

Ouray County Study Group

Minutes

JUNE 4, 2008

4:00PM

Land Use Office

Study group members present were Don Batchelder , John Clark, Ted Collins, Sarah Coulter, Craig Fetterolf, Connie Hunt, Keith Meinert, Karen Risch.

Absent: Heidi Albritton, Ken Lipton, Lynn Padget.

Guests: Chris Pike, Sheelagh Williams

1. Minutes of May 21, 2008 APPROVED with the following edits:

Minor corrections on page 2, paragraph 2 from Karen: Karen and Alan were not able to meet to define development areas. Karen and Lynn will be able to work the data and then e-mail the results to Theobald. Paragraph 3 "Ken brought up the concern that it is not known whether or not development is paying it's own way" should be "Ken brought up the concern that it is not known whether or not development is paying its own way". Keith clarified that casual tourism traffic dwarfs local residential traffic, not county-wide residential traffic. Suggested change on page 1, paragraph 5: "Keith presented a tourism traffic count data sheet the group. This casual tourism traffic appears to be significant enough to 'dwarf' trailhead and local residential numbers combined on those specific roads."

2. Review Action Items From 5/21/08 Meeting:

Action Item: Karen and Keith will work on calculating total vehicle miles traveled to give to Theobald to include in his study. Karen provided a table of VMT on various trailheads. Regarding Yankee Boy Basin, the counter is at the junction of the road to Governor Basin. Vehicles headed towards Yankee Boy Basin will go at least as far as the toilets. Karen's data assumes that cars stop at the Wright Lake trailhead as it's more passable than the road. Keith provided a table of VMT on country roads. He noted that he thinks the total VMT on Forest Service road counts grossly under-represents the actual number of cars. Counters aren't universal, for example, no counters on CRs 2, 4, 5, etc per Keith's memo plus others. Keith said some maintenance is occurring, e.g., plowing, occasional grading, and even more extensive maintenance on heavily traveled county roads like CR 5. Don pointed out that the county is not maintaining most of these roads at the same level as, for example, CR 1. John suggested giving the numbers as is to Theobald and let him figure it out. **NEW ACTION ITEM:** Sara will add the extra information from this discussion to Theobald when she provides the data. Sara thinks Theobald will be very interested in this data since it's typical of many areas in Colorado where there's tourism. Sara suggested that Theobald may need more input before he comes down.

Action Item: The group will formalize a recommendation to the BOCC regarding the protection of water rights within the county. Craig suggested that staff look at what other counties have done. Ted pointed out that it's a personal asset and a Colorado state level issue so not likely to generate county level ordinances. Ted thought that the idea was to develop incentives as development occurs. Craig thinks that Eagle County requires developers to bring water rights to the table or acquire them before development. Ted said there's a body of law governing change of use, e.g., ag to Municipal and Industrial. John pointed out that Ridgway requires developers to show water rights and the County probably has the same ability to do that. Don thinks the BOCC could look at tying water rights to property as part of the development process. Sara asked how water right

sales work with the concern that owners would make more money by selling their water rights than growing animals or crops. There was general agreement that the goal is to keep water rights in Ouray County to avoid major changes in the landscape, that incentives are a possible way to accomplish this and that this is a critical point in time for the County. Most of the water rights are in the valley. Don suggested, for example, that the minimum lot size could be increased to 70 acres unless the developer tied the water rights to the property. Sara pointed out that there's a new law where water rights can be assigned for "in-stream flow" without the potential for loss of the water right. She also asked if the county should encourage leasing water instead of selling it as that's less permanent. Summary: there should be a broad brush recommendation to the BOCC to enact procedures and ordinances to retain water rights in Ouray County via incentives and rewards.

