

The Board of County Commissioners met in regular session on October 4, 2010. Those present for the session were Lynn M. Padgett, Chair; K. Keith Meinert, Vice-Chair; Heidi M. Albritton, Member; Mary Deganhart, County Attorney; Connie Hunt, County Administrator; and Linda Munson-Haley, Clerk of the Board.

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

**A. 8:41 Public Hearing – Cow Camp Preliminary Development Plan:
(This public hearing was continued from September 27, 2010.)**

Applicants: Donald and Katherine Kellogg

Authorize Agent: John Peters & Associates

Location: The subject parcel is located at SE ¼, NW ¼, Section 29, Township 46N, Range 8W, N.M.P.M., or more commonly referred to as Lot 2 of the Kirby Exemption located off of Ponderosa Drive, approximately 3.5 miles east/northeast from the intersection of County Road 1 and Ponderosa Drive.

Purpose: To entertain public comment on an application for Preliminary Development Plan approval of a 3-lot regular Planned Unit Development known as the Cow Camp PUD.

Donald Kellogg and John Peters were present. Mark Castrodale, County Planner, and Bryan Sampson, Planning Technician, were present.

Commissioner Padgett reopened the public hearing. The Commissioners were handed a piece of paper with ten conditions from Staff (*County Exhibit A-1*), along with a map titled "Cow Camp PUD" (*County Exhibit A-2*), and an aerial photo (*County Exhibit A-3*).

Castrodale explained that Staff had made some minor revisions and clarified the fencing issue. This was a summary of what had been discussed at the hearing on September 27, 2010. Number 6, the issue of access, was the sticking point. The Applicants were proposing two driveways and Staff and Road and Bridge wanted to see one shared access.

Commissioner Meinert asked John Peters if he had seen the exhibit offered by Staff and Peters said that he had. Commissioner Meinert asked Peters if he agreed that this was the consensus reached at the meeting. Peters replied yes, but had a question about the November 8 date being less than the 45 days. Deganhart explained that 45 days put the date in the middle of the week and Staff decided to make the date coincide with the Commissioners' meeting. There was discussion about the draft and Deganhart offered to provide Peters with the most current version.

Commissioner Meinert thought that there had been consensus to delete Condition 10. Deganhart had it in her notes to change that to reflect that any change to onsite or offsite historical drainage must be addressed with easements. Commissioner Albritton recalled that it was to be deleted, also. Deganhart pointed out that the confusion came because the Board had deleted other conditions causing the current draft to be renumbered. The Commissioners had deleted 10, 11 and 12. Commissioner Meinert recalled that the only remaining issue was Condition 6 about access.

Chris Miller, Road Superintendent, distributed photographs that he had taken earlier in the morning of the property and the intersection (*County Exhibit A-4*). His concern was that there would be five accesses within the course of 200 yards. Miller proceeded to discuss each photograph. Another concern was the line-of-sight in both directions. The road was 18 feet wide and there was a hill and a bend in the road. He did not think it was a wise choice unless the hill was taken out and the road widened.

Commissioner Padgett displayed a contour map of the area on her computer showing all of the intersections with the road (*County Exhibit A-4*). There was discussion about particulars of the photographs and the map, and line-of-sight issues with the proposed driveways.

Castrodale clarified that from the discussion at the previous meeting the site was not visible from the CR 1 visual impact corridor; therefore, any discussion about visual impact from the proposed driveways was moot.

Kellogg entered a paper titled "Cow Camp PUD Driveway Issue" into the record (*Applicant Exhibit A-1*) that pointed out that the Staff Report of August 30, 2010 only cited the section of the Land Use Code that supported shared driveways. He read from a section of the Land Use Code that stated, "*Roads and driveways (and the cut and fill associated with them) shall be designed such that future infrastructure and maintenance costs are minimized, the length of new roads minimized.*" His point was that for a shared driveway access, the driveway for Lot 3 would be twice as long as a separate drive, roughly 400 feet versus 200 feet, depending on where the house was situated, causing twice as much maintenance and more visibility from the road. The Planning Commission supported proceeding with separate driveways at the May 18, 2010 public hearing. If he was in the market for a lot and saw a driveway cut all the way across the lot, he probably would not buy the lot.

Commissioner Padgett asked for public comment. There was no public comment at this point.

Commissioner Meinert observed that the Planning Commission deliberation resulted in 4 of the 5 Planning Commissioners agreeing with the removal of the condition for a shared driveway with one Planning Commissioner reiterating the importance of supporting the Road and Bridge position.

Commissioner Albritton asked Miller if there were any mitigation techniques that the Applicants could do to alleviate Miller's concerns such as signs, etc.

Miller noted that intersection signs could be erected, Road and Bridge could take the top off of the hill and widen the road through the area of concern. He did not think that the signs would be helpful ten years from now. If the Mueller property ever developed there would be a total disaster there. A discussion followed.

Commissioner Meinert was concerned about the proliferation of driveways apart from Miller's concerns. That being said, this proposal would only be adding one more access point. The Commissioners needed to balance the imposition of a restriction on the Developer for a shared driveway with what the County was trying to do in looking to the future to ensure that the road was safe with the proliferation of driveways. And, as Miller pointed out, it did cost the County more to maintain a road with driveways off of it.

Commissioner Albritton agreed that a shared driveway would be looking out for the County's long-term interest. Allowing two separate driveways would be more in the interest of the Applicants' needs for the development.

Commissioner Padgett appreciated that the Applicants had brought up what appeared to be conflicting portions of the Code: one section that addressed shared driveways and another section that said that cut-and-fill for driveways should be minimized in length but she did not think that they were mutually exclusive.

Peters pointed out that his client had conscientiously decided to do a minor subdivision and not maximize the density available there.

Castrodale did not think that there was room for another lot due to the open space requirements.

Commissioner Meinert added that the Commissioners had decided to be lenient regarding the open space. A discussion followed. Commissioner Meinert concluded that he did not feel that the Applicants had done anything to maximize the open space and minimize the density. It was not a factor.

The Commissioners had more discussion.

Commissioner Padgett asked for any more public comment. With no further public comment she closed the public comment portion of the public hearing.

Commissioner Meinert deliberated that he was leaning towards upholding Staff's recommendation of a shared driveway.

