



REGULAR CITY COUNCIL MEETING AGENDA
Tuesday, March 3, 2026 - 6:00 PM
City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.

The Montrose City Council is pleased to have residents of the community take time to attend City Council meetings. We encourage your attendance and participation. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared and will generally be limited to three minutes to allow everyone the opportunity to be heard. Additional written comments are welcome and will be received at any time. The 11:00 p.m. rule will be enforced in accordance with City of Montrose Regulations (Sec. 7-15-2).

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

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

- 1) City Council meeting called to order by Mayor Dave Frank
- 2) The Pledge of Allegiance
- 3) Roll call by the City Clerk
- 4) Changes to the agenda including additions and deletions
- 5) Oath of Office for Assistant City Attorney Greg Stunder
- 6) **CALL FOR PUBLIC COMMENT FOR NON-AGENDA ITEMS**

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



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

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

7) **CONSENT AGENDA** (5 minutes)

- A) City Council consideration of the minutes of the February 17, 2026, special City Council meeting and the February 17, 2026, regular City Council meeting. *Staff: City Clerk Lisa DelPiccolo*
- B) City Council consideration of the appointment of Beth McCorkle as an alternate member of the City of Montrose Planning Commission for a term that expires on December 31, 2026.
- C) City Council consideration of the approval of the disposal of City-owned vehicles and equipment to be replaced in 2026. *Staff: Fleet Superintendent Shane Brandt*

8) **ORDINANCE 2706 - FIRST READING** (15 minutes)

City Council consideration of Ordinance 2706 on first reading, an Ordinance of the City of Montrose, Colorado, updating Title XI Chapter 4, Development Review Procedures; Title XI Chapter 7, Zoning Regulations; Title XI Chapter 11, Supplementary Uses; and Title XI Chapter 15, Definitions: amending Title XI Chapter 4 Section 2 (11-4-2), regarding review process; amending Title XI Chapter 7 Section 6 (11-7-6), regarding district uses; adding Title XI Chapter 11 Section 7 (11-11-7), regarding the supplementary use of an unhoued shelter; and amending Title XI Chapter 15 Section 2 (11-15-2), regarding the definition of an unhoued shelter. *Staff: Community Development Director Jace Hochwalt*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2706 on first reading as presented.



9) **ORDINANCE 2707 - FIRST READING** (15 minutes)

City Council consideration of Ordinance 2707 on first reading, an Ordinance of the City of Montrose, Colorado, amending Title VII Fire Prevention and Safety and adopting by reference the 2025 Colorado Wildfire Resiliency Code. *Staff: Community Development Director Jace Hochwalt*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2707 on first reading as presented.

10) **FOURTH OF JULY FIREWORKS DISPLAY PURCHASE** (10 minutes)

City Council consideration of the sole source purchase of fireworks from Zambelli Fireworks for the total purchase price of \$63,000.00. *Staff: Pavilion and Community Events Manager Kathryn Riley*

Action: Accept public comment. Consider making a motion to approve the sole source purchase of fireworks from Zambelli Fireworks for the total purchase price of \$63,000.00 as presented.

11) **2026 COMMERCIAL TRASH RECEPTACLE PURCHASE** (10 minutes)

City Council consideration of the purchase of 150 300-gallon trash containers with extra lids and hardware from Snyder Refuse for the total purchase price of \$72,460.00. *Staff: General Services Superintendent Mace Jensen and Public Works Director Jim Scheid*

Action: Accept public comment. Consider making a motion to approve the purchase of 150 300-gallon trash containers with extra lids and hardware from Snyder Refuse for the total purchase price of \$72,460.00 as presented.

12) **2026 STREETS CRACK SEAL MATERIAL PURCHASE** (10 minutes)

City Council consideration of the purchase of crack seal material from DISSCO (Denver Industrial Sales) for use by the City's Streets crew for the total purchase amount of \$80,000.00. *Staff: Streets Superintendent Nik Pridy*

Action: Accept public comment. Consider making a motion to approve the purchase of crack seal material from DISSCO (Denver Industrial Sales) for the total purchase price of \$80,000.00 as presented.



13) **MOVING MONTROSE FORWARD 2026 SURFACE TREATMENT CONTRACT AWARD**
(10 minutes)

City Council consideration of a contract award to A-1 Chipseal Co. in the amount of \$2,134,909.44 for completion of the Moving Montrose Forward 2026 Surface Treatment Project. *Staff: City Engineer Scott Murphy*

Action: Accept public comment. Consider making a motion to award a contract to A-1 Chipseal Co. in the amount of \$2,134,909.44 for completion of the Moving Montrose Forward 2026 Surface Treatment Project as presented.

14) **ORDINANCE 2703 - SECOND READING** (10 minutes)

City Council consideration of Ordinance 2703 on second reading, an Ordinance of the City of Montrose, Colorado amending Title 1 Chapter 14 Section 2 (1-14-2), regarding rules of procedure to have the Montrose Municipal Court become a court of record. *Staff: Assistant City Attorney Matt Magliaro*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2703 on second reading as presented.

15) **ORDINANCE 2705 - FIRST READING** (15 minutes)

City Council considered Ordinance 2705 on first reading, an Ordinance of the City of Montrose, Colorado, updating Title 1 Chapter 2, General Provisions; Title 1 Chapter 14, Municipal Court; Title 6, Chapter 1, Miscellaneous Offenses; and Title 10, Chapter 1, Traffic Code of the Official Code of the City of Montrose, Colorado: amending Title 1 Chapter 2 Section 3 (1-2-3) regarding general penalty; amending Title 1 Chapter 14 Section 4 (1-14-4), regarding sentencing provisions for violations of the Official Code of the City of Montrose; repealing and replacing Title 6 Chapter 1 Section 7 (6-1-7) Petty Theft; repealing and replacing Title 6 Chapter 1 Section 8 (6-1-8) Shoplifting; repealing and replacing Title 6 Chapter 1 Section 9 (6-1-9) Destruction of Property; amending Title 10, Chapter 1, Section 1 (10-1-1) Adoption of Traffic Code; amending Title 10, Chapter 1, Section 4 (10-1-4) Additions or Modifications; and amending Title 10, Chapter 1 Section 16 (10-1-16), regarding penalties in adopted Model Traffic Code. *Staff: Assistant City Attorney Matt Magliaro*

Action: Hold a hearing. Consider making a motion to pass Ordinance 2705 on first reading as presented.



16) **ORDINANCE 2704 - SECOND READING** (10 minutes)

City Council consideration of Ordinance 2704 on second reading, an Ordinance of the City of Montrose, Colorado, designating the Montrose Post Office, with an historic address of 25-27 North Cascade Avenue, as a City of Montrose Historic Property pursuant to § 11-3 of the Official Code of the City of Montrose. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to adopt Ordinance 2704 on second reading as presented.

17) **RESOLUTION 2026-04** (10 minutes)

City Council consideration of Resolution 2026-04, setting April 6, 2026, as the hearing date for the Matteo's Addition annexation. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to Adopt Resolution 2026-04 as presented.

18) **BROWN RANCH SUBDIVISION AMENDED PRELIMINARY PLAT 5** (10 minutes)

City Council considered the Brown Ranch Subdivision Amended Preliminary Plat 5. *Staff: Senior Planner William Reis*

Action: Accept public comment. Consider making a motion to approve the Brown Ranch Subdivision Amended Preliminary Plat 5 expressly conditioned upon City staff ensuring that all policies, regulations, ordinance and Municipal Code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to 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.

19) **STAFF REPORTS**

20) **YOUTH CITY COUNCIL REPORT**

21) **CITY COUNCIL COMMENTS**

22) **MOTION TO ADJOURN**



MONTROSE CITY COUNCIL

February 17, 2026

A special meeting of the Montrose City Council was held on Tuesday, February 17, 2026, at 12:00 p.m., or immediately following the City Council work session, in the City Council Chambers located in the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT

Dave Frank, Judy Ann Files, Doug Glaspell, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Chris Dowsey, Matt Magliaro, Greg Stunder, Scott Murphy, Lisa DelPiccolo

ABSENT

J. David Reed

CALL TO ORDER

Mayor Dave Frank called the special meeting to order at 11:57 a.m.

EXECUTIVE SESSION

At 11:58 a.m., a motion was made by Judy Ann Files, seconded by Doug Glaspell, to enter into an executive session for a conference with the City Attorney for the purpose of receiving legal advice pursuant to C.R.S. Section 24-6-402(4)(b); and the following additional details are provided for identification purposes: discussion of 2026 legislative cycle; possible reimbursement for emergency work performed; and COAC funds. All voted yes. Motion passed.

RECONVENEMENT AND ADJOURNMENT

The special meeting reconvened at 1:07 p.m.

At 1:08 p.m. a motion was made by Ed Ulibarri, seconded by Doug Glaspell to adjourn the meeting with no further action taken.

ATTEST:

Dave Frank, Mayor

Lisa DelPiccolo, City Clerk



MONTROSE CITY COUNCIL

February 17, 2026

A regular meeting of the Montrose City Council was held on Tuesday, February 17, 2026, at 6:00 p.m. in the City Council Chambers of the Elks Civic Building at 107 S. Cascade Avenue. Said meeting was posted in accordance with the Sunshine Law.

PRESENT

Dave Frank, Judy Ann Files, Doug Glaspell, J. David Reed, Ed Ulibarri, Bill Bell, Ann Morgenthaler, Reign Icasiano, Chris Dowsey, Greg Story, Lisa DelPiccolo, Shani Wittenberg, William Reis, Leif Betancourt-Ege, Chris Velasquez, Matt Magliaro, David Bries, Scott Murphy, Greg Stunder, Joe Wittenberg, Blaine Hall

GUESTS

John Brown, Adam Woodden, Rachel Betancourt-Ege, Kevin Clay, Kendall Cramer, Ryan Sedgeley, Aaron Ranstrom

CALL TO ORDER

Mayor Dave Frank called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CHANGES TO THE AGENDA

No changes were made to the agenda.

CALL FOR PUBLIC COMMENT

John Brown requested a written non-sanctuary city declaration by the City Council and reviewed the history of his multiple requests.

APPROVAL OF MINUTES

City Council considered the minutes of the February 3, 2026, regular City Council meeting.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to approve the minutes of the February 3, 2026, regular City Council meeting as presented. All voted yes. Motion passed.

ORDINANCE 2703 – FIRST READING

City Council considered Ordinance 2703 on first reading, an Ordinance of the City of Montrose, Colorado, amending Title 1 Chapter 14 Section 2 (1-14-2), regarding rules of procedure to have the Montrose Municipal Court become a court of record. A hearing was held.

Assistant City Attorney Matt Magliaro reported that the designation of the Municipal Court as a court of record was discussed at the January 5 work session with a presentation by Municipal Court Judge Thomas LeClaire. Subsequent staff meetings determined the logistics for becoming a court of record and created a plan for a separate requirement to live stream court processes.

Mr. Magliaro stated that the proposed ordinance adds a new subsection (f) to 1-14-2 Rules of Procedure and read the added language into the record. Mr. Magliaro reviewed the requirement for the judge and all assistant or alternate judges to be licensed in the State of Colorado which is also a requirement within the City Charter. The second requirement is to keep a verbatim record of proceedings and evidence at trials. Mr. Magliaro stated court of record proceedings can be documented by a stenographer or recorded on an audio/visual recording platform.

Mr. Magliaro said that currently, an appeal sends a case to the county court for a new trial. As a court of record, appeals would go to the District Court where a determination is made upon records and transcripts whether the decision by the municipal court should be affirmed, reversed, remanded, or remanded with direction for a de novo trial in a district court.

Mr. Magliaro stated that the Montrose Municipal Court sees 1,000 to 1,100 cases per year. Between 2020 and 2024, an average of 10 to 12 bench or jury trials were conducted per year with 25 appeals on record since the year 2000. The Municipal Court currently keeps written records for each case including a register of actions and a complete paper file. Mr. Magliaro reviewed failed legislation in 2025 that aimed to decriminalize courts not of record and said a new attempt is in process this year.

Mayor Dave Frank opened the hearing.

Public comment was accepted. No comments were received.

Mayor Frank closed the hearing.

A motion was made by J. David Reed, seconded by Doug Glaspell, to pass Ordinance 2703 on first reading as presented. All voted yes. Motion passed.

ORDINANCE 2704 – FIRST READING

City Council considered Ordinance 2704 on first reading, an Ordinance of the City of Montrose, Colorado, designating the Montrose Post Office, with an historic address of 25-27 North Cascade Avenue, as a City of Montrose Historic Property pursuant to § 11-3 of the Official Code of the City of Montrose. A hearing was held.

Senior Planner William Reis reported that the building recently housed Kilbane Cleaners but was originally a post office, before the current post office on S. First Street. Mr. Reis stated that the building is eligible for historic designation under criterion A because it is associated with the early development of governmental services in Montrose. Mr. Reis said the building was completed in 1890 and was the site of an early post office until 1932. Mr. Reis reviewed other purposes of the building over time.

City Councilor Ed Ulibarri recused himself from this agenda item because he serves on the MADA Board of Directors. Mr. Ulibarri left the City Council Chambers at 6:28 p.m.

Mr. Reis said the building was renovated in 1955 and represents post-World War II architecture. The 1955 renovations occurred more than 50 years ago.

Mr. Reis stated that the Historic Preservation Commission voted unanimously to recommend approval on January 27, and City staff also recommends approval.

Mr. Reis said that if approved, building owners would be eligible for state tax credits and eligible for grant opportunities. Once designated as historic, the Historic Preservation Commission can also weigh in on the appropriateness of any changes.

Mayor Dave Frank opened the hearing.

Public comment was accepted.

Aaron Ranstrom questioned whether the historic designation is applicable to the original building or the 1950s renovation. Mr. Reis said that officially the Historic Preservation Commission identified the eligibility under criterion A , events that made a significant contribution to history, and the period of significance for the designation is the post-World War II architecture.

Mayor Frank closed the hearing.

A motion was made by Doug Glaspell, seconded by J. David Reed, to pass Ordinance 2704 on first reading as presented. All present voted yes. Motion passed.

Mr. Ulibarri rejoined the meeting at 6:35 p.m.

BLACK CANYON FLATS OGDEN SIDEWALK EXPENSE AUTHORIZATION

City Council considered \$48,335.00 in expenditures payable to Ridgway Valley Enterprises for the construction of sidewalk along the Black Canyon Flats Affordable Housing Project's Ogden Road frontage.

City Engineer Scott Murphy reported that Ogden Road is intended to become a minor arterial to the east of Woodgate Road. In 2024, existing sidewalks were extended to accommodate the Residences at Dry Cedar Creek. During the replacement of the bridge over the Loutsenhizer Canal in 2025, sidewalks were installed on both sides of the road. Mr. Murphy stated that the next housing project is Black Canyon Flats on east side of the Loutsenhizer Canal, and the developer is required to install sidewalks. To support this affordable housing project, the City would construct the sidewalk along the frontage of the development.

Mr. Murphy recommended funding the expenditure with funds generated through Ballot Measure 2A which increased the excise tax on hotels and allocates 33 percent to incentivize affordable housing development. Mr. Murphy said the \$48,000.00 expenditure was not budgeted for 2026, and if approved, will be paid directly to Ridgway Valley Enterprises.

Mr. Murphy said that of the 60 units, rent for 30 of the units will be set at 80 percent of the Area Median Income (AMI). Deputy City Manager Ann Morgenthaler stated that these units are not low income housing but are considered affordable housing for middle income. Ms. Morgenthaler said that housing for the “missing middle” is a need identified in the Comprehensive Plan.

Public comment was accepted. No comments were received.

A motion was made by J. David Reed, seconded by Doug Glaspell, to approve \$48,335.00 in expenditures payable to Ridgway Valley Enterprises for the construction of sidewalk along the Black Canyon Flats Affordable Housing Project’s Ogden Road frontage as presented. All voted yes. Motion passed.

RATIFICATION OF BEAR CREEK EMERGENCY DRAINAGE EXPENDITURES

City Council considered the ratification of \$99,950.00 in expenditures associated with emergency drainage maintenance performed within the Bear Creek Subdivision.

City Engineer Scott Murphy reported that a complete history of this project was provided in detail at a previous work session. Mr. Murphy stated that a private drain system within the development was constructed in such a way that neither the developer nor the HOA was aware of a missing section of pipe resulting in water weeping up into City infrastructure. Mr. Murphy said the City acted to address safety concerns with ice and potential damage to the infrastructure. Mr. Murphy said the City Manager authorized the expenditure but City Council ratification is needed to close the project.

Mr. Murphy stated that whether the City pursues reimbursement from the HOA is a separate matter that is being handled through the Legal Department, and this agenda item considers only the ratification of the expenditure.

Public comment was accepted. No comments were received.

A motion was made by Doug Glaspell, seconded by Ed Ulibarri, to ratify \$99,950.00 in expenditures associated with emergency drainage maintenance performed within the Bear Creek Subdivision as presented. All voted yes. Motion passed.

CONTRACT EXTENSION FOR FIRE HYDRANT PAINTING

City Council considered the extension of a contract with WBS Coatings, Inc. for the painting of up to 180 fire hydrants at a cost not to exceed \$100,000.00.

Utilities Director David Bries reported that the painting of fire hydrants addresses aging infrastructure, improves aesthetics, and makes the hydrants visible to the fire department during an emergency. Mr. Bries stated that the painting program began several years ago with seasonal staff painting hydrants. When it was discovered that the paint did not last, the City began using local contractors to sandblast and apply high quality coating. Mr. Bries reviewed the location of the more than 1220 hydrants within the city and said that 104 hydrants were painted in 2025 with \$50,000 budgeted.

Public comment was accepted.

Kendall Cramer asked whether the fire department was consulted on which hydrants need painting. Mr. Bries stated that the Fire Department alerts Utilities staff on hydrants that need painting, and input is also received from the public. Mr. Bries said that the Fire Department determines the color of the hydrants and the City conducts the maintenance.

A motion was made by Doug Glaspell, seconded by J. David Reed, to approve the extension of a contract with WBS Coatings, Inc. for fire hydrant painting as presented. All voted yes. Motion passed.

STAFF REPORTS

Sales, Use and Excise Tax Report

Finance Director Shani Wittenberg provided a sales, use, and excise tax report for the month of December 2025. Ms. Wittenberg reported that total General Fund sales and use tax collections were up 7.00 percent with a positive budget variance of 6.0 percent. Year-to-date collections were up 2.2 percent with a positive budget variance of 0.9 percent.

Fourth Quarter Budget Review

Finance Director Shani Wittenberg reported that a complete report is included in the meeting packet. Ms. Wittenberg reviewed collections and expenditures for all major funds. Ms. Wittenberg said that General Fund sales tax collections were up, and revenues were collected at about 104 percent with expenditures at 100 percent of the budgeted amounts.

Ms. Wittenberg stated that the City has investments earning from 3 to 4.5 percent interest, and the total of all funds is \$26 million.

Police Department Event

Police Chief Blaine Hall invited the community to the Domestic Violence Awareness Community Training on Friday, February 20, at 6 p.m. at the Montrose Pavilion.

YOUTH CITY COUNCIL REPORT

Reign Icasiano reported that the Montrose Youth City Council will be present at the State of the City on Monday, February 23, at the Montrose Pavilion. The Youth City Council is also continuing to work on the planning of the Nonprofit Expo that will be held at the Montrose Pavilion in March.

CITY COUNCIL COMMENTS

Mayor Pro Tem Judy Ann Files reported that City Engineer Scott Murphy and Public Works Director Jim Scheid will be the presenters at The Forum on Wednesday, February 18, at 9 a.m. in Cascade Hall located on the CMU Montrose Campus.

ADJOURNMENT

The meeting adjourned at 7:12 p.m. with no further action taken.

ATTEST:

Dave Frank, Mayor

Lisa DelPiccolo, City Clerk



Application for a Volunteer Board or Advisory Committee

Board you are interested in Planning Commission
(Submit separate application for each board - Review attached information on board or committee)

Full Name Beth McCorkle

Home Residence Address [Redacted] Montrose, CO 81401

Mailing Address (if different) _____

Business Name and Address Region 10 RSVP

Job Title Community Coordinator

Telephone Numbers: Home/Cell [Redacted] Work _____

E-Mail Address [Redacted]

If the board applied for requires expertise, please tell us about your qualifications in that area (education, experience, etc.).
IT Project Manager

Why are you interested in serving on this board?
After living in Montrose over 13 years, my connection to the community has deepened along with my interest in the city's growth & development. I am eager to support that progress by serving on the planning commission and contributing thoughtful input during the early stages of decision making.
Will you have any conflicts with the services required of the board being applied for? Yes No
If yes, please specify _____

What other volunteer boards have you served on?

Board	Dates	Position or Role
<u>Montrose Pride</u>	<u>1 yr</u>	<u>V.P.</u>

What else can you tell us about yourself?
I Retired June of 2021, but volunteer and recently started working for Region 10 Part time.

Include a letter of interest with this application addressed to the Montrose City Council, c/o City Clerk, P. O. Box 790, Montrose, CO 81402-0790. If you submit more than one application, please indicate which board you are most interested in.

Subject Letter of Interest – City of Montrose Planning Commission

Date: January 18, 2026

Dear Members of the City of Montrose,

I am writing to express my interest in serving on the City of Montrose Planning Commission. I have lived in Montrose for more than 13 years, and during that time my connection to the community and interest in its future have steadily grown. In recent years, I have closely followed the city's development by reviewing upcoming projects on the city's website and engaging with the videos that explain proposed plans and provide insight into the planning process.

I retired in June of 2021 after a career as an IT Project Manager, a role that strengthened my skills in organization, collaboration, and long-range planning. Since then, I have remained actively involved in community leadership, serving as a Red Cross Community Volunteer Leader and member of the Volunteer Advisory Council, President for Utah/Western Colorado United Women in Faith, President of the Monte Vista Estate HOA Board, VP of Montrose Pride, and, beginning in June 2025, working part-time with Region 10 RSVP. These roles have deepened my understanding of community needs, volunteer engagement, and thoughtful decision-making.

As Montrose continues to grow, I would welcome the opportunity to contribute to the planning process as a member of the Planning Commission. I am eager to bring my professional experience, leadership background, and commitment to the community to support responsible growth and help shape the city's future in a meaningful way.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Beth McCorkle". The signature is written in black ink and is positioned above the printed name.

Beth McCorkle

DISPOSAL LIST AUTHORIZATION



TO: Honorable Mayor and Montrose City Council
FROM: Shane Brandt, Fleet Superintendent

DATE: February 17th, 2026
RE: Vehicle and Equipment Disposal List Authorization
CC: William Bell, Ann Morgenthaler, Shani Wittenberg

Recommendation

Consider the approval of the disposal of City owned vehicles and equipment to be replaced in 2026.

Background

Throughout the year, City departments replace equipment and vehicles that are scheduled for replacement in the 2026 budget. The replaced items are disposed of in various ways. Most items are auctioned through Govdeals.com, on occasion select items are sold at the local Jim's Auction or donated or sold to surrounding communities.

As items are sold the amounts collected from resale are included in the fleet fund and are used for the next replacement of that vehicle.

All items are disposed of in accordance with Section 1-16-5 of the Municipal Code.

A list of vehicles and equipment to be disposed of is listed below.

Units to be replaced and disposed of in 2026
17-2004 Cat Roller (Streets)
26-1997 Rock Creek Trailer (Water Distribution)
78-2005 Ford F-350 (Drug Task Force)
97- Utility Trailer (Parks)
170-2016 Ford F-250 (Parks)
220-2020 Peterbilt 520 (Sanitation)
221-2021 Peterbilt 520 (Sanitation)
227-2005 Cat Roller (Streets)
233-2006 Heavy Equipment Trailer (Water Distribution)
255-2006 Sullair Air Compressor (Parks)
352-2009 Sullivan Air Compressor (Streets)
375-2016 Ford F-250 (Water Distribution)
376-2016 Ford F-250 (Water Distribution)
391-2017 Wanco Message Board (Engineering)
404-2006 GMC 3500 (Drug Task Force)
421-2016 John Deere Backhoe (Streets)
427-2016 F-250 (Streets)
430-2016 Ford F-150 (Police Academy)
442-2017 Elgin Crosswind (Streets)
443-2017 Ford Explorer (Facilities)
461-2017 Western Star Vactor (Stormwater)
471-2018 Police interceptor (Police Department)
472-2018 Police interceptor (Police Department)
473-2018 Police interceptor (Police Department)
474-2018 Police interceptor (Police Department)
475-2018 Police interceptor (Police Department)
476-2018 Police interceptor (Police Department)
510-2020 Ford Transit Van (Police Academy)
650-2004 Golf Car (Special use Division)
651-2004 Golf Car (Special use Division)
718-Lely Spreader (Black Canyon Golf Course)
725-2016 John Deere Gator (Black Canyon Golf Course)



CITY OF MONTROSE
Community Development

MEMO

TO: City Council
FROM: Jace Hochwalt, Community Development Director
DATE: March 3, 2026
RE: Update to Title 11 of the Montrose Municipal Code (Land Development Regulations)
Specific to Unhoused Shelter Uses

ATTACHMENTS:

- Attachment A – Redlined Code Additions
- Attachment B – Ordinance 2706

Introduction

The City of Montrose Municipal Code currently does not include a defined land use category or regulatory framework for unhoused shelters. As a result, there is limited clarity regarding where such facilities may be located or how they should be reviewed and approved. The purpose of this item is to amend Title 11 – Land Development Regulations to formally incorporate unhoused shelters into the Municipal Code by establishing a clear definition, identifying appropriate zoning districts, and outlining specific standards and procedural requirements. These amendments are intended to provide a consistent, transparent, and enforceable approach for evaluating unhoused shelter proposals while ensuring alignment with the City’s zoning intent and community objectives.

Background/Proposal

In order to incorporate a new land use into Title 11 of the Montrose Municipal Code, several coordinated steps are required to ensure the regulations are comprehensive and internally consistent. Staff has identified the following four-step process to achieve this:

1. Add a definition for “Unhoused Shelter” to [Chapter 11-15 - Definitions](#).
2. Establish use-specific and permitting criteria for an Unhoused Shelter within [Chapter 11-11 - Supplementary Uses](#).
3. Incorporate “Unhoused Shelter” to [Section 11-7-6 - Use Table](#) to clearly identify the zoning district(s) where the use is permitted.
4. Add “Unhoused Shelter Permit” to [Section 11-4-2 - Table 4.1](#) to reflect the applicable review and approval process for the use.

Step One – Define the use:

The first step in incorporating unhoused shelters into the Municipal Code is to establish a clear definition. The proposed definition was developed after reviewing how other jurisdictions define the use, as well as the State’s definition in the State Model Land Use Code.

Chapter 11-15 – Definitions

Unhoused Shelter - A facility that is used for the primary purpose of providing shelter for people experiencing homelessness on a nightly or emergency basis. Supportive services may or may not be provided.

Step Two – Define the use-specific criteria/permitting requirements:

Several uses within the Municipal Code are subject to use-specific standards, including group homes, accessory dwelling units, manufactured home parks, and travel home (RV) parks. Following detailed staff discussion, it was determined that incorporating use-specific standards, along with an unhoused shelter permitting process, is appropriate to ensure clear and consistent criteria are established prior to approval of such uses. The proposed standards and permitting requirements are outlined below.

Section 11-11-7. – Unhoused Shelters

Unhoused Shelter, as defined in Chapter 11-15-2, shall comply with the following criteria:

- (A) An unhoused shelter shall not be operated or occupied without an Unhoused Shelter Permit.
- (B) An Unhoused Shelter Permit shall be obtained pursuant to Sec. 11-4-2 - Table 4.1 prior to the commencement of construction or establishment of an Unhoused Shelter.
- (C) An application for an Unhoused Shelter Permit shall require the following:
 - (1) a site plan, accompanied by any supported documents, plans, or drawings as required by Chapter 8 of this Title.
 - (2) A written narrative demonstrating how all applicable criteria are met, along with an operational plan. Such plan shall specify the proposed days, hours of operation, bed count, and capacity.
- (D) The fee associated with an Unhoused Shelter Permit shall be paid as set forth in Chapter 3-1 of the City of Montrose Regulations Manual.
- (E) All criteria outlined in Section 11-7-6 (B) Conditional Uses shall be met.
- (F) Camping is prohibited outside of an Unhoused Shelter, inclusive of parking lots serving the Unhoused Shelter.
- (G) An Unhoused Shelter shall not be located within 1,000 feet of any public or private school, public park, or licensed childcare facility, or established day-care business.

