

The Board of County Commissioners met in regular session on April 19, 2016. Those present for the session were Lynn Padgett, Chair, Ben Tisdell, Vice-Chair; Don Batchelder, Member; Connie Hunt, County Administrator; and Hannah Hollenbeck, Deputy Clerk of the Board. Marti Whitmore, County Attorney, was not present.

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

A. 9:04 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.

County Facilities Roofing Repairs

Will Clapsadl, County Facilities Manager, was present.

Clapsadl provided an update regarding roofing projects. He said that he and the County Administrator decided not to move forward with a contractor that had been awarded a bid for the project due to performance concerns. Clapsadl had worked with the County Courthouse Architect firm, Charles Cunniffe and Associates, to solicit bids for two of the roofing projects. Clapsadl and the maintenance assistant would be repairing two of the roofing projects: the Clerk's vault and the Courthouse Cupula Tower, in house, with oversight being done by a local roofer who had experience with the more detailed aspects. A request for proposal (RFP) had been solicited for the roofing work needed on the roofs at the Sheriff's Office and the Land Use Facility. He said that the expense would be less costly, and was hoping to reuse some leftover materials from the Ouray County 4-H Event Center roofing project. Hunt agreed that it was a good compromise.

County Held Tax Lien Update

Jeanne Casolari, County Treasurer and Public Trustee, was present.

Casolari said that the Board had previously authorized her to sell a County held tax lien to a private investor, who had ultimately decided not to purchase the lien. She said that the Board's resolution stated that she had the authority to sell the lien to the highest bidder and want to make sure she had the authority to sell that to a bidder without soliciting the Board's approval again.

The Board agreed that the resolution gave Casolari the ability to sell the lien without needing further approval.

County Road 24

Craig Fetterolf, County Road 24 resident, was present.

Fetterolf provided an update to the Board regarding the condition of County Road 24 since the start of the Ridgway Ramp Project. He stated that there was additional traffic, mainly concentrated between the hours of 4:30PM and 6:00PM. He said that there had been an increase in law enforcement patrols, but not during those afternoon and evening hours. He asked when the signs specifying "local traffic only" would be implemented. Hunt said that the signs had been ordered, but had been backordered; she expected them to be delivered in the next week, and put up shortly thereafter.

Commissioner Tisdell thought that the placement of a CDOT visual message sign near the turn off to County Road 24 was encouraging drivers to take the unsanctioned detour. Fetterolf agreed. Commissioner Batchelder stated that he had discussed the placement of the sign with the contractor, and they had stated that due to the nature of the ditches and slopes in the area, the location where it was placed was the only location where the sign would be stable. Commissioner Tisdell asked if the signage could be changed to say "no detour."

Fetterolf moved on to address the condition of a section of County Road 24. He said that it was obvious that the wheel roller had been used incorrectly, as the potholes and washboard were exasperated in such a manner that one could actually see the roller marks. Commissioner Padgett said that it had been determined that the wheel roller was the appropriate implement to use; however, she said that it was likely that optimum moisture conditions were not present, and could have caused the problem. After a short discussion, Fetterolf agreed that it was likely the moisture content that created the situation.

Fetterolf provided an update on the County Road 24 test section. He said that the small section of road where the new product had been applied had held up considerably better in comparison to other areas of the road. He was originally skeptical of the success of the product, as the first few days were quite muddy. He said there were a few stubborn potholes that had reappeared shortly after the application, but overall, the section of road was in good condition. He understood that the product was expensive, but urged the Board to consider applying it to County Road 1, if the PID measure was not successful.

H. 9:29 General Business:

1. Review and acceptance of Ouray County Public Trustee report for March 2016:

Commissioner Tisdell asked for more information regarding a foreclosure sale in Dallas Meadows. Casolari explained that a private bidder had outbid a bank bid, and therefore was awarded the property.

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

B. 9:31 Road and Bridge Reports:

1. Road and Bridge Report:

Commissioner Padgett suggested that staff begin reviewing a card system, instead of a code system for the fuel pumps. She thought it would increase efficiency.

2. Request for award of Magnesium Chloride Bid:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to award the Magnesium Chloride Bid to GMCO Corporation. The motion carried unanimously with no discussion.

