

experience in the design realm, jurisdictions that began down the path of design guidelines continued to put work on that effort. If the County looked to the importance of visual impact regulations and also trusted in a narrative or point system that empowered the public to use a variety of tools to meet visual impact criteria, they did not need to go down the road of design guidelines. If there was an understanding that big houses close to a road really needed to blend and that it was possible that smaller projects could use other tools such as screening, distance from the road, distance below a ridge or escarpment, they could write a point system or narrative to allow white buildings to exist and red buildings to exist in Ouray County. They did not need design guidelines. More exceptions would arise in the future if they started down that design guideline path.

Ed Folga suggested that this thing was started to make it easier on the Staff so that they did not have to make subjective decisions. After listening to the discussions today he wanted to know if they were still on that track or not.

Commissioner Albritton replied that they were.

Larry Kumpost did not write a report but he agreed with the two minority opinions. He wanted to make the general point that if the intent was to add all of these new roads it was clear that they could not have a one size fits all design impact regulation because they would be dealing with all different levels of perception. That would cause more variances and exceptions and exemptions. He did not see how to avoid a lot of variances if there was a one size fits all point system.

Commissioner Padgett asked Kumpost if the current point system was a one size fits all system.

Kumpost replied that it was. What he was talking about was a design guideline but on a limited basis. He was not talking about a particular style being dictated. Building massing guidelines would go a long way to help with mitigating visual impact. If the regulations were only dealing with blending, they were not dealing with the issue. He could see adding all of the roads if the design guideline was just that, a guideline.

Randy Parker commented that he was really impressed with the collegiality of the current Planning Commission, the level they were working at. They were all trying to get enough information to have a quality product for the public and they should be commended.

Commissioner Albritton asked Staff to brainstorm about the economic piece. She suggested putting it on as a discussion item in January.

3:09 The Commissioners recessed and reconvened at 3:19:

G. 3:19 Continuation of Public Hearing from October 25, 2011:

1. Laurence Gunn:

Purpose: Notice and Order to show cause concerning removal of rubbish

Property Description: The E½ of Section 11, Township 46N, Range 8W, the NW¼; the N½ SW¼ of Section 12, Township 46N, Range 8W; and the N½ NE¼ of Section 14, Township 46N, Range 8W.

Laurence Gunn and attorney Amy Ondos were present. Sheriff Mattivi and Investigator B.B. Burk were present. Mark Castrodale, County Planner, and Bryan Sampson, Planning Technician, were present.

Commissioner Albritton reopened the public hearing. She explained that Gunn through his attorney had requested a continuance (*Respondent Exhibit G-1*).

Hunt advised that a copy of a letter from the Colorado Department of Public Health and Environment (CDPHE) dated November 1, 2011 to Laurence Gunn (*CDPHE Exhibit G-1*) extending the dates for requested action to January 16, 2012 was included in the Board's packet. It made sense for the Commissioners to consider continuing the hearing until after that date.

Commissioner Albritton noted for the record that the Commissioners had received copy of the Sheriff's investigation report that included a cover letter dated November 30, 2011 from Sheriff Dominic Mattivi, an undated Narrative Report from Shelly Kuhlman, an Incident Supplement Page dated August 15, 2011 titled "Undersheriff Burk Supplement," and an Incident Supplement Page dated August 15, 2011 titled "Deputy Supplemental Deputy Shane Schmalz" (*Ouray County Sheriff Exhibit G-1*). The County has said that they did not want to be another layer of bureaucracy but wanted the property cleaned up.

Commissioner Fedel agreed to continue the hearing. The Commissioners needed to look at the closure plan that should be forthcoming in January.

Commissioner Padgett explained that she had listened to the audio recording from the August 9, 2011 Board of County Commissioners meeting and tried to merge together the chain of events as they unfolded. She saw inconsistencies as to who was called when. The Sheriff mentioned in the recording that there was other trash on the Gunn property that had not been addressed in the Commissioners' letter.

Kathryn Sellars wanted direction from the Board regarding who should be at the meeting on the 15th with the Army Corps of Engineers (ACOE).

