

STATE OF COLORAD)
) SS. Resolution No. 2002- 052
COUNTY OF OURAY)

At a regular meeting of the Board of County Commissioners for Ouray County, Colorado held at the Court House, Ouray, Colorado on the 9th day of December A.D., 2002, there were present:

Alan Staehle, Chairman
Bill Ferguson, Chairman
Don Batchelder, Commissioner
Shelli Banks, Deputy Clerk

When the following proceedings, among others, were had and done, to-wit:

WHEREAS, after public notice and hearing held on September 18, 2002, the Ouray County Planning Commission has returned its recommendation to the Board of County Commissioners regarding amendments to the Official County Zoning Map and Sections 3, 5 and 19 of the Ouray County Land Use Code; and

WHEREAS, the Board of County Commissioners has received, reviewed and considered the recommendations of the Planning Commission and, upon adequate and required public notice, has held a public hearing on December 9, 2002 regarding the amendments to the Official County Zoning Map and Sections 3, 5 and 19 of the Ouray County Land Use Code; and

WHEREAS, the Board of County Commissioners is now authorized by CRS, 30-28-116 and is prepared to act on the amendments to the Official County Zoning Map and Sections 3, 5 and 19 of the Ouray County Land Use Code; and

WHEREAS, the Board of County Commissioners finds that the proposed amendments are consistent with the stated purposes and objectives of the Ouray County Land Use Code and the Ouray County Master Plan, and the amendments of the Code as proposed are for the benefit of the health, safety and welfare of the people of Ouray County, which findings are based upon the Code, Master Plan and the record made in the above-referenced public hearing; and

WHEREAS, the Town of Ridgway and the City of Ouray have reviewed and approved the amendments to the Official County Zoning Map and Sections 3, 5 and 19 of the Ouray County Land Use Code.

NOW, THEREFORE, BE IT RESOLVED, that the Official County Zoning Map and Sections 3, 5 and 19 of the Ouray County Land Use Code are hereby amended to as follows: SEE ATTACHED EXHIBIT A, B, C AND D, WHICH ARE INCORPORATED HEREIN.

Voting in the affirmative: Commissioners Alan staehle, Bill Ferguson and Don Batchelder.

Voting in the negative: None.

THE BOARD OF COUNTY
COMMISSIONERS OF OURAY
COUNTY.

By: Bill Ferguson
Bill Ferguson, Chairman

STATE OF COLORAD)
) SS.
COUNTY OF OURAY)

I, Michelle Olin, County Clerk and ex-officio Clerk of the Board of County Commissioners and for the County and State aforesaid, do hereby certify that the annexed and foregoing Order is truly copied from the Records of the proceedings of the Board of County Commissioners said Ouray County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my
Hand and affixed the seal of said County, at Ouray
This 18th day of September, A.D. 2002.

Michelle Olin
Michelle Olin, County Clerk

Per Shelli Banks
Shelli Banks, Deputy

Exhibit "B"

3.5 OVERLAY DISTRICTS

A. Intent and purpose: Due to continued growth pressures, there is an increased need for coordination between the Municipalities and the County to promote the efficient use of services and protection of open lands, agricultural lands, alpine lands and community identities. It is therefore the intent and purpose of the Overlay Districts to establish districts and create a process to jointly review development on unincorporated property surrounding the Town of Ridgway and the City of Ouray.

B. Definitions:

1. Area of Influence (AOI). An area of unincorporated land wherein development or use of land has an impact upon the adjoining municipality.

2. Urban Development. Development that conforms to the standards of moderate and high density residential, commercial/industrial or tourist land use categories, which is typical to urbanized areas. Urban development also includes the types of services that are generally required to support that development such as central potable water, storm water systems, central sanitary sewer systems, quick-response fire and police protection, urban level street design and maintenance, parks and recreation programs, open space and undeveloped parks, urban level retail and commercial development and other similar services that are typically provided by cities and towns.

3. Urban Growth Management Area (UGMA). An area of unincorporated land adjacent to a municipality in which urban development may be allowed when annexed by the municipality. The Urban Growth Management Area includes an area sufficient to provide for ten to twenty-five years of anticipated and desirable urban growth and development for the adjacent municipality.

C. Establishment of Overlay Districts: The following Overlay Districts are hereby established:

1. The Ridgway Urban Growth Management Area.
2. The Ridgway Area of Influence
3. The Ouray Urban Growth Management Area
4. The Ouray Area of Influence

D. Overlay Districts: All Overlay Districts shall be designated on the "Official Zoning Map of Ouray County" which is on file in the records of the Ouray County Clerk and Recorder. A copy of the map is attached to this Code and in the event of any conflict between the copy and the map on file in the County records, the latter shall be conclusively deemed to prevail.

