

**RESOLUTION NO. 2010-054**

**A RESOLUTION OF THE  
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO  
ADOPTING A REVISION TO THE DEFINITION OF BUILDING HEIGHT AS FOUND IN  
SECTION 22 OF THE OURAY COUNTY LAND USE CODE**

**WHEREAS**, after public notice and a hearing held on November 30, 2010 the Ouray County Planning Commission ("Planning Commission") returned its recommendation to the Board of County Commissioners of Ouray County, Colorado ("Board") for a revision to the definition of "building height" as found in Section 22 of the Ouray County Land Use Code ("Code"); and

**WHEREAS**, the Board held a public hearing on December 6, 2010 for the purpose of reviewing and obtaining public comment on the revision to the definition of "building height" as found in Section 22 of the Code and notice of such public hearing was published on November 19, 2010 in the *Ouray County Plaindealer* and on November 24, 2010 in the *Ridgway Sun*; and

**WHEREAS**, on December 6, 2010 the Board considered the recommendation of the Planning Commission, the proposed definition from Ouray County Planning Staff, reviewed written comments and heard statements from Ouray County Planning Staff and the Ouray County Building Official regarding the proposed revision to the definition of "building height" and the Board has considered such recommendation and comments; and

**WHEREAS**, the Board recognizes the significant substantive input on this issue from the Planning Commission, the public and Ouray County Staff; and

**WHEREAS**, the Board has considered the Planning Commission recommendation and, in particular, the exceptions and submittal requirements set forth in the proposal and the Board has determined that the exceptions and requirements unnecessarily complicate the definition of building height and result in the codification of an exception to the definition of "building height" that would apply to the vast majority of applications received by the Ouray County Building Official; and

**WHEREAS**, the Board is now authorized by the provisions of C.R.S. §§ 24-67-101, *et seq.*, 29-20-101, *et seq.* and 30-28-101, *et seq.* to adopt the revision to the definition of "building height" as set forth below.;

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

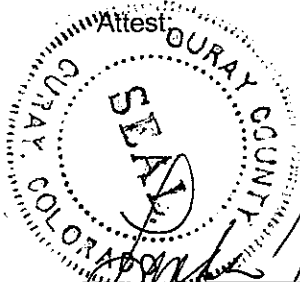
1. The definition of "building height" as currently found in Section 22 of the Ouray County Land Use Code shall be deleted and replaced with the following:


**Building Height:** The vertical height of a building at all points measured from natural (preconstruction) or finished (post construction) grade, whichever is lower. Architectural design features that do not add habitable floor area to a building and are not accessible from such building, including but not necessarily limited to cupolas, skylights and chimneys, shall not be considered when measuring building height.


2. This revision to the definition of "building height" shall become effective on January 1, 2011.

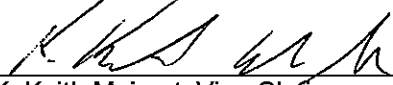
APPROVED AND ADOPTED THIS 13<sup>th</sup> DAY OF DECEMBER, 2010, RATIFYING  
ACTION TAKEN ON DECEMBER 6, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO



  
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