Commissioner Albritton asked about what piece the ACOE had jurisdiction over.

Attorney Ondos replied that its jurisdiction was over the waterways on the Gunn property and the Burro Creek drainage as it drained into other waterways.

Commissioner Padgett recalled that the Sheriff said on August 9, 2011 that they had flown over the property on August 4 with the marijuana eradication flight and the deputy reported that they were burying tires at that time and that there were still a thousand tires visible. In the Sheriff's report on that day he stated that they had also flown over on August 9 and that there were tires and earthmoving equipment, along with trash, debris and trailers.

Hunt had a conversation with Jeff Emmons with the CDPHE about the meeting on December 15. She told him about the continuance request. One thing they would discuss at the meeting was what a beneficial use was for how the tires could be used in accordance with regulations.

Sellars noted that the Commissioners could appear by telephone. If all of the Commissioners were there, open meeting law would apply.

Commissioner Albritton wanted all of the Commissioners to hear about the meeting at once in the public hearing but felt that only Staff and the County Attorney should attend. Hunt clarified that she and Castrodale could attend. Commissioner Padgett wanted Hunt to be there since she was acting as a liaison with all of the agencies.

M/S/P—Motion was made by Commissioner Fedel and seconded by Commissioner Padgett to continue the hearing to January 24, 2012 at 1:30 p.m. at the Ouray County 4-H Event Center. There was no discussion. Motion passed unanimously.

Commissioner Padgett asked if all of the other junk referred to by the Sheriff was considered under the County's Notice and Order.

Sellars noted that the Notice and Order regarded tires and other rubbish.

Commissioner Padgett asked if the Ouray County Sheriff's Office had been in contact with the Montrose County Sheriff's Office.

Sheriff Mattivi said they had not.

Commissioner Padgett received some correspondence that the County was notified on July 27 at least, if not before, but the Sheriff's report said that they were not notified until August 3. The same report said that the Montrose County Sheriff's Office was called along with a list of other agencies and yet there was no response, there was passing of the buck. Other calls that she received in the last week suggested that there was property damage. Her response was that if there was property damage as a result of the cleanup activities it should be referred to the CDPHE or the Sheriff or the ACOE. She recognized the volunteers who helped to clean up the river. She was disturbed by what seemed to be a lot of gaps and inconsistencies in what was reported to whom and who responded. She hoped to discuss what could be done to prevent this in the future.

Commissioner Albritton continued the public hearing to January 24, 2012.

D. 3:37 Commissioner/Administrative Reports:

Connie Hunt, County Administrator, discussed the following:

- 1) **Mathews arbitration results** Arbitrator Guy Poulin split the cost of his fee between Mathews and the County in his decision and he adjusted the valuation down by \$19,000.
- 2) **Budget hearing** The budget hearing was scheduled for next Tuesday.

Commissioner Padgett discussed the following:

- 1) **Window treatments at the Courthouse** She asked if Clapsadl had time to look at window treatments for this season on the north side of the Courthouse. Hunt would revisit with him on that issue but she noted that some painting had been done at the Courthouse.
- 2) **Website meeting** She and Munson-Haley met yesterday and would meet again on Thursday.
- 3) **Good Samaritan Bill Concept** The bill would allow for the cleanup of historic acid mine drainages and future drainages. It would allow for immunity for someone who wanted to clean up the historic drainage. This would be a federal bill. Senator Udall had introduced a bill in the past but it had been shot down. She discussed it further. Commissioner Albritton felt that the Commissioners needed to reach out to the mining community to see if they were interested. Commissioner Fedel thought that it would be great to do something. Federal bureaucracy was impenetrable. Commissioner Padgett suggested that they should be a squeaky wheel.
- 4) **First Strategic Economies Together (SET) Training** She wanted to send correspondence to the entire county and particularly the business community by a press release and email blast. The SET training would be at the Pavilion. This year the State rule went into effect that required that businesses who wanted to participate in the Enhanced Rural Enterprise Zone tax incentives, unlike previous years where they could file retroactively, they now had to fill out a tax form in advance with a deadline of January 1. She wanted to combine these two email blasts and send out in the next few weeks.