Action Item: Karen, Lynn and possibly Alan will meet to define development areas. Lynn will work the data and then e-mail the results to Theobald. Lynn and Karen developed a map which shows the density of mining claims in the County. The county was broken up into areas so that density could be shown. The symbols represent density, not actual locations of mining claims. Karen pointed out that the Red Mountain Project has moved most of the mining claims west of 550 into the public domain. There are other areas where claims near Ironton will be moving into the public domain in 2011. The areas of highest density are east of 550 and up towards Mt Sneffels along Camp Bird Road. She noted that the areas of highest density of mining claims are also the heavy tourist areas. Karen estimates 60% private and 40% public in the Sneffels area. Ted asked how much revenue the County gave up when the mining claims were moved into the public domain in the Red Mountain area. At \$40/acre, not much. Don said that the County is looking at increasing the tax rate since they are buildable but is reluctant because many are just being held without development plans. Increasing the rate might drive owners to sell or develop, exactly what the county is trying to avoid. The county is looking at severely limiting the size of buildings. It's uncertain if this mining claim data has been sent to Theobald. **NEW ACTION ITEM:** Karen will send the data to Sara who will pass it on to Theobald.

Action item: Sarah will work with some of her academic contacts regarding a method for figuring out the cost of services broken down by region/area of the County. Sara asked Randy Siddle if this could be done. He has not done this specific analysis but suggested that VMT might be used to generate this by the County. Don said that this will be difficult to do. Sheriff, EMS and roads will all be different depending on where the service originates (e.g., EMS originates in Ouray and Ridgway). Averaging might lead to numbers which are so "soft" as to be of questionable value. However, having this information would be the only way to tie the RPI study to the Theobald study. Sara asked Andy for an explanation of how he calculated the various costs per area. Andy responded via email and **NEW ACTION ITEM:** Sara will forward this email to all group members. Don recommends that the group suggests to the BOCC to obtain the cost of service information. **NEW ACTION ITEM:** Sara will see if CSU is interested in doing this on their nickel.

3. Status of Theobald Visit

Scheduled for July 9, 2008 at 4pm to 6pm. Suggestion that the meeting start earlier, say 2pm or 3pm. Or that there be a series of meetings in addition to the group meeting. Craig wondered if Theobald has plans to meet with the County Assessor, for example. **NEW ACTION ITEM:** Sara will try to reschedule the study group for 2-3pm subject to Theobald's availability, possibly arrange a breakfast meeting for follow-up and other meetings with PC members if possible. She'll also request that Theobald send the material a week in advance so that the members have time to study it.

4 Discussion on RPI Study

Sara had two comments: 1) the idea of comparing actuals versus RPI projections is a good way to assess the study and 2) budget deficits are not dollar deficits but actually decreases in service and even though Mary says there's no minimum level of service, Sara thinks that practically there is. Don

says that it will be difficult to compare since there's only one year of data in a ten year projection period. Don suggested that the study group point out areas of concern. Year to year variations could make the projection look off at an interim point. Keith said it would be difficult to measure the level of service. You can only measure revenue. For example, with road and bridge, the amount and kind of work has remained the same but it costs more (fuel, salary). If the roads require more service because of increased traffic, then the condition of the roads will deteriorate. The revenue side is possible to compare because there's hard data. Part of the problem, as suggested by Ted, is that development has occurred in remote areas rather than in the easy to get to areas because the County has tried to preserve views along the valley. Various ideas on how to reduce costs of service to the County (like paving/chip sealing CR1, discouraging development in remote areas, permanently preserving outlying property from future development, moving service sources closer to areas of need) and increased revenue (more commercial in Ridgway and Ouray) were floated. Guest Chris Pike suggested that the market may drive where people develop more than what the County does, for example, wanting a large lot (35+ acre). Ted suggests conservation easement incentives for preservation of 35 acre parcels. Don pointed out that higher tax rates on undeveloped lots and on commercial are counter-productive. Keith suggested that a hard look at the revenue side (actual versus projected) with a note that the County can't build itself out of the hole but that commercial and industrial is the only way out of the revenue deficit/decrease in LOS. Don suggested that change in zoning could at a minimum reduce the widening of the gap. John pointed out that Ridgway is taking a lot of the growth pressure. There should be public discussion of the trade-offs that would be required to increase revenue and/or reduce costs. Don suggested that one way to increase public participation in the presentation would be to list potential solutions with adverse impacts so that the populace is outraged at these possibilities. NEW ACTION ITEM: Don will develop a list of things in RPI that might be invalid, things that are occurring that RPI didn't contemplate and a list of things to do to close the anticipated gap.

5. Public Comment

6. New Action Items

Embedded above as NEW ACTION ITEM.

7. Next Meeting JULY 9, 2008