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E. District Uses and Requirements.

1. Within the Ridgway Area of Influence and the Ouray Area of Influence, the following uses are allowed:
 - a. All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.
 - b. Uses allowed by special use permit and Planned Unit Developments within the underlying Zone, as stated under Section 3 of this Code, may be permitted, upon review and approval of the Board of County Commissioners. Said uses shall follow the process as contained herein.
2. Within the Ridgway Urban Growth Management Area and the Ouray Urban Growth Management Area, the following uses are allowed:
 - a. All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.
 - b. Uses allowed by special use permit within the underlying Zone, as stated under Section 3 of this Code, except Home Businesses, may be permitted, upon review and approval of the Board of County Commissioners. Said uses shall follow the process as contained herein.

F. Development Review – Urban Growth Management Area. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning shall first be considered for annexation by the adjoining municipality prior to submittal of an application to the County Land Use Office.

1. The municipalities will consider all petitions for annexation of lands within the adjoining UGMA and will not decline to annex such property except for good cause. For the purposes of this Section, good cause includes, without limitation, the following:
 - a. Extension of one or more municipal services to the area would place an unreasonable economic burden on the existing users of such service or upon the future residents or owners of property in the area itself.
 - b. The area is not contiguous to the municipality's existing boundaries.
 - c. The development proposal fails to meet the criteria for inclusion and annexation in the initial growth boundary outlined within the municipality's master or comprehensive plan.
2. If the municipality declines an annexation proposal within the UGMA, the Applicant/Developer may then submit a completed application to the Ouray County Land Use Office. Depending upon the request, the application shall

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include all information and documentation as set forth and outlined under the various sections of this Code. In addition, the application shall also include a written denial of annexation from the respective municipality.

G. Development Review – Area of Influence. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning shall be submitted to the Ouray County Land Use Office and shall follow the requirements, standards and processes as set forth and outlined under the various sections of this Code.

H. Joint Planning Boards. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning located within an Urban Growth Management Area or an Area of Influence shall be reviewed by a Joint Planning Board, rather than the Ouray County Planning Commission, and the Joint Planning Board shall make a recommendation to the Board of County Commissioners.

1. When a request is located within the Ridgway Urban Growth Management Area or the Ridgway Area of Influence, the Ridgway Area Joint Planning Board shall review the application.
2. When a request is located within the Ouray Urban Growth Management Area or the Ouray Area of Influence, the Ouray Area Joint Planning Board shall review the application.

Section 5

USES ALLOWED BY SPECIAL USE PERMIT

5.1 INTENT:

A. To provide for uses allowed by special use permit as designated under Section 3, Zoning Provisions - Zones. Such uses may be allowed only by approval of the Board of County Commissioners whose determination shall be based on the purposes, standards and requirements as set forth under this Section. In granting approval for a special use, the County Commissioners may impose additional conditions, which comply with the purposes and intent of this Code.

5.2 PERMIT PROCEDURES

A. A Special Use Permit application, together with the information described below and the required fees shall be submitted to the County Land Use Administrator at least forty five (45) days prior to the Board of County Commissioner's meeting at which the request will be initially considered. In addition, the applicant shall submit notification postcards that are to be obtained from the County Land Use Office prior to submittal of the application. The postcards will contain all pertinent information and will be stamped and addressed to all adjacent property owners.

B. In addition to the provisions required under Section 5.3 the following information shall be submitted.

- (1) Site Plan
- (2) Signature of owner(s) of all property, authorizing application. If land included in an application is leased to an applicant, terms and length of the lease shall be provided.
- (3) An explanation of the operation or use.

C. Prior to taking action on the requested special use permit the County Commissioners:

- (1) May submit a copy of the application and accompanying data to the County Planning Commission for review and comment and may request that the Planning Commission hold a public hearing as indicated in Section 5.4 below.
- (2) May hold a public hearing on the application as indicated in Section 5.4, below.
- (3) If the request is located within an Urban Growth Management Area

Exhibit "C"

or Area of Influence the request will be reviewed by the appropriate Joint Planning Board. The Joint Planning Board may hold a public hearing on the application as indicated in Section 5.4, below.

D. A copy of the application and the accompanying information shall be submitted to the Planning Commission or Joint Planning Board and appropriate agencies for review and comment. If the request is located within an Urban Growth Management Area or Area of Influence the request will be submitted to the adjacent municipality for review and comment.

E. The County Commissioners, in granting approval, may condition the operation in order to ensure compatibility with surrounding uses and to ensure that impacts are properly mitigated. The County Commissioners may place conditions on the length of time a use may be operated, and may require periodic review.