- (H) An Unhoused Shelter shall provide adequate toilet, bathing, sleeping, laundry, storage, solid waste collection, and recycling collection facilities to meet the anticipated demands of the population being served.
- (I) Any proposed change of use of an existing building or facility to operate as an Unhoused Shelter shall require approval of an Unhoused Shelter Permit prior to occupancy. This includes, but is not limited to, the conversion of hotels, motels, residential buildings, or other transient lodging facilities to serve as an Unhoused Shelter.
- (J) All Unhoused Shelter Permits shall be revocable at will by the City.

Step 3 – Incorporate the use within the use table

Once the use, associated use-specific standards, and permitting process are established, the use must be incorporated into the Use Table in Section 11-7-6 to clearly identify where it is allowed. Following staff discussion, it was determined that the most appropriate location for this use is within the P (Public) District. This use is consistent with the intent of the P District, which is to accommodate uses and services of a public, nonprofit, or charitable nature.

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
<i>RESIDENTIAL USES</i>									
<u>Unhoused Shelter (See Section 11-11-7)</u>		<u>P</u>							
Legend: Zoning District					Legend: Use Type				
OR: Office-Residential					P: Permitted Use				
P: Public					C: Conditional Use				
B-1: Central Business					A: Accessory Use				
B-2: Highway Commercial					T: Temporary Use				
B-2A: Regional Commercial									
B-3: General Commercial					Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).				
B-4: Neighborhood Shopping									
I-1: Light Industrial									
I-2: General Industrial									

Step Four – Incorporate the permitting process within the Review Procedures Chart

In addition to adding the use to the Use Table, the permitting process must also be incorporated into the Review Procedures Chart in Section 11-4-2, Table 1, to clearly reflect the applicable procedural requirements. As proposed, an Unhoused Permit would require a pre-application meeting, completeness review, referral, and final approval by City Council.

Approval Requested	Pre-Application	CR	Referral	Approval			Section Reference
				AD	PC	CC	

<u>Unhoused Shelter Permit</u>	<u>X</u>	<u>X</u>	<u>X</u>			<u>X</u>	<u>Sec. 11-11-7</u>
<u>Key</u>							
CR: Completeness Review				H: Public Hearing Required			
CC: City Council				R: Recommended; not required			
PC: Planning Commission				X: Meeting or Action Required			
AD: Administrative Decision				A: Appeal Permitted			

Hotel/Motel Definition Revision

As part of the discussion of this proposal, staff also reviewed other uses that may overlap with or be similar to an unhoused shelter. One consideration was whether the existing code would allow a hotel or motel to be converted into an unhoused shelter. The current definition of a hotel/motel is provided below:

Hotel or motel means a building designed for occupancy as the temporary abiding place (30 days or less) of individuals who are lodged with or without meals, and with such building having six or more guest rooms.

To further clarify this definition and distinguish it from an unhoused shelter, staff is proposing the addition of the following sentence:

Hotel or motel means a building designed for occupancy as the temporary abiding place (30 days or less) of individuals who are lodged with or without meals, and with such building having six or more guest rooms. Such occupancy is provided for monetary payment and is subject to applicable sales and lodging taxes.

This clarification helps clearly differentiate hotels and motels, which operate as a commercial use involving monetary payment, from unhoused shelters, which do not involve such payment.

Conclusion

The proposed amendments to Title 11 of the Montrose Municipal Code establish a clear, comprehensive, and enforceable framework for the consideration of unhoused shelters within the City. By defining the use, establishing use-specific standards, identifying appropriate zoning districts, and outlining a transparent review and approval process, these changes provide clarity for applicants, decision-makers, and the community. Incorporating unhoused shelters into the Municipal Code ensures that such facilities are reviewed in a consistent and intentional manner, aligns the code with community needs and best practices, and supports the City’s ability to address homelessness while maintaining compatibility with surrounding uses and the overall intent of the Land Development Regulations.

Exhibit A – Redlined Code Additions

The underlined language in this document represents additions to the existing code. No existing language is being removed. Changes are proposed in the following sections: **11-4-2, 11-7-6(H), 11-11-7, and 11-15-2.**

SECTION 1:

Section 11-4-2. – Review Process

Table 4.1
Review Procedures Chart

Approval Requested	Pre-Application	CR	Referral	Approval			Section Reference
				AD	PC	CC	
Site Development Plan - Major	X	X	X	X			Sec. 11-8-1
Site Development Plan - Minor	X	X	X	X			Sec. 11-8-1(B)
Site Development Plan - Large Retail	X	X	X		H	A	Sec. 11-8-9
Annexation	X	X	X		H ¹	H	Sec. 11-4-10
Floodplain Development Permit	R	X		X			Sec. 11-6-3; 11-6-4 (variance)
Manufactured Home Siting Permit	R	X		X			Sec. 11-13-2
Manufactured Home Park Permit	X	X	X		H	X	Sec. 11-13-4
Travel Home Permit	R	X		X			Sec. 11-13-7
Travel Home Park Permit	X	X	X		H	X	Sec. 11-13-8
Tiny Home Community Permit	X	X	X		H	X	Sec. 11-13-11
Sign Permit	R	X		X			Sec. 11-10-4
Temporary Use Permit	R	X		X			Sec. 11-7-6 (E)
Conditional Use	X	X	X		H	A	Sec. 11-7-6 (B)
Rezoning (legislative)		X				H	Sec. 11-7-12 (C)
Rezoning (site specific)	X	X	X		H	H	Sec. 11-7-12 (A)
Variance	X	X	X		H		Sec. 11-7-13; 11-8-1 (E)
Planned Development (PD)							
Sketch Plan	X	X	X		H		Sec. 11-7-8 (F)
Preliminary PD	X	X	X		H	X	Sec. 11-7-8 (F)
Final PD ²	X	X	X			X	Sec. 11-7-8 (F)
PD Amendment -	X	X	X		H	X	Sec. 11-7-8 (H) (2)
Administrative PD	X	X	X	X			Sec. 11-7-8 (D)

PD Amendment - Administrative	X	X	X	X			Sec. 11-7-8 (D) (9)
Subdivision							
Sketch Plan	X	X	X		H		Sec. 11-5-4
Preliminary Plat	X	X	X		H	X	Sec. 11-5-5
Final Plat	X	X	X			X	Sec. 11-5-6
Minor Subdivision	X	X	X	X			Sec. 11-5-3
Plat Amendment - Major	X	X	X		H	X	Sec. 11-5-2
Plat Amendment - Minor	X	X	X	X			Sec. 11-5-3 (C)
Unhoused Shelter Permit	X	X	X			X	Sec. 11-11-7
Key							
CR: Completeness Review				H: Public Hearing Required			
CC: City Council				R: Recommended; not required			
PC: Planning Commission				X: Meeting or Action Required			
AD: Administrative Decision				A: Appeal Permitted			

¹ Recommended that initial zoning occur concurrent with annexation; see Rezoning (site specific). PC hearing only required with concurrent zoning action, not on annexation itself.

² A Final PD is eligible to apply for vested rights. No other application type is eligible to receive a vested right.

SECTION 2:

Section 11-7-6. – District Uses.

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

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
<i>INSTITUTIONAL USES</i>									
Airport								P	P
Assisted living facility	C			P	P	P			
Childcare facility	P	P	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospital	P								
Library		P	P	P	P	P			
Museum or visitor center		P	P	P	P	P			
Parking facility	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P		C	C
Religious assembly	P	P	P	P	P	P	P	C	C

Schools; Elementary, Middle and High	C	P	C	C	C	C	C		
<u>Unhoused Shelter (See Sec. 11-11-7)</u>		P							
Legend: Zoning District				Legend: Use Type					
OR: Office-Residential				P: Permitted Use					
P: Public				C: Conditional Use					
B-1: Central Business				A: Accessory Use					
B-2: Highway Commercial				T: Temporary Use					
B-2A: Regional Commercial									
B-3: General Commercial				Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).					
B-4: Neighborhood Shopping									
I-1: Light Industrial									
I-2: General Industrial									

SECTION 3:

Section 11-11-7. - Unhoused Shelter.

Unhoused Shelter, as defined in Chapter 11-15-2, shall comply with the following criteria:

- (A) An unhoused shelter shall not be operated or occupied without an Unhoused Shelter Permit.
- (B) An Unhoused Shelter Permit shall be obtained pursuant to Sec. 11-4-2 - Table 4.1 prior to the commencement of construction or establishment of an Unhoused Shelter.
- (C) An application for an Unhoused Shelter Permit shall require the following:
 - (1) a site plan, accompanied by any supported documents, plans, or drawings as required by Chapter 8 of this Title.
 - (2) A written narrative demonstrating how all applicable criteria are met, along with an operational plan. Such plan shall specify the proposed days, hours of operation, bed count, and capacity.
- (D) The fee associated with an Unhoused Shelter Permit shall be paid as set forth in Chapter 3-1 of the City of Montrose Regulations Manual.
- (E) All criteria outlined in Section 11-7-6 (B) Conditional Uses shall be met.
- (F) Camping is prohibited outside of an Unhoused Shelter, inclusive of parking lots serving the Unhoused Shelter.
- (G) An Unhoused Shelter shall not be located within 1,000 feet of any public or private school, public park, or licensed childcare facility, or established day-care business.
- (H) An Unhoused Shelter shall provide adequate toilet, bathing, sleeping, laundry, storage, solid waste collection, and recycling collection facilities to meet the anticipated demands of the population being served.
- (I) Any proposed change of use of an existing building or facility to operate as an Unhoused Shelter shall require approval of an Unhoused Shelter Permit prior to occupancy. This

includes, but is not limited to, the conversion of hotels, motels, residential buildings, or other transient lodging facilities to serve as an Unhoused Shelter.

(J) All Unhoused Shelter Permits shall be revocable at will by the City.

SECTION 4:

Section 11-15-2. - Definitions.

H

...

Hotel or motel means a building designed for occupancy as the temporary abiding place (30 days or less) of individuals who are lodged with or without meals, and with such building having six or more guests. Such occupancy shall be for monetary compensation and shall be subject to Chapter 5-2 Hotel Room Tax.

...

U

...

Unhoused Shelter means a facility that is used for the primary purpose of providing overnight shelter for people experiencing homelessness on a nightly or emergency basis. Supportive services may or may not be provided.

...

ORDINANCE NO. 2706

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE XI CHAPTER 4, DEVELOPMENT REVIEW PROCEDURES; TITLE XI CHAPTER 7, ZONING REGULATIONS; TITLE XI CHAPTER 11, SUPPLEMENTARY USES; AND TITLE XI CHAPTER 15, DEFINITIONS: AMENDING TITLE XI CHAPTER 4 SECTION 2 (11-4-2), REGARDING REVIEW PROCESS; AMENDING TITLE XI CHAPTER 7 SECTION 6 (11-7-6), REGARDING DISTRICT USES; ADDING TITLE XI CHAPTER 11 SECTION 7 (11-11-7), REGARDING THE SUPPLEMENTARY USE OF AN UNHOUSED SHELTER; AND AMENDING TITLE XI CHAPTER 15 SECTION 2 (11-15-2), REGARDING THE DEFINITION OF AN UNHOUSED SHELTER.

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

WHEREAS, the City of Montrose established an unhoused roundtable to discuss the issues surrounding the City’s unhoused population and possible solutions; and

WHEREAS, through the unhoused roundtable, it was found that the City’s code did not have a clear path forward for an unhoused shelter; and

WHEREAS, the City desires to give such path to own, operate, and maintain an unhoused shelter to assist in solving the unhoused issues within the City of Montrose.

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

SECTION 1:

Section 11-4-2. Table 4.1 (Review process.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

Table 4.1
Review Procedures Chart

Approval Requested	Pre-Application	CR	Referral	Approval			Section Reference
				AD	PC	CC	
Site Development Plan - Major	X	X	X	X			Sec. 11-8-1
Site Development Plan - Minor	X	X	X	X			Sec. 11-8-1(B)
Site Development Plan - Large Retail	X	X	X		H	A	Sec. 11-8-9
Annexation	X	X	X		H ¹	H	Sec. 11-4-10
Floodplain Development Permit	R	X		X			Sec. 11-6-3; 11-6-4 (variance)
Manufactured Home	R	X		X			Sec. 11-13-2

Siting Permit							
Manufactured Home Park Permit	X	X	X		H	X	Sec. 11-13-4
Travel Home Permit	R	X		X			Sec. 11-13-7
Travel Home Park Permit	X	X	X		H	X	Sec. 11-13-8
Tiny Home Community Permit	X	X	X		H	X	Sec. 11-13-11
Sign Permit	R	X		X			Sec. 11-10-4
Temporary Use Permit	R	X		X			Sec. 11-7-6 (E)
Conditional Use	X	X	X		H	A	Sec. 11-7-6 (B)
Rezoning (legislative)		X				H	Sec. 11-7-12 (C)
Rezoning (site specific)	X	X	X		H	H	Sec. 11-7-12 (A)
Variance	X	X	X		H		Sec. 11-7-13; 11-8-1 (E)
Planned Development (PD)							
Sketch Plan	X	X	X		H		Sec. 11-7-8 (F)
Preliminary PD	X	X	X		H	X	Sec. 11-7-8 (F)
Final PD ²	X	X	X			X	Sec. 11-7-8 (F)
PD Amendment -	X	X	X		H	X	Sec. 11-7-8 (H) (2)
Administrative PD	X	X	X	X			Sec. 11-7-8 (D)
PD Amendment - Administrative	X	X	X	X			Sec. 11-7-8 (D) (9)
Subdivision							
Sketch Plan	X	X	X		H		Sec. 11-5-4
Preliminary Plat	X	X	X		H	X	Sec. 11-5-5
Final Plat	X	X	X			X	Sec. 11-5-6
Minor Subdivision	X	X	X	X			Sec. 11-5-3
Plat Amendment - Major	X	X	X		H	X	Sec. 11-5-2
Plat Amendment - Minor	X	X	X	X			Sec. 11-5-3 (C)
Unhoused Shelter Permit	X	X	X			X	Sec. 11-11-7
Key							
CR: Completeness Review				H: Public Hearing Required			
CC: City Council				R: Recommended; not required			
PC: Planning Commission				X: Meeting or Action Required			
AD: Administrative Decision				A: Appeal Permitted			

¹ Recommended that initial zoning occur concurrent with annexation; see Rezoning (site specific). PC hearing only required with concurrent zoning action, not on annexation itself.

² A Final PD is eligible to apply for vested rights. No other application type is eligible to receive a vested right.

SECTION 2:

Section 11-7-6. (H) (District uses.) of the Official Code of the City of Montrose, Colorado is hereby amended to read as follows:

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

Land Use	OR	P	B-1	B-2	B-2A	B-3	B-4	I-1	I-2
<i>INSTITUTIONAL USES</i>									
Airport								P	P
Assisted living facility	C			P	P	P			
Childcare facility	P	P	P	P	P	P	P	P	P
College or other place of adult education			P	P	P	P			
Daytime social service activities			P	P	P	P			
Family child care home	P	C	P	P	P	P	P	P	P
Government buildings and facilities	P	P	P	P	P	P	P	P	P
Hospital	P								
Library		P	P	P	P	P			
Museum or visitor center		P	P	P	P	P			
Parking facility	P	P	P	P	P	P			
Private and fraternal clubs			P	P	P	P	C		
Public transportation facilities			P	P	P	P		C	C
Religious assembly	P	P	P	P	P	P	P	C	C
Schools; Elementary, Middle and High	C	P	C	C	C	C	C		
Unhoused Shelter (See Sec. 11-11-7)		P							
Legend: Zoning District					Legend: Use Type				
OR: Office-Residential					P: Permitted Use				
P: Public					C: Conditional Use				
B-1: Central Business					A: Accessory Use				
B-2: Highway Commercial					T: Temporary Use				
B-2A: Regional Commercial									
B-3: General Commercial					Note: Any uses not listed in a zone district are prohibited—see Sec. 11-7-6(F)(1).				
B-4: Neighborhood Shopping									
I-1: Light Industrial									
I-2: General Industrial									

SECTION 3:

Section 11-11-7. (Unhoused Shelter.) of the Official Code of the City of Montrose, Colorado is hereby added to read in its entirety as follows:

Unhoused Shelter, as defined in Chapter 11-15-2, shall comply with the following criteria:

- (A) An unhoused shelter shall not be operated or occupied without an Unhoused Shelter Permit.
- (B) An Unhoused Shelter Permit shall be obtained pursuant to Sec. 11-4-2 - Table 4.1 prior to the commencement of construction or establishment of an Unhoused Shelter.
- (C) An application for an Unhoused Shelter Permit shall require the following:
 - (1) a site plan, accompanied by any supported documents, plans, or drawings as required by Chapter 8 of this Title.
 - (2) A written narrative demonstrating how all applicable criteria are met, along with an operational plan. Such plan shall specify the proposed days, hours of operation, bed count, and capacity.
- (D) The fee associated with an Unhoused Shelter Permit shall be paid as set forth in Chapter 3-1 of the City of Montrose Regulations Manual.
- (E) All criteria outlined in Section 11-7-6 (B) Conditional Uses shall be met.
- (F) Camping is prohibited outside of an Unhoused Shelter, inclusive of parking lots serving the Unhoused Shelter.
- (G) An Unhoused Shelter shall not be located within 1,000 feet of any public or private school, public park, or licensed childcare facility, or established day-care business.
- (H) An Unhoused Shelter shall provide adequate toilet, bathing, sleeping, laundry, storage, solid waste collection, and recycling collection facilities to meet the anticipated demands of the population being served.
- (I) Any proposed change of use of an existing building or facility to operate as an Unhoused Shelter shall require approval of an Unhoused Shelter Permit prior to occupancy. This includes, but is not limited to, the conversion of hotels, motels, residential buildings, or other transient lodging facilities to serve as an Unhoused Shelter.
- (J) All Unhoused Shelter Permits shall be revocable at will by the City.

SECTION 4:

Section 11-15-2. (Definitions.) of the Official Code of the City of Montrose, Colorado is hereby amended to read as follows:

H

...

Hotel or motel means a building designed for occupancy as the temporary abiding place (30 days or less) of individuals who are lodged with or without meals, and with such building having six or more guests. Such occupancy shall be for monetary compensation and shall be subject to Chapter 5-2 Hotel Room Tax.

...

U

...

Unhoused Shelter means a facility that is used for the primary purpose of providing overnight shelter for people experiencing homelessness on a nightly or emergency basis. Supportive services may or may not be provided.

...

SECTION 5:

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

SECTION 6:

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

SECTION 7:

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

SECTION 8:

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

SECTION 9:

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

SECTION 10:

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

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 3rd day of March 2026, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 3rd day of March 2026.

ATTEST:

Lisa DelPiccolo, City Clerk

Dave Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 17th day of March 2026.

ATTEST:

Lisa DelPiccolo, City Clerk

Dave Frank, Mayor



CITY OF MONTROSE
Community Development

MEMO

TO: City Council
FROM: Leonardo Perez, Building Inspector
Jace Hochwalt, Community Development Director
DATE: March 3, 2026
RE: Update to Title 7 of the Montrose Municipal Code (Fire Prevention and Safety)
Specific to the Colorado Wildfire Resiliency Code

ATTACHMENTS

- Exhibit A – Maps and Illustrations
- Exhibit B – Colorado Senate Bill SB23-166 (<https://leg.colorado.gov/bills/sb23-166>)
- Exhibit C – 2025 Wildfire Resiliency Code
(https://drive.google.com/file/d/1bhSESWE9pei6MMsv52VeGtC_WBgD7bVA/view)
- Exhibit D – Wildfire Resiliency Zone GIS Map
(<https://experience.arcgis.com/experience/34c113129c044004bc672ca5493378de/page/Page>)

Introduction

Senate Bill 23-166 requires all Colorado jurisdictions to adopt the Colorado Wildfire Resiliency Code and associated hazard maps to help reduce wildfire risks. The bill sets standards for structural hardening and defensible space, particularly in areas where urban development meets wildfire-prone lands, with the goal of protecting communities. City staff recommends amending Title 7 (Fire Prevention and Safety) of the Montrose Municipal Code to adopt the Colorado Wildfire Resiliency Code by reference, ensuring compliance with the state’s adoption deadline of April 1, 2026, and enforcement deadline of July 1, 2026, for properties within Montrose designated as wildfire risk areas.

Background & Overview

In response to the growing frequency, intensity, and devastation of wildfires since the early 2000s, the Colorado Legislature enacted Senate Bill 23-166. This bill mandates all Jurisdictions Having Authority (JHA) to adopt and enforce a statewide Wildfire Resiliency Code, which includes fire hazard maps and specific guidelines for structural hardening and defensible space.

The Colorado Wildfire Resiliency Code was then created as a comprehensive framework to mitigate wildfire risks, especially in the wildland-urban interface (WUI), where urban

development meets wildfire-prone forests and grasslands. The code aims to reduce property loss, improve public safety, and lessen the overall impact of wildfires on communities. It also seeks to promote a culture of preparedness and resilience among residents, local governments, and first responders.

The state requires all jurisdictions to adopt the code by April 1, 2026, with enforcement starting by July 1, 2026, for properties classified as wildfire risk areas. The Colorado Wildfire Resiliency Code is based on chapters 1, 2, 3, and 5 from the 2024 International Wildland-Urban Interface Code (IWUIC) published by the International Code Council (ICC). Currently, the City of Montrose follows the 2018 ICC codes, with specific amendments, under Title 4 of the Municipal Code.

The key elements of the Colorado Wildfire Resiliency Code are as follows:

Chapter 1 - Scope, Administration, and Enforcement:

- This chapter outlines the administration and enforcement responsibilities for the JHA (in this case, the City of Montrose). It mirrors the administrative processes of the current International Residential Code (IRC) and International Building Code (IBC), with additional provisions specific to wildfire resiliency.
- The code applies to new construction, alterations, repairs, or any building modifications that affect more than 500 square feet of the structure, 25% of the roof, or 25% of the exterior walls.

Chapter 2 - Definitions:

- This chapter provides definitions for key terms related to wildfire resiliency and hazard classification.

Chapter 3 - Wildfire Hazard Mapping and Classification:

- This chapter defines the three wildfire intensity classifications: low (yellow), moderate (orange), and high (red), based on factors such as fuel types, flame length, rate of spread, spotting potential, terrain, and suppression difficulty.
- The state's hazard map, which is based on vegetation, topography, weather patterns, and fire behavior modeling, will be updated every three years. A property owner may request a local "ground-truthing" review to verify the accuracy of their parcel's hazard classification.

Chapter 4 - Structural Hardening Requirements:

- Two classes of structural hardening are defined, based on the fire intensity classification of the property:
 - **Class 1:** Required for properties in the low-intensity zone (yellow areas), focusing on roofing, gutters, downspouts, and ventilation openings.

- **Class 2:** Required for properties in the moderate and high-intensity zones (orange and red areas), with additional hardening measures such as protection for eaves, exterior walls, underfloor enclosures, exterior doors, and nearby detached structures.

Chapter 5 - Defensible Space and Site Requirements:

- This chapter establishes three defensible space zones:
 - **Zone 1 (0-5 feet):** Requires clearing of plantings and trees around the structure. Fencing and retaining walls must meet specific guidelines to prevent ember ignition.
 - **Zone 2 (5-30 feet):** Requires management of dead materials, fuel accumulation, and vegetation to reduce fire risk.
 - **Zone 3 (30-100 feet):** Focuses on tree spacing and other vegetation management to prevent fire spread.

Impacts on Montrose:

In Montrose, very few areas are classified as low or moderate wildfire risk, and there are no high-risk zones within city limits. The most significant low and moderate-risk areas are located near 6725 Road, including the Brown Ranch and Grove developments. These neighborhoods will be subject to the structural hardening and defensible space requirements outlined in the Wildfire Resiliency Code.

One key aspect of the Wildfire Resiliency Code that directly impacts Montrose is the ability for property owners to request a "ground-truthing" review to challenge or verify their property's fire intensity classification. Section 304 of the code outlines this formal process, which allows local jurisdictions to assess the accuracy of the state's hazard maps based on actual site-specific conditions.

The "ground-truthing" process is an important deviation from the state's hazard maps. It allows property owners to request a local inspection to determine whether the wildfire risk on their property is accurately classified. Factors such as the presence of vegetative fuels within 300 feet of the property, local topography, weather patterns, and fire behavior modeling are all considered during the review. If these conditions suggest that the state's classification is too high, the local jurisdiction can downgrade the property's fire intensity classification.

This local review process provides flexibility in ensuring that the hazard map more accurately reflects the unique conditions on the ground in Montrose. It empowers property owners to present evidence that may lead to a reclassification of their property's risk level, potentially lowering the required structural hardening and defensible space measures.

For Montrose, the adoption of this code means that while the state provides a broad classification, local authorities will have the ability to tailor wildfire risk assessments more

precisely to our community. The "ground-truthing" process offers an important opportunity for ensuring that the final classifications are reflective of actual conditions, providing a more accurate and responsive approach to wildfire risk management. The city will work closely with the Fire District, GIS, and the local community to support property owners through this process and ensure compliance with the new standards.

Proposal:

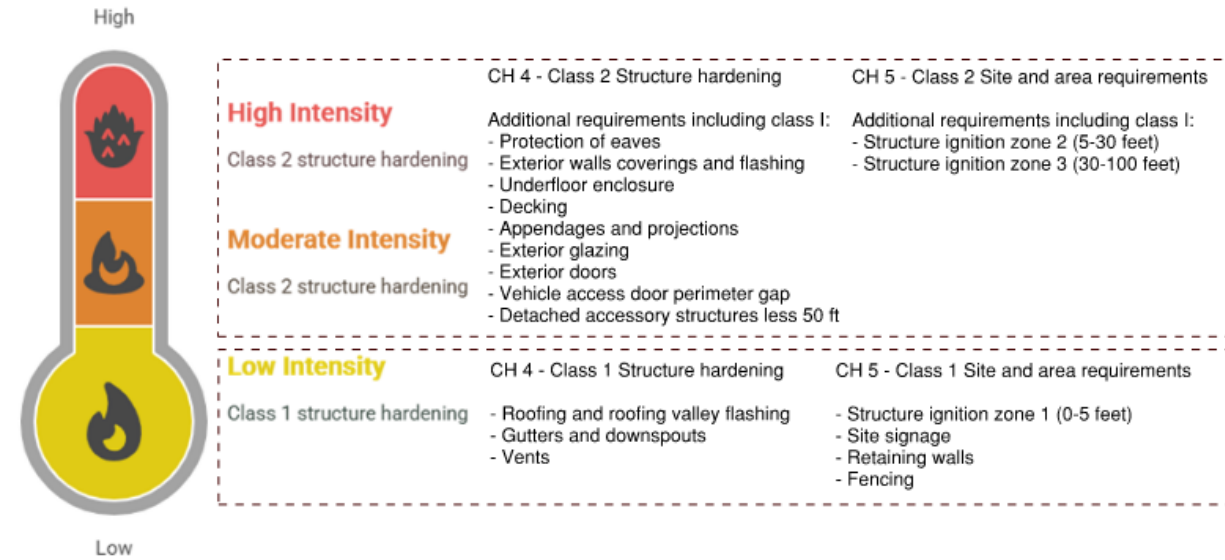
As outlined, the state mandates that all jurisdictions adopt the Colorado Wildfire Resiliency Code by April 1, 2026, with enforcement beginning by July 1, 2026. Given this timeline and the flexibility for deviations through "ground-truthing" reviews, City staff proposes adopting the code by reference into Title 7 (Fire Prevention and Safety) of the Montrose Municipal Code. This will establish minimum standards for structural hardening and defensible space in wildland-urban areas, as outlined by the state.

By adopting these standards, Montrose will align with the state's efforts to reduce wildfire risks, protecting lives, homes, and our local economy. The City's proactive approach, along with the opportunity for property owners to request ground-truthing reviews, will ensure we address local conditions effectively. With collaboration from the community, the Fire District, and GIS, we will work to meet these requirements and enhance wildfire resilience in the risk areas identified by the state's hazard map, building a safer, more resilient future for Montrose.

