• Aircraft Crash – Off Airport • Active Attack Incident • Hazardous Material Incident

Creating viable options for managing risks and vulnerabilities is done through deciding on and implementing risk management strategies and actions. Continuity elements related to hazard risk and vulnerabilities include human capital, alternate facilities, interoperable communications equipment and systems, vital records and databases, and other vital equipment and systems.

To prepare for a continuity event, each department in the city must be prepared to handle three types of emergencies:

- A localized emergency requiring relocation to an alternate site.
- A widespread emergency requiring relocation to an alternate site.
- A widespread emergency NOT requiring relocation to an alternate site.

The indicators for the types of emergencies and corresponding COOP/COG relocation activities are listed below:

1. Localized Emergency Requiring Relocation to Alternate Site:
 - A city government facility sustained damage.
 - All other city government facilities are not affected.
 - COOP/COG alternate sites are available.
 - The facility is currently closed for normal business activities, but the incident has not affected surrounding buildings, utilities, or transportation systems.
 - Operations can shift to an alternate COOP/COG location in the jurisdiction.
2. Widespread Emergency Requiring Relocation to Alternate Site:
 - A city government facility sustained damage.
 - The surrounding area is affected.
 - COOP/COG alternate sites may or may not be available.
 - Parts of major infrastructures (power, sewage, transportation, etc.) may have sustained damage.
 - Operations can shift to an alternate location within the jurisdiction or a neighboring jurisdiction.
3. Widespread Emergency NOT Requiring Relocation to Alternate Site:
 - A city government facility did not sustain damage and remains open.
 - One or more departments of the city government experiences high levels of employee absenteeism.
 - COOP/COG operations will be conducted from the primary location and/or via work from home.

Multiyear Strategy and Program Management

City leadership and the COOP/COG Planning Team will develop standards to help departments and divisions implement the COOP/COG program. While the plan and department COOP plans serve as the guide during activation and recovery, the COOP/COG program involves the framework for operational decisions to promote continuity planning. It involves making continuity planning a part of day-to-day operations through initiatives like monitoring protection methods for essential records, inventorying critical systems and equipment, implementing cross-training for critical employees, and establishing agreements for facilities and personnel, etc. The COOP/COG program ensures that the plan reflects the current environment and that staff members are prepared to respond during an activation. Plan revisions due to changes in the structure, mission essential functions, or mission of participating departments should be made promptly. Long-term plan maintenance should be undertaken carefully, planned for, and completed according to an established schedule.

During the development of this plan, the COOP/COG Planning Team identified the following plan maintenance strategies:

- Distributing and communicating the COOP/COG to City departments and divisions.
- Allowing departments and divisions to develop and maintain their own COOP/COG plans, provided that they do not conflict with the City's strategy and maintenance processes.
- Ensuring departmental review of the overarching plan and department plans.
- Identifying issues that affect the frequency of changes required to COOP/COG.
- Establishing a review cycle.

Plan Maintenance Strategy

Activity	Tasks	Frequency	Responsibility
Update and Certify Department COOP Plan	- Review plan for accuracy. - Incorporate lessons learned, changes in policy, changes in MEF's	Annually by February 1 st .	Departments/ Divisions.
Update and Certify City COOP/ COG Plan	- Review plan for accuracy. - Incorporate lessons learned, changes in policy, changes in MEF's	Annually by March 1 st .	Emergency Manager/ City Manager
Maintain orders of succession and delegations of authority.	- Identify current incumbents. - Update rosters and contact information.	Annually by February 1 st .	Departments/ Divisions.
Maintain continuity location readiness.	- Check all systems. - Verify accessibility. - Cycle supplies and equipment as necessary.	Monthly	Departments/ Divisions.
Monitor and maintain essential records program.	- Monitor volume of materials. - Update/remove files.	Ongoing	Departments/ Divisions.
Update contact information for key personnel.	Confirm/update key personnel information.	As changes occur, or no less than Quarterly	Departments/ Divisions.
Make new staff aware of COOP.	Conduct COOP awareness training for new staff.	First 60 days of employment	By Department
Orient new senior leadership.	Brief senior leadership on their responsibilities under the COOP overarching plan and each departmental Plan.	First 30 Days	City Administration
Plan and conduct exercises.	Conduct internal COOP exercises.	Annually	Emergency Manager/ Departments

Test, Training and Exercise

The test, training and exercise program will ensure that department employees are aware of their roles and responsibilities in COOP/COG implementation. Regularly scheduled exercises are critical to ensure that the plan can be implemented during an emergency. Exercising is one of the most effective ways to discover and document necessary modifications. The test, training and exercise program should be progressive in nature, building from simple, individual tasks to complex, multi-organizational interactions. The program should contain activities that include build-on training and improve capabilities through a series of tests and exercises.

Training

The following subject matter should be considered for the COOP/COG training program:

- Mission essential functions and operations.
- Operational elements of the overarching COOP/COG and departmental plans.
- COOP/COG triggers, activations, and decision-making.
- Continuity facilities and resumption of normal operations.
- Leadership during a COOP/COG activation.
- Safety strategies and policies including proper use of personal protective equipment.

New Personnel

All new personnel working for the City shall receive COOP/COG awareness training as part of their new employee orientation from their individual department and/or work location. The training will be conducted within 60 days of an employee's first day of employment. If a new employee is designated as essential, his or her contact information will be updated on the department's internal call list. Each department is responsible for providing job-specific COOP/COG and safety training for all new employees in their department.

Testing Program

Testing is demonstrating if the equipment, procedures, processes, and systems that support the local government's mission essential functions are operating correctly. Testing reveals whether equipment and systems conform to specifications and operate in the required environments. Testing validates or identifies for correction specific aspects of COOP procedures and processes. Periodic testing also helps ensure that equipment and procedures are maintained in a constant state of readiness.

Testing Schedule

It is recommended that testing and exercise plans provide for the following elements:

- Testing staff as part of the City's exercise program to ensure the ability to perform mission essential functions.
- Periodically testing alert and notification procedures and systems for all types of emergencies.

Exercises

Individual and collective exercises that vary in size and complexity will be conducted to validate elements of the COOP/COG. Exercises will realistically simulate an emergency so that individuals and departments and divisions can demonstrate fulfillment of tasks expected of them in a real incident. Exercises promote overall preparedness; validate plans, policies, procedures, and systems; determine effectiveness of command, control, and communication functions; and evaluate preparation for incident scene activities.

After Action Report

The evaluation of exercises or actual incidents will identify areas for improvement and provide recommendations to enhance local government preparedness. Following the exercise or actual incident, a comprehensive debriefing and after-action report will be completed. The Emergency Preparedness Coordinator, or a designee, will be responsible for coordinating the debriefing and developing the after-action report. All data collected will be incorporated into an improvement plan that provides input for annual COOP/COG revisions.

Glossary

Acronyms

CAT - Crisis Assessment Team
COG - Continuity of Government
COOP - Continuity of Operations
CGC - Continuity Guidance Circular
EOC - Emergency Operations Center
FEMA - Federal Emergency Management Agency
FOUO - For Official Use Only
ICS – Incident Command System
IS – Information Services
IT - Information Technology
LAN - Local Area Network
NIMS - National Incident Management System
RTO - Recovery Time Objective
SEMS - Standardized Emergency Management System

Definitions

- **Activation** – When all or a portion of the COOP has been implemented.
- **Continuity of Operations/Government** – The activities of individual units and agencies and their subcomponents to ensure that their mission essential functions are continued under all circumstances. This includes plans and procedures that delineate mission essential functions; specify orders of succession and delegations of authority; provide for the safekeeping of vital files, records, and databases; identify continuity facilities; provide for interoperable communications; and validate the plan through tests, training, and exercises.
- **COOP/COG Administrator** – Responsible for approving overall policy directions, guidance, and objectives for COOP planning and activation. This position is fulfilled by the City Manager.
- **COOP/COG Coordinator** – May be responsible for overall recovery of a department. This person also provides overall project management to ensure the quality and timely delivery of the business impact analysis, vulnerability/risk analysis, and BCP.
- **COOP/COG Essential Personnel** – Personnel designated by their department as critical to the resumption of mission essential functions and services.

- **Command and/or Control Center** – A centrally located facility with adequate phone lines to begin recovery operations. Typically, it is a temporary facility used by the management team to begin coordinating the recovery process and is used until the continuity facilities are functional.
- **Communications Failure** – An unplanned interruption in electronic communication between a terminal and a computer processor or between processors because of a failure of any hardware, software, or telecommunications components comprising the link. See also: network outage.
- **Communications Recovery** – The component of disaster recovery that deals with restoring or rerouting a department's telecommunications network or its components. Similar terms: telecommunications recovery, data communications recovery.
- **Continuity Facility** – A facility, other than the primary facility, used to process data and/or conduct mission essential functions in the event of a disaster. Similar terms: alternate processing facility, alternate facility, and alternate communication facility.
- **COOP Assessment Team** – A team developed to conduct an initial analysis of the situation to determine if the COOP/COG or a departmental plan will be activated.
- **Critical Equipment** – Includes specific equipment required to reestablish a mission essential function.
- **Damage Assessment** – The process of assessing damage to computer hardware, vital records, facilities, etc., and determining what can be salvaged or restored and what must be replaced following a disaster.
- **Delegations of Authority** – Specifies who is authorized to act on behalf of the department head and other COOP/COG critical officials for specific purposes.
- **Department Backup Personnel** – A list of alternate personnel who can fill a position when the primary person is unavailable.
- **Disaster** – An incident that renders a department unable to provide critical business functions. Similar terms: business interruption, outage, and catastrophe.
- **Emergency Preparedness** – The discipline that ensures an organization's readiness to respond to an emergency in a coordinated, timely, and effective manner.
- **Essential Records and Databases** – Files, records, or databases that, if damaged or destroyed, would cause considerable inconvenience and/or require replacement or re-creation at considerable expense. For legal, regulatory, or operational reasons, these records cannot be irretrievably lost damaged without materially impairing the department's ability to maintain mission essential functions.

- **Facilities** – A location containing the equipment, supplies, and voice and data communication lines to conduct transactions required to conduct business under normal conditions. Similar terms: primary site, primary processing facility, and primary operating facility.
- **File Backup** – The practice of copying a file stored on disk or tape to another disk or tape. This is done for protection in case the active file gets damaged.
- **File Recovery** – The restoration of computer files using backup copies.
- **File Server** – The central repository of shared files and applications in a computer network
- **Internal Call List** – Standard format for an emergency call tree for employees within the scope of the project.
- **Interruption** – An outage caused by the failure of one or more communications links with entities outside of the primary location.
- **Key Personnel** – Personnel designated by their department as critical to the resumption of mission essential functions and services.
- **Local Area Network** – Computing equipment, in proximity to each other, connected to a server that houses software that can be accessed by the users. This method does not use a public carrier. See also: WAN.
- **Local Area Network Recovery** – The component of disaster recovery that deals specifically with replacing equipment and restoring essential data and software following a disaster. Similar terms: client/server recovery.
- **Logistics Manager** – Staff member who has the skills and authority to coordinate the provision of resources and services during an incident.
- **Mission Essential Functions** – Activities, processes, or functions that could not be interrupted or unavailable for several days without significantly jeopardizing the operation of the department.
- **Mutual Aid Agreements** – A signed agreement to provide a service, which includes the method of performance, the fees, the duration, the services provided, and the extent of security and confidentiality maintained.
- **National Incident Management System** – Provides a consistent nationwide template to enable federal, state, local, tribal governments, private sector, and nongovernmental organizations to work together effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.
- **Network Outage** – An interruption in system availability because of a communication failure affecting a network of computer terminals, processors, or workstations.
- **Non-mission Essential Function/Data** – Business activities or information, which could be interrupted or unavailable indefinitely without significantly jeopardizing a department's mission essential functions.

- **Nonessential Records** – Records or documents that, if irretrievably lost or damaged, will not materially impair the department’s ability to conduct business.
- **Off-Site Storage Facility** – A secure location, remote from the primary location, at which backup hardware, software, data files, documents, equipment, or supplies are stored.
- **Orders of Succession** – Identifying alternates for senior and other key positions during an emergency in the event any of those officials are unavailable to execute their legal and/or essential duties.
- **Reconstitution Manager** – Appointed based on nature and type of emergency. Reports to COOP/COG Administrator.
- **Record Retention** – Storing historical documentation for a set period, usually mandated by state and federal law or the Internal Revenue Service.
- **Recovery** – Includes all types of emergency actions dedicated to the continued protection of the public or to promoting the resumption of normal activities in the affected area.
- **Recovery Strategies** – Alternative operating method (platform location, etc.) for facilities and system operations in the event of a disaster.
- **Recovery Time Objective** – The period of time that a function can be suspended before its impact on the department is unacceptable.
- **Repository** – A storage place for object models, interfaces, documents and files.
- **Response** – Those activities and programs designed to address the immediate and short-term effects of the onset of an emergency or disaster.
- **Risk** – An ongoing or impending concern that has a significant probability of adversely affecting a department’s ability to maintain mission essential functions.
- **Risk Assessment/Analysis** - The process of identifying and minimizing the exposures to certain threats that a department may experience. Similar terms: risk assessment, impact assessment, corporate loss analysis, risk identification, exposure.
- **Risk Management** – The discipline that ensures that a department does not assume an unacceptable level of risk.
- **Standardized Emergency Management System** – The cornerstone of Colorado’s emergency response system and the fundamental structure for the response phase of emergency management unifying all elements of Colorado’s emergency management community into a single integrated system and standardizes key elements. SEMS incorporates Incident Command System (ICS), Multi/Inter-agency coordination, Mutual aid, and the Operational Area Concept.
- **Vulnerability** – The susceptibility of a department to a hazard. The degree of vulnerability to a hazard depends upon the risk of the hazard occurring and potential consequences.

Authorities and References

Authorities

- Homeland Security Act of 2002 (6 U.S.C § 101 et seq.), November 25, 2002
- Executive Order 12472, Assignment of National Security and Emergency Preparedness
- Telecommunications Functions, April 3, 1984, as amended
- Executive Order 12656, Assignment of Emergency Preparedness Responsibilities, November 18, 1988, as amended
- National Security and Homeland Security Presidential Directives 20 and 51
- Presidential Decision Directive 67, Ensuring Constitutional Government and Continuity of Government Operations, October 1998
- Federal Continuity Directive 1, Federal Executive Branch National Continuity Program and Requirements, February 2008
- Comprehensive Preparedness Guide – 101, V.3, 2021
- Robert t. Stafford Act – 2013
- HSPD-5 Management of Domestic Incidents
- PPD-8 National Preparedness

References

- National Continuity Policy Implementation Plan, dated August 2007
- Federal Emergency Management Agency (FEMA) Continuity Guidance for Non-Federal Entities (States, Territories, Tribal, and Local Government Jurisdictions), July 2010
- FEMA Continuity Plan Template and Instructions for Non-Federal Governments, September 2013.
- FEMA Continuity Guidance Circular 1 (CGC 1), Continuity Guidance for Non-Federal Governments (States, Territories, Tribes, and Local Government Jurisdictions), FEMA, July 2013
- FEMA Continuity Guidance Circular 2 (CGC 2) Continuity Guidance for Non-Federal Governments: Mission Essential Functions Identification Process (States, Territories, Tribes, and Local Government Jurisdictions), October 2013
- 36 Code of Federal Regulations, Part 1234, Electronic Records Management, Part 1236 Management of Vital Records
- National Incident Management System (NIMS), December 2008
- National Fire Protection Association (NFPA) 1600 Standard on Disaster/Emergency Management and Business Continuity Programs, 2013 Edition

State Authorities

- Colorado Revised Statutes, 24-33.5-1609 Continuity of State Government operations
- Colorado Revised Statutes, 24-37.5-404 Public Agencies – information security plans
- Colorado Revised Statutes, 24-33.5-700 et al, Colorado Disaster Emergency Act, 2018

Local Authorities

- City of Montrose Ordinance 1-22 "Response to Emergencies, Civil Emergencies, or Local Disasters"
- Montrose County Emergency Management Resolution 25-99

Appendix A: City Mission Essential Functions

Mission Essential Functions must be performed during a disruption to normal operations and must continue performance during emergencies. Mission Essential Functions are both important and urgent. Functions that can be deferred until after an emergency are identified as Non-Essential.

Mission Essential Functions for the City of Montrose were determined based off the following criteria:

1. Any function that could directly impact the life-safety of the public and/or city staff if not continued.
2. Statutes, laws, executive orders, or directives that charge the organization with responsibility to perform missions.

The following table lists the Mission Essential Functions identified by each City Department in priority order for Recovery Time Objectives (RTO). The RTO is the maximum amount of time the function can be interrupted before it must be restored to an acceptable level of operation after an incident. The following system has been established to prioritize the City of Montrose's Mission Essential Functions according to time criticality.

Mission Essential Function Priority – Recovery Time Objectives

Tier	Ratings	Priority
1	IMMEDIATE: These functions have a direct and immediate effect on the organization to ensure the safety of individuals and protect property. These functions must be established within the first 12 hours up to 24 hours.	0-12 Hours
2	CRITICAL: These functions can be delayed until Tier 1 functions are restored but must be operational within 72 hours.	12-72 Hours
3	NECESSARY: These functions can be delayed until Tier 1 and Tier 2 functions are restored but must be operational within 1 week.	72Hrs - 1 Week
4	IMPORTANT: These functions can be delayed until Tier 1, Tier 2, and Tier 3 functions are restored but must be established within 30 days.	1 Wk–30 Days

Prioritized Mission Essential Functions By Department

Department/ Division	Mission Essential Function	Responsible Position	RTO
City Manager Office	Ensure continued governmental operations, (City Council, DART, MURA, Planning Commission, Historic Preservation, Municipal Elections, Public Information Operations.)	City Manager	1
City Manager Office	Ensure continued operation of essential City services.	City Manager	1
City Manager Office	Maintain communication with City Council, Department Heads, and Public.	City Manager	1
City Clerk	Maintain administration and processes for public meetings. (City Council, Planning Commission, Historic Preservation Commission, Montrose Urban Renewal Authority)	City Clerk	1
City Clerk	Maintain administration and processes for all municipal elections.	City Clerk	2
City Clerk	Maintain custody of all City records to include Cedar Creek Cemetery records.	Deputy City Clerk	3
City Clerk	Maintain custody of City Seal.	City Clerk	3
City Clerk	Maintain Notary Public responsibilities and processes.	City Clerk	3
City Clerk	Maintain administration and processes for licensing and permitting (Liquor, plumber, gas fitter, pawnbroker, mobile vendor, rights-of-way, etc.)	Senior Deputy City Clerk	3
Community Development	Maintain essential City Building/Planning functional support (construction support, inspections, project reviews, etc.)	Com. Dev. Director (Planning) & Building Official (Building)	3
Community Development	Maintain Grant functions including reporting, requests for reimbursement, etc.	Community Development Specialist (Com Dev. Director in absence of Specialist).	3
Community Development	Provide critical emergency building/planning technical services during disaster response (response actions/planning, reconnaissance, inspections, etc.)	Com. Dev. Director (Planning) & Building Official (Building)	1/2

Engineering	Maintain Essential City engineering functional support to City departments and community projects.	City Engineer	3
Engineering	Provide critical emergency engineering technical services during disaster response.	City Engineer	1
Finance	Maintain Payroll functionality – City and WestCo.	Payroll Technician	1
Finance	Maintain vendor/ contractor payments.	Accounts Payable Clerk	2
Finance	Maintain City services billing (Water, sewer, trash.)	Senior Accountant	4
Finance	Maintain Sales Tax collection.	Sales Tax Manager	3
Finance	Maintain cash/ revenue collection.	Finance Director	4
Finance	Maintain budget processes.	Finance Director	4
Finance	Ensure processing of vendor/ contractor w-2's and 1099's	Accounts Payable Clerk	4
Finance	Maintain audit processes.	Finance Director	4
Human Resources	Maintain Hiring Process	HR Director	3
Human Resources	Maintain Worker's Compensation	HR Director	1
Human Resources	Maintain Property Casualty Processes	HR Director	3
Human Resources	Maintain Employee Benefits	HR Director	3
Human Resources	Maintain FMLA Processes	HR Director	2
Human Resources	Maintain Separation Processes	HR Director	3
Human Resources	Maintain Disciplinary Processes	HR Director	3
Legal	Maintain essential City Legal services to City Manager's Office and City Departments.	City Attorney	1
Legal	Maintain essential City Legal services to City Council.	City Attorney	1
Legal	Provide critical legal services during disaster response.	City Attorney	1
Municipal Court	Hearings & dispositions of pending cases – high priority for defendants in custody.	Lead Court Clerk	1
Municipal Court	Jury trials and court trials – high priority for defendants in-custody.	Lead Court Clerk	3
Municipal Court	Maintain communication with Legal Department, Police Department and County Jail.	Lead Court Clerk	1

Municipal Court	Maintain records for all pending cases – Register of Actions and emails.	Lead Court Clerk	2
Municipal Court	Issue warrants for failure to appear.	Lead Court Clerk	2
Municipal Court	Quash warrants following arrest.	Lead Court Clerk	1
Municipal Court	Issue/adopt administrative orders.	Municipal Court Judge	4
Municipal Court	Live Stream court sessions: (Future requirement)	Lead Court Clerk	3
Pavilion/ Community 1Events	Maintain Pavilion operations.	Pavilion Operations Coordinator	3
Pavilion/ Community Events	Book Events/ Availability of Pavilion facilities.	Pavilion & Community Events Manager	3
Pavilion/ Community Events	Manage requests for event support of Pavilion events.	Pavilion & Community Events Manager	4
Pavilion/ Community Events	Support to Senior Center operations.	Pavilion Operations Coordinator	3
Pavilion/ Community Events	Maintain Community Events operations.	Community Events Coordinator	3
Pavilion/ Community Events	Book Events/ Availability of Community Event facilities.	Pavilion & Community Events Manager	3
Pavilion/ Community Events	Manage requests for event support of Community Events.	Pavilion & Community Events Manager	4
Police Department	Response to immediate life safety calls	Patrol	1
Police Department	Response to in progress crimes.	Patrol	1
Police Department	Response to civil disturbances.	Patrol	1
Police Department	Maintain Critical Public Safety Services	Command	1
Police Department	Establish Alternate Facility (If Needed)	Command	2
Police Department	Sustain COOP Operations	Command	2
Police Department	Sex Offender Registration	Admin	3
Police Department	Conduct Criminal Interviews	Detectives	1
Police Department	Evidence Process (Electronics)	Detectives	1
Police Department	Report Writing and Dissemination (detectives)	Detectives	2
Police Department	Maintain Security of Evidence and Evidence Vault	Evidence Tech	1
Police Department	Dissemination of Evidence and Property to Appropriate Entities	Evidence Tech	2

Police Department	Maintain Security and Continuity of Confidential Funds	DTF Sgt	1
Police Department	Maintain Security and Continuity of Confidential Source Files	DTF Sgt	1
Police Department	Maintain and Sustain Appropriate Victim Advocate Services	Vict. Advocate	3
Police Department	Maintain and Sustain Behavioral Health CO-Responder Services	Command	2
Police Department	Maintain and Sustain Peer Support and Secondary Clinical Services	Command	2
Police Department	Maintain Operation of Flex/Motorola (Spillman)	Admin	1
Police Department	Report Data Entry and Dissemination	Admin	1
Police Department	Maintain Evidence.com Operations	Admin	1
Police Department	Warrant Functions	Admin	1
Animal Control	Maintain animal shelter operations and animal care.		1
Animal Control	Investigate animal crimes/ bites.		1
Animal Control	Maintain intake for sick, vicious or injured animals.		2
Animal Control	Maintain reclamation services for personal pets.		2
Public Works	Activate and maintain access to alternate COOP facilities for affected Departments or offices.	Facilities Manager	2
Public Works	Ensure safe and secure employee and public access to essential city facilities.	Streets Superintendent	1
Public Works	Secure closure of impacted non-essential city facilities.	Facilities Manager	1
Public Works	Maintain safe and operational roadway network.	Streets Superintendent	1
Public Works	Provide critical infrastructure inspection and damage assessments.	Streets Superintendent	2
Public Works	Provide traffic signal, traffic sign maintenance and emergency traffic control.	Streets Superintendent	2
Public Works	Provide stormwater management and flood control.	Streets Superintendent	2
Public Works	Keep essential fleet vehicles in operational condition.	Fleet Superintendent	2
Public Works	Maintain fueling operations for essential fleet vehicles.	Fleet Superintendent	3
Public Works	Maintain all fleet data.	Fleet Superintendent	4

Public Works	Maintain cemetery operations at Cedar Cemetery.	Parks Superintendent	4
Public Works	Maintain parks for recreational use.	Parks Superintendent	4
Public Works	Continue playground equipment safety inspections.	Parks Superintendent	4
Public Works	Maintain facility and downtown landscaping operations.	Parks Superintendent	4
Public Works	Maintain snow removal operations (Winter).	Streets Superintendent	2
Public Works	Maintain residential and commercial refuse collection.	T&R Superintendent	2
Public Works	Maintain residential and commercial recycle collection.	T&R Superintendent	4
Utilities	Operate and maintain the potable water delivery system.	Water Distribution Team Leader	1
Utilities	Conduct required water quality sampling and testing.	Water Distribution Team Leader	3
Utilities	Collect meter readings and water usage information.	Water Distribution Team Leader	3
Utilities	Maintain sewer collection system.	Wastewater Collection Team Leader	4
Utilities	Maintain sewer lift stations to include individual grinder pumps.	Wastewater Collection Team Leader	1
Utilities	Respond to wastewater back up calls for service.	Wastewater Collection Team Leader	1
Utilities	Maintain operation and regulatory compliance of the wastewater treatment facility system.	WWTP Superintendent	1
Utilities	Perform required regulatory sampling and testing.	WWTP Superintendent	3
Utilities	Dispose of grit and screenings.	WWTP Superintendent	3
Utilities	Dispose of biosolids.	WWTP Superintendent	3

Mission Essential Functions By Priority

Department/ Division	Mission Essential Function	Responsible Position	RTO
City Manager Office	Ensure continued governmental operations, (City Council, DART, MURA, Planning Commission, Historic Preservation, Municipal Elections, Public Information Operations.)	City Manager	1
City Manager Office	Ensure continued operation of essential City services.	City Manager	1
City Manager Office	Maintain communication with City Council, Department Heads, and Public.	City Manager	1
City Clerk	Maintain administration and processes for public meetings. (City Council, Planning Commission, Historic Preservation Commission, Montrose Urban Renewal Authority)	City Clerk	1
Community Development	Provide critical emergency building/planning technical services during disaster response (response actions/planning, reconnaissance, inspections, etc.)	Com. Dev. Director (Planning) & Building Official (Building	1/2
Engineering	Provide critical emergency engineering technical services during disaster response.	City Engineer	1
Finance	Maintain Payroll functionality – City and WestCo.	Payroll Technician	1
Human Resources	Maintain Worker's Compensation	HR Director	1
Legal	Maintain essential City Legal services to City Manager's Office and City Departments.	City Attorney	1
Legal	Maintain essential City Legal services to City Council.	City Attorney	1
Legal	Provide critical legal services during disaster response.	City Attorney	1
Municipal Court	Hearings & dispositions of pending cases – high priority for defendants in custody.	Lead Court Clerk	1
Municipal Court	Maintain communication with Legal Department, Police Department and County Jail.	Lead Court Clerk	1
Municipal Court	Quash warrants following arrest.	Lead Court Clerk	1
Police Department	Response to immediate life safety calls	Patrol	1
Police Department	Response to in progress crimes.	Patrol	1
Police Department	Response to civil disturbances.	Patrol	1
Police Department	Maintain Critical Public Safety Services	Command	1
Police Department	Conduct Criminal Interviews	Detectives	1

