

The Board of County Commissioners met in regular session on May 24, 2016. Those present for the session were Lynn Padgett, Chair; Ben Tisdel, Vice Chair; Don Batchelder, Member; Connie Hunt, County Administrator; Marti Whitmore, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board. Commissioner Tisdel acted as Chair.

- **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.

San Miguel County

Commissioner Tisdel reported that San Miguel County Commissioner Elaine Fischer had resigned her position. Commissioner Padgett said that Ann Levek had been appointed into the vacant position; it was unknown if Levek would serve until November or December.

High Country Development Moratorium

Mark and Andrea Iuppenlatz said that they owned fifteen mining claims around Red Mountain #2. He said that he was aware that his purchase of additional claims might have caused the moratorium. He explained his history and desire to have a vacation home that allowed him to enjoy backcountry skiing. Iuppenlatz said that it was his desire to be respectful to the land and the skiing experience, and was not interested in developing the claims, other than what was permitted by his building permit. It was his intention to construct a cabin that was copasetic with the natural surroundings and appropriately blended. He pointed out that the majority of backcountry skiers were likely skiing on private land, not public lands. He thought that the multiple users were getting along fine.

Commissioner Tisdel thanked Iuppenlatz and encouraged him to be involved in the Planning Commission process on high country development regulations.

Later during "Call to the Public," Commissioner Padgett clarified that the moratorium on high country development was not instituted as a result of a single individual purchasing and building on their claim. She said the topic had been discussed several different times over the years. She assured Iuppenlatz that it was a global concern. Commissioner Tisdel agreed.

Top of the Pines, Inc. (TOP) Update

Geoff Tischbein, newly appointed President of TOP, updated the Board on TOP's priorities for the summer. He said it was TOP's goal to have the property be available to the general public in the summer months, as well as the winter months. He said it was important to the successful management of the property to maintain the shared interest of the property and overall increase access.

Commissioner Padgett agreed and added that the board retreat had been very successful and thanked the County for being willing to donate funds to facilitate the event.

Commissioner Padgett asked for an update on the water pump. Hunt said that the repairs had been scheduled, and that she was communicating with TOP board members. TOP and the County would be splitting the cost for the repairs.

9:18 The Board of County Commissioners took a short break and returned at 9:20:

Public Improvement District (PID)

Scott Bridgeman, County Road 22 resident, was present to discuss the PID project and potential tax implications on residents that don't use the road. Commissioner Tisdel reminded Bridgeman that the proposal had not reached the Board for consideration yet and that the public would have time to comment during that process. Bridgeman offered to operate machinery in order to extend road services. He asked what could be done on the unimproved roads in the County without increasing the cost. Commissioner Padgett thanked Bridgeman for his offer and his ideas. She added that the County had completed a Road and Bridge department audit and was currently working on implementing some of the recommendations in order to better utilize resources. She encouraged Bridgeman to be included in the process by attending Road Committee meetings.

Colorado Relator's Association Fire Mitigation Conference

Commissioner Tisdel reminded the Board that the Conference was planned for May 25th at the Ponderosa Drive Log Hill Mesa Fire Station.

B. 9:31 Road and Bridge Reports:

1. Road and Bridge Reports:

Chris Miller, Road and Bridge Superintendent, and Steven Calkins, Assistant Superintendent, were present.

Miller updated the Board on Road and Bridge projects and priorities. Miller said that crews were occupied applying mag-chloride, grading trouble spots, screening gravel, and opening jeep roads. Miller said the due to bad weather and competing project priorities, opening the jeep roads was approximately two weeks behind schedule.

Miller said that there was one crew member grading trouble spots on County Road 1 and County Road 23. He explained that crews were spread thin and that competing projects was forcing the department to get creative in order to complete priorities.

Commissioner Tisdell asked about a request he had received regarding adding more mag-chloride on County Roads 8 and 10. Commissioner Tisdell said that additional mag-chloride had been applied on the roads last summer anticipating the bypass traffic from the CDOT rock fall mitigation north of Ridgway. Commissioner Tisdell said that he wasn't sure if additional product was anticipated. Miller said that it wasn't but would communicate back to the requester regarding anticipated application.

