



REGULAR PLANNING COMMISSION MEETING AGENDA
Wednesday, February 11, 2026 - 5:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose Planning Commission is pleased to have residents of the community take time to attend Planning Commission 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. *The 11 pm rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).*

Additional written comments are welcome. If you would like to comment on an agenda item, please [email the city](#). Written comments must be received by noon one week prior to the meeting in order to be included in the Planning Commission packet. After that deadline, comments received by noon the day prior to the meeting will be distributed to the Planning Commission on the meeting day.

Hearing assistance devices are available for public use. Please let us know if you need accommodation. The City also offers interpretation for Spanish speakers. In order to allow time to book this resource, please [email the city](#) at least three days before the meeting.

- 1) Planning Commission meeting called to order
- 2) Roll call by the Planning Commission Chair
- 3) Approval of Minutes of the December 10, 2025 Planning Commission meeting
- 4) Additions or Deletions
- 5) Elections for Chairperson and Vice-Chairperson
- 6) **BROWN RANCH AMENDED PRELIMINARY PLAT 5** This is a proposed subdivision consisting of 120 residential lots, located on Outlot C of the Brown Ranch Subdivision Filing No. 9, at the end of Otter Road and Mahogany Drive. The applicant is Sunshine of Montrose, Inc.



- 7) Other Business

- 8) Next Meeting will be February 25, 2026

- 9) Motion to Adjourn



City of Montrose Planning Commission

December 10, 2025

The Montrose City Planning Commission held a meeting on November 10, 2025 at 5:00 p.m. in City Hall Council Chambers. The meeting agenda was posted in accordance with the Colorado Open Meetings Act (C.R.S. §24-6-401, et.seq.).

Planning Commissioners Present: David Fishing (Chair), Phoebe Benziger, Ronald Cairns, Delphine Jadot, and Richard Rogers. Absent: Chad Huffman (Vice-Chair), Steve Ball.

Staff Members Present: William Reis (Senior Planner), Greg Stunder (Staff Attorney), Sharon Dunning (Building Services Technician).

There were 4 members of the public in attendance.

Call to Order

Chairperson David Fishing called the meeting to order at 5:00 p.m.

Approval of Minutes

Delphine Jadot moved to approve the minutes of the October 22, 2025 meeting as submitted. Richard Rogers seconded, and the motion carried.

Additions or Deletions

None.

Pioneer Heat and Air Conditional Use Permit Hearing

This is a proposal for a conditional use permit to allow light industrial and manufacturing uses at 1421 Anderson Road, which is zoned "B-3" General Commercial District. The applicant is Gerardo Cervantes.

Staff Presentation

William Reis introduced this item. All public requirements have been fulfilled and the official files and exhibits have been entered into the record.

Questions for Staff

Planning Commissioners and staff discussed xx.

Applicant Presentation

Gerardo Cervantes, applicant, approached the podium to answer questions.

Questions for Applicant

Planning Commissioners and applicant discussed hours of operation and noise.

Questions for Staff

Planning Commissioners and staff discussed provisions in the code regarding storage outside and noise.

Public Comment

One member of the public came forward in support of the project.

Discussion

Planning Commissioners discussed zoning in the area.

Motion and Vote

Richard Rogers moved to approve the request to allow the conditional use of light industrial and manufacturing within the “B-3” General Commercial District, located at 1421 Anderson Road. The request meets the Code criteria based on the evidence and testimony presented at this hearing and as outlined in the staff report. Ron Cairns seconded, and the motion carried unanimously.

Next Meeting

The next Planning Commission meeting is scheduled for January 28, 2026.

Other Business

Planning Commissioners and staff discussed upcoming term expirations and an opening for a substitute Planning Commissioner.

Adjournment

Delphine Jadot moved to adjourn the meeting. Ron Cairns seconded, and the meeting ended at 5:12 p.m.

Chairperson

Attest



CITY OF MONTROSE
Planning Services

MEMO

TO: Planning Commission
FROM: William Reis, Senior Planner
DATE: February 11, 2026
RE: Brown Ranch Amended Preliminary Plat 5

ATTACHMENTS

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

Public notice requirements have been fulfilled in accordance with Section 11-4-3(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 300 feet, and an ad appeared in the Montrose Daily Press.

Planning Commission Consideration:

The Planning Commission shall make a recommendation to City Council to approve, deny, or approve with conditions the Brown Ranch Amended Preliminary Plat 5. The Planning Commission will consider all of the information in this memo in making a decision.

Applicant: Sunshine of Montrose, Inc.

Application Background:

The Brown Ranch Subdivision is located in southeastern Montrose, and is partially developed. This amended preliminary plat consists of 120 residential lots on Outlot C of the Brown Ranch Subdivision Filing No. 9. This application renews previous preliminary plats of the Brown Ranch Subdivision. The property is zoned "R-2" Low Density District and "B-4" Neighborhood Shopping District. Note that all proposed lots are within the "R-2" zoned portion of the property.

The meeting before City Council to approve or deny the Preliminary Plat is tentatively scheduled for March 3, 2026. A Final Plat will also be required within five (5) years of approval of this Preliminary Plat (City of Montrose Municipal Code, Section 11-4-8(A)(3)).

Staff Analysis:

1. Subdivision Application Details & Review Standards:

The City of Montrose Municipal Code outlines the process and standards for Subdivision applications. The preliminary plat and proposed improvements shall comply with all



requirements of the subdivision regulations and other applicable City design and construction specifications and standards. The Planning Commission should consider whether the project meets the standards outlined within Section 11-5 and summarized below: (See Exhibit B)

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

2. Comprehensive Plan - Land Use Map Designation:

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

3. Zoning Regulations:

- Municipal Code, Section 11-7-5 (A)(4): The “R-2” Low Density District is intended to provide for development of single-family residences, along with certain other compatible land uses.
- Municipal Code, Section 11-7-5 (C)(6): The “B-4” Neighborhood Shopping District is intended to provide for small scale retail shopping and services convenient to residential neighborhoods.
- The proposed use is a use-by-right in the “R-2” zoning district, and is compatible with general conditions in the area. The proposed lots are not within the “B-4” portion of the property. The property is adjacent to properties that are zoned “R-1” Very Low Density District, “R-2” Low Density District, “P” Public District, and properties outside of City limits.



4. Dimensional Requirements:

- a. Municipal Code, Section 11-7-7. The dimensional requirements in the “R-2” zoning district are included in the table below.

| District | Use | Maximum Density | Minimum Lot Size | Front | Rear | Side | Corner Lot | Maximum Building Height |
|----------|-------------------------------------|--------------------------|------------------|-------|------|------|------------|-------------------------|
| 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 |

5. The Brown Ranch Amended Preliminary Plat 5 does not appear to be adverse to the public health, safety and welfare and is in compliance with the City’s Subdivision Regulations.

Planning Commission Action:

The Planning Commission shall make a recommendation to City Council to approve, deny, or approve with conditions the Brown Ranch Amended Preliminary Plat 5. The Planning Commission may also continue the item. Proposed motions for Planning Commission consideration are included below.

Planning Commission Recommendation Alternatives for Preliminary Plat:

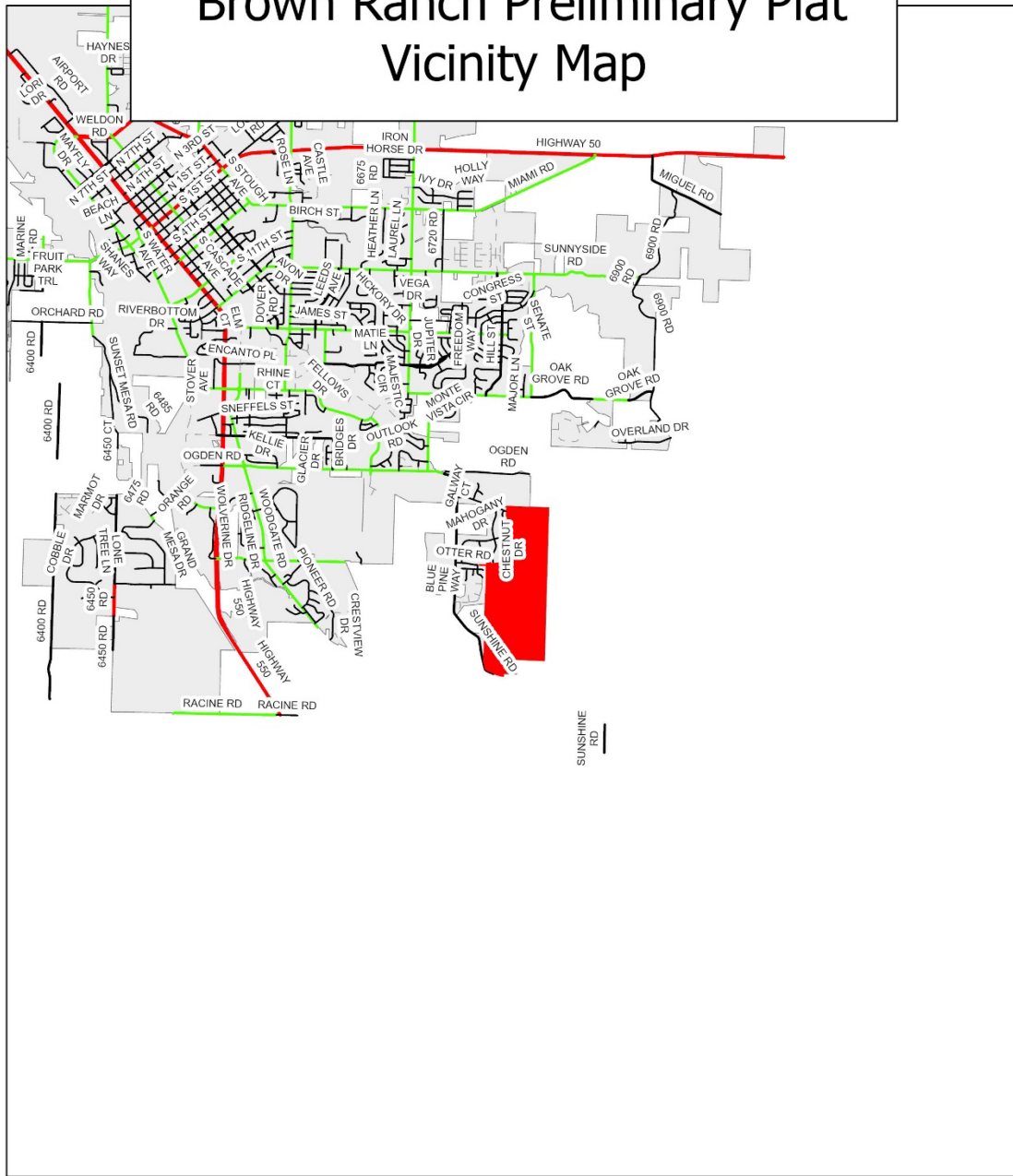
Conditional Approval Motion: “I hereby make a motion to recommend to City Council approval of the Preliminary Plat application with the following condition(s). The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report.”

Denial Motion: “I hereby make a motion to recommend to City Council denial of the Preliminary Plat application. The application does not meet the Code criteria based on evidence and testimony presented at this hearing and in the staff report.



