

The Board of County Commissioners met in special session on April 20, 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 Planning Commission Interviews:

1. Discussion and possible action to appoint two members to the Planning Commission:

The Board elected to interview each applicant individually; each applicant understood that it was a public meeting, and were permitted to sit in on the other applicant's interviews, if they wished. Tim Currin and Craig Jackman were seeking reappointment; April Orgren and Jennifer Nelson were seeking appointment.

Commissioner Batchelder explained that he had a series of questions that was designed to help him glean the applicant's familiarity of the County. He stated that there was no right or wrong answer to his questions.

Commissioner Batchelder asked the applicant to rank the following options in order of what they thought was most important in the process of reaching a conclusion: A) Compromise, B) Listening to other's point of view, C) Articulating your opinion so others understand your point of view, D) Respecting Others:

April Orgren stated that her first priority was not listed. She said her first impulse would be interpreting the Code and other County regulations; next would be listening to other people's opinions. Orgren said that she didn't necessarily think that compromise was the best thing to do in some instances. She reiterated that her primary goal would be interpreting the intent of the Code and whether or not the request violated or appealed to the exception.

Commissioner Batchelder asked that in creating legislation, what method of operating would be the applicant's preference: A) Making regulations detailed to the point of no questions, B) Simple as possible, and why:

Orgren thought that there needed to be a little room for flexibility and thought that clarity was important. She questioned what the point of making a broad rule was; but also asked what the point of a rule would be if it was constantly being broken.

Commissioner Batchelder asked what area of the County was associated with the most complaints about roads:

Orgren said that she didn't have any direct experience with hearing about complaints on County Roads.

Commissioner Batchelder asked what area of the County was associated with the most interest in preserving views:

Orgren said that she would hope the entire County was interested in preserving views but wasn't aware of any specific area.

Commissioner Batchelder asked what area of the County was most likely to be resistant to governmental regulations:

Orgren said that she could only speculate that it was the more rural areas between Ridgway and Ouray.

Commissioner Batchelder asked in which area of the County was most concerned about any development at all:

Orgren responded that the valley between Ouray and Ridgway was concerned the most with development.

Commissioner Tisdell asked the applicant to tell the Board about themselves and why they were interested in serving on the Planning Commission:

Orgren explained that she and her husband had moved to Ouray permanently in 2013, after owning property since 2006. Orgren said that she had been a geologist in Oklahoma for the past 40 years. After purchasing property in the City of Ouray, she had been embarking on extensive property renovations on their home. She was primarily interested in serving on the Planning Commission as she had been asked if she should consider serving. She believed that community members needed to cooperate and have manageable rules in which to live by. She was interested in the Land Use Code and Zoning regulations and was interested in helping out.

Commissioner Tisdell asked the applicant if they had any conflicts that would prevent him or her from providing unbiased opinions:

Orgren didn't think that she had any conflicts. She reiterated that she owned property in the City of Ouray and that she had no specific interest in protecting certain things over others.

Commissioner Tisdell asked the applicant if they would be willing to sign a Code of Conduct/Code of Ethics form:

Orgren responded that she would be willing to do so.

Commissioner Tisdell asked what the applicant saw as the role of a Planning Commission member with respect to fellow Planning Commission members and also with regard to the BOCC:

Orgren said that the role of the Planning Commission was to come to a cooperative decision regarding regulations and applications and to make recommendations to the BOCC. She said that the Planning Commission, in a sense, worked for the BOCC.

Commissioner Tisdel asked how the applicant viewed the role of County Staff such as the Land Use Planning Director and the County Attorney in terms of their interaction with the Planning Commission:

Orgren said that the Planning Commission was an advisory body to the BOCC, and it was staff that executed and enforced policies and regulations that was adopted by the Board.

Commissioner Padgett asked if the applicant would be willing to participate in the Planning Commission work on High Country regulations:

Orgren said that she would be willing to do so.

Commissioner Padgett asked the applicant what they viewed as the duties of the Planning Commission to be:

Orgren responded that the duty of a Planning Commission member was to review the Code and make recommendations to the Board based on questions and discussion.

Commissioner Padgett asked the applicant if they would be willing to commit to attending up to three scheduled meetings per month:

Orgren said that she could, as long as she was notified in advance.

