

RESOLUTION NO. 2010-043

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

WHEREAS, Donald A. and Katherine B. Kellogg ("Applicant") filed an application for Preliminary Development Plan approval of the Cow Camp PUD ("Application") located on a 22.86-acre parcel of property located off of Ponderosa Drive, approximately 1.03 miles northeast of County Road 1 ("Property");

WHEREAS, notice of a Public Hearing on such Application was published on July 16, 2010 in the *Ouray County Plaindealer* and on July 21, 2010 in the *Ridgway Sun* and the Board of County Commissioners of Ouray County, Colorado, ("Board") convened a public hearing pursuant to such notice on August 9, 2010 at 1:30 p.m.; however, at the request of the Applicant the public hearing was continued to September 27, 2010 at 10:00 a.m.; and

WHEREAS, on September 27, 2010 at 10:00 a.m. the Board conducted a public hearing and reviewed the Application and supporting materials, Staff Report and various other information supplied to the Board regarding the Application; however, due to time constraints, such public hearing was required to be continued to October 4, 2010 at 8:30 a.m.; and

WHEREAS, the Board heard extensive testimony regarding the access points for Lots 2 and 3 of the Cow Camp PUD and the Ouray County Road and Bridge Superintendent's recommendation that access for Lots 2 and 3 be via a shared access point; and

WHEREAS, the Board was advised by Staff that the location of the driveway for Lot 3, as shown by Applicant on the proposed Preliminary Plan, was not advisable as there were safety concerns about such location as well as increased maintenance requirements for the Road and Bridge Department and the Board accepted Staff's recommendation for a shared access point for Lots 2 and 3 of the Cow Camp PUD; 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 the Cow Camp PUD.

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

The Preliminary Development Plan for the Cow Camp PUD is approved, subject to the following conditions:

1. Prior to Final Development Plan submittal to the BOCC, the Developer shall add or modify existing plat notes regarding division of wildlife recommendations as follows:
 - i. Homeowners shall be required to store refuse in a bear resistant trash container.
 - ii. Any perimeter or property line fencing shall comply with Colorado Division of Wildlife "Fencing with Wildlife in Mind" guidelines.
2. Prior to Final Development Plan submittal to the BOCC, the Developer shall provide a weed management and re-vegetation plan that has been approved by the county weed coordinator. The plans shall include an agreement to provide any performance bond as may be required by the County.

3. The Developer shall execute a PUD agreement on or before November 8, 2010.
4. Prior to Final Plat approval, the Developer shall install all utilities to the lot lines for lots 1 and 2.
5. The Developer shall submit to the County within one year after approval by the BOCC of the Preliminary Development Plan, an application for Final Development Plan approval.
6. Prior to submittal of the application for Final Development Plan approval, Developer shall modify existing site design / site plan to include a shared access point (driveway) for Lots 2 and 3 as recommended by Staff and the Road and Bridge Superintendent. Developer agrees to establish proper easement for said access and shall install at Developer's expense, entrance to shared driveway per specifications to be provided by the Road and Bridge Superintendent. Construction to shared access point is to be completed prior to Final Plat approval.
7. Prior to Final Development Plan submittal to the BOCC, the Developer agrees to combine the declaration of covenants into one document and to make modifications or changes to the covenants as may be required to comply with the Ouray County Land Use Code or applicable state law.
8. As described in the document recorded under Reception#: 154286, the Developer shall note on the Preliminary Plat, the 60' easement that runs along easterly border of the property, and a plat note shall be added to address the status of the easement. Change shall be made prior to submittal of the Final Development plan.
9. Prior to submittal of the Final Plat, and during construction phase, the Developer shall make the wells on the property secure.
10. If existing drainage or culverts are modified, Developer shall obtain proper drainage easements as required by Staff or the County Engineer. Easements shall be recorded with the Ouray County Clerk's Office.

APPROVED AND ADOPTED THIS 25th DAY OF October 2010, RATIFYING ACTION TAKEN ON OCTOBER 4, 2010.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



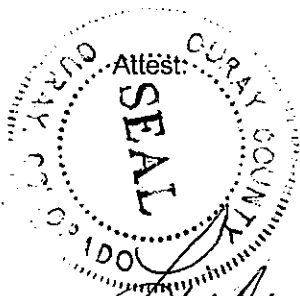
Lynn M. Padgett, Chair

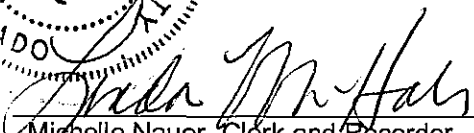


K. Keith Meinert, Vice-Chair



Heidi M. Albritton, Commissioner





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