2. Update on CR-361 Project:

Travis Mooney, Russell Planning and Engineering, was present.

Mooney explained that there had been some public concern regarding some metal culverts that had been removed from County Road 361. He said that the contractor had stockpiled the debris in order to remove them easily; Mooney attested that the culverts would be removed. He said the cost to remove the metal culverts was approximately \$3,000. In addition, unanticipated work was necessary in order to repair a wall along the road. The anticipated cost for the work was approximately \$15,000. The two extra expenses were easily paid for under the project's contingency fund.

Commissioner Tisdell was concerned about the timing. He said that the work was supposed to be completed earlier.

Mooney understood the concern; he cited poor weather in April and May, as well as issues with equipment as the reasons for the delay. Commissioner Tisdell was very concerned about the possibilities for full closures, or one-lane alternating traffic during late June. Mooney said that it was a possibility. He added that ice was a real problem on the road much later than what was expected. Commissioner Batchelder confirmed that all stakeholders had been notified about the work and the possibilities for closures. Hunt confirmed that they had been notified. The Board agreed to the additional contingency costs.

C. 9:59 The Board convened as the Board of Social Services to consider the following items:

- 1. Request for approval of the following reports and authorization of the Vice-Chair's signature on certification page:**
 - a. County YTD Expenditures, February 2016;**
 - b. Expenditures through Electronic Benefit Transfers, March 2016;**
 - c. Check Register, March 2016; and**
 - d. County Allocation / MOE Report, Feb 2016:**

Carol Friedrich, Social Services Director, was present.

Commissioner Padgett had a question about the County Allocation / MOE report. As it was a report generated by the State, Friedrich need to verify some information before she could answer Commissioner Padgett's question.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve the reports as presented and authorize Vice-Chair's signature on the certification page. The motion carried unanimously.

2. Review and Discussion of 2016 Caseload Report:

No discussion.

- 3. Request for approval and authorization of the Social Services Director's signature on Collaborative Management Program Memorandum of Understanding (MOU) for the purposes of promoting a collaborative approach to the delivery of services to children and families whom would benefit from integrated multi-agency services:**

Friedrich explained the purpose of the MOU. She said it was a collaborative agreement between the various service providers and agencies that served families in the welfare system. She added that the Ouray County Public Health Agency was also listed as a partner. She hoped to have the MOU executed by July in order to begin implementing the program. She confirmed that San Miguel County would serve as the fiscal agent.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve and authorize the Social Services Director's signature on the Collaborative Management Program Memorandum of Understanding (MOU) for the purposes of promoting a collaborative approach to the delivery of services to children and families whom would benefit from integrated multi-agency services. The motion carried unanimously.

4. Request for approval and authorization of Vice-Chair's signature on Child Care Service Agreement for the Voyager Youth Program's Summer Enrichment Program and on its Fiscal Impact Form:

Friedrich explained that unused TANIF funds could be used to support community resources. She was requesting the Board to authorize the unspent funds to be given to Voyager Youth Program.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve and authorize Vice-Chair's signature on Child Care Service Agreement for the Voyager Youth Program's Summer Enrichment Program and on its Fiscal Impact Form. The motion carried unanimously.

D. 10:18 Public Hearing – Special Use Permit Amendment

1. Review of Planning Commission's recommendation regarding a proposed amendment to an existing Special Use Permit (SUP) by Hockersmith Law, P.C., authorized agent for Porter & Chessie, LLC:

Mark Castrodale, Planning Director, was present. Michael Hockersmith, representing the applicant, and Craig Jackman, applicant, were also present.

Castrodale presented the application. He said that the application was requesting an amendment to a Special Use Permit approved on July 7, 2015 and codified by Resolution 2015-019. Castrodale said that the drive-thru window that was originally proposed had been withdrawn. This application was asking for approval of the drive-thru with a new traffic pattern. He said that the planned route was much safer, as it mitigated the problem of traffic entering and exiting through the same lane. Castrodale added that he had met with the County's Road and Bridge Superintendent and he had agreed that the traffic pattern was greatly improved. The application had been approved in a Planning Commission public hearing and it had been unanimously recommended for approval by the BOCC. He said that staff was recommending approval with conditions.