EXHIBIT A: Area Maps

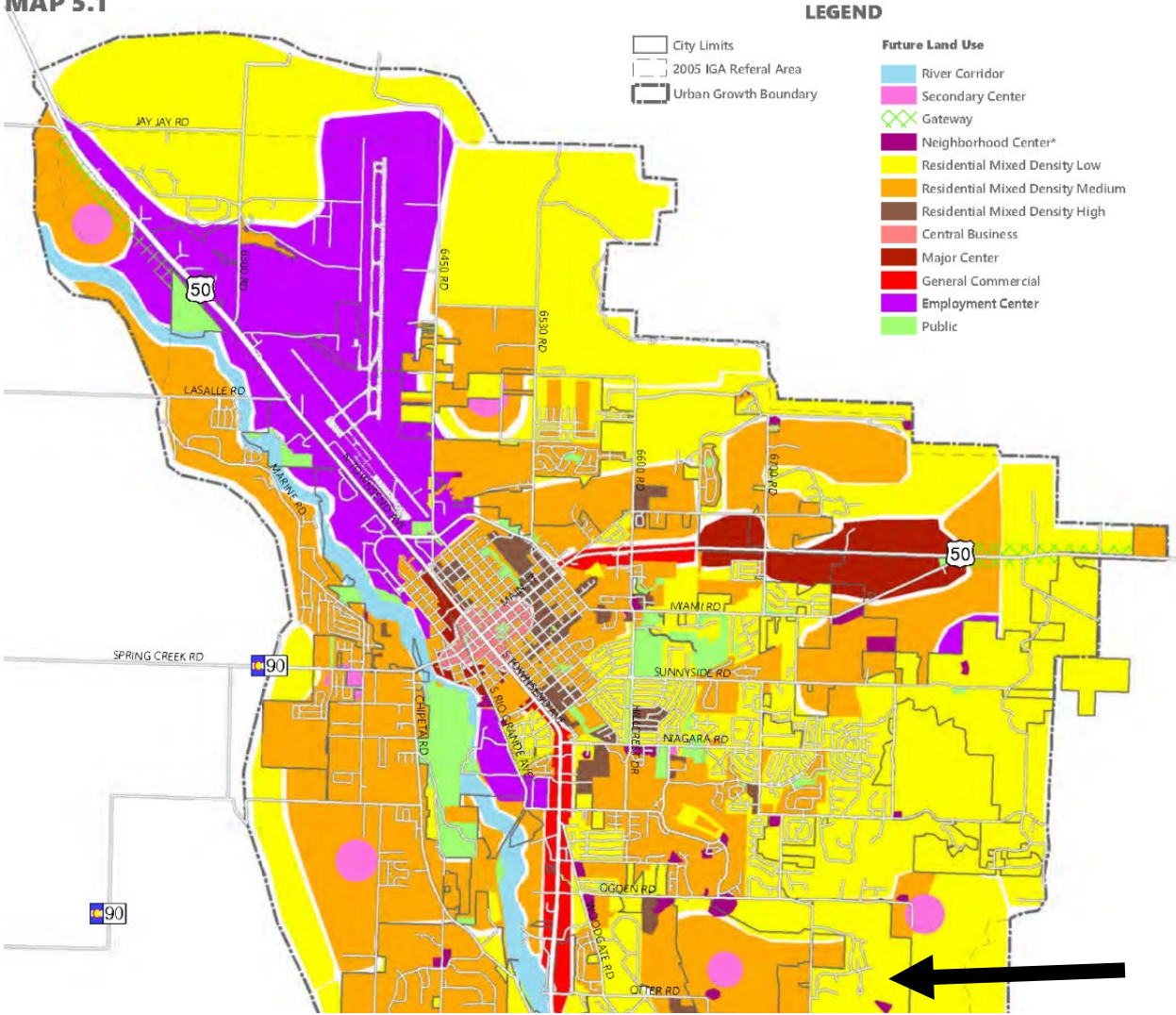
Brown Ranch Preliminary Plat Vicinity Map



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

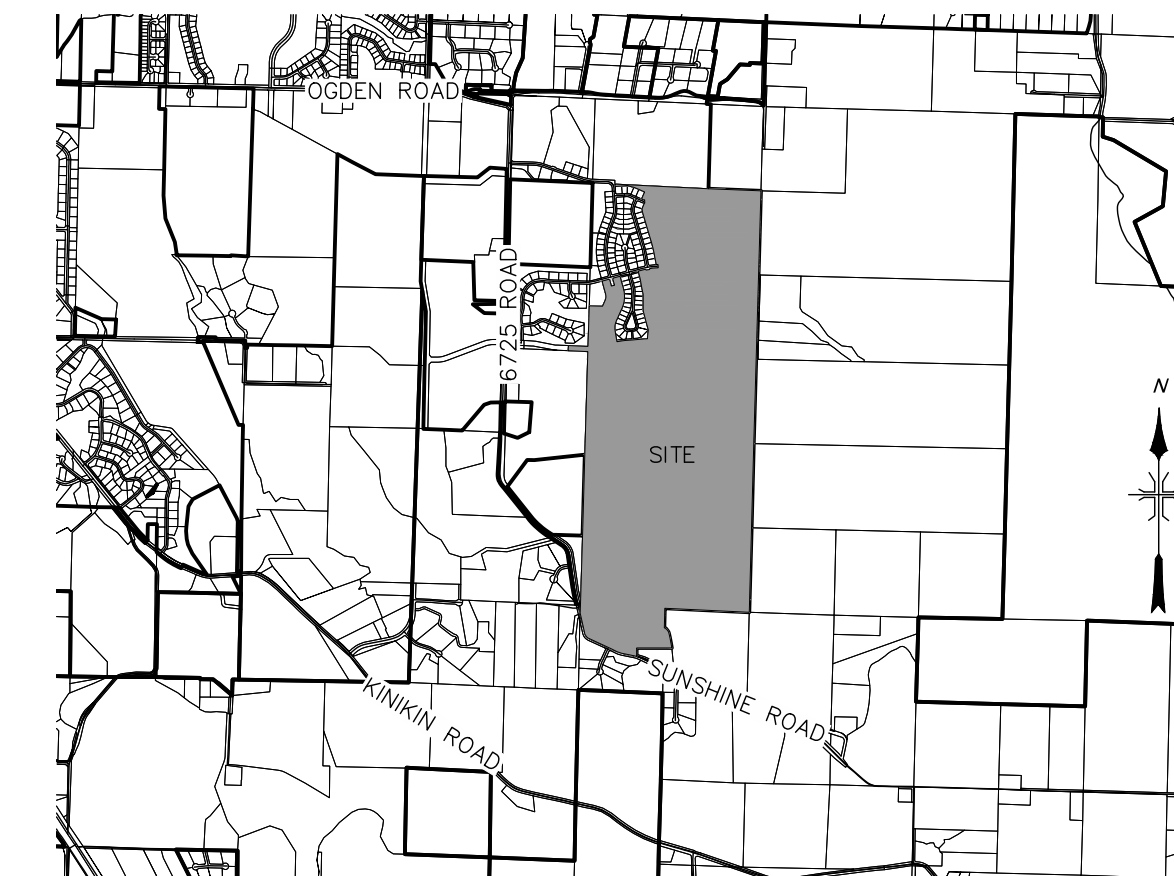
MAP 5.1



BROWN RANCH SUBDIVISION

AMENDED PRELIMINARY PLAT 5

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



VICINITY MAP
N.T.S.

SCHOOL LAND DEDICATION

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

FIRE DISTRICT LAND DEDICATION

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

OFFSITE IMPROVEMENT AGREEMENT

All residential units constructed hereon shall be subject to an assessment of Two Thousand One Hundred Thirty One dollars and two cents (\$2,131.02) per unit to be paid at the time of building permit issuance, which assessment shall represent the unit's total cost assessment to construct offsite road infrastructure improvements in accordance with City specifications as follows: Approximately 9,200 linear feet of Ogden Road located between 6725 Road and Woodgate Road to be constructed as a minor arterial street; approximately 3300 linear feet of 6710 Road located between Ogden Road and East Oak Grove Road to be constructed as a minor arterial street; and approximately 3,800 linear feet of 6725 Road located between Ogden Road and Otter Road to be constructed as a collector street. Such offsite improvements shall include curb, gutter, sidewalk, base, pavement, and related improvements. The assessment as provided herein shall be subject to an annual adjustment for inflation, to be applied on or after January 1st of each calendar year commencing in the year 2017, said adjustment being equal to the percentage increase in the Denver / Boulder Consumer Price Index for the previous year.

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

BASIS OF BEARINGS

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

LINEAL UNITS STATEMENT

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

PRIVATELY OWNED OPEN SPACE, PARKS, AND OTHER IMPROVEMENT

All open spaces, now existing or hereafter conveyed, shall be owned and maintained by an owners' association, or in the absence of an owners' association lawfully formed for such purposes, by the owners of all lots final platted in BROWN RANCH SUBDIVISION jointly and severally. The City is not responsible or liable in any manner for the maintenance, repair, or operation of such properties and/or improvements, nor shall the City be responsible for future dedications of such properties. Upon failure to properly maintain such properties and/or improvements shown hereon, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed, and assess the costs thereof to such owner(s), or the City may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

A. Conveyance of Private Parks and Open Space to Owners' Association

By executing this Plat, the owner(s) whose signature(s) appear hereon, joined by the Lienholder(s), if any, whose signatures also appear on this Plat, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to BROWN RANCH COMMUNITY ASSOCIATION, a Colorado nonprofit corporation, Park-2, Open Space 4 and 5 shown and designated on this Plat.

B. Certificate of Good Standing

The owner(s) whose signature(s) appear on the Certificate of Dedication and Ownership on this Plat have provided the City a current, valid, Certificate of Good Standing bearing Confirmation No. _____ from the Colorado Secretary of State, as proof of the above-named HOA or Owners' Association entity's: i) compliance with all applicable requirements of the Colorado Secretary of State, and ii) good standing with the Colorado Secretary of State.

C. Declaration of Covenants Recorded

The Declaration of Covenants, Conditions, and Restrictions for BROWN RANCH COMMUNITY ASSOCIATION, applicable to the development platted hereon, and made binding to the entity named above, was recorded under Reception No. _____ on the _____ day of _____, 20____ in the office of the Montrose County Clerk and Recorder.

D. Pedestrian Facilities

Where Park or Open Space tracts shown hereon contain improved pedestrian facilities, the facilities shall be open for use by the public and pedestrian facilities shall be maintained by the HOA.

E. Colocated Utility Easements

All Park and Open Space tracts shown hereon shall be entirely encumbered by utility easements hereby dedicated to the City of Montrose.

PRIVATELY OWNED IRRIGATION PIPELINES

The irrigation pipelines located in utility and irrigation easements shown hereon shall be conveyed to and maintained by the BROWN RANCH COMMUNITY ASSOCIATION, and shall not be impeded or altered in any way so as to impact the historic delivery of water, unless otherwise agreed by all owners of interest in said pipelines or any water rights associated therewith. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any irrigation pipelines, improvements or ditches as located within said easements. Upon failure to properly maintain the irrigation pipelines, or in the need to abate a nuisance or public hazard, the City may cause the maintenance or repair to be performed and assess the costs thereof to such owners, and may certify such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

BLANKET LANDSCAPE MAINTENANCE EASEMENT

The Brown Ranch Community Association shall have an easement across every Lot for the limited purposes of watering, planting, pruning shrubs and trees, mowing lawns, removing and replacing landscape material, removing snow, repairing irrigation lines and systems and otherwise performing exterior landscape maintenance on every Lot.

Every Lot shall be part of the Brown Ranch Community Association Service Area: "The Meadows".

NOTICE

The platted area is outside of the FEMA mapped floodplain, but floodplains are suspected to exist along the headwaters of the Montrose Arroyo, Del-Mont has prepared a flood analysis of the Montrose Arroyo that evaluates this.

Surveyor's Certificate

I, Nicholas Barrett, a Professional Land Surveyor in the State of Colorado, do hereby certify that the above described parcel has been surveyed by me and/or under my direct supervision and that such survey is accurately represented hereon, and is based on my knowledge, information and belief, and is in accordance with applicable standards or practice and is not a guaranty or warranty, either expressed or implied, and conforms to all applicable requirements of the City Subdivision Regulations and applicable law, and do hereby certify that there are no roads, pipelines, irrigation ditches or other easements or rights-of-way in evidence or known to me to exist on or across said property except as shown on this plat. I further certify that all monuments shown hereon actually exist and their positions are as shown.

C.R.S. Section 38-51-106 Statement: this plat does not represent a title search by the Surveyor, nor by any professional corporation or business entity with which said Surveyor may be associated. Information regarding the title work performed for and used in producing this plat may be found in the title policy issued by Land Title Guarantee Company, dated April 11, 2025, bearing Commitment No. MRB87025738

PRELIMINARY

Nicholas Barrett
Colorado Registered Land Surveyor
Registration No. 38037
Date: _____

Certificate of Dedication and Ownership

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

Outlot C, Brown Ranch Subdivision Filing No. 9, Reception No. 983430, Montrose County Records, County of Montrose, State of Colorado

Have by these presents laid out, platted and subdivided the same into lots, as shown on this plat, under the name and style of Brown Ranch Subdivision and do hereby dedicate, grant and convey to the City of Montrose, Colorado, for the use of the public, Otter Road, Honey Locust Drive, Crimson Court, Crimson Drive, Cerise Drive, Mahogany Drive, as hereon shown.

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

Executed this _____ day of _____, 20____.

Sunshine of Montrose, Inc.

John T. Moir / Vice President

STATE OF COLORADO)

) ss.
COUNTY OF MONTROSE)

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

Witness my hand and official seal.
My commission expires _____

Notary
(SEAL)

AREA SUMMARY

| | |
|------------------|----------------|
| RESIDENTIAL LOTS | = 29.01 ACRES |
| RIGHTS-OF-WAY | = 12.96 ACRES |
| OPEN SPACE | = 10.32 ACRES |
| OUTLOT D/E | = 319.78 ACRES |
| TOTAL AREA | = 372.07 ACRES |

ATTORNEY'S CERTIFICATE

I, Thomas C. Volkman, an attorney at law, duly licensed to practice in Colorado, do hereby certify that I have examined the ALTA Commitment No. MRB87025738 issued by Land Title Guarantee Company, dated April 11, 2025 (the "Report"), which confirms that the title to the Land herein platted and dedicated in the above Certificate of Dedication and Ownership is in the name of Sunshine of Montrose, Inc., and that, based solely upon my review of the Report, the title to the Land dedicated and subdivided herein, is free and clear of all liens and encumbrances except as specifically set forth in the Report.

