

RESOLUTION NO. 2015- 43
BOARD OF COUNTY COMMISSIONERS
OF RIO BLANCO COUNTY, COLORADO

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF RIO
BLANCO COUNTY, COLORADO, APPROVING THE AVERY REZONING
PRZ-0003-15 IN RIO BLANCO COUNTY, COLORADO**

WHEREAS, John and Michelle Wix and Brett J. and Natalie D. Harvey ("Applicants") are requesting approval to rezone property located on CR 115 from Agriculture to Rural Residential; and

WHEREAS, the property is located on County Road 115 Meeker Colorado in Section 5, Township 1 South, 91 West, of the 6th Principal Meridian, specifically PIN # 161905100028 (Property); and

WHEREAS, the Applicants are proposing to rezone the Property from Agriculture to Rural Residential to be consistent with the surrounding zoning and be in compliance with the Rio Blanco County Land Use Resolution; and

WHEREAS, the Planning Commission, at the November 19, 2015, 2015 hearing, voted 5 for/0 against to recommend to the Board of County Commissioners of Rio Blanco County, Colorado ("Board") approval of the Avery Rezoning PRZ-0003-15; and

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 Applicants, the materials submitted by members of the public at the hearing, the Planning Commission recommendations, and upon notice duly given conducted its own hearing on the Application in Meeker, Colorado on December 14, 2015;

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 record is complete;
- D. The proposed rezone 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 by the Board of County Commissioners of Rio Blanco County, Colorado:

- A. The Avery Rezone PRZ-0003-15, is hereby approved.
- 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 rezone 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 2 FOR AND 0 AGAINST, THIS 14th DAY OF DECEMBER, 2015.

THE BOARD OF COUNTY
COMMISSIONERS OF
RIO BLANCO COUNTY, COLORADO

ATTEST:


Boots Campbell
Clerk to the Board


Jeffrey D. Eskelson, Chairman

Shawn J. Bolton, Commissioner


Jon D. Hill, Commissioner

