

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
TO THE OURAY COUNTY PLANNING COMMISSION REGARDING
THE PROPOSED SECTION 30 / SOUTH ALPINE ZONE REGULATIONS**

WHEREAS, in January 2008, the Board of County Commissioners of Ouray County, Colorado ("Board") conducted a work session to discuss issues related to residential development on mining claims in Ouray County, Colorado; and

WHEREAS, the January 2008 work session was prompted by two high profile residences that were constructed in very visible areas of Ouray County and the Board's concern that perhaps existing Ouray County Land Use Regulations were not adequate to address such future construction; and

WHEREAS, subsequently on July 15, 2008 the Ouray County Planning Commission ("Planning Commission") conducted a work session, at the direction of the Board, to discuss the necessity and feasibility of possible new regulation of residential development on mining claims in Ouray County; and

WHEREAS, at the conclusion of the work session on July 15, 2008, the Planning Commission "agreed that regulation of mining claim development needs to be addressed in balance with the protection of private property rights..."; and

WHEREAS, based upon the report the Board received from the Planning Commission work session on July 15, 2008, the Board held work sessions in the fall of 2008 to provide direction to Ouray County Staff to begin drafting proposed regulations to address residential development on mining claims in Ouray County; and

WHEREAS, on January 5, 2009 the Board adopted Resolution No. 09-002 setting priorities for Land Use Code modifications and amendments, including a new section to address residential development on mining claims; and

WHEREAS, on January 26, 2009 the Board approved Resolution No. 09-003 which adopted a six-month moratorium on residential development on mining claims in Ouray County and which specifically provided that:

During the pendency of this moratorium, the Ouray County Land Use Staff, Ouray County Attorney and the Ouray County Planning Commission are directed to work expeditiously to prepare draft regulations relating to residential development on mining claims and to develop a zoning plan for the southern portions of Ouray County that will encompass historic mining district(s) and patented mining claims and mill sites located in such area.; and

WHEREAS, on March 17, 2009 at a joint work session between the Board and the Planning Commission, a draft was submitted to the Planning Commission outlining possible new regulations on residential development on mining claims in the southern portions of Ouray County; and

WHEREAS, the Planning Commission proceeded to conduct five more work sessions on the proposed regulations during April, May and June, 2009, concluding with a final draft of proposed regulations and a public hearing on June 18, 2009; and

WHEREAS, at the public hearing on June 18, 2009, there was concerted opposition expressed regarding the process and with portions of the proposed regulations; and

WHEREAS, the Planning Commission voted to take no action on the proposed regulations and to resume having work sessions for further discussions on the proposal; and

WHEREAS, the Board advised the Planning Commission on July 14, 2009 to suspend any further activity on the draft regulations and scheduled a joint Board and Planning Commission, "Town Hall" style meeting on July 27, 2009 to hear further comment from the public; and

WHEREAS, subsequent to the Town Hall meeting on July 27, 2009 the Board met in a work session on August 10, 2009 and discussed the public comments received at the meeting as well as comments that the Board has received since and discussed a direction to move forward with addressing possible issues that have been identified during this process such as expanding the Visual Impact regulations, strengthening the requirements for Site Development permits, access and road issues, tax and valuation issues and enforcement of the Wildfire Mitigation regulations; and

WHEREAS, the Board has determined that it will conduct a series of work sessions to explore these various issues and determine how to proceed with possible amendments or modifications to existing regulations and whether any new regulations may be necessary; and

WHEREAS, based upon the direction that the Board has decided upon, resulting from all of the public comments it has received, the Board has determined that it will withdraw from Planning Commission's consideration the proposed new regulations known as the "Section 30 -South Alpine Zone Regulations" and further work on such regulations shall be postponed indefinitely unless and until it is determined by the Board that the concerns about development on mining claims cannot be effectively addressed by expansion or modification to existing Ouray County Land Use regulations; and

WHEREAS, to assist the Board during the course of the various work sessions described above, the Board recommends that Planning Commission members attend such sessions and further, that the Planning Commission forward to the Board its minutes from the public hearing on June 18, 2009 as well as all written communications that the Planning Commission may have received in relation to such public hearing;

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

1. That Board hereby withdraws from consideration by the Planning Commission for the time being the proposed "Section 30 – South Alpine Zone Regulations".
2. The Board will move forward with work sessions on the various issues raised during the public process related to residential development on mining claims as expeditiously as possible, with the first work session scheduled on _____, 2009 to establish a timetable of work on all sections of the Ouray County Land Use Code revisions that may apply to residential development on mining claims.

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