

Section 19

ADMINISTRATION

19.1 ENFORCEMENT:

This Code shall be enforced in a manner consistent with the provisions of Article 67 of Title 24, Article 20 of Title 29 and Article 28 of Title 30 of the Colorado Revised Statutes, as amended. The Land Use Administrator shall be the County Building Official and the County Zoning Enforcement Officer and shall be responsible for enforcement unless otherwise designated by the Board of County Commissioners.

19.2 SITE DEVELOPMENT PERMITS:

A. The provisions of this Section 19.2 shall apply to the construction of single-family dwelling units on parcels located within Ouray County, except construction proposed on lots previously approved by Ouray County as part of a Planned Unit Development, Final Development Plan or combined Preliminary/Final Development Plan approved by the Board of County Commissioners in accordance with Section 25 of this Code, or a Final Subdivision Plat approved as part of a Development Agreement approved pursuant to Section 25 of this Code. In conjunction with and prior to approval and issuance of a building permit, a landowner wishing to construct a single-family dwelling unit must obtain a Site Development Permit from Ouray County. The Board of County Commissioners hereby delegates to the Ouray County Land Use Administrator the authority to review and approve or approve with conditions or deny all applications for Site Development Permits in Ouray County. All decisions of the Land Use Administrator shall be based upon the requirements set forth in Section 19.2.C below. Any decision of the Land Use Administrator pursuant to the authority delegated herein may be appealed as provided in Section 19.6.D of the Ouray County Land Use Code.

B. Applications for Site Development Permits shall be submitted in writing to the Land Use Office Staff, together with the applicant's acknowledgment of assessment of all processing, impact and other fees that are or may be required to be assessed by this or other Sections of the Ouray County Land Use Code as the Code may be amended from time to time. The County shall collect and the applicant shall pay all such applicable fees and assessments, at the time and in the manner that payment of those fees and assessments is required by this Code. The applicant shall use an application form approved by and provided by Ouray County. The County shall approve, approve with conditions or deny the application.

C. Ouray County shall approve and issue a Site Development Permit upon a demonstration by the applicant and to the satisfaction of the County that all of the following criteria have been met:

- (1) Road access, potable water and sewage disposal will be available and meet all applicable provisions of the Ouray County Land Use Code.
- (2) The proposed site development will not unreasonably impact significant wildlife habitat, wetlands and riparian areas.
- (3) If the site development is proposed to be located within areas subject to the effects of any chemical or geological hazard, including, but not limited to, avalanche/snow slide, rock fall areas, landslide, potentially unstable slopes, slopes greater than 30 percent, alluvial fans, talus slopes, Mancos shale, faults, expansive soils or ground subsidence, the applicant shall provide evidence sufficient to demonstrate to the satisfaction of the County, that such hazards have been avoided or otherwise adequately mitigated such that the proposed site development may be conducted in a safe manner. The County, where reasonably necessary, may require that recognized experts be employed and special studies be done and submitted before a building permit will issue affecting lands which may contain a geological, wildfire, flood or other hazard, and which may affect persons using the land in question or abutting or otherwise affected lands. The cost of employing such experts and drafting such special reports shall be paid by the applicant. The County is not required to accept the findings or conclusions of any experts or special reports.
- (4) All applicable impact and other fees and assessments have been assessed and paid as required by this Code.
- (5) If the site development is proposed to be located within areas where irrigation occurs or impacts any irrigation structures, including but not limited to ditches and head gates, the applicant shall demonstrate that any impacts have been adequately mitigated to allow historic water flow to continue.

D. All applicants for a site development permit shall be required to sign a statement acknowledging that Ouray County is overall a rural county located in rough and difficult terrain with a limited transportation network and County services may be unavailable or service may be untimely in some or all areas of the County. Approval of a site development permit or any other permit or approval does not constitute and shall not be considered as conferring any guarantee or expectation of the provision of any County service.

E. Upon issuance of a site development permit the Land Use Staff shall submit the permit to the Office of the Ouray County Clerk and Recorder for recordation. Any amendment to the approved site development permit shall require additional County approval.

F. Upon demonstration that the permit is in compliance with all conditions and criteria, as set forth above, the Site Development Permit shall be approved for a period of three (3) years. Renewal of the permit may be granted for additional successive three (3) year terms providing that the permit is in compliance with all conditions and criteria, as

set forth above.