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve the Cow Camp application for a Preliminary Development Plan for a 3-Lot Regular PUD with ten conditions as outlined in the Staff Report presented today.*

- 1) *The developer shall add or modify existing plat notes regarding Division of Wildlife recommendations as follows:
 - a. *Homeowners shall be required to store refuse in a bear resistant trash container.*
 - b. *Any perimeter or property line fencing shall comply with Colorado Division of Wildlife "Fencing with Wildlife in Mind" guidelines.**
- 2) *Prior to Final Development Plan submittal to the BOCC, the developer shall provide a weed management and re-vegetation plan approved by the County Weed Coordinator. The plans shall include an agreement to provide any performance bond as may be required by the County.*
- 3) *The Developer shall execute a PUD agreement on or before November 8, 2010 or unless the Developer notified Staff timely that he required a different date.*
- 4) *Prior to Final Plat approval the Developer shall install all utilities to the lot lines for Lots 1 and 2.*
- 5) *The Developer shall submit to the County within one year after approval by the BOCC of the Preliminary Development Plan an application for Final Development Plan approval.*
- 6) *Prior to submittal of the application for Final Development Plan approval, Developer shall modify existing site design to include a shared access point driveway for Lots 2 and 3 as recommended by Staff and Road & Bridge. Developer agrees to establish proper easement for said access and install, at Developer's expense, entrance to shared driveway per specifications to be provided by the Road & Bridge Superintendent. Construction to shared access point is to be completed prior to Final Plat approval.*
- 7) *Prior to Final Development Plan submittal to the BOCC, the Developer agrees to combine the Declaration of Covenants into one document and to make modifications or changes to the Covenants as may be required to comply with the Ouray County Land Use Code or State law.*
- 8) *As described in the document recorded under Reception # 154286, the Developer shall note on the Preliminary Plat, the 60-foot easement that runs along easterly border of the property, and a plat note shall be added to address the status of the easement. Changes shall be made prior to submittal of the Final Development Plan.*
- 9) *Prior to submittal of the Final Plan and during the construction phase, the Developer shall make the wells on the property secure.*
- 10) *If existing drainage or culverts are modified, the Developer shall obtain proper drainage easements as are required by Staff or County Engineer. Easements shall be recorded with the Ouray County Clerk's Office.*

There was no discussion. Motion passed unanimously.

Commissioner Padgett closed the public hearing.

B. 9:28 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.

David Mullings, former publisher of the *Ouray County Plaindealer*, met with the Board to advise the Commissioners and Staff that regarding his Dallas Meadows editorial last week, he blew it. It was ill-advised of him to try to write on such a complex subject on a deadline. He did more homework and more thoroughly understood the County's position and options, or lack thereof regarding that issue, and he intended to revisit that topic in this week's editorial. He offered his apologies for not doing his job very well.

On a separate issue, Mullings advised that, as of last Friday, he was now a member of the public. The newspaper had changed hands. The new owners were Beecher Threath and Alan Todd.

Commissioner Meinert acknowledged the contribution that the papers had made to the community in the last 15 years and thanked Mullings for his service to the community.

Commissioner Albritton seconded Commissioner Meinert's sentiments.

Commissioner Padgett agreed and applauded Mullings's staff, also. She had been troubled by the editorial and she appreciated his apology.

C. 9:36 Public Hearing – Petition for Abatement or Refund of Property Taxes:

Petitioner: Silver San Juan, LLC
Michael Share

Schedule Numbers: R006221, R006222, R006223, R006224, R006229, R006230,
R006231, R006232, R006233, R006234 and R006235

Commissioner Padgett opened the public hearing. She explained that the Commissioners were in possession of an email dated October 1, 2010 to Connie Hunt (*Petitioner Exhibit C-1*) stating that the Silver San Juan, LLC folks were in Massachusetts and had just received the letter and wanted time to confer with an attorney.

Hunt recommended that the Commissioners pick a date and continue the hearing.

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to continue the public hearing to November 8, 2010 at 10:15 a.m. pending the approval of the Assessor's Office Staff and Michael Share and counsel. There was no discussion. Motion passed unanimously.*

There was a discussion on scheduling.

Commissioner Padgett continued the public hearing until November 8, 2010 at 10:15 a.m.

9:43 The Commissioners recessed and reconvened at 9:55:

D. 9:55 General Business:

1. Discussion and completion of Colorado State University Commissioner Survey Questionnaire:

Ron Mabry, Weed Manager, and Susan Long, Fairgrounds Manager, were present.

Commissioner Meinert asked to include Staff input.

Commissioner Padgett went through the questionnaire and filled it out online with everyone's input.

2. Request for adoption of Resolution 2010-036 regarding a road name change:

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to adopt **Resolution 2010-036** as presented. There was no discussion. Motion passed unanimously.*

3. Request for adoption of Resolution 2010-037 ratifying action taken by the Board on September 27, 2010 approving Coral Bell Estates PUD Final Development Plan / Final Plat:

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to adopt **Resolution 2010-037** as presented. Discussion. Commissioner Meinert wanted to ensure that the conditions listed in the resolution were the conditions the Board approved on September 27, 2010. Deganhart explained that it was actually on September 13, 2010 not September 27, 2010 and that she was not present at that meeting. Castrodale and Sampson drafted the resolution. According to the minutes from September 13, 2010, it appeared that the conditions were the same. With no further discussion, the motion passed unanimously.*

4. **Request for adoption of Resolution 2010-038 directing the Planning Commission to review a proposed definition of “building height” and make recommendations:**

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to adopt **Resolution 2010-038** as presented. Discussion. Commissioner Meinert noted the resolution stated that the recommendations from Planning Commission should be returned to the Commissioners on or before November 30, 2010. He asked if that was consensus and if it was a reasonable date as far as Planning Commission was concerned. Deganhart advised that Land Use had sketched out a schedule for a Planning Commission work session and public hearing to allow enough time to make recommendations. With no further discussion, the motion passed. Commissioner Padgett abstained from voting because she had not reviewed the resolution.*

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

M/S/P—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to approve warrants as submitted. There was no discussion. Motion passed unanimously.*

6. **Request for approval of minutes:**

a. **September 13, 2010 minutes:**

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve September 13, 2010 minutes as presented. Discussion. Commissioner Meinert pointed out that Commissioner Padgett had not reviewed the minutes and he wanted to assure himself that there was nothing that she would find controversial or of concern in the minutes. Commissioner Padgett suggested that action could be held over until after lunch to give her a chance to review the minutes. Commissioner Meinert preferred to do that. The Commissioners agreed to table the minutes until after lunch. Motion failed.*

b. **September 20, 2010 minutes:**

This item was tabled until after lunch.