Exhibit A – Maps and Illustrations

Fire Intensity Classification Requirements

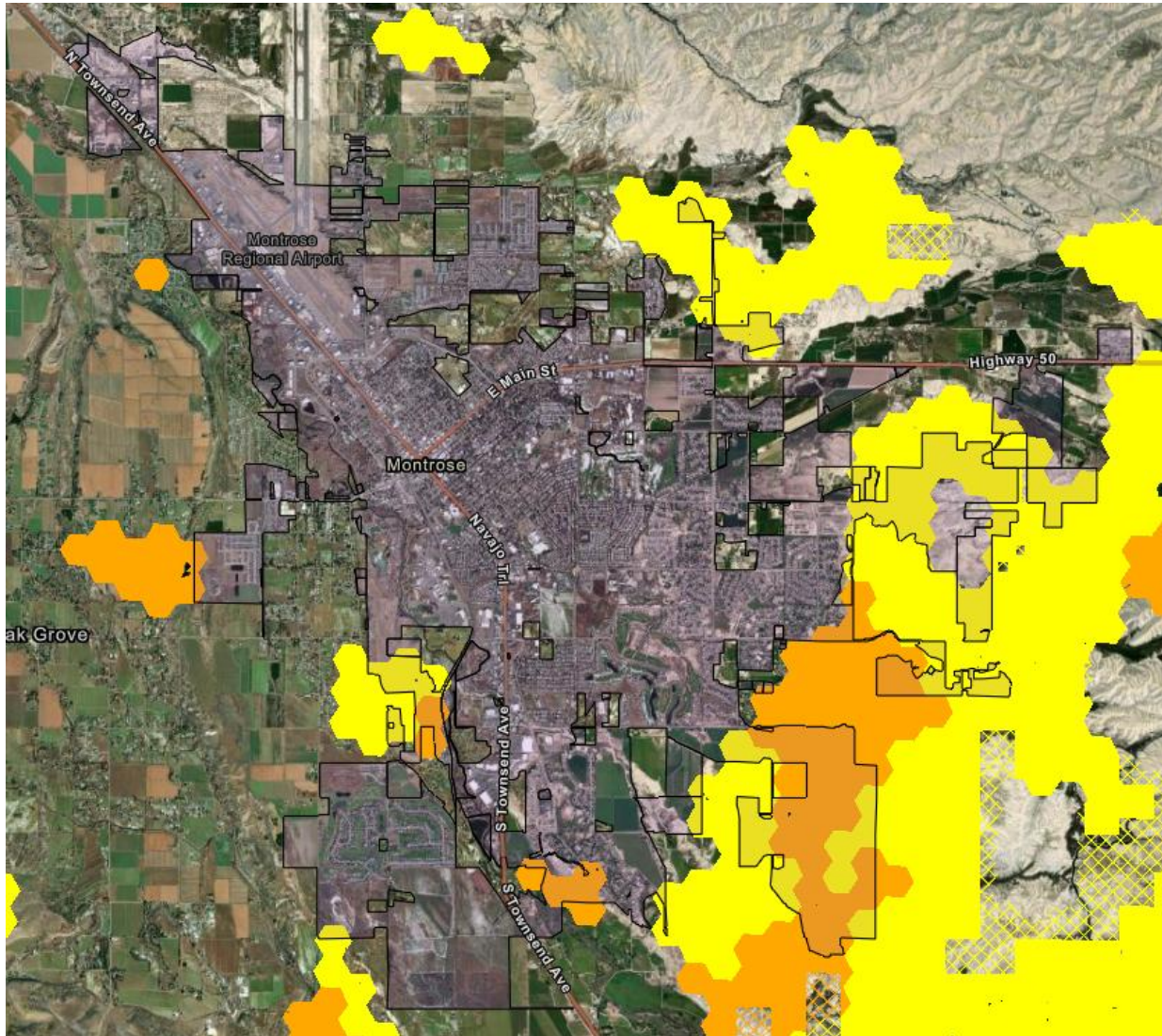
Fire Intensity Classification in accordance with Mapping

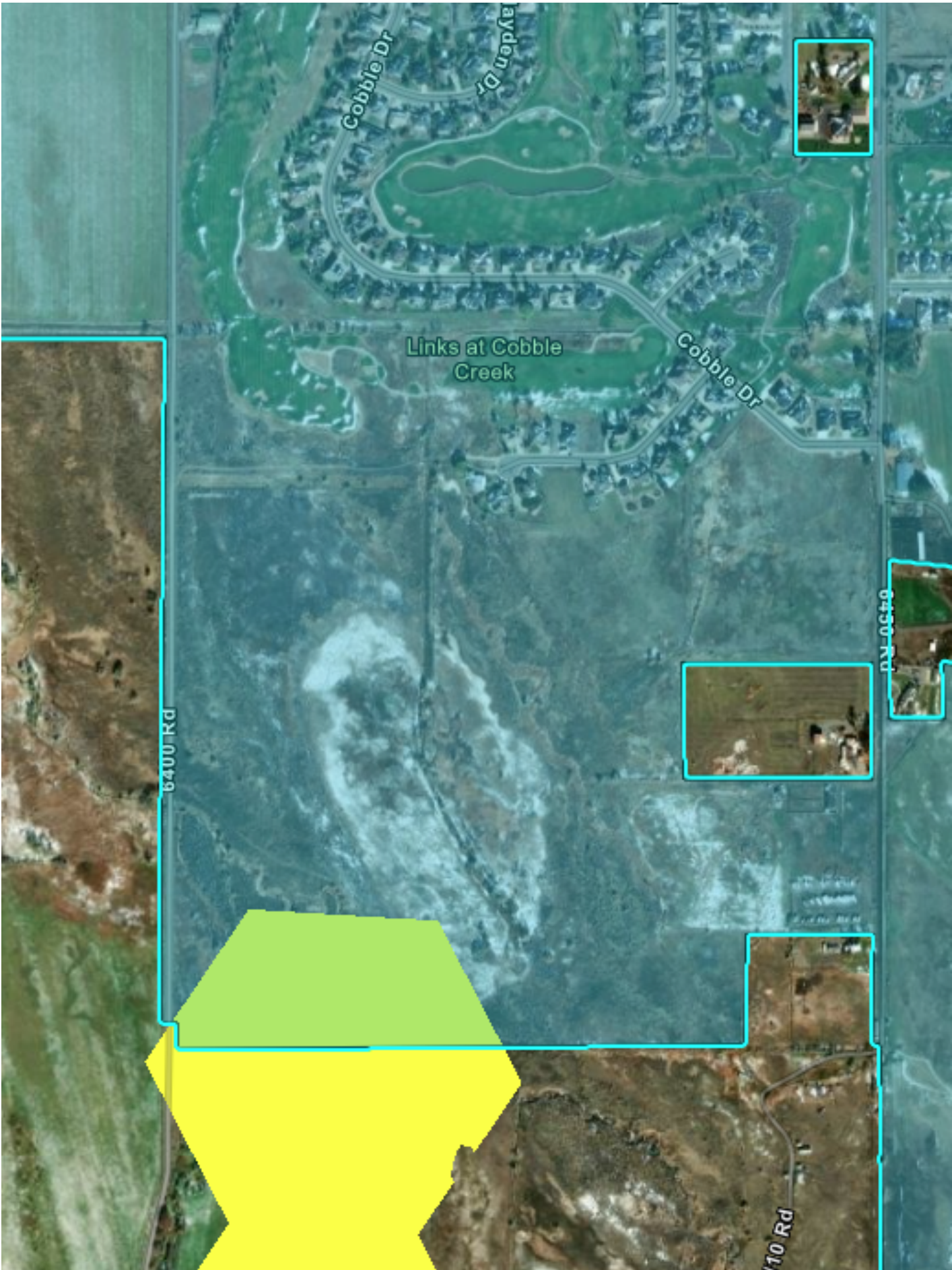


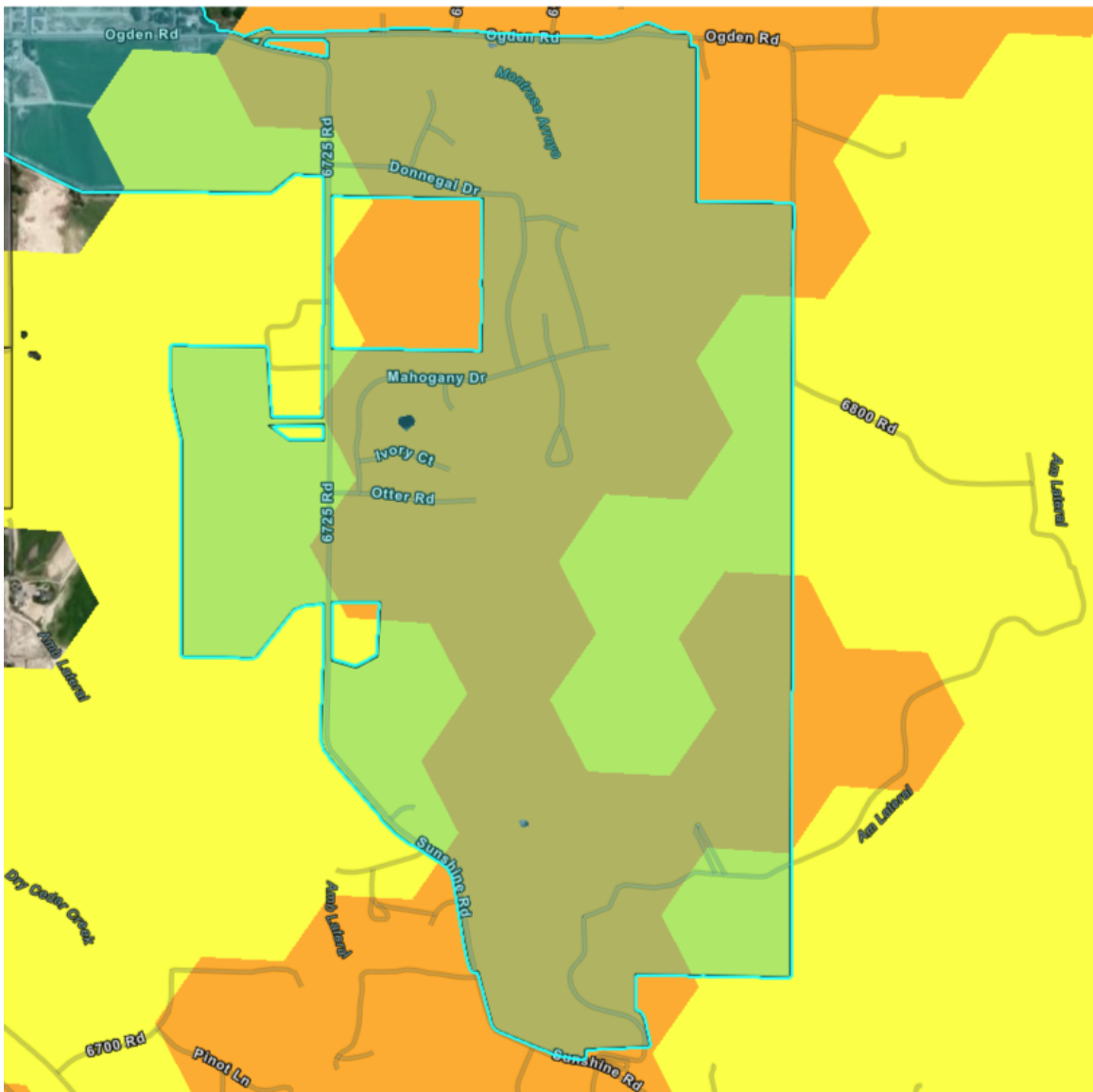
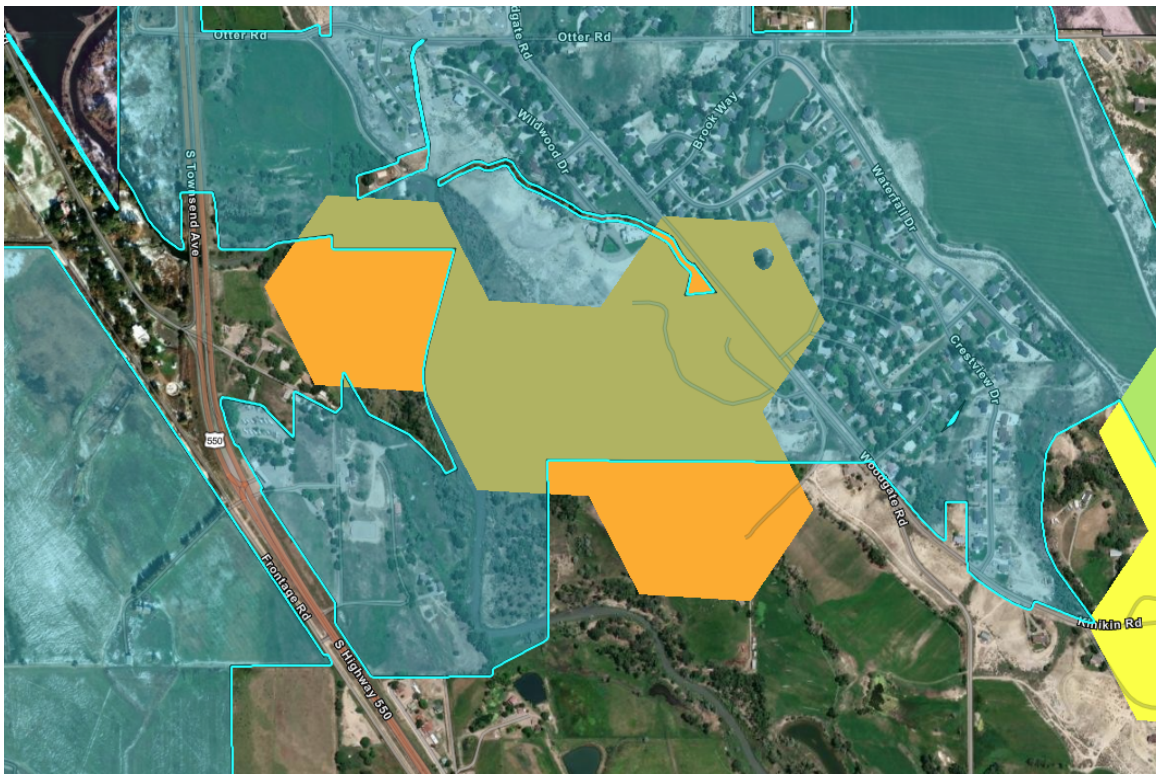
Site and Area Requirements Illustration

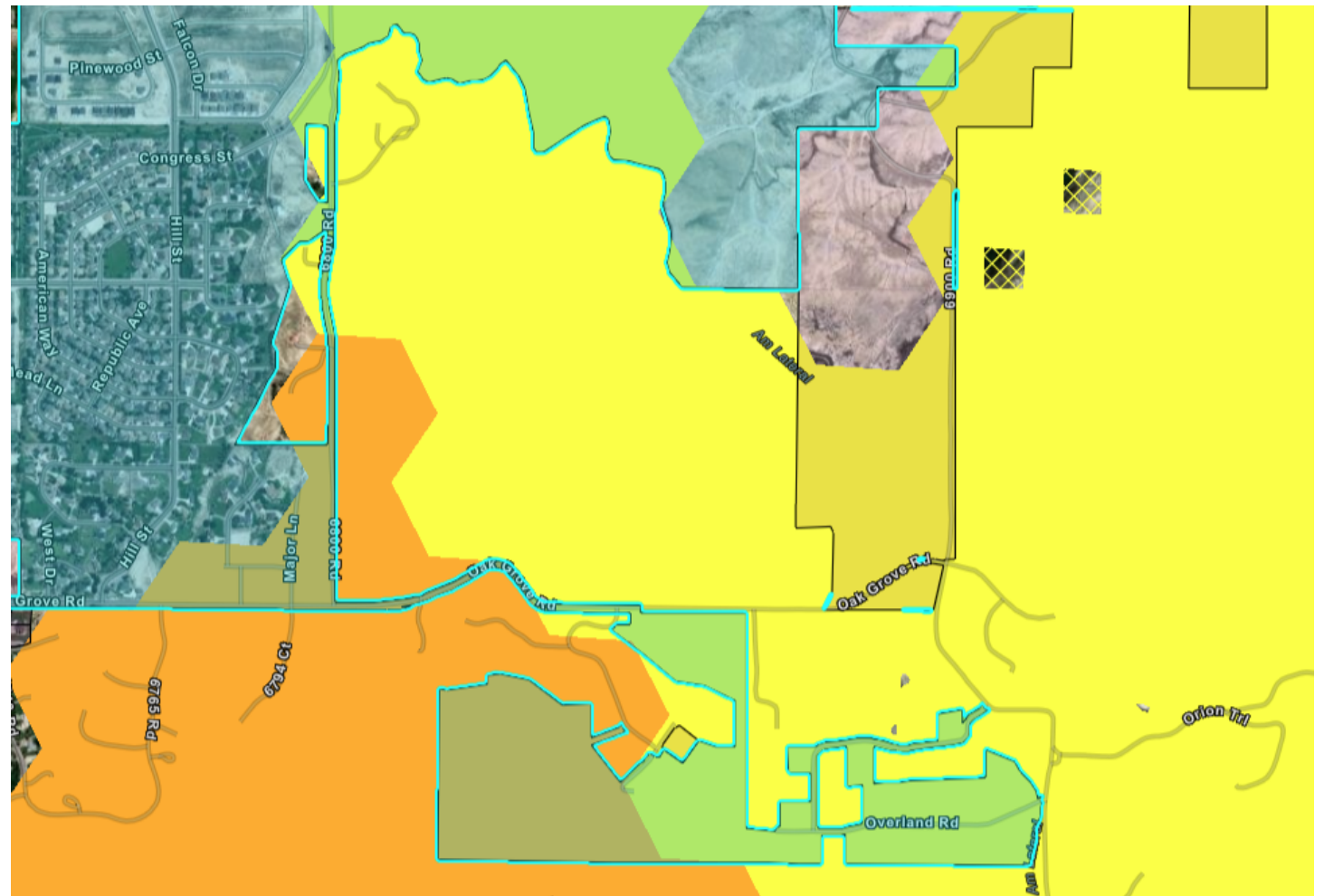
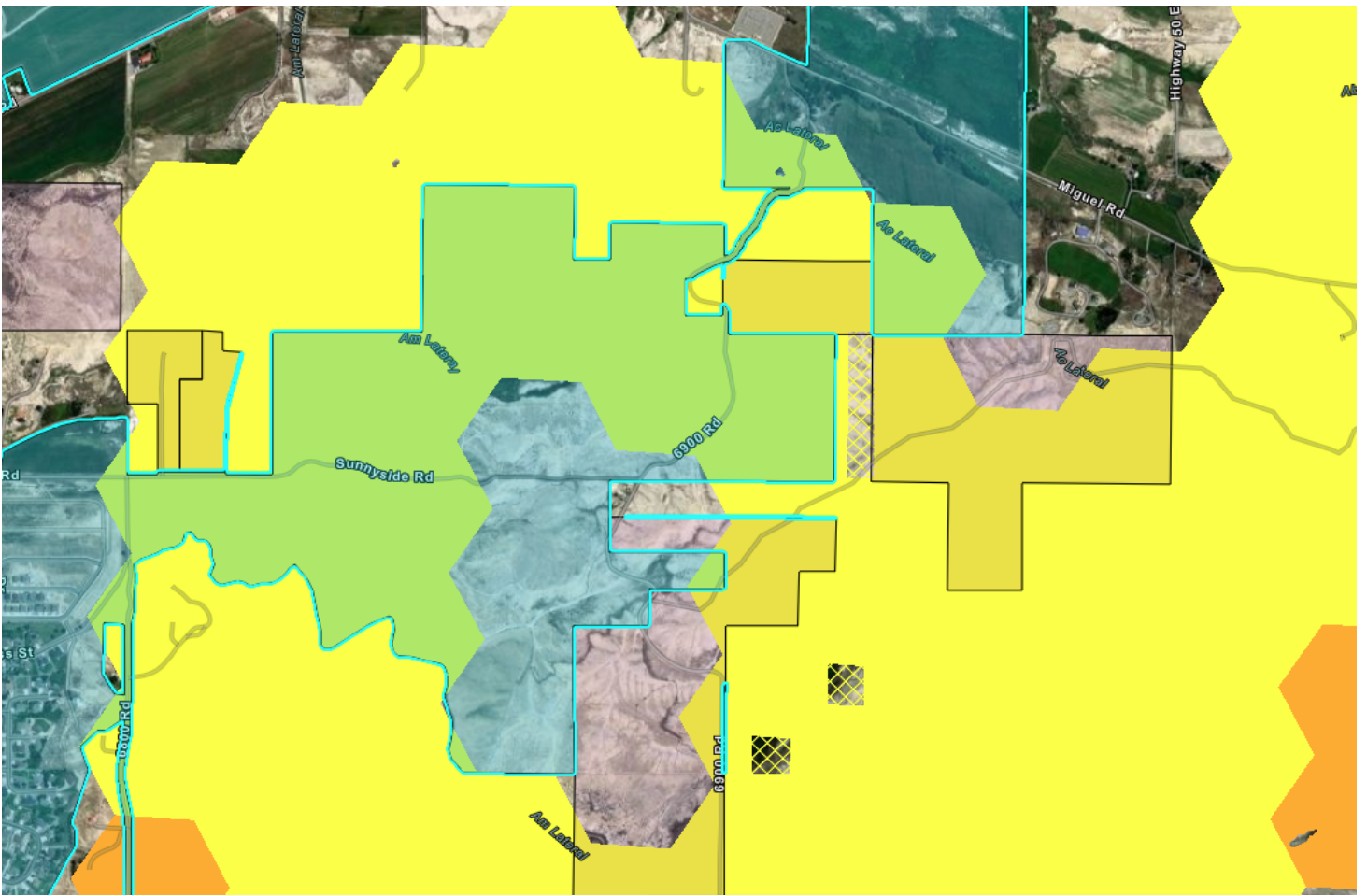


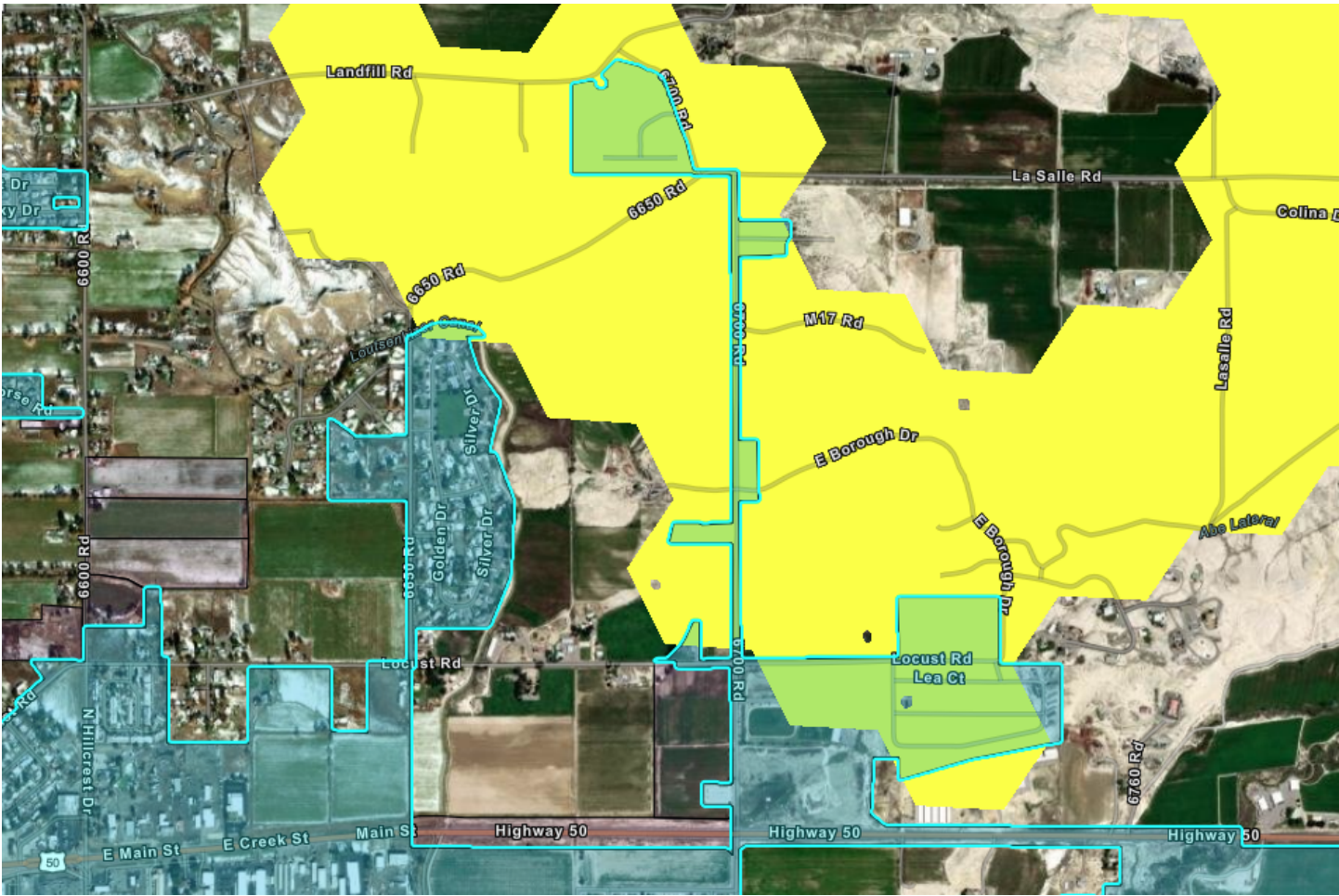
City Limits Map with Wildfire Risk Classifications











ORDINANCE NO. 2707

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING TITLE VII FIRE PREVENTION AND SAFETY AND ADOPTING BY REFERENCE THE 2025 COLORADO WILDFIRE RESILIENCY CODE.

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

WHEREAS, the Colorado Legislature passed Senate Bill 23-166 which created the Wildfire Resiliency Code Board (the “Board”), which was tasked with developing and adopting the Wildfire Resiliency Code; and

WHEREAS, the Board adopted the 2025 Colorado Wildfire Resiliency Code on July 1, 2025; and

WHEREAS, the City of Montrose (“City”) understands the importance of making jurisdictions more resilient to wildfire as Colorado has seen an increase in frequency, intensity, and devastation of wildfires since the early 2000’s, however, the City believes all jurisdictions should have input in the areas that are at risk within their jurisdiction; and

WHEREAS, the City has concerns that the map created by the Board is not accurate and the Board has yet to create a formal process where a municipality may develop its own map for approval by the Board; and

WHEREAS, regardless of its concerns, the City of Montrose (“City”) is required to adopt a code that meets or exceeds the minimum standards of the Wildfire Resiliency Code by April 1, 2026, and begin enforcement by July 1, 2026.

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

SECTION 1:

Section 7-4-1. (B) (Adoption of code.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

(B) There is hereby adopted for the purpose of providing minimum standards to promote resiliency against wildfires, protect persons and property, and to promote the health, safety, and welfare. The 2025 Colorado Wildfire Resiliency Code, excluding all appendices, the subject matter of which is regulations for safeguarding of life and property from wildfire by codifying best practice approaches to hardening structures and reducing fire risk in the defensible space surrounding in the wildland-urban interface.

SECTION 2:

Section 7-4-1. (C) (Adoption of code.) of the Official Code of the City of Montrose, Colorado is hereby added to read in its entirety as follows:

(C) One (1) copy of the aforementioned Codes are on file in the office of the City Clerk and may be inspected during regular business hours. The City will provide information upon request for purchase of an electronic copy of the aforementioned Codes.

SECTION 3:

Section 7-4-2. (B) (General Provisions.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

(B) Whenever the term “jurisdiction” is used in The International Fire Code, 2018 Edition or the 2025 Colorado Wildfire Resiliency Code, it shall mean the City. Whenever the term “code official” is used in the 2025 Wildfire Resiliency Code, it shall mean the City’s Building Division.

SECTION 4:

Section 7-4-5. (A) (Violations and penalties.) of the Official Code of the City of Montrose, Colorado is hereby amended to read in its entirety as follows:

(A) It shall be unlawful to violate any provision of this Chapter, the state electrical code, the International Fire Code, 2018 Edition, the 2025 Colorado Wildfire Resiliency Code, adopted by reference herein, or any stop order or other order issued by the City or the Montrose Fire Protection District pursuant to said Code or this Chapter. Any person convicted of a violation of any provision of this Chapter shall be punished in accordance with Section 1-2-3, of the Official Code of the City of Montrose, Colorado. Each day during which any violation is committed or permitted to continue shall be considered as a separate offense.

SECTION 5:

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

SECTION 6:

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

SECTION 7:

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

SECTION 8:

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

SECTION 9:

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

SECTION 10:

This Ordinance shall become effective April 1, 2026, but shall not be enforced until July 1, 2026.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 3rd day of March 2026, at the hour of 6:00 p.m. at the Elks’ Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 3rd day of March 2026.

ATTEST:

Lisa DelPiccolo, City Clerk

Dave Frank, Mayor

INTRODUCED, READ and ADOPTED on second reading this 17th day of March 2026.

ATTEST:

Lisa DelPiccolo, City Clerk

Dave Frank, Mayor



CITY OF MONTROSE
COMMUNITY EVENTS

MEMO

DATE: February 17, 2026
TO: City Council
FROM: Kathryn Riley, Pavilion and Community Events Manager
RE: Approval Sole Source Wavier Recommendation for 2026 and 2027 4th of July

Community Events requests approval of a sole source waiver for the 2026 and 2027 Fourth of July fireworks displays to ensure vendor availability and continuity of specialized services. Approval is requested for \$63,000 for the 2026 display, which includes a \$3,000 inflation adjustment. The 2027 display is anticipated to be contracted at a comparable cost, subject to future approval.



