

**RESOLUTION NO. 2010-032**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO ADOPTING REVISIONS TO SECTION 23.1 OF THE OURAY COUNTY LAND USE CODE ENTITLED "OURAY COUNTY ROAD STANDARDS"**

**WHEREAS**, after public notice and hearings held on March 16, 2010 and April 20, 2010, the Ouray County Planning Commission returned its recommendation to the Board of County Commissioners of Ouray County, Colorado ("Board") for certain revisions to Section 23.1 of the Ouray County Land Use Code ("Code") regarding "Ouray County Road Standards"; and

**WHEREAS**, the Board received, reviewed and considered the recommendation of the Planning Commission and held a public hearing on August 9, 2010 regarding the revisions to Section 23.1 of the Code; and

**WHEREAS**, the Board is now authorized by the provisions of C.R.S. §§ 29-20-101, *et seq.*; 29-20-201, *et seq.* and 30-28-101, *et seq.* to adopt these revisions to Section 23.1; and

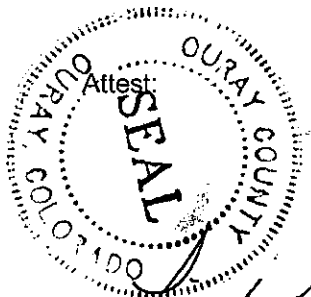
**WHEREAS**, at the public hearing on August 9, 2010 the Board entertained public comment; however, no public comments were made and the Board did receive written comments from the Ouray County Engineer that were discussed and certain additions were made to the proposed draft to clarify subparagraph B(3); and

**WHEREAS**, the Board finds that the proposed revisions to Section 23.1 of the Code are consistent with the stated purposes and objectives of the Code and the Ouray County Master Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that Section 23.1, which is attached hereto and incorporated herein by this reference, is adopted as proposed and shall be incorporated as a part of the Code, and shall become effective as of SEPTEMBER 1, 2010.

APPROVED AND ADOPTED THIS 23rd DAY OF AUGUST, 2010.

BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO



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

*[Signature]*  
Lynn M. Padgett, Chair  
*[Signature]*  
K. Keith Meinert, Vice-Chair  
*[Signature]*  
Heidi M. Albritton, Commissioner

## 23.1 POLICIES AND PROCEDURES

### A. PURPOSE

- (1) This section sets forth the policies and procedures related to all public and private rights-of-way in Ouray County. The intent of this section is to provide for a uniform road and right-of-way development policy throughout the unincorporated portions of Ouray County, and to provide a clear statement of the procedures for road and right-of-way development.

### B. APPLICATION OF STANDARDS

- (1) The requirements contained herein shall apply to all construction of new public roads, private rights-of-way and all other work affecting rights-of-way that are planned for or subject to present or anticipated public use within the jurisdiction of Ouray County, except roads used exclusively for mining, agriculture, farming, and ranching. In addition, roads for any other purpose constructed entirely within the boundaries of one parcel of property and that do not directly intersect a County Road shall be exempted from Section 23. The foregoing exceptions shall not apply to any road, right-of-way or driveway which leads to any residential structure.
- (2) This section applies specifically to (a) new roads and driveways within new subdivisions (involving lots of 35 plus acres), and Planned Unit Developments (PUDs); (b) new roads and driveways providing access to new single family residences; (c) existing County roads that provide access to new subdivisions and PUDs; and (d) new county roads and new extensions and/or upgrades of existing county roads.
- (3) Upgrades to existing county roads for purposes of improving safety and accessibility to the traveling public on such roads and that are not as a result of an anticipated increase in traffic volume from new development may be approved and completed based upon engineered designs approved by the Ouray County Engineer and the Ouray County Road Superintendent. Such upgrades need not bring the section of road to full compliance with the standards set herein.
- (4) These requirements may be enforced by the County utilizing any legal and/or equitable remedy available under this Code, any Ouray County Code, Colorado State Statute, or other Colorado law. These remedies include, but are not necessarily limited to, injunctive relief and/or suits for damages caused to County roads or rights-of-way.