Commissioner Padgett asked what geographic area of the County the applicant lived in, and what other areas they were aware of:

Orgren said that she lived in the City of Ouray, and that she had traveled extensively on the jeep roads in the high country.

Commissioner Batchelder asked the applicant to rank the following options in order of what they thought was most important in the process of reaching a conclusion: A) Compromise, B) Listening to other's point of view, C) Articulating your opinion so others understand your point of view, D) Respecting Others:

Tim Currin ranked the options as follows: B) listening to other's point of view; D) respecting others; C) articulating your opinion so others understand your point of view; and A) compromise.

Commissioner Batchelder asked that in creating legislation, what method of operating would be the applicant's preference: A) Making regulations detailed to the point of no questions, B) Simple as possible, and why:

Currin thought that regulations could be too detailed. He said that it was the responsibility of staff to be in charge of the details and Code formatting, and that the Planning Commission sometimes got distracted with the details. Currin thought that regulations needed to be simple and that the details should be left to the County Land Use staff.

Commissioner Batchelder asked what area of the County was associated with the most complaints about roads:

Currin responded that the north end of the County, around County Road 1, was associated with the most complaints about roads.

Commissioner Batchelder asked what area of the County was associated with the most interest in preserving views:

Currin replied that the high alpine area was the area that was most associated with interest in preserving views.

Commissioner Batchelder asked what area of the County was most likely to be resistant to governmental regulations:

Currin replied that the Valley Zone was likely to be the most resistant to governmental regulations.

Commissioner Batchelder asked in which area of the County was most concerned about any development at all:

Currin again applied the Valley Zone. He said that more people there were concerned about breaking up the ranches and large land parcels in order to develop 35 acre parcels. He said that this would dramatically change the landscape in the County more than any other place. He added that development on the high points, hillsides and ridges was also a concern.

Commissioner Tisdel asked the applicant to tell the Board about themselves and why they were interested in serving on the Planning Commission:

Currin said that he had served on the Planning Commission for three years as a regular member, and for two years as an alternate. He had a background in construction and development. He said that he had a good grasp on design and the process of having a subdivision platted, as he had been through the process as an applicant.

Commissioner Tisdel asked the applicant if they had any conflicts that would prevent him or her from providing unbiased opinions:

Currin said that he would quickly recuse himself if there was a conflict.

Commissioner Tisdell asked the applicant if they would be willing to sign a Code of Conduct/Code of Ethics form:

Currin replied that he would be willing to do so.

Commissioner Tisdell asked what the applicant saw as the role of a Planning Commission member with respect to fellow Planning Commission members and also with regard to the BOCC:

Currin responded that the Planning Commission made recommendations to the BOCC. He noted that the Planning Commission did not approve applications, but simply provided recommendations. He thought that the current Planning Commission membership was diverse and offered the ability to make good recommendations. He said that it was important to respect the opinion of the other Planning Commission members and understand that a good debate sometimes included conflicting views.

Commissioner Tisdell asked how the application viewed the role of County Staff such as the Land Use Planning Director and the County Attorney in terms of their interaction with the Planning Commission:

Currin said that the Planning Director, the Associate Planner and the County Attorney were incredibly valuable to the Planning Commission. He said it was incredibly helpful to have the County Attorney available to the Planning Commission.

Commissioner Padgett asked if the applicant would be willing to participate in the Planning Commission work on High Country regulations:

Currin said that he was willing to do so.

Commissioner Padgett asked the applicant what they viewed as the duties of the Planning Commission to be:

Currin said that the duty of the Planning Commission was to hear applications for a variety of requests, and to make a recommendation to the BOCC.

Commissioner Padgett asked the applicant if they would be willing to commit to attending up to three scheduled meetings per month:

Currin said that he would be willing to do so.

Commissioner Padgett asked what geographic area of the County the applicant lived in, and what other areas they were aware of:

Currin said that he lived in the County, approximately one mile north of Ridgway. The office of his real estate business was located in Ouray. He said that he worked the entire span of the County with his real estate business.

