

SECTION 13

ADMINISTRATION AND ENFORCEMENT

13.1 **ENFORCEMENT:**

- A. The Land Use Department shall be responsible for administration and enforcement unless otherwise designated by the BOCC.

13.2 **CONSTRUCTION, ALTERATION, OR DEMOLITION OF BUILDINGS:**

- A. It is unlawful to erect, construct, reconstruct, demolish, or alter any building or structure in violation of this Code, or any amendment hereto adopted or enacted by the BOCC.
- B. Any person, firm or corporation violating this Code or any amendment hereto is subject to the penalties of CRS § 30-28-124 and CRS § 30-28-124.5 as may be amended.
- C. Each day during which such illegal erection, construction, reconstruction or alteration continues shall be deemed a separate offense.

13.3 **USE OF BUILDINGS, STRUCTURES OR LAND:**

- A. It is unlawful to use any building, structure or land in violation of this Code, or any amendment hereto adopted or enacted by the BOCC.
 - (1) Any person, firm or corporation violating this Code or any amendment hereof is subject to the penalties of CRS § 30-28-124 and CRS § 30-28-124.5 as may be amended.
 - (2) Each day during which such illegal use of any building, structure or land continues shall be deemed a separate offense.
- B. Whenever Staff (including, but not limited to, the County Planner, Building Inspector, Zoning Enforcement Officer or County Attorney) has personal knowledge (it shall be the practice of Ouray County that “personal knowledge” shall mean formal notification) of any violation of this Section, shall give written notice to the violator to correct such violation within thirty (30) days after the date of such notice.
 - (1) If the violator fails to correct the violation within such 10 day period, the zoning official may request that the sheriff of the County issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of such charge to the violator.

(13.3B)

- (2) The summons and complaint shall require that the violator appear in County Court at a definite time and place stated therein to answer and defend the charge.
- (3) One copy of the summons and complaint shall be served upon the violator by the sheriff in the manner provided by law for the service of a criminal summons.
- (4) One copy each shall be retained by the sheriff and the County zoning official, and one copy shall be transmitted by the sheriff to the Clerk of the County Court.

13.4 TRANSFER OF INTERESTS:

Any person who transfers legal or equitable title or sells any subdivided land before a final plat for such subdivided land has been approved by the BOCC and recorded or filed in the office of the County Clerk and Recorder, is subject to the penalties of CRS § 30-28-124 and CRS § 30-28-124.5 as may be amended.

- A. All fines collected shall be credited to the general fund of the County.
- B. No person shall be prosecuted, tried or punished under this Section unless the indictment, information, complaint or action for the same is instituted prior to the expiration of eighteen (18) months after the recordation or filing in the office of the County Clerk and Recorder of the instrument transferring or selling such subdivided land.
- C. In addition to any other penalty specified herein, the County may bring an action to enjoin any person, firm, or corporation from selling developed land before a final plat for such developed land has been approved by the BOCC and may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration of use of any parcel of land.

13.5 WITHHOLDING OF PERMIT:

In addition to all other penalties specified for violation of this Code, the County shall withhold building permits, mobile home permits, on-site wastewater treatment system permits and any other permits which may be necessary for the habitation or development of any parcel of land which has been transferred in violation of this Code.

13.6 PRIVATE ACTION:

All provisions of the approved and recorded final development plan for a PUD shall run in favor of the residents, occupants and owners of the PUD but only to the extent expressly provided in the plan and in accordance with the terms of the plan and, to that extent, said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by residents, occupants or owners acting individually, jointly or through an organization dedicated in the plan to act on their behalf.

13.7 NOTICE OF VIOLATION:

- A.** In addition to all other penalties specified for violation of this Code, the County may record in the office of the County Clerk & Recorder, a Notice of Violation, which shall constitute constructive notice to the general public that no permit which may be necessary for habitation or development shall issue from the County on any parcel of land which has been transferred in violation of this Code.

- B.** Prior to recordation of the Notice of Violation, the affected landowner(s) shall be entitled to a thirty (30) day notice of intent to record Notice of Violation sent certified mail, return receipt requested to said landowner(s)' last known address as shown by County records.
 - (1)** Upon written objection by the Landowner(s) filed with the County Land Use Department , within the aforementioned thirty day period, Notice of Violation shall not be recorded pending administrative review by the Land Use Department, which review shall take place within ten days of receipt of the written Objection.

