~~DRAFT - SCHEDULED TO BE~~ APPROVED ON 11/1/2016

MINUTES
OURAY COUNTY PLANNING COMMISSION
REGULAR MEETING & WORKSHOP

November 1, 2016 6:00 – 8:00 p.m. (appx)

Meeting held at the Land Use/Road & Bridge Offices, Conference Room

111 Mall Road, Ridgway, Colorado

Attending:

PC:	Orgren, Carr, Parker, Miller, Williams, Peters, Jackman
Staff:	Castrodale, Sampson, Knutson, Whitmore
Absent:	Baskfield

Note: *These minutes are not intended to be a transcription of the hearing. Comments are abbreviated and paraphrased. Every intention is made to capture the intent and meaning of the comments made during the hearing.*

I. Call to Order – Workshop of the Ouray County Planning Commission (6:01 P.M.)

- The Planning Commission held a workshop to review proposed changes to Section 16 of the Land Use Code (Wildfire Mitigation).

II. Call to Order – Regular Meeting of the Ouray County Planning Commission (7:05 P.M.)

1. Public Hearing: The Planning Commission held a public hearing to review and make a recommendation to the Board of County Commissioners on a proposed new Land Use Code section addressing review and permitting of Communications Facilities. The previous draft of this code section recommended by the Planning Commission was not adopted by the BOCC. The BOCC sent the draft back to the Planning Commission for further review/revision.
    - i. Staff Presentation
        1. Castrodale introduced the topic:
            - a. Current process not good for dealing with communication towers.
            - b. Key points address height, setbacks, visual impact
            - c. This draft still catches those issues
            - d. New draft now addresses issues such as correct terminology, and the draft now allows communication facilities in subdivisions, because the BOCC felt that not allowing them would be too restrictive.

e. Staff is recommending that the Planning Commission forward to the BOCC with a recommendation of approval.

2. Questions from Planning Commission:

   a. Peters; if there is a restrictive covenant that says no towers and an application comes to the county, does the county have an obligation to move forward with the application, even if it's against the covenants?

      i. Whitmore; county does have an obligation. Shot-clock requirements must still be met by the County.

   b. Peters; so why bother having covenants if we can't follow them?

      i. HOA has the authority to sue the county or the applicant. The HOA may enforce their covenants as they wish; the county does not enforce the covenants.

   c. Peters; so someone that comes in with dis-regard for the covenants, the county may approve, and the HOA must then enforce their covenants?

   d. Whitmore; that is correct.

   e. Jackman; industry speaker noted that the towers are small antennas in the urban areas. I think that person said that to deny putting them in the PUD would go against how this system should work.

   f. Castrodale; noted that it was eye opening that many of these antennas are rather small and not intrusive & may be incorporated within an urban area without much burden to the property owners.

ii. Public Comment (7:17)

   1. No public comment was had

   2. Public Comment closed at 7:17

iii. Planning Commission Deliberation

   1. The Planning Commission went through the code section by section and made several revisions to sections:

      a. 23.4C – omitted language about covenants and plat restrictions, and added the same note from 23.14.

      b. 23.4C – Changed "are permitted" to "may be" permitted

      c. 23.4 – removed bold from "80 feet"

      d. 23.4F – replaced "governing authority" with County.

      e. 23.4L – Added "without notice to the County"

iv. Decision

1. **MOTION:** Carr moved to approve revised section 23 as amended this evening.
2. **FRIENDLY AMENDMENT:** Parker proposed a friendly amendment to allow staff to fix any formatting or typographical changes. Friendly Amendment was accepted by Carr.
3. **SECOND:** Parker seconded the motion
4. **VOTE:** The motion passed unanimously

2. **Request for approval of minutes; 10/4/2016**
   - i. **MOTION:** Parker moved to approve the minutes.
   - ii. **SECOND:** Peters seconded the motion.
   - iii. **DISCUSSION:** None
   - iv. **VOTE:** A vote was taken and the motion passed unanimously.
3. **New Business**
   - i. Planning Commission discussed whether or not they should prepare a letter to the BOCC regarding the recently adopted High Country regulations.
4. **Adjourn Regular Meeting**
   - i. **MOTION:** Carr moved to adjourn the regular meeting
   - ii. **SECOND:** Miller seconded the motion
   - iii. **DISCUSSION:** None
   - iv. **VOTE:** A vote was taken and the motion passed unanimously.
5. **Continued Workshop**
   - i. The Planning Commission discussed the development of a letter to the BOCC regarding the confusion with the recently adopted High Country Development Regulations.

Submitted By:

Bryan Sampson
Associate Planner

Approved By:

Sheelagh Williams
Chair