

The Board of County Commissioners met in regular session on March 15, 2016. Those present for the session were Lynn Padgett, Chair, Ben Tisdell, Vice-Chair; Don Batchelder, Member; Connie Hunt, County Administrator; Marti Whitmore, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board.

- **Note – This meeting was recorded for reference purposes.**

**A. 9:00 Call to the Public:**

*The "Call to the Public" agenda item is a time when the public may bring forth items of interest or concern. No formal action may be taken on these items during this time due to the open meeting law provision; however, they may be placed on a future posted agenda if action is required.*

The Board observed a moment of silence for Sgt. Scott Mills, City of Ouray Police Officer.

**Gerard and Turk Mining Claims**

Pat Willits updated the Board regarding the County-owned Gerard and Turk mining claims. He said that he had originally thought the management plan only needed small updates; however, after a more thorough review, he thought it might need an overall update. He was in the process of discussing revisions with Whitmore. Willits said that there might have been some discrepancies regarding mine openings that needed to be investigated further. He expected the revisions to be available for review in the next few weeks.

Willits asked the Board if they would be willing to take on additional properties, if there was a donor willing to purchase the claims. He said that Ouray County Historical Society (OCHS) was discussing the possibility of entering into a management plan with the County for the properties, if the County would be willing to take ownership of the properties.

The Board commended Willits on his work on the topic and said they would be willing to consider the additional claims.

**Log Hill Mesa Public Improvement District (PID) Update**

Dick Kreutzen, representing the Citizen's Action Committee (CAC) and the PID group, provided an update regarding the PID progress. He said signs had been put up on either ends of County Road 1 informing residents about the initiative and directing them to their website. The group was in the final review stages of the petition, and expected it to be ready for signatures by the end of the month. Kreutzen said the project was gaining support, but there were still residents that were concerned about the effects of the project. Kreutzen said that residents were concerned about the continuing maintenance portion, and who would be responsible for paying and performing maintenance after the project was completed.

Pete Whiskeman, also of the CAC and the PID group, said that there was a maintenance piece in the plan, and assuaging residents' concerns came down to effectively communicating the plan.

**Bible Camp Road**

Britt Hay and Joanna Ciprian, Bible Camp Road residents, were present ask about the designation of Bible Camp Road. Hay wanted to know if it was a County Road, or if it was a private road. He cited numerous issues with speeders, and vandalism of posted no trespassing signs. Hay said that the road lead into a canyon that was virtually impassable in the winter. He said that the road was originally created for emergency access for the Horsefly Mesa Fire Department, but had turned into a publicly used roadway.

Whitmore said that she would be happy to meet with Hay and Ciprian regarding the issue. She would need to clarify what the actual location of the road was before being able to determine if it was a County Road. She stated that all County Roads were public roads, but not all public roads were County Roads.

Commissioner Padgett stated that after Hay's meeting with Whitmore, the next steps would be clearer.

**Hemp Farming in Ouray County**

Greg Nisco, identifying himself as a hemp farmer, was present to urge the Board to establish hemp farming regulations in the County. He said that hemp farming operations could be detrimental to marijuana cultivation facilities, if not properly regulated.

Commissioner Batchelder asked Whitmore to review other counties regulations and impacts. Commissioner Padgett agreed and requested that it be added to the work session priority list for determination of priority in June.

**B. 9:54 Road and Bridge Reports:**

**1. Road and Bridge Report:**

Chris Miller, Road and Bridge Superintendent, was not present, but the Board reviewed the reports and were pleased with the new format of the reports.

**C. 10:03 The Board convened as the Board of Social Services to consider the following items:**

Carol Friedrich, Social Services Director, was present.

**1. Child Welfare Statewide Hotline Update:**

Friedrich explained that a statewide child abuse and neglect reporting hotline had been implemented in January 2015. Friedrich said that in 2014, before the hotline was implemented, Ouray County received fewer than fifty calls reporting suspected child abuse and neglect. In 2015, 146 calls were received. Friedrich pointed out that not all calls received on the hotline were specific to child welfare, as there were test calls, and misdirected calls. She explained that, per statute, counties receiving more than fifty calls were required to set up a Child Protection Team in order to help review assessments and assist with resources. Friedrich thought it was a good resource to establish in Ouray County.

