



**REGULAR PLANNING COMMISSION MEETING AGENDA**  
**Wednesday, June 8, 2022 5:00 PM**  
**City Council Chambers, Elks Civic Building - 107 S. Cascade Ave.**

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

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

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

- 1) Planning Commission meeting called to order
- 2) Roll call by the Planning Commission Chair
- 3) Approval of Minutes of the May 25, 2022 meeting
- 4) Additions or Deletions
- 5) **WATERFALL CANYON AMENDED PRELIMINARY PLAT #3** This proposed preliminary plat will subdivide the remaining unbuilt portions of the Waterfall Canyon Subdivision into 320 single-family lots. The project is located on Parcel #376732124037, south of Spring Creek Rd, and adjacent to Blue Lake Dr, Alta Lakes Ave, and Pilot Knob Ave. The property is zoned "R-3" Medium Density District and "R-3A" Medium High Density District. The applicant is Matt Miles with Leadership Circle, LLC.
- 6) Other Business
- 7) Next Meeting will be June 22, 2022
- 8) Motion to Adjourn



## **AGENDA JUNTA REGULAR DE LA COMISIÓN DE PLANIFICACIÓN**

*Miércoles, junio 8 de 2022 5:00 PM*

***Cámaras del Consejo de la Ciudad, Elks Civic Building - 107 S. Cascade Ave.***

*El Comité de Planificación de Montrose se complace en tener a residentes de la comunidad que se toman el tiempo para asistir a las juntas del Comité de Planificación. Les animamos a asistir y a participar. A los individuos que deseen ser escuchados durante los procedimientos de la audiencia pública se les anima a que estén preparados y por lo general se les limitará a tres minutos para permitir que todos tengan la oportunidad de ser escuchados. La regla de las 11:00 p.m. será implementada de acuerdo con las regulaciones de la Ciudad de Montrose (Sec.7-15-2).*

*Comentarios adicionales por escrito son bienvenidos. Si le gustaría comentar en algún punto de la agenda envíe un correo electrónico a [planningmail@cityofmontrose.org](mailto:planningmail@cityofmontrose.org). Los comentarios por escrito deben ser recibidos para el mediodía una semana antes de la junta para ser incluidos en el paquete de la Comisión de Planificación. Después de este plazo, los comentarios recibidos al mediodía el día antes de la junta serán distribuidos a la Comisión de Planificación el día de la junta.*

Hay asistencia de aparatos auditivos disponibles para el uso público. Por favor déjenos saber si usted necesita esta adaptación. La ciudad también ofrece interpretación para hispanohablantes. Para poder reservar esta asistencia, por favor envíe un email a [planningmail@ci.montrose.co.us](mailto:planningmail@ci.montrose.co.us) por lo menos tres días antes de la junta.

- 1) Comisión de Planificación llamado a orden de la junta
- 2) Toma de asistencia por el Presidente de la Comisión de Planificación
- 3) Aprobación de la minuta de la junta de mayo 25, 2022
- 4) Adiciones o eliminaciones
- 5) **ENMIENDA PLANO PRELIMINAR #3 WATERFALL CANYON (CASCADA DEL CAÑÓN)**  
Esta propuesta de plano preliminar fraccionará las porciones restantes no construidas del Fraccionamiento Waterfall Canyon (Cascada del Cañón) en 320 lotes para viviendas unifamiliares. Este proyecto está localizado en la Parcela #376732124037, al sur de Spring Creek Rd, y adyacente a Blue Lake Dr, Alta Lakes Ave, y Pilot Knob Ave. La propiedad está zonificada "R-3" Distrito de Densidad Media y "R-3A" Distrito de Densidad Media Alta. El solicitante es Matt Miles con Leadership Circle, LLC.
- 6) Otros asuntos
- 7) Próxima junta será junio 22, 2022
- 8) Moción para levantar la sesión



The Montrose City Planning Commission held a meeting on May 25, 2022 at 5:00 p.m. in City Hall Council Chambers. The meeting agenda was posted in accordance with the Colorado Open Meetings Act (C.R.S. §24-6-401, et.seq.).

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

Staff Members Present: William Reis (Planner I), Ann Morgenthaler (Deputy City Manager), Martin Landers (Professional Planner), Chris Dowsey (Assistant City Attorney), Scott Murphy (City Engineer), Sharon Dunning (Building Services Technician), Greg Story (Information Systems Director), Montrose Police Officer.

There were 10 members of the public in attendance.

### **CALL TO ORDER**

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

### **APPROVAL OF MINUTES**

Phoebe Benziger moved to approve the minutes of the May 11, 2022 meeting as submitted. Chad Huffman seconded, and the motion carried unanimously.

### **ADDITIONS OR DELETIONS**

None.

### **BROWN RANCH SUBDIVISION AMENDMENT 4 PRELIMINARY PLAT.**

This proposed preliminary plat will subdivide two infill portions of the original subdivision, 17 lots in the northern portion of the subdivision off of Donnegal Drive (currently zoned "R-1" Very Low Density District), and 24 lots off a southern extension of Chestnut Drive (currently zoned "R-2" Low Density District). The applicant is Del-Mont Consultants and Sunshine of Montrose, LLC.

### **Staff Presentation**

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

### **Questions for Staff**

Staff was asked about sewer services.

### **Applicant Presentation**

Steve Stevenson, representing the applicant, gave an overview of the preliminary plat.

**Questions for Applicant**

None.

**Public Comment**

None.

**Discussion**

Planning Commissioners commented on the preliminary plat and the character of the neighborhood.

**Motion and Vote**

Chad Huffman moved to recommend to City Council approval of the Preliminary Plat application with the following condition(s). The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal code provisions are met and that the Applicant adequately addresses all of staff's concerns prior to the execution of the Final Plat. The City staff is not authorized by this approval to execute the Final Plat prior to all conditions being satisfied. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Delphine Jadot seconded and the motion carried unanimously.

**MONTROSE REGIONAL HEALTH AMBULATORY CARE CENTER LARGE RETAIL SITE DEVELOPMENT.**

This proposal is for the Montrose Regional Health Ambulatory Care Center Large Retail Site Development, a pending structure on the vacant lot (Parcel #399304254002) located at the intersection of S Rio Grande Avenue and Orange Road. Development within the River Landing Subdivision constitutes a singular site development, and as such, all structures within the subdivision are subject to the Large Retail Site Development Standards of the City of Montrose Municipal Code. The applicant is NexCore Group.

**Staff Presentation**

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

**Applicant Presentation**

Jim Hartman, applicant, came forward to give an overview of the site development plan.

**Public Comment**

One member of the public came forward to comment on the project with concerns about tree removal, building sustainability, and sidewalks on Orange Road.

**Discussion**

Planning Commissioners discussed river trail connections, distance of building from property edge, buffering, non-removal of trees, outdoor rehabilitation, sidewalks, street parking, sustainability of building, and the criteria.

Planning Commissioners and applicant discussed additional sidewalks.

**Motion and Vote**

Delphine Jadot moved to approve the large retail site development plan for the Montrose Regional Health Ambulatory Care Center. The request meets the Code criteria and standards based on the evidence and testimony presented at this hearing and in the staff report. As discussed in the meeting, the applicant will add sidewalks along the northern side of Orange Road to connect to the existing recreation trail. Phoebe Benziger seconded and the motion passed unanimously.

**6700 DEJULIO ADDITION.**

This is a proposal for the initial zoning of "R-1A" Large Estate District for the proposed 6700 DeJulio Addition, approximately 9.35 acres. The parcel is located south of the intersection of 6700 Road and Miami Road, at 67008 Miami Road.

**Staff Presentation**

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

**Applicant Presentation**

The applicant was not present.

**Questions for Staff**

Planning Commissioners and staff discussed annexation, zoning, and future use of the property.

**Public Comment**

Three members of the public came forward to discuss the future 6700 Road and remaining property use, removal and saving of oak trees, a bike path, and irrigation and replacement of the headgate currently on the property.

**Discussion**

Staff spoke about the road and use of the remaining property, preservation of trees, height of buildings, road connections, recreation path connections, irrigation and relocation of the headgate.

**Motion and Vote**

Phoebe Benziger moved to recommend to City Council approval the initial zoning request of "R-1A" Large Estate District. The request meets the Code criteria based on the evidence and testimony presented at this hearing and in the staff report. Delphine Jadot seconded and the motion passed unanimously.

**COLOR RED TOWNHOMES SKETCH PLAN.**

This is a review and discussion of the Sketch Plan for the Color Red Townhomes Subdivision. The property is approximately 0.3 acre in size and is located at 708 Cedar Creek Ave, on Lot 46 of the Cedar Creek Subdivision. The proposed subdivision will consist of 5 townhomes with additional common elements. The property is zoned "R-4" High Density District. The applicant is Garret Smith with Color Red Construction.

**Staff Presentation**

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

**Applicant Presentation**

Garret Smith, applicant, approached the podium to discuss the proposed project.

**Questions for Applicant**

Planning Commissioners and applicant discussed type of housing and parking.

**Questions for Staff**

Planning Commissioners and staff discussed site development requirements including landscaping and parking.

**Public Comment**

None.

**Discussion**

None.

**Motion and Vote**

No action is to be taken. There were no suggestions for the applicant.

**OTHER BUSINESS**

Planning Commissioners and staff discussed updates on applications for alternate Planning Commissioner and Senior Planner positions.

Staff gave an update on Woodgate Road and budgeting for 6700 Road.

**NEXT MEETING**

The next Planning Commission meeting is scheduled for June 8, 2022.

**PUBLIC COMMENT**

None.

**ADJOURNMENT**

Phoebe Benziger moved to adjourn the meeting. Chad Huffman seconded and the meeting ended at 6:10 p.m.

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CHAIRPERSON

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ATTEST



CITY OF MONTROSE  
Planning Services

**MEMO**

TO: Planning Commission  
FROM: William Reis, Planner I  
DATE: June 8, 2022  
RE: Waterfall Canyon Amended Preliminary Plat #3

**ATTACHMENTS**

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

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***Public notice requirements have been fulfilled in accordance with Section 4-4-31(D) of the City of Montrose Municipal Code. A sign was posted on the property, letters sent to property owners within 100 feet, and an ad appeared in the Montrose Daily Press.***

**Planning Commission Consideration:**

The Planning Commission shall make a recommendation to City Council to approve, deny, or approve with conditions the Waterfall Canyon Amended Preliminary Plat #3. The Planning Commission will consider all of the information in this memo in making a decision.

**Applicant:** Matt Miles, Leadership Circle, LLC

**Application Background:**

The Waterfall Canyon Amended Preliminary Plat #3 is a proposed single-family residential development in the western portion of the city. This Amended Plat renews the remaining unbuilt portion of the Waterfall Canyon Subdivision into 320 future lots, in 5 phases. The project is located on Parcel #376732124037, south of Spring Creek Rd, and adjacent to Blue Lake Dr, Alta Lakes Ave, and Pilot Knob Ave. The project is in the "R-3" Medium Density District and the "R-3A" Medium High Density District.

The hearing before City Council to approve or deny the Preliminary Plat is scheduled for June 21, 2022.