Police Department	Evidence Process (Electronics)	Detectives	1
Police Department	Maintain Security of Evidence and Evidence Vault	Evidence Tech	1
Police Department	Maintain Security and Continuity of Confidential Funds	DTF Sgt	1
Police Department	Maintain Security and Continuity of Confidential Source Files	DTF Sgt	1
Police Department	Maintain Operation of Flex/Motorola (Spillman)	Admin	1
Police Department	Report Data Entry and Dissemination	Admin	1
Police Department	Maintain Evidence.com Operations	Admin	1
Police Department	Warrant Functions	Admin	1
Animal Control	Maintain animal shelter operations and animal care.	Animal Control Director	1
Animal Control	Investigate animal crimes/ bites.	Animal Control Director	1
Public Works	Ensure safe and secure employee and public access to essential city facilities.	Streets Superintendent	1
Public Works	Secure closure of impacted non-essential city facilities.	Facilities Manager	1
Public Works	Maintain safe and operational roadway network.	Streets Superintendent	1
Utilities	Operate and maintain the potable water delivery system.	Water Distribution Team Leader	1
Utilities	Maintain sewer lift stations to include individual grinder pumps.	Wastewater Collection Team Leader	1
	PRIORITY 2 MEF's		
Finance	Maintain vendor/ contractor payments.	Accounts Payable Clerk	2
Human Resources	Maintain FMLA Processes	HR Director	2
Municipal Court	Maintain records for all pending cases – Register of Actions and emails.	Lead Court Clerk	2
Municipal Court	Issue warrants for failure to appear.	Lead Court Clerk	2
Police Department	Establish Alternate Facility (If Needed)	Command	2
Police Department	Sustain COOP Operations	Command	2
Police Department	Report Writing and Dissemination (detectives)	Detectives	2
Police Department	Dissemination of Evidence and Property to Appropriate Entities	Evidence Tech	2
Police Department	Maintain and Sustain Behavioral Health CO-Responder Services	Command	2

Police Department	Maintain and Sustain Peer Support and Secondary Clinical Services	Command	2
Animal Control	Maintain intake for sick, vicious or injured animals.	Shelter Techs	2
Animal Control	Maintain reclamation services for personal pets.	Shelter Techs	2
Public Works	Activate and maintain access to alternate COOP facilities for affected Departments or offices.	Facilities Manager	2
Public Works	Provide critical infrastructure inspection and damage assessments.	Streets Superintendent	2
Public Works	Provide traffic signal, traffic sign maintenance and emergency traffic control.	Streets Superintendent	2
Public Works	Provide stormwater management and flood control.	Streets Superintendent	2
Public Works	Keep essential fleet vehicles in operational condition.	Fleet Superintendent	2
Public Works	Maintain snow removal operations (Winter).	Streets Superintendent	2
Public Works	Maintain residential and commercial refuse collection.	T&R Superintendent	2
	Priority 3 MEF's		
Finance	Maintain Sales Tax collection.	Sales Tax Manager	3
Human Resources	Maintain Hiring Process	HR Director	3
Human Resources	Maintain Property Casualty Processes	HR Director	3
Human Resources	Maintain Employee Benefits	HR Director	3
Human Resources	Maintain Separation Processes	HR Director	3
Human Resources	Maintain Disciplinary Processes	HR Director	3
Municipal Court	Jury trials and court trials – high priority for defendants in-custody.	Lead Court Clerk	3
Municipal Court	Issue/adopt administrative orders.	Municipal Court Judge	4
Municipal Court	Live Stream court sessions: (Future requirement)	Lead Court Clerk	3
Pavilion/ Community 1Events	Maintain Pavilion operations.	Pavilion Operations Coordinator	3
Pavilion/ Community Events	Book Events/ Availability of Pavilion facilities.	Pavilion & Community Events Manager	3
Pavilion/ Community Events	Support to Senior Center operations.	Pavilion Operations Coordinator	3
Pavilion/ Community Events	Maintain Community Events operations.	Community Events Coordinator	3

Pavilion/ Community Events	Book Events/ Availability of Community Event facilities.	Pavilion & Community Events Manager	3
Police Department	Sex Offender Registration	Admin	3
Police Department	Maintain and Sustain Appropriate Victim Advocate Services	Vict. Advocate	3
Public Works	Maintain fueling operations for essential fleet vehicles.	Fleet Superintendent	3
Utilities	Conduct required water quality sampling and testing.	Water Distribution Team Leader	3
Utilities	Collect meter readings and water usage information.	Water Distribution Team Leader	3
Utilities	Perform required regulatory sampling and testing.	WWTP Superintendent	3
Utilities	Dispose of grit and screenings.	WWTP Superintendent	3
Utilities	Dispose of biosolids.	WWTP Superintendent	3
	Priority 4 MEF's		
Finance	Maintain City services billing (Water, sewer, trash.)	Senior Accountant	4
Finance	Maintain cash/ revenue collection.	Finance Director	4
Finance	Maintain budget processes.	Finance Director	4
Finance	Ensure processing of vendor/ contractor w-2's and 1099's	Accounts Payable Clerk	4
Finance	Maintain audit processes.	Finance Director	4
Pavilion/ Community Events	Manage requests for event support of Community Events.	Pavilion & Community Events Manager	4
Pavilion/ Community Events	Manage requests for event support of Pavilion events.	Pavilion & Community Events Manager	4
Public Works	Maintain all fleet data.	Fleet Superintendent	4
Public Works	Maintain cemetery operations at Cedar Cemetery.	Parks Superintendent	4
Public Works	Maintain parks for recreational use.	Parks Superintendent	4
Public Works	Continue playground equipment safety inspections.	Parks Superintendent	4
Public Works	Maintain facility and downtown landscaping operations.	Parks Superintendent	4
Public Works	Maintain residential and commercial recycle collection.	T&R Superintendent	4
Utilities	Maintain sewer collection system.	Wastewater Collection Team Leader	4

Appendix B: Continuity of Operations/Government Plan Activation Job Aids

During a disruption to City operations, department leadership and COOP/COG Planning Leads or Alternates will guide key personnel and staff while they activate the COOP/COG. The COOP/COG activation job aid is designed to facilitate a smooth transition through activation and relocation, continuity operations, and reconstitution. While reconstitution tasks are listed after continuity operations tasks in the job aid, it is generally understood that continuity operations and reconstitution tasks will be performed concurrently.

COOP/COG Leads/ Alternates Job Aid

Item	Task	Task Assigned To	Date/ Time Completed
Activation & Relocation			
1	Contact emergency responders (fire, police, emergency medical services) if necessary.		
2	Conduct evacuation of City facilities, if necessary.		
3	Conduct accountability of personnel and visitors.		
4	Implement safety measures.		
5	Contact maintenance manager to disconnect utilities and power to the building to limit further damage.		
6	Direct and assist emergency personnel as required.		
7	Activate COOP.		
8	Notify City personnel.		
9	Hold response meeting at pre-determined site or via phone. Utilize alternate communication equipment if telecommunications infrastructure is unavailable.		
10	Coordinate relocation procedures in coordination.		
11	Notify external stakeholders of COOP activation.		
12	Assemble supporting elements required for reestablishing and performing mission essential functions at continuity facility: Key personnel Essential records and databases Critical software & Critical Equipment		

Item	Task	Task Assigned To	Date/ Time Completed
13	Prepare designated communications and other equipment for relocation.		
14	Take appropriate preventive measures to protect other communications and equipment that will not be relocated.		
15	Ensure computer connectivity and phone line transfers to the designated continuity facility.		
16	Ensure drive-away kits are complete and ready for transfer.		
17	Key personnel begin moving to the continuity facility.		
18	Coordinate public information release regarding COOP activation with the Public Information Officer.		
19	Coordinate with the Finance Department to track all expenses and resources related to the emergency.		
Continuity Operations			
20	Conduct accountability of personnel.		
21	Organize key personnel and account for backup personnel.		
22	Arrange for: On-site telephone & E-mail and phone directory.		
23	Occupy workspace: • Stow equipment. • Set up vital files, records, and databases. • Test phone, fax, e-mail, and other communications. • Establish communications with essential support elements and department elements.		
24	Determine which mission essential functions have been affected.		
25	Prioritize mission essential functions for restoration.		
26	If needed, implement orders of succession and delegations of authority.		
27	Ensure that all critical equipment, critical software, and vital files, records, and databases are available at continuity facility.		
28	Coordinate procurement of additional equipment, as needed.		
29	Begin performing mission essential functions.		

Item	Task	Task Assigned To	Date/ Time Completed
30	Coordinate public information release on the status of COOP implementation with the Public Information Officer.		
31	Track status and restoration efforts of all mission essential functions.		
32	Begin redeployment plans for phasing down continuity facility operations.		
Reconstitution			
33	Inform all personnel that the emergency or threat no longer exists.		
34	Communicate reentry actions.		
35	Inventory and salvage usable equipment, materials, records, and supplies from damaged facility.		
36	Document any damaged or lost equipment and records.		
37	Survey condition of primary locations and determine feasibility of salvaging, restoring, or returning to original facilities when emergency subsides or is terminated.		
38	Develop long-term reconstitution and recovery plans.		
39	Coordinate public information release on the status of reconstitution efforts with the Public Information Officer.		
40	Continue to track status and restoration efforts of all mission essential functions.		
41	Transition all functions, personnel, and equipment from continuity facility to designated permanent location.		
42	Resume normal operations.		
43	Track COOP activation-related costs for possible federal reimbursement.		
44	Determine loss of inventory for insurance report.		
45	Conduct an after-action review of the effectiveness of the COOP and identify areas for improvement.		
46	Develop a corrective action plan and remedial action plan.		
47	Request reimbursement through public assistance.		

As the department leadership and COOP/COG Leads or Alternates prepare to relocate key personnel, the following procedures will provide guidance to successfully maintain mission essential functions at a continuity facility.

COOP/ COG Relocation List

Item	Task	Task Assigned To	Date/ Time Completed
1	Designate a relocation manager(s) and prepare relocation checklist in support of the COOP.		
2	Identify areas where outside support will be required in relocation operations; activate agreements as necessary to ensure site support.		
3	Assemble necessary documents and equipment required to continue mission essential functions at the continuity facility.		
4	Order additional resources (including equipment and office supplies) that are not in place or readily available.		
5	Continue mission essential functions at the primary location, if available, until the continuity facility is operational.		
6	Support the orderly transition of all mission essential functions, personnel, equipment, and vital records from the primary location to the continuity facility.		
7	Identify mission essential functions that can be delayed or postponed if the COOP is implemented.		
8	Provide for the proper storage of backup copies of essential records and other pre-positioned resources and assets.		
9	Designate available staff to assist arriving key personnel.		
10	Conduct COOP training for all key personnel arriving at the continuity facility.		
11	Support the orderly transition of all mission essential functions, personnel, equipment, and vital records from the continuity facility to the primary location.		



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: August 5, 2025
RE: Black Jack Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

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

Proposed schedule:

June 2:	Council Work Session Overview
August 5:	Council Resolution to set a hearing date
August 27:	Planning Commission zoning hearing
September 16:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
October 7:	2nd reading of annexation and zoning ordinances



Application Background:

The Black Jack Addition is a proposed annexation approximately 13.55 acres in size. The annexation consists of the undeveloped portions of the Casias-Lovato Subdivision, at the end of Las Vegas Drive and east of 6700 Road. It is within the City's Urban Growth Boundary, City of Montrose Sewer Service Area, and Tri-County Water Service Area. The developed portions of the Casias-Subdivision were annexed in 1999.

Proposed Zoning: "R-2" Low Density District

Applicant: Robert C. Nelson

Staff Analysis:

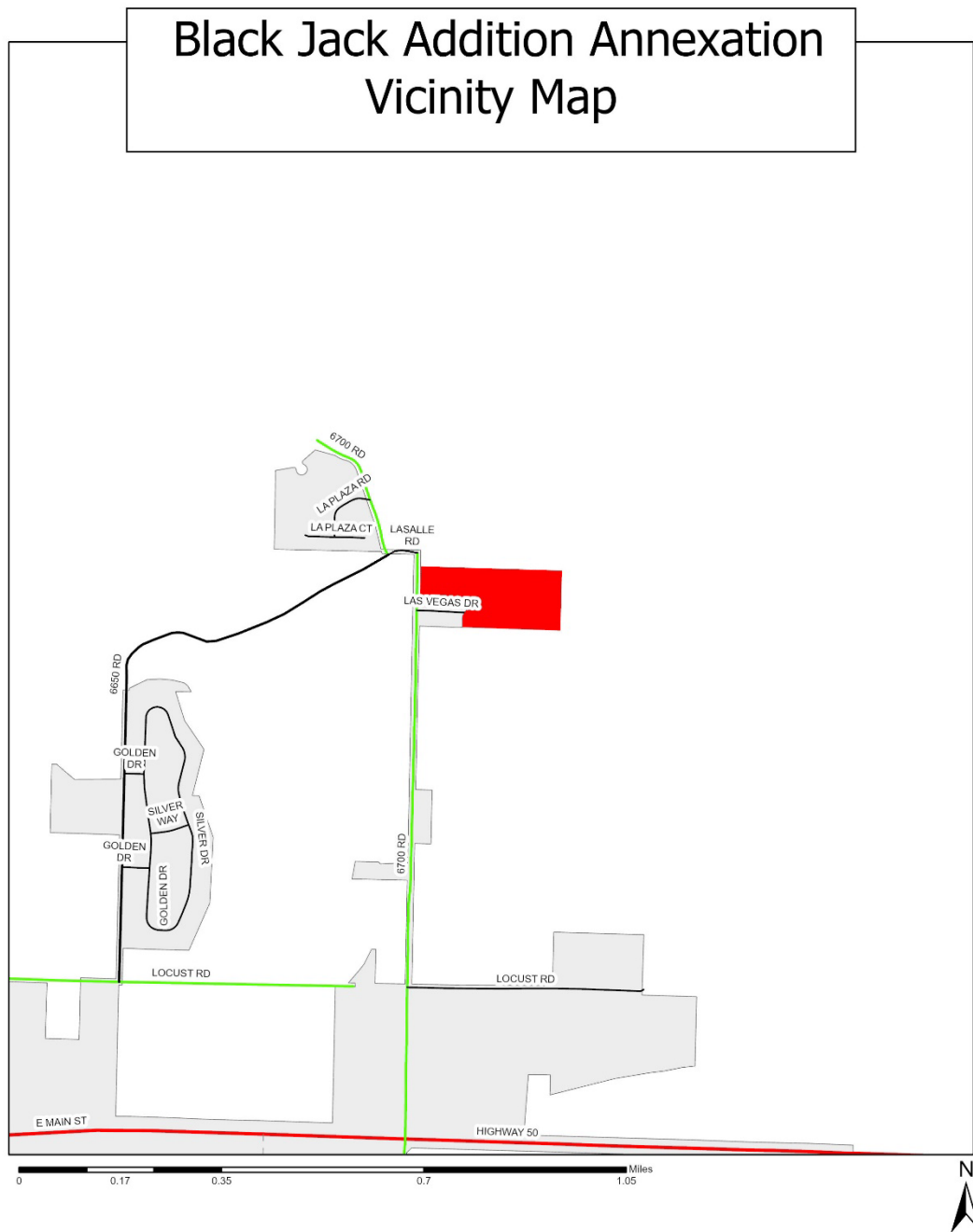
1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions. "The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:
 - i. The amendment is not averse to the public health, safety and welfare; and
 - ii. The amendment is in substantial conformity with the Comprehensive Plan, or such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated."
 - b. Municipal Code, Section 11-7-5: The "R-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.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned "R-1" Very Low Density District, "R-2" Low Density District, and properties outside of City limits.



4. The Comprehensive Plan Future Land Use Map designates the area of the Black Jack Addition as Residential Mixed Density Medium and Neighborhood Center. 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 Neighborhood Center designation is intended for small mixed-use commercial uses such as limited convenience shopping, office and professional services, and public facilities. Buildings are encouraged to be designed to blend with the surrounding neighborhood and located near the intersections of major and minor roadways.
5. The property is located within Growth Area 3. According to the Comprehensive Plan, Growth Area 3 contains an area that is farther away from services and infrastructure that would pose a greater financial burden to service and maintain infrastructure.
6. The “R-2” zoning does not appear to be averse to the public health, safety and welfare.



EXHIBIT A: Maps



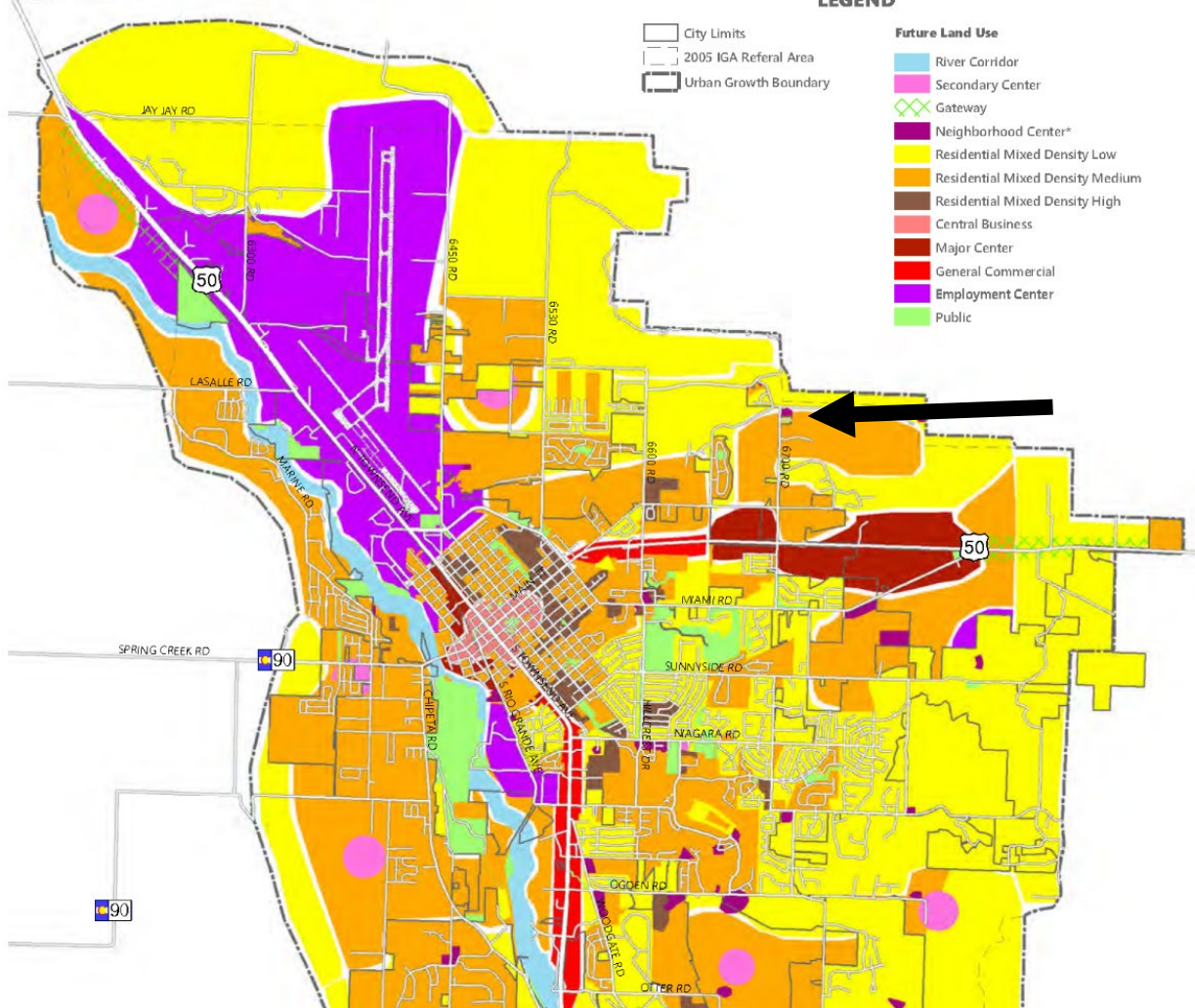
Black Jack Addition: 13.552 Acres
Zoning: "R-2" Low Density



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



BLACK JACK ADDITION
Outlot A, Casias-Lovato Subdivision Filing No. 1
& a Tract of Land Lying in the N½ NW¼ NW¼ of Section 24
Township 49 North, Range 9 West, N.M.P.M.
County of Montrose, State of Colorado

SECTION CORNER
LOCATION BASED ON TIES
FROM MONUMENT RECORDS
AND ADJOINING SUBDIVISIONS

NORTH SECTION LINE
SECTION 24

LASALLE ROAD

100' WIDE CANAL ROW
BK. 286 PG. 137

CANAL

S 89°25'49" E

1287.05'

OUTLOT A
27008 Sq. Feet
0.620 Acres

TRACT 1
(INCLUDING OUTLOT A)
590310 Sq. Feet
13.552 Acres

LOT 28
CASIAS-LOVATO
SUBDIVISION
FILING NO. 1

LOT 29
CASIAS-LOVATO
SUBDIVISION
FILING NO. 1

LOT 30
CASIAS-LOVATO
SUBDIVISION
FILING NO. 1

LOT 31
CASIAS-LOVATO
SUBDIVISION
FILING NO. 2

LOT 27
CASIAS-LOVATO
SUBDIVISION
FILING NO. 1

LOT 26
CASIAS-LOVATO
SUBDIVISION
FILING NO. 1

LOT 25
CASIAS-LOVATO
SUBDIVISION
FILING NO. 1

LOT 24
CASIAS-LOVATO
SUBDIVISION
FILING NO. 2

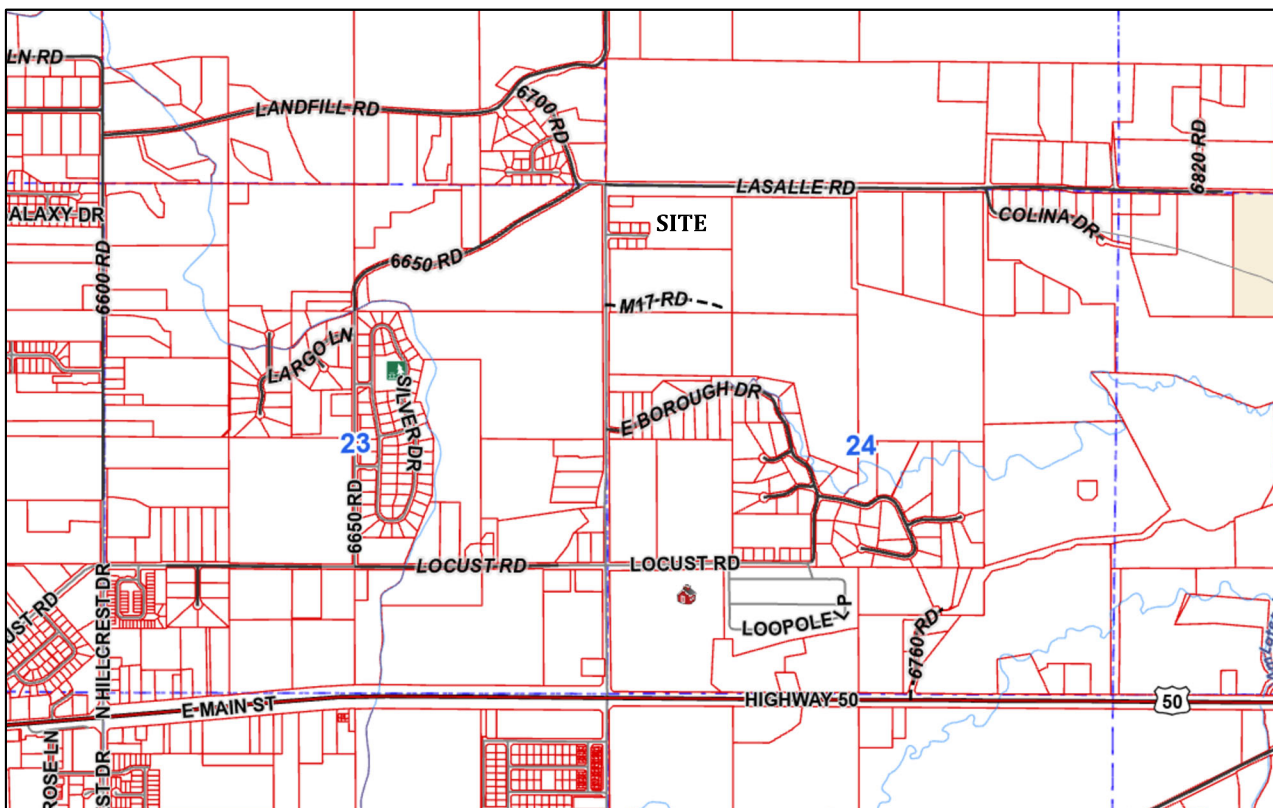
LAS VEGAS DRIVE

ALC 12766
SW CORNER N½ NW¼ NW¼
8.49' WITNESS CORNER

N 89°31'56" W
897.23'

WEST SECTION LINE
SECTION 24

VICINITY MAP
NOT TO SCALE



RECORDERS CERTIFICATE:

This plat was filed for record in the office of the Clerk and Recorder of Montrose County at
on the _____, 2025, Reception No. _____

_____, by _____
County Clerk & Recorder Deputy

PROPERTY DESCRIPTION:

Out Lot A, Casias-Lovato Subdivision Filing No. 1, County of Montrose, State of Colorado.

TOGETHER WITH: N½ NW¼ NW¼, Section 24, Township 49 North, Range 9 West, N.M.P.M.,

EXCEPT: A strip of land 100 feet in width across the northerly portion of said property conveyed to the U.S. by
quit claim deed recorded in Book 296 at Page 137,

ALSO EXCEPT: That tract of land conveyed to Montrose County Commissioners by quit claim deed recorded in
Book 653 at Page 215,

ALSO EXCEPT: Casias-Lovato Subdivision Filing No. 1 and Filing No. 2, County of Montrose, State of Colorado.

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

MAYOR'S CERTIFICATE:

This is to certify that the City of Montrose, a municipal corporation in the County of
Montrose, State of Colorado has by its Ordinance No. _____ adopted on the
_____ day of _____ 2023, annexed the property hereon to the
City of Montrose.

Mayor

Attest:
City Clerk

SURVEYOR'S CERTIFICATE:

I, Steven A. Yelton, a Registered Land Surveyor in the State of Colorado, do hereby
certify Black Jack Addition Annexation Map was prepared under my direct
supervision.

Colorado Registered Land Surveyor
Registration No. 33645
Date: 02/14/2025

PLAT NOTES:

This plat does not constitute a boundary survey.
It is a compilation of existing records for annexation purposes.

