

EXEMPTION REQUEST
INFORMATION

Montezuma County Planning (970) 565-2801

To have a more comprehensive understanding of the Montezuma County land development process. Please visit our website for a **FREE** copy of the Land Use Code www.co.montezuma.co.us *click* the menu that reads Departments *click* Planning *click* Montezuma County Land Use Code. If you prefer to have a hard copy you may obtain one through this office for a fee of \$10.00.

This information is intended to give pertinent information to the applicant for the purpose of completing the development application. Nothing in this information/application is intended to abrogate any policy, design guideline, or standard as set forth in the Montezuma County Land Use Code, Amended 7/21/08, Resolution No. 7-2008

- 1) **PROOF OF OWNERSHIP**: Must be provided in the form of a Certificate of Ownership from a title company or a title opinion from an attorney showing that the applicant is the owner of record or a copy of a Warranty Deed.
- 2) **AGENT**: The owner may submit a letter designating an agent to act on their behalf in the application process. Any agent must have expressed written authority to act on behalf of the owner(s).
- 3) **ZONING/REZONING APPLICATION** - Zoning is defined in Chapter 3, Section 1 and Specific Standards in the Montezuma County Land Use Code. A description of each zone is found in Chapter 3, Section 3, Zoning Regulations; requested zoning or designations need to be determined prior to accepting a zoning application. For further assistance in a determination of zoning, contact your Montezuma County Planning Department.
- 4) **APPLICATION** – Application shall only be submitted on forms provided by Montezuma County: You may need the following:
 - a) Exemption Application executed by all property owners
 - b) Zoning Application executed by all property owners
 - c) Evidence of utility services
 - d) Evidence of access
 - e) Survey of the subject property with a vicinity map
 - f) Evidence of Septic compliance
 - g) Any other supporting documentation as determined by the Planning Department
 - Planning will review the application, along with the submittals. The determination of application completeness shall be made within fifteen (15) days of application filing. If an application is determined to be incomplete, the Planning Department shall supply written notice to the applicant along with an explanation of the application's deficiencies.
 - Upon receipt by the planning office of the completed and fully executed application, all required submittals, and initial fees are paid, Planning will schedule the Exemption request for preliminary review by the Board of County Commissioners.
 - A public hearing before the Planning Commission may be required for the

establishment of, or change of zoning in accordance with Chapter 6; 6101-Public Review and Hearing Procedure of the Montezuma County Land Use Code.

- Upon Conclusion of any/all public hearing(s), the Planning Commission shall render a decision regarding approval or denial of any zoning request. If the Planning Commission recommends denial of the zoning request, the developer has thirty (30) days from the date of the Planning Commission hearing to petition for a public hearing before the Board of County Commissioners; this public hearing would then focus on the unresolved issues including relevant submittals and findings along with written and oral public comments made at the Planning Commission hearing.
- The Planning Department shall review the preliminary plat for accuracy and compliance with the requirements of the Land Use Code and any conditions of zoning approval. Once these criteria's are met, Planning will request submittal of the Mylar. If zoning is applicable, the Board of County Commissioners will schedule a public hearing to be heard before said Board.
- Applicant or its agent shall have all dates, signatures and information on Mylar prior to submitting to the Planning Department, including the original fully executed copy of any protective covenants, deed restrictions and/or any other conditions imposed during the review process for said development.
- Remainder of application fees; signage fees; and recording fees will be due at the time the application is submitted.
- Following approval of the exemption, and/or zoning, the Planning Department will cause the exemption document, plat and any other required documents to be recorded with the Montezuma County Clerk & Recorder's Office.
- Once Mylar and any protective covenants/deed restrictions are recorded, the Planning Department will make copies and provide the applicants(s) with the following:
 - One (1) copy of the Recorded Mylar; and (original is kept in the Assessor's Office)
 - Original copy of the Protective Covenants/Deed Restrictions/CDOT Access Permit. (Planning will keep a copy.)
 - Original Resolution (copy will be made for the Planning Department records)

5) DRIVEWAY PERMIT/SUBDIVISION ROAD CONSTRUCTION – Driveway permits are \$125.00 each, payable to the Planning Department at the time of application. The driveway permit application is forwarded, by the Planning Department, to the Road Department Representative. The developer may contact the County Road Representative to set a time to discuss the access site and road construction. **All work must be signed off by the County Road Representative prior to final review by the Board of County Commissioners.** Road signage: \$50.00 per sign, payable to Montezuma County by the developer. Signage will be paid through the planning office. Once sign(s) are paid for and ordered, the Road Department Representative will then post said signs.