 - (2)** Following administrative review of the written objection and all other circumstances surrounding the alleged violation of this Code, if the Land Use Staff finds that there has been a violation of the Code, the Notice of Violation shall be recorded forthwith as provided herein.

 - (3)** The affected landowner(s) may appeal the Land Use Staff's finding of violation to the BOA. Should the BOA reverse the finding of the Land Use Staff, the County shall forthwith record a revocation or withdrawal of the Notice of Violation, which was previously recorded.

- C.** Compliance with the notice provisions of this Section shall not be a condition precedent to the County's enforcement of the provisions of this Code.

- D.** Failure of the County to comply with the notice provisions of this Section shall not be deemed to constitute a waiver by the County of any violation of this Code.

13.8 FAILURE TO ENFORCE:

- A. Any failure by the County to enforce any provision of this Code shall not subject the County to any direct or indirect civil liability.
- B. Any failure by the County to enforce any provision of this Code shall not be construed as a waiver or forfeiture of its right to enforce.

13.9 FEES:

- A. Fees relating to this Code shall be assessed in accordance with a uniform schedule which is set by resolution of the BOCC and which shall be passed at any regular meeting of the BOCC or special meeting which is called for the specific purpose of adopting such fees.
- B. Notice that a fee schedule or amendment thereof is to be considered by the BOCC shall be published in the legal County newspaper at least fourteen (14) days prior to such consideration.
- C. The fee schedule shall be designed to fully compensate the County for all costs incurred or anticipated to be incurred in connection with the matter for which the fee is to be assessed. A current fee schedule may be requested from the Land Use Staff.

13.10 SITE DEVELOPMENT PERMITS:

- A. The provisions of this Section shall apply to the construction of single-family dwelling units on parcels located within the County, except construction proposed on lots previously approved by the County as part of a PUD, Final Development Plan or combined Preliminary/Final Development Plan approved by the BOCC in accordance with Section 6 of this Code, a Final Subdivision Plat approved as part of a Development Agreement approved pursuant to Section 17 of this Code, any subdivision filed and recorded prior to 1971, or where a High Alpine Site Development Permit is required by Section 13.11.
 - (1) 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 the County.
 - (2) The BOCC hereby delegates to the Land Use Staff the authority to review and approve or approve with conditions or deny all applications for Site Development Permits in the County.
 - (3) All decisions of the Land Use Staff shall be based upon the requirements set forth in the Land Use Code, or according to law. Any decision of the Land Use Staff pursuant to the authority delegated herein may be appealed as provided in Section 12.5 of the Code.

(13.10)

- 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 this 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 the County. The County shall approve, approve with conditions, or deny the application.
- C.** The County shall approve and issue a Site Development Permit upon the Applicant demonstrating 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 will meet all applicable provisions of this Code.
 - (2)** The proposed site development will not unreasonably impact significant wildlife habitat, tundra, wetlands and riparian areas.
 - (3)** If the site development is proposed to be located within areas subject to the effects of any hazard, including but not necessarily limited to the following: chemical, geological, wildfire, flood, avalanche/snow slide, rockfall, landslide, potentially unstable slopes, slopes greater than 30 percent, alluvial fans, colluvial slopes, talus slopes, Mancos shale, faults, expansive soils or ground subsidence the applicant shall provide evidence demonstrating that such hazards have been avoided or otherwise mitigated. The County, where reasonably necessary, may require that recognized experts be employed and special studies be done and submitted before a site development permit can be issued affecting lands which may contain the hazards listed above, and which may affect persons using the land in question, 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 proposed site development is located within areas where irrigation occurs or may impact any irrigation structures, including but not limited to ditches and head gates, the applicant shall demonstrate that any potential impacts have been adequately mitigated to allow historic water flow to continue.

(13.10)

- D. All applicants for a site development permit shall be required to sign a statement acknowledging that the 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 and County service statement to the Office of the 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.

13.11 HIGH ALPINE SITE DEVELOPMENT PERMITS

A. Applicability:

(1) These regulations **shall apply** to:

- (a) All residential, non-mining and commercial development occurring on patented mining claims and patented mill states at or above 9,480’.

(2) These regulations **shall not** apply to:

- (a) Any residential structures that are accessory to an active, state-permitted mine operation.
- (b) Lots previously approved by the County as a PUD, Final Development Plan, or combined Preliminary/Final Development Plan approved by the BOCC in accordance with Section 6 of this Code, or a Final Subdivision Plat approved as part of a Development Agreement approved pursuant to Section 17 of this Code.
- (c) Any parcel with an active Site Development Permit issued within three years prior to the date of adoption of this section of Code.
- (d) Any proposed Public Utility or Communications Facility as provided for in the Zoning section of this Code.
- (e) Excludes any existing historically significant structures.

