

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
TO APPROVE THE SPECIAL USE PERMIT FOR ANGEL'S REST PET CEMETERY**

WHEREAS, Denise Fisher and Angel Ridge Ranch, LLC ("Applicant") filed an application for a Special Use Permit ("SUP") for a pet cemetery ("Application") on a portion of the property located at 177 County Road 10, Ridgway, Colorado ("Property"); and

WHEREAS, the Property is located in the Valley Zone and a pet cemetery is an allowed use, with a Special Use Permit, in such zone, pursuant to Section 3.4 H of the Ouray County Land Use Code ("LUC"); and

WHEREAS, the Application was approved by the Ridgway Area Joint Planning Board ("JPB") at a continued public hearing on April 15, 2008; and

WHEREAS, a public hearing was held by the Board of County Commissioners of Ouray County, Colorado ("Board") on June 16, 2008 at 11:15 am to review the Application and take public comment; and

WHEREAS, on June 16, 2008 the Board reviewed the Application and supporting materials, including an analysis prepared by Buckhorn Geotech dated January 8, 2008; the Staff Report; JPB minutes and resolution and heard comments from the Applicant; and

WHEREAS, there were no public comments on the Application; and

WHEREAS, the Board recognizes that a SUP for a cemetery presents certain peculiar issues because the use tends to be more permanent in nature than other uses allowed by a Special Use Permit; and

WHEREAS, in approving this SUP, the Board has sought to address the peculiar issues that become inherent with a use as a cemetery; however, in doing so, the Board is not acknowledging or approving any particular contractual relationships that the Applicant may have with any third party utilizing the pet cemetery nor should any third party who may use the services of the pet cemetery take the Board's imprimatur as an approval of any terms of any such contractual arrangement;

WHEREAS, based upon the Application, supporting materials and Staff Report, the Board has determined that the Application meets all of the conditions and review criteria set forth in Section 5.3 of the LUC for a Special Use Permit for a pet cemetery and otherwise complies with all applicable provisions of the LUC;

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 Angel's Rest Pet Cemetery is approved, with the following conditions:
 - a. Prior to the issuance of the Special Use Permit, Applicant shall provide a current survey showing the exact location, including a metes and bounds description, of the cemetery, access, parking and any required easements on the Property and the pet cemetery may never be sold or transferred separately from a parcel of land at least thirty-five acres in size. Location of the cemetery and access shall be off of County Road 10.

- b. Prior to the issuance of the Special Use Permit, the Applicant shall provide documentation to create a perpetual easement for the area of the pet cemetery, access and parking lot, which documentation shall be reviewed and approved by the Ouray County Attorney. Upon approval of such documentation, the easements shall be properly recorded with the Ouray County Clerk and Recorder. Additionally, Applicant shall form an entity to manage and maintain the pet cemetery to ensure that patrons enjoy perpetual access to the pet cemetery and to assure that the County is not burdened with perpetual maintenance of the pet cemetery.
- c. Prior to the issuance of the Special Use Permit, the Applicant shall be required to create an acceptable means of ensuring that the pet cemetery is properly maintained in perpetuity. Such evidence may include a form of annuity, trust, or other such means for purposes of ensuring that the property is maintained in good condition and repair and the proposed method of ensuring future maintenance shall be reviewed and approved by the Ouray County Attorney.
- d. Prior to the issuance of the Special Use Permit, the Applicant shall submit to the Ouray County Attorney for review and approval proposed deed restrictions that will be placed upon the proposed area of the pet cemetery that will restrict the area of the Property in perpetuity as a pet cemetery and to describe the specific uses and restrictions on the use of the pet cemetery by cemetery patrons, including, but not limited to, restrictions on the use of the property; the types of monuments that may be used; that the remains of any animals buried in the pet cemetery, or cemetery grave markers, shall never be removed without the written consent of the patron of the pet cemetery; and similar use restrictions. The approved restrictions shall be properly recorded with the Ouray County Clerk and Recorder prior to the issuance of the Special Use Permit.
- e. Prior to issuance of the Special Use Permit, Applicant shall provide a Weed Management Plan, approved by the Ouray County Weed Coordinator.
- f. Prior to issuance of the Special Use Permit, Applicant shall provide signatures of all lien holders approving the proposed use of a portion of the Property as a pet cemetery.
- g. Any signage for the approved use shall be limited to one (1) sign, single-faced, facing Highway 550. Such sign shall meet all Colorado Department of Transportation requirements and shall be approved in writing by Ouray County Land Use Staff prior to Applicant installing the sign and any sign shall meet all requirements of the Ouray County Land Use Code. Lighting shall not be allowed.
- h. Any structures to be used in conjunction with the special use must comply with the Visual Impact Regulations set forth in the Ouray County Land Use Code.
- i. All activity related to the approved use shall be in accordance with recommendations 1, 2, 4 and 7 as listed by Buckhorn Geotech on the attached list of recommendations (Exhibit "A").
- j. Prior to the issuance of the Special Use Permit, a final detailed landscape plan shall be submitted to and approved by Ouray County Land Use Staff.

APPROVED AND ADOPTED THIS ____ DAY OF JUNE 2008, RATIFYING ACTION TAKEN ON JUNE 16, 2008.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

K. Keith Meinert, Chair

Don Batchelder, Vice Chair

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

Heidi M. Albritton, Commissioner Member

EXHIBIT "A" TO RESOLUTION NO. 2008-036

APPLICATION: ANGEL'S REST PET MEMORIAL PARK
REPORT BY: BUCKHORN GEOTECH
RECOMMENDATIONS: AS LISTED

1. The site should be graded to reflect runoff away from the cemetery so that no water is allowed to stand or accumulate on site.
2. Xeric landscaping is recommended. Irrigation should be minimized and, if used, controlled to prevent infiltration below the root zone.
3. There does not appear to be a potential impact for pollution of public waterways as a result of the proposed land use. The site is located on a topographical rise and appears to be dry and well drained. No evidence of groundwater or surface water was noted on the site and the site is not located within a designated flood plain or in an area likely to experience significant runoff.
4. Internment of the deceased pets in a water tight container would further forestall any potential contaminations. Construction of water tight coffins or use of impermeable base is recommended as a final safeguard.
5. Soils at the site are stable. The rocky conditions noted as depth of internment have a low plasticity and a negligible potential for post-burial movement.
6. The tightly compacted soils at the site may prove difficult for excavations and will likely require the use of excavation equipment.
7. A water-soluble sulfate test conducted on a sample of the clayey sand with gravel encountered in our excavations at a depth of 4 to 4.5 feet showed negligible sulfate concentrations. We recommend Type I/II cement to be used in all concrete at this site.