INTERGOVERNMENTAL AGREEMENT (IGA)

This Agreement effective this 26th Day of August, 2002, between the Board of County Commissioners of Ouray County, Colorado, (the County) and the Town of Ridgway, Colorado (the Town).

WHEREAS, continued growth pressure in the Ridgway area suggests that increased coordination between the Town and the County can result in better management for directing growth to maintain the identity of the Ridgway Community, promote the efficient provision of public services (central sanitary sewer and water, streets, police protection and other services) and protect our open lands, agricultural lands and alpine lands; and

WHEREAS, the Town of Ridgway has adopted a Comprehensive Plan for the Ridgway Planning Area, which contains a Ridgway Urban Growth Boundary and includes consideration of areas found within the unincorporated areas of Ouray County; and

WHEREAS, the State of Colorado has authorized and encouraged local governments to cooperate with each other pursuant to CRS 29-20-105, CRS 29-1-203 and 31-23-227 and section 18(2)(a) and 2(b) of Article XIV of the Colorado Constitution; and

WHEREAS, pursuant to the Municipal Annexation Act of the State of Colorado, CRS 31-12-101 through 123, the Town has the authority to annex property; and

WHEREAS, under the authority granted by CRS Title 29, Article 20, a committee jointly appointed by the Board of County Commissioners of Ouray County and the Ridgway Town Council with the intent of reaching agreement as to development goals and policies within the greater Ridgway urban area held several meetings: and

WHEREAS, pursuant to said meetings the Town and County agreed to the following goals, purposes and policies to be applied to the unincorporated portion of Ouray County defined herein as the Ridgway Urban Growth Management Area and the Ridgway Area of Influence.

Goals

The agreement will be a tool:

1. To direct growth, not simply manage growth in that area surrounding the Town of Ridgway as defined in the Urban Growth Management Area.

2. To consider urban development only where the full range of urban public services can be provided within the Area of Influence and within the Urban Growth Management Area.

3. To influence urban development so that it occurs within or will be annexed into the Town of Ridgway.

4. To protect visual corridors and in so doing retain community identity.

5. To preserve open lands, alpine lands and agricultural land uses around urban areas.

6. To preserve natural areas such as streams, canyons, wetlands, wildlife habitat, alpine lands, wildlife corridors, riparian habitats and other lands.

7. To advise, consult and involve in the planning activities the owners of private property affected by these agreements.

8. To define in part by this IGA what the appropriate economic role for the County and Town will be.

Section 1. Purposes

The purposes of this Intergovernmental Agreement are as follows:

a. Establish a process of inter jurisdictional cooperation in order to manage land uses,
b. Designate areas of urban development and direct growth to these areas,
c. Preserve open lands, alpine lands, wildlife corridors and agricultural lands,
d. Protect the community identities of the Town of Ridgway and Ouray County, and
e. Consider unincorporated land for commercial development only when it complements the existing commercial lands in the Town.

Section 2. Definitions

2.1 Agricultural Lands.

Lands assessed at agricultural values for five years or more or land irrigated within the last five years.

2.2 Alpine Lands.

Those higher altitude lands as defined in the Ouray County Land Use Code.

2.3 Development, Development Application or Development Proposal.

Any human-made change to improved or unimproved real estate including, but not limited to, building or other structures, changes in use, mining, dredging, filling, grading, paving, excavations or drilling operations, except uses by right of the appropriate county zones, site development permits and visual impact reviews.

2.4 Ridgway Area of Influence.

An area of unincorporated land outside the Urban Growth Management Area, mutually designated by Ouray County and the Town of Ridgway, wherein any development or land use activity that will have impact upon the above stated goals and purposes and which bears a relation to the planning of the area within the municipality, should, to the extent possible, be reviewed by Ouray County with participation by the Town in the review and recommendations.

2.5 Open Lands.

A parcel or area of land that is unimproved which may be in public or private ownership. The lands may have scenic, agricultural or wildlife value, present recreational opportunities or include historic landscapes. The parcels may contain significant natural features such as flood plain, steep topography, waterways or rock outcroppings.

2.6 Ridgway Urban Growth Boundary.

A line jointly adopted by the Town of Ridgway and Ouray County that encircles the Town of Ridgway and separates rural and urban development. The line marks the boundary of the Urban Growth Management Area.

2.7 Urban Development.

Development that conforms to the standards of moderate and high density residential, commercial/industrial or tourist land use categories, which is typical to urbanized areas. In the Town of Ridgway, these standards are outlined in the Ridgway Municipal Code. Urban development also includes the types of services that are generally required to support that development such as central potable water, storm water systems, central sanitary sewer systems, quick-response fire and police protection, urban level street design and maintenance, parks and recreation programs, open space and undeveloped parks, urban level retail and commercial development and other similar services which are typically provided by cities.

2.8 Urban Growth Management Area (UGMA)

The unincorporated area within the Ridgway Planning Area in which urban development may be allowed when annexed to the Town of Ridgway, and is in conformance with the Ridgway Municipal Code and Ridgway Comprehensive Plan. The UGMA for Ridgway includes an area sufficient to provide for ten to twenty-five years of anticipated and desirable urban development.