SOLE SOURCE WAIVER RECOMMENDATION

PROJECT: City of Montrose 2026 and 2027 Fireworks Display
TO: City Council
FROM: Katie Riley
DATE: February 17, 2026



Action

Approval of a sole source waiver to contract with Zambelli Fireworks for the 2026 and 2027 Fourth of July fireworks show, with payment authorized at this time for 2026 only. The 2026 display cost is \$63,000.00, reflecting the 2025 cost of \$60,000.00 plus a \$3,000.00 inflation adjustment. The vendor does not require advance payment for the 2027 display, and pricing is expected to remain comparable to 2026.

Background

Professional fireworks services are highly specialized, with few vendors able to meet municipal safety, insurance, and budget requirements, especially during Fourth of July. Community Events in the past few years have conducted outreach to identify alternative providers; however, availability was extremely limited, and proposals received exceeded budget expectations.

The City contracted Zambelli Fireworks for the first time last year at a cost of \$60,000.00. City staff found the company professional, responsive, and reliable throughout planning and execution, and community feedback on the display was overwhelmingly positive over other years.

Zambelli Fireworks is a nationally recognized, fully licensed, and insured provider capable of delivering compliant, high-quality displays within the City's budget. The projected 2026 cost remains under the approved \$75,000.00 fireworks budget. The 2027 display is anticipated to be comparable to 2026, with a 5 percent increase applied to the \$60,000.00 base cost, plus the \$3,000.00 inflation fee.

Designating Zambelli as the sole source for 2026 and 2027 secures event dates in advance and supports timely coordination with public safety and permitting agencies.

APPROVAL

Approved

Not Approved

Date

Zambelli

FIREWORKS

CITY OF MONTROSE COLORADO

JULY 4, 2026 and 2027



Fireworks Proposal Prepared By

Ernie Simmons

303-570-5135

Cell 863-287-9168

esimmons@zambellifireworks.com

Zambelli

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Display Overview: MONTROSE COLORADO

Show Date: JULY 4, 2026-2027

BUDGET: July 4, 2026 \$60,000.00-16-18 minutes

July 4, 2027 \$62,500.00

Additional tariff charge will be \$3,000.00 each year

Insurance Liability Coverage: \$10 Million dollars (per show coverage) for each Fireworks Display. Zambelli uses the highest insurance premium in the industry with “AAA” rated companies.

Permit/Fire Dept: Zambelli Fireworks will secure all needed permits (unless otherwise specified by the City) and organize plans directly with Fire and Safety Authorities.

Transportation Liability Coverage: \$5 Million dollars as required by United States Department of Transportation. (DOT)

Workers Compensation: Pyrotechnicians will meet all of the requirements of the Workers Compensation Laws of Colorado.

Transportation: Fireworks and equipment will be delivered by qualified CDL drivers with Haz-Mat endorsed licenses as required by US DOT.

Personnel: Zambelli Certified Pyrotechnicians and Trained Assistants; no subcontractors used.

Safety Procedures: Zambelli Fireworks adheres to all safety regulations. NFPA 1123, 1126 and NFPA 160 codes will be strictly enforced.

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FIREWORKS

Montrose Colorado

Opener

10-3" finale salutes

60-3" color finale

12-4" color finale

1-1.5 inch 100 shot multishot cake

Body of Program

180-4" assorted color and pattern shells

180-5" assorted color and pattern shells

63-6" assorted color and pattern shells

8-100 shot assorted color multishot devices

6-400 shot V shape multishot devices

Grand Finale

30-3" finale salute shells

240-3" color finale shells

78-4" color finale shells

30-5" color finale shells

16-6" color finale shells

4199 total shots

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Program Philosophy

Generally speaking there's an opening segment, main body and grand finale of a fireworks display. Just as a great play or movie has various segments that flow together, firework shows are similar type productions that should never leave the audience wanting more or leaving disappointed.

There are fundamental basics that Zambelli Fireworks adheres to, with which we create the best displays in the industry. Some of these fundamentals include:

- **No Dead Air** Just as any TV, radio or Big Screen Production, "Dead-Air" is simply not acceptable. At any given time there will be multiple firings of shots and shells in the air for the display.
- **Shell Size Combinations** A common way for companies to set a show is to shoot all 2 inch shells, then all 3 inch shells, then all 4 inch shells, etc. While this makes it easy for a technician, it is simply boring. Zambelli technicians are trained to set shows to create the ultimate in shell combinations for the various firing sites. For example, firing two 3 inch Gold Kamuro Willow shell (400 ft.) and six 2.5 inch Purple Dahlias is a great, beautiful combination. Firing two 3 inch Pink strobing lights and six 2.5 inch white strobing lights within seconds offers up to 8 seconds of beautiful strobos covering 200 to 400 ft in the air.
- **Rhythm and Intensity** Just as many movies have a loud, action-packed car chase one moment followed by a romantic scene the next moment, fireworks productions also need to flow. A show that is too fast or too slow can get monotonous. Zambelli designs shows that one moment are a constant barrage of colors and booms while the next moment may be soft horsetail golden willows fluttering down from the sky one-by-one.
- **Finales** There's a major art to shooting a spectacular finale. Many people think a finale is simply shooting a lot of shells. While true from a quantitative standpoint, a finale must make sense in order to entertain most effectively. Zambelli designs finales that start slower and lower. For example, 3 inch peony finale shells fired every half-second for 20 seconds may then grow in intensity to include white or silver glittering for the next 20 seconds. Then larger 4 inch blue cracking spiders take over while 3 inch white coconut trees are laying the ground cover. Finally the 100 3 inch multi-color crossettes are covering the sky while the 3 inch titanium salutes are rumbling the skies for miles.



Details of Proposed Show Segments

OPENING: An opening barrage is designed to attract the attention of the audience and entice them to pay attention..."The show has just begun!" The opening barrage for your event will certainly impress as a barrage of assorted colors, effects, and noise shells fill the night's air.

The purpose of the opener is to impress on your audience that they are about to see something spectacular. A well-designed Zambelli opener will grab the crowd's attention and prepare them for a wonderful fireworks display.

FEATURE PRESENTATION: The main body of the fireworks display should not be just one shell fired one after another. It's about rhythm, timing, and choosing the perfect effects to complement one another to build themes. Some fireworks shells are designed to be extremely intense while others are designed to slow the pace down with beautiful, softer effects. The design team hand picks every display shell used to ensure a wonderful variety of effects. The audience will never see the same combinations of shells fired in a Zambelli production.

Different size shells will be breaking simultaneously throughout the display. This allows us to vary the intensity of the show, but more importantly create beautiful canvases of color and effect in the sky, that stimulate both visually and audibly.

BARRAGES OF MULTI-SHOT DEVICES: Multi-shot devices or barrage cakes are used to add to the dynamics of the show. Zambelli Fireworks uses only the highest quality Barrages with innovative effects, colors, and angles. These devices incorporate effect sizes from 1" to 2".

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FIREWORKS

GRAND FINALE: and it will be GRAND!

Human nature is to remember things last experienced. The Grand Finale is what people will remember the most about a fireworks production. A poor finale will leave an audience disappointed. Zambelli Fireworks has a long tradition of supplying the best and biggest finales in the industry. It will be loud, it will be full of vibrant colors, it will be long, and it will leave a lasting impression. Hundreds of shots and effects of multi-color shells, gold and silver sparking lights, gold brocade crown shells and other effects coupled with chest-pounding titanium-salutes will be the magical ending of the grand display. The finale will be fired from multiple positions with dynamic angles. The incorporated shells, with multiple different sizes and effects, will cover every inch of sky from 150 to 300 ft in the air.

The Finale will be LARGE, but classy. Effects will be fired at angles to light up a larger portion of the sky rather than create an area of overlapping colors. After an intense array of colors, effects, and sounds, the final few seconds of the Display will fire a barrage of gold hanging effects that will linger in the sky well after the last shell breaks.

Products:

Zambelli Fireworks carries an inventory of display shells that is more than 2,000 unique shapes, colors, patterns or varieties from nearly a dozen manufacturers. During the 2015 July 4th display season Zambelli fired more than 1,200 different types of unique shells during the opener, body and finale of shows. It would be next to impossible to discuss every single shell in detail and provide information on each one.

Zambelli chooses fireworks from a number of different manufacturers from around the world to provide audiences with both unique and creative products. Sunny, PyroEast, Vulcan, Dominator and Dancing products all come from premium Chinese manufacturers. Cabeller shells are very premium Spanish shells. Panzera from Italy make the best multi-shot shells and roman candles in the industry. Hosoya Japanese shells provide some of the best willow and kamuro shells in the world. Lastly, Zambelli still manufactures shells, some of which will be seen during the display.

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FIREWORKS

WHY CHOOSE ZAMBELLI?

Zambelli Fireworks prides itself on being able to provide the largest “bang for your buck.” We have a Colorado network which is unrivaled in the industry. With our offices in Denver, a permanent storage facility in Aurora, and technicians around the state, Zambelli can pass the savings these local facilities provide, onto you. We can offer more shells, regular site visits for safety, and local technicians and management to ensure you receive the best production possible.

Zambelli Fireworks believes in honesty and integrity as a core company philosophy. We invite, and encourage, our clients to audit our firing sites for quality and quantity of our fireworks and equipment.

Experience and Qualifications

Proudly known as the "First Family of Fireworks," Zambelli Fireworks is one of the oldest and largest American fireworks companies.

The corporate headquarters and main plant operations are based in New Castle, PA. The southeast regional office is located in Boca Raton, FL, the western office is located in Bakersfield, CA, the central US office is in Denver Co. Zambelli Fireworks currently employees over 40 full-time individuals and thousands of trained, qualified pyrotechnicians. All full-time staff and technicians working with your display will be fully trained, federally approved, Zambelli employees.

The Zambelli family has manufactured the highest quality fireworks and has presented artistic excellence in fireworks displays for over 100 years.

The Zambelli name is recognized and respected, worldwide. Competitors strive to achieve the name recognition that Zambelli Fireworks commands today.

Zambelli

FIREWORKS

Zambelli Fireworks is known worldwide for setting the industry standard in show design and technology.

George Zambelli, Sr. was the pioneer of Zambelli Fireworks for over 65 years. His father, Antonio Zambelli, brought the artistry to New Castle, PA from Italy.

George Zambelli Jr., current Chairman of the Board, is carrying on the Family Tradition of "Lighting Up the Skies!" The Zambelli family and year-round professional staff of technicians, designers, office staff and administrators are here to assist and guide you in the development and implementation that is specific for your fireworks event. We have a team of individuals ready to make your event an extreme success.

Many of the most sought-after master pyrotechnicians in the industry are longtime employees of Zambelli Fireworks.

Experience means quality. Zambelli Fireworks is proud to have a number of individuals who have made long careers within the pyrotechnics industry. The Senior Plant Manager has over 35 years experience in fireworks, the Senior Choreographer/Show Designer has over 25 years experience in fireworks, and the Senior Product Manager has over 25 years experience choosing the highest quality shells and equipment. These individuals' dedication to the artistry of pyrotechnics creates a scenario for quality fireworks shows for every client, large and small.

There's a tremendous dedication to technician training to ensure the most safe display with the highest quality production.

All of our display technicians have attended Zambelli Fireworks' extensive training program and have met all of the rigid safety procedures, which exceed state and federal requirements. We offer a number of different training courses with extensive classroom

and hands-on training, per year, around the country. New technicians must also work alongside experienced technicians to gain competence and meet the highest safety, regulatory, and overall performance standards.

Zambelli Fireworks exists as the largest fireworks company in the United States for one reason...customer service and satisfaction EVERY SHOW!

Zambelli Fireworks is proud to be the largest fireworks company in the United States. However, we cannot rest on our laurels by simply being the largest. We must prove our quality and customer satisfaction to every client, on every show, every time. Clients trust us to successfully produce thousands of displays every year. Our goal is to outperform with every show, large or small.

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COMPANY EXPERIENCE:

Internationally Known Programs

The Statue of Liberty, Super Bowls, Presidential Inaugurations, Visits of Kings and Queens, Times Square New Years Eve, Mount Rushmore, Washington D.C. and New York City Fireworks displays, Kuwait Display for the Troops in the First Gulf War and many more historical events.

Top U.S. Festivals and Civic Celebrations

Thunder Over Louisville/Kentucky Derby Festival, Minneapolis Aquatennial, Pittsburgh 250th Anniversary, Boise Riverfest, Macon Cherry Blossom Festival, the North Carolina State Fair, Canton Football Hall of Fame, Tampa Gasparilla Celebration, the Florida State Fair and many more.

Sports Franchises and Venues

MLB World Series, NFL Super Bowl, Detroit Tigers, Pittsburgh Pirates, Baltimore Orioles, Colorado Rockies, Florida Marlins, Atlanta Braves, Washington Redskins, Pittsburgh Steelers, Tampa Bay Bucs, Miami Dolphins, Ft. Myers Miracle, Carolina Mudcats, Buffalo Bison, Charleston Riverdogs, Winston-Salem Wart Hogs, Louisville Bats, Clemson University, University of Miami, ACC Championship Game (Tampa), St. Petersburg Bowl (Tropicana Field) and a number of other College and HS Football venues.

Colorado Displays

Colorado Rockies, Colorado Rapids, Colorado Outlaws, City of Aurora, City of Arvada, City of Thornton, Town of Idaho Springs, Fiddlers Green, Elitch Gardens, Steamboat Springs Ski Resort, I25 Speedway, City of Cripple Creek, City of Longmont, Canon City, City of Westminster, City of Durango, City of Ft. Collins, Downtown Denver New Years Eve Program, C Lazy U Ranch, Ute Mountain Casino, as well as many corporate and private events.

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FIREWORKS

Your Personalized Zambelli Fireworks Team and Technicians

Ernie Simmons
Operations Manager
Senior Project Manager
863-287-9168 cell
epsimms@aol.com

esimmons@zambellifireworks.com

Ernie has worked with Zambelli Fireworks since 1978 designing, shooting and training technicians. His primary roles include training both fireworks technicians and Fire Marshals/Safety Officials, and of course lead technician on dozens of shows annually.

Jerry Jones
Facilities Manager
Senior Technician
303-845-2620

Jerry has over 25 years experience as a technician and manages our Colorado storage facility.

Danielle Fredrickson
Senior Customer Service Manager
561-395-0955

daniellefredrickson@zambellifireworks.com

Danielle is the person who works behind the scenes to make everything regarding the fireworks show logistics come together. She will work on the permit applications, certificates of insurance, technician coordination, area site maps, and can answer any question you may have regarding your fireworks display.

Zach Taminosian
Senior Designer/Choreographer
561-395-0955 office
239-225-8012 cell

zach@zambellifireworks.com

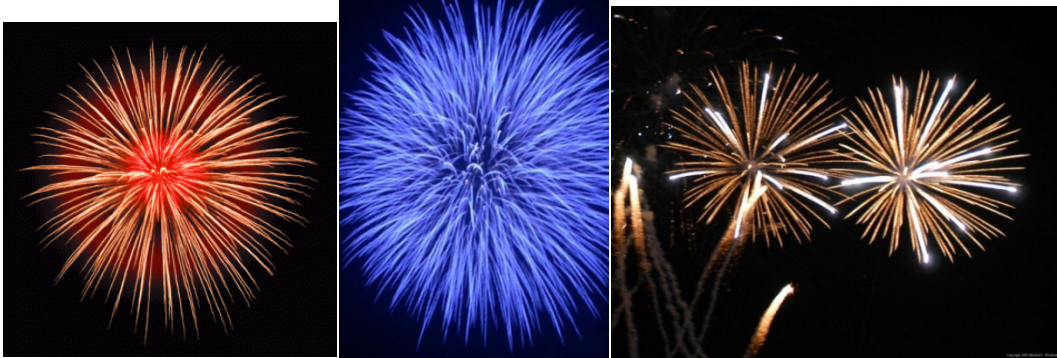
Zach has worked for Zambelli Fireworks for more than twelve years. His in-depth knowledge of show design and choreography is second-to-none. He is tasked with designing some of the largest displays in the United States. Zach also works tirelessly to buy the best fireworks from around the world.

Zach just recently designed and produced the winning program representing the United States in the International Fireworks Competition for 2016 in Calgary. Zach also just won the 2024 International Competition in Calgary.

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FIREWORKS

Chrysanthemums



Description: Typically a spherical break of colored stars that leave a trail or sparks behind. May include pistils (center multi break stars) or other features such as multi-colored, half and half, cracking, etc.

Body

Red Chrys
Green Chrys
Yellow Chrys
Blooming Silvery Chrys
Blue Chrys
Red, White and Blue Chrys
Green to Purple Chrys
Varied Colorful Flowers
Multi-Color Chrys
Golden Chrys w/rising tails
Silver to Purple Chrys
Glittering Silver to Red Chrys
Purple Chrys with White Pistil
Red Chrys with white Pistil
Gold Wave to Red/Blue Chrys

Red to Blue Chrys.
Silver to Green Chrys.
Gold Chrys. w/ rising tails
Glitter Silver to Red Chrys
White Twinkling Chrys.
Spangle Chrys. w/rising tails
Orange Chrys. w/rising tails
Purple Chrys
Yellow Chrys
Silver Chrys w/rising tails
Silver to Green Chrys
Variegated Rainbow Chrys
Green Chrys with Green Pistil
Silver and Gold Chrys
Multi-Color Chrys to Popping Flowers

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FIREWORKS

Peonies



Description: Typically a spherical break of colored stars that leave no trail or sparks behind. May include pistils (center multi break stars) or other features such as multi-colored, half and half, cracking, etc.

Body

White Peony
Silver Wave to Purple Peony
Yellow Peony
Purple Peony w/Gold Palm
Variegated Peony (rainbow)
Red, White and Blue Peony
Silver to Red Peony
Orange Peony
Silver Wave to Blue Peony
Red to Silver Peony
Golden Peony
Red and Green Peony
Color Changing Peony
Popping Peony (Red)
Half Blue Half Red Peony
Half Green Half White Peony
Pink Peony
Green to Silver to Blue Peony

Blue Peony w/Blue Palm Tree.
Multi-Colored Peony
Green Peony w/Gold Palm Tree
Red to Blue Peony
White Peony w/Blue Pistil
Glittering Peony
Silver to Blue Peony
Half Green Half White Peony
Silver Wave to Purple Peony
Green to Purple Peony
Blue Peony w/titanium reports
Blue to Silver Peony
Sparkling Peony w/Pistil
Popping Peony (White)
Half White Half Red Peony
Golden Waves to Purple Peony
Brilliant Orange Peony
Red to White to Blue Peony

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FIREWORKS

Crossettes



Description: A crossette is a unique shell that breaks into 6 or 8 arms. Then, after some delay, those arms again break into multiple arms criss-crossing each other in a grid-like fashion throughout the sky. Larger caliber shells may even have a third break in all of the arms.

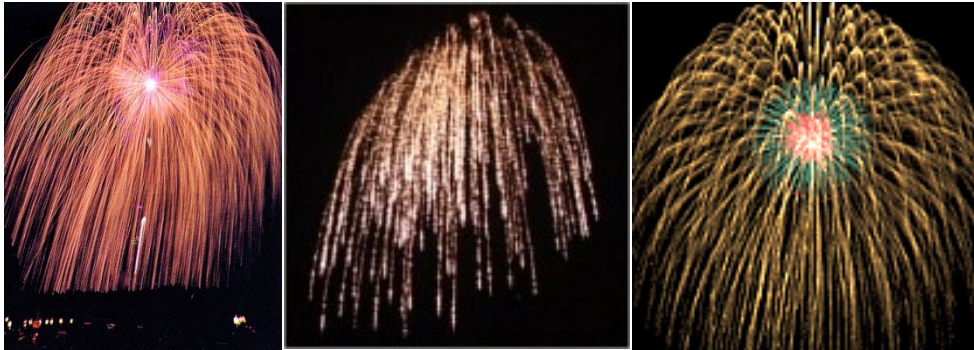
Blue Crossettes
Red to Blue Crossettes
Variegated Rainbow Crossettes
Crackling Crossettes
Red to Green Crossettes
Green to Purple Crossettes
Red Crossette Palm Tree
White Flitter Crossettes

Green to Blue Crossettes
Silver Crossettes
Purple and White Crossettes
Gold Crossettes w/rising tails
Green Crossette w/green Tails
Rainbow Crossettes w/red Tails
Blue Crossette Palm Tree
Silver Crossettes

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FIREWORKS

Duration/Lingering Effects (Willows, Brocades, Kamuros)



Description: A Long Duration/Lingering Effect is like a Chrysanthemum but burns slowly to the ground leaving a trail of aerial spark dust. These shells are many times gold or silver with various color tips, color changing, or have various colored centers. Zambelli uses many long duration effects at the end of finales to create a sky of gold or silver.

Twilight Glitter w/Purple
Brocade Crowns
Brocade Crown to Purple
Variegated Falling Leaves
Long Duration Kamuro
Pixie Dust Willows
White Poca Shells

Twilight Glitter w/Red
Long Duration Red Falling Leaves
Brocade Crown to Red
Purple Falling Leaves
Super Brocade Crowns
Ultra-Long Duration Gold Kamuro
Gold Poca Shells

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FIREWORKS

Dahlias



Description: A Dahlia shell is like a peony but uses dramatically larger and fewer stars to create brighter, wider trails of sparks through the air. They are typically very bold, defined colors used to mix up the pace of a show. They many times are also used in finales.

Assorted Color Dahlia
Green Dahlia w/Pistil
Yellow Dahlia w/Pistil
Pink Dahlia
Gold Strobe Dahlia
Red Strobe Dahlia
Variegated Dalia
Purple and Red Dahlia

Blue Dahlias w/Pistil
Red Dahlia w/Pisitl
Red and Blue Dahlia
Silver Dahlia
Blue Strobe Dahlia
Purple Strobe Dahlia
White Dahlie w/Purple Tips
White Dahlia w/Red Tips

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FIREWORKS

Patterns



Description: Pattern shells come in a variety of shapes, sizes and depictions. Most notable shapes are shells with stars in patterns of hearts, smile faces, Saturn or other planet blasts, 4-leaf clovers, wagon wheels, etc.

Red Palm Trees
Red Hearts
Green to Purple Ring
Octopus Shells
Saturn Rings
Smile Faces
Green to Blue Crossing Rings
White/Red Bowtie in Ring

Blue Palm Trees
Triple Rings
Saturn Blasts
Meteor Rings
Crackling Palm Trees
Triple Rings w/scattering stars
Half White Half Purple Ring

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FIREWORKS

Specialty Shells



Description: There's a variety of specialty, premium shells that include horsetail willows, scattering stars, bees, falling leaves, Palm Trees and other unique designs and effects.

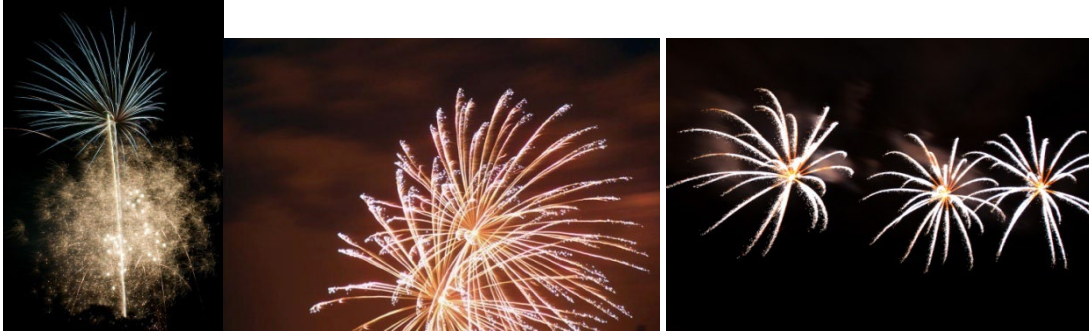
Silver Bees
Horsetails
Large Silver Whirls (Serpents)
Trees of Many Colors
Peacock Feathers
Thousands of Gold Waves
Peacock Tails
Silver and Purple Strobes
Treasure Chests
Green Magnesium to Fast Strobe
Multi-Color Shell of Shells

Blue Bees
Aluminum King Shells
Blue and Red Spiders
Kaleidoscopes
Gold Sparkling Kamikazes
Thousands of Red Waves
Red, White, Blue Dragon Eggs
Popping Flowers
Red Shell of Shells
Green Shell of Shells
Tourbillion and Multi-Color

Zambelli

FIREWORKS

Specialty Noise



Description: Noise shells come in many different types. The most popular are cracking, whistling or screamers, thousands of popping flowers, and the extremely loud titanium salutes.

Cracking Delight
Diamond Screamer Whistles
Crackling Double Rings
Crackling Coconut Trees
Twice Crackling Rain
Blue Crackling Flowers
Artillery Titanium
Gold Crackling Chrys

Serpents with Reports
Large Silver Screaming Whirls
White and Green Scattering
Blue Crackling Spiders
Tourbillion w/Reports
Green Crackling Flowers
Thundering Tourbillions
Whistles and Stars

Zambelli

FIREWORKS

Barrage Cakes



Description: Barrage Cakes or Multi-shot devices are designed to significantly enhance fireworks displays by adding hundreds of rapid-fire shots of various effects. They are mainly used to create tableaus in tandem with aerial shells breaking around the multi-shot devices. Below are an example of the various types and designs.

- | | |
|--|---------------------------------------|
| 35 Shot White Flitter Comet Box | 119 Shot Rapid Fired Gold Comets |
| 35 Shot Red Crossette Fan Box | 192 Shot Fast Pearl Zippers |
| 35 Shot Thunder Tourbillion Fan Box | 96 Shot Peacock Tails |
| 35 Shot Dragon Eggs w/Tails | 140 Shot Silver Rain |
| 36 Shot Silver Fish with Tourbillion | 80 Shot V-Shape Silver Coconuts |
| 36 Shot Assorted Colorful Falling Leaves | 80 Shot V-Shape Rainbow Chrys. |
| 36 Shot Gold Twinkling Kamuro Box | 200 Shot Whistling Comets |
| 36 Shot Red and Blue Crossettes | 70 Shot Z-Shape Midnight Snow |
| 49 Shot Red and Silver Moons | 400 Shot V Shape Rapid Fire Box |
| 49 Shot Red Crackling Tails | 408 Shot Zipper Rapid Fire Box |
| 49 Shot Silver Crossettes | 300 Shot Finale Comet Box |
| 49 Shot Red and Green Crossettes | 665 Shot Silver Barriers |
| 100 Shot Hammer Boxes | Angle Wipe Devices – (various angles) |
| 100 Shot Brocade Crowns | Zipper Curtain Devices |
| 100 Shot Blue Crossettes with Tails | Zipper Chase Devices |
| 100 Shot Variegated Peonies | Fan Chase Devices |
| 136 Shot W Shape Purple Kamuro | 136 Shot W-Shape Silver to Green |
| 300 Shot 8 Shape White Strobe | 300 Shot 8 Shape Red Pear Comets |
| 372 Shot W-Shape Golden Willow | 408 Shot Z Shape Lime Green Pearl |

Zambelli

FIREWORKS

References

City of Thornton

Contact-Chris Steinke 720-977-5939 email chris.steinke@cityofthornton.net

2211 Eppinger Blvd.

Thornton Co. 80229

Colorado Rockies Baseball Club

Contact-Beverly Coleman 303-312-2245 email Beverly.coleman@rockies.com

2001 Blake Street

Denver Co. 80205

Steamboat Springs Ski Resort

Contact Nelson Wingard 970-871-5386 email nwingard@steamboat.com

2305 Mt. Werner Circle

Steamboat Springs Co. 80487

City of Aurora Co.

Contact-Joshua Strum 303-739-7163 email jstrum@auroragov.org

15151 East Alameda Parkway

Aurora Co.

PURCHASE RECOMMENDATION

TO: Honorable Mayor and Members of the City Council
FROM: General Services Superintendent, Mace Jensen
DATE: February 10th 2026
RE: Purchase of 300 Gallon trash containers
CC: William Bell, Ann Morgenthaler, Jim Scheid



Action

Consider approving the purchase of 150, 300 gallon trash containers with extra lids and hardware in the amount of \$72,460.00.

Background

The City of Montrose currently keeps an inventory of 300 gallon trash cans on hand for the use of the non residential solid waste customers. We currently are down to the last 20 containers in our inventory. The 300 gallon trash containers will be added to the City's inventory and removed as the cans are put into service. We are currently replacing much of the old 350 gallon inventory stock with the new 300 gallon inventory stock. We are also adding extra container lids to our inventory to replace damaged cans as needed.