Commissioner Tisdell thought that the application for amendment solved all of the questions that had come up during the July 7, 2015 public hearing.

Commissioner Tisdell invited the applicant to make a presentation.

Hockersmith said that he had nothing to add, and stated that the conditions were agreeable.

Commissioner Padgett asked if staff was being consistent in its requirement for commercial driveway permits. Castrodale said that staff was. He said that the County had required a traffic study for the marijuana dispensary in Colona due to ingress/egress concerns, as well as traffic flow questions. Commissioner Tisdell agreed.

Commissioner Padgett said that the property encapsulated multiple parcels and access points. She was hesitant to approve the application as it did not include a traffic study. She explained various situations that she thought could potentially cause an accident or traffic impacts. Commissioner Batchelder suggested that the motion be made in such a manner that stated if there was an impact, the applicant be required to come back to the Board with a revised traffic flow. Commissioner Padgett asked how "impact" would be defined. Whitmore did not have an immediate suggestion. Commissioner Batchelder said that a single accident would be beyond minimal. Hockersmith said that the requirement would be nearly impossible for the applicant to meet. He pointed out that the area leading into Colona had established acceleration/deceleration and turn lanes. He said that CDOT was not likely to implement any additional improvements in the area. Hockersmith said that he did not understand the need to implement an additional condition of that nature.

Commissioner Padgett said that there was another commercial business in Colona that the BOCC required a traffic study before the Special Use Permit was approved. Commissioner Tisdell pointed out that the traffic study was required due to cars reversing directly onto County Road 1. He did not think that the need for a traffic study applied here. Commissioner Tisdell said that the signage proposed would help direct traffic.

Commissioner Batchelder asked Whitmore what avenues the County had to address concerns associated with a SUP. Whitmore said that the Board had the ability to review the SUP when it came back for reapplication. She added that the Board had a great deal of discretion when it came to regulating the County Roads; additionally, the Board could choose to include additional conditions. She cautioned the Board from adding conditions that weren't clearly defined or enforceable.

Commissioner Padgett said that she was still convinced that the application needed to include a traffic study from a traffic engineer.

Commissioner Batchelder pointed out that the Board had the discretion to address impacts that may come up as the result of vehicles entering or exiting private property from public property outside the SUP process.

Castrodale pointed out that staff developed the aerial photo diagram. He added that the diagram included an egress 50 feet to the west. It was his opinion that the new traffic flow was safer than what was currently approved.

Hockersmith agreed. He clarified that the Board was using the term "alleyway" to describe what was actually a driveway on private property.

Commissioner Batchelder said that he understood Commissioner Padgett's concerns, but absent a traffic study, there was no way to verify her concerns. He said that it was within the Board's authority to consider

how private property impacted public assets and therefore covered Commissioner Padgett's concern. Hockersmith added that it would cost approximately \$5,000 to conduct a traffic study and he wasn't sure it would enhance any of the information that the Board already knew. Commissioner Padgett disagreed. Hockersmith clarified that what the Board was presently considering was obviously safer than what the Board had previously approved.

The Board briefly discussed adding an additional condition that stated that "all other Land Use Code provisions must be complied with." Jackman thought the condition was unnecessary as it was implied that all Code provisions and permits needed to be adhered to and obtained.

Commissioner Tisdal asked for public comment.

Gary Johnston thought that the application was safer and encouraged the Board to approve the amendment.

Nancy Johnston agreed and stated that the application was clearly much safer than what was already approved.

Patricia Matthews, County Road 22 resident, encouraged the Board to approve the amendment. She added that the intersection of County Road 1 and Highway 550 was not an issue; the corner intersecting Colona as the road proceeded south to County Road 1 was much more concerning. Jackman agreed. He said that when the corner was built, it purposely built as a bank corner for speed. To his knowledge no engineer was consulted on the construction of the corner and it had a significantly short view distance.