3. Request for award of Tandem Axle Semi-Tractor:

Commissioner Tisdel asked how the selected equipment fit into the Road and Bridge Audit recommendation to standardize the fleet equipment. Commissioner Padgett agreed, she said that the cost differences were small and didn't want to lose the ability to begin developing a standardized fleet for a small cost savings.

The Board agreed to put the request on the next agenda.

Commissioner Padgett said that she and Commissioner Tisdel had both had separate conversations with a County Road 22 resident who was concerned about a potential blockage to irrigation water. The Road and Bridge Inspector had meet with the residents and would be working to remedy the situation.

C. 9:46 The Board convened as the Board of Social Services to consider the following items:

Carol Friedrich, Social Services Director, was present.

1. Request for approval of the following reports and authorization of the Chair's signature on certification page:

- a. County YTD Expenditures, January 2016
- b. Expenditures through EBT, February 2016
- c. Check Register, February 2016
- d. County Allocation / MOE Report, JAN-16

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve the County YTD Expenditures, January 2016; Expenditures through EBT, February 2016; Check Register, February 2016; and County Allocation / MOE Report, JAN-16 as presented. The motion carried with no discussion.

2. Caseload Report

The Board asked for several clarification revisions for future reports.

3. Request for approval and authorization of Director's signature on Memorandum of Understanding (MOU) between Rocky Mountain Health Plans (RMHP) and Ouray County Department of Social Services and approval and authorization of Chair's signature on Fiscal Impact Form:

Commissioner Padgett asked if the MOU would help to alleviate the concern of RMHP Medicare/Medicaid clients not being able to see local specialists due to the low numbers local specialists would accept. Friedrich said that the MOU wasn't geared towards that; however, she encouraged Commissioner Padgett to forward any individuals to her who had experienced the issue.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize the Director's signature on Memorandum of Understanding (MOU) between Rocky Mountain Health Plans (RMHP) and Ouray County Department of Social Services and approval and authorization of Chair's signature on Fiscal Impact Form. The motion carried unanimously with no discussion.

4. Discussion:

a. Collaborative Management Program

Friedrich informed the Board of a new type of Child Welfare Program that she was interested in instituting in Ouray and San Miguel Counties. She said that the program endeavored to streamline and simplify the different plans and management programs children and families may have in place. She said that the program helped institute an organized structure that allowed case managers to get all the pertinent players in the same room in order to help providers and families manage cases with multiple plans. The Board agreed that the program would be an asset. Contracts and MOUs would be forthcoming.

D. 10:10 Public Hearing – Amendment to Final Plat of Elk Meadows Estates Subdivision No. 2

Applicant: Bill Starnes/Del-Mont Consultants, authorized agent for Jerry and Julie Law and the Owners Association of Elk Meadows Estates, Inc.

Purpose: Request for approval of an amendment to the final plat of the Elk Meadows Estates Subdivision No. 2. The purpose of the proposed amendment is to correct an encroachment of a home on Lot 222 into the adjacent open space.

Mark Castrodale, Planning Director, and Bill Starnes, Del-Mont Consultants, were present.

Commissioner Padgett opened the public hearing.

Castrodale presented the application. He said that it was staff's recommendation that the Board approve the application with conditions.

Starnes explained that it was discovered that approximately half of the house was built on the greenbelt and that the requested action would correct the intrusion while retaining the acreage of the greenbelt and the parcel size.

Commissioner Padgett asked Castrodale why a boundary adjustment process was not used. Castrodale explained that the newly designed boundary adjustment process specifically excluded PUDs in order to allow adjacent property owners to comment on the application.

Commissioner Padgett opened the hearing for public comment; hearing none, the Board continued on to deliberation.

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdal to approve the Final Plat Amendment of Elk Meadows Estates as recommended by staff with three conditions. The motion carried unanimously with no discussion.

10:24 The Board took a short break.

E. 10:30 Public Hearing – 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, was present. David Masters, Masters and Viner, PC, Larry Reschke Del-Mont Consultants, and Greg Takeshita, representing the owners, were also present.

Castrodale began the staff presentation. He explained that the request was to install a modified OWTS limited to less than 2,000 gallons per day. A Ouray County permit would be required to return the facility to full operations. The purpose of the reduction was to adhere to new Colorado Department of Public Health and Environment (CDPHE) regulations.

Commissioner Padgett asked if the request required a demolition permit. Castrodale said that he and the County's Building Inspector didn't think so.