(13.11A)

- B.** In conjunction with and prior to approval and issuance of a building permit, a landowner wishing to construct any structure must obtain a High Alpine Site Development Permit from the County.
- C.** The BOCC hereby delegates to the Land Use Staff the authority to review and approve or approve with conditions or deny all applications for High Alpine Site Development Permits in the County.
- D.** All decisions of the Land Use Staff shall be based upon the requirements set forth in the Land Use Code, or according to law. Any decision of the Land Use Staff pursuant to the authority delegated herein may be appealed as provided in Section 12.5 of the Code.
- E.** Applications for High Alpine 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 this 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 the County. The County shall approve, approve with conditions, or deny the application.
- F.** Clearing, grading, grubbing, or other site disturbance shall occur only after a High Alpine Site Development Permit has been issued by the Land Use Department. Applicant shall provide evidence that all applicable local, state and federal permits have been obtained prior to any such work commencing. All proposed earth-disturbing work or vegetation removal shall be detailed in the Site Development Permit application and shall be completed in accordance with such plans.
- G.** Applications for High Alpine Site Development Permits shall also include a survey, prepared by a Colorado Licensed Professional Surveyor. Such survey shall include:
 - (1)** Existing and proposed structures
 - (2)** Existing and proposed trails as shown on the County Road Map (See resolution 2014-014, or any subsequent amendments)
 - (3)** Existing and proposed roads and/or driveways
 - (4)** Any other existing and proposed site improvements, including any proposed fences.

(13.11G)

- (5) Topographic data for the remaining, non-disturbed portion of the parcel using existing topographic data such as USGS Quadrangle(1-24,000 scale contour or less).
 - (6) Topographic survey data for the area of the parcel to be developed and the entire length of the driveway (if any) with no less than 5-foot contour intervals.
 - (7) The location of 2-points (on the ground and on plat) within the proposed development area.
 - (8) In addition to the survey, the Applicant shall also provide documentation that the Applicant either owns 100% of both the surface and the mineral estates, or the Applicant has provided the County with documented written consent of owner or owners of any full or fractional interests in the mineral or surface estates to develop the surface as proposed.
 - (9) Staff will conduct a site visit when the site is free of snow and can be fully assessed for all geo-hazards such as avalanche with rockslide risks, terrain, and other site specific conditions which may affect approval or disapproval of the application.
 - (10) Applicant shall provide documentation of legal access to the property.
- H.** The County may refer the site development and/or building permit to any local, state, or federal agency for the opportunity to review and comment.
- (1) If there is no response from the agency within 30-days, Staff shall assume approval from that agency and proceed with processing of the High Alpine Site Development Permit.
 - (2) If a response is received, Staff shall consider those comments in determining whether the application should be approved, denied or approved with conditions.
- I.** The County shall approve and issue a High Alpine Site Development Permit upon the Applicant demonstrating to the satisfaction of the County that all of the following criteria have been met:
- (1) The proposed construction shall comply with all provisions stated in this Section and Section 24 of this Code
 - (2) The proposed development is not within the alpine tundra ecosystem.

(13.11 I)

- (3) Potable water and sewage disposal will be available and will meet all applicable provisions of this Code, and applicable federal and state laws and regulations.
- (4) The proposed site development will not unreasonably impact significant wildlife habitat, wetlands and riparian areas.
- (5) The proposed site development will protect and minimize impacts to important historic or environmental features of the site, such as historic buildings, town sites, mining districts, cultural features (may require opinion from the Ouray County Historical Society), timber, plants, wildlife, drainages, wetlands, geologic features, trails, etc.
- (6) County designated trails will be kept in their historic alignments to the greatest extent possible. Road and driveway crossings of trails shall be avoided wherever possible. (Note: For trail and/or road information, see Resolution 2014-014, Exhibit A, or any subsequent amendments)
- (7) If the site development is proposed to be located within areas subject to the effects of any hazard, including but not necessarily limited to the following: chemical, geological, wildfire, flood, avalanche/snow slide, rockfall, landslide, potentially unstable slopes, slopes greater than 30 percent, alluvial fans, colluvial slopes, talus slopes, Mancos shale, faults, expansive soils or ground subsidence the applicant shall provide evidence demonstrating that such hazards have been avoided or otherwise mitigated. The County, where reasonably necessary, may require that recognized experts be employed and special studies be done and submitted before a site development permit can be issued affecting lands which may contain the hazards listed above, and which may affect persons using the land in question, 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.
- (8) All applicable impact and other fees and assessments, required by the development permit process have been assessed and paid as required by this Code.
- (9) If the proposed site development is located within areas where irrigation occurs or may impact any irrigation structures, including but not limited to ditches and head gates, the applicant shall demonstrate that any potential impacts have been adequately mitigated to allow historic water flow to continue.
- (10) No new roads or driveways may be built without prior issuance of a Site Development Permit by the County.