7. **Request for approval and authorization of Board of County Commissioner signatures on letter to Ridgway Area Chamber of Commerce (RACC) Board of Directors:**

Commissioner Padgett had a change to the letter.

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve and authorize the Chair's signature on a the letter to Ridgway Area Chamber of Commerce Board of Directors as amended. There was no discussion. Motion passed unanimously.*

I. **10:26 Commissioner / Administrative Reports:**

Commissioner Albritton discussed the following:

- 1) **Mountain Rescue Request** She was contacted by several Rescue Team members who were trying to do a building project and asked that the County waive the fee. She wanted to schedule it for a future discussion.

Connie Hunt, County Administrator, discussed the following:

- 1) **Budget work session** She asked to schedule the work session for November 9. Commissioner Padgett pointed out that the “Weeding Out the Issues” medical marijuana work session was scheduled for that evening. Commissioner Meinert noted that there was a big conflict with that evening, a Nordic Council dinner. He asked to reschedule the evening work session. Hunt suggested the evening of November 16; Tri-County was in the morning of that day. The Commissioners agreed to move the medical marijuana work session to 6 p.m. on November 16. With regard to the budget work session, the Commissioners agreed to meet with Hunt and Deganhart on November 4 at 9 a.m. after the election and prior to meeting with all of the department heads and elected officials regarding the budget.
- 2) **ACC Western District Meeting recap** She recapped the meeting for the Board.

Mary Deganhart, County Attorney, discussed the following:

- 1) **Sun Edison bias accusations** After the public comment the Board had received last week regarding the Sun Edison meeting, she was so befuddled by the allegation that she was somehow biased during the course of that meeting that she went back and listened to the audio of the meeting. After reviewing it, she was comfortable with the statements that she had made during the course of that meeting. Her comments had to do with process, with encouraging Planning Commission to apply the information before them to the Land Use Code and not let their personal feelings be taken into account when making their decision, and with interpretation of the Code. She tried to ensure that it was a fair hearing and that both sides were able to receive due process during the course of the hearing.

Commissioner Albritton did not know when the best time was but she wanted to listen to the audio to address the allegations. A discussion followed.

Deganhart was hesitant to have the Commissioners listen before the application came before them but suggested, as a compromise, that they could view a transcription of her comments alone. There was more discussion.

Commissioner Meinert spoke to the suggestion to recuse the County Attorney and reiterated his stance that he did not think that there was a process for the County Attorney or any Staff to recuse themselves. Recusal was for a decisionmaker not for people who were providing input and testimony to the decisionmakers. The public provides testimony, applicants provide testimony, and Staff provides testimony. The Commissioners had directed Staff as to what kind of testimony they wanted. In particular, the County Attorney provided the Commissioners, Planning Commission and the rest of Staff legal advice on how things were to be reviewed to preserve the integrity of the Land Use Code and other County policies, procedures and regulations. To the extent that Staff had not followed the Commissioners' guidance, the Commissioners could take action outside of any proceeding before them.

Commissioner Padgett expressed her concerns about this becoming an issue, and felt that the Commissioners should vet the accusations and put them to bed one way or another in order to keep things on track.

Commissioner Albritton suggested that the audio file could be a part of the Commissioners' packets for the public hearing that they could listen to and then set aside some time before the public hearing to address the accusations to avoid the issue from becoming part of the public hearing process.

More discussion followed.

E. 10:58 Warren Barker, U.S. Forest Service Alpine Ranger:

1. End of the Season Update on Jeep Road Patrols:

Warren Barker explained that he patrolled the jeep roads primarily from Ouray to Telluride and some on the Alpine Loop, the west side of Engineer and the west side of Corkscrew. His season starts around Memorial Day and extended through the middle of September. He worked Thursdays through Sundays every week. Unofficially, he felt that OHV activity was up this year. There were a good many Forest Service special use permits issued this summer that included the Toyota FJ Cruiser clubs and a filming permit for Range Rover, the Colorado 500 motorcycle club, and the Imogene Run, the jeep tour companies and ATV rental companies.

Barker explained that he had expressed in the past that he did not think that there was a problem with unlicensed drivers. There were a couple of issues this summer, one that led to a serious accident. There were a couple of unsupervised, unlicensed drivers on ATVs. The parents were issued tickets according to a Colorado State Park regulation.

Commissioner Meinert asked if Barker felt that the State Park regulation was sufficient or if the Commissioners should revisit their stance to not go along with the requirement by San Miguel County and San Juan County for licenses.

Barker was not sure if the County should use one year as a gauge.

Commissioner Padgett was concerned about the problems the County had with fully-licensed, fully-capable adults. The roads were very challenging and there had been some very tragic accidents.

Commissioner Albritton felt that changing the rule about unlicensed minors would not have mitigated the trouble that the adults had gotten into. She was still comfortable with Ouray County's regulations in large part because of the significant role that this family activity played in the local economy. If the County cracked down, the city of Ouray would suffer in significant ways. To reopen the discussion, she wanted to have much more data.

Barker noted that the key was to keep the unlicensed driver tucked in between the mom and the dad. The problems occurred when the parents dropped off the kids and left them alone. He discussed the types of tickets that he wrote. He recalled that he had done extensive surveys in 2005 and was considering doing another survey next year.

Barker related that there had been a full-time Alpine Host couple in the Yankee Boy Basin all season long, five days a week, six to eight hours a day. They did a great job.

The exhaust situation was much better. The enforcement phase of the new regulation went into effect on July 1 and he did not have to write any tickets.

Barker explained that he had started taking a more aggressive approach to the speed issues and word was getting around. There were still a few issues but he felt that he was getting a handle on it. The Forest Service paid a stipend to the Ouray County Sheriff's Office to help patrol the roads.