Attorney

Registration No. _____

Date: _____

APPROVAL OF CITY MANAGER

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

Deputy City Manager

CERTIFICATE OF COMPLETED IMPROVEMENTS

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

City Engineer

Registration No. _____

Date: _____

APPROVAL OF CITY ATTORNEY

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

City Attorney

Attny. Reg. No. _____

RECORDER'S CERTIFICATE:

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

County Clerk & Recorder

Deputy

| APPROVAL OF PRELIMINARY PLAT | | | |
|--------------------------------|--------------------|------|-------|
| City Engineer | _____ | Date | _____ |
| | Scott Murphy, P.E. | | |
| City Attorney | _____ | Date | _____ |
| | Chris Dowsey | | |
| City Planning Commission Chair | _____ | Date | _____ |
| | David Fishing | | |
| City Mayor | _____ | Date | _____ |
| | Dave Frank | | |

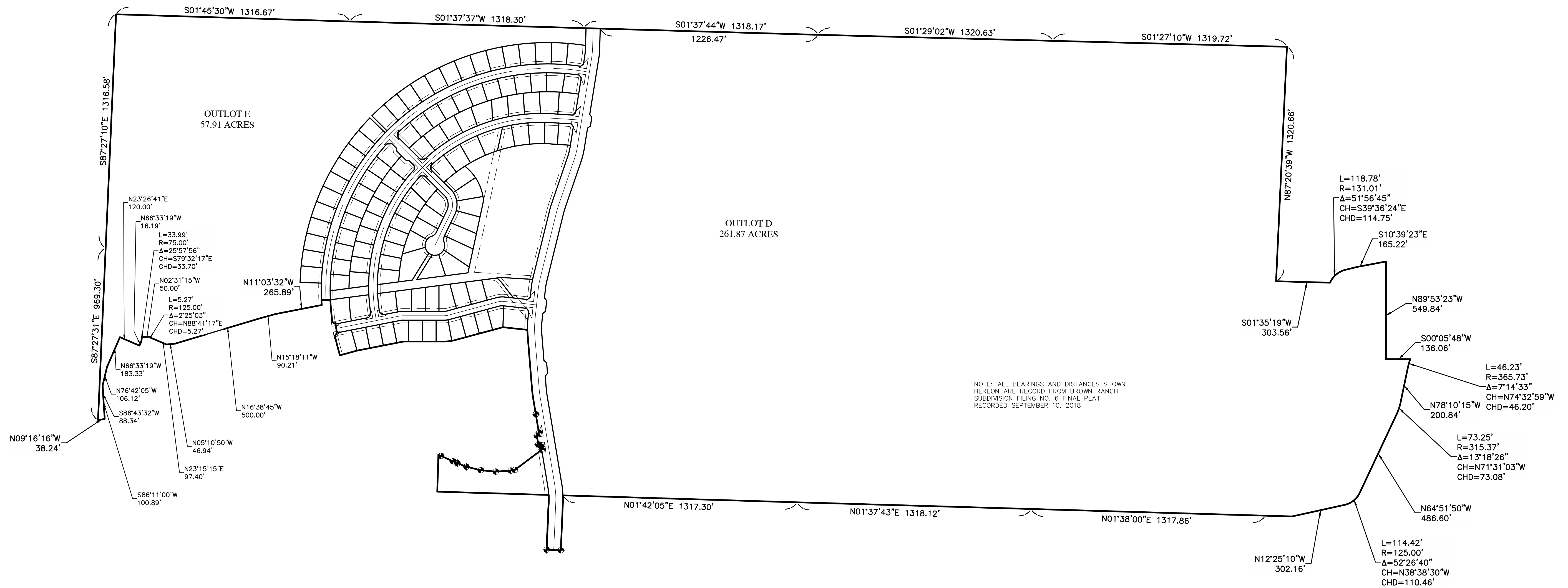
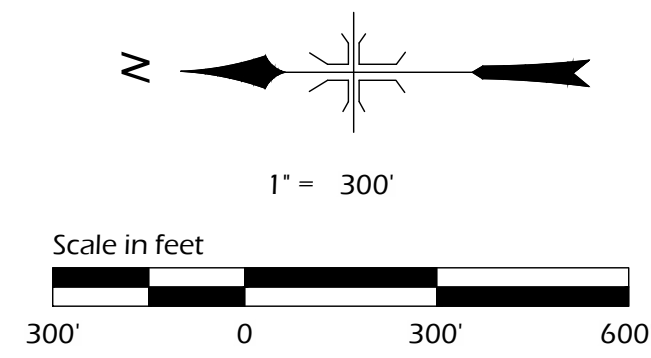
| | | | |
|---|-------------------|---|------------------|
| | | DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. W. Montrose, CO 81401 ☎ (970) 249-2251 www.del-mont.com ▼ service@del-mont.com | |
| FIELD BOOK: | DESIGN BY: | DATE: | |
| | DCC | 2026-01-12 | |
| SHEET: | FILE: | JOB NO.: | TYPE: |
| 1 of 5 | 25056V_PLAT_PRE-5 | 25056 | PRELIMINARY PLAT |
| TITLE: BROWN RANCH SUBDIVISION AMENDED PRELIMINARY PLAT 5 | | CLIENT: SUNSHINE OF MONTROSE, INC | |
| ADDRESS & PHONE: BROWN RANCH MONTROSE, COLORADO | | | |

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.
\\DMS14\PROJECTS\ACTIVE PROJECTS\2025\25056-BROWN RANCH AMD PRELIM PLAT 5\C3D\25056V_PLAT_PRE-5.DWG

BROWN RANCH SUBDIVISION

AMENDED PRELIMINARY PLAT 5

SITUATED IN GOVERNMENT LOT 14, AND THE NW 1/4 SE 1/4 OF SECTION 2,
TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO



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

| | | | | |
|-------------------------|-----------------------------------|---|---|--|
| | | DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. W. Montrose, CO 81401 ☎ (970) 249-2251 www.del-mont.com ▼ service@del-mont.com | | TITLE: BROWN RANCH SUBDIVISION AMENDED PRELIMINARY PLAT 5 |
| FIELD BOOK: | DRAWN BY: DCC | DATE: 2026-01-12 | CLIENT: SUNSHINE OF MONTROSE, INC | ADDRESS & PHONE: BROWN RANCH MONTROSE, COLORADO |
| SHEET: 3 of 5 | FILE: 25056V_PLAT_PRE-5 | JOB NO.: 25056 | TYPE: PRELIMINARY PLAT | |

BROWN RANCH SUBDIVISION

AMENDED PRELIMINARY PLAT 5

SITUATED IN GOVERNMENT LOT 14, AND THE NW 1/4 SE 1/4 OF SECTION 2,
TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

| LINE # | DIRECTION | LENGTH |
|--------|-------------|---------|
| L1 | S88°21'42"E | 112.89' |
| L5 | N51°08'15"E | 19.80' |
| L6 | S38°51'45"E | 19.80' |
| L7 | S51°26'10"W | 20.71' |
| L8 | S38°33'50"E | 18.84' |
| L9 | S53°43'04"W | 19.95' |
| L10 | S36°15'21"E | 19.66' |
| L11 | S88°17'23"E | 14.86' |
| L12 | N52°28'12"E | 78.98' |
| L13 | N46°01'10"E | 19.87' |
| L14 | N36°28'14"E | 13.44' |
| L15 | N35°21'49"E | 22.27' |
| L16 | N54°38'11"W | 22.53' |
| L17 | S56°32'24"E | 20.55' |
| L18 | N35°18'20"E | 20.86' |
| L19 | N81°47'11"E | 13.28' |
| L20 | S81°52'17"W | 10.33' |
| L21 | S00°50'38"E | 22.09' |
| L22 | S89°21'20"E | 22.14' |
| L23 | S88°47'00"W | 22.54' |
| L24 | N00°47'38"E | 22.56' |
| L25 | S00°41'08"E | 22.05' |
| L26 | S89°45'02"E | 22.23' |
| L27 | N03°27'16"E | 15.95' |
| L28 | N85°49'35"E | 15.95' |

| CURVE | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH |
|-------|----------|----------|-------------|---------------|--------------|
| C1 | 103.77' | 500.00' | 01°15'32" | N86°31'29"E | 103.58' |
| C2 | 41.47' | 500.00' | 00°45'09" | S82°57'19"W | 41.46' |
| C3 | 94.30' | 500.00' | 01°04'21" | N89°15'56"W | 94.16' |
| C4 | 53.89' | 400.00' | 00°43'08" | N80°00'11"W | 53.85' |
| C5 | 35.19' | 400.00' | 00°52'24" | N73°37'25"W | 35.18' |
| C6 | 68.04' | 400.00' | 00°44'43" | S75°58'35"E | 67.95' |
| C7 | 52.45' | 400.00' | 00°30'46" | S84°36'19"E | 52.41' |
| C8 | 36.96' | 100.00' | 02°11'02" | N04°26'59"W | 36.75' |
| C9 | 26.24' | 100.00' | 01°50'21" | S07°31'06"E | 26.17' |
| C10 | 19.30' | 100.00' | 01°10'32" | N05°31'46"W | 19.27' |
| C11 | 880.94' | 950.00' | 05°30'51" | N71°38'54"W | 849.72' |
| C12 | 446.85' | 950.00' | 02°57'01" | N09°45'14"W | 442.75' |
| C13 | 362.35' | 950.00' | 02°51'14" | N34°09'21"W | 360.16' |
| C14 | 124.14' | 100.00' | 07°10'36" | N80°12'13"E | 116.32' |
| C15 | 1023.50' | 1250.00' | 04°54'49" | N68°59'23"W | 995.15' |
| C16 | 1228.71' | 1250.00' | 05°19'12" | N17°22'22"W | 1179.84' |
| C17 | 37.24' | 540.00' | 00°35'05" | S87°18'26"W | 37.23' |
| C18 | 64.60' | 540.00' | 00°51'17" | N87°17'23"W | 64.56' |
| C19 | 48.19' | 440.00' | 00°16'29" | N80°43'30"W | 48.16' |
| C20 | 11.09' | 440.00' | 00°12'38" | N76°51'56"W | 11.09' |
| C21 | 38.71' | 440.00' | 00°02'24" | N73°37'25"W | 38.69' |
| C22 | 61.23' | 360.00' | 00°44'43" | S75°58'35"E | 61.16' |
| C23 | 47.85' | 359.68' | 00°37'22" | S84°40'43"E | 47.82' |
| C24 | 27.72' | 75.00' | 02°11'02" | N04°26'59"W | 27.56' |
| C25 | 46.20' | 125.00' | 02°11'02" | N04°26'59"W | 45.93' |
| C26 | 10.13' | 125.00' | 00°43'41" | S12°42'52"E | 10.13' |
| C27 | 22.67' | 125.00' | 01°03'32" | S05°11'46"E | 22.64' |
| C28 | 19.68' | 75.00' | 01°50'21" | S07°31'06"E | 19.63' |
| C29 | 14.48' | 75.00' | 01°10'32" | N05°31'46"W | 14.45' |
| C30 | 24.13' | 125.00' | 01°10'32" | N05°31'46"W | 24.09' |
| C31 | 100.62' | 975.00' | 00°54'47" | S84°23'18"W | 100.58' |
| C32 | 93.90' | 911.56' | 00°54'07" | S84°23'18"W | 93.86' |
| C33 | 50.31' | 911.56' | 00°30'44" | S88°52'07"W | 50.30' |
| C34 | 50.31' | 975.00' | 00°25'22" | S88°49'22"W | 50.30' |
| C35 | 133.80' | 1119.15' | 00°50'59" | S84°36'06"W | 133.72' |
| C36 | 90.65' | 911.56' | 00°51'53" | N86°42'04"W | 90.62' |
| C37 | 81.75' | 911.56' | 00°08'19" | N81°16'58"W | 81.73' |
| C38 | 81.75' | 911.56' | 00°08'19" | N76°08'40"W | 81.73' |
| C39 | 81.75' | 911.56' | 00°08'19" | N71°00'21"W | 81.73' |
| C40 | 81.75' | 911.56' | 00°08'19" | N65°52'02"W | 81.73' |
| C41 | 81.75' | 911.56' | 00°08'19" | N60°43'44"W | 81.73' |
| C42 | 89.82' | 911.56' | 00°53'44" | N55°20'13"W | 89.78' |
| C43 | 84.54' | 911.56' | 00°54'54" | N49°51'26"W | 84.51' |
| C44 | 93.10' | 75.00' | 07°10'36" | N80°12'13"E | 87.24' |
| C45 | 38.76' | 50.00' | 04°24'55" | S42°01'32"E | 37.80' |
| C46 | 31.59' | 55.00' | 03°54'16" | N36°16'12"W | 31.15' |
| C47 | 45.87' | 55.00' | 04°7'46"58" | N76°36'49"W | 44.55' |