19.3 BUILDING PERMITS:

Building permits shall be issued in accordance with procedures set forth in the Uniform Building Code, as adopted by Ouray County. No building shall be erected, occupied, moved or structurally altered until a permit therefor has been issued by the County Building Inspector and no permit shall be issued unless the proposal is in full accordance with this Code, except in those instances where a lawful variance has been granted by the Board of Zoning Adjustment. All applications for permits shall be accompanied by a drawing showing the location of all improvements in relation to the lot and indicating the height of all structures. No building permit shall be issued within a Planned Unit Development approved after the date of adoption of this Code without prior approval of the architectural control committee or other internal enforcement body approved under Section 9.8 of this Code.

The County Building Inspector, where reasonably necessary, may require that recognized experts be employed and special studies be done and submitted before a building permit will issue affecting lands which may contain a geological, wildfire, flood or other hazard, and which may affect persons using the land in question or abutting or otherwise affected lands. The cost of employing such experts and drafting such special reports shall be paid by the applicant. The zoning enforcement officer is not required to accept the findings or conclusions of any experts or special reports.

19.4 CERTIFICATE OF OCCUPANCY:

No new building shall hereinafter be occupied or used without a Certificate of Occupancy, which has been issued by the County Building Inspector. Such certificate shall be issued within five (5) days after the officer has been notified of the building's completion and after a final inspection has been made to determine conformance with the provisions of this Code.

19.5 RECORDS:

All building permits, application records, records of inspection and certificate of occupancy records shall be kept on file in the office of the County Building Inspector and shall be available for inspection by the public.

19.6 PLANNING COMMISSION:

A. Establishment: There is hereby established a planning commission which shall be known as the Ouray County Planning Commission.

B. Appointment of Members: In accordance with the bylaws of Ouray County, the membership of the Planning Commission shall be five persons, appointed by the Board of County Commissioners for staggered three-year terms. The members of the Planning Commission shall be full-time residents of Ouray County and shall also be owners of real property within Ouray County. The Board of County Commissioners may also, at its discretion, appoint any associate members to the Planning Commission to serve in place

of any member of the Commission who may be absent from the County, ill, who may have any financial or personal interest in any matter brought before the Commission or who may be otherwise unable to function or serve in his appointed capacity as a member of the Planning Commission. Any member may resign from the Planning Commission upon sending written notice of such resignation to the Chairman of the Board of County Commissioners.

C. Powers and Duties: The Planning Commission shall have such powers and duties as proscribed by law.

19.7 BOARD OF ZONING ADJUSTMENT:

A. Establishment: A Board of Zoning Adjustment is hereby established, which shall consist of three members and three associate members and which shall be appointed by the County Commissioners. All further reference to the Board of Zoning Adjustment in this Section shall hereafter be made to “the Board”.

B. Membership: Not more than one of the members and one of the associate members may also be members of the County Planning Commission. Until otherwise provided, the members shall serve without compensation. Each member shall serve for three (3) years, provided however, that of the first appointed Board, one member shall serve for one year, one member for two years and one member for three years. Any member of the Board may be removed for cause by the County Commissioners upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. The associate members of the Board shall take the place of any regular member of the Board in the event that the regular member is temporarily unable to act, owing to absence from the County, illness, interest in the case before the Board or any other cause.

C. Officers: The Board shall, at its first regular meeting of each year, select a Chairman, a Vice-Chairman and a Secretary. The Secretary may or may not be a member of the board. The Chairman shall preside at meetings and shall perform all duties as usual and ordinary for the presiding officer of any board or group. The Vice-Chairman shall perform the duties of the Chairman in the absence of the Chairman. The Secretary shall keep full and complete minutes and records of all meetings and shall have custody of all of the records and shall generally perform all of the duties usually performed by the Secretary of any board or group.

D. Appeals to the Board of Adjustment: Appeals to the Board of Adjustment may be taken by any person aggrieved by his inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Code, provided however, that no decision made by the Board of County Commissioners or the County Planning Commission shall be subject to review of the Board. Appeals to the Board of Adjustment may also be taken by any officer, department, board or bureau of the County affected by the grant or refusal of a building permit or by other decision of an administrative officer

or agency based on or made in the course of the administration or enforcement of the provisions of this Code. Such appeal must be made within thirty (30) days after the occurrence of such grievance or decision, which is the subject of the appeal.