## 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 4-7-5 (A)(2) 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. The Comprehensive Plan Future Land Use Map designates the area as Residential Mixed Density Medium.

- *Residential Mixed Density Low. This district provides primarily for a variety of residential types, mixed within a neighborhood, including single-family homes, townhomes, duplexes and triplexes. The majority of the mixed-density medium residential land uses are designated in areas that are not yet developed.*

### 3. Zoning Regulations:

- Municipal Code, Section 4-4-7 (A) Intent: The “R-3” Medium Density District is intended to provide an area which is suitable for single-family homes and duplexes. The district provides for other uses which are compatible with such uses.
- Municipal Code, Section 4-4-7.1 (A) Intent: The “R-3A” Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses.
- The proposed use is a use-by-right in these zoning districts. The current zoning is compatible with general conditions in the area. The property is adjacent to properties that are also zoned “R-3” Medium Density District, “R-3A” Medium



- High Density District, and agricultural (outside City limits).
- The minimum lot size requirement in the “R-3” and “R-3A” zoning districts is 6,250 SF. All lots on this preliminary plat within this zoning district meet the minimum lot size requirement.
4. The Waterfall Canyon Amended Preliminary Plat #3 does not appear to be adverse to the public health, safety and welfare and is in compliance with the City’s Subdivision Regulations.

**Planning Commission Action:**

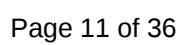
The Planning Commission shall make a recommendation to City Council to approve, deny, or approve with conditions the Waterfall Canyon Amended Preliminary Plat #3. The Planning Commission may also continue the item. Proposed motions for Planning Commission consideration are included below.

**Planning Commission Recommendation Alternatives for Preliminary Plat:**

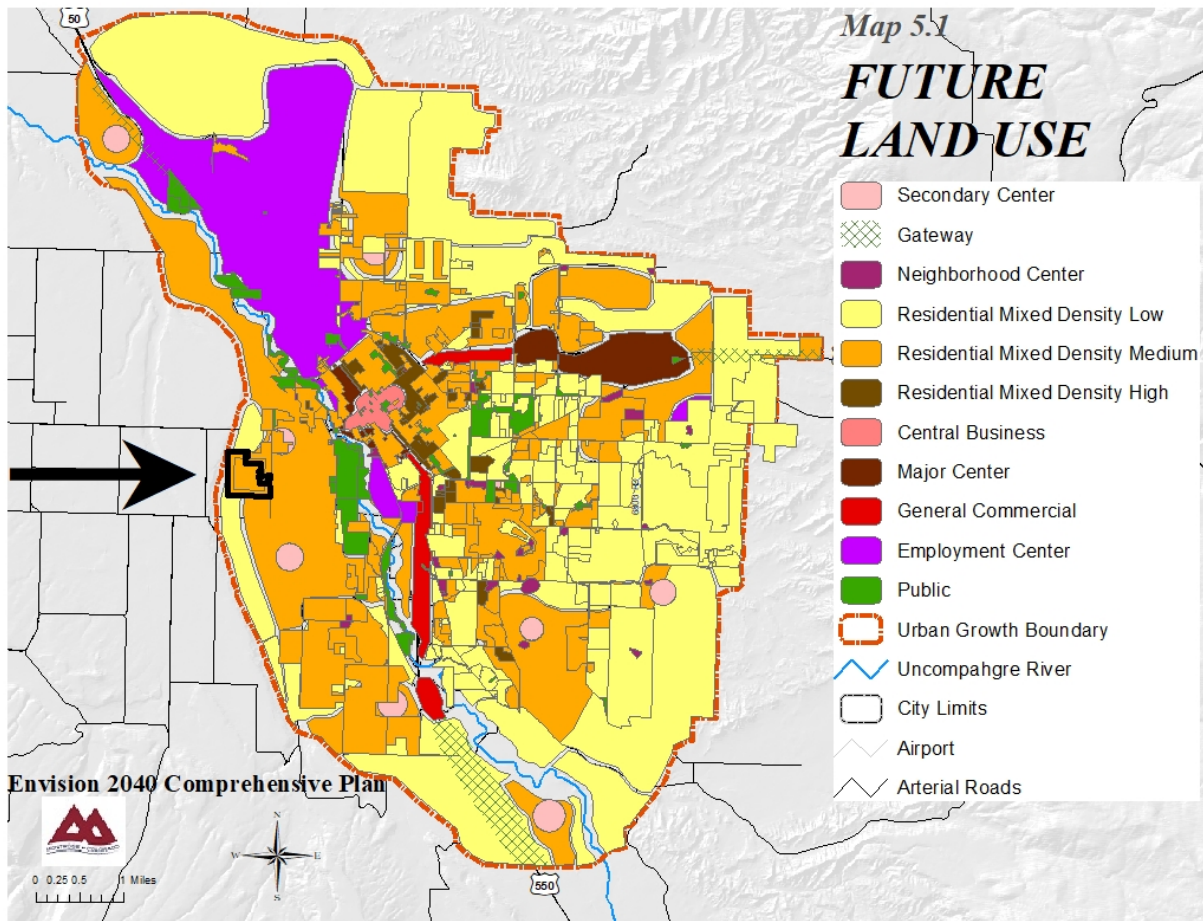
**Conditional Approval Motion:** “I hereby make a motion to recommend to City Council approval of the Preliminary Plat application with the following condition(s). The approval of this Preliminary Plat is expressly conditioned upon City staff ensuring that all policies, regulations, ordinances and municipal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

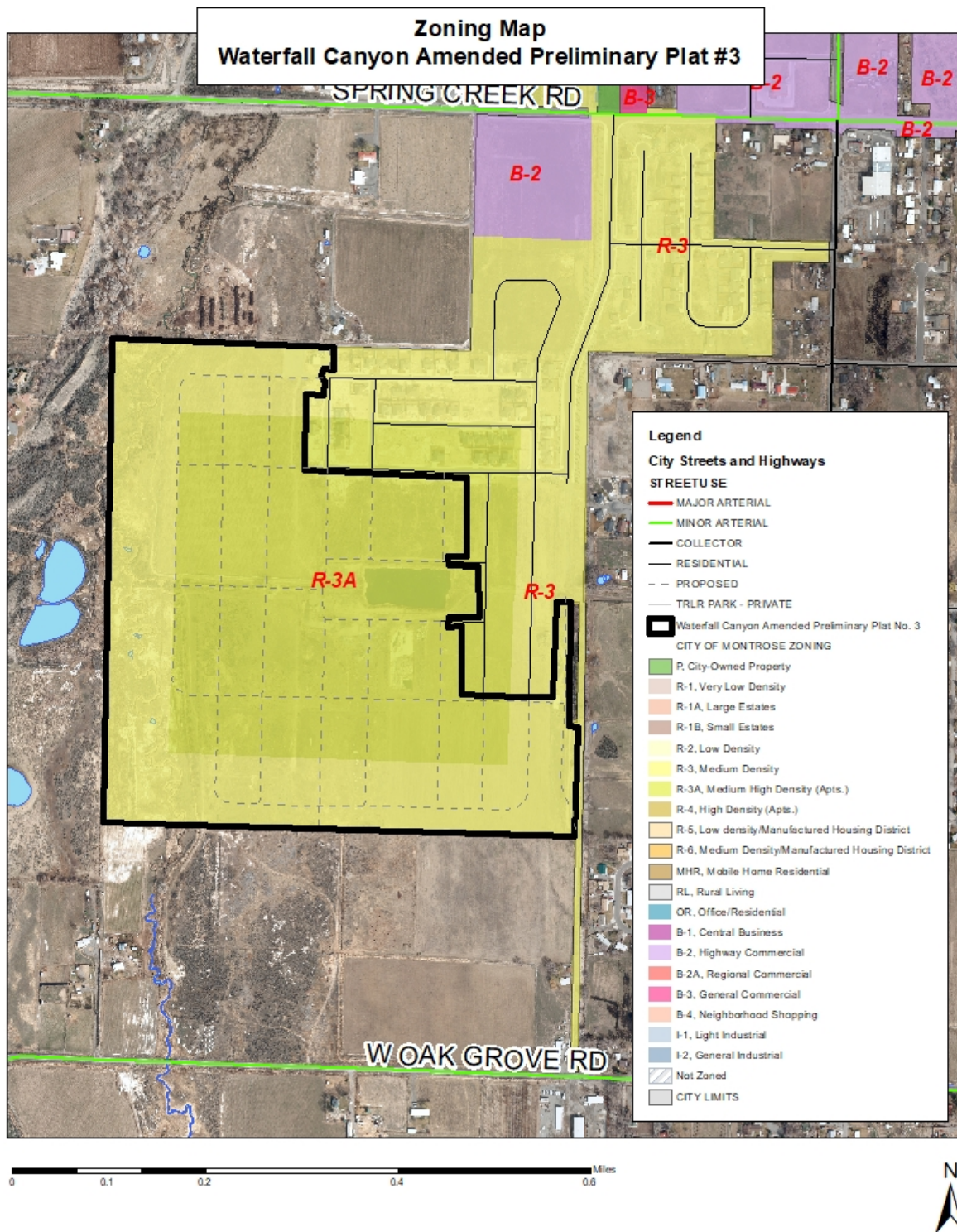
**Denial Motion:** “I hereby make a motion to recommend to City Council denial of the Preliminary Plat application. The application does not meet the Code criteria based on evidence and testimony presented at this hearing and in the staff report.”





## Comprehensive Plan Future Land Use Map





Map created 6-2-22



## EXHIBIT B: Code Excerpts for Subdivisions

### Sec. 4-7-5. Subdivision procedure.

- (A) The subdivision of land shall be accomplished in accordance with the procedures provided in this Section, except for those instances where different governing procedures are set forth pursuant to Sections 4-7-9 through 4-7-11, Informal Review and Sketch Plan. The City Council shall set all application fees related to land use action per resolution.
- (1) Prior to submittal of the subdivision application, the subdivider shall make a reasonable effort to consult informally with property owners of record adjoining or within 100 feet of the proposed subdivision, and the City. No fee shall be required for such review or discussions of any plans or data concerning the proposed subdivision, prior to sketch plan review. The City shall not be bound by virtue of any discussions during the informal review stage.
  - (2) 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 natural hazard areas and other physical characteristics;
    - (c) Availability of water, means of sewage collection and treatment, stormwater 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.
  - (3) A subdivider who intends to immediately develop only a portion of a full tract shall nevertheless submit an informal sketch plan for the entire tract showing his present plans for its eventual development.
  - (4) Following informal review when applicable, and in all cases except when not required by other provisions of this Chapter, the applicant shall file copies of the sketch plan application and sketch map, along with all required supporting plans, with the City. The submittal of such application, map and supporting plans shall comply with City's application and fee requirements.

