

**Ouray County Study Group**  
**Minutes**  
**August 6, 2008**  
**4:00PM**  
**Land Use Office**

Study Group  
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Those present included:

Ted Collin, Keith Meinert, Craig Fetterolf, John Clark, Ken Lipton, Karen Risch, Sara Coulter, Lynn Padget, Heidi Albritton and Chris Pike

Minutes from July 9<sup>th</sup> were unanimously approved. Karen submitted some corrections to Heidi for the minutes from the 16<sup>th</sup>. Minutes from the 16<sup>th</sup> were approved with the corrections.

Keith addressed the issue about unlicensed ATV rental operations in the City of Ouray. County staff had contacted those operators, who claim to have current approvals through the City of Ouray. Staff will verify those statements with the City.

Theobald revision:

Ken explained that he had only received the information on the evening of the 4<sup>th</sup>, so he has not had time to really look at it. Lynn did the maps accompanying the revision. Sara gave the group a synopsis of the new information. She focused on page 15, table 10 'results'. There are additional cluster scenarios included. The figures that are impressive in these results are in the irrigated Ag, and riparian lands that would be protected under this clustering scenario. The results are very dramatic in terms of protecting these valuable types of lands. Theobald indicated that savings in Riparian lands were indicative of savings in other 'open space' lands of equal environmental value. Ted clarified that the footprint is uniform through out, and discussion ensued as to how the numbers change under the different scenarios. The location of building envelopes on any given piece of property would (in theory) touch or be adjacent to other building envelopes. Ted and Keith both wanted a better understanding of the statistical data involved in the clustering scenario, and how the numbers were derived. Sara pointed to page 8 to clarify the methodology. Ted felt that Theobald must have come up with the methodology, as it did not seem to come from the Stakeholders. Sara felt it must be a combination of Stakeholder input as well as modeling from his other projects.

The 'blob maps' were discussed, and the methods used to illustrate the various scenarios. The blobs vs. dot, and colors were debated. Lynn thought that the maps come through much better on the computer than in the printed handouts. Karen felt that there are problems with 17.5 clustering scenarios, as the mining claims are smaller than that density would allow. She suggested that because he had used the scenario across the board, it skewed the results. Karen stated that they had translated the Assessor data into

the files given to Theobald; he does not possess the data from the Assessor himself. Karen felt that he needs to be told that his data is erroneous. Lynn tried to use the computer to show how the maps change with the scenario, she felt that based on what she could see, the changes really were not as significant as it seems they would need to be accounted for the numbers given. The map doesn't seem to support the data, and that creates questions. Lynn suggested that either Theobald can explain something we aren't seeing, or else there may be errors in the mapping. Ted questioned the numbers in the table, and how they relate to the map. The group had issues with this apparent discrepancy.

Ken was concerned that unless the group are able to get some good, firm answers from Theobald, then it puts the entire study in jeopardy. He stated that the group would be in a very awkward position if these issues aren't resolved. Sara felt that while we may have issues on some of the more complex scenarios, that is no reason to be doubtful of the value of the more basic scenarios and maps. Ken went back to the fact that if there are issues with parts of the study, that really impacts the integrity of the rest of the study. He felt strongly that the group should not be spinning wheels on going over the study, until these questions and issues can be satisfactorily resolved. If it cannot be resolved, then he felt that the group would need to go to the BOCC with that information. Ken felt that until the group could have Theobald come and explain, then the group should not go further in the analysis. Ted agreed and pointed out that if the group plans to go to public comment, then all the ducks better be lined up. He suggested that the group should take the necessary time to go over the new data.

