

**Ordinance NO. 2008-4**  
**TOWN OF OPHIR**

**ZONING THE FERRIC OXIDE PLACER OPEN SPACE**

**WHEREAS**, the Town of Ophir purchased the Ferric Oxide Placer Mining Claim, MS #1661, located in the Iron Springs Mining District, San Miguel County, Colorado ("Ferric Oxide Placer"); and

**WHEREAS**, the General Assembly of the Town of Ophir annexed the Ferric Oxide Placer on July 15, 2008, by adopting Ordinance No. 2008-2 ANNEXING THE FERRIC OXIDE PLACER; and

**WHEREAS**, Colorado Revised Statute §31-12-115 provides that annexing municipalities may institute zoning procedures after a petition for annexation has been found to be valid and that any area annexed into a municipality shall be brought under the zoning regulations of the Ophir Land Use Code within ninety days of the effective date of the annexation ordinance; and

**WHEREAS**, Town Staff initiated an application for zoning of the Ferric Oxide Placer and submitted such application to the Town of Ophir; and

**WHEREAS**, the Town Clerk referred the application for zoning of the Ferric Oxide Placer to the Planning Commission; and

**WHEREAS**, notice of public hearings by the Planning Commission and the General Assembly was duly noticed by mailing to all property owners within 200 feet of the Ferric Oxide Placer and to all members of the General Assembly at least 20 days prior to the date of the public hearings and was published in the Telluride Daily Planet at least ten days prior to the date of the public hearings; and

**WHEREAS**, the Planning Commission conducted a public hearing on September 9, 2008, and considered all comments prior to providing a recommendation to the General Assembly; and

**WHEREAS**, the General Assembly conducted a public hearing on September 16, 2008, and considered all comments prior to considering adoption of this ordinance; and

**WHEREAS**, the General Assembly finds that including the Ferric Oxide Placer in the Open Space Zone District is in compliance with the Town of Ophir Master Plan, is compatible with surrounding uses, and will promote the health, safety and general welfare of the Ophir community; and

**WHEREAS**, approval of this Ordinance on first reading is intended only to confirm that the General Assembly desires to comply with state law and the Ophir Land Use Code by setting a public hearing in order to provide the public an opportunity to present testimony and evidence regarding the application and that approval of this Ordinance on first reading does not constitute

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a representation that the General Assembly, or any member of the General Assembly, supports, approves, rejects, or denies the proposed zoning;

**NOW, THEREFORE, THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR HEREBY ORDAINS:**

**Section 1. Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the General Assembly.

**Section 2. Zone District Designation.** The General Assembly hereby approves and designates the zoning of the Ferric Oxide Placer as the Open Space Zone District as described in the Ophir Land Use Code, as may be amended.

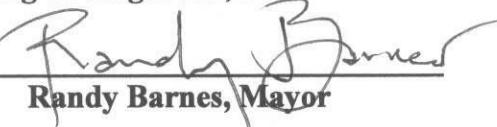
**Section 3. Official Zoning Map Amended.** The General Assembly further approves an amendment to the Official Zoning Map of the Town of Ophir to include the Ferric Oxide Placer and designation that the Ferric Oxide Placer is included in the Open Space Zone District.

**Section 4. Mayor and Town Clerk Authorization.** The Mayor and Town Clerk are hereby authorized to execute and sign a revised Official Zoning Map of the Town of Ophir and take such other actions as may be necessary or implied to implement the provisions of this Ordinance.

**Section 5. Publication.** The Town Clerk is hereby ordered to publish notice of adoption of this ordinance which notice shall contain the title and a brief description, its effective date, a penalty clause if any, and a statement that copies of the ordinance are available for inspection with the Town Clerk.

**Section 6. Effective Date.** This Ordinance shall take effect thirty dates after publication of notice of final adoption in accordance C.R.S. §31-16-105.

**Introduced and Adopted on First Reading on August 19, 2008, and referred to a public hearing on August 19, 2008.**

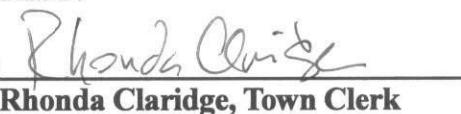
By:   
**Randy Barnes, Mayor**

I hereby certify that the above Ordinance was introduced to the General Assembly of the Town of Ophir at its meeting of August 19, 2008, and that notice of a public hearing for final reading and adoption was published one time by *The Telluride Daily Planet* newspaper on

8/18/2008

**SEAL**

**ATTEST:**

By:   
**Rhonda Claridge, Town Clerk**