

RESOLUTION No. 2007-049

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
TO APPROVE THE SPECIAL USE PERMIT FOR A COMMERCIAL USE
FOR A RESTAURANT/LODGE AND SPA FACILITY FOR
HERITAGE INN & SUITES OF KANSAS CITY, INC. AND HT HERITAGE INN OF ERIE, LLC**

WHEREAS, Heritage Inn and Suites of Kansas City, Inc. and HT Heritage Inn of Erie, LLC ("Applicant") have filed an application for a Special Use Permit for a commercial use to include a restaurant/lodge and spa facility (each to be approximately 5,074 square feet in size) on portions of Lot CV 103, Fairway Pines Filing 1A, Ouray County, Colorado ("Application"); and

WHEREAS, notice of a Public Hearing on such Application was properly given to adjacent property owners and published on July 6, 2007 in the Ouray County Plaindealer and once on July 11, 2007 in the Ridgway Sun, all as required by Section 5.4 of the Ouray County Land Use Code ("LUC"); and

WHEREAS, the Board of County Commissioners of Ouray County, Colorado ("Board") held a public hearing on the Application on July 23, 2007 at 11:00 a.m. at the Ouray County 4-H Event Center located at 22739 Hwy. 550, Ridgway, CO and such public hearing was continued to July 31, 2007 at 4:00 p.m. at the same location; and

WHEREAS, on July 23, 2007 and July 31, 2007, the Board reviewed the Application and supporting materials and heard comments from the Ouray County Land Use Staff and the Applicant and also heard public comment on the Application; and

WHEREAS, based upon the Application, supporting materials, Staff Report and public comments, the Board has determined, based upon the Staff Report and the comments received, that the Application meets the conditions and criteria set forth in Section 5.3 of the LUC for a Special Use Permit for a Commercial Use 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 commercial use for a restaurant/lodge and spa facility is approved, with the following conditions:
 - a. Applicant shall obtain all necessary building permits or approvals prior to construction of the restaurant/lodge and spa facility and shall comply with all other provisions of the LUC including, but not limited to, visual impact regulations, sign regulations and outdoor lighting.
 - b. Applicant shall pay the required Road Maintenance Impact fee described in Section 23.5 of the LUC.
 - c. Such facilities shall be built in conformance with the plans as submitted by the Applicant with its Application and any substantial changes to such plans shall require an amendment to the Special Use Permit, to be reviewed and approved by the Board.

APPROVED AND ADOPTED THIS ____ DAY OF AUGUST, 2007, RATIFYING ACTION TAKEN ON JULY 31, 2007.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

Don Batchelder, Chair

Heidi M. Albritton, Vice Chair

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

K. Keith Meinert, Commissioner Member