CITY LIMITS:

TOTAL PERIMETER: 3711.10'

PERIMETER CONTIGUOUS TO CITY LIMITS: 982.29'

LEGEND:

- - FOUND ALC PLS 7160
- ⊙ - FOUND ALC PLS 12766
- ⊙ - FOUND ALC ILLEGIBLE
- ▲ - FOUND REBAR
- ⊙ - FOUND ALC 33645

▨ CITY LIMITS

— BOUNDARY/LIMITS OF ANNEXATION

SCALE: 1" = 50' (U.S. SURVEY FEET)
0 ft. 50 ft. 100 ft.



ROCKY MOUNTAIN SURVEYING

Professional Land Surveyor #33645
P.O. Box 2014
Montrose, CO 81402
Office: 970-964-6105
Email: roy@rockymountainsurveying.com

REVISIONS:
2/18/2025
3/26/2025
4/04/2025

FB: n/a

Closure:

Area:

2025 STEVEN YELTON PLS 33645. "unauthorized use prohibited"

BLACK JACK ADDITION
Outlot A, Casias-Lovato Subdivision Filing No. 1
& a Tract of Land Lying in the N½ NW¼ NW¼ of Section 24
Township 49 North, Range 9 West, N.M.P.M.
County of Montrose, State of Colorado

FILE: 25021

DATE: 04/04/2025

FW: 01/29/2025

DRAFTING: RBH

FIELD: RBH

SHEET: 1 of 1

EXHIBIT B: Zoning Code Excerpt

Sec. 11-7-6. District uses.

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



of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.

- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(F) *Uses Not Listed.*

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

(G) *Schedule of Residential Zone District Uses.*

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.	P									



Rental storage units with a maximum rental unit size of 200 square feet.										C
Short-term rentals	P	P	P	P	P	P	P	P	P	P
Assisted living facilities					C	C	C		C	C
Childcare facilities	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	C	C	C	C	P	P	P	C	C	P
Schools	C	C	C	C	C	C	C	C	C	C
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
Duplex					P	P	P		P	
Group homes—handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P
Group homes—handicapped/disabled > 9 persons (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured housing				¹				P	P	P
Mobile homes (See Sec. 11-13)										P
Mobile home parks (See Sec. 11-13)										P
Modular housing								P	P	P
Multi-family dwelling					C	P	P		C	
Single-family dwelling	P	P	P	P	P	P	P	P	P	P
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C

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

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

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

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



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

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

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



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

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



RESOLUTION NO. 2025-13

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

1. The City Council hereby finds that the Annexation Petition submitted for the annexation of the property denominated as the **BLACK JACK ADDITION**, as described on **Exhibit A** hereto, is in substantial compliance with the requirements of C.R.S. § 31-12-107(1), as amended.
2. The City Council shall hold a hearing to determine if the proposed annexation complies with C.R.S. §§ 31-12-104, 105, or such parts thereof as may be required to establish eligibility for annexation under the terms of C.R.S. Part 1, Article 12, Title 31. The hearing shall be held on the 16th day of September 2025, in the Montrose City Council Chambers at the Elks Civic Building at 6:00 P.M.

ADOPTED by the City Council of the City of Montrose, Colorado, this 5th day of August 2025.

CITY OF MONTROSE, COLORADO

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description:

Out Lot A, Casias-Lovato Subdivision Filing No. 1, County of Montrose, State of Colorado.

TOGETHER WITH: N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 49 North, Range 9 West, N.M.P.M.,

EXCEPT: A strip of land 100 feet in width across the northerly portion of said property conveyed to the U.S. by quit claim deed recorded in Book 296 at Page 137,

ALSO EXCEPT: That tract of land conveyed to Montrose County Commissioners by quit claim deed recorded in Book 653 at Page 215,

ALSO EXCEPT: Casias-Lovato Subdivision Filing No. 1 and Filing No. 2, County of Montrose, State of Colorado.



CITY OF MONTROSE
Planning Services

MEMO

TO: Honorable Mayor, City Council
FROM: Jace Hochwalt, Community Development Director
DATE: August 5, 2025
RE: Update to Chapter 7 of Title 11 - Land Use Regulations specific to density standards in the B-1 zone district and front-yard garage setbacks in residential zone districts.

ATTACHMENTS

- Exhibit A: Ordinance 2683
- Exhibit B: Downtown Zoning Map

City Council Consideration:

The consideration of legislative code amendments to Section 11-7-7 of the Land Development Regulations of the City of Montrose. Two code amendments are being proposed, both specific to Section 11-7-7 – District Standards. The first amendment is specific to residential density in the B-1 (Central Business District) zone district, to accommodate higher density in the downtown area. The second amendment is specific to the reduction of front yard setback standards for garages within the R-3 (Medium Density District), R-3A (Medium-High Density District), and R-4 (High Density District) zones.

Project Background and Proposed Code Amendments:

In May 2023, the City of Montrose completed a comprehensive code consolidation effort that unified all land use regulations into a single, streamlined area, now referred to as Title 11 of the Montrose Municipal Code. This effort was followed by a significant code update focused primarily on housing-related provisions, alongside modernizations and clarifications to various code chapters to improve consistency and usability, which was completed in December of 2024.

With this major update now implemented, City staff have been applying the revised code to ongoing development projects. Through this application, staff have identified two areas where further amendments are needed to better align the code with the Comprehensive Plan and goals for housing flexibility and diversity. The two proposed code amendments are outlined below.

Code Amendment #1: Elimination of Density Standards within the B-1 (Central Business District) Zone

The Central Business District of Montrose encompasses a compact area generally bounded by Rio Grande Avenue (west), Mesa Avenue (east), N. 2nd Street (north), and S. 2nd Street (south). The majority of this four-block by six-block area is zoned B-1, with a few exceptions (better visualized in Exhibit B).

Under the current code (Section 11-7-7), residential uses within the B-1 district are required to comply with the density standards of the R-3A district, though they are exempt from dimensional standards. Upon review, staff has determined that this density requirement is overly restrictive for the unique lot sizes in the downtown core. There are several B-1 zoned parcels under 2,000 square feet, and a majority of parcels are under 6,300 square feet. Applying R-3A density limits to these smaller lots restricts development to only one or two residential units per parcel, which limits infill potential.

To address this, staff proposes eliminating the requirement for residential uses in the B-1 district to conform to R-3A density standards. This change would promote greater residential flexibility in the downtown core and help support a more vibrant, mixed-use environment consistent with the City's revitalization goals.

Code Amendment #2: Adjustment of Front Yard Setback for Garages in the R-3, R-3A, and R-4 Districts

Under the previous code, front yard setbacks in the R-3, R-3A, and R-4 zoning districts were set at 15 feet. This often led to functional issues, such as vehicles encroaching onto sidewalks and rights-of-way when parked in driveways. To address this, the December 2024 code update increased front setbacks for garages in these districts to 25 feet, while retaining the 15-foot requirement for the livable area of homes.

Staff has observed that the 25-foot front setback requirement for garages in the R-3, R-3A, and R-4 districts may be overly restrictive, particularly in areas where compact and efficient site design is critical. This concern has also been echoed by developers, who have expressed that the requirement creates design challenges and limits flexibility in medium- and high-density developments. In response, staff recommends reducing the garage setback from 25 feet to 20 feet. This adjustment would still help prevent vehicle encroachments into sidewalks and rights-of-way, while supporting more adaptable site planning and improved housing affordability.

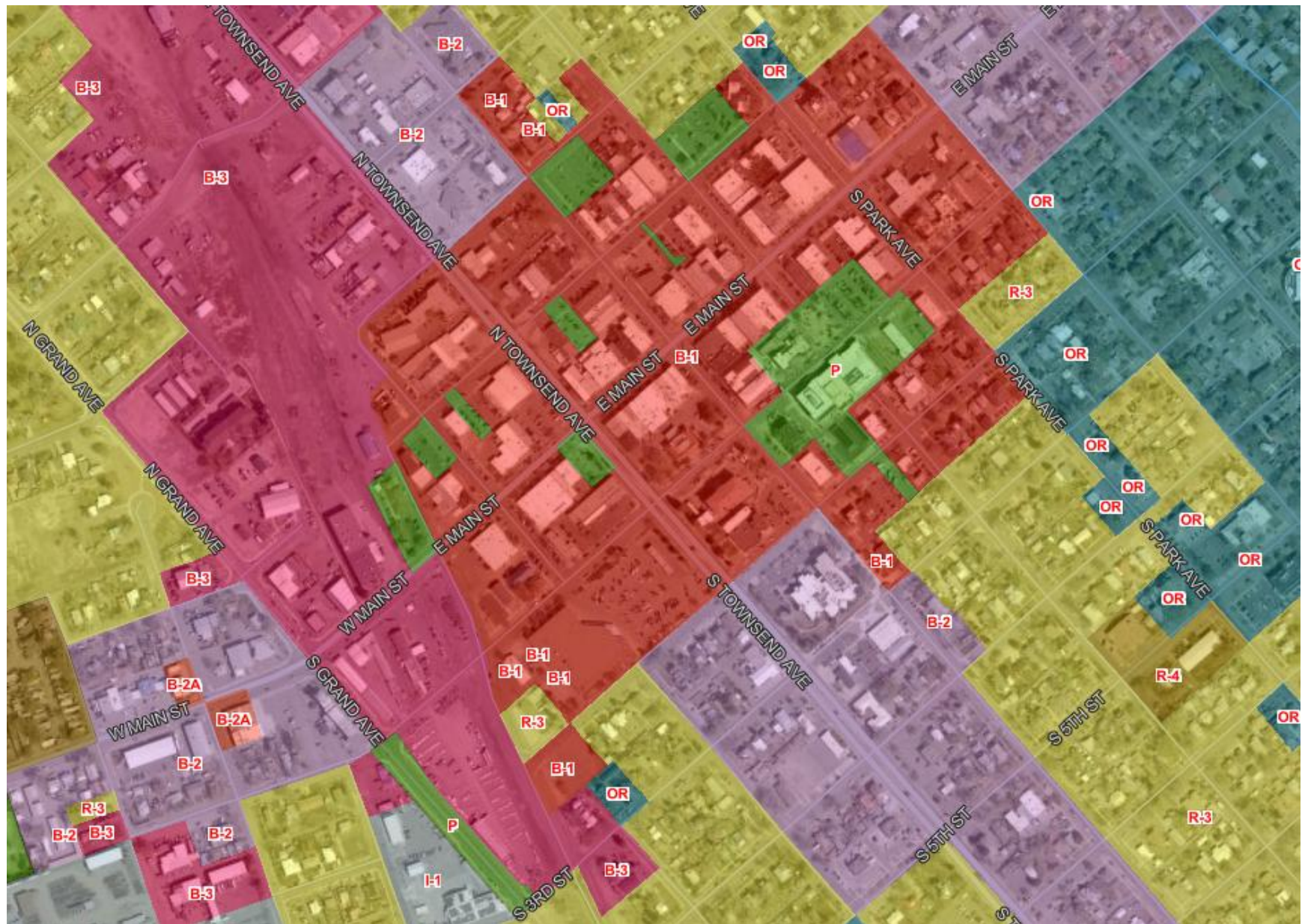
Both proposed code amendments support the City's efforts to promote housing diversity, flexibility, and affordability. By eliminating overly restrictive density standards in the downtown core and reducing garage setback requirements in medium- and high-density residential zones, these updates allow for a wider variety of housing types and more adaptable site designs.

These amendments are also supported by the Housing Needs Assessment, which recommends removing regulatory barriers to housing development—particularly for middle-density and multi-family projects. Additionally, they align with key goals in Chapter 7 of the Montrose Comprehensive Plan, including:

- Goal HN-1: Housing Variety – Encourage a variety of housing types, tenure, and densities to meet the diverse needs of the community.
- Goal HN-2: Affordable Housing – Increase access to affordable housing options.

Recommendation:

Staff finds that the proposed code amendments are in compliance with the Comprehensive Plan and would further support housing flexibility and diversity in the Montrose area. Staff therefore recommends approval of the amendments to Section 11-7-7 of the Montrose Municipal Code as proposed.



ORDINANCE NO. 2683

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING TITLE 11 CHAPTER 7 SECTION 7, REGARDING DENSITY STANDARDS IN THE B-1 (CENTRAL BUSINESS DISTRICT) ZONE AND FRONT YARD SETBACKS FOR GARAGES IN MEDIUM AND HIGH-DENSITY RESIDENTIAL ZONE DISTRICTS.

WHEREAS, the City's Municipal Code is updated from time to time; and

WHEREAS, the City's Envision 2040 Comprehensive Plan seeks to encourage a variety of housing types, tenure, and density to meet the needs of the community; and

WHEREAS, one goal of City's Envision 2040 Comprehensive Plan is to increase the density and availability of housing downtown; and

WHEREAS, the City performed a housing needs assessment in May 2023, which provided data to show a need for more diverse and affordable housing options within the City of Montrose; and

WHEREAS, the City allowing higher density in the downtown area will promote greater residential flexibility in the downtown core and help support a more vibrant, mixed-use environment consistent with the City's revitalization goals; and

WHEREAS, a five-foot reduction in front yard setbacks for garages in the R-3, R-3A, and R-4 zone districts will allow for greater site design flexibility while also maintaining an adequate driveway length to avoid vehicle encroachment into sidewalks and rights-of-way.

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

The following Section(s) of Title 11 Chapter 7 of the Official Code of the City of Montrose, Colorado are hereby amended to read in full as follows:

SECTION 1:

Section 11-7-7 (A) footnote #2 of the Official Code of the City of Montrose, Colorado is hereby amended to read in full as follows:

² Residential uses in the OR, P, B-2, B-2A, B-3, B-4, I-1 and I-2 zone districts shall comply with the applicable dimensional and density requirements as set out for the R-3A zone. Residential uses in the B-1 District are not required to comply with dimensional or density standards.

SECTION 2:

Section 11-7-8 (B)(4) of the Official Code of the City of Montrose, Colorado is hereby amended to read in full as follows:

(4) In zone districts where residential front setbacks are 15 feet or less, the garage setback shall be a minimum of 20 feet.

SECTION 3:

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

SECTION 4:

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

SECTION 5:

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

SECTION 6:

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

SECTION 7:

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

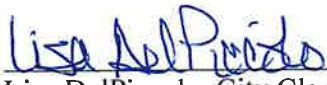
SECTION 8:

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

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 15th day of July, 2025, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 15th day of July, 2025.

ATTEST:



Lisa DelPiccolo, City Clerk





Dave Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 5th day of August, 2025.

ATTEST:

Lisa DelPiccolo, City Clerk

Dave Frank, Mayor



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: August 5, 2025
RE: 433 S 1st St 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 rezone of 433 S 1st St. City Council shall consider all of the information in this memo in making a decision.

Applicant: Typhoon Properties, LLC

Application Background:

The proposal is to rezone Lot 1 of the Carrier Neutral Location Minor Subdivision from “P” Public District to “B-1” Central Business District. The property is addressed as 433 S 1st St.

The Planning Commission unanimously voted to recommend approval of this rezone request at the June 25, 2025 Planning Commission meeting.

Proposed Zoning: “B-1” Central Business 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 decision based on whether it should be rezoned to “B-1” Central Business District. The current zoning is “P” Public District.
 - Zoning Regulations. 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. This property is adjacent to properties that are zoned “P” Public District and “B-1” Central Business District.
4. General Conformance with the Comprehensive Plan:
 - The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Public. This land use designation is to suggest potential locations for parks, open space, trails, schools, churches, cemeteries, and public buildings.
 - Staff finds that the proposed zoning meets the goals and objectives of the Comprehensive Plan.
5. The “B-1” 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:

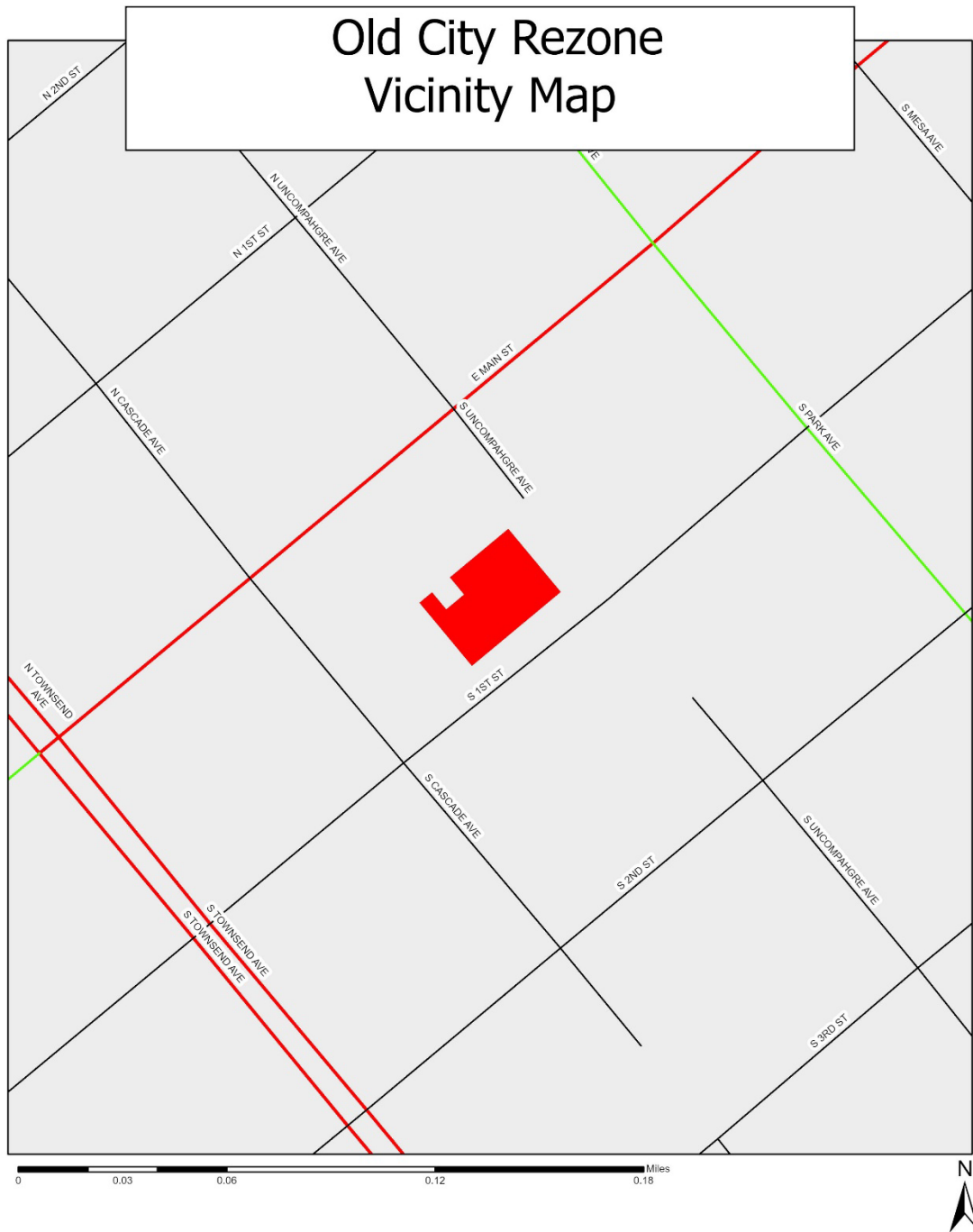
Staff finds that the rezone criteria has been met; it is in compliance with the Comprehensive Plan; it is compatible with existing uses in the surrounding area; and therefore, recommends approval of the "B-1" Central Business District.

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.



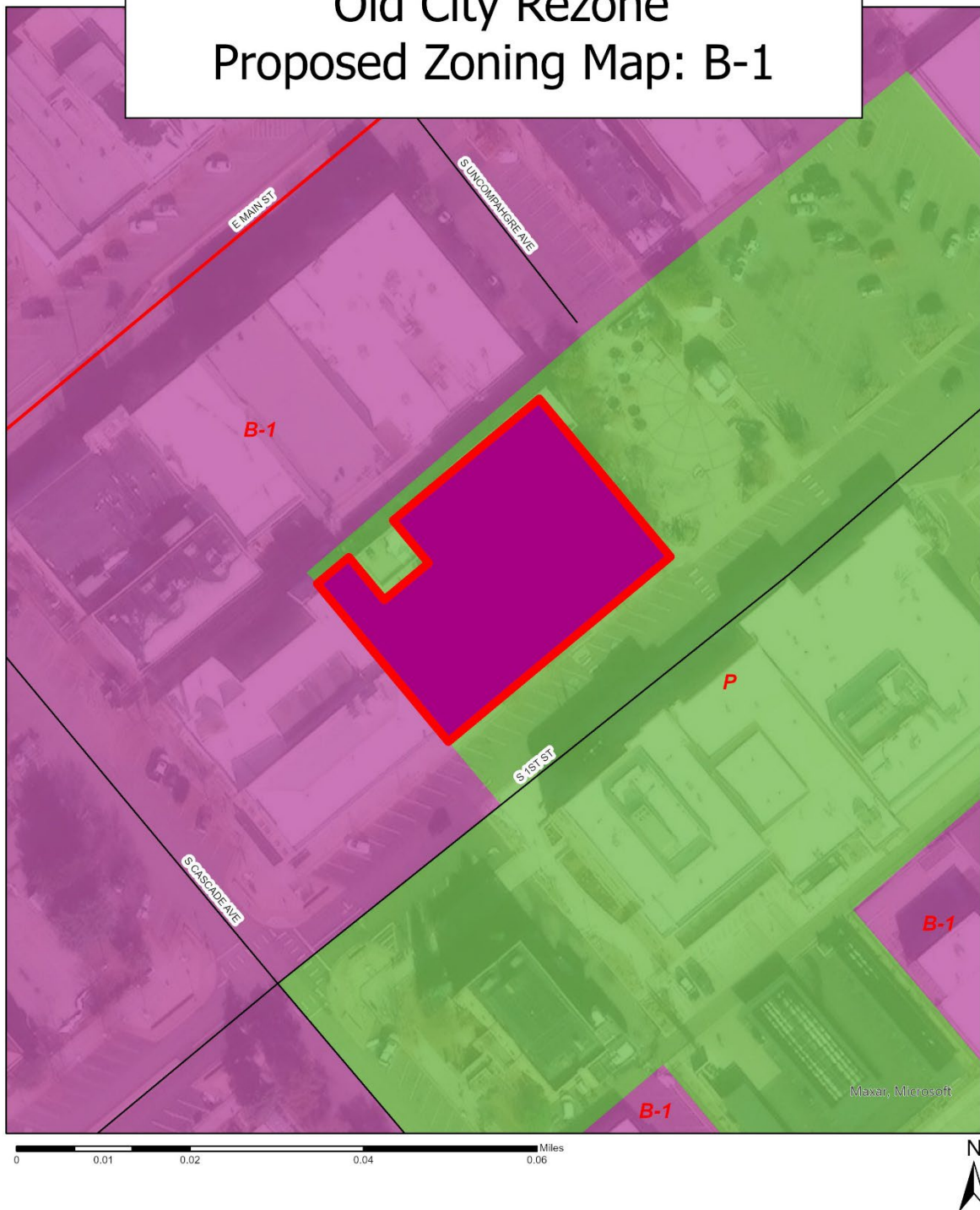
EXHIBIT A: Maps



Old City Rezone Current Zoning Map: P



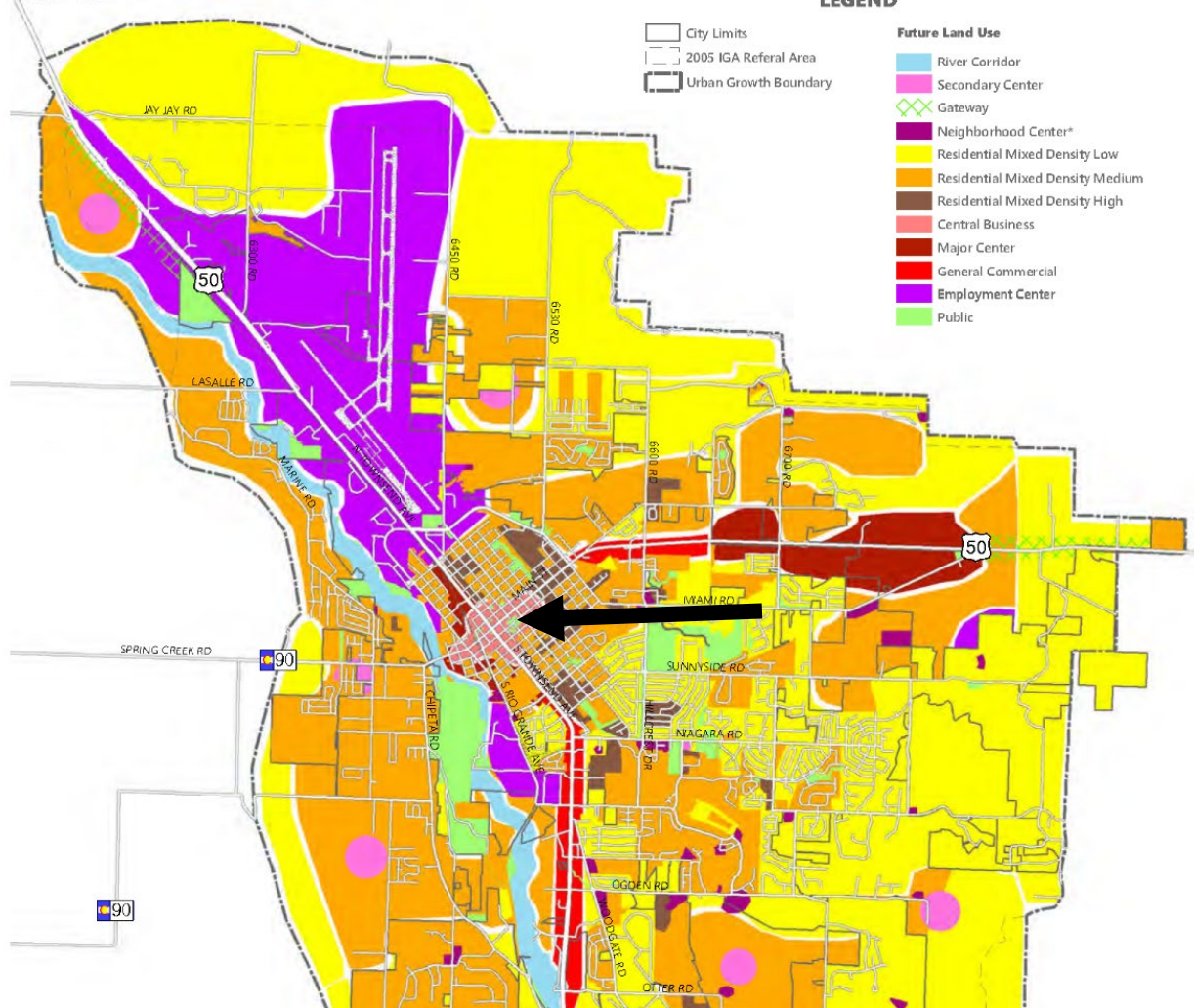
Old City Rezone Proposed Zoning Map: B-1



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



Date: May 16th, 2025

To: City of Montrose

400 E Main Street

Montrose, CO

Subject: Written Statement in Support of Rezoning Request

Dear City of Montrose,

This letter serves as the required written statement to accompany Typhoon Properties LLC rezoning application from the **P** zoning designation to the **B1** Zoning designation, for the property located at parcel number 376727370001, 433S 1ST ST, MONTROSE, CO 81401. Below addresses the applicable criteria outlined in Section 4-4-29(A) regarding amendments to the Official Zoning Map.

