

RESOLUTION No. 2006-078

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
TO APPROVE THE
SPECIAL USE PERMIT FOR OHS GENERATION IV, LLC FOR A GUEST RANCH**

WHEREAS, OHS Generation IV, LLC (“Applicant”) has filed its application for a Special Use Permit for a Guest Ranch on approximately 186 acres of property near Ridgway, Colorado with the primary infrastructure to serve such Guest Ranch being located on Lot 3, Witt Acres subdivision, Ouray County, Colorado (“Application”); and

WHEREAS, notice of a Public Hearing on such Application was published on September 1 and September 8, 2006 in the Ouray Plaindealer and on September 6 and September 13, 2006 in the Ridgway Sun, and the Board of County Commissioners of Ouray County, Colorado (“Board”) held a public hearing on the Application on September 25, 2006 at 1:30 p.m., and such public hearing was continued to October 23, 2006 and November 6, 2006; and

WHEREAS, on September 25, 2006 and November 6, 2006 the Board reviewed the Application and supporting materials and heard public comment on the Application; and

WHEREAS, based upon the Application, supporting materials, Staff Report and public comments, the Board has determined that the Application meets the conditions and criteria set forth in Section 5.3 of the Ouray County Land Use Code (“LUC”) for a Special Use Permit and otherwise meets the definition for a Guest Ranch as set forth in Section 22 of the LUC and complies with all other applicable provisions of the LUC; and

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

1. The Application for a Special Use Permit for a Guest Ranch is approved with the following conditions:
 - a. Prior to the Applicant seeking approval of any building permits for the Guest Ranch, Applicant shall submit a revised site plan showing the proposed phasing plan and showing no parking spaces accessing directly onto Ouray County Road 3.
 - b. Prior to Applicant seeking approval of any building permits, Applicant shall improve that portion of Ouray County Road 3 from the intersection of County Road 3 and U.S. Highway 550 to the entrance of the Guest Ranch to a local access standard. In the alternative, Applicant shall submit a traffic study prepared by a competent traffic engineer analyzing the impacts of the Guest Ranch, as proposed by Applicant, on County Road 3. Based upon such traffic study, the Ouray County Engineer and the Ouray County Road and Bridge Superintendent shall review the same and shall determine the necessary improvements to County Road 3 to be completed by Applicant and shall so notify the Applicant in writing. The scope of the improvements to be made to bring the road in compliance with the County Local Access Standard shall be subject to interpretation and agreement between the County Road and Bridge Superintendent and the Applicant’s engineer. Thereafter, Applicant shall complete the necessary improvements to County Road 3 prior to any construction of the improvements or other infrastructure for the Guest Ranch.

- c. The operation of the Guest Ranch by the Applicant shall comply with all of the criteria and conditions set forth in the LUC for a Guest Ranch, including the provisions of Section 5 and those criteria set forth in Section 22. Failure by the applicant to be in compliance with the criteria and conditions set forth in this Resolution and Section 22 of the LUC for a Guest Ranch shall result in the revocation of this Special Use Permit. For purposes of this application, tent sites and “rooms and lodging by the night” as described in the definition of “Guest Ranch” in Section 22 of the LUC shall be synonymous.
- d. The Applicant may not construct any facilities for the Guest Ranch until all applicable state and local permits have been obtained and thereafter all operation shall be in compliance with all applicable state and local permits.
- e. Rental rooms at the Guest Ranch shall be for short-term rental only and no long-term rental shall be permitted.
- f. Prior to the issuance of a building permit, the underlying PUD on Lot 3, Witt Acres Subdivision, which is devoted to the Cal-Gas PUD, shall be amended to permit the Guest Ranch.
- g. The “site plan” is approved as a conceptual plan and Applicant may adjust the location of building or site improvements. Each Phase shall comply with all requirements of the LUC for a Guest Ranch as well as all other requirements of the LUC, to include, but not be limited to, setbacks, height requirements, visual impact, etc.
- h. Prior to Applicant seeking building permits for the Guest Ranch, Applicant shall submit leases, deeds or other documentation to show that Applicant has the legal right to operate the Guest Ranch on the property.
- i. During the operation of the Guest Ranch, Applicant shall submit annual reports to the Ouray County Land Use Administrator detailing the use of the facility and the activities that are being provided to the guests of the Guest Ranch. Staff shall review the annual reports and may make an annual inspection of the facility to ensure compliance with the terms of this Special Use Permit. The Applicant shall correct any issues of non-compliance and if such concerns cannot be adequately addressed, the Special Use Permit shall be placed on the Board’s agenda for any necessary adjustments.

APPROVED AND ADOPTED THIS ____ DAY OF NOVEMBER, 2006, RATIFYING ACTION TAKEN ON NOVEMBER 6, 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