The quote received is as follows:

Vendor/Location	Cost
Snyder Refuse	\$72,460.00

Net Financial Impact

This purchase has been quoted at \$72,460.00 and will only be removed from inventory as the receptacles are put into service. The original purchase will be charged to an inventory account. The solid waste division will remove them from inventory as they are distributed and budgeted \$80,000 for new trash receptacles for 2026.





CITY OF MONTROSE

SOLE SOURCE WAIVER REQUEST

REQUESTING DEPARTMENT: Public Works Solid Waste Division **DATE:** 2/10/2026
REQUESTED BY: Mace Jensen **BID NO.:** _____
VENDOR NAME: Snyder Refuse **COST:** \$72,460.00

JUSTIFICATION

(INITIAL ALL ENTRIES THAT APPLY TO REQUEST)

PRODUCT OR SERVICE DESCRIPTION: 300 Gallon Trash Containers

1. _____ Vendor is the original equipment manufacturer and there are no regional distributors.
2. _____ The product, equipment or service requested is clearly superior functionally to all other similar products, equipment or service from another manufacturer or vendor.
3. X _____ The over-riding consideration for purchase is compatibility or conformity with City-owned equipment in which non-conformance would require the expenditure of additional funds.
4. _____ No other equipment is available that shall meet the specialized needs of the department or perform the intended function.
5. _____ Detailed justification is available which establishes beyond doubt that the vendor is the only source available to provide the item or service required.
6. _____ Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.

I recommend that competitive procurement procedures be waived and the product or service described herein be purchased as a sole source.

DEPARTMENT HEAD AUTHORIZATION: _____

	Authorized Signature	Title	Date
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FINAL AUTHORIZATION:	City Council Approval Required (\$50,000 +)	YES	NO
	City Manager Approval Required (up to \$50,000)	YES	NO

MANAGER/COUNCIL AUTHORIZATION: _____

	Authorized Signature	Title	Date
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Attach detailed justification documentation

PURCHASE RECOMMENDATION

TO: Honorable Mayor, and Montrose City Council
Cc: William Bell, *City Manager*; Shani Wittenberg, *Finance Director*
Jim Scheid, *Public Works Director*
FROM: Nikolas J. Pridy, *Streets Division Superintendent*
DATE: February 17th, 2026
Subject: Crack Seal Material Purchase and Sole Source Recommendation



Action

Consider approval of the purchase of crack seal material from DISSCO (Denver Industrial Sales) for the City's Streets crew in the amount of \$80,000.00.

Background

The City of Montrose Streets Division is preparing for the upcoming crack seal season that will be self-performed. This includes 31.3 lane miles of streets that will be crack-sealed in maintenance Zone G of our Street Maintenance Plan (attached for reference). The material to be utilized and purchased is specific to our area and local climate. The City has utilized this specialized Low Tack, Type 1, material from Denver Industrial Sales & Service Company for the last several years with great results. For performance, compatibility, and warranty with existing equipment, we are requesting the authorization of Sole Source waiver for purchasing this material. The pricing provided is comparable to that of other crack seal materials and to what has been purchased in years past by the City of Montrose Streets and Engineering Divisions.

Net Financial Impact

In the 2026 Budget, \$80,000.00 was budgeted for crack seal material under GL 100.5115.223.000 (Asphalt Line).





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CITY OF MONTROSE
SOLE SOURCE WAIVER REQUEST

REQUESTING DEPARTMENT: Public Works, Street Division **DATE:** 1/20/2025

REQUESTED BY: Nik Pridy, Street Division Superintendent **BID NO.** N/A

VENDOR NAME: Denver Industrial Sales & Service **COST:** \$80,000.00

JUSTIFICATION

(INITIAL ALL ENTRIES THAT APPLY TO REQUEST)

PRODUCT OR SERVICE DESCRIPTION: Crack Seal Material (546 Low Tack Type 1, PlexiMelt)

1. _____ Vendor is the original equipment manufacturer and there are no regional distributors.
2. X _____ The product, equipment or service requested is clearly superior functionally to all other similar products, equipment or service from another manufacturer or vendor.
3. _____ The over-riding consideration for purchase is compatibility or conformity with City-owned equipment in which non-conformance would require the expenditure of additional funds.
4. _____ No other equipment is available that shall meet the specialized needs of the department or perform the intended function.
5. _____ Detailed justification is available which establishes beyond doubt that the vendor is the only source available to provide the item or service required.
6. _____ Detailed justification is available which proves it is economically advantageous to use the product, equipment or service.

I recommend that competitive procurement procedures be waived and the product or service described herein be purchased as a sole source.

DEPARTMENT HEAD AUTHORIZATION: _____	PW Director	1-07-2025
Authorized Signature	Title	Date

FINAL AUTHORIZATION: City Council Approval Required (\$50,000 +)	YES	NO	
City Manager Approval Required (up to \$50,000)	YES	NO	

MANAGER/COUNCIL AUTHORIZATION: _____	Title	Date
Authorized Signature		

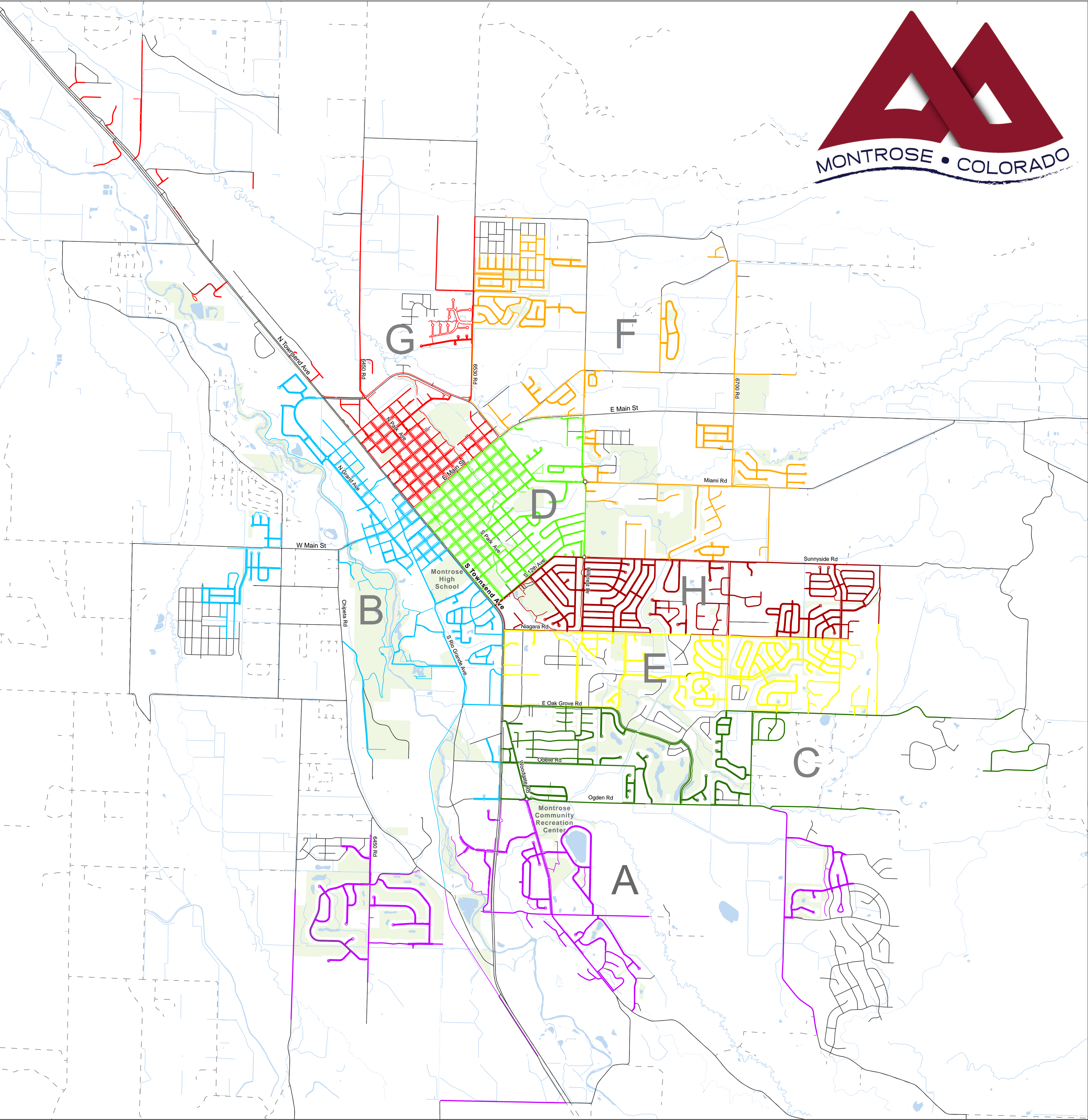
Attach detailed justification documentation



Street Maintenance Plan Overview 2022-2030

- Zone A (41.4 Lane Miles)**
 2027 Patching
 2028 Crack-Seal
 2029 Major Street Improvements
 2030 Sidewalk Improvements
- Zone B (38.1 Lane Miles)**
 2028 Patching
 2029 Crack-Seal
 2022 Major Street Improvements
 2023 Sidewalk Improvements
- Zone C (35.8 Lane Miles)**
 2021 Patching
 2022 Crack-Seal
 2023 Major Street Improvements
 2024 Sidewalk Improvements
- Zone D (36.1 Lane Miles)**
 2022 Patching
 2023 Crack-Seal
 2024 Major Street Improvements
 2025 Sidewalk Improvements
- Zone E (33.7 Lane Miles)**
 2023 Patching
 2024 Crack-Seal
 2025 Major Street Improvements
 2026 Sidewalk Improvements
- Zone F (40.4 Lane Miles)**
 2024 Patching
 2025 Crack-Seal
 2026 Major Street Improvements
 2027 Sidewalk Improvements
- Zone G (31.3 Lane Miles)**
 2025 Patching
 2026 Crack-Seal
 2027 Major Street Improvements
 2028 Sidewalk Improvements
- Zone H (36.4 Lane Miles)**
 2026 Patching
 2027 Crack-Seal
 2028 Major Street Improvements
 2029 Sidewalk Improvements

- City Road
- County Road
- Stream/River
- Pond/Lake
- Park



MEMORANDUM



TO: Honorable Mayor and Members of the City Council
FROM: Scott Murphy, *City Engineer*
DATE: February 9, 2026
RE: Moving Montrose Forward 2026 Surface Treatment (Slurry and Cape Seal) Contract Award
CC: William Bell, Shani Wittenberg

Action

Consider the award of a construction contract to A-1 Chipseal Co. in the amount of \$2,134,909.44 for completion of the Moving Montrose Forward 2026 Surface Treatment Project.

Background

Starting in 2018, the City of Montrose developed the *Moving Montrose Forward* (MoveMo) initiative which placed a renewed focus on street maintenance, reducing traffic congestion, and improving pedestrian and vehicular mobility throughout the community. As part of this effort, each year the City hires contractors to perform some of the larger-scale and specialized street maintenance construction activities. This contracted street maintenance work is in addition to typical routine maintenance activities performed by the City's street division of public works.

The City's street maintenance and capital plan is available on the City's MoveMo webpage at www.MoveMo.co. The street maintenance plan identifies how available funds should generally be allocated between the various types of maintenance activities (e.g., surface treatments, mill and overlays, rebuild of failed roadways, etc). Allocation of these funds is geared towards the creation of a comprehensive street-maintenance program focused on striking a balance between maintenance of the better-condition roadways (keeping the "good roads good" and at a lower cost) and eventually restoring those which have experienced failure and are more costly to repair. It should be noted that asset management software and modeling are used to help prioritize appropriate maintenance treatments for the City's roadways and to best utilize limited resources.

The City budgeted \$5M for this year's MoveMo initiative. Approximately 40% of this street maintenance work is focused on surface treatments consisting of slurry and cape seals. Slurry seals are a combination of a fine aggregate and an asphaltic binder which work to smooth out surface irregularities and to protect the roadway from water intrusion and UV degradation. Slurry seals are used in lieu of chip seals within residential neighborhoods given the public's general dislike of chip seals and a chip seal's lower effectiveness in areas without high traffic volumes to press in the chips. Cape seals are used on higher volume roadways or those with heavier degradation and include a chip seal first followed by a slurry seal several weeks later.

Areas to receive surface treatments are shown in the attached figure. Also shown on this figure are remaining street maintenance activities planned for this year (street rebuilds and overlays). This work is currently under design and will be awarded under a separate contract to come before council in approximately six weeks.

Project Bidding

Surface treatment project plans were prepared in-house by the City’s engineering department and were put out to bid on January 15, 2026. Bids were publicly received through video conference on February 9, 2026 and are summarized in Table 1 below. It should be noted that these bid totals include a 10% contingency.

**TABLE 1
Summary of Bid Results**

Contractor	Location	Bid Total
A-1 Chipseal Co.	Denver, CO	\$2,134,909.44
Vance Brothers	Denver, CO	\$2,444,330.48

The City has recent positive experience working with A-1 Chipseal on previous surface treatment contracts. The City’s local preference policy would not change the outcome of bidding in this case.

Project Schedule and Traffic Control

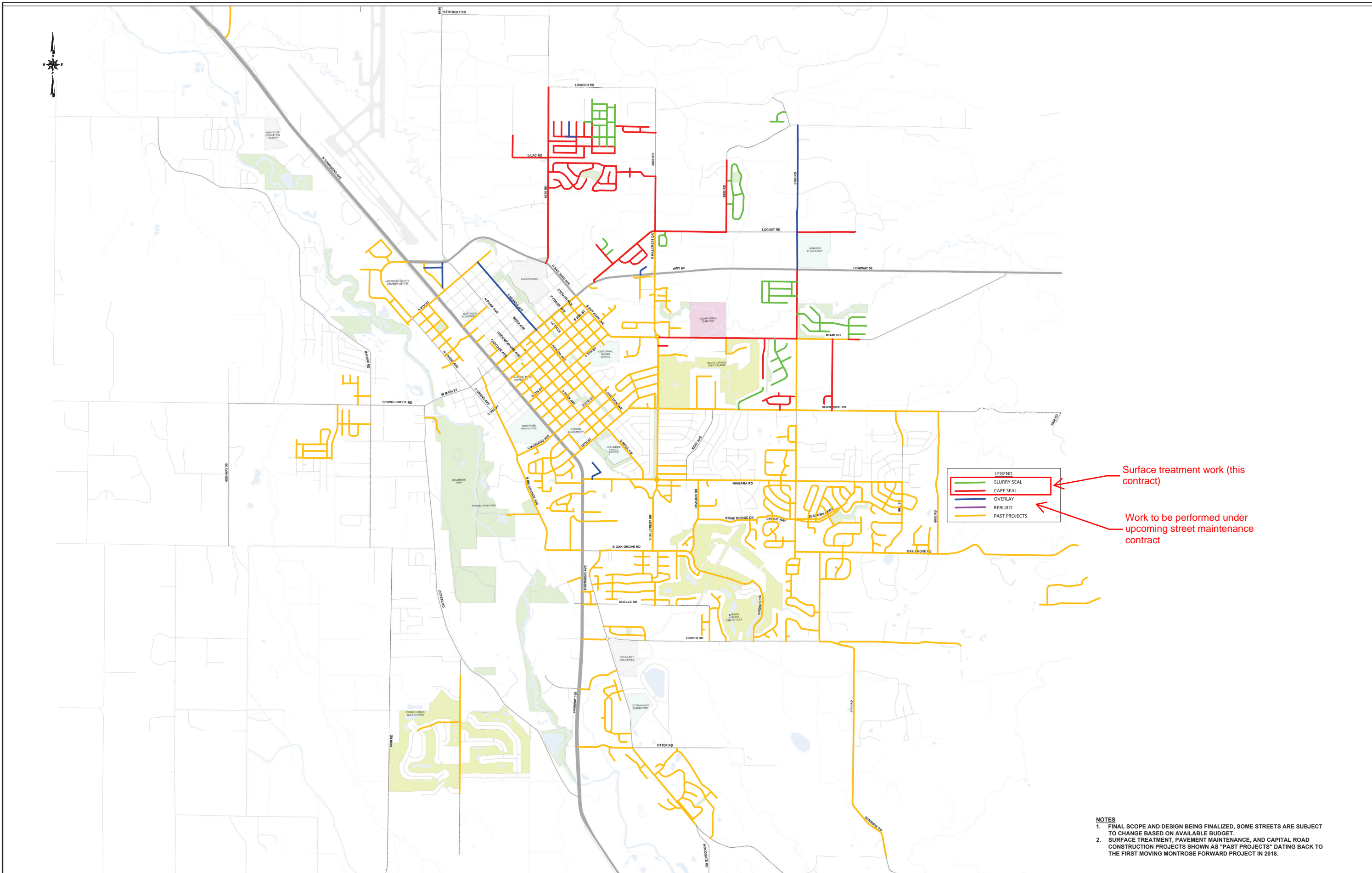
Work under this contract is scheduled to begin in June and will be completed by the end of September. Work on major roadways or those with a single point of access will utilize flaggers in order to maintain at least one lane of access during work operations and avoid the need to close the roadway. All remaining areas (residential subdivisions or shorter cul-de-sacs) will require full closure of each roadway while the material is being applied and for approximately 6 hours after application while the material cures. Residents along these roadways will be notified at least 48 hours ahead of time with door hangers and no parking signage before work on their roadway begins. Typically residents are able to plan their trips or park on nearby streets if needing to leave during the slurry seal process. Street work will be staggered as to allow for parking on nearby streets during this application process. Access for emergency services will be available at all times during the project.

Contract Administration and Project Financials

Contract administration, project management, and construction inspection will be performed by the City of Montrose engineering department.

The total budget for contracted street maintenance in 2026 is \$5M. This surface treatment contract will be funded from this \$5M with the balance of this budget going towards the upcoming street overlay and rebuild contract, several sidewalk improvement projects, and design of the North Park Avenue reconstruction project. It should be noted that additional funds were also budgeted for in-house street maintenance work being performed by public work’s crews.

The contract documents were written to give the option for one-year extensions for up to three years. If utilizing this option in future contracts (2027+), the consideration would still come before City Council for approval given the dollar amounts of potential contracts.



LEGEND

- SLURRY SEAL
- CAPE SEAL
- OVERLAY
- REBUILD
- PAST PROJECTS

Surface treatment work (this contract)

Work to be performed under upcoming street maintenance contract

NOTES

1. FINAL SCOPE AND DESIGN BEING FINALIZED, SOME STREETS ARE SUBJECT TO CHANGE BASED ON AVAILABLE BUDGET.
2. SURFACE TREATMENT, PAVEMENT MAINTENANCE, AND CAPITAL ROAD CONSTRUCTION PROJECTS SHOWN AS "PAST PROJECTS" DATING BACK TO THE FIRST MOVING MONTROSE FORWARD PROJECT IN 2018.

<p>REFERENCE DRAWINGS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">CITY OF MONTROSE BASE</td> <td style="width: 50%;">2022</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	CITY OF MONTROSE BASE	2022			<p>ISSUED FOR REVIEW</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">01/1/2026</td> <td style="width: 50%;">RDC</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	01/1/2026	RDC			<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> </td> <td style="width: 50%;"> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>					<p>CITY OF MONTROSE ENGINEERING DEPARTMENT 1221 64th St. MONTROSE, CO 81401 PH: 261-4607 FAX: 261-4780 WWW.CITYOFMONTROSE.ORG</p>	<p>DATE: 1/1/2026 JOB NO: 19.1.2 DRAWN: RDC DESIGN: RDC CHECKED: SAM SCALE: NTS</p>	<p>MOVING MONTROSE FORWARD 2026 CONTRACTED MAINTENANCE PROJECTS MONTROSE, COLORADO OVERVIEW</p>	<p>Sheet: 1 Of: 1</p>
CITY OF MONTROSE BASE	2022																	
01/1/2026	RDC																	

MEMORANDUM



TO: Honorable Mayor and Members of the City Council
FROM: Matthew Magliaro, Assistant City Attorney Public Safety
DATE: January 27, 2026
RE: Proposed Ordinance to Amend Municipal Court Procedures In Order to Become A Qualified Municipal Court of Record
CC: William Bell, Chris Dowsey, Judge Thomas LeClaire, Blaine Hall

Action

The consideration of an ordinance amending Title 1, Chapter 14 Section 2 only of the Official Code of the City of Montrose, Colorado. The amendment would add a new subsection to the rules of procedure of the Montrose Municipal Court in order to establish the court as one of record. The amendments if adopted are intended to better the practice of law before the Montrose Municipal Court. This is proposed to Council in anticipation of action by the Colorado General Assembly to severely curtail the sentencing authority of municipal courts not of record.

Background

At a recorded work session on January 5, 2026, the Montrose City Council held a general discussion with Montrose Municipal Court Judge LeClaire on the question of this City’s municipal court becoming a qualified court of record. Colorado law defines a qualified municipal court of record as “a municipal court established by, and operating in conformity with, either local charter or ordinances containing provisions requiring the keeping of a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means, and requiring as a qualification for the office of judge of such court that he has been admitted to, and is currently licensed in, the practice of law in Colorado.” C.R.S. § 13-10-102(3). There are two conditions required within ordinance for a municipal court to become a court of record: (1) an affirmative requirement to keep a verbatim record of proceedings for bench and jury trials, and (2) a requirement that judges have and maintain state licensure in the practice of law as a qualification of office. The Montrose Municipal Court has long required the municipal judge and assistant judge to have a license to practice law within the State of Colorado. All judges serving currently and in the recent past have met that requirement of charter, VII, § 1. The Official Code of the City of Montrose does not currently contain any provision that the court keep a verbatim record of proceedings and evidence at trials. The proposal if approved would change the municipal code to add that requirement.

The legal department researched the municipal codes of several larger jurisdictions known to have qualified municipal courts of record. Specifically, staff reviewed the municipal codes of the City of Grand Junction, Glenwood Springs, City of Aurora, City of Arvada, City of

Montrose City Council
Proposed Ordinance Change on Municipal Court Procedures

Lakewood, and City of Denver. With one exception,¹ all jurisdictions maintain within ordinance a rule requiring the court to keep a verbatim record. Staff also examined C.R.S. § 13-6-309, the statute for county courts of record within the Colorado State Courts to maintain verbatim records of proceedings held.

Executive Summary

Drawing from the above examples, the proposal language meets both requirements of state law defining a qualified municipal court of record in C.R.S. § 13-10-102(3). The first sentence is a declarative statement. The second sentence of the proposal reiterates the requirement from city charter that judges of the Montrose Municipal Court be licensed as attorneys with the ability to practice law in Colorado. The third sentence requires a verbatim record of proceedings and evidence at trials be maintained by stenographic means, i.e. a court stenographer hired to serve as a court reporter for the trial. Alternatively, a record may also be made via any electronic device. The phrase ‘any electronic device’ is intended to provide for maximum flexibility for the means used of recording, as technology changes and advances.

The fourth and final sentence imposes a duty upon a requesting party to both order and designate a transcript of the municipal court record of proceedings in the same way as that is done in courts of record within the Colorado State Courts. This is intended as a cross-reference to Colorado Rule of Appellate Procedure Rule 10, to include the duty on the party taking the appeal to designate transcripts of all proceedings necessary for the higher court to consider and decide any issue on appeal. C.A.R. 10(d). Appeals of final judgments from the Montrose Municipal Court if this proposal is approved would now be made to the Montrose District Court. The procedures for appeal would be the same as appeals from the county court for state misdemeanor offenses of law: the district court reviews the case on the record made in the trial court that the party taking the appeal designates to litigate the appeal. C.R.S. § 13-10-116(2); C.R.S. § 13-6-310(2). “The district court shall review the case on the record on appeal and affirm, reverse, remand, or modify the judgment; except that the district court, in its discretion, may remand the case for a new trial with such instructions as it may deem necessary, or it may direct that the case be tried *de novo* before the district court.” C.R.S. § 13-6-310(2). This would be a change from current practice under which appeals taken by defendants of municipal court final judgments are filed in Montrose County Court and tried for a second time, a trial *de novo*. C.R.S. § 13-10-116(1).

Additional Considerations

None.

¹ Glenwood Springs maintains this requirement in its charter.

ORDINANCE NO. 2703

**AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO,
AMENDING TITLE 1 CHAPTER 14 SECTION 2 (1-14-2), REGARDING RULES
OF PROCEDURE TO HAVE THE MONTROSE MUNICIPAL COURT BECOME
A COURT OF RECORD**

WHEREAS, the City of Montrose updates the Municipal Code from time to time;
and

WHEREAS, to promote transparency of the Montrose Municipal Court, the City
Council of the City of Montrose desires the Montrose Municipal Court to become a court
of record; and

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

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

SECTION 1:

**New subsection (F) is hereby added to Title 1, Chapter 14 Section 2. (1-14-2.(F))
(Rules of procedure.) of the Official Code of the City of Montrose, Colorado, to read
in entirety as follows:**

**(F) The Montrose Municipal Court shall be a court of record. Each judge and assistant
judge of the municipal court shall be an attorney-at-law licensed to practice in the
State of Colorado. A verbatim record of the proceedings and evidence at trials shall
be maintained by either stenographic means or any electronic device. The duty of
ordering and designating transcripts of the record made in the municipal court shall
be as provided in courts of record.**

SECTION 2:

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

SECTION 3:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof by codifying generally recognized law and procedure pertaining to municipal courts of record.

SECTION 4:

The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution, to wit: Article XX, § 6 and § 6(c), as well as the powers contained in the City of Montrose Charter, Article VII Courts and Legal Services.

SECTION 5:

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

SECTION 6:

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

SECTION 7:

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

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 17th day of February, 2026, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 17th day of February, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 3rd day of March, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2703

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, AMENDING TITLE 1 CHAPTER 14 SECTION 2 (1-14-2), REGARDING RULES OF PROCEDURE TO HAVE THE MONTROSE MUNICIPAL COURT BECOME A COURT OF RECORD

WHEREAS, the City of Montrose updates the Municipal Code from time to time; and

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- (F) The Montrose Municipal Court shall be a court of record. Each judge and assistant judge of the municipal court shall be an attorney-at-law licensed to practice in the State of Colorado. A verbatim record of the proceedings and evidence at trials shall be maintained by either stenographic means or any electronic device. The duty of ordering and designating transcripts of the record made in the municipal court shall be as provided in courts of record.

SECTION 2:

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

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SECTION 6:

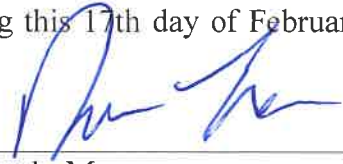
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INTRODUCED, READ and PASSED on first reading this 17th day of February, 2026.



Dave Frank, Mayor

ATTEST:



Lisa DelPiccolo, City Clerk



INTRODUCED, READ and ADOPTED on second reading this 3rd day of March, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

MEMORANDUM



TO: Honorable Mayor and Members of the City Council
FROM: Matthew Magliaro, Assistant City Attorney Public Safety
DATE: February 25, 2026
RE: Proposed Ordinance to Amend Municipal Court Sentencing Provisions and Respond to Law Changes.
CC: William Bell, Chris Dowsey, Judge Thomas LeClaire, Blaine Hall

Action

The consideration of an ordinance amending multiple titles of the Official Code of the City of Montrose, Colorado, to conform to updates to the law governing municipal court practice. This was presented to City Council at a recorded work session held February 17, 2026. The ordinance proposal before Council amends eight separate sections within Titles 1, 6 and 10. The proposal amends three sentencing provisions for ordinance violations with the Official Code of the City of Montrose, and the adopted 2020 State of Colorado Model Traffic Code respectively. It amends Title 6 Miscellaneous Offenses to substantively modify the elements of three separate ordinances: (1) Petty Theft, in violation of MC § 6-1-7; (2) Shoplifting, in violation of MC § 6-1-8; and (3) Destruction of Property, in violation of MC § 6-1-9. Those three municipal ordinances are repealed and replaced in full with the intent to more closely mirror their respective state statutory analogues. The proposal strikes an obscure, never charged subsection on failure to appear that came into Title 10 of our code with the adoption in 2023 of a version of the state’s model traffic code. The impetus for the proposed ordinance is two-fold: (1) the Colorado Supreme Court’s decision on December 22, 2025, *In re People of City of Westminster v Camp*, 581 P.3d 763, 2025 CO 64 (Colo. 2025), and passage by the Colorado General Assembly of Senate Bill 2025-0062.