Currin said that related to the High County regulations discussion, he thought it would be interesting to examine the history of the topic in Summit County. He thought it was notable that Summit County had complex regulations regarding what could be built on mining claims. A trust was established by Summit County in order to be able to purchase mining claims from owners that wanted to sell.

Commissioner Batchelder asked the applicant to rank the following options in order of what they thought was most important in the process of reaching a conclusion: A) Compromise, B) Listening to other's point of view, C) Articulating your opinion so others understand your point of view, D) Respecting Others:

Craig Jackman ranked the options as follows: A) compromise; D) respecting others; B) listening to other's point of view; and C) articulating your opinion so others understand your point of view. Jackman said that the options were all equally important.

Commissioner Batchelder asked that in creating legislation, what method of operating would be the applicant's preference: A) Making regulations detailed to the point of no questions, B) Simple as possible, and why:

Jackman responded that he favored simplicity in order to allow for some natural evolution and latitude to deal with unanticipated concerns. He said that regulations should be simple, but well thought out and clear.

Commissioner Batchelder asked what area of the County was associated with the most complaints about roads:

Jackman said that County Road 1 and the north end of the County usually had the most complaints about roads.

Commissioner Batchelder asked what area of the County was associated with the most interest in preserving views:

Jackman said that the high alpine area was the area most associated with preserving views. He added that Valley Zone was also interested in preserving views.

Commissioner Batchelder asked what area of the County was most likely to be resistant to governmental regulations:

Jackman said that the north end of the County had a history and reputation for being resistant to governmental regulations. He thought that the Elk Meadows area could also be included in the category.

Commissioner Batchelder asked in which area of the County was most concerned about any development at all:

Jackman replied that the concern was most well represented in Ridgway, second to that would be in Ouray.

Commissioner Tisdell asked the applicant to tell the Board about themselves and why they were interested in serving on the Planning Commission:

Jackman said that he had served on the Planning Commission for the past three years. He said that he had always possessed an interest in architecture and had a good grasp on the regulations in the Land Use Code. Jackman had a background in farming and ranching, as well as water and irrigation. He said that he resided in the north end of the County in Colona, and felt that he had a good grasp on the issues in that area.

Commissioner Tisdell asked the applicant if they had any conflicts that would prevent him or her from providing unbiased opinions:

Jackman said that there had been a few instances where he felt the need to recuse himself and no issue doing so in order to maintain an unbiased recommendation and review of an application.

Commissioner Tisdell asked the applicant if they would be willing to sign a Code of Conduct/Code of Ethics form:

Jackman attested that he would be willing to do so.

Commissioner Tisdell asked what the applicant saw as the role of a Planning Commission member with respect to fellow Planning Commission members and also with regard to the BOCC:

Jackman said that the goal of the Planning Commission was to leverage the diverse membership to give thoughtful attention to the issues and applications they were reviewing. He thought that the environment allowed for a free flowing and respectful conversation. He said that the Planning Commission served to bring well-thought out recommendations to the BOCC.

Commissioner Tisdell asked how the applicant viewed the role of County Staff such as the Land Use Planning Director and the County Attorney in terms of their interaction with the Planning Commission:

Jackman said that County staff was an important resource to the Planning Commission. He said that having access to the County Attorney was particularly helpful to keep the Commission on the right path. Land Use staff served to provide professional opinions and guidance.

Commissioner Padgett asked if the applicant would be willing to participate in the Planning Commission work on High Country regulations:

Jackman said that he was looking forward to learning more about the topic.

Commissioner Padgett asked the applicant what they viewed as the duties of the Planning Commission to be:

Jackman said that he viewed the duties of the Planning Commission as working on the priority list that the BOCC provided and to review applications and offer recommendations.

Commissioner Padgett asked the applicant if they would be willing to commit to attending up to three scheduled meetings per month:

Jackman said that he would be willing to do so.

Commissioner Padgett asked what geographic area of the County the applicant lived in, and what other areas they were aware of:

Jackman said that he lived in the north end of the County in Colona. He said that he also owned property in the Town of Ridgway. He said that he mainly spent his time in the Colona area and the Valley Zone.