Upon appeals, the Board of Adjustment shall have the following powers:

- (1) Appeals from Decisions of Administrative Officials: To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of this Code.
- (2) Interpretation: To hear and decide requests for interpretation of this Resolution, including any uncertainty as to boundary location or meaning of wording, so long as this interpretation is not contrary to the purpose and intent of this Code.
- (3) Variances. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Code or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Code. Any variance granted in accordance with this provision shall expire one year from the date on which it is granted unless the activity, construction or use for which it is requested has taken place.
- (4) The concurring vote of all three members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant.

E. General Duties of the Board:

- (1) To meet at the call of the Chairman, by his request or by the request of the Zoning Enforcement Officer, or by any party wishing to appeal the decision of the Zoning Enforcement Officer.
- (2) To adopt any rules necessary to transact the Board's business or to expedite its functions or powers so long as they are not inconsistent with the provisions of this Code.
- (3) To keep minutes of the proceedings of each meeting, which shall be filed in the office of the Board, which may designate the Zoning Enforcement Officer to keep such files and which shall be of public record.

- (4) To permit the public to attend and to be heard at all of its meetings.
- (5) To notify in writing, the Zoning Enforcement Officer, the owner involved and the Planning Commission of all decisions made, resolutions passed, hearings scheduled or permits authorized.
- (6) To publish notice of, or cause to be published, or to cause the property to be posted at least ten (10) days prior to the date of hearings, where such hearings are deemed necessary by the Board.

F. Procedure: The Board shall act in strict accordance with all of the other applicable laws of the State of Colorado and applicable land use regulations of the County of Ouray. All appeals to the Board shall be in writing and on such a form as shall be prescribed by the Board. Every appeal shall indicate what provisions of this Code are involved, what relief is being sought and the grounds upon which such an appeal is being sought, as required above. The Chairman of the Board shall then, within forty-five (45) days, call a meeting of the board for the purpose of the review of the requested appeal. At the same time, a copy of the requested appeal may be transmitted to the Planning Commission for an opinion. In the event an opinion is requested, said opinion shall be returned to the Board before the date set for hearing the appeal. Notification of the decisions of the Board shall then be made.

G. Appeals from the Board: Any further appeal from any decision of the Board may be made to the courts, as provided by law, provided, however, that such appeal is made prior to thirty (30) days following the date of the notification of the Board's decision.

19.8 BOARD OF VISUAL APPEALS:

A. Establishment: A Board of Visual Appeals is hereby established, which shall consist of five members and which shall be appointed by the Board of County Commissioners. All further reference to the Board of Visual Appeals in this Section shall hereafter be made to "the Board".

B. Membership: The membership of the Board shall be five persons, appointed by the Board of County Commissioners for three (3) years, provided however, that of the first appointed Board, two members shall serve for one year. Of the five members, the Board of County Commissioners shall endeavor to appoint at least three who are design professionals. Members shall serve at the pleasure of The Board of County Commissioners. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. Until otherwise provided, the members shall serve without compensation.

C. Officers: The Board shall, at its first regular meeting of each year, select a Chair, a Vice Chair and a Secretary. The Secretary may or may not be a member of the board. The Chair shall preside at meetings and shall perform all duties as usual and ordinary for the presiding officer of any board or group. The Vice Chair shall perform the duties of the Chair in the absence of the Chair. The Secretary shall keep full and complete minutes

and records of all meetings and shall have custody of all of the records and shall generally perform all of the duties usually performed by the Secretary of any board or group.

D. Appeals to the Board of Visual Appeals: Appeals to the Board may be taken by any person aggrieved by the inability to obtain a permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of Section 9. Appeals to the Board may also be taken by any officer, department, board or bureau of the County affected by the grant or refusal of a permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of Section 9. Such appeal must be made within thirty (30) days after the occurrence of such grievance or decision, which is the subject of the appeal. Upon appeals, the Board shall have the following powers:

(1) Interpretation: To hear and decide requests for interpretation of Section 9 of this Code.

