

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
SETTING FORTH GUIDANCE AND RECOMMENDATIONS TO THE OURAY COUNTY PLANNING
COMMISSION REGARDING THE PROPOSED SOUTH ALPINE ZONE REGULATIONS**

WHEREAS, on or about January 26, 2009 the Board of County Commissioners of Ouray County, Colorado ("Board") adopted Resolution No. 2009-003 entitled "A Resolution of the Board of County Commissioners of Ouray County, Colorado Adopting a Moratorium on Residential Development on Mining Claims in the Unincorporated areas of Ouray County" ("Moratorium Resolution"); and

WHEREAS, the Moratorium Resolution provided, among other things, for a temporary moratorium on residential development on mining claims in order to develop regulations and a zoning plan for the southern portion of Ouray County and such moratorium expires on July 26, 2009; and

WHEREAS, the Ouray County Planning Commission has been working on a draft of regulations and a zoning plan for the southern portion of Ouray County to address residential development on mining claims and other properties for more than three months and has conducted six work sessions to discuss such proposed regulations; and

WHEREAS, on June 18, 2009 the Planning Commission held a public hearing to solicit public comment on the proposed South Alpine Zone regulations and based upon such public comments the Planning Commission elected to conduct an additional work session on July 9, 2009 and not take action to make a recommendation to the Board on the proposed regulations; and

WHEREAS, the Moratorium Resolution tasked the Ouray County Planning Commission to "work expeditiously to prepare draft regulations relating to residential development on mining claims . . ."; and

WHEREAS, the Board wishes to ensure that the process of reviewing the proposed regulations continues to move forward and is not stymied by the impossible goal of satisfying all members of the public on all issues; and

WHEREAS, C.R.S. § 30-28-116, entitled "Regulations may be amended" provides that: ". . . the board of county commissioners may amend the number, shape, boundaries, or area of any district, or any regulation of or within such district, or any other provisions of the zoning resolution. Any such amendment shall not be made or become effective unless the same has been proposed by or is first submitted for the approval, disapproval or suggestions of the county planning commission."; and

WHEREAS, the Board understands that there may be some issues that the Planning Commission cannot come to consensus; therefore, it is incumbent upon the Planning Commission to point out the pros and cons of such issues to the Board or make a recommendation for the Board's consideration; and

WHEREAS, the Board requests that the Planning Commission complete its work and advise the Board of its approval, disapproval or suggestions to the proposed South Alpine Zone Regulations which were submitted to the Planning commission on March 17, 2009; and

WHEREAS, to that end, the Board recommends that a public hearing be scheduled by the Planning Commission on July 21, 2009 at 6:30 pm in order for the Planning Commission to take some final action on the proposed South Alpine Zone Regulations and refer the regulations to the Board for further review and action;

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

1. That the Planning Commission forward to the Board as expeditiously as possible its approval, disapproval or suggestions on the South Alpine Zone regulations.

APPROVED AND ADOPTED THIS ____ DAY OF _____, 2009.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

Heidi M. Albritton, Chair

K. Keith Meinert, Vice Chair

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

Lynn M. Padgett, Commissioner Member