Castrodale said that staff was recommending approval with six conditions.

Commissioner Batchelder clarified that, while staff's request was not consistent with development, it was essentially a stop-gap measure that would preserve the infrastructure of the resort. Castrodale agreed.

Masters stated that it was simply a temporary solution to address new discharge requirements set by CDPHE. He explained that the cost to build a facility that would meet the CDPHE requirements would be over \$1 million; as the Resort was not currently operational, the cost was not justified. He said that the buildings that were selected for operation on OWTS had live fire suppression water systems and needed to be kept warm in order to not freeze. The other units selected were instrumental to the maintenance of the facility. Two cottages were kept operational in the case that an owner wanted to use the property, or if a prospective buyer wanted to tour the area. Masters said that the owner understood that a significant investment would need to be made in order to bring the facility into compliance if it were to become operational again; this was fully disclosed to prospective buyers as well.

Commissioner Batchelder asked about the installation of the OWTS system. Reschke explained that the tank would go in before the leach fields and the ponds would be utilized as an evaporative system. Commissioner Batchelder confirmed that nothing would prohibit the other buildings from being hooked to the OWTS, as long as it was less than 2,000 gallons. Masters said that it was correct; he added that the out flow would be capped so there would be no discharge.

Commissioner Padgett said that as the application was stating that only certain buildings would be connected to the OWTS. She asked if the County would be rescinding the certificate of occupancy for the other buildings, as they would no longer have an active septic system. Castrodale said that it could be an option.

Commissioner Tisdal thought it was draconian to say that the other buildings needed to be capped off. Commissioner Batchelder thought it would be cleaner to limit the buildings.

Commissioner Tisdal was concerned that the assessed value of the facility could be affected if the Board agreed to place restrictions on the use of the Resort. Commissioner Padgett agreed. She said that by saying that 40 buildings could not be occupied could potentially rescind the certificate of occupancy and thereby completely changing the classification of the buildings. Masters and Castrodale both affirmed that this was not their intention. Commissioner Padgett said that it occurred to her that approximately \$73,000 of property tax could potentially be lost if the BOCC approved the request. Commissioner Tisdal said that it was his goal to accomplish the requested action without triggering the implications.

Commissioner Batchelder understood the concern, but pointed out that by not approving the action, but Board would be potentially condemning the property by not allowing the infrastructure to be protected; effectively triggering what Commissioner Tisdal and Commissioner Padgett were concerned about. Commissioner Padgett and Commissioner Tisdal understood that point as well.

Masters said that the purpose of the application was because CDPHE was requiring a new system that met the ammonia standards. The Resort's owner did not want to invest \$1 million into the property when it wasn't being used. The goal was to maintain the integrity of the property in case there was a prospective buyer. Masters said that in order to get out of the jurisdiction of CDPHE, limits needed to be agreed upon.

Commissioner Padgett asked if there could be multiple OWTS systems connected to specific clusters of buildings. Castrodale strongly advised against this proposal as it did not have a successful track record. Commissioner Padgett thought there may be another way to get the desired result.

Commissioner Padgett reiterated that she was very concerned about the possible reclassification of the property.

Commissioner Padgett asked which entity would be responsible for enforcing the limits of the OWTS system. Castrodale replied that the County would be responsible for the oversight.

The Board agreed that it would be best to do further research and consulting on the topic before a decision was made.

Commissioner Batchelder and Commissioner Padgett summed up the Board's pending questions on the application:

- If this action as proposed were to be submitted to final plat, and the original use would be restored in the future, would the original plat be restored?
- Assessor input - Has the classification of the property changed? If the requested action were to be approved, would the classification be changed?
- Is the County taking over enforcement and regulatory powers by issuing an OWTS? Is it possible that fees would be recouped, if so? Would the applicant be willing to cover the costs for oversight, or would it become part of a tax lien?
- Would a prospective buyer sign a notice acknowledging these conditions, as they will not be included on the plat map?
- What would the status be if the Board was to approve this and place it on the plat map?
- Is a plat amendment to accomplish the desired result?
- The language in the plat amendment and recommendations alludes to the authority of the Elk Mountain Resort. The language would need to be clear that there were two "Elk Mountain Resorts:" first is the entity and the second is the plat.
- Does the proposed plat amendment and conditions create a situation where all rights to continue use of the property as originally conceived, are retained or changed? What is the impact on assessment? Does it remain a Resort/PUD?
- Is there a temporary way to give up commercial use, and does it require a plat amendment to do so?