Commissioner Tisdal closed the public comment portion of the hearing.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve the amendment to an existing Special Use Permit by Hockersmith Law, P.C., authorized agent for Porter and Chessie, LLC.

Discussion: Commissioner Padgett stated that she hoped her concerns were wrong, and that no mitigation was necessary.

The motion carried unanimously with some discussion.

After the motion carried, Commissioner Padgett asked staff to make sure there were no regulations that needed to be enforced when implementing a new driveway.

11:02 The Board took a short break:

E. 11:05 The Board convened as the Local Licensing Authority to consider the following item:

- 1. Request: Approval of a Marijuana Cultivation Facility**
Applicant: Krush Productions, LLC
Location: 33380 US Highway 550

Mark Castrodale, Planning Director, was present. Melissa King, Ryan King, and Gordon Sullivan, applicants were present.

Castrodale presented the applicant. He said that that property naturally had low visual impact, but that the applicants had agreed to plant some trees along the southern end of the property to mitigate any issues. Castrodale said that he was rescinding any color references to "hay yellow" after visiting the property. He said that the new recommendation was for dark sage green colors. He continued to say that there was some confusion regarding the access road. Castrodale clarified that one access road had been correctly permitted by CDOT. There were other "unofficial" spur roads that attached to the highway. He was prepared to propose an additional condition in order to mitigate any concerns regarding the unpermitted roads, if necessary.

Commissioner Padgett asked that Condition 9 be slightly amended to conform to staff's recommendation that the greenhouse be a shade of green or darker that effectively blended with the shadows. The Board agreed.

Commissioner Batchelder asked Condition 1 should be slightly amended to include the applicant's intention to add trees to the southern end of the property. The Board agreed.

Commissioner Batchelder also asked that the standard condition regarding average daily vehicle trips be added. The Board agreed.

Commissioner Padgett commented that she appreciated that no domestic water provider would be utilized.

Gordon Sullivan, representing the applicant, explained the family-oriented business plan. He said it was the applicant's ultimate desire to create a facility that would be conducive for partnership with the University of Colorado where medical product could be created. He said that the location was ideal for security and cultivation.

Dave Beckhardt asked if the applicants had considered that a fabric greenhouse might invite negative attention. He asked if they had thought about the impacts on County emergency response. Sullivan said that they had thought about that; the property was encapsulated by steep cliffs on one side and a river on the other. Commissioner Batchelder added that the security aspect of the facility was covered by the State application.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve a marijuana cultivation license for Krush Productions, LLC as recommended, with the amendment of Conditions 1 and 9 and addition of an additional condition pertaining to average vehicle trips per day. The motion carried unanimously.

F. 11:44 Discussion with Staff Regarding Building Permit Agricultural Exemptions:

Mark Castrodale, Planning Director and Susie Mayfield, County Assessor, were present.

Castrodale presented the proposal. Commissioner Batchelder liked the three conditions, but suggested adding two additional conditions; first, the property had a history of farming/ranching designation. Commissioner Padgett was concerned that there may be some gray areas in allowing the condition. Mayfield said that the Assessor's Office could tell if there had been a prior agricultural designation, and if it had been revoked. Commissioner Batchelder added that if the Assessor denied an agricultural designation, applicants could appeal to the Board. Commissioner Batchelder recommended an additional second condition that stated that those properties that held an agricultural designation be subject to a site development permit.

After a brief discussion, the Board directed staff to implement a policy that predicated approval of an agricultural exemption upon confirmation by the Assessor that the property was indeed designated agricultural. The Board further directed staff to develop an agricultural site development permit.

H. 11:45 Second Reading of Ordinance No. 2016-001 Amending the Marijuana Ordinance and Repealing Ordinances No. 2014-003 and 2015-004, Providing for Licensing and Permitting of Medical Marijuana Facilities, Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, and Retail Marijuana Stores, and Prohibit Marijuana Testing Facilities, and ordering the Ordinance to be published on May 26, 2016:

Mark Castrodale, Planning Director, was present.

Commissioner Tisdell read the title Ordinance 2016-001. Commissioner Padgett said that the Board had received a letter from Tim Manzagol, Shining Mountain Herbs at 6PM the night before.