Background

On December 22, 2025, the Colorado Supreme Court issued a published decision in three consolidated municipal court prosecutions arising out of the Cities of Westminster and Aurora, *In re People of City of Westminster v Aleah Camp, & In re People of City of Aurora v Danielle Simons*, 2025 CO 64. The cases involved prosecutions in the municipal courts for Westminster’s theft ordinance and Aurora’s motor vehicle trespass and general trespass codes, all of which described identical conduct as that proscribed by state law in the Colorado Revised Statutes. The state statutes had lower penalties than the two municipal sentencing schemes. The issue as the Colorado Supreme Court phrased it was: “Specifically, we consider whether home-rule municipalities may sentence offenders in excess of the statutory sentencing caps in section 18-1.3-501(1)(a.5), C.R.S. (2025) (setting sentencing caps for misdemeanors), and section 18-1.3-503(1.5), C.R.S. (2025) (setting the sentencing cap for petty offenses), when the offender violates a municipal ordinance that corresponds to a state offense prohibiting identical conduct.” *Camp*, 581 P.3d at 767. Both general sentencing caps in Title 18 of state statute were amended by the

passage of Senate Bill 2021-271, Misdemeanor Reform, which reduced the penalties for Class 1 and 2 misdemeanors, eliminated Class 3 misdemeanors and classes for petty offenses, created civil infractions, and reclassified and changed the elements for state offenses to align with the new sentencing classifications. Neither Senate Bill 2021-271 nor the clean-up bill that passed the following year, House Bill 22-1229, amended the general statutory authority for municipal court sentencing under C.R.S. § 13-10-113(1)(a) and C.R.S. § 31-16-101(1)(a). Notwithstanding this, the Colorado Supreme Court held that when state law offenses and municipal ordinance violations prohibit identical conduct, the maximum sentencing caps in C.R.S. § 18-1.3-501(1)(a.5) and C.R.S. § 18-1.3-503(1.5), as amended operationally preempt any municipal penalties that exceed those caps. *Camp*, 581 P.3d at 776. This rule is applicable when the municipality and the state co-regulate non-felony, identical conduct by and through ordinance violation and statute as a state misdemeanor or petty offense respectively. It is not applicable when there is regulation by a municipality by ordinance of something for which there is no identical state counterpart. As the *Camp* Court explained: “In other words, when a municipality regulates an offense for which there is no identical state counterpart, the state’s misdemeanor and petty offense sentencing caps under sections 18-1.3-501(1)(a.5) and 18-1.3-503(1.5) do not apply; rather, the municipality has the power to impose a maximum sentence allowed by the general cap in sections 13-10-113(1)(a) and 31-16-101(1)(a). But when municipalities regulate conduct for which there exists an identical state misdemeanor or petty offense, they may not exceed the specific sentencing caps in sections 18-1.3-501(1)(a.5) and 18-1.3-503(1.5).” *Camp*, 581 P.3d at 777. The Colorado Supreme Court issued mandates in the decision on January 21, 2026, in the Westminster case and February 5, 2026, in the Aurora cases respectively, finalizing the decision after declining petitions for reconsideration.

The City of Montrose, by and through its municipal code, maintain regulations that fall into both descriptions. Accordingly, there is a need to amend the general sentencing provisions within Titles 1 and 10 to have language implementing the Colorado Supreme Court’s ruling.

The City in 2023 adopted the 2020 State of Colorado Model Traffic Code to apply within the municipal limits of the City of Montrose, pursuant to Article II, § 10 of the City Charter authorizing adoption of “appropriate Colorado Statute” by reference, and C.R.S. § 42-4-110(1)(b). There is a provision of the model code, as modified upon adoption within MC § 10-1-1, that authorizes a charge premised upon a failure to appear for court; this is based upon C.R.S. § 42-4-1716(2) and (4)(b)(West 2020). This conflicts with legislation passed in April 2025, Senate Bill 2025-0062, prohibiting municipalities from having a failure to appear in court as a separate, chargeable municipal ordinance violation. C.R.S. § 13-10-127(1), (2). To the undersigned’s knowledge and belief, no person has ever been charged in the Montrose Municipal Court with this esoteric provision. The proposed ordinance seeks to strike the model traffic code language out of our municipal code to comply with the new state law.

Additional Considerations

None.

ORDINANCE NO. 2705

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE 1 CHAPTER 2, GENERAL PROVISIONS; TITLE 1 CHAPTER 14, MUNICIPAL COURT; TITLE 6, CHAPTER 1, MISCELLANEOUS OFFENSES; AND TITLE 10, CHAPTER 1, TRAFFIC CODE OF THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO: AMENDING TITLE 1 CHAPTER 2 SECTION 3 (1-2-3) REGARDING GENERAL PENALTY; AMENDING TITLE 1 CHAPTER 14 SECTION 4 (1-14-4), REGARDING SENTENCING PROVISIONS FOR VIOLATIONS OF THE OFFICIAL CODE OF THE CITY OF MONTROSE; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 7 (6-1-7) PETTY THEFT; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 8 (6-1-8) SHOPLIFTING; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 9 (6-1-9) DESTRUCTION OF PROPERTY; AMENDING TITLE 10, CHAPTER 1, SECTION 1 (10-1-1) ADOPTION OF TRAFFIC CODE; AMENDING TITLE 10, CHAPTER 1, SECTION 4 (10-1-4) ADDITIONS OR MODIFICATIONS; AND AMENDING TITLE 10, CHAPTER 1 SECTION 16 (10-1-16), REGARDING PENALTIES IN ADOPTED MODEL TRAFFIC CODE.

WHEREAS, the City of Montrose is a home rule municipal corporation operating under adopted charter pursuant to § 6 of Article XX of the Colorado Constitution; and

WHEREAS, under the Constitution of the State of Colorado home rule municipal governments have “all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control: . . . The creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof; . . . The imposition, enforcement and collection of fines and penalties for the violation of any of the provisions of the charter, or of any ordinance adopted in pursuance of the charter” pursuant § 6(c) and (h) of Article XX of the Colorado Constitution; and

WHEREAS, Colorado state law authorizes municipalities to impose upon an adult convicted of violating a municipal ordinance in municipal court a sentence of incarceration for a period not to exceed three hundred sixty-four days, a fine in an amount not to exceed two thousand six hundred fifty dollars, or both, pursuant to C.R.S. § 13-10-113(1)(a) and C.R.S. § 31-16-101(1)(a); and

WHEREAS, the Official Code of the City of Montrose sets the maximum penalty for an adult convicted of violating an ordinance or charter provision as punishable by a fine in an amount not to exceed \$2,650.00 or by imprisonment in jail for a period of not more

than 364 days, or by both such fine and imprisonment, unless a lower maximum sentence is specified; and

WHEREAS, the Colorado Supreme Court has recently issued a published decision in *In re People of City of Westminster v Camp*, 581 P.3d 763, 2025 CO 64 (Colo. Dec. 22, 2025), holding when state law offenses and municipal ordinance violations prohibit identical conduct, the maximum sentencing caps in C.R.S. § 18-1.3-501(1)(a.5) and C.R.S. § 18-1.3-503(1.5), as amended by passage of Senate Bill 2021-271 Misdemeanor Reform, operationally preempt any municipal penalties that exceed those caps; and

WHEREAS, the Colorado Supreme Court in that same decision expressly recognized home-rule municipalities may, consistent with § 6 of Article XX of the Colorado Constitution, enact ordinances with criminal penalties that co-regulate non-felony conduct on the same subject as a state statute, regulate non-felony conduct by and through ordinance that do not have identical state counterparts as ordinance violation offenses, and to impose municipal penalties that differ from the state sentencing scheme for the latter through municipal courts; and

WHEREAS, the City of Montrose updates the Municipal Code from time to time; and

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

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

SECTION 1:

Title 1, Chapter 2 Section 3. (1-2-3.(D)) (General penalty.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

1-2-3. - General penalty.

(D) Notwithstanding the aforementioned in (A) of this Section, when an ordinance within the Official Code of the City of Montrose and a statute within the Colorado Revised Statutes prohibit identical conduct, the maximum sentencing range for the corresponding charge in Colorado Revised Statute shall control.

SECTION 2:

Title 1, Chapter 14 Section 4. (1-14-4.(C)) (Sentencing.) of the Official Code of the City of Montrose, Colorado, are hereby amended to read in its entirety as follows:

1-14-4. - Sentencing.

- (C) The minimum fine or term of imprisonment imposed shall not be less than that specified by the applicable ordinance or City Charter provision, and the maximum fine or term of imprisonment shall not exceed that specified by the applicable ordinance or City Charter provision. **Notwithstanding the aforementioned and (B) of this Section, when an ordinance within the Official Code of the City of Montrose and a statute within the Colorado Revised Statutes prohibit identical conduct, the maximum fine or term of imprisonment for the corresponding misdemeanor or petty offense in C.R.S. § 18-1.3-501(1)(a.5) and C.R.S. § 18-1.3-503(1.5)(2026), as from time-to-time amended, shall control. As part of sentencing, the Municipal Court shall conduct a comparative elemental analysis and determination of law on whether the ordinance violation regulates conduct for which there exists an identical state misdemeanor or petty offense, or whether the ordinance regulates conduct as an offense for which there is no identical state counterpart. The Municipal Court has the discretion to make this determination in a written order in advance of sentencing proceedings or orally at the time of sentencing.**

SECTION 3:

Title 1, Chapter 6 Section 7. (1-6-7) (Petty theft.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-7. - Petty theft – first and second degree.

- (A) It is unlawful for any person to knowingly obtain or exercise control over anything of value, ~~having a value less than \$1,000.00,~~ of another without authorization, or by threat or deception or knowing said thing of value to have been stolen; and:
- (1) Intend to deprive the other person permanently of the use or benefit of the thing of value;
 - (2) Knowingly use, conceal, or abandon the thing of value in such a manner as to deprive the other person permanently of its use or benefit;
 - (3) Use, conceal or abandon the thing of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use and benefit; or

- (4) Demand any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person.
- (B) If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or any other mercantile establishment, whether such concealment is on their own person or otherwise, and whether on or off the premises of such store or mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to commit the offense of petty theft.
- (C) For the purposes of this section, a thing of value is that of ‘another’ if anyone other than the defendant has a possessory or proprietary interest therein. The offense of petty theft shall not include theft from the person of another.
- (D) A person commits the ordinance violation of Petty Theft in the First Degree if the value of the thing involved is three hundred dollars or more but less than one thousand dollars.
- (E) A person commits the ordinance violation of Petty Theft in the Second Degree if the value of the thing involved is less than three hundred dollars.
- (F) When a person commits the act of theft twice or more within a period of three months, two or more of these acts may be aggregated and charged in a single count of Petty Theft in the First or Second Degree, in which event the thefts so aggregated and charged shall constitute a single offense under (D) or (E) of this Section with the penalty based on the aggregate value of the things involved. The City Attorney’s Office as the prosecution is to set forth a superseding information with the Municipal Court alleging on or about a specified date range, the defendant committed the crime of Petty Theft in the First or Second Degree by unlawfully taking a thing or things of value of a person or persons named in the complaint or information. The prosecuting attorney shall at the request of the defendant provide a bill of particulars.
- (G) For the purposes of this Section, evidence of the value of the thing involved may be established through the sale price of other similar property and may include, but shall not be limited to, testimony regarding affixed labels and tags, signs, shelf tags, and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved.

SECTION 4:

Title 1, Chapter 6 Section 8. (1-6-8) (Shoplifting.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-8. - Shoplifting – first and second degree.

- (A) It shall be unlawful for any person to willfully take possession of any goods, wares, or merchandise, ~~having a value of less than \$1,000.00,~~ and owned or held by and offered or displayed for sale or by any store or mercantile establishment, with the intention of converting such goods, wares or merchandise to ~~his~~ their own use without paying the purchase price.
- (B) If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or any other mercantile establishment, whether such concealment is on his ~~or her~~ own person or otherwise, and whether on or off the premises of such store or other mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to commit the offense of shoplifting.
- (C) A person commits the ordinance violation of Shoplifting in the First Degree if the value of the thing involved is three hundred dollars or more but less than one thousand dollars.
- (D) A person commits the ordinance violation of Shoplifting in the Second Degree if the value of the thing involved is less than three hundred dollars.
- (E) When a person commits the act of Shoplifting twice or more within a period of three months, two or more of these acts may be aggregated and charged in a single count of Shoplifting in the First or Second Degree, in which event the acts of Shoplifting so aggregated and charged shall constitute a single offense under (C) or (D) of this Section with the penalty based on the aggregate value of the things involved. The City Attorney's Office as the prosecution is to set forth a superseding information with the Municipal Court alleging on or about a specified date range, the defendant committed the crime of Shoplifting by unlawfully taking a thing or things of value of a person or persons named in the complaint or information. The prosecuting attorney shall at the request of the defendant provide a bill of particulars.
- (F) For the purposes of this Section, evidence of the retail value of the thing involved shall be prima facie evidence of the value of the thing involved. Evidence offered to prove retail value may include, but shall not be limited to, affixed labels and tags, signs, shelf tags, and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved.

SECTION 5:

Title 1, Chapter 6 Section 9. (1-6-9) (Destruction of Property.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-9. - Destruction of Property.

- (A) It shall be unlawful for any person to **knowingly and** willfully destroy or damage **in a single criminal episode the** real or personal property belonging to **another, including property owned by the person jointly with another person or property owned by the person in which, at the time of the destruction or damage, another person has a possessory or proprietary interest.**
- (B) This Section shall not apply where, ~~in a single criminal episode,~~ the aggregate damage to personal and real property is ~~\$300.00~~ **400.00** or more.

SECTION 6:

Title 10, Chapter 1 Section 1. (10-1-1.(F)(Part17 § 1716)) (Adoption of traffic code.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

10-1-1. - Adoption of traffic code.

1716. Notice to appear or pay fine – failure to appear – penalty.

- ~~(2) Deleted. Except as otherwise provided in subsection (4) of this section, a person commits a traffic offense if the person fails to appear to answer any offense other than a traffic infraction charged under this part 17.~~
- ~~(4)(b) Deleted. A person who violates any provision of paragraph (a) of subparagraph (I) of this subsection (4) commits an offense and shall be punished in accordance with Section 1-2-3 of the Official Code of the City of Montrose.~~

SECTION 7:

Title 10, Chapter 1 Section 4. (10-1-4.(L)) (Additions or modifications.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

10-1-4. - Additions or modifications.

- (L) MTC 1716. Notice to appear or pay fine – failure to appear – penalty**
- (2) Deleted.
- (4)(b) Deleted.

SECTION 8:

Title 10, Chapter 1 Section 16. (10-1-16.(D)) (Penalties.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

10-1-16. - Penalties.

(D) Notwithstanding the aforementioned in (A) of this Section, when an ordinance within the Official Code of the City of Montrose and a statute within the Colorado Revised Statutes prohibit identical conduct, the maximum sentencing range for the corresponding charge in Colorado Revised Statute shall control.

SECTION 9:

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

SECTION 10:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof by updating the code to make it consistent with state statutory updates and sentencing provisions to conform with binding precedent from the Colorado Supreme Court.

SECTION 11:

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

SECTION 12:

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

SECTION 13:

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

SECTION 14:

This Ordinance shall become effective as set forth in the City of Montrose Charter. You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the ____ day of _____, 2026, at the hour of 6:00 p.m. at the Elks’ Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this ____ day of _____, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this ____ day of _____, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

ORDINANCE NO. 2705

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, UPDATING TITLE 1 CHAPTER 2, GENERAL PROVISIONS; TITLE 1 CHAPTER 14, MUNICIPAL COURT; TITLE 6, CHAPTER 1, MISCELLANEOUS OFFENSES; AND TITLE 10, CHAPTER 1, TRAFFIC CODE OF THE OFFICIAL CODE OF THE CITY OF MONTROSE, COLORADO: AMENDING TITLE 1 CHAPTER 2 SECTION 3 (1-2-3) REGARDING GENERAL PENALTY; AMENDING TITLE 1 CHAPTER 14 SECTION 4 (1-14-4), REGARDING SENTENCING PROVISIONS FOR VIOLATIONS OF THE OFFICIAL CODE OF THE CITY OF MONTROSE; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 7 (6-1-7) PETTY THEFT; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 8 (6-1-8) SHOPLIFTING; REPEALING AND REPLACING TITLE 6 CHAPTER 1 SECTION 9 (6-1-9) DESTRUCTION OF PROPERTY; AMENDING TITLE 10, CHAPTER 1, SECTION 1 (10-1-1) ADOPTION OF TRAFFIC CODE; AMENDING TITLE 10, CHAPTER 1, SECTION 4 (10-1-4) ADDITIONS OR MODIFICATIONS; AND AMENDING TITLE 10, CHAPTER 1 SECTION 16 (10-1-16), REGARDING PENALTIES IN ADOPTED MODEL TRAFFIC CODE.

WHEREAS, the City of Montrose is a home rule municipal corporation operating under adopted charter pursuant to § 6 of Article XX of the Colorado Constitution; and

WHEREAS, under the Constitution of the State of Colorado home rule municipal governments have “all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control: . . . The creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof; . . . The imposition, enforcement and collection of fines and penalties for the violation of any of the provisions of the charter, or of any ordinance adopted in pursuance of the charter” pursuant § 6(c) and (h) of Article XX of the Colorado Constitution; and

WHEREAS, Colorado state law authorizes municipalities to impose upon an adult convicted of violating a municipal ordinance in municipal court a sentence of incarceration for a period not to exceed three hundred sixty-four days, a fine in an amount not to exceed two thousand six hundred fifty dollars, or both, pursuant to C.R.S. § 13-10-113(1)(a) and C.R.S. § 31-16-101(1)(a); and

WHEREAS, the Official Code of the City of Montrose sets the maximum penalty for an adult convicted of violating an ordinance or charter provision as punishable by a fine in an amount not to exceed \$2,650.00 or by imprisonment in jail for a period of not more

than 364 days, or by both such fine and imprisonment, unless a lower maximum sentence is specified; and

WHEREAS, the Colorado Supreme Court has recently issued a published decision in *In re People of City of Westminster v Camp*, 581 P.3d 763, 2025 CO 64 (Colo. Dec. 22, 2025), holding when state law offenses and municipal ordinance violations prohibit identical conduct, the maximum sentencing caps in C.R.S. § 18-1.3-501(1)(a.5) and C.R.S. § 18-1.3-503(1.5), as amended by passage of Senate Bill 2021-271 Misdemeanor Reform, operationally preempt any municipal penalties that exceed those caps; and

WHEREAS, the Colorado Supreme Court in that same decision expressly recognized home-rule municipalities may, consistent with § 6 of Article XX of the Colorado Constitution, enact ordinances with criminal penalties that co-regulate non-felony conduct on the same subject as a state statute, regulate non-felony conduct by and through ordinance that do not have identical state counterparts as ordinance violation offenses, and to impose municipal penalties that differ from the state sentencing scheme for the latter through municipal courts; and

WHEREAS, the City of Montrose updates the Municipal Code from time to time; and

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

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

SECTION 1:

Title 1, Chapter 2 Section 3. (1-2-3.(D)) (General penalty.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

1-2-3. - General penalty.

(D) Notwithstanding the aforementioned in (A) of this Section, when an ordinance within the Official Code of the City of Montrose and a statute within the Colorado Revised Statutes prohibit identical conduct, the maximum sentencing range for the corresponding charge in Colorado Revised Statute shall control.

SECTION 2:

Title 1, Chapter 14 Section 4. (1-14-4.(C)) (Sentencing.) of the Official Code of the City of Montrose, Colorado, are hereby amended to read in its entirety as follows:

1-14-4. - Sentencing.

- (C) The minimum fine or term of imprisonment imposed shall not be less than that specified by the applicable ordinance or City Charter provision, and the maximum fine or term of imprisonment shall not exceed that specified by the applicable ordinance or City Charter provision. Notwithstanding the aforementioned and (B) of this Section, when an ordinance within the Official Code of the City of Montrose and a statute within the Colorado Revised Statutes prohibit identical conduct, the maximum fine or term of imprisonment for the corresponding misdemeanor or petty offense in C.R.S. § 18-1.3-501(1)(a.5) and C.R.S. § 18-1.3-503(1.5)(2026), as from time-to-time amended, shall control. As part of sentencing, the Municipal Court shall conduct a comparative elemental analysis and determination of law on whether the ordinance violation regulates conduct for which there exists an identical state misdemeanor or petty offense, or whether the ordinance regulates conduct as an offense for which there is no identical state counterpart. The Municipal Court has the discretion to make this determination in a written order in advance of sentencing proceedings or orally at the time of sentencing.

SECTION 3:

Title 1, Chapter 6 Section 7. (1-6-7) (Petty theft.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-7. - Petty theft – first and second degree.

- (A) It is unlawful for any person to knowingly obtain or exercise control over anything of value of another without authorization, or by threat or deception or knowing said thing of value to have been stolen; and:
- (1) Intend to deprive the other person permanently of the use or benefit of the thing of value;
 - (2) Knowingly use, conceal, or abandon the thing of value in such a manner as to deprive the other person permanently of its use or benefit;
 - (3) Use, conceal or abandon the thing of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use and benefit; or

- (4) Demand any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person.
- (B) If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or any other mercantile establishment, whether such concealment is on their own person or otherwise, and whether on or off the premises of such store or mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to commit the offense of petty theft.
- (C) For the purposes of this section, a thing of value is that of ‘another’ if anyone other than the defendant has a possessory or proprietary interest therein. The offense of petty theft shall not include theft from the person of another.
- (D) A person commits the ordinance violation of Petty Theft in the First Degree if the value of the thing involved is three hundred dollars or more but less than one thousand dollars.
- (E) A person commits the ordinance violation of Petty Theft in the Second Degree if the value of the thing involved is less than three hundred dollars.
- (F) When a person commits the act of theft twice or more within a period of three months, two or more of these acts may be aggregated and charged in a single count of Petty Theft in the First or Second Degree, in which event the thefts so aggregated and charged shall constitute a single offense under (D) or (E) of this Section with the penalty based on the aggregate value of the things involved. The City Attorney’s Office as the prosecution is to set forth a superseding information with the Municipal Court alleging on or about a specified date range, the defendant committed the crime of Petty Theft in the First or Second Degree by unlawfully taking a thing or things of value of a person or persons named in the complaint or information. The prosecuting attorney shall at the request of the defendant provide a bill of particulars.
- (G) For the purposes of this Section, evidence of the value of the thing involved may be established through the sale price of other similar property and may include, but shall not be limited to, testimony regarding affixed labels and tags, signs, shelf tags, and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved.

SECTION 4:

Title 1, Chapter 6 Section 8. (1-6-8) (Shoplifting.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-8. - Shoplifting – first and second degree.

- (A) It shall be unlawful for any person to willfully take possession of any goods, wares, or merchandise and owned or held by and offered or displayed for sale or by any store or mercantile establishment, with the intention of converting such goods, wares or merchandise to their own use without paying the purchase price.
- (B) If any person willfully conceals unpurchased goods, wares or merchandise owned or held by and offered or displayed for sale by any store or any other mercantile establishment, whether such concealment is on his or her own person or otherwise, and whether on or off the premises of such store or other mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to commit the offense of shoplifting.
- (C) A person commits the ordinance violation of Shoplifting in the First Degree if the value of the thing involved is three hundred dollars or more but less than one thousand dollars.
- (D) A person commits the ordinance violation of Shoplifting in the Second Degree if the value of the thing involved is less than three hundred dollars.
- (E) When a person commits the act of Shoplifting twice or more within a period of three months, two or more of these acts may be aggregated and charged in a single count of Shoplifting in the First or Second Degree, in which event the acts of Shoplifting so aggregated and charged shall constitute a single offense under (C) or (D) of this Section with the penalty based on the aggregate value of the things involved. The City Attorney's Office as the prosecution is to set forth a superseding information with the Municipal Court alleging on or about a specified date range, the defendant committed the crime of Shoplifting by unlawfully taking a thing or things of value of a person or persons named in the complaint or information. The prosecuting attorney shall at the request of the defendant provide a bill of particulars.
- (F) For the purposes of this Section, evidence of the retail value of the thing involved shall be prima facie evidence of the value of the thing involved. Evidence offered to prove retail value may include, but shall not be limited to, affixed labels and tags, signs, shelf tags, and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved.

SECTION 5:

Title 1, Chapter 6 Section 9. (1-6-9) (Destruction of Property.) of the Official Code of the City of Montrose, Colorado, is hereby repealed and replaced to read in its entirety as follows:

6-1-9. - Destruction of Property.

- (A) It shall be unlawful for any person to knowingly and willfully destroy or damage in a single criminal episode the real or personal property belonging to another, including property owned by the person jointly with another person or property owned by the person in which, at the time of the destruction or damage, another person has a possessory or proprietary interest.
- (B) This Section shall not apply where the aggregate damage to personal and real property is \$300.00 or more.

SECTION 6:

Title 10, Chapter 1 Section 1. (10-1-1.(F)(Part17 § 1716)) (Adoption of traffic code.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

10-1-1. - Adoption of traffic code.

1716. Notice to appear or pay fine – failure to appear – penalty.

(2) Deleted.

(4)(b) Deleted.

SECTION 7:

Title 10, Chapter 1 Section 4. (10-1-4.(L)) (Additions or modifications.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

10-1-4. - Additions or modifications.

(L) MTC 1716. Notice to appear or pay fine – failure to appear – penalty

(2) Deleted.

(4)(b) Deleted.

SECTION 8:

Title 10, Chapter 1 Section 16. (10-1-16.(D)) (Penalties.) of the Official Code of the City of Montrose, Colorado, is hereby amended to read in its entirety as follows:

10-1-16. - Penalties.

(D) Notwithstanding the aforementioned in (A) of this Section, when an ordinance within the Official Code of the City of Montrose and a statute within the Colorado Revised Statutes prohibit identical conduct, the maximum sentencing range for the corresponding charge in Colorado Revised Statute shall control.

SECTION 9:

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

SECTION 10:

The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City of Montrose and the inhabitants thereof by updating the code to make it consistent with state statutory updates and sentencing provisions to conform with binding precedent from the Colorado Supreme Court.

SECTION 11:

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

SECTION 12:

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

SECTION 13:

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

SECTION 14:

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

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and on the question of its passage on first reading on Tuesday, the 3rd day of March, 2026, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 3rd day of March, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

INTRODUCED, READ and ADOPTED on second reading this 17th day of March, 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: March 3, 2026
RE: Historic Property Designation Application for the Montrose Post Office

City Council Consideration:

On January 27, 2026, the City of Montrose Historic Preservation Commission considered an application for historic property designation of the Montrose Post Office, located at 25-27 N Cascade Ave, according to Section 11-3 of the Montrose Municipal Code. The commission voted unanimously to recommend to the City Council for approval as a historic property.

Staff Analysis:

In reviewing the application, City staff submitted and the commission concurred with the following findings:

1. The structure meets the eligibility criteria per Montrose Municipal Code 11-3-3 (B) as follows:
 - a. The building is over fifty years old.
 - b. The building is significant for its association with the early development of governmental services in Montrose. The building was completed in 1890, and was the site of an early Montrose post office, a function it continued to serve until the completion of the present post office in 1932.
2. The structure has been found to also meet the integrity criteria per Montrose Municipal Code 11-3-3 (C).

ORDINANCE NO. 2704

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO, DESIGNATING THE MONTROSE POST OFFICE, WITH AN HISTORIC ADDRESS OF 25-27 NORTH CASCADE AVENUE, AS A CITY OF MONTROSE HISTORIC PROPERTY PURSUANT TO § 11-3 OF THE OFFICIAL CODE OF THE CITY OF MONTROSE

WHEREAS, pursuant to Montrose City Code, Chapter 11-3, City Council has established a public policy encouraging the protection, enhancement and perpetuation of historic properties within the City; and

WHEREAS, by motion approved on January 27, 2026, the City of Montrose Historic Preservation Commission (the "Commission") determined the Montrose Post Office building, with an historic address of 25-27 North Cascade Avenue in Montrose, as more specifically described in the legal description below (the "Property"), is eligible for the historic property designation pursuant to Montrose City Code § 11-3-3 as follows: the building is over fifty (50) years old; it is significant for its association with the early development of governmental services in Montrose; the building was completed in 1890, and was the site of an early Montrose post office, a function it continued to serve until the completion of the present post office in 1932; and

WHEREAS, the Commission further determined the Property meets the criteria set forth in City Code § 11-3-3, is eligible for designation as an historic property, and has recommended to the City Council the Property be designated as an historic property; and

WHEREAS, the owner of the Property has consented to such historic property designation and desires to protect the Property; and

WHEREAS, such historic property designation will preserve the Property's significance to the community; and

WHEREAS, the City Council has reviewed the recommendation of the Commission and desires to follow such recommendation and designate the Property as an historic property; and

WHEREAS, designation of the Property as an historic property is necessary for the prosperity, civic pride, and welfare of the public.