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Padgett to continue the Public Hearing to May 24, 2016 at 1:30PM. The motion carried unanimously with no discussion.

F. 11:29 The Board of County Commissioners convened as the Local Liquor Licensing Authority concerning the following item:

- 1. Request for approval and authorization of Chair's signature on a Beer and Wine Liquor License Renewal for Little Switzerland Resort, Inc. DBA Ouray KOA Campground:**

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize Chair's signature on a Beer and Wine Liquor License Renewal for Little Switzerland Resort, Inc. DBA Ouray KOA Campground. The motion carried unanimously with no discussion.

H. 11:32 General Business, Continued:

- 2. 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 unanimously with no discussion.

- 3. Request for approval of the following minutes:**

- a. August 24, 2015 Public Hearing minutes:**
- b. September 8, 2015 Public Hearing minutes:**
- c. September 29, 2015 Public Hearing minutes:**

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Batchelder to approve the August 24, 2015 Public Hearing minutes as amended; the September 8, 2015 Public Hearing minutes; and the September 29, 2015 Public Hearing minutes as presented. The motion carried unanimously with no discussion.

- 4. Request for approval and authorization of Chair's signature on Appropriated, 2016 Budgetary Transfer Forms:**

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize Chair's signature on Appropriated 2016 Budgetary Transfer Forms. The motion carried unanimously with no discussion.

5. Request for approval and authorization of Chair's signature on License Agreement to use photograph in book publication:

M/S/P – Motion was made by Commissioner Batchelder and seconded by Commissioner Tisdel to approve and authorize Chair's signature on License Agreement to use photograph in book publication. The motion carried with no discussion.

6. Request for adoption of Resolution 2016-016 concerning Surplus Property:

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Batchelder to adopt Resolution 2016-016 concerning Surplus Property. The motion carried unanimously with no discussion.

J. 11:39 Commissioner/Administrative Reports

Connie Hunt, County Administrator, discussed the following:

- 1) **Courthouse Restoration Project** – The Board set a work session with Charles Cunniffe Architects for May 24, 2016 at 3:30PM in Colona in order to discuss the project.
- 2) **Rockbiter Small Land Tract Act Clarification** – The Board agreed to discuss a response letter during the next day's special session.
- 3) **CCI, Inc. Summer Conference** – Hunt asked that the Board let her know if they planned to attend the conference.
- 4) **Lease Purchase** – Hunt said she was meeting with financial institutions in order to finalize some governmental lease purchase opportunities.

Commissioner Padgett discussed the following:

- 1) **Ouray Hydroelectric Dam Sluicing Event** - Commissioner Padgett said that the Board had previously discussed working with the Uncompahgre Water Partnership (UWP) to get samples of the event. No one from the organization was available to take samples, so Commissioner Padgett said that she had taken the samples. She thought it was interesting to note that there were only two individuals who had the power to veto the approval of the release, and both were out of town when the event happened. She thought it would be good for UWP to partner with the County in order to apply for a CDPHE grant that would study the long term effects of the sluicing operations. She said that she was able to take some samples in various locations at different times. She thought the cost of running the samples would be around \$300.

Commissioner Tisdel thought that the samples would be more effective if there was a diverse sampling. Commissioner Padgett agreed, but said that there needed to be some introductory samples for a potential grant application.

Commissioner Padgett thought it was important for an accredited agency to take samples in order to insure accuracy. She said that River Watch relied on volunteers to take samples, and that it could take 6 months to a year to get sample information back. If an official entity was taking the samples, proper sampling techniques could be ensured, and a targeted sampling plan could be used with faster results.

Commissioner Batchelder thought Commissioner Padgett's proposal of using the samples as the starting point for a grant to a multi-year testing study was reasonable; however, he shared Commissioner Tisdel's concern that he did not want the samples or any potential project to be used to target a specific individual or business. He cautioned the Board to be stringent when it came to unbudgeted expenses. He proposed that the samples be tested, and that the funds come out of the BOCC Grant Match line item. The Board agreed.