Castrodale said that he thought that modification of premises could be left as a staff level decision; he added that staff always had the option to send applications to the Local Licensing Authority (LLA) for consideration. He said that the State required notification of any change to premises for security purposes. Commissioner Padgett thought it was acceptable if staff wanted to retain the authority for minor, state approved modifications.

Whitmore asked the Board to consider striking "such" from Section 13(E). The Board agreed.

Commissioner Batchelder recommended changing a portion of Section 13(D), in order to be clearer about the Board's desire to mitigate speculation on licenses. He proposed the language "...to prevent speculation in obtaining and holding a license, consideration of license renewal for any facility that has not been in operation during the initial licenses period shall be based on the local licensing authority's determination, in its sole discretion that the licensee has exercised due diligence in developing the license facility, including, but not limited to financing, construction, plans and application for necessary permits, and that there is reasonable cause for not having completed the facility and commencing operation during the initial license period." Whitmore confirmed that the language was a simple clarification and that it did not change the intention of the Section. The Board agreed to the change.

Ty Jennings, Shining Mountain, LLC, said that he supported Manzagol's comments. He said that the County should take the same approach as the State when it came to medical marijuana cultivation facility renewals. He encouraged the Board to leave renewals of that sort to staff. Jennings also encouraged the County to allow outdoor grow operations. He said that it was allowed by the State and that Ouray County's regulations should be consistent with the State's. Commissioner Padgett stated that she thought there was a conflict the residential nature of the County, and outdoor marijuana cultivation.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve Ordinance 2016-001 on second reading, with the minor amendments in Section 13, as discussed.

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

Commissioner Padgett voted in the affirmative.

Commissioner Tisdell voted in the affirmative.

Commissioner Batchelder voted in the affirmative.

There was some discussion. Motion passed unanimously.

G. 12:25 General Business:

- 1. Review and acceptance of the April 2016 Public Trustee Report:**
- 2. Request for approval of warrants:**
- 3. Request for approval of the following minutes:**
 - a. April 26, 2016 Special Meeting Minutes:**

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to accept the April 2016 Public Trustee Report; approve the warrants as presented; and approve the April 26, 2016 Special Meeting Minutes. The motion carried unanimously with no discussion.

4. Consideration of letter summarizing comments regarding BLM 2.0:

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder approving Vice-Chair's signature on comments letter regarding BLM 2.0. The motion carried unanimously with no discussion.

5. Request for approval and authorization of Vice-Chair's signature on two separate Intergovernmental Agreement(s) for Community Development Block Grant Projects:

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to approve and authorize Vice-Chair's signature on two separate Intergovernmental Agreements for Community Development Grant Projects. The motion carried unanimously with no discussion.

6. Request for reappointment of one (1) member to the Road Committee:

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to reappoint Dick Kreutzen to the Road Committee for a term to expire on December 31, 2016. The motion carried unanimously with no discussion.

7. Request for adoption of Resolution 2016-026 approving a Marijuana Cultivation Facility License Renewal for Shining Mountain, LLC: (this application was approved by the Board at the May 10th meeting.)

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to adopt Resolution 2016-026 approving a Marijuana Cultivation Facility License Renewal for Shining Mountain, LLC. The motion carried unanimously with no discussion.

8. Request for approval and authorization of Vice-Chair's signature on Purchase Agreement with Camelot Gardens and Gifts for Ouray County 4-H Event Center Landscaping: (ratification)

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to ratify approval and authorize Vice-Chair's signature on Purchase Agreement with Camelot Gardens and Gifts for Ouray County 4-H Event Center Landscaping. The motion carried unanimously with no discussion.

9. Request for adoption of Resolution 2016-025 regarding the Disbursement of National Forest Payments and Motor Vehicle Funds Monies:

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to adopt Resolution 2016-025 regarding the Disbursement of National Forest Payments and Motor Vehicle Funds Monies. The motion carried unanimously with no discussion.