**2. Hunger Free Colorado Efforts:**

Friedrich reported that Ouray County Social Services ranked number one in the State for determining if a family was in need for food assistance. She said that Ouray County also scored well regarding outreach for eligibility programs, around 45%. In comparison, the State average was 51%. She said the Social Service department endeavored to streamline eligibility applications in order to make applying for assistance simpler.

Commissioner Tisdell asked if statistics in San Miguel County were similar. Friedrich said that they were, but had a lower percentage of eligible people enrolled in food assistance programs.

**3. CCI/CHDSA Relationship:**

Friedrich wanted to check-in with the Board regarding her performance as the Board's proxy on health and human services related CCI committees and boards. She had become aware of some issues regarding other Social Services directors and CCI members. The Board reassured Friedrich that she had been performing well as their proxy.

**D. 10:23 The Board of County Commissioners convened as the Local Licensing Authority to consider the following item:**

- 1. Request: Request for approval of a 2016 Marijuana Cultivation License**  
**Applicant: Mathew Boisen representing Colorado Cultivators, LLC**  
**Location: 626 Sage Road**

Bryan Sampson, Associate Planner, was present.

Matt Boisen, representing Colorado Cultivators, LLC, said that he and his partner, Kevin Pankey, had both operated businesses on the Western Slope and were excited to have a business in Ouray County.

Commissioner Padgett asked how the property would be accessed. Boisen replied that they would access the property through County Road 22.

Sampson presented the staff report. He said that staff was recommending approval of the application with thirty conditions.

Commissioner Padgett asked if Condition 27 could include the word "ownership." The Board agreed to amend the condition to read "*The property ownership shall be transferred to the Applicant prior to any marijuana cultivation activity.*"

Commissioner Padgett asked if the applicant intended to have an employee at the facility 24 hours a day. Boisen responded that it wasn't currently in the plans, but it wasn't a bad idea for the future. He explained that it would be a typical Monday through Friday operation.

Mike Hockersmith, the applicant's attorney, wanted to ensure that condition 22 wouldn't prohibit the applicant from coming back for an amendment for additional phases or changes to the facility. Commissioner Padgett felt that the condition was written in such a manner that it did not prohibit the applicant from coming back to apply for changes.

Commissioner Padgett asked for public comment.

Tom McIntosh, who also submitted written comments to the Board, stated that he lived across from the proposed facility. He said that other neighbors who lived directly adjacent to the property were concerned about the operation taking place in a residential neighborhood. McIntosh pointed out that the property was thirty minutes away from Ridgway, and fifteen minutes away from Colona, and that response times from EMS or the Sheriff's Office could take some time; he said that the residents who chose to live in that area accepted those response times, but it was concerning that a significant commercial venture would be that far away from emergency response. McIntosh said that the impacts to the road were one of the more significant concerns he and his neighbors had. He said that the north portion of Sage Road was very narrow; he wondered what impact an additional fourteen ADTs would have on the road. McIntosh distributed photos of the road to the Board. He said it would be nearly impossible to widen the road or create turn outs due to constraints related to utilities and easements. McIntosh added that he was concerned about the potential visual impact of the facility, and the effect on property taxes and resale value. He said that the scope of the project had changed and was wary that the operation would expand into something much larger.

Commissioner Padgett addressed the average daily vehicle trips concern. She said fourteen was used the condition as that would be the impact of a typical residence with an accessory dwelling unit. She said the applicant stipulated that there would be an ADT of eight. Commissioner Batchelder said that he thought he could craft a motion that would address the concern without needing to amend the condition.

Commissioner Tisdell asked about the reflectivity of the building's exterior. Sampson said the exterior of the buildings would be hard-sided metal, with blending colors, and that the greenhouse tops would be translucent polycarbonate. Boisen agreed, and distributed a sample of the greenhouse material. He said it was a 100% light diffused product, so reflectivity wouldn't be an issue.