Filing of a sketch plan shall not be required in cases where a subdivision, which does not qualify as a minor or amended subdivision, primarily due to a lack of installed on or off-site public improvements. In no case shall the sketch plan requirement be waived under this provision for subdivision proposals containing more than three divisions of real property, or where any part of the subdivision has been subdivided without a sketch plan under any part of this Official Code of the City of Montrose, Colorado, within the three years prior to the date of submission.
  - (5) The sketch plan review shall commence only upon submittal of a completed sketch map, a completed sketch plan application form, which form shall be provided by the City, and all required supplemental information as set forth below, as well as any additional materials determined by City staff to be necessary for processing of the application.
- (a) Sketch Map. The sketch map shall include the following:
- (i) A location map, of approximately four inches by four inches, showing the project location in relation to the City of Montrose, with appropriate reference to major and minor arterial and



- collector roads or highways.
- (ii) A detailed map showing property boundaries of the subdivision, north arrow and date. The scale of the map shall not be less than one inch equals 200 feet. The map shall include the name of the subdivision, name of the county, township, range, Section and quarter Section. The map shall further indicate zoning and land use of all lands within 300 feet of any property boundary owned by or under option to the subdivider. A title box shall be located in the lower right corner of the map. In the case of large subdivisions requiring more than one sheet at such a scale, an index map showing the total area on a single sheet shall also be submitted.
  - (iii) A conceptual drawing of the lot and street layout indicating the approximate area and number of individual lots and access to the property.
  - (iv) Significant natural and manmade features on the site, such as streams, lakes, natural drainage ways and wetlands; vegetation types including locations of wood areas; wildlife habitats; scenic corridors; visual impacts; solar access; existing buildings; utility lines and easements; irrigation ditches; bridges and similar physical features; existing development on adjacent property; and footprints of existing buildings.
  - (v) Total acreage of the tract.
  - (vi) Existing and proposed zoning district boundary lines. General land use divisions, including residential types, commercial, industrial, parks, open space and community facilities, including the proposal's relevance to underlying zoning.
  - (vii) Type and layout of all proposed infrastructure, including streets, utilities, water and sewer systems, and impact on existing systems.
  - (viii) Public use areas proposed to be dedicated to the public, the purpose of the dedication, and their relationship to existing public use areas.
  - (ix) Existing and proposed land use patterns, including street system, of both the tract proposed for development and immediately adjacent land.
  - (x) Existing site problems or peculiarities, such as areas of poor drainage, existing floodplain, geological hazards and seepage water.
  - (xi) Existing and proposed stormwater discharge facilities pertaining to the property.
- (b) Sketch Plan Application. The sketch plan application shall include, but not be limited to, the following information pertaining to the proposed subdivision (this information may be provided in a narrative format):
- (i) Estimated total number of gallons per day of water system requirements, source of water to supply subdivision requirements, and proposed dedication of water rights in accordance with existing City ordinances.
  - (ii) Estimated total number of gallons per day of sewage to be treated and means for sewage disposal.
  - (iii) Availability of electrical power, natural gas, CATV, telephone and other utilities necessary or proposed to serve the subdivision.
  - (iv) Access to the property, off-street parking, school bus stop area, and mail box location.
  - (v) Total number of proposed dwelling units.
  - (vi) Demonstrated compatibility with natural features.
  - (vii) Identification of all activities of the subdivision which shall require approval by permitting agencies at the local, state and federal level, and a description of the approval so required.
  - (viii) Names and addresses of all property owners of record adjoining or within 100 feet of the proposed subdivision.
  - (ix) Summary of issues or concerns resulting from informal review with neighboring property owners, if applicable.
- (c) Sketch Plan Supplemental Documents. The sketch plan application shall also include the following



supplemental documentation:

Disclosure of ownership, with supporting documentation from a title insurance company or, if acceptable to the City, an attorney licensed in the State of Colorado, which shall set forth a legal description of the property and title ownership of the property.

- (6) Upon complete submittal of all required information, City staff shall provide initial review of the sketch plan within 45 days. Upon completion of initial review of the plan and submission by the applicant of any supplemental materials or necessary revisions as requested by City staff, the sketch plan application shall be placed on an upcoming Planning Commission agenda for which space is available and for which all notice requirements can be met.
- (7) Advance notice of the sketch plan review by the City Planning Commission shall be provided by publication, with a location map of the property to be subdivided. Fifteen-day advance written notice shall also be provided, by hand delivery or deposit into the U.S. mail, to all property owners of record adjoining or within 100 feet of the proposed subdivision. The City shall provide such notice. The review and discussion of the Sketch Plan by the Planning Commission shall be informal and non-binding in nature, and shall serve as a means to provide guidance to the subdivider.

(B) Preliminary Plat.

- (1) An application for preliminary plat shall be submitted to the City and shall comply with applicable City submittal requirements.
- (2) The City may distribute copies of the preliminary plat and supporting plans or data as appropriate to the County Land Use Department, the school district, the natural gas, CATV, electrical power and telephone companies, the Fire Protection District, the Colorado Department of Transportation, the Federal Aviation Administration, the Uncompahgre Valley Water User's Association, applicable City departments and employees, and other entities as appropriate.
- (3) The preliminary plat and proposed improvements shall comply with all requirements of these subdivision regulations and other applicable City design and construction specifications and standards. The plat shall be drawn to a scale of not less than one inch equals 100 feet. (See Chapter 4-4 of these Zoning Regulations.)
- (4) The preliminary plat shall contain, at a minimum, the following:
  - (a) The name of the subdivision and the name, address and phone number of the subdivider, and his representatives, if applicable. Such information shall be contained in a title box located on the lower right corner of the plat.
  - (b) A certificate by the engineer or surveyor preparing the plat attesting to the accuracy of the plat. Such information shall be contained in a title box located on the lower right corner of the plat and shall be signed and stamped by the licensed professional engineer or registered surveyor, and shall indicate the scale used and direction of true north.
  - (c) A certificate by a licensed professional engineer that the water, stormwater, sewer systems, and all other improvements are properly engineered and designed in compliance with applicable requirements of the City and state.
  - (d) A certificate of ownership of the subject property.
  - (e) A location map, of approximately four inches by four inches, showing the project location in relation to the City of Montrose, with appropriate reference to significant roads or highways. The location map shall be provided both on the preliminary plat and separately on letter size paper.
  - (f) Certification on forms approved by the City to document approval of the plat; and the form of the certificates proposed to be used to comply with the requirements imposed for the final plat as found



- in Subsection (C) of this Section.
- (g) Two-foot elevation contours and the boundaries of the base flood (100-year flood) and floodway and base flood elevation data, as defined and specified in the City's floodplain management regulations.
  - (h) The then-current zoning designations of the subdivision and of adjacent properties.
  - (i) The names of the owners of record of adjacent properties, and the property lines of adjacent properties as space will allow.
  - (j) The location and ownership interest of existing and proposed watercourses including lakes, swamps, ditches and floodprone areas (the inclusion of such watercourses within the jurisdictional authority of local, state or federal regulatory agencies shall also be noted); the location of existing and proposed streets, easements, utility lines, poles and towers, sewer lines, water lines, drains, culverts and other underground utilities and stormwater drainage facilities both on the proposed subdivision and adjacent properties as practical.
  - (k) The layout of all lots showing the building lines, dimensions and lot areas and footprints of existing buildings, if any. The plat shall include at least two references to City GPS coordinates.
  - (l) The layout and location of all parks and open space.
  - (m) The location of all land to be reserved or dedicated for public use.
- (5) The following shall be submitted accompanying the preliminary plat together with plans and specifications prepared by a licensed professional engineer consistent with City standards and specifications, for all required or proposed improvements. All plans and specifications shall be signed and stamped by a licensed professional engineer.
- (a) Plans for the proposed sanitary sewer system showing location, grade, pipe sizes and invert elevations, and the connection points to the existing system.
  - (b) Plans for the water system and fire protection system showing locations, pipe size, valves, fire hydrants and connection points to the existing system.
  - (c) Plans for the storm drainage system showing location, pipe sizes, grades and discharge points, including off-site improvements. Such plans shall comply with any applicable City stormwater drainage requirements.
  - (d) Plans for any improvements specifically affecting watercourses within the jurisdictional authority of local, state or federal regulatory agencies, noting the required permits therefor.
  - (e) Plans for proposed streets, sidewalks, recreation paths, showing grade and cross Section, trails and walkways and streetlight and street names.
  - (f) A soil or geological report prepared and certified by a professional geologist or soil scientist.
  - (g) Plans for piping ditches, or improvements to waterways.
  - (h) Plans for parks and recreation facilities.
  - (i) A traffic impact study for all developments when estimated vehicle trips per day will exceed 250 and plans for recommended traffic mitigation measures. The study shall provide, but not be limited to, traffic capacity for existing road infrastructure, proper analyses of transportation linkages in conformance with transportation plan, cumulative traffic impact of development at build-out, and proposed infrastructure design to account for such considerations. The scope of the impact study may be broadened to include other nearby subdivisions and developments, allowing for cooperative participation and cost sharing.
- (6) If the applicant intends to develop the project in phases, a phasing plan will be required to be submitted to and approved by the City. The phasing plan must include the numbers of lots in each phase, the infrastructure planned for completion with each phase that is necessary to allow the phase to be properly integrated into City services as determined by the City Engineer, the amenities to be constructed with each phase, and all other information pertinent to the completion of the development.



- (7) Upon submittal of all required information, the City staff shall provide initial review of the preliminary plat within 45 days. Upon completion of initial review of the preliminary plat and submission by the applicant of any supplemental materials and revisions necessary to comply with City regulations, the Preliminary Plat Application shall be placed on an upcoming Planning Commission agenda for which space is available and for which all notice requirements can be met. City staff shall make a recommendation to the City Planning Commission to approve the preliminary plat, provided that all supporting documentation has been properly submitted and the plat meets all requirements, disapprove the plat if it does not appear to comply with the provisions of this Chapter, or approve the plat with conditions or modifications.
- (8) Advance notice of the preliminary plat review by the City Planning Commission shall be provided by publication, with location map of the property to be subdivided. The City shall provide such notice at least 15 days in advance of the scheduled meeting.
- (9) Following receipt of a completed Preliminary Plat Application, the applicant shall be required to diligently pursue the application by providing revised plans, plat maps, and other necessary information in a timely fashion. Where the applicant fails to meet this requirement, the City shall, in writing, request the applicant to withdraw the application. If the applicant fails to take any further action on the Preliminary Plat Application for a period of six consecutive months following such request to withdraw, the Preliminary Plat Application shall automatically expire and all applicable fees shall be non-refundable. When a Preliminary Plat Application has expired under this Subsection, in the event the applicant wishes to pursue development of the property the applicant must re-apply and pay any applicable fees.
- (10) Upon review by the City Planning Commission, the commission shall make a recommendation to the City Council to approve the preliminary plat, provided that all supporting documentation has been properly submitted and the plat meets all requirements, disapprove the plat if it does not appear to comply with the provisions of this Chapter, or approve the plat with modifications or conditions. The reasons for such recommendation shall be included in the minutes of the Planning Commission meeting and provided in writing to the applicant upon request.
- (11) Unless the subdivider withdraws the preliminary plat from review, or it expires as set forth herein, the plat shall be submitted to the City Council for final review and action. Advance notice of the preliminary plat review by the City Council shall be provided by posted notice.
- (12) Council may approve the preliminary plat, approve the plat subject to conditions necessary to implement the provisions of this Chapter, or disapprove the plat if the Council finds that the requirements of these regulations have not been met.
- (13) 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.