10. Request for approval and authorization of Vice-Chair's signature on Addendum to Consulting Services Agreement for R & B Audit Implementation Services:

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to approve and authorize Vice-Chair's signature on Addendum to Consulting Services Agreement for R & B Audit Implementation Services. The motion carried unanimously with no discussion.

11. Request for approval and authorization of Vice-Chair's signature on Construction Services Agreement between Ouray County and Fraiser Home Improvement for roofing work on county facilities previously awarded by the Board on May 10, 2016:

Hunt said that the contractor had indicated that the project term would be July 11-July 29.

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to approve and authorize Vice-Chair's signature on Construction Services Agreement between Ouray County and Fraiser Home Improvement for roofing work on County facilities previously awarded by the Board on May 10, 2016. The motion carried unanimously.

12. Discussion / Direction concerning the development of a Permit Application that would be utilized for various types of events on County roads, property and rights-of-ways:

Commissioner Batchelder suggested that staff prepare the forms and other recommendations for the Board's discussion. The Board agreed.

12:33 Lunch

I. 1:33 Continuation of Public Hearing from April 19, 2016 – Amendment to Final Plat of Elk Mountain Resort PUD – Phase 1A:

Applicant: David Masters, Masters and Viner, PC., authorized agent for Elk Mountain Resort, LLC

Purpose: Request for approval of an amendment to the final plat of the Elk Mountain PUD Resort/Conference Center, Phase 1A. The purpose of the

amendment is to allow for the construction and use of a modified on-site wastewater treatment system (OWTS), to restrict the use of the property to maintenance and marketing only, and to prohibit any commercial use.

Mark Castrodale, Planning Director; Susie Mayfield, County Assessor; Dave Masters, Masters and Viner, PC, and Greg Takeshita, representing the owners, were present.

Castrodale said that he had worked with Mayfield and Whitmore to address the Board's questions from the April 19, 2016 Public Hearing. Castrodale said that staff's recommendation remained the same, but he was proposing an additional condition that stated *"The Applicant shall conduct monthly monitoring and reporting of the proposed OWTS which is limited to a maximum capacity of 2000 gallon-per-day. Reports shall be provided to the Ouray County Land Use Department on a quarterly basis."*

Commissioner Tisdal asked who would be responsible for monitoring and reporting. Castrodale said that it would be a significant pull on staff's time and resources, so it was given to the applicants to administer.

Masters said that he was initially concerned that it would be difficult to monitor and report the usage. He later discovered that the system would have a flow gauge; however, the flow would be very low, making it difficult to get a correct metric. The only way to effectively measure the usage would be to measure the water that was coming out of the wastewater treatment plant.

Commissioner Tisdal asked what the impact to the assessed value would be if the plat was amended to restrict commercial use. Mayfield said that the assessment rate would not change. She said that the property currently had a downward adjustment that allowed for functional obsolescence. Mayfield said that her office would need to know the cost to cure in order for the facility to become fully operation before making any additional adjustments. The valuation was based on the land and buildings, and she was unable to give a valuation until the cost to bring the facility into compliance was known. It also needed to be clear whether or not it was a choice by the taxpayer to not complete the necessary upgrades, or if it was something that was being forced upon them.

Commissioner Tisdal asked Masters if the requirements and decision by the Colorado Department of Public Health and Environment (CDPHE) was appealable. Masters said it was not. He explained that the standard had changed for what was an acceptable amount of ammonia in waste water treatment facilities. After conferring with an engineer, it was concluded that it would be necessary to build a new facility in order to meet the new requirements. The engineer estimated that the cost to build a new facility would be around \$1 to \$1.5 million.

Commissioner Tisdal said that the Board also questioned whether or not the change was possible to do via plat amendment. Whitmore confirmed that this was correct; she said that if the plat was amended through this process, then another plat amendment would be necessary if the facility wanted to operate as a fully commercial facility.

Commissioner Padgett requested that all reference to the 2,000 gallon per day limit be changes to say *"less than 2,000 gallons per day"* in order to remain consistent with the County's OWTS regulations. The Board agreed.