Keith suggested that the mining claim scenarios and concerns be conveyed to Theobald as early as possible, and before he comes. Ken pointed out that the group had really thrown Theobald a curve ball with the mining claims, and perhaps he did not have the information he really needs to do the scenarios. Karen suggested that perhaps he should use the single dots, regardless of size of claim. Lynn said that his dots appear to be 3-400 feet wide, she questioned whether or not the changes in dot size from scenario to scenario are really telling us anything. Ken asked if we are trying to be too focused on the 'dots', that perhaps the hard data would prove more useful. Lynn stressed that we do need a reality in the numbers used. If there is not a direct nexus between the brown dots and the other areas of overlap, then that is a serious flaw. Ken agreed, he just suggested that perhaps we don't need 'dots'. Karen suggested that Theobald use this method on the mining claims, but that it may not be necessary on the others. Lynn felt strongly that these questions must be answered. Ted asked if the dots on the mining claims were a 5-acre area, and it was stated that they were. That is in part why the mining area presents such drastic anomalies. Ted also asked about the diagonal lines present on all the maps, and he wondered what they are. The lines don't appear on the pdf, and Lynn thought that perhaps they were line of sight or something. The lines appear to start in different locations, and there does not appear to be a clear reason for them.

Since the revision was just handed out, the group members need more time to really go through it. Lynn suggested that the group do some more reading and studying, and then e-mail questions to Ken so that they can be communicated to Theobald. Keith suggested that it would be productive for the group to compare the original and the revision as a

way to clarify any additional questions. Keith pointed out several discrepancies between the two reports, and that it might be useful to make sure we have identified all the issues. Karen also inquired about accessory dwelling units on mining claims, Lynn clarified that Theobald had disregarded ADU's in the entire study, including mining claims.

Sara returned to her summary. Since the group hadn't had much time to look at the revision, she tried to point out areas where things had changed. She pointed to page ii as another place that lists major findings of note. She tried to clarify the findings in a different way. She discussed the 1 per 70 as being a counterbalance to the other extreme (1 per 17.5). The group discussed the 1 per 70 scenario. Keith went back to the numbers, and suggested that the numbers don't make sense. He suggested that the significance of the mining claim issues has not been adequately communicated to Theobald. Ted asked why the group should have to look at the study in such detail as to make sense of discrepancies. He felt that Theobald should have created something that precluded such criticisms. Lynn felt that there is something fundamentally 'not right' in the GIS program that is giving us these inconsistencies. The good science is hard to find right now. Heidi stressed that in addition to needing the information for purposes of the group's work, there is a portion of the community that has a fundamental distrust of the study to begin with. Unless the group can work through this and be confident in the study, than it will undermine the integrity of the group's efforts as a whole. One way or another, the questions need to be answered to move forward.

John suggested that Theobald be contacted as soon as possible, so that if there are any easy explanations that can be given for some of these issues, then perhaps the group can take those things into account and move forward.

Keith suggested that based on the goal of incentivizing landowners to cluster, than perhaps we should be looking at clustering at a double density scenario. The possibility of instituting impact fees based on distance from road systems could be a disincentive for development. Lyn discussed the cookie cutter 40's, vs. the county approved PUD's, she did not feel that the impact to wildlife was what some would have you believe. The impact to county services however is clear and present. The level of service is a concern. Lynn discussed whether or not there was discussion at the building permit level in terms of impact fees. Code enforcement is a level of service issue, and lack of enforcement leaves the County vulnerable to lawsuits.

Lynn showed the group an example diagram which illustrated her concerns over the accuracy of the data as it relates to the mapping. As the values or scenarios change, she would like to see a direct correlation between the inputs, numbers and the resulting maps, as the change outlined in her diagram was significant. Ken asked about the colored grid map. Lynn thought that it showed a gradient of distance to and from Montrose based perhaps on vehicle miles traveled.

#### **ACTION ITEMS:**

1. Schedule Theobald visit to go over questions about study and methodology
2. Members of the group will forward comments and questions regarding the study to Sara or Ken by the end of this week.

3. Sara will contact Theobald and work on scheduling, and will also try to communicate the group's questions. Ken and Lynn may also participate in that discussion.

**NEXT MEETING:**

**WILL BE SCHEDULED AFTER THE THEOBALD VISIT HAS BEEN ARRANGED.**