Commissioner Batchelder asked the applicant to rank the following options in order of what they thought was most important in the process of reaching a conclusion: A) Compromise, B) Listening to other's point of view, C) Articulating your opinion so others understand your point of view, D) Respecting Others:

Jennifer Nelson ranked the options as follows: B) listening to other's point of view; C) articulating your opinion so others understand your point of view; A) compromise; and D) respecting others.

Commissioner Batchelder asked that in creating legislation, what method of operating would be the applicant's preference: A) Making regulations detailed to the point of no questions, B) Simple as possible, and why:

Nelson said that she thought it was best to make things clear, in order to ensure everyone understood the regulations. She thought that making regulations detailed to the point of questions was best.

Commissioner Batchelder asked what area of the County was associated with the most complaints about roads:

Nelson said that County Road 1 and the Colona areas were associated with the most complaints about roads.

Commissioner Batchelder asked what area of the County was associated with the most interest in preserving views:

Nelson thought that the City of Ouray was most associated with preserving views.

Commissioner Batchelder asked what area of the County was most likely to be resistant to governmental regulations:

Nelson thought that Colona was the area most associated with resisting government regulations.

Commissioner Batchelder asked in which area of the County was most concerned about any development at all:

Nelson thought that the City of Ouray was the area that was most concerned about development, due to the high tourism.

Commissioner Tisdell asked the applicant to tell the Board about themselves and why they were interested in serving on the Planning Commission:

Nelson said that she had recently moved to the Town of Ridgway from the Front Range. She had a background in business and like being involved in projects and liked to learn new things. Nelson said that being involved in her community was very important to her.

Commissioner Tisdell asked the applicant if they had any conflicts that would prevent him or her from providing unbiased opinions:

Nelson was not aware of any conflicts.

Commissioner Tisdell asked the applicant if they would be willing to sign a Code of Conduct/Code of Ethics form.

Nelson said she would be willing to do so.

Commissioner Tisdell asked what the applicant saw as the role of a Planning Commission member with respect to fellow Planning Commission members and also with regard to the BOCC:

Nelson said that it was important for the Planning Commission to feel like it was part of team and to follow the rules and procedures set forth. She said it was critical for members to be open to working with other members to come to consensus. Nelson said that it was similarly important for the Planning Commission to be clear about the research and opinions they were passing along to the BOCC.

Commissioner Tisdell asked how the applicant viewed the role of County Staff such as the Land Use Planning Director and the County Attorney in terms of their interaction with the Planning Commission:

Nelson said that the Land Use staff and County Attorney were essentially co-workers to the Planning Commission and were helpful in supporting and planning in conjunction with planning and zoning. Staff provided legal advice to the Planning Commission and the BOCC and helped to be clear in amendments and regulations.

Commissioner Padgett asked if the applicant would be willing to participate in the current Planning Commission work on High Country regulations:

Nelson said that she was willing to do so. She thought it was an important topic for the Planning Commission to undertake.

Commissioner Padgett asked the applicant what they viewed as the duties of the Planning Commission to be:

Nelson said that the Planning Commission did the initial work to figure out zoning and other appropriate regulations. Any proposed recommendations or amendments would be proposed to the BOCC. She noted that the County's Master Plan had not been updated recently and that having that guiding document would likely be very helpful to Land Use issues in the County.

Commissioner Padgett asked the applicant if they would be willing to commit to attending up to three scheduled meetings per month:

Nelson indicated that she would be willing to do so.

Commissioner Padgett asked what geographic area of the County the applicant lived in, and what other areas they were aware of:

Nelson explained that she lived the Solar Ranch area of the Town of Ridgway. She said that she was an avid outdoor enthusiast and had spent time all over the County. She felt that she knew the County very well and was familiar with the municipalities.

Nelson and the Board discussed the relationship between the City and Town Council's and the general purpose of the Planning Commission.

Commissioner Deliberation:

Commissioner Tisdell explained that he had an approach that had proved helpful when making appointments of this nature. He said that the matrix took into consideration a variety of factors including professional background, attitude and geographic diversity.

Commissioner Batchelder said that the four applicants clearly demonstrated they were capable of serving effectively on the planning commission. He said he was inclined to eliminate Nelson due to where she resided and the geographic representation already present on the Planning Commission, which had a

heavy representation from Ridgway residents. Commissioner Tisdel agreed that the Planning Commission had strong representation from residents living in Ridgway and Log Hill Mesa.