Scott Butler, representing area resident Dr. James Harrell, said that Dr. Harrell purchased his property thirty years ago with the idea that it was isolated enough to keep the wildlife population thriving. Butler said that Dr. Harrell was not interested in widening the road. Butler said that constructing a marijuana cultivation facility in the area was paramount to constructing a large grocery store. He thought that the proposed facility had serious impacts on the residents that had lived there for a long time.

Linda McIntosh reiterated that it was a residential area and that she was concerned about security. She wanted a guarantee that things would not change. In addition she was worried about the increase in traffic.

Commissioner Batchelder reminded the audience that the property had an agricultural classification and that it was a use-by-right. The one issue raised that could be addressed by the Board was security; however, the applicant had already demonstrated that they had met the County and State requirements for security.

Commissioner Padgett said that she felt confident that there was glare protection and that the application adhered to the provisions of the County ordinance. Commissioner Tisdell agreed, and added that there was a complaint mechanism if area residents had a legitimate concern.

**M/S/P – Motion was made by Commissioner Batchelder to approve Colorado Cultivators, LLC application for a marijuana cultivation facility license with the thirty conditions proposed by staff, with a minor addition to Condition 27, as premised on the application and staff report being a part of the license approval process: any case where the restrictions in the application are more restrictive than the most restrictive conditions apply, with the understanding that during construction there may be more ADTs than stated in the application.**

*Commissioner Padgett added that the Board understood the concerns regarding use of domestic water, but there was no basis in the Ordinance to allow the Board to deny the application on that basis; however, if there was a legitimate security issue, the license would be called into question.*

*Commissioner Tisdell seconded the motion. With no further discussion, the motion carried unanimously.*

**11:13 The Board took a short break:**

- E. 11:19 Scott Armentrout, Forest Supervisor, United States Forest Service (USFS):**
- 1. SBEADMR Update:**
  - 2. Re-Draft of the Forest Plan Status Update:**

*Scott Armentrout, USFS Forest Supervisor, and Tammy Randall-Parker, Ouray District Ranger, were present.*

Armentrout provided an update on the ongoing SBEADMR project. Armentrout said that Ouray County was unique in the fact that there were few opportunities for commercial stand mitigation; as a result, a different environmental analysis and salvage plan would need to be implemented to perform mitigation for the majority of Ouray County. Large treatment areas were planned in the Owl Creek Pass area, as well as in San Miguel, Hinsdale and Mesa Counties.

Commissioner Padgett said that she had originally be concerned with the lack of treatment areas in Ouray County, but after reading the report, she understood that the terrain and location of the infestations in Ouray County made it virtually impossible to mitigate through traditional means.

Armentrout said that he felt good about the areas selected for treatment; he said it was important for the USFS to select areas that would have a good chance for success and prevention of future infestation.

Commissioner Padgett asked how likely it was for the USFS to treat areas that had above a 40% slope, a shallow bedrock and limited access in the future. Armentrout replied that it would be a site specific situation. He explained that treating those kinds of situations was extremely expensive and required partnerships with other entities.

Randall-Parker said that there were a few areas in Ouray County that had already been treated, through controlled burns and that it had been very successful. She was working on completing an additional NEPA analysis in order to remove some hazard trees in the City of Ouray, in addition to a few locations in Ouray County. She said that the hope was to use the Good Neighbor Authority in addition to some forest health funds to mitigate a recent substantial blowdown event in to Angel Creek Campground area. Armentrout said that Ouray County had not been impacted to the degree that other surrounding counties had been, but that the USFS would continue to monitor the forests.

Armentrout reported that the USFS was in a cycle to revise the Forest Plan using the 2012 Planning Rule. The update would include a variety of assessments and a public engagement process. He expected it to be a four year process. He asked the Board to think about how they wanted to be involved, and what they would like to see changed. Armentrout said that the document served as a long term planning document for the USFS, in the same way a Master Plan helped provide guidance for counties.

The Board thanked the USFS for initiating the SBEADMR process and agreed with the direction and processes of the Forest Health plan.