(C) Final Plat.

- (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 Subsection (C).
- (a) Final plat submittals shall comply with all application and fee requirements. The submittal of final



plats for approval must occur within five years of approval of a related preliminary plat, unless an extension of time is granted by the City Council, or the timing of the submittal is consistent with a phasing plan that has been submitted by the applicant and approved by the City. The applicant may request and the City Council may approve an extension of time for filing the final plat where development of the project in accordance with the preliminary plat has been pursued with due diligence.

(b) Building Permits:

- (i) Until the 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:
  - (a) All public and necessary on- and off-site improvements have been completed;
  - (b) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued by the City; and
  - (c) A final plat has been approved and recorded.
- (ii) A Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion shall evidence City inspection and approval.
- (iii) The two calendar year Construction Warranty shall begin to run from the date of said Preliminary Letter of Infrastructure Completion.

(c) The final plat shall contain all plat elements required as a condition of preliminary plat approval and the following, all in forms acceptable to the City:

- (i) The total number of lots and lot numbers or letters.
- (ii) Sufficient data to determine easily and reproduce on the ground the location of all monuments, and the bearing and length of every street line, boundary line, block line, lot line and building line whether curved or straight, including the radius, central angle and tangent distance for the centerline of curved streets. Other curved lines shall show arc or chord distance and radius. All dimensions shall be to the nearest 1/100 of a foot and all angles to the nearest second. The plat shall include at least two references to City GPS coordinates.
- (iii) A certificate by a registered surveyor, attesting to the accuracy of the survey plat and placement of monuments, and compliance with the requirements of this Chapter and state law.
- (iv) A certificate of dedication for streets, easements and other property dedicated for public use, properly executed and notarized.
- (v) A certificate by a licensed professional engineer that the sanitary sewer, water distribution and storm drainage systems, streets and other improvements are properly engineered, designed and constructed in compliance with all applicable requirements of the City and the state.
- (vi) Separate Certificate of Approval of the plat by the City Attorney.
- (vii) A certificate of an attorney that title to the property is in the name of those parties executing the dedication, and that property dedicated to the City will be free and clear of all liens and encumbrances affecting marketability.
- (viii) A certificate by the City Engineer specifying which improvements have been completed and listing those that require security prior to final plat approval.
- (ix) A certificate by the City Clerk as to receipt of any security for the completion of improvements.
- (x) The name of the subdivision and the name, address and phone number of the subdivider, and his representative if applicable, said information to be included within a title box located on the lower right corner of the plat.



- (xi) The name of the registered surveyor preparing the plat, the date of the plat, said information to be included within a title box located on the lower right corner of the plat.
  - (xii) A certificate of recording to be executed by the County Clerk and Recorder.
  - (xiii) The scale used, direction of true north, and basis of bearing.
  - (xiv) A location map, of approximately four inches by four inches, showing the project location in relation to the City of Montrose, with appropriate reference to significant roads or highways. The location map shall be provided both on the final plat and separately on letter size paper.
  - (xv) The location and ownership interest of all watercourses including lakes, swamps, ditches and floodprone areas; the location and names of streets, sidewalks, easements, utility lines, poles and towers, sewer lines, water lines, drains, culverts and other underground utilities and stormwater drainage facilities.
  - (xvi) The layout of all lots showing the building lines, dimensions and lot areas.
  - (xvii) The layout and location of all parks, trails, recreation paths and open space.
  - (xviii) The location of all land to be reserved or dedicated for public or other uses and the boundaries of the base flood (100-year flood) and floodway and base flood elevation data, as defined and specified in the City's floodplain management regulations.
  - (xix) Plat notes and restrictions as appropriate to implement compliance with this Chapter, conditions of approval as necessary or desirable to implement the City's Master Plan.
  - (xx) Plat notes, easements and restrictions as appropriate to implement required FAA aviation regulations.
- (2) The final plat shall be accompanied by a computation showing closure of the tract boundary to one foot in 5,000 feet or better. The final plat and accompanying plans shall be drawn to a scale of not less than one inch equals 100 feet. If discrepancies are believed to exist, the City may have the plat checked by an independent registered surveyor at the subdivider's expense.
  - (3) 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 the appropriate security under Subsection (C)(5) of this Section, prior to approval by the City Council.
  - (4) 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.
  - (5) The final plat shall be accompanied by security for the completion of any uncompleted improvements in accordance with Section 4-7-8 of these regulations.
  - (6) Accompanying the final plat shall be two copies of the as-built plans or record drawings for sanitary sewers, storm sewers or drainage systems and the water and fire systems showing grades, pipe sizes, pipe types, outlets, connection points and other information which the City Engineer may require



along with as-built plans for all other utility systems. As-built plans and data shall also be provided in a digital format compatible with City computer systems, and in accordance with City specifications. As-built plans for any improvements not completed at the time the final plat is submitted shall be submitted prior to inspection or approval of the improvements and release of any security. All as-built plans and data shall be signed and stamped by a licensed professional engineer.

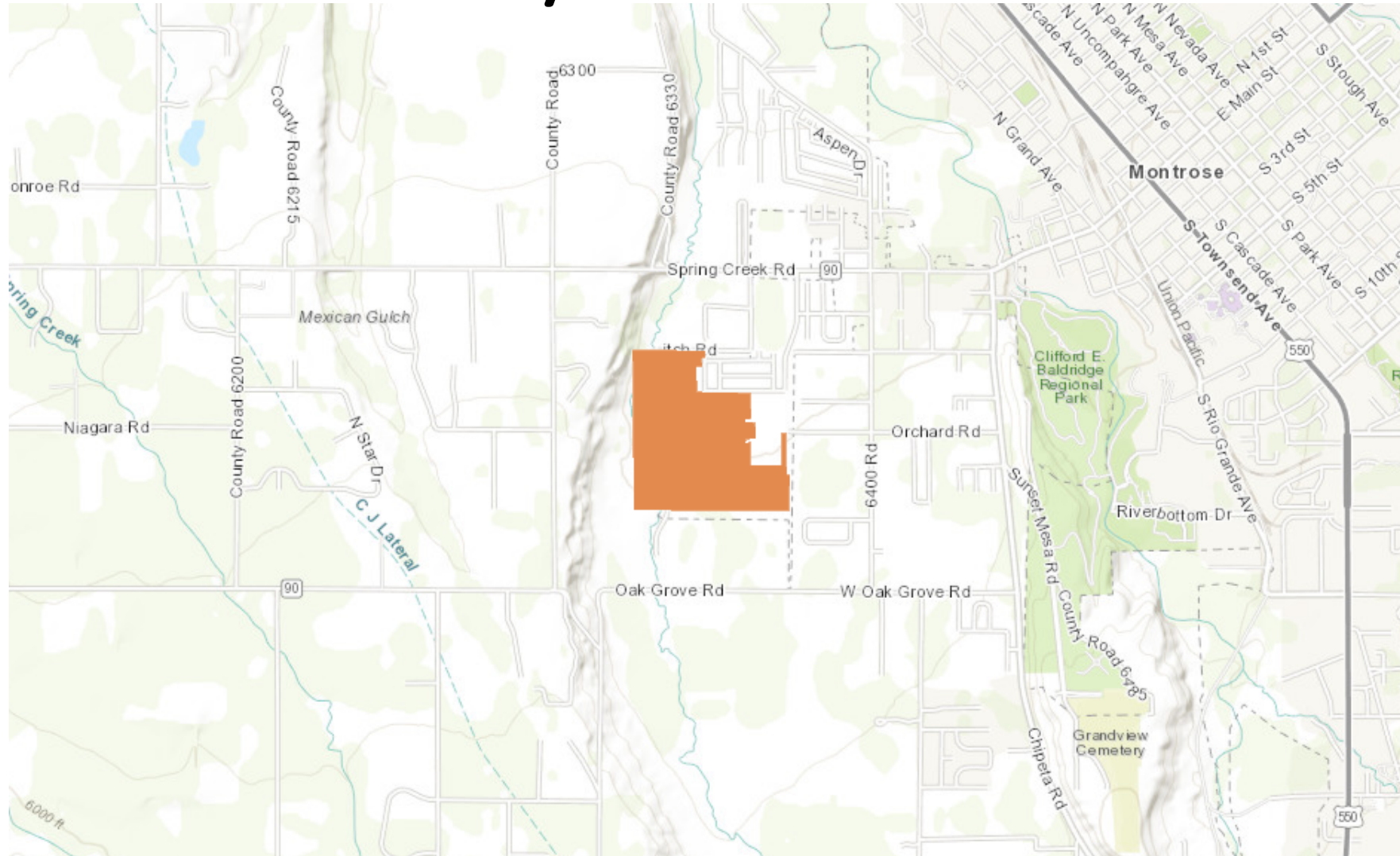
- (7) Upon complete submittal of all required information, City staff shall, within 30 days, provide initial review of the final plat. Upon completion of an initial review of the final plat and submission by the applicant of any supplemental materials or necessary revisions as requested by City staff, the application shall be placed on an upcoming City Council agenda for which space is available. No final plat shall be placed on a City Council agenda unless and until all necessary materials have been submitted, reviewed and determined by City staff to meet all applicable City codes and regulations.
- (8) City Council may approve the final plat, approve it subject to conditions necessary to implement the provisions of this Chapter, or disapprove the plat if it finds that the requirements of these regulations have not been met.
- (9) 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 4-7-8 of these regulations on forms approved by the City.
  - (b) Two hard copies of as-built plans 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. As-built plans for any improvements not completed at the time the final plat is submitted, and secured in accordance with the provisions of Section 4-7-8, shall be submitted prior to inspection or approval of the improvements and release of any security. All as-built plans 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 two 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 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.
- (10) 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.

