

**RESOLUTION NO. 2010-008**

**A RESOLUTION OF THE  
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO  
FOR PRELIMINARY DEVELOPMENT PLAN APPROVAL  
OF THE CIMARRON RIDGE PUD**

**WHEREAS**, Cimarron Ridge, LLC ("Applicant") has filed an application for Preliminary Development Plan approval of the Cimarron Ridge PUD ("Application") located on a 41.56-acre parcel of property located off of Bristlecone Drive, approximately one-half mile east of Ponderosa Drive ("Property");

**WHEREAS**, the Board of County Commissioners of Ouray County, Colorado ("Board") heard comments on the Application and the Applicant's request for Preliminary Development Plan approval at its regularly scheduled and noticed meeting on December 7, 2009, which hearing was continued to January 11, 2010 and continued again to February 1, 2010; and

**WHEREAS**, the Board has reviewed the Application and supporting materials, Staff Report and various other information supplied to the Board regarding the Application; and

**WHEREAS**, the Applicant has proposed the creation of an emergency access road on the Property, as shown on the Preliminary Development Plan, notwithstanding that there is no specific requirement in the Ouray County Land Use Code ("Code") for such an emergency access; and

**WHEREAS**, the proposed emergency access road will be created in an area that is identified as Open Space on the Preliminary Development Plan; and

**WHEREAS**, the Board has had extensive discussions with Staff and the Applicant about the emergency access road shown on the Preliminary Development Plan and the use and maintenance of such proposed road; and

**WHEREAS**, the Board believes that the creation of such road will enhance the safety and emergency access of residents of Cimarron Ridge PUD as well as residents in the area of the Cimarron Ridge PUD, regardless of plans for future maintenance of the proposed road; and

**WHEREAS**, based upon the Application, supporting materials, Staff Report, Applicant information and public comments, the Board has determined that the Application meets the conditions and criteria as set forth in the Code at Section 6.8 (B) and otherwise complies with the applicable provisions of the Code for approval of the Preliminary Development Plan for Cimarron Ridge PUD.

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

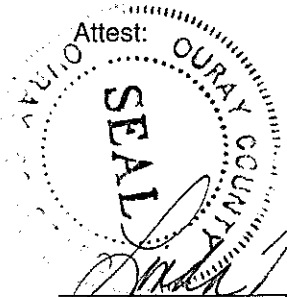
1. The Preliminary Development Plan for the Cimarron Ridge PUD is approved, subject to the following conditions:
  - a. That a plat note be placed on the final plat regarding the emergency access road to reflect that no entity shall be responsible for repair or reconstruction of the emergency access road.
  - b. Prior to final plat approval, the Applicant shall use its best efforts to obtain an easement for ingress/egress connecting the emergency access road with the Pointe Escape Subdivision. If the Applicant is unable to secure such easement

prior to final plat approval, Applicant shall show the emergency access road as ending at the Cimarron Ridge property boundary.


- c. A plat note shall be added making the Homeowners and/or the Homeowners Association responsible for controlling noxious weeds on individual lots and the open space, including the unmaintained emergency access road, as required by the Colorado Noxious Weed Act (Title 35, Article 5.5).
- d. As part of the Final Development Plan submittal, the Applicant shall submit revised covenants that have been reviewed and approved by County Staff.
- e. As part of the Final Development Plan submittal, Applicant shall identify on the plat adequate drainage easements through proposed lots as recommended by the Ouray County Engineer.
- f. Applicant shall address recommendations #1 and #5 in the response letter from the Colorado Division of Wildlife by adding the following plat notes:
  1. Homeowners shall be required to store refuse in bear resistant trash containers.
  2. Motorized vehicles, including but not limited to ATVs, dirt bikes, snowmobiles, etc. are not permitted within the open space areas except for emergency ingress/egress on the emergency access road.
- g. Applicant shall address the recommendations from Colorado Geological Survey and the County Engineer as follows:
  1. Add a plat note disclosing potential geologic hazards and recommended mitigation.
  2. Covenants shall require that any site grading be done in a manner that minimizes water infiltration by directing surface water away from the site.
  3. Covenants shall require low-water landscaping.
- h. At Final Construction Phase and prior to Final Plat Approval, Applicant shall install breakaway gates (bollards) at each end of the proposed emergency access road.
- i. Prior to Final Plat approval, and during the construction phase, Applicant shall install the shared driveway for Lots 3 and 4.
- j. Applicant shall execute a PUD Agreement within 45 days of approval of the Preliminary Development Plan by the Board, or on or before March 18, 2010.
- k. Applicant shall submit to the County, within one year after approval of the Preliminary Development Plan or on or before February 1, 2011, an application for Final Development Plan approval.
- l. Applicant shall submit satisfactory proof of financial responsibility prior to Final Development Plan approval.

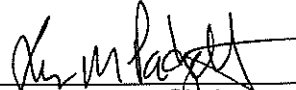
APPROVED AND ADOPTED THIS 8<sup>th</sup> DAY OF FEBRUARY, 2010, RATIFYING ACTION TAKEN ON FEBRUARY 1, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO



Attest:

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

  
Lynn M. Padgett, Chair

  
K. Keith Meinert, Vice-Chair

  
Heidi M. Albritton, Commissioner