

**TOWN OF MANCOS
PLANNING AND ZONING COMMISSION MEETING
June 16, 2021
7:00 p.m.**

Agenda

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of the Agenda
- E. Approval of the minutes of May 19, 2021
- F. Audience Business
- G. Announcements
- H. Discussion and Action Items
 - 1. One Mile Plan Review
 - 2. Three Mile Plan Review
 - 3. Resolution TBD Series 2021: Fee In Lieu Of Dedicated Land
- I. *Items for July 21, 2021 Agenda*
 - *Source Water Protection Plan Enforcement Language*
- J. Adjournment

Town of Mancos
Planning & Zoning Commission Meeting
May 19, 2021

A. **Call to Order:** Chairman Brind'Amour called the meeting to order at 7:00 p.m.

B. Pledge of Allegiance

C. **Roll Call:** present-Peter Brind 'Amour, Catherine Seibert, Alternate Carol Stout, Alternate Ann Coker, Mayor Queenie Barz, Trustee Betsy Harrison, Town Administrator Heather Alvarez, Deputy Clerk Georgette Welage

Absent: Perry D. Lewis

D. **Approval of the Agenda** Catherine Seibert made the motion to approve the agenda as written. Peter Brind'Amour seconded the motion. Motion carried.

E. **Approval of the minutes** of April 21, 2021 Catherine Seibert made the motion to approve the minutes of April 21, 2021 as written. Peter Brind'Amour seconded the motion. Motion carried.

F. Audience Business

None

G. Announcements

The Mancos Valley Chamber of Commerce has two openings on their board and are in need of volunteers.

June 11, 2021 the town will close the loan on the water project.

Phase I-includes the building and plant-on budget as of March 2021.

Phase II- replace old water tank.

Phase III- fiber 2022

H. Discussion and Action Items

1. One & Three Mile Plan Review

One Mile Plan – send to attorney with suggested changes, .review in June.

Three Mile Plan- corrections will be made and reviewed at the June meeting.

2. How to Identify As A Town” Discussion

“Communities identify as either rural/agricultural, urban or suburban. The Town has many documents and public representations of itself that identify Mancos as a rural/agricultural community. People come here to live, work, visit and spend their money based on that identity”.

Carol Stout suggested this topic be placed on the agenda, continued until June 2021.

3. Source Water Protection Plan Discussion Continued

Prior to arrangement of a meeting with the Mancos Rural Water, Mesa Verde National Park, Montezuma County, Mancos Water Conservancy District, and Mancos Conservation District as noted in the 4/21/2021 meeting, it was suggested the Commission review the Ordinance Establishing a Source Water Protection District for the Town of Mancos and gather information prior to meeting with these entities. The Commission also agreed it would be helpful to review water shed documents from other towns. Enforcement language would be helpful.

I Items for June 16, 2021 Agenda

1 & 3 Mile Plans

Cash in Lieu

Adjournment

8:30 p.m.

Peter Brind'Amour, Chairman

Georgette Welage, Deputy Clerk

STAFF REPORT

To: Members of the Planning and Zoning Commission
From: Heather Alvarez, Town Administrator
Date: June 16, 2021
Re: One Mile Plan

Recommendation

Review the updated One Mile Plan Draft after attorney response to Commission questions/comments from May 2021 meeting

Background/Discussion

At the May 2021 meeting, the Commission had questions regarding language on page 5 of this document. The language was vague and needed clarification. Attached is the response from our attorney with regard to “must” instead of “should” and the word “likely”.

I also highlighted a section on page 1 related to the Town identity in the event the Commission would like to have additional discussion on expanding this item.

Please review and provide your thoughts. Staff will make the appropriate changes and bring this back to the next meeting for final review.

All other changes agreed upon by the Commission have been accepted for ease of review during this meeting.

Resource Impact

N/A

Attachments

Draft One Mile Plan

INTERGOVERNMENTAL AGREEMENT
FOR ROAD AND STREET, WATER AND SEWER, INFRASTRUCTURE
MANAGEMENT FOR THE ONE-MILE AREA,
BETWEEN THE
TOWN OF MANCOS, COLORADO AND
MONTEZUMA COUNTY, COLORADO

This Agreement, entered into by and between Montezuma County, hereinafter referred to as the County and the Town of Mancos, hereinafter referred to as the Town.

Town is surrounded by lands under the jurisdiction of County.

There are various IGAs between the parties in existence outlining the spirit of cooperation between the County and Town.

It is the intent of the Town to maintain an independent and separate identity and retain a rural, small-town character. Given the challenges presented by growth pressures in the area surrounding the Town, it is important that all jurisdictions work collaboratively on land use decisions affected each other.

Commented [HA1]: Highlighted based on the identity discussion at May meeting. Do we want to have additional discussion on this item?

To ensure that growth in and around Town is compatible with the Town's vision, open communication between the Town and County is paramount. The coordination of growth is of great general public benefit.

The Montezuma County Comprehensive Land Use Plan adopted January 6, 1997 provides with respect to Town:

The Municipalities: Chapter Ten discusses the problem of "rural sprawl" and proposes Landowner Initiated Zoning (LIZ) incentives to take the pressure off of agricultural and rural lands, and expand affordable housing opportunities, by allowing and encouraging higher density development, in and around, the Towns of Cortez, Mancos and Dolores. In addition to working with the municipalities to set standards within the LIZ Urban Services Zone, agreements need to be negotiated with regard to broader development policies, within areas adjacent to the towns, that may eventually be annexed. The County is legally required to work with the towns in developing and adopting a major streets plan within three miles of town boundaries (CRS 31-23-206 and 31-23-213, 21 4). The Major Street Plan could also address water and sewer standards. The County is also required to work with the towns on policies for dealing with incompatible uses, within one mile of town boundaries (CRS 31 -1 5- 501). Figure 13-A approximates a one mile and a three mile radius around the boundaries of each of the three towns. It should be recognized that Figure 13-A is conceptual. The actual size and shape of "urban influence areas," should

be established by the County and the towns, based on geography, availability of utilities and the likelihood of eventual annexation. ... A summary of policy recommendations regarding intergovernmental relations is presented, beginning on the following page... Policy Recommendations: Intergovernmental Relations It is recommended that Montezuma County represent its citizens, by using full County authority to work with local, state, tribal and federal governmental entities to fulfill the goals of this plan. Specific recommendations include: ... 4. The Municipalities a) It is recommended that the County Commissioners enter into negotiations with the municipalities to achieve agreements in the following areas: i) A major street plan within three miles of each municipality. ii) Consideration should be also be given to common water and sewer standards, where appropriate, within the areas that are addressed by the major street plan. iii) Policies for dealing with incompatible uses within one mile of municipal boundaries. iv) The possibility that City inspectors could provide Landowner Initiated UBC inspections in the unincorporated County. v) A formal procedure for considering and responding to comments, from the municipalities, regarding subdivisions and commercial development, within the urban influence areas, not to exceed three miles;

Section 29-1-203 of the Colorado Revised Statutes authorizes political subdivisions of the State of Colorado to cooperate or contract to provide any lawfully authorized function, service or facility lawfully authorized to each of the cooperating or contracting units, if such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve.