**F. 12:04 General Business:**

**1. Review and acceptance of Ouray County Public Trustee Report for February 2016:**

*M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to accept the Public Trustee Report for February 2016. The motion carried unanimously with no discussion.*

**2. Request for approval and authorization of Chair's signature on Assignment of Tax Lien Certificate of a County-held property to Ray Werner:**

*M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize Chair's signature on Assignment of Tax Lien Certificate to Ray Werner. The motion carried unanimously.*

**3. Request for approval of warrants:**

*M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve the warrants as presented. The motion carried with no discussion.*

**5. Request for approval and authorization of Chair's signature on Agreement for Medical Waste Disposal Services with MedPro Waste Disposal and on its Fiscal Impact Form:**

*Elisabeth Lawaczek, Public Health Director, was present.*

Commissioner Padgett asked why the County couldn't just use Montrose County to dispose of medical waste. Lawaczek explained that it was a transportation issue. She explained that the County's EMS department was licensed to transport medical waste and would simply transport the containers to Montrose Hospital and MedPro would pick them up from there. She explained that the current medical waste contractor had increased the price so much that it was prohibitive to continue with the current contract. Whitmore agreed and cautioned the Board that there was a risk involved as contract with the current vendor had not been terminated.

*M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve and authorize Chair's signature on Agreement for Medical Waste Disposal Services with MedPro Waste Disposal and on its Fiscal Impact Form. The motion carried unanimously.*

**6. Discussion and possible renewal of Resolution 2011-007 as Resolution 2016-009 supporting the San Juan Wilderness Bill:**

Commissioner Padgett explained that she had revised the resolution to address the Board's concerns, in addition to other updates. She said that there were three exhibits: the two previous renditions of the resolution, and an overlay map of the proposed expansion.

After a brief discussion, the Board agreed that the resolution encompassed the requested revisions.

*M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Batchelder to adopt Resolution 2016-009 supporting the San Juan Wilderness Bill. The motion carried unanimously.*

**7. Discussion and possible adoption of Resolution 2016-011 supporting an initiative combatting childhood poverty within Ouray County:**

Commissioner Batchelder asked that the second bullet in the "now therefore" section be revised to state: "the Board of County Commissioners, subject to budget constraints, intends..." The Board agreed. Further, Commissioner Batchelder requested that the last bullet be amended to read "housing, both rental and purchase..." The Board agreed.

*M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to adopt Resolution 2016-011 supporting an initiative combatting childhood poverty within Ouray County as amended. The motion carried unanimously.*

**8. Discussion and possible adoption of Resolution 2016-012 supporting changing federal policies and reinstating the rate tier for small net broadcasters:**

*M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to adopt Resolution 2016-012 supporting changing federal policies and reinstating the rate tier for small net broadcasters. The motion carried unanimously with no discussion.*

**9. Consideration of traffic mitigation options and costs on specific County Roads regarding the forthcoming Highway 62 project:**

**a. Request for adoption of Resolution 2016-013 regarding Traffic Restrictions on County Road 24:**

The Board briefly responded to questions from a member of the public regarding the public meeting held on the topic.

Craig Fetterolf, County resident, asked if the Board considered implementing a tonnage limit for County Road 24. The Board had not. Commissioner Padgett said that the Board was wary of making the regulations too restrictive. She added that the Ridgway Town Manager had provided updated information at the meeting regarding the traffic pattern in the Town of Ridgway that would relieve some of the

pressures that were originally perceived as being present. Commissioner Tisdel said that CDOT was expecting fifteen minutes delays at the maximum.

Commissioner Batchelder suggested a change to the resolution regarding speed limits; he proposed that the language be changed in number 4 of the "now therefore" section to :*"the speed limit on County Road 24 between County Road 1 and Highway 550 shall be 20 miles per hour..."* The Board agreed to the change.

The Board agreed to set the time limit to April 1, 2016 – December 1, 2016.

**M/S/P** – *Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to adopt Resolution 2016-013 regarding Traffic Restrictions on County Road 24, as amended. The motion carried unanimously.*

**4. Request for approval of the June 17, 2015 Public Hearing Minutes:**

**M/S/P** – *Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve the June 17, 2015 Public Hearing Minutes. The motion carried with no discussion.*

**10. Review and direction of upcoming public meeting regarding high-alpine development and neighboring county land use code regarding the same:**

Hunt said that she had emailed a simple draft agenda to use as a guide for a future public meeting. The Board agreed to title the public meeting "High Alpine Regulation, Development, and Management Discussion." Commissioner Padgett requested that San Miguel and San Juan Counties be invited to the meeting.