Commissioner Tisdel discussed the following:

- 1) **Western Slope Wildfire Awareness and Mitigation Plan** - Commissioner Tisdel reported that the State Board of Realtors and other agencies would be holding a Wildfire Awareness and Mitigation Plan Program on May 25th, at 10:00 at the Log Hill Fire Department Headquarters.

12:12 Lunch

G. 1:32 West Region Wildfire Council (WRWC):

1. **Presentation, discussion and request for participation in a newly designed "curbside" chipping program:**

Lilia Falk, West Region Wildfire Council Director, was present.

Falk updated the Board on projects undertaken by the WRWC in Ouray County in 2015. She presented the WRWC's Community Chipping Program and requested \$3,000 from the County for the project. The Board agreed that it was a worthy request and that it offered many great benefits to the County. The Board authorized the request to be taken out of the Forest Health budget line item.

J. 2:13 Commissioner/Administrative Reports, Continued:

Commissioner Padgett discussed the following, continued:

- 2) **BLM 2.0** - Commissioner Padgett said that the BLM was asking for comments regarding the new proposed processes and procedures. She asked if staff would contact BLM representatives in order to brief the Board regarding the proposal.
- 3) **Commissioner Processes** - Commissioner Padgett requested that the Board endeavor to provide detailed information regarding meetings with other municipalities, organizations, and entities. She said that it was important for the Board to be open and communicative with one another and with staff in order to achieve equitable outcomes.

Commissioner Tisdell, continued:

- 2) **Heli-skiing** - Commissioner Tisdell said that there was a proposal to remove or limit heli-skiing in Poughkeepsie Gulch. The BLM was currently accepting comments on the proposal.
- 3) **Highway 550 Safety** - Commissioner Tisdell said that the Board had received a letter from a citizen regarding speed limits between Ouray and Ridgway. The letter urged community leaders to request CDOT to lower the speed limits in certain areas. Commissioner Batchelder said that CDOT was unlikely to lower the speed limit.

Commissioner Padgett, continued:

- 4) **United States Forest Service** - Commissioner Padgett said that she had contacted the Ouray District Ranger, Tammy Randall-Parker, regarding a request pertaining to SBEADMR. In the discussion, Randall-Parker had stated that she wanted the USFS and the County to return to the relationship they used to have regarding County Road 361 and 26. Randall-Parker said that she would be requiring Ouray Silver Miles (OSM) to return County Road 26 to the state it was before OSM began operations. Commissioner Padgett suggested that the Board plan a joint trip later in the summer that endeavored to get all the users together on the road in order to solve some reoccurring issues.

Commissioner Batchelder discussed the following:

- 1) **Ouray County Housing Authority (OCHA)** - Commissioner Batchelder said that the Board had previously authorized the County Attorney to work on redrafting the OCHA intergovernmental agreement (IGA). Commissioner Batchelder said that he requested that Whitmore attend the last OCHA meeting in order to propose the changes. He said that Whitmore was recommending that the current iteration of the OCHA be abolished, and new one reestablished. The Board agreed to authorize the County Attorney to work further on redrafting the IGA. The Board also agreed to authorize the County Administrator to look into the costs for CTSI to cover OCHA.

Commissioner Batchelder said that OCHA was working on hosting a forum for builders and developers. Commissioner Padgett thought that the scope of the forum was too narrow; The Board agreed to authorize staff time to record meetings.

- 2) **Ad-Hoc Committee with Ridgway Schools** - Commissioner Batchelder reported that he had been working with a small Ridgway School District group. He explained that the project was initiated by Ridgway Schools. He asked if the BOCC would be willing to authorize the GIS Manager's time to put together a map to identify several parcels. Commissioner Tisdell asked if Ouray Schools could be included. Commissioner Batchelder said that it wasn't necessary at this point, but would in the future. The Board agreed to the request.
- 3) **Accessory Dwelling Units and Employee Housing** - Commissioner Batchelder asked that the Board authorize staff to discuss the loophole in the Land Use Code with the Planning Commission to discuss options brought up by a member of the public. The Board agreed.

I. **2: 51 Consideration of Resolution 2016-017 adopting a Moratorium on Residential Development on Mining Claims in the Unincorporated Areas of Ouray County:**

Mark Castrodale, Planning Director, and Bryan Sampson, Associate Planner, were present.

Recognizing the public interest on the issue, Commissioner Padgett asked for public comment on topic.