Section 29-20-105 of the Colorado Revised Statutes also authorizes this Agreement:

- (1) Local governments are authorized and encouraged to cooperate or contract with other units of government pursuant to part 2 of article 1 of this title for the purposes of planning or regulating the development of land including, but not limited to, the joint exercise of planning, zoning, subdivision, building, and related regulations.
- (2)(a) Without limiting the ability of local governments to cooperate or contract with each other pursuant to the provisions of this part 1 or any other provision of law, local governments may provide through intergovernmental agreements for the joint adoption by the governing bodies, after notice and hearing, of mutually binding and enforceable comprehensive development plans for areas within their jurisdictions. This section shall not affect the validity of any intergovernmental agreement entered into prior to April 23, 1989.
- (b) A comprehensive development plan may contain master plans, zoning plans, subdivision regulations, and building code, permit, and other land use standards, which, if set out in specific detail, may be in lieu of such regulations or ordinances of the local governments.

The purposes of this Intergovernmental Agreement are to:

1. Establish an effective means of joint planning and management of roads and streets, water and sewer and other infrastructure requirements within the One-Mile Area of the County immediately surrounding the Town; and
2. Provide a basis for defining, negotiating and concurring on the impacts, specifically, roads and streets, water and sewer, and other infrastructure requirements; and
3. Establish rules for referral of development applications for consideration of annexation to the Town, for comment; and
4. Prevent development within the jurisdiction of one party from negatively impacting road and street infrastructure, water and sewer, and other infrastructure in the other Party's jurisdiction, and provide for mitigation of such impacts when they occur; and
5. Provisions in this Intergovernmental Agreement may be implemented only to the extent legally permitted by State Law. The parties believe this agreement is legally permitted by State Law.

The Town and County have agreed to the following definitions and policies:

1. Definitions:

As used in the IGA, the following words and terms shall have the meanings set forth:

Annexation. Annexation means the incorporation of a land area into an existing municipality with a resulting change in the boundaries of that municipality.

Development. Any proposal which is intended to create more parcels/lots, more than one home site per property, and/or commercial uses.

Growth Management Area Overlay Zone District. The overlay zoning district applied by Montezuma County to municipal One-Mile Areas to implement the road and street standards and requirements of this Intergovernmental Agreement.

Impact Fees. Fees charged to the development and collected by the Parties to the agreement for public facilities as established in the County and/or Town Land Use Code.

Level of Service Standards. Standards for street and road construction established to maintain a level of service. Standards for street and road construction include the Montezuma County Standard Road and Bridge Specifications for the Urban Zone Standard, and the Town of Mancos street construction standards as defined in the *Town of Mancos Standards & Specifications for Design & Construction of Public Improvements, and the Town of Mancos Land Use Code.*

Moderate Impact Development. The County Land Use Code defines development having "moderate impact" if the development involves:

A. At least two (2) but not more than five (5) living units, whether single family residences or units within a multi-family residential development, or any combination thereof; or

B. The division of land into at least two (2) and not more than five (5) lots, tracts, parcels, interests or spaces any which is less than thirty-five (35) acres.

Major Impact Development. The County Land Use Code defines development having “major impact” if the development involves:

A. Six (6) or more living units, whether single-family residences or units within a multi-family residential development, or any combination thereof; or

B. The division of land into six (6) or more lots, tracts, parcels, interests or spaces any of which is less than thirty-five (35) acres; or

C. Mobile Home Parks and RV/Camp Parks; or

D. A major conflict with the Policies and Design Guidelines contained in this Code; or

E. A major demand for additional public services, infrastructure or public funds, or

F. A major Impact on adjoining land uses.

Montezuma County Land Use Code. The code of regulations as adopted and amended by the Montezuma County Board of County Commissioners pursuant to the authority of Title 30, Article 28 of the Colorado Revised Statutes to implement the Montezuma County Comprehensive Plan, as amended, and the land use regulatory authority of Montezuma County, Colorado.

Montezuma County Comprehensive Land Use Plan. The official policy document, and all elements, functional components or sub-area components as adopted and as it may be amended by Montezuma County, Colorado, pursuant to the authority of Title 30, Article 28 of the Colorado Revised Statutes that establishes the long-range framework for decision making for the unincorporated area of the County.

One-Mile Area. The One-Mile Area is that area into which urban development and annexation by the Town shall be directed and within which urban level services to support urban development will be needed. Urban level road and street construction for the One-Mile Area will be in accordance with the “Standards for Urban Services Zone (Mancos Area).”

Specific to this IGA, the One-Mile Area is defined as that area outside of the municipal boundary of the Town, but where urban development may occur. The One-Mile Area boundary is anticipated to be irregular in shape as it is an extension of the existing Town boundaries. The One-Mile Area shall automatically adjust upon boundary changes to the Town.

The Town is the water and sewer provider for subdivisions within its municipal boundaries.

Any subdivision of land within the One-Mile area should have an adequate and renewable source of water that can be dedicated to the Town upon annexation. Reliance on cisterns or the Town's water dock is not a renewable source of water for purposes of County approval. "Adequate" in this context means a water supply sufficient for build out of the proposed development in terms of quality, quantity, dependability and availability to provide a supply of water for the type of development proposed, and may include reasonable conservation measures and water demand management measures to account for hydrologic variability. CRS 29-20-302(1). A determination as to whether an applicant has a water supply that is adequate for the proposed development shall be considered after issuance of a water supply report prepared in the manner required by CRS 29-20-304. Adequate water supply shall be determined based upon the factors set forth in CRS 29-20-305. Individual septic systems within the One-Mile area are opposed by the Town of Mancos. Lots of less than 3 acres within the One-Mile area should only be considered where centralized sewer is available or will be required prior to development on the lot. The Town of Mancos is currently considering a watershed protection ordinance to further protect its source water. Smaller scale subdivision of land within the One-Mile area, meaning lots less than 3 acre units, is opposed by the Town of Mancos as it would likely lead to greater pollution to the Town's water source, it will be less likely to have its own water source, and it will likely rely on non-renewable water sources such as cisterns, water docks, or exempt wells that are tributary to the Mancos River causing depletions to the Mancos River that are outside of the priority system causing injury to the Town's and other senior water rights. It is anticipated that larger lots of raw land are more likely to be suitable for annexation, and that upon annexation to the Town, denser subdivision of it will be needed to justify expansion of Town water and sewer infrastructure to service the annexed property. Water and sewer lines would likely need to be extended to new areas annexed into the Town. All new water, sanitary sewer and storm water facilities in the One-Mile area shall meet the Town's Infrastructure Standards.

Pre-Annexation Agreements. The legal device used to assure that required capital improvements are financed and completed by subdivision developers.