| CURVE | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH |
|-------|---------|----------|-----------|---------------|--------------|
| C48 | 40.02' | 55.00' | 04°14'39" | S58°38'53"W | 39.15' |
| C49 | 20.17' | 55.00' | 02°10'59" | S27°17'33"W | 20.06' |
| C50 | 38.43' | 55.00' | 04°01'53" | S03°13'53"E | 37.65' |
| C51 | 38.88' | 55.00' | 04°02'52" | S43°29'46"E | 38.07' |
| C52 | 43.10' | 55.00' | 04°54'12" | S86°11'48"E | 42.01' |
| C53 | 38.76' | 50.00' | 04°24'55" | N86°26'27"W | 37.80' |
| C54 | 54.39' | 125.00' | 02°45'49" | S87°17'53"E | 53.96' |
| C55 | 52.24' | 125.00' | 02°35'42" | N68°15'52"E | 51.86' |
| C56 | 25.42' | 125.00' | 01°13'05" | N50°27'58"E | 25.38' |
| C57 | 23.13' | 125.00' | 01°03'59" | S69°31'59"E | 23.09' |
| C58 | 93.58' | 925.00' | 00°54'46" | N39°38'28"W | 93.54' |
| C59 | 109.84' | 925.00' | 00°48'12" | N33°20'28"W | 109.77' |
| C60 | 108.34' | 925.00' | 00°42'38" | N26°35'03"W | 108.28' |
| C61 | 151.56' | 925.00' | 00°23'17" | N18°32'06"W | 151.39' |
| C62 | 50.01' | 925.00' | 00°30'51" | N12°17'32"W | 50.00' |
| C63 | 94.76' | 925.00' | 00°52'11" | N07°48'31"W | 94.72' |
| C64 | 435.09' | 925.00' | 02°57'01" | N09°45'14"W | 431.09' |
| C65 | 43.40' | 925.00' | 00°24'18" | N02°22'38"E | 43.40' |
| C66 | 37.77' | 1290.25' | 00°14'38" | N02°22'38"E | 37.77' |
| C67 | 82.99' | 805.00' | 00°54'26" | N01°55'13"W | 82.96' |
| C68 | 83.86' | 805.00' | 00°55'08" | N07°51'30"W | 83.82' |
| C69 | 101.80' | 805.00' | 00°71'44" | N14°27'56"W | 101.73' |
| C70 | 72.22' | 805.00' | 00°08'26" | N20°39'31"W | 72.20' |
| C71 | 94.28' | 805.00' | 00°42'38" | N26°35'03"W | 94.23' |
| C72 | 95.59' | 805.00' | 00°48'12" | N33°20'28"W | 95.53' |
| C73 | 91.47' | 805.00' | 00°30'37" | N39°59'53"W | 91.42' |
| C74 | 149.55' | 805.00' | 01°03'38" | N37°55'51"W | 149.34' |
| C75 | 88.39' | 275.00' | 01°24'55" | N47°05'03"E | 88.01' |
| C76 | 114.93' | 275.00' | 02°35'42" | N68°15'52"E | 114.09' |
| C77 | 24.38' | 275.00' | 00°54'46" | N82°46'36"E | 24.37' |
| C78 | 71.24' | 975.00' | 00°41'11" | N87°36'21"W | 71.22' |
| C79 | 79.26' | 975.00' | 00°43'28" | N83°11'02"W | 79.24' |
| C80 | 80.24' | 975.00' | 00°42'55" | N78°29'51"W | 80.22' |
| C81 | 81.07' | 975.00' | 00°45'51" | N73°45'28"W | 81.05' |
| C82 | 81.67' | 975.00' | 00°44'57" | N68°58'34"W | 81.64' |
| C83 | 82.04' | 975.00' | 00°49'16" | N64°09'57"W | 82.02' |
| C84 | 82.25' | 975.00' | 00°50'01" | N59°20'18"W | 82.23' |
| C85 | 82.41' | 975.00' | 00°50'34" | N54°30'01"W | 82.38' |
| C86 | 78.22' | 975.00' | 00°43'54" | N49°46'50"W | 78.20' |
| C87 | 78.00' | 975.00' | 00°43'50" | N40°24'35"W | 77.98' |
| C88 | 96.74' | 975.00' | 00°54'10" | N35°16'31"W | 96.70' |
| C89 | 90.00' | 975.00' | 00°51'20" | N29°47'18"W | 89.97' |
| C90 | 66.62' | 975.00' | 00°54'54" | N25°11'11"W | 66.61' |
| C91 | 23.40' | 975.00' | 00°22'30" | N22°32'29"W | 23.40' |
| C92 | 90.62' | 975.00' | 00°51'30" | N19°11'29"W | 90.58' |
| C93 | 93.34' | 975.00' | 00°52'06" | N13°47'11"W | 93.30' |
| C94 | 90.35' | 975.00' | 00°51'83" | N08°23'21"W | 90.32' |

| CURVE | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH |
|-------|---------|----------|-----------|---------------|--------------|
| C95 | 90.04' | 975.00' | 00°51'72" | N03°05'21"W | 90.00' |
| C96 | 70.88' | 975.00' | 00°49'54" | N01°38'20"E | 70.86' |
| C97 | 71.98' | 1119.15' | 00°34'06" | N87°33'11"W | 71.97' |
| C98 | 82.42' | 1119.15' | 00°41'31" | N83°36'02"W | 82.40' |
| C99 | 82.42' | 1119.15' | 00°41'31" | N79°22'51"W | 82.40' |
| C100 | 82.42' | 1119.15' | 00°41'31" | N75°09'40"W | 82.40' |
| C101 | 82.42' | 1119.15' | 00°41'31" | N70°56'29"W | 82.40' |
| C102 | 82.42' | 1119.15' | 00°41'31" | N66°43'18"W | 82.40' |
| C103 | 82.42' | 1119.15' | 00°41'31" | N62°30'07"W | 82.40' |
| C104 | 82.42' | 1119.15' | 00°41'31" | N58°16'56"W | 82.40' |
| C105 | 82.42' | 1119.15' | 00°41'31" | N54°03'45"W | 82.40' |
| C106 | 89.50' | 1119.15' | 00°43'54" | N49°39'43"W | 89.47' |
| C107 | 94.31' | 1119.15' | 00°49'43" | N46°58'53"W | 94.29' |
| C108 | 88.09' | 1119.15' | 00°40'34" | N42°18'44"W | 88.06' |
| C109 | 89.07' | 1119.15' | 00°43'36" | N37°46'39"W | 89.04' |
| C110 | 89.91' | 1119.15' | 00°43'36" | N33°11'46"W | 89.88' |
| C111 | 90.50' | 1119.15' | 00°43'36" | N28°34'41"W | 90.48' |
| C112 | 90.87' | 1119.15' | 00°43'36" | N23°56'07"W | 90.85' |
| C113 | 91.09' | 1119.15' | 00°43'36" | N19°16'39"W | 91.06' |
| C114 | 90.87' | 1119.15' | 00°43'36" | N14°37'11"W | 90.84' |
| C115 | 96.15' | 1119.15' | 00°55'21" | N09°49'56"W | 96.12' |
| C116 | 94.12' | 1123.52' | 00°47'59" | N04°51'42"W | 94.09' |
| C117 | 85.42' | 1118.44' | 00°22'34" | N37°15'47"W | 85.40' |
| C118 | 84.85' | 1118.44' | 00°20'47" | N32°54'06"W | 84.83' |
| C119 | 84.85' | 1118.44' | 00°20'47" | N28°33'19"W | 84.83' |
| C120 | 84.85' | 1118.44' | 00°20'47" | N24°12'31"W | 84.83' |
| C121 | 84.85' | 1118.44' | 00°20'47" | N19°51'44"W | 84.83' |
| C122 | 84.85' | 1118.44' | 00°20'47" | N15°30'57"W | 84.83' |
| C123 | 84.85' | 1118.44' | 00°20'47" | N11°10'09"W | 84.83' |
| C124 | 84.85' | 1118.44' | 00°20'47" | N06°49'22"W | 84.83' |
| C125 | 84.85' | 1118.44' | 00°20'47" | N02°28'34"W | 84.83' |
| C126 | 86.11' | 1118.44' | 00°24'40" | N01°54'09"E | 86.09' |
| C127 | 94.13' | 1120.70' | 00°48'44" | N06°31'19"E | 94.10' |
| C128 | 106.98' | 1122.44' | 00°52'39" | N41°31'56"W | 106.94' |
| C129 | 107.35' | 1118.44' | 00°52'39" | N36°02'33"W | 107.31' |
| C130 | 100.02' | 1118.44' | 00°50'72" | N30°43'51"W | 99.99' |
| C131 | 105.55' | 1118.44' | 00°52'26" | N25°27'54"W | 105.51' |
| C132 | 123.72' | 1118.44' | 00°20'16" | N19°35'33"W | 123.65' |
| C133 | 91.55' | 1118.44' | 00°41'24" | N14°04'43"W | 91.53' |
| C134 | 90.49' | 1118.44' | 00°38'08" | N09°24'57"W | 90.47' |
| C135 | 90.04' | 1118.44' | 00°36'46" | N04°47'30"W | 90.02' |
| C136 | 113.29' | 1129.61' | 00°54'47" | N00°24'11"E | 113.24' |
| C137 | 109.54' | 1131.19' | 00°53'55" | N06°08'26"E | 109.50' |
| C138 | 50.29' | 1225.00' | 00°21'09" | S88°43'47"W | 50.29' |
| C139 | 93.73' | 1225.00' | 00°42'30" | N87°54'08"W | 93.70' |
| C140 | 90.22' | 1225.00' | 00°41'31" | N83°36'02"W | 90.20' |
| C141 | 90.22' | 1225.00' | 00°41'31" | N79°22'51"W | 90.20' |

| CURVE | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH |
|-------|--------|----------|-----------|---------------|--------------|
| C142 | 90.22' | 1225.00' | 00°41'31" | N75°09'40"W | 90.20' |
| C143 | 90.22' | 1225.00' | 00°41'31" | N70°56'29"W | 90.20' |
| C144 | 90.22' | 1225.00' | 00°41'31" | N66°43'18"W | 90.20' |
| C145 | 90.22' | 1225.00' | 00°41'31" | N62°30'07"W | 90.20' |
| C146 | 90.22' | 1225.00' | 00°41'31" | N58°16'56"W | 90.20' |
| C147 | 90.22' | 1225.00' | 00°41'31" | N54°03'45"W | 90.20' |
| C148 | 96.50' | 1225.00' | 00°43'48" | N49°41'46"W | 96.47' |
| C149 | 90.43' | 1225.00' | 00°41'36" | N41°30'33"W | 90.41' |
| C150 | 92.35' | 1225.00' | 00°41'91" | N37°14'05"W | 92.33' |
| C151 | 92.93' | 1225.00' | 00°42'47" | N32°54'06"W | 92.91' |
| C152 | 92.93' | 1225.00' | 00°42'47" | N28°3 | |