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

Section 1. The City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. The Property located in the City of Montrose, Montrose County, Colorado, is described as follows, to wit:

Fractional part of Lots 1, 2, 3, 4 and 5, Block 93, Town of Montrose, now a part of the City of Montrose, County of Montrose, State of Colorado, described as beginning at the Northeast corner of Lot 1 which bears North 48°10' West 70 feet;
thence South 41°30' West 115 feet;
thence South 48°30' East 15 feet;
thence North 41°30' East 115 feet; thence
North 48°30' West 15 feet to the point of beginning.

County of Montrose, State of Colorado

also known by street and number as **25 N Cascade Ave, Montrose, CO 81401-3920**

And

A part of Lots 1,2,3,4 and 5, Block 93, Town of Montrose, now a part of the City of Montrose, County of Montrose and State of Colorado, according to the official plat thereof on file and described as beginning at a point on the east line of said Lot 1 from whence the northeast corner of said Lot 1 bears North 48°30' West 45.84 feet;
thence South 41°30' West 115 feet;
thence South 48°30' East 36.31 feet;
thence North 41°30' East 115 feet;
thence North 48°30' West 36.31 feet to the point of beginning;

EXCEPT a fractional part of Lots 1,2, 3,4 and 5, said Block 93 described as beginning at the northeast corner of Lot 1 which bears North 48°10' West 70 feet;
thence South 41°30' West 115 feet;
thence South 48°30' East 15 feet;
thence North 41°30' East 115 feet;
thence North 48°30' West 15 feet to the point of beginning.

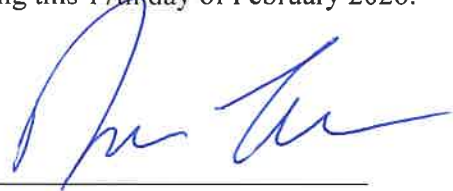
County of Montrose, State of Colorado

also known by street and number as **27 N Cascade Ave, Montrose, CO 81401-3920**

Section 3. Alteration, additions, and other changes to the building and structures located on the Property will be reviewed for compliance with Montrose City Code § 11-3-5, as currently enacted or hereafter amended.

You will please take notice that the Montrose City Council will hold a hearing upon the above Ordinance and the question of its passage on first reading on Tuesday, the 17th day of February 2026, at the hour of 6:00 p.m. at the Elks' Civic Building in Montrose, Colorado.

INTRODUCED, READ and PASSED on first reading this 17th day of February 2026.



Dave Frank, Mayor

ATTEST:



Lisa DelPiccolo, City Clerk



INTRODUCED, READ and ADOPTED on second reading this 3rd day of March 2026.

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk



CITY OF MONTROSE

Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: March 25, 2026
RE: Matteo's Addition Annexation
ATTACHMENTS:

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

City Council Consideration:

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

Proposed schedule:

February 17:	Council Work Session Overview
March 3:	Council Resolution to set a hearing date
March 25:	Planning Commission zoning hearing
April 6:	City Council Annexation hearing, 1st reading of annexation ordinance, and 1st reading of zoning ordinance
April 21:	2nd reading of annexation and zoning ordinances

Application Background:

The Matteo's Addition is a proposed annexation approximately 1.23 acres in size. The annexation consists of Lot 1 of the Major Intrafamily Subdivision, also addressed as 67125 N Road. It is within the City's Urban Growth Boundary and City of Montrose Sewer Service and Water Service Areas.



Proposed Zoning: “R-2” Low Density District

Applicant: Nolberto Chavarria

Staff Analysis:

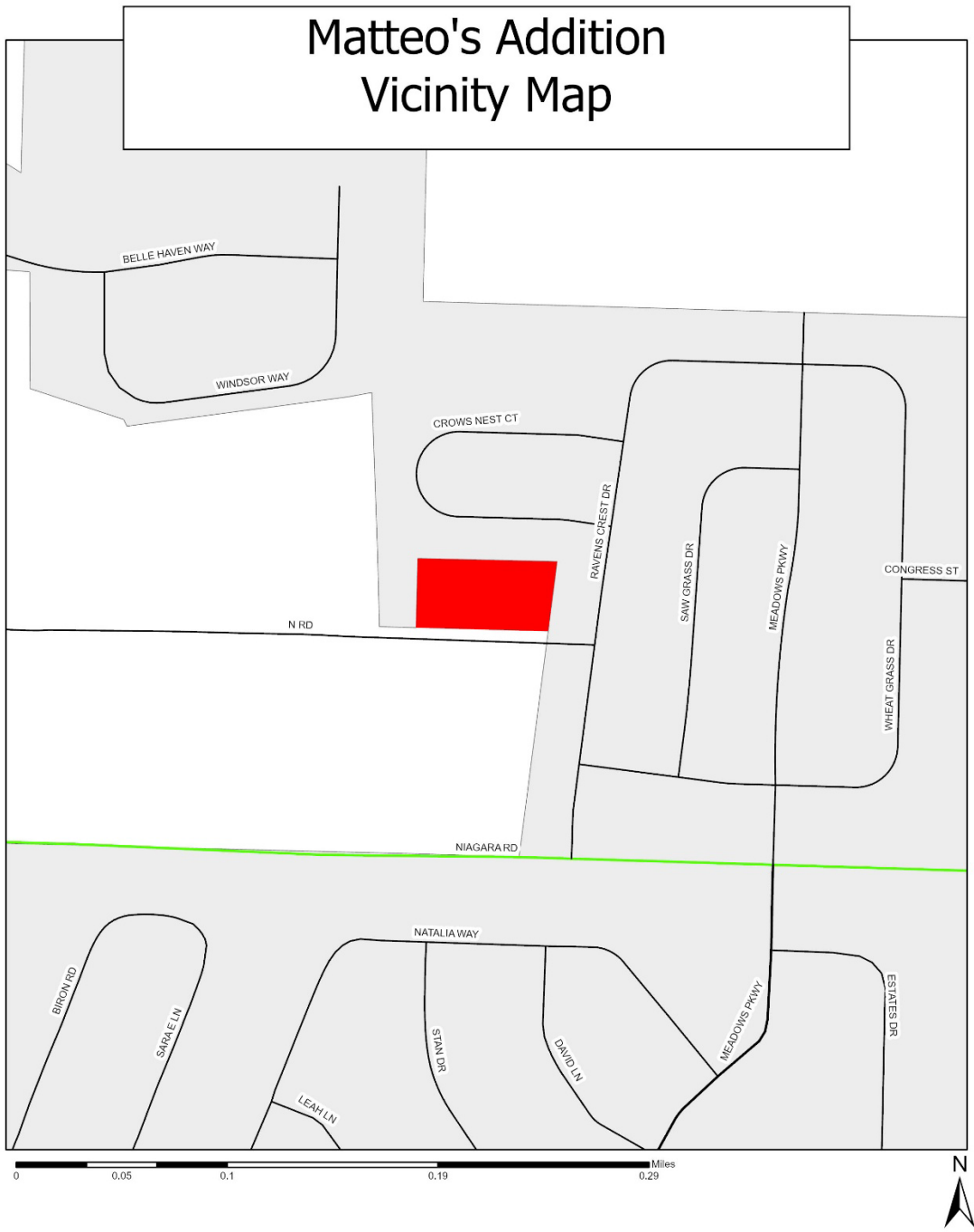
1. The City-County IGA gives the City the option to annex properties within the IGA. The area is urbanizing and more than 1/6 of the perimeter is contiguous to the city limits. These factors support annexation.
2. An annexation agreement is required as a condition of this annexation.
3. Zoning Regulations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



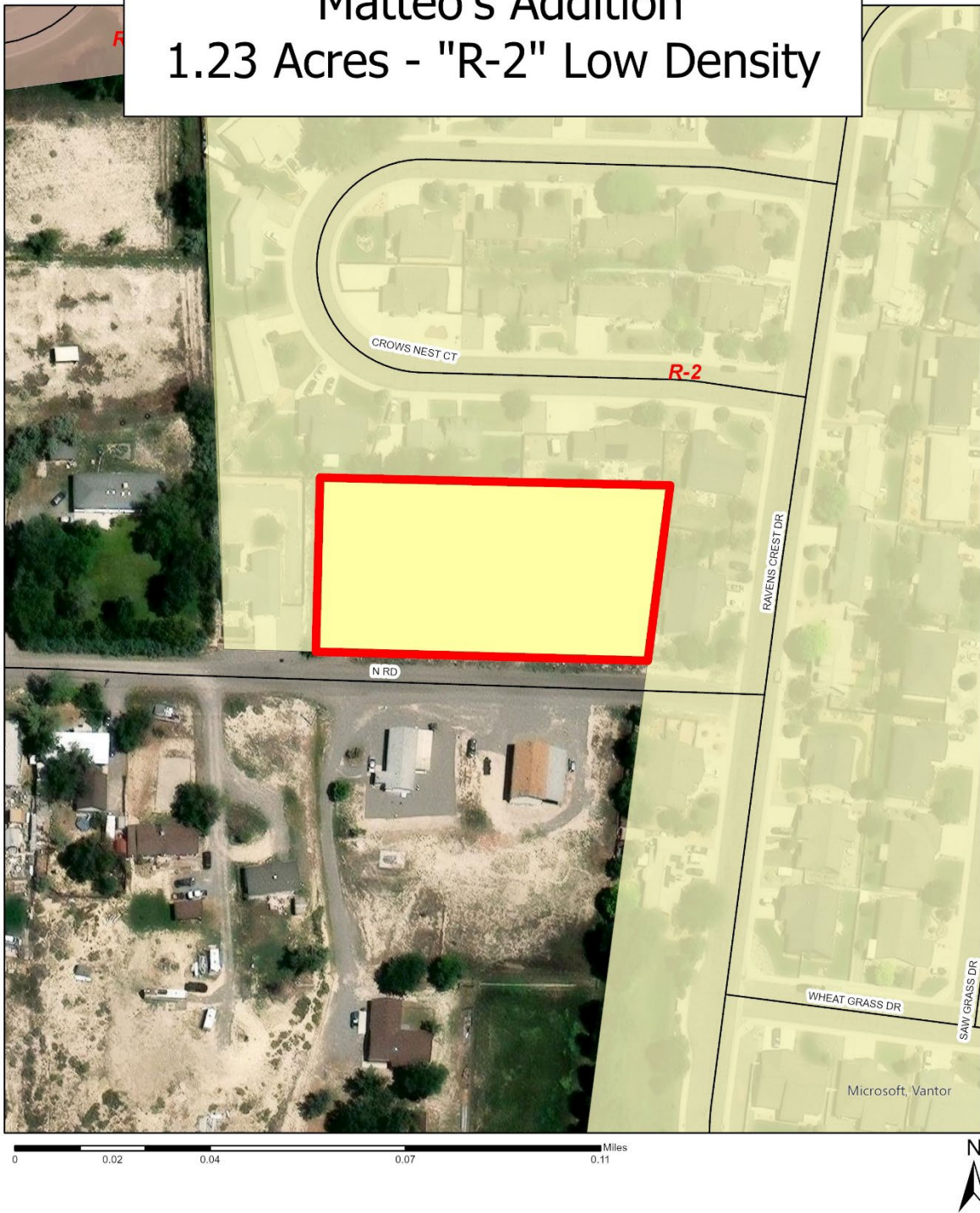
5. The property is located within Growth Area 1. According to the Comprehensive Plan, Growth Area represents the most cost-efficient areas for the city to grow and comprises platted but unbuilt lots, annexed but unplatted land, and un-annexed small enclaves.
6. The “R-2” zoning does not appear to be averse to the public health, safety and welfare.



EXHIBIT A: Maps



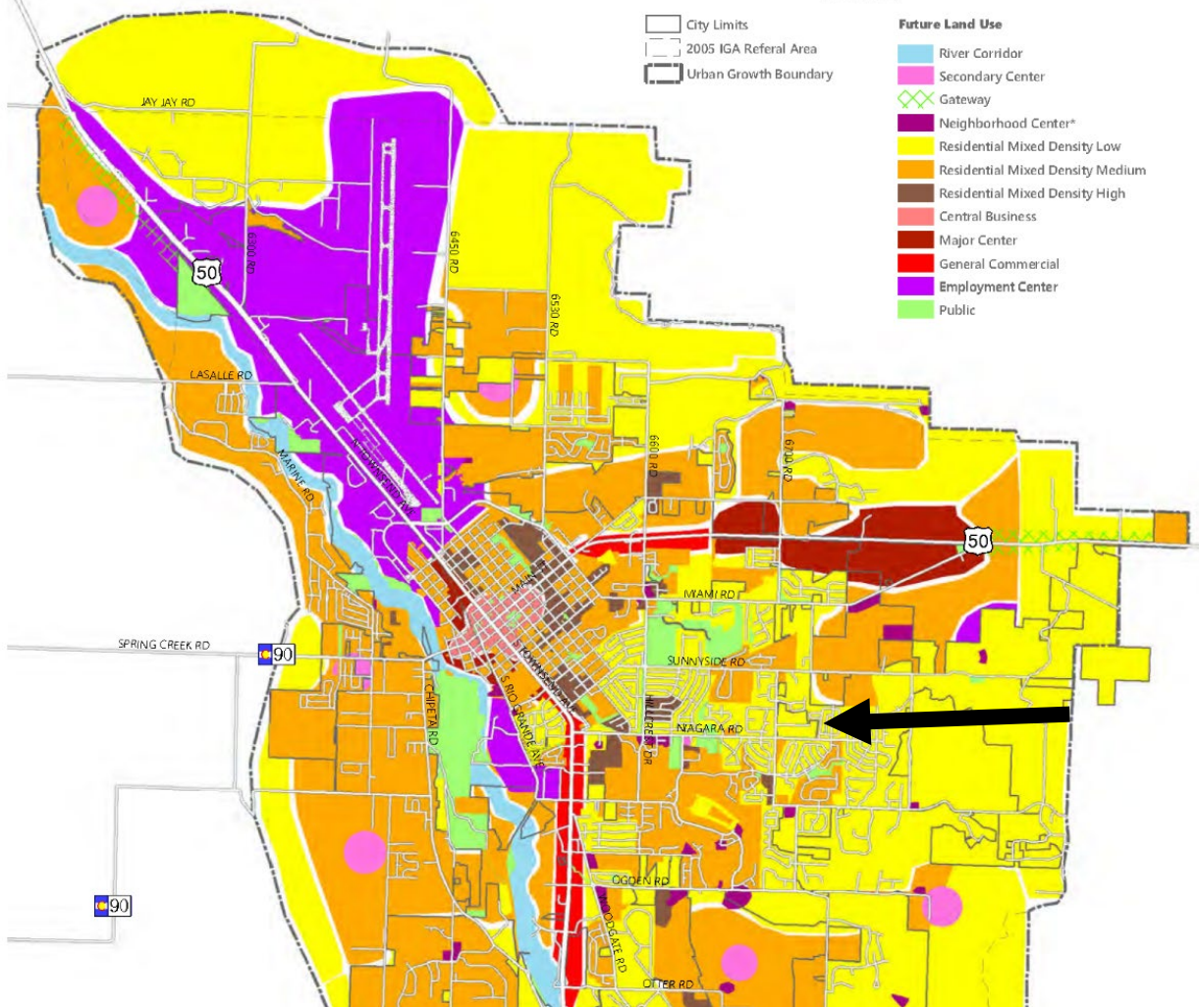
Matteo's Addition 1.23 Acres - "R-2" Low Density



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

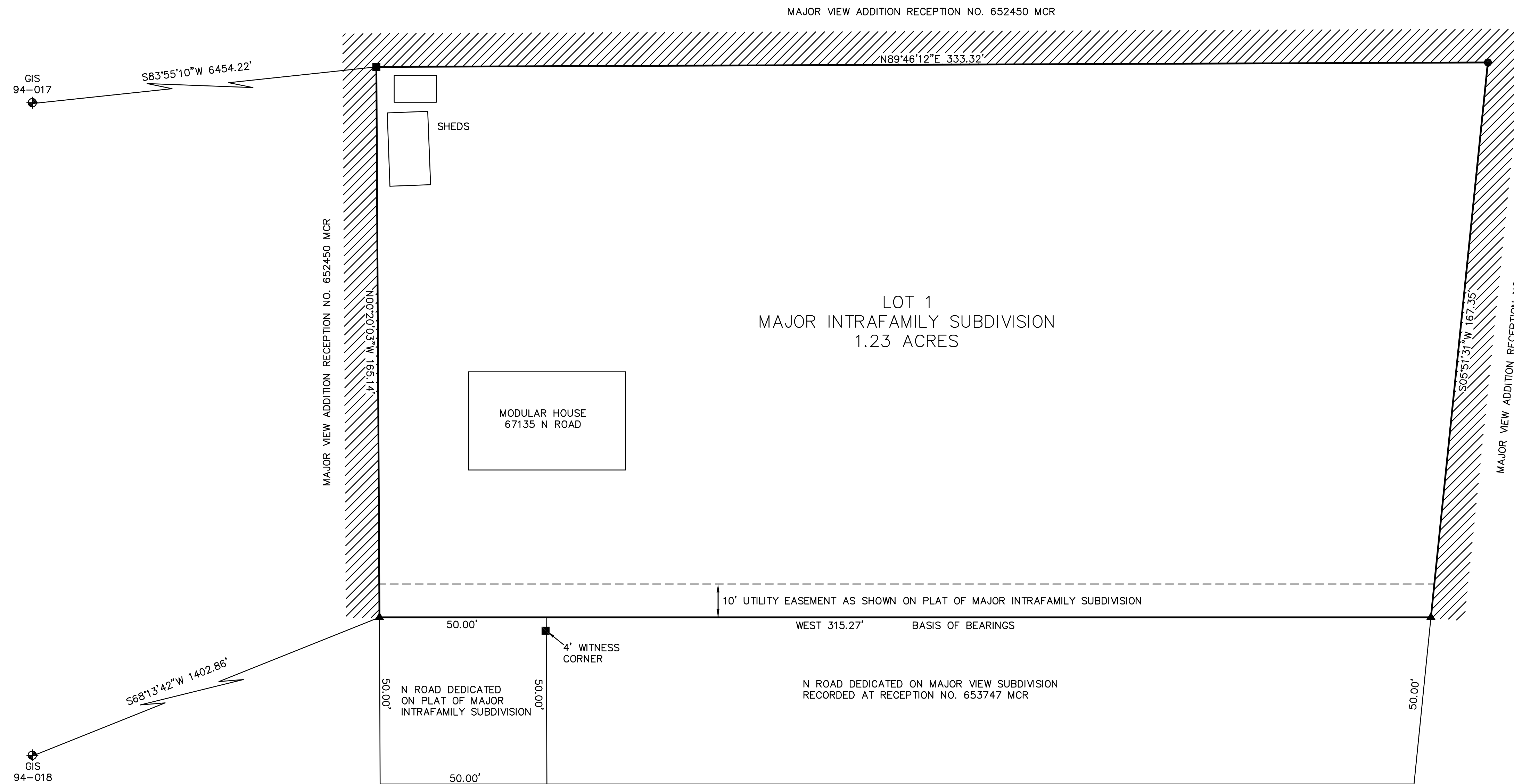
MAP 5.1



MATTEO'S ADDITION

TO THE CITY OF MONTROSE

SITUATED IN THE SE1/4NW1/4, SECTION 36, T49N, R9W, N.M.P.M.,
MONTROSE COUNTY, COLORADO



MATTEO'S ADDITION PROPERTY DESCRIPTION

Lot 1, Major Intrafamily Subdivision, according to the plat thereof filed for record, April 9, 1984 in Plat Book 12 at Page 480, County of Montrose, State of Colorado.

SURVEYOR'S CERTIFICATE

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

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

Date

MAYOR'S CERTIFICATE

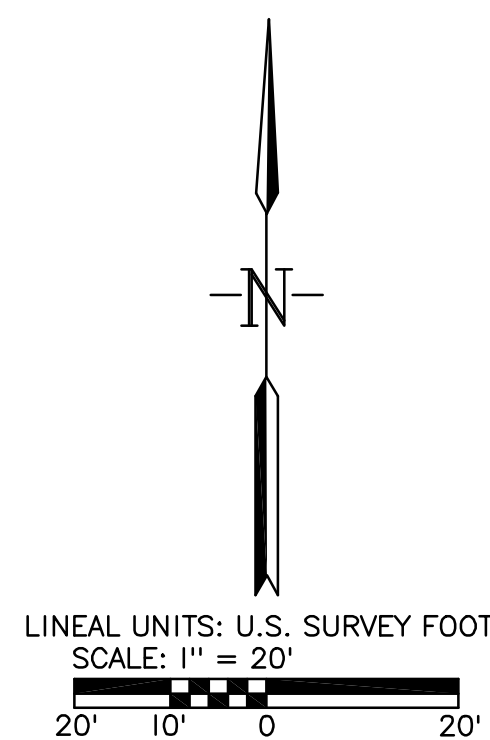
This is to certify that the City of Montrose, a municipal corporation in the County of Montrose, State of Colorado, has by its Ordinance No. _____ adopted on this _____ day of _____, 20____, A.D. annexed the property described hereon to the City of Montrose.

Mayor, City of Montrose

RECORDER'S CERTIFICATE

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

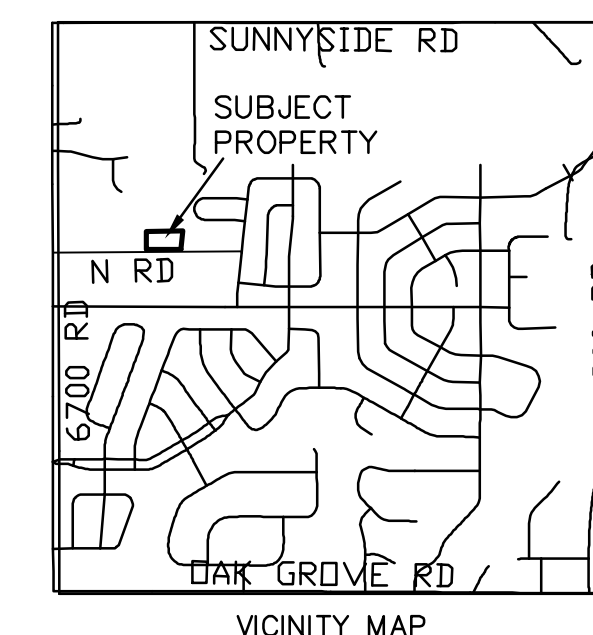
***NOTICE:** According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.



- LEGEND**
- ▲ = FOUND REBAR AND SURVEY CAP LS #16840
 - = FOUND REBAR AND SURVEY CAP LS #12180
 - = SET REBAR AND SURVEY CAP LS #12180
 - MCR = MONTROSE COUNTY RECORDS

MONTROSE CITY LIMITS

CONTIGUOUS CITY LIMITS = 615.81 FT
TOTAL PERIMETER = 981.08 FT
ACRES ANNEXED = 1.23 ACRES



CF: 25-46 MATTEO'S ADD Plot Scale: 1" = 20' Book: 783 Page: 32	<h2 style="margin: 0;">MATTEO'S ADDITION</h2> <h3 style="margin: 0;">TO THE CITY OF MONTROSE</h3>
DATE: 8/11/25 REVISIONS:	SITUATED IN THE SE1/4NW1/4, SECTION 36, T49N, R9W, N.M.P.M., MONTROSE COUNTY, COLORADO
FOR: VERONICA CHAVARRIA	
MESA SURVEYING INC. P.O. Box 1287 Montrose, CO 81402 (970)-240-9994	
Sheet: ___ of ___	File No. 25-46

EXHIBIT B: Zoning Code Excerpt

Sec. 11-7-6. District uses.

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



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

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

(F) *Uses Not Listed.*

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

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

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



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



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

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

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

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



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



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



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



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

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



RESOLUTION NO. 2026-04

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

1. The City Council hereby finds that the Annexation Petition submitted for the annexation of the property denominated as the **MATTEO'S ADDITION**, as described on **Exhibit A** hereto, is in substantial compliance with the requirements of C.R.S. § 31-12-107(1), as amended.
2. The City Council shall hold a hearing to determine if the proposed annexation complies with C.R.S. §§ 31-12-104, 105, or such parts thereof as may be required to establish eligibility for annexation under the terms of C.R.S. Part 1, Article 12, Title 31. The hearing shall be held on the 6th day of April 2026, in the Montrose City Council Chambers at the Elks Civic Building at 6:00 P.M.

ADOPTED by the City Council of the City of Montrose, Colorado, this 3rd day of March 2026.

CITY OF MONTROSE, COLORADO

Dave Frank, Mayor

ATTEST:

Lisa DelPiccolo, City Clerk

EXHIBIT A

Legal Description:

Lot 1, Major Intrafamily Subdivision, according to the plat thereof filed for record, April 9, 1984 in Plat Book 12 at Page 480, County of Montrose, State of Colorado.



CITY OF MONTROSE
Planning Services

MEMO

TO: City Council
FROM: William Reis, Senior Planner
DATE: March 3, 2026
RE: Brown Ranch Subdivision Amended Preliminary Plat 5

ATTACHMENTS

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

City Council Consideration:

The Planning Commission shall make a recommendation to City Council to approve, deny, or approve with conditions the Brown Ranch Subdivision 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 Planning Commission voted to approve the Brown Ranch Subdivision Amended Preliminary Plat 5 during the February 11, 2026 meeting. 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 Subdivision 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 Recommendation:

The Planning Commission recommended approval of the Brown Ranch Subdivision Amended Preliminary Plat 5 during the February 11, 2026 meeting. It was a unanimous vote. “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.”

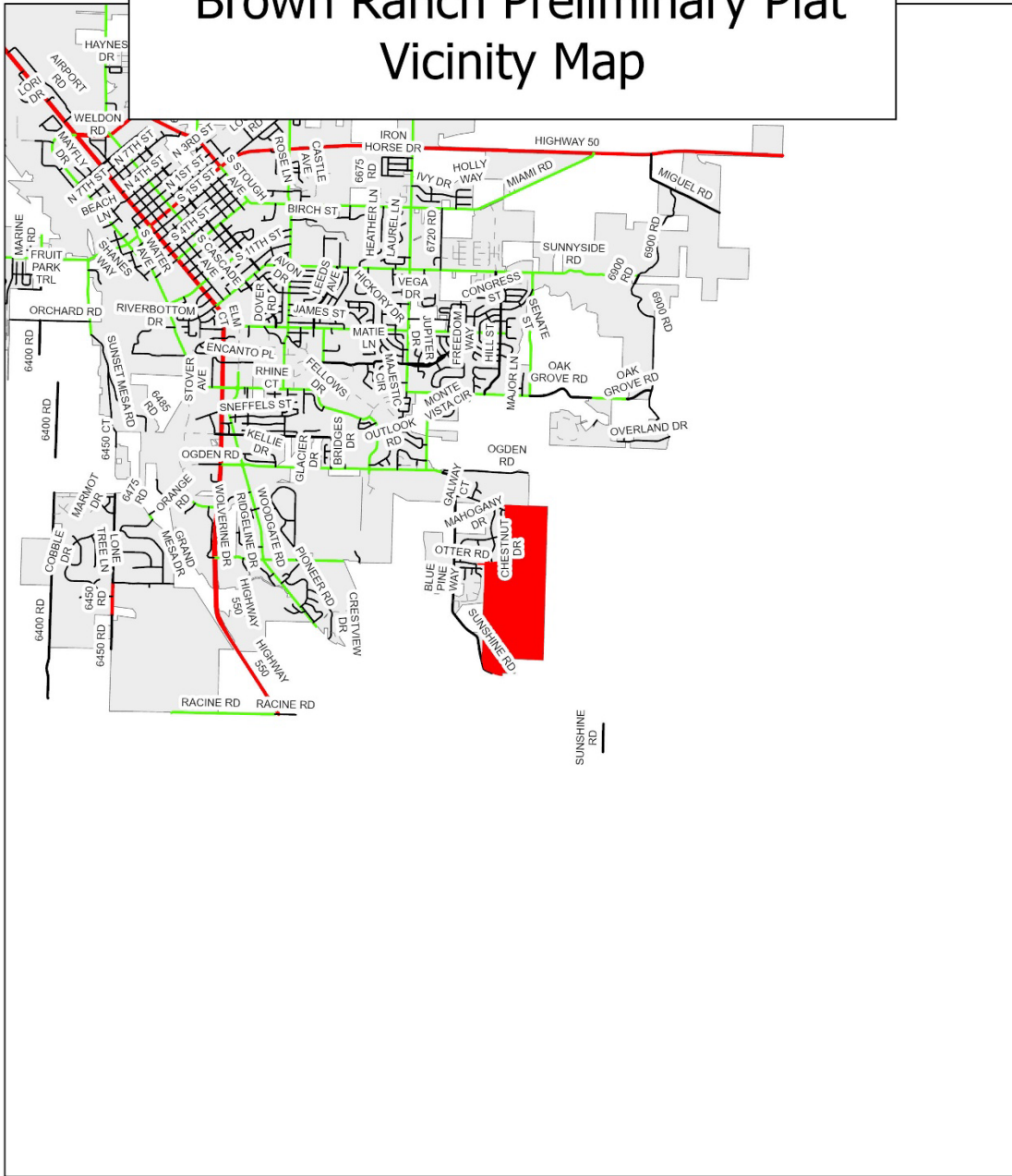
City Council Options:

1. Accept the Planning Commission recommendation and approve the Brown Ranch Subdivision Amended Preliminary Plat with the following conditions. “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.”
2. Approve the preliminary plat subject to conditions necessary to implement the provisions of Chapter 11-5 – Subdivision Regulations
3. Disapprove the plat if Council finds the requirements of these regulations have not been met.