Proposed Development Applications. Applications for rezoning, minor and major subdivisions and planned unit developments. *Town of Mancos Comprehensive Plan.* The Town of Mancos Comprehensive Master Plan and all elements, functional components or sub-area components as adopted and as it may be amended by the Town of Mancos Colorado pursuant to CRS 31-23-206 and pursuant to the Town's Code, all which provide authority of the Town to make and adopt a long-range master plan for the physical development of the Town, including any areas outside its boundaries.

Town of Mancos Land Use Code. The code of regulations as adopted and amended by the Town Board of Trustees pursuant to the authority of CRS Article 23, Chapter 31, to implement the Town of Mancos Comprehensive Plan, as amended, and the land use regulatory authority of the Town. Land Use Code includes the process for collecting Street Impact Fees (Ord. 552, Series 2003), including applicability, fee schedules, traffic study criteria, credits, and procedure for calculation of the streets impact fee.

Commented [HA2]: Must instead of Should? How much authority do we have? Can we say "must" instead of "should" throughout document? Do we have that authority?

Commented [LL3R2]: I think we can say must here because it is discretionary with Town whether to Annex. I used should because there may be times when the Town wants to annex without water, such as perhaps the CDOT parcel.

Commented [HA4]: Define?

Commented [LL5R4]: Yes.

Commented [LL6]: CRS 29-20-304: 1) Except as specified in subsections (2) and (3) of this section, an applicant for a development permit shall submit estimated water supply requirements for the proposed development in a report prepared by a registered professional engineer or water supply expert acceptable to the local government. The report shall include:

- (a) An estimate of the water supply requirements for the proposed development through build-out conditions;
- (b) A description of the physical source of water supply that will be used to serve the proposed development;
- (c) An estimate of the amount of water yield projected from the proposed water supply under various hydrologic conditions;
- (d) Water conservation measures, if any, that may be implemented within the development;
- (e) Water demand management measures, if any, that may be implemented within the development to account for hydrologic variability; and
- (f) Such other information as may be required by the local government.

(2) If the development is to be served by a water supply entity, the local government may allow the applicant to submit, in lieu of the report required by subsection (1) of this section, a letter prepared by a registered professional engineer or by a water supply expert from the water supply entity stating whether the water supply entity is willing to commit and its ability to provide an adequate water supply for the proposed development. The water supply entity's engineer or expert shall prepare the letter if so requested by the applicant. At a minimum, the letter shall include:

- (a) An estimate of the water supply requirements for the proposed development through build-out conditions;
- (b) A description of the physical source of water supply that will be used to serve the proposed development;

Commented [LL7]: CRS 29-20-305 provides: 1) The local government's sole determination as to whether an applicant has a water supply that is adequate to meet the water supply requirements of a proposed development shall be based on consideration of the following information:

- (a) The documentation required by [section 29-20-304](#) ;

Commented [HA8]: "likely" is very vague. Can we remove and use stronger language throughout?

Commented [LL9R8]: Yes.

Town of Mancos Standards & Specifications for Design & Construction of Public Improvements. The minimum standards for the design and construction of public improvements in the Town's right-of-way and in other areas of Town jurisdiction or ownership, as adopted and amended by the Town Board of Trustees. The provisions apply to the construction, enlargement, alteration, moving, removal, conversion, demolition, repair and excavation of any public improvements in the Town of Mancos. The provisions apply to Town contracts, developer contracts, and private contracts.

2. **Streets and Roads, Water and Sewer or Other Infrastructure Impacts**

A. If the Town approves any annexation or development within the Town limits which has identifiable impacts on the County Road system, water and sewer, or other infrastructure impacts, the Town shall require the Developer to comply with a Town *Subdivisions Improvement Agreement (SIA)*, which may also require the developer to make certain improvements to County and/or Town streets and roads, and/or to make County improvements to or pay County impact fees related to water and sewer, or other infrastructure. Under such circumstances, the Town may also require the developer to comply with County Land Use Code and/or pay road impact fees in accordance with the County's Road Impact Fee Policy.

B. As a condition of approval, for any development within the One-Mile Area, which has identifiable impacts on the Town street system, water and sewer, or other infrastructure impacts, the County shall require the Developer to comply with a Town and County *Development Improvement Agreement (DIA)*, which may also require the Developer to make certain improvements to Town streets and/or County roads, and/or pay road impact fees in accordance with the County's Road Impact Fee Policy, and/or to make Town improvements to or pay Town impact fees related to water and sewer, or other infrastructure. At densities greater than one residential unit per three acres, within the One-Mile Area, the County shall require Developers to comply with the County's Urban Services Zone requirements (Mancos Area) as described in the County's Land Use Code.

C. To the extent they may legally do so, the Town and County may condition development approvals within their jurisdiction to require mitigation of impacts to streets, roads, water and sewer, and other infrastructure outside their jurisdiction in accordance with the Montezuma County Standard Road and Bridge Specifications and the Town of Mancos street construction standards, and other applicable standards. Mitigation may include impact fees, pre-annexation agreements, [development improvement agreements](#) [DIAs](#) or specific road, water and sewer, and other infrastructure improvements.

3. **Joint review Process for Streets and Road**

The Town and County shall establish a process for joint Town and County Planning Commission review of projects within the One-Mile Area. This joint process shall require the following:

A. Proposed Development Applications to the Town for the Lands within the Town Limits:

Mancos shall provide the County with an opportunity to review and comment upon any proposed development applications to the Town that in the opinion of the Town are expected to materially: (a) necessitate physical modification to a County road or intersection, water and sewer, or other infrastructure; or (b) cause roads, water and sewer, or other infrastructure within the County jurisdiction to drop to lower level of service standards.

Any proposed development applications to the Town that in the opinion of the Town will materially contribute storm water run-off, as it relates to roads only, above historic rates or alter a point of discharge to downstream property in the County, shall also be referred to the County for comment. For purposes of this paragraph, “development” means application for annexation, zoning, rezoning, commercial, industrial, major or minor subdivision, and Planned Unit Development.

The County has at least thirty (30) days from the date of mailing or hand delivery to the County to return comments and recommendations to the Town before any final decision is made on such application.

Additionally, the Town shall honor specific requests by the County to review and comment on specific development proposals. While the County may issue comments and recommendations to the Town in accordance with this section, the final authority and discretion regarding approval, disapproval, or approval with conditions rests with the appropriate or designated decision-making body of the Town.

B. Proposed development Applications to the County within the One-Mile Area.

The County shall provide the Town of Mancos with an opportunity to review and comment upon any proposed development applications in the County that are expected to (a) necessitate physical modification to a Town street or intersection, water and sewer, or other infrastructure; or (b) increase traffic volume on streets within Town jurisdiction or cause roads, water and sewer, or other infrastructure within the Town jurisdiction to drop [to a](#) lower level of service standards.

Any proposed development applications in the County that will contribute storm water run-off, as it relates to roads only, above historic rates or alter a point of discharge to downstream property in Mancos, or within the One-Mile Area, shall also be referred to the Town for comment. For purposes for this paragraph, “development” means application for zoning, rezoning, commercial, industrial, major or minor subdivision, and Planned Unit Development.