Commissioner Meinert noted that this was the first year that Ouray County had contributed to Barker's activities even though the Commissioners had always recognized how valuable his activities were. He brought up the subject at the last Summit South meeting in Lake City to look at other funding sources for law enforcement in the backcountry. He asked if anything had been done about that.

Barker stated that, historically, the board in charge of funding enforcement in the backcountry had been reluctant to allocate much money to it but they had come under a lot of heat this past summer and revisited the issue. As a result, the funding for enforcement was being increased through the OHV fund. He suggested that the County could also make the case for Road and Bridge to receive funding from the OHV fund for maintenance.

F. 11:22 Alan Staehle, Emergency Coordinator:

1. Fire Planning Discussion:

Sue McIntosh and Charlie Carson were present.

Staehle explained that the County finished a Community Wildfire Protection Plan (CWPP) in 2007/2008. It was an attempt to meet the federal guidelines, which it did. In 2009, Senate Bill 2009-001 (SB09-001) added some requirements. The Commissioners signed a contract in August to proceed with a grant to hire outside support, Anchor Point. Other counties in the West Homeland Security Region contributed all but \$1,000 of the \$45,000 needed so that Ouray County could get its portion of the study done without local expenditure. The Ouray Fire Protection District was paying the balance. There was a kick-off meeting with Anchor Point on August 26 to begin gathering data layer maps, documents, etc. The Anchor Point staff came on September 22 and spent a week viewing the county's problem areas to have an on-the-ground sense of what the issues were. Anchor Point would then put together all of the information to present to the public sometime in mid-January.

Charlie Carson, a full-time Log Hill resident and member of the fire department, distributed a brochure titled "Log Hill Mesa Residents' Evacuation Guide." The purpose of the brochure was for Log Hill specifically. He had been working with Staehle on the update to the CWPP to include things specific to Log Hill. He and Dick Kreutzen had been working on a formal evacuation plan and the brochure was part of that plan. A more formal plan would be out soon. The other reason he was here besides to lend the fire department's support to Staehle and the CWPP process was to talk about the two telephone notification systems: TNS and WENS. Both were used to notify the general public about a problem and while different, were complementary.

Staehle interjected that TNS (Target Notification System) was what most people thought of as "Reverse 911." Reverse 911 was a copyrighted term, hence the term TNS.

Carson explained that TNS was in place for Ouray County. Ouray County paid for TNS that was run by Entrada and administered by Matt Goetsch who worked for Montrose County. TNS was a voice notification system. Whenever a land line telephone was activated, even if it was an unlisted number, Entrada entered it into the TNS database. An authorized, trained person with a password and I.D. could log in over the internet to the TNS computers and pull up a map to highlight an area to be called. The person would then record a voice message that would be sent to all of the telephones in that geographic area. It worked well but not everyone had a land line. Many people had cell phones. It was very difficult if not impossible to track the physical locations of the people with cell phones. That was where the wireless sign-up notification came into effect. There would be a publicized wireless sign-up website, run by Entrada, where people could go to enter their physical address and their wireless number. Entrada would then add that cell phone number to the database. He requested that the County put a link to the sign-up website on the County's website. The Commissioners agreed.

Carson urged the County to consider adopting WENS (Wireless Emergency Notification System). He understood that there was a cost to WENS but he did not know what the cost was. As TNS was a "voice mail system," WENS was a "text message or email system." Messages were sent when there was an issue of countywide interest. It was not a replacement for TNS but a complement to TNS. An example would be that a WENS message could be sent out advising people that County Road 1 was closed for an evacuation while simultaneously a TNS message would be sent out to the people in the geographic area around County Road 1 advising them to evacuate.

Staehle explained that it cost 12.5 cents per phone reached for a 30-second message when the TNS was initiated. WENS would cost Ouray County \$3,000 a year.

Commissioner Meinert clarified that, to him, TNS was a "reverse 911" emergency notification system while WENS was more of an advisory system.

Carson discussed the benefits to visitors to the area where they could sign up for WENS temporarily while they were in Ouray County. There would be no extra cost to them or to the County.

There was discussion that CDOT should be linked into WENS.

The Commissioners scheduled further discussions for November 8, 2010.

Sue McIntosh on behalf of Cornerstone wanted to thank Staehle and express gratitude to the Commissioners for having Staehle onboard. Cornerstone could be a good haven in the case of evacuation.

G. 12:11 The Board of County Commissioners convened as the Board of Health:

Cheryl Roberts, Public Health Director, was present.

1. Request for approval and authorization of the Chair's signature on a Fiscal Impact Form and a Memorandum of Understanding with the State of Colorado Department of Health for Children with Special Healthcare Needs:

Roberts advised that the County had been doing the MOU for more than 18 years. Public Health received referrals from the schools and/or healthcare providers for children with special healthcare needs. A specialist would then come to the area to see those children, usually in Montrose County, but the case management was handled locally.

Commissioner Meinert asked of the \$1,284 that was being requested for approval was there any County funding being requested.

Roberts replied, yes, but that it was part of her FTE already. There was no out-of-pocket expense.

M/S/P—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to approve and authorize the Chair's signature on a Fiscal Impact Form and a Memorandum of Understanding with the State of Colorado Department of Health for Children with Special Healthcare Needs Program recognizing that the program had been in place for some time and the only County resource was a modest amount of Staff time. There was no discussion. Motion passed unanimously.*

2. Public Health Director Program Update:

Roberts updated the Commissioners on recent personnel changes. She hired Christine Witherspoon, a local, for the Homemaker position. There were 14 applicants. Carol Dunn announced that she was leaving on December 31, 2010. Roberts would be coming back to the Board to fill that position at a later date.

With regard to the facility, Clark Green with Maintenance had been doing all of the things that had been on the fix it list for years. He was almost done and she appreciated it. The outside of the building needed to be painted before winter and that would require the "Delta Force."

Roberts updated the Commissioners on the restaurant issue. A second inspection was done and it was still not up to par. The owner was given ten days and it would be re-inspected today at which time a voluntary closure would be offered. A discussion followed regarding at what point a facility would be closed.

Commissioner Meinert asked to schedule the item for a proper briefing. He wanted to know what the process was and to ensure that the process was being followed, and at what level would there be confidentiality issues.