(2) Variances: Where, by reason of exceptional narrowness, shallowness, shape, or other characteristic of a specific piece of property or by reason of exceptional topographic conditions or by reason of exceptional wildlife and or wildfire impact or other extraordinary and exceptional situation or condition impacting such piece of property, the strict application of Section 9 of this Code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, the Board shall recommend to the Board of County Commissioners the disposition of an appeal, so as to relieve such difficulties or hardship, based on criteria such as:

- (a) Reflecting immediate natural forms in building mass.
- (b) Use of natural materials to imitate the immediate surrounding area.
- (c) Minimize long frontages on visible sides.
- (d) Recessing and/or shading windows.
- (e) Multiple roof lines.

Provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of Section 9 of this Code.

E. General Duties of the Board:

(1) To meet at the call of the Chair or by any party wishing to appeal a decision.

- (2) To adopt any rules necessary to transact the Board's business or to expedite its functions or powers so long as they are not inconsistent with the provisions of this Code.
- (3) To keep minutes of the proceedings of each meeting, which shall be filed in the office of the Board and which shall be of public record.
- (4) To permit the public to attend and to be heard at all of its meetings.
- (5) To notify in writing the owner involved and the Board of County Commissioners of all decisions made, resolutions passed, hearings scheduled or permits authorized.
- (6) To hold a public hearing and publish a notice of such hearing at the expense of the applicant, in a newspaper of general circulation within Ouray County at least fourteen (14) days prior to the hearing date.

F. Procedure: The Board shall act in strict accordance with all of the other applicable laws of the State of Colorado and applicable land use regulations of the County of Ouray. All appeals to the Board shall be in writing and in such a form as shall be prescribed by the Board. Every appeal shall indicate what provisions of this Code are involved, what relief is being sought and the grounds upon which such an appeal is being sought, as required above. The Chair of the Board shall then, within forty-five (45) days, call a meeting of the board for the purpose of the review of the requested appeal.

19.9 JOINT PLANNING BOARDS:

A. Establishment: There are hereby established a Ridgway Area Joint Planning Board and a Ouray Area Joint Planning Board to act as recommending bodies to the Ouray County Board of County Commissioners. The Joint Planning Boards will review specific development applications for properties located within the Ridgway Area of Influence, Ridgway Urban Growth Management Area, the Ouray Area of Influence and the Ouray Urban Growth Management Area.

B. Appointment of Members: The Ridgway Area Joint Planning Board and the Ouray Area Joint Planning Board shall consist of a total of eight (8) members. Membership shall be as follows:

1. The eight (8) members of the Ridgway Area Joint Planning Board shall consist of the five (5) members of the Ouray County Planning Commission and three (3) members selected by the Ridgway Town Council from the Ridgway Town Planning Commission or if no Planning Commissioners are available shall select three (3) persons who reside within the limits of the Town of Ridgway. The Ouray County Board of County Commissioners shall approve or reject any or all of the names submitted by the Ridgway Town Council.

2. The eight (8) members of the Ouray Area Joint Planning Board shall consist of the five members of the Ouray County Planning Commission and three (3) members selected by the Ouray City Council from the City of Ouray Planning Commission or if no Planning Commissioners are available shall select three (3) persons who reside within the limits of the City of Ouray. The Ouray County Board of County Commissioners shall approve or reject any or all of the names submitted by the Ouray City Council.

3. The terms of the Joint Planning Boards' members shall be as follows:

a. From the Ouray County Planning Commission, membership shall coincide with their appointed terms.

b. The members appointed from each municipality shall serve for staggered three-year terms.

4. The Board of County Commissioners, at the request of the Ouray County Planning Commission or the Town of Ridgway or City of Ouray, may also, at its discretion, appoint any associate members to each of the Planning Boards to serve in place of any member of the Board who may be absent from the County, who is ill, who may have any financial or personal interest in any matter brought before the Commission or who may be otherwise unable to function or serve in his appointed capacity as a member of the Planning Commission.

5. Any member may resign from the Planning Boards upon sending written notice of such resignation to the Chairman of the Board of County Commissioners.

C. Powers and Duties: The Ridgway Area Joint Planning Board and the Ouray Area Joint Planning Board will be considered Ouray County advisory boards. The Joint Planning Boards shall review those applications for development as outlined under Section 3.5 of this Code. The Joint Planning Boards will not have the authority to adopt a master plan pursuant to Section 30-28-106(1) of the Colorado Revised Statutes.