Standard Specifications for Road and Bridge Construction in Montezuma County have been adopted by the Board of County Commissioners. A current copy of the current specifications are in file at the Planning Department or on the County Website at www.co.montezuma.co.us.

**Access Applications will be reviewed by the County Road Representative
Jim Burton: 970/565-8525**

Road Impact Fees –Each unit may be assessed \$2400.00, plus \$500.00 per lot/per mile to the nearest State Highway by way of road and section line upon the County map, as determined by the Planning Department. These fees are due prior to the final signature process by the Board of County Commissioners. These fees are used to maintain the roads in the developed area.

- In the event your parcel **does not** access off a green signed road (a road that is owned and maintained by the county and is designated as such on the Montezuma County Official Road Map) you are required to submit documentation in the form of a site plan, map, survey and any recorded agreements proving out any and all applicable information: All easements and rights-of-way including irrigation ditches, pipelines, boundary fences, utility lines, roads and paths or trails shall be designated as such with bearings and dimensions given.
- If your parcel accesses off a non-county maintained road proof of easement and or right of way from the point of the nearest green signed county road up and into the parcel is required along with upgrades of the red signed road(s) to county standards. The Montezuma County Road and Bridge Standards Specifications are online at www.co.montezuma.co.us go to departments and then to Planning click on the link that reads the Montezuma County Road and Bridge Standards.

✓ Development Criteria states:

- Minimum right-of-way widths for streets shall be 60'.
- Roadbed construction shall meet the Montezuma County Road and Bridge Standard Specifications. Inspection of the roadway construction shall be made by the County Road Department in three phases: Phase 1 - road grade and structures. Phase 2 - Base material and application. Phase 3 - finish roadway. No work shall begin on the next phase until the previous phase has been completed and approved.

- 6) **C.D.O.T.**- Developments with access off of the U.S. Highway system will require an access permit from the Colo. Dept. of Transportation, 3803 Main Ave., Suite 300, Durango, CO. 970-385-8360, Ask for the acting Regional Access Manager. Applicant will be required to provide the Planning Department with a copy of said access permit.
- 7) **UTILITIES**: Contact utility companies for information regarding easements, contracts or fees for providing service to the development. All utilities must be installed and Mylar signed by a representative of each utility company prior to the Commissioners signing the final plat. The developer will supply each utility company with a preliminary plat for review and input regarding accessibility, easement, and Right-of Way. The utility companies also require a copy of the final subdivision for their records.
- 8) **IRRIGATION WATER/PONDS**: Have provisions been made for irrigation water for lawns, orchards, gardens, etc. Contact the Division of Water Resources (533-1333) for information on wells, ponds, etc. Where irrigation ditches and/or pipelines cross or adjoin the land proposed to be developed, adequate provisions shall be made to

insure that the use of such irrigation ditches and/or pipelines, including the maintenance thereof, can continue uninterrupted. Ditch rights-of-way shall not be interfered with and an adequate maintenance easement including gates at fences crossing ditch easements shall be provided.

- 9) **FLOODPLAIN DEVELOPMENT PLAN**: Compliance with the Montezuma County Floodplain Resolution No. 12-08. Any development that is in an area identified by FEMA as a floodplain area shall require the developer to submit evidence of compliance with the County Floodplain Resolution, as amended.
- 10) **MUNICIPAL REVIEW**: Three-Mile Area: Development may be required to conform to a major street plan of a municipality, in accordance with 31-23-212 et seq., C.R.S., as amended.
- 11) **MINERAL OWNERS/NOTIFICATION (CRS 31-23-215)**: A list of mineral owners must be obtained from the Assessor's office. The Applicant sends notification of the proposed development to the mineral owners.
- 12) **OTHER**: The Planning Commission or the Board of County Commissioners may require additional information as they deem necessary. Supporting information, plans, letters of approval, other documentation from responsible agencies and any other information to satisfy requirements for your proposal.