

**RESOLUTION NO. 2007-036**

*Amendment to Resolutions 1998-070 and 2000-067*

**A RESOLUTION OF THE  
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO  
TO AMEND RESOLUTION 1998-070 AND 2000-067 RELATING TO  
REQUIREMENTS FOR CONSTRUCTION OF A GOLF SHOP, MEMBER'S CLUB,  
RESTAURANT AND SPA ON CV-103**

**WHEREAS**, on November 2, 1998, the Board of County Commissioners of Ouray County, Colorado ("Board") approved Resolution 1998-070 ("1998 Resolution") and on December 18, 2000 the Board approved Resolution 2000-067 ("2000 Resolution"), which Resolution amended the 1998 Resolution; and

**WHEREAS**, the 1998 Resolution addressed an Amendment to Preliminary Development Plan for the Fairway Pines Development and as part of the approval of such Amendment to Preliminary Development Plan application, the Board placed certain other requirements on the developer, Fairway Pines Management Co., Inc.; and

**WHEREAS**, among the requirements included in the 1998 Resolution was a requirement that future approvals of activities occurring on what is now known as CV-103 would be subject to review and recommendation by the Ouray County Planning Commission; and

**WHEREAS**, the 2000 Resolution affirmed the 1998 Resolution but amended it to state that "Prior to approval and issuance of any building permit or other county permit for... CV 103,... a Special Use Permit shall be required and, prior to issuance of any such Special Use Permit, the application shall be referred to the Ouray County Planning Commission for review and recommendation."; and

**WHEREAS**, the current owner of the Fairway Pines development, now known as The Divide Ranch and Club ("Divide Ranch") has requested that the Board waive the requirement that the application for a Special Use Permit for construction of a golf shop and member's club and a spa and restaurant on Lot CV-103 be forwarded to the Ouray County Planning Commission for prior review and recommendation; and

**WHEREAS**, the Divide Ranch has also requested that the 45-day requirement for submittal of the Special Use Permit, as set forth in the 1998 Resolution be shortened; and

**WHEREAS**, the Board heard the request for elimination of the requirement that the Special Use Permit be submitted to the Ouray County Planning Commission and to shorten the 45-day submittal requirement at its regular meeting on July 2, 2007; and

**WHEREAS**, the Ouray County Land Use Code ("Code") requires that notice of a Special Use Permit be given to adjacent property owners during the 45-day period and the Divide Ranch is the owner of all but one parcel of property that is adjacent to Lot CV-103; and

**WHEREAS**, the status and use of Lot CV-103 has been a major component of the Planned Unit Development process for the Fairway Pines Estates development and most recently for the Amendment to the Preliminary Development Plan for the Fairway Pines Estates development as submitted by The Divide Ranch and Club; and

**WHEREAS**, the proposed golf shop and member's club and spa and restaurant have been anticipated by the homeowner's within the development for many years and such uses are the types of uses allowed on Lot CV-103; and

**WHEREAS**, the Fairway Pines Estates Homeowners Association, representing the homeowners within the development, has submitted letters in support of the requests made by the Divide Ranch; and

**WHEREAS**, since the Divide Ranch is the owner of all but one parcel of property adjacent to CV-103, the Board believes that shortening the submittal period for the Special Use Permits for CV-103 will not result in the denial of due process for adjacent property owners; and

**WHEREAS**, because the use of Lot CV-103 for a golf shop and member's club and restaurant and spa have been contemplated as part of the Fairway Pines Estates (now known as The Divide Ranch and Club) for more than 10 years, the requirement for review by the Ouray County Planning Commission is no longer deemed necessary;

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

1. Resolutions 1998-070 and 2000-067 are amended to eliminate the requirement that any Special Use Permit for CV-103 be referred to the Ouray County Planning Commission for review and recommendation.
2. Resolution 1998-070 is amended to eliminate the requirement that applications for Special Use Permits be submitted at least 45 days prior to the application being reviewed by the Board and such time is shortened to 21 days.

APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF JULY, 2007, RATIFYING ACTION TAKEN ON JULY 2, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

Attest:

\_\_\_\_\_  
Don Batchelder, Chair

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Heidi M. Albritton, Vice Chair

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

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K. Keith Meinert, Commissioner Member