The Town has at least thirty (30) days from the date of mailing or hand delivery to the Town to return comments and recommendations to the County before any final decision is made on such application.

Additionally, the County shall honor specific requests by the Town to review and comment on specific development proposals. While the Town may issue comments and recommendations to the County in accordance with this section, the final authority and discretion regarding approval, disapproval, or approval with conditions rests with the appropriate or designated decision-making body of the County. Notwithstanding, no plat of a subdivision of land within the One-Mile Area may be filed or recorded until it is approved by the Town Planning Commission and Board of Trustees after its review of impacts on Town roads and streets, water and sewer, or other infrastructure. In that instance the Town's Planning Commission and Board of Trustees non-approval may be overturned by a not less than 2/3rd vote of the County Board of Commissioners membership.

C. Procedure for Joint Town/County review Process

1) If the Town receives a petition for annexation or development application for property within the One-Mile Area, the Town's Zoning Administrator shall forward a copy of the application to the County Planning Staff and shall advise the County Planning Staff of the dates on which the application will be heard by the Town's Planning Commission.

The County may request a meeting with the developer and the Town. Joint meetings between the Town and County Planning Commissions may be held. For applications made to the Town, any joint meeting of the Town and County Planning Commission shall be held at Mancos Town Hall. Public notice of such a meeting shall be posted per State of Colorado Open Meetings law (Sunshine Laws), and the Town of Mancos public meeting requirements.

The County shall provide any comments it may have concerning the Proposed Development Application, in writing, to the Town's Zoning Administrator at least 10 days prior to the first scheduled hearing on the application before the Planning Commission or Town Board, as the case may be.

2) If the County receives a development application within the One-Mile Area, County planning Staff will forward a copy of the application to the Town Administrator and shall advise the Town Administrator of the date on which the application will be heard by the County Planning Commission.

The Town shall provide any comments it may have concerning the Proposed Development Application, in writing, to the County Planning Staff at least 10 days prior to the first scheduled hearing on the application before the County Planning Commission.

3) If disagreements arise between the County and the Town Staff and/or Planning Commissions over annexation or development applications and the road/street/storm water or other infrastructure impacts, then either party may request a meeting with the

other to review any outstanding issues, the final decision making authority rests with the governing jurisdiction. —The Town is not obligated to provide any municipal services to a development within the One-Mile Area approved by the County unless the development owner has an agreement in place with the Town of Mancos to annex the development into the Town, and then such municipal services, if any, would be subject to such agreement.

43. One-Mile Area Plan

A One-Mile Area surrounding the Town of Mancos shall be established through the adoption of this agreement, which will automatically expand or contract in accordance with changes to the Town’s boundaries. An initial depiction of the One-Mile Area, are at the time of the execution of this agreement is as shown on Exhibit A.

54. Town Plans

Nothing in this IGA shall limit the intention and authority identified in the Town’s plans, policies, and standards, specifically:

- *The Town of Mancos Standards & Specifications for design & Construction of Public Improvements (most recent version);*
- *The Town of Mancos Land Use Code (most recent version);*
- *The Town of Mancos Comprehensive Plan (most recent version)*

65. County Plans

Nothing in this IGA shall limit the intention and authority identified in the Town’s plans, policies, and standards, specifically:

- *Montezuma County Comprehensive Plan, as amended, and*
- *Montezuma County Land Use Code, as amended, and*
- *Montezuma County Road and Bridge Standard Specifications, as amended*

76. Enforcement

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the named parties hereto, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of the named parties that any person other than the named parties receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

87. Term

This agreement shall remain in force and effect for a period of five years from the date of its execution. Thereafter, it shall be automatically renewed for successive one-year terms

unless, at least sixty (60) days prior to its scheduled expiration, either party should notify the other party of its decision that the Agreement not be renewed. Notwithstanding, this agreement may be terminated with or without cause by either party upon sixty (60) days written notice to the other party.

98. Amendments to the IGA

Provided that prior approval has been obtained from both the Town Board of Trustees and County Commissioners, amendments to the IGA may be made.

109. Severability

In the event either party is prevented by Court order from performing any provision of this Agreement or enforcing any regulations, both parties shall have the option of terminating this agreement upon mutual consent.

It is the intention of both parties that the sections, paragraphs, sentences, clauses and phrases of this agreement are severable; and if any element of this agreement shall be declared unconstitutional or invalid, it shall not affect any of the remaining elements stated.

119. It is understood and agreed that this Agreement does not establish a separate legal entity, nor does it make any party as an agent of any other party for any purpose whatsoever.

121. It is understood and agreed that each party's performance shall be subject to Appropriation of funds by governing body, and payment of such funds into the treasury of such party.

132. Each party shall, at all times, be responsible for its own costs incurred in the performance of this Agreement, and shall not receive any reimbursement from any other party, except for third party reimbursements.

The Town and County enter into this agreement with the spirit of cooperation. This Intergovernmental Agreement for Road and Street, Water and Sewer, Infrastructure Management between the Town of Mancos and Montezuma County shall be adopted and shall take effect upon the date of adoption, which is this ____ day of _____, 2021.

SIGNED BY:

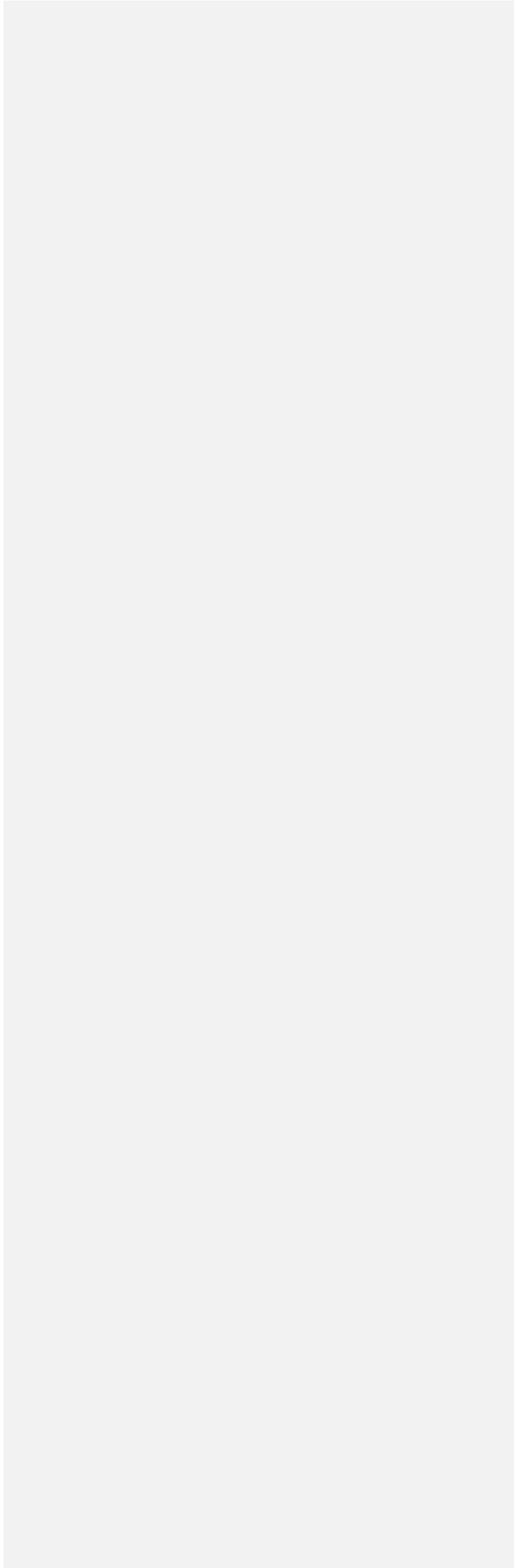
Mayor, Town of Mancos

Chair, Board of County Commissioners

ATTEST and SEAL:

Town Clerk (Attest)

Clerk to the Board (Attest)



STAFF REPORT

To: Members of the Planning and Zoning Commission
From: Heather Alvarez, Town Administrator
Date: June 16, 2021
Re: Three Mile Plan

Recommendation

Review the updated Three Mile Plan Draft with changes based on Commission questions/comments from May 2021 meeting

Background/Discussion

At the May 2021 meeting, the Commission made a few changes to this document. These changes have been incorporated into this draft.

Please review and provide your thoughts. Staff will make the appropriate changes and bring this back to the next meeting for final review.

All other changes agreed upon by the Commission have been accepted for ease of review during this meeting.

Resource Impact

N/A

Attachments

Draft Three Mile Plan

**Town of Mancos, Colorado
Three-Mile Plan
2007**

**Original Adoption Date
March 21, 2007**

**Revision Dates
January 28, 2015
~~May~~~~July~~-XX, 20210**

PURPOSE

Colorado Revised Statute 31-12-105 requires that each municipality have a policy plan for annexation in place prior to the annexation of additional lands (“Plan”). The Plan must address the potential for annexation of areas within three miles of the existing municipal boundaries. An Update of the Plan and re-adoption by resolution of the Board of Trustees is required annually.

CRS 31-12-105(1)(e)(I) requires that:

Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone.

It is important to emphasize that this Plan is required by state statute and does not indicate any intention to actively pursue annexations by the Town of Mancos. The Plan is, however, aimed at integrating the Town’s annexation policies and goals; providing direction for the Town, Landowners and Montezuma County concerning annexation of the areas within the Plan boundary. It must also be noted that this Plan is intended to complement other Town plans that have been previously adopted.

The Plan does not assume, propose, or guarantee that any property within three miles will be annexed by the Town. The process for annexation is extensive and is regulated by the requirements of C.R.S. Title 31, Article 12. This Plan does not propose specific improvements or land uses for extraterritorial areas; if annexation is considered in the future, a more detailed analysis including an Annexation Impact Report would be required.

METHODOLOGY AND CRITERIA

This Plan was prepared by Town of Mancos by evaluating the areas within a three mile distance from the existing Town boundary to determine which areas are suitable for annexation and what developers should take into consideration when developing those lands.

The areas designated as suitable for annexation are those areas directly adjacent to the existing Town boundary. Given the history of the Town and the relatively few annexations through its first 100 years, it is assumed that this Three Mile Plan will provide for growth well past the next ten years.

Areas included in this Plan that are suitable for annexations are lands which:

1. Are determined to be necessary and suitable for future urban uses
2. Can be easily served by urban services and utilities
3. Are needed to provide open space for the Town; and/or

4. Are needed for the expansion of the urban area

The basic criteria used to determine which lands are desirable for future annexations could include, but are not limited to the following:

1. Areas which broaden the housing type to maintain the eclectic character of Mancos and expand the permanent population
2. Areas which include enough buildable land to accommodate all desired uses without creating a limited market
3. Areas close to Mancos that are urban or commercial in nature and can be served by Town utilities with little or no adverse physical or economic impacts to the community
4. Areas which help strengthen the economy of the Town
5. Areas which establish the town boundary in a logical manner by utilizing property boundaries and natural landscape features
6. Excluding areas which cannot be properly serviced because of steep slopes, poor road systems or drainage problems.
7. Annexation requests that demonstrate favorable benefits to the residents and taxpayers of the Town and contribute to the Town's goal for quality growth and enhanced community character will be favorably considered for inclusion into the Town. In addition, the Town desires to control the development of adjacent private lands in order to preserve and promote the best interest of the Town and its citizens. Forms have been developed for the Town of Mancos annexation process following the state statutes. An annexation petition must meet all of the requirements of the Municipal Annexation Act and its amendments as well as applicable specific Town of Mancos Municipal Code criteria. In addition, a conceptual planning map(s) shall be provided that illustrates all streets and other right-of-way connections in the subject property to the existing Town streets and right-of-way; location of the current and proposed Town boundary; location of utilities to which the property will connect; and proposed land use and zoning concepts, if developed. It shall be the general policy of the Town with respect to annexations and the consideration of annexation petitions that:
 - a. Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Board of Trustees shall exercise its sole discretion in the annexation of territory to the Town.
 - b. The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Comprehensive Plan, as amended from time to time.
 - c. The land to be annexed shall not create an unreasonable burden on the physical, social, economic or environmental resources of the Town.
 - d. Certain public facilities and amenities are necessary and must be

Commented [HA1]: Definition included in section below

constructed and/or upgraded to Town standards as part of any territory annexed to the Town to ensure the area is served by adequate public facilities. These facilities include, but are not limited to streets, bridges, public parks, recreation areas, school sites, fire and police station sites, water and sewer line and related infrastructure, and storm drainage facilities.

- e. The annexation of lands to the Town shall not create any additional cost or burden on the ~~then-existing~~ residents of the Town existing prior to the annexation to provide such public facilities to any newly annexed area.
- f. The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with Town staff before submittal of the petition, through the approval and recording of the final annexation documents.
- g. Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels. (For example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)
- h. Surface water rights adequate to support development shall be deeded to the Town of Mancos at time of annexation. If water rights are not tied to the land, the Town will consider cash in-lieu of water rights at appropriate rates. The Town will annex properties in accordance with annexation policies and criteria set forth in the adopted Land Use Code and this Plan, and will use a process to evaluate benefits and costs of proposed annexations to ensure that the annexations will offer an overall benefit to the community.

Annexation should be consistent with the adopted Comprehensive Plan.

Benefits and costs of annexation should be considered on a case by case basis. In processing and reviewing annexation requests, Town staff will prepare a list of benefits and liabilities to the Town for the proposed annexation and outline the financial costs and benefits to the taxpayers of the Town.

The Town should continue to develop and update the following projections in order to properly analyze the potential impact of any annexation request and update as necessary:

- Sewer and sewer line capacity;
- Public raw water capacity;
- Public water treatment capacity;
- Public water line capacity;
- Storm water capacity; and
- Minimum water pressure.