**11. Request for adoption of Resolution 2016-014 regarding County Roads and H.R. 4313 and R.S. 2477:**

Commissioner Padgett provided a history regarding H.R. 4313 and the resolution development. She said that her biggest concern with H.R. 4313 was the stipulation that counties would have to claim all public rights of way (ROW) within 25-30 years. She said that the time frame and cost would be nearly impossible for small counties to do. Commissioner Batchelder agreed and added that there was a provision in the bill that would require counties to record a licensed survey of all claimed public ROW. He said that the cost to do that for approximately 600 miles of county roads and trails would be impossible.

Whitmore proposed additional language to be added as section 2-F: *"The penalty of abandonment of a right-of-way for failure to record a centerline survey within ten years should be eliminated due to the potentially inordinate costs."* The Board agreed to the addition.

**M/S/P** – *Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to adopt Resolution 2016-014 regarding County Roads and H.R. 4313 and R.S. 2477, as amended. The motion carried unanimously.*

**G. 1:24 Commissioner/Administrative Reports:**

**Commissioner Tisdel** discussed the following:

- 1) **Gold Belt Trail** - Commissioner Tisdel reported that he had received photos of a barricaded area of trail on the Gold Belt Trail. He shared the photos with the Board. Commissioner Tisdel said that the trail was a public trail and was included on the County Road Map. He said that Resolution 2008-024 gave the Board the ability to remove the barricade if it was blocking a public right-of-way. The Board directed the GIS manager to follow up with the County Attorney to determine the actual location of the barricade before moving forward with next steps.
- 2) **Wright Opera House** - Commissioner Tisdel asked the Board if they would be supportive of signing a letter of support of the Wright Opera House fundraising and grant applications. The Board agreed to review it on a future agenda.

**Marti Whitmore, County Attorney**, had nothing to discuss.

**Connie Hunt, County Administrator**, discussed the following:

- 1) **Ouray County Historical Society (OCHS) Dumpster** – Hunt reported that OCHS had solicited additional quotes for a dumpster for a mine claim clean-up project and had received a quote for \$435. The Board agreed to pay for the fee, through the High County Recreation line item.
- 2) **Alpine Loop Group Spring Meeting** – Hunt said that the meeting was tentatively planned for April 10<sup>th</sup>. Topics of discussion included the OHV bill and the next round of trail grant applications if the OHV bill was to pass.

**Commissioner Padgett** discussed the following:

- 1) **Top of the Pines (TOP)** - Commissioner Padgett said that TOP board members would be reaching out to the County to request the water system be turned on for the season.
- 2) **Ridgway Area Trails (RAT) Ribbon Cutting** - Commissioner Padgett said that the ribbon cutting ceremony for new RAT trails would be held in June.
- 3) **BOCC Meeting Date Changes** - Commissioner Padgett requested that the April 26<sup>th</sup> BOCC meeting and corresponding work session be changed to April 19<sup>th</sup> and 20<sup>th</sup>. The Board agreed.

- 4) **Uncompahgre Watershed Partnership** - Commissioner Padgett said that County would be included on a sign recognizing partners at the Vernon Mine. County staff would provide the County logo for the sign.

Commissioner Batchelder discussed the following:

- 1) **Marijuana Cultivation Facility Applications** – Commissioner Batchelder suggested that the next iteration of the Marijuana Ordinance include a provision regarding limiting license renewals in order to mitigate the possibility of an applicant holding the license, but never constructing a facility. The Board agreed.

1:42 The Commissioners adjourned the meeting.

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

Attest:



*Hannah Hollenbeck*  
Michelle Nauer, Clerk and Recorder  
By: Hannah Hollenbeck, Deputy Clerk of the Board

*Lynn M. Padgett*  
Lynn M. Padgett, Chair

*Ben Tisdell*  
Ben Tisdell, Vice-Chair

*Don Batchelder*  
Don Batchelder, Commissioner