Deganhart suggested a meeting between herself, Roberts, Richard Thompson, and Connie Hunt, if she wanted to be there, to put together a written briefing and recommendations as to what the Commissioners' options were and what the requirements were.

There was discussion about the timeliness of closing down an establishment to prevent its customers from getting sick. Roberts assured the Board that she had the authority to close down a restaurant based on what the food inspector told her.

Roberts read a draft of a letter that she had prepared to Michael and Phoebe Benziger thanking them for their financial support of The Voyager Youth Program, Weehawken Children's Dance Troup, and the Thunder Heart Equestrian Therapy Group and requested signatures.

M/S/P—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to approve the letter and sign it. There was no discussion. Motion passed unanimously.*

12:27 The Board of Health reconvened as the Board of County Commissioners, recessed for lunch and reconvened at 1:32:

H. 1:32 The Board of County Commissioners convened as the Board of Social Services concerning the following items:

- 1. Request for approval of the following reports and authorization of Chair's signature on certification page:**
 - a. Earned Revenue and Expenditures, July 2010:
 - b. Check Register for the month of August 2010:
 - c. Expenditures through Electronic Benefit Transfers, August 2010:
 - d. County Allocation / MOE Report, July 2010:
 - e. Balance Sheet, July 2010:

Allan Gerstle, Director of Social Services, was present and requested approval of the reports.

M/S/P—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to approve the Earned Revenue and Expenditures for July 2010; the Check Register for the month of August 2010; the Expenditures through Electronic Benefit Transfers for August 2010; the County Allocation / MOE Report for July 2010; and the Balance Sheet for July 2010, as presented, and to authorize the Chair's signature on the certification page. There was no discussion. Motion passed unanimously.*

2. Review of Caseload Report for August 2010:

Gerstle reported that the caseload was down to 107 cases from 119 cases.

3. Request for approval and authorization of the Chair's signature on a Core Services Program Plan SFY 2010-2011, 2011-2012, 2012-2013:

Gerstle explained that in the 1990s Social Services started receiving additional child welfare money that went through the six counties of the judicial district and Ouray County was thought to be a good fiscal agent for this program. This

was a pure pass through. The Day Treatment Alternative was an appendix to the Core Services Plan. There was some State grant money out there and he spoke to the school superintendents of the four schools that he worked with and he was able to get a clinician to visit the schools one day a week. The program was 100% funded by the State.

Commissioner Meinert did not understand the amount of money that the County was contributing to the Core Services Program Plan and how it was calculated.

Gerstle explained that the total received was \$16,989. There were four programs in which it could be spent. He had to show in each program how it would be spent if he was using that program to draw down the funds. It would be possible to use all of the money for one program and show zeros in the others. This was just a plan and it was the only way he and the State could figure out how to show what may happen if there were needs for that particular program. Gerstle explained it even further. The contribution was split between Ouray County and San Miguel County. If Ouray County expended the entire amount, Ouray County would pay the entire 20%. A discussion followed.

With regard to the Day Treatment Plan, Gerstle explained that at some point there was pressure on the department from outside services that there were not enough mental health services being provided in the state. The Core Services Program provided for a Day Treatment Program that the County could not take advantage of because it did not have the numbers to have an onsite day treatment program at any one of the schools. In speaking to the State, he was able to get this 100% money to bring a mental health clinician into the schools on a one-day per week schedule. The clinician would work with the student and with the staff to identify issues and coordinate with parents when necessary. He signed a contract with the Center for Mental Health to provide the services. There was a small administrative cost for this. To a question by Commissioner Meinert about how this program coordinated with the school counselors provided by the school districts, Gerstle explained that this supplemented that program.

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve and authorize the Chair's signature on a Core Services Program Plan SFY 2010-2011, 2011-2012, 2012-2013 that included the Day Treatment Alternative as presented. There was no discussion. Motion passed unanimously.*

4. Request for approval and authorization of the Chair's signature on a RiverView Plaza Lease:

Gerstle explained that the County Attorney had reviewed the 3-year lease and made changes to it that were accepted by the landlord.

Commissioner Meinert had a question about the term of the lease. Deganhart advised that there was a non-appropriations clause in it. Commissioner Meinert asked if the amount of the lease was still competitive in today's climate. Gerstle explained that he had not done any research but because of the cost to move in with all of the modifications for confidentiality issues, electronics for computers, etc. that would cost thousands of dollars it was not worth moving to save a hundred dollars.

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve and authorize the Chair's signature on a RiverView Plaza Lease as presented. There was no discussion. Motion passed unanimously.*

Commissioner Padgett reported that she was invited to attend an all-day strategic planning work session on November 20 to continue to ensure that the State did not take over or change the way State oversight and County-administered Social Services systems operated. She planned to attend and Social Services would fund the overnight and travel expenses. Gerstle added that the State covered 80% to 85% of the travel expenses.

Commissioner Padgett discussed other legislative items on the CCI agenda relating to Social Services.

2:06 The Board of Social Services reconvened as the Board of County Commissioners:

I. 2:06 Commissioner / Administrative Reports, *continued*:

Commissioner Meinert discussed the following:

- 1) **Case letter** He discussed a letter from the Cases complaining that the commercial appraisers and bank appraisers used the comparable sales approach that was not working in today's climate where nothing was selling. The other issue raised in the letter was that energy efficiency measures, particularly on retrofits like insulation and retrofitted renewable energy facilities like solar panels and wind turbines, were not being valued appropriately by appraisers. It hit in two ways: the property value for refinances to fund renewable energy projects and the resale of the property. A discussion followed.

D. 2:13 General Business, *continued*:

6. Request for approval of minutes:

- a. **September 13, 2010 minutes:**
- b. **September 20, 2010 minutes:**

Commissioner Padgett advised that she had reviewed the minutes and did not have any changes.

M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to approve the minutes as written for the September 13, 2010 and September 20, 2010 meetings. There was no discussion. Motion passed unanimously.

I. 2:14 Commissioner / Administrative Reports, continued:

Commissioner Padgett discussed the following:

- 1) **CCI update** She attended the legislative meeting on Friday. She reported that one of the bills would require landowners to bait prairie dogs. A discussion followed. On another issue, Eagle County wanted to have the authority to require business registration or licensing. It was decided to run a bill that would allow a county to opt in to require businesses to register, not license. She discussed other items of interest.

