

**A RESOLUTION OF THE  
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO  
TO APPROVE THE BRUCE PHILLIPS EXEMPTION**

**WHEREAS**, an application for an exemption was filed by Kay Ary, Patty Masker and Judy Ferguson ("Applicant") to divide a seventy-acre parcel into two separate parcels, resulting in a 41.73-acre parcel and a 28.27-acre parcel ("Application"); and

**WHEREAS**, the subject property is located in Section 21, Township 45N, Range 8W, N.M.P.M., approximately three-quarters of a mile south of Ridgway off of Ouray County Road 23 ("Property"); and

**WHEREAS**, the Property is divided by the Uncompahgre River, making a natural boundary for the two parcels, resulting, in a non-conforming parcel less than thirty-five acres in size; and

**WHEREAS**, the Application for exemption was filed pursuant to the provisions of Section 17 of the Ouray County Land Use Code (:Code") which provides, in part, that an exemption may be granted only upon an affirmative finding of certain criteria as set forth in Section 17.3 B of the Code; and

**WHEREAS**, the Application was reviewed by the Ridgway Area Joint Planning Board on August 18, 2009 and a recommendation of approval of the exemption was made on the basis that a natural geologic feature warrants the subdivision of the property as proposed by the Applicant; and

**WHEREAS**, the Board of County Commissioners of Ouray County, Colorado ("Board") reviewed the Application, the Ridgway Area Joint Planning Board recommendation and the Staff Report at a regular meeting on October 5, 2009 and the matter was continued to November 2, 2009; and

**WHEREAS**, the Board heard statements from the Ouray County Planner regarding the Application and from the Applicant on November 2, 2009 and the Board determined that the criteria set forth at Section 17.3 B of the Code (as attached) had been met and an exemption creating two parcels, one 41.73 acres in size and one 28.27 acres in size was appropriate;

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

1. The Application for the Bruce Phillips Exemption is approved, subject to the following general conditions:
  - A. That a plat note be placed on the final plat that states: "This application for exemption was reviewed and approved per the requirements found in Section 17 of the Ouray County Land Use Code. Approval of the Bruce Phillips Exemption does not imply or confer any guarantee by the County, to present or future property owners, the availability of legal/physical access, utilities including potable water; the ability to permit and install an individual sewage disposal system (ISDS) or the existence of viable building envelopes."
  - B. Applicant shall modify the visual impact plat note to state: "Any construction in Lots 3A and 3B of the Bruce Phillips Exemption will be subject to Ouray County Visual Impact Regulations per Section 9 of the Ouray County Land Use Code."

- C. The Applicant shall record proper easements (2) to secure access off of Ouray County Road 23 for Lot 3B. Such easements shall be recorded prior to recordation of the final plat.
2. Once all conditions set forth herein have been met and all signatures have been obtained on the final Mylar, the Bruce Phillips Exemption may be recorded by the Applicant.

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2009 ratifying action taken on November 2, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

Attest:

\_\_\_\_\_  
Heidi M. Albritton, Chair

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K. Keith Meinert, Vice-Chair

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

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Lynn M. Padgett, Commissioner