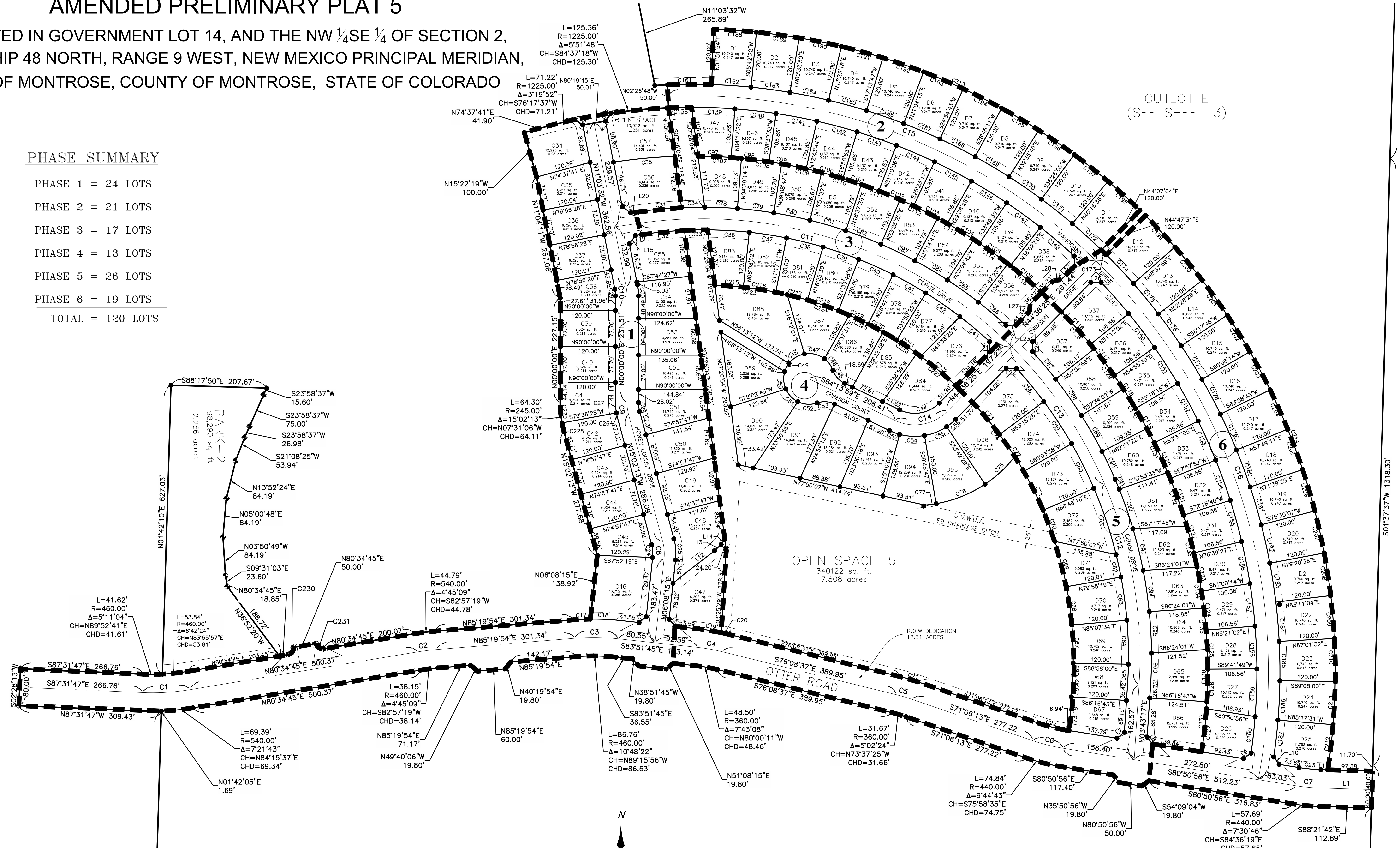
BROWN RANCH SUBDIVISION

AMENDED PRELIMINARY PLAT 5

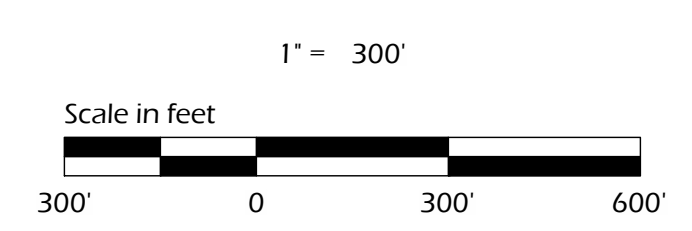
SITUATED IN GOVERNMENT LOT 14, AND THE NW 1/4 SE 1/4 OF SECTION 2,
TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

PHASE SUMMARY

- PHASE 1 = 24 LOTS
- PHASE 2 = 21 LOTS
- PHASE 3 = 17 LOTS
- PHASE 4 = 13 LOTS
- PHASE 5 = 26 LOTS
- PHASE 6 = 19 LOTS
- TOTAL = 120 LOTS



OUTLOT E
(SEE SHEET 3)



| | | |
|---|--|---|
| DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave W Montrose, CO 81401 (970) 249-2251 www.del-mont.com service@del-mont.com | | MAHOGANY DRIVE PLAN & PROFILE |
| FIELD BOOK: 5 of 5 SHEET: 5 of 5 | DRAWN BY: DCC FILE: 250566_PLAT-PRE-5 | CLIENT: SUNSHINE OF MONTROSE, INC ADDRESS & PHONE: BROWN RANCH MONTROSE, COLORADO DATE: 2026-01-12 JOB NO.: 250566 TYPE: |

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 your 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.

Sec. 11-5-1. General provisions.

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

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

Sec. 11-5-2. Major subdivisions.

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

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

Sec. 11-5-3. Minor subdivisions.

- (A) *New Subdivisions.* A parcel of land is eligible for subdivision through the minor subdivision process if it meets all of the following criteria:
 - (1) The subdivision results in no more than three tracts, lots or interests. See Subsection (B)(3) below for common interest community subdivisions.
 - (2) All lots or tracts are adjacent to a dedicated and accepted public street.
 - (3) The improvements required by these regulations are:

-
- (a) Already in existence and available to serve each lot, or if not yet constructed, are secured as a part of the original subdivision approval.
 - (b) In commercial zoning districts only, the improvements required by these regulations shall be required only for lots with no existing building on the lot, and such improvements may be deferred until construction of a building on said lot. A Certificate of Occupancy shall not be issued until the improvements required by these regulations for said lot are installed, inspected, and approved by the City. The plans for such improvements shall be reviewed and approved by the City prior to commencement of construction. The plat shall specify what improvements are so required, and may include additional easements, plat notes or restrictions as appropriate to implement these provisions.
- (4) Each proposed lot, or tract, will meet requirements of Chapter 7, Zoning, without the necessity for any variance and no variance from the minimum lot width, depth, or size required by provisions of Chapter 7, Zoning, has been granted within the three previous years.
- (5) No part of the subdivision has been approved as part of a minor subdivision within three years prior to the date of submission of the minor subdivision plat.
- (6) No material changes to prior plat notes, restrictions or easements are proposed.
- (B) *Common Interest Community Subdivisions.* A common interest community subdivision may be processed as a minor subdivision if all of the following criteria are met:
- (1) Meets all applicable conditions of any recorded plat governing the original land subdivision.
 - (2) Complies with the required City platting conditions in Subsection (A) above.
 - (3) Complies with the requirements of C.R.S. § 38-33.3-101 et. seq. (sublots and common interest community units are not lots for purposes of compliance with this Section).
 - (4) Is consistent with the representations made by the property owner and/or applicant for subdivision approval which created the lot or tract proposed to be further subdivided as a common interest community subdivision.
 - (5) Results in a change of ownership or marketing regime consistent with the basis upon which creation of the lot, tract or parcel being proposed for common interest community subdivision was based.
 - (6) Is consistent with the City's Comprehensive Plan.
 - (7) Advances the public health, safety and welfare of the residents of the City.
- (C) *Minor Plat Amendments.* Previously approved subdivision plats may be amended through the minor subdivision process if they meet the following criteria:
- (1) The plat, as amended, reduces the number of lots within the subdivision, i.e., a lot consolidation; or the nature of the amendment is de minimis, e.g., a boundary line adjustment, lot line correction, duplex conversion, easement adjustment, or similar minor plat modification.
 - (2) All lots or tracts are adjacent to a dedicated public street.
 - (3) The lots are part of a subdivision plat which has been approved and/or accepted by the City and recorded in the Montrose County Records.
 - (4) The improvements required by these regulations are already in existence and available to serve each lot, or if not yet constructed, are secured as a part of the original subdivision approval.
 - (5) Each lot will meet requirements of the applicable City zoning regulations without the necessity for any variance and no variance has been granted within the three previous years. No material changes to prior plat notes, restrictions or easements are proposed.

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- (D) *Procedure.* Submittals of sketch plans and preliminary plats are not required for minor subdivisions. The minor subdivision application shall conform to all applicable final plat requirements. All fees related to this Section shall be as set forth in Chapter 3-1 of the City of Montrose Regulations Manual. The final plat for a minor subdivision shall contain certification on forms approved by the City to document approval of the plat.
- (1) The City Manager may either approve, disapprove or conditionally approve the final plat subject to compliance with any minimum design standards; to dedication of additional right-of-way, easements, open space or park land; or to installation of additional improvements.
 - (2) Upon approval by the City land use staff, the plat of the minor subdivision shall be submitted in final form on one reproducible Mylar, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
- (E) *Limitation of Eligibility.* Any subdivision not qualifying as a minor subdivision is a major subdivision. For the purpose of interpreting the requirements of this Section, any proposed minor subdivision which is clearly intended to evade the major subdivision regulations or would result in a de facto major subdivision through the combination of previous contiguous and/or consecutive minor subdivisions is not eligible for minor subdivision. A minor subdivision shall only be used one time on a previously unsubdivided parcel of land.

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

Sec. 11-5-4. Sketch plan.

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

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

Sec. 11-5-5. Preliminary plat.

- (A) *Purpose.* The purpose of the preliminary plat is to provide the City with an overall master plan for the proposed subdivision. The preliminary plat is more detailed than the sketch plan and should incorporate the comments and guidance provided during the sketch plan process. It includes the layout of the subdivision and final engineering design, with all bearings, distances and survey monumentation.
- (B) *Review Procedure.* The preliminary plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.
- (C) *Review and Approval Criteria.* A preliminary plat shall comply with the following review and approval criteria:
- (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
 - (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
 - (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
 - (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
 - (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
 - (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
 - (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
 - (8) The plat design provides for compatibility with unique or distinctive natural areas, scenic areas and views, natural landmarks, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
 - (9) The preliminary plat and proposed improvements shall comply with all requirements of this Chapter, other applicable City design and construction specifications and standards and all applicable County, State, and Federal Regulations.
- (D) *Notice to Proceed.* No construction of the required subdivision improvements shall commence until approval of the preliminary plat by the City Council and submittal of both a Mylar of the preliminary plat, as finally approved with signed certificates as required by the City, and a copy of the preliminary plat in a digital format acceptable to the City and compatible with City computer systems. Upon approval and submittal of the Mylar, and supporting documentation as required, the City shall then issue a written notice to proceed.

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

Sec. 11-5-6. Final plat.

- (A) *Purpose.* The purpose of the final plat is to complete the subdivision of land in conformance with all the applicable requirements and standards of the City. The final plat shall correspond in every significant respect with the preliminary plat as previously approved. A complete review is conducted of the final subdivision design, with all bearings and distances, survey monumentation, and certificates of approval included on a document suitable for recordation.

(B) *Review Procedure.* The final plat application shall be reviewed by the City in accordance with Section 11-4-2 of this Title.

(C) *Review and Approval Criteria.* A final plat shall comply with the following review and approval criteria:

- (1) The plat shall be consistent with the City subdivision and zoning regulations, standards and other applicable ordinances and regulations;
- (2) The plat proposes a harmonious development and lot pattern that is compatible with the neighborhood and community;
- (3) The lot and development pattern ensures there will be adequate light, air, parks, open space, and other places for public use;
- (4) The plat design provides for adequate access to all lots and tracts proposed in the subdivision;
- (5) Adequate, safe, and efficient public improvements, utilities, and community facilities and services will be provided with sufficient capacity to serve the subdivision;
- (6) A sufficient supply of water is available and sufficient water rights have been dedicated to the City, in conformance with the City's water standards;
- (7) The plat design provides for adequate protection from fire, flood, geologic hazards, significant soil constraints, and other dangers, and provides for proper design of stormwater drainage, erosion control, utilities and streets;
- (8) The plat design provides for the preservation and conservation of unique or distinctive natural areas, scenic areas and views, natural landmarks, including rock outcroppings and unique landforms, significant wildlife habitats and migration areas, drainage areas, riparian areas, wetlands, historic features and archaeologically sensitive sites, recognizing the irreplaceable character of such resources and their importance to the quality of life in Montrose; and
- (9) The final plat is generally consistent with the preliminary plat, as applicable.

(D) *Additional Provisions.*

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

limited to, the dedication and development of land for parks, trails, open space, rights-of-way and easements.

- (4) No final plat shall be approved by the City Council until:
 - (a) All of the improvements required by these subdivision regulations have been installed, inspected and approved by the City Engineer, or properly secured in accordance with the provisions of Section 11-5-12 on forms approved by the City.
 - (b) As-built plans, supporting documentation, certificates and data for completed utility improvements have been provided, reviewed and accepted by the City Engineer, and also provided in a digital format acceptable to the City and compatible with City computer systems. All as-built plans, supporting documentation, certificates and data for completed utility improvements shall be signed and stamped by a licensed professional engineer.
 - (c) The final plat has been submitted in final form on reproducible Mylars, with all requisite signatures, and also in a digital format acceptable to the City, and compatible with City computer systems.
 - (d) Payment to the City of any atypical costs incurred by the City within the subdivision review process, which costs are specifically subject to reimbursement.
 - (e) The security for the two-calendar year construction warranty has been provided by the subdivider in a form acceptable to the City.
- (5) Following City Council approval of the final plat and verification that the documentation has met all applicable codes and regulations, the final plat shall be executed by the appropriate City staff and recorded with due diligence.