(Code 2012, § 4-7-5; Ord. No. 2062 , 6-2-2005; Ord. No. 2092 , 11-17-2005; Ord. No. 2173 , 11-15-2007; Ord. No. 2229 , 11-5-2009)



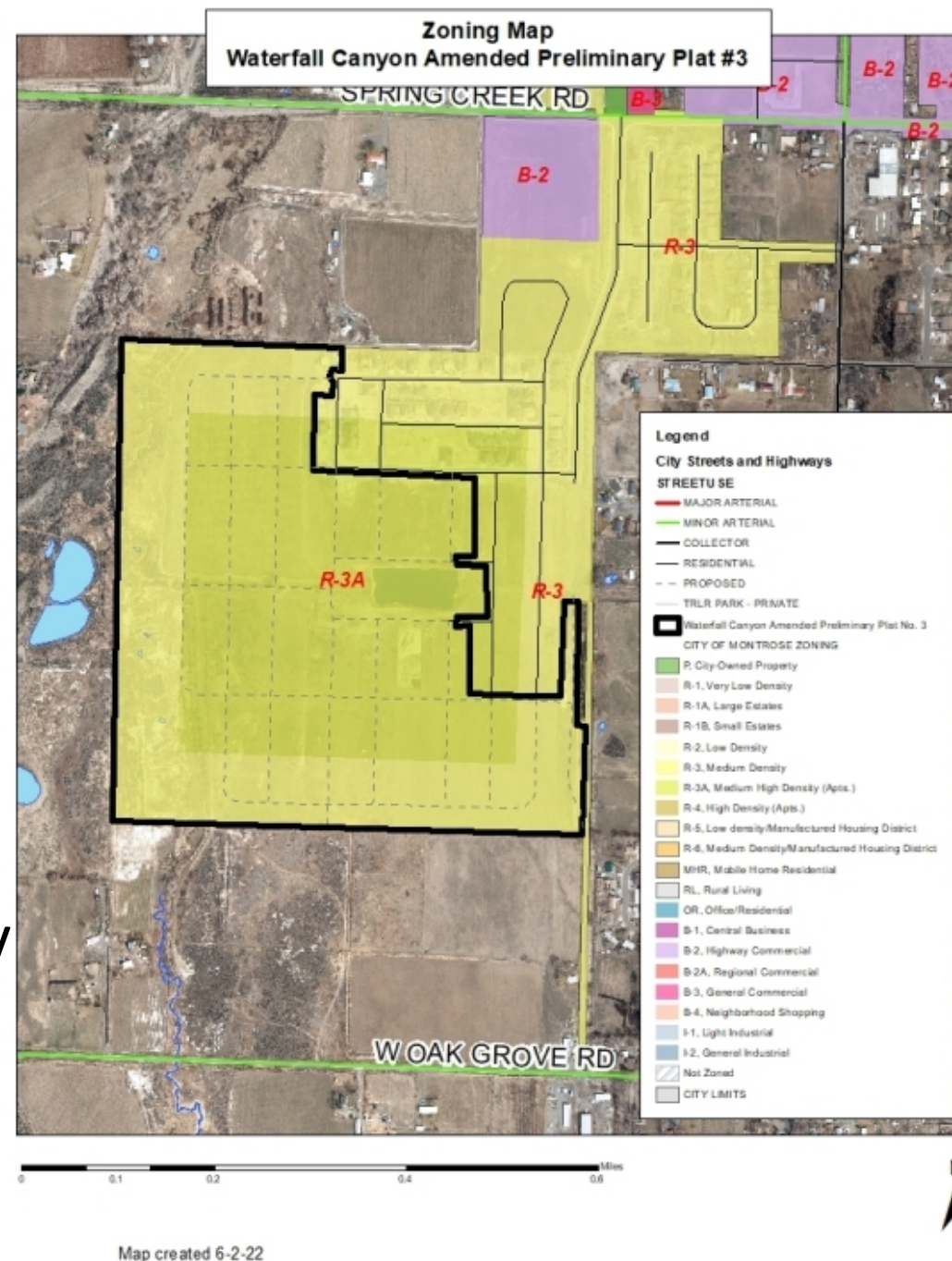


# General Vicinity Map – Waterfall Canyon Amen. Prelim. Plat 3

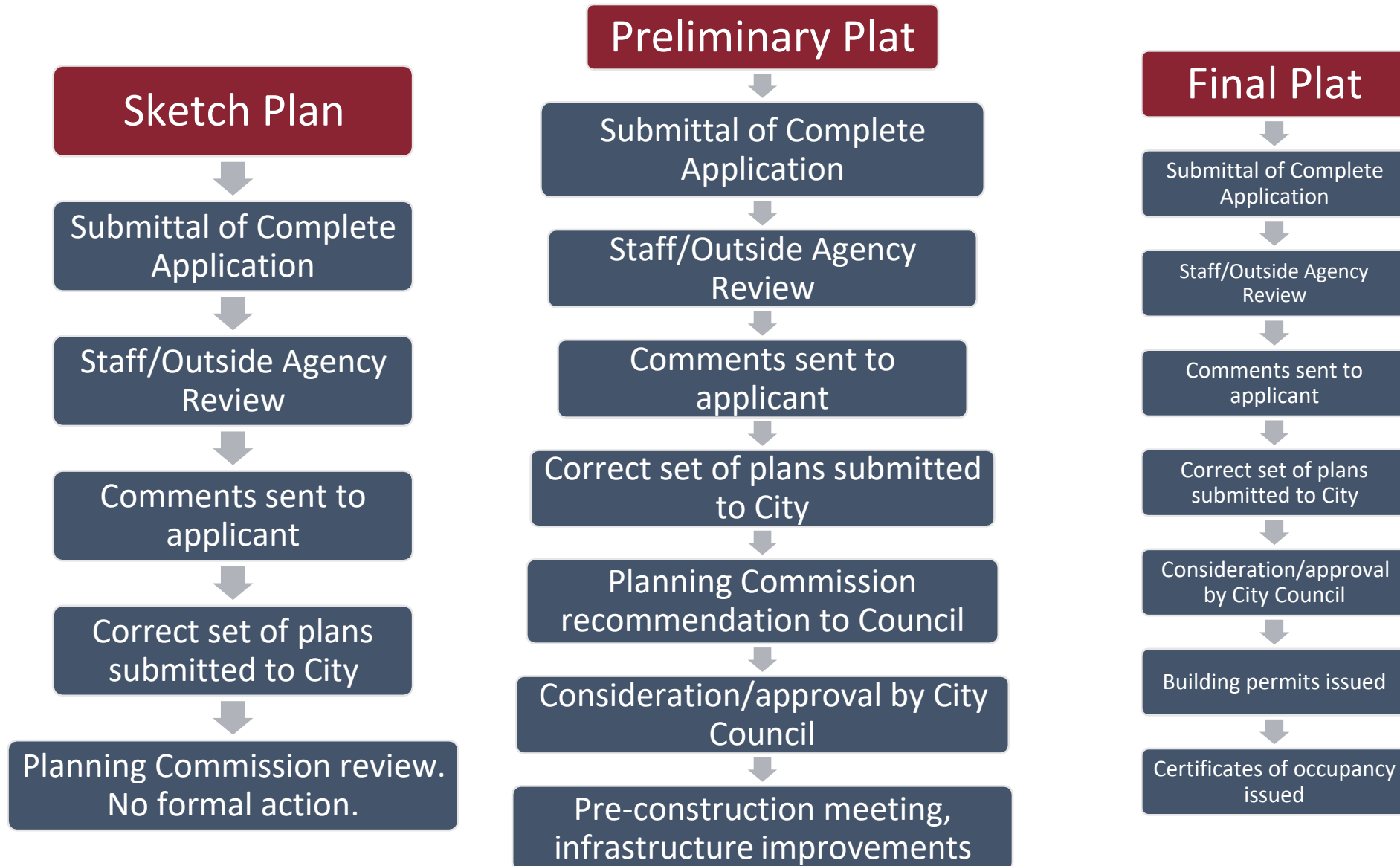


# Project Background

- Approx. 118.83 acres
- 320 single-family residential lots (56.49 acres)
- Located in “R-3” Medium Density District and “R-3A” Medium High Density District.
- Adjacent to “R-3,” “R-3A,” and agricultural (outside City limits).



# Subdivision Process



# Standard Subdivision Review Standards

## Section 4-7-5 (A)(2) (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:

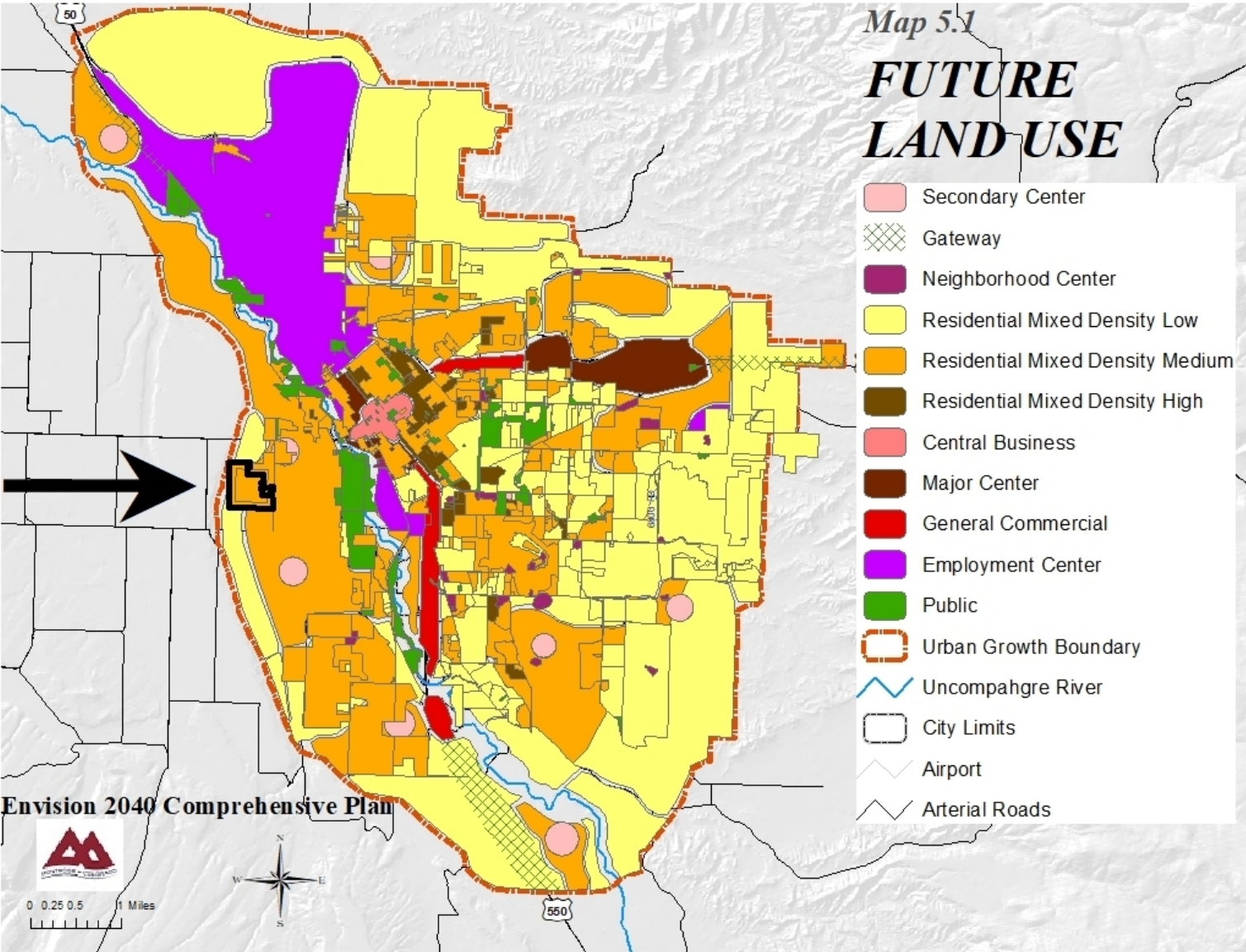
- a) Conformance with the master plan and zoning regulations;
- b) Relationship of development to topography, soils, drainage, flooding, potential hazard areas and other physical characteristics;
- c) Availability of water, means of sewage collection and treatment, storm water drainage, access and other 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.”