J. 2:35 Public Hearing – Deer Haven 6-Lot Regular Planned Unit Development:

Applicant: Danny and Gerald Hoey

Purpose: To entertain public comment and request approval of preliminary development plan (PUD)

Property Location: The property is a 41.06-acre parcel located along County Road 22, approximately 2.5 miles from Colona.

Legal Description: SW ¼ NE ¼, Section 26, T47N, R9W, N.M.P.M.

Danny and Gerald Hoey were present. Mark Castrodale, County Planner, and Bryan Sampson, Planning Technician were present.

Commissioner Padgett opened the public hearing and entered into the record the following exhibits:

County Exhibit J-1	Public Notice and Proof of Publication
County Exhibit J-2	Deer Haven Estates Packet Information Sheet
County Exhibit J-3	Staff Submittal
County Exhibit J-4	Preliminary Plat, Deer Haven Estates Regular P.U.D.
Applicant Exhibit J-1	Applicant Submittal
Public Exhibit J-1	Letter from Shavano Conservation District dated February 3, 2009
Public Exhibit J-2	Letter from the Division of Wildlife dated February 2, 2009
Public Exhibit J-3	Letter from the Colorado Geological Survey dated March 3, 2009
Public Exhibit J-4	Letter from Jeffrey and Linda Davis, undated
Public Exhibit J-5	Email from Amy and Mike Bergman dated March 15, 2010
Public Exhibit J-6	Email from Mary Ann Jackson dated March 10, 2010 to Michelle Haynes
Public Exhibit J-7	Note regarding a voice mail from Chairman Ted Collin in response to the Jackson email

Bryan Sampson, Planning Technician, explained the application. Lot sizes ranged from 4.3 to 5.3 acres with density of approximately 6.84 acres to the unit. Open space totaled 10.28 acres that was approximately 25% of the total acreage. Road dedication was 2.24 acres. The Applicants had filed will serve letters from the utilities. Qwest had not provided a firm commitment to provide service and that was addressed as a plat note. McMillon Engineering did all of the studies for the ISDS. Lot 6 was the only one where the percolation rates were shown to be an issue and that was addressed in a plat note. There were no major geohazards on the site. The Colorado Geological Survey (CGS) noted that stability may be a potential issue when disturbed but the County required engineered systems and did not foresee any problems. CGS also recommended erosion control that was addressed in a plat note and also in the PUD agreement. With regard to fire hazards, Tri-County Water had stated that flows were not sufficient for hydrants. Subsequent to that the fire chief recommended that cisterns be included on each lot and that was added as a plat note. A weed survey was completed and was included in the packet. The County would require a \$500 bond for revegetation on the internal road prior to final plat. Staff concluded that the proposed Regular PUD had met the standards and requirements of the Code and recommended approval of the application with 12 conditions. Sampson proceeded to read the conditions that were listed in the Staff Report dated October 4, 2010.

There was discussion about the relocation of the La Tierra Ditch. Commissioner Padgett asked to label the ditch as La Tierra on the Existing Conditions map noting the easement. She suggested labeling it on the Preliminary Plat, also, as La Tierra rather than merely "ditch". Deganhart clarified that Commissioner Padgett was talking about showing it on the Final Development Plan instead of having to go back and change the Existing Conditions in the Preliminary at this point. That was not typically done and that was the point of a Preliminary versus a Final. Commissioner Padgett felt that an Existing Conditions map should be clear when it came in as to what the existing conditions were.

Commissioner Padgett asked Staff to highlight the differences between Staff's recommendations and Planning Commission's recommendations. While Staff was comparing the two, Commissioner Padgett suggested that Conditions 1, 2, 3, 4, 5, and 6 were the same on both. Planning Commission's Condition 7 regarding the Division of Wildlife plat note on fencing was not a condition for Staff. Sampson pointed out that it had been added to the Preliminary Plat. Commissioner Padgett continued to go through the list of conditions that were either the same or had been addressed. Planning Commission Condition 12 talked about neighbor-to-neighbor views and Staff reported that the issue had been addressed. Staff noted that a condition had been added to Staff's conditions, Condition 12.

Danny Hoey explained that he was proposing building a 6-lot subdivision on a nice piece of property that adapted well to six lots. The property had been neglected but he felt that the subdivision would be an asset to the area.

Gerald Hoey added that so far they did not have any problems with Staff's recommendations.

Castrodale thanked the Hoeyes for their patience through Staff changes during their application process. Gerald Hoey pointed out that the irrigation ditch only carried water two to three months out of the year, and actually it was more of a wastewater ditch. He did not know if it even belonged to La Tierra. Commissioner Albritton noted that was her concern about labeling it La Tierra because La Tierra did not exactly claim it. Danny Hoey added that La Tierra had told them that they did not care what the Hoeyes did with the ditch. There was La Tierra water on the property. Gerald Hoey noted that the bulk of the water went down the center in the open space.

There was discussion about an existing roadbed and possible prescriptive easement, and wet meadow areas.

Commissioner Padgett had several questions regarding existing conditions. She pulled up an aerial photograph on her computer of the parcel that showed several old roads and a wet meadow near the cul-de-sac.

Commissioner Albritton interjected that this was information that had not been submitted by either Staff or the Applicant.

Commissioner Padgett submitted a hard copy of the annotated map for the record (*County Exhibit J-5*). She wondered if water features had been overlooked on the map and whether it had been discussed relative to the location of the cul-de-sac.

Gerald Hoey replied that the water that ran through the property was from the La Tierra Ditch that only ran a couple of months out of the year.

Commissioner Padgett had another question as to which of the old roadways was the prescriptive easement referred to in the packet. A third question she had for Staff was a recommendation for a plat note about the fact that one of the lots had a 5 mpi percolation rate and the engineer had recommended that a raised gravel bed be designed for that site. She asked if that had to be spelled out since all of the ISDSs had to be designed and that it may be enough to say that the perc tests ranged on all of the lots from 5 mpi to 20 mpi. A discussion followed.