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

Sec. 11-5-7. Administrative review hearing.

- (A) Upon City Council final action concerning either preliminary plat or final plat, the subdivider may request, in writing and submitted to the City within 30 days of said final action, with appropriate fees paid as set forth in Section 3-1 of the City of Montrose Regulations Manual, an administrative review hearing before the City Council.
- (B) The administrative review hearing shall be limited to review of:
 - (1) Denial of the plat;
 - (2) Minimum standards and/or conditions imposed as a requirement of approval of the plat.
- (C) The hearing shall be conducted on record, and the Council shall prepare and submit to the subdivider a written summary of its findings and decision in the matter.

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

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

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

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- (2) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued by the City; and
 - (3) A final plat has been approved and recorded.
- (B) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion shall evidence City inspection and approval.
- (C) The two-calendar year Construction Warranty shall begin to run from the date of said Preliminary Letter of Infrastructure Completion.
- (Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-9. Land dedication.

- (A) All property and easements dedicated to the City on any plat shall become property of the City upon execution of the plat, free and clear of all mortgages, liens and encumbrances.
- (1) Prior to the recordation of the final plat, the subdivider shall provide written evidence to the City Attorney that the title to lands underlying the improvements is free and clear from all liens and encumbrances, except those items or encumbrances that may be approved in writing by the City Attorney.
 - (2) All dedicated improvements shall be subject to the two calendar year construction warranty, as provided above.
- (B) *Parks, Open Space and Trails.*
- (1) For all new residential developments requiring subdivision, the owner shall pay money in lieu of park land dedication as determined by the City to be necessary or required, to defray the cost of and provide parks and open space as calculated below.
 - (2) Those developments that dedicate adequate quantities and qualities of park land acceptable to the City, in the City's sole discretion, shall not be required to pay the money in lieu of park land dedication. Only park land dedicated to the City of Montrose, and approved by the City, in the City's sole discretion, that meets the City's parks, trails, and open space plan, or the City's Comprehensive Plan, the minimum design standards as set forth herein, and that is improved to meet the City's park standards and specifications, shall qualify to relieve the subdivider of payment of money in lieu of park land dedication.
 - (3) When in-lieu payments are permitted, the following standards apply:
 - (a) Lot or Unit x 0.0175 (acres park land per lot or unit) x \$90,000.00 (value per developed park land acre, based upon \$25,000.00 per acre undeveloped land value plus \$65,000.00 park land development cost) = \$1,575.00 per lot or unit.
 - (b) Monies collected in lieu of park land dedication shall be collected at time of issuance of building permit, and placed into a City park development fund to be earmarked for future acquisition or development of parks, opens space, or trails. No security as set forth in Section 11-5-12 shall be required.
 - (4) Monies paid in lieu of park land dedication pursuant to this Section are to enable the City to provide parks in the proper locations, and of the proper sizes to serve the citizens of the City.
 - (5) Private open space or recreation areas shall not be a substitute for the dedication of park land, or money in lieu of park land dedication.
 - (6) All non-public common areas, parks and open spaces shall be held in private ownership and maintained in perpetuity, with appropriate platted restrictions on use and covenants for ownership and

maintenance in accordance to the provisions of Section 11-5-11 (B). All non-public common areas shall be located, constructed and installed in compliance with plans as reviewed and approved.

- (7) For the purposes of these provisions, developed park land shall require prior submittal and approval of a park plan by the City, which plan shall address the City's park standards and specifications.
- (8) When authorized by the City, the required dedication of developed park land may be partially or wholly substituted by alternative dedication and/or preservation of open space areas such as riparian habitat, wetlands habitat, wildlife habitat and view corridors as approved by the City.
- (9) Parks that are sized, developed, and located to meet the needs of the City and constructed in accordance with City standards and specifications may be dedicated to the City, and if so dedicated, shall be available for use by the public.
- (10) Consistent with the City's Comprehensive Plan, subdividers shall dedicate to the City developed park land based upon a formula of seven acres of developed and usable park land per density of 1,000 residents, calculated at build-out of the proposed subdivision. For the purpose of this calculation, it shall be assumed that each residential unit shall house two and one-half residents.
- (11) Sidewalks and recreation trails shall be integrated with existing and planned sidewalks and recreation trails in accordance with the City's parks, trails and open space plan or Comprehensive Plan. The owner of each project shall dedicate the appropriate easements and/or rights-of-way consistent with said plans.
- (12) Unless otherwise authorized, all sidewalk and recreation trails shall be available for use by the public and shall be dedicated to the City.
- (13) Natural watercourses may be developed and preserved consistent with City floodplain management regulations, Storm Drainage Requirements and Federal Clean Water Act Section 404 Permit requirements, to minimize safety, environmental, and other hazards, and shall be integrated with the City's Comprehensive Plan for such watercourses whenever feasible. Parks, open space and trails shall be situated within floodplains instead of developed lots when reasonable to do so.

(C) *School Land Dedication.*

- (1) The subdivider shall dedicate to the City land for development of school based upon the below formula of 17.83 acres of vacant land per density of 1,000 units or lots, calculated at build-out of the proposed subdivision. This is based upon an average of 0.64 students per residential unit.
- (2) All of the dedicated land shall be of a singular parcel, shall meet the minimum size requirements for the intended use, and shall be suitable for construction of school facilities. The RE-1J School district shall review the subdivider's request to dedicate land or pay cash-in-lieu of land dedication, and shall provide its recommendation to the City land use staff accordingly.

| | |
|-------------------|----------|
| Elementary school | 15 acres |
| Middle school | 30 acres |
| High school | 55 acres |

- (3) For those subdivisions where the dedication of school land is not practicable, such as subdivisions involving small land area, or where the area of the land is not suitable or sufficient for the purposed construction of school facilities, the City shall require a money-in-lieu-of payment equal to the value of the property otherwise developed and dedicated in accordance with these provisions. The value of the property shall be based upon Montrose County Land Values, as adjusted from time to time, and calculated in Table 5.1 as follows:

Table 5.1
School Land Cash-In-Lieu Calculation

| School | Student/Lot | Acres/Student | Dollars/Acre | In-Lieu Fees |
|------------|-------------|---------------|--------------|--------------|
| Elementary | .29 | .033 | \$25,000.00 | \$243.00 |
| Middle | .154 | .067 | \$25,000.00 | \$258.00 |
| High | .192 | .037 | \$25,000.00 | \$178.00 |
| TOTAL | | | | \$679.00 |

- (4) Monies collected in lieu of school land dedication shall be collected at time of issuance of building permit (or Certificate of Occupancy for those buildings commenced prior to final plat approval) and placed into a school land fund to be disbursed to the RE-1J school district on a quarterly basis. No security as set forth in Section 11-5-12 shall be required.
- (5) When possible, the requirement for money in lieu of dedication shall be noted as a plat note on the final plat of the subdivision, or within the recorded declaration of covenants for residential development not requiring subdivision, such as mobile home parks.
- (6) The following shall be exempted from school land dedication requirements or payment-in-lieu-of fees:
 - (a) Skilled nursing facilities as defined in the Section 11-15-11 of this Title;
 - (b) City-approved subdivisions that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling may be classified as housing for older persons pursuant to the Federal Fair Housing Amendments Act of 1988;
 - (c) Residential zoning uses that do not accommodate permanent residential housing. Said developments shall be required to record a covenant running with the land, prohibiting permanent residential housing therein, in a form acceptable to the City, if a waiver of the fee in lieu of school land dedication is requested.

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

Sec. 11-5-10. Required improvements.

- (A) All subdivisions shall be provided, at the expense of the subdivider, and subject to applicable zoning criteria, with the following public improvements as required to serve the subdivision and to mitigate its impacts.
 - (1) Street improvements:
 - (a) Paved streets;
 - (b) Paved alleys, if required by the City;
 - (c) Street signs;
 - (d) Street lights; and
 - (e) On- and off-site traffic mitigation improvements.
 - (2) Curbs, gutters, sidewalks and accessibility ramps.
 - (3) Blocks and lots.
 - (4) Parks, open space and recreation trails.
 - (5) Public utilities.
 - (a) A water system including fire hydrants and fire mains;
 - (b) A sanitary sewer system;
 - (c) A stormwater system; and

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- (d) Other public utilities, including if available, gas, electricity, telephone, and CATV.
 - (6) Piped drainage facilities and waterways.
 - (7) Survey monuments.
 - (8) Berms, screening and buffers, if applicable.
 - (9) Off-street parking, mailbox location areas and bus stops, if applicable.
- (B) Other improvements required as a condition of approval and found to be roughly proportional to the impacts being mitigated. All public improvements shall be subject to applicable City minimum design standards, regulations and specifications.
- (Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-11. Private improvements.

- (A) The subdivider may provide, at his expense, certain private improvements, as specifically referenced below, to serve the subdivision and to mitigate its impacts, and in accordance with duly adopted City standards, if applicable, to include:
- (1) Recreational facilities, parks, open space and trails;
 - (2) Piped drainage facilities and waterways;
 - (3) Mail box location areas;
 - (4) Berms, screening and buffers; and
 - (5) Other private improvements required as a condition of approval.
- (B) Such improvements shall be privately-owned and/or -maintained, and the plat shall contain appropriate restrictions and/or covenants governing use, ownership and maintenance in perpetuity enforceable by the City, providing for recovery of the City's costs by liens or assessment against the property in the subdivision. Such improvements shall be completed or secured similar to public improvements prior to final plat approval.
- (Ord. No. 2626 , § 3(exh. A), 5-16-2023)

Sec. 11-5-12. Warranty and acceptance of improvements.

- (A) If the subdivider wishes to have the final plat approved prior to the installation, inspection and approval of all required improvements, the subdivider must provide security incorporated into a subdivision improvement agreement to guarantee the completion of all improvements within two calendar years after approval of the final plat in accordance with this Section.
- (1) Said security shall be in the form of:
- (a) A subdivision lien agreement placing an adequate lien upon the lots of the subdivision, with an escrow account with the City into which the subdivider shall pay, prior to the sale of any lot within the subdivision, an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the subdivision improvements necessary to serve that lot; or
 - (b) A cash escrow deposited with the City or a clear irrevocable letter of credit in an amount to be verified by the City Engineer equal to 150 percent of the pro rata cost to complete the subdivision improvements necessary to serve that lot.

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- (2) Funds in any escrow account shall be returned to the subdivider upon the issuance of either a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances.
 - (3) Security shall not be required for money in lieu of payments relative to park land and school land dedications provided in Section 11-5-9 (B) and (C), as such money payments shall be collected upon issuance of building permits relative to subdivided lots or units.
 - (4) Even though a final plat will have been recorded, when a subdivider chooses to secure public and necessary on- and off-site improvements with a subdivision improvement agreement, the subdivider shall agree not to sell, transfer, offer for sale or otherwise convey any portion of the property, including lot, unit or outlot, prior to the issuance of a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion, depending on the circumstances. A sale or other transfer of the entire subdivision will be possible once the purchaser has provided the necessary security.
- (B) The subdivider shall complete all necessary on- and off-site improvements within two calendar years of the approval of the final plat by the Council. In the event that all necessary on- and off-site improvements are not completed, inspected and approved within two calendar years of the date of the approval of the final plat by the Council, no further building permits, occupancy permits, water taps or sewer taps shall be allowed by the City in such subdivision until such improvements are completed. It shall then be unlawful to sell any further lots in the subdivision until all necessary on- and off-site improvements are completed.
 - (C) The City Council may authorize extensions of time to complete all improvements beyond the two-year limitation as set forth herein.
 - (D) Following the completion of any required improvements and submission of the as-built plans, the City Engineer shall conduct an inspection and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion as provided herein.
 - (1) A letter of substantial completion may be issued when only landscaping and irrigation facilities are incomplete and secured as provided in Subsection 11-5-12 (A) of this Section.
 - (a) In the case of subdivisions that have been issued a letter of substantial completion, upon completion of the outstanding improvements and submission of the as-built plans therefor; the City Engineer shall conduct an inspection and shall issue a Preliminary Letter of Infrastructure Completion, if all public and necessary on- and off-site improvements are in accordance with the requirements of these and other applicable codes and regulations and good engineering and construction standards.
 - (2) The subdivider shall warrant the improvements against defects or failures in workmanship or materials for a period of two calendar years from the date of the Preliminary Letter of Infrastructure Completion. During this two-calendar-year construction warranty period, the City will, as applicable, assume the responsibility for snow removal in regard thereto, but the subdivider shall remain responsible for all other maintenance and to correct all defects or failures that appear in any such public improvements during the construction warranty period.
 - (a) The City shall determine what constitutes a defect or failure in its sole discretion, provided that such are not the result of public abuse, misuse or normal wear from use. The City Engineer shall notify the subdivider in writing of such defect or failure, setting forth a list of specific deficiencies. If within 30 days after the City has notified the subdivider of a defect or failure, the subdivider has not started or completed the required repairs, provided construction drawings and a proposed repair schedule for City review and approval, or submitted a written objection to the City's request for repair work, the City is hereby authorized to make the repairs or replacements or to order the work be done by a third party. The City may authorize a temporary repair if necessary due to weather conditions or materials availability. The subdivider shall pay

the cost of any repair work. Any appeal of the City Engineer's repair or replacement requirements shall follow the appeal process pursuant to Chapter 4-1-6 of the City Code.