# Comprehensive Plan & Municipal Code

- Comprehensive Plan is not legally binding. It provides guidance for zoning and other land use decisions.
- It is possible for sections of the Comprehensive Plan to conflict, and it is reasonable that a decision may not satisfy every aspect outlined within the Comprehensive Plan.
- Future Land Use Map within the Comprehensive Plan illustrates general, somewhat flexible locations and extents for various land uses and densities.
- The Municipal Code and Zoning regulations specify land uses and densities, bulk & height requirements, setbacks, and other development standards that are allowed within each zoning district.
- Development on this parcel may occur in accordance with the approved zoning and should also be in general conformance with the Comprehensive Plan.

# Comprehensive Plan – Future Land Use

Listed as residential mixed density medium.



# Zoning Regulations

- Municipal Code, Section 4-4-7 (A) Intent: The “R-3” Medium Density District is intended to provide an area which is suitable for single-family homes and duplexes. The district provides for other uses which are compatible with such uses.
- Municipal Code, Section 4-4-7.1 (A) Intent: The “R-3A” Medium High Density District is intended to provide an area which is suitable for single-family homes, duplexes and multifamily residences with intermediate overall density. This district provides for other uses which are compatible with such residential uses.
- The proposed use is a use-by-right in these zoning districts.

# WATERFALL CANYON SUBDIVISION

## AMENDED PRELIMINARY PLAT NO. 3

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

### CERTIFICATE OF DEDICATION AND OWNERSHIP

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

Outlot 4 of Waterfall Canyon Subdivision Filing No. 5 as recorded at Reception No. 939592.

County of Montrose,  
State of Colorado

Have by these presents sold out, parted and subdivided the same into lots, as shown on this plat, under the name and style of Waterfall Canyon Subdivision and do hereby dedicate, grant and convey to the City of Montrose, Colorado, for the use of the public, Pike, Knap Avenue, Cold Creek Drive, 62/2 Road, Howard Park Avenue, Caranero Avenue, Fuller Lake Drive, Iow Lake Drive, Vermilion Avenue, Vermilion Court, Alca Lake Avenue, Lake Hope Drive, Orchard Drive, Lizard Head Avenue, Blue Lake Drive, Grant Peak Avenue, Trout Lake Drive, and Iron Springs Avenue, containing 24.85 Acres and Tract N, containing 5.18 Acres, as herein shown.

The easements shown on this plat are dedicated, granted and conveyed to the City of Montrose, Colorado for public utility purposes, including but not limited to water, sewer, electrical, telephone, gas 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.

Part Tract N and the interest or part easement shown hereon are hereby dedicated, granted and conveyed to the City of Montrose for the use of the public for recreational purposes as authorized by the City.

Execute this day of , 20 .

WATERFALL CANYON, LLC

MATTHEW MILES, MANAGING MEMBER

STATE OF COLORADO }  
COUNTY OF MONTROSE } ss.

I, the above Certificate of Dedication and Ownership was acknowledged before me on this day of , 20 , by

Witness my hand and official seal.  
My commission expires

Notary

### LIENHOLDER'S AFFIDAVIT

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.

I, the undersigned, being a duly qualified and acting in and for said city, county, and state, do hereby certify that I am the official government-issued photograph certification to be the official holder, who stated the following under oath:

The undersigned holder of a lien pursuant to an instrument recorded under Reception No. 75731 and 807537, in the records of the Montrose County Clerk and Recorder, hereby joins in this subdivision and the dedication of easements, streets and other properties in the City shown hereon. The undersigned duly swears or affirms that: 1) he/she is authorized to sign this Plat on behalf of the lien-holding entity named below for which he/she functions as an agent; and 2) said agency includes the actual authority to sign this Plat joining in this subdivision and any dedications to the City; and 3) that all necessary corporate or other legal formalities have been met to allow the agent's signature below to be effective; and 4) that the signature below was made by the person whose name it purports to be.

\_\_\_\_\_  
of \_\_\_\_\_

Subscribed and sworn to before me this day of , 20 , by \_\_\_\_\_  
the \_\_\_\_\_ of \_\_\_\_\_

Witness my hand and official seal.  
My commission expires

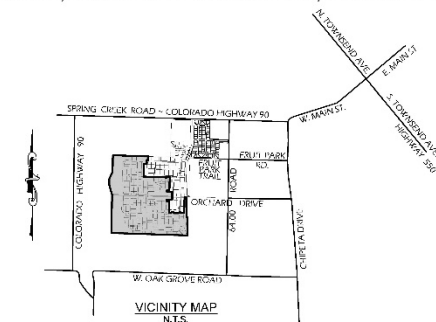
Notary

### BASIS OF BEARINGS

The bearing between the found 2" Aluminum cap, 1512291 at the C-W 1/4 Corner of Section 32, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado and the found 2" Aluminum cap, 1512291 at the N-W 1/4 corner of Section 32, Township 49 North, Range 9 West, New Mexico Principal Meridian, County of Montrose, State of Colorado bears N01°1'05"E. (Assumed)

### LINEAL UNITS STATEMENT

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



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

### AREA SUMMARY

LOTS: 320 SINGLE FAMILY 56.49 ACRES  
ROADS 24.85 ACRES  
TRACTS C, D, F, H, I, Q, RR 32.53 ACRES  
DEDICATED PARK AREA - TRACT N 5.18 ACRES  
TOTAL 118.83 ACRES

### DEVELOPER

LEADERSHIP CIRCLE, LLC  
1521 OXBOW DRIVE  
SUITE 210  
MONTROSE, CO 81401  
970 249 3398

### ENGINEER

Del-Mont Consultants, Inc.  
125 Colorado Ave.  
Montrose, Colorado 81401  
1 970 249 2221

### SURVEYOR'S CERTIFICATE

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

C.R.S. Section 38-51-108 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 number by \_\_\_\_\_ cited \_\_\_\_\_ bearing policy number \_\_\_\_\_

Nicholas Barlett  
Registration No. 38037  
Date: \_\_\_\_\_

NOTICE: According to Colorado Law (C.S. 38-51-108, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown herein.

### ENGINEER'S CERTIFICATE

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

Steven Stevenson  
Registration No. 40020  
Date: \_\_\_\_\_

### ATTORNEY'S CERTIFICATE

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

Attorney  
Registration No. \_\_\_\_\_  
Date: \_\_\_\_\_

### CERTIFICATE OF COMPLETED IMPROVEMENTS

I, \_\_\_\_\_, City Engineer, certify that all improvements and utilities required by the current Subdivision Regulations of the City of Montrose, have been constructed, inspected and approved in this Subdivision in accordance with applicable City ordinances, regulations and specifications, and a Letter of Substantial Completion or a Preliminary Letter of Infrastructure Completion has been issued, as required by the City's Municipal Code. [The following landscaping and/or irrigation improvements have been secured with a Subdivision Improvement Agreement: \_\_\_\_\_]

City Engineer  
Registration No. \_\_\_\_\_  
Date: \_\_\_\_\_

### APPROVAL OF CITY MANAGER

Approved this day of , 20 , by \_\_\_\_\_  
City Manager of the City of Montrose.

City Manager

### APPROVAL OF CITY COUNCIL

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

Mayor

### APPROVAL OF CITY ATTORNEY

Approved for recording this day of , 20 , by \_\_\_\_\_  
City Attorney of the City of Montrose.

City Attorney

### RECORDER'S CERTIFICATE

This plat was filed for record in the office of the Clerk and Recorder of Montrose County, Colorado, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 , under Reception No. \_\_\_\_\_.

Deputy

Clerk and Recorder  
Montrose County, Colorado

|                                                                                                                                                      |           |      |                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------|---------------------|
| DMC DEL-MONT CONSULTANTS, INC.<br>REGISTERED PROFESSIONAL ENGINEERS & SURVEYORS<br>1521 OXBOW DRIVE, SUITE 210<br>MONTROSE, CO 81401<br>970-249-3398 |           |      |                     |
| BOOK                                                                                                                                                 | 713 / 884 | DATE | PJ1 2022-05-12      |
| SHEET                                                                                                                                                | 1 of 5    | DATE | 20080V PLAT 3 20080 |

|                                                                 |  |
|-----------------------------------------------------------------|--|
| WATERFALL CANYON SUBDIVISION<br>AMENDED PRELIMINARY PLAT NO. 3  |  |
| LEADERSHIP CIRCLE, LLC                                          |  |
| 1521 OXBOW DR., SUITE 210<br>MONTROSE, CO 81401<br>970-249-3398 |  |
| PRELIMINARY PLAT                                                |  |

# WATERFALL CANYON SUBDIVISION

## AMENDED PRELIMINARY PLAT NO. 3

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

### MISCELLANEOUS PLAT NOTES

#### 1. Drainage Easements

All Open Space Tracts contain drainage easels, sheet flow areas and/or improvements that are to be maintained by an Owner's Association. The Open Space Tracts shown herein are entirely encumbered by drainage easements, are the drainage easements. Notwithstanding of this project, as recorded at Reception No. \_\_\_\_\_, 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 benefited by the easement, jointly and severally in a manner that preserves the grade as originally established and so as to not impede the free flow of water in any way, including but not limited to the construction of fencing and other improvements, or the planting or encroachment of trees and shrubs and other impeding vegetation. The City is not responsible or liable in any manner for the maintenance, repair, or operation of any pipelines, ditches or improvements as located within said easements, unless otherwise located within a dedicated easement to the City. Upon failure to properly maintain the drainage easement(s) shown herein, 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), and may curtail such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

#### 2. Irrigation Easements

The irrigation easement(s) shown herein shall be owned and maintained by the Waterfall Canyon Homeowners Association, Inc. and shall not be impeded or altered in any way so as to impact the historic delivery of water, unless otherwise agreed to by all owners of interest in said easements 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 easement(s) shown herein, 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), and may curtail such charges as a delinquent charge to the County Treasurer to be collected similarly to taxes or in any lawful manner.

#### 3. Vehicular Access To or From Property Adjoining a State Highway

Vehicular access to or from property adjoining a state highway shall be provided to the general street system, unless such access has been acquired by a public authority. Pursuant to C.R.S. § 43-2-147(1)(a), all lots and parcels created by this subdivision will have access to the state highway system in conformance with the state highway access code.

#### 4. Privately Owned Open Space, Parks, and other Improvements

All Open Space Tracts C-P shown herein (except for Park Tract N, which is dedicated to the City), 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 first platted in Waterfall Canyon 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 decisions of such properties. Upon failure to properly maintain such properties and/or improvements shown herein, 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 curtail 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 landholder(s), if any, whose signatures also appear on this Plat, for and in consideration of TEN AND NO/100 DOLLARS (\$10,000), and other good and valuable consideration, in hand paid, hereby sell(s) and quit claim(s) to Waterfall Canyon Homeowners Association, Inc., a Colorado nonprofit corporation, Open Space Tracts C-P, (except for Park Tract N, which is dedicated to the City), 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. 79822101, from the Colorado Secretary of State, as proof of the above-named "OWNERS' Association entity's" compliance with all applicable requirements of the Colorado Secretary of State, and its good standing with the Colorado Secretary of State.