Section 3. Policies

3.1 The Town and County shall establish an Urban Growth Management Area (UGMA) surrounding the Town of Ridgway and mutually agree that said area is appropriate for the

location and development of urban development within the parameters set forth in the Ridgway Municipal Code and Ridgway Comprehensive Plan.

3.2 The policy of the Town is to consider the annexation of all properties within the unincorporated area of the UGMA as a condition of approval of a development application or when said property becomes eligible for annexation.

3.3 The Town agrees not to annex property outside the UGMA without first amending the UGMA boundary through the established amendment procedure as provided by in this agreement

3.4 The Town and County shall establish an Area of Influence surrounding the Town, but outside the UGMA, wherein developments which will have impact upon the above stated goals and purposes and bear relation to the planning and development of the Town, are reviewed according to the Ouray County Land Use Code as it pertains to the Area of Influence.

3.5 Development, other than uses by right, is permitted to take place within the Area of Influence only with the recommendation of the Ridgway Area Joint Planning Board and approved by the Ouray Board of County Commissioners.

3.6 The Town and County do herein agree to establish a combined Town and County Joint Planning Board, called the Ridgway Area Joint Planning Board, to review and provide recommendations to the Board of County Commissioners on all development proposals within the Ridgway Area of Influence and the Ridgway UGMA which are subject to this agreement. Regarding review of such development proposals, said Board will replace all current boards such as the Ouray County Planning Commission. The objectives of the Ridgway Area Joint Planning Board are to provide for consistent interpretation of the goals, policies and design standards as set forth in the Ouray County Land Use Code and other provisions of the IGA. The Ridgway Area Joint Planning Board will be an official Ouray County advisory board.

Section 4. Agreements.

4.1 Establishment of the Urban Growth Management Area and Overlay Zone.

There is hereby established an Urban Growth Management Area (UGMA) and a Ridgway Urban Growth Boundary surrounding the Town of Ridgway. Ouray County will amend its official zoning map to reflect the UGMA District as set forth in Exhibit A, (attached hereto and by this reference incorporated herein). The County and Town agree to follow the policies and guidelines included in the Amendments to the Ouray County Land Use Code Exhibit B, C, D and E (attached hereto and by this reference made a part hereof).

4.2 Establishment of the Ridgway Area of Influence and Area of Influence Overlay Zone.

There is hereby established an Area of Influence surrounding the Town of Ridgway, but outside the UGMA. Ouray County shall amend its official zoning map to reflect the Area of Influence as set forth in Exhibit A, (attached hereto and by this reference incorporated herein). The County and Town agree to follow the policies and guidelines included in the Amendment to the Ouray County Land Use Code Exhibits B, C, D and E (attached hereto and by this reference made a part hereof). The Town and County agree that until a Town annexation plan exists, the Ouray County Master Plan shall apply.

4.3 Establishment of the Ridgway Area Joint Planning Board.

There is hereby established a Ridgway Area Joint Planning Board to act as the recommending body to the Ouray County Board of County Commissioners concerning all development applications for properties, except uses by right of the appropriate county zones, site development permits and visual impact reviews, as defined in the Ouray County land use code, which are subject to this agreement, located within the unincorporated Ridgway Area of Influence and Ridgway UGMA, subject to the provisions of 4.4 D. of this Agreement. This board shall consist of the five members of the Ouray County Planning Commission and three members appointed by the Ridgway Town Council from the Ridgway Town Planning Commission or their appointees and approved by the Ouray County Board of County Commissioners. Minority opinions from the Joint Planning Board are encouraged. The Ridgway Area Joint Planning Board will be considered an Ouray County advisory board and will operate pursuant to the procedures set forth in the County Land Use Code and Exhibit E, the bylaws of the Ridgway Area Joint Planning Board (attached hereto).

The Town agrees that after review of development proposals for the Area of Influence and UGMA subject to the provisions of 4.4 D. of this Agreement, by the Ridgway Area Joint Planning Board the recommendation for approval, approval with conditions, or disapproval is forwarded to the Ouray County Board of County Commissioners. Final authority regarding approval or disapproval of development proposals rests with the Board of County Commissioners.

4.4 Development Proposals within the UGMA.

A. Upon receipt of any proposal for development of property within the Ridgway UGMA, except uses by right of the appropriate county zones, site development permits and visual impact reviews, as defined in the Ouray County Land Use Code, the County will notify the proponent that they should file application with the Town.

The applicant shall apply to the Town for annexation and development of the subject property and shall agree to annex the property to the Town, pursuant to an annexation agreement with the landowner, with terms that will conform to the Ridgway Municipal Code and Comprehensive Plan.