The Town shall require that each request for annexation include projections for service needs for the above items and substantiate projections for expected population increase to Mancos as a result of the annexation request.

The annexation of County enclaves should take into consideration fiscal, social, and land use factors.

In all cases, annexation will be an important consideration before Town services are provided by the Town.

GOALS AND OBJECTIVES

Mancos, the “Gateway to Mesa Verde”®, is situated along one of the nation’s seven All-American Highways and is surrounded by cultural heritage sites and mountain vistas. As such, citizens must weigh carefully the options for change so as not to lose those qualities that make this a special place.

In general, it is the policy of the Town of Mancos to annex properties only at the request of the landowner, and only when services to existing residents are not adversely impacted by the proposed annexation. Such proposals are reviewed on a case-by-case basis according to the Mancos Town Code and State Statute and in accordance with this Plan. The Colorado Municipal League’s “Annexation In Colorado Handbook” is also recommended as a regulatory and processing guide.

In order to fulfill the obligations of a Three Mile Plan, the Town of Mancos has therefore compiled the following information, which will hereafter be considered the Three-Mile Plan for the Town of Mancos. Please note that the three-mile distance is required by statute and is not an indication of Mancos’ jurisdiction, but simply an area of influence.

ORGANIZATION OF THE PLAN

Land Area

The Plan outlines the Town limits as of the date this Plan is adopted, a One Mile area

that falls under the Intergovernmental Agreement (IGA) between Montezuma County and the Town of Mancos, and the Three-Mile area as required by statute, as shown on the map in Exhibit A. Adjustments to the three-mile distance have been made to avoid inclusion of partial parcels; where the majority of a parcel lies within the three-mile area, it is included in its entirety and where the majority of a parcel lies outside the three-mile area, it is not included. It should be noted that in the case of identical ownership of properties that are within and extend beyond the three mile area, the extended areas may be annexed so long as fifty percent of the area lies within three mile boundary.

Inclusion in the Plan does not imply that any of these lands will be annexed in the future, nor does it mean that lands not currently shown in the Plan area will not be eligible for annexation in the future. Annexation is typically a voluntary action initiated and/or agreed to by the landowner.

Intergovernmental Cooperation

Mancos is surrounded by lands under the jurisdiction of Montezuma County. There are IGAs in existence outlining the spirit of cooperation between the County and the Town of Mancos. It is the intent of the Town of Mancos to maintain an independent and separate identity and retain a rural, small-town character.

Given the challenges presented by growth pressures in the area, it is important that all jurisdictions work collaboratively on land use decisions affected each other. To ensure that growth in and around Mancos is compatible with the Town of Mancos' vision, open communication with Montezuma County is paramount. The coordination of growth is of great general public benefit.

Definitions

Annexation

"Annexation" occurs when eligible land outside town boundaries becomes part of town, usually at the request of the landowner in the case of a single parcel, or by at least 50% of landowners in an area requesting annexation of multiple parcels.

Comprehensive/Master Plan

A "Comprehensive/Master Plan" is a general policy guide used to establish a community identity and vision, land use regulations, zoning plans, design standards, etc. The Mancos Comprehensive Plan, comprised of both text and maps, is a policy statement about community goals and desires over the next 10 to 20 years. It is a living document, is the result of strong community participation and involvement and it should be used regularly as a guide to making decisions. The Comprehensive Plan is also a statement of current community values; a benchmark against which future changes and needs may be weighed with a clear understanding of the ideas and considerations that came before. It should provide policy direction in matters relating to many aspects of government including development review, budgeting, priorities, and community

desires. When kept up-to-date through periodic review, the plan will provide a central and integrated expression of community will.

Development

"Development" denotes any development of a property, including subdivision, commercial use, more than one dwelling per parcel, etc. Developer must demonstrate that water, sewer, access, utilities, etc., necessary to serve the development are available.

Enclave

"Enclave" is defined as a geographical area having a land use that is partially or totally surrounded by a different land use, which forms a distinct closed unit.

Subdivision

"Subdivision" means the division of land into more than one (1) parcel. Subdivider must demonstrate that water, sewer, access, utilities, etc., necessary to serve the development are available.

Three-Mile Plan

A Three-Mile Plan is an expansion plan required of Towns per Colorado Statute.

Zoning

"Zoning" denotes the regulation of land use, to separate incompatible uses and to protect the quality of life and property values from degradation as may result from incompatible uses. Typically a zoning plan specifies allowable uses and specific standards such as lot sizes, setbacks, height limits, number of units per acre, etc.

Elements

This Plan, as required by Statute, generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation and power to be provided by the municipality and the proposed land uses for the area. It is obvious that some of these are not relevant to the Mancos area, such as subways, and therefore will not be addressed directly in the Plan. Relevant elements are addressed below:

Streets

As subdivision or other development of land occurs in the County, or as part of an annexation and subsequent subdivision/development within the Town of Mancos, care shall be taken to create logical road and street extensions for connection with existing roads and streets. Town policy does not allow gated subdivisions or private drives. Therefore, all roads and streets created in the Plan area shall be dedicated to the public with sufficient rights-of-way to meet Town codes upon annexation. Upon annexation, the owners of properties within the annexation request shall be responsible for bringing all improvements up to the requirements of the Town Code in effect at the

time of the annexation.

Annexation proposals will be evaluated for consistency with the transportation component of the Town's Comprehensive Plan including the streets, recreational trails, and public rights-of-way. All new areas of annexation will be accessed from Montezuma County road systems, Colorado Department of Transportation US Highway 160, or existing Town streets. Access to future annexed area will be coordinated on a case by case basis with the Town, Montezuma County and Colorado Department of Transportation. All new roadways shall meet the Town's Infrastructure Design Standards. Developers are typically responsible for infrastructure costs.

Subways

Not applicable to the Mancos Three-Mile Plan area.

Bridges

Bridges in the Plan area may be required due to natural drainages, wetlands, arroyos/ravines, river and creek crossings. There may be other reasons as well and site-specific situations shall be handled appropriately when lands in the Plan area are subdivided or otherwise developed.

Waterways/Waterfronts

The Mancos Valley is blessed with beautiful and pristine riparian areas and wetlands. Development within the Plan area shall not result in net loss of wetlands and shall not unduly interfere with riparian areas (it is acknowledged that some bridges and other water crossings for utilities, etc. may be necessary). A minimum 25' setback is suggested from high water lines and/or wetlands to ensure the health of our riparian areas. Larger setbacks for riparian buffers may apply.

Parkways

A parkway is a general designation of a type of limited-access highway in some parts of the U.S. Like all limited-access highways, parkways are designed particularly for through traffic, and many can be classified generally as freeways or toll highways.