Compliance with Applicable Criteria:

1. Amendment Not Adverse to Public Health, Safety, and Welfare:

The requested rezoning will not adversely affect the public health, safety, or welfare.

2. Substantial Conformity with the Comprehensive Plan:

The proposed amendment is in substantial conformity with the City of Montrose, Colorado Comprehensive Plan, which aims to promote positive and responsible community and land development. The proposed rezoning aligns with these objectives by allowing for uses that will create economically stimulating opportunities for the City of Montrose and its community.

3. Initiation of Rezoning Request:

This request is submitted by Chase Merritt L.P., the owner of the property's authorized agent. This submission complies with the procedures outlined in Section 4-4-31 for rezoning review.

4. Mitigation Measures and Conditions:

To ensure compliance with the above criteria, we are prepared to work with the City of Montrose to address any reasonable conditions or concerns.

Conclusion:

We respectfully request approval of this rezoning application based on the compliance outlined above. Please do not hesitate to contact us if additional information or clarification is required. We look forward to working with the City of Montrose on this matter and are committed to ensuring a successful outcome.

Thank you for your consideration.

Sincerely,

Chase Horning

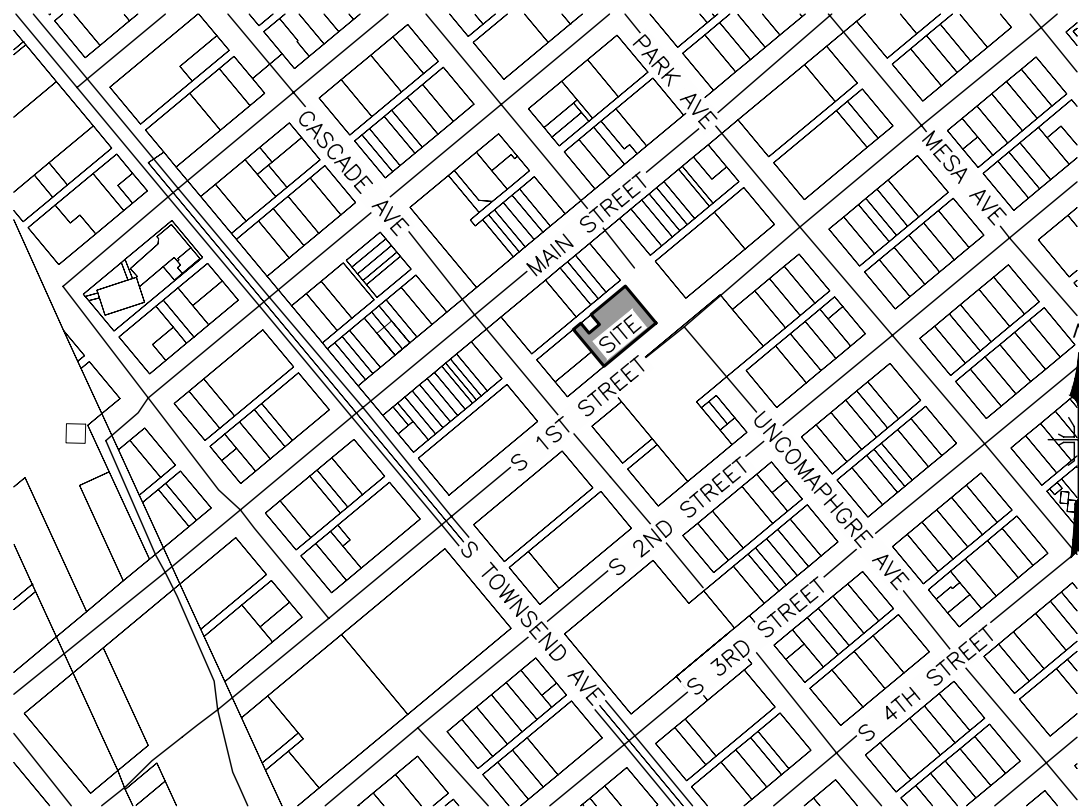
Project Manager

Chase Merritt L.P.

Chase@chasemerritt.com

CITY HALL ZONING MAP

SITUATED IN SECTIONS 27 & 28, TOWNSHIP 49 NORTH, RANGE 9 WEST, N.M.P.M.
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



VICINITY MAP
N.T.S.

CURRENTLY ZONED B1

ALLEY

N50°12'27"E 115.74'

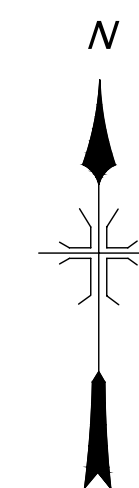
CURRENTLY ZONED P

CENTENNIAL PLAZA

LOT 1
0.48 ACRES
TO BE ZONED B-1

CURRENTLY ZONED P

ZONING BOUNDARY DESCRIPTION:
LOT 1, CARRIER NEUTRAL LOCATION MINOR
SUBDIVISION, RECEPTION NO. 975537,
COUNTY OF MONTROSE, STATE OF COLORADO


$$1'' = 10'$$

Scale in feet



CURRENTLY ZONED P

CURRENTLY ZONED B1

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 herein.

			DEL-MONT CONSULTANTS, INC. ENGINEERING ▼ SURVEYING 125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (870) 249-2251 www.del-mont.com ▼ service@del-mont.com		TITLE CITY HALL ZONING MAP	
					CLIENT CHAD HORNING	
FIELD BOOK			DRAWN BY DCC		ADDRESS & PHONE	
			DATE 2025-05-14			
SHEET 1 of 1			FILE 25071V_EXHIBIT		TYPE EXHIBIT	
			JOB NO. 25071			

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.

-
- (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.

-
- (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:

-
- (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.

Table 7.1
Allowed Temporary Uses

Use	Zone Districts	Period
Construction trailer, temporary building, or yard for construction management office and/or storage of materials during active construction within an approved development.	All	Time to be specified by City Manager; must be concurrent with Building Permit; must be terminated within 30 days of issuance of project Certificate of Occupancy for all types of construction.
Temporary office for the sale and/or rental of dwelling units under construction within an approved development.	All	Time to be specified by City Manager; must be terminated within 60 days of completion of the sales period.
Seasonal or off-site retail sales, which include, but are not limited to: sale of seasonal fruits and vegetables; sale of fireworks; and sale of Christmas trees.	Commercial and Industrial zone districts only	Not to exceed 180 days, and provided that any permits required by law are obtained

(F) *Uses Not Listed.*

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

(G) *Schedule of Residential Zone District Uses.*

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches	P									
Short-term rentals	P	P	P	P	P	P	P	P	P	P
Assisted living facility					C	C	C		C	C
Childcare facility	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P

Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	P	P	P	P	P	P	P	P	P	P
Schools; Elementary, Middle and High	C	C	C	C	C	C	C	C	C	C
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P	P
Accessory Dwelling Unit (See Sec. 11-11-5)	C	C	C	P	P	P	P	P	P	
Dwelling, Duplex				P	P	P	P	P	P	
Dwelling, Fourplex					C	P	P		C	
Dwelling, Multi-household					C	P	P		C	
Dwelling, Single-Household Attached					P	P	P		P	
Dwelling, Single-Household Detached	P	P	P	P	P	P	C	P	P	P
Dwelling, Tiny Home									P	P
Tiny Home Community										P
Dwelling, Triplex					P	P	P		P	
Group homes - handicapped/disabled 8 persons or less (See Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P
Group homes - handicapped/disabled > 9 persons (See Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (See Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured home				¹				P	P	P
Manufactured home park (See Sec. 11-13)										P
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C
Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E))	T	T	T	T	T	T	T	T	T	T

Travel home (See Sec. 11-13-6(2))	T	T	T	T	T	T	T	T	T	T
-----------------------------------	---	---	---	---	---	---	---	---	---	---

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

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

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Vehicle sales, rental, repair or service establishments			C	C	P	P		P	P
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials business			C	P	P	P		P	P
Commercial greenhouse				C	C	P	C	P	P
Electric vehicle charging station, retail		P	P	P	P	P	C		
Farm implement sales or service establishment					P	P		P	P
Food truck court		P	P	P	P	P	P	C	C
Fueling station or other retail use having fuel pumps (See Sec. 11-11-4)			P	P	P	P	C	C	C
Funeral home			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facility, self-service				P	P	P	P		
Manufactured home, tiny home and travel home sales or service establishments					P	P		P	P
Medical clinic	P		P	P	P	P	P	P	C
Micro-brewery, micro-distillery, or micro-winery			P	P	P	P	P	P	C
Office, business	P		P	P	P	P	P	P	P
Outpatient drug treatment clinic	P								
Travel home park (See Sec. 11-13)				C	C	C			
Campground				C	C	C			
Rental business					P	P		C	C
Restaurant			P	P	P	P	P	C	C
Drive-in or drive-through			C	P	P	P	C	C	C
Retail sales and personal service establishments	C		P	P	P	P	P	P	C
Retail sales and personal service establishments with limited manufacturing				C	C	C		P	C

Created: 2025-04-01 14:52:32 [EST]

(Supp. No. 11, Update 2)

Sexually oriented business (See Sec. 11-12-1)									P
Shooting range, indoor						C		C	C
Short-term rentals	P		P	P	P	P	P	P	P
Bar or tavern			P	P	P	P	C	C	C
Theater			C	P	P	P			
Veterinary clinic or hospital, small animal				P	P	P		C	C
Veterinary clinic or hospital, large animal					P	P		C	C
Storage facilities, fuels and chemicals						P		P	P
Aircraft support services								P	P
Construction equipment storage facility						P		P	P
Feed storage and sales establishments						P		P	P
Fulfillment Center				C	C	C		P	P
Manufacturing and non- manufacturing uses (See Sec. 11-11-4)					C	C		P	P
Industrial use, other								C	P
Storage facilities, indoor			C	P	P	P	C	P	P
Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operation			C	C	C	C		P	P
Airport								P	P
Assisted living facility	C			P	P	P			
Childcare facility	P	P	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospital	P								
Library		P	P	P	P	P			
Museum or visitor center		P	P	P	P	P			
Parking facility	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P		C	C

Created: 2025-04-01 14:52:32 [EST]

(Supp. No. 11, Update 2)

Religious assembly	P	P	P	P	P	P	P	C	C
Schools; Elementary, Middle and High	C	P	C	C	C	C	C		
Live/work unit	P	P	P	P	P	P	P	P	P
Mixed use building	P	P	P	P	P	P	P	P	P
Golf course		C							
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P
Private recreation facility, indoor		C	C	P	P	P	C	P	P
Private recreation facility, outdoor		C		P	P	P		P	P
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P
Dwelling, Duplex	P	P	P	P	P	P	P	P	P
Dwelling, Fourplex	P	P	P	P	P	P	P	P	P
Dwelling, Multi-household	P	P	P	P	P	P	P	P	P
Dwelling, Single Household Attached	P	P	P	P	P	P	P	P	P
Dwelling, Single Household Detached	P	P	P	P	P	P	P	P	P
Dwelling, Tiny Home		P							
Dwelling, Triplex	P	P	P	P	P	P	P	P	P
Group home - handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P		P	P	P	P	P	P	P
Group home - handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group home (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Supportive housing	C					C		C	
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P
Solar farms								P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
Accessory uses (See Sec. 11-7-6 (D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6 (E))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6 (2))	T		T	T	T	T	T	T	T

Created: 2025-04-01 14:52:32 [EST]

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

Sec. 11-7-7. District standards.

(A) Tabulated requirements for principal uses by right are as follows (all dimensions in feet or square feet unless otherwise noted):

District	Use ^{2 3}	Maximum Density	Minimum Lot Size ⁴	Front	Rear	Side	Corner Lot	Maximum Building Height
RL	Dwelling, Single Household Detached	TBD - see footnote #4	⁵	25	20	10	20	35
R-1	Dwelling, Single Household Detached	1 dwelling unit/acre	1 acre	25	20	10	20	35
R-1A	Dwelling, Single Household Detached	2 dwelling units/acre	½ acre	25	20	10	20	35
R-1B	Dwelling, Single Household Detached	3 dwelling units/acre	⅓ acre	25	20	10	20	35
R-2	Dwelling, Single Household Detached	5.8 dwelling units/acre	7,500	25	20	5	20	35
	Duplex	7.75 dwelling units/acre	11,250	25	20	5	20	35
R-3	Single-household detached	7 dwelling units/acre	6,250	15	20	5	15	35
	Duplex	9.3 dwelling units/acre	9,375	15	20	5	15	35
	Single-household attached	9.3 dwelling units/acre	4,700/dwelling unit	15	20; 5 w/ rear-loaded garage	10 to bldg. lot line	15	35
	Triplex or Fourplex	9.3 dwelling units/acre	4,700/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	15 dwelling units/acre	2,900/dwelling unit	15	20	10	15	40
R-3A	Single-household detached	8.7 dwelling units/acre	5,000	15	20	5	15	35

Created: 2025-04-01 14:52:32 [EST]

(Supp. No. 11, Update 2)

	Duplex	9.3 dwelling units/acre	9375	15	20	5	15	35
	Single-household attached	15 dwelling units/acre	2,900/dwelling unit	15	20; 5 w/ rear-loaded garage	10 to bldg. lot line	15	35
	Triplex or Fourplex	15 dwelling units/acre	2,900/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	15 dwelling units/acre	2,900/dwelling unit	15	20	10	15	40
R-4	Single-household detached	17.4 dwelling units/acre	2,500	15	20; 5 w/ rear-loaded garage	5	10	35
	Duplex	17.4 dwelling units/acre	5,000	15	20	5	15	35
	Single-household attached	18.9 dwelling units/acre	2,300/dwelling unit	15	20; 5 w/ rear-loaded garage	10 to bldg. lot line	15	35
	Triplex or Fourplex	18.9 dwelling units/acre	2,300/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	24 dwelling units/acre	1,815/dwelling unit	15	20	10	15	40
R-5	Single-household detached	3.6 dwelling units/acre	12,000	25	20	5	20	35
	Duplex	7.2 dwelling units/acre	12,000	25	20	5	20	35
	Manufactured Home	3.6 dwelling units/acre	12,000	25	20	10	20	35
R-6	Single-household detached	5.8 dwelling units/acre	7,500	25	20	5	15	35
	Duplex	9.3 dwelling units/acre	9,375	15	20	5	15	35
	Single-household attached	9.3 dwelling units/acre	4,700/dwelling unit	25	20; 5 w/ rear-loaded garage	10 to bldg. lot line	20	35
	Triplex or Fourplex	9.3 dwelling units/acre	4,700/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	15 dwelling units/acre	2,900/dwelling unit	15	20	10	15	40

Created: 2025-04-01 14:52:32 [EST]

(Supp. No. 11, Update 2)

	Manufactured Home	5.8 dwelling units/acre	7,500	25	20	5	20	35
	Tiny Home	5.8 dwelling units/acre	7,500	15	20	5	15	35
MHR	Manufactured Homes except MH Parks ⁶	14.5 dwelling units/acre	3,000	5	10	10	10	35
	Dwelling, Single Household Detached	14 dwelling units/acre	3,125	5	10	10	10	35
	Tiny Home except Tiny Home Communities ⁷	14.5 dwelling units/acre	3,000	5	10	10	10	35
OR	All Non-Residential		6,250	15	15	5	15	35
p ⁸	All Non-Residential		N/A	15	N/A	N/A	15	N/A
B-1	No Req.		No Req., except for fueling stations	No Req.	No Req.	No Req.	No Req.	No Req.
B-2	All Non-Residential		N/A	15	N/A	N/A	15	N/A
B-2A	All Non-Residential		N/A	25	N/A	N/A	25	35
B-3	All Non-Residential		N/A	25	N/A	N/A	25	35
B-4	All Non-Residential		N/A	25	N/A	N/A	25	35
I-1	All Non-Residential		½ acre	25	N/A	N/A	25	N/A
I-2	All Non-Residential		½ acre	25	N/A	N/A	25	N/A

² Residential uses in the OR, P, B-2, B-2A, B-3, B-4, I-1 and I-2 zone districts shall comply with the applicable dimensional requirements as set out for the R-3A zone. Residential uses in the B-1 District shall comply with the density standards in the R-3A zone, but are not required to comply with the dimensional standards.

³ Commercial and institutional uses in the RL, R-1, R-1A, R-1B, R-2, R-3, R-3A, R-4, R-5, R-6 and MHR zone districts shall comply with the applicable dimensional requirements as set out for the "OR" zone.

⁴ Applies per lot; not per primary dwelling unit. Where specified as square footage per dwelling unit for multiple unit dwelling types does not imply a minimum dwelling unit size; there is no minimum dwelling unit size.

⁵ A minimum lot size shall be determined as a condition of initial zoning of property as "RL." Such lot size shall be designed to limit overall residential units per acre to no more than allowed by Montrose County in comparable areas in the County where sewer is available, and to implement the City Comprehensive Plan as feasible while remaining economically competitive with allowed County densities.

⁶ Dimensional requirements for manufactured home parks are controlled by Chapter 11-13-5 of this Title.

⁷ Dimensional requirements for tiny home communities are controlled by Chapter 11-13-12 of this Title.

⁸ City facilities are exempt from these standards.

(B) Additional Dimensional Requirements.

-
- (1) Accessory use structures or buildings in residential districts may be located on those rear and side property lines which do not abut a street, if the structure is at least ten feet to the rear of the building line of the principal structure and does not occupy more than 30 percent of the rear yard area. In all other situations, accessory structure setbacks are the same as principal structure setbacks.
 - (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:

Created: 2025-04-01 14:52:32 [EST]

(Supp. No. 11, Update 2)

-
- (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;
 - (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 United 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.
 - (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.*
- (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.
 - (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;
 - (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
 - (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.
 - (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 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 it 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.

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

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.

Created: 2025-04-01 14:52:32 [EST]

(Supp. No. 11, Update 2)

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

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

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 of 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. 2684

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF LOT 1 OF THE CARRIER NEUTRAL LOCATION MINOR SUBDIVISION FROM "P" PUBLIC DISTRICT TO "B-1", CENTRAL BUSINESS DISTRICT.

WHEREAS, the Planning Commission met on June 25, 2025, to consider a rezoning of Lot 1 of the Carrier Neutral Location Minor 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:

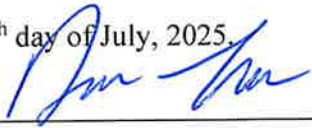
The Official Zoning Map is amended to designate Lot 1 of the Carrier Neutral Location Minor Subdivision, more particularly described as:

**LOT 1, CARRIER NEUTRAL LOCATION MINOR
SUBDIVISION, RECEPTION NO. 975537,
COUNTY OF MONTROSE, STATE OF COLORADO**

as a "B-1," Central Business District without conditions, 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 15th day of July, 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 15th day of July, 2025.



Dave Frank, Mayor

ATTEST:



Lisa DelPiccolo, City Clerk



INTRODUCED, READ and ADOPTED on second reading this 5th day of August, 2025.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: August 5, 2025
RE: 675 6600 Rd 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 rezone of 675 6600 Rd. City Council shall consider all of the information in this memo in making a decision.

Applicant: Jimmie Goodall and Holly Goodall

Application Background:

The proposal is to rezone Lot 2 of the Klein Minor Subdivision Minor Subdivision from “MHR” Manufactured Housing Residential District to “R-6” Medium Density/Manufactured Housing District. The property is addressed as 675 6600 Rd.

The Planning Commission unanimously voted to recommend approval of this rezone request at the June 25, 2025 Planning Commission meeting.

Proposed Zoning: “R-6” Medium Density/Manufactured Housing 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 decision based on whether it should be rezoned to “R-6” Medium Density/Manufactured Housing District. The current zoning is “MHR” Manufactured Housing Residential District.
 - Zoning Regulations. 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.
3. This property is adjacent to properties that are zoned “MHR” Manufactured Housing Residential District and properties outside of City limits.
4. General Conformance with the Comprehensive Plan:
 - The Comprehensive Plan Future Land Use Map (Chapter 5) designates this area as Residential Mixed Density Low. This district provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing residential development in Montrose. It will continue to be the predominant density in the City.
 - Staff finds that the proposed zoning meets the goals and objectives of the Comprehensive Plan.
5. The “R-6” 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 "R-6" Medium Density/Manufactured Housing District.

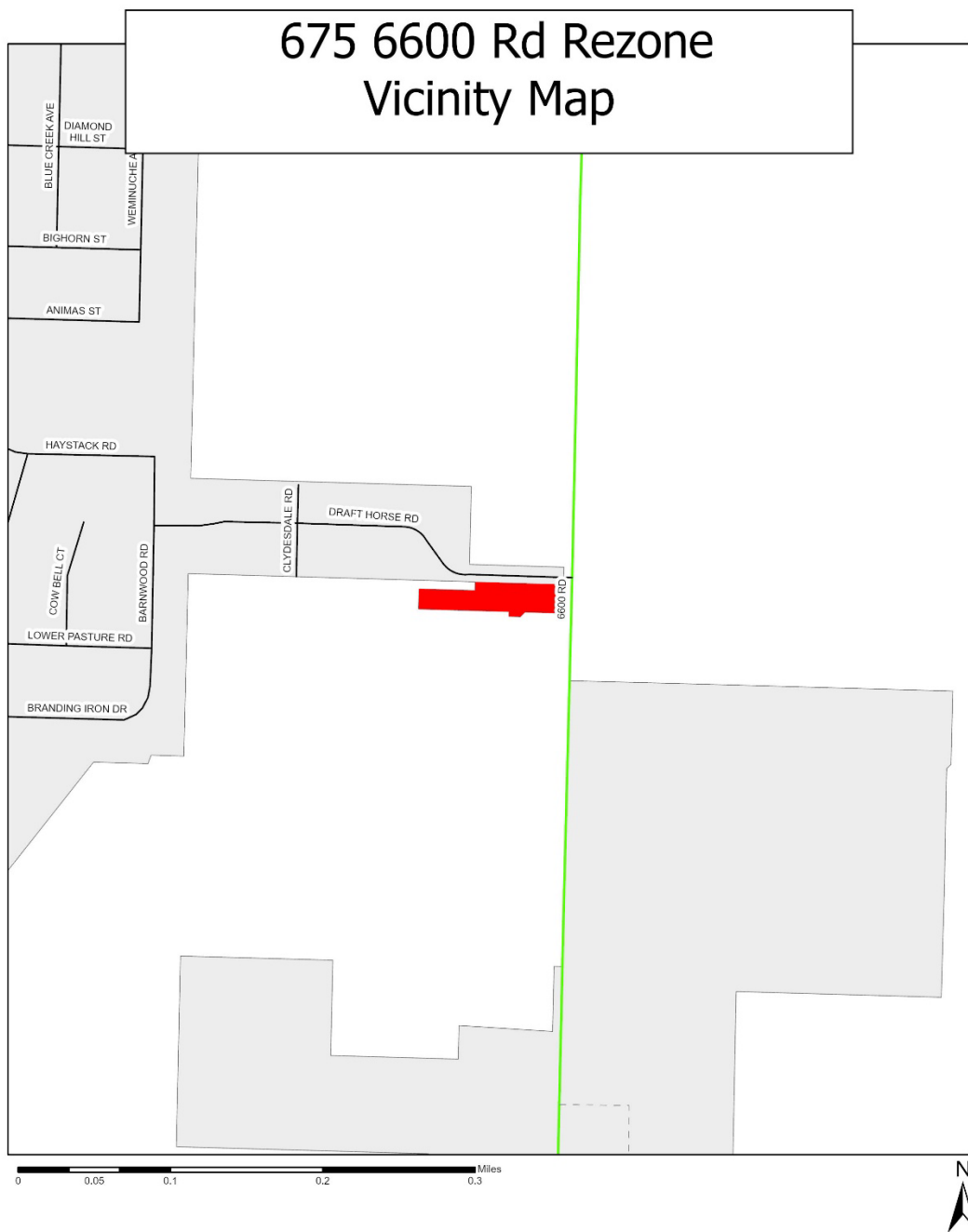


City Council Options:

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



675 6600 Rd Rezone Current Zoning Map: MHR



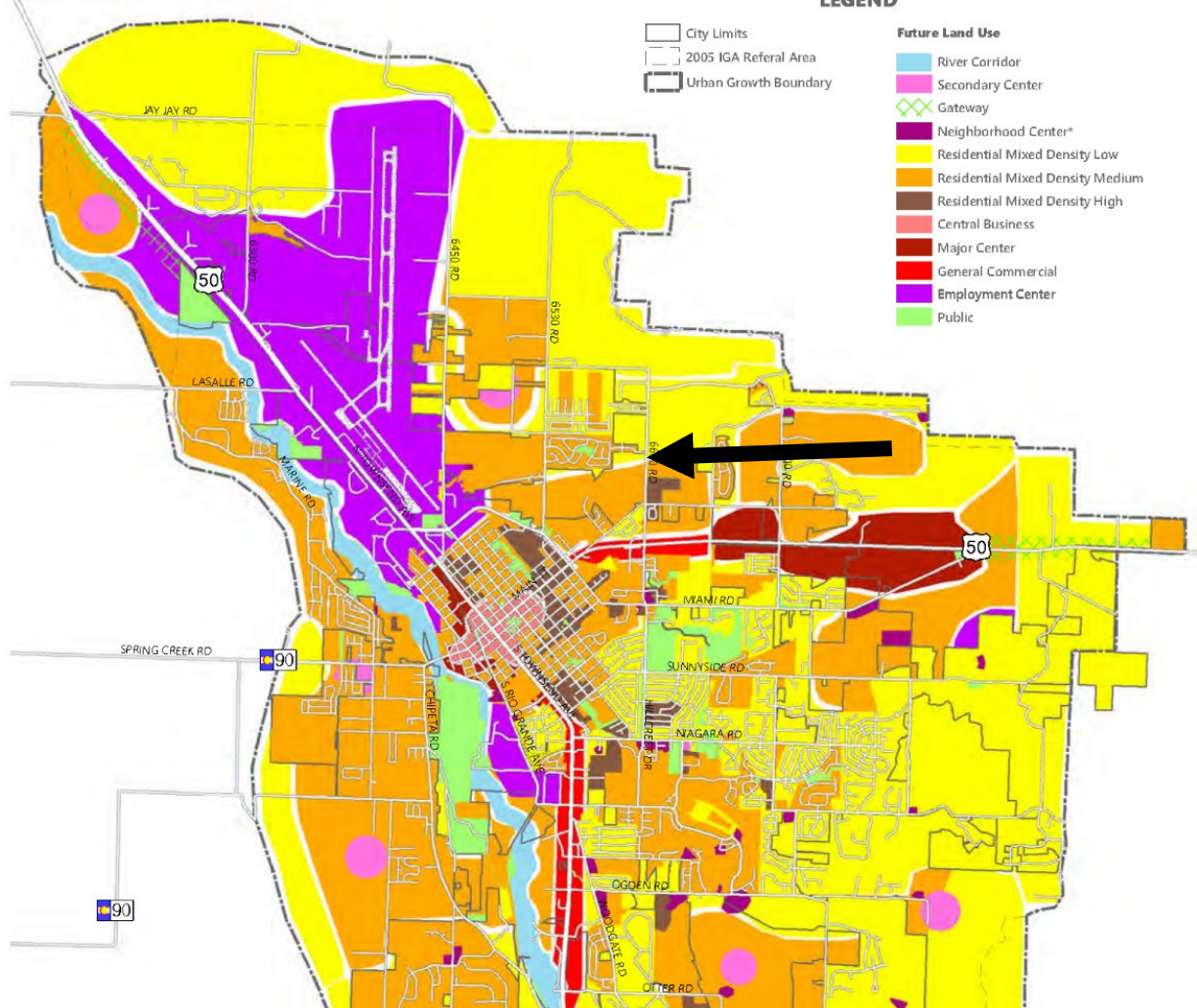
675 6600 Rd Rezone Proposed Zoning Map: R-6



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



KLEIN MINOR SUBDIVISION

SITUATED IN SECTION 22, TOWNSHIP 49 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN
COUNTY OF MONTROSE, STATE OF COLORADO

Certificate of Ownership and Dedication:

Know all men by these presents that we the undersigned being the owners of certain lands in Montrose County, Colorado, described as:

Lot 1 of Klein Exemption for Boundary Line Adjustment as recorded at Reception No. 939547, County of Montrose, State of Colorado

have by these presents caused same, or part of same, to be laid out, platted and subdivided into lots or tracts, as shown on this plat, under the name and style of Klein Minor Subdivision and do hereby dedicate the right-of-ways shown on this plat in fee simple to the County of Montrose, State of Colorado, for the use of the public. We do hereby grant to the County perpetual easements, as shown hereon, for the use of public utility suppliers, for installation and maintenance of utility facilities, including but not limited to, electric lines, gas lines, telephone lines, cable television lines, water and sewer lines, irrigation lines and ditches, together with perpetual right of ingress and egress for installation maintenance and replacement of such lines. Said easements and rights shall be utilized in a reasonable and prudent manner.