B. The Town will consider all petitions for annexation of lands within the UGMA and will not decline to annex such property except for good cause. For the purposes of this

Section, good cause includes without limitation the following: (i) extension of one or more municipal services to the area would place an unreasonable economic burden on the existing users of such service or upon the future residents or owners of property in the area itself; (ii) the area is not contiguous to the Town's existing boundaries; (iii) the development proposal fails to meet the criteria for inclusion and annexation in the initial growth boundary outlined in the Ridgway Comprehensive Plan-Land Use Element.

C. To the extent legally possible within the UGMA, the Town will annex the full width of each County road ROW adjacent to newly annexed property. However, the Town may choose to exclude specific sections of right-of-way to preserve opportunities for future contiguity. The Town shall not eliminate existing accesses or discriminate against access from properties which are not within the Town.

D. If the Town declines to annex a development proposal within the UGMA, the policies and guidelines included in the Amendment to the Ouray County Land Use Code Exhibit B and C, (attached hereto) will apply. The Town agrees to review development proposals in a timely manner.

E. Unless waived by the Town, all development applications within the UGMA will conform to the Ridgway Municipal Code and Comprehensive Plan.

4.5 Development within the Area of Influence.

A. The Ridgway Area of Influence is an area of unincorporated land outside the Ridgway UGMA, mutually designated by Ouray County and the Town of Ridgway, wherein any proposed development or land use activity which will have impact upon the above stated goals and purposes and bear relation to the planning of the area within the municipalities, should, to the extent possible, be reviewed by the Town of Ridgway with the opportunity to make recommendations to the County.

B. Any use by right as listed in the Ouray County Land Use Code and not requiring further review (excluding the County Building Official) shall be allowed regardless of any provisions of this Agreement. The Ridgway Area Joint Planning Board shall review any use, other than a use by right, zoning change, site development permits and visual impact reviews, which requires review according to the Ouray County Land Use Code for the Area of Influence pursuant to Sections 4.2, 4.3 and 4.4 of this Agreement.

C. Upon receipt of a development application for property within the Ridgway Area of Influence, the County will present the application to the Ridgway Area Joint Planning Board. The Planning Board will evaluate the application according to the Ouray County Land Use Code with reference to Exhibit B, Overlay Zone and Exhibit C, Section 5 of the Ouray County Land Use Code, and make recommendations to the Board of County Commissioners.

D. The Town agrees that after review of development proposals by the Ridgway Area

Joint Planning Board and the recommendations for approval, approval with conditions, or disapproval shall be forwarded to the Ouray County Board of County Commissioners and that final authority regarding approval or disapproval of development proposals rests with the Board of County Commissioners.

E. To ease the review of development proposals before the Ridgway Area Joint Planning Board, the County staff will prepare reports and forward these reports in a timely manner to the Town in advance of the meeting.

4.6 Amendments to the Ridgway Urban Growth Boundary, the Ridgway Area of Influence Boundary and other Sections of this Agreement

The Town and the County agree that amendments to the UGMA Boundary shall be according to the following procedures and requirements.

A. The Town of Ridgway, Ouray County or any individual or entity may request an amendment to the Urban Growth Boundary, the Area of Influence Boundary or other Sections of the Agreement

B. The request shall be forwarded to the Ridgway Town Council and the Ouray County Commissioners for their review. The Urban Growth Boundary, Area of Influence Boundary or other Sections of this Agreement shall be amended only with the approval of the Town and the County, after following Town and County Procedures.

C. The amended Urban Growth Boundary, Area of Influence Boundary or Section shall be in writing, if appropriate, and be shown, on Exhibit A of this Agreement. The amendment shall be signed and dated by the Mayor of the Town and the Chair of the Ouray County Commissioners.

4.7 Enforcement

It is the intent of the Town and County that this Agreement is binding upon both the Town and the County, and that either party hereto shall be permitted to specifically enforce any provision of this agreement in a Court of competent jurisdiction.

4.8 Term

The Intergovernmental Agreement will remain in force and effect for an initial term of five years from the date if its execution. Subsequent to the initial form, this Agreement will be automatically renewed for successive five-year terms unless at least six months before its scheduled expiration, either party should notify the other party of its decision that the Agreement not be renewed. In addition, the elected Town and County officials agree to a biennial review of all elements of this Agreement and shall prepare a joint staff report to the respective legislative bodies.

4.9 Prior Termination.

The County will notify the Town of Ridgway of any proposed or adopted amendments to Exhibits A, B, C, D and E, or to other provisions of County Land Use and zoning regulations, including uses by right. If any such amendment undermines the usefulness of this Agreement in the opinion of the Town of Ridgway, it may terminate this agreement within 60 days written notice to the County.