Historically, the term "parkway" has often implied that the road was designed specifically with a naturalistic or manicured landscaping of the median and adjacent land areas meant to suggest a pastoral driving experience, isolated from the manifestations of commerce and advertising, even when the road passes through populated areas; for this reason commercial traffic is excluded. Many parkways have signature road signs with special emblems that suggest a thematic driving experience and increase the sense of isolation from civilization in the vicinity of the road.

To ensure maximum pleasure of our view sheds from public roadways, development occurring within the Plan area shall allow signage only as allowed under the Mancos

Town Code at the time development occurs, and off-site (billboard) advertising is prohibited within the Plan area, except as can be proven to have legally existed at the time this Three-Mile Plan is adopted, in which case those signs shall sunset in ten years from plan adoption.

Playgrounds/Squares/Parks

Development occurring in the Plan area shall provide for playgrounds and parks as stated in the Mancos Town Code in effect at the time development occurs.

Aviation Fields

It is not anticipated that the old airport property owned by the Town of Mancos will be developed as an airport or aviation field. There are no known public aviation fields in the Plan area, but there are known to be some private airstrips for personal use of the landowners. Development occurring in the Plan area shall take into consideration existing private aviation fields.

Other Public Ways

Development occurring in the Plan area shall include trails to connect properties and/or neighborhoods together and ensure safe, non-motorized travel between subdivisions, commercial development and public areas such as schools, parks, playgrounds, etc.

Grounds/Open Spaces

The Mancos Valley is characterized by low-density, rural-style development of more than three acres, and quite often more than 35 acres. Development occurring in the Plan area shall provide for the same by including areas to be left open unless annexation is accomplished &/or higher density and commercial uses can be located near similarly developed lands. Open space and park or trails dedication shall be required as part of any annexation request with the emphasis on protection of sensitive ecological areas, critical view areas, and prime habitat areas, where appropriate. Parkland dedication or cash in-lieu may be required for new residential subdivisions and development.

Land Use

Land uses will be evaluated for consistency with the Town's Comprehensive Plan, Future Land Use Map and for compatibility with adjacent land use patterns. Land uses should be consistent with current Town zoning districts allowed and conditional uses.

Public Utilities

The Town of Mancos is the water and sewer provider for subdivisions within its municipal boundaries. Any subdivision of land within the Three-Mile Plan area should have an adequate and renewable source of water that can be dedicated to the Town of Mancos upon annexation. Reliance on cisterns or the Town's water dock is not a renewable source of water. Individual septic systems within the Three mile area are opposed by the Town of Mancos. Lots of less than 3 acres should only be

considered where centralized sewer is available or will be required prior to development on the lot. The Town of Mancos is currently considering a watershed protection ordinance to further protect its source water. Smaller scale subdivision of land within the Three-Mile area, meaning lots less than 3 acre units, is opposed by the Town of Mancos as it would likely lead to greater pollution to the Town's water source, it will be less likely to have its own water source, and it will likely rely on non-renewable water sources such as cisterns, water docks, or exempt wells that are tributary to the Mancos River causing depletions to the Mancos River that are outside of the priority system causing injury to the Town's and other senior water rights. It is anticipated that larger lots of raw land are more likely to be suitable for annexation, and that upon annexation to the Town, denser subdivision of it will be needed to justify expansion of Town water and sewer infrastructure to service the annexed property. Water and sewer lines may need to be extended to new areas annexed into the Town. All new water, sanitary sewer and storm water facilities shall meet the Town's Infrastructure Standards. Developers are typically responsible for infrastructure costs associated with expansion of Public Utilities.

Public Utility Terminals for water, light, sanitation, transportation and power to be provided by the municipality

Development occurring in the Plan area shall provide for easements and rights-of-way as appropriate. See Town of Mancos code and contact other affected utility providers for specifications.

All annexed property shall be required to conform to the current adopted versions of the Town of Mancos Land Use Code, Municipal Code, Comprehensive Plan, Building Codes and all other applicable local and state statutes.

Reference To Other Documents

It is important to note that while this Plan highlights annexation considerations for properties within the Plan area, formal annexation proposals submitted to the Town of Mancos must meet all of the annexation requirements in the Mancos Town Code in order to be considered. Other documents, as adopted by the Town of Mancos or Montezuma County, may also apply and care should be taken to understand the elements of each applicable document at the time of development &/or annexation.

Proposed Land Uses For The Area

At the time of annexation, each property shall be zoned. Zoning may match, but is not required to, what densities and uses exist on the property. The zoning shall be consistent with the zoning of adjacent properties and shall reflect what lot sizes and uses are deemed appropriate for future development rather than reflect an inventory of existing situations. In the event that a non-conforming lot size and/or use are created by the annexation and zoning,

an annexation agreement shall be created specifying whether the non-conforming uses shall have a “sunset” date.

REVISION/UPDATE SCHEDULE

Statute requires this Three-Mile Plan be updated at least once per year. If there are no proposed changes to the Plan, an automatic renewal shall occur on the anniversary date of the original passage of this Three Mile Plan, which occurred on March 21, 2007. If there are proposed changes to the Plan in any calendar year, those changes shall follow the proper procedures, and a revised Plan shall be created upon approval of the changes, whereupon the new automatic renewal date of the Plan shall be on the anniversary date of the most recent amended version of the Plan.

Acknowledgements:

Portions of the original Plan were borrowed and/or adapted from the following Colorado publications for fiscal and expediency purposes - "the wheel has already been invented," therefore, the Town of Mancos acknowledges and thanks:

Town of Frisco, *2005 Three Mile Plan* (from internet)
Richard Grice, Memo regarding *Colorado Comprehensive Planning, Zoning and Subdivision Enabling Legislation*, dated January 17, 2005 (from internet)
Town of Minturn, *Three Mile Plan for Annexation* (undated, from internet)
City of Loveland, *Resolution Adopting Documents as Three Mile Plan*
Town of Bayfield, *2020 Three Mile Plan* (from internet)

The original plan was compiled and written by:
Cindy Simpson, Mancos Town Trustee and Owner of AllWrite Consultants
Tom Glover, Mancos Town Administrator

The original plan was reviewed by:
David Liberman, Mancos Town Attorney

STAFF REPORT

To: Members of the Planning and Zoning Commission
From: Heather Alvarez, Town Administrator
Date: June 16, 2021
Re: Resolution TBD Series 2021: Adjustment of Cash in Lieu Fee –Fair Market Value

Recommendation

Review the current Per-Acre Cash in Lieu Fee for Dedicated Land and recommend approval or adjustment to the Board the Board of Trsutees

Background/Discussion

The fair market value and cash in lieu amount is set by resolution by the Board of Trustees upon the recommendation of the Planning and Zoning Commission.

Chapter 16, Article 14, Division 4 requires the developer of a subdivision to dedicate at least **ten percent (10%)** of land within a subdivision to the Town, or other entity, as determined by the Board of Trustees, to be used for parks and recreation, open space, school sites, municipal facilities or cash in lieu of such dedication. The cash in lieu fee amount is to be reviewed on an annual basis. The fee reflects the estimated current fair market value for unimproved “raw” land adjacent to town. This was currently set at \$10,000 per acre in 2016 and has remained unchanged since then.