#### C. Declaration of Covenants Recorded

The Declaration of Covenants, Conditions, and Restrictions for Waterfall Canyon Homeowners Association, Inc., applicable to the development platted herein, and made binding to the entity named above, was recorded under Reception No. 700151, on the 30<sup>th</sup> day of August, 2000 in the office of the Montrose County Clerk and Recorder.

#### 5. City-Owned Outlets/Parks or Recreation Paths

The City reserves the right to construct, and once constructed to maintain the paved recreation path installed on the recreation path easement dedicated to the City of Montrose herein as it deems appropriate in accordance with City budgets and regulations and has a right of access to do so. Until the City of Montrose exercises the right to construct a paved recreation path, the owners association will construct and maintain a soft surface recreation path as detailed in the approved construction plans. The individual lot owners are jointly and severally liable for the proper maintenance of Open Space Tracts C-P (except for Park Tract N, which is dedicated to the City) including that portion within the recreation path easement outside of the paved path in accordance with applicable City ordinances. Such maintenance may be performed by an owners' association. In the event that such maintenance is not properly performed or in order to abate any nuisance thereon, the City may cause the maintenance to be done, assess the costs thereof against the lots in this subdivision or curtail such amounts as a delinquent charge to the County Treasurer to be collected similarly as taxes against the lots in this subdivision, or collect such costs from the owners in any lawful manner.

#### 6. Zoning

The zoning of this property is R-3 AND R3A, as shown on the City's Official Zoning Map, and as defined and described by the City of Montrose Municipal Code at the time of approval and recordation of this plat, and is subject to change.

#### 7. Money in lieu of School Land Dedication

All residential lots or residential units having unique legal descriptions shall be required to make payment of money in lieu of school land dedication, at the time of issuance of building permit or certificate of occupancy relative to improvements upon said lot. The payment of money in lieu of school land dedication is subject to § 4-7-702(7) of the Municipal Code. Payments shall be made to the City, to be later disbursed to the K-12 School District.

#### 8. Airport Influence Area Notice

The Waterfall Canyon Subdivision is located approximately 4 miles south/east of the Montrose Regional Airport. The Waterfall Canyon Subdivision is within the Airport Influence Area of a busy airport used by piston and jet aircraft and is open 24 hours a day seven days a week. All property within the Waterfall Canyon Subdivision is subject to over-flights and the effects thereof, which may include but is not limited to noise, vibration, fumes, and dust.

| LINE DATA |             |        |
|-----------|-------------|--------|
| LINE #    | DIRECTION   | LENGTH |
| .3        | S46°21'32"W | 19.80' |
| L4        | N43°38'28"W | 19.80' |
| .5        | S46°21'32"W | 19.80' |
| .6        | N43°38'28"W | 19.80' |
| .7        | S43°38'28"E | 19.80' |
| .8        | N46°21'32"E | 19.80' |
| .9        | S43°38'28"E | 19.80' |
| L10       | N46°21'32"E | 19.80' |
| L11       | S43°38'28"E | 19.80' |
| L12       | N46°21'32"E | 19.80' |
| L13       | N43°38'28"W | 19.80' |
| L14       | N46°21'32"E | 19.80' |
| L15       | S43°38'28"E | 19.80' |
| L16       | S46°21'32"W | 19.80' |
| L25       | S43°38'28"E | 19.80' |
| L26       | N46°21'32"E | 19.80' |
| L27       | N43°38'28"W | 19.80' |
| L28       | S46°21'32"W | 19.80' |
| L29       | N43°38'28"W | 19.80' |
| L30       | N46°21'32"E | 19.80' |
| L31       | N43°38'28"W | 19.80' |
| L32       | N46°21'32"E | 19.80' |
| L33       | S43°38'28"E | 19.80' |
| L34       | N46°21'32"E | 19.80' |
| L35       | S43°38'28"E | 19.80' |
| L36       | S46°21'32"W | 19.80' |
| L37       | N43°38'28"W | 19.80' |
| L38       | N46°21'32"E | 19.80' |
| L39       | S43°38'28"E | 19.80' |
| L40       | S46°21'32"W | 19.80' |
| L41       | N43°38'28"W | 19.80' |
| L42       | N46°21'32"E | 19.80' |
| L43       | S43°38'28"E | 19.80' |
| L44       | S46°21'32"W | 19.80' |
| L45       | N43°38'28"W | 19.80' |
| L46       | S46°21'32"W | 19.80' |
| L47       | S43°38'28"E | 19.80' |
| L48       | N46°21'32"E | 19.80' |
| L49       | N43°38'28"W | 19.80' |
| L50       | N46°21'32"E | 19.80' |

| LINE DATA |             |        |
|-----------|-------------|--------|
| LINE #    | DIRECTION   | LENGTH |
| .51       | S45°38'28"E | 19.80' |
| L52       | N43°38'28"W | 19.80' |
| L53       | N45°38'28"W | 19.80' |
| .54       | N46°21'32"E | 19.80' |
| L55       | N43°38'28"W | 19.80' |
| L56       | N46°21'32"E | 19.80' |
| L57       | S43°38'28"E | 19.80' |
| L58       | S46°21'32"W | 19.80' |
| L59       | N43°38'28"W | 19.80' |
| L60       | N46°21'32"E | 19.80' |
| .61       | N43°38'28"W | 19.80' |
| L62       | N46°21'32"E | 19.80' |
| L63       | S43°38'28"E | 19.80' |
| .64       | N46°21'32"W | 19.80' |
| L65       | S43°38'28"E | 19.80' |
| L66       | N46°21'32"E | 19.80' |
| L67       | S43°38'28"E | 19.80' |
| L68       | N46°21'32"E | 19.80' |
| L69       | S43°38'28"E | 19.80' |
| L70       | N46°21'32"E | 19.80' |
| .71       | S43°38'28"E | 19.80' |
| .74       | N46°21'32"E | 19.80' |
| L75       | N43°38'28"W | 19.80' |
| L76       | S46°21'32"W | 19.80' |
| L79       | N46°21'32"E | 19.80' |
| L80       | S43°38'28"E | 19.80' |
| .81       | N43°38'28"W | 19.80' |
| L82       | N46°21'32"E | 19.80' |
| L83       | S43°38'28"E | 19.80' |
| .84       | N46°21'32"E | 19.80' |
| L85       | S46°21'32"W | 19.80' |
| L86       | N43°38'28"W | 19.80' |
| L87       | N46°21'32"E | 19.80' |
| L88       | N43°38'28"W | 19.80' |
| L89       | N46°21'32"E | 19.80' |
| L90       | S43°38'28"E | 19.80' |
| L93       | S46°21'32"E | 19.80' |
| .94       | N46°21'32"E | 44.27' |
| L95       | S46°21'32"E | 44.27' |

| CURVE DATA |         |         |            |               |              |
|------------|---------|---------|------------|---------------|--------------|
| CURVE      | LENGTH  | RADIUS  | DELTA      | CHORD BEARING | CHORD LENGTH |
| C1         | 107.08' | 100.00' | 080°00'00" | S48°21'32"W   | 141.42'      |
| C2         | 117.81' | 75.00'  | 080°00'00" | S46°21'32"W   | 106.07'      |
| C4         | 69.55'  | 125.00' | 031°52'47" | S72°34'28"W   | 68.66'       |
| C5         | 126.59' | 125.00' | 035°16'33" | S28°58'49"W   | 115.97'      |
| C6         | 167.08' | 100.00' | 080°00'00" | S43°38'28"E   | 141.42'      |
| C7         | 117.81' | 75.00'  | 080°00'00" | S43°38'28"E   | 106.07'      |
| C8         | 167.45' | 125.00' | 069°52'45" | S33°34'50"E   | 143.18'      |
| C9         | 157.08' | 100.00' | 080°00'00" | S43°38'28"E   | 141.42'      |
| C10        | 117.81' | 75.00'  | 080°00'00" | S43°38'28"E   | 106.07'      |
| C11        | 78.40'  | 125.00' | 035°56'15" | S18°36'35"E   | 77.12'       |
| C12        | 81.21'  | 125.00' | 037°13'30" | S53°11'27"E   | 79.79'       |
| C13        | 36.73'  | 125.00' | 016°50'15" | S80°13'20"E   | 36.60'       |
| C14        | 157.08' | 100.00' | 080°00'00" | N46°21'32"E   | 141.42'      |
| C15        | 117.81' | 75.00'  | 080°00'00" | N46°21'32"E   | 106.07'      |
| C16        | 54.95'  | 125.00' | 025°11'08" | N78°45'59"E   | 54.51'       |
| C17        | 45.00'  | 125.00' | 020°37'35" | N85°51'36"E   | 44.76'       |
| C18        | 45.00'  | 125.00' | 020°37'35" | N35°14'01"E   | 44.76'       |
| C19        | 45.00'  | 125.00' | 020°37'35" | N14°36'25"E   | 44.76'       |
| C20        | 8.40'   | 125.00' | 002°56'05" | N02°49'35"E   | 8.40'        |
| C21        | 145.13' | 400.00' | 020°47'18" | S08°59'00"E   | 144.33'      |
| C22        | 130.62' | 360.00' | 020°47'18" | S08°59'00"E   | 129.90'      |
| C23        | 159.61' | 400.00' | 020°47'18" | S08°59'00"E   | 158.77'      |
| C24        | 145.13' | 490.00' | 020°47'18" | N08°59'00"W   | 144.33'      |
| C25        | 130.12' | 360.00' | 020°42'33" | N08°01'22"W   | 128.41'      |
| C26        | 31.43'  | 20.00'  | 080°03'07" | N43°36'54"W   | 28.30'       |
| C27        | 31.40'  | 20.00'  | 080°56'53" | N46°21'06"E   | 28.27'       |
| C28        | 100.10' | 62.50'  | 091°46°03" | S44°52'02"W   | 89.74'       |
| C29        | 116.79' | 700.00' | 033°77°77" | N1°54'44"E    | 115.14'      |
| C30        | 170.12' | 100.00' | 087°28°23" | S18°17'44"E   | 150.34'      |
| C31        | 115.70' | 100.00' | 066°17°36" | N41°58'08"W   | 109.38'      |
| C32        | 98.10'  | 300.00' | 018°44°06" | N1°22'47"E    | 87.66'       |
| C33        | 104.15' | 145.50' | 041°00°52" | S00°45'35"E   | 101.94'      |
| C34        | 71.58'  | 58.80'  | 069°44°53" | N1°38'28"E    | 67.24'       |
| C35        | 123.65' | 75.94'  | 083°17°41" | S01°50'02"W   | 110.43'      |
| C36        | 75.10'  | 100.00' | 043°01°54" | N23°17'51"W   | 73.35'       |
| C37        | 77.77'  | 145.00' | 030°43°52" | S17°08'50"E   | 76.84'       |
| C38        | 201.43' | 250.00' | 048°37°24" | N03°12'04"W   | 197.87'      |
| C39        | 114.42' | 121.17' | 054°06°11" | S12°56'28"E   | 110.22'      |
| C40        | 129.62' | 229.74' | 032°19°34" | N25°49'48"W   | 127.91'      |
| C41        | 55.84'  | 114.24' | 002°15°14" | S08°47'51"E   | 56.83'       |
| C42        | 59.16'  | 35.79'  | 084°41°57" | S57°16'41"E   | 52.65'       |
| C43        | 73.60'  | 268.74' | 016°14°11" | S83°29'26"W   | 73.36'       |
| C44        | 59.16'  | 35.79'  | 084°41°57" | S28°26'31"E   | 52.65'       |
| C45        | 94.60'  | 294.04' | 013°45°29" | S13°40'32"E   | 84.38'       |
| C46        | 185.10' | 65.85'  | 022°46°31" | N1°09'57"W    | 183.88'      |
| C47        | 9.48'   | 10.00'  | 054°18°53" | N51°12'06"E   | 9.13'        |
| C48        | 35.28'  | 50.00'  | 040°25°41" | S57°19'30"W   | 34.55'       |
| C49        | 45.33'  | 50.00'  | 051°56°36" | N76°33'21"W   | 43.79'       |
| C50        | 45.33'  | 50.00'  | 051°56°36" | N2°38'45"W    | 43.79'       |
| C51        | 45.33'  | 50.00'  | 051°56°36" | N27°19'50"E   | 43.79'       |
| C52        | 45.33'  | 50.00'  | 051°56°36" | N78°16'28"E   | 43.79'       |
| C53        | 35.28'  | 50.00'  | 040°25°41" | S54°32'25"E   | 34.55'       |
| C54        | 9.48'   | 10.00'  | 054°18°53" | N51°29'01"W   | 9.13'        |
| C55        | 43.90'  | 125.00' | 020°07°15" | S78°34'50"E   | 43.67'       |