BOARD OF COUNTY COMMISSIONERS
OURAY COUNTY, COLORADO

Bill Ferguson, Chairman

ATTEST:

Michelle Olin by H Burke Deputy Clerk of the Board
Michelle Olin,
County Clerk and Recorder

TOWN COUNCIL, TOWN OF RIDGWAY, COLORADO

Pat Willetts, Mayor

ATTEST:

Pam Kraft
City Clerk

EXHIBITS

1. Exhibit A. Official Zoning Map delineating the Urban Growth Management Area and Area of Influence.

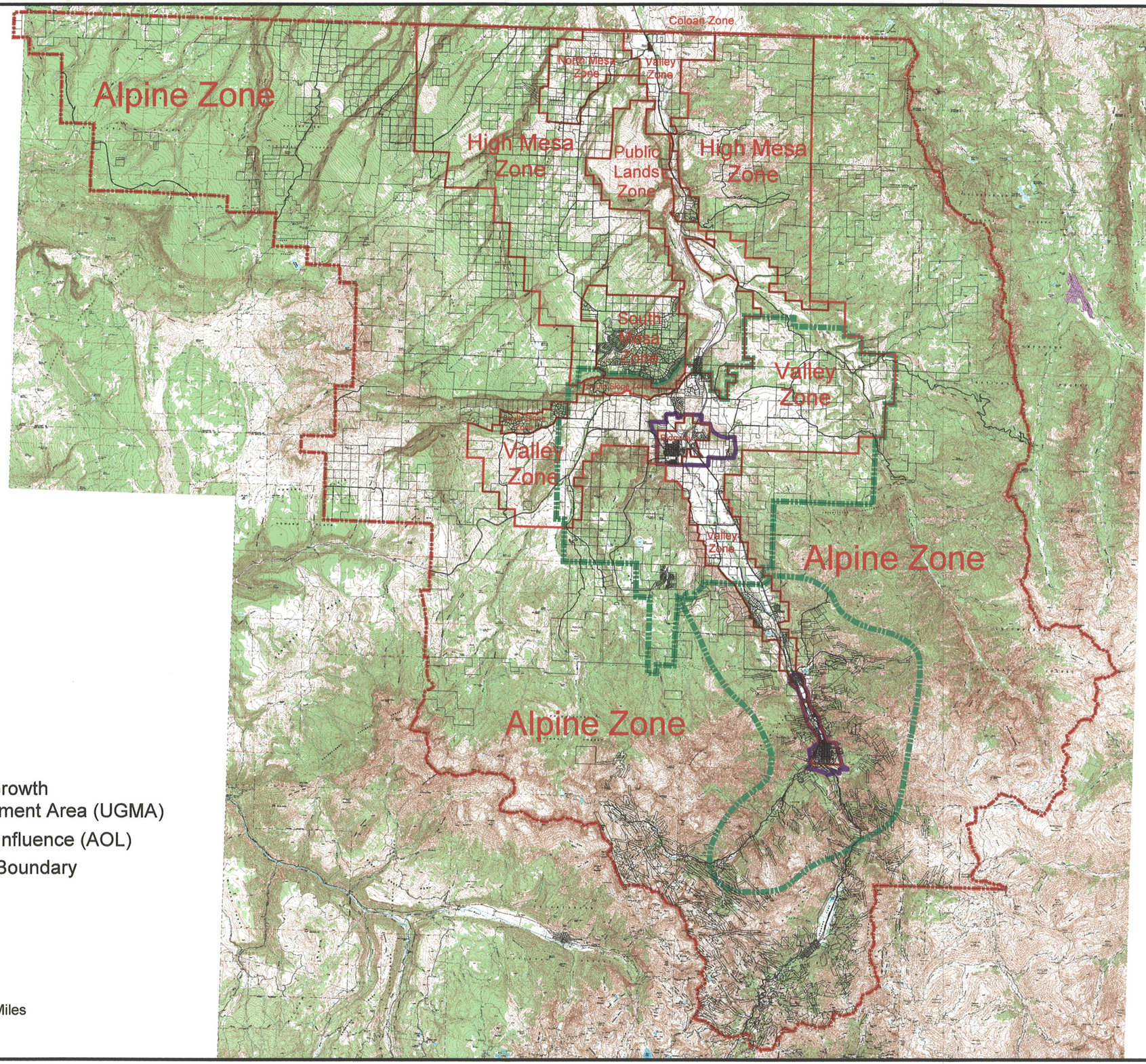
2. Exhibit B. Overlay Zones.

3. Exhibit C. Section5, Ouray County Land Use Code-Uses Allowed by Special Use of Permit.

4. Exhibit D. Section 19.9, Ouray County Land Use Code-Joint Planning Boards.

5. Exhibit E. Bylaws of the Ridgway Area Joint Planning Board.

Ouray County Zoning



Legend

- Parcels
- Zoning
- Urban Growth Management Area (UGMA)
- Area of Influence (AOL)
- County Boundary

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July 23, 2002

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Exhibit "B"

3.5 OVERLAY DISTRICTS

A. Intent and purpose: Due to continued growth pressures, there is an increased need for coordination between the Municipalities and the County to promote the efficient use of services and protection of open lands, agricultural lands, alpine lands and community identities. It is therefore the intent and purpose of the Overlay Districts to establish districts and create a process to jointly review development on unincorporated property surrounding the Town of Ridgway and the City of Ouray.