- (b) At the end of two calendar years from the date of issuance of the Preliminary Letter of Infrastructure Completion, the subdivider shall request, in writing, that the City Engineer perform a final inspection of the improvements to facilitate the completion of the construction warranty.
 - (i) The City Engineer shall conduct an inspection of all public and necessary on- and off-site improvements, and upon final approval, as evidenced by the City's issuance of a Letter of Infrastructure Completion and acceptance, the City shall accept the improvements, and the security held by the City shall be returned to the subdivider.
 - (ii) All public and necessary on- and off-site improvements, including all physical facilities constructed by the subdivider necessary for the extension, maintenance and repair of municipal utility services and other public facilities constructed by the subdivider in public rights-of-way, easements, streets or alleys shall become the property of the City immediately upon the issuance of the Letter of Infrastructure Completion and acceptance by the City Engineer.
 - (iii) Following such conveyance, the City shall be solely responsible for the maintenance of such public improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period.
- (c) Any repairs or replacements noted in the final inspection shall be completed prior to the issuance of the Letter of Infrastructure Completion and acceptance.
 - (i) Upon notification, the subdivider shall promptly make all repairs or replacements in accordance with a repair plan prepared by the subdivider and approved by the City, which repair or replacement, in the opinion of the City, arose out of defects or failures and became necessary during the construction warranty period.
 - (ii) The subdivider shall warrant each repaired and/or replaced improvement or any portion or phase thereof for one calendar year following acceptance of such repair and/or replacement.
 - (iii) Inspection of any improvements does not constitute a waiver by the City of any rights or remedies that it may have on account of any defect in or failure of the improvements that are detected. The construction warranty shall continue until the Letter of Infrastructure Completion and acceptance is provided in writing to the subdivider.
- (3) The City shall require a construction warranty backed by financial security prior to issuance of a Preliminary Letter of Infrastructure Completion.
- (4) The subdivider may, at the subdivider's option, provide the City financial security for the two calendar year construction warranty in one or a combination of the following forms only:
 - (a) A cash escrow in the amount of 15 percent of the total construction cost of all public and necessary on- and off-site improvements required by the final plat.
 - (b) A letter or letters of credit on forms acceptable to the City, in the amount of 15 percent of the total construction cost of all public and necessary on- and off-site improvements required by the final plat.
 - (c) It is the responsibility of the subdivider to maintain the necessary amount of security at all times until all public and necessary on- and off-site improvements are completed and accepted by the City.
 - (d) The City shall not be obligated to administer burdensome security arrangements.

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- (5) The security shall be available for the City to use to correct any defects or failures in accordance with City specifications during or after the two-year construction warranty period in the event the subdivider is unable or unwilling to perform any repair or replacement of the improvements in a timely fashion. The use of the proceeds from the security is a remedy that is cumulative in nature and is in addition to any other remedies that the City has at law or in equity.

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

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

- (A) *Minimum Standards, Conformity to Preliminary Plat, and Approval Required.* All public improvements shall be constructed in accordance with the minimum standards set forth below or other applicable City design and construction specifications and standards, and other applicable City ordinances or regulations. All public and private improvements shall be in substantial conformity with the preliminary plat as approved, the City Comprehensive Plan and amendments thereto, and in accordance with good engineering and construction practices. All plans must be approved in advance by the City Engineer.
- (B) *Minimum Standards.*
- (1) *Streets.*
- (a) Subdivider shall be required to make and install improvements to existing streets within and abutting the subdivision and/or other areas outside the subdivision or any filing thereof being considered, including, but not limited to, curbs, gutters, sidewalks and street paving improvements, when the subdivision and developments thereof will directly create a need for said improvements outside the subdivision itself, or a need to expand or improve existing public improvements to current standards in order to properly serve future residents of the subdivision, or if the subdivider or their predecessors of interest by virtue of their actions and the timing and scope of developing the subdivision or other property have created a situation where the needed improvements were not previously improved or installed. It shall be presumed that existing streets and sidewalks directly abutting the subdivision must be improved to current City standards in order to properly serve the subdivision.
- (b) In those cases where the City determines that the immediate improvement of the abutting street, or other on-site or off-site improvements, is not currently practical, or should be delayed, or the costs of such improvements should be shared with additional property likely to use and be benefited by the improvements, the developer may be allowed to execute recordable covenants on the plat or separately in a form provided by the City, binding the lots in the subdivision to future assessments or participation in an improvement district for the construction of such improvements.
- (c) Wherever topography will permit, the arrangement of the streets shall provide for the dedication and construction of street stubs to align with existing or future streets to adjoining developing or developable areas.
- (d) Cul-de-sacs shall terminate in a circular turn-around having a minimum right-of-way of at least 100 feet in diameter, and a paved turn-around with a minimum outside diameter of 80 feet. Cul-de-sacs shall be not less than 100 feet long, and not more than 500 feet long, as measured from the center of the cul-de-sac bulb to the center of the intersecting street; use of cul-de-sacs is limited to places where street connections would be impractical.
- (i) Cul-de-sacs longer than 300 feet shall require a recreation trail connection at the end that provides connectivity to the nearest City street.
- (e) Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a temporary turn-around having a diameter of at least 80 feet.

- (f) Whenever a new street is proposed along the edge of the subdivision, the entire street shall be dedicated and improved within the subdivision.
- (g) No more than two streets shall intersect at any point. Intersections shall be as near as practicable to 90 degrees. A street shall have a minimum straight distance of 100 feet from the intersection before it may be curved.
- (h) A straight section of 100 feet shall be provided between reverse curves on all streets.
- (i) All lots in the subdivision will have direct access to a dedicated street, subject to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts. In general, shared access drives shall not be used as an extension to a cul-de-sac.
 - (ii) Reciprocal access easements may be approved to accommodate subdivisions with multiple commercial units with contiguous parking area in commercial zoning districts.
- (j) Any two local streets which intersect a common third local or collector street shall have centerlines no closer than 175 feet from one another. Any two local streets which intersect a common third minor arterial or major arterial street, shall have centerlines no closer than 350 feet from one another.
 - (i) The City may limit access to major arterial or minor arterial streets to facilitate traffic flows, or to promote public safety.
- (k) The maximum block length, as measured from the centerline of the nearest intersecting streets, shall be a maximum of 700 feet.
- (l) Street names must be approved by the City.
- (m) All streets, alleys, sidewalks, recreation paths, parks of two acres or larger, and other public ways or places must be dedicated to the City by the owners of any interest therein except the owners of severed mineral or water interests.
- (n) Streets shall be developed in accordance with the City's Comprehensive Plan roadway cross sections, the City's engineering specifications, as applicable, and the table below. The minimum dedicated rights-of-way and street widths shall be as shown in Table 5.2.

Table 5.2
Minimum Dedicated Rights-Of-Way and Street Widths

| Street Classification | Minimum Right-of-Way | Minimum Street Width Urban = Width between Curb Flowlines Rural = Paved Width (asphalt or Concrete) |
|-------------------------------------|----------------------|---|
| Major Arterial—Urban | 124 feet * | 92 feet *** |
| Major Arterial—Rural | 124 feet * | 76 feet *** |
| Minor Arterial—Urban | 112 feet ** | Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths *** |
| Minor Arterial—Rural | 112 feet ** | Varies with traffic volume and whether parking is allowed, see engineering specifications for road widths *** |
| Collector | 70 feet | 46 feet |
| Local—Boulevard Style Alternative 2 | 50 feet; 50 feet | 28 feet with detached 5-foot sidewalk; 36 feet with attached 6-foot sidewalk |

| | | |
|---|---------|---|
| Planned Developments | 40 feet | 24 feet with attached 6-foot sidewalks in addition to curb and gutter. Supplemental off-street parking may be required. |
| * ROW width shall be increased by ten feet within 500 feet of an arterial cross street intersection to allow a double left turn lane. | | |
| ** ROW width shall be increased by 12 feet within 500 feet of an arterial cross street intersection to allow a double left turn lane. | | |
| *** The decision whether to require urban or rural street widths shall be made at sketch plan review. | | |

- (o) Subdivisions which include any part of an existing platted street which does not conform to the minimum right-of-way requirements of these regulations may be required to provide additional width necessary to meet the minimum right-of-way requirements of these regulations.
- (p) No street grade shall be less than one-half of one percent or exceed the maximum grade shown in Table 5.3.

Table 5.3
Maximum Street Grade

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

- (q) Alleys shall be provided at the rear of lots within the commercial zoning districts, or as otherwise approved by the City. Alleys shall be 20 feet in width and shall be paved in accordance with City specifications.
- (2) *Curb, Gutter, Sidewalks and Trails.*
 - (a) Curb, gutter, and sidewalks or recreation trails shall be provided along all roadways consistent with the City's Comprehensive Plan.
 - (i) A minimum ten-foot-wide concrete recreation trail with the addition of two-foot obstacle-free recovery zones, constructed of Class 6 gravel aggregate, or a City-approved alternative, on each side of said trail shall be located along one side of the roadway, as determined by the City. Recreation trails shall be designed in accordance with the AASHTO "Guide for the Development of Bicycle Facilities."
 - (ii) A minimum six-foot-wide sidewalk shall be provided on the side of the roadway not occupied by the recreation trail described above. Greater sidewalk widths may be required in commercial areas.
 - (iii) Recreation trail lighting may be required in more heavily populated or urbanized areas, travel corridors, and commuter routes, as determined by the City. Recreation trail lighting shall provide a minimum 0.4 to 0.5 footcandles of illumination at all points along the length of the trail. The City's provisions, standards, and specifications regarding outdoor lighting shall also apply.
 - (iv) Recreation trails with alternative non-hard surfaces and narrower widths may be approved in those instances where such trails are secondary to existing or proposed concrete

recreation trails, and do not serve as connectors to the City's recreation trail system, as denoted within the City's Comprehensive Plan.

- (v) Curb, gutter, and sidewalks shall be provided along collector and local streets. Six-foot detached sidewalks are required on collector streets. Five-foot detached or six-foot attached sidewalks are required for local streets.
 - (b) Sidewalks shall be located and constructed as necessary to interconnect the subdivision and lots therein with the network of City sidewalks and recreation trails.
 - (c) Accessibility ramps shall be provided in accordance with the Americans with Disabilities Act.
 - (d) The City may elect to require over-sizing of any sidewalk and participate in cost sharing thereof.
 - (e) The City may require any sidewalk to be wider than those standards set forth herein, upon a finding that such greater widths are necessary to serve the subdivision, due to:
 - (i) High density of the subdivision;
 - (ii) Special needs of the residents of the subdivision; or
 - (iii) Connection to existing wider sidewalks or recreation trails.
- (3) *Blocks and Lots.*
- (a) In residentially zoned districts, blocks shall be wide enough to permit two lots between lengthwise streets.
 - (b) The building line for residential lots on collector streets shall be set back 25 feet from the front property line.
 - (c) The building line on corner lots shall be set back 25 feet from both street front property lines.
 - (d) Lots which abut a street in the front and the rear shall be avoided except where a railroad right-of-way, a major arterial or minor arterial street is located to the rear of the lot, in which case such a lot shall have a minimum depth of 125 feet. Lots abutting cul-de-sacs shall have a minimum frontage of 25 feet.
 - (e) Every lot shall front on a designated collector or local street, subject however, to the following exceptions:
 - (i) One or more private shared access drives may be used to provide access up to no more than four dwelling units each, subject to City approval, in residential zoning districts;
 - (ii) Private access easements may be provided, subject to City approval, in subdivisions within commercial zoning districts across parking lot areas;
 - (iii) In such instances, the shared access improvements shall be subject to City specifications and the restrictions set forth in Section 11-5-11 (B).
 - (f) No residential lot shall front on a major arterial or minor arterial street. No access shall be permitted directly from a residential lot to a major arterial or minor arterial street.
 - (g) The lot depth shall not be more than three times the lot width at the front building line.
 - (h) Access drives and intersections shall comply with City access standards and the transportation plan. In addition, accesses onto County roads shall comply with applicable County regulations.
 - (i) Lots shall be at least 50 feet in width at the front building line. Lots abutting cul-de-sacs shall have at least 25 feet of linear frontage to the cul-de-sac.
 - (j) Sight triangles shall be shown on the plat as per the engineering specifications.
- (4) *Public Utilities.*