Recent market value research indicates a 7,500 square foot, vacant lot in Mancos sells for approximately \$50,000 - \$55,000. One acre of land is 43,560 square feet. It should be noted that most communities distinguish in their code/policies that it is only new residential development (SF, multi-family or mixed use) that is charged this fee. Some use a % calculation of gross land area, some use a per residential unit fee, and some use a per SF cost.

At this time, the town has two large parks (Boyle Park and Cottonwood Park), smaller pocket parks (Pioneer Park, GMC Park, Skate Park, North Side Playground) and other areas to maintain. The Creekside Subdivision has open space/park land set aside for future phases as well. Other than plans for future trails at Chicken Creek, Mancos River Walk and Paths to Mesa Verde and connectivity to existing parks, staff is not interested in creating new parks to maintain.. Unless a property has land along these potential trails to donate, it is my recommendation that a fee in lieu would be preferred.

Is the Planning Commission satisfied with \$15,000 fee in lieu or would you prefer to change it?

Resource Impact

Sets amount for cash in lieu of land set asides for future subdivisions

Attachments

Town of Mancos Land Use Code Chapter 16, Article 14, Division 4
Draft 2021 Resolution

Section 16-14-4 Dedications

A. Purpose

The requirements for open space, school sites, parks, and recreational areas contained in this section ensure that there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents of the development for open space, school sites, and parks, containing passive or active recreational areas that are reasonably attributable to such development.

B. Applicability

Every subdivision shall include a dedication of land to the Town, or other entity, as determined by the Board of Trustees, to be used for parks and recreation, open space, school sites, municipal facilities, or cash in lieu of such dedication in an amount established by this section as a condition of final plat approval and prior to the recording of a final plat.

C. Dedication Requirement

The developer shall dedicate to the Town at least 10 percent of the gross land area, in fee simple or other equivalent cash-in-lieu, unless a land dedication was required for the subject land at the time of annexation.

D. Specifications

1. Land dedicated or otherwise set aside for dedications must be of appropriate size, dimensions, topography, and general character as required for the type of use necessary to meet the demand and need of future residents (e.g., school sites, open space buffers, public trails, active recreation for team or individual sports, playgrounds, tot lots, picnic areas, etc.).
2. Unique natural areas or flood-prone areas that provide an opportunity for public trails or linkage parks may be included in areas dedicated or reserved for open space.
3. With the exception of land dedicated for trails, dedicated or reserved land shall have minimum dimensions of 100 feet in width and 150 feet in depth, unless otherwise approved by the Board of Trustees.

E. Platting Requirements

Any land dedicated for open space, school sites, or park and recreational areas must be shown on the face of a plat submitted for approval by the Planning Commission and Board of Trustees.

1. Pins to be Installed

Each corner of the parkland to be donated shall be marked with a permanent monument consisting of 3/4-inch iron pins set in concrete. These shall be located and identified on a recordable land survey completed by a land surveyor registered in the State and provided to the Town by the owner and/or developer.

2. Plat to be Recorded

Upon approval by the Board of Trustees, a plat shall be filed of record in the office of the County Clerk and Recorder.

F. Payment of Cash in Lieu of Dedication

Payment of cash in lieu of dedication of land for park and recreational purposes shall be made prior to the recording of a final plat and shall be subject to the following provisions:

1. Applicability

In a subdivision of less than 20 acres or where the required dedication would be less than one acre, or if the Board of Trustees finds that the park and recreational needs of a proposed

development would be better served by a park in a different location or the expansion or improvement of an existing park or recreational area, the Board of Trustees may substitute a cash payment other equivalent conveyance in lieu of land dedication.

2. Schedule for Cash in Lieu

The amount of cash payment shall be calculated based on the land area that would be required as a dedication. The Planning Commission shall recommend and the Board of Trustees shall establish by resolution the per-acre fee based upon the current fair market value for raw lands within the corporate limits of the Town.

3. Accounting, Expenditure, and Refunds

All such payments of cash-in-lieu fees shall be accounted for and spent according to the following requirements:

- a. Cash-in-lieu payments shall be segregated in a special Parks and Recreation Capital Improvement Fund, to be spent on a first-in-first-out basis and used only for the acquisition and improvements of open space, school sites, and park and recreational areas within the Town that will meet the needs of the residents of the development or subdivision in respect of which such payment was made.
- b. Cash-in-lieu payments shall be expended on the acquisition or improvement of open space or park land within reasonable proximity to the proposed development or subdivision from said development or subdivision.
- c. If cash-in-lieu payments are not expended or unconditionally committed to be expended within 10 years of receipt, the developer or owner shall be entitled to a refund of the amount paid, upon written request by the developer or owner, filed with the Town Clerk within one year after the right to such refund arises.

Town of Mancos
Resolution TBD Series 2021

A Resolution Setting The Per Acre Fee In Lieu Of Dedicated Land

WHEREAS, the Town of Mancos Land Use Code Chapter 16, Article 14, Division 4 requires that with every new subdivision, sufficient land be dedicated or a fee in lieu paid to meet the public use demand of future residents; and

WHEREAS, the Town of Mancos Land Use Code Chapter 16, Article 14, Division 4 also provides a cash-in-lieu arrangement for new subdivisions; and

WHEREAS, the Town of Mancos Land Use Code Chapter 16, Article 14, Division 4 requires the developer to dedicate at least ten percent (10%) of the gross land area, in fee simple, or other cash-in-lieu, unless such a land dedication was required for the subject land at the time of annexation; and

WHEREAS, the Town of Mancos Land Use Code requires a payment of cash-in-lieu of dedication of land for park and recreational purposes shall be made prior to recording of a final plat; and

WHEREAS, the Town Board of Trustees may set by resolution the fee amount upon the recommendation of the Town of Mancos Planning and Zoning Commission; and

WHEREAS, the Town Board of Trustees by resolution, sets the per-acre fee for dedicated land based upon the current fair market value for raw lands within the corporate limits of the Town of Mancos per Chapter 16, Article 14, Division 4 of the Town of Mancos Land Use Code; and

WHEREAS, after reviewing recent raw land sales within the Town of Mancos, it has been determined that the current fair market value should be set at \$15,000 per acre; and

WHEREAS, the Town of Mancos Planning and Zoning Commission recommended to set the per-acre fee at **\$15,000 per acre** at their regular meeting on June 16, 2021.

Commented [HA1]: Need Commission Feedback

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MANCOS:

The Board of Trustees of the Town of Mancos hereby sets the cash-in-lieu fee for dedicated land, per requirements of Chapter 16, Article 14, Division 4 of the Town of Mancos Land Use Code, at \$15,000 per acre. Per the Mancos Municipal Code, this fee will be updated annually.

Commented [HA2]: See comment above

PASSED, ADOPTED, AND APPROVED this ____ day of _____, 2021.

Mayor Ellen "Queenie" Barz

Town Clerk/Treasurer Donna Murphy