B. Definitions:

1. Area of Influence (AOI). An area of unincorporated land wherein development or use of land has an impact upon the adjoining municipality.

2. Urban Development. Development that conforms to the standards of moderate and high density residential, commercial/industrial or tourist land use categories, which is typical to urbanized areas. Urban development also includes the types of services that are generally required to support that development such as central potable water, storm water systems, central sanitary sewer systems, quick-response fire and police protection, urban level street design and maintenance, parks and recreation programs, open space and undeveloped parks, urban level retail and commercial development and other similar services that are typically provided by cities and towns.

3. Urban Growth Management Area (UGMA). An area of unincorporated land adjacent to a municipality in which urban development may be allowed when annexed by the municipality. The Urban Growth Management Area includes an area sufficient to provide for ten to twenty-five years of anticipated and desirable urban growth and development for the adjacent municipality.

C. Establishment of Overlay Districts: The following Overlay Districts are hereby established:

1. The Ridgway Urban Growth Management Area.

2. The Ridgway Area of Influence

3. The Ouray Urban Growth Management Area

4. The Ouray Area of Influence

D. Overlay Districts: All Overlay Districts shall be designated on the "Official Zoning Map of Ouray County" which is on file in the records of the Ouray County Clerk and Recorder. A copy of the map is attached to this Code and in the event of any conflict between the copy and the map on file in the County records, the latter shall be conclusively deemed to prevail.

E. District Uses and Requirements.

1. Within the Ridgway Area of Influence and the Ouray Area of Influence, the following uses are allowed:

a. All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.

b. Uses allowed by special use permit and Planned Unit Developments within the underlying Zone, as stated under Section 3 of this Code, may be permitted, upon review and approval of the Board of County Commissioners. Said uses shall follow the process as contained herein.

2. Within the Ridgway Urban Growth Management Area and the Ouray Urban Growth Management Area, the following uses are allowed:

a. All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.

b. Uses allowed by special use permit within the underlying Zone, as stated under Section 3 of this Code, except Home Businesses, may be permitted, upon review and approval of the Board of County Commissioners. Said uses shall follow the process as contained herein.

F. Development Review – Urban Growth Management Area. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning shall first be considered for annexation by the adjoining municipality prior to submittal of an application to the County Land Use Office.

1. The municipalities will consider all petitions for annexation of lands within the adjoining UGMA and will not decline to annex such property except for good cause. For the purposes of this Section, good cause includes, without limitation, the following:

a. Extension of one or more municipal services to the area would place an unreasonable economic burden on the existing users of such service or upon the future residents or owners of property in the area itself.

b. The area is not contiguous to the municipality's existing boundaries.

c. The development proposal fails to meet the criteria for inclusion and annexation in the initial growth boundary outlined within the municipality's master or comprehensive plan.

2. If the municipality declines an annexation proposal within the UGMA, the Applicant/Developer may then submit a completed application to the Ouray County Land Use Office. Depending upon the request, the application shall

include all information and documentation as set forth and outlined under the various sections of this Code. In addition, the application shall also include a written denial of annexation from the respective municipality.

G. Development Review – Area of Influence. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning shall be submitted to the Ouray County Land Use Office and shall follow the requirements, standards and processes as set forth and outlined under the various sections of this Code.

H. Joint Planning Boards. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning located within an Urban Growth Management Area or an Area of Influence shall be reviewed by a Joint Planning Board, rather than the Ouray County Planning Commission, and the Joint Planning Board shall make a recommendation to the Board of County Commissioners.

1. When a request is located within the Ridgway Urban Growth Management Area or the Ridgway Area of Influence, the Ridgway Area Joint Planning Board shall review the application.

2. When a request is located within the Ouray Urban Growth Management Area or the Ouray Area of Influence, the Ouray Area Joint Planning Board shall review the application.

Section 5

USES ALLOWED BY SPECIAL USE PERMIT

5.1 INTENT:

A. To provide for uses allowed by special use permit as designated under Section 3, Zoning Provisions - Zones. Such uses may be allowed only by approval of the Board of County Commissioners whose determination shall be based on the purposes, standards and requirements as set forth under this Section. In granting approval for a special use, the County Commissioners may impose additional conditions, which comply with the purposes and intent of this Code.

5.2 PERMIT PROCEDURES

A. A Special Use Permit application, together with the information described below and the required fees shall be submitted to the County Land Use Administrator at least forty five (45) days prior to the Board of County Commissioner's meeting at which the request will be initially considered. **In addition, the applicant shall submit notification postcards that are to be obtained from the County Land Use Office prior to submittal of the application. The postcards will contain all pertinent information and will be stamped and addressed to all adjacent property owners.**

B. In addition to the provisions required under Section 5.3 the following information shall be submitted.

(1) Site Plan

(2) Signature of owner(s) of all property, authorizing application. If land included in an application is leased to an applicant, terms and length of the lease shall be provided.

(3) An explanation of the operation or use.