Owners

Kenneth Brison Klein
Kenneth Brison Klein

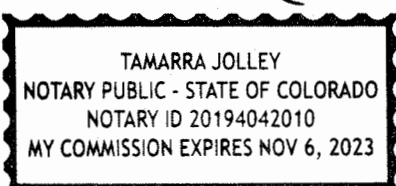
STATE OF COLORADO
COUNTY OF MONTROSE

The foregoing certificate was acknowledged before me this 17th day of March AD, 2022 by Kenneth Brison Klein.

My commission expires November 6, 2023.

Witness my hand and seal

Tamara Jolley
Notary Public



Lien holder(s)—Home Loan State Bank

Printed Full Legal Name

Printed Full Legal Name

Signature — Title

Signature — Title

Release of Deed of Trust at Reception # 943040

STATE OF COLORADO
COUNTY OF MONTROSE

The foregoing certificate was acknowledged before me this ___ day of

AD, 2022 by

My commission expires

Witness my

hand and seal

Notary Public

Basis of Bearings:

The bearing between the found 1 1/2" aluminum cap on the 5/8" rebar PLS 7160 at the NE corner of Section 22, Township 49 North, Range 9 West, N.M.P.M. and the found mag nail in asphalt at the E1/4 corner of said Section 22 bears S01°20'19"W (ASSUMED)

Lineal Units Statement:

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

Standard Plat Note for Further Subdivision on a County Road or State Highway:

Lots 1 and 2 access directly onto a county road or state highway pursuant to Montrose County Subdivision Regulations. Any further division of Lots 1 and 2 shall require the dedication and construction of a County Road pursuant to Montrose County Standards and Specifications for Roads & Bridges and Montrose County Subdivision Regulations. The newly constructed road shall serve all lots in the original and proposed subdivisions. All existing and proposed accesses shall be consolidated onto the newly constructed road at such time as it is required and constructed pursuant to this plat note.

Standard Plat Note for Site Characteristics Analysis

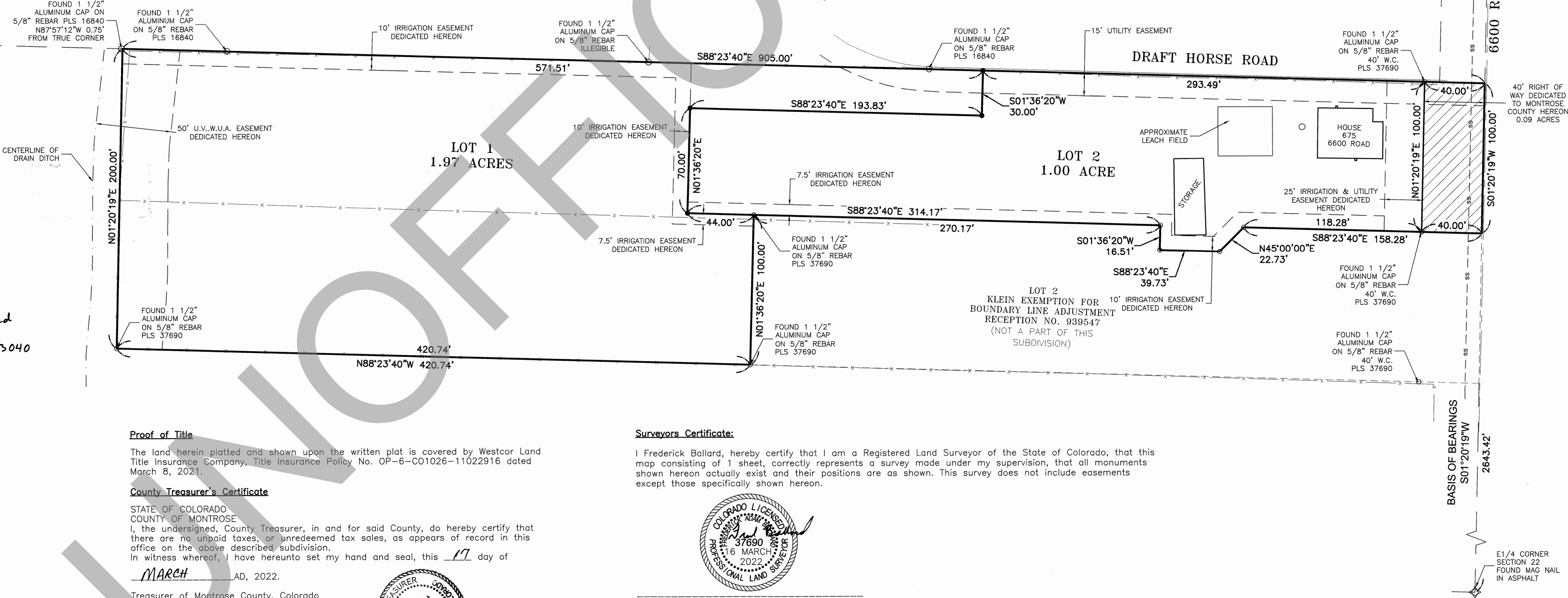
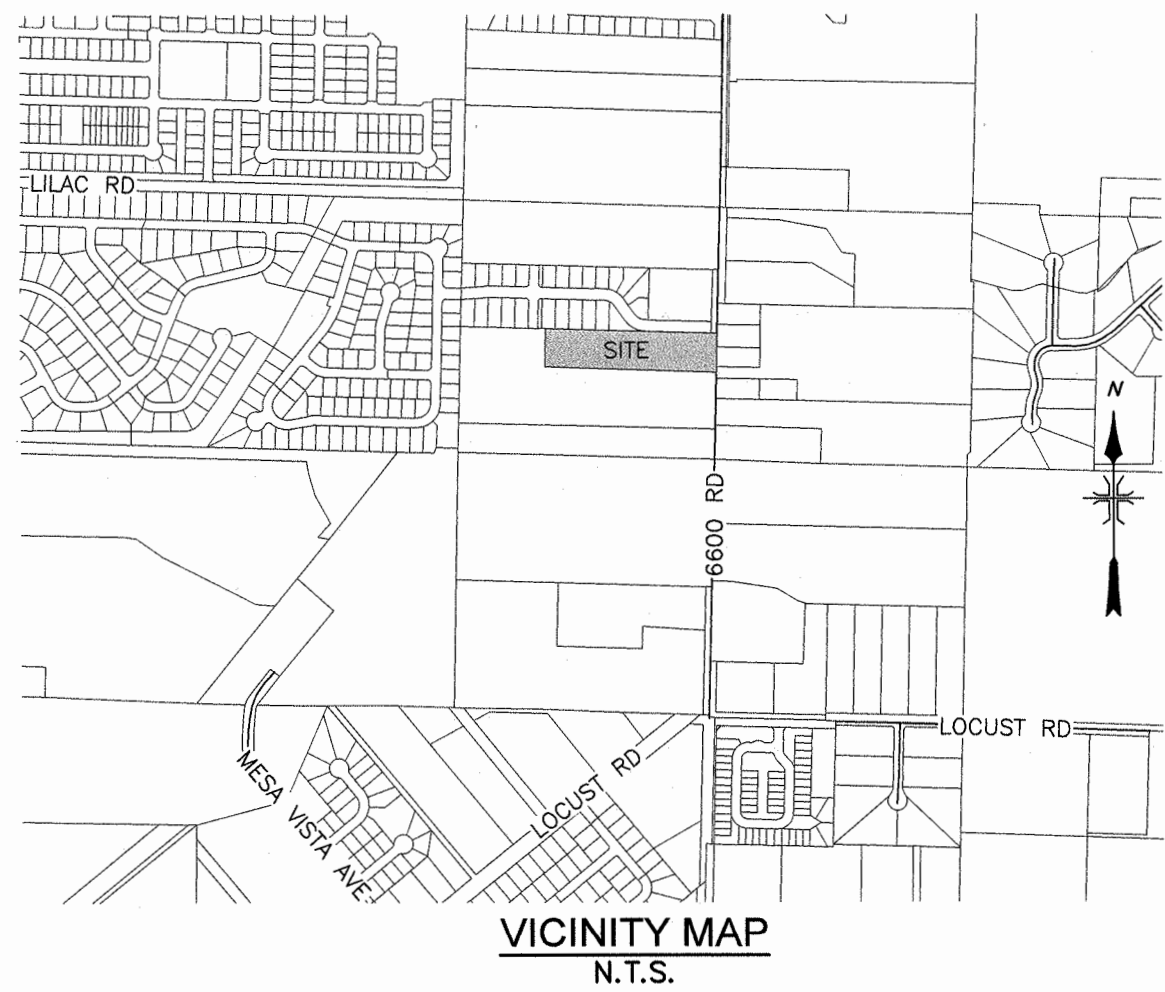
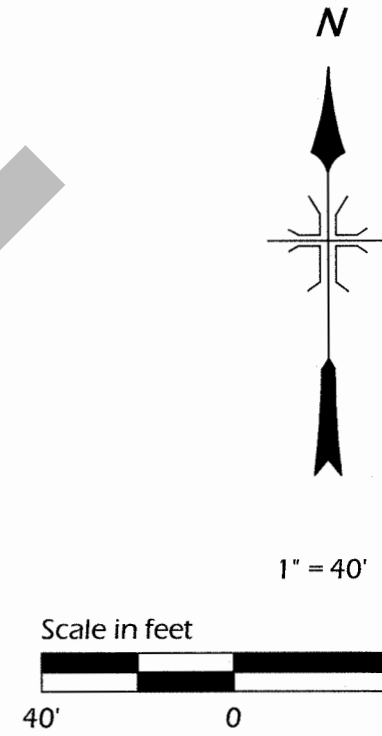
A Site Characteristics Analysis was prepared by Del-Mont Consultants, Inc. for this subdivision and is on file with the Montrose County Planning and Development Department and may be reviewed by interested parties during regular working hours. Copies may be obtained from the geologist, subdivider, builder, or realtor.

Note for Cerro dam Inundation Area

Lot 1 is within the Cerro dam inundation area.

LEGEND

- = FD. REBAR & CAP (L.S. AS NOTED)
- = SET 5/8"x18" REBAR W/ 1 1/2" ALUMINUM CAP (P.L.S. 37690)
- ◆ = FD. MAG NAIL IN ASPHALT



Proof of Title

The land herein platted and shown upon the written plat is covered by Westcor Land Title Insurance Company, Title Insurance Policy No. OP-6-C01026-11022916 dated March 8, 2021.

County Treasurer's Certificate

STATE OF COLORADO
COUNTY OF MONTROSE
I, the undersigned, County Treasurer, in and for said County, do hereby certify that there are no unpaid taxes, or unredeemed tax sales, as appears of record in this office on the above described subdivision.

In witness whereof, I have hereunto set my hand and seal, this 17 day of

MARCH AD, 2022.

Treasurer of Montrose County, Colorado

By

Approval of the Board of County Commissioners

Approved by the Montrose County Board of County Commissioners this 16 day of March

2022, by R. Carby, Chairman.

Surveyors Certificate:

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



Frederick Ballard

P.L.S. 37690

Recorder's Certificate:

This plat was filed for record in the office of the Clerk and Recorder of Montrose County at 10:21 A.M. on the 23 day of March, 2022. Reception No. 948402

Jessamine G. Gwynne
County Clerk & Recorder

Jessamine Cristelli
Deputy



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

FIELD BOOK: 754
DRAWN BY: DCC/BAJ
DATE: 2022-03-16
SHEET: 1 of 1
FILE: 2102IV.MINS
JOB NO.: 21021

TITLE	KLEIN MINOR SUBDIVISION
CLIENT	BRISON KLEIN
ADDRESS & PHONE	675 6600 ROAD MONTROSE, CO 81401
TYPE	MINOR

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.

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.

-
- (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.

-
- (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:

-
- (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.

Table 7.1
Allowed Temporary Uses

Use	Zone Districts	Period
Construction trailer, temporary building, or yard for construction management office and/or storage of materials during active construction within an approved development.	All	Time to be specified by City Manager; must be concurrent with Building Permit; must be terminated within 30 days of issuance of project Certificate of Occupancy for all types of construction.
Temporary office for the sale and/or rental of dwelling units under construction within an approved development.	All	Time to be specified by City Manager; must be terminated within 60 days of completion of the sales period.
Seasonal or off-site retail sales, which include, but are not limited to: sale of seasonal fruits and vegetables; sale of fireworks; and sale of Christmas trees.	Commercial and Industrial zone districts only	Not to exceed 180 days, and provided that any permits required by law are obtained

(F) *Uses Not Listed.*

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

(G) *Schedule of Residential Zone District Uses.*

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches	P									
Short-term rentals	P	P	P	P	P	P	P	P	P	P
Assisted living facility					C	C	C		C	C
Childcare facility	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P

Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	P	P	P	P	P	P	P	P	P	P
Schools; Elementary, Middle and High	C	C	C	C	C	C	C	C	C	C
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P	P
Accessory Dwelling Unit (See Sec. 11-11-5)	C	C	C	P	P	P	P	P	P	
Dwelling, Duplex				P	P	P	P	P	P	
Dwelling, Fourplex					C	P	P		C	
Dwelling, Multi-household					C	P	P		C	
Dwelling, Single-Household Attached					P	P	P		P	
Dwelling, Single-Household Detached	P	P	P	P	P	P	C	P	P	P
Dwelling, Tiny Home									P	P
Tiny Home Community										P
Dwelling, Triplex					P	P	P		P	
Group homes - handicapped/disabled 8 persons or less (See Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P
Group homes - handicapped/disabled > 9 persons (See Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (See Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured home				¹				P	P	P
Manufactured home park (See Sec. 11-13)										P
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C
Accessory uses (See Sec. 11-7-6(D))	A	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6(E))	T	T	T	T	T	T	T	T	T	T

Travel home (See Sec. 11-13-6(2))	T	T	T	T	T	T	T	T	T	T
-----------------------------------	---	---	---	---	---	---	---	---	---	---

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

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

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
Vehicle sales, rental, repair or service establishments			C	C	P	P		P	P
Bed and breakfast (See Sec. 11-11-1)	P								
Building materials business			C	P	P	P		P	P
Commercial greenhouse				C	C	P	C	P	P
Electric vehicle charging station, retail		P	P	P	P	P	C		
Farm implement sales or service establishment					P	P		P	P
Food truck court		P	P	P	P	P	P	C	C
Fueling station or other retail use having fuel pumps (See Sec. 11-11-4)			P	P	P	P	C	C	C
Funeral home			C	C	C	C			
Hotels and motels			P	P	P	P			
Laundry facility, self-service				P	P	P	P		
Manufactured home, tiny home and travel home sales or service establishments					P	P		P	P
Medical clinic	P		P	P	P	P	P	P	C
Micro-brewery, micro-distillery, or micro-winery			P	P	P	P	P	P	C
Office, business	P		P	P	P	P	P	P	P
Outpatient drug treatment clinic	P								
Travel home park (See Sec. 11-13)				C	C	C			
Campground				C	C	C			
Rental business					P	P		C	C
Restaurant			P	P	P	P	P	C	C
Drive-in or drive-through			C	P	P	P	C	C	C
Retail sales and personal service establishments	C		P	P	P	P	P	P	C
Retail sales and personal service establishments with limited manufacturing				C	C	C		P	C

Created: 2025-04-01 14:52:32 [EST]

(Supp. No. 11, Update 2)

Sexually oriented business (See Sec. 11-12-1)									P
Shooting range, indoor						C		C	C
Short-term rentals	P		P	P	P	P	P	P	P
Bar or tavern			P	P	P	P	C	C	C
Theater			C	P	P	P			
Veterinary clinic or hospital, small animal				P	P	P		C	C
Veterinary clinic or hospital, large animal					P	P		C	C
Storage facilities, fuels and chemicals						P		P	P
Aircraft support services								P	P
Construction equipment storage facility						P		P	P
Feed storage and sales establishments						P		P	P
Fulfillment Center				C	C	C		P	P
Manufacturing and non- manufacturing uses (See Sec. 11-11-4)					C	C		P	P
Industrial use, other								C	P
Storage facilities, indoor			C	P	P	P	C	P	P
Storage facilities, outdoor					C	P		P	P
Warehouse and wholesale distribution operation			C	C	C	C		P	P
Airport								P	P
Assisted living facility	C			P	P	P			
Childcare facility	P	P	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospital	P								
Library		P	P	P	P	P			
Museum or visitor center		P	P	P	P	P			
Parking facility	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P		C	C

Created: 2025-04-01 14:52:32 [EST]

(Supp. No. 11, Update 2)

Religious assembly	P	P	P	P	P	P	P	C	C
Schools; Elementary, Middle and High	C	P	C	C	C	C	C		
Live/work unit	P	P	P	P	P	P	P	P	P
Mixed use building	P	P	P	P	P	P	P	P	P
Golf course		C							
Parks, open space and recreation facilities	P	P	P	P	P	P	P	P	P
Private recreation facility, indoor		C	C	P	P	P	C	P	P
Private recreation facility, outdoor		C		P	P	P		P	P
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P
Dwelling, Duplex	P	P	P	P	P	P	P	P	P
Dwelling, Fourplex	P	P	P	P	P	P	P	P	P
Dwelling, Multi-household	P	P	P	P	P	P	P	P	P
Dwelling, Single Household Attached	P	P	P	P	P	P	P	P	P
Dwelling, Single Household Detached	P	P	P	P	P	P	P	P	P
Dwelling, Tiny Home		P							
Dwelling, Triplex	P	P	P	P	P	P	P	P	P
Group home - handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P		P	P	P	P	P	P	P
Group home - handicapped/disabled > 8 persons (see Sec. 11-11-2)	C		C	C	C	C	C	C	C
Group home (See Sec. 11-11-2)	C		C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A		A	A	A	A	A	A	A
Supportive housing	C					C		C	
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P
Solar farms								P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C
Accessory uses (See Sec. 11-7-6 (D))	A	A	A	A	A	A	A	A	A
Temporary use (See Sec. 11-7-6 (E))	T	T	T	T	T	T	T	T	T
Travel home (See Sec. 11-13-6 (2))	T		T	T	T	T	T	T	T

Created: 2025-04-01 14:52:32 [EST]

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

Sec. 11-7-7. District standards.

(A) Tabulated requirements for principal uses by right are as follows (all dimensions in feet or square feet unless otherwise noted):

District	Use ^{2 3}	Maximum Density	Minimum Lot Size ⁴	Front	Rear	Side	Corner Lot	Maximum Building Height
RL	Dwelling, Single Household Detached	TBD - see footnote #4	⁵	25	20	10	20	35
R-1	Dwelling, Single Household Detached	1 dwelling unit/acre	1 acre	25	20	10	20	35
R-1A	Dwelling, Single Household Detached	2 dwelling units/acre	½ acre	25	20	10	20	35
R-1B	Dwelling, Single Household Detached	3 dwelling units/acre	⅓ acre	25	20	10	20	35
R-2	Dwelling, Single Household Detached	5.8 dwelling units/acre	7,500	25	20	5	20	35
	Duplex	7.75 dwelling units/acre	11,250	25	20	5	20	35
R-3	Single-household detached	7 dwelling units/acre	6,250	15	20	5	15	35
	Duplex	9.3 dwelling units/acre	9,375	15	20	5	15	35
	Single-household attached	9.3 dwelling units/acre	4,700/dwelling unit	15	20; 5 w/ rear-loaded garage	10 to bldg. lot line	15	35
	Triplex or Fourplex	9.3 dwelling units/acre	4,700/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	15 dwelling units/acre	2,900/dwelling unit	15	20	10	15	40
R-3A	Single-household detached	8.7 dwelling units/acre	5,000	15	20	5	15	35

Created: 2025-04-01 14:52:32 [EST]

(Supp. No. 11, Update 2)

	Duplex	9.3 dwelling units/acre	9375	15	20	5	15	35
	Single-household attached	15 dwelling units/acre	2,900/dwelling unit	15	20; 5 w/ rear-loaded garage	10 to bldg. lot line	15	35
	Triplex or Fourplex	15 dwelling units/acre	2,900/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	15 dwelling units/acre	2,900/dwelling unit	15	20	10	15	40
R-4	Single-household detached	17.4 dwelling units/acre	2,500	15	20; 5 w/ rear-loaded garage	5	10	35
	Duplex	17.4 dwelling units/acre	5,000	15	20	5	15	35
	Single-household attached	18.9 dwelling units/acre	2,300/dwelling unit	15	20; 5 w/ rear-loaded garage	10 to bldg. lot line	15	35
	Triplex or Fourplex	18.9 dwelling units/acre	2,300/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	24 dwelling units/acre	1,815/dwelling unit	15	20	10	15	40
R-5	Single-household detached	3.6 dwelling units/acre	12,000	25	20	5	20	35
	Duplex	7.2 dwelling units/acre	12,000	25	20	5	20	35
	Manufactured Home	3.6 dwelling units/acre	12,000	25	20	10	20	35
R-6	Single-household detached	5.8 dwelling units/acre	7,500	25	20	5	15	35
	Duplex	9.3 dwelling units/acre	9,375	15	20	5	15	35
	Single-household attached	9.3 dwelling units/acre	4,700/dwelling unit	25	20; 5 w/ rear-loaded garage	10 to bldg. lot line	20	35
	Triplex or Fourplex	9.3 dwelling units/acre	4,700/dwelling unit	15	20; 10 w/alley	15 to bldg. lot line	20	35
	Multi-household	15 dwelling units/acre	2,900/dwelling unit	15	20	10	15	40

Created: 2025-04-01 14:52:32 [EST]

(Supp. No. 11, Update 2)

	Manufactured Home	5.8 dwelling units/acre	7,500	25	20	5	20	35
	Tiny Home	5.8 dwelling units/acre	7,500	15	20	5	15	35
MHR	Manufactured Homes except MH Parks ⁶	14.5 dwelling units/acre	3,000	5	10	10	10	35
	Dwelling, Single Household Detached	14 dwelling units/acre	3,125	5	10	10	10	35
	Tiny Home except Tiny Home Communities ⁷	14.5 dwelling units/acre	3,000	5	10	10	10	35
OR	All Non-Residential		6,250	15	15	5	15	35
p ⁸	All Non-Residential		N/A	15	N/A	N/A	15	N/A
B-1	No Req.		No Req., except for fueling stations	No Req.	No Req.	No Req.	No Req.	No Req.
B-2	All Non-Residential		N/A	15	N/A	N/A	15	N/A
B-2A	All Non-Residential		N/A	25	N/A	N/A	25	35
B-3	All Non-Residential		N/A	25	N/A	N/A	25	35
B-4	All Non-Residential		N/A	25	N/A	N/A	25	35
I-1	All Non-Residential		½ acre	25	N/A	N/A	25	N/A
I-2	All Non-Residential		½ acre	25	N/A	N/A	25	N/A

² Residential uses in the OR, P, B-2, B-2A, B-3, B-4, I-1 and I-2 zone districts shall comply with the applicable dimensional requirements as set out for the R-3A zone. Residential uses in the B-1 District shall comply with the density standards in the R-3A zone, but are not required to comply with the dimensional standards.

³ Commercial and institutional uses in the RL, R-1, R-1A, R-1B, R-2, R-3, R-3A, R-4, R-5, R-6 and MHR zone districts shall comply with the applicable dimensional requirements as set out for the "OR" zone.

⁴ Applies per lot; not per primary dwelling unit. Where specified as square footage per dwelling unit for multiple unit dwelling types does not imply a minimum dwelling unit size; there is no minimum dwelling unit size.

⁵ A minimum lot size shall be determined as a condition of initial zoning of property as "RL." Such lot size shall be designed to limit overall residential units per acre to no more than allowed by Montrose County in comparable areas in the County where sewer is available, and to implement the City Comprehensive Plan as feasible while remaining economically competitive with allowed County densities.

⁶ Dimensional requirements for manufactured home parks are controlled by Chapter 11-13-5 of this Title.

⁷ Dimensional requirements for tiny home communities are controlled by Chapter 11-13-12 of this Title.

⁸ City facilities are exempt from these standards.

(B) Additional Dimensional Requirements.

-
- (1) Accessory use structures or buildings in residential districts may be located on those rear and side property lines which do not abut a street, if the structure is at least ten feet to the rear of the building line of the principal structure and does not occupy more than 30 percent of the rear yard area. In all other situations, accessory structure setbacks are the same as principal structure setbacks.
 - (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:

Created: 2025-04-01 14:52:32 [EST]

(Supp. No. 11, Update 2)

-
- (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;
 - (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.
 - (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.*
- (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.
 - (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;
 - (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
 - (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.
 - (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 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 it 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.

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

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.

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

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 of 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. 2685

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING THE ZONING DISTRICT DESIGNATION OF LOT 2 OF THE KLEIN MINOR SUBDIVISION FROM “MHR” MANUFACTURED HOUSING DISTRICT TO “R-6”, MEDIUM DENSITY/MANUFACTURED HOUSING DISTRICT.

WHEREAS, the Planning Commission met on June 25, 2025, to consider a rezoning of Lot 2 of the Klein Minor 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:

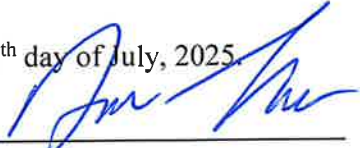
The Official Zoning Map is amended to designate Lot 2 of the Klein Minor Subdivision, more particularly described as:

**Lot 2, KLEIN MINOR SUBDIVISION, according to the plat thereof recorded March 23, 2022 at Reception No. 948402,
County of Montrose, State of Colorado.**

as a “R-6”, Medium Density/Manufactured Housing District.

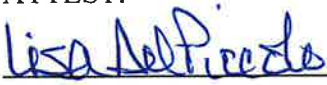
You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 15th day of July, 2025, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks’ Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 15th day of July, 2025.