NOTICE: According to Colorado Law (13-90-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown herein.

|                        |  |                                   |  |
|------------------------|--|-----------------------------------|--|
| <b>DMC</b>             |  | <b>DEL-MONT CONSULTANTS, INC.</b> |  |
| 713 / 894              |  | PJI                               |  |
| 2 of 5                 |  | 2000V PLAT1A3                     |  |
| 2022-05-12             |  | 20080                             |  |
| LEADERSHIP CIRCLE, LLC |  | 1621 OXBOW DR. SUITE 210          |  |
|                        |  | MONTROSE, CO 81401                |  |
|                        |  | 970-248-3398                      |  |
|                        |  | PRELIMINARY PLAT                  |  |

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

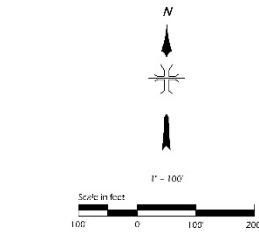
40' = SIGHT TRIANGLE  
40' PER SECTION 4-7-7(C)(3)(j)  
CITY OF MONTROSE SUBDIVISION REGULATIONS

8# = BLOCK NUMBER



# WATERFALL CANYON SUBDIVISION AMENDED PRELIMINARY PLAT NO. 3

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



- LEGEND:
- = FOUND 1-1/2" ALUMINUM CAP ON 5/8" REBAR (L.S. AS NOTED)
  - ◇ = FOUND 1-1/2" ALUMINUM CAP ON 5/8" REBAR (L.S. 16640)
  - ◇ = FOUND 3" ALUMINUM CAP ON 1/2" REBAR, L.S. 16640
  - (A) = 20' UTILITY EASEMENT (TYPICAL) DEDICATED TO THE CITY OF MONTROSE HERRON
  - (B) = 15' RECREATIONAL PATH EASEMENT (TYPICAL) DEDICATED TO THE CITY OF MONTROSE HERRON
  - (C) = DRAINAGE EASEMENT DEDICATED TO THE CITY OF MONTROSE HERRON (THESE EASEMENTS ARE CO-EXTENSIVE WITH THE TRACTS ON WHICH THEY ARE LOCATED)
  - (R#) = BLOCK NUMBER
  - FLOOD ZONE AS PANEL NO. AS NOTED JAN. 8, 2012 (LOMR-F DATED DEC. 7, 2006, CASE NO. 07-96-0095A)
  - SIGHT TRIANGLE PER SECTION 4-7-7(C)(9)(1) CITY OF MONTROSE SUBDIVISION REGULATIONS

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

Crisp Steven W & Crisp Gary S  
1227 Orchard Rd  
Montrose, CO 81403

Donald J. Campbell Family Trust  
24 Pinedale Rd  
Montrose, CO 81403-4540

Frieda N. Milsbapp  
1029 6400 Rd  
Montrose, CO 81403-4440

Rose Kyle Wayne  
1117 6400 Road  
Montrose, CO 81403

Jon S & Deborah A. Thomas  
1131 6400 Rd  
Montrose, CO 81403-4638

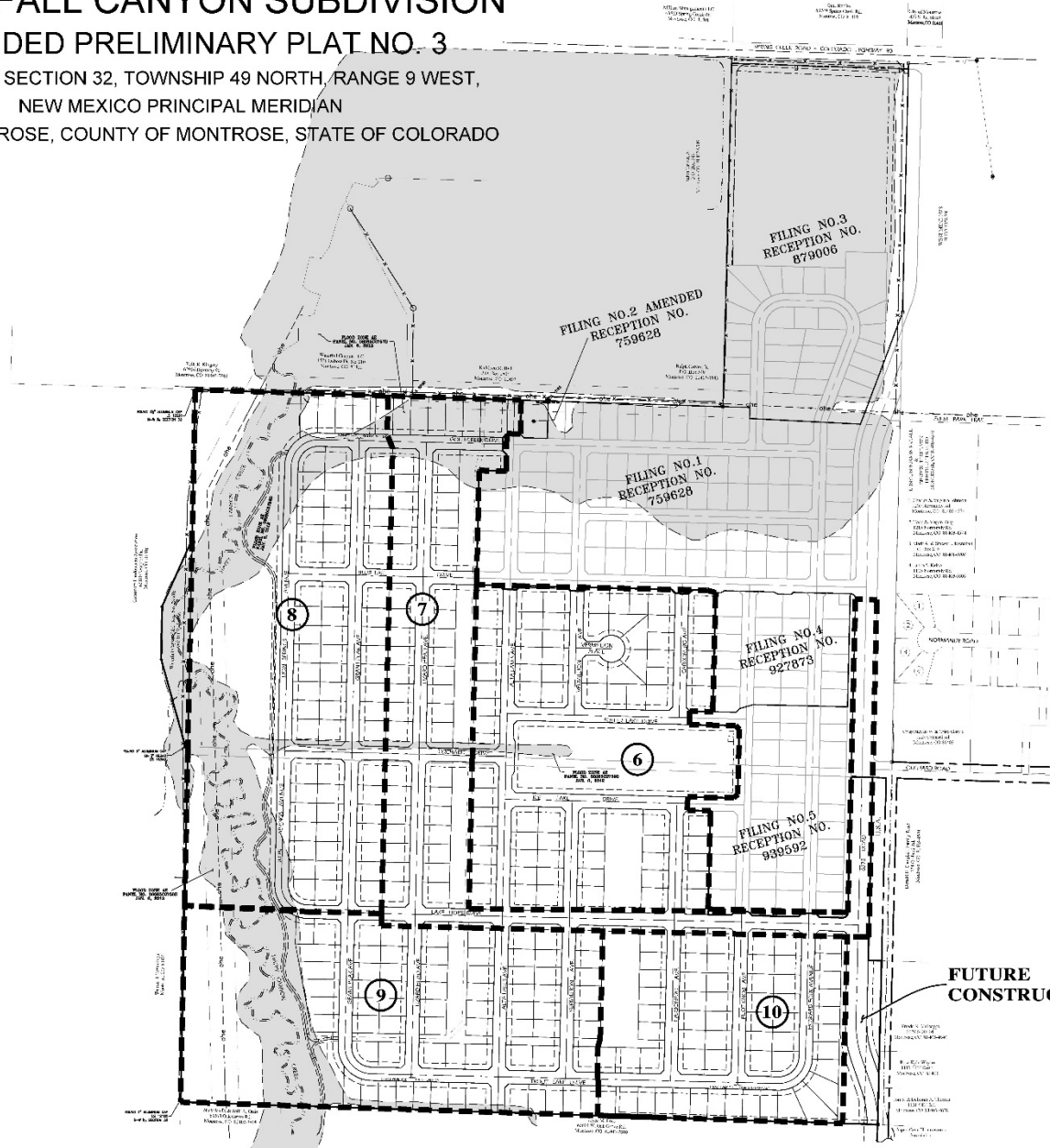
Aspen Cove Homeowners  
Association

|                                                                                                                                                           |                    |                           |                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------|------------------|
| <b>DMC</b> DEL MONT CONSULTANTS, INC.<br>REGISTERED PROFESSIONAL SURVEYORS & ENGINEERS<br>1321 OXBOW DR., SUITE 210<br>MONTROSE, CO 81401<br>970-249-3398 |                    |                           |                  |
| REVISION<br>713 / 894                                                                                                                                     | DATE<br>2022-05-12 | BY<br>PJI                 | CHECKED<br>20080 |
| SHEET<br>4 of 5                                                                                                                                           |                    | PRELIMINARY PLAT<br>20080 |                  |

# WATERFALL CANYON SUBDIVISION

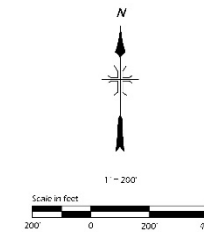
## AMENDED PRELIMINARY PLAT NO. 3

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



### LEGEND

# = PHASE NUMBER  
--- = PHASE BOUNDARY



### PHASE TABULATION

PHASE 6 = 76 LOTS  
PHASE 7 = 48 LOTS  
PHASE 8 = 68 LOTS  
(W/ NORTH PORTION HAPPY CANYON REC. PATH)  
PHASE 9 = 70 LOTS  
(W/ SOUTH PORTION HAPPY CANYON REC. PATH)  
PHASE 10 = 58 LOTS  
  
TOTAL = 320 LOTS

**FUTURE  
CONSTRUCTION**

| WATERFALL CANYON SUBDIVISION<br>AMENDED PRELIMINARY PLAT NO. 3 |  |                                                                 |  |
|----------------------------------------------------------------|--|-----------------------------------------------------------------|--|
| DMC                                                            |  | DEI-MONT CONSULTANTS, INC.<br>REGISTERED PROFESSIONAL ENGINEERS |  |
| 713 / 894                                                      |  | LEADERSHIP CIRCLE, LLC                                          |  |
| 5 of 5                                                         |  | 1521 OXBOW DR., SUITE 210<br>MONTROSE, CO 81401<br>970-249-3398 |  |
| 20080V PLAT 43                                                 |  | PRELIMINARY PLAT                                                |  |

# Staff Recommendation – Conditional Approval

- Staff finds that the Preliminary Plat is in compliance with the Subdivision Regulations and Comprehensive Plan.
- The proposal meets the intent of the zoning district.
- Staff recommends Conditional Approval of the Waterfall Canyon Amended Preliminary Plat #3.
  - [Standard Condition]: The approval of this 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.