C. Prior to taking action on the requested special use permit the County Commissioners:

(1) May submit a copy of the application and accompanying data to the County Planning Commission for review and comment and may request that the Planning Commission hold a public hearing as indicated in Section 5.4 below.

(2) May hold a public hearing on the application as indicated in Section 5.4, below.

(3) **If the request is located within an Urban Growth Management**

Area or Area of Influence the request will be reviewed by the appropriate Joint Planning Board. The Joint Planning Board may hold a public hearing on the application as indicated in Section 5.4, below.

D. A copy of the application and the accompanying information shall be submitted to the **Planning Commission or Joint Planning Board and** appropriate agencies for review and comment. **If the request is located within an Urban Growth Management Area or Area of Influence the request will be submitted to the adjacent municipality for review and comment.**

E. The County Commissioners, in granting approval, may condition the operation in order to ensure compatibility with surrounding uses and to ensure that impacts are properly mitigated. The County Commissioners may place conditions on the length of time a use may be operated, and may require periodic review.

F. The applicant/operator must, at all times, be in compliance with all applicable state and federal laws and regulations. The permit may be refused or withdrawn in case of non-compliance with such laws or regulations.

G. If land included in an approved application or use is leased to the applicant, the applicant or his successors shall notify the County of any changes in the lease that may occur following approval by the County Commissioners. The permit may be refused or withdrawn in case of non-compliance with such lease.

H. If the Board of County Commissioners shall determine, on the basis of information submitted and available to it, that a proposed operation will have an impact on, or will necessitate, improvements to facilities or services provided by the County, the school districts or other governmental entities within the County, the Board may, as a condition of special use permit approval, require that the developer take steps to mitigate this impact by payment of impact fees or provision of in-kind contributions as provided by this Code.

5.3 REVIEW REQUIREMENTS:

The following regulations shall apply to special uses allowed by permit only, as indicated.

A. All special uses allowed in the various zones under Section 3 of this Code, shall be subject to the following provisions:

(1) Proof that such use does not create undue danger in surrounding areas, does not cause water pollution and does not create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property on which such use is located.

(2) At the discretion of the County Commissioners, a written plan

may be required indicating methods to be used to minimize smoke, odors, dust and similar environmental problems, which might result from the operation of the proposed use.

(3) Evidence that adequate access, potable water and sewage disposal is available.

(4) The special uses shall be subject to the provisions of the Visual Impact Regulations found in Section 9 of this Code.

(5) The requested use will not unduly impact wildlife.

(6) Evidence that the use shall not alter, restrict, inhibit or interfere with historic irrigation practices, headgates, ditches and ditch right-of-way.

(7) Evidence that the use is not located within any area subject to geohazards, including, but not limited to rockfall areas, avalanches, landslide, potentially unstable slopes, slopes greater than 30 percent, alluvial fans, talus slopes, Mancos shale, faults, expansive soils or ground subsidence. If the proposed use is located within areas subject to the effects of geological hazards, evidence shall be presented by the applicant that such hazards have been avoided. If avoidance is not possible, evidence shall be provided that hazards have been mitigated. The County may require qualified professional geologic or engineering certification that the proposed land use can be located or developed in a safe manner.

(8) Evidence that the property has no chemical contamination. If the property is chemically contaminated, a mitigation plan must be presented that would satisfactory resolve the chemical contamination.

(9) The request is consistent and compatible with the community character and surrounding land uses within the area for which the request is being proposed.

~~(10)~~ The request would not have a material adverse effect on the surrounding area.

~~(11)~~ At the discretion of the County, periodic review may be required.

~~(12)~~ The use will not create impacts on existing infrastructure beyond what would be created by a use by right.

B. Sand and gravel, **oil and gas,** commercial logging, mineral operations and mineral extraction and processing operations, **if allowed**, shall be subject to the

following conditions:

(1) All applicable state and federal permits have been obtained or will be obtained before commencement of the proposed use.

(2) Permits shall be granted for the uses listed above only if the applicant/operator is in full compliance with all rehabilitation and reclamation requirements. The permit may be withdrawn if, at any time, applicant is in non-compliance. Where no state or federal agency requires a rehabilitation or reclamation plan, the County may do so. Said plan shall depict, in writing and graphically, the proposed methods for restoring any disturbed areas, to include the extent and type of revegetation proposed. In addition, in the case of a proposed commercial logging operation, the County may require the Applicant/Operator to submit a site-specific forest management plan which shall address such matters as the size of trees to be taken, the locations of the proposed operation, time of year of the operation, clean-up, reforestoration and related items. The County, in its discretion, with concurrence with the Applicant, may obtain independent review of the site-specific forest management plan, with the costs of such review being borne by the Applicant/Operator.

