

RESOLUTION NO. 2012-029

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
TO APPROVE A SPECIAL USE PERMIT FOR THE
COMMERCIAL USE – EAGLE’S WINGS WELLNESS CENTER**

WHEREAS, Ron Ringo Jr. has filed an application for a Special Use Permit to allow the operation of a Commercial Use – Wellness Center in an existing building located at 117 Ponderosa Drive, Ridgway, Colorado; and

WHEREAS, Land Use Staff attested that the subject lot (Fairway Pines Estates, Filing 1, Lot 104) was legally platted with the designation of *commercial* clearly show on the plat dated July 7, 1992 and recorded under Reception No. 151311; and

WHEREAS, *Commercial Uses (as allowed in approved planned unit developments)* is a use allowed by Special Use Permit in the South Mesa Zone as specified in Section 3.4F(2)(C) of the Ouray County Land Use Code; and

WHEREAS, the Ouray County Planning Commission reviewed and considered the subject application at its regular meeting (hearing) on August 21, 2012; and

WHEREAS, the Planning Commission hearing was properly noticed in the *Ouray County Plaindealer* on August 2, 2012; and

WHEREAS, public comment was taken during the proceedings, and at the conclusion of the hearing the Planning Commission voted unanimously to forward the application to the Board of County Commissioners with a recommendation of approval; and

WHEREAS, as required by Section 5.4C of the Ouray County Land Use Code, notification to neighboring property owners was mailed and notice of the pending Special Use Permit application was posted at the subject location; and

WHEREAS, the Board of County Commissioners conducted a public hearing to review the subject application at it regularly scheduled and properly noticed meeting on September 25, 2012; and

WHEREAS, the Board heard statements from Staff and the Applicant and received written comments in support of the application; and

WHEREAS, the Board reviewed the application and supporting materials and made the determination that the proposal for a Special Use Permit to operate a *Commercial Use – Wellness Center* in an existing structure located at 117 Ponderosa Drive, Ridgway, Colorado, complies with Section 5 of the Ouray County Land Use Code.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Ouray County, Colorado, approves the subject application for a Special Use Permit with the following conditions:

1. Prior to the issuance of the Special Use Permit, the County Building Inspector shall conduct a final inspection of the building (including issuing any necessary septic permits) and issue a new Certificate of Occupancy that removes all of the deficiencies listed in, and formally rescinds, the 2008 Notice and Order and/or the 2009 Notice and Order.
2. The property and associated structure shall be properly maintained, including but not necessarily limited to all garbage/refuse stored in proper containers, no outdoor accumulation of rubbish or building materials, picking up of debris,

irrigation, mowing and weed management, staining/painting as needed, ice melting and snow removal.

3. The Special Use Permit if approved is subject to biennial review by the Land Use Department.

APPROVED AND ADOPTED THIS 2nd DAY OF OCTOBER, 2012.

Voting for: Commissioners Fedel, Padgett and Willits
Voting against: None

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



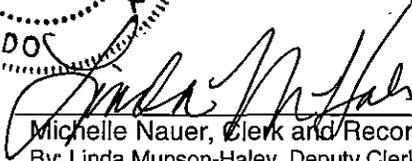
F. Mike Fedel, Chair



Lynn M. Padgett, Vice-Chair



Patrick Willits, Commissioner



Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board