Note: New access routes that are not on the County Road Map are discouraged.

(13.11 I)

- (11)** All applicants for a site development permit shall be required to sign, notarize, and record a County service statement acknowledging the following: “Ouray County is a small, rural county, and the implications of such, including; Ouray County does not have the resources (both financial and staffing) of larger, more urban counties and communities, and cannot provide the same level of services. Roads are primarily dirt and gravel, and may or may not be paved in the future, depending on future resources of the County. Some properties may not be accessible during the winter months except by snow cat, snowmobile, skis or snowshoes. I should consider year-round travel conditions when planning access to the property. Maintenance of roads, year round, has limitations based on available resources for staff and materials. Some County roads are not maintained during the winter months, and private maintenance of county roads, including snowplowing, is not permitted except by written agreement with the Board of County Commissioners, which permission may or may not be granted. My property is located in an area that has historically been mined, and an active mine may be currently operating, or may operate in the future. Operating mines may require the use of equipment, including trucks that may affect the peace and quiet of my property. By building a residential structure on my property, I assume for myself, and other occupants of the property, all health risks of high mineral content in soils and water as well as all risks inherent in the geology of the area, including avalanche, rockfall, and slides of land. The soil and water on, beneath, or near my property likely contains high mineral content which may, or may not, pose health risks. I further acknowledge that ownership of property with tailings and other remnants of historic mining activities may include financial and other legal liability related to reclamation and clean-up of mine wastes that may affect the environment. Emergency responses to medical situations, fires, and law enforcement requests may be slower than in urban areas, and may be more limited in remote parts of the County. Emergency responses may be totally unavailable during winter months. The County does not provide water, waste water, or firefighting services. These services may or may not be readily available in some parts of the County and I have inquired about the specifics of these services, as well as access to my property and understand how my property will be served.”
- (12)** No application may be granted unless Applicant either owns 100% interest in both the surface and mineral estates of the parcel subject to the Site Development Permit, or has provided written consent, which shall be signed, notarized and recorded, of all other ownership interests in the property, including fractional interests, and interests in the mineral estate, to the proposed development.
- (13)** Legal right of access to the property has been documented.

(13.11)

- J.** Upon Issuance of a site development permit the Land Use Staff shall submit the permit and County service statement to the Office of the County Clerk and Recorder for recordation. Any amendment to the approved site development permit shall require additional County approval.
- K.** 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.

13.12 BUILDING PERMITS:

- A.** Building permits shall be issued in accordance with procedures set forth in the Uniform Building Code, as adopted by the County.
 - (1) 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 BOA.
 - (2) All applications for permits shall be accompanied by a drawing showing the location of all existing and proposed improvements, overhead and underground utilities, irrigation and drainage ditches, and all easements in relation to the lot and indicating the height of all structures. No building permit shall be issued within a PUD approved after the date of adoption of this Code without prior notification to the architectural control committee or other internal enforcement body approved under Section 6 of this Code.
- B.** The Land Use Staff, where reasonably necessary, may require that recognized experts be employed and special studies be done and submitted before a building permit is issued 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 Land Use Staff is not required to accept the findings or conclusions of any experts or special reports.

13.13 CERTIFICATE OF OCCUPANCY / COMPLETION:

No new building, requiring a building permit, shall hereinafter be occupied or used without a Certificate of Occupancy or Certificate of Completion, which has been issued by the County Building Inspector. Such certificate shall be issued within five (5) days

after the Inspector 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.

13.14 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.

13.15 PLANNING COMMISSION:

- A. Establishment: There is hereby established a planning commission which shall be known as the Ouray County Planning Commission. All further references to the Planning Commission in this Section shall be to the Commission.
- B. Appointment of Members: In accordance with the bylaws of the County, the membership of the Commission shall be seven persons, appointed by the BOCC for staggered three-year terms. The members of the Commission shall be full-time residents of the County. The BOCC may also, at its discretion, appoint any associate members to the Commission to serve in place of any member of the Commission who may be absent, or, 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 Commission. Any member may resign from the Commission upon sending written notice of such resignation to the Chair of the BOCC.
- C. Powers and Duties: The Planning Commission shall have such powers and duties as prescribed by law. The Ouray County Planning Commission is an advisory body to the Board of County Commissioners.