EXHIBIT A: Area Maps

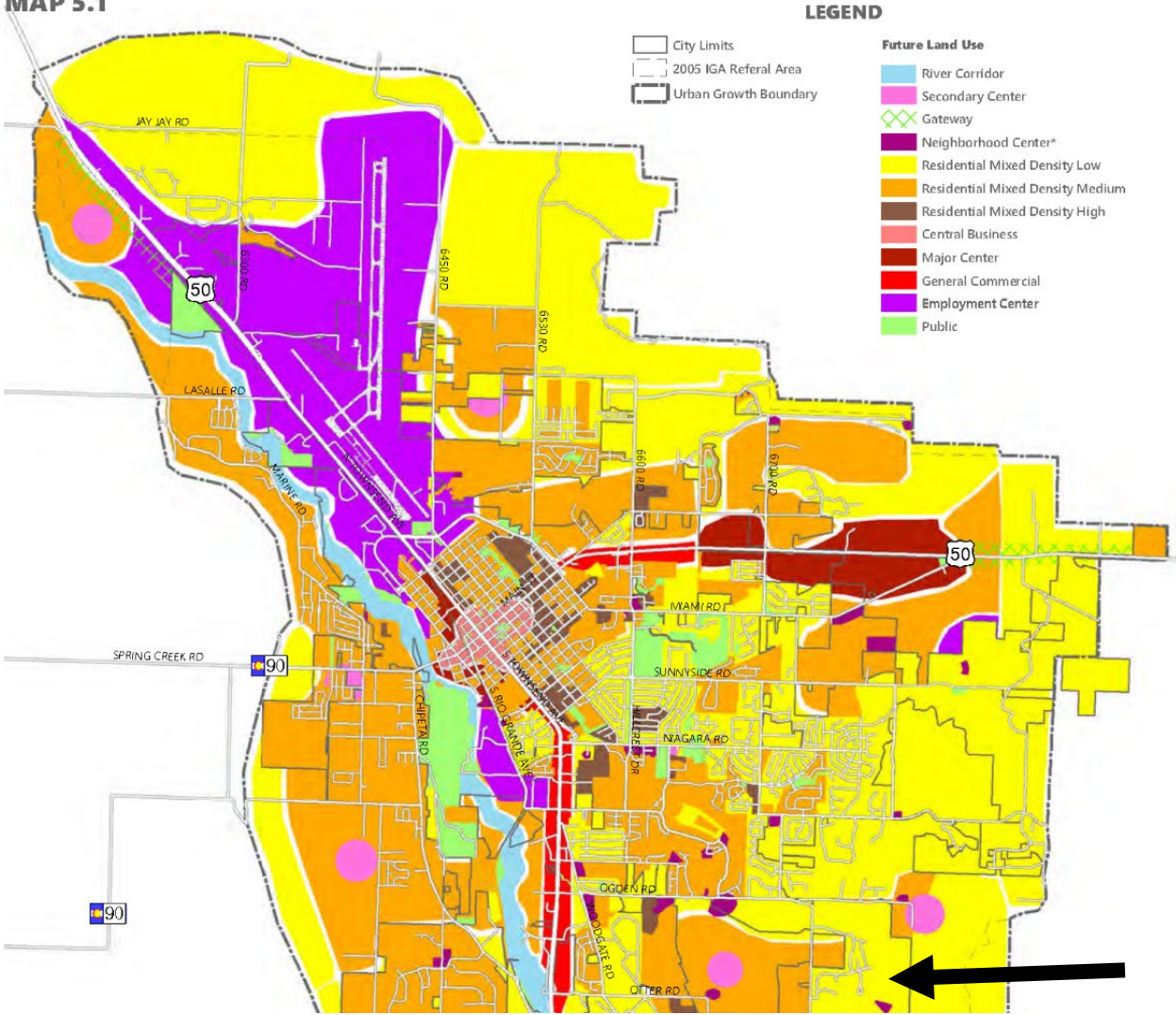
Brown Ranch Preliminary Plat Vicinity Map



Comprehensive Plan Future Land Use Map

FUTURE LAND USE

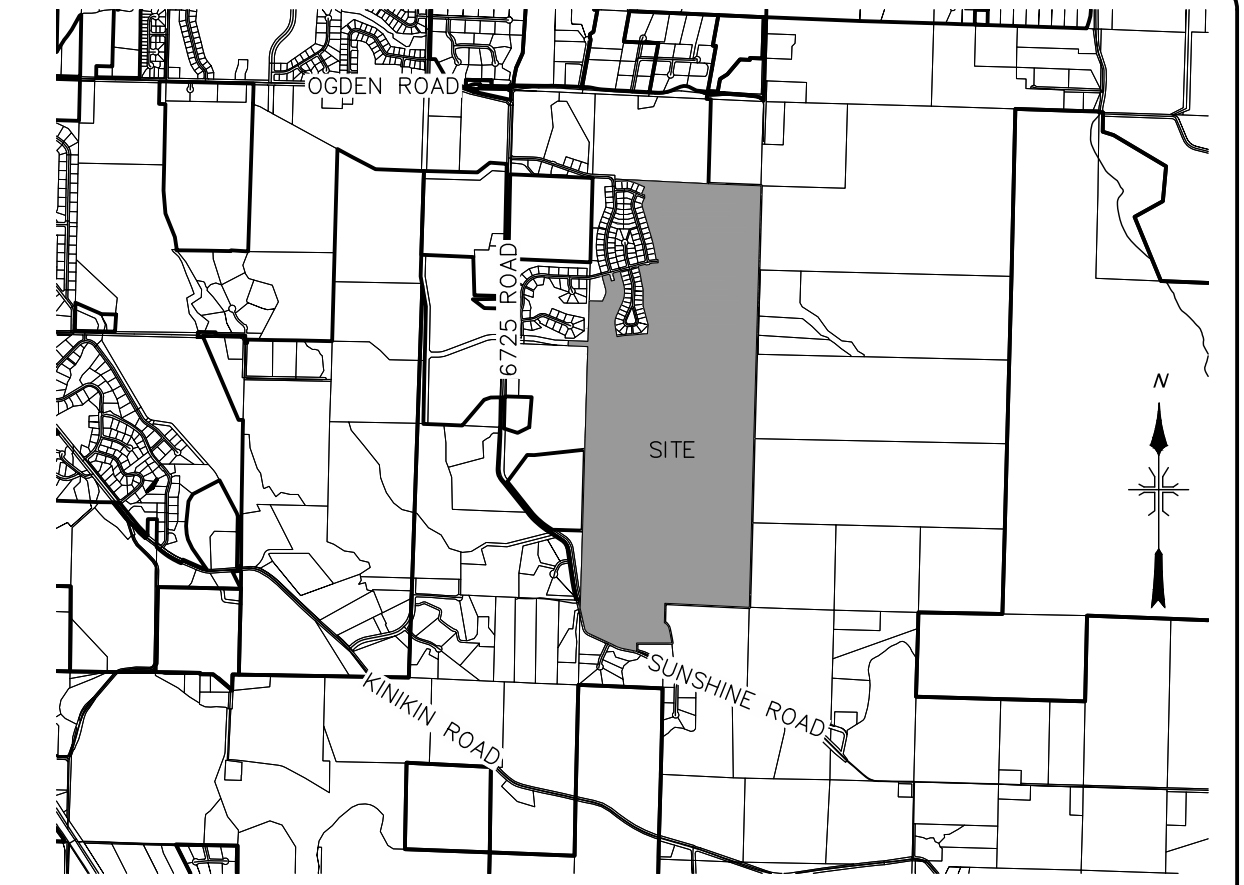
MAP 5.1



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 _____ Scott Murphy, P.E.	Date _____
City Attorney _____ Chris Dowsey	Date _____
City Planning Commission Chair _____ David Fishing	Date _____
City Mayor _____ Dave Frank	Date _____

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

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

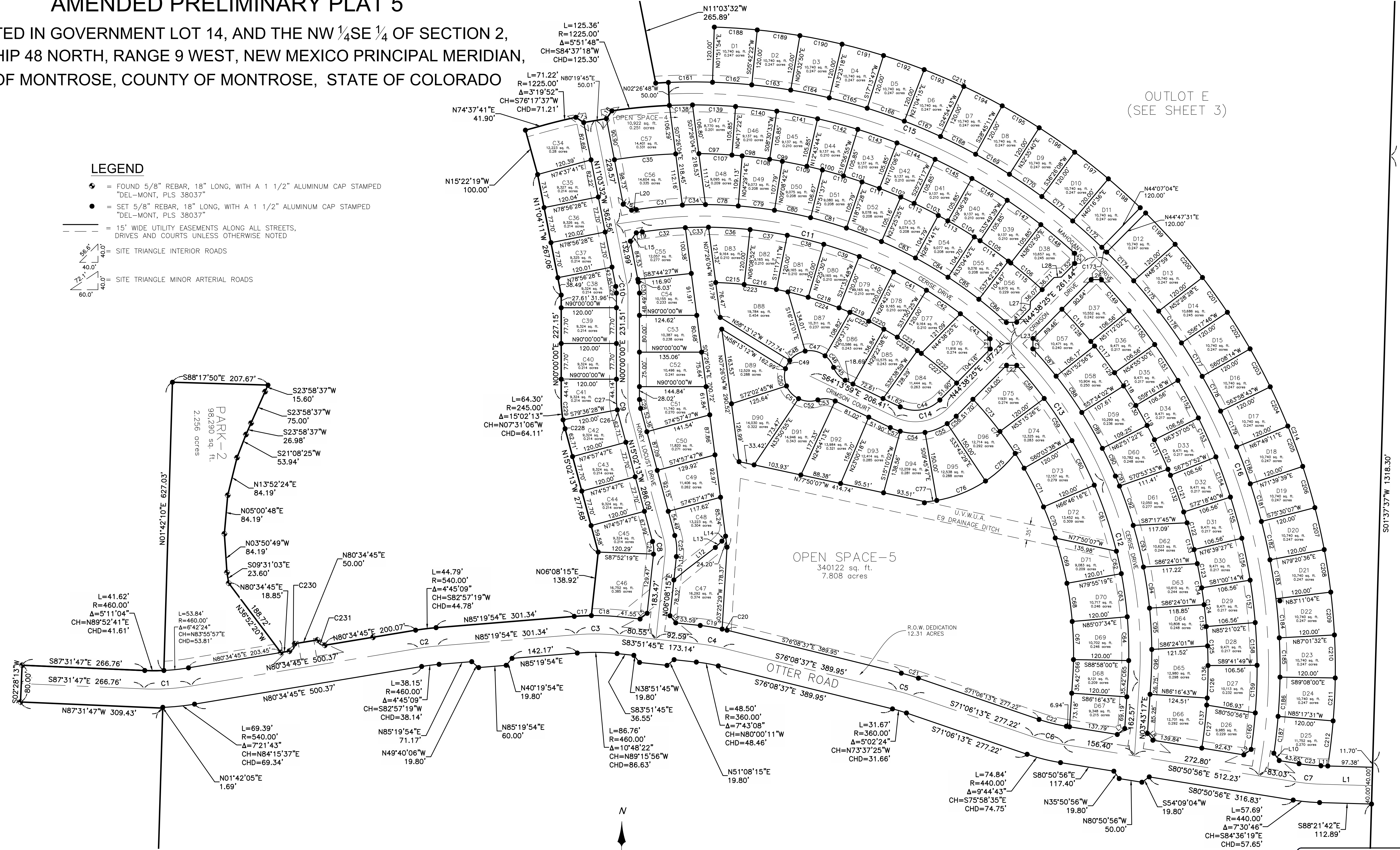
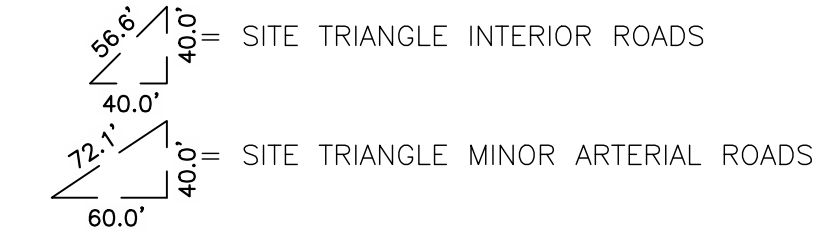
BROWN RANCH SUBDIVISION

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

LEGEND

- = FOUND 5/8" REBAR, 18" LONG, WITH A 1 1/2" ALUMINUM CAP STAMPED "DEL-MONT, PLS 38037"
- = SET 5/8" REBAR, 18" LONG, WITH A 1 1/2" ALUMINUM CAP STAMPED "DEL-MONT, PLS 38037"
- = 15' WIDE UTILITY EASEMENTS ALONG ALL STREETS, DRIVES AND COURTS UNLESS OTHERWISE NOTED



L=41.62'
R=460.00'
Δ=5°11'04"
CH=N89°52'41"E
CHD=41.61'

L=53.84'
R=460.00'
Δ=6°42'24"
CH=N83°55'57"E
CHD=53.81'

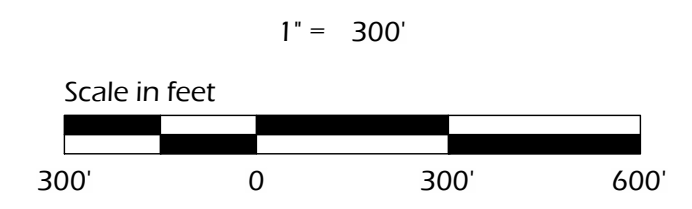
L=69.39'
R=540.00'
Δ=7°21'43"
CH=N84°15'37"E
CHD=69.34'

L=38.15'
R=460.00'
Δ=4°45'09"
CH=S82°57'19"W
CHD=38.14'

L=86.76'
R=360.00'
Δ=7°43'08"
CH=N80°00'11"W
CHD=48.46'

L=74.84'
R=440.00'
Δ=9°44'43"
CH=S75°58'35"E
CHD=74.75'

L=57.69'
R=440.00'
Δ=7°30'46"
CH=S84°36'19"E
CHD=57.65'



OUTLOT E
(SEE SHEET 3)

BROWN RANCH SUBDIVISION
AMENDED PRELIMINARY PLAT 5

SUNSHINE OF MONTROSE, INC

BROWN RANCH
MONTROSE, COLORADO

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

FIELD BOOK:	DESIGNED BY:	DATE:
	DCC	2026-01-12
SHEET:	FILE:	JOB NO.:
2 of 5	250566_PLAT PRE-5	25056

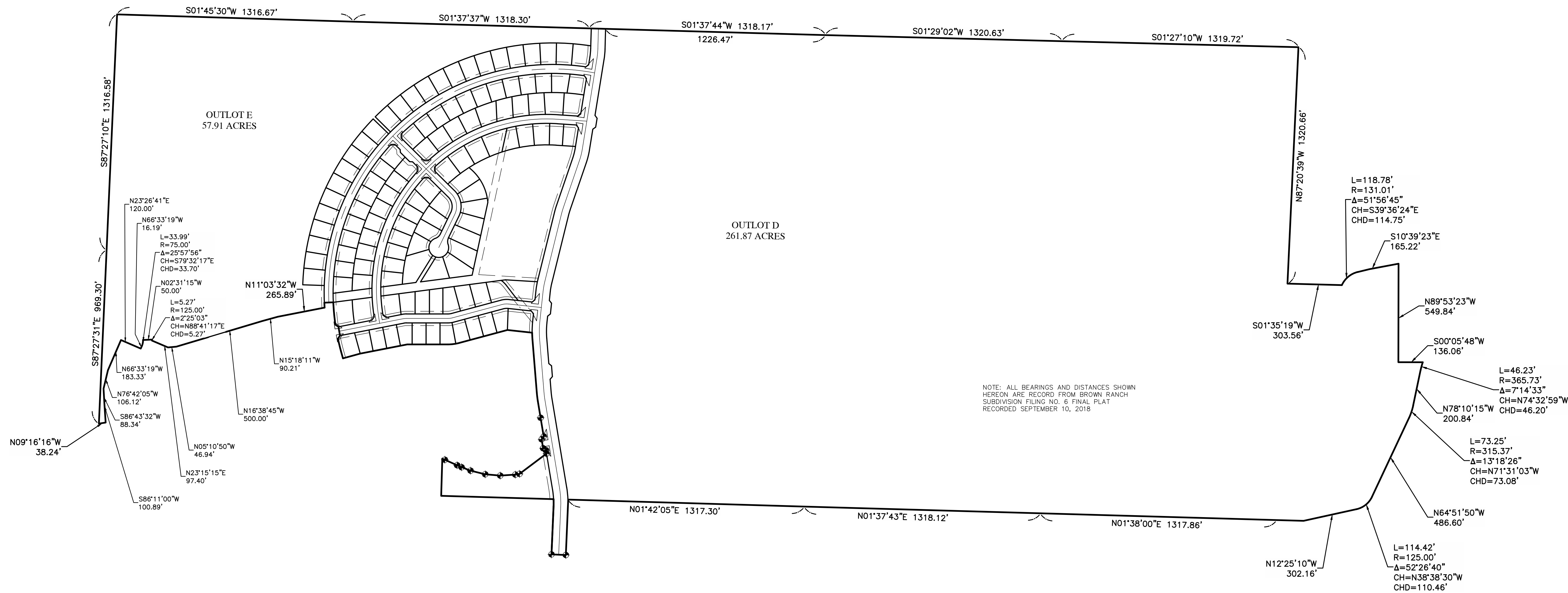
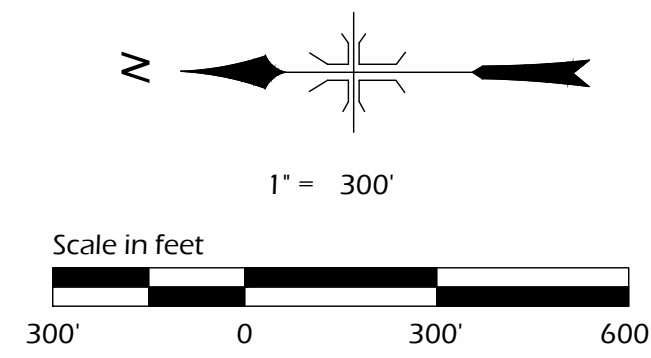
PRELIMINARY PLAT

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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 W (970) 249-2251 www.del-mont.com service@del-mont.com	
FIELD BOOK:	DRAWN BY:	DATE:	TITLE:
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			BROWN RANCH MONTROSE, COLORADO
			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°52'24"	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°50'19"	N81°16'58"W	81.73'
C38	81.75'	911.56'	00°50'19"	N76°08'40"W	81.73'
C39	81.75'	911.56'	00°50'19"	N71°00'21"W	81.73'
C40	81.75'	911.56'	00°50'19"	N65°52'02"W	81.73'
C41	81.75'	911.56'	00°50'19"	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°51'50"	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°50'26"	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°50'46"	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	90.07'	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°43'34"	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	

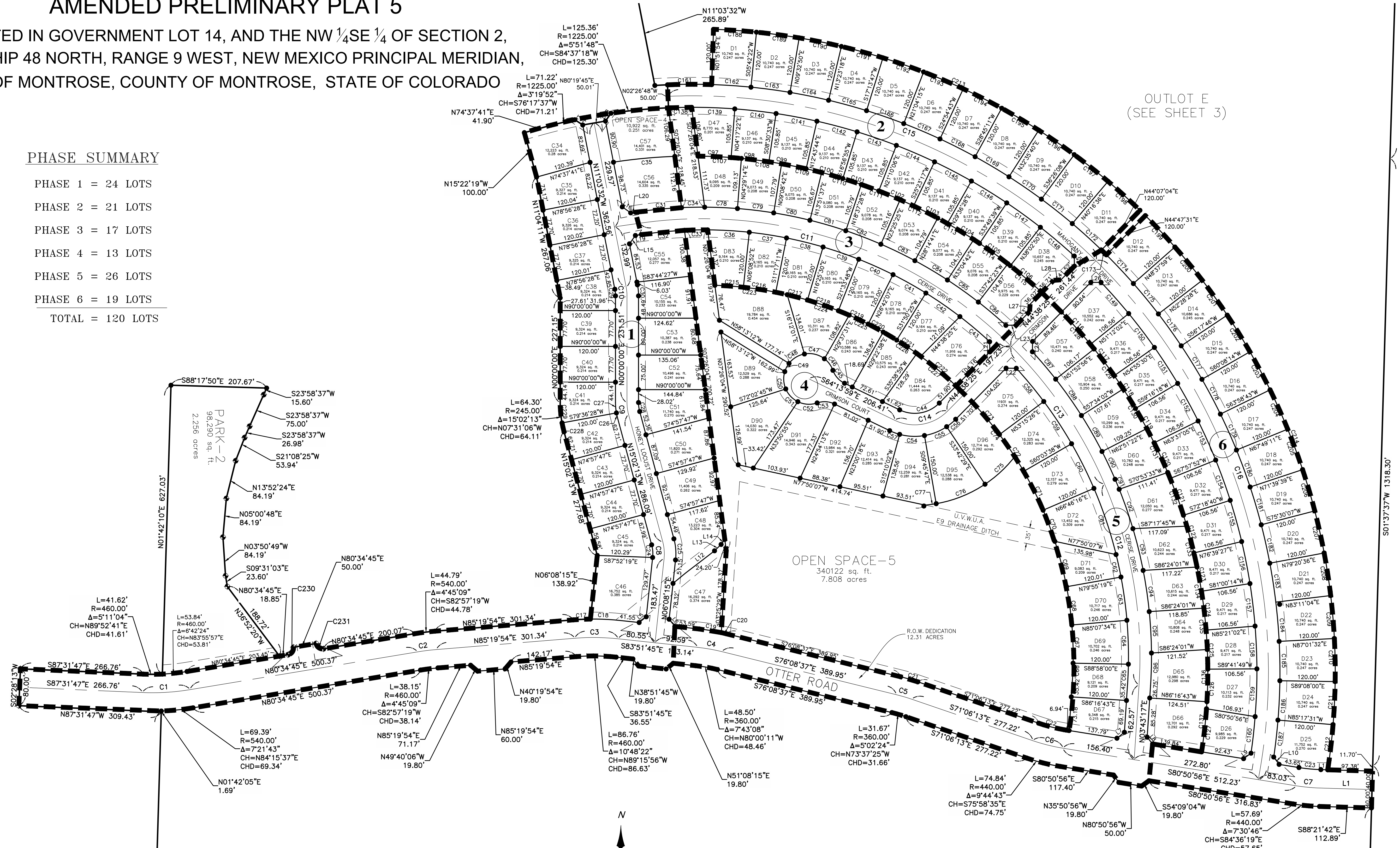
BROWN RANCH SUBDIVISION

AMENDED PRELIMINARY PLAT 5

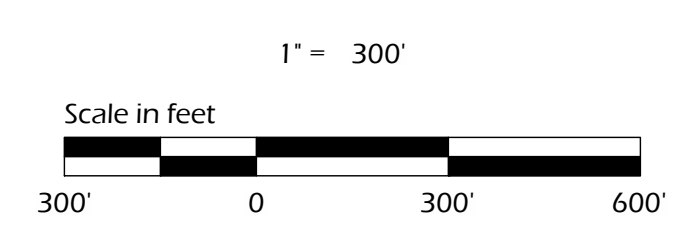
SITUATED IN GOVERNMENT LOT 14, AND THE NW 1/4 SE 1/4 OF SECTION 2,
TOWNSHIP 48 NORTH, RANGE 9 WEST, NEW MEXICO PRINCIPAL MERIDIAN,
CITY OF MONTROSE, COUNTY OF MONTROSE, STATE OF COLORADO

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)



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.

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.: 25056 TYPE:

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:

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- (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.

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- (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

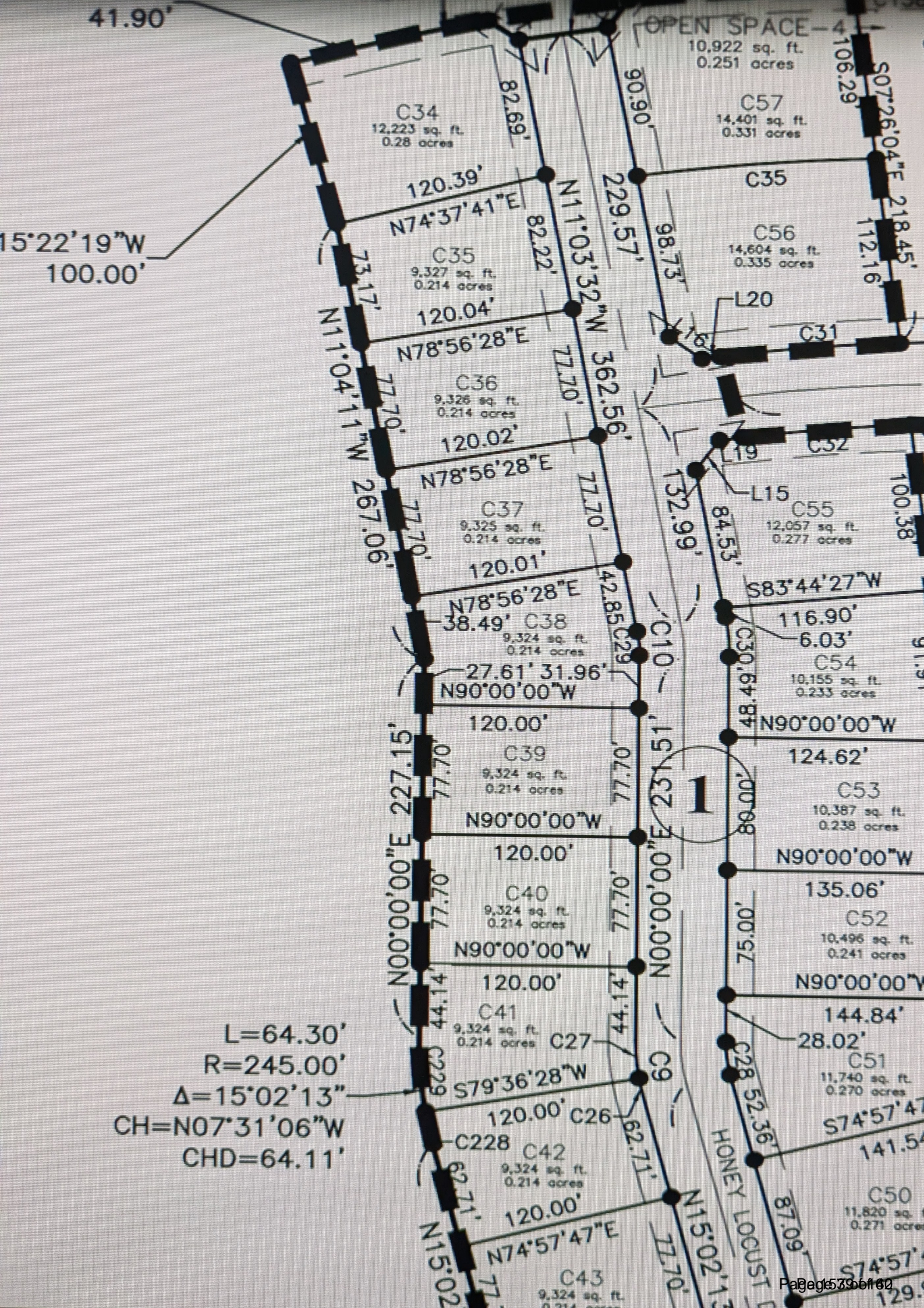
contact:

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

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

C39
9,324 sq. ft.
0.214 acres

120.00'
N90°00'00"W

C40
9,324 sq. ft.
0.214 acres

120.00'
N90°00'00"W

C41
9,324 sq. ft.
0.214 acres

120.00' C27
S79°36'28"W

C42
9,324 sq. ft.
0.214 acres

120.00' C26
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







3412

A33
334B

WINDYWAY DRIVE

SCARLET COURT