F. The applicant/operator must, at all times, be in compliance with all applicable state and federal laws and regulations. The permit may be refused or withdrawn in case of non-compliance with such laws or regulations.

G. If land included in an approved application or use is leased to the applicant, the applicant or his successors shall notify the County of any changes in the lease that may occur following approval by the County Commissioners. The permit may be refused or withdrawn in case of non-compliance with such lease.

H. If the Board of County Commissioners shall determine, on the basis of information submitted and available to it, that a proposed operation will have an impact on, or will necessitate, improvements to facilities or services provided by the County, the school districts or other governmental entities within the County, the Board may, as a condition of special use permit approval, require that the developer take steps to mitigate this impact by payment of impact fees or provision of in-kind contributions as provided by this Code.

5.3 REVIEW REQUIREMENTS:

The following regulations shall apply to special uses allowed by permit only, as indicated.

A. All special uses allowed in the various zones under Section 3 of this Code, shall be subject to the following provisions:

(1) Proof that such use does not create undue danger in surrounding areas, does not cause water pollution and does not create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property on which such use is located.

(2) At the discretion of the County Commissioners, a written plan may be required indicating methods to be used to minimize smoke, odors, dust

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and similar environmental problems, which might result from the operation of the proposed use.

(3) Evidence that adequate access, potable water and sewage disposal is available.

(4) The special uses shall be subject to the provisions of the Visual Impact Regulations found in Section 9 of this Code.

(5) The requested use will not unduly impact wildlife.

(6) Evidence that the use shall not alter, restrict, inhibit or interfere with historic irrigation practices, headgates, ditches and ditch right-of-way.

(7) Evidence that the use is not located within any area subject to geohazards, including, but not limited to rockfall areas, avalanches, landslide, potentially unstable slopes, slopes greater than 30 percent, alluvial fans, talus slopes, Mancos shale, faults, expansive soils or ground subsidence. If the proposed use is located within areas subject to the effects of geological hazards, evidence shall be presented by the applicant that such hazards have been avoided. If avoidance is not possible, evidence shall be provided that hazards have been mitigated. The County may require qualified professional geologic or engineering certification that the proposed land use can be located or developed in a safe manner.

(8) Evidence that the property has no chemical contamination. If the property is chemically contaminated, a mitigation plan must be presented that would satisfactory resolve the chemical contamination.

(9) The request is consistent and compatible with the community character and surrounding land uses within the area for which the request is being proposed.

(10) The request would not have a material adverse effect on the surrounding area.

(11) At the discretion of the County, periodic review may be required.

(12) The use will not create impacts on existing infrastructure beyond what would be created by a use by right.

B. Sand and gravel, oil and gas, commercial logging, mineral operations and mineral extraction and processing operations, if allowed, shall be subject to the following conditions:

(1) All applicable state and federal permits have been obtained or will be obtained before commencement of the proposed use.

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(2) Permits shall be granted for the uses listed above only if the applicant/operator is in full compliance with all rehabilitation and reclamation requirements. The permit may be withdrawn if, at any time, applicant is in non-compliance. Where no state or federal agency requires a rehabilitation or reclamation plan, the County may do so. Said plan shall depict, in writing and graphically, the proposed methods for restoring any disturbed areas, to include the extent and type of revegetation proposed. In addition, in the case of a proposed commercial logging operation, the County may require the Applicant/Operator to submit a site-specific forest management plan which shall address such matters as the size of trees to be taken, the locations of the proposed operation, time of year of the operation, clean-up, reforestation and related items. The County, in its discretion, with concurrence with the Applicant, may obtain independent review of the site-specific forest management plan, with the costs of such review being borne by the Applicant/Operator.

(3) Truck traffic to and from such uses shall not create undue hazards or nuisance to areas elsewhere in the County, nor shall it unduly damage public roads. If it is found that hazards, nuisances or damage to public roads will occur from the proposed use, a mitigation plan shall be submitted.

(4) If the County Commissioners shall determine, on the basis of information submitted and available to them, that a proposed operation will have an impact on, or will necessitate improvements to facilities or services provided by the County, the school districts or other governmental entities within the County, the Board may, as a condition of special use permit approval, require that the developer take steps to mitigate this impact by payment of impact fees or provision of in-kind contributions. The amount or nature of such requirement shall be ascertained by the extent of the impact and will be calculated to cause the facility or service impacted to provide at least as high a level of service after full development of the special use as existed at the time the special use was approved. If impact fees are paid, the amount of such fees shall be used or set aside for the purpose for which it was paid.

C. As allowed within specific zones cemeteries, schools, bed and breakfast operations, churches, commercial equestrian activities, commercial outdoor recreation, livery or horse rental operations, commercial uses, commercial camping, and guest ranches shall be subject to the following provisions:

(1) In the case of cemeteries and schools, such proposed uses shall serve an obvious public need.