Commissioner Meinert noted that the purpose of plat notes was to put potential buyers on notice that there may be additional things that they would have to do or additional expenses that they may need to incur. He agreed with Commissioner Padgett that, rather than being specific, just highlight that the perc tests varied on the lots and that additional ISDS measures may be necessary. Deganhart pointed out that the plat had a standard septic note on it. The Commissioners agreed that mention of a specific leach field style could be deleted.

Commissioner Padgett asked for clarification of the Title Report and ownership. Deganhart explained that Hoey Investments owned it, which was why they were listed as the Applicants. They were acting together with Storm King Development to develop it.

Commissioner Padgett discussed the undeliverable letters and asked if that had been cleared up. She noted that in the Staff Report dated October 4, 2010, Staff had commented that two letters had been returned as undeliverable and that the Applicants and Staff had gone out of their way to find alternate addresses and resend the notice still within the 14-day notification period prior to the Planning Commission public hearing. She asked if that would cause any problems for today and Deganhart advised that if the letters were undeliverable there was no obligation to resend them.

Commissioner Padgett the only outstanding issue in her mind was if there was a wet meadow or wet feature that would be impacted by the cul-de-sac that was not on the Existing Conditions map. Castrodale related that every time that he had been out there in the past year it had been dry. Commissioner Padgett had another outstanding issue of which road was being discussed as the prescriptive easement. Commissioner Albritton explained that it was the one that went to the pond. Deganhart suggested that, to avoid confusion, if there were other roads the map should not identify any one in particular but have a plat note saying that there may be roads with prescriptive easements. The Commissioners agreed.

Commissioner Meinert concluded that the only change to what had been presented was the deletion of the plat note requiring a mounded gravel leach field on Lot 6.

Commissioner Padgett opened the public comment portion of the public hearing. With no public comment, she closed the public comment portion of the hearing and entertained the following motion.

M/S/P—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton, that in the matter of the Danny and Gerald Hoey Application for a 6-Lot Planned Unit Development called Deer Haven, to approve the Preliminary Development Plan for a Regular PUD subject to the following conditions or changes.*

- 1. Prior to final plat recording, the developer must install utilities to the lot lines (water, electric, gas, phone) including the purchase of water taps for all lots.*
- 2. Per the Colorado Geological Survey recommendations, site disturbance must be addressed as part of the PUD agreement.*
- 3. A plat note addressing mitigation of site disturbance and erosion control shall be added to the plat prior to final development plan approval relating to all phases of development, including residential construction, per the Colorado Geological Survey concerns.*
- 4. Prior to final plat approval and as part of the construction phase, the developer shall thin the forest in the open space area per the recommendations of Colorado State Forest and add language to the covenants that will require homeowners to take care of mitigating potential wildfire issues on their property per our building code requirements and Section 24 of the LUC.*

5. *Prior to final plat approval, the developer shall be required to build the internal road/cul-de-sac (Bucktail Court) to County Specifications found in Section 23 of the Land Use Code and as approved by the County Engineer and the Road & Bridge Superintendent.*
6. *At final development plan submittal, covenants shall be provided that comply with all requirements of the Land Use Code, including Section 6.7c, Open Space; Section 8, Sign Regulations; Section 9, Visual Impact Regulations; Section 24, Wildfire Mitigation Regulations; and Section 27, Outdoor Lighting Regulations.*
7. *As part of the submittal for approval of the final development plan, the developer must submit plans and profiles of the proposed internal subdivision road.*
8. *The County will require a minimum \$500 bond for revegetation of 15' of each side of the internal road (Bucktail Court), secured prior to final plat approval.*
9. *Existing roads must be drawn on the existing conditions plat and included on the final plat. A plat note will be added to state, "Existing roads may be subject to prescriptive easements. Existing roads/easements are not owned nor maintained by Ouray County."*
10. *The Applicant shall submit a PUD Agreement within 45 days of approval of the Preliminary Development Plan by the Board.*
11. *As part of the Final Development Plan submittal, the applicant shall include on the plat appropriate drainage easements through proposed lots or on adjoining property as recommended by the County Engineer.*
12. *Applicant shall submit to the County, within one year after the approval of the Preliminary Development Plan or on or before October 4, 2011, an application for Final Development Plan Approval.*
13. *The plat note that is currently shown requiring a molded, gravel leach field for Lot 6 shall be deleted.*

Discussion. Commissioner Albritton recalled that the Commissioners had agreed that on Condition 9 to just go with the plat note, existing roads may be subject to prescriptive easements, and not require that the roads be drawn on the plat. The Commissioners agreed. With no further discussion, the motion passed unanimously.

Commissioner Padgett closed the public hearing.

K. 3:35 The Board of County Commissioners convened as the Board of Zoning Adjustment for the following items:

1. Public Hearing: De Freval Variance Request

Applicant: Daniel De Freval
Purpose: To entertain public comment and to request approval of a variance request to from setback requirement of 25 feet in the Alpine Zone
Property Location: The property is a portion of a 10.33 acre parcel located approximately ½ mile south of the City of Ouray along Highway 550 on the Golden Crystal Mining Claim.
Legal Description: Section 31, T44N, R7W, N.M.P.M.

Daniel De Freval was present. Mark Castrodale, County Planner, and Bryan Sampson, Planning Technician were present.

Commissioner Padgett opened the public hearing and entered the following exhibits into the record.

- County Exhibit K-1 Public Notice and Proof of Publication
- County Exhibit K-2 Staff Submittal
- Applicant Exhibit K-1 Applicant Submittal
- Public Exhibit K-1 Email from Sandor Ringhoffer dated August 14, 2010

Sampson introduced the request. The building in question was a log cabin built on the Golden Crystal Mining Claim just south of Ouray. The variance requested would reduce the 25-foot setback in the Alpine Zone to 22 feet for a 12'x16' day use cabin, not an overnight dwelling. In June of this year the Assessor's Office notified Staff that construction was taking place and no building permit had been issued for the property. Subsequent to that, the Building Official visited the site and issued a "Stop Work Order." Following that, the Applicant applied for a building permit on June 14. The application materials were reviewed and it was noted that one corner of the project was extremely close to the setback, if not encroaching. The permit was issued contingent on the Applicant having a licensed surveyor verify the setbacks to ensure that the project was not within the setback. The Applicant submitted the survey to Staff on June 21 and it was found that one corner was in violation of the 25-foot setback. The survey called out a 23-foot setback from the property line. Sampson clarified that was to the corner of the structure; there was a small overhang from the roof that extended 6" farther. Staff processed the variance for 22 feet. The Applicant was now requesting a variance to the required setback in the Alpine Zone as defined by Section 3.4.A.(5) of the Ouray County Land Use Code.