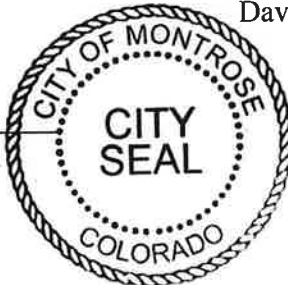


Dave Frank, Mayor

ATTEST:



Lisa DelPiccolo, City Clerk



INTRODUCED, READ and ADOPTED on second reading this 5th day of August, 2025.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: August 5, 2025
RE: Waterfall Canyon Pond Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

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

Proposed schedule:

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

Application Background:

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



Agreement is required.

Proposed Zoning: "R-3" Medium Density District

Applicant: Waterfall Canyon, LLC

Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions. "The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner's representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission's decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:
 - i. The amendment is not averse to the public health, safety and welfare; and
 - ii. The amendment is in substantial conformity with the Comprehensive Plan, or such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated."
 - b. Municipal Code, Section 11-7-5: The "R-3" Medium Density District is intended to provide for an area which is suitable primarily for single-household detached, attached and duplex dwellings, along with certain other compatible land uses.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned "R-3" Medium Density District and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Waterfall Canyon Pond Addition as Residential Mixed Density Low. The Residential Mixed Density Low District provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing



residential development in Montrose. It will continue to be the predominant density in the City.

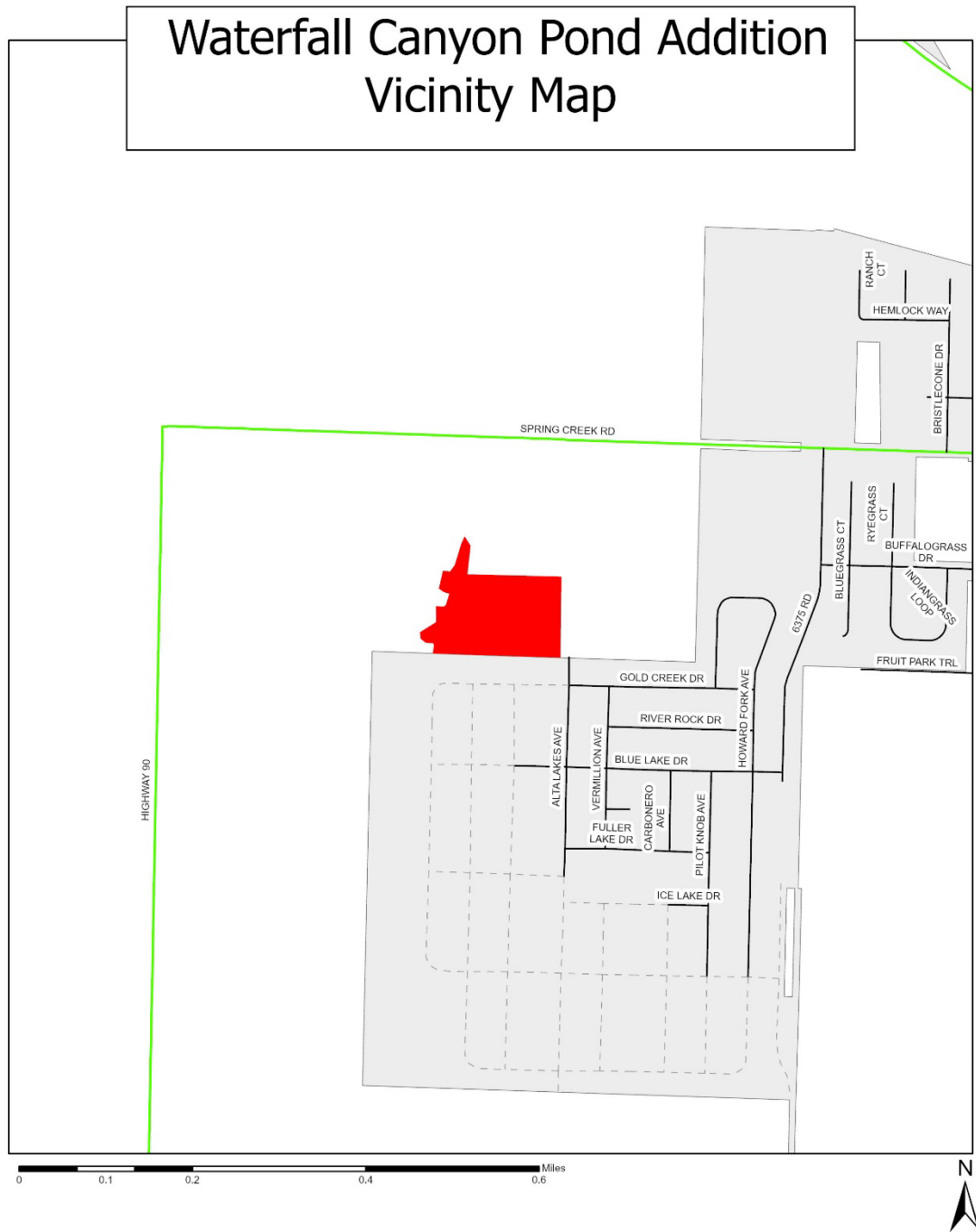
5. The property is located within Growth Area 3. According to the Comprehensive Plan, Growth Area 3 contains an area that is farther away from services and infrastructure that would pose a greater financial burden to service and maintain infrastructure.
6. The “R-3” zoning does not appear to be averse to the public health, safety and welfare. The Planning Commission made a unanimous recommendation of approval of the “R-3” zoning designation during the June 25, 2025 Planning Commission meeting.

Staff Recommendation:

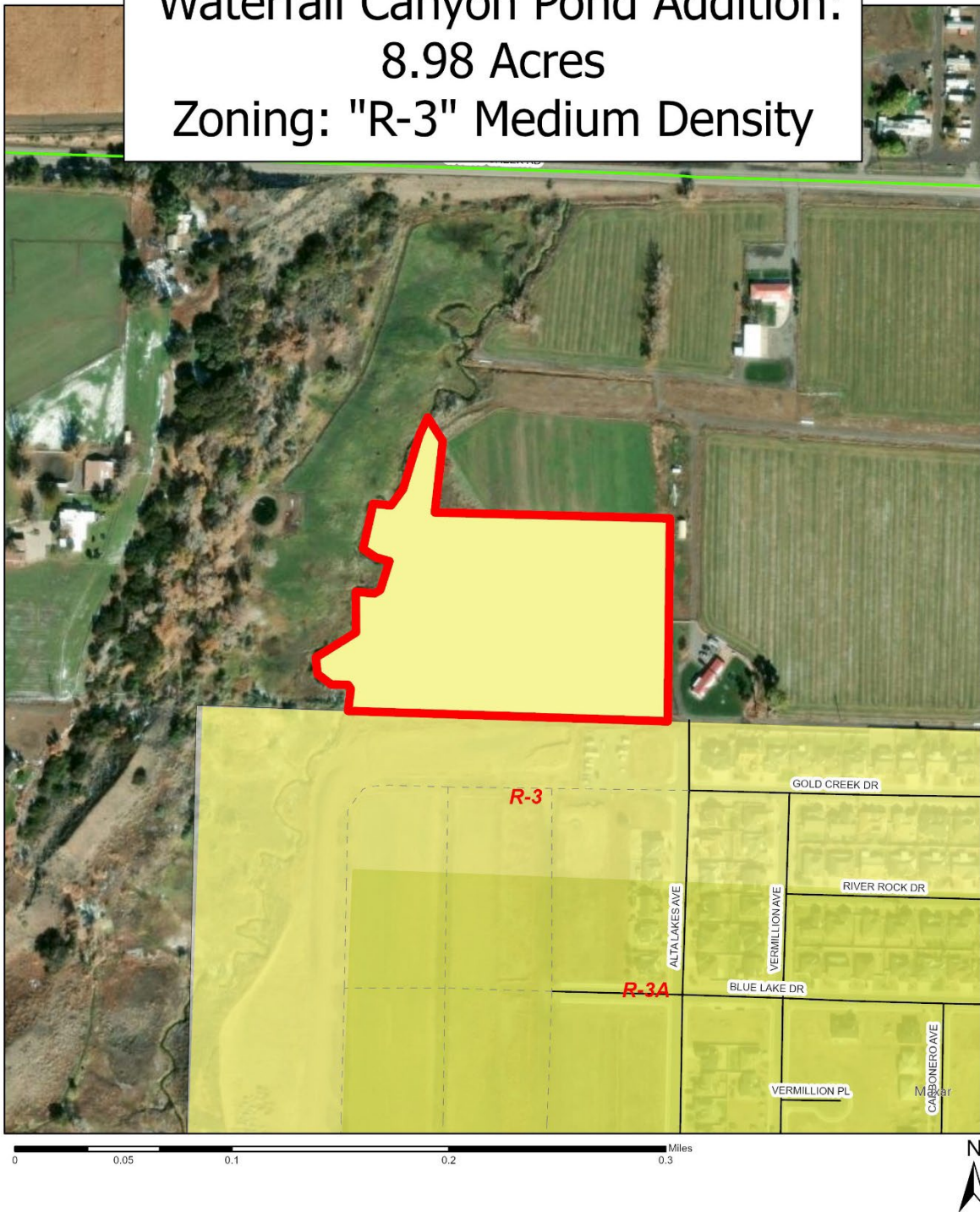
Staff recommends approval of the annexation and the “R-3” Medium Density District zoning designation.



EXHIBIT A: Maps



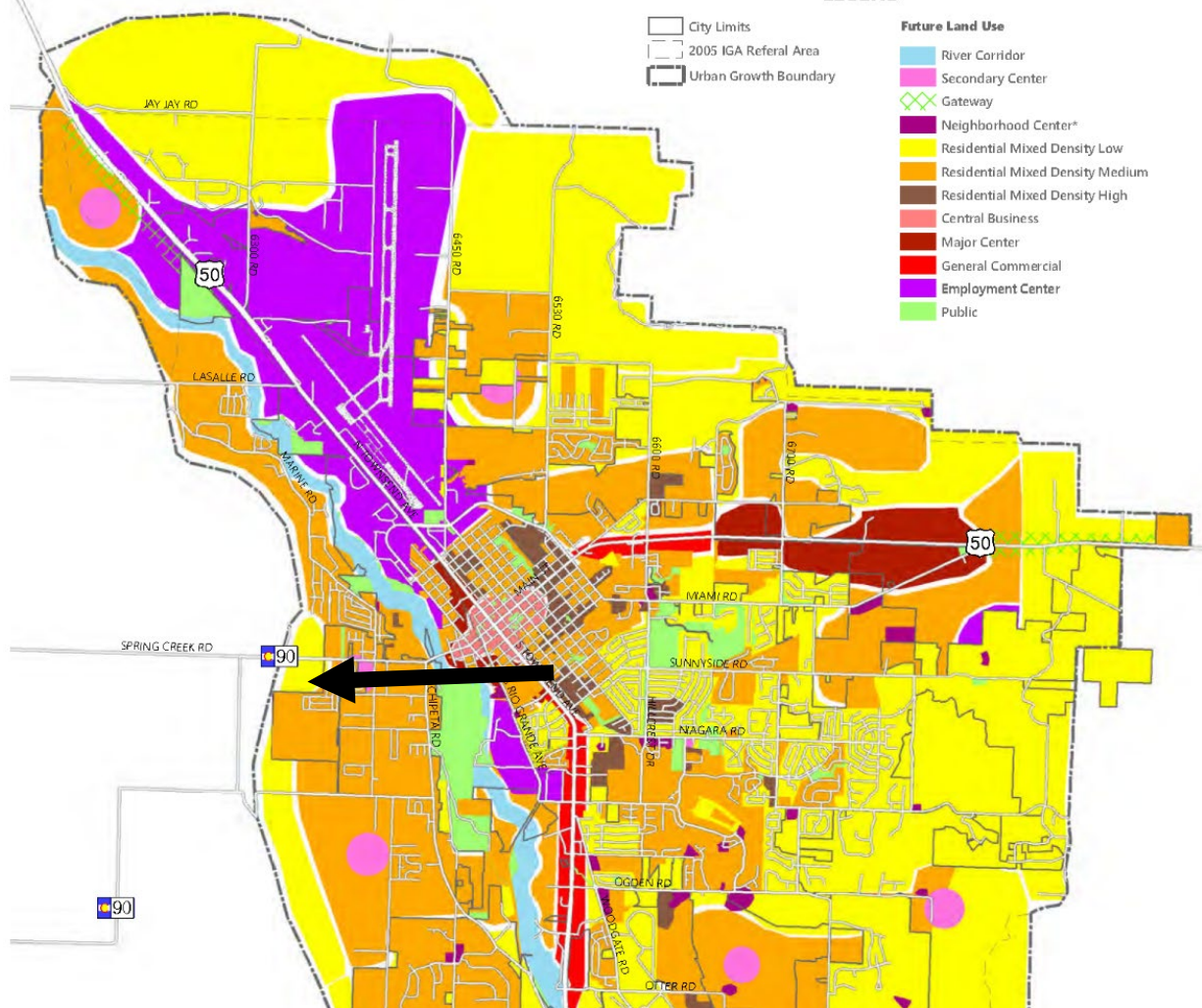
Waterfall Canyon Pond Addition:
8.98 Acres
Zoning: "R-3" Medium Density



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

MAP 5.1



WATERFALL CANYON POND ADDITION

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

LEGEND

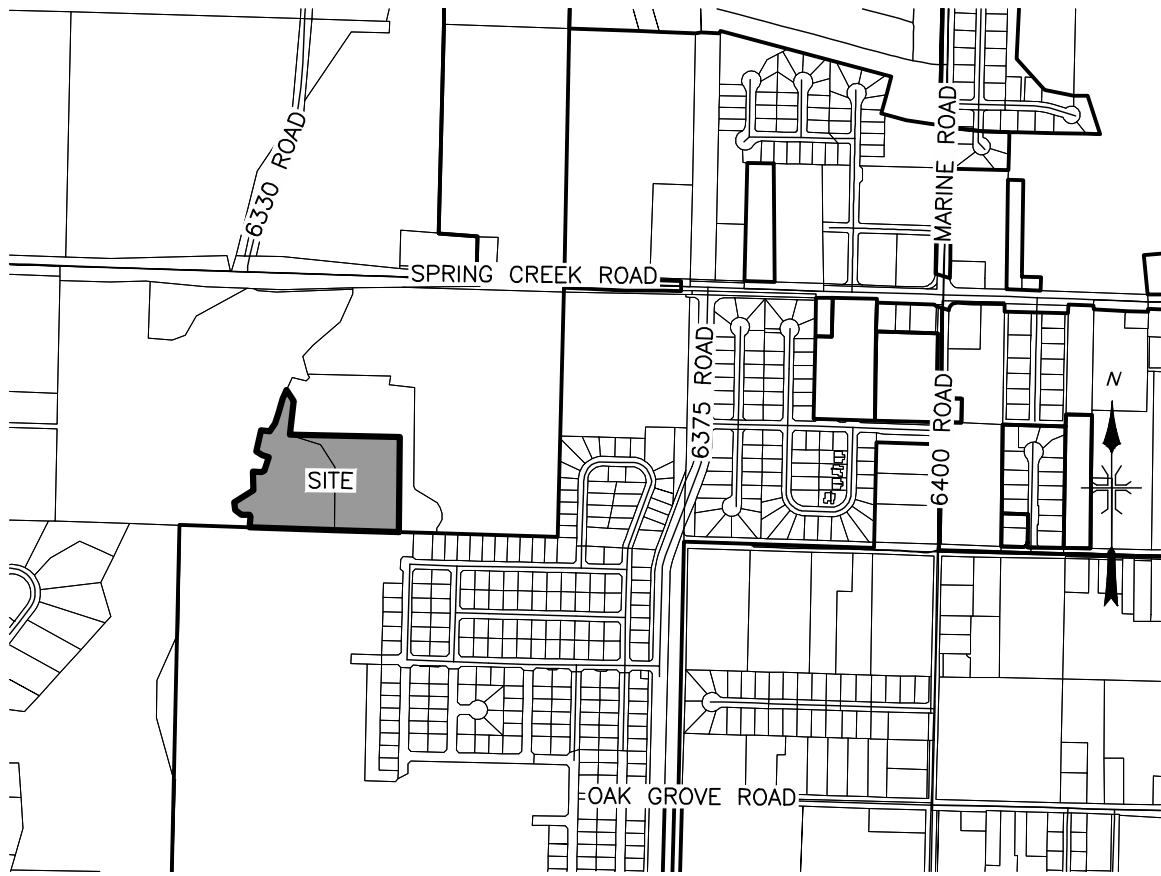
-  CITY LIMITS
 PROPERTY BOUNDARY / LIMITS OF ANNEXATION

CITY LIMITS

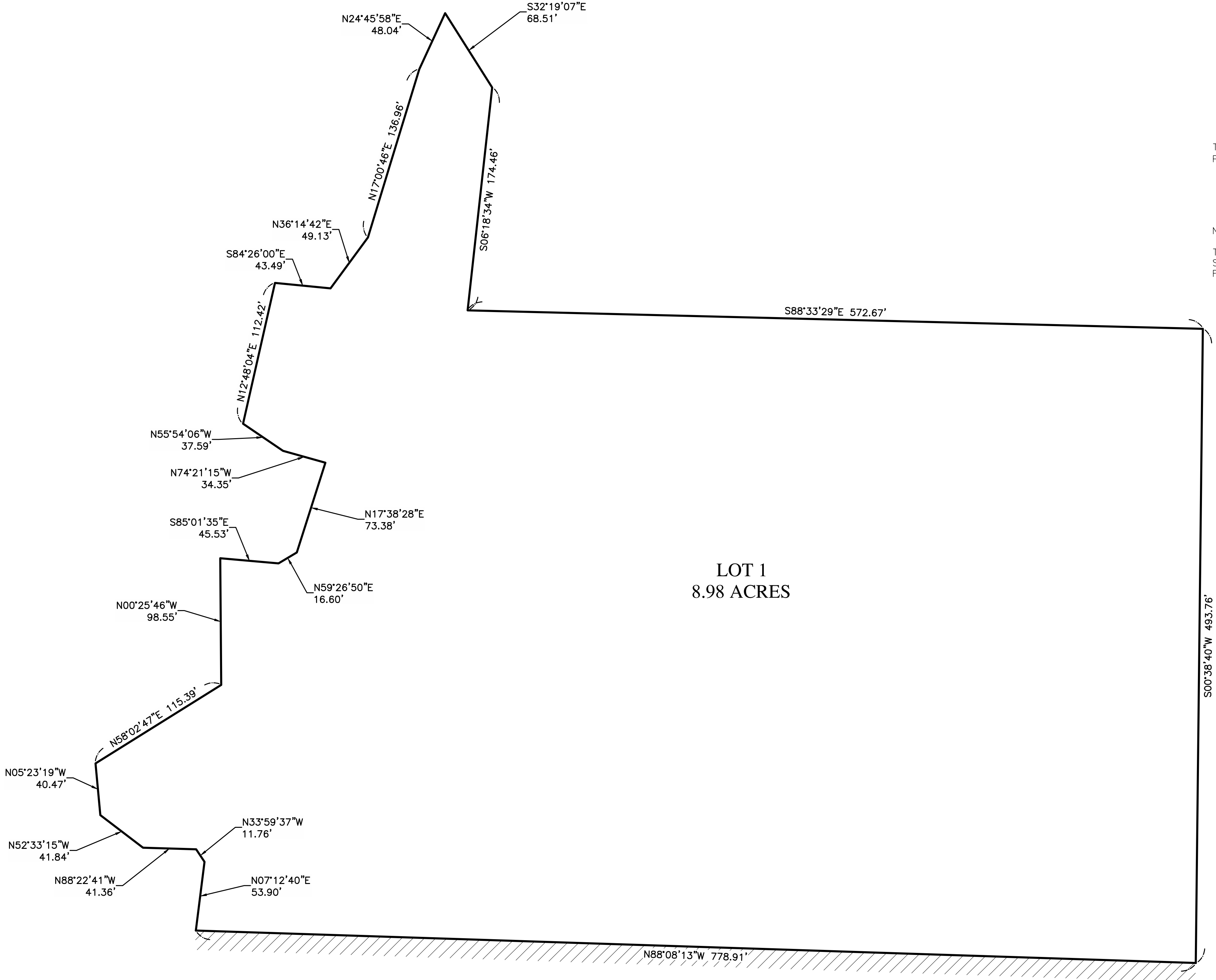
TOTAL PERIMETER = 3089.06'
PERIMETER CONTIGUOUS TO CITY LIMITS = 778.91'

NOTE:

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



VICINITY MAP
N.T.S.



LOT 1
8.98 ACRES

FLOWER ADDITION #2
RECEPTION NO: 735600

PROPERTY DESCRIPTION

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

SURVEYOR'S CERTIFICATE

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

PRELIMINARY

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

MAYOR'S CERTIFICATE

This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado has by its Ordinance No. _____ adapted on the _____ day of _____, 202____, annexed the property hereon to the City of Montrose.

Mayor

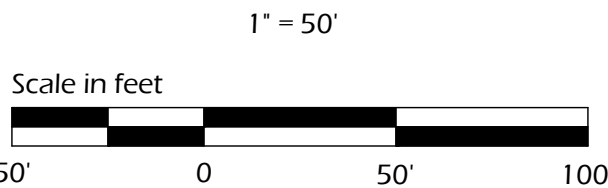
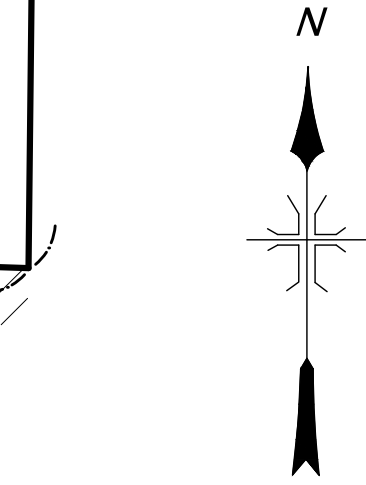
Attest:
City Clerk

CLERK AND RECORDER'S CERTIFICATE

This map was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of _____, on the _____ day of _____, 202____ under Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

Deputy



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

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

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

EXHIBIT B: Zoning Code Excerpt

Sec. 11-7-6. District uses.

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



of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.

- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(F) *Uses Not Listed.*

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

(G) *Schedule of Residential Zone District Uses.*

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.	P									



Rental storage units with a maximum rental unit size of 200 square feet.										C
Short-term rentals	P	P	P	P	P	P	P	P	P	P
Assisted living facilities					C	C	C		C	C
Childcare facilities	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	C	C	C	C	P	P	P	C	C	P
Schools	C	C	C	C	C	C	C	C	C	C
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
Duplex					P	P	P		P	
Group homes—handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P
Group homes—handicapped/disabled > 9 persons (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured housing				¹				P	P	P
Mobile homes (See Sec. 11-13)										P
Mobile home parks (See Sec. 11-13)										P
Modular housing								P	P	P
Multi-family dwelling					C	P	P		C	
Single-family dwelling	P	P	P	P	P	P	P	P	P	P
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C

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

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

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

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



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

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

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

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

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



ORDINANCE NO. 2686

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, FOR THE ANNEXATION OF WATERFALL CANYON POND ADDITION.

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

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

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

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

SECTION 1:

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

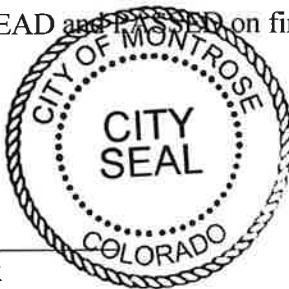
You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 15th day of August, 2025, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks Building, Montrose, Colorado.

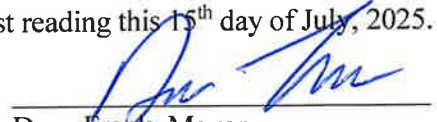
INTRODUCED, READ and PASSED on first reading this 15th day of July, 2025.

ATTEST:



Lisa DelPiccolo, City Clerk




Dave Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 5th day of August, 2025.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

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

ORDINANCE NO. 2687

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF THE WATERFALL CANYON POND ADDITION AS A "R-3", MEDIUM DENSITY DISTRICT.

WHEREAS, the Waterfall Canyon Pond Addition has been recently annexed to the City of Montrose, Colorado; and

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

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

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

The Official Zoning Map is hereby amended to designate the Waterfall Canyon Pond Addition, according to the Official Annexation Map thereof, as a "R-3", Medium Density District.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 15th day of July, 2025, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

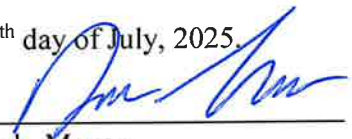
INTRODUCED, READ and PASSED on first reading this 15th day of July, 2025.

ATTEST:



Lisa DelPiccolo, City Clerk




Dave Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 5th day of August, 2025.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: August 5, 2025
RE: Waterfall Canyon West Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

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

Proposed schedule:

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

Application Background:

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



Agreement is required.

Proposed Zoning: “R-3” Medium Density District

Applicant: Waterfall Canyon, LLC

Staff Analysis:

1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations
 - a. Municipal Code, Section, 11-7-12 (B), Zoning of Additions. “The zoning of additions for all property annexed to the City not previously subject to City zoning may be requested or initiated by the City Manager or the owner of any legal interest in the property or such owner’s representative. Proceedings concerning the zoning of property to be annexed may commence at any time prior to the effective date of the annexation ordinance, or thereafter as allowed by law. The Planning Commission shall either recommend approval or denial of the requested zoning to the City Council, which can either ratify the Planning Commission’s decision, or reverse it. The zoning of additions shall be subject to the review procedures of Chapter 11-4 and standards of Section 11-7-4 of this Title, and shall be allowed only upon findings as follows:
 - i. The amendment is not averse to the public health, safety and welfare; and
 - ii. The amendment is in substantial conformity with the Comprehensive Plan, or such zoning is compatible with conditions in the area, which have changed materially since the Comprehensive Plan was last updated.”
 - b. Municipal Code, Section 11-7-5: The "R-3" Medium Density District is intended to provide for an area which is suitable primarily for single-household detached, attached and duplex dwellings, along with certain other compatible land uses.
 - c. The proposed zoning is compatible with existing zoning and general conditions in the area. The property is adjacent to properties that are zoned “R-3” Medium Density District and properties outside of City limits.
4. The Comprehensive Plan Future Land Use Map designates the area of the Waterfall Canyon West Addition as Residential Mixed Density Low. The Residential Mixed Density Low District provides primarily for single-family homes, as well as small amounts of attached residential dwelling units (such as duplexes and even small groups of townhomes). This low-density residential land use is intended to preserve the traditional building pattern of the existing



residential development in Montrose. It will continue to be the predominant density in the City.

