

**MINUTES**  
**RIDGWAY AREA JOINT PLANNING BOARD**  
**PUBLIC HEARING/REGULAR MEETING**

January 17, 2023 4:00 – 6:00 pm (scheduled)  
Meeting held at the Ouray County Land Use Office  
111 Mall Road, Ridgway, Colorado

**Attending Staff:** Castrodale, Sampson, Hughes  
**Attending PC in Person:** Parker, Sokolowski, Miller  
**Attending Ridgway Joint Planning Board Members:** McKenney, Meyer  
**Attending PC via Zoom:** None  
**Attending Public In-Person:** Applicants (the Colbys), Henry Hooper  
**Attending Public via Zoom:** "bblack"  
**Ridgway Area Joint Planning Board Chair:** Randy Parker

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**Public Hearing -** The Ridgway Area Joint Planning Board's review of a proposal by Grady Colby for approval of a combined Preliminary Development Plan / Final Development Plan for a 3-lot Limited PUD on a 43-acre parcel located at 355 County Road 24.

**A. OPEN PUBLIC HEARING: 4:05 pm**

- a. Public hearing opened by PC Chair.
- b. Presentation and application overview was given by Staff.
- c. Planning Commission asked clarifying questions of Staff and the Applicant.
  - Miller – Driveways don't make it all the way to build area
    - Hughes – driveway goes only to where lot's 2 and 3 merge.
  - Myer – CPW suggest plat note says prohibit perimeter fences
    - Hughes – Plat note suggested is general & CPW is making recommendations only. PC can add prohibition to the condition if desired.
  - Parker – Shavano comments didn't result in any conditions.
    - Castrodale – if there was a specific issue that needed to be raised, they would have made a comment in their report.
  - Sokolowski – asked about condition regarding kennels
    - Colby – Don't have dogs, and it seems like an overreach by CPW, but they can live with the condition if required.
  - RJAPB discussed the recommendation by CPW to move the build areas.
- d. Presentation by Applicant.

- i. Grady Colby gave a brief presentation including the history of the parcel and their future plans for the lots.
- e. Open Public Comment Portion of the Hearing (4:35PM):
  - i. Parker read into the record a written public comment received from Daniel and Patricia Kigar.
  - ii. Henry Hooper, 430 County Road 24: Three lots and hayfield. What does that belong with?
    - 1. Parker explained what areas went with each lot and showed the plat where the build area and no-build and open space areas were located.
    - 2. Bruce and Vanessa Backer, 475 County Road 24: No objections based on what's been presented. Does agree with the comments regarding traffic on County Road 24. Original concern that didn't want further subdivision nor change in build areas.
    - 3. Parker – Once plat is recorded, any change would need to be approved via plat amendment.
- f. Close Public Comment Portion of the hearing (4:43PM)
- g. Planning Commission deliberated on the subject application:
  - i. RJAPB Discussed CPW fencing
  - ii. RJAPB discussed the kennel restriction
    - 1. Parker does not prohibit dog runs
  - iii. RJAPB discussed the CPW building envelope condition and if it was possible to move building envelope to the south in order to maintain wildlife travel patterns.
    - 1. Colby: CPW was trying to maintain as much winter grazing land as possible. Mountain lions have come across the open field.
  - iv. RJAPB discussed the Kigar letter and the traffic on County Road 24.
  - v. RJAPB discussed the County Attorney letter regarding the streets.
    - 1. The historic record indicates that they wanted to vacate them at one point, but the record does not indicate that a public hearing was held to officially vacate. Decided to leave on in case there was some claim to them that is not known.
    - 2. Parker: title report should be updated and include the roads
    - 3. Should be submitted prior to BOCC hearing – tweak condition
  - vi. RJAPB discussed will-serve letters
    - 1. Tri-county water letter doesn't detail conditions
    - 2. 2<sup>nd</sup> right allowed, but does that allow for lot 3?

- a. Colby clarified what tri-county meant with their letter – may need to clarify with BOCC at their hearing. A clarification letter might be beneficial before BOCC meeting.
- vii. RJAPB clarified that a condition should be added to attach the PDP/FDP to the BOCC resolution.

**B. Motion/Vote:**

- a. **Myers move that the Ridgway Area Joint Area Planning Board is recommending approval to the Board of County Commissioners with the revised condition regarding the dog kennels and three additional conditions as discussed by the RJAPB.**
- b. **Seconded by Miller**
- c. **All voted in favor – Motion passed unanimously.**
- d. **Miller moved to include a copy of the revised conditions with the minutes.**
- e. **Seconded by McKenney**

**C. Recess Public Hearing: 5:24**

**D. Reconvene: 5:28**

- a. **The RJAPB approved the minutes submitted**

**E. Regular meeting of the Planning Commission was held and new business**

**F. Final Adjournment:**

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**FINAL APPROVED CONDITIONS AS FOLLOWS:**

1. The Applicant shall add/revise the plat notes as follows:
  - a. Add a plat note pertaining to compliance with the Visual Impact Regulations, to read as follows: “Properties within the Colby Limited PUD are subject to the Visual Impact Regulations in Ouray County”.
  - b. Add the following plat note: No further subdivision of Lots 1, 2, or 3 is allowed and no further development of the designated no-build area is allowed.
  - c. Add the following plat note: Property owners within the Colby Limited PUD shall utilize bear-proof trash containers.

