

RESOLUTION NO. 2010-044

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

WHEREAS, Hoey Investments, LLC ("Applicant") has filed an application for Preliminary Development Plan approval of the Deer Haven PUD ("Application") located on a 41.06-acre parcel of property located off of Ouray County Road 22, approximately 0.7 mile north of County Road 22A ("Property");

WHEREAS, notice of a Public Hearing on such Application was published on September 17, 2010 in the *Ouray County Plaindealer* and on September 22, 2010 in the *Ridgway Sun* and the Board of County Commissioners of Ouray County, Colorado, ("Board") held a public hearing on the Application on October 4, 2010 at 2:30 p.m.; 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, 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 Deer Haven PUD; and

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

The Preliminary Development Plan for the Deer Haven Regular PUD is approved subject to the following conditions:

1. Prior to final plat recording, the developer must install utilities to the lot lines (water, electric, gas, and phone) including the purchase of water taps for all lots.
2. Per the Colorado Geological Survey recommendations, site disturbance must be addressed as part of the PUD agreement.
3. A plat note addressing mitigation of site disturbance and erosion control shall be added to the plat prior to final development plan approval relating to all phases of development, including residential construction, per the Colorado Geological Survey concerns.
4. Prior to final plat approval and as part of the construction phase, the developer shall thin the forest in the open space area per the recommendations of Colorado State Forest and add language to the covenants that will require homeowners to take care of mitigating potential wildfire issues on their property per our building code requirements and Section 24 of the LUC.
5. Prior to final plat approval, the developer shall be required to build the internal road/cul-de-sac (Bucktail Court) to County Specifications found in Section 23 of the Land Use Code and as approved by the County Engineer and the Road & Bridge Superintendent.
6. At final development plan submittal, covenants shall be provided that comply with all requirements of the Land Use Code, including Section 6.7c, Open Space; Section 8, Sign Regulations; Section 9, Visual Impact Regulations; Section 24, Wildfire Mitigation Regulations; and Section 27, Outdoor Lighting Regulations.

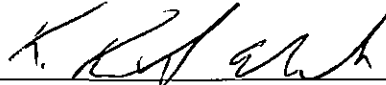
7. As part of the submittal for approval of the final development plan, the developer must submit plans and profiles of the proposed internal subdivision road.
8. The County will require a minimum \$500 bond for revegetation of 15' of each side of the internal road (Bucktail Court), secured prior to final plat approval.
9. A plat note will be added to state, "Existing roads may be subject to prescriptive easements. Existing roads/easements are not owned nor maintained by Ouray County."
10. The Applicant shall submit a PUD Agreement within 45 days of approval of the Preliminary Development Plan by the Board.
11. As part of the Final Development Plan submittal, the Applicant shall include on the plat appropriate drainage easements through proposed lots or on adjoining property as recommended by the Ouray County Engineer.
12. Applicant shall submit to the County, within one year after the approval of the Preliminary Development Plan or on or before October 4, 2011, an application for Final Development Plan Approval.
13. The Plat note that is currently shown requiring mounded gravel leach field for lot number six shall be deleted.

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

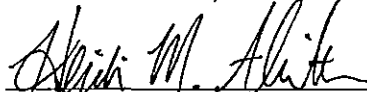
BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



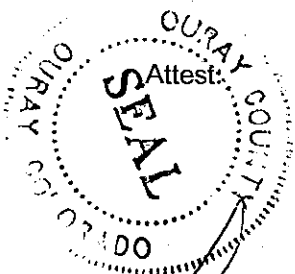
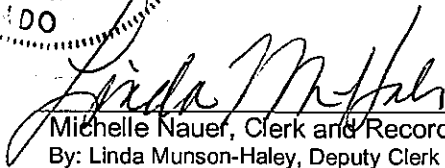
Lynn M. Paddett, Chair



K. Keith Meinert, Vice-Chair



Heidi M. Albritton, Commissioner

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