-
- (a) All utilities shall be installed underground unless the City Engineer determines that soil or topographic conditions make that impracticable.
 - (b) Utilities shall be installed prior to the paving of any street under which they are to be located and the individual service lines shall be connected and stubbed out prior to paving, in order to avoid the necessity of cutting into the pavement to connect any abutting lots.
 - (c) Utilities will be sized and placed as necessary to facilitate connection with future subdivisions and developments. At a minimum, six-inch water main lines shall be provided in residential zoning districts, and eight-inch water main lines shall be provided in commercial and industrial zoning districts. At a minimum, eight-inch sewer main lines shall be provided in all zoning districts. Multiple buildings within a single lot shall each require a singular water and sewer lateral connection to a main line.
 - (d) The City may elect to require over-sizing of the extended utility and pay for the cost of such materials accordingly.
 - (e) City water and sewer systems shall be provided except where the City has required an alternative supplier by service area agreement with such alternative provider. In cases where alternative utilities are provided on a temporary basis, connection to City services shall be required at such time they are made available to the subject property.
 - (f) In the event that City sewer service will not be available within a reasonable time period following final plat approval, engineered individual sewage disposal systems may be authorized by the City for those subdivisions occurring within the residential rural living zoning districts with lot sizes of five acres or greater. Advance City approval shall be required in each case.
 - (g) All extension of City utilities shall require City approval and proper execution of City utility extension agreements. The extension of utilities shall be at the sole expense of the subdivider.
 - (h) Prior to any installation or construction of utility extensions, the subdivider shall first submit proposed alignment location maps and engineered drawings for City approval. The subdivider shall acquire all necessary easements for the proposed utility location from all affected properties. The easements shall be conveyed to the City and executed on applicable City forms.
 - (i) All utility extensions shall be subject to City inspection and approval. The City may elect to contract inspection services at the subdivider's expense.
 - (j) All utility main line extensions, once approved by the City, shall be dedicated to the City with applicable utility easements. As-built plans and data shall be provided on hard copy in accordance with these provisions and on diskette in a digital format compatible with City computer systems.
 - (k) Following the completion of any utility extension and submission of the as-built plans, the City Engineer shall conduct an inspection, and if the improvements are in accordance with the requirements of these and other applicable regulations and good engineering and construction standards, shall issue a Preliminary Letter of Infrastructure Completion.
 - (i) For a period of two calendar years thereafter, the subdivider shall be responsible for correcting all defects or failures that appear in such improvements.
 - (ii) At the completion of this two-calendar-year construction warranty period, upon written request from the subdivider, all public and necessary on- and off-site improvements shall again be inspected by the City Engineer, and upon final approval, may be accepted by the City, as evidenced by issuance of a Letter of Infrastructure Completion and Acceptance. The provisions set forth in Section 11-5-12(D) shall apply to improvements and construction covered by this Section.

(5) *Piped Drainage Facilities and Waterways.*

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- (a) Stormwater discharge improvements shall be engineered and approved in accordance with City specifications. stormwater retention on site shall be discouraged. When feasible to do so and when requested by the City Engineer, all ditches shall be piped and subject to platted easements to be dedicated either to the City or to the applicable owner of the ditch facilities. The City may elect to allow the location of piped ditch facilities within its rights-of-way at its discretion. Perpetual maintenance shall be provided pursuant to plat notes and/or City-approved covenants.
 - (b) Permission shall be acquired, in writing, from all applicable owners of ditch facilities prior to improvements thereto.
 - (c) No discharges of urban stormwater into any irrigation ditch facilities shall be allowed. No discharges of urban stormwater into agricultural drainage ditch facilities shall be allowed, unless otherwise approved by the owning interest in said drainage facilities.
- (6) *Monuments.* Monuments shall be set in concrete and placed at all corners of all street intersections, at the intersections of the boundary of the subdivision with street right-of-way lines, at angle points and points of curve in each street and at points of change in direction of the exterior boundaries of the subdivision. The top of the monument shall have a metal cap set flush to identify the location. All lot corners shall be monumented with a minimum of a #5 rebar 18 inches in length and metal cap.
- (7) *Berms, Screening and Buffers.* Buffers and/or screening shall be provided between incompatible uses both within the subdivision and adjoining the subdivision in accordance with City design standards and specifications.
- (8) *Street Lights.*
- (a) In all subdivisions, except for residential zoned rural living and estate subdivisions, streetlights shall be provided at all intersections and at intervals between intersections in accordance with City specifications.
 - (b) In residential rural living zoning districts and estate subdivisions, street lights shall only be required at street intersections, with no interval requirements.
 - (c) All streetlights shall conform to City standards and specifications, and with Chapter 11-9 of this Title.
- (9) *Outdoor Lighting.* All outdoor and exterior lighting shall conform with Chapter 11-9 of this Title.
- (10) *Flood Hazard Prevention.* All subdivision proposals shall conform to the flood hazard reduction standards in Section 11-6-5 (G) of this Title.

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

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

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

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

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



February 2, 2026

City of Montrose Planning Commission:

Thank you for the opportunity to comment on the Brown Ranch Amended Preliminary Plat.

We have lived in Brown Ranch for three years and one of the reasons we found this subdivision to be more attractive than others we looked at is best described on the Brown Ranch Homeowners Association website (Wheeler Exhibit 1) as follows:

“There is still a place where land is preserved rather than consumed”

Comment #1: Along the Honey Locust extension there are approximately seven old-growth cottonwood trees. (Wheeler Exhibit 2 photo) These trees sit roughly on lots C35 - C40 of the preliminary plat proposal. (Wheeler Exhibit 3) These trees are an essential habitat for many native birds such as the Great Horned Owl, and nesting habit for additional migrating birds such as the Bullocks Orioles. (Wheeler Exhibits 4 and 5)

These trees must be protected from being removed and/or damaged in the construction of this next phase!

We purchased our home, backing up to Lot C35 on the proposal, knowing there would be development in the future but we reviewed and relied on original drawings of Brown Ranch which showed the referenced seven trees on the lots. (Wheeler Exhibit 6) This drawing, along with Brown Ranch’s advertised statement to preserve rather than consume, led us to believe that preserving trees was a goal and that they would remain.

If these trees cannot be protected from removal or damage during construction then the proposed lots must be realigned to protect those trees. Now is the time to require the developer to do so.

Comment #2: If the developer says they must destroy the above referenced trees and they will replace trees “somewhere else”, we know that once gone old-growth trees cannot be replicated and new trees take many years to become mature. In our time here, we have seen that the few newer trees planted on Brown Ranch property are generally not thriving. Further, many trees in the parks of Brown Ranch are dying and not being replaced. Trees planted by new residents take many years to grow and those, along with Brown Ranch trees, are not replacing critical habitat of native and migratory bird species. If the choice is to not care about the birds then there should be consideration of the character of the neighborhood which attracts people to this area instead of others.

We ask you to please ensure that this development only goes forward with more preservation and less consumption.

Respectfully,
Kelly and Ron Wheeler
3709 Scarlet Ct in Brown Ranch

- [Home](#)
- [Lots for Sale](#)
- [Re-Sale Homes](#)
- [Covenants](#)
- [HOA Info](#)

**There is still a place where land is preserved
rather than consumed**

Come Home To

Brown Ranch

A Master Planned Community

- Lots of Open Space Walking Trails Parks & Views
- Lot Sizes range from 1/4 acre to 3/4 acre
- Minimum Home Size 2000 sq ft
- Owner Financing Available on Lot Sales
- One of Montrose's Premier Communities
- Close to all New shops and Restaurants Close to Golf, Skiing, Hiking, Fishing, Biking
- Homes Available

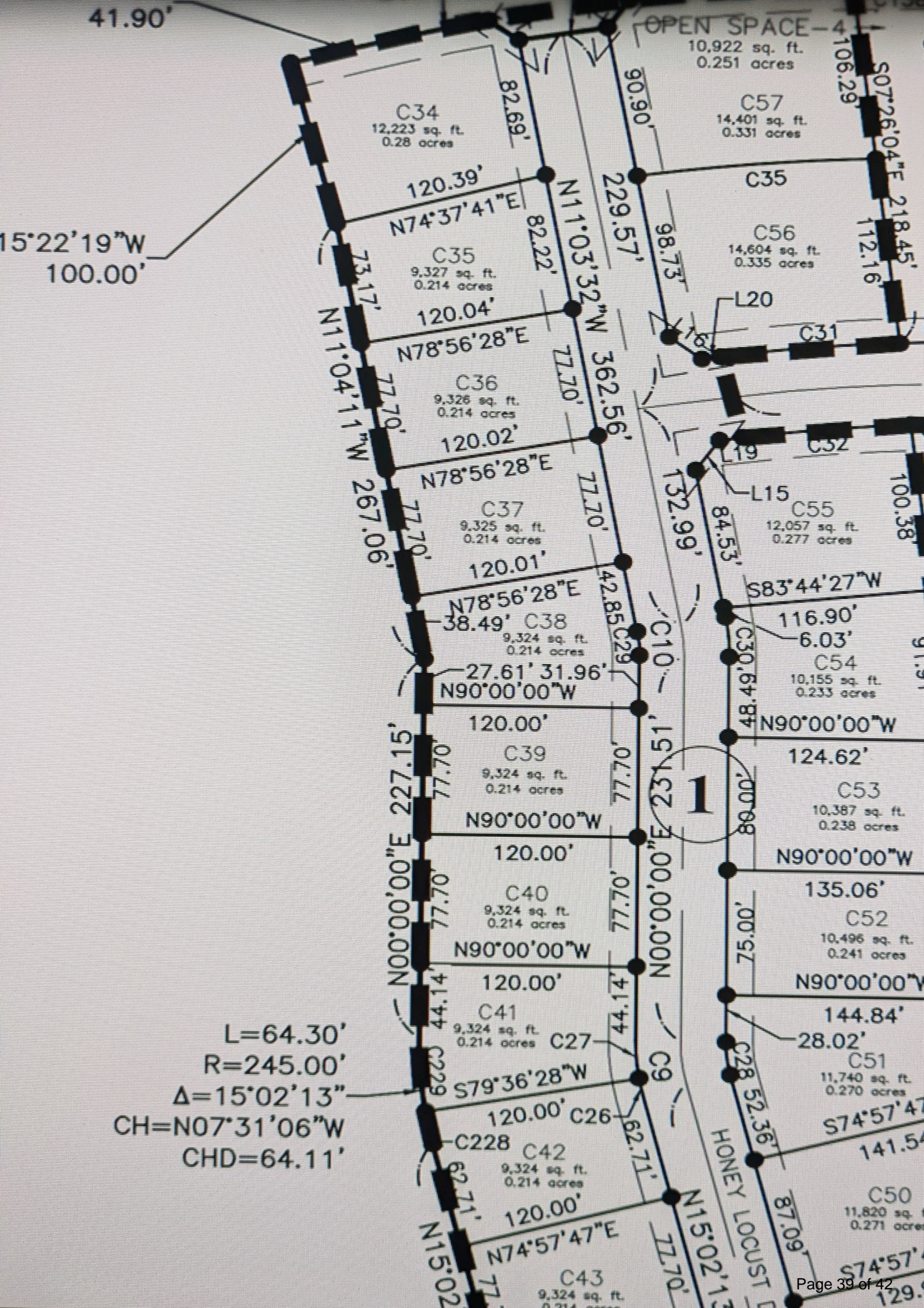
contact:

Valerie Meyers

970-209-1378







41.90'

OPEN SPACE - 4
10,922 sq. ft.
0.251 acres

15°22'19"W
100.00'

C34
12,223 sq. ft.
0.28 acres

C57
14,401 sq. ft.
0.331 acres

120.39'
N74°37'41"E

C35
9,327 sq. ft.
0.214 acres

C35

C56
14,604 sq. ft.
0.335 acres

120.04'
N78°56'28"E

C36
9,326 sq. ft.
0.214 acres

120.02'
N78°56'28"E

C37
9,325 sq. ft.
0.214 acres

120.01'
N78°56'28"E

38.49' C38
9,324 sq. ft.
0.214 acres

27.61' 31.96'
N90°00'00"W

120.00'
C39
9,324 sq. ft.
0.214 acres

120.00'
N90°00'00"W

120.00'
C40
9,324 sq. ft.
0.214 acres

120.00'
N90°00'00"W

120.00'
C41
9,324 sq. ft.
0.214 acres

120.00' C27
S79°36'28"W

120.00' C228 C42
9,324 sq. ft.
0.214 acres

120.00'
N74°57'47"E

C43
9,324 sq. ft.
0.214 acres

L=64.30'
R=245.00'
Δ=15°02'13"
CH=N07°31'06"W
CHD=64.11'

1

HONEY LOCUST