Commissioner Padgett asked how the 8 persons/day limit came about. Castrodale said that it was simply the engineer's suggestion in order to limit usage. Masters said that on average, there was only going to be two caretakers on the property, and in most cases it was only one person. The engineer tried to factor in the possibility of potential buyers being on the property.

Commissioner Batchelder asked what would happen if there was a violation. Whitmore said it would be a violation of the Land Use Code. Commissioner Batchelder pointed out that there was no process for the Board to charge for investigation and potential issuance of a notice of violation. Whitmore confirmed that this was correct. She said that if the notice of violation was issued and subsequently corrected there was no mechanism to recoup the staff time associated with the investigation. Commissioner Batchelder asked if the applicants would be willing to pay the fees associated with the cost of an investigation. Masters said that the situation was highly hypothetical, and that it made it difficult to properly respond; however, if there was evidence to show that that the use exceeded the permit limit, it may be appropriate for the applicant to pay for the expenses associated with the investigation. He confirmed that if the language could be developed to define the parameters, it was reasonable to include it as a condition.

Commissioner Batchelder said that it was necessary to clarify between "Elk Mountain Resort" as the title of the plat, and as the business entity. He wanted it to be clear that the Board was not restricting the authority of the entity, but the authority that was vested as a part of the plat process.

Commissioner Tisdal suggested that Condition 6(B) be amended to state *"...to conduct commercial operations has been suspended by the Ouray County Board of County Commissioners, at the request of the owner, as long as..."* The Board agreed.

Commissioner Batchelder requested a further revision to Condition 6(B) to state that until a wastewater treatment system was approved by the State and the County, the current system was declared decommissioned. The Board agreed to the language: *"suspended until such time that a further plat amendment is approved."*

Commissioner Padgett thought it was advisable for Condition 1(A) to be included in the plat amendment. She said that it provided historical context, including decommissioning the wastewater treatment facility. Castrodale clarified that the State needed to approve any decommission or reconstruction of the facility. Commissioner Padgett said that she was attempting the capture what had been approved during the

County's process. She said inserting that the OWTS system replaced the decommissioned wastewater treatment plant on the plat provided the whole story to the process.

Commissioner Batchelder and Commissioner Padgett agreed that the language in Condition 6(C) was confusing. Commissioner Batchelder suggested removing the condition.

Commissioner Batchelder pointed out that if Condition 6(B) was changed to refer to the plat amendment, then Condition 6(D) needed to be changed to state that if the application was reopened, it would be contingent upon the plat amendment and operation of the OWTS. Whitmore stated that the Board could approve the plat as amended, based on staff's recommendations. Whitmore proposed that the Board and the applicant consider a second companion agreement that addressed OWTS reporting requirements. Whitmore added that agreement would also need to include a provision that required the report be sent to CDPHE to be verified. Commissioner Batchelder reiterated that the agreement should include a provision that allowed the Board to charge for investigations of violations.

The Board elected to close the public hearing, but continue the hearing for decision purposes in order to review the plat amendment, and agreement.

Commissioner Tisdell closed the public hearing.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to continue the public hearing for decision only to July 12, 2016 at 1:30 PM at the Ouray County 4-H Event Center. The motion carried unanimously.

J. 2:32 The Board of County Commissioners convened as the Board of Health regarding the following items:

Elisabeth Lawaczek, Public Health Director, was present.

- 1. Request for approval and authorization of Vice-Chair's signature on Task Order Amendment #2 for Public Health Emergency Preparedness and Response and on its Fiscal Impact Form:**

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve and authorize Vice-Chair's signature on Task Order Amendment #2 for Public Health Emergency Preparedness and Response and on its Fiscal Impact Form. The motion carried unanimously with no discussion.

- 2. Request for approval and authorization of Vice-Chair's signature on Collaborative Management Program Memorandum of Understanding (MOU) for the purposes of promoting a collaborative approach to the delivery of services to children and families whom would benefit from integrated multi-agency services:**

M/S/P – Motion was made by Commissioner Padgett and seconded by Commissioner Batchelder to approve and authorize Vice-Chair's signature on Collaborative Management Program Memorandum of Understanding (MOU) for the purposes of promoting a collaborative approach to the delivery of services to children and families who would benefit from integrated multi-agency services. The motion carried unanimously with no discussion.

