

# SECTION 1

## GENERAL PROVISIONS

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### 1.1 GENERAL PURPOSE:

- A. The purpose of the Ouray County Land Use Code (this “Code”) is to promote the health, safety, and general welfare of the present and future inhabitants of Ouray County, Colorado (the “County”), by planning for and regulating the use of land so as to provide planned and orderly development and protecting the environment in a manner consistent with constitutional rights. The Ouray County Master Plan (“Master Plan”) has been considered in preparing this Code.
- B. This Code is intended to:
- (1) Regulate development and activities in Ouray County, to give special attention to hazardous areas, to protect lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitats, to preserve areas of historical and archaeological importance, to regulate the location of activities and developments which may result in changes in population density, to provide for phased development of services and facilities, to regulate the use of land on the basis of impact on the communities or surrounding areas, to lessen and control congestion in streets and roads, to secure safety from fire and other damages, to provide adequate light and air, to facilitate the adequate provision of transportation, water, sewage disposal, schools, parks and other public requirements, while at the same time protecting the natural beauty and scenic vistas of the County.
  - (2) Provide clear and concise information which simplifies, the application and review process. The County favors development that offers flexibility given the diverse and unique characteristics of land in the County. We invite those seeking to build or develop in the County to discuss preliminary plans or concepts with the Land Use Staff (“Staff”) to address both flexibility and efficiency in development planning and permitting.
- C. In developing and adopting this Code, consideration has been given to the physical geography and other natural characteristics of the various areas of the County and the individual suitability of those areas for particular uses.

**1.2 AUTHORITY:**

This Code is authorized and adopted pursuant to the provisions of Article 67 of Title 24, Article 20 of Title 29 and Article 28 of Title 30 of Colorado Revised Statutes.

**1.3 USE OF THIS CODE:**

This Code is intended to provide clear and concise information which simplifies the application and review process. The County favors development that offers flexibility given the diverse and unique characteristics of land in the County. We invite those seeking to build or develop in the County to discuss preliminary plans or concepts with the Land Use staff to address both flexibility and efficiency in development planning and permitting.

**1.4 SEVERABILITY:**

If any section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Code. The Board of County Commissioners (the “BOCC”) hereby declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more section, subsection, clause or phrase be declared to be invalid or unconstitutional.

**1.5 CONFLICTS OF INTEREST:**

The County adheres to state law and regulations governing ethical behavior and conflicts of interest. In situations where a potential conflict of interest exists or could be perceived to exist, elected officials, appointed members of boards or commissions, and employees of the County will be expected to take appropriate action consistent with Article XXIX of the Colorado Constitution and C.R.S. 24-18-101-206.

**1.6 INTERPRETATION, CONFLICT WITH OTHER LAWS:**

In their interpretation and application, the provisions of this Code shall be interpreted as being intended to preserve the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, or resolutions, the more restrictive or that imposing the higher standards shall govern.

**1.7 NO CIVIL REMEDY CREATED:**

By developing and adopting this Code, the County does not intend to create and expressly does not create a private civil remedy against the County or its employees or agents.

**1.8 REVISIONS TO THE CODE:**

The BOCC may revise any portion of this Code after proper notice and public hearing. Revisions, including the date of revision, shall be incorporated into the text by staff at the earliest opportunity following an action by the BOCC,

including the date of revision. An updated version of the Code and accompanying exhibits shall be available to the public on the County website and at the County Land Use Office.