

RESOLUTION NO. 2014- 21
BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO, APPROVING DOWN RIVER MINOR
SUBDIVISION 14-02, IN RIO BLANCO COUNTY, COLORADO**

WHEREAS, JSC, Inc., representing John Wix (“Applicant”) is requesting approval of the Down River Minor Subdivision 14-2 authorizing the division of 44.82 acres parcel into three (3) lots located at the junction of County Road 129 and County Road 66, in Sections 25 and 26, T1N, R96W, 6th P.M., in Rio Blanco County; and

WHEREAS, the Applicant is also requesting a variance from the Open Space requirement; and

WHEREAS, the Rio Blanco County Planning Commission conducted a public hearing on the Application on June 26, 2014 where it was continued to July 10, 2014 upon notice duly given and

WHEREAS, the Planning Commission, at the July 10, 2014 meeting, voted 5 for / 1 against to recommend to the Board of County Commissioners of Rio Blanco County, Colorado (Board) approval of the Minor Subdivision subject to all mitigation measures described in the February 19, 2014 Application and one condition;

WHEREAS, the Board has reviewed applicable Colorado Statutes, the Rio Blanco County Master Plan, the Rio Blanco County Land Use Resolution (LUR), the materials submitted by JSC, Inc., representing John Wix, the materials submitted by members of the public at the hearing, the Planning Commission recommendations, and upon notice duly given conducted its own hearings on the Application in Meeker, Colorado on July 28, 2014;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY, COLORADO FINDS AS FOLLOWS:

- A. The application is complete;
- B. The public hearing before the Board of County Commissioners was extensive and complete, pertinent facts, matters, and issues were submitted, and any interested parties were given an opportunity to be heard at the hearing;
- C. The property is appropriately zoned;
- D. The record is complete;
- E. The proposed Minor Subdivision is in the best interests of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of Rio Blanco County.

THEREFORE, BE IT RESOLVED THE BOARD OF COUNTY COMMISSIONERS OF RIO BLANCO COUNTY:

- A. The Down River Minor Subdivision 14-2, is hereby approved, subject to all mitigation measures described in the February 19, 2014 Application and the following condition:
1. Herbicides used in wetland areas must carry an aquatic label. Herbicides such as Milestone, as listed in the weed plan are safe to use up to the water's edge and in seasonally flooded areas once they have dried up.

B. If any section, subsection, sentence, clause, phrase or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners of Rio Blanco County, Colorado declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion herein, despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

C. Approval of this minor subdivision constitutes approval of a site specific development plan which establishes a vested property right, as provided by CRS 24-68-101 et.seq.. This vested right is valid for a period of 3 years from the date of publication of this approval. The Planning Department of Rio Blanco County, Colorado, will publish notice of this approval and vested right in the Meeker Herald as soon as possible.

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF 3 FOR AND 0 AGAINST, THIS 28th DAY OF JULY 2014.

THE BOARD OF COUNTY
COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:

Boots M. Campbell
Nancy R. Amick
Deputy Clerk to the Board
Boots M. Campbell

By: *Jon D. Hill*
Jon D. Hill, Chairman

[Signature]
Jeffrey D. Eskelson, Commissioner

[Signature]
Shawn J. Bolton, Commissioner