- 3. Request for approval and authorization of Vice-Chair's signature on Task Order Amendment #2 for Public Health Immunization Core Services project and on its Fiscal Impact Form:**

Lawaczek stated that the funds would help the School Nurse train nurse aids to enter immunization data into the State system, in addition to providing some funding for the School Nurse.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve and authorize Vice-Chair's signature on Task Order Amendment #2 for Public Health Immunization Core Services project and on its Fiscal Impact Form, as amended. The motion carried unanimously.

- 4. Request for approval and authorization of Vice-Chair's signature on Communities that Care (CTC) Task Order Contract Waiver #154 for Voyager Youth Program via Public Health Department pass through focusing youth substance abuse prevention strategies and on its Fiscal Impact Form:**

Commissioner Batchelder asked what the risk was if the subcontractor did not uphold their end of the contract. Lawaczek said that there was not much language on that; however, she said that she and Voyager's Executive Director had met and were working on drafting an agreement that specified the roles of each party. Lawaczek added that the Executive Director of Voyager was very well qualified to fill the facilitator role.

Commissioner Tisdell asked how the services would be delivered to the County's youth. Lawaczek clarified that this contract did not direct funds to youth programs; however it helped gather data in order to correctly identify areas of need within the County.

Commissioner Padgett directed staff to be prepared to publish a request for proposal if the subcontractor was unable to meet the deliverables.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to approve and authorize Vice-Chair's signature on Communities that Care (CTC) Task Order

Contract Waiver #154 for Voyager Youth Program via Public Health Department pass through focusing youth substance abuse prevention strategies and on its Fiscal Impact Form. The motion carried unanimously.

K. 2:53 Commissioner / Administrative Reports:

Marti Whitmore, County Attorney, discussed the following:

- 1) **Social Media Policies** – Whitmore requested that a work session be scheduled to discuss County Social Media Policies.

Connie Hunt, County Administrator, had nothing to discuss.

Commissioner Batchelder discussed the following:

- 1) **Ouray County Housing Authority Builders Forum** - Commissioner Batchelder reported that the Forum would take place May 26th at 6PM at the Ridgway Community Center.

Commissioner Tisdel discussed the following:

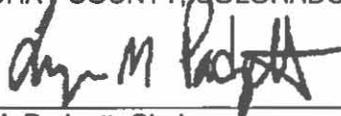
- 1) **Meeting Updates** - Commissioner Tisdel reported that he had attended a Western Colorado Landscape Collaborative meeting the week prior. He said that there may be some non-commitment issues from various entities involved with the Region 10 Broadband grant application.

Commissioner Padgett discussed the following:

- 1) **Top of the Pines (TOP), Inc.** - Commissioner Padgett said that the Board retreat had been very successful. She said that the TOP Board was looking into how the property could be utilized by groups and individuals in the summer.
- 2) **Payments In Lieu of Taxes (PILT) Update** - Commissioner Padgett reported that she had been approached to be a part of a committee that was looking into ways to secure full payments of PILT and SRS. She said they were still discussing many different ideas that would remove the Congressional process.
- 3) **Public Land Partnership (PLP)** - Commissioner Padgett said that PLP was discussing putting on a Good Neighbor Authority 101 information session.
- 4) **Internet Outages in Ridgway** – Commissioner Padgett reported that there had been extended periods of outages in Ridgway over the past few weeks. The cause was uncertain.

3:08 The Board adjourned the regular meeting.

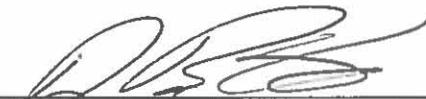
BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



Lynn M. Padgett, Chair

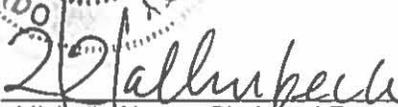


Ben Tisdel, Vice-Chair



Don Batchelder, Commissioner

Attest:



Michelle Nauer, Clerk and Recorder

By: Hannah Hollenbeck, Deputy Clerk of the Board