(3) Truck traffic to and from such uses shall not create undue hazards or nuisance to areas elsewhere in the County, nor shall it unduly damage public roads. **If it is found that hazards, nuisances or damage to public roads will occur from the proposed use, a mitigation plan shall be submitted.**

(4) If the County Commissioners shall determine, on the basis of information submitted and available to them, that a proposed operation will have an impact on, or will necessitate improvements to facilities or services provided by the County, the school districts or other governmental entities within the County, the Board may, as a condition of special use permit approval, require that the developer take steps to mitigate this impact by payment of impact fees or provision of in-kind contributions. The amount or nature of such requirement shall be ascertained by the extent of the impact and will be calculated to cause the facility or service impacted to provide at least as high a level of service after full development of the special use as existed at the time the special use was approved. If impact fees are paid, the amount of such fees shall be used or set aside for the purpose for which it was paid.

C. As allowed within specific zones cemeteries, schools, bed and breakfast operations, churches, commercial equestrian activities, commercial outdoor recreation, livery or horse rental operations, commercial uses, commercial camping, and guest ranches shall be subject to the following provisions:

(1) In the case of cemeteries and schools, such proposed uses shall serve an obvious public need.

(2) Sufficient distance shall separate such uses from abutting properties, which might otherwise be damaged or diminished in value due to the operation of the proposed use.

(3) Satisfactory proof shall be given that such uses will be properly maintained.

(4) Truck and automobile traffic to and from such uses shall not create hazards or nuisance to areas elsewhere in the County.

(5) Sufficient off-street parking, as required in Section 7.2(M) of this Code shall be provided to accommodate the expected volume of users of the proposed facilities. Bed and breakfast operations shall provide parking to the same extent required for hotels and motels under this Code.

(6) For Guest Ranches:

(a) Hours and months of operation.

(b) Traffic impacts, such as noise and dust, and any abatement measures necessary to mitigate impacts from traffic.

(c) Ancillary facilities, such as trails, and proof of permission to use off-site facilities, if necessary.

(d) Maximum numbers of guests on the site at any time.

(e) Portion of the site to be used for operations.

(f) Signs

(g) Any other nuisance abatement measures identified by the County.

(h) If any portion of the land included in the application is leased to the applicant, the applicant shall supply a copy of the lease.

(i) If the operator is to be someone other than the owner of the land or the applicant, he or she shall be identified as part of the application.

5.4 PUBLIC NOTICE AND HEARING:

Before granting a special use permit, the Board of County Commissioners may hold a

public hearing, or direct that the Planning Commission hold a public hearing **or the Joint Planning Board may hold a public hearing** on the matter. **If a public hearing is required,** notice of such hearing shall be published at the expense of the applicant, in a newspaper of general circulation within Ouray County at least **fifteen (15)** days prior to the hearing date. In addition, written notice of the hearing shall be mailed at least **fifteen (15)** days prior to the hearing date to the applicant. The County Commissioners **shall** also require that the applicant give notice to the owners of properties adjacent to the property in question at least **fifteen (15)** days prior to the hearing and, in that case, shall require the applicant to provide proof that the notice was given.

5.5 FEES FOR SPECIAL USE APPLICATIONS:

Application fees for special use permits will be in accordance with the County's current fee schedule.

Exhibit "D"

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.

Exhibit E

BYLAWS
OF
THE RIDGWAY AREA JOINT PLANNING BOARD

PREAMBLE

The Ridgway Area Joint Planning Board has the authority and responsibilities as defined by the Ouray County Land Use Code. These Bylaws are for the purpose of creating an organizational framework for the Joint Planning Board and should not be construed as diminishing or increasing the authority or the responsibilities as specified within the Land Use Code.

SECTION I
MEMBERSHIP

A. The Ridgway Area Joint Planning Board shall consist of a total of eight (8) members. Membership shall include the five (5) members and one (1) associate member of the Ouray County Planning Commission and three (3) members and one (1) associate member selected by the Ridgway Town Council and appointed by the Board of County Commissioners. Each of the members of the Ridgway Area Joint Planning Board shall be a resident of the County.

B. The term of appointed members of the Planning Board shall be three (3) years and until their respective successors have been appointed and the terms of the office shall be staggered.

C. Associate members may take the place of a regular member in the event any regular member is temporarily unable to act owing to absence from the County, illness, interest in any matter before the Planning Board, or any other cause, his/her place may be taken during such temporary disability by an associate member. The associate member appointed to the Ouray County Planning Commission may only take the place of one of the five Planning Commission members and the associate member appointed from the Town of Ridgway may only take the place of one of the three Town members

D. Any member may resign from the Ridgway Area Joint Planning Board by giving written notice of such resignation to the Chairperson of the Board of County Commissioners and, in the event of such resignation or other vacancy on the Ridgway Area Joint Planning Board, the Board of County Commissioners shall appoint a replacement to serve for the remaining term of the member leaving the Planning Board.

SECTION II
OFFICERS

A. The office of the Chairperson shall be held by the Chairperson of the Ouray County Planning Commission and the office of the Vice Chairperson shall be held by the Vice Chairperson of the Ouray County Planning Commission. Such other officers

and assistant officers as may be deemed necessary may be appointed by the Ridgway Area Joint Planning Board. No person may hold more than one office at the same time.