Ken Orvis said that he did not think there was a need to restrict building in the high alpine areas. He didn't think it was in the best interest of land owners to restrict mining.

Commissioner Batchelder clarified that the moratorium would only pertain to residential development. Activities having to do with mining would not be affected.

Michael Covington said that he owned a mining claim and he didn't have any need to build on his mining claim, with the exception of something small, like a tool shed. Commissioner Padgett said that if the structure was associated with a mining operation, it was acceptable. Covington reiterated that he didn't understand the need for the moratorium.

Richard Wojciechowski asked if the Board had bothered to notify every mining claim owner that a moratorium was being considered. Commissioner Padgett said that they had not. Wojciechowski thought it would be advisable to do so.

Cristy Orvis said that there were approximately 220 owners of mining claims in Ouray County and the vast majority were not aware that a moratorium was being considered. She was unsure what initiated the need for the moratorium. She explained the history surrounding the development and the ultimate Board rejection of Section 30 of the Land Use Code.

Eli Doose said that he didn't feel like there should be a moratorium on any development on any private property in Ouray County. He said that that the Board should not be regulating development outside of what already existed.

Dave Calhoun said that he did not understand the connection between elevation and residences. He didn't understand why an elevation would cause a property to not be able to be developed. Commissioner Padgett clarified that Mr. Calhoun was referring to the provision in the moratorium that no residential development take place above 9,500 feet. Calhoun asked why the mining claim owners were being targeted. He said that members of the public were allowed to recreate in the high country year round; he thought that the same privilege should be afforded to the property owners.

Gail Jossi said that she had sat through previous public meetings where the same topic was discussed and the BOCC had come to the conclusion that regulations on mining claims were not needed. She asked how many more hours of staff time were needed to rehash the issue. She thought that the issue had been resolved previously and did not understand the emergency to have this brought forward.

Mike Hockersmith said that he had attended two previous meetings on the topic and that Commissioner Tisdel was the one who had originally raised the concern. Hockersmith said that he thought Commissioner Tisdel's concerns were based on speculation and fear. Hockersmith said that there was no question that the Board had the ability to adopt the resolution, but there was a question of if the Board should exercise this kind of power. He pointed out that at a work session the week prior, the discussion began with the question of if the Board should consider regulations on development on mining claims, and it rapidly progressed to instituting a moratorium a week later. Hockersmith urged the Board to not adopt the moratorium and look a bit closer at the implications. Hockersmith added that Commissioner Batchelder had pointed out that the current Land Use Code regulations addressed all of Commissioner Tisdel's concerns.

Dan Chehayl said that he had just recently returned from a ski trip on Red Mountain Pass. He was concerned about the loss of a potential asset if unchecked development was allowed in the high alpine areas. He referenced the 1964 Congressional Wilderness Act that strived to maintain wild space. Chehayl thought that moratorium would help preserve the wild spaces in Ouray County.

Sara Coulter said that she understood that some of the neighboring counties had good policies regarding development on mining claims. She thought that the County and the region would benefit from a regional perspective.

Kimah McCarthy encouraged the Board to consider well thought out policies regarding development both in the high country and in the County as a whole.

Jeff Robbins, representing his client Mark Iuppenlatz, said that Iuppenlatz had purchased twelve mining claims on Ouray County, each under a unique LLC name. He was unsure what had triggered the need for a moratorium. Robbins said that Iuppenlatz had built one cabin on one mining claim, and had applied for a building permit for another cabin on a separate claim. Robbins said that his client was against patchwork development in the high country, as he was an avid backcountry enthusiast as well. Robbins reiterated that he and his client did not know why the County wanted to institute a moratorium on residential development on mining claims.

Averill Doering said that many backcountry enthusiasts were concerned about the construction of a large single family residence in the alpine zone by Iuppenlatz. She said that she was aware of a second planned "cabin" that was to be constructed. She said that she was aware that the second structure was planned to be around 7,000 square feet. She thought that a structure that size would have a significant visual and environmental impact. She said that development in a sensitive environment like the alpine zone would have a lasting impact. She urged the Board to consider that the municipalities depended on recreation and tourism to survive and large structures would impact those who sought out Ouray County for its wild spaces. She thought it was advisable for the Board to take a few months to study the impacts of high country development.

Gail Jossi spoke again to suggest to the Board to do research and hold a public meeting before considering a moratorium.