13.16 BOARD OF ADJUSTMENT:

- A. Establishment: The Board of Adjustment consists of three members, plus two alternate members, appointed by the BOCC. All further references to the Board of Adjustment in this Section shall be to the Board.
- B. Members: Not more than one of the members and one of the associate members may also be members of the Planning Commission. The members shall serve without compensation for service on the Board. Each member shall serve for three (3) years, but may be reappointed for multiple terms. The terms of the members shall be staggered so that the term of one member will expire each year. Any member of the Board may be replaced or removed for cause by the BOCC upon written charges and after a public hearing. Vacancies shall be filled for any vacancy whether due to removal, resignation, death, or unexcused absence from three consecutive meeting by the BOCC for the remainder of the term. An alternate member may take the place of a member on a temporary basis in the event that a

regular member is temporarily unable to act due to absence from the county, illness, interest in a case before the Board, or for any other cause.

(13.16)

- C. Meetings: The Board shall be held at the call of the Chair as necessary to review and hear appeals and matters in its jurisdiction. The Chair, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses at hearings by application to the district court. At each meeting, the Board shall keep minutes, showing the votes of each member or the absence of a member from voting, and all other official actions taken.
- D. Officers: The Board shall select, at the beginning of each calendar year, a Chair who shall preside at all meetings, a Vice-Chair, who shall preside at meetings in the absence of the Chair, and a Secretary, who shall be responsible for the minutes of the meetings and completeness of the hearings records. The Secretary's duties may be delegated to a county employee.

13.17 VISUAL IMPACT REVIEW COMMITTEE:

- A. Establishment: The advisory visual impact review committee consists of five (5) members who shall be appointed by the BOCC. All further references in this Section to the Visual Impact Review Committee shall be to the Committee.
- B. Membership: Members of the Committee shall serve, without compensation, and shall be appointed for three (3) year terms, provided that the terms shall be staggered to ensure continuity on the Committee. The BOCC may adjust the term of any member when appointed for the purpose of ensuring continuity. At least three (3) of the members shall be design professionals, either actively practicing or retired. One member shall also be a member of the Planning Commission. The Planning Commission shall recommend one of its members to the BOCC for such appointment. Members serve at the pleasure of the BOCC. Vacancies may be filled as necessary and for such terms as provided above.
- C. Officers: The Committee shall, at its first regular meeting of each calendar year, elect a Chair, a Vice-Chair, and a Secretary to serve for the calendar year. The Chair shall preside at meetings, and the Vice-Chair shall perform the duties of the Chair in the absence of the Chair. The Secretary shall keep minutes of the meetings of the Committee.
- D. Appeals to the Visual Impact Review Committee:

Appeals to the VIRC 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 of this Code. 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:

(13.17D)

- 1) Interpretation: To hear and decide requests for interpretation of Ouray County Visual Impact Regulations.
- 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 VIRC shall recommend to the Board of Adjustment 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. Procedure: A meeting for the purpose of reviewing a request for interpretation of Section 9 shall be held within thirty (30) days of receipt of such request. The meetings of the Committee shall be published or publicly noticed at least two (2) days in advance of the meeting. Members of the public may be heard at any meeting at the discretion of the Chair. All comments or interpretations of the Committee shall be provided in writing to the person requesting such interpretation, as well as to the Board of Adjustment and shall be provided within ten (10) days of conclusion of the meeting to review the request for interpretation.

13.18 JOINT PLANNING BOARDS:

- A. Establishment:** There are hereby established a Ridgway Area Joint Planning Board and an Ouray Area Joint Planning Board to act as recommending bodies to the BOCC. 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 each. Membership shall be as follows:
- (1) The eight (8) members of the Ridgway Area Joint Planning Board shall consist of five (5) of the seven (7) 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 BOCC 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 five (5) of the seven (7) 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 BOCC 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 BOCC, 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 BOCC.

(13.18)

- C.** Powers and Duties: The Ridgway Area Joint Planning Board and the Ouray Area Joint Planning Board will be considered County advisory boards. The Joint Planning Boards shall review those applications for development as outlined under Section 3.9 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.