B. The Chairperson shall preside at all meetings of the Ridgway Area Joint Planning Board and shall be the chief executive officer, performing such duties as are usually associated with such position.

C. The Vice Chairperson shall serve in the absence or incapacity of the Chairperson.

D. In the absence of the Vice Chairperson the senior member shall preside at the meeting.

SECTION III
MEETINGS

A. When an application for development as defined in the Ouray County Land Use Code warrants the need for the Joint Planning Board to meet the meeting shall be held on the third Tuesday of each month at 7:00 p.m. at the Ouray County Land Use Office. The Ridgway Area Joint Planning Board may, by majority vote at any meeting, alter the date, time and/or place of the next subsequent regular meeting.

B. Special meetings may be held at any time upon call of the Ridgway Area Joint Planning Board Chairperson. In the event of such a special meeting, notice of the place, time and purpose of the meeting shall be given to the members of the Ridgway Area Joint Planning Board and posted at the Ouray County Courthouse at least twenty-four (24) hours before the meeting. Notice of special meeting need not be given, individually, to the Ridgway Area Joint Planning Board members or posted at the Courthouse if said special meeting is announced at a regular meeting of the Ridgway Area Joint Planning Board.

C. A quorum shall consist of five (5) voting members of the Ridgway Area Joint Planning Board. The quorum shall be made up of three (3) members or two (2) members and one (1) associate member of the Ouray County Planning Commission and two (2) members or one (1) member and one (1) associate member from the Town of Ridgway.

D. The business of the Joint Planning Board shall be conducted in accordance with the Colorado Open Meetings Law. (C.R.S., Section 24-6-401, et seq.) Any meeting may be continued from time to time to a specific day upon motion duly made and carried and no notice of the continuance need be given except by announcement at the meeting.

E. On question of parliamentary procedure not covered by these bylaws, the most recent available edition of Roberts's Rules of Order shall govern. The order of business at all meetings shall be as follows:

1. Approval of minutes from prior meetings.

2. Administrative items/review of agenda.
3. Disposition of unfinished business.
4. Presentation and disposition of new business.
5. Adjournment.

The order of business may be modified upon the majority vote of members of the Ridgway Area Joint Planning Board.

F. Members of the Ridgway Area Joint Planning Board must be present in person to vote.

SECTION IV
RIDGWAY AREA JOINT PLANNING BOARD PROCEDURES

A. All applications and other matters requiring Ridgway Area Joint Planning Board approval or recommendation shall follow the procedure that is outlined in the Ouray County Land Use Code.

B. No matter shall be placed on the agenda of a regular meeting of the Ridgway Area Joint Planning Board unless it has been submitted in accordance with the Ouray County Land Use Code, together with all required fees, at least forty-five (45) days prior to the regular meeting. This time period may be waived by majority vote of the Ridgway Area Joint Planning Board at the meeting.

C. The County Land Use Department shall, as expeditiously as possible, after receipt of an application and the required fees, make submissions, as required by law or regulation, the other agencies and governmental entities.

D. The Ridgway Area Joint Planning Board shall take substantive action on any matter officially submitted to it within the time period specified by state law, regulation or resolution of the Board of County Commissioners.

E. Unless otherwise specified by law, regulation or resolution of the Board of County Commissioners, "official submission" shall be deemed to have occurred when:

1. All necessary forms, information, plats and fees have been submitted, and

2. All required submissions have been made to state agencies and other governmental entities and reports have been received back or required waiting periods have elapsed, and

3. All required notices have been published and hearings held in accordance with the applicable regulations.

F. The report or action of the Ridgway Area Joint Planning Board shall be in the form of a written resolution transmitted to the Board of County Commissioners.

SECTION V
VOTING

A. All actions of the Ridgway Area Joint Planning Board shall be made by motion.

B. Voting shall be by a show of hands unless a roll call is requested and the Secretary shall keep or cause to be kept, a record of the vote and the absence of any member.

C. Tie Vote

1. A tie vote on any motion means the defeat of the motion for a lack of a majority vote.

2. When a tie vote occurs and no other motion is passed on the item, the item shall be forwarded to the Board of County Commissioners with a report of the tie vote. In addition to the report of the tie vote, supporting and objecting opinions shall be submitted to the Board.

SECTION VI
AMENDMENTS

These bylaws may be altered, amended or repealed and new bylaws may be adopted by the Ridgway Area Joint Planning Board at any special meeting called for that purpose or at any regular meeting where the matter has been duly placed on the agenda. No such amendment shall be effective until the same has been approved by the Board of County Commissioners.

SECTION VII
ADOPTION

These bylaws were passed and adopted by the Ouray County Ridgway Area Joint Planning Board at a regular meeting of the members at the Ouray County Land Use Office in Ridgway, Colorado, on the 08 day of October, 2002.

By: _____
Chairperson Ridgway Area Joint Planning Board

Approved and ratified by the Board of County Commissioners of Ouray County, Colorado, at a regular meeting of the Board on the 26th day of August, 2002.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

By: _____
County Clerk

By: _____
Chairperson