Commissioner Tisdel explained that he had requested that the BOCC discuss the topic when he became aware San Miguel and San Juan Counties had restrictions regarding residential development in high alpine areas; as a result, there was increased development on the Ouray County side. He also was aware of a larger land owner that had been selling parcels individually that contributed to an increasing trend of more individual parcels; he was concerned about the potential for conflicts between residential development and mining development. In addition, Commissioner Tisdel was concerned about that availability of EMS response, particularly on parcels that were addressed in Ouray County, but only accessed through San Juan County. He cited parking on Red Mountain Pass, availability of seasonal access, and a concern that the Land Use Code did not address all of the issues as reasons for instigating a moratorium. Commissioner Tisdel said that he had the reasonable expectation that the Board would refer it to the Planning Commission and the Planning Commission would quickly develop regulations for the Board's consideration. Commissioner Tisdel said the timeline could be shorter than the projected six month moratorium.

Commissioner Padgett thought that it was reasonable for the Board to ask staff and the Planning Commission to revisit the site development permit process or other administrative processes. She thought an amended site development permit process might address some of Commissioner Tisdel's concerns. She agreed that there may be a potential health, safety and welfare issue with availability of emergency services.

Commissioner Batchelder thought that there may be some gaps in regulatory processes regarding development on mining claims in Ouray County. Commissioner Batchelder pointed out that prior to 1982

residential development was not a use-by-right on mining claims, as it was only a conditional use. He thought it was reasonable to look at the other counties' restrictions, and discuss if there should be an increase in regulations in Ouray County. He cautioned the Board from beginning the process by instituting a moratorium, as it created an emotional response and could potentially polarize the issue. He was wary of creating another Section 9 – Visual Impact situation.

Commissioner Tisdel suggested to minor revisions to the resolution.

M / F – Motion was made by Commissioner Batchelder to not adopt Resolution 2016-017. Hearing no second, the motion failed.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Padgett to adopt Resolution 2016-017 as slightly amended.

Discussion:

Commissioner Padgett asked staff if the date of May 3, 2016 was practical. Castrodale thought it was. He said that there was no access to the majority of the properties due to snow so a site development permit couldn't be reviewed until later until the spring or summer.

Commissioner Batchelder asked how many building permits for the Alpine Zone had been submitted in 2016 to date. Sampson replied that there had been one submitted and it had been issued that day. Commissioner Batchelder asked if the building permit had been submitted as the result of the Board's work session the week before. Tamara Knutson, County Building Inspector, said that the foundation had already been laid the year prior and that the permit had been in process before the Board's meeting.

Commissioner Tisdel said that the Board had the power to lift the moratorium if the Planning Commission came back with acceptable recommendations.

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

Commissioner Batchelder voted in the negative. He wanted to be clear that his vote was not a vote against restrictions and/or regulations in the alpine zone, but that he considered a moratorium to be an emergency action and sent the wrong message.

Commissioner Padgett voted in the affirmative.

Commissioner Tisdel voted in the affirmative

There was some discussion. Motion passed.

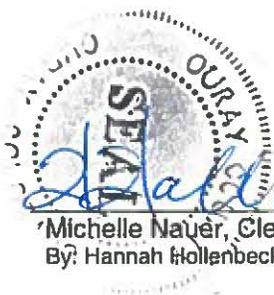
After the motion carried, Commissioner Padgett said that she voted in favor of the resolution but wanted to make sure that the Board would be tasking the Planning Commission with clear direction. She said that the Board would be convening into work session to discuss what kinds of items would be sent to the Planning Commission. She said that if the work session did not conclude with the BOCC requesting specific items of the Planning Commission, she may not be comfortable with keeping the moratorium in place.

Castrodale confirmed that the three month moratorium time frame would only cover the Planning Commission discussion and development of regulations. He said that the Board should anticipate additional time for BOCC deliberation and public hearings.

The Board agreed to consider a new Planning Commission Land Use item resolution at a future meeting.

3:46 The Board adjourned the regular meeting and convened into a work session to discuss High-Country Regulation items to be considered for placement into a resolution for Planning Commission direction:

Attest:


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

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

ABSENT

Lynn M. Padgett, Chair

Ben Tisdel

Ben Tisdel, Vice-Chair

Don Batchelder

Don Batchelder, Commissioner