- d. Add the following plat note: These properties are known to be inhabited by deer and mountain lions, and as such all dogs and cats should be kept within fenced yard or dog run, and on leash when not within fenced yards or dog runs.
- e. Add the following plat note: Fencing shall be minimized and in the case that a fence is required, it should be constructed to be "wildlife friendly" (as specified by Colorado Parks and Wildlife).
- f. Add the following plat note: To the greatest degree possible, with wildfire mitigation taking the precedent, the current and future owners within the Colby Limited PUD shall preserve wildlife habitat outside of the building envelopes.
- g. Add the following plat note: Property owners should be aware that mountain lions and bobcats inhabit this area and they should consider the removal of brush and trees from areas that are directly adjacent to homes, which could provide hiding cover for them.
- h. Add the following plat note: Current and future property owners within the Colby Limited PUD should be aware that ungulates, particularly mule deer, will eat ornamental shrubs and flowers and can damage trees. Additionally, CPW encourages ornamental plants be non-palatable to ungulates and non-fruiting to reduce the potential to attract bears.
- i. Add the following plat note:

COLORADO NOXIOUS WEED ACT

All present and future owners of lots within the Colby Limited PUD shall comply with all provisions found in the Colorado Noxious Weed Act - CRS Title 35, Article 5.5.

- j. Add the following plat note:

DITCH PLAT NOTE

The property shown hereon may be subject to recorded or unrecorded ditch easements. Pursuant to the provisions of C.R.S. §§37-84-101; 37-86-102 and 37-86-103, the owner(s) of the ditch, or the water transported in such ditch, has the right and obligation to maintain such ditch and is entitled to a right-of-way through the property for such purpose and to transport such water. Pursuant to Ouray County Ordinance 01-01, all owners of any parcel or lot created by this plat are notified that no water may be removed from

such ditch(es) unless the owner of the parcel or lot also has specific ownership of water from the ditch. The flow of such water shall not be obstructed in any way.

- k. Add the following plat note: Inclusion of 1st Street, Cedar Street, and Park Street are depicted herein as reflected in May 15, 1984 Fence Line Agreement (County Clerk Reception No. 136583), and 2009 Boundary Survey Plat (County Surveyor's Records Deposited October 20, 2009, Deposit No. L0258, available for public inspection on request from County Land Use Department).

2. The Applicant shall include on the Final Plat, a location for mail receptacles that has been approved by the United States Postal Service.

3. Prior to obtaining signatures on the final plat, the Applicant shall provide a draft of the final plat and an updated title report to Staff for review and approval.

4. The Applicant shall ensure that all proper utility easements are in place and depicted on the plat.

5. At the time of application for Final Plat, the Applicant shall submit a payment for the Fair Contribution for Public School Sites, in the amount of \$2,647.53.

6. No construction (grading, trenching, or other disturbance of soils) shall commence until the Preliminary/Final Development Plan (PDP/FDP) has been approved and a PUD Construction Permit issued by the Land Use Department. The Applicant shall install utilities to the lot lines of Lots 1 & 2 prior to application for final plat.

7. The Applicant shall submit the application for Final Plat within one year, from the date of approval by the Board of County Commissioners.

8. The Applicant shall be required to have the appropriate monuments and stakes set by a Professional Land Surveyor prior to final plat.

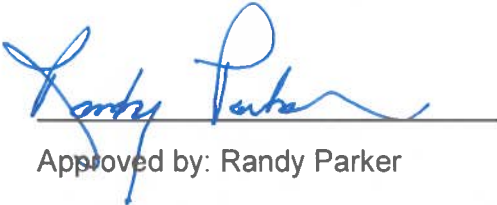
9. The Applicant shall obtain and submit an updated title report prior to the BOCC hearing for the PDP/FDP.

10. The PDP/FDP shall be recorded as an attachment to any BOCC resolution pertaining to the review of the Colby PUD.

11. The build area should be revised to show the proposed driveway.

A handwritten signature in black ink, appearing to read "Bryan Sampson", written over a horizontal line.

Submitted by: Bryan Sampson

A handwritten signature in blue ink, appearing to read "Randy Parker", written over a horizontal line.

Approved by: Randy Parker