Sampson concluded that it was Staff's opinion that the owner's ability to relocate or rotate the structure was limited due to several factors including but not limited to the extreme grade of the property (*topographic conditions*); the shallow bedrock and the problems that it posed to establish an additional foundation (*condition of such piece of property*); and

to relocate, rotate or shift the building would result in a visibility increase of the structure from Hwy 550 that would result in potential violation of the visual impact regulations (*extraordinary and exceptional situation or condition impacting such piece of property*). He added that the siting of the structure was well done to keep it hidden. Additionally the Applicant had submitted correspondence from Sandor Ringhoffer (*Public Exhibit K-1*), the Applicant's neighbor who was affected by the setback violation, stating his full support for a variance. It was Staff's opinion that the Application fell within the requirements of Section 19.7 of the Land Use Code for a variance and was recommending approval of the Application for a Variance to reduce the setback from 25 feet to 22 feet.

Daniel De Freval gave a bit of history. He did not intentionally forego the rules. He had spoken to several people who told him that if it was under 200 feet he did not need a permit. He had a visit from Paul Christensen, Ouray County Building Official, who told him that he needed a permit. He got a permit. Then Christensen told him that he was inside 25 feet of the border with his neighbor. De Freval replied that he did not know that there was such a rule. There was a first survey done by Mr. Larson and De Freval called him back to do a second survey. He was told that there was a corner in violation. Moving it would be impossible. Then he thought about cutting the 2-foot corner but that would "unsquare" the cabin. The purpose of the cabin was to go up, relax and get away in the summer. He appreciated the indulgence in his case. It was unintentional. He painted the cabin to camouflage it so as not to impact the hiking trail.

Commissioner Padgett opened the public comment portion of the public hearing and asked for public comment.

Sandor Ringhoffer related that the families had been neighbors since the mid-1960s on that portion of the property. There were antennae and other things within the 25-foot setback zone and he never had any problems with that. He encouraged the Commissioners to use the variance process exactly for what it was intended, keeping the little 2-foot corner of his cabin square. He was 100% supportive of that.

De Freval asked, since there was only about 10 square feet involved, if the County would waive the variance fee of \$1,000. It was a very costly square foot charge for the middle of nowhere.

Commissioner Padgett closed the public comment portion of the hearing and entertained the following motion.

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert, based on the Staff Report and the events presented to the Board, to approve the variance request to change the setback from 25 feet to 22 feet in this instance to accommodate the offending corner and to allow Mr. De Freval's cabin to remain square. Discussion.*

Commissioner Padgett asked her to cite the hardship rationale that was in the Staff Report.

Commissioner Albritton noted that she had stated that the motion was based on Staff's recommendations that cited topographic conditions, and the visual impact conditions that would come into play if it were to be moved one direction or another.

Commissioner Meinert commented on this particular variance noting that he was generally very reluctant to approve changes for people who come in and had the position that it was easier to ask for forgiveness than it was to ask for approval. He did not think that was the case in this instance. He was convinced that it was an error caused by bad information and bad advice, and he did not want the bureaucratic process to cause the Applicant to have to cut off a corner of his cabin. In this case, because of the hardship issues stated by Staff, it was very appropriate to grant a variance.

With no further discussion, the motion passed unanimously.

Commissioner Meinert felt that Staff and the Building Official had handled this properly.

De Freval said that he found Staff to be very understanding and helpful.

Commissioner Albritton addressed the fee waiver request. This was a very unique situation and given the size of the project and the fact that it was a day use only cabin she was inclined to waive or charge a nominal fee. She felt that \$1,000 was excessive in this instance.

Castrodale explained that there was some Staff time put in by Sampson, Christensen and him. They did, however, spend less time than they typically would have.

Commissioner Meinert asked how much time was spent on the building permit aspect and if the Applicant had paid the building permit fee. Castrodale replied that the fee had been paid. Other than that, Staff spent about one-fourth of the time that it would normally have spent. A discussion followed.

M/S/P—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to waive three-fourths (3/4) of the customary variance fee due to the minor incursion of two feet of the foundation, one foot of the eave into the customary setback on a lot which, had it been smaller, would have had a ten-foot setback, not a twenty-five-foot setback, and felt that this was the appropriate fee to charge for such a minor incursion. Discussion.*

Commissioner Padgett noted that the Board was in consensus that this was a genuine mistake, not in the same category as a do-what-you-want-and-ask-for-forgiveness-later that the Board had seen, and because this project was a very, very small project and it seemed that a considerable amount of effort had gone into its thoughtful placement and into disguising it and making it as unobtrusive as possible.

With no further discussion, the motion passed unanimously.

Commissioner Padgett closed the public hearing.

2. Request for adoption of Resolution 2010-039 ratifying action taken by the Board on September 13, 2010 approving the Haynes Variance:

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to adopt **Resolution 2010-039** ratifying action taken by the Board on September 13, 2010 approving the Haynes Variance. There was no discussion. Motion passed unanimously.*

3. Request for adoption of Resolution 2010-040 ratifying action taken by the Board on September 27, 2010 denying an appeal by the Nirvana Ranch, LLC:

M/S/P—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to adopt **Resolution 2010-040** ratifying action taken by the Board on September 27, 2010 denying an appeal by the Nirvana Ranch, LLC. Discussion. Commissioner Meinert felt that Staff had done a good job of outlining all of the reasoning that the Board went through on this convoluted denial. With no further discussion, the motion passed unanimously.*

There was further discussion.

L. 4:00 The Board of Zoning Adjustment reconvened as the Board of County Commissioners who adjourned the regular session.

OURAY COUNTY BOARD OF COUNTY COMMISSIONERS
OURAY, COLORADO

ATTEST:

Lynn M. Padgett, Chair

K. Keith Meinert, Vice-Chair

Michelle Nauer, County Clerk and Recorder
by: Linda Munson-Haley, Clerk of the Board

Heidi M. Albritton, Commission Member