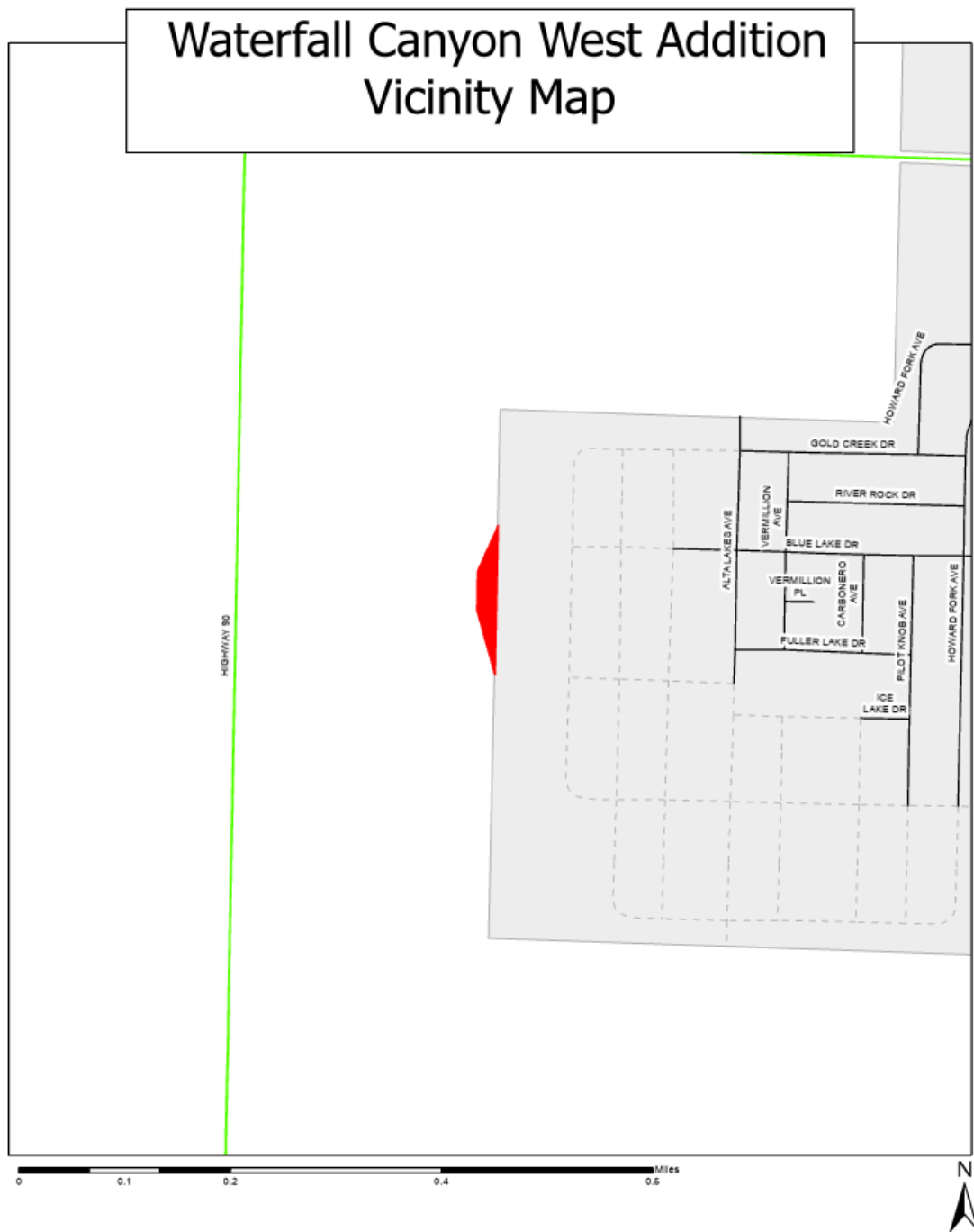
5. The property is located within Growth Area 3. According to the Comprehensive Plan, Growth Area 3 contains an area that is farther away from services and infrastructure that would pose a greater financial burden to service and maintain infrastructure.
6. The “R-3” zoning does not appear to be averse to the public health, safety and welfare. The Planning Commission made a unanimous recommendation of approval of the “R-3” zoning designation during the June 25, 2025 Planning Commission meeting.

Staff Recommendation:

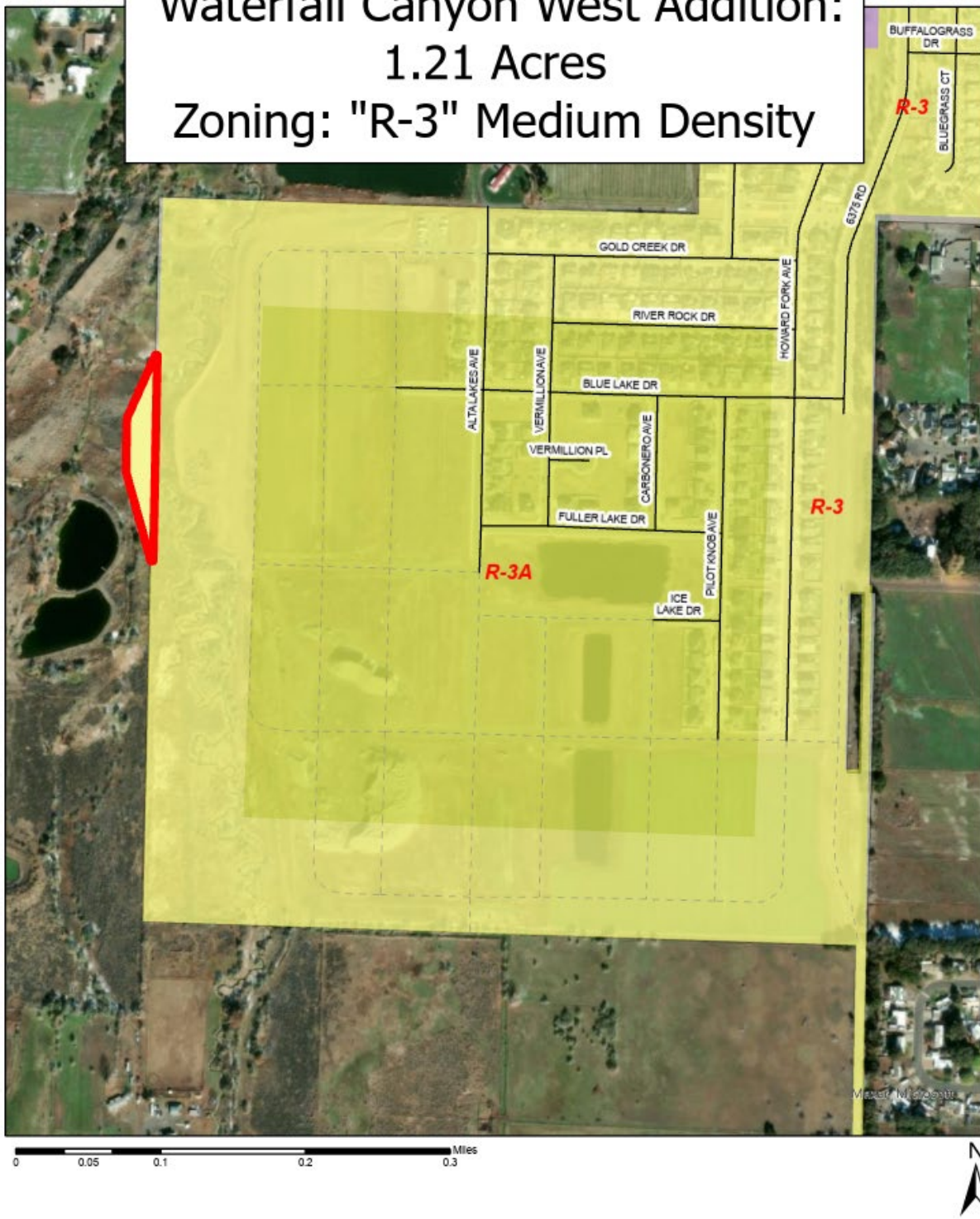
Staff recommends approval of the annexation and the “R-3” Medium Density District zoning designation.



EXHIBIT A: Maps



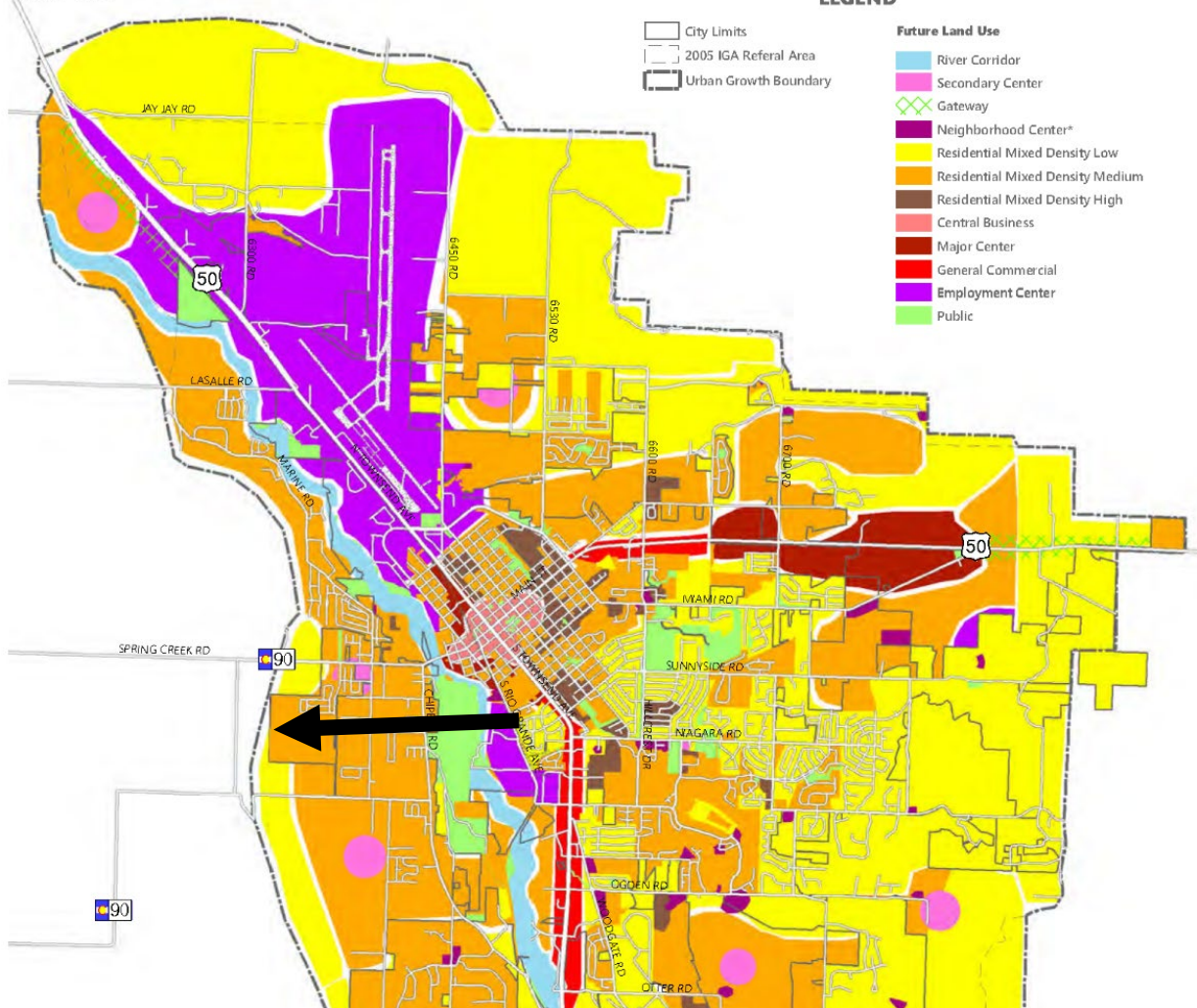
Waterfall Canyon West Addition:
1.21 Acres
Zoning: "R-3" Medium Density



Comprehensive Plan Future Land Use Map

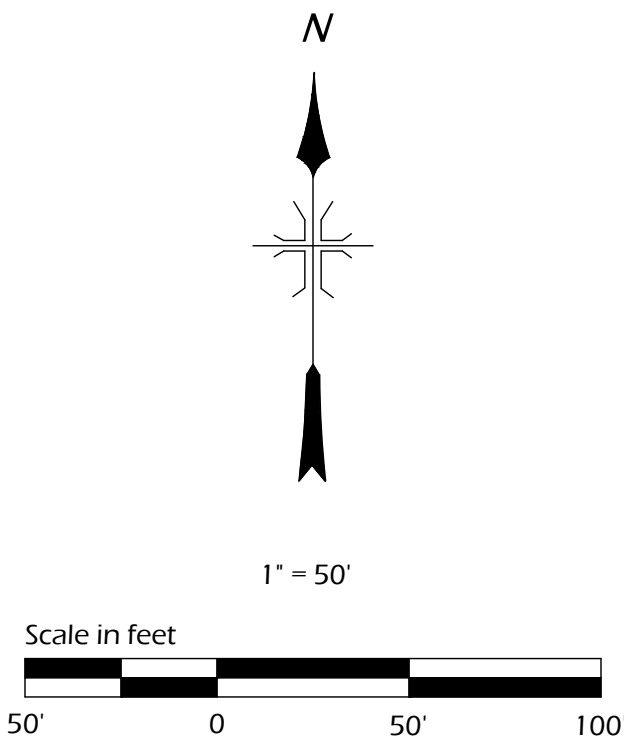
FUTURE LAND USE

MAP 5.1



WATERFALL CANYON WEST ADDITION

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



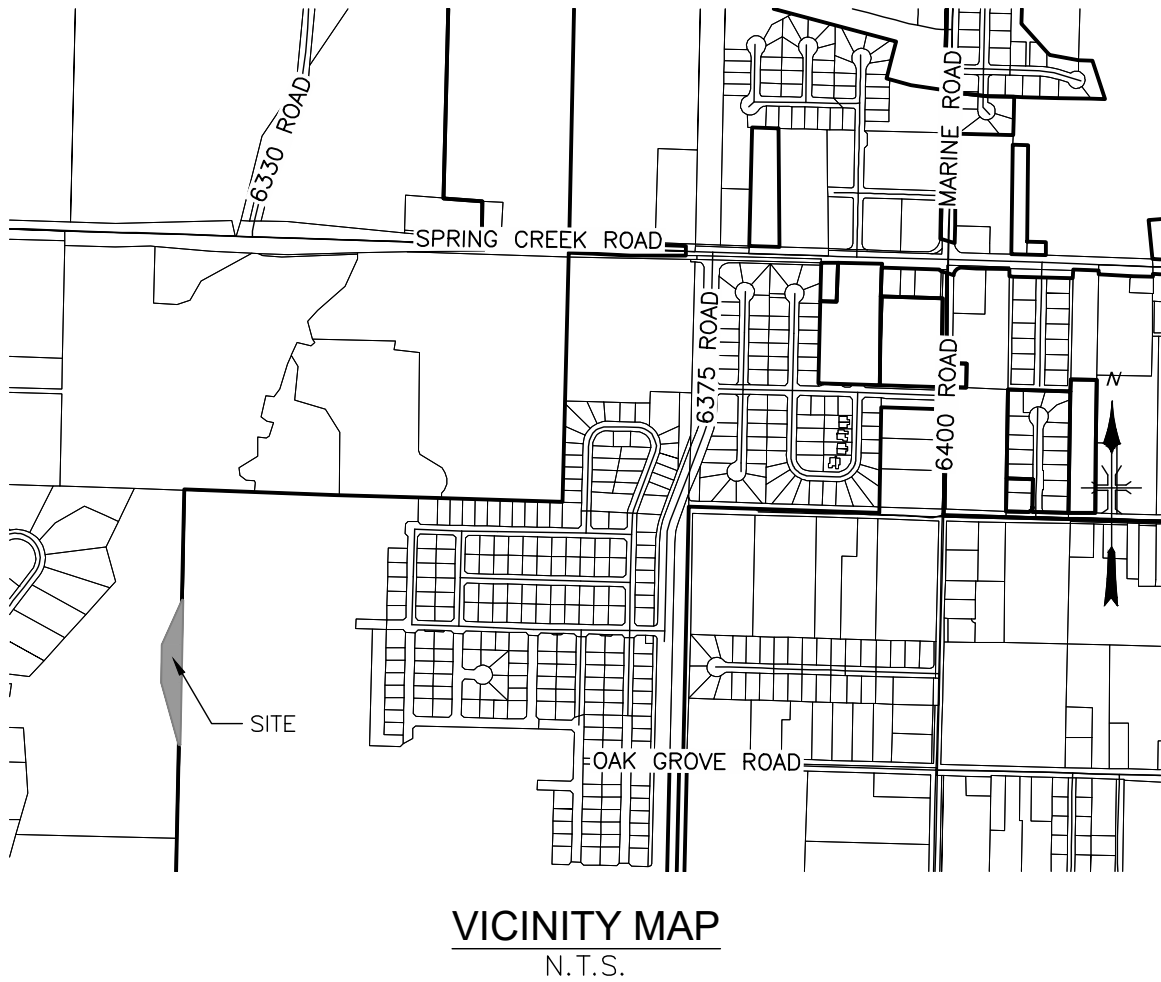
- LEGEND**
- CITY LIMITS
 - PROPERTY BOUNDARY / LIMITS OF ANNEXATION

CITY LIMITS

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

NOTE:

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



PROPERTY DESCRIPTION

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

SURVEYOR'S CERTIFICATE

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

PRELIMINARY

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

MAYOR'S CERTIFICATE

This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado has by its Ordinance No. _____ adopted on the _____ day of _____, 202____, annexed the property hereon to the City of Montrose.

Mayor

Attest:
City Clerk

CLERK AND RECORDER'S CERTIFICATE

This map was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, at the time of _____ on the _____ day of _____, 202____ under Reception No. _____.

Clerk and Recorder
Montrose County, Colorado

Deputy

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

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

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

EXHIBIT B: Zoning Code Excerpt

Sec. 11-7-6. District uses.

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



of applicant's permanent premises, which results in significant hardship, and that the temporary use will not unreasonably interfere with the use of other property, or result in any permanent adverse effects to other property, or create a safety or health hazard.

- (3) The City Manager or his designee shall hold such hearings concerning the application and provide such notice thereof as the circumstances merit in his opinion. The permit may be granted subject to conditions appropriate to ensure compliance with this Subsection.
- (4) *Temporary Construction or Sales Office.* A building within a subdivision may be utilized as a temporary construction or sales office for a period up to one year by the developer of that subdivision during the period of the construction and initial sales respectively of the building and improvements within the area encompassed by the preliminary plat for each subdivision. The City Manager may authorize additional one-year periods for use as a construction office if construction is continuing in the area after the preceding year, or as a sales office if not all of the houses in the area have been sold during the year preceding.

(F) *Uses Not Listed.*

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

(G) *Schedule of Residential Zone District Uses.*

Land Use	RL	R-1	R-1A/B	R-2	R-3	R-3A	R-4	R-5	R-6	MHR
Bed and breakfast (See Sec. 11-11-1)					C		C		C	
Farms and ranches, excluding commercial greenhouses, and commercial feedlots, fur farms, fish farms, poultry houses, hog farms, dairies and similar operations with a high density of animals.	P									



Rental storage units with a maximum rental unit size of 200 square feet.										C
Short-term rentals	P	P	P	P	P	P	P	P	P	P
Assisted living facilities					C	C	C		C	C
Childcare facilities	C	C	C	C	C	C	C	C	C	C
Family childcare home	P	P	P	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P	P
Religious assembly	C	C	C	C	P	P	P	C	C	P
Schools	C	C	C	C	C	C	C	C	C	C
Golf courses	P									
Parks, open space and recreation facilities	P	P	P	P		P	P	P	P	P
Duplex					P	P	P		P	
Group homes—handicapped/disabled 8 persons or less (see Sec. 11-11-2)	P	P	P	P	P	P	P	P	P	P
Group homes—handicapped/disabled > 9 persons (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Group homes, other (see Sec. 11-11-2)	C	C	C	C	C	C	C	C	C	C
Home occupation (See Sec. 11-11-3)	A	A	A	A	A	A	A	A	A	A
Manufactured housing				¹				P	P	P
Mobile homes (See Sec. 11-13)										P
Mobile home parks (See Sec. 11-13)										P
Modular housing								P	P	P
Multi-family dwelling					C	P	P		C	
Single-family dwelling	P	P	P	P	P	P	P	P	P	P
Antennas (See Sec. 11-14-6)	C	C	C	C	C	C	C	C	C	C
Public utility service facilities	P	P	P	P	P	P	P	P	P	P
Towers (See Sec. 11-14-5)	C	C	C	C	C	C	C	C	C	C

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

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

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

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



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

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

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



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

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



ORDINANCE NO. 2688

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, FOR THE ANNEXATION OF WATERFALL CANYON WEST ADDITION.

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

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

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

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

SECTION 1:

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

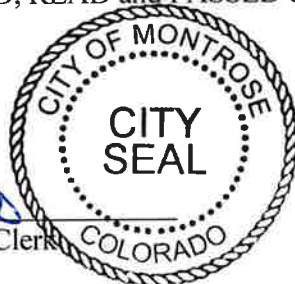
You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 15th day of August, 2025, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks Building, Montrose, Colorado.

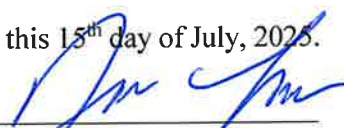
INTRODUCED, READ and PASSED on first reading this 15th day of July, 2025.

ATTEST:



Lisa DelPiccolo, City Clerk





Dave Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 5th day of August, 2025.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

A parcel of land situated in Section 32, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado being better described as:

Beginning at a point S01°11'05"W 574.31 feet from the NW1/16 corner of said Section 32;

Thence S01°11'05"W 752.35 feet;

Thence N88°50'26"W 9.19 feet;

Thence N15°27'24"W 336.47 feet;

Thence N00°47'18"E 195.29 feet;

Thence N24°09'25"E 254.91 feet;

Thence S88°48'55"E 7.41 feet to the Point of Beginning.

Containing 1.21 Acres more or less as described.

ORDINANCE NO. 2689

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, PROVIDING FOR THE ZONING OF THE WATERFALL CANYON WEST ADDITION AS A "R-3", MEDIUM DENSITY DISTRICT.

WHEREAS, the Waterfall Canyon West Addition has been recently annexed to the City of Montrose, Colorado; and

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

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

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

The Official Zoning Map is hereby amended to designate the Waterfall Canyon West Addition, according to the Official Annexation Map thereof, as a "R-3", Medium Density District.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 15th day of July, 2025, at the hour of 6:00 p.m. at Montrose City Council Chambers, Elks' Civic Building in Montrose, Colorado.

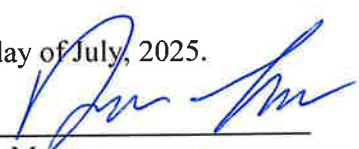
INTRODUCED, READ and PASSED on first reading this 15th day of July, 2025.

ATTEST:



Lisa DelPiccolo, City Clerk




Dave Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 5th day of August, 2025.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

MEMORANDUM



TO: Honorable Mayor and Members of the City Council
FROM: Chris Dowsey, City Attorney
DATE: July 14, 2025
RE: Ordinance for 2025 Charter Amendments and Ballot Language
CC: William Bell, Ann Morgenthaler

Background

In 2023, there was a Council initiative to review the Charter of the City of Montrose which was done by a Charter review committee. The committee that reviewed the Charter consisted of the Mayor, Mayor Pro Tem, City Manager, Deputy City Manager, and City Attorney. These amendments generally were to update language in the Charter to conform with updated federal and state law and provide clarity in different Council processes. The amendments were reviewed by the Council at that time but never brought to a vote of the people.

In early 2025, City Council made the decision to review these amendments once again and submit such amendments to a vote of the people. Council reviewed the amendments made by the committee one more time at the May 19, 2025 work session while giving direction to make a few edits. This Ordinance will set the ballot language for the November 4, 2025 combined election and set the possible amendments to the Charter.

ORDINANCE NO. 2690

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, SUBMITTING TO A VOTE TO THE REGISTERED ELECTORS OF THE CITY OF MONTROSE PROPOSED AMENDMENTS TO ARTICLE I SECTIONS 7, 8, 9, 10, 11, 14, ARTICLE II SECTIONS 2, 4, 9, ARTICLE III SECTIONS 1, 4, 7, ARTICLE IV SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 21, 22, 23 ARTICLE V SECTIONS 5, 19, ARTICLE VI SECTIONS 3, 5, ARTICLE VII SECTIONS 1, 2, 3, ARTICLE VIII SECTIONS 1, 2, 3, 5, ARTICLE IX SECTIONS 3, 5, 6, AND ARTICLE X, SECTION 1 OF THE CHARTER OF THE CITY OF MONTROSE AND ADDITIONS OF ARTICLE IV SECTIONS 24, 25, ARTICLE VIII SECTION 9 TO THE CHARTER OF THE CITY OF MONTROSE; AND SETTING A BALLOT MEASURE FOR THE NOVEMBER 4, 2025 COORDINATED ELECTION.

WHEREAS, the Charter of the City of Montrose (“Charter”) was originally adopted in 1914 and the City Council of the City of Montrose has carefully reviewed the Charter through an initiative undertaken by City Council and the City’s leadership team in order to propose amendments to the Charter. The City’s Charter amendment process may be initiated by City Council’s review. Proposed amendments are permitted to be presented to the citizens of Montrose through a ballot initiative during the election process as set forth in Article X Section 2 of the Charter; and

WHEREAS, the City Council believes that all amendments contained herein are in the best interest of the City and the citizens of Montrose; and

WHEREAS, the removal of gender specific language throughout the Charter promotes inclusivity for all citizens of Montrose; and

WHEREAS, the removal of a duplicative defined term throughout the Charter reduces ambiguity throughout the Charter; and

WHEREAS, the amendments clarify Council Member terms, number of years that may be served consecutively, and number of Council Members are required to enter into executive session; and

WHEREAS, amending the recall requirements of a Council Member ensures if such process is initiated, it has a high likelihood of success; and

WHEREAS, the removal of residency requirements of the Municipal Court Judge will enhance the number of applicants who apply for this position when it is vacant thereby providing a larger pool of qualified candidates for consideration by City Council; and

WHEREAS, changes in State and Federal law require Charter amendments in order for the Charter to be in compliance with State and Federal law; and

WHEREAS, amending the City Attorney section clarifies and synthesizes this section with other sections of the Charter; and

WHEREAS, allowing the City Clerk additional time to certify petitions is needed in a growing community for accurate results; and

WHEREAS, the complete revised Charter and a red-lined version of these edits shall be available on the City's website.

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

SECTION 1:

The City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

SECTION 2:

The following amendments to Article I Sections 7, 8, 9, 10, 11, 14; Article II Sections 2, 4, 9, Article III Sections 1, 4, 7, Article IV Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 21, 22, 23, 24, 25, Article V Sections 5, 19, Article VI Sections 3, 5, Article VII Sections 1, 2, 3, Article VIII Sections 1, 2, 3, 5, 9, Article IX Section 3, 5, 6 and Article X Section 1 of the Charter of the City of Montrose shall be submitted to the registered electors of the City at the coordinated election to be held on November 4, 2025:

Article I. – Governmental Powers and Legislative Officials

...

Sec. 7. – Qualifications.

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

Sec. 8. – Term of office.

- (a) The term of office of the Council Members shall commence at the first regular Council meeting following the certification of their election and shall continue until their

successors are duly elected and qualified. Council Members shall qualify to take office by the first regular Council meeting following the certification of their election.