Commissioner Padgett said that based on her fellow Commissioner's statement about geographic diversity, the applicant from Colona and the applicant from Ouray should be selected.

Commissioner Batchelder said that it was an incredibly hard decision due to the fact that the current members on the Planning Commission were functioning well and was hesitant to appoint new members if the current membership had a good track record.

Commissioner Tisdel reiterated the element of geographic diversity. Commissioner Padgett thought it was notable that the Board had the opportunity to gain geographic diversity on the Planning Commission for the first time in nearly six years.

Commissioner Tisdel agreed that the applicants' demonstrated a desire and capability to serve on the Planning Commission, but wanted to accomplish geographical diversity on the Commission.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Batchelder to reappoint Craig Jackman and appoint April Orgren to the Planning Commission for terms to expire on April 20, 2019. The motion carried unanimously.

B. Commissioner / Administrative Reports:

Commissioner Padgett discussed the following:

- 1) **Heli-Skiing in Poughkeepsie Gulch** - Commissioner Padgett said that she was unable to find where comments were being accepted for proposal regarding heli-skiing in Poughkeepsie Gulch, as it was brought up by Commissioner Tisdel in the previous BOCC meeting. Commissioner Tisdel said that he had a packet of information he would forward to the Board.

Marti Whitmore, County Attorney, discussed the following:

- 1) **Colorado River Water District (CRWD) Annual Budget Meeting** – Whitmore reported that CRWD would be holding its annual budget meeting on September 15th in Ridgway.
- 2) **Small Tracts Land Exchange – Rockbiter** – Hunt said that the United States Forest Service (USFS) had requested clarifications to the Board's original letter. Whitmore said that she would be happy to draft a letter clarifying that the Board was accepting of the parcel transfer as long as the legal description of the land went to the physical edge of the County-owned road. Commissioner Padgett asked if the letter could allude to the County's preference that the parcel goes to the centerline of the County Road, but that the County was willing to compromise. She said it was advisable for the County to be on the record that the road belonged to the County. The Board directed Whitmore to draft a letter for the Board's consideration at the next meeting.

B. 11:06 Gold Belt Trail Discussion:

1. **The Board of County Commissioners convened into an executive session pursuant to C.R.S. § 24-6-402(4)(b) for a conference with the County Attorney for the purpose of receiving legal advice pertaining to access issues on the Gold Belt Trail:**

Whitmore said that she had received a response letter to the County's letter asking the property owner to remove the barricade. She said that she was requesting the executive session in order to discuss the letter and a potential response.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to enter into executive session pursuant to C.R.S. § 24-6-402(4)(b) for a conference with the County Attorney for the purpose of receiving legal advice pertaining to access issues on the Gold Belt Trail.

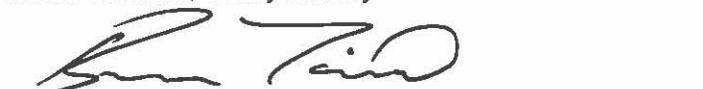
A roll call vote was taken on the motion with the following results:

*Commissioner Batchelder voted in the affirmative.
Commissioner Padgett voted in the affirmative.
Commissioner Tisdel voted in the affirmative.*

There was no discussion. Motion passed unanimously.

As County Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication.


Martha Whitmore, County Attorney


Ben Tisdell, Vice-Chair

[Recordings of executive sessions are maintained in the Board of County Commissioners office for ninety days.]

11:07 The Board of County Commissioners entered into executive session:

11:29 The Board of County Commissioners came out of executive session:

Commissioner Padgett stated that the Board had just concluded an executive session during which a discussion regarding legal advice was obtained by the County Commissioners on the subject to access issues on the Gold Belt Trail. No formal action was taken during this executive session and because of attorney/client privilege no recording was made.

The Board directed Whitmore to move forward with drafting a response letter.

11:29 The Board adjourned the special meeting.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:



Hollenberg

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

ABSENT

Lynn M. Padgett, Chair

[Signature]

Ben Tisdell, Vice-Chair

[Signature]

Ben Batchelder, Commissioner