

RESOLUTION No. 2012-041

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

Re: Repeal and Rescission of Sections 11, 12, 13, and 14 of the Ouray County Land Use Code

WHEREAS, Title 24, Article 65.1, Part 101, *et seq.* titled "Colorado Land Use Act", of the Colorado Revised Statutes provides for certain local government regulation; and

WHEREAS, the powers contained in Title 24, Article 65.1, Part 101, *et seq.* are commonly referred to as "1041 powers"; and

WHEREAS, the Ouray County Land Use Code contains five sections that were added in an attempt to adopt certain 1041 powers as follows: Section 10 – "Flood Hazard Regulations", Section 11 – "Mineral Resource Regulations", Section 12 – "Geologic Hazard Area Regulations", Section 13 – "Wildlife Habitat Regulations", and Section 14 – "Solid Waste Site Regulations"; and

WHEREAS, the County has received legal advice from multiple attorneys representing the County that although Section 10 was properly adopted, Sections 11, 12 and 13 were not properly adopted as they lacked designations, information, guidelines, and permitting processes; and

WHEREAS, Section 14 creates an apparent conflict in the Ouray County Land Use Code, as County zoning does not provide for the use of a *solid waste disposal site*; and

WHEREAS, the Board of County Commissioners revised the Land Use priorities per Resolution No. 2012-028, and listed "Consideration of Sections 11, 12, 13 and 14 for rescission due to their current lack of validity"; and

WHEREAS, the issue of ineffective and conflicting Land Use Code sections (11, 12, 13, 14) was considered by the Planning Commission after proper notice and public hearing, and recommendations were provided to and considered by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners reviewed recommendations from Staff and the County Attorney in a properly noticed Public Hearing on December 4, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

- Sections 11, 12, 13, and 14 of the Ouray County Land Use Code are hereby rescinded and repealed effective upon the date of adoption of this Resolution.

APPROVED AND ADOPTED THIS 11th DAY OF DECEMBER 2012.

Voting for: ~~Commissioners Fedel, Padgett and Willits~~

Voting against: None



Michelle Nauer

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

BOARD OF COUNTY COMMISSIONERS
 OF OURAY COUNTY, COLORADO

~~ABSENT~~

 F. Mike Fedel, Chair

Lynn M. Padgett

 Lynn M. Padgett, Vice-Chair

Patrick Willits

 Patrick Willits, Commissioner