- (b) The regular term for City Council Members filling a district seat shall be four (4) years. The regular term for the City Council Member filling the at-large seat shall be two (2) years.
- (c) The term limit for a City Council Member filling a district seat shall be no longer than two (2) consecutive four (4) year terms, or a maximum of eight (8) consecutive years in office if the Council Member held a combination of at-large and district seats, excluding any partial term.
- (d) The term limit for a City Council Member filling the at-large seat shall be four (4) consecutive two (2) year terms. Terms for the at-large and district seats may be combined in any sequence, so long as the resulting maximum time in office does not exceed eight (8) consecutive years, excluding any partial term.
- (e) A waiting period of four (4) years shall apply before any City Council Member who has served the maximum term in office is eligible to serve again on the City Council.

Sec. 9. – Compensation.

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

Sec. 10. – Mayor.

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

Sec. 11. – Vacancies.

An elective office shall become vacant whenever any Councilor is recalled, dies, becomes

incapacitated, resigns, ceases to be a resident of the City, or ceases to be a resident of the district for which the Councilor is elected, or is convicted of a felony. In addition, any member of the Council or other officer, when notified of a request for that person's attendance, fails to attend three consecutive Council meetings without being excused by the Council, shall forfeit the office held. Such request for attendance shall be made by not less than a majority of the members of the Council. In case of a vacancy, the remaining Councilors shall choose by a majority vote, and within 30 days after such vacancy occurs, a duly qualified person to fill such vacancy. The person chosen shall serve until a successor is elected at the next ensuing special or general municipal election, whichever first occurs, and has been duly qualified and takes office. If three or more vacancies exist simultaneously, the remaining Councilors shall, at the next regular meeting of the Council, call for a special election to fill such vacancies, provided that there will not be a general election within 90 days.

...

Sec. 14. – Oaths.

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

Article II. – Council Procedure

...

Sec. 2. – Meetings.

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

...

Sec. 4. – Voting.

The vote by “yes” and “no” shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the Council proceedings. Every ordinance shall require the affirmative vote of the majority of the membership of the entire Council for final passage. Resolutions and motions shall require the affirmative vote of a majority of the members present. Council Members may be present physically or electronically as allowed by Colorado Statute. No member of the Council shall vote on any question in which such member has a financial interest, other than the common public interest, or any question concerning such member’s own conduct, but on all other questions, each member who is present shall vote electronically or by voice vote, unless excused by the unanimous consent of the remaining members present. Council Members may recuse themselves to avoid any appearance of impropriety.

...

Sec. 9. – Disposition of ordinances.

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

...

Article III. – Elections

Sec. 1. – Term of office.

Council Members for Council Districts I and II shall be elected in 2026, 2030, and every four (4) years thereafter. Council Members for Council Districts III and IV shall be elected in 2028, 2032, and every four (4) years thereafter. A Council Member for the at-large seat shall be elected in 2026, 2028, and every two (2) years thereafter. All of the foregoing elections shall be conducted at the regularly scheduled municipal election. This is subject to Section 11 Vacancies of this Article.

...

Sec. 4. – Laws governing elections.

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

...

Sec. 7. – Procedure.

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

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

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

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

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

...

Article IV. – Franchises, Public Utilities and Contracts

Sec. 1. – Grant.

The City Council may grant new franchises, or renew existing franchises for utility purposes by ordinance.

Sec. 2. – Limitations.

The granting of franchises by the City shall be limited only by the provisions of the Constitution and applicable statutes of the State of Colorado or of the United States as now in effect or as

hereafter amended or enacted.

Sec. 3. – No exclusive grant.

No franchise or privilege shall be granted for a longer period than 20 years. No exclusive franchise or renewal shall ever be granted.

Sec. 4. – No assignment.

No franchise granted by the City shall ever be leased, assigned or transferred without permission of a majority of the City Council.

Sec. 5. – Conditions.

All franchises or privileges hereafter granted to construct and operate a utility shall, unless preempted by federal or state law, prescribe the kind of quality of service or product to be furnished, and the manner in which the streets, avenues, alleys and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest, except as otherwise regulated by law.

Sec. 6. – Termination.

Unless otherwise preempted by federal or state law, all such grants and renewals thereof shall reserve to the City the right to terminate the same and to purchase all the property of the utility in the streets, avenues, alleys and public places in the City and elsewhere, as may be provided in the franchise making the grant or renewal, used in or useful for the operation of the utility at the price fixed in the franchise. Nothing in such franchise shall prevent the City from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power of purchase, reserved in the franchise or renewal as herein before provided. Upon the acquisition by the City of the property of any utility, by purchase, condemnation, or otherwise, such franchise or renewals shall at once terminate.

Sec. 7. – Purchase price.

Unless otherwise preempted by federal or state law, no franchise making such grant or renewal shall be valid unless it shall expressly provide therein a method for ascertaining the price to be paid by the City for the property that may be acquired by it from such utility, by purchase, condemnation or otherwise, and such price shall exclude all value of such grant or renewal.

Sec. 8. – [Reserved]

Sec. 9. – Consents.

No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation, of any utility or by original grant or

renewal, unless such utility is of such a character that its construction operation is an additional burden upon the rights of such property owner in such highways or public grounds.

Sec. 10. – Right to insert additional matter.

The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall never be constructed as impairing the right of the City to insert in such franchise or grant, such other and further conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rental, charges, control, forfeitures, or any other provisions whatever, consistent with applicable law, and as the City shall deem proper to protect the interests of the people.

Sec. 11. – Regulations.

The City Council shall at all times control the distribution of space, in, over, under and across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of utilities shall be subject to the continuing right of the City Council to require such reconstruction, relocation, change, or discontinuance of the appliances used by the utility in the streets, avenues, alleys and public places of the City, as shall in the opinion of the City Council be necessary in the public interest.

Sec. 12. – Power to regulate rates and fares.

To the extent not preempted by applicable law, all power to regulate the rates, fares, rentals and charges for service by public utility corporations is hereby reserved to the people to be exercised by them by the ordinance of the City Council, or in the manner herein provided for initiating or referring an ordinance. Any right of regulation shall further include the right to require uniform, convenient and adequate service to the public and reasonable extensions of such service and of such public utility works. The granting of a franchise shall not be deemed to confer any right to include in the charge for service any return upon the value of the franchise or grant itself.

...

Sec. 14. – [Reserved]

...

Sec. 16. – City maintains general supervision, reports, and inspection.

The City shall maintain general supervision and police control over all utility companies insofar as they are subject to municipal control. It shall cause to be instituted such actions or proceedings as may be necessary to prosecute utility companies for violation of law.

It shall require every person or corporation operating under a franchise or grant from the City, to submit to the City Council a report of such information as they shall specify at any time and within a time specified by City Council, verified by the oath of the president, the Treasurer, or the manager

thereof.

Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the City Council by ordinance or in the franchise agreement; and the City Council shall have the power, either through its members or by experts or employees duly authorized by it, to examine the books and affairs of any such person, persons or corporation, and to compel the production before them of books and papers pertaining to such report or other matters.

...

Sec. 18. – Franchise records.

The City Council shall cause to be kept in the office of the City Clerk an indexed franchise record in which shall be transcribed copies of all public utility franchises heretofore and hereafter granted. The index shall give the name of the grantee and any assignees. The record shall be a complete history of all such franchises and shall include a comprehensive and convenient reference to all actions of law affecting the same, and copies of all annual reports, and such other matters of information and public interest as the City Council may from time to time require.

...

Sec. 20. – Rates.

The City Council shall by ordinance establish rates for services provided by City-owned utilities.

Sec. 21. – [Reserved]

Sec. 22. – Revocable permits.

City Council may grant permits for the temporary use or occupation of any street, alley or public place. Such permits shall be revocable by the City Council at any time whether or not the right is expressly reserved in the permit.

Sec. 23. – Books of account.

The City, when owning any public utility, shall keep the books of account for such public utility distinct from other City accounts and such manner to show the true and complete financial result of such City ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the City of the public utility owned; all costs of maintenance, extension and improvements, all operating expenses of every description, in case of such City operation; if water or other service shall be furnished for the use of any department of the City without charge, the accounts shall show as nearly as possible, the value of such service; such accounts shall also show reasonable allowance for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The City Council shall cause to be printed annually for distribution, a report showing the financial results, in form as aforesaid, of such City ownership, or ownership and operation.

Sec. 24. – Railroads.

The City Council, upon some fair apportionment of the cost thereof between the railroad and the City and/or other public authority in interest, may by ordinance require any railroad company to elevate or lower any of its tracks running over, along, or across any street or alley of the City, or to take such other measures for the protection of the public, as in the opinion of the City Council the public safety or convenience may require. Every grant of any franchise or privilege in, over, under, or along any of the streets or public places in the City for railway purposes, shall be subject to the conditions that the person, firm, or corporation exercising or enjoying the same shall, unless otherwise provided by ordinance, clean, keep in repair, and pave and repave so much of a street or other public place occupied by a railway track as lies between its rails, and between the lines of double track, and for such space outside of said track as may have been acquired by franchise.

Sec. 25. – Revocable license for railroad tracks.

After a public hearing, the City Council by ordinance may grant a license, revocable for cause, to lay sidetracks and switches along or across any public thoroughfare, within the City's right-of-way, or upon City property, in accordance with standards and procedures to be adopted by City Council.

Article V. – Finance, Appropriations and Taxation

...

Sec. 5. – Budget procedure.

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

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

...

Sec. 19. – Limitation on tax powers of the City.

No income tax or sales tax or cigarette tax hereinafter enacted shall become effective, until the ordinance authorizing the same shall have been approved by a majority of the electors of the City voting on the question at a regular or special election. After the effective date of any such ordinance, any subsequent amendment to that ordinance, need not be again approved by a majority of the electors voting on the question at a regular or special election, unless the amendatory ordinance imposes an increase in the rate of the income tax or sales tax or cigarette tax.

Article VI. – Municipal Borrowing

...

Sec. 3. – General obligation bonds.

No bonds or other evidences of indebtedness payable in whole or in part from the proceeds of general (ad valorem) property taxes or to which the full faith and credit of the City are pledged (sometimes referred to in this Article as "General Obligation Bonds") shall be issued, except in pursuance of an ordinance, or until the question of their issuance shall at a special or general election be submitted to a vote of the electors and approved by a majority of those voting on the question except as provided in Sections 6, 9, 10 and 11; provided that such General Obligation Bonds issued for acquiring water and rights thereto, or acquiring, improving or extending a municipal water system, or any combination of such purposes (sometimes referred to in this Article as "Water Purposes"), may be so issued without an election. The payment of such General Obligation Bonds may be additionally secured by a pledge of all or a portion of the proceeds to be derived from any sales tax, cigarette tax, occupation tax, hotel room tax or other specified revenues which are not derived from general (ad valorem) taxes or any combination of the foregoing (which may be sometimes referred to in this Article as "Additional Security"). No election shall be necessary to authorize general obligation bonds for Water Purposes, either with or without Additional Security, unless a petition requesting that an election be held is filed with the City Clerk within 20 days of the date of publication on final passage of the ordinance authorizing the issuance of said bonds, and signed by electors at least equal in number to ten per cent of the total number of electors voting at the last preceding general municipal election. When the City Council receives such a petition and finds it to be valid in the manner provided by Article IX of this Charter, and all laws thereunto enabling, the City Council shall submit the question of issuing such General Obligation Bonds for the specific Water Purposes to the electors at the next general municipal election, or at a special election called for that or any other purpose. In the event a petition is so filed, the General Obligation Bonds for the specified Water Purpose shall not be issued unless approved by a majority of the electors voting on the question.

...

Sec. 5. – Revenue bonds.

The City in pursuance of an ordinance may borrow money, issue bonds or otherwise extend its credit for the purpose of purchasing, constructing, condemning, otherwise acquiring, extending, or improving a water, communications, electric, gas or sewer system or other public utility or income producing project; provided that the bonds or other obligations shall be made payable solely out of the net revenues derived from the operation of such system, utility or other such project (said bonds or other securities being sometimes referred to herein as "Utility Revenue Bonds"; and provided, further, that any two or more such systems, utilities or projects may be combined, operated and maintained as joint municipal systems, utilities or projects, in which case such bonds or other obligations may be made payable solely out of the net revenues derived from the operation of such joint systems utilities or projects. The net revenues of any such system, utility or project may be cross-pledged to pay any Utility Revenue Bonds payable primarily from another system, utility or project without combining, operating and maintaining them as a single joint system,

utility or project. The City may additionally borrow money, issue bonds or otherwise extend its credit for any municipal purpose and may make them payable solely from the gross or net revenues received from any municipal occupation tax, sales tax, cigarette tax or any other excise or use tax. The proceeds of any such municipal occupation tax, sales tax, cigarette tax or any other excise tax or use tax may also be pledged as additional security for the payment of the aforesaid Utility Revenue Bonds. No election shall be necessary to authorize the bonds under this Section unless a petition requesting that an election be held is filed with the City Clerk within 20 days of the date of publication of the ordinance on final passage authorizing the issuance of the bonds, and signed by electors at least equal in number to ten percent of the number of electors voting at the last preceding general municipal election. When the City Council receives such a petition and finds it to be valid in the manner provided by Article IX of this Charter and all laws thereunto enabling, the City Council shall submit the question of issuing such revenue bonds to the electors at the next general municipal election, or at a special election called for that or any purpose. In the event a petition is so filed, the revenue bonds shall not be issued unless approved by a majority of the electors voting on the question. No revenue bonds shall be issued for the acquisition of such system, utility or income producing project unless the acquisition thereof has been authorized as provided in Article IV of this Charter.

...

Article VII. – Courts and Legal Services

Sec. 1. – Municipal Court.

- (a) There is hereby established a municipal court vested with original jurisdiction of all causes arising under the Charter, ordinances of the City of Montrose, Colorado, and as may be conferred by law.
- (b) The municipal court shall have the right to compel the attendance of witnesses by subpoena and to enforce this power by contempt of court.
- (c) The City Council shall appoint a Municipal Judge who shall hold office during the pleasure of the City Council and shall serve until such Judge's successor is appointed and qualified, subject, however, to the recall provisions of this Charter.
- (d) The Municipal Judge may appoint one or more assistant municipal judges, with the advice and consent of the City Council, who shall serve in the absence of the Municipal Judge, and who shall hold office during the pleasure of the City Council. The Municipal Judge shall provide for the authority and responsibility of the municipal court, including the annual budget, court personnel and regulations.
- (e) Neither the City Council nor any of its committees or members shall direct the appointment of any person to, or such person's removal from, or employment by the City Manager, or in any manner take part in the appointment or removal of employees in the administrative service of the City, except as otherwise provided in this Charter. The City Council and its members, except for the purpose of inquiry, shall deal with that portion of the

administrative service for which the City Manager is responsible, solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any employee of the City either publicly or privately.

- (f) Each judge shall receive a fixed salary or compensation not dependent upon the outcome of the matters to be decided by that judge and to be fixed by motion of City Council from time to time.
- (g) All jurors serving in the municipal court shall be electors of the City of Montrose, Colorado, and shall possess such other qualifications as may be provided by ordinance. Said jurors shall be chosen from a panel which shall be selected by some random method established by motion of the City Council.

Sec. 2. – City Attorney.

- (a) The City Council shall appoint a City Attorney who shall hold office at the pleasure of the City Council and shall be an attorney-at-law licensed to practice in the State of Colorado. The City Attorney shall advise the City Council and City Officials in matters relating to their official powers and duties, and perform such other duties as the City Council may prescribe by ordinance or resolution. The City Council may on its own motion or upon request of the City Attorney in special cases employ special counsel who shall serve under the jurisdiction of the City Attorney. The City Attorney shall have the authority to hire, promote, demote, transfer, discipline, or discharge, in accordance with the provisions of the Municipal Code, this Charter, and City personnel policies, any employee in the City Attorney's Office.
- (b) City Council shall, by motion, establish compensation for the City Attorney. Any agreement for compensation to special counsel shall be made only upon approval of the City Council and prior to the service being rendered.

Sec. 3. – Oath of Office.

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

...

Article VIII. – Administrative Supervision and Departments

Sec. 1. – City Manager.

The City Council shall, within a reasonable time, whenever a vacancy occurs, upon a vote of the majority of the entire City Council, appoint a City Manager who shall be the Chief Executive and Administrative Officer of the City. Such appointment shall be without definite term at salary to be

fixed by City Council. At the time of the City Manager's appointment, the City Manager need not be a resident of the City, County or State, but during any tenure of office the City Manager shall reside within the City. No Councilor shall be appointed City Manager during or within one year after the termination of the Councilor's term as a member of the City Council.

Sec. 2. – Absence of City Manager.

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

Sec. 3. – Powers and duties.

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

...

- (e) Prepare and submit to the City Council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year, and upon request of the City Council make written or verbal reports at any time concerning the affairs of the City under the City Manager's supervision;
- (f) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations to the City Council for adoption as the City Manager may deem necessary or expedient;
- (g) Exercise supervision and control over all executive and administrative departments and recommend to the City Council any proposal the City Manager thinks advisable to establish, consolidate or abolish administrative departments;

...

- (m) Perform such other duties as may be prescribed by this Charter, or by ordinance, or required of the City Manager by the City Council, and not inconsistent with this Charter.

...

Sec. 5. – Council not to interfere.

Neither the City Council nor any of its committees or members shall direct the appointment of any

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

...

Sec. 9. – Oath of office.

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

Article IX. – Initiative and Referendum

...

Sec. 3. – Referral on Council motion.

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

...

Sec. 5. – Adequacy and amendment of petition.

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

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

An ordinance adopted by the electors may not be amended or repealed for a period of 6 months

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

...

Article X. – Miscellaneous Provisions

Sec. 1. – Definitions.

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

...

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

SECTION 3:

The following ballot title, and submission clause, is hereby adopted for submitting the proposed Charter Amendment to the voters at the November 4, 2025 combined election:

Shall Art. I Sec. 7, 8, 9, 10, 11, 14, Art. II Sec. 2, 4, 9, Art. III Sec. 1, 4, 7, Art. IV Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 18, 20, 21, 22, 23 Art. V Sec. 5, 19, Art. VI Sec. 3, 5, Art. VII Sec. 1, 2, 3, Art. VIII Sec. 1, 2, 3, 5, Art. IX Sec. 3, 5, 6, and Art. X, Sec. 1 of the Charter of the City of Montrose be hereby amended and Art. IV Sec. 24, 25, Art. VIII Sec. 9 be hereby added to the Charter of the City of Montrose, to:

remove gender specific language;

remove redundancy within definitions throughout the Charter;

allow for any City Council Member a maximum of eight consecutive years in office;

require public notice of meetings on the City's website;

clarify the number of City Council Members required to enter into executive session;

clarify Council Member terms and election years;

remove editor's notes;

change the requirements for the recall of a Council Member;

update franchise and public utilities to conform to state and federal law;

remove the residency requirements for the municipal judge;

clarify the City Attorney section;

have oath's of office specific to titles under such Sections;

allow the City Clerk additional time to certify signatures on petitions for referendum and initiatives?

[] **Yes/For**

[] **No/Against**

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its adoption on second reading on Tuesday, the 5th day of August 2025, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 5th day of August 2025.

ATTEST:

Lisa DelPiccolo, City Clerk

Dave Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 19th day of August 2025.

ATTEST:

Briceida Ortega, Sr. Deputy City Clerk

Dave Frank, Mayor

CONTRACT AWARD CONSIDERATION



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: July 16, 2025
RE: 6600 Road Waterline Interconnect Construction Contract Award
CC: William Bell, Shani Wittenberg

Action

Consider the award of a construction contract to Hayes Excavating in the amount of \$757,318.89 for construction of the 6600 Road Waterline Interconnect Project.

Background

In response to continued development within the area, the City of Montrose and Tri-County Water recently entered into a service area modification agreement that will changeover select parcels located alongside 6600 Road from Tri County water to City of Montrose water. Changing over to City service will provide the fire protection necessary to support continued urban development anticipated within the area, will allow for an emergency interconnect to be constructed in support of both water systems, and will provide a backup water feed to areas north of San Juan Avenue as recommended in the City's water master plan.

Following completion of the service area modification agreement, the City then worked on civil design of system modifications necessary to physically change over the waterline service. This includes the construction of new missing-link mainlines, reconfiguration of water services, and construction of the emergency interconnect. An excerpt from the project plans is included as an attachment to this memo.

Project Bidding and Associated Expenditures

Construction of the 6600 Road Waterline Interconnect Project was put out for bid on June 19th and bids were publicly received on July 10, 2025 from four contractors as summarized in Table 1 below. Bid totals presented include a 10 percent contingency.

Table 1
Summary of Bid Results

Contractor	Location	Base Bid Total	Value Engineering Proposal (see note)
Young Construction	Montrose, CO	\$597,570.43	
Hayes Excavating	Grand Junction, CO	\$874,320.72	\$757,318.89
Ridgway Valley Enterprises	Montrose, CO	\$1,060,235.00	
Williams Construction	Norwood, CO	\$1,304,886.20	

Note: The project bid documents include a provision allowing for value engineering proposals from potential bidders. This allows contractors the ability to propose potential variations on the project design that would provide the same intended functionality at a lower cost. For this particular project, the value engineering alternative proposed to install waterline components by conventional open-cut trenching in lieu of trenchless technologies designed for a portion of the project design.

In this instance the low bidder, Young Construction, failed to provide the required project bid form, bid bond, and work plan proposal. As a result, the submission is considered ineligible for award. It is therefore recommended that the contract be awarded to the lowest eligible bidder, Hayes Excavating in the proposed value engineering amount of \$757,318.89. The City's local preference policy would not change the outcome of bidding in this case.

Traffic Control and Project Schedule

6600 Road and its intersection with Locust Road will be closed to through traffic during periods of active work for the project. Once work is completed within a reach (for example, south of Locust Road) the reach will be reopened temporarily until final paving is completed.

The proposed contract documents require completion of the project by June of 2026 but will require that once 6600 Road is closed that all work be completed and the roadway fully reopened within 65 calendar days.

Project Outreach

Following award of a construction contract for the project and finalization of the proposed contractor schedule, the City will work to notify affected utility customers of the upcoming project/water service change and will hold a neighborhood open house. As outlined in the previously-approved service area modification agreement with Tri-County Water, any water customers within the service area change that are within City limits will be changed over and become City water customers; any existing Tri-County customers that are outside of City limits within the service area change will remain Tri-County customers (at Tri-County billing rates) serviced by the new City of Montrose mainline. Tri-County will pay the City wholesale water rates to account for water usage on these select accounts.

Contract Administration and Project Financials

Contract administration, project management, and inspection will be performed by the City of Montrose engineering department.

The City budgeted a total of \$900k for this project out of the water enterprise fund. However, \$600k of the recently-awarded *More Housing Now* grant from the Colorado Department of Local Affairs grant was allocated to this waterline project in support of continued housing development. This leaves the City's share for the project at \$157k.



OLD INTERCONNECT ABANDONMENT

SCHEDULE OF FITTINGS			
Identifier	Description	size (in)	Notes
T6	Tee	12 x 12 x 6	Epoxy coated mechanical restrained joint. Standard size with reducers also acceptable.
T6B	Tee	8 x 8 x 6	Epoxy coated mechanical restrained joint
T8	Tee	12 x 12 x 8	Epoxy coated mechanical restrained joint
E8	90° or 45° Ell	8 x 8	Epoxy coated mechanical restrained joint
E12	90° or 45° Ell	12 x 12	Epoxy coated mechanical restrained joint
R8	Reducer	8 X 6	Epoxy coated mechanical restrained joint
R14	Reducer	14 x 12	Epoxy coated mechanical restrained joint
H6	Hymax Coupling	6 x 6	Incl. short pup of C-900 CL 235 PVC pipe where required for isolated insertions.
H14	Hymax Coupling	14 x 14	
C8	Cap	8	Epoxy coated mechanical restrained joint
C12	Cap	12	Epoxy coated mechanical restrained joint
A8	Alpha Romac Coupling	8 x 8	
S0	Service Line Tap	0.75 or 1	CC Thread. See City Standard Detail W-03. Incl. corp stop valve. Contractor to verify size prior to ordering of materials and installation.
MP	New Meter Pit	0.75 or 1	Incl. meter pit, yoke, curb stop valve, lid/bonnet, and connection to existing service. Contractor to verify size prior to ordering of materials and installation.
RC	Service Reconnection	0.75 or 1	Incl. connection to existing curb stop valve or meter pit yoke where possible, or coupler where necessary. Contractor to verify size prior to ordering of materials and installation.
G6	Gate Valve	6	
G8	Gate Valve	8	
G12	Gate Valve	12	
F6	Fire Hydrant	6	See City Standard Detail W-09. Tee, isolation valve, and lateral paid elsewhere

SCHEDULE OF PIPE	
Identifier	Description
P6	6" (ID) AWWA C-900 Class 235 (DR18) PVC Pipe
P8	8" (ID) AWWA C-900 Class 235 (DR18) PVC Pipe
P12	12" (ID) AWWA C-900 Class 235 (DR18) PVC Pipe
P14	14" (ID) AWWA C-900 Class 235 (DR18) PVC Pipe
P8D	Directionally Drilled 8" (ID) AWWA C-900 Certa-Lok Class 235 (DR18) PVC Pipe
P12D	Directionally Drilled 12" (ID) AWWA C-900 Certa-Lok Class 235 (DR18) PVC Pipe
L0	0.75" OR 1" Pure-Core Service Lateral - Directionally Drilled, Pipe Burst, or Moled. Contractor to verify size prior to ordering of materials and installation.



NOTES:
1. ALIGNMENT SHOWN ASSUMES WATERLINE IS PLACED WITHIN EDGE OF PAVED ROADWAY BASED ON ANTICIPATED UTILITY CONFLICTS. FINAL ALIGNMENT TO BE CONFIRMED WITH CITY FOLLOWING ACCURATE LOCATES AND POTHOUSING. IF POSSIBLE, NEW WATERLINE WILL BE CONSTRUCTED OUTSIDE OF ROADWAY ALONG EASTERN SHOULDER.
2. MAINTAIN AT LEAST 5' SEPARATION BETWEEN TAPS ON EXISTING 14" AC LINE. POT HOLE EXISTING TAPS AS NECESSARY TO ENSURE MINIMUM SEPARATION.
3. REMOVE EXISTING ASBESTOS CEMENT PIPE WHERE IN CONFLICT WITH PROPOSED IMPROVEMENTS. SEAL EXPOSED ENDS OF ANY AC PIPE TO REMAIN IN THE GROUND USING FLOWABLE FILL, CONCRETE, OR NON-SHRINK GROUT.
4. CONTRACTOR TO INSTALL POWER SERVICE BETWEEN POWER POLE AND METER PEDESTAL, RUN POWER TO METERING AND CONTROL VALVE VAULTS, AND INSTALL 200A METER PEDESTAL/PANEL AT LOCATION SHOWN. SCADA INSTRUMENTATION AND SCADA PANEL TO BE COMPLETED BY OTHERS.
5. CONTRACTOR SHALL PROPOSE SEQUENCING PLAN FOR APPROVAL BY THE CITY. IN GENERAL, WATER SHUTDOWNS SHALL BE LIMITED TO FOUR HOURS MAXIMUM FOR FINAL TIE-INS OR CROSSOVERS TO TEMPORARY SERVICE. CONTRACTOR SHALL SEQUENCE WORK AS TO AVOID PROLONGED SHUTDOWNS/SERVICE DISRUPTION AND UTILIZE TEMPORARY WATER SERVICES AS NECESSARY.