

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO
FOR PRELIMINARY AND FINAL PLAN APPROVAL OF THE
MADDEN PUD**

WHEREAS, Earl and Lucinda Madden (“Applicant”) have filed an application for preliminary and final plan approval of the Madden PUD (“Application”); and

WHEREAS, the Board of County Commissioners of Ouray County, Colorado (“Board”) heard comments on the Application and the Applicant’s request for Preliminary Development Plan Approval and Final Development Plan Approval at its regularly scheduled and noticed meeting on September 11, 2006; and

WHEREAS, based upon the Application, supporting materials, Staff Report and comments, the Board has determined that the Application meets the conditions and criteria as set forth in the Ouray County Land Use Code (“LUC”) at Sections 6.10 C.(6)(g) and 6.10 D., and otherwise complies with the applicable provisions of the LUC for approval of the Preliminary and Final Development Plan for Madden PUD.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. The Applicant’s request for Preliminary Development Plan approval and Final Development Plan approval is granted, subject to the following conditions:
 - A. The following notes shall be added to the final plat prior to recording:
 - i. Dogs shall be kept in a kennel, house, or small yard adjacent to the home or shall be under direct control by the owner.
 - ii. Garbage shall be stored in a bear-proof container or in an enclosed building.
 - iii. Fencing should be kept to a minimum. If fencing is constructed on any lot, it shall be constructed following Colorado Division of Wildlife guidelines.
 - B. A “will serve” letter from Qwest shall be submitted prior to recording the final plat.
 - C. The following language shall be added to the proposed covenants prior to recording of the final plat:
 - i. All development within the Madden PUD shall comply with the outdoor lighting regulations contained in Section 27 of the Ouray County Land Use Code.
 - ii. An internal mechanism (such as an architectural control committee) shall be created through which any construction must have prior approval and through which the covenants may be enforced.
 - iii. The outdoor lighting provisions of the covenants shall not be amended or altered in any fashion that would make them less strict than the Outdoor Lighting Regulations of the Ouray County Land Use Code, without prior written approval of Ouray County.

- D. The Developer shall enter into a PUD Agreement with the County prior to recording of the final plat.
- E. The Developer must submit a Performance Bond totaling \$1,300.00 in conjunction with the PUD Agreement.
- F. Prior to recording the final plat, all requirements of Section 6.10 D.(8) of the Ouray County Land Use Code concerning construction of the PUD shall have been met.
- G. Prior to recording the final plat, all requirements of Section 6.10 D.(9) of the Ouray County Land Use Code concerning final PUD approval shall have been met.
- H. Prior to recording of the final plat, the Applicant shall submit evidence of the owners of the severed mineral estates and such owners shall be notified of the proposed development as required by C.R.S. §24-65.5-102 or such owners shall sign the plat prior to recording.

APPROVED AND ADOPTED THIS ____ DAY OF SEPTEMBER 2006, RATIFYING ACTION TAKEN ON SEPTEMBER 11, 2006.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

Heidi M. Albritton, Chair

Don Batchelder, Vice Chair

Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board

Kristi R. Westfall, Member