(2) Sufficient distance shall separate such uses from abutting properties, which might otherwise be damaged or diminished in value due

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to the operation of the proposed use.

(3) Satisfactory proof shall be given that such uses will be properly maintained.

(4) Truck and automobile traffic to and from such uses shall not create hazards or nuisance to areas elsewhere in the County.

(5) Sufficient off-street parking, as required in Section 7.2(M) of this Code shall be provided to accommodate the expected volume of users of the proposed facilities. Bed and breakfast operations shall provide parking to the same extent required for hotels and motels under this Code.

(6) For Guest Ranches:

(a) Hours and months of operation.

(b) Traffic impacts, such as noise and dust, and any abatement measures necessary to mitigate impacts from traffic.

(c) Ancillary facilities, such as trails, and proof of permission to use off-site facilities, if necessary.

(d) Maximum numbers of guests on the site at any time.

(e) Portion of the site to be used for operations.

(f) Signs

(g) Any other nuisance abatement measures identified by the County.

(h) If any portion of the land included in the application is leased to the applicant, the applicant shall supply a copy of the lease.

(i) If the operator is to be someone other than the owner of the land or the applicant, he or she shall be identified as part of the application.

5.4 PUBLIC NOTICE AND HEARING:

Before granting a special use permit, the Board of County Commissioners may hold a public hearing, or direct that the Planning Commission hold a public hearing or the Joint Planning Board may hold a public hearing on the matter. If a public hearing is required, notice of such hearing shall be published at the expense of the applicant, in a newspaper of general circulation within Ouray County at least fifteen (15) days prior to the hearing date. In addition, written notice of the hearing shall be mailed at least fifteen (15) days

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prior to the hearing date to the applicant. The County Commissioners shall also require that the applicant give notice to the owners of properties adjacent to the property in question at least fifteen (15) days prior to the hearing and, in that case, shall require the applicant to provide proof that the notice was given.

5.5 FEES FOR SPECIAL USE APPLICATIONS:

Application fees for special use permits will be in accordance with the County's current fee schedule.

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19.9 JOINT PLANNING BOARDS:

A. Establishment: There are hereby established a Ridgway Area Joint Planning Board and a Ouray Area Joint Planning Board to act as recommending bodies to the Ouray County Board of County Commissioners. The Joint Planning Boards will review specific development applications for properties located within the Ridgway Area of Influence, Ridgway Urban Growth Management Area, the Ouray Area of Influence and the Ouray Urban Growth Management Area.

B. Appointment of Members: The Ridgway Area Joint Planning Board and the Ouray Area Joint Planning Board shall consist of a total of eight (8) members. Membership shall be as follows:

1. The eight (8) members of the Ridgway Area Joint Planning Board shall consist of the five (5) members of the Ouray County Planning Commission and three (3) members selected by the Ridgway Town Council from the Ridgway Town Planning Commission or if no Planning Commissioners are available shall select three (3) persons who reside within the limits of the Town of Ridgway. The Ouray County Board of County Commissioners shall approve or reject any or all of the names submitted by the Ridgway Town Council.
2. The eight (8) members of the Ouray Area Joint Planning Board shall consist of the five members of the Ouray County Planning Commission and three (3) members selected by the Ouray City Council from the City of Ouray Planning Commission or if no Planning Commissioners are available shall select three (3) persons who reside within the limits of the City of Ouray. The Ouray County Board of County Commissioners shall approve or reject any or all of the names submitted by the Ouray City Council.
3. The terms of the Joint Planning Boards' members shall be as follows:
 - a. From the Ouray County Planning Commission, membership shall coincide with their appointed terms.
 - b. The members appointed from each municipality shall serve for staggered three-year terms.
4. The Board of County Commissioners, at the request of the Ouray County Planning Commission or the Town of Ridgway or City of Ouray, may also, at its discretion, appoint any associate members to each of the Planning Boards to serve in place of any member of the Board who may be absent from the County, who is ill, who may have any financial or personal interest in any matter brought before the Commission or who may be otherwise unable to function or serve in his appointed capacity as a member of the Planning Commission.
5. Any member may resign from the Planning Boards upon sending written notice of such resignation to the Chairman of the Board of County

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Commissioners.

C. Powers and Duties: The Ridgway Area Joint Planning Board and the Ouray Area Joint Planning Board will be considered Ouray County advisory boards. The Joint Planning Boards shall review those applications for development as outlined under Section 3.5 of this Code. The Joint Planning Boards will not have the authority to adopt a master plan pursuant to